

I WISH I HAD KNOWN

**A GUIDE
TO PAROLE:**
WRITTEN FOR
PAROLEES BY
PAROLEES

Zonk'izizwe Odds Development and **Beyond the Bars,**
with the support of **Sonke Gender Justice.**

WHO ARE WE?

Zonk'izizwe Odds Development is a Johannesburg-based, non-profit organisation founded and run by incarcerated and formerly incarcerated people (inmates and former inmates). It works to support the reintegration of parolees and other formerly-incarcerated people back into their communities, and advocates for the transformation of prisons in South Africa to ensure the safety and humane treatment of all detainees.

Sonke Gender Justice (Sonke) is a non-profit organisation that works nationally and regionally with governments, civil society and citizens to promote gender equality, prevent gender-based violence and reduce the spread and impact of HIV and AIDS. As part of its work, Sonke advocates for transformation of the prison system in South Africa through a combination of community education and mobilisation, lobbying of decision makers, media campaigns and litigation (court cases).

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Beyond the Bars is a support group for formerly-incarcerated people based in Gugulethu and Langa in the Western Cape. It was started by staff members at Sonke to assist parolees and formerly incarcerated people to reintegrate into their communities.

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THE PURPOSE OF THIS GUIDE

This guide was created by parolees and formerly incarcerated people to help parolees, pre- and post-release, to learn more about what parole is and how it works, and to provide support for adjustment to life immediately after prison. Remember, this is a short guide and will only provide you with the basics. For more information, you should contact the organisations listed in the 'Resources' section.

WHAT IS 'PAROLE'?

'Parole', sometimes referred to as 'correctional supervision', is when a sentenced inmate is given the opportunity to serve their sentence outside of prison under the supervision of Community Corrections, the subdivision of the Department of Correctional responsible for overseeing parolees once they are released.



Parole is intended to enable parolees to live a crime-free and socially-responsible life, be rehabilitated and assists them to reintegrate into their communities.¹

1 Correctional Services Act No. 111 of 1998, section 50.

WHEN DO I QUALIFY FOR PAROLE?

Inmates do not have a legal right to parole.² Parole is considered a privilege, and can be granted or denied by the Correctional Supervision and Parole Board or, in the case of inmates sentenced to life imprisonment, by the Minister of Correctional Services. However, the law states that if an inmate is able to show that they have been rehabilitated and are not a danger to society, there is no reason why they should not benefit from parole.³ There are many factors that affect whether or not you will be granted parole. If you are having difficulty securing parole, it is best to consult a legal advisor. Contact details for legal advisors are included in the 'Resources' section of this guide.



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- 2 Section 73(1) of the Correctional Services Act states that subject to other provisions of the act, a sentenced offender must remain in a correctional centre for the full duration of his sentence.
 - 3 This was held by the court in the case of *Motsemme v Minister of Correctional Services and Others* 2006 (2) SACR 277(W).

If you have been sentenced to imprisonment for a period of less than two years, you will be eligible for parole once you have served the non-parole period stipulated in your sentence. If a non-parole period was not stipulated, you will be eligible for parole once you have served **a quarter of your sentence**.⁴



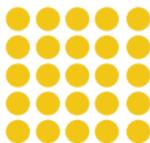
Once you have served a **quarter of your sentence**



Once you have served **half of your sentence**

If you have been sentenced to imprisonment for more than two years, you will be eligible for parole once you have served the non-parole period stipulated in your sentence. If a non-parole period was not stipulated, you will be eligible for parole once you have served **half of your sentence**.⁵

If you have been sentenced to life imprisonment, you must serve at least **25 years** of your sentence before you become eligible for parole. If you have served a sentence or cumulative sentences of **more than 25 years**, parole must be considered.⁶



Life imprisonment: you must serve at least 25 years of your sentence

4 Correctional Services Act, section 73(6)(aA).

5 Correctional Services Act, section 73(6)(a).

6 Correctional Services Act, section 73(6)(b)(iv).

WHAT ARE 'PAROLE CONDITIONS' AND HOW WILL THEY AFFECT ME?

When you are granted parole, your release to community supervision is subject to a number of conditions.⁷ The purpose of these conditions is to assist parolees with their rehabilitation, and to protect their communities by preventing parolees from committing further crimes. These conditions may include:

- Not committing further crimes;
- Living at a fixed address;
- Not consuming alcohol or using drugs;
- Seeking employment;
- Having a curfew (being required to be at home between certain hours);
- Participating in community service; and
- Being monitored by Community Corrections.

7 These are set out in sections 52 and 59-72 of the Correctional Services Act.

Parolees are classified as 'low risk', 'medium risk' or 'high risk' based on the severity of their conviction and sentence. Different parole conditions apply to each category. It is possible for your risk classification to change if you do not violate your parole conditions and continue to demonstrate your rehabilitation progress.

At the start of your parole, the Correctional Services Act requires that a correctional official **must** inform you of your parole conditions in writing. If you cannot read, they must inform you verbally, and you must confirm that they have done so.

VERIFICATION OF ADDRESS PROCESS

When inmates apply for parole through the relevant Case Management Committee at their Correctional Centre, they have to provide the Correctional Services and Parole Board with the address where they will be living, should they be granted parole. The following are useful tips to remember when providing an address:

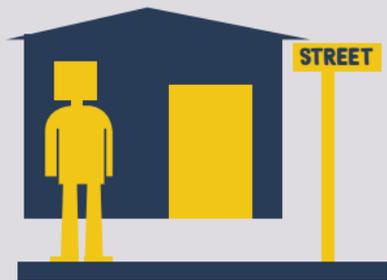
- If possible, try to provide an address that is near a service point catering for unemployed parolees so that you can access the location easily without having to travel long distances and spend money doing so;

- Remember that if you need any official business completed in relation to your parole, such as reporting for violations of parole, you will need to travel to Community Correction Centres. These centres are not located in every community and transport to and from the centres will be at your own expense.



If you need to change your verified address, you must follow this process:

- Go to your assigned Community Correction Centre (Centre) and apply for a change in address by filling in the designated form. The application will take up to 14 working days to process.
- Your assigned Centre will fax your application to the new Centre near your new intended residence. The officials at the new Centre will visit the address to verify that it exists and that you will be able to live there. Once they have verified the address, they will send a positive report to your assigned Centre.
- If a positive report is sent to your assigned Centre, you must go in person to complete the designated form and take a copy to your new



Centre. In the meantime, the officials at the assigned Centre will deliver your file to the new Centre, or post it should the new Centre be located in another province.

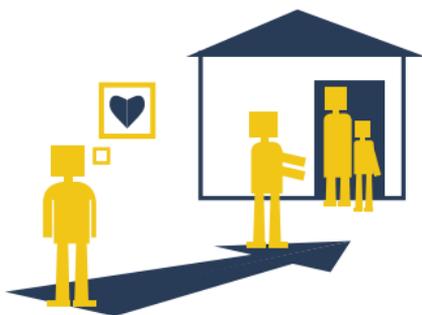
- You will need to give a reason for your change in address. Think carefully about why you are changing your address and whether it is necessary.
- If there is an emergency and you have no choice but to move to a new residence before the application can be processed, you should contact your designated parole officer to discuss it with them.

WHAT ARE THE BENEFITS AND CHALLENGES OF PAROLE?

BENEFITS

These are some of the benefits that have been noted by parolees and formerly incarcerated people:

- You are not locked up in prison. Although parole places restrictions on you, you will have the chance to serve part of your sentence outside of prison, in your community.



- You will have access to opportunities available to formerly incarcerated people to get your life back on track.
- You will have an opportunity to correct the mistakes that you made that led to your incarceration.
- You will have an opportunity to reconnect with your family and friends.
- You might have access to more opportunities for further education, gaining skills or finding work than you would have had in prison.
- Your dignity will be recognised in ways it may not have been in prison.



“Prison is not a safe place. That is one thing most of us will feel when you are inside prison. The minute you go into a van you know now that you going to the police station and then after the police station is prison then you start now changing your mindset and you start thinking of yourself as a prisoner...there is a certain way of thinking in prison...[and] you don’t sleep in prison like you sleep outside. You don’t rest in prison... you’re always watching. In prison you are always cautious. You must always be vigilant.”

– BEYOND THE BARS MEMBER

CHALLENGES

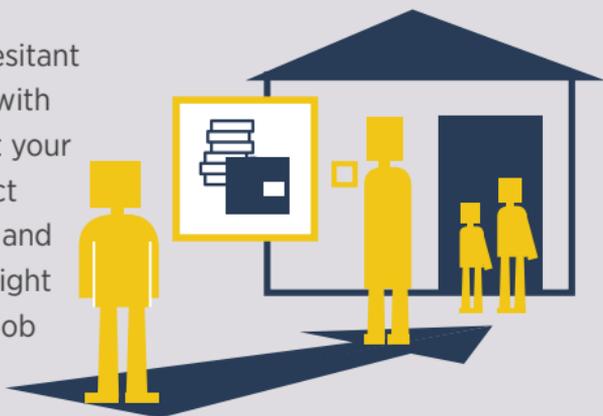
There are a number of benefits to being on parole that makes it more desirable than doing time in prison, but remember that parole may still be difficult. These are some of the challenges experienced by parolees and formerly incarcerated people:



It can be difficult to regain the trust of your family and community. Often you are stigmatised because of your criminal record and people view you with suspicion. You can challenge these attitudes provided that you feel it is safe to do so. (For more information, read about 'Stigma and how to deal with it' on page 17.)



Finding a job might be difficult because you may not be adequately prepared in prison for seeking employment when you leave, and you may have gaps on your curriculum vitae (CV), the document you provide to prospective employers which lists details about your career and education. Many employers may be hesitant to employ someone with a criminal record, but your family may still expect you to support them and your parole officer might expect you to find a job



immediately upon release. You will also need to make money to buy certain essentials, such as toiletries and food now that you are no longer receiving them in prison.



Parole conditions are restrictive and difficult to follow, and make it difficult to look for employment. When you are in prison and up for parole, try to prepare yourself for these conditions and how they will affect you.



The Correctional Services Act provides that all sentenced inmates must be prepared for placement, release and reintegration into society by participating in a pre-release programme. However, it has generally been reported that the pre-release programmes offered in prison do not adequately prepare formerly incarcerated people for the outside world. Sometimes you will not even have the opportunity to attend a pre-release programme in prison.



You will have to check in with Community Corrections on a regular basis. This may involve having to travel outside of your neighbourhood and will be difficult to do if you do not have money for transport or a supportive family member or friend to give you a lift or help you to get there in any other way.



It might be difficult to find a clinic and access chronic medication used to treat tuberculosis (TB) and HIV. If you are struggling to find a clinic, you can call the National AIDS Helpline. The number is included in the 'Resources' section.



Parole officers often do not inform you when they will be visiting to check that you are abiding by your parole conditions. You have to be at home at designated hours to ensure that you are not in violation of your parole conditions.



Fulfilling your parole conditions can be a challenging and expensive exercise. For example, if you do not have access to funds, you will not be able to buy airtime to contact your parole officer if you are running late and are likely to miss your curfew.



If you do not have a helpful parole officer, or you do not have a good relationship with your parole officer, it can make your situation tougher. The parole system is open to abuse by officials who are not sympathetic towards inmates and formerly incarcerated people. If your parole officer abuses his or her power, or appears to be corrupt, you can lodge a complaint with the head of your Community Corrections Centre or the relevant Area Commissioner. If this fails, you can also approach the Public Protector for assistance.



“The parole system never took into account that when you are released you are going to people that you have aggrieved. It doesn’t matter, you can have a car, you can have a suit, you can have a house...to the people you will remain a prisoner...when you come from prison you come to a location. The people they are looking at you with another eyes ...there are people who will care for you but the other 80% are not well-prepared”

– BEYOND THE BARS MEMBER



TIPS FROM PAROLEES ON HOW TO COPE WITH PAROLE

- Work on building a good relationship with your parole officer and earn his or her trust. Ask his or her advice on how to deal with the difficulties you may be facing.
- Ask the staff at your Community Corrections Centre about job and skills development opportunities.
- Try your best not to violate your parole conditions. If you are concerned that you may violate a parole condition, such as your curfew, alert your parole officer before it happens.
- Stay away from people who may have contributed to you being sent to prison in the first place or habits that might impair your judgement, like drinking excessively or using drugs. Don't spend time with people who are likely to be involved in crime, drinking or using drugs.
- Develop a strong support network outside of your immediate family and friendship group. Look at joining a parolee support group or approach a community-based, faith-based or non-governmental organisation that works

with parolees and formerly incarcerated people. If you do not know of any parolee support groups in your area, think about starting your own.

- While you are serving time in prison or are outside on parole, seize any available opportunity to develop your skills and improve your CV.
- While you are looking for work, volunteer with organisations that need assistance. These organisations will appreciate your services and, in turn, you will be able to develop your skills and create a network.
- Be creative when looking for employment. It is often easier to create your own job than it is to find work, so if you have a small amount of money at your disposal, use it to start a business. See the resource list at the end of this guide for organisations that offer entrepreneurship training and support.
- In some cases, your relationships with your family and friends may be damaged and difficult to repair. However, keep making an effort and show your loved ones that you are trying your best. Check out the 'Resources' section for a list of organisations ready to help you deal with the situation.



- You may face stigma in your community, and it will take time to overcome this. However, finding work should be one of your first priorities. Once the community sees that you are making an effort, they will hopefully start to trust you. Voluntary community service can also help you to regain your community's trust, so offer your services to community-based organisations in the areas you are passionate about.
- When you are outside, be proactive about seeing a social worker and seeking counselling for additional support. The social worker should provide you with potential employment opportunities and point you towards useful connections. Social work services are available at Community Corrections Centres as well as through NGOs.
- Take part in activities that make you happy, such as sport, reading, running and other hobbies.
- Ask for help and support if you need it.



“Have crocodile skin and join a support group.” - BEYOND THE BARS MEMBER

STIGMA AND HOW TO DEAL WITH IT

WHAT IS STIGMA?

Stigma is the disapproval or negative attitudes of society that attach shame to certain individuals or groups because of attributes such as their HIV status, disability, nationality or criminal record. These attitudes can also be reinforced by the media. Stigma can lead to discrimination, human rights abuses, and compromise people's dignity.



A person's perception of being stigmatised is harmful even when no actual discrimination occurs, as it often affects how that person behaves. For example, stigma may prevent a parolee from applying for certain jobs because they do not believe their application will be successful, or discourage them from seeking healthcare at a community clinic out of fear that they will be discriminated against because of their criminal record. Stigma against parolees and formerly incarcerated people has been identified as a barrier to reintegrating into communities, so it is important to be aware of it and to try to be proactive in dealing with it.

Before their release from prison, many incarcerated people worry about stigma and how it will affect their relationships and employment opportunities. It is true that parolees and formerly incarcerated people may face stigma and discrimination in their communities. There are, however, a number of actions you can take to tackle stigma or prevent it.

TACKLING STIGMA

It can be difficult to address stigma and if you feel that doing so would put you in danger, it is completely acceptable not to take action. However, stigma can be distressing and make you feel devalued. If you find that stigma is having a negative impact on your wellbeing and relationships and you would like to take steps to address this, there are a few things you can do to break down stereotypes and build a new image for yourself and other parolees:



Learn how to recognise stigma and challenge it when you see somebody else experiencing it, even if the stigma is not related to that person's criminal record.



Seek support and accept help, either from friends or family, support groups, or through organisations that provide counselling (see the 'Resources' section at the end of this guide).



Educate yourself and inform others, whether it is about the history of prisons, the impact of prisons on the community, or the low rates of parole violations. Start informative conversations with friends, family members and colleagues. You can even talk about your own experiences if you feel safe doing so.



Try to get involved in your community. Join street committees or community policing forums. Participate in voluntary activities to improve the community or join a local sports team. This will demonstrate to your fellow community members that people with criminal records can contribute meaningfully, and will help to dispel negative images about parolees and formerly incarcerated people.



Remind people that parolees have many positive qualities and skills, and that many have turned their lives around and should not be judged for having a criminal record alone.



If you experience discrimination from a health care provider or government official, including your parole officer, it is important to challenge it. You can do so by filing a complaint with the official's supervisor or through complaint hotlines. If this comes to nothing, you can also register a complaint with the South African Human Rights Commission or the Public Protector. Contact details for these bodies and complaint hotline numbers are included in the 'Resources' section.

ACCESS TO HEALTHCARE

Inmates often have access to doctors and medication, although prison healthcare systems are not always of adequate quality. When you are released, it is important to find a clinic and get access to medication.

This is not always easy. Some challenges that you might face include:

- Difficulty finding a clinic near to where you live that serves your community, as each clinic will serve specific communities and not others.
- Having to wait in long lines at a clinic as there are many people trying to access public health services.
- Community stigma about your HIV or TB status. Remember that your status is confidential and only you have the right to disclose your status.

PAROLEES AND HIV

While you might experience discrimination by healthcare workers, remember that you have a **constitutional right** to healthcare and you may not be denied access to treatment for HIV, TB or other chronic illnesses. If you feel that you have been discriminated against, you can lay a complaint with the manager of the hospital or clinic.

Remember: If you have been accessing treatment, particularly antiretroviral medication (ART) or TB medication, it is extremely important that you continue your treatment and do not default, as your health could deteriorate, and you may need stronger and more expensive medication as a result.

Ask your doctor in prison about how you can continue certain health programmes after you have been released. Ask for a month's supply of your medication from the correctional centre's clinic, as well as a copy of your medical file. Once you have been released, prioritise locating a clinic where you can continue your treatment.



EXPUNGEMENT OF CRIMINAL RECORDS

Expungement is a procedure whereby a person's criminal record is lawfully removed from the National Criminal Register. In terms of section 271B of the Criminal Procedure Act,⁹ certain parolees and formerly incarcerated people may be able to secure expungement of their criminal records. Not everyone is eligible for expungement. It usually depends on the sentence you received for your offence. What follows is a very simple explanation of the minimum criteria that you must satisfy to apply for expungement of your criminal record. **For further information, we recommend that you consult the website of the Department of Justice, or speak to a legal advisor.**

You qualify to apply for expungement of a criminal record in relation to an offence if all of the following requirements are met:

- 1. Ten years have passed since the date of the conviction for that offence;**
- 2. You did not receive a sentence of direct imprisonment without the option of a fine for another offence during that ten year period; and**

⁹ Criminal Procedure Act 51 of 1977.

3. You have been given any of the following sentences for the original offence:

- You received a sentence in the form of a fine only, of R20 000 or less;
- You received a sentence of corporal punishment before corporal punishment was declared unconstitutional;
- You received a sentence of imprisonment or the option of a fine of R20 000 or less;
- You received a sentence of imprisonment that was suspended in full;
- You received a sentence of correctional supervision or periodical imprisonment;
- You were convicted of a crime for which there is no prescribed minimum punishment (less serious crimes than rape, assault or murder) and your sentencing was postponed or you were cautioned and discharged subject to the provisions of the Criminal Procedure Act.
- You were convicted of breaking certain laws on the basis of your race or of an offence that would not be regarded as such in an open and democratic society founded on human dignity, equality and freedom under the democratic constitutional dispensation after 27 April, 1994.

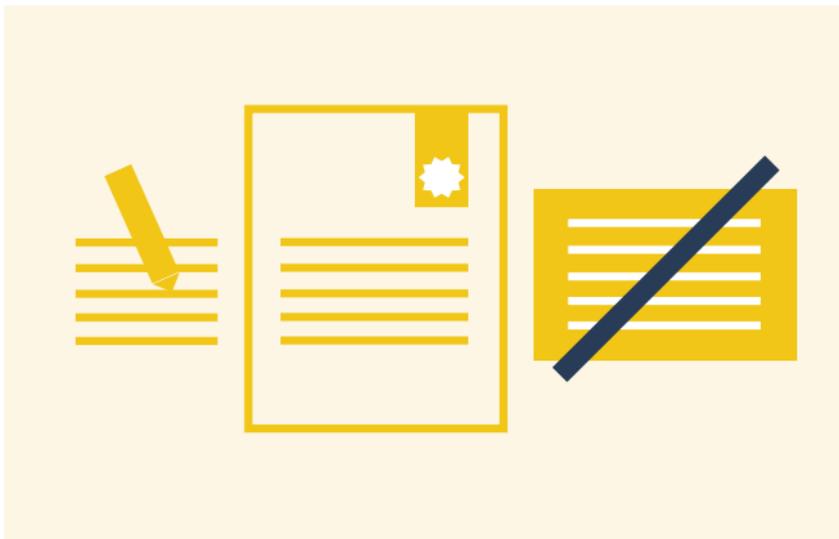
You will **not qualify** to apply for expungement if:

- ✘ A period of 10 years has not lapsed since your conviction for the offence, except for convictions that were based on race and/or were politically motivated, for which punishment is now unconstitutional.
- ✘ You were convicted of a sexual offence against a child or person with a mental disability.
- ✘ Your name is included in the National Register for Sex Offenders or the National Child Protection Register.
- ✘ You were convicted of a serious offence where the mandatory sentence is one of imprisonment without the option of a fine. Examples of serious offences include robbery, rape, murder and assault with the intention to do grievous bodily harm.

To apply for expungement, you need to complete the application form provided in the Regulations of the Criminal Procedure Act and submit it to the Director-General of Justice and Constitutional Development, together with:

- A clearance certificate from the Criminal Record Centre of the South African Police Service issued at least 10 years after the conviction(s) and sentence(s).
- Confirmation stating that your name has been removed from the National Register for Sex Offences or the National Child Protection Register (if your name was included in either of these registers).

See the 'Resources' section for more information.



RESOURCES

For more information on parole and the law, see **Chapters VI and VII of the Correctional Services Act No. 111 of 1998** and the Community Corrections page on the Department of Correctional Services website at www.dcs.gov.za.

For information about expungement of criminal records and access to expungement application forms, see the Regulations to the Criminal Procedure Act 51 of 1977 and the website of the Department of Justice at www.justice.gov.za/expungements.html. To download the applicable expungement form, you can go to this URL: http://www.justice.gov.za/forms/form_expungement.html.

Legal Aid South Africa is a body established by the Legal Aid South Africa Act 39 of 2014, to provide legal support and legal representation to people who cannot afford to pay for legal representation. Their national toll-free number is **0800 110 110**, but you can also send a Please Call Me to **079 835 7179**.

The **Public Protector of South Africa** is an independent institution established in terms of section 181 of the

Constitution, with a mandate to support and strengthen constitutional democracy. It has the power to investigate, report on and remedy improper conduct in government affairs. The Public Protector must be accessible to all persons and communities. Anyone can complain to the Public Protector on the **national toll-free number: 0800 112 040**.

The **South African Human Rights Commission** is the national institution established to promote respect for and protection of human rights for everyone. If you have experienced discrimination on the basis of your criminal record, you can file a complaint with the commission. You can find an online form on their website at www.sahrc.org.za, or call them on **011 877 3600**.

If you are looking for a clinic where you can access your ART, you can call the **National AIDS Helpline** on **0800 012 322**.

The **Department of Health** advises patients to complain directly to the manager of the relevant hospital or clinic. If they are not satisfied with the manager's response, they can call the **Department of Health Provincial**.

Complaint Lines:

Eastern Cape	0800 032 364
Free State	0800 535 554
Gauteng	0800 203 886
KwaZulu-Natal	033 395 3275
Limpopo	015 293 6000
Mpumalanga	013 766 3031
Northern Cape	053 830 0633 / 053 836 2700
Western Cape	0860 142 142
North West Provincial Government	018 388 3456/4699

Organisations and groups that provide support to formerly incarcerated people:

- **South African National Institute for Crime Prevention and the Reintegration of Offenders (NICRO):** NICRO is a national non-governmental organisation that

provides inmate reintegration support for inmates and their families starting inside prison and continuing after release. National Head Office: 021 462 0017

- **Zonk'izizwe Odds Development (ZOD):** ZOD is a community-based organisation that runs a support group for parolees and formerly incarcerated people in Dobsonville, Gauteng. They don't have a website but you can email them on zod.oddsdevelop@gmail.com or find them on Facebook.
- **Lawyers for Human Rights** runs a Penal Reform Programme established for the protection of the rights of prisoners and detainees. They seek to ensure constitutional compliance in relation to the imposition of punishment, sentencing, independent oversight and conditions of detention. They work on issues relating to prison overcrowding, independent oversight and sentencing reform. For further information on what assistance they can provide for parolees, you can call their Cape Town office on **021 424 7135**.
- **Beyond the Bars (BTB), Sonke Gender Justice:** BTB is a support group started by Sonke Gender Justice, in Cape Town, for parolees and formerly incarcerated people. It holds meetings in Kraaifontein, Langa and Khayelitsha. Cape Town office: **021 423 7088**

- **Prison Care Support Network** is a Cape Town-based, non-profit organisation that provides spiritual and emotional care and support to inmates, parolees and their families. Cape Town office: **021 531 1348**
- **LifeLine** provides support, counselling and referrals to anyone experiencing personal or mental health difficulties. They provide counselling by telephone and WhatsApp call 365 days a year, as well as free face-to-face counselling on weekdays. They have offices in Johannesburg, Pretoria, Durban, and Cape Town. Their national number is **0861 322 322**. Their WhatsApp call lines are 063 709 2620 (Cape Town) and 065 989 9238 (Johannesburg). You can also **find them online** at www.lifelinewc.org.za (Cape Town), www.lifelinejhb.org.za (Johannesburg), and www.lifelinedurban.org.za (Durban).
- **Operation Hope South Africa** is an international organisation that provides financial literacy and entrepreneurship programmes to youth and adults. You can call or Whatsapp them on **063 376 9152**, or email them at **southafrica@operationhope.org**.
- **Cape Mental Health** is a non-profit organisation in Observatory, Cape Town, that offers counselling and support, usually free of charge, for people with mental illness, including depression and bipolar disorder. Cape Town office: **021 447 9040**

- **The Trauma Centre for Survivors of Violence and Torture** is a non-profit organisation based in Johannesburg and Cape Town that offers trauma support and counselling for individuals, groups and families. Cape Town office: **021 465 7373**
- **Quirky30 NPC** is a non-profit company and public benefit organisation based in Langa, Cape Town. It was founded by two formerly incarcerated people. They offer training in, and the development of, coding, graphic design and soft skills and entrepreneurial skills. Cape Town office: **084 343 9290**
- **The Message Trust** is a charitable trust and public benefit Christian organisation that works with at-risk youth in Cape Town. They do this through a prison enterprise programme, community transformation, enterprise development and the creative arts. Cape Town office: **021 685 1535** or Gavin Wessels on **083 358 6778**
- **Mid-Way Services** is a non-profit organisation that offers training in life-coaching to support marginalised groups such as youth at risk, formerly incarcerated people, including those recovering from substance addiction, and vulnerable families. Contact Jaun Truter at info@midway.org.za.



**SONKE
GENDER
JUSTICE**

HIV/AIDS • GENDER EQUALITY • HUMAN RIGHTS