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CIVIL SOCIETY PRISON REFORM INITIATIVE

CIVIL SOCIETY PRISON REFORM INITIATIVE (CSPRI) SUBMISSION
ON YOUTH UNEMPLOYMENT TO THE PARLIAMENTARY
PORTFOLIO COMMITTEE ON LABOUR

Prepared
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**CSPRI SUBMISSION ON YOUTH UNEMPLOYMENT TO THE PARLIAMENTARY PORTFOLIO
COMMITTEE ON LABOUR**

Introduction

1. The Civil Society Prison Reform Initiative (CSPRI) was established in 2003 and is a project of the Community Law Centre at the University of the Western Cape in Cape Town. CSPRI was established in response to the limited civil society participation in the discourse on prison and penal reform in South Africa. To address this, four broad focus areas were developed:
 - Developing and strengthening civil society involvement and oversight over corrections
 - Promotion of non-custodial sentencing and penal reform
 - Improving prison governance
 - Improving offender reintegration services
2. In broad terms, a similar implementation strategy is followed for the four focus areas:
 1. Information collection, research and analysis of the field
 2. Dissemination and sharing of findings with stakeholders to stimulate and inform dialogue
 3. Engaging key players and decision-makers to influence decisions that will improve corrections
 4. Embedding the achievements of the programme in government and civil society.
6. This submission will focus on the impact of imprisonment on youth unemployment and related matters. It is the aim to provide the Committee with additional information that may assist it in its deliberations on this important issue. Particular attention will be paid to contextual factors, offender reintegration, the legislative environment and the role of the Department for Correctional Services.
7. CSPRI's focus is in particular the link between youth unemployment and crime and more particularly, imprisonment. This is not to say that other foci are not important but rather that this is of particular interest to the organisation, given its mandate.

Youth in prisons

8. The age profile of the South African prison population as at 31 March 2004 is presented in Table 1 below.¹ More recent figures could unfortunately not be obtained, but these are sufficient to illustrate the fact that more than 77 000 prisoners or 41% of the prison population is under the age of 25 years.

Table 1

	<18 years	18-21 yrs	21-25 years	25 and older	Total
Female	102	425	800	2993	4320

¹ Department of Correctional Services (2005) Annual Report 2004/5, p. 26.

Male	4056	24244	47579	107441	183320
Total	4158	24669	48379	110434	187640
Age profile in percentages					
	<18 years	18-21 yrs	21-25 years	25 and older	Total
Female	0.1	0.2	0.4	1.6	2.3
Male	2.2	12.9	25.4	57.3	97.7
Total	2.2	13.1	25.8	58.9	100.0

These prisoners are often characterised by low educational qualifications, a history of risk behaviour, prior convictions and limited prospects for the future. This profile is not unique to South Africa and is characteristic of prisoners in other parts of the world.

5. Research done in the United Kingdom on offender reintegration focuses on social exclusion as a key concept in understanding the personal histories of prisoners and the findings are worthy to take note of. Social exclusion:

"... is about more than income poverty. Social exclusion happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown. When such problems combine they can create a vicious cycle.

Social exclusion can happen as a result of problems that face one person in their life. But it can also start from birth. Being born into poverty or to parents with low skills still has a major influence on future life chances²."

British research into social exclusion has identified nine key factors that influence re-offending that are noteworthy for the definition of integration (or, alternatively, the roll-back of exclusion)³:

- Education – most prisoners have had no, a limited, or a severely disrupted education.
- Employment – most prisoners have never experienced formal fixed employment.
- Drug and alcohol misuse – Rates of substance abuse amongst prisoners and ex-prisoners are substantially higher than for the general population.
- Mental and physical health –Prisoners suffer from poorer mental health than the general population, and are also exposed to particular prison-associated diseases, such as tuberculosis.
- Attitudes and self-control – Prisoners often come from socially excluded groups in society that may regard crime as a way of life or an easy way of making money, and, in fact, may regard prison as an inevitable part of their lifestyle. Understanding the behaviour, reasons and conditions that lead them into offending may not be self-evident.

² Social Exclusion Unit (2002) Reducing Re-offending by Ex-prisoners: Report by the Social Exclusion Unit, Office of the Deputy Prime Minister.

³ Social Exclusion Unit (2002) Reducing Re-offending by Ex-prisoners: Report by the Social Exclusion Unit, Office of the Deputy Prime Minister.

- Institutionalisation and life-skills – Many prisoners have had disadvantaged family backgrounds, which were exacerbated by early institutionalisation, and limited opportunities to develop the life-skills needed for them to function in society.
 - Housing – Ex-prisoners who are homeless are more likely to be reconvicted. In the UK, up to a third of prisoners lose their housing during custody.
 - Financial support and debt – Not having enough money, especially during the first few weeks after release, will substantially increase the risk of ex-prisoners re-offending.
 - Family relationships – Maintaining contact with families can be difficult and while families can play a critical role in preventing re-offending, often they are not properly prepared or made part of the release of a family member from prison.
6. The youth in South Africa's prisons should therefore be seen within the particular socio-economic context that the majority of them come from, where they have experienced marginalisation and exclusion prior to them being imprisoned. Research done for the Centre of Violence and Reconciliation confirm this trend and found the following prevalent characteristics amongst groups of young prisoners who participated in its *Vuka S'Hamba Programme* in two South African prisons:⁴
- Parenting was inadequate during their childhood years, for example being raised by a relative or abandoned by a parent. This, in a number of cases, degenerated into complete family breakdown
 - Traumatic experiences during childhood such as sexual, physical and emotional abuse
 - Poverty and deprivation resulted in them being marginalised and excluded from social and educational opportunities, and also placing them at a social disadvantage
 - Early parenthood was reported by half of female participants
 - Exposure to violence from an early age in the home and community
 - Cognitive impairment or feelings of inadequacy often resulted in early exclusion from education.
7. It can therefore be concluded that the majority of the 70 000 young people in South Africa's prisons face a range of personal, social and economic challenges when they are released. There are no accurate and reliable figures available on what the recidivism rate is but it has been estimated to be as high as 75%. Although recidivism figures should be treated with caution, it is reason for concern that a very high proportion of released prisoners will find their way back to prison in a relatively short period of time.

Legislative and policy environment

8. The Correctional Services Act in Section 38 provides for the assessment of sentenced prisoners with regard to their security classification, health needs, educational needs, social and psychological needs, religious needs, development programme needs, work allocation in

⁴ Mkhondo L (2004) *Vuka S'Hamba: Yung Prisoners' Awakening – project Report and Evaluation*, Centre for the Study of Violence and Reconciliation, Johannesburg, p. 15.

prison, prison allocation, and reintegration needs. However, Section 38(2) specifies that only prisoners serving a sentence of longer than 12 months will be assisted by a sentence plan which would set out the manner in which the sentence will be served.

9. The result of this is that a significant proportion of prisoners, especially young prisoners who serve sentences of less than 12 months are effectively excluded from any programmes and services that may be of benefit to them.
10. Since 1998 sentence lengths imposed by the courts have increased significantly and this has been commented on by several observers.⁵ Indicative of this is the fact that the number of prisoners serving sentences of longer than 10 years, increased from approximately 11 000 in 1995 to more than 46 000 by 2005.⁶ In determining the security classification of prisoners, the length of the prison term to be served is of significant weight in the formula used by the DCS. The net result is that the number of maximum security classified prisoners has increased at roughly the same rate as the increase in sentence lengths. Prisoners who are classified as maximum security prisoners are excluded from certain activities such as work and training in the technical workshops and work outside of the prison building.
11. This policy denies prisoners the opportunity to gain skills and experience that may stand them well once they are released. The policy of the DCS in this regard is therefore in need of urgent review.
12. For the limited number of prisoners who are able to participate in training and even acquire a trade, experience problems with the certificates being issued by the DCS, either that these are not received or that the certificate clearly states that it was received from the DCS. Ex-prisoners feel that such a certificate is severely prejudicial to them as it immediately identifies them as ex-prisoners and potential employers consequently refuse or are reluctant to employ them.
13. At the time of writing the Child Justice Bill has not been finalised and accepted by Parliament. Of particular interest to this debate is the situation with regard to the expungement of criminal records. Having a criminal record can become a serious hurdle to finding employment in the formal sector, regardless of the seriousness of the offence. It should be a matter for serious consideration to expunge all criminal records of offences when the offender was a child, except for the most heinous crimes.

Current practice

14. As was noted in the above, there are significant hurdles in the way of the successful economic integration of ex-prisoners and these apply to young people as well. Whilst the personal choices of individual ex-offenders are important, legislative and policy obstacles remain.

⁵ Sloth-Nielsen J and Ehlers L (2005) Assessing the Impact – mandatory minimum sentences in South Africa, SA Crime Quarterly, No. 14, pp. 15 – 22 and Judicial Inspectorate of Prisons (2006) Annual Report of the Office of the Inspecting Judge, Cape Town.

⁶ Muntingh L (2005) Surveying the Prisons Landscape – what the numbers tell us, *Law Democracy and Development*, Volume 9 No. 1, p. 36.

15. The White Paper on Corrections sets out an ambitious plan for the future and places rehabilitation at the centre of the DCS's operations. Whilst this is laudable, there are serious constraints on the capacity to prepare prisoners adequately for their release. Table 2 sets out the critical posts in the DCS with regard to approved and filled positions, and also indicates the number of these posts in relation to the prison population. As is indicated below, there is one educationist for every 281 prisoners and one social worker for every 222 prisoners. The most startling is the psychologist to prisoner ratio at one psychologist for every 3471 prisoners.

Table 2⁷

Post type	Approved	Filled	Ratio filled posts to sentenced prisoners ⁸
Educationists	491	395	281
Psychologists	92	32	3471
Social worker	634	500	222

16. The vision of the White Paper is apparently one that will be realised over the next 20 years. As much as one may have sympathy for the enormous challenges that the DCS is facing, it is also true that the socio-economic needs of the prisoners being released on a monthly basis do not fit into this time frame. Their needs and the needs of their dependents are immediate and the urgency of this has to be acknowledged in our reintegration efforts.
17. The number of prisoners involved in formal education programmes and skills development is far from what is desired, given the fact that there are at present roughly 112 000 sentenced prisoners. In 2004/5, 20 600 prisoners were involved in formal education programmes and 15 004 involved in skills development programmes.⁹ It is not clear if these are two distinct groups of prisoners or if there is overlap. Given these figures, it indicates that roughly 31% of the sentenced prison population is reached through formal education and skills development programmes. At this stage the quality of the education and appropriateness of the skills development programmes in relation to the job market is not being assessed, as it is not known.
18. The DCS separates certain categories of prisoners in line with the legislation and good practice principles, i.e. males from females, sentence from unsentenced, children from adults. It is also the practice in line with the Regulations (see Regulation 3(h)) and where possible, that the category 18 to 21 years of age also be held separate from the adult population. However, once a prisoner is over the age of 21 years he or she is grouped with the rest of the adult prison population, regardless of risk or re-offending profile.
18. Organised crime groups in prisons actively recruit young people and it is highly likely that youth may find "employment" with these groups. There is as yet no gang management strategy in the DCS.¹⁰ The absence of such a strategy and its active implementation continue

⁷ Department of Correctional Services (2005) Annual Report 2004/5, p. 131.

⁸ As at 31 December 2005 there were 111 075 sentenced prisoners in South Africa.

⁹ Department of Correctional Services (2005) Annual Report 2004/5, p. 54.

¹⁰ Briefing by the DCS to the Parliamentary Portfolio Committee on Correctional Services, 18 May

to place young people at risk of gang involvement. It can therefore be concluded that the challenge is not only finding employment for young people but to prevent them from being employed in the criminal economy. There is increasing evidence of children being drawn into armed organised violence as was found by recent research.¹¹

19. There are concerns about the budget allocation towards offender rehabilitation and reintegration. Despite the fact that the White Paper on Corrections places rehabilitation at the core of the Department's activities, the spending on departmental programme in pursuit of this objective, remains minimal:¹² . . . whilst the Corrections programme will be growing in real value by roughly 25% per annum from 2004/5 to 2007/8, the Social Reintegration programme budget is estimated to increase by less than 5% over the same period and is in fact expected to decrease in real value by 5.1% in 2008/9. The Development Programme shows a similarly perplexing pattern of high real growth in 2005/6 and thereafter increasing by less than 4% per annum and ending the MTEF period with real growth rate of less than 1%. It is evident that there are significant fluctuations from one year to the next in the programme budgets and those functionally-related programmes (for example Corrections, Development and Social Reintegration) are not increasing or decreasing in a synchronised manner. Therefore it seems that policy decisions (White Paper) are not manifestly evident in these budget fluctuations. These significant fluctuations raise questions about the sustainability of some initiatives, especially with regard to programmes that have had smaller allocations.
20. Persons released from prison after serving their sentences receive very little, if any, support, especially during the first few weeks after release, which is well known to be a critical period in the reintegration process. The DCS admits that their community correction service, the service that should support this target group, is weak and currently not able to provide the required services.¹³

The way forward

21. The emphasis should be placed firstly on preventing that young people end up in prison. If this cannot be avoided the emphasis should fall on preventing that young people return to prison. This means rendering effective programmes to this particular category of prisoners. Extensive research has demonstrated what works and what does not, and the following highlight some of the salient findings:¹⁴

2006.

¹¹ Frank C (2005) "Young Guns", SA Crime Quarterly, No 14, p.11

¹² Muntingh L (2006) The Department of Correctional Services Budget – some trends and observations, CSPRI Newsletter No. 16, http://www.easimail.co.za/BackIssues/CSPRI/2403_Issue769.html

¹³ Briefing by the DCS to the Parliamentary Portfolio Committee on Correctional Services, 18 May 2006.

¹⁴ See Muntingh L (2005) Offender Reintegration – taking the White Paper of Corrections forward, CSPRI Research Paper no. 11.

- Facilities should provide an appropriate institution environment
 - The known predictors of crime and re-offending should be targeted
 - Programmes should be cognitive behavioural in nature
 - Target high risk offenders
 - Contain positive programme attributes, eg.
 - o focus on skills applicable to the job market;
 - o matching offenders' needs with programme objectives;
 - o programme participation is timed to be close to release date so that skills are up to date and relevant;
 - o programming lasts several months;
 - o the programme deals with each offender's needs and is well integrated into other prison programmes and services;
 - o prison programmes are followed by post-release treatment and services;
 - o the programme is based on effective programme design, implementation and monitoring, and
 - o researchers are involved in the programme as evaluators.
22. Employment is not the magic wand for the successful reintegration of prisoners. Employment should be seen as a component of successful functioning in society, similar to living in family and respecting other citizens. Put crudely this means that giving somebody a job does not mean that he will not re-offend. It must be accepted that there will be significant re-offending. It is furthermore important to see offender reintegration programmes as efforts to prepare offenders to use opportunities well, for example to use an employment opportunity successfully.
23. The period immediately after release is critical, and public works programmes coupled with additional support services have been proven to be successful.¹⁵ There must be active efforts at economic integration. This can be greatly facilitate by preparing potential employers for job seekers who have been released from prison, exposing employers to prisoners prior to their release, and job placement.
24. Structured relapse prevention programmes assist released prisoners to adhere to a structured programme and reinforces skills and qualities acquired during earlier intervention programmes.
25. Against this background it is of critical importance that the DCS must focus its attention on programmes that have been proven to be effective in preparing prisoners for life after release and ensure that they receive training and support services that will significantly increase their chances for economic integration.
26. In conclusion, the employment situation of young people leaving prison cannot be left to the normal market forces. This category of youth finds themselves vulnerable for a number of

¹⁵ Lomofsky D et al (2003) Impact Evaluation the Working for Water Offender Reintegration Programme, Southern Hemisphere Consultants, report produced for NICRO, Cape Town.

reasons as has been outlined above. It also known that they have the ability and very often inclination to engage in risk behaviour. Whilst they constitute a small proportion of the total youth population in the country, their impact on society is significant as a result of re-offending. Employment and other support services can reduce this negative impact.

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