Correctional supervision – an aid in the treatment of sexual molestation

Introduction
During 1988 sexual molestation was brought to the attention of the public by the unveiling of its prevalence and extent by the media and organisations involved. In response police protection units were established in various centres not only to prevent molestation, but also to reveal the identity of those guilty of such acts. This was achieved by television and newspaper coverage. Sexual molestation is increasing at an alarming rate. Imprisonment as the only measure of punishment for molestation has become a contentious issue for South African correctional services and alternative punishments for this offence have become a necessity. There is a worldwide concern about the increasing growth rate of the imprisoned population and South Africa is no exception to the rule. The infliction of a prison sentence has become a standard practice and is supposed to serve the purposes of deterrent, retribution, protection of the community and rehabilitation. However, imprisonment usually only serves a retributive and community protective function and the rehabilitation of inmates is severely restricted by a high imprisoned population and the shortage of trained manpower, as well as the prison subculture.

Owing to recent development in criminal law, the approach in most leading countries is to utilise alternative punishment options that still serve a retribution and community protection function. One such option is correctional supervision, which may also be applicable to sexual molestation.

During intervention with incestuous cases that received correctional supervision as sentence, it has been my experience that this form of punishment serves as a successful alternative option of judgement.

Correctional supervision as an alternative to imprisonment and the value it has for the treatment of sexual molestation within a family context will be discussed in this paper.

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Op som mung
Oor die afgelope aantal jare het die probleem van seksuele molestering sterk op die voorgrond getree. In reaksie daarop het die Suid-Afrikaanse Politie kinderbeskermingseenhede gestig om dié misdaad te probeer bekamp en vas te stel wie die persone is wat hulle aan sulke oortredings skuldig maak. Vrae het ook ontstaan oor die wenslikheid van gevangenisstraf as toepaslike opsie vir sodanige oortreders.

Ontwikkelings op die gebied van die strafreg, veral met betrekking tot bykomende strafopsies, het bygedra tot die daarstelling van korrektiewe toesig. Die moontlikhede wat dit bied, kan op 'n sinnolle wyse in gevalle van seksuele molestering aanwend word.

In die bespreking van die tema word, eerstens, 'n ontleiding van korrektiewe toesig gemaak. Aspekte wat aandag geniet is die omskrywing van korrektiewe toesig, die doel wat daarmee nagestreef word, die voor- en nadele daarvan asook die wyse waarop dit ten uitvoer gebring word.

Tweedens word spesifiek gelet op die betekenis van korrektiewe toesig as hulpmiddel in die terapeutiese behandeling van individue wat hulle aan seksuele molestering en bloedskande skuldig maak en die gesinne waarvan hulle lede is. In die verband word daar hoofsaaklik gefokus op 'n omskrywing van seksuele molestering en bloedskande, die kenmerke en sistemiese funksionering van gesinne waarin die probleem manfiesteer, asook die waarte van korrektiewe toesig tydens die terapeutiese behandeling van sulke gesinne.

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Defining correctional supervision

The Criminal Procedure Act, Act 51 of 1977, describes correctional supervision as a community-based sentence that is executed in consequence of the Act on Correctional Services, 8 of 1959, and its regulations.

A sentence of correctional supervision is served in the community and not in a prison setting.

The concept correctional supervision may be compared to the concept probation except that probation is used internationally to include all forms of supervision, surveillance or care. In contrast correctional supervision refers only to supervision by an employee of the Department of Correctional Services where probation services refers to supervision executed by probation officers employed by welfare organisations.

The aim of correctional supervision

The aim of correctional supervision is to control, monitor and rehabilitate individuals who are serving their sentences in the community.

The application of correctional supervision is vested in the following principles:

- Imprisonment as sanction should be applied only as the last recourse.
- The interest, involvement and expectations of the community must be taken into consideration.
- To enhance the individual’s reintegration, meaningful social work services should be provided.
- Adequate legal and judicial guarantees must be ensured in the application and management of correctional supervision.
- Correctional supervision is applicable only to individuals who might otherwise have been imprisoned (it is not applicable to someone who would have been released).
- It must be possible for the individual to honour the stipulated conditions of correctional supervision.
- A sentence of correctional supervision may not exceed the maximum prison sentence allowed for such an offence.

The main feature of correctional supervision is that it provides the individual with the opportunity to rehabilitate within the community. In the case of sexual molestation the community includes the immediate family of the perpetrator.

The advantages and disadvantages of correctional supervision

Advantages

Correctional supervision holds the following advantages as opposed to imprisonment:

- The normalising influences (community based) in the corrective process are maximised.
- Physical and psychological degradation is eliminated as the individual is not exposed to the negative influences of the prison subculture and hardened criminals.
- The rehabilitation process is humanised.
- The high costs associated with institutional care are reduced.
- Problems are addressed within the social context in which they manifest themselves and this implies greater interaction between the perpetrator and the community (the community is thus given the opportunity of assisting in the rehabilitation of the perpetrator).
- The isolating and labelling effect of imprisonment is avoided.
- Problems that usually result from imprisonment are eliminated (for example family disintegration, deterioration of mental health, deprivation of the individual’s responsibility to control his own life, and the possibility that the person may become dependent upon the institution).

Disadvantages

The following factors may serve as disadvantages and problems in the application of correctional supervision:

- The increasing rate of unemployment in the Republic of South Africa may have a negative effect on the placement of individuals who are under correctional supervision (positive steps to combat unemployment must be undertaken).
- The community must be well informed about the aims, nature and advantages of correctional supervision, as they may view the fact that the perpetrator is placed directly back into the community as too moderate a sentence and/or that nothing is being done to the perpetrator.
- In some cases the individual may prefer imprisonment to correctional supervision as it is more simplistic and fewer demands are set (the task here is to motivate the individual).
- If the individual is unmotivated he/she cannot be expected to work on a voluntary basis (this implies that a high motivational level is required).
- People who are involved in the application of correctional supervision must be well trained.
The implementation of correctional supervision

The following procedure is used in the implementation of correctional supervision:

Assessment

Each case is assessed to establish its supervision and treatment needs. Assessment includes the following:

- the availability of employment and accommodation;
- stability in employment and abode;
- risks/expected risks to the community;
- stability in social ties;
- general impression of the physical/psyche;
- level of motivation and attitude;
- degree of self-maintenance;
- any form of behaviour that needs the attention of focused programmes; and
- other relevant factors.

Establishing the degree of supervision

Based upon the findings of the assessment, the supervision case may be allocated to one of three categories of supervision for monitoring purposes, namely maximum, medium and minimum intensive supervision.

The degree of supervision establishes the limitations that are set on monitoring and house arrest. Regular evaluation ensures the progress of the case from a more intensive to a less intensive supervision category and vice versa.

Setting of the conditions of correctional supervision

Setting the conditions of correctional supervision is the responsibility of an appointed correctional supervision officer. These conditions cover a wide spectrum of the case, for example supervision/treatment needs, including monitoring, house arrest, community service, compensation and attendance of specialised programmes.

The practice of programmes

Considering the supervision/treatment needs of a supervision case the following programmes may be utilised:

- telephonic control at work and at home;
- physical visits at the place of employment;
- physical visits at home during the week and over weekends;
- physical visits at the location where the community service is being executed;
- compulsory visits by the sentenced individual to a correctional supervision office; and
- physical visits to locations where programmes are being presented.

House arrest

House arrest refers to the part of the day/night when the individual is not working and is compelled to be at home. The duration of house arrest varies and is normally determined by the expected risk to the community.

Compensation to the victim

When the court or commissioner orders an individual to compensate the victim, the correctional supervision officer may set this as a condition of correctional supervision. After considering the supervisee's income, expenditure, financial means and other factors, an agreement is made about the method of compensation, for example a one-off payment, weekly or monthly payments.

Community services

Community service refers to a free service rendered to the community for a set number of hours by an individual under correctional supervision. It has the following advantages:

- Essential tasks are executed freely to the advantage of the community.
- The individual is enabled to 'compensate' the community for damage done.
- The community is satisfied as a punishment or sentence is being served by the guilty party.
- Accountable and correct placement holds therapeutic advantages.
- The community is involved in correctional judicature.

This service varies from unskilled labour (cleaning streets, parks, gardening, and so on) to skilled labour (building, administrative tasks, painting, and so on) on the condition that no one receives a direct profit from the service.

Some of the organisations eligible for placement of correctional supervision cases are:

- city councils/municipalities;
- social work and other service organisations;
- homes for the aged/schools/universities/techni-
cons/children’s homes/places of safety/hospitals, and so on;
• government departments; and
• police stations.

Specialist programmes
Supervision cases may be involved in a variety of specialist programmes in order to meet their treatment needs. The programmes may be conducted by the following persons or organisations:
• specialists or experts employed at correctional supervision offices;
• specialists or experts in the employ of the local prison;
• specialists or experts in the employ of contracted welfare or other organisations in the community; and
• experts or specialists who render their service voluntary.

These specialist programmes/lectures are aimed directly at a typical problem area/behaviour of a particular supervision case. The goals of these programmes may, for example, be to:
• prevent the committing of further crime;
• develop a sense of responsibility;
• prevent alcohol or drug abuse;
• improve family relationships or responsibilities;
• develop social skills; and
• present educational talks or lectures.

Violation of conditions
The sentence of correctional supervision is not necessarily revoked when an individual violates the set conditions. An inquiry is held to establish the circumstances of the individual after which the following steps can be taken:
• a warning may be given;
• the conditions may be adapted to the changed circumstances of the individual;
• the conditions may be elaborated;
• the periods of community service may be prolonged or to community service introduced;
• house arrest may be intensified;
• attendance at an additional programme may be made compulsory; and
• the degree of supervision may be intensified.

Revoking correctional supervision
Correctional supervision is usually revoked in the following instances:
• when the supervision case is found guilty of a criminal offence committed during his period of correctional service; and
• when evidence proves that correctional supervision is not an apt sentence, for example if the individual repeatedly violates the conditions of supervision, is a danger to the community, or is guilty of misbehaviour.

Depending on the circumstances which led to the sentence of correctional supervision, the individual may be required to reappear in court so that a decision can be made about future handling of the case or the correctional supervision may be revoked and imprisonment is served for the remaining period of the sentence.

Reinstatement of correctional supervision
Correctional supervision may be reinstated upon the recommendations of an institutional committee. This applies only where supervision has been revoked and a prison sentence has been enforced.

Suspension of correctional supervision
Correctional supervision is revoked when the individual has complied with all the conditions set for the period of supervision.

From this discussion it appears that correctional supervision may be an alternative to imprisonment. However, this however poses a challenge to South African society.

The system designed for South Africa is a synthesised product of the elements viewed as the most successful in the world. This system holds distinct advantages for the individual, family, community and government. The individual is provided with the opportunity of taking a greater responsibility for his life and of attending a variety of community-based programmes. The family is given the opportunity of supporting the offender and of assisting him to improve himself. The community gains from the community service rendered and has a larger input in the rehabilitation of the offender. It is a cost-effective system as it is cheaper than institutionalised care. Although problems can be envisaged owing to current social problems such as unemployment, the long-term advantage cannot be negated.

A need exists to aid the offender who possesses the potential to benefit from this system. This does not ignore the necessity of detaining certain individuals in an institutional context.

In the following section the value of correctional
supervision in the treatment of incest will be highlighted.

**Correctional supervision as an aid in the therapeutic treatment of incestuous individuals and their families**

Sexual molestation may be approached from various perspectives. Husain *et al* (1983:591) explain this as follows:

Contemporary psychiatric literature approaches incest from the point of view of psychopathology. Some investigations view incest as symptomatic of family dysfunction, while others have identified deviant characteristics in the personalities of the involved fathers, daughters and mothers.

Incest may be approached as an individual pathology in which the father or another family member must be hospitalised. It may also be viewed as a criminal offence for which the perpetrator is imprisoned. Lastly incest may be approached as a family problem in which more role players than just the perpetrator strive to maintain secrecy. This implies that, as a symptom, incest fulfils a particular function in the family system. Incest thus does not occur in isolation and may be approached as a family problem rather than an individual pathology. Taylor (1984:159) mentions the following:

Family members influence one another through their relationships. Interrelating develops a set of patterns unique to each family. As an organization a family possesses a set of rules including hierarchy. Viewed from this perspective family actions are complex phenomena involving the history of the family, its developmental stage, the nature of the relationships, the individual tracts of members, and the cultural setting. The function of a system perspective is to provide a framework for conceptualization and intervention.

Incest thus is not only the sexual contact between adult and child, but also serves a particular purpose in the systemic functioning of the family.

It is important that the therapist takes note of the characteristic features of the incestuous family, in order to render service and to recognise which changes should occur.

In the next section some of the characteristics of the incestuous family will be discussed briefly from a systemic point of view.

**Characteristics of the incestuous family**

**Incest as a family secret**

The number of reported incest cases are viewed as only the ‘tip of the iceberg’. Therapists often pose the question as to what happens which prevents the family from revealing the incest. Research has found that ‘incest as a family secret’ is a component of incestuous relationships. Family members experience a high degree of emotional pressure to maintain this secret. Each member also has a very special reason for maintaining the family in its current form. These reasons may range from further social isolation to rejection by the peer group of which the child forms part at that particular stage. The following summary can be presented as possible reasons why incest is guarded as a family secret:

- It is taboo to discuss sexual issues in family context.
- Little sexual guidance or information is given in these families, resulting in an absence of criteria that children may utilise to judge whether ‘right’ or ‘wrong’ is being done to them.
- It is the view of the broader community that incestuous families cannot be rehabilitated. This implies that no-one really knows why incest occurs and that the community will only be judgemental.
- In the case of arrest and the consequent disclosure of the molestation, the family may suffer many losses, for example a loss of financial means due to the imprisonment of the father.
- The child may be emotionally blackmailed by moral threats not to disclose the molestation. A well-known example is that in which the perpetrator threatens the child that, should the child ‘talk’ about the molestation, the child would be responsible for the disintegration of the family unit.
- The child may fear that others, especially the parent who is not directly involved in the molestation, may not believe the child or would accuse him or her of seduction.
- Children may not possess the necessary vocabulary to explain to others what is happening to them. They may experience distress, but not know what to do with it. The age of the child is thus also a significant factor.
- Children may decide to keep the incest a secret owing to their fear of exposure to the legal system.
- The older child may decide that disclosure might
humiliate the family unit and secrecy is maintained to protect the family.

- The child may decide to do the nonperpetrating parent a favour by taking over the parent's role as sexual partner, since the parent has an inability to fulfil this role.

In the event of molestation by an individual who is not part of the family unit, the decision whether to disclose or not is often influenced by exposure to the legal system as well as the humiliation associated with disclosure.

It thus appears that the family, and specifically the child, do not always maintain secrecy by choice. Secrecy is maintained by the various factors within the family system.

**Family history**

Generally the family system is viewed as a learning school for all its members. Within this system the child learns who he is, what to expect from the world, how to satisfy his needs, how to take cognisance of intergenerative boundaries between family members and to consider the roles ascribed to them. Children receive messages from parents about what is expected of a son or daughter, what spouses expect of each other and what to expect from the parents. The child thus becomes aware of boundaries within the family that ought to be respected. Within the marital relationship spouses have their own background histories which are the result of their own experiences in their own families of origin. Should we accept the notion of the 'family as learning school' a logical consequence would be that the individual background histories of the spouses influence their own family life. The deduction can thus be made that parents are the architects of their own families. Research has found the following:

- Parents who commit incest may themselves have been raised within families in which incest occurred.
- The parents may themselves have been victims of abuse on a physical, emotional or sexual level. The child may accept the abuse as a valid family rule and may later transfer it to his own family.
- Parents who commit incest tend to originate from families that functioned in isolation and were characterised by poor parent–child relationships. They received little love and affection, and knowledge about sexual relationships was viewed as taboo.
- Parents who become involved in incest were rejected by their own parents in one way or another. The parent–child relationships did not meet the expectations of both parties.

A certain family history is not the direct cause of incest. More significant are certain patterns of behaviour which are transferred from one generation to another of which incest may be part.

**The quality of the marital relationship**

It is evident that incest implies mainly a distance between spouses. It also implies that the intergenerative boundaries between the couple and children have been violated and that the intimacy associated with the relationship between spouses has become part of the parent–child relationship. During incest the child moves into the role of the parent as sexual partner and thus becomes part of the spouse system. Some researchers refer to incest as a result of sexual incompatibility between spouses or as a result of marital conflict associated with high levels of stress and tension.

Generally the marital relationship in the incestuous family can be described as poor and unsatisfying. This unsatisfactory relationship may also be present when molestation is an act perpetrated by an individual who is not part of the family. Some of these children crave love and try to satisfy this need outside the family, rendering them vulnerable to molestation. This type of marital relationship is often referred to as 'one that does not exist' and thus unsatisfying to both spouses. Although the spouses are still legally bound in matrimony few of the functions that this union should satisfy are being fulfilled. Often spouses do not share bedrooms or beds, thus ending the sexual relationship.

Research has also found that it is often the mother that is 'absent' in the marital relationship or that she functions in a frigid manner towards the father. This situation may be the result of various factors and may be summarised as follows:

- The mother cannot fulfil the too high sexual demands of the father resulting in her withdrawal from the sexual relationship and the discontinuation of it.
- Owing to unpleasant experiences in her own childhood the mother may appear frigid. The sexual relationship suffers and alternative methods are found to keep the marital relationship intact.
- The mother often physically leaves the home, placing the responsibility of caring for the younger children in the hands of the father and eldest daughter. The father moves into a relationship with his daughter who has taken over the roles of her mother as spouse and carer.

These factors may cause serious marital conflict and could lead to the daughter being abused to...
fulfil the role of the mother as sexual partner to the father and to act as carer for the family. When marital conflict arises the daughter may view it as her duty to try to prevent marital disintegration. In certain cases the mother may also keep the incestuous relationship a secret to maintain the marriage. This process is referred to as the stabilisation of the marital relationship. Incest may also be used to 'punish' the mother for her frigidity or passivity. Fathers in incestuous relationships do not usually become involved in extramarital relationships, owing to a fear that the larger community may become aware of the marital problems and as a result family disintegration may develop.

It is important to highlight that the sexual relationship between spouses imply that they ought to communicate their love, intimacy, security and unity to each other. Should there be an absence of the sexual relationship it may give rise to dysfunctional patterns within the family system which may eventually result in family disintegration.

**Role reversal and a shifting of boundaries**

As mentioned previously, incest is also referred to as the violation of intergenerative boundaries. The child involved in an incestuous relationship or the child molested by an adult outsider becomes irrevocably part of the parent system. Should this occur, relationships, interactional patterns, clarity of boundaries and the acceptance of certain roles by family members become chaotic.

Role reversal usually occurs within the following marital relationships:

- a dominant father and a dependent mother;
- a dominant mother and a dependent father.

The role reversals will subsequently be discussed.

**Dominant father versus a passive mother**

In this relationship the father may be described as an introvert with few friends and a restricted social life. He strives to present himself as the ideal father, family man and regular churchgoer. He strives not to focus unnecessary attention on his family and keeps people at a distance. The mother is typically frigid, emotionally and often physically absent. She is not always able to fulfil her role as mother and allows her daughter (usually the oldest) to take over her tasks and roles. As the mother allows the daughter to take over her roles, she loses control and cannot prevent the daughter from taking over her role as sexual partner to the father. In certain cases the mothers deny the existence of this relationship to protect themselves. With the inception of the incestuous relationship, the father moves out of the parental role into a spouse role towards the daughter. Towards his wife the father moves out of the spouse role into a parental role. Schematically this may be illustrated as follows:

![Diagram](attachment:father_daughter_mother.png)

The mother now moves into a 'child' position, rendering her powerless to do anything about the incestuous relationship. The daughter now takes over the mother’s responsibilities which include her role in the sexual relationship with the father. The daughter also moves from the 'child' position to a 'mother' position towards her own mother.

**The dominant mother versus a dependent father**

In the case of a dominant, competent female versus a dependent male the female fulfils the role of mother towards her spouse. The male has had enough of the situation and withdraws from his actual marital relationship to establish a 'marital relationship' with his own daughter. Schematically this may be represented as follows:

![Diagram](attachment:mother_father_daughter.png)

With this movement in roles the daughter becomes the 'spouse' of the father and he finds an alternative way to satisfy his needs. This male usually has a history of insufficient nurture from his own mother and is thus dependent on a mother figure – a role that his own wife must now fulfil. Irrespective of the way in which the role reversals occur, they are accompanied by boundary displacements that cause a lot of confusion in the child. Her greatest source confusion centres on the fact that she is not always sure which role to fulfil at a given time, seeing that she must still remain a child.

**The boundary between the family and community**

In contrast to the vague and confusing boundaries within the family, the boundary between the family and community is rigid and closed. This isolation is closely related to the secrecy that surrounds the
problem within the family system. The incestuous family functions as a system with little self-confidence as its members are constantly on the defence in the process of maintaining the secrecy of the incest. This may be viewed as their attempts to maintain the family in its existing form. The incestuous family has little contact with external systems. They have few or no friends and are largely isolated on a social level. Apart from within the family, there is a lack of close relationships and this prevents that information about the incest from being released to external sources.

The family system in which incest occurs can be explained schematically as follows:

Taking these characteristics of the incestuous family into consideration, it becomes evident that it is virtually impossible to treat the perpetrator in a context apart from the family. There is thus more involved in incest than just the child and perpetrator.

**Correctional supervision as aid during the therapeutic treatment of the incestuous family**

During the therapeutic treatment of the incestuous family, interventions are especially focused on the changing characteristics as outlined in the previous section. Should the perpetrator (father or mother) be imprisoned, the treatment of the family as a whole becomes problematic. The presence of the perpetrator is important when considering that attention must be given to the marital relationship, that intergenerative boundaries must be repaired and redefined, and that role reversals must again occur.

The ways in which correctional supervision may enhance the therapeutic process may be summarised as follows:

- The fact that the incestuous parent is still present in the family provides an opportunity for the spouses to work constructively on their marital relationship with the assistance of a therapist. Imprisonment would maintain the initial distance between the spouses and the incest pattern until the parent is released.

- If the parent is present, the incestuous relationship between the guilty parent and child may be addressed directly. This way the necessary apology can be given to the child, which may decrease feelings of guilt arising from the child's perception that she/he was responsible for the incest. This perception is very frequently present in molested children and must be addressed.

- Owing to the role changes that occur in the incestuous family it is important that the whole family are involved in the process of reversing the role. Where a single parent has to take over the roles of the imprisoned spouse, this could again give rise to a diffusion of roles in the family.

- Correctional supervision forces the 'guilty' parent to make contact with the community through community service. This prevents the continuation of functioning in isolation.

- Correctional supervision may also include house arrest, which implies that the family is forced to spend more time together. This on its own could lead to other problems developing, if the family is not helped on a therapeutic level to use the time constructively. Many perpetrators reported that correctional supervision and the necessary therapeutic intervention helped them to rediscover their families. Imprisonment does not provide this opportunity.

- Correctional supervision creates the opportunity for the perpetrator to take full responsibility for his/her actions by explaining to the community why he/she has to do community service or is under house arrest. Although it is a painful experience, it creates a sense of responsibility and thus leads to personal growth. Some children may experience this as the perpetrator serving his/her sentence and are able to respond supportively. This in turn leads to the empowerment of these children.

When considering the selection of people for correctional supervision it is important to mention that the child must at no time be at risk and that the perpetrator and his family must possess the potential to progress through treatment.

The selection process ought to be a combined undertaking between Correctional Services and the individual rendering the therapeutic service.
Conclusion

Experience has shown that correctional supervision can be an aid to the therapeutic treatment of the perpetrator and his family. It must be borne in mind that corrective supervision involves the whole family and support should be given to every member as such. When, for example, the father is placed under house arrest, this may also affect the movement of the rest of the family and may expose the family to the community. However, this exposure is experienced as less intense than imprisonment should there be a desire and motivation to change.

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