



Prison and the Family

*"I was in prison, and you visited me."
Matt 25:37*

*"The achievement of rehabilitation is premised on the building of healthy familial relations".
White Paper on Correctional Services*

1. Introduction

The criminal justice system sentences those found guilty of serious offences to a period of incarceration in a prison facility as punishment for their crimes. The duration of the sentence depends on the gravity of the offence, as does the choice of correctional facility where the sentence is to be served.¹ The process has a strong element of retribution for the harm done to the primary victim/s of the crime: the prisoner is removed from society at large and placed in the total institution that is the prison.² However, there are other victims of the crime who are all too easy to overlook; these are the families of those incarcerated. Families are divided by imprisonment and overburdened by it in many ways. This briefing paper explores the consequences of the incarceration of a family member on those outside the walls.³ As Kwele points out, "thus far, little or no attention has been focused on the working together of social services, the criminal justice system and health care providers" in the reintegration of offenders into their families and communities. There is an urgent need for such a collaborative approach.⁴

2. Prisons

There are 241 active correctional centres (prisons) across South Africa. Eight are for women only, 13 are for youths, and 129 are for men only. 91 of these facilities can accommodate women in a section of the prison. According to the 2013 South Africa Survey, the prison population is

150 608; 2% of these are women, and 30% of prisoners are awaiting trial.⁵ According to the World Prison Brief, South Africa has the biggest prison population in Africa and the ninth biggest in the world. While every month about 23 000 inmates are released, another 25 000 enter the system.⁶

3. Social Stigma

The Oxford English Dictionary defines stigma as "a mark of disgrace associated with a particular circumstance, quality or person".⁷ Another definition is "something that takes away from one's character or reputation".⁸ The families of those in prison live with the stigma of the crime committed by a family member. The social construction of stigma was explored by sociologist Irving Goffman during the 1960s. He found that the stigma of the crime and imprisonment is 'attached' by association to the families of the incarcerated. Children may be ridiculed or bullied at school, and families may be subject to harassment and shunned. "How many children are sentenced too when a parent goes to prison?"⁹ It is important to appreciate how social interaction and relationships are changed by stigma.

One young blogger on a site for families of prisoners writes movingly of the impact of his father's life sentence:

"He was sent to prison when I was 10 years old and I cannot begin to tell you how my life was then. I was bullied at school, lost all my pals, me

and my Mother moved areas at least five times because of harassment from both the public and the press and, all in all, I grew up a lonely lad. If anyone knows what it is like growing up with a parent in prison and overcoming the obstacles that crime inflicts on children of prisoners it is me! Of course we cannot forget the real victims of crime because they too serve a life sentence and I cannot even begin to imagine their pain. When I was 10 years old, I did not fully understand. All I knew was that my Father did something terribly wrong and that he went to prison. My opinion of the public who think that offenders' families are cut from the same cloth is one of astonishment. I was spat at in the street at 10 years of age by grown adult women because of what my Father did. What innocent 10 year old deserves that? I was not responsible for what my Father did".¹⁰

The family may experience deep shame particularly if the crime has been violent. Parents of offenders may feel that they have failed as parents and wonder what they might have done differently to prevent such an outcome. Furthermore, if the offender is the breadwinner, or in some way contributes to the household income, this creates a financial crisis and family may have to relocate, or sell assets in order to pay for legal representation. This results in a major change in income and lifestyle, social status, and family structure. As New Zealand prison chaplain Jim Consedine observes, "It is often the family who do the hardest part of the sentence".¹¹

Once the offender has been released from prison the stigma of imprisonment is very difficult to shake. This compromises employment opportunities, particularly at a time when such opportunities are few. It also contributes to recidivism, further incarceration, and alienation from family and community. According to one prison social worker, Ivan Evans, "the most stressful aspect of reintegration is overcoming the public's judgmental perception".¹² An ex-offender has commented that "you might think I am crazy, but life in prison is much easier than having to confront people when you are out here;"¹³ while a recently released prisoner, Lwazi Nonti, told the *Daily Sun* that "when I was released, I thought I would be happy, but my life is a mess....If officials won't take me back to jail I will commit a crime and then they will have to take me back."¹⁴

4. Visiting Prisoners

Prisoners are divided into three security categories: minimum, medium and maximum. Visiting privileges are extremely regulated and are determined according to the security classification of the offender, which may change during the course of the period of incarceration.¹⁵ This determines the type of visit, contact or non-contact; the duration of the visit; delicacies allowed in the visiting area; the number of visitors allowed per visit; and the number of visits allowed per month and year. Visitors are subject to rigorous searching both before and after the visit.

Prisons, as is evident from the above, are forbidding places to visit. Family members usually have to travel some distance, often at great expense, to visit a family member in prison.¹⁶ Family finances are often compromised by this point and the transport costs may be prohibitive. Family members may harbour ambiguous feelings toward the offender, and it is difficult to discuss private matters, or even exchange news, in the melee of the visiting area. Sometimes, visits may be truncated by the amount of red tape involved.

Prisons are especially difficult and confusing places for children to visit. While policy seems to indicate that prisoners should serve their sentences in appropriate prisons as close to home as possible, this does not always happen. Furthermore, placement in such facilities is not automatic but may be requested. These factors impact on family reintegration services/reconstruction services, particularly with children. There is no record of how many children face parental imprisonment, but research indicates that children with an incarcerated parent are "twice as likely to experience conduct and mental health problems, and less likely to do well at school...three times more likely to be involved in offending. Sixty five per cent of boys with a convicted father will go on to offend themselves".¹⁷ It is difficult to maintain the bond with a parent in incarceration. A relatively short sentence is a long time in the life of a child. It is difficult to come to terms with the harsh reality that a loved parent has done something 'bad'. It is also very difficult to explain the reason for the prolonged absence of a parent.

A death in the family is particularly difficult, especially if the prison is some distance from the family home. In some instances arrangements can be made for the offender to attend the funeral

accompanied by Correctional Services officials, but this is not always possible.

Regarding general policy on visits to prisoners, the following suggestions have been put forward:

- visits should be available to prisoners as right, rather than as a privilege;
- visits should not be restricted or withdrawn as a means of disciplining prisoners;
- visiting areas should be 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.

More generally, it has also been suggested that family members be provided with information regarding the well-being of their loved one in prison on request; that they should be included in sentence and programme planning for prisoners, if the prisoner consents; and that prison authorities should contact family members to inform them of their loved one's release date and time.¹⁸

5. Provision of Social Services

Kwele emphasises that the "literature proposes that a combination of family, community and societal conditions, especially poverty, collude to trap offenders and their families into a cycle of crime. The Department of Correctional Services (DCS) currently has no assessment structure in place to identify the needs, readiness for treatment and personality traits of prisoners or the causes and motives behind crime. Consequently, the effective treatment of offenders cannot be ensured".¹⁹ There are too few social workers and even fewer psychologists. There are 208 offenders for every social worker, 1 565 offenders for every psychologist, and 227 offenders for every educator.²⁰

At present it is almost impossible to have a rehabilitation and reintegration plan for each prisoner, and offenders serving a sentence of less than 24 months are not even eligible for treatment programmes. However, it is arguable that this group, being mostly young and/or petty offenders, could benefit most from such programme interventions and consequently be less likely to reoffend. The effectiveness of programmes

depends on many things, including the type of offence, the quality of the programme, the facilitator/counsellor relationship, and the support of family, faith communities, and the wider community. There are a number of civil society and faith-based initiatives focusing on prison support for both the offenders and their families, but these are hamstrung by a paucity of resources.

The number of prisoners on remand, that is, awaiting-trial prisoners, is of particular concern. These prisoners have not yet been found guilty of the crime with which they have been charged. Such prisoners, who may spend up to five or six years in custody before finalisation of their trials, are not entitled to participate in any rehabilitation or educative programmes, and cannot gain privileges – including more regular visits – in the same way that sentenced prisoners can.

6. Conclusion

As Amanda Dissel wrote in her research regarding prison conditions in the mid 1990s, "society expects that through the experience of imprisonment, prisoners will be punished and also rehabilitated so that they do not re-engage in crime when they are released".²¹ This is an uneasy tension, and given the high rate of recidivism, it is not very successful. Retribution alone cannot result in the reduction of crime and curb the rate of recidivism. The essentially retributive nature of our criminal justice system compromises family restoration and reintegration services which seek to focus on healing and hope for a better family life.

As the White Paper on the Family reminds us:

"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".²²

Without suggesting that people who commit serious crimes should not be sent to prison, it can nevertheless be argued that many of the policies described above – by needlessly separating offenders from the warmth and support of their families – contribute to the low rates of rehabilitation in our prisons, and thus to our high rates of re-offending.

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¹ 'Correctional facilities' is the term in present use, but in this paper the term is used interchangeably with 'prison' as the latter term better encapsulates the forbidding presence of most such institutions.

² A total institution, a concept developed by the sociologist Erving Goffman, is an isolated, enclosed social system whose primary purpose is to control most aspects of its participants' lives. http://sociology.about.com/od/T_Index/g/Total-Institution.htm

³ Recently the Catholic Parliamentary Liaison Office, in collaboration with the Western Cape Department of Social Development; the National Institute for Crime Prevention and Re-integration of Offenders (NICRO); and the Prison Care and Support Network (PCSN), held a Roundtable Discussion on Prisons and the Family which sought to place the spotlight on the families of the incarcerated.

⁴ 'A Need to Re-integrate Prisoners to the Community: A case-study of Polokwane Medium B Prison, South Africa', Khwela, M. N., Athens Journal of Social Sciences, April, 2014

⁵ 'South Africa Survey 2013', South African Institute of Race Relations, Johannesburg, 2013

⁶ <http://www.news24.com/SouthAfrica/News/SA-has-most-inmates-in-Africa-20130304>

⁷ www.oxforddictionaries.com/definition/english/stigma

⁸ <http://www.yourdictionary.com/stigma>

⁹ <http://prisonersfamiliesvoices.blogspot.com/>

¹⁰ <http://prisonersfamiliesvoices.blogspot.com/>

¹¹ 'Restorative Justice: Healing the Effects of Crime', Jim Consedine, Ploughshares Publications, 1994

¹² http://journalism.co.za/indepth/joburgjustice/?page_id=492

¹³ http://journalism.co.za/indepth/joburgjustice/?page_id=492

¹⁴ Daily Sun 22nd June 2015

¹⁵ <http://www.dcs.gov.za/VisitingOffenders/VisitationProcess.asp>

¹⁶ The Kokstad C-Max Prison is an ultra-maximum security facility to which many long-term prisoners are sent; it is inaccessible for anyone not living in the far Eastern Cape or southern KwaZulu-Natal.

¹⁷ http://www.barnardos.org.uk/what_we_do/our_work/children_of_prisoners.htm

¹⁸ Presentation by Venessa Padayachee, NICRO Advocacy and Lobbying Manager at the Roundtable on Prisons and the Family.

¹⁹ 'A Need to Re-integrate Prisoners to the Community: A case-study of Polokwane Medium B Prison, South Africa', Khwela, M. N., Athens Journal of Social Sciences, April, 2014

²⁰ <http://www.nicro.org.za/wp-content/uploads/2014/04/Public-Education-Paper-The-State-of-South-African-Prisons-2014.pde>

²¹ <http://www.csvr.org.za/index.php/publications/1364-south-africas-prison-conditions-the-inmates-talk.html>

²² Centre for Social Justice, 2010:6, in Department of Social Development, White Paper on Families in South Africa, June 2013.

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