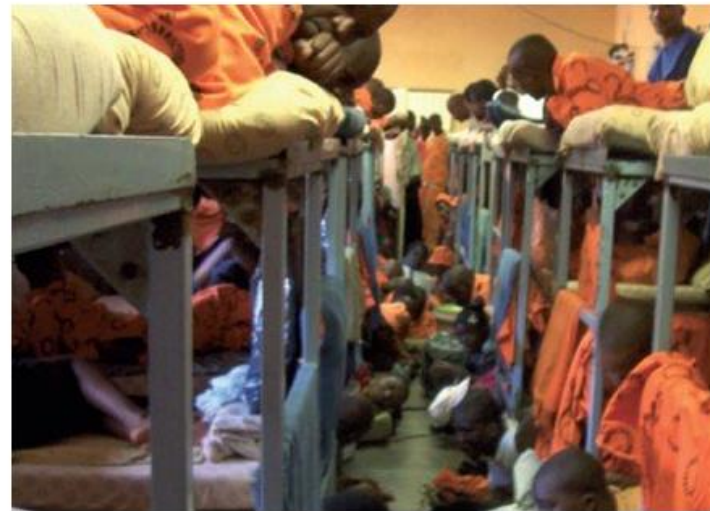




Prisoners on Remand

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changing lives ● changing the future

Contents of Presentation

- Introduction of NICRO
- Definitions – Awaiting Trial, Remand Detainees, Unsentedenced,
- SA Prison Context
- Case Scenarios 1, 2 & 3
- Consequences on Remand Detainees
- NICRO's Position
- Recommendations
- Conclusion

NICRO

- Founded in September 1910, **NICRO**
- NICRO specialises in social crime prevention and offender reintegration,
- Unparalleled history in human rights, juvenile justice and innovative criminal justice reform.
- **NICRO** renders life changing services to approximately 12 000 to 15 000 direct beneficiaries and touches the lives of between 40 000 and 50 000 South Africans each year.

- **NICRO** enjoys widespread recognition as the preferred service provider within the criminal justice sector and commands enormous respect for its innovative approach to social crime prevention. All interventions are geared towards creating conditions in which the opportunities and motivation for committing crime are significantly reduced and ultimately eliminated.
- **NICRO** regards crime as one of the greatest threats to human welfare, social development, economic growth, national prosperity, poverty alleviation efforts and sustainable democracy. The organisation boasts a proven, measureable track record of success in its resolute and tireless fight against crime. **NICRO** tackles crime holistically and effectively, working at every level with individuals, families and communities to reduce and prevent crime by:
 - Preventing impressionable, vulnerable youth from becoming entangled in the downward spiral of crime,
 - Diverting child, youth and adult (mainly first-time) offenders away from the formal criminal justice system into specialist developmental, therapeutic programmes that really do prevent re-offending and reduce crime,
 - Providing constructive, effective alternatives to imprisonment for those convicted of less serious, non-violent crimes which succeed in teaching, healing and effectively breaking the cycle of crime,
 - Providing transformation and personal development opportunities for prisoners and former offenders, facilitating their rehabilitation and successful reintegration into society as productive, responsible, law abiding citizens who are an asset, rather than a danger or burden, and
 - Helping families and communities support offenders to turn their lives around and make a fresh, new, healthy start.

Centenary Milestones

June 2006:
National colloquium for judicial stakeholders to discuss alternatives to imprisonment

October 2007:
NICRO adopts new legal identity as Section 21 Company (Not for Gain)

2007:
Provincial operations restructured into three regional service delivery clusters / regions

April 2008:
New Board of Directors appointed

2008:
Non-Custodial Sentencing Programme officially launched

2 September 1910:
NICRO established as SA Prisoners' Aid Association (SPAA), Pretoria

1917:
SPAA operational in most major SA cities

1918:
Probation services introduced

1920s
After care services introduced

1932:
Probation Association of SA established

1935:
SPAA and Probation Association amalgamate forming Social Services Association of SA (SSASA)

1935:
Prisoners Friend Service and prison visits, forerunner of current Independent Prison Visitors Initiative, commence

1938:
First trained social worker appointed

1949:
31 social workers employed

1952:
Prison Sunday - 4,000 churches & faith groups participate in first official Day of Prayer for Prisoners

1960:
Prisoners Friend Service taken over by Department of Justice

1967:
SA Government limits membership of governance to whites only, instituting formation of 'non-white' committees

1968:
Launch of twice-yearly newsletter, later known as NICRO News

1970:
Diamond Jubilee & organisation renamed NICRO

NICRO today ...

Our centenary year marks radical changes to the organisation's business model and a total commitment to achieving organisational effectiveness, efficiency, long-term sustainability and overall macro success. NICRO, driven by its vision for a safe South Africa, currently pursues five high level strategic themes:

- + Exponential funding growth,
- + Service excellence,
- + Transformed organisation,
- + Visible national impact, and
- + Social enterprise.

2004:
New service delivery framework & plans for a new, reengineered NICRO begin in earnest

2003:
NICRO's new organisational vision, mission and strategic objectives tabled

2001:
NICRO embarks on strategic change process to plan its new future

1997:
Professionalisation of services into four core service streams: Diversion and Youth Development, Offender Reintegration, Economic Opportunities and Community Victim Support

1997:
Provincialisation into nine provincial structures

1993 - 1996:
Diversion expands nationally with new programmes

1993:
Economic Opportunities Project (EOP) is introduced to address rising unemployment & economic needs of clients

October 1992:
Official abolitionist stance against death penalty

1992:
NICRO launches first formalised diversion programme in SA with senior state prosecutors and Lawyers for Human Rights

1992:
Justice for the Children: No Child should be Caged campaign

1991 - 2001:
Migration of services to rural communities and research commences in earnest

February 1990:
Staff appointed on non-racial basis and needs-based services delivered in defiance of state policy, NICRO risks losing state funding

1986:
Support services to victims of political unrest and political detainees officially sanctioned

1984:
State subsidies account for 86% of total income

Late 1980s:
Victim support services commence formally

1979:
Community service orders pioneered

1977:
NICRO reverts to non-racial membership requirements that existed prior to 1966

1972 - 1976:
Six-monthly journal, Crime, Punishment and Corrections, published



Definitions

- **Awaiting Trial:** When a person is remanded in custody it means that they will be detained in a prison until a later date when a **trial** or sentencing hearing will take place. The majority of prisoners on remand have not been convicted of a criminal offence and are **awaiting trial** following a not guilty plea.
- **Remand Detainees** (also known as pre-trial **detention** or provisional **detention**) is the process of detaining a person who has been arrested and charged with a criminal offense until their trial. A person who is held on **remand** may be held in a **remand** prison, or sometimes in a regular prison.
- **Definition of unsentenced.** : not sentenced; especially : not condemned to penalty or punishment.

SA Prison Context

- SA prison population among world's highest
- [SOUTH AFRICA](#) / 26 APRIL 2008, 11:36AM /
- South Africa has the world's seventh highest number of prisoners - outranking countries with up to nearly five times our population.
- The World Prison Brief places South Africa's total of 166 267 prisoners after the United States (2,3-million inmates), China (1,6-million), Russia (888 014), Brazil (419 551), India (358 368) and Mexico (217 436).
- The populations of the top six countries on the list range from 104-million in Mexico to 1,3-billion people in China - with a combined total of 3-billion people.
- The current population of **South Africa** is **57,435,192** as of Monday, July 23, 2018, based on the latest United Nations estimates.

SA Prison Facilities

SA prison facilities	
Total number of prisons	<u>243</u>
Operational prisons	<u>236</u>
Female prisons	<u>9</u>
Youth facilities	<u>14</u>

Source: [2015/16 Judicial Inspectorate for Correctional Services](#) report

How many remand detainees are there in South Africa?

- In 2016/2017, the Department of Correctional Services reported that there are **43 646 remand detainees** out of a total prison population of 161 054 (27%).
- When Sonke and LHR launched their court case in December 2015, **overcrowding** levels for Remand were approximately 238%, at one correctional facility.
- When the case was finally heard in December 2016, overcrowding levels were more than 250%, at this particular correctional facility.
- As of 30 April 2018, there were 2741 detainees, putting it at 169% capacity with 1122 more detainees than it is approved to hold.
- (Source: DCS Annual Report 2016/2017; DCS Western Cape Unlock Statistics, 16 November 2015, 21 November 2016, 30 April 2018)

Inmate Population

	Remand detainees	Sentenced offenders	Average inmate population
2010/11	47,757	112,934	161,096
2011/12	45,898	113,044	158,942
2012/13	45,730	104,878	153,968
2013/14	44,858	107,696	152,553
2014/15	42,077	115,064	157,141
2015/16	42,380	116,951	159,331
2016/17	43,799	117,255	161,054

Source: [Department of correctional services annual report for 2016/17](#)

SA Prison Context continues...

- According to Morris, "The infrastructure simply cannot cope with demand."
- The prison population was 165 987 on January 31 - slightly lower than the World Prison Brief figure recorded a month earlier.
- Morris said an average of 45 079 people passed through prisons as unsentenced prisoners every two months in 2006.
- "They're arrested, they go to prison pending trial. The case will be withdrawn or thrown out of court, or they will be found not guilty."
- There are also 11 500 people in SA's jails simply because they are too poor to pay for bail.
- Overcrowding, gangs, smuggling, poor hygiene and lack of security in South African prisons was highlighted in the Office of the Inspecting Judge of Prisons' 2006-2007 annual report.
- <https://www.iol.co.za/news/south-africa/sa-prison-population-among-worlds-highest-398070>

Case Scenario 1

- Diversion – John* 24 has a alcohol problem which causes him to forget. John was sent to the shop, as he is a trusted member in the community. He collected the items which was on the list, however he forgot to pay for the razer blade and was arrested for shoplifting. John was summons to appear at court and subsequently forgot his court date. A warrant of arrest was issued. He was arrested again and sent to prison while he was awaiting his next court date. At the next court date John (in shackles) was referred to NICRO for Diversion as he was a first time offender. The option of bail was granted to John, however John could not afford the bail thus was sent back to prison.

Case Scenario 2

- A grandmother took out a protection order against her young grandson (smoking dagga) for being destructive at home. He and his sister had an argument. His sister locked him out of the house and he kicked the door down. His grandmother called police for contravention of protection order. He was arrested and sent to Pollsmoor for 3 months.
- Came back to court where the option was given for mediation and diversion or 5 years imprisonment.

Case Scenario 3

- 30 year old male, arrested for assault. He lost the court date and did not appear. A warrant was issued where he was held at Pollsmoor for 10 days. He came to court in shackles on the day of assessment for NICRO Diversion.

Consequences on Remand Detainees

- Dire conditions of detention, have potential emotional, psychological and physical effects on detainees.
- Psychological (that which is inflicted on the soul, mind of people- inhumane treatment, torture; bullying, threats of violence..)
- Previous exposure to trauma signals a greater risk of Post Traumatic Stress Disorder from subsequent trauma (Breslau, Naomi, et al.)
- Social oppression -, loss of identity; inequality- "othering of people" along racial and ethnic lines; superiority and inferiority;
- Limited access to amenities and recreation facilities, insufficient exercise, limited work opportunities, access to families .
- Overcrowding makes it difficult to prevent the transmission of TB, as the ventilation is so poor and it is impractical to separate sick detainees from healthy detainees.
- It is also makes it hard to separate predatory detainees from sexually vulnerable detainees, making it harder to prevent sexual violence in prison. This in turn increases the opportunity for HIV and STI transmission.

NICRO's position on this is:

- We believe that the arbitrary and excessive use of pre-trial detention in South Africa is a massive form of human rights abuse. The right to be presumed innocent until proven guilty is well established. Yet this right is being violated as over 45,000 people (25% of prison population) await trial in South Africa, with many previously waiting over two years-some even longer until provision was made to look at courts monitoring those serving longer than two years.
- Detaining arrestees pending trial should be rare, and used sparingly, but in SA it is used excessively and not as a last resort
- NICRO remains concerned about the harmful impact of incarceration which has an impact on the intergenerational trends for incarceration.
- NICRO's position that incarceration, including Pre-trial detention should be an option of last resort and that other alternatives must be considered
- NICRO also proposes alternatives such as diversion and community-based sentencing for inmates. Police diversion occurs in some countries.
- The Prosecution have introduced Alternative dispute resolution processes, but these are largely flawed as they are not always combined with psycho social interventions.
- NICRO has proposed the Remand Revolution project a few years ago, which combined electronic monitoring with NICRO services and tracking.
- NICRO also believes that capacity needs to be built at a community level to resolve conflict, and that restorative justice interventions can be used earlier than when a case goes to court. These alternatives can reduce the burden on the criminal justice system.

Recommendations

- Various sectors of the government including Justice, Correctional Services, Health and Social Development, need to cooperate in finding sustainable alternatives to imprisonment as a response to crime.
- The decriminalisation of petty offences, reformation of bail guidelines, increased access to legal representation, and a move toward non-custodial sentencing for non-violent offences, including diversion and restorative justice, and support for inmates and detainees re-entering their communities could all contribute to a reduction in the prison population.
- The solution is social justice, not criminal justice.
- (Source: Lancet Special Edition on HIV and related infections in prisoners)

Conclusion

NICRO believes

Prison should be an option

...not the solution...

**hence we promote alternatives to
incarceration!!!**

THANK YOU...

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[Click here to visit: NICROinAction](#)

