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Department  
Correctional Services  
**REPUBLIC OF SOUTH AFRICA**

# **EFFICIENCY OF THE PAROLE SYSTEM WITH REGARDS TO LIFERS**

## **STRATEGIC PLAN SESSION**

**By CDC Incarceration and Corrections**

**07 December 2022**

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# PURPOSE

The purpose of this presentation is to:

- ❖ Appraise management pertaining to the management of lifers that contribute to delay in communicating outcome of profiles to lifers.
- ❖ Elicit pertinent factors to be considered by management in this regard.
- ❖ Enable management to guide and make informed decision towards improving efficiency in administration of this category of offenders.

# BACKGROUND

- ❖ With the enactment of section 73 of the Correctional Services Act, 1998 (Act no 111 of 1998), on 1 October 2004, the minimum detention period for lifers sentenced as from that date was set at 25 years. This is the first time that the minimum detention periods have been legislated and for the first time the “release policy” is in the public domain.
- ❖ The minimum detention period for offenders sentenced to life before 1 October 2004 as per Correctional Services Act 111 of 1998, section 136, was set at 20 years.
- ❖ However, the following court cases impacted on the minimum detention periods for these lifers as indicated in the slides 6 and 7 below:



## BACKGROUND (cont...)

- ❖ Lifers are offenders who were sentenced to life imprisonment by the court of law.
- ❖ Upon reaching the minimum detention periods (MDP), the Case Management Committee (CMC) would prepare a profile report and submit its recommendations to the Correctional Supervision and Parole Board (CSPB).
- ❖ The CSPB will consider the offender for possible placement on parole and make recommendations to the Minister. It is the CSPB who will also ensure that victim participation takes place physically or through written representations from victims.



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## Minimum Detention Period: Van Vuren , Van Wyk and Phaahla

	Van Vuren	Van Wyk	Phaahla
Sentence date	Before 1 March 1994	As from 1 March 1994 to 30 September 2004	Committed offences before 1 March 1994 and Sentenced 1 October 2004 (Phaahla-Van Vuren) Committed offences before 1 October 2004 and sentenced after 1 October 2004 (Phaahla-Van Wyk)
Minimum Detention Period	10 – 15 years. All should have been considered before the end of 2009	20 years minus credits (6 years 8 months), minus 2005 amnesty (6 months), minus 2012 amnesty (6 months) = 12 years 4 months. All must should have been considered by now.	Depending on parole dispensation applicable (Van Vuren/ Van Wyk)
Parole Period	3 years minus amnesties: 2005 and 2012	Parole for life	Depending on parole dispensation applicable (Van Vuren/ Van Wyk)



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### Minimum Detention Period: Van Vuuren, Van Wyk and Phaahla (Cont...)

	Van Vuren	Van Wyk	Phaahla
Violation G306 for revocation	Period served on parole on not considered	Period served on parole on not considered	Period served on parole on not considered
Parole period if replaced out on parole	Three (03) years (Amnesty already previously allocated)	Parole for life	Depending on parole dispensation applicable (Van Vuren/ Van Wyk)
Approval	Minister	Minister after recommendation of the NCCS	Minister as per Van Vuren and Van Wyk parole dispensation as guide by the date of crime committal.

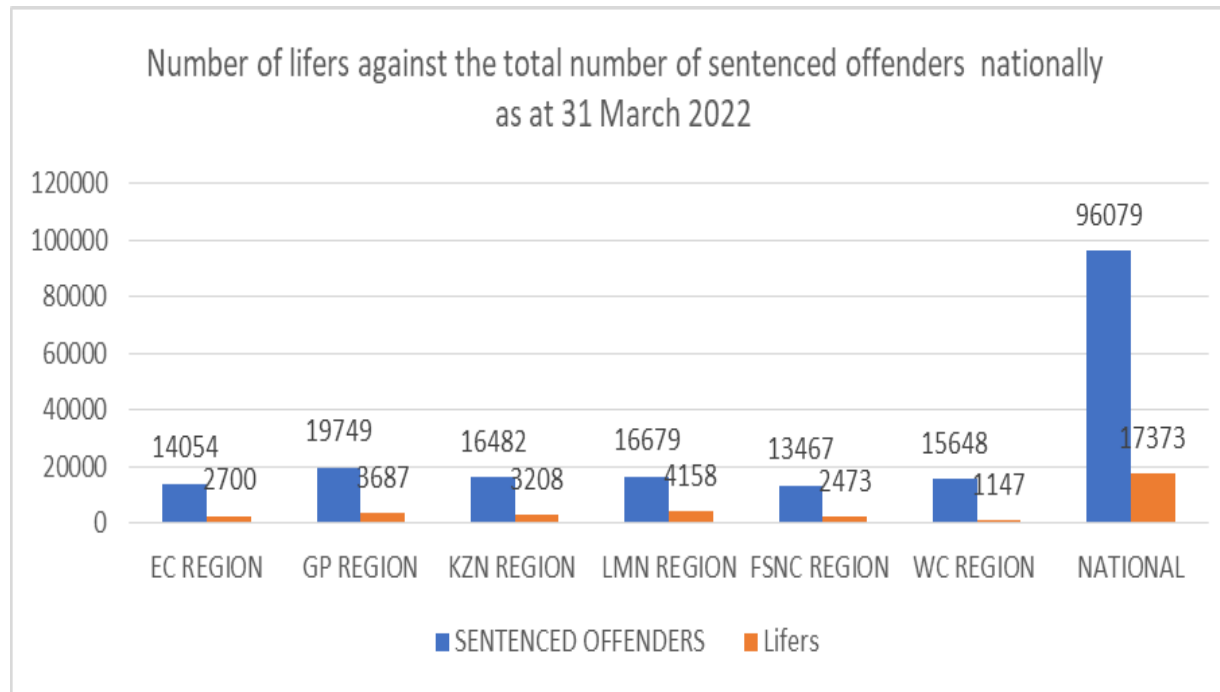


# TRENDS ANALYSIS OF OFFENDERS SERVING LIFE SENTENCES



# Lifers against the total number of sentenced offenders

The following graph displays the number of Lifers against the total number of sentenced offenders as at 31 March 2022.



LMN Region lifers total constitutes the highest percentage of lifers against the total number of lifers which is 23,93%. It is followed by Gauteng Region 21.22%, KZN Region 18.47%, EC Region 15.54% and second last FSNC Region 14.23% and WC Region with the lowest percentage of 6.60%



# Statistics of Lifer Population in DCS

## OFFENDERS SERVING LIFE SENTENCES AS AT 31 MARCH 2022 AND 31 OCTOBER 2022

Region	Offenders serving Life Sentences				
	31-Mar-22	31-Oct-22	Variance	%	Increase / Decrease
Eastern Cape	2700	2787	87	3.22%	Increase
Gauteng	3687	3787	100	2.71%	Increase
Kwa-Zulu Natal	3208	4220	1012	31.55%	Increase
Limpopo / Mpumalanga / North West	4158	4328	170	4.09%	Increase
Free State / Northern Cape	2473	2606	133	5.38%	Increase
Western Cape	1147	1189	42	3.66%	Increase
<b>National Total</b>	<b>17373</b>	<b>18917</b>	<b>1544</b>	<b>8.89%</b>	<b>Increase</b>

The performance environment of DCS to manage and promote the reduction of overcrowding is impacted directly and indirectly by the high number of lifers currently incarcerated in DCS.

- ❖ As at 31 March 2022, **17 373 (18.08%)** of the overall sentenced offender population (**96 079**) were serving life sentences.
- ❖ As at 31 October 2022, **18 917 (18.77%)** of the overall sentenced offender population (**100 759**) were serving life sentences.

Lifers will typically remain incarcerated for longer periods of time and will usually be sentenced/ convicted of serious crimes. This means that bedspaces will not become readily available, which places more pressure on already overcrowded correctional facilities.



## Historic Trends on Lifers in DCS

The Length of Sentence Trends illustrates significant increases in the number of offenders incarcerated for longer periods.

Length of Sentence	2003/04	2008/09	2013/14	2016/17	2018/19	2022/23 (31 October 2022)
LIFE SENTENCE	2 696	4 954	11 178	15 678	16 726	18 917

Lifers for the period **2003/04 to 2022/23 (31 October 2022)** reflect a drastic increase of **16 221** (aggressive and violent crimes).

The performance environment of DCS to manage overcrowding and promote the reduction of overcrowding is impacted directly and indirectly by the high number of lifers currently incarcerated in DCS.



# STATUS OF ACTIVE LIFERS CATERGORIES PER REGION

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## Status on Active Lifer Categories per Region as at 30 November 2022

Van Vuren Lifers				
Region	Awaiting Decision from Minister	Overdue - Profile date exceeded	Further Profile with future submission date	Grand Total
EC	2	0	1	3
FSNC	4	0	0	4
GP	9	0	1	10
KZN	3	0	0	3
LMN	3	0	0	3
WC	2	1	0	3
<b>Grand Total</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>26</b>

Phaahla Van Vuren				
Region	Awaiting Decision from Minister	Further Profile with future submission date	Overdue - Profile date exceeded	Grand Total
EC	3	0	0	3
FSNC	2	1	2	5
GP	2	2	0	4
KZN	3	0	0	3
LMN	1	0	1	2
WC	2	2	1	5
<b>Grand Total</b>	<b>13</b>	<b>5</b>	<b>4</b>	<b>22</b>

Van Wyk Lifers					
Region	Further Profile with future submission date	NCCS	Overdue - Profile date exceeded	PRR - In process of quality assurance	Grand Total
EC	32	192	124	1	349
FSNC	16	201	129	0	346
GP	31	438	103	0	572
KZN	78	442	43	3	566
LMN	51	339	134	2	526
WC	16	219	15	2	252
<b>Grand Total</b>	<b>224</b>	<b>1831</b>	<b>548</b>	<b>8</b>	<b>2611</b>

Phaahla- Van Wyk Lifers							
Region	Due - Never previously submitted	Further Profile with future submission date	MDP Not yet reached	NCCS	Overdue - Profile date exceeded	PRR - In process of quality assurance	Grand Total
EC	105	1	5	63	0	0	174
FSNC	1	8	6	100	0	0	115
GP	19	11	22	400	1	0	453
KZN	4	26	16	434	3	2	485
LMN	32	3	10	218	0	8	271
WC	0	4	9	138	0	0	151
<b>Grand Total</b>	<b>161</b>	<b>53</b>	<b>68</b>	<b>1353</b>	<b>4</b>	<b>10</b>	<b>1649</b>



# STATUS OF LIFERS BACKLOG PER REGION

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## **Status on the backlog of Lifers – National Breakdown per region 30 November 2022**

<b>Lifers backlogs per Region</b>				
<b>Region</b>	<b>Van Vuren</b>	<b>Van Wyk</b>	<b>Phaahla</b>	<b>Grand Total</b>
EC	0	124	105	229
FSNC	2	129	1	132
GP	0	103	20	123
KZN	0	43	7	50
LMN	1	134	32	167
WC	2	15	0	17
<b>Grand Total</b>	<b>5</b>	<b>548</b>	<b>165</b>	<b>718</b>



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# TRENDS ANALYSIS ON LIFER PROFILES SUBMITTED TO NCCS



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**Trend analysis of Van Wyk profiles submitted to NCCS where decisions are still outstanding**

Van Wyk profiles submitted to NCCS per Region						
Region	2018	2019	2020	2021	2022	Total
EC	28	80	45	27	12	192
FSNC	24	44	26	31	76	201
GP	24	79	78	139	118	438
KZN	27	104	81	94	136	442
LMN	46	188	24	48	33	339
WC	10	74	32	39	64	219
<b>Grand Total</b>	<b>159</b>	<b>569</b>	<b>286</b>	<b>378</b>	<b>439</b>	<b>1831</b>



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## **Trend analysis of Phaahla profiles submitted to NCCS where decisions are still outstanding**

Phaahla profiles submitted to NCCS per Region					
Region	2019	2020	2021	2022	Total
EC	0	12	46	5	63
FSNC	0	15	69	16	100
GP	0	61	203	136	400
KZN	7	109	190	128	434
LMN	1	34	88	95	218
WC	10	32	83	13	138
<b>Grand Total</b>	<b>18</b>	<b>263</b>	<b>679</b>	<b>393</b>	<b>1353</b>



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# DECISIONS RECEIVED FROM MINISTRY/NCCS

# Decisions from Ministry/NCCS

VAN WYK DECISIONS RECEIVED FROM THE NCCS SECRETARIAT: 2018 - 2022								
DECISIONS	YEAR	EC	GP	KZN	LMN	FSNC	WC	GRAND TOTAL
Further Profile	2018							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2019							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2020							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2021							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2022							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
GRAND TOTAL								



# Decisions from Ministry/NCCS

## PHAAHLA DECISIONS RECEIVED FROM THE NCCS SECRETARIAT: 2018 - 2022

PHAAHLA DECISIONS RECEIVED FROM THE NCCS SECRETARIAT: 2018 - 2022								
DECISIONS	YEAR	EC	GP	KZN	LMN	FSNC	WC	GRAND TOTAL
Further Profile	2018							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2019							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2020							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2021							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
Further Profile	2022							
Parole Placement								
Medical Parole								
ANNUAL TOTAL								
GRAND TOTAL								



# Status of profiles at NCCS as at 28 November 2022

VAN WYK CASES									
REGIONS	ADDENDUM	SUBJECT TO AUDIT	AT MINISTRY	ON ROUTE TO MINISTRY	CONSIDERED IN RECENT NCCS MEETINGS	STOOD DOWN	NOT CONSIDERED YET	NON- PAROLE PERIOD	GRAND TOTAL
EC	9	14	123	13	33	0	0	0	192
FSNC	10	9	76	6	47	1	47	0	196
GP	10	37	202	13	85	5	57	0	409
KZN	16	27	202	16	88	0	73	0	422
LMN	20	14	192	22	73	0	12	1	334
WC	7	16	99	12	60	1	25	0	220
<b>GRAND TOTAL</b>	<b>72</b>	<b>117</b>	<b>894</b>	<b>82</b>	<b>386</b>	<b>7</b>	<b>214</b>	<b>1</b>	<b>1773</b>



# Status of profiles at NCCS as at 28 November 2022

PHAAHLA CASES									
REGIONS	ADDENDUM	SUBJECT TO AUDIT	AT MINISTRY	ON ROUTE TO MINISTRY	CONSIDERED IN RECENT NCCS MEETINGS	STOOD DOWN	NOT CONSIDERED YET	NOT SERVED MDP	GRAND TOTAL
EC	0	4	44	1	12	1	1	0	63
FSNC	0	7	51	0	33	1	8	0	100
GP	0	30	190	2	104		64	0	390
KZN	3	41	223	7	109	2	48	1	434
LMN	0	10	87	2	71	0	44	0	214
WC	0	22	94	1	10	0	11	0	138
GRAND TOTAL	3	114	689	13	339	4	176	1	1339



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### **Extract of Common Reasons for Further Profiles from Decisions**

- ❖ The offender should be encouraged and assisted to improve his vocational skills to improve prospects of obtaining employment once he is placed on parole.
- ❖ Further attempts should be made to trace victims and pursue Restorative Justice processes including VOD/VOM.
- ❖ The offender should undergo individual psychotherapy to address his lack of emotional regulation and self control, violence propensity, substance abuse, antisocial associates, sexual offending behaviour and gang involvement.
- ❖ A risk assessment by a non-treating Clinical psychologist.
- ❖ Offender should attend other relevant crime related programmes including moral regeneration , relapse prevention and resilience enhancement programme.





# INEFFICIENCIES IN THE MANAGEMENT OF LIFER PROFILES IN DCS

## Inefficiencies Identified by NCCS

In some profiles;

- ❖ Parole Boards copy the Case Management Committee (CMC) recommendations as is without making their own analysis in its recommendation/ decision.
- ❖ CSPBs make recommendations contrary to their motivation.
- ❖ Victim Offender Dialogue (VOD) Reports often lack details & proof of attempts made to trace and involve victims in the process.
- ❖ Psychologist and Social Worker reports are not clear on how identified risks have been mitigated to assist in decision making.
- ❖ Content of reports is not effectively quality assured by relevant functionaries prior to submission of reports to CMC & decision makers.



## Inefficiencies Identified in DCS

- ❖ Shortage of social workers and Psychologist to render specialised therapeutic services.
- ❖ Most CMC's performing multiple functions also subjected to shift pattern.
- ❖ Late administration of Restorative Justice processes including participation of victims.
- ❖ Confirmation of support system.
- ❖ Budget constraints to conduct formal training for CMC and CSPBs.



## Measures to address Inefficiencies

- ❖ There is improvement on the quality of lifer profiles due to quality assurance teams established Nationally and operating at the Management Area , Regional and Head office levels.
- ❖ Since the establishment of quality assurance teams there are no lifer profiles returned to Regions by PRR for non compliance with checklist (G306).
- ❖ Ongoing inductions/ reorientation is provided to CSPBs & CMCs including ongoing support visits where challenges are reported.
- ❖ Social workers and Psychologists were trained on report writing. Teams of professionals are deployed by Regions to assist with reports where there's shortage.
- ❖ Bi- weekly national task team meetings are held to monitor backlogs of both determinate and lifers.



## Measures to address Inefficiencies

- ❖ Management Areas and Regions transfer Offender are transferred to other correctional centres to attend specialized therapeutic interventions or skills development programmes.
- ❖ Nodal officials were assigned to strictly liaise with courts and South African Police Service (SAPS) to obtain SAP62, sentence remarks, amended warrants, etc. Access to SAPS forms resolved through both DGs of DCS and SAPS,
- ❖ Case Review Teams tasked with monitoring and review behaviour of an offender against the correctional sentence plan (CSP) resuscitated and members of Review team trained ( administrators and professionals).



# STRUCTURE & CAPACITY OF NCCS SECRETARIAT AND MINISTRY


## Capacity in the NCCS

- ❖ NCCS has a staff complement of 13 committed officials on contract seconded by the Ministry reporting under an official seconded by the DCS ( Head)
- ❖ A need for a permanent structure was registered by NCCS with HR - contracts expiry.
- ❖ Secretariat reports directly to the Ministry.
- ❖ An amount of R1m is allocated to the NCCS under Ministry's budget and has since been exhausted. Shortfall is registered with Finance.
- ❖ Laptops were procured, however there's urgent need for computer literacy to enhance performance.
- ❖ Funds for debriefing of NCCS members is required.
- ❖ No immediate human resource capacity needs reported secretariat.



## Capacity in the Ministry

Few options explored for consideration and decision by management:

- ❖ Option 1: Function as prescribed by Law to the Minister assumed by NCCS as recommended by JICS. The NCCS to apply its mind on this proposal and pronounce its decision to JICS. Option necessitate legislative amendments - long term.
- ❖ Option 2: Minister to continue with his role. However, be assisted by a small team constituted by the NCCS Judge, NCCS head of secretariat, and Minister's advisor to clear the backlog quickly and going forward.
- ❖ Option 3: An establishment of a three (3) tier parole board system National, Regional and National Boards was proposed in the Position Paper on Review of Parole Administration System. From preliminary feedback of the former NCCS this option is cost effective. The Minister's role was to be assumed by the  **cost** **correctional services** **Department** **Prison Services** **REPUBLIC OF SOUTH AFRICA** **uternal** Board.



## WAYFORWARD REQUIRED FROM MANAGEMENT

- ❖ Guidance on future location of NCCS Secretariat sought from management and;
- ❖ Consideration and decision on a viable option for ensuring efficient processing and communication of outcome of profile decision of Lifer profiles in compliance with the Promotion of Administrative Justice Act (PAJA)



# Thank You



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