



## **PARTNER**

PAPER: PARTNER 4<sup>th</sup> Breakfast Briefing on Non-Custodial Sentencing with NICRO  
21 October 2013

This is a paper from PARTNER's fourth breakfast briefing. Carnita Hendricks introduced herself from the non-profit organization PARTNER, together with Dr Richard Griggs and Janine Tilley.

The Breakfast Briefings are paid for by PARTNER. We host the Briefings at our own cost for many reasons, but one of them is to network and fundraise. PARTNER is actively looking for funding and support so that we can expand our partnership building programmes. So we encourage you to consider contributing to our work and spreading the word about our good work. We are also a research organization with a capacity to undertake original research.

PARTNER was founded as a platform for partners to find each other on friendly terms so that they can construct partnerships in a non-competitive manner. If organisations and governments can partner and share resources, we can reach some of our national aspirations. We have to monitor and evaluate whatever we do and make yearly improvements in delivery rather than chopping and changing our programmes all the time. We need to test and refine yearly until our efforts work.

We have focused our first and second year briefings on coordinating partnerships around our crime problems. Today we are partnering with the oldest NGO in the country—NICRO—to bring you a presentation on five years of offering Non-custodial Sentencing services—this means keeping some offenders away from the influences of hardened criminals and giving them the therapy they need to reform. The first speaker is Regan Jules-Macquet, who has been managing NICRO's non-custodial sentencing (NCS) project since 2008. She drives NICRO's research work and is currently undertaking a review of NICRO's offender reintegration services. Regan will talk about the state of prisons in South Africa and what alternatives there are.

Our second speaker is Dr Richard Griggs from PARTNER, a monitoring and evaluation specialist who for 20 years has encouraged a scientific approach to designing partnership-based interventions for crime prevention and safety. Richard will talk about his recent evaluation of NICRO's NCS services and the findings from that research.

Please make use of your handbook on the tables, in it you will find our contact details and the two presentations.

Our aim is to foster partnerships so if you are able to use today's Briefing as a platform for partnering we will have achieved one of our primary goals.

## Summary of Presentation by Regan-Jules Macquet from NICRO

There are 112 467 incarcerated offenders in South African prisons.

They are held in 241 correctional centres around the country, which have a national overcrowding rate of 137%.

Of these incarcerated offenders: 54 percent are serving sentences for aggressive offences, 23 percent are for economic offences. 16 percent are for sexual offences, 2 percent are for narcotic offences and the remaining 5 percent is for "other".

The national budget for the Department of Correctional Services for the current financial year is divided as follows:

53% on incarcerations.

28% spent on administration, which includes, facilities, remand and security.

8% on care, which includes health, hygiene and food.

6% on rehabilitation services and programmes which includes education, skills development and behaviour change.

4% on social reintegration when released from prison.

The Department has a total budget of R18 billion. Incarcerated offenders cost the taxpayer R243 a day. This amounts to over R7000 per month and R88 000 per annum.

Recidivism refers to offenders who reoffend. At present in South Africa no one is officially tracking this data.

According to several small scale studies conducted by civil society, the recidivism rate for released prisoners is between 50 – 85%.

In terms of personnel, the Department has 57 psychologists and 503 social workers.

In the past financial year:

2452 offenders received literacy education (about 2%)

2924 were able to access skills development training (3%)

Approximately 1 608 offenders participant in production workshops on a daily basis (prison industries) (1%).

We should consider whether the prison environment can be expected to deliver positive behaviour change amongst inmates. We need to look critically at the lifestyle, values, attitudes and beliefs that enhance survival in a prison environment, and whether those behaviours will stand a person in good stead when released back into society. In order to adapt and function within the current prison system, offenders acquire behaviours, values, attitudes and beliefs that are definitely not pro social.

These are behaviours they will struggle to unlearn when released back into society. We at NICRO can see this when we look at how people released from prison make decisions, manage conflict, tolerate dissent and difference or take responsibility. These behaviours which may have been necessary for survival in a prison environment, act as barriers in broader society. Not only does incarceration itself result in social

stigmatisation, it can worsen a person's ability to function in a prosocial way.

The alternative is Non-Custodial Sentencing for minor offences. NCS is based in the community, offenders can retain work and school commitments and avoid contact with higher risk offenders.

NCS retains family connections and responsibilities.

The sanction within NCS is focused on developing skills and attributes to reduce the likelihood of reoffending.

**To read an independent evaluation of the NICRO NCS programme written by Dr Richard A Griggs from PARTNER, follow these instructions:**

Go to <http://www.nicro.org.za/dfid-funded-non-custodial-sentencing-project-reports/> and see Point 7. Right click on the link and click "Save As" to download the Evaluation.

The Discussion:

Swieg Nel – Kairos Prison Ministry:

Prison is to protect the community from prisoners. Pointed out psychopathic prisoners and the long term value of imprisonment of such prisoners.

Venessa Padayachee from NICRO:

Multi-disciplinary therapy and diagnoses are done by NICRO team – high risk offenders are not put through NCS. Clinical psychologists are not always willing to assist.

There are not enough facilities to house mentally ill prisoners. They should be in psychiatric prisons not prisons, but there is not enough psychiatric facilities. They often cannot be referred due to lack of facilities.

Few psychiatrists want to work at Correctional Services. Substance abuse is often linked to psychological illness but this is not dealt with.

Muneeb Isaacs from Cape Town Central City:

No diversion programmes for offenders – he agrees with NCS. Repercussions of prison are not positive.

Regan from NICRO:

NICRO has NCS and diversion programmes for homeless people – however communication with homeless and continuous care is very challenging.

Venessa is dealing with various homeless people that stay around their offices in Harrington Street. Homeless people often state that they are not treated well at the shelters and the employees of the shelters are apparently eating the food meant for the clients. Homeless people go in and out of the courts and prisons.

A social worker from Khulisa Social Solutions is working with the homeless and working with the courts and with the homeless in partnership with the City of Cape Town.

Social worker from Khulisa:

Homeless solutions are complex – partnerships are challenging – we want to start partnerships and work with Street Peoples Forum. Recommend that further partnerships are created from this meeting. Problem is international. Private investors are encouraged internationally to contribute to governments work.

Hannes van der Merwe from Straatwerk – Ophelp Projekte:

Ophelp and Straatwerk facilitate community service – and work with the homeless. Challenge comes in no fixed address for homeless – their system of having a place where people can check in may be a solution to long term assistance.

Fiona Cloete – Cape Town Magistrates Court:

Warrant cannot be issued with to people without an address. Commends Khulisa that is doing great work at Cape Town Court. They send homeless people to shelters but the challenge is often with substance abuse, people cannot benefit from NCS if they are homeless unfortunately.

Anuah from the Human Rights Commission

The fact that only 8 percent of the prisons budget is allocated to care – goes against human rights and constitutional rights related to health care and food.

Faghodien Johnston – Department of Community Safety (DOCS):

Partnership is significant – DOCS promotes this, especially since April. What are the real issues about crime? DOCS wishes to work with communities. Crime is directly related to poverty. Issue of offending is related to income. Sexual abuse is a massive problem in homes, he encourages partnerships and it does work in ways.

Ebalo Videfi – Videfi Fizi

Ebalo is from the Democratic Republic of Congo, he spoke about gender based violence – people often repeat what is done to them as offenses. Communication problems and delays caused by lack of communication.

A member of the Economic development and Tourism Burea:

Stays in Khayelitsha – does poverty cause people to abuse substances – it seems that people who abuse drugs often become psychopathic. Also asked if poverty causes crime?

Regan from NiCRO:

NiCRO works with offenders with mental health issues who then in turn abuse substances. There are no statistics. The reason could be that many children see their parents abuse substances, it is peer pressure and it is escapism. How can one live in a community that has no future without feeling depressed? What causes crime is sometimes determined by values, attitudes and beliefs, not just poverty. If it was just poverty there would be a far more high level of crime. There is a breakdown of parents teaching their children how to cope with real challenges.

Captain October from the Cape Town Central SAPS:

Homeless people and offenders are often processed through SAPS CT. Partnerships and types of communication are necessary. The type of communication that happened during the World Cup is needed, quick and careful sentencing was in the media and should be continued. Our levels of

partnership need to be strengthened. We are sitting with some of the solutions, lets formulate partnerships that last. We should not give up after the first hiccup.

Hannes van der Merwe – Straatwerk

Framework that Straatwerk works within works – they offer job and life rehabilitation – as an alternative to aggressive begging and crime. They offer a system where people can participate – they receive funds to pay cash in hand – in order to survive. They do not consider it payment rather a scholarship to what they call the school of life. It is a collaboration – they receive funds from CCID – 1.6 million and a little from Social Development budget. Operational money has been receive to improve the way people live through co-operation. Allow people to participate – even though they have no fixed address.

Muneeb Isaacs – CCID

There is testament from Hannes and Straatwerk and Khulisa. They try to partner with people. There are still lots of gaps. Collaboration steps are needed and diversion programmes.

Swieg Nel:

Very positive about NCS proposed by NICRO. Give time and listen – this is a psychologically tested way of improving others lives.

Values, attitudes and beliefs – human rights are not seen to.

Venessa:

Every person has the right to self determination. We need to develop resiliency, to deal with conflict earlier than a justice system. Sometimes as NGOs we disempower people. We must be careful not to try re-programme people.

Hannes:

You can't just put a person into a programme if they are not ready to receive the programme. We teach that people should take basic responsibility for themselves.

Ebalo – Videfi Fizi

He is part of the change that he wants to see. We are community savers, that need the skills of listening, the problems are complex. Wear the shoes of the person you are assisting. Various departments are not listening to people. Often refugees forge documents as there is no response from Home Affairs and then become criminals.

PARTNER thanked all attendees for their contribution.