

**THE IMPACT OF PRISON REFORM ON THE
INMATE POPULATION OF SWAZILAND**

by

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DEDICATION

**To all my dear friends
in Swaziland correctional services**

**“Never doubt that a small group of thoughtful
committed people can change the world.
Indeed it is the only thing that ever has.”**

- Margaret Mead -

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ABSTRACT

The purpose of this study was to contextualise the Swaziland correctional services environment and inmate population, analysing how best to respond to the needs of the organisation and providing strategies that can have an impact on crime and recidivism.

Offenders in Swaziland are incarcerated because alternatives to imprisonment or the resources necessary to make a visible impact on the inmate population are not provided. There is also very little scientific information available on the profiles of inmates to determine who really needs to be incarcerated, who could be incarcerated for a shorter time and who could be taken care of in the community.

In addition to the above, Swaziland correctional services finds itself in a predicament where it has to provide concrete evidence that it is effective and adding value to the social and economic reconstruction of the country. This implies the frequent assessment of the organisation's performance to ensure the continuous delivery of cost-effective, innovative and high quality correctional services.

In an attempt to understand the breadth of the problems faced by Swaziland correctional services, this thesis sets out to assess the environment in which Swaziland correctional services operates and to suggest mechanisms which can be used to rehabilitate and reduce the inmate population in order to add value and sustain the delivery of an effective correctional service.

This study would seem to be of value not only to correctional practitioners, but also to the police and judiciary in that they will have a better understanding of dilemmas faced by Swaziland correctional services. This will assist the police and judiciary to take more informed decisions with regard to effective law enforcement, detention of awaiting-trials and sentencing practices. With Swaziland and other African countries embarking on a new route in corrections, the academic world can also play a major role in enlightening reform in legislation, policies and practices.

KEY TERMS

Penal reform, Prison reform,
Imprisonment, Parole, Probation,
Community-based sentences, Community restraints,
Offender profiles, Offender assessment and classification, Needs and risks assessment,
Correctional programmes, Rehabilitation, Corrections-based education and
Work or vocational programmes

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CHAPTER 1

INTRODUCTION TO THE STUDY

INTRODUCTION

This thesis reports on the need for penal and prison reform in the Swaziland correctional services. It aims to contextualise the inmate population, analysing how best to respond to the needs of Swaziland correctional services and providing strategies for implementation. The study examines the need for a reduction of the inmate population, and the implementation of community-based sentences and correctional programmes.

Chapter 1 provides a historical background of prison and penal reform and a model for large-scale reform to indicate how Swaziland correctional services as a system can be configured to support its vision and mission. Secondly, it presents a background of this study and an overview of the research approach and procedures followed. Lastly, aspects such as the technical layout of the thesis and reference methods used are explained. The chapter concludes with key concepts used and an outline of the chapters in this study.

THE HISTORICAL BACKGROUND OF PRISON AND PENAL REFORM

Given the scope of reform in the criminal justice system it needs to be stated categorically from the outset that it was not the intention of the researcher to study the philosophy and theory behind penal and prison reform. The fundamental contributions by classical criminologists are therefore acknowledged for the purpose of laying a foundation for this study.

Barnes and Teeters (1959:329) define the term “prison” as all places of restraint or detention of those suspected or convicted of a criminal offence, whereas the term “penal” refers to punishment, pain and revenge (cf. “penalty”).

The pioneer of modern penology was Cesare Beccaria (1738-1794), an Italian rationalist who published *Dei Delitti e delle Pene* (On Crimes and Punishments) in 1764. Throughout his work, Beccaria develops his position by engaging two key philosophical theories: social contract and utility. Beccaria argues that punishment is justified only to defend the social contract and to ensure that everyone will be motivated to abide by it. Concerning utility he argues that the method of punishment selected should be that which serves the greatest public

good. This involves punishment as a means of reforming the criminal and creating a better society. For Beccaria, punishment serves to deter others from committing crimes, and to prevent the criminal from reoffending (Barnes & Teeters, 1959:322-323).

Maestro (1973:34) summarises the success of Beccaria's work as follows: "Moreover, the great merit of Beccaria's book ... lies in the fact that for the first time the principles of penal reform were expressed in a systematic and concise way, and the rights of humanity were defended in the clearest terms, with the most logical arguments."

Another classical criminologist was Jeremy Bentham (1748-1832), who led the movement for criminal law reform in England. Like Beccaria, he believed that punishment should serve as a deterrent and preventative measure. Bentham was the drive behind many reforms and wrote on aspects of criminal jurisprudence, penal administration and many other economic, political and social matters. The theories of Bentham on punishment were implemented by Romilly, Mackintosh, Peel and Buxton (Barnes & Teeters, 1959:324).

In the case of prison reform, John Howard (1726-1790) was dedicated to the cause of humanity and shaped the philosophy underlying the prison system later developed in England and America (Barnes & Teeters, 1959:332). The Penitentiary Act passed by Parliament in 1779 was drafted by him with the aid of Sirs Blackstone and Eden. The four principles laid down by Howard were: 1) secure and sanitary structures, 2) systematic inspection, 3) abolition of fees, and 4) a reformatory regime (Barnes & Teeters, 1959:335).

On studying the literature one can see the major and lasting impact that Beccaria, Bentham, Howard and other classical criminologists had on reforming the criminal justice system. Many of the rights embedded in countries' constitutions and bills of rights come from the works of classical criminology. Examples are the right to public trial, determinant sentences, punishment not treatment, and the focus on crime rather than on the criminal. Some of the policies recently implemented by countries go against the ideas of these classical criminologists (i.e. longer sentences, "three strikes and you are out" laws and the death penalty).

What is evident from the literature is that prison systems did not change much from the early 1800s. From the mid-1970s examples of efforts to reform penal institutions are abundant. Countries such as the USA and Canada have a long history not only in research but also in reforms, which is a very representative example since various programmes and policies have been implemented. These countries were used as primary sources in this study; however, the UK, Australia and European studies have also been taken into account.

THE PHILOSOPHY AND THEORY BEHIND TRANSFORMATION

This study will indicate that Swaziland correctional services' core business is that of safe custody and supervision of inmates (chapter 7). Success is measured in terms of numbers (i.e. the number of unsentenced and sentenced inmates in prison, the number of deaths, injuries or escapes) and activities in which inmates are involved (i.e. general maintenance of prison premises, agriculture and industry related work (see Swaziland correctional services annual reports). However, the researcher believes that success should rather be measured in terms of reducing criminal behaviour and recidivism. It should also be measured against success rates in terms of treatment, development and education of offenders, and their reintegration into society as law-abiding citizens.

In response to the challenges posed, the researcher asserts that Swaziland correctional services should gain a proper understanding of its predicament and why it needs to change. The predicament revolves around two issues, namely effectiveness and efficiency. Many correctional services systems are faced with the dilemma of how to achieve both effectiveness and efficiency (Evans, 1999:122-123; Petersilia, 1993:61-85). Traditionally, the problem has mainly been one of inefficiency. The primary question has become: Is Swaziland correctional services doing the right things (effectiveness)? Only once this question has been answered can it be asked: Is Swaziland correctional services doing things right (efficiency)? Therefore, the search is focused on aligning effectiveness with efficiency (Veldsman, 1994:5).

The best way to ascertain the effectiveness of Swaziland correctional services is to determine how the system is configured to support its strategies (i.e. incarceration versus community-based sentences, and safe custody versus rehabilitation) and to what extent the configuration meets the needs of the external and internal environment. Relationships between the environment and the correctional services system are therefore continually being defined and redefined.

The question arising from the above is: Where and how must the Swaziland prison system change to resolve its predicament? What is required is a means of mapping the prison system which will serve as a framework for diagnosis and provide a vantage point from which to view the overall system. As a vantage point, this map must be able to describe the components – that is the environment, architecture, strategic intent, resources and outcomes of the organisation – as well as the relationships and dynamic interaction between components.

Chart 1.1 depicts a three-dimensional map of an organisation. In terms of this chart, a strategic **choice** is exercised by means of the strategic intent, that is the vision, mission and strategy of the organisation. The strategic intent must be in line with the environment in which the organisation wants to operate. The way in which the organisation is set up in terms of its architecture (structure, roles, systems and procedures) and resources (people, fiscal and other resources) must be **reinforced** by the environment in which the organisation operates and must **fit** the strategic intent.

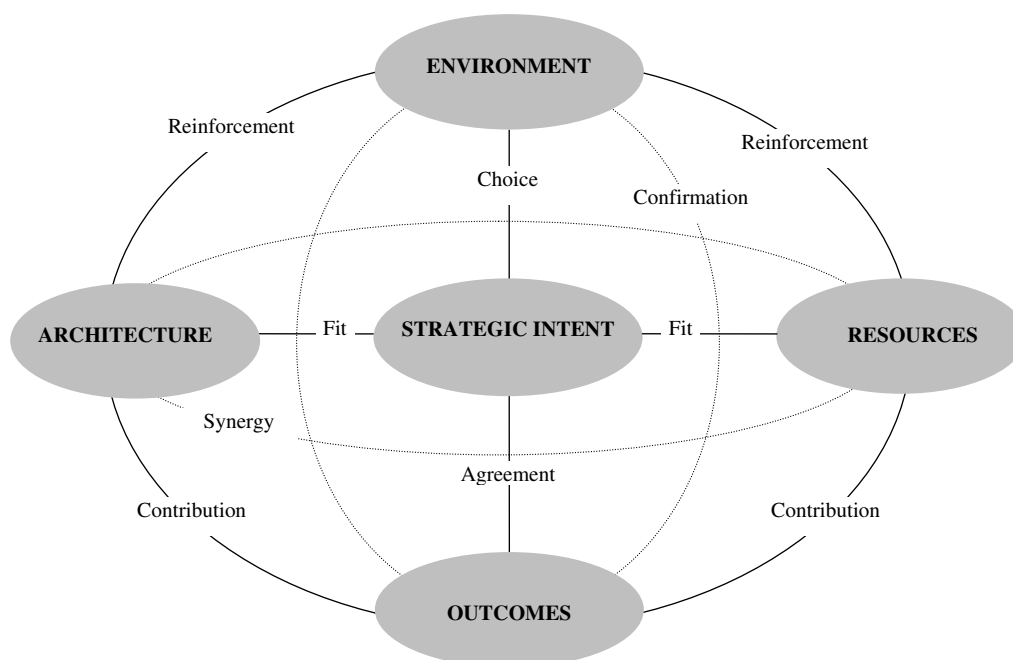


Chart 1.1: The organisation as a holographic network (Veldsman, 1994:6)

The architecture and resources must **contribute** to the outcomes which, in turn, must be in **agreement** with the strategic intent to ensure organisational efficiency (Veldsman, 1995:6) as indicated in chart 1.2.

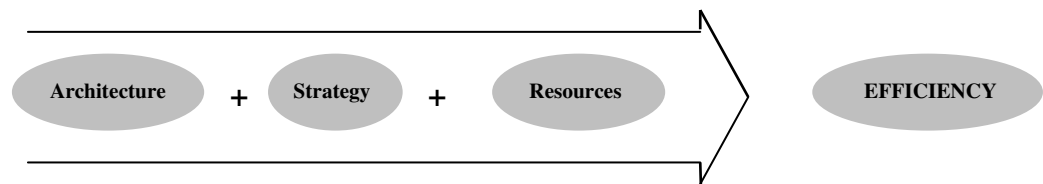


Chart 1.2: Organisational efficiency

Once the correct strategic intent has been adopted, the outcomes will be **confirmed** in terms of the success the organisation has in the environment. To attain this success, however, there must be **synergy** between the architecture and resources.

The effectiveness of the organisation (chart 1.3) can be determined only by the degree of **agreement** between the organisation (architecture, strategic intent and resources), the environment in which it operates and the desired outcomes (Beer, 1980:104-105).

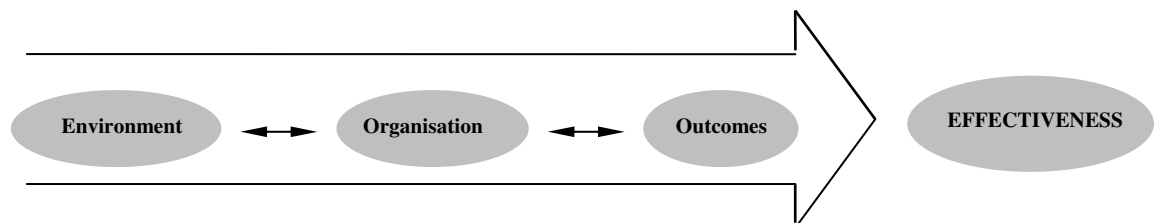


Chart 1.3: Organisational effectiveness

Corporate culture and management philosophy

The corporate culture (namely its norms and values) and management philosophy are inherent parts of an organisation as illustrated in chart 1.4. Peters and Waterman (1982:7) define corporate culture as the product or result of the make-up of the organisation's components. Therefore, corporate culture has a direct influence on the organisation, management approach and behaviour of people, and an indirect influence on the direction of an organisation.

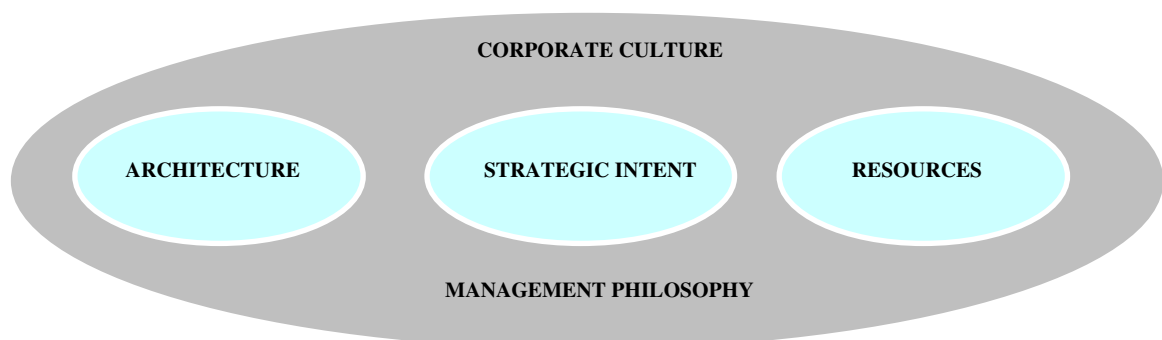


Chart 1.4: Organisational culture and management philosophy

Interrelationship between components

According to Veldsman (1994:8), there is a close interrelationship and dynamic balance between the different components in the model. A change in the content of any one component creates tension throughout the entire organisation because of the interrelationships between components. In most cases, changes to the other components then become necessary (Beer, 1980; Mohrman & Cummings, 1989; Nadler & Tushman, 1992). The replacement of traditional prison management practices with unit management principles and community-based sentences would, for example, have a ripple effect throughout the organisation. This would, in turn, affect structures, strategies and work practices, whilst enhancing staff aptitude for teamwork.

Consequently, reform introduced into Swaziland correctional services must be dealt with in an integrated and holistic fashion. Within the context in which reform has to be managed nowadays, Swaziland correctional services must ensure a harmonious balance between all its components. If the existing culture, management practices, architecture and resources of Swaziland correctional services do not support its strategies, tension will result. It is from this vantage point that the researcher examined the need for penal and prison reform in Swaziland correctional services.

THE BACKGROUND OF THE STUDY

The problem of managing offender populations and delivering effective treatment and development programmes has been a topic of international discussion for some time. Cozic (1997:13-14) cites advocates of building prisons who believe that:

- “there is simply no safer way for the state to protect its citizens from society’s most dangerous members” (Virginia Governor George Allan)
- “incapacitation is the only certain crime-reduction method: while locked up, a felon can’t commit more crimes” (expert Robert Bidinotto)
- “the choice is clear: More prison space or more crime” (former US Attorney General William Barr)

Tipp (1991:114) indicates that some people believe that building more prisons will solve the problem of prison overcrowding. Opponents (DiMascio, 1997; Donzinger, 1997; Florida Department of Corrections, 2006) believe the money that would be used for building more prisons should rather be used for alternative sentencing methods and correctional programmes. The approach to building new prisons is expensive and ineffective (see Aos, Miller & Drake, 2006a, 2006b; Marion, 2002; Turner & Petersilia, 1996; Tipp, 1991). Whatever solutions are sought to the problems, it seems that success will not lie in merely transferring inmates from crowded prisons to crowded alternatives to imprisonment.

In the early 1970s, Martinson (1974:25) questioned what works and concluded that, “with few and isolated expectations, the rehabilitative efforts that have been reported so far had no appreciable effect on recidivism”. Since Martinson’s review, the debate about the value of rehabilitative programmes has spurred practitioners, researchers and other role players to continuously search for best practices.

However, the debate about the value of imprisonment, community-based sentences and correctional programmes is far from over. The question is where Swaziland correctional services goes from here. Can alternatives to imprisonment and correctional programmes reduce recidivism? What can be done to prevent offenders who have been dealt a bad hand due to poverty or poor parenting? What can the Swaziland criminal justice system and the broader community do to alleviate crime? Should academics and other experts keep on doing research and writing about good practices so that a shared body of best practices can be developed or should consideration be given to Farabee’s view (2006:10), namely that “the biggest threat to advancing our knowledge of offender rehabilitation is not the complexity of the problem but our inexplicable tendency to defend what we are already doing”?

What could be gathered from the literature is that an effective and credible criminal justice system needs to be embedded in a coherent crime policy directed towards the prevention of crime and criminal behaviour, effective law enforcement, public safety and protection, and the individualisation of offender sentence, treatment and integration plans. In terms of the Swaziland correctional services, this implies a holistic approach towards cost-efficient and effective community-based sentences and correctional programmes.

For many developed and developing countries such as Swaziland, penal and prison reform continues to be a priority issue on the agenda for criminal justice reform. This position is continuously reflected in the responses of member states concerning the prevention of crime and the treatment of offenders as presented to the Commission of the United Nations Congress.

African countries also admit that they fall far short of international standards and therefore held various workshops over the past decade in different parts of Africa to promote good prison practice and international standards. Various declarations emanated from these meetings such as the Kampala Declaration on Prison Conditions in Africa (United Nations, 1997), Kadoma Declaration on Community Service Orders in Africa (United Nations, 1998), Arusha Declaration on Good Prison Practice (United Nations, 1999) and Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa (Pan African ..., 2002). At the Kampala meeting in 1996 overcrowding, for example, was discussed in detail, problems were identified and a plan of action for African countries drawn up (United Nations, 1997). In the Arusha Declaration member states were urged to address problems related to prison crowding, detention of offenders awaiting trial and to adopt strategies for penal reform (United Nations, 1999).

Although good practices emerged from these meetings, it is the researcher's contention that much more can be done by Swaziland correctional services, which is the focus of this study, to accelerate prison and penal reform in order to add value and sustain the delivery of an effective correctional service.

The rationale for this research

Swaziland was elected for this study based on a need identified towards the end of 1999 by the Commissioner of Correctional Services to determine the viability of implementing unit management principles and correctional programmes in Swaziland prisons. During assessments of the correctional environment (June 2002 and June 2005) and various workshops presented during the period 2000 to 2003 by the researcher, it became evident that Swaziland correctional services is the victim of poorly managed offender populations.

During these assessments and workshops senior correctional officers and heads of prisons indicated to the researcher that they realise that prisons cannot be used to resolve the economic and social issues that face their country. What is required is for Swaziland correctional services to provide concrete evidence that it is effective and adding value to the social and economic reconstruction of the country. This implies the frequent assessment of the correctional services' performance to ensure the continuous delivery of cost-effective, innovative and high quality services.

In response to the challenges posed, the researcher asserts that a collective effort by the Swaziland government, the criminal justice sector and non-governmental organisations is needed to address and resolve the difficult realities Swaziland faces in order to add value and sustain the delivery of an effective correctional service.

The problem statement

The Swaziland correctional system is faced with high numbers of inmates awaiting trial, offenders sentenced to short-term imprisonment and poor (or no) correctional programmes (see chapter 7).

Offenders are incarcerated because community-based sentences are restricted to extramural penal employment (Prisons Act, Act 40 of 1964). The resources (vocational staff and correctional programmes) necessary to make a visible impact on offender behaviour are also not provided (see chapter 7). With the exception of statistics on offenders convicted and imprisoned in the statistical bulletins published by the Swaziland Central Statistical Office and the annual reports of the Swaziland Department of Correctional Services, there is no scientific information available on the profiles of offenders to determine who really needs to be incarcerated, who could be incarcerated for a shorter time and who could be treated with non-institutional options.

Apart from poorly managed offender populations, it also holds true that the majority of the inmate population come from disadvantaged backgrounds, where little social support, poor health, poor education and limited job opportunities are the norm (EIU, 2006; CIA, 2007; World Bank, 2007).

The total residential population in Swaziland was almost 930 000 in 1997 (Swaziland Annual Statistical Bulletin, 1999:11) and it is expected to grow to just over 1.1 million in 2007 (CIA, 2007). It is also predicted that the population growth rate will decline rapidly (from 3% to below 1%) because of the impact of HIV/AIDS, the current prevalence rate of which is estimated at 39% (Swaziland Annual Statistical Bulletin, 1999; CIA, 2007). A sentinel survey released by the Ministry of Health in May 2005 indicated that sexually active adults (aged 19-49 years) who are infected with HIV/AIDS were estimated at 42,6% in 2004 (EIU, 2006:11).

It was reported (1997 census) that 77% of the population lived in rural areas while 23% resided in urban areas (EIU, 2006). The population density was estimated at 54 per square kilometre. The population is a young one with 66% of the people aged less than 24 years, 31% between 25 and 64 years old, and 3% aged 65 years or more (Swaziland Annual Statistical Bulletin, 1999:9-12).

The Minister of Economic Planning and Development indicated in 2001 that 66% of the Swazi population was living below the poverty line (Sithole, 2004:par.31) which is estimated at R71 per month. Eighty-four per cent (84%) of the poor are said to live in rural areas (World Bank, 2007). Nine per cent (60 790) of the population was employed in the public and private sectors during 1998 (Swaziland Annual Statistical Bulletin, 1999:92), which implies that the rest of the population are self-employed, work part-time, do piecework or seasonal work or are unemployed. The unemployment rate for 2006 was estimated at 40% (CIA, 2007).

The education level is strongly related to the poverty status. It is estimated that 50% of the people who live in households headed by people with no education live in poverty. As at 31 March 1999 a total of 213 041 learners were in primary schools and 61 566 in secondary schools (Swaziland Annual Statistical Bulletin, 1999:131-132). This represents 30% of the total population. All indications are that education has improved at all levels. The adult literacy rate, for example, rose from 72% in 1990 to 80% in 2004 (EIU, 2006:11).

The researcher established that the prison environment does little to address and resolve these grim social and economic realities. Most offenders have little education, no skills and are of little value to the labour market (see chapter 8). Neither has the community been involved in the integration of offenders into the community after release from prison. It also holds true that no prison system can succeed where society has failed to take collective social responsibility for the upliftment of offenders.

In addition to having to deal with these constraints, the researcher noticed that Swaziland correctional services must deal with pervasive dysfunctions such as outdated legislation (Prisons Act, Act 40 of 1964) and directives, poor management information systems (no computer-based systems), ineffective prison designs (traditional linear designs) and limited financial resources. Most prisons were built during the period 1940-1958 (Ntshangase, Dlamini, E.S., Dlamini, P., Nxumalo, & Mavuso, 1999:4) and do not provide for modern trends in corrections, i.e. direct supervision and case management. Although most of Swaziland's prisons are not crowded, the prison population has increased to such an extent that prisons cannot be managed effectively (see chapter 7).

Taking the physical and mental environment that an inmate has to cope with into consideration (chapter 2), the lack of rehabilitation and reintegration programmes (chapters 7 and 8) and the associated costs of imprisonment as a strategy (chapter 3, table 3.1) make the effectiveness of this strategy questionable. This is worsened by the unintended consequences of imprisonment on the families and communities of those who are imprisoned (e.g. inmates who lose their jobs, income, residence and/or partners).

Swaziland correctional services therefore faces many challenges, several of which are associated with a lack of available resources (i.e. outdated legislation, alternatives to imprisonment and skilled staff) to meet the increasing demand for prison and penal reform.

Purpose and objectives of the study

The purpose of this study was to evaluate the current state of Swaziland correctional services and its environment, and to seek a comprehensive understanding of the factors and forces that lead to the problems referred to above.

This research includes a literature review of the need for prison and penal reform, best practices for reducing prison populations and the impact of correctional programmes on offenders, which will form the basis for recommendations aimed at transforming Swaziland correctional services.

The objectives of the study were to:

- critically evaluate international sentencing practices to determine which ones can add value to and sustain the delivery of a cost-effective correctional service in Swaziland (chapters 2 and 3)
- establish the principles of effective risk and needs assessment tools to enable the researcher to gather information relevant to the socio-economic characteristics of the Swaziland inmate population (chapter 4)
- determine the impact of correctional programmes on offender behaviour with the aim of recommending medium- to long-term strategies by which the Swaziland offender population can be managed and treated within a humane correctional environment (chapters 5 and 6)
- provide a background of Swaziland correctional services and its inmate population with the intention to address dysfunctionalities (chapter 7)
- assess the Swaziland inmate population to determine who really needs to be incarcerated, who could be incarcerated for a shorter time and who could be treated with non-institutional options (risk assessment) (chapter 7)
- evaluate the Swaziland inmate population to determine their needs (needs assessment) and aligning these needs with correctional programmes that can enhance offender behaviour (chapter 8).

THE SIGNIFICANCE OF THE STUDY

The general problem of managing offender populations has intrinsic importance, as it affects the socio-economic growth and stability of any country. The outcome of this study will not only advance knowledge in academia, but will be of value to correctional practitioners, the criminal justice system and broader community.

Value for academia

The most important outcome of this study lies in its scientific value. The research literature covered in chapters 2 to 6, emanating mainly from the United States of America, Canada, the United Kingdom, Europe and Australia, has presented conclusions of approximately 30 years of rigorous research into prison and penal reform as well as offender management.

The literature has shown that there are substantial information gaps in documented African research. With Swaziland and other African countries embarking on a new route in corrections, the academic world can play a major role in enlightening reform in legislation, policies and practices. The lack of comprehensive data on offender profiles and the difficulties in comparing other countries' data limit any debate on offenders.

It is thus of critical importance to Swaziland correctional services to support a strategy of research to ensure that its decisions are based on knowledge and practices that work. Primary amongst these are law reform, offender profiling (e.g. determining offenders' risks, needs and criminal career patterns), design and development of correctional programmes and the evaluation of programme effectiveness.

Value for correctional practitioners

This research will indicate where best to spend whatever resources are available to address current dysfunctionalities in Swaziland correctional services and the criminal justice system in general. Prison architecture (structures, systems, procedures and operations) can be changed or adjusted to ensure improvement, increase performance and promote efficiency in the criminal justice system. Informed decisions with regard to policy changes and the implementation of community-based sentences, rehabilitation, development and reintegration programmes can be taken.

Secondly, this research will provide a fuller understanding of the backgrounds and current social and economic circumstances of offenders in Swaziland. Such information will provide correctional practitioners with a context in which to assess offenders' needs and risks, which will be helpful in addressing the problems encountered by Swaziland correctional services and those in its care.

This research can also benefit other African countries in that it can guide correctional practitioners in the assessment of offenders and transformation of their prison systems.

Value for role players in the criminal justice system

This study will benefit role players in the criminal justice system (e.g. police officials, magistrates, prosecutors, defence attorneys) in that they will have a better understanding of the nature of crimes committed, sentences imposed and offenders' characteristics and geographical details. This will assist the police and judiciary to take more informed decisions with regard to effective law enforcement, detention of awaiting trials and sentencing practices.

Value for the broader community

The broader community can benefit from this study in that they will be able to identify their role in managing inmate populations and devise strategies on how to become a major role player in the upliftment and reintegration of offenders into the community as law-abiding citizens.

RESEARCH APPROACH

In this section an overview of the researcher's role and data collection strategies is given. A detailed description of the research design and methodology applied in gathering quantitative data is also addressed.

The researcher's role

The researcher's perceptions of the criminal justice system have been shaped by his personal experiences. He has 15 years' experience in the correctional services industry and 13 years as a lecturer in the field of penology. His research interest lies in the area of organisational behaviour and change management. During his career the researcher has been involved in various projects related to prison reform such as positioning one of the first parole boards in SA, and implementing and promoting community corrections and unit management principles. The researcher believes that his understanding and knowledge of and sensitivity to many of the issues and challenges of the criminal justice system assisted him in this research project.

Data collection strategies

According to Bless and Higson-Smith (1995:42), there are three factors to consider when choosing the type of study to be conducted, namely the research topic, aim of the research and nature of the information to be gathered. These factors were carefully considered in the process of data collection to ensure that the outcome of the study was relevant to prison reform. It can be regarded as a selection of research criteria (i.e. the impact of prison and penal reform on crime), and the translation of the criteria into a typical academic debate in what should be done for survival in Swaziland correctional services and what the system wants to do towards the continuous delivery of innovative, high quality correctional services while simultaneously keeping costs down.

The information reported in chapters 2 to 6 embody a review of literature on international practices and work processes that can contribute to prison and penal reform in Swaziland. A quantitative approach was used to gather geographical information (chapter 7) and to determine the socio-economic characteristics of offenders detained in Swaziland prisons (chapters 7 and 8) to enable the researcher to identify inmate risks and needs. The above process enabled the researcher to draw conclusions and make recommendations with regard to prison and penal reform.

The gathering of qualitative data was preceded by an extensive review of contemporary literature on the need for penal and prison reform, alternatives to imprisonment and the impact of correctional programmes on offender behaviour (see, for example, Aos et al., 2006; Florida Department of Corrections, 2006; Marion, 2002; Motiuk, Boe, & Nafekh, 2003; Walmsley, 2007). An ongoing literature search was also undertaken to identify good practices that could be considered for implementation in Swaziland correctional services.

The researcher had to rely on reviews of research literature and meta-analytical studies undertaken in the United States of America (USA), Canada, Australia and the United Kingdom (UK), as very little research (if any) has been undertaken in Africa on the effective management of offender populations and rehabilitative strategies. Reviews of research literature were used to judge and draw conclusions on the effectiveness of sentencing practices and correctional programmes. This approach was followed because valuable literature reviews were available. The researcher also found that there was little research that had been completed in the past decade that would change the conclusions of previous reviews. Meta-analytical studies have enabled the researcher to draw together findings from large numbers of evaluation studies in a way that they were easy to interpret and report on.

Meta-analysis has become a widely accepted method used in making generalisations about outcomes. It involves “collecting relevant studies, using the summary statistics from each study as a unit of analysis, and then analysing the aggregated data in a quantitative manner using statistical tests” (Izzo & Ross, 1990:135). It also produces an easily understandable overall estimate of programme effect sizes. Howells and Day (1999:2) describe an effect size index as the percentage improvement of treatment groups compared to control groups.

Official documentation and reports on the judiciary, police and correctional services in Swaziland (annual reports, statistical bulletins, strategic plans and reports compiled by international agencies) were reviewed to provide a historical overview on the criminal justice system and the management of offenders in Swaziland prisons.

The researcher visited nine of the 12 prison centres in Swaziland (Big Bend, Juvenile Industrial School, Malkerns Youth, Manzini Remand, Matsapha Medium and Maximum, Mawelawela Woman, Mbabane, Nhlanguano and Pigg’s Peak) to familiarise himself with the infrastructure and prison population. This information was used to evaluate the existing infrastructure and to recommend changes to the prison system. The Criminal Lunatic, Bhalekane and Mankayane Prisons were not visited. The Criminal Lunatic Prison (mentally impaired inmates) was not visited as it falls beyond the scope of this study. The prison structure of Bhalekane and Mankayane Prisons are, according to the heads of prisons, similar to the other prisons visited. These prisons were not visited due to their location and bad road conditions.

The literature search strategy

To identify publications and research studies relevant to this study, the following information retrieval modes were exploited:

- Academic library databases such as the Criminal Justice Abstracts, National Criminal Justice Reference Service (NCJRS) Abstracts, ProQuest Social Sciences Index and Social Science Citations Index
- General search engines (e.g. Google and Yahoo) and scholarly academic search engines (e.g. Google Scholar)
- Reference lists and bibliographies of publications and research studies were scrutinised for additional resources
- Contacts with leading researchers and key administrators in government departments.

RESEARCH DESIGN AND METHODOLOGY

The purpose of this section is to provide a detailed outline of the research design and methodology applied in gathering information on the Swaziland prison population.

Research design

A cross-sectional design was used to compile the profile of inmates' socio-economic characteristics. According to Kumar (1999:81), a cross-sectional study is extremely simple as the researcher decides what he/she wants to find out, identifies the study population, selects a sample (if needed) and contacts the respondents to obtain the required information.

The inherent problem with cross-sectional study designs is that they are based on information gathered at a specific point in time (Babbie, c2002:97). Although the survey results and conclusions are based on a particular point in history, the aim of this study was to capture the offender needs and risks, dysfunctionalities in the prison system and external environment, and to provide strategies to address the problems identified. The above implies that a re-evaluation of the inmate profiles will be necessary if the recommendations made in this study are to be considered for implementation.

To ensure that mistakes and specious arguments were limited and the validity of the research findings was increased (Mouton & Marais, 1989:31) a quantitative research approach was followed to compile a profile of inmates' socio-economic characteristics. Leedy (1993:144) argues that the "quantitative researcher attempts to arrive at an understanding of facts from the outsider's perspective by maintaining a detached, objective view that, hypothetically, is free from all bias".

To achieve the above a questionnaire (appendix A: sentenced inmates and appendix B: unsentenced inmates) was used as it provides a quantitative or numeric description of some fraction of a population (the sample) through the data collection process. The aim was to make inferences about the study population with regard to the reduction of the prison population and implementation of effective correctional programmes. It was also practical for the researcher to gather information by means of a questionnaire administered to inmates, as first-hand information was thus obtained instead of going through inmate records which most of the time do not cover all information needed. Information might also be noted incorrectly in inmate files and working through inmate records could be a time-consuming exercise.

Overgeneralisation was restricted by repeating the 2002 survey during 2005 on the same population. In both instances a sufficiently large sample of respondents was used to ensure that similar results were produced (Babbie, c2002:6-7). Information gathered was also verified through the use of information gathered from heads of prisons (appendix C) and inmate records. A short survey to clarify or validate specific information was also utilised. This data collection, in turn, enabled the researcher to generalise the findings from the sample of responses to the general inmate population of Swaziland.

The design and construction of the questionnaire

The researcher was not able to locate an appropriate questionnaire to use in this study. Since the study did not rely on a previously used survey, the researcher worked for almost three months to construct a questionnaire from scratch. To overcome the difficulties in designing a new questionnaire, the instrument had to go through several stages. First, the design of the questionnaire was preceded by a literature review, and then a content validity technique was employed to review the content of the questionnaire and examine the suitability of its questions to the study. The third stage was a tentative attempt at pre-testing.

The design of the questionnaire, as indicated above, was preceded by an extensive in-depth literature review on an international scale. In developing the survey instrument, extensive use was made of information obtained from previous research questionnaires, research of others reported in the literature, admission and release systems used by the South African Correctional Services and international correctional agencies, and literature reviewed on assessment and classification instruments.

The benefits and problems experienced by previous researchers in using certain information were identified and used to improve the questionnaire for this study. The questionnaire aimed to cover as many of the risks and needs identified in the literature as pertinent for inmate classification purposes. When constructing the questionnaire, care was taken to address the problems and flaws noted by researchers in this area. Wooldredge (2003:253), for example, discovered in the mid- to late 1990s that classification tools used in Ohio prisons had to be adjusted due to the evolution of prison populations and environments. He found that 83% of the sentenced inmate population were single (not married), 76% were unemployed and 75% had not completed their high school education. These items had to be removed from the assessment tools as they hold less predictive power as prison populations become more

homogeneous. Sentence length had to be given a lesser weight in risk assessment in the light of changing sentencing practices. Other factors such as age at first arrest, prior imprisonment, gang activities and mental disorders had to be introduced or given greater weight.

Care was taken to make items clear and unambiguous, and to use terminology with which respondents were familiar. This was done to prevent respondents from omitting to answer questions or wrongly interpret them. The questionnaire was designed to report on the current state of affairs but also bearing in mind that future strategy should emanate from the data. The researcher attempted to address all pertinent issues highlighted in previous research studies and made provision in the questionnaire to address dysfunctionalities in an attempt to enhance correctional services.

The final design contained a covering letter explaining the purpose and importance of the information that respondents supplied. Respondents were also briefed on the researcher's affiliation with Unisa, goal and purpose of the research project, and confidentiality and voluntary nature of the project. The questionnaire was divided into three main sections or parts, namely biographical information, inmate risks and inmate needs.

Separate questionnaires were used for sentenced and unsentenced inmates to eliminate confusion with questions requiring specific information. The sentenced and remand questionnaires were also printed on different colours for differentiation purposes.

Pre-testing the questionnaire

The questionnaire was finalised after much deliberation by experts in the Directorate of Education and Training, Psychology and Social Work Services at Correctional Services Head Office, Pretoria. Two correctional practitioners, namely Minette Bekker (psychologist) and Willem Vos (case management officer), were consulted to evaluate the quality of the questionnaire and to provide suggestions on the clarity and correctness of the questions. A content validity technique was employed to review the content of the questionnaire and examine the suitability of its questions to the study. For this purpose, Prof. Charl Cilliers (promoter) was used. Prof. Chris Welman (late lecturer in Research Methodology at the former Technikon SA) and Dr Hennie Gerber (a statistician at Unisa) also played an important role in the validation of the questionnaire.

Closed questions were used primarily due to the pre-empted high illiteracy rate among the study population. The questionnaire was compiled in English (the official language of Swaziland) and translated by *Afri Lingo and Associates* into SiSwati (the language used by the majority of Swaziland residents).

The final stage was a pilot study to practically examine the usefulness and evaluate the effectiveness of the designed questionnaire. The pilot study was conducted using a simple random sample of 30 inmates detained at Krugersdorp prison, South Africa (15 inmates conversant with English and 15 acquainted with SiSwati). Participants were asked to fill in the questionnaire in order to test their understanding of the questions against the researcher's, and to give feedback regarding any mistakes, confusion, discrepancies and inappropriate questions. The survey revealed that it took the 30 respondents approximately 45 to 60 minutes to complete. The questionnaires received from the respondents contained some valuable comments, which were taken into careful consideration.

The questionnaire was administered twice within a period of three years on a similar inmate population in Swaziland. The first survey was conducted in June 2002 and the second during June 2005, the reason being to establish the validity and reliability of the instrument, and secondly to determine if there had been a significant change in the inmate profiles since the first survey was administered.

The same questions posed to respondents during the 2002 survey were also posed in 2005. The format of some questions used in the 2005 survey had to be reformulated or adapted to make them more user-friendly.

The results of the 2002 survey are not reported in this study as there were no significant changes in the inmate profiles. The reporting of the two sets of data would also have made the study cumbersome.

Sampling procedure

Owing to time constraints and the unavailability of resources, no sampling was done. It was also not feasible for the researcher to collect information from the entire inmate population. However, the entire inmate population was given the opportunity to participate in the survey, thereby assuring the generalisation of the findings. To secure the participation of the study population the researcher explained the needs and benefits of the research. The study population was also informed of the ethical considerations and was given the opportunity to decide if they would like to participate in the survey.

The questionnaire return rate is indicated in table 1.1. At the time of the survey the daily average inmate population (DAIP) was 3 083. Five hundred and seventy (570) inmates (18,5% of the DAIP) participated voluntarily in the survey. The Criminal Lunatic Prison was excluded from the survey as the inmates are not capable (mentally impaired) of completing a questionnaire. Thirty-eight (38) respondents, indicated as missing data below table 1.1, did not indicate their gender.

Table 1.1: Questionnaire return rate of all inmates

PRISON	MALE	FEMALE	TOTAL
Big Bend	2	4	6
Bhalekane	82	3	85
Juvenile Industrial School	1	0	1
Malkerns Youth	124	3	127
Mankayane	47	1	48
Manzini Remand	87	8	95
Matsapha Maximum	1	1	2
Matsapha Medium	0	1	1
Mawelawela Woman	0	48	48
Mbabane	101	15	116
Nhlangano	0	2	2
Pigg's Peak	1	0	1
Total	446	86	532

Missing data = 38

In table 1.2 the sentenced and unsentenced inmates are separated. During validation of the questionnaire and the splitting up of sentenced and unsentenced inmates, 38 questionnaires had to be discarded due to inmates who provided insufficient information or answered questions incorrectly. This resulted in the use of 532 (189 unsentenced and 343 sentenced) respondents when a differentiation between the two groups had to be made. Twenty-two respondents (seven unsentenced and 15 sentenced), indicated as missing data below table 1.2., did not indicate their gender.

Table 1.2: Questionnaire return rate of sentenced and unsentenced inmates

PRISON	SENTENCED		UNSENTENCED		Total
	Male	Female	Male	Female	
Big Bend	2	4	0	0	6
Bhalekane	78	3	2	0	83
Juvenile Industrial School	0	0	0	0	0
Malkerns Youth	120	1	1	1	123
Mankayane	47	0	0	1	48
Manzini remand	9	1	75	6	91
Matsapha Maximum	1	1	0	0	
Matsapha Medium	0	0	0	1	3
Mawelawela Woman	0	38	0	8	46
Mbabane	16	6	80	6	108
Nhlangano	0	1	0	0	1
Pigg's Peak	0	0	1	0	1
Total	273	55	159	23	510

Missing data = 22

Administration of the survey

Enumeration of the questionnaires was carried out over a three-week period (6 – 24 June 2005). The questionnaire was administered by 11 senior correctional officials trained by the researcher. The questionnaire administrators guided the respondents throughout the completion of the questionnaire. Respondents who could not write were assisted to write down answers for questions that needed a written answer.

Some of the conclusions drawn from the study were that the questionnaire was on average good, the answers could be filled in with ease and it was feasible for the enumerators to complete the survey in 15 working days. Groups of 20 to 25 inmates were taken at a time and questionnaires were completed in approximately 40 to 60 minutes.

The use of the SiSwati questionnaire in 2002 proved not to be viable as most respondents preferred to use the English questionnaire. It was evident that most of the respondents could not read SiSwati and found some of the translations difficult to understand. During the 2005 survey, questionnaires were provided to respondents in English only.

Processing and presentation of data

Two methods of data processing, viz. manual and electronic, were used. The manual processing dealt with coding, editing and verification. Electronic processing included data entry, data verification and the creation of data files, tables and charts. All processing of the survey information was done on computer using Microsoft Excel and SAS.

The data collected was used to compile a profile of inmates' characteristics and to quantify the variation of the inmates' needs and risks through the use of variables measured on nominal and ordinal scales. In order to report on the socio-economic characteristics of the inmate population, frequency distributions, cross-tabulations, percentages and means were used. For classification purposes a clear distinction was made between sentenced and unsentenced, youth and adult, and male and female inmates.

Some conclusions drawn from the processing of data was that certain questions gave poor results. Previous convictions seemed under-reported and needed to be cross-checked (drawing 50 inmate case files; 25 each from Matsapha Medium and Maximum Prisons) in order to elicit the correct previous conviction rate of the population. Gang and sexual activities were also found to have been under-reported, leading to a decision to reformulate these questions and to administer a short questionnaire on a group of 55 inmates (30 and 25, respectively, from Matsapha Medium and Maximum Prisons) to verify the results with the original survey. The outcome of the above validations (cross-checks) confirmed that the respondents were honest in answering the questions.

Questions 26, 27 and 28, for which respondents had to indicate if they were unsentenced or sentenced, their sentence length, time served or period on remand and type of offence incarcerated/detained for, were not satisfactorily completed. As this information is important in making recommendations on alternative sentencing options, the researcher opted to exclude this information and used data gathered from heads of prisons.

Validity and reliability

For the purposes of this study the researcher sought credibility, based on coherence, insight and trustworthiness through a process of verification rather than through traditional validity and reliability measures. The data collected in this research is factual and focuses on respondents' characteristics, namely offender needs and risks. Data was collected by means of a questionnaire containing 41 closed questions. Written information was asked only as an option to specify "other" possibilities to the closed questions.

Kumar (1999:137-143) maintains that **validity** refers to whether a research instrument is measuring what it set out to measure, whilst the **reliability** of an instrument refers to its ability to produce consistent measurements each time.

To conform to the principles of validity, the researcher and experts in the field (see subheading 'Pre-testing of questionnaire', p.19) evaluated the items in the questionnaire. The face validity of each item was established through determining the logic link between the questions and the objectives of the study. The content validity was ensured by a thorough literature review and evaluation of the designed questionnaire to establish if the full range of offender risks and needs were covered.

Three techniques were used in this study to ensure reliability. Firstly, the researcher provided a detailed account of the focus of the study, the researcher's role and the context from which data was gathered. Secondly, the questionnaire was administered on two occasions under similar conditions to the same population (Swaziland inmates), and on both occasions similar results were obtained. The deviations to answers were insignificant as the profiles of inmates had not changed much between the two periods in which the surveys were administered. Multiple methods of data collection and analysis were also used to cross-check information and ensure that similar results were obtained. Finally, data collection and analysis strategies were reported in detail in order to provide a clear and accurate picture of the methods used in this study. It can thus be assumed that the instrument is considered to be reliable and have a higher validity (Kumar, 1999:139-140). However, there are no limitations to replicate this study in the same or in another setting similar to the one used in this study, should the need arise to attest to the reliability of the questionnaire.

Ethical considerations

The researcher complied with the ethical considerations for research involving inmates (see Gostin, Vanchieri & Pope, 2007) and specifically adhered to the following ethical principles:

- Permission was obtained from the Commissioner of Swaziland correctional services to carry out the research.
- The participants' express willingness to complete the questionnaire was established. Respondents were told that participation was completely voluntary and they were instructed that they could expect no special rewards - such as early release – for participation.

- The researcher was sensitive about the fact that he might run the risk of harming the participants in some way as they had to reveal information that could embarrass them. The participants were asked to reveal personal characteristics (educational background, criminal history) and deviant behaviour such as homosexuality, substance abuse, and the like. These findings and results were reported in such a way that individual respondents could not be identified or harmed in any manner. Thirty-seven (37) participants withdrew during the 2002 survey after explaining the possible consequences of participation. Similarly, only inmates who participated voluntarily in the 2005 survey were included in the study sample.
- Although anonymity cannot be ensured indefinitely, the researcher did not place any identification numbers on the questionnaires and also waived the option of asking respondents to identify themselves by means of their prison numbers. In the few instances in which respondents volunteered their names, such information was obliterated on the questionnaires.
- The researcher ensured that all research assistants maintained confidentiality in training them not to identify a given person's responses and they promised not to do so publicly. All questionnaires were also gathered immediately after completion and information was kept confidential at all times.

Limitations of the study

Given the scope of prison and penal reform, decisions had to be made about what was important to emphasise in this study. The focus of this study was on activities in the criminal justice system that have a direct bearing on reducing prison populations and the criminal activities of offenders – thus an examination of mechanisms that can have an impact on crime and reoffending.

Some important topics had to be omitted from this study, such as an exposition of the historical background on prison and penal reform, and sentencing practices and measures not directly related to correctional services. It was not the intention of the researcher to debate the pros and cons of punishment, deterrence and retribution. Nor was it the intention to dwell on international practices which are not conducive for implementation in the African context, but rather to focus on the impact of good practices on the criminal justice system, offender population and community at large.

Due to the researcher's personal involvement in identifying and solving problems in Swaziland correctional services, he brought certain biases to this study. Although every effort was made to ensure objectivity, these biases may have shaped the way he viewed and understood the data collected and the way he interpreted his experiences.

The biggest problem encountered in this research was the availability of accurate statistics on crime and offender populations. Statistics documented in official documents of the Swaziland police, courts, correctional services and Department of Statistics were evaluated. Information that did not correlate was rejected and was not reported on. Correctional Services statistics were compared with the commissioner's office, personal counts and surveys to ensure accuracy as far as possible.

The following aspects might have had an influence on the accuracy of the research results:

- **Access to inmates** caused delays in the sampling and administering process due to inmates who had to attend court hearings, honour medical appointments and day-to-day prison activities. The possibility is that some inmates were not considered at all in the sample due to these and other unforeseen circumstances. For this reason the daily average inmate population was used in the calculation of the ratio between the entire inmate population and respondents.
- **Honest feedback from respondents.** Although respondents were informed of the importance of accurate information in enabling the prison authorities to develop and provide appropriate correctional programmes, the possibility is that respondents did not reveal the truth regarding offence history, educational levels and other personal matters. Some information was verified against inmates' personal records and information received from heads of prisons to eliminate possible inaccuracies. The information verified correlated with the answers given by the respondents in the questionnaires – thus making the results more acceptable.
- **Anonymity** did cause a problem insofar as information given by respondents could not be verified with their personal files kept by the prison authorities. The correction of missing or contradictory information could thus not be done at a later stage.

TECHNICAL ASPECTS

The purpose of this section is to provide the reader with general guidelines on the technical layout and reference methods used in this thesis. The technical aspects were mainly derived from the following:

- APA (American Psychological Association). 2001. *Publication manual of the American Psychological Association*. (5th edition). Washington, DC:APA.
- Unisa (University of South Africa). 2003. *Reference method for Unisa (Florida)*. 7th edition. Florida: Unisa.
- De Kock, L. & Levey, D. 2004. *The master's dissertation and doctoral thesis: A guide to research and the organization of material*. Pretoria: Unisa.
- Refworks: A citation management software package.

Use of headings

Three types of headings/subheadings are used in this thesis as indicated below. Headings are not numbered. Numbers are used to indicate information which is hierarchical in nature (steps, processes, etc.). Statements or facts that are equal in nature are indicated by bullets.

RESEARCH METHODS	(1 st -level heading: TNR, bold, uppercase and 14 point size)
Research design	(2 nd -level heading: TNR, bold, lowercase and 14 point size)
Qualitative perspective	(3 rd -level heading: Arial Rounded MT Bold, italic, lowercase and 12 point size)

TNR = Times New Roman

Tables and charts

In the content of the thesis the title of tables is indicated above the table whilst the title of charts is indicated directly below the chart. Tables and charts are numerically listed in line with the chapter in which it is included, for example, Table 6.3 indicates the third table used in chapter 6.

The charts were compiled using the software package Excel. Pie charts are used to indicate single variables with a maximum of six slices per chart to prevent cluttering. Vertical and horizontal bar charts are used interchangeably, depending on the information to be presented and most practical way in depicting the content.

Technical care

The thesis was typed, as recommended, with a three-centimetre margin on the left-hand side. The format of one and a half spacing on one side only of A4 pages, quotations in single spacing and pagination in sequence throughout the thesis was adopted. Numbers from one to nine are written out and numbers are used from 10 (e.g. six, nine, 10, 112). This rule is not applied when referring to a percentage (i.e. 3%, 28%).

Acronyms are not used in headings. In the content the full name of an organisation, institution, etc. is used for the first time followed by the acronym in brackets, for example National Research Foundation (NRF). Thereafter, only the acronym (NRF) is used.

Reference method

There are many variations on referencing methods from which to choose. For consistency the adapted Harvard method of referencing (Unisa, 2003) was used throughout this thesis. Some practical guidelines used in other scholarly guides were adopted without deviating from the adapted Harvard reference method (Smit, 2003; Van der Walt, 2006).

General

This thesis consists of 258 pages. Four hundred and sixteen (416) sources were used. Slightly more than two-thirds of the literature used in this study was from journals (157) or book chapters (110). The remaining documents were either documents downloaded from the open web (59), government documents (55) or documents from other institutions (35). The high representation of various sources from leading countries in the world reduced the likelihood that publication bias affected the outcomes of this study. Most of the documents used were relatively current: 113 have been published in the past eight years, 220 were published in the 1990s, and 82 were published before 1990. The date of one of the publications could not be determined. 30 authors contributed multiple documents.

DEFINITION OF KEY CONCEPTS

The key concepts which describe the theme of this thesis are defined below. Other concepts which may be unclear or ambiguous are defined in the thesis where they are used.

Prison reform is “the attempt to improve conditions inside prisons, aiming at a more effective penal system” (Wikipedia Encyclopaedia, 2007). It implies the changing of old practices and work processes to achieve dramatic improvements in critical measures of performance, such as cost-effectiveness, quality of correctional programmes and service delivery. Clearly, the reform of correctional services entails a move into an era of extensive delivery of correctional programmes.

Contrary to prison reform, **penal reform** in this study refers specifically to the change in sentencing practices to make provision for community-based sentences and constraints.

Community-based sentences refer broadly to any court-ordered sanction that occurs in the community, particularly where it provides an alternative to imprisonment.

In the criminal justice sector **correctional programmes** are referred to as the adjustment (correction) of criminal or antisocial behaviour to one that is more law-abiding or pro-social. Correctional programmes include *education* that focuses on the acquisition of knowledge, *training* which is designed to assist inmates in acquiring vocational and cognitive skills, and *therapy* which is intended to alleviate emotional distress and ameliorate symptoms of mental disorder (McGuire, 2005).

The term **rehabilitation** is also used frequently and interchangeably with correctional programmes to describe the need of the offender to be exposed to basic life skills to acquire moral values, education or a vocational background to maintain an independent and crime-free lifestyle. In this study the term “rehabilitation programmes” will (where appropriate) be used to describe specific offending problems such as sexual offending, violent offending or drug and alcohol abuse.

Recidivism: The definition of recidivism used for this study is the percentage of offenders released from prison or a community-based sentence during a specified time and period who commit a new offence within a certain time following their release. It may also refer to the committing of an offence or breaching of a condition of sentence whilst on a community-based sentence. Four measures of recidivism rates are generally used: rearrest, reconviction, resentencing, and return with or without a new offence.

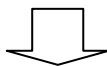
The term **offender** may refer to a person who committed a crime, an inmate (prisoner) or person subject to community corrections (probationer or parolee).

SYNOPSIS OF CHAPTERS

The contents of the study are distributed in nine chapters as illustrated in chart 1.5. Chapter 1 introduced the reader to the study. Chapters 2 to 6 form the theoretical basis for this study and cover the need for penal and prison reform, and the impact of community-based sentences and correctional programmes on the behaviour of offenders. Chapters 7 and 8 provide the profile of Swaziland correctional services and its offender population. An exposition of the research results (inmate profiles) is provided in these chapters. Chapter 9 concludes with a summary of the research findings and recommends strategies to improve the current state of Swaziland correctional services.

METHODOLOGY

CHAPTER 1 INTRODUCTION TO THE STUDY

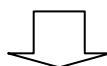


LITERATURE REVIEW

PART A: THE NEED FOR PRISON AND PENAL REFORM

Chapter 2: A review of imprisonment and deterrence programmes as a strategy to reduce prison populations

Chapter 3: The impact of community-based sentences and restraints on offender behaviour

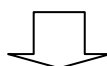


PART B: THE IMPACT OF CORRECTIONAL PROGRAMMES ON OFFENDER BEHAVIOUR

Chapter 4: The principles of effective offender assessment and classification tools

Chapter 5: The impact of rehabilitation on offender behaviour

Chapter 6: The impact of corrections-based education and work programmes on offender behaviour

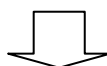


RESULTS

PART C: A PROFILE OF THE SWAZILAND CORRECTIONAL SERVICES ENVIRONMENT

Chapter 7: A profile of the offender population and correctional services environment

Chapter 8: A needs and risk assessment of the Swaziland inmate population



CHAPTER 9 RÉSUMÉ

Chart 1.5: Contents of this study

PART A

THE NEED FOR PRISON AND PENAL REFORM

CHAPTER 2

A REVIEW OF IMPRISONMENT AND DETERRENCE PROGRAMMES AS A STRATEGY TO REDUCE PRISON POPULATIONS

INTRODUCTION

The concept of imprisonment is simple – for as long as offenders are confined they clearly cannot commit crimes outside the prison and crime is thus reduced. A secondary benefit of imprisonment is thought to be the indirect effect of deterring (or inhibiting) others from committing crime because of the threat of incarceration (general deterrence effect).

Furthermore, offenders who spend time in prison may be deterred from continuing their criminal activities when they are released (a specific deterrence effect).

Most people accept the notion that crime prevention through incarceration is a primary justification of imprisonment. Generally accepted also is the fact that some offenders should be imprisoned for long periods of time because of the seriousness of their offences and the threat they pose if released (Roberts & Hough, 2005; Zimring & Hawkins, 1995). Questions arise over how broadly the incarceration strategy should be used and whether it is a cost-efficient and effective crime prevention strategy.

More rigorous research examining the effectiveness of incarceration in reducing crime has focused on developing models to estimate the impact of imprisonment at individual level offending (Spelman, 1995; Zimring & Hawkins, 1995). The majority of studies examining incarceration effects demonstrate a small but positive effect in reducing crime. Frequently, however, this crime prevention strategy is associated with significant increases in prison populations. Issues of concern relate to whether this reduction is worth additional costs for building and maintaining prisons, and whether there are other more cost-effective methods of crime reduction.

Research by Wolfgang, Figlio and Sellin (1972, in MacKenzie, 2001) reveals that a relatively small number of offenders are responsible for a large amount of crime. Advocates of imprisonment argue that crime could be reduced if these career criminals were identified and imprisoned. Further support for incarceration as a correctional strategy came from the proposal that, although there are enormous costs for incarcerating large numbers of offenders, there are also substantial costs if they are released and continue to commit crimes in terms of criminal processing, loss to victims, etc. (Zedlewski, 1987, in MacKenzie, 2001). Some of the practices that can be attributed to these imprisonment strategies are habitual offender laws, mandatory sentences and the three strikes laws.

In support of the selective incarceration sentencing policy, Greenwood and Abrahamse (1982, in MacKenzie, 1997:10) argue that increasing the length of time served by the predicted high-risk offenders while at the same time reducing the time served by those who were predicted to be low-risk offenders could reduce crime rates without a corresponding increase in prison populations. Researchers (see MacKenzie, 1997:10) who reviewed Greenwood and Abrahamse's results concluded that the original analysis greatly overstated the effects of the proposed selective incarceration and substantial increases in the prison population were predicted. For selective incarceration to be effective, it must be possible to identify and incarcerate offenders who will commit the most crimes in future. Gottfredson and Gottfredson (1994, in MacKenzie, 1997:10) suggest that identifying future offenders in order to selectively imprisoning them will prove difficult.

It is from the above perspective that sentencing practices that have a direct bearing on imprisonment are examined. The remainder of this chapter puts the world prison population into context and focuses on the management of offender growth as well as imprisonment and deterrence as a strategy to reduce crime. Issues such as benefits, costs and risk factors are considered important only if they have a direct impact on criminal activities and crime prevention.

WORLD PRISON POPULATIONS

The 2007 World Prison Population List (WPPL), compiled by Roy Walmsley, provides information on the global inmate population and the rate per 100 000 of the national population (the inmate population rate) in 214 countries. Walmsley (2007:1) established that more than 9.25 million offenders are detained in prisons throughout the world. Indications are that the global inmate population increased by 250 000 between February 2005 and October 2006.

It is indicated that almost half of the world's inmate population are detained in the United States (2.19 million), China (more than 1.55 million) and Russia (0.87 million) – countries which account for just over a quarter of the world's population (Walmsley, 2007:1). The WPPL also shows that the USA's inmate population constitutes a rate of 738 per 100 000 of the national population, making it the biggest user of imprisonment in the world, followed by Russia (611), St Kitts & Nevis (547) and the US Virgin Islands (521).

The statistical data indicates a median rate of 140 inmates per 100 000 of the world population. Sixty-one per cent (61%) of the countries in the world have rates below the median. Prison population rates also vary considerably among various continents and countries. The following are examples of prison population median rates between different regions of the world and different parts of the same continent (Walmsley, 2007:2):

Table 2.1: Median prison population rates (Adopted from Walmsley, 2007:1-6)

AREA	(Median)		AREA	(Median)
Western Africa	(37)	➡	Southern Africa	(267)
South America	(165.5)	➡	Caribbean	(324)
South central Asia	(57)	➡	Central Asia (ex-Soviet)	(292)
Southern Europe	(90)	➡	Central and Eastern Europe	(185)

The rating of the country in each region of Africa with the highest prison population rate in comparison with southern African countries is indicated in table 2.2. The indication is that Swaziland lies on the median of both southern African and African countries.

Table 2.2: Prison population ratings in Africa (Adopted from Walmsley, 2007:1-6)

COUNTRY (AFRICAN REGION)	NATIONAL POPULATION	PRISON POPULATION	PRISON POPULATION RATE*
Botswana (southern Africa)	1 800 000	6 259	348
South Africa (southern Africa)	47 040 000	157 402	335
Namibia (southern Africa)	1 800 000	4 814	267
Tunisia (north Africa)	9 900 000	c.26 000	c.263
Swaziland (southern Africa)	1 100 000	2 734	249
Seychelles (eastern Africa)	80 750	193	239
Cape Verde (western Africa)	423 000	755	178
Lesotho (southern Africa)	1 870 000	2 924	156
Cameroon (central Africa)	16 000 000	20 000	125

* Prison population rate (per 100 000 of national population)

MANAGING PRISON POPULATION GROWTH

The current growth in prison populations worldwide has necessitated the move away from a strictly retributive approach (justice model), to that of rehabilitation, restitution and victim compensation (restorative justice). The movement to compensate victims is in line with the corrections (rehabilitation) philosophy. It also becomes increasingly clear that incarcerating offenders does not solve the problem of crime but could even exacerbate it. It is thus necessary to examine the factors influencing the size of the prison population, causes and effects of overpopulation and strategies to reduce overcrowding.

Factors influencing the size of the prison population

In their final report, the European Committee on Crime Problems (2002) indicated that levels of imprisonment in each country are usually influenced more by political decisions rather than by levels of crime or rates of detection of crime. Secondly, high or low levels of imprisonment are regarded as a choice by societies and this choice is many a time reflected in sentencing practices.

Finland, for example, reduced its inmate population from 187 per 100 000 of the total population in 1950 to 55 per 100 000 in 2000. This decrease was a result of a clear political will and consensus to decrease the inmate rate and deliberate, long-term and systematic policy choices (Coyle, 2004).

Similarly, between 1991 and 1995 Canada embarked on a programme of public education explaining the need to reduce the use of imprisonment and implementing 11 recommendations in this regard. In 1996, measures were introduced requiring judicial officials, before imposing a sentence of imprisonment, to specify what objectives such a sentence would achieve. A new conditional sentence was also introduced as an alternative to imprisonment for less serious offenders. These initiatives resulted in a decline of imprisonment of 131 per 100 000 in 1997 to 116 per 100 000 in 2001 (Coyle, 2004).

Aside from public policy for crime control and casual factors linked to crime (such as poverty, family breakdown, poor education and unemployment), various factors have been identified that contribute to prison overcrowding. These factors are described below.

Crime rates

According to Correctional Service Canada (2000), crime rate, particularly the type of crime, and the extent to which offenders are sentenced to a period of imprisonment are the main determinants of prison admission rates. Sheldon and Brown (1991:347) found that a major factor in overcrowding of US prisons is a rise in arrests for specific crimes such as impaired driving, domestic violence and the war on drugs.

Mauer (in Needham, 1992:4) attributes the high crime rates to the patterns of policing, prosecuting and sentencing practices such as the “get-tough-on-crime laws” and the “war on drugs”. The “tough on crime” attitudes have made alternative sentencing practices and community-based supervision less appealing options for the judiciary, correctional services and parole boards. The “war on drugs”, on the other hand, led to an increase of drug arrests in the USA from just over 471 000 in 1980 to 1.2 million in 1989 (Needham, 1992:4).

Awaiting-trial inmates

Laws that have been passed in some countries, include detention of awaiting-trials for unlimited periods, and the provision of non-bailable legislation. It is no doubt that this situation deteriorates to overcrowding.

In Swaziland laws have been passed that include a provision that allows 60 days’ detention without trial (*Sunday Times*, 2003). In South Africa the Criminal Procedure Second Amendment Act, Act 85 of 1997 allows magistrates and judges to use their discretion to grant bail in certain cases. Swaziland has a similar Act (Non-Bailable Offences Act, Act of 1998) which prevents Swaziland courts from granting bail to persons arrested for rape, murder, robbery and other serious crimes.

In the annual report of the SA Judicial Inspectorate of Prisons (2006:28) it is implied that many awaiting-trial inmates are detained unnecessarily. It was found that 225 373 (about 18 000 per month) awaiting-trial inmates were taken to court and not returned to prison in 2005. Some might have been found guilty and given non-custodial sentences whilst the remainder had their charges withdrawn.

Many a time awaiting-trials are detained even though their offences may be bailable. This is because they cannot pay bail due to poverty or they are not offered bail due to restrictions in legislation. On 6 February 2006 there were almost 13 000 awaiting-trial inmates in South African prisons because of their inability to pay their bail amounts (Judicial Inspectorate of Prisons annual report, 2006:28).

Non-bailable legislation and slow delivery of justice exacerbate ongoing judicial problems such as the backlog of pending cases, lengthy pre-trial detention and continual remands in custody by the courts. The Judicial Inspectorate of Prisons noted that 11 464 offenders had been awaiting their trials for more than six months whilst 1 433 had waited more than two years (Judicial Inspectorate of Prisons annual report, 2006:14).

In South Africa the average number of awaiting-trial inmates was 23 783 in 1995 and reached a high of 64 000 in 2000. These numbers since steadily declined to 46 327 in 2005 and are continuing to drop due to efforts made by the police and judiciary to reduce the number of awaiting-trials. Actions such as releasing awaiting-trial inmates on warning or affordable bail and the proclamation of higher amounts for admission of guilt fines were taken to achieve these goals (see annual reports of the Judicial Inspectorate of Prisons, 2003; 2006).

Imprisonment rates

The world prison population has grown steadily and substantially in the past decades. Previous editions of the WPPL show that prison populations have increased in almost three-quarters of the countries listed. For example, prison populations have increased in 64% of countries in Africa, 84% in the Americas, 81% in Asia, 66% in Europe, and 75% in Oceania (Walmsley, 2007:1).

The growth of prison populations in southern Africa is depicted in table 2.3. With the exception of Botswana, which had a decline, all the other countries had a steady growth in their prison populations between the mid- to late 1990s and 2007. Statistics also indicate that all the countries (excluding Botswana and Namibia) had a downward trend in their prison populations in the period 2002 to 2007. This can be attributed to the fact that southern African countries are continuously engaged in deliberations in an effort to resolve issues related to overcrowding.

Table 2.3: Southern African sentenced inmate population growth (Adopted from the ICPS, 2007)

COUNTRY	PRISON POPULATION			(YEAR)	
Botswana	6 455	(1998)	6 102	(2002)	5 917 (2007)
Lesotho	2 552	(1999)	3 000	(2002)	2 701 (2007)
Namibia	3 660	(1995)	4 779	(2000)	4 814 (2001)
South Africa	54 576	(1999)	181 944	(2002)	159 961 (2007)
Swaziland	2 213	(1997)	3 169	(2003)	2 719 (2007)

Short-term imprisonment

Short-term inmates are generally referred to as offenders who are sentenced for a period of imprisonment of less than two years. Short-term imprisonment has the potential to destroy what little community support an offender may have. The offender may lose his/her job, residence and partner, and become less employable.

Research has indicated that short prison sentences do not work to reduce crime, and neither are they effective in containing prison population growth (Smit, Goggin & Gendreau, 2002). The abolition of short sentences less than six months has also been a subject of political and academic debate for many years in various countries. Tonry (in McGinty, 2002:27) found that short sentences are ineffective and are problematic in the context of recidivism. He also found that a minor increase in courts imposing longer sentences occurs where short sentences have been abolished. Western Australia, for example, has achieved an 11% decrease in its adult prison population since October 2001. Among other things, it has legislated the abolition of prison sentences of less than six months (Daley, 2003:1-2).

Short-term inmates are in custody for a very short time frame and this makes it difficult for vocationalists (spiritual and social workers, psychologists, etc.) to have a positive impact on the inmates' future likelihood of reoffending. There is also no conclusive evidence that correctional efforts will have any effect on the likelihood of future reoffending amongst short-term offenders (John Howard Society of Alberta, 2002:3-4).

Statistics (see chapter 7, table 7.10) reveal that inmates sentenced to less than two years make up a significant proportion (63%) of the prison population in Swaziland. Nineteen per cent (19%) of the inmate population have been sentenced to less than six months in prison. This trend points to the absence of alternatives to short-term imprisonment and the optimal utilisation of the provision for extramural penal employment orders in the Swaziland Prisons Act, Act 40 of 1964. One might conclude from this information that correctional services should be focused on short-term offenders and that research should be focused on determining how to prevent recidivism among these offenders. It is the contention of the researcher that imprisonment, and in particular short-term sentences, must be deemed as a sentence of last resort.

The John Howard Society of Alberta (2002:12) has several recommendations that could positively impact recidivism among short-term inmates, namely:

- Correctional services should collaborate to develop a uniform, centralised information gathering system to determine the risk factors for criminal involvement and recidivism among short-term inmates.
- Correctional services should critically evaluate the effectiveness of interventions that are seemingly intended to prevent recidivism.
- When intervening with serious and violent offenders, correctional services should make the most of the extended time that these offenders are incarcerated.
- Wherever possible, offenders who do not pose a threat to public safety should not be incarcerated.

Long-term imprisonment

Van Zyl Smit (cited in the annual report of the Judicial Inspectorate of Prisons, 2006:21) argues that overcrowding of South African prisons is caused by: 1) offenders being sent to prison for periods that are too long, and 2) offenders not being released in good time.

In South Africa minimum sentences, contained in the Criminal Law Amendment Act, Act 105 of 1997, were introduced for a variety of crimes such as murder, rape, robbery and drug related offences. The belief at that time was that long sentences would deter criminals from committing crime whereas in fact they contributed to prison overcrowding. Although reduced prison sentences were imposed, the effect of the minimum sentencing legislation has been to greatly increase the number of inmates serving life and long-term sentences. This legislation does not allow for the suspension of any part of the sentence or any deduction in sentence for the period the offender is in prison awaiting trial. Many cases also have to be referred to a high court for sentencing as they fall beyond the jurisdiction of magistrates' courts. The latter can cause delays of more than one year between conviction and sentence (Judicial Inspectorate of Prisons annual report, 2006:23).

The effect of this legislation on the prison population is immense. The number of life sentences since the implementation of the minimum sentence legislation on 1 May 1998 has increased from 793 to an average of 6 214 in 2005. Before implementation of this legislation only 35 459 (35%) of the inmate population were serving a term of seven years or more. This increased to 70 435 (63%) in December 2005. As a result of this, the number of inmates classified as maximum security escalated from 14 229 in 1995 to 38 406 in 2005 – an increase of 270% in 10 years (Judicial Inspectorate of Prisons annual report, 2006:23, 25).

Sentencing practices

The inadequate use or lack of alternative measures to imprisonment is considered as a major factor causing prison overcrowding in many African countries. The tendency in these countries is one where imprisonment is utilised by the courts as a first option before considering other non-custodial measures, whereas imprisonment should be considered as last resort. This is also true of Swaziland where provision is made for extramural penal employment (the only alternative to imprisonment), but this is seldom utilised.

It is noted that the prison capacity in Swaziland has remained the same whilst the inmate population in most prisons is higher than the prison capacity (see chart 7.1). If capacity is utilised as an indicator of ideal prison levels at any given time, overcrowding can be avoided by making alternatives to imprisonment available to accommodate the increased numbers.

Prolonged imprisonment has also been used as a traditional way of punishment in various countries and brings about negative effects on the well being of inmates as discussed further on in this chapter. Early release measures such as probation, parole and remission have therefore been put in place as alternative measures to imprisonment. These alternative measures are made available to solve problems related to overcrowding, rehabilitation and reintegration of offenders. Early release measures have the advantage of reducing the length that an inmate spends in prison. Where early release is granted subject to good conduct, it also serves as a subtle incentive for behaviour in prisons which is a necessary prerequisite to effective control, care and treatment.

The adoption of determinate sentencing as a practice in the USA had an extraordinary and destructive effect on the administration of prisons. This legislation removed the power vested in parole boards to determine how long an inmate should serve in prison and placed it in the hands of the judiciary. This resulted partially in the overcrowding of prisons to more than twice their intended capacity. The elimination of discretionary parole release makes it difficult for correctional officials to elicit co-operation from offenders, who know they will be released whether or not they participate in correctional programmes. Inmates also end up less well-prepared for reintegration into society (Petersilia, 2006:61-63).

Offender population profiles

During his investigation the researcher realised that Swaziland correctional services, just as many other prison systems, is hampered by the lack of an accurate analysis of the total inmate population. Comprehensive information about offenders' criminal backgrounds is critical for accurate risk assessment to ensure community protection. It allows for appropriate offender classification and is an important component to determine the institution or community in which the offender will serve the sentence (custody level), and for future decisions on conditional or unconditional release of offenders. A thorough understanding of the problems faced by inmates is also essential to manage their needs with a view to successful reintegration into the community, or in the case of community-based sentences, maintaining offenders within the community without a relapse in crime.

Policy changes and funding decisions in Swaziland have also not been based on a comprehensive analysis of the offender population. This has resulted in the continued use of outdated directives and sentencing practices by Swaziland correctional services. Shifts in policy or changes in funding for other services such as community-based sentences or correctional programmes have also not been factored into prison reform strategies. The Swaziland prison system does not have sufficient or competent staff to present correctional programmes; neither does it have effective correctional programmes and aftercare services (see chapter 7). This trend has a tendency of releasing inmates back into the community who are not properly rehabilitated and this, in turn, causes a relapse into crime.

CONSEQUENCES OF OVERCROWDING

Influence on prison administration

In overcrowded prisons staff are overworked, their quality of work decreases and the effectiveness to implement new policies and procedures is reduced. The classification and management of inmates becomes difficult. The security risks increase because the breach of prison rules and regulations is high, gangs are formed and the possibility of physical abuse and violence increases. The unfair distribution of favours and corruption creep in.

Correctional officials and inmates are exposed to unhealthy conditions where chances of contracting diseases are increased. This situation affects staff and inmates physically, emotionally and psychologically, and may lead to the violation of human rights.

Effects on inmates

Research (Clements, 1982; Cox, Paulus & McCain, 1984; Johnston, 1991) has indicated that overcrowding has three types of effects on the daily prison environment. Firstly, prison capacity and resources remain the same whilst administrators are expected to provide more and effective services. The opportunities for inmates to participate in correctional programmes are restricted. The lack of work opportunities lead to inmate idleness, reinforcing discontent and disruptive behaviour (Cox et al., 1984:1149). In addition, lack of resources can apply to anything an inmate might need to use, such as bathrooms or recreation facilities. The unavailability of resources can have twofold consequences. One is the frustration or unpleasantness of being limited or denied a resource, and the other is the fact that competition and conflict over limited resources often lead to aggression and violence (Johnston, 1991:91).

The second effect of overcrowding is on the individual inmate's behaviour. Overcrowding creates stress. Idleness, fear, the inability to maintain privacy or to stop unwanted interaction or stimulation, such as noise, all add to the stress of overcrowding. The adjustment process for inmates to cope with stress varies; it could be withdrawal, aggression or depression. However an inmate chooses to deal with stress, generally there tend to be aspects which do not enhance the health of the inmate (Cox et al., 1984:1150). The impact of social relationships and incarceration has been considered one of the most important effects of prison overcrowding. Findings have indicated that in crowded situations there is more aggression and competition for resources, less co-operation and more social withdrawal (Johnston, 1991:18).

The third effect involves a combination of the correctional system's inability to meet the increased demand for more space and the resulting harm to individual inmates. In an attempt to cope with the limited space available and the resulting overcrowding, there has been a strong tendency to misclassify offenders. To a certain degree, overcrowding has resulted in offenders being classified on the basis of the space available rather than the security level and programmes most suitable for the offenders (Cox et al., 1984:1156). The effects of misclassifying offenders also leads to slow progress through the corrections system and consequently to slow exit, which, in turn, perpetuates or increases the overcrowding problem. If the assignment of inmates is carried out solely on the basis of available space (which is very much the case in Swaziland correctional services), inmates are being manipulated to meet the requirements of the corrections system instead of the focus being on the needs of inmates.

This results in poor service delivery to inmates, which hinders their progress. Also, misclassification errors can result in inmates being deprived of development and treatment opportunities (Clements, 1982:75).

Essentially, the effects of overcrowding and misclassification create a vicious cycle for the inmate. It begins with overcrowding, then the assignment to an inappropriate facility and correctional programmes (misclassification), followed by inmate stress reactions to the lack of services, no progress within the system, being labelled as “failure to adjust”, no parole or probation, rule infractions to regressive transfer. At this point the cycle starts all over again (Clements, 1982:77).

Research has shown that overcrowding sometimes results from or sometimes exacerbates the impact of other conditions such as higher rates of psychiatric commitment (Paulus, Cox & McCain, 1978), higher rates of illness complaints (McCain, Cox & Paulus, 1976; Paulus et al., 1978) and with an increased likelihood of recidivism (Farrington & Nuttal, 1980).

STRATEGIES TO REDUCE PRISON POPULATIONS

Although there is strong support for imprisonment as a sanction, the pendulum has moved more towards an effort to find ways of reducing prison populations by seeking alternatives for incarceration. Various initiatives, such as prison designs, community-based sentences and correctional programmes, have been implemented in an effort to reduce prison populations. These initiatives are addressed in the section below.

Prison design

A poorly designed physical environment can cause prison overcrowding and reduce the well being of inmates. The need is not for more room (square metres), but rather for small or moderate amounts of room with some degree of privacy. The general use of 30 to 60 inmates living in a dormitory in Swaziland prisons should be alleviated by building cells which hold four to eight inmates. The ideal should be one or two inmates per cell, which makes overcrowding basically impossible (Johnston, 1991:20).

The adoption of the unit and case management approach by the USA in the 1960s had an impact on reducing overpopulated prisons and the provision of individualised programming. Unit and case management is an approach to inmate and institutional administration designed to improve the prison environment and delivery of correctional services by dividing a large prison population into smaller, more manageable groups. The aim is to establish a safe and humane environment (for both staff and inmates) that minimises detrimental effects of confinement. It provides for direct surveillance of inmates, more opportunity to interact with them and the ability to identify and solve inmate needs and problems (Levinson, 1999:2-14).

Alternatives to imprisonment

Many prison administrators and researchers agree that it is not realistic to expect to solve overcrowding problems solely through the construction of more or new generation prison facilities. Aos et al. (2006b:1) indicate that a new prison costs in the region of R1.6 billion to build and R300 million a year to operate.

The second option should be to reduce the prison population through the use of alternatives to imprisonment such as fines, suspended sentences, community service orders, parole and probation. This would require a system of graduated sanctions that provide punishment, correctional services, victim restitution and public safety without having to return an offender to prison. However, alternatives to imprisonment are often introduced in the absence of mechanisms to ensure that they are actually used as alternatives. For example, suspended sentences are not used as an alternative to imprisonment but rather as a penalty lying just below the ultimate sanction of imprisonment – the consequence is that prison populations increase due to activations of suspended prison sentences rather than decreasing the prison population (Gemmell, 1997:334). Community-based sentences may also have a minimal impact on the prison population if offenders under community supervision are repeatedly sent to prison for breaking a condition or committing a new offence. Sentencing guidelines which require courts to consider prison capacity in sentencing have been associated with slower prison population growth (Marvell, 1995:697).

Countermeasures by police and courts

Because the stage of police and courts is aimed at investigation and prosecution, countermeasures towards overcrowding are comparatively limited. As a whole, police investigation and prosecution must happen fast to prevent pre-trial detention. Legislation should provide for minimum detention periods whilst cases are under investigation, and suspects involved in minor offences should not, for example, be arrested or detained. Furthermore, where suspects are involved in crimes which are cognisable and bailable, the option of releasing them on their own recognisance or on affordable bail should be considered after giving due weight to circumstances of the case. Instead of detaining awaiting-trial offenders, alternatives such as community supervision, electronic monitoring or home confinement should be considered.

In 2001/2002 a scheme involving hostel accommodation for offenders on bail with additional conditions imposed by the courts in relation to residential location, curfew and increased supervision arrangements was implemented in Birmingham, England. When bail is breached an offender will probably be placed in custody only in exceptional cases. This scheme is relatively new and has not been evaluated (McGinty, 2002:28-29).

In the Swaziland context converting remand centres into hostel accommodation under the rule of the Swaziland correctional services can be considered for those offenders who cannot be released on their own recognisance or bail. Detention costs can be reduced by keeping the awaiting-trials responsible for the supply of their own clothing, bedding, food and health care.

Although provision is made for the disposal of cases at police and prosecutors level, more can be done by the Swaziland criminal justice system. Police and prosecutors can, for example, be authorised to make use of plea bargaining. This option is used in cases where a certain monetary penalty is imposed without the normal trial. Accused persons are also allowed to negotiate with prosecutors (plea bargaining) and to agree on a plea of guilty and an appropriate sentence (Judicial Inspectorate of Prisons annual report, 2002:5-7).

Some countries' legislation makes provision for a specific time limit for the confinement of an offender for investigation as well as the trial period. In Costa Rica, for example, this measure is applied and has a limit of 12 months. If the offender appeals against the sentence imposed, the measure is extended for six months. If the offender has not been sentenced in this period, the detention is discontinued (Rao, [s.a.]).

Fines are utilised worldwide to reduce the number of convicted inmates. In Swaziland where the economic conditions are poor, there are many offenders who are sent to prison because they cannot afford to pay the fines imposed. To prevent this, a day-fine system or paying the fine by instalment is recommended as a solution.

The suspension of a sentence is utilised mainly for first-time offenders who commit minor offences, and it frees the offender from punishment. In some countries suspension is accompanied by community supervision or a community service order. This countermeasure is used in more than 60% of all trial cases in Japan to reduce the prison population (Rao, [s.a.]).

The rapid increase of substance abusers causes overcrowding too. In countries like Australia and the USA drug courts are instituted to deal with these cases. As an alternative to imprisonment, offenders are referred to a specific programme of treatment and supervision. If the offenders fulfil their contract or conditions, they do not have to go to prison (Champion, c2008:561).

A court may stipulate on a community corrections order that an offender must give financial reparation for the damage caused, or that repair or replacement of any damaged property must take place (Champion, c2008:561). Similarly, orders can also be imposed to deprive offenders of their rights or to restrict these, such as suspending or withdrawing a driver's licence, withdrawing a hunter's licence, confiscating a vehicle or weapon, banning an individual from owning or carrying a weapon, and banning the use of cheques. Any breach of the above bans or the failure to comply with the terms of a community-based sentence is a separate offence and should be punishable by a suitable community restraint - not imprisonment.

In addition to the strategies described above, in South Africa for example, legislation was introduced to allow heads of prisons to apply for the release of awaiting-trial inmates unable to pay bail. Between 2000 and 2002 more than 28 000 awaiting-trial inmates were released. The Judicial Inspectorate of Prisons and the Department of Correctional Services managed to release over 8 000 awaiting-trial inmates who were liable for a bail amount of R1 000 or less during September 2000. A further 20 000 awaiting-trial inmates were granted bail during February 2002 by courts, which implies that the courts believe they pose no danger to the community (Sekhonyane, 2002:15-16).

THE IMPACT OF IMPRISONMENT ON RECIDIVISM

In a review on incarceration, Visher (1987) concluded that imprisonment in the 1970s and early 1980s contributed to a reduction of about 10 to 30% in crime. In the USA the focus on tougher sentencing laws has led to increasingly rigid sentencing statutes, and these have impacted repeat offenders, in particular. By 1994, 30 states in the USA had introduced the three strikes legislation and 10 had passed tougher sentencing for repeat offenders (Benekos & Merlo, 1996). The three strikes legislation implies that an offender, no matter what type of crime committed, can after the third conviction be sentenced to prison for life. Benekos and Merlo (1996) estimate that the three strikes legislation could reduce crime between 22% and 34%. These researchers caution that while these results appear encouraging for crime prevention, they would come at great financial cost due to the large increase in prison populations.

The findings of a study by the Bureau of Justice Statistics documenting the recidivism rate of a sample representing 272 111 inmates released from the prisons of 15 states in 1994 reveal that 67% of those released were rearrested within three years, 47% were reconvicted, and 52% of those reconvicted were returned to prison for new crimes or violation of community supervision orders. Forty-four per cent (44%) of arrests occurred in the first year of release, followed by 15% in the second year and 8% in the third year (Langan & Levin, 2002).

Smit et al. (2002) did a meta-analytic literature review of 111 studies that examined the association between punishment and recidivism. The review included studies of imprisonment and community restraints. More than 442 000 offenders were involved in these studies. Studies on imprisonment found that longer sentences were associated with higher recidivism rates. Imprisonment even produced a slight (3%) increase in recidivism. Sentences less than six months had no effect on recidivism whilst sentences of more than two years had an average recidivism rate of 7%. Studies on community restraints (e.g. intensive supervision and electronic monitoring) demonstrated no relationship with recidivism.

The overall findings showed that harsher sanctions had no deterrent effect on recidivism. These findings were consistent across subgroups of offenders (i.e. age, gender and ethnicity). These findings are supported by more rigorous studies by Levitt (1996) and Spelman (2000) that produced a fairly constant finding, associating a 10% higher incarceration rate with a 2 to 4% lower crime rate. These findings were confirmed by Aos et al (2006b:10), who found that

a 10% increase/decrease in the incarceration rate leads to a statistically significant 3,3% increase/decrease in crime rates. In summary, this relatively small variation in crime would have a fairly limited impact on the costs of imprisonment.

The effects of gradual release from prison

There is evidence supporting the premise that the gradual and structured release of offenders is the safest and most effective strategy for the protection of society against new offences. Post-release recidivism studies (Waller, 1974; Harman & Hann, 1986) have found that the percentage of safe returns to the community is higher for supervised offenders than those released with no supervision. Therefore, offender reintegration is seen as working to better prepare offenders for release and as providing them with greater support once they are in the community. It is necessary to provide follow-up services to ensure continuity of care and to assist offenders to transfer and generalise their newly acquired skills to real-life situations.

Gendreau, Goggin, Cullen, & Andrews, (2000) examined over 103 comparisons of offenders who were either sent to prison for brief periods or received a community-based sanction. Basically, they found no deterrent effect from prison but actually a slight increase in recidivism. Beck and Shipley (1989) tracked 108 580 parolees released from prison in 1983. The sample represented more than half of all released state prisoners that year. They found that within three years, 63% of them had been rearrested (23% for a violent crime), 47% had been reconvicted and 42% had returned to prison or jail. By the end of 1986, those offenders who had been rearrested averaged an additional 4.8 new criminal charges.

Solomon, Kachnowski and Bhati (2005:8) found that in the two years after their release, discretionary parolees were less likely to be rearrested than both mandatory parolees and prisoners released unconditionally. Just over 60% of unconditional releases and mandatory parolees were rearrested at least once over two years, compared to 54% of discretionary parolees. Discretionary release refers to prisoners who are released based on a statutory or administrative determination of eligibility by a parole board or other authority. Mandatory release refers to prisoners conditionally released to supervision after serving a portion of their original sentence less any good time credit earned (Solomon et al., 2005:4).

According to Travis (2005:48), parole revocations to state prisons in the USA increased from 17% in 1980 to 35% in 1999. In 2005 it was estimated that one-third (260 000) of all parolees were returned to jail or prison. Similarly, Petersilia (2003) reports that during 1997 one-third of the parole violators were returned to prison for technical violations. This is a costly and counterproductive approach and correctional administrators realised that steps had to be taken to break this cycle.

Studies in the Correctional Service of Canada (Motiuk et al., 2003:1) reveal considerable evidence to support the premise that a period of supervised transition from the prison to the community enhances public safety and the rehabilitation of offenders. This holds true particularly where conditional release programmes are based on the assessment of risk of reoffending and sound decisions with regard to offenders who could be reintegrated successfully into the community.

Motiuk et al. (2003:2) found that offenders under discretionary release (e.g. parole or day parole) are less likely to be convicted of a violent offence than those on statutory release. In a day parole programme review it was found that offenders who are unsuccessful on day parole are twice as likely to fail on full release because of a technical violation, and three times more likely to commit a new offence than offenders who complete day parole successfully (Grant & Gillis, 1999).

THE IMPACT OF DETERRENCE STRATEGIES ON CRIMINAL BEHAVIOUR

Deterrence is the rationale given for sentencing practices such as day fines, Scared Straight programmes or shock probation. These are distinguished from other strategies because the major emphasis is on the punitive nature of the punishment and not on reducing crime through restraint, discipline or challenge. The impact of these sentencing practices on criminal behaviour is assessed in this section.

Monetary penalties

Fines are frequently used as criminal penalties for a wide variety of cases. However, many of these monetary penalties are composites of fines and other non-custodial and not stand-alone sanctions. Courts have wide discretion in setting fines, they are not uniformly imposed and prison sentences are sometimes used as alternatives to fines, particularly for the poor. Fines are rarely used as sole sanction for more serious cases or for repeat offenders.

Gordon and Glaser (1991) examined the impact of traditional fines on recidivism in a quasi-experimental study comparing monetary penalties versus similar sentences (probation or imprisonment and probation). While there were no significant differences between comparative groups, offenders who received a fine with probation had lower recidivism rates (25%) than offenders who received only probation (36%). Similarly, those who received a fine with probation and imprisonment had lower recidivism (37%) than offenders who received only probation and imprisonment without the fines (50%).

In Western Europe, and to a lesser extent in the USA, fines (called day or unit fines) are linked with an offender's ability to pay and the seriousness of the offence (Hillsman, 1990; Aos et al., 2006a). It is also the most often imposed sentence in western Europe and is a major alternative to imprisonment.

Worzella (1992) assessed the recidivism of offenders sentenced in Milwaukee's Municipal Court Day-Fine Pilot Project and compared the recidivism rates to a comparison group who received traditional fines. A larger proportion of the day-fine offenders paid their fine in full. There was no difference in the percentage of the groups who committed further violations of municipal ordinances, but the day-fine group had fewer arrest warrants (neither measure was significantly different).

In a project designed to enhance the application and enforcement of day fines as sanctions for drug offenders and other offences, Turner and Petersilia (1996) found that day fines were associated with reductions in both technical violations and rearrests. The day-fine group had fewer technical violations (9%) than conventional sentenced groups (22%) and also fewer rearrests (11%) than conventional sentenced groups (17%).

In an assessment of various sentencing practices, Aos et al. (2006a:8) found one rigorous study on day fines in which it is indicated that day fines had no effect on recidivism rates.

Overall, there is a limited amount of research examining the effectiveness of monetary penalties in reducing the recidivism of offenders. The Gordon and Glaser (1991) study suggests that fines as additions to other sanctions may be effective in reducing recidivism. Since fines could reduce the costs of courts and corrections, and day fines address the problems of inequality, this strategy appears to be a promising avenue for future research and implementation.

Shock probation

Shock probation, commonly used in Georgia (USA), is a form of split sentence in which offenders are incarcerated for unspecified short periods of time in prison followed by a period of community supervision. The idea is that a short period of time incarcerated will shock offenders into abandoning criminal activity and into more conventional and law-abiding behaviour. During their incarceration there are no special programmes for them and they are mixed with other offenders in the prison. Reviews of the research examining shock programmes have provided little evidence of a deterrent effect. Studies examining the recidivism of shock probationers with similar probation groups have found no differences and in some cases the shock probationers have done demonstrably worse (Boudouris & Turnbull, 1985; Finckenaer, 1982; Vito & Allen, 1981).

Scared Straight programmes

Scared Straight is a programme designed to deter young offenders or at-risk juveniles from continuing criminal activities. These offenders are taken to maximum security institutions where inmates tell them the horrors and difficulties of life in prison. Studies of these programmes have not indicated any differences between those who participated in the programmes and comparison groups. In some cases the rearrest rates were higher for those who participated in the Scared Straight programme (Buckner & Chesney-Lund, 1983; Lewis, 1983). Aos et al. (2006b:9) found 10 rigorous evaluations of Scared Straight programmes and, on average, they do not produce a statistically significant reduction in reoffence rates. In fact, they have the worst effect on crime outcomes.

The major emphasis of shock probation and Scared Straight programmes has been on specific deterrence of the offender. Overall there is no evidence that deterrence programmes such as these effectively reduce the future criminal activities of the offender participants.

Boot camps

Boot camps are sentences imposed in the United States and the United Kingdom and are designed for non-serious, non-violent, youthful offenders (aged between 17 and 25), who would have received a sentence of one to two years' imprisonment. Instead of imprisonment, they can be sent to a boot camp for three to six months (Camp & Camp, 1993:61). The objective of what is otherwise known as 'shock incarceration' is that this relatively short sentence is followed by a period of intensive supervision.

Although there are various differences between boot camps, they do share certain core features and have a number of common elements. Programmes may vary in size, number of days served, placement authority, whether programme entry and exit are voluntary and type of release supervision. All boot camps are highly structured and include military components of physical training, drill and military discipline, where even small misdemeanours are punished on the spot. These aspects are combined with hard physical labour, education and the acquisition of vocational skills and sometimes counselling. The expectation is that the combination of a strict military regime with correctional (rehabilitation) activities will lead to a reduction in recidivism. These programmes have changed over time to include more treatment and development opportunities, and many have de-emphasised the military focus of the programmes.

Research examining recidivism among offenders released from boot camps revealed that boot camps have not been effective in reducing recidivism (Anderson, Dyson, & Lee, 1997; MacKenzie, Brame, McDowall, & Souryal, 1995). Research results also revealed no significant differences in recidivism between offenders who were sent to boot camps when compared to other sentences including those who either served a longer period of time in prison or those who served their sentence on probation (Florida Department of Corrections, 1990; Flowers, Carr & Ruback, 1991; MacKenzie & Shaw, 1993). However, in programmes where a substantial number of offenders were dismissed from the boot camp prior to completion, the recidivism rates for those who completed the programme were significantly lower than the rates for those who were dismissed (MacKenzie, 1995; MacKenzie et al., 1995).

MacKenzie, Gover, Armstrong and Mitchell (2001, in Jones & Connelly, 2001) reveal in a national study that compared boot camps with traditional prisons that boot camps have not been effective in reducing recidivism because they appear to lack the necessary focus on incorporating education, treatment and individual counselling. However, there is some doubt that the principles of a “strong hierarchy, unquestioning obedience, submissiveness, strict discipline and the learning of an aggressive combative mentality” can lead to good behaviour or succeed in deterring criminal behaviour (Morash & Rucker, 1990). Research has also revealed that as many as 60% of boot camp leavers are rearrested within one year (NIJ, 1994). Other researchers point to the dangers of the sudden transfer from a boot camp to the disorderly, disorganised and uncontrolled environment into which offenders are returned after their sentence (Osler, 1991).

Thus, while there is no evidence that the boot camps actually change offenders, there is some indication that the programmes can indicate which offenders will have difficulty completing probation or parole. That is, offenders who remain in the programme and complete it are at less risk of recidivism than those who are dismissed (either voluntarily dropping out or for misbehaviour).

The most recent research found on the impact of boot camps on recidivism was the assessment of 36 (22 adult and 14 juvenile) rigorous studies by Aos et al. (2006b:9). What is noteworthy is that not one study which was assessed produced a statistically significant reduction in recidivism rates.

Although programmes differ in their characteristics, and the quality of evaluation studies is uneven, Cullen, Wright & Applegate (in Harland, 1996:110-112) provide tentative conclusions regarding the effectiveness of boot camps:

- Compared to other correctional interventions, it is not clear that boot camps achieve greater reductions in recidivism.
- Positive changes in offenders that may have resulted from shock incarceration appear not to last indefinitely after offenders return to the community.
- A substantial proportion of reincarcerations among boot camp graduates result from technical violations.
- Programmes with more emphasis on treatment seem to produce lower recidivism rates.

CONCLUSION

As noted in this chapter, prison populations continue to increase. This suggests that the Swaziland criminal justice administrators will need to expand the range of options that can better meet the goals of sentencing while controlling expensive prison population growth and the unnecessary use of imprisonment. The negative effects of incarceration on staff and inmates could also be contained with the use of new generation prison designs and alternative sentencing options.

The literature further revealed that imprisonment has had no deterrent effect on recidivism. In fact, it has produced a slight increase in recidivism. In contrast to imprisonment, the gradual release of offenders from prison seems to enhance public safety and the rehabilitation of offenders. Monetary penalties, shock probation, Scared Straight programmes and boot camps also produced no evidence that they could effectively deter or reduce future criminal activities.

Research has demonstrated that the use of mandatory and determinate sentencing practices or increasing the length of prison terms produces little in the way of increased deterrence of crime or reduced recidivism, yet contributes significantly to higher costs of imprisonment. Leading policymakers have recommended the repeal of mandatory and determinate policies which should result in more rational sentencing practices. The time served in prison should also be examined to determine if the goals of sentencing can be achieved through shorter prison terms for selected offenders.

The latter requires the need to address sentencing and parole policies with a multifaceted approach, incorporating an expanded use of alternatives to imprisonment for low-risk offenders, and a commitment to using imprisonment only if other interventions cannot meet the goals of public safety or justice. Parole boards should also be free to consider the use of parole or probation for long-term prisoners who no longer present a threat to public safety.

Finally, the stabilisation or reduction of prison populations will only be possible if policymakers recognise that the size and composition of prison populations are a function of a variety of policy choices regarding sentencing, time served in prison and parole supervision practices.

Whatever solutions are sought to the overpopulation of prisons, success will not lie in merely transferring inmates from crowded prisons to crowded alternatives to incarceration. Unless the eligibility requirements for community-based sentences are expanded substantially, they will not significantly alleviate imprisonment rates. On the other hand, if eligibility is extended to include the types of offenders confined in prisons, then in order to protect public safety there would have to be a significant increase in the level and intensity of supervision in community-based sentences.

CHAPTER 3

THE IMPACT OF COMMUNITY-BASED SENTENCES AND RESTRAINTS ON OFFENDER BEHAVIOUR

INTRODUCTION

As Swaziland makes no provision for community-based sentences and restraints (except for extramural penal employment) in its legislation, it was necessary to examine the viability of implementing alternatives to imprisonment in an effort to enhance correctional services in Swaziland.

Due to a lack of community-based sentences in the Swaziland sentencing framework, it is not possible to relate the content of this chapter to the Swaziland setting. There is also no research available on the cost-effectiveness or impact of the extramural penal employment (EPE) sentencing practice in Swaziland. Hence the reason for an examination of community-based sentences as practised in other parts of the world.

THE RATIONALE FOR COMMUNITY-BASED SENTENCES

The development of community-based sentences such as community service orders and probation is an internationally recognised concept for dealing with offenders who serve their sentences in their communities rather than in a prison. This means that offenders remain in their communities to perform productive work to support themselves and others and to repay victims (retribution) for losses suffered (Champion, c2008:72).

Community-based sentencing practices developed as a response to high imprisonment rates and focus mainly on two objectives. One is to grant correctional supervision or a community service order to low-risk, non-violent offenders, and the second is to exercise a greater degree of control over offenders by means of community restraints (also referred to as semi-incapacitation). These restraints were designed to confine the movement of high-risk offenders in the community (community protection) through increased surveillance, intensive supervision and home confinement (McShane & Krause, 1993:93). Deterrence is obtained by the strict enforcement of conditions such as the submission to a test for substance use, restriction to a particular area and attendance of specialised programmes. A third and very important objective should be added, namely the corrections (rehabilitation) ideal. This implies some kind of positive behavioural change, which is the result of treatment and development of the offender within the community.

The question arises of how broadly community-based sanctions as a strategy should be used in Swaziland and whether it is a cost-efficient and effective crime prevention strategy. To answer these concerns this chapter provides background information on the effectiveness of community-based sentences. Rather than speculating on the issues of humanitarianism and public opinion, the chapter focuses on the impact of community-based sentences and restraints on recidivism. In conclusion the chapter touches upon the impact of correctional programmes on recidivism. The latter will be dealt with in more depth in chapters 5 and 6.

THE EFFECTIVENESS OF COMMUNITY-BASED SENTENCES

Although community-based sentences were introduced to lower imprisonment rates, these sentencing practices are also expected to be more effective in setting an appropriate punishment for offenders and assisting in their rehabilitation. The purpose of community-based sentences is thus to protect public safety, especially that of victims, by ensuring that restrictions and requirements imposed on offenders by the courts are adhered to and that their offending behaviour is modified through relevant correctional programmes (Auditor General: Western Australia, 2001:4).

In practice, however, there is considerable inconsistency in managing the various aspects of community sanctions. In the first place, the courts have their reservations about the effectiveness of community-based sentences as a credible sentencing option. The majority have concerns about the implementation of these sentences. Large caseloads, surveillance difficulties in urban or densely populated areas, inconsistency in dealing with technical violations, difficulty in securing employment for offenders and the suitability and effectiveness of correctional programmes are some of the concerns raised by the judiciary (Auditor General, Western Australia, 2001:19). In Swaziland the judiciary is reluctant to make use of the EPE programme because offenders sentenced under this provision continue to commit crimes as a result of unemployment, peer pressure, alcohol abuse and being habitual criminals (Maseko, 2000:39). There is also widespread disagreement among correctional practitioners on the importance of the surveillance model versus rehabilitation ideal. Supervision usually combines elements of both.

A major difficulty, closely related to the above, is that various research studies have revealed that community-based sentences have not been able to reduce recidivism (Lipton, Martinson & Wilks, 1975; Gottfredson & Gottfredson, 1980; Petersilia & Turner, 1993). After a long history of being unable to influence recidivism significantly, the academia and correctional administrators have begun to question the outcome measure itself – not whether recidivism should be included at all, but whether it should be the sole or primary measure of performance. They note that crime is the result of a long line of social ills such as dysfunctional families, economic and educational deprivation, political conflict, and social and sub-cultural meaning. These problems are clearly beyond the direct influence of probation and parole agencies. It is thus argued that adequate performance indicators should reflect the multitude of an agency's goals and activities. These would measure the offenders' activities while on probation or parole supervision, for example, rates of employment, drug use, participation in work and education.

Managing these aspects can present a complex challenge in achieving the appropriate balance between punishment and the corrections ideal. It would therefore be imperative for the Swaziland criminal justice system to clearly define its objectives with regard to community-based sentences and to develop and implement appropriate performance indicators in this regard. A necessary first step toward developing performance indicators is to define what Swaziland correctional services or the criminal justice system is attempting to accomplish and to articulate its mission. As Peters and Waterman (1982:227) put it: "Figure out what your value system is. Decide what your company stands for..."

A further concern is whether correctional practitioners' performance should be judged by how an offender behaves after completion of a community-based sentence. Other components of the criminal justice system are not judged by their ability to affect the future criminal behaviour of offenders, and corrections should not be either. Logan (1992, in DiIulio, Alpert, Moore, Cole, Petersilia, Logan & Wilson, 1993) argues that the police and courts are judged by more proximate outcomes such as arrests and conviction rates. The question is why correctional services should then have as the primary measure of success the changing of offenders' criminal behaviour.

THE COST OF COMMUNITY CORRECTIONS

The costs of imprisonment are commonly assumed to be considerably more expensive than community-based sentences. Landreville (1995, in John Howard Society of Alberta, 1998) argues that approximately 90% of the cost (e.g. administrative cost) of running an existing prison is relatively fixed; therefore, a small reduction in prison counts will not produce tremendous cost savings. However, if new prisons need to be built to accommodate increasing prison populations, the cost savings of community sanctions would be substantial. Similarly, if alternatives to incarceration result in institutional closures, considerable cost savings can be realised. In Alberta, for example, the Belmont Correctional Centre was closed in favour of home confinement and contract treatment which resulted in an annual saving of more than 10 million rand (Alberta Justice, 1995, in John Howard Society of Alberta, 1998).

A major attraction to community-based alternatives to imprisonment lies in their presumed comparative cost advantage. However, these costs can be deceptive because of the dramatic differences in supervision levels between prisons and community corrections. Caseloads in prison average about seven per correctional official, while caseloads for community supervisors are about 150 each. If caseloads are drastically reduced, the per capita costs would rise substantially (Rosenfeld & Kempf, 1991:492).

Table 3.1 illustrates the average annual costs (SA rand) per offender incarcerated in various countries compared to community corrections (probation). The financial year in which the costs were reported is indicated in brackets. Although it is not clear how these calculations were done by the various countries, it is presumed that the differences in caseloads and correctional programme costs were considered. Notwithstanding these variables, it is evident that the costs of imprisonment compared with probation differ enormously.

Table 3.1: Average annual costs per offender incarcerated compared to probation

Country (financial year)	Type of prison	Cost of imprisonment	Cost of probation	Reference
Canada (1994/95)	Federal	R312 755	R58 288	John Howard Society of Alberta, 1997
	Provincial	R266 594		
United States (2000/01)	Federal	R149 209	R6 660	Bureau of Justice statistics, 2001
	Provincial	R82 879		
Western Australia (2000/01)		R392 603	R26 174	Auditor General: Western Australia, 2001:4-5
South Africa 26/11/2007		R57 342	R5 092	Kriek, 2007

Note: The value of the SA rand as on 25 October 2007 was used in the calculations of costs (see appendix D).

Shilton (1994, in Marion, 2002:5) compared the costs of community-based sentences and restraints with incarceration in four states, namely North Carolina, Colorado, Ohio and Virginia (see table 3.2). This study established that detention in boot camps, prison, jail and halfway houses were the most expensive options.

Table 3.2: Average annual costs per offender detained compared to community sanctions: 1994 (Adopted from Marion, 2002:5)

Place of detention	US dollar	SA rand
Home confinement	402	2 648
Probation	869	5 725
Intensive probation supervision	2 292	15 099
Community service	2 759	18 175
Electronic monitoring	2 759	18 175
Day reporting	2 781	18 320
Halfway house	12 494	82 305
Jail	14 363	94 618
Prison	17 794	117 220
Boot camp	23 707	156 172

Note: The value of the SA rand as on 25 October 2007 was used in the calculations of costs (see appendix D).

No information on detention cost could be provided to the researcher by Swaziland correctional services at the time of this investigation. Cost comparisons between imprisonment and EPE in Swaziland correctional services were also not available. Should the daily cost of imprisonment (R157,10) and community corrections (R13,95) in South Africa (Kriek, 2007) be used to do a calculation of the possible savings Swaziland correctional services can bring about by implementing community corrections, Swaziland correctional services can without a doubt save a vast amount of money. For example, 1 209 (63%) inmates of the total sentenced prison population (1 933) were serving a sentence of two years or less as at 28 February 2007 (see chapter 7, table 7.10). If these inmates (1 209) were to be released on community corrections at an average daily cost of R13,95, it could bring about a saving of about R63 million per annum to Swaziland correctional services (see table 3.3).

Table 3.3: Cost comparison of imprisonment versus community corrections in Swaziland correctional services

Average sentence length	Number of inmates	Probation costs (R13,95)	Imprisonment costs (R157,10)	Savings per annum
0 to 6 months	369	R1 878 855,70	R21 159 013,00	R19 280 157,70
6 to 12 months	454	R2 311 654,50	R26 033 041,00	R23 721 386,50
1 to 2 years	386	R1 965 415,50	R22 133 819,00	R20 168 403,50
Total	1 933	R6 155 925,70	R69 325 873,00	R63 169 947,30

THE IMPACT OF COMMUNITY-BASED SENTENCES ON RECIDIVISM

Limited research is available in the world that compares recidivism rates of offenders released through traditional incarceration to those of offenders released through community-based sanctions. Such comparison is extremely difficult because comparing prison and community-based sentences involves using two types of punishments that involve different offender types and offender experiences. For example, most offenders who complete community-based sentences are low-risk with non-violent criminal histories, whereas many released prisoners are most likely medium- to high-risk offenders who have either committed violent crimes or have extensive criminal histories.

Community service orders

Community service orders (also known as extramural penal employment) is used as a mid-level penalty to replace short prison sentences and is reserved for non-violent, less serious and predominantly first-time offenders. Carter, Cocks and Glaser (1987:4) define a community service order as “a court order 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-supported agency”. Community service orders are also referred to as *reparations* or *volunteer services* as they refer to unpaid services to the public to compensate for some harm done by the crime.

The conditions under which an offender must perform community services should be very clear, and the offender must agree in principle to the sentence. Work allocated to offenders should not directly support a particular political or religious cause. Effort should also be made to place offenders in work that is consistent with their skills and employment history (McShane & Krause, 1993:183).

Rigorous evaluations on the impact of recidivism on community service orders could not be found. Research done in England, Scotland and the Netherlands on recidivism rates for offenders serving a community service order found recidivism rates to be neither higher nor lower than those of comparable offenders sent to prison (NIJ, 1997).

Probation versus imprisonment

Gendreau et al. (1999:16-17) examined 27 recidivism studies that met the criteria for inclusion in the incarceration versus probation domain. The results of the analysis showed a 7% increase in recidivism for those offenders who were imprisoned compared to those on probation. Moreover, this analysis did not produce any evidence that prison sentences reduce recidivism. In addition, longer sentences of imprisonment were associated with a 3% increase in recidivism.

Langan (in Petersilia, 1998:45) compared rates of rearrest for serious crimes between probationers and prisoners released from prison in 1983. He found that the rate of rearrest within three years of release was 20% less for probationers compared to that of prisoners. This finding does not warrant a conclusion about whether probation is better than imprisonment. The probationers obviously did better because they were selected for probation precisely because they did not have an extensive prior criminal record and therefore posed a lesser threat of continued criminality. According to Langan, these results correspond with numerous past recidivism studies involving comparisons of probationers and prisoners matched on prior arrests.

Clear and Braga (1995:430) suggest that adult probation is very successful as they found studies indicating that up to 80% of all probationers complete their sentences without a new arrest. Langan and Cunniff (1992:5), summarising data from the same source, found that 43% of the offenders were rearrested within three years. Half of the arrests were for violent or drug related crimes.

Petersilia (1985) tracked a sample of 1 672 probationers for three years in 1980. The researcher found that 65% of the probationers were rearrested, 51% reconvicted and 34% reincarcerated during the three-year period. Geerken and Hayes (1993) summarised 17 follow-up studies of adult probationers and found that rearrest rates varied between 12% and 65%. The variation can be ascribed to the wide variability in granting probation and monitoring court order conditions.

THE IMPACT OF COMMUNITY RESTRAINTS ON OFFENDER BEHAVIOUR

Many of the sanctions categorised as community restraints are often referred to as intermediate sanctions or alternative punishments. However, in this study the term “community restraint” refers to the fact that these alternative punishments increase the amount of surveillance and control over offenders while they are in the community. In a sense they are referred to as semi-incapacitation because they are expected to reduce offenders’ ability to commit crimes. The punitive nature of the sanctions is also expected to act as a specific deterrence to reduce the offender’s future criminal activity. Examples of community restraints are home confinement, halfway houses, intensive supervision and electronic monitoring. Theoretically, these sanctions could be scaled in severity to be proportionate to the seriousness of the crimes committed.

The focus of most studies throughout the 1980s and 1990s was on the recidivism rates of offenders who were given sanctions that increased the degree of control and surveillance over their activities. In the majority of cases no significant differences were found between offenders who were imprisoned compared to those placed in intensive supervision programmes, home confinement, halfway houses and related sanctions. Except in a few instances, there has been no evidence that these alternatives are effective in reducing crime. The problem is that most of these alternatives increase the probability of detection. It is unknown whether the actual offence rates change. That is, the increased probability of detection may mean that the intensively supervised offenders are at higher risk of being caught when a criminal act is committed, compared to the comparison groups, who may commit crimes much more frequently.

Intensive supervision programmes

Low- to high-risk offenders (including repeat offenders) who would on average be detained in a prison for more than 18 months and who committed non-violent, economic or narcotic related crimes are typical candidates for intensive supervision or home confinement programmes. Imprisonment has proven to be particularly ineffective for this group. After release they reoffend at a higher rate than any other offender, therefore taking up more space in prisons (Tipp, 1991:123). Intensive supervision programmes (ISPs) are less costly than housing offenders in a prison. However, they are substantially more expensive than regular supervision where a single correctional official may have a caseload of 100 or more offenders (Beyer, 1990:26).

Compared to regular probation and parole services, ISPs typically involve more release conditions than regular services (Cullen et al., in Harland, 1996; Lurigio & Petersilia, 1992; Petersilia & Turner, 1993; Tonry & Lynch, 1996). Virtually all ISPs reviewed by Cullen et al. (in Harland, 1996:81) clearly indicate that surveillance and control are significantly greater within traditional probation and parole programmes. They found that the length, nature and levels of surveillance varies greatly from programme to programme. The average or standard ISP is characterised by at least two contacts per week, home visits at night, community service and restitution, usually combined with home confinement, urine tests and electronic monitoring. The levels of surveillance and demands placed on offenders also differ from jurisdiction to jurisdiction.

Intensive supervision seems to be a demanding intervention. In an experiment, convicted offenders were randomly assigned to either prison or intensive supervision. Those assigned to the ISP were asked to sign a form waiving their prison term in lieu of the ISP. Twenty-five per cent (25%) of those in detention turned down the opportunity to take part in the project and preferred imprisonment (Petersilia, 1989:15).

Initial research examining ISPs in Georgia and New Jersey indicated that high levels of surveillance could reduce recidivism by about 10% (Erwin, 1986; Pearson, 1988). However, critical reviews demonstrated that the data did not support the initial conclusions about the ability of the ISPs to reduce crime (Byrne & Pattavina, 1992; Cullen et al., in Harland, 1996; Deschenes, Turner & Petersilia, 1995). In a systematic review of 23 evaluations of ISPs Aos et al. (2006b:6) also found no statistically significant reductions in recidivism rates.

In a study conducted on 14 ISPs involving over 2 000 offenders, Petersilia and Turner (1993:310-311) noted the following:

- There were no significant differences in arrests when ISP participants were compared to the control group. After one year of following offenders, the arrest rate among ISP participants was 37% compared to 33% for the control group.
- There was a significant difference when the technical violations were compared. The average technical ISP violation rate was 65% compared to 38% for the control groups.
- The potential to use ISPs to reduce prison overcrowding is limited.

The Auditor General of Western Australia (2001:22) reported that the completion rate of orders issued to high-risk offenders was 42% compared to those issued to other offenders (70%). Lower completion rates were also reported for offenders who:

- were frequent substance abusers (40%)
- began their offending in the juvenile justice system (43%)
- had over 10 convictions (40%)
- had not completed a previous community-based sentence (37%).

Offenders who were imposed with one order to comply with had a 66% completion rate compared to 48% who had more than one condition to comply with (Auditor General: Western Australia, 2001:22).

Although there is no significant relationship between levels of surveillance and recidivism, researchers have detected significant reductions in crime for those who have participated in treatment programmes. For example:

- Goddard (in Gendreau, Paparozzi, Little & Goddard, 1993:34) report that probationers (high-risk offenders) on an ISP in New Jersey achieved a lower rate of recidivism (21%) compared to a regular sample of probationers (29%).
- Petersilia and Turner (1993:313-315) report a 10% to 20% reduction in recidivism for those who were most active in programmes while they were in the community.
- Byrne and Kelly (1989:37) found that 58% of offenders in Massachusetts who completed treatment in substance abuse demonstrated improvement in the area, compared with only 38% of those who did not improve.

Home confinement and electronic monitoring

The terms “home confinement” (home detention or house arrest) and “electronic monitoring” are often used interchangeably. However, it is important to note that home confinement, community control or intensive community supervision are terms describing a sanction, whereas electronic monitoring is the preferred tool used to monitor compliance with the requirements of a sentence.

Home confinement

Home confinement is usually a sentence imposed by a court that is much more restrictive than an ISP. Movement outside the residence is restricted to necessary activities such as employment, mandated programme participation, religious services and medical appointments during specified times. Home confinement is a cost-effective alternative to prison for many offenders who do not need to be locked up (Tipp, 1991:124).

In general, home confinement programmes have targeted low-risk offenders such as those convicted of non-violent or property crime. However, home confinement is more frequently used for parolees (see Beck & Klein-Saffran, 1989) or other more serious offenders (Austin & Hardyman, 1991; Baumer & Mendelsohn, 1991; Baumer, Maxfield & Mendelsohn, 1993).

Electronic monitoring

The original intention of electronic monitoring (EM) was to enforce home confinement and later it became a community-based sentence. To verify an offender's location away from home, a small portable monitoring unit is used to pick up radio signals generated by the offender's ankle or arm bracelet.

Bonta, Wallace-Capretta and Rooney (2000:63) evaluated various EM studies which clearly indicated that only low-risk offenders are considered for electronic monitoring. Electronic monitoring programmes that accept high-risk offenders are the exception rather than the rule. It was found that the recidivism rates of offenders who were electronically monitored varied between 1% and 7%. Two of the studies indicated recidivism rates of 17% and 27%, respectively. Aos et al. (2006a:6), who evaluated 12 control-group studies on supervision of offenders in the community that were aided with EM devices, found that these devices do not reduce recidivism.

Two studies using experimental designs found no significant difference in recidivism when the behaviour of offenders who were electronically monitored on home confinement was compared with those being manually supervised. A programme that delivers consistent supervision manually (e.g. telephone calls and home visits by officials) seems likely to be as effective as programmes that rely on EM (Baumer & Mendelsohn, 1991; Austin & Hardyman, 1991).

Bonta, Wallace-Capretta and Rooney (2000:63) found that the success rates for EM participants who completed their conditions varied between 70% and 95%. Notwithstanding this finding, researchers find it difficult to assess the effectiveness of home confinement or electronic monitoring programmes as the offenders placed on these programmes are relatively low risk. In most EM programmes the offenders participate for periods of less than three months. This short duration on EM programmes increase the likelihood that even high risk offenders may complete the programmes without incident. The high programme success rate can thus be misleading and difficult to interpret.

However, broad conclusions can be drawn from the available literature (Cullen et al., in Harland, 1996:94-95):

- Recidivism rates generally fall below 30%.
- Recidivism rates may vary considerably across home confinement and EM programmes due to different types of offenders who are supervised.
- Rates of revocations for technical violations range between 0% and 50%.
- The ability of home confinement and EM programmes to achieve low recidivism rates for high-risk offenders remains in question.

This raises the question of why offenders should rather not be supervised in the community and in a less intrusive manner than EM.

Halfway houses

Halfway houses, also called community residential centres, pre-release centres or restitution centres, are non-confining facilities for sentenced offenders. They are intended as an alternative to imprisonment for offenders not suited for probation or who need a period of readjustment to the community after imprisonment. These facilities are included as community restraints because most of the research reviews have focused on their use as additional restraint and not on the details of the programmes provided.

Research examining the effectiveness of halfway houses in reducing recidivism has indicated mixed results. In an early evaluation of correctional halfway houses, Allen and Seiter (1976) reviewed 35 studies. The result was about equally divided between lower recidivism for the halfway house residents and no differences in recidivism in comparison to control groups in the quasi-experimental and experimental designs. In a later study focusing on parolees in halfway houses, Latessa and Allen (1982) examined 44 studies with sufficiently rigorous

methodology to enable the researchers to draw reasonable assessments of post-release outcomes. As Allen and Seiter (1976) had found earlier, the results were mixed – at times showing halfway house residents having lower recidivism rates and at times showing no differences or that halfway house residents did worse concerning recidivism rates.

The Bureau of Justice Statistics (1983) reports that community-based residential centres had a 22,4% rearrest rate compared to 32,1% for those directly released from federal prisons and 62% for those directly released from state prisons. Repeat substance abusers who attended programmes at community correctional centres in Ohio were found to commit 20% fewer and less serious offences than offenders sentenced to prison.

Day reporting centres

Day reporting centres are a correctional option that requires offenders who are on pre-trial release, probation or parole to report at a specific location on a frequent and regular basis. Unlike halfway houses, day reporting centres are non-residential. Offenders are required to report to the centres but they return to their homes to sleep at night. At the centres they are required to participate in services provided by corrections or other community agencies. These centres emphasise both strict surveillance and a high level of treatment and other services to offenders. These centres have demonstrated successful completion rates as high as 80% (Curtin, 1990; Vass & Weston, 1990).

While there have been some descriptive studies of day reporting programmes, no impact evaluations examining the effectiveness of the programmes in preventing or reducing crime could be found.

Periodical imprisonment

A court can direct an offender to stay in prison on weekends or at night between 18:00 and 06:00. Although no impact evaluations examining the effectiveness of these sentencing practices could be found, it is evident that weekend detention is used very effectively for maintenance defaulters or offenders who have to work during the week to sustain their families. Night-time imprisonment was also found to be effective in preventing criminal activities such as domestic violence, sexual offences and substance abuse. During detention offenders are often required to attend treatment or social skills programmes (Avery, 1989:131-135).

THE IMPACT OF CORRECTIONAL PROGRAMMES ON RECIDIVISM

There has been a growing interest in the treatment and development of offenders in correctional systems around the world. There is also more optimism about the effectiveness of correctional programmes and the likelihood of their preventing recidivism. In contrast to imprisonment and community-based sanctions, rehabilitation strategies focus on changing individual offenders so they will not continue their criminal activities.

Sentenced offenders often suffer from social inadequacies, such as insufficient education, lack of occupational skills, substance abuse and mental health problems, which inhibit them from leading productive lives in society. While there has still been some doubt about the effectiveness of correctional programmes (e.g. Lab & Whitehead, 1988, 1990; Whitehead & Lab, 1989), various literature reviews and meta-analyses have demonstrated that these programmes can effectively change offenders (Andrews & Bonta, 1994; Andrews, Bonta & Hoge, 1990; Andrews, Zinger, Hoge, Bonta, Gendreau & Cullen, 1990; Gendreau & Ross, 1979, 1987; Palmer, 1975). In general, reviews of the literature show positive evidence of treatment effectiveness (see chapter 5, table 5.2).

Meta-analytical studies (e.g. Izzo & Ross, 1990; Antonowicz & Ross, 1994; Lipsey, 1995; Pearson, Lipton & Cleland, 1997) and overall reviews and syntheses (e.g. Lösel, 1995, 1996; Gendreau, 1996; MacKenzie, 1997; McGuire, 1998; Hollin, 1999) estimate the average effectiveness of programmes to vary between 5% and 18%. McGuire (1998), for example, reviewed 10 meta-analytic studies conducted between 1985 and 1996, based on a cumulative sample of over 50 000 offenders. He found that offenders who had attended programmes reoffended 10% to 36% less than those who did not attend programmes. Lipsey (1995) reported that approximately 65% of interventions yielded reductions in recidivism.

Research on offender treatment has yielded overall reductions of 10% in recidivism among treated offenders (Lösel, 1996). However, with appropriate interventions the results are more impressive – about 30% reduction in recidivism (Gendreau & Goggin, 1996a). Meta-analyses of adult and juvenile correctional interventions demonstrate that juvenile interventions are more effective than those designed for adults (Gaes, Flanigan, Motiuk & Stewart, 1999). While education, vocational training and prison labour programmes have been found to have modest effects on reducing recidivism, they increase positive behaviour in prison. Gendreau, Goggin, Cullen and Andrews (2001) have noted that when it comes to reducing recidivism,

the best approach is appropriate cognitive-behavioural treatments that embody known principles of effective intervention. Accredited programmes offered by the Correctional Service of Canada, based on sound theory and research with therapeutic integrity report reductions in recidivism of 20% to 80% (Correctional Service of Canada, 2000).

The Correctional Service of Canada (2000:9) emphasises that correctional programmes are fundamental to successful integration of offenders into the community by stating that “imprisonment (external control) will, for example, stop a person from consuming alcohol but unless the person can deal with his addiction (internal control) the risk of failure after release from prison will remain high. It makes sense, therefore, to give strong support for appropriate and effective programmes and services”.

Research indicates that the most effective programmes are delivered in the community (Izzo & Ross, 1990; Lipsey & Wilson, 1998; Whitehead & Lab, 1989). In fact, some research has suggested that appropriate treatment programmes delivered in the community produce two to three times greater reductions in recidivism than appropriate treatment programmes delivered in prison (Andrews et al., 1990). Motiuk and Porporino’s research (1989) identifies four primary need factors that significantly differentiate between failure and success on conditional release, namely living arrangements, companions, substance usage and attitude.

CONCLUSION

This chapter has aimed to evaluate the impact of community-based sentences and restraints, and to a lesser extent correctional programmes on recidivism. The literature reveals that community service orders produce no evidence that they could effectively deter or reduce future criminal activities. On the other hand, the recidivism rate for offenders serving their sentences in the community seems to be lower compared to that of offenders released from prison. The lower recidivism rate can be ascribed to the type of offender (low risk) selected and the use of community restraints, which result in more surveillance and control over offenders. Research indicates that these restraints are unlikely to deter criminal behaviour more effectively than traditional probation or imprisonment. They appear to increase the detection of offenders committing crime and, especially, violating conditions of their supervision. The success in detecting technical violations is inconsistent with the need to reduce prison overcrowding and incarceration cost.

Although research has indicated that community restraints have produced no significant results in terms of reducing crime, these sanctions appear to be a promising strategy for implementing policies that seek to balance public safety and offender rehabilitation. The majority of community restraints can, in the short term, be used to protect the public through the restriction of liberty. In the long term, however, the aim of corrections should be to reduce the risk of recidivism through correctional programmes. From this perspective, it is not the restraints that are effective in reducing the criminal activities of the offenders, but rather the treatment and development opportunities provided to them.

From a cost perspective, it also makes sense to use community-based sanctions to reduce the cost of imprisonment. However, these costs can be deceptive because of the dramatic differences in caseloads between prisons and community-based sentences. If caseloads are reduced in the community, the per capita costs will not be much lower than the cost of imprisonment. The use of day fines and community service orders, on the other hand, appears to be a promising avenue to reduce the cost of courts and corrections.

A system of punishment which is effective, credible and therefore commands public confidence requires both custodial and community-based sentences to work. To achieve this and to ensure the safety of the community, the police, judiciary and correctional services in Swaziland need to work together. There needs to be a co-ordinating effort on formulating strategies directed at reducing offender growth and overpopulated prisons.

The ineffectiveness of punishment and control strategies to reduce recidivism further reinforces the need to direct resources to correctional programmes that work. The greater use of offender assessment and classification tools to reduce the probability of reoffending should also be considered. These tools are examined in chapter 4.

In conclusion the researcher suggests that the Swaziland legislators in collaboration with the relevant stakeholders reform the Swaziland sentencing framework and address the shortcomings in the current legislation. The researcher contends that the recommendations made in the various African declarations referred to in chapter 1 should also be considered as they are relevant to Swaziland correctional services.

PART B

THE IMPACT OF CORRECTIONAL PROGRAMMES ON OFFENDER BEHAVIOUR

CHAPTER 4

THE PRINCIPLES OF EFFECTIVE OFFENDER ASSESSMENT AND CLASSIFICATION TOOLS

INTRODUCTION

The assessment of offenders' risks and needs plays a fundamental role in the criminal justice system. Firstly, it helps predict the offender's risk to reoffend, and secondly it assists the various role players (i.e. police, courts, correctional services, social services and the general public) in the sentencing process, rehabilitation and integration of offenders into the community. Although precise prediction is an unattainable goal, the serious consequences of incorrect decisions justify careful attention to the most appropriate methods of risk and needs assessment.

A thorough understanding of the problems faced by offenders is thus essential to manage offender risks and needs in the correctional environment. Reintegrating inmates into the community, or in the case of probation and parole, maintaining offenders within the community, depends on two important strategies. The first relies on security risks and the second is the delivery of effective correctional programmes.

The purpose of this chapter is to evaluate the principles of offender assessment and classification tools. Firstly, concepts are clarified and the rationale for offender assessment and classification is evaluated. In the second place attention is given to the evolution of offender assessment and classification tools, as well as their principles. The chapter concludes with a critical evaluation of offender assessment and classification tools in order to make recommendations for the improvement of the assessment and classification of offenders in Swaziland correctional services.

THE RATIONALE FOR OFFENDER ASSESSMENT AND CLASSIFICATION

In order to understand the context in which offender assessment and classification has developed, it is worth noting that safety and security considerations, coupled with medical and mental health care (special needs), have traditionally been the primary focus. Brennan (2004:7) postulates that offender risks were emphasised to:

- assist correctional officials in the placement of offenders in safe and secure housing (custody decisions)
- ensure public safety (security decisions)
- provide treatment (e.g. medical and mental health care)
- prevent inmate risks (e.g. suicide, violence and gangsterism).

This focus was widely adopted in correctional services and is still in use worldwide. A set of historical data, such as age at first conviction, previous convictions, prior imprisonment and seriousness of current offence, are used to classify inmates for custody and security purposes (Brennan, 1987; Palmer, 1992). Although this classification system may successfully separate violent from non-violent offenders and repeaters from first-time offenders on the basis of past criminal history, it appears to have little ability to capture the complexity of offender treatment (Harland, 1993; Palmer, 1992). The justice system also relied on historical data of offenders and the severity of the offence, particularly for the purpose of developing sentencing guidelines with very little advancements in the development of assessment tools up to the 1970s.

Today, the assessment of offender risk and needs forms an integral part of many criminal justice systems. In Swaziland the emphasis is more on the assessment of offenders' risks. Risk and needs assessments are conducted of all offenders for whom a court report has been ordered and on whom a conditional sentence has been imposed and on all offenders sentenced to probation or imprisonment. In carrying out its mandate, correctional services should conduct assessments of all offenders on their admission into the correctional system in order to identify their needs for supervision (risk assessment) and rehabilitation (needs assessment).

What can be gathered from the literature (Andrews, Bonta & Hoge, 1990; Bonta, 1997; Brennan, 2004; Taxman & Thanner, 2006) is that the purpose of offender assessment is to:

- find out the offender's risk of reoffending in *any* type of offence
- help identify problem areas that contribute to offending behaviour
- help match the degree and type of supervision and/or interventions to the offender's risk
- help find out the offender's appropriateness for community work placement, temporary release or early release from a prison
- deliver correctional services to those offenders who pose a risk to the community.

The purpose of risk assessments

Risk assessment is performed by correctional services and parole boards to assess and manage risk posed by offenders. For the purpose of this chapter, “**risk**” refers to the probability that an offender will reoffend. Risks can be defined as historical factors of the offender’s involvement in a criminal lifestyle such as the age of first arrest, number of prior arrests, previous convictions and prior imprisonment. Risks also refer to behavioural patterns (e.g. substance abuse, escape from prison) and psychosocial functioning (e.g. antisocial attitudes and behaviour, aggression and anger responses) that may contribute to criminal conduct (Bonta, 1997; Gendreau, Coggin & Little, 1996; Taxman & Thanner, 2006).

Comprehensive information about offenders’ criminal background is critical for accurate risk assessment to ensure community protection. It allows for appropriate offender classification and is an important component to determine the institution or community in which the offender will serve the sentence (custody level), and for future decisions on conditional or unconditional release of offenders. How offender risk is determined is thus very important, because it can affect public protection and the way and manner in which offenders are released into or supervised in the community.

Risk assessments differentiate higher risk offenders from lower risk offenders. On the basis of risk assessments, high-risk offenders can be kept in prison for longer periods of time and, once released on parole or probation, may be supervised more closely than low-risk offenders. On the other hand, offenders who have committed a series of violent offences may be declared dangerous offenders and incarcerated indefinitely.

There are no laws of behaviour that can be applied to a set of circumstances to determine the behavioural outcome that will follow. Criminal behaviour, in particular, is motivated and supported by an unquantifiable number of factors; therefore, to assess an individual as high risk is not to say that he or she will definitely recidivate. Despite its shortcomings, risk assessment can, to a certain extent, differentiate offenders who pose a significant risk of reoffending in the future from those who are likely to refrain from committing future offences.

The purpose of needs assessments

An assessment of offender needs and ‘problems’ is the first step in identifying treatment goals. Generally, correctional services policy makes provision for a number of days to complete the admission process, which is used to (Brennan, 2004:9-10):

- obtain a preliminary assessment of basic medical and mental health needs (injuries, current medications, suicide risk indicators, etc.)
- assess special offender needs (i.e. substance abuse, educational and vocational needs, anger management)
- identify criminogenic factors (e.g. antisocial personality, criminal associates, hostility) that may underlie and explain criminal behaviour
- develop a suitable case (correctional or treatment) plan for the offender.

The purpose of case plans is to help offenders change their behaviour and ultimately to become law-abiding citizens. These detailed individual plans, based on admission and subsequent assessments, include all treatment and development programmes offenders are to follow during their sentences, and the associated objectives they are to achieve.

If case plans are to reduce recidivism effectively, correctional services must have access to reliable information on those factors underlying the criminal behaviour of individual offenders. This information can only be obtained through the use of various assessment tools.

THE EVOLUTION OF OFFENDER ASSESSMENT AND CLASSIFICATION TOOLS

The literature generally recognises two models for assessing and predicting human behaviour – clinical and actuarial (statistical) risk assessments (Geandreau & Goggin, 1996b; Grubin, 1999; Milner & Campbell, 1995). These models have been in existence since the 1920s, with the clinical model predominating. Most countries worldwide are still predominantly making use of clinical and actuarial assessment tools.

What could be gathered from the literature is that Canada and the USA are the leaders in the development and use of offender assessment instruments (*Wisconsin*, Baird, 1981; *PCL-R*, Hare, 1991; *Community Risk/Needs Management Scale*, Motiuk, 1993; *LSI-R*, Andrews & Bonta, 1995; *COMPAS*, Brennan & Olivier, 2000).

To enhance the accuracy of assessment tools and risk prediction, researchers, clinicians and criminal justice policy makers have over the years revised existing tools and developed new ones. These developments are captured in four generations (i.e. clinical, actuarial, risk and need principles, and responsivity principles) which can be illustrated as follows:

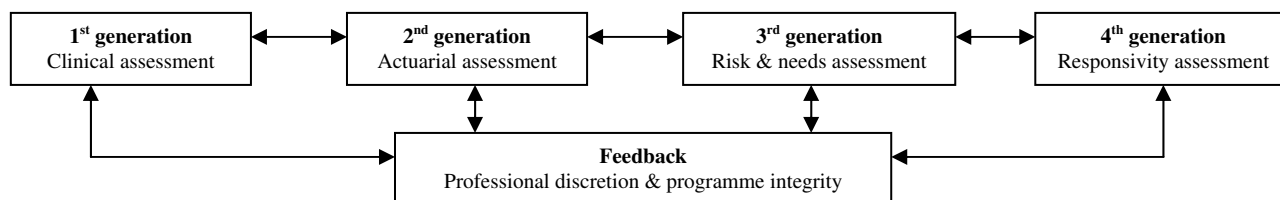


Chart 4.1: Four generations of developments

Assessment and classification tools are interdependent and are, in general, utilised by correctional systems in an interrelated manner as depicted in the chart above. The **feedback** loop is an important component of the assessment process. It provides professionals with the opportunity to override statistical predictions on the basis of other characteristics (items) not covered by assessment instruments. It also makes provision for quality assurance of treatment and development programmes.

First-generation risk assessments (clinical model)

The prehistory of first generation risk assessments refers to the use of “gut feelings” to make decisions about the risk an offender presents. A clinical risk assessment is based on the professional opinions of correctional practitioners (i.e. psychologists, social workers or case officers). It usually involves an unstructured interview with the offender and a review of official documents, followed by some general conclusions and recommendations concerning the offender’s sentence. Rating schemes or checklists developed by other professionals are also used to gather information. The judgement is primarily based on the practitioner’s professional training, theoretical knowledge, intuition and experience with offenders.

A holistic approach is usually followed to determine an offender’s risk of reoffending. Personality traits, mental disabilities, as well as biological, social and psychological factors that are related to offending are considered during the assessment process. Records about the offender’s personality, behaviour and the details of the crime itself are usually consulted as part of the decision-making process (Geandreau & Goggin, 1996a; Grubin, 1999; Milner & Campbell, 1995).

The risk factors used in a clinical assessment are different for each offender assessed and can change over time. They include mental disabilities, attitudes, behaviour, personal history and social skills (Litwack, Kirschner, & Wack, 1993; Mann, 1995; Sutton, 1994). These individual characteristics, taken as a whole, give correctional practitioners a picture of the offender in question, and a decision about the potential harm he or she may pose is then made.

Although the Supreme Courts of both the United States and Canada have recognised the clinical method as a constitutionally valid measure for assessing risk (Gordon & Verdun-Jones, 1986; Litwack et al., 1993), various researchers have discredited it because of its subjective, unempirical qualities and for its poor predictive accuracy. Bonta (1996) is of the opinion that the most serious weakness of this approach is its subjective nature. The collection of information and its interpretation are subject to considerable personal discretion and are not publicly observable.

Kennedy (1998) and Wong (1997) argue that the clinical assessment method is problematic and leads to:

- predictions that are subject to personal bias
- subjective predictions, often unsubstantiated
- decision rules to be ignored
- bias decisions
- difficulty in distinguishing levels of risk
- overlooking or overemphasising information.

Second-generation risk assessments (actuarial or statistical model)

Actuarial risk assessments emanated from the shortcomings of the clinical assessment method and can be traced to the 1920s. Actuarial risk assessments require the collection of static (unchangeable) information on an offender's criminal background (using statistical models and risk assessment instruments) which can indicate whether the offender is likely to reoffend. Static factors are relatively easy to code, as no judgement is necessary, and they are widely used in actuarial risk assessment tools. Examples of static historical data are:

- the number and variety of convictions (prior convictions, current offence and sentence)
- breaches of trust (escape, breach of conditions whilst on parole/probation)
- exposure/responses to the criminal justice system (prior probation and/or incarceration, revocation of release, placement in disciplinary segregation)
- personal details (age at first conviction, employment status at arrest)

When offenders are assessed using an actuarial tool, their particular characteristics are inventoried and their risk is determined by the extent to which they possess various risk factors associated with recidivism. However, an inventory of static variables alone does not provide a clear picture of risk because these factors will never change, yet the probability of the offender recidivating can change. The information considered in the assessment process, drawn from an institutional intake report and case files, should thus include aspects such as the offender's education level, employment status, known or suspected mental disabilities, in addition to the individual's criminal history. This information will later aid in assessing the risk posed by offenders being considered for release.

Actuarial (or statistical) prediction "involves predicting an individual's behaviour on the basis of how others have acted in similar situations ... or an individual's similarity to members of violent groups" (Milner & Campbell, 1995:21). For example, if a certain characteristic common to those who recidivate is found in a potential parolee, that person's risk is judged greater than one who does not display the trait. Similarly, individuals who display characteristics common to non-recidivists will be considered lower risk. Actuarial assessments have the advantage of providing "offenders with more concrete information on their status, making the system appear less arbitrary" (Serin, 1993:12).

Actuarial risk assessment focuses primarily on static (unchangeable) factors that influence recidivism. Several studies have found that:

- the static risk factor with the strongest influence on general recidivism (all types of criminal offences) is prior contact with the criminal justice or mental health systems (Gottfredson & Gottfredson, 1994; Shaffer, Waters & Adams, 1994)
- violent offence recidivism is best predicted by prior violent offences, mental illness and a history of substance abuse (Limandri & Sheridan, 1995)
- for sex offenders, sexual offence recidivism is more common among offenders who have prior sexual offences, one or more boy victims, victims who are not family members, and offenders who have shown a sexual preference for children (Hanson & Bussière, 1996a; 1996b; Hanson, 1997)
- sex offenders who recidivate by committing non-sexual violent offences are typically young, of a minority race and are unmarried (Hanson & Bussière, 1996a).

A move towards the third generation occurred when correctional practitioners and researchers challenged the seemingly dominant understanding of the static risk logic, and reasserted the importance of rehabilitation. For instance, Andrews (1989:5) indicates that “past (second-generation) assessments of risk fail to prescribe interventions, and ignore the fact that, once in the correctional system, offenders are subject to events and experiences that may produce shifts in their chances of recidivism”. That is, lower risk cases may remain low risk throughout their period of supervision, or they may move into higher risk categories. On the other hand, higher risk cases may remain high risk or they may move in the direction of lower risk.

Using the insights of meta-analysis, researchers argued that the absence of dynamic variables or *needs*, such as employment, marital/family relationships, associates, antisocial attitudes, personality traits, substance abuse and other theoretically relevant items that were statistically shown to be correlated with criminal conduct, were a limitation of earlier tools (Andrews & Bonta, 1998). This powerful critique of the first- and second-generation risk assessments led to the assimilation of needs into traditional risk assessments that, in turn, increased practitioners’ confidence in their ability to predict recidivism and design targeted interventions. Guided by the notion that “prediction should provide utility” (Andrews & Bonta, 1998:225), a third generation of risk assessment evolved.

Third-generation risk assessments (the risk and need principle)

In the past 15 years there have been considerable theoretical advances in the characteristics of effective rehabilitation programmes. Two important principles of effective rehabilitation are the **risk principle** and the **need principle**. Assessment tools and more general classification practices that combine risk and needs are euphemistically referred to as *third-generation risk assessments*. These third-generation assessment tools are believed to enhance the accuracy of clinical decisions, and to allow for targeted interventions, better classification, programme evaluation, standardisation and efficient resource allocation (Andrews & Bonta 1998; Loza & Simourd, 1994; Motiuk, 1993). Motiuk (1993) argues that the combined assessment of both risk and needs will improve experts’ ability to predict who is likely to reoffend and who is not.

The risk principle

In practice, adhering to the risk principle involves using a risk assessment tool to classify each offender into a low-, medium- or high-risk group. The risk principle defines which offenders should be targeted for intervention. It predicts future criminal behaviour and states that the level of treatment should match the risk level of the offender. That is, higher to moderate-risk offenders require intensive and extensive levels of treatment while low-risk offenders require minimal levels of treatment or no intervention (Andrews, Bonta & Hoge, 1990:374). An effective supervision and treatment programme must thus be able to differentiate offenders in their risk of reoffending and then match their risk to the level of intervention.

There is evidence to suggest that intensive levels of services with low-risk offenders either have no effect on recidivism, or may even increase recidivism (Andrews & Dowden, 1999; Bonta, Wallace-Carpetta & Rooney, 2000; Hanley, 2002; Lowenkamp & Latessa, 2002). The offering of intensive services to low-risk offenders may actually produce harmful effects by disrupting the offenders' pro-social networks and thereby increasing their risk of recidivism (Andrews et al., 1990; Clear & Hardyman, 1990).

Rehabilitation programmes should therefore be reserved for high- and moderate-risk offenders in order to achieve the greatest reductions in recidivism. Thus, reliable risk assessment is important not only for monitoring and release decisions but also for the delivery of effective rehabilitation programmes.

Gendreau, Goggin and Little (1996:3) indicate that the following risk factors are the weakest/strongest predictors of recidivism:

Table 4.1: Weakest/strongest predictors of recidivism

Weakest predictors of recidivism	Strongest predictors of recidivism
<ul style="list-style-type: none"> • Personal distress (i.e. anxiety, self-esteem) • Intellectual functioning • Social class of origin 	<ul style="list-style-type: none"> • Criminal history/history of antisocial behaviour • Social achievement • Family factors • Criminogenic needs • Age, gender, ethnicity

The need principle

The need principle proposes that when offender needs are targeted well and interventions applied to meet those needs, then a reduction in the amount of recidivism should be expected. After identifying which offenders need treatment, and appropriately matching them in terms of their risk level, attention should be directed to programmes that address their specific needs such as those that relate to the offenders' risk of reoffending. Through assessment tools, needs are explicitly linked to the treatment and development of offenders. However, *treatment* often means cognitive behavioural interventions (i.e. anger management, personal financial skills and interpersonal communication skills) that claim to teach and not *treat*, as previous rehabilitative connotations suggest (McGuire, 2005).

The analysis of risk factors is linked to the identification of criminogenic needs that have a role in preventing, rather than simply predicting, offending. Actuarial tools are now being used to classify offenders in terms, not just of their *security risks*, but also their *criminogenic needs*. Much of this work is undertaken in Canada by psychologists working in the correctional field (Andrews & Bonta, 1994; Andrews, Bonta & Hoge, 1990; Andrews, Zinger, Hoge, Bonta, Gendreau & Cullen, 1990). It is closely tied to the view of researchers that only specific types of treatment, targeted at particular groups of offenders, can reduce recidivism. Risk and need assessments therefore result in a security classification, as well as an allocation of level of treatment or supervision.

Criminogenic needs

Criminogenic needs (a subset of an offender's risk level) are strong predictors of criminal behaviour and, when changed, are associated with the reduction in recidivism. For example, substance abuse and employment problems are criminogenic needs. They may serve as treatment goals which, if successfully addressed, may reduce recidivism.

Andrews, Bonta and Hoge (1990) have argued that the focus of rehabilitation efforts should be on **dynamic** risk factors, the most important of which have been termed criminogenic needs. These are broadly defined by Gendreau, Goggin & Little (1996:8) as "those set of attitudes, values, beliefs, and behaviours held by an offender that supports:

1. negative attitudes towards all forms of official authority and conventional pursuits
2. deviant values that justify aggression, hostility and substance abuse
3. rationalisations for anti-social behaviour that free one from moral constraints".

Andrews and his research team (Andrews & Bonta, 1994; Andrews et al., 1990) identified a series of criminogenic factors that correlate highly with criminal behaviours. These include:

- having aggressive, violent and antisocial companions
- lacking the ability to form interpersonal relationships
- having personal attitudes, values and beliefs that are supportive of crime
- having a history of antisocial, aggressive and violent behaviour
- psychopathology
- lower social class origins and family of origin
- having a negative personal temperament, aptitude, or early behavioural history
- having negative early family conditions
- having school-based risk factors such as being labelled special education or learning disabled
- having low personal, educational, vocational and socio-economic achievements.

Non-criminogenic needs

According to Taxman and Thanner (2006:47-48), variables that are significant but not related to recidivism, yet require intervention, are deemed non-criminogenic needs (i.e. housing, poverty, mental health, spirituality, attitudes and values). Providing services to offenders' in areas that may improve their overall life circumstances (e.g. providing education, health services and clothing) is valid for ethical and humanitarian reasons. The expectation that addressing these needs will reduce criminal behaviour is not scientifically sound. The reason is that research has not yet established a statistical relationship between these variables and the criterion of interest (rearrest or recidivism). The assessment of the presence of these needs should be as to whether the conditions are persistent or recurrent social or interpersonal problems that propel the offender to commit crime.

Other examples of non-criminogenic needs are anxiety and self-esteem. Decreasing anxiety or increasing self-esteem is unlikely to impact future criminal behaviour. Addressing these non-criminogenic needs may make offenders feel better but will have no effect on reducing their risk of recidivism. Although non-criminogenic needs might have no significant impact on recidivism, they might still be appropriate targets with responsivity issues (Andrews & Bonta, 1994). Thus, the behaviours and needs that should be targeted are those that are most predictive of future criminal behaviour and that are dynamic in nature.

What is clear is that some approaches to treatment are better than others. Researchers emphasise that effective treatment programmes must follow some basic principles. The first step in informed treatment planning is to assess offenders on a validated risk assessment instrument, which measures both static risk factors as well as a wide range of criminogenic and dynamic risk factors. A risk assessment does not only indicate the offender's risk level, but also which criminogenic needs must be addressed in order to reduce the offender's risk of reoffending. More recently, the terminology has changed with **criminogenic risks** being referred to as *static* (unchangeable) factors, and **criminogenic needs** as *dynamic* factors, which can be modified by treatment programmes. The third-generation risk assessment is distinctive because it purports to objectively and systematically measure criminogenic risk and criminogenic need factors (Andrews et al., 1990; Gendreau & Ross, 1979, 1987).

Dynamic risk factors

Andrews (1989:5-6) argues that “improving the accuracy of predicting risks is contingent upon a determination of the characteristics of offenders and their circumstances that are subject to change during the sentence, and establishing which of those changes actually indicate an increased or a reduced chance of recidivism”. This knowledge, Andrews contends, requires researchers and practitioners to look beyond static (unchangeable) risk factors, such as criminal history, to changeable *dynamic* factors, or *criminogenic need* factors. For instance, an actuarial risk prediction tool may measure number of prior convictions, age at the time of the offence and the offender's relationship to the victim, all static factors, in addition to dynamic factors such as response to treatment and criminal association.

Dynamic risk factors are those that measure change in the offender (such as attitudes and values, companions and social achievement), and assist in the successful prediction of recidivism. Bonta (1997), Gendreau, Cullen and Bonta (1994), Taxman and Thanner (2006) and other researchers indicate that the most useful dynamic risk factors are those that are amenable to deliberate interventions and those that are predictive of the individual's future criminal activities (criminogenic) such as antisocial attitudes and behaviour (i.e. bad family relationships, anger responses, hostility, substance abuse and employment problems).

The most robust and significant dynamic predictors are criminal attitudes, antisocial personality and companions. Dynamic factors associated with general recidivism include antisocial personality, social achievement, interpersonal conflict and substance abuse (Gendreau, Little & Goggin, 1996:8). Motiuk and Porporino's research (1989) identified four primary need factors that significantly differentiate between failure and success on conditional release, namely living arrangements, companions, substance usage and attitude. For offender programmes to be effective, therefore, the needs that must be targeted are those that are directly linked to continued criminal behaviour.

Dynamic factors have been found to predict recidivism as well as, or better than, static factors (Gendreau, Little & Goggin, 1996) and are also measured by several actuarial risk assessment tools. Hanson and Bussière (1996a) postulate that it is knowledge of dynamic factors that is necessary in order to assess changes in an offender's risk level. Through participation in rehabilitation programmes, an offender may become less likely to recidivate, but correctional practitioners would not be able to measure this change unless they assessed the offender's risk based on dynamic factors.

Taxman and Thanner (2006:48) caution that more attention may be needed to consider specific characteristics of dynamic risk and need factors. Table 4.2 illustrates operational measures of how to use risk and need factors to measure dynamic factors. In addition, the utility of an individual factor may actually depend on whether that factor is, in fact, a hindrance for an individual or an attribute (protective or resilient).

Table 4.2: Risk needs conceptual definitional matrix (Taxman & Thanner, 2006:49)

	RISK FACTORS	NEEDS FACTORS
Non-criminogenic	<p>Static: Historical, non-changing factors that are not independently related to future criminal involvement:</p> <ul style="list-style-type: none"> • Having an incarceration history • Having an institutional escape history • History of alcohol/drug problems • Prior mental health treatment 	<p>Dynamic: Variable, temporal factors that are not independently related to future criminal involvement:</p> <ul style="list-style-type: none"> • Less than high school education • Unable to maintain licit employment for more than one year • Frequent address changes • Active psychosis • Socially isolated
Criminogenic	<p>Static: Historical, non-changing factors that are statistically predictive of future criminal involvement:</p> <ul style="list-style-type: none"> • Having multiple arrests • Having an arrest younger than age 16 years • Having a prior adult conviction • Ever suspended or expelled from school <p>Dynamic: Variable, temporal factors that are statistically predictive of future criminal involvement:</p> <ul style="list-style-type: none"> • Multiple arrest in a short period of time • Role in commission of criminal behaviour • Criminal orientation • Criminally involved peers or family • Failure to appear for a supervision appointment during current sentence 	<p>Dynamic: Variable, temporal factors that, when alerted, affect the likelihood of future criminal offending:</p> <ul style="list-style-type: none"> • Currently or frequently unemployed or fired • Current financial problems • Criminally involved family member or spouse • Residence in a high-crime neighborhood • Criminally involved friends and associates • Current alcohol problem • Current drug problem for cocaine and heroin • Multiple arrest during a 2-year window • Poor attitude toward current sentence, authority, convention, and supervision experience

Fourth-generation risk assessments (the responsivity principle)

The responsivity principle holds that even when a programme meets the risks and needs principles, it must also consider offenders' ability to participate in the programmes that fit their level of risk and criminogenic need. Thus, programmes that might rely on sophisticated methods of training to address criminogenic needs, such as lack of education, might not be appropriate for less intellectually able offenders.

Andrews and Bonta (1998:245) state that the *responsivity principle* refers to the delivery "of treatment programmes in a style and mode that is consistent with the ability and learning style of the offender". Individuals may also be more responsive to certain staff, thus necessitating the effective matching of offenders and counsellors' styles (Bonta, 1995).

Kennedy (2003/04:8) takes it a step further by stating that responsivity should match the:

- treatment approach with the learning style of the offender
- characteristics of the offender with those of the counsellor
- skills of the counsellor with the type of programme conducted.

The responsivity principle thus focuses attention on offender and programme characteristics that influence the offender's ability to learn within a therapeutic situation. Treatment is a learning experience and individual factors such as ethnicity, gender, socio-economic status, anxiety, depression and mental illness that interfere with, or facilitate, learning can be considered key responsivity factors.

According to Andrews and Bonta (1998), the general responsivity principle dictates that the most effective strategies when working with offenders are behavioural, social learning and cognitive behavioural styles and modes of service. However, cognitive-behavioural treatment programmes may not reduce offender recidivism. If the programme fails to target criminogenic needs (need principle) and with the appropriate intensity (risk principle), there may be little effect.

Sechrest (1998:304), in reviewing the state of the treatment classification schemes that incorporate concepts of responsivity, comments that the range of variables tapped in classifying offenders for treatment has been generally narrow, namely certain personality characteristics, psychopathology, aggressive behaviours, education levels, vocational skills and the like.

Offender responsivity characteristics

The majority of people working in corrections are all too aware of the fact that most offenders entering treatment programmes are not motivated, are resistant to treatment and have multiple treatment needs. Offenders often do not recognise or may even completely deny that they have problems they need to address. Some offenders show a strong resistance to changing their high-risk leisure behaviours, long-term peer associations, antisocial sentiments, attitudes to work, and so on. An immediate goal would be to persuade offenders that treatment may help and to attempt to build offenders' motivation to change. Persuading a reluctant offender to change long-standing values, commitments, lifestyles and psychological defences, however, may be an almost impossible task.

Similarly, different offenders have different learning styles. Some learn best by listening, others by reading, graphic or comic presentations, while others prefer learning by direct experience, group work, etc.

Certain offender personality characteristics and traits are important responsivity considerations in treatment planning. Personality traits such as psychopathy, interpersonal anxiety, depression and self-esteem will affect how responsive an offender is to a treatment intervention. For example, research indicates that female offenders score significantly lower than male offenders on measures of self-esteem and self-efficacy (McMurrin, Tyler, Hogue, Cooper, Dunseath, & McDaid, 1998).

Personality and temperamental factors such as grandiosity, callousness, impulsivity, anger problems, egocentrism, poor problem-solving skills and poor social skills are all potential responsivity factors to consider, because they can affect an offender's willingness or ability to engage in treatment programmes. Attitudinal characteristics that should be assessed include antisocial attitudes, values and beliefs, techniques of neutralisation, attitudes toward victim and pro-criminal associates, and isolation from anti-criminal others (Kennedy, 1999).

Cognitive and intellectual deficits, such as low intelligence, learning disabilities, concrete thinking, inadequate problem-solving skills, low verbal abilities and language deficits, are important responsivity considerations that can have an impact on the effectiveness of programming. For example, Fabiano, Porporino & Robinson (1991) found that offenders with below-average intellectual abilities did not respond to cognitive skills programmes as well as offenders with average to high-average intellectual abilities.

Consideration of demographic variables, such as gender, age, ethnicity and socio-economic level, may prove to be important responsivity considerations for some types of treatment, because they contribute to the engagement of offenders in treatment and the development of a therapeutic alliance (Dana, 1993). Although Dowden and Andrews (1999) demonstrated that what works with male populations also works with female populations, they did not examine gender as a specific responsivity consideration.

Age may be viewed as another responsivity factor as the young offender would present different challenges to the effective delivery of treatment programmes than would an adult offender. Melnick, De-Leon, Hawke, Jainchill, & Kressel (1997) have, for example, demonstrated that adolescents who engage in antisocial behaviour are less motivated to change than adults.

Acknowledging the role of ethnicity and cultural differences as responsivity related barriers is critical in treatment planning. Ethnicity or culture can possibly generate resistance in a number of ways, including differences in language, in class-bound values and in culture-bound values (Wlodkowski & Ginsberg, 1995).

It is thus essential to consider various offender characteristics when attempting to assign offenders to the most appropriate treatment programmes.

PROFESSIONAL DISCRETION AND PROGRAMME INTEGRITY

The principle of professional discretion (override)

This professional discretion principle allows for professionals (psychologists, welfare workers) to exercise judgement or make decisions in treating a particular offender on the basis of other characteristics and situations not covered by the *risk*, *need* and *responsivity* principles. For example, some sex offenders score a low risk on many objective risk instruments but other factors known to the professional may suggest otherwise. For example, a child molester who is in a position of caring for children may present a special risk not considered by a general offender assessment instrument (Murray, 2002).

Professional discretion reasserts the importance of retaining professional judgement and of making appropriate treatment decisions, taking legal, ethical, clinical and humanitarian standards as well as matters of cost efficiency into consideration (Kennedy, 2003/04:8).

The principle of programme integrity

Andrews (1998) added a fifth principle, namely *programme integrity*. In contrast to the demands made by the responsivity principle to individualise interventions, an important component of quality assurance has been to emphasise programme integrity issues.

Programme integrity implies the implementation of a programme in a structured manner, according to the principles outlined and with enthusiastic and dedicated staff (Hollin, 1995).

However, if the programme is inappropriate to begin with, integrity will not improve outcome.

Low programme integrity may be caused by things like weak programme structure, lack of a manual, insufficient staff training, organisational barriers, staff resistance to proper programme implementation, incidents that lead to political changes, unsystematic changes to the programme and lack of a basic philosophy of criminality and treatment (Hollin, 1995).

Any form of programming is also largely individual and cannot be completely standardised. It is, however, important to continually monitor areas such as programme development, organisational structure, staff selection and training, communication and decision-making rules.

THE DEVELOPMENT OF ASSESSMENT TOOLS

The most prominent assessment tools are briefly referred to in this section to provide an overview of their development. The assessment tools are grouped into the second, third and fourth generations to follow the development of these instruments.

The second-generation risk assessment tools

Actuarial risk assessment tools can be traced to a study done by Burgess in 1928. The next major development was Glueck and Glueck's prediction tables (1950). These risk instruments were based on sound empirical research, and they performed satisfactorily in differentiating low-risk from high-risk offenders (Hann & Herman, 1992; Hoffman, 1983; Hoffman & Beck, 1985; Nuffield, 1982).

Burgess's study identified 21 factors that differentiated parole successes from parole failures. He used these factors to construct a risk instrument. The instrument included items such as criminal type (first timer, occasional, habitual, professional), social type (gangster, substance abuser), age when paroled and other static factors. Although many of these categories seem out of date today, several advantages and disadvantages to this approach were noted by Kennedy (1998) and Wong (1997):

Table 4.3: Advantages and disadvantages of Burgess's approach

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Objective and accountable • Covers important historical risk factors • Easy to use and reliable • Identifies levels of risk of reoffending 	<ul style="list-style-type: none"> • Consists primarily of statistic predictors • Does not identify target behaviours • Not capable of measuring change in the offender

During the 1960s and 1970s various actuarial risk assessment and risk prediction instruments were developed to guide the security classification, rehabilitation and release planning of offenders. The most prevailing examples of actuarial risk assessment instruments today include the Salient Factor Score (used in the United States), the Statistical Inventory on Recidivism (SIR) (used in Canada), and the Risk of Reconviction (used in the United Kingdom). These instruments are seen as more objective, empirically sound and as having considerably better predictive accuracy than previously used instruments (Andrews & Bonta, 1998).

Salient Factor Score

The Salient Factor Score is an actuarial tool that serves as an aid to evaluate the potential risk of parole violation by a prisoner. It is used as guidelines for making parole release decisions. The score comprises six criminal history items, including items such as number of prior convictions and commitments, and age at the time of current offence. The total score ranges from 0-10, with the higher score indicating that the inmate is a parole risk.

Statistical Inventory on Recidivism (SIR)

Canada, which is considered one of the world leaders in risk prediction, formally introduced the SIR scale in 1988 as a risk assessment tool to be used in pre-release decision-making (Cormier, 1997; Motiuk, 1997; Porporino, Zamble & Higgonbottom, 1989). Cormier (1997) indicates that the scores on the SIR scale range from -27 (high risk) to +30 (low risk), and combines 15 static factors related to criminal activity and social functioning.

Table 4.4: Static factors for SIR

1. Current offence	8. Prior convictions for assault
2. Age upon admission	9. Marital status
3. Prior incarceration	10. Risk interval since last offence
4. Revocation of release	11. Number of dependants
5. Escape	12. Current sentence
6. Security level	13. Previous sex offence convictions
7. Age at initial adult conviction	14. Previous breaking and entering convictions
	15. Employment at arrest

There is a substantial body of research literature confirming the ability of the SIR scale to differentiate between high- and low-risk offenders (Bonta, Harman, Hann & Cormier, 1996; Wormith & Goldstone, 1984; Porporino, Zamble & Higgonbottom, 1989). Although useful in predicting recidivism of male offenders, the SIR scale has its limitations relating to the prediction of violence, its use with females, Aboriginal and sex offenders, and its static nature (Bonta et al., 1996; Cormier, 1997). Because of its limitations, the SIR scale is not typically used in isolation, but as part of the offender intake assessment process, which considers a number of other variables.

The third-generation assessment tools

The Wisconsin tool

The Wisconsin tool or Client Management Classification (CMC) tool was developed in 1975 and is the most widely used instrument in the US. The CMC tool recognises that risk is more than simply static predictors and was designed to help identify the level of surveillance needed for each offender, as well as to determine the needs of the offender and the resources necessary to meet them. The CMC tool includes historical data (static factors) and dynamic factors such as mental health, substance abuse, attitude and orientation, family functioning, criminal peers, employment and other areas associated with the psychosocial functioning of the offender (Taxman & Thanner, 2006:30-31).

The CMC tool is based on a structured interview with an offender that is conducted at regular intervals. The information gathered is used to classify an offender into a high-, medium-, or low-risk category, determine the level of supervision required and develop an individual treatment plan. This element of the system is called the client management classification (CMC) system, and it consists of four unique modalities, namely selective intervention, environmental structure, case work control and limit setting.

Selective intervention: Offenders falling into this category have typically experienced an isolated and stressful event or neurotic problem. Generally, these offenders have a relatively stable and positive social lifestyle (e.g. employed, established in community and minimal criminal records), which enhances the possibility of avoiding future criminal conduct through effective intervention. The goals of treatment for these offenders include the development of appropriate responses to temporary crises and problems and the re-establishment of positive social lifestyles (Latessa, 2003/04:4).

Environmental structure: Latessa (2003/04:4-5) postulates that offenders in this group are predominantly characterised by shortcomings in social, vocational and intellectual skills. These offenders lack social cultivation and are not comfortable in most social settings. They experience employment problems and are unable to succeed in their jobs. These offenders need assistance in:

- developing their basic employment and social skills
- enhancing their social skills and impulse control
- changing their socialising patterns, e.g. socialising with law-abiding peers.

Case work control: Although offenders in this group generally have marketable job skills, they fall prey to alcohol and drug misuse due to a lack of goal directedness and instabilities in their lives (e.g. failures in employment, domestic problems and criminal tendencies). The goals appropriate for offenders in this group include promoting stability in their professional and domestic endeavours and achieving an improved utilisation of the individual's potential, along with an elimination of self-defeating behaviour and emotional/psychological problems (Latessa, 2003/04:5).

Limit setting: Latessa (2003/04:5) indicates that offenders in this group are commonly considered to be successful career criminals because of their long-term involvement in criminal activities. They generally enjoy "beating the system", they frequently act for material gain and they show little remorse or guilt. Because of their value system, they easily adapt to prison environments and return to crime upon release. Goals for this group are problematic, but they include changing the offenders' basic attitudes and closely supervising their behaviour in the community.

Results from the CMC have found that approximately 40% of probation caseloads are assigned to selective intervention, 15% to environmental structure, 30% to casework control and 15% to limit setting (Latessa, 2003/04:5).

Despite the advantages of the CMC tool, Latessa (2003/04:5) notes the following shortcomings:

- Risks and needs are separately assessed and are not fully integrated.
- The administration of the CMC tool is time-consuming and the scoring is somewhat involved.
- In practice, many probation agencies rely more heavily on the risk component, which consists of mainly static predictors.

To the researcher's knowledge, there are only two offender classification instruments intentionally designed to measure criminogenic needs, namely the Community Risk/Needs Management Scale used in Canada Correctional Service and the Level of Supervision Inventory.

The Community Risk/Needs Management Scale

The Community Risk/Needs Management Scale, introduced in 1990, combines measures of criminal history and recidivism risk with a comprehensive assessment of offenders' specific case needs, providing a tool for parole officers to assess needs and risk on an ongoing basis (Motiuk, 1997). Some need areas assessed by the scale include employment, family support, positive associations, behavioural and emotional stability, and drug or alcohol usage. For each area, the administrator gives a rating of low, moderate or high need, based on his or her knowledge of the individual gained through an interview and a careful reading of the case file. The offender is given an overall case needs rating and to assess recidivism risk, the SIR scale is used. By looking at both risk and needs, it is possible that the Community Risk/Needs Management Scale can help focus community-based intervention strategies that can keep released offenders from returning to prison (Motiuk, 1997).

The Level of Supervision Inventory

The Level of Supervision Inventory (LSI) was initially developed and implemented in the late 1970s in Canada and has since been incorporated for use with a variety of correctional populations across the USA (Andrews & Bonta, 1994, 1998). The LSI is designed to be both a comprehensive risk and criminogenic needs assessment instrument (Loza & Simourd, 1994:469).

Fourth-generation assessment tools

The fourth generation of classification instruments has successfully integrated responsibility factors into the assessment of risks and needs. One example is the Level of Service Inventory - Revised (LSI-R) designed by Andrews and Bonta (1995). The LSI-R is based on the social learning theory and has been extensively tested and validated across North America. It has been found to be one of the most valid instruments for predicting recidivism (Latessa, 2003/04:5).

The LSI-R consists of 54 items in 10 areas, namely criminal history, education and employment, financial, family and marital, accommodation, leisure/recreation, companions, alcohol/drug problems, emotional/personal, and attitudes/orientation. Information is gathered primarily through structured interviews. There is also a juvenile version of the LSI-R called the Youth Level of Service/Case Management Inventory (Y-LSI; Hoge & Andrews, 1996).

A CRITICAL EVALUATION OF OFFENDER ASSESSMENT AND CLASSIFICATION METHODS

In the review of the literature the researcher primarily focused on studies from the USA and Canada as these countries are recognised as the leaders in the field of offender assessment.

Clinical versus actuarial assessments

Neither the actuarial nor clinical method of risk prediction has proven particularly accurate, but each has its proponents arguing that one method is better than the other (Grubin, 1999). Clinical predictions may well be systematic but include more subjective factors in assessment and provide more general and, at times, ambiguous prognoses. Statistical prediction, on the other hand, is based on more “objective” discernable criteria than those used in clinical prediction.

Howe (1994) has noted that several studies have shown actuarial judgements to be better than clinical judgements, but warns that the indicators on which actuarial assessments are based have not been sufficiently standardised. Gottfredson and Gottfredson (1994) found actuarial assessments to be more effective than clinical assessments, but still regard the accuracy of actuarial methods to be modest.

Actuarial risk assessment instruments have been criticised extensively for their rigidity and prohibitive reliance on static offence-based risk criteria. The major weaknesses were that the

instruments provided little discretion for treatment because the items making up the scales are historical in nature (Bonta, 1996:22). The rigid knowledge of risk contained in actuarial risk assessment instruments produced a *fixed risk subject* (Hannah-Moffat 2005:32), which was designated to a particular risk category (high, medium, or low), based on accumulated historical factors that, for the most part, could not be changed.

Gottfredson and Gottfredson (1986:247) report that virtually all studies done on actuarial and clinical issues found that statistical instruments outperformed human judgements. The important question is which approach is the most accurate in predicting behaviour.

Meehl (1954) examined 20 studies and found that the actuarial approach was superior in 19 instances. Research by Dawes, Faust and Meehl (1989) confirmed Meehl's original findings. In studies comparing actuarial versus clinical methods in the academic, corrections and vocational fields, Goggin (1994) found that both methods were significant predictors of outcome, but the actuarial approach produced higher correlations with outcome 76% of the time. The superiority of the actuarial model was also conclusively demonstrated in meta-analyses of the predictors of recidivism among mentally impaired offenders (Bonta, Law & Hanson, 1996), sex offenders (Hanson & Bussière, 1996a; 1996b) and violent offenders (Mossman, 1994). In the analyses by Bonta, Law & Hanson (1996) and Hanson and Bussière (1996a; 1996b) the actuarial model was approximately three times more powerful.

Milner and Campbell (1995:37) argue that the combined use of actuarial and clinical assessments may provide a greater degree of accuracy rather than using one type of assessment tool in isolation. Grove and Meehl (in Bonta, 2002:358) note that when the results from the two approaches disagree, a choice must be made. One cannot use both.

Goggin and others (Gendreau & Goggin, 1996b; Gendreau, Goggin & Papanozzi, 1996; Goggin, 1994) conclude that with the exception of situations where reliable predictive data is lacking, there is simply no justification for the continued use of the clinical model of assessment. Knowledge about static risk factors is sufficiently well developed that instruments based on these factors can provide meaningful assessments of offenders' long-term risk potential. In most cases, practitioners would want to consider both static and dynamic factors. For example, an assessment of high risk by a static risk tool may suggest the need for imprisonment. However, without a dynamic risk and needs assessment there is little information as to when the offender can be safely released.

Current approaches to classification and matching of treatment programmes

Research on differential outcomes suggests that two issues are central to effective offender assessment – the assessment of risk and the assessment of criminogenic factors. Clearly, the new convention in risk assessment and classification is to use strategies and tools that, according to Bonta (2002:355), “systematically bring together information about an offender’s history and needs to develop a treatment plan and assign levels of supervision”.

In practice, the assessment of offender risk serves to structure many of the decisions made with regard to supervision requirements and programme placement. Doing both risk and need assessments gives a better picture of the offender’s overall risk of reoffending. Bonta (1997) suggests that these two principles can be developed into some basic guidelines for matching offenders to programmes. It is also suggested that the most effective programmes are those which match the intervention with the needs, circumstances and learning styles of individuals (Andrews, Bonta & Hoge, 1995; Andrews, 1996). Knowledge of dynamic risk factors is required for effective treatment and supervision of offenders. Intervention efforts should focus on those characteristics (i.e. dynamic risk factors) most strongly related to criminal behaviour.

The responsivity concept did not gain much attention until recently, mainly as a result of the way in which risk and need factors were conceptualised. Sechrest (1998) notes that the efforts by Warren (1971), Quay (1984) and others to develop a process for classifying offenders for treatment programmes did not include cross-referencing how the different programmes could address the underlying issues. In addition, Brennan (2004:10) indicates that during this period, most of the treatment programmes that evolved tended to be focused on a single problem or need (i.e. substance abuse, sexual deviance or educational and vocational needs). It is well known that most offenders simultaneously exhibit several risk and need factors that are often dynamically interrelated. Dealing with one specific problem out of context may be quite ineffective (Palmer, 1992; Quinsey, Harris, Rice, & Cormier 1998).

A more appropriate strategy is to take account of all the risks and needs an offender might pose, or else correctional practitioners may fail to address critical components that, if not treated, may continue to undermine the treatment provided. For example, if substance abuse and social skills problems co-exist, it may be ineffective to address one of these problems without treating the other (Brennan, 2004:10).

Another form of classification and matching is to define a “target class” by using some specific category and then design a treatment programme for this specific group, for example murderers, rapists, substance abusers. Although legally or behaviourally defined offender classes (i.e. sex offenders, violent offenders, substance abusers) might basically be homogeneous in their pattern of criminogenic factors and can be treated with one uniform programme, each of these offence classifications may contain several very diverse patterns and subtypes – each of which may require different interventions. For example, the intentions of rapists and child molesters or alcohol and drug abusers differ enormously and treatment interventions should thus cater for these differences (Brennan, 2004:23).

Finally, assessment of responsivity is not limited to the personality-cognitive attributes of offenders, and should thus include broader social and cultural factors. Bonta (2002:372) notes that although the risk assessment research across socio-cultural groups is not particularly well developed, it appears that the risk factors for criminal behaviour are similar across gender (Simourd & Andrews, 1994), and race and ethnicity (Bonta, LaPrairie & Wallis-Capretta, 1997; Lowenkamp & Latessa, 2000). For treatment to have an impact, the style of service must be tailored to the social, cultural and ethnic characteristics of the offenders (Bonta, 2002:372).

Problems in applying risk assessment tools

In the light of the evolution of offender populations, their profiles and environments in which they operate, correctional services needs to evaluate and adjust assessment and classification tools on a regular basis to provide for changing social demographics. In the California Department of Corrections, for example, several of the security risk factors on the classification score instrument were either removed from consideration (an inmate’s marital status, employment, education and military service), where other factors were introduced (street gang activity, age at first arrest, prior imprisonment), or given greater weight (age at admission). Wooldredge (2003:254) discovered that convicted offenders sent to Ohio prisons in the mid- to late 1990s consisted of 83% single, 76% unemployed, 75% without high school qualifications and 92% without military experience at sentencing. This implies that these factors hold less predictive power as offender populations become more homogeneous on these particular items.

The modification related to increasing or lowering the weight of sentence length in risk assessment also makes sense in the light of changes in sentencing practices over time. Prison sentences for violent offenders (murder, rape, robbery, car hi-jacking) have, for example, become considerably longer on average in South Africa and the need for detaining these offenders for a longer period of time has forced Correctional Services to adjust their release policies.

Risk assessment instruments pose several problems for operational staff. Most instruments are not purely predictive, largely because violent crimes do not predict recidivism. Gottfredson and Gottfredson (1986) note that property and drug offenders have higher rearrest rates. The severity of the instant offence has rarely been found to be a useful predictor of danger to the public, but has also been consistently used for that purpose.

Wright, Clear and Dickson (1984) note that too many jurisdictions have adopted instruments from other states without cross-validating the scales on their own offenders. Not much revalidation work had been done until the 1990s either (Baird, Prestine & Klockziem, 1989; Hoffman, 1994; Bonta, Harman, Hann, & Cormier 1996).

The usefulness of recidivism instruments is also limited by low correlations. Baird (1991:9) has estimated that the better risk scales explain from 8% to 15% of the variance in recidivism outcomes. Klein and Caggiano (1986:31) applied six risk-assessment models to parole outcome data using a variety of recidivism measures. The researchers found that the best overall predictive items were prior criminality, young age, drug abuse and poor employment history.

Klein (1989) and Schumacher (1985) maintain that although instruments such as the CMC and LSI-R can be important and useful tools, they will not solve all of the problems faced by parole and probation agencies, and they will not fully replace the sound judgement and experience of well-trained probation and parole officers.

A number of risk assessment tools have been implemented, but it is unclear how well the existing measures are able to evaluate changes in risk levels. The fact of the matter remains that, even with improvements, risk assessment will continue to be educated guesswork. Risk prediction is fallible and so the principle of proportionality - that the severity of a sentence should fit the seriousness of the crime - must not be forgotten.

Given the rapid growth of risk and needs assessment tools and their increased use at various stages of the criminal justice process, few researchers have critically assessed the impact of this trend and/or collected data on how these tools impact decision-making.

CONCLUSION

It is evident from this examination that Swaziland correctional services has a long way to go in the adoption of assessment and classification tools which will address its unique needs. The accumulation of research evidence suggests a number of broad guidelines for offender assessment and classification which can be considered for implementation by Swaziland correctional services:

- The assessment of offender risk should be based on actuarial measures of risk. The continued reliance on subjective, professional or clinical judgement to determine risk is no longer empirically defensible (Bonta, 2002:356-357).
- A number of risk assessment tools measure only unchangeable historical data. In determining risk, both static and dynamic factors should be taken into consideration (Bonta, 2002:367).
- Looking at criminogenic needs, in addition to static factors, allow practitioners to better assess the level of risk posed by an offender, and serve as targets for correctional treatment (Bonta, 2002:368; Taxman & Thanner, 2006:49).
- Adequately addressing responsivity issues leads to maximising treatment effectiveness and thereby increasing public safety through even greater reductions in recidivism (Kennedy, 2003/04:26).
- Different methods (e.g. paper-and-pencil tests, interviews, behaviour assessment, file extraction procedures) to assess risk and needs should be utilised rather than relying on a single method (Bonta, 2002:372-374).

Indications are that the most effective correctional programmes follow three basic principles:

1. Correctional programmes provided to offenders who are at high risk are more effective than programmes provided to lower risk offenders.
2. Correctional programmes that target those needs associated with criminal behaviour (i.e. criminogenic needs), such as antisocial attitudes, substance abuse and associates with criminal peers, are more effective than programmes that target needs such as anxiety, self-esteem or depression (i.e. non-criminogenic needs).
3. Correctional programmes are more effective when they are delivered in a way that is responsive to the offender's style of learning, using cognitive behavioural interventions that change attitudes and teach concrete skills.

Gendreau and Andrews (1990) postulate that the application of the risk principle helps identify “who should receive treatment”, the criminogenic needs principle “what should be treated”, and the responsivity principle underscores the importance of “how treatment should be delivered”.

CHAPTER 5

THE IMPACT OF REHABILITATION ON OFFENDER BEHAVIOUR

INTRODUCTION

There has been growing interest in rehabilitating offenders in correctional systems around the world. There is also more optimism about the effectiveness of correctional programmes and the likelihood of them preventing reoffending. In contrast to imprisonment and community constraints, rehabilitation strategies focus on changing individual offenders' behaviour so they will not continue their criminal activities.

Given the emphasis on rehabilitation in the literature, it is necessary to explore the phenomenon as a response aimed at reducing the level of crime in society. In this chapter, literature is reviewed suggesting that recidivism can be significantly reduced through the provision of correctional programmes. Empirical studies pointing to the effectiveness of correctional programmes and principles of good practice are outlined. The chapter also offers a framework for the provision of rational, evidence-based approaches to offender rehabilitation, with clear practical suggestions for implementation.

While these theoretical conceptualisations provide a generalised explanation of why correctional programmes may be effective in corrections, limited empirical evidence is available to support or refute their claims. Additionally, given the varied aims, objectives and processes of existing correctional programmes, comparison and evaluation are extremely difficult. What follows, therefore, is a discussion of the literature on correctional programmes and their impact on offender behaviour.

DEFINING REHABILITATION

The words "rehabilitation", "treatment" and "intervention" are used very loosely in the field. Therefore, it is important to separate *criminal justice sanctions* (e.g. intensive supervision, home confinement, shock probation) from *correctional (rehabilitation) programmes* that deliver a direct service to the offender such as therapy, education and social skills training.

The definition of rehabilitation proposed by Cullen and Gendreau (2000:112) seems particularly appropriate since it is based on a very extensive review and identifies three common characteristics of correctional rehabilitation based at operational level:

- The intervention is planned or specifically undertaken and is not a per se or unplanned occurrence.
- The intervention targets for change some aspect(s) of the offender regarded as the cause of the offender's criminal behaviour, such as attitude, cognitive processes, personality, mental health, social relationships, education, vocational skills, or employment.
- The intervention is aimed at reducing the offender's likelihood of breaking the law in future, i.e. it reduces recidivism.

The term *rehabilitation* in this chapter thus refers to working with individual offenders to stop them from continuing to commit crime. Rehabilitation per se also suggests a community responsibility to help offenders properly integrate into society as law-abiding citizens.

CAUSES OF CRIME

There is considerable evidence indicating that factors such as low education level, poor career training, unemployment, dysfunctional family and social life, mental health, substance abuse and inadequate housing or informal settlements tend to make people more prone to commit crime. These negative social conditions can lead to deficient socialisation, inadequate personality development, poor interpersonal relationships and inadequate internalisation of social norms and values which, in turn, contribute to criminal behaviour (Social Exclusion Unit, 2002).

Social disorganisation

According to Petersilia (2001:36), the social characteristics of neighbourhoods, particularly poverty and residential instability, influence the level of crime. She indicates that there is a stage when communities can no longer favourably influence residents' behaviour. The consequence is that norms start to change, disorder and incivility increase, out-migration follows and crime and violence increase. Furthermore, as family caretakers and role models disappear or decline in influence, and as unemployment and poverty become more persistent, the community, particularly its children, become vulnerable to a variety of social ills, including crime, substance abuse, family disorganisation, generalised demoralisation and unemployment.

Crime is a choice

Most research findings show that the majority of poor people do not commit crime. Skogan (1990:75) indicates that it is the higher socio-economic groups that commit crimes such as corruption, fraud and job related crimes. Poor people tend to commit violent offences such as murder, rape and robbery. According to the US Bureau of Justice Statistics (1995:3), it seems that poor black Americans are the victims of violent crimes. A study by Louw and Shaw (1997:13) indicates the same tendency, namely that poor black South Africans are the victims of assaults, rape and murder. Alcohol abuse plays a vital role in this regard and many a time the offender and victim are known to each other.

Farabee (2005:54) maintains that offending, at base, is an individual choice and not an unavoidable response to a hopeless environment. He argues that most offenders could have completed school, but did not; most had held jobs in the past, but chose easier, faster money over legal employment and "... moreover, the pervasive belief that these criminals essentially had no choice but to resort to crime and drugs conveys a profoundly destructive expectation to them and future criminals that undermines their perceived ability to control their own destinies".

Most offenders give little or no consideration to the risk of getting caught for crimes they are about to commit. This is not because they do not consider the imposition of a prison sentence to be a negative experience; rather, it is because they know that the risk of getting caught is extremely low (Farabee, 2005:54).

The choice of committing a crime can be made easier by addressing the individual needs of offenders. This is not about alleviating an abstract such as "poverty", but about helping someone who does not understand or care about the consequences of their actions. Truly effective rehabilitative intervention must thus be taken at individual level (Murray, 2002:2)

Factors causing crime

As indicated above, there is considerable evidence that psychological and socio-economic factors can influence a person to commit crime or reoffend. Researchers have identified nine key factors (see table 5.1) that contribute to criminal activity (Social Exclusion Unit, 2002).

Table 5.1: Key factors contributing to crime

PSYCHOLOGICAL FACTORS	SOCIO-ECONOMIC FACTORS
<ul style="list-style-type: none"> • Drug and alcohol abuse • Mental and physical health • Attitudes and self-control • Institutionalisation and life skills 	<ul style="list-style-type: none"> • Education • Employment • Housing • Financial support and debt • Family relationships

Research has indicated that these factors can have a huge impact on the likelihood of an offender reoffending. For example, being in employment reduces the risk of offending by between 25% and 50%, whilst having stable accommodation reduces the risk by 20% (Social Exclusion Unit, 2002).

The challenge of turning a convicted offender away from crime is often considerable. Many inmates have poor skills and little experience of employment, few positive networks and severe housing problems, and all of this is often severely complicated by drug, alcohol and mental health problems.

Many offenders have experienced a lifetime of social exclusion such as being in care as a child, unemployed or a regular truant. These offenders are also likely to have had a family member convicted of a criminal offence, a child at a very young age, or are likely to be HIV positive. There is also a considerable risk that a prison sentence might actually make the factors associated with reoffending worse. For example, many lose their house, job and/or partner while in prison.

Nelson, Deess and Allen (1999, in Seiter & Kadela, 2003: 366) report that issues such as finding housing, creating ties with family and friends, finding a job, alcohol and drug abuse, continued involvement in crime and the effect of parole supervision are all factors contributing to success or failure in the transition from prison to the community. The study found that 76% who were interviewed on release re-entered the community alone, with no one to meet them after release. Most offenders end up living with family or friends until they find a job, can accumulate some money and then find their own residence. Finding a job is often the most serious concern among ex-inmates, who have few job skills and little work history.

Their age at release, their lack of employment at the time of arrest and their history of substance abuse problems make it difficult to find a job. Release is a stressful event and all the factors mentioned make it difficult for ex-inmates to avoid a relapse to substance abuse and a return to crime. It is thus critical that correctional services provide programmes to prepare inmates for re-entry into the community.

Another factor affecting social cohesion and community stability are the attitudes and behaviours of offenders returning to the community after imprisonment. If poverty and unemployment persist, the results are family disorganisation, demoralisation, substance abuse and criminal activities (Anderson, in Seiter & Kadela, 2003:367).

Childhood predictors of crime

Farrington (1992:527) reports that the best childhood predictors of an early onset (10-13 years of age) as opposed to a later onset (14-16 years of age) of offending behaviour children who rarely spent leisure time with the father, high “troublesomeness”, authoritarian parents and high psychomotor impulsivity. Research has also shown that those boys who started earliest (aged 10-13 years) were the most persistent offenders with a criminal career of 10 to 12 years. The strongest predictors in the latter group were “rarely spending leisure time with a father at age 12, [doing] heavy drinking at age 16, [showing] low intelligence at age eight (8) to 10, and [with] frequent unemployment at age 16” (Farrington, 1992:529).

Studies have also shown that children of incarcerated and released parents often suffer confusion, sadness and social stigma, and that these feelings often result in school related difficulties, low self-esteem, aggressive behaviour and general emotional dysfunction. If the parents are negative role models, children fail to develop positive attitudes about work and responsibility. Children of incarcerated parents are five times more likely to serve time in prison than children whose parents have not been incarcerated (Petersilia, 2001:38).

Aiken (in Needham, 1992) argues that no fancy formula is needed to project a prison population. He contends that a count of today’s eight-year-olds who are living in poverty, or have been involved in abuse, or are from a broken or dysfunctional family will give a good indication of the prison population in 10 years’ time.

Research findings on causes of crime therefore assist correctional practitioners in three challenges, namely:

- in understanding early criminal behaviour
- in understanding that the majority of offenders have a history of risk behaviour, limited opportunities, poor parenting, exclusion from certain resources and a lack of abilities and skills to mediate these weaknesses
- in assessing appropriate correctional programmes and the appropriate timing of interventions.

THE IMPACT OF REHABILITATION ON RECIDIVISM: A HISTORICAL BACKGROUND

The most common point of departure for reviews of rehabilitation is the 1974 publication of Martinson. Martinson's review (1974:25) of 231 controlled outcome studies conducted between 1945 and 1967 concluded that "with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism". His work was pessimistic and it was widely interpreted as showing that 'nothing works' in rehabilitation. A follow-up review of the literature conducted by the National Research Council in 1976 confirmed Martinson's conclusions.

Critics such as Gendreau, 1981, Gendreau and Ross, 1979, 1981, 1987, Gottfredson, 1979, Greenwood and Zimring, 1985, Palmer, 1975, 1983, Thornton, 1987, Van Voorhis, 1987 argued against Martinson's conclusion, saying that psychological treatment either had a positive effect on reoffending, or that no conclusions could be drawn from the research because the:

- research methodology was so inadequate that few studies warranted any unequivocal interpretations about what works
- programmes studied were so poorly implemented and presented in such a weakened form that they would not reasonably be expected to have an impact.

The predominantly negative reviews of rehabilitation that dominated the 1970s were challenged by researchers such as Palmer (1975; 1983) who argued that the broad generalisations of the conclusions overlooked many positive instances of success and the researchers gave little attention to such important issues as the fit between the type of offender and the type of treatment provided.

However, despite the critiques of the work and its questionable validity, the phrase “nothing works” became an instant cliché and exerted an enormous influence on both popular and professional thinking (Cullen & Gendreau, 1989; Stojkovic, 1994; Tonry, 1996; Walker, 1985). The perception of the conclusion became widespread and it gave rise to a strong movement to change both the philosophy and control of imprisonment policy. This had a major impact on how courts and corrections managed offenders beyond the mid-1970s.

Although there is still some debate about the effectiveness of rehabilitation, various literature reviews and meta-analyses demonstrate that correctional programmes can effectively change offenders (Andrews & Bonta, 1994; Andrews, Bonta & Hoge, 1990; Andrews, Zinger, Hoge, Bonta, Gendreau & Cullen, 1990; Gendreau & Ross, 1979, 1987; Palmer, 1975).

In general, reviews of the literature show positive evidence of treatment effectiveness. For example, in a series of literature reviews (see table 5.2), the proportion of studies reporting positive evidence of treatment effectiveness varied from 47% to 86% (Andrews et al., 1990).

Table 5.2: Studies reporting positive evidence of treatment effectiveness

LITERATURE REVIEWERS	TREATMENT EFFECTIVENESS (5%)
Kirby, 1954	75
Bailey, 1966	59
Logan, 1972	50
Palmer, 1975*	48
Gendreau and Ross, 1979	86
Lab and Whitehead, 1988	47

Note: This is a retabulation of studies reviewed by Martinson in 1974

Since 1967 new outcome studies have provided evidence that some correctional programmes do indeed work. Borowski (1986:161) describes a number of North American programmes for juvenile offenders, concluding that the “foundation of the ‘nothing works’ myth is progressively beginning to crumble”. This line of investigation continued and by mid-1999 there were more than 1 500 published studies conducted in Canada, North America, Europe and the United Kingdom (Lipton, Pearson, Cleland & Yee, 1997). This resulted in a number of meta-analytic studies (e.g. Izzo & Ross, 1990; Antonowicz & Ross, 1994; Lipsey, 1995; Pearson et al., 1997) and overall reviews and syntheses (e.g. Lösel, 1995, 1996; Gendreau, 1996; MacKenzie, 1997; McGuire, 1998; Hollin, 1999) assessing the degree of effectiveness

of treatment techniques applied to offenders. Each of these reviews has reached broadly similar conclusions, leading to what appears to be an emerging international consensus of expert opinion as to the effectiveness of correctional programmes. Taken as a whole, the average effectiveness of programmes evaluated ranged from 5% to 18%.

Canadian researchers have presented evidence suggesting that appropriately designed services (according to their criteria) produce, on average, reduction in recidivism of between 30% and 50%, compared with “inappropriate services” which led to increased recidivism. Of the 35 studies of “appropriate services” reviewed by Andrews et al. (1990), all but two found reduced recidivism.

In North America, the United States Congress commissioned a major report on the effectiveness of crime prevention programmes and practices, including a review by MacKenzie of rehabilitation outcome studies. MacKenzie (in NIJ, 1997:12-13) concluded that “the proportion of studies reporting positive evidence of treatment effectiveness varied from near 50% to 86% ... and that rehabilitation is effective in reducing the criminal behaviour of at least some offenders”.

In Europe, Redondo, Garrido, & Scánchez-Meca (1997) completed a meta-analysis of 32 studies integrating the results of 57 programmes in different European countries. They reported a decrease in recidivism of 15% for those attending programmes over a two-year follow-up period. A comparable finding in Europe was reported by Lösel (1996) who argued that, on average, offenders who attend correctional programmes have a 10% lower rearrest, reconviction and reincarceration rate.

In the United Kingdom, McGuire (1998) reviewed 10 meta-analytic studies conducted between 1985 and 1996, based on a cumulative sample of over 50 000 offenders. He found that offenders who had attended programmes reoffended between 10% and 36% less than those who had not attended programmes.

It can thus be concluded that correctional programmes reduce recidivism by about 10% to 20%. While this is a modest result for some treatment literatures, it is acknowledged that serious antisocial behaviour is very difficult to treat. Furthermore, a 10% reduction is comparable to what is acceptable for many medical interventions and represents substantial cost savings (Prentky & Burgess, 1992; Lipsey & Wilson, 1993; Lösel, 1995).

These studies, when taken together, offer consistent evidence that correctional programmes can have a positive effect on reducing recidivism - enough evidence to safely reject Martinson's 1974 conclusion that "nothing works". It must be borne in mind that such analyses include various types of correctional programmes; conclusions thus relate to the *general* effectiveness of these programmes.

Critical reviews such as the one conducted by the National Research Council (NRC) in 2001 indicating that "research conducted to date has not yet convincingly demonstrated the effectiveness of prison treatment programmes" (see Manski, Pepper & Petrie, 2001) and Farabee's evaluations (2005) of the effectiveness of offender treatment programmes are acknowledged. These documents certainly make a strong case for improving both the quantity and quality of correctional programmes operating in both prison and community settings.

FACTORS CONTRIBUTING TO EFFECTIVE REHABILITATION

An observation once made was that the most important factor is not whether rehabilitation works but what works for whom. In the light of this observation, the three main factors that produce optimal rehabilitation outcomes, namely setting characteristics, offender characteristics and programme characteristics, are summarised briefly.

Setting characteristics

Successful rehabilitation depends not only on the type of correctional programme offered, but also on the conditions under which it is delivered. Issues of organisational resistance and staff motivation may need to be addressed before implementing correctional programmes in the correctional services environment. At the same time, prisons are more likely to contain those offenders with a medium to high risk of recidivism and therefore have a potential for more effective rehabilitation outcomes.

Limited research is available that compares recidivism rates of offenders released through traditional incarceration to offenders released through alternative sanctions. Such comparison is extremely difficult because comparing prison and alternative sanctions involves using two types of punishments that involve different offender types and offender experiences, making comparison of effectiveness difficult. For example, most offenders who complete alternative sanctions are low-risk with non-violent criminal histories, whereas many released inmates, with the exception of drug offenders, are most likely medium- to high-risk offenders who have either committed violent crimes or have extensive criminal histories.

The available evidence suggests that, on average, correctional programmes delivered in community settings produce better outcomes than those delivered in prisons (Izzo & Ross, 1990; Lösel, 1996; Lipsey & Wilson, 1998; Palmer, 1974; Whitehead & Lab, 1989). In fact, some research has suggested that correctional programmes delivered in the community produce two to three times more reduction in recidivism than correctional programmes delivered in prison (Andrews et al., 1990). Gendreau et al. (2000) examined over 103 comparisons of offenders who were either sent to prison for brief periods or received a community-based sanction. Basically, they found no deterrent effect from prison, but actually an increase in recidivism.

Motiuk and Porporino's research (1989) identified four primary need factors that significantly differentiate between failure and success on conditional release, namely living arrangements, companions, substance usage and attitude. There is also evidence supporting the premise that the gradual and structured release of offenders is the safest and most effective strategy for the protection of society against new offences. Post-release recidivism studies (Waller, 1974; Harman & Hann, 1986) have found that the percentage of safe returns to the community is higher for supervised offenders than those released with no supervision. Therefore, offender reintegration is seen as working to better prepare offenders for release and providing them with greater support once they are in the community. It is necessary to provide follow-up services to ensure continuity of care and to assist offenders to transfer and generalise their newly acquired skills to real-life situations.

Offender characteristics

The need for considering offender characteristics such as the causes of the offence, the nature and circumstances of the offence, the conviction record of the offender and the social circumstances of the offender was dealt with in chapter 4. A brief synopsis of distinct differences identified by the Social Exclusion Unit (2002) in the characteristics of inmates compared to the general population in the UK is therefore given. Inmates are more likely to have been a regular truant as a child, placed in care as a child, a young parent, unemployed, HIV positive and to have had a family member convicted of a criminal offence. Inmates' writing, numeracy and reading skills are generally below Grade 8. The use of drugs prior to imprisonment, mental health problems and suicidal tendencies are the order of the day.

In order to make sound release decisions and enhance the protection of the public by effectively managing the risk that offenders pose, it is not enough to simply assess their risks and needs for rehabilitation. The following are also important (McMurran et al., 1998):

- To assess their level of motivation and responsivity to rehabilitation. This assessment needs to be completed prior to deciding whether an offender is suitable for early release into the community, and what sort of conditions should govern the offenders' release.
- Not to simply rely on the offenders' self-reported motivation because the sincerity of these admissions is questionable, particularly when offenders are trying to secure an early release.
- To note that offenders who say they are motivated to change are not necessarily those who present the highest risk of reoffending.
- To note that motivation is a dynamic factor and can change over time and thus needs to be reassessed over time.
- To continually assess and measure the progress in the rehabilitation process, which, in turn, is critical to effective risk management of offenders in the community.

Programme characteristics

A major review of accumulated findings (Andrews, Zinger, Hoge, Bonta, Gendreau & Cullen, 1990) provides clear evidence of the weakness of criminal sanctions when unaccompanied by appropriate correctional programmes. Researchers such as Andrews, Gendreau and Bonta have suggested that the most effective correctional programmes target factors which are both amenable to change and directly related to the offending itself. Interventions should also target the known predictors of crime and recidivism such as antisocial attitudes, pro-criminal associates and antisocial personal factors (Cullen & Gendreau, 2000). Likewise, there has been an increase in the number of correctional programmes for specific offending problems, such as sexual, violent and narcotic crimes.

Although there is no substantial evidence that correctional programmes work (Andrews & Bonta, 1998; Andrews et al., 1990; Gendreau, Little & Goggin, 1995; Lipsey, 1992), several researchers have concluded that the most successful correctional programmes are those that address an offender's psychological functioning (Gendreau & Ross, 1979; Ross & Fabiano, 1985; Izzo & Ross, 1990; Andrews et al., 1990; Palmer, 1992; Lösel, 1995, 1996; Redondo et al., 1997). Palmer (1995:101), for example, examined 23 qualitative reviews and nine meta-analyses, all carried out before 1989, and concluded that the most effective programmes in the

treatment of offenders were “behavioural, cognitive-behavioural or cognitive, life skills, multi-modal and family programmes”.

Cognitive-behavioural therapy (CBT) comes from two distinct fields: cognitive theory and behavioural theory. Behaviourism focuses on external behaviours and disregards internal mental processes. The cognitive approach, by contrast, emphasises the importance of internal thought processes. These programmes (Cullen & Gendreau, 2000; MacKenzie, 2000; Milkman & Wanberg, 2007):

- address the fundamental problems of attitudes, thinking and behaviour that may lead an offender back into crime after release from prison or probation
- focus on changing participants’ thoughts and attitudes, either through moral development (moral resonance) or problem solving (reasoning and rehabilitation)
- are very structured and emphasise the importance of the cognitive-behavioural and social learning techniques such as modelling, role playing, reinforcement and cognitive restructuring that assist offenders in developing good problem-solving and self-control mechanisms
- should be used primarily with higher risk offenders, targeting their criminogenic needs.

A study by Robinson (1996, in Seiter & Kadela, 2003:377) indicates that the completion of CBT reduced offenders’ recidivism rate by 11%, compared to offenders who did not complete the therapy. This study also notes that therapy is most effective for offenders with moderate level of risk of recidivism, compared to a high level.

A meta-analysis of 69 studies covering behavioural and cognitive-behavioural programmes determined that the cognitive-behavioural programmes were more effective in reducing recidivism than the behavioural programmes. The mean reduction in recidivism was about 30% for treated offenders (Pearson, Lipton, Cleland & Yee, 2002).

A general consensus is emerging in the literature that cognitive and behavioural methods are more successful than other types of programmes such as those based on confrontation or direct deterrence, evaluations of social casework, physical challenge, restitution group counselling, family intervention or vocational training (McGuire, 1995). Cognitive-behavioural programmes are structured, goal-oriented and focus on the links between beliefs, attitudes and behaviour, and they have been developed for different types of offending.

Inappropriate or ineffective programmes tend to be those that are psychodynamic, non-directive, a medical model, use vague group milieu/vocational/educational strategies or sanctions, or any treatment that does not target criminogenic needs (Andrews & Bonta, 1994; Gendreau & Goggin, 1996). Unstructured casework, counselling, and insight-oriented approaches also tend to have less impact. Some of these less appropriate programmes have even been found to have negative effects (Lösel, 1995).

Gendreau and Goggin (1996) claim that the principles of effective intervention apply to both juvenile and adult samples and limited evidence suggests that they apply to female and minority groups as well. Meta-analyses of adult and juvenile correctional interventions reveal that juvenile interventions are more effective than those designed for adults (Gaes, Flanigan, Motiuk & Stewart, 1999).

It is important that all correctional programmes be sufficiently intense to make an impact upon offending rates. For example, a six-week course on anger management is unlikely to have a significant impact on offenders with 20-year histories of anger related offences. Shrum (2004:233) recommends that interventions be intensive, lasting from three to nine months and occupying 40-70% of the offender's time when on the programme. Canadian researchers are of the opinion that programmes should last at least 100 hours and take place over a minimum of three to four months.

There is also agreement that treatment integrity plays an important role in determining the effectiveness of rehabilitation, meaning that programmes have to be consistently delivered by staff according to the programme design. Many researchers have called for the use of standardised treatment manuals as a way of improving treatment integrity.

Finally, researchers have strongly recommended that the staff responsible for programme delivery receive adequate training and supervision (Andrews et al., 1990; McGuire, 1998; NIJ, 1997). Therapists' skills must also be matched with the type of programme. Gendreau (1996) have suggested that therapists should have at least an undergraduate degree or equivalent, and receive three to six months' formal on-the-job training in the application of interventions.

Milkman and Wanberg (2007:12-13) summarise the findings of various researchers with regard to the characteristics of the counsellor. It is maintained that the most successful counsellors are sensitive, honest and gentle. The communication of genuine warmth and empathy by a therapist alone is regarded as sufficient to produce constructive changes in clients. In correctional settings these professionals assume the role of “correctional practitioners” and must therefore integrate their therapeutic and correctional roles in delivering effective services.

Offender-guided programmes

Traditionally, within the offender rehabilitation framework, the offenders themselves are seen as passive recipients of ‘treatment’ and are required to adopt the role of patient, client, or student, with the change process resting upon professional staff (Cressy, 1965; Kerish, 1975). Yet, offenders themselves represent the largest group of untapped resources in most rehabilitation frameworks, capable of having a powerful and positive influence on fellow offenders (McHugh, 1998). Furthermore, and in line with cognitive dissonance theory and research (Festinger, 1957), when offenders act as agents of change, they increase the likelihood of changing their own opinions and beliefs regarding offending behaviour, to be consistent with their new role as model. Thus, such an approach could be seen as the offenders even contributing to their own rehabilitation.

Although there is a lack of evidence-based literature highlighting the effectiveness of fellow offender-led programmes, research suggests that such programmes are well tolerated, effective and possibly more cost-effective than professionally led programmes. Not only have these programmes had a positive impact on those utilising this service, but the peer educators themselves have gained some heightened insight into their lives, empowering them to move beyond their criminal lifestyles (Keller, 1993; Maheady, 1998; Maruna, 2001; Milburn, 1995).

The risk of using offenders as educators or peer counsellors must not be ignored. For example, offenders themselves may have several unresolved problems; the majority are not qualified and their use as educators or counsellors might raise ethical concerns such as accountability and confidentiality.

THE EFFECTIVENESS OF SPECIFIC PSYCHOLOGICAL PROGRAMMES ON OFFENDER BEHAVIOUR

Programmes based on cognitive-behavioural theory and research have been developed in the areas of drug and alcohol abuse, anger management and violent behaviour, sexual offending and general offending. All of these programmes make sense in that the targets addressed have high credibility as contributors to offending behaviours. While there are too many moderating variables (e.g. staff training and supervision, length of contact in treatment, aftercare provisions, quality control) to identify a specific programme as superior in achieving measurable treatment outcomes, there have been significant efforts to demonstrate the effectiveness of some programmes.

Anger management

The focus of many anger management programmes is the recognition and monitoring of anger and finding ways to express anger appropriately. Programmes such as Skills Training for Aggression Control, offered in Western Australia, teach relaxation techniques to deal with high levels of arousal and focus in detail on the build-up to anger, looking at the cognitions and appraisals that increase aggression. Participants will often be asked to complete an anger diary to help them identify patterns and triggers to their anger. Later they are asked to reflect on alternative ways of managing the situation. Self-control strategies are taught, combining cognitive self-control methods with ways of reducing physical tension. Often the final component of the programme is relapse prevention.

A meta-analysis of CBT for anger, based on 50 studies incorporating 1 640 offenders, showed that anger programmes produce an effect size of +0.70, indicating that the average CBT recipient was better off than 76% of non-recipients (Beck & Fernandez, 1998). The European review of rehabilitation by Redondo, Garrido, & Scánchez-Meca (1998) suggests that programmes for violent offenders have the greatest success in reducing recidivism.

Drug and alcohol use

There is a clear association between substance use and crime, and it seems reasonable that effective treatments for drug and alcohol use will have an impact on subsequent offending. Treatment has been shown to reduce substance use and criminal activity (Gerstein & Harwood, 1992), especially when in-prison treatment is combined with treatment in the community. Gaes, Flanagan, Motiuk and Stewart (1999) report that experts agree that the longer the treatment intervention (at least 90 days), the more successful it will be in reducing

relapse. Most sources agree that re-entry programmes that closely monitor offenders upon release and that provide ongoing treatment programmes to ex-offenders in the community show the highest success rates (Petersilia, 2000).

Prison-based therapeutic community treatment of drug-involved offenders and in-prison therapeutic communities with follow-up community treatment are effective in reducing criminal activities. These programmes are intensive, behaviour-based programmes that target offenders' drug use, a behaviour that is clearly associated with criminal activities.

Programmes that combine the *therapeutic communities* with follow-up community treatment also appear to be effective. It is not possible to determine whether the combination of in-prison and community follow-up is effective because the drug-involved offenders spend a longer period of time in treatment or because the combination of in-prison and follow-up was a particularly effective one (MacKenzie, 2000:465).

Drug treatment combined with urine testing may be a promising avenue for reducing recidivism. Taxman and Spinner (1996) found a reduction in recidivism for a group of participants who received a prison-based programme with follow-up treatment and urine testing.

Seiter and Kadela (2003:374) evaluated 12 programmes related to drug rehabilitation. The two outcome variables measured were recidivism and relapse to drug use. In general, for recidivism and relapse to drug use, drug treatment is statistically significant in reducing both outcomes for men but not for women. The in-prison therapeutic communities evaluated by Knight and others (1997, 1999; in Seiter & Kadela, 2003:374) show effectiveness of intensive treatment when integrated with aftercare, with benefits most apparent for offenders with serious crime and drug related problems.

Sexual offending

Research suggests that different types of sexual offenders have different probabilities of reoffending. For example, rapists reoffend more than child sex offenders; sexual offenders against male victims have higher recidivism rates than those who offend against females; incest offenders have the lowest recidivism rates (Hanson & Bussière, 1996a, 1996b).

In Australia, sex offender treatment programmes are currently offered by most of the states and territories, both in prison and community settings. A major emphasis in many sex offender treatment programmes is given to two areas: victim empathy and the justifications and rationalisations for offending behaviour. The early stages of treatment are devoted to identifying cognitions and appraisals and offering challenges to beliefs that support offending. Information is also usually offered about the impact of sexual offending upon victims, with the initial goal that offenders view their offences realistically and understand how beliefs and attitudes are both related to their offending and are amenable to change.

A second related focus of treatment is the area of arousal, both physical and emotional. Whilst arousal usually occurs in the context of cognitions and appraisals, it is important for offenders to identify the antecedents for situations when they feel aroused, and to learn coping strategies. The concept of offending cycles is often used to describe how offences don't "just happen", but can be traced to a quite specific period of build-up and triggers. Finally, most programmes include a relapse prevention component where offenders are taught to identify situations that for them may increase the risk of reoffending, and how to manage them more effectively.

A meta-analysis of treatment studies for sexual offenders reported that sexual recidivism for treated offenders was 19%, compared to 27% for untreated offenders (Hall, 1995).

Barbarbee, Seto and Maric (1996) assessed violent sex offenders and have suggested treatment alternatives. In general, the results of the programme do not indicate a significant difference between recidivism rates of offenders who completed treatment (18%) and those who refused treatment (20%). The refusers had a higher failure rate (38,9%) than the treatment completers (22,2%) when a comparable follow-up was used.

In contrast with sex offender treatment provided outside of prison (in a hospital or other residential setting) using cognitive behavioural methods, there is less evidence that prison-based treatment is effective in reducing the sexual offence recidivism of sex offenders (Polizzi, MacKenzie & Hickman, 1999; Wilson, Gallagher, Coggleshall & MacKenzie, 1999a).

CONCLUSION

Some researchers have expressed caution about using recidivism as a measure of programme success. However, the available evidence suggests that appropriately designed and delivered programmes have sufficient power to make a significant impact on recidivism. Ultimately, the value of rehabilitative approaches lies in their ability to effect change in offending patterns. McGuire (1998) reviewed evidence on the effectiveness of various sentencing options in preventing recidivism, concluding that sentencing options based on punitive approaches (such as prison sentences or community orders) have a limited capacity to influence the future behaviour of persistent offenders. By contrast, he argues, a variety of methods for working directly with offenders can accomplish this effect, when designed and delivered in appropriate ways.

Assessment of risk, as well as of offender need and motivation, leads to the matching of offenders with programmes in ways which produce optimal outcomes. There is an increasing basis for the judiciary to use rehabilitation as a sentencing option for high-risk offenders with identified criminogenic needs. A body of international opinion also suggests that imprisonment or community-based sentences may reduce recidivism only when a treatment component is added. The rehabilitation of offenders thus offers policy makers a constructive opportunity to enhance community safety.

A general shortcoming of many programmes is a lack of evaluation. Programmes are often either not evaluated or evaluation methods fail to meet the conventional requirements of research design. Whilst there have been few published attempts to evaluate correctional programmes, one study in North America by Gendreau and Goggin (1996) reported that only about 10% of existing correctional programmes could be regarded as satisfactory.

Low programme integrity may be caused by things like weak programme structure, lack of a manual, insufficient staff training, organisational barriers, staff resistance to proper programme implementation, incidents that lead to political changes, unsystematic changes to the programme and lack of a basic philosophy of criminality and treatment.

With this body of scientific evidence supporting the notion that rehabilitation programmes have a positive effect on reducing recidivism, it is now possible to make recommendations for implementation of high-quality programmes in Swaziland correctional services.

CHAPTER 6

THE IMPACT OF CORRECTIONS-BASED EDUCATION AND WORK PROGRAMMES ON OFFENDER BEHAVIOUR

INTRODUCTION

It is well established that offenders sentenced to imprisonment or probation are, on average, less educated and have fewer marketable job skills than the general population. This provides justification for the provision of educational and work related skills as a form of offender rehabilitation. In addition to the presumed benefit of reduced risk of future offending, education and work programmes are believed to reduce problematical behaviours.

The main objectives of correctional programmes are to provide quality education and training for those offenders showing potential and enthusiasm, improve offenders' educational, vocational and life skills, change offenders' attitudes regarding work and prepare offenders for integration into society. It is also critical that correctional programmes meet the adjustment and employment needs of offenders. Therefore, these programmes should teach occupation and social skills that will help offenders to become productive and law-abiding citizens. In the light of such developments, it is appropriate to ask what is known about the role of correctional programmes in the rehabilitation of offenders.

The purpose of this chapter is to determine the impact of correctional programmes as a catalyst for behavioural change in enhancing rehabilitation efforts and preventing future criminal activity. This chapter provides an overview of the general levels of education amongst offenders, the effectiveness and the impact of the various correctional programmes on offenders, and the benefits to society. It also addresses the future prospects of education and the effect of not educating offenders.

THE NEED FOR CORRECTIONS-BASED EDUCATION

The impact of corrections-based education as a prerequisite to a stable, crime-free life is often overlooked. An increase in education and employability of offenders should contribute directly to the national economy. Yet, the majority of sentenced offenders worldwide are illiterate and have little school education. For purposes of this study the education levels of offenders in the US, UK and Canada are presented to provide a broad indication of the need for education in general.

Educational levels of offenders in the United States

According to the National Center for Education Statistics, 19% of the adult inmate population were completely illiterate in the early 1990s and 40% were functionally illiterate (e.g. unable to write a letter explaining a billing error). Comparatively, the national illiteracy rate for adult Americans stood at 4%, with 21% functionally illiterate (US Department of Education, 1992). Also consider the following as cited in Kerka (1995):

- Seven in 10 inmates performed on the lowest two levels of five literacy levels measured.
- 75% of inmates are illiterate and have a higher proportion of learning disabilities than the general population.
- Only 51% of inmates completed high school compared to 76% of the general population.
- Other studies found that more than 70% of inmates did not complete high school.

According to a national survey of reading programmes for incarcerated juvenile offenders, 90% of teachers providing reading instruction in juvenile correctional facilities reported that they had “students who [could not] read material composed of words from their own oral vocabularies” (Brunner, 1993). Gemignani (1994:2) reports that approximately 40% of youths held in detention facilities have some form of learning disability.

Like their juvenile counterparts, adults involved in crime are severely undereducated. Maguire and Pastore (1996:567) note that over 70% of all offenders entering correctional facilities in the early 1990s did not complete high school, with 46% having had some high school education and 16,4% having had no high school education at all. Similarly, the Bureau of Justice Statistics (2000) reports that 13% of parolees have an education level below eighth grade whilst 45% have an education level between the ninth and eleventh grades.

Educational levels of offenders in the United Kingdom

Statistics with regard to the educational levels of inmates in the UK reveal that (NLT, 2006):

- half of the 75 000 inmates gained no qualifications at school and suffer from poor literacy and numeracy skills
- fifty-two per cent (52%) of male inmates and 71% of female inmates had no school qualifications
- literacy tests devised by the Basic Skills Agency found that inmates’ reading skills were equivalent to that of 9 to 10-year olds. The 1998 results revealed that 60% had problems with literacy, and 40% had severe literacy problems.

Educational levels of offenders in Canada

Federal offenders in Canada undergo standardised testing upon admission to correctional facilities to determine the grade level achieved or at which the offender functions. Education programmes are then tailored to the individual educational levels of offenders, beginning instruction at the offenders' current achievement level.

During the early 1990s it was found that the average educational level of federal offenders upon admission was grade 7.5 (Correctional Service of Canada, 1995). Similarly, Lilly (1996) reported that over 60% of offenders tested below the high school level upon admission to prison. It is also reported that as many as 75% of Canadian inmates have low literacy skills, 36% of the offenders have not completed Grade 9, and the average educational level of newly admitted offenders serving a sentence of two years or more is Grade 7 (LiteracyBC, 2005).

THE EFFECTIVENESS OF CORRECTIONS-BASED EDUCATION

Correctional programmes aimed at developing basic educational and vocational skills have been offered in correctional systems for decades and are widely acknowledged as a key component of the corrections (rehabilitation) ideal. Despite this, research on the effectiveness of these programmes in reducing recidivism is not well developed. In part, this is due to the fact that correctional programmes have for decades not been formally evaluated. Up to 1975 only a small number of studies were available on all forms of correctional programmes (Lipton, Martinson & Wilks, 1975).

The lack of a solid research base concerning the effectiveness of correctional programmes is the result of many factors, but the design and delivery of these programmes has commonly violated many of the principles of effective correctional treatment and development as indicated in chapter 4. The available research, however, does indicate that certain carefully designed and administered programmes can improve offender behaviour and reduce recidivism. According to the Federal Bureau of Prisons (Harer, 1994:4), there is an inverse relationship between recidivism rates and education. The more education received, the less likely an offender is to be rearrested or reincarcerated.

The literature indicates that most offenders come from low-income, urban communities, which are the most likely to be underserved in terms of educational programmes (Petersilia, 2001:36). There also seems to be a strong link between low levels of education and high rates of criminal activity, and one of the best predictors of adult criminal behaviour has been found to be involvement in the criminal justice system as a young offender (Aiken, in Needham, 1992; Farrington, 1992; Petersilia, 2001). While literacy and poor academic performance seem not to be direct causes of criminal behaviour, young offenders who have received inadequate education or who exhibit poor literacy skills are disproportionately found within the criminal justice system (OSI, 1997).

Although correctional programmes are not a cure-all, details on the four educational areas (primary, secondary, tertiary and social education) covered in this section have shown that offenders with higher levels of education tend to have lower recidivism rates.

Primary education

Primary education refers to adult basic education (ABE) or literacy programmes which focus on reading, writing and numeric skills for adult offenders who function below the fifth grade level. Literacy skills are important in corrections-based education in several ways:

- Reading is a way to pass the time whilst incarcerated.
- Letters are a vital link with the outside world, and offenders often have to fill in forms to make requests.
- Some jobs require basic literacy skills to succeed in the labour market.

Research results on the effectiveness of ABE seem to vary. Whilst some researchers find no effect on recidivism, others report significant reductions in reoffending as indicated below.

Vito and Tewksbury (1999, in Seiter & Kadela, 2003:376) evaluated a programme aimed at increasing the literacy levels of offenders and reducing recidivism. Recidivism was measured 12 to 15 months after programme involvement. The results indicated that the educational component did not seem to have an effect on their recidivism rates when compared to non-graduates.

The Sacramento County Probation Department found that their literacy programmes caused no significant reduction in recidivism despite academic gains (Kerka, 1995). It is argued that the effects of literacy programmes are influenced by factors beyond educators' control:

“[O]ne can argue that literacy programmes do not change an economic system that requires employment and a working class, and that the ability to read does not change a social structure that reinforces inequalities” (Shethar, 1993:368).

Contrary to the above, other research findings demonstrate that literacy programmes can be effective. Newman et al. (1993; in Kerka, 1995) maintain that successful offender literacy programmes are learner-centred and recognise different learning styles, cultural backgrounds and multiple literacies.

Porporino and Robinson (1992a, 1992b) monitored 1 736 ABE participants released from Canadian prisons in 1988. Among those who completed the ABE programme (equivalent to completion of 8th grade), 30,1% were readmitted to prison during the follow-up period. Recidivism was 35,5% among those who were released from prison before the ABE programme could be completed, and 41,6% among those who withdrew from the ABE programme. The researchers also reported that the effect of ABE programme participation was especially effective among higher risk offenders.

Brunner (1993:6) argues that the recidivism rate can be reduced by 20% or more for juveniles involved in quality reading-instruction programmes. A five-year follow-up study conducted by the Arizona Department of Adult Probation concluded that probationers who received literacy training had a significantly lower rearrest rate (35%) than the control group (46%) (Siegel, 1997).

Secondary education

Secondary or general educational development (GED) programmes are primarily presented to offenders who function above the fifth grade level and prepare offenders to obtain a high school equivalency certificate (also referred to as a general equivalency diploma (GED)).

Gerber and Fritsch (1994) conducted an assessment of 14 studies of pre-college education programmes, examining post-release recidivism. Nine of the 14 studies found educational programme participation to reduce recidivism. Of the seven studies that received the highest methodology score, three found no relationship between educational programmes and recidivism, and four showed inverse correlations (the more education, the lower the recidivism).

In addition to recidivism measures, Gerber and Fritsch examined four studies that investigated the relationship of educational programme participation and post-release employment, and two studies that examined post-release participation in education as criterion variables. Three of the four studies of post-release employment found that inmates who participated in or completed prison education programmes were more likely to be employed after release. Both of the studies that examined post-release participation in education showed that inmates who participated in educational programmes while imprisoned were more likely to continue that participation in the community after release.

In a study conducted during 1988-1994 on the impact of correctional education on recidivism, Siegel (1997) revealed that offenders who received secondary education had a rearrest rate of 24% compared to the control group's rate of 46%.

Similarly, the results in chart 6.1 illustrate the impact of recidivism on offenders who earned their GED while incarcerated in comparison with offenders who did not obtain a high school equivalency certificate (Staley, 2001).

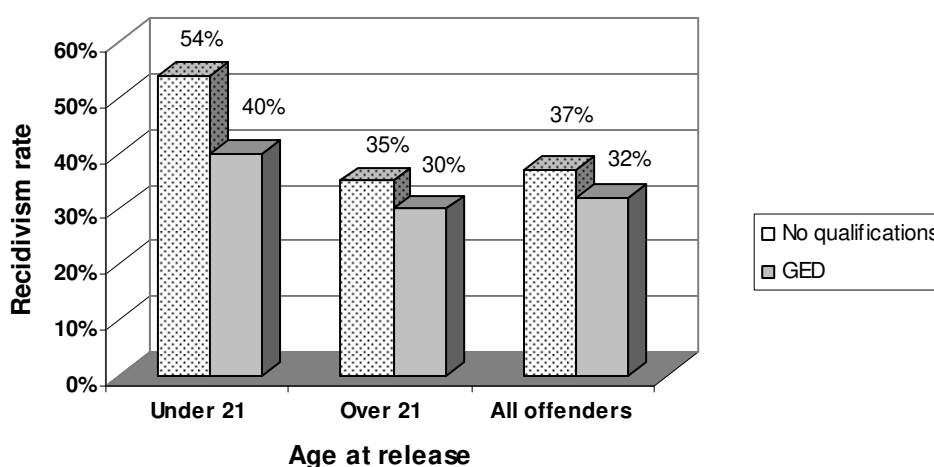


Chart 6.1: Recidivism rates: GED versus no high school qualification

Tertiary education

Tertiary or higher education refers to college and university level education. Various studies conducted in the US reveal that inmates participating in higher education programmes report significantly low recidivism rates ranging from 1% to 15,5% (Bettendorf, 1996, par. 52; Tracy & Johnson, 1994:6-7). A study conducted on degree holders leaving the Texas Department of Criminal Justice reveals that the recidivism rate was 15% compared to the general recidivism rate of 60%. A two-year follow-up report found that the overall recidivism rate for degree holders was 12%. Associate degree holders had a recidivism rate of 13,7%, offenders with bachelor's degrees had a rate of 5,6% and those with master's degrees did not recidivate (Tracy & Johnson, 1994:7).

Johnson and Smith (2003:3) postulate that 60% of inmates who are released from prison without receiving any additional education will recidivate. However, if an offender who is released has a high school education, the risk of returning to prison is reduced to 24%; if the offender has two years of college education, the recidivism rate drops to 10%; at four years of college education the rate drops to 5,6% and postgraduate degree holders have no recidivism rate.

Gerber and Fritsch (1994) examined 14 studies on the effect of college education in prisons. Measurement of programme participation varied across studies, from simple measures of participation, the completion of 12 college credit hours, to the completion of a college degree. Overall, Gerber and Fritsch (1994:6) found that “most studies [10 out of 14] report an inverse relationship between college education and recidivism”. As participation in college programme increased, recidivism rates decreased.

Social education

Social education is often referred to as life or cognitive skills training. Some programmes focus on skills needed for daily living such as hygiene, social interaction and basic financial management. Other areas that are commonly covered include personal awareness and development, crime awareness, sexuality and gender sensitivity programmes.

Another dimension is employability (interpersonal) skills which refer to a set of generic skills, attitudes and abilities considered by employers when examining potential job candidates. These skills include self-esteem, interpersonal communication, problem solving, conflict resolution, teamwork and leadership abilities (Latendresse & Cortoni, 2005). Moreover, survey results with Fortune 500 companies confirm that employers value generic employability skills above job-specific skills (Coton, 1993; in Latendresse & Cortoni, 2005). The focus on teaching offenders general employability skills as opposed to job-specific skills has become increasingly important and has been introduced in Canadian correctional employment programmes (Fabiano, LaPlante & Loza, 1996).

Generic employability skills have the advantage that they are transferable and applicable across various work environments. Job-specific skills might be important for the offender's existing institutional employment; however, many offenders will not be able to find the same employment outside the corrections setting (Latendresse & Cortoni, 2005).

There is no empirical data available that suggests that *basic community skills* have had an effect on recidivism. Wilkinson (2001, in Seiter & Kadela, 2003:369) describes a study of inmates who were transferred to a pre-release centre and received extensive programming on how to prepare a résumé, search for a job and respond to a job interview within the last six months of their sentence. Aspects such as counselling regarding reuniting with family and friends and what to expect in these relationships, how to open a bank account and apply for credit and how to find a place to live were also included in the programme. These interventions seemed to fail due to a group approach without dealing with specific needs and risks of individual offenders.

Gerber and Fritsch (1994) and MacKenzie (2000) report on a small group of studies that probed the effect of life skills or social education training. These programmes are, in many respects, more difficult to evaluate than traditional academic or vocational education programmes. In the first place it was found that the content of these programmes varies widely. Secondly, measuring the impact of employability skills is very difficult. Despite these problems, a few studies claim to have documented improvement in these psychosocial dimensions. However, the relationship between personal growth and reduced recidivism has not been documented. MacKenzie (2000:469) also reiterates that not enough evidence is available to draw conclusions about the effectiveness of social education in reducing recidivism of offenders.

THE EFFECTIVENESS OF WORK RELATED PROGRAMMES

Vocational programmes

Vocational programmes in prisons take numerous forms, from building trades, motor mechanics, fitting and turning, carpentry and upholstery, manufacturing of furniture and clothing to computer training. The premise of vocational programmes is that inmates who actively participate in these programmes have a significantly lower likelihood of being reincarcerated and the acquisition of vocational skills increases offenders' legitimate employment opportunities after release. Generally, the available research on vocational education indicates that these programmes are effective in reducing recidivism.

Gerber and Fritsch examined 13 studies and found in nine of the studies that vocational education programmes are effective and reduce the recidivism of offenders. As an example, Saylor and Gaes (1992, in Gerber & Fritsch, 1994:8) investigated vocational-technical training in the Federal Bureau of Prisons and found that inmates who received vocational training while in prison:

- adjusted better (fewer disciplinary violations) than those who did not receive such training
- were more likely to complete stays in a halfway house
- were less likely to have their release on parole revoked
- were more likely to be employed after release.

MacKenzie's research (2000) has shown that programmes that begin job search assistance and preparation for employment prior to leaving prison and that continue assistance after release hold promise for reducing recidivism. Harer (1994), Sampson and Laub (1997) and Uggen (1999) indicate that offenders released from prison who have a legitimate job (with higher wages or higher quality jobs) are less likely to recidivate.

Seiter and Kadela (2003:373-374) evaluated two studies done by Saylor and Gaes (1992, 1997) and one study by Turner and Petersilia (1996) and concluded from the results of the studies that vocational training and/or work release programmes are effective in reducing recidivism as well as improving job readiness skills. The study by Turner and Petersilia (1996) indicates that the work release programme achieved its primary goal of preparing inmates for final release and facilitating their adjustment to the community. Although there are indications that those who participated in work release programmes were somewhat less likely to be rearrested, the results were not statistically significant. Saylor and Gaes (1992, 1997), who compared offenders participating in training and work programmes with similar

offenders who did not take part, demonstrated significant training effects on both in-prison (misconduct reports) and post-prison (employment and arrest rates) outcome measures.

While the period of imprisonment could be viewed as an opportunity to build skills and prepare inmates for job placement, the literature provides mixed to negative support for the effectiveness of in-prison job training programmes (Bushway & Reuter, 1997; Gaes et al., 1999; Wilson et al., 1999a, 1999b). In addition, long periods of imprisonment may weaken social contacts that lead to slighter employment opportunities upon release (Hagan & Dinovitzer, 1999; Western, Kling & Welman, 2001). There is also evidence that suggests that being labelled as a criminal (e.g. being arrested or imprisoned) may adversely affect subsequent employment stability (Bushway, 1998).

Gardner (2002:8) indicates that certificates issued by a correctional institution bear little weight on the outside, and that they are often considered detrimental to an offender's ability to obtain a job. It has been shown to be more beneficial when certificates are endorsed or provided by organisations or trade associations that are directly related to the vocational skill required.

Prison labour and inmate behaviour

Like the findings of research on corrections-based education programmes, research on prison labour is also encouraging. It appears that prison work experience operates through several mechanisms to produce better behaved inmates, lower recidivism rates and higher rates of involvement in constructive employment after release.

Just as offenders present deficient educational records upon entry to prison, their work histories also reflect vague or non-existent employment records, few marketable skills and an inadequate work ethic. Thus, the purpose of prison labour has always been multifaceted, and includes instilling positive work attitudes and the development of self-discipline and marketable skills. In addition to these offender-focused goals, work programmes have sought to be economically self-sufficient (if not profitable), and to keep inmates occupied in productive activities that reduce the risks associated with inmate idleness. The administration of prison labour programmes and the question of whether such programmes assist in reducing recidivism are complicated by the multiple goals and objectives that are sought through prison labour (Flanagan, 1989).

As a research issue, prison labour also suffers from definitional ambiguity; the definition of “prison work assignment” may range from innocuous and trivial institutional maintenance assignments to 40 hours per week in workshops that approximate real-world work practices. Moreover, as prison populations have grown rapidly during the past two decades, correctional agencies have not kept pace in providing industry related jobs for inmates. All these factors have a direct influence on the outcomes of research.

The lack of empirical evaluation of the effect of prison work is indicated by the fact that Lipton, Martinson and Wilks (1975) did not consider the area of institutional employment at all in their study. The approach followed in later studies has been to compare recidivism rates of inmates released after having worked in prison workshops with rates for a comparison group of non-employed inmates. In all but one comparison (State of Utah, 1984) there were no significant differences between employed and non-employed inmates (Johnson, 1984; Basinger, 1985; Flanagan, Thornberry, Maguire & McGarrell, 1988). The State of Utah (1984) found that the one-year-return-to-prison rate for all inmates released in 1983 was 29%, compared to 13% for correctional industry participants released during the same period. In terms of in-prison behaviour, however, participation in prison industry was consistently associated with lower rates of disciplinary problems.

Saylor and Gaes (1997) point out that male offenders who participate in institutional employment are 24% less likely to recidivate and those who participate in either apprenticeship or vocational training are 33% less likely to recidivate during the follow-up period of eight to twelve years post-release.

A general overview of the effectiveness of correctional programmes

Hull, Forrester, Brown, Jobe and McCullen (2000:256) examined a sample of 3 000 records of male and female offenders within the Virginia Department of Corrections who were released on parole during the period 1979-1994. The results in table 6.1 suggest that offenders who are successful in the completion of an educational or vocational programme while incarcerated reoffend at a much lower rate than those who do not enrol for any programme.

Table 6.1: Reincarceration rate (Hull et al., 2000:259)

	Total number	Number reincarcerated	Percentage reincarcerated
No programme involvement	1 307	641	49.1
Academic - enrolled but did not complete	469	179	38.2
Vocational - enrolled but did not complete	319	119	37.3
Academic completers	451	86	19.1
Vocational completers	456	97	21.3

The information gathered with regard to the employability rate of parolees (see table 6.2) suggests that those who complete an educational programme while incarcerated have a much higher employment rate (77,9%) than those who do not enrol for an educational programme (54,6%).

Table 6.2: Employment status for individuals on parole (Hull et al., 2000:259)

	Total number	Number employed	Percentage employed
No educational involvement during incarceration	183	77	54.6
Academic enrolled but did not complete	96	59	61.4
Academic completers	68	53	77.9

In a three-state recidivism study (Steurer, Smith & Tracy, 2002:40) it was found that the rearrest, reconviction and reincarceration rates were lower for the prison population who had participated in corrections-based education compared to non-participants. The differences were significant in every category as indicated in table 6.3.

Table 6.3: Recidivism rates: Participants versus non-participants (Steurer et al., 2002:40)

	Participants	Non-participants
Rearrest rates	48%	57%
Reconviction rates	27%	35%
Reincarceration rates	21%	31%

In a large-scale study of offenders released from Ohio prisons in 1992 Wilkinson (1998, in Gardner, 2002:8) concluded that:

- those inmates who earned a GED or college degree closer to their release date were less likely to return to prison
- less serious offenders' recidivism rates were significantly lower if they achieved a vocational certificate or educational degree
- recidivism rates for more serious offenders were significantly reduced if they participated in an educational programme during incarceration
- female offenders who participated in educational programmes had a 33% lower rate of recidivism than those not involved; this finding held, even if an offender did not complete a given programme
- some educational programmes seemed to be more suited to specific age groups; ABE had a more significant impact on older inmates whilst vocational, GED and college had a more positive effect on younger inmates.

A 1996-97 study by the Florida Department of Corrections (2006) revealed that inmates who completed a correctional programme were more successful after release than those who did not (see table 6.4).

Table 6.4: Success rates of programme completers

PROGRAMME COMPLETED	Less likely to recidivate	Successful after release
Vocational certificate	14,6%	75%
GED	8,7%	70%
Substance abuse programme	6,2%	66%

In a study of prison behaviour and post-release recidivism of more than 14 000 Texas inmates released during 1991 and 1992, Adams, Bennett, Flanagan, Marquart, Cuvelier, Fritsch, Gerber, Longmire & Burton (1994:442) found increases in academic achievement, but recidivism was affected only when programme participation was measured by hours that offenders participated on a programme before release from prison (see table 6.5).

Table 6.5: Hours of programme participation versus recidivism rates

HOURS OF PARTICIPATION	Recidivism rate: Academic programmes	Recidivism rate: Vocational programmes
No programme participation	23%	22%
Less than 100 hours	25%	23%
More than 300 hours	17%	18%

Adams et al. (1994:446) also found an important interaction of programme exposure and offenders' needs for educational programmes. Confirming the risk principle, the greatest reduction in recidivism was evidenced among inmates whose initial educational achievement levels were low and who received the highest level of exposure to educational programmes. "When these two factors [were] combined, the data suggest that the recidivism rate can be reduced by about one-third if extensive services are targeted at inmates at the lowest level of educational achievement" (Adams et al., 1994:447). These researchers concluded that correctional intervention works best when programmes are matched with offenders' needs and are delivered in a concerted, purposeful manner. This point implies that correctional programme administrators must be more successful in assigning inmates to programmes so as to maximise the use of resources and minimise the prospect of recidivism (Adams et al., 1994:448-449).

As with the studies of basic and secondary education reviewed by Gerber and Fritsch (1994), analyses of college programmes found that participants are more likely to be employed after release (three out of three studies) and participate in additional educational opportunities after release, and that college programme participants may have more favourable prison disciplinary records than non-participants.

EMPLOYMENT AND RECIDIVISM

The National Literacy Trust (NLT, 2006) reveals that 67% of all inmates in the UK were unemployed at the time of imprisonment. Similarly, Motiuk (1996) indicates that two-thirds of Canadian male federal offenders were unemployed at the time of their arrest. This correlates with Gillis's finding (2000) that 75% of offenders (men and women) were identified as having employment needs upon admission to the federal correctional system.

Given the high correlation between early school leaving and unemployment, it is not surprising that many offenders report inconsistent employment histories. This is problematic given that various reviews have identified employment as an important risk factor within the offender population (Andrews & Bonta, 2003; Gendreau, Goggin & Gray, 1998; Gillis, Motiuk & Belcourt, 1998). A meta-analytic review of employment factors and recidivism among adult offender populations have, for example, confirmed that employment history and employment needs at release are predictive of recidivism (Gendreau, Little & Goggin, 1996).

Motiuk (1996) found that offenders with a history of unstable employment are at a much greater risk of reoffending than offenders with a history of constant employment. Similarly, May (1999) studied the records of over 7 000 offenders in England and Wales starting community sentences in 1993. The results revealed that unemployed offenders are significantly more likely to be reconvicted within two years than offenders who were employed.

Brown and Motiuk (2005) reveal that unemployment related indicators (e.g. 'unemployed 50% or more', 'unstable job history') along with 'lacks a skill, area, trade or profession' are strongly associated with the readmission of released offenders. The study indicates that an unstable job history is a strong predictor of readmission whilst the indicator 'lacks a skill, area, trade, or profession' is moderately predictive of readmission.

The majority of inmates also leave prison without savings, immediate entitlement to unemployment benefits and with poor prospects for employment. Survey data indicates that one year after being released, as many as 60% of former inmates are not employed in the regular labour market (Watts & Nightingale, 1996).

Although some employment programmes are effective in reducing recidivism, studies show that released offenders have a lowered prospect to secure employment and decent wages (Beirnsstein & Houston, 2000). This can be attributed to:

- limited opportunities given to offenders to participate in meaningful work or vocational education while in prison
- terms of imprisonment which disrupt chances for developing work skills and experience
- prolonged imprisonment - as time spent in prison increases, the likelihood of participating in the legal economy decreases.

To be successful, Gardner (2002:6) postulates that placement programmes need to contain several elements, namely:

- offenders who are willing and ready to obtain and keep a legitimate job after release
- employers who are prepared to give an offender a second chance
- someone to aid the offender with related services (e.g. housing)

Several factors about prison experience contribute to reducing the employability of former offenders. One reason cited for why job training has not been more effective in reducing recidivism is the general lack of job placement assistance and other follow-up after release from prison or community-based sentence.

Zajac (2002:2) indicates that research strongly suggests that assistance with re-entry and aftercare should begin immediately upon release from prison. This is found to be especially important with regard to employment assistance. Difficulty with finding and keeping a job immediately after release is strongly correlated with imprisonment. Offenders who cannot maintain stable employment are at very high risk of failure. Re-entry programmes that provide immediate job readiness training and job search and placement assistance hold great promise for reducing recidivism rates (Byrne, Taxman, & Young, 2002; Nelson & Trone, 2000; Zajac, 2002).

OFFENDER EMPLOYMENT CHALLENGES

Upon return to the community, former inmates face a number of significant barriers to securing employment, particularly employment outside the low-wage sector. Some of the major barriers are listed below (Holzer, Raphael & Stoll, 2002; Sampson & Laub, 1997; Western et al., 2001):

- Many returning offenders' educational levels, work experience and skills are well below the national averages for the general population, which make them less desirable job candidates.
- Employees are more reluctant to hire former prisoners than any other group of disadvantaged workers. An employer's willingness to hire also depends on factors related to the circumstances of the individual's criminal history. Employers will review the applicant's experiences since their release such as the nature of the offence (violent versus property crime), how much time has passed since release, and whether they have had any work experience in the meantime.
- Job applicants with a criminal record are substantially less likely to be hired due to the stigma attached. Individuals with previous criminal convictions are also statutorily barred from many jobs.
- The availability of criminal records online and changing public policies regarding access to those records make it easier for employers to conduct criminal background checks on potential employees.

- The kinds of jobs for which employers have historically been more willing to hire individuals who were formally incarcerated – mining, construction and manufacturing jobs – are diminishing in the national economy. At the same time, jobs from which former offenders are barred or for which they are less likely to be hired – childcare, elder care, customer contact and service industry jobs – are expanding.

Collaboration efforts

Research indicates that successful re-entry initiatives involve collaboration between governmental agencies, social service agencies and partnerships with other community-based programmes and business. Government departments of health, public welfare, labour, commerce and industry, parole agencies and social service organisations all have a vested interest in what happens to offenders after their release from prison, but they usually do not have access to them while they are incarcerated. The collaboration of these agencies could improve outcomes by creating a system which provides a continuum of care, reduces duplication of services, shares costs and lowers each individual agency's overall investment (Gardner, 2002:10).

Work becomes a central component of the re-entry process and the journey toward a pro-social identity. If former prisoners are working, they can support their families, contribute to their communities, provide for their own needs and claim a role as a productive member of the community.

THE IMPACT OF CORRECTIONS-BASED EDUCATION ON OFFENDERS AND BENEFITS TO SOCIETY

The impact of education results in many benefits not only to the offenders, but to society as a whole. The benefits and influences of increased employment opportunities, impact of education on correctional environment and financial benefits of corrections-based programmes are briefly discussed below.

Increased employment opportunities

Studies have shown that individuals who receive higher education while incarcerated have a significantly better rate of employment (60-75%) than those who do not participate in college programmes (Taylor, 1993:88).

The completion of secondary school or higher qualifications ensures a higher employment rate and lower criminal activity rate than those who do not complete academic programmes while in prison (Gerber & Fritsch, 1995:126).

Training and education in job-seeking skills will also contribute to employment after release. Five to nine months after release, a follow-up study proved that the offenders' prison record represents the major barrier when seeking employment. Those who obtain qualifications in prison are twice as likely to work after release as those who do not (Hamlyn, 2000:1).

The impact of education on the possibility of offenders gaining employment is positive. Increased employment opportunities will have many positive results, such as being able to provide for themselves and their families, making economic contributions such as paying tax and a decline in recidivism.

Impact of education on the correctional environment

Inmate students are better behaved, less likely to engage in violence and more likely to have a positive effect on the general prison population (Taylor, 1993:88). Educated offenders could also contribute to the enhancement of safety and security within the correctional environment.

Early prevention strategies that include literacy can help to reduce risk factors such as poverty, unemployment and isolation that can lead to crime (LiteracyBC, 2005).

Incentives are important motivators, whether programmes are mandatory or voluntary. Sentence reductions, parole consideration, preferential prison employment, pay for school attendance and grants for higher education are typical rewards for participation and achievement (Jenkins, 1994; Thomas, 1992).

Financial benefits of corrections-based education

The expense of providing corrections-based educational, vocational and work programmes is minimal when considering the impact upon rates of recidivism and the future benefits of preventing crime. The prevention of crime eliminates costs not only to the criminal justice system, but also to crime victims and offenders (e.g. legal costs and loss of income while incarcerated).

It can thus be argued that programmes providing a service to offenders are the most cost-effective method of crime prevention. In the early 1990s, for example, New York State estimated the cost of incarcerating an adult inmate per year at R164 690, compared to R16 469 per offender per year to provide higher education in prison (Taylor, 1993:88). Most of these programmes were provided by community colleges and universities that offer moderately priced tuition.

The savings of providing rehabilitation programmes are substantial when considering the findings of a 1996-97 study done by the Florida Department of Corrections (Florida Department of Corrections, 2006)¹:

- The recidivism rate for the 1 788 inmates who received a GED was 29,8% compared to the control group (35,4%). This reduction in recidivism (5,6%) translates into approximately 100 inmates not returning to prison. Avoiding the cost of their reincarceration for one year would amount to cost savings of approximately R12.5 million.
- The recidivism rate for the 1 793 inmates who earned a vocational certificate was 26% compared to the control group (35,4%). This reduction in recidivism (9,4%) translates into approximately 169 inmates not returning to prison. Avoiding the cost of their reincarceration for one year would amount to cost savings of approximately R21 million.
- The recidivism rate for the 3 129 inmates who completed a substance abuse programme was 31,4% compared to the control group (35,4%). This reduction in recidivism (4%) translates into approximately 125 inmates not returning to prison. Avoiding the cost of their reincarceration for one year would amount to cost savings of approximately R15.8 million.

Footnote 1

Cost avoidance is derived by multiplying the number of inmates who complete a programme by the reduction in recidivism percentage (difference in completers and non-completers) and multiplying this number by an annual incarceration rate of R12 5 164,40 per inmate (Office of Program Policy Analysis and Government Accountability; Report No. 00-23:48).

Note: The value of the SA rand as on 25 October 2007 was used in the calculations of costs (see appendix D).

THE FUTURE PROSPECTS OF CORRECTIONAL EDUCATION

The researcher recognises the need for programmes to assist prisoners to grow in self-esteem and have a sense of personal well being. It is believed that the task of education and training within prisons is not simply to rehabilitate prisoners, but to empower them so that they can operate effectively in a new set of social and economic circumstances with adequate skills and an appropriate view on life after release.

Every prisoner has a right to have access to basic education to ensure at least minimum numeracy and literacy, as well as some form of appropriate job related skills. Increased access to education, enhanced educational support and funding should be provided to ensure efficient reintegration of offenders.

With more funding made available for education, offenders will be released with improved levels of education that are more in line with the general population. They will also be better prepared to gain employment and the chances of becoming valuable members of society will increase.

It has been found that parents' educational levels are clear predictors not only of the educational level of their children, but also of the level of parental involvement in the education of their children. By educating adult offenders, the impact is positive and long-lasting upon the lives of their children (OSI, 1997:6).

The offender as a learner presents significant challenges to educators. Poor self-concept, low achievement levels and learning disabilities all present challenges to correctional education. Offenders have often had prior negative education experiences which have resulted in low self-confidence and negative attitudes about learning. Effective correctional education programmes thus need to improve offenders' attitudes about learning, which have often contributed to illiteracy and under-education. Offenders also have a history of failure in school and this typically leads offenders to assume that they will not succeed in their current schooling (Mason, 1993).

The mistake often made by educators is that programmes are designed around available resources and not around specific needs of offenders. Therefore, correctional education programmes need to be tailored to the individual education levels of offenders, beginning instruction at the offenders' current achievement level and specific needs.

To help deal with the unique problems facing the prison population, education should focus on social education. Classes in anger management, effective communication skills and parenting should be increased in prisons. Vocational and academic education should be expanded to include skills that will increase employment upon release in keeping with current employment trends. Work related and entrepreneurial programmes should provide for experiential learning with achievement certification, which prepare offenders for jobs with a liveable wage, as directly related adjuncts to vocational and social education.

However, for correctional education programmes to be successful, it is critical that post-release follow-up and support be provided for offenders. Currently, little (if any) funding is made available by many a government for follow-up and support of offenders after release. Alternate and varied sources of funding should also be considered, for example tertiary institution assistance and non-governmental support in the form of a community service, and the individual financial contributions of offenders and their families.

To meet these requirements it is suggested that educational institutions examine ways of implementing a consistent policy of education provision for sentenced offenders. This policy could include:

- the recognition of enrolled offenders as belonging to a category of disadvantaged persons
- the development of standardised policies to enhance opportunities for offenders to access education and training programmes
- the allocation of funding and/or provision of course material to provide education in prisons
- standardised testing procedures upon admission to correctional facilities to determine the grade level achieved by the offender or at which the offender functions
- awareness programmes to inform educators of educational restrictions in prisons.

CONCLUSION

Gerber and Fritsch (1995) analysed 42 studies to determine the effect of adult academic and vocational education on post-release recidivism, employment and participation in education in the USA. “In sum, the research shows a fair amount of support for the hypotheses that adult academic and vocational correctional education programs lead to fewer disciplinary violations during incarceration, reductions in recidivism, to increases in employment opportunities, and to increases in participation in education upon release” (Gerber & Fritsch, 1995:136).

Quality education programmes have consistently reduced recidivism by 16 to 62% (Batiuk, 1997; Batiuk, Moke & Rountree, 1997; Califano, 1998; Clark, 1991; Duguid, 1997; Taylor, 1992). Generally, post-secondary correctional education programmes reduce recidivism the most (Batiuk, 1997; Batiuk, Moke & Rountree, 1997; Clark, 1991; Duguid, 1997; Martinez & Eisenberg, 2000).

The reduction in reoffending appears greater for education programmes than for work programmes. Unfortunately, the evidence is currently insufficient to conclude that work programmes reduce recidivism, although the pattern across studies was positive. The finding of large heterogeneity in effects across studies within programme types suggest that some programmes may be highly effective, whereas others may have no effect, or at least a minimal effect, on future offending behaviour (Wilson, Gallagher & MacKenzie, 2000:361). What is evident is that offenders need to learn job skills and develop thinking strategies that will help them avoid committing crime (Platt, Bohac & Barnes, 1993:68).

Reintegration of inmates is a problem for many reasons:

- The offender populations have increased and the profile of offenders has changed considerably during the past two decades.
- The communities to which offenders return are less stable and less able to provide social services and support to these large numbers of returning offenders.
- Offender rehabilitative programmes are less available to meet offender needs.
- The focus is on supervision and monitoring rather than casework and support.
- Parole and release officials of inmates re-entering society have compounded the problem of lack of programmes.
- There are a large number of released offenders failing in the community and being returned to prison, with the majority returning for technical violations rather than the commission of new crimes.

The general public has a very negative view of offenders/former offenders and does not realise that thousands of offenders are released into the community every month. If the belief is that offenders released from prison need no assistance from the community and should be rejected by them, then they should not lament the fact that former inmates will again turn to crime – and that to the detriment of the community.

The offender thus has a responsibility to make use of available opportunities and refrain from committing crime. Society, on the other hand, has a responsibility not to discriminate against former offenders, but rather to treat them as any other citizen. A member of society who refuses to accept a former offender into society or to give such a person an opportunity to prove himself/herself cannot claim to be fulfilling his or her responsibility as a member of the community of good citizens.

With all the evidence available supporting the positive impact of corrections-based education, it is critical that programmes be expanded and fully maintained to allow for the rehabilitation of offenders in Swaziland. If the criminal justice system and broader community are serious about a safer society for all, it is critical that the most humane and cost-effective means in ensuring the delivery of educational programmes that contribute to the upliftment of offenders be adopted.

PART C

A PROFILE OF THE SWAZILAND CORRECTIONAL SERVICES ENVIRONMENT

CHAPTER 7

A PROFILE OF THE OFFENDER POPULATION AND CORRECTIONAL SERVICES ENVIRONMENT

INTRODUCTION

Through offender population profiling and trend analysis, chapters 7 and 8 illustrate the value of systematically assessing and reassessing various socio-economic aspects of offenders to assist Swaziland correctional services in determining the most important risk and need factors to be addressed throughout the correctional process.

Chapter 7 provides the required background on sentencing practices and the current management of the prison system and offender populations. This information is used to provide the basis for recommending medium- to long-term strategies by which offenders can be managed and treated within a humane correctional environment in Swaziland.

Information was gathered through surveys completed by heads of prisons, unstructured interviews with practitioners in the criminal justice system and information retrieved from the Swaziland Central Statistical Office and annual reports of the Swaziland correctional services.

OFFENDER POPULATION TRENDS

Poverty, unemployment and underemployment are seen as the major contributors towards crime. The Minister of Finance indicated in the 2004 budget speech that about 66% of the population live below the poverty line, many on less than R7 per day (Sithole, 2004:par. 31). It is also estimated that up to 40% of the working age population is currently unemployed or underemployed (Thompson, 2004: Overview).

Unsentenced inmates

Table 7.1 presents the number of unsentenced (awaiting-trial) inmates referred to the high court over the period 31 December 2001 to 31 December 2006. Inmates await their court appearances for periods ranging from a few days to more than three years. The majority seem to be detained for a period of 6 to 12 months. The table also reflects a steady decrease (55% in 2004, 37% in 2005 and 11% in 2006) in the awaiting-trial population that are detained for more than 12 months.

Table 7.1: Unsentenced inmates referred to the high court: 2001-2006 (Kunene, 2007)

INMATE POPULATION	2001	2002	2003	2004	2005	2006
0-3 months	16	35	11	2	0	1
More than 3 to 6 months	33	24	3	2	1	4
More than 6 to 12 months	86	31	14	21	28	15
More than 1 to 2 years	58	14	11	18	6	1
More than 2 to 3 years	29	17	6	5	7	6
More than 3 years	6	6	8	8	4	4
Total	228	127	53	56	46	31

The overwhelming problems of long terms of detention of awaiting-trial inmates are aggravated by legislation and the lack of efficiency on the part of the police and judiciary, and are not attributable to correctional services. Prison administrators report that a number of inmates are continually remanded back to prison. Laws that have been passed include a provision that allows 60 days' detention without trial (*Sunday Times*, 2003), and the Non-bailable Offences Act of 1998, which prevents courts from granting bail to persons arrested for rape, murder, armed robbery and other serious crimes (IRIN, 2003:1). The non-bailable offence provision and slow delivery of justice have exacerbated ongoing judicial problems such as lengthy pre-trial detention, the backlog of pending cases and continual remands in custody by the courts. Traditional courts have contributed to this congestion by referring offenders to prison waiting to be tried for petty offences.

There was a steady decline of 228 high court awaiting-trial inmates from December 2001 to 31 December 2006. This can be attributed to the abolishment of the Non-Bailable Offences Act of 1998 during 2004, the eventual renewal of presiding officials' contracts, appointment of additional judiciary officials and endeavours by the judiciary to reduce the backlog of pending cases towards the end of 2004. Traditional courts are lately also not allowed to send offenders to prison while awaiting their trials.

Offenders convicted of criminal offences

Table 7.2 depicts the trends of offenders convicted of criminal offences, but not necessarily incarcerated, during the period 2001 to 2005. Narcotic (66%), economic (14%) and violence (12%) related offences are the most prevalent crimes committed by offenders in the five-year period. Public morality (1%) and other offences (7%) such as contempt of court and the defeat of the course of justice were not as prevalent.

The steep increase in convictions in 2005 can be attributed to contracts of judges and magistrates which were not renewed in good time, which caused a backlog due to cases pending. The eventual renewal of contracts and appointment of additional judicial officials thus led to the sudden increase in convictions during 2005. Another factor that contributed to the rapid increase of convictions in 2005 was the abolishment of custodial remanding by Swazi Court Presidents which enabled timely convictions (Simelane, 2007).

Table 7.2: Offenders convicted of criminal offences (Adapted from statistics obtained from Tsabedze, 2007a)

CRIME CATEGORY	2001	2002	2003	2004	2005
Violent offences					
Murder	30	22	16	8	29
Culpable homicide	0	0	1	1	7
Assault with intent to do GBH *	162	205	183	199	544
Common assault	422	408	399	359	533
Robbery	56	108	95	77	242
Other	19	10	11	6	28
Subtotal	689	753	705	650	1 383
Sexual offences					
Rape	25	25	24	51	256
Assault with intent to commit rape	1	0	0	1	23
Other	5	6	10	9	42
Subtotal	31	31	34	61	321
Economic offences					
Housebreaking & theft	199	204	212	692	454
Common theft	385	315	372	360	987
Other	74	159	111	332	208
Subtotal	658	678	695	1 384	1 649
Narcotic offences					
Habit-forming drugs	539	570	614	564	855
Liquor licence proclamation	817	1 036	1 190	1 267	1 345
Other	2 339	2 227	3 472	3 326	3 819
Subtotal	3 695	3 833	5 276	5 157	6 019
Miscellaneous offences					
Contempt of court	205	419	554	355	256
Defeat of course of justice	12	19	6	17	23
Other	93	91	58	139	141
Subtotal	310	529	618	511	420
TOTAL	5 383	5 824	7 328	7 763	9 792

* GBH = Grievous bodily harm

Common assaults were the most prevalent violent offence committed by offenders in Swaziland over the five-year period (2001 – 2005). During 2005, 78% of offenders were found guilty of assault, 18% for robbery and 2% for murder and other violent offences, respectively. Convictions for rape have rapidly increased since 2003. Rape convictions represent 80% of all sexual offences committed during 2005.

The most prevalent offences committed in the economic crime category were common theft (60%) followed by housebreaking and theft (28%). There was a notable increase in 2004 and a decrease in 2005 in the conviction of offenders for housebreaking and theft. The reason for this phenomenon is unknown.

The crime category of habit-forming drugs refers to offenders convicted of dealing or using drugs. The liquor licence proclamation crime category refers to offenders convicted for selling liquor without a licence (Tsabedze, 2007b). The Swaziland Central Statistical Office could not provide a proper breakdown of narcotics related offences, thus making it difficult to determine trends in this category.

Sentenced inmates

The sentence length imposed on offenders admitted to prison during the period 2001 - 2005 is depicted in table 7.3. The average of the sentence lengths per sentence group and percentage for the five-year period are also indicated to provide a holistic picture. The statistics show no steady trend in the conviction rates from year to year. The majority (60,5%) were serving sentences of 12 months or less. Twenty-six per cent (26%) served sentences between 12 and 18 months whilst 13,5% served sentences of 18 months or more.

Table 7.3: Offenders admitted to prison as per sentence group (Adapted from statistics obtained from Tsabedze, 2007a)

SENTENCE GROUP	2001	2002	2003	2004	2005	Average	%
0 to 6 months	1 489	1 296	1 956	2 436	1 909	1 817.2	30,3
More than 6 months up to 12 months	2 043	2 120	1 143	2 103	1 658	1 813.4	30,2
More than 12 months up to 18 months	928	1 396	3 076	861	1 520	1 556.2	26,0
18 months and more	690	687	1 035	677	970	811.8	13,5
Total	5 150	5 499	7 210	6 077	6 057	5998.6	100,0

Prison population trends

Chart 7.1 indicates the daily average inmate population (DAIP) versus the inmate population as at 31 December for the period 2001 - 2005. The DAIP calculated for the five-year period was 3 068, which implies that the prison population was fairly well maintained over this period.

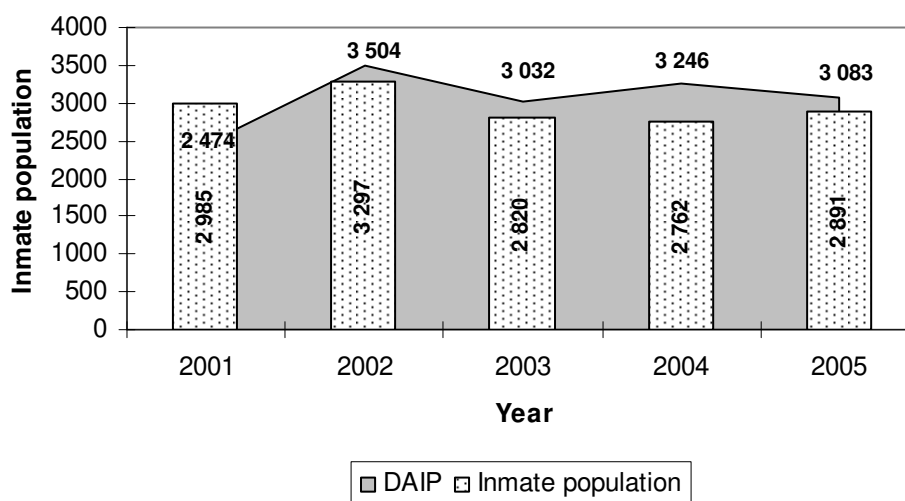


Chart 7.1: Prison population trends (Adapted from statistics obtained from Tsabedze, 2007a)

Prison capacity versus inmate population

The capacity of prisons in Swaziland is determined by the number of beds per prison. For quite a number of years the official capacity was indicated as 3 080. The Commissioner's office recalculated the prison beds on 26 September 2006 and officially changed the capacity of all prisons to 2 838.

In chart 7.2 a comparison is made with regard to the official prison capacity (2 838) and DAIP for the period 2001 to 2005. During 2001 the DAIP was 87% of the official capacity. During the period 2002 to 2005 the official prison capacity was exceeded annually by 23,5%, 6,8%, 14,4% and 8,6%, respectively.

It is evident that the prisons are not extremely overcrowded (see table 7.6). Some prisons do exceed their occupancy levels for the most part of the year because offenders awaiting trial are detained in these prisons, which are situated close to courts of law. The Commissioner maintains a firm hand over the inmate population and has thus contained the population close to the official prison capacity over the past five years. If the inmate population is not

restricted, the population is expected to rise to 4 388 by 2010. This implies an overpopulation of 45,4% if no additional prisons are erected or alternatives for imprisonment are implemented.

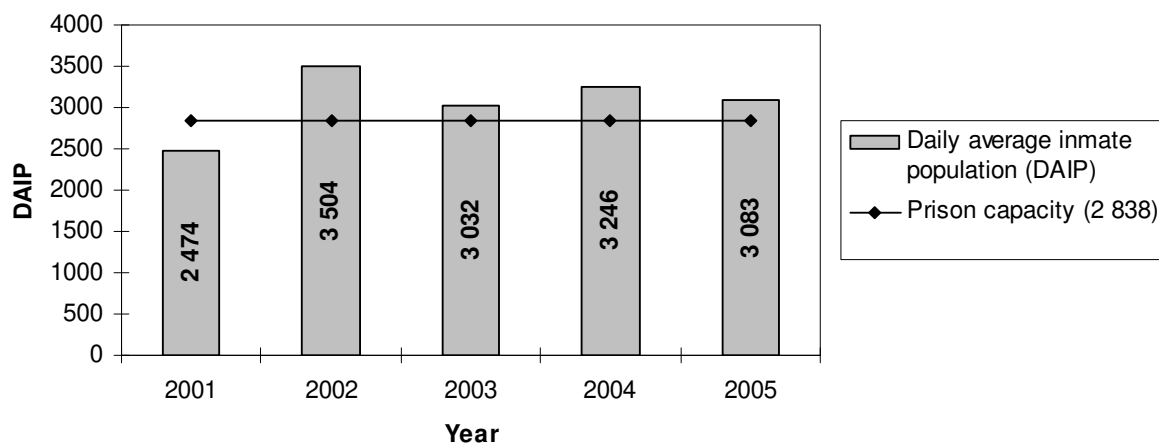


Chart 7.2: Official prison capacity versus the DAIP (Adapted from statistics obtained from Tsabedze, 2007a)

Age of offenders

Table 7.4 provides an overview of the age of offenders admitted between 2001 and 2005. The average and percentage per age group for the five-year period are also indicated in the table. It can be deduced that the majority (30%) of the offenders admitted to prison were in the age group *20 and under 25 years* followed by the *16 and under 20 years* group (25%). Those in the age groups *under 16 years*, and *50 years and older* accounted for 6% each. The age group *25 and under 50* (25-year span) accounted for 33%.

Table 7.4: Age of offenders admitted to prison (Adapted from statistics obtained from Tsabedze, 2007a)

AGE GROUP	2001	2002	2003	2004	2005	Average	%
Under 16 years	691	576	868	603	545	657	6
16 and under 20 years	2 742	2 615	3 106	3 189	2 331	2 797	25
20 and under 25 years	2 866	3 726	3 773	3 384	2 885	3 327	30
25 and under 50 years	3 252	3 535	4 018	3 927	3 457	3 638	33
50 years and older	542	899	857	611	704	723	6
Total	10 093	11 351	12 622	11 714	9 922	11 142	100

THE CURRENT CORRECTIONAL SERVICES SETTING

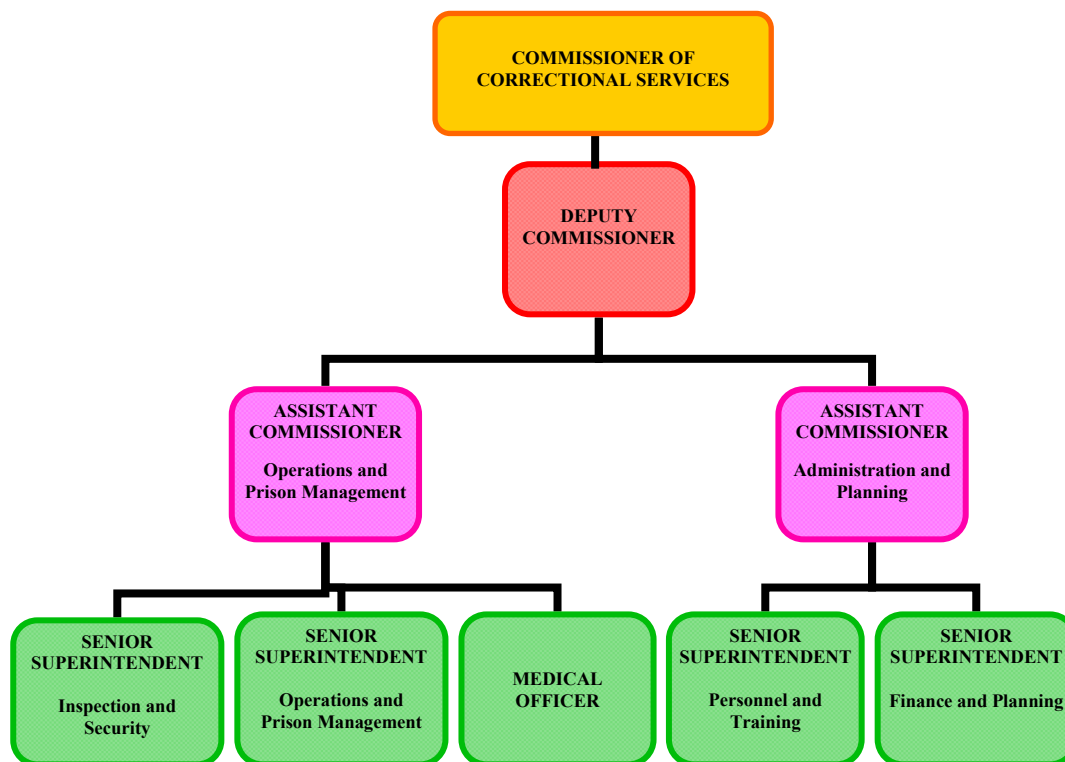
Strategic intent

The aim of the Swaziland correctional services is to enforce court-imposed sentences, safeguard the community against criminals and confine offenders in a safe and humane environment. Although provision is made for correctional and reintegration programmes for offenders, a lot has to be done to enhance this performance area. Swaziland correctional services also seems to focus on day-to-day activities and medium-term planning dealing with specific, incremental and planned changes.

Although Swaziland correctional services understands that a participative management philosophy will enhance effectiveness, staff rely profoundly on traditional management practices and work methods. A hierarchical structure which runs strictly vertically from top to bottom is imposed and the classic bureaucratic management model based on a military rank structure (chain of command) is used.

Organisational structure

The Swaziland Police force reports directly to the Prime Minister's office, and the Department of Justice and Correctional Services resorts under the Ministry of Justice and Constitutional Development. The Commissioner of Correctional Services, who reports directly to the latter, is supported by a deputy commissioner, two assistant commissioners, four senior superintendents and a medical officer as depicted in the organogram (see next page). The deputy commissioner is responsible for strategic issues. The assistant commissioners are primarily responsible for policy formulation and administration of the various departments. The four senior superintendents are responsible for 1) inspection and security, 2) operations and prison management, 3) human resource management, and 4) finances and planning, respectively (His Majesty's Swaziland Correctional Services, 2005/06:3-16).



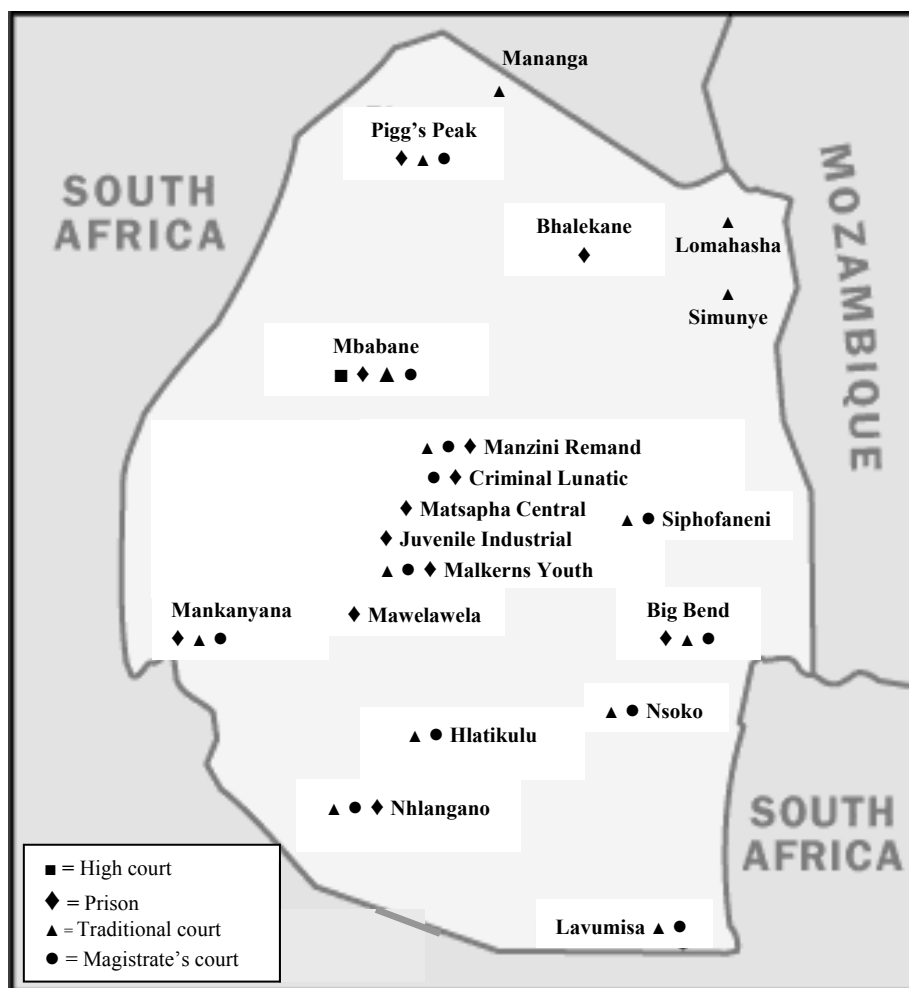
Staff complement

Swaziland correctional services had a total number of 1 175 staff members (1 077 uniformed and 98 civilian) as at 28 February 2007. Civilian staff are primarily responsible for maintenance of equipment and do not form part of the custodial staff component. The staff composition in prisons also varies in that correctional officials working in small prisons have to fulfil various roles whilst staff in larger prisons are expected to work in a specialised area. At 28 February 2007 there was a total of 2 878 inmates in Swaziland prisons compared to 1 077 uniformed staff. This implies a ratio of 2.7 inmates per staff member. When considering the operational workforce consisting of warders and wardresses (863) that are most likely the ones directly involved in the daily care and safeguarding of inmates, it translates to a ratio of 3.3 inmates per staff member. This is in line with South Africa's ratio of 4 inmates per staff member (Kriek, 2007).

The infrastructure

Swaziland correctional services makes provision for a national head office situated in Mbabane, staff training centre next to Matsapha Central Prison (Manzini) and 12 prison centres. The prisons are scattered across the four regions (Hhohho, Manzini, Shiselweni and Lubombo) of the country. Almost all the prisons are located close to a court as shown in the map on the next page. There are three types of courts, namely the high court situated in Mbabane, 12 magistrates' courts and 14 traditional courts as indicated on the map (His

Majesty's "eSwatini" Correctional Services, 2001/02:1). No change to the infrastructure of the courts and prisons in Swaziland has occurred since the publication of the 2001/02 Swaziland correctional services annual report.



Prison structures

The prisons differ in various ways as indicated in table 7.5. All the prisons are classified as medium security prisons. Matsapha Central Prison also has a maximum security component.

Inmates are allocated to prisons according to their gender, age and sentence. The risk they present to fellow inmates, staff and the community is also considered. Currently four of the twelve prisons are used for accommodating male and female inmates, seven are used exclusively for males, and one is used exclusively for females. The Juvenile Industrial School detains male juvenile inmates (18 years and below) and the Malkerns Youth Person institution detains male youths aged between 18 and 25 years. Provision for the detention of juveniles is also made in four of the other prisons.

The number of dormitories varies between none and 17 and single cells vary between none and 30 per prison. The official capacity varies between 30 and 550 inmates per prison.

Table 7.5: Structure of Swaziland prisons: 28 February 2007

PRISON	Security level	Inmate allocation*	Number of dormitories	Number of single cells	Official capacity
Big Bend	Medium	MA/FA U/S	11	10	350
Bhalekane	Medium	MA S	4	0	250
Criminal Lunatic	Medium	MA U/S	1	2	30
Juvenile Industrial School	Medium	MJ U/S	4	0	50
Malkerns Youth	Medium	MY	3	0	150
Mankayane	Medium	MA/JA S	10	0	58
Manzini Remand	Medium	MA/MJ S/U	7	10	400
Matsapha	Med & max	MA/MJ U/S	17	30	550
Mawelawela Woman	Medium	FA/FJ U/S	4	5	100
Mbabane	Medium	MA/FA U/S	9	6	400
Nhlangano	Medium	MA/FA MJ U/S	6	8	200
Pigg's Peak	Medium	MA/FA U/S	7	10	300
Total			69	95	2 838

* Note: M = Male, F = Female, A = Adult, Y = Young, J = Juvenile, U = Unsentenced and S = Sentenced inmate

Utilisation of cell accommodation

In table 7.6 the available accommodation in each prison is compared with the level of the inmate population as at 28 February 2007. The data clearly indicates that the prisons in Swaziland are not critically overpopulated. Five prisons were overpopulated, namely Matsapha Central (26,5%), Big Bend (13,7%), Mbabane (6,5%), Malkerns Youth (2,7%), and Pigg's Peak (2,7%). This constitutes an average national level of overpopulation of 1,4%.

Table 7.6: Utilisation of cell accommodation: 28 February 2007

PRISON	Prison capacity	Inmate population	% occupation	% overpopulated/under-populated
Big Bend	350	398	113,7	13,7
Bhalekane	250	220	88,0	-12,0
Criminal Lunatic	30	16	53,3	-46,7
Juvenile Industrial	50	29	58,0	-42,0
Malkerns Youth	150	154	102,7	2,7
Mankayane	58	52	89,7	-10,3
Manzini Remand	400	310	77,5	-22,5
Matsapha Central	550	696	126,5	26,5
Mawelawela Woman	100	79	79,0	-21,0
Mbabane	400	426	106,5	6,5
Nhlangano	200	190	95,0	-5,0
Pigg's Peak	300	308	102,7	2,7
Total	2 838	2 878	101,4	1,4

Sentencing practices

Imprisonment as a sentencing option is predominantly used by courts. The prison system is regulated by the Prisons Act, Act 40 of 1964 and fairly outdated directives. Section 43 of the Prisons Act makes provision for inmates sentenced to imprisonment to earn a remission of one-third of their sentence after serving one month of their sentence. Provision for amnesties and general pardons is made, which are applied on an ad hoc basis (Simelane, 2007).

With the exception of extramural penal employment (EPE), the Swaziland Prisons Act of 1964 makes no provision for community-based sentences. A draft is currently being prepared to replace the existing Prisons Act which is expected to make provision for community-based sentences such as parole and probation.

Section 60(1) of the Prisons Act of 1964 deals with EPE as a sentencing option and stipulates that:

“... a person, who has been sentenced by a court to imprisonment not exceeding six months or who has been committed to prison by a court for non-payment of a fine not exceeding one hundred rand, may, with his consent, be ordered by the court or an administrative officer, to perform public work outside the prison for such a period as the court considers fit in lieu of imprisonment, not, however, exceeding such period of imprisonment”.

EPE was officially introduced in 1941. No official statistics on the use of EPE over the years could be found and what was gathered from practitioners is that it has been used hesitantly as a sentencing option by courts and Swaziland correctional services. Maseko (2000:39) reveals that magistrates are reluctant to make use of the EPE programme because offenders sentenced under this provision continue to commit crimes as a result of unemployment (42%), peer pressure (33%), alcohol abuse (17%) and being habitual criminals (2%).

During 1990 to 1994 the number of offenders on the EPE programme hovered between 115 and 246. Since then the numbers seem to have declined drastically. On 23 June 2004 there were only six offenders on the EPE programme (Vilakazi, 2004). Heads of prisons indicated in surveys conducted by the researcher that there were 10 and 13 offenders on the EPE programme on 30 June 2005 and 28 February 2007, respectively.

The prison system

In addition to having to deal with the above constraints, Swaziland correctional services has to deal with pervasive dysfunctionalities such as ineffective prison designs and poor management information systems. These impediments in a way disregard the human rights of offenders.

The traditional (intermittent surveillance) prison designs in use reduce contact between staff and inmates. Prison cells (dormitories) are placed next to each other in a long corridor. The passages and courtyards must be patrolled, and cells are observed on a non-continuous basis. The prisons are not equipped with electronic security equipment such as electronic gates and closed-circuit television (CCTV).

All information regarding inmates, from admission to release, is recorded manually. There are no computerised management information systems in place to record individual inmates' personal details and criminal history; neither can information be retrieved electronically to determine trends in inmate profiles. These impediments make it difficult for correctional officials to manage prison populations effectively.

Case management is done haphazardly. Instead of focusing on intensive correctional programmes, inmates are predominantly kept busy with daily work activities (cleaning, gardening and general maintenance work) and church services.

THE DEMOGRAPHIC CHARACTERISTICS OF THE PRISON POPULATION

With an inmate population of 2 878 as at 28 February 2007 Swaziland had 261 inmates per 100 000 of the national population, based on an estimated national population of 1.1 million. This compares favourably with the median of 267 for southern African countries (Walmsley, 2007:1).

The prison population

The largest prison, namely Matsapha Central Prison, has a maximum and medium division that detains mainly sentenced inmates. Bhalekane Prison is exclusively used to detain medium- to low-risk sentenced males who are utilised as farmworkers. Malkerns Youth Prison detains sentenced males under the age of 26 who are kept busy with farming and vocational activities. Mankayane is the smallest adult prison and detains inmates working as

farm labourers. Mawelawela Woman's Prison is exclusively used for females. The Juvenile Industrial Prison with 29 juveniles and Criminal Lunatic Prison with 16 mentally impaired inmates are the smallest prisons.

On 28 February 2007 the prisons housed 2 878 inmates, 945 (33%) of whom were awaiting trial and 1 933 (67%) of whom were sentenced. The awaiting-trial prisoners are held all over the country at prisons nearest the courts where they will be tried. The Mbabane (295), Manzini (286) and Big Bend (146) Prisons are situated in the major cities of the country and detain, as indicated in brackets, a large number of unsentenced inmates.

Table 7.7: Swaziland prison population as per prison: 28 February 2007

PRISON	SENTENCED		UNSENTENCED		Total
	Male	Female	Male	Female	
Big Bend	252	0	141	5	398
Bhalekane	220	0	0	0	220
Criminal Lunatic	9	0	7	0	16
Juvenile Industrial	16	0	13	0	29
Malkerns Youth	154	0	0	0	154
Mankayane	52	0	0	0	52
Manzini Remand	24	0	286	0	310
Matsapha Central	675	0	21	0	696
Mawelawela Woman	0	69	0	10	79
Mbabane	131	0	287	8	426
Nhlangano	117	2	65	6	190
Pigg's Peak	209	3	95	1	308
Total	1 859	74	915	30	2 878

Table 7.8 represents a comparison of the entire adult and juvenile inmate population detained in Swaziland prisons. The majority of inmates were adult males (93,2%) compared to 3,4% adult females, 3,1% juvenile males and 0,2% juvenile females.

Table 7.8: Comparison of the adult and juvenile inmate population: 28 February 2007

CATEGORY	ADULT		JUVENILES *		Total
	Male	Female	Male	Female	
Sentenced	1 811	67	48	7	1 933
Unsentenced	873	30	42	0	945
Total	2 684	97	90	7	2 878

* A juvenile refers to a person of 18 years of age or younger (Prisons Act 40 of 1964).

Citizenship

On 28 February 2007, 2 654 (92%) of the inmate population were Swaziland citizens, 179 (6%) were from Mozambique and 45 (2%) were citizens of other countries. The others were from South Africa (10), Tanzania (4), Burundi (1) and Malawi (1). Thus, 240 (8%) inmates were immigrants.

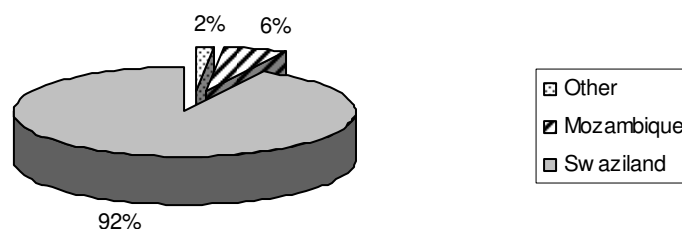


Chart 7.3: Number of inmates per country or nationality

Geographical location

In chart 7.4 a comparison is made of the distribution of the respondents by prison proximity before they were imprisoned. The chart clearly indicates that the majority (56%) of respondents resided in the vicinity of Manzini (industrial area) and Mbabane, which is the capital of Swaziland. The rest of the respondents resided in the more rural areas (41%) of the country. Three per cent (3%) were immigrants.

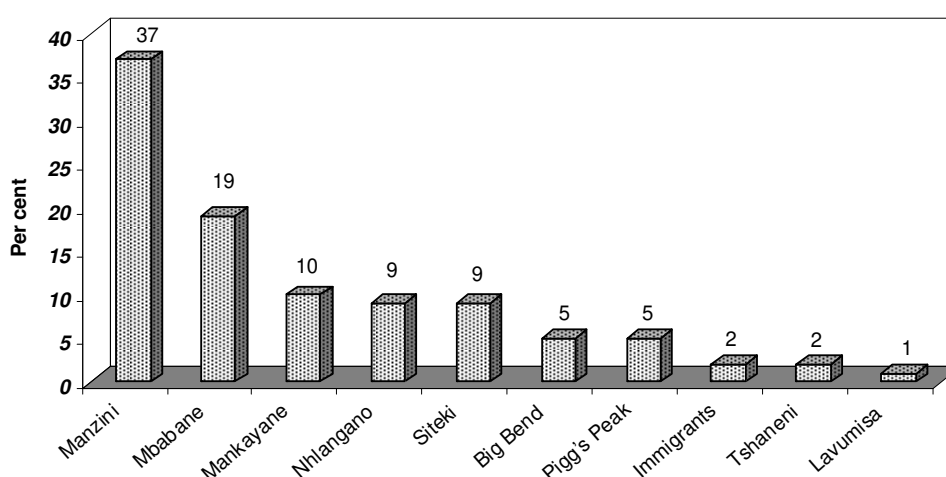


Chart 7.4: Geographical location of offenders before incarceration

Crime categories

As no computerised system is in place, heads of prisons were asked to do an analysis of the main crimes committed by all inmates. This information was gathered on 28 February 2007 by heads of prison (see appendix C). It is not clear if they gathered the information by using warrants of arrest or by asking inmates personally what their main crime was. It was also a vast amount of data that had to be collected which opens the possibility for distortion in the gathering process. Although a reasonable indication of the crimes committed by the inmate population, this data may be doubtful.

The inmate population has been divided into five main sentence categories, namely violence, sexual, economic, narcotic and miscellaneous. **Violent** crimes include domestic violence, violence against persons (assault or assault with the intent to do grievance bodily harm), culpable homicide, murder, robbery and vehicle hi-jacking. **Sexual** offences are made up of rape, child abuse, abortion, buggery and indecency. **Economic** crimes include theft, burglary, bribery, vehicle theft, fraud, etc. **Narcotic** crimes include offences falling under the liquor licence proclamation and habit-forming drugs, as well as dealing/trafficking in drugs. **Miscellaneous** crimes include traffic offences, Game Act violations, illegal immigration, contempt of court and other minor offences.

The percentage of inmates detained for the various main crimes is indicated in chart 7.5. Violent (45%) and economic (27%) crimes constitute the largest proportion of all offences. Sexual (15%), narcotic (5%) and miscellaneous crimes (8%) contribute 28% to all offences committed by offenders detained in prison.

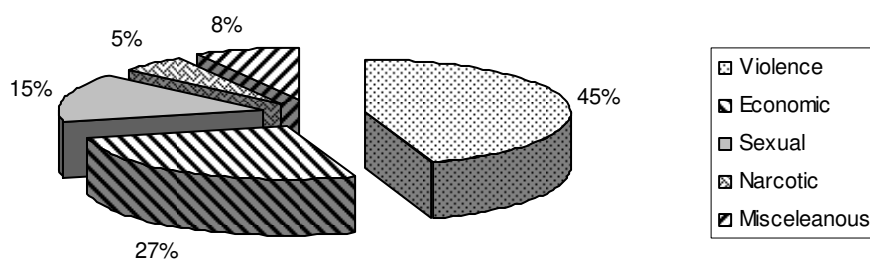


Chart 7.5: Inmate population per crime category

A detailed account of the various crimes inmates are detained for is given in table 7.9. The most predominant crimes are theft (22,5%), violence against persons (18,9%), rape (14,5%), robbery (11,5%) and murder (7,3%). Males are predominantly involved in crimes relating to theft, physical attacks, rape and robbery, whereas females tend to commit theft.

Table 7.9: Criminal offences for which inmates are detained: 28 February 2007

CRIME CATEGORY	UNSENTENCED		SENTENCED		Total
	Male	Female	Male	Female	
Violent offences					
Domestic violence	10	0	112	0	122
Violence against persons	102	3	430	8	543
Culpable homicide	11	0	41	3	55
Murder	140	17	48	5	210
Robbery	98	0	233	0	331
Vehicle hi-jacking	0	0	18	0	18
Other	4	0	4	0	8
Subtotal	365	20	886	16	1 287
Sexual offences					
Rape	173	1	243	0	417
Child abuse	0	1	0	0	1
Abortion	0	0	0	2	2
Other sexual offences	9	0	6	0	15
Subtotal	182	2	249	2	435
Economic offences					
Theft	109	6	488	45	648
Burglary with intent to steal	0	1	51	0	52
Vehicle theft	15	0	22	1	38
Fraud	11	1	4	3	19
Other (e.g. bribery, forgery)	3	0	11	0	14
Subtotal	138	8	576	49	771
Narcotic offences					
Drug abuse	1	0	22	3	26
Dealing in drugs/trafficking	8	0	14	0	22
Other	0	0	96	0	96
Subtotal	9	0	132	3	144
Miscellaneous offences					
Traffic offences	21	0	32	0	53
Default of payment of a fine	0	0	8	0	8
Illegal immigration	11	0	85	4	100
Contempt: court/Defeat: course of justice	5	0	11	0	16
Game Act (wild animals)	4	0	22	0	26
Possession of arms/ammunition	0	0	20	0	20
Other	1	0	19	0	20
Subtotal	42	0	197	4	243
Total	736	30	2 040	74	2 880

Sentences imposed

The total sentence length imposed on sentenced inmates per category is indicated in table 7.10. The researcher contends that the number of sentenced inmates (1 933) is too high and that 700 sentenced inmates is a realistic medium-term goal. When considering the sentences imposed on offenders it is clear that:

- at least 63% of the inmate population ought to serve their sentences in the community (sentences of two years or less) whilst the remaining 37% should be incarcerated
- sentences of inmates incarcerated for less than six months (19% of the inmate population) can easily be converted to EPE programmes (community service orders)
- fifty-seven per cent (57%) of the inmate population's sentences (inmates incarcerated between six months and five years) can be converted to parole or probation.

Table 7.10: Number of inmates in each sentence group: 28 February 2007

SENTENCE GROUP	NUMBER OF INMATES	PERCENTAGE
Sentence of 0-6 months	369	19,1
Sentence of more than 6 months up to 12 months	454	23,5
Sentence of more than 1 year up to 2 years	386	20,0
Sentence of more than 2 years up to 5 years	269	13,9
Sentence of more than 5 years up to 10 years	323	16,7
Sentence of more than 10 years up to 20 years	110	5,7
Sentence of more than 20 years	20	1,0
Other (e.g. death penalty)	2	,1
Total	1 933	100,0

Note: 945 awaiting-trial inmates were detained as at 28 February 2007.

There is an indication that traditional courts contribute to the high frequency of short-term imprisonment. These courts deal with minor offences such as theft, assault and violations of traditional Swazi law. Chiefs' courts are authorised to impose prison sentences of up to three months (US Department of State, 2003:3), and national courts are limited to ten months' imprisonment (International Commission of Jurists, 2001:8). It has also been indicated by the Commissioner of Correctional Services that the traditional courts have a tendency to impose multiple imprisonment sentences on offenders for petty offences, resulting in offenders being sentenced for periods exceeding the maximum sentences (Simelane, 2007).

Custodial classification of inmates

Despite the uneven distribution of inmates in Swaziland prisons, correctional services is doing its utmost to keep separate different categories of inmates such as sentenced and awaiting-trial, male and female, adults and juveniles and security classifications (minimum, medium and maximum). Swaziland correctional services does not yet separate first and repeat offenders, and the different crime categories which can enhance the rehabilitation philosophy.

Seventy-six per cent (76%) of the sentenced inmate population are classified as medium-risk offenders. Nineteen per cent (19%) are classified as minimum-risk and 5% as maximum-risk offenders.

Table 7.11: Security classification: 28 February 2007

CLASSIFICATION CATEGORY	NUMBER OF INMATES	PERCENTAGE
Minimum	362	19
Medium	1 477	76
Maximum	94	5
Total	2 878	100

CONCLUSION

The prison environment focuses predominantly on the safeguarding of inmates with a bureaucratic management approach based on a military rank structure. Efficient management information systems are non-existent and the proficient management of inmate populations is lacking. This results in the ineffective management of prison populations.

The inmate population:

- comes from an economically disadvantaged region
- are predominantly males between the age of 16 and 25
- mostly commit violent (assaults, robbery and murder) and economic (theft) related crimes
- will in general be in prison for less than two years.

The researcher believes that Swaziland correctional services needs to rethink its management approach and consider the implementation of unit and case management principles to address the specific risks and needs of offenders. To facilitate the unit and case management approach Swaziland correctional services will have to invest in a computerised management information system. This system will not only enable Swaziland correctional services to manage its inmate population efficiently, but will also make it possible to provide information on offenders to the police and judiciary. This, in turn, will enable the criminal justice system to take more informed decisions with regard to effective law enforcement and sentencing practices, as well as the efficient management of offender populations.

CHAPTER 8

A NEEDS AND RISK ASSESSMENT OF THE SWAZILAND INMATE POPULATION

INTRODUCTION

In the first part of this chapter an overview of correctional programmes provided to inmates by the Swaziland correctional services is portrayed. In the remainder of this chapter the results contextualise and quantify the demographic/socio-economic characteristics of the inmate population as derived from the sample used in the study. When no differentiation is made between male and female respondents, it implies that no significant differences were found to report on.

SPECIALISED SERVICES

Information in this section was provided by heads of prisons and specifies services provided to **sentenced inmates** as at 27 February 2007. Unsentenced (awaiting-trial) inmates are not involved in rehabilitation programmes. They do not receive training or schooling and seldom have access to recreational activities and were thus excluded.

Professional staff complement

According to the survey completed by heads of prisons, there is only one qualified welfare official and one qualified chaplain. Both are employed at Big Bend Prison. The only qualified educator is employed at the Juvenile Industrial School. Two psychologists and seven chaplains work on a voluntary basis at the women's prison. Permanent staff members are used as auxiliary workers, namely forty-four as chaplains, nine as welfare workers and six as educators.

The primary objectives of auxiliary welfare workers and chaplains are to provide a support service to sentenced and awaiting-trial inmates, and to assist in the reintegration of inmates that are released from prison. No statistics could be provided by Swaziland correctional services on the impact of welfare services or correctional programmes offered to inmates.

Spiritual care

Spiritual care is offered by various churches, faiths and beliefs. Chart 8.1 indicates that 50% of the respondents said that they are members of the Zionist church. The second largest denominations are Roman Catholic (15%) and Christian (13%). Eleven per cent (11%) belong to other denominations such as Islamic and indigenous beliefs and 11% indicated that they did not belong to a church.

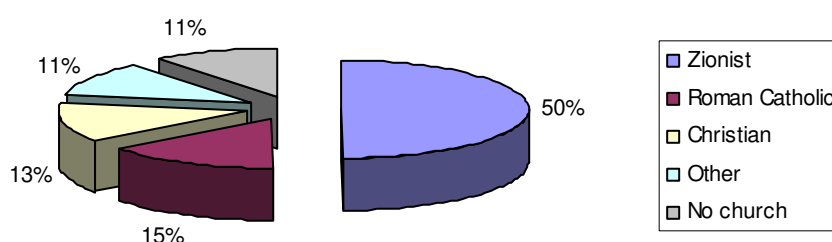


Chart 8.1: Church denominations

Educational programmes

Only Bhalekane (13 inmates) and Matsapha (58 inmates) present ABET (called SEBENTA) programmes. The 29 inmates involved in school education are all from the Juvenile Industrial School. This implies that approximately 5% of all sentenced inmates participate in educational programmes.

Psychological and welfare services

Services such as individual, group and family therapy are provided by auxiliary welfare workers on a haphazard basis. The indication by heads of prisons is that there are about 88 inmates actively involved in welfare services. The only indication of a fairly structured service is at the Criminal Lunatic and Mawelawela women's prison where 16 and six inmates, respectively, are provided with psychological services.

Generic programmes

One hundred and thirty-six (136) inmates were involved in generic programmes at the date of this survey, namely 114 on HIV/AIDS, 10 on day care, eight on pre-release preparation, three on substance abuse and one on anger management programmes. No other generic programmes such as life skills, family care and sexual offender programmes were presented to inmates. This implies that only 7% of sentenced inmates had the opportunity to participate in generic programmes.

Work opportunities

Swaziland correctional services provides amenities and incentives for inmates to participate in work related programmes such as agriculture (animal, poultry and crop production), vocational (carpentry, tailoring, upholstery, weaving, handcraft) and general work (gardening, cleaning, food preparation).

Table 8.1 indicates the number of work opportunities provided to sentenced inmates as at 28 February 2007. Mankayana Prison (52 inmates) was excluded from the calculations as errors occurred in the data provided by the head of the prison. The statistics show that 55% of the sentenced inmate population were kept busy with some type of work activity. The majority (59%) were kept busy with agricultural or gardening activities on governmental premises. About 18% were kept busy inside the prison or mess and 13% worked in production workshops. Seven per cent (7%) were involved in construction and maintenance work and the remaining 3% were kept busy with other work opportunities.

Table 8.1: Number of work opportunities provided to inmates

WORKPLACE	NUMBER OF INMATES
Production workshops (metalwork, carpentry, handcrafts, etc.)	131
In prison (e.g. chefs, waiters, barbers, cleaners)	143
Outside prison work teams (e.g. cleaners, gardeners)	279
Agriculture (poultry, cattle, crops, etc.)	305
Maintenance (plumbing, electrical, etc.)	13
Construction (bricklaying, plastering, tiling, etc.)	54
Mess (e.g. chefs, waiters, cleaners)	38
Other work opportunities (e.g. abattoirs, shop assistants)	25
Total	988

About 120 inmates participate annually in vocational training programmes with a view to being tested for a trade. Approximately 50 inmates are tested annually in one of the following trades: carpentry, upholstery, sheet metal, welding, manufacturing and/or motor mechanics. No official statistics are available on the success rate of these offenders.

CHARACTERISTICS OF INMATES

Information reported in the remainder of this chapter was obtained from the questionnaires completed by respondents (inmates). A clear differentiation is made when unsentenced inmates were excluded from the results reported.

Age of respondents

Table 8.2 indicates that 50% of the respondents were younger than 23 years. Eleven per cent (11%) of the respondents were 18 years or under, whereas the majority were in the age groups 19-23 (39%) and 24-29 (28%). As from age 30 the percentage of inmates detained decreases drastically. Males in the age group 24-29 had a 13,5% higher offence rate than females, whereas females had a 9% higher offence rate than males at the age of 23 and below.

Table 8.2: Age of respondents

AGE	FEMALE		MALE		Total	%
	Number	%	Number	%		
<18	10	12,7	47	10,8	57	11
19-23	36	45,6	166	38,0	202	39
24-29	13	16,5	131	30,0	144	28
30-34	8	10,1	39	8,9	47	9
35-39	4	5,1	25	5,7	29	6
40-44	6	7,6	17	3,9	23	4
45-49	1	1,3	5	1,1	6	1
>50	1	1,3	7	1,6	8	2
Total	79	100,0	437	100,0	516	100

Living arrangements

Most (52%) of the respondents indicated that they stayed with family prior to imprisonment (see chart 8.2). This corresponds with the data in table 8.2, as the majority of the respondents were less than 23 years of age and most young people in that age group probably stay with their parents. Twenty-seven per cent (27%) indicated that they rented their accommodation and 10% claimed that they stayed on their own property. The remaining respondents stayed with friends (5%), in a hostel (4%) or in other (2%) accommodation.

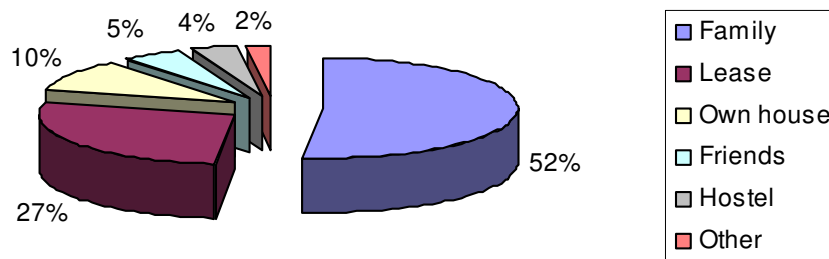


Chart 8.2: Residence before imprisonment

Marital status

Most respondents indicated that they were single (80%). Sixteen per cent (16%) of the respondents indicated that they were either married or in de facto relationships. The remainder were divorced (2%) or their partner had passed away (2%).

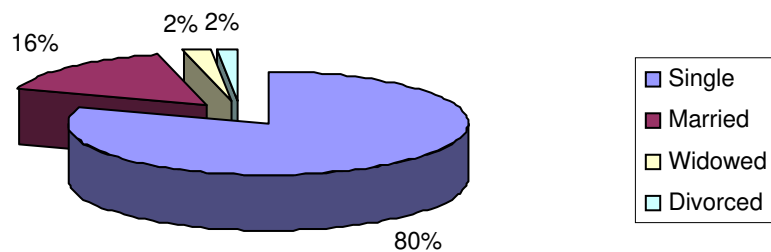


Chart 8.3: Marital status

Children

Respondents were asked how many children of their own under the age of 18 years they had. Thirty-nine per cent (39%) indicated that they had no children, 43% had one or two children, 13% had three or four children and 5% had five or more children.

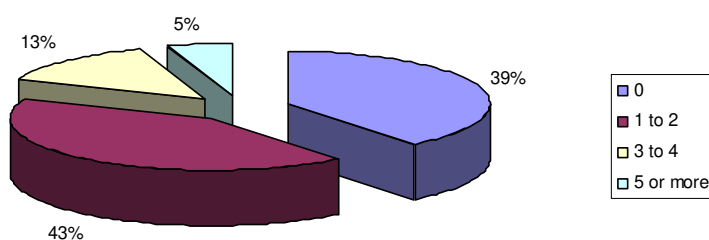


Chart 8.4: Own children under the age of 18

Caretakers

The majority (72%) of respondents' children under the age of 18 were being taken care of by immediate family (37%) or parents (35%). Ten per cent (10%) of the respondents indicated that they did not know who was taking care of their children. Only a small portion of the inmates' children were being taken care of by extended family (7%) or by themselves (6%). The remaining 4% were in welfare or foster care. In comparison with males (9%) there were more female children (16%) whose caretakers the parents were uncertain about.

Table 8.3: Persons taking care of inmates' children

CARETAKERS	FEMALES		MALES		Total	%
	Number	%	Number	%		
Immediate family	28	36,8	118	37,6	146	37,4
Parent	23	30,3	113	36,0	136	34,9
Don't know	12	15,8	28	8,9	40	10,3
Extended family	6	7,9	22	7,0	28	7,2
Self	6	7,9	19	6,1	25	6,4
Other	1	1,3	14	4,5	15	3,8
Total	76	100,0	314	100,0	390	100,0

Language proficiency

Fourteen per cent (14%) of respondents indicated that they could not speak English (official language), whilst 10% indicated that they could not speak SiSwati (home language of the SiSwati). Nineteen per cent (19%) of the respondents indicated that they could not read English in comparison with 29% that could not read SiSwati. The average writing efficiency of the respondents is 13% for English and 24% for SiSwati. The percentages for SiSwati might be lower if the immigrants were not considered in the calculations.

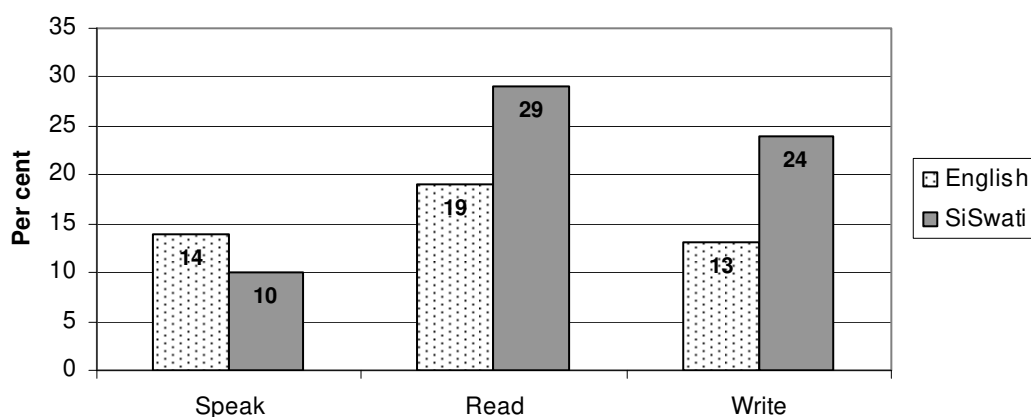


Chart 8.5: Percentage of respondents that could not speak, read or write English/SiSwati

Education

Ten per cent (10%) of the respondents indicated that they had no school education. Twenty-seven per cent (27%) left school before or after completing primary education, 39% left school before or after completing Grade 11 (Form 4) and 8% completed Grade 12 (Form 5). Seventeen per cent (17%) indicated they had completed a post-school qualification. Most of these post-school qualifications were certificates issued for vocational skills training and not for the completion of tertiary education.

Sixteen per cent (16%) of the female respondents had no school education in comparison with 9% of male respondents. More females (36%) had completed primary school education than their male counterparts (26%). Males had a higher completion rate in matric (Form 5) and post-school level.

Table 8.4: Education levels

EDUCATION	FEMALES		MALES		Total	%
	Number	%	Number	%		
No school education	15	16,0	53	8,8	68	9,8
Primary school (Grades 1-7)	34	36,2	154	25,7	188	27,1
Secondary school (Forms 1-5)	33	35,1	236	39,3	269	38,8
Matriculation (Form 5)	3	3,2	50	8,3	53	7,6
Post-school level	9	9,6	107	17,8	116	16,7
Total	94	100,0	600	100,0	694	100,0

Employment

In terms of employment, 21% were employed, 17% were self-employed and 17% had a part-time, seasonal or occasional (piecework) job before imprisonment. Thirty-seven per cent (37%) were unemployed whilst 4% of the respondents indicated that they made a living from crime. The remaining 4% were either retired or unable to work due to poor health. Females had an 11% higher unemployment rate than males. Males had a 10% higher employment rate than females.

Table 8.5: Work status before imprisonment

WORK STATUS	FEMALES		MALES		Total	%
	Number	%	Number	%		
Unemployed	39	45,9	153	34,9	192	36,6
Employed	11	12,9	101	23,0	112	21,4
Self-employed	16	18,8	74	16,9	90	17,2
Part-time work	17	20,0	72	16,4	89	17,0
Living from crime	1	1,2	21	4,8	22	4,2
Other	1	1,2	18	4,1	19	3,6
Total	85	100,0	439	100,0	524	100,0

Vocational skills

Overall, 28% of the respondents said that they had no work skills. The majority indicated that they had some form of skills such as farming (18%), handcrafts (13%), mechanical (12%), electrical (9%), construction (8%) or welding (6%) skills.

Thirty-six per cent (36%) of the female respondents and 27% of the males had no skills. Females (34%) were more skilled in handcrafts than their male counterparts (9%). Males were more dominant in the construction, mechanical and electrical fields.

Table 8.6: Vocational skills

VOCATIONAL SKILLS	FEMALES		MALES		Total	%
	Number	%	Number	%		
No skills	33	36,3	123	26,7	156	28,3
Farming	11	12,1	87	18,9	98	17,8
Handcraft	31	34,1	42	9,1	73	13,2
Mechanical	5	5,5	60	13,0	65	11,8
Electrical	8	8,8	41	8,9	49	8,9
Construction	1	1,1	43	9,4	44	8,0
Welding	1	1,1	31	6,7	32	5,8
Other	1	1,1	33	7,2	34	6,2
Total	91	100,1	460	99,9	551	100,0

INMATE NEEDS

Support after release

On average, 34% of all the respondents said that they would not be supported by anyone after their release from prison. Thirty-six per cent (36%) would be supported by parents and 24% by immediate family (parents, grandparents, brothers/sisters or own children). The minority would be cared for by extended family (4%) and friends (3%). Females indicated that they would rely more on themselves and immediate family after their release in contrast with males who would rely more on their parents and friends.

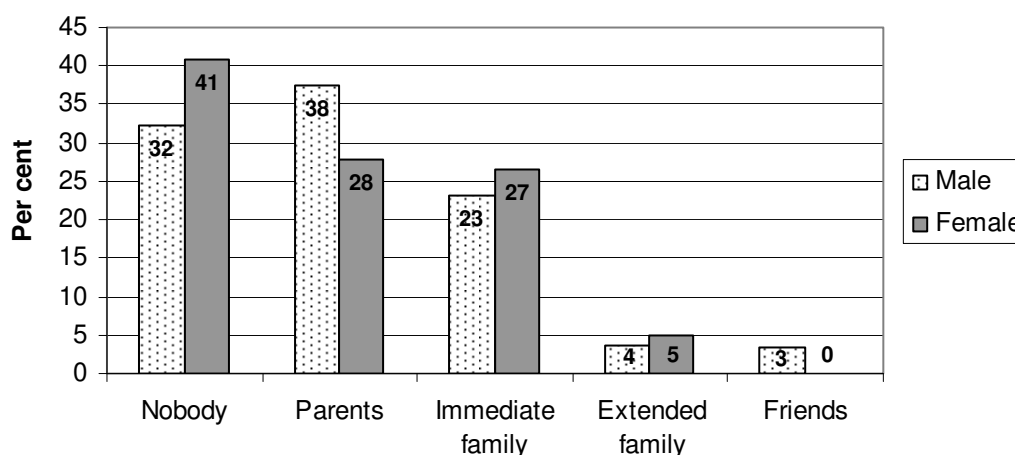


Chart 8.6: Support after release

General needs

Respondents (unsentenced and sentenced) were asked to indicate what they perceived as personal needs and problems that they would like to address. Ninety-three per cent (93%) indicated that they had a need for employment after release. On average, work skills (79%), life skills (77%), education (76%) and social skills (66%) were rated high as needs to be addressed. Problems with accommodation (50%), peer pressure (45%) and alcohol abuse (40%) after release, as well as health related problems (illness, 39%, physical, 39% and mental, 32%) were perceived as moderate need indicators. Drug (29%) and sexual/physical (20%) abuse were less likely to be claimed as personal problems. Females had a greater need for education (82%), social skills (74%), improved relationships (71%), accommodation (78%) and dealing with peer pressure (56%) than their male counterparts.

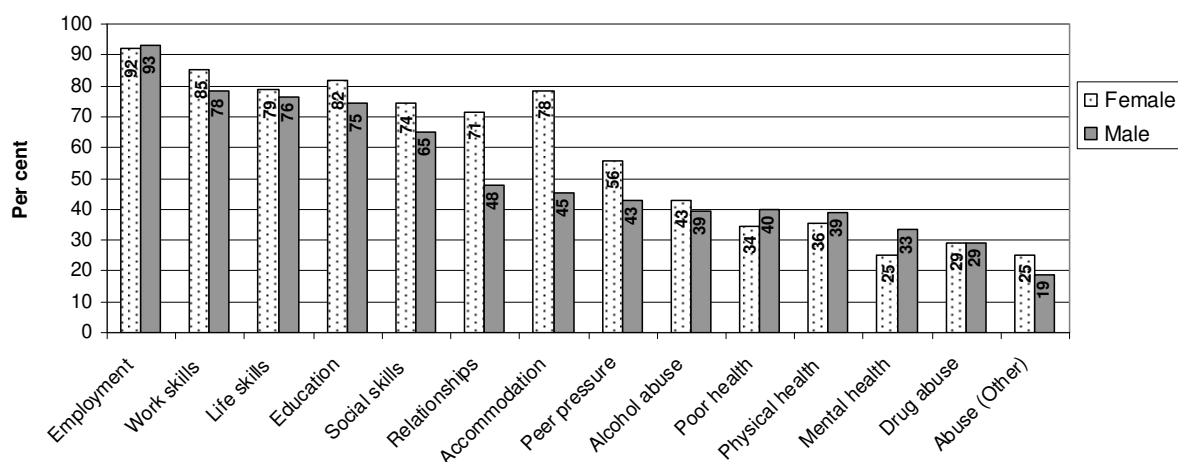


Chart 8.7: General needs and problems

Correctional programmes

Respondents (sentenced inmates only) were shown a list of correctional programmes/items and asked whether correctional services addressed these needs. On average, females responded positively to all of the facets measured. The reason can be ascribed to the fact that females are in the minority and that staff in female prisons are doing their utmost to address the needs of inmates. There is a definite need for the enhancement of job-seeking skills, life and social skills, literacy and educational levels, as well as work skills and experience of sentenced males.

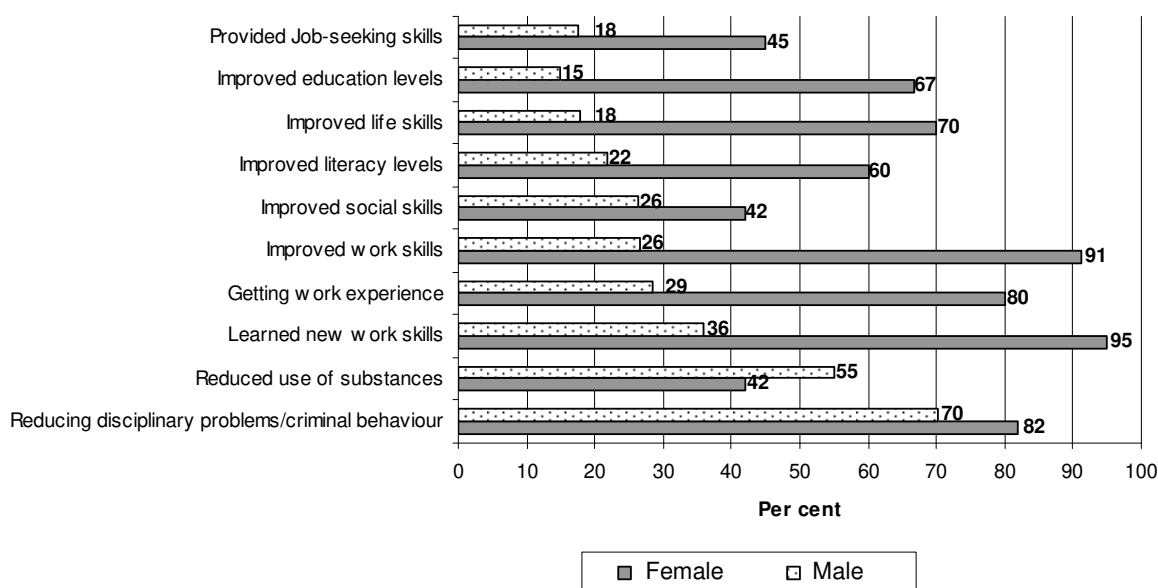


Chart 8.8: Inmate needs addressed by correctional services

Work opportunities provided to inmates

Respondents were asked to indicate what prison jobs they held. Chart 8.9 clearly indicates that the majority of sentenced males (40%) were used in the agriculture segment whilst sentenced females (38%) were utilised in handcraft, weaving and tailoring workshops.

Inmates were also used to clean prisons, government institutions and their premises. A small group of inmates were used in kitchens, dining halls and laundries, or in the construction or maintenance division.

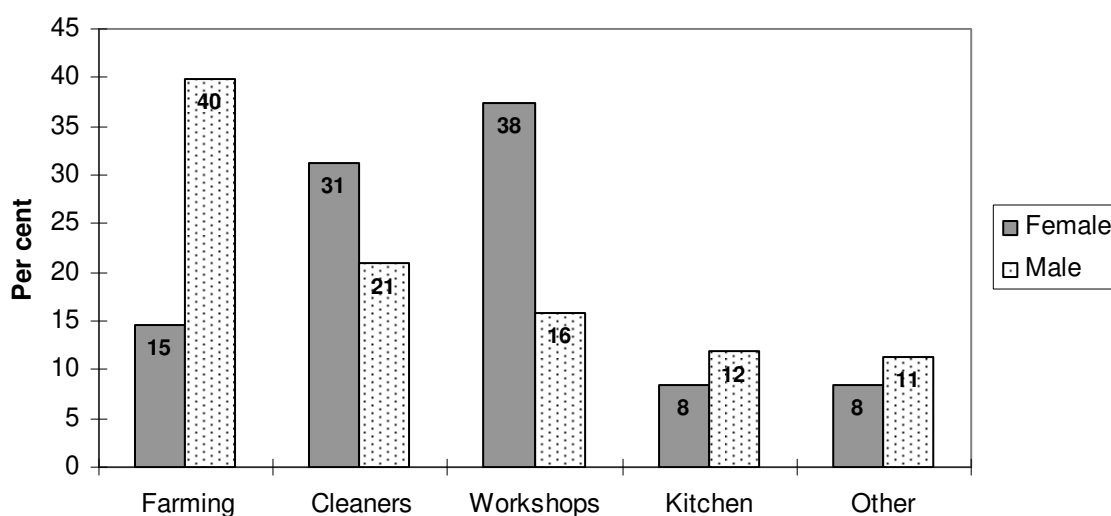


Chart 8.9: Work opportunities provided to inmates

Skills required by inmates

Respondents (sentenced inmates only) were asked in which areas they would like to be trained, developed or skilled. The majority of males indicated that they would like to be skilled in mechanics (34%), electrical (20%), agricultural (13%), construction (10%), the use of computers (9%) and/or in manufacturing of furniture (5%). Females indicated that they would like to be skilled in hair dressing (25%), the use of computers (16%), handcrafts (13%), agriculture (11%) and/or manufacturing of clothing (9%).

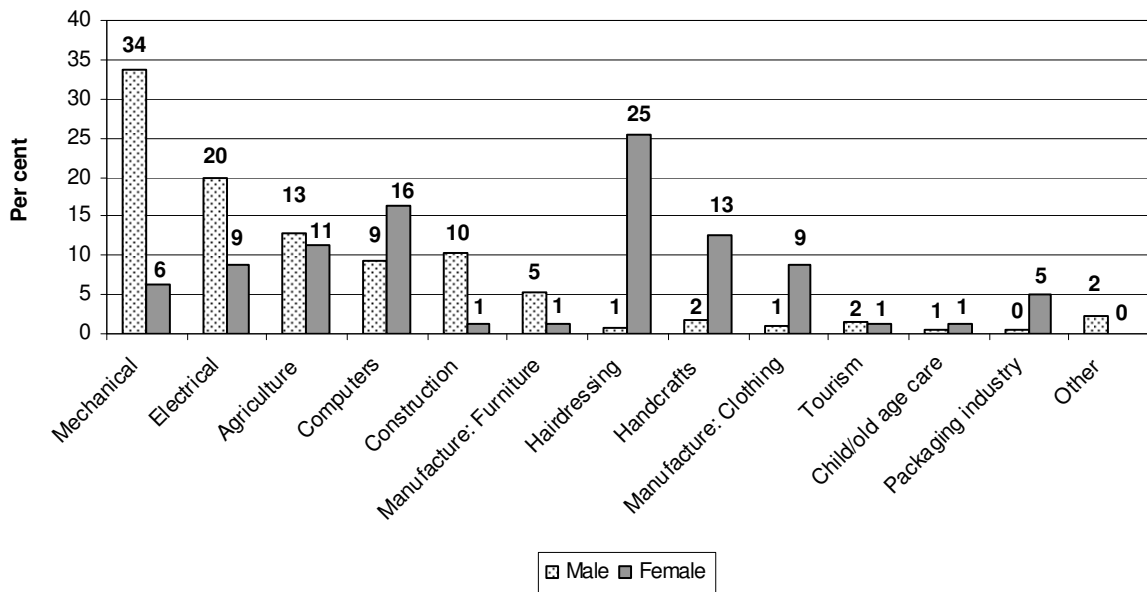


Chart 8.10: Skills required by inmates

Crime prevention strategies

Respondents were asked what would prevent them from committing crime. Forty-two per cent (42%) indicated that a job would prevent them from committing crime. Business skills (14%), financial skills (12%), education (13%), entrepreneurial skills (10%) and vocational skills (9%) were also indicated as aspects that could contribute towards the reduction of criminal activities.

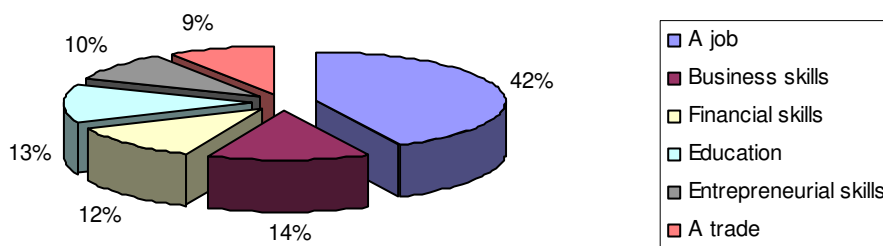


Chart 8.11: Crime prevention strategies

Recreation

Respondents (sentenced and unsentenced) indicated that they had recreational needs such as card games, board games, crafts and arts. Females indicated a greater need for arts (59%) and crafts (25%) whilst males' interests lay more in card games.

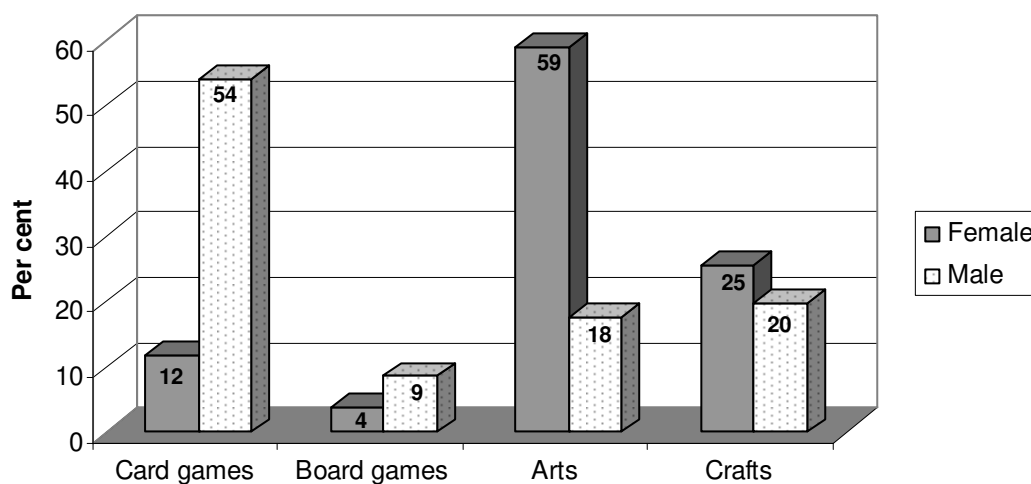


Chart 8.12: Recreational needs

Sport activities

Respondents (unsentenced and sentenced inmates) were asked to indicate in what sport activities they would like to participate as a player, coach or administrator. Eighty-one per cent (81%) of the sentenced male inmates indicated that they would like to participate in soccer, whereas females preferred netball (54%). The other sports had less interest for both gender groups.

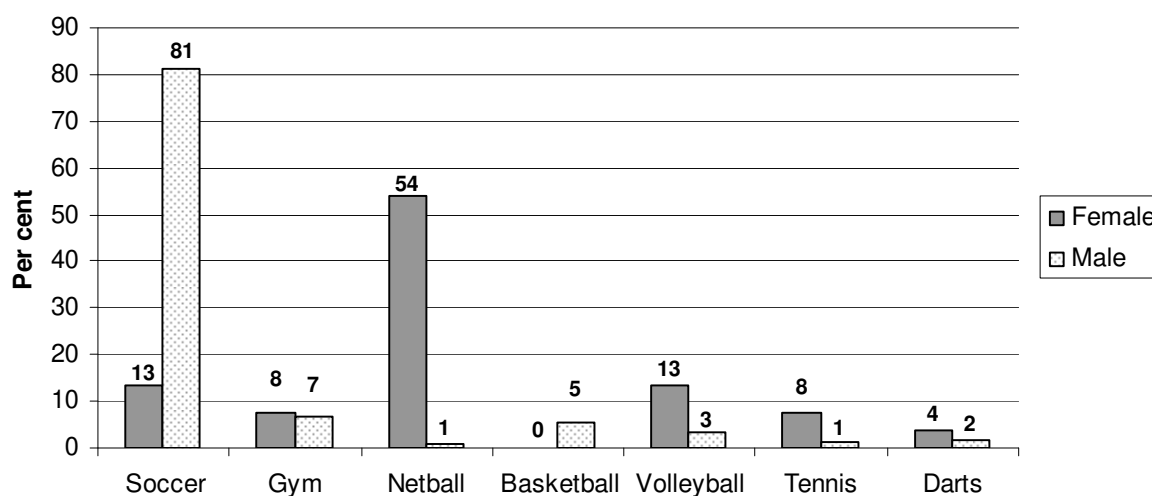


Chart 8.13: Sport interest

RISK PROFILES OF SENTENCED INMATES

This section reports on the risks of **sentenced inmate respondents**. The reason for analysing the risks of sentenced inmates is to determine the need for specific treatment programmes and to make inferences with regard to future prison reform strategies.

Crime categories

The percentage of respondents detained for the various main crimes is indicated in table 8.7. Economic (38%) and violent (35%) crimes constitute the largest proportion of all offences. Illegal immigration (10%), narcotic (4%), sexual (3%) and miscellaneous crimes (10%) contribute 27% to all offences committed by offenders detained in prison. Males are predominantly involved in crimes related to violence (36%) whereas females tend to commit economic and narcotics related crimes.

Table 8.7: Sentenced respondents per crime category

CRIME CATEGORY	FEMALES		MALES		Total	Average
	Number	%	Number	%		
Economic	21	44	85	37	106	38
Violence	13	27	84	36	97	35
Illegal immigration	3	6	25	11	28	10
Narcotics	5	10	6	3	11	4
Sexual	1	2	7	3	8	3
Other	5	10	24	10	29	10
Total	48	100	231	100	279	100

Prison sentences imposed

The sentence length imposed on respondents admitted to prison is depicted in table 8.8. The average of the sentence lengths per sentence group is also indicated. The majority (73%) of respondents indicated that they were serving sentences of 12 months or less. Twenty per cent (20%) were serving sentences between one and three years whilst 8% had to serve sentences of five years or more. There were also clear tendencies towards a larger proportion of females sentenced in the six- to 12-month, and one- to three-year sentence brackets.

Table 8.8: Respondents admitted to prison as per sentence length

SENTENCE LENGTH	FEMALES		MALES		Total	%
	Number	%	Number	%		
< 6 months	10	21	53	22	63	22
6 - 12 months	19	40	128	52	147	51
1 - 3 years	15	32	43	18	58	20
3 -5 years	2	4	12	5	14	5
> 5 years	1	2	8	3	9	3
Total	47	100	244	100	291	100

Previous convictions

Fifty-eight per cent (58%) of the respondents indicated that they had no previous convictions. Thirty per cent (30%) indicated that they had one previous conviction and only 12% indicated that they had two or more previous convictions. These figures correspond fairly with a sample of 50 inmate files (25 maximum and 25 medium classified inmates) drawn from Matsapha Maximum and Medium Prisons which were checked for previous convictions. Out of the 50 files checked, 68% of inmates had no previous convictions and 32% had one to five previous convictions. No one had six or more previous convictions documented.

Table 8.9: Number of previous convictions

CONVICTIONS	FEMALES		MALES		Total	Average
	Number	%	Number	%		
0	28	58	155	58	183	58
1	13	27	81	30	94	30
2	2	4	21	8	23	7
> 3	5	10	10	4	15	5
Total	48	100	267	100	315	100

Age at first conviction

Table 8.10 shows that the majority (33%) of respondents had their first conviction between the age of 15 and 19, followed by the age group 20 to 24 (31%). A significant decrease in first convictions takes place from the age 25 and older.

Table 8.10: Age at first conviction

AGE	FEMALES		MALES		Total	Average
	Number	%	Number	%		
< 15	0	0	35	17	35	14
15-19	15	41	65	31	80	33
20-24	14	38	61	29	75	31
25-29	4	11	30	14	34	14
> 29	4	11	17	8	21	9
Total	37	100	208	100	245	100

Gang affiliation

Generally, gangs are not active in Swaziland prisons. The majority (80%) of respondents indicated that they had no gang affiliation. Of the remaining 20%, 10% indicated that they were members of the 26 Gang, 4% belonged to the 28 Gang, 3% belonged to the Big 5 Gang and 4% belonged to other gangs. Correctional officials confirmed in unstructured interviews that they rarely had gang related incidents in prison.

Table 8.11: Gang affiliation of inmates

GANG AFFILIATION	FEMALES		MALES		Total	Average
	Number	%	Number	%		
No affiliation	44	90	209	78	253	80
26 Gang	1	2	30	11	31	10
28 Gang	0	0	12	4	12	4
Big 5 Gang	4	8	6	2	10	3
Other	0	0	12	4	12	4
Total	49	100	269	100	318	100

Alcohol consumption

Respondents were offered a series of statements describing their drinking habits before imprisonment. Chart 8.14 shows the responses to this question.

Fifty-two per cent (52%) indicated that they used alcohol. Forty-six per cent (46%) claimed that they were occasional drinkers. Those who drank said that they usually drank at weekends and indicated that they drank a lot at weekends. Twenty-five per cent (25%) reported that they got drunk more than once a week, 37% at least once a week and 34% stopped drinking before getting drunk.

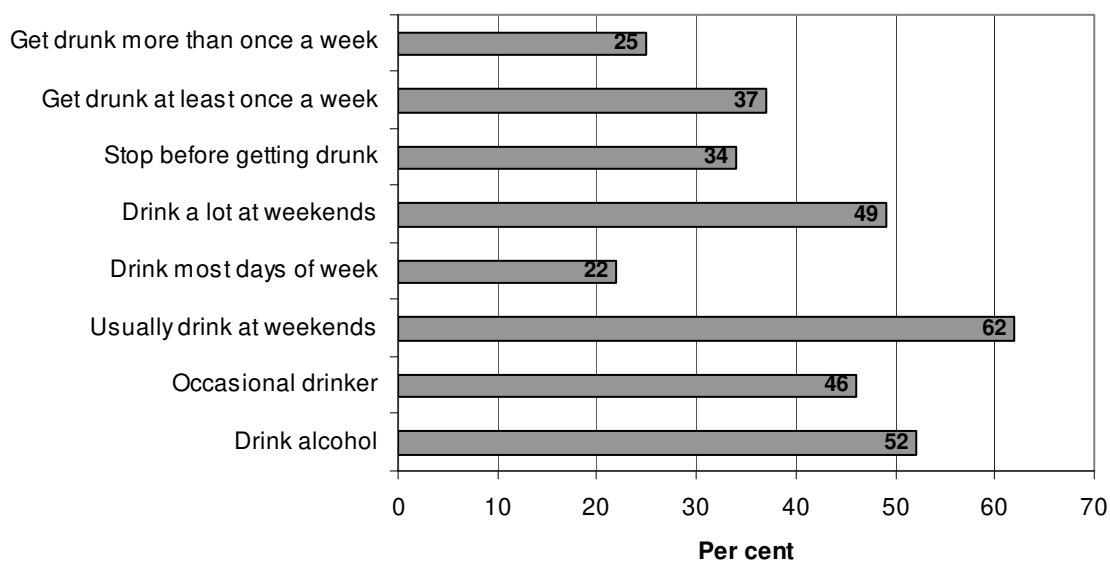


Chart 8.14: Drinking (alcohol) habits prior to imprisonment

Illegal use of drugs prior to imprisonment

Respondents were asked to indicate the frequency of illegal use of drugs prior to imprisonment. Table 8.12 shows the responses to this question. The majority (82%) indicated that they did not use drugs at all. Thirteen per cent (13%) used drugs occasionally compared to 6% who used them frequently. Cannabis (also known as marijuana or dagga) had been used by 24% of the respondents compared to other drugs (mandrax, heroin, cocaine and crack) that had been used by 11% of the respondents prior to imprisonment. Twenty-eight per cent (28%) used medicines and 5% used solvents illegally.

Table 8.12: Illegal use of drugs prior to imprisonment

TYPE OF DRUG	FREQUENCY			# of respondents
	Not at all	Occasionally	Frequently	
Cannabis	186	37	22	245
Other drugs	140	8	10	158
Solvents	147	4	3	154
Medicine	118	41	5	164
Number (#) of respondents	591	90	40	721

Illegal use of drugs whilst in prison

Table 8.13 indicates the frequency of the illegal use of drugs by respondents whilst detained. The majority (86%) indicated that they did not use drugs at all. Eleven per cent (11%) used drugs occasionally compared to 4% who used them frequently. Cannabis had been used by 11% of the respondents compared to other drugs that had been used by 7% of the respondents whilst detained. Thirty-one per cent (31%) used medicines and 7% used solvents illegally.

It is understandable that a decrease in the illegal use of drugs by offenders should take place when incarcerated due to strict supervision and control. The results, however, indicate only a slight decrease of 4% in the illegal use of drugs and a slight increase in the abuse of medicine and solvents which are more easily obtainable.

Table 8.13: Illegal use of drugs whilst in prison

TYPE OF DRUG	FREQUENCY			# of respondents
	Not at all	Occasionally	Frequently	
Cannabis	194	15	10	219
Other drugs	147	8	3	158
Solvents	145	6	4	155
Medicine	120	46	8	174
Number (#) of respondents	606	75	25	706

Mental health deficiencies

Respondents were asked to indicate if they had mental health deficiencies. Table 8.14 shows the responses to this question. The majority indicated that they did not have depression (63%), suicidal (84%) or self-mutilation (87%) tendencies. Twenty-two per cent (22%) indicated that they occasionally had depression compared to 16% who frequently experienced it. Eleven per cent (11%) experienced suicidal tendencies occasionally compared to 5% who experienced them frequently. Seven per cent (7%) experienced self-mutilation tendencies occasionally compared to 6% who experienced them frequently.

Table 8.14: Mental health

MENTAL HEALTH	FREQUENCY			# of respondents
	Not at all	Occasionally	Frequently	
Depression	116	40	29	185
Suicide	127	17	7	151
Self-mutilation	177	15	12	204
# of respondents	420	72	48	540

Chart 8.15 illustrates that males have a higher tendency than females towards mental health deficiencies.

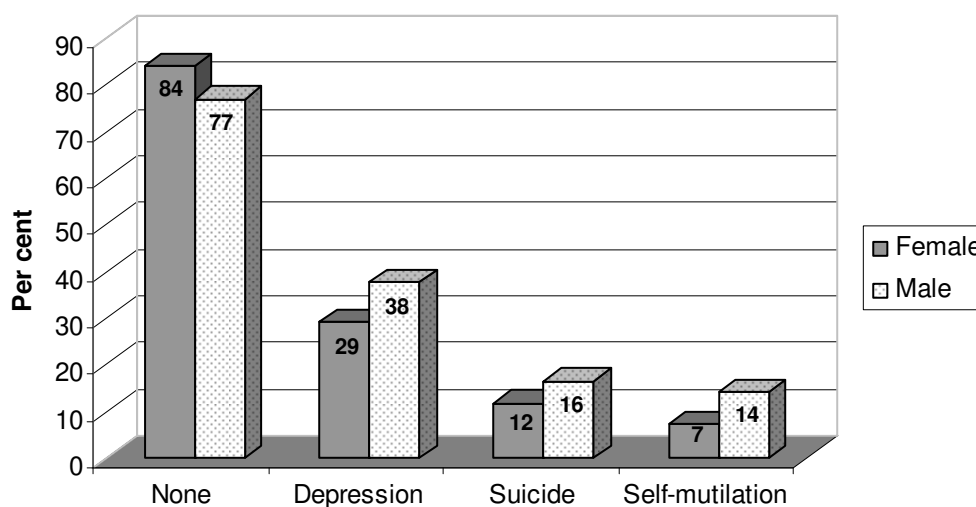


Chart 8.15: Mental health deficiencies

Reasons why inmates commit crime

Respondents were asked to indicate why they committed the crime for which they were currently incarcerated. Eighty-four per cent (84%) said that they committed crimes to survive. Other common reasons were family problems (70%), bored/unemployed/nothing to do (59%) and thought they would not get caught/temptation (53%). Revenge (18%), mental health deficiencies (14%) and the need for drugs/alcohol (11%) were much less likely to be claimed as reasons for committing crime.

Males have a higher tendency to commit crime for reasons such as:

- survival, thinking they will not get caught, temptation
- stupidity, recklessness, messing about, getting carried away
- being under the influence of substances.

Females commit crimes for the following reasons:

- Family or mental health problems
- Bored, unemployed or have nothing to do
- Led on by others or due to peer pressure
- Revenge

Table 8.15: Reasons for committing crime

REASONS	FEMALES		MALES		Total	Average
	#	%	#	%		
Survival	15	60	152	88	167	84
Family problems	16	76	63	68	79	70
Bored/unemployed/nothing to do	14	74	37	54	51	59
Will not get caught/temptation	6	40	40	56	46	53
To help family/friends	7	44	29	41	36	41
Peer pressure/led on by others	11	65	21	31	32	38
Provoked/self-defence/led on by victim	8	35	31	38	39	37
Stupidity/reckless/messing about	2	13	23	33	25	29
Under influence of drugs/alcohol	3	15	24	32	27	28
Revenge	4	24	12	17	16	18
Mental health deficiencies	3	17	9	13	12	14
Needed drugs/alcohol	1	6	9	13	10	11

Reasons for committing crime after release

The most common reason given for committing crimes after release was unemployment (79%). Other reasons given were no sense in life (46%), peer group pressure (35%) and poor education (34%). Revenge (29%), substance abuse (24%) and mental health (15%) were much less likely to be claimed as reasons for committing crimes after release. Females indicated that substance abuse and mental health play no role in reoffending.

Males and females rated unemployment as the main reason for recidivism. Females rated unemployment, no sense in life, peer group pressure, revenge and poor education exceptionally high as reasons for reoffending. A noticeable observation is that survival was the most commonly cited reason for committing crime (see table 8.15), which correlates with unemployment as the reason for continuing to commit crime after release.

Table 8.16: Reasons for continuing with crime after release

REASONS	FEMALES		MALES		Total	Average
	Number	%	Number	%		
Unemployed	12	75	58	79	70	79
No sense in life	5	100	13	38	18	46
Peer group pressure	5	83	8	26	13	35
Poor education	5	56	9	28	14	34
Revenge	4	57	8	23	12	29
Substance abuse	0	0	9	29	9	24
Mental health	0	0	5	18	5	15

Family members convicted/imprisoned

Chart 8.16 shows the rates at which different family members had been convicted of/imprisoned for a criminal offence. In the majority of cases, the family member was a parent (11%) or sibling (10%). Extended family, partners and own children were the least likely to be convicted or imprisoned for a criminal offence.

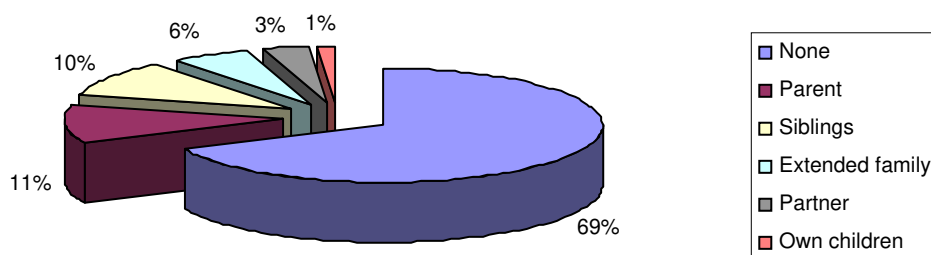


Chart 8.16: Family members convicted/imprisoned

CONCLUSION

An assessment of the Swaziland correctional environment brought to light that Swaziland correctional services does not provide correctional programmes in a specialised and integrated manner. The assessment of offenders and management of individual case plans take place in a haphazard manner. Very few professional staff are appointed in Swaziland correctional services that deal with educational and specialised programmes. The focus is more on spiritual care and the provision of work opportunities to prevent inmate idleness. Very little is done to enhance inmates' education and vocational skills.

The profile of inmates detained in Swaziland prisons is typically single males aged between 19 and 29 who stay with their family and have completed some primary or secondary schooling. These inmates have a very poor employment record with few marketable job skills. The characteristics of female offenders do not differ much from those of their male counterparts.

Offenders themselves identify employment difficulties as contributing to their criminal behaviour and recognise the importance of employability skills for successful integration into society. The majority of inmates leave prison with no money, no immediate entitlement to unemployment benefits and few job prospects. Results indicate that more than 80% of offenders released from prison will be unemployed.

The families of inmates often suffer the consequences of the offender's absence from home. Approximately 60% of all inmates have children. Maintaining positive relationships with family members from prison is extremely difficult. Many inmates have hardly any visits from their family due to the distance family have to travel. Re-establishing family ties can heighten the stress level of newly released inmates and provide yet another hurdle for them to negotiate after release.

Economic (38%) and violent crimes (35%) constitute the largest proportion of all offences committed by inmates. This can be attributed to low educational and skills levels, and the high level of unemployment in Swaziland which leads to boredom and temptation to commit crime. The majority (73%) of respondents indicated that they were serving sentences of less than 12 months. This is a fairly good reflection, as the heads of prisons indicated that 63% of the prison population were serving sentences of two years or less (see table 7.10). A fairly high percentage (88%) of the respondents indicated that they had no (58%) previous convictions or one (30%) previous conviction. Their first convictions were generally between the age of 15 and 24 (64%).

Although 35% of the respondents indicated that they were convicted for violent offences, there is no tendency among inmates to participate in gang activities. Eighty per cent (80%) indicated that they had no gang affiliation. Fifty-two per cent (52%) indicated that they did use alcohol prior to imprisonment whilst 18% indicated that they used drugs prior to imprisonment.

Mental health deficiencies are not prevalent amongst inmates. Thirty-four per cent (34%) of the respondents indicated that they had some form of depression, whilst 38% and 28% indicated they had suicidal or self-mutilation tendencies, respectively.

To summarise, administrators in Swaziland correctional services will have to reconsider their mission with regard to treatment, educational and vocational programmes. In view of the literature reviewed in chapters 4 to 6, the researcher believes that a holistic approach towards the assessment, classification and development of individual case plans should be adopted. From a financial point of view the focus should primarily be on the design and implementation of life skills programmes for inmates sentenced to short terms of imprisonment. The design and implementation of cognitive-behavioural programmes should be reserved for high-risk offenders serving long-term imprisonment sentences.

CHAPTER 9

RÉSUMÉ

INTRODUCTION

The purpose of this study was to contextualise the Swaziland correctional services environment and inmate population, analysing how best to respond to the needs of corrections and providing strategies that can have an impact on crime and recidivism.

The emphasis in evaluating the literature (chapters 2 to 6) was on determining to what extent the theory presents provocative new possibilities for change, and to what extent it stimulates normative dialogue about how the Swaziland correctional services as a system can and should transform.

In order to address the needs of corrections the researcher believes that Swaziland correctional services has to provide concrete evidence that it is effective and adding value to the social and economic reconstruction of the country. This implies the frequent assessment of the performance of Swaziland correctional services to ensure the continuous delivery of cost-effective, innovative and high quality services.

The researcher contends that a collective effort by government, the criminal justice sector and non-governmental organisations is needed to address and resolve the problems faced by Swaziland correctional services in order to add value and sustain the delivery of an effective correctional service. The prison architecture (structures, systems, procedures and operations) can be changed or adjusted at minimal costs to ensure improvement, increase performance and promote efficiency in the Swaziland criminal justice system. Informed decisions with regard to policy changes and the implementation of community-based sentences and correctional and reintegration programmes can be taken.

This implies that the outcome of this study can benefit Swaziland and other African countries in that it can guide correctional practitioners in the transformation of their prison systems. The police and judiciary can take more informed decisions with regard to effective law enforcement, detention of awaiting-trials and sentencing practices. The broader community will be able to identify their role in managing offender populations and devise strategies on how to become major role players in the upliftment and reintegration of offenders into the community as law-abiding citizens. With Swaziland and other African countries embarking on a new route in corrections, the academic world can also play a major role in enlightening reform in legislation, policies and practices.

To address the scope and volume of these multiple challenges, the researcher offers various recommendations and implementation guidelines as deduced from the research done on the impact of prison reform on the inmate population of Swaziland.

SUMMARY OF THE STUDY

Chapter 1 introduced the reader to the study with a clear indication of the purpose of the research, as well as the research approach, design and methodology followed. Aspects touched upon were the origin of prison and penal reform and the philosophy behind large-scale organisational change. What is evident from the literature is that prison systems worldwide have not changed radically in the past two centuries. The emphasis has shifted from imprisonment to community-based sentences over the years, with some countries returning to harsher sentencing practices as political and public sentiment has changed. A shift in emphasis from the initial focus on corrections-based education and development strategies towards treatment (cognitive-behavioural programmes) in the past decade or two is also evident.

In defining options for the Swaziland correctional services the researcher affirms that the Swaziland correctional system should gain a proper understanding of its predicament and why it needs to change. It is from this vantage point that the researcher reviewed the literature (chapters 2 to 6) to look at ways in which Swaziland correctional services could position itself to improve its efficiency and performance. Links with penal and prison reform initiatives were therefore established and proposals for improving the management and performance of Swaziland correctional services within its existing organisational framework were made.

Instead of asking: “Does the theory correspond with the observable facts?” the emphasis in evaluating the literature was on the extent to which the theory presents provocative new possibilities for transformation, and stimulates normative dialogue about how the penal and prison system can and should transform.

To achieve the above, chapters 2 to 6 provided a theoretical framework on the managing of offender populations by means of various sentencing practices and correctional services. These practices and services were classified into four categories, namely incarceration and deterrence programmes (chapter 2), community-based sentences and restraints (chapter 3), risk assessment and classification tools (chapter 4) and correctional programmes (chapters 5 and 6).

These categories are not mutually exclusive but rather a heuristic device to classify a wide range of sentencing practices and correctional programmes currently in use in Swaziland and throughout the world. They present different strategies for controlling crime in the community. Most have some theoretical rationale for expecting a reduction in crime but they differ enormously in the means anticipated to produce the reduction in crime.

While this analysis of crime prevention focused on how effective these different strategies are in reducing crime, it is important to understand that each strategy has impacts other than crime reduction. For example, analysis of the cost and benefits is critically important in any examination of policy relevant issues. This has been the focus of many of the incarceration debates because of the major impact associated with policies that increase the need for building, operating and maintaining the prisons necessary for incarceration. On the other hand, with the exception of some drug treatment analyses, there are fewer discussions and less research examining the cost and benefits of correctional programmes. A high quality, intensive treatment programme for offenders can, for example, be relatively costly. The advantages of the programme must be weighed against the costs. Such issues, among others, are important in policy decisions.

In chapters 2 and 3 it was indicated that imprisonment, community-based sanctions and restraints have little or no deterrent effect on reoffending. In fact, research indicates that imprisonment produces a slight increase in recidivism. The ineffectiveness of these punishment strategies to reduce recidivism reinforces the need to direct resources to alternative approaches. The emphasis in chapters 4 to 6 was thus on offender assessment, classification and provision of correctional (rehabilitation) programmes in order to control recidivism.

The lack of effective offender assessment and classification tools and correctional programmes in Swaziland correctional services (see chapter 7) necessitated the examination of these alternative approaches to better understand their impact on offender behaviour. Without an understanding of the principles of offender assessment and the provision of effective correctional programmes it would not have been possible to make any recommendations with regard to the enhancement of correctional services in Swaziland.

The purpose of offender assessment tools and the provision of correctional programmes in prisons and the community are to assist offenders in their rehabilitation and reintegration into the community as law-abiding citizens. What is apparent from the literature is that without the application of offender assessment and classification tools it will not be possible to identify who should receive treatment, what treatment should be applied and how it should be delivered. Also, by not using these tools offenders are deprived of development and treatment opportunities, which, in turn, defeats the purpose of rehabilitation.

Given the scope of sentencing practices and correctional programmes, examining crime prevention strategies in the criminal justice system is a very large assignment and decisions had to be made about what was important to emphasise in this study. Given the scope and limitations, some important topics such as restorative justice and mediation were omitted from this study. A detailed outline of countermeasures by the police and courts, the cost and the benefits to crime victims and general public had to be limited.

RECOMMENDATIONS FOR ORGANISATIONAL AND ENVIRONMENTAL CHANGES

The recommendations on reform in Swaziland correctional services are based on the model for large-scale organisational change referred to in chapter 1. For a detailed exposition of organisational transformation the master's dissertation submitted by the researcher can be consulted (Bruyns, 1999).

In response to the environment in which Swaziland correctional services has to function, it is necessary to gain a proper understanding of its predicament and why it needs to change. The findings on environmental factors external (macro) to Swaziland correctional services that have a direct impact on the outcomes of the organisation will be addressed first, followed by the internal (micro) environmental factors. Recommendations will be made after every environmental factor discussed.

The external environment

Socio-economic factors

The socio-economic turmoil experienced by Swaziland (see chapter 1, pp.9-11) and the various factors contributing towards crime (see chapter 5, pp. 102-105) certainly play an important role in the increase of criminality. Sixty-six per cent (66%) of the Swaziland population is estimated to live below the poverty line and the unemployment rate is estimated at 40%.

Violent crimes are rife in Swaziland and, as indicated on page 102, poor people tend to commit violent offences and alcohol abuse plays a vital role in this regard. This may explain why rates of theft, assaults and alcohol related crimes are so high in Swaziland (see chapter 7, tables 7.2 and 7.9).

Recommendation 1: Implement a national strategy

There is a clear indication that a more cross-government approach and national strategy is urgently needed, both in terms of the social and economic reconstruction of the country, and the efficient management and reintegration of the offender population into the community.

The challenge for the Swaziland criminal justice sector will be to provide a national strategy towards effective law enforcement, sentencing practices and rehabilitation that will enhance the integration of offenders into the community as law-abiding citizens. In this regard it is recommended that the Swaziland criminal justice sector use the various international instruments and African declarations referred to in chapter 1 (see p.8) as a vantage point to compile a national strategy directed towards effective law enforcement, public safety and protection, and the management of offender populations.

Socio-cultural factors

The social/cultural experience of the Swaziland citizens, economic development and the expectation of the community on what constitutes fair justice will certainly influence the legal framework in Swaziland. The impact of alternative sentencing practices to counter crime will, for example, be influenced by the public perception of public security, law and order, and how it is executed by the various departments in the criminal justice system. An informed public opinion would thus appreciate efforts aimed at decongesting prisons. Public opinion is also likely to influence the extent to which non-custodial measures are viewed and accepted by the broader community.

If long-term offender change is required, the focus should be on the community context of offender behaviour, focusing on strategies such as community involvement in crime prevention (Carr, 2003; Patavina, Byrne & Garcia, 2006), collective efficiency (Sampson, Raudenbush & Earls, 1997) and community culture (Sampson & Bean, 2005). It is also evident from this study that incremental, short-term changes based on group-level change strategies are not working.

Bazemore and Stinchcomb (2004) and Clear and Cadova (2003) argue that the challenge is to develop initiatives (such as a community engagement model of restorative justice) that focus on both individual and community change. The reason is that offenders cannot realistically be expected to change unless long-standing problems such as poverty, poor education and little social support in their “home” communities are addressed.

Recommendation 2: Establish a collective social responsibility

The research results indicate clearly that the majority of inmates detained in prisons can be classified as low to medium risk (see chapter 7, tables 7.3, 7.10 and 7.11; chapter 8, pp.173-179) and should pose no danger to the community. It is thus the researcher’s contention that all government and non-government role players and the community should commit themselves to develop a national strategy directed towards the acceleration of penal and prison reform. The emphasis should be on community-based sentencing practices and correctional programmes.

Government departments (i.e. education, welfare, health and labour) and the broader community should provide social support and programmes that are designed to address the characteristics of offenders that can be changed and that are associated with the individual’s criminal activities. These programmes must enable offenders to return to a life where they will not be victims of their circumstances, but rather be able to creatively build a new life for themselves.

Recommendation 3: Establish community awareness and aftercare services

It is considered that the creation of appropriate community awareness of correctional programmes will be useful to create positive public attitudes to corrections. Community support and re-entry strategies have not been considered a priority or they are seen as outside the scope and influence of the Swaziland criminal justice system. To achieve effective re-entry, there must be a change of focus within the Swaziland criminal justice system. There needs to be alignment of goals, processes and services to reduce reoffending. It is in this view that community involvement in the treatment, training and development of offenders is recommended. The enhancement of aftercare services presented by the community in early release countermeasures is also recommended.

Technological factors

The biggest problem encountered in this study was the lack or availability of accurate statistics on crime and offender populations in Swaziland. This became evident when the researcher approached the various departments in the criminal justice system and the central statistics office. To ensure the effective co-ordination of information amongst the various criminal justice departments a national management information system is needed to make the Swaziland police, courts and correctional services more efficient and compatible.

Recommendation 4: Devise an integrated management information system

It is recommended that:

- an integrated computerised system be devised which can provide information on offenders to assist the police, courts and correctional services in the management of the offender population in Swaziland
- an interagency agreement be developed with a university that is active in criminal justice matters to undertake the responsibility for offender profiling and projections of the offender population

Internal environment

Outdated legislation, policies and operational procedures in use in Swaziland prisons are seriously hampering the efforts of Swaziland correctional services to give effect to its statutory responsibility, namely to detain and rehabilitate inmates in a humane environment. The bureaucratic management approach and work methods along with traditional prison designs further contribute to these restraints (see chapter 7).

Despite the intentions of Swaziland correctional services to decrease the imprisonment rates, the inmate population has remained fairly stable over the years (see chapter 7, chart 7.1). The Commissioner of Correctional Services in collaboration with the Ministry of Justice, however, did succeed in restraining the awaiting-trial inmate population referred to the high court since 2001 (see chapter 7, table 7.1).

During the training (2000 – 2003) of officers in charge of prisons (middle management) the researcher realised that there is a considerable lack of understanding amongst these officers with regard to the purpose of case management as the focus of Swaziland correctional services is primarily on safe custody. Correctional officials also have inadequate knowledge and skills to provide effective correctional programmes to inmates. Thus far no evaluation

has been undertaken to determine the effectiveness of correctional programmes provided to the inmate population.

Swaziland correctional services has also made limited attempts to systematically gather and analyse information on the socio-economic characteristics of the inmate population.

Improvements to service delivery are hindered by the lack of this information and the inefficiencies referred to above. Should this continue, Swaziland correctional services is unlikely to reduce imprisonment rates and efficiently manage its prison populations.

Recommendation 5: Develop and implement a strategic plan

A detailed strategic plan should be developed that includes a means of tracking progress in the reform of Swaziland correctional services. The strategic planning process should begin immediately and be led by experienced strategic planners and a task team that includes all entities. The strategic plan should be guided by three principles:

1. An articulated vision and values for correctional services
2. A clear mission and short-term strategies (goals) for measuring progress
3. An action plan describing the objectives and activities that address each strategy, and in what order they will be accomplished

Implementation of certain recommendations that can be accomplished under the current structure, policy and procedures should begin immediately. These recommendations include:

- policy changes recommended for internal affairs (e.g. adoption of unit and case management principles, implementation of effective treatment programmes)
- staff training (e.g. case management and offender counselling, and offender assessment and classification)
- provision of information technology (e.g. a computerised admission and release system, and an offender assessment and classification system).

For correctional services to launch a successful new approach to offender management, initiatives must be supported by policies that are driven by data. Making policy decisions without adequate data will result in unsound management practices.

The groundwork for medium- to long-term changes should begin as soon as possible. Planning for medium- to long-term change (e.g. rewriting of the Swaziland Prisons Act, implementation of alternate sentencing options for imprisonment and effective correctional programmes, the restructuring of prisons to make provision for unit and case management, and conversion of prisons to pre-release centres or halfway houses) should begin even before legislative approval is obtained for implementation. The implementation of long-term strategies should go hand-in-hand with the establishment of a high-level risk management office to identify policies and practices that present legal and fiscal risks to the correctional system.

It is further recommended that an outside entity conduct an assessment of the organisational culture and management philosophy of the Swaziland correctional services on a bi-annual basis. This assessment should be conducted to enable management to align the organisation with contemporary trends in the field of corrections and to establish a system of accountability that includes the performance management of staff.

Recommendation 6: Improve service delivery to offenders in the care of Swaziland correctional services

It is suggested that the Swaziland correctional services:

- systematically collect and evaluate information about the characteristics of offenders to enable more informed planning
- define the aims of rehabilitation and develop and implement appropriate performance indicators to assess the correctional programmes
- develop a comprehensive rehabilitation strategy for offenders in prison and in the community
- develop a more formal process for the assessment of offenders' risks and needs
- regularly review resource allocations in relation to the demands presented by the changing profiles of offenders
- adequately resource community-based services to enable effective forward planning for service improvement
- evaluate the services provided to high-risk offenders with a view to ensuring the appropriateness and effectiveness of services provided to offenders.

RECOMMENDATIONS FOR PRISON AND PENAL REFORM AS A STRATEGY TO REDUCE THE PRISON POPULATION

An attempt by the Ministry of Justice has not yet been made to systematically assess the impact on pre-trial detention and sentencing practices (e.g. various sentencing options, the utilisation of traditional versus judicial courts). An analysis of legislation in Swaziland also brought to light that EPE is the only community-based sentence available and has not frequently been imposed by courts or used by correctional services.

In defining options for reform in the Swaziland criminal justice system for improving its efficiency and performance within the existing organisational framework, the following recommendations are made:

Recommendation 7: Create alternatives to pre-trial detention

The location of courts requires Swaziland correctional services to detain awaiting-trials in prisons in close proximity to courts. Many a time this leads to the overcrowding of certain prisons (see chapter 7, table 7.6). The distribution of awaiting-trials to prisons is fairly well managed to avoid transportation costs between remand centres and courts.

On 28 February 2007 there were 945 (33%) awaiting-trial inmates in Swaziland prisons (see chapter 7, table 7.7). There is growing consensus that many of these inmates should not be in prison. They are in prison because of slow police and judiciary processes, excessive use of pre-trial detention and many a time offenders cannot afford to pay their bail amounts.

In pursuance of the aim of reducing the number of awaiting-trials, various strategies have been recommended and introduced in various countries (see chapter 2, pp.45-46). It would therefore be advisable for the Swaziland criminal justice sector to consider similar strategies and other alternatives to pre-trial detention such as requiring an accused to reside at a specified address (home confinement), report to the police or other agency at specified times, be supervised (community supervision) and/or electronically monitored by an agency or individual (community involvement) specified by a judicial authority.

In the Swaziland context implementation of the scheme involving hostel accommodation for awaiting-trials with additional conditions imposed by the courts as was implemented in Birmingham, England, could even be considered (see chapter 2, p.45). It is thus recommended that, where possible, remand centres currently in use be utilised as hostels for awaiting-trials. These hostels can be administered similar to a halfway house. This implies that awaiting-trials can continue with their lives outside prison and they are only required to sleep over. This will benefit Swaziland correctional services in that it does not need to provide clothing, bedding, food and health care.

It is further recommended that pre-trial detention in Swaziland be a fixed period and that inmates awaiting trial be prioritised ahead of those awaiting trial in the community. The judiciary should also consider the implementation of additional courts such as weekend courts in prison to reduce the awaiting-trials in prison. Pre-trial deliberations between magistrates, public prosecutors and defence counsels can be held to identify the main issues of the cases. Arrangements should also be made between the state and defence concerning the length and schedule of trials.

Recommendation 8: Create alternatives to short-term imprisonment

In chapter 2 it was clearly indicated that imprisonment does nothing to reduce recidivism and, in fact, may increase it among short- and long-term inmates. The fact that 63% of the Swaziland prison population is sentenced to less than two years is quite alarming (see chapter 7, table 7.10). The reintroduction of the EPE provisions stipulated in section 60 of the Prisons Act, Act 40 of 1964 should be reconsidered as a matter of urgency, as it can result in a reduction of 19% of the current prison population who are serving a sentence of less than six months. The latter will bring about a cost saving of more than R19 million per annum (see chapter 3, table 3.3).

With Tonry's findings in mind (see chapter 2, p.38), it is suggested that:

- with the exception of repeat offending, the imposing of sentences of less than six months' imprisonment should be removed from Swaziland legislation
- magistrates and officials presiding in traditional courts should be given the power to sentence petty offenders to EPE without pronouncement of a sentence of imprisonment
- officials presiding in traditional courts should not have the authority to impose prison sentences.

These decisions have certain implications. As integration into the community is an important aim of community-based sanctions, the criminal justice sector should actively co-operate with local communities by, for example, involving non-government organisations and individuals (volunteers) in the supervision, rehabilitation and integration of offenders into the community. A greater awareness of the benefits of community-based sentences among the community will have to be created. The resources that would have been allocated for the detention of short-term offenders should also be reallocated to the EPE scheme. Problems that occurred with the initial implementation of EPE should also be addressed by putting an efficient infrastructure and administrative system in place.

From a judicial point of view it is recommended that the sentencing legislation in Swaziland be adapted to consider the following as countermeasures for short-term imprisonment:

- Establish legislative criteria for imprisonment which require courts to consider and reject alternative sentencing options before passing an imprisonment sentence of less than two years.
- Require courts to obtain a pre-sentence report before imposing a custodial sentence.
- To prevent offenders from being sentenced to imprisonment because they cannot afford to pay their fines, a day-fine system, paying the fine by instalment or providing a community service order is recommended as a solution.
- Public prosecutors should also be authorised to make use of plea bargaining.
- Sentences which are accompanied by community supervision or community service orders instead of imprisonment should be suspended.
- A community service order should stipulate that an offender must give financial reparation for damages caused, or repair or replace damaged property.
- Similarly, community service orders can be imposed to deprive offenders of their rights or to restrict these rights.

Recommendation 9: Use imprisonment and deterrence programmes

In response to the effect of imprisonment on offenders, the impact on prison population growth and the administration of prisons, it is recommended that imprisonment be regarded as a sanction or measure of last resort. Mandatory and determinate sentencing practices or the increase of the length of prison sentences should be avoided at all costs as they produce little in the way of increased deterrence of crime or reduced recidivism. The use of shock probation, Scared Straight programmes and boot camps are not recommended as no evidence

was found to indicate that they could effectively deter or reduce future criminal activities. All the above sentencing options also contribute significantly to higher administration and financial costs, which Swaziland correctional services cannot afford.

To avoid excessive prison population levels a maximum capacity per prison is recommended and heads of prisons should be granted the authority to refuse the additional intake of offenders from the courts when the maximum levels have been reached.

Recommendation 10: Create alternative measures to custodial sentences

A lack of alternative measures and the inadequate use of the available countermeasures have a great influence on the levels of the average daily prison population in Swaziland. The tendency in Swaziland is one where imprisonment is utilised by the courts as a first option before considering other non-custodial measures. The researcher observed that alternative measures such as remission, amnesties, general pardons and EPE do indeed exist. It was, however, noted that their use or application was minimal and they therefore do not affect the levels of the prison population.

If Swaziland correctional services expands the alternatives to imprisonment that typically fall under community sentences and restraints, the size of the inmate population could potentially reduce by almost 63% (see chapter 7, table 7.10 – inmates serving sentences of two years and less). This can bring about an annual cost saving of more than R63 million. It is thus recommended that imprisonment be de-emphasised as a sanction for offenders sentenced for two years and less and that the use of community service orders (EPE) and community-based sentences be increased. With proper assessment and classification tools in place the Swaziland inmate population can in the long term be even further reduced by assessing offenders who have committed more serious crimes and placing them under intensive supervision programmes. This will allow for intensive treatment and development of high-risk offenders remaining in prison and the use of more cost-effective sanctions (e.g. home confinement, day reporting and intensive supervision) for low- and moderate-risk offenders.

In addition, it is recommended that community-based sentences and restraints be used as part of a structured hierarchy of non-incarceration sanctions for probation and parole violators instead of referring them back to prison. Ironically, this dual role of residential community corrections (as a halfway-in and a halfway-back control strategy) was first proposed by Latessa 15 years ago (Latessa & Travis, 1992) and has as yet not come to its full right in the USA.

Every effort to reduce the prison population in Swaziland must therefore be directed to alternative measures to imprisonment. A community-based sentencing and restraint framework is less costly on the part of the government (see chapter 3, table 3.2) and provides ample opportunities to offenders to serve or continue serving their sentences in the community. Early release measures (e.g. parole and probation) also have the advantage of reducing the amount of time that the prisoners spend in prison. Early release granted subject to good conduct operates as a subtle inducement for behaviour in correctional institutions, which is a necessary prerequisite for effective control, treatment and development of offenders. A combination of restraints (incarceration, intensive supervision programmes and the like) and correctional programmes, in particular, have a significant effect on reducing crime.

Research in the Correctional Service of Canada (Motiuk et al., 2003:1) found considerable evidence to support the premise that a period of supervised transition (e.g. parole and probation) from prison to the community enhances public safety and the rehabilitation of offenders. It does not only reduce the length of imprisonment but is also an efficient way to prepare offenders for release into the community (see chapter 2, pp.48-49). The use of smaller caseloads only makes sense if the emphasis is placed on the development and implementation of treatment strategies for offenders. In the case of Swaziland where the majority of offenders are serving short sentences it is recommended that caseloads be kept at about 150 offenders for every community corrections official. However, Swaziland correctional services has to guard against turning community corrections officials into policing offenders, as this strategy is not based on sound empirical work. The policing approach was tried in the 1980s and early 1990s with intensive supervision, electronic monitoring and other surveillance-orientated programmes - it does not work (Byrne, Lurigio & Petersilia, 1992; Petersilia 2004).

The implementation of parole supervision in Swaziland correctional services is recommended to complement section 43 of the Prisons Act, Act 40 of 1964 with regard to remission of sentences. Provision in legislation should further be made for probation (community corrections) as independent sanction without the pronouncement of a sentence of imprisonment.

The recommendations discussed above will not only reduce the number of inmates in prisons, but are also highly cost-efficient alternatives to building more prisons. It is thus recommended that Swaziland correctional services consider the following strategies in the development and implementation of community-based measures:

- Setting up a task team with appropriate members from the judiciary, correctional services and academia to develop a presumptive sentencing model.
- Piloting a hierarchy of community-based sentences (e.g. parole, probation), intermediate measures (e.g. pre-release centres, halfway houses) and restraints (e.g. home confinement, intensive supervision and day reporting). Public involvement can also be enhanced by allowing non-profit private organisations to run and manage halfway houses.
- Collecting reliable data to measure the impact of the sentencing hierarchy on imprisonment rates and rates of community-based sentencing options.

Recommendation 11: Extend community involvement in the supervision of offenders

The prevailing view is that community corrections facilities should be based in local neighbourhoods where offenders live, rather than in larger regional reporting centres. The cultivation of effective community partnerships also seems to support a decentralised philosophy to the extent that financial resources permit. The use of volunteers (community members under the control of traditional Swazi leaders) and members of the police force to monitor persons subject to community corrections can reduce the cost of detention immensely. Space created at prisons after implementation of community-based sentences can be utilised as pre-release centres, halfway houses and day reporting centres. These centres and other community structures, such as churches, schools and community halls in rural areas, can be utilised as day reporting centres and for presentation of correctional programmes. Office space at police stations, courts and community centres can also be utilised as day reporting centres.

There are three different ways in which communities can be involved in the criminal justice system. One is when volunteers participate in existing formal projects and tasks involved in case processing. Volunteers may assist correctional officials in supervision, administrative work and the like. Secondly, community members are invited to design and manage correctional programmes although correctional services most likely will maintain policy authority. The third type of involvement is where programmes are designed and operated by community members although they may consult with and seek recognition from formal agencies in the area. This format is consistent with a limited resource model in that it shifts

responsibilities back to the community to care for certain levels of offenders and allows the formal system to dedicate time and resources to other, more serious issues.

The researcher believes that the high rates of revocation and recidivism can be reduced through the use of volunteers in the community for supervision and provision of correctional programmes. It is thus recommended that the criminal justice system in Swaziland:

- pilot the outsourcing of community services to non-profit organisations
- extend community involvement in the supervision of offenders by extending the idea of referral orders to the elderly (traditional justice) in the community.

RECOMMENDATIONS FOR THE IMPLEMENTATION OF CORRECTIONAL PROGRAMMES AS A STRATEGY TO REDUCE CRIME

A primary factor to consider is the challenge of turning offenders away from crime. Many offenders detained in Swaziland prisons, as indicated in chapter 8, have poor education and work skills, little or no social support, severe employment problems, and all of this is often severely complicated by substance abuse and health problems.

Limited resources do not enable Swaziland correctional services to deliver beneficial programmes or support to inmates (see chapter 7). The correctional programmes in prisons are not methodical, complete or suitable to fulfil the individual needs of offenders. The lack of effective correctional programmes may also be due to inadequate assessment and classification tools, mismatched allocation of offenders into prisons and distribution of inmates into the wrong programmes. This problem is made worse because the correctional staff do not have the knowledge, skills and motivation to carry out their duties. This trend has a tendency of releasing offenders back into the community who are not properly rehabilitated, with the consequence of the community harbouring a negative attitude towards correctional services and offenders released from prison.

The majority of the inmate population also serve short sentences which do not allow sufficient time for correctional or behavioural interventions whilst in detention. Swaziland correctional services also lacks a consistent approach to managing inmates' sentences and the reintegration of offenders into the community.

Services across government are not co-ordinated and increase the complexity of the problem. Few community support and reintegration strategies have been considered and have for many years been seen as outside the scope and influence of the Swaziland criminal justice system.

Recommendation 12: Implement case management and assessment tools

Case management is a collaborative and multidisciplinary process that includes the assessment of the offenders' risk, the recognition of needs, the monitoring of their activities and, if deemed appropriate, a correctional intervention. Furthermore, counselling integrated with cognitive skills training which touch on topics relating to control of misbehaviour is also proven as an effective measure. Case management facilitates flexibility in the format of individual case plans for different groups of offenders (e.g. violent offenders, substance abusers, sex offenders) and the reinforcement of effective follow-up by case officers of progress on correctional programmes by offenders.

Data about offenders is kept on individual files and little information is readily available to managers to assist them in planning services. It is recommended that a business plan be developed to address this issue. To ensure that effective correctional services are provided, it is important that the characteristics of offenders be known and taken into account.

Swaziland correctional services does not as yet have accurate biographic and demographic data on its inmate population due to the absence of an efficient computerised management information system. Swaziland correctional services should systematically collect and evaluate information about the characteristics of offenders. Accurate profiles of each offender's release potential and post-release adjustment will serve as a means to predict good candidates for early release and can help to establish case preparation priorities. It is therefore recommended that:

- a computerised offender management system be introduced in Swaziland correctional services
- sentence planning be provided during initial admission into the corrections system and the reassessment of offenders on a continuous basis with the purpose of release preparation.

There is little shared understanding amongst Swaziland correctional officials of the purposes of case management and the merits of case management tools. Case management is not used or integrated sufficiently to reach its potential in the effective management of offenders. It is therefore recommended that correctional officials' competency levels be improved with regard to case management and the use of assessment and classification tools.

Recommendation 13: Implement correctional programmes

Inmates have significant problems in relation to education and employment prospects. These problems include their level of education, with only 8% of inmates completing year 12 (see chapter 8, table 8.4). This lack of education impacts on their ability to find employment, with more than 40% of inmates in this study indicating that they were unemployed or living on crime prior to their admission to prison (see chapter 8, table 8.5). More than 92% of the respondents also indicated that they had a need for employment when released from prison (see chapter 8, chart 8.7).

There is a definite need for the enhancement of job-seeking skills, life and social skills, literacy and educational levels, as well as work skills and work experience of sentenced inmates as indicated in chapter 8, pp.168-171.

Examination of correctional programmes presented in Swaziland correctional services indicates that less frequently presented programmes include sex offender treatment, domestic violence, anger management, financial management and cognitive skills programmes.

At the start of inmates' prison or community-based sentence there must be an emphasis on encouraging inmates to achieve identified goals. Secondly, there must be an emphasis on providing treatment, corrections-based education and work programmes custom-made for the Swaziland environment proven to increase the chances of an offender's success upon release.

It is thus recommended that:

- attendance of correctional programmes be promoted by implementing presumptive sentencing
- correctional programmes be expanded to provide for the specific needs of offenders
- more skills training, relevant to gaining and retaining employment on release, be delivered
- community-based joint venture correctional programmes be implemented
- programme effectiveness and sentence reduction benefits be evaluated.

It is further recommended that a comprehensive rehabilitation strategy for offenders be developed, which includes:

- a needs assessment in terms of programme location, volume, type and service standards
- regular monitoring and evaluation of programmes to ensure their suitability and effectiveness
- meaningful performance indicators for measuring levels of rehabilitation.

RECOMMENDATIONS FOR FURTHER RESEARCH

The research literature in the USA, UK, Europe and Australia has presented conclusions of 30 years of rigorous research into offender management. With African countries embarking on a new route in corrections, policies and practices need to incorporate the lessons learned elsewhere about what works and what does not. This also implies that these principles and guidelines need to be adjusted for implementation in the African context.

The literature review has shown that there are substantial information gaps in documented African research. It is thus of critical importance to Swaziland correctional services to support a strategy of research to ensure that its decisions are based on knowledge. Primary amongst these are demographic and biographical profiling of offenders, criminal career patterns, correctional programme design and development guidelines, and the evaluation of programme effectiveness. However, the lack of comprehensive data on offenders and the difficulties in comparing other countries' data limit any discussion on offender profiles.

Recommendation 14: Develop a research project

It is recommended that a co-ordinated integrated research project be developed to accurately profile the risks and needs of offenders in various African prison systems.

CONCLUSION

In summary, no prison system can work in isolation and have as the primary goal the safekeeping (warehousing) of offenders. Therefore, the Swaziland criminal justice sector would require an all-embracing, interactive and holistic approach, as well as a collective responsibility towards effectively managing and reintegrating the offender population into the community.

This can only be achieved by promoting and implementing the various recommendations outlined in African charters and declarations.

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APPENDICES

APPENDIX A

SENTENCED INMATES' NEEDS AND RISK ASSESSMENT QUESTIONNAIRE

Questionnaire number			
	1	2	3

INMATE NEEDS AND RISK ASSESSMENT QUESTIONNAIRE

Dear Respondent,

Goal of the research project

The researcher, Hennie Bruyns, is a senior lecturer at the University of South Africa (UNISA). His goal is to assist Correctional Services to improve its services to inmates. Therefore it is of the utmost importance that you provide accurate information to enable the prison authorities to develop and provide appropriate rehabilitation programmes.

Purpose of the questionnaire

The purpose of this questionnaire is to:

- determine your current needs to enable correctional officials to develop educational, recreational, treatment and work-related programmes
- assess the inmate population to determine who really needs to be incarcerated for a shorter time, and who could be released on community-based sentences such as parole or community corrections

Participation and confidentiality

- Participation in this research project is voluntary.
- Information on individual inmates will be treated as confidential and used for statistical purposes only.
- No information on individual inmates will be published or shared with anyone.

Questionnaire instructions

- The questionnaire administrators will guide you in completing the questionnaire.
- Do not hesitate to ask questions if you are not sure about anything regarding the questionnaire. Stop the administrator if he/she is too fast for you.
- Answer all the questions appropriately and honestly. All questions **must** be answered.
- The questions are formulated in such a manner that you need only indicate your choice with a cross (x). For example:

My gender is:

male	
female	X

- Read every question carefully before answering it, as some questions may require that you indicate more than one option.
- If there are questions that need a written answer and you cannot write, ask the questionnaire administrators to write the answer down for you.

Hennie Bruyns
RESEARCHER

SECTION A: BIOGRAPHICAL INFORMATION

1. What is the name of the institution/prison in which you are detained?

Big Bend	1
Bhalekane	2
Juvenile Industrial	3
Malkerns Young	4
Mankayane	5
Manzini Remand	6

Matsapha Maximum	7
Matsapha Medium	8
Mawelawela	9
Mbabane	10
Nhlangano	11
Pigg's Peak	12

2. I am a
- | | |
|--------------|----------------------------|
| 1. sentenced | 2. awaiting trial (remand) |
|--------------|----------------------------|
- prisoner.

3. My gender is
- | | |
|---------|-----------|
| 1. male | 2. female |
|---------|-----------|

4. My age is:

18 or less	19–23	24–29	30–34	35–39	40–44	45–49	50 or more
1	2	3	4	5	6	7	8

5. My country of nationality is (
- indicate only one country*
-):

Mozambique	1
Nigeria	2
South Africa	3
Swaziland	4
Other (<i>specify</i>):	5

6. My home language is (
- indicate only one language*
-):

English	1
IsiZulu	2
SiSwati	3
Other (<i>specify</i>):	4

7. Before imprisonment I stayed in or near (
- indicate only one area*
-):

Big Bend/Matata	1
Lavumisa/Golela	2
Mankayane/Malkerns	3
Manzini/Matsapha/Sidvokodvo	4
Mbabane/Ngwenya/Oshoek/Mhlambanyatsi	5
Nhlangano/Hlathikhulu/Mahamba	6
Pigg's Peak/Bulembu/Josefsdal	7
Siteki/Simunye/Ngomane	8
Tshaneni/Mhlume/Balegane	9
Outside the borders of Swaziland	10

8. Indicate whether you can speak, read and/or write the following languages:

	English	
Speak	1. Yes	2. No
Read	1. Yes	2. No
Write	1. Yes	2. No

	SiSwati	
3. Yes	4. No	
3. Yes	4. No	
3. Yes	4. No	

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9. Before imprisonment I stayed (
- choose only one*
-):

in my own house/dwelling	1
in a rental house/dwelling	2
in a hostel	3
at family	4
at friends	5
on the street (homeless)	6
Other (<i>specify</i>):	7

10. Indicate your marital status (
- choose only one*
-):

Not married (single)	1
Married (legally/common law)	2
Widowed	3
Divorced	4

11. How many children of your own under the age of 18 do you have?

0	1	2	3	4	5	6 or more
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12. Who is currently taking care (
- primary caretaker*
-) of the abovementioned children?

Partner or ex-partner (e.g. wife, husband, girl- or boyfriend)	1
Immediate family (e.g. mother, father, sister or brother)	2
Extended family or in-laws	3
Foster care or welfare	4
Children look after themselves	5
Don't know	6
Other (<i>specify</i>):	7

- 13.
- Before**
- imprisonment I was (
- choose only one*
-):

unemployed (no job)	1
employed (private/government)	2
self-employed (own business)	3
farming	4
working part-time/doing piece jobs (gardener, painter, etc.)	5
selling fruit, arts or crafts	6
retired	7
living from crime	8
Other (<i>specify</i>):	9

14. What is the highest school level (grade/form) you have completed?

No school education	0						
Primary school: Grade	1	2	3	4	5	6	7
Secondary school: Form	1	2	3	4	5		

15. Apart from school qualifications:

I have no other qualification	1
I am a qualified (<i>specify</i>) ...	2

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16. What work skills do you possess?

No work skills	1
Building skills	2
Welding skills	3
Electrical skills	4
Mechanical skills	5
Farming skills	6
Handcraft skills	7
Other (<i>specify</i>):	8

17. Indicate what church denomination you belong to (*choose only one*):

No church	1
Anglican/Baptist/Methodist	2
Muslim	3
Roman Catholic	4
Zionist	5
Indigenous beliefs	6
Other (<i>specify</i>):	7

SECTION B: NEEDS ASSESSMENT

18. I have problems or I need help with the following:

(*Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree*)

	1	2	3	4
Employability and employment issues				
Accommodation after release (place/home to stay)				
Peer pressure or bad influence of family and friends				
Partner/family relationships				
Sexual or physical abuse				
Life skills (e.g. financial skills, parenting, entrepreneurial skills)				
Social skills (e.g. communication skills, anger/conflict handling)				
Work skills (e.g. building, farming, welding skills)				
Education (e.g. literacy, writing skills, completing school)				
Drug misuse (e.g. dagga)				
Alcohol misuse				
Physical health (e.g. hearing or visually impaired, disabled)				
Poor health (e.g. TB, sexually transmitted diseases, HIV/AIDS)				
Mental health (e.g. depression, learning disabilities)				
Other needs/problems (<i>specify</i>):				

19. Has imprisonment helped you in any of the following ways?

(*Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree*)

	1	2	3	4
Improving literacy levels (e.g. read and write)				
Improving education levels (e.g. school or tertiary education)				
Learning new work skills (e.g. building, gardening, farming)				
Improving work skills (e.g. painting, handcraft skills)				
Getting work experience				
Job-seeking skills (e.g. job application and interview skills)				
Improving social skills (e.g. communication, conflict handling)				
Improving life skills (e.g. financial or entrepreneurial skills)				
Controlling the use of drugs/alcohol				
Reducing disciplinary problems or criminal behaviour				
Other (<i>specify</i>):				

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20. Indicate who will support you after your release from prison (*indicate only one*):

Husband/wife/partner	1
Parent (father/mother)	2
Grandparents	3
Brother/sister	4
Extended family (uncle/aunt/cousin)	5
Own children (son/daughter)	6
Friends	7
Nobody	8

21. Indicate what prison job you currently hold (*indicate your primary job only*):

Cleaner	1
Kitchens (e.g. cook, waiter)	2
Farm work (e.g. gardening, dairy, cattle, crops)	3
Workshops (e.g. mechanic, clothing, upholstery)	4
Laundry (e.g. washing, ironing)	5
Building group (e.g. bricklayer, painter)	6
Maintenance (e.g. electrics, plumbing)	7
Office work (e.g. tea maker)	8
Hairdresser	9
Driver of motor vehicle (e.g. car, tractor)	10
Other (<i>specify</i>):	11

22. Indicate what you would like to be trained, developed or skilled in (*choose one only*):

Motor/diesel mechanics	1
Building industry	2
Electrical industry	3
Computers	4
Typing	5
Hairdressing	6
Farming	7
Gardening/nursery work	8
Child or old age care	9
Packaging industry	10
Manufacturing of furniture	11
Manufacturing of clothing/shoes	12
Upholstery	13
Tourism	14
Arts and crafts	15
Other (<i>specify</i>):	16

23. Indicate which of the following valid drivers' licences you possess:

Motorcycle	1
Light motor vehicle (car)	2
Heavy/extra heavy motor vehicle (truck)	3
None of the above	4

24. In what sport would you like to participate as player, coach or administrator?

Soccer	1
Basketball	2
Volleyball	3
Netball	4
Hockey	5
Bodybuilding/gym	6
Darts	7
Tennis	8
Other (<i>specify</i>):	9

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25. In what recreational activities would you like to participate?

Card games	1
Board games	2
Crafts (e.g. needlework, beadwork, wood/stone carving)	3
Arts (e.g. paintings, choir, concerts)	4
Other (<i>specify</i>):	5

SECTION C: RISK ASSESSMENT

26. I am currently serving a prison sentence of:

less than 6 months	6–12 months	1–3 years	3–5 years	5–10 years	10–20 years	more than 20 years	other (life, death sentence, etc.)
1	2	3	4	5	6	7	8

27. I have currently served year(s) months of my prison sentence.

28. I am currently sentenced for (*if sentenced for more than one offence, mark all the appropriate blocks*):

violence against persons (e.g. assault, robbery, wounding)	1
murder	1
culpable homicide	1
rape	1
other sexual offences (e.g. buggery, indecency, child abuse)	1
theft/handling of stolen goods	1
burglary (e.g. housebreaking/theft)	1
robbery (e.g. banks, shops)	1
vehicle hijacking	1
vehicle theft	1
fraud/forgery/bribery/extortion	1
substance (drug/alcohol) abuse	1
dealing in drugs/drug trafficking	1
default of payment of a fine	1
traffic offences	1
illegal immigration	1
Game Act (wildlife) offences	1
contempt of court/defeat of course of justice	1
Other (<i>specify</i>):	1

29. How many previous convictions do you have?

None	1	2	3	4	5 or more
1	2	3	4	5	6

30. What was your age at first conviction?

Less than 15	15–19	20–24	25–29	30–34	35–40	41 and above
1	2	3	4	5	6	7

31. What prison gang do you belong to?

I am not a gang member	1
26 gang	2
28 gang	3
Big 5 gang	4
Airforce gang	5
Other (<i>specify</i>):	6

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32. Indicate your drinking (alcohol) habits **before** imprisonment:

	1	2
I drink alcohol	Yes	No
I am an occasional drinker	Yes	No
I usually drink at weekends, but not during the week	Yes	No
I drink most days of the week	Yes	No
I usually drink a lot at weekends	Yes	No
I usually stop drinking before I get drunk	Yes	No
I usually get drunk at least once a week	Yes	No
I usually get drunk more than once a week	Yes	No

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33. **Before** imprisonment I used the following substances illegally:
(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Substance (drugs)	1	2	3
Dagga			
Mandrax, heroin, cocaine, crack			
Tranquillisers, cough mixtures, sleeping tablets			
Thinners, spirits, glue			
Other (specify):			

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34. **In prison** I use the following substances illegally:
(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Substance (drugs)	1	2	3
Dagga			
Mandrax, heroin, cocaine, crack			
Tranquillisers, cough mixtures, sleeping tablets			
Thinners, spirits, glue			
Other (specify):			

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35. I have the following tendencies:
(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Tendencies	1	2	3
Self-injury (mutilation)			
Suicide			
Depression			
Other (specify):			

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36. In your opinion, how many prisoners in the prison where you are detained do the following:

	Less than 25%	25% to 50%	51% to 75%	76% to 100%
Belong to a prison gang	1	2	3	4
Participate in gang activities	1	2	3	4
Use drugs illegally while in prison	1	2	3	4
Use alcohol, spirits, etc. while in prison	1	2	3	4
Engage in homosexuality/sodomy	1	2	3	4

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37. Why did you commit the crime you are currently incarcerated for?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Needed food or money to survive	1	2	3	4
Was under the influence of alcohol/drugs	1	2	3	4
Needed drugs/alcohol	1	2	3	4
Family problems	1	2	3	4
Provoked/self-defence/led on by victim	1	2	3	4
Revenge	1	2	3	4
Depression/mental or emotional problems	1	2	3	4
Stupidity/recklessness/messing about/got carried away	1	2	3	4
Peer pressure/led on by others	1	2	3	4
Temptation/thought I would not get caught	1	2	3	4
Bored/unemployed/nothing to do	1	2	3	4
To help family or friends	1	2	3	4
Other (specify):	1	2	3	4

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38. Will you continue committing crime after release?

Yes	1	No	2
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39. If yes, why?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Unemployed/need money	1	2	3	4
Peer group pressure	1	2	3	4
Drugs/alcohol misuse	1	2	3	4
Mental disturbance	1	2	3	4
Poor education	1	2	3	4
No sense in life	1	2	3	4
Revenge	1	2	3	4
Other (specify):	1	2	3	4

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40. What will prevent you from committing crime?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Education	1	2	3	4
A job	1	2	3	4
A trade	1	2	3	4
Business skills	1	2	3	4
Financial skills	1	2	3	4
Entrepreneurial skills	1	2	3	4
Nothing	1	2	3	4
Other (specify):	1	2	3	4

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41. Indicate whether you have a family member who has been convicted/imprisoned (indicate more than one if necessary):

Husband/wife/partner		1
Parent (father/mother)		2
Brother/sister		3
Extended family (uncle/aunt/cousin)		4
Own children (son/daughter)		5
No family member has been convicted/imprisoned		6

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Thank you for your participation.

APPENDIX B

UNSENTENCED INMATES' NEEDS AND RISK ASSESSMENT QUESTIONNAIRE

Questionnaire number			
	1	2	3

INMATE NEEDS AND RISK ASSESSMENT QUESTIONNAIRE

Dear Respondent,

Goal of the research project

The researcher, Hennie Bruyns, is a senior lecturer at the University of South Africa (UNISA). His goal is to assist Correctional Services to improve its services to inmates. Therefore it is of the utmost importance that you provide accurate information to enable the prison authorities to develop and provide appropriate rehabilitation programmes.

Purpose of the questionnaire

This is a follow-up questionnaire to the one administered during June 2002. The purpose of this questionnaire is to:

- determine your current needs to enable correctional officials to develop educational, recreational, treatment and work-related programmes
- assess the inmate population to determine who should really be incarcerated for a shorter time, and who could be released on community-based sentences such as parole or community corrections

Participation and confidentiality

- Participation in this research project is voluntary.
- Information on individual inmates will be treated as confidential and used for statistical purposes only.
- No information on individual inmates will be published or shared with anyone.

Questionnaire instructions

- The questionnaire administrators will guide you in completing the questionnaire.
- Do not hesitate to ask questions if you are not sure about anything regarding the questionnaire. Stop the administrator if he/she is too fast for you.
- Answer all the questions appropriately and honestly. All questions **must** be answered.
- The questions are formulated in such a manner that you need only indicate your choice with a cross (x). For example:

My gender is:

male	
female	X

- Read every question carefully before answering it, as some questions may require that you indicate more than one option.
- If there are questions that need a written answer and you cannot write, ask the questionnaire administrators to write your answer down for you.

Hennie Bruyns
RESEARCHER

SECTION A: BIOGRAPHICAL INFORMATION

1. What is the name of the institution/prison in which you are detained?

Big Bend	1
Bhalekane	2
Juvenile Industrial	3
Malkerns Young	4
Mankayane	5
Manzini Remand	6

Matsapha Maximum	7
Matsapha Medium	8
Mawelawela	9
Mbabane	10
Nhlangano	11
Pigg's Peak	12

2. I am a
- | | |
|--------------|----------------------------|
| 1. sentenced | 2. awaiting trial (remand) |
|--------------|----------------------------|
- prisoner.

3. My gender is

1. male	2. female
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4. My age is:

18 or less	19–23	24–29	30–34	35–39	40–44	45–49	50 or more
1	2	3	4	5	6	7	8

5. My country of nationality is (
- indicate only one country*
-):

Mozambique	1
Nigeria	2
South Africa	3
Swaziland	4
Other (<i>specify</i>):	5

6. My home language is (
- indicate only one language*
-):

English	1
IsiZulu	2
SiSwati	3
Other (<i>specify</i>):	4

7. Before imprisonment I stayed in or near (
- indicate only one area*
-):

Big Bend/Matata	1
Lavumisa/Golela	2
Mankayane/Malkerns	3
Manzini/Matsapha/Sidvokodvo	4
Mbabane/Ngwenya/Oshoek/Mhlambanyatsi	5
Nhlangano/Hlathikhulu/Mahamba	6
Pigg's Peak/Bulembu/Josefsdal	7
Siteki/Simunye/Ngomane	8
Tshaneni/Mhlume/Balegane	9
Outside the borders of Swaziland	10

8. Indicate whether you can speak, read and/or write the following languages:

	English	
Speak	1. Yes	2. No
Read	1. Yes	2. No
Write	1. Yes	2. No

	SiSwati	
3. Yes	4. No	
3. Yes	4. No	
3. Yes	4. No	

Office use

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		17-18
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9. Before imprisonment I stayed (*choose only one*):

in my own house/dwelling	1
in a rental house/dwelling	2
in a hostel	3
at family	4
at friends	5
on the street (homeless)	6
Other (<i>specify</i>):	7

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10. Indicate your marital status (*choose only one*):

Not married (single)	1
Married (legally/common law)	2
Widowed	3
Divorced	4

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11. How many children of your own under the age of 18 do you have?

0	1	2	3	4	5	6 or more
---	---	---	---	---	---	-----------

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12. Who is currently taking care (*primary caretaker*) of the abovementioned children?

Partner or ex-partner (e.g. wife, husband, girl- or boyfriend)	1
Immediate family (e.g. mother, father, sister or brother)	2
Extended family or in-laws	3
Foster care or welfare	4
Children look after themselves	5
Don't know	6
Other (<i>specify</i>):	7

	22
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13. Before imprisonment I was (*choose only one*):

unemployed (no job)	1
employed (private/government)	2
self-employed (own business)	3
farming	4
working part-time/doing piece jobs (gardener, painter, etc.)	5
selling fruit, arts or crafts	6
retired	7
living from crime	8
Other (<i>specify</i>):	9

	23
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14. What is the highest school level (grade/form) you have completed?

No school education	0						
Primary school: Grade	1	2	3	4	5	6	7
Secondary school: Form	1	2	3	4	5		

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15. Apart from school qualifications:

I have no other qualification	1
I am a qualified (<i>specify</i>) ...	2

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16. What work skills do you possess?

No work skills	1
Building skills	2
Welding skills	3
Electrical skills	4
Mechanical skills	5
Farming skills	6
Handcraft skills	7
Other (<i>specify</i>):	8

17. Indicate what church denomination you belong to (*choose only one*):

No church	1
Anglican/Baptist/Methodist	2
Muslim	3
Roman Catholic	4
Zionist	5
Indigenous beliefs	6
Other (<i>specify</i>):	7

SECTION B: NEEDS ASSESSMENT

18. I have problems or I need help with the following:

(*Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree*)

	1	2	3	4
Employability and employment issues				
Accommodation after release (place/home to stay)				
Peer pressure or bad influence of family and friends				
Partner/family relationships				
Sexual or physical abuse				
Life skills (e.g. financial skills, parenting, entrepreneurial skills)				
Social skills (e.g. communication skills, anger/conflict handling)				
Work skills (e.g. building, farming, welding skills)				
Education (e.g. literacy, writing skills, completing school)				
Drug misuse (e.g. dagga)				
Alcohol misuse				
Physical health (e.g. hearing or visually impaired, disabled)				
Poor health (e.g. TB, sexually transmitted diseases, HIV/AIDS)				
Mental health (e.g. depression, learning disabilities)				
Other needs/problems (<i>specify</i>):				

19. Has imprisonment helped you in any of the following ways?

(*Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree*)

	1	2	3	4
Improving literacy levels (e.g. read and write)				
Improving education levels (e.g. school or tertiary education)				
Learning new work skills (e.g. building, gardening, farming)				
Improving work skills (e.g. painting, handcraft skills)				
Getting work experience				
Job-seeking skills (e.g. job application and interview skills)				
Improving social skills (e.g. communication, conflict handling)				
Improving life skills (e.g. financial or entrepreneurial skills)				
Controlling the use of drugs/alcohol				
Reducing disciplinary problems or criminal behaviour				
Other (<i>specify</i>):				

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25. In what recreational activities would you like to participate?

Card games	1
Board games	2
Crafts (e.g. needlework, beadwork, wood/stone carving)	3
Arts (e.g. paintings, choir, concerts)	4
Other (<i>specify</i>):	5

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SECTION C: RISK ASSESSMENT

26. I am currently an awaiting trial prisoner (on remand)

Yes	1
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No	2
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	87
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27. I have been on remand for

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 year(s) and

--	--

 months.

88-91			

28. I am currently on remand for (*if on remand for more than one offence, mark all the appropriate blocks*):

violence against persons (e.g. assault, robbery, wounding)	1
murder	1
culpable homicide	1
Rape	1
other sexual offences (e.g. buggery, indecency, child abuse)	1
theft/handling of stolen goods	1
burglary (e.g. housebreaking/theft)	1
robbery (e.g. banks, shops)	1
vehicle hijacking	1
vehicle theft	1
fraud/forgery/bribery/extortion	1
substance (drug/alcohol) abuse	1
dealing in drugs/drug trafficking	1
default of payment of a fine	1
traffic offences	1
illegal immigration	1
Game Act (wildlife) offences	1
contempt of court/defeat of course of justice	1
Other (<i>specify</i>):	1

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29. How many previous convictions do you have?

None	1	2	3	4	5 or more
1	2	3	4	5	6

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30. What was your age at first conviction?

Not applicable	Less than 15	15-19	20-24	25-29	30-34	35-40	41 and above
1	2	3	4	5	6	7	8

	112
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31. What prison gang do you belong to?

I am not a gang member	1
26 gang	2
28 gang	3
Big 5 gang	4
Airforce gang	5
Other (<i>specify</i>):	6

	113
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32. Indicate your drinking (alcohol) habits **before** imprisonment:

	1	2
I drink alcohol	Yes	No
I am an occasional drinker	Yes	No
I usually drink at weekends but not during the week	Yes	No
I drink most days of the week	Yes	No
I usually drink a lot at weekends	Yes	No
I usually stop drinking before I get drunk	Yes	No
I usually get drunk at least once a week	Yes	No
I usually get drunk more than once a week	Yes	No

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33. **Before** imprisonment I used the following substances illegally:

(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Substance (drugs)	1	2	3
Dagga			
Mandrax, heroin, cocaine, crack			
Tranquillisers, cough mixtures, sleeping tablets			
Thinners, spirits, glue			
Other (<i>specify</i>):			

	122
	123
	124
	125
	126

34. **In prison** I use the following substances illegally:

(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Substance (drugs)	1	2	3
Dagga			
Mandrax, heroin, cocaine, crack			
Tranquillisers, cough mixtures, sleeping tablets			
Thinners, spirits, glue			
Other (<i>specify</i>):			

	127
	128
	129
	130
	131

35. I have the following tendencies:

(Indicate: 1 = not at all, 2 = occasionally, 3 = frequently)

Tendencies	1	2	3
Self-injury (mutilation)			
Suicide			
Depression			
Other (<i>specify</i>):			

	132
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36. In your opinion, how many prisoners in the prison where you are detained do the following:

	Less than 25%	25% to 50%	51% to 75%	76% to 100%
Belong to a prison gang	1	2	3	4
Participate in gang activities	1	2	3	4
Use drugs illegally while in prison	1	2	3	4
Use alcohol, spirits, etc. while in prison	1	2	3	4
Engage in homosexuality/sodomy	1	2	3	4

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37. Why did you commit the crime you are currently incarcerated for?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Needed food or money to survive	1	2	3	4
Was under the influence of alcohol/drugs	1	2	3	4
Needed drugs/alcohol	1	2	3	4
Family problems	1	2	3	4
Provoked/self-defence/led on by victim	1	2	3	4
Revenge	1	2	3	4
Depression/mental or emotional problems	1	2	3	4
Stupidity/recklessness/messing about/got carried away	1	2	3	4
Peer pressure/led on by others	1	2	3	4
Temptation/thought I would not get caught	1	2	3	4
Bored/unemployed/nothing to do	1	2	3	4
To help family or friends	1	2	3	4
Other (specify):	1	2	3	4

38. Will you continue committing crime after release?

Yes	1	No	2
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39. If yes, why?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Unemployed/need money	1	2	3	4
Peer group pressure	1	2	3	4
Drugs/alcohol misuse	1	2	3	4
Mental disturbance	1	2	3	4
Poor education	1	2	3	4
No sense or meaning in life	1	2	3	4
Revenge	1	2	3	4
Other (specify):	1	2	3	4

40. What will prevent you from committing crime?

(Indicate: 1 = strongly agree, 2 = agree, 3 = disagree or 4 = strongly disagree)

Education	1	2	3	4
A job	1	2	3	4
A trade	1	2	3	4
Business skills	1	2	3	4
Financial skills	1	2	3	4
Entrepreneurial skills	1	2	3	4
Nothing	1	2	3	4
Other (specify):	1	2	3	4

41. Indicate whether you have a family member who has been convicted/imprisoned (indicate more than one if necessary):

Husband/wife/partner	1
Parent (father/mother)	2
Brother/sister	3
Extended family (uncle/aunt/cousin)	4
Own children (son/daughter)	5
No family member has been convicted/imprisoned	6

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Thank you for your participation.

APPENDIX C

**SWAZILAND CORRECTIONAL SERVICES
CENSUS: 28 FEBRUARY 2007**

Mr M.H. Simelane
Commissioner of Correctional Services
PO Box 166
Mbabane
Swaziland

Mr H.J. Bruyns
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Date: 31 January 2007

Dear Commissioner Simelane,

Our telephonic conversation a few minutes ago refers.

Compliments for the year and may you and your staff have a prosperous 2007. I must also congratulate you on the most recent statistical update on the “World Prison Population List (seventh edition)” by Roy Walmsley.

I’m in the final stages of my research and should finalise my report by 30 June 2007 - just in time for the SESCO Conference to be hosted in Swaziland.

In the light of the above I would like to request you to provide me with updated statistics on your Department. If possible, it will be appreciated if the detailed data collected for the “World Prison Population List” as on **26 September 2006** can be provided to me.

Other information I need is attached to this e-mail in a format that can be provided to Officers in Charge of the various prisons to complete, should your office not have the information at hand. I will appreciate it if you could:

- distribute the attached census form to all Officers in Charge of prisons and to ask them to complete the census form and do the calculations on 28 February 2007 to ensure a true reflection of the Prison population on this specific date.
- notify me as soon as all the census forms has been received so that I can make arrangements to collect it in person from your office during the first week in March 2007.

Officers in Charge should feel free to contact me if uncertain of what is expected of them.

Yours faithfully

Hennie Bruyns
Senior Lecturer
Department: Penology
University of South Africa

SWAZILAND CORRECTIONAL SERVICES

CENSUS: 28 FEBRUARY 2007

Name of prison: _____

Officer in charge: _____

Tel no.: _____ Fax no.: _____

Instructions: Please do the following counts and calculations on all prisoners in prison. These counts and calculations must be done **on 28 FEBRUARY 2007**. Provide this census form after completion to the commissioner/researcher.

1. The composition of the sentenced and remand inmate population (count all prisoners) at 28 February 2007 was as follows:

Category	Adult		Juveniles*		Total
	Male	Female	Male	Female	
Sentenced					
Remands					
Total					

* A juvenile refers to a person of 18 years of age or below (Prisons Act 40 of 1964).

2. Indicate the number of prisoners in each sentence group as at 28 February 2007.

Sentence group	Number of prisoners
Remands (Not sentenced yet)	
Sentence of 0-6 months	
Sentence of more than 6 months to 12 months	
Sentence of more than 1 year to 2 years	
Sentence of more than 2 years to 5 years	
Sentence of more than 5 years to 10 years	
Sentence of more than 10 years to 20 years	
Sentence of more than 20 years	
Other (specify, e.g. Death penalty)	
Total	

3. Indicate the number of prisoners per country of nationality as at 28 February 2007.

Country of nationality (origin)	Number of prisoners
Mozambique	
Nigeria	
South Africa	
Swaziland	
Other (specify country)	
Other (specify country)	

4. How many offenders are on the Extramural Penal Employment (EPE) scheme as at 28 February 2007?

Total number of prisoners on EPE is: _____

5. Indicate the custodial classification of prisoners as at 28 February 2007.

Custodial classification	Number of prisoners
Minimum	
Medium	
Maximum	
Not yet classified	
Remands (Awaiting trials)	
Total	

6. Indicate the number of remand and sentenced prisoners per crime category as at 28 February 2007.

Category	Remands		Sentenced		Total
	Male	Female	Male	Female	
Violence related crimes					
Domestic violence					
Violence against persons					
Culpable homicide					
Murder					
Robbery					
Vehicle hi-jacking					
Other					
Sexual related crimes					
Rape					
Child abuse					
Other sexual offences					
Other					
Economic related crimes					
Theft					
Vehicle theft					
Fraud					
Other (e.g. bribery, forgery)					
Narcotic related crimes					
Alcohol abuse					
Drug abuse					
Dealing in drugs/trafficking					
Other					
Miscellaneous related crimes					
Traffic offences					
Default of payment of a fine					
Illegal immigration					
Contempt of court/defeat of course of justice					
Game Act (Wild animals)					
Other					
Total					

7. Indicate the persons (totals only) who are involved in rehabilitation, education and development of prisoners as at 28 February 2007.

Categories	Professionals employed	Correctional officials	Prisoners	Temporary staff	Volunteers
Psychologists					
Welfare/Social workers					
Chaplains					
Educators/trainers					
Other officials					
Total					

8. Indicate the number of prisoners involved in the different programmes/services as at 28 February 2007.

Category	Programmes/Services	Total
Psychological services	Individual, group and family therapy	
Social /welfare services	Community work, individual, group or family therapy	
Religious care	Religious/church services, group sessions, personal interviews	
Education and training	Adult Basic Education and Training (ABET)	
	School education (Grade 1-7 & form 1-5)	
	Correspondence studies (College, university, etc.)	
	Vocational training (Electrician, hairdresser, etc.)	
	Entrepreneurial skills	
	Computer skills	
	Other (specify)	
	Other (specify)	
	Other (specify)	
Generic programmes	Life skills (e.g. social, financial, communication)	
	HIV/AIDS	
	Drug/alcohol abuse	
	Aggression/anger management	
	Sexual offender programmes	
	Marriage and family care	
	Pre-release preparation (support, placement, etc.)	
	Other (specify)	
	Other (specify)	
	Other (specify)	

9. Indicate the daily average number of work opportunities provided to prisoners as at 28 February 2007.

Workplace	2005/06
Industry workshops (woodwork, metalwork, carpentry, handcrafts, etc.)	
In prison (Cooks, waiters, hairdressers, cleaners, etc.)	
Outside prison work teams (e.g. cleaners, gardeners)	
Agriculture (e.g. crops, life stock, etc.)	
Maintenance (Plumbing, electrical, etc.)	
Building group (Builders, plumbers, electricians, etc.)	
Mess (e.g. Cooks, waiters, cleaners)	
Other work opportunities (e.g. abattoirs, shop assistants)	
Other work opportunities not listed (specify)	
Other work opportunities not listed (specify)	
Other work opportunities not listed (specify)	
Total	

I hereby confirm that the statistics in this document is a true reflection of the information required and the prison population as at 28 February 2007.

Officer in Charge: _____ **Date:** _____

If uncertain of what is expected of you direct your enquiries to:

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APPENDIX D

**THE VALUE OF THE SOUTH AFRICAN RAND
COMPARED TO OTHER COUNTRIES CURRENCIES
AS ON 25 OCTOBER 2007**

**THE VALUE OF THE SOUTH AFRICAN RAND
COMPARED TO OTHER COUNTRIES CURRENCIES
AS ON 25 OCTOBER 2007**

OTHER COUNTRIES CURRENCIES	SOUTH AFRICAN RAND
1 US Dollar	R6,5876
1 Australian Dollar	R5,97569
1 Canadian Dollar	R6,83574
1 Euro	R9,43107
1 British Pound	R13,5241

Source: Oanda, 2007