

Placement under correctional supervision is a community-based sentencing option that is available to courts. A sentence under correctional supervision entails that the offender is allowed to serve part or the whole sentence in the community. Such a sentence is subject to certain conditions which can include compulsory community service, compulsory programme attendance and house arrest. The offenders are monitored and supervised by probation officers employed by the Department of Correctional Services. The National Commissioner of Correctional Services, in certain instances, may convert a sentence of imprisonment into one of correctional supervision.

Complainant involvement in Parole Board hearings

The Department of Correctional Services has developed procedures to facilitate and promote the involvement of complainants (or victims of crime) in Parole Board hearings. This is in line with the Victim Empowerment Strategy of Government. A complainant/victim may attend a Parole Board meeting in which the offender concerned is considered for placement on parole or for placement under correctional supervision. A complainant/victim or his/her relative may also request a Parole Board to consider a written or recorded representation.

For full information on this matter, read our pamphlet on Complainant and Victim involvement in Parole Boards.

What is day parole?

Day parole is more or less the same as ordinary parole but an offender on day parole will be accommodated in the day parole section of a correctional centre. Day parole is mostly considered when an

offender qualifies for parole but he/she has no support system in the community to which they can return. An offender on day parole is subjected to parole conditions such as a certain time that he or she may leave the centre and return to it. As soon as support systems are established, day parole may be converted into ordinary parole with predetermined conditions.

What is Medical Parole?

Medical parole is a mechanism that allows for an offender to be placed into the community on parole on medical grounds irrespective of the portion of the sentence that has been served. It is a humanitarian gesture that is intended for offenders who are terminally ill with a low risk of reoffending.

Because medical parole can be abused, the Department of Correctional Services has introduced new legislation that establishes sufficient measures to prevent abuse. Medical parole can be authorized by a Correctional Supervision and Parole Board, or the National Commissioner, or the Minister of Correctional Services, depending on the length of sentence the offender serves. All parole decisions regarding offenders who are serving life sentences are taken by the Minister only.

Offenders who are placed on medical parole are also subject to parole conditions that are determined by taking the dynamics of each individual case into consideration. They are also being monitored and supervised by Community Corrections officials of the Department of Correctional Services.

For more information on Correctional Services visit the website www.dcs.gov.za

Parole

Know what it is and how it fits into the Criminal Justice System of the country

Introduction

The Department of Correctional Services is mandated by government to manage and maintain a system of parole that is applicable to sentenced offenders. The progressive parole system that is in place today in South Africa is based on international best practices. It allows for independent decision making by Correctional Supervision and Parole Boards and in certain serious cases it allows for the involvement of important role players like representatives of the SA Police Service, the Department of Justice and even the victims of crime or complainants as they prefer to be referred to. In certain cases the Minister of Correctional Services takes the final decision to grant parole or not.

What is parole?

Parole is an internationally accepted mechanism that provides for the conditional release of offenders from correctional centres into society before they have served their entire sentence of imprisonment.

In South Africa it is referred to as a place-

ment option from a correctional centre into the system of community corrections. This means that the offender is released from the correctional centre prior to the expiry of his or her sentence to serve the remainder thereof within the community. Parole is always subject to specific conditions that an offender must comply with. Parole allows the offender to return to normal community life albeit under controlled conditions and under the supervision of correctional officials until their sentence expires.

Although every offender has to serve the full sentence, which was imposed by a court, the Department of Correctional Services realizes that, in the interests of the successful reintegration of the offender into his/her community, it is normally not appropriate for offenders to serve their entire sentence in a correctional centre. Foreign nationals may also be deported back to their country of origin before expiry of their sentences.

When admitted to a correctional centre, each offender is assessed to determine what kind of interventions are required for them to be able to change their offending



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behaviour and to prepare them for a better and responsible life after their release from a correctional centre. These interventions are included in a sentence plan and record is kept of progress with the sentence plan and the offender's cooperation with the process of rehabilitation.

Offenders who were sentenced from 1 October 2004 onwards qualify to be considered for placement on parole after completing half of their sentences or after having served 25 years. However, this does not apply to offenders who are serving life sentences or who are habitual criminals.

Offenders who are serving life sentences may be considered for placement on parole after having served 25 years. Offenders who were declared habitual criminals may be considered for release on parole after having served seven years. In addition, offenders who have reached the age of 65 may be considered for possible placement on parole once they have completed at least 15 years of any sentence.

There are, however, a number of offenders who were sentenced prior to 1 October 2004 that may still be considered at an earlier stage depending on the legislation that was applicable to them at the time that they were sentenced.

Placement on parole is not a right or an automatic action. A comprehensive report is prepared by a Case Management Committee for consideration by a Correctional Supervision and Parole Board prior to the date on which an offender qualifies to be considered for parole. This report reflects the progress an offender has made with his/her sentence plan, the offender's response to treatment and development

programmes, the offender's state of readiness to return to the community without undue risk to the community and the availability of support systems within the community.

Who are the members of a Correctional Supervision and Parole Board?

There are 53 Correctional Supervision and Parole Boards countrywide. These boards have a chairperson and a vice chairperson that were selected from the community they serve. Their selection is based on their suitability and capability to carry out the responsibilities of a Correctional Supervision and Parole Board. They are appointed by the Minister of Correctional Services. Once appointed, they undergo intensive training which is provided to them by the Department of Correctional Services in respect of the processes, legislative implications and policies applicable to their work.

In addition, two members of the community are also appointed as members of the Board. The Department of Correctional Services is also represented on the Board by an official. This official acts as the Secretary of the Parole Board. In addition, the Board can in certain cases co-opt a representative from the South African Police Services (SAPS). The SAPS representative may provide written inputs in respect of specific serious crimes.

What is the role of a Correctional Supervision and Parole Board?

Correctional Supervision and Parole Boards are responsible for dealing with parole matters and matters of correctional supervision. Boards have the authority to make decisions on parole, except in the following cases:

- Decisions regarding the placement of offenders who have been declared dangerous criminals in terms of Section 286 A of the Criminal Procedure Act are referred back to a court for a decision.
- Offenders who were sentenced to life imprisonment are referred to the Minister of Correctional Services for a decision.
- Recommendations regarding the conversion of a sentence that was imposed in terms of Section 276 A (3) of the Criminal Procedure Act into correctional supervision are referred to a court for a decision.

What are the considerations for parole placement?

When a Correctional Supervision and Parole Board considers the possible placement of an offender on parole, it pays specific attention to the:

- type of crime committed
- length of the sentence
- gravity of the offence and the circumstances within which it was committed
- conduct of the offender
- offender's adaptation to life in a correctional centre
- progress made with the sentence plan in respect of treatment and development programmes
- availability of support systems within the community
- whether restorative justice has taken place.

When a Board considers placing an offender on parole, the potential risks related to such a placement are thoroughly considered and measures are put in place to ensure that the necessary control and supervision will be exercised over the of-

fender until his/her sentence has expired.

Regardless of the period that an offender has served in a correctional centre, he/she would be found unsuitable for parole placement if he/she:

- poses a threat or danger to the community,
- has repeatedly shown that he/she does not wish to, or cannot, comply with the conditions of conditional release
- does not comply with the expectations of the sentence plan, cannot adapt to life in a correctional centre or displays unacceptable behaviour.

In such cases it will be advisable that the offender serves a greater part of their sentence in a correctional centre, if not the entire sentence. Offenders who have served their entire sentence inside a correctional centre are released unconditionally when their sentence expires.

What is the difference between parole and correctional supervision?

Parole placement is the conditional placement of an offender from a correctional centre into a community to allow him or her to complete their sentences at home. It enables the offender to reintegrate into society under controlled conditions. Offenders who are on parole are monitored and supervised by Community Corrections officials and they are employed by the Department of Correctional Services.

Release on parole is conditional and strict adherence to parole conditions is expected. Non compliance with parole conditions may lead to the cancellation of parole and the person will be returned to a correctional centre.