INTRODUCTION

Correctional supervision (our local term for probation) as an alternative sentencing option was introduced to South Africa in 1991. Krügel & Terblanche (1991:1005) heralded it as "...the most important development in punitive measures over the last 30 years." [Free translation]. Now, after seven years one needs to evaluate this option: Is the treatment effort of correctional supervision mere window-dressing or does it have some potential to actually rehabilitate offenders?

Having been a correctional officer in charge of treatment in a correctional supervision office for three years, the potential as well as deficiencies regarding the ability of probation to exert a positive influence on its clients have been noticed. Although the problems mentioned here are based on the writer's experience in one setting, many offices around the country may experience similar problems.

This review is structured as follows:

- A brief overview of the administration of correctional supervision;
- the rationale of probation;
- a discussion about the main problems relating to the treatment of offenders in correctional supervision; and
- proposals regarding ways to improve the situation.

On the positive side, it is the opinion of this writer that probation at least provides an offender with a real chance to address his/her problems in contrast with imprisonment that, in my opinion, offers little hope for rehabilitation.

THE ADMINISTRATION OF CORRECTIONAL SUPERVISION

Probation can be described as a form of disposition that is administered to individuals instead of sending them to prison (Callison 1983:101). The word "probation" is derived from the Latin probare which means that an offender is "tried out" to see whether he is able to remain crime-free in the community for a certain period of time. If he fails in his attempt, imprisonment is the alternative.

In addition, several innovative conditions - of which the following are the most common - are laid down:

- House arrest, which means that a person is confined to his home whenever he is not working or fulfilling one of the other conditions;
- monitoring at home and work as well as compulsory visits to the supervision office;
- community service;
- remuneration of the victim;
- the compulsory attendance of life-skills programmes, individualised treatment sessions or rehabilitation centres;
refraining from the use of alcohol and visiting places where alcoholic beverages are served, and

• avoiding contact with criminal elements or taking part in criminal activities.

Three grades of supervision are possible: (1) Maximum supervision, (2) medium supervision and (3) minimum supervision. The object of this classification scheme according to which probationers can get progressively more "free" time is mainly to secure their co-operation.

THE RATIONALE FOR PROBATION

Probation is based on the premises of the reintegration model that, in turn, can be seen as a consequence of the failure of the so-called medical model. The medical model that was used in prisons, viewed offenders as sick people who needed psychotherapeutical treatment in order to be cured. This model came to the forefront in the 1920s under the guidance of psychiatrists. Its basic goal, according to Bartollas, was to make the prison into a hospital, with the guard being replaced by the nurse, and the judge by the psychiatrist (1985:9).

By the end of the 1960s, however, the medical model had largely been discredited in American correctional institutions, largely because of claims that it failed in its attempts to prevent recidivism (ibid., p.10). According to Carney (1979:324), "Psychotherapy, of whatever form, has a very bad record in dealing with the reformation of character disorders.

The reintegration model, in turn, believed rehabilitative efforts too good an idea to let go of totally, but shifted the emphasis to the community, with the basic premise being that offenders should be helped to reintegrate themselves within the community. According to the 1967 President's Commission on Law Enforcement and Administration of Justice (in the United States), its task is "to build or rebuild solid ties between the offender and community life, restoring family ties, obtaining employment and education, securing in the large sense a place for the offender in the routine functioning of Society" (Quoted in Bartollas 1985:11).

Because of the variety of conditions that can be laid down, probation is a potential answer for all motives of punishment, namely retribution, deterrence, protection of the community and rehabilitation:

• Concerning the rehabilitation ideal, probation is strongly based on the idea of successfully reintroducing offenders to a law-abiding community life.

• Protection of the community is seen to be one of the results of successful rehabilitation and effective surveillance of offenders.

• The idea of retribution is contained in measures such as remunerating the victim, symbolically making restitution to the community through community service, etc.

• Deterrence, that is to prevent offenders from committing crime again, is to be obtained by the strict enforcement of conditions as well as by the successful rehabilitation of the offender.

PROBLEMS RELATING TO THE TREATMENT OF OFFENDERS

As was mentioned in the introduction, there are two main problems standing in the way of the effective rehabilitation of offenders in correctional supervision, namely unrealistic expectations about treatment and the lack of a unified approach towards the aims of rehabilitation.

Unrealistic expectations about treatment

Although probation is based on the reintegration model, where the basic assumption is that offenders' problems must be solved in the community where they
began, and that offenders must be taught how to utilise community resources in order to become law-abiding citizens, we still cling to a large extent to treatment within a clinical context in order to bring about rehabilitation. This includes measures such as individual and group therapy, psychological counselling, diagnostic interviews with psychiatrists, etc.

However, a vital shortcoming with regard to correctional treatment underlies these traditional treatment efforts, namely the fact that you cannot rehabilitate people by forcing treatment on them. According to Bartollias (1985:ix):

"The new consensus on correctional treatment is simple. Program administrators, clinicians, and researchers have concluded that attempts to rehabilitate offenders are futile unless the individual to be rehabilitated desires that outcome enough to take the initiative."

The irony lies therein that we enforce treatment programmes on offenders by making it one of the conditions, well-knowing that correctional history has shown such efforts to be futile in practice. In the field of correctional supervision we consequently encounter the situation where offenders are neither very desirous of the services offered nor willing to take part in anything that goes beyond what the law requires of them.

This reluctance can be ascribed to various factors. Most offenders are convinced that they are just unfortunate victims of the system. Others hide behind a variety of defence mechanisms. Then there is also the problem of trust: Offenders are never quite sure whether they can fully trust the councillor not to use this information against him in some way.

Another flaw inherent to traditional treatment measures lies in the assumption that offenders are "sick" people as inherited from the medical model. This implies that offenders cannot be held responsible for their actions and that punishment is consequently irrelevant. Donal EJ MacNamara describes this erroneous assumption as follows:

"The basic flaw of the medical model is its basic premise: that the offender is 'sick' when in fact he is far more likely to be as 'normal' as most nonoffenders but inadequately, negatively, or contraculturally socialized, at war with a world he never made, a world in which he has been subjected to abuse, brutalization, discrimination and exploitation. No program of education, vocational training, medical or psychiatric therapy is relevant to his "cure" and none is likely to reverse his twenty or thirty years of antisocial conditioning."

It is the contention of the writer that we are unrealistic in our views regarding treatment. It is clear that the basic premise of corrective rehabilitation by means of "forced treatment" is erroneous and that we will have to tackle the problem of rehabilitation in a totally different way.

Lack of a unified approach towards the aims of rehabilitation

The probation system which is used in South Africa today is based to a large extent on American examples, especially the Georgia probation system. Unfortunately, transferring the structure of a successful system does not mean that the accumulated experience underlying it is included in the package. In placing correctional supervision under the control of the former Prisons Department, certain deficiencies have crept into the system. It has to do with transferring the bureaucratic system inherent to prison management to the correctional supervision system. According to
Neser and Cilliers (1990:2-3) the main characteristics of the bureaucratic management style is that "Authority is distributed according to requirements, from the highest to the lowest functional levels, and officials move to execute their tasks within the limits of their allocated powers". In every correctional supervision office, for example, there are monitoring officers, probation officers (who supervise the monitoring officers) and an officer manager who supervises everyone else. Treatment aspects are dealt with by social workers. Finally, some officials specialise in community service while others fulfil administrative tasks such as registering probationers on computer. All of these officials are arranged according to a hierarchical system, with the decisions being made at the top and handed down along the line. Whilst this system works fairly well in prison, where almost every aspect of conduct and functioning is regulated and controlled, it constitutes a disaster in the correctional supervision set-up.

There are a number of problems which result from this situation and the main problems are discussed below.

The problem of administrative effectiveness vs. the individualisation of treatment

The first problem relating to a hierarchical system is that, while it may function very well administratively, this system is not conducive to treating offenders as individuals. Specialisation in correctional supervision means that different officials handle only their small part in the structure of the system without anyone ever getting to know the offender as an individual. In practice this means, for example, that a probation officer responsible for community service must handle, say, four hundred clients and is never able to get to know the clients as individuals.

The problem of different levels of authority

The problem with officials functioning on different levels of authority is that those officials having by far the most contact with, and influence on probationers (the monitoring officials), are usually the lowest in rank and authority.

This system consequently discourages any attempt at creativity relating to the individualised treatment of offenders or adapting the system to fulfill the needs of its clients. The personnel who are most aware of what is needed on ground level do not have the necessary authority to implement such changes.

A further consequence of this situation is that, as soon as an official gets some measure of experience, he is often promoted to the next rank and is removed from daily contact with probationers. This leads to a continuous situation where inexperienced officials maintain contact with clients, while more experienced personnel are kept busy with administrative tasks.

Different approaches towards offenders

Another problem closely related to the bureaucratic nature of correctional supervision has to do with the personnel involved. In contrast to what the public normally think, warders usually obtain co-operation from prisoners by means of a "pacifying" approach. Strict measures and discipline are often not the best way of dealing with prisoners. A lot of minor misconduct by inmates are normally overlooked because of the ineffectiveness of complaint procedures and the fact that close contact over a long period requires that good relationships must be maintained between warders and prisoners. Furthermore, the promotional system in prisons is of such a nature that accusations against warders are taken into account whenever promotion is considered. The best way of keeping out of trouble lies in a pacifying approach which avoids confrontation with prisoners as far as possible.
Effective treatment in correctional supervision, on the other hand, depends to a large extent on the celerity and sure application of discipline. The sword used to enforce offender's co-operation, is the threat of imprisonment. Warders used to pacifying offenders often find it difficult to adapt to this change in approach.

Lack of co-ordination between surveillance and treatment personnel

If one observes the conditions relating to correctional supervision carefully, it becomes clear that the task of correctional personnel revolves around two main aspects:

- The surveillance; and
- the treatment of offenders.

In more real terms it might be translated as "hard" and "soft" approaches towards correctional clients. In correctional supervision, surveillance, constituting the "hard" approach, is normally assigned to supervision officials, while the "soft touch" is delivered by treatment personnel, such as social workers and psychologists.

The problem with such a distinction is that whilst treatment personnel may have the needed academic background, it is the surveillance personnel who retain contact with offenders on a regular basis and who get to know their clients. This also means that these personnel are those who possess the greatest potential of influencing clients, positively or negatively, because of the time spent on each offender and the regularity of contact.

A further problem goes back to the bureaucratic nature of the system. As treatment personnel are often appointed in more senior positions, it quite often happens that they think it beneath their professional status to discuss aspects regarding the observation and influence of clients with ordinary surveillance personnel. Consequently the situation is such that treatment personnel are in possession of vital background information on offenders as well as skills on how to treat offenders, whilst surveillance officials are the ones actually working with probationers. The gap between these two professions ultimately harms only one person, namely the offender.

The problem of statistics

The last aspect that creates problems with regard to a unified approach lies in the provision of statistics on the so-called "success rate" of correctional supervision by every office. The criterion according to which this success rate is measured, is taken as the "amount of probationers who don't drop out of the system". The problem with such an approach is that this measure forces heads of offices to keep probationers in the system even if they do not belong there. It is understandable that heads of offices are reluctant to refer offenders back to prison if the success rate of their office and even their own promotion depends on such actions.

This can create tension in offices where monitoring officials have to work with offenders who repeatedly breach conditions and who are well aware that, whatever that official may say, the chances of him being referred back to court are actually very slim.

If all the abovementioned problems are taken into account, we are faced with the problem that there is a lack of a unified approach towards the treatment of the offender. If treatment efforts are to be viewed through the eyes of the offender, correctional supervision must indeed be confusing. Firstly, he must learn who to listen to and who to ignore. Thereafter he must learn what conditions are really important to his survival in the system and which ones he can basically skip. Lastly he must try to get his own life in order under the guidance of different parties all providing him with conflicting guidelines.
Recommendations

The proposals that the writer wishes to make are of a dual nature, namely

- to set a realistic goal for treatment; and
- to implement a unified approach for the attainment of goals

A realistic goal for treatment

The first point that has to be made is that we must not expect treatment to have the same effect on all offenders. Every individual is unique and, while some people may develop a need to change, it must be expected that others will resist any effort aimed at helping them. Maybe the most important element determining the success of correctional supervision lies in the constant pressure that is placed on offenders. In a psychological sense, this continual obligation to perform (to comply to all conditions) constitutes an important rehabilitative influence because it forces the client to make choices concerning his attitude towards responsibility. If correctional supervision is correctly applied, it compels the offender to take a more positive attitude towards his predicament, even if it is only to stay out of trouble.

In this context Bartollas refers to the Logical Consequences Model (1985:201), which leans heavily on the belief that offenders should be made aware of the consequences of socially unacceptable behaviour. According to one probation officer (quoted in Bartollas 1985:201): “If they do such and such, which is unacceptable, then they have to pay the consequences”. In order for responsibility to be learnt by the offender, limits have to be set and certain demands are to be enforced. To make an analogy with responsible parenting: Papalia & Olds have written the following concerning what they call “authoritative parenting”:

“Authoritative parents try to direct their children’s activities rationally, with attention to the issues rather than the children’s fear of punishment or loss of love. They exert firm control when necessary, but they explain the reasoning behind their stands and encourage verbal give-and-take...They are loving, consistent, demanding...but they are firm in maintaining standards and willing to impose limited punishment. Their children...feel secure in knowing that they are loved, and also in knowing what is demanded of them...These children are the most self-reliant, self-controlled, self-assertive, and content.” (1978:180).

Although this example may not be directly applicable to the correctional situation, because we deal mostly with adults, it encompasses the idea that the result of a firm but just approach is also what is needed from our correctional system; namely well-adapted people who have enough self-discipline and inner conviction to avert criminal behaviour. We can perhaps translate such efforts back to the idea of plain justice being dealt out, encompassing qualities such as fairness, equality and impartiality.

This however, does not mean that people should not be treated as individuals. The effectiveness of routine cases depends to a large degree on whether a client is treated as a routine case or as an individual possessing genuine feelings (Trester 1981:87). According to Trester “treatment is contingent on the ability to transmit true concern rather than the mere exhibition of professional interest.” Furthermore, it does not imply that the idea of traditional treatment must be ignored. Professional treatment in the form of psychotherapy, individual and group counselling, referral to rehabilitation centres, etc can be most valuable at times, particularly when offenders are experiencing
crises and request assistance. It only means that participation in such treatment programmes should be made voluntary if we want it to be effective. In addition, the treatment of offenders seems to be most effective if correctional clients really appreciate it, that is to say, if offenders have already learnt some responsibility and have taken the need to change upon themselves.

A unified approach towards treatment

In creating a more effective system, the most important prerequisite is a unified approach towards clients. To effect such a situation, the following proposals are made:

The de-bureaucratisation of the system of correctional supervision

The first recommendation is that the two most important parties in the probation process should be (1) the offender and (2) the monitoring official who works with him on a day-to-day basis.

The offender should be accountable to one official only to ensure a uniform and consistent application of discipline and treatment. Furthermore, the official to whom he is accountable should perform all duties currently fulfilled by different parties, such as monitoring, seeing that he executes his community service, handling all personal problems, considering and executing punitive measures etc, as is the case in American probation systems. This obviously also implies that such an officer must take responsibility for those probationers under his/her care and must also be held accountable for his/her choices. In this respect it is important to avoid excessive case-loads. If probation officers have an unmanageable number of probationers to handle, it works against the purposes of rehabilitation in the sense that sight is lost of the individual offender and conditions cannot be enforced properly. It must be taken into account that probation officers do not have the most glamorous professions around. As Trester (1981:82) puts it: “The clients are neither desirous of the services offered nor are they the most pleasant to work with.” Improvements regarding aspects such as salaries and the status of probation officers within their work set-up will have to be made to assist in attracting suitable people for this very important task. In contrast with ordinary institutions, where decisions are taken at the top by senior personnel, correctional supervision must make use of the most able people at the bottom, those working with the clients. Instead of the bureaucratic management system, the structure of an office should rather be in the form of a “team of probation officers”, all handling a certain case-load.

Although specialisation in itself is not necessarily a bad thing, other officials should never be allowed to interfere in the relationship between the probation officer and his clients. If specialists in a certain area were to be appointed, they should serve in a support capacity to the probation officer. The appointment of treatment personnel in both prisons and correctional supervision to a large extent constitutes window-dressing enabling the authorities to say something like: “We not only incarcerate or supervise offenders, we rehabilitate them too”. The skills of such people could be utilised much more effectively in the roles of probation officers, where they can harness their skills for the benefit of their clients.

The appointment of suitable probation officers

What is of the utmost importance for the success of correctional supervision is that probation officers should be strictly selected according to criteria such as integrity, maturity, the potential to work with people, creativity and the ability to handle crisis situations. The success of a probation programme depends to a very large extent on the quality of people being used as probation officers. People with fitting qualifications in the social sciences are preferable for this kind of work.
Apart from nebulous ideas regarding the prevention of recidivism, probation officers currently do not seem to have clear views on the aims of treatment or how to attain it. Intensive in-service programmes should be presented on a regular basis to assist probation officers in improving their standard of functioning. What is vital in this respect, is that such programmes should not be in the form of academic rhetoric, but strictly applicable to real situational problems.

A unified approach between courts and correctional supervision offices

In order for the criminal justice system to maintain a unified approach towards probationers it is very important that the sentencing official should also be made part of the process. Even though these persons do not normally have time to participate actively in the system, steps such as informing him on a regular basis concerning the progress of each offender that he sentenced, as well as involving him whenever decisions on supervision level is considered, will lead to a better understanding amongst magistrates regarding the functioning of this sentence.

Addressing the problem of statistics

Lastly, it is very important that the effectiveness of correctional supervision offices should not be made dependant upon statistics based on the criteria that we have today. Aspects such as the humane treatment of offenders, teaching offenders certain values and assisting individuals in times of trouble is not reflected in these statistics, and is that not what being a good probation officer is all about?

BIBLIOGRAPHY