

# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22



## Background to Chance to Change

The purpose of NCS (non-custodial sentencing) is to make viable alternatives available to magistrates when sentencing offenders.

NICRO believes that prison is not necessarily the best option for many offenders. Certain offenders can be sentenced to community-based therapeutic programmes designed to address their behaviour.

In this way, the root causes of criminal behaviour are addressed and offenders are afforded the opportunity to **turn their lives around**.

By making NCS services available, NICRO seeks to encourage the courts to sentence suitable offenders to non-custodial sentences.

This service therefore adds value to the criminal justice process and aids in rehabilitating offenders and reducing re-offending.

NICRO started NCS in 2006 with a small-scale pilot. We also delivered a one year NCS pilot in 2008-09 with the Department of Justice and Constitutional Development.

We secured large-scale international funding to expand NCS across South Africa from DFID UKaid for 2008 -2013.

## Welcome!

Welcome to the 22<sup>nd</sup> edition of **TurnAROUND**.

This newsletter is brought to you by the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), giving you the **latest news and information on our non-custodial sentencing (NCS) work**.

The name for our non-custodial sentencing initiative is **“Chance to Change”**. This newsletter reaches more than 380 court stakeholders.

## Quick Update

**Number of sites:** 43 sites

**Number of offenders sentenced:** 3 369

**Number of criminal justice stakeholders participating in the project:** 347

**Number of people reached through stakeholder engagement:** 3 977

**Numbers reached through community engagement:** 7 914

# chance to CHANGE

Facing the Problem of Crime

Supported by UKaid from  
the Department for  
International Development



# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22

## Judicial Attitudes Research 2011

In 2011 NICRO began a long term research project to ascertain the attitudes of judges and magistrates towards the use of diversion and non-custodial sentencing.

With the support of ARMSA (Association of Regional Magistrates of Southern Africa) and JOASA (Judicial Officers Association of South Africa), surveys were distributed in September and October 2011.

To date, 46 surveys have been returned to NICRO and the following data has been extracted from those returns.

- ✓ 70% are male and 30% are female members of the judiciary
- ✓ 63% are white, 22% Black, 9% coloured and 7% Asian
- ✓ The most commonly spoken language is Afrikaans (65%)
- ✓ The province that submitted the most surveys is the Gauteng, and the Northern Cape submitted the least
- ✓ 48% have 16 years or more experience as magistrates or judges. This was followed by 22% with between 11 and 15 years experience. This means that most of the respondents have a great deal of experience on the bench.
- ✓ The most common offences dealt with by the respondents are:
  - Violent offences 78%
  - Property offences 41%
  - Sexual offences 35%
  - Substance offences 15%
- ✓ 37% have in excess of 51 new cases every month, followed by 17% (11-20 new cases monthly).
- ✓ Despite the high percentage of violent and sexual offences, the most common form of sentences are:
  - Fine 83%
  - Suspended 70%
  - Postponed 61%
  - Prison 46%
  - Non-custodial sentences 24%
  - Community Corrections 13%
- ✓ 98% believe that some criminals deserve a second chance and can change their ways
- ✓ 61% disagree that community-based programmes are a soft option
- ✓ Only 2% believe that it is a waste of time and money to try and rehabilitate criminals
- ✓ 59% do not believe that prisons are doing a good job rehabilitating criminals
- ✓ 41% believe that prison teaches people to become more serious offenders
- ✓ 67% believe that violent offenders can be rehabilitated
- ✓ 61% do not believe that prison stops people from committing more crimes
- ✓ 72% believe that non-violent offenders can be rehabilitated outside of prison

## Chance to Change Sites

### Gauteng: (12)

Soweto. Pretoria. Odi.  
Nigel. Vereeniging.  
Randburg / Johannesburg.  
Germiston. Shoshanguve.  
Roodepoort. Tembisa.  
Krugersdorp.  
Mamelodi.

### Limpopo: (3)

Sekgosesa. Mankweng.  
Thohoyandou.

### Mpumalanga: (6)

Nelspruit. Witbank.  
Kabokweni. Eerstehoek.  
White River. Middelburg.

### North West: (2)

Brits. Bafokeng.

### KZN: (3)

Durban. Pietermaritzburg.  
Wentworth.

### Eastern Cape: (6)

Port Elizabeth. Gelvandale.  
East London. Queenstown.  
Mdantsane. Zwelitsha.

### Western Cape: (7)

Cape Town. Wynberg. Kuils  
River. Oudtshoorn. George.  
Mitchell's Plein.  
Khayelitsha.

### Free State: (2)

Bloemfontein. Welkom.

### Northern Cape: (2)

Kimberley. Upington.

# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22

## Judicial Attitudes Research 2011 continued....

- ✓ 78% do not believe that all criminals in prison are dangerous and deserve to be locked up
- ✓ 48% do not regard longer prison sentences as being effective at reducing crime

The full results and analysis will be released in 2012 when a sufficient number of surveys have been received. If you would like to participate in the research, please submit the survey attached to this newsletter email.

Please feel free to distribute the survey to your colleagues on our behalf.

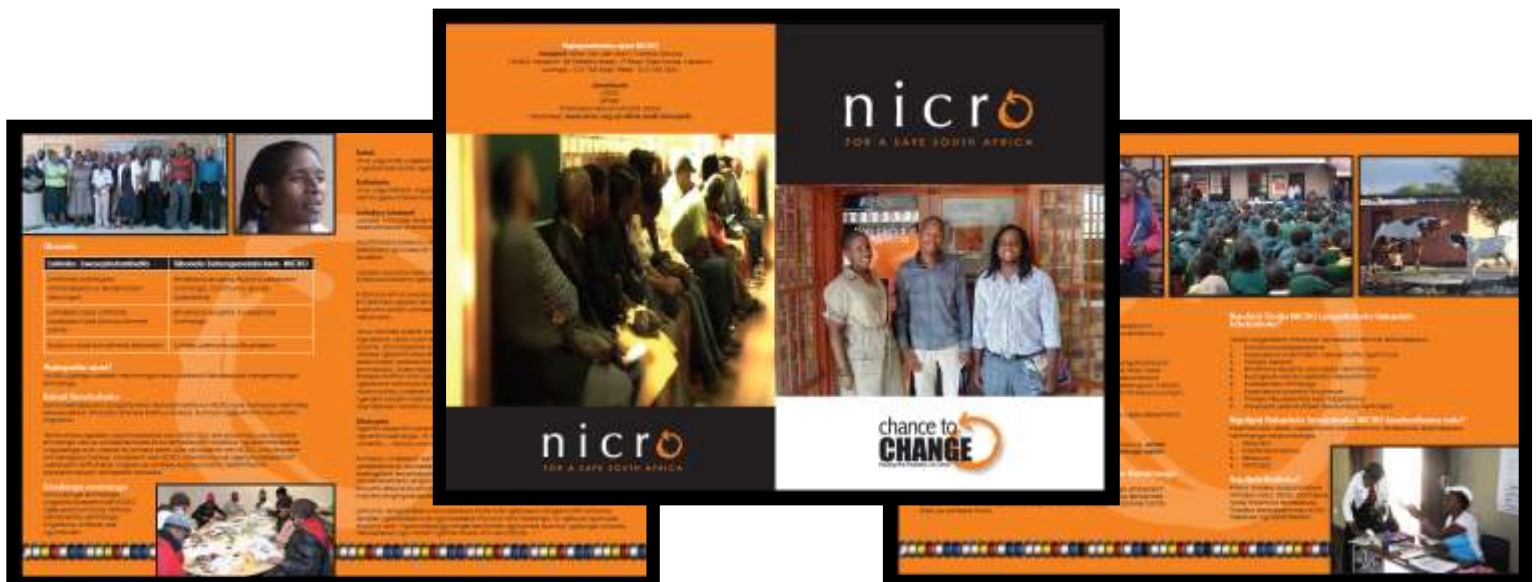
**Regan Jules-Macquet**  
Project Manager  
NICRO

## Update on the Indigenous Justice Pilot

NICRO's Indigenous Justice Pilot began in 2009 in the Eerstehoek Magistrate District in Mpumalanga. The purpose of the pilot is to integrate traditional justice principles and practices into the work that NICRO does with offenders. This includes receiving referrals from the traditional courts in addition to the magistrate court.

To date we have received 36 referrals, of which 28 have been formally referred to NICRO for services. We are also initiating a community based mentor programme which will use traditional leaders as mentors of at risk youths.

In order to disseminate information about NICRO to the local population, we have translated a brochure into Siswati (see below).



# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22

## Letter from a NCS Offender

Hi

I would like to thank the social worker at NICRO for allowing me the opportunity to complete my community service at a Children's Home that is close to my heart. My paintings and preparation skills have improved because of the work I did during my community service.

I have definitely improved in many aspects of my life. I have grown closer to my family and my children. I no longer associate with the negative / bad influence people from my past.

During my time at the Children's Home, I learnt how to give more of myself in every way. I have grown in person because of the people and children I have been exposed to. I have developed a personal relationship with a few of the children at the home and have even been allowed to take these kids out for a day.

My case was dealt with by several magistrates who have probably not had a relationship or marriage where their partner just, out of the blue, decided to be unfaithful for no reason. Especially after you have put your all into keeping your partner happy.

I am aware that I caused serious pain to my ex-wife. I did apologize and am truly sorry. I am in a new relationship and I am happier than I have ever been. I have a 15 year old daughter and I would never like her to be treated the way I did when I snapped on my ex-wife.

I have seen the effects of my actions and I will never ever react in such a manner again. I have learnt to rather walk away from a situation that could lead me to behave so irrationally. I have learnt never to deal with situations of an emotional nature when my head is not clear.

Thanks again to all the personnel at the Magistrates Court for their unbiased decision on my sentence. I am just glad that I was able to keep my employment through all the court appearances and absence from work. I don't know what would have become of me, my kids and my parents had I been sentenced to prison. I am a sole provider to many lives and my actions could have cost / affected many lives.

Thanks to the kind social workers at NICRO for all their patience and assistance.



# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22



★★★★★★★★★★  
[left] A NCS offender who made his own video about how he benefitted from NICRO's service  
★★★★★★★★★★



★★★★★★★★★★  
[left] A collage made by a NICRO staff member  
★★★★★★★★★★



[above] Getting ready for a NCS workshop with stakeholders  
★★★★★★★★★★



★★★★★★★★★★  
[above] NICRO staff and George court stakeholders  
★★★★★★★★★★

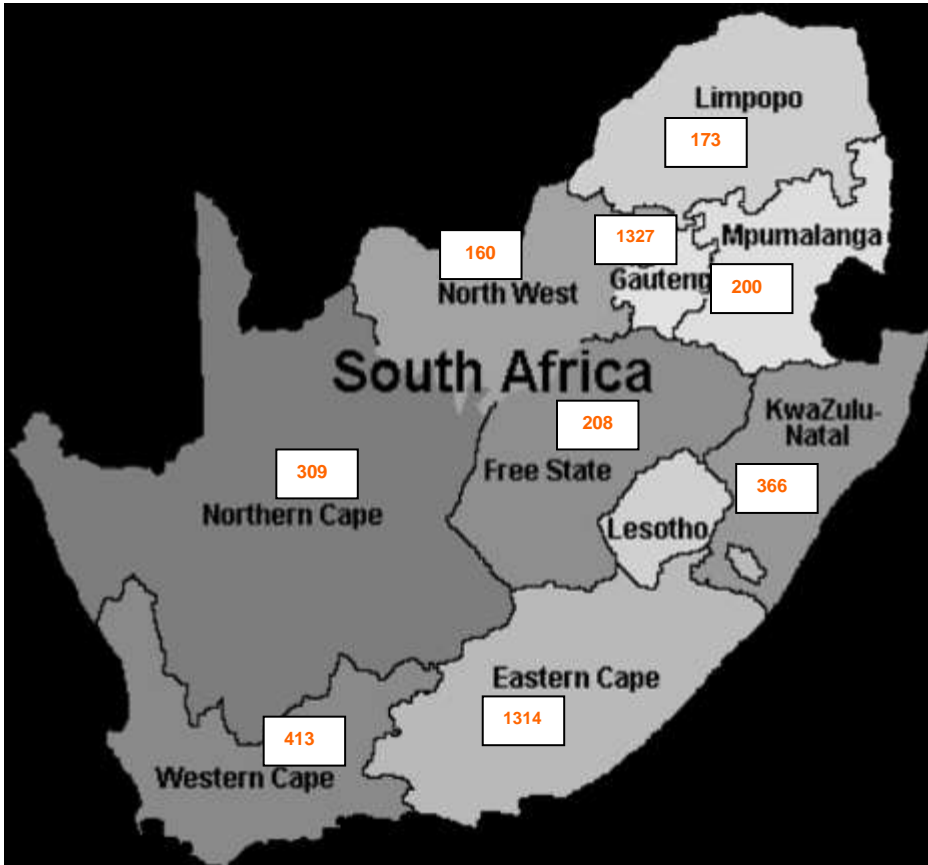
# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22

## Provincial Chance to Change Referrals 2009-2011



## Meet The NICRO Staff!



My name is Emmison Muleya. I am the third born in a family of four. I am blessed with a son and a very supportive girlfriend. Having grown from a family that is so passionate about helping the less fortunate, it became a calling for me to do Social Work.

I did my undergraduate degree at the University of Fort Hare. I became involved with NICRO in 2009 as a Student Social Worker in East London. That's when I became inclined towards NICRO's philosophy of offender reintegration and giving people second chances in life through a variety of therapeutic programmes designed to deal with criminal behaviour.

Upon completion of my studies, I was fortunate to be given a chance to join the East London team as a Social Worker in 2010 in the Youth Diversion Programme.

With the dire need to broaden my knowledge I joined the non-custodial sentencing project in 2011. NCS has been an empowering experience and has broadened my knowledge around the criminal justice system, understanding of restorative justice principles and project management skills. I have had the privilege of seeing the personal changing and growth of offenders with so many success stories.

Having worked at NICRO, today I can honestly say that I received a lot of knowledge, much more than I could ever thought of! I am currently studying towards a Masters Degree in Development Studies which I hope will come handy in my project management and research skills.

**Emmison Muleya**

# TurnAROUND

November – December 2011

NICRO's Non-Custodial Sentencing Newsletter

Vol. 22

## Notices

### Writers Required

NICRO's new website is now live and we are looking for people to write posts for our blogs. The topics must be related to criminal justice. People can post under their own names or under a chosen pseudonym, if they prefer. You can post as often as you like.

Please submit your posts to [Regan](#). NICRO reserves the right to edit post content, where necessary and also not to publish a submission, if it sees fit.

Please visit the blogs [here](#).



### Magistrates and Judges Research

NICRO is conducting research into the use of diversion and non-custodial sentencing by magistrates and judges as well as data on attitudes towards crime, punishment and offender rehabilitation.

Both ARMSA and JOASA have been successfully approached and have distributed the surveys. However, to date only 46 completed surveys have been received. I am therefore mailing the survey directly to our newsletter mailing list in the hope of more returns.

If you are a judge or a magistrate, please complete the survey attached to this newsletter and return it to Regan by the **31<sup>st</sup> December 2011**. Please feel free to forward this survey on to your colleagues as well. If you have already submitted this survey, please do not resubmit.

Please support our research project as it is important to obtain this information in order to get insight regarding how the judiciary uses diversion and non-custodial sentencing.

Please contact [Regan](#) should you have any questions.

### Impact Evaluation Researchers Required

NICRO wishes to announce that it will undertake an impact evaluation of its non-custodial sentencing service in 2012. Private individuals, academics, NGOs, institutions, for profit businesses and research teams may submit a proposal to conduct the research.

To receive the terms of reference, please email an expression of interest to the Project Manager Regan Jules-Macquet at [regan@nicro.co.za](mailto:regan@nicro.co.za).

The closing date for proposal submissions is **16h00 29 Feb 2012**. NICRO reserves the right not to award the research contract.



# Turn**AROUND**

## Special Recognition

We would like to give special recognition to the following people who have gone the extra mile in promoting non-custodial sentencing. The following people have taken the values of NCS and restorative justice to heart. They have been nominated by NICRO staff for their efforts to raise the profile of NCS and restorative justice. They should receive public acknowledgment.

### **National Prosecuting Authority**

Alma Smith (Cape Town)

Carmen Daniels (Cape Town)

Nombeko Ngxande (Zwelitsha)

Ms. Khungeka Tshaka (Queenstown)

### **Correctional Services**

Mr Fuaat Gallie (Cape Town)

### **Judiciary**

Judge Eberhard Bertelsmann (Gauteng)

Mr. Andries Nel (Deputy Justice Minister)

Magistrate Pieter du Plessis (Protea)

Magistrate Christo Schutte (Port Elizabeth)

Magistrate Lani Mareena Opperman (Batho)

Magistrate Asayvanie Pillay (Batho)

Magistrate Fanie Stander (East London)

Magistrate Desmond Krummeck (Queenstown)

*Thank you!*