Families of the incarcerated..

“The forgotten…in the crime saga?”

13 May 2015
Families are the compass that guides us. They are the inspiration to reach great heights, and our comfort when we occasionally falter. - Brad Henry

In family life, love is the oil that eases friction, the cement that binds together, and the music that brings harmony. - Eva Burrows

When any trouble comes in home, all family members take it as its own and this is called family love. - Anonymous

The great gift of family life is to be intimately acquainted with people you might never introduce yourself to, had life not done it for you. - Kendall Hailey

Perhaps the greatest social service that can be rendered by anybody to this country and to mankind is to bring up a family. - Bernard Shaw

Feelings of worth can flourish only in an atmosphere where individual difference are appreciated, mistakes are tolerated, communication is open, and rules are flexible...the kind of atmosphere that is found in a nurturing family. - Virginia Satir
Families are the building blocks of a nation

• Stable, healthy families are at the heart of strong societies. It is within the family environment that an individual’s physical, emotional and psychological development occurs. It is from our family that we learn unconditional love, we understand right from wrong, and we gain empathy, respect and self-regulation. These qualities enable us to engage positively at school, at work and in society in general. The absence of a stable, nurturing family environment has a profoundly damaging impact on the individual, often leading to behaviour which is profoundly damaging to society (Centre for Social Justice, 2010:6, in Department of Social Development, White Paper on Families in South Africa, June 2013)
Some alarming figures

- Prison population in SA one of the highest per capita in the world.
  - Total capacity of prisons is 118 154 people, with 25 000 places reserved for people awaiting trial detainees (ATD).
  - The total prison population as of 2014 is 162 162, of which 49 695 (31%) are ATD and 112 467 (69%) are sentenced offenders. Nationally, there is an overcrowding level of 137% (Jules-Marquet, NICRO, 2014).

- Gender Breakdown of Incarcerated Offenders:
  - Sentenced Male 109 804 - 98%;
  - Sentenced Female 2663 - 2% (Jules-Marquet, NICRO, 2014 - Table 6):
    - Race - disproportionately higher numbers of coloured and high numbers of black offenders
      - Coloured 20364 – prison population - 18% - national population - 9%;
      - Black 89329 – prison population - 79% - national population - 79.5%;

- Combined figure for children and juveniles on remand is 18,227 (41%);
- Sentenced offenders - Combined figure for juvenile/child category - 27045 (24%)

  - What implications does this have for the +/- 160,000 families are affected. Removal of fathers, mothers, children, bread winners!

- We spend over R18 billion a year on imprisonment
  - How much of this includes programmes/interventions involving families?

- The recidivism rates are high:
  - 85% and 94%. (Ballington, cited by Muntingh, 2001 in Jules-Marquet, NICRO, 2014)
  - 24% (Open Society Foundation for South Africa, 29 and 30 November 2010)
  - 55-95% ((Muntingh and Prinsloo cited in Schoeman, 2002)
NICRO

- Social work services to offenders, their families and victims since 1910 (105 years);
- Eight provinces - services designed to help adult and child offenders turn their lives around - become contributing members of society.
- 15 000 people, who are predominantly historically disadvantaged, unemployed and lacking education.
- Pioneered/contributed a range of critical criminal justice services in South Africa, including:
  - Restorative justice interventions
  - Probation services
  - Diversion for children in conflict with the law
  - Diversion for adults
  - Pre-trial community service
  - Alternatives to prison, such as, non-custodial sentences;
- Direct services (incl CBT, indiv, group and family), Lobbying, advocacy - criminal records, prison reform, alternatives to incarceration, alternative prison models.
- Recently established Clinical Unit (family services) and Training unit
- Families of - close to our hearts - risk and protective factor for crime prevention - lobby for a FAMILY CENTRE on the prison campus and Reintegration Drop In centres that can cater for offenders and their families.
- Run in-house parenting programmes for parents of juvenile offenders
- Research on “Children of incarcerated parents in ?? And “Babies behind bars – study into the effects of imprisonment on babies. Lobbied successful for babies to be removed from prison environment before the age of two. Continue to lobby for the rights of mothers whose babies are removed and following up on Family preservation and reconstruction services.
- Partnership collaboration with DSD and CPLO – Promoting the White Paper on Families through “Family Roundtables.’ Collaboration other organizations/agencies – DJF, APM(restorative spaces in correctional centres), Ecology of Violence
Community safety, offender re-entry and local government
Muntingh & Naude, 2012

• **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.

• **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.

• **Multi-disciplinary approach and prioritisation of interventions**
  - Community-based interventions should therefore link up with prison-based interventions where practical.

• **Local government approaches** -tertiary crime prevention –
  - 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.
Dissel, A. 2012. Good practice principles in reducing reoffending: a review of the literature

• For many prisoners- period after release from prison can be a source of stress and distress
  – *Negative impact-harsh prison environment* (assault, rape, overcrowding, illness, torture, loss of dignity etc) linger on re-entry leaving prisoners hostile to the community and their families. *(Hochstelter, DeLisi and Pratt 2010, Social Support and Feelings of Hostility among released inmates,’ Crime and Delinquency, Vol 56, p. 588)*.
  – **Attitudinal change** necessary for prisoners to build positive social relations
  – **Build Social support** - feelings of hostility are positively impacted
  – **Family relationships have been disrupted**, jobs may have been lost, and many prisoners do not have ready access to cash, the challenges of resettlement are immense.
  – **Stigma associated with a prison record**, ex-prisoners often have a difficult time in locating housing, finding employment, and reconnecting with their families.

• The time after release is critical for a reintegrating offender, and is a period when prisoners are most at risk of recidivism, suicide or reverting to substance abusing habits *(Walsh, T. (2006)).*

• **A multi-systemic approach** is needed to address the needs of young prisoners, which may require working with families, peers and friends *(pg 38)*
Walsh, 2004 Investigating prison release practice and policy.

- Families of prisoners -support - during incarceration, and after their release

- Correctional services policies should:
  - make visits available to prisoners as right, rather than as a privilege, and ensuring that restricting visits as a means of discipline does not occur;
  - Make visiting areas more family-friendly, keeping in mind the importance of making prisoners’ children feel comfortable, and the need for visits to be as intimate and private as possible;
  - Provide family members with information regarding the well-being of their loved one in prison on request (this should be the responsibility of prisoners’ case managers);
  - Include family members in sentence and program planning for prisoners if the prisoner consents, and
  - Contact family members to inform them of their loved one’s release date and time.

- Funding:
  - assistance provided to families of incarcerated persons, including travel assistance for visits, counselling services and aftercare support services;
  - an increase in funding to those organisations which provide support services to prisoners’ families to enable them to meet the demand for practical assistance and emotional support from prisoners’ family members.

- A serious application of the principle of “throughcare” in sentence management aimed at genuine rehabilitation AND comprehensive Case management which can extend beyond the individual prisoner to his/her family, and should continue beyond the prisoner’s release date so that resettlement and reintegration may be facilitated (Boryzycki and Baldry 2002; Ogilvie 2001; Victorian Homelessness Strategy 2001a).
  - The key component of a successful throughcare system is case management, where prisoners are allocated a specific worker who is dedicated to ensuring that they receive the treatment or services they require while in custody and upon their release (NSW Department of Corrective Services 2001). Ideally, the case manager should not have a supervisory or disciplinary role in the prisoners’ correction, but rather should be the central contact point for prisoners and their families, brokering services and providing support (Boryzycki and Baldry 2002). Best practice suggests that all prisoners should receive case management, regardless of the length of their sentence, both during their incarceration and after their release for as long as necessary in the circumstances (Lightfoot 2002).

- the development of better targeted and resourced programs to enable progress through the corrections system;
- enhanced and better resourced partnerships with community based agencies working with prisoners and their families;
- That prisoners, and their family members, be viewed by the Department of Corrective Services as stakeholders, be consulted when changes to legislation, policy or practice are proposed; For Indigenous prisoners, maintaining contact with their culture and community is crucial to the achievement of positive release outcomes.
- Nature of family relationships be considered
- The special needs of women prisoners are recognised by allowing mothers to receive extra visits to maintain a relationship with their children.

- Prisoners are often forced to start their lives again from nothing when they are released (Anscombe 1999).
  - Many prisoners lose all their belongings when they are imprisoned, in addition to their family, social support networks and their dignity (Ross and Ryan 2003). They must go through a substantial period of readjustment which may include reuniting with family members and children, finding housing and negotiating their way through the job market. For many, everyday activities such as operating ATMs, using a mobile phone and catching public transport will need to be learned or re-learned, and the isolation and loneliness they experience may be overwhelming (Lightfoot 2002). pg 8).
- Aftercare services are therefore central to the successful reintegration of prisoners into the community.
  - Prisoners need a central point of contact where they can obtain assistance in relation to housing, welfare support, practical assistance, job search, educational courses, and social and treatment services. Best practice suggests that the most effective method of delivering such a service to newly released prisoners is through a drop-in centre. Such centres exist in many jurisdictions throughout the world (see Fretz 2002; Ashford and Cox 2000; Wiebush, MxNalty and Le 2000; Josi and Sechrest 1999) pg 8).
- Further, successful programs run sessions on parenting and family relationships, often with the participation of prisoners’ family members. (Aboriginal and Torres Strait Islander Social Justice Commissioner 2002; McCollum 1999 in Walsh, 2004:9).
- Further, prisoners should be assisted to maintain relationships with their families, as it is well-established that supportive family relationships significantly reduce the chance that a prisoner will re-offend upon release (O’Loingsigh 2004; UK Social Exclusion Unit 2002; Travis, Solomon and Waul 2001; Ward 2001).
- Access to telephone calls should be as unrestricted as possible and visiting should be encouraged.
The effects of parental incarceration on children. (2009)

- Crimes “invisible victims”—children of these offenders pay highest price for their incarceration—leave lasting scars.
  - 4.9%(118 children) of the female prison population kept their babies with them in prison (NICRO research 2006). Bill of Rights, the rights of each child still remain a priority in South Africa.
  - According to international statistics, such children are six times more likely to end up in prison when one or both parents have been incarcerated. ALL CHILDREN ARE AT RISK WHO HAVE A PARENT WHO HAS BEEN INCARCERATED!
  - Mother incarcerated—these children more likely end up in the care of other family members and foster families rather than their own fathers—children across the country—live without both their father and mother!

- “I didn’t tell my friends where my mom was, I told them she moved away.”
- “It made me feel pretty bad. I was mad at my mom for a while because I was afraid she would come out and then go right back again.”

- children of incarcerated parents - more likely to lash out at authority figures—especially police—in the future, whom they hold responsible for taking away their mothers.

- Disrupted Family system-Instead of the parent taking care of the child, the child now feels obligated to take care of the parent. Instead of worrying if the weather will be nice enough to play outside, children of incarcerated parents worry about what their mothers will eat and where they will sleep.

- “The entire communication pattern between mother and child is upset,” she said, stating later, “When that relationship starts to get strained, the entire family crumbles.”

- With each family—the building blocks of nations—torn apart, the fabric of society continues to shred.
Effects of parental incarceration..

• Incarceration - not a single or discrete event -dynamic process -unfolds over time.
  – To understand the impact of the incarceration process on children -necessary to consider separately -short-term effects of the arrest and separation of the child from the parent, the impact of the unavailability of the parent to the child during the period of incarceration, and the effects — both positive and negative — of reunion after the incarceration period.

• the stigma of knowing that their mother’s “home” is a place that society considers disgraceful.
  – the child feels ashamed and rejected, angry and confused—alone in a world that has difficulty understanding their situation;

• Similar to children of divorced parents, they often reason that it is somehow their fault she no longer wants to take care of them, even when told otherwise!
  – Lead to feelings of rejection, abandonment, hopelessness, depression

• When parents are disempowered,
  – children lose the sense of authority that their parent once maintained and the ability to trust in them to take care of them.

• Often, she said, children who feel their world spinning out of control search for something they can control: drugs, alcohol and their eating patterns (which can lead to anorexia or bulimia).
What does evidence-based practice say?

• It is worthwhile to invest in appropriate interventions with offenders than to view sentencing merely as a form of punishment or as an opportunity to remove an offender from the community for a period (Dissel, A3 2012:4).

• Families key to rehabilitation, reintegration of offenders

• Families positive impact on reducing recidivism (Dissel, A. 2012:3)
Relevant National legislation

- **Correctional Services Act 111 of 1998** etc
  - CHAPTER III CUSTODY OF ALL INMATES UNDER CONDITIONS OF HUMAN DIGNITY
  - (13). **Contact with Community** (family included in this)
    - (2) The Department must give inmates the opportunity, under such supervision as may be necessary, of communicating with and being visited by at least their spouses or partners, next of kin, chosen religious counsellors and chosen medical practitioners.
    - (3) In all circumstances, a minimum of one hour must be allowed for visits each month.
    - (4) If an inmate is not able to receive visits from his or her spouse, partner or next of kin, the inmate is entitled to be visited by any other person each month.
  - (19)(3) The National Commissioner must, if practicable, ensure that inmates who are children remain in contact with their families through additional visits and by other means.

- **Probation Services Act 116 of 1991**
  - (g) participates in mediation between victim and offender or in family group conferencing;

**Probation Services Act 116 of 1991**

- Probation officers are social workers who carry out work in the fields of crime prevention, treatment of offenders, care and treatment of victims of crime, and working with families and communities. Probation officers are appointed by the Minister of Social Development, and are officers of every magistrate's court.

- **3. Programmes for the combating of crime and the rendering of probation services**
  - (f) the rendering of assistance to the families of persons detained in a prison or reform school and the families of persons referred to in paragraph (e);
  - (i) the adaptation of persons referred to in paragraph (e) to the community and their families;
  - (k) early intervention, including family group conferencing; and[Para. (k) added by s. 2 of Act 35/2002]
National Policies

• **The White Paper on Corrections in SA, 2005**
  - The family unit is recognised as the basic building block of any healthy and prosperous community and nation. In this regard, the Department of Correctional Services recognises the family as the basic unit of society. The family is also the primary level at which correction should take place. The community, including schools, churches and organisations is the secondary level at which corrections should take place. The state is regarded as being the overall facilitator and driver of corrections, with the Department of Correctional Services rendering the final level of corrections. Our successes in crime-prevention and rehabilitation are intimately connected to how effectively we are able to address the anomalies in South African families that put people at risk with the law at the primary level – that is at family level... (White Paper on Corrections in SA, Chapter 3 (3.3.3).

• **White paper on Families, 2013**
  - Crime is an ever-increasing problem in SA, affecting millions of families negatively on a daily basis:
    - Families of victims of crime are directly affected when they have to suffer loss of life or injury to breadwinners, or any related trauma they experience. Families of the perpetrators of crime are also adversely affected as they contend with legal fees, social stigma, and the trauma of having a family member incarcerated or losing income from a contributing member (DSD, 2010:34);
  - The White Paper on Families views the family as a key development imperative and seeks to mainstream family issues into government-wide, policy-making initiatives in order to foster positive family well-being and overall socio-economic development in the country (pg 8)

• **Department of Correctional Services** – crucial role to play in guaranteeing the well-being of SA families. Families pivotal partners in the rehabilitation and reintegration of offenders. To this end:
  - Families should be involved in rehabilitation programmes for family members who are prisoners;
  - DCS should facilitate and support contact between families and prisoners, particularly children;
  - DCS should strengthen its relationship with other departments, especially DSD, in order to effectively involve families in rehabilitation programmes for prisoners and to facilitate family contact successfully;
  - Offenders should be reintegrated back into communities with the support and help of programmes which address their attitudes towards violence and gender transformation concepts should be used to address recidivism. (pg 48)

- **Services to offenders, victims and their families**
  - 155(a) The families of sentenced prisoners will be assisted to preserve family life. Contact between prisoners and their families will also be facilitated. Released prisoners will be helped to become re-integrated into their families and communities. The departments of welfare in collaboration with other stakeholders will facilitate. Community-based organisations will also be involved to provide services to families;
  - (b) All services must aim at restorative justice by taking into account the victims’ perspectives and by involving the community in justice processes, thus promoting re-integration and social cohesion. Services to victims will have a dual thrust, that is, they will focus on the needs of the victims on the one hand and stress the rights of victims on the other;
  - (c) Alleged offenders awaiting trial have special needs. Services must be made available to them and their families. Appropriate community-based alternatives for detained prisoners awaiting trial will also be established. The Department of Welfare will participate with other role-players in the setting of guidelines for the treatment of offenders awaiting trial.
  - (d) Employment programmes, skills training and retraining opportunities for ex-offenders will be developed, as well as halfway houses and community-based temporary shelter arrangements.
  - (e) Institutionalisation will be a last resort. Only offenders who pose a serious threat to society should be imprisoned. Alternative forms of sentencing will be considered.
  - (f) Community sentences should be developed and maintained at a level which will command credibility with the courts as an alternative to imprisonment. Alternative sentencing should be well planned and monitored.

- 157. **Principles and guidelines pertain to youth justice:**
  - Children and juveniles are always in some way connected to their family or support network, community or culture. These ties will be strengthened, and the capacity of such families and communities to provide support and care will be promoted.

- **Prevention targeted at children and juveniles**
- 158. Prevention of crime and recidivism are most effective when targeted at child and juvenile offenders.
  - the education and empowerment of the child, parents and community;
  - * the involvement of parents and communities in efforts to prevent the re-commitment of offences

- 159. **Specific recommendations regarding child and juvenile offenders**
  - (b) At the preventative level, family functioning will be enhanced and parents and children will receive social skills training. The emotional bonds between the child, the parent, the school, the community and the religious community, will be strengthened.
  - (i) Child and youth offenders and their families will receive counselling and should have access to legal aid if necessary. This will be at the discretion of the courts and should be means-tested. Detained children and juveniles will at all times and under all circumstances be separated from adults.

- **Funding**
  - (b) The approach in the past was to fund fields of service, for instance services to the elderly, children and families, and the disabled, correctional services and alcohol and drug abuse services.
Involvement of families in Rehabilitation

• In South Africa, rehabilitation and reintegration services are only available to inmates serving sentences of 24 months or longer.

• Shortage of professional staff—affect rehabilitation and family services. Large numbers of nurses and social workers need to be recruited (JICS Annual report, 2013/14-PG42).

• Both inspections and complaints to ICCV’s revealed “Communication with families” to be problematic (pg 81)
  – 59347 (2012/13); 68352 (2013/14) seems to be deteriorating not improving –JICS Annual Report, 2013/14

• there are 208 offenders for every social worker, 1 565, offenders for every psychologist and 227 offenders for every educator.
  (-Jules-Marquet, NICRO, ‘the State of SA prisons, 2014)

• effectiveness of programs depends on many things, including type of offense, quality of the program, facilitator/counsellor relationship, and family, faith communities, and community support.
Some key questions

- Policy integration?
- Implementation of policy?
- What are the experience of families of people in prisons?
- What support do these families need? Specialized needs? Vulnerable group
- Working with High Risk Families?
- Targeted intervention for children with parents in prison?
- Are families involves in sentence planning and rehabilitation and pre-release efforts?
- Collaboration and Coordination. Prison isolated from community role-players
- Shortage of social workers and psychologists?
- Families of the incarcerated as victim’s of crime?
- When individuals and families become vulnerable, they have limited resources on which to draw? Imprisonment can heighten the distress of poverty. Is Adequate social protection being afforded to these families?
- Special needs of individuals and families?
- Stigmatization??
- Travel far distances to correctional centres
- Waiting long hours at correctional centres
A family-centred approach - focal point of service delivery by all service providers.

A comprehensive coordinated collaborative approach to rehabilitation, and reentry. Need to allocate time, care and attention to create such an approach. Drop-in centres?

All law enforcement, sentencing, and rehabilitation efforts should be considering what happens when individuals leave custody;

Inter-generational crime – targeted intervention – children – parents incarcerated

Exploring individual and Family coaching (Coach Network in SA);

Families to mobilize among themselves – support groups, lobbying for services and rights

Families need information – policies, legislation, procedures

Family consultations, therapeutic intervention/counselling, mediation and restorative justice

Material support/employment/job creation, School fees/bursaries

Policies and programmes to strengthen and support families must be developed by Government and civil society. (White Paper on Social Welfare, 1997, pg Strengthening family life)

Family-child friendly visitors centres? Family centre on prison campus? Half-way houses - transitional

Family preservation, reconstruction and restoration

Early intervention – strengthening families, foster care, unresolved trauma etc
Family, Community, and Participation

• We believe the human person is social. Our dignity, rights, and responsibilities are lived out in relationship with others, and primary among these is the family.

• The disintegration of family life and community has been a major contributor to crime.

• Supporting and rebuilding family ties should be central to efforts to prevent and respond to crime. Placing prisons in remote areas diminishes contacts with close relatives and undermines the family connections that could aid in restoration, especially for young offenders.

• Likewise, maintaining community and family connections can help offenders understand the harm they've done and prepare them for reintegration into society. Isolation may be necessary in some rare cases; but while cutting off family contact can make incarceration easier for those in charge, it can make reintegration harder for those in custody.
THANK YOU!!

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Global commitment

• Universal declaration of Human rights, 1948 (Article 16,3) and the International Convention on Civil and Political rights, 1966 (Article 23,1)
  – Both these Articles define the family as “the natural and fundamental group unit of society and is entitled to protection by society and the State.

• General Assembly, Human Right Council, at the Twenty-sixth session, agenda item 3, passed 26/.. Protection of the family;
Regional commitments

- The Dakar/Ngor Declaration on Population, Family and Sustainable Development (1992), which among other things, called on governments to give due consideration to the rights and responsibilities of all family members, to ensure that measures are put in place to protect the family from socio-economic distress and disintegration, and to integrate family concerns into all development plans;

- The Plan of Action on the Family in Africa, (2004). With a focus on 9 priority areas, the Plan, is meant to serve as an advocacy instrument for strengthening family units, addressing their needs, improving their general welfare, and enhancing the life chances of family members. It also aims at guiding African union member states, including SA, in designing, implementing, monitoring and evaluating appropriate national policies and programmes for the family on the basis of specific requirements and needs.