

## COMMUNITY CORRECTIONS AS AN ALTERNATIVE TO IMPRISONMENT IN SOUTH AFRICA

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### INTRODUCTION

South Africa's prisons are overpopulated to the extent that its accommodation capacity is currently exceeded by an alarming 68 percent. During 1997, a new act (the Criminal Law Amendment Act 105 of 1997) stipulating the minimum sentences to be imposed by the courts for certain serious offences, was introduced. The implementation of this act meant that offenders convicted of serious offences would now receive longer prison sentences, thus contributing to the overcrowding problem.

Community corrections could impact on the alleviation of prison overcrowding in South Africa and this article aims to highlight such impact. An introduction to the background and development of community corrections in South Africa is provided. The author then reviews the implementation of community corrections to determine how it contributed towards the reduction of overcrowding in South African prisons. It is argued that a greater utilisation of community corrections as a sentence by the judiciary can contribute to the reduction of the prison population and the efficiency of the criminal justice system.

This article will endeavour to supply information about and promote an understanding of the impact of community corrections on prison population growth in South Africa. The information shared in the article could also benefit criminal justice practitioners to the extent that they will gain insight into how and where they could become involved in enhancing community corrections as an alternative to imprisonment.

### BACKGROUND ON SENTENCING GOALS

Koen (1999:184) says that in response to South Africa's crime crisis there was a public outcry from various quarters that called for harsher sentences to be imposed upon convicted offenders. The belief is that it is imperative that the type of punishment imposed by the courts must send a clear message to the offenders and to the community that crime does not pay. According to this view then, punishment should operate as a mechanism of discouragement as well as a crime deterrent. The Criminal Law Amendment Act 105, stipulating the minimum sentences to be imposed by the courts for certain serious offences, was introduced in 1997. The Inspecting Judge of Prisons (Fagan 2003:30) evaluated the contents of the Act and criticised it by stating that according to research, long sentences are not necessary to act as deterrent for people contemplating the commission of crime. It is the certainty of apprehension and punishment, rather than the severity of the sentence, that is the real deterrent. Davis, Takala and Tyrer (1996:161) endorse this statement by stating that the incarceration of offenders is costly and if it works, it does not rehabilitate the offender or deter him or her from re-offending.

### CONSEQUENCES OF SENTENCING GOALS

The Inspecting Judge of Prisons came to the conclusion that although there might have been a need in 1997 to pass legislation limiting the right to bail and laying down minimum sentences in order to reassure a public who believed that crime was out of control, that need no longer existed. He justified this

statement by saying that crime in South Africa does not appear to be worse than that in other countries and that it was under control and declining steadily. The implementation of the Criminal Law Amendment Act 105 of 1997 meant that longer sentences were to be imposed on convicted offenders. The effect of this was a sharp increase in the number of sentenced prisoners for whom long-term space had to be found. For example, putting section 73(6)(b) of the Correctional Services Act (as amended by Act 32 of 2001) into operation, means that such an offender will appear before a parole board for the first time is after having served half of his or her sentence or 25 years, whichever is the shorter (Fagan 2003:28-29).

Statistics show that the number of prisoners serving sentences of more than 20 years increased from 1 885 in January 1995 to 7 887 in January 2003. This represents a growth of 318.3 percent over that period. The number of those serving a sentence of 15 to 20 years rose from 2 660 in January 1995 to 8 355 in January 2003. This represents a growth of 214.1 percent for the same period. Statistics further indicate that the number of those serving sentences of 10 to 15 years rose from 6 168 in January 1995 to 18 956 in January 2003. This represents a growth of 207.33 percent (Fagan 2003:29).

Clearly, these longer sentences have been one of the factors leading to the current overcrowding of South African prisons. According to Kriek (2003:2-3), 31 January 2003 saw the Department of Correctional Services in South Africa managing 241 prisons in nine provinces with an accommodation capacity of 1 10 875 prisoners. The offender population for May 2003 was 186 680. This constitutes an average overpopulation rate of 68.37%. Kriek (2003:10) concludes that the problem of overcrowding in South African prisons cannot be addressed by increasing prison accommodation only.

The consequences of overcrowding is further highlighted by Goyer (2002:23), who states that overcrowding of prisons is one of the most important factors affecting the health of prisoners and therefore the reduction of the prison population is essential to prison reform. Goyer (2002:25) also states that high-risk behaviour, the prevalence of gang activities and the impact of prison conditions on general prisoner health are all exacerbated by the severe overcrowding.

The Commissioner of Correctional Services expressed his concern (Annual Report 2001/2:12) by saying that the severe overcrowding in South African prisons continued to be a major problem for the Department of Correctional Services. The Commissioner's conclusion was that overcrowding not only resulted in the violation of the human rights of the offenders, but also in the overextension of staff. An internal research project conducted by the Department (Bergh 2002:6), found overcrowding in prisons to be one of the highest causes of stress (89%) amongst staff of the Department of Correctional Services in South Africa. This also has a direct influence on staff performance. The Commissioner of Correctional Services (Annual Report 2001/2:12) also states that overpopulated prisons create conditions that undermine the rehabilitation programmes offered to incarcerated offenders. Goyer (2002:25) reiterates this statement and estimates the recidivism rate (re-offending after release) in South Africa to be as high as 94 percent and rehabilitation can therefore not take place without first providing prisoners with conditions of detention that are consistent with the principle of maintaining human dignity.

#### **ADDRESSING OVERCROWDING**

In an effort to address the overcrowding problem, the Department of Correctional Services drafted a strategic plan (the so-called Mvelaphanda plan – a

Venda word that means 'in progress') for the period 2002 – 2005. In this plan a strategy was adopted to deal with overcrowding in South African prisons. One component of this strategy is the continuous placement of probationers, parolees and low-risk, awaiting-trial prisoners under community corrections (Mvelaphanda 2002:4-5).

### **COMMUNITY CORRECTIONS AS AN ALTERNATIVE TO IMPRISONMENT**

In the South African context, community corrections is an alternative to imprisonment where offenders serve their sentences in the community under the supervision of correctional officials. Bruyns et al. (2002:4) describe community corrections as a sentence imposed by a court and served within the community. The convicted offender is thus not removed from his or her family, job and neighbourhood. Jonker (1997:145) explains the term community corrections as being a collective for the various forms of sentences served in the community. The purpose of community corrections is therefore to monitor and exercise supervision and control over offenders who have been sentenced directly by a court to correctional supervision, prisoners whose sentences have been converted after serving a certain time in prison and who have now been released from prison under correctional supervision and persons who have been released on parole.

For the purposes of this article, persons subjected to community corrections will be referred to as parolees and probationers. Although the term "probationer" is not directly mentioned in the Correctional Service Act 111 of 1998, as amended, it is commonly used to differentiate between this category and parolees. It refers mainly to persons serving correctional supervision and who have been subjected to different categories of conditions before being released from prison with an obligation to do community service. These conditions must be sanctioned by a court of

law. The term "parolees" refers to prisoners who have been placed on parole. There are also certain conditions that parolees must meet before being released from prison, but the parolee is not under the obligation to do community service. In the case of persons placed on parole, the conditions are sanctioned by the Head of Community Corrections.

Correctional supervision is a sentence in its own right, served within the community and not in a prison. It is therefore more cost-effective and is reported to reduce the impact of overcrowding in prisons (Annual Report 1999:13-14). McShane and Krause (1993:93) state that probation contracts imposed on probationers focus mainly on two levels. Firstly, the control conditions dictate what the offender may not do, where he or she may go or may not go, and schedules of reporting. Secondly, the reform conditions outline specific programmes for education and counselling, family support, and a lifestyle that is drug and alcohol free. Bruyns et al. (2002:4-5) add a third level to this goal, namely the treatment of the offender who is subjected to community corrections. Sherman et al. in (Bruyns et al. 2002:4-5) found in an examination of predictors of adult recidivism that the strongest predictors of recidivism were antisocial cognitions, values and behaviours, along with static factors such as criminal history, age, gender and race. Therefore, community restraints without treatment will not be effective in reducing the recidivism rates of offenders. Sherman et al. in (Bruyns et al. 2002:4-5) propose that the treatment should also address factors that can be changed (e.g. personal and social deprivation) and that are directly related to an individual's criminal behaviour.

The option of sentencing, which includes that of converting an existing prison sentence, and supervising an offender, is supported by South African legislation, namely the Criminal Procedure Act 51 of 1977, as amended, and the Correctional Service Act

111 of 1998, as amended. This legislation is administered and implemented by means of regulations formulated by the Commissioner of the Department of Correctional Services (Standing B – Order: Chapter 7).

### **Ways in which Community Corrections can be implemented**

In terms of the Criminal Procedure Act 51 of 1977 offenders may be sentenced or a sentence of imprisonment may be converted to correctional supervision in accordance with the following sections:

- 276(1)(h) – Direct sentence to correctional supervision not exceeding three years after receiving a formal report from an assessment official.
- 276(1)(i) – Sentence of imprisonment not exceeding five years, which can be converted, at the discretion of the Commissioner of Correctional Services, into correctional supervision after the offender has completed one-sixth of the sentence unless the court has directed otherwise.
- 276A(3)(a)(i) – Sentence of imprisonment not exceeding five years, which may be referred to the court, a quo after serving at least one quarter of the sentence.
- 276A(3)(a)(ii) – Sentence to imprisonment not exceeding five years, which may be referred to the court, a quo when the date of sentence expiration is not more than five years in the future.
- 287(4)(a) – Sentence to imprisonment not exceeding five years with the option of a fine which may be converted into correctional supervision as soon as possible after admission unless the court directs otherwise.
- 287(4)(b) – Sentence to imprisonment exceeding five years with the option of a fine, which may be referred back to the court, a quo when the date of sentence

expiration in future is five years at the most.

- 297(1) (a) (i) (cc) – Where a court convicts a person of any offence, other than an offence in respect of which any law prescribes a minimum punishment, the court may in its discretion postpone for a period not exceeding five years, the passing of sentence and release the person concerned on one or more conditions, whether as to the performance without remuneration and outside the prison of some service for the benefit of the community under the supervision or control of an organisation or institution which, or person who, in the opinion of the court, promotes the interests of the community.
- 297(1) (a) (i) (ccA), 297(1) (b) or 297(4) – The court may place a person under correctional supervision as a condition for suspension or postponement of a sentence.

Section 51(2) of the Correctional Services Act 111 of 1998 provides that no order imposing community corrections may be made unless the person who is to be subjected to community corrections agrees that it should be made according to the stipulated conditions and undertakes to co-operate in meeting those conditions. When an offender is subjected to community corrections, the following requirements may be contracted as conditions for release from prison (Standing B – Order, Chapter 7) or direct sentencing by the court:

- Home confinement
- Community service
- Seeking employment or taking up and remaining in employment
- Paying compensation or damages to victims or any damages
- Taking part in treatment, development and support programmes
- Participating in victim offender mediation or

- family group conferencing
- Contributing financially towards the cost of the community corrections to which he/she has been subjected
- Restriction to one or more magisterial districts
- Living at a fixed address
- Refraining from using alcohol or drugs
- Refraining from committing a criminal offence
- Refraining from visiting a particular place
- Refraining from making contact with a particular person(s)
- Refraining from threatening a particular person(s) by word or action
- In the case of a child, being subjected to additional conditions

According to Mr J Visser (2004), the Chairman of the Parole Board, Correctional Services: Krugersdorp, all probationers who are placed under community supervision are subjected to home confinement.

#### **Administration of community corrections**

To be considered for a sentence or conversion of a prison sentence to correctional supervision, an offender has to meet certain minimum requirements. The offender should pose a low-risk to the community. In the process of establishing whether an offender can be classified as a low-risk, his or her previous convictions are taken into consideration. If there is a recurrence of offences, he or she is penalised and needs to serve a longer period of the remaining sentence before the conversion of the sentence can be considered. The current type of crime committed by the offender is also taken into consideration. The offender must have a fixed and verifiable address and must also have a stable support system or be financially independent.

During the court proceedings an assessment official from the Department of Correctional Services must prepare a pre-sentence report in order to advise the court on the suitability of placing the offender under community corrections. In compiling the report, the assessment official exercises his or her discretion in consulting the relatives and/or victims of the offender for the purpose of providing an objective report. In the report, recommendations are made regarding the suitability for placement according to predetermined criteria, for example the availability of support systems such as accommodation and care, the rights of the victim, public safety and crime prevention are taken into consideration (Bruyns et al. 2002:51). The court may not impose a sentence of correctional supervision before it has received a pre-sentence report. The purpose of the pre-sentence report is to determine a suitable sentence option for the offender.

According to the Chairman of the Parole Board, Correctional Services: Krugersdorp (Visser 2004), when an offender is placed under correctional supervision, a list of rules that must be adhered to, is handed to the probationer. One such rule might be that the probationer will report on a regular basis to the community service office in the area of residence. A probationer can, over a period of time, be reclassified from a maximum monitoring category to a medium and later to a minimum monitoring category if he or she is fully co-operative and adheres to all the set rules. This will lead to a systematic easing of conditions.

In order to facilitate the execution of this system (Standing B – Order, Chapter 7) and the supervision of the probationer, it is of the utmost importance that serious thought be given to the conditions under which the probationer will be supervised. These conditions need to be set in accordance with the risk that the offender poses as well as the needs of such offender.

In the South African corrections system these conditions are set by a supervision committee, consisting of a correctional supervision official(s), a monitoring official(s) and, if possible, a vocational official(s). It is the responsibility of this committee to constantly evaluate and monitor the probationer and make recommendations concerning the setting or the altering of conditions. These recommendations are then submitted to the Head of Community Corrections. The purpose of this exercise is to take immediate remedial action for the protection of the community and/or in the interest of the offender (Standing B – Order, Chapter 7(3)(1)(d)). When a probationer violates one of the conditions as set out in the warrant of release, a correctional official may give the probationer a verbal or written warning followed by a final warning if a further violation occurs. Should this be necessary, the probationer can be detained in a prison for a maximum period of 72 hours for possible referral back to the court a quo for the imposition of another suitable sentence or to serve the remainder of his or her sentence in prison (Standing B – Order, Chapter 7(3)(1)(d)).

The Chairman of the Parole Board, Correctional Services: Krugersdorp (Visser 2004), states that the Department of Correctional Services also makes use of volunteers to monitor probationers. Many of these volunteers are stationed in remote areas where the Department does not have community corrections offices. For example, the employer of the probationer may be appointed as volunteer to monitor the movements of the probationer which may include his or her time of reporting for work and work performance.

### **Community Corrections Population**

A statistical analysis of the community corrections population for the four years spanning 1999 – 2002, reflects an increase in the daily average community

corrections population in South Africa. See Graph 1 (Annexure) in this regard (Hlongwane 2002:8).

This graph shows that the daily community corrections population increased from 57 382 in 1999 to 73 083 in 2002. This represents a growth of 27.36 percent in the number of offenders subjected to community corrections.

In Graph 2 (Annexure), an analysis of the daily average prison population for 1999 – 2002 compared to the daily average community corrections population for that same period was done (Hlongwane 2002:8; South Africa. Department of Correctional Services Annual Report 2002/2003:46).

This graph shows that the daily prison population increased from 154 576 in 1999 to 172 203 in 2002. This represents a growth of 11.40 percent. By comparing these two graphs it is clear that the growth in offenders subjected to community corrections is higher than that of the growth in the prison population over the same period. This indicates that the increase in people subjected to community corrections could play a role in slowing down the growth in the prison population.

### **Crime categories of persons subjected to Community Corrections**

According to the statistical data received from Loots (2003), the general categories of crimes committed by offenders who were placed under community corrections (probationers and parolees) are crimes related to sex, economic, traffic and alcohol/drugs as well as other violence-related crimes. For the percentages of the general types of crimes committed by offenders for which they were sentenced to, or had their sentence converted to community corrections, see Graph 3 (Annexure) (Loots 2003).

This graph shows that most (79%) of the offenders who committed non-violent crimes such as economic,

traffic, alcohol/drug and other crimes, were subjected to community corrections.

### **Budget implications**

In South Africa, according to the Deputy Commissioner of Community Corrections (Hlongwane 2002:8), community corrections as a community-based alternative to imprisonment is more cost-effective than incarceration. Hlongwane (2002:8) based this argument on the fact that during the 2000/2001 financial year, the budget per capita cost for offenders subjected to community corrections was approximately R12.00 per day compared to the R97.75 per day needed to maintain an incarcerated prisoner. This statement was further emphasised by the Commissioner of Correctional Services when he stated that if the average community corrections population was to be kept in prison, it would have cost the taxpayer an additional sum of R4 088 763 per day (South Africa. Department of Correctional Services, Annual Report 1999/2000:14). It can therefore be argued that the system of community corrections saves the taxpayer a significant amount of money in terms of detention costs.

### **Challenges facing the Department of Correctional Services**

A major challenge that the Department of Correctional Services is faced with is the fact that a large number of offenders serving their sentences in the community, abscond during their term of community corrections. A probationer is classified as an absconder when that person has lost all contact with his or her monitoring official, cannot be traced at home and has violated all release conditions. For the number of offenders who absconded from community corrections and those who were traced over the five years from 1998 – 2002, see Graph 4 (Annexure), (Loots 2003).

An analysis of this graph shows that a total of 12 660 probationers and parolees absconded during the five

years from 1998 – 2002. A total of 9 080 (72%) absconders were traced (detected and arrested) by the monitoring officials while 3 580 (28%) are still at large.

There are several reasons why offenders abscond from the system of community corrections (Hlongwane 2002:11). Two of the reasons given by Hlongwane (2002:11) are that a large number of offenders who have been released on amnesty over the past years have not reported to community corrections offices as determined by their release conditions. According to Hlongwane (2002:11), they were not escorted to community corrections offices by correctional officials at the time of their release from prison. Secondly, the majority of offenders who absconded from the system of community corrections have dual citizenship. It is therefore extremely difficult to trace them because the South African government has not entered into extradition agreements with any of the neighbouring countries.

### **Age group of probationers and parolees**

Most (79.13%) probationers and parolees placed in community corrections are 21 years and older. See Graph 5 (Annexure) (Loots 2003) in this regard. From this graph it can be seen that youths are also subjected to community corrections. Youths are persons under the age of 21 years. During 2002 (Hattingh 2003), a total of 19 964 youths were in the correctional system. This total excludes unsentenced youth detainees and youths in detention at places of security. For a comparison between youths in custody and youths subjected to community corrections, see Graph 6 (Annexure) (Hattingh 2003).

According to the Annual Report of the Commissioner of the Department of Correctional Services (South Africa 2002/03: 179-180), the total staff complement (all filled positions) of the department was 33 385 on

31 March 2003. The total number of staff stationed at community corrections offices nationwide was 1 867. This represents a total of 6 percent of staff working directly with probationers and parolees at community corrections offices. For a comparison of the total number of staff members employed at community corrections offices with the total number of custodial personnel (staff directly involved in the supervision of incarcerated offenders) and other occupations (nursing, management, social workers and educators) in the Department of Correctional Services, see Graph 7 (Annexure).

The Department of Correctional Services has a total of 194 community corrections offices from where the probationers and parolees are monitored (Groenewald 2003). A further analysis of the total staff establishment of the Department of Correctional Services shows that the ratio of probationers and parolees to that of the number of staff members directly involved in their supervision for 2002 is 39:1. In comparison, the ratio of the total number of prisoners (unsentenced and sentenced) to the number of staff members directly involved in their detention is 8:1. This shows that far more probationers and parolees can be supervised per staff member than the number of prisoners per staff member.

### **Community service as a condition of community corrections**

As already mentioned, when an offender is subjected to community corrections, one of the conditions may be that the offender is to perform community service work at an identified place. Community service is a free service to the community which the offender is obliged to perform. Carter, Cocks and Glaser in (Bruyns et al. 2002:10) define community service as “a court order that stipulates that an offender perform a specified number of hours of uncompensated work or service within a given time period for a non-profit community organisation or tax-support agency.”

Schmallegger and Smykla (2001:166-167) state that community service is sometimes referred to as a “fine of time”, which is a reference to ancient civilisations where offenders were required to compensate victims with their time or money. Bruyns et al. (2002:10) further state that community service also refers to reparation or volunteer service and implies unpaid service to the community to compensate for some of the harm done by the crime that was committed. The Department of Correctional Services is responsible for the implementation of this service. If community service is set as a condition of community corrections, the number of hours that the person needs to work and the exact tasks to be carried out must be clearly set out and explained to the person by an official (Jonker 1997:150).

The type of services required of the person may vary from unskilled labour such as the cleaning of parks, rivers and streets, constructing roads and working in gardens, to skilled labour, such as building or painting, typing and administration. An important precondition is that no direct profit may be made by the institution where this service is performed. Institutions that may be approached by the assessment officials for the purpose of placement include state departments, hospitals and other medical-related institutions, schools/nursery schools, municipalities, fire brigades, zoos, preservation institutions, societies for the prevention of cruelty to animals, charity and welfare organisations.

Setting community service as a condition of community corrections has certain advantages for both the offender and the community. For example, essential tasks are performed at no cost and it is to the benefit of the community. The probationer is enabled to ‘compensate’ the community for the crime that was committed. Secondly, the suitable and correct placement of the offender may have a therapeutic effect on him or her. It can also be said that the



community is appeased because the element of punishment or retribution is brought home to the probationer. Lastly, the community becomes involved in the correctional administration of justice.

### **Institutions where community service orders are served by probationers**

Statistics regarding the institutions at which probationers who were sentenced to community service worked over the five years from 1997 – 2002, as well as the number of hours that they worked at these institutions, were supplied to the author by the Department of Correctional Services. According to the statistical data, persons are placed at national, provincial and local government departments as well as at non-profit non-governmental organisations or tax support agencies, commonly known as NGOs, to perform community service. For the percentage of probationers who performed community service at the above institutions over the period 1997 – 2002, see Graph 8 (Annexure) (Loots 2003).

This graph serves as an illustration of the fact that most of the probationers and parolees (57%) were utilised at national government buildings and properties in order to perform their community service. An analysis of the number of hours (collectively) work performed by these probationers and parolees was done. It is, however, noticeable that there is a very low (6%) utilisation rate in respect of local government buildings even though many of these offices are located in small towns without prisons and national or provincial offices. Although the probation numbers will be lower compared to large metropolitan areas, the utilisation figure is still very low, especially when taking into account the fact that local government offices are found in every town. Graph 9 (Annexure) shows the percentages of the hours of community service performed by probationers and parolees at the above institutions over the five years from 1997 – 2002 (Loots 2003).

It is clear from the above graph that the probationers and parolees spent the largest number of hours of allocated community service at national government buildings and properties. The same criticism levelled above with regard to the low utilisation of local offices, can be raised regarding the actual number of hours of community service performed at local government offices.

### **Benefits of community corrections**

The community as well as the Department of Correctional Services benefits from subjecting offenders to community corrections. Firstly, the community benefits because the offenders are not unnecessarily incarcerated, yet they are still held accountable for the criminal actions of which they have been convicted. These offenders may remain in employment and are therefore able to support their families. Employers also do not lose valuable employees. Offenders continue to pay taxes. They are also able to compensate their victims by paying restitution if so ordered by the court. It is also a more cost-effective way to serve these offenders as less staff is necessary to supervise them.

### **Marketing of correctional supervision**

Davis et al. (1996:162-164) rightfully ask the question how the spread of ideas about sentencing policy and the cross-jurisdictional convergence of policy debates can be explained. According to them (Davis et al. 1996:164), the answer is that there are a number of factors at work that encourage penal policy-makers to remain alert regarding innovations in sentencing policy from other jurisdictions. These factors could include the following:

- Similar problems with public concerns about rising crime
- Frustration with the effectiveness of the present system
- Electoral and political pressure to appear to

be doing something about crime

- Optimism from those who are searching for the latest way to curb, cure or eradicate crime
- A cadre of policy thinkers in academic and government circles whose job it is to be first with the forecast of the shifts in the penal system.

Tonry (1999:9) says that with an evaluation of the literature of various researchers, it was found that doubts had been raised about the effectiveness of community penalties in achieving the goals their promoters commonly pronounce. Yet he concludes that this does not mean that there are no effective programmes since only a handful have been, up to now, evaluated carefully. Furthermore, he believes that the evaluation of the literature regarding these evaluations does not 'prove' that community sentencing programmes cannot succeed and therefore managers can learn from past experience. Sometimes this learning may be expressed through the adaptation of an existing programme by means of which the listed goals are more likely to be achieved, or alternatively it could lead to a change in the original goals (Tonry 1999:9-11).

In 2002 the Deputy Commissioner of Support Services stated that the Department of Correctional Services was facing a very serious challenge with regard to the marketing of community corrections as an alternative sentencing option (Hlongwane 2002:3). He stated further that there were some judicial officials who were reluctant and unwilling to impose this sentencing option because of the practical problems being experienced in its implementation and execution. The Department of Correctional Services should therefore make more strenuous efforts to market this option to the magistrates and to convince them of its benefits to the wider community as well as to the individual offender. Hlongwane himself strongly recommends that measures be taken to enhance community

corrections. He proposes that there should be a greater level of inter-agency co-operation between and among criminal justice agencies such as the departments of Correctional Services, Justice and Constitutional Development, Social Development and the South African Police Services. Prospective prosecutors and magistrates should be educated about the concept of community corrections. He also advocates that the training and manpower resources within the Department of Correctional services should be given priority and that workshop and refresher courses should be utilised to enrich the capabilities of officials. Furthermore, resources such as vehicles and digital cameras should be made available to provide assistance in rendering the required services for the monitoring of offenders more effectively. Lastly, the South African government should enter into extradition agreements with neighbouring countries in order to track down offenders who have absconded (Hlongwane 2002:11).

## **FINDINGS**

In this research it was found that the Department of Correctional Services of South Africa has a serious problem with overcrowding in its prisons. The research also pointed out that the implementation of the act on minimum sentencing (the Criminal Law Amendment Act 105 of 1997) contributed to the overcrowding problem. Subjecting certain offenders to community corrections does to a certain extent alleviate the overcrowding, but in its present form of implementation it does not solve the problem. It is therefore recommended that legislation on the maximum sentencing of certain non-violent offences be introduced. Such legislation should have the objective of sentencing low-risk offenders to community corrections. This will be in direct opposition to the current legislation on minimum sentencing for certain serious crimes that acts as a major contributory factor to the present overcrowding

problem in South African prisons.

## PROMOTION OF COMMUNITY CORRECTIONS

It is recommended that the Department of Correctional Services should embark on a serious marketing campaign to promote community corrections as an alternative option to imprisonment and to persuade the Department of Justice to sentence convicted offenders to community service more often. This would be particularly suitable in cases where crimes of a non-violent nature were committed by low-risk offenders. It is therefore advocated that the magistrate courts should play a leading role by sentencing low-risk offenders directly to correctional supervision and that the option of community service be utilised more often. In doing this, the courts could contribute to the aim of reducing overcrowding in the long term.

Further research needs to be done regarding the recidivism (re-offending) rate amongst offenders who have completed their community service orders. This research should also include the different types of treatment programmes offered to offenders subjected to community corrections. A study should also be conducted into sentencing options other than imprisonment, as implemented in other Southern African countries, so that the best practices in community corrections (as an alternative to imprisonment) can be identified, thus helping to address the problem of overcrowding in prisons.

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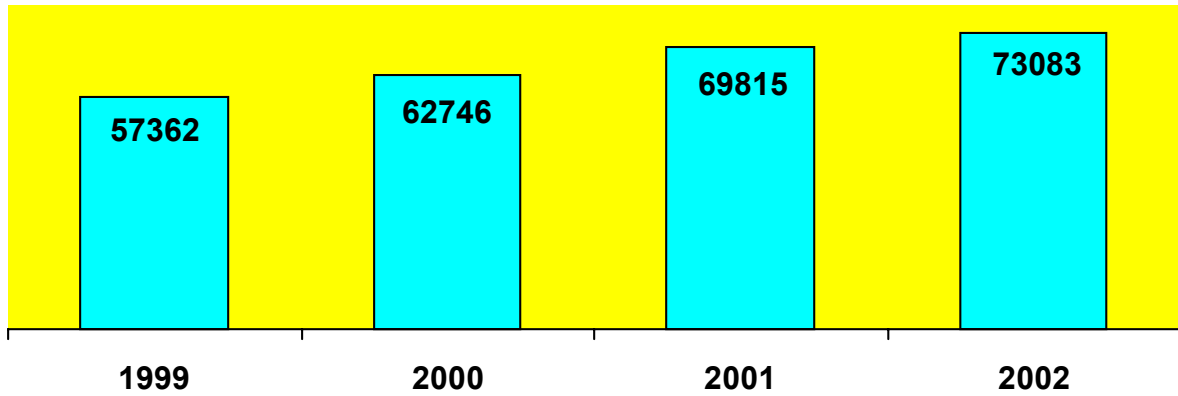
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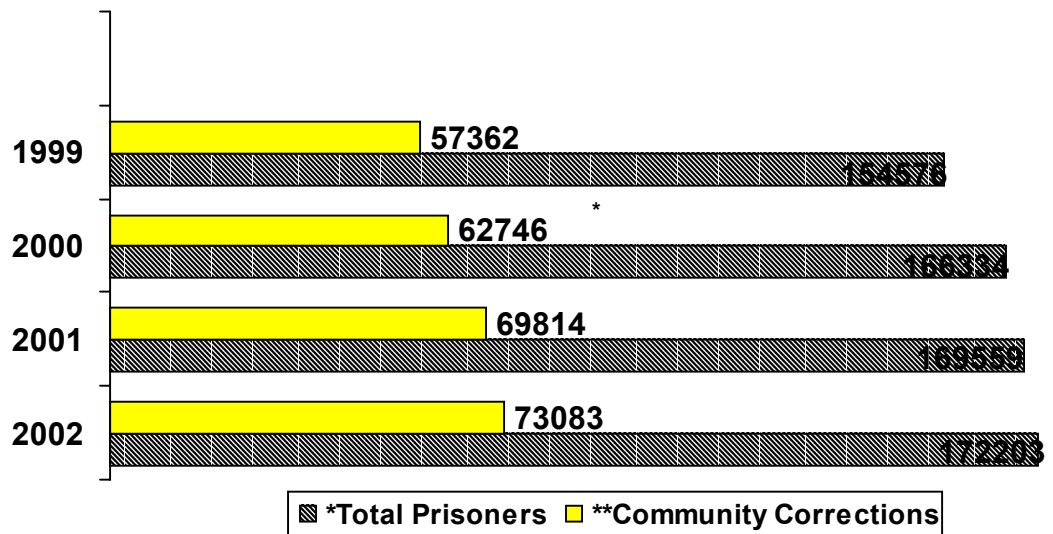
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ANNEXURE

**Graph 1: Daily average community corrections population for the period 1999 –2002**

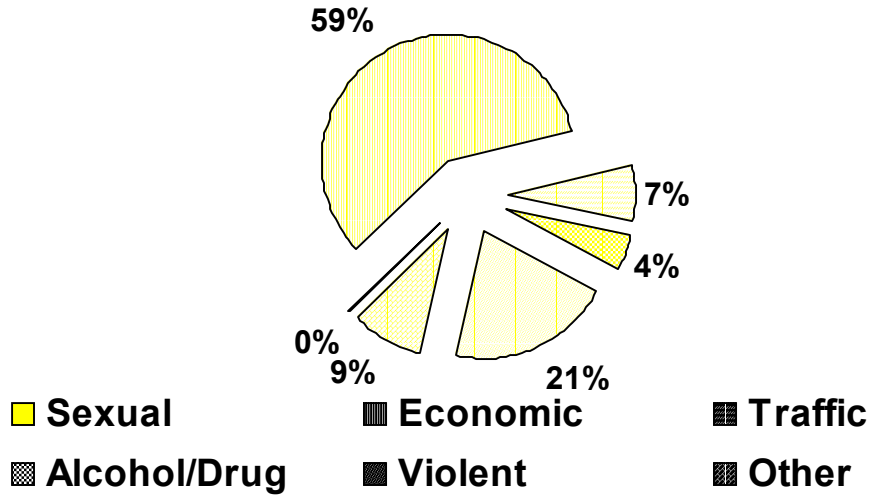


**Graph 2: Daily average prisoner population compared to the daily average community corrections population for the period 1999 – 2002**

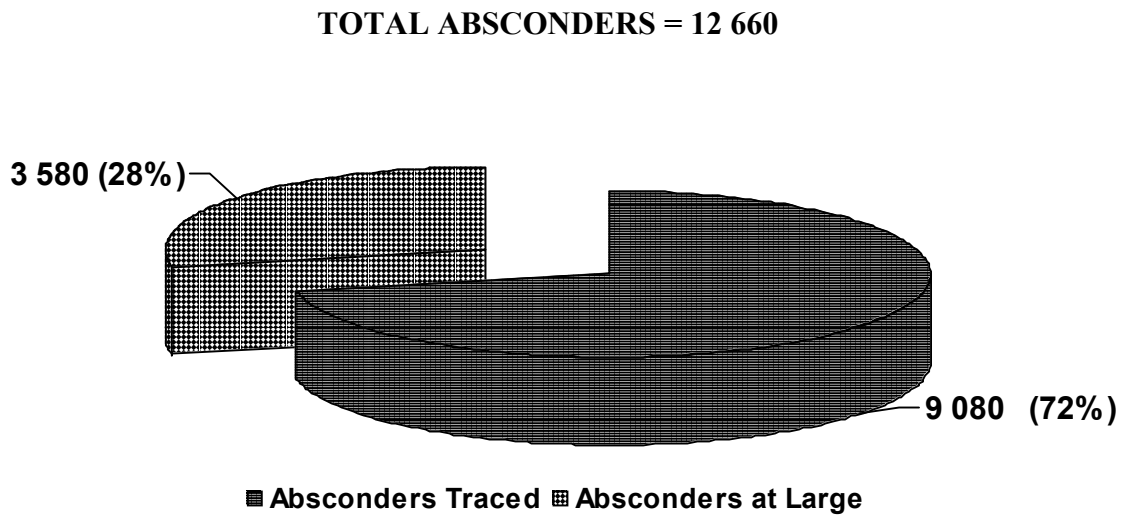


\*The total number of prisoners includes unsentenced (awaiting trial) and sentenced prisoners. \*\* The total number includes both probationers and parolees.

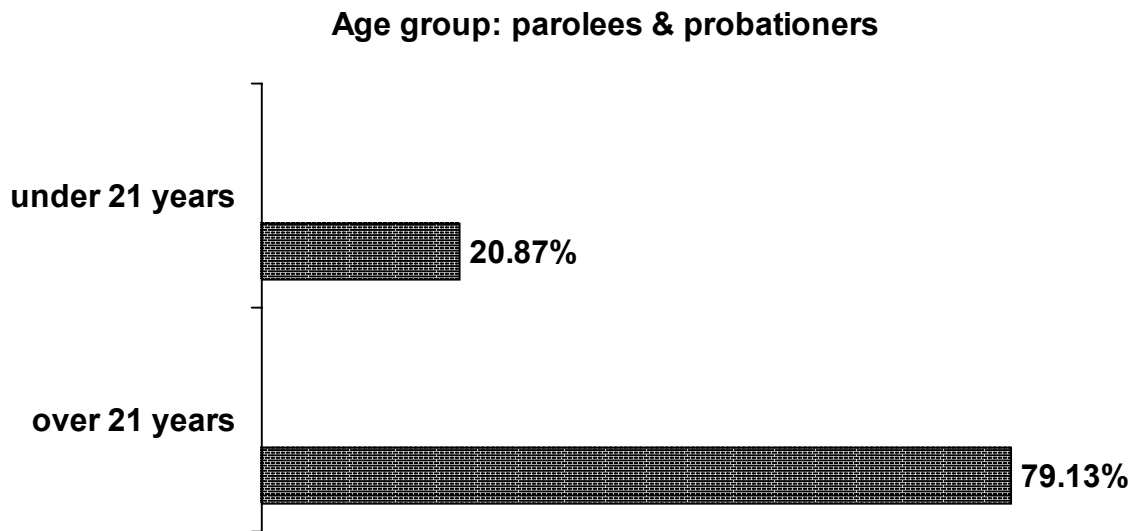
**Graph 3: Percentage of different types of crimes committed by offenders placed under community corrections (1998-2002)**



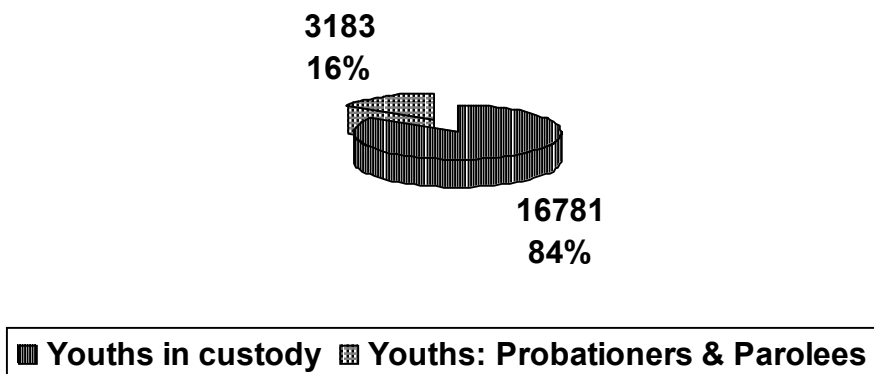
**Graph 4: Number of absconders traced and absconders still at large for the period 1998 – 2002**



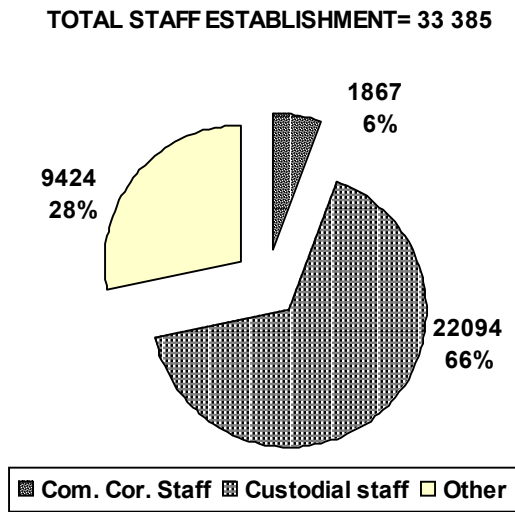
Graph 5: Age groups of probationers and parolees (1998-2002)



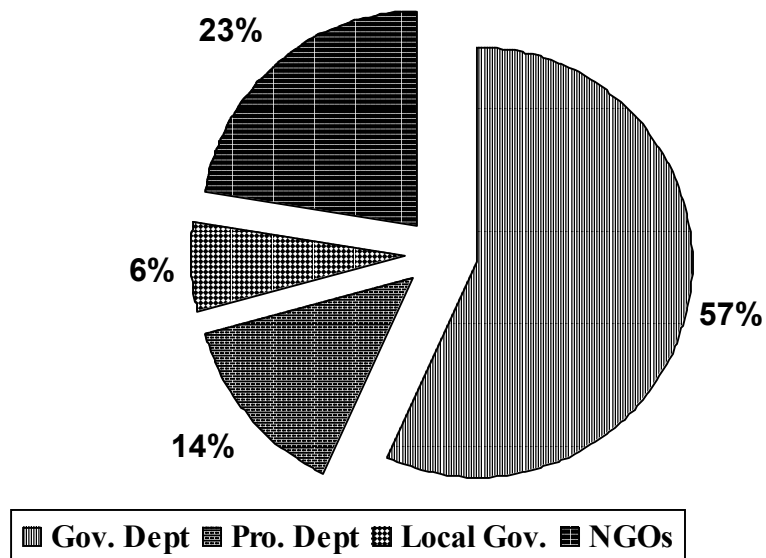
Graph 6: Total of youths in detention and youths subjected to community corrections for 2002



**Graph 7: Comparison of staff stationed at community corrections offices to that of the national component of the department**



**Graph 8: The percentage of parolees and probationers performing community service at different institutions for the period 1997 – 2002**





**Graph 9: Percentage of hours of community service performed by probationers and parolees at different institutions for the period 1997 – 2002**

