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**PAROLE REVOCATION IN SOUTH AFRICA:
PERSPECTIVES OF ADULT MALE PAROLE VIOLATORS****Francois Louw¹ and Willem Luyt²**

ABSTRACT

In South Africa, limited research exists regarding the parole revocation process and the parole revocation hearing is, so to speak, hidden from public view. In this article findings are presented from a mixed methods research study that explored parole violators' perspectives on parole revocation. The study involved the collection and analysis of primarily quantitative data from self-administered questionnaires and was complemented by a qualitative data collection phase consisting of focus group interviews. The parole violators who participated in the study shared invaluable information about their experiences regarding parole and the parole revocation process. In practice, there is a noticeable inconsistency in dealing with parole violations. One offender may have a record of numerous technical violations and still be on parole, while another offender may have parole revoked after a minor technical violation. The research findings revealed the importance of graduated responses to parole violations that are fair, consistent, and legal.

Keywords: Community corrections; conditions, correctional supervision and Parole Board; non-compliance; parole revocation; sanctions; violations.

INTRODUCTION

A strategic outcome-oriented goal of the South African Department of Correctional Services is to ensure, through the provision of rehabilitation and social reintegration programmes, that parolees (and probationers) are successfully reintegrated into society as law-abiding citizens. (Department of Correctional Services, 2017a: 32). However, South Africa does not determine parolee reconviction rates scientifically, neither have they historically established whether correctional rehabilitation programmes contribute towards successful parole and community re-integration (Cilliers & Smit, 2007: 99; McLaughlin & Muncie, 2003: 341). This deficiency results in a lack of understanding for the contributing factors of parole violation. South African Correctional Supervision and Parole Board chairpersons argue that parole placement becomes a risk factor, because parolees might re-offend (Louw, 2008: 152-153).

Travis, Solomon and Waul (2001: 20) maintain that supervision strategies with surveillance techniques, combined with a level of treatment or rehabilitation reduce recidivism. Yet, regardless of continued spending on social reintegration,¹ parole violation in South Africa continues.

The actual number of parole revocations are difficult to determine in South Africa. The Department of Correctional Services (2017a: 36) reported for the 2016/17 financial year² that a total of 98.8 percent (N = 51 785; n = 51,161) of parolees were without parole violations or have adhered to all parole conditions. On the other hand, parole revocation figures³ presented by

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1. Dr. Lecturer. Department of Corrections Management, School of Criminal Justice, College of Law, University of South Africa. Email: louwfc@unisa.ac.za.
 2. Professor. Department of Corrections Management, School of Criminal Justice, College of Law, University of South Africa. Email: wfmluyt@unisa.ac.za.
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Ramsewaki (2018: 21), showed that a total of 4 894 (9.5%) of parolees had their parole revoked nationally during the 2016/17 financial year, representing a success rate of 90.5 percent and not 98.8 percent as reported by the Department of Correctional Services. It can be estimated, although not empirically proven, that close to ten percent of all parolees released within a given year are re-incarcerated following parole revocation. This data, however, does not distinguish between parolees returned to correctional centres for technical violations or those returned for new criminal offences.

Parole revocations, even a small percentage, can have a dramatic impact on overcrowding in correctional facilities (Klinge, 2013: 1041), and increase the costs of incarceration. The parole system is only useful when parolees become productive members of society, keeping the correctional system less crowded, and saving on costs (Furtado, 2017: 12). The problem of overcrowding, however, continues to be one of the major challenges of the South African correctional service system. During the 2017/18 financial year, correctional centres were on average, according to the National Commissioner of the Department of Correctional Services, Arthur Fraser, overcrowded by 38 percent, while several individual centres were overpopulated in excess of 100 percent (Department of Correctional Services, 2018b: 16). "Fundamentally, the challenge of overcrowding hampers the Department from effectively carrying out its [legal] mandate – that of rehabilitating offenders and facilitating their [successful] reintegration into society" (Department of Correctional Services, 2017a: 9). From an economic perspective, the costs of incarceration are higher than that of community supervision (Ferguson, 2016: 942). In the 2017/18 financial year, it cost the Department of Correctional Services about R366⁴ per day to keep an offender incarcerated, compared to an average of R29 per day to supervise a parolee in the community (Ramsewaki, 2018: 21). Community corrections, as a community-based sentencing option, is more cost effective than incarceration in South Africa.

In addition to the increased cost burden and the stress on an already overcrowded correctional service system, some research (Furtado, 2017; Travis, 2007; Travis, 2000) questions the effectiveness of sending parole violators back to custody. Questions regarding the impact of parole violators, especially technical violators, on correctional resources remain largely unanswered (Bucklen & Zajac, 2009: 240). The parole revocation process is to a large extent hidden from public view (Steen & Opsal, 2007: 344; Van Stelle & Goodrich, 2009: 179), and little is known about parolees who were re-incarcerated for parole revocations (Orrick & Morris, 2015: 1030; Steen, Opsal, Lovegrove & McKinzey, 2013: 87). Moreover, the extent to which re-incarceration of parole violators contributes to public safety is under researched (Solomon, 2006: 27).

This article is an effort to address the lack of research and knowledge regarding the parole revocation process in South Africa. In addition, sanctions for minor and major parole violations and the parole revocation hearing are discussed. The authors believe that the insights of the respondents in study can inform discussions about parole placement policies and efforts to enhance the parole revocation process.

PAROLE PLACEMENT

In the South African Correctional Service system, 53 Correctional Supervision⁵ and Parole Boards (Department of Correctional Services, 2018a: 71) have been established to take independent decisions on the placement or release of offenders. An appointed Correctional Supervision and Parole Board will only approve parole once the Board is satisfied that the sentenced offender, who has served a specified minimum period of detention, meets all the stipulated requirements and

assessment criteria for parole (Louw, 2008: 98). In parole decision-making, emphasis should be placed on community safety; the interests of the victim; and the rehabilitation and supervision of the offender (Louw, 2008: 71; Portfolio Committee on Justice and Correctional Services, 2015: np).

Each Parole Board, according to section 74 of the Correctional Services Act 111 of 1998,⁶ consists of four members from the community, one being the chairperson and one the vice-chairperson, both appointed on fixed-term contracts. The other two community members are employed on a part-time basis. In addition, the Department of Correctional Services is represented by one official who acts as the Secretary of the Parole Board. The Board may also co-opt a nominated representative from the South African Police Service and/or Department of Justice for a meeting of the Parole Board (Portfolio Committee on Justice and Correctional Services, 2015: np).

Granting of parole and implementation of community supervision is done in accordance with Chapter 28 of the Criminal Procedure Act 51 of 1977, read in combination with the Correctional Services Act 111 of 1998 (Department of Correctional Services, 2018b: 23). A Correctional Supervision and Parole Board may grant parole to a sentenced offender serving a determinate sentence of more than 24 months and, subject to the provisions of section 52 of the Correctional Services Act 111 of 1998, set the conditions of community corrections imposed on the sentenced offender (Section 75(1)(a) of the Correctional Services Act 111 of 1998). Parole is, thus, the conditional placement of an offender in the community as approved by a Correctional Supervision and Parole Board after the offender has served a minimum detention period set out by legislation. In other words, parole involves the supervision of offenders who have been released into the community after a period of incarceration. While on parole, offenders must comply with certain requirements and parole conditions stipulated by a Parole Board (Lawrence, 2008: 3). The offender, now called the parolee, is under the supervision and control of the community corrections office until their full sentence or parole period expires (Louw, 2008: 23).

The immediate aim of community corrections is to ensure that parolees abide by the conditions imposed upon them in order to protect the community from offences, which such persons may commit (Section 50(2) of the Correctional Services Act 111 of 1998). Section 52(1) of the Correctional Services Act 111 of 1998 stipulates that the Correctional Supervision and Parole Board may subject the parolee in the community to the following conditions:

- (a) is placed under house detention;
- (b) does community service in order to facilitate restoration of the relationship between the sentenced offenders and the community;
- (c) seeks employment;
- (d) where possible takes up and remains in employment;
- (e) pays compensation or damages to victims;
- (f) takes part in treatment, development and support programmes;
- (g) participates in mediation between victim and offender or in family group conferencing;
- (h) contributes financially towards the cost of the community corrections to which he or she has been subjected;
- (i) is restricted to one or more magisterial districts;
- (j) lives at a fixed address;
- (k) refrains from using alcohol or illegal drugs;
- (l) refrains from committing a criminal offence;

- (m) refrains from visiting a particular place;
- (n) refrains from making contact with a particular person or persons;
- (o) refrains from threatening a particular person or persons by word or action; and
- (p) is subject to monitoring. (Department of Correctional Services, 1998: Section 52(1))

Section 68(1) of the Correctional Services Act 111 of 1998 states the following regarding the monitoring of parolees: “[w]here a condition of monitoring is set in terms of section 52(1)(p), it must specify the form of monitoring.” To ensure compliance with the set conditions as far as possible, all parolees are subject to monitoring, which is executed by reintegration case officials (monitoring officials) or appointed volunteers, who are under the control of the Head of Community Corrections (Department of Correctional Services. [Sa(a): np]. Monitoring may include (but is not limited to):

- Telephonic/physical control at work and at home must take place discerningly and, as far as possible, not cause an embarrassment to the parolee and his/her family/employer.
- Physical visits at home and at work during the week, on weekends and public holidays (after hours visits included).
- Compulsory visits by the parolee to the community corrections office.
- Where physical monitoring cannot be done due to certain circumstances, alternative measures must be taken by the Head of Community Corrections (Department of Correctional Services. [Sa(a): np]).

The degree of monitoring (number of visits) will depend on the level of supervision and the parolee’s possible risk to the community (Gideon, 2009: 45; Siegel, 2014: 2). In South Africa, all parolees under the system of community corrections are classified according to three supervision categories, namely High, Medium and Low risk (Department of Correctional Services, 2017b: 86; Portfolio Committee on Justice and Correctional Services, 2015: np). Thus, the predicted risk that parolees might pose to the community will determine the frequency and category of supervision required.

Parole is, therefore, a critical link in successful offender reintegration strategies, and the key partners in the parole process from a South African perspective are the following:

- Correctional Supervision and Parole Boards⁷ – responsible for approving conditional release, setting of parole conditions, and responding to parole violations; and
- Community corrections offices – responsible for monitoring and supervising parolees, as well as for bringing parole violations to the attention of the Correctional Supervision and Parole Boards (Burke & Tonry, 2006: 8; Louw, 2008: 5).

OVERVIEW OF THE PAROLE REVOCATION PROCESS IN SOUTH AFRICA

In South Africa, parole revocation is authorised by Correctional Supervision and Parole Boards,⁸ and, depending on the nature and seriousness of the violation of the parole conditions, parolees may be returned to correctional centres to serve the remainder of their parole period (Louw, 2008: 100). A violation is defined as “a breach or failure to comply with condition(s) of Community Corrections in terms of section 52 of the Correctional Services Act 111 of 1998, as amended, and this breach of failure led to parole being revoked” (Department of Correctional Services, 2017a:

32). The Parole Board may impose parole revocation as a sanction in cases where parolees committed a major violation; or repeatedly violated the conditions; or were arrested for an alleged crime (Department of Correctional Service, 2017b: 215). Legally, this means that in order to provide the parolee with due process the consequences of a serious parole violation must be determined at a parole revocation hearing. Revocation is still important for parolees to avoid because it means losing their freedom once more when they are returned to a correctional centre to serve the rest of their sentence (Cromwell, Del Carmen & Alarid, 2002: 211).

In simple terms, parole revocation follows parole supervision when parolees violate their parole conditions (Burke & Tonry, 2006: 12). Parole can be revoked for the following reasons:

(1) Arrest for another crime; (2) absconding; and (3) non-compliance with parole conditions (a technical violation) (Furtado (2017: 17). Each is discussed in more detail.

Arrest for a new crime

When parolees fail to adhere to a specific condition of their parole supervision by committing a new criminal offence, “the decision to revoke their conditional release and return them to prison is clear and reflects public safety concerns” (Furtado, 2017: 19). An alleged parole violation is only criminal in nature (as opposed to technical) if the violation was based on an arrest for a new crime. In some cases, the parolee, who has allegedly committed a new crime, will be allowed to remain on parole while undergoing criminal proceedings for new crimes. In such cases the parolee can typically be held in pre-trial custody or returned to a correctional centre (from parole). Parole revocation is sanctioned once the parolee is found guilty of a criminal offence, which was committed during the parole supervision period (Department of Correctional Service, 2017b: 215).

Absconding

Absconding is defined as fleeing, escaping, or permanently leaving the magisterial district, or as the action of changing one’s residential address without permission (Jones, 2004: 335). In other words, an absconder refers to any probationer or parolee who, while under community corrections, changes residence or leaves their magisterial district without permission and/or ceases reporting or is otherwise not available for supervision (Department of Correctional Services, 2017b: 6).

Technical violation of parole

A technical violation refers to an offender’s failure to comply with a specific parole condition, including non-criminal behaviour (Burke & Tonry, 2006: 12; Furtado, 2017: 14). Parolees will also have a set of conditions that relate to the crime they have committed. For example, those who have been convicted of a drug-related offence, may be subjected to alcohol or drug testing as a condition of their parole. Some conditions are standardised for all parolees to follow including, but not limited to, reporting changes in residential address and reporting for compulsory office consultations. Although the violation of any of the standardised conditions may result in verbal or written warnings, revocation of parole may not necessarily be considered, taking into account the offender risk, the nature and seriousness of the violation, and the objective of offender accountability. Clear and Dammer (2003: 383) argue that technical violations, such as failing to report a change of address to the community corrections office, are controversial because they involve behaviour that is not criminal.

Offenders who are returned to incarceration for violating their parole conditions (technical violations) or for committing a new offence while under parole supervision are called parole violators (Austin, 2001: 318). It is important to realise, however, that one does not necessarily

become a parole violator the moment when parole is revoked. Parole revocation is not automatic since minor violations can result in lesser sanctions being imposed on offenders. In practice, parolees are returned to correctional centres only if they continuously demonstrate a pattern of non-compliance with their parole conditions, or if they are found guilty of committing a new crime.

Sanctions for non-compliance with parole conditions

When imposing sanctions for violations of parole conditions, there is a need to maintain a certain amount of consistency and fairness to ensure the credibility of the parole revocation process. Parole violations and sanctions are collectively referred to as “back-end sentencing” (Siegel, 2014: 2), and according to Grattet, Petersilia and Lin (2008: 6), the term “back-end sentencing” describes how the parole revocation process centres on parole board practices. Grattet et al, (2008) further state that, “Not only are back-end sentences determined by correctional officials instead of judges, but the standard of evidence used is much lower than is required in a court of law” (Grattet, et al, 2008: 6)

A sanction refers to “any consequence or combination of consequences, listed for the respective incidents of non-compliance with conditions” (Department of Correctional Services, 2017b: 214). Non-compliance with the conditions imposed on a parolee is addressed in section 70(1) of the Correctional Services Act 111 of 1998 (Department of Correctional Services, 1998). After the Head of Community Corrections finds that the parolee has failed to comply with any aspect of the imposed conditions, the Head may in terms of section 70(1) of the Act:

- (a) Reprimand the parolee [verbal or written warning];
- (b) Instruct the parolee to appear before the Correctional Supervision and Parole Board that is situated closest to the parolee’s place of residence, or other body which imposed the conditions of community corrections;
- (c) Issue a warrant for the arrest [G306]; or
- (d) Instruct that parole be resumed, if satisfied that the parolee has a valid excuse for not complying with any such condition (Department of Correctional Services, 1998: section 70(1)).

A Supervision Committee is responsible for making written recommendations to the Head of Community Corrections for ultimate consideration by the Correctional Supervision and Parole Board regarding the amendment of conditions and supervision categories; offender participation in programmes; and possible sanctions for violations of parole conditions (Department of Correctional Services, [sa(b)]: 10; Louw, 2013: 49). This Committee is established at every community corrections office and consists of correctional officials involved in the supervision of persons subject to community corrections, as well as, if practicable, persons from the community who are experts in behavioural sciences (Department of Correctional Services, 1998: section 58(1)(a)).

Once a parolee violates any of the set conditions, parole is not necessarily revoked, but he/she will be summoned to appear before the Supervision Committee. During the interview with the Supervision Committee, the parolee will be afforded sufficient opportunity to call witnesses and explain the reasons for non-compliance (violation) (Department of Correctional Services,

2017b: 130). The Supervision Committee must decide within 48 hours to either place the parole violator back into the system of community corrections or refer the parole violator to the Correctional Supervision and Parole Board. (Department of Correctional Services, [sa(b)]: 39).

In more serious cases (e.g. major violations, repeated violations of parole conditions or arrests for alleged crimes), the Head of Community Corrections must issue a G306-warrant within a period of 48 hours to order the detention of a parolee in a correctional centre. In such cases, the Supervision Committee must immediately investigate and compile a comprehensive report (Department of Correctional Services, [sa(b)]: 39-40). Importantly, parolees may only be detained in the correctional centre for a maximum period of 48 hours or be placed on parole again within this period. If the Supervision Committee requires more time to finalise their investigation regarding the non-compliance, a court must be approached to obtain a warrant for further (longer than 48 hours) detention (Department of Correctional Services, 1998: (section 70(2)(b); Department of Correctional Services, [sa(b)]: 42; Department of Correctional Services, 2017b: 135).

Sanctions for minor violations

The first recommended sanction or action taken by a Supervision Committee for most minor violations of parole, if satisfied with the proof submitted by the parolee during the interview, is a written warning (Department of Correctional Services, 2017b: 130). Where parolees violated their conditions repeatedly and/or without any reason, or failed to report to the Supervision Committee, one of the following steps may be taken in consultation with the Head of Community Corrections, recommend the following:

- a) reinstating suspended hours of community service where a parolee repeatedly failed to participate in community service;
- b) amendment of conditions to accommodate the personal circumstances of the offender;
- c) adjustment to the level of supervision;
- d) attendance of additional programmes; and
- e) instruct the parolee to appear before the Correctional Supervision and Parole Board on a date as determined by the Board (Department of Correctional Services, [sa(b)]: 39; Department of Correctional Services, 2017b: 131).

The Supervision Committee may also recommend an increase in alcohol or drug testing as a sanction for parolees who keep on failing to comply with a specific condition of 'refraining from using alcohol or illegal drugs', and for parolees who refuse to be subjected to alcohol or drug testing during monitoring.

Possible sanctions that a Supervision Committee may impose on a parolee for minor violations of conditions are indicated in Table 1 below.

Table 1: Possible sanctions for minor violations

Type of non-compliance (violation)	Recommended action/imposed sanction
Failing to participate in compulsory programmes (<i>Failure to attend the programme as prescribed by the Correctional Supervision and Parole Board without a valid reason</i>)	<ul style="list-style-type: none"> • Verbal warning • Written warning • Recommend attendance of additional programmes
Failing to take up or remain in employment (<i>Offenders terminate their employment without valid reasons</i>)	<ul style="list-style-type: none"> • Written warning
Refusing to be subjected to alcohol/drug testing during monitoring (<i>Failure to comply with the instruction of a reintegration case official (monitoring official) to be subjected to breathalyser/blood/urine sample</i>)	<ul style="list-style-type: none"> • Final written warning • Increased alcohol/drug testing
Using alcohol/drugs (<i>Failure to comply with the condition as ordered by the Correctional Supervision and Parole Board</i>)	<ul style="list-style-type: none"> • Written warning • Increased alcohol/drug testing • Refer back to the Correctional Supervision and Parole Board
Failing to pay victim compensation (<i>Failure to submit proof of payment</i>)	<ul style="list-style-type: none"> • Written warning • Refer back to the Court
Failing to report for compulsory office consultations on the scheduled date as agreed	<ul style="list-style-type: none"> • Written warning • Final written warning • Refer to the Correctional Supervision and Parole Board
Failing to participate in community service (<i>Failure to report at the community service institution to render community service/failure to complete community service</i>)	<ul style="list-style-type: none"> • Written warning • Reinstate suspended hours of community service
Failing to follow instructions issued by correctional officials (<i>Offenders who deliberately disobey a lawful instruction given by correctional officials</i>)	<ul style="list-style-type: none"> • Written warning
Failing to be subjected to monitoring (<i>Offenders avoid being monitored by correctional official/s or appointed volunteer/s</i>)	<ul style="list-style-type: none"> • Written warning • Adjust level of supervision
Failing to be subjected to searching (<i>Offenders avoid being searched by correctional official/s or appointed volunteer/s</i>)	<ul style="list-style-type: none"> • Written warning

(Source: Adapted from Department of Correctional Services, 2017b: 214).

The more conditions there are, the harder it is to comply and the more likely it is that the parolee will fail. It is, therefore, not surprising that: “many minor violations of parole conditions are pervasive” (Klinge, 2013: 1035).

Sanctions for major violations

The first recommended sanction for major violations such as: ‘Failing to reside at an approved residential address’ or ‘Threatening a particular person or persons by word or action’, is usually a final written warning. But, in the event of most major (serious) or repeat violations, the Supervision Committee may recommend parole revocation to the Head of Community Corrections and that the parole violator must be referred to the Correctional Supervision and Parole Board for a final decision (Department of Correctional Service, 2017b: 215). However, the recommendations may be implemented provisionally prior to the Board’s decision.

Hence, the Head of Community Corrections may take the following steps in terms of section 70(1) of the Correctional Services Act 111 of 1998 (Department of Correctional Services, 2017b: 131):

- (a) Issue a warrant for arrest and detention (G306) for investigation purposes.⁹
- (b) Recommend that the Correctional Supervision and Parole Board revoke/cancel the offender’s parole (Department of Correctional Services, 1998: section 70(1)).

All major parole violations in South Africa and recommended actions to be taken for each violation are shown in Table 2 below.

Table 2: Possible sanctions for major violations

Type of non-compliance (violation)	Recommended action/imposed sanction
Committing new offences or crimes (<i>Found guilty of having committed a criminal offence whilst under the system of community corrections</i>)	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board
Failing to reside at approved residential address (<i>Offender changes address without informing the Head of Community Corrections</i>)	<ul style="list-style-type: none"> • Final written warning • Recommend revocation of parole to the Correctional Supervision and Parole Board
Denying access to residence and searches (<i>Offenders who fail to give access to their residence for purposes of effective monitoring/resistance to searching of premises</i>)	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board
Absconding from supervision (<i>Any offender who absconds and thereby avoids being monitored</i>)	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board • Provisionally revoke parole subject to the decision by the Correctional Supervision and Parole Board
Failing to disclose status as a sex offender upon admission at the community corrections office	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board

<p>Making contact with a particular person or persons without approval (<i>Offenders who fail to observe a condition imposed by the Correctional Supervision and Parole Board to refrain from making contact with a particular person/s without approval</i>)</p>	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board • Provisionally revoke parole subject to the decision by the Correctional Supervision and Parole Board
<p>Threatening a particular person or persons by word or action (<i>Offenders who fail to observe a condition imposed by the Correctional Supervision and Parole Board by making threats to a particular person by word or action</i>)</p>	<ul style="list-style-type: none"> • Final written warning • Recommend revocation of parole to the Correctional Supervision and Parole Board • Provisionally revoke parole subject to the decision by the Correctional Supervision and Parole Board
<p>Leaving magisterial district/s without permission (<i>Offenders who leave magisterial districts without permission/without notifying the Head of Community Corrections of their whereabouts</i>)</p>	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board • Provisionally revoke parole subject to the decision by the Correctional Supervision and Parole Board
<p>Resisting arrest by authorised official (<i>Offenders who resist to be arrested by an authorised official for failing to comply with set conditions</i>)</p>	<ul style="list-style-type: none"> • Recommend revocation of parole to the Correctional Supervision and Parole Board • Provisionally revoke parole subject to the decision by the Correctional Supervision and Parole Board

(Source: Adapted from Department of Correctional Service, 2017b: 215)

When an overwhelming number of conditions are imposed on parolees, the more likely it is that they will technically violate their conditions, which may potentially result in parole revocation and re-incarceration (Ricciardelli, Crow & Adorjan, 2019: 223).

The parole revocation hearing

Parole board members are the “criminal justice actors” who ultimately decide whether or not to revoke the parole of offenders who violated their parole conditions (Steen et al, 2013: 71). The decision of whether or not to revoke lies with the Correctional Supervision and Parole Boards, which in South Africa are appointed by the Minister of Justice and Correctional Services. Each Parole Board consists of four members from the community, one being the chairperson and one the vice-chairperson. One correctional official is also nominated by the National Commissioner of the Department of Correctional Services to act as a secretary for the Parole Board (Department of Correctional Services, 1998: Section 74). Three members of the Correctional Supervision and Parole Board constitute a quorum for a meeting of a Board and must include the chairperson or vice-chairperson (Portfolio Committee on Justice and Correctional Services, 2015: np).

The Supervision Committee can initiate revocation proceedings if they believe that a parolee has violated a condition of parole. Upon investigation of the alleged violation(s), a Head of Community Corrections may decide to return the parolee to custody by issuing a G306-warrant

for the cancellation of parole. In such a case where the Head of Community Corrections has recommended parole revocation, the Supervision Committee's parole violation report, which is attached to the G306-warrant, is submitted to the Correctional Supervision and Parole Board for a decision (Department of Correctional Service, 2017b: 141). The Parole Board must consider the recommendations contained in the report within 14 days to confirm the revocation of parole and re-incarceration of the offender (Department of Correctional Services, 1998: section 75(2)(a); Department of Correctional Services, [sa(b)]: 40; Department of Correctional Services, 2017b: 135).

The Correctional Supervision and Parole Board must notify the offender of the date, time and venue of the parole revocation hearing in order to submit written representations or to appear before the Parole Board in person or to be represented by any person, except a fellow sentenced offender, a correctional official or an official of the South African Police Service or the Department of Justice (Department of Correctional Services, 1998: section 75(3)(a)). Thus, the Parole Board must ensure that the parole violator is offered sufficient opportunity to present his/her case. The hearing rule – *'audi alteram partem'* – requires that a Correctional Supervision and Parole Board give a parole violator, whose interests will be adversely affected by a decision, the opportunity to be heard (Naylor & Schmidt, 2010: 453). The following documents should be available for a revocation hearing to commence:

- G306-warrant for arrest and detention;
- Comprehensive report (investigation) by the Supervision Committee and recommendation(s) from the Head of Community Corrections;
- Admission detail report (re-calculated release dates);
- Minutes of the Parole Board where parole placement was originally approved;
- Written representations (if any); and
- Copy of the G326 profile report¹⁰ (optional) (Department of Correctional Services, 2012: 107).

When a parole violator is instructed by the Supervision Committee to appear before the Correctional Supervision and Parole Board, the Head of Community Corrections must ensure that the relevant reintegration case official (monitoring official) is present during such a hearing to present the Board with all the facts relevant to the case (Department of Correctional Services, 2012: 107). The purpose of a revocation hearing is to determine “contested relevant facts regarding allegations of violation of parole” (Bashir, Shur, Torres & Doherty, 2017: 12), and if the violation of condition(s) is serious enough to result in the cancellation of placement under community corrections or revocation of parole. The parole revocation hearing is also the last stage of the parole revocation process, and usually takes place at correctional institutions, leaving the process of revocation largely invisible to the public (Steen & Opsal, 2007: 347; Steen et al, 2013: 74).

The revocation hearing must take place within 14 days of the date on which the G306-warrant was issued. The Correctional Supervision and Parole Board will then decide at the hearing what steps should be taken against the parole violator. Typically, the Parole Board may take any of the following decisions at a revocation hearing (Department of Correctional Services, [sa(b)]: 40):

-
- Confirm or amend the current conditions and place the offender on parole again, if the offender indicates in writing that he/she accepts the amended set conditions (Department of Correctional Services, 1998: section 75(2)(b));
 - Disagree with the recommendation(s) of the Supervision Committee and place the offender again out under community corrections with a final written warning; or
 - Agree with the recommendation(s) of the Supervision Committee to revoke/cancel the offender's parole (Department of Correctional Services, 1998: section 75(2)(b)); and
 - ...for the offender to serve the remainder of his/her sentence in a correctional centre until the Parole Board considers their re-placement within a period of two years (Department of Correctional Services, 1998: section 75(6)).

Proper motivation must be provided on the G306-warrant for any decision made by the Correctional Supervision and Parole Board. Subsequently, the secretary of the Board must inform the Case Management Committee at the correctional centre and Supervision Committee on the outcome of the hearing – also the victim/complainant if relevant (Department of Correctional Services, 2012: 107).

The authors are of the opinion that correctional overcrowding, the seriousness of the violation, community safety and the recommendations of the Supervision Committee are considered to be potential factors that might influence the revocation decision of the Correctional Supervision and Parole Board.

PRIOR RESEARCH ON PAROLE REVOCATION

Literature about parole revocation research is quite limited, but there are a few international studies that have focused on the parole revocation decision-making process or potential factors that increase the probability of revocation (Bashir et al, 2017; Grattet et al, 2008; Kassebaum, 1999; Kassebaum & Davidson-Corondo, 2001; Steen & Opsal, 2007; Steen et al, 2013; Van Stelle & Goodrich, 2009).

Kassebaum (1999) examined parole revocation patterns in Hawaii by following 604 released offenders for two to three years and identifying factors associated with parole failure. Kassebaum found that the probability of parole revocation increased for the following groups of parolees: those who were not released for the first time, drug users, unemployed parolees, and parolees characterised by their parole officers as unwilling to accept responsibility for personal change. The study also revealed that during this two- to three-year window, approximately half of those released were re-incarcerated following parole revocation for violating their parole conditions. Race/ethnicity and time spent incarcerated were not predictive factors for parole success in the Kassebaum study. In a follow-up study (based on a smaller sample of 304 parolees), Kassebaum and Davidson-Corondo (2001) found that only two factors had a significant effect on parole revocation: the parolee's criminal history and participation in a "conventional" lifestyle.

In an article analysing parole release data reported to the National Corrections Reporting Program in 2000, Steen and Opsal (2007) identified individual-level factors that were predictive of parole success in four states (Kentucky, Michigan, New York, and Utah). Legal factors were significant predictors of parole revocation decisions. Offenders who had prior criminal histories and property offenders were more likely to have their parole revoked. Steen and Opsal also

identified demographic factors that increased the likelihood of revocation. They found that male, younger and black parolees were the most likely to experience revocation. These results, in particular to race, showed that black offenders were more likely than white offenders to have their parole revoked for both a new offence and a technical violation. Time on parole was also a significant predictor of parole success. Steen and Opsal, in contrast to Kassebaum's (1999) findings, found that the longer offenders spend on parole, the more likely they are to succeed.

In one of the largest studies conducted on parole practices, Grattet et al, (2008) tracked every adult placed on parole, a total of more than 250 000 offenders, in the State of California in 2003 and 2004 to identify factors that increase the probability of parole revocation. The study showed that individuals who are younger, male, with a record of mental health problems are more likely to commit technical violations. A lengthy prior criminal record (number of prior adult incarcerations) was founded to be the strongest predictor of parole revocation. These characteristics are consistent with the results of other studies on recidivism (Kohl, Hoover, McDonald & Solomon, 2008; Langan & Levin, 2002). Time on parole was also a significant predictor of parole revocation. Grattet, Petersilia and Lin (2008) found that the risk for all types of violations (new offence or technical) is the highest during the first six months after an offender is released from a correctional centre. The study further showed that parolees who committed property and drug crimes had higher risks for most violations than those offenders who committed violent and sexual offences.

The seriousness, as well as the number of new criminal charges or technical violations, were also relatively strong predictors of parole revocation (Steen et al, 2013: 72).

Steen and colleagues (Steen et al, 2013) conducted a noteworthy study on the different stages of the parole revocation process by investigating whether different types of technical violations predicted complaint decisions by parole officers and revocation decisions by parole boards. The researchers interviewed 35 Colorado parole officers in conjunction with a quantitative analysis of 300 corresponding parole cases with an 18-month follow-up period between 2006 and 2007. The most significant finding from examining the violation behaviour of the parolee is that parolees with mental health needs commit considerably more technical violations. Regarding the decision to file a complaint against parolees for technical violations, the researchers found that increases in missed drug tests (urinalyses) and office visits with parole officers significantly increased the chances that parolees would have a technical violation complaint filed against them. Parole officers also reported filing complaints against parolees when their behaviour posed a risk to public safety, and the one measure of risk that had a strong effect on complaints decisions was having significant sex offender needs.

Most recently, Bashir et al (2017), examined the parole revocation process in the State of Connecticut by observing 49 parole revocation hearings during the month of November 2015. In addition, the researchers conducted a follow-up survey with the parolees whose revocation hearings it had observed. Findings from the hearing observations and follow-up survey revealed that 94 percent of observed parolees had previously waived their right to have a preliminary hearing within 14 business days of re-incarceration, and 68 percent from the survey did not know what a preliminary hearing was. In general, parolees were unaware of the rights they were afforded at parole revocation hearings. The decision to revoke parole can permanently impact the parolee's life (Furtado, 2017: 17). Bashir et al (2017), reported that among the interviewed parolees, 79 percent lost their employment as a result of being re-incarcerated following revocation, and 47 percent lost their housing. The researchers also found that the parolees were routinely incarcerated for at least three months awaiting their final revocation hearings. On average, parolees accused of

technical violations spent 12 weeks in custody awaiting their final revocation hearing, whereas those charged with new crimes spent an average of 15 weeks in custody Bashir et al (2017: 15-16).

In general, parole violations are most likely to occur within 180 days of release from custody (Grattet, Petersilia, Lin & Beckman, 2009; Weatherburn & Ringland, 2014), although Ostermann (2015: 178) reported that only 9.7 percent of parolees had their parole revoked for a technical parole violation within six months of release, and 16 percent breached a parole condition within 12 months of release. However, other studies of parole revocation rates present varying figures (Solomon, Kachnowski & Bhati, 2005; Staley & Kim, 2010; Wilson, 2005). The general pattern is that parolees are more likely to be re-incarcerated for a technical violation than for a new crime (Vito, Higgins & Tewksbury, 2012: 20).

METHODOLOGY

A two-phase sequential mixed methods research design was followed, which entailed the collection and analysis of qualitative data after a quantitative data collection phase in order to follow-up on the quantitative data in more depth. The reason for using a follow-up approach is to assist in explaining and elaborating on the quantitative results obtained in the first phase of a study (Creswell, 2015: 38; Plano Clark & Ivankova, 2016: 122).

The mixed methods study was mainly descriptive, but also exploratory in nature and considered a first of its kind. The aim of the study was to explore parole violations as a phenomenon through the perceptions, opinions, and incident recall of re-incarcerated parolees in South Africa. The study involved the collection and analysis of primarily quantitative data from self-administered questionnaires and was complemented by a qualitative data collection phase of three separate focus group interviews consisting of seven to eight participants per group.

Pertaining to the sampling procedure, a stratified random sample of 111 parole violators was selected from a population of 1,111 adult male parole violators from the Gauteng region (aligned to the regional divisions used by the Department of Correctional Services and not to the provincial borders) for the quantitative phase of the study. Stratified random sampling is a sampling technique where the population is divided into homogeneous subgroups called strata so that each element of the population belongs to a single stratum (Teddlie & Tashakkori, 2009: 171). The population was divided into four strata according to the various ethnic groups, and a random sample was drawn from each stratum. The number of individuals in the population was established by making use of the *Admission and Release System* [Internal software programme] of the Department of Correctional Services. The participants for the qualitative phase were selected by means of non-probability sampling by making use of the volunteer sampling technique. A subsample of 22 participants was drawn from a list of volunteers compiled during the quantitative phase of the study.

Descriptive statistical analysis was used to analyse the quantitative data collected from the questionnaires. Eight questionnaires contained missing values and, therefore, only 103 questionnaires were used for analysis. The data was analysed by means of frequencies (frequency tables) to describe one variable and cross tabulations (contingency tables) to show bivariate quantitative data. All the focus group interviews were recorded and transcribed *verbatim* for analysis. The transcripts provided a complete record of the discussions and helped to facilitate the analysis of the data according to identified, recurring themes.

FINDINGS OF THE STUDY

The questionnaire was designed, not only to focus on parole violators’ lives while on parole, but also, and more importantly, to elicit information about the parole violators’ experiences of the revocation process by posing questions about:

- (a) the number of warnings received before revocation;
- (b) their non-compliance with parole conditions; and
- (c) the parole revocation hearing. Focus group interviews were then conducted to explore in more detail the descriptive results of the self-administered questionnaires, and more specifically, parole violators’ perspectives on parole revocation for a technical violation.

An overview of some of the quantitative and qualitative findings obtained in the study are provided and discussed below.

Biographical information

The age distribution of the respondents in Table 3 indicates that 57.28 percent were aged 26-35 years, and the smallest number (9.71%) was aged 46-55 years. The table further shows that 76.70 percent of the respondents from the sample had low educational qualifications of Grade 11 or less. During the administering of questionnaires, an interpreter was used to enable this group to read and complete the questionnaires independently. A high percentage (76.70%) of the adult male offender sample indicated that they lived in townships. In South Africa, the term ‘townships’ are defined as living areas that were designated under apartheid legislation for non-white population groups (Lester, Menguele, Karuri-Sebina & Kruger, 2009: 6). Lastly, as regards the marital status, respondents were largely single (88.35%).

Table 3: Biographical Information (N = 103)

Factor	Frequency	%	Factor	Frequency	%
Ethnic group			Age		
Asian	1	0.97	18-25	12	11.65
African	89	86.40	26-35	59	57.28
Coloured	6	5.83	36-45	22	21.36
White	7	6.80	46-55	10	9.71
Marital status			Residential area		
Single	91	88.35	Rural (country/village)	3	2.91
Married	8	7.77	Township	79	76.70
Divorced	2	1.94	Informal settlement	5	4.85
Widowed	2	1.94	Urban (city/town)	16	15.53
Education					
Grade 11 or less	79	76.70			
Grade 12	20	19.42			
Diploma or degree	4	3.88			

Profile of research sample

The results from Table 4 indicate that almost 45.63 percent of the respondents were between the ages of 18 and 25 years old, and 33.01 percent were below the age of 18 years old when they were first convicted of a crime. The number of economic crimes (47.57%), followed by the number of aggressive crimes (38.84%) were the highest with regard to the respondents' original offences. The crime category 'narcotics' had the lowest percentage of responses at only 1.94 percent. The crime category 'other' consisted of 2.91 percent of the respondents. This crime category refers to crimes that cannot be specifically categorised into the other categories. Such crimes include crimes against family life, good order, safety, and offences committed in a correctional centre. Furthermore, 29.13 percent of respondents were previously sentenced to incarceration for a period of more than three years, followed by those sentenced to a period of more than five years (18.45%). The third highest category is those sentenced to more than ten years. Sentence length has proven difficult to interpret concerning the contribution to parole violation. Although the table below indicates that sentences of more than three years contribute positively to parole violation, Frederique (2005: 53) argued that the length of time served, rather than the length of sentence, plays a more significant role in reoffending. Lastly, 34.95 percent of parole violators were first offenders, but cumulatively 65.05 percent of parole violators had one or more previous conviction. Prior criminal history might be one of the strongest risk factors to predict reoffending.

Table 4: Profile of research sample (N = 103)

Factor	Frequency	Percentage
Age at first conviction		
Below 18	34	33.01
18-25	47	45.63
26-35	19	18.45
36-45	3	2.91
Crime category		
Aggressive	40	38.84
Economic	49	47.57
Sexual	9	8.74
Narcotics	2	1.94
Other	3	2.91
Length of sentence		
<2 years	9	8.74
2-3 years	14	13.59
>3-5 years	30	29.13
>5-7 years	19	18.45
>7-10 years	10	9.71
>10-15 years	17	16.50
>15 years	4	3.88
Previous convictions		
None (first offender)	36	34.95
One (1)	30	29.13
Two (2)	16	15.53
Three (3)	10	9.71
More than three (3)	11	10.68

Average time spent on parole

The respondents had to indicate the average time they spent on parole before returning to a correctional centre. The results presented in Table 5 reveal that only 40.78 percent of the respondents spent more than a year on parole, while an aggregated percentage of 59.22 percent had their parole revoked within a year. These findings show that parole violations in South Africa might be the highest during the first year after an offender's release from incarceration.

Table 5: Average time spent on parole (N = 103)

Item	Frequency	Percentage
Less than a month	6	5.83
1-6 months	31	30.10
7-12 months	24	23.30
More than a year	42	40.78

Number of warnings received before revocation

The number of warnings a parole violator should receive for any type of minor violation committed is unclear. Nonetheless, Table 6 shows that 37.86 percent of the respondents had their parole revoked without them having received any warnings, which is rather alarming.

Table 6: Number of warnings (N = 103)

Item	Frequency	Percentage
None	39	37.86
One (1)	14	13.59
Two (2)	12	11.65
Three (3)	17	16.50
More than 3	21	20.39

The number of warnings received before parole revocation was further analysed during the second, qualitative phase of the study. Almost 60 percent of the participants from all the focus groups indicated that they did not receive any warnings before their parole was revoked. It was found that written warnings were seldom given as some of the participants gave the following responses when they were asked about the number of warnings they had received before their parole was revoked:

“First thing what I can say if the [reintegration case] officials, the members who monitor you, they can have truth. I think everything can be fine. It can go with the right way if they can have the truth. If you for instance violate a parole, they must give you a warning, but they don't do like that.”

“I was out, 18 months, on parole. I did not get one verbal warning, not one written warning, not one 48 hours” (maximum period allowed for a parole violator to be detained in a correctional centre).

“I never received any written warning or warning of 48 hours. I just arrested like that. I was 15 months outside [on parole] before they [reintegration case officials] took me like that.”

“No warnings. I was arrested after two weeks.”

“Between myself if the correctional centre [Community Corrections] used the written rule that if you violated maybe three times you must get a verbal warning. After such a time, when you violate again for three times you must get a written warning. That rules they are using them. Maybe if they gave me [a] verbal warning, I should have learned something. I did not receive any warnings. I was on parole 20 months.”

Non-compliance with parole conditions

The main reason for parole revocation seemed to be that the respondents were not present at home or at work during monitoring hours. Another reason seemed to be that they had violated the parole condition of house detention. House detention refers to that portion of the day or night when the offender does not work and is compelled to be at the approved place of residence (home). The period of house detention of individual offenders differs but is determined by an offender’s projected risk to the community (Department of Correctional Services, 2017b: 99). Table 7 shows that 60.19 percent of the respondents indicated that their parole was revoked for a minor technical violation of not being at home or at work during monitoring hours.

Table 7: Violation of parole conditions (N = 103)

Item	Yes (%)	No (%)
Not at home or work during monitoring	60.19	39.81

During the focus group interviews, many of the participants indicated that they were found guilty of the following minor parole violations:

- Failure of being subject to monitoring;
- Failure to report to a community service institution to render community service or to complete a specified number of community service hours; and
- Failure to comply with the condition of refraining from using alcohol and/or drugs as ordered by the Correctional Supervision and Parole Board.

One participant was dissatisfied with the manner in which he was monitored and commented on this process as follows:

“Sometimes they [reintegration case officials] give you a chance that they will be here (place of residence) by such and such a time, only to find that they come earlier. That’s the problem that I was face with. Find that I am at work. They maybe come there at around two or three o’ clock, and they know that my duration for working hours is from eight up until four. So that was the problem that I was facing. Unfairly treatment.”

Another participant indicated that the parole condition of house detention was difficult to follow:

“The [parole] conditions you see, I was on full house arrest when I came out and I was only given four hours a week off (condition of house detention for high risk categories). To me that was very difficult to live your life. You can’t even go to the shop to buy yourself a cold drink or something. And then if you want to go somewhere, they [community corrections office] say: ‘All right, phone us and let us know that you are going wherever you are going.’ Then you phone there, and you don’t get hold of your supervisor (reintegration case official) firstly. then some of them say: ‘Ok, you can go and I will pass the message on’. And then they come and visit [monitor] you and they give out a violation letter to you. I find it very difficult the times and the conditions, the monitoring.”

The participants remarked on the practical difficulties of providing the community corrections office with proof of employment. They also indicated that disclosing their criminal record to employers was challenging. These difficulties place parolees at risk of violating their parole conditions as monitoring visits by reintegration case officials are not pre-arranged, and parolees who are unable to provide proof of employment in the form of a letter from an employer may be considered as a violation of their parole conditions. One participant stated the following on the matter:

“I found some of the conditions really difficult. I needed permission from the parole people [Community Corrections] to go to the [job] interview. Then they wanted proof stating that I would have to have an interview at such a place and such a time. How do you get that proof whereas, you cannot tell the employer you come out of prison? [This] was very difficult for me. And then another thing is when I had employment, you had to report to ComCor [Community Corrections] twice a month to sign [as a condition of monitoring]. They want you to come and sign and that specific time that you got to report there was when I’m at work and they were not aware, my employer that I came out of prison which was also difficult for [me].”

The condition of finding and keeping employment while trying not to violate the parole condition of rendering community service appears to be a major problem for parolees. This problem can be seen in the following comments given by participants:

“What I can say from my side, the most difficult [parole] condition is the community service. When you are leaving this place [correctional centre], you think that maybe I will make it. When you come outside you found another obstacle that are facing (trying to comply with both conditions of community service and keeping employment). It is whereby you see that community service is becoming a problem...if you get yourself a job.”

“They [reintegration case officials] come and monitor me where I stay and then I sign. Then I told them: Please can’t we change the time. At least make it six o’ clock because I come from work at five o’ clock.’ ... Then you see, there was some difficulties from my

side and the manager [employer] wants you at work until five o' clock, and these people half past four [16h30] they came. When they don't get me there, they leave the violation letter. So, you see these people, we are suffering most of us with community service. They were threatening me. They told me that, 'If you are not going this week, we are going to tell your manager that you are from prison.'

"To serve the community is a good thing. When you are now getting [finding] some job for yourself, it's whereby you show some change. What I think it's maybe they [Community Corrections] should now cut for yourself that community service because we are human beings. We need to rest. When you from work, you work six days. When you are off you need to relax ... but, now you don't get that time because you get off by your work, you must go and work again for another community service. Only to find that when you go back to the community service, there is not that much that you are doing there. It's just to keep you there actually. Maybe you work at the police station, you just going to wash a car."

Some of the participants from the focus groups reported that they found it difficult to comply with the parole condition of refraining from using alcohol or illegal drugs. Having friends who used and sold drugs also seemed to be a challenge that the participants experienced while on parole. This is evident from the following responses:

"The worst was ... problem with drugs and there are people [parolees] with substance problems and that's why they duck [abscond]."

"Substance abuse was one of the reasons. Drugs and crime. Mine was alcohol. I was at bar and drinking and I got into an argument and one thing led to another."

"The other challenge that I was facing outside is that I had friends who were using and selling drugs. So, you find during my spare time, during my leisure time, I fall back onto those drugs. Whereby, those drugs they automatically instil you with a fear again as to when I think about those guys [reintegration case officials] they will come and find that I am not at home they will send me back to prison."

"To be straight [honest]. Us [parolees] like us in our township difficult to come outside from prison. It is difficult to find your friend and not drinking. It is difficult to find your friend and not using drugs. It is pressure."

Causal factors of parole violations

In a previous study conducted by Louw (2008:138), it was found that technical violations of parole conditions, as well as poor support systems (loss of support), were considered by South African Correctional Supervision and Parole Board chairpersons as the main reasons for parole revocation. The loss of support systems, such as employment and housing, impedes the rehabilitation and reintegration of parolees into the community (Bashir et al, 2017: 16).

The results shown in Table 8 indicate that poor support or a loss of support (86.41%), and unemployment (80.58%) are the main factors that the respondents identified as causes for parole

violations. These factors were followed by substance abuse (73.79%) and criminal friends (70.87%).

Table 8: Factors that causes parole violations (N = 103)

Item	Yes (%)	No (%)
Poor or loss of support	86.41	13.59
Unemployment	80.58	19.42
Substance abuse	73.79	26.21
Unsafe or crime infested neighbourhood	65.05	34.95
Criminal friends	70.87	29.13
Lack of education	63.11	36.89
Poor health	45.63	54.37
Young age	46.60	53.40
Strict parole supervision	59.22	40.78

Parolees are likely to seek out former (criminal) friends if they have poor relationships with their family members and if they experience feelings of rejection as described in the following statements by focus group participants:

“Some other people [parolees] they get problems with family. You find that there is some kind of rejection. They don’t like accept you back as part and parcel of usually as one of their members because of what happened ... family problems are a big contribution towards reoffending.”

“...those people, criminal friends, they are like a motivational to me in a sense that you still want to go and seek for employment hence you know that they’ve got an easy way of doing it. So, for the fact that you still have that fear that you don’t want to go back to prison you stick around and watch them do their thing. And at the end of the day you’ll find that maybe they’ve done their thing (crime) and they come back and maybe they give you something. Maybe they buy some beers or drinks. That becomes pressure if you know that you’ve once have been there. For the fact that you are in need of some financial problems you get to be easily tempted. As a temptation that you go through that such and such a person has been doing [crime] and has never been [caught]. Therefore, I do crime.”

“One thing I realised is that I still have the same friends. The only friends that I had was criminals. I did not have money. So, they comfort me with the money when I come back [released into the community].”

The authors postulate that when poor post-release support is experienced by parolees who are struggling to find employment, the result might be a loss of support from families because they are unable to cope financially. Eventually, parolees might turn to criminal friends and substance abuse, which, in turn, causes them to commit parole violations.

Parole revocation hearing

Legislation (Correctional Services Act 111 of 1998) stipulates that in cases where the amendment of parole conditions or parole revocation is recommended, parole violators must appear before the Correctional Supervision and Parole Board within 14 days (Department of Correctional Services, 1998: Section 75(2)(a)). However, the results from Table 9 indicate that nearly 39.81 percent of the respondents did not attend a parole revocation hearing within 14 days of being detained for violating their parole.

Table 9: Attendance of parole revocation hearings (N = 103)

Item	Frequency	Percentage
Yes	62	60.19
No	41	39.81

The participants of focus group interviews were also asked if they had attended a parole revocation hearing. From their responses, it was evident that most of the participants never attended a parole revocation hearing. Two of the participants who did attend a parole revocation hearing gave the following responses regarding when the hearing occurred: "...[a]fter a long time after six months" [and] "...[a]fter one month, couple of weeks." Other participants gave the following responses:

"Yes, at ComCor [Community Corrections] they say: 'I'm going to see the disciplinary hearing.' I didn't see that disciplinary hearing. They say: 'Let's go with you to [name of correctional centre] to see the Parole Board.' I come here [name of correctional centre] they say: '48 hours' hours. I do that 48 hours. On Sunday, when I'm supposed to go home, they say: 'No, you are not going to go home, you going to serve your sentence and see the Parole Board after three weeks.' I didn't go even now. I didn't violate any parole."

"When I came to [arrive at] the prison they [Correctional Supervision and Parole Board] asked me: 'Why didn't you report because you were missing (absconded) for five months?' That was the five months I was locked up at Sun City [correctional centre in Johannesburg] for trial which I was accused of something I never did... the case was withdrawn against me... I didn't do anything and I went out of my way to go and report to ComCor [Community Corrections]. I was brought here [correctional centre], they gave me a [revocation] letter for the days that I have left [absconded], but I don't understand why I was brought here because I didn't do anything."

The following comments, which were made by some of the participants, are rather disturbing as the procedures described are not the procedures specified by the applicable legislation:

"He [reintegration case official] said, I must wait for the Parole Board. There is nothing he can do... They [Department of Correctional Services] say, I must do all my 'straf' (Afrikaans word meaning 'sentence/punishment'). I did not see Parole Board... What I can say, the Parole Board, they themselves also have a problem with us, because some

of the guys like me myself I was taken from home to come here [correctional centre] and serve 48 [hours]. I didn't sign a form that stated I'm serving 48 hours."

"When these people [people from the community] came to my mother's house, they come to give allegation. I told them [Community Corrections officials]: 'I want to change address because these people of community come with allegations [that] I broke into houses' which, I never did. They supposed to go to police and lay charges against me, but they never do it, so they put me in for [an incarceration period of] 48 hours. After that 48 hours, they give me another paper to fill in an address [to change my address]. ... After 48 hours they tell me I must go to the Parole Board after 14 days. Until now I never see the Parole Board. I wanted to change my address because of the people making allegations. That is why I'm here."

It has been a year now and I still have not seen the Parole Board.

"I'm here a year and I still have not seen the Parole Board."

"After one year one month I have not seen anybody" [the Correctional Supervision and Parole Board].

"Within 48 hours you're supposed to appear, but I don't think that ever happens."

DISCUSSION AND CONCLUSION

The overburdened correctional system needs to reduce the number of people incarcerated. Parole is one way of doing it, but the system must be set up to succeed where families of parolees, future employers, and non-governmental organisations that specialise in substance abuse treatment form part of the parole release process.

When imposing sanctions for violations of parole conditions there is a need to maintain a certain amount of consistency and fairness to ensure the credibility of the parole revocation process. From a South African perspective, it seems as if some parolees are being detained for a minor parole violation without proper consultation or a written warning from the Supervision Committee. Moreover, others are unlawfully not given the opportunity to present their case within 14 days at a parole revocation hearing of the Correctional Supervision and Parole Board. According to applicable legislation, if these conditions are not met, illegal incarceration would result. In such cases, parole violators should immediately be returned to the community to complete the rest of their parole period.

The South African Department of Correctional Services needs to invest in developing a parole revocation tool to be used by Supervision Committees and Correctional Supervision and Parole Boards when parole revocation is considered. The tool should be aimed at ensuring that parole is not revoked without having considered all relevant factors, which include both static factors – things about the offender that can't be changed, such as their prior criminal history and age at first conviction, and dynamic factors – characteristics that can be changed, such as poor post release support and substance abuse. A standardised revocation tool may possibly improve the quality and consistency of recommendations and decisions on cancellation of parole placement.

Overcrowded correctional centres, overburdened Correctional Supervision and Parole Boards, and the impact of a Correctional Supervision and Parole Board's decision on family

relationships and the work commitments of a parole violator should be taken into account before a Supervision Committee makes recommendations to a Correctional Supervision and Parole Board. Only once these factors are taken into consideration should the Correctional Supervision and Parole Board be able to make a proper decision regarding the fate of a parole violator.

The rate of parole revocation has also generated controversy and added to an artificial profile of parole violators. Too many parole revocations lead to correctional overcrowding, and too few revocations lead to concerns about community safety. A balance must be achieved between successfully reintegrating offenders into society and protecting the public (Burke, 2004: vii; Cromwell et al, 2002: 226). An important step towards improved community safety is to develop a thorough understanding of the characteristics of parole violators as recidivists and their reintegration challenges (Keegan & Solomon, 2004: 2). Although many offenders are held accountable for violations through parole revocation more needs to be done in terms of research to ensure that the profile of parole violators informs parole placement policies. It is, furthermore, critical for recidivism research to understand what types of offenders are more likely to violate their parole conditions and have their parole revoked.

The time has arrived for South Africa to utilise data-driven strategies and implement evidence-based practices to address parole violations. Therefore, the importance of a parole violator profile cannot be ignored. The question can earnestly be asked whether we know who our offenders are. The synoptic answer is that we do not.

NOTES

1. Social reintegration refers to a process of facilitating social acceptance and effective reintegration of offenders into communities (Department of Correctional Services, 2005).
2. The financial year for the Department of Correctional Services in South Africa runs from 1 April of each year to 31 March of the following year (Department of Correctional Services, 2018b: 23).
3. These figures are based on the actual outcomes of parole revocation hearings as reported by South African Correctional Supervision and Parole Boards.
4. The South African rand, the currency for South Africa, is made up of 100 cents and is often presented with the symbol 'R'.
5. Correctional supervision in South Africa is a community-based sentencing option exercised directly by a court of law. It also refers to a sentencing option where imprisonment is converted into correctional supervision after a portion of the sentence was served by the offender in a correctional centre. Offenders who serve a sentence of correctional supervision are called probationers in the system of community corrections.
6. The Correctional Services Act 111 of 1998 is one of the legislative mandates of the South African Department of Correctional Services.
7. Correctional Supervision and Parole Boards (also referred to as Parole Boards) are defined as independent and statutory bodies that have decision-making competencies regarding the placement and revocation of parole (Louw, 2008: 92).
8. Parole revocation is authorised by the Head of Correctional Centre, in cases where an offender has served a sentence of 24 months and less (Section 75(7) of the Correctional Services Act 111 of 1998).
9. Where a parolee committed a serious violation, or repeatedly violates the conditions, or arrested for an alleged crime the Head of Community Corrections must issue a G306-warrant for the detention of a parolee in a correctional centre within the period of 48 hours (Department of Correctional Services, 1998: Section 70(1)(a)(iii)).
10. At each correctional centre, the Case Management Committee must submit a profile report (G326) in terms of the Correctional Services Act 111 of 1998 (Department of Correctional Services, 1998: section 42(2)(d)(vii)), to the Correctional Supervision and Parole Board regarding the possible placement of an offender on parole, and the conditions for such placement (Louw, 2008: 15).

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