



Community safety, offender re-entry and local government

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The aim of CSPRI is the advancement of human rights norms in relation to prisoners and persons deprived of their liberty, through research-based lobbying and advocacy and collaborative efforts with civil society structures. The key areas that CSPRI examines are developing and strengthening the capacity of civil society and civilian institutions related to corrections; promoting improved prison governance; promoting the greater use of non-custodial sentencing as a mechanism for reducing overcrowding in prisons; and reducing the rate of recidivism through improved reintegration programmes. CSPRI supports these objectives by undertaking independent critical research; raising awareness of decision makers and the public; disseminating information and capacity building.

Contents

1. Introduction.....	3
2. Research question	4
3. Key concepts.....	6
3.1 Re-offending	7
3.2 What works and what does not in reducing offending behaviour?.....	9
4. Statistics on releases from prisons: Gauteng and Western Cape	10
4.1 Unsentenced releases	11
4.2 Sentenced releases	13
4.3 Sentence profile of releases.....	13
4.4 Releases per prison per province	14
Western Cape	15
Gauteng	15
4.5 Observations	16
5. Re-entry in context.....	18
6. Socio economic development of marginalised persons: Introductory remarks	21
7. Legal framework for developmental local government mandate.....	24
8. Integrated Development Planning.....	29
9. Case study: City of Johannesburg Gateway Project	30
10. Case study: Cape Town Violence Prevention through Urban Upgrading (VPUU) project.....	31
11. Challenges for local government in South Africa.....	32

Community safety, offender re-entry and local government

By

Lukas Muntingh and Johan Naude¹

1. Introduction

What happens to people after they leave prison is an important question, because worldwide it is known that repeat offending make a substantial contribution to national crime rates.² It is equally known that a small number of recidivists are responsible for a disproportionate amount of crime. Whilst thousands of prisoners, sentenced and unsentenced, are released from South Africa's prisons every year, they are not clearly identified in national policy and service interventions. This is even more so in the case of the other two tiers of government, namely provincial and local government. For reasons that are not always clear, this target group has by and large been regarded as the responsibility of the Department of Correctional Services (DCS) and the White Paper on Corrections in South Africa does pay some attention to them:

4.4.5 Providing guidance and support to probationers and parolees within the community: Community correctional supervision covers all non-custodial measures and forms of supervision. The function of community correctional supervision is to ensure that there are alternative routes to rehabilitation than through correctional centres. Additionally it needs to ensure that the reintegration of offenders back into the community is a supervised process, with adequate provision of services to the individual.

There are, however, a number of shortcomings in the current policy and legislative framework. The first is that the DCS deals only with offenders who have been sentenced to imprisonment or community corrections; the latter including prisoners released on parole and persons placed under

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² For example, from Scotland it was reported that between 43% and 45% of offenders committed another crime within two years (High Level Summary of Statistics Trend Last update: September 15, 2011: Re-offending <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/TrendReOffending> Accessed 15 August 2012)

correctional supervision.³ Furthermore, they remain under the supervision of the Department of Correctional services only for the duration of the balance of their sentence. There are undoubtedly a large number of people, especially young adults,⁴ convicted annually and sentenced to other non-custodial sentences, such as postponed and suspended sentences. The second gap in the current policy and legislative framework is that it does not address the very substantial number of people who were detained as unsentenced prisoners, often for several months before they are released, frequently without their cases proceeding to trial.⁵ In many regards they may as well have served a sentence of imprisonment. Thirdly, returning prisoners and other former offenders have not been clearly identified in national, provincial and local government policies or legislation as a target group in a cross-sectoral, coordinated and integrated manner. The converse of this statement is that the problem of re-offending has been identified in a narrow manner, placing it firmly behind the prison walls making it the responsibility of DCS. There is therefore an expectation that the DCS alone must address re-offending and thus not assigning clear roles and responsibilities to the other spheres of government. The nature of re-entry support services is consequently poorly defined.

This paper examines the issue of “Community safety, offender re-entry and local government” in South Africa. The impact of the release of large numbers of prisoners back into society on a monthly basis poses particular challenges to the public and private sectors as well as civil society. It is of particular concern that such persons are prone to re-offending and, as such, any measures that could reduce or mitigate the risk of such occurrence demands serious consideration. It is argued that local government structures are potentially well positioned as the organ of the state that could most effectively facilitate the coordination and provisioning of resources and interventions with ex-offenders to reduce the risk of re-offending.

2. Research question

This report addresses the question: what is the role of, and possible opportunities for, local government in advancing public safety by addressing the needs of former prisoners to reduce the risk of re-offending?

In answering the question it will be argued that in most instances prisoners and other offenders return to their communities of origin where they will face the same challenges and risks that contributed to

³ Chapter 6 and 7 of the Correctional Services Act (111 of 1998).

⁴ The legislative and policy framework in respect of child offenders is substantially better developed as governed by the Child Justice Act, Act no 75 of 2008.

⁵Karth, V. (2009) *Between a rock and a hard place*, Cape Town: Open Society Foundation.

their arrest, conviction (if the case), and imprisonment in the first place. It is accepted that not all communities, or even smaller sub-areas, contribute equally to the prison population – some areas contribute substantially above the norm for a variety of reasons.⁶ Marginalised individuals and communities perpetuate an inter-generational conflict with the law and are frequently imprisoned. Here they face, upon their return, a number of important challenges.

Addressing their individual needs, as well as the structural conditions characterising their environments require interventions within the community or even smaller sub-units of a geographical community. It is at this level where local government is an important actor or at least has the potential to facilitate cooperation between role players, and mobilise and coordinate resources from the other two tiers of government to focus attention on particular geographical areas which contribute disproportionately to the prison population, and thus released former prisoners.

Against this backdrop it will be argued that there are a number of opportunities at the legislative, policy and practice levels for local government to engage in if it is serious about addressing public safety by paying attention to offender re-entry. Two case studies are represented to demonstrate, to some extent, how this can be done.

The methodology for the review includes an analysis and assessment of the response to four main problems after prison and re-entry as documented in the literature reviewed *infra*, in four dimensions, namely

- personal issues facing returning prisoners
- impact of prisoners re-entry on families
- impact of prisoner re-entry on communities
- livelihood challenges of prisoners.

Furthermore, the role of local government needs to be framed within the context of primary, secondary and tertiary crime prevention.⁷ Effective crime prevention is described as any action that causes a reduction in the level of criminal activity and the resulting harm, or in the number of criminal offenders and their victims. From such a perspective the *focus* is on the causes of crime rather than its effects, and the *goal* is to significantly reduce or eliminate the factors that can lead to crime. Crime prevention can be described in terms of three stages or levels - primary, secondary and tertiary prevention.

⁶ Clear T. (2007) *Imprisoning Communities – How mass incarceration makes disadvantaged neighbourhoods worse*, Oxford University Press, New York.

⁷ Australian Institute for Crime Prevention (2003) *Approaches to understanding crime prevention*. Canberra.

Primary crime prevention is directed at stopping the problem before it happens. This could involve reducing opportunities for crime and strengthening community and social structures. Primary prevention focuses on *social* and *situational* factors. *Social crime prevention* addresses factors that influence an individual's likelihood of committing a crime, such as poverty and unemployment, poor health and low educational performance. Examples of prevention include school-based programs (for example, truancy initiatives) as well as community-based programs (for example, local resident action groups which promote shared community ownership and guardianship). *Situational prevention* addresses the environment (for example, the design of buildings and landscapes, and the products we purchase).

Secondary crime prevention seeks to change people, typically those at high risk of embarking on a criminal career. The focus can be on rapid and effective early interventions (for example, youth programs) and high-risk neighbourhoods (for example, neighbourhood dispute centres).

Tertiary crime prevention focuses on the operation of the criminal justice system and deals with offending after it has happened. The primary focus is on intervention in the lives of known offenders in an attempt to prevent re-offending. Examples include ex-offender support, drug treatment, employment, skills training, public works assistance for the homeless assistance to families of prisoners, assistance to youth in conflict with the law and drug courts.

There are many refinements and variations on this simple model for crime prevention. The three levels of prevention are can be further divided into four sub-categories:

- situational;
- developmental and early intervention strategies;
- community development initiatives; and
- criminal justice.

The scope for local government interventions, for the purposes of this article, therefore lies in the area of tertiary crime prevention as it relates to reducing re-offending by intervening with ex-prisoners and other former offenders to reduce their risk of committing further crimes.

3. Key concepts

3.1 Re-offending

The term re-offending or recidivism refers to when a person who has already committed an offence, commits one or more further offences. While this may at face value seem obvious, measuring re-offending rates (or recidivism rates) is more complex and fraught with methodological pitfalls. For this reason the pursuit of measuring recidivism has been criticised by a number of authors, especially in contexts where criminal justice system functioning and information on it, is weak.⁸ Nonetheless, a number of general comments can be made about re-offending patterns as these are relevant to our general understanding of the phenomenon and should be borne in mind when considering legislative, policy and practice reforms.

It is generally accepted that a relatively small number of people are responsible for a disproportionately large number of crimes in society. Moreover, even in this small group of re-offenders further categorisations can be made. Three broad categories can be distinguished according to Muntingh and Gould's review of the literature on the subject.⁹ The first group is Life Course Persistent (LCP) offenders and are individuals who will continue to commit crime throughout their life course. The second is Adolescence Limited (AL) offenders who are young people who engage in a relatively short period (several years) of criminal offending but then cease this behaviour. The third are low-level chronic (LLC) offenders who resemble LCP offenders but offend at a much lower rate.

The above three categories also indicate that age is important, especially in the case of AL offenders. A number of longitudinal studies have found that offence rates peak in late teen to early twenties after which it tapers off.¹⁰

Data on re-offending also indicates some specialisation. It was found, in a UK sample¹¹ that no general offenders committed sex crimes; only one violent offender committed a sex crime, but sex offenders were convicted of a full range of crimes. Sex offenders had, as can be expected, more convictions for sex crimes.

⁸Beck, A.R. (2001) *Recidivism: A Fruit Salad Concept in the Criminal Justice World*, Available from <http://www.justiceconcepts.com/recidivism.pdf> Accessed on 4 January 2012.

⁹Muntingh, L. and Gould, C. (2010) *Towards an understanding of repeat violent off ending - A review of the literature*, ISS Research Paper 213, Pretoria: ISS citing A A J Blokland, D Nagin and P Nieuwbeerta, Life span offending trajectories of a Dutch conviction cohort, *Criminology* 43(4) (2005), 919–954.

¹⁰Piquero, A., Farrington, D., & Blumstein, A. (2007). *Key issues in criminalk career research - new analysis of the Cambridge study in delinquent development*. Cambridge : Cambridge University Press, p.49, Blokland, A., Nagin, D., & Nieuwbeerta, P. (2005). Life span offending trajectories of a Dutch conviction cohort. *Criminology*, 43 (4), p. 930.

¹¹ Craig, L., Browne, K., Beech, A., & Stringer, I. (2006). Difference in personality and risk characteristics in sex, violent and general offenders. *Criminal Behaviour and Mental Health*, 16, p.188

Table 1 : Re offending per category

Time lapse	Sex offenders	Violent offenders	General offenders
After 2 years	19%	39%	27%
After 5 years	28%	63%	36%
After 10 years	36%	74%	45%

Abracen *et al* report on work done by Peugh and Bilenko which found that, based on a large US sample and using logistic regression analysis, an inmate with a history of sexual abuse was almost six times more likely to be imprisoned for a sexual offence than another violent offence.¹²

Drugs and alcohol play an important role in crime in general but even more so in re-offending. Muntingh and Gould report that it has consistently been shown that substance abuse is associated with criminal activity and that substance abuse is an important contributor to recidivism. It has similarly been found that offenders use alcohol in one third to two-thirds of rapes.¹³ It was further found that alcohol increases the risk for violence more than 13-fold.¹⁴ Moreover, the impact of substance abuse is inter-generational in families and it was found that among the sons of substance-using fathers, impulsive behaviour was strongly associated with peer delinquency.¹⁵ It is, however, not only substance abuse that has an inter-generational impact, but imprisonment itself.

The above is a cursory overview of re-offending to draw attention to the fact that re-offenders are not a homogenous group with fixed and unwavering offence patterns. More importantly, attention should also be paid to the dynamic risk factors driving offending behaviour. Whilst little can be done about a person's age (a static risk factor), interventions are possible and have been proven to be successful with dynamic risk factors, such as substance abuse and lack of education.

¹²Abracen, J., Looman, J., Di Fazio, R., Kelly, T., & Stirpe, T. (2006). Patterns of attachment and alcohol abuse in sexual and violent non-sexual offenders. *Journal of Sexual Aggression*, 12 (1),p.21.

¹³Abracenet al, Patterns of attachment and alcohol abuse in sexual and violent non-sexual offenders, 19.

¹⁴Haggård-Grann, U., Hallqvist, J., Långström N. and Möller,J. (2006) The role of alcohol and drugs in triggering criminal violence: a case cross-over study, *Addiction* 101(1)p. 100.

¹⁵Meija, R., Kliewer, W. and Williams, L. (2006) Domestic violence exposure in Colombian adolescents: pathways to violent and prosocial behaviour, *Journal of Traumatic Stress* 19, p. 259.

3.2 What works and what does not in reducing offending behaviour?

Following from the preceding it is necessary to reflect briefly on what works and what does not in reducing re-offending as this should have policy and practice implications.

Based on an extensive meta-analysis a number of principles for effective interventions have emerged and are presented below.¹⁶ Firstly, interventions should target the known predictors of crime and recidivism, also referred to as criminogenic needs and further divided into static and dynamic needs.¹⁷ The focus of interventions is on dynamic predictors in particular, being: anti-social or pro-criminal attitudes, values, beliefs and cognitive emotional states; pro-criminal associates and isolation from anti-criminal others, and anti-social personal factors such as impulsiveness, risk taking, and low self-control. Secondly, the treatment services should be behavioural in nature.¹⁸ In this regard it is important to match the interventions with the needs of offenders, or to ensure “general responsivity”. Moreover, interventions should be intensive, lasting from three to nine months and occupying 40-70% of the offender’s time when on the programme.¹⁹ Short, generic, information-based, just-before-release interventions do not satisfy this principle.²⁰ Thirdly, treatment interventions should be used with higher risk offenders, targeting their criminogenic needs for change.²¹ This requires accurate risk assessments resulting in targeting high-risk individuals for interventions as this potentially has the biggest pay-off when successful, since these individuals are responsible for a larger proportion of crime. Fourthly, a range of other considerations, if addressed, will increase treatment effectiveness.²² The work by Cullen and Gendreau also identified a wide range of issues that contribute to

¹⁶Cullen F.T. and Gendreau, P. (2000) ‘Assessing Correctional Rehabilitation: Policy Practice and Prospects’ in J Horney (ed) *Criminal Justice 2000, Volume 3: Changes in Decision Making and Discretion in the Criminal Justice System*, Washington: US Department of Justice. See also McKenzie, D.L. ‘Criminal Justice and Crime Prevention’ in LW Sherman et al (1997) *Preventing Crime: What Works, What Doesn’t, What’s Promising*, National Institute of Justice, US Department of Justice, Washington.

¹⁷Williamson, P. et al (2003) ‘Assessing Offender Readiness to Change Problems with Anger’ *Psychology, Crime and Law*, Volume 9 No. 4. Cullen F.T. and Gendreau P. (2000) p. 145.

¹⁸Deci, E.L. and Ryan, R.M. (2000) The “What” and “Why” of Goal Pursuits: Human Needs and the Self Determination of Behaviour, *Psychological Inquiry*, Volume 11 No. 4. McMurrin, M. and Ward, T. (2004) ‘Motivating Offenders to Change in Therapy: An Organizing Framework’ *Legal and Criminal Psychology*, Volume 9. Prochaska, J.M. et al (2004) ‘The Trans-theoretical Model of Change for Multi-level Intervention for Alcohol Abuse on Campus’ *Journal of Alcohol and Drug Education*, Volume 47 Issue 3. Cullen, F.T. and Gendreau, P. (2000) p. 145.

¹⁹Shrum, H. (2004) No Longer Theory: Correctional Practice that Works, *Journal of Correctional Education*, Volume 55 No. 4, p 233.

²⁰Muntingh, L. (2005) p. 34.

²¹Cullen, F.T. and Gendreau, P. (2000) p. 147.

²²Lawrence, S. et al (2002) *The Practice and Promise of Prison Programming*, Urban Institute, Washington, p 9. Cullen, F.T. and Gendreau, P. (2000) p. 147.

intervention effectiveness, such as community-based interventions²³ versus institutional interventions, ensuring well-trained staff and monitoring them, following up on and supporting offenders after they have completed the programme, and structured relapse-prevention. Matching the treatment and programme style to the learning styles of offenders has also been shown to be a critical factor. Further programme considerations include a lack of motivation to participate, depression, anxiety, and childhood trauma.

Research has similarly identified the characteristics of interventions that are not effective and these should naturally be avoided. The following are noteworthy in this regard. Interventions that aim at greater control over offenders (e.g. various forms of supervision and probation), and are regarded as by-products of the “get-tough-on-crime”-approach, are also not effective in reducing recidivism.²⁴ Moreover, in the same manner that effective programmes are based on sound theory and empirically-tested methods and interventions, control-inspired interventions appear to be based on “a common-sense-understanding that increasing the pain and/or the surveillance of offenders would make them less likely to commit crimes”.²⁵

Also ineffective are deterrence-oriented programmes²⁶ that, in some instances, increased the recidivism rate.²⁷ The overall conclusion is that there is no evidence to suggest that greater deterrence or increased punitiveness will result in reduced re-offending, in fact, the opposite was found to be true in a number of evaluations of deterrence-based programmes. With regard to the specific style of a programme, treatment modalities that appear to be ineffective lack general responsiveness, rely on an insight-oriented approach, are less structured, self-reflective, and verbally interactive.²⁸

4. Statistics on releases from prisons: Gauteng and Western Cape

The case studies presented in Sections 8 and 9 below focus on the Cape Town and Johannesburg metros. It is consequently important to present some basic description on releases from prisons in these two metros. It is unfortunately the case that more detailed information on overall sentence profiles, inclusive of all categories of sentences imposed (e.g. non-custodial sentences), is not

²³ Lynch, J.P. and Sabol, W.J. (2001) ‘Prisoner Re-entry in Perspective’ *Crime Policy Report*, Vol. 3 September 2001, Urban Institute, Washington.

²⁴ Cullen, F.T. and Gendreau, P. (2000) p. 154.

²⁵ Cullen, F.T. and Gendreau, P. (2000) p. 154.

²⁶ Examples of such sanctions are “Scared Straight”, boot camps, shock probation, fines, and split sentences.

²⁷ Cullen, F.T. and Gendreau, P. (2000) p. 155. McKenzie, D.L. (1997) *Criminal Justice and Crime Prevention* in Sherman, L.W. et al *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, Washington: US Department of Justice.

²⁸ Cullen, F.T. and Gendreau, P. (2000) p.146.

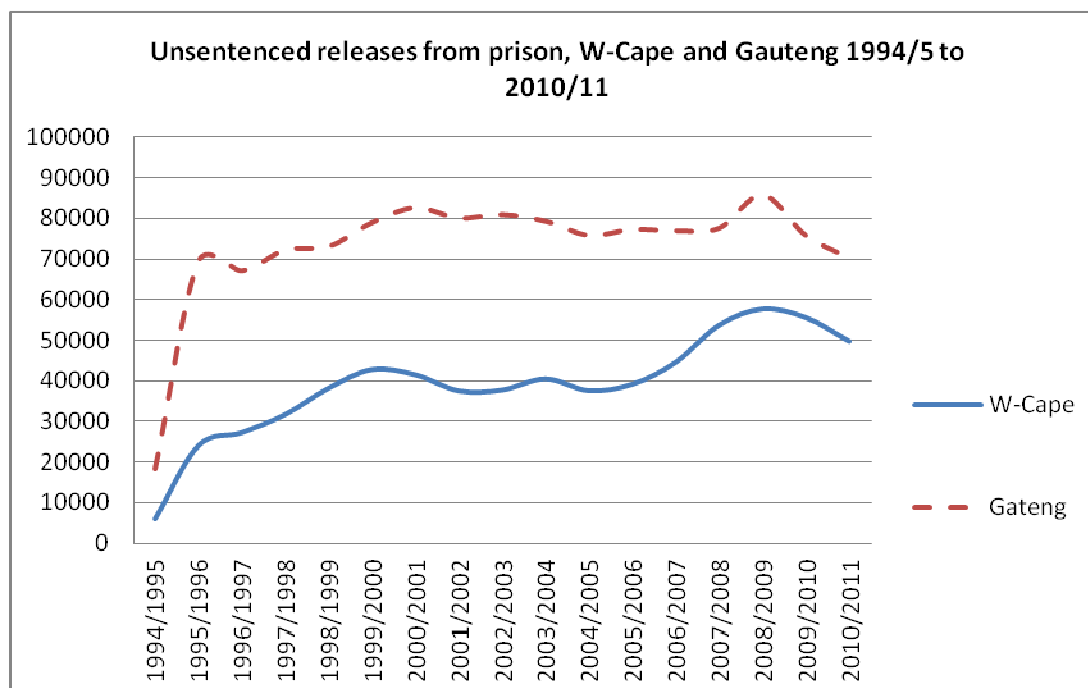
available. The data presented below will nonetheless provide some indication as to the demand for services with former prisoners, but also the opportunity this presents to reduce crime in the two metros.

Statistics on releases from prisons were obtained for two provinces (Gauteng and Western Cape) from the Judicial Inspectorate for Correctional Services (JICS) who extracted this data from the Department of Correctional Services (DCS) Management Information System (MIS). The data extracted has been verified by the DCS and must be accepted as being correct.

4.1 Unsented releases

The first category of releases is unsented releases. The category presents some definitional problems in the DCS MIS. If an unsented prisoner has to appear in court, he is “released” from the care of DCS and handed over to the police. The same prisoner may, however, be re-admitted to prison the same day to be detained further on the same matter. Unless a detailed study is done, tracking individual cases to determine exactly which prisoners are released and returned, and released and not returned, this figure will at best be an estimate for the purposes here. Nonetheless it does provide a basic indicator of the turn-over of unsented prisoners, as shown in Figure 1 below for the two provinces for the period 1994/5 to 2010/11.

Figure 1



Annual unsentenced releases in Gauteng has been above 70 000 since 1997/8 and above 50 000 in the W-Cape since 2007/8. Both provinces show a sharp increase in the early to mid-1990s which stabilised from the late 1990s to the mid-2000s. Both provinces show a spike on the mid-to late 2000s, followed by a decline, reaching respective lowest points for several years.

Unsentenced prisoners also spend considerable periods in detention before their cases are finalised, as shown in Table 2 below. Nationally, nearly half (47.8%), of the unsentenced prison population had been in custody for three months or longer as at the end of February 2011.²⁹ The fact that these prisoners which had been in custody for longer periods remain unsentenced does not change the fact that they may also require re-entry services. They may have lost their employment, housing, family contact and so forth. Pre-trial detention may therefore have significant adverse socio-economic consequences. Other research has found that just more than 50% of unsentenced prisoners will be released from custody without their cases proceeding to trial.³⁰ Their detention was therefore without purpose or meaning, whilst it may have resulted in significant personal and socio-economic costs.

Table 2: Un-sentenced prisoners in custody for longer than 3 months (Feb 2011)

Regions	3 - 6 Months	>6 - 9 Months	>9 - 12 Months	>12 - 15 Months	>15 - 18 Months	>18 - 24 Months	> 24 Months
Eastern Cape	1175	558	475	290	246	270	277
Gauteng	2949	1537	1074	745	547	691	1086
KwaZulu/Natal	1306	645	476	307	212	277	340
Lim-NW & Mpumal.	703	401	376	214	134	134	197
N-Cape & Free State	1031	486	211	153	127	151	155
Western Cape	1714	809	423	247	158	209	217
RSA	8878	4436	3035	1956	1424	1732	2272
% of total unsentenced pop.	17.9	8.9	6.1	3.9	2.9	3.5	4.6
% Cumulative	17.9	26.8	32.9	36.8	39.7	43.2	47.8

Depending on the duration of custody, released unconvicted former prisoners contribute to problems with re-entry and may make a significant contribution to crime. Moreover, spending weeks or even months in an awaiting trial prison, such as Pollsmoor prison in Cape Town, place individuals, especially first-time prisoners, at tremendous risk of being recruited into the prison gangs.

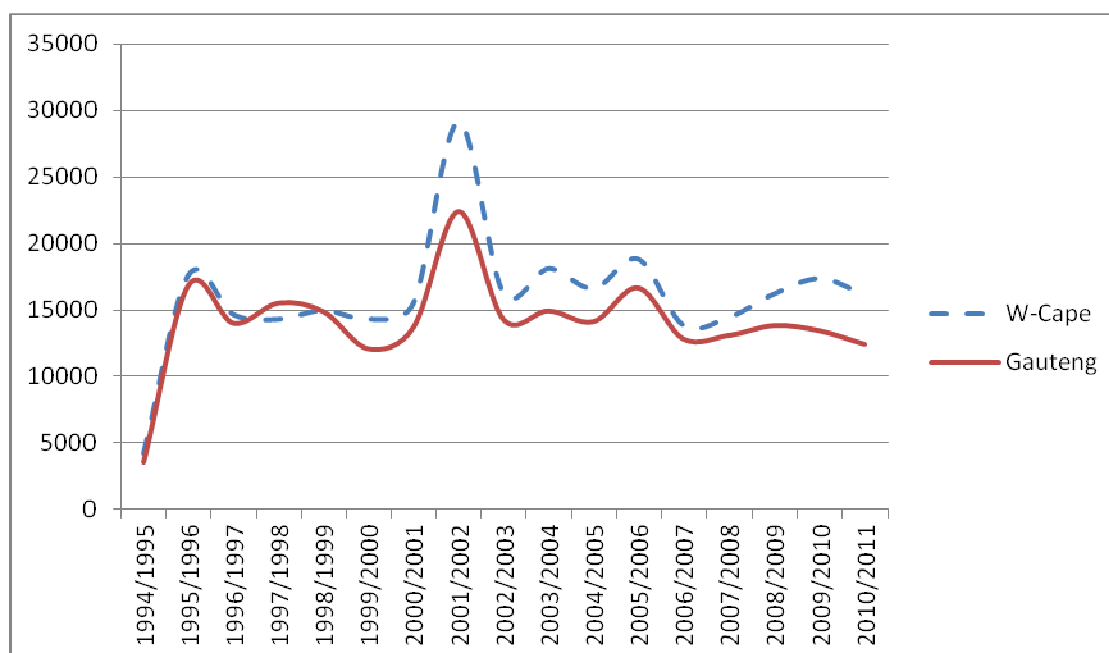
²⁹ Statistics supplied by the JICS.

³⁰ Karth, V. (2009) *Between a rock and hard place*, Cape Town: Open Society Foundation.

4.2 Sentenced releases

Figure 2 below shows the number of sentenced releases per year in Gauteng and the Western Cape for the period 1994/5 to 2010/11. On average 16 000 sentenced prisoners are released in the Western Cape per year and 14 000 in Gauteng.

Figure 2 Sentenced releases per year, W-Cape and Gauteng



4.3 Sentence profile of releases

Table 3 presents the sentence profile of sentenced releases per year in Gauteng and the Western Cape based on averages for the period 1994/5 to 2010/11. It is not within the scope of this paper to conduct a detailed analysis of sentencing trends but rather to illustrate a broad and general point regarding the sentence profile of released prisoners.

Table 3 Sentence profile of average sentenced releases 1994/5 to 2010/11

Sentence	Average per year W-Cape	% W-Cape	Average per year Gauteng	% Gauteng
Other ³¹	30.4	0.2	17.6	0.1
0 - 6 Months	7316.9	45.5	7174.1	51.1
>6 – 12 Months	1878.7	11.7	1375.2	9.8
>12 - <24 Months	1257.0	7.8	574.1	4.1
24 Months	27.2	0.2	21.4	0.2
>2 - 3 Years	1751.3	10.9	1319.8	9.4
>3 - 5 Years	1388.4	8.6	1231.4	8.8
>5 - 7 Years	766.5	4.8	668.2	4.8
>7 – 10 Years	637.7	4.0	644.4	4.6
>10 - 15 Years	335.4	2.1	451.6	3.2
>15 - 20 Years	98.2	0.6	151.6	1.1
>20 Years	53.8	0.3	112.7	0.8
Life Sentence	11.9	0.1	28.2	0.2
Habitual Criminal	113.7	0.7	45.8	0.3
Periodic	302.1	1.9	190.1	1.4
Day Parole	82.2	0.5	32.8	0.2

An important aspect of the sentence profile is that during the period under review, 65% of sentenced releases were of prisoners who had served sentences of less than 24 months. This is important because only prisoners serving sentences of longer than 24 months are entitled to a sentence plan³² and thus the services arising from such a plan. The implication is that it should be assumed that the majority of released prisoners have by law been excluded from services that may reduce their risk of re-offending, such as education and training. They have therefore received little if any intervention with regard to reducing their risk of re-offending.

4.4 Releases per prison per province

³¹ This category includes the following: Prevention of Crime, Death Sentence, Other Mental Instability, Corporal Punishment, Ordered by Court as Dangerous, Fine, State Patient, 48 Hours, Judgement Debtor, and Reformatory. A number of these sentences have subsequently been declared unconstitutional and removed from the statutes.

³² Section 38(2) Correctional Services Act (111 of 1998)

Western Cape

There are 44 prisons in the Western Cape of which the following nine can be assumed to have a direct impact on the Cape Town Metropole: Pollsmoor Max.; Pollsmoor Med. A; Goodwood; Pollsmoor Med. C; Pollsmoor Female; Pollsmoor Med. B; Worcester Female; Drakenstein Med. B Juvenile; Brandvlei Juvenile. The latter three prisons are for woman and children and although situated in Worcester, it can be assumed that due to their specialised nature that a sizeable proportion of their prisoners originate from Cape Town. The average releases per prison (sentenced and unsentenced) for the period 1994/5 to 2010/11 is presented in Table 4 below.

Table 4

Prison	Average number of releases per year
Pollsmoor Max.	16850
Pollsmoor Med. A	5728
Goodwood	4915
Pollsmoor Med. C	2988
Pollsmoor Female	1983
Pollsmoor Med. B	336
Worcester Female	196
Drakenstein Med. B Juvenile	135
Brandvlei Juvenile	105
Total Average Per Annum	33236

While it cannot be assumed that all the prisoners in the listed prisons will indeed return to Cape Town, it does give an indication of the numbers involved. Moreover, a number of Capetonians will serve their sentences in other provinces and released from there before returning to Cape Town.

Gauteng

There are 26 prisons in Gauteng of which the following eight can be assumed to have a direct impact on the Johannesburg Metropole: Leeuwkop Max.; Johannesburg Med. C; Leeuwkop Juvenile; Leeuwkop Med. C; Leeuwkop Med. A; Johannesburg Med. B; Johannesburg Female and

Johannesburg Med. A. The average releases per prison (sentenced and unsentenced) for the period 1994/5 to 2010/11 is presented in Table 5 below.

Table 5

Prison	Average number of releases per year
Leeuwkop Max.	25
Johannesburg Med. C	58
Leeuwkop Juvenile	411
Leeuwkop Med. C	510
Leeuwkop Med. A	614
Johannesburg Med. B	3375
Johannesburg Female	3612
Johannesburg Med. A	23655
Total average per annum	32 260

As is the case with Cape Town, prisoners originally residing in Johannesburg, but imprisoned elsewhere may return to the city. It is also the case that not all prisoners released from the above listed (Table 5) prisoners will remain in Johannesburg and may migrate to other parts of Gauteng or the country. As is the case with Cape Town, more than 30 000 prisoners are released on an annual basis in the Johannesburg area.

4.5 Observations

Both provinces discussed above hold significant numbers of the South African prison population and consequently significant numbers are released into these two provinces. In respect of releases (sentenced and un-sentenced), both metros has to deal with an estimated 2700 released prisoners (sentenced and unsentenced) per month based on average calculation for the period 1994/5 to 2010/11. The bulk of them will be unsentenced prisoners who had spent some time in custody prior to being released.

An estimated minimum of 65% of released sentenced prisoners will not have had access to services preparing them adequately for release as they do not qualify for sentence plans.

At least half of released un-sentenced prisoners would have been in custody for three months and longer before their cases are finalised. Half of them will be released, but would have suffered the socio-economic impact of a sentence of imprisonment.

The overall conclusion from the above statistics is that the social grouping of ex-offenders being released back into the areas of jurisdiction of the metros surveyed, namely Johannesburg and Cape Town, present a significant challenge to public, private and civil society stakeholders in respect of volumes and socio-economic development needs.

Even though there are no reliable statistics available on recidivism in South Africa, it does not detract from this generally held view that ex-offenders contribute significantly to overall crime rates. As a specific high risk category, former prisoners can therefore not be ignored in strategic interventions aimed at promoting public safety and reducing crime. It has been shown elsewhere that policing type interventions with former prisoners (e.g. intensive supervision and parole) make no meaningful contribution towards reducing crime and the risk of re-offending.³³ Community-based interventions targeting high-risk offenders have, however, been shown to be more effective. In the South African context the question must therefore be posed: which arm of government is responsible for such interventions and furthermore, what the nature and scope of such interventions should or could be?

While DCS is responsible for supervising parolees and those offenders sentenced to correctional supervision, it is by now well established that parole has been reduced to a policing function and that little post-release support is indeed rendered.³⁴ While the possibility exists that DCS may redefine and reinvent the nature of its services to parolees and probationers, it is also the case that the services required by released prisoners cross-cuts into other mandates such as the Department of Social Development (DSD) and local government structures. Access to employment, psycho-socio support, therapy, addiction treatment, housing, skills development, education and so forth are provided or could be provided by a range of government departments and structures, including local government.

³³ McKenzie, D.L. (1997) Criminal Justice and Crime Prevention *in* Sherman, L.W. et al *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, Washington: US Department of Justice.

³⁴ Muntingh, L. (2008) *Prisoner Re-Entry in Cape Town – An Exploratory Study*. CSPRI Research Paper, Bellville: Community Law Centre.; Muntingh, L. (2009) *A Societal Responsibility The role of civil society organisations in prisoner support, rehabilitation and reintegration*, Pretoria: Community Law Centre and Institute for Security Studies. Muntingh, L. (2009) *Ex-prisoners' views on imprisonment and re-entry*, CSPRI Research report, Bellville: Community Law Centre.

Municipalities can make a significant contribution to social crime prevention by recognising re-offending as a significant threat to public safety.

This is in part motivated by increasing consensus, domestically and internationally, that law enforcement can play only a limited role in reducing crime and that a more comprehensive approach focussing on social and environmental factors is required. Local government can play a significant role from a social crime prevention perspective, which is understood to include poverty and unemployment deriving from social exclusion particularly of the youth.

5. Re-entry in context

Starting a re-entry initiative can be a daunting task. The overall scope of re-entry can overwhelm and paralyze a government official, community leader or advocate who is eager to improve prisoner re-entry in their community. A critical first step is getting the right people together to assess the problem and collecting the right information to inform your strategy. In some jurisdictions, this may mean convening people for the first time and realizing that some key data have never been tracked, whereas in other jurisdictions, it may mean identifying several existing state and local re-entry initiatives, determining their relationship to each other and whether they need to be restructured, and learning from research already collected.³⁵

In 2008 the United States adopted legislation aimed at supporting former prisoners, the Second Chance Act of 2008. It was designed to improve outcomes for people returning to communities from prisons and jails. This first-of-its-kind legislation authorizes federal grants to government agencies and non-profit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services that can help reduce recidivism.

The Act was promulgated in acceptance of the principle that targeted assistance programmes to specific categories of ex-offenders are necessary to effectively address recidivism. Currently the following specific categories of assistance programmes have been publicly funded through the Act:

³⁵ The National Re-entry Resource Centre (NCCR), Bureau of Justice Assistance, United States of America Department of Justice Council of State Governments Justice Center. The NRRC is administered by the Bureau of Justice Assistance, U.S. Department of Justice, and is a project of the Council of State Governments Justice Centre, along with key project partners including the Urban Institute, the Association of State Correctional Administrators, and the American Probation and Parole Association.

- State, Tribal, and Local Re-entry Courts – the creation of state, local, and tribal re-entry courts to monitor offenders and provide them with the treatment services needed to establish a self-sustaining and law-abiding life.
- Family-Based Substance Abuse Treatment – grants to states, local governments, and Indian tribes to develop and implement prison-based and family-based treatment programs for incarcerated parents who have minor children.
- Evaluate and Improve Education at Prisons, Jails, and Juvenile Facilities - grant to study the effectiveness of educational programs in prisons and jails and identify best or promising practices.
- Technology Careers Training Demonstration Grants – development of training programs for offenders no more than three years from release to find jobs in higher paying, technology-related jobs.
- Offender Re-entry Substance Abuse and Criminal Justice Collaboration – development of treatment programs to better address the needs of returning offenders with co-occurring substance abuse and mental health issues.
- Adult and Juvenile Demonstration - grants to states and local governments that may be used to promote the safe and successful reintegration into the community of individuals who have been incarcerated. Allowable uses of funds include mentorship, housing, education and job training, engagement with community colleges, family programming, initiatives addressing victim priorities and restorative justice, research to improve the effectiveness of release and revocation decisions using risk assessment tools, and re-entry court programs.
- Mentoring Grants to Non-profit Organizations - grants to non-profit organizations that may be used for mentoring of adult offenders or providing transitional services for reintegration into the community. The National Re-entry Resource Centre (NCCR)³⁶ regards the key elements for starting a re-entry initiative as, firstly encouraging collaboration amongst stakeholders; and secondly, developing a knowledge base.

Collaboration amongst stakeholders (between different tiers of government, different sectors in government and government with civil society) is regarded as essential in a multi-stakeholder environment and, in particular, where central, provincial and local governments have overlapping

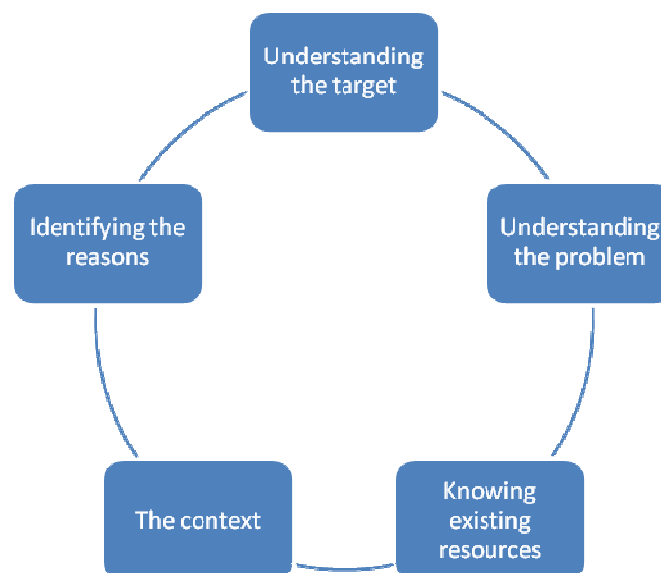
³⁶<http://nationalreentryresourcecenter.org/> Accessed 10 October 2012.

mandates regarding socio-economic development, addressing the needs of marginalised groups in society, and promoting ex-offender re-integration.

The NCCR emphasises stakeholder collaboration in order to recognise the complexities and differences in various systems or institutions dealing with re-entry, and to define the scope of the problem, including

- Understanding who is being released from prison and developing a categorisation of ex-offenders in respect of nature of offences and rehabilitation prospects based on individual assessments;
- Identifying the national, provincial or local policies and practices that govern re-entry;
- Identifying where (geographic location) released prisoners are returning, and understanding the characteristics and service capacities of those communities;
- Understanding why released prisoners are re-offending; and
- Examining how prisoners are prepared for re-entry, supervised, and aided in the transition from prison to community.

Figure 3



The application of the above elements and approach to re-entry in the South African scenario and more particularly in relation to the role of local government in this regard, has been duly considered through an examination of case studies at the City of Cape Town and the City of Johannesburg.

6. Socio economic development of marginalised persons: Introductory remarks

An overview of the relevant legislative and policy frameworks regulating the role of local government in social and economic development needs to be conducted with recognition that improving the socio-economic conditions of marginalised persons is a particular challenge throughout the world. In this context, marginalisation is interpreted as “social exclusion”, a concept used in many parts of the world to characterize contemporary forms of social disadvantage. Social exclusion refers to processes in which individuals and entire communities of people are systematically blocked from rights, opportunities and resources (e.g. housing, employment, healthcare, civic engagement, democratic participation and due process) that are normally available to members of society and which are key to social integration.³⁷ It can be concluded with a fair amount of confidence that most prisoners and former prisoners have a history of social exclusion behind them.

In categorising ex-offenders as being part of a socially excluded or marginalised group in South African society, the challenges to the type of responses required to facilitate their socio-economic development become apparent.

It is recognised that the penal system of any country needs to address the challenge of facilitating the re-entry of former prisoners back into society.³⁸ As illustrated in Section 3 above, large numbers of sentenced prisoners are released annually after serving their sentences and many of them will remain on parole for a foreseeable period. The challenges in prisoner re-entry have been described as four dimensions:

- *Personal issues facing returning prisoners:* Returning prisoners confront a range of personal issues that jeopardize their chances of succeeding in the community and re-offending. Substance abuse, mental illness, lack of accommodation, being HIV-positive or having Aids,

³⁷Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, London: Office of the Prime Minister.

³⁸ Travis, J. (2000) *But They All Come Back: Rethinking Prisoner Re-entry*, Paper no 7, U.S. Department of Justice; National Institute of Justice.

being unemployed and having low educational qualifications are some personal challenges faced by released prisoners.³⁹

- *Impact of prisoner re-entry on families:* Returning parents have to resume or start assuming the role of parent in a family set-up that often faces significant challenges. Families may in themselves experience deep-seated problems and therefore have great difficulty in accepting a family member or parent that has been in prison. The incarceration of a parent remains an important indicator for future delinquency amongst children. This factor as a major contributor to recidivism been documented as the phenomena of inter – generational crime. It is submitted that to prevent the cycle of crime, policymakers should focus on reducing environmental risk through intervention programs targeting children known to be at increased risk of involvement in crime due to the criminality of their parents.⁴⁰
- *Impact of prisoner re-entry on communities:* There is increasing evidence that certain communities and indeed certain families contribute disproportionately to the prison population and that high incarceration communities are destabilized in a variety of ways.⁴¹ The net effect is large numbers of predominantly young men circulating through the prison system on a continuous basis from these communities.
- *Livelihood challenges to prisoner re-entry:* ‘Returning prisoners confront a number of challenges that make it difficult for them to gain access to jobs, benefits, or services that might assist in their transition back into the community’. Apart from barriers that legally exclude release prisoners from state assistance, poor support services, uncoordinated services or absence of services to released prisoners and their families remains a significant problem.⁴²

Domestically it has been concluded that there is a need to examine the factors and interventions required to improve the prospects of ex-prisoners and other marginalized groups in society, more closely.⁴³

³⁹ Baer, D. et al (2006) *Understanding the Challenges of Prisoner Re-entry: Research Findings from the Urban Institute's Prisoner Re-entry Portfolio*, Urban Institute, Washington, p. 1

⁴⁰ Goodwin, V. and Davis, B. (2011) *Crime families: Gender and the intergenerational transfer of criminal tendencies*. Australian Institute of Criminology, Canberra.

⁴¹ Clear, T. (2007) *Imprisoning Communities – How mass incarceration makes disadvantaged neighbourhoods worse*, Oxford University Press, New York.

⁴² Social, Economic and Workforce Programs Division (2004) *The Challenges and Impacts of Prisoner Reentry*, NGA Centre for Best Practices, <http://www.nga.org/Files/pdf/REENTRYBACKGROUND.pdf> Accessed 16 May 2008.

⁴³ Muntingh, L. (2008) *Prisoner Re-entry in Cape Town – an Exploratory Study*, CSPRI Research Paper No 14, Bellville: Community Law Centre; Muntingh, L. (2009) *Ex Prisoners' Views on Imprisonment and Re-entry*, Bellville: Community Law Centre.

The notion of offender reintegration into society is conceptually challenging when considered against the background of widespread exclusion, marginalisation and inequality. Critics may rightly question the effort and cost expended for the benefit of prisoners and ex-prisoners while law abiding citizens do not enjoy basic socio-economic rights. It may indeed be asked: why are ex-prisoners special? Whether motivated by a broader constitutional obligation to promote dignity and self-worth or a more pragmatic approach aimed at limiting the harm that this group of persons could inflict, prisoners and ex-prisoners are hard to ignore when the objective is to create a safer society. Since 1990 government's response to the crime problem has been by and large characterised as a "tough on crime" one and this has generally failed. Decreases in crime has been either fluctuating or cannot be linked to law enforcement. A good illustration in this regard is that the number of sentenced admissions to South Africa's prisons has declined by more than 50% over the past six years, but this has had no noticeable impact on violent crime.⁴⁴ While the National Crime Prevention Strategy (NCPS) still aspired to seeking a balance between law enforcement and social crime prevention, this policy document was effectively abandoned in 1999 and replaced by the police's National Crime Combating Strategy (NCCS), which emphasised law enforcement. This has by and large been to the detriment of dealing with crime and particularly crime prevention.

Any approach to addressing the problem of crime prevention and rehabilitation, and in identifying relevant actions required, would therefore require as a point of departure a thorough analysis of the requirements for alleviating factors that contribute to so-called social exclusion. An example of an approach towards addressing this phenomenon is the concerted efforts that have been launched in recent years by government in the United Kingdom in addressing social exclusion through the establishment of a "Social Exclusion Unit". The former Social Exclusion Unit closed in 2006 and was transferred to the smaller Social Exclusion Task Force. The role of this task force being "*to coordinate the government's drive against social exclusion, ensuring that the cross-departmental approach delivers for those most in need.*" At policy and institutional level the UK government gave recognition to the fact that SE drives a range of social problems, one of which is re-offending.

Against this background, the factors that could be listed as contributing to the social exclusion of groups or individuals in society and that would thus require consideration in any strategy to address social exclusion and offender re-integration include race, geographic location, class structure, globalization, social issues, personal habits and appearance, education, religion, economics and politics.

⁴⁴ Muntingh, L. (2008) Punishment and deterrence: Don't expect prisons to reduce crime, *SA Crime Quarterly* no. 26.

This wide variety of contributory factors to social exclusion indicates the multi-disciplinary nature of any intervention required to effectively address social exclusion and the integration of ex-offenders.

Strategies to address social exclusion have emphasised unemployment as a key cause of, or at least correlating with, social exclusion. This is because in modern societies, paid work is not only the principal source of income with which to buy services, but is also the fount of individuals' identity, social status and feeling of self-worth. Most people's social networks and sense of embeddedness in society also revolve around their work. Many of the indicators of extreme social exclusion, such as poverty and homelessness, depend on monetary income which is normally derived from work. Much policy to reduce exclusion thus focuses on the labour market, emphasising two foci. The first focus being to increase the employability of individuals at risk of exclusion and make them more attractive to employers or equipped for self-employment, and secondly, to encourage (and/or oblige) employers to be more inclusive in their employment policies.

Against this background, the question is posed: what is the role of local government in addressing the needs of former prisoners to reduce the risk of re-offending?

7. Legal framework for developmental local government mandate

The approach in dealing with social exclusion as followed in the United Kingdom shows alignment to the recognition in South Africa that in order to address developmental challenges, effective inter-governmental relations need to be practised, as acknowledged in Chapter 3 of the Constitution (hereafter referred to as the Constitution) of the Republic of South Africa, Act (108 of 1996), the White Paper on Local Government in South Africa⁴⁵ and the Intergovernmental Relations Framework Act (13 of 2005).

Section 40 of Chapter 3 of the Constitution specifies that government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated. Section 41 (1) (h) in particular specifies that all spheres of government must co-operate with one another in mutual trust and good faith by, amongst other

- Fostering friendly relations
- Assisting and supporting one another
- Informing one another of, and consulting one another on, matters of common interest

⁴⁵White Paper on Local Government, South Africa, 1998.

- Co-ordinating their actions and legislation with one another.

The object of the Intergovernmental Relations Framework Act is to provide within the principle of co-operative government in the Constitution,⁴⁶ a framework for the national government, provincial governments and local governments, and all organs of state within those governments, to facilitate co-ordination in the implementation of policy and legislation, including-

- coherent government;
- effective provision of services;
- monitoring implementation of policy and legislation; and
- realisation of national priorities.

Developmental local government is defined in the White Paper on Local Government as imposing the responsibility on municipalities to work together with local communities to find sustainable ways to meet their needs and improve the quality of their lives. The White Paper therefore emphasises a needs-driven process. Moreover, the post-amble to the 1993 Interim Constitution emphasised the transformative nature of the Constitution, which has subsequently been recognised in the Preamble to the 1996 Constitution, noting the injustices of the past and freeing the human potential of every person. The Bill of Rights (Chapter 2), in pursuit of these transformative objectives, recognises not only the first order rights flowing from the right to dignity, but also the second order rights; the socio-economic rights.

Section 27 of the Constitution furthermore specifies, amongst other, that everyone has the right to have access to social security, including, if they are unable to support themselves and their dependants, appropriate social assistance; and that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights.

The Constitution specifies in terms of Section 152 (1) (c) that “The objects of local government are to promote social and economic development.”, and that a Municipality must strive within its financial and administrative capacity to achieve such object.

The extent to which local government in South Africa has been successful in achieving the objects of developmental government has been the subject of some debate.⁴⁷ Conceptually, an important premise

⁴⁶ Constitution of the Republic of South Africa, Act no 108 of 1996.

⁴⁷ De Visser, J. (2005) *Developmental local government: a case study of South Africa*, Intersentia, Belgium.

in achieving developmental local government is the application of an institutional model based on development and decentralisation theory, and adherence to the principles of autonomy, supervision and cooperation.⁴⁸

An assessment of the manner in which local government has set out to achieve developmental objectives shows differentiated approaches. This includes various conceptual articulations of the nature and extent of such mandate, and the type of interventions appropriate for local government. From a policy perspective, various overarching approaches to achieve developmental objectives can be discerned.

On the one end of the spectrum, the argument is that the first priority of local government is to achieve its primary mandate, namely the provision of designated basic services to ratepayers falling within its jurisdiction. Such services are mandated in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, and include a range of basic services such as electricity, planning, health, public transport, public works and water and sanitation services.

In addition to the assignment of these specific functions, Section 156(4) of the Constitution provides for the assignment of functions to a municipality of functions if

- That matter would be most effectively administered locally; and
- The municipality has the capacity to administer it.

This Section of the Constitution does pave the way for specified duties to municipalities with regard to reducing re-offending.

The Municipal Systems Act (32 of 2000) furthermore does impose specific duties on local government to undertake developmentally-oriented planning so as to ensure that it strives to achieve the developmental objects of local government set out in section 152 of the Constitution. Core components of such an Integrated Development Plan (IDP) must reflect the

- vision for the long term development of the municipality with special emphasis on the municipality's most critical development needs; and
- development priorities and objectives, including local economic development aims.

Against the background of the above policy and legislative enabling provisions the question is posed: what resources are made available or programmes offered by local government towards the broad category "offender re-integration" as defined above?

⁴⁸ De Visser, J. (2005) *Developmental local government: a case study of South Africa*, Intersentia, Belgium.

An overview of the types of government developmental programmes relevant to livelihood challenges is presented below in Table 6. With a few exceptions, none of them target ex-prisoners and former offenders specifically. Nonetheless, they can, at least in theory, address some of the risks faced by returning former prisoners. The emphasis is placed on four broad foci being economic development, direct employment, education and training, and environmental improvement. Given the high unemployment rate in South Africa, the emphasis on employment, creating employment and improving employability is well-founded as this could potentially improve the situation of large numbers of South African households.

Table 6

Programme	Objectives	Partners	Ex offender development opportunity
Expanded Public Works Programmes	Promote community participation & involvement in development. Ensure delivery of accessible services in a way that helps alleviate poverty and improves quality of life	Dept of Public Works; NGO's; Private sector	In service training; Infrastructure provision / maintenance (E.g. Road maintenance services)
Community Works Programmes	Employment safety net to supplement people's existing livelihood strategies by offering a basic level of income security through work. Ongoing programme complements government's existing social grants programme CWP sites established in marginalised economic areas, both rural and urban, where unemployment is high.	Departments of Public Works, Co-operative Governance and Traditional Affairs, and Treasury	City of Johannesburg Gateway Project Manenberg: Partnership between Proudly Manenberg (NGO) and Correctional Services ⁴⁹
Further Education & Training	Professional, vocational, technical & academic learning programmes, combined with structured learning at work	Dept of Higher Education & Training; FET Colleges; PSETAS; NGO's; Private sector	Professional placements; work-integrated learning; apprenticeships; learnerships and internships
Urban Renewal Programme ⁵⁰	Investment in economic & social infrastructure; human resource development; enterprise development; enhancement of development capacity of local government; poverty alleviation; strengthening of criminal justice system	Dept of Co-operative Governance and Traditional Affairs National Treasury; NGO's; Development funders	Constructing safe public spaces (Multi-Purpose Community Centres); supporting & strengthening social crime prevention measures; training, mentoring & access to economic

⁴⁹ <http://www.tips.org.za/community-work-programme> Accessed 10 October 2012.

⁵⁰ National Urban Renewal Programme; www.capetown.gov.za

Programme	Objectives	Partners	Ex offender development opportunity
			opportunities City of Cape Town Violence Prevention thorough Urban Upgrading (VPUU) programme
Industrial Development Zones	Designation of area as an Industrial Development Zone to e.g. create employment & other economic and social benefits in the located region ⁵¹	Department of Trade & Industry; National Treasury; Private sector	Professional placements; work-integrated learning; apprenticeships; learnerships and internships
Local Economic Development	Strategic development of local economies; application of the National Spatial Development Perspective (NSDP), Industrial Policy, ASGI-SA and Provincial Growth & Development Strategies (PGDSs); Joint action with municipalities institutionalised in Inter Governmental Relations forums ⁵²	Dept of Co-operative Governance and Traditional Affairs; Trade & Industry, NGO's; Private sector	Enterprise support & business infrastructure development; Community investment development programs to maximise circulation of public spend in local economies
Neighbourhood Development Grant ⁵³	Accelerating public investment in community amenities in marginalised areas by providing a combination of technical support and capital financing for municipal projects that will leverage private sector investment at scale.	National Treasury; NGO's Private Sector	Neighbourhood development
SMME development	Department of Trade & Industry takes the lead in implementing SMME-related policies, to ensure that adequate financial and non-financial assistance is provided to the sector	Small Enterprise Development Agency (SEDA); South African Micro-Finance Apex Fund (Samaf); Khula Enterprise Finance Limited (Khula); National Empowerment Fund (NEF); Industrial Development Corporation (IDC); National Youth Development Agency (NYDA); Land Bank; Mafisa; Provincial agencies; NGO's; Private sector (training, mentoring, finance)	Self-employment, Co-operatives

⁵¹ www.sars.gov.za

⁵² National Framework for Local Economic Development (LED) in South Africa 2006 -2011, Department of Local Government , 2006

⁵³ <http://ndp.treasury.gov.za/default.aspx> Accessed 11 October 2012.

8. Integrated Development Planning

The implementation of development projects or programmes and the realisation of developmental objectives by local government are required to be underpinned by their Integrated Development Plans (IDP). The Municipal Systems Act provides for the setting of specific development objectives in such IDP's which are subject to budget allocations, monitoring and review.⁵⁴ An assessment of the potential role of local government in developing specific initiatives regarding ex-offenders and allocating resources towards these, would suggest that the following factors are in place:

- Coordination between different departments, other tiers of government and outside agencies
- Appropriate policy and political framework.
- Institutional preparedness with regards to implementation, such as the extent to which municipalities can re-orientate their internal resources to ensure readiness and improved service delivery in such specialised field. This includes the extent to which institutional arrangements may require re-structuring in order to deal with specific requirements of an ex-offender re-entry programme.
- As illustrated above, the potential partnership arrangements with other stakeholders (Public-Private, Public-Public, and Public – Community etc.) are regarded as essential for programme establishment and outcomes. The emphasis on the multi-stakeholder requirements of any re-entry initiative as detailed in Section 4, *supra*, are pertinent in this regard.
- Detailed budget and project planning for all aspects of the programme as designed. This would imply that funding commitments would need to be secured to ensure that ex-offender IDP projects are implemented.
- National and provincial government Departments, as well as other stakeholders or partners have a designated role during implementation.

The IDP process does offer great potential for addressing issues such involving all relevant government, private sector or civil society stakeholders in planning processes required for ex offender re-integration programmes. For example, if provincial departments of social development or the national department of justice or correctional service is serious about re-integrating ex-offenders it could use the IDP process to bring that programme to local government, ensure that it is worked into the IDP, bring the municipality on board, link in with municipal resources, and staffing programmes.

⁵⁴ Sections 23 to 37.

It has, however, been found that in general major challenges occur at local government level related to participation by social and economic development stakeholders, the implementation of priorities specified in the IDP's in respect of economic and social development, as well as with poverty alleviation projects.⁵⁵ Implementation difficulties are related to organisational and individual capacities and skills. Institutional arrangements within local government will therefore need to carefully consider the nature of this aspect of developmental local government. Specific skills and experience in respect of managing community and economic development projects are required and success often depends on the ability to successfully conclude and manage partnerships with specialist outside agencies.

9. Case study: City of Johannesburg Gateway Project

Against the background of the above statistics (section 4), the City of Johannesburg Human Development Programme provides services aimed at reducing vulnerability and of which some could also be of benefit to former prisoners such as the vulnerable households support programme, skills development programme and youth development programme. The City has furthermore developed a dedicated ex-offender initiative with the Gateway Project. This initiative is in line with the City's Youth Development policy which targets, among others, young people who have come into conflict with the law. Young people accused or convicted of minor crimes, are upon release referred by the Department of Correctional Services, and are provided with an opportunity to receive support services and job readiness training to assist with their re-entry.

The project was initiated in 2009 in partnership with the non-governmental organisation (NGO) Khulisa who assisted with the screening of participants and training. Some of the participants in this first programme were placed in jobs at the Municipality. The project has since then been managed by the Social Development Unit of the Department of Health and Social Development, who through their social workers facilitate the provision of life skills and re-integration training, as well as basic business skills training. A partnership has been established with the Community Works Programme (CWP) of the Presidency. Placements within the Municipality are not done anymore, the emphasis being on work opportunities through the CWP, or self-employment options. Organisationally the services are offered through the physical presence of the social workers of the Social Development Unit at the geographical clusters where the Department of Health and Social Development is located. The Unit

⁵⁵ Public Service Commission (2007) *Report on an Audit of Government's Poverty Reduction Programmes and Projects*, Republic of South Africa; Patterson, C (2008) *Country Report: Local Economic Development in South Africa*, GTZ Strengthening Local Governance Programme.

has a link with the City's Extended Social Package which has mapped the poorest areas of the City and flagged ratepayer accounts according to job readiness categories, namely

- Can be placed
- Job-ready but needs additional skills training
- Unemployable.

The review has indicated that several factors have a bearing on the overall success of the project.

The City of Johannesburg IDP provides the framework for the provision of a range of Social and Community Development services, and which includes social crime prevention as a strategic objective. Organisationally the City, through its Social Development Unit, is positioned to engage with ex-offenders, although current capacity of the Unit does not allow for the participation of more than 98 ex-prisoners in the current financial year. This implies that some pre-screening of programme participants must be in place according to agreed upon criteria. The Unit recognises the key partnerships required for the project with the DCS, the Community Works Programme and NGO's such as Khulisa and Nicro. Self-employment options are actively encouraged with the Public Service Sector SETA (PSETA) and other business skills training. Facilitating access to loan finance appears to be problematic. Social workers can contribute to ex-offender requirements in respect of at least two of the "challenge dimensions" as specified in Section 5, above, namely the personal and family dimensions. Overall reliance is placed on partnerships in ensuring positive outcomes, in particular related to community development and livelihood challenges.

10. Case study: Cape Town Violence Prevention through Urban Upgrading (VPUU) project

The IDP of the City of Cape Town specifies an overall strategic objective of "fostering a safe and secure environment". The Violence Prevention through Urban Upgrading (VPUU) Project was initiated in 2006 by the City in partnership with the German Government, through the German Development Bank (KfW). The VPUU Project aims to reduce crime and increase safety levels in designated areas of Khayelitsha, and to upgrade neighbourhoods, improve social standards and to introduce sustainable community projects to empower the local residents. Conceptually the VPUU follows an approach and methodology that emphasises community participation in priority setting and areas of intervention. This includes programme elements such as

- Crime mapping

- Situational crime prevention that aims to change the physical and environmental conditions that generate crime and fear of crime through improved urban design and planning
- Social crime prevention by supporting a partnership of organisations or units drawn together so as to best serve the broader Khayelitsha community in respect of crime prevention, and which includes patrolling and the package of plans approach (Precinct, project and building plans)
- Institutional crime prevention which aims to mainstream situational and social crime prevention within City of Cape Town standard project implementation frameworks

Monitoring and evaluation of the project has been conducted to assess both the actual reduction in the number of crimes, as well as the public's perception of crime and safety in the VPUU area of operation. Indications are that safety in the area has improved over a period of three years since the project's inception according to public perceptions.

Apart from the investment in physical infrastructure in the area, the VPUU Project also seeks to improve the social circumstances that may lead to crime and to empower the residents of Khayelitsha to become economically independent. A number of artisans and businesses have been established or supported, including welders, informal traders, mosaic artists and contractors. This has helped to provide an income and formalise industry within the area.

The VPUU Programme emphasises the establishment of partnerships at all levels, including Local, Provincial and National Government, the various line departments within the City, the community, NGOs, the private sector, funding and other support agencies.

The VPUU Programme does not include a specific or dedicated ex-offender focus in its interventions. An examination of the programme components of the VPUU does, however, indicate that some of the dimensions of the challenges experienced by ex-offenders are being addressed, with an emphasis on the community development and livelihood challenges.

11. Challenges for local government in South Africa

It is increasingly clear that law enforcement will not in a sustainable manner reduce crime. The main drivers of crime in South Africa lie in the communities where South Africans live – it is in their socio-economic fabric and in their exclusion from socio-economic resources. While the national and provincial governments have mandates in this regard, deprivation and exclusion from socio-economic resources form part of the daily reality of local government life. It is because Local Governments

focus drills down to the smallest unit, the ward, that it should be able to intervene where it matters most.

Local Government is regarded as an indispensable arm of violence or crime prevention programmes.⁵⁶ It is positioned to obtain the input and involvement of a broader range of people and institutions in examining the problem, achieve agreements and delineate responsibilities. It can play a leadership role in co-ordinating the different agencies involved in prevention and assistance efforts, which has been one of the main stumbling blocks to effective program implementation. The gathering of reliable information and statistics on different aspects of the problem for specific geographical areas, which in turn helps to efficiently assign investment between control and prevention activities, can be facilitated by local government.

The review has provided confirmation of some of the key critical success factors required for effective re-entry initiatives by South African local government.

1. Re-entry initiatives should be included as a strategic objective in Integrated Development Plans and adequate budgetary and human resources should be allocated in order to address offender re-entry at an appropriate scale in targeted geographical areas or communities. This would imply that ex-offenders are targeted as a special interest group requiring dedicated responses in the interest of overall crime prevention through the reduction of re-offending and the establishment of functional neighbourhoods and communities. Through the IDP processes, Local Government should be the broker to mobilise National and Provincial Government resources to where they are needed most. In this regard some further thought is required regarding the correct financial instrument to fund such programmes. Funding interventions, targeted specifically at re-integrating offenders, from a municipality's own revenue (property rates, service fees etc.) may only be feasible and logical for a metro. Funding it from the equitable share may be difficult as the equitable share is for basic service delivery. For the majority of municipalities, specific funding mechanisms may be required in the form of conditional or programmatic funding, or with funds from outside agencies such as the model applied in funding the VPUU project.
2. Comprehensive project planning approaches are required for re-entry programmes, and must be initiated from the premise of the key elements for starting a re-entry initiative, namely
 - Encouraging collaboration amongst stakeholders; and
 - Developing a knowledge base.

⁵⁶Velazco, R.G. (1999) *Violence Control at the Municipal Level*, Technical Note 8; Inter-American Development Bank.

3. Effective offender re-entry requires a multi-disciplinary approach and prioritisation of interventions in the challenge dimension areas (personal, families, communities and livelihoods) as specified above. Community-based interventions should therefore link up with prison-based interventions where practical.
4. Although the local government approaches as reviewed above include elements of primary, secondary and tertiary responses to crime prevention, it is in the area of tertiary crime prevention that the greatest emphasis should lie for ex-offender re-entry programmes at local government level. This would imply a greater role by local government in facilitating access and services in the areas of ex-offender support programmes, such as, for example, drug treatment programmes, employment opportunities, skills training, public works assistance for the homeless, assistance to families of prisoners, and assistance to youth in conflict with the law. In many instances community-based resources are available but few ex-prisoners are aware of them and are consequently not accessed by this group.
5. Any approach to deal in a meaningful manner with ex-offender re-entry will furthermore need to overcome the limitations related to criminal record expungement,⁵⁷ and the impact such records have on the livelihood challenges faced by ex-prisoners, particularly related to finding employment or securing a small business loan.
6. Political leadership is required in Local Government in dealing with crime and spearheading social crime prevention.

In stressing the role of strong leadership, a recent initiative in the United States in this regard can be noted. A summit on offender re-entry and employment was convened by Public / Private Ventures, a national non – profit organisation that seeks to improve the effectiveness of social policies and programs.⁵⁸ This dialogue among city leaders about effective re-entry, included presentations from New York City, Chicago, Boston and Baltimore about their approaches to re-entry, along with discussions of federal and state advocacy and strategies to reduce legal barriers to employment.

An assessment of the summit report indicates a re-iteration of the importance of re-entry initiatives to overall socio-economic development, as well as those elements required for effective interventions as identified in this paper. The summit concluded that whilst there is a growing body of evidence about

⁵⁷ Muntingh, L (2011) *The law and the business of criminal record expungement in South Africa*, CSPRI Research Paper No 18, Bellville: Community Law Centre.

⁵⁸ Johnson, L. E., Fletcher, R. C. and Farley C. (2008) *From Options to Action: A Roadmap for City Leaders to Connect Formerly Incarcerated Individuals to Work*, Philadelphia: Public/Private Ventures.

promising approaches, much more research will be required to say with certainty which program models are most effective—and for which subsets of the re-entry population.

In conclusion, a stronger role by local government in the area of ex-offender re-entry implies that initiatives are introduced with due recognition of the challenges related to the effective exercise of developmental local government. In this regard, the critical overall service delivery and financial sustainability issues that confront local government must therefore be dealt with adequately.

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