LIFE IMPRISONMENT IN PENOLOGICAL PERSPECTIVE

by

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This work is dedicated to our late parents, Joel and Annah.
SUMMARY

The inmates who are serving life imprisonment are provided with the treatment programmes throughout their incarceration period until they are released from custody.

In addition, they are afforded with their primary and secondary needs in prisons. Before the lifers are released from prison, pre-release programmes are presented to them in order to facilitate their reintegration process into the community. After the lifers are released from prisons on parole, the community corrections offices further facilitate their reintegration process into the community.

TITLE OF THESIS: Life Imprisonment in a Penological Perspective.

KEY TERMS: Adjustment, adaptation, treatment, parole, judicial authority, community agency, community corrections, reintegration, discipline, training.
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CHAPTER 1

ORIENTATION

1 INTRODUCTION

As the title denotes, the research will attempt to explore the life imprisonment in a penological perspective. The introduction of the subject should not only be prepared with special care, but must also be a short, meticulously prepared statement that establishes the overall area of concern and communicates information, essential to the reader’s comprehension of what follows (Locke, et al., 1987 : 21).

"Begrensing van 'n navorsingsondersoek is noodsaaklik ten einde 'n geordende navorsingsituasie te verseker (Jacobs, 1993 : 7; Avery, 1989 : 1; and Lea, 1991: 2)". This statement is confirmed by Avery (1989 : 1).

By the same token Cilliers (1980 : 9), states that: “hoewel die vraagstuk besonder wyd is, moet daar tog perke aan die ondersoek gestel word.” Therefore, the delimitation resulted in the contents of the research presented in eight chapters, namely:

- chapter 1 the field of study
- chapter 2 outlines the constitutional application of life sentences in South Africa
- chapter 3 deals with the judicial authority and the administration of justice
- chapter 4 focuses on the justification of punishment and the purpose of imprisonment
- chapter 5 examines the safe-custody of long-termers in prison
- chapter 6 gives an exposition of the treatment of lifers in prison
chapter 7 discusses the adaptation and adjustment among long-term prisoners.

chapter 8 is concerning the release preparation and reintegration of the lifers into the community, findings and recommendations.

1.1 THE CHOICE OF THE SUBJECT

According to Neser (1980: 4), the choice of the subject is very important and therefore "die keuse van die ondersoek veral deur die volgende faktore beïnvloed word, naamlik:

- die noodsaaklikheid en wenslikheid van sodanige ondersoek
- die beskikbaarheid van gegewens; en
- die belangstelling van die navorser".

The researcher has a personal interest and a need for this project, because lifers who are serving life imprisonment, experience problems in their reintegration into the community on their release from prison. The researcher developed an interest in this project while working as the chairman of the Institutional Committee, as a social worker, as the head of the prison, and as area manager in the South African Department of Correctional Services.

1.2 THE NECESSITY AND DESIRABILITY OF THE RESEARCH

The prisoners who are serving life imprisonment need to be prepared for their release while they are still incarcerated, in order that they should be able to re-adjust to the community on their release.

Therefore, the preparation of the lifers for reintegration into the
community in South Africa, needs to be researched.

1.2.1 AVAILABILITY OF THE RESOURCES

The researcher should become thoroughly acquainted with the university library, the location of its varied facilities and the services it provides. In addition to the traditional card catalogue, some university libraries have computerised their holdings and have placed terminals in various locations for ease of finding books and periodicals (Best and Kahn, 1993: 7). For this reason, always keep the research problem oriented. In gathering the bibliography, the researcher should always ask, "how" does this item of literature relate to the problem and discover links between the problem and the literature (Leedy, 1991: 91).

Equally important, is the fact that the researcher should keep the reader constantly aware of the manner in which the literature, which is discussed, relates to the research. It is important to point out precisely "what" that relationship is (Leedy, 1991: 93).


For this reason, after initially defining the research problem, the researcher
The research design involves the entire process of planning and carrying out a research study. It is all the procedures or steps undertaken to ensure an objective test of the theory under investigation.

The principles of research design are those factors that influence the choice of research design. Active researchers are frequently called on to make design decisions, and the factors that influence their choice of design are not always apparent (Guy, Edgley, Arafat, and Allen, 1987: 93).

Therefore, to ensure the elimination of bias (the detection and correction of errors) as much as possible, science, as a way of knowing, requires a plan - a research design.

Although a research design cannot guarantee reliable knowledge, it does provide an organised and stable approach to this mission in several ways. Firstly, the use of a research design ensures that the researchers are striving toward objectivity. Selection perception is not permitted. The researcher is obligated to examine a variety of cases, including cases that can disconfirm as well as confirm, as well as confirm the theory being tested.

Secondly, the use of a research design ensures that our approach to knowledge is systematic.

The researcher proceeds methodically, delineating in detail each step to be

"By die keuse van 'n navorsingsonderwerp is dit noodsaaklik om vooraf vas te stel of die ondersoek wel prakties uitvoerbaar sal wees. Die beskikbaarheid van gegewens speel in die verband inderdaad 'n belangrike rol" (Van den Heever, 1987: 2).

For this reason, an important aspect of the preparation for research consists in the use of literature. Every serious piece of research includes a review of relevant literature (Ndabandaba, 1987: 5).

Therefore, sources refer to the extensive connection of rewards, documents, and library connections or mass media that have been amassed (Lin, 1976: 213; Binder and Geis, 1983: 100; Mouton and Marais, 1988: 77).

Ary, et. al. (1985: 369), state that the literature review achieves the following purposes, namely:

- it demonstrates that the researcher of the study has mastered the available literature
- demonstrates similarities between the proposed study and past research findings of similar studies
- demonstrates differences
discusses "how" the proposed investigation will contribute to the knowledge of the penology profession

supports and interacts with the conceptual work; and

demonstrates the reasons for selecting a particular method.

From the foregoing exposition it appears that literature review is done with a view to familiarise the researcher with the current state of knowledge.

Another important aspect in collecting data for the research is the life-histories method, which will be discussed in the following sub-section.

1.3 LIFE-HISTORIES METHOD

The object of the historical method is to provide a means through which a researcher may deal with problems at once from events that happened in times past and to interpret what might otherwise be considered merely as the happen-instance of blind fortune.

In the research for historical truth, therefore, the researcher relies, if at all possible upon only primary data (Leedy, 1989 : 125).

The heart of the historical method is therefore, as with any type of research, not accumulating of the facts, but the interpretation of the facts (Leedy, 1993 : 223).
Equally important, is the fact that the historical method is based on narrations of personal experiences, generally known as pre-life-histories method.

Therefore, this technique requires that the researcher rely solely on a person's reporting of life experiences, relevant to the research interest, with minimal commentary.

Such a narration consists of a detailed description of the development of a phase in a person's life. It usually involves one person's experiences and focus on subjective experiences and interpretations, thus providing insights into a world usually overworked by the objective methods of data collection.

The narrator is simultaneously the central subject and the interpreter of the data (Lin, 1976: 215; Grinnel and Williams, 1990: 54). The research will be further discussed in paragraph 1.4.

1.4 APPROACH TO THE STUDY

The approach to the study is important in order to make a good fit between methods and findings. By the same token, Tomquist (1988: 94), states that in order to make a good fit between methods and findings, there is a need to describe tools as well as to explain "how" the researcher collected every piece of data.
The need to provide these details becomes more pressing when instruments that are going to be used, are a construction of the researcher.

Therefore, data collection forms an important part of any research proposal, because it does not only give a description of what data will be collected, it also constitutes the basic information from which conclusions will be drawn (Monette, et. al. 1990: 11).

It is therefore important to note that since collection of data gathering procedures that covers specific techniques that will be used, should be clearly stated.

According to Grinnell and Williams (1990: 54), research is a careful systematic study and investigation in some field of knowledge, undertaken to establish facts or principles. Another description that merits consideration is provided by Monette, et al. (1990: 5), who describes research as the systematic examination or re-examination of empirical data, collected by someone at first hand, concerning the social or psychological forces operating in a situation.

From the above description, it appears that research contains the following factors, namely:

- it is systematic
- it involves the collection of data
it studies both social and psychological factors that affect human behaviour
it is undertaken to establish facts or principles
it is directed towards both development and evaluation of human services.

It is therefore, important to note that since collection of data is such a vital step in research, sound data collection procedures should be employed.

*Moss (1988: 40)*, states that a description of data gathering procedures that covers specific techniques that will be used, should be clearly stated.

The description of concepts will be discussed here-under.

1.5 DESCRIPTION OF CONCEPTS

"Daar is gewoonlik twee soorte begrippe wat omskryf word, naamlik:

- nuwe begrippe wat tot dusver betreklik onbekend is; en
- bekende begrippe wat vir die doeleindes van ondersoek 'n bepaalde betekenis het of moet hé en gepaardgaande hiermee, daardie begrippe wat die kern van die ondersoek vorm en ter wille van duidelijkheid weer omskryf word (Cilliers, 1980: 10)."

1.5.1 KEY CONCEPTS

The key concepts will be discussed here-under.

1.5.1.1 Life Imprisonment

When there is no death penalty, banishment or physical torture, to lock a
person away for life, or a long period of his life, is the most severe form of punishment which a society uses (Cohen and Taylor, 1981: 9).

The death sentences are commuted to life imprisonment (McCormick and Visano, 1992: 293).

According to Kronenwetter (1993: 2) polls indicated that, if there were no death penalty, the alternative the public would most prefer could be sentences of life imprisonment without possibility of parole.

A sentence of life imprisonment is mandatory where an offender commits the crime of murder and at the time of doing so is aged 21 years or over.

At the same time as imposing such a penalty, the sentencing judge has a discretionary power to make a recommendation that the offender should serve a minimum period of time in custody before release (Mitchell, 1990: 139). Life imprisonment is also the maximum sentence which may be imposed for a number of other serious offences such as manslaughter, robbery, rape, aggravated burglary and arson (Mitchell, 1990: 139, and Prison Service Journal Autumn, 1990: 7).

In the case of a person who commits murder and who was under the age of 18 years at the time of the offence, the appropriate order for sentencing judge to make is that the individual be "detained during the majesty's
pleasure". This is similar to life imprisonment, though the offender is detained “in such a place and under such circumstances as the Secretary of the State may direct”.

Likewise, those aged under 17 when they commit offences other than murder for which a life sentence may be imposed on an adult, may be ordered to be detained for life (Mitchell, 1990: 139).

If, on the other hand, a person commits murder when the individual is under the age of 21, the individual should be sentenced to “custody for life” unless the offender is liable to be detained during “Her Majesty’s pleasure”.

If the court thinks it is appropriate to do, it may impose a similar sentence on a person aged at least 17 years, but under 21, who commits any other offence, for which a life sentence may be passed in respect of an adult (Mitchell, 1990: 139).

According to Mitchell (1990: 147), the lifer is expected to serve at least 20 years in custody.

These categories are, murders of police or prison officers, terrorist murderers, sexual or sadistic murderers of children, and murderers by firearm in the course of robbery.
According to Mitchell (1990: 169), there is now a gradually increasing body of evidence about the impact of long sentences on prisoners, some of which appears to be slightly conflicting.

However, the effects long-term detention include such as an increase in introversion, a tendency to talk about the past, rather than the future, a decrease in “future time perspective”, and increased tendency to be perceived by staff as “institutionalised”, and a very marked decline in family relationships (Mitchell, 1990: 169).

1.5.2. INDICATORY CONCEPTS

The indicatory concepts will be discussed hereunder.

1.5.2.1 Treatment

The concept treatment involves the prediction that the lifers may be changed to reduce the likelihood of repeated offending (Farrington and Tarching, 1985: 54; Murton, 1976: 60; and Johnson, 1978: 442).

Therefore, treatment in prisons consists of those programmes that bring socialising, influences to bear on the lifer population (Fox, 1985: 203; Thatcher, 1978: 80; and Jarvis, 1978: 150).

1.5.2.2 Community

A community is an aggregation of families and individuals settled in a fairly compact and contiguous geographic area, with significant elements of
common life, as shown by manners, customs, traditions and models of speech (*Dunham, 1970: 27*).

1.6 **SUMMARY**

The most important aspects include inter alia, the choice of the subject, purpose of the study, the demarcation of the study, the methods and procedures that will be used, as well as the description of the main and indicatory concepts. The next chapter examines the constitutional application of life sentences.
CHAPTER 2

THE CONSTITUTIONAL APPLICATION OF LIFE SENTENCES

2 INTRODUCTION

South Africa, just like overseas countries, faces the problem that the long-term prison population is increasing.

Due to the increasing lawlessness in South Africa, as well as the seriousness of crimes committed, sentencing practitioners have to impose long terms of imprisonment.

Also with the abolition of the death penalty functionaries within the criminal justice system have to look at other methods of dealing with offenders who previously were considered for the death penalty.

This chapter is pertaining to the death penalty, its relationship with the constitutional and political reform. In addition, this chapter will also give an explanation of the abolition of the death sentence in South Africa. The abolition of the death penalty is not merely an esoteric philosophical and ethical nicety befitting debate in amateur debating societies, it is a moral, legal and political issue that is at the heart of the present state of chronic crisis in our body politic (South African Journal of Criminal Justice, 1992: 1).
2.1 THE BIBLICAL AND HISTORICAL BACKGROUND

The Commission on Human Rights, urged states, in accordance with their respective constitutional systems, and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief; invited the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies (Yearbook on Human Rights for 1988: 6).

However, the death penalty is the oldest of all punishments and has its genesis in the dawn of history. The practice of lex tationis finds expression in the theology of the Mosaic Law in the Old Testament, which justified and sanctioned the use of capital punishment. There are innumerable references to the divine sanction of capital punishment in the scriptures of the Pentateuch.
For instance, the book of Exodus states: "whoever sacrifices to any God but the Lord shall be put to death. Moreover according to the book of Numbers you shall take no satisfaction for the life of a murderer, which is guilty of death, the accused shall be put to death. Sellin is of the viewpoint that the punishment of homicide revealed the survival of blood revenge or private vengeance in which criminal law is rooted (South African Journal of Criminal Justice, 1992 : 2)".

Throughout the history of the Western world the Old Testament emphasis on retribution has been used to justify capital punishment. Yet it is interesting to note that in 1954 the State of Israel, which is the contemporary territorial embodiment of the theology of the Old Testament, abandoned the lex tations and abolished the death penalty (except for treason in time of war and for Nazi collaborators). For the Israelis this step represented an important reform, which they have maintained, despite the fact that they have had to struggle with civil commotion and with grave threats to the national security. Although the death penalty was in general upheld in the Ancient World there were individuals who opposed it. In the first recorded public debate on the desirability of the death penalty, a Greek Statement, Diodotus, in 427 BC, arguing that the death penalty was not a deterrent, successfully persuaded the Assembly of Athens to reverse its decisions to execute all adult males of the rebellions city of Mitylene (South African Journal of Criminal Justice, 1992 : 2).


The early followers of Christianity were opposed to the death penalty. As Gibbon observed in monumental work on the Decline and Fall of the Roman Empire "..... nor could their humane ignorance be convinced that it was lawful on any occasion to shed blood of our fellow creatures, either by sword of justice or by that of war". The position was to change markedly when Christianity became the official religion of the Roman Empire. Saint Augustine in his book City of God, was of the opinion that "God, Master of life and death, has the state by general commandment the right to use the sword to safeguard public order". When Christianity established itself as the state religion, heretics were to be tried, condemned and executed, and criminal law was to be "expanded into the area of what had previously been regarded as private delicts". Thus the Catholic countries at an early stage of their history began to regard heresy as a crime against the State, and suppressed it by a variety of means, including the death penalty (*South
African Journal of Criminal Justice, 1992: 2-3). The threat of execution, scares potential killers, straight and hence saves the innocent lives they would have taken. At a deeper, more visceral level, however, most people simply want murderers to be paid back for their crimes (Johnson, 1990: 149).

The question of the deterrent effect of capital punishment has probably been the one point most debated by those favouring the abolition of the death penalty and those desiring its retention (Bedan, 1982: 311).

In addition, opponents of capital punishment, unable to get the desired support from some state legislatures, are devoting more time to providing assistance in appeals for executive clemency which, if successful, would turn death-house residents into lifers (Powers, 1972: 3).

Life imprisonment, if literally carried out, may for many persons, seem worse than death. Yet as “lifer” today, has recourse to executive clemency and or the possibility of release under parole supervision long before the sentence is completed (Powers, 1972: 8, and Sheleff, 1987: 118). The release of the lifers will be discussed in chapter 8.

A fundamental assumption of the criminal law is that punishing criminals discourages other potential offenders from committing crime. This is known as general deterrence. A key question is whether the death penalty is more
effective as a crime prevention than less harsh punishments (such as life in prison) - what may be called the marginal deterrence benefit. Proponents of capital punishment contend that deterrence is based on fear and that, since death is feared the most, it will deter the best (Latzer, 1998: 12). This is confirmed by Sellin (1967: 62). The conclusion in favour of the retention of capital punishment for crimes has its basis in the belief that the primary responsibility of society is the protection of its members so that they may live out their lives in peace and safety.

Therefore, in providing its members protection, society must do what is necessary to deter those who break its laws and punish those who do so in an appropriate manner (Bedan, 1982: 311). The justification of punishment and the purpose of imprisonment will be discussed in-depth in chapter 4.

Opponents counter that murder is often an impulsive act and that killers do not think about punishment before committing their crimes. Consequently, they argue, those who engage in murder are singularly unlikely to be deterred by the threat of execution.

Proponents respond that perhaps some killers cannot be deterred, but other would - be murderers can be, and that justifies the most effective deterrence (Latzer, 1998: 12). By the same token, Doctor Seriti in De Rebus (1995: 90), contends that there will always be criminals for whom capital punishment is no deterrent, and some may even choose it in
preference to life imprisonment.

However, the principle that Temple was endeavouring to establish, was that in the administration of retributive punishment men should not assume those prerogatives that must be reserved for God. The South African Council of Churches has publicly expressed its total opposition to the use of the death penalty in South Africa. A commission of the Dutch Reformed Church called on the State President, Mr. F W de Klerk, to consider a reprieve for political prisoners who have been sentenced to death. In its appeal in the church publication “Die Kerkbode, die Algemene Kommissie vir Leer en Aktuele Sake” expressed concern at the number of executions as well as the number of capital offences committed in South Africa. It asked the government to give immediate and serious attention to this matter.

The commission said it did not wish to imply that the death sentence was unbiblical, but rather to plead for clemency in the light of the situation in South Africa. However, the ethical content of the public ministry, the character and teaching of Jesus Christ with its emphasis on forgiveness and compassion are incompatible with capital punishment (*South African Journal of Criminal Justice, 1992 : 4 - 5*).

2.2 THE POSITION IN COMMON LAW

The death penalty was brought to South Africa by the Colonial powers that
settled and governed at the Cape. The death penalty was widely used in Roman-Dutch law, particularly because the general punishment for murder was death. Whether it was imposed or not depend on a variety of circumstances. Rape and treason were also capital offences, but the death sentence was not mandatory for these crimes. A variety of other crimes could also attract the death penalty; for example: arson, theft, robbery, fraud, sodomy, bestiality and incest. Criminal punishment in South Africa under the Dutch East India Company regime in the 17th and 18th centuries, was based on the infliction of severe physical pain which accompanied execution (South African Journal of Criminal Justice, 1992: 5-6).

However, during the latter part of the 19th century, the courts of South African states restricted the death penalty to the common-law offences of murder, treason and rape. Several judges took the view that even in the case of murder this sentence was not mandatory.

Thus Lawrence J P was of the opinion that the court had a discretion not to impose the death penalty “in very special circumstances on very exceptional occasions and for very urgent reasons”. In practice these special circumstances amounted to those cases involving infanticide by a mother of “her” newly born child and where a youthful offender was involved (South African Journal of Criminal Justice, 1992: 7).
2.3 **THE APPLICATION OF DEATH PENALTY SINCE 1910**

When the Union of South Africa was created in 1910, there was no uniformity in the statutes relating to the death penalty. The death sentence for serious offences, other than rape, treason and murder, had been abrogated by disuse during the 19th century. This change was obviously an important incremental reform and it reflected changing attitudes within the community and a desire for greater humanity in the administration of justice (*South African Journal of Criminal Justice, 1992: 7*). The extension of the death penalty therefore coincide with an intensification of political oppression. Capital punishment was made applicable to robbery and housebreaking with aggravating circumstances, sabotage, the undergoing of training abroad for the purpose of furthering communism, the furthering overseas of economic and social change in South Africa by means of violent means, kidnapping and the participation in terrorist activities (*South African Journal of Criminal Justice, 1992: 8 - 9*).

However, the number of capital crimes in Southern Africa decreased and by the time of the Union (1910), there were only three. These were treason, rape and murder (*Seriti, 1992: 1*). In South African legal history there has only been one enquiry into the death penalty, the Lansdown Commission of 1947, initiated by wartime Smuts governments. However, the Lansdown Commission contains a summary of arguments against the death penalty.
Those arguments are as follows:

• that human life is the most precious of all things, and that its sanctity and inviolability is as binding on the state as on the individual

• that the argument that the murder has violated the sanctity of human life does not put him outside the ambit of the consideration of, but deprive him of life is merely vindictive and against the principles of reform which should govern penal administration

• that the deterrent effect of the death penalty is a matter of opinion or conjecture usually more exaggerated by the retentionist, and that a life sentence has equal, if not greater terrors for the man who resorts to crime

• that the deliberate cold-blooded execution of a murderer adversely affects upon all those who in an official capacity, are compelled to take part in or witness the execution

• that since no human judgement is infallible, innocent men suffer, and have suffered the death penalty; and

• that in most civilised countries of the world the death penalty has been abolished without any consequent increase of murders (Seriti, 1992: 26-27).

2.4 THE ESTABLISHMENT OF THE SOCIETY FOR THE ABOLITION OF THE DEATH PENALTY IN SOUTH AFRICA

In the late nineteen sixties professor Barend van Niekerk embarked on contentious research relating to racial bias in the application of the death penalty in South Africa.
The publication of the research in South African Law Journal resulted in prosecution for contempt of court. Barend van Niekerk, a man of singular moral courage, deserves tribute for pioneering and courageous efforts to abolish the death penalty in South Africa. As a result of the research endeavours and passionate moral commitment to the cause of abolition, the Society for the Abolition of the Death Penalty in South Africa was established at an inaugural meeting on 18 February 1971 (South African Journal of Criminal Justice, 1992: 11).

As a result of professor Barend van Niekerk's efforts, the number of executions in South Africa declined dramatically. At the height of the abolition movement in the nineteen seventies the number of executions declined as follows:

1970    81
1971    76
1972    46
1973    43

The relaunching of the society in 1988 was to have a similar effect in the late nineteen eighties:

1987    164
1988    117
1989    53
It is clear from these figures, that public pressure on the authorities on two separate occasions resulted in a manifest decline of executions in South Africa. Also in 1989 for the first time the number of death sentences, which were commuted to terms of imprisonment, exceeded the number carried out as a result of domestic and international pressure (South African Journal of Criminal Justice, 1992 : 11 - 12). The life imprisonment will be discussed in chapter 5.

Regrettably, however, the activities of the society were initially short-lived and it became moribund during 1974 and in June 1981 Barend van Niekerk, its founder and champion died tragically at the premature age of 42. With Barend van Niekerk's death, the society entered a period of suspended animation and the number of executions was to escalate. There were certain isolated campaigns to save individuals from the gallows, especially African National Congress guerillas, but there was no widespread and sustained opposition to the death penalty. Unfortunately there was no co-ordinated and articulated campaign to express concern that South Africa with a population of 27 million was a global leader in judicial executions. In 1987, for example, 164 people were executed on the Pretoria gallows, thirty-two times more than China with its population of 2 billion (South African Journal of Criminal Justice, 1992 : 12).

However, several of the mainline English-speaking churches and the Black Sash took a cogent moral stand against capital punishment. Yet in a country with a host of iniquities to remedy the execution of criminals was not...
country with a host of iniquities to remedy the execution of criminals was not high on the list of political and cognate priorities at a time of chronic political and economic crisis.

This was to change dramatically in 1987 when a new category of condemned prisoners appeared in considerable numbers on death row. These were persons sentenced to death for murders committed during the tragic and traumatic nationwide political upheavals and unrest between September 1984 and 1986. In 1987 the South African Youth Congress headed an alliance of progressive organisations which launched the "save the 32 compatriots" campaign. It demanded clemency for those sentenced to death for politically related crimes. By the end of that year, the number of such persons on death row had increased to 44 and in 1988 the Minister of Justice stated that 83 people were on death row as a result of unrest related crimes (South African Journal of Criminal Justice, 1992: 12 - 13).

Following certain political prisoners being sentenced to death, their political groups rallied around to endeavour to save them from the gallows, for example, the save the Sharpeville Campaign run by the Pan Africanist Congress of Azania inside South Africa and some overseas countries, especially Australia (Seriti, 1992: 33). However, the campaign for the abolition of the death penalty reached an unprecedented apogee with the saga relating to the "Sharpeville Six" who were sentenced to death for having a common purpose with the unknown killers of Sharpeville councillor Khuzwayo Dlamini on 3 September 1984. International pressure escalated
and certain European countries intimated to the South African government that they would withdraw their ambassadors in protest if the six were hanged. Recently a large number of cognate campaigns have been launched involving abolition. Following the “save the 32 compatriots” campaign in 1987, there have been a stream of petitions circulating to save inter alia the Sharpeville Six, to commute the sentences of policemen on death row and to grant a moratorium on all executions in respect of all prisoners on death row. These undoubtedly have had an effect, with the result that the 117 persons executed in 1988 was decidedly less than the 164 executed in 1989. These figures were higher than the average for the four previous years, probably as a result of intensified domestic and international pressure (South African Journal of the Criminal Justice, 1992: 13). However, the fate of death row prisoner Robert McBride received international attention as a result of an appeal for clemency to State President Botha from the United Nations, the European Parliament, the Secretary-General of the United Nations, doctor Perez de Cuellar, and the Irish Government. A vigil protesting against capital punishment in South Africa was also held outside South Africa House in London. Foreign governments and the United Nations made representations to the South African government concerning political executions.

In October the House of Commons was presented with a petition against political hangings (South African Journal of Criminal Justice, 1992: 14).
2.5 THE SEMINAL ARGUMENTS RELATING TO THE ABOLITION OF THE DEATH PENALTY IN SOUTH AFRICA

There are cogent arguments, both moral and legal, against the institution and application of a system of capital punishment. The sanctity of life is a paramount consideration in regard to the moral and religious arguments against capital punishment in the great religions of the world - Hinduism, Islam, Christianity and Judaism-human life has an infinite worth. In both Judaism and Christianity man is perceived as having being created in the image of God.

Capital punishment is incompatible both with the ethos and the theology of the New Testament and Christ's teachings (South African Journal of Criminal Justice, 1992: 14 - 15). However, if deterrence is at the heart of the practical debate over the death penalty, the sanctity of human life is at the heart of the philosophical debate. Both sides claim to put a high value on human life, but their attitudes toward the death penalty reflect that value in opposite ways. For many abolitionists, every person's life is equally sacred and no life should be taken unless absolutely necessary. Most abolitionists accept the idea that it might be necessary to kill someone, for example, in battle, in self-defence, or to protect the life of another person. However, they do not accept the argument that it is necessary to kill convicted criminals who can be punished in other ways. The life of the murderer's victim is already lost and cannot be brought back by killing the murderer. Because they see no absolute need to take the life of a prisoner, who is
already confined and controlled in jail, abolitionists believe it is wrong to do so (Kronenwetter, 1993: 30-31), while retentionists, on the other hand, are much more concerned with the sanctity of the victim’s life than with the murderer’s. They are impatient with arguments based on the value of the life of a killer. However, some religions disapprove of the death penalty (Kronenwetter, 1993: 31).

However, the jurisprudential abolitionist-retention arguments that are applicable elsewhere in the world are also relevant to the South African situation. The most important of these arguments are inter alia:

- that there is not conclusive proof that capital punishment is an effective deterrent
- that capital punishment is an irreversible consequence imposed by fallible men
- that there is a distinct element of chance as to whether an accused receives the death penalty or not
- that execution by hanging is physically, mentally and emotionally a barbaric deed unbefitting of a civilized so-called Christian community
- that capital punishment is a violation of human rights
- that society demands retribution; and
- that racial bias in the imposition of criminal penalties in countries with heterogeneous populations compounds the element of arbitrariness in the application of the death penalty. The above arguments will be considered in the context of the South African situation (South African Journal of...

2.5.1 THERE IS NO CONCLUSIVE PROOF THAT CAPITAL PUNISHMENT IS AN EFFECTIVE DETERRENT

According to doctor Willie Seriti in De Rebus (1995 : 90), there will always be criminals for whom capital punishment is no deterrent, and some may even choose it in preference to life imprisonment. Therefore, the number of calculating murderers who are deterrent may actually be quite small. Capital punishment could have a measure of jurisprudential justification if it was indeed a deterrent. There are, however, a multitude of recognized research studies that indicate convincingly that capital punishment is not a deterrent.

Dolinko in the highly reputable and scholarly journal of Criminal Law and Criminology of the North Western Universities School of Law analysed a large body of such empirical studies and concluded that there is virtually no scientific evidence that the application of the death penalty reduces the incidence of murder. This was also the considered view of the carefully researched and influential report of the British Royal Commission on capital punishment appointed in 1949 that preceded the abolition of capital punishment in 1965 and to its intimate demise in the United Kingdom and has had a cogent influence all over the world. The single exception in this regard is the research of professor Isaac Ehrlich, who argues that the death penalty does indeed have a deterrent effect (South African Journal of
However, the Royal Commission on capital punishment, 1949 - 1953 report was published in England in 1953. Contained in this report was an in-depth study of all problems relating to the death sentence. This Commission concluded that there were no indications that capital punishment served any substantial purpose as a deterrent to capital crime (Seriti, 1992: 28). In addition, the exponential increase in the number of execution has not resulted in a manifest decrease in the number of murders committed annually. In research, it is necessary to be wary of the interpretation of statistics as figures and statistics can be used to prove anything one wishes. However, there is support for the view of Justices Stuart Powell, and Stephens, to the effect that “there is no convincing empirical evidence either supporting or refuting the view that capital punishment is a deterrent sentence (South African Journal of Criminal Justice, 1992: 16 - 17).

2.5.2 IT IS A SENTENCE WITH IRREVERSIBLE CONSEQUENCES IMPOSED BY FALLIBLE MEN

There is a real and horrifying possibility of judicial error. The distinguished British legal philosopher, professor Hart, commented that “although the danger is small, the death penalty cannot be expunged if it is discovered that an innocent man has been executed”. The possibility is an intolerable risk. In the United States of America two eminent jurists have established that 343 people were wrongly convicted of capital punishment since 1900. Twenty-five of these people were actually executed.
There have also been several confirmed cases in Germany of innocent persons having been executed. In the United Kingdom, which has a sophisticated legal system, convicted persons have also been executed as a result of judicial errors, despite the inbuilt checks and balances in the system of criminal procedures. In South Africa, although there is no recorded case of an innocent person being hanged, the possibility of judicial error is undoubtedly compounded by two factors, namely:

- the pro deo system; and

The use of the pro deo system in regard to capital crimes has certain obvious limitations and defects. This system permits persons accused of the most serious of crimes to be defended by usually young and inexperienced counsel. Pro deo counsel do not have the assistance of attorneys, who are essential for the proper preparation of capital cases. Also the pro deo system only allows them a minimum amount of time for consultation. In most cases such barristers fulfil their tasks with dedication realizing the gravity of the issues involved, but they are inexperienced and sometimes their inexperience is aggravated by incompetence. Moreover, a pro deo lawyer is sometimes mistrusted by the accused who sees him as an extension of the police and the executive. For those reasons a pro deo counsel might not be able to defend accused persons as adequately as is necessary (*South African Journal of Criminal Justice, 1992: 17 - 18*).
In 1984 the CBS program "60 minutes" reported the story of a twenty-six year old black engineer who lived in a small Texas town northeast of Dallas. In 1983, Lenell Geter was identified as the culprit in a restaurant holdup on the basis of the photo on driver's licence, and Lenell Geter was arrested for armed robbery. Evidence that Geter was actually at work while the robbery was occurring made it difficult at first to proceed with the prosecution.

How had Lenell Geter, gainfully employed in a defence plant, come under suspicion in the first place? It seems that Lenell Geter's dangerous habit of reading and feeding the ducks in a park every day had struck an elderly lady as suspicious. When the lady learned that the restaurant had been held up in August 1983, the lady informed the police about the suspicions. The robbery witnesses declared categorically that Geter was not the robber - one of the witnesses knew Geter personally. But the police felt obliged to follow through on the citizen's suspicions and passed Geter's photo on to police in surrounding towns where similar holdups had been reported. In one of these towns, Geter was identified as the culprit in at least two robberies. One robbery had netted the criminal $615. Geter was prosecuted and convicted (Hook and Kahn, 1989 : 89).

Thus, numerous obstacles may exist for a death row prisoner who seeks to put competency at issue, and thereby qualify for the appointment of counsel. There are no easy solutions to this problem. States must be
content to rely on good graces of others to help unrepresented prisoners raise incompetency claims, or else consider providing counsel for death-sentenced prisoners throughout their entire stay on death row (*Criminal Law Bulletin*, 1997: 132). Where blacks are involved in capital offences, interpreters must of necessity be used in most cases. These interpreters usually fulfill their tasks adequately. However, mistakes and misunderstandings are inevitable. Since interpreters are widely used in South Africa, judges receive information second hand, which could conceivably lead to irreversible miscarriages of justice (*South African Journal of Criminal Justice*, 1992: 18).

2.5.3 **THERE IS A DISTINCT ELEMENT OF CHANCE AS TO WHETHER AN ACCUSED RECEIVES THE DEATH PENALTY**

Capital punishment is a source of agonizing controversy among many judges who have moral reservations about the death penalty and who are legally obliged in certain circumstances to impose such a sentence. According to judge Leon in *South African Journal of Criminal Justice* (1992: 19), some judges find extenuating circumstances more easily than others. Some impose the death sentence frequently while others impose it infrequently. It appears therefore, inter alia, that a person's life depends upon the chance of the judge before whom the accused appears in capital offences. The element of chance is also evident in the appeal proceedings. Some appeal courts are manifestly reluctant to interfere with factual findings of the court a quo, which has seen and heard witnesses, whereas others
are not so reluctant (*South African Journal of Criminal Justice, 1992: 19*). Domestic and international pressure also influence the imposition of the death penalty. The Black Sash report *Inside South Africa's Death Factory* observes that the arbitrariness of those selected for clemency has been criticized by human rights lawyers. Criticism was especially sharp after President Botha commuted the sentences of the Sharpeville six to lengthy prison terms and at the same time commuted the sentences of four policemen who had been convicted of murdering suspects. The Sharpeville Six were spared because of their high international profile, while others lesser known, or unknown have not been so fortunate. The exercise of clemency, for which reasons are usually not disclosed, is invariably an arbitrary process (*South African Journal of Criminal Justice, 1992: 20*).

2.5.4 EXECUTION BY HANGING IS PHYSICALLY, MENTALLY AND EMOTIONALLY A BARBARIC DEED UNBEFITTING A CIVILIZED SO-CALLED CHRISTIAN COMMUNITY

Prolonged anticipation of death creates enormous strains and problems for families. The families of men sentenced to die are helpless bystanders in a slow dying process that they know can be stopped. The process of appellate litigation is tedious and complex; however, it holds out substantial hope for reversal of the death sentence, or even release of the prisoner. This continued hope makes it difficult for the families to accept the possibility that their relative will eventually be executed (*Radelet, 1989: 127*).
Families will ask what in their relative’s background and upbringing could have led to the commission of the offence, particularly if the attorneys choose to use the inmate’s troubled family history as an argument for mitigation of the sentence. Publicity about the crime and media interest in the family’s history and problems increase their sense of guilt and humiliation. The families may also believe that they could have altered the result of the trial and appeals. They may think that a different lawyer or another legal strategy could have resulted in success, and blame themselves for the outcome (Radelet, 1989 : 127).

In addition, hanging involves emotional torture for the criminal and the family. There is perhaps no greater emotional torture than to know the exact hour and moment of death. According to South Africa’s retired hangman, Chris Barnard, it sometimes took up to 15 minutes for hanged people to die. In some cases they had to be pulled up and dropped again. The policy of apartheid has involved structural violence against people of colour and it has precipitated reactionary or defensive violence from the African Liberation Movements (South African Journal of Criminal Justice, 1992 : 20 - 21).

2.5.5 RACIAL BIAS AND THE DEATH PENALTY IN SOUTH AFRICA

According to Bedau, et. al. (1996 : 28), the evidence of racial disparities when considered in the context of capital punishment is consistently strong. Potentially capital crimes abounded for blacks as virtually every slave state
had a substantial number of crimes punishable by death if committed by blacks and lesser penalties if perpetrated by whites (Paternoster, 1991: 117).

By its resolution 1988/12 of 29 February 1988, the Commission on Human Rights, inter alia, invited the Special Rapporteur to intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report; called upon Governments to cooperate with the Special Rapporteur in making the report even more accurate and informative; to disseminate the updated report and give its contents the widest possible publicity (Yearbook on Human rights for 1988: 10).

By its resolution 1988/13, also adopted on 29 February 1988, the Commission on Human Rights, inter alia, welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund by the Eight Conference of Heads of State and Government of Non-Aligned countries, held in Harare from 1 to 6 September 1986, and the launching of the Fund following the African Fund Summit meeting, held in New Delhi on 24 and 25 January 1987, noted with appreciation the recent measures taken by some states, parliamentarians, institutions and non-governmental organisations in order to exert pressure on the racist regime of South Africa and called upon them to redouble and intensify their efforts to force the racist regime to comply with resolutions and decisions of the United Nations
on Namibia and South Africa; welcomed the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under chapter 7 of the Charter of the United Nations against the racist, colonial regime of South Africa (Yearbook on Human Rights for 1988: 10).

Racial bias in the imposition of the death penalty is an intensely controversial issue in South Africa. Professor John Dugard in the South African Journal of Criminal Justice (1992: 23), observed that it is impossible to divorce the racial factor from the death penalty in South Africa. Of the 2,740 persons executed between 1910 and 1975 less than 100 were white. No white has yet been hanged for the rape of a black and only about six whites have been hanged for the murder of blacks. Furthermore, blacks convicted of murder or rape of whites are usually executed. The statistics published by professor Van Niekerk in 1970 indicated that between the years 1947 and 1966, 288 whites were convicted of rape of blacks and yet there was not a single death sentence, whereas during the same period 844 blacks were convicted of rape of whites, resulting in 122 executions. However, research in the United States of America has shown that the likelihood of the death sentence being imposed is higher when the offender is black or when the victim is white (South African Journal of Criminal Justice, 1992: 23 - 24). This statement is confirmed by Hook and Kahn (1989: 75), and Paternoster (1991: 119). Wherever the death penalty is employed, it is used disproportionately
against the poor, the powerless, the marginalized or those whom repressive governments deem expedient to eliminate. In South Africa were virtually all the judges of the Supreme Court are drawn from the white population and the overwhelming number of persons sentenced to death and executed are black and poor. It is virtually impossible for such discrimination to be completely eliminated, taking into account the deeply ingrained and subconscious prejudice that is part of the fabric of society and government in South Africa and the all white composition of the judiciary. The death penalty is thus the most unfairly applied of all criminal punishments in South Africa (South African Journal of Criminal Justice, 1992 : 25 - 26). This statement is confirmed by the Comparative and International Law Journal of Southern Africa (Vol XXXII, No 1, March 1995 : 110). The Judicial Authority and the Administration of Justice will be discussed in chapter 3. This is a further cogent reason "why" the death penalty should be abolished in South Africa.

2.5.6 JUSTIFICATION FOR THE ABOLITION OF THE DEATH PENALTY

In South Africa, the death penalty dispensation involves huge areas of ineffectively controlled discretion. The solution must be to abolish the sentence - it does not serve any purpose which cannot be effectively served by other available forms of punishment. Lifelong imprisonment can satisfy the demands of both retribution and incapacitation which, claim the retentionists, are the main reason for the death penalty.
Lifelong imprisonment can be as painful as the death penalty, and consequently, it will sufficiently demonstrate society's condemnation of the accused's crime. The accused will be made to suffer for evil deed and will be sufficiently incapacitated. The demands of justice can be met by lifelong imprisonment and society will not feel that the accused has been leniently dealt with (Seriti, 1992: 35 - 36). The lifers in prison will be discussed in chapter 5.

2.6 THE NEW DEATH PENALTY DISPENSATION - A REASON FOR ABOLITION

In historic speech at the opening of parliament in February 1990, State President Mister De Klerk, called for a moratorium on all judicial executions pending the institution of reforms of the process concerning the imposition of the death penalty. In the light of other dramatic changes announced in the same speech, this announcement concerning the death penalty went virtually unnoticed.

The suggested reforms were introduced in July, 1990 and have thus been in operation for about three years. As a result the government attempted to reintroduce executions, but this raised such an outcry that the authorities were forced to back down. As a result, according to the Minister of Justice, the moratorium is to be extended pending the adoption of a new democratic constitutional dispensation (Stellenbosch Law Review, 1993: 176). The realisation on the part of the government that there is a link between the
existence of the death penalty and a future constitutional dispensation is an important breakthrough. Although the moratorium has been extended, the courts are still obliged to impose the death penalty in appropriate cases in accordance with the new amendments. This article intends examining the way in which the courts have gone about applying the new law. It is hoped that this exercise will achieve two purposes.

Firstly, it should serve as a guideline in pin-pointing cases where the death penalty is likely to be imposed and in isolating factors that are likely to reduce the likelihood of the death penalty being imposed.

Secondly, an assessment of the cases thus far decided should reveal whether the amendments facilitate the implementation of the death penalty in a just and fair manner (Stellenbosch Law Review, 1993: 176).

2.6.1 THE 1990 AMENDMENTS

The 1990 amendments have fairly drastically altered the previous position by substituting the concept of “extenuating circumstances” with an assessment of the “presence or absence of mitigating or aggravating factors”. Thereafter the courts must, with due regard to such assessment, satisfy itself “that the sentence of death is the proper sentence”. The most important features of these amendments are that the imposition on the death sentence now becomes entirely discretionary.

Further, an automatic right of appeal exists in all cases where the death penalty has been imposed and the Appellate Division may substitute its
own sentencing discretion for that of the trial court” (Stellenbosch Law Review, 1993: 77).

The amendments came into operation on 27 July 1990 and, not surprisingly in the light of the automatic right of appeal that has also been extended to cases decided prior to this date, the Appellate Division has been confronted with a veritable flurry of cases. The courts have now been freed from the shackles of the old system which prevented an appeal court from overturning a decision to impose the death penalty, unless the trial court had misdirected itself or its decision was one to which no reasonable court could have come. Thus, given the fact that a moratorium on executions was in existence and also that the amendments had created a new punishment in the form of life imprisonment, the Appellate Division was given a virtual free hand to set the parameters of the operation of this new system (Stellenbosch Law Review, 1993: 178).

2.6.2 FACTORS AND TESTS APPLIED BY THE COURTS

The death penalty must not be viewed as the final option in a hierarchy of comparable punishments. On the contrary, it is an extraordinary punishment fit only for extraordinary crimes. Effects to this has been conferred by the fact that the Appellate Division has interpreted the expression “the proper sentence” as meaning “the only proper sentence”.

This means that the imposition of the death penalty must be confined to
exceptionally serious cases where it is imperatively called for (Stellenbosch Law Review, 1993: 179).

2.6.3 MITIGATING AND AGGRAVATING FACTORS

The death sentence is no longer mandatory for murder without extenuating circumstances. Whether to impose the death sentence or not, is left in the discretion of the presiding judge, who, after consultation with assessors (if any), will make a finding of all the mitigating and extenuating factors, and thereafter decide whether or not the death sentence is the proper sentence. The fact that the death sentence is no longer mandatory, also allows for a wider operation of section 274 of the Criminal Procedure Act, Act 51 of 1977, as amended (Krautkrämer, 1994: 13).

Of great importance is the fact that section 277(2) of the Criminal Procedure Act, Act 51 of 1977, no longer speaks of extenuating "circumstances", but of mitigating and aggravating "factors". Therefore, this allows the Supreme Court much greater freedom in deciding on a proper sentence. Section 276(1)(b) of the Criminal Procedure Act, Act 51 of 1977, now also makes provision for a term of life long imprisonment, providing a valuable alternative to the death sentence. Other important changes are the fact that the accused now has an automatic right of appeal and no longer has to apply for leave to appeal as was previously the case. So too, section 279(1)(b)(ii) of the Criminal Procedure Act, Act 51 of 1977, provides that every death sentence must be reviewed by the State President
(Krautkrämer, 1994: 13-14).

2.6.4 DETERMINING THE APPROPRIATE SENTENCE

This calls into question the whole process of making such a finding in the first place. The court in Nkwanyana's case, specifically states that the absence of mitigating factors will not mean that the death sentence should be passed and, conversely, the presence of mitigating factors will not mean that the death sentence should not be passed. It can hence only be speculated as to what significance the presence of otherwise of these factors will have on the final decision. In most cases there is likely to be a presence of both aggravating and mitigating factors.

In such a situation Nkwanyana's case stipulates that the respective force or significance of the mitigating and aggravating factors found to be present "will have to be weighed in order to determine whether the death sentence is the proper one" (Stellenbosch Law Review, 1993: 180). However, neither the legislator, nor the courts, have laid down any guidelines as to how these factors are to be weighed against each other. More particularly, no provision is made for the "weighing" of the various factors. As pointed out by Van Rooyen, each of the mitigating and aggravating factors found to be present should be weighed (accorded relative weights) before the two sets can be weighed against each other. This is necessary because each factor will obviously not carry the same weight. If is thus not sufficient just to list the various factors since this would be tantamount to comparing
apples and oranges and the imposition of the death penalty could well turn into numbers game based upon which set of factors outnumbered the other (Stellenbosch Law Review, 1993: 180-181).

Although there was no place for this weighting process under the old dispensation (since courts were merely required to determine whether extenuating circumstances existed), there were nonetheless instances where this occurred, S v McBride provides a good example where, although certain factors existed that could well have come within the definition of extenuating circumstances, these nonetheless appear to have been outweighed by the heinousness of the offence and the fact that the victims were innocent. This case concerned the placing of a powerful bomb in a place which was deliberately chosen for its potential to kill and injure innocent persons. However, this was done for a political purpose and there were a number of personal and psychological factors that prima facie served as extenuating circumstances.

The courts (both the trial court and the Appellate Division when the matter was taken on appeal) countered these factors by emphasizing “the enormity of what he did”. It is submitted that this was tantamount to holding that the nature of the offence outweighed the extenuating circumstances (Stellenbosch Law Review, 1993: 181).
2.6.5 THE WEIGHING UP PROCESS

According to Mello (1996: 189), the trial judge is responsible for the final sentencing determination. Therefore, the reason for this is that the stage in the process entails a determination as to whether or not the mitigating factors outweigh the aggravating factors. This is an important stage since it is presumed that if factors in mitigating decisively outweighed those in aggravation, the death sentence would not be "the proper sentence". However, in Nkwanyana's case, the court held that the "findings as to mitigating and aggravating factors are not necessarily decisive". In fact, it has been held in S v Dlamini that the fact that there are only aggravating factors and no mitigating factors, does not mean that the death sentence is the only proper sentence. The effect of this is the recognition that other matters may be relevant (Stellenbosch Law Review, 1993: 182). In S v Senonohi the court points out that moral reprehensibility is no longer the overriding factor, but one which must be weighed up together with other factors which are relevant to all the purposes of punishment (Krautkrämer, 1994: 16). In S v Senonohi it was held that regard should be had to the main purposes of punishment, namely deterrent, preventive, reformative and retributive. This means that in deciding whether the death sentence is the proper one, consideration will be given to whether these objects cannot properly be achieved by a sentence other than the death sentence. It is submitted that this considerably broadens the enquiry while, at the same time, shifting the balance away from the imposition of the death penalty.
This is because a lengthy prison sentence (particularly life imprisonment in serious cases) would generally have the effect of achieving these main purposes of punishment (Stellenbosch Law Review, 1993: 182). Thus it is submitted that a sentence of life imprisonment would satisfy the preventive aspect - even in the most extreme of circumstances. It is further submitted that the death penalty is irrelevant from a point of view of reformation and hence it is only in cases where rehabilitation of the individual accused is ruled out that the death penalty should be considered - unless this is outweighed by deterrent or retributive objectives.

As far as the question of deterrence is concerned it is submitted that a sentence of life imprisonment should serve the same purpose as the death penalty (Stellenbosch Law Review, 1993: 182). The treatment of the lifers will be discussed in-depth in chapter 6.

From the point of view of rehabilitation, it is submitted that, in the event of a court determining that a particular accused is incapable of rehabilitation (either as a result of previous punishments not having had the desired effect or lack of remorse indicating that rehabilitation is unlikely), a long prison sentence or life imprisonment would adequately deal with this aspect. On the other hand, if there is a chance that the accused is capable of being rehabilitated, the death penalty will not be appropriate (Stellenbosch Law Review, 1993: 183).
In addition, it was held in S v Mdau that a court should first and foremost look at life imprisonment in order to satisfy retributive objectives (Stellenbosch Law Review, 1993 : 183). This statement was confirmed by the South African Journal of Criminal Justice (Vol. 9, No. 2, 1996 : 258). The deterrence of life imprisonment will be discussed in chapter 4.

2.7  DEMISE OF THE DEATH PENALTY: THE CONSTITUTIONAL COURT PRONOUNCES

The commonplace name of the applicant accused in S v Makwanyane 1993(2) SA CR 1(CC) conceals the historic and momentous importance of this matter in South African Legal history.

In S v Makwanyane the Constitutional Court of South Africa decided that capital punishment in this country is outlawed by the constitution since it is in violating of section 11(2) of that instrument. Section 11(2) prohibits the infliction of "cruel, inhuman or degrading treatment or punishment" (South African Journal of Criminal Justice, July 1995 : 188). The matter was argued before the Constitutional Court on 15 - 17 February 1995, Coram Chaskalson P, Ackermann, Didcott, Kriegler, Langa, Madala, Mokgoro, Mahomed, O'Regan, Sachs J J, Kentridge A J.

In addition to hearing counsel for the applicants (who had been convicted of murder and sentenced to death) and the respondent (the State), the court also heard arguments for the government as well as amicus curiae
argument from the Black Advocates Forum, Lawyers for Human Rights, the Centre for Applied Legal Studies, the Society for the Abolition of the Death Penalty in South African and a private citizen.

The court’s decision was handed down on 6 June 1995. The decision of the court, as set out in the judgement of Chaskalson P, was unanimous, while concurring in this judgement the ten justices each delivered separate judgements (South African Journal of Criminal Justice, July 1995: 188). This statement was confirmed by the South African Law Report (1995(3): 396 - 401).

In reaching the conclusion it did, the court, per Chaskalson P, proceeded by way of construing the meaning of section 11(2) of the Constitution. That is to say, it addressed the question whether capital punishment could be said to be in its nature and essence a “cruel, inhuman or degrading” punishment. After examining the various arguments in this regard, Chaskalson P concluded that (at [957]) “in the context of our constitution the death penalty is indeed a cruel, inhuman and degrading punishment”. As to the argument that the death sentence prevents murder, Chaskalson P observed (at [129]) that while capital punishment certainly prevents the deceased again committing such a crime, this is not the only way in which murder can be prevented and thus there is nothing to suggest that capital punishment is necessary for this purpose (South African Journal of Criminal Justice, July 1995: 189).
Related to the argument that some people deserve to die, is the proposition that the state is incapable of determining exactly who they are.

Whatever one's view of the retribution argument may be, the practice of the death penalty reveals that no criminal justice system is, or conceivably could be, capable of deciding fairly, consistently, and infallibly who should live and who die. It is the irrevocable nature of the death penalty, the fact that the prisoner is eliminated forever, that makes the penalty so tempting to some states as a tool of repression. Thousands have been put to death under one government, only to be recognised as innocent victims when another set of authorities comes to power. Only abolition can ensure that such political abuse of the death penalty will never occur (Dicks, 1991: 226). This statement is confirmed by Hood (1996: 58).

Citing the words of the interim South African Constitution, "there is a need for understanding, but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation", Chaskalson Premarked (at [131]). Referring to difficulties in the construction of the meaning of the phrase "essential content of the right", Chaskalson P (at [132]) disposed of this aspect of the enquiry by noting that the provision in the constitution evinces concern that rights should not be taken away altogether. The rights of the lifers will be dealt with in chapter 3.

Against this background the President carried out the process of balancing
the one set of interests, deterrence, prevention and retribution, against the alternative punishment available to the state, and the factors wisely taken together, make capital punishment cruel, inhuman and degrading. In the result, the President held, the requirements of section 33(1) have according not been satisfied, and thus that the provisions of section 277(1)(a) of the Criminal Procedure Act, Act 51 of 1977, must be held to be inconsistent with section 11(2) of the Constitution (South African Journal of Criminal Justice, July 1995: 190). In the light of this finding the court made the following order:

“In terms of section 98(5) of the Constitution, and with effect from the date of this order, the provisions of paragraphs (a), (c), (d), (e) and (f) of section 277(1) of the Criminal procedure Act, and all corresponding provisions of other legislation sanctioning capital punishment, which are in force in any part of the national territory in terms of section 229, are declared to be inconsistent with the Constitution, and accordingly, to be invalid.”

In terms of section 98(7) of the Constitution, and with the effect from the date of this order:

- the State is and all its organs are forbidden to execute any person already sentenced to death under any of the provisions thus declared to be invalid; and

- all such persons will remain in custody under the sentences imposed on them, until such sentences have been set aside in accordance with law and substituted by lawful punishments: (South African Journal of Criminal

2.7.1 CRUEL, INHUMAN AND DEGRADING PUNISHMENT

As a punishment, the death penalty is a violation of the right to life. It is cruel, inhuman and degrading. The punishment is not reasonable on any basis. In view of the available alternative sentence of a long term of imprisonment, is also unnecessary (South African Journal on Human rights, Vol. 12, 1996: 202).

The recent decisions on the death penalty have focused on cruel, inhuman and degrading punishment as significant in respect of the death row phenomenon. Chaskalson P found the death penalty to be unconstitutional, largely because it violated section 11(2) which prohibits cruel, inhuman and degrading punishment (South African Journal of Criminal Justice, July 1995: 195).

2.7.1.1 NATURE OF PUNISHMENT

Death is the most extreme form of punishment which may be inflicted on a convicted person. Its final and irrevocable nature puts an end to the life and all other personal rights that may have been enjoyed by the convicted person and therefore is "undoubtedly a cruel punishment". Therefore, the imposition of the death penalty has been found to be unacceptably cruel, inhuman and degrading, not only to those subjected to it, but also to the

2.7.2 THE RIGHT TO LIFE AND DIGNITY

Entrenchment of the right to life requires the state to take the lead in re-establishing respect for human life and dignity in South Africa (De Waal, Currie and Erasmus, 1998: 183). Therefore, Human Rights practitioners are beginning to find that armed with a Bill of rights and an imaginative mind, they can frustrate the hangman at every turn. In some cases, not much imagination is required.

In S v Makwanyane 1995(3) SA 391 (CC) the South African Constitutional Court had little difficulty in completely outlawing the death penalty as, inter alia, “cruel, inhuman or degrading” contrary to the Bill of Rights (South African Journal on Human Rights, Vol. 13 part 1, 1997: 151).

Beginning with an analysis of the right to dignity, Chaskalson P observed (at (43)), that the constitutionality of the death penalty in foreign jurisdictions has frequently been challenged on the basis that the death penalty is inimical to the common dignity of all human beings in that it treats the condemned offender, not as a human being, but as an object (South African Journal of Criminal Justice, July 1995: 198).
The rights to life and dignity are the most important of all human rights, and the source of all other personal rights in chapter three of the Constitution. Therefore, the right to life as understood, incorporates the right to dignity. So the rights to human dignity and life are entwined (South African Journal of Criminal Justice, July 1995: 200).

As a result, section 7(2) of the 1996 constitution provides that the state must respect, promote and fulfill the rights in the Bill of Rights. This provision now forms the basis for the development of state duties to protect life (De Waal, Currie, and Erasmus, 1998: 186-187). In addition, section 11(2) of the 1996 Constitution provides that no person shall be subject to torture of any kind, whether physical, mental or emotional, nor shall any person be subject to cruel, inhuman or degrading treatment or punishment (De Rebus, December 1994: 898). This statement is confirmed by Schabas (1997: 95).

2.8 SUMMARY

From the above exposition, it is clear that there were people who were for the death penalty and against the death penalty. However, those who were for the death penalty and against the death penalty included the citizens as well as the Christians. Most countries had racial bias in sentencing people to death penalty, including South Africa. For this reason, there were citizens, advocates, and judges who strongly opposed the death penalty.
In 1990, a moratorium was called for the judicial executions of the death penalty which lasted for three years as it was forced to back down. In the case of *S v Makwanyane* the Constitutional Court requested the judges to comment about the case. In addition, there were arguments from the Black Advocates forum, Lawyers for Human rights, the Centre for Applied Legal Studies, the Society for the Abolition of the Death Penalty in South Africa and a private citizen who supported the abolition of the death penalty. From the comments of the judges given to the Constitutional Court, it became clear that the death sentence is cruel, inhuman, degrading, depriving a person of his right of life, as well as his dignity and when the above factors were taken into consideration, the Constitutional Court abolished the death penalty in south Africa.
INTRODUCTION

This chapter outlines the judicial authority and the administration of justice.

The legislature's primary task in respect of the criminal law is to decide and to define what conduct will be criminal, that is, to provide a threat of punishment. It will ordinarily also prescribe the nature of the punishment that may be imposed and the measure thereof that may not be exceeded.

Today there is substantial agreement that the courts have no role to play in respect of the creation of definitions of crime. As far as the criminal law is concerned, the principal role of the courts is to determine in individual instances whether a person is in fact guilty of the crime of which is accused and, if this is found to be the case, to impose punishment.

The legislature's active is directed mainly at punishment, the court's function is to impose punishment on offenders who have failed to heed that threat (Rabie, Strauss, and Maré, 1994: 241).

3.1 THE SOUTH AFRICAN LEGAL SYSTEM

The South African legal system is the result of the amalgamation of various
laws and legal systems which the settlers have brought to South Africa since 1652. The democratic principle of Rule of Law has become strongly integrated into our legal system. The legal system in South Africa is not controlled by the constitution of the Republic of South Africa, 1993. Section 96 does, however, define the judicial authority.

The main objective of the judicial authority is to guarantee the rights and freedoms of the individual and to preserve the sovereignty of the law. The task of the courts of law is to interpret and apply the law, and not the Acts, and to exercise sanctions. The judicial authority of the Republic is vested in the courts and is independent, impartial and subject only to the constitution. No person and no organ of the state may interfere with judicial officers in the performance of their functions [Van der Waldt and Helmbold, 1995: 49].

By the same token, Basson [1994: 49], contends that in the keeping with the constitutional principle of the trias politica or the separation of powers, the judicial authority in the state must be truly independent and impartial in order to act as an arbitrator in disputes between especially the state authority [the legislative, as well as the executive branches of government] and the subjects of the state. This principle of the separation of powers is part and parcel of the constitutional checks and balances which ensure that the authority is controlled and not exercised arbitrarily in keeping with the ideal of a constitutional state. The interim constitution protects the subjects'
human rights and freedoms against infringements by the authority [Basson, 1994: 138]. According to Van Wyk, Dugard, De Villiers and Davis [1994: 171], the human rights include the faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. In addition, the constitutional court must also protect the constitution itself on the basis of the principle of constitutionalism [Basson, 1994: 138].

Equally important, is the fact that the judicial authority guarantees the rights of the lifers in prison.

In this chapter the composition and functioning of the judicial authority will be described. The composition of the judicial authority will firstly be discussed by dealing with the various courts.

Secondly, the events leading up to the drafting of the Bill of Fundamental Rights will be addressed and then, thirdly, the provisions of the Bill of Fundamental Rights will be examined.

Fourthly, the various commissions which have been appointed to protect the rights of the individual will be discussed. The role of the public protector will be analysed. Fifthly, the implications which the changes in the judicial authority entail for public administration will be discussed.
3.1.1 COMPOSITION OF THE JUDICIAL AUTHORITY

According to Van der Waldt and Helmbold [1995: 50], the constitution of the Republic of South Africa, 1993, provides in section 96 that judicial authority of the Republic shall vest in the courts. A distinction may be drawn between the following categories of courts:

3.1.1.1 Superior Courts

The superior courts include the following:

- The Constitutional Court

The constitutional court is the highest constitutional court in all constitutional matters.

- The Superior Courts

The Supreme Court consists of an Appellate Division and the provincial and local divisions. The Appellate Division of the Supreme Court is the highest court in the Republic since the abolition of the appeal to the Privy Council in 1950 [Van der Waldt and Helmbold, 1995: 50].

3.1.1.2 Special Courts and Lower Courts

According to Van der Waldt and Helmbold [1995: 50], special courts consist of judges of the Supreme Court of South Africa and are composed for a particular purpose. They do not, however, form part of the Supreme Court of South Africa.

The Water Court, the Special Court for Revenue Appeals and the Special
Court regarding Harmful Business Practices fall into this category. The most important of the lower courts are the Magistrates' Courts and the Regional Magistrates' Courts.

3.2 THE CONSTITUTIONAL COURT

A new addition to the judicial authority is the Constitutional Court. In terms of section 98(1) of the Constitution, the Constitutional Court consist of 11 members (one president and ten judges) and is the highest court in all constitutional matters. The Constitutional Court has its seat in Johannesburg. The President of the Constitutional Court is appointed by the President in consultation with the Cabinet, and after consultation with the Chief Justice. In terms of section 99(1) of the constitution, the judges of the Constitutional Court are appointed by the President for a non-renewable period of seven years (Van der Waldt and Helmbold, 1995: 50).

However, to be appointed as President or a judge of the Constitutional Court, the person must:

- be a person who, by reason of training and experience, has expertise in the field of constitutional law
- be a South African citizen
- be a fit and proper person to be a President or a judge of the Constitutional Court; and
- be a judge of the Supreme Court or be qualified to be admitted as an advocate or attorney and have practised for at least ten years (Van der
3.2.1. **POWERS OF THE CONSTITUTIONAL COURT**

The Constitutional Court affects every South African personally. Therefore, the Constitutional Court has jurisdiction in the Republic as the final court of last instance in regard to all matters relating to the interpretation, protection and enforcement of the provisions of the constitution of the Republic of South Africa. In terms of section 98(2) of the constitution, the powers of the court include, inter alia, the following:

- any alleged violation or threatened violation of any fundamental right entrenched in the constitution
- any dispute over the constitutionality of any executive or administrative act or conduct or threatened executive or administrative act in conduct of any organ of state
- any inquiry into the constitutionality of any law, including an Act of Parliament, irrespective whether such law was passed or made before or after the commencement of the Constitution of the Republic of South Africa
- any dispute of a constitutional nature between organs of state at any level of government
- the determination of questions whether any matter falls within its jurisdiction; and
- the determination of any other matters as may be entrusted to the court.

(Van der Waldt and Helmbold, 1995 : 51).
It may be deduced from the afore going discussion that the supreme political authority is no longer vested in the legislative authority, as under the 1993 Constitution, but in the Constitution, which is the highest authority.

A decision of the Constitutional Court is binding on all persons and on all legislative, executive and judicial organs of state. The Constitutional Court therefore, represents - as do the Magistrates' Courts and Supreme Court, in matters of a more local provincial nature - the refuge for every lifer who feels that the government of the day is violating the rights (Van der Waldt and Helmbold, 1995: 51).

3.2.2 ENGAGEMENT OF THE CONSTITUTIONAL COURT

According to Basson (1994: 149), the Constitutional Court is engaged in the following aspects:

- the conditions upon which the Constitutional Court may be seized of any matter within its jurisdiction, and all matters relating to the proceedings of and before the Court, shall be regulated by rules prescribed by the President of the Constitutional Court in consultation with the Chief Justice, which rules shall be published in the Gazette; and

- the Rules of the Constitutional Court may make provision for direct access to the court where it is in the interest of justice to do so in respect of any matter over which it has jurisdiction.
3.3 **SUPREME COURT**

The Supreme Court of South Africa consists of an Appellate Division and the provincial and local divisions. The seat of the Supreme Court is Bloemfontein. The Chief Justice of the Supreme Court of South Africa is appointed by the President in consultation with the Cabinet and after consultation with the Judicial Service Commission. The Supreme Court retains its legal jurisdiction and functions as determined in the Supreme Court Act, 1959 (Act 59 of 1959). The Appellate Division has no power to rule on any matter falling within the jurisdiction of the Constitutional Court (Van der Waldt and Helmbold, 1995: 52).

Subject to the constitution, a provincial or local division of the Supreme Court shall, within its area of jurisdiction, have jurisdiction in respect of the following additional matters, namely:

- any alleged violation or threatened violation of any fundamental right
- any dispute over the constitutionality of any executive or administrative act or conduct of any organ of state
- any inquiry into the constitutionality of any law applicable within its area of jurisdiction, other than an Act of Parliament, irrespective of whether such law has passed or made before or after the commencement of the constitution
- any dispute of a constitutional nature between local governments or between a local and a provincial government
- any dispute over the constitutionality of a Bill before a provincial legislature
the determination of questions whether any matter falls within its jurisdiction; and
the determination of any other matters as may be entrusted to it by an Act of Parliament (Basson, 1994: 149 - 150).

3.3.1 **PROCEDURAL MATTERS**

According to Basson (1994: 151 - 152), the procedural matters of the provincial or local division of the Supreme Court consist of the following:

- If, in any matter before a provincial or local division of the Supreme Court, there is an issue which may be decisive for the case, and which falls within the exclusive jurisdiction of the Constitutional Court in terms of section 98(2) and (3), the provincial or local division concerned shall, if it considers it to be in the interest of justice to do so, refer such matter to the Constitutional Court for its decision, provided that, if it is necessary for evidence to be heard for the purposes of deciding such issue, the provincial or local division concerned, shall hear such evidence and make a finding thereon, before referring the matter to the Constitutional Court.

- If, in any matter before a local or provincial division, there is any issue other than an issue referred to the Constitutional Court in terms of sub-section (1), the provincial or local division shall, if it refers the relevant issue to the Constitutional Court, suspend the proceedings before it, pending the decision of the Constitutional Court.

- If, in any matter before a provincial or local division, there are both constitutional and other issues, the provincial or local division concerned
shall, if it does not refer an issue to the Constitutional Court, hear the matter, make findings of fact which may be relevant to a constitutional issue within the exclusive jurisdiction of the Constitutional Court, and give a decision on such issues as are within its jurisdiction.

An appeal shall lie to the Appellate Division against a decision of a provincial or local division.

If the Appellate Division is able to dispose of on appeal brought in, without dealing with any constitutional issue that has been raised, it shall do so.

If it is necessary for the purposes of disposing of the said appeal for the constitutional issue to be decided, the Appellate Division shall refer such issue to the Constitutional Court for its decision.

The Chief Justice and the President of the Constitutional Court shall jointly make rules to facilitate the procedure and other issues, which may provide for the constitutional issues to be referred to the Constitutional Court before or after any such appeal has been heard by the Appellate Division.

If any division of the Supreme Court disposes of a matter in which a constitutional issue has been raised and such court is of the opinion that the constitutional issue is of such public importance that a ruling should be given thereon, it may, notwithstanding the fact that the matter has been disposed of, refer such issue to the Constitutional Court for a decision.

When a constitutional issue has been referred to the Constitutional Court by a division of the Supreme Court, the Minister responsible for the administration of justice shall, at the request of the President of the Constitutional Court, appoint counsel to argue such constitutional issue.
If the validity of a law is in dispute in any matter, and a relevant government is not a party to the proceedings, it shall be entitled to submit written argument to the said court.

Appeals to the Appellate division and the Constitutional Court shall be registered by law, including the rules of such courts, which may provide that leave of the court from which the appeal is brought, or to which the appeal is noted, shall be required as a condition for such appeal.

Appeals arising from matters referred to above, and which relate to issues of constitutionality shall lie to the Constitutional Law.

If a dispute arises between organs of state regarding the question whether or not any executive or administrative act or conduct of one of those organs is consistent with this constitution, the organ disputing the validity of the act or conduct may apply to a provincial or local division to refer the question of the validity of such act or conduct to the Constitutional Court for its decision.

If evidence is necessary for the purpose of deciding a matter, the provincial or local division concerned, shall hear such evidence and make a finding thereon, before referring such matter to the Constitutional Court.

If, in any matter before a provincial or local division, the only issue raised is a constitutional issue within the exclusive jurisdiction of the Constitutional Court in terms of section 98(2) and (3), a refusal to refer such issue to the Constitutional Court shall be appealable to the Constitutional Court.
3.4 OTHER COURTS

In order to deal with the large number of criminal and civil cases in more economical manner, the country has been divided up into magisterial districts. A distinction may be drawn between ordinary magistrates' courts and regional magistrates' courts (Van der Waldt and Helmbold, 1995: 53).

3.4.1 ORDINARY MAGISTRATES' COURTS

The magisterial system is one of the most historic institutions in South Africa. A magistrate's office is to be found in virtually every town or city. The Magistrates' Court Act, 1944 (Act 32 of 1944) determines the function of Magistrates' Courts. The Act furthermore sets out their powers of jurisdiction and litigation. The jurisdiction of Magistrates' Courts is both criminal and civil, but in both instances they are subordinate to the Supreme Court and have limited or circumscribed jurisdiction (Van der Waldt and Helmbold, 1995: 54).

3.4.2 REGIONAL MAGISTRATES

According to Van der Waldt and Helmbold (1995: 54), regional magistrates were introduced to lighten the burden of the Supreme Court of South Africa in those cases which are not of such a serious nature. A regional magistrate may impose more severe penalties than those of the ordinary magistrates' courts, but may not impose a fine exceeding R20 000-00 and/or imprisonment exceeding ten (10) years.
An important characteristic of the Constitution of the Republic of South Africa, 1996, is the Bill of Fundamental Rights which has been incorporated in chapter of the Constitution. The Bill of Fundamental Rights will be discussed hereunder.

3.5 THE BILL OF FUNDAMENTAL RIGHTS

The idea of the existence of certain fundamental human rights occurs in most political viewpoints throughout the world. The international community has attempted in various ways to give shape to the idea that every lifer has certain basic needs which ought to be entrenched as rights. Human rights have, therefore, become part of modern international politics and international law (Van der Waldt and Helmbold, 1995: 55).

3.5.1 THE FUNDAMENTAL RIGHTS

Fundamental human rights are those rights which develop over the years as rights of every lifer and which are recognised and protected by the government. Only in exceptional cases and in accordance with strict guidelines as contained in the Bill of Rights, may these rights be limited (section 36 of Act 168 of 1996), and they, therefore protect the lifer against unlawful action by the government.

Since the human rights that are entrenched in a Bill of Rights are not absolute, inviolable and unlimited, provision is made for their restriction under certain circumstances, namely:
The empowered organ must be indicated. This organ can be the ordinary legislature, or another specific legislative institution, or a particular organ or member of the executive authority or, in special instances, the judicial authority.

Secondly, the circumstances under which this empowered organ may restrict rights, can be circumscribed. Rights can, for example, be restricted for the protection of the public order, or in the general interest, or for the security of the country, or for economic welfare, or to prevent culpable activities, or for the protection of territorial inviolability or even to prevent the spreading of confidential communication.

Restrictions can, in the third place, be linked to prescribed codes of conduct, for example, that only those restrictions necessary for the maintenance of democratic order will be imposed.

In the fourth place, procedural requirements can be set regarding restrictions, that is, special procedures in addition to the ordinary, prescribed procedures that the empowered organ has to follow (Basson and Viljoen, 1988: 234).

3.5.2 THE OPERATION OF A BILL OF FUNDAMENTAL RIGHTS

The rights described in the Bill are aimed at regulating the relationship between the state and the citizen. The legislative authority, as well as the executive and administrative authorities, therefore, has an obligation to obey the Bill (Van der Waldt and Helmbold, 1995: 56). If the government of the day unlawfully contravenes a provision of the Bill, the Constitutional
Court may declare such action invalid. The guarantees contained in the Bill are so powerful that all administrative acts and decisions of the government of the day may be tested against the Bill.

Therefore, all governments at the national, provincial and local government levels are bound by the provisions of the Bill.

The Bill guarantees, inter alia:

- the right to life
- the right to equality before the law and equal protection of the law
- human dignity
- the freedom and security of the lifer
- the right to privacy
- freedom of speech and expression
- the right to freedom of conscience, religion, thought, belief and opinion, which shall include academic freedom in institutions of higher learning
- administrative justice
- access to information
- the right to fair labour practices; and
- the right to acquire and hold rights in property (Van der Waldt and Helmbold, 1995: 57 - 58).

The Bill of Fundamental Rights protects the lifer against unlawful action on the part of the state. In this way the state is restrained from infringing
certain rights such as privacy and freedom of the press, for example.

3.5.2.1 **Equality and Protection**

According to section 9 of the Constitution (Act 108 of 1996), everybody has the right of equality and protection, including the following aspects:

- Everyone, including the lifer, is equal before the law and has the right to equal protection and benefit of the law.
- Equality includes the full and equal enjoyment of all rights and freedoms.

To promote the achievement of equality, or categories of lifers, disadvantaged by unfair discrimination may be taken.

- The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- National legislation must be enacted to prevent or prohibit unfair discrimination.

3.5.2.2 **Freedom and Security of the Person**

According to section 12(1) of the Constitution (Act 108 of 1996), everyone has the right to freedom, and security of the person which includes the following, the right:

- not to be detained without trial
- to be free from all forms of violence from either public or private sources
- not to be tortured in any way; and
not to be treated or punished in a cruel, inhuman or degrading way.

By the same token, *Nxumalo (1997: 237)*, states that the treatment in the institution should not be cruel, humiliating and degrading to the lifer, but it should be more humane.

3.5.2.3 **The right to Privacy**

In terms of section 14 of the Constitution (*Act 108 of 1996*), everyone has the right to privacy, which includes the right not to have:

- their person or home searched
- their property searched
- their possessions seized; or
- the privacy of their communications infringed.

However, a convicted person is considered by the courts to have a limited expectation of privacy when confined (*Nxumalo, 1997: 234*).

3.5.2.4 **Freedom of Religion, Belief and Opinion**

According to section 15(1) of the Constitution (*Act 108 of 1996*), everyone has the right to freedom of conscience, religion, thought, belief and opinion. Section 15(2) of the Constitution (*Act 108 of 1996*), states that religious observances may be conducted at the state or state-aided institutions, provided that:

- those observances follow rules made by the appropriate public authorities
they are conducted on an equitable basis; and 

attendance at them is free and voluntary.

3.5.2.5 **Health care, Food, Water and Social Security**

Section 27(1) of the Constitution (*Act 108 of 1996*), states that everyone, including the lifer, has the right to have access to:

- health care services
- sufficient food and water; and
- social security, including, if they are unable to support themselves and their dependants appropriate social assistance. The lifers in prison are depended on the state for their health care, food, water and social security.

3.5.2.6 **The Right to Education**

The education of the lifers will be dealt with in chapter 4. The right of education will be discussed hereunder.

In the terms of section 29(1) of the Constitution (*Act 108 of 1996*), everyone has the right:

- to basic education, including adult basic education; and
- to further education, which the state, through reasonable measures, must make progressively available and accessible. For this reason, the Department of Correctional Services has the literacy project for the illiterate lifers.
In addition, section 29(2) of the Constitution (Act 108 of 1996), states that everyone has the right to receive education in the official language or languages of their choice in public education institutions where that education is reasonably practicable. In order to ensure the effective access to and implementation of this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account:

- equity
- practicability; and
- the need to address the results of past racially discriminatory laws and practices.

According to section 29(3) of the Constitution (Act 108 of 1996), everyone has the right to establish and maintain, at their own expense, independent educational institutions that:

- do not discriminate on the basis of race
- are registered with the state; and
- maintain standards that are not inferior to standards at comparable public educational institutions.

3.5.2.7 Cultural, Religious and Linguistic Communities

In terms of section 31(1) of the Constitution (Act 108 of 1996), persons, including lifers, belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community:
to enjoy their culture, practise their religion and use their language; and

to form, join and maintain cultural, religion linguistic associations and other
organs of the civil society.

3.5.2.8 Arrested and Detained Persons

In terms of section 35(2) of the Constitution (Act 108 of 1996), everyone
who is detained, including every lifer, has the right:

▶ to be informed promptly of the reason for being detained
▶ to choose, and to consult with a legal practitioner, and to be informed of this
  right promptly
▶ to have a legal practitioner assigned to the detained person by the state and
  at state expense, if substantial injustice would otherwise result, and to be
  informed of this right promptly
▶ to challenge the lawfulness of the detention in person before a court and, if
  the detention is unlawful, to be released
▶ to conditions of detention that are consistent with human dignity, including
  at least exercise and the provision, at state expense, of adequate
  accommodation, nutrition, reading material and medical treatment; and
▶ to communicate with, and be visited by, that person’s:
  • spouse or partner
  • next of kin
  • chosen religious counsellor; and
  • chosen medical practitioner.
3.6 **HUMAN RIGHTS COMMISSION**

Section 184(1) of the Constitution (*Act 108 of 1996*), states that the Human Rights Commission must:

- promote respect for human rights and a culture of human rights
- promote the protection, development and attainment of human rights; and
- monitor and assess the observance of human rights in the Republic.

However, section 184(2) of the Constitution (*Act 108 of 1996*), states that the Human Rights Commission has the powers as regulated by national legislation, necessary to perform its functions, including the power:

- to investigate and to report on the observance of human rights
- to take steps to secure appropriate redress where human rights have been violated
- to carry out research; and
- to educate.

In addition, section 184(3) of the Constitution (*Act 108 of 1996*), states that each year, the Human Rights Commission must require relevant organs of the state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.
3.7 **SUMMARY**

From the foregoing exposition, it is clear that the lifers, though incarcerated, have their rights in prison. Their rights due to incarceration, are limited by the law to a certain extent. Equally important, is the fact that the basic and secondary needs of the lifers in prison are met by the Department of Correctional Services.
CHAPTER 4

JUSTIFICATION OF PUNISHMENT AND THE PURPOSE OF IMPRISONMENT

4

INTRODUCTION

This chapter focuses on the justification of punishment and the purpose of imprisonment. The theories of punishment play an important role as far as criminal law is concerned. They have traditionally been developed as moral justification of punishment and have been instrumental in the clarification of the nature of punishment.

Moreover, they have revealed important clues as to the purpose of punishment and as such have been of importance to legislators, police, prosecutors, courts, and prison administrators.

There are a number of theories of punishment, but in principle they belong to one of two groups, that is, the absolute theory of retribution or the relative theories of prevention, or to a combination of these theories (Rabie, Strauss, and Maré, 1994: 19). The justification of punishment will be discussed hereunder.

4.1

JUSTIFICATION OF PUNISHMENT

Punishing people certainly needs a justification, since it is almost always something which is harmful or unpleasant to the recipient.
Imprisonment, for example, causes physical discomfort, psychological pain, indignity and general unhappiness along with a variety of other disadvantages (such as impaired prospects for employment and social life). Therefore, deliberately inflicting suffering on people is at least *prima facie* immoral, and needs some special moral justification (*Cavadino and Dignan, 1992: 32*). It is true that in some cases it happens that the recipient does not find the punishment painful, or even welcomes it - for example, some lifers might find prison a refuge against the intolerable pressures of the outside world.

But even in these cases punishment is still something inflicted, it is an intrusion on the liberty of the person punished, which also requires a moral justification (*Cavadino and Dignan, 1992: 32*). However, the two most frequently cited justifications for punishment are retribution, and reductivism.

### 4.1.1 Retribution

According to *Primoratz (1989: 69)* and *Thomas (1987: 36)*, retribution is, by definition, the second coercion, coercion against coercion. Therefore, it is in accordance with right, just and legitimate. Therefore, retribution is an act of reciprocity, and thus something that the person on whom it is inflicted has deserved, it is just justified legitimate. According to *Jenkins (1984: 144)*, the idea of retribution is also known as revenge or retaliation. By the same token, *Primoratz (1989: 70)*, contends that retribution has two forms, revenge and punishment. This confirmed by *Death Work a Study of the*
4.1.1.1 Revenge

Revenge is retribution executed by the person injured. Being retribution, it is justified in principle - that is, when it is proportionate to the wrong suffered. In the state of nature, in which there is no state, no legal order and no courts, revenge is the only way to satisfy the demands of justice (Primoratz, 1989: 71). But it is deficient in two respects, namely:

First, very often revenge is not retribution measured out and executed in an impartial way, solely according to the seriousness of the wrong suffered; for it is determined and executed by the injured side, which takes over the role of a judge in its own case. The person who had been injured often views the wrong done to him in a subjective way and under the influence of hurt feelings, so that this revenge only "confuses the right" - it is not strictly limited to the proper, just measure, but goes too far and requites the wrong suffered with a greater wrong;

Second, revenge is not institutionalized, it is executed out of subjective motives, feelings, and passions. Thus the person on whom it is taken, will not see it as a legitimate act of a higher authority. The person may come to see it as a wrong pure and simple, and to react to it by perpetrating still another wrong (Primoratz, 1989: 71). Thus punishment is retribution, freed from both limitations which plague revenge, it executes justice in the proper way and in the proper measure. Therefore, where the institution of punishment has been set up, revenge is no longer necessary or admissible.
4.1.1.2 Punishment Justified Objectively

Hegel in Primoratz (1989: 71-2), states that to show that punishment is justified, both when one takes an external, impartial standpoint and when one tries to see it from the point of view of the person punished. Thus his rationale of punishment can be divided into two main parts: the objective and the subjective justifications. However, when approaching the issue from the objective point of view, Hegel concentrates on the nature of offence and the law that has been broken. Therefore, criminal offence, that is, an offence which involves malicious will (mens rea) on the part of the lifer, is something negative and contradictory, it is a mere show, a nullity (Primoratz, 1989: 71-72). Therefore, a full-fledged retributive theory sees in the offence committed, not only the ground of the right to punish, but the source of the duty to punish as well.

4.1.1.3 Punishment Justified Subjectively

According to Primoratz (1989: 75), punishment is by definition an evil, something undesirable, a kind of coercion, deprivation. Punishment is justified subjectively as an expression of the general will. Laws embody the general will. This will is not external and alien to the individual, but his own true will, which expresses the higher and better part of his nature and enables him to participate in the world of morality and right and to attain "true" freedom (Primoratz, 1989: 75).
4.1.1.4 Lex Tationis

Lex tationis can be interpreted in two ways, namely:

- It can be taken literally, the demand for equality of punishment; and
- Offence to be taken literally, as the demand for equality of punishment and offences in respect of their specific features. Therefore, the lex tationis requires that punishment should affect the offender as much as his offence has affected the victim (Primoratz, 1989: 80-81; and Barlow, 1993: 433).

4.1.2 Reductivism

According to Cavadino and Dignan (1992: 33), reductivism is a forward-looking (or consequentialist) theory, it sees to justify punishment by its alleged future consequences. Therefore, if punishment is inflicted, it is claimed, the incidence of crime will be less than it would be if no penalty were imposed. Therefore, if punishment does indeed reduce the future incidence of crime, then the pain and unhappiness caused to the lifer may be outweighed by the avoidance of unpleasantness to other people in the future - thus making punishment morally right from a utilitarian point of view (Cavadino and Dignan, 1992: 33).

4.1.3 Deterrence

Punishment is justified by the value of its consequences, that is, the prevention of crime (Rabie, Strauss, and Maré, 1994: 25).

Summer), state that punishment deters crime and it rehabilitates the lifer. Essentially, deterrence is the simple idea that the incidence of crime is reduced because of people's fear or apprehension of punishment they may receive if they offend.

General deterrence is the prevention of crime by the example to others (Bartollas and Conrad, 1992: 115; Levine, et al. 1980: 354; and Reid, 1985: 77). Therefore, lifers are deterrent from crime only through the awareness that unlawful behaviour will result in a period of isolation from society (Bartollas and Conrad, 1992: 125).

The deterrence mechanism can be divided into two categories, individual deterrence and general deterrence (Cavadino and Dignan, 1992: 33).

4.1.3.1 Individual Deterrence

Individual prevention is aimed at lifers who have already been convicted of crimes (Rabie, Strauss, and Maré, 1994: 25). Individual deterrence refers to the effect of punishment in preventing a particular individual from committing additional crimes (Reid, 1994: 111; Finckenauer, 1982: 33; and Newman, 1978: 205).

According to Cavadino and Dignan (1992: 33; and Jenkins, 1984: 152), individual deterrence occurs when someone commits a crime, is punished for it, and finds the punishment so unpleasant or frightening that the offence
is never repeated for fear of more of the same or worse.

4.1.3.2 General Deterrence

According to Jenkins (1984: 152), general deterrence means an attempt to educate the whole of society that if they commit a certain act, they will receive the same punishment as the convicts they see or read about. Therefore, the general prevention is applicable to all the members of the community without exception (Von Hirsh and Ashworth, 1992: 62; and Killinger and Cromwell, 1978: 28).

General deterrence, strives to influence the future behaviour of people not yet arrested, who may tempted to turn to crime (Schmalleger, 1995: 369). By the same token, Murphy (1985: 5), contends that even when punishments are not actually inflicted on individuals, the possibility that they might be inflicted may be sufficient to generate enough fear in those individuals to cause them refrain from acting in ways they otherwise would have found desirable: a coercive curtailment of liberty.

Therefore, punishment may be viewed as a message from the state for the following reasons:

- First, punishment is a message which intends to say that crime does not pay;
- Secondly, it is a message which intends to say that one should avoid certain acts, because they are morally improper or incorrect (moral education);
Thirdly, it is a message which intends to say that one should get into the habit of avoiding certain acts (habit formation).

In addition, the Criminal Justice System, comprising the prosecuting authorities, the police, the courts and the sanctioning apparatus which includes the prison system, may be seen as a large machine having the purpose of communicating this message to people (Mathiesen, 1990: 58-59; and Duff and Garland, 1994: 11).

4.1.3.2.1 Special Deterrence

Special deterrence, sometimes called specific deterrence, reflects punishment that deters a lifer from engaging in additional criminal behaviour, because of the disagreeable experience of a past punishment (Adler, et. al., 1994: 348).

4.1.3.3 Rehabilitation

According to Callison (1983: 5), punishment has not been society's only response to the lifer. An alternative has been rehabilitation - the use of therapy, education, and training for managing lifers.

The hope is that rehabilitation will change their values and problem-solving abilities so that they will conform to the dictates of society (that is, act within the accepted behavioural framework). However, rehabilitation is based on the belief that offences are the result of emotional problems, social injury, or wrong learning. Therefore, to reform lifers, society must
assist them to overcome a lack of education or job skills, or ineffective methods of solving problems (Callison, 1983: 5; and Van Wyk, 1964: 36). Rehabilitation is endorsed by professional behaviourists - psychiatrists, psychologists, and social workers - who believe that people can change (Callison, 1983: 5). The treatment of the lifers will be discussed in chapter 6.

By the same token, Schmalleger (1995: 369), contends that rehabilitation seeks to bring about fundamental changes in lifers and their behaviour. Cavadino and Dignan (1992: 36), state that rehabilitation is the idea that punishment can reduce the incidence of crime by taking a form which will improve the individual offender's character or behaviour and make him or her less likely to re-offend in future.

Hence the way to control behaviour is to reward what is "good" and punishment what is "bad". This formula pervades programs of education, and social control of behaviour (Baird and Rosenbaum, 1988: 47; and Grupp, 1971: 59).

4.1.3.4 **Incapacitation**

Incapacitation means simply that the lifer is prevented from re-offending by the punishment imposed, either temporarily or permanently (Cavadino and Dignan, 1992: 37). Therefore, imprisonment ensures that the lifer is deprived of the opportunity to commit at least some kinds of offence for
the duration (Cavadino and Dignan, 1992: 37; and Kerper and Israel, 1979: 64).

By the same token, Reiman (1996: 166), contends that the Criminal Justice System protect the community members against the real dangers that threaten people and that it not be an accomplice to injustice in the larger society. The justification of a lifer is to protect society through incapacitation of the lifer (Callison, 1983: 4; and Gerber and McAnany, 1970: 129).

4.1.3.5 Reparation

Another reaction often considered by the court is based on the idea of reparation. Although it is a penalty often given as part of a sentence by a judge, reparation is not necessarily considered punishment by either the court or the public. It requires the lifer to make amends by paying compensation to the victim or to society for the harm, resulting from a criminal offence (Callison, 1983: 4-5). Therefore, the lifer may return to the rightful owner what has been taken away or provide the equivalent in money or service. In community-oriented reparation, the community substitutes for the victim and receives compensation in the form of a fine or service. Compensating for social harm is supposed to provide healing for the criminal as well as repay the victim or the community for criminal actions.
By the same token, Schmalleger (1995 : 372), states that the victims or their survivors are frequently traumatised by the victimization experience. Some are killed and others receive lasting physical injuries. For many the world is never the same. The victimized may live in constant fear, reduced in personal vigour, and unable to form trusting relationships.

Restoration is a sentencing goal which seeks to make the victim and the community "whole" again (Schmalleger, 1995: 371).

4.2 THE PURPOSES OF IMPRISONMENT

According to Saunders (1983: 430), the philosophies behind punishment and prisons have changed over time, and different societies have varying conceptions, not only of what is proper punishment, but also what is an adequate prison. To understand the relationship between prisons and punishment, one will first examine "how" conceptions of punishment were developed.

It is evident from the simple considerations already set out, that the purpose of punishment is not that of tormenting or afflicting any sentient creature, nor of undoing a crime already committed (Bellamy, 1995: 31). Therefore, the purpose of punishment is nothing other than to prevent the lifer from doing fresh harm to his fellows and to deter others from doing likewise (Bellamy, 1995: 31). However, the most important thing to acknowledge is that, despite some tentative official rhetoric to the
Men and women are sent there, partly to protect society by removing them from its midst, but mainly so that they can be made to suffer the pains of imprisonment for as long as the courts have decreed at the time of their sentences (*Priestly, et al. 1984: 3; and Masters, 1994: 4*).

### 4.2.1 THE SIGNIFICANCE OF PURPOSES

It is important to know what the purposes of imprisonment are and in what relationship they stand to each other and to the more general rights and duties of the prison authorities and the lifers. The importance of specifying the purpose of imprisonment has been emphasized clearly in the pronouncements of the South African courts, which have interpreted various provisions governing conditions of detention in terms of what they saw as the primary purpose of the particular form of detention (*Van Zyl Smit, 1992: 101*). Therefore, an interpretation based on purpose, has been adopted explicitly in respect of unconvicted prisoners awaiting trial, persons held for interrogation, whether in a prison or not, and convicted prisoners serving a sentence of imprisonment. Unfortunately, the South African prison legislation does not deal directly with the purpose of imprisonment. However, in the course of specifying the functions of the Department of Correctional Services, the Correctional Services Act, Act 8 of 1959, does refer to the key functions which relate directly to the purposes of imprisonment (*Van Zyl Smit, 1992: 101*). Section 2(2)(a) and
(b) are therefore of equal importance in specifying the purposes of imprisonment. The key sub-sections of section 2(2) provide:

The functions of the Department of Correctional Services shall be, inter alia:

- to ensure that every lifer lawfully detained in any prison be kept therein in safe custody until lawfully discharged or removed therefrom;
- as far as practicable, to apply such treatment to convicted prisoners as may lead to their reformation and rehabilitation and to train them in habits of industry and labour (Van Zyl Smit, 1992: 101-102).

4.2.2 PUNISHMENT - THE ABSENT PURPOSE OF IMPRISONMENT

A noteworthy feature of the purposes of imprisonment as they emerge from the functions of the Department of Correctional Services is that they do not include the punishment of any category of prisoner. In the case of prisoners awaiting trial, as well as of prisoners in preventive detention who are deemed to have the same status, the absence of the purpose to punish is uncontroversial (Van Zyl Smit, 1992: 102).

The history of the evolution of South African prison legislation demonstrates clearly that the South African legislature intended to abolish any power which might have existed to make prison regimes punitive beyond the loss of liberty which follows necessarily from incarceration (Van Zyl Smit, 1992: 103). Therefore, people are sent to prison as punishment not for punishment (Van Zyl Smit, 1992: 104). The safe
custody of lifers will be discussed in-depth in chapter 5.

4.2.3 THE CUSTODIAL FUNCTION

Section 2(2)(a) (Act 8 of 1959) specifies as the first function of the Department of Correctional Services, safe custody of all prisoners no matter why their detention was ordered. It is therefore an essential part of the basis for the statutory power granted by the Correctional Services Act (Act 8 of 1959) to the Department of Correctional Services (Van Zyl Smith, 1992: 105). The power to keep persons in custody against their will, allows major inroads to be made into the freedom of the individual.

Accordingly, the power is strictly limited to lawful incarceration, and the Correctional Services Act lays down detailed procedures for the admission of lifers and for their release at the proper time. As far as the internal prison regime is concerned, much of the daily routine is premised on the assumption that it is necessary for safe custody and security (Van Zyl Smit, 1992: 105).

In particular, the far-reaching provisions for the maintenance of discipline are justified by considerations of security. It has been suggested that even the granting and withholding of privileges may be determined in part by security considerations (Van Zyl Smit, 1992: 105). The safe custody of lifers as well as their discipline will be discussed in chapter 5. The rights, and privileges of the lifers will be discussed hereunder.
4.3 THE PRIVILEGE PROGRAMME

Taking into consideration the unique circumstances of each prison and, in addition, security measures, all categories of lifers must be incorporated into the approved privilege programme (Coetzee, Krüger, and Loubser, 1995: 108).

From the point of view of the Department of Correctional Services a key element in the treatment of sentenced prisoners is the "privilege programme" which describes many aspects of how these lifers are to be treated. In this programme a primary distinction is drawn between individual and group "privileges". For purposes of the former, individual prisoners are allocated to privilege groups A, B, C and D and then granted the package of "privileges" which are specified for each group. However, "group privileges" do not refer to groups A to D, but instead to communal activities in which all lifers in a particular prison, or a certain group of them, may be allowed to take part (Van Zyl Smit, 1992: 192 - 193).

Privileges include the use of the telephone, access to writing materials, postage of free letters (Clifford, 1982: 15). By the same token, Neser (1989: 209), contends that the privileges embrace aspects such as visits, correspondence, music, television and video, training in the art of writing poetry and keeping pets.

In South Africa, the Department of Correctional Services itself publishes
information about both individual and group "privileges". Not only do the Departmental orders contain detailed descriptions of the various "privileges", but important information on those "privileges" applicable to such groups and therefore forming part of the "privilege programme" is also reproduced in tabular form (Van Zyl Smit, 1992: 193). "Privileges" are granted to lifers in accordance with the degree of their conforming behaviour. In the same manner, these "privileges" may be taken away (Duffee, 1980: 90). By the same token, Huber (1978: 236), mentions that if a lifer is guilty of punishable negligence of his duties, certain privileges may be temporarily withdrawn, for example withdrawal of his rights to reading-matter and restrictions on his contact with persons outside prison.

The crucial feature of the privilege is that it can be withdrawn without necessarily giving rise to legal action (Backett, McNeill, and Yellowlees, 1988: 104 - 5).

4.3.1 THE "PRIVILEGE PROGRAMME" AND THE LEGITIMATE EXPECTATIONS OF PRISONERS

However, the question remains whether the "privilege programme" as a whole does not create legitimate expectations of 'boons or benefits' for lifers. There can be no doubt that the programme of individual privileges does so. Lifers know into which group they are classified and they expect to be able to exercise specified privileges to which individuals in that group are entitled (Van Zyl Smit, 1992: 200). In terms of the power given
by section 22(2)(a) the Commissioner of the Department of Correctional Services may grant a package of privileges to a particular group. In practice new packages of this kind are granted relatively infrequently and the Department orders, the contents of which are conveyed to the lifers, provide a relatively stable basis for lifers' expectations. The power given by section 22(2)(b) also allows the Commissioner of the Department of Correctional Services to amend the package of privileges by removing a particular privilege from it or modifying the extent of the privilege. This is done simply by amending the Departmental Orders concerned (Van Zyl Smit, 1992: 200).

4.3.2 LIFERS' RIGHTS AND EXPECTATIONS

The lifers' rights are amenities to which they are legally entitled. They are essential for the maintenance of a minimum level of existence. Essential needs are, for example, the right to protection of life, food, clothing, accommodation, medical services, and legal representation. These rights are protected by law and can be enforced in the courts (Neser, 1993: 303). However, it is clear that the Department of Correctional Services always performs its functions in the context of the rights of lifers. This context is provided by the constitutional relationship between the state and its citizens, with the prison authorities representing the former and the lifers the latter (Van Zyl Smit, 1992: 141). Therefore, it remains a reality that a primary duty which the Department of Correctional Services has towards lifers, is the fulfilment of their basic physical needs. In the
spheres of accommodation, food, clothing and medical aid, the examples of basic rights or necessaries listed by Wessels A C J in *Goldberg versus Minister of Prisons*, the status of the special positive rights which all lifers have *vis-a-vis* the authorities are uncontroversial. The function of the legislative provisions is therefore merely regulatory. Nevertheless, the details of these regulatory provisions are of considerable practical significance. They should concretize what is regarded by the legislature and the prison authorities as "basic to the maintenance of a reasonably civilized minimum standard of living" (*Van Zyl Smit, 1992: 143*). By the same token, *Pursley* (1944: 592 - 593), states that enough precedent exists to ensure that inmates are entitled to certain rights and considerations. Therefore, this has become a recognized and established part of correctional operations today. "Omdat enige mens, en daarom ook die gevangene, sekere basiese lewensbehoeftes besit wat 'n invloed op sy lewe en gedrag uitoefen, moet die gevangenisowerheid ook hierin voorsien. Dit bestaan in verband met sy liggaamlike of fisieke behoeftes, soos voedsel, kleding, huisvesting, persoonlike higiëne, ontspanning, liggaamlike oefening en gesondheid (*Erasmus, 1985: 213*)".

4.3.3 ACCOMMODATION/OVER-POPULATION

"Hoewel baie van die strafinrigtings gedurende die Uniale tydperk ou inrigtings was wat in baie opsigte nog primitief en verouderd in voorkoms en aangesig was, is daar egter van tyd tot tyd veranderinge aangebring by wyse van aanbouings en verbouings wat sover moontlik in die destydse
heersende behoefte voorsien het. Daar is ook nuwe en, vir daardie tyd, moderne gevangenisse aangebou ooreenkomstig die bounorme met behulp van die gevangenisbouspanne wat ook inderdaad hierdeur praktiese ervaring opgedoen het. Die strewe was om aan die vereistes van die Standaard Minimum Reëls van die Verenigde Volkere Organisasie te voldoen (Erasmus, 1985: 213).

Therefore, "die belangrikste huisvestigingsaspekte in gevangenisse het betrekking gehad op onder andere slaapruimtes (selle en sale). Vloerruimteverhoudings, kubieke luginhoud, ventilasie, gewone en kunstig, was, bad en sanitaire geriewe, beddegoed, gesondheidstoestande gegrond op klimaatstoestande. Hierdie aspekte was oor die algemeen onderworpe aan die algemene gesondheidsregulasies, en verordeninge van die gebiede waarin die inrigtings geleë was, en wat opgestel was ingevolge die bepalings van die Volkgesondheidswet (Erasmus, 1985: 214)."

However, the most frustrating of the problems of prison management is the rapid and substantial change in size of prisoner populations, which periodically is experienced nationwide. The causes of such population swings are confidently believed to be related to changes in the general economy, a resurgent public conservative philosophy, unemployment levels, general population growth, and especially changes in the national population of young adults, the major crime-prone age
4.3.4 FOOD

"Gevangenisregulasies maak daarvoor voorsiening dat voedsel van voldoende voedingswaarde, wat uit 'n redelijke verskeidenheid moet bestaan ooreenkomstig 'n goedgekeurde dieetskaal, gereeld aan gevangenes voorsien moes word. Dit moes goed voorberei, gaargemaak en opgedis word, en moes gereeld deur die geneeskundige beampte (in dierou en die voorbereide staat) geïnspekteer word. Die geneeskundige beampte moet aan die area bestuurder verslag doen oor sowel die kwaliteit as die kwantiteit daarvan, asook oor die kwantiteit en toestand van die water. Die dieetskale is deur dieetkundiges van die Departement van Gesondheid uitgewerk en die eetgewoontes, voedselbehoeftes en kossoorte van die verschillende bevolkingsgroepes in Suid-Afrika word hierby in gedagte gehou. Die voorbereiding van die voedsel is gedoen deur lede van die sogenaamde spysenieringsgroep. Hulle is hiervoor opgelei en lei ook weer gevangenes op as kokke en kombuishulp. Die kombuise en die werksaamhede wat daarin plaasvind is gereeld deur senior personeel geïnspekteer sodat higiëniese- en gesondheidsstandaarde en ander vereistes gehandhaaf kon word (Erasmus, 1985 : 215)". Therefore, "geen gevangene mag minder voedsel ontvang as wat in die dieetskaal voorgeskryf is nie - behalwe waar hy 'n dieetvonnis opgelê is, of indien die geneeskundige beampte 'n verminderde of gewysigde diët voorskrif (Erasmus, 1985 : 216)". The diet scales used
by the Department of Correctional Services have not been published. They are not contained in the Departmental Orders, but in an annexure to them. If a dispute about food were to arise they should, however, be made to interested parties, since to be fed is clearly a fundamental right of lifers, and Regulation 114 refers specifically to a "prescribed diet scale", thus incorporating it by reference into the Regulations (Van Zyl Smit, 1992: 148 - 149). Therefore, food should be wholesome, safe for human consumption, and nutritionally adequate (Dubler, 1986: 68).

4.3.5 CLOTHING

"Om bewakings-, veiligheids- en uitkenningsredes, en ook om eenvormige standaarde ten opsigte van netheid, sindelikheid en gesondheid te handhaaf, is aan gevangenes sogenaamde gevangenisklere uitgereik wat hulle verplig om te dra en netjies en skoon te hou (Erasmus, 1985: 216)". Therefore, "elke gevonniste gevangene moet by opneming van 'n volledige stel klere, soos deur die Kommissaris bepaal, voorsien word wat aan gesondheisvereistes voldoen en die nodige hitte verskaf, en slegs daardie klere word gedurende sy aanhouding gedra, tensy die Kommissaris anders bepaal (Erasmus, 1985: 217)". This statement is confirmed by Van Zyl Smit (1992: 150).

4.3.6 MEDICAL CARE

There is a positive duty on the prison authorities to ensure that adequate medical care is provided for all lifers and also for all infants admitted to
prison. Therefore, both the Department of Correctional Services and the individual medical doctor, have a duty to lifers in their charge (Van Zyl Smit, 1992: 150). Therefore, "elke siek gevangene so dikwels as wat nodig is deur die geneeskundige beampte besoek word en elke gevangene wat kla dat hy siek is, en elke gevangene op wie sy aandag spesiaal gevestig is, moet deur hom besoek word (Erasmus, 1985: 219)."

"Dit is die plig van die mediese beampte om die gevangene na sy opneming aan 'n deeglike mediese ondersoek te onderwerp en hy moet 'n volledige verslag oor hom doen. Die doel hiervan is om vas te stel of hy vir gevangenisarbeid geskik is. Verder, om vas te stel of hy nie aan 'n aansteeklike of ongeneeslike siekte ly nie, in welke geval hy dan afgesonder kan word of na inrigtings gestuur word wat spesiaal vir die doel opgerig is, of kan word (Erasmus, 1992: 219-220)."

However, the extent to which the Department of Correctional Services has taken upon itself the duty of providing medical care for all lifers, is underlined by the almost total exclusion of access to lifers of private medical practitioners of their own choice. There is an exception for most categories of unconvicted prisoners, but even these prisoners are granted access to private medical practitioners "at the discretion" of the Commissioner of the Department of Correctional Services. Therefore, the extent to which comprehensive medical care is provided, depends in part on the facilities available for its exercise and on the organisational mechanisms established by the person authorities for ensuring that
4.3.6.1 Medical care and prison administration

Prison inmates are entitled to the same standard of medical care and attention as they would receive outside the prison system (Prison Service Journal no. 77 winter 1990: 23). However, the prison medical service, which became the health care service in 1992, has always attracted criticism, often unfairly. The role of the senior officer has been to provide a medical service for lifers within the constraints of prison rules. The effects of custodial regimes in prisons, with their emphasis on discipline, control and security, are a constant source of friction and frustration for doctors and nurses working in prison (Prison Service Journal September 1994 no. 95: 22). By the same token, Prout and Ross (1988: 114), contend that the responsibility for the medical care within prison walls is nearly everywhere in the hands of the Department of Correctional Services. However, other interventions are matters of routine. The medical officer must examine lifers shortly after admission and shortly before transfer to another prison and before release from prison. The lifers who are undergoing medical treatment may not be transferred without the explicit approval of the medical officer. Therefore, the intervention of the medical officer can even delay the release of a sentenced prisoner beyond the date upon which the sentence would otherwise expire. This could come about if a medical officer certifies that a sentenced lifer who is due for release shortly, is suffering from a serious or infectious disease or a serious injury and that the release of such a lifer is likely to result in death or serious injury to the prisoner's own health, or
medical services actually reach those in need of them (Van Zyl Smit, 1992: 151). In addition, detailed provision is also made for the storage and control of medicines. Except for the most basic remedies, all medicine must be administered in accordance with the prescription of a medical officer (Van Zyl Smit, 1992: 151). In order to fulfil the medical care of the lifers, the Departmental Orders provide for the establishment of a procedure whereby lifers are given the opportunity to report sick. As a sick report is a form of complaint and lifers are entitled to complain daily to the Head of the Prison, a procedure which allows at least a daily opportunity to report sick is required. In addition, the Departmental Orders hold that every member of the Department of Correctional Services who works with lifers is "morally obliged" to ensure that a lifer who appears to be ill, is brought to the attention of the medical officer or the nursing personnel (Van Zyl Smit, 1992: 152). In addition, various other provisions instruct the medical officers on how they should perform their treatment function. Thus medical officers are given permission to consult other medical practitioners about the medical treatment of lifers when they deem it necessary. They have a duty to do so in all cases before a serious operation is performed on a lifer, unless they consider that an urgent operation is essential in the interests of the lifer's health or life. Medical officers may also refer lifers to public hospitals for treatment, and to outside medical practitioners, para-medical practitioners, and specialists who are registered with the South African Medical and Dental Council (Van Zyl Smit, 1992: 152).
that it would constitute a series of infections or danger to the health of others (Van Zyl Smit, 1992: 155). In addition, a doctor examines lifers before release and record individual deaths (Sim, 1990: 75). Equally important, is the fact that the physician is on call at all times to help with questions regarding appropriate response to medical complaints (Dubler, 1986: 9).

4.3.6.2 Medical care and labour

The medical officer also influences the use of prison labour, for Regulation 105(2) lays down that a lifer shall not work unless the medical officer has certified the prisoner's fitness for work. Conversely, on the recommendation of the medical officer a lifer may be exempted from work, wholly or in part. These rules apply equally to persons detained in a hospital prison for psychopaths (Van Zyl Smit, 1992: 155).

4.3.6.3 Hunger strikes

Hunger strikes by lifers also raise difficult ethical questions for medical officers. The compulsion inherent in the prison regime and the positive duty to provide medical aid which is placed on the Department of Correctional Services may bring pressure on medical officers to take a more interventionist approach than would a private practitioner toward a patient who had chosen to behave in a self-destructive fashion. In addition, members of the prison personnel other than medical officers, also have specific instructions on how to deal with hunger strikers (Van Zyl
In addition, each day the nursing personnel must weigh lifers who are on hunger strikes and also test their urine. The results must be entered on their personal files. The Head of the Prison has both a mediatory and reporting function. The Head of Prison should attempt to attend to the complaints and grievances which form the basis of the hunger strike and resolve these where possible. Detailed reports about each hunger striker and the steps taken to end the strike, must be submitted by the Head of the Prison to his Area Manager, and where the strike continues for longer than five days, to the Commissioner of Correctional Services (Van Zyl Smit, 1992: 159). Although lifers may not be forced to take food or liquid, lifers on hunger strike are to be provided with the prescribed rations at the appointed time. These rations should only be removed when the next meal is provided. Accurate observations must be made about whether any food was taken and, if so, what quantity was consumed. These observations must be recorded (Van Zyl Smit, 1992: 159).

4.3.6.4 Medical care and psychological health

The same tension between the fundamental duty of the Department of Correctional Services to provide for the basic needs of lifers and its further, more limited duty to offer rehabilitative treatment to lifers "as far as practicable", is present in the area of psychological services. There is widespread acceptance of the proposition that it is a fundamental duty of the Department of Correctional Services to provide for the "mental and
4.3.6.6 Medical record keeping

An important facet of proper medical care is the keeping of medical records. It is therefore, not surprising that the Departmental Orders contain detailed provisions on how this aspect of the duty to provide medical services for lifers is met. As far as the actual recording system is concerned, an elaborate recording system (the G.335 medical file) is used for all "board cases" (all prisoners serving sentences of two years or longer), prisoners detained or sentenced in terms of security legislation or infants. However, if, at admission, they have complaints, or if they subsequently report sick, this information is recorded on a medical history card (Van Zyl Smit, 1992: 162 - 163).

4.4 TRAINING

The duty of the Department of Correctional Services to involve itself in the training of lifers is derived directly from its statutory functions, "as far as practicable ..... to train (prisoners) in habits of industry and labour". This duty follows closely which stipulates that: "vocational training in useful trades shall be provided for prisoners able to profit thereby .....". Therefore, the purpose of training is articulated clearly in the Departmental Orders: "the purpose of training is to develop the market related labour potential of all prisoners, in order to equip them to lead an honourable, self-supporting and decent life after release" (Van Zyl Smit, 1992: 221).
The prison labour will be discussed under point 4.4.3 of this chapter.

However, the criteria for deciding to what training a lifer should be exposed, are laid down by regulation. Therefore, Regulation 117(4)(a) provides:

- Training shall be determined by an assessment of the personal factors and history of the prisoner concerned, and special attention shall be given to:
  - qualifications and previous experience
  - aptitude and ability
  - duration of sentence (Van Zyl Smit, 1992: 221 - 222).

Therefore, in practice a minimum sentence of two years is normally required before a lifer is considered for admission to a training programme (Van Zyl Smit, 1992: 222).

4.4.1 **EDUCATION**

The lifers benefit from study in prison. In addition, the right to study was also been recognised as a general right of all citizens which imprisonment does not take away (Van Zyl Smit, 1992: 210). Therefore, the aim of providing education is to give all sentenced prisoners who are illiterate and or wish to further their education, the opportunity to increase their level of education (Coetzee, Krüger, and Loubser, 1995: 129). "Daar bestaan telkens ruimte vir verbetering op hierdie gebied. Die groot uitsondering blyk egter Suid-Afrika te wees waar ongeletterdheid nog op
groot skaal voorkom. Ondervinding het ook geleer dat hierdie ongeletterdheid ook hoë vlakke onder die gevangenisbevolking in Suid-Afrika handhaaf. Daar word egter ook in ander lande voorsiening gemaak vir die aanbied van geletterdheidsprogramme vir gevangenes, wat beklemttoon dat daar ook in hierdie lande probleme met ongeletterdheid van gevangenes ondervind word (Luyt, 1996: 194-5).

Correctional education can create a literate prison population and can legitimately strive to return lifers to the streets with at least the minimal skills necessary for participation in a technological society. The resources are available to conquer illiteracy in prison. Basic literacy must be the first and foremost goal (Werner, 1990: 165). Equally important, is the fact that the academic programme may provide the lifer with the literacy skills and educational background necessary to compete for many kinds of jobs (Mannie and Hirschel, 1988: 394). Study time is one aspect of a prisoner’s many activities. Lifers who are classified as adults, are expected to study after working hours. However, they may receive guidance and teaching from educational staff during the day. In addition, examinations are written within the prison and all external examinations are compiled and marked by the educational institutions concerned. Therefore, if a lifer is to be placed/release shortly before the examination must be written, the examining body is requested to transfer the examination to another centre (Coetzee, Krüger, and Loubser, 1995: 129).
4.4.2 RELIGION

The vision of the Department of Correctional Services regarding religious care is to encourage the practice of religion, provided that lifers have the right to practice the religion of their choice. Therefore, the aim is to encourage and allow lifers to satisfy their religious needs and tendencies without interfering in church and belief principles or acts and with due respect for the religious convictions and practices of other lifers and personnel (Coetzee, Krüger, and Loubser, 1992: 143). Therefore, all religions contain standards for conduct in everyday life, and generally these standards agree with what the law makes legal or illegal (Rogers, 1987: 190).

4.4.3 LABOUR

One of the most positive sides to the conditions of incarceration are various programmes intended to occupy the lifers' time constructively with vocational training that may be useful upon release (Robin, 1987: 368). Therefore, most states rely on industrial or agricultural work to keep their inmate population occupied (Morton, 1976: 13). However, closely related to the employment element, vocational training is, in some cases, an entry to a job providing skill development (Carter, Glaser, and Wilkins, 1984: 309). Therefore, the basic purpose of vocational training is to prepare lifers for jobs in the community. Most lifers are educable and trainable, but lack any regular experience of work or any demonstrable skill at a trade (Bartollas, 1985: 143). However, closely related to the
work-ethic philosophy, is the idea of vocational rehabilitation since employment is a sound necessity and since idleness was believed to breed crime. Therefore, vocational training and experience became an early ideal in the Correctional System (Jarvis, 1978: 169). For a practical matter, labourers are to work as some form of discipline labour, usually in either a free-world factory or in a penitentiary, in the latter case, sometimes in a factory like building and almost always at factory labour (Johnson, 1996: 43). The safe custody of the lifers will be discussed in chapter 5.

4.5 SUMMARY

Some people learn through own experience while others learn through warnings or through the examples provided by others. Equally important, is the fact that when a lifer is incarcerated, such a lifer should receive the basic and secondary needs in prison.
CHAPTER 5

THE SAFE-CUSTODY OF LONG-TERMERS IN PRISON

5

INTRODUCTION

Probably one of the most important instruments of safe custody is the design and architecture of the prison. This also resulted in the prison becoming a symbol of control and isolation.

Although there is a move away from the old type of architecture, safe custody is not forfeited, as now technology is more sophisticated. The South African Department of Correctional Services places a high premium on the expectations set by the community concerning their protection.

Although the old archaic architecture no longer features, it does not mean that safe custody will no longer be a priority. In this regard Snarr and Wolford (1983: 236), is very clear “... the correctional officer is the person who makes the custody work and, in the opinion of many is the most important worker in any correctional institution.” This statement is confirmed by Stone (1977: 33).

In this chapter the custody of the life prisoner is the point of departure. The emphases will be made on the inmate environment, the classification and safe custody of the lifer.
The next sub-section deals with the problems of long-term imprisonment.

5.1.1 SOCIAL ISOLATION
According to Neser (1993: 190), imprisonment involves much more than merely a period of isolation from the community during which one is deprived of freedom.

5.1.2 DEPRIVATION OF FREEDOM
The loss of freedom is the greatest single deprivation experienced by the lifer in prison. In the first place, the lifer must live within a restricted area and within this area his movements are further limited by various control and security measures.

The lifer is therefore actually subjected to a double loss of freedom. The lifer is restricted to a specific area and within this there are further restrictions on his freedom of movement (Neser, 1993: 190).

Therefore, the mere fact that his movements are restricted is not as serious to the lifer as the knowledge that the lifer is cut off from his family and friends.

In addition, this isolation is not the voluntary action of a recluse, but isolation against his will among a community of criminals. This isolation is painful and frustrating in the light of loss of emotional relationships,
loneliness and boredom.

To further aggravate the situation, imprisonment represents a significant moral condemnation that forms a large part of the psychic suffering connected with punishment (Neser, 1993: 190).

To be trusted by a fellow human being is a fundamental need of each person and imprisonment brings the community’s scepticism home to the lifer very directly.

Although loss of status, civil rights and privileges can affect the individual strongly, the most important loss is that of the trust of those around him and this can heavily damage the lifer’s ego (Neser, 1993: 190).

5.1.3 TOTAL DEPENDENCE

Berkley et al (1986: 389), and Sykes (1971: 69), allege that many lifers are better off in prison than in a strongly competitive society.

However, the lifer himself will never admit to this fact. The crux of the matter is that the lifer finds himself in an environment that only satisfies basic physical and psychological needs. However, from the lifer’s point of view it is a standard of living that is totally insufficient as it does not succeed in providing that little extra that suits his personality or satisfies his personal taste (Neser, 1993: 190 - 191) in modern western culture,
material possessions are an important part of the intrinsic values of the individual. Deprivation of these possessions can be experienced as an attack against the innermost being of the person (Neser, 1993: 191).

5.1.4 SEXUAL ABSTINENCE

Where the lifer is rejected by the community is in a figurative sense, emasculated through forced separation from the opposite sex. However, the lifer's access to mass communication and pornography (contraband) that circulate amongst them, as well as other similar stimuli, constantly activate his sexual impulses. The lack of heterosexual intercourse is a frustrating experience that is definitely accepted with difficulty during the period of imprisonment.

However, homosexual lifers are usually willing victims of, or serve as a release for, dominating lifers who temporarily turn to this kind of practice to alleviate personal frustrations and to express sexual needs (Neser, 1993: 191).

The implementation of conjugal visits was seen as a possible solution to this problem, but it did not prove to be ideal. Although it runs counter to public opinion, it is alleged that this practice could increase the stress caused by sexual frustration. It is also argued that conjugal visits are only applicable to married lifers.
It would be unethical for single persons to express pent-up sexual urges in this way. As important as sexual frustration is in a psychological sense, the problems resulting from a lack of heterosexual relationships may be much worse (Neser, 1993: 192).

5.1.5 **SUSPENSION TIME**

Here reference is made to an anomaly (irregularity) which is unique to punishment, namely that the community limits the criminality of the lifer by placing him with other criminals for longer or shorter periods. Not every lifer lives in fear that will be assaulted at any moment, but the constant presence of professional burglars, rapists, murderers, aggressive homosexuals and other lifers is nerve-racking (Neser, 1993: 192).

5.1.6 **LOSS OF RESPONSIBILITY**

The comprehensive control by prison officials provides an external super-ego that serves to relieve many of the feelings of anxiety resulting from the awareness of their own compulsive impulses. However, institutionalisation deprives a man of his responsibility, initiative, drive and discipline in life. The lifer is a passenger, a man floating along passively (Neser, 1993: 193).

5.2 **PROBLEMS OF LONG-TERM IMPRISONMENT**

Life imprisonment and long-term incarceration produce comparable problems that can be identified and for those serving such sentences,
social isolation, total dependence, suspension time, prolonged sexual abstinence, loneliness, loss of responsibility combine with a regimentation and routinization of life (Eleventh International Congress on Criminology, 1993: 5).

According to Mitchell (1990: 169), there is gradual increasing body of evidence about the impact of long sentences on prisoners, some of which appears to be slightly conflicting.

However, the effects long-term detention include such as an increase in introversion, a tendency to talk about the past rather than the future, a decrease in "future time perspective" an increased tendency to be perceived by staff as "institutionalised", and a very marked decline in family relation-ships (Mitchell, 1990: 169). The next subsection examines the fear of sexual assault by prison inmates.

5.3 FEAR OF SEXUAL ASSAULT BY PRISON INMATES

Lifers have the right to be kept in a safe environment, a right that is jeopardized by overcrowding, abusive custodial treatments and assaults by other lifers (Robin and Anson, 1990: 481). The treatment of the lifers will be discussed in-depth in chapter 6. However, male and female lifers are kept separate and apart at all times (Raffer, 1990: 85).

Hence, it is necessary to understand the dynamics of perceived fear of
sexual assaults, as well as actual sexual assault rates to understand lifers' experiences while incarcerated. Regardless of the specific characteristics and problems of an institution, a primary concern for prisons remains the safe confinement of lifers. Sexual assaults in correctional institutions are of concern to victims, individual institutions, correctional systems, and the lifer community as a whole (The Prison Journal, Vol. LXVIX, number 1, 1989: 62).

Therefore, prison rape is an acting out of power roles within an all-male, authoritarian environment in which the younger, weaker inmate, usually a first offender, is forced to play the role that in the outside world is assigned to women (The Prison Journal, Vol. LXX, number 1, Spring-Summer, 1990: 53).

In addition, sexual assaults in correctional institutions are of concern to victims, individual institutions, correctional systems, and the inmate community as a whole. Individuals who are sexually assaulted, suffer from both physical and psychological trauma, seriously impeding efforts towards rehabilitation and eventual community reintegration (The Prison Journal, Vol. LXVIX, number 1, 1989: 62).

In a community consisting only of men, feelings of anxiety regarding their masculinity could have a tendency to take root, even if they are not forced, bribed or misled into homosexual relationships.
Latent homosexual tendencies may be activated in the individual without finding open expression and this may cause feelings of guilt.

Feelings of guilt stemming from a homosexual act committed by a lifer under pressure of sexual stress, can have a strong psychological influence on his self-esteem (Neser, 1993: 192).

According to Braswell, Montgomery and Lombard (1994: 97), the prison managers should carry out measures to reduce sexual violence in prison. For example, in prison there should be norms dictating that one must help others who are in need of help (Johnson, 1996: 106).

Though it is common to find victimized lifers not reporting their victimization. Witnesses do not volunteer to give information to the correctional staff for fear of endangering their lives (The Prison Journal, 1989: 77, Vol. LXVIX, number 1, Spring-Summer).

5.3.1 PRISON ORIENTATIONS: IMAGES AND PROBLEMS

The lifers progress, from a view of the prison world that is dominated by the themes of violence and uncertainty, to a view of the prison is dominated by the themes of violence and uncertainty to a view that is dominated by the themes of boredom and predictability.

The specific meanings that prison has to the lifer, depend upon the lifer's
changing orientations to the prison environment.

Some lifers may possibly welcome the strict control (change orientation) as a means with which their own deviant behaviour, which they themselves cannot control, can be kept in check.

However, the vast majority of lifers reveal a hostile or negative attitude towards this overwhelming dependence on the decisions of supervisors.

The limited ability to make an individual choice or decision must, along with the restrictions on physical freedom, disposal of goals and services and heterosexual relationships, be regarded as part of the pain of imprisonment (Neser, 1993: 193).

Thus, a lifer begins his prison sentence, the lifer is concerned with avoiding, or protecting himself from injury, or rape. As the lifer progresses through his prison sentence, survival becomes a matter of enduring the unchanging, regimented routine of the prison (The Prison Journal, Vol. LXVIX, number 1, 1989: 54). In addition to the orientation of the lifers, there should be prison programs for the lifers in prison.

5.3.2 PRISON PROGRAMMES

In the Department of Correctional Services, the programmes are divided into two categories, namely, detention programmes and development
programmes. Detention programmes are directed at an orderly prison community. Development programmes are aimed at providing an opportunity to all categories of prisoners to improve their quality of life (Neser, 1993: 322).

Most of the lifers are fairly young, and one might expect that the emphasis of the prison regime might be on helping them to improve themselves so that they are better equipped to function in a productive and law-abiding manner on their return to society. Many treatment programmes do in fact operate within the prison walls. Treatment has a broad definition in the context of correctional institutions, referring to all those programmes that "bring socializing influence to bear on the inmate population". Such programmes include vocational and educational programmes, psychological and psychiatric programmes, specialized alcohol and drug treatment programmes, and prison work (Mannie, 1988: 393).

For the convicted offender sentenced to spend a major portion, if not the entire remainder, of his or her adult life in a prison, the mechanisms of "doing time" become part of a permanent lifestyle.

The essence of this position is that long-term inmates are not tourists in prison, that is, they are not just passing through. This notion required an examination of the suitability of traditional correctional management strategies and programs for this long-term inmate population (The Prison
5.3.2.1 Prison Conditions

There are, indeed, many factors that impede the development of first-rate treatment programmes of any nature in correctional institutions. Three factors of ever-present concern deserve special mention, security, overcrowding, and lack of staff and other resources.

The Department of Correctional Services gives priority to the protection of society. The ways in which this objective can be achieved are, inter alia:

- Dynamic security with constant interaction between prisoners and staff. The aim is also to create a non-repressive climate. Lifers must accept responsibility and accountability for their behaviour.

It is imperative that lifers and personnel treat each other with respect to ensure the success of the correctional system.

- Force must only be used to the degree necessary to protect lives, prevent injuries and to restore order.

- Risk factors will never be completely eliminated in the prison set-up.

Continuous research is necessary to enable comprehensive informed risk assessment.

An increase in unrest, escapes and arson in the early 1990's, led to
strict custody. A decision was made to use unit management as a strategy to achieve this aim. Due to the close contact between lifers and staff, the custody and rehabilitation function can be improved. A problem, however, is the shortage of prison accommodation as well as staff. Consideration for the improvement of safe custody must be directed at:

- Provision of adequate prison accommodation.
- Improvement in prison structures.
- Use of security equipment.
- Upgrading training and staff development.
- Greater emphasis on safety and security in general.
- A more favourable member/lifer relationship.

The total of the sentenced and unsentenced inmates is 144,476, while the total of personnel is 31,819, which is including the total number of the community corrections personnel.

Although the emphasis varies from institution to institution, a major concern that faces all correctional institution is the security (Mannie, 1988: 396; Toch, 1992: 51). The security entails two aspects: the maintenance of internal order within the institutions, and the protection of outside society from the lifers.

Therefore, the institutional staff must ensure that conditions in the institution offer a reasonable level of control over potentially dangerous

The security classification of the institution and the nature of its lifers will help determine exactly how much emphasis is placed on security. With regard to protecting society, the focus is on maintaining custody of lifers and on preventing their escape.

The lifers may be securely housed within the institution. Their movements within the institution may be tightly controlled. Therefore, their daily activities may be closely monitored. They are frequently counted so that it will be immediately noticed if anyone is missing or out of place on security (Mannle, 1988: 396). The security classification will be discussed in paragraph 5.4.1.

With regard to protecting society, the focus is on maintaining custody of lifers and on preventing their escape. Therefore, both architectural and internal security measures may be employed to achieve this objective. However, the lifers may be securely housed within the institution. These measures may also serve the function of helping to maintain internal order. In addition, lifers may be segregated and their persons and cells searched for any signs of weapons, contraband, or escape tools (Mannle, 1988: 396). However, any institution that highlights the need for security may tend to foster distrust rather than trust.
Overcrowding and lack of staff and other resources are further factors that may contribute to the correctional institution's inability to bring about rehabilitation of its lifer.

Overcrowding can pose a serious problem. It may do more than impede rehabilitative programmes in the institution. In addition, it may also foster conditions of unrest and may be a major factor in the occurrence of prison disturbances (Mannie, 1988: 396 - 397; Muraskin and Roberts, 1996: 201). In addition, overcrowding unleashes a myriad of problems in any institution. It heavily taxes physical resources, causing serious deterioration of facilities. It also greatly multiplies the risk of infectious diseases, especially contagious ones. The spectre of a deadly epidermis, always looms, especially as overcrowding affects sanitary facilities more than any others (Kenya Human Rights Commission Prisons Project, 1996: 27).

In addition, the problem of an overpopulated institution impinges on everything else, namely:

- there is a higher level of control needed with double, rather than single, celling
- there is a more idleness among lifers, because of insufficient jobs and programmes
- institutions deteriorate more quickly when they are overcrowded
- more dietary and medical problems exist in overcrowded facilities.
However, efforts to produce a permanent solution to the overcrowding problem are ineffective. Although prediction changes in the populations size and composition in response is limited to make tactical plans to deal with overcrowding - building new prisons, reopening old ones, moving into redundant military camps, storing prisoners expensively in police cells, and toying with the idea of prison ships (Prison Service Journal, July 1996: 15, No. 106). Therefore, if prison systems are to function without overcrowding, it needs one of three mechanisms to enable it to do so, namely:

- A considerable surplus of accommodation that can be brought into use when numbers rise
- Some machinery whereby selected prisoners can be released by administrative action to balance the inflow of prisoners from the court
- A limit on the places provided within the prison system by which the courts have to abide (Prison Service Journal, July 1996: 19, Industrial prisons ... the history of the future?).

In addition, a system of executive release could be made to work by increasing the rate of remission beyond the normal level in response to each increment in the size of the population in custody.

The new arrangements could work on the basis that those inmates due for discharge, say, next week could be discharged instead of this week, if the
population rose beyond capacity.

The number of days and weeks converted from time "inside" to remission could be manipulated in order to maintain the population size at or below the capacity of the system (Prison Service Journal, July 1996: 19).

5.4 THE SAFE CUSTODY OF LIFERS

The first function of the Department of Correctional Services, as state in the Correctional Services Act (Act 8 of 1959), is to ensure that all lawfully detained lifers be kept in safe custody, it is not surprising that prison administrators have specified custodian measures in considerable detail.

The power to do so is granted by regulation to the Commissioner of Correctional Services who is charged with determining "specially and generally ... all the measures to be taken for custody and guarding of all categories of lifers, whether at work or rest (Van Zyl Smit, 1992: 167 and Bartollas, Miller and Wice, 1983: 229).

This custodial function is performed by members of the Department of Correctional Services who may be assisted by temporary officials. Lifers may, however, not be used in any disciplinary capacity, including that of ensuring safe custody. The safe custody function, important as it is, does not always and in all circumstances override other considerations on how lifers should be treated and trained (Van Zyl Smit, 1992: 167).
However, the term "safe custody" is itself ambiguous. On the one hand, if the custody element is emphasized it means that lifers should be prevented from escaping. On the other hand, the element of safety means that, at the very least, prisoners should be able to serve their term of imprisonment without physical injury or other damage to their physical or mental health. Safe custody describes the "first and most important duty of every member" both preventing the escape of lifers and ensuring that they are not injured and that their health is not damaged in any way (Van Zyl Smit, 1992: 167 - 168).

The head of the prison has a crucial function in ensuring that the security arrangements in a particular prison are adequate. To a large extent his or her statutory duty to supervise the prison and to pay daily visits to all sections of it, is part of this security function. The daily visits should also be supplemented by spot checks at irregular times. In addition to their specifically prescribed duties, heads of prisons must also issue further written directives, called institution orders. These instruct all members of the personnel at their particular prison as to what is expected of them in relation to the safe custody of lifers in general and, in particular, what they should do in cases of mutiny, revolt, hostage, fire, epidemic, or a bomb threat (Van Zyl Smit, 1992: 169).

By the same token, Bartollas, Miller and Wice (1983: 231), state that society is made up of many different publics that vary in their expectations
of the correctional official and the prison. Yet, there is consensus that the prison should prevent lifers from escaping.

There is also general agreement that the correctional officer should prevent lifer disturbances in which hostages may be taken or prison property destroyed. For the safe custody of the lifers in prison, the classification of the lifers is need which will be discussed hereunder.

5.4.1. CLASSIFICATION OF LIFERS

All lifers have the same status in prison, they are detained in prison because the court has sentenced them to stay there until the expiration of their terms. However, each lifer has his own causes and motivation which drove him to commit a crime. In this context, the task of classification is necessary to cope with lifers' individual needs and to make treatment programmes as effective as possible (Prison Service Journal, No. 65, New Series January 1987 : 7; and Kratcoski, 1994 : 93). In addition, classification has two meanings. It refers first to the systems by which entities are grouped, and second to the assignment of individual entities to the classes of a particular system (Blackburn, 1993 : 60).

It is therefore logical that if control is to be facilitated, a mechanism must be created to group people together who belong together. This mechanism can be found in a good classification system.
Categorisation or classification takes place according to the risk which lifers pose to fellow lifers, personnel and also the community.

According to the safe custody classification system they are placed into either maximum, medium or minimum custody categories. It is interesting that during 1995 the largest percentage (77%) of lifers in South African prisons were detained in medium custody. Contrary to this 19% were in maximum, and 4% in minimum custody. Lifers are placed in privilege groups for purposes of controlling their behaviour. This ranges from A to D, with A-group receiving the most privileges and D-group the least.

However, the correctional approach requires a system that can see the needs of each lifer. Based on these needs, lifers are assigned to programmes corresponding to existing resources. This process called classification, groups lifers according to certain similarities (for example: level of security risk, type of treatment), and can be accomplished in one of two ways. Some states, including South Africa, use a reception centre, an institution to which newly sentenced persons are sent for a diagnosis and classification (Abadinsky, 1987: 416, and Fox, 1985: 204). In addition, classification is a process determining the needs and requirements of lifers and thereby assigning them to programs according to their needs and existing resources (Ward and Schoen, 1981: 42).

By the same token, Andrews, Bonta and Hoge (1990: 19), state that the
principles of classification for rehabilitation describe how particular classes of lifers may be linked with particular classes of discretionary service so that effectiveness of service is enhanced. "Effectiveness" has to do with achieving reductions in recidivism, "classes of offenders" refers to preserving differentiations based on the person and circumstances of lifers, and "discretionary service" refers to direct correctional service, such as supervision, counselling, and treatment. The classification programme within the correctional system utilizes, as the essence of the diagnostic service, a multi-disciplinary approach to the study of criminal offenders (Webb, 1984: 27). Therefore, in a specialised team all members have equal status, but undertake different tasks (Parsloe, 1981: 34).

Therefore, the purposes of classification are accomplished by the following aspects, namely:

▶ by analysing the problems presented by the individual through social investigation, medical, psychiatric, psychological examinations, educational and vocational, religious and recreational studies

▶ by deciding in staff conference upon a programme of treatment and training based upon these analysis

▶ by assuming that the programme decided upon, is placed into operations; and

▶ by observing the progress of the lifer under this program and by changing it when indicated (Sullivan, 1990: 62, and Hatcher, 1978: 30).
Therefore, a program is an aggregation of actions directed toward accomplishing a single goal. The social program is how people are helped. Social programmes attempt to find workers satisfying and fulfilling work. Social programmes manifest society's desire to assist some of its members. An agency or organization can operate one or more programmes (Rapp and Poertner, 1992: 30).

The South African system of classification is based on the English system. Although decisions regarding classification are purely administrative, the Department of Correctional Services is still bound by administrative law.

The present safe custody classification system for lifers took effect in 1986. However, primary classification is done at the admission centre. This is the prison where lifers are taken to after leaving the court.

Subsequently they are taken to prisons which meet their specific classification requirements. This is also the institution where the lifer will be detained for the term of imprisonment.

On arrival the preliminary classification is re-evaluated by the Institutional Committee, which also has the authority to change it. It is then referred to the Head of the Prison for his decision. During the first three months the lifer is subjected to strict observation according to which his classification, as well as his working category, must be finalized.
The Institutional Committee must continuously monitor his classification. Aspects to be considered are the following:

- Length of sentence
- Involvement in gang activities
- The lifer's adjustment to prison conditions.

Classification must also be adjusted when additional sentences are imposed (for example where a suspended sentence comes into effect), where sentences are amended after appeal and when lifers are conditionally released or re-admitted to prison.

The classification system have the following functions; namely:

- The degree to which the treatment function is emphasises depending on the objectives and philosophy of the prison system. Although prison systems differ, the majority make provision for treatment.

Decisions centre around specific treatment needs, for which category lifer, the specific treatment program and also whether or not the lifer will benefit from the selected program.

- The classification as management function is mainly concerned with the orderly and cost-effective control of the prison. Dangerous lifers are detained in maximum security institutions. Lifers who are not falling into this category are detained under the most cost-effective circumstances.
The requirements for a good classification system are, inter-alia:

- It should be comprehensive. Most lifers can therefore be classified.
- Classification categories should be clearly defined. This will entail that each lifer be allocated to a category.
- The system should be reliable. If a lifer is assessed by different people, they should all come to the same conclusion.
- The system should be valid. It should be clear that the person has the characteristics associated with a particular category.
- The system should be dynamic. It should make provision for any change which may occur.
- Classifications should be followed by an appropriate treatment program.
- A classification system should be economical, so that a great number of lifers can be handled with the minimum cost and personnel.
- The system should be clear and understandable.
- Prisoners should perceive the system as reasonable, impartial and fair.

The classification committee is a key element in the assessment process of the lifers (Bartollas and Miller, 1978: 192). Therefore, an important element in any classification system is the personality and behaviour pattern of the individual lifer (Mergagee and Bohn, 1979: 22). Once the classification is accomplished, the lifer is transferred to an appropriate correctional institution (Abadinsky, 1987: 416). The types of the correctional institutions will be discussed hereunder.
5.4.1.1 **Maximum Security**

The more hardened and dangerous lifers are found in maximum security prisons. A typical maximum security prison is usually enclosed by massive concrete or stone walls from eighteen to twenty-five feet high or by a series of double, or triple-perimeter fences, topped with razor wire and spaced fifteen to twenty feet apart (*Pursley, 1994: 491, and Fox and Stinchcomb, 1994: 235 - 6)*.

By the same token, *Luyt (1996: 157)*, "meld in sy bespeking rakende Suid-Afrikaanse gevangenisse dat maksimumgevangenisse in hierdie land normaalweg deur hoë mure omring is. Op hierdie mure of op ander geskikte plekke word daar voorsiening gemaak vir wagtorings. Weens die swaar steun op mensekrag as bewakingsmiddel word hierdie wagtorings deur gewapende personeel beman.

Selkonstruksie, waarvan hoë mure en klein vensters deel uitmaak, asook die uitleg van selle in terme van stortgeriewe, toilette en wasbakke plaas verdere klern op die feit dat die geboue vir aanhouding van maksimumgevangenes bedoel is.

Suid-Afrikaanse gevangenisse vorm in die ware sin van die woord deel van Afrika en die res van die derde wêreld wanneer daar na bewakingshulpmiddels soos geslote-baan televisie, elektroniese hekke en ander vorme van moderne benaderings soos steriele areas gelet word."
Swaar klem val op fisiese bewaking, bemensing van hekke en die gebruik van sleutels. Gevangenes word deur personeel van een seksie na 'n ander begelei en alle aktiwiteite waarin gevangenes betrokke is, word regstreeks deur die beskikbaarheid van personeel geraak. Veilige aanhouding word by uitstek in Suid-Afrika as die primêre verantwoordelikheid beskou en geen ander aktiwiteite kan in die afwesigheid daarvan bedryf word nie."

However, today, many high-security institutions also use electronic, sensing devices to monitor the person's perimeters. The internal security considerations are just as formidable. The lifers are housed in interior cell blocks, each of which has its own self-contained security enclosure (Pursley, 1994: 496).

According to Bartollas and Conrad (1992: 332), the assumption underlying maximum security design is that the physical characteristics of the prison will be such that complete control of any and all lifers can be realised at any time. According to Pursley (1994: 496), the idea behind the construction is to create a series of miniature prisons within a prison so that, in the event of riots or escapes, each section can be sealed off from the others. Thus, lifers seeking to break out, would first have to penetrate the internal security system before they could challenge the external wall and perimeter security devices.
5.4.1.2 Medium Security

In the case of a medium security prison in South-Africa, use is still made of watchtowers and armed personnel especially outside the prison. However, the wall around the prison is often replaced by a wire fence which is not as restrictive to the lifers' view. Inside the prison there are fewer restrictions on the movements of lifers (Neser, 1993: 252).

Medium-security institutions house lifers who, although not dangerous to society and their fellow lifers as those confined in maximum security prisons, do pose a threat to escape and often have served prior sentences.

Normally, medium-security prisons are not fortress like structures, although, in most instances, a series of fences or enclosures surround the perimeter (Pursley, 1987: 483).

According to Bartollas and Conrad (1992: 332), in medium security prisons, the emphasis is, or should be, on controlled access to programmes. Lifers assigned to medium custody are under a lot of control and can be locked down in emergencies, but it is expected that they will be in industrial or educational activities. By the same token, Pursley (1994: 497), states that medium security prisons are supposed to house less dangerous lifers, though they sometimes have problems with individuals in their inmate population.
To handle such lifers, medium security prisons often contain a separate maximum security unit. This special facility is often called an isolation, or segregation unit. It is used to house lifers who become assaultive, violate prison policies, get caught dealing in drugs, are involved in an actual or planned escape attempt, prove to be difficult to manage, or create trouble within the institution. In recent years, the policy of the correctional officials is to use these units only as temporary holding facilities for such lifers until they can be transferred to a maximum security institution (*Pursley, 1994: 497*).

5.4.1.3 Minimum Security

By the same token, *Neser (1993: 252)*, contends that in South Africa a minimum security prison is characterised by the absence of watchtowers and sometimes even has wire fences.

Minimum security prisons have far more relaxed security, sometimes without fences or any means of external security (*Bartollas and Conrad, 1992: 332*). In addition, minimum security prisons do not use fixed observation posts for armed guards on the perimeter. In fact, depending on where they are situated and the type of lifers they contain, there may be no perimeter fence. The minimum security institution, houses less dangerous lifers. In many instances, offenders with relatively short sentences and without extensive criminal records are housed in these facilities (*Pursley, 1994: 497-498*).
Minimum security prisons offer greater freedom to the lifer, many correctional departments transfer lifers to them from medium security institutions when the inmates have demonstrated by their conduct, that they have earned this privilege. For example: lifers of more closely guarded institutions who have a year or less left to serve, may be transferred to one of these facilities to help them adjust to less controlled discipline so that they will be better prepared for their ultimate release (Pursley, 1994: 498). The preparation of the lifers for release will be discussed in chapter 8.

In prison, it is necessary that the lifers should be controlled for security purposes. The control of the lifers will be discussed in the next subsection.

5.4.2 TECHNIQUES OF CONTROL

The correctional officials play a crucial role in the internal control of the lifers. They have the most extensive contact and perhaps the greatest impact on lifers. Therefore, the correctional officials have to attempt to maintain control within prisons by manipulating the lifer social control system (Reid, 1991: 604, and Reid, 1994: 629). According to Van Zyl Smit (1992: 176), a key aspect of the security arrangements is the question of what may be done by the authorities to ensure the safe custody of lifers.
The task of safe custody rests heavily on the physical custody measures in a prison. However, these measures cannot be absolute as this would impose serious limitations on the daily prison administration. They would also affect a large variety of secondary functions, such as the application of safe custody and development programmes. Consequently, the minimum physical custody measures required should be applied. A variety of secondary measures can contribute to preventing escapes and generally attempting to direct the lifer’s behaviour and adjustment in the prison (Neser, 1993: 262).

5.4.2.1 Searches

According to Reid (1987: 466 - 467), in the prison setting, the need for security has highest priority, that need will enable prison officials to conduct searches and seizures that would not be permissible in other settings. Searches of cell blocks or dormitories, generally referred to as "shakedowns", are regular and outlines in security-minded institutions. A maximum custody might have a shakedown once or twice a month and more frequently on an irregular basis, depending on the need. Shakedowns generally occur during the day when the lifers are at work or in school.

Contraband, or articles that are not permitted in the prison, vary widely, depending upon the type of security and the practices in the institution (Fox, 1985: 186).
It is also important to select lifers who work in teams outside the walls of a prison with care. However, in the South African prison environment a high premium is placed on discouragement measures embodied in the Correctional Services Act and Regulations.

In terms of the Correction Services Act (Act 8 of 1959) a lifer is guilty of a crime and is punishable on conviction with a maximum of five years imprisonment, when the lifer:

- escapes
- attempts to escape
- contributes or assists another lifer to escape; or
- is in possession of an instrument or object with the purpose of accomplishing his own escape or that of another lifer (Neser, 1993: 262-263).

5.4.2.2 Tool, key and weapon control

The physical freedom of the lifers has been taken away from them, therefore searching is essential since lifers will attempt to bring unlawful articles in prison to facilitate possible escapes.

However, in South African prisons it is also essential to eliminate unlawful articles which can facilitate escapes or injuries to other lifers (Neser, 1993: 71).
According to Bartollas and Conrad (1992: 379), cell searches are vitally important to prevent the use of weapons. However, cell searches are not as easy as they used to be, because inmates now are permitted to have many more personal possessions. Correctional officers do not have time to search all the cells in the cell-house and, therefore, tend to rely on tips from lifers. By the same token Bartollas and Conrad (1992: 397), state that the tool control is a major importance, because stolen tools can be used for making weapons and for assistance in escape. In addition, it is the duty of each member of the Department of Correctional Services to remove any articles found with which a lifer can use to escape or injure someone else (Neser, 1993: 71). Therefore, tool control requires an effective check system in the shop and a pilfer-proof system of storage. Welding torches, which can cut steel, must be stored overnight in the arsenal. Therefore, machine shop tools can be stored in the shop. Tools, such as screwdrivers and pliers, can also be kept in the shop tools. Tools are often stored on shadow boards on which their outlines have been painted. The work supervisor can then tell immediately at the end of the day which tools are missing. If a tool is missing, the work supervisor calls for help, and lifers are not permitted to leave the shop until the missing tool is located (Bartollas and Conrad, 1992: 397).

5.4.2.3 Restraints

Mechanical restraints on lifers are a particularly severe form of intervention to control lifers. For this reason, the Standard Minimum Rules
for the Treatment of Prisoners lay down, not only a general requirement that they "must not be applied for any longer time than strictly necessary", but also contain more specific limitations on the form they may take and the occasions on which they may be used. The Standard Minimum Rules for the Treatment of Prisoners provide specifically that chains and irons shall not be used as restraints.

In contrast, the South African Correctional Services Act refers to lifers being "placed in irons or subjected to some other approved means of mechanical restraint" (Van Zyl Smit, 1992: 178). In South Africa chains are also approved, for the Prison Regulations provide that "chains exceeding five kilogram in mass shall not be used".

However, the Standard Minimum Rules for the Treatment of Prisoners provide, as in South Africa, for prisoners to be subjected to restraint at the direction of the medical officer (Van Zyl Smit, 1992: 178).

5.4.2.4 Escapes

The Standard Minimum Rules provide for the use of restraints as a precaution against escape during a transfer, but with the provision that they shall be removed when a prisoner appears before judicial or administrative authority. The South African Orders relating to the transfer of lifers, contain a very wide provision to the effect that lifers on transfer must be handcuffed and have leg-irons attached, except in those cases
where the Head of the Prison orders otherwise in writing (Van Zyl Smit, 1992: 178 - 179).

In addition there is also a general order that, when sentenced lifers with a maximum security classification, are to appear in court, they must be placed in handcuffs and leg-irons before leaving the prison and that, as a rule, these restraints should not be removed until they are back in prison. The same order provides that "if there are objections against the use of restraints", they should be removed for the duration of the court proceeding (Van Zyl Smit, 1992: 179). In order to have effective control of the lifers, there should be rules and regulations to guide the lifers.

5.5 RULES AND REGULATIONS

According to Pollock (1994: 6), regulations typically come from a governmental authority and often specify sanctions for non-compliance.

The Prison Rules provide the framework of control and security in prison. They are essentially what makes a prison a prison, and makes each prison part of a system which is both homogenous and highly centralised (Dobash, Dobash, and Gutteridge, 1986: 146).

According to Bartollas and Conrad (1992: 395), everyone is subject to rules and regulations, whether as a citizen or as a lifer. The rules of prison are more restrictive, partly because they are seldom carefully
thought out and partly because they are restraining individuals who do not wish to be there. The basic objective of rules and regulations is to provide formal guidelines for custodial officers in the institution. Therefore, every cell is supposed to have a copy of extract of the rules (Scraton, Sim and Skidmore, 1991: 79).

According to Fox (1985: 189), rules and regulations of the institution are generally worked out as a result of experience as to where the problem areas are in the adjustment of lifers to institutional routine. They provide the guidelines for the correctional officer to maintain order within the prison. Most prisons print booklets, containing these rules and regulations that are presented to the lifers as they arrive in the reception process. In addition, Fox (1985: 189 - 190), states that rule books from various major institutions, reveal the following rules, which are generally present in all institutions, namely:

- address employees respect fully
- no insolence
- no fighting, suffering, or violence (suffering refers to masochistic behaviour)
- no attacking of employees
- no forcing way through gate
- remove cap when entering chapel, administration building, and other specified places
- no gambling
smoking only in designated places; no profane use of language; no contraband; no trafficking, bartering, or trading

all confiscated articles will be considered contraband not returnable

when wearing coat, at least two buttons shall be buttoned

no staring, gesticulating, or speaking to outside visitors

no catcalls, whistling, hissing, or derisive shouting

no sexual perversion

work on your own case only, making no legal writs for anybody else

prisoners are subject to search at any time.

By the same token, Scraton, Sim, and Skidmore (1991: 80 - 81), state that a lifer shall be guilty if:

- disobedys any lawful order, or refused or neglects to conform to those rules
- treats with disrespect any officer or any person visiting the prison
- uses any abusive, insolent, threatening or other improper language
- is indecent in language, act, or gesture
- commits any assault
- communicates with another lifer without authority
- leaves without permission any place in which the said lifer is required to be
- loses, by neglect, prison property
- wilfully disfigures or damages any part of the prison or any property which is not his own
- take in property, or is in unauthorised possession of any article
- gives to or receives from any person, or has in his cell or possession of any prohibited article
- escapes from prison or from legal custody
- in any way offends against good order and discipline.

5.5.1 DISCIPLINE

Discipline implies orderliness, as opposed to confusion. It also implies punishment. Discipline means that lifers are trained to act in accordance with rules and that if they do not perform in that way, punishment is inflicted by way of correction (Gillespie, 1989: 393).

5.5.1.1 Discipline and the Violator

The correctional officer should recognize that there are certain standard approaches that should be used in dealing with a lifer who has violated the rules and regulations of the institution.

The effective correctional official will recognize that, in the cases of violations, it is essential to take action as close to the time of occurrence of the violations as possible. The idea is that when violations have occurred, the lifer involved, should be given immediate feedback from the correctional official about the behaviour (Lundgren, Engel and Cecil, 1978: 134).
5.5.1.2 Progressive disciplinary procedures

The correctional officer should recognize that the objective of any action that may be taken with respect to a rule violation or other undesirable behaviour is corrective action (Lundgren, Engel and Cecil, 1978: 136). According to Bartollas and Conrad (1992: 399-400), if a disciplinary committee finds a lifer guilty, several types of disciplinary action can be taken, namely:

- a lifer can be reprimanded and warned not to commit the infraction again
- a lifer can lose movie, phone or commissary privileges for a certain period of time
- the committee can recommend that some of the lifer's good time be withheld or revoked
- finally, the committee can recommend to the Parole Board that a lifer's parole date be set back.

Therefore, a discipline policy is aimed at the development of self-discipline and self-control (Van der Westhuizen, 1982: 184). By the same token, Forsyth (1983: 49), states that discipline is considered as a continuing state of good order and behaviour. The ultimate goals of institutional discipline are to develop self-reliance, self-control, self-respect and self-discipline, not only the ability to conform to institutional regulations, but also the ability and the desire to conform to accepted standards for individual and community life in free society (American Correctional Association Publications Board, 1983: 56).
5.6 SUMMARY

All the sentenced prisoners, after they have been admitted in prison, they are classified for security and treatment purposes. When classifying a lifer, the length of the sentence, present crime, age and previous convictions are considered. In addition, the lifer in prison is orientated so as to adjust well and to re-socialize himself.
CHAPTER 6

THE TREATMENT OF OFFENDERS SERVING A LIFE SENTENCE

6 INTRODUCTION

This chapter is concerning the treatment of offenders serving a life sentence in prison. Treatment is based on technique of re-educating, conditioning, counselling, and reinforcing aimed at changing the lifer into a conforming member of society (Smith and Berlin, 1988: 57).

By the same token., Abadinsky (1987: 417), states that treatment in correctional institutions consists of remedial education, high school equivalency classes, vocational training, individual-, group counselling and psychological treatment. Counseling will be discussed hereunder.

In this chapter, only two fields of treatment methods will be discussed, inter alia, social work and psychological treatment.

6.1 THE GOALS OF OFFENDER COUNSELLING

What seems to be a more appropriate focus is to view correctional counsellors as helping professionals who attempt to apply their skills and expertise in correctional and related aspects.

The primary goal of these counsellors appears to be one of intervening
therapeutically with various clients, the majority of whom happen to be lifers. These interventions include prison adjustment, pre-release and post-release vocational and marital/family readjustment problems (Lester, Braswell and Van Voorhuis, 1992: 25). In addition, the staff are trained to recognize and understand the degree to which the success of the post-release period depends upon to adjust to new social and cultural conditions, which will be encountered upon final release. The treatment programme therefore, is oriented towards providing these strengths and insights which will facilitate the adjustment (Killinger and Cromwell, 1978: 69). Therefore, the lifers should be offered treatment programmes which will facilitate their re-adjustment to the community on release.

6.1.1 THE COUNSELING PROCESS

The correctional counseling and psychotherapy consist of a process that include three essential abilities, namely:

- a sense of timing
- effective risking
- a sense of professional humility.

In order for one to develop a sense of timing, the counsellor needs to carefully pay attention to whatever the lifer is communicating. Therefore, communication is the life blood of relationship. It is the way lifers get to know each other. Communication includes what lifers say, the way lifers look, dress, and feel. Communication covers the whole range of ways
lifers pass information back and forth, it includes the information which the lifers give and receive, and the ways that information is needed (Lester, Braswell and Van Voorhuis, 1992: 25 - 26). Therefore, in talking with others, lifers need to try to listen to what others are really saying - trying to say-freeing ourselves as much as possible from preconceptions about what the individuals will probably say or how valuable it will be (Coleman, 1969 : 433).

The effective risking is a skill, or an ability, that counsellor attempts to impart to his client. Therefore, the offence which brings the lifer to the counsellor could be viewed as a primary "symptom" of other deeper learning and attitudinal conflicts. An important goal of the counselling relationship is to help the lifer develop more acceptable ways of relating to his environment. Risking in a general sense is not new to many lifers. Every time lifers have tried to commit crimes, they have risked arrest and possible imprisonment. Risking in a therapeutic sense - in a serious effort to substantially change one's attitude and behaviour - is a commitment, neither a lifer nor a non-offender would take lightly (Lester, Braswell, and Van Voorhuis, 1992 : 27).

Professional humility is the result of one's attitude and, perhaps, life itself. Experience teaches lifers that life is not always fair and lifers cannot always win. What the counsellor and lifers can both do, is to attempt to make a right or correct choice. The therapeutic context in which such
choices can be made is the relationship between the counsellor and lifer which both share (Lester, Braswell, and Van Voorhuis, 1992: 28 - 29). Therefore, counseling is a relationship between the counsellor and the lifer's problems and help him solve them by mutual consent, rather than by giving advice or admonition (Fox, 1985: 220).

6.1.1.1 Types of Correctional Counselling

Regarding counsellors who work with lifers in correctional settings, there are two general categories, namely:

- community-based; and
- institutional.

Community-based counsellors include parole service professionals. Other, very important, is the employment agencies, volunteers, and private helping centres (alcohol and drug counseling), and other church-related resources (Lester, Braswell, and Van Voorhuis, 1992: 29 - 30). The institutional counselling base counsellors services in male and female adult prisons (Lester, Braswell, and Van Voorhuis, 1992: 30). The next sub-section will deal with social work methods.

6.2 SOCIAL WORK METHODS

Social work have three methods of counseling, namely: case work, group-work, and community services. In this chapter only two methods will be discussed, inter alia, case work and group work.
Social work provides a model which concentrates more on feelings and attitudes than on information. In its pure form it is an adaptation of psychotherapy, using one-to-one counseling and group work to promote insight and self-awareness and to help lifers make decisions and cope with difficulties by talking through them (Priestley, et. al. 1984 : 15).

The elements of social work practice are nevertheless essential for helping lifers cope better with their problems, namely: one-to-one counseling and group discussion (Priestley, et. al. 1984 : 15).

6.2.1 SOCIAL CASE WORK

According to Abadinsky (1991 : 255), social case work is one of the three basic specialities of work, the others being group work and community organisation. This has been pointed out in paragraph 6.2. In case work, the therapist needs to collect information about where the lifer lives, works and participates in leisure activities.

Establishing a picture of the network of friends and support workers, is helpful for future sessions. Once the lifer has had the opportunity to apprise the therapist of the current living situation, current difficulties should be discussed (Griffiths, Quinsey, and Hingsburger, 1989 : 35). Therefore, identification of lifer needs is based on all gathered data, plus the lifer’s own perception of the programming needs. During initial assessment interviews and testing, staff should elicit from lifers their ideas
of what they need in order to become productive citizens (Walsh, 1992: 162).

6.2.2 SOCIAL GROUP WORK

A social group work is collection of lifers who are interdependent with one another and who share conception of being a unit distinguishable from other collections of lifers (Douglas, 1976: 7). According to Abadinsky (1991: 263), the basic operating premise of social group work is that group of lifer with similar needs can be a source of mutual support, mutual aid and problem-solving.

In addition, in group treatment, there is one therapist with many lifers. The therapist is clearly defined and the role can be direct and clarify the therapeutic interactions among and between the various lifers (Krug and Cass, 1992: 197). Therefore, the goal of group counseling is to guide lifer towards change by exploring and assessing their values, attitudes, and behaviours. What follows are some specific strategies for getting the ball rolling (Walsh, 1992: 192). According to Shaw (1981: 99), a total continuous period of interaction in a group proceeds from initiation to completion of problem solving group decision.

Effective group problem-solving consists of a series of steps or stages, inter alia:

- recognising the problem
diagnosing the problem
decision-making, and
accepting and carrying out decisions (Shaw, 1981: 391).

Therefore, the more relevant the common purpose of the group to the reformation of lifers, the greater will be its influence on the lifer member's attitudes and values and the more cohesive is the group, the greater the members' readiness to influence others and the more relevant to the problem of conformity to group norms. In addition, all the members of the group must be able to achieve status within the group for activities that are conducive to reform. The more effective reformation groups will be those in which lifers join with non-criminals for the purpose of changing other lifers. When the entire group is the focus of change, the process of reformation can enhanced by convincing the group that change is needed (Reid, 1981: 262).

6.2.2.1 Individual Counseling versus Group Counseling

There are a number of theoretical and practical reasons "why" group counseling may be considered superior to individual counseling in an institutional setting. It will not be preferable for all lifers, for some clearly benefit more from private individual sessions.

One-to-one counseling is made available to all lifers. This counseling is specifically directed to assist the lifer in efforts to cope with the re-
adjustment problems attendant to release from incarceration back to the free community (Miller and Montilla, 1977: 220). Therefore, lifers can be, and have been, released to community programmes prior to their actual dates on the condition that they participate in certain prison programmes (Lauen, 1988: 74).

### 6.2.2.1.1 Advantages

The major advantages of group counseling in an institutionalised setting are the following:

- time constraints and personnel shortages make it an efficient method of counseling a number of lifers with similar problems at the same time
- groups with pro-social purposes offer lifers a constructive alternative to antisocial lifer cliques that form in response to the need of human beings for social interaction
- because of the shaping of problems with the group, lifers learn much about alternative coping strategies
- lifers can learn these alternative strategies, which can also be tried out in the abstract by involved discussions with those lifers who have experienced them
- well-led and democratically run groups tend to develop a feeling of togetherness and "we-ness"
- this sense of belonging can enable group pressure to change the attitudes of lifers in the direction of the group's purposes - to change antisocial attitudes into pro-social attitudes
unlike one-on-one counseling sessions with a representative of the "system", group counseling lessens the possibility that a lifer will be intimidated by a perceived authoritarian relationship (Walsh, 1988: 198).

By the same token, Brammer, Shostrom and Abrego (1989: 231), state that group counseling approaches offer various advantages over individual counseling. In group counseling, the presence of others provides a unique opportunity for practising new social interactional skills with fellow lifers in a protected setting. The group structure encourages lifers to offer other lifers feedback about behaviour and to offer advice about new behaviours. In addition, the group provides lifers with an opportunity to recognise and change many behaviours and attitudes as they respond to the constantly changing group demands. As a group progresses through its stages, lifers learn to deal with tasks related to inclusion, control, affection and leave-taking. Lifers in groups develop important leadership skills as they often play an important role in assisting others, establishing and monitoring group goals, and asking for the help and feedback they desire.

As lifers interact with each other, social norms are developed that enhance behaviour change. Therefore, lifers share a commitment to change, mutual support and accountability. Group approaches provide an opportunity for lifers to receive help from others who share a common problem or experience (Brammer, Shostrom, and Abrego, 1989: 231).
In addition, group methods are economical in that they allow one worker to handle more than one lifer at a time (Fox, 1985: 221).

6.2.2.1.2 Disadvantages of Institutional Group Counseling

Walsh (1988: 198 - 199), lists the following disadvantages of the institutional group counseling, namely:

- Some lifers may be reluctant to explore intimate feelings in the company of peers, although they may desperately want to. There are those who feel much more comfortable speaking in private with an authority figure.

- A lot of time can be wasted pursuing meaningless topics. The snag here is that a lifer can realise that they are meaningless, only after they have been fully expressed. Only experience will tell the therapist when to cut off such topics and redirect the session along more meaningful avenues. However, this lost time is more than compensated for by the time saved in counseling a number of individuals at one time.

- Closely allied to point two is the danger that the means become accepted as the goals. If the group counsellor succeeds in generating discussion without reference to where the discussion is leading, nothing much is accomplished. The discussion is the means, not the goal. Group counseling must always be geared to realistic goals.

- Some group lifers may take advantage of the numbers in the group to hide. Much of the group lifers are missing out on much of the educational experience by doing this. Likewise, the lifer who hides, misses out on much of what could be meaningful. By the use of the evaluation form, the
counsellor can determine if a given lifer is merely a hider or one who really wishes to address problems, but who is shy in groups.

According to Brown and Caddick (1993: 45), in a group work approach, more lifers can have access to the service than can be dealt with by an individual applications system. Furthermore, far more control over the content and evaluation of the service is possible when it is provided in a group work format.

6.3 PSYCHOLOGICAL INTERVENTIONS WITH LIFERS

It is generally taken for granted that crime is undesirable and that society must take active steps to control and prevent it. The roots of crime lie in social inequities and the disproportionate power of controlling groups to define crime. However, the interventions with individuals or families merely tinker with the problem, and blame the victim. In addition, there is no single cause of crime, and lifers are not homogeneous. Many exhibit personal problems or deficits which may amenable to psychological help, even though the distal causes of these often lie in adverse socio-economic conditions (Blackburn, 1993 : 336). Overcoming these problems may, therefore, be the best strategy for rehabilitating the lifer and preventing further offending.

Nevertheless, preventing recidivism among apprehended lifers will clearly not prevent the crimes of first offenders or those not apprehended, and
psychological concern with the individual offender can be criticised as parochial and as neglecting the wider issues of crime control. However, the crime prevention problem has parallels on the notions of primary, secondary, and tertiary prevention which have guided community mental health (Blackburn, 1993: 336). Primary prevention aims to prevent the outlet of disorder by promoting positive barriers to its development, while secondary prevention is intervention at an early stage, and aims to prevent a developing disorder from becoming severe or chronic.

While tertiary prevention is concerned with ameliorating, disability and preventing its recurrence, and represents the traditional focus on treatment and rehabilitation (Blackburn, 1993: 336). Rehabilitation in the penal system has been criticised for the past two decades on the grounds that "nothing works" in preventing offending.

6.3.1 REHABILITATION AND PSYCHOLOGICAL INTERVENTION

Psychological "treatment" is an ambiguous term, since psychological therapies aim to go beyond treatment in the medical sense by providing personal growth or coping skills, rather than simply eliminating symptoms.

Rehabilitation is an even more ambiguous concept, and debates about the utility of lifer rehabilitation are doubled by the lack of an agreed definition. In clinical contexts, rehabilitation means restoring, or compensating for, impaired functions to facilitate the social reintegration of a disabled
person. Most mental health professionals probably view lifer rehabilitation in similar terms, the only difference being that reintegration includes the avoidance of further crime (Blackburn, 1993: 337).

6.3.2 REHABILITATION AND PSYCHOLOGICAL INTERVENTION

Rehabilitation is the result of any planned intervention that reduces a lifer's further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors (Blackburn, 1993: 337-8).

Therefore, rehabilitation programming skills enable workers to develop and implement rehabilitation programmes that permit lifers to progress from their present level of functioning to their needed level of functioning. Therefore, by developing and implementing rehabilitation programmes, workers can ensure the lifers learn the skills necessary to advance from "where they are" to "where they need to be" (Anthony, Pierce, Cohen, and Cannon, 1980: 1).

Therefore, a great deal of emphasis is placed on the participant taking responsibility for the actions and for straightening out life. This is one of the points that the re-sentencing panel of judges emphasizes as it reviews each participant's progress at the end of the person's beginner, intermediate, advanced and senior stages in the programme (McCarthy, 1987: 87). In addition, treatment involves the prediction that lifers may
be changed to reduce the likelihood of repeated offending (Farrington and Tarling, 1985: 54).

6.3.3 PSYCHOLOGICAL SERVICES TO LIFERS

Psychologists provide a variety of services to the criminal justice system. Some of these involve advising the courts and law enforcement agencies, but a central function is to assist the penal system in its management of offender serving a life sentence. The traditional functions of psychologists in the penal system are assessment, treatment and rehabilitation (Blackburn, 1993: 339).

Therefore, treatment services are desirable to alleviate psychological distress in lifers, whether or not is causally related to their crimes, but services have most frequently been developed with rehabilitative goals. It is, therefore, important to distinguish clinical targets, which are incidental to offending, from factors which mediate criminal behaviour. The latter are emphasized here.

Interventions vary with the orientation of the psychologist, which may be behavioural, psychodynamic, or cognitive (Blackburn, 1993: 341; and Brammer, Shostrom and Abrego, 1989: 358-9). Cognitive-behavioural approaches will be examined later in this chapter.
6.3.3.1 \textbf{Psychological Therapies}

The individual depth psychotherapy, group psychotherapy and human potential therapies will be discussed hereunder.

6.3.3.1.1 \textbf{Individual Depth Psychotherapy}

The aim of psychotherapy is to bring about a process of growth in lifers so that they can manage their own affairs. When therapists work individually with lifers, they try to help the lifers understand the early life experiences that are thought to be important in causing personal problems. Through psychoanalytic technique of in-depth therapy, therapists bring out these experiences and assist the lifers in dealing with them \textit{(Reid, 1981 : 257)}.

By the same token, Coleman, Butcher and Carson \textit{(1980 : 634)} state that psychoanalytic therapy is an intensive, long-term procedure for uncovering repressed memories, thoughts, fears, and conflicts - presumably stemming from problems in early psychosexual development - and helping the individual come to terms with them in the light of adult reality. Therefore, gaining insight into such repressed material will free lifers from the need to keep squandering their energies on repression and other defence mechanisms.

Instead, they can bring personality resource to bear on consciously resolving the anxieties that prompted the repression in the first place.
6.3.3.1.2 **Group Psychotherapy and Human Potential Therapies**

The group psychotherapy, is aimed at an individual within a group setting, and group therapy is the therapy aimed at changing an entire group. The group therapy is valuable because the group members give support to one another, and that reduces their individual fears and defences (*Reid, 1981: 257-8*). Equally important, is the fact that group members build trust to each other, share thoughts and feelings about present and past experiences (*Liebmann, 1994: 23*).

Because the lifer population tends to suffer from more severe emotional problems, group psychotherapy deals with past difficulties that impede current functioning. Therapy groups generally try to assist lifers to re-experience painful situations and to express intensive core feelings, such as intense hatred. As these traumatic experiences are relieved in the group, lifers gain insight into how their own past history or unconscious dynamics interfere with current functioning. Additionally, the group provides a supportive environment for developing new patterns of behaviour (*Brammer, Shostrom, and Abrego, 1989: 232*).

6.3.3.1.3 **Reality Therapy**

Reality therapy aims to develop realistic and responsible ways of fulfilling one's needs under the guidance of a warm, directive therapist who encourages plans for behaviour change (*Blackburn, 1933: 344*). Reality therapy operates on the principle that the past is significant in an
individual's behaviour only to the extent that the lifer so permits. The focus is therefore on the present. The therapist begins with the assumption that the basic problem of lifers is corresponsability. Then the therapist tries to teach the lifers to become responsible for themselves, achieving their own needs without harming others.

Reality therapy is based on the assumption that all lifers have two basic psychological needs, namely:

- the need to give and receive love; and
- the need to feel they are important to others, as well as to themselves (Reid, 1981: 258).

Reality therapy mobilizes its effort toward helping lifers accept reality and aims to help them meet their needs within its confines. Therefore, in reality therapy, the lifers are encouraged to face the moral aspects of their behaviour. They must decide whether behaviour is right or wrong (Reid, 1981: 258).

In addition, reality therapy assumes that in early life the individual develops a basic sense of right and wrong that provides the basis for later value choices. Difficulties arise when the individual's actual behaviour is in conflict with this basic sense of right or wrong. Reality therapy focuses on helping lifers clarify their basic values and evaluate their current behaviour and future plans in relation to these values. One of the first
tasks of therapy is get the lifer to clarify his or her goals in life - both short-term goals and long-term directions. Once these are identified, the therapy examines ways in which the person is blocking his or her own progress toward these goals (Coleman, Butcher, and Carson, 1980: 661-662). In reality therapy, the therapist must motivate the lifer to face reality in life.

Motivation is described as the initiative or drive causing a person to direct behaviour towards satisfaction of some personal needs (Phillips and McConnell, 1996: 17). By the same token, Draft (1997: 526), states that motivation forces either within or external to a person that arouse enthusiasm and persistence to pursue a course of action. Therefore, motivational techniques can be effective in encouraging the lifer to contemplate change, to work at change, and to maintain change (McMurran and Hodge, 1994: 45).

The content theories of motivation focus on what arouses individuals' behaviour - that is what specific things motivate people. Various theorists have provided insight by discussing the needs, drives, and incentives that cause people to behave in a certain manner (Callahan, Fleenor, and Knudson, 1986: 81).

According to Bartollas and Conrad (1992: 338 - 339), the basic human needs are relatedness and respect, they are satisfied by actions that are
realistic, responsible, and right. Therefore, three steps are involved in reality therapy, namely:

- The lifer is expected to form an honest and real relationship with the therapist.
- The therapist must then demonstrate that the lifer is accepted, but irresponsible behaviour is not.
- The therapist teaches the lifer better ways to fulfill needs within the current situation.

Therefore, in reality therapy, the therapist becomes personally involved with the lifer in an effort to get a lifer a face life and accept responsibility (Wicks, 1974: 15).

The next subsection will examine the behaviour modification.

6.3.3.1.4 Behaviour Modification

Behaviour modification is based on learning theory and is concerned with observable behaviour. The significant aspect of this approach is the belief that deviant behaviours are learned in the same way that all other behaviour is learned. The undesirable behaviour can be eliminated, modified, or replaced by taking away the reward value. The behaviour can be replaced by rewarding a more appropriate one that is incompatible with deviant behaviour. In dealing directly with behaviours that are undesirable, behavioural therapy attempts to produce a change in the
lifer's long-established patterns of response to himself and to others (Reid, 1981: 263).

In addition, to understand behaviour modification, it is helpful first to clarify its relationship to a broader concept, behaviour influence. Behaviour influence occurs whenever one person exerts some degree of control over another. This occurs constantly in such diverse situations as formal school education, advertising, child rearing, political campaigning, and other normal interpersonal interactions (Kratcoski, 1994: 271).

Behaviour modification is a special form of behaviour influence that involves primarily the application of principles derived from research in experimental psychology to alleviate human suffering and enhance human functioning. Behaviour modification emphasizes systematic monitoring and evaluation of the effectiveness of these applications. The techniques of behaviour modification are generally intended to facilitate improved self-control by expanding lifers' skills, abilities and independence (Kratcoski, 1994: 271). Most behaviour modification procedures are based on the general principle that lifer are influenced by the consequences of their behaviour. The current environment is believed to be more relevant in affecting the lifer's behaviour than most early life experiences or than enduring intra psychic conflicts or personality structure (Kratcoski, 1994: 271). By the same token, Burger (1990: 360), states that the focus of behaviour modification is to change
the behaviour of the lifer, rather than to change the entire personality of the lifer. Therefore, it is important that the therapists should apply behaviour modification in order to change the behaviour of the lifer.

In addition, the behaviour therapists consider the goals of therapeutic intervention and the aims of learning principles to the same - that is, the alternation of behaviour. The behaviourist, feeling that anti-social behaviour is learned and that learning is the result of reinforced practice, believes relearning can replace undesirable behaviour patterns with acceptable ones (Wicks, 1974: 55-6).

People have always reinforced other people's behaviours (and their own) to get others (and themselves) to do things. Clearly, the concept of reinforcement was not invented by behaviour therapists. What behaviour therapists have done is to uncover the basic principles of reinforcement, which allow them to use reinforcement change behaviours effectively and reliably (Spiegler and Guevremont, 1993: 106).

6.3.3.1.4.1 Description of Reinforcement

To reinforce is to strengthen. The term reinforcement refers to strengthening a behaviour so that it will continue to be performed. Formally, reinforcement occurs whenever the consequences of a behaviour increase the likelihood that it will be repeated. This is an
empirical definition, because it is based on the observation that the behaviour occurs again. The reinforcing consequence is known as a reinforcer. The person receives the reinforcer only if the individual engages in the behaviour - in other words, the reinforcer is contingent on the behaviour being performed (Spiegler and Guevremont, 1993:106).

The use of reinforcement procedures is sometimes called contingency management. Reinforcers usually are pleasant or desirable. However, whether a consequence is a reinforcer depends on its effects on the behaviour and not on its subjective properties for the lifer. In other words, reinforcers are defined by their accelerating on the behaviour they follow. Reinforcers differ from rewards, which are given for accomplishing something, but do not necessarily make it more likely that the lifer will perform the behaviour again (Spiegler and Guevremont, 1993:106). For example, when a man wins a prize for the best pie at the country fair, the individual will not necessarily bake more often.

Behaviour therapists do no assume that a consequence will be a reinforcer. A potential reinforcer is identified and then made contingent on the lifer's engaging in the target behaviour. If the behaviour accelerates, then the therapist knows the consequence was a reinforcer (Spiegler and Guevremont, 1993:106).
Positive and Negative Reinforcement

Reinforcement always involves an increase in the frequency of a behaviour. This accelerating effect can come about in two ways. One way occurs when an event usually a pleasant one is presented as a consequence of a lifer's performing a behaviour. This is known as positive reinforcement, and the consequence is a positive reinforcer. For example, when a person hold the door for the person behind him, and the person says "thanks". If the person's thanking increases the chances of your holding the door for someone in the future, it is a positive reinforcer and positive reinforcement has occurred (Spiegler and Guevremont, 1993: 107).

Positive reinforcement is a technical term that is roughly synonymous with reward. A positive reinforcer is defined as any event following a given response that increases the chances of that response recurring. Typical positive reinforcers include tangible items, such as money or food; social events such as praise or attention, and activities such as the opportunity to engage in recreating or to watch television. However, what is reinforcing or motivating for some people - what they will work for - is not necessarily reinforcing for others. As a result, when using behaviour modification procedures with any lifer, the worker needs to determine what particular items and activities will reinforce that lifer's behaviour at that time (Kratcoski, 1994: 277).
Therefore, methods that use positive reinforcement form the major class of methods among behaviour modification techniques. In general, positive reinforcement is used to develop and maintain new behaviour, and the removal of positive reinforcement is used to decrease the frequency of undesirable behaviour. Positive reinforcement has been used in teaching social behaviour, in motivating better and faster learning of academic materials, in maintaining necessary weight loss, and in teaching new skills of all sorts (Kratcoski, 1994: 277 - 278).

Although some positive reinforcers are much more effective if a lifer has been deprived of them for a while, others continue to be reinforcing virtually regardless of how often an individual is exposed to them. Thus, by carefully selecting reinforcers, it should not be necessary to deprive a lifer beyond the natural deprivations that occur in daily life in order to be able to reinforce him positively. One increasingly common use of positive reinforcement is in the group management procedure, called a token economy. In a successful token economy programme, the participants receive tokens when they engage in appropriate behaviour, and at some later time, exchange the tokens for any of a variety of positively reinforcing items and activities, just as money used in society at large. Thus the token economy is basically a work-payment incentive system. As such, it can be used with institutionalized persons to strengthen behaviour that is compatible with that needed in the society at large, such as regular performance on a job, self-care, maintenance of one's living quarters, and exchange of currency for desired items.
One advantage of the token economy, given the limitation in professional manpower, is that non-professional personnel are typically the actual agents of therapeutic change. If therapeutic procedures are going to be extended to the many lifers who require help, professional personnel must make increased use of those who are in direct contact with the persons require service. Therefore, in the behaviour modification technique of shaping, a desired behaviour is broken down into successive steps that are taught one by one. Each of the steps is reinforced until it is mastered, and then the lifer is moved to the next one. In this way, the new behaviour is gradually learned as what the lifer does becomes a closer and closer approximation of the behavioural goal.

However, new behaviour can also be taught by means of modeling. In this method, a person who already knows how to engage in some desired behaviour demonstrates it for the lifer who is learning. For example, if a lifer were learning socially appropriate ways to greet members of the opposite sex, another person might demonstrate them for the lifer. The other way that a behaviour is accelerated occurs when an event - usually an unpleasant one - is removed or avoided as a consequence of a lifer's performing a behaviour. This is negative reinforcement, and the consequence is a
negative reinforcement. For example, taking aspirin is reinforced by relief from pain, napping is reinforced by decreasing fatigue, dieting is reinforced by avoiding gaining weight, and driving below the speed limit is reinforced by avoiding getting a ticket (Spiegler and Guevremont, 1993: 103).

6.3.3.1.4.3 Feedback

Feedback, or information about one's behaviour, can serve as a reinforcer. If lifers know that they are performing a target behaviour correctly, this knowledge by itself may be sufficient to increase and maintain the behaviour. In fact, all reinforcers provide a lifer with some feedback (Spiegler and Guevremont, 1993: 110).

6.3.3.1.4.4 Sources of Reinforcers

Reinforcers can be administered by the following:

- by other people
- by lifers themselves, and
- as a natural consequence of the behaviour occurring.

In behaviour therapy, other people most often dispense reinforcers for lifer. These people include therapists, parents, and volunteers (Spiegler and Guevremont, 1993: 199). The volunteers will be discussed in chapter 8.
6.3.3.1.4.4.1 Aversive Control

Some types of inappropriate behaviour, such as additions and certain sexual behaviours, appear to be maintained because their immediate consequences are naturally reinforcing for the individual. In such cases, aversive control techniques are sometimes used to combat long-term consequences that may be much more detrimental to the individual than the aversive methods themselves. Aversive methods are used for behaviours that are life-threatening, such as severe self-mutilation.

In general, an aversive stimulus, that is, something that is unpleasant to the lifer, is used to help the lifer reduce the desire to carry out the inappropriate behaviour (Kratcoski, 1994: 280). After aversive therapy, for example, a lifer who formerly became excited sexually only when thinking of women's shoes, might report lost of interest in the shoes. Therefore, when aversive therapy is appropriately conduct, it is accompanied by positive reinforcement of normal behaviour (Kratcoski, 1994: 280). A different type of aversive control method is the removal of positive reinforcement, such as a loss of privileges following a given behaviour. One example of a technique involving the removal of positive reinforcement is the time-out-procedure, in which an inappropriate behaviour is followed by a period on brief social isolation.
Fines are another example of aversive control; fines require the individual to give up some positive reinforcement following an instance of inappropriate behaviour (Kratcoski, 1994: 281).

6.3.3.1.4.4.2 Overcorrection

Overcorrection is a behaviour modification method combining positive reinforcement and aversive control that is used to discourage or disruptive behaviour. In this procedure, the lifer who has engaged in the inappropriate behaviour not only remedies the situation that has caused, but also "overcorrects" it.

That is, the lifer is required to restore the disruptive situation to a better state than existed before the disruption. For example, a violent patient in a mental institution who overturns a bed in a dormitory might be required, not only to right that bed and make it up again, but also to straighten the bedclothes on all the other beds in that dormitory. Making up the bed that was overturned corrects the situation that the violent behaviour disrupted, making up all the other beds is, then, an "overcorrection". Often an inappropriate or disruptive behaviour has been receiving some sort of reinforcement (Kratcoski, 1994: 283). For example, stealing results in the thief acquiring goods that the person desires, turning over a bed might get a patient attention and concern from an otherwise busy ward staff. Thus, one function of the overcorrection procedure is to terminate any such reinforcement
associated with the inappropriate behaviour, the thief must return the stolen goods, for example. Moreover, overcorrection is an aversive stimulus, because it requires effort to complete the overcorrection, and because the lifer cannot be engaging in other behaviour while is completing the overcorrection task. In addition, the overcorrection procedure itself may often be educative, in that the process of restoring the original situation generally requires the lifer to engage in appropriate behaviour (Kratoski, 1994 : 283 - 284).

6.3.3.1.4.4.3 Assertive Training

When a lifer fails to stand up for his rights in an appropriately firm manner, such a lifer may not have acquired appropriate assertive behaviour, or may not be engaging in behaviour that actually knows how to do similarly, lifers who do not express positive feelings in appropriate situations also may lack appropriate assertive skills or an appreciation of the situations in which those skills should normally be used. Assertive training is taught by a combination of methods, including modeling of appropriate behaviour by the therapist or some other person, and reinforced practice by the lifer. The overall goal of this type of behaviour therapy is the alteration of the lifer's interpersonal interactions (Kratoski, 1994 : 285, and Coleman, Butcher, and Carson, 1980 : 646). The constitutional rights were discussed in chapter 3.
6.3.3.2 **Cognitive Behaviour Modification**

Cognitive behaviour modification includes diverse approaches which share a common view that cognitions affect behaviour, and which employ both behavioural and linguistic procedures to alter cognitive processes (*Blackburn, 1993: 354*). According to *McMurran and Hodge (1994: 15)*, cognitive behaviour modification is used to help modify dysfunctional thoughts or beliefs.

### 6.4 SUMMARY

In treating the lifers, it is necessary that the social work and psychological treatments should be used. The lifers should be helped to see their problems which attributed to their imprisonment and how to solve them. In addition, this will help in their reintegration processes in the community.
INTRODUCTION

This chapter focuses on the adaptation and adjustment among long-term prisoners in prison. According to Flanagan (1995: 109), for the adaptation and adjustment of long-term prisoners, the challenge is to develop a plan of productive work, education, and meaningful activity for persons who will spend much of their lives in confinement.

However, several complications make the dilemma of the long-term prisoner even more troublesome. First, long-term prisoners are a diverse group of individuals, who differ in criminal history and sophistication, propensity for violence and social background, and response to imprisonment (Flanagan, 1995: 109).

ADJUSTMENT AND ADAPTATION

The initial problem faced by lifers entering the prison system with long sentences, is adjusting to the idea that they will be incarcerated for a very long time (The Prison Journal Volume LXX number 1990: 116).

According to Flanagan (1995: 109), the serious crimes and lengthy prior records of many long-term prisoners also make this group unattractive in
terms of public and political support for innovative policies. Therefore, public protection demands tolerance for correctional innovations and risk. Taking varies inversely with the seriousness of potential recidivism, so a predominant theme in the management of long-term prisoners will be the provision of secure custody. However, the changes in socialization are signs of coldness and self-containment of men who have long been cut off from intimate contacts with other people. Most importantly, there is a reason to believe that long-termers face problems and challenges that are different from those faced by inmates, serving shorter terms, and these stresses may not be adequately measured by studies. Stress has an effect upon the ego. A crumbling superego is found in the face of stress, producing difficult situations with which individuals must cope. Many occupational stressors result in lowered self-esteem and often loss of support, for the ego and superego can manifest themselves in poor adaptations, with stress levels increasing. Therefore, threats to adaptation are constantly stressful (Appelbaum, 1981: 185). Adaptation to these turbulent events basically involves managers coping with their defence mechanisms and maintaining equilibrium efforts. Adaptation also involves managing personal tensions and drives and closing the distance between individuals' ego ideal and their self-image. By the same token, Sparsford (1983: 91), states that the dominant and most obvious single strategem of prison life is that of simply coping with the environment, getting through without trouble, just killing time until release.
7.2 PROBLEMS OF LONG-TERM PRISONERS

As stated above, long-term confinement presents special stresses and amplifies noxious elements of incarceration into major problems.

In terms of external relationships, loss of contact with family and friends outside the prison, is a source of stress for all lifers, but long-term inmates fear that these relationships will be irrevocably lost and creates unique concerns. While relationships with spouses, family members, girlfriends, and others may withstand enforced estrangement for a few years, the prospects for maintaining these relationships over the long-term are dim (Flanagan, 1995: 112). Therefore, some long-term inmates seek to "freeze" a mental picture of life on the outside - and their role in it - as an aid in protecting the ego, but the gradual attention of relationships is a threat to this strategy. Maintaining external relationships is vital to coping with long-term imprisonment, but the price is high, because this reminds the lifer that the world outside is changing (Flanagan, 1995: 112, and Dobash, et al, 1986: 183). However, concern with deterioration is another source of stress. The features of the prison that provoke these concerns include the fact that lifers are routinely offered unfavourable definitions of themselves by others, that it can be difficult to mark time in an environment where there is an abundance of time to fill and limited opportunities to fill it, and that limited personal choice in the restricted world of the prison, provides few opportunities for lifers to practice effective coping (Flanagan, 1995: 112).
7.3 ADAPTATION AND COPING STRATEGIES

Many long-term inmates successfully negotiate prison pressures, but the strategies employed are neither easily deduced nor readily classifiable. Unkovic and Albini in Flanagan (1995: 113), suggested that lifers adapt by taking on a "philosophy of minimum expectation", a fatalistic perspective that establishes the release date as a time boundary. The adoption of a "here and now" perspective reduces uncertainty and ambiguity about the future. Therefore, the "here and now" is a central attitudinal element of a perspective toward doing time that many long-term inmates adopt (Flanagan, 1995: 113 and Sanders, 1983: 434). However, the perspective is reinforced through affiliation with other long-termers. Key elements of the perspective are maturity, predictability of action, and the "prison sense" that comes from years of experience in serving time. In addition, this perspective also has behavioural implications that may be highly functional in enabling the prisoner to cope. These behavioural manifestations include active avoidance of "trouble" within the prison and attempts to use time profitably, rather than simply serving time. Long-term inmates avoid trouble through prescriptions such as "mind your own business", "adjust to authority", "choose your associates wisely", and "remain alert to cues in the physical environment (Flanagan, 1995: 113)."

In addition, many long-termers express a desire to use prison time "to gain tangible improvements in skills, and a better chance to negotiate life following release". According to Mitchell (1990: 201), lifers pursue
educational and training programs in prisons for several reasons, namely:

- to improve post-release employability;
- to pass the time; and
- contact with civilian instructors was a means of retaining a sense of awareness of life outside the institution.

By the same token, Flanagan (1995: 113), contends that in many cases, educational, training, and work programs are highly prized "sanctuaries" that provide respite for the lifer.

Cohen and Taylor in Flanagan (1995: 113), state that the coping style used by long-term inmates, is determined primarily by the lifer's attitude toward authority. Lifers whose pre-prison relationships with authority was based on confrontation, will likely continue to rebel for many years. Those who lived by "bending, fixing, and rigging" rules on the outside, continue to attempt to subvert authority inside. The long-termers shift their adaptive strategies until they find one that is most functional in their environment.

7.3.1 THE MOST CRITICAL ISSUE

Flanagan (1995: 42), contends that the paramount concern of all lifers, is "when will I get out?". The lack of a firm release date constitutes the most difficult adjustment to confinement for all prisoners, especially long-termers. This uncertainty contributes more than any other factor to debilitating effects of incarceration.
According to Flanagan (1995: 42), for long-term prisoners, almost equal concerns are "What kind of person will I be upon release? Will I be physically and mentally healthy? Will I still have a family and friends to assist me on the release? Will I have an opportunity to lead a meaningful and useful life?" If satisfactory answers to these questions cannot be found, attempts to cope with the problems of long-term confinement are likely to fail.

An optimum release time exists for the majority of confined individuals. When lifers are discharged beyond that optimum time, their anxiety increases, despair and depression grow, and hostility and fear fester. As a direct result, those confined beyond that optimum time, the Criminal Justice System, and even the public may suffer (Flanagan, 1995: 42). For example, a sentence of life without parole is a condition of confinement that many prison officials and all prisoners so sentenced considered beyond that optimum time for many inmates, a fate worse than death. Therefore, lifers without hope of release, die a little with each passing day. Some lifers lapse into a state of harmless senility after many years of occupying scarce and costly bed space in highly secure institutions. Others look out for themselves, the best way they know how, and strive for prestige by engaging in reckless encounters with staff or other lifers. A few, believing they will never get out, fail to channel their energies, take menial prison jobs, and become so institutionalized that they lose their identities. The miracle is that most retain some degree of autonomy, hoping they will some
day be released (Flanagan, 1995: 42).

However, many lifers wish to make amends for acts they have committed and to restructure their lives, sentencing sanctions such as life without parole and long mandatory sentences, such as 50 years, no parole, offer little incentive to change (Flanagan, 1995: 42). The cognitive therapy was discussed in chapter 6.

7.4 THE ROLE OF STAFF AND THE PROCESS OF ASSESSMENT

In order that the members of correctional services should be able to perform their duties, it is necessary that they should be orientated.

According to Sherman, Bohlander and Chruden (1988: 194), the first step in the training process is to get new personnel off to a good start. This is generally accomplished through a formal orientation, or induction program. Orientation is described as the formal process of familiarizing new employees to the organisation, their job, and the work unit. It should provide new employees with an understanding of how job performance contributes to the success of the organisation and how the services or products of the organization can contribute to society (Sherman, et al, 1988: 194, and Benton and Nesbitt, 1988: 171). Socialization is the process through which new employees acquire the knowledge, skills, and attitudes that make them successful organisational members. Since new employees have a natural desire to succeed and to "fit into" the organisation and work
unit, orientation programs become an effective socialization procedure. When organisational socialization is effective, there is a uniting of individual and organisational goals. Therefore, orientation sessions would be supplemented with a packet of materials that new employees can read at their leisure time. By the same token, Shofner-Hoffman and Long (1987: 79), describe training as those activities which are designed to improve human performance in the job the employee is presently doing, or is being hired to do.

Therefore, merely being hired does not make one a guard in the truest sense of the word. The new guard must first become "con-wise". That is, the guard must come to have an understanding of the lifer culture, certain expectations of lifers, and a method of interacting with them that is common to guards (Carter, Glaser and Wilkins, 1985: 204).

By some token, Rebore (1991: 136), contends that induction is the process designed to acquaint newly employed individuals with the work.

According to Kroon (1996: 315), contends that an effective orientation would make provision for a follow-up interview with the new employee in order to establish whether the employee feels at home and whether any problems are being experienced.

Equally important, is that the supervisor should consult with the new
employee after the first day and frequently throughout the first week on the job. When all of the items on orientation checklist for the employee have been completed, both the supervisor and the employee should sign it. Holloway and Brazer (1989: 58), identified five different foundations of power within the organisation with which supervisors have the capacity to exercise influence to the extent that they have or can develop these bases of power, namely:

- **Reward power**: believing that the supervisor controls access to a desired reward, the subordinate yields to the supervisor's influence in order to recover the reward.

- **Coercive power**: believing that the supervisor controls the exercise of punishment, the subordinate yields to the supervisor's influence in order to avoid negative sanctions.

- **Legitimate power**: believing that the supervisor has the right to request compliance, the subordinate yields to the supervisor's influence. This is the dimension of power based upon authority.

- **Expert power**: believing that the supervisor possesses special knowledge or expertise and therefore knows what should be done, the supervisee yields to the supervisor's influence.

- **Referent power**: admiring the supervisor, the supervisee yields to the supervisor's influence out of a desire for approval and to emulate the supervisor example.

Therefore, all behaviour occurring when one person is in the presence of
another, carries some sort of message. Communications do not just give information, but also define the relationship between those who are communicating (Barker, 1986: 6). The downward communication involves the flow of message and information from supervisors to their subordinates and upward communication involves the transmission of information from lower levels of the organisation to higher ones (Baron, 1986: 378). Many new employees become equipped with most of the knowledge and skills needed to start work. Others may require extensive training before they are ready to make much of a contribution to the organisation.

A majority, however, at one time or another, will require some type of training in order to maintain an effective level of job performance while training may be accomplished on an informal basis, better results are usually attained through a well-organised, formal training program (Sherman, Bohlander and Chruden, 1988: 199).

In addition, training prepares employees to improve performance on present jobs and is usually regarded as an expense item necessary to make the agency more effective or increase productivity (Phillips, 1987: 149; and Jorgensen and Scheier, 1972: 67). Therefore, in order for the correctional services officials to be capable of training the lifers, they must be first trained in prison related aspects.
7.4.1 ON-THE-JOB EXPERIENCES

Management skills and abilities cannot be acquired just by listening and observing or by reading about them. They must be acquired through actual practice and experience in which a person has an opportunity to perform under pressure and to learn from mistakes (Sherman, Bohlander and Chruden, 1988: 209).

Therefore, the effective institutional warder must have adequate information about what is taking place within the facility and must provide for special needs. To keep informed, warders must find ways to maintain good communication with the lifers (Bartollas and Conrad, 1992: 376). The smart warders spend time in the yard relating with lifers. They insist that the assistant warders also spend time working to maintain open relationships with lifers. Warders can also improve rapport with lifers by "running a call line", extending an open invitation to lifers who wish to see them (Bartollas and Conrad, 1992: 376). Equally important is the fact that the guards play a crucial role in internal control. They have the most extensive contact and, perhaps the greatest impact on lifers. Therefore, the guards attempt to maintain control within prisons by manipulating the lifer social-control system (Reid, 1991: 604, and Reid, 1994: 629).

In addition the guard is always there, while the lifer works, plays, eats, sleeps and so on (Carter, Glaser and Wilkins, 1985: 204; Innes, 1992: 48-49). Therefore, the prison officer is the centre of the system (Stem, 1987
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The institutional staff must ensure that conditions in the institution offer a reasonable level of control over potentially dangerous individuals who might harm others (Henderson, and Phillips, 1991: 13).

By the same token, Hlongwane (1994: 54), contends that the prison staff is the most appropriate tool for bringing about change in lifer's life. In other words, there is presumed to be something inherent in staffing patterns, qualifications, training and concepts that uniquely equip correctional personnel with the right, wisdom, expertise and motivation to rehabilitate the lifer. The correctional worker, because of the nature of his task, must see to it that lifers make certain changes in their behaviour so that they are no longer a threat to society. Therefore, certain kinds of antisocial behaviour must be altered without damaging the more positive traits which the individuals might possess. This places the correctional worker in the role and agent of change (Prison Service Journal No. 108 November 1996: 11).

7.4.2 THE PROCESS OF ASSESSMENT

According to Blackburn (1993: 340), assessment is the process of gathering information necessary for making informed decisions about a client, and involves the testing of hypotheses leading to the formation of a model of the client's problems. Psychological assessment is usually distinguished by its reliance on objective methods of data collection and hypothesis testing in the form of tests, ratings, or structured observations.
In a penal context, assessment is undertaken primarily for purposes of classification and treatment planning or evaluations for parole (Blackburn, 1993: 340).

However, for most psychologists working with lifers, the key purpose of assessment is to provide an explanation of the individual's presenting problems. This process of identifying those factors relevant to explaining the offence and to preventing relapse is necessary for selecting relevant treatment targets, appropriate interventions and indices of change (McMurran, and Hodge, 1994: 6).

However, what is common to all, is the view that not all lifers are alike, and their differences are important for assessing their "criminality" and defining the approach for dealing with them (Hartland, 1996: 19).

The assessment of offending behaviour has much in common with the assessment of other classes of behaviour. The professional is faced with a number of key tasks, namely to produce an accurate description of the behaviour in question, to develop an understanding of its history and aetiology, including the interaction between the client and the environment in which the behaviour took place; and to determine the function the behaviour served for the individual (McMurran and Hodge, 1994: 35).
7.5 THE WORLD OF LIFERS' WIVES

The majority of the prison population in South Africa consists of 100,000 sentenced males and 3,980 sentenced females.

Therefore, male criminality is a vital issue with which lifers' wives struggle at home, with their children and parents, and in their communities. Wives must enter into painful interpersonal negotiations about what is or is not acceptable about their husbands' behaviour. The purpose of these negotiations is to limit opportunities for encountering stigmatization and to normalize both their husbands and themselves. According to Flanagan (1995: 148), the research on wives of alcoholics and batterers, has shown that wives are likely to hold a traditional view toward their roles as wives and mothers. What has been learned about lifers' wives fits well with what is known about "traditional" women who endure their marriages, no matter how unsatisfactory they may be. They readily accept its permanence, the view that a "woman's place is in the home", that men ought to be breadwinners, and the belief that males ought to be heads of their households. Their marital expectations are similar to those of the women from similar social backgrounds: stable, conventional lifestyles. They want their husbands to work, material goods, and companionship (Flanagan, 1995: 148). What is particularly interesting here is that, almost universally, it is women who must cope with men's problems.

Throughout their lives, these women have been faced with difficulties
arising from male criminality. These problems do not end when husbands are incarcerated. They do not simply vanish when the men disappear behind prison walls. Husbands continue to have a significant impact on their wives' daily lives, which is as important as that generated by dramatic encounters with police, courts, and prisons. Lifers' wives are not simply "separated" from their husbands - although they share similarities with others facing "crises of separation" (Flanagan, 1995:149, and Cornelius, 1991:110).

By the same token, Schwartz, Clear and Travis III (1980:69), contend that prior to imprisonment, as free citizens, lifers have gone through various and diversified roles namely; suspects, arrestees, accused and convicted persons before eventually becoming lifers. Imprisonment means ejection from the sound whole and implies that one cannot remain part of regular society and must leave for a place of segregation where contact with the large society is held down to the minimum.

In addition, lifers must also continually deal with the problems of minimizing for stigmatization, particularly in prison towns and in various prisons. Old timers also often face hostility from their families, who feel betrayed by husbands' histories of imprisonment (Flanagan, 1995:149).

The accommodative strategies these wives adopt, are their own backgrounds and social groups. While the social pressures with which lifers'
wives must cope depend, in some measure, on whether or not they live in crime-tolerant communities. All wives have a sense that they are "different" from those around them. It is this sense of differentness that underlies their stance toward the larger social world and toward the criminalization process (Flanagan, 1955: 149).

7.5.1 LIVING ALONE

Material system is the scale based on the assumption that the parents are the chief architects of the family. If the parental subsystem is dysfunctional, it will seriously influence the child subsystem. Parenting patterns, modeling behaviour, and the family climate are strongly influenced by the dynamics within the spouse subsystem (Friesen, 1987: 57).

Whether men are voluntarily or involuntarily separated from their families, their wives find that they must adjust to their husbands' physical absence. In order to make this adjustment successfully, wives must be willing to shift roles and take up many of their husbands' responsibilities. They must often also maintain their husbands' place in the family circle by correspondence, telephone calls, and visiting (Flanagan, 1995: 149). Relationships with children outside prison and with other relatives and friends, are maintained by means of letters and visits. The lifers are able to send and receive unlimited numbers of letters from their family members. The lifers in South Africa are allowed to make a limited number of telephone calls. Each phone call may last up to ten minutes, although phones are not available in
all prisons (African Watch Prison Project, 1994: 60). In South Africa, the degree to which a lifer can keep abreast with developments on the outside depends chiefly on the classification group and financial situation. Complete isolation from developments in the outside world, is no longer inflicted on any lifer. Inmates with D classification are not allowed access to news. The other groups, to which most prisoners belong, are allowed to purchase newspapers and magazines and the amounts spent do not count toward the overall limit on spending money. Lifers classified A group, can own a television set in their cells. In some prisons, inmates in lower groups can collectively rent or purchase a television and many prisoners have radios (African Watch Prison Project, 1994: 60).

In addition, the frequency and duration of visits and the number of persons allowed to visit, depend on the classification of the lifers (African Watch Prison Project, 1994: 58).

Within this context, lifers' wives must therefore be able to gain a measure of independence in making decisions. While enforced separation engenders hardships, it also seems to provide its own unique opportunities for women to begin playing a larger role in directing their own lives. While most women experienced problems typical of those faced with enforced separation (social, emotional, and sexual deprivation, financial difficulties, and child management), a significant number also reported difficulty coming to terms with the prospective duration of the separation and a felling of
being, themselves, imprisoned. Some wives have identified with their husbands' situations or felt that they themselves were, in effect, created their own prisons by putting their lives "on hold" until their husbands could return (Flanagan, 1995: 149).

7.5.2 STIGMATIZATION AND FEELINGS OF SHAME

The stages in the criminalization process - from arrest to sentencing, incarceration and release - set up a series of changes in the roles the wives found themselves enacting: "wives of accused", "prisoners' wives", and finally "wives of ex-convicts". It has been assumed that whenever wives fill these roles, they become stigmatised unless they live in crime-familiar communities (Flanagan, 1995: 149).

Feelings of shame appeared to dissipate quite rapidly, since these women had more pressing concerns to handle (for example, their husbands' legal affairs, their own lives, their households, and their children). Wives' perceptions of stigmatization when dealing with the prison systems were found to be of crucial importance. Their accounts revealed that the extent to which they felt shamed and discredited varied with the kinds of house rules prisons established for visiting. Responses of prison guards were perceived to be stigmatizing by most wives. However, upon admission to a total institution, lifers are subjected to a series of abasements, degradations, humiliations, and profanations of their selves (Flanagan, 1995: 149 - 150). Wives, too, are subjected to mortification by such
contaminative exposure as forced interpersonal contact with other lifers' wives, searching of their possessions, strip searches, closely supervised visits, and so forth.

Their self-respect was assaulted whenever they interacted with prison guards who categorized wives as "the good wife" or as "the whore", and who discriminated among them on this basis, making derogatory statements, or treating them in a disrespectful manner. House rules for visiting and the treatment by prison staff were perceived as ever-present reminders that wives shared their husbands' stigmatized status (*Flanagan, 1995: 150*). Specific prison policies can set the wives up for encounters that they find extremely distasteful. For instance, the policy permitting lifers to visit and maintain contact with their wives includes "house" rules for visiting that restrict the women's behaviour.

Although stigmatization was not central to their lives, wives attempted to insulate themselves from it by controlling information about their husbands' situation, by employing accommodative strategies to reduce its effects or turn them aside, and by participating in a normal round of life. Wives also actively avoided labelling themselves as "wives of accuseds" and "wives of prisoners". They had a stake in maintaining their identities as "normal" in order to sustain their relations with others and to reinforce their own notions that they are "ordinary" wives and mothers.
Therefore, participating in a conventional lifestyle not only provided a sense of normality, but allowed them to resist stigmatization. Other wives resisted the application of stigmatizing labels by simply terminating their affiliation with their official-labelled husbands and dropping out completely. Those not committed to being lifers' wives resisted learning how to make the psychic adjustments needed to perform this role (Flanagan, 1995: 150).

7.5.3 LARGER IMPACT OF PRISON ON WIVES' LIVES

The prison romances and renewed courtships flourished as a result of prison policies, allowing women to perform personal services for their men and to deliver approved material goods and or contraband to them. Both forms of interaction provided the husbands with opportunities to enact dominant roles, while women could defer. These accounts also revealed that these same patterns of interaction could produce their own stresses and strains. Courting could erupt into arguments revolving around husbands' jealousies and anxieties about their wives' infidelity or their decision to limit the supply of contraband or other goods they deliver to the prison (Flanagan, 1995: 150 - 151).

7.6 MALE CRIMINALITY, IN VOLUNTARY SEPARATION AND POVERTY

In many respects, the experiences these lifers' wives encountered during involuntary separation parallel those of single mothers who live at the edge of subsistence. Lifers' wives share many experiences with women whose husbands are absent, due to separation, desertion, divorce, and so forth.
Therefore, the women problems centre around finances, loneliness, anxiety and stress, stigmatization and child management. Rather than feeling "liberated", they are emotionally and socially isolated, as well as overloaded with demands on their time and energy. Though some wives also derive real benefits from their husbands' imprisonment. These women mentioned, are released from marital disruptions and its impact on their roles as wives and mothers, feelings of a sense of personal autonomy, and increased control over their lives, household finances, and children (Flanagan, 1995: 151 - 152).

However, many wives felt increasingly competent to cope, as wives and mothers, with difficult circumstances. Most wives revealed that financial insecurity and hardships are not unfamiliar to them. Most did not experience a drop into poverty upon their husbands' removal from their households. In addition, most of the wives had lived at the edge of substance during their growing years and their marriages simply meant a continuation of persistent financial hardships (Flanagan, 1995: 152).

Within this segment of the population of poor, single mothers, transition in family status (that is, their husbands' enforced separation from their households) appear to have little bearing on their continuing impoverishment. The observation that a fundamental cause of poverty among female-head households is due to familial changes (for example: divorce, widowhood, and so forth), perhaps is more relevant for middle-
income white women than lower-income white women. Therefore, according to wives' accounts, their husbands' pursuit of a fast-living lifestyle and criminal escapades can be equated with an abdication of familial responsibility. They also reported that prior to arrest and imprisonment, their men further abdicated their responsibility by being unemployed or intermittently employed and thus contributing little income to their households (Flanagan, 1995: 152). In response, wives reported that they received some form of governmental assistance and or participated in some form of quasi-illegal and or illegal activities in order to make ends meet. Therefore, wives' accounts showed that imprisonment inadvertently kept most wives at the edge of subsistence while legitimating the male flight from economic support of their wives and children. Imprisonment thus reinforced male irresponsibility. Most women in the study believed that their incarcerated husbands did not suffer the hardships that characterized their own lives, their husbands did not have to worry about children or how the bills were going to be paid, or the food placed on the tables (Flanagan, 1995: 152).

They had many and sometimes more, of the comforts of living than the wives and children. They had the time and energy to pursue various personal interests and activities. And finally, unlike their wives, the prisoners had constant companionship. The gap between the experiences of these women and their husbands continued to widen as the years passed.
Nevertheless, although most women found themselves carrying burdens that they expected their husbands to assume, they were strongly committed to their marriages. These wives remained in their marriages, because they had few other alternatives, particularly if they had children. Most of the women who considered dissolving their marriages reported that, if they did so, they would remain hopelessly impoverished. They usually had few financial resources, few marketable skills, and little community or family support to lift themselves out of poverty (Flanagan, 1995: 152-153). Many wives maintained the belief that they would, some day, be taken care of by their men and thus did not need to prepare themselves to be fully independent. They believed that their husbands should and would support the family financially and that their own equally important contribution should centre around caretaking.

During involuntary separation many wives gained insight into the actual inequalities of the gender roles in the family. However, this did not encourage them to dissolve their marriages (Flanagan, 1995: 153). Thus, wives of lifers knew that they had more to lose economically and emotionally through divorce and thus they had more at stake in marriage. Wives reported that these burdens - especially the financial burdens - they carried during imprisonment, were heavy and far outweighed any benefits that they might have gained from the temporary separation from their husbands. These insights and experiences reinforced their determination to establish stable and conventional lifestyles for themselves and their
children, no matter what the costs.

Whatever conventionally they achieved during this period, however, was perceived as temporary. Most wives believed that such a lifestyle could only be secured upon their husbands' release from prison and subsequently employment. Increasingly, their husbands' return seemed attractive to these women, because it might provide a more secure economic foundation for a conventional lifestyle. In this sense, then, imprisonment inadvertently functions to keep married women "in their place", that is, married. Therefore, the women are seen as traditional wives who actively manipulate their environments, continuously attempting to establish stable conventional lives for themselves. In so doing, they display both a remarkable variety and similarity of coping strategies (Flanagan, 1995: 153).

7.6.1 FAMILY, COMMUNITY RELATIONSHIPS

The mere fact that the individual's movements are restricted, however, is far less serious than the fact that imprisonment means that the lifer is cut off from family, relatives, and friends, not in the self-isolation of the hermit or the misanthrope, but in the involuntary seclusion of the outlaw (Petersen and Thomas, 1980: 69).

By the same token Flanagan (1995: 42), contends that an important concern for many prisoners, especially for long-termers, is separation from their families and friends. The pain of separation is often profound, and with
the passing of time, the probability of continuing to maintain contact, becomes an important concern. As long-termers watch relationships between other prisoners and their families diminish, fears of their own betrayal and complete abandonment arise. Worries about their children's schooling and behavioural problems, the financial situation at home, transportation to visit, and divorce are ever present. In most instances, the spouses of long-term prisoners, are their prime source of social and emotional support and represent their main link to the community.

However, separation from family may stimulate serious self-doubts about sexual adequacy, harming the long-termers' self-images. Some become severely frustrated from being deprived of normal heterosexual relationships (Flanagan, 1995: 42). By the same token, Muncie and Sparks (1991: 182-183), contend that the deprivation circumstances are "pains of imprisonment" and include the loss of freedom, goods and services, autonomy, security and exclusion from heterosexual relationships.

7.6.1.1 Deprivation of Freedom

The lifer is never allowed to forget that by committing a crime, has forgone the claim to the status of a fully fledged trusted member of society. The wall which seals off the criminal, the contaminated man, is a constant threat to the lifer's self-image. The threat is continually repeated in constant reminders, that the lifer must be kept from descent men.
Therefore, the loss of freedom is the greatest single deprivation experienced by the lifer in prison. In the first place, the lifer must live within a restricted area and within this area movements are further limited by various control and security measures. The lifer is therefore actually subjected to a double loss of freedom and is restricted to a specific area and within this area there are further restrictions on his freedom of movement namely, high walls, security gates, and fences (Neser, 1993: 190).

7.6.1.2 Deprivation of goods and services

The deprivation of goods and services in society places a high emphasis on material possessions. They way lifers are treated when they enter the prison exemplifies society’s rejection. They are examined, inspected, weighed and documented. To the lifers, these acts present deprivation of their personal identities (Reid, 1981: 174). Therefore, Westermann and Burfeind (1991: 143) contend that a lifer is for the time being a slave to the state. However, it is difficult for any human being leading a normal life to imagine what it feels like to be restricted and circumscribed every step of the way - not to be able to go for a walk, not to be able to open your door, or not to be allowed to use a telephone at anytime (Mathiesen, 1984: 128). In order to adapt and adjust to this conditions, the rules and regulations in prison encourage the enforcement of discipline.
7.6.1.3 Deprivation of heterosexual relationships

In the free community, people have an opportunity for sexual intercourse, but in prison the lifer is deprived contact with the opposite sex. Therefore, social deprivation is a major concern of lifers with sex yearning being the most painful phase of incarceration (Lockwood, 1980: 1265). Therefore, many male lifers may turn to homosexual behaviour, not because of a preference, but because of physiological drives beyond their control (Evans, 1980: 15 - 16, and Silverman, et al, 1991: 195).

In addition, the lifers' access to mass communication and pornography (contraband) that circulate amongst the lifers as well as their similar stimuli, constantly activate their sexual impulses (Neser, 1993: 191). Therefore, the lack of heterosexual intercourse is a frustrating experience for the imprisoned criminal and is a frustration which weighs heavily and painful in the mind during lifer's prolonged confinement (Rhymes, 1988: 2).

The forms of sexual behaviour usually available to lifers are nocturnal sex dreams, and sexual contacts with other lifers of the same sex (Johnson, 1978: 398, and Carney, 1989: 79). However, for the male in the free community, masturbation is an abnormal act, but men in prison are inclined to masturbate occasionally and explain their behaviour biologically. Their masturbation act is accompanied by heterosexual ideation. At first they worry about the act which they do not find satisfying, but as the months pass, it becomes acceptable as a means of relieving tension (Faderman,
Yet as important as frustration in the sexual sphere may be in physiological terms, the psychological problems created by the lack of heterosexual relationships, can be even more serious.

Such rapes are not common occurrences, but many may be covered up. It is probably more difficult for a male victim of sexual violence to report the assault than it is for a female victim. The man fear that as the report will not be taken seriously by the police. Therefore, if a man is a heterosexual such a man may fear being regarded as a homosexual. According to O'Connor (1996: 60), if the lifer is homosexual the lifer may fear being stigmatised. In addition, it is also very hard for a man to admit a failure to protect himself against another man (O'Connor 1996: 60).

In addition, some aggressive homosexual men in prisons target and sexually assault younger and weaker young men (Nacci and Kane, 1983: 35). In some cases these offenders are heterosexual while outside the prison setting, but inside they turn their sexual energies to homosexuality. They are usually aggressive people in all areas of their lives, including their heterosexual relationships (O'Connor, 1996: 60; Wooden and Parker, 1982: 103).

7.6.1.4 Deprivation of security

However, strange it may appear that society has chosen to reduce the criminality of the offender by forcing him to associate with more than a
thousand other criminals for years on end, there is one meaning of this
involuntary union which is obvious - the individual prisoner is thrown into
prolonged intimacy with other men who, in many cases, have a long history
of violent, aggressive behaviour (Petersen and Thomas, 1980: 78). It is a
situation which can prove to be anxiety-provoking, even for the hardened
recidivist, and it is in this light that one can understand the comment of a
lifer. Therefore, the worst thing about prison is that one have to live with
other prisoners (Petersen and Thomas, 1980: 78, and Adler, et al, 1994:
415).

7.6.1.5 The deprivation of autonomy

The important point, however, is that the frustration of the lifers’ ability to
make a choice and the frequent refusals to provide an explanation for the
regulations and commands, descending from the bureaucratic staff, involve
a profound threat to the lifer’s self-images because they reduce the lifers to
the weak, helpless and dependent status of childhood (Inciardi and Haas,

In addition, it is an acknowledge fact that institutionalisation deprives a lifer
a sense of responsibility, initiative, drive, self-discipline and is generally

In addition, long-termers view numerous conditions of their confinement as
detrimental to maintaining family and community ties. Some of the most
important of these conditions are discussed below.

7.6.1.5.1 Visiting lists that limit the total number of visitors a lifer may have

These lists do not consider the size of lifers' families or the extent of their community support groups. Lifers with large families must often choose to visit only with family members, thereby eliminating community contacts offering religious, employment, and other important social ties. Those lifers with large community support groups are forced to dissolve some of these important relationships at the very time they are most needed. These restrictive limitations serve little practical purpose, are costly and time consuming to administer, foster lifer discontent, and only slightly enhance institutional security. They also are harmful to the general public, because they tend to decrease lifers' chances for success upon release (Flanagan, 1995: 43).

7.6.1.5.2 Insufficient time for visitation and inadequate visiting facilities

According to Flanagan (1995: 43), immediate improvements could be made in many institutions simply by increasing the number of visiting days allowed and or the total number of visiting hours per day. These changes would not require significant increases in facilities or staffing.

7.6.1.5.3 Restricted access to home visit/furlough programs

Home furlough programs, is also called home visits, temporary leaves, and temporary community releases. Therefore, to qualify for a home furlough,
a lifer usually must have minimum security status and a clean disciplinary record and be near the end of confinement (Bartollas and Conrad, 1992: 273). Furlough is described as "an authorised, unescorted absence from a correctional institution for a specified period of time". The purpose is to enable the lifer to engage in those productive activities which will enhance his ultimate, post-prison adjustment, the most important of which is the restoration of family ties (Gamey, 1990: 220; Gamey, 1979: 336; McCarthy and McCarthy, 1991: 170).

According to McShane and Krause (1993: 207-208), a furlough is a temporary release from incarceration that may last anywhere from a few hours to a few days. During a furlough a lifer may leave the facility unsupervised, but each person on furlough is given a specific deadline for return. In most instances, local law enforcement authorities receive notification of all furloughs within their jurisdiction.

In addition, furloughs may be granted to allow lifers to visit sick relatives, attend family funerals, secure employment, obtain a driver's license, meet with future parolee officers, arrange for housing, or visit family members (Reid, 1991: 639; Reid, 1994: 666; McCarthy and McCarthy, 1991: 170). But stringent selection is applied to ensure the safety of the program, though the length of sentence alone should not be a reason to exclude any lifer from participation (Flanagan, 1995: 43).
7.6.1.5.4 Lack of pre-furlough and post-furlough counseling

According to McCarthy and McCarthy (1991: 196), the pre-release furlough program is designed to permit the temporary release of a large number of lifers awaiting final release, rather than only a select few. The preparation of the release will be discussed in-depth in chapter 8.

Therefore, counseling, prior to home visits would help prepare individuals who have been confined for many years for the realities facing them upon their first venture alone into the "free world". Therefore, post-furlough counseling might be helpful in evaluating and heading off adjustment problems.

7.6.1.5.5 Lack of "day passes" for furlough-eligible lifers

According to Flanagan (1995: 43), in some states, lifers are limited to one or two furloughs yearly. As a supplement to these infrequent leaves, the establishment of short duration "day passes" would permit furlough-approved long-termers an opportunity to re-enter the community more often. These passes might be for purposes of community betterment programs (where there is a real need for participation), counseling, and other activities consistent with promoting lifers' reintegration into society (Flanagan, 1995 : 43). The release and community integration of lifers will be discussed in-depth in chapter 8.
7.6.1.5.6 Lack of extended family visitation programs, for those long-termers not yet eligible for home visits

Extended family visiting is used as a supplement to furlough programs in many countries and not as a substitute for them. They are an integral part of the penal system in Canada, Sweden, Great Britain, West Germany, Denmark, Belgium, numerous countries in Latin America and Asia, and even a number of communist countries, including the Soviet Union. In the United States, namely: Mississippi, California, South Carolina, New York, Minnesota, Connecticut, and Washington (Flanagan, 1995: 43). Family visitation as proposed here, would be used solely as an alternative to long-termers being permitted to go to their own homes on furlough. It would be established for those lifers who might meet the general criteria for home furlough, but are ineligible for that program for some specific reasons, such as no suitable family member residing within the State, insufficient time served on sentence, or nature of offence. However, the arguments favouring this visitation concept centre on strengthening marriages and family ties (Flanagan, 1995: 43). Therefore, the extended family visits boost morale and help keep marriage intact (Flanagan, 1995: 43 - 44).

7.6.1.5.7 Insufficient programs supporting community outings for long-term prisoners

According to Flanagan (1995: 44), escorted community programs focusing on service projects, recreational activities, or religious functions afford an opportunity for long-termers to prepare for their return to society. Therefore, leisure is described as the pursuit, in an individual's free time, of interest
and hobbies which do not have goals or limits which are defined by external agencies (Lavender and Holloway, 1988: 187).

7.6.1.5.8 Lack of family counseling and educational support groups

Flanagan (1995: 44), states that these programs could cover issues relating to family disintegration under pressure of loneliness, sexual frustration, depleted economics, and stigmatization.

Therefore scheduled meetings could be held during regular visiting periods or at other pre-arranged times. In addition, off-site support programs might also be established in various community settings to provide information, counseling, and other forms of assistance to the spouse of lifers (Flanagan, 1995: 44).

7.6.1.5.9 Inadequate programs to meet the specific needs of female lifers

Many incarcerated women are the sole or primary caretaker of their children at the time of arrest. The abrupt separation of mothers from very young children, may cause damaging consequences to those children in later life. A second problem women may face, is the birth of a child during confinement. Therefore, the establishment of prison facilities and programs enabling infants to remain with their mothers, would give them an opportunity to form an attachment bond, considered essential by many psychologists for normal childhood development (Flanagan, 1995: 44). Therefore, in those institutions which lack such facilities, it is common for
infants to be given to relatives, placed in foster-homes, or given up for adoption. The needs of the children are seldom considered by correctional agencies (Flanagan, 1995: 44; and Moyer, 1992: 102).

Lifer-mothers are especially concerned about the custody and care of their children during their confinement. Children most often stay with their maternal grandmothers. Other caretakers include the child's father or other relatives. However, incarcerated mothers express the most satisfaction when children are placed with their maternal grandmothers and when they have participated in the decision as to where the child will live. Therefore, involvement in the decision-making process to place children, gives lifer-mothers some peace of mind that their children will live in safe surroundings (Moyer, 1992: 102).

Moreover, in placing children with maternal grandmothers, lifer-mothers feel sure that they will encounter minimal difficulties in taking the child back after release (Moyer, 1992: 102). However, the emotional pains of separation may be especially acute for women who are pregnant when incarcerated. These women bear their children in the prison maternity ward or at a nearby hospital and within a short time are compelled to give them up, possibly to foster parents or adoption agencies. One effect of this separation may be severe depression, shock, or loss of self-esteem (Moyer, 1992: 103).
7.6.2 HOUSING CONSIDERATION

The word reception is usually associated with a friendly, hospitable event, welcome-home receptions, and "warm" receptions call to mind an entirely different image from one reception women receive after arrest, when they are processed into prison and stripped. When they become the name on whatever identification they carried at the time of arrest and are given a prison number. When they hear the sounds of doors closing and the turn of the key for the first time (Watterson, 1996: 65).

In American states, the popular euphemism for a woman's initial orientation to jail or prison is "reception", but it does not ease the initial shock of confinement. In state prisons, women are confined to a cell block for two to six weeks for "reception and orientation" while they are examined medically, given tests, interviewed, and assigned jobs before they are put in with the general prison population (Watterson, 1996: 65-66). The medical treatment of the lifers was discussed in-depth in chapter 4. In prison, lack of space and privacy becomes a significant concern over time. Equally important, is the fact that lifers dislike being forced into intimacy with others chosen by the prison administration. They frequently tend to ostracise other lifers whose crimes may differ from theirs. Racial tensions exist and often flare up within the hostile prison environment. Older lifers frequently find it difficult to adjust to the young "kids" who bring their loud stereos and music with them. Confrontations occur daily (Flanagan, 1995: 44). These problems can only escalate as prisons become populated with
disproportionate numbers of lifers who must live together for many years. Therefore, long-termers believe that many of these problems can be avoided if administrators are willing to recognize and respond to them (Flanagan, 1995: 44).

7.6.2.1 Provide maximum privacy for long-term inmates

According to Flanagan (1995: 44), privacy offers long-termers a way to cope with time. If they can find a "niche" in which to remove themselves from the daily stresses of prison life, long-termers may be able to relieve some of the tension and anxiety that often accumulate with the passage of time.

According to Mordlaw (1983: 55), stress is described as the recognition that one is not functioning automatically, together with the suspense and anxiety that accompany this state. There are three primary causes of stress, namely:

- when a lifer is exposed to a "new" or strange situation or experience;
- this situation or experience is unwelcomed; and
- when the lifer's usual coping strategies are insufficient. For this reason it is possible that prison is less stressful to those who spend their whole lives in prison-like institutions (Johnson and Toch, 1982: 36; and Innes, 1992: 77).
7.6.2.1.1 Prevention of stress

The lifers who maintain strong family ties, are better able to cope with stress. Therefore, the prison should support lifers in this regard and the emphasis is the relationship between personnel and lifers. The stability of a prison rests, to a large extent, upon the need of most lifers for stability, security and safety. Therefore personnel aspire to the same things and try to maintain a healthy working relationship with lifers by using sound judgement in the application of rules (Kalinich and Stojkovic, 1985: 436).

7.6.2.1.2 Provide quiet living areas

Tension can be effectively reduced if institutions set aside "quiet" housing units for those who are easily irritated by music and television blaring all day and night, as is so often the case. These "quite" units should be reserved for those who exhibit a willingness to comply with the requirements for quiet (Flanagan, 1995: 44-45).

7.6.2.1.3 Establish honour dorms for long-termers as an incentive for good behaviour

According to Flanagan (1995: 45), special "honour" housing should be established at every custody level. As lifers progress through the system, perform work and other assignments in a satisfactory manner, and maintain a good disciplinary record, they should be entitled to an upgrading of privileges. These could include carpeting on the floor, curtains at windows, an extension of allowable personal items, a telephone for their units, an extension of curfew hours, and increased visiting periods. Only those lifers
who desire placement in this type of housing should be assigned there. Serious violations of conduct established for "honour" residents would result in removal from the unit (Flanagan, 1995: 45).

7.7 PROGRESSION THROUGH THE SYSTEM

According to Flanagan (1995: 46), nothing contributes more to lifers' anxieties and insecurities than an unknown future in a strange and hostile environment. It is essential that all prisoners, especially long-termers, be provided with a program of systematic progression (a gradual release plan) through the correctional experience, from date of admission to date of release. Therefore, such a plan will assist them in managing their time and accepting their imprisonment with some knowledge of the future.

It is unfortunate that most long-termers in today's prison have no such plan to guide them. In some states the implementation of a realistic graduated release plan, require changes in sentencing and release laws. However, no programs will be meaningful to lifers unless they clearly have some bearing on their eventual release.

According to Flanagan (1995: 46), the key elements for any graduated release program designed to assist the progress of long-termers through the system, should include the following:
LIFERS SHOULD BE GIVEN EARLY NOTIFICATION OF THEIR TENTATIVE RELEASE DATES

According to Flanagan (1995: 46), the early notification of the release dates would be established within three months of initial incarceration. Therefore, the tentative dates should be flexible enough to permit modification if circumstances change significantly. In addition, they must also meet existing statutory requirements.

Therefore, every sentence, including that of life, should have a release date. However, lifers should be assured that their established tentative release dates cannot be altered except for specified reasons. Therefore, progress reviews should be conducted once every year.

GENERAL CRITERIA SHOULD BE ESTABLISHED TO GOVERN PROGRESS THROUGH EACH CUSTODY LEVEL

According to Flanagan (1995: 46), decisions should always be considered for placement at the lowest possible custody level commensurate with public and institutional safety. Therefore, access to every level should be attainable for every lifer regardless of length of sentence.

THE PROGRAM PLAN SHOULD INCLUDE INCENTIVE AWARDS

According to Rapp and Poertner (1992: 30), a program is an aggregate of actions directed toward accomplishing a single goal. The social program is how people are helped. Therefore, social programs attempt to find lifers
satisfying and fulfilling work. Therefore, exceptional achievement and or conduct, educational or vocational training, counseling, and work performance, community service, and so on, should be rewarded through incentives. These awards would permit an earlier advancement into lower levels of custody for those with superior achievement. Therefore, when applied fairly, incentives are a helpful tool in maintaining an orderly institution.

7.7.4 DOCUMENTATION SHOULD BE FAIR, ACCURATE, UP-TO-DATE, AND REFLECTIVE OF POSITIVE INFORMATION

According to Flanagan (1995: 47), attention should be given to all current psychological information, work reports, educational achievements, and meritorious acts. Case records should be designed to reflect positive changes and should not emphasize the negative as many currently do.

7.7.5 INDIVIDUALIZED TREATMENT PLANS SHOULD BE ESTABLISHED FOR EVERY LIFER

It must be recognized that the requirements of each lifer differ. A plan tailored to meet the specific needs of each individual inmate progresses toward release is mandatory (Flanagan, 1995: 47).

7.8 LIFER WORK PROGRAMS

The idleness that exists in prisons, is one of the most critical concerns for both staff and lifers. Therefore idleness, extended over long periods of
time, contributes significantly to the debilitating effects of incarceration. Lifers milling around with nothing to do or sitting in front of a television set watching soap operas, are certainly more prone to disorder than those working or studying regularly. Crowding has already overextended the use of monotonous, unskilled, and make-work jobs. These efforts to reduce idleness last only a few hours each day and usually result in discontent and boredom. For reasons such as these, long-term inmates often express serious concern about the current state of prison work programmes. However, there are some programs, though, the most long-termers believe will succeed, if properly implemented.

Some of these may require legislative action, others will require the cooperation of trade unions and the private sector. Functional programs containing features noted below, are in effect in several states, and model programs have been tried on a pilot basis in others.

7.8.1 Revitalization of prison industry

Traditional prison industrial programs have attempted to compete in a restricted market place by using cheap, unskilled prison labour. It was believed they would provide work for otherwise idle lifers, train people in good work habits, give them an opportunity to learn about the job market in the real world, and be competitive because of the inexpensive labour available. However, in practice, they have been plagued by inferior products, missed delivery deadline, and cost overruns. Therefore, sufficient
funds must be available to modernize equipment and technology. In addition, product lines will need expansion beyond the traditional license plate and furniture market.

Work programs should be structured to function like private industry. Trade Union and private business restraints must be removed and laws limiting product sales must be relaxed. Experienced industrial managers and engineers should be recruited as staff managers. These programs must also provide reasonable wages and other work incentives. Therefore, each industry should be self-sustaining. Long-termers, on the other hand, generally welcome opportunities for constructive work as a way to relieve idleness. If they have no specific work skills, their longer sentences make them ideal candidates for training. Once trained, they are capable of providing stability in a constantly changing workforce. While competitive industrial programs is an incentive for lifers to work. Therefore, a reasonable wage plan offering raises, overtime and bonuses for exceptional performance are important motivators for increased productivity. The most important incentive for long-termers would be "time credits" for work performed, but such credits must be available to all workers, regardless of sentence (Flanagan, 1995: 47 - 48).

7.8.2 USE OF PARA-PROFESSIONAL POSITIONS AT THE INSTITUTIONAL LEVEL

According to Flanagan (1995: 48), another work opportunity for long-
termers, who have exhibited positive behaviour and adjustment, would be para-professional assignments within institutions.

In some institutions these positions are filled by lifers, rather than civilian staff. These assignments are of a non-security type, mainly in the area of support services. Potential para-professional positions include library aides, maintenance workers, teacher's aides, research assistants, typists, and fire department aides. Lifers as para-professionals would afford around-the-clock availability of trained personnel and provide growth opportunities for long-termers.

7.8.3 AVAILABILITY OF CAREER LADDERS

There should also be a progression akin to that in private industry, from lower to higher skill levels. Only actual job openings should be filled, and make-work assignments should be eliminated. Serious consideration must be given to providing work opportunities at all levels of custody.

In addition, wage scales must include provisions ensuring retention of pay grades for lifers who have earned lowered custody status. Long-termers, due to length of sentence, are seriously affected by incentive payment plans that frequently are reduced when lifers are transferred to lower custody status and placed on another job (Flanagan, 1995: 48). However, if long-termers' choice is to accept lower custody at less wages, they may suffer financial difficulties. If they remain in higher custody so they can be self-
supporting, their chances for parole or other forms of release might be negatively affected.

7.8.4 EMPLOYMENT OF LONG-TERMERS IN THE CONSTRUCTION OF NEW PRISONS

In an effort to meet demands for rapid prison expansion, some correctional agencies employ lifer labour. Long-termers have frequently been called upon to provide stabilization in such work units. They have generally been willing labourers who took pride in their work. In addition, their construction projects were usually on par with those contracted to "free world" companies. Therefore, their low wage scale (10 to 20 times lower than prevailing "free world" wages) permitted the completion of many projects at costs below those estimated by private firms (*Flanagan, 1995: 48*).

In some American states, however, long-termers believe they are faced with a dilemma: they are more likely to be retained for the maximum length of their sentences now than just a few years ago. Therefore, many believe they have already paid their debts to society and realize anew bed represents a bed that will be occupied, probably by one of them. They also know that short-termers have the best chances for release as a result of intolerable overcrowding (*Flanagan, 1995: 48*).

7.8.5 CREATION OF COMMUNITY WORK CREWS

According to *Flanagan (1995: 49)*, stability could be achieved through a
core of "low risk" long-term lifers. Assignments might include the construction and maintenance of highways, parks, government buildings, and other civil projects. Work should not be limited to menial tasks.

Therefore, training could be provided where required. All lifers should be paid for their labour and, as a special incentive, housed in community facilities or camps located near job sites. A public that likes to see lifers work would find them highly visible, performing necessary labour. Therefore, both the lifers and the public will benefit.

7.8.6 NEED FOR WORK RELEASE PROGRAMS

The history of work release will be discussed hereunder.

7.8.6.1 History of Work Release

A correctional milestone occurred in 1913 with the passage of the first work release law in Wisconsin, known as the Huberlaw, after its sponsor, Senator Henry Huber, this legislation allowed lifers to be gainfully employed during the day in the community as farm labourers for a minimum of ten and a maximum of 12 hours per day and returned to custody at night.

Historically work release was not born out of a lofty quest for rehabilitation, but for retribution. It was meant to serve as a form of punishment. Therefore, its advocates considered it unjust for criminal offenders to waste their time in idleness and vice, while respectable citizens laboured (Doeren and Hageman, 1982: 132).
Despite the passage of the Huber Law, there was very little actual application until 1943. In 1943, to meet the rising labour needs brought on by World War II, municipal court judge Oscar Schmiege of Ontagamic country, Wisconsin, made more extensive use of the law by initiating a work release program under which non-dangerous offenders could be gainfully employed outside the jail and pay for their own room and board (Doeren and Hageman, 1982: 132; and Folley, 1976: 340).

In South Africa, lifers who are on day parole and can afford, must pay for board and lodging as well as medical services.

After its early beginning in Wisconsin, work release went into an extended dormant period during which it failed to attract much support. By 1950, only four American states, Wisconsin 1913, Nebraska and West Virginia in 1917, and Hawaii in 1935, had provisions for work release. In 1957, state legislation in North Carolina authorised the establishment of the most extensive work release program up to that time. For state prisoners rather than jail inmates, the first work release in North Carolina restricted eligibility to misdemeanants. Later the state was liberalized to extend the privilege to felons making North Carolina the first state to extend the privilege of work release to felons (Doeren and Hageman, 1982: 132 - 133).

However, work release program, which began to be used extensively in the 1950s, permitted selected lifers to work for pay outside the institution,
returning to the prison at night (Henningsen, 1981: 102; Alper, 1984: 130; and Carney, 1977: 125). For this reason, work release is intended to be a rehabilitative program and, as such, one would assume that those who participate, would be chosen on the basis of rehabilitative criteria. In practice, however, institutional concerns determine eligibility (Boeren and Grupp, 1976: 191 - 2; and Keve, 1981: 332).

In South Africa, a lifer who is granted a day parole may wear private clothing when on a day parole.

However, interest in work release appreciably increased following the successful experience of the North Carolina work release program and the provision for work release participation for lifers incarcerated in federal correctional institutions by the passing of the Prisoner Rehabilitation Act of 1965.

By 1975, only two states, Utah and Ugoming, lacked statutory authorization for work release, although both operated such programs (Doeren and Hageman, 1982: 133).

7.8.6.2 Purpose of Work Release

The principal purpose or objectives of work release programs relate to economic, rehabilitative and humanitarian themes (Doeren and Hageman, 1982: 133). By the same token, Henningsen (1981: 103), contends that
the purpose of work release program is to help the lifer eventually to re-enter the community at large, while serving the following specific ends, namely:

- Provides for financial needs, the lifer's earnings from employment on work release may be used to make restitution, pay debts, contribute to the support of dependents, or build a "nest egg" for eventual release;

- Serves as pre-release tool: employment on work release likewise provides a pre-release transitional experience in the form of increased levels of occupational skill and personal responsibility, and a chance to test new work skills in the community;

- Facilitates reintegration: work release can reduce the risks and fears of the lifer and the community during the critical period of adjustments immediately after imprisonment;

- provide state role models: such programs give lifers the opportunity to associate with stable fellow workers and to gain acceptance on their own merits;

- encourages community support: at the same time, work release gives the community a chance to observe lifers in a normal employment setting and thus to better understand the lifer's needs (Henningsen, 1981: 103). Therefore, the rationale treats for reintegration of the lifer into the free community, is the only purpose of work release. Easing the transition from incarceration to freedom, is surely one of the least convincing justifications for work release (Braithwaite, 1980: 175).
7.8.6.2.1 Graduated release

The community corrections movement also includes institutionalize lifers in its programs. Community corrections seeks to minimize incarceration, and to move the lifer back into the community as rapidly as possible through programs of graduated release lifers who are admitted to partial confinement programs to test their readiness to full release into the community. Some of the most common graduated release programs include work, furloughs, and so on (Clear and Cole, 1990: 431).

Work release is a program of graduated release which is designed to help selected lifers prepare for release and to assist them in making a successful transition from the stricter institutional environment back into free community. As such, it provides a structured pre-release experience for lifers, which can eliminate or reduce the degree of psychological and cultural shock than can often occur for lifers who are directly and suddenly released from an institution back into the community.

Therefore, work release is intended to bridge the gap between imprisonment and freedom in the community for lifers and enable them to become gradually adjusted to life in the community and the responsibilities community living entails (Doeren and Hageman, 1982: 133 - 4).

7.8.6.2.2 Indicator of readiness for parole

The lifers placed in work release programs, must be within a certain time
period of their earliest possible release date. The work release is a community-based oriented program, it gives the paroling authority an important additional means of testing and observing the lifer's suitability for release into community via parole, before a final decision is made (Doeren and Hageman, 1982: 134).

7.8.6.2.3 Savings to Taxpayer

Money may also be deposited in a lifer savings account to be utilized upon release. These payments, made with money earned by lifers on work release, represent a substantial savings to the taxpayer and appreciably diminish the state's welfare burden (Doeren and Hageman, 1982: 134).

In addition, work release enables lifers to provide some financial support for their families and also helps improve the lifers attitudes towards socially responsible work (Reid, 1991: 639). Therefore, efforts must be made to help the lifer develop a healthy self-image and a positive attitude toward release and life in the community (Henningsen, 1981: 72).

7.8.6.2.4 Improvement in self-esteem

In prison, lifers frequently are placed in jobs that are related to the maintenance of the prison. Additionally, there is little incentive to take pride in one's work as prison pay (gratuity) is often ridiculously low by societal standards. These factors, together with the inability of the lifer to assist in the support of the lifer's family, contribute to a loss of self-esteem and self-
respect. By allowing lifers to be constructively employed at standard wages and to utilize their earnings to contribute to the support of themselves and their dependents, rather than relying totally on the welfare system of the state, work release enables lifers to develop a feeling of self-worth and accomplishment.

7.8.6.2.5 Possible job retention

Upon release from prison, ex-offenders are suddenly faced with numerous expenses. They must purchase clothing, food, find a place to live and possibly reassume family responsibilities.

Funds provided by the institution to the lifer upon release are usually insufficient to adequately cover these immediate expenses. Furthermore, the ex-offenders must confront several problems when seeking employment, such as unrealistic employment expectations, the burden of his criminal record and possible discrimination in both public and private employment sectors.

Consequently, not only is a job an economic necessity, but it can also greatly influence the lifer's ability to successfully re-enter the community. Ideally, the specific training or experience in actual work release situations is related to the lifer's prior educational or occupational training. Hopefully, work release will in some instances, place the lifer on a job that the lifer can retain after release and, therefore, eliminate the eventual difficulty of having
to find a job and its concomitant problems.

7.8.6.2.6 Preservation of family and community ties

Many work release programs permit their participants to leave the facility of their confinement periodically on passes. Passes may be issued to work release to visit their families for the purpose of establishing ties, to participate in counseling or treatment services provided by agencies in community or to participate in recreational activities. Work release, therefore, can serve as a vehicle through which lifers can preserve positive family and community ties.

In South Africa, the Commissioner of the Department of Correctional Services, may grant permission in writing on such conditions and for such periods as may be specified for a lifer to leave prison temporarily for the purpose of:

- compassionate leave
- treatment, development or support programme
- consolidation of family ties
- preparation for release, or
- any other reason related to the successful reintegration of the prisoner into the community.

7.8.6.2.7 Administration process of work release

There are several important matters involved in the administration and
process of work release program. These include the establishment of eligibility requirements for selecting lifers for participation, the actual procedural steps in making an application for work release, identifying conditions for removal from work release status and the execution of work release plan agreements. In all of these areas, great concern should be exercised for the well-being and security of the community and for the safeguard of its property, while at the same time, attempting to make work release an optimally valuable experience for the lifer, and preventing the possible exploitation of the lifer.

7.8.6.2.7.1 Eligibility requirements

The selection of participants for work release includes numerous factors. Participation in work release is usually voluntary. Although eligibility requirements vary from program to program, a recent work release program revealed that there are six common criteria for exclusion from participation in work release programs, which relate to offence type or background, namely: violence, sexual crimes, narcotics sale, narcotics use, notoriety and organized crime (Doeren and Hageman, 1982: 136). A restriction which relates to institutional, not rehabilitative, concerns is the exclusion of escape risks. Some states specifically exclude those with histories of escape, while other states restrict participation to those who are eligible for minimum security status, this implicitly exclude escape risks (Boeren and Grupp, 1976: 194; and Braithwaite, 1980: 195). The exclusion of members of organised crime is based upon three
considerations.

First, a person involved in organised crime could easily continue criminal activities while in a work release job. The supervision to which work releasees are subjected might not be sufficient to prevent organised criminal activities. Second, the participation of an individual will influence in organised crime, could create a situation which would breed corruption within the situation. Third, a work release program is not a rehabilitative program designed for such an offender. Incarceration for an individual whose criminal activities have been "rewarding" is considered useful as a deterrent and the benefits of work release are not appropriate to the furthering of this end (Boeren and Grupp, 1976: 195).

Therefore, applicants are also frequently required to have satisfactorily adjusted while incarcerated as evidence by a good institutional record. In addition, applicants must also be in good physical condition sufficient to be able to acquire and maintain employment (Doeren and Hageman, 1982: 137). This statement is confirmed by Robin (1987: 461).

7.8.6.2.7.2 Processing of work release applicants

The administrative procedure for work release applicants vary from program to program. There are a set of procedures common to those work release programs which are considered transitional programs between incarceration and release. Lifers requesting work release
privileges must usually submit applications within a fixed time period related to a specified number of months prior to the earliest parole date or the earliest discharge date (Doeren and Hageman, 1982: 137).

7.8.6.2.7.3 Work release plan agreements

An important dimension of work release participation involves the execution of a written agreement between the administering agency of the work release program and the participant. Such agreements outline the agreed upon work release plan for the participant. It specifies such information as at what work release facility the participant will be housed, conditions of employment including place of employment, job title, salary and work schedule, transportation arrangements to and from work and disbursements of the participant's earning for room and board, clothing, support of the dependents, payment of legal debts and savings (Doeren and Hageman, 1982: 143; and Aungles, 1994: 195). The problem of work release and related aspects will be discussed in chapter 8.

7.8.7 STUDY RELEASE PROGRAMS

According to Fox (1985: 259), study-release programs operate in a manner similar to that of work release programs. The difference is that lifers attend high schools, vocational and technical schools, junior colleges, or universities. Therefore, under educational release, inmates instead of going to work, attend school in the community (Barthollas and Conrad,
7.8.7.1 Historical background of study release

Study release programs are a recent development in the history of community-based operations. Many American states, including South Africa, implemented their programs beginning in 1959 to 1974 - a period of 15 years (Doeren and Hageman, 1982: 165).

7.8.7.2 Purpose of study release

The purpose of study release programs is to allow the lifer access to community academic and vocational programs. The hope is that the offender will be exposed to greater quality education, updated equipment and will, of course, be affected in a positive way from the socialization with fellow classmates and instructors. Secondly, by using community resources, the correctional institutions are spared the expenses of staffing and duplicating facilities within the correctional facility (Doeren and Hageman, 1982: 166).

7.8.7.3 Administration/process of study release

The process of study release is similar for those individuals applying for participation in a work release program. The application has to be approved by several key persons in the prison. In the application process, a review of the lifer's records and files are conducted to assess the results of the previous vocational or educational testing. Those test results need
to be reviewed (Doeren and Hageman, 1982: 167).

7.9 SUMMARY

The long-termer in prison, must adopt and adjust in the prison environment, although their fellow lifers may try them and sometimes approach them, for sexual advances. The lifers in prison, must cope with the deprivations which are brought by their imprisonment. The deprivations brought by their imprisonment, also apply to their partners outside. The lifers are prepared for life outside while incarcerated.

Equally important, is the fact that the lifers must contact their family members through letters, telephone calls and the family members must pay them visits in prison. Before the lifers could be released from prison, they should be included in programs like furloughs, work release as well as study release. These programs will help to ease their reintegration process into the community.
8 INTRODUCTION

This chapter deals with the release preparation and the reintegration of the lifers in the community. Ideally, the preparation of the lifer for return to the free community should begin the moment the lifer enters the correctional process.

The transition from prison to community life, if it is to be a smooth re-assimilation, must be preceded by treatment programmes which are unique to the particular lifer and dedicated to the singular purpose of providing that individual with the necessary strengths to succeed on the outside (Killinger and Cromwell, 1978: 66). In addition, one of the reasons for the lack of release preparation in the past has been the lack of understanding of the psychological and social mechanisms at work in the mind of the released lifer (Killinger and Cromwell, 1978: 66).

8.1 THE REINTEGRATION OF LIFERS INTO THE COMMUNITY

The reintegration process emphasis on preparing the lifer for life outside the institution (Reid, 1981: 304; Bartollas and Miller, 1978: 189). Therefore, reintegration may be described as the process of preparing both the
community and lifer for the latter's return as a productive and accepted citizen.

The emphasis is on creating the circumstances around the offender that will enable the lifer to lead a satisfying and law-abiding life. In the reintegration model, corrections must bring about change in the lifer, within the lifer's family, peers, and in the institutions within which the lifer must function, successfully - that is, in lifer's social environment (Reid, 1991 : 622; and Reid, 1994 : 650).

8.2 COMMUNITY INTEGRATION

Community integration is an attempt to restructure the traditional prison into the collaborative institution or therapeutic community where an attitudual climate is created in which all social relationships between staff and lifers, contribute to the goal of helping the lifers re-enter society. The lifer's role within the institution is geared towards adjustment to the free community after release, rather than adjustment to life within the institution. The community has a crucial influence in the lifer's successful reintegration.

Since the cause of the lifer's criminality was located within the community, successful adjustment will either be facilitated or obstructed by the reactions of the, that is, the effects of labeling (Solomon, 1976 : 238). The community must offer services to the ex-lifers which will be discussed hereunder.
8.2.1 COMMUNITY SERVICE COORDINATION

Community service coordination is a process of getting lifers the help they need from the individuals, programmes, and agencies in the community responsible for and able to provide that help. Community service coordination is sometimes understood as part of the case management function. It incorporates the case management activities of linking, monitoring, and coordinating, and it builds on the case management functions of assessment and planning (Cohen, Vitalo, Anthony, and Pierce, 1980: 1). Specifically, community service coordination involves three specific steps, namely:

- selecting the appropriate community resource
- arranging for the lifer's utilization of the preferred resource; and
- supporting the client's utilisation of the resource (Cohen, Vitalo, Anthony, and Pierce, 1980: 1).

8.2.2 THE IMPORTANCE OF COMMUNITY SERVICE COORDINATION

Community service coordination enables the volunteer and community corrections worker to assist a lifer in finding help for needs that the volunteer and community corrections worker do not directly serve.

It equips the volunteer or the correctional services worker with the skills to utilize the services provided by community agencies and thereby to assist lifers who need to access to such agencies (Cohen, Vitalo, Anthony and Pierce, 1980: 2).
Therefore, community service coordination enables a volunteer, or a community corrections worker to avoid assuming direct care in areas where they are sufficiently trained or areas in which they do not have needed resources. A volunteer skilled in community coordination can successfully use other community care providers who are specifically trained to service those lifers needs and have the necessary resources.

However, lifers tend to experience a variety of problems in variety of areas. For example: a particular lifer may be experiencing difficulty in the area of work adjustment (Cohen, Vitalo, Anthony and Pierce, 1980: 2). By the same token, Clear and Cole (1990: 461), state that as soon after the release of the lifers, the lifers learn that they have achieved an in-between status. They are back in society, but not totally free. They face restrictions on opportunities beyond the close monitoring of parole officers.

Barriers to employment are both formal and informal. Employers hesitate to hire parolees, because they view a conviction as evidence of untrustworthiness. The legal barriers to employment are perhaps the most frustrating, because they constitute an insurmountable wall between the lifer and job opportunities (Clear and Cole, 1990: 462).

Legal restrictions on the hiring of former lifers appear to be loosening. States are recognizing that such restrictions often work at cross-purposes to efforts to reintegrate lifers into the community (Clear and Cole,
In addition, most releasees have limited or no financial resources. Many do not have employment and some do not even have established residences and families to whom they may return. Most receive indifferent and, in many cases, hostile reactions from the community. Those who have been incarcerated for long periods of time have the additional problem of catching up on how contemporary society does things. All encounter emotional problems in reacting to new environment, and many feel depressed, estranged, lonely, and rejected (Reid, 1991: 636).

The homeless released lifers have a greater chance of being re-convicted than those who have somewhere to live (Haines, 1990: 13). Frequently, a comprehensive assessment of the lifer will reveal additional problems that are contributing to the lifer's inability to establish full independent living. These problems may be in the living area and many include difficulties as fulfilling role expectations within family relations or meeting basic living needs (food, shelter, clothing and security). The problems could also involve the learning area and relate to the client's ability to acquire the knowledge and skills necessary for independent living. The overall impact of these problems is to reduce the client's capacity to succeed in specific areas, as well as in the general mission of asserting independence (Cohen, Vitalo, Anthony and Pierce, 1980: 2).
In addition, the professionals are seen as delivering a standard service, the volunteers as providing a more general support for the family. Through a period of testing, the family has convinced itself that the volunteer is theirs, not someone acting on another's behalf, but a personal, caring friend (Van den Eyken, 1982: 61).

However, no rehabilitation agency can meet all the needs of all lifers. Expertise in community service coordination allows a volunteer or community corrections worker to respond to a variety of lifer's needs. By facilitating the lifer's access to and use of other community resources, workers in community corrections can build on what they themselves can directly provide, and thereby make a more complete response to the lifer. Community service coordination maximizes the lifer's receipt of support in eliminating the variety of deficits that hinder achievement of the rehabilitation goal. It expands the client's community support system by successfully linking the lifer to an array of resources that can be reutilized as the need arises. The experience of being connected to an extensive support system mitigates the client's sense of isolation and reduces stress. Clearly, the skills of community service coordination are essential to the successful provision of services to clients (Cohen, Vitalo, Anthony and Pierce, 1980: 2-3).

8.2.3 THE NEED TO USE COMMUNITY SERVICE COORDINATION

Community service coordination skills can be used at any point in the
rehabilitation process when the volunteer or community corrections worker cannot provide the services a client requires. The community service coordinations skills can be used prior to, concurrently with, or after, the rehabilitation process. The determining criterion is the point at which the volunteer or community corrections worker is unable to provide the necessary services to a client and a plan needs to be developed and implemented to use a community resource (Cohen, Vitalo, Anthony and Pierce, 1980: 4).

Once agencies have come to know and trust each other, and have worked out some common objectives, the next level is coordination to meet typical lifer needs better (Rossi, Gilmartin and Dayton, 1982: 15).

8.2.4 THE STAGES AND SKILLS OF COMMUNITY SERVICE COORDINATION

This section will simply overview the process involved. Community service coordination requires the community corrections worker or volunteer to proceed through three developmental stages, namely:

- selecting the appropriate community resource
- arranging for the lifer's utilization of preferred resources; and
- supporting the client's utilization of the resource as stated in paragraph 8.2.1 (Cohen, Vitalo, Anthony and Pierce, 1980: 4).

The first stage, selecting the appropriate community resource, involves identifying the individual program, or agency that can meet the lifer's
needs in a manner responsive to the client’s values and concerns.

Selection is achieved through the following skills, namely:

- identifying the client’s community resource need
- identifying the available community resources
- identifying viable community resource alternatives
- understanding the client’s preferences and values
- reaching the potential community resource alternatives; and
- choosing the appropriate community resource (Cohen, Vitalo, Anthony and Pierce, 1980: 4-5).

The second stage, arranging for the lifer’s utilization of preferred resource, involves connecting the lifer to the preferred community resource.

The skills include, inter alia:

- preparing to make the resource aware of the client’s needs
- obtaining the agreement of the resource to provide service
- finalizing the arrangements to utilize the resource, and
- developing a program to utilize the resource.

The third stage, supporting the client’s utilization of the resource, ensures that the resource utilization program is implemented. It ensures the successful culmination of the community service coordination. The skills involved in supporting the client’s utilization for the resource include:
developing time lines for action
developing reinforcers to ensure action
monitoring performance, and
modifying the program to improve its effectiveness (Cohen, Vitalo, Anthony and Pierce, 1980: 5).

The successful implementation of community service coordination requires that the worker, or a volunteer, understand several basic principles. A paramount principle is lifer involvement in the process of community service coordination. The worker, or volunteer, will want to ensure that the skill of community service coordination is placed fully in the service of the client, that the client is the beginning point and the end point for the implementation of the skill. The participation of the client, both verbal and behavioural, determines the needs that require service, and the values and concerns of the client shape the decisions as to how the needs are to be met (Cohen, Vitalo, Anthony and Pierce, 1980: 5).

However, client involvement goes beyond participation. The lifer has the final say in the selection of the community resource to be used. It is the lifer, of course, who will be affected by the selection and who will be expected to follow through and utilize the resource (Cohen, Vitalo, Anthony and Pierce, 1980: 5).

Community service coordination cannot be effectively implemented unless
the lifer's rights are fundamentally protected. These rights include the right to privacy and confidentiality. The worker, or volunteer, will want to recognize these rights or will not involve others in resolving the client's problems or provide information to others about the client without the client's verbal or written consent.

The worker or volunteer will also want to clearly understand the goal of the community service coordination process. This understanding is critical, because it defines the responsibility and follow-through incumbent upon the worker or volunteer. Simply, the worker or volunteer is working for the relief of the client's needs. Hence the worker, or volunteer's responsibility continues until that relief is achieved (Cohen, Vitalo, Anthony and Pierce, 1980: 7). Thus, the act of referral and placement in and of itself does not represent the termination of the community service coordination process. The worker, or volunteer, follows through to ensure that the referral and placement result in the desired outcomes. The worker, or volunteer's responsibility includes:

- following through to assess the resource's impact on the client
- advocating for the client with the resource to ensure that the impact is beneficial and in the lifer's area of need; and
- recycling the entire process of community service coordination if the particular community resource cannot resolve the lifer's need (Cohen, Vitalo, Anthony and Pierce, 1980: 7).
8.3 SELECTING THE APPROPRIATE COMMUNITY RESOURCE

Selecting the appropriate community resource involves identifying which community resource will meet the needs of the client in a manner responsive to the lifer's values and concerns. In selecting the most appropriate community resource, the worker or volunteer maximizes the chances of the lifer's needs being met. The process of selecting the appropriate resource occurs whenever more than one resource serving the client's particular needs exists within the community. Certain steps within the selecting process, however, can be useful even when only one choice exists (Cohen, Vitalo, Anthony and Pierce, 1980: 10).

A systematic resource selection process offers several advantages, namely:

- the process occurs objectively and therefore may be shared with the client and, indeed, wholly completed by the client
- the rationale for choosing the resource is fully articulated and, therefore, can support the client's motivation to follow through and convince the community resource of the appropriateness of serving the client; and
- the procedure can accommodate a large number of alternatives and can tailor a choice in a manner uniquely responsive to the lifer (Cohen, Vitalo, Anthony and Pierce, 1980: 10 - 11).

8.3.1 IDENTIFYING THE CLIENT’S COMMUNITY RESOURCE NEED

Identifying the lifer's community resource need means knowing what kind
of help the client requires that cannot be directly provided by the agency. Identifying the client’s community resource need provides a focus for the community service coordination effort. It needs both the client and the worker or volunteer, what kind of community services need to be sought out in order to successfully achieve the service goals that have been identified. Further, it facilitates organization of the rehabilitation effort by clarifying the client’s and the worker or volunteer’s responsibilities in achieving specific service goals. Thus, knowing client’s community resource need facilitates identifying appropriate sources of assistance for the client (Cohen, Vitalo, Anthony and Pierce, 1980: 12).

8.3.2 IDENTIFYING THE CLIENT’S PROBLEM

Identifying the lifer’s problem means knowing what is keeping the client from achieving satisfaction in his or her living, learning, or working activities. The worker will want to list the difficulties the lifer is experiencing in his or her current or anticipated living, learning, or working environments. The process of problem identification as part of diagnostic planning (Cohen, Vitalo, Anthony and Pierce, 1980: 12).

8.3.3 IDENTIFYING THE RESOURCES NEEDED TO ACHIEVE THE SERVICE GOAL

Once the worker has diagnosed the lifer’s specific problems and goals, the next sub-skill is to identify the resources the lifer needs to achieve the goal. The community resources needed by the lifer will be determined on the
basis of the difference between what is needed for the client to achieve the service goal and what can be provided either by the client or by the worker directly. Identifying the lifer's resource need proceeds through two sub-skills, namely:

- identifying what client needs to be able to do to achieve the goal; and
- identifying what the client needs to have to achieve the goal (Cohen, Vitalo, Anthony and Pierce, 1980: 14 - 15).

Essentially, to achieve any service goal, it would appear that a number of resources are required. Indeed, the process of cataloguing the resources required for any goal suggests that effectively working with a client requires an appreciation not only for the breadth of the client's problems, but also for the potential depth of assistance that may be required to relieve any one of those problems (Cohen, Vitalo, Anthony and Pierce, 1980: 15).

8.3.4 IDENTIFYING THE RESOURCES NEEDED FROM THE COMMUNITY

Identifying the resources needed from the community, means clarifying what resources neither the lifer, nor the worker can provide directly. Once the resources required to achieve a service goal are identified, the step of determining which of those resources will need to be sought by the community is a simple one. The remaining, unlabeled resources will need to be obtained from other sources. These other sources are generically termed community resources (Cohen, Vitalo, Anthony and Pierce, 1980: 17).
8.3.5 IDENTIFYING AVAILABLE COMMUNITY RESOURCES

Once a client’s community resource needs have been identified, the next skill is to identify the community resources available to meet the client’s specific need. In order to help the lifer select the most appropriate resource, the worker develops a working knowledge of a number of community resources. In addition, the worker obtains new community resource information as the need arises. Knowing the available community resources enables the worker and the client to select the resource that appropriately meets the client’s needs (Cohen, Vitalo, Anthony and Pierce, 1980: 18).

8.3.6 LOCATING AND OBTAINING COMMUNITY RESOURCE LISTINGS

In developing knowledge about various community resources, the worker’s first task is to identify who has directories or catalogues of the community resources that exist within the service area. In any geographical area, a variety of programmes and agencies do so as part of their own performance of monitoring and evaluation functions. Others develop lists to support this information and referred services (Cohen, Vitalo, Anthony and Pierce, 1980: 19).

Generally, the address and telephone number of specific agencies having centralized listings, are available through the local telephone directory. Governmental agencies are listed under city, town, or state headings in the telephone directory (Cohen, Vitalo, Anthony and Pierce, 1980: 19).
8.3.7 OBTAINING ESSENTIAL INFORMATION ON COMMUNITY RESOURCES

As information is obtained on a number of different resources, it is most efficient if the information is organized in a systematic and usable way. Obtaining the essential information on community resources involves identifying what service is provided to whom by that resource. Obtaining such essential information allows the worker to know whether a particular resource is relevant to a particular client in terms of both the client's need and the client's eligibility (Cohen, Vitalo, Anthony and Pierce, 1980: 20).

In addition to the previously obtained information (name of agency, contact person, address, telephone), the essential information includes, namely:

- service offered
- age level served
- geographical area served
- income level served, and other eligibility criteria (Cohen, Vitalo, Anthony and Pierce, 1980: 20).

In addition, resources for organisations can be obtained either from the social worker's agency or others with an interest (Payne, 1986: 93). Therefore, ease of access, more contact points, more staff in the front line, more delegated authority, and more informal intervention and taken together should mean that community-based team have the capacity to respond more rapidly to more referrals and to intervene at an earlier stage in the career of a problem.
Therefore, most teams encourage all their members to act as a first point of referral. They also encourage workers at whatever level, to find out as much as they can about the referral at this stage to see whether they can give any immediate help (Handley, Cooper, Dale and Stacy, 1987: 76-77).

In addition, social workers by virtue of their concern with the functioning of lifers in their wider social environment, are inevitably concerned not only with direct provision of social work services, but also with attempting to influence the activities of other social service agencies, such as health, housing, income, maintenance and education on behalf of their clients (Lishman, 1982: 41).

8.3.8 IDENTIFYING VIABLE COMMUNITY RESOURCE ALTERNATIVES

At this point, the worker has completed two of the three skills in selecting an appropriate community resource, namely:

- identifying the lifer's community resource need; and
- identifying the available community resources.

The next skill is to be able to identify viable community resource alternatives for individual clients. In identifying viable community resource alternatives, the worker will want to consider all possible means of achieving the lifer's rehabilitation (Cohen, Vitalo, Anthony and Pierce, 1980: 24). Resources that do not relate to the client's need or goal, and cannot
be developed so that they would relate, are eliminated from consideration. Also, resources that do provide services in the area of the lifer's need, but have eligibility criteria that the lifer is unable to meet, are eliminated from consideration.

Fundamentally, then, viable community resource alternatives are those programmes that relate to the client's need and for which the client is eligible. This includes agencies that may be persuaded to provide the service required by the lifer or to waive an eligibility criterion (Cohen, Vitalo, Anthony and Pierce, 1980: 24).

Because the agency's provision can be inadequate, however, there is a pressure to find alternative resources which will reduce or remove the agency's need to provide (Payne, 1986: 74).

8.3.9 CHOOSING THE APPROPRIATE COMMUNITY RESOURCE

The final major skill in selecting the appropriate community resource is to actually choose the preferred resource. The decision-making process integrates the perspective of the client and the information about each resource alternative into a final determination of who may best serve the lifer's needs. Thus, the final step of selecting a resource can be implemented only when the lifer's perspective has been fully operationalized and each community resource alternative fully understood (Cohen, Vitalo, Anthony and Pierce, 1980: 49).
ARRANGING FOR THE CLIENT’S UTILIZATION OF THE COMMUNITY RESOURCE

At this point, the worker has selected the resource to meet the lifer’s needs. The next step involves connecting the client to the resource. The skills of arranging to utilize the preferred resource include:

- preparing to make the resource aware of the lifer’s needs
- obtaining the agreement of the resource to promote the service; and
- finalizing the arrangements to utilize the resource.

8.4.1 PREPARING TO MAKE THE RESOURCE AWARE OF THE CLIENT’S NEED

To prepare for the initial contact with the preferred resource, the worker answers five essential questions.

First, the worker formulates the referral goal, a clear statement of the lifer outcome being requested from the resource. It is helpful for workers who refer clients to community resources to make certain that they provide a detailed behavioural statement of what is desired from the community resource. Because the purpose of most referrals is to request the community resource to work specific skill outcomes, the worker defines the need of the client as a need to develop a skill (Cohen, Vitalo, Anthony and Pierce, 1980: 73). Second, the worker identifies the program characteristics that are desired for the lifer. Third, the worker prepares a clear introductory statement of the client. The statement can include the
worker's name, role, and agency represented. Fourth, the worker prepares a clear introductory statement of who the lifer is. In providing a picture of the client, the worker can determine what facts are appropriate to share with the new resource. At a minimum, a brief statement of the client's problem will need to be shared.

Fifth, the worker clearly expresses "why" this specific resource is being contacted. The worker may compose a statement explaining how the resource was selected, to meet the needs of the lifers (Cohen, Vitalo, Anthony and Pierce, 1980: 74).

8.4.2 OBTAINING THE AGREEMENT OF THE RESOURCE TO PROVIDE SERVICE

The second major skill in arranging for the lifer's utilization of the resource is obtaining the agreement of the resource to provide the service. In many instances, this is a simple task. The resource exist and is designed to provide the service requested. It has openings available and is familiar with the kind of needs for which the client is being referred.

In some instances, however, the referral will require more effort by the worker and involve explaining to the resource the benefits of helping the client. For example: when the preferred resource has been chosen as a result of the modification of a resource alternative, the worker must work to get the agreement of the resource to provide the modified service to the
client \textit{(Cohen, Vitalo, Anthony and Pierce, 1980 : 75)}.

8.4.3 \textbf{FINALIZING THE ARRANGEMENTS TO UTILIZE THE RESOURCE}

In finalizing the arrangements for using the resource, the worker negotiates an agreement that specifies the referral goal and the services the lifer is to receive relevant to the goal. The negotiation develops a clear picture or statement of the service to be provided to the client and the context in which it is to be provided.

An agreement ensures that the lifer will receive appropriate help from the resource and serves as a guide for later monitoring of the resource. Although a written agreement is not legally binding, it specifies the service to be provided to the lifer \textit{(Cohen, Vitalo, Anthony, and Pierce, 1980 : 83)}.

The preparation for release will be discussed hereunder.

8.5 \textbf{PREPARATION OF INMATES FOR PAROLE}

Another important factor in preparing lifers for release is the development of proper attitudes concerning release and roles in the community. Too often, lifers are concerned merely with "getting by" rather than with readjusting themselves; and prison staff may contribute to a defeatist attitude by informing lifers that they are "losers" or that the prison expects to see them again after their release on parole.

Therefore, efforts must be made to help the lifer develop a healthy self-
image and a positive attitude toward release and life in the community (Henningsen, 1981: 72). According to Reid (1991: 636-638), some institutions offer training sessions to assist lifers in preparing for release, others offer programmes for a gradual re-entry into society. Most make some attempt to deal with the two most immediate problems - money and jobs. Sex, drugs and liquor programmes will be discussed in this chapter.

Nel (1981: 262) and Reid (1991: 638), state that the institutions react to the financial problems of released lifers in several ways. The most frequent method of assistance is clothing.

Most institutions require that lifers send their personal clothing home when they enter prison, thus at the time of release, it is necessary for the institutions to replace the clothing. The next most common type of assistance is money, a financial grant given to each lifer at departure, although some institutions give the money only if the lifer has not acquired a savings account from work assignments during incarceration. Others give very small amounts. For most lifers these funds must pay for transportation, food, clothing, shelter, and other expenses until their first pay-cheque arrives (Reid, 1991: 638).

According to Reid (1991: 638), pre-release programmes do, however, appear to be a positive step toward helping lifers make the difficult adjustment from restrictive prison environment to the free world. Therefore, work release and furloughs are also used to prepare lifers for release. The
work release and furloughs were discussed in chapter 3 of this thesis. The home visits on weekends bring about the first serious adjustment problems. Attempts at family reintegration often create severe anxieties. The lifer often realizes that many preconceptions about release were false. The liabilities and stigma of the lifer's conviction and incarceration make themselves readily apparent when searching for employment and housing.

Staff members must be aware of the involvement phase and work toward maximum supportive counseling at this time. The emphasis of both group and individual counseling is toward guidance and support in resolving these anxieties and frustrations (Killinger and Cromwell, 1978: 70).

By the same token, Priestley, McQuire, Flegg, Hemsley, Wilham and Bamit (1984: 2-3), contend that "gate fever" is the name of a non-medical syndrome said to infect men in prison as the day of their discharge draws near. The problems which confront the newly released lifers are different for each individual, but the most common and immediate of them are the practical difficulties of finding somewhere to live, getting and keeping a job, and negotiating the social security system in order to keep afloat financially. In addition, parole rules should be discussed thoroughly in the pre-parole preparation sessions.

Most parole rules require behaviour exhibited by most normal people, anyway, in their ordinary living. They include rules such as working
steadily, supporting the family, meeting obligations and violating no laws (Fox, 1985: 329-330).

Another difficult is that lifers' work assignment while incarcerated, are not related to employment opportunities after leaving prison. The majority leaving prison, do not have pre-arranged jobs, most accept unstable employment, most experience extended periods of unemployment (Callison, 1983: 17).

8.6 RELEASE PREPARATION AND TEMPORARY RELEASE

Lifers should have the opportunity to prepare for release and to understand the purpose and function of parole supervision.

Programmes to prepare the lifers for release, could include lectures, individual counselling that focuses on each lifer's particular needs (American Correctional Association, 1977: 85). Therefore successful parole supervision involves casework services with the parolee and the parolee's family (Fox, 1985: 331). Direct and sudden release to the community after close confinement can have and adverse effect on a lifer's ability to reintegrate. Where possible, provision should be made for work or study release, extended visits to family and community or placement in a pre-release centre (American Correctional Association, 1977: 85). The work and study release were discussed in chapter 3.
In addition, the prison has been vested with the power to draw up a contract of rules and regulations of conditional release, which is presented to the lifer of an institution who is eligible for parole (Evrard and Koch, 1971: 31).

8.6.1 **CONDITIONAL RELEASE**

Early release can be granted by the Minister of Justice to sentenced prisoners who fulfil certain requirements and who accept the conditions of the supervision. The first requirement is that they serve at least one-third of the sentence and at least three months in all. Recidivists must serve two-thirds and six months before being considered. A lifer serving a life sentence, at least twenty years. However, there are general conditions which must be met, such as good conduct and acceptance of supervision. Specific conditions adapted to the individual case may also be met (Van Zyl and Dunkel, 1991: 52).

Therefore, there are several steps which have to be taken before conditional release may take place, namely:

- The initiative may be taken by the Minister, the Administrative Commission or the Prison Director, but not by the liferer himself. In practice the Prison Director is the key factor.
- The proposal is discussed at the conference of prison staff. The procedure goes ahead only if the advice is positive.
- A social enquiry may be called for, but this is not compulsory.
- All this advice and information is collated by the early release of the prison
administration (Parole Board) and a proposal is made to the minister.

- The minister then makes the final decision.
- The lifer must then accept the decision.
- Details of the supervision must be organised (Van Zyl and Dunkel, 1991: 52 - 53)

8.6.2 THE PRE-RELEASE PROGRAMMES

The main trouble areas during the lifer's first few weeks out of prison involve alcohol, drug and sex. When a person had been locked in prison for a matter of years, has lost some tolerance for alcohol, as the alcoholics say, the lifer has "dried out", still the lifer remembers the taste of alcohol and is attracted to it by advertisements, memories, or other things.

8.6.2.1 ALCOHOL

Alcohol consumption is linked to many forms of criminal behaviour. The arrests for alcohol related crimes are public drunkenness, disorderly conduct, vagrancy, driving while intoxicated, and liquor law violations (McCarthy and McCarthy, 1991: 354).

But, the drunken pedestrians, cyclists and horse riders also cause accidents. It is still common in most countries for a sober motorist to have to submit to a breath test while a drunken pedestrian or cyclist does not (Denney, 1986: 110). In addition, the drink-drive laws have inevitably added to the work-load at the courts and to the numbers of those who have
been banned from driving for long periods of time (Denney, 1986: 105).

In order to understand the influence of alcohol on crime, one must consider the effects of alcohol on the human body. While considering these effects, it is important to remember one major distinction between the alcohol and crime, drugs and crime problems. Drug users normally engage in the greatest amount of crime after addiction has occurred. However, any person may be influenced by alcohol in such a way that crime results. The social drinker, the problem drinker, and the chronic alcoholic may pose equal crime problems (McCarthy and McCarthy, 1991: 356). Drugs will be discussed later in this chapter.

8.6.2.1.1 Effects of Alcohol

Alcohol is a depressant, it depresses the functioning of the central nervous system. The increased consumption often produces a feeling of stimulation, the drinker becomes more talkative, more active, and often more aggressive. This apparent stimulation results from the depression of the inhibition control centre in the brain. It is this loss of normal restrain that may lead to criminal behaviour.

The effects of alcohol on the drinker and the speed with which they become apparent vary from person and depend upon the concentration of the alcohol in the blood (McCarthy and McCarthy, 1991: 356). In addition, when operating a motor vehicle, judgement is needed to

Several factors may influence the blood alcohol concentration, including the speed with which alcohol is consumed, the drinker's body weight, the presence of food in the stomach, the individual's drinking history and body chemistry, and the type of beverage consumed. Alcohol may affect the same individual in different fashions on different occasions (McCarthy and McCarthy, 1991: 356).

8.6.2.1.2 The stages of alcoholism

The stages of alcoholism will be discussed hereunder.

8.6.2.1.2.1 Stage One: The Novice

Most people never progress beyond this initial stage. Drinks are usually taken in moderation and then only at social functions. On occasion, the individual at this stage, may drink to excess, experiencing a "hangover" the following morning (McCarthy and McCarthy, 1991: 357).

8.6.2.1.2.2 Stage Two: Onset of heavy drinking and Blackouts

At this stage, the individual begins to drink heavily at bars or at parties and often has trouble later remembering what happened during a drinking bout (McCarthy and McCarthy, 1991: 357).
8.6.2.1.2.3 Stage Three : Required additional Drinking

At this stage, the person finds it increasingly difficult to "get high" and may become self-conscious about drinking. Often the person drinks before going to a party or social event in order to conceal from others the amount of liquor that the individual needs to become intoxicated (McCarthy and McCarthy, 1991 : 357).

8.6.2.1.2.4 Stage Four : Early Signs

The individual, at this stage, can no longer control how much will drink on a given occasion. Such a person can, however, control when the first drink will be taken (McCarthy and McCarthy, 1991 : 357).

8.6.2.1.2.5 Stage Five : Excuse Drinking

At this stage, the drinker may abstain from using alcohol for long periods of time in an attempt to prove that the individual does not need to drink. However, once the drinking behaviour is resumed, the individual drinks heavily, which naturally produces feelings of guilt (McCarthy and McCarthy, 1991 : 357).

8.6.2.1.2.6 Stage of Drinking Alone

At this stage, alcohol has become the individual's best friend. The drinker now drinks alone so that excuses for drinking are no longer necessary (McCarthy and McCarthy, 1991 : 357).
8.6.3 THE ALCOHOLIC AND THE PROBLEM DRinker

Distinctions between alcoholics and problem drinkers are a matter of degree: alcoholism is the result of the problem drinker's loss of control and gradual deterioration.

Alcoholism is more easily defined simply because its symptoms are more acute. Four basic elements are always present in alcoholism, namely:

- compulsive, uncontrollable drinking
- chronicity
- intoxication
- injury to function (McCarthy and McCarthy, 1991: 357).

- alcoholism is a chronic disorder in which the individual is unable, for psychological or physical reasons, or both, to reform from the frequent consumption of alcohol in quantities sufficient to produce intoxication and, intimately, injury to health and effective functioning (McCarthy and McCarthy, 1991: 358).

8.6.3.1 PROFILE OF THE ALCOHOLIC AND PROBLEM DRinker

Alcoholics and problem drinkers reveal a disturbing picture of the alcohol abuse. Problem drinkers are described as "aggressive, attention-seeking, acting out, socially extroverted, lacking impulse control, resentful of authority, lacking feelings for others, power-seeking, and having self-destructive impulses" (McCarthy and McCarthy, 1991: 358).
8.6.4 CAUSES OF ALCOHOLISM

The best approach to understand problem drinking of an individual are:

- responds to beverage alcohol in a certain way, perhaps physiologically determined, by experiencing intense relief and relaxation;
- who has certain personality characteristics, such as difficulty in dealing with and overcoming depression, frustration, and anxiety; and
- who is a member of a culture in which there is both pressure to drink and culturally induced guilt and confusion regarding what kinds of drinking behaviour are appropriate, is more likely to develop trouble than most other persons.

An intermingling of certain actors may be necessary for the development of problem drinking, and the relative importance of the different causal factors no doubt, varies from one individual to another (McCarthy and McCarthy, 1991: 358).

8.6.4.1 TREATMENT OF ALCOHOLICS AND PROBLEM DRINKERS

Community programmes can be expected to serve reintegrative purposes better than correctional efforts. The lifer receives assistance as a citizen who happens to be an alcoholic, not as a criminal with a drinking problem. Additionally, rehabilitation can be continued long after correctional supervision ends (McCarthy and McCarthy, 1991: 359).
8.6.4.2 GOALS

Traditionally, the major goal of alcohol abuse treatment has been total abstinence. This new point is based on the belief that alcoholics are incapable of controlling their drinking and that only total abstinence can halt the progression of the disease of alcoholism.

The supporters of controlled drinking as a treatment goal, propose that alcoholics can learn how to drink responsibly. The supporters suggest that alcohol abuse is often the result of an underlying personality disorder, and consider the goal of controlled drinking to be both more realistic and more likely to encourage the reluctant alcoholic to enter treatment than the traditional goal of abstinence (McCarthy and McCarthy, 1991:359 - 60).

8.6.4.3 METHODS

There is a variety of treatment strategies designed to help alcoholics and problem drinkers overcome their problems. The most widely utilized are prescription drugs, behavioural techniques, family therapy, and alcoholics anonymous (McCarthy and McCarthy, 1991:360).

Therefore, the essence of alcohol education as the provision of information to improve decision making, is necessary. Most alcohol education initiatives have continued to focus on modification of knowledge, attitudes, beliefs, and values of individual drinkers. This approach has been consistent with socialization theory, based on the premise that faulty
learning can be corrected by new learning or re-socialization experiences (Baldwin, 1991: 31).

In addition, those who see problem drinkers as the real problem emphasize the need to prevent people who are particularly at "risk" from developing their condition. The preventive aim is to devise ways of getting lifers to recognise the early signs of alcohol problems in themselves and in others and to educate them to know what action to take and where to go for help and support (Tether and Robinson, 1986: 6).

Therefore, anyone who presents at an agency with alcohol-related problems, should be helped to participate in an assessment of their situation. There are good reason for doing this, particularly with people with alcohol problems, an assessment in its own right can be an effective method of intervention (Collins, 1990: 157). In addition collectively, groups can do things that individuals alone cannot do. Together a group of alcoholic, through sharing and talking, can recover (Denzin, 1987: 73).

Therefore, the determination to change a behaviour, such as drinking, which probably has many benefits as well as some problems, will sometimes be generated quite suddenly, perhaps in response to an adverse life event, but more usually it has to be carefully cultivated by the counsellor over a lengthy period. The counsellor should be circumspect about the quality of a decision to change which is presented in the setting.
of a person feeling unwell as the result of a "binge" (Davidson, Rollnic and MacEwan, 1991: 58; and Collins, 1990: 157).

8.6.4.4 PHARMACOLOGICAL AGENTS

The anti-depressants are used in the treatment of alcoholism disulfiram (antibuse) is the most used chemical treatment method. Taking antibuse virtually eliminates the possibility than an alcoholic will impulsively take a drink, because an antibuse user cannot consume alcohol for up to three days without experiencing unpleasant reactions (McCarthy and McCarthy, 1991: 360).

8.6.4.5 BEHAVIOURAL METHODS

The basic strategy is simple: reverse the sequence in which the alcoholic is rewarded for drinking so that non-drinking brings a reward or avoids a punishment. The approach begins with a careful assessment of drinking behaviour, and the consequences of drinking. Following this assessment, an individually tailored program is developed to modify the behaviour (McCarthy and McCarthy, 1991: 360).

8.6.5 FAMILY THERAPY

Involvement of the family in treatment increases the awareness of both the alcoholic and other family members of problems other than alcoholism, such as relationship problems and the way they face reality. It reduces blaming tendencies, teaches new modes of interaction, and permits a focus
on a common goals (McCarthy and McCarthy, 1991: 361).

Therefore, both partners must be willing to listen to each other's complaints and to accept feelings, they feel about each other. A related attitude is a commitment to honesty, a willingness to be transparent and thus vulnerable to the marriage partner. This implies a deep involvement in the quest for greater intimacy in the relationship, without fear of attack or loss of acceptance. There must be a strong desire to resolve differences and make compromises so that the outcome of conflict will leave both parties satisfied with the resolution (Friesen, 1985: 82-83). Equally important is the fact that, enhanced communications between partners is vitally important if marital distress is to be dealt with, as well as prevented from arising as frequently in future. Therefore, to maintain a cooperative mutually satisfying relationship, marital partners must talk and listen to each other (Carlson and Lewis, 1991: 87).

The family treatment, include improvements in social and marital stability, employment and financial circumstances, quality of child care, and fewer difficulties with the law (McCarthy and McCarthy, 1991: 361).

8.6.6. ALCOHOLICS ANONYMOUS

Alcoholics Anonymous is probably the oldest and best know alcoholic treatment program. It is also one of the largest. Alcoholics Anonymous originated in Akron, Ohio in 1935, when a stockbroker and a surgeon, both
alcoholics, utilized an approach developed by doctor Samuel Schoemaker, to help each other and a third alcoholic. Together, these three persons formed Alcoholics Anonymous, a religiously based self-help organization. The personal satisfaction that the friendship brings, and the ability to rely on the established Alcoholics Anonymous member for assistance in self-control permits the new member to begin managing his drinking problem (McCarthy and McCarthy, 1991: 361).

8.6.7 COMMUNITY-BASED CORRECTIONAL PROGRAMMES FOR ALCOHOLIC LIFERS

Many parole offices have established socialized caseloads consisting of alcoholic lifers. The officers supervising these caseloads can focus their energies on increasing their knowledge of alcoholism, enhancing their therapeutic skills, and developing and maintaining contacts with community alcoholism treatment projects (McCarthy and McCarthy, 1991: 362).

Many parole offices also offer group counselling to alcoholics and problem drinkers. Lifers are accepted into programmes after extensive diagnosis and classification procedures or when treatment was made a condition of parole (McCarthy and McCarthy, 1991: 362). The parole conditions will be discussed later in this chapter. The problem of drug and alcohol abuse will be examined separately, with special reference to their link to criminal behaviour. The characteristics and causes of these problems and both general treatment strategies and specific community-based correctional
programmes will be discussed. The community corrections role will be discussed later in this chapter. The next subsection will discuss the drug abuse and crime.

8.7  DRUG ABUSE AND CRIME

Physicians commonly apply the term “abuse” to refer to the use of a drug outside a medical context (Goode, 1989: 25). One of the most significant and difficult problems facing the criminal justice system, is the problem of the drug-abusing lifer. Both violent and economic crimes are linked to illicit substance abuse. Barbiturate and amphetamine use lends to be associated with assaultive behaviour, in fact, barbiturate use can produce the same type of violence that often results from alcoholic intoxication.

Most directly linked to criminal behaviour, is the problem of narcotics use, which is associated with both violent and non-violent forms of economic crime. Traditionally, narcotic users have preferred income-producing crimes that require no violent confrontation, such as shoplifting or drug sales, female addicts also engage in prostitution (McCarthy and McCarthy, 1991: 337; and Inciardi, 1993: 230).

8.7.1 THE NARCOTICS USER: A PORTRAIT IN DIVERSITY

The preceding characterization of the criminality of narcotics users, pertains only to chronic habitual users who are addicted to narcotics (McCarthy and McCarthy, 1991: 339).
8.7.2 WHAT IS DRUG ADDICTION

Drug addition is described as: a state of periodic or chronic intoxication produced by the repeated consumption of drugs (natural or synthetic). Its characteristics include:

- an overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means
- a tendency to increase the dose
- a psychic (psychological) and generally a physical dependence on the effects of the drug
- an effect detrimental to the individual and to society.

Two additional concepts are often used to define addition. Tolerance refers to the addict's need to increase the dosage of the drug in order to continue its desired effects. Withdrawal refers to the onset of painful physical and psychological symptoms when drug use is discontinued (McCarthy and McCarthy, 1991: 339).

8.7.3 CHARACTERISTICS OF NARCOTICS ADDICTS

Most narcotics addicts live in urban areas, characterized by poverty, high crime and delinquency rates, and a high concentration of minority groups. In most addict families, there is a disturbed relationship between the parents, as evidenced by separation, divorce, open hostility, or lack of warmth and mutual interest. The families of the addicts did not provide a setting that would facilitate the acceptance of discipline or the development
of personal behavioural controls. The standards of conduct offered by the parents were usually vague or inconsistent (McCarthy and McCarthy, 1991: 340).

8.7.4 THE ADDICT PERSONALITY

Most addicts exhibit symptoms of various personality disorders, it is rarely possible to determine whether such personality traits preceded or resulted from addiction. No trait or combination of characteristics has been found to be unique to the addict. Individuals exhibiting personality disorders similar to those of addicts frequently live drug-free lives (McCarthy and McCarthy, 1991: 340).

8.7.5 CAUSES OF DRUG ADDICTION

Attempts to identify the causes of narcotics addiction have proven to be more successful than efforts to isolate the causes of crime or to describe the addict’s personality. A number of theories have been proposed to explain certain aspects of addiction among certain types of narcotics users, but no single theory can account for every addict’s problem. The popular view is that heroin is used for one or more of the following reasons, namely:

- its euphoric qualities
- ignorance of the effects of long-term use
- the relief of pain, anxiety, or depression
- the fact that it allows the user to escape from the demands of the real world
becoming part of the “in” group
as a step up from other drugs

8.7.6 POST ADDICTION SYNDROME

The ex-addict who seeks a return to normality, is very likely to relapse into narcotics use. This likelihood of relapse may be the greater problem faced in drug treatment programmes today. Having achieved the necessary motivation to abstain from narcotics long enough to pass through the withdrawal stage, the addict must cope with a lingering craving for heroin. This craving may appear days, weeks, or months after the last use of the drug. Because it is unpredictable, it is almost impossible to control. If long-term abstinence is to be achieved, a drug treatment strategy must contain counselling and support services designed to achieve two related goals:

- reduce the addict's desire to seek out the purposes of narcotics use and to make these purposes seem less appealing; and
- promote the development of the internal controls necessary to withstand a continued desire to narcotics (McCarthy and McCarthy, 1991: 543).

8.8 TREATMENT OF DRUG ABUSERS

There are five major forms of drug treatment currently available, methadone maintenance, therapeutic communities, out-patient drug-free
programmes, which primarily serve non-addicts, and detoxification programmes, which offer short-term medical assistance to narcotics addicts during the period of withdrawal.

Instead, focus is made on methadone maintenance and therapeutic community programmes, which are the most widely employed narcotics treatment modalities, and on community-based correctional programmes, designed specifically for narcotics addicts (McCarthy and McCarthy, 1991: 343).

8.8.1 METHADONE MAINTENANCE

Methadone is a long-acting synthetic narcotic substitute. After the appropriate daily dosage has been established, it blocks the effects of heroin taken by the methadone user. Methadone produces no side effects and can be orally self-administered, this making its ingestion a simple matter, no needle and syringe that might remind the addict of his former heroin use are required (McCarthy and McCarthy, 1991: 343).

Despite the effectiveness and low cost of methadone maintenance, the treatment has received considerable criticism. Some of this criticism is based on philosophical grounds. Objections have been raised to the concept of “curing” heroin addicts by helping them become addicted to a substitute narcotic. Critics suggest that the goal of treatment should be total abstinence, not “enslavement” to another drug. Other criticism of
methadone maintenance are prompted by more practical concerns. Observers have noted that addicts often use methadone to regulate their habits. They can decrease their heroin consumption by taking methadone with wine and pills, the wine and pills reduce methadone's ability to block the effects of the heroin (*McCarthy and McCarthy, 1991: 344*).

**8.8.2 THERAPEUTIC COMMUNITIES**

Therapeutic communities are drug-free communes, often staffed by former narcotics addicts. In therapeutic communities, drug abuse is normally regarded as a symptom of a deeper personal problem. Confrontation therapy and peer pressure are often employed to change the attitudes, values, and behaviour that promote during dependence. The objective of these confrontations is to strip away the drug user's defences and prohibit the rationalization of irresponsible behaviour (*McCarthy and McCarthy, 1991: 345*).

**8.8.3 COMMUNITY-BASED CORRECTIONAL PROGRAMMES FOR NARCOTICS ADDICTS**

The most widely utilized community-based correctional programmes for narcotics addicts on parole are specialized supervision programmes and halfway houses (*McCarthy and McCarthy, 1991: 346*).

**8.8.4 PAROLE PROGRAMMES**

Most community supervision programmes share a common feature - an
attempt to use the corrective force of the criminal justice system to encourage lifers to commit themselves to rehabilitation. Abstaining from narcotics use, is one element of responsible behaviour, securing employment, supporting one's dependents, and participating in education or vocational training programmes are also viewed as essential responsible living (*McCarth y and McCarthy, 1991: 346-7*).

The program takes a step-by-step approach to rehabilitation, focusing first on immediate difficulties, such as housing, food, and clothing. Long-term goals, such as family stability, a crime-free lifestyle, and an improved self-image are later addressed, using a problem-solving approach (*McCarthy and McCarthy, 1991: 349*). Parole will be discussed later in this chapter. The next sub-section will discuss sexual education in preparing a lifer for the outside life.

8.9 SEXUAL EDUCATION

This sub-section focuses on transmitted disease. The venereal diseases, otherwise known as sexually transmitted diseases, are spread primarily through sexual or intimate contact (*Steinmetz, Clavan and Stein, 1990: 344; and McGurk, Thornton and Williams, 1987: 343*). There is, however, an increasing recognition of the impact of this virus and the extent to which it reaches beyond the infected person and affects partners, families, friends and carers (*Counselling Psychology Quarterly, Vol. 8, No. 1 1995: 17*).
8.9.1 PREVENTION: REDUCING THE RISK OF AIDS

Despite massive research efforts to find either a vaccine or an effective treatment for AIDS, it remains a fatal disease.

Preventing transmission, is the most feasible way of stopping the further spread of this devastating illness (Durham and Cohen, 1987: 178). Teaching risk reduction is a challenge that requires the utilization of many nursing skills. This can be best accomplished by listening, informing, and supporting clients in making choices that reduce their risk (Durham and Cohen, 1980: 178).

8.9.1.1 DEVELOPMENT OF RISK REDUCTION GUIDELINES

Early in the AIDS epidemic, the disease was called "gay related immune deficiency".

While not knowing the specific mode(s) of transmission, it was evident to providers of health care to the gay community, that sexual behaviour played an important role in the spread of this new disease (Durham and Cohen, 1987: 178).

The primary prevention is described as the task of preventing child sexual abuse before it occurs. This can include a variety of educational programmes directed at potential abusers and at potential victims. Such prevention can also examine family problems which could lead to abuse.
Prevention strategies also involve addressing a broad range of structural conditions and values, which devalue children, their power, and their autonomy (Bagley and Thomlison, 1981: 10 - 11). However, the disease may destroy the nervous system, heart, or blood vessels. A pregnant woman, who is infected, may experience spontaneous abortion, the fetus of an infected woman may be stillborn or blind (Steinmetz, Clavan and Stein, 1990: 351).

8.9.1.2 CONCEPTS UNDERLYING RISK REDUCTION COUNSELING

Knowledge of the principles that underscore the need for risk reduction education is necessary in order to effectively motivate lifers to decrease their risks (Durham and Cohen, 1987: 183).

In addition, the condoms have been found to be one factor in controlling the spread of the venereal disease (Steinmetz, Clavan and Stein, 1990: 344; and Crime and Delinquicency, Vol. 37, No. 1 January 1991: 51). The next sub-section will discuss the parole supervision.

8.10 PREPARING THE LIFER FOR THE COMMUNITY

The reconstruction services are confined to the role and responsibility of professional social workers in the field of correctional social work, in preparing the lifer for the community.

The family members must be prepared so that when the lifer is eventually
returned home, should find environment which would be more conducive
to further normal development (Nkosi, 1996: 14). When the lifer is
released from prison on parole, is placed under community corrections
office.

8.10.1 THE SOUTH AFRICAN MODEL OF CORRECTIONAL SUPERVISION
Correctional supervision is a community-based sentence option which is
prescribed by the courts and served in the community under strict
supervision and control of correctional supervision. Equally important, is
the fact that the parolees are supervised by the correctional officers in the
community (Neser, 1993: 427).

8.10.1.1 RELATIONSHIPS IN SUPERVISION
The parolees can be dealt with effectively only on an individual basis and
according to their special conditions and needs. Without the element of
human understanding, the highly educated and trained parole officer, will
fail because a purely scientific outlook tends to see the individual, not as
a human being measurably unique, but as a "case" resulting from the
intertwined effects of many casual factors. Harsh and repressive methods
and an attitude of distrust and suspicion on the part of the parole officer,
can only hinder constructive relationships and thus the potential for
successful adjustment in the community (Killinger, Kerper and Cromwell,
The burden of creating a friendly relationship with the lifer falls almost entirely upon the parole officer. From his crucial contact with the parolee committed to his care, the parole officer should strive to make clear his own desire to be of assistance and his need for the cooperation of the lifer, in what must be a mutual enterprise to re-establish the parolee in society (Killinger, Kerper and Cromwell, 1976: 265).

However, parole supervision can be examined from a number of points of view. If supervision itself is considered a reintegration strategy, the knowledge and skills used by the parole officer encourage reduction of criminality through the solution of problems. The parole officer in fact, serves as a diagnostic arm of the Parole Board and as a community organisation specialist mobilizing agencies to resolve problems of specific lifers.

However, the sympathy of some parole officers for parolees gets in the way of viewing objectively their problems and their potential for acceptable social behaviour (Callison, 1983: 248; and Nel, 1981: 242). Therefore, to ensure that the conditions are met and that the lifer receives assistance in readjusting, a parole officer is assigned to maintain regular contact with the parolee (Clear and Cole, 1990: 440).

When parolees first come out of prison, their personal and material problems are staggering. In most states, including South Africa, they are
given only clothes, a token amount of money, a copy of the rules governing their release, and name and address of the parole officer to whom they must report within twenty-four hours (*Clear and Cole, 1990* : 440).

### 8.10.2 COMPLIANCE WITH INTERNATIONAL STANDARDS

International standards with which a community-based correctional system should comply, are known as The Tokyo Rules, which have been accepted by the United Nations. These rules have been studied. The directives and policy of correctional supervision in South Africa are based on these rules (*Neser, 1993* : 429).

### 8.10.2.1 ELEMENTS OF CORRECTIONAL SUPERVISION

The elements of correctional supervision will be discussed here-under.

#### 8.10.2.1.1 HOUSE ARREST

One of the basic elements of correctional supervision is that the parolee will remain under house arrest during his free time, outside working hours. On week-ends the parolee is also subject to house arrest to restrict the temptation of committing crime (*Neser, 1993* : 429; and *Gerber, 1995* : 140). However, exceptions are made for the attendance of church services when the parolee proves the actual attendance of the church services (*Neser, 1993* : 425; *McShane and Krause, 1993* : 116).
According to Nxumalo (1997: 217), parolees are placed on parole in their own homes, under specified regulations, including restrictions on when they may leave the premises and for what purposes.

8.10.2.1.2 DEGREES OF SUPERVISION

According to Nxumalo (1997: 219), there are three degrees of supervision, namely:

- maximum supervision
- medium supervision; and
- minimum supervision.

The frequency of personal and collateral contacts recommended for parole supervision are as follows:

- maximum supervision - not less than four contacts per month, at least three of which are personal, plus a review of each supervision report
- medium supervision - not less than two contacts per month, at least one of which is personal, plus review of each written supervision report
- minimum supervision - not less than two contacts per month, at least one which is personal, plus review of each supervision report (Killinger, Kerper and Cromwell, 1976: 272 - 3). However, when a parolee is not complying with the conditions of parole, his parole may be revoked.

8.10.3 VIOLATION OF PAROLE CONDITION

According to Abadinsky (1991: 203), there are two types of parole
violation, namely:

- A technical violation occurs when any of the conditions of parole have been violated.
- A new offence violation involves arrest and prosecution for the commission of a new crime. In practice, new offences often involves technical violations. A new offence violation for example, an arrest for robbery involving a gun - also constitutes a technical violation of the condition prohibiting possession of fire-arms.

Therefore, a warrant is typically required in all cases in order for a law enforcement officer or parole supervisor to arrest a parolee suspected of being in violation of his agreement (O'Leary and Hanrahan, 1973: 136).

If the parolee is returned to prison, is subject to a full hearing before the Parole Board. Due process in such a proceeding is outlined as follows, namely:

- written notice of the claimed violation of parole
- disclosure of the parolee of evidence against him
- opportunity to be heard in person and to present witnesses and documentary evidence
- the right to confront and cross examine adverse witnesses
- a “neutral and detached” hearing body, such as a traditional Parole Board, members of which need not to be judicial officers or lawyers
a written statement by the fact finders as to the evidence relied on and reasons for revoking (Bartollas and Conrad, 1992: 264 - 266).

8.11 SUMMARY

It is important to note that the lifer should be prepared in prison for his reintegration into the community. Therefore, in order that the lifer should be helped when released from prison, there should be community agencies which could help the lifer, should the community corrections office be unable to help him. In addition, officials of the community corrections jointly with the volunteers, should help the lifer to reintegrate into the community through treatment programmes and referrals.

8.12 FINDINGS AND RECOMMENDATIONS

8.12.1 FINDINGS

Life imprisonment is a sentence which is internationally accepted. The inmates who are sentenced to life imprisonment on admission, and after assessment, they are detained in maximum security institutions. The lifers must adjust and adapt themselves in maximum security prisons. The custodial officials are responsible for the security and care of lifers in prison, as well as their discipline. While the medical officials are responsible for the health care of the lifers when still in detention, the special team which is consisting of the social workers, psychologists, educationists, and chaplains are responsible for their treatment programmes, though they are not sufficient in prisons. The lifers who
are detained in maximum prisons, are granted their rights as determined by the judicial authority. The research revealed that most prisons have no training in workshops and building where the lifers could be trained for trades and those which have workshops and building centres can only accommodate few lifers. The reintegration process of the lifers into the community should take place while they are still in prison and be carried out by the community corrections officers on their release from prison. The research also revealed that the female institutions have no training centres. In addition to the reintegration process of the lifers into the community, the social workers and the professional volunteers, should coordinate with the community agencies so as to provide the released lifers with the necessary help and guidance for their reintegration process into the community.

8.12.2 RECOMMENDATIONS

In the light of the above theory, the researcher recommends the following:

> that there must be sufficient established posts for the social workers, psychologists, and educationists for the treatment of the lifers.

> that training in workshops and buildings should be extended to accommodate more lifers for training.

> that in institutions where there are no training in workshops and building, provisions should be made for such centres.
that female lifers, as they are most of the time kept inside the prison, they should be trained in dress-making, cooking and knitting.
BIBLIOGRAPHY


Counselling psychology quarterly, vol. 8., No. 1., 1995, pp. 17 - 25. Department of psychology, City University, Northampton Square, London EC1Y0HB, UK.


Denney, R.C. 1986. Alcohol and accidents. Sigma Press, 98a Water Cane, Wilmslow, Cheshire, SK 95 BB.


The comparative and international Law journal of Southern Africa, Vol. XXVII, No. 1, March 1995. The isntitute of foreign and comparative law, University of South Africa,


