

Need to distinguish between incarceration as a sentence, and incarceration as a crime prevention tactic.

Doubling the incarceration rate presented as a crime prevention tactic.

Policy choice in SA to apply long sentences – or nothing at all.

Again I need to re-iterate the distinction between a general policy of applying long sentences and what sentence might be considered to be appropriate in a specific case.

Re incarceration as a crime prevention tactic, we need to look at what does evidence tell us about the relationship between incarceration and crime

For that we need to explore the theories by which it is thought that incarceration might work to prevent crime

- by deterring offenders
- by incapacitating offenders
- by reforming offenders

(1) Deterrence:

Well-established that magnitude of a possible punishment does not operate to deter crime. Rather the likelihood of apprehension does. Anecdote re pickpocketing and hanging.

In SA context our research showed, according to prosecutors, offenders were not aware of possible penalties, did not believe it would apply to them and at time of commission of offence did not believe they would be caught. Our apprehension rates of reported crime are generally poor.

(2) Incapacitation:

Available evidence from other countries shows that incarceration does have a mild impact on crime via the incapacitation effect – however impact is mild and most

pronounced with serial, dangerous and habitual criminals (currently fewer than 1000 sentenced as such in SA).

Also has high social and financial costs in terms of keeping offenders away from society. In US alternative social interventions have been found to be at least twice as cost-effective in preventing crime. These are not programmes applied as alternative sentences, but preventive programmes designed to prevent crime in the first place school and family-based programmes, support to at-risk families.

In SA context keeping a single offender out of society for “only” 5 years will cost close to a quarter of a million, at a cost of about R3500 a month.

Furthermore, given the pressure on prisons caused by long sentences being generally applied – the number of 10 – 15 year sentences almost tripled over the period 1995 to 2005 from 6000 per year to more than 23 000 – periodic special releases from prison will become increasingly common.

Some have pointed to the overall reduction in murder & crime generally since heavy penalties were introduced in 1998 to say that minimum sentencing has been a success. However our research has shown there are 3 reasons to discount this possibility

- the reduction is a continuation of an existing trend which began before implementation
- the reduction is in the process of reversing
- the reduction has in all likelihood been overstated.

(3) Reform is unlikely to be widespread given the lack of rehabilitative programmes in prisons, the voluntary nature of such programmes, the huge shortage of professional staff in DCS (51% shortage 2006, 36 psychologists for 160 000).

In fact available evidence suggests prison may be further dehumanising – widespread rape, assault etc.

*“the horrific scourge of sexual violence that plagues our Prisons where appalling abuses and acts of sexual perversion are perpetrated on helpless and unprotected prisoners.”*

This should be of concern to us all – and not just for altruistic reasons - as between 20 000 and 30 000 prisoners are released each month.

If doubling the incarceration rate is not the answer, what is the answer?

- CJS system: increase apprehension rates by making better use of information sources, ensure CJS signals to minor offenders the boundaries, expand range of alternative sentences, treat incarceration as a scarce resource saved for serial and dangerous offenders, expand rehabilitative work, decouple perverse incentives SAPS & NPA
- Social programmes: begin to be serious in exploring range of interventions which may work in SA context, family, school-based, support to at risk families – evidence based – may depend on context – 6000 social workers and 150 000 police officers

Available evidences suggests we have made great strides in particular geographic areas, but have been reversals in others – these need to be explored in more depth.