

A MODEL OF PERFORMANCE MANAGEMENT FOR THE PAROLE
BOARDS IN SOUTH AFRICA: A PENOLOGICAL PERSPECTIVE

by

Manaso Pelmos Mashabela

Submitted in accordance with the requirements for

the degree of

DOCTOR OF LITERATURE AND PHILOSOPHY

in the subject

PENOLOGY

at the

UNIVERSITY OF SOUTH AFRICA

Promoter: Prof. J Kriel

OCTOBER 2010

I, Manaso Pelmos Mashabela declare that ***A Model of performance management for the parole boards in South Africa: A penological perspective*** is my own work and that all the sources that I have used or quoted had been indicated and acknowledged by means of complete references.

Signature:

Date:

MP Mashabela

SUMMARY

One of the fundamental objectives of the criminal justice system in any country is to punish, rehabilitate, deter, incapacitate and reintegrate offenders into communities. The main motive of punishment therefore is to transform criminals into responsible and law-abiding citizens. Parole is acknowledged as an internationally accepted mechanism that allows for the conditional release of offenders from correctional centres into the community and forms one of the most important components of the criminal justice system value chain. The release of the offenders on parole therefore, does not negate the objectives of punishment but entrenches them through setting conditions by which all parolees must abide by. In other words, all offenders released on parole are supervised at all times by parole officials within their communities to ensure that they comply with their conditions. It is for this function- to grant parole to offenders, that the parole boards have been established in different countries.

The Department of Correctional Services in South Africa has adopted the independent model of parole which provides for the parole boards that are headed by independent members from the public appointed by the Minister of Correctional Services. Parole is administered by the parole boards and has, as one of its main functions the release of offenders based on their eligibility. The absence of the performance management system for the parole board makes parole board decision making less transparent and government accountability difficult to establish. Performance management systems have been used to strengthen good governance. The purpose of this study is to contribute to the design of a model of performance management of the parole boards in the Department of Correctional Services in South Africa.

The significant areas of the model of performance management are based on the principles of parole that the offenders who are conditionally released do not compromise public protection and that their integration into the society is supervised by the parole officers. The Performance Management Model follows the three pillar approach which explores the following:

- (i) conditions of service of the parole board members,
- (ii) the key performance areas of parole boards and

(iii) the general parole board administration.

Essentially a model of performance management of the parole board recognises the need for the department to be accountable to the public.

KEY TERMS

Parole, parole board, roving boards, case management committee, individual sentence plans, parole release, offender, victim involvement, offender profile, public protection, social reintegration, parole function, correctional centre, supervision, prison overcrowding, community involvement/participation, parole performance management, independent decision-making, rehabilitation programme, offender skills programme and parole hearing.

ACKNOWLEDGEMENTS

I wish to extend my sincerest gratitude to the Management of the Department of Correctional Services for granting permission to conduct this study within their environment and their generosity in granting me the study leave to complete this project. Since research work is a collaborative effort I think mentioning everyone who contributed will not be possible but some deserve a special mention.

My heartfelt appreciation to Messrs. Teboho Motseki (Chief Deputy Commissioner: Corrections) and Piet De Bruyn (Deputy Director: Parole Administration) and all the Chairpersons of the Parole Boards who participated and unselfishly contributed to what I know today about the subject.

I also want to thank the Department of Correctional Services: Research Directorate. Dr Bengu and her team for assisting me in the right throughout my research.

I am eternally indebted to my promoter Professor Johan Kriel, his personality made what would have been hard, monumental and insurmountable work easy to complete. His contribution to this research is undoubtedly phenomenal.

I also want to thank my colleagues and friends for keeping me sane during the arduous task of making sense of my research.

To my wife (Linah) for putting up with my paper mess at home, my two daughters (Dineo and Thato and son Lesego) for pasting papers on the wall and their unfailing support and love I thank you. Lastly, I dedicate this work to my late brother (Nicholas) and sister (Lerato) who would have been very proud of my personal achievement.

TABLE OF CONTENTS

CHAPTER 1

OVERVIEW OF THE STUDY

1.1 BACKGROUND	1
1.2 PURPOSE AND AIMS OF THE STUDY	3
1.3 DELIMITATION AND LIMITATIONS OF THE STUDY	4
1.4 VALIDITY AND RELIABILITY	4
1.5 THEORETICAL FRAMEWORK OF PAROLE	5
1.6 DEFINITION OF CONCEPTS	10
1.6.1 APPRAISAL	10
1.6.2 COMPETENCIES	11
1.6.3 CORRECTIONS	11
1.6.4 DCS OR THE DEPARTMENT	11
1.6.5 PAROLE	11
1.6.6 PAROLE BOARD	12
1.6.7 PRISON OR CORRECTIONAL CENTRE	13
1.6.8 PRISONER OR OFFENDER	13
1.6.9 PERFORMANCE	13
1.6.10 PERFORMANCE STANDARDS	13
1.6.11 PERFORMANCE MEASUREMENT	14
1.6.12 PERFORMANCE APPRAISAL	14
1.6.13 PERFORMANCE MANAGEMENT	14
1.7 RESEARCH METHODOLOGY	15
1.8 RESEARCH DESIGN	15
1.9 SAMPLING	16
1.9.1 PURPOSIVE SAMPLING	17
1.9.2 STRATIFIED SAMPLING	18
1.10 DATA COLLECTION METHODS	18
1.10.1 INTERVIEWS	18

1.10.2 DATA RECORDING	21
1.10.3 EXPLORATORY DESIGNS (Ex Post Facto Analyses/Designs)	22
1.10.4 QUESTIONNAIRES	22
1.10.5 THE USE OF DOCUMENTATION	22
1.10.6 LITERATURE REVIEW	23
1.11 DATA ANALYSIS	24
1.12 TIME LIMITATION	26
1.13 ETHICAL CONSIDERATION OF THE STUDY	26
1.14 DIFFICULTIES ENCOUNTERED DURING THE STUDY	27
1.15 TECHNICAL ASPECTS	28
1.15.1 USE OF HEADINGS	28
1.15.2 TABLES AND FIGURES	28
1.15.3 TECHNICAL CARE	28
1.15.4 REFERENCE METHOD	29
1.16 THE SIGNIFICANCE OF THE STUDY	29
1.17 SYNOPSIS OF THE CHAPTERS IN THE THESIS	30

CHAPTER 2

PAROLE: A THEORETICAL ANALYSIS FROM AN INTERNATIONAL PERSPECTIVE

2.1 INTRODUCTION	32
2.2 ORIGINS AND THE EVOLUTION OF PAROLE	34
AN INTERNATIONAL PERSPECTIVE	
2.3 OVERVIEW OF THE HISTORICAL AND LEGISLATIVE	39
DEVELOPMENT OF PAROLE IN SOUTH AFRICA	
2.4 THE FUNCTIONS AND GOALS OF PAROLE	42
2.4.1 OFFENDER REINTEGRATION	45
2.4.2 CRIME DETERRENCE AND CONTROL	45
2.4.3 DECREASING PRISON AND JAIL OVERCROWDING	46
2.4.4 COMPENSATING FOR SENTENCING DISPARITIES	47
2.4.5 PUBLIC SAFETY AND PROTECTION	47
2.5 THE PHILOSOPHY AND MODELS OF PAROLE BOARDS	49
2.5.1 INDEPENDENT MODEL	50
2.5.2 CONSOLIDATED MODEL	51
2.5.3 INSTITUTIONAL MODEL	51
2.6 INTERNATIONAL PERSPECTIVE ON PAROLE AND THE	51
COMPARATIVE ANALYSIS OF THE VARIATION OF ELIGIBILITY	
FOR PAROLE	
2.6.1 EARLY RELEASE IN CANADA	54
2.6.2 EARLY RELEASE IN THE UNITED STATES OF AMERICA	56
2.6.3 PAROLE IN THE ENGLAND AND THE WALES	57
2.6.4 PAROLE RELEASE IN THE CZECH REPUBLIC	58
2.6.5 PAROLE IN MEXICO	58
2.6.6 RELEASE POLICY IN THE SCANDINAVIAN COUNTRIES	59

2.6.7 PAROLE IN NEW ZEALAND	60
2.6.8 PAROLE IN AFRICA AND BOTSWANA	60
2.6.9 PAROLE IN SOUTH AFRICA	61
2.7 THE INDEPENDENCE OF THE PAROLE BOARD	63
2.8 PAROLE BOARD STRUCTURES	66
2.8.1 PAROLE BOARD COMPOSITIONS	66
2.8.2 APPOINTMENT, QUALIFICATIONS AND TENURE OF PAROLE BOARD MEMBERS	68
2.8.3 ORGANIZATION AND ADMINISTRATION OF PAROLE	69
2.8.4 DETERMINATION OF PAROLE READINESS AND DUE PROCESS	72
2.9 POLITICAL CONSIDERATIONS AND LEGISLATIVE INFLUENCES WITH PAROLE	74
2.9.1 CRITICISM OF THE PAROLE PROCESS	77
2.9.2 SUPPORT FOR THE PAROLE PROCESS	81
2.10 THE LINK BETWEEN PAROLE AND PENOLOGY	82
2.10.1 CUSTODY	83
2.10.2 REHABILITATION	83
2.10.3 PUNISHMENT	84
2.10.4 DETERRENCE	84
2.10.5 RETRIBUTION	85
2.10.6 AFFIRMING THE POWER OF THE STATE	85
2.11 PAROLE AND COMMUNITY SUPERVISION AS PART OF PENOLOGY	86
2.12 CONCLUSION	87

CHAPTER 3

A THEORETICAL FRAMEWORK FOR THE PERFORMANCE MANAGEMENT OF PAROLE BOARDS

3.1 INTRODUCTION	88
3.2 HISTORICAL DEVELOPMENTS OF PERFORMANCE MEASUREMENT	89
3.3 THE RISE AND FALL OF TRADITIONAL APPRAISAL SYSTEMS	91
3. 4 AIMS OF PERFORMANCE MANAGEMENT	93
3.4.1 THE BENEFITS OF PERFORMANCE MANAGEMENT	95
3.4.2 THE VALUE OF PERFORMANCE MANAGEMENT	97
3.5 PERFORMANCE MEASUREMENT AND EVALUATION OF CORRECTIONS REGIMES	98
3.5.1 KEY PERFORMANCE INDICATORS AND KEY PERFORMANCE TARGETS	100
3.5.2 STANDARD AUDIT OF COMPLIANCE	102
3.5.3 APPRAISALS AS PART OF PERFORMANCE MANAGEMENT	102
3.6 PERFORMANCE MANAGEMENT SYSTEM AND TYPES OF APPRAISAL INSTRUMENTS	107
3.7 LINK BETWEEN THE FIVE STEP MODEL AND THE PERFORMANCE MANAGEMENT SYSTEMS	110
3.8 DEVELOPMENT-BASED APPROACH VERSUS MEASUREMENT APPROACH TO PERFORMANCE MANAGEMENT	111
3.9 ORGANIZATIONAL PERFORMANCE MANAGEMENT	115
3.10 INDIVIDUAL VERSUS TEAM ACHIEVEMENT	118
3.11 LINK BETWEEN PAROLE AND PERFORMANCE MANAGEMENT	120
3.12 PERFORMANCE MANAGEMENT GAP	122
3.13 SUMMARY OF MAJOR CRITIQUES OF THE PREVIOUS CHAPTERS	125

CHAPTER 4

DATA COLLECTION AND DATA ANALYSIS

4.1 INTRODUCTION	127
4.2 DATA COLLECTION	132
4.2.1 INTERVIEWS	133
4.2.2 DOCUMENTS AND OTHER SOURCES OF DATA	135
4.2.3 TRIANGULATION	136
4.3 SAMPLE SIZE	137
4.4 DATA RECORDING	138
4.5 DATA ANALYSIS	138
4.5.1 CODING PROCESS	139
4.5.1.1. READING THROUGH THE DATA FROM THE FIELD NOTES	139
4.5.1.2. IDENTIFYING CODING CATEGORIES FROM THE DATA	140
4.5.1.3. CODING THE DATA MASS	140
4.5.1.4 FORMULATING THEMES ON THE BASIS OF COMMON LINKS AND THE PATTERNS IDENTIFIED IN THE DATA	141
4.5.1.5. DRAWING CONCLUSIONS BASED ON THESE THEMES	142
4.6 FORMULATION OF THE MAIN THEMES AND SUB-THEMES	143
4.6.1 THEME 1: KEY PERFORMANCE AREAS	144
4.6.2 THEME 2: CONDITIONS OF SERVICE FOR BOARD MEMBERS	144
4.6.3 THEME 3: DECISION MAKING	145
4.6.4 THEME 4: ETHICAL CONDUCT OF PAROLE BOARD MEMBERS	145
4.7 DATA PRESENTATION	147
4.7.1 THEME 1: KEY PERFROMANCE AREAS	147
4.7.1.1 SUB-THEME 1: PERFORMANCE STANDARDS	149
4.7.1.2 SUB-THEME 2: APPLICATION OF THE PAROLE GUIDELINES	153

4.7.1.3 SUB-THEME 3: PUBLIC PROTECTION	156
4.7.1.4 SUB-THEME 4: SOCIAL REINTEGRATION	157
4.7.1.5 SUB-THEME 5: VICTIM PARTICIPATION	159
4.7.2 THEME 2: PAROLE BOARD INDEPENDENCE AND DECISION MAKING POWERS	161
4.7.2.1 SUB-THEME 1: RISK ASSOCIATED WITH PAROLE DECISIONS	165
4.7.2.2 SUB-THEME 2: INDIVIDUAL SENTENCE PLAN	167
4.7.2.2.1 SUB-CATEGORY 1: REHABILITATION PROGRAMME	168
4.7.2.2.2 SUBCATEGORY 2: OFFENDERS SKILLS PROGRAMME	169
4.7.2.3 SUB-THEME 3: PAROLE HEARING PROCESS	169
4.7.2.4 SUB-THEME 4: CASE MANAGEMENT COMMITTEE ROLE	172
4.7.2.5 SUB-THEME 5: PROFILE REPORTS AND RECORDS	173
4.7.3 THEME 3: ETHICAL CONDUCT OF PAROLE BOARD MEMBERS	175
4.7.3.1 SUB-THEME 1: REQUISITE SKILLS TO SERVE	176
4.7.3.2 SUB –THEME 2: CHARACTER OF THE PAROLE BOARD MEMBERS	178
4.7.3.2.1 ORGANISATIONAL ISSUES	178
4.7.3.2.2 OPERATIONAL ISSUES	180
4.7.3.2.3 PHILOSOPHICAL ISSUES	181
4.7.3.3 SUB-THEME 4: COMMUNITY INVOLVEMENT	182
4.7.4 THEME 4: CONDITIONS OF SERVICE	183
4.7.4.1 SUB-THEME 1: CONTRACT OF EMPLOYMENT FOR THE PAROLE BOARD	185
4.7.4.2 SUB-THEME 2: POWER AND AUTHORITY	190
4.8 PERCEPTION ABOUT PAROLE BOARD	192
4.9 ROVING PAROLE BOARDS AND THE UTILIZATION OF RESOURCES	193
4.10 THE LINK OF THE THEMES AND THE SUB-THEMES WITH LITERATURE	195
4.10.1 THEME 1: KEY PERFORMANCE AREAS	196

4.10.1.1 SUB-THEME1: PERFORMANCE STANDARDS AND PERFORMANCE MEASUREMENTS	198
4.10.1.1.1 SUB CATEGORY 1: REFERENCE TO THE PAROLE REVIEW BOARD	199
4.10.1.1.2 SUBCATEGORY 2: INDEPENDENT PAROLE BOARD	200
4.10.1.2 SUB-THEME2: APPLICATION OF THE PAROLE GUIDELINES	202
4.10.1.3 SUB-THEME 3: PUBLIC PROTECTION	204
4.10.1.4 SUB-THEME 4: SOCIAL REINTEGRATION	205
4.10.1.5 SUB-THEME 5: VICTIM PARTICIPATION	206
4.10.2 THEME 2: PAROLE BOARD DECISION-MAKING	208
4.10.2.1 SUB-THEME 1: RISKS ASSOCIATED WITH PAROLE DECISION	209
4.10.2.1.1 SUB CATEGORY 1: REHABILITATION PROGRAMMES	210
4.10.2.1.2 SUB-CATEGORY 2: SKILLS PROGRAMME FOR OFFENDERS	212
4.10.2.2 SUB-THEME 2: PAROLE HEARING PROCESS	212
4.10.2.3 SUB-THEME 3: CASE MANAGEMENT COMMITTEE ROLE AND RESPONSIBILITY	214
4.10.2.4 SUB-THEME 4: PROFILE REPORTS AND RECORDS	216
4.10.3 THEME 3: ETHICAL CONDUCT	216
4.10.3.1 SUB-THEME 1: COMMUNITY MEMBERS WHO SERVE IN THE PAROLE BOARD	217
4.10.3.2 SUB-THEME 2: COMMUNITY INVOLVEMENT AND PARTNERSHIPS	218
4.10.4 THEME 4: CONDITIONS OF SERVICE	219
4.10.4.1 SUB-THEME 1: EMPLOYMENT CONTRACT	221
4.10.4.2 SUB-THEME 2: POWER AND AUTHORITY	223
4.10.4.3 SUB-THEME 3: PERCEPTION ABOUT PAROLE BOARD	225
4.11 CONCLUSION	226

CHAPTER 5

SUMMARY OF THE FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION	227
5.2 SUMMARY OF THE CHAPTERS	227
5.3 LIMITATIONS OF THE STUDY	229
5.4 SUMMARY OF THE STUDY FINDINGS	230
5.4.1 SUMMARY ON A MODEL OF PERFORMANCE MANAGEMENT FOR THE PAROLE BOARD	231
5.4.2 SUMMARY ON THE KEY PERFORMANCE AREAS	232
5.4.3 SUMMARY ON THE KEY PERFORMANCE STANDARDS AND TARGETS	233
5.4.4 SUMMARY ON THE PUBLIC SAFETY AND PROTECTION	234
5.4.5 SUMMARY ON SOCIAL REINTEGRATION OF OFFENDERS	235
5.4.6 SUMMARY ON VICTIM PARTICIPATION IN THE PAROLE PROCESS	235
5.4.7 SUMMARY ON THE COMMUNITY INVOLVEMENT AND COMMUNITY MEMBERS OF THE PAROLE BOARD	236
5.4.8 SUMMARY ON THE GOAL AND FUNCTIONS OF THE PAROLE BOARD	237
5.4.9 SUMMARY ON THE INDEPENDENCE OF THE PAROLE BOARD	238
5.4.10 SUMMARY ON THE APPLICATION OF PAROLE GUIDELINES	239
5.4.11 SUMMARY ON THE RISKS ASSOCIATED WITH PAROLE DECISIONS	240
5.4.12 SUMMARY ON THE CASE MANAGEMENT COMMITTEE AND THE INDIVIDUAL SENTENCE/MANAGEMENT PLAN	241
5.4.13 SUMMARY ON THE CONDITIONS OF SERVICE OF THE PAROLE BOARD	242
5.4.14 SUMMARY ON THE REQUISITE SKILLS TO SERVE	244

5.4.15	SUMMARY ON THE ETHICAL CONDUCT OF PAROLE BOARD MEMBERS	245
5.4.16	SUMMARY ON THE ROVING PAROLE BOARDS	246
5.4.17	SUMMARY OF THE GENERAL FINDINGS	247
5.5	RECOMMENDATIONS	247
5.5.1	PILLAR 1. CONDITIONS OF SERVICE	250
5.5.1.1	REQUISITE SKILLS TO SERVE IN THE PAROLE BOARD	250
5.5.1.2	RECRUITMENT AND THE REMUNERATION OF THE PAROLE BOARD MEMBERS	251
5.5.1.3	TRAINING OF THE PAROLE BOARD MEMBERS	252
5.5.1.4	ETHICAL CONDUCT OF THE PAROLE BOARD MEMBERS	252
5.5.1.5	SUPERVISION, POWER AND AUTHORITY OF THE PAROLE BOARD	253
5.5.2	PILLAR 2. KEY PERFORMANCE AREAS OF THE PAROLE BOARD	254
5.5.2.1	PERFORMANCE STANDARDS	254
5.5.2.2	PUBLIC PROTECTION	255
5.5.2.3	VICTIM PARTICIPATION	255
5.5.2.4	SOCIAL REINTEGRATION	256
5.5.3	PILLAR 3. PAROLE BOARD ADMINISTRATION	257
5.5.3.1	INDEPENDENCE OF THE PAROLE BOARD	257
5.5.3.2	REFERENCE TO THE PAROLE REVIEW BOARD	257
5.5.3.3	INDIVIDUAL SENTENCE/MANAGEMENT PLAN	258
5.5.3.3.1	REHABILITATION PROGRAMMES	258
5.5.3.3.2	OFFENDERS SKILLS PROGRAMME	259

LIST OF TABLES AND FIGURES

TABLE 3.1: STRENGTHS AND WEAKNESSES OF THE TYPES OF PERFORMANCE MANAGEMENT	108
TABLE 4.1: BREAKDOWN OF THE PAROLE BOARD DISTRIBUTION IN SOUTH AFRICA	131-132
FIGURE 4.1: MAP OF THE REPUBLIC OF SOUTH AFRICA	128
FIGURE 4.2 THE GRAPHICAL PRESENTATION OF THE MAIN THEMES AND SUB-THEMES	146
FIGURE 5.1: A GRAPHIC PRESENTATION OF A MODEL OF PERFORMANCE MANAGEMENT OF THE PAROLE BOARDS IN SOUTH AFRICA	249

CHAPTER 1

OVERVIEW OF THE STUDY

1.1 BACKGROUND

Science must begin with myths and the criticism of myths.

-Karl Popper

The political changes in South Africa and the adoption of the new Constitution amongst other initiative brought about the changes in the legislative frameworks across government departments. Amongst the legislations that were affected by such constitutional changes within the Department of Correctional Services, as one of the government departments, was the Prison Services Act No 8 of 1958 which was amended to the Correctional Services Act No 111 of 1998. This was done not only to reflect policy changes within the corrections environment but also to give meaning to the human rights culture that the department was forced to adopt in dealing with the offenders. Key to this legislative change was the introduction of the community based parole boards to replace the institutional based parole boards.

Although the legislation was adopted in 1998 that is the Correctional services Act (Act No 111 of 1998), the implementation of the new parole boards only came into effect in 2006. The delay in the implementation of the new parole board system in South Africa is attributable to a number of factors. But the main is the fact that the Department of Correctional Services was not ready yet to implement such transitional changes in terms of its infrastructure and systems. In terms of the new parole system, the real challenge was to involve the crime victims of in the parole decision making process under a newly appointed chairperson from the public with insufficient knowledge regarding prison administration.

It is against this background and an epoch making change in the functioning of the parole boards in South Africa that the researcher wanted to understand, firstly: how the successful was this transition managed within the department. Secondly, find out what model, if any, was put in place to measure the performance of these new parole boards. Furthermore, this research study is motivated by various other reasons including the following:

- (i) According to the researcher's own personal experiences with the Department of Correctional Services, when the concept of reviewing followed the old parole boards was mooted, there was no immediate plan as to how the performance of the new parole boards could be measured;
- (ii) There was clearly a need to revamp the old parole board system in South Africa as it was perceived to be biased, corrupt and ineffective;
- (iii) There was a general view by the public that the independence of the parole boards was blurred given the fact that they were chaired by fulltime employees of the Department of Correctional Services. This seemed to be compromising the integrity and independence of the parole boards from influences (legal or political) in their decision making;
- (iv) The researcher's personal interest to be engaged in a processes of managing and measuring performances of organisations as opposed to individuals' employees' performances. The Department of Correctional Services at the time, did not have a model or system in place to assess the performance of the parole boards, but the system they had could only assess the individual employees' performances;
- (v) Lastly, the absence of the above mentioned measuring tools was therefore good enough to keep encourage the researcher focused on finding answers whilst keeping in mind the new legislative and political mandates given to the new Parole Boards in South Africa.

1.2 PURPOSE AND AIM OF THE STUDY

The purpose of this study is to investigate and establish a model of performance management for the parole boards in the South African Department of Correctional Services in line with the legislative and political mandates. The parole boards is an independent structure that makes conditional release of offenders possible and therefore, it is the aim of this study to develop a model for the performance management for the parole boards in line with their legislative and political mandate.

The study will focus on the following:

- Review of literature on the role and responsibilities of parole boards to identify best performance management practices which can be aligned to the South African conditions and requirements (see Chapters 2 and 3);
- Analysis of mandates and role of the parole board (see chapter 4);
- Description of the Key Performance Areas for parole boards (see chapter 4 and 5);
- Identification of the deficiencies in the current performance management system of parole boards (see chapters 4 and 5);
- Analysis of aspects influencing the performance of parole boards (see chapter 4) ;
and
- Recommendations for the development of a performance management model for parole boards (see chapter 5).

1.3 DELIMITATIONS AND LIMITATIONS OF THE STUDY

The study did not focus on the decision making processes of the parole boards, probation and the case management committees within the Department of Correctional Services but only looked at the roles, responsibilities, approaches, independence and the systems that are in place to the parole boards. The study was also confined to the parole board as a statutory body in other words its role, responsibilities and accountability obligations and did not focus on the individual members except the chairpersons of the board who have been appointed by the Minister to oversee the effective functioning of the parole boards. Given the scope of correctional centres and parole board functioning, decisions had to be made about what is important to emphasize in this study.

The focus of this study was on parole board performance in the context of South Africa and did not compare the new community based parole board to the old institutional based parole board. Some important topics were omitted from this study, such as community supervision and probation, the offender profile, criteria for decision making as it was not the intention of the researcher to debate the pros and cons of these topics. Nor was it the intention to dwell on the international practices which are not conducive for implementation in the South Africa context, but rather to focus on the functioning of the parole boards and their expectations as encapsulated in the various legislations. Since the researcher is personally involved in the management of performance management within the department, such biases were brought to this study. Although every effort was made to ensure objectivity, these biases shaped the way the researcher viewed and interpreted the data collected and interpreted.

1.4 VALIDITY AND RELIABILITY

Singleton and Straits (2010:131) posit that validity measurement refers to the congruence between an operational definition and the concept it is purported to measure. While on the other side, reliability is concerned with questions of stability and consistency that is whether or not the results of a study are repeatable.

Reliability is particularly an issue when it comes to quantitative research (Bryman 2001:29). In this study the operational definition of parole is the release of an offender to society to serve the remainder of his/her sentence under the supervision of the parole officer. The researcher targeted the chairpersons of the parole boards and utilized purposive sampling in line with the De Vos (2002:207) assertion. For practical reasons it was not feasible to include all the chairpersons of the parole boards in South Africa. Each of the parole board chairpersons have the duty to grant offenders parole in line with the powers given to them by the Correctional Services Act (Act No 111 of 1998).

For this study the researcher sought credibility based on coherence, insight and trustworthiness rather than through the traditional validity and reliability measures. The data collected in this study was factual and recorded objectively. Data was collected by means of interviews and 13 chairpersons and/or vice chairpersons participated in the study. The main aim of the study was to understand the parole board performance from the point of view of the participants with no hypothesis to be tested.

To conform to the principle of validity the researcher in consultation with the relevant stakeholders (Chief Deputy Commissioner Corrections, Deputy Director Parole Administration and Deputy Director: Human Resource Administration) in the field of parole developed the interview guide. The logic link between the questions and the objectives of the study was established and thorough literature review was also undertaken to establish the extent to which the topic has been researched.

To ensure reliability, the researcher provided a detailed account of the focus of the study and the context from which data was gathered. Secondly, data collection and analysis strategies were reported in detail in order to provide a clear and accurate picture of the research methods used in this study. Silverman (2000:188) argues that the procedure and methodology that the researcher used must be clearly described so that the same or another researcher who might repeat the research comes up with the same results.

1.5 THEORETICAL FRAMEWORK OF PAROLE

The study focused on the functioning of the parole boards and the structures of governance. In 2002/2003, Parliament of the Republic of South Africa amended the Correctional Services Act (Act No 111 of 1998) to allow for the establishment of decision making parole boards, which include members of the Department of Correctional Services, Justice and Constitutional Development, Safety and Security and two permanent members from the community, one of whom will serve as the chairperson. This move of revamping the old parole board and replacing it with the new independent and autonomous one was hailed as a positive move for the Department of Correctional Services to do good on its legal mandate which include the release of offenders as law abiding citizens.

The 9th United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1995) maintain that the release of prisoners places a great responsibility on the Department of Correctional Services. Over the years the granting of remission of sentences and parole gave rise to the perception amongst, inter alia, the judiciary that the sentence imposed by the court is being interfered with through administrative measures. Remission of sentences and special measures to combat overpopulation further stimulated the general perception that prisoners are released too early and the public is not afforded sufficient protection (Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders Report, May 1995).

The parole boards within the Department of Correctional Services have a crucial role to play in the fulfillment of its core mandate and therefore, their performance is expected to be managed consistently with the objectives to which they are established. There are fifty two Correctional Supervision and Parole Boards country-wide chaired by community members. The Correctional Services Act (Act No 111 of 1998) section 76 gives the Correctional Supervision and Parole Boards decision making competency with the exception of decisions regarding the granting of parole to people who are declared dangerous criminals in terms of Criminal Procedure Act (Act No 51 of 1977) section 286A, correctional supervision and decisions with regard to those sentenced to life imprisonment. In such cases recommendations are submitted to the courts to make decision in respect of conditional placement.

The South African Public Service Regulation (Chapter 1, Part III, C 1 of 2001) requires a mandatory service delivery improvement programme for each department. The service delivery improvement programme originated from the White Paper on Batho Pele which is primarily about how public services are provided and specifically about improving the efficiency and effectiveness of the way in which services are delivered. It is therefore, important to measure performance to ensure that regulations are being followed. The DCS has a responsibility towards the community. This research is therefore, very relevant and conducted at the right time when the new parole system has just been established through legislation and that the results of the study will be used to influence correctional management to address any performance management gaps that may be found and evaluate how the policy itself help to deepen and entrench the human rights culture of the institution and contribute to the democratic values of the country.

Additionally Chapter VIII (A) of the Public Service Regulations (2001) maintains that departments shall manage performance in a consultative, supportive and nondiscriminatory manner in order to enhance organizational efficiency and effectiveness, accountability for the use of resources and the achievement of results. Performance management processes shall link to broad and consistent plans for staff development and align with the department's strategic goals.

The primary orientation of performance management shall be developmental but shall allow for effective response to consistent inadequate performance and for recognizing outstanding performance. Performance management procedures should minimize the administrative burden on supervisors while maintaining transparency and administrative justice. Part B 1 of the Public Service Regulation provides that an executing authority (Minister) shall determine a system for performance management and development for employees in her or his department other than employees who are members of the Senior Management Service (SMS), consistent with the principles in Public Services Regulation (2001 Part VIII A). A model for the performance measurement of the parole board within the Department of Correctional Services is therefore, the responsibility of the Minister of Correctional Services.

Schneier and Beatty (1978:109) posit that there is probably no program as difficult for many in personnel to implement effectively as performance appraisal. Whether it be the uneasiness resulting from judging others, the hesitation to confront workers with poor performance, or the failure to remove one's biasedness from the rating process, performance appraisal systems are frequently troublesome. Phillips and McConnell (2005:195) refer to performance appraisal as the supervisor's darkest hour". Consequently, many supervisors come to regard performance appraisal as, at best, a necessary evil, or, at worst, an unnecessary and resented intrusion. Indeed, in many public correctional agencies the origin and structure of the performance evaluation process is closely tied to the collective bargaining process, and thus is an even more critical activity for supervisors to carry out properly and effectively.

According to Nel, van Dyk, Haasbroek, Schultz, Sono and Werner (2004:103) there are generally three major purposes of performance management:

- ◆ *“It is a process for strategy implementation*
- ◆ *It is a vehicle for culture change and*
- ◆ *It provides input to other Human Resources systems such as development and remuneration”.*

It is to these three major purposes that the study will look into the performance management system as it affects the parole boards in the Department of Correctional Services. Peak (2007; 262) provides that the National Advisory Commission on Criminal Justice Standards and Goals delineated two basic models for administering parole services:

1. The independent model. A parole board is responsible for making release (parole) determinations as well as supervising persons released on parole (or good time). It is independent of any other state, agency and reports directly to the governor.
2. The consolidated model. The parole board a semiautonomous agency within a large department that also administers correctional institutions. Supervision of persons released on parole (or good time) is under the direction of the Commissioner of Corrections not the parole board.

As confirmed through this the Department of Correctional Services subscribe to the two models. Cohen in Williamson (1990:146) states that the critical problems and issues facing correctional administrators amongst others the inexcusable need to reassess the organization in terms of its goals and priorities; and re-examine the mandates and requirements; and to evaluate required resources to mount effective delivery system of services to which the parole board in one of them, the need to develop processes of accountability for all staff; regardless of hierarchical position in the organization; and to develop fair but appropriate means for evaluating performance as such relate to organizational mission and goals, and the need to resist change that is inappropriate; create change where it is appropriate, to innovate where indicated, and to seek renewal when needed.

In this context the Department of Correctional Services identified the need to revamp the old parole board to improve service delivery and enhance accountability of the parole board as a critical part of the criminal justice system. The importance of the study is succinctly captured in the White Paper on Corrections (2005:145) which states that the Department of Correctional Services has committed itself to excellence. Such an orientation requires regular appraisal of the effectiveness of all its operations, including the delivery of needs-based rehabilitation processes. Without such a framework of continuous evaluation, there is no proper baseline to measure the impact and success of, inter alia, different rehabilitation routes, the content of correction interventions, models of assessment, and the impact of different methods of corrections.

Without such a baseline, the department will find it difficult to quantitatively and qualitatively improve on services related to its core business. It is therefore, in this context that the study is undertaken to investigate what is the performance management system that is appropriate for the Parole Board as one of the statutory bodies which is meant to support the core business of the DCS.

1.6 DEFINITION OF CONCEPTS

1.6.1 APPRAISAL

Coens and Jenkins (2000:12) argue that *appraise* comes from the Latin word *pretiare*, meaning to value. Hence, appraisal is a process in which we evaluate, judge, or estimate. Combining the definition of performance as “the way in which someone or something functions” and that of appraisal, we may say that performance appraisal is the process of evaluating or judging the way in which someone is functioning.

1.6.2 COMPETENCIES

According to Swan and Wilson (2007:37) competencies refer to how employees do their job on an ongoing basis. They often represent an organization's core values or expectations.

1.6.3 CORRECTIONS

Interestingly, Muncie (2007:xii) views the term 'corrections' as a catch-all to refer to all manner of strategies and programmes designed to treat, reform or rehabilitate offenders either in penal or community setting. In accord with deterrence theory, it is forward-looking; design to prevent further offending.

1.6.4 The DCS or the Department means the Department of Correctional Services as defined in Correctional Service Act (Act No 111 of 1998).

1.6.5 PAROLE

Various authors define parole differently yet all agree on the fact that it has something to do with the conditional release from prison of the offenders before the expiry of the sentences imposed by the courts. In other words all view parole release as conditional and not mandatory. According to Petersilia (2003:55) parole comes from the French word *parol*, referring to "word" as in giving one's word of honour or promise. It has come to mean an inmate's promise to act in a law abiding manner and according to certain rules in exchange for release. Parole is part of the general nineteenth-century trend in criminology that progressed from punishment to reformation. This definition is backed by Cromwell, Del Carmen and Alarid (2002:162) who also maintain that the English word *parole* is derived from the French parole d'honneur, meaning "word of honour".

According to Abadinsky (2006:205) “word of honor” was a means of releasing prisoners of war who promised not to resume arms in current conflict. This choice of word was unfortunate inasmuch as most people would distrust a released prisoner’s word of honour. It is not surprising that the French themselves prefer the term conditional liberation to the one borrowed from their language. Parole is an administrative act of the executive or an executive agency.

Essentially parole means that the offender is released from prison prior to the expiry of his or her entire sentence of imprisonment to serve the remainder of the sentence in the community under the supervision of the parole officer, subject to specific conditions that must be complied with. For the purpose of this study the operational definition of parole will refer to a decision by the parole board for an offender to be released before the expiry of the sentence given by the court of law to serve the remainder of his/her sentence in the community.

1.6.6 PAROLE BOARD

It is a body mandated in terms of the Correctional Services Act, 1998 (Act no 111 of 1998) section 74 that has recommendation and decision-making competencies whose primary task is directed at the responsible consideration and approval or disapproval of placement of offenders under correctional supervision, day parole, parole, parole on medical-grounds. The parole board is therefore, defined in the study as the statutory body that is responsible for the management and administration of parole and correctional supervision to offenders.

1.6.7 PRISON OR CORRECTIONAL CENTRE

Prison means any place established under the Correctional Services Act (Act No 111 of 1998) as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or to detention in placement under protective custody to which any such persons have been sent for the purpose of imprisonment, detention, protection, labour, treatment.

1.6.8 PRISONER OR OFFENDER

Prisoner or offender means any person, whether convicted or not, who is detained in custody in any prison or who is being transferred in custody or is en route from one prison to another prison. For the study the word offender and prisoner will be used interchangeable and will refer to any sentenced person who is detained in prison for having committed an offence. All those who are awaiting trial are not included in this definition.

1.6.9 PERFORMANCE

Performance “is an employee's accomplishment of assigned work as specified in the critical elements and as measured against standards of the employee's position’ (US Department of Commerce: Office of the Secretary). Performance Management is the integrated process by which an agency involves its employees in improving organizational effectiveness in the accomplishment of agency mission and strategic goals. Performance Management consists of: performance planning, monitoring employee performance, employee development, evaluating employee performance, and recognition.

1.6.10 PERFORMANCE STANDARDS

Performance standards are the conditions that exist when the work has been in an acceptable manner. They explain how well the job should be done and they become the basis on which performance is judged (Kirkpatrick 2006:17).

1.6.11 PERFORMANCE MEASUREMENT

Wikipedia dictionary (2001) defines performance measurement as the process of assessing progress toward achieving predetermined goals. Performance management is building on that process, adding the relevant communication and action on the progress achieved against these predetermined goals.

1.6.12 PERFORMANCE APPRAISAL

Performance appraisal, also known as employee appraisal, is a method by which the job performance of an employee is evaluated (generally in terms of quality, quantity, cost and time). Performance appraisal is a part of career development. According to Agere and Jorm (2000:22) performance appraisal is an instrument of measuring performance and one of the mechanisms for enforcing the maintenance of good governance, efficiency and effectiveness. However, for performance appraisal to be effective and meaningful, it must operate in a conducive policy, economic and political environment.

Since it measures the extent to which objectives, tasks and duties have been executed by public officials for the good of the public, it must be equally transparent, objective and open to scrutiny. Appraisal is defined by Kirkpatrick (2006:17) as the evaluation or judgement of how well the job has been done. It is always done by the supervisor with or without input from other people.

1.6.13 PERFORMANCE MANAGEMENT

The researcher's working definition of performance management is the integrated process by which the Department of Correctional Services assesses what the parole board as a statutory body does and how well they do it in improving organizational effectiveness in the accomplishment its goals. The integrated process shall include performance standards, performance measurements and performance appraisal. Daniels and Daniels (2004:7) define performance management as a technology for creating a workplace that brings out the best in people while generating the highest value for the organization.

1.7 RESEARCH METHODOLOGY

The study is primarily qualitative, but quantitative measures are used where possible to triangulate and validate the data. According to Padgett (1998:1) there is no one qualitative method that can be used in all contexts and that would make the definitional task easier. The qualitative approach is appropriate for this study in that the researcher is interested in understanding and exploring the performance management system that is appropriate for the parole board.

1.8 RESEARCH DESIGN

Unlike experiments and surveys, in which the elements of the research design- hypothesis formation, measurement, and sampling- are specified prior to data collection, design elements in qualitative research usually, are worked out during the course of the study. The nature of the research conducted in this study was exploratory research wherein the researcher only generated a hypothesis from the data collected. As supported by Doodley (1984:273) the exploratory, hypothesis- last type of qualitative research seeks to build theory in rather than test it. As outlined in paragraph 1.2 the aim of this study is to investigate a model of performance management for the parole boards in the Department of Correctional Services in South Africa.

The researcher exposed himself to the parole board data without the preconceptions in order to discover and formulate a theory around a model of performance for the parole boards from a penological perspective. The research design for this study was presented in fairly broad terms. Firstly, a literature study involving current literature on the subject of parole and performance management within corrections was conducted extensively. This was done to familiarize oneself with the topic and to generate ideas and themes that were later explored later in the research process.

According to Rubin and Rubin (1995:42-43) “you cannot plan the entire design for a qualitative project in advance, because the design changes as you learn from the interviewing. But you can begin the work with a rough and tentative design, talks with potential interviewees such as the one the researcher had with the Chief Deputy Commissioner and the Deputy Director Parole Placement to sort out the initial ideas and to refocus the research, and decide the participants to the research.

At this point the researcher completed the research proposal describing the object of the research, explaining its importance, and presenting it for consideration. During the observation stage, the researcher identified the key role players and decision makers in both the parole and performance management processes. Details of all the appointed chairpersons of the parole boards in the country were made available to the researcher to be utilized for sampling purposes. It was envisaged that around thirty (30) participants will be used for the sample.

1.9 SAMPLING

According to De Vos (2002:198) sampling means taking any portion of a population or universe as representative of that population or universe. Universe refers to all potential subjects who possess the attributes in which the researcher is interested, whilst population is a term that sets boundaries on the study units. It refers to individuals in the universe who possess specific characteristics.

The major reason for sampling is feasibility. Since the study used both qualitative and quantitative methods, the sampling methods that are were used were non probability purposive sampling for qualitative part and the probability (stratified random sampling) for the quantitative part. A complete coverage of the total population is seldom possible and all the members of a population of interest cannot possibly be reached.

Due to time and cost the researcher was not able to cover for the entire population within the Department of Correctional Services and believes that the use of sampling techniques implemented in this study has resulted in more accurate information than might have been obtained if one had studied the entire population. With a sample, time, money and effort can be concentrated to produce better quality research, based on better instruments and better trained interviewers and observers.

1.9.1. THE PURPOSIVE SAMPLING

Given the fact that not all the parole board chairpersons in South Africa were included in this study, a non-probability sampling method through convenience purposive sampling was used. According to De Vos (2002:207) this type of sample is based entirely on the judgement of the researcher, in that a sample is composed of elements that contain the most characteristics, representative or typical attributes of the population. For instance the chairpersons of the fifty two parole boards, the Directorate Pre-Release Resettlement, Deputy Director Parole Placement, the Deputy Director Performance Management, and the Director Human Resources Administration in the Department of Correctional Services contained the most characteristics and the attributes relevant for this study.

The extent to which the purposive sample was related to the target sample is amplified by Waters and Biernacki (1989:420) when they define it as “a purposeful, systematic method by which controlled lists of specified populations within geographical districts are developed and detailed plans are designed to recruit adequate numbers in cases within each of the targets”.

The participants namely the chairpersons of the parole boards, the Director Pre-Release Resettlement, the Deputy Director Parole Placement, the Chief Deputy Commissioner: Corrections and the Director Human Resources Administration were interviewed in the study.

1.9.2. STRATIFIED RANDOM SAMPLING

This type of sampling is suitable for heterogeneous populations because the inclusion of small subgroup percentage wise can be ensured (De Vos 2002:205). Since the fifty two parole boards are geographically stratified into the urban, peri-urban and rural areas throughout the country, the researcher ensures that all the segments of the population acquire sufficient representation in the sample. The Department of Correctional Services nationally is divided into six regions which are Gauteng, Western Cape, KwaZulu Natal, Eastern Cape, Limpopo Mpumalanga North West and Free State Northern Cape regions.

The research targeted at least three chairpersons of the parole boards in each of the three regions, a sample that represents 35% of the population. The researcher also applied the stratified sampling technique in this study since demographic characteristics were also taken into consideration in the sample. It may be possible to divide a heterogeneous population into sub population each of which is internally homogenous. In this study the researcher used the geographical regions as strata.

1.10 DATA COLLECTION METHODS

Welman and Kruger (1999:129) state that one has to consider which data collection method is the most appropriate in the light of the research problem and the particular population in question. For the purpose of this study the following data collection techniques were used during the study:

1.10.1 INTERVIEWS

Payne and Payne (2004:129) maintain that interviewing can be described as data collection in one-on-one face-face setting, using oral questions and answer format, which either employs the same questions in a systematic and structured way for all respondents or allows respondents to talk about issues in less directed but discursive manner.

Put differently De Vos (2002:292) states that one interviews because one is interested in other people stories. Every word that people use in telling their stories is a microcosm of their consciousness. As a result of the interactional nature of interviews, Holstein and Gubrium (1995:4) posit correctly that both the researcher and the participants are necessarily and unavoidably active and involved in the meaning making work. Additionally for this study which was primarily qualitative, it utilized qualitative interviews as described by Rubin and Rubin (1995:31) that the model of qualitative interviewing emphasizes the relativism of culture, the active participation of the interviewer, and the importance of giving the interviewee voice.

The researcher chose to conduct semi-structured interviews because this technique facilitated the requirement of an exploratory research methodology. The exploratory research is used to explore relatively unknown research areas and that it usually leads to insight and comprehension rather than the collection of accurate and replicable data. This technique was relevant to this study because the researcher aimed to gain practical insight into the personal experiences and accounts of the parole board chairpersons and their perception of the performance management system applicable to them. The unstructured in-depth interview is often referred to as “a conversation with a purpose”.

The purpose according to De Vos (2002:298) was not to get answers to questions, nor to test hypotheses, nor to evaluate in the usual sense of the term. At the root of the unstructured interviewing was the researcher`s interest in understanding the experience of the parole chairpersons and the meaning they make of their experiences of granting offenders parole. The unstructured interviews were focused, discursive and allowed the researcher to explore the issues of parole and the parole board performance management which is the focus of this study to investigate the performance management of parole boards in South Africa.

Four unstructured one-on-one in-depth interviews were conducted with the Acting Director: Pre-Release Resettlement, the Chief Deputy Commissioner: Corrections under whom Parole Boards resort, the Deputy Director Parole Administration at head office who was involved with the former parole boards. In addition thirteen semi structured individual interviews were conducted with the parole board chairpersons and vice chairpersons in the three Gauteng, Limpopo, Mpumalanga regions which included seven management areas namely Johannesburg, Krugersdorp, Pretoria, Boksburg, Polokwane and Witbank.

In this study the interview guide (which is attached as Annexure A) was written down to provide the researcher with a checklist of topics to be covered. Doodley (1994:278) suggest that an interview guide may be written or remembered and provides a general approach as the actual questions are composed on the spot to fit the natural rhythm of the dialogue and promote maximum, unbiased disclosure by the participants. The interview guide was used to gather data from the participants. The interview schedules were drawn up by the researcher once the participants have confirmed their availability.

The interview schedule is attached in this study as Annexure A. The detail breakdown of the parole board structures in the regions is summarized in table 4.1. At least seven chairpersons of the parole boards in Gauteng region, one in Limpopo and one in Mpumalanga regions were interviewed respectively. The researcher had semi-structured interviews with the Directorate HR Administration representative who is responsible for the contract management of all chairpersons of the parole board and from the resultant interview gained the valuable inputs in so far as the performance management gaps in the management of the parole boards were concerned.

As confirmed by Welman and Kruger (1999:167) semi structured interviews may be considered when the topic is of a sensitive nature and or the respondents come from the divergent backgrounds. The issue of the conditions of community based parole board members has become a sensitive subjects within the Department of Correctional Services and parole board members believed that their contracts of appointment was rushed to comply with legislation rather than implement the policy that respects the human rights of offenders. The researcher used probes with the intention to clear vague responses and asked respondent to elaborate when incomplete answers were given through the interviews. The interviews were determined by the time that the data collection reached saturation levels.

1.10.2 DATA RECORDING

All interviews were not audio-taped as permission was not granted by the interviewees but the researcher took extensive interview notes during the interviews. These interview notes were transcribed verbatim and the resulting texts were analyzed. Upon completion of each interview the researcher annotated and constructed full detailed field notes where only key words were used by the participants as it was easier to talk than to write during the interviews.

According to Doodley (1994:278) the material elicited by the interviewer can be recorded either by tape recorder (if the presence of the recorder is not reactive) or by handwritten and in the researcher`s case it was the latter. Field notes should be recorded as soon as possible after observation. The hand written field notes were typed and example of the field notes is attached in this study as Annexure C.

1.10.3 EXPLORATORY DESIGNS (Ex Post Facto Analyses/Designs)

According to De Vos (2002:139) these designs are of a more qualitative nature, and the data collection methods would be observation and or unstructured or semi-structured interviews. The purpose of exploratory studies is to gain insight into a situation, phenomenon or person to which the parole board and the performance management system applicable is such a phenomenon in this study.

As Stebbins (2001:9) puts it “exploration is the preferred methodological approach under at least three conditions: when a group, process, activity, or situation has received little or no systematic empirical scrutiny, has been largely examined using prediction and control rather than flexibility and open mindedness”. In the case of the parole board activity and the process the researcher believed that the situation of the performance management had received no systematic empirical scrutiny.

1.10.4 QUESTIONNAIRES

The new dictionary of social work (1995:51) defines a questionnaire as “a set of questions on a form which is completed by the respondent in respect of a research project”. The questions can be open or closed, with an option to respond either “yes” or “no”. For this study an open ended questionnaire was designed and used during the interviews. However, this does not always happen, actually, a response rate of 50% is considered adequate, 60% as good and 70% as excellent. For this study a 20% response rate was achieved. The chairpersons of both the roving (40%) and non roving parole boards (60%) participated in the interviews.

1.10.5 THE USE OF DOCUMENTATION

Documentation such as magazine articles, newspaper and media reports and information available on the internet will be collected and integrated with the data obtained, in an attempt to add any other nuances that might reside in these sources.

The documentary sources were compared with data already gathered, and then added as new information to the present study. The data from all the available sources that were utilized during the research process was integrated and collated, to conclude the data collection stage.

1.10.6 LITERATURE REVIEW

The literature review must clarify the theoretical context of the problem under investigation and how explain how it has been studied. In support of this assertion Babbie (2004:113) suggest that the literature review should answer the following questions: what have other said about this topic? What theories address the topic and what do they say? What previous research exists? Are there consistent findings or do past studies disagree? and are there flaws in the body of existing research that can be remedied? Literature shows that until the end of the 1960s, it had been taken for granted that political mandates were clear and administrators were thought to implement policies according to the intentions of decision makers (Hill & Hupe 2002:42).

Prior research examined release decisions only in relation to inmate characteristics, while ignoring the collective decision process of parole boards and the standards for the measurement of the boards' performances. In 1993, the National Institute of Justice (NIJ) sponsored a project by the American Probation and Parole Association to develop a model process for devising and implementing alternative outcome measures that could be used by community corrections agencies to evaluate staff and overall agency performance. One of the most fundamental conclusions that the project was study was that a performance-based measurement strategy can ease perception of accountability as a threat by setting clear expectations and standards.

An appropriate performance-based measurement strategy guides agencies and their personnel through the change process and provides them with a vision, and a logical well planned pathway. The researcher believes that the political and legislative mandate given to the newly established parole board within Department of Correctional Services is not well understood and as a result the management of the performance of the parole boards is going to be difficult as there is no system in place to do that.

The complexities of the factors that influence parole decisions are not well understood. The aim of this research is to review literature on the role and responsibilities of parole boards to identify best performance measurement practices which can be aligned to the South African conditions and requirements. Primary sources will be used and a comprehensive search will be undertaken in other related disciplines to further the study. Research conducted in other countries on the topic are studied and explored as well.

1.11 DATA ANALYSIS

Data analysis involves breaking up the data into manageable themes, patterns, trends and relationships. The aim of analysis is to understand the various constitutive elements of one's data through an inspection of the relationship between concepts, constructs and variables and to determine whether or not the patterns or trends can be identified or isolated, or to establish themes in the data (Mouton 2001:108).

De Vos (2002:239) provides a less complicated explanation, stating that data analysis is the process of bringing order, structure and meaning to the mass of collected data. The data was analyzed using the approach of Rubin and Rubin (1995:226-227) which begins while the interview is still underway. This analysis gave the researcher an opportunity to redesign the questions to focus in on central themes as during the interviewing. A more detailed and fine-grained analysis of the participants' interviews with the researcher was undertaken after each interviews.

The process of analyzing data whilst collecting data that the researcher used is supported by Miles and Huberman (1994:50) when they stated that the interweaving data collection and data analysis from the start is strongly recommended as it helps the fieldworker cycle back and forth between thinking about the existing data and generating strategies for collecting new, often, better data. International best practices, where available, were studied further to validate the findings. The researcher used qualitative data analysis in this study as qualitative methods produce detailed accounts of small groups, seeking to interpret the meaning people make of their lives in natural settings.

One of the basic approaches to qualitative research is ethnographic summary which relies heavily on direct quotation of discussion. The qualitative data analysis used by the researcher assisted in sorting and sifting the data in order to search for types, patterns and processes. This according to Jorgensen (1989:107) is done to assemble and reconstruct the data in a meaningful or comprehensible fashion.

Charmaz (1983:112) concurs that the disassembling and reassembling occurs through the coding process which explains the rationale of the researcher using the process of coding to conduct data analysis. Codes serve to summarize, synthesize, and sort many observations made of the data. Coding is the fundamental means of developing the analysis. Although all coding procedures (open, axial and selective) were applied, it was mainly selective coding that was used for the large amounts of very rich and dynamic data that was generated. Selective coding involves looking selectively for information that illustrates themes and to make comparisons and contrasts.

This is supported by Flick (2006:296) who states that “the process of interpretation begins with open coding, whereas towards the end of the whole analytical process, selective coding comes to the fore”. In open coding the researcher disentangled data collected and attached codes to them. The researcher refined and differentiated the identified categories that seem to be most promising for further elaboration.

The researcher followed the Foss and Waters (February 6, 2003) coding process which provides that “the process of coding and analyzing data is a critical part of qualitative dissertations because it is the unique part-the part that enables you to make an original contribution to your discipline. This system can be applied to videotaped observations, interviews, written texts, visual images, or any interpretable artifacts”.

The data analysis was conducted as follows: First the researcher read and reread all the field notes from the interviews with the participants. The researcher then classified them into simple content categories that were decided during the development of the interview guide. An example of the categories was performance, management, parole, release, community, protection, service, independent and victim. The researcher then read them again to test, revise and refine the gross classification. In other words all the data that bore some substantive topic such as performance management, independence parole board, victim participation, were put together and sorted out into preliminary topical piles.

1.12 TIME LIMITATION

This study was conducted between September 2008 and August 2009. As a result, the data collected remain relevant. Individual interviews with the parole board chairpersons were conducted during the periods September 2009.

1.13 ETHICAL CONSIDERATION OF THE STUDY

According to Mouton (2001:238) the ethics of science concerns what is wrong and what is right in the conduct of research. Because scientific research is a form of human conduct, it follows that such conduct has to conform to generally acceptable norms and values. Bryman (2001:479) argues that the ethical principles in social research “evolve around the four main areas namely harm to participants, lack of informed consent, invasion of privacy and deception”.

In this study the researcher sought the consent of all participants and set up appointments with them telephonically. The researcher obtained permission from the Department of Correctional Services to carry out this research. All participants were informed of their voluntary participation and that they do not expect any form of reward whatsoever. The fact that the thesis will be made available to the department was also made clear to the participants and that they are welcome to access it through the appropriate channels. All the participants were shown the appointment letter that granted the researcher the right to conduct research within the correctional environment.

During the interviews the participants were reminded that they are free not to answer questions that they are not comfortable with and that they can withdraw from the interviews as they wished. Annexure B was used as an example of how the researcher introduced himself to participants and summarizes the ethical principles adhered to in the interviews. The names of the participants are withheld in the study to protect their identity and maintain the fundamental principle of confidentiality as well. The participants were not comfortable with the interviews being tape recorded and as a result the researcher recorded the field notes were manually.

1.14 DIFFICULTIES ENCOUNTERED DURING THE STUDY

Some difficulties were encountered by the researcher in this study and included the difficulties in securing appointments with most of the chairpersons and the acting chairpersons in the other regions of Limpopo, Mpumalanga and Free State. In some instances appointments scheduled were cancelled at short notice due to what participants deemed pressing matters.

In addition the inaccessibility of information in relation to the new parole board also proved a challenge in this study. For instance the chairpersons' contract was not available for scrutiny as most claim they did not have copies of the contract given to them except letters of appointments.

The contract was required specifically to peruse the terms of appointment in relation to the performance management which was the basis of this study.

1.15 TECHNICAL ASPECTS

The purpose of this section is to provide the reader with general guidelines on the technical layout and the reference methods used in this thesis. The technical aspects mainly derived from Unisa (University of South Africa 2003) Reference Method for Unisa 7th ed: UNISA

1.15.1 USE OF HEADINGS

Headings and subheadings are indicated in capital letters, numbered and in bold in this thesis. For instance paragraphs **2.2 ORIGINS AND THE EVOLUTION OF PAROLE-AN INTERNATIONAL PERSPECTIVE** and **4.2 DATA COLLECTION**. Times New Roman 12 point size has been used throughout the thesis.

1.15.2 TABLES AND FIGURES

In the content of this thesis all the titles of the tables and figures are indicated above the tables. The tables and figures are numerically listed in line with the chapter in which it is included for instance; Table 2.1 or figure 2.1 indicates the first table and or figure used in chapter 2.

1.15.3 TECHNICAL CARE

The thesis was typed with a three centimetre margin on the left-hand side. The format of one and half (1 ½) spacing on one side only of A4 pages, quotations in single spacing was adopted throughout the thesis. Numbers from 1-9 are written out. Acronyms are not used in the headings and in the content of this thesis.

1.15.4 REFERENCE METHOD

There are many variations on reference methods from which to choose. For consistency the adapted Harvard method of referencing (UNISA 2003) was used throughout the thesis. Some practical guidelines used in other scholarly guides were adopted and in all references in brackets the commas not used. For instance (Latessa & Holsinger 2006:349) no comma between the name and the year of publication. Direct quotes from respondents are indented and put in italics and bracketed throughout the study.

For instance: Respondent A said

for the parole boards to take quality decisions, the psychological reports are required in some cases where there were aggravating circumstances and due to the shortages of psychologists and social workers in the department parole boards find themselves having to either transfer offenders or release them with stricter conditions. This of course puts the communities at risk and unfortunately it is beyond the parole boards` control. The brackets [] are used in this thesis to denotes the researcher`s words.

Quotes from sources are put in inverted commas or the sources are acknowledged in the text. For instance the researcher will state that according to Cavadino and Dignan (2006:430) correctional centres are...or will put the text in full and acknowledge the author in brackets e.g. These are unsound assumptions and create systematic flaws in the operation of a bifurcation approach (Hucklesby & Dickinson, 2007:271).

1.16 THE SIGNIFICANCE OF THE STUDY

Literature had shown that that there are a variety of studies conducted on the performance management and parole board overall but none on the on the performance management of the parole boards. This study will contribute to the body of knowledge on parole and the performance management for the parole boards in South Africa.

The study findings and will add value to the field of penology, inform parole board policy, practices and improve the overall performance management and accountability of parole and parole board to the public. The lessons learned from this study will also add value to the body of knowledge on penology and the impact of a model of performance management of parole boards not only in South Africa but worldwide. The non-existence of such a performance model or system for parole boards makes this study useful as this is the first of its kind in South Africa and Africa. The scientific knowledge of this study will also benefit the African countries. As the model is a first it will add value for parole boards internationally as well.

Since parole is confirmed as an internationally accepted mechanism that allows for the conditional release of offenders from correctional centres into the community the community will benefit from this study in that community participation in the rehabilitation and reintegration of offenders forms part of the findings. The study also highlights the required resources to address the parole structures and strengthen the criminal justice system inclusive of the police, the prosecutors, magistrates and attorneys, which form part of the parole management and authority. This scientific knowledge will enable the Department of Correctional Services to develop a model of performance management for the parole boards and improve its accountability to the public.

1.17 SYNOPSIS OF THE CHAPTERS IN THE THESIS

Chapter one provided an overview of the study and highlighted the significance thereof. The focus of the study was explained by the goal and aim, and the introduction of the key theoretical definitions provided additional clarification to the reader. Furthermore, the geographical scope and the limitations of the study were presented to clarify where and when the study was conducted. This chapter also provided the research methodology and put emphasis on the particular steps followed to address the research problem and reach the goal of this study. These steps include the research design, sampling strategies of the population, methods of data collection, data analysis procedure and the methods to ensure validity and reliability.

The goal of this study is to develop a model of performance management for the parole boards in South Africa, a penological perspective by making use of the literature review individual interviews. The ethical considerations of this study are outline in this chapter.

The synopsis of the subsequent chapters is outlined as follows:

The conceptual and theoretical basis of parole, the functions; origins and the evolution; the legislative development of parole and the different practices at international level of parole with different organization and administration of paroling authorities, is reviewed in chapter 2. This chapter provides the theoretical basis to understand parole within the South African context.

Chapters 3 provides the conceptual and theoretical exposition of the historical and legislative developments of performance measurement, the rise and fall of the traditional appraisal systems, the aims and the benefits of performance management and conclude with the link between parole and performance management.

In chapter 4 the researcher demonstrates in details how data was collected and analyzed and also illuminates the formulation of themes and sub-themes from the data analysis process. This chapter further illustrates how the themes in the thesis link with literature.

Chapter 5 which is the last chapter, the researcher summarizes the essential themes of the study, provide future studies and make recommendations for a model of performance management for the parole boards in South Africa.

CHAPTER 2

PAROLE: A THEORETICAL ANALYSIS FROM AN INTERNATIONAL PERSPECTIVE

2.1 INTRODUCTION

If you can't see success, you cannot learn from it, if you can't recognize failure, you can't correct it, if you can demonstrate results, you can win public support (Osborne & Gaebler 1992 in Michael Quinn Patton 1997:14). The rate of crime in South Africa makes it difficult for important release policy choices to be made. The fact that some sections of the population advocate for tougher sentences for offenders whilst others argue for human rights based approach does not make matters easy either.

According to Stanley (1976:ix) political leaders, no less than ordinary citizens, are concerned about the hardship and jeopardy that prison life inflicts on criminal offenders, yet they are justifiably fearful of the consequences for society if criminals are not incarcerated. This ambivalence pervades the central question that the parole system seeks to answer: How can prisoners be released to supervised living in the community without endangering society?

According to Cavadino and Dignan (2006:430) correctional centres are continually reported to be overpopulated, overcrowded, squalid and insecure, inhabited on the one hand by staff who are demoralized, disaffected and restless and on the other by inmates simmering on the point of riot and rebellion. It is a truism that crime is an appallingly serious problem in South Africa with a high murder rate and the highest levels of recorded rape in the world. Like in many other countries the parole system in South Africa is going through difficult times.

Hardly a month appears to pass by without some negative report appearing on the media or press about a parolee who committed serious offences whilst on parole. Padfield (2007:22) argues that parole is currently in a process of radical transformation. The reforms introduced through legislation means that the parole system will no longer be based on considerations of rehabilitation balanced against risk, grafted on to a largely retributive “just deserts” sentencing structure as was the case. Instead, in an approach that is plainly in tune with the public protection agenda that has driven criminal justice policy for the last ten to fifteen years.

Padfield’s argument supports the Department of Correctional Services approach to parole in that in the main the parole policy is meant to enhance public protection and refocuses entirely on risk and risk assessment. The reality about incarceration or imprisonment is the fact that most of the offenders who are incarcerated will be released from prison. According to Davies, Takala and Tyrer (1996:45) one of the effects that contributed to the increasing prison population in the 1980s was the parole board releases power.

The parole board’s release power with its safety valve function may not have been very significant controlling prison population growth in the late 1970s and early 1980s. However, the lack of power in the late 1980s when imprisonment rates reached an all-time high meant the parole board’s ability to reach to fluctuations in prison population no longer existed at a time when it may have been employed.

2.2 ORIGINS AND THE EVOLUTION OF PAROLE- AN INTERNATIONAL PERSPECTIVE

According to Scott (2008:203) the word parole was first introduced in the English penal system through the “ticket of leave system” in the nineteenth century. Cromwell, Alarid and Del Carmen (2002:159) sums it up succinctly, when they state that parole is the conditional release, by an administrative act, of a convicted offender from a correctional institution, under the continued custody of the state, to serve the remainder of his or her sentence in the community under supervision. Sheehan, McIvor and Trotter (2007:124) define parole as an order that is imposed by a statutory Parole Board which permits a convicted offender to serve part of their prison sentence in the community whilst under the supervision of a parole officer. The proportion of time of their sentence that a convicted individual may spend on parole is generally pre-determined by the sentencing court.

Maidment (2006:31) maintains that since parole and probation are understood to be the back-end sanctions, and therefore, they do not contribute to the net-widening per se. The term net-widening expands outside of the criminal justice system to include other state-run and local initiatives that control the lives of former prisoners, including mental health organizations, social services, child protection, and non-profit service agencies. Parole (early release from the correctional centre; often combined with community supervision) also took root in the nineteenth century. From most citizens` perspective, the experience of serving sentence of probation or parole is far less intrusive than any penalty involving round-the-clock confinement. Like incarceration, in prisons and jails, the use of probation and parole exploded in the late twentieth century. (Ruth & Reitz 2003:23-4).

According to Sheley (1995:460) the harshness of the English criminal law was responsible for the development of the parole system. By the late 1700s, the English penal system was characterized mainly by overcrowding, disease, and brutality- and at a high cost to the government. The English courts sentenced offenders to extremely lengthy terms of confinement to be served under cruel conditions, but even these sentences were less feared by the poor. However, Houston (1995:45) argues that probation and parole originated in the 1800s in both the United States and England.

Alexandre Maconochie is regarded as the father of parole because of his experiment on Norfolk Island with the ticket-of-leave system. Barkan and Bryjak (2004:468) maintain that the first actual parole system was established at the Elmira Reformatory in New York in the 1870s under the leadership of Zebulon Brockway. Like probation and intermediate sanctions, parole has been criticized by observers from both sides of the political spectrum. Conservatives continue to criticize it for allowing dangerous offenders to leave prison early and thus endanger public safety, whereas liberals criticize it for still being an arbitrary process and for lacking adequate rehabilitation services.

In addition Finnane (1997:163) states that parole, in fact, was introduced by degrees and through policy more than legislation. Parole as a practice originated almost simultaneously with three European prison administrators: a Spaniard, Manuel Montesinos, a German, Georg Michael Obermaier, and an Englishman, Alexander Maconochie. Parole is part of the general 19th century trend in criminology from punishment to reformation. In 1835 Col Manuel Montesinos was appointed governor of the prison at Valencia, Spain, which held about 1,500 convicts. He organized the institution on the basis of semi military discipline and encouraged vocational training and primary education of the prisoners.

The novelty of Montesinos' plan was that there were practically no guards to watch the prisoners, who nevertheless made few, if any attempts to escape. The main reason for this was probably that each prisoner could earn a one third reduction term of his sentence by good behaviour and positive accomplishments. The number of recidivism while Montesinos was governor fell from 35 percent to a figure which it would be imprudent to name, lest it should not be believed. Georg Michael Obermaier was the governor of a prison in Munich, Germany, in 1842 who found approximately 700 rebellious prisoners being kept in order by more than 100 soldiers. His success in reforming prisoners was so great that reportedly only 10% relapsed into crime after their discharge (Cromwell et al 2002:163).

According to Champion (2005:286) Maconochie had a penchant for humanitarianism and his lenient administrative style toward prisoners was unpopular with his superiors as well as other penal officials. For instance, Maconochie believed that confinement ought to be rehabilitative, not punitive. Also, he felt that prisoners ought to be granted early release from custody if they behaved well and did work while confined. He established the mark system whereby he gave prisoners marks of commendation and authorized the early release of certain inmates who demonstrated a willingness and ability to behave well in society on the outside.

Stanko, Gillespie and Crews (2004:50) maintain that Sir Walter Crofton in Ireland was the person who preserved and further refined the "mark" and "ticket of leave" system that Alexander Machonochie had experimented with in Australia. Crofton's program was one of the several stages in which the prisoner earned marks to progress from solitary confinement to congregate work, to congregate living and training for future employment, and finally to early release on a ticket of leave.

According to Banks (2005:63) changes in penal thinking, resulting from the effects of massive population growth, and a general belief in the capacity of science and the scientific method to reform criminals, led to the development of the reformatory and probation and parole. Parole from prison, like prison itself, is primarily an American innovation. It is said to emerge from a philosophical revolution and a resulting tradition of penal reform established in the late eighteenth century in the newly formed United States (Latessa & Holsinger 2006:349).

Newborn (1995:28) on the other hand argues that parole was introduced in 1967, and at the very least, there has always been an element of pragmatism underpinning its use. The element of pragmatism has become more evident as time has passed. After 1967 the first major change to parole was made in 1975 by the then Ron Jenkins, the then Home Secretary. Prompted by a desire to reduce the number of minor property offenders in prison, he encouraged the Parole Board to relax their policy in such cases, the assumption being that such offenders would be unlikely to commit serious offences on parole.

According to Hass and Alpert (2006:462) parole in the US has changed dramatically since the mid-1970s, when most inmates served open-ended indeterminate prison terms-10 years to life, for example- and a parole board usually appointed by the governor, had wide discretion to release inmates or keep them behind bars. In principle offenders were paroled only if they were rehabilitated and had ties to the community- such as a family or a job. This made release from prison a privilege to be earned. The safe release of prisoners into the community has been a perennial problem, reflected in the development of a parole predictor by Burgess in the late 1920s. Who to keep in and who to let out has been a long-standing question, given added weight by high cost of prison places and the increased use of custody overtime.

The Carlisle Report (1988) crystallized a bifurcated approach to parole, with an emphasis upon distinguishing between high risk prisoners who must be kept in, and lower-risk prisoners who could be safely released. This twin track approach is economically rational, but very difficult to operate in practice. Bifurcation presumes easily distinguishable thresholds between risk categories, accurate risk assessment with prisons and classifications of prisoners and fail-safe parole decision making. These are unsound assumptions and create systematic flaws in the operation of a bifurcation approach (Hucklesby & Dickinson, 2007:271). According to Chaneles (1985:55) the history of parole is reported in articles and texts and had officially began in the United States by an act of the New York State Legislature in 1817.

The underlying reasons cited in tracing parole history are usually described as:

- (a) motives of compassion and reform centred on the idea that the length of a prison term should be shortened as a reward for good conduct during incarceration;
- (b) placing a prisoner in suitable employment in the community would hasten his return to the duties and responsibilities and good citizenship; and
- (c) provide prisoners with wise guidance and supervision during their conditional release will help prevent them from straying into illegal paths.

Ross and Richards (2002:158) argue that parole has to do with being on a short leash and subject to return to prison for minor violations of technical rules, with no right to due process. Not all states have parole. The rules of parole include living in a specified city, county, or state, reporting on a regular basis to a parole officer, filing monthly reports with the parole office, not acting as a police informer, not associating with persons who have criminal record, not possessing firearms, not drinking alcoholic beverages, keeping steady employment, and making a diligent effort to satisfy any court order for fines, restitution, or child support.

According to Duguid (2000:176) the system of parole had always acted as a “safety valve” in the criminal justice system, but now it was increasingly being blocked by the legislative fiat and public scrutiny. Flynn (1998:110) posit that parole as another form of early release, differed from remission in that it was discretionary, rather than automatic entitlement. Parole was introduced by the Criminal Justice Act 1967 after its use was justified in the United State government. The Parole Board is comprised of professional people such as the judges, psychiatrists, criminologists and probation officers. Leeder (2006:81) states that it is uncommon for someone serving a life sentence to be granted parole by the board, even if they do not have prior convictions.

2.3 OVERVIEW OF THE HISTORICAL AND LEGISLATIVE DEVELOPMENT OF PAROLE IN SOUTH AFRICA

Parole is an internationally accepted mechanism that allows for the conditional release of offenders from a prison into the community prior to the expiration of their entire sentences of imprisonment, as imposed by a court of law. In South Africa it is referred to as a placement option from correctional centre into the system of community corrections. Van Zyl and Dunkel (2001:601) argue that the system of release which was promulgated by the 1959 Prison Act was dependent on a complicated calculation of credits that prisoners receive for good behaviour.

If an institutional committee recommends that maximum credits be given to a prisoner release can be considered after a third of the sentence has been served. Otherwise, release may be considered after having served half of the sentence. Dixon and Van Der Spuy (2004:234) posit that historically, the number of offenders in South Africa was manipulated by the executive in order to ensure that it was kept to more or less manageable levels. This was done in two ways: first, by having a flexible release policy that allowed the prison authorities’ considerable discretion to release prisoners within more or less structured “parole schemes’ and, secondly, by invoking periodically the virtually unfettered power

of the present to grant 'amnesties'. Typically, these releases were linked to major events, such as the election of the new State President or the anniversary of the founding of the Republic. The Jali Commission of Inquiry recommended that the parole boards be headed by independent members from the public who were not working within the system and who could not be easily bribed since they had little if any access to offenders. The Parliamentary Monitoring Group (September 2006) states that the President of the Republic of South Africa had in October 2004 made the proclamation that had brought about the establishment of the new parole boards.

The legislation required that members of the public could, for the first time in the history of the country, play a role in the paroling system. This allowed for the interest of the public, victims and communities to be addressed. It also allowed for an assessment of the offender, which sought to protect and guarantee their safety. Van Zyl and Dunkel (2001:601) argue that the release system that was introduced in 1993 has been controversial since its inception. In 1994, shortly after the new government came into power, there were major prison riots.

A judicial commission found that they had been instigated by the belief of prisoners that they would be granted amnesties after the first democratic elections but that instead the new release system with its complex and ill-understood system of credits was introduced to keep them in prison (Kriegler Commission 1999). The commission recommended that the release system be overhauled. Accordingly, a law providing for a new and simplified release system was passed in 1997 (Parole and Correctional Services Amendment Act No 87 of 1997) and its contents re-enacted in the 1998 Act (ss.73-80 of Act No 111 of 1998). This act scraps the credit system and provides instead that all prisoners should serve at least half of their sentences before they can be considered for conditional release.

The Department of Correctional Services passed the Correctional Services Act No 111 of 1996 which was partially implemented prior to July 2004. This piece of legislation gave rise to the implementation of the new parole board. Until the reforms to the prison legislation passed in June 1993, the Commissioner of Correctional Services was empowered to remit any part of a prisoner's sentence, taking into account a recommendation by a prison board, and within general limits set by the president, but subject to no other control.

The 1993 amendments substituted for this arbitrary decision a system of parole, to be administered by parole boards, whose members may include persons not employed by the department. More formal rules for parole rules for parole are laid down, and the prisoner is given greater procedural protection. A system of "credits" is to be introduced, which a parole board may take into account when considering release of a prisoner (African Watch Prison Project 1994:79).

According to Buhlungu (2007:390) little preparation appears to have taken place for the implementation of the Act. Some planning around the composition and the establishment of the new parole boards (involving newly appointed civilian members) occurred, but the actual advertisement of the posts were placed after promulgation and the new parole board only got off the ground in 2005. Although speculative at this stage, it has been rumoured that an unusual number of parole related challenges are reaching the high courts, which would tend to indicate the uncertainty as to the prevailing legal regime governing the whole issue of parole and the competencies of the newly established parole boards.

However, Gordon (2006:242) argue that the national budget for 2004-5 includes an allocation for the establishment parole boards comprised of citizens making decisions about the release and reintegration of prison inmates, the new system went into effect in October 2004.

In terms of the Parliamentary Monitoring Group Report (September 2006:5) the President of the Republic of South Africa Honourable Thabo Mbeki had in 2001 instituted a judicial commission of enquiry to investigate allegations of corruption and maladministration within the Department of Correctional Services. The parole procedure has been one of the focal areas of the enquiry. Evidence that some inmates paid large sums of money to chairpersons or members of parole boards for their parole application to be approved, had also been received. In his abstracts titled parole boards in South Africa: on the road to extinction?

A comparative perspective, Lidovho (November 2003 Volume 36) argues that in general, parole boards were primarily created as the authority to oversee the new arrangements of parole as conditional release of offenders under supervision. Parole boards in the form of prison administrators played a major role in the creation of modalities of parole. In South Africa, the possible participation of courts in matters of release on parole has been mooted in the defunct Parole and Correctional Supervision Amendment Act. The involvement of the political bureaucrats in parole matters has resulted in the parole boards losing the link between the rationale for release on parole and criteria used to select suitable offenders.

2.4 THE FUNCTIONS AND GOALS OF PAROLE

Schmidt (1977:137) correctly summed it up when he said “the ideology and practice of parole is more complex than has been recognized. Some of the issues raised in the context of parole include the entire question of the indeterminate sentence, the problem of rehabilitation and treatment, and the process of selecting inmates for release based on the elements of predicting risk of recidivism in individual cases, seriousness of the crime and the time served”. According to Champion (2005:295) parole has been established for the purpose of rehabilitating offenders and reintegrating them into society.

The Arkansas Annual Report (2006-2007) states “a major responsibility of the Arkansas Board of Parole is to grant, deny, suspend, and revoke parole in accordance with legislated criteria. Board of parole members has the authority to make decisions on the conditional release of offenders from prison. The parole board’s public accountability requires that the risk of public harm be constantly evaluated when considering the potential freedom and reintegration of offenders into the community”. In making a decision, the parole board is guided by two criteria set out in legislation: the risk posed to the community by the offender’s potential to re-offend and the rehabilitation and reintegration of the offender back into the community. If a decision is made to grant parole, a conditional release is authorized’. The functions of parole are arguably different now than it was in the past.

According to Cromwell, Alarid and Del Carmen (2005:234-235) parole used to serve as a more gradual, supervised transition from correctional centre to the community to aid in reintegration and reduce recidivism. The ideal goal was to modify the situation from that of the law-abiding taxpayer supporting the offender to that of ex-offenders legitimately supporting themselves. The function of parole has changed in that parole is tasked primarily with protecting the public from released offenders. Stanley (1976:4) maintains that parole actually serves a complex of functions and is related to decisions made by other parts of the criminal justice system. These decisions are reflected in the process of parole i.e.:

1. “Eligibility. An offender serving a prison sentence approaches a time when under the law he is eligible for parole- often after he has served a third of his maximum sentence.
2. Decision. A parole board (though it may have some other name) considers his past record, his offense, his prison record, the recommendation of his prison officers and his plans for parole and decides whether to grant, delay, or refuse parole.

3. Supervision and assistance. If the boards grant parole, the offender is released under the terms of a written agreement.
4. Revocation. If the parolee commits a crime or violates his agreement he may be sent back to prison after a formal revocation proceeding.
5. Discharge. The parolee is discharged from parole when the time of his maximum sentence has expired, or sooner if the law permits discharge for good performance on parole”.

According to Faulkner (2001:197) any system of discretionary release from the sentence of the court is a sensitive matter, to be scrutinized carefully for evidence of executive interference with judicial discretion. The system of parole always had to be handled carefully from this point of view. The purpose and rationale of parole were always to some extent open to question- whether the aim was to improve prisoners` chances of resettlement by releasing them at the point when their outlook and motivation made them ready to accept the responsibility involved in release, whether it was a device for reducing the number of people in prison, or whether it was more simply an act of mercy towards those for whom imprisonment no longer served any rehabilitative or protective purpose.

Champion, (2005:295) argues that the functions of parole are probably best understood when couched in terms of manifest and latent functions. Manifest functions are intended or recognized, apparent to all. Latent functions are also important, but they are less visible. Two important manifest functions of parole are:

- to reintegrate parolees into society, and
- to control and/or deter crime.

Three latent functions of parole are:

- to ease prison and jail overcrowding,
- to remedy sentencing disparities, and
- to protect the public.

Each of these functions are briefly discussed and explained.

2.4.1 OFFENDER REINTEGRATION

Parole provides a means whereby an offender may make a smooth transition from prison life to living in a community with some degree of freedom under supervision. Parole functions as a reintegrative mechanism for both juveniles and adults. Collette in the paper titled International Trends in Community Corrections: What about Parole (2006) maintains that, there are parole systems in many in European countries. They differ in format and structure but they all have gradual and safe reintegration of offenders as law-abiding citizens for better public safety as a main objective.

Reintegration of offenders poses challenges. It is done in an environment which is often hostile. The media focuses more, if not exclusively, on failures rather than successes. People know little of the facts, often having false perceptions. There are also those in the public and political environment who sometimes critique the parole system or would prefer to have a more repressive system.

2.4.2 CRIME DETERRENCE AND CONTROL

A study of parole board decision making in Nebraska showed that parole-eligible inmates who were denied parole were more likely to comply with the institutional rules and behave well following their parole denials. Institutional misconduct also decreased for offenders who were not granted parole hearings. Parole boards are persuaded to grant early release to those offenders with good conduct records while incarcerated.

2.4.3 DECREASING PRISON AND JAIL OVERCROWDING

Another function of parole is to alleviate jail and prison overcrowding. Parole is a back-end solution, inasmuch as parole boards exercise considerable discretion about which offenders will be released short of serving their full terms, although more than few parole boards members in various jurisdictions. Ekland-Olson and Kelly (1993:67) argue that as states continue to rely on parole as a means of easing prison crowding and as political pressure accumulates regarding associated public safety risks, prediction of who is more or less likely to recidivate becomes increasingly important especially in light of the attention being given to selective incapacitation.

Aday (2003:212) posit that some officials call for earlier parole for elderly inmates as they are judged to be no threat to society. Age is considered by the U.S. Parole Commission to be the one accurate predictor of recidivism. It has been argued that elderly inmates represent a lower risk of reoffending than other prisoners do. This is supported by Greifinger (2007:67) who argued that ‘citing the very low recidivism rate of this population, and in order to relieve overcrowding in prison and the rising cost of incarcerating older inmates, some have called for the early release of non violent geriatric inmates.

According to the speech by the Minister of Correctional Services Ngconde Balfour (28 May 2005) quoted in the South African Law Commission (2000: xix) overcrowding in South Africa was caused by amongst others the new sentencing framework which prescribes minimum sentences. Ross (2008:155) argues that the growth in prison population is attributable to a number of previously reviewed factors, including severe sentencing laws and practices and the fact that both the federal government and many states abolished parole, thus forcing inmates to stay longer in their correctional facilities. The Sentencing Reform Act of 1984, in particular put an end to parole at the federal level, and reduced good time, mandatory minimums, and determinant sentencing in the USA.

2.4.4 COMPENSATING FOR SENTENCING DISPARITIES

One of the criticisms of sentencing practices in both the state and federal systems is that judges impose disparate sentences on the basis of race/ethnicity, age, gender, and or socioeconomic status. In an effort to remedy sentencing disparities, parole boards can exercise their discretion and adjust the sentences of those who appear to be unfairly penalized because of extra legal factors.

According to Benekos and Merlo (2006:208-9) greater attention will have to be focused on sentencing statutes. If the statutes that mandate long sentences and the abolition of parole persist, prison overcrowding and the attendant costs will force states and federal government to realign their priorities and allocate more money for the construction, expansion, and renovation of existing institutions. This will necessitate decreases in spending on education, health care, elderly services, security and transportation.

2.4.5 PUBLIC SAFETY AND PROTECTION

One of the primary areas of concern for the citizens relating to parole is offender risk. There are no foolproof ways of forecasting an offender's future dangerousness. Such forecasts of offender risk have been used since the 1920s particularly in the United States. The parole boards' decision-making has always been affected by prison overcrowding conditions. One critical issue is determining whose interests are more important, the public or the offender. In terms of section 75 of the Correctional Services Act (Act No 111 of 1998) the powers, functions and duties of Correctional Supervision and Parole Boards:

“(1) A Correctional Supervision and Parole Board, having considered the report on any prisoner serving a determinate sentence exceeding 12 months submitted to it by the Case Management Committee in terms of section 42 and in the light of any other information or argument, may-

(a) place a prisoner under correctional supervision or day parole or grant parole and, subject to the provisions of section 52, set the conditions of community corrections imposed on the prisoner;

(b) in respect of any prisoner having been declared a dangerous criminal in terms of section 286A of the Criminal Procedure Act, make recommendations to the court on the granting of the placement under correctional supervision or day parole or parole and on the period for and, subject to the provisions of section 52, the conditions of community corrections imposed on the prisoner; and

(5) If, after the parole board has approved a prisoner being placed under correctional supervision or be granted day parole or parole, and, prior to the implementation of the decision of the Board, the Case Management Committee reports to the Board that the circumstances of the prisoner have changed to such an extent that it is not advisable to implement the decision, the implementation shall be deferred until the board authorizes it”.

According to Latessa and Holsinger (2006:353) the increase in incarceration and fragmentation of the sentencing philosophy have created strains on the *raison d’tere* and management of parole agencies. Reflecting the notion of a continuous flow from prison to community, with a focus on the end point of rehabilitation and reintegration, the word parole actually has two operational meanings: it refers both to the agency making a release decision (the parole board) and the agency supervising the offender in the community (typically the “division of parole”).

One of the Department of Correctional Services policy principle (2006) is that the parole board is responsible to ensure that the needs and concerns of the complainants are addressed by: providing complainants with comprehensive information about the process, the proceedings during the hearing and their role therein, identifying the complainant's actual and perceived fears and addressing these issues, ensuring that the process is "complainant-sensitive" and attentive to their needs and concerns. In his paper, Collette (2006) states that making quality parole decisions is important. Parole decisions should be made by an independent decision-making body whose primary objective is the safety and the protection of communities.

Collette (2006) is convinced that the quality discretionary decision-making by quality decision-makers, members of an independent tribunal or agency is important and essential to public safety. The shape and form of the tribunal be different, but the goal is the same. With these caveats, some conclusions, can, however, be drawn that any consideration and decision to grant parole to any offender by the parole board must be done with the intention to protect society which is the purpose for which parole boards are established in most of the countries referred to in the study. To conclude, a study of the parole process by Carriere and Silverstone (1976:5) argued that the two major responsibilities of the parole board members are individual case decision-making and parole policy making.

2.5 THE PHILOSOPHY AND MODELS OF PAROLE BOARDS

Jacobson (2005:131) indicates that the parole system is one of the most misunderstood components of the criminal justice system. This government function has garnered an almost pejorative connotation in the public's eyes through high-profile crime cases centering on parolees and the national movement to abolish discretionary release on parole that captured media attention over the last decade.

Abadinsky (2006:222-223) identifies two basic models for administering parole namely the independent model and the consolidated model. Interestingly, Reid (1993:690) identifies three models, the third, over and above the independent and the consolidated, being the institutional model. Each of these models are briefly discussed.

2.5.1 INDEPENDENT MODEL

With the independent model a parole board is responsible for making release and revocation determinations and for supervision of persons released on parole (and good time). It is independent of any other state agency. According to Peak (2004:260) with the independent model a parole board is responsible for making release (parole) determinations as well as supervising persons release on parole (or good time). It is independent of any other state agency and reports directly to the governor.

Mays and Winfree Jr (2005:201) argue that the independent parole boards are not under the control of a state agency. These boards make all release and revocation decisions for parolees in the jurisdiction, they also are responsible for the supervision of parolees. According to Reid (1993:690) this model is often criticized severely as the parole board is composed of people who know little or nothing about corrections. The board is removed from the institution and may not understand what is taking place there. Decisions may be made for inappropriate reasons, and as a result, parole boards may release those who should not be paroled and retain those who should be released.

2.5.2 CONSOLIDATED MODEL

According to Mays and Winfree Jr (2005:201) the consolidated model advocates for the parole board that is autonomous within a department that also administers correctional institutions. The parole boards make release and revocation decisions, but supervision of persons released on parole is under the direction and the supervision of the commissioner of corrections (Peak 2004:260) These boards make all release and revocation decisions, but the supervision of parolees are usually the responsibility of a unit within the department of corrections.

2.5.3 INSTITUTIONAL MODEL

According to Reid (1993:690) the institutional model is found mainly in the juvenile field and is based on the fact that the decision to release is made by the correctional staff. The assumption is that those who work closely with the offender are in the best position to make a decision concerning his/her release. Arguments against this model are that institutions may make decisions in their best interests, not the best interests of the offender or the community. Parole decisions may be based on institutional overcrowding rather than the paramount requirement of public protection.

2.6 INTERNATIONAL PERSPECTIVE ON PAROLE AND THE COMPARATIVE ANALYSIS OF THE VARIATION OF ELIGIBILITY FOR PAROLE

Cullen and Agnew (2006:24) argue that it is not only common interest of mankind, that crime should not be committed, but that crimes of every kind should be less frequent, in proportion to the evil they produce to society. Therefore, the means that made use of by the legislature to prevent crimes should be more powerful, in proportion as they are destructive of the public safety and happiness, and as the inducements to commit them are stronger.

According to Kennedy (1990:52) the public believes that the law favours the rich and the powerful and that it takes too long to get anything done through the legal process. This negative view of justice extends to a feeling that there is less respect for the law and that fewer people are law-abiding than five years ago. Herivel and Wright (2003:101) view parole as the period of law enforcement supervision that typically follows release from prison. For a prisoner who has served the minimum term of his sentence, it's an alternative to further incarceration.

Before a prisoner is granted parole, a parole board reviews his case to determine whether he is ready to be released. If the board judges that he is, it gives him a release plan, which prescribes the conditions of his parole. The mandatory parole release is determined by law; the board cannot overrule the release. Parole attracts a lot of criticism because this fact is not well understood by people outside the justice process. The Report of the Review Committee (1988:16) correctly established that international comparisons are notoriously difficult in the criminal justice field. How crimes are defined and categorized, how investigations and prosecutions are conducted, what discretion the court has in determining the sentence, what range of penal institutions exist and what the relationship is between the sentence passed and time actually served in custody all vary from country to country.

It is only too easy to latch onto apparently interesting details of one country's system but, by taking them in isolation from the total system in which they are set to fail to get their proper measure. Despite the difficulties an attempt is made to compare how release mechanisms work in some other jurisdictions. Roberts (2003:16) maintains that sentencing decisions weigh heavily on the length of prison time served by offenders as well as parole decisions. Eligibility for parole depends on the requirements established by the criminal code and on the sentence given by the judge. In approximately half the states in the US, the actual release date of each offender is based on the parole board's discretion.

In the other states in the US, that have determinate sentences or strict parole guidelines, the inmate's release is mandatory once the required length of sentence is served. Most state parole boards make decisions based on statutory criteria, individual sentences, level of participation in inmate rehabilitation programs, and a prison record of no disciplinary infractions. A majority indicate that something needs to be done to improve the way the legal system operates and the laws it produces. Kemshall (2003:28) argues that within the criminal justice, one of the earliest examples of the actuarial approaches to risk management techniques is Burges' (1928,1929,1936) parole predictor, in which data on factors associated with success or failure on parole were collected and aggregated, applied retrospectively to a sample for validation and subsequently turned into a predictor of parole violation probabilities.

Mays and Winfree Jr (2005:201) state that in many jurisdictions, the key to understanding parole is an inmate's parole eligibility date, the earliest possible point at which the inmate can leave prison. The calculation of this date varies by jurisdiction and release model. First the inmate must be eligible for parole. The second criterion depends on whether the jurisdiction employs mandatory release or discretionary release. In mandatory-release jurisdiction, time served is the deciding factor, if the inmate has served the minimum term required by law; he or she is eligible for a parole hearing. Good-time or other credits help compress this important period. Under mandatory- release programs, most inmates are given an estimate of when they will be eligible for parole.

In many discretionary release systems an inmate becomes eligible for a parole hearing once the minimum sentence has been served. In still other discretionary-release jurisdictions, an inmate is eligible after serving one third to one half of the maximum sentence. Ultimately, though eligibility for parole in both mandatory and discretionary systems rests with the parole board.

Reynolds (1985:129) argues that the authorities have some discretion in deciding parole eligibility, especially under the indeterminate sentencing that came into vogue around the turn of the century. Parole boards are empowered with the authority to decrease sentences and to make subjective determinations about which individuals, if release early, are unlikely to commit serious crimes. Although there seems to be predictive power in devices like grids of determinants- drug use, occupational history, and other factors- board members are not subject to malpractices suits, they have no firm basis for their decisions, and there is no solid reason to believe or evidence that they know what they are doing. Nor is there any substantial incentive for them to find out if they are doing well or not. Essentially, they arrive at decisions by subjective predilection. The end of punishment is no other, than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence.

According to Bowling and Phillips (2002:206) parole involves the case review of an individual prisoner to determine whether, after a specified time period, they should be released from prison on licence, or whether they should remain in prison. The use of parole for white and ethnic minority prisoners has not been subject to empirical study and there is limited statistical information. Quinn (2003:128-9) argues that while the legal basis of parole varies little from one state to the next, there is little consistency in how parole systems are organized. Responsibility for parole decisions usually rests with a board whose members are appointed by the state's governor for four-or-six-year terms.

2.6.1 EARLY RELEASE IN CANADA

Tonry (2007:76) maintains that parole is used in Canada as in several other countries as a safety valve to release pressure on overpopulation. Such an approach is also practiced at the level of criminal legislation itself. The development of criminal law is used with frequency in Canada as a form of public relations.

When public pressure is overwhelming (as in the case of organized crime) or when the demands from the United States become irresistible (as in the case of counterterrorism), the Canadian government enacts legislation that, generally because of its complexity, is never used in court proceedings to ease the pressure. In Canada, the parole decision-makers are the members of the National Parole Board for all federal offenders (sentenced to two years and more) and for provincial offenders (sentenced to less than two years) in provinces and territories with no parole boards.

Only three provinces in Canada have a parole board namely Quebec, Ontario and British Columbia. Canada has a correctional system and a conditional release system that works together and is very elaborate. It is not perfect but it delivers good results. The re-offending rate while on parole is low. In 2004-2005 for those released on day parole, 3.3% were revoked for a non violent crime and 0.2% for a violent crime. As for those released on full parole, 4.5% were revoked for a non-violent crime and 0.8% for a violent crime (Collette 2006). Parole is granted or denied by the National Parole Board, another agency with the mandate of the Solicitor General after a hearing with the prisoner.

The National Parole Board also has the power to deny statutory release to prisoners serving a fixed term who have committed one of the stipulated set of offences involving violence or serious drug crimes. Prisoners are eligible for parole after serving one-third of their sentence or seven years whichever is less (Van Zyl & Dukel 2001:140). The Parliamentary Monitoring Group (September 2006) posit that the National Parole Board makes decisions of conditional release of inmates on the basis of risk assessment, risk prediction and risk reduction. Detainees not considered for parole are thought to likely commit another offence causing death or serious injury if released; those convicted of serious drug offence and sex offenders.

2.6.2 EARLY RELEASE IN THE UNITED STATES OF AMERICA

Although discretionary release no longer exists in 10 states, the word ‘parole’ has sometimes been retained to describe the period of mandatory supervision which some offenders have to undergo after their automatic release. Of the 10 states which have abolished discretionary release 5, (California, Illinois, Indiana, New Mexico and North Carolina) retain a parole board for setting supervision conditions and for dealing with recalls. In the other states the parole board has been abolished (Report the Parole System in England and Wales 1988:23).

According to the Parliamentary Monitoring Group (September 2006) the parole board decisions in the USA is based on the discretionary and mandatory releases. “The discretionary release is influenced by rehabilitation objectives which consider factors such as participation in treatment programmes, readiness for the community, seriousness of the offence and availability of suitable employment. The mandatory release on the other hand is determined on the basis of the sentence or parole guidelines.

Parole for inmates with special needs such as the elderly; terminally ill: incurable condition that will result in death within 6 months regardless of the use of life sustaining treatment and requiring 24 hour skilled nurse; physically handicapped: specified categories and also requiring 24 hour skilled nurse; mentally ill as defined in the policy; and mentally retarded as defined in the policy”. According to Collette (2006) the parole decision-makers in the US are the members of a State Parole Board or a Federal Parole Commission. The United States is facing a scary reality. A huge number of offenders sentenced to prison without parole (about 600,000 a year) are coming out. They have no support, no structure and no gradual supervised reintegration.

Many states, with the support of the Federal Government, are now seeking the collaboration of all partners in the communities to help put in place re-entry programs as an answer to the concerns resulting from these facts. This is a very good initiative. In 1973 the US Parole Board adopted a system of parole guidelines to structure its decision making and established an administrative law system within the parole board so that prisoners could challenge adverse decisions. Extensive efforts were also made to structure the sentencing decision of judges.

Consequently, forty-nine states adopted mandatory sentencing laws for selected offences. Many states enacted statutory determinate sentencing laws in which the criminal code itself establishes a sentence or range of sentences to guide the trial judge's decisions in most cases (Morris & Tonry 1990:24-5).

2.6.3 PAROLE IN THE ENGLAND AND THE WALES

As in the US, parole in England is based on the idea that an inmate who has earned the privilege may be released from the prison before his/her sentence has been completed, serving the remainder of the sentence under supervision within the community something England refers to as "on licence". There is perhaps a greater distinction between the word parole and probation in the US, whereas in England they are often used interchangeably.

Currently, for prisoners serving less than 4 years, release at the halfway point is automatic. Prisoners serving 4 years and more are eligible for parole at the halfway point in their sentence, but release is not automatic. In England and Wales, parole release is based on sentence length and is limited to inmates with sentences exceeding four years (Hirschel, Wakefield & Sasse 2008:256-7). According to the Parliamentary Monitoring Group (September 2006) the system in the United Kingdom compassionate release on medical grounds is granted by the Secretary of State in consultation with the parole board.

The criteria for release on medical grounds are that the offender is suffering from a terminal illness and death is likely to occur very shortly (3 months considered appropriate period). The risk of offending is minimal and that there are adequate arrangements for the prisoner's care and treatment outside. Compassionate licence is a form of temporary lease designed to help offenders deal with urgent personal matters, such as the funerals, visits to close family members that are near to death, domestic crisis and urgent hospital appointments.

2.6.4 PAROLE RELEASE IN THE CZECH REPUBLIC

The Penal Code establishes conditions for release of prisoners on parole. Parole is decided by the courts after the prisoner has served half or a third of their term of imprisonment. Before issuing a decision, the court invariably demands a report on the prisoner from the prison. Parole may be requested by the prisoner, as well as the public defence attorney or director of the prison. The court then examines whether it is reasonable to expect that the prisoner will lead a law-abiding life in the future, and if so prescribes a parole period of one to seven years (van Zyl & Dunkel 2001: 163).

2.6.5 PAROLE IN MEXICO

Shoham, Beck and Kett (2008:205) provide an interesting insight on the cross country variation in eligibility for parole. They argue that in some countries the use of parole is applied discriminatorily based on, for example, length of sentence, income, and/or seriousness of offence. Conditional release on parole in Mexico, however, is not only based on sentence length but on income as well. Parole in Mexico is permitted only when the maximum penalty is no more than three years for high income inmates and four years for low-income inmates, after one-third of the total sentence has been served.

2.6.6 RELEASE POLICY IN THE SCANDINAVIAN COUNTRIES

According to research by Nxumalo (1997:33-34) the Scandinavian countries namely Finland, Denmark and Sweden have different release systems for offenders. In Finland, practically all prisoners are released on parole after either one-half or two-thirds of their sentence and in Sweden after two-thirds. The use of early release is somewhat more discretionary in Denmark and Norway but still cover a clear majority of all releases.

For instance in Finland first offenders are considered for parole after completing the minimum terms of half of their sentences whilst recidivists are only considered after two-thirds of their sentence. In Denmark, prisoners are considered for parole if at least two-third of their sentence has elapsed and the maximum period of parole is three years. Lastly in Sweden, prisoners sentenced to two years or less qualify for parole after serving half of their sentences, although two-thirds is presently under consideration. Shoham, Beck and Kett (2008:205) argue that the parole system in Finland differentiates parole releases based on the number of convictions, with shorter amounts of time served for first offenders, prior to parole consideration.

The Ukraine's system of parole differentiates based on the seriousness of the offence, with serious offenders having to serve more time before being eligible for parole. In New Zealand, serious violent offenders may be excluded from parole, and Denmark excludes individuals sentenced to life in prison from parole. The minimum time to be served before the prisoner is eligible for parole in Denmark is two months; in Finland, fourteen days; in Norway, two months; and in Sweden, one month. Parole revocations generally occur only as a result of a new offence committed during the parole period (Tonry 2007:225).

The research conducted by Van der Westhuizen and Oosthuizen (1983:242) revealed that parole is approved on the basis of the prisoner's present situation, history and his expectations for the future within the field he will enter after his release.

2.6.7 PAROLE IN NEW ZEALAND

The New Zealand Parole Board is an independent statutory body which makes decisions on the release of offenders from prison and home detention. Compassionate release is when an offender applies for release from correctional centre due to either giving birth or terminal illness. An offender may also apply for parole if he or she is subject to a sentence of six months incarceration or less and proposes to undertake a course of full-time study that commences before the release date.

The Department of Correctional Services is able to apply to court for intensive supervision of eligible offenders convicted of certain sexual offences for up to 10 years after they have been released. The Postponement Orders is applied when the parole board considers an offender not suitable for release on parole (Parliamentary Monitoring Group, September 2006).

2.6.8 PAROLE IN AFRICA AND BOTSWANA

Collette (2006) argues that in Africa, many countries are very active in that same way. New laws, prison reforms and new parole systems are changing or being implemented in many countries. Community corrections are always a key component of exchanges and sharing best practices. As partners, the National Parole Board of Canada is frequently asked to host visiting delegations such as Tanzania, Zambia, Namibia, South Africa and Cameroon and assist them with their restructuring.

According to Ebbe (2000:286) Nigeria has a life imprisonment statute, but Nigeria's life imprisonment statute does not allow the possibility of parole. Israel, like Nigeria, has life imprisonment without parole. Life imprisonment connotes the offender spending the rest of his life in prison. That is what it is in Sierra Leone, Ghana, Kenya, Nigeria, Israel and some other countries. Some states in the United States, such as Texas, avoid releasing depraved murderers on parole by giving such offenders 200 years of imprisonment, so that there will be no chance of paroling them.

According to Van Zyl and Dunkel (2001:95) parole in Botswana, generally serves dual purposes. In the first place, it is one of the means testing the reformation and rehabilitation programmes in a prison. A prisoner is generally eligible for release on parole if a parole board is satisfied that he will be able to live among the rest of the community without any danger to the latter.

For this reason the usual practice that an inmate should have served a certain minimum number of years before he is eligible for release on parole is artificial and defeats the very objective of reformation in the prisons. Another advantage of having a programme of parole is that it helps to reduce overcrowding in the prisons. In this modern era where overcrowding has become the order of the day a proper utilization of a parole programme can effectively play a significant role in limiting any further increase, if not in reducing the existing number of prisoners.

2.6.9 PAROLE IN SOUTH AFRICA

The Minister of Correctional Services; Balfour quoted in the Parliamentary Monitoring Group (2006:5) explained that there are fifty two chairpersons of parole boards across the country who were employed on a five year contract by the Department of Correctional Services. The chairpersons are expected to assist the department especially in relation to those cases requiring medical parole approval and grant parole to those offenders who are not a threat to society and

meet the parole requirements. The Department of Correctional Services Strategic Plan (2005/6-2009/10) states “parole is granted by a Correctional Supervision and Parole Board”. The White Paper on Corrections in South Africa (2005) argues that the involvement of complainants or victims of crime in the parole process is an important part in the rehabilitation of offenders and their eventual reintegration back into society. In addition, it lays the foundation for the restorative process and healing of victims which assists with the acceptance of the offender back into society.

One of the department` parole policy principle (2006) maintains that when the release of an offender on parole is being considered, the board must be considerate of factors such as the offender’s response to development and treatment programmes associated with rehabilitation, the existence and quality of support systems in the community, the probability of re-offending, the risk such an offender may pose to the community at large as well as the risk to the complainant.

The Correctional Services Act (Act No 111 of 1998) provides for three kinds of parole namely full parole, day parole and medical parole. Full parole has to do with the period whereby an offender who has served the prescribed minimum detention period of his or her sentence in a correctional centre is conditionally released to serve the remaining sentence in the community under the supervision. Day parole is a management mechanism preceding the full parole intended to gradually assist an offender to be released into the community under controlled circumstances. Day parole is not widely used in South Africa because of the capacity problems.

Additionally, the Correctional Services Act (Act No 111 of 1998) provides for parole on medical grounds to any person serving any sentence in a prison and who, based on the written evidence of the medical practitioner treating that person, is being diagnosed as being in the final phase of any terminal disease or condition may be considered for placement under correctional supervision or on parole, to die a consolatory death. From the literature review above, the researcher can deduce that parole in many of the states is granted by the parole board (except in the Czech Republic where parole decisions are reported to be left to the courts).

The parole board is a body that each state establishes to make such decisions. In all the states where parole boards are to decide on granting offenders parole, consideration to the public protection, reduction of overpopulation, the assessment of the risk factors or the possibility of the offender to reoffend and the seriousness of the offence. Clearly the South African approach to the parole and parole board establishment is in line with international best practices.

2.7 THE INDEPENDENCE OF THE PAROLE BOARD

According to Petersilia (2003:171) one of the major areas of the four in which prisoner reintegration practices need to be reformed is to change prison release and revocation practices. No one would argue for a return to the unfettered discretion that parole boards exercised in the 1960s, which led to unwarranted disparities that often reflected the personal philosophies and prejudices of parole board members, rather than the risk posed by offenders. Furthermore; Petersilia (2003:188) concluded that the correction officials sometimes feel it is impossible to elicit cooperation from offenders who know they will be released regardless of whether they comply with certain conditions.

Cavadino and Dignan (2007:301) maintain that the parole board is an independent body whose membership includes judges, psychiatrists, probation officers and criminologists. Mitchell (1990:152) argues that there is no right of appeal against the decision to refuse parole. It is feared that the giving of such explanation might be abused by the prisoner in his efforts to secure release. This is regarded as an example of the effects of the paramouncy of the need to protect the public.

Additionally the Correctional Services Act (Act No 111 Of 1998, subsection 8) states that the decision of the board is final except that the Minister or the Commissioner may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration, in which case the record of the proceedings before the parole board must be submitted to the Correctional Supervision and Parole Review Board. Quinn (2003:128) distinguishes three paths to the decision of parole. Firstly, discretionary parole releases are based on the subjective judgement of the board and do not have to be explained to anyone. The laws under which an offender was sentenced determine when he or she becomes eligible for consideration by the board.

The use of discretion encourages the use of clinical judgements based on the offenders` progress in treatment. It also allows parole to function as a release valve for prison crowding. Secondly, legislators often enact laws that release inmates who have served the remainder of their sentence to accumulate an amount of “good time” credit equal to the remainder of their maximum sentence. Finally, some states require parole boards to use objective criteria to establish release dates. This is usually done by using an actuarial method based on factors that have been found to predict success among parolees in the past. The most familiar use of actuarial criteria is by insurance companies to predict the likelihood of damage claim among drivers.

People in high-risk categories, such as young male pay higher rates as a result. Actuarial parole decisions are based on studies of other parolees who (1) have already been released and (2) are similar to the inmate being considered for release. These criteria usually fall into two categories: offence severity ratings and salient factor scores (Quinn 2003:129).

According to Tewksbury (2006:521) the 1973 Supreme Court decision in *Scarpa v. United States Boards of Parole* established the foundation for parole as an “act of grace”. Parole is legally considered a privilege rather than a right; therefore the decision to grant or deny it is “almost unreviewable”. The Supreme Court held that, although there is no constitutional right to parole, state statutes may create protected liberty interest where a state’s parole system entitles inmates to parole if they meet certain conditions. Under such circumstances, the state has created a presumption that inmates who meet specific requirements will be granted parole.

Traditionally, courts have ruled that parole board members are immune from liability for the actions of people they release. However, traditional immunity of parole boards is eroding. Individual board members could be sued if an inmate they release injures someone (Marion 2002:425). Attorney Julian Knight, who has been dealing with these problems for the past 15 years, was quoted in the Pretoria News (July, 29, 2008) as having said that the Parole Board was being paralyzed by the political interference. The situation has come about because of a complete lack of political leadership. The situation is worsening. Every time I bring a case in front of the department, it is like walking against a brick wall.

The independence of the parole board and their decisions is frequently questioned in the high profile cases as reported in the New York Times (August, 21, 2008) that the “white owner of a construction company, initially sentenced to life in prison in 2005 for ordering that a black man be beaten and then thrown to a pack of lions, was released Thursday on parole- a stunning turn in the notorious “lion’s den case” that has left many South Africans enraged.

The statement from the North West Congress of South African Trade Unions read that “it is clear from the poor working class, poor communities that those who are rich and white will continue to be treated differently than those who are poor,”. Several other organizations issued similar words of protest. The News 24.com (2008, 17 October) reported that the National Assembly Correctional Services Committee chairperson Mr. Bloem urged Minister Balfour and the national council on corrections to oppose a new bid for parole by one of Chris Hani's killers.

Bloem said he was very disturbed to hear the news, as Derby-Lewis' parole should not be dealt with "in this fashion". The Correctional Services legislation had been amended a while ago to give the National Council on Corrections the authority to decide on whether a lifer should be placed on parole. Therefore, the council should take a decision, not a court. In any event, it was his view that "life means life" imprisonment, no matter who the person was. Balfour and the council should thus oppose Derby-Lewis' action. Derby-Lewis' attorney argues that on 19 August his client appeared before the Parole Board in Pretoria on a recommendation they received from the case management committee".

They recommended that Mr. Derby-Lewis must be released on parole because he is 72 and had served 15 years of his sentence; he had become eligible for parole in terms of the Minimum Sentences and the Correctional Services Act.

2.8 PAROLE BOARD STRUCTURES

2.8.1 PAROLE BOARD COMPOSITIONS

Petersilia (2003:61) argue that parole boards, usually composed of political appointees, used to have broad discretion when an offender was ready for release- a decision limited only by the constrains of the maximum sentence imposed by the judge.

Parole boards, usually composed of no more than 10 individuals- also has the authority to rescind an established parole date, issue warrants and subpoenas, set conditions of supervision, restore offenders` civil rights, and grant final discharges. According to Padfield (2007:74) a judicial review still awaiting hearing in the New Zealand High Court raises the interesting question of whether the New Zealand Parole Board and its predecessor are independent.

The judicial review pleadings allege that both the parole board (pre-30 June 2002) and the New Zealand Parole Board were neither an independent nor an impartial tribunal- as they breached the doctrine of the separation of powers, exhibited a lack of independence and impartiality, had the appearance of bias and failed to comply with fair hearing rights. Padfield (2007:74) maintains that there are a large number of alleged reasons such as “lay members” appointment are political and their term of office was too short for the parole board and New Zealand Parole Board, there were insufficient guarantees against outside pressures on the lay members. The structural interweaving of the department and the parole board destroyed any appearance of independence, if not independence itself.

The psychological division of the department provides psychological reports on offenders to the parole board, and on request they can also provide intensive training to members of the parole board”. The study by Carriere and Silverstone (1976:4) revealed that the National Parole Board in Canada has twenty members; ten in Ottawa and another ten regionally. Nine of the Ottawa parole board members are appointed by the federal cabinet “to hold office during good behaviour for a period not exceeding ten years”. The 10th Ottawa member is a part-time member who acts “as a substitute member in the event that a member is absent or unable to act”.

Regional members are appointed for period not exceeding five years and are eligible for reappointment. Two regional members serve each of the five parole regions into which the country has been divided. According to Gordon (2006:282) the parole system in South Africa has been reformed to include community members and crime victims on the parole boards. From this trend comes a greater receptivity to citizen involvement in criminal justice.

2.8.2 APPOINTMENT, QUALIFICATIONS AND TENURE OF BOARD MEMBERS

According to Tonry (2004:228) it is always easy to say that more qualified persons should therefore be recruited to the task, but criminal justice reform is most likely to flounder when it is built on the assumption that the human capital within the system can be dramatically improved. Rhine et al (1991: 37) argue that the qualifications for appointment as a parole board member have not changed appreciatively during the past twenty years. Vedder and Kay (1971:197) argue that parole boards with members who are without professional training is not only handicapped administratively, but more so operationally, in determining who should be paroled and when.

The parole system is generally regarded as being one of the most successful innovations introduced in the English Penal system this century. Not only does it give many prisoners the chance to be released earlier, under supervision and with the benefit of support and guidance from probation and after-care officers during the licence period, but it relieves the prisons of a substantial number of inmates. Marion (2002:423) maintains that very few states require professional qualifications for board members. Most parole board members serve for terms that range from two years to life, but the average term is six years. The function of the parole board is to determine if an offender is eligible for parole, and to decide whether or not to place that inmate on parole.

They also, in some areas, help to supervise and provide continuing control of parolees in the community by determining the conditions of parole. Although parole boards operate according to specific regulations; Cox and Wade (2002:38) maintain that discretion plays an important part in determining when and if parole or early release will occur. The discretionary powers of the correctional officials to make offender assignments and allow minor infractions of prison rules to go unpunished and determine the type of conduct considered worthy of note are considerable.

According to Cox and Wade (2002:310) the authority granting parole is usually delegated by statute to some formal body. Most states now delegate this authority to the judge who presides over the case, but in some a semi-autonomous parole board appointed by the governor is maintained. Qualifications for membership on parole boards vary by jurisdiction. In some areas, board members must have professional experience in corrections, law enforcement, or some other human service. In others, appointment is through patronage, and the composition of the boards is highly questionable.

2.8.3 ORGANIZATION AND ADMINISTRATION OF PAROLE

Parole is an administrative decision to release an offender after he/she has served some time in a correctional facility but near the end of the court's sentence. It may be distinguished from other methods of release from prison (Reid 1993:688). The political nature of the appointments process, as well as the absence of statutory qualifications for parole board membership, has long been subject to criticism. The three year term of the appointment of parole board members New Zealand parole board was and still regrettably short and unfortunately conveniently pandering to the three year electoral cycle in New Zealand, making political appointment or their appearance as such inevitable (Padfield 2007:77). The organization of parole is complex.

One reason for complexity is the variety of sentencing structures under which parole systems must operate. Sentencing structure is related to the parole system. In jurisdictions where sentences are long with little time off for good behaviour, parole may involve a long period of supervision. In jurisdictions where sentences are short, parole may be unimportant as a form of release, and supervision is for shorter periods (Reid 1993:689). Organizationally, parole in the United States is always operated at the state level of government under the executive branch. In the majority of jurisdictions, parole supervision is distinguished from release, with the former operated by the parole board, and the latter by the department of correction.

In other jurisdictions, parole supervision is administered by the releasing authority (Sheley 1995:460). Abadinsky (1997:224) maintain that in most states, parole board members are appointed by the governor, although board membership and terms of office vary. For instance “the Alabama Board of Pardons and Paroles has three members who serve six year terms. The Georgia Board of and Paroles comprises five members appointed to seven-year terms. The Hawaii Paroling Authority consists of a full-time chairperson and two part time members appointed for four years.

In Maryland, the Parole Commission consists of seven members who serve terms of six years. The Massachusetts Parole Board has seven members appointed for terms of six years. The New Jersey State Parole Board consists of seven members who serve staggered terms of six years. The New York State Board of Parole has fifteen members who serve six-year terms. The Ohio Parole Board consists of seven members who are picked for employment from civil service lists and serve indefinite terms”. In New Zealand the Parole Act of 2002, divided from the Sentencing and Parole Reform Bill at the third Reading, created the New Zealand Parole Board. In terms of such the Act of 2002 members of the New Zealand Parole Board are appointed for a three year term.

Such a short term, coinciding with New Zealand triennial general election cycle, is the subject of concern. The greatest change brought about by the Parole Act 2002 was the possible release at one-third of the sentence rather than the mandatory release at two-thirds. This change has clearly benefited post-2002 offenders by providing for their earlier possible release (Padfield 2007:72-73). The Vermont Board of Pardons has three members who serve five year terms. Cromwell et al (2002:190) maintains that the vast majority of state parole board members are full-time, salaried employees.

Many authorities view the part time board of parole, often found in smaller states, as one of the most severe problems in correctional release decisions. Most states argue that a parole board should be entirely free from political control, manipulation or influence from pressure group. The American Correctional Association recommends that parole board members be forbidden to participate in partisan political activities and that they be granted independence and security of tenure to resist interference successfully.

In terms of the Correctional Services Act (Act No 111 of 1998) “a member of a board holds office for such period and on such conditions as the Minister may determine; and may at any time resign by tendering written notification to the Minister. The Minister may remove a member from office on grounds of misbehaviour, incapacity or incompetence but such action by the Minister does not preclude disciplinary action against officials in the full-time service of the State as provided for in their conditions of service.

The parole board may co-opt an official nominated by the National Commissioner of the South African Police Service or an official nominated by the Director-General of the Department of Justice, or both such officials, for a meeting of the parole board”. Generally, parole board members are appointed by the political heads in the different states for three to six years and serve an average of five years terms.

This scenario is similar in South Africa in that the “Minister of Correctional Services who is the Executing Authority appoint one or more Correctional Supervision and Parole Boards consisting of a chairperson, a vice-chairperson, one official of the department nominated by the Commissioner, and two members of the community (Correctional Services Act No 111 of 1998)”.

According to Rhine, Smith and Jackson (1991:32) paroling authorities or parole boards are located within the executive branch of government. Although they are executive branch agencies, they enjoy quasi-judicial immunity under limited circumstances. As agencies within the criminal justice system, the scope and consequences of their actions-statutory and administrative- are enormous. Their decisions determine the actual period of time many offenders spend behind bars or under supervision on the streets. The decision of paroling authority or parole boards also affect public safety and the achievement of a state’s sentencing goals.

2.8.4 DETERMINATION OF PAROLE READINESS AND DUE PROCESS

Often, though, the decision to grant parole must come from a parole board. In the United States more than thirty states allow the victims or their relatives to appear before the board, and twelve others allow them to submit written statements. The American parole boards use guidelines developed by the U.S. Board of Parole to help them make their final decisions. The guidelines not only help the parole boards make more objective decisions, they also help them defend their decisions to the public (Russell 2007:31-2).

Territo, Halsted and Bromley (1998:617) argue that a major problem with parole decisions is that offenders often do not know the criteria they are expected to meet and the reasons that parole might be denied. Porter in Territo et al (1998) viewed decision-making process as an essential element of justice and that the role and processes for measuring parole readiness have to be made known to the inmate.

“This knowledge of decision making process greatly facilitates the earnest inmate toward his own rehabilitation. It is just as important for an inmate to know the rules and basis of the judgement upon which he will be granted or denied parole as it was important for him to know the basis of the charge against him and the evidence upon which he was convicted. One can imagine nothing more cruel, inhuman, and frustrating than serving a prison term without knowledge of what will be measured and the rules in determining whether one is ready for release. Justice can never be a product of unreasoned judgement”.

According to Forst (2004:175) parole authorities operate under incentive system akin to those that shape the probation officer’s recommendations, and they too are likely to lean toward erring on the side of overly long terms incarceration. It is tempting to think that the errors on one side are neutralized by the errors on the other side, but they are not. Society pays both for convicted persons who receive sentences that are too lenient and for those who receive sentences that are too harsh.

Maguire and Radosh (1996:169) concluded that the parole system gives correctional officials an active role in deciding the fate of convicts. What distinguishes parole from other forms of release is the locus power. With parole, the prison administration held the power, unlike in the governor’s pardon where power over the release of convicts resided with the governor.

According to the paper by Collette (2006) “making parole decisions is certainly not an easy task. As parole decision-makers are asked to predict the future, assess all relevant, reliable and persuasive information including any results and expert evaluations, make sense of sometimes contradictory recommendations, assess the risk of re-offending and make decisions as to whether to grant or deny parole. Of course, they have various tools and instruments to help in this task. In fact, what they have to do is marry human judgement with testing, actuarial assessment with clinical evaluation”.

Tonry (2004:201) posits that the advantages of parole release discretion often included claims that an agency with such authority can: predict with reasonable accuracy an individual prisoner's likelihood of reoffending (this can be restated in terms of the board's ability to discern when a prisoner has been rehabilitated), provide incentives to many prisoners to behave well in confinement and participate seriously in prison-based programs, thus making their rehabilitation more probable, mitigate harsh pronounced sentences in individual cases and act overall as a force in favour of lenity in sentencing, facilitate prison population control in times of institutional overcrowding, and reduce disparities in sentences imposed by trial judges.

2.9 POLITICAL CONSIDERATIONS AND LEGISLATIVE INFLUENCES WITH PAROLE

According to Ross (2008:155) politicians, political candidates, and general public have become apathetic about allocating more funds to corrections if it means improving prison conditions or rehabilitative programs. It is easier for convicts to remain "out of sight, out of mind". No politician who appears to be soft on crime is likely to be reelected or reappointed.

According to Newbold (2007:38) the difference between remission and parole systems was that remission operates essentially as a reward incentive for good behaviour in prison, whilst the parole system on the other hand, is based on predictions about behaviour after release- that is, they allow early release for those judged to have reformed and who thus are predicted to be unlikely to reoffend.

The view that parole boards are part of the political landscape of each country is supported by Rhine, Smith and Jackson (1991:35) when they stated that paroling authorities are part of the political process and empowered by it, a distinction they share with all executive branch agencies.

In contrast, however, to most agencies within the executive branch in which only the head of the department is appointed by the governor, in majority of states the governor nominates the entire membership of the parole board. In New Zealand for example legislation compels the parole board to consider a number of factors, including the likelihood of recidivism, the nature of the offence, the question of whether the offender will benefit from home detention, the welfare of other people occupying residence in which the offender will be detained, and submissions made by victims (Roberts 2004:78).

According to Padfield (2007:51) “the changing face of the public law has impacted upon the parole system in the way that decisions are made. Although it is uncontested that the parole board is obliged to act fairly this obligation has changed substantially in recent decades. The procedures involved in parole applications from the creation of the board until after the coming into force of the Criminal Justice Act 1991, despite the involvement of judges were far from judicial. Decisions relating to initial release were all conducted on paper by panels of the parole board-there was no disclosure of the material upon which the decisions were made and so no real opportunity to make representations and no reasons were given”.

Since parole is planned release and community supervision of incarcerated offenders before the expiration of the prison sentence, the decision to grant parole is decided by statutory requirement and granted by the parole board. Some states use discretionary parole in which the decisions are made at a parole grant hearing (Anderson & Dyson 2001:29). In most states they also ordered the payment of restitution or supervision fees as a condition of parole release. One of the long-standing criticisms of paroling authority is that their members are too often selected based on party loyalty and political patronage rather than professional qualifications and experience.

According to Frost (2006:1) the new century has seen the introduction of (1) sentencing guidelines that limit judicial discretion at sentencing, (2) mandatory sentences and mandatory minimums that stipulate statutorily required minimum terms of imprisonment for certain offences, (3) truth-in-sentencing statutes that require that certain offenders serve fully 85 percent of their sentences, (4) more stringent habitual offenders legislation, often in the form of a “three-strikes and you’re out” initiative, that allows for a sentence of 25 years to life upon the third felony conviction, and (5) expanded restrictions on the use of discretionary parole releases”.

The South African legislation also makes provision for the establishment of the Correctional Supervision and Parole Review Board which has the responsibility to chiefly review parole board decisions based on the submission of the Minister or the Commissioner. Any person however, can ask the Minister or Commissioner to consider specific cases for review and the decision of the Review Board is final and may include setting aside, accepting and amending the decisions of the Correctional Supervision and Parole Board. Normally, a decision of the Correctional Supervision and Parole Board is final but the Parole Review Board’s decision overrides that of the parole board.

As reported in the Pretoria News (July 29,2008) penal reform activist and former member of Lawyers for Human Rights, Van der Merwe mentioned that before October, 2004 the parole board was not entitled to make a decision on whether or not a prisoner could be placed on parole. They were only allowed to make a recommendation. Presently the case management committee is playing this role and this means that the board is now in a position to make a decision on a prisoner's parole.

2.9.1 CRITICISM OF THE PAROLE PROCESS

Roberts (1994:296) argues that during the 1970s and 1980s, parole practices underwent significant reconceptualization and modification. The vast bulk of attention, criticism, and policy reform during this time frame focused on parole as a mechanism of discretionary release from prison. According to Reid (1993:688) rehabilitation, justice and prison overcrowding are the three main reasons for parole in the United States, although the reasons have been emphasized in different places at different times.

Some systems used parole primarily for purposes of relieving prison overcrowding others for the purpose of rehabilitation. Sabo, Kupers and London (2001:47) argue that in the 1960s, the rehabilitative goal of imprisonment came under attack from the prison activists and scholars; who questioned whether rehabilitation was achievable in inherently coercive institutions such as prisons and mental institutions. They raised a challenge to the broad discretion and potential abuses contained within the indeterminate sentencing policies that have had prevailed for many years. The rationale for the indeterminate sentence was to support the goal of rehabilitation by offering the incentive for early release to an inmate who engaged in prison-based educational and vocational programs and who generally “played by the rules” of the prison regime.

The system, also carried with it the potential for abuse, by granting broad discretion to judges and parole boards, leading to contentions of systemic bias based on race, gender, or political beliefs. Despite the general acceptance of the success of parole, and the excellent public reputation which the Parole Board has acquired, serious criticisms have been raised about various aspects of the parole operation (Hall Williams 1975:72-3).

Hass and Alpert (1986:404) argue that the increasing attack on the institution of parole in the US today fail to distinguish between parole as a method for releasing offenders from imprisonment and parole as a method for supervising offenders in the community. These two distinct functions need to be separately evaluated for an overall assessment of the usefulness of parole and its fairness in our system of criminal justice. The parole release and revocation decision is inseparable from the indeterminate sentence.

Decision making is a quasi-judicial process carried on by small groups of appointed officials organized into parole boards. Furthermore, Roberts (1994:299), states that in recent years, the parole supervision function has come under attack from many quarters. Crime control advocates have denounced parole supervision as largely nominal and ineffective; due process advocates have criticized parole revocation as arbitrary and counterproductive; social welfare advocates have decried the lack of meaningful and useful rehabilitation services.

Sieberg (2001:15) indicates that the current response is possibly the worst from the perspective of the general public. Namely, to relieve pressure on the prisons, many prisoners are released before they have served their full sentence. Admittedly, this type of system does provide appropriate incentives for the prisoners to cooperate in prison, in the hopes of cutting short a prison term. However, it seriously fails to take into account that good behaviour in prison does not necessarily promise good behaviour outside. It is not clear, in any manner, whether appropriate behaviour in a highly controlled, but negative culture will translate into desirable behaviour once the constraints are removed and the temptations are reinstated.

According to Shoham, Beck and Kett (2008) parole release is not widely used and is a practice concentrated mostly in developed, western countries. In order to be released on parole, most of the existing parole systems require prisoners to show improvement in their behaviour/attitude and demonstrate prosocial behaviour through work and by engaging in prison programs and/or educational/re-educational programs. Some systems may also require that prior to being released on parole; the inmate has a place to stay and a job.

According to Bernstein (2005:32) the life sentence as it was primarily used until the 1970s was indeterminate (e.g. fifteen years to life). After a minimum number of years had been served, a parole board would regularly reevaluate an offender's behaviour and evidence of rehabilitation. An individual who was found to have been rehabilitated could be released on parole once the minimum had been served, while one deemed unrehabilitated could be kept behind bars indefinitely. These criticisms have acquired added force as the number of offenders under criminal justice supervision reaches new heights, thereby straining even further what many already viewed as inadequate system resources.

According to Fagin (2007:526) even during Maconochie's time, the public was opposed to the concept of early release, as indicated by the fact that Machonochie was removed as prison administrator because of opposition to his mark system. In the United States, public opposition to parole is still widespread. This disdain for parole is reflected in the abandonment of the practice by the federal courts system and many states. By the end of 2001, fifteen states in the US had abolished parole board authority for releasing all offenders, and another 5 states had abolished parole board authority for releasing certain violent offenders. The public seems to want criminals sentenced to prison "to get the amount of time they deserve".

However, Fagin (2007:528) added public disdain for early release has a cost. The number of adults incarcerated in jails and prisons continue to increase, so as fewer inmates are released on parole. Parole is advocated as a correctional strategy for many for the same reasons as probation. The parole criticisms have not escaped the South African community as the media expositions has shown in the recent past. The Clive-Derby Lewis and the Lion Den cases having dominated the newspaper headline both locally and internationally.

According to the Pretoria News (July, 29, 2008) when Judge Ferdi Preller lambasted the Parole Board it was clear that all was not well at the Department of Correctional Services. Preller was the second high court judge in two weeks to warn state officials that they could be held personally liable for the costs incurred by their laxity. "I find it more and more often in this court that the board and its functionaries don't do their work.

The result is that a prisoner is released much later than he, or she should be. The prisoner is then prejudiced and an injustice is done. That is a concern for ". Preller concluded that the time will come when officials who do not do their jobs, will be held personally liable and face civil claims from disgruntled members of the public. The High Court judges in KwaZulu Natal have in recent weeks made some landmark remarks regarding the parole of prisoners incarcerated for serious crimes such as murders and violent robberies and the non-compliance of court orders by State organs.

Another scathing attack of the parole system was from the Acting Judge Peter Rowan, in the Durban High Court, when he again raised concerns from the bench and from a public perspective whether the imposition of prescribed minimum sentences i.e. 25 years for murder and 15 years for robbery with aggravating circumstances, would not be emasculated by the Parole Board (Post South Africa, September, 20, 2006). However, let us not forget that research shows that parole works (Collette 2006).

2.9.2 SUPPORT FOR THE PAROLE PROCESS

According to Conrad (1978:147) one way of assessing parole effectiveness and gauging the impact of possible abolition is to examine the relationship of parole supervision to the broader correctional system. Such an analysis begins by recognizing that parole field work is but one major component of those various programs, projects, and services which can be conceptualized as an “aftercare system”. Hudson (2005:80) states that the benefits of parole are such that individuals sentenced to less than four years are released conditionally after serving one-half of their sentences. The position for those serving four years or more is considerably different.

Under the system of what he called Discretionary Conditional Release the parole board is empowered to grant parole licence to such prisoners at any point between one-half and two-thirds of their sentence. Similarly, life-sentenced prisoners are required to serve a “tariff period” of their sentence. Once this tariff period of detention ends, a life prisoner is able to challenge the ground for continued detention before an independent parole board or lifer panel. Sheehan, McIvor and Trotter (2007: 127) argue that whilst the overall impact of probation and parole supervision may seem to be minimal, there is increasing evidence that probation and parole can be effective in reducing recidivism in some circumstances.

There is evidence that programmes offered to individuals on probation and parole that includes cognitive behavioural treatment and drug treatment may be effective in reducing reoffending”. But as has been seen, the pendulum has shifted away from rehabilitation (not entirely) and toward societal retribution. This philosophical approach, to consider societal retribution whilst putting emphasis on rehabilitation of offenders is the one that the Department of Correctional Services has adopted.

The White Paper on Corrections in South Africa (2004) states that “the department puts rehabilitation at the centre of all its activities”. A contradictory view is posed by McGuire (1995:21) who argues that there was no evidence that intensive supervision had an impact on any aspect of recidivism. The only significant relationship was between levels of participation in drugs or alcohol counseling, employment and restitution programmes, and subsequent reconviction rates, with the former being associated with a 10-20% reduction in the latter.

2.10 THE LINK BETWEEN PAROLE AND PENOLOGY

Since penology is the scientific study of the punishment of criminals and the operations of prisons it is prudent to explore the link between this science to the administration and the management of parole. A basic question about punishment concerns why offenders should be punished at all. However there are various reasons for punishing offenders as advanced by Banks (2005:105). The reasons are summarized thus:

- The person deserve to be punished;
- Punishment ensures that all understand the need to obey laws;
- Punishment will discourage others from doing wrong acts;
- Punishment shows that society disapproves of the act that has occurred;
- and
- Punishment will stop that person from committing other crimes.

The criminal justice system is intended to punish, rehabilitate, deter, incapacitate and reintegrate. According to DiIulio in Gaes, Camp, Nelson and Saylor (2004:2) the community wants these goals achieved “without violating the public conscience (human treatment), jeopardizing the public law (constitutional rights), emptying the public purse (cost containment), or weakening the tradition of the state and local administration (federalism).

Kann (2005:43) states that the main purpose of punishment would be to transform criminals into responsible men and law-abiding citizens. This transformation will be prolonged, and the public officials who administered it would assume extraordinary authority over inmates.

According to Newbold (2007:144) prison performs a number of essential functions, some of which are obvious, while others are less so. The principal purposes of prisons are explained briefly.

2.10.1 CUSTODY

Clearly the fundamental function of imprisonment is the safe custody of offenders who present a risk to society or who have failed to respond to non custodial measures. Some criminals are dangerous and have high likelihoods of reoffending, and the state has a duty to keep such people secure during their period of custody.

2.10.2 REHABILITATION

Newbold (2007:145) maintains that since 1910, a manifest purpose of imprisonment has been “rehabilitation” that is, turning offenders’ lives away from criminal pursuits and toward law-abiding alternatives. Not all offenders can be rehabilitated and not all want to be. Thus correctional centres provide, to a varying degree, programmes aimed at developing skills such as employment, life management, cognitive thinking, parenting, basic numeracy and literacy, spirituality, cultural awareness, control of alcohol and drug abuse, and so on.

2.10.3. PUNISHMENT

Another obvious aspect of incarceration is punishment. The essence of imprisonment is the deprivation of liberty, including loss of conjugal rights and other freedoms. It is often said that people are sent to prison as punishment not *for* punishment, in other words the loss of freedom is punishment in itself. The extent to which the experience of incarceration deters people from further offending is moot- high recidivists' rates suggest its effect may be small (Newbold, 2007:145).

2.10.4 DETERRENCE

Theories that have to do with deterrence are usually known as utilitarian because their source is utilitarian philosophy. Utilitarians argue that we punish citizens because we seek to deter crime and offences and in this sense, therefore, punishment is justified because it is thought to have beneficial effects or consequences (Banks 2005:106).

Unlike crimes of passion, which involves little rational forethought, Newbold (2007:145) states that many crimes, however, particularly white-collar crimes involve considerable planning and assessment of consequences, in addition to weighing the chances of success or failure? The middle and upper classes are generally fearful of prison and thus prison must act as a significant deterrent to criminal activity for them.

2.10.5 RETRIBUTION

According to Newbold (2007:145) the retributive function of imprisonment sometimes known as ‘just deserts’ ‘*jus talionis*’ ‘an eye for an eye’; is something that many people have difficulty accepting. Yet retribution is fundamental to any criminal justice system. Where retribution is concerned, the offender’s likelihood of reoffending is of little importance.

Banks (2005:106) maintains that retribution is the notion that punishment is justified because it is deserved. Retributionists argue that we should punish the guilty and that justice demands that we do so. This perspective does not pay attention to the consequences of punishment; it is only concerned with the responsibility and accountability.

2.10.6 AFFIRMING THE POWER OF THE STATE

The final and somewhat more nebulous, function of imprisonment is that it reaffirms the power and the legitimacy of the state. From a legal point of view, when a person breaks a law the offence is technically against the state, not against an individual, and normally it is the state which prosecutes, not an injured party. Essentially therefore, one of the functions of the criminal justice is to affirm the power of the state by ensuring that law-breakers are held to account. In order to retain public faith in the law the state must successfully defend itself against those who challenge it.

2.11 PAROLE AND COMMUNITY SUPERVISION AS PART OF PENOLOGY

The use and the functions of parole is to grant offenders conditional freedom based on their response to rehabilitation programmes and their prognosis to reoffend. Offenders released on parole are supervised at all times by parole officers within their communities to ensure that they comply with their conditions of their paroles and those who violate their conditions are returned to prison to complete their prison terms. In South Africa, as is the case in New Zealand, the process to recall offenders is made by the parole authorities and not the courts (Newbold 2007:266).

According to Banks (2005:80) the practice of intensive supervision was adopted by most states in the 1980s and 1990s. During this period, penal conservatives wanted a way to be “tough on crime” that would also avoid any more prison overcrowding and thus increase prison expenditure while at the same time preserving the policy of punishment in the community. This form of punishment proved to be more effective in ensuring that offenders were punished further for technical violations of the conditions of their release into the community.

The parole release, in short will have to fulfill some or all the requirements or purposes of punishment before considering any offender for release. Hence, the eligibility of parole internationally, as proven by research is based on amongst other factors, the risk that offender will pose when released, the rehabilitation programme attended and the potential community acceptance and potential reoffending. Clearly, parole as a non-custodial measure is another form of punishment which essentially limits the parolees’ liberty and curtails their freedom as their release is conditional.

2.12 CONCLUSION

The conclusion made by Cavender (1979:21) would not have been adept that “Given the interest in parole and the significant issues related to it, a critical analysis seems appropriate. The barrage of attacks on parole accompanies by legislative action to abolish it, makes additional research imperative. An analysis of parole developments, effectiveness, and the current arguments in the South African context will produce an appreciation of the crucial role of parole in the criminal justice system.

Such an appreciation is a prerequisite for any assessment of the policy question (form and/or future) concerning parole as an element of corrections”. The opportunity for the parole board members in South Africa to pioneer this important project and of helping to steer it successfully through its formative years is dependent on the creation and establishment of the appropriate performance measures of parole as both a structure and a process to which the study is intended to do.

CHAPTER 3

A THEORETICAL FRAMEWORK FOR THE PERFORMANCE MANAGEMENT OF PAROLE BOARDS

3.1 INTRODUCTION

An understanding of performance management within a correction environment should begin by deriving goals and objectives from the mission of the correctional system. Such mission expresses the purpose of incarceration for a particular jurisdiction. Such missions not only guide the performance measurement strategy, but also provide a justification of the system, promoting an understanding of the connection of the correctional system to the larger goals of criminal justice practices. Performance measures are always tied to a goal or an objective and or target (Gaes, Camp, Nelson & Saylor 2004:1).

Measuring performance and results has become more and more important for governments. Managers in the public sector are asked to manage for results and to report on those results. Managing for results is quite difficult to implement because it involves a fundamental shift in perspective as managers must collect and use performance information to strengthen the decision-making process, to learn, to improve programs, and to ensure accountability. Measurement of results in the public sector is often seen as an important challenge as, traditionally, government practices have tended to be more about process than results.

Moving to a results-focused culture is seen as a huge challenge and good performance reporting, according to the Auditor General in 2000, seemed to be slow (John 2003). According to Phillips and McConnell (1996:184) in all modern organizations which includes corrections employee appraisals remains a basic responsibility of all employees who direct the work of others.

In corrections where the origin and structure of the performance evaluation process is closely tied to the collective bargaining process, it is an even more critical activity for supervisors to carry out properly and effectively. Swanson and Holton III (1999:26-7) posit that performance in the Results Assessment System has two core categories of results, system and financial results. System results refer to the units of mission-related outputs in the form of goods and/or services having value to the customer and outputs that are related to the core organizational, work processes, group, and individual contributors in the organization.

Financial results imply converting the worth of the units of outputs of goods and/or services into money. The power of measuring results may be summed up as follows “if you do not measure results, you cannot tell success from failure; If you cannot see success, you cannot reward it, If you cannot reward success, you are probably rewarding failure; If you cannot see success, you cannot learn from it, If you cannot recognize failure, you cannot correct it, If you can demonstrate results, you can win public support (Osborne & Gaebler 1992)”.

3.2 HISTORICAL DEVELOPMENTS OF PERFORMANCE MEASUREMENT

It must be stated that a clear exposition of the performance management regime within government generally and the criminal justice system specifically is required ensure that accountability to the public is adhered to and that the criminal justice system departments achieve the objectives they set for themselves. The information revolution has inevitably occurred within the prison services, as it has in public services more generally. Services are assessed against a framework of targets or standards set by the body carrying out the evaluation.

According to Kamensky and Morales (2005:23) performance indicators are relevant in any management system, public and private, and they should be a *sine qua non* in the public sector. McDavid and Hawthorn (2006:283) argue that performance measurement is not new. Historically, it has been primarily with financial accountability- being able to summarize and report the ways that resources have been expended in a given period of time. The accounting profession emerged as the need for financial accountability grew. Organizations became more complex and regulation of ways that financial reporting occurred resulted in a need for expertise in assessing or evaluating the completeness, honesty, and fairness to the “books” in organizations. There is good evidence that performance measurement and reporting was well developed in some American local government early in the 20th century.

An extensive range of literature review reveals that the subject performance management both at an individual and organization level is not a new phenomenon. During the 1980s many organizations became more performance oriented and in the 1990s performance management began to be seen as more of a core management process that is capable of delivering the business vision by developing and reinforcing the key behaviours or values. Thus performance management began to grow out of its ‘appraisal’ box, developing into the integrated, strategic and grow up cousin (Houldsworth & Jirasinghe 2006:6-7).

Williams (2003) in McDavid and Hawthorn (2006:283) discusses the development of performance and productivity measurement in New York City, beginning as early as 1907 with the creation of the Bureau of Municipal Research. The bureau had a mandate to gather and report statistical data on the costs, outputs and some outcomes (infant mortality rates, for example) of municipal service delivery activities. According to Gill (2003:208-9) new processes and systems should be accompanied by newly designed performance measurement systems.

In the same way that processes are redesigned to deliver their objectives, so the performance measurement systems also need to be redesigned to monitor and control new processes. Such a system requires a suite of measures. According to Raine and Wilson (1993:111) it was during the 1980s that all the criminal justice agencies experienced having their performance questioned and placed under scrutiny in response to government concerns with efficiency, accountability and idiosyncrasy. Reviews were undertaken in turn of the performance of the police, the probation services, the prisons and the courts. Some were conducted by government officials, some by quangos (a semi-public administrative body outside the civil service but receiving financial support from government, which make senior appointments to it) with specific remits in this respect.

3.3 THE RISE AND FALL OF TRADITIONAL APPRAISAL SYSTEMS

According to Nigro, Nigro and Kellough (2007:166) two factors converged during the 1970s and early 1980s to change state-of-the-art approaches to performance appraisal in government. The two factors are discussed briefly. “Firstly the traditional systems were in disrepute on all levels of government. In technical terms, they simply were not doing what they were supposed to, and few managers took them very seriously.

Secondly, in political terms, the pressures for greater bureaucratic productivity, accountability, and responsiveness created a climate that forced meaningful reforms in a number of areas, including performance appraisals and their uses. Under conventional merit systems where management's discretion in personnel matters is deliberately limited, appraisals or service ratings are supposed to concentrate on how well an employee is carrying out the tasks associated with a job or position".

The supervisor's role is largely to provide answers to trait-and task-related questions derived from job analysis done by personnel specialists. The results are supposed to be used to help make objective decisions regarding personnel matters such as retention, training, pay and promotion. Technical questions focus on identifying and ranking job elements, and on how to accurately measure a worker's performance along each of these dimensions.

In practice, the traditional appraisal process operated in virtual isolation from planning, program design and implementation, and management control functions of public agencies. Bodaken and Fritz (2006:43) argue that the faulty performance is either chronic or an anomaly. It is one time deal or it is the modus operandi. In both cases there is learning potential to explore. Some of the common failures or pitfalls associated with performance management processes or systems are summarized (Thomas 2007:68): thus:

- ◆ "An over reliance on procedure and paper- do not allow your system to become too complex. Lengthy forms and numerous "signing off" procedures do not encourage managers to use the system;
- ◆ Poorly trained managers- conducting a structured and open discussion about performance required critical skills in active listening and giving feedback. Make sure managers are trained effectively and know how to not only give advice but also to listen;

- ◆ Poorly defined targets- any performance management process must deliver an agreed set of objectives and targets between managers and staff. If the process fails to deliver these critical outputs it will soon fail;

- ◆ Lack of management commitment- if the process fails to enjoy the full support of management then it will be seen as a passing fad and managers will relegate it down their list of priorities;

- ◆ Lack of sanctions for non-completion- if managers are not incentivized or penalized for completing the performance management process you will get flawed implementation. Link elements of your bonuses and pay rises to the completion of performance management discussions- that way you'll ensure they are done in a timely manner”.

The remarks by Randall and Fowler in Agere and Jorm (2000:60) are perhaps true that many appraisal systems have failed simply because staff people responsible for planning the system have become engrossed in trying to achieve technical perfection.

3.4 AIMS OF PERFORMANCE MANAGEMENT

Fortin and Van Hassel (2000:231) argue that the introduction of performance culture within public services has been the object of considerable analysis and evaluation in the last decade. While public sector organizations have been subject to a greater or lesser extent to the disciplines of New Public Management, the impact of performance culture on criminal justice agencies has not been the focus of the same degree of analysis.

Armstrong (1993:107) identifies the aims of performance management, and they are explained below:

- ◆ “Achieve sustainable improvements in organizational performance
- ◆ Enable individuals to develop their abilities, increase their job satisfaction and achieve their full potential, for their own benefits and for the benefit of the organization as a whole
- ◆ Develop constructive and open relationships between individuals and their managers in a process of continuing dialogue which is linked to the work actually being done throughout the year
- ◆ Provide a framework for the agreement of objectives as expressed in targets and standards of performance so that mutual understanding of these objectives and role both managers and individuals have to play in achieving them is increased
- ◆ Provide for the accurate and objective measurement and assessment of performance in relation to agreed targets and standards so that individuals receive feedback from managers on how well they are doing
- ◆ Enable individuals, with their managers, to agree improvement plans, methods of implementing them and jointly review training and development needs and agree how they should be satisfied
- ◆ Provide an opportunity for individuals to express their aspirations and concerns about their work.
- ◆ Provide a basis for rewarding people in relations to their contribution by financial and/or non-financial means, the former consisting of performance-related pay, and the latter including recognition of achievement and opportunities to take on more responsibility or to enhance knowledge and skills through training or additional experience”.

3.4.1 THE BENEFITS OF PERFORMANCE MANAGEMENT

According to Hughes (2007:60) the governance of public services generally is increasingly focused on questions of performance and in the process its management, measurement, evaluation and improvement has now become a major concern of a complex array of government practices, relationships and organizations, with the results that evidence has become a highly valorized idea- and its absence or abuse is a matter of serious concern. The fusion of evaluation and evidence in the management of public service performance marks a distinctive shift in the field relationships between governments, publics and services.

Mink, Owen and Mink (1993:104) states that most performance is automatic. When judgements are made about performance constraints that operate against performance must be discovered and then removed or reduced. Langdon (2000:54-5) argues that guessing what to measure in order to know where to improve performance in a business is far less useful and accurate than careful measurement of the right things. Performance measures should be defined in relation to the six elements of the proforma on a business unit map: inputs, conditions, process element, outputs, consequences, and feedback.

According to DelPo (2007:11) an effective performance appraisal system will help achieve more, by providing a solid foundation for all aspects of the employer/employee relationship. Such a system can help to:

- ◆ “determine how the job of each employee can further the overall goals of the organization,
- ◆ examine each employee as an individual to evaluate the employee’s strengths and weaknesses,
- ◆ identify and reward good employees, in order to foster loyalty and motivate employees to continue to achieve,

- ◆ keep employee morale high through continuous feedback,
- ◆ stay on top of the needs of the workforce to ensure employee retention and increase productivity and innovation,
- ◆ reduce the risk of complaints and litigation by ensuring that employees feel treated fairly and are not surprised by management decisions, and
- ◆ identify and deal with problem employees to either turn those employees into valuable, productive workers or lay the groundwork for discipline and, if necessary, termination”.

Aside from its obvious utility in helping new employees understand the expectations of their supervisor and the organization, performance appraisal measures how effectively the organization’s human resources are being used. As such, it is a form of control which compares measured performance with an established standard, resulting in corrective action, if necessary (Longenecker & Pringle 1984:329).

Anderson (1993:61-2) argues that the major issues concerning the measurement and evaluation of performance relate to the question of who appraises performance, the type of measures used, and when they will be made. Ideally agreement on performance measures should be reached at the beginning of the performance appraisal cycle, when appraisers and appraisees meet to define performance requirements. The measurement process is likely to be effective when it is a two-way process, involving employees in accepting some responsibility for monitoring their own performance, as opposed to a purely ‘top-down’ situation in which the appraiser applies measures to the work staff.

3.4.2 THE VALUE OF PERFORMANCE MANAGEMENT

According to Klingner and Nalbandian (2003:262-3) “performance appraisal is directed towards technical and management goals but rarely toward employee aspirations. The technical part focuses on developing an instrument that accurately measures individual performance in order to identify an individual’s strength and weaknesses and to differentiate one employee from another. Because personnel decisions like promotions and merit-pay increases are connected to individual performance, the instrument used to evaluate performance must withstand serious scrutiny by employees and managers”. Setting goals, measures, and outcomes is relatively simple.

The challenge for most organizations is agreeing to specific performance targets to be achieved. This is the point when managing for results shifts from being a theory to reality, especially if these targets tied to budget resources and individual performance assessments. However, the targets have to be realistic, or the system will be ignored (Kamensky and Morales, 2005:10).

Burkholder (2007:169) argues that “in every industry we need to be able to ask, ‘What is the performance of X and how do we measure it?’ For example, in terms of education we need to be able to ask the question, ‘What is the performance of a good school supposed to be and how do we measure it? In the Information Technology industry we need to be able to ask ‘What should the performance of technology be?’ and “What should the performance of a programme be and how should we measure it?” The main reason we need metrics is that we can’t know how to improve if we don’t have a benchmark of how we are doing today. Performance evaluations become part of the correctional officer’s permanent work record and are scrutinized when officials apply for promotions.

Like evaluations, promotion decisions are characterized by considerable discretion. Both men and women staff believe that promotions are associated with informal ties to the supervisor (Martin & Jurik; 2007:204). Wigdor and Green Jr (1991:262) state that there are no objective procedures for setting standards. It is necessary to rely on human judgement. Since judgements are fallible, it is important to consider the consequences of setting standards that are unnecessarily high or low.

Perhaps the significance of performance management is reflected in the argument advanced by Fahy, Roche and Weiner (2004:58) “for an organization to successfully achieve its objectives, management must understand where value is created and destroyed and whether its business model is operating effectively and how this can be improved. This is done by defining and evaluating the strategy, setting targets, measuring performance, forecasting and then re-evaluating the strategy. All of this requires vital ingredient- information such as the mission and the vision of the organization and the objectives and key performance targets it set for itself. Crucially that information must be timely, accurate and consistent across the organization”.

3.5 PERFORMANCE MEASUREMENT AND EVALUATION OF CORRECTIONS REGIMES

Measurement makes government decision making more transparent and insure government accountability. According to Champion (2003:340) for many critics of corrections, the word correction is a misnomer. This is because in a majority of instances, those who entered the correction process as convicted offenders are never corrected. Approximately 60 to 65 percent of those released into probation or parole programs each year commit new crimes or have their probation or parole programs revoked within 24-month to 36-month period.

The positive side is that about 35 to 40 percent of those released into these programs each year do not recidivate, or at least if they do commit new offences, they do are not detected or caught by police. According to Liebling (2004:52) “the concept of prison performance is complex and multidimensional. No single indicator, nor even any small number of indicators, should be taken seriously by itself. Multiple indicators are required to capture the many tradeoffs that must be made between the various and sometimes conflicting criteria of quality in the operation of prison”.

Kamensky and Morales (2005:23) argue that keeping track of performance in government is challenging and complicated by factors not present in the private sector. In the private sector the profit/loss motive adds impetus to efficiency and effectiveness. There is less need to track outcomes. At one level, government is a public trust, and its purpose is to faithfully pursue the public interest. “Performance- based management should be the basis for all public management. Performance management system is one of the instruments considered necessary as a checking mechanism because essentially it contributes to the promotion of good governance” (Agere & Jorm, 2000:22).

Joyce (2001:3) places an emphasis on efficiency, value for money and quality of service were integral aspects of new public management, which aimed to transform citizens into consumers whose power rested, not upon the political sanction of accountability, but upon the consumers `ability to shop around and go elsewhere if a public service was being provided inefficiently. The Public Policy Brief (No 1 of July 2007:3) maintains that as it stands, parole and probation agencies do a poor job measuring and managing their performance. Few people outside the field itself understand the mission and functions of probation and parole agencies. communication about how well (or poorly) they do their job, and whether to what degree they are reducing crime and helping the offender become law-abiding, tax-paying citizens tends to be episodic, focused on activities rather than outcomes, and driven by crisis, often in response to crime committed by an

offender under supervision. Liebling (2004:56) argues that the measurement of prison regimes in most contemporary studies, where it exists at all tends to be linked to standards or accreditation processes, and driven by a confinement or “service delivery” model of the prison. There are few attempts to integrate individual indicators (e.g. the number of assaults, or compliance with a single policy instruction) around broad themes or dimensions. It is assumed that organization performance is an aggregate of individual performance. When pay is based on performance pay increase can act as incentives to increase effort and performance.

Various modes of feedback and performance-oriented discussion between appraisers and appraisees are undertaken in an effort to increase effort and role understanding and to improve skills and abilities (Landy Zedeck & Cleveland 1983:176). According to Liebling (2004:57) the two most significant types of data available in relation to the prison are Key Performance Indicators and the Key Performance Targets, and Standard Audit Rating of compliance with specified body, the Prison Inspectorate, which has a distinct and arguably more “moral role”.

3.5.1 KEY PERFORMANCE INDICATORS AND KEY PERFORMANCE TARGETS

According to Bennet, Crewe and Wahidin (2008:218) the introduction of a performance management apparatus has included typical bureaucratic tools such as elaborate written rules and regulations, distortion-proof instruction and the setting and intense monitoring of objective measures of performance. Performance information shows how well an organization is performing against its stated objectives. Knowing how well the organization is currently doing is essential in developing strategy and policies to meet the organization’s aims.

A recent study of the role of the key performance indicators in the management of prisons and their performance concluded that what they bring to prison management (and therefore quality) is clarity or direction. Witzel (2004:81) argues that appraisal has many uses. At the most general level, it shows whether staff understands their role and function, and how well they are performing. This has an impact on how efficient and effective the organization as a whole is, for if individual employees do not perform as expected, the organization will suffer.

Senior, Crowther-Dowey and Long (2007:106) maintain that the setting of targets and key performance indicators has been a central theme of new public management since it was first introduced. Indeed internal processes for improving performance are a necessary feature of public services and strongly correlated with the need for public accountability and cost effectiveness. The prison service has a long history of organizing its work to specified tasks and its command and control organizational structure adapts easily to changes in the required direction it takes.

The ease in which prison has adapted to the modernizing environment in part lies in its ability to absorb the key performance indicators into its daily routines. A focus on narrow measures may inhibit and deflect managers from more fundamental changes such as attitudinal change, how staff and prisoners relate to each and legitimacy issues. As one put it: “it is easy to measure simple things such as escapes and drug tests through key performance indicators (KPI) but what about other areas which are just as important like justice and fairness” (Bryans 2007:83).

3.5.2 STANDARD AUDIT OF COMPLIANCE

According to Liebling (2004:70) audit has become a benchmark for securing legitimacy of organizational action in which auditable standards of performance have been created not merely to provide for substantial internal improvements to the quality of service but to make these improvements externally verifiable via acts of certification. The second “performance measurement” mechanism is the use of process auditing. Audits have the same kind of impact on an establishment as a full inspection. Unlike an inspection, the standards audit process rarely involves contact with prisoners.

The Human Resource Management in Practice Report (1994:6) indicates that in order to appraise or assess performance it is necessary to have some yardsticks for performance measurement. These are usually referred to as performance standards. Standards are generally based on job analysis records and the employee’s performance is continually related to those standards. However, the report (1994:7) further argue that determining performance standards can be a very difficult task because of the many issues which make it hard to establish what constitutes “good performance”. For example, it is possible for the set standards to be excessively influenced by the person at work rather than the work tasks themselves. In addition, human judgement tends to be subjective and comparatively little is understood about behaviour.

3.5.3 APPRAISALS AS PART OF PERFORMANCE MANAGEMENT

According to London (2003:78) the performance appraisal process takes place within the context of the social interaction among the manager, each subordinate, and the team of subordinates. The social dynamics are likely to influence the evaluation judgements. In addition, performance appraisal is complicated by the multiple goals: to distinguish between subordinates for better payment of the best performer, and to identifying strengths and weaknesses for development.

The pay decision requires making overall judgements about each subordinates' accomplishments and then comparing subordinates. The development evaluation requires a comprehensive review of each subordinate separately that involves looking at skills, knowledge, and behaviours that contribute to performance outcomes. Ban and Riccucci (2002:187) asserts that performance appraisals are conducted because it is believed that their results will be helpful in the process of improving individual employee performance and ultimately organizational performance. The discomfort with performance appraisal also arises from the understandable reaction of many supervisors to the uncertainties inherent in the appraisal process. Supervisors know they are expected to advance and render judgements and are made uncomfortable by this necessity.

Furthermore, to pursue the process to any truly conscientious extent, they may have to discuss unfavourable judgements with employees. Thus in addition to reacting negatively to what they see as a requirement imposed upon them from above, supervisors may also react negatively to what they see as a highly subjective process in which their opinions and judgements may ultimately be challenged and thus must be defended (Phillips and McConnell, 1996:185).

The discomfort of managers to conduct performance appraisal is also corroborated by Max and Bacal (2003:3) when they argue that 'undertaking formal performance appraisals is not usually an activity most managers relish, but it's an important part of the job of the manager. And it gives you an opportunity, when done correctly, to positively affect the future of your employees'. Torrington, Weightman and Johns (1989) argue that as an organization-wide administrative system, performance appraisal has a bad name because of its extensive documentation, the time it takes and the way in which the system is seen to rule the participants.

Despite the difficulties, the potential advantages are so great that attempts will continue to improve schemes and make them work. According to Landy, Zedeck and Cleveland (1983:177) “the link between appraisal and salary is a good example of a relationship that evokes constant refinement and search for perfection in some organizations. Solutions range from subjective judgement calls about appropriate pay for a given performance level to computerized algorithms that automatically convert ratings into pay levels”.

Anderson and Herriot (1994: 47-8) argue that there are a number of issues that arise or which gain prominence when appraisal operates within the framework of performance management system. These issues are discussed briefly: “Line-driven appraisal. The emphasis on line management driving performance management system has implications for how appraisal operates. It is essential that line management have a major input to determining the nature of the appraisal system. Part of the rationale for this is that line input will be sensitive to local needs and requirements, and will develop appraisal to suit those better than any centrally imposed scheme is likely to- which is of considerable importance in modern, devolved-authority structures. Appraisal is part of the feedback loop”.

Another aspect of performance management system that impact on the role of appraisal, according to Anderson and Herriot (1994:48) is the operation of feedback loop. If performance management system is to work effectively, it cannot be an exclusively top-down process. There has to be some mechanism whereby the strategic goals of the organization and their implications at lower levels can be influenced and modified by the line. Without it, the chances of gaining commitment to the aims of the organizations are reduced.

One of the fundamental arguments that came out of the Office of Justice Programs National Institute (1996) report was that performance-based measures provide internal and external feedback at all organizational levels about the relationships between practices, objectives, and results. According to the model management and staff often resist performance measures because they are threatening and represent change. Managing for results entails being able to measure the extent to which intended results have being achieved.

Performance measurement is generally seen to be a principal means of providing information that can be used to see whether and how well organizations and program managers have accomplished what they intended. Feedback via performance measures can be used for at least two broad purposes: making adjustments in the process that produces outcomes (formative uses) and reporting the actual results (outcomes) to stakeholders, including the public, elected officials, and governing boards (summative uses) (McDavid & Hawthorn; 2006:282).

Excessive bottom line. The main thrust of performance management system in many organizations is about bottom-line or service delivery issues. This is understandable, but it can be taken too far, leading to an excessive emphasis on ends rather than means. The concern becomes one of achieving short-term results at the expense of the longer term aims- not at least which may be the development of the individual (Anderson & Herriot, 1994:48). According to Benko and Weisberg (2007:70) many intangibles go into an employee's performance evaluation. For instance, even when evaluation metrics for reduced schedule flexible work arrangements are recalibrated against those for full-time employees, how to judge the "extracurricular" efforts of reduced-schedule employees against those of full-time employees who regularly contribute through mentoring, recruiting, office activities.

Coens and Jenkis (2000:224) argue that “appraisal spuriously poses as a fair and objective instrument in evaluating someone’s performance. Consequently, a number of governmental bodies and industry regulators see appraisal as a way to contain favouritism and political spoils and maneuvering. They further see appraisal as a concrete way to ensure that employees are performing competently”. According to Watson (1981:189-90) knowing the purpose of performance appraisal helps in deciding what should be measured- traits, behaviour, or results achieved. Traditionally, most performance appraisal instruments have evaluated employees on the basis of traits.

This, however, is still true today. The assumption underlying this approach is that the possession of particular traits leads to effective performance or is equated with it. Although there is a fair measure of truth to this way of thinking, it is not without several serious limitations. First, there is adequate evidence to prove that not all people succeed for the same reasons. Second, the definitions of these traits are not precise and are frequently perceived differently by different people. Third, there is a question of the extent to which or in which instances the person displays each trait. Fourth, this approach is highly subjective. Fifth, there is the assumption that all of these traits are important to the success of all people and that they are of equal importance. Sixth, many of these traits involve people personalities which they cannot easily change.

According to Agere and Jorm (2000:92) it is necessary for every organization to have some means of appraising its employees which should be fair and unbiased, give management some understanding of how each employee is performing, and help motivate the employee. Such knowledge can assist in promotions, transfers, training and separation. Witzel (2004:71) maintains that appraisal involves looking at individual staff members, and sometimes also at groups and teams, to see how well they are performing their duties and how effective they are being, in order to ensure that work is carried out as planned, and also in order to identify people who might be promoted or moved into other roles where they can be even

more effective. Griffeth and Hom (2001:171) believe that a fair appraisal reinforces “consistency” by applying the same performance standards to all subordinates. A “bias-free” appraisal means that a supervisor’s personal prejudice or favouritism does not distort his or her performance judgements. What is more, performance evaluations should be based on accurate information about employee performance. However, Landy et al (1983:175) maintain that even if specification of the microelements of performance appraisal design is relatively complete, it is by no means automatic that the procedures and linkages specified will in fact come to pass. First, the people expected to carry out the system obviously need to be told what they are to do.

Designers must communicate the system through orientation sessions and written policy and procedures. Finally people have to be motivated to carry out the activities. Approaches to doing this include evaluating appraisers based on whether they have done appraisal and developing information system that identify when appraisal are late. Since there is no single performance measure that is best, it is important however to note that those performance measures that are designed to improve employee performance and link individual objectives to the organization are recommended. The top down approach of performance measures is not supported and therefore any performance measure should create a balance between top down, bottom up and hybrid approaches where supervisors and employees can receive feedback on their performance.

3.6 PERFORMANCE MANAGEMENT SYSTEMS AND TYPES OF APPRAISAL INSTRUMENTS

Agere and Jorm (2000:62) identify the following performance appraisal instrument types, their strengths and weaknesses. The types of the performance management systems are outlined in the table below with their strengths and weaknesses:

Table 3.1 STRENGTHS AND WEAKNESSES OF THE TYPES OF PERFORMANCE MANAGEMENT SYSTEM

Type	Strength	Weaknesses
1 Rating on personality traits– merit rating-graphic rating scales	No	Highly open to bias and demotivating
2 Pen picture	No	Difficult to compare employees;
3 Critical incident	No	Narrative- time consuming-open to recency effects/bias
4 Behaviourally Anchored Rating Scales (BARS) and Behavioural observation scales	No	Costly, difficult to develop
5 Rating on objectives achieved	No	Short-term objectives at the expense of long-term benefits
6 Competency-based type	No	Requires demonstration of outputs
7 Performance management appraisal	Yes Links objectives of individual to objectives of agency	No
8 Performance management and core competencies	Yes Current trend favour	No

(Source: Agere and Jorm 2000:62)

The researcher believes that the given the strength and weaknesses of each type of the performance management it is ideal for the parole board in South Africa to consider the combination of the performance management appraisal which links the objectives of individuals to that of the department and the performance management and core competencies. The reason for this is that the parole board will have to demonstrate to the public that it is indeed making a contribution not only towards crime prevention but also to the reduction if not the elimination of recidivism as an output.

The US Department of Justice through the Office of Justice Programs National Institute (1996) “developed a model process for devising and implementing alternative outcome measures that was to be used by community corrections agencies to evaluate staff and overall agency performance. The research recommended five steps that could be used to develop a comprehensive approach to performance based measures”.

The five steps of the American Probation and Parole Association (1996) are explained briefly.

- Step 1: Clarifying values. Values are principles, standards, or qualities considered worthwhile, and they represent the fundamental beliefs on which agency practices are based. Values shape decisions, actions and results.
- Step 2: Defining a mission. The second step is to develop mission statements that reflect the organization’s values and its strategic intent. A mission statement should clarify an organizational purpose e.g. “to protect the community” without spelling out the method for achieving it.
- Step 3: Clarifying organizational goals. A broadly stated mission, while desirable, can be overwhelming. Program goals map out the future and provide a standard against which success can be measured. The importance of goal clarification cannot be overstated. Goals that are ambitious or ambiguous can create organizational confusion.

- Step 4: Selecting activities that organizational goals. Selecting the supervisory style or method that supports the agency's stated goals is the next step in developing an agency specific performance-based measurement strategy. Performance-based measurements assist agencies in determining the activities that lead to achievement. Results-orientated data move the debate from considerations of style to those of effectiveness, activities change as agencies enhance their knowledge and understanding of what "works".
- Step 5: Identifying performance-based measures. In depth exploration of agency values, mission, goals and activities, supports a measurement strategy that assesses and communicates an agency's purpose and performance.

3.7 LINK BETWEEN THE FIVE STEP MODEL AND THE PERFORMANCE MANAGEMENT SYSTEMS

The Five Step Model provides some basic principles and values around which the performance management systems of the parole board can be built. For instance since one of the performance management benefit is to link the objectives of the individuals to the objectives of the agency, the model- in step 3- provides for the clarification of organizational goals as stated in the mission statement. Armstrong (1993:107) identifies achieving sustainable improvements in organizational performance as one of the aims of performance management.

According to Jewkes (2007:524) it has been suggested that defining performance measures is difficult as there is often little consensus among stakeholders about what is important, a fact that is relevant in prisons given the complex, even contradictory, aims set out in the prison service statement of purpose. The fact that the parole boards in South Africa do not have the own mission, values and organizational goals of their own can be attributed as the reason why they cannot be measured independently from the department.

The parole board is regulated by all that regulates the department and therefore their mission, and goals are drawn from the department's mission and values. This does not necessarily create conflict but presents an opportunity for the parole board to define its goals and identify its performance measures independently from the department. Public services are often complex, value-laden and intangible, making them difficult, even impossible, to measure.

As a result the measures that have been developed have been criticized as incomplete (rarely capturing all acknowledged aspects of performance) prolix (comprising numerous indicators of performance) and opportunistic (measuring what is measurable rather than developing new systems for performance management purposes). The five step model appear to be generally supported by Couturier in the Correctional Services of Canada Performance Measurement at the National Parole Board Report (2002/2003) which states that "to better understand performance measurement at the National Parole Board, we have to know its mission and mandate, and to understand its place in the correctional system".

3.8 DEVELOPMENT-BASED APPROACH VERSUS MEASUREMENT APPROACH TO PERFORMANCE MANAGEMENT

According to Peters, 1989:495 in Torrington and Weightman (1991:167) it takes the average employee (manager and non-manager) six months to recover from the performance appraisal feedback. Schemes of performance appraisal are being introduced and constantly modified in all areas of employment, causing more management frustration than most aspects of management work. The 2000 survey conducted by Houldsworth and Jirasinghe (2006:77) found that the performance management pendulum has swung from development-based approaches to those more centred on measurement. The findings of the survey suggested the following shifts:

From process to structure. The late 1990s showed a shift from a mechanistic ‘system’ of rules and techniques that could be applied rigidly to an organization towards a more integrated set of ‘processes’ focusing on how the performance management is carried out. From joint review to integrated Human Resources process.

The concept of joint reviews now seems fairly standard across organizations, the annual appraisal event involving unilateral judgements on the part of the line managers having been relegated to the past. The work by both Houldsworth and Jirasinghe (2006:78) suggests that most organizations have now moved further beyond this to integrate the joint review process much more clearly with other human resources processes, such as training and development, talent or succession planning and reward.

From recording levels of inputs to measurement of results. The 1990s were characterized by many organizations investing in developing behavioural competency frameworks and consequently by the end of the decade there was a strong belief that a fully rounded view of performance must embrace ‘how’ people do things (inputs) as well as what individuals need to get done (outputs).

The focus on inputs- competencies, skills and behaviours- is sometimes overshadowed in emphasis by the measurable outputs- the results people were expected to achieve. From development-driven to measurement-driven. In the survey of line managers both Houldsworth and Jirasinghe (2006:78) found that nearly three-quarters of those surveyed strongly agreed that everything within their organizations was measured and two-thirds reported that the use of measures had increased.

This is a significant difference in emphasis away from the development-driven approach. Development still features as a key component of many performance management processes but the emphasis is placed on measuring and recording of development objectives. From ratings being less common to forced distribution. While there is still hostility among some staff and line managers to performance ratings, research suggests that ratings remain commonplace and it is unusual to find an organization that does not have some form of rating process in place.

One of the most interesting trends that has begun to define current practice in performance management is the rise in the use of forced distribution or at least flexible guidelines on the expected distribution of performance ratings. From 360-degree feedback to holding people accountable. Many of the organizations surveyed were using 360-degree feedback to support performance evaluations and development planning primarily against competencies.

This was often linked to another trend observed- a much greater push to hold people accountable for their performance. The issue of holding people accountable is a differentiator between those companies that are successfully implementing performance management processes that make a difference and less successful companies. Holding people accountable was linked to specifically to a willingness to manage and tackle underperformance. *People Dynamics Journal* (2005: p 1-11 Vol 23) maintains that many organizations express an intention to implement 360 degree performance evaluation.

This approach can only succeed in a “mature” organization viz a culture of open, honest communication where an employee at a lower level can express dissatisfaction about his/her manager’s poor performance which in turn affects his/her own performance. In a highly rigid, hierarchical, and autocratic environment, it would be impossible to adopt a 360 degree evaluation with any measure of success.

From a supportive approach to one of capability building. Great stride have been made over the past decade in moving from a directive to a much more supportive approach to managing performance. Recent trends suggest that for the best organizations the focus is on capability building, moving beyond simply being supportive to staff in the conduct of performance reviews to being much more proactive around supporting them in their career development, actively tuning into spotting talent, nurturing it and being playful in the way it is managed within the organization.

From being locally flexible to 'one company, one approach'. In the late 1990s Armstrong and Baron observed the relaxing of bureaucracy and the offer of guidance through fairly simple forms and procedures rather than a set of prescriptions that everyone must follow to the letter. For some organization this approach has backfired, leading to at worst unacceptable variations in the way managers have interpreted guidelines and -for some- a lowering of the level of commitment they have applied to conducting rigorous reviews.

It has also meant local variations in practice in different geographical locations, business divisions and functions, resulting in the adoption of either harsh or lenient standards of performance rating and accusations of unfairness. From being owned by users to owned by the organization. Finally, Houldsworth and Jirasinghe (2006:82) concluded that although performance management is still seen as to be owned by human resources that perception is changing. The survey suggests that senior managers are now involved in the performance management process, although line managers could increase their perception of accountability. There is a greater recognition than ever before that performance management plays a critical role in delivering the strategy of the organization.

McDavid and Hawthorn (2006:282) argue that increasingly, managers and organizations are expected to be accountable for achieving intended (and stated) outcomes. Emphasis on process- following the rules and compliance with authoritative directives- is being supplemented and in some cases, supplanted by emphasis on identifying, stating, and achieving objectives; planning and operating in business-like manner; and, like business, being accountable for some surrogate for a “bottom line”. For many public and non-profit managers, evaluative criteria such as value-for-money and cost-effectiveness are intended to link resources to outcomes and to produce evidence that is analogous to private sector measures of success.

3.9 ORGANIZATIONAL PERFORMANCE MANAGEMENT

According to Stiffler (2006:27) there is no standardized approach to performance management. A performance management benchmark against which all organizations could be measured is nowhere to be found. It turns out there are more than a few distinct views of performance management, each based on the corner of the organization from which it originates. Within any given corner, one or more of these views looks perfectly reasonable, and the others look irrelevant at best.

Indeed, performance management has become the proverbial elephant described by blind men. Gartner in Stiffler (2006:81) argued that there is no single measures that can capture all aspects of an organization’s performance, and no single level of measures can be used throughout the organizations. Gartner (2006:81) suggest that organizations should measure “productivity, which analyzes the resources used to create a business output, quality, which measures the percentage of errors in a given process, timeliness, which determines adherence to set delivery schedules, utilization, which is linked to productivity and determines the relative effectiveness of the resource allocation and cost, which is the most common measure of the investment required to create a product or service.

Kirkpatrick (2006:5) maintains that the major challenge that faces managers in all types of organizations is how to get maximum performance from their employees. First, they need to motivate their employees to get maximum effort from them. This means ensuring that people will try their best to do the job, whether the manager's effort is successful can be measured by the energy and time employees expend. Therefore, the second requirement is for managers to get maximum accomplishments and achievements from their employees.

This two-fold challenge (effort plus results) which faces every manager. According to Miller (1982:88) an aura of mysticism seems to surround the process of measurement. Identifying and assigning numerical values to things has long been considered a horrific activity. Almost every business and accounting journal will contain one or more articles elaborating problems of measurement. Wherever possible, the objectives should be quantified to assist measurement and evaluation.

Some organizations are putting performance management systems in place. The idea is to improve organization performance by placing more emphasis on individual performance. This stems from the realization that the performance management approaches being used are little more than the combining of several popular management techniques that do not fit together (Green 1992:230). According to London (2003:69) the supervisor is the traditional source of performance appraisal. Most organizations require at least annual appraisals and feedback discussion.

The annual performance appraisal often leads to some change in compensation, although feedback about performance and implications for improvement and career development should be separate from discussions about pay to avoid or reduce rater and ratee defensiveness and to focus attention on performance issues. Pennington, Proctor-Boase, Strooh and Watson (1996:15) found that many organizations that have made use of traditional performance appraisals are in the process of “revamping” these systems and are attempting to create meaningful performance measures which will ensure that team and individual efforts are appropriately directed towards the achievement of company goals and which can form an objective basis for reward and recognition.

Flanagan, Maquart and Adams (1998:264) posit that the confinement model facilitate performance measurement, because it focuses less on the actual achievement of ultimate and abstract goals and more on the fulfilment of delimited and immediate tasks. It shifts our attention away from hard-to-determine outcomes and toward more directly observable processes and adherence to measurable standards. Under the confinement model, the essential purpose of imprisonment is to punish offenders fairly and justly through lengths of confinement proportionate to the gravity of their crimes.

According to Stout, Yates and Williams (2008:88) organizations set their own priorities and have to decide on an efficient disposition of resources. Performance targets set priorities and shape decisions, as can resource constraints. For example, a particular prison regime may be appropriate for an offender but there may be no place available. Again, despite the promulgation of national codes and standards in many agencies, local differences still remain.

Davidson (2005:38) maintains that one big problem that is frequently encountered in organizations is a premature jump to instrumental needs. Very often, people jump straight to the conclusion that a training program is needed to address the performance problem, go ahead and implement it, and then wonder why it does not work.

3.10 INDIVIDUAL VERSUS TEAM ACHIEVEMENT

Research by Pennington, Proctor-Boase, Strooh and Watson (1996, May: 17) on developing a culture of performance improvement revealed that there exist a strong correlation between performance management culture and the establishment of team structures and team measures. Those organizations where structures have been flattened to create work teams, high-performing or cross-functional teams have a much better 'handle' on performance measures which are then linked to reward and recognition.

One of the potential problems of creating a performance culture- which is what many organizations are seeking to do through adopting performance management system is that there is a risk of encouraging individuals' achievement at the expense of team effort and cohesion. This risk can be overstated, but it is important that when objectives are set in the appraisal process, they reflect the priorities of the unit and not solely the narrower focus of the individual.

This suggests that there has to be a clear understanding of what the team goals look like, and that it would be helpful for some sort of group review and discussion to take place to facilitate this, before individual appraisal are carried out. According to the Harvard Business Review (2005:72) most peer appraisal programs can't reveal what makes a great group tick. Even though such evaluations are intended to gain insights into the workings of teams or groups, peer appraisal programs usually still target individual performance.

Literature shows that since 1980s, teams have risen to become one of the most dominant organizational strategies within industry and government. According to Bennett, Lance and Woehr (2006:245) this trend is only expected to continue as organizations increasingly operate in complex, dynamic environments that require coordinated adaptive action. The predominant reason for the tremendous rise in the use of teams within the organizations has been the mythical assumption that teams will automatically result in a competitive advantage for the organization by producing better outcomes more efficiently.

According to the Journal of People Dynamics (Nov 2006:18-19) “the employee appraisal is as ubiquitous as mission statements and value charters; a rock on the corporate landscape. Organizations invest a great deal of time and money in getting staff to sit down with their managers and complete these things, and with the advent of the 360 degree feedback tool even more time and effort is invested in collecting information on each person’s performance”.

Zigarelli (1999:182) states that the manner in which management measures performance directly impacts on employee behaviour. It can establish their priorities, determine their motivation, regulate the quality and speed of their work, and influence whether they remain in the organization. In fact performance measurement system is so pivotal that when it fails, many other employee management systems fail in its wake. For instance, how does the company pay for performance if it does not properly measure performance?

And how can a manager offer constructive feedback on performance and make appropriate training and development decisions? Interestingly Ban and Riccucci (2002:181) argue that in the most general sense, it is the task of management to help ensure that effective organizational performance is achieved. Toward that end, managers bring together material resources, coordinate and direct their utilization, and set policies and procedures aimed at enhancing productive activity.

Of course, a focus on performance rests on a presumption that superior (or inferior) performance will be recognized when it is accomplished. In prisons in particular, the development of performance measures has been criticized for increasing the administrative burden on managers and undermining the moral dimension of prison management.

3.11 LINK BETWEEN PAROLE AND PERFORMANCE MANAGEMENT

According to Liebling and Price (2001:188) the prison is a social institution, which embodies and expresses public sentiments, serves to ‘enforce the law’, regulate populations, and realize political authority; enhance solidarities, emphasize divisions and convey cultural meanings. Garland (1990:289) in Liebling and Price argues that part of the functioning of the prison is ‘the pursuit of values such as justice, tolerance, decency, humanity and civility’ and that these things should be ‘intrinsic and constitutive aspects of its role’ rather than a diversion from its ‘real’ goals or an inhibition on its capacity to be effective. Therefore, concentration on ‘systemic’ or bureaucratic measurement alone runs the risk of undermining the traditionally individualized, person-centred and ‘normative’ approach to criminal justice characteristic of a different historical period.

Agere and Jorm (2000:20) argue that performance management systems, such as performance appraisal and performance benchmarking, have been used not only as instruments to strengthen good governance but also as a means to discouraging corruption. Most countries have recognized that weak capacities, weak governance and poor accountability in public sector institutions and the lack of a transparent and stable regulatory environment conducive to private sector activities, undermine policy reforms, project outcome, macro-economic stability and sustainable growth.

Swanson and Gradous (1986:4) state that “the work that dominates much of our labour today involves performance systems and subsystems- people-to-machine, people-to-process systems, or people-to-people systems. Within systems, whatever their size, all work is interrelated. The results of one set of work performances are the inputs for other performance efforts”. Serious fundamental series of questions need to be asked on the effectiveness of parole and parole board structure; questions such as what are the key performance indicators and targets for the parole board, how do the individual members of the board get appraised, which instruments are used to measure the parole board as a structure and what standard auditing processes are in place to measure and evaluate the extent to which the parole board perform duties in line with the legislation and the laws applicable, and which performance management system is appropriate for the parole board?

According to the National Treasury Framework for Managing Performance Information (May: 2007:9) performance standards express the minimum acceptable level of performance, or the level of performance that is generally expected. These should be informed by legislative requirements, departmental policies and service-level agreements. The National Parole Board, as part of the criminal justice system, makes independent quality conditional release decisions and pardons decisions and clemency recommendations.

The parole board contributes to the protection of society by facilitating, as appropriate, the timely integration of offenders as law-abiding citizens. In support of the Five Steps Model, Brinkerhoff and Dressler (1990:45) identify four criteria for measuring effectiveness to help organizations to produce higher quality goods and services more productively i.e. quality- the measure must define and reflect quality of production or services as well as quantity, mission and goals- the measure must define and assess only outputs and services that are integrated with organizational mission and strategic goals, rewards and incentives- measures must be integrated with performance incentives, rewards and practices, and employee

involvement- there must be involvement of organization employees and other direct stakeholders in the definition and construction of productivity measures. According to the Results Driven Manager series (2007:78) a robust performance management system provides a structure that encourages executives to take responsibility for seeing to it that their reports meet their objectives and also that their reports hold their subordinates similarly accountable. It fosters accountability in two ways. First, it helps ensure that employees hew to the metrics that have been chosen to evaluate progress toward the stated goals. The second way a performance-management system builds accountability is by encouraging managers to be diligent and discerning in their appraisals. The parole board in South Africa does not have a performance management system or model and civilians who serve on the parole board are not appraised.

This is a gap that this study aims to address. The fifty two parole boards that exist within the correctional service department must be measured against the goals that are set and explained in the Correctional Services Act. In his conclusion Burkholder (2007:216) quoted from the management authority and business author Peter Drucker “if you can’t measure what is important, what you do measure becomes important”.

3.12 PERFORMANCE MANAGEMENT GAP

According to Thomas (2007:12) establishing performance standards has to do with the criteria by which work processes, tasks and results will be assessed and measured. Measuring performance is recording and reporting on progress to see if the work is meeting the required time, cost and quality requirements, whilst evaluating performance means evaluating and appraising work and results achieved. Correcting performance means taking timely and corrective action to improve working methods and performance results.

In his foreword Senge in Bodaken and Fritz (2006: ix) argue that performance problems invariably throw managers into a bind. “Should I tell this person what I really think about his performance or should I not hurt his feelings or say something that will demotivate him?” Indeed, there are plenty of dangers on all sides. Not talking openly about performance issues often guarantees that they will not improve. On the other hand, “being straight” with people can easily backfire as well.

According to Anderson and Herriot (1994:47) for many organizations, it is clear that the term performance management is synonymous with performance appraisal, or with performance related pay, but a performance management system is much more than either or both of these. There is no one, universally accepted definition, indeed, it is perhaps better to think of it more as a philosophy than as a clearly-defined process or set of policies. Bruns, Jr (1992:37) argues that the key to any successful incentive compensation program is the system that defines performance and identifies high and low performers. A common malady in performance appraisal system is manager’s tendency to assign uniform ratings to employees regardless of performance. Forced-distribution rating systems in which managers are forced to adhere to a specified distribution of performance ratings mitigate managerial tendencies to assign uniform ratings but may generate important counterproductive side effects.

The South African Institute of People Management Journal (Nov 2006:p18-19) provides an insightful background on what performance management is not. For instance “performance management is not a pure science”. Any single issue can be seen from at least three points of view. It is subjective, contentious, and debatable. Managers hold off addressing issues with staff until the formal appraisal process because the process gives them a fence to duck behind. It is a suit of armour the organization provides. Current approaches to performance management are adversarial, manager led, instructional, frightening and unsupportive.

We tend to demand change and improvement but do not guide and support on the how, managers say it must happen, staff must make it happen. Many managers got to be managers for reasons other than their great coaching and interpersonal skills, yet we leave them alone as they try to improve people's performance. Performance management in many organizations has been reduced to a quick box-ticking, number circling exercise with a couple of liners for vacuous comments to be scribbled down. It is perceived as "just another hoop we have to jump through".

Gerson and Gerson (2006:3) argue that there is only one way to guarantee performance improvement and to make sure individuals move from ordinary performance to extraordinary performance. To do this you must push the performance technology aspects to the background and place your focus squarely on the "object of your affections": the performer. These days, performance improvement efforts all seem to focus on the same things: policies, processes, and procedures of the organization or company, and the models, systems, and flow charts to be used to change those policies, processes, and procedures when they are not working properly.

Since the parole board is an independent body whose decision is final and that grants, denies, suspends, and revokes parole in accordance with legislated criteria it is important that the parole board's public accountability requires that the risk of public harm be constantly evaluated when considering the potential freedom and reintegration of offenders into the community. The ability to measure the performance of the parole board and the extent to which parole has been established for the purpose of rehabilitating offenders and reintegrating them into society cannot be overemphasized. Measuring parole performance has to do with the assessment of progress of the work of the parole boards and determine whether or not it is meeting the required time, cost and quality requirements and appraising the results achieved.

It is prudent, perhaps to conclude with what Daniels and Daniels (2004:132) state “if you don’t measure, you usually can’t tell if performance is getting better, getting worse, or staying the same. Under those conditions, improvement results from the chance, rather than from rational planning and evaluation”. In its performance management system the department should answer the questions, “what is the performance of the parole board and how do we measure it?” What is the performance of a good parole board supposed to be and how do we measure it?

3.13 SUMMARY OF MAJOR CRITIQUES OF THE PREVIOUS CHAPTERS

This section provides a summary of the major critiques of what was examined in the previous three chapters. For instance chapter one in the main introduced the rationale for the research that was undertaken, outlined a problem statement in the form of the background explaining the purpose and the aim of this research which is to investigate a model of performance management of the parole boards in the Department of Correctional Services in South Africa.

Furthermore, the delimitation of the field of study focused on how the study was narrowed in scope and the methods to ensure validity and reliability were discussed. Consequently the key theoretical concepts significant to this study are defined to provide a common understanding of their meaning in the study. Subsequently, the research methodology was presented and discussed, which provided clarity on the particular steps that were undertaken to address the research problem, and consisted of the research design, the sampling strategies, the methods of data collection and analysis. The time limitation then follows; thereafter the ethical considerations and the difficulties encountered in the study are presented.

To conclude the chapter attention was drawn to the technical aspects used in this study and discusses the significance of this research and its results according to the themes and sub themes discussed in chapter four. Chapter 2 presented a comprehensive overview and the theoretical analysis of parole. The origins and the evolution of parole from an international perspective and the overview of the historical and legislative development of parole in South Africa are presented. The functions and the goal of parole as a necessary topic study to acquire a greater understanding of the research problem are explored in this chapter.

The philosophy and the model of parole boards and the comparative analysis the variation of eligibility for parole is discussed in support of the literature and the generated themes. The independence of the parole board and the structures of the parole board are also discussed looking into the different approaches from the different countries. The chapter concludes with the presentation of the political consideration and the legislative influences of parole and the link between parole and penology and the motives of punishment. Chapter 3 provides a holistic literature review and the theoretical framework of performance management, the historical development of performance management and the rise and fall of the traditional appraisal systems.

Furthermore, the aims, the benefits and the value of performance management and the contextualization of the performance management within the correctional regimes are discussed. Different performance management systems and appraisal types are explored in this chapter to deepen an understanding of the topic. Additionally, organizational performance management and the link between parole and performance are highlighted. The chapter concludes with raising performance management gap.

CHAPTER 4

DATA COLLECTION AND DATA ANALYSIS

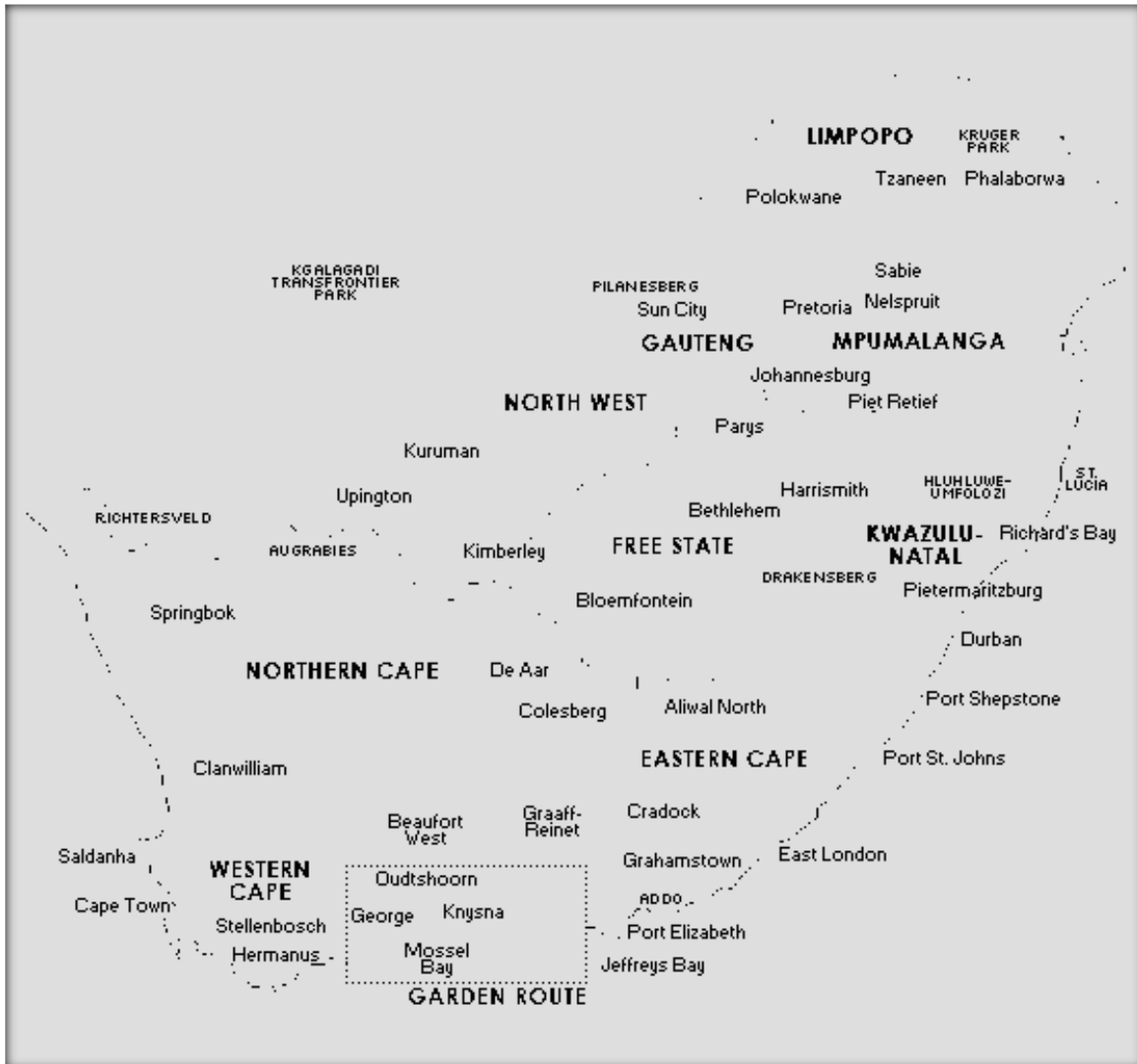
4.1 INTRODUCTION

This chapter presents and examines how data was collected, analyzed, interpreted and verified in the study as discussed in chapter 1 under the research methodology heading. The presentation and the analysis of the data are done by means of the generated themes and subthemes to categorize patterns or trends in order to demonstrate the realization of the goal and the objectives of this study as mentioned in paragraph 1.2 of chapter 1. As discussed in chapter 1 paragraph 1.10.1 the demographics of the research participants are presented in Annexure B. In this chapter the researcher will also explain the methods used in the data collection process in detail and the procedure followed for the analysis of data.

There is also a presentation and discussion of the findings obtained from the interviews. The findings are summarized and in turn linked to theory. Furthermore, the chapter concludes with the themes or categories that are identified through analysis.

Figure 4.1– Provides the map indicating the geographic distribution of the Parole Boards in all the nine provinces of the Republic of South Africa. On the other hand, Table 4.1 gives the actual breakdown of the locations where the fifty- two Parole Boards are situated in the country.

Figure 4.1 The Map of the Republic of South Africa (accessed from [www.venues.com/maps/south Africa -provinces](http://www.venues.com/maps/south%20Africa%20provinces) 2010 June 10).



As can be viewed from the map (Figure 4.1), South Africa is divided into nine provinces namely:

- Eastern Cape,
- Free State,
- Gauteng,
- Limpopo,
- Kwazulu Natal,
- Mpumalanga,

- Northern Cape,
- North West and
- Western Cape

Interestingly, the Department of Correctional Services has merged some of the provinces and made them one and reduced them from nine provinces to six regions. For instance Limpopo, Mpumalanga and North West are referred to as one region, and Free State and Northern Cape have been merged into one as can be seen in table 4.1 not only did the department merged the provinces, but they also had amalgamated and conglomerated the two-hundred and forty correctional centres into forty eight management areas.

This amalgamation of correctional centres had resulted in some of the parole boards established as what the department refers to as “roving boards”. They are referred to as roving parole boards simply because they have to travel between 240 physical correctional centres to conduct parole hearing. In line with the Correctional Services Act 111 (Act No 111 of 1998) the Ministers is empowered to:

- (a) name each Correctional Supervision and Parole Board;*
- (b) specify the seat for each Board;*
- (c) determine and amend the area of jurisdiction of each Parole Board.*

Consequently, the Minister of Correctional Services has established fifty two Correctional Supervision and Parole Boards in South Africa which services two-hundred and forty correctional centres (active prisons) (the breakdown of the parole boards in South Africa are outlined in Table 4.1 in this chapter). The establishment of the fifty two parole boards within the department of correctional services has resulted in fifty four parole board chairperson positions and fifty four parole board vice chairpersons created. At the time of the study the department had a total of thirty six parole board chairpersons’ positions filled and eighteen vacant.

This represents a vacancy rate of more than 30 % which is supposedly high given that some of these positions were sadly never filled since the implementation of the Correctional Supervision and Parole Board in 2005. The 30 % vacancy rate of the parole board will not affect the study as it is qualitative in nature and therefore the participants are selected from the parole board population which is made up of either chairpersons and where they are not available vice chairperson are appointed.

Surprisingly, Gauteng region which has ten parole boards established account for the eight vacant chairperson positions and the rest of the five regions viz KwaZulu Natal, Western Cap, Eastern Cape, Free State/Northern Cape and Limpopo Mpumalanga and North West regions account for the other ten regions. In other words there are only three appointed parole board chairpersons from the ten available parole board chairpersons' positions in the Gauteng region and the rest are vice chairpersons, most of whom are acting in the chairpersons' capacity and perform the functions of the chair in all respects.

Conversely, for the vice chairperson positions there are only eight unfilled positions from the total of fifty four positions, with Free State/Northern Cape region accounting for the 50% of those unfilled vacancies. Ironically, some of these positions have been vacant since the implementation of the new Correctional Supervision and Parole Board policy in 2005. The region that seems to be mostly affected by this is Gauteng, which in the main has only managed to appoint vice chairpersons and appointed them to act in the positions of chairpersons as far back as 2005.

Nationally, it would appear that the positions of the chairpersons are difficult to fill, but a unique situation appears in the Free State and Northern Cape region where a high vacancy rate for vice chairpersons are experienced while the opposite is the case for Gauteng region.

Table 4.1 Breakdown of the fifty two Parole Boards distributions in South Africa

Region	Management area	Other Centres involved
Mpumalanga/ North West/ Limpopo	Barberton	Lydenburg and Nelspruit
	Bethal	Geluk, Standerton, Ermelo, Piet Retief, Volksrust
	Witbank	Belfast, Middelburg and Carolina
	Klerksdorp	Christiana, Wolmaranstad and Potchefstroom
	Rooigrond	Lichtenburg and Zeerust
	Rustenburg	Brits, Losperfontein and Mogwase
	Polokwane	Modimolle and Tzaneen
	Thohoyandou	Louis Trichardt and Kutama Sinthumule (APOPS)
Gauteng	Baviaanspoort	None
	Boksburg	Heidelberg
	Johannesburg* 2	None
	Krugersdorp	None
	Leeuwkop* 2	None
	Modderbee	Nigel and Devon
	Pretoria *2	Atteridgeville and Odi
	Zonderwater	None
Eastern Cape	Lusikisiki	Bizana, Mt Ayliff, Mt Fletcher, Mt Frere, Flaggstaff, Tabankulu and Umzimkulu
	Middledrift	Fort Beaufort, King Williams Town, Grahamstown and Stutterheim
	East London	Mdantsane and East London (med c)
	Umtata	Nggeleni and Mqanduli (Umtata max)
	Cradock	Burgersdorp, Middelburg, Somerset East and Graaff Reinet
	St Albans	Port Elizabeth and Patensie
	Sada	Queenstown, Barkley East, Sterkspruit, Butterworth, Idutywa, Willowvale, Lady Frere, Elliotdale, Ngamakwe, Cofimvaba, Engcobo and Dordrecht
	Kirkwood	Jansenville
Western Cape	Allandale	Staart van Paardeberg, Obiqua and Hawequa
	Brandvlei	
	Drakenstein	Stellenbosch and Drakenstein Youth
	George	Oudtshoorn, Beaufort Wes, Ladismith, Prince Albert, Uniondale, Mossel Bay and Knysna
	Helderstroom	Caledon, Buffeljagsrivier and Swellendam
	Malmesbury	Riebeeck West
	Pollsmoor* 2	Goodwood and Pollsmoor Female
	Voorberg	Calvinia, Van Rhynsdorp and Voorberg (Med b)
	Worcester	Dwarsrivier, Robertson and Warmbokkeveld

Table 4.1 Breakdown of the fifty two Parole Boards distributions in South Africa continued.

Free State/ Northern Cape	Grootvlei	Brandfort, Boshof, Ladybrand, Winburg, Wepener and Mangaung (APOPS).
	Colesberg	De Aar, Richmond, Victoria West and Hopetown
	Groenpunt	Vereeniging, Sasolburg, Frankfort, Parys and Heilbron
	Goedemoed	Edenburg, Fauresmith, Bethuli and Zastron
	Upington	Springbok and Kuruman
	Kroonstad	Ventersburg, Senekal, Bethlehem, Lindley, Harrismith, Hennenman, Hoopstad, Odendaalsrus, Virginia and Ficksburg
	Kimberley	Barkley-West and Douglas
KwaZulu/ Natal	Pietermaritzburg	Sevontein, Ixopo and New Hanover
	Durban *2	Umzinto Youth, Female
	Kokstad	Matatiele, Port Shepstone and Ebongweni
	Ncome	Vryheid, Nongome, Melmoth and Nkandla
	Empangeni	Qalakabushe, Mtunzini, Maphumulo, Stanger, Eshowe and Ingwavuma
	Waterval	Utrecht, Ekuseni and Newcastle
	Glencoe	Dundee, Bergville, Ladysmith, Escourt, Greytown, Kranskop and Pomeroy

From the table 4.1 above it is clear that all the parole boards with the exceptions of those in Gauteng are “roving”. Eastern Cape has more roving parole boards which are geographically sparse for instance SADA Management Area has twelve correctional centres that are services by one roving parole board.

4.2 DATA COLLECTION

In order to realize these goals and the objectives six semi-structured interviews were conducted with different stakeholders who are directly involved with the parole board. As discussed in chapter 1 paragraph 1.10.1 the researcher used mainly the interview guide to collect data. To conform and promote the trustworthiness of this study, the researcher implemented and adhered to the research methodology, as discussed in chapter 1 paragraph 1.7.

During the process of data collection (that is the in-depth interviews with the thirteen participants) the objectives and resultant questions, reflected in Annexure A, were used as a guideline to structure the discussion. The participants are labeled respondent one to thirteen in this study for ease of reference. From the participants` answers to the aforementioned questions, the process of data analysis resulted. The research study was done in the three South African provinces namely Gauteng, Mpumalanga and Limpopo. The goal of the research as outlined in chapter one was to investigate a model of performance management for the parole board in South Africa from a penological perspective.

4.2.1 INTERVIEWS

Of the fifty two chairpersons of the parole boards in South Africa, ten chairpersons and three vice chairpersons participated in the individual interviews (see Annexure A: Interview Schedule). This represent 20% of the parole boards sampled and the researcher believes it is sufficient and adequate since the study is qualitative in nature and its aim is not statistical representativeness. Qualitative studies sample capture depth and richness rather than representativeness. The chairpersons of both the roving parole boards (40%) and non roving parole boards (60%) participated in the interviews.

One-on-one interviews were also conducted with the Chief Deputy Commissioner (CDC): Corrections, the Acting Director Pre-Release Settlement, the Deputy Director Parole Placement, and the representative of the Directorate Human Resource Administration and Utilization. An interview guide was developed and piloted with the Chief Deputy Commissioner: Corrections, the acting Director and Deputy Director Parole Placement at the national head office. The questions were discussed with them to ensure their validity. The choice of the senior managers within the department to pilot the interview was motivated by the fact that the policy on the new parole board is managed by this team and therefore their articulation of the philosophy, the rationale on the implementation of the new parole board and input into this study was important.

It was also necessary for the researcher to also gauge the understanding of the policy makers against the implementers so as to get the balance and ensure that the interview guide address issues that are sufficiently covered in the parole policy. At the end the researcher developed six semi-structured questions that were asked to the research participants. The interview guide (refer to Annexure A) was finally organized into six sections and the research participants were asked the same set of questions.

The questions were developed from both a literature review and the experiences of the parole board unit at head office and the preliminary interviews held with the stakeholders. The questions investigated the key performance management, role, functions and/or responsibilities of the new parole board taking into cognizance the ethical and risks associated with the decision making powers accorded to the parole boards. A semi-structured interview guide was developed to solicit data from the research participants on the appropriate tool to investigate the parole board in general, and functions and responsibility in particular. Enough flexibility was allowed for the participants to introduce areas of concerns or new information that was not in the guide. Not all interviews followed the exact format of the interview guide.

In most cases, the more articulate participants were able to introduce and provide information without much probing from the researcher. To the majority of chairpersons or the vice chairpersons this seemed to have cathartic consequences as they appeared to have enjoyed talking about their “good work” and the “issues that frustrate us at work”. The point of saturation was potentially reached at the time when the researcher interviewed the 6th chairperson when it became clear that no new insights are generated. A factor which contributed the point of saturation so early could be the fact that the chairpersons were just recently coming from the national parole board summit and most of the issues were still fresh in their minds and were eloquently raised with the researcher.

The timing of this data collection coincided with the fact finding summit that the Minister of Correctional Services arranged to deal with the issues that bedevil the parole board and hamper service delivery. Nevertheless the researcher continued with the interviews and consequently concluded thirteen interviews. Throughout this chapter examples will be used to illustrate and elucidate the findings in each of the sections.

4.2.2 DOCUMENTS AND OTHER SOURCES OF DATA

Shipman (1997:107) cautions that documented evidence is not only an interpretation of evidence at a particular time but is simplified, translated, summarised and used as a reference, stripped of its theoretical and methodological justifications. The researcher used primary documents such as the Jali Commission Report of Inquiry (2001), the Department of Correctional Services Strategic Plan 2008/2009, Contract of Employment for Chairpersons of the Correctional Supervision and Parole Boards, the Correctional Services Act (Act No 111 of 1998), the Performance Management Development System, official Department of Correctional Services documents , media and news paper reports and the report compiled by the Coalface Deployment Team to improve service delivery in the field of parole, not only for their identification of methods but as part of the the secondary methods of data collection. Maykut and Morehouse (1994:111) asserts that psychology, as well as education and other social science fields, has vacillated on the usefulness and credibility given to data contained in personal documents for illuminating human experience. Several recent studies highlight the usefulness of personal documents in the researcher's search for meaning.

4.2.3 TRIANGULATION

Richie and Lewis (2003:46) argue that triangulation involves the use of different methods and sources to check the integrity of, or extend, inferences drawn from data. Perhaps Marshall and Rossman (2006:202) are more unambiguous when they state “triangulation is the act of bringing more than one source of data to bear on a single point. Data from different sources can be used to corroborate, elaborate, or illuminate the research question”. The researcher used different data collection techniques and different research strategies to study the parole board such as departmental reports, Jali Commission Report (2001) and Contract Appointment of the Parole Board Chairperson and the Coal Face Report (unpublished). Triangulation entails collecting material in as many different ways and from as many diverse sources as possible and by approaching it from different angles (Terrblanche, Durrheim & Painter, 2006:287).

In order to understand the parole board performance phenomenon the researcher’s triangulated data collected from the interviews with the participants to that of the available documents within the department and the one on one interviews with the responsible people at head office. As an indication of the explicit use of triangulation the researcher thoroughly perused both the Jali Commission Report of Inquiry (2001) and the report compiled by a team of senior officials to look into the functioning of the parole board in the Baviaanspoort Management Area and the Contract of Appointment of the Parole Board members. Konstantinos and Efrosini (2003:16) describe triangulation as a powerful solution to the problem of relying too much on any single method and thereby undermining validity and reliability of research findings, because of the weaknesses of any single method.

4.3 SAMPLE SIZE

The sampling strategy as discussed in chapter one paragraph 1.10 that the researcher used in all the regions was non-probability purposive and the random sampling strategies in which participants were selected with characteristics that are important in the study. The stratified sampling techniques were used when the urban, semi-urban and the rural areas based parole boards' chairpersons and vice chairpersons were chosen to participate in this study. Therefore, not all the parole board chairpersons had an equal chance of being selected.

In selecting participants; consideration was given to where the interviews were to take place, especially in the regions which are geographically scattered such as Eastern Cape, Western Cape and Kwazulu-Natal. All the chairpersons and vice chairpersons were centrally appointed by the Minister of Correctional Services and essentially perform similar functions irrespective of where they are in the regions. The recruitment of participants was also influenced by the feasibility and accessibility of the researcher to the participants. The main objective was to get expert opinion.

The research participants were recruited in an inclusive manner that the interviews involved the newly appointed chairpersons and/or vice chairpersons in terms of the length of service and experienced chairpersons who were the first cohort of people recruited when the new parole board was established in 2005. For instance; there is only one female chairperson of the parole board in Gauteng and indeed; very few in the country, as the majority are males and consequently she was sampled for the study.

4.4 DATA RECORDING

As indicated in chapter one paragraph 1.10.2 and supported by Miles and Huberman (1994: 9) the field notes were corrected, edited and typed up. The researcher, with the permission from the participants, was responsible to transcribe field notes from all the interviews conducted. After all; most of the parole board chairpersons were said not to be in “favour of the use of tape recording particularly given the fact that most of them are not familiar with the department research rules”. All the interviews conducted were transcribed once completed. After each interview the researcher summarized the data collected and annotated broad key potential themes that were emerging. This was helpful for the researcher as it focused his attention for the next interviews and suggested the topics which required further exploration to obtain greater understanding (Silverman 1993:94).

4.5 DATA ANALYSIS

As outlined in chapter one paragraph 1.11. the aim of data analysis was to understand the various constitutive elements of the data collected from the participants through an inspection of the relationship between concepts, constructs and variables and to determine the patterns or trends and establish themes in the data. Krueger (1994:140) defines data analysis as examining categories, tabulating or otherwise, recombining the evidence, to address the initial proportion of the study. This study is an investigation of an appropriate performance management system for the parole boards in South Africa. The data analysis in this study was guided by the fact that the research is mainly qualitative in nature.

The process of qualitative data analysis is based on data reduction, data display and conclusion drawing. Since all the qualitative data collected, as Ritchie and Lewis (2003:202) put it “was usually voluminous, messy, unwieldy and discursive an attractive nuisance” the researcher applied a conceptualization process known as coding to analyze the data. Coding is defined as the operations by which data are broken down, conceptualized and put together in new ways (Strauss & Cobin 1990:61). Of significance in analysis is to get meaning and explanation in raw data.

4.5.1 CODING PROCESS

Foss and Waters (February 6, 2003) give an important process to abide by when coding data is performed, which the researcher found useful and applied in the data collected. In a nutshell the process of data analysis summarized in this study includes the eight steps advocated by Creswell (1994:154) which were condensed into five:

4.5.1.1 READING THROUGH THE DATA FROM THE FIELD NOTES

The researcher first read and reread through interview field notes and the data obtained from the field notes on each participant. In reading, rereading and reading through the data the researcher became intimately familiar with the data collected (Marshall & Rossman 2006:158). At this stage no theories were brought in that were relevant to the data. The researcher was tied to the data as it were coded. The researcher also coded data in relation to or categories in accordance with the theories the researcher knows about. The researcher then named, selected, divided, fragmented, coded and categorized the data. At this stage the researcher developed a more descriptive naming scheme.

In other words the researcher paraphrased, labeled and described what was seen in the passage or chunk or quote that is most important. The labels were not necessarily precise but were just a general indicator at that stage. The researcher also went through the data looking for answers that were pertinent to the research topic.

The research questions suggest the information to be coded and what to leave by the wayside for another question. Data that was interesting but didn't have any bearing on this study were put in "separate file".

4.5.1.2 IDENTIFYING CODING CATEGORIES FROM THE DATA

The researcher read each transcript through again to get its underlying meaning and to be clear on what is desired from the data material. According to Steward and Shamdasani (1990:102) the data material that is taken into account is that which gives answers to the research question. This process is also referred to as data cleaning or data reduction. The researcher consistently compared data with the emerging themes, which is one of the main features of the qualitative research design (Creswell 2003:14). Furthermore the researcher reread data marking significant points, sorting, categorizing, and coding significant points in terms of issues.

4.5.1.3 CODING THE DATA MASS

The researcher marked the data after carefully reading through the data more than once and underlined. The points were mentioned consistently across the data and seemed significant and relevant to this study were highlighted. The researcher also undertook "content analysis" to identify themes and categories from the data. Content analysis is the manual or automated coding of documents, transcripts, newspapers, or even of audio or video media to obtain counts of words, phrases, or word-phrase clusters for purposes of statistical analysis. In open coding the researcher disentangled data collected and attached codes to them. The researcher refined and differentiated the identified categories that seem to be most promising for further elaboration.

The researcher flagged them and wrote them down as they came to mind without linking them to any of the questions. This gave an overall view of data provided by participants pertaining to the research question of this study which is "A model of performance measurement for parole boards in South Africa. A penological perspective".

After reading and rereading the field notes the researcher developed a classification system for data material. This was accomplished by making a list of topics from data. After marking the data for significant points and connections, the researcher reread the data, sorted and categorized the points for more specific issues for analysis. That is, a system of notations or symbols was developed and literally codes the marks in the notes and transcripts using this system. The researcher identified the codes for the following issues: power/authority, knowledge/skills, ethical conduct, key performance areas, decision making, and penultimate goal of parole and the conditions of employment for the parole board members.

4.5.1.4 FORMULATING THEMES ON THE BASIS OF COMMON LINKS AND THE PATTERNS IDENTIFIED IN THE DATA

Foss and Waters (Feb 2003) provide a useful hint with regard to this step and they refer to it as developing themes from the data which the researcher found it quite exciting and profoundly helpful. During this stage the researcher made another copy of the coded data. On one of the copies, the labeled sections were physically cut out on the transcripts. The coded data was sorted into piles according to topics. All of the chunks of data that have the same labels or closely related labels were put in the same pile. Each pile was labelled with a word or phrase that captures the gist of what is going on in that pile. The piles were put together in a hard paper and labeled. At this stage the played around with different ways to organize the themes to create a conceptual schema.

In order to determine themes and sub themes, the researcher read, reread through all the transcript reports and field notes without the questions. The researcher read all the field notes and the words and the ideas that predominantly came to the fore. Again, reading the field notes, transcripts and the coding process was used to reduce the volume of data. The generated themes and subthemes were drawn from data and were coded by the researcher.

4.5.1.5 DRAWING CONCLUSIONS BASED ON THESE THEMES

Coffey and Atkinson (1996:46) argue “interpretation involves the transcendence of ‘factual’ data and cautious analysis of what is to be made of them. Interpretation brings meaning and coherence to the themes, patterns, categories, developing linkages and a story line that make sense and is engaging to read”. Interpretation means attaching significance to what was found, making sense of the findings, offering explanations, drawing conclusions, extrapolating lessons, making inferences, considering meanings, and otherwise imposing order (Marshall & Rossman:2006: 161-2)”.

The researcher interrogated the coded data to generate and understand their meaning. The move from coding to interpretation involves playing with and exploring the codes and categories that were created. At this stage the researcher was guided by Dey in Coffey and Atkinson (1996:46) that once data are displayed in a coded form, the categories can be retrieved, split into subcategories, spliced and linked together. For instance, the researcher linked the theme on skills of community members who serve on the parole board to the character required of them and spliced together with the ethical conduct sub theme. The similarities and differences between the perceptions of new and experienced parole board chairpersons were also compared. An interpretive analysis rather than hypothesis testing was also used, since this study relied on in-depth interviews to collect data. At this point the theory and literature are used to support the researcher’s ideas; they do not form the heart of the conceptual schema. The themes that came out frequently were categorized as the main themes and those that came infrequently were put under sub-themes (See Figure 4.2).

The researcher ranked the themes by priorities to reduce bias. Initially the researcher identified more than eight themes categorized in terms of the interview guide and the codes created which were narrowed down to four with fifteen sub-themes created and four subordinate categories. All the themes are closely linked to crime prevention, responsibility for self and curbing recidivism.

4.6 FORMULATION OF THE MAIN THEMES AND SUB-THEMES

In formulating the themes and the sub-themes for this study the researcher focused on how the parole board chairpersons perceived their role vis-à-vis the Correctional Services Act (Act No 111 of 1998), the level of expectations from all role players and their understanding of the performance standards and targets set for them. It is important for parole board members to understand the role they play within the criminal justice system and the mandate they possess from the Correctional Services Act No 111 of 1998. The work of the parole board should be performed responsibly and consider the risks of public safety as well.

The conditions of service for parole board member came into scrutiny in this study but did not dissuade parole board chairpersons from outlining their role to the researcher in a clear and understandable manner. Furthermore the researcher presented the data bits that related to a particular code or category to explore the coded set. For instance the question on the ethical conduct was presented with the following bits: corruption, purchasable, bribery and risks.

It must be mentioned, however, that these themes were closely related and therefore, they should not be seen in isolation from each other. For instance, to some participants the key areas of performance for the parole board are decision making which must be done ethically and the fact that the victim and the public protection are the penultimate goal cannot be over-emphasized in terms of the performance areas of the parole board. In other words when taking decisions to grant offenders parole the parole board should consider the safety of the public and the interests of the victim as well.

The four main themes and the sub themes are discussed in detail and are indicated in Figure 4.2.

4.6.1 THEME 1: KEY PERFORMANCE AREAS (code KPA)

The researcher sub-divided theme one into six sub themes. The six sub themes are as follows:

1. Sub-theme 1: Performance measurements standards (PMSTD),
2. Sub-theme 2: Application of parole guidelines (APG);
3. Sub-theme 3: Risks associated with decisions (RAD),
4. Sub-theme 4: Public Protection (PP),
5. Sub-theme 5: Social Reintegration (SR); and
6. Sub-theme 6: Victim Participation in the parole process (VP).

4.6.2 THEME 2: CONDITIONS OF SERVICE FOR BOARD MEMBERS (CoS),

This theme was sub divided into two sub themes

1. Sub-theme 1: Employment Contract (EC) and
2. Sub-theme 2: Power and Authority (PA).

4.6.3 THEME 3: DECISION MAKING (DM) and

The researcher sub divided theme three further into five sub themes namely

- Sub-theme 1: Risk Associated with Decision-making (RAD),
- Sub-theme 2: Individual Sentence or Management Plan (SP),
- Sub-theme 3: Parole Hearing Process (PHP),
- Sub-theme 4: Case Management Committee Role (CMCR) ; and
- Sub-theme 5: Profile Report and Records (PRR).

However the sub theme on the individual sentence or management plan was further divided into two sub categories due to their relatedness and possible relevance namely:

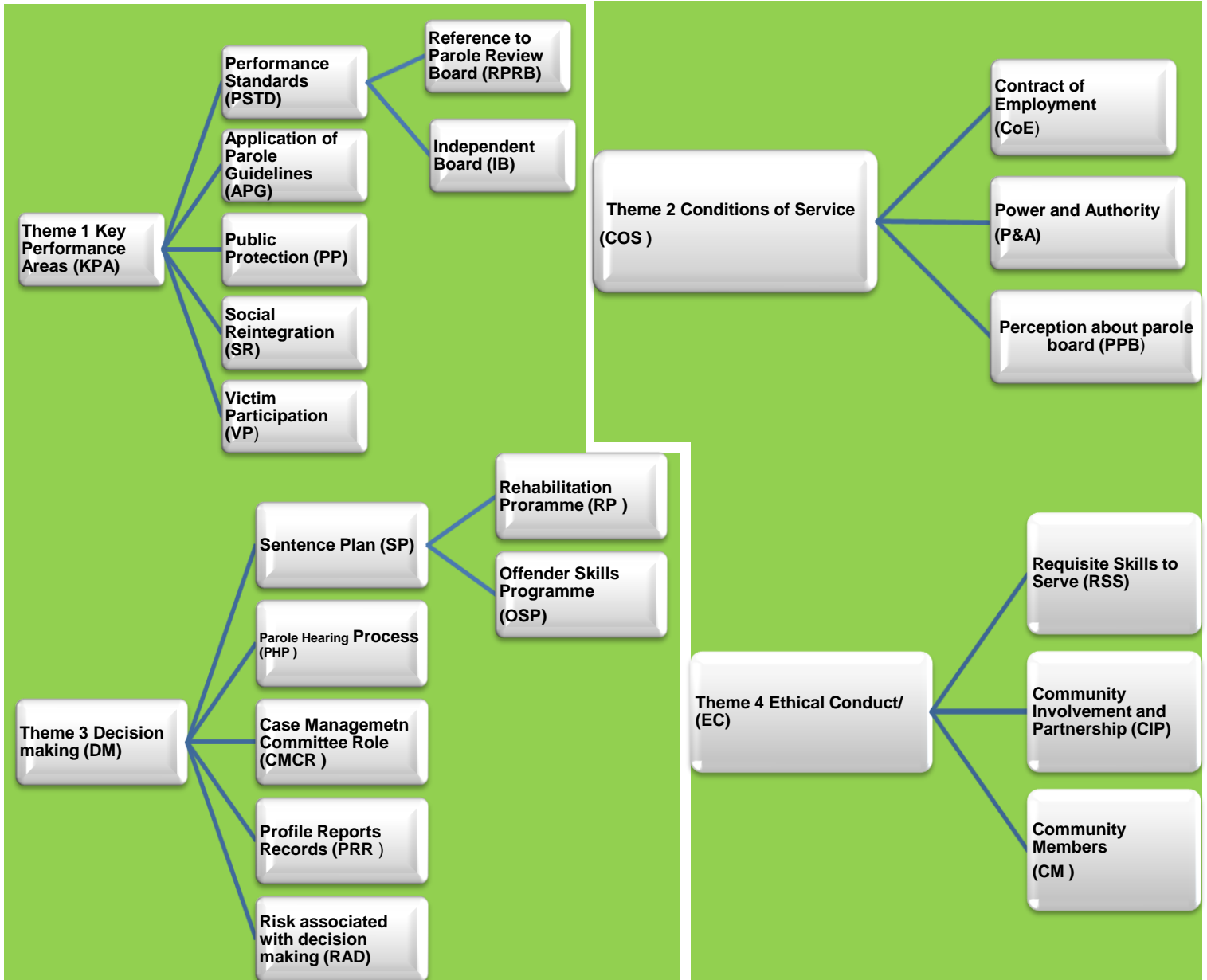
1. Rehabilitation Programme (RP) and
2. Offenders' Skills Programme (OSP).

4.6.4 THEME 4: ETHICAL CONDUCT OF PAROLE BOARD MEMBERS (EC)

The fourth theme was divided into three subthemes viz:

1. Sub-theme 1: Requisite Skills to serve on the Parole Board (code RSS),
2. Sub-theme 2: Community Members (code CM),
3. Sub-theme 3: Community Involvement (code CI); and

FIGURE 4.2 GRAPHICAL PRESENTATION OF THE MAIN THEMES AND SUB-THEMES



4.7 DATA PRESENTATION

In the next section each of the four main themes and the accompanying sub themes as illustrated in Figure 4.2 are presented. The themes are confirmed and underscored by direct quotes from the transcripts of the interviews. The first theme explores how the participants view and understand the key areas of performance for the parole board.

4.7.1 THEME 1: KEY PERFORMANCE AREAS

The answers to the question “What are the key performance areas for parole board members that gave rise to this theme. When analysing the answers given by the participants to this question, it became evident that the majority of the participants had a greater understanding of the key areas of performance for the parole board and that they undoubtedly believe there is no ambiguity about them. The majority of the chairpersons of the parole board interviewed perceived their key performance as that of presiding over the parole board and making decisions about granting/ denying parole.

The Correctional Supervision and Parole Board, makes independent decisions based on the set criteria set by the board in terms of legislation.

As one respondent puts it:

For me the functioning and performance areas of the parole board are unambiguous and therefore; the performance measurement should reflect that view. I believe the parole board should fulfil the functions as contained in the Act and its performance measurement should relate to the extent to which they do what the Act expects of them.

The general answer that the first respondent provided was shared by all the respondents interviewed. A lot of emphasis was also put on the four identified themes in this study namely victim participation, public safety and protection, social reintegration and reoffending risk.

As another respondent state:

In my view they should be able to look into the four key areas [viz victim involvement, public protection, social reintegration and potential re-offending risk]. In other words even before consideration for parole all these four aspects must be evaluated thoroughly and currently one gets a feeling that there is an overemphasis on one element over the others.

Over and above the four areas mentioned above, the respondents shared a similar view around marketing as a key area of performance. In other words marketing come out as one of the key areas of performance which almost all the participants stated as a fact. The view is that chairpersons should market the parole board in their communities and participate in the community structures to create more awareness amongst citizens.

For instance most parole board chairpersons believe that participating in the interviews in the community radios and attending civic events will raise the profile of the parole board and dispel misperceptions of the parole boards. The lack of understanding of the parole board functioning and the need to market its functioning within the broader society seems to permeate even the key role players in the criminal justice system as one respondent sums it up succinctly:

...the courts do not understand the parole board process and structures such as the parole review board.

Perhaps the Minister of Correctional Services was in concurrence with the statement when she stated in response to editorial in the Business Day of Friday, 11 September 2009 that *[the department together with its strategic partners need to better interrogate whether the parole boards are achieving the purpose for which they were established. We must all agree that parole, as a legal dispensation, happens in a dynamic socio-legal paradigm. For us to best ensure the effectiveness of parole, we must have a deep appreciation of the society we function in].*

Clearly there is a lot of educating that the criminal justice cluster needs to do. Since this theme was sub divided into six sub themes, it is prudent to look in depth into each of the sub-themes.

4.7.1.1 SUB-THEME 1: PERFORMANCE STANDARDS

Interestingly all the parole board chairpersons interviewed agree that “there is no standards set for them to perform and that their assessment of performance is to say the least sporadic and uncoordinated”. However; the general consensus amongst the chairpersons of the Correctional Supervision and Parole Board is that the performance standard, if established, should be based on the number of offenders they release and the quality of decisions they make as that essentially summarizes their understanding of the expectation of the work they do.

To support this finding one respondent states:

I must be judged on the number of offenders I see and the decisions I make on a monthly basis, the number of decisions referred to the Parole Review Board and the motions referred to court and their decisions to overturn the board decisions. The more offenders I release the more I must be viewed as working.

To compliment the view on the number of decisions that the parole boards make and offenders they see, there is a consensus view that the parole board must be measured on the profile completions that are the responsibility of the case management committee and the timeous attention of the cases. As one respondent concurs:

We submit profile lists to the case management committee and if they do not give us feedback we have no one to see and this is a matter that the case management committee is aware of.

Conveniently, as confirmed by the statement of the Minister of Correctional Services, all the respondents concur that one of the areas that can be looked at to determine whether or not the parole board is performing effectively is the backlog of cases and incomplete profile assessment as these can be generated from the case management case reports.

The Minister of Correctional Services appropriately and succinctly summarised the importance of target setting and performance standards establishment around the service delivery when she stated profoundly at the Parole Board summit in 2009 September that the department must once and for all address the matter of reported backlogs in dealing with parole applications and the nature and extent of this backlog. This process begins with the proper functioning of case managers and the case management committees. The parole processes must effectively deal with the need for quality and quantity of the system.

Correspondingly, the Minister of Correctional Services admitted and stated during the Parole Board summit in 2009 September that “coming from the Department of Home Affairs which was constantly haunted by litigation owing to backlogs in the processing of applications in the immigration branch. I am therefore, aware of the impact administrative backlogs have on the lives of people and I want us to confront this matter boldly with the understanding that we must resolve it”.

Sadly, as it was stated in paragraph 1.1 of this thesis, the department does not have a consistent view or policy position on how the parole board as a structure and parole board members as individuals should be appraised. Participants reported that area commissioners are unsure as to whether to appraise the parole board members or not and in some instances where they were appraised no feedback is provided and in other instances no appraisals were conducted at all.

For instance, one respondent states:

I am not appraised as we were informed that there are no performance bonuses for us and no 13th cheques. I am told that even those who were paid these bonuses in the last four years are told to pay back these monies.

The tools of assessment appear to only answer the question of parole board doing what it is meant to do. The inconsistencies and confusion around the application of this policy on appraisal is perhaps captured aptly by one of the respondent who states:

I was assessed once by the area commissioner and clearly he indicated to me that he is only doing it for the fun of it as he was not sure whether I should be assessed or not. To date I have never received feedback and I have not been assessed thereafter.

Since there are no targets set, it becomes difficult at the end to measure the success or failures of the parole boards but it appears that on average the parole boards conduct hearing which involves five to six offenders a day and time spent depend on the profile reports quality and the case itself. Some cases by their own admission are complex and therefore, require more time than others but on average.

The respondent also share a common view that the key performance areas for the roving and non roving parole boards should be established to consider the uniqueness under which both parole boards operate. As outlined in table 4.1 the roving parole boards are those parole boards which cater for more than one correctional centre within a management area.

For instance, in justifying the differences between the roving and the non roving parole board one respondent submitted that:

There is a huge amount of travelling involved with the roving boards than the non-roving and the time spent on the road is crucial as it affects the quality of work to be done. Community members end up as part of the roving [parole] board as we cannot afford to have community members all over.

To conclude there is consensus that there are “no standards set in terms of the number of offenders who can be seen by the boards but community members are to be compensated for at least five-six hours per sitting which at some times amount to five to six offenders. Within the performance standards the researcher further identified two sub categories viz reference to the Correctional Supervision and Parole Review Board and the independence of the board.

Almost all the respondents agree that the Correctional Supervision and Parole Review Board should be the only body that is used to deal with all cases of dissatisfactions amongst offenders and that all cases referred and adjudicated and the number of cases that they endorse or overrule the parole board is used to measure the performance of the parole board. In other words, the decisions of the Correctional Supervision and Parole Review Board can form part of the performance standard for the parole boards. The Correctional Supervision and Parole Review Board is selected from the National Council and consists of

(a) a judge as chairperson;

(b) a director or a Deputy Director of Public Prosecutions;

- (c) a member of the Department of Correctional Services;
- (d) a person with special knowledge of the correctional system; and
- (e) two representatives of the public.

Indeed this view was supported by the Jali Commission Report (2001) which also recommended that chairpersons of the boards should give reasons, especially if they are refusing parole, so as to comply with the Constitution and the Promotion of Access to Justice Act In terms of section 75 of the Correctional Services Act (Act No 111 of 1998) Correctional Supervision and Parole Review Board must:

- (a) confirm the decision; or*
- (b) substitutes its own decision and makes any order which the Correctional Supervision and Parole Review Board ought to have made.*

The Correctional Supervision and Parole Review Board must give reasons for its decision, which are to be made available to the Minister, Commissioner, the person and the Correctional Supervision and Parole Board concerned in a specific matter and all other parole boards for their information and guidance.

4.7.1.2 SUB-THEME 2: APPLICATION OF THE PAROLE GUIDELINES

The majority of the respondents confirmed that there is no uniformity in the application of the parole guidelines and that a perception exists that some parole boards are more lenient whereas others are stricter. This in the participants view influences offenders to manipulate the transfer system of the correctional centres.

These inconsistent applications of the parole guidelines is said to encourage offenders to submit numerous requests to be transferred to other correctional centres where they believe they will be treated with some leniency. One respondent correctly confirmed that although parole is a privilege:

The way in which it is dealt with currently seems to suggest that it is a right for some offenders. Offenders even apply to be transferred under the pretext that some parole boards are more lenient than the others. They are transferred to other prisons due to the leniency and some inconsistent applications of the other boards.

The inconsistent application of parole guidelines view is fortified by the fact that there is some level of confusion amongst some chairpersons of the parole board on the applications and interpretation of the two pieces of legislations namely the Prison Act No 8 of 1958 and the Correctional Services Act No 111 of 1998. Clearly the answers provided to the questions indicate that the incorrect, inconsistent application and misinterpretation of the different pieces of legislations cause confusion and create conflict amongst stakeholders.

A great deal of concerns was raised on the confusion created by incorrect interpretation of the two pieces of legislations and the need for clarity on the policies and the “rules” that governed parole and their applicability to the offenders within the correctional centres.

As one respondent aptly states:

The laws between the Prison Act (Act No 8 of 1958) and Correctional Services Act (Act No 111 of 1998) cause confusion for most of the boards as there are different standards that must apply to different categories of offenders such as 1/4, 1/2, 3/4 and some of the issues that need standardization. The fact that those who were sentenced before 2004/10/01 should be dealt with in terms of 1/2 and 3/4 as

opposed to those who were sentenced after 2004/10/01 should serve at least minimum sentence or ½ of their sentences makes it difficult for the board at times to apply their minds thoroughly on these cases .For instance offenders have the right to be seen by the board once they have completed one third (1/3) of their sentence and not necessarily placed on parole.

The different statements or remarks made on the sentences of an offender`s file also present some challenges to the parole boards in that the policy of parole cannot be applied by the parole board as this creates a wrong impression of favouritism amongst offenders.

As one respondent puts it:

You see at times it is clearly stated in the sentence that you should only be considered once completed 80% of the sentence which gives little room for the parole board to manoeuvre- you have to be awake at all time. The department should give clarity and provide guidelines on the interpretation of the old and the new laws as this has huge legal implications and is a source of frustration to the majority of offenders-we are in a democratic [South Africa] and we cannot be seen to be applying old law you knows, eh- like some offenders take chances when they see that the board is unsure of the rules and stipulated times that they must apply.

In addition, another point that the respondents raised sharply as concerning and that contribute immensely to the inconsistency in the application of the parole rules was the fact that parole board decisions are never put on a centralized repository or database for ease of reference especially to orientate new chairpersons:

There are no standardized databases of decisions that are made by the parole boards and that each board exercises autonomy in its decision making.

There are no databases of decisions kept in any central base. Parole boards overruling each other and they are autonomous and independent from each other”.

It was evident from the answers provided that it is possible that the different chairpersons apply different conditions and rules in their decision making even though they all are guided by the parole board procedure manual.

4.7.1.3 SUB-THEME 3: PUBLIC PROTECTION

Generally; all the respondents agree that the change from the old parole board to the new board that is inclusive of community members was one of the boldest progressive decisions that were taken by the department. For instance one respondent even stated boldly that:

I fully support the concept of the new parole board to involve community members as it is on par with the international best practice and its relevance to the White Paper on Corrections ideals. We need to establish why the parole board was established as opposed to the previous one particularly in the context of corruption and the pressure from some non-governmental organisations` which did not have confidence in the previous parole board

Clearly public protection and the interest of society are paramount in the way parole boards’ function. This was expressed explicitly by the respondents. Public protection and the protection of society from harm are some of the key mandates and the reasons for existence for the department. They collectively stated that:

...but we must also check if the current parole board is assisting in the objective of the government to protect the public or not. We cannot afford to gamble with the lives of both the offenders and the communities we release them to.

There is however, an acknowledgement by the respondents that the mandate of the parole board is not simplistic and easy to address as issues of crime and criminals are complex.

As one respondent puts it:

There is no formula to balance the rights of society and the rights of the offenders in discharging the parole placement functions. I also want us to emerge out of this summit with a shared understanding of our different roles and responsibilities in the parole process. Let us all remember that we deal here with matters of life and death concerning people.

It is to this point that the Jali Commission Report (2001) puts emphasis on the crucial responsibility for the department when it stated that the “parole boards form one of the most important components in the criminal justice system chain. The task of the members of the parole board is to decide whether the person should be released before serving the full sentence that the judicial official imposed”. Needless to say, that a release of any offender is one of the most important decisions that the parole boards make in the department.

4.7.1.4 SUB-THEME 4: SOCIAL REINTEGRATION

Even though there was no common view and understanding on what social reintegration of offenders represents, there clearly were some useful hints as to the crucial tenets of this theme. Clearly all the participants shared the strong view that the offenders’ families and the people who visit them in the correctional centers play a pivotal role in the rehabilitation value chain.

Perhaps the importance of offender social reintegration was reemphasized by the Minister of Correctional Services quoting from the ANC 52nd National Conference in Polokwane (December 2007) confirmed that “correcting offending behaviour is indeed the responsibility of society as a whole and community participation in parole boards and corrections, rehabilitation and reintegration” are crucial in the administration and management of the parole board. Interestingly, the majority of the respondents maintain that the parole board has as its requirement family support, attendance of pre-release programme and the readiness of the community to accept the offender.

For instance one respondent states:

some offenders cannot be released when they do not meet the requirements of the board such as the lack of family support, no monitorable address, family not willing to take them back etc. but do get released when their sentence expires- which unfortunately the board cannot do anything about. We only recommend to the social workers when available to investigate and handle further. The department should look into drawing visitation reports and existence of [a] verifiable support system before they even can consider releasing offenders. I think part of the reports for offenders should include visitation reports which will give us as the parole board an indication of the support structure for offenders before we give dates for parole placement. Some [One] of the requirements for the release of offenders are that he has to undergo[a] pre-release programme to check if he is ready to integrate into society

The role of other key members, particularly the police officers, of the parole board was also viewed as key to arriving at decisions which will be more acceptable to the communities that the parole boards serve.

To elucidate this view, one respondent stated:

The South African Police member is crucial and helpful if the board wants to make decisions that are to benefit the crime prevention initiative. For instance offenders lie to the case management committee about their crimes and the circumstances under which they were committed and police member can draw a file for each of the offenders to be seen by the board for verification of facts purpose. As the parole board we need to determine readiness to integrate offenders into society.

4.7.1.5 SUB-THEME 5: VICTIM PARTICIPATION

The fact that the victims of crime can participate in the parole processes generated varied opinions from the respondents. This, the participants argue is dependent on the types of crimes and the victims involved. For instance there are those cases which are seen as high profile and by their nature attract public interest something that puts parole boards under huge pressure.

The involvement of the victim in the parole process is paramount and should be sufficiently taken care of by all the parole boards in the country. The concern of the parole board, however, is the level of preparations and preparedness of the victims who attend the hearing

One respondent submits:

You realise when the victims attend the hearing that they were not briefed fully by the stakeholders and this makes the parole board's work extremely difficult. I must say when some families of the victim attend the hearing especially for high profile cases, you as the chairperson of the board feel the added pressure to be objective and act with more compassion. It is anyway, difficult to get [the victim information] from the case management committee profile reports that they

prepare and as a result victims and complainant on average are not invited in the board hearings.

The victim participation guidelines are stipulated in both the Criminal Procedure Act (Act No 51 of 1977), the Correctional Services Act (Act No 111 of 1998) and the Parole Board Procedure Manual that “a complainant or relative is entitled in terms of the Criminal Procedure Act, to make representations or wishes to attend a meeting of a board, the Commissioner must inform the board in question accordingly and that the parole board must inform the complainant or relative in writing when and to whom he or she may make representations and when and where a meeting will take place”.

Victim participation and representation came up in all the respondents’ answers as an area that still needs serious attention. The respondents further agree that there are many instances where the victims’ involvement in the parole hearing was not confirmed.

I must say there is much more that can be done in our victim’s empowerment programmes. Without these [victim involvement], the broader objectives of social re-integration as outlined in the White Paper on Corrections will remain empty and unachievable dreams.

This concern was corroborated by the deployment team in the Baviaanspoort Management Area in February 2009 led by the Deputy Commissioner: Social Reintegration, consisted of the Acting Director Pre-release Resettlement, Director Supervision and the Project Manager Social Reintegration to assess the effectiveness of Correctional Supervision and Parole Board stated in their findings that: “there is a tendency to provide premature recommendation for dates of placement on correctional or parole supervision. Victims are not involved in the parole board hearing.

The absence of victim involvement deprives both victims and perpetrators to reconcile with one another to heal the wounds. Sometimes the parole board officials are failing to trace accomplices before release. This kind of practice puts the board in an unfamiliar position. A lot of criticism has been leveled against the department for failing to trace victims which may lead to litigations”. From the answers and the information provided it became clear that the respondents clearly understood the areas of performance for the parole boards and that where there were differences they were not substantial enough to suggest a different conclusion from the one arrived at.

The respondents view victim participation, setting parole boards’ performance targets and establishing parole application measures as the key issues that are crucial for the delivery of the credible parole. This theme to be discussed next, evaluates the participants perceptions and experiences of the independence of the parole boards.

4.7.2 THEME 2: PAROLE BOARD INDEPENDENCE AND DECISION MAKING POWERS

The parole board has an independent decision making authority on the placement and release of offenders and no member of the department or any other person may prescribe or influence the parole board to come to a specific decision which they would otherwise not have taken. In terms of the Correctional Services Act (*Act III of 1998*) section 8 a decision of the board is final except that the Minister or the Commissioner may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration, in which case the record of the proceedings before the board must be submitted to the Correctional Supervision and Parole Review Board.

There is a general agreement that the parole boards are independent in the decisions they make and that they are not unduly influenced. The fact that the decisions they make are independent from the department`s influence is apparently felt by the offenders who express happiness in the manner they conduct their business.

One respondent retorts:

Offenders are happy about the new parole board and view the current board as neutral and objective when making decisions. We also receive support from [Non-Governmental Organisations], other government departments and the communities we service.

However, some respondents raised some concerns in terms of the context within which the concept of independence is applied and how it is understood especially from the management side of the department. Although not shared by all respondents a minority of the respondents agree that there are instances of clear interference in the parole board decision making.

To elucidate this point one respondent states:

Parole board independence is a thorny issue- there is interference in the parole board work. The interference is disguised as intervention. Remember a flawed process will invariably lead to flawed decisions hence the meaning of intervention is lost in that regard. Interference by area commissioners, regional commissioners the minister in some instances is not vague but direct particularly on high profile offenders.

To corroborate these concerns around the independence of the parole board the Minister of Correctional Services explicitly stated at the Parole Board summit in 2009 September that “the subject of the independence of the parole boards is worrisome. This is a matter that is constantly raised and has been raised again in the recent interactions between the chairpersons of the parole boards and the Portfolio Committee on Correctional Services in the past week or so.

What exactly is our understanding of this independence? Is it structural independence? Is it independence of decision making processes? Is it a combination of both? We must define this relationship because we cannot continue to speak with different voices, indeed even when there are differences, we must be clear about what these differences are and the basis for such differences". The possibility of political manipulation of a parole process in South Africa given the history of corruption and manipulation of the old parole process in the Department of Correctional Services is a matter of legitimate concern.

It is in the context of this "unfettered powers" accorded to the parole board by legislation that their decision making responsibilities carry some risks as releasing offenders is one of the main functions of the Department of Correctional Services. The fact that the parole boards should be independent from the correctional management in order to regain credibility and integrity that it apparently lost in the manner it was managed within the department was also part of the issues that were covered by the Jali Commission (2001), which advocated for an independent board to do away with alleged corruption and maladministration.

In its report the commission mentions that "given these problems, it is necessary to restore credibility and respect to the parole boards. This can be done through ensuring that their independence is expressly stipulated. The office of the parole board should also preferably be managed and supervised by the outside people and should be placed outside the prison system or that particular management area". However, all the respondents agreed with the assertion that a parole board decision is final and the only body that can review the decision is by law the Correctional Supervision and Parole Review Board or the relevant court of law.

Another respondent puts it:

Offenders are assisted by the case management committee when they are dissatisfied with the decisions of the board to request the review by the Correctional Supervision and Parole Review Board although those with money resorts to the court routes.

Even though, in general the respondents agree that the parole board functions independently, there were some who were very vocal and suspicious of some “whiff of interference to the decision making particularly on those so called high profile cases”. Perhaps, this point is well accentuated when one respondent aptly put it that the independence of the parole board is a sticky point that need to be looked into.

Even one respondent states boldly:

For instance in the cases of Shabir Shaik [and] Clive Derby Lewis it is very difficult not have a perception created that there was some political manipulation of the parole process- whether that is correct or not is neither here nor there.

The inclusive decision making of the parole board and the fact that voting is possible when there is no consensus is hailed as quite positive by the participants and they believe it encourages collective accountability and build the credibility of the board.

What I like is the inclusiveness of the board in making decisions and the fact that whatever decision we make we have to provide good reasons. In other words the parole board has to make defensible decisions as offenders know their rights these days.

The decision making theme is sub divided into five sub themes viz risks associated with the decisions, individual sentence or management plan, parole hearing process, case management committee role, profile reports and records. These sub themes derived from answering the question “what are the risks involved in decisions taken by the parole board”.

4.7.2.1 SUB-THEME 1: RISK ASSOCIATED WITH PAROLE DECISIONS

The risks associated with the parole board decision is elucidated vividly in the Jali Commission Report (2001) which led to the establishment of the new parole board based on its recommendation to amend legislation for a community based parole board. The Jali Commission aptly stated that the risk factors involved in releasing a person on parole or correctional supervision, are similar to the risk of releasing offenders on bail and our courts have highlighted these in a number of judgements. However, a number of problems have emerged relating to the implementation of the parole practice.

These complaints were best demonstrated through three cases that were presented to the Commission, amongst many others. Some of the additional risks which were associated with the decisions of the parole boards which all the participants were in concurrence with were the basis of decision made without the inputs of the specialists such as psychologists and social workers as the department is experiencing shortage of those cohorts of professionals.

One respondent said:

For the parole boards to take quality decisions, the psychological reports are required in some cases where there were aggravating circumstances and due to the shortages of psychologists and social workers in the department parole boards find themselves having to either transfer offenders or release them with stricter conditions. This of course puts the communities at risk and unfortunately it is beyond the parole boards` control.

Another finding related to resource shortages is that social workers are overworked in the department and this shows in the quality or lack of their reports.

One respondent states:

There is a high turnover of social workers in the department as they are poached by other departments’.

The fact that parole boards function without community members or those that are there are not sufficiently trained to “read, understand and interpret warrants and statistics” was raised sharply by the respondents as a risk that can hamper service delivery

As we have to continuously orientate new community members as they do not stay long with the boards given the pittance they receive. Their contracts should at least be longer to sustain the parole board functioning as it takes time to train new community members.

Another major risk associated with the parole board decision making is reoffending as it is virtually difficult for any parole board to determine with absolute certainty whether the offender, once released will not commit similar or different crimes and come back to jail. The potential of any offender to reoffend is very difficult to establish as the conditions outside the confines of prison walls are different and at the worst of times very harsh for those who come from correctional centres.

If the community does not accept offenders then the chances to reoffend are high. Remember, community acceptance is a risk that must be managed. Otherwise they wait for what is commonly referred to as SED [Sentence Expiry Date].

The most referred risk of all to the parole board members in discharging their responsibility, like it bedevilled the previous board, is corruption and bribery. Although there were no incidences known or mentioned, all the respondents agreed that if left unchecked it can create problems and compromise the independence of the board.

Another risk that all the respondents alluded to that is associated to the parole decision is corruption and bribery. Corruption, bribery or sale of dates for money as the respondents' state:

Are some of the risks associated with the work that parole board members are confronted with because parole board members are human too and we do know some of the offenders we deal with as they come from similar communities we come from.

4.7.2.2 SUB-THEME 2: INDIVIDUAL SENTENCE/MANAGEMENT PLAN

All the respondents appear to concur that the reality of the parole decision making hinges on the implementation of the individual sentence or management plan for all the offenders. The main issues of the individual sentence or management plan in all respondents' opinions are that it stipulates all the required programmes addressing the offending behaviour that all offenders have to undergo. The sentence plan also covers the judge's comments and applicable conditions of incarceration to be adhered to.

The concerns that the respondents raised in terms of the individual sentence or management plan implementation particularly around the provision of the programmes addressing offender.

As some respondents' state:

their impact are not known and some offenders do not undergo these programmes for reasons beyond their control like programme shortage or professionals to render them and therefore the [parole] board find itself in a fix that they cannot deny offenders parole under those circumstances. How do you disapprove someone's parole because he had not undergone a non-existent programme that relates to the offence committed? You cannot- it is immoral and probably unfair?

The offender's profiles are submitted without sentence plans and as board members we find ourselves having to draw these plans which are not our problems.

The researcher identified two sub categories within the individual sentence or management plan sub-theme. The sub categories are rehabilitation programme and offenders' skills programme.

4.7.2.2.1 SUB-CATEGORY 1: REHABILITATION PROGRAMME

The respondents correspondingly echoed what others respondents have said about the importance of rehabilitation programme attendance by the offenders. The attendance of rehabilitation programmes by offenders is one of the key criterion against which all offenders' eligibility for parole is determined. The issue of rehabilitation programmes appears to be limited only to offenders attending the programme as shown in the individual sentence plan and does not go beyond the impact the programme has on the offending behaviour of the offender as the parole board does not have the capacity to conduct such evaluations. This was a view expressed confidently by all the respondents.

One respondent points out:

Before I consider releasing any offender I look at the rehabilitation factor in terms of whether the offender has attended the programmes. If that is not addressed then you have much higher risk of reoffending. We do release offenders who have not undergone rehabilitation programmes because in the centres that we deal with they do not have social workers and psychologists and this put the community at risk. The department must prioritise the improvement of the salaries of the professionals who are expected to address the offending behaviour to make it easy for the parole board to make informed decisions.

Generally the majority of the respondents view rehabilitation programmes as those programmes aimed at addressing the offending behaviour and offered by skilled professionals such as social workers, psychologist, and health practitioners.

4.7.2.2.2 SUB-CATEGORY 2: OFFENDERS SKILLS PROGRAMME

The respondents share a common view that the employability of offenders in the market is important for minimising reoffending. The offenders skills programme also form one of the key parole release requirement that it is almost compulsory for offenders to demonstrate that they have participated in vocational skills programme over and above the rehabilitation programmes. The impact of the programmes offered to offenders also came under scrutiny.

As one respondent puts it:

In releasing offenders we must also be able to reflect on the effectiveness of the programmes we offer and which are such an important factor in the parole granting decisions we make. I am not very convinced that we as department have a thorough appreciation of the communities we deal with. For me, the department must make use of the Department of Labour budget for skills development training for offenders optimally because as the board we do not release offenders who have not attended these programmes especially those with economic crimes [for] some of them it is stated in their sentence clause.

4.7.2.3 SUB-THEME 3: PAROLE HEARING PROCESS

The majority of the respondents maintain that the decision of the parole board is taken on the majority or on consensus basis. In other words any decision of the parole board is taken by resolution of the majority of the members present at any meeting of that board and, in the event of equality of votes; the chairperson presiding shall cast his/her vote as to arrive at a decision.

In terms of the Correctional Services Act (Act No 111 of 1998) section 5 three members constitute a quorum for a meeting of a board and must include the chairperson or vice-chairperson. In terms of section 4 of the Correctional Services Act (Act No 111 of 1998): “if the chairperson is absent from a meeting of the board, the vice-chairperson must preside at that meeting”. This was raised sarcastically to accentuate the point that since there are very few chairpersons appointed to the position most of the vice chairperson have presided over the parole hearings in their acting capacities but also in compliance with this piece of legislation. This view was held by the majority of the respondents and indeed begs a question that the department may have to answer as to how long can one act as the chairperson of the parole board.

For instance this study found that there are more vice chairpersons than chairpersons appointed in Gauteng and most of whom do not know the conditions applicable to the acting allowances. The respondents raised the issue of the acting allowances quiet sharply as most of them have acted for more than six months. Additionally another area that the respondents raised is the inconsistency in the composition of a parole boards (especially for members of the South African Police who are co-opted and the community members who resigned at a high rate which they agree create a challenge for a quorum to be achieved.

Community members are pivotal in the parole hearing process and as one responded puts it:

When you have only one community member as a result of those who have resigned; you need to fill their positions as quickly as possible. Remember some members of the [parole] board especially those who come from other government departments are not available as they are not appointed yet.

In terms of the law the parole board may co-opt an official nominated by the National Commissioner of the South African Police Service. This practice and responsibility appear to be neglected as the Minister inadvertently agreed when she stated ...*“reports that I received in the regions pointed to poor attendance (in some regions) of parole board meetings by the SAPS [South African Police Services] and the Department of Justice and Constitutional Development. We must find time to reflect on this aspect and what it means to us”*.

Ironically, the majority of the chairpersons of the parole board interviewed believe that they are working full time despite the fact that the legislation requires them to work on part-time basis. This confusion leads to some chairperson finding it difficult to understand what they can and cannot claim as part of the privileges for them. For instance they do not know whether it is right or wrong to schedule an appointment to conduct a parole hearing on the times suitable to them or should they be strictly regulated by the department working time schedules.

This view is in contrast to the fact that most of the parole board chairperson should be people with “high standing” in the community and that some of them have other important functions to carry out that it will be practically impossible to keep them in the eight to four job. To accentuate this confusion one respondent states:

You cannot schedule the [parole] hearings accordingly as we are fulltime employees for the department; yet we are appointed on contract of five years. We had to relinquish the very same reasons and credentials and skills that got us to be nominated to serve on the [parole] board. Surely if you are retired you are not expected to work 7-4 as you have passed that stage already. You are now providing a service to the community.

4.7.2.4. SUB-THEME 4: CASE MANAGEMENT COMMITTEE (CMC) ROLE

The majority of the respondents shared a unanimous view that the case management committee is the most important administrative arm of correctional management that makes the parole board functioning possible. In other words if they work well the respondents maintain the parole board work will be easy but if they do not the parole board work becomes extremely difficult and the risks for making wrong parole decisions increase. The respondents view is that the case management committee

...is the feeder for the parole board and if they do not do their work the [parole] board suffers.

The case management committee does not account to the parole board and as one respondent puts it

...we do not necessarily have access to the same authority that appointed us.

However, it would appear that the case management committee and the parole boards are not necessarily on the same wave length when it comes to the powers of the parole board. The respondents agree that a particular attitude is manifested in instances where the parole board overrules the case management committee recommendation especially when such a recommendation has already been communicated to the offender.

Recommendations can be overruled by the parole board and this creates some problems as the parole board gets targeted.

Another area that the respondents agreed needed to be explained in details is the level of accountability between the case management committee and the parole board. Accountability is a blurred function between the case management committee and the parole boards. Accountability lines are not properly drawn between the parole board and the case management committee to eliminate this confusion in practice.

This perception of the blurred accountability lines appear to be inappropriate as by law

“offenders serving a finite sentence of less than 12 months are seen by the case management committee and dealt with by the Head of the Correctional Centres and those who serve more than 12 months become eligible for parole after two thirds of their sentence and their decisions are taken by the parole board”.

4.7.2.5 SUB-THEME 5: PROFILE REPORTS AND RECORDS

Linked to the individual sentence plan and the case management committee role and responsibility are the quality of profile reports and records which form part of the submission to the parole board hearings. All the respondents agree that the quality of the profile reports is generally poor and need some improvement. The profile reports and records form the basis for the parole board decision making to grant or not to grant the offenders parole.

This was also confirmed by the department`s deployment team which summarized and subsequently recommended that the department need to look into the quality of the reports that are submitted to the parole board as most of them leave much to be desired. The case management committee has the responsibility to oversee the compilation of the profile reports and keep records of all the offenders` information. As outline in the individual sentence plan, such reports and records should reflect the rehabilitation and the offender`s skill programme attended. However as one respondent corroborated the view that the quality or the lack of it is the Achilles heel for the parole board decision making who states:

Some of the reports compiled by the case management committee and submitted to the board are not only illegible but of very poor quality as well. The chairpersons are finding it extremely difficult to read the profile reports of the offenders and this often than not could lead to erroneous decisions being taken by the parole board. A number of exaggerated positive reports were presented before the board

hearing which portrayed offenders as [a] positive role model. This should be avoided at all costs. Sometimes profiles of offenders are lost due to lack of poor records keeping and management thereof. The unavailability of these profiles would seriously affect the chances of offenders getting placement dates.

The respondents lamented not only the quality of the reports but also the content or the lack of details that virtually makes it difficult for the parole boards to be confident in the decisions they make:.

Some reports are so exaggerated that offenders are prematurely released. There is a clear favouritism and friendliness of officials to some offenders and that is expressed even in the profile reports.

Report writing by the case management committee is crucial and at this study also revealed that at the moments some reports lack quality in relation to facts and the analysis and the formulation of a decision Generally the respondents feel this is where the work of the parole board is enhanced or compromised. The incompleteness of documents is raised as another concern by all participants as the parole board feel that documentation is the basis against which the case management committees make recommendations. Lack of documentation such as (SAP 69 previous convictions, SAP 65 sentence remarks by the judge,) is one of the major concerns that hamper the quality of decisions that the parole boards have to make. It is quite important that all profile reports of the offenders should contain such documentation as it makes it easier for the parole boards to make quality decisions.

The benefit of any parole board is enhanced as one respondent puts it:

Because of the participation of the [police representative] who assists in the correct interpretation of the SAP 69. In some instances I returned the profile of the offenders as they lie to the case management committee that they are first time offender; yet the SAP69 clearly showed that they committed offences before and the reception office of the department never bothered to get those documents. I would like that a dedicated resource to collect such documents as without them the case management committee is disempowered in their recommendations.

The next theme focuses on the respondents' perception and views on what are the most important ethical tenets for the parole board members to uphold. This theme was developed from the question "how important is the ethical conduct of parole board members".

4.7.3 THEME 3: ETHICAL CONDUCT OF PAROLE BOARD MEMBERS

All the respondents have unanimously agreed that confidentiality is one of the ethical attributes that came across quite consistently that the parole board members have to adhere to. To quote one respondent:

Confidentiality is important and the decisions of the parole board are communicated to the offenders only and the case management committee: which is the administrative structure implements the decision of the board. Since parole boards make important decisions that have a bearing on the criminal justice system it is essential that they comply with some code of good ethical conduct which unfortunately was said to be nonexistent.

However, all the participants stated that they are fully aware of the massive expectations that go along with the responsibilities to serve the interest of society and the public. The parole board members by virtue of their responsibilities they carry must:

Demonstrate professionalism and good conduct. The member of the parole board must not be purchasable and must at all times promote the image of the board

All the respondents put greater emphasis on objectivity and neutrality in the decision making and discourage favouritism and getting too friendly with offenders particularly the case management committee and this it is believed compromises their recommendation and cloud their judgement.

Objectivity and inclusivity in the decision making is some of the principles that the majority of the respondents feel are important to enhance the integrity of the parole board. As one respondent states:

Objectivity of members of the parole board is crucial and decisions must be inclusive of all involved. Favouritism and friendship with offenders by case management committee contributes to recommendations that are overly exaggerated. Some officials befriend offenders and make recommendations out of favour. What is required amongst all the parole board members is trustworthiness and equal treatment of offenders before the law.

The ethical conduct theme was subdivided into four sub-themes namely requisite skills to serve, character of the parole board members and community members and community involvement.

4.7.3.1 SUB-THEME 1: REQUISITE SKILLS TO SERVE

Although the Jali Commission Report (2001) recommended a legal qualification for the chairpersons of the parole boards, there has been general consensus amongst the respondents on the skills that are important to serve on the parole board. The Jali Commission Report states that the parole boards and the Correctional Supervision and Parole Review Boards should be chaired by legally qualified persons on an ad hoc basis. Interestingly, from the answers provided this study found that the department had not established clear requisite skills to serve on the parole boards.

One of the vague requirements stated is that persons who serve in the board should be matured. The majority of the respondents, further agrees that the chairpersons of the parole boards should not only be matured but have repertoire of skills such as decision making, policy analysis, leadership and thinking skills. To accentuate this view one respondent states:

Decision-making abilities, ability to read and interpret policies, leadership skills, and critical thinking abilities. Above all these repertoire of skills needed the participants agree that some level of good education and life skills form the good foundation for quality members of the parole board.

To summarise, these requisite skills form part of the appointment requirements for people within the community to serve in the parole boards. A closer analysis of the contract of employment document for all parole board members, states that “such a person should be a solid matured person with a good standing in their communities, he/she must have analytic, report writing skills and decision making abilities. Added to that is some level of educational qualifications (post matriculation) and life experiences are required. Involvement in community structures and ability to read and interpret policies is very crucial for this field of work”.

In keeping with the requirement of maturity this study discovered that that the majority of the parole chairpersons are retired most of them have different educational background, for instance most were pastors, educators, community workers.

4.7.3.2 SUB-THEME 3: COMMUNITY MEMBERS OF THE PAROLE BOARD

All the respondents correspondingly agree that the community plays a pivotal role in the parole processes and deserve to know how the affairs of the parole board are run. A great deal of time was spent on this issue of community members as it was raised by all the respondents as concerning. The issues that were raised ranged from organisational, operational and philosophical problems.

4.7.3.2.1 ORGANISATIONAL ISSUES

The most consistently organisational issue raised by the respondents raised was the recruitment of community members particularly those who come from outside the communities they are supposed to serve. In terms of the Correctional Services Act the parole board composition has to include two members from the community who sign a part time contract appointment for a period of three years.

The stipend that the community members receive is also raised sharply as the reason for the community members' high turnover.

As one respondent submits:

Now the problem with this is that not only are the community members paid hourly rates but in most instances they resign because of the pittance that they receive for such a huge responsibility. There is a high turnover of community members and since the parole board is generally made up of four members it is difficult to form a quorum when two members of the board have resigned.

This study has established that there are instances where community parole board members, in their majority; do not come from local communities they are serving. The respondents agree that the nature of the national advertisements for the vacant positions for community members to serve on the parole board attracts people looking for employment and mostly from all over the country. The rate of unemployment creates a situation where community members from all over the country apply for this community member position in the parole board because they are viewed as sustainable jobs.

For instance one respondent comment:

The department advertise positions for community members using the national medium meantime they are looking for[a] local member with a good standing.

This point is elucidated by one respondent in one of the parole board that serve both the urban and rural areas of the communities:

In the rural areas or villages for instance, authority and power is shared with both the chiefs/indunas and the local municipalities whilst the municipalities is the only source of authority in the urban areas and big cities. This [un fortunately] is the reality of the South African phenomenon. I have a community member who comes from the local community but roves with the parole board that serves a management area in terms of department demarcations but services four scattered municipal districts in terms of the local government demarcations.

The issue of local chiefs in the rural communities is a concern to the parole boards that serves the rural communities than those in the cities. the minority of the respondents raised the issue of the rural and the urban parole boards which they believe the department cannot ignore in the decision making. To paint a picture in a clearer manner one responded states:

We are like all in one in our situation. If you throw the Eastern Cape in this mix particularly the SADA Management Area [see Table4.1] which is one of the biggest areas that is geographically scattered and covers about twelve physical centres the picture becomes gloomier in terms of the effectiveness or the ineffectiveness of the roving parole boards.

4.7.3.2.2. OPERATIONAL ISSUES

The Parole Board Manual for the department (2006) state that “part time community members must be compensated for the whole of the period of the day on which they attend parole board meetings e.g. if they start at 09.00 and completes the business for the day at 15.00, they must be compensated for six hours, even if the parole board has taken lunch break. The period may not be reduced for the time of the lunch break, but the lunch break may not exceed 30 minutes”.

The fact that the department has the roving parole boards throughout the country makes it difficult to utilise the community members as most of them do not come from the local communities. Indeed one respondent pointed out that it is imperative for the department to have a focussed recruitment programme of community members so that they can attract the relevant people who are willing to serve the public. Travelling is raised by the minority respondents as one of the biggest issues for the roving parole boards as South Africa is geographically sparse particularly in the nine provinces e.g. Eastern Cape, Limpopo, North West, KwaZulu Natal, Northern Cape and Mpumalanga (see table 4.1 the South African Map).

As one respondent puts it:

...on average the community members' travel five to six hours and sit for four hours particularly in the rural areas of the Eastern Cape, Northern Cape, Limpopo, Mpumalanga and North West.

4.7.3.2.3 PHILOSOPHICAL ISSUES

The respondents criticised the department's approach to community members who serve in the parole board and the recruitment process. The nomination process is preferred by the minority of the respondent as opposed to the advertisement process.

One respondents' state:

The quality of community members employed is doubtful. Like chairpersons of the parole board community members must be nominated from their communities through credible structure. Advertisement for the community members must encourage nominations- to ensure they come from communities. If necessary, head hunting for community members must be encouraged.

Another key concern is the practice that some respondents refer to as "borrowing of community members" from one parole board to another where community members are nonexistent. This practice is apparently prevalent and common amongst parole board members as it facilitate compliance with the requirement to form a quorum.

As one respondent puts it:

I borrow community members to make sure that my proceedings are not interrupted and that we form a quorum. It takes time to replace community members I always ask my counterparts to get me their community members as I have a high turnover, otherwise we will not form a quorum and the hearing will not take place. As a result we rotate with one community member to all the centres where we conduct parole hearings. For instance not even can we as the parole chairpersons appoint the community members. The solution is simple, empower and trust chairpersons to appoint community members. As a chairperson of the parole board, can you believe that I cannot appoint community members to the parole board due to the bureaucracy here?

4.7.3.3 SUB-THEME 4: COMMUNITY INVOLVEMENT

On closer look at the answers provided the researcher reveals that generally the respondents linked the issue of community participation with the involvement of the community members who serve in the parole boards. In other words in all instances where the issue of community involvement or community participation came up the role of the community members who serve in the parole board invariably came up as well. The respondents maintain that the community members' presence is crucial if the parole board is to get a quorum and enjoy legitimacy within the communities they serve and they view the role of the community members in the parole board as a link in that regard.

The importance of community participation is emphasized by the Minister of Correctional Services when she stated at the Parole Board summit in September 2009 that “the community involvement and participation form the core to the legitimacy of the parole boards and should reflect with seriousness on the parole board processes”. One of the key recommendations of the deployment team is that the “community involvement in the parole processes can be improved and that conditions for placement should be tailor made for individual offenders with a view to enhancing their successful reintegration into the community”.

The parole board serves to connect the department to the local communities and it is critical that the community members recruited to serve on the parole board come from the same communities that offenders come from. The community members coming outside the community within which the parole board operates in the management area is frowned upon by all participants.

As one respondent puts it:

This makes the mockery of the purpose for which community members were required to serve on the parole boards as they were meant to understand their own communities and therefore, “release one of their own”.

The majority of the respondents agree that the calibre of community members serving on the parole boards are not only young in age but also poorly trained and do not get good orientation when they are recruited. However, their ability to work effectively is dependent on how the parole board operates as few are available for a forty five minutes hearing especially in those small centres where a month or two can go past without a hearing, which consequently leave them idling and frustrated.

As one respondent state:

This is not fair as one community member cannot serve all the areas that the roving parole boards cover more so because he/she does not come from the local communities.

The next theme came from answering varying questions such as “what is your opinion about the new parole board?; “if you could change one thing about the parole board system what would that be?; “what should the appointment criteria for parole board members be?”, which were answered by the respondents in many different ways but consolidated and summarized in theme four.

4.7.4 THEME 4: CONDITIONS OF SERVICE

The parole board is in terms of its administration part of the department and all personnel, financial and logistical procedures and prescriptions which are applicable to members of the department is applicable to members of the boards except where their contracts specifically indicates otherwise. In terms of the Correctional Services Act (Act No 111 of 1998) a member of the parole board “holds office for such period and on such conditions as the Minister may determine; and (ii) may at any time resign by tendering written notification to the Minister”.

The Jali Commission Report (2001) also recommended that “payment of the members of the parole boards should fall under the Minister and not the Commissioner of Correctional Services. In this regard an amendment of Section 74 (8) of the Correctional Services Act (Act No 111 of 1998) to avoid interference from employees of the department, the Minister of Correctional Services should consider amending the Act and regulations to specify that parole boards are accountable only to the Minister”. Generally the respondents conflated the issues of the conditions of service, leave administration, performance management, pay progression, remuneration packages and dangers and acting allowances. In a more seriously disturbing manner, the majority of the respondents felt that the way in which the parole board was dealt with was not appropriate as they believed they “got a raw deal in the way their conditions of employment are structured” and that this was not the impression that was created when they were recruited.

For instance, the majority of the respondents agree that the human resources practitioners particularly in the management areas do not inspire confidence when dealing with the issues of the conditions of service for the parole board.

One respondent boldly states:

The [human resource processes] are a mess and no one know what to do, you are thrown from pillar to post especially in the management areas and regional offices. We are forever told that head office is the one responsible for our fate and we don't know who at head office to talk to. I want to honestly tell you that the contract issues for the parole board need attention as there are questions. For instance are the chairpersons of the parole board fulltime or part time contract workers? Why did some vice chairpersons sign three year contracts and others sign five year contracts.

The general view amongst the respondents is that in order for the department to rectify and restructure the parole board in the manner that give impetus to the implementation of the legislation it must go “back to the drawing board in terms of the corporate services for the parole board”. The Correctional Services Act (Act No 111 of 1998) states that “a member of a parole board who is not in the full-time service of the state may receive such remuneration and allowances as the Commissioner may, on the recommendation of the Commission for Administration, determine with the concurrence of the Minister of Finance.

This theme is divided in the following two sub themes: contract of employment and power authority of the parole board

4.7.4.1 SUB-THEME 1: CONTRACT OF EMPLOYMENT FOR THE PAROLE BOARD

The Parole Board Manual of the department (2006) suggest that the signed contract for the parole board chairpersons should include *inter alia*, the following information

- “The name of the person and capacity in which employed in the parole board,
- Name of correctional centre at which the parole board member is appointed,
- Period of appointment,
- Terms and conditions of appointment as member of the parole board,
- Remuneration and allowances to be paid to the member of the parole board,
- Structuring of salary package,
- Performance management and assessment,
- Utilization of government/ private transport in relation to structuring of salary package,
- Dealing with misconduct of member of the parole board and minimum standards of service delivery”.

Surprisingly it is the same contract of employment that was raised sharply by the respondents and they feel that it disadvantaged them on a number of issues. For instance, the respondents hold contrasting views on the leave administration. Some respondents believe they are not allowed to take study leave whilst others believe the leave administration for the parole board members is similar to the one applicable to correctional officials. The human resources office disputed the view that there are some inconsistencies or discrepancies in the management of leave policy and confirmed the view by the minority that the applicable leave policy to the employees of the department is applicable to the parole board members.

However, the human resources official did not rule out the possibility that managers may differ in the way they interpret the policy on study leave when it comes to the parole board members as they are dealt with in terms of contract workers instead of full time employees.

One respondent states:

Parole board members are not allowed to take study leave otherwise they qualify for all other types of leave applicable such as vacation, family responsibility leave, maternity, sick leave etc.

In terms of the contract of employment the remuneration package of the various members of the parole boards are advertised during the recruitment drive for the various posts and are all inclusive packages as determined by the Department of Public Service Administration and is adjusted annually with effect from 1 April. Salary adjustments are done programmatically and any enquiries are addressed to the Human Resource Practitioner at the Area Commissioner's offices who must ensure that rectifications are done. These salary packages of the parole board members are not related to the salary structures of members of the department and are as indicated on the various post advertisements.

All the respondents sadly lament the fact that they do not receive the 13th cheque which clearly points to the fact that they may have misunderstood the structuring of their packages in such a way that they shouldn't receive it as it is part of what they receive monthly. Alternatively this may just be a case of poor induction and orientation of parole board members in terms of the conditions of service and the contract entered into as some put it:

We do not receive [the] 13th cheque as parole board members and no bonuses. It was even reported that those who have received it have to pay back. That is not their mistakes and they should have been told- I have used it all up. What about those chairpersons who have resigned? We receive no induction and continuous training as members of the board.

Ironically, as an indication of how inconsistent the human resources policy is applied: a respondent reported the following:

What is disturbing in the application and interpretation of the contract by managers and the inconsistencies in the administration of the payments of performance bonuses and pay progression? Other members of the parole board receive pay progression other don't. For instance although it is clear in my contract that I must receive it by April every year I normally receive it by November and at times as late as January of the following year. No explanations are provided.

Additionally, since there is no system in place to measure performance for the parole board members, it cannot therefore, be possible that one receives pay progression. This may be a case of misunderstanding or lack of proper communication as to what the increase represents but it was a point that was raised quite consistently by the respondents. To confirm and corroborate the absence of the performance management system for the parole board in the department one respondent aptly puts it:

There is no system in place for performance management for members of the parole board and we believe the department's [Performance Management Development System] is appropriate in the interim.

The other thorny issue that the respondents raised quite eloquently was the issue of disciplinary procedure applicable to the parole board members who are not on the full time employment of the department. The majority of the respondents suggest that the department appears to be undecided or inconsistent on how and which disciplinary code to use to deal with the transgressions committed by parole board members. However, in terms of the Correctional Services Act (Act No 111 of 1998) section 74 subsection 7 paragraph (b) “the Minister may remove a parole board member from office on grounds of misbehavior, incapacity or incompetence but such action by the Minister does not preclude disciplinary action against officials in the full-time service of the state as provided for in their conditions of service”.

The issue of discipline is said to have become a “*hot potato*” as the majority of the respondents believe that the Code of Conduct that the parole board members must adhere to should be different from the one that correctional officials are subjected to since they are appointed on a fixed contract term by the Minister and their conditions of employment are regulated by the Public Services Act. The majority of the respondents feel that the use of the Code of Conduct applicable to the correctional officials is contradictory to the appointment legislation and applicable conditions of employment.

This study reveals that the contradiction is immaterial in that the contract of appointment for the parole board members that the majority of the respondents referred to clearly spelled out that in the department's Parole Board Manual of the Department of Correctional Services (2006) that “the disciplinary system and grievance procedures which are applicable to members of the department are also applicable to members of the parole boards and can be obtained from the local personnel office”.

This study further confirms that indeed there are some serious policy gaps in the way in which the parole board is administered; for instance there is no policy that deals with the suspension of parole board member as the department uses its disciplinary code which appears to be ineffective and inadequate in dealing with parole board members. Interestingly, all the respondents unanimously agree that, like all correctional officials working in the correctional centres, they should receive danger allowances.

Danger allowance is a benefit given to all correctional officials who are functioning within the correctional centres as they are said to be exposed to some level of danger when dealing with the offenders. This is argued from the basis that even people working in the offices of the area commissioner`s receive danger allowance. The respondents indeed took a dim view about the fact that the department appears to overlook the danger and acting allowances issues for the parole board members.

One respondent even emphasises:

We do not receive danger allowance yet we are exposed to the same conditions of danger as the correctional officials.

Another allowance that the majority of the respondents raised very sharply is the fact that there are no acting allowance benefits for the vice chairpersons of the parole boards who are discharging the responsibilities of the chairpersons for longer than six months and two years in other instances.

As one responded rhetorically states:

For how long is one expected to act in the chairperson position, you receive a letter that say you are acting but you don't receive the corresponding acting allowance as is the case with the correctional officials who are functioning in the acting capacities.

As another respondent in support of the need to receive acting allowance puts it:

I take decisions that chairpersons do take and I am as accountable as any chairperson could be yet I am not recognised for all that. I think there is no political will to fill positions of the chairpersons which have been vacant since 2005 in most instances.

4.7.4.2 SUB-THEME 2: POWER AND AUTHORITY

The majority of the respondents almost disagree with the fact that they need to report to the area Commissioners who are the accounting officers for the management areas (see table 4.1 for the management areas that are headed by the area commissioners). From the answers provided, this study reveals that almost all the respondents lament the fact that they are supervised by the area commissioner and this was in a way paradoxical in that they are happy with the day to day supervision by the same area commissioner's but have an issue when it comes to the allocation of some ad hoc duties.

One of the respondents puts it:

The area commissioners give us tasks from time to time which are not in our contracts of appointments. They even approve or disapprove the use of government vehicles when it suits them. In any case the levels of the chairpersons and vice chairpersons are equivalent in all areas irrespective of size and complexities of cases handled.

Some of the respondents view reporting to the area commissioner as tantamount to sacrificing their independence and that of the parole board. As one respondent retorts:

You know, I think personally that the reporting lines of the [parole] board to the Area Commissioners create a situation that we are under their whims and mercy.

The respondents agree that the parole board is appointed by the Minister and therefore form part of the management structure of the management area. The minority of the respondents raised the levels of expectations as an issue that influences the functioning of the parole board. The minority respondents agree that different authorities have different expectations depending on where they are in the organisation.

For instance at administrative level the area commissioners are interested in the decisions to ameliorate correctional centres overcrowding of offenders as the expression whilst at the executive levels both the regional commissioner and the national commissioner are interested in the image, the credibility and integrity of the parole board and the independence thereof. The expectations at the political level appears to be interested about the independence of board in making decisions which are seen to be less controversial and do not attract some negative publicity .

As one respondent puts it:

The [area commissioners] utter statements such as please help us to deal with overcrowding problems. At head office the interest is on the monthly submission of statistics to make the parole boards work look good

To accentuate this point the Parole Board Manual of the department (2006) explicitly state that “the area commissioners and the chairpersons or the vice chairpersons must enter into and complete performance agreements within the first three months of their appointment. These performance agreements are the same as those applicable to members of the department on the Assistant Directors (levels 9 and 10) with six key results areas”. The Parole Board Manual (2006) further states that the area commissioner is the direct supervisor of the chairperson of the parole board.

4.8 PERCEPTION ABOUT THE PAROLE BOARD

This sub theme came from the answers the responded provided to the question in the interview guide “what is your opinion about the new parole board”. Generally the respondents believe that the offenders are very confident and happy with the new parole board and even have greater respect for the decisions the new parole board makes. Furthermore the respondents agree that since there is “*no relationship between them and the offenders*” and the fact that the appointment of parole board members is contractual their decisions are fairly objective and less challenged.

As one respondent states:

Inmates are happy with our work and since we do not have any relationship with them they accept the decisions we make. We share no history with the offenders and do not expect favours from them- we are not correctional officials and we understand our responsibility very well. In the last three years I have had all decisions accepted with only three motions made by the offenders. The motions were successfully defended which shows the quality of decisions we make as the parole board.

All the respondents share a positive outlook about the parole board work and believe that the independence of decision making has enhanced the parole boards’ credibility and greater acceptance by both the offenders and the community they serve. One respondent confidently declares:

For the decisions we make are independent and not contaminated by being in the system”.

Few respondents were more critical of the new parole board and the readiness of the department to implement it as one respondent stated

...the parole board fared well under the odd circumstances, particularly when you consider that it was put together hastily by the Minister.

The issue of the parole board budget also came into scrutiny during this study. The majority of the respondents declared that despite their seniority the chairpersons of the parole boards are not expected to manage the budget allocated to them:

I have operated at a very high level as a manager before and now I cannot be trusted with managing the budget of the parole board. You have to get permission from the area commissioner to get into the government vehicles to travel for a parole hearing despite your weekly schedule. Can you imagine if he disapproves of your travelling for a hearing and what will happen to the independence of the board and its members?

4.9 ROVING PAROLE BOARDS AND THE UTILIZATION OF RESOURCES

Although there are about two hundred and forty eight correctional centres in the South Africa which have been merged into forty eight management areas, the department has fifty two parole boards. The fifty two parole boards have to literally cover all the two hundred and forty eight correctional centres in its operations. The issue of the roving parole board was an area that was consistently raised by the respondents. This has resulted in some of the parole boards been declared the roving parole boards. This study reveals that it has become extremely difficult for the roving parole boards to effectively discharge their responsibilities without some logistical and administrative difficulties.

The respondents mention the distances between correctional centres for the roving parole boards particularly in the Eastern Cape, Limpopo, Mpumalanga and North West regions as the biggest challenge. The minority respondents' states that the parole board members travel about 360 km return trips on regular basis for a four hour hearing in some instances. The Gauteng region has three parole boards chairpersons appointed namely Johannesburg management area with two parole boards and two chairpersons and Pretoria management area with two parole boards established and one chairperson appointed.

It significantly emerged in this study that most of the parole boards in the Gauteng region are headed by vice chairpersons. The vice chairpersons have been appointed for more than three years on average. From the answers provided and information gathered (as can be deduced from table 4.1) there are more non roving parole boards than the roving parole boards. For instance almost all the parole boards of the Eastern Cape have been declared the roving parole boards. On average roving parole boards cover about six to seven correctional centres at a time.

For instance as can be deduced from table 4.1, only one parole board (Brandvlei parole board) does not rove between correctional centres as the rest of the eight parole boards in the Western Cape region In the Free State Northern Cape region, Kroonstad roving parole board has an unenviable tasks to cover about ten correctional centres which are spread in the bigger parts of the Free State province. In KwaZulu Natal, the Glencoe roving parole board is the one with seven correctional centres, and Bethal roving parole board in Mpumalanga has five correctional centres whereas, in the Limpopo and North West region have on average two correctional centres to manage. This study reveals that comparatively Gauteng region has less roving parole boards in total as compared to the five regions in the country.

The respondents support the rationale to establish the roving parole boards especially to cater for the smaller correctional centres. They believe it will not be cost effective to have a non roving parole board as there is no parole hearings conducted on regular basis. It prominently transpired that the majority of the respondents perceived the conditions of employment that prevail for the parole board members as not conducive for the nature of work they do. This was linked to the contract of employment for the chairpersons and the community members who serve in the parole board.

The other area of change that was raised quite consistently was the documentation and offender profile reports that are submitted by the case management committee which is said to be of very poor quality and poorly written. The section supra provided the themes and sub themes that emerged from the answers to the questions of respondents during the interviews. In next section the identified themes and sub themes are linked to related literature.

4.10 THE LINK OF THE THEMES AND THE SUB-THEMES WITH LITERATURE

The essence of the offender`s punishment lies in retribution and deterrence with the aim to protect the community and rehabilitate the offender to become law abiding citizen. Terblanche (1999:189) has shown that “the courts have found renewed faith in the rehabilitation with the advent of correctional supervision. It is generally accepted in the penological arena that community based sentences are the most cost effective and efficient options with the least negative results. Due to overcrowded correctional centres it is preferable to keep offenders who pose less risk to the community out on alternative sentence and grant parole to offenders who are eligible for parole. Significantly the main themes and the sub themes established in this study are intrinsically linked to and confirmed by literature.

The themes are generally confirmed by literature in so far as the parole board and performance management are concerned. Furthermore, this study postulates that the parole board practice in South Africa is comparable and similar to the best standards in the world and that indeed there is a need for a system of performance management for the parole boards, as there in none that exist currently.

The next section explores the main themes and sub-themes and their linkage to literature.

4.10.1 THEME 1: KEY PERFORMANCE AREAS

Literature search reveals that there is very limited literature on the key performance areas of the parole board. In the main the issue of performance management is addressed in general and that focus on parole board performance is enveloped in the overall correctional centre performance. The Public Policy Brief (No 1 of July 2007:3) maintains that “parole and probation agencies do a poor job measuring and managing their performance. Few people outside the field itself understand the mission and functions of probation and parole agencies”.

Communication about how well or poorly the correctional centres do their job, and whether to what degree they are reducing crime and helping the offender become law-abiding, tax-paying citizens tends to be episodic, focused on activities rather than outcomes, and driven by crisis, often in response to crime committed by an offender under supervision. The non-existence, the confusion or inconsistent application of the performance management system as experience by the parole board members is not unique to the South African milieu. As Wilson (1993) in his Discussion Paper from the Bureau of Justice Statistics confirmed that to evaluate the performance of police departments, correctional agencies, and other key components of the justice system exclusively in terms of crime rates and recidivism rates may cause observers to overlook other important contributions of the system’s day-to-day performance and can obscure the role that average citizens play in promoting secure communities.

Liebling (2004:56) argues that “the measurement of prison regimes in most contemporary studies, where it exists at all tends to be linked to standards or accreditation processes, and driven by a confinement or “service delivery” model of the correctional centre. There are few attempts to integrate individual indicators (e.g. the number of assaults, or compliance with a single policy instruction) around broad themes or dimensions. It is assumed that organization performance is an aggregate of individual performance.

When pay is based on performance, pay increase can act as incentives to increase effort and performance. Liebling (2004:52) argues that the concept of correctional centre performance is complex and multidimensional. No single indicator, nor even any small number of indicators, should be taken seriously by itself. Multiple indicators are required to capture the many tradeoffs that must be made between the various and sometimes conflicting criteria of quality in the operation of the parole board. The two most significant types of data available in relation to the correctional centre are the key performance indicators and targets, and standard audit rating of compliance with specified body, the correctional centre inspectorate, which has a distinct and arguably more “moral role”.

In terms of the contract of appointment the chairpersons of the parole board commits themselves to giving a summary motivation of achievements per key results areas or generic assessment factors bi-annually during October and March as determined by the department, about the results obtained and knowledge gained in any work which they have done, whether during or outside of official office hours. The summary motivation of achievement shall be executed and determined in accordance with the prescribed performance management development system for the department.

The Public Service Regulations (2001) provides that the department shall manage performance in a consultative, supportive and nondiscriminatory manner in order to enhance organizational efficiency and effectiveness, accountability for the use of resources and the achievement of results. Performance management processes shall link to broad and consistent plans for staff development and align with the department's strategic goals. The primary orientation of performance management shall be developmental but shall allow for effective response to consistent inadequate performance and for recognizing outstanding performance. Performance management procedures should minimize the administrative burden on supervisors while maintaining transparency and administrative justice.

Performance management feeds into the accountability process supporting the organizational needs to demonstrate its results. To better understand performance management one has to know the parole board mission and mandate and to understand its place in the correctional system (Mayne 2003)". A good performance management system provides information that is meaningful and useful to decision-makers. A good system and a good performance measures play an integral part in an agency's daily operations.

4.10.1.1 SUB-THEME 1: PERFORMANCE STANDARDS AND PERFORMANCE MEASUREMENTS

According to the Framework for Managing Performance Information (May: 2007:9) performance standards express the minimum acceptable level of performance, or the level of performance that is generally expected. These should be informed by legislative requirements, departmental policies and service-level agreements. In the case of the parole board this study reveals that the legislative requirements clearly set some general standards around which specific performance standards for the parole board could emerge.

Kirkpatrick, (2006:17) states “performance standards are the conditions that exist when the work has been done in an acceptable manner. They explain how well the job should be done and they become the basis on which performance is judged”. Additionally, the Human Resource Management in Practice Report (1994:6) postulates that in order to appraise or assess performance it is necessary to have some yardsticks for performance measurement. These are usually referred to as performance standards. Performance standards are generally based on job analysis records and the employee’s performance is continually related to those standards.

However, the Human Resources Management in Practice Report (1994:7) further argue that determining performance standards can be a very difficult task because of the many issues which make it hard to establish what constitutes “*good performance*”. For example, it is possible for the set standards to be excessively influenced by the person at work rather than the work tasks themselves. In addition, human judgement tends to be subjective and comparatively little is understood about behaviour.

Though most performance standards are designed to measure performance for a given objective based on the law, objectives and performance measures are also highly recommended for serving and assisting the applicable client and/or public. To paraphrase Nathans (1985: 73-82) argument on the standards of performance of the parole board that “if the public do not want to set correctional centre up for failure, they must assign to a function and a mission that we might reasonably expect them to fulfill”.

4.10.1.1.1 SUB CATEGORY 1: REFERENCE TO THE PAROLE REVIEW BOARD

According to Mitchell (1990:152) there is no right of appeal against the decision to refuse parole. It is feared that the giving of such explanation might be abused by the offender in his efforts to secure release. This is regarded as an example of the effects of the paramouncy of the need to protect the public. However, the situation is different in South Africa that offenders are accorded the right to appeal the parole board decision and do litigate the Department of Correctional Services quite regularly on the dissatisfaction

with the decisions of the parole boards. The South African legislation also makes provision for the establishment of the Correctional Supervision and Parole Review Board which has the responsibility to chiefly review parole board decisions based on the submission of the Minister or the Commissioner. The Correctional Services Act (Act No 111 Of 1998) subsection 8 states “the decision of the parole board is final except that the Minister or the Commissioner may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration, in which case the record of the proceedings before the parole board must be submitted to the Correctional Supervision and Parole Review Board.

Any person however, can ask the Minister or Commissioner to consider specific cases for review and the decision of the Correctional Supervision and Parole Review Board is final and may include setting aside, accepting and amending the decisions of the parole board. Normally, a decision of the parole board is final but the Correctional Supervision and Parole Review Board’s decision overrides that of the parole board”. The assertion by the respondents that the Parole Review Board be used as a yard stick to measure the parole board performance is credible and worth exploring as a performance measurement standard given the role clarification provided in this regard.

4.10.1.1.2 SUB-CATEGORY 2: INDEPENDENT PAROLE BOARD

Cavadino and Dignan (2007:301) maintain that the parole board is an independent body whose membership includes judges, psychiatrists, probation officers and criminologists. Literature acknowledges that while the legal basis of parole varies little from one state to the next, there is little consistency in how parole systems are organized. The situation in South Africa parole system is an independent statutory model that has been reformed to include community members and crime victims on the parole boards (Gordon 2006:282).

From this trend may come a greater receptivity to citizen involvement in criminal justice. Responsibility for parole decisions usually rests with a board whose members are appointed by the state's governor for four-or-six-year terms Quinn (2003:128-9) argues. Most states argue that a parole board should be entirely free from political control, manipulation or influence from pressure groups.

According to Peak (2004:260) with the independent model a parole board is responsible for making parole release determinations as well as supervising persons release on parole. It is independent of any other state agency and reports directly to the governor. Mays and Winfree Jr (2005:201) argue that the independent parole boards are not under the control of a state agency. These parole boards make all the parole releases and revocation decisions for parolees in their jurisdiction, they are also responsible for the supervision of parolees. In South Africa, however, the supervision of parolees is conducted by the correctional supervision officers who also supervise probationers. Attorney Julian Knight, who has been dealing with the parole board related problems in South Africa for the past fifteen years, argued that there is indeed interference in the decision making processes of the parole board. Knight was quoted in the Pretoria News (2008:29) as having said that "the parole board was being paralyzed by the political interference.

The situation has come about because of a complete lack of political leadership. The situation is worsening". This resonates with the finding of this study where respondents indeed alluded to some form of interference in the decision making particularly with the so called "high profile offenders". According to Faulkner (2001:197) any system of discretionary release from the sentence of the court is a sensitive matter, to be scrutinized carefully for evidence of executive interference with judicial discretion. The system of parole always had to be handled carefully from this point of view.

4.10.1.2 SUB-THEME 2: APPLICATION OF THE PAROLE GUIDELINES

Literature confirms that the inconsistencies in the application of the parole guidelines are not new to the South African context. This view is confirmed by Quinn (2003:128-9) that while the legal basis of parole varies little from one state to the next, there is little consistency in how parole systems are organized. Responsibility for parole decisions usually rests with a parole board whose members are appointed by the state's governor for four-or-six-year terms. Parole is an administrative decision to release an offender after he/she has served some time in a correctional facility but near the end of the court's sentence. It may be distinguished from the other methods of release from the correctional centre (Reid 1993:688). Stanley (1976:4) maintains that parole actually serves a complex of functions and is related to decisions made by other parts of the criminal justice system.

According to Stanley (1976:4) the following decisions are reflected in the process of parole:

1. "Eligibility- an offender serving a prison sentence approaches a time when under the law he is eligible for parole- often after he has served a third of his maximum sentence.
2. Decision- a parole board considers his past record, his offence, his correctional centre record, the recommendation of his correctional official and his individual sentence/management plans for parole and decides whether to grant, delay, or refuse parole.
3. Supervision and assistance. If the parole boards grant parole, the offender is released under the terms of a written agreement.
4. Revocation. If the parolee commits a crime or violates his agreement he/she is sent back to the correctional centre after a formal revocation proceeding.
5. Discharge. The parolee is discharged from parole when the time of his maximum sentence has expired, or sooner if the law permits discharge for good performance on parole".

Stanley assertion of the parole process is supported and applied in South Africa and all respondents agree that when perusing the offender profile report for consideration of parole, they assess the potential risk posed by an offender to the community, the possibility of effective offender supervision and control within the community, whether or not the offender has the potential to earn a living or supported by his/her family and the willingness of n offender to participate in the appropriate treatment programmes. This assertion indeed confirmed the view that granting parole to offenders does not negate the essence of punishment and but entrenches its penological importance within the community setting.

Territo; Halsted and Bromley (1998) commented that “it is an essential element of justice that the role and processes for measuring parole readiness be made known to the inmate. This knowledge can greatly facilitate the earnest inmate toward his own rehabilitation. It is just as important for an inmate to know the rules and basis of the judgement upon which he will be granted or denied parole as it was important for him to know the basis of the charge against him and the evidence upon which he was convicted. One can imagine nothing more cruel, inhuman, and frustrating than serving a prison term without knowledge of what will be measured and the rules in determining whether one is ready for release. Justice can never be a product of unreasoned judgement”.

In South Africa offenders are granted the right to know of the reasons for the parole board not to grant parole as part of promotion of an efficient administration and good governance. This right to know is supported by section 5 of the Promotion of Administrative Act (Act No 3 of 2000) which sufficiently states: “any person [offenders included] whose rights have been materially and adversely affected by the administrative action (means any decision taken) and who has not been given reasons for the action may, within 90 days after the date on which that person became aware of the action or might reasonably have been expected to have become aware of the action, request that the administrator furnish written reasons for the action”.

4.10.1.3 SUB-THEME 3: PUBLIC PROTECTION

According to Pitts (1990:71) the central irony of imprisonment is that it brings together large numbers of people who have nothing in common but crime and offers them almost limitless time and opportunity in which to discuss, boast and fantasize about it. Not surprisingly when offenders leave a correctional centre they find it very hard to think or talk about anything but crime. Thus, the experience of imprisonment may serve to recast the identity of a person into that of a prisoner. Lurigio, Skogan and Davis (1990:23) argue that people do not know about crime and its impact to society despite the daily attention it gets from newspaper, television reports and radio talk shows.

For instance, estimates as to the size and shape of the crime problem vary considerably even among so-called crime experts. The parole board's primary role is to assess whether an offender poses an undue risk to the safety of the community. Of paramount importance when making parole decisions of an offender, is the safety of the community. According to Duguid (2000:176) the system of parole had always acted as a "safety valve" in the criminal justice system. Essentially the parole board contributes to the protection of society by facilitating, as appropriate, the timely integration of offenders as law-abiding citizens.

The parole board has a role to facilitate a confrontational approach to offenders to accept responsibility for their actions and to be aware of the impact of crime on victims (Duguid 2000:176). This study reveals that for correctional intervention and the parole board to be effective it is imperative to locate rehabilitation efforts and the decision making processes within the communities as far as is ethically possible. Parole and other crime prevention initiatives such as community services, probation, correctional supervision and the conversion of imprisonment sentences to those of a community-based nature should be explored to minimize re-offending or recidivism.

The study also confirmed that the parole board has the legislative duty to release or place offenders who are perceived to be less likely to commit crime or those who are perceived to be rehabilitated on parole, so as to minimize their potential to reoffend. In Canada the National Parole Board makes decisions of conditional release of inmates on the basis of risk assessment, risk prediction and risk reduction. When making decision the parole board assesses five areas of an offender's situation: (1) behavioral history; (2) the immediate situation; (3) mental and emotional outlook favorable to criminal activity; (4) pro-criminal social support; and (5) other personal factors such as development, self-regulation, and problem solving.

The Correctional Services Act (Act No 111 of 1998) provides that “parolees are subject to conditions such as house arrest, community service or other programmes as may be determined by the court, or the parole board and any such form of supervision and control as determined by the board”. This provision of the act is made with the public protection in mind that offenders are not just paroled willy-nilly but comply with some conditions within the community as part of correctional supervision. To paraphrase Nathan (1985: 73-82) postulate that the public “place upon correctional centre and the parole board the utilitarian goals of rehabilitation, deterrence, and incapacitation; they are asked to achieve results primarily outside of correctional centres, rather than inside. By focusing on external measures, correctional centres set up to be judged on matters well beyond their direct sphere of influence”.

4.10.1.4 SUB-THEME 4: SOCIAL REINTEGRATION

To confirm the importance of this theme Short (1979:119) states that “if the correctional system is to be effective, it must be both humane and efficient and should provide basic need for contact with family and the loved ones. One of the aims of an efficient system is to equip the prisoner to lead a useful and law-abiding life outside. An offender's successful reintegration into the community is considered to be the ultimate aim of his detention and development in the correctional centre”.

According to Brodsky (1975:9) family dismemberment is the removal of or departure of one or more persons from a family system of interrelationships. When any person is punitively and involuntarily separated from others he cares for, the result is usually unhappiness and personal longing. In its annual report Nicro defines reintegration as the process whereby individuals, who through the commission of crime have found themselves at odds with their families and communities, are able to come back and function as constructive citizens (Annual Report, 1998:99).

To conclude, this theme puts emphasis on the important roles play by the families of the offenders within the rehabilitation process. Reintegration of offenders into communities should rightfully begin with maintenance of family ties to facilitate smooth re-entry into the community of origin. As Carlson (1991:279) postulates one of the greatest stressors for both the offender and the rest of the family is to deal with is the change in the family roles. This can be a frightening experience for some wives, for example who were very dependent on their husbands. The family is in fact sentenced by the incarceration of the offender.

4.10.1.5 SUB-THEME 5: VICTIM PARTICIPATION

The White Paper on Corrections in South Africa (2005:81) argues that the department recognizes the restoration between the offender and the victim of crime in the parole process as an important and vital part in the rehabilitation and the prevention of recidivism. This is an important epoch in the criminal justice system as it introduces a need for the community based parole board to extend its mandate beyond the institutional boundaries.

One of the parole policy principles of the Department of Correctional Services (2006) maintains that “when the release of an offender on parole is being considered the parole board must be considerate of factors such as the offender’s response to development and treatment programmes associated with rehabilitation, the existence and quality of support systems in the community, the probability of re-offending, the risk such an offender may pose to the community at large as well as the risk to the complainant or victim of the offence”.

The department had seriously incorporated the involvement of the victim in the parole process that it has overtly expressed in one of the key parole board policy principles (2005) that “the complainant shall have the right to be informed of his/ her right to make representations when placement of an offender on parole or correctional supervision is being considered, or to attend any relevant meeting/s of the parole board and to be informed of the date in which the hearing will take place. Any complainants who intent to be present during a parole hearing or want to make a representation to the parole board are compelled to inform such parole board where the offender is detained of their intention and provide their contact details”.

Furthermore, the department has extended the provisions of victim involvement not only to parole release but also to the general administration of the incarceration of the offender. The parole board policy of the department (2005) adds “the complainant has the right to be informed if the offender escapes dies, is transferred or if parole is revoked after release”. The study, however found that in the main this policy caveat is neglected if not totally ignored as the systems and processes are not in place for the victims to exercise their right to attend hearings.

There are sporadic incidences of involvement particularly in high profile cases which have a propensity to attract media attention or where the victims are as one respondent added

presumably wealthy or politically connected.

Indeed victims of crime as Logan (1993:23) puts it have a special claim upon the criminal justice system's human and financial resources and parole is one such system. The victim involvement in the parole hearing processes give impetus to one of the penological motives of punishment which is restorative justice. With the restorative justice view, crime is viewed as a violation of people and relationships, and therefore justice should involve the victim, the offender and the community in a search for solutions to promote repair, reconciliation and reassurance (Zehr, 1990:1).

4.10.2 THEME 2: PAROLE BOARD DECISION-MAKING

As reported in the New York Times (August, 21, 2008) the independence of the parole boards and their decisions is frequently questioned in the high profile cases. The independence of the parole board in the decision making is indeed an issue that interest politicians for example Petersilia et al (October: 1993) amplified it in the Discussion Papers that "when public agencies fail to define their mission internally, political influences are more apt to define it for them. And when they fail to articulate how they should be evaluated, outcome measurements such as recidivism rates will likely be imposed upon them".

This study reveals that there are strong views that there are interferences in the current parole board decisions since its mission is not defined and targets not set. Parole is an extension of correctional programmes into the community. Release from custody prior to the completion of the full term of a sentence is a common feature of criminal justice systems in the world. Parole is widely utilized as a mechanism to mitigate the harshness of the sentence by reducing the time an offender spends in custody.

The conditional freedom of parole would allow an offender guided and supervised transition from custody to the community (Clear & Cole 2003: 376). Like the New Zealand Parole Board, the South African approach to the parole board is that of an independent statutory body that is empowered to grant parole to eligible offenders. The parole board makes decisions on the release of offenders from the correctional centre on parole. It also sets conditions for offenders when they are released, and can, on application from the department, recall offenders to prison if they don't follow the conditions set for them. Mackenzie (2006, 2) concurs that the parole board is the legally designated paroling authority. The parole board has the authority to release on parole, offenders who are committed to correctional institutions, to set conditions that must be followed during supervision, to revoke parole and return the offender to an institution, and to discharge from parole.

4.10.2.1 SUB-THEME 1: RISKS ASSOCIATED WITH PAROLE DECISION

Ekland-Olson and Kelly (1993:67) argue that as states continue to rely on parole as a means of easing correctional centres crowding and as political pressure accumulates regarding associated public safety risks, prediction of who is more or less likely to recidivate becomes increasingly important especially in light of the attention being given to selective incapacitation. Another function of parole is to alleviate jail and correctional centre overcrowding.

The respondents' assertion that at times area commissioners request them to assist in the alleviation of overcrowding is understood given that one of the parole functions is indeed to alleviate overcrowding. According to Neser (1993:280) overpopulation undermines internal social control, creates a high potential for conflict amongst offenders and can negatively influence the relationship between correctional officials and offenders.

Greifinger (2007:67) argue that in order to relieve overcrowding in prison and the rising cost of incarcerating older inmates, people have called for the early release of non violent geriatric inmates. However, one of the primary areas of concern for the citizens relating to parole is offender risk. Perhaps the risk associated with parole finding is explained succinctly by Nathan (1985: 73-82) when he asserts that the public ask an awful lot of the correctional centres that “correctional centres are asked to correct the incorrigible, to rehabilitate the wretched, deter the determined, restrain the dangerous, and punish the wicked. They are also asked to take over where other institutions of society have failed and to reinforce norms that have been violated and rejected”

4.10.2.1.1 SUB CATEGORY 1: REHABILITATION PROGRAMMES

Literature confirms the importance of attending rehabilitation and treatment programmes as one of the major factors for parole board to consider in illegibility of offenders for placement on parole. According to Schlager (2004:2), in the US for instance, there are two types of parole board’s decisions: mandatory or discretionary release decisions. Discretionary release is influenced by the rehabilitation model, as parole boards consider such factors as participation in treatment programmes, readiness for the community, seriousness of the offense, and availability of suitable employment. Mandatory release is determined on the basis of a determinate sentence or parole guidelines (Clear & Cole 2003, 394).

Rehabilitation professionals are often called upon to function in an environment that may be under-resourced, frustrating, uncertain and stressful (Flett & Biggs 1992). According to Colbach and Fosterling (1976:76) there are no rewards, acknowledgements or recognition by either community or system for a service job well done. Officers are expected to perform adequately with limited training and in most instances with little or no support services. Roberts (1997:310) asserts that correctional institutions are characterized by four different philosophies; retribution, deterrence, incapacitation, and rehabilitation. In practice, most systems use a mixture of these philosophies.

The majority of these philosophies focus on punishment rather than rehabilitation, consistent with current public sentiment. Nathan (1985: 73-82) postulates that the public ask the correctional centres “to pursue so many different and often incompatible goals that they seem virtually doomed to fail”. To further elaborate on this theme Roberts (1997:315) maintains that safety is the first goal of security procedures in correctional facilities. While correctional officers are responsible for protecting civilians in facilities, their ability to do so depends heavily on civilian awareness and practice of personal safety and security procedures. According to Glick (1995:463) rehabilitation is explained as providing psychological or educational assistance or job training to prisoners to make them less likely to engage in future criminality.

Rotman (1990:1) intoned that the rehabilitation of criminal or prisoners offers the criminal justice system a unique avenue of improvement. Despite the failures and abuses of the past, a revitalized concept of rehabilitation represents a creative opening in the repetitive mechanisms of a merely punitive system. In conclusion, the rehabilitation programme theme confirms one of the fundamental values of parole board criterion to be fulfilled prior to consideration of any offender for placement and strengthen the belief that people have an innate ability to develop into law-abiding citizens. According to Reid (1993:688) rehabilitation, justice and prison overcrowding are the three main reasons for parole in the United States, although the reasons have been emphasized in different places at different times.

Some systems were developed for the primary purpose of relieving prison overcrowding others for the purpose of rehabilitation.

4.10.2.1.2 SUB-CATEGORY 2: SKILLS PROGRAMME FOR OFFENDERS

All participants felt that the skills programmes offered to offenders are presumably not well-researched taking into account the lack of impact analysis of the programmes and the prison environment under which they are conducted and the lack of resources to offer them. Roberts (1997:309) argues that the decreasing professional attention between social work and criminal justice or correctional work may be attributed to amongst other factors: the perceived lack of effective rehabilitative treatment methods useful in corrections and criminal justice. In conclusion, Saleeby (1994,353) in Doel and Shardlow (1996:39) sums this up aptly that if one truly listens to what a client is saying- not for the purpose of pigeonholing him into a diagnostic category or pinning a sociological label on him- one begins to know some of the basic recurring questions arising out of the human dilemma. Each offender has unique characteristics that set him apart from some of his/her fellow offenders and the parole board process should take cognizance of that basic human feature, even in the complex cauldron of decision making.

4.10.2.2 SUB-THEME 2: PAROLE HEARING PROCESS

Holding individuals accountable for their behaviour has the highest likelihood of moving them toward changing future behaviour. Each offender has the capacity to grow and develop to be a constructive member of the family, community and society. Offenders are responsible for their behavioural change. The parole board hearing and the corresponding responsibilities of parole board members in conducting the parole hearing is not as simplistic as it is peripherally perceived.

To paraphrase Collette (2006) making parole decisions is certainly not an easy task. As parole board members are asked to predict the future, assess all relevant, reliable and persuasive information including any results and expert evaluations, make sense of sometimes contradictory recommendations, assess the risk of re-offending and make decisions as to whether to grant or deny parole. Of course, parole board members have various tools and instruments to help them.

It is during the parole board hearings that the case management committee's role becomes pivotal in presenting the profile of the offender based on the individual sentence or management plan. The parole hearing theme is almost endorsed by all the participants that the department has placed a premium emphasis on the design of the individual sentence plan for each and every offender to enable focused interventions to take place and be appropriately reported to the parole board once an offender is due for appearance.

Walker and Beaumont (1985) argue that the aim and principle of imprisonment should be the humane containment of those for whom no other course of action is possible and that, in particular, the following guidelines should be observed: that all decisions which affect the date of the offender's release should be subject to judicial or some other independent form of review. This theme also resonates with Moore's (October: 1993) argument in the Discussion Paper that "citizens who expect judges, police, and other justice officials to solve society's crime problems are unrealistic; citizens should not expect the officials to succeed without the active cooperation and support of the community".

According to the Discussion Paper by Moore (1993) the democratic vision supplies a rationale for identifying the major purpose of the correctional system in terms of four civic ideals:

1. Doing justice,
2. Promoting secure communities,
3. Restoring crime victims, and
4. Promoting noncriminal options

4.10.2.3 SUB-THEME 3: CASE MANAGEMENT COMMITTEE ROLE AND RESPONSIBILITY

The respondents' assertion on the role and the responsibilities of the case management committee is in concert with the provision of the Correctional Services Act 111 of 1998, section 42 which correctly and sufficiently states that the case management committee must:

- (a) *ensure that each sentenced offender has been assessed, and that for sentenced offenders serving more than 24 months there is a plan specified in section 38 (1 A);*
- (b) *interview, at regular intervals, each sentenced offender sentenced to more than 24 months, review the plan for such offenders and the progress made and, if necessary, amend such plan;*
- (c) *make preliminary arrangements, in consultation with the Head of Community Corrections for possible placement of a sentenced offender under community corrections;*
- (d) *submit a report, together with the relevant documents, to the parole board regarding-*
 - (i) *the offence or offences for which the sentenced offender is serving a term of incarceration together with the judgment on the merits and any remarks made by the court in question at the time of the imposition of sentence if made available to the department;*
 - (ii) *the previous criminal record of such offender;*
 - (iii) *the conduct, disciplinary record, adaptation, training, aptitude, industry, physical and mental state of such offender;*
 - (iv) *the likelihood of a relapse into crime, the risk posed to the community and the manner in which this risk can be reduced;*

- (v) *a sentenced offender who has been declared an habitual criminal which indicates that*
- (aa) there is a reasonable probability that such an offender will in future abstain from crime and lead a useful and industrious life; or*
 - (bb) such an offender is no longer capable of engaging in crime: or*
 - (cc) for any other reason, it is desirable to place such an offender on parole;*
- (vi) *the possible replacement of such sentenced offender under correctional supervision in terms of a sentence provided for in the Criminal Procedure Act, or in terms of the conversion of such an offender's sentence into correctional supervision under section 276A (3) (e) (ii), 286B (4) (b) (ii) or 287 (4) (b) of the said Act, and the conditions for such placement;*
- (vii) *the possible placement of such sentenced offender on day parole or on parole, and the conditions for such placement; and*
- (viii) *such other matters as the parole board may request; and*
- (d) *submit a report as contemplated in paragraph (d) to the National Commissioner in respect of any offender sentenced to incarceration of 24 months or less. A sentenced offender must be informed of the contents of the report submitted to the parole board or the National Commissioner and be afforded the opportunity to submit written representations to the parole board or National Commissioner, as the case may be."*

4.10.2.4 SUB-THEME 4: PROFILE REPORTS AND RECORDS

The “lamentation” of the poor or the lack of quality of the profile reports theme was also corroborated by the Khaedu Deployment Team Report (unpublished 2009) by the of department which in their investigation of the effective functioning of the parole board essentially concluded that case management committee staff members are not multi-skilled to produce quality profiles reports.

There is a tendency to subject all offenders to the generic conditions such as house detention, community service, and restriction to magisterial district. This, the deployment team suggested, should be done with due consideration to public safety, the risk the offender poses to the community and prospect of re-offending. The conditions for placement should, as far as possible be explained in the language of the offender by the parole board in order to avoid any ambiguity which may arise. Marion (2002:423) maintains that the function of the parole board is to determine if an offender is eligible for parole, and to decide whether or not to place that inmate on parole. They also in some areas, help to supervise and provide continuing control of parolees in the community by determining the conditions of parole.

4.10.3 THEME 3: ETHICAL CONDUCT

The department places a high premium on the Code of Conduct that employees should abide by. Consequently the contract of employment for the parole board states that in the “event of the chairperson having committed a misconduct and/or failure to abide by the terms of the contract and conditions governing the rendering of parole board services in the department, the area commissioners in consultation with the regional commissioner may suspend the chairperson, in terms of the departmental suspension policy, and institute disciplinary proceedings in terms of the departmental disciplinary policies and procedures” .

The Minister may terminate this agreement (contract) in the event of non-performance or violation of the Department's Code of Conduct. The Correctional Services Act (Act No 111 of 1998) empowers the Minister to remove a parole board member from office on grounds of misbehaviour, incapacity or incompetence but such action by the Minister does not preclude disciplinary action against officials in the full-time service of the state as provided for in their conditions of service.

The letter of appointment for all chairpersons of the parole board commits them not to “communicate, publish or disclose any sensitive/confidential information and knowledge obtained by them in the course of rendering services, to any person outside of the department's service, whether during the term of validity of this contract or after termination thereof, except if the department gives written approval for communication, publication or disclosure of such information”. According to Petersilia (2004) the American Correctional Association recommends that parole board members be forbidden to participate in partisan political activities and that they are granted independence and security of tenure to resist interference successfully.

4.10.3.1 SUB-THEME 1: COMMUNITY MEMBERS WHO SERVE ON THE PAROLE BOARD

The issue of the community member's role in the parole board to make release decisions was consistently raised as a concern and came under the spotlight in this study. This theme is congruent with literature as confirmed by Reid (1993:690) that the “independent parole board model is often criticized severely as the parole board is composed of people who know little or nothing about corrections. The parole board is removed from the institution and may not understand what is taking place there. Decisions may be made for inappropriate reasons, and as a result, the parole boards may release those who should not be paroled and retain those who should be released”.

Marion (2002:423) maintains that very few states require professional qualifications for board members. Qualifications for membership on parole boards vary by jurisdiction. In some areas, board members must have professional experience in corrections, law enforcement, or some other human service. This study also reveals that the qualifications for parole board members particularly the chairpersons vary from those with education background to religious qualifications. The political nature of the appointments process, as well as the absence of statutory qualifications for parole board membership, has long been subject to criticism.

One of the long-standing criticisms of paroling authority is that their members are too often selected based on party loyalty and political patronage rather than professional qualifications and experience (Anderson & Dyson 2001:29). This study also confirms that there are instances where the appointment of members of the community does not come from where the local communities or the correctional centres are, particularly in the case of the roving parole boards.

4.10.3.2 SUB-THEME 2: COMMUNITY INVOLVEMENT AND PARTNERSHIPS

The White Paper on Corrections in South Africa (2005:83) which is a policy document for the department states that the role of the community members during incarceration is also of vital importance to ensure that offenders feel a sense of community despite their exclusion. The parole system reflects the principles of social reintegration. While the offender on parole is under the supervision of a correctional officer based in the community, the view of the department is that the community should in fact assume a bigger role in ensuring that a correction does take place. After all, the offender enters and leaves the criminal justice system from the same community.

In principle, offenders are paroled only if they were rehabilitated and had ties to the community such as a family or a job. This makes release from correctional centre a privilege to be earned (Hass & Alpert 2006:462). Doing justice implies at least four things: hold offenders fully accountable for their offences, protect offender's constitutional and legal rights, treat offenders alike, and take into account relevant differences among offenders and offences. Promoting secure communities means more than to achieve low crime rates. Rather, it means providing the security of life, liberty, and property that is necessary for communities to flourish. It means enabling citizens to pursue their collective life as they see fit without undue fear of having that life disrupted or destroyed. Restoring victims means to honour the community's obligation to make victims of crime and disorder whole again.

Finally, promoting noncriminal options means that punishment for criminal behaviour should interfere as little as possible with pursuit of noncriminal behaviour. Even in prison, offenders should have at least some opportunity to engage in meaningful, constructive, and legitimate activities. To conclude, the parole board as an independent body is duty bound to ascertain the linkage between incarcerated offenders and their families and the communities before the placement of release is considered and the community members certainly can play the advocacy role in that regard.

4.10.4 THEME 4: CONDITIONS OF SERVICE

Reference to the conditions of service in the contract of employment is made that “a chairperson shall receive a travelling and subsistence allowances for making use of private/public transport towards rendering services to offenders in the correctional centre. The payment will be made according to the tariffs determined and adjusted from time to time by the National Treasury, payable within one month after services have been rendered”. The chairperson may terminate this contract within seven working days by giving a written notice as prescribed in the Basic Conditions of Employment Amendment Act (Act No 11 of 2002).

The fact that the acting allowances are not paid to all vice chairpersons who acted for more than twelve months was acknowledged as a policy omission by the department. The issue of non-payment of the danger allowances for the parole board members remains one of the controversial issues that in the opinions of all the respondents need to be clarified as the department has acknowledged that indeed there are some inconsistencies in the application of this policy. Cromwell et al (2002:190) maintains that the vast majority of state parole board members are full-time, salaried employees. Many authorities view the part time board of parole, often found in smaller states, as one of the most severe problems in correctional release decisions. This view is significantly true in in South Africa particularly when community members are concerned because all of them are appointed on a three contract and are paid per sessions.

The absence of community members in the parole board hearing has been categorically stated by all respondents as:

a source of frustration for their efforts to discharge their responsibilities and duties efficiently.

It is worth noting that the Public Service Regulation (2001) Part C does not preclude the parole board members to be assessed or appraised regularly. On the contrary, it empowers the executive authority to establish separate performance assessment instruments for different occupational categories or levels of work; but when assessing an individual employee, a single assessment instrument shall be used in order to assist in deciding on probation, rewards, promotion and skills development of the employee.

Additionally, Part C.2 states “assessment shall be based only on the information contained in the designated performance assessment instrument. However, where an appeal is lodged against an assessment, the information furnished in connection with the appeal, must also be considered”. Interestingly the Public Service Regulations (2001:F.1) states “if the departmental budget and the medium-term expenditure framework provide adequate funds, a head of department may establish a financial incentive scheme for employees or any category of those employees”.

4.10.4.1 SUB-THEME 1: EMPLOYMENT CONTRACT

The contract for appointment of chairpersons of the parole board in the department is standardized and based on the Correctional Services Act (Act No 111 Of 1998) section 74 (2) (A). The Minister of Correctional Services who is duly authorized in terms of the Correctional Service Act (Act No 111 of 1998) section 74 (2) (a) and Public Service Regulation (Part VII) “to appoints all the chairpersons and vice chairpersons of the parole boards”.

In terms of the appointment conditions that apply the chairperson shall be appointed for a period of five years to:

- *“Ensure that she/he is well conversant with the relevant legislature, regulations, delegations, policies, procedures, orders, manuals and directives pertaining to the effective management of the parole board.*
- *Ensure that the parole board is properly functioning at correctional centre/s and/or unit/s.*
- *A chairperson shall enter into a performance agreement with the respective AC/or a department’s manager delegated by the Minister at the completion of three months from date of assumption of duty, the.*

- *A chairperson commits himself/herself to obey all departmental policies and procedures, regulations, prescripts and provisions of the Act in the rendering of all parole board functions and duties”.*

The department will provide the chairperson with orientation relating to his/her functions and the legal mandate, strategic direction and operational matters and ensure that he/she receives a copy of the Act (Act No 111 of 1998), White Paper, Strategic Plan, Code of Conduct and relevant policies and procedures. The inconsistencies and discrepancies in relation to the application of the human resources processes and salary packages was sadly confirmed by the department and resulted in an action plan being developed. The fact that some chairpersons of the parole board receive 13th cheques and others not, is confirmed by the department and they vowed to institute corrective measures around it. Indeed the contract does not explicitly spell out the matter of structuring of salaries in the in the appointment letters of relevant or affected officials.

In terms of the Public Service Regulation (2001:B.5) states “B.5.1.a head of the department may only compensate an employee for acting in a higher vacant post in terms of a determination of the Minister made through the collective bargaining process. B.5.2. the head of department may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy. B.5.3. an employee shall not act in a higher vacant post for an uninterrupted period exceeding twelve months”. Clearly there is a need for the department to address the perceived incorrect misinterpretation of the regulations and the corresponding policy provisions in relation to those vice chairpersons who are acting in higher capacities.

4.10.4.2 SUB-THEME 2: POWER AND AUTHORITY

Petersilia (2003:171) points out that “one of the major area of the four in which an offender reintegration practices need to be reformed is to change correctional centre release and revocation practices. No one would argue for a return to the unfettered discretion that parole boards exercised in the 1960s, which led to unwarranted disparities that often reflected the personal philosophies and prejudices of parole board members, rather than the risk posed by the offenders”.

According to Cox and Wade (2002:310) the authority to grant parole is usually delegated by statute to some formal body. Most states now delegate this authority to the judge who presides over the case, but in some a semi-autonomous parole board appointed by the governor is maintained. Perhaps the power and the authority of the parole boards are summarized by Rhine, Smith and Jackson (1991:32) when they state “paroling authorities or parole boards are located within the executive branch of government. Although they are executive branch agencies, they enjoy quasi-judicial immunity under limited circumstances.

As agencies within the criminal justice system, the scope and consequences of their actions-statutory and administrative- are enormous. The parole board decisions determine the actual period of time many offenders spend behind bars or under supervision on the streets. The decision of the parole boards also affects public safety and the achievement of a state’s sentencing goals”. Section 74 of the Correctional Services Act No 111 of 1998, empowers the Minister of Correctional Services to establish the parole boards. As is the case in South Africa, Petersilia (2003:61) argue that parole boards, usually composed of political appointees.

Parole boards, usually composed of no more than ten individuals, also has the authority to rescind an established parole date, issue warrants and subpoenas, set conditions of supervision, restore offender` civil rights, and grant final discharges. This is not different from the South African model of parole in that members of the parole board are appointed by the Minister of Correctional Services and serve a term determined in their appointment ranging between three to five years. On average the parole boards have five members viz the chairperson, the vice chairperson, two community members and the secretary who in all instances is a correctional official.

As reported in the Pretoria News (July,29,2008) penal reform activist and former member of Lawyers for Human Rights, Van der Merwe mentioned that before October, 2004 the parole board was not entitled to make a decision on whether or not a prisoner could be placed on parole. The use of authority can be effective in preventing further criminality, as it has the potential to create a personal crisis for the offender that may force re-evaluation of attitudes and behaviour (Roberts 1997:313). The parole boards were only allowed to make a recommendation. Like most of the parole boards in the world and in accordance with best practice, the South African parole boards have similar functions and are empowered through legislation to exercise their powers and discharge their functions accordingly. The legislative reform means that the parole board is now in a position to make a decision on an offender's parole.

The Correctional Services Act, (Act No 111 of 1998); section 42 is explicit in the way it explains the power that the parole board has that after having considered a profile report (G326) submitted by the case management committee or any other representation on any offender serving a sentence exceeding twelve months the parole board may amongst others:

- (a) approve placement of an offender on parole*
- (b) set the phase and conditions for placement*
- (c) refuse parole or any other placement option*

- (d) consider amendment of conditions or cancellation of placement on parole/correctional supervision upon violation of conditions or in case of substantial change in circumstances and where a warrant has been issued by the supervision committee.*
- (e) recommend amendment of conditions or cancellation of placement to the court or national council upon serious violation or substantial change in circumstances in respect of those sentenced to life imprisonment and those declared as dangerous offenders in terms of the Act.*
- (f) approve all cases for special remission of sentence for meritorious conduct including monetary compensation in terms of section 80, irrespective whether the sentence is less than 12 months.*

In general parole board members understand their obligations and responsibilities in so far as the decision making is concerned. The chairpersons of the parole board are the supervisors of the vice chairpersons and the two community members. The area commissioner and the chairpersons are the dual supervisors of the secretary of the parole board.

4.10.4.3 SUB-THEME 3: PERCEPTION ABOUT PAROLE BOARD

This theme rhymes with what literature provides that “despite the general acceptance of the success of parole, and the excellent public reputation which the parole board has acquired, serious criticisms have been raised about various aspects of the parole operation” (Hall Williams 1975:72-3). Hass and Alpert (1986:404) argue that the increasing attack on the institution of parole in the US today fail to distinguish between parole as a method for releasing offenders from or returning offenders to imprisonment and parole as a method for supervising offenders in the community.

These two distinct functions need to be separately evaluated for an overall assessment of the usefulness of parole and its fairness in our system of criminal justice. The parole release decision is inseparable from the indeterminate sentence. The decision making is a quasi-judicial process carried on by small groups of appointed officials organized into parole boards.

4.11 CONCLUSION

The changes introduced by legislation since 2005 have brought about an approach that is plainly in tune with the public protection agenda to enhance public protection and refocuses entirely on risk and risk assessment. The reality about incarceration or imprisonment is that despite one opinion, the fact of the matter is offenders who are incarcerated will be released from prison. The nonexistent of the system to measure performance of the parole board as a structure, the sporadic uncoordinated approach to performance management and policy gap in relation to the appraisal of the individuals within the parole board has been confirmed in this study. Suffice to confirm that as literature puts it when the concept of reviewing the old parole board and replacing it with the new one there was no plan around how the boards' performance is going to be measured. This chapter provided the analysis and linkages of the findings to literature.

The respondents' reactions to the interviews were also presented and discussed by means of the generated themes and subthemes. A detailed explanation of each theme and sub theme provide the reader with a good understanding of these themes and subthemes and how they link to the available literature. The respondents to the interview questions were enormously enriched through direct verbatim reflections and quotes. The tables presented in this chapter are also used to further contextualize the findings and provide background information of the parole boards in the country. Chapter 5 presents the interpretation of the findings and the recommendations for a model of performance management of a parole board in South Africa.

CHAPTER 5

SUMMARY OF THE FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter provides a summary of the thesis from chapter one to chapter four, the limitation of the study are examined, present the interpretations of the findings and make recommendations for the design of a model of performance management of the parole boards in the South African from a penological perspective. The recommendations made are based on the identified themes. Provided the Department of Correctional Services commits itself to the recommendations presented in this chapter, there may be significant progress in the effective management of performance of the parole board in South Africa.

5.2 SUMMARY OF THE CHAPTERS

Chapter one started with an introduction to the rationale for the research that was undertaken viz a model of performance management of the parole board in South Africa, a penological perspective. A problem statement in the form of the background was outlined explaining the purpose and the aim of this research. The primary purpose of the research was to purpose of the study was to investigate a model of performance management of the parole boards in the Department of Correctional Services in South Africa. Furthermore the delimitation of the field of study focused on how the study was narrowed in scope and the methods to ensure validity and reliability were discussed. Consequently the key theoretical concepts significant to this study are defined to provide a common understanding of their meaning in the study.

Subsequently, the research methodology was presented and discussed, which provided clarity on the particular steps that were undertaken to address the research problem, and consisted of the research design, the sampling strategies, the methods of data collection and analysis. The time limitation then follows; thereafter the ethical considerations and the difficulties encountered in the study are presented. To conclude the chapter attention was drawn to the technical aspects used in this study and discusses the significance of this research and its results according to the themes and sub themes discussed in chapter four.

Chapter 2 presented a comprehensive overview and the theoretical analysis of parole. The origins and the evolution of parole from an international perspective and the overview of the historical and legislative development of parole in South Africa are presented. The functions and the goal of parole as a necessary topic study to acquire a greater understanding of the research problem are explored in this chapter. The philosophy and the model of parole boards and the comparative analysis the variation of eligibility for parole is discussed in support of the literature and the generated themes. The independence of the parole board and the structures of the parole board are also discussed looking into the different approaches from the different countries. The chapter concludes with the presentation of the political consideration and the legislative influences of parole and the link between parole and penology and the motives of punishment.

Chapter 3 provides a holistic literature review and the theoretical framework of performance management, the historical development of performance management and the rise and fall of the traditional appraisal systems. Furthermore the aims, the benefits and the value of performance management and the contextualization of the performance management within the correctional regimes are discussed. Different performance management systems and appraisal types are explored in this chapter to deepen an understanding of the topic. Additionally, organizational performance management and the link between parole and performance are highlighted. The chapter concludes with raising performance management gap.

Chapter 4 presents the data collection and data analysis and established themes and sub-themes. The data collected using the interview guide as Annexure A is described by means of individual interviews. The research design and approach was triangulated with document sources to ensure the richness of data. This chapter is based on the four main themes which emerged from the data analysis (condensed in figure 4.2.) and they are key performance areas of the parole board, conditions of service of parole board, decision making and ethical conduct of parole board members. Each theme is explained and further enriched by direct verbatim reflections of the respondents' responses. To elucidate the importance of this research the link of the themes and sub themes with literature support concludes this chapter.

5.3 LIMITATIONS OF THE STUDY

During the research process the following limitations were experienced:

The researcher, as an employee of the Department Correctional Services stationed at the national office, conducted the interviews with all the participants and took field notes. This may have influenced the neutrality and responses of the participants during the interviews, given their contract appointment and the fact that the majority of them are reaching the end of their five year contracts. This also raises issues of possible misinterpretation of what is said as the information is subjected to the researcher interpretation. The financial constraints are one of the chief reasons the researcher chose the sample within the three provinces of Gauteng, Limpopo and Mpumalanga and head office. The population selected for this study was wide enough and a sample of about thirteen participants was selected using non-probability, purposive or judgemental sampling technique.

Granted, the purposive sampling techniques have inherent bias, but their limitations are outweighed by the advantages of minimizing mistrust and establishing openness in the discussion of sensitive topics. The research question and some of the questions from the interview schedule on the parole board were not clearly understood particularly the questions on the performance standards and key performance area. Finally, it is important to stress that this study focuses on the performance management for the parole board as a structure and not necessarily an appraisal tool for individual members of the board even though there was clearly a symbiotic relationship and the two were inseparable at the end.

5.4 SUMMARY AND FINDINGS OF THE STUDY

As is the case in the comparisons in the criminal justice field, international comparisons have been difficult in the area of this study. The only easy thing to do was to latch onto details of one country's system but by taking them in isolation from the total system in which they are set to fail to get their proper measure. Despite the difficulties an attempt was made to compare how release mechanisms work in some other jurisdictions and how performance for the parole board is measured. This chapter, therefore; will consider how the study can contribute to the establishment of a model of performance management for the parole board in South Africa. The results of the study support the literature on the non existence of the instrument to measure the performance of the parole board worldwide.

The study on the parole board performance's significance relates to the identification and the need to develop the a model of performance management for the parole board within the confines of the legislation. Since there is very little literature on how parole boards performance are appraised and or measured, the researcher believes this study and the corresponding recommendations will form the foundation around which a model to measure performance of the parole board in South Africa can be build.

The specific and the general findings of this study are summarized and presented in details below.

5.4.1 SUMMARY ON A MODEL OF PERFORMANCE MANAGEMENT FOR THE PAROLE BOARD

The search for a model of performance for the parole board is indeed doomed to fail for as long as the goals and mission of the parole board are not well defined and the “how success will look like approach” is nonexistent. Research shows that efforts to act on performance management of parole board will be blocked by personnel regulations and administrative behaviour within government. None of this caution however, is sufficient to discourage one from exploring new and better ways of defining a performance management model for the goals of the criminal justice agencies to which the parole board is one of them. However, unlike in the private sector, government agencies seldom focus on outcomes because assessment is so difficult.

Literature shows that developing performance management may take years, and may be appropriate to outputs but not outcomes, may define outcomes too narrowly, so that employees concentrate on only a few goals or they may be so numerous that employees do not know what to concentrate on. For instance, this study posits that the parole board has numerous outcomes that members must achieve which probably is the source of confusion for some of them. The parole board is expected to make decisions about granting or denying parole and in doing so it must take into consideration the rights and needs of the victim, public protection interests, potential reintegration within the community and the fact that an offender must not be a threat to society whilst assessing his risk/or lack thereof to re-offending.

Literature reveals that like the criminal justice agencies, admittedly the parole board also need to be measured according to soft performance indicators such as how offenders and their families are treated, how they evaluate performance, and the level of trust and confidence of citizens in the parole boards. Research has shown that there is no uniform performance management system for the parole boards and that each parole board is measured on different systems suitable to the conditions and context within which it is established. The non existence or poorly defined performance management systems disadvantages the department` ability to gauge how progress toward its strategic goals and objectives are to be achieved. Performance management is required to empower decision-makers to allocate resources and determining appropriation levels and inform the public about the efforts of their government.

5.4.2 SUMMARY ON THE KEY PERFORMANCE AREAS

Indeed the key performance areas for the parole board are to make responsible independent decisions about granting or denying parole based on the set criteria. The parole decision takes into consideration not only the offender`s response to rehabilitation treatment but also society broad concerns relation to the four key areas namely victim involvement, public protection, social reintegration and potential re-offending risk. In other words even before consideration for parole all these four aspects must be evaluated thoroughly.

These four elements provide significant elements and the foundation around which a model of performance management of parole board`s can be laid. Critically, Burkholder (2007:216) quoted from the management authority and business author Peter Drucker, warns “if you can’t measure what is important, what you do measure becomes important”. It is therefore, necessary that parole board members understand their key areas of performance, the obligations and responsibilities in so far as the decision making is concerned.

The five key performance areas that this study established in relation to the responsibility to grant or deny parole to offenders are the risk posed to the community by the offender's potential to re-offend, the rehabilitation and reintegration of the offender into the community, the involvement of the victim in the paroling process, the independence and accountability of the parole board and the maintenance of public protection and trust. Liebling (2004:52) posit that the concept of correctional centre performance is complex and multidimensional. No single indicator, nor even any small number of indicators, should be taken seriously by itself. Multiple indicators are required to capture the many tradeoffs that must be made between the various and sometimes conflicting criteria of quality in the operation of prison.

5.4.3 SUMMARY ON THE KEY PERFORMANCE STANDARDS AND TARGETS

The non-existent or lack of clarity on the performance standards and targets does not only make this study helpful but necessary to assist the department to come up with conditions that should exist to determine work of an acceptable level. Since performance standards explain how well the job should be done they form the basis on which performance is judged. Generally, the performance standards for the parole board are based on two aspects of quantity and quality of decision making. The department will have to create equilibrium between these two performance standards.

The quantity performance standard should be based on the number of offenders that each parole board release. For instance on average a parole board considers between five to seven offenders a day which translates to between 1350-1890 offenders in a 270 working days period per year. This quantity performance standard does not take into consideration other factors of sudden cancellations of the parole hearing or repeated representation, and the reality that the members of the parole boards are not full-time employees of the department, but just the numbers of offenders that can be seen every working day.

However, the quality performance standard reflect the nature of the decisions the parole board make against the set criteria such as legislation the number of decisions referred and overruled by the Parole Review Board and the motions referred and overruled by the court of law. Another important performance standard that comes for consideration for both quantity and quality is the backlog of cases and the incomplete offender profile assessment as these can hinder any progress that the board intend to make and without which release decisions cannot be made.

The complexity of both the quantity and quality performance standards for parole decision is amplified by Collette (2006) that “parole decision-makers, are asked to predict the future, assess all relevant, reliable and persuasive information including any results and expert evaluations, make sense of sometimes contradictory recommendations, assess the risk of re-offending and make decisions as to whether to grant or deny parole. Of course, parole decision makers have various tools and instruments to help in this task. In fact, what they have to do is marry human judgement with testing, actuarial assessment with clinical evaluation to arrive at the structured professional decision making”

5.4.4 SUMMARY ON THE PUBLIC SAFETY AND PROTECTION

Importantly the independent decisions of the parole boards ought to be made with the safety and the protection of communities in consideration. Some conclusions can be drawn that any consideration and decision to grant parole to any offender by the parole board must be done with the intention to protect society which is the purpose for which parole boards are established. Literature on the penology of parole suggests that the public accountability of the parole boards require that the risk of public harm be consistently evaluated when considering the potential freedom and reintegration of offenders into the community. There is however, an acknowledgement that this aspect of the parole board functions is not simplistic and easy to address as issues of crime and criminals are complex.

The parole boards should educate the communities of their functioning and the need and the significance of the community participation in the rehabilitation of offenders. Research postulates clearly that one critical issue in granting offenders' parole is to balance and answer the question whose interests are more important the public or the inmate?

5.4.5 SUMMARY ON SOCIAL REINTEGRATION OF OFFENDERS

Indeed research shows that offenders indubitably possess an assortment of needs upon release from the correctional centres. Together, these needs can be overwhelming to successful reintegration. Parole provides a means whereby an offender may make a smooth transition from prison life to living in a community with some degree of freedom under supervision. Importantly social reintegration contributes to the reduction of recidivism if handled appropriately. Parole systems differ in format and structure but they all have gradual and safe reintegration of offenders as law-abiding citizens for better public protection and safety as a main objective. The parole board mandate in the main requires members to prepare offenders for safe reintegration into society upon release.

5.4.6 SUMMARY ON VICTIM PARTICIPATION IN THE PAROLE PROCESS

Literature shows that more and more countries allow the victims or their relatives to make representation or appear before the parole board, whilst others allow them to submit written statements. The participation of victim in the parole processes are expressed in both the Criminal Procedure Act (Act No 51 of 1988) and the Correctional Services Act (Act No 111 of 1998) and emphasized in the Parole Board Procedure Manual of the Department of Correctional Services (2006).

This clearly indicates the seriousness with which the victim participation is taken within the criminal justice arena and consequently the parole board cannot underestimate this policy provision. The tendency to neglect victim participation and even representation in the parole process is rife amongst all the parole boards and surely this omission overtly or covertly, need to be investigated further to ascertain and establish how this essential service to the public can be improved. Importantly, the non participation of the victim in the parole process seriously deprives both the victims and the offender an opportunity to reconcile with one another and heal the wounds. Since the department has adopted the restorative justice approach and is a partner in the Victim Charter it is imperative for the parole board to realize that such a commitment implies that the justice that they dispense should invariably involves the victim, the offender and the community to promote reparation, and reconciliation (Zehr, 1990:1).

5.4.7 SUMMARY ON THE COMMUNITY INVOLVEMENT AND COMMUNITY MEMBERS OF THE PAROLE BOARD

Research shows that it is undeniable that the communities play a pivotal role in the parole processes and deserve to know how the affairs of the parole board are run. The addition of the community members or the “lay man” as referred to in New Zealand in the parole board does not only legitimize the parole boards` functions and roles within society but succour to the society that believe in the leniency of the criminal justice system and dispels the perception that offenders are release without due consideration to the public protection agenda. Community participation is core to the legitimacy of the parole boards. Ideally, since parole board serves to connect the parole board to the local communities. It is critical that the community members recruited to serve on the parole board come from the same communities that offenders come from.

It is therefore overwhelmingly worrying that some members of the community recruited in the parole boards in South Africa do not come from the local communities where correctional centers are located, something that creates a mockery of the community participation imperative that the department seek to promote. This is partly attributed to the rate of unemployment in the country which creates an unenviable situation where people from all over the country apply for the parole board jobs as it is viewed as a sustainable job. A worrying trend in the study is the “borrowing” of community members from one parole board to another as there is a high turnover of community members due to the conditions of service applicable to them. Community members are appointed on a three year part time contract and are paid hourly rates depending on the number of sittings they attend.

The community members play a vital role to link and reintegrate the offenders to the communities they come from. Admittedly, however, the chairpersons of the parole board believe that community members are doing a splendid job and as a result their contract can be expanded to five years as is the case with the chairpersons of the parole board.

5.4.8 SUMMARY ON THE GOAL AND FUNCTIONS OF THE PAROLE BOARD

On average, the parole board in South Africa is constituted by five people namely the chairperson, the vice chairperson, two community members and the secretary (who is the full time employee on the department). The fact that three members constitute a quorum has probably contributed to the neglect or less effort put into the recruitment and or cooption of other optional members of the board such as the representatives South African Police and the Department of Justice and Constitutional Development as required by the law.

It would be difficult to attempt to generalize about the goals and the functions of the parole boards within correctional services in South Africa without comparing it to the boards elsewhere in the world. The South African parole model bears striking resemblance to the New Zealand model and share most of the characteristics of the first world arena. Clearly the main responsibility of any parole board is to grant, deny, suspend, and revoke parole in accordance with legislated criteria.

Essentially it is established that parole is an administrative decision to release an offender after he/she has served some time in a correctional facility but near the end of the court's sentence. The board's public accountability requires that the risk of public harm be constantly evaluated when considering the potential freedom and reintegration of offenders into the community. In making a decision, the parole board is guided by two criteria set out in legislation: the risk posed to the community by the offender's potential to re-offend and the rehabilitation and reintegration of the offender back into the community.

5.4.9 SUMMARY ON THE INDEPENDENCE OF THE PAROLE BOARD

Like many first world countries outlined in chapter two, South Africa has adopted the independent model for the administration of parole wherein the parole board is responsible for making release and for supervision of persons released on parole. It is independent from the department and it (parole board) reports directly to the Minister of Correctional Services. Peak (2004:260) posits that the independent model parole board is responsible for making parole determinations as well as supervising parolees.

As in many countries, legislation in South African statues requires that a parole board should be entirely free from political control, manipulation or influence from pressure groups. There is a general consensus that the parole boards are independent in the decisions they make and that they are not unduly influenced.

The study confirmed a “discernible view” that the parole board has an independent decision making authority on the placement and release of offenders and there are no influences to the board to come to some specific decisions. Indeed there was a general view that as is required by legislation the parole board decision is final and the only body by law that review the decision is the Correctional Supervision and Parole Review Board or the relevant court of law. Even though, generally the parole board was found to function independently, there were some concerns raised of possible/potential interference to the decision making the so called high profile cases. The possibility of political manipulation of a parole process in South Africa, given its divided history is a matter of legitimate concern and cannot be wiped off entirely through the system of parole. In any case parole boards are part of the political landscape of each country.

5.4.10 SUMMARY ON THE APPLICATION OF PAROLE GUIDELINES

Like the American approach to parole the South African parole board has developed some guidelines on how to manage and administer parole in the correctional centres. The American parole boards like the South African counterparts use parole release guidelines to help the parole boards make parole decisions. This parole guidelines do not only help the parole boards make objective decisions but they also help them defend their decisions to the public (Russell 2007:31-2).

Although a perception exist that the parole guidelines are applied inconsistently and that some parole boards are more lenient than others. It is therefore, inconceivable and possible attributable to human character that such detailed parole procedures and guidelines could be applied incoherently. Admittedly, there is some level of confusion amongst some parole board members on the applications and interpretation of the two pieces of legislations namely the Prison Act 8 of 1958 and the Correctional Services Act No 111 of 1998.

The potential confusion on the correct interpretation is not unique to South Africa as literature review reveals that one reason for complexity is the variety of sentencing structures under which parole systems must operate. Sentencing structure is related to the parole system. In jurisdictions where sentences are long with little time off for good behaviour, parole may involve a long period of supervision. In jurisdictions where sentences are short, parole may be unimportant as a form of release, and supervision is for shorter periods (Reid 1993:689). The decisions of the parole board are taken in the main by resolution of the majority of the members at any parole hearing and, in the event of equality of votes; the chairperson cast his/her vote as well. Parole board decisions are not placed at a centralized repository or database for ease of reference and this is problematic especially for orientation of the new chairpersons and other members of the parole board.

5.4.11 SUMMARY ON THE RISKS ASSOCIATED WITH PAROLE DECISIONS

This study reveals the acute shortages of key rehabilitation resources such as psychologists, social workers, and other experts in the field of corrections. This shortage makes the work of the parole board difficult and compromise the quality of the profile reports and the rehabilitation programmes. This study also established that there is a high turnover of social workers and almost a depressing shortage of psychologists in the department. This shortage of key personnel for rehabilitation and reintegration essentially creates an untenable situation where potential reoffending is determined only through human judgement by the parole board members as opposed to clinical assessments.

Notably, the potential of any offender to reoffend is very difficult to establish as the conditions outside the confines of jail walls are different and at the worst of times very harsh for those who come from prison. Another risk related to the parole decision is the fact that community members who serve in the parole board are not trained on the job

they do. This lack of training of members of the board is linked to potential corruption and bribery risks which unfortunately bedeviled the old institutional parole board.

5.4.12 SUMMARY ON THE CASE MANAGEMENT COMMITTEE AND THE INDIVIDUAL SENTENCE/MANAGEMENT PLAN

Like in many states parole boards make decisions based on statutory criteria, individual sentence plans, level of participation in inmate rehabilitation programs, and an offender record of no disciplinary infractions. An individual sentence/management plan for each offender has emerged as a necessary requirement for the parole board to make an informed decision. An individual sentence plan stipulates all the required programmes addressing the offending behaviour that all offenders have to undergo and also cover the judges` comments and all conditions of incarceration.

The case management committee essentially makes recommendation based on the readiness of each offender to be placed on parole on the strength of his/her completion of the identified programmes and rehabilitation interventions. In other words the case management committee`s role and responsibility is to submit and present quality profile reports to the parole board. Interestingly, one of the key finding of the study is the quality and lack thereof of the profile reports which certainly need some serious improvement to assist the board to make defensible release decisions. The quality of the profile reports that the case management committee submit to the parole board is said to leave much to be desired and need urgent attention as it is a source of frustration to the work of the parole board. The attendance of rehabilitation programmes by offenders is one of the key criterion against which all offenders` eligibility for parole is determined.

The assumption therefore, exist that rehabilitation programmes are available in all correctional centres and not only do professional social workers and psychologists offer them but they are of such a standard that offenders who have gone through them are guaranteed not to falter once release to the community. There exist a factual possibility that the parole board do release offenders who have not undergone rehabilitation programmes because in the most of the centres in the country they do not have social workers and psychologists and this invariably put the community at risk since one of the key consideration for parole is the ability to predict with reasonable accuracy an individual offender's likelihood of reoffending. The rehabilitation of offenders however, is required to be in tune with the public protection agenda that is recently driving the criminal justice policy.

Linked to the rehabilitation programme completion is the need for offenders to undergo skill training programme as a criterion for consideration for parole placement. Since the majority of the offenders in South Africa are not particularly skilled, it is expected of the department to impart skills to offenders during incarceration to prepare them for the tough outside world and enhance their employability so they can shun the life of crime. The finding of the study is that the effectiveness of the programs offered to offenders is relative unknown and that there is indeed less literature to corroborate this finding.

5.4.13 SUMMARY ON THE CONDITIONS OF SERVICE OF THE PAROLE BOARD

Research shows that in most states, parole board members are appointed by the executive and their terms of office vary. On average parole board members serve between three and five year terms. All members of the parole board have signed employment contracts which range between three years for community members and five years for both the chairpersons and vice chairperson.

Clearly there is some level of misunderstanding and contradictions amongst parole board members on the conditions of the service applicable to them. Some members of the parole board do receive the 13th cheque and others do not, a fact that just adds to the confusion that the department has also not assisted in the correct interpretation of the conditions of service. Other members of the parole board believe they are appointed as part-time employees on contract whereas others believe they are indeed full-time employees appointed on contract. However, this study has established that a member of a parole board is not in the full-time service of the state but has signed a three or five year contract which enables him/her to receive remuneration and allowances as required in the contract. For instance, parole board members in terms of the leave administration do qualify for study leave and all other types of leave such as vacation, family responsibility leave, maternity, sick leave.

Conversely this study also established that the department appear to be undecided on which disciplinary code to apply to the parole board members. Although legislation empowers the Minister “to remove a member of the parole board from office on grounds of misbehavior, incapacity or incompetence”, there were cases that were reported of chairpersons suspended with no disciplinary action taken or disciplinary hearings delayed unreasonably. Indeed there is a policy gap in the way in which the parole board is administered; for instance there is no policy that deals with the suspension of parole board member as the department uses its disciplinary code which appears to be ineffective and inadequate in dealing with parole board members. Interestingly the inconsistency in the application of the danger allowance policies came to the fore as participants believe that, like all correctional officials, they too should receive these allowances.

For instance in Gauteng alone there are only three appointed chairpersons and the other five are appointed as vice chairpersons acting in the chairperson positions. This practice of acting in higher position has continued for more than three years on average. Administratively all the chairpersons of the parole report to the Area Commissioners even though they are appointed by the Minister. The chairpersons of the parole board form part of the executive structure of the management areas and this at times creates contradictions or subtly influences the decisions as managers do expect them to assist with the overcrowding challenges.

5.4.14 SUMMARY ON THE REQUISITE SKILLS TO SERVE

Generally there was no common assertion on the skills required of the parole board members to serve. Evidently the responsibilities to serve on the parole board are enormous and the persons who serve on the parole board should at least have some level of professional training. The lack of such professional training will handicap parole board administratively and but operationally.

Although the legal qualification for the chairperson of the parole board is endorsed, this study reveals that a general view that the persons who serve in the board should be matured in terms of age and life experiences and have a good understanding of the community exists. The issue of maturity is however, not defined in the most practical terms which consequently give a vague idea of what it means. Furthermore this study crucially reveals that community members are poorly trained and do not get orientation when recruited.

Some of the general repertoire of skills necessary for members of the parole board that are found to be useful in this study includes, but not limited to, decision-making abilities, ability to read and interpret policies, leadership skills, and critical thinking abilities. Literature confirms that very few states in the USA require professional qualifications for parole board members.

5.4.15 SUMMARY ON THE ETHICAL CONDUCT OF THE PAROLE BOARD MEMBERS

The study confirms the fact that the recommendation of the Jali Commission of Inquiry in 2001 which suggested that the parole boards be headed by independent members from the public who were not working within the system and who could not be easily bribed since they had little if any access to offenders who have been enacted into law. All chairpersons of the parole board are not in the full time employ of the department and are all civilians as opposed to the previous board which was manned by correctional officials. This is refreshing given that the integrity of the previous board was heavily criticized and the public never believed in its independence.

Some of the significant ethical considerations for the members of and the character traits that said to be crucial are integrity, confidentiality, reliability, neutrality, objectivity and team work. Literature shows that most statues argue that a parole board should be entirely free from political control, manipulation or influence from pressure group. In the South African context for instance the Minister is empowered to remove a parole board member from office on grounds of misbehaviour, incapacity or incompetence amongst others; but such action by the Minister does not preclude disciplinary action against officials.

Admittedly the involvement of the politicians in parole matters has resulted in the parole boards losing the link between the rationale for release on parole and criteria used to select suitable offenders. Since the parole board make important decisions that have a bearing on the criminal justice system it is essential that they comply with some code of good ethical conduct. The research participants put greater emphasis on objectivity and neutrality in the decision making and the need to dissuade parole board members to favour and get too friendly with offenders.

5.4.16 SUMMARY ON THE ROVING PAROLE BOARDS

The uniqueness of the parole board within the South African context came in the form of the roving parole board, which means those parole boards that serve more than one management area in the main. The need for the roving boards was created through the amalgamation of the two hundred and forty eight correctional centres in the country into forty eight management areas and the establishment of fifty two parole boards by the Minister of Correctional Services.

Compared to the other eight provinces in South Africa (see Figure 4.1), Gauteng has less roving parole boards as they have only three of the eight parole boards that are roving. Interestingly all the Eastern Cape parole boards are declared roving parole boards. This study reveals that it would be extremely difficult if not impossible in some provinces for the roving parole boards to effectively discharge its responsibilities without some logistical and administrative support. For instance some of the challenges are the distances between correctional centres which given the geographical landscape of the country is impractical to achieve within the context of the massive underdevelopment that is experience in some parts of the country.

It is not unfathomable that some roving parole board members travel about 360 km return trips on regular basis for a four hour hearing between the correctional centres particularly in the rural and impoverished parts of the country. On average roving parole boards cover about six to seven correctional centres at a time. Travelling between correctional centres for the roving parole boards therefore, becomes a big issue particularly in those correctional centres which are geographically sparse and rural in their makeup.

5.4.17 SUMMARY OF THE GENERAL FINDINGS

Notwithstanding the administrative challenges that the parole boards are raising, there is a positive ambience about the new parole board and the quality of the work that they do. The fact that the parole board members are not seen as part of the correctional officials has indeed given impetus to the work of the parole boards and legitimizes its functions. The perception exists that their decisions are fairly objective and less motions compared to the previous parole board. The study reveals a positive outlook about the parole board chairpersons and work they do. Research shows that the output of the parole board differ not because of the formality of the structure and procedures but mainly because of the leadership provided for by the chairperson, the literacy level amongst members, the influence of the community members and the secretary of the parole board.

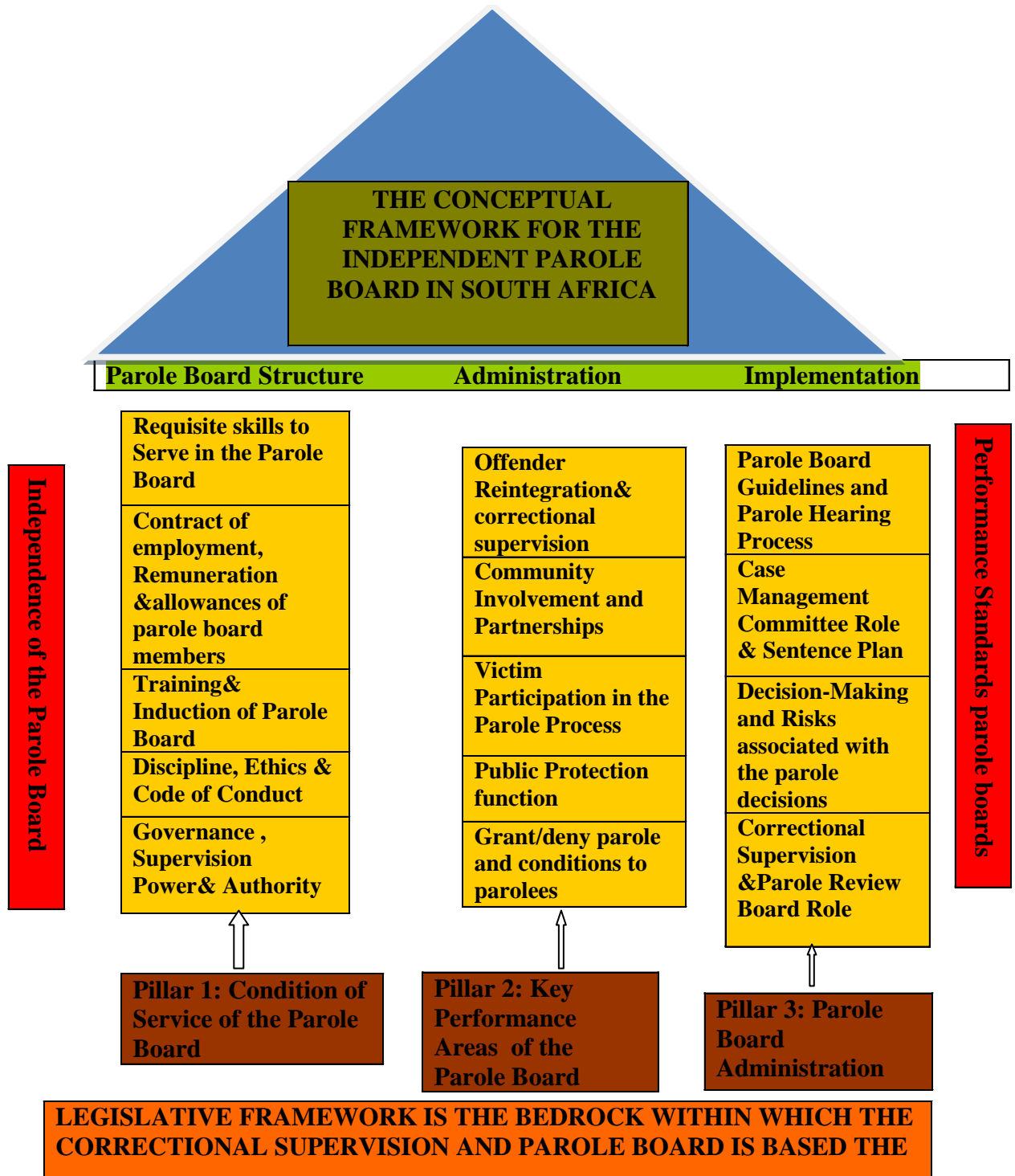
The majority of the research participants' interviewed felt that the conditions of employment that prevail for the parole board members are not conducive for the nature of work they do. The conditions of service were in the main linked to the contract of employment for the chairpersons and the community members who serve in the parole board. Overwhelmingly all the participants of this study believe the conditions of service for parole board members need to be overhauled to create clarity and synergy of purpose. Issues that are raised around remuneration and allowances are not only factual but are acknowledged as part of the learning experience in relation to taking the parole board to the international standard.

5.5 RECOMMENDATIONS

It is quite important for the department to better understand performance management dynamics of the parole board and to know its mission and mandate, and understand its place in the correctional system. As is the case with other parole boards internationally, the department needs to develop a mission statement that reflects the values and strategic intent of its parole board.

Such a mission statement should clarify the purpose of its existence and purpose which amongst others include protection of the public and the community. The figure (Figure 5.1) represents the conceptual model of the performance of the parole board in South Africa based on the research findings. This model is adapted from the Parthenon House (Conceptual Framework) for the Health and Wellness Strategic Framework for Public Service and is based on the three pillars namely Pillar 1: the Conditions of Service, Pillar 2: the Key Performance Areas and Pillar 3: the Parole Board Administration. In other words this model view the parole board in terms of structure, administration of the board and the implementation which reflects the mandate upon which the board is based.

FIGURE 5.1 A GRAPHIC PRESENTATION OF A PERFORMANCE MANAGEMENT MODEL OF THE PAROLE BOARD IN SOUTH AFRICA



Adapted from the Department of Public Service and Administration: Health and Wellness Strategic Framework for the Public Service [www. un.org/doc/public/document](http://www.un.org/doc/public/document).

5.5.1 PILLAR 1. CONDITIONS OF SERVICE

5.5.1.1 REQUISITE SKILLS TO SERVE ON THE PAROLE BOARD

As it is the case in many parts of the world the qualifications for appointment as a parole board member have not changed except for the inclusion of the community members as a result of the adoption of the independent parole board approach. It is even understandable in South Africa, which is still struggling to catch up with the best of the world to standardize the appointment requirements given the serious shortages experienced not only in the legal fraternity but also in the criminal justice field.

The Jali Commission of Inquiry recommended in 2001 that the chairpersons of the parole boards should have at least a legal qualifications and the department has however, exercised its prerogative to customize the appointment process to suit their functional and operational fields. The study recommends that parole board members as is the case in many states of the USA must have professional experience in corrections, law enforcement, or some other human service to be able to serve. Academic achievement alone cannot be sufficient to serve as a chairperson of the parole board and it is indeed recommended that other proven abilities and skills such as decision-making, ability to read and interpret policies, leadership skills, and critical thinking abilities should form part of the repertoire of skills required for members of the parole board”.

5.5.1.2 RECRUITMENT AND THE REMUNERATION OF PAROLE BOARD MEMBERS

The current system of recruitment of the parole board members the minister within cabinet is in line with international standards and need to be applauded. However, a system to nominate citizens within communities with impeccable credentials and who have retired from the full-time jobs appear to be more appealing than the current system where national advertisements are circulated and all interested individuals apply like they will do when applying for a job. The recruitment contracts of community members need to be done through the local advertisement as opposed to the current system where a national media.

The nominations could come from the communities themselves as they are familiar with the crime dynamics that affect their communities. The contract appointment for the community members need to be looked into and maybe revised to five years to be in sync with that of the chairpersons and vice chairpersons of the parole board to enhance continuity of the services and improve the integrity and legitimacy of the parole board decisions. The appointment contracts for community members and chairpersons of the parole board clearly need to be explicit around issues of leave management, performance bonuses, danger and acting allowances and the performance management system applicable to them.

It is advisable for the department to solicit a legal opinion in the drafting of the appointment contracts for members of the parole board. In addition the department need to sought an expert opinion around the correct interpretation of the regulations pertaining to those vice chairpersons who are acting in higher capacities and investigate what are the appropriate recourse due to them if deserved.

5.5.1.3 TRAINING OF THE PAROLE BOARD MEMBERS

The lack of training of community members is the ‘Achilles heel’ for the effective service delivery of the fair and high standard parole services. Since the majority of the community members are not trained it is recommended that an intensive training on amongst others legislation governing parole and corresponding policies and placement criteria form part of the training curriculum for community members and indeed parole board members.

An induction programme must be developed to assist the parole board members to function effectively. An induction is critically vital in the appointment process and the fact that it is overlooked amongst the parole board members is concerning. One of the key benefits of induction is to ensure that parole board members are conversant with the relevant legislations, regulations, governing parole.

5.5.1.4 ETHICAL CONDUCT OF THE PAROLE BOARD MEMBERS

As is the case with all public institutions, the parole board is also expected to abide by fair practices in its decision making. Like the trial courts, the parole board seeks; uses and accounts for its public resources. Given the realities of corruption and bribery that was found to be quite rampant with the previous parole board it is recommended that the department develop a Code of Conduct that parole board members shall abide by as they are equally susceptible to the same ills as the previous parole board.

In recruiting members of the parole board the department need to do a thorough security checks as this is one of the most critical decision-making functions within the criminal justice arena. An important ethical consideration that the department must pay particular attention to the disclosure of financial, professional or personal interests amongst parole board members and the creation and maintenance of a database or a register to minimize conflict of interest and enhance corporate governance. Where a potential conflict of interest has been declared or identified the Minister or the Commissioner must be confident that an acceptable checks and balance systems are in place to manage the conflict appropriately.

5.5.1.5 SUPERVISION, POWER AND AUTHORITY OF THE PAROLE BOARD

The current system of accountability of parole board members to area commissioners is supported but it needs to be clearly explained to all the chairpersons of the boards and the roles and the responsibilities of each party need to be spelled out in the contract of employment and form part of the induction programme. The delegation of this responsibility from the Minister to the area commissioners must form part of the delegation imperatives and policies of the department. The area commissioners are indeed accountable to the day to day administration of the parole boards and they are strategically positioned to supervise the work of the parole boards on behalf of the Minister. The department, therefore need to revise the delegation to ensure this responsibility is appropriately and adequately covered in the Delegation of Authority.

5.5.2 PILLAR 2. KEY PERFORMANCE AREAS OF THE PAROLE BOARD

The non existence of the performance management system for the parole board for the department has resulted in a creation of the strategic implementation gap in that a vision of the department is not communicated to parole board members, performance targets are not set and there is no formal review process adopted. The key performance areas for the parole board should be expanded to include and not limited to public protection, victim participation, completion of offenders to the rehabilitation and skills development programmes and the community involvement programmes.

The department must develop a performance management system appropriate for the parole board to assist in the adequate tracking of reoffending patterns amongst offenders and feed back to the criminal justice system and the crime prevention initiatives. In other words an information management system for the parolees who reoffend should be developed at a national level that will be monitored by the criminal justice departments.

5.5.2.1 PERFORMANCE STANDARDS

Since there are inconsistencies in the service level standards amongst parole boards, it is recommended that the quantitative and the qualitative performance measures be developed and adopted. The measures are premised on the minimum of five to seven offenders a day and the case management committee profile reports that the parole board would deal with. As is the case with the public servants and correctional officials the parole board members should be appraised twice in the year that is mid-term review which assesses progress in the middle of the year based on the key performance areas and annual appraisal which is conducted at the end of each financial year.

However, given the fact that the parole board function more as a team it would be prudent to investigate a team assessment approach rather than an individual appraisal methods. The department must design the more stringent performance standards for evaluating the parole board performance based on the applicable laws and the conditions of employment. These performance measures should be utilized as monitoring tools to help guide the department and make it accountable to the public.

5.5.2.2 PUBLIC PROTECTION

The citizens' confidence and trust of the parole board is largely dependent on the perception and interaction that they have and the feedback from offenders and victims. The issues of the violation of the parole conditions and reoffending should form part of the correctional supervision information management and the reasons for the violations should be recorded for future considerations by the parole boards. Admittedly there are no foolproof ways of forecasting an offender's future dangerousness and therefore, the department should consistently continue with the practice to supervise all the parolees and report annually those who have successful reintegrated into societies.

5.5.2.3 VICTIM PARTICIPATION

The victims have to be given the opportunity to participate in the parole process when interested and to be informed accordingly. The attendance of parole hearing by victims and offenders are to be fair, reasonable and affordable. The department needs to seriously look into the notifications of the victims to participate in the parole processes and indeed invest resources in the implementation of the restorative justice initiatives.

The introduction of the victim participation in the parole hearing is a laudable move but it will remain hollow if the department is not going to encourage restorative justice in the cases where this is possible and where such a need has been registered with the criminal justice system. The parole board should be perceived by both the offenders and the victims as accessible. In order for the department to give impetus to the implementation of the aspects of the Victim Charter and restorative justice principles, it has to develop clear practice guidelines for victim participation.

These practice guidelines will ensure that each parole board does not only invite victims to participate in the parole process but that there are some policy standards to be adhered to when the victims participate in the parole hearings. Additionally, a model of performance of the parole board should build into it the notification of victims and or witnesses of the release, death or the escape of an offender from custody. The department must also intervene on behalf of the victims when threatened by the parolee and notify the police immediately. This recommendation is in line with international practice affording victims these rights (Herman & Wasserman 2001:433).

5.5.2.4 SOCIAL REINTEGRATION

The parole system gives many offenders the chance to be released earlier under supervision by correctional officials and it substantially relieves the correctional centres of the unaffordable overcrowding challenges. It is refreshing to note that all parolees are consistently supervised and monitored against compliance with the conditions that are set for them. Studies in various correctional settings internationally reveal considerable evidence to support the premise that a period of supervised transition from the correctional centre to the community enhances public safety and the rehabilitation of offenders.

5.5.3 PILLAR 3. PAROLE BOARD ADMINISTRATION

5.5.3.1 INDEPENDENCE OF THE PAROLE BOARD

The parole board should expect to be criticized from time to time and respond to new developments within the communities. The decisions of the parole board should be unambiguous and relevant to the mandate for which they are established for. The parole board is an independent structure of the department and accounts to the Minister as is required by legislation. The parole board is perceived to be independent, not unduly influenced by other components within the department. The most important fiduciary duties of the parole board is to act independently at all times with unfettered discretion, exercise independent judgement and take decisions in the best interest of both the state and the offender.

The political interference in the parole board functioning is inevitable considering that it is the politicians who appoint the parole board members in the first place, but the department need to develop clear policy and parole guidelines that govern the decision-making and define levels of accountability within the institution. The parole board should be judged on the quality and the consistency of applying the parole guidelines, the rules and the number of motions referred to court amongst other measures.

5.5.3.2 REFERENCE TO THE PAROLE REVIEW BOARD

Like the courts, the offenders must have confidence that the parole board functions expeditiously and fairly and that its decisions have integrity. The parole board should meet its responsibilities to all offenders in an expeditious manner. Unnecessary delays to grant offenders parole invariably bring about injustice and hardship and consequently diminish public confidence.

The parole board performance can be measured using indicators such as the number and type of cases referred for review, the time invested and the quality of the case management committee recommendations made to the parole board, the number of profile reports submitted and the litigations made to the courts.

5.5.3.3 INDIVIDUAL SENTENCE/MANAGEMENT PLAN

The Correctional Services Act (Act No 111 of 1998) makes provision for an individual sentence/ management plan which is developed to determine risk classification, and programmes attended by the offender. It is therefore, understandable that such a plan will include the two most important programmes within the department namely the rehabilitation and offender skills programmes. It is recommended that each parole board should consider the individual sentence or management plan when granting parole to an offender. The individual sentence plan should be a tool against which the services and programmes offered to the offender can be measured.

The individual programmes that offenders will undergo are explained briefly.

5.5.3.3.1 REHABILITATION PROGRAMMES

The parole board has the duty to assess the readiness of offenders to return to society before the expiry of their sentence and that is based on their rehabilitation and the community willingness to accept them. Rehabilitation programmes should be of a quality that offenders are encouraged to shun away from their criminal behaviour. The rehabilitation programme should provide the psychological, educational, social assistance or job training to offenders to make them less likely to engage in future criminal activity.

5.5.3.3.2 OFFENDERS SKILLS PROGRAMME

All the offenders who appear before the parole board should be accorded the opportunity to participate effectively in the skills programme without inconvenience. The parole board is duty bound to assess the skills level of offenders before releasing them to determine employability within the outside world and the risk to reoffend. Empirical research reveals that quite a sizeable number of offenders in South Africa reoffend after being released from correctional centres. According to the research conducted by Masiloane (2004:172) the reoffending figures proves that the rehabilitation programmes offered in correctional centres lack the rehabilitative value which will result in offenders refraining from committing crime again.

5.5.3.4 PAROLE HEARING PROCESS

The parole board, like the courts conducts its proceedings and other business in a transparent and open manner. The parole hearings are safe, accessible and convenient to use for both victims and parole board members. Parole board provides due process and equal protection to the public. Equality and fairness demand equal justice before the law. The performance indicators on this standard relates to number of contacts made and invitations issued to the victim to attend the parole hearings, the type and nature of assistance provided to the victims including transportation and security during hearings.

Like the courts, the parole board gives individual attention to cases, deciding them without undue disparity. The parole board must develop clear parole release eligibility guidelines which amongst other consider offenders rehabilitation and the lack of risk to public safety. In particular, the guidelines must be contained in the profile reports and members of the parole board should apply their minds thoroughly to them.

5.5.3.5 CASE MANAGEMENT COMMITTEE` ROLE AND RESPONSIBILITY

The case management committee should prepare individual sentence or management plans which profile the offenders and present them to the parole board. The quality of the profile reports of the offenders that the case management committee should prepare should enable the parole board to make informed decisions thereby minimizing the risk for community to be violated by wrongful releases or release of offenders who is not ready to integrate in the society.

The case management committee must ensure that the records of all parole hearings and of offenders' profiles are not only accurate but are properly preserved and archived. The parole board needs to seriously look into improving the quality of the profile reports and ensure completeness of documents before any consideration of release of any offender. There must be a standard and target set on the report writing and the quality of the profile reports that the case management committee should be measured against.

5.5.3.6 COMMUNITY INVOLVEMENT AND PARTNERSHIPS

The parole board must inform the communities they serve of their programmes and decision-making powers to release offenders. To summarize the recommended parole board performance indicators for this standard should include the interventions and resources allocated to the parole board and the linkages with civil society structures. The parole board function should encourage the department to build better partnerships with communities from where offenders come from and members of the parole board are advised to serve in the community structures and impress on the community supervision corps to collaborate and understand the work they do in so far as it contribute to the broad criminal justice agenda.

South Africa, as a third world developing country can really do well to investigate a community service program or scheme linked to the parole supervision component to monitor compliance or lack thereof with parolees conditions of parole and beyond.

5.6 SUGGESTION FOR FURTHER STUDY

5.6.1 ROVING PAROLE BOARDS

The pragmatic and fundamental differences between the non-roving and the roving board must be taken into consideration when target are set as clearly the roving boards have some practical and logistical difficulties that they have to content with as opposed to the non-roving boards. Since the differences are mainly logistical it may as well be that the department consider reducing the quantitative measure and hold on to the qualitative one. The researcher recommends more research work on the feasibility and efficiency of the roving boards as opposed to non-roving board.

5.6.2 PAROLE BOARDS DECISION MAKING

This is one area where further research can be undertaken to determine not only the modalities of decision making but also test the decision making instruments against best practice and compare the democratic dispensation of the parole board makeup.

5.7 CONCLUSION

This chapter summarised all the four chapters with recommendations made on a model of performance management for the parole board. Crime is a major social problem of modern society. It concerns not only those who are involved directly as victims but also those who consider present and future implications of the increasing amount of antisocial behaviour. Violent and economic crimes had increased over the years. The Correctional Supervision and Parole Board play a hugely prominent role in administrative and practice positions in correctional programmes. The success of the integrated criminal justice is critically dependent on the support and cooperation of the public. The parole board therefore, as an integral part of the corrections strategy must ensure that in their decision making they factor in the role of the victims and the society.

The parole board in South Africa need to coordinate efforts to engage effectively with the victims of crime and when considering releasing offenders on parole. This study is significant since the granting of parole to offenders is considered one of the critical areas of performance for all the parole boards in South Africa. The granting of parole to offenders is inherently risky and this study has demonstrated that the parole board need to be held accountable to the community and to be sensitive of the need to protect the public and the victims in making release decisions. This study also explained the importance of the independence of the parole board in taking decisions without any form of interference and that the offender is paramount in all the processes of parole. Essentially the study had successfully tested the conjecture against the non existence of a performance management system for the parole board in South Africa and made recommendations based on the empirical facts established.

BIBLIOGRAPHY

Abadinsky, H. (1997) Probation and Parole: Theory and Practice, 6th Ed, Library of Congress Cataloguing-in-Publication Data.

Abadinsky, H. (2006) Probation and Parole: Theory and Practice, 9th Ed, Library of Congress Cataloguing-in-Publication Data.

Aday, R.H. (2003). Aging Prisoners: Crisis in American Corrections, Praeger Publishers.

Agere, S & Jorm, N (2000). Designing Performance Appraisals. Assessing needs and designing performance management system in the Public Sector: Commonwealth Secretariat.

Anderson, G.C. (1993). Managing Performance Appraisal Systems: Human Resource Management in Action, Blackwell Publishers.

Anderson, N & Herriot, P. (1994). Assessment and Selection in Organizations: Methods and Practice for Recruitment and Appraisal, John Wiley & Sons.

Armstrong, M. (1993). Managing Work and Organizations Series: Managing Reward Systems, Open University Press.

Anderson, J.F & Dyson, L. (2001) Legal Rights of Prisoners: Cases and Comments. University Press of America, New York.

Babbie,E & Mouton, J. (2001). The Practice of Social Research. Cape Town, Oxford University Press.

Babbie, E (2004). The Practice of Social Research.9th edition, Belmont, Wadsworth.

Ban, C & Riccucci, N.M. (2002). *Public Personnel Management: Current concerns, Future Challenges*, 3rd Ed. Addison Wesley Longman.

Banks, C (2005). *Punishment in America. A reference handbook: Contemporary World Issues*, Oxford.

Barkan, S.E. & Bryjak, G.J. (2004). *Fundamentals of Criminal Justice*, Pearson Education.

Beck, O. & Kett, M. (2008). *International Handbook of Penology and Criminal Justice*, Taylor & Francis.

Benko, C. & Weisberg, A. (2007). *Mass Career Customization: Aligning the Workplace with Today's Nontraditional Workforce*, Harvard Business School Press.

Bennet, J, Crewe & Wahidin, A. (2008). *Understanding Prison Staff*, Willan Publishing.

Bennet, Jr. W, Lance, C.E & Woehr, D.J. (2006) *Performance Management: Current Perspectives and Future Challenges*, Lawrence Erlbaum Associates Publishers.

Benekos, P.J. and Merlo, A.V. (2006). *Crime Control: Politics and Policy*, 2nd Ed ap Anderson Publishing.

Bernstein, N. (2005). *All Alone in the World: Children of the Incarcerated*, the New Press; New York.

Bodaken, B & Fritz, R (2006). *The Managerial Moment of Truth: The Essential Step in Helping People Improve Performance*.

Bowling, B & Phillips, C. (2002). *Racism, Crime and Justice*, Longman, Pearson Education.

Brinkerhoff, R.O. and Dressler, D.E. (1990). Productivity Measurement: A Guide for Managers and Evaluators, Applied Social Research Methods, Volume 19; Sage Publications.

Bruns, Jr, W.J. (1992). Performance Measurement, Evaluation and Incentives, Harvard Business School Press.

Bryans, S. (2007). Prison Governors: Making Prisons in a Time of Change, Willan Publishing.

Bryman, A. (2001) Social Research Methods, Oxford University Press.

Burkholder, N.C. (2007). Ultimate Performance: Measuring Human Resources at Work, John Wiley & Sons, New Jersey.

Buhlungu, S (2007). State of the Nation: South Africa 2007, HSRC Press.

Carlson, P.M., & Garrett, J.S. (2006) Prison and Jail Administration: Practice and Theory. Jones and Bartlett Publishers.

Carriere, P & Silverstone, S. (1976). The Parole Process: A Study of the National Parole Board. Prepared for the Law Reform Commission of Canada.

Cavadino, M & Dignan, J (2006) Penal Systems: A Comparative Approach. Sage Publications.

Cavadino, M & Dignan, J (2007) Penal Systems; an Introduction. 4th Ed, Sage Publications.

Cavender, G.A. (1979). Parole: A Critical Analysis, Florida State University.

Champion, D.J. (2005). Probation, Parole and Community Corrections, 5th Ed, Pearson Education, New Jersey.

Champion, DJ. (2003) Administration of Criminal Justice: Structure, Function, and Process, Prentice Hall.

Chaneles, S. (1985). Prisons and Prisoners: Historical Documents, Haworth Press.

Charmaz, K (2006). Constructing Grounded Theory: A Practical Guide Through Qualitative Analysis. Sage Publications.

Clear, T.R & Cole, G.F. (2003) 6th ed American Corrections. Wadsworth: Canada.

Coffey, A & Atkinson, P (1996). Making Sense of Qualitative Data: Complementary Research Strategies, Sage Publications.

Conrad, J.P. (1978).The Evolution of Criminal Justice: A Guide for Practical Criminologists, Volume 7, Sage Publications

Cox, S.M. & Wade, J.E. (2002). The Criminal Justice Network; An introduction: 4th Ed, McGraw Hill.

Creswell (1994), Research design: Qualitative and quantitative approaches. Thousand Oaks: Sage.

Cromwell, P.F., Del Carmen, R.V & Alarid, L.F. (2002) Community-Based Corrections, 5th Ed, Thomson Learning.

Cromwell, P.F., Alarid, L.F. & Del Carmen, R.V (2005) Community-Based Corrections, 6th Ed, Thomson Learning.

Cullen, F.T. & Agnew, R. (2006). *Criminological Theory: Past to Present; Essential Readings*, 3rd Ed, Oxford University Press.

Daniels, A.C. & Daniels, J.E. (2004). *Performance Management: Changing Behaviour that drives Organizational Effectiveness*, 4th Ed, Aubrey Daniels International.

Davidson, E.J. (2005). *Evaluation Methodology Basics: The Nuts and Bolts of Sound Evaluation*, Sage Publications.

Davies, M, Takala, J.P. & Tyrer, J. (1996). *Penological Esperanto and Sentencing Parochialism: A Comparative Study of the Search for Non-Prison Punishments*, Dartmont Publishing Company.

DelPo, A. (2007). *The Performance Appraisal Handbook: Legal & Practical Rules for Managers*, 2nd Ed, Nolo USA.

De Vos, A.S. (2002) *Research at Grass Roots: For the social sciences and human professions*, 2nd. Van Schaik Publishers.

Dixon, B & van Der Spuy, E. (2004). *Justice Gained: Crime and Crime Control in South Africa's Transition*, Willan Publishing, UCT Press.

Dilulio Jr, J, Alper, G.P., Moore, M.H., Cole, G.F., Petersilia, J, Logan, C.H, & Wilson, J (October 1993): *Performance Measures for the Criminal Justice System: Discussion Papers from the BJS-Princeton Project*.

Doodley,D. (1994). *Social Research Methods*, Prentice Hall New Jersey.

Doel M & Shardlow S (1996) *Social work in a changing world. An international perspective on practice learning*. Arena Ashgate Publishing Ltd.

Duguid, S. (2000). *Can Prison Work: The Prisoner as Object and Subject in Modern Corrections*, University of Toronto Press.

Ebbe, O.N.I. (2000). *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections*; 2nd Ed, Butterworth-Heinemann.

Ekland-Olson, S & Kelly, W.R. (1993). *Justice under Pressure: A Comparison of Recidivism Patterns among Four Successive Parolee Cohorts*, Springer Verlag NY.

Fagin, J.A. (2007) *Criminal Justice*, 2nd Ed, Pearson Education.

Fahy, M, Roche & Weiner, A. (2004). *Beyond Governance. Creating Corporate Value, through Performance, Conformance and Responsibility*. John Wiley & Sons.

Faulkner, D. (2001). *Crime, State and Citizen: A Field Full of Folk*, Waterside Press

Finnane, M. (1997). *Punishment in Australian Society*, Oxford University Press, Australia.

Flanagan, T.J; Marquart, J.W. & Adams, K.G. (1998). *Incarcerating Criminals: Prisons and Jails in Social and Organizational Context*, Oxford University Press.

Flick, U (2006) *An Introduction to Qualitative Research*, 3rd edition. Sage Publication Ltd.

Flynn, N. (1998). *Introduction to Prisons and Imprisonment*; Waterside Press, Winchester.

Forst, B. (2004). *Errors of Justice: Nature, Sources and Remedies*, Cambridge University Press.

Fortin, Y & Van Hassel, H. (2000). Contracting in the New Public Management, From Economics to Law and Citizenship, IOS Press.

Foss S. K & Waters W. (February 6, 2003) Coding & Analysis of Qualitative Data. Sage Publication.

Frost, N.A. (2006). The Punitive State: Crime, Punishment, and Imprisonment across the United States, LFB Scholarly Publishing LLC.

Gaes, G.G., Camp, S.D., Nelson, J.B. & Saylor, W.G. (2004) Measuring Prison Performance: Government Privatization & Accountability, AltaMira Press.

Gerson, R.F. & Gerson, R.G. (2006). Positive Performance Improvement: A New Paradigm for Optimizing your Workforce, Davies-Black Publishing.

Gill, M. (2003). Managing Security: Crime at Work; Volume III, Perpetuity Press.

Green, T.B. (1992). Performance and Motivation Strategies for Today's Workforce: A Guide to Expectancy Theory Applications, Quorum Books.

Greffeth, R.W & Hom, P.W. (2001). Retaining Valued Employees, Sage Publications.

Greifinger, R (2007). Public Health Behind Bars: From Prisons to Communities, Springer Science + Business Media LLC.

Gordon, D. (2006). Transformation & Trouble: Crime, Justice, and Participation in Democratic South Africa, University of Michigan Press.

Haas, K.C & Alpert, G.P (1986). The Dilemmas of Punishment: Readings in Contemporary Corrections, Waveland Press.

Haas, K.C & Alpert, G.P. (2007). *The Dilemmas of Punishment: Multidisciplinary perspectives*, 5th Ed, Waveland Press.

Hall Williams, J.E. (1975). *Changing Prisons*, Peter Owen Limited.

Herivel, T & Wright, P. (2003). *Prison Nation: The Warehousing of America's Poor*, Taylor & Francis Books.

Hill, M. & Hupe, P. (2002), *Implementing Public Policy. Governance in Theory and in Practice*, Sage Publication.

Hirschel, D. Wakefield, W & Sasse, S. (2008). *Criminal Justice in England and the USA*; 2nd Ed. Jones and Bartlett Publishers.

Holstein, J.A & Gubrium, J.F. (1995). *The Active Interview*, Sage Publications, Thousand Oaks.

Hornby.A.S. (2000). *Oxford Advanced Learner's Dictionary*, Oxford University Press.

Houston, J. (1995). *Correctional Management: Functions, Skills and Systems*, Nelson-Hall.

Houldsworth, E. & Jirasinghe, D. (2006). *Managing and Measuring Employee Performance*, Hay Group.

Hucklesby, A & Dickinson, L.H. (2007). *Prisoner Resettlement: Policy and practice*, Willan Publishing.

Hudson, K. (2005). *Offending Identities: Sex Offender's Perspective on their Treatment and Management*, Willan Publishing.

- Hughes, G. (2007). *The Politics of Crime and Community*, Palgrave Macmillan.
- Jacobson, M. (2005). *Downsizing Prisons. How to Reduce Crime and End Mass Incarceration*. New York University Press, NY.
- Jewkes, Y. (2007). *Handbook on Prisons*, Willan Publishing.
- Jorgensen, D.L. (1989). *Participant Observation: A Methodology for Human Studies*, Sage Publications.
- Kann, M.E. (2005). *Punishment, Prisons and Patriarchy: Liberty and Power in the early American Republic*. New York University Press, NY.
- Kamensky, J.M. & Morales, A. (2005). *Managing for Results*. Rowman & Littlefield Publishers.
- Kemshall, H. (2003). *Understanding Risk in Criminal Justice*, Open University Press.
- Kennedy, L.W. (1990). *On the Borders of Crime: Conflict Management and Criminology*, Longman.
- Kirkpatrick, D.L. (2006). *Improving Employee Performance through Appraisal and Coaching*, 2nd Ed, Library of Congress Cataloguing-in-Publication Data.
- Klingner, D.E. & Nalbandian, J (2003). *Public Personnel Management. Contexts and Strategies*. 5th Ed. Prentice Hall, NJ.
- Konstantinos, A & Effrosini, K (2003). *Programme Evaluation Methodologies- A Comparative Assessment*, Sage Publications.

Krueger R.A. (1994) 2nd ed. Focus Group: A practical guide for applied research. Thousand Oaks, CA, Sage.

Landy, F; Zedeck, S & Cleveland, J. (1983). Performance Measurement and Theory, Lawrence Erlbaum Associates Publishers.

Langdon, D.G. (2000). Aligning Performance: Improving People, Systems, and Organizations, Jossey-Bass Pfeifer.

Latessa, E.J & Holsinger, A.M. (2006) Correctional Contexts: Contemporary and Classical Readings, 3rd Ed, Roxbury Publishing Company, Los Angeles.

Leeder, E. (2006). Inside and Out: Women, Prison, and Therapy, the Haworth Press.

Liebling, A. (2004) Prison and their moral performance: A study of values, Quality and Prison Life. Oxford University Press.

Liebling, A. & Price, D. (2001). The Prison Officer, Prison Service Journal, Great Britain.

London, M. (2003). Job Feedback: Giving, Seeking, and Using Feedback for Performance Improvement, 2nd Ed, Lawrence Erlbaum Associates, Publishers.

Longenecker, J.G. & Pringle, C.D. (1984). Management, 6th Ed, Charles E. Merrill Publishing Company.

Liebling, A. & Price, D. (2001). The Prison Officer, Prison Service Journal, Great Britain

Liebling, A. (2004) Prison and their moral performance: A study of values, Quality and Prison Life. Oxford University Press.

Lurigio, A.J, Skogan, W.G, & Davis, R.C (1990) Victims of Crime. Problems, policies, and programs. Sage Publications.

Maguire, B & Radosh, P.F. (1996). The Past, Present and Future of American Criminal Justice, General Hall.

Maidment, M.R. (2006). Doing Time on the Outside: Deconstructing the Benevolent Community, University of Toronto Press.

Marion, N.E. (2002). Criminal Justice in America: The Politics behind the System, Carolina Academic Press.

Marshall C & Rossman, G.B. Designing Qualitative Research 4th edition: 2006: 161-2 Sage Publication).

Martin, S.E. & Jurik, N.C. (2007). Doing Justice, Doing Gender: Women in Legal and Criminal Justice Occupations, 2nd Ed. Sage Publications.

Masiloane, D.T. (2004) Community Participation in the Criminal Justice System, UNISA.

May, G.L. & Winfree, Jr, L.T. (2005). Essentials of Corrections, 3rd Ed, Thomson and Wadsworth.

Maykut, P; & Morehouse, R (1994). Beginning Qualitative Research: A Philosophical and Practical Guide. The Falmer Press London.

Mayne, John, (April 2003). Reporting on Outcomes: Setting Performance Expectations and Telling Performance Stories. Unpublished presentation.

Max, D & Bacal, R. (2003). *Perfect Phrases for Performance Reviews: Hundreds of Ready-to-Use Phrases that Describe Your Employees` Performance*. McGraw Hill Companies.

McDavid, J.C. & Hawthorn, L.R.L (2006). *Program Evaluation and Performance Measurement: An Introduction to Practice*, Sage Publications.

McGuire, J. (1995). *What Works: Reducing Reoffending; Guidelines from Research and Practice*, John Wiley & Sons.

Miles, M.B & Huberman, A.M. (1994). *Qualitative Data Analysis*, Sage Publication.

Miller, E.L. (1982). *Responsibility Accounting and Performance Evaluations*, Van Nostrand Reihold Company.

Mink, O.K, Owen, K, Q. & Mink, B.P. (1993). *Developing High-Performance People: The Art of Coaching*, Addison-Wesley.

Mitchell, B. (1990). *Murder and Penal Policy*, Macmillan.

Morris, N, & Tonry, M. (1990). *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*, Oxford University Press.

Mouton, J. (2001). *How to Succeed in your Master`s and Doctoral Studies. A South African Guide and Resource Book*, Van Schaik Publishers, Pretoria.

Muncie, J. (2007). *Criminal Justice and Crime Control, Volume 2: State Punishment*, Sage Library of Criminology.

Nel, P.S, van Dyk, P.S, Haasbroek, G.D., Schultz, H.B., Sono, T. & Werner, A. (2004). Human Resources Management, 6th edition, Cape Town: Oxford University Press, Southern Africa.

Neser, J.J. (1993). Penitentiary Penology, Lexicon Publishers (Pty) Ltd.

Newbold, G. (2007). The Problem of Prisons: Corrections Reform in New Zealand since 1840, Dunmore.

Newburn, T. (1995). Crime and Criminal Justice Policy, Longman Social Policy in Britain Series, Longman London and NY.

New Dictionary of Social Work. (1995) Revised ed State Printers, Pretoria.

Nigro, L, Nigro, F & Kellough, J.E. (2007). The new Public Personnel Administration. 6th Ed. Thomson and Wadsworth.

Nxumalo, T.E. (1997). Parole Supervision: A Penological Perspective, UNISA.

Padfield, N. (2007) Who to Release? Parole, fairness and criminal justice. Willan Publishing.

Padgett, J. (1998). Qualitative methods in social research, challenges and rewards. Sage Publications.

Patton, M.Q. (1997). Utilization of Focused Evaluation, Sage Publications.

Payne, G & Payne, J (2004). Key Concepts in Social Research, Sage Publication, London.

Peak, K.J. (2004). Justice Administration: Police, Courts and Corrections Management, 4th Ed, Pearson Education, New Jersey.

Peak, K.J. (2007) Justice Administration Police, Courts and Corrections Management. Library of Cataloguing in Publication.

Petersilia, J. (2003). When Prisoners Come Home. Oxford University Press.

Phillips, R.L. & McConnell, C.S. (1996). The effective Corrections Manager: Maximizing Staff Performance in demanding times. Aspen Publishers.

Phillips, R.L & McConnell, C.R. (2005). The effective Corrections Manager: Correctional Supervision for the future; 2nd edition; Jones and Bartlett Publishers, Inc.

Pitt, J (1990) Working with young offenders. Macmillan Education, Basingstoke

Quinn, J.F. (2007). Corrections: A Concise Introduction, 2nd Ed, Waveland.

Raine, J.W. and Wilson, M.J. (1993). Managing Criminal Justice, Harvester Wheatsheaf .

Reid, S.T. (1993). Criminal Justice, 3rd ed; Macmillan Publishing Company.

Reynolds, M.O. (1985). Crime by Choice: An Economic Analysis, Fisher Institute Publication; USA.

Rhine, E.E, Smith, W.R, & Jackson, R.W. (1991). Paroling Authorities: Recent History and Current Practice, St Mary's Press, Waldorf, United States.

Ritchie J & Lewis J. (2003) Qualitative Research Practice: A Guide for Social Science Students and Researchers. Sage Publication.

Robert, A.R (1997). 2nd ed. Social work in juvenile and criminal justice setting. USA. Library of Congress Cataloguing.

Roberts, A.R. (1994). Critical Issues in Crime and Justice, Sage Publications.

Roberts, A.R. (2007). Critical Issues in Crime and Justice, 2nd Ed, Sage Publications.

Roberts, J.V. (2004). The Virtual Prison: Community Custody and the Evolution of Imprisonment, Cambridge University Press.

Ross, J.I. & Richards, SC. (2002). Behind Bars: Surviving Prison, Alpha, USA.

Ross, J.I. (2008). Special Problems in Corrections; Pearson Prentice Hall.

Rotman, E. (1990). Beyond Punishment. A new view on the rehabilitation of criminal prisoners. British Library Cataloging in Publication Data.

Russell, C. (2007). Alternatives to Prison; Rehabilitation and other Programs, Mason Crest Publishers.

Rubin, H.J. & Rubin, I.S. (1995) Qualitative interviewing: The art of hearing data. London: Sage.

Ruth, H & Reitz, K.R. (2003). The Challenge of Crime: Rethinking our Response, Harvard University Press.

Sabo, D. Kupers; T.A. & London, W; (2001). Prison Masculinities, Temple University Press.

Senior, P; Crowther- Dowey, C & Long, M (2007). Understanding Modernization in Criminal Justice: Crime and Justice, McGraw Hill, Open University Press.

Short, R. (1979). *The care of long-term prisoners*. Macmillan Press.

Silverman; D. (2000) *Doing Qualitative Research. A Practical Handbook*. Sage Publications. London.

Singleton, R.A. Jr & Straits B.C. (2010) *Approaches to Social Research* 5th ed. Oxford University Press.

Schmidt, J (1977) *Demystifying Parole*, Lexington Books, Massachusetts.

Schneier, C.E. & Beatty, R.W. *Personnel Administration Today: Readings and Commentary* (1978) Addison-Wesley Publishing Company, Inc.

Scott, D (2008). *Penology: Knowledge and Skills for Success*. Sage Publications.

Sheehan, R., McIvor, G, & Trotter, C. (2007). *What Works with Women Offenders*, Willan Publishing.

Sheley, J.F. (1995). *Criminology: A Contemporary Handbook*, 2nd Ed, Wadsworth.

Shipman (1997). *The Limitations of Social Research*, 4th edition, Longman, London.

Sieberg, K.K. (2001). *Criminal Dilemmas: Understanding and Preventing Crime*, *Studies in Economic Theory* 12, Springer-Verlag.

Stanko, S, Gillespie, W, & Crews, G.A. (2004). *Living in Prison: A History of the Correctional System with an Insider's View*, Greenwood Press, London.

Stanley, D.T. (1976) *Prisoners among us: The problem of Parole*, The Brookings Institution, Washington, DC.

Stebbins, R.A. (2001) *Exploratory Research in the Social Sciences: Qualitative Research Methods Series 48*, Sage Publications.

Stiffler, M.A. (2006). *Performance: Creating the Performance-Driven Organization*, Wiley & Sons, Inc, New Jersey.

Strauss, A & Corbin, C. (1990) *Basics of Qualitative Research. Grounded Theory, Procedures and Techniques*. Newbury Park, Sage Publications.

Stout, B.; Yates, J. & Williams, B. (2008). *Applied Criminology*, Sage Publications.

Swanson, R.A. & Gradous, D. (1986). *Performance at Work: A Systematic Program for Analyzing Work Behaviour*, John Wiley & Sons Publication.

Swanson, R.A. & Holton III, E.F. (1999). *Results: How to Assess, Performance, Learning, and Perceptions in Organizations*, Berrett-Koehler Publishers.

Swan, W.S. PhD & Wilson, L.E. (2007). *Ready-to-Use Performance Appraisals: Downloadable, Customizable Tools for Better, Faster Reviews*, John Wiley & Sons.

Terblanche, S.S. (1999). *The Guide to Sentencing in South Africa*, Butterworth Publishers Ltd.

Terreblanche, M., Durrheim, K. & Painter, D. (2006). *Research in Practice: Applied Methods for the Social Sciences*. 2nd ed. UCT Press

Territo, L; Halsted, J.B. & Bromley, M.L. (1998). *Crime and Justice in America: A Human Perspective*, 5th Ed; Butterworth-Heinemann.

Tewksbury, R. (2006). *Behind Bars: Readings on Prison Culture*, Pearson Prentice Hall.

- Thomas, M (2007). *Mastering People Management*. 2nd Ed. Thorogood, London.
- Tonry, M. (2007). *Crime Punishment, and Politics in Comparative Perspective: Crime and Justice; A Review of Research*, Volume 36, University of Chicago Press.
- Tonry, M. (2004). *The Future of Imprisonment*, Oxford University Press.
- Torrington, D; Weightman, J & Johns, K. (1989). *Effective Management: People and Organization*, Prentice Hall.
- Torrington, D & Weightman, J (1991). *Action Management: The Essentials*, Institute of Personnel Management.
- Van der Westhuizen, J & Oosthuizen, H (1983). *Prediction of Parole Failure and Maladjustment*, Unisa, Pretoria.
- Van Zyl, D & Dunkel, F (2001). *Imprisonment Today and Tomorrow: International Perspective on Prisoner's Rights and Prison Conditions*, 2nd Ed, Kluwer Law International.
- Vedder, C.B. & Kay, B.A. (1971). *Penology: A Realistic Approach*, Charles C Thomas Publisher.
- Walker H & Beaumont B (1985) *Working with prisoners*. Macmillan Publishers.
- Watson, C.E. (1981). *Results-Oriented Managing: The Key to Effective Performance*, Addison-Wesley Publishing Company.
- Welman, J.C. & Kruger, S.J. (1999). *Research Methodology for the Business and Administrative Sciences*, Thompson Publishing, Halfway House International.

Wigdor, A.K & Green, Jr, B.F. (1991). Performance Assessment for the Workplace; Volume II Technical Issues, National Academy Press.

Williamson, H.E., (1990). The Corrections Profession, Sage Publications.

Witzel, M. (2004). Management: the Basics, Routledge Taylor and Francis Group.

Zehr, D.H. (1990). Changing Lenses: A New Focus for Crime and Justice, Scotttdle, Ontario: Herald Press.

Zigarelli, M.A. (1999). Management by Proverbs: Applying Timeless Wisdom in the Workplace, Moody Press.

REPORTS AND DOCUMENTS

Nicro National Office Annual Report (1998/99) Cape Town.

South Africa. Africa Watch, Prison Conditions in South Africa (February 1994), Human Rights Watch, Division of Human Rights Watch.

South Africa. Department of Correctional Services Strategic Plan for 2008/09-2011/12, Pretoria.

South Africa: Department of Correctional Services Policy on Complainant Involvement in Correctional Supervision and Parole Boards (2006); Pretoria.

Report of the Commission of Enquiry into alleged incidents of Corruption, Maladministration, Violence and Intimidation in the Department of Correctional Services; 2001.

Petersilia, J. 2004. Parole. [O]. Available: <http://find.galegroup.com>. Accessed on 2008/09/02.

Public Safety Performance Project: A Project of the Pew Charitable Trust. Public Safety Policy Brief No 1 of July 2007. Available on www.pewpublicsafety.org.

Schlager, M.2004. Parole Boards. [O]. Available: <http://find.galegroup.com>. Accessed on 2008/09/10.

Training for Performance Measure Management: Performance Measure Management Governor's Office of Planning & Budget (October 2007).

Arkansas Annual Report, 2006-2007 13 August. Available at www.arbop.org.

South African National Treasury: *The Framework for Managing Programme Performance Information*. Available on www.treasury.gov.za Formeset Printers Cape Town: May 2007 (*Adapted from Osborne and Gaebler, 1992, Reinventing Government*).

South Africa. South Africa Law Commission; 31 May 2000; Discussion Paper on Sentencing: (A New Framework); Pretoria.

South Africa. Department of Correctional Services Strategic Plan for 2005/06-2009/10, Pretoria.

South Africa: Department of Correctional Services Policy on Complainant Involvement in Correctional Supervision and Parole Boards (2006); Pretoria.

South Africa: Department of Correctional Services Annual Report 1 April 2002 to 31 March 2003, Printed for Government Printer by Formeset Printers (Pty) Ltd.

England. Report of the Review Committee: The Parole System in England and Wales (November; 1988) London.

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (29 April-8 May 1995), Cairo, Egypt.

US Department of Justice National Institute of Justice: Implementing Performance-based measures in Community Corrections (1996).

JOURNAL ARTICLES

Charmaz, K (1983). The Grounded Theory Method: An Explication and Interpretation in Contemporary Field Research: A Collection of Readings, Robert M, Emerson ed, Boston: Little Brown and Company, 109-128.

Coens, T and Jenkins, M. (2000). Abolishing Performance Appraisal: Why they Backfire and What to do Instead, Berret-Koehler.

Collette R. (2006) Paper contributed to a book titled: *An Overview of Community Corrections in China and Canada: As part of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) Programme: Implementing International Standards in Criminal Justice in China*, supported by the Canadian International .

Flett, R. A. & Biggs, H. C. (1992). Contextual context for vocational placement officers: Some preliminary findings. *International Journal of Rehabilitation Research*, 15, 187 – 197.

Glick, B. & Goldstein, A.P. (1995) *Managing Delinquency Programs that Work*. Laurel, MD, American Correctional Services.

Herman, S and Wasserman (2001). *A Role for Victims in Reentry Crime and Delinquency*, 47(3) 428-445.

Mayne, John, (April 2003) Reporting on Outcomes: Setting Performance Expectations and Telling Performance Stories. Unpublished presentation.

Nathan, V.M. (1985) Correctional Health Care: The Perspective of a Special Master, “*Prison Journal*, vol.65, No.1 (Spring-Summer, 1985), pp73-85, at p.76.

Pennington, S, Proctor-Boase, N, Strooh, D and Watson, C. (1996). Best Practice for Improving Performance, Research Publication Compiled by the S.P.A. Research Team.

Journal of the South African Institute of People Management; People Dynamics, Nov 2006, Vol 24 No 11, www.ipm.co.za.

People Dynamics, Vol 23 2005; *Journal of the South African Institute of People Management* available on www.ipm.co.za.

GOVERNMENT PUBLICATIONS

ACTS AND REGULATIONS

South Africa. Constitution; Act No 108 of 1996 as adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly, Pretoria, Government Printer.

South Africa: Correctional Services Act, No 111 of 1998, Pretoria, Government Printer.

South Africa Social Work Act, No 110 of 1978, Pretoria, Government Printer.

South Africa: Criminal Procedures Act (51 of 1977) Pretoria; Government Printer.

South Africa: Promotion of Administrative Justice Act (Act No 3 of 2000). Pretoria, Government Printers.

South African Public Service Regulations (2001) Government Notice No. R. 1 of 5 January 2001, Government Printers, Pretoria.

South African White Paper on Corrections (February 2005), Government Printers, Pretoria.

South Africa. Department of Welfare (1997): White Paper on Social Welfare, Government Printers, Pretoria.

South Africa: Notice 1227 of 1995.the White Paper on the Transformation of the Public Service and Administration, Government Gazette No. 16838, Government Printer Pretoria.

South Africa. Basic Conditions of Employment Amendment Act No 11 of 2002, Government Printers, Pretoria

South Africa. Public Services Act 103 of 1994, Government Printers, Pretoria

ELECTRONIC DOCUMENTS

Public Safety Performance Project: A Project of the Pew Charitable Trust. Public Safety Policy Brief No 1 of July 2007. Available on www.pewpublicsafety.org.

National Institute of Justice: Implementing Performance-Based Measures, American Probation and Parole Association June 1996: available on www.ncjrs.gov/txtfiles/perform.

Canada. Correctional Services of Canada: Departmental Performance Report for 2002/2003: available at www.tbs-sct.gc.ca/rma/dpr/02-03/CSC.

The Results Driven Manager (2007). Managing Performance to Maximize Results, Harvard University School Press; available at: www.managementupdate.org.

Harvard Business Review on Appraising Employee Performance (2005), Harvard Business School Publishing Corporation.

Human Resources Management in Practice Series: (1994): Employee Assessment, Appraisal and Counseling, 3rd Ed, CCH Australian Limited.

South Africa. Africa Watch, Prison Conditions in South Africa (February 1994), Human Rights Watch, Division of Human Rights Watch.

South Africa. Parliamentary Monitoring Group: Monitoring South African Parliamentary Committees since 1996: Available on www.pmg.org.za/node/8181, 05 September 2006.

South Africa Department of Public Service and Administration: Health and Wellness Strategic Framework for the Public Service www.un.org/doc/public/document accessed on the 26/10/2010.

South Africa. Bloem: Deny Hani killer parole 17/10/2008 15:21 available http://www.news24.com/News24/South_Africa/News.

Canada. Correctional Services of Canada: Departmental Performance Report for 2002/2003: available at www.tbs-sct.gc.ca/rma/dpr/02-03/CSC.

Lidovho, GJ, Parole boards in South Africa: on the road to extinction? A comparative perspective volume 36(3) November 2003 available at www.unisa.ac.za/default accessed on 2008/11/05.

Wikipedia Dictionary (2001) http://en.wikipedia.org/wiki/Performance_management
http://ohrm.os.doc.gov/Performance/prod01_001126.

Maps of the Republic of South Africa (www.venues.com/maps/south Africa -provinces,
html) accessed on the 10 June 2010.

NEWSPAPER ARTICLES

Pretoria News. 2008, 29 July.

Post South Africa. 2006, 20 September.

New York Times, 2008, 21 August

ANNEXURE A: INTREVIEW GUIDE

Name: _____
Designation: _____
Location: _____
Date: _____
Interviewer: _____

INTRODUCTION

1. Thank for having accepted the interview and please feel free to answer the questions as honestly and frankly as possible. I also want to assure you of the confidentiality of the information you will provide and your name will not be divulged in the report. I would like to reiterate that I guarantee absolute anonymity – nothing you say will be attributed to you.
2. We will spend the next 45 minutes to an hour or so exploring your views on the various aspects of the new parole board.
3. Once the interview process is completed, your inputs will be used to formulate recommendations for improvement of the parole board system for DCS.
4. Remember there are no right or wrong answers to any of the questions and your views are invaluable.
5. Your participation is purely voluntary – hence if you are not comfortable with any element of the questions, please feel free to tell me.
6. Finally, thank you for agreeing to be part of this process. I value your time and input.
7. Do you have any questions before we start?

QUESTION GUIDE FOR INTERVIEW PARTICIPANTS

1. What is your opinion about the new parole board?

2. What should the appointment criteria for parole board members be?

3. What are the key performance areas for parole board members?

4. What are the risks involved in decisions taken by the parole board?

5. How important is the ethical conduct of parole board members?

6. If you could change one thing about the parole board what would that be?

Thank the individual for his/her participation.

**ANNEXURE B: INTERVIEW SCHEDULE WITH PARTICIPANTS AND THEIR
DEMOGRAPHICS**

Gender	Race	Date	Interview with	Comments/ notes
Male	African	2009/09/07	2* Chairperson 1* Vice Chairpersons Pretoria Management Area	Conducted 21/9/9
Male	African	2009/09/17	Chairperson Baviaanspoort Management Area	Used report from Khaedu Team report
<i>Male and Female</i>	African	2009/09/15 @14:00	2* Chairpersons and 1* Vice Chairperson Johannesburg Management Area	Conducted 18/9/2009
Male	African	2009/09/15	1* Chairperson Krugersdorp Management Area	Conducted 15/9/9
Male	African	2009/09/14	1* Chairperson Leeuwkop Management Area	Conducted 22/9/9
Male	African	2009/09/18	1* Chairperson Boksburg Management Area	Conducted 18/9/9
2*Males and Female	African White	2009/09/23	1* Chairperson/ 1*Secretary and 1*community member Witbank Management Area	Conducted 01/10/09
Male	White	2008/12/04	Directorate Parole Administration (Responsible for the administration of the Parole Board nationally)	Conducted 21/09/09
Male	White	2009/10/01	Directorate HR Administration and Utilization (Responsible for the contract management for all parole board members)	Conducted 2009/10/25
Male	African	2008/12/04	Chief Deputy Commissioner Corrections(under whom parole administration resort)	Conducted 04/12/08
Males	African	2009/10/02	1* Chairperson, 1* Vice Chairperson and 1* Secretary Polokwane Management Area	Conducted 2/10/9

The majority of the chairpersons/vice chairpersons are African Males and only two white males were interviewed. No Asian or Coloured person was interviewed. The chairperson and vice chairperson at Zonderwater Management Area were unavailable during the research period for reasons not to be disclosed in this study.

ANNEXURE C: AN EXCERPT OF THE TPED FIELD NOTES

1. What is your opinion about the new parole board?

“In my view inmates believe and trust the new [parole] board more and that there is less dissatisfactions amongst them. I think it is because of the fact that it [parole board] comprises of members of the community who know very little about prison and who share no relationship with both the offender and the warder [correctional official]. The new parole board has done well. Remember I don’t know these offenders my basis of judgement is the profile report”.

2. What should the appointment criteria for parole board members be?

“You see. In my view the person who chairs the parole board must be mature... age wise and have educational background preferably a degree and I believe such people must be retired from active employment as this is a service to the community. Due to the fact that parole issues have some legal implications, I will suggest that some level of training in the legal field is necessary. Unfortunately for now we see everyone being appointed as people are looking for employment”.

3. What are the key performance areas for parole board members?

“As the chairperson, I preside over the [parole] board but the key function of the board is to grant parole to offenders who qualify for parole. I have to do this in consideration of the victim, the public and whether these offenders have attended rehabilitation programmes. The [case management committee] must demonstrate that the offenders have attended not only the rehabilitation programme, but that they have skills that they can use in the outside. Otherwise integration is a problem when they are released with no skills. But due to the backlog of cases sometimes we release them without completing this programme- yes that is a risk but we cannot keep them beyond their time as well-is a

catch 22 situation. As a chairperson I am also expected to market the work of the board in the community like victim involvement, and must see to it that a quorum is formed in all the hearings. The minimum I see is between five and seven offenders a day”.

4. What are the risks involved in decisions taken by the parole board?

“Parole board members are human, and they make mistakes as well. At times you will experience members not being objective, simply being compassionate, lenient or favoritism. This problem is also encountered when you deal with the profile reports as some case management committee members make good recommendations not backed by facts. Actually one of the problems that the parole board deals with daily is the poor quality of the reports which lead to wrong releases. Incomplete documentation like no SAP 69 in some instances or previous conviction not picked up. Is a lot but we deal with all these a parole board members- remember we are responsible to the communities we serve. So we cannot release anyone if uncomfortable”.

5. How important is the ethical conduct of parole board members?

“It very important for all members of the parole board to abide by the code of conduct- but one thing I emphasis in the [parole] board is confidentiality and objectivity. You cannot disclose the decision of the board without the chairperson` knowledge. For example where the case management committee has made excessive recommendations and we overrule them you find that it causes some conflict and I have the responsibility to protect the decision of the board. Community members in the parole board do come from the community and therefore they are confronted with request every day, so they have to disclose their interest when we discuss offenders. Professionalism is the key in the parole board”.

6. If you could change one thing about the parole board what would that be?

“The conditions of service of the parole board are a mess. For instance the recruitment of the community members who are paid hourly rate is unfair. How do you recruit people from all over South Africa to pay them per session, some of which do not sit because when you chair the roving board you sometimes arrive at the small correctional centres are there is no sitting. But it is because when they advertise these positions they focus on the national media instead of the local ones. To be fair all parole boards are affected by the high turnover of the community members that I borrow from the nearest management area to ensure that I have a quorum and the hearing can proceed. As parole board members we do not receive danger allowances yet we work all sorts of offenders and those of us who have acted for more than two years do not receive acting allowances as well. We are not appraised as members of the board and some receive 13th cheque others don't, and I am told we need to be subjected to the department performance management but area commissioners are unsure. In fact the human resource is a mess”.