



REPUBLIC OF NAMIBIA



**REPORT OF THE AUDITOR-GENERAL ON THE**

# **MINISTRY SAFETY & SECURITY**

## ***OVERCROWDING OF PRISONS***

**FOR THE FINANCIAL YEARS 2002-2005**

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# REPUBLIC OF NAMIBIA



**TO THE HONOURABLE SPEAKER OF THE NATIONAL ASSEMBLY**

I have the honour to submit herewith my performance audit report on the Ministry of Safety and Security – Overcrowding of prisoners for the period 2002 – 2005 in terms of Article 127(2) of the Namibian Constitution. The report is transmitted to the Honourable Minister of Finance in terms of Section 27(1) of the State Finance Act, 1991, (Act 31 of 1991) to be laid upon the Table of the National Assembly in terms of Section 27(4) of the Act.

**WINDHOEK, September 2008**

**JUNIAS ETUNA KANDJEKE  
AUDITOR-GENERAL**

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## **ABBREVIATIONS**

- G. 330 Registration of long term offenders on admission
- G. 330 A Registration of short term offenders on admission
- G. 331 Pro format used by the Institutional and Prison management Committees when making recommendations to the Commissioner of prisons
- G. 331 A Pro format used by the Institutional and Prison management Committees when making recommendations to the relevant Officers in-charge at the prisons
- G.355 Offender institutional file
- G. 355 A Pro format used to record prison offences committed by the offenders
- G. 373 Pro format used to notify Subsection Parole and Release Board Secretariat and Release Board Secretariat of the release of a prisoner after completing or serving sentence
- G.374 A Pro format used for general conditions of parole (specific recommendations recommended by the committees and when approved will appear on form G. 374-release warrants)
- G.374 B Pro format used for application by the person who wishes to take prisoners on parole
- G. 375 Pro format used to notify the Head office, Commissioner of prisons of violation of parole conditions by the parolee

## EXECUTIVE SUMMARY

The Office of the Auditor-General is authorized to carry out performance audits in terms of Section 26 (1) (b) (iv) of the State Finance Act, (Act 31 of 1991) which reads as follows: (The Auditor-General) “*may investigate whether any moneys in question have been expended in an efficient, effective and economic manner.*”

This report is based on the overcrowding of prisons in the Ministry of Safety and Security. The Ministry of Safety and Security aims to provide an efficient prison administration with emphasis on correctional and rehabilitational functions at all prison institutions country wide. Thus after independence the Ministry aims to move from punitive incarceration to a more human correctional approach based on rehabilitation. The Ministry came with a new political expectation that offenders in Namibia be taken through a variety of treatment intervention programmes to provide them with skills and abilities that would positively change their criminal behaviour.

### **FINDINGS**

1. The audit revealed that the overcrowding at the prisons is created by the short-term offenders at a rate of 96% for the periods under review. It was found that the overcrowding remains stagnant at some prisons because of measures imposed to reduce costs in movement of offenders on transfers and those to appear at the courts.
2. Not all the offenders, long-term at a rate of 10% and short-term offenders at a rate of 90% are taken through an observation period upon admission which will entitle them to participate in the rehabilitation programmes at the prisons. The lack of observations resulted in the offenders not undergoing medical check-ups on admission, short-term board offenders not having board numbers are not classified into groups as stipulated by the Prisons Act.
3. The offenders are not having an equal chance to participate in rehabilitation programmes on admission due to the overcrowding. As a result the long-term offenders are getting priority treatment. The short-term offenders are not all allocated to rehabilitation programmes. The following factors have been identified as reasons why the offenders are not allocated to rehabilitation programmes on admission:
  - Most are having pending court cases
  - Most are serving short-term sentences from non-serious offences ranging from six months and below
  - Most either pay a fine or are released on remission of sentence, amnesty or pardon/reprieve
  - Some are declining to participate in rehabilitation programmes due to a lack of interest
  - Shortage of staff and financial resources.
4. There is a shortage of rehabilitation programmes at the prison institutions and as a result most programmes offered are prioritised for offenders serving longer sentences. The audit found that most programmes offered at the prisons are work/skills related therefore they are prioritised for the long-term offenders because they will be able to complete the programmes while in custody.
5. There is a lack of therapeutic treatment programmes at the prison institutions due to a shortage of professional staff.
6. There is a shortage of professional staff to develop and implement correctional plans. The

Ministry has been unable to attract the necessary staff because of stiff competition in the labour market and the uncondusive working environment at the prisons is also a contributing factor. This is causing a delay in effective reformation and reintegration of offenders into society as law-abiding citizens capable of leading responsible lives after imprisonment.

7. There is incomplete documentation in the submission of recommendations to the release boards due to lack of documents from the relevant stakeholders such as the police and the courts.
8. The prisons are submitting the recommendations on time to the release boards but a limited number of ten (10) recommended cases are discussed per sitting at release board meetings. This is causing a backlog of several pending cases and as a result eligible offenders are missing out on the opportunity to be considered for release on parole or remission of sentence. As a result the prisons remain overcrowded because the controlling mechanisms of release such as parole and remission of sentences are not utilised. Furthermore, if the new Bill is passed, the Zonal Release Boards will be phased out and the National Release Board will be the sole reviewer of all parole cases. The number of cases discussed by the National Release Board has increased for the years 2005/2006 to date to 35 cases and in some instances to a maximum of 40 cases per sitting.
9. There is a lack of after-care service for the released offenders. This is because there is no collaboration between the Ministry and the after-care service providers such as Criminals Returning to Society (CRIS), Prison fellowship and Namibian-man for change (NAMEC) who can provide half-way houses and assist the offenders further with rehabilitation until they can sustain themselves in society.
10. The Ministry's yearly budget goes mainly to the wage bill and offenders basic needs. During the first two financial years under review the Ministry spent respectively 58% and 65% of its budget on the wage bill and offenders basic needs. As a result too little funds are available for training for both staff and offenders in their rehabilitation.

## CONCLUSIONS

1. The audit concluded that overcrowding and the increase in the rate of incarceration is created by the short-term prisoners at the prisons countrywide irrespective whether the prison is a maximum or a minimum prison.
2. Absence of individual analysis during the observation period result in the offenders not partaking in rehabilitation programmes at the prisons. The prison committees are not conducting the meetings as required in the rehabilitation process.
3. Not all the offenders are having an equal chance to participate in rehabilitation programmes due to the overcrowding and this results therein that they are released without being rehabilitated.
4. Shortage of effective rehabilitation programmes results in ineffective reintegration of offenders into society and they relapse into crime, especially the short-term offenders.
5. There is a lack of therapeutic treatment programmes due to a shortage of professional services which results in improper guidance and planning of offenders' therapies especially offenders with crimes such as murder and rape. As a result the dynamic factors of the offender which are regarded as performance hampers in the rehabilitation process are not properly assessed and addressed.
6. A shortage of skilled professional staff to develop and implement correctional plans causes a delay in effective rehabilitation and reintegration of offenders. As a result effective rehabilitation is not achieved and slows down the introduction of the newly introduced system in the treatment of offenders, namely the Risk Management System at the other prisons which is effective enough to reduce overcrowding.
7. Submission of recommendations with incomplete documentation lengthens the process and as a result the recommendations are not reviewed on time by the release boards.
8. A limited number of offender cases being discussed at monthly release board meetings result in backlogs of several cases and inability to catch-up with the backlogs. As a result the offenders are serving maximum sentences and are released without getting any feedback from the release boards. It was also found that the new Bill proposes the abolishment of the Zonal Release Boards and that the National Release Board will be the sole reviewer of all parole cases.
9. The lack of a compulsory after-care order for the released long-term offenders has resulted in ineffective reintegration of released offenders into the society especially those who do not have a support system upon their release. As a result these offenders come back to the prison because of the harsh life outside due to a lack of a supportive system.
10. Inadequate funding is having a serious impact on ambitious programmes planned by the Ministry and can be singled out as a major setback in the Ministry's operations. The audit revealed during the first two years under review that a large amount of the budget goes to the wage bill and offenders basic needs. As a result too little funds are available for training of both staff and offenders in their rehabilitation.



## **RECOMMENDATIONS**

1. The Ministry should re-classify the present prison institutions according to risk assessment and not only on the length of sentence.
2. The Ministry should emphasize the importance of prison committees to formulate the year plans and conduct the meetings accordingly to ensure an effective rehabilitation process of the offenders.
3. The Ministry should ensure that all the offenders trusted into their care for incarceration are having an equal chance to get rehabilitated irrespective whether they are having longer or shorter sentences.
4. The Ministry should implement adequate rehabilitation programmes at all the prisons for the long and short-term offenders. The work/skill programmes should be accompanied by appropriate intervention programmes in the rehabilitation of the offenders.
5. The Ministry should lobby a smart partnership with the professionals in the private sector to offer therapeutic treatment programmes at the prisons.
6. The Ministry should emphasize the incorporation of more skilled staff to develop and implement correctional plans towards the realisation of the new philosophy in the treatment of offenders.
7. The Ministry should re-emphasize the importance of submitting complete documentation when submitting the recommendations to the Parole Section and the consequences of outstanding documentation such as the POL 15 (police report concerning an offender for the Department of Prisons) and J.24 (presiding officer's remarks on sentence) reports should be pro-actively followed-up with the relevant stakeholders and if necessary strict measures should be imposed.
8. The Ministry should ensure that sufficient meetings are held to ensure that a reasonable number of offender cases are discussed within a reasonable time and that the backlog is addressed.
9. The Ministry should establish some sort of a smart partnership with the after-care service providers for the benefit of released offenders who need the services and a supportive system.
10. The Ministry needs adequate funding in order to implement programmes planned as well as to ensure the smooth transformation of the new philosophy in the treatment of offenders.

## CHAPTER 1

### 1. INTRODUCTION

This report is based on the overcrowding of prison institutions within the Ministry of Safety and Security focussing on the Department of Prisons Services which is responsible for the administration of prison services.

#### 1.1 Background

Previously the Ministry was Ministry of Prison and Correctional Services and the Department Namibian Police was transferred from the Ministry of Home Affairs to form the new Ministry. The current Ministry of Safety and Security was established during 2005. The Ministry of Safety and Security is now organised into two departments namely: The Department Namibian Police and the Department of Prisons Services.

#### 1.2 Audit motivation

The audit was motivated by the overall criticism by the public in local newspapers and the general media regarding the efficiency and effectiveness of the services provided by the Department of Prisons Services.

Furthermore, there is a risk that the core objectives of the Namibian Prison Services as outlined in the Prison Act no 17 of 1998, Section 65 and 81 as well as the Policy document and Mission statement of the Namibian Prison Service in the provision of safe custody, rehabilitation and reintegration of offenders as law-abiding citizens will not be achieved.

The Office of the Auditor-General therefore decided that a performance audit be carried out within the Department of Prisons Services, focusing on the overcrowding of prison services institutions.

#### 1.3 Statutory mandate

The Office of the Auditor-General is authorized to carry out performance audits in terms of Section 26 (1) (b) (iv) of the State Finance Act, (Act 31 of 1991), which reads as follows: (The Auditor-General) *“may investigate whether any moneys in question have been expended in an efficient, effective and economic manner.”*

#### 1.4 The Ministry’s mission statement

The Ministry’s mission is to keep in safe custody people committed to prison by a court of law and to rehabilitate them. In so doing, the Ministry will operate within national and international law and codes of conduct. Inmates will be cared for in a compassionate and humane manner, respecting the dignity of individuals, with the emphasis being on rehabilitation. The Ministry will strive to operate in an efficient, effective and economic manner with the emphasis on self-sufficiency in food production and making a contribution to the government.

## 1.5 Organisational structure

The Department of Prisons Services is headed by the Commissioner of Prisons who is deputized by one Deputy Commissioner of Prisons who also heads the Directorate functional services. In addition there are two Assistant Commissioners of Prisons who directly report to the Commissioner of Prisons and head divisions Personnel Services and Operational Support. The structure of Prisons is extended nation wide through prison service institutions, headed by officers-in-Charge (thirteen Heads of Prisons).

The prison and correctional service institutions operates under division Operational Services which is structured under the Department of Prisons Services within the Ministry of Safety and Security.

## 1.6 Main operations

The main operations of the prison institutions are to maintain and upgrade the accommodation facilities in the prisons, to provide clothing, rations, medical facilities and personal commodities to offenders, to provide social services through workshops, training of various skills, religious ministering and recreation.

## 1.7 Objectives

To contribute to public order and justice through the lawful detention of offenders who are convicted. The central focus is aimed at the safe custody, rehabilitation and safe re-integration of the offenders.

## 1.8 Functions

The department is responsible to oversee the setting and implementation of policies of offender control and development programs, to ensure human resource development and maintenance, and to ensure cost effectiveness. The prisons and correctional services have the responsibility of executing national policy as set by the department/Ministry. Some of the functions of the department are decentralized to prison level but the salary function and the depot is centralized at headquarter level. The prison institutions are categorized according to medium and maximum risk institutions.

## 1.9 Financing

The total funds allocated and actual expenditure according to the budget of main division Prisons and Correctional Services are as follows:

<b>Financial year</b>	<b>Total allocated</b>	<b>Total expenditure</b>	<b>Under expenditure/ (excess)</b>
	N\$	N\$	N\$
2002/03	119 908 000	117 323 625.09	2 584 374.91
2003/04	115 083 385	117 226 497.13	(2 143 112.13)
2004/05	127 691 000	129 131 858.82	(1 440 858.82)

## 1.10 Staffing

The staff for main division Prisons and Correctional Services are as follows according to the respective budgets for the period 2002-2005:

<b>Financial year</b>	<b>Provision</b>	<b>Filled</b>	<b>Vacant</b>	<b>Total number of ex-combatants incorporated p/year</b>
2002/03	1 330	1 452	122	500
2003/04	1 843	1 312	531	500
2004/05	1 355	1 461	(106)	400

## 1.11 Audit design

### 1.11.1 Audit scope and limitations

#### a. The audit object

The audit focused on main division Prisons and Correctional Service under the Office of the Commissioner which falls under the Namibian Prisons Services.

#### b. Geographic limitations

The prisons institutions are 13 in total of which 5 prison institutions were visited during the audit namely the Windhoek, Walvis Bay and Oluno prisons which are maximum prisons and Omaruru and Lüderitz which are minimum prisons as well as Head Office which is located in Windhoek. The selection of the prison institutions to be visited was based on the high and less prison population at the prison institutions according to the statistics for periods under review. The Erongo, Karas and Omaheke zonal release boards and National release board were also visited.

#### c. Time limitations

Three financial years were covered, 2002/03, 2003/04 and 2004/05 financial years. When the main study was conducted the latest financial year's information was not available.

### 1.11.2 Methods of data collection

#### • Interviews

During the audit a total number of eleven (11) interviews were conducted with staff from the Department of Prisons Services at the various prisons in the regions including Head Office as well as with six (6) stakeholders. The interviews were conducted in order to collect information to enable the audit team to understand the administration of the prison service institutions as well as the problems encountered by the prison authorities with the stakeholders.

The total consists of the following:

- 1x Deputy Commissioner of prisons
- 1x Control Social Worker
- 1x Social Worker
- 1x Secretary of National Release Board
- 1x Head Offender Control
- 1x Secretary of Erongo Zonal Release Board

- 1x Acting Chairman, Erongo Zonal Release Board
- 1x Member of Erongo Zonal Release Board
- 1x Secretary of Omaheke Zonal Release Board
- 1x Chairperson of Omaheke Zonal Release Board
- 1x Member of Omaheke Zonal Release Board
- 1x Secretary of Karas Zonal Release Board
- 1x Chairman of Karas Zonal Release Board
- 1x Educationist
- 1x Chief Superintendent
- 1x Clinical Psychologist
- 1x Warrant Officer (Department Namibian Police)

- **Questionnaires**

Questionnaires were sent to all police stations having Criminal Investigation Units of which a total number of one hundred and sixty three (163) questionnaires were received from the Criminal Investigation Units via the Department Namibian Police by fax and mail. The questionnaires were distributed by fax to the various police stations by an official at the Department Namibian Police. The questionnaires were distributed to the police stations in order to collect information from the criminal investigators in order to understand why the POL 15 (Police report concerning a prisoner for the department of prisons) report is not submitted to the prison authorities upon admission of offenders.

- **Fact sheets**

Fact sheets were sent to all members of the prisons institutions not visited and a total number of thirty six (36) fact sheets were received are as follows: Divindu Rehabilitation Centre, Elisabeth Nepemba Juvenile Centre, Tsumeb Farm Scott prison, Gobabis prison, Grootfontein prison, Hardap prison, Keetmanshoop prison and Swakopmund prison. The fact sheets were distributed to the prisons service institutions in order to collect information from the Prison Management and Institutional Committees which are responsible to recommend the parole/ remission of sentence of offenders in order to establish why there is a delay in the submission of recommendations to the release board.

- **Document analysis**

During the audit the following documents were analyzed at the Department of Prisons Services, prison institutions, National Release Board and Zonal Release Boards. Analysis of documentation was done to assist the audit team to obtain a better understanding of the auditees's operations.

- Offender individual files at the different prison institutions
- Profiles reports
- POL 15 reports
- J.24 reports
- Memorandums at the National Release Boards
- Minutes of the meeting of the National Release Board
- Minutes of the meeting of the Zonal Release Boards
- The court books at the Windhoek police station
- The police dockets at the Windhoek, Wanaheda and Katutura police stations.

- **Physical observations**

During the audit observations were made at the Windhoek, Walvis Bay, Lüderitz, Omaruru, and Oluno prisons that were visited. At this observation it was observed how the inmates were accommodated and the filling system at the prisons.

## CHAPTER 2

### 2. PROCESS DESCRIPTION

#### 2.1 The administration of Prisons and Correctional Services

The offenders are detained in prison custody by order of court of law. There are 13 prison institutions and the main functions of the Prisons Service institutions are:

- to ensure that offender's safety is secured in custody until lawfully discharged or removed,
- to apply such treatment to convicted offenders for their reformation,
- rehabilitation and to train them in habits of labour and industry.

##### 2.1.1 Categorization of Prison committees

Each prison have appointed committees, the Institutional and Prison management committees at both institutions (maximum and minimum prisons) as stipulated in the Prisons Act, 1998, Section 104 (1) and 106 (1) where long-term offenders serving sentence imprisonment of three (3) years or more, and short-term offenders serving imprisonment of less than three (3) years are detained. The Institutional committee is responsible to recommend the release of long-term offenders serving imprisonment of three years and more to the National Release Board, whereas the Prison management committee is responsible to recommend offenders serving imprisonment of more than six months to less than three (3) years to the Zonal Release Boards for the release of offenders on remission of sentence or parole/probation.

##### 2.1.2 Committee meetings

The Institutional- and the Prison Management Committee must conduct committee meetings at least once per month and a simple majority of the committee members present at the meeting should constitute a quorum.

The Secretary of the committees must organise meetings in consultation with the chairperson of the committees and make all arrangements by notifying the committee members about the scheduled date at least 14 days in advance of such meeting. The Secretary must note the date on which the offender appeared before the committee as well as the decisions taken on G.355 (prisoner institutional file) during such meetings and must keep minutes of the meeting for each case.

##### 2.1.3 Powers of the Prison committees

The committees have the following advisory powers: to recommend the assignment and reassignment of offenders to programmes, allocation, increase, reduction and withdrawal of gratuities for offenders, individual transfers of offenders to other prisons using G.331/G.331A pro format. The institutional committees must in addition submit the conditions for a compulsory after-care order as provided under Section 102 (2) of the prison Act. The Secretaries of the relevant committees must also ensure that the observation reports, progress reports, report on long-term offenders, profile reports and G.331/ G.331A are submitted to the release boards through the sectional parole.

## **2.2 Categorization of release boards and its functions**

There is a National Release Board to which the committees recommend the release of offenders on either parole or for the granting of remission of sentence. The National Release Board is a centralised body whereas the Zonal Release Boards are divided into the following zones namely:

- (a) the Khomas Region Zone,
- (b) Karas Region Zone,
- (c) Hardap Region Zone,
- (d) Omaheke Region Zone,
- (e) Oshikoto and Otjozondupa Regions Zone,
- (f) Omusati, Oshana and Oshana and Oshana Regions Zone,
- (g) Kavango and Caprivi Regions Zone, and
- (h) Erongo and Kunene Regions Zone.

### **2.2.1 The functions of the National Release Board**

The National Release Board recommend to the Minister the release of a long-term offender in accordance with the provision of Section 97 (8) Prison Act, the remission of sentence of an offender in accordance with Section 92 (2) (c) (aa) of the Prisons Act, 1998 and also the release of habitual criminals or those serving life imprisonment on parole/ probation and recommend additional conditions upon which an offender may be released.

### **2.2.2 The powers of the Zonal Release Boards**

The Zonal Release Boards have the power to authorise the release on parole/ probation of short-term offenders serving sentences of six months and less, to recommend to the Commissioner of Prisons the release on parole/probation of short-term offenders serving sentences of more than six months but less than three (3) years as well as the conditions upon which the offender may be released.

## **2.3 Admission of offenders into custody**

The documents that are required upon the admission of the offender at the prison institutions are as follows: J.3 (warrant of committal for each offence), J.80 (previous convictions), J.7 (further charges), POL 15 (each offence), J.24 (presiding officer's comments, if available), POL 10 (offender private properties) and any other information. The Officer-in-charge of the prisons must be satisfied with any admission of any person into prison custody and ensure that the particulars of such a person are accurately described in the warrant or order of detention accompanied such person and such warrant or order of detention has been properly issued or authenticated. The person to be admitted must not be refused admission into custody because of an error on the face of the aforementioned warrants but steps should be taken by the prison institutions to have the error rectified.

## **2.4 Observation of offenders**

### **2.4.1 Observation on admission**

Immediately upon admission of a long-term or short-term offender, the secretary of the institutional committee/ prison management committee must notify the committee members of such admission. Each committee member should arrange an interview with the offender as soon as possible to do an individual analysis in order to give inputs on the compiling of the observation report. During this

stage, the relevant committee members must explain the rules and regulations of the prison to the offender, the sentence period, classification into groups and whether the inmate qualifies for remission of sentence or parole. The classification and separation of offenders involves the grouping of offenders according to the Prisons Act, 1998, Section 51 (a-h) as follows: convicted offenders, awaiting trial offenders, juvenile offenders, adult offenders, first offenders, offenders with previous convictions, offenders suffering from a mental illness and such other groups as the Commissioner may determine.

After all the procedures have been explained to the offender, the offender is sent to the medical officer, who is also a committee member for medical check-up to determine the offender's health status and for input in the observation report. After each medical examination, the medical officer should produce a medical report for each offender which must be placed in the offenders' institutional file. The long term offenders (offenders serving sentences above three years and more) are accommodated on the recommendation of the relevant committee after they have been classified into groups according to the horizontal classification system.

#### **2.4.2 The Horizontal classification system**

All offenders, with sentences of one year and more are classified into groups in terms of this system on the ground of their crime history and tendencies, attitudes and behaviour. All board offenders with sentences two (2) years and above should be registered with Subsection Parole and Release Board Secretariat using G.330 A for short-term and G.330 for long-term offenders. Subsection Parole and Release Board Secretariat will issue a board number for the first offenders and if an offender is a repeat board offender, the previous board number will be allocated. The classification of this system entails the promotion of an offender to a higher group on a progressive basis according to his behaviour, adaptation in prison if the relevant committee is satisfied and likewise, an offender can be degraded to a lower group of poor behaviour if the relevant committee is not satisfied. The groups are as follows: group D, C, B and A and discussed in detail underneath:

- **Group D**

Offenders whose crimes shows evidence of misdeeds such as rape, robbery with aggravating circumstances or any violence in some form, escape from lawful custody, or any participation in gang activities, stabbing, instigation or smuggling of drugs during a previous period is placed in this group. These types of offenders are kept under strict guard. The offenders in this group can be recommended for promotion to the C-group after completion of six months.

- **Group C**

An offender is placed in this group if it becomes evident during the observation period that the offender is thought to be the best among the worst but cannot be trusted to be placed in a group but still have not deteriorated to the extent of having to be placed in the lowest group, which is the D-group. This type of offenders must also be kept in safe custody under strict guard. The offenders with good behaviour and adaptation in this group can be recommended for promotion to B-group after completion of six months in this group.

- **Group B**

Offenders in this group are regarded as average group and are criminals who commit crime against property but not actually against the person. Most first offender, also offenders with previous offences and others with other kinds of imprisonment are placed in this group. These offenders are trusted to work under guard outside the prison. The offenders with good behaviour and adaptation in this group can be recommended for promotion to A-group after completion of six months in this group.



- **Group A**

This group consist of offenders promoted from B-group. The promotion of offenders to this group entails the following: Minor offences should not be violent on completion of a third sentences, serious offences which are violent on or after the completion of half sentences and all additional offences committed after the arrest for example escaping, sodomy, offences committed while at large etc. these sentences are to be completed in full.

The promotions to another level can be considered before the completion of the above-mentioned groups of classification with emphasis on good behaviour and adaptation in prison by the Commissioner of Prisons or any officer appointed by him who can use his own discretion to approve any promotion or demotion between the different groups on recommendation from the prison committees.

### **2.4.3 Observation period**

The observation report of a long-term offender must be completed within seventy (70) days whereas the report for the short-term offender is completed within thirty (30) days from the date of admission. The committee members must discuss and give inputs regarding the offenders' background, current offences, sentence, academic qualifications, attitude and behaviour of what they have observed since detention when compiling the observation report. A separate observation report must be completed for each offender and must contain details of the education, training and treatment programme to which the offender will be assigned after the observation period. The Commissioner of Prisons must be provided with the observation report submitted in duplicate and once he noted his decision on the report, one copy is placed on the offender's file at Head Office (Sub-section Parole and Release Board Secretariat) while the other is returned to the prison to be placed on the offenders' institutional file (G. 355).

## **2.5 Rehabilitation of offenders**

### **2.5.1 Definition**

Rehabilitation is viewed as a holistic approach incorporating and encouraging social responsibility, social justice, active participation in democratic activities, empowerment with life and other skills and contributing to law abiding citizens.

### **2.5.2 Process**

The offenders are assigned to rehabilitation programmes during the observation period after an individual analysis has been made by the relevant committees. The education, training and treatment programme is compiled by the relevant committees and the offender is assigned accordingly. The offender must be informed about the decision taken on the aforementioned matters. The observation report must be completed and submitted to the Commissioner of Prisons. The observation report must contain details of the education, training and treatment programme to which the offender is assigned.

The education, training and treatment programmes are discussed as follows:

### **2.5.3 Education**

Offenders must have sentences of one year and more for them to be allocated to educational programmes. The Education and training is determined by an assessment of the offenders' personal factors and history on education which is determined during the observation period. The committees give special attention to the qualification, previous experience, aptitude and the ability of the offender to partake in programmes. The vocational instructor or literacy promoter who forms part of the committee will take note of all the offenders who should go on literacy programmes, secondary education and tertiary education. For the secondary education and tertiary education, the offenders are required to pay the registration fees or must get financial support from their relatives but the literacy programme are offered free of charge. The maximum prisons have vocational instructors whereas the minimum prisons make use of literacy promoters who are both members of the prison service and the offenders themselves.

### **2.5.4 Assignment requirements to training programmes**

For an offender to be selected to a training programme, he/she must have served at least six months of sentence in custody and should not have committed any prison offence prior to being selected to perform work that entails payment of gratuity. The training and treatment programme to which offenders are assigned is subjected to security measures according to the horizontal classification system and the social, educational and spiritual needs are also borne in mind.

### **2.5.5 Training programmes**

The training programmes are work/skill related and differs from prison to prison depending on the structure of the prison. The prison service institutions consist of 3 workshops that are found at the following prisons namely: Windhoek Central prison, Divindu Rehabilitation Centre and Oluno Rehabilitation Centre. The activities at the above-mentioned workshops consist of the following trades: carpentry, metal work, spray painting, tailoring, motor mechanics, fitter and turner, agricultural projects, brick making and upholstery. The long-term offenders are given priority for assignment to this type of programme because they are having longer sentences and therefore will complete the courses on the programme. There are labour activities which are being provided by the offenders to government Ministries, individuals and private companies at payment. There is also constructive unskilled level of training (C.U. L) to which the short-term offenders are mostly assigned which include prison work such as cleaning services and any other labour activities at the Ministry and other government Ministries.

### **2.5.6 Treatment programme**

The treatment programmes must be engaged in addition to the training programmes to which the offender is allocated in order to address their criminal behaviour. There are social work programmes and therapeutic programmes. These are discussed underneath in more detail:

#### **(i) Social work programme**

Social work Programmes involves core activities such as counselling sessions, social group work, alcohol/ drug abuse awareness programmes, life skills programmes, anger control management programme and pre-release programmes. These programmes focus on teaching the offenders what they need to know and what they expect to encounter when they return into the society. They also prepare the offenders for what they should do when confronted with situations during imprisonment and reintegration.

## **(ii) Therapeutic programme**

Therapeutic sessions include individual therapy, group therapy and community work sessions. During the therapeutic sessions the following must be conveyed to the offenders: alcohol and drug awareness sessions, anger control management, life skills, pre-release programmes, first aid and HIV/AIDS counselling sessions. The most social problems that trigger offenders to commit crime must be addressed during these sessions.

### **2.5.7 Religious programmes**

The religious programme include worship services, bible studies, prayer meetings, instructions in faith matters, choir groups, variety of bible courses and counseling which are tools of spiritually rehabilitation which assist the offenders to shun evil and embrace responsible life. Spiritual workers are allowed to visit the prisons to make spiritual contact with the offenders and as a result the offenders will take up spiritual leadership in order to conduct worship services, bible studies and choir practicing for other offenders.

## **2.6 Assessment of offenders after the observation period**

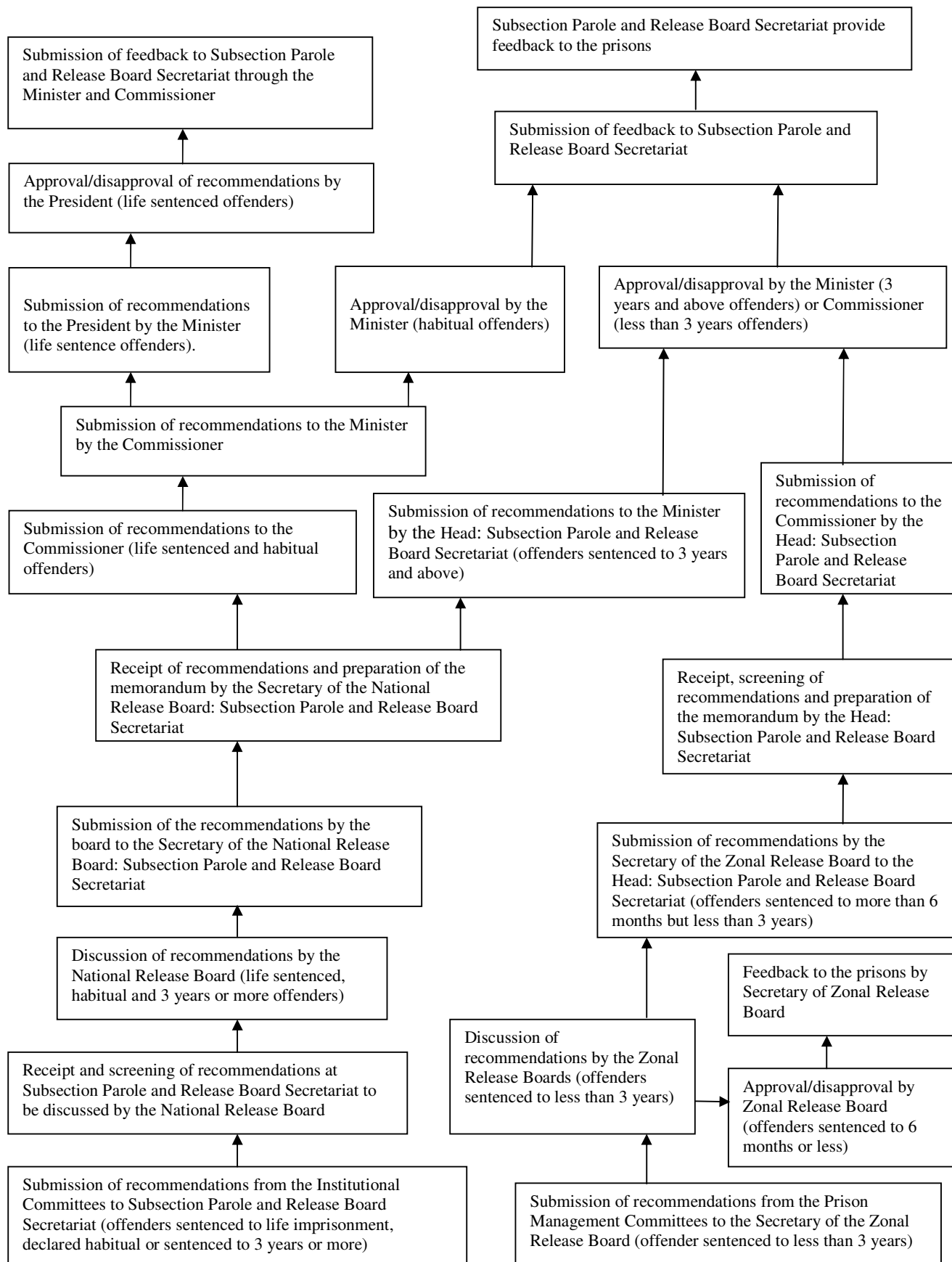
After the observation period, the short/long-term offenders must continue to appear before the relevant committees according to the horizontal system. The long-terms must appear before the committee at least once every six months and the short-terms at least once every three months. During the sessions the committee members provides their inputs on their contact and observation of each individual offender during the preceding months. The offender's progress in the programme is checked, evaluated and where necessary adjusted on the opinion of the committee. The offender's progress in the programme and adjustments is discussed with him/her and if needed reprimanded, warned or advised where necessary.

During the six-month contact of long-term or three month of short-term offenders with the committees, progress reports must be completed after the sessions and submitted to Head Office, Sub-section Parole and Release Board Secretariat together with a copy of the minutes of the meeting of the relevant committees. The progress report on programmes and any other relevant information on the behaviour of the offender must always be completed and submitted to Sub-section Parole and Release Board Secretariat. This information guides the release boards if the offender happen to be recommended for release on parole or remission of sentence.

## **2.7 Documentation needed in the submission of recommendations**

The chairpersons and secretaries of the committees at the prisons must ensure that the recommendations submitted to the release boards via Sub-section Parole and Release Board Secretariat is done at the prescribed time, six months for long-term offenders and three months for short-term offenders in advance or as specifically requested by the release boards. The recommendations must be submitted together with the following documents namely: The social worker's report, psychologist's report, minutes of the Institutional/Prison Management committee meetings and copies of the following: the POL 15 report, J. 24 report and/or any written report from the community i.e. reports by religious leader, family, the victims, local leaders, etc. The chairpersons of the relevant committees must make efforts to obtain the afore-mentioned documents if they were not received from the outside agencies for e.g. court, police, community etc. Failure to obtain these should be indicated in the submission of the recommendations.

**2.7.1 The flow chart below illustrates the process of submission of recommendations/profile reports to the release boards:**



The flow chart above illustrates the channel through which submissions for recommendations must be passed from the committees at the prisons to the release boards where authorization for release on remission or recommendations for release on parole are forwarded to the Commissioner/Minister for approval. This channel must be used at all times to ensure that recommendations and feedback reach the relevant stakeholders on time in order to facilitate as appropriate, the timely integration of offenders into society as law-abiding citizens. The sending of recommendations to the release boards and provision of feedback to the prisons for the release of offenders on either remission of sentence, parole or probation must be send through the above channel. Each of the activities are discussed below:

### **2.7.2 Submission of recommendations from prisons to Subsection Parole and Release Board Secretariat**

The recommendations are submitted in the form of a profile report to the release boards via Subsection Parole and Release Board Secretariat, Head Office. The chairperson of the committees must check the board offenders' institutional (G.335 A) file as soon as possible after admission, also the date of release, the minimum period of detention according to the warrant of committal and must ensure that it corresponds with entries on the (G.335 A).

The committees must prepare the profile reports in advance and submit it before the minimum period of release elapsed. The profile reports for the long-term offenders must be submitted to the National Release Board at least six months prior to the offender's minimum sentence and for the short-term offenders at least one month prior to completion of minimum sentence. Anything that may affect the date of release such as unlawful escape from custody must be reported to the Head of Subsection Parole and Release Board Secretariat.

### **2.7.3 Receipt, selection and preparation of recommendations/profile reports**

#### **2.7.3.1 Receipt of recommendations at Subsection Parole and Release Board Secretariat**

The recommendations for the board offenders with sentences above six months and more are received at Subsection Parole and Release Board Secretariat, at Head Office from the different prisons. The recommendations for the short-term offenders above six months are submitted to the Commissioner of Prisons and the recommendations for the long-term offenders are to be reviewed by the National Release Board before submission to the Minister.

The recommendations are received at Subsection Parole and Release Board Secretariat by the secretary of the National Release Board and are date stamped on the first come, first served basis. The recommendations are taken from there to the Chief Offender Control for double-checking to ensure that all the documents are submitted as required and if not, they are referred back to the prisons for verification and re-submission. The recommendations will be referred back if the information is not clear or the statements are contradicting each other on the report and any other outstanding documents as required in the submission of the recommendations.

#### **2.7.3.2 Selection, preparation of additional information and submission**

According to the interviews, the recommendations are selected on the basis of first come, first serve basis. An officer at Subsection Parole and Release Board Secretariat normally lists all the offender cases that should be discussed at board meetings. The officer also prepares hard copy additional information from the offenders file such as warrant of committal and recommendations in order to highlight the most important information to simplify the task of reading for the board members. The additional information contains background information such as sentence period served by the

offender, conduct and the rehabilitation programme the offender participated in. Thereafter, copies are made of individual offender cases by the secretary of the release board and distributed 14 days in advance before the date of the board meeting to the board members for them to prepare for the meeting.

### **2.7.3.3 Preparation of the memorandum**

After the board meeting, the secretary of the release boards prepares a memorandum for each individual case. The cases that are referred back are submitted back to the prisons highlighting the reasons. The memorandum is normally taken to the chairman of the release board for scrutiny and signature before being submitted to the Commissioner/Minister. The time frame for the completion of the memorandum between the chairperson and the Minister is inclusive of administrative work such as the reviewing of the memorandum and the typing thereof. The memorandum must be submitted to the Commissioner/ Minister within thirty (30) days.

## **2.8 Submission of recommendations**

### **(a) Submission of recommendations to the Commissioner**

The recommendations are submitted by the secretary of the Zonal release board to the head of Subsection Parole and Release Board Secretariat to recommend the granting of remission of sentence, release on parole or probation for offenders serving a sentence of 6 months and more. The recommendations for habitual and life sentenced offenders is also submitted to the commissioner. The board may recommend additional conditions upon which an offender may be released on parole/probation and should submit a copy of authorization within 30 days to release such an offender after the authorization was given. A memorandum is prepared for individual offender cases at Subsection Parole and Release Board Secretariat and submitted together with the profile report, the minutes of the board meeting and any other relevant documents which the board received from requested persons or agencies. The decision is normally noted on the profile report and submitted back to Subsection Parole and Release Board Secretariat and Release Board Secretariat for further action.

### **(b) Submission of recommendations to the Minister**

The recommendations are submitted by the secretary of the National release board via Subsection Parole and Release Board Secretariat to recommend the granting of remission of sentence, release on parole or probation for offenders serving a sentence of 3 years or more. The board may recommend additional conditions upon which an offender may be released on parole/probation. A memorandum is prepared for individual offender cases at Subsection Parole and Release Board Secretariat and submitted together with the profile report, the minutes of the board meeting and any other relevant documents which the board received from requested persons or agencies. The decision is normally noted on the profile report and submitted back to Subsection Parole and Release Board Secretariat for further action.

## **2.9 Feedback to the prisons**

According to the interviews, Subsection Parole and Release Board Secretariat normally receives the approvals of the recommendations from the Commissioner/Minister on the same date they were sent. The feedback is provided to the prisons by fax to notify them about the outcomes whether the offender has been granted remission of sentence or parole. The original copy of the recommendations together with the memorandum containing the decision of the Commissioner/Minister must be sent to the prison concerned to be filed on the offender's institutional file (G.355) and for the implementation of decisions. The relevant committees must

inform the offender about the outcome of the decision as soon as possible. If the release boards have indicated that a further recommendation/submission is required, the relevant committees must make entries in the diary and file the decision so that the recommendation can be resubmitted on time.

## **2.10 Release on parole**

An offender who has been sentenced to an imprisonment term of three years and more or less than three years must have served half sentence of the total sentence period. The relevant committees must be satisfied with the offenders' conduct in terms of self discipline, responsibility and participation in rehabilitation programmes during the served period. The relevant committee recommending such an offender for parole must specify the conditions relating to such release as it may deem necessary. After the decisions have been received by the prisons, forms G.374 (general conditions of parole) and G.374 A (release warrant) must be completed in five fold and the copies must be submitted to the release boards concerned, Subsection Parole and Release Board Secretariat, Namibian Criminal Bureau, offender file and the person taking the offender on parole. If a parolee offender requires after-care with other conditions than those which appear on G.374 A, such conditions must appear in form G.374 (general conditions of parole). Should a parolee contravene parole conditions, the Commissioner of Prisons must be notified by the committees without delay by using G.375 (pro format used for violation of parole conditions by a parolee) and must issue a warrant of arrest to be executed by the police or peace officer.

## **2.11 Granting of remission of sentence**

An offender may earn remission of sentence which is equivalent to one third of the total sentence of the period if the relevant committees are satisfied with conduct in terms of self discipline, responsibility and participation in treatment and rehabilitation programmes. Remission of sentence does not apply to certain categories of offenders such as habitual criminals, those serving life imprisonment, murder cases, treason and all the other cases as specified in Section 92(2)(c)(aa) to (cc), subsection 3-5 of the Prison Act, 1998. This type of offenders may be granted remission of sentence on the recommendation of the release boards provided that the remission of sentence shall be in the discretion of the Minister.

## **2.12 Conditional release**

Conditional release is when an offender is released on parole with conditions attached to such a release. The parolee must adhere to parole conditions as stipulated in the Prison Act 17 of 1998, Section 95-98. The Offenders are released on parole under the supervision of a hirer/employer from the day the parolee is paroled until the expiry of the sentence. When the period of punishment expires, the parolee must be brought back to the prison to be released officially. Before the offender is released on parole, both the offender and the hirer/employer must enter into an agreement that the parolee must honor the provisions set out in the agreement. The pro format G 374A which specifies the parole terms which extend between the date of release and the expiration of the total imprisonment term must be issued. The pro format G374B must be issued which is an agreement between the hirer/employer and the offender. Subsection Parole and Release Board Secretariat must be notified of the release of offenders on parole by issuing G 374A and G 374B pro formats. If an offender requires aftercare with other conditions than those appearing on form G 374 A, such conditions must be recommended and when approved appear in form G 374 (release warrant). The G 374A must be completed in fivefold and distributed as follows: one copy to be placed on the offender's institutional file, Subsection Parole and Release Board Secretariat, the offender, the hirer/employer and the criminal record centre.

### **2.13 Unconditional release**

Unconditional release is when the sentence period has expired and the offender is released without any conditions attached on the date of release. Upon completion of sentences, Subsection Parole and Release Board Secretariat must be notified of the release of offender by using G.373 pro format (notification for unconditional release) and this form should be completed in triplicate. The original form must be placed in the offenders' institutional file; one copy must be submitted to Subsection Parole and Release Board Secretariat and the other copy to the Namibian Criminal Bureau.

### **2.14 Compulsory after-care order**

According to Section 102 (1) (a) (b) and (2) of Prisons Act, 1998, a compulsory after-care order must be issued for an offender by the Commissioner of Prisons if it is deemed necessary to place such an offender in after-care for the rehabilitation of the offender. The after-care order should be issued in the case of an offender who has served a sentence of imprisonment for a period of or exceeding three years (3) and who has been convicted on not less than two (2) previous occasions. The compulsory care of such an offender may be provided for a period not exceeding one (1) year.



## CHAPTER 3

### 3. FINDINGS OF THE AUDIT

#### 3.1 General finding

The audit on the prison institutions revealed that the prisons are overcrowded by the short-term offenders and lack of sufficient rehabilitation programs that can effectively address the offenders' offending behavior. Furthermore, the audit revealed that 90% of the short-term offenders are not undergoing observation upon admission, which is the first stage in the rehabilitation process, thus as a result are not participating in rehabilitation programs to get rehabilitated. See details of statistics on overcrowding of prisons in Annexure 2 during peak time during December 2002, 2004 and 2005 and also Figure 1 which gives details of offenders who did/not undergo observation.

	Financial year 2002/03	Financial year 2003/04	Financial year 2004/05
<b>Long-term offenders</b>			
Observation done	26	7	4
Observation not done	2	0	0
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
Observation done	6	7	4
Observation not done	40	72	74
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 1:** Offenders who did/not undergo observation on admission.

The figure above illustrates a 90% rate of offenders who were not taken through an observation period which is a prerequisite to be allocated to rehabilitation programmes. This results in the offenders being released without being rehabilitated.

During the audit, the following have been identified as possible contributing factors to overall overcrowding;

- Not all the offenders admitted at the prison institutions are having an equal chance to participate in rehabilitation programs.
- Shortage of skilled staff and lack of therapeutic rehabilitation programmes at the prisons.
- The parole/remission of sentence not being utilized to the maximum benefit of the offenders.
- Lack of collaboration between the Ministry and after-care integrative service providers for released offenders.

Each of these factors stated above will be discussed in detail in the paragraphs below:

### 3.2 Rehabilitation of offenders at the prison institutions

The audit found that the long-term offenders are prioritized in terms of rehabilitation. Therefore not all the offenders admitted at the prisons are having an equal chance to participate in rehabilitation programmes due to lack of observation. It was also found that due to lack of observation, the short-term offenders are not having board numbers and therefore are not registered with Subsection Parole and Release Board Secretariat and are not medically examined on admission.

#### 3.2.1 Registration of offenders

Documentation analysed found that the short-term board offenders were only having prison numbers and not board numbers. There is no record of board numbers on completed G.330 A forms whereas at the other prisons visited the G.330 A was not found in the offender institutional files. This indicates that the G.330 A is not submitted to Subsection Parole and Release Board Secretariat and as a consequence there is no record of criminal offences with Subsection Parole and Release Board Secretariat as well as the Criminal Record Centre if needed by the prison committees for the repeat offenders. As a result the committees will not be able to classify the offenders accurately as first or second offenders because of a lack of information on offenders' previous convictions and a lack of a proper system of recording. The committees rely on the information at their disposal at the prison Disposal Section but it will be only for the crimes committed in such a region and will not know the crimes committed in other regions unless they know the offender by face. The secretaries of the release boards will not be in the position to follow-up on the profile reports not submitted because they do not know the minimum period of sentence of the offender which is provided on the G.330 A. Refer to figure 2 which is illustrating a high number of short-term offenders not having board numbers/registered with Subsection Parole and Release Board Secretariat and the Criminal Record Centre.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
Number of offenders registered	27	5	2
Number of offenders not registered	1	2	2
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
Number offender registered	2	0	1
Number of offenders not registered	44	79	77
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 2:** Short-term and long-term offenders not having board numbers or are not registered with Subsection Parole and Release Board Secretariat and the Criminal Record Centre

The figure above shows the number of short-term offenders not having board number or are not registered with Sub-section Parole in all the financial years. This is attributed to lack of conformity to standards of registration of offenders as set out by the Institutional and Prison Management committees which stipulate that it is their responsibility to request a board number from Subsection Parole and Release Board Secretariat. As a result the criminal records of the offenders are not updated with the Criminal Record Centre unless the prison committees submit the requests to Subsection Parole and Release Board Secretariat.

### **3.2.2 Medical examination**

The audit found that the offenders are admitted at the prisons without undergoing any physical examination. The audit revealed absence of medical reports completed on the admission of offenders in the offenders' institutional file. This problem is caused by the lack of referring the new admitted offenders to the nurses for a thorough check-up as required. The nurses indicated that they will not know of the new admittances unless the offenders are referred to the clinic by the admission officers at the reception office. The lack of medical examination may result in offenders taking advantage of this loophole and thereby instigate claims as they wish against the prison for bodily harm not sustained in custody.

### **3.2.3 Observation of offenders**

The audit revealed that due to the overcrowding, the observation centres at the prison institutions visited were almost non-existent at some of the prisons while some of these centres are used to accommodate the trial awaiting offenders like in the case of the Lüderitz prison. According to the information received from Lüderitz prison, the observation centre was not included in the structure when the renovation was done in year 1998/99. As a result most of the offenders are not taken through an observation period at the prison institutions due to lack of observation facilities.

Documentation analysed revealed a high rate of ninety-percent (90%) of short-term offenders admitted at the prison institutions who did not undergo an observation period until their release from prison and as a result did not partake in any rehabilitation programs. Furthermore, non observation of offenders also results in offenders not being classified and separated into groups as required by the Prison Act but end-up being mixed with other offenders irrespective whether they are adult prisoners or hard core criminals. The audit also revealed an alarming decline in the number of observation reports completed for the short-term offenders at the prison institutions as well as a positive increase in the number of long-term offenders undergoing observation.

Refer to Figure 1 showing an increase in the number of short-term offenders in all financial years that served their sentences and were released without undergoing any observation which is a prerequisite for an offender to partake in any rehabilitation programme. Therefore, as a result, these short-term offenders were released without being rehabilitated. The figure also indicates an increase in the number of long-term offenders being taken through an observation period in the first two financial years and thereafter there is a decline in the last financial year. The audit could not establish whether the observation reports were completed within the time frame as stipulated in the guidelines of the prison committees for the long and short-term offenders because of a big discrepancy between the dates of admission and the dates of completion of the observation reports. The factors involved are the transfer of none observed offenders to other prisons and the observation reports that are only completed once in an offender's lifetime.

Furthermore, according to interviews conducted, the staff indicated that the short-term offenders are receiving counseling services, and identified the following factors underneath as contributing factors as to why the short-term offenders are not taken through an observation period and thereafter allocated to rehabilitation programmes:

- Most short-term offenders are having pending cases at the court.
- Most short-term offenders are serving shorter sentences arising from non-serious offences and sentences ranging from six months and below.
- Most of the short-term offenders either pay a fine or are released on remission of sentence.
- Lack of human and financial resources.
- Offenders declining to participate in programs due to lack of interest.

These factors are discussed in the paragraphs below as follows:

- **Short-term offenders are having pending cases at the court**

It was revealed that most short-term offenders upon admission are having pending cases at the court therefore could not be put on observation and rehabilitation programmes. The staff interviewed indicated that it is a waste of resources to let such offenders undergo observation and participate in programmes because the offenders normally pay a fine or the case can be aborted by court and as a result the offender will not be able to complete the programmes they were allocated to.

- **Short-term offenders are serving shorter sentences**

Most short-term offenders are serving shorter sentences arising from non-serious offences and sentences ranging from six months and below. According to documentation analysed, the conditions for the selection of an offender rehabilitation programme is not clear enough in the institutional and prison management guidelines for the prison committees. Therefore, the institutions gave a different interpretation and practices on the selection of offenders to work for e.g. cooks and cleaners against payment. Since the condition for the selection to work is that an offender should serve at least a six months sentence in custody, most of the inmates falling in this category of six months and less are not allocated to any work at the prisons.

The staff interviewed indicated that it is not viable to involve all short-term offenders in programs irrespective whether they have served six months in custody because most of them will not complete the programs as required. The rehabilitation programmes offered at the prisons are insufficient and as result most of the offenders are released without being rehabilitated.

The staff also indicated that more emphasis is placed on the rehabilitation of long-term offenders rather than on short-term offenders because they are serving longer sentences and are in greater need of rehabilitation than the short-term offenders. But this does not guarantee that all the long-term offenders are allocated to the rehabilitation programmes. The observation at the prisons visited revealed that most rehabilitation programmes at the prison institutions involves vocational work which is work/skill related and therefore can only accommodate a small number of long-term offenders. As result the short-term offenders are not assigned to this type of programmes because of their length of sentence.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
Number of offenders on programme	16	6	2
Number of offenders not on programme	12	1	2
Missing information	0	0	0
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
Number of offenders on programme	1	6	2
Number of offenders not on programme	45	73	76
Missing information	1	0	0
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 3:** Long-term and short-term offenders allocated/not allocated to programmes at the prison institutions.

The figure above shows a high number of short-term offenders not allocated to programmes at the prison institutions and no improvement over the years whereas the number of long-term offenders allocated to programmes is also declining. The various programmes to which the offenders are allocated are grouped as follows: Education, workshop and constructive-levels of training. Documentation analysed revealed a high number of offenders allocated to the education programme and constructive-level of training.

- **Short-term offenders either pay a fine or are released on remission of sentence**

Most of the short-term offenders after sentencing at the court cannot afford to pay a fine but as soon as their relatives accumulate the necessary funds needed they normally pay the fine for the offender. Offenders with minor offences such as theft, housebreaking and juveniles automatically qualify for remission of sentence on admission which is one third of the total period of the sentence. As a result the remaining total sentence is much less for such offenders to undergo observation and to be allocated to rehabilitation programs.

- **Financial, human and material resources**

During the interviews the staff indicated that it is not viable to involve all the short-term offenders in rehabilitation programs because the manpower and financial resources are not enough. The objective of the prison services after independence was to move from the old to the new philosophy of treatment in the rehabilitation of offenders to keep the offenders out of the prison. With this challenge, competent human resources are significantly in need at the prisons and therefore necessitate the need to train the current manpower and to acquire qualified staff. However, a bigger portion of the ex-combatants were incorporated in the service and can only be used as security guards at the prison institutions because they are under-qualified and cannot do correctional services. Therefore the Ministry appoints new staff every year in order to have the right staff with the necessary competencies to deal with the various categories of offenders and to do the evaluation, monitoring, report writing and develop programmes.

The audit revealed during the observations that the prisons lack material resources such as bedding, mattresses, prisoner ware, prison members' uniforms, cleaning materials and overall the maintenance of the prisons. It was found that due to the overcrowding some of the offenders were not having mattresses to sleep on and were sleeping on the steel beds with only two blankets. Some of the offenders were using their own private bedding and each is having only one pair of prison wear. Most were observed to be wearing either one for e.g. trouser forming part of the prison wear set mixed with private clothes which is an indication that there is a shortage of prison wear. Lack of maintenance at the prisons was found to be the major problem and it was observed that some of the roofs are leaking, lack of renovation, broken cell windows, and overall lack of hygiene. As a result this is forcing the prison institutions to breach the offenders' human rights, on purpose but by circumstances because naturally the prisons do not have control on the numerical presence of people brought to them for imprisonment.

The staff interviewed at the various prisons visited indicated that a large portion of the budget goes to maintenance expenses, staff member salaries and prisoners basic needs. However, documents analysed during the audit revealed that a bigger portion of the budget for 2002/03 and 2003/04 went to salaries and prisoner basic needs and as a result less funds are diverted to other necessary services such as human resource development.

<b>Financial year</b>	<b>Actual budget</b>	<b>Actual expenditure</b>		<b>Percentage</b>
	N\$		N\$	%
2002/03	117 323 625.09	Salaries & prisoner basic needs	67 999 778.03	57.96
		Maintenance expenses	11 400 270.78	9.72
		Other expenses	37 923 576.28	32.32
2003/04	117 226 497.13	Salaries & prisoner basic needs	76 418 493.93	65.19
		Maintenance expenses	10 372 704.34	8.85
		Other expenses	30 435 298.86	25.96
2004/05	129 131 858.82	Salaries & prisoner basic needs	7 584 586.51	5.87
		Maintenance expenses	11 394 907.12	8.82
		Other expenses	110 152 365.19	85.30

**Figure 4:** Actual expenditure according to the Funds Control System for year 2002/03, 2003/04 and 2004/05

Figure 4 above shows a high rate on the expenditure of staff member salaries and prisoner basic needs in year. As indicated, the rate in year 2003/04 increased with 7% and thereafter decreased with 20% in year 2004/05.

Interviews conducted with staff in various regions visited indicated that the movement of offenders on transfers to other prisons and appearances at the courts is a costly exercise, given the geographical set up of Namibia and the positioning of the courts being far apart from the prisons. This exercise involves offender escorts and transport with the highest sense of security. It was also revealed during the interviews that the prison institutions are reluctant to transfer offenders to other prisons such as Lüderitz prison because of financial implications and the distance. The staff interviewed reasoned that it is not financially viable to transfer an offender from a prison such as Oluno which is in the northern part of Namibia to Lüderitz prison, in the Southern part. During the observation at the Lüderitz prison, it was found that the prison was under-capacitated whereby eleven (11) cells were found to be empty and not occupied. The staff members revealed that financial implications are not the only reason for not transferring offenders to the other prisons but they are trying to keep the offenders near positive support systems such as visits and the support of family and friends as this clearly reflects the conditions to which the offender will return to after release in respect of family life, environment and work opportunities. According to them it is not economically viable to transfer short-term offenders as far as Lüderitz just to be released within a month time because their sentences are too short. As a result this causes overcrowding by the short-term offenders at the maximum security prisons such as the Windhoek Central prison because of its location in the central part of the country whereas space at the other prisons is not utilized to maximum.

However, documents analysed during the audit indicated that the Department of Prisons Services overspent on their total expenditure for transport and security for the financial year 2002/03 and underspent on subsistence and allowances in the same year. For the 2003/04 and 2004/05 financial years there was no overspending and neither was there any expenditure on security supplies in year 2004/05. Refer to Figure 5 reflecting the expenditure on the utilization of funds on transport, security and travel and subsistence allowances on the Funds Control System. The allocated funds for all main divisions within the Department of Prisons Services are illustrated in the table below.

Year	Main divisions	Allocated amount	Outstanding commitment	Actual expenditure	Difference
		N\$	N\$	N\$	N\$
2002/03	Transport	3 306 000.00	-	3 358 608.69	(52 608.69)
	Security				
	Supplies	40 000.00	-	41 619.19	(1 619.18)
2003/04	S & T	490 000.00	-	487 715.09	2 284.91
	Transport	4 941 556.00	9	3 050 161.69	9 607.31
	Security				
2004/05	Supplies	136 000.00	-	39 146.26	29 021.05
	S & T	16 208 000.00	-	472 876.81	341 123.19
	Transport	2 784 000.00	80 670.99	2 700 408.21	2 920.80
	Security				
	Supplies	-	-	-	-
	S & T	550 00.00	-	549 998.98	1.02

**Figure 5:** Budget allocation for the main divisions and the illustration of overspending and under-spending

- **Offenders participation in programs**

During the interviews the staff indicated that offenders themselves are declining to participate in programs due to lack of interest. Since the participation of offenders in rehabilitation programs requires education and a longer sentence period, the offenders are much less interested to participate because most of them are illiterate and view literacy programmes as time wasting. All offenders who did not undergo formal schooling and who want to participate in programmes are required to learn the basics, theoretically and practically, therefore they should be able to read and write. As a result most of the illiterate offenders decline to go through the education process and opt not to participate at all or participate in constructive level of training which involves cleaning services, work around the prison and work at the Ministry and other Government departments.

It was also revealed during the interviews that the length of sentence is a requirement for the offenders to be allocated to rehabilitation programmes. This is a contributing factor to a high number of short-term offenders not being allocated to programmes because most of these programmes are work/skill related and are therefore prioritized for the long-term offenders. It was indicated that the shortage of rehabilitation programmes at the prisons is the main problem and therefore all the offenders cannot be accommodated on programmes irrespective of whether they are serving long or short-term sentences.

Documentation analysed revealed that the offenders were recommended to the release boards without being rehabilitated and as a result some cases discussed were referred back to the prison with the instruction that the offender be allocated to a rehabilitation programme or the offenders were denied parole or remission of sentence. The participation of offenders in rehabilitation programmes can positively influence the release boards' decision that the offender is indeed rehabilitated and therefore there is no risk if such a person is released since public safety must be taken into consideration. Refer to Figure 2 illustrating the number of offenders who were allocated to rehabilitation programmes at the prison institutions and underneath find Figure 6 also illustrating the number of offenders who were not assigned to any rehabilitation programmes or rehabilitated when recommended for release on remission of sentence or parole to the release boards.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
Number of offenders on programme	0	7	40
Number of offenders not on programme	0	0	28
Missing information	52	148	50
<b>Total</b>	<b>52</b>	<b>155</b>	<b>118</b>
<b>Short-term offenders</b>			
Number of offenders on programme	2	0	0
Number of offenders not on programme	1	6	0
Missing information	19	0	37
<b>Total</b>	<b>22</b>	<b>6</b>	<b>37</b>

**Figure 6** The number of long-term and short-term offenders allocated to rehabilitation programmes at the prisons and recommended to the release boards

Missing information means programmes to which the offenders were allocated were not indicated in the documentation analysed. As a result it was difficult to determine the programmes to which the offender was allocated, if at all, and on what grounds they were released since there is no positive indication that they were rehabilitated. The figure shows a 100% rate of missing information for year 2002/03. The financial year 2004/05 shows an increase in the number of long-term offenders rehabilitated compared to the previous years.

### **3.2.4 Classification and introduction of risk orientated approach**

#### **3.2.4.1 Classification and separation of offenders in the old system**

The audit revealed that offenders are not classified and separated due to lack of observation which is supposed to be done on admission but because of the overcrowding, the juvenile groups are the main target to be separated from the other groups as far as possible. As a result the offenders are mixed with the other groups and therefore contravene the Prisons Act as to how the offenders should be classified.

It was also revealed during the audit at the Windhoek Central prison that the trial awaiting offenders in the female section were accommodated with the sentenced offenders. The cell for the trial awaiting offenders with a capacity of 8 people was found to be over-capacitated, housing thirteen (13) offenders and some of them were sleeping on the floor on the mattresses. As a result due to lack of space and overcrowding five (5) of the trial awaiting offenders were accommodated with the short-term sentenced offenders.



Furthermore, the audit revealed that the prisons are still classifying the offenders according to the horizontal classification system which classifies offenders according to behaviours exhibited and not according to security risk. This system is historically inherited from the previous regime and is still apparent at the prisons. Documentation analysed revealed that the offenders are not timely evaluated because the committee members are not attending the monthly meetings to assess the offenders. This problem is further aggravated by the transfer of offenders from one prison to another. It was revealed that the transferred offenders in most instances did not undergo observation or the evaluation was not continued from where the offender was transferred from. This resulted in a backlog of cases and the offenders not being evaluated and promoted to the next group in the process of rehabilitation. The evaluation should indicate that the offender's behaviour is improving according to which he/she deserves a promotion. The non-evaluation of the offenders also results in the offender being released without being rehabilitated and the opportunity of being recommended for release on parole or remission of sentence to the release boards.

#### **3.2.4.2 The introduction of risk management approach**

The audit further revealed that the prison service has revisited the manner in which it operates which resulted in the prison service to move to a risk orientated approach. This approach encompasses the Offender Management and Unit Management systems which were piloted since the year 2005 at the Windhoek Central prison. The systems are Canadian systems and involve steps such as security classification of the offender, correctional planning, programming i.e. programme design, programme development and programme implementation and risk assessment, also suitability for transfer and eligibility for conditional release. The system implies that the offenders are assessed on admission, offered appropriate intervention programmes which address criminogenic factors that led them to commit criminal offences and re-assessments through out their sentences to determine whether the risk they pose to society has changed through the participation in the programme and to make appropriate changes if required. However, it was revealed during the interviews with staff that the system is mainly aimed at the long-term offenders serving sentences of three (3) years and more and not the short-term offenders. The staff indicated that most of the short-term offenders are going on parole or remission of sentence and are also taken in by the after-care service providers and this is the reason why they are not included in the new system. It was indicated that the new approach is not yet fully implemented at the Windhoek Central prison and therefore, not yet at the other prisons countrywide but that the security classification according to the new system is being done at all the prisons. Therefore, it is evident that prisons want to achieve effective security risk management in the case of the long-term offenders because the crimes committed are of a more serious nature unlike in the case of the short-term offenders serving petty offences not posing a threat to the public but are frequenting the prisons on a daily basis. Consequently the reduction of recidivism is not achieved in terms of the short-term offenders.

Furthermore, since the audit revealed that the offenders, both long and short-term offenders are not allocated to programmes due to lack of sufficient programmes and specialist staff such as social workers, educationists and psychologists. This is having an impact on the effectiveness of rehabilitation programmes and the reformation of offenders as law-abiding citizens into the society and it also slows down the progress and decentralisation of this new approach to the other prisons countrywide.

The staff interviewed indicated that the main challenge is human resources and material resources. The staff indicated that with the introduction of the new systems, specialised staff as mentioned above and material resources such as computers are needed in order for them to use computerized case management tools and security risk assessment modules of the Offender Management system with the relevant intervention programmes adopted locally at the prisons. It was also indicated that the staff that were trained on the new systems became demoralised after the pilot projects have ended because the new organisational structure had not been approved and implemented yet. As a

result the challenges beyond the control of the prison institutions may result in the new systems not being decentralised countrywide.

### 3.3 Therapeutic rehabilitation programs to rehabilitate the offenders at the prisons.

The staff interviewed indicated a lack of therapeutic rehabilitation programs at the prison institutions countrywide due to a shortage of social workers and psychologists. Documentation analysed indicated that the organogram for the prison institutions makes provision for social workers and psychologists at the maximum prisons meant for the long-term offenders whereas none of these positions are provided for at the minimum prison institutions meant for the short-term offenders. The shortage of specialized staff negatively affects the design, development and implementation of the correctional programmes as well as the evaluating and monitoring of the offender on the programmes. As a result the offenders with serious crimes such as murder and rape are not effectively rehabilitated due to lack of services. Documentation analysed also indicated that the offenders are either denied parole or remission of sentence or referred back to the prisons so that the social workers can allocate them to rehabilitation programmes.

The following table underneath shows the shortage of specialized staff employed at the prison institutions countrywide: (Refer to figure 7)

Breakdown	Social worker			Clinical Psychologist		
	Number of posts	Filled	Vacant	Number of posts	Filled	Vacant
<b>Head Office/maximum/minimum prison</b>						
Head Office	1	1	0	1	1	0
<b>Maximum prisons</b>						
Windhoek prison	4	3	1	1	0	1
Hardap prison	4	2	2	1	0	1
Walvis Bay prison	2	2	0	0	0	0
Oluno prison	3	1	2	0	0	0
Elisabeth Nepemba Juvenile Centre prison	2	1	1	1	0	1
Tsumeb Farm Scott prison	2	1	1	0	0	0
Divindu Rehabilitation Centre	2	1	1	0	0	0
<b>Minimum prisons</b>						
Lüderitz prison	0	0	0	0	0	0
Grootfontein prison	0	0	0	0	0	0
Gobabis prison	0	0	0	0	0	0
Omaruru prison	0	0	0	0	0	0
Swakopmund prison	0	0	0	0	0	0
Keetmanshoop prison	0	0	0	0	0	0

**Figure 7:** Breakdown of social worker and psychologist posts according to the staff establishment

As illustrated by the table above, the maximum prison institutions are the only prisons having stationed social workers and none of the prison institutions have qualified psychologists in place. At the time of the audit two (2) psychologist interns were trained as psychologist counsellors of which one resigned from the prison service after qualification for greener pastures. Additional four (4) psychologist interns were still undergoing training at the Windhoek Central prison.

The staff interviewed indicated that the Ministry is currently having one psychologist stationed at the Head Office. The duties of the psychologists include the supervision of section psychology, being part of management, giving inputs from a psychological perspective, policy makers and

administrators. The psychologist is also responsible for counselling the offenders at all prisons as well as prison members, involved in the rehabilitation of the inmates, developing and implementing rehabilitation programmes, observing and testing inmates to determine whether they have been rehabilitated or not.

Only one qualified psychologist is placed at the Head Office. The psychologist counsellor at Windhoek Central prison can only do counselling but not therapy because he/she does not have the required educational qualifications required for a clinical psychologist. The current psychologist at Head Office started a psychologist intern program at the Ministry in order to curb the shortage of psychologists and trained two interns of which one already left the service. Although the program went well beyond expectation, it left her with much work to do because she has to evaluate the interns until they qualify. At the time of the audit, the Ministry has not been able to successfully attract psychologists because the salary offered compared to the private sector is not competitive. The working environment at the prisons is also a contributing factor because historically the prisons were built for incarceration with no option of rehabilitation. Generally, most psychologists prefer to go for the private sector or to start their own practices. Refer to staff establishment Annexure 1.

### **3.4 The parole/remission of sentence**

Documentation analysed revealed that the parole/remission of sentence is not utilized to the maximum benefit of the offenders and this is due to the following reasons as stated below:

- The prison committees are not conducting the meetings regularly
- Limited number of offender cases recommended are discussed by the release boards

#### **3.4.1 Submission of recommendations from prisons to the release boards**

Documentation analysed at the National and the Zonal Release Boards indicated that the recommendations for release on parole or remission of sentence are submitted on time by the Institutional and Prison Management committees. However, documentation analysed indicated that the committees are not conducting the meetings regularly to assess and classify the offenders under observation and complete the observation reports, to assess the offenders on programme and complete the progress reports and ensure that documents such as the J.24 and POL 15 reports are available in case the offender becomes eligible for release on parole or remission of sentence. The factors are discussed as follows:

##### **3.4.1.1 Committee meetings**

Documentation analysed indicated that the observation reports and progress reports are not completed for all the offenders as required by the relevant committees. It was revealed that the observation reports are not completed for all the offenders coming into custody and that the progress reports are not completed regularly for those who have undergone observation and were assigned to a rehabilitation programme. This is because the committee meetings are not conducted regularly to take the offenders through an observation period and thereafter assess the offenders progress on the programme by completing the progress reports every six months for the long-term offenders and every three months for the short-term offenders and submit them together with the minutes of the meeting to the Parole section and the Zonal Release Boards. It was revealed that the observation and progress reports are not completed regularly due to a lack of quorums and meetings that are postponed.

The audit was unable to validate postponement of meetings and a lack of quorums at most of the prisons visited due to a lack of records such as schedules of committee meetings and year plans. However, a schedule of the institutional committee meeting for year 2002/03 on the observation of offenders analysed at the Windhoek Central prison indicated a total number of eighty five (85) cases of which six cases were scheduled to be discussed daily for a period of one month. The analysis revealed that a total number of thirteen meetings were scheduled of which four meetings were postponed due to management meetings and the lack of a quorum. The schedule also indicated three offenders who refused to come, four were nowhere to be found and two did not come for the assessment.

As a result the postponement of meetings and lack of quorums cause a backlog of offender cases because the offenders will not be assessed on time in order to complete the observation reports and the progress reports since these two reports are interrelated. If the observation reports are not completed within thirty days for the short-terms and seventy days for the long-terms, the offenders' rehabilitation process will be delayed and they will not participate in the rehabilitation programmes. Therefore, as a result, the recommendations will not be completed on time and submitted to the release boards.

Underneath find the illustrations illustrating the number of offenders who underwent observation and were evaluated on the rehabilitation programmes to which they were allocated.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
(1x) progress reports completed	7	1	0
(2x) progress reports completed	7	1	1
(3x and more) progress reports completed	3	0	0
Missing information	11	5	3
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
(1x) progress reports completed	1	2	1
(2x) progress reports completed	1	0	2
(3x and more) progress reports completed	0	0	0
Missing information	44	77	75
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 8:** Offenders who went through observation and the number of progress reports completed for progress on rehabilitation programmes

Refer to Figure 1, page 20, which illustrates a high number of 26/28 long-term offenders who underwent observation and were allocated to rehabilitation programmes in the year 2002/03. Figure 8 above illustrates that 17/28 progress reports were completed in the year 2002/03 which indicates that the offenders are not evaluated six monthly as required for the long-term offenders. A long-term offender who is serving a sentence period of three years should have been evaluated twice per year and six times by the time his/her time expires. However, there is a decline in the number of progress reports completed in year 2003/2004 and 2004/05. The number of missing information is high which is attributed to a lack of records and the number of offenders who did not undergo observation as well as progress reports that went missing or were misplaced.

Underneath find Figure 9 illustrating the number of profile reports submitted on time/late from the prisons to the release board.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
Number of profile reports submitted prior to (6) months	4	11	17
Number of profile reports submitted after (6) months	12	0	10
<b>Total</b>	<b>16</b>	<b>11</b>	<b>27</b>
<b>Short-term offenders</b>			
Number of profile reports submitted prior to (3) months	0	36	8
Number of profile reports submitted after (3) months	4	13	7
<b>Total</b>	<b>4</b>	<b>49</b>	<b>15</b>

**Figure 9:** Recommendations submitted on time/late to the release boards

Figure 9 illustrates the number of offenders whose profile reports were completed at the prisons and submitted to the release boards. The illustration shows that a high number of the recommendations were submitted for the long-term offenders after the six-month period in year 2002/03 and thereafter there is a positive improvement. The late submission of the recommendations to the release board result in backlog of cases and eligible offenders who could have been recommended for release. Late submissions lead thereto that prisoners have to serve their maximum sentences fully in custody because the recommendations are not reaching the Subsection Parole and Release Board Secretariat on time.

### **3.4.1.2 Incomplete documentation**

The documentation analysed indicated a lack of documents such as the POL 15 and J.24 reports which are needed in the submission of recommendations to the release boards. The lack of these documents resulted in the release boards not being able to make the correct decisions whether to recommend the release of offenders as recommended by the prison committees. It was also found that all efforts by the prison authorities to solve the problem with the relevant stakeholders, police and the courts, proved futile because the problem is still persisting.

### 3.4.1.2.1 The POL 15 report

During the audit it was found that the prison authorities are submitting the recommendations to the release boards without the POL 15 report which is a requirement in the submission. However, documentation analysed indicated that the prison authorities are not receiving the POL 15 reports as stipulated according to the Police Operational Manual Chapter 5, U.1.a and U.1.b. This is causing a delay in the submission of recommendations to the release boards and as a result the reports are always outstanding when the recommendations are submitted to the release boards. The release boards are unable to take appropriate decisions on the recommendations when considering the offender's cases for release on parole or remission of sentence if the report is outstanding. The audit revealed that 90% of offender files audited, whose sentences total two years and more do not have POL 15 reports as requested by the prison authorities. Refer to figure 10 illustrating the number of POL 15 reports received and not received by the prison authorities.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
POL 15 reports received	22	1	0
POL 15 reports not received	6	6	4
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
POL 15 reports received	9	8	9
POL 15 reports not received	37	71	69
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 10:** POL 15 reports received and not received by the prison authorities

The figure above illustrates a 90% rate of POL 15 reports not received by the prison authorities from the Department Namibian Police. This is causing that the recommendations are submitted to the release boards without these reports.

It was however, confirmed by the questionnaires received from the various police stations countrywide that the POL 15 reports are always outstanding due to the case dockets which are not made available on time to the police investigating officer by the prosecutors at the court after the sentencing of the offenders. As a result the police investigating officer will not be in the position to issue the POL 15 report after sentencing so that the offender can be transferred to the prison with it. The offender will then be admitted at the prison without the POL 15 report with a promise that it will be submitted at a later stage. Consequently, the police investigating officer will complete and submit the POL 15 report to the prison where the offender was admitted after sentencing not knowing that the offender has been transferred to another prison. As a result the POL 15 report will not be forwarded to the prison where the offender is transferred to and the prison where the offender is in custody will send requisitions to the police investigator not knowing that it was forwarded. This is causing a great delay in the administration process by the prison committees before the submission of recommendations which also include the follow-up on the POL 15 report and submission thereof to the release boards.

Documentation analysed also indicated that the prisons are requesting the POL 15 report two to three times from the relevant police station commanders where the case was investigated but were never received in most cases. Furthermore, it has been indicated in the questionnaires that the transfer, discharge or resignation of police investigating officers is also contributing to the non-submission of POL 15 reports. It is indicated that it is difficult for the investigating officer who did not carry out the arrest and investigation of the case to complete the POL 15 report and is therefore, not in the position to avail the necessary information as required due to lack of knowing the offender's background. It is also indicated that the POL 15 report can only be completed if the case docket has the necessary required information and if it does not have such information, the information will not be complete and will therefore be indicated as "unknown". As a result the prison committees are not getting the required information from the POL 15 report because the information is incomplete and does not help them to get the offenders background information in order to do a thorough analysis of the criminal record, risk assessment, needs related to the offender's criminal behavior, security classification and placement.

Furthermore, the case dockets analysed at the Crime Investigation Department (CID) units visited revealed that only one (1) POL 15 report out of the thirty (30) cases received and audited was issued and forwarded to the relevant prison.

<b>Number of case dockets</b>	<b>Dockets issued POL 15 report</b>	<b>Dockets with an option of a fine</b>	<b>Dockets with direct sentence</b>	<b>Dockets of offenders not sent to prison</b>
30	1	21	6	2

**Figure 11:** POL 15 reports issued and forwarded to the prison authorities

The illustration above indicates that 99% POL 15 reports are not submitted to the prison authorities as requested. It was revealed that the POL 15 reports for six case dockets of offenders with direct sentences were not issued by the police and submitted to the prisons. It was indicated by the police station commanders that it is negligence on the part of the police investigating officers to complete the POL 15 report for offenders with direct sentence periods unlike in the case of the offenders with an option of a fine. According to them, they will never know whether offenders with an option of a fine paid the fine or not because the fine money is paid at the courts. They will only come to know when the prison authorities request the POL 15 report from the stations where the offender is remanded in custody. They also indicated that the POL 15 is requested in all cases nowadays by the prison authorities irrespective whether the offenders sentence periods total two years and more. It was however, confirmed by the questionnaires received from the various police CID units countrywide that the prison authorities are requesting the POL 15 reports in all cases irrespective of the sentence period. This is causing a contradiction because the police manual requires the crime investigators to complete the POL 15 reports only if the sentence period totals two years and longer. Therefore, the crime investigators are reluctant to respond to all the requests because some POL 15 reports requested date years back and the crime investigator who was dealing with the case might have been transferred or the information is incomplete in the case docket.

The CID units station commanders also indicated that the prison authorities are still requesting the POL 15 report according to police standing order 321 which is currently outdated and no longer in use because a new police manual has been introduced. However, the audit confirmed that the pro format used by the prison authorities when requesting the POL 15 reports from the CID units is still referring to the police standing order 321. This can be attributed to lack of communication on the part of the Department Namibian Police to inform the prison authorities that a new police manual is introduced.

### 3.4.1.2.2 The J.24 report

During the audit it was found that the prison authorities are submitting the recommendations to the release boards without the J.24 report which is a requirement in the submission. However, documentation analysed indicated that the prison authorities are not receiving the J.24 reports from the courts which are needed for the assessment, classification and proper treatment of the offenders during the observation period and for submission together with the recommendations to the release boards. The J.24 reports are important to the release boards because they are assisting the board members to make appropriate decisions in respect of recommendations submitted. Therefore the release boards are relying on the magistrates restricting orders if there are any, in order to make the appropriate decision to recommend parole or remission of sentence to the Minister. The documentation analysed revealed that the magistrates indeed issued the J.24 reports and make comments on the treatment of the offenders and advise whether they can or cannot be released on parole or remission of sentence. However, it was indicated by the Chief lower courts that the completion of the J.24 reports and the attachment thereof to the warrant of committal is not compulsory because the J.24 reports do not form part of the sentence imposed by the magistrates. It is not prescribed by law that the form should be completed and comments made in respect of whether or not the offenders be released on parole or remission of sentence because the parole and remission of sentence are the prerogatives of the prisons. Refer to Figure 12, for details of J.24 documents received and not received by the prison authorities.

Furthermore, after the follow-up with the Chief lower courts why the J.24 report is not being submitted, a letter was circulated to all the magistrates' courts to comply with the request that the J.24 form be completed and submitted to the prison authorities but they are not obliged to furnish information or remarks on sentences which could possibly influence the offender's treatment, training and release.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>Long-term offenders</b>			
J.24 reports received	19	4	1
J.24 reports not received	9	2	3
<b>Total</b>	<b>28</b>	<b>7</b>	<b>4</b>
<b>Short-term offenders</b>			
J.24 reports received	10	22	5
J.24 reports not received	36	58	73
<b>Total</b>	<b>46</b>	<b>79</b>	<b>78</b>

**Figure 12:** J.24 reports received and not received by the prison authorities

The figure above illustrates a 92% rate of J.24 reports not received by the prison authorities from the courts. This is causing that the recommendations are submitted to the release boards without this report.



### **3.4.2 Discussion of offender cases by the release boards**

#### **3.4.2.1 The National Release Board**

The staff interviewed during the audit indicated that thirty (30) offender cases are received from the various prisons on a monthly basis and the documentation analysed confirmed that the release boards are conducting the board meetings once per month as required which is twelve meetings per year, and sometimes more than required. However, the documentation analysed revealed that the Parole section is always having more than thirty (30) cases ready for the board each month for review but only ten (10) cases per session are discussed and finalised within one (1) hour and maximum (3) hours. There were no registers found for the record keeping of recommendations submitted by the various prisons as well as how the feedback was provided apart from the files. It would be difficult when the prison makes a follow-up with the Parole section if there are no registers.

It was also revealed in the minutes of the meetings and correspondence with Commissioner of Prisons that there is no agreed time-frame for the duration of the board meetings. This causes a backlog of offender cases and a delay in the review of the offenders recommended for release on parole or remission of sentence which results in the offender serving full imprisonment sentence. As a result the Parole section has wasted valuable time and resources on the preparation of these cases to be discussed by the release board.

Documentation analysed revealed a backlog of offender cases for all the financial years under review. The audit revealed that the National Release Board held five (5) board meetings in financial year 2002/03 during which 42 cases were discussed and thirty-three (33) cases not discussed of which in one (1) case, an offender was released while awaiting feedback from the board.

Documentation analysed for the financial year 2003/04 revealed that the National Release Board held sixteen (16) board meetings of which two (2) meetings no cases were discussed. A total of one hundred and sixty-nine (169) cases were discussed and one hundred and thirty-three (133) cases were not discussed of which thirteen (13) cases the offenders were released while awaiting feedback from the board, six (6) cases submitted late, three (3) cases submitted prematurely and three (3) cases were cancelled without any reason being given on the schedule list. A report on Inputs to the Ministerial Annual report for this financial year on Subsection Parole and Release Board Secretariat and release boards was not received.

Documentation analysed for financial year 2004/05 revealed that the National Release Board held thirteen (13) board meetings of which two (2) meetings no cases were discussed by the board. A total of one hundred and eighteen (118) cases were discussed and one hundred and twenty-seven (127) cases were not discussed of which thirty (30) cases of offenders were released while awaiting feedback from the board, one (1) case submitted late to the late and one (1) case submitted prematurely. A report on Inputs to the Ministerial Annual report for this financial year on Subsection Parole and Release Board Secretariat and release boards was not received. The number of cases discussed by the National Release Board has increased for the years 2005/06 to date and some times a maximum of 40 cases are discussed per sitting.

#### **3.4.2.2 The Zonal Release Boards**

The staff interviewed during the audit indicated that at least five (5) offender cases should be ready before a meeting will be considered by the Zonal Release Board. This was confirmed with the documentation analysed and it was revealed that maximum sixteen (16) cases were discussed by the Zonal Release Boards. The audit also revealed that the release boards were also screening offenders

on observation and programmes and advised the Prison Management Committees where necessary on the rehabilitation of the offenders. However, the number of meetings conducted yearly by the release boards could not be established with certainty because of insufficient information received in all the financial years and that the Prison Management committees are not submitting the recommendations to the release board as required. As a result the offenders who were eligible to be released on parole or remission of sentence serve their maximum sentence period while they could have been released to ease congestion in the prisons.

The analysis of the report on Inputs to the Ministerial Annual report 2002/03 on Subsection Parole and Release Board Secretariat and release boards reported that only three (3) of the eight (8) Zonal Release Board regions held one (1) board meeting during the financial year. It was revealed that Farm Scott prison, from Otjozondupa region Zone discussed eleven cases, Gobabis prison, from Omaheke region Zone discussed 11 cases of which none were approved because the recommendations were late and most of the offenders were already released unconditionally and Divindu prison from the Kavango region Zone discussed eight (8) cases. All the other Zonal Release Boards had no meetings during this period. During the interviews the secretaries of the Zonal Release Board indicated that the performance of the release board is hampered by the Prison Management committees because they are not submitting the recommendations and the required information as requested by the release boards.

This was confirmed by the correspondence letters addressed to the Commissioner of Prisons that the Prison Management committees are not submitting the recommendations as well as the required information outstanding on the submitted offender cases to the Zonal Release Boards. The Prison management committees indicated that most of the committee members are always engaged in other duties apart from their functions as committee members and that no quorum is formed at the meetings due to members being absent as a result of work shifts and courses they are attending. As a result the effectiveness of the Zonal Release Boards is hampered and no meetings could take place because there are no recommendations to discuss.

### 3.4.2.3 Funding of release board and committee meetings

The documentation analysed revealed that the budget for the release board and committee meetings is being utilized to maximum every year. However, the audit revealed that the release boards discuss a limited number of cases e.g. ten (10) per sitting and an existing backlog of offender cases were not discussed. The money has been expended to maximum usage every year but not much has been done to tackle the existing backlog of cases and to improve efficiency because no time-frame has been set by the Ministry for the duration of board meetings. Refer to Figure 13 illustrating the expenditure on the release boards and committees for the financial years under review.

Financial year	Total budget	Total expenditure	(Overspent)/ Underspent
	N\$	N\$	N\$
2002/03	91 000.00	96 787.48	(5787.48)
2003/04	60 000.00	59 876.60	123.40
2004/05	60 000.00	59 595.52	404.48

**Figure 13:** Total expenditure on the utilisation of funds on the release boards and committees on the Funds Control System

The figure above illustrates 99% of total expenditure on the release boards and committees according to the Funds Control System. Though the funds have been expended to maximum usage, a backlog of offender cases not discussed was still lingering at the end of the financial years under review.

### **3.5 The introduction of the new proposed Bill for the prison services**

The audit revealed that the Ministry proposed a new draft Bill for the prison services. It was revealed that the Bill proposes many changes with regard to the rehabilitation of the offenders and the release of offenders from prison on parole or probation and remission of sentence. These factors are discussed as follows:

#### **3.5.1 Rehabilitation of offenders**

Emphasis is made to ensure that the offenders are provided with need-orientated rehabilitation programmes that address risk factors for recidivism.

#### **3.5.2 The establishment of community based facilities**

This is meant to facilitate a gradual and controlled release with professional supervision and support to ensure the reintegration of inmates into the society.

#### **3.5.3 Release of offenders on remission of sentence**

The offenders will only be granted remission of sentence after earning and not such a remission automatically as is currently provided for in the prison Act, 1998. This provision changes the use of remission as a clemency measure and making it a tool for a reform.

#### **3.5.4 Release in day parole**

The offenders will be released on day parole and temporary absences from the prison. The offenders will be under the supervision of prison members to do some work outside the prison or to attend school for training or examination. This is provided to test the offenders' ability to behave on the street.

#### **3.5.5 The release of offenders on parole or probation**

The new Bill provides a different procedure for release on full parole of offenders serving terms of imprisonment. Under the new Bill, the National Release Board will authorize the release of offenders on full parole except those serving for serious offences mentioned in Section 105 (2) (c). The offenders referred to under the mentioned section will be released on the authority of the Minister if they are serving 20 years or more according to section 114 and on the authority of the Commissioner when they are serving sentences of less than 20 years according to section 113. Furthermore, an elaborative procedure for the release of habitual criminals and offenders serving life sentences is provided for. The habitual criminals will be released on the authority of the Minister and offenders serving life sentences will be released on the authority of the President.

If the new Bill is passed, the Zonal Release Boards will be abolished and the National Release Board will be the sole reviewer of offender cases for recommendation to the Minister and the Commissioner of Prisons for the release of offenders on parole or remission of sentence. The term of office for the National Release Board will be five (5) years.

However, the performance success of the National Release Board as the sole reviewer of parole cases is questionable if the new bill is to be passed. The National Release Board has been unable to review the cases recommended on time for the long-term offenders and as the sole reviewer one will question what impact will their performance on the volume of cases to be considered for both the short and long-term offenders.

The new Bill does not make provision for the functions of the prison committees for the preparation and submission of the recommendations to the National Release Board unlike in the current Prison Act No.17 of 1998, where provision is made for the establishment of prison committees. The staff interviewed during the audit however, expressed their concerns about the performance of the release board over the years since their introduction and suggested that the boards be structured under the Ministry and assigned with full-time staff members to review the cases because there will be an improvement since they will be in a better position to conclude about an offender case than the appointment of private people to serve on the board.

### **3.5.6 Correctional inspector**

The Correctional inspector will be responsible for the conducting of investigations and inspections in the correctional service and submit a report to the Minister or Commissioner of Prisons as the case may be.

### **3.6 Implementing of Community Service orders in Namibia**

The audit found that the Community Service orders pilot projects were implemented in the four regions namely the Caprivi, Kavango, Oshana and Kunene regions. The mobilization of the pilot projects in the regions were started in May 2002 and the launching was done in June 2005 after the periods currently under review.

The selection of the regions for the pilot projects were based on the regions that did not have prison institutions. The Community Service Orders project was introduced after the Zimbabwe experience had inspired Namibia to ease congestion and reduce cost of maintaining offenders. The Community Service Orders in Namibia is not new but remained unused due to lack of mechanisms to enforce it. The Criminal Procedure Act 51 of 1971, Section 297 was enough to place an offender to do community service orders but was rarely used. The report on the evaluation of the pilot projects were not received at the time of the audit therefore the audit could not conclude the success of the projects.

### **3.7 Compulsory After-care order for released offenders**

The staff interviewed indicated that the provision for a compulsory after-care order is not yet implemented according to the prison Act and will be phased out with the introduction of the new proposed Bill. The staff indicated that the need is there to refer the offenders to the after-care service but that a collaborative system is lacking between the Ministry and the after-care service providers for them to adopt a system whereby an offender can be referred to continue with programmes after release. Therefore, effective integration of offenders is not achieved by the Ministry and as a result the offenders, after a long time of incarceration, are being released into the society with no certainty that they are having the necessary support system in the society e.g. employment and accommodation to deter them not to relapse into crime.

The documentation analysed revealed that the National Release Board were referring the released offenders to Windhoek based organizations such as NAMEC (Namibian man returning to society), CRIS (Criminals returning to society), the Prison fellowship and Bridge (based in Mariental, Hardap region) which are half-way houses providing rehabilitation services, assisting with job seeking and accommodation for the released offenders. The members of the board also indicated that the referrals to CRIS or other organizations are not taken further by the Ministry. However, the Commissioner informed the National Release Board that no smart partnership exists between the Ministry and the aforementioned organisations and advised the board that they should rather refer the offenders to the social workers at the prisons to find them a suitable agency.

### 3.8 Release certificates

Documentation analysed indicated an absence of G.373 forms in the offenders' institutional files at the Subsection Parole and Release Board Secretariat and Zonal Release Boards visited. The audit also found that the prisons are using different G.373 pro formats for the release of offenders. The absence of G.373 in the offender institutional file and the submission thereof to Subsection Parole and Release Board Secretariat result in the section not being able to update its records of offenders released from the prison.

	<b>Financial year 2002/03</b>	<b>Financial year 2003/04</b>	<b>Financial year 2004/05</b>
<b>National Release Board</b>			
Release certificates received	13	4	0
Release certificates not received	30	9	15
<b>Total</b>	<b>43</b>	<b>13</b>	<b>15</b>
<b>Karas Release Board</b>			
Release certificates received	0	9	0
Release certificates not received	0	35	23
<b>Total</b>	<b>0</b>	<b>44</b>	<b>23</b>
<b>Omaheke Release Board</b>			
Release certificates received	0	8	0
Release certificates not received	0	0	0
<b>Total</b>	<b>0</b>	<b>8</b>	<b>0</b>

**Figure 14:** The number of G.373 received and not received from the prisons by Section Parole for the financial years under review.

## CONCLUSIONS

1. The audit concluded that overcrowding is created by the short-term offenders at the prisons countrywide irrespective whether it is at a maximum or minimum prison. The short-term offenders are frequenting the prison because most of them are not rehabilitated because of inadequacy of rehabilitation programmes. The overcrowding at the prison service institutions is aggravated by measures introduced to reduce cost on the movements of offenders on transfers and appearances at the courts. As a result the prison services fail to utilise the space at the other prisons which are not over-capacitated. Therefore the overcrowding remains stagnant at some of the prisons and strips the prison systems of their ability to treat the offenders in a humane way and the challenge of correcting and preparing them for reintegration into society as law abiding citizens may become difficult to meet.
2. Not all the long-term and short-term offenders are undertaken through an observation period which cover aspects such as individual analysis including medical check-up on admission, registration as short-term offenders with the Parole Section, classification into groups, explanation of rules and regulations of the prisons system, and assignment to rehabilitation programmes. Absence of individual analysis results in the offenders not partaking in rehabilitation programmes at the prisons because the prison committees are not conducting the meetings as required to undertake the offenders through the necessary stages during the observation period in the rehabilitation process of the offenders.
3. Not all offenders are having an equal chance to participate in rehabilitation programmes because of the overcrowding. As a result most offenders are not rehabilitated and are released without being rehabilitated. Though the lack of allocation of the offenders to the programmes have been attributed to factors such as pending cases, shorter sentences, paying of fines, releases on remission of sentence, lack of interest on the part of the offenders etc., the main problem that should be addressed is the shortage of rehabilitation programmes.
4. The shortage of effective rehabilitation programmes results in ineffective reintegration of offenders into society and an increase in recidivism especially in the case of short-term offenders. As the audit revealed, most programmes at the prisons are work/skill related and are therefore prioritised for the long-term offenders but is not for all the offenders. Basically the underlying problems that made the offender to commit the crime are not addressed because of a shortage of effective intervention programmes. Therefore the success of the Ministry's endeavours depends on the effectiveness of programmes designed to treat offenders to change their criminal behaviours. The offender can be taught work or a skill but an effective intervention treatment programme is also necessary.
5. The lack of therapeutic treatment programmes at the prisons results in improper guidance and planning of the offenders' therapy especially for offenders with serious crimes such as murder and rape. This is aggravated by the shortage of psychological services. As a result the offenders are not assisted to manage their sentences and to show remorse for the crime they have committed and thereby reduce the risk when released.

6. The shortage of skilled professional staff that can develop and implement correctional plans is hampering the Ministry to realise its goals in terms of rehabilitation. The global paradigm shift in the rehabilitation of the offenders dictates a demand of professional staff at the prison services but the stiff competition outside and the working environment at the prison services is not attracting prospective candidates. The success and implementation of the new system, Offender Management and Unit Management, at the other prisons will be hampered because of the shortage of these staff.
7. Submission of recommendations with incomplete documentation to the release boards lengthens the process and as a result the recommendations will not be reviewed within time because the cases referred back to the prisons are not received back on time or are never received. As a result the offenders maximum sentences expires in the mean time.
8. A limited number of offender cases being discussed at monthly release board meetings result in a backlog of parole cases and eligible offenders will serve their maximum sentences without their cases being considered by the release boards. With the abolishment of Zonal Release Boards according to the new Bill, the functionality of the National Release Board as the sole reviewer of the parole cases will be questionable because the board has not been able to discuss the long-term offenders' parole cases on time let alone to discuss both types of offenders. The volume of cases to be discussed will be much more considering the high number of short-term offenders frequenting the prisons.
9. The lack of introducing a compulsory after-care order for released long-term offenders has resulted in lack of collaboration between the Ministry and the after-care service providers who are providing half-way houses for the released offenders to continue with the programmes they did not complete while in custody and to recuperate until they can sustain themselves. It is widely known that the society is reluctant to associate themselves with the criminals let alone close families. If these offenders are not assisted in the form of half-way houses for them to find their feet and be reconciled with the people they have wronged, they will relapse into crime because of a lack of a support system.
10. Inadequate funding has a serious impact on ambitious programmes planned by the Ministry and can be singled out as a major setback in the Ministry's operations. A big amount of the budget goes to the wage bill and offenders basic needs. The nature of the work in which the Ministry is involved does not give them control over the movement of offenders into the prison, transfer to other prisons and appearances at the courts as may be required. This results in the Ministry prioritising and maximising available resources and as a result neglect other areas of concern such as the rehabilitation of all offenders irrespective whether they are serving short or long-term sentences.

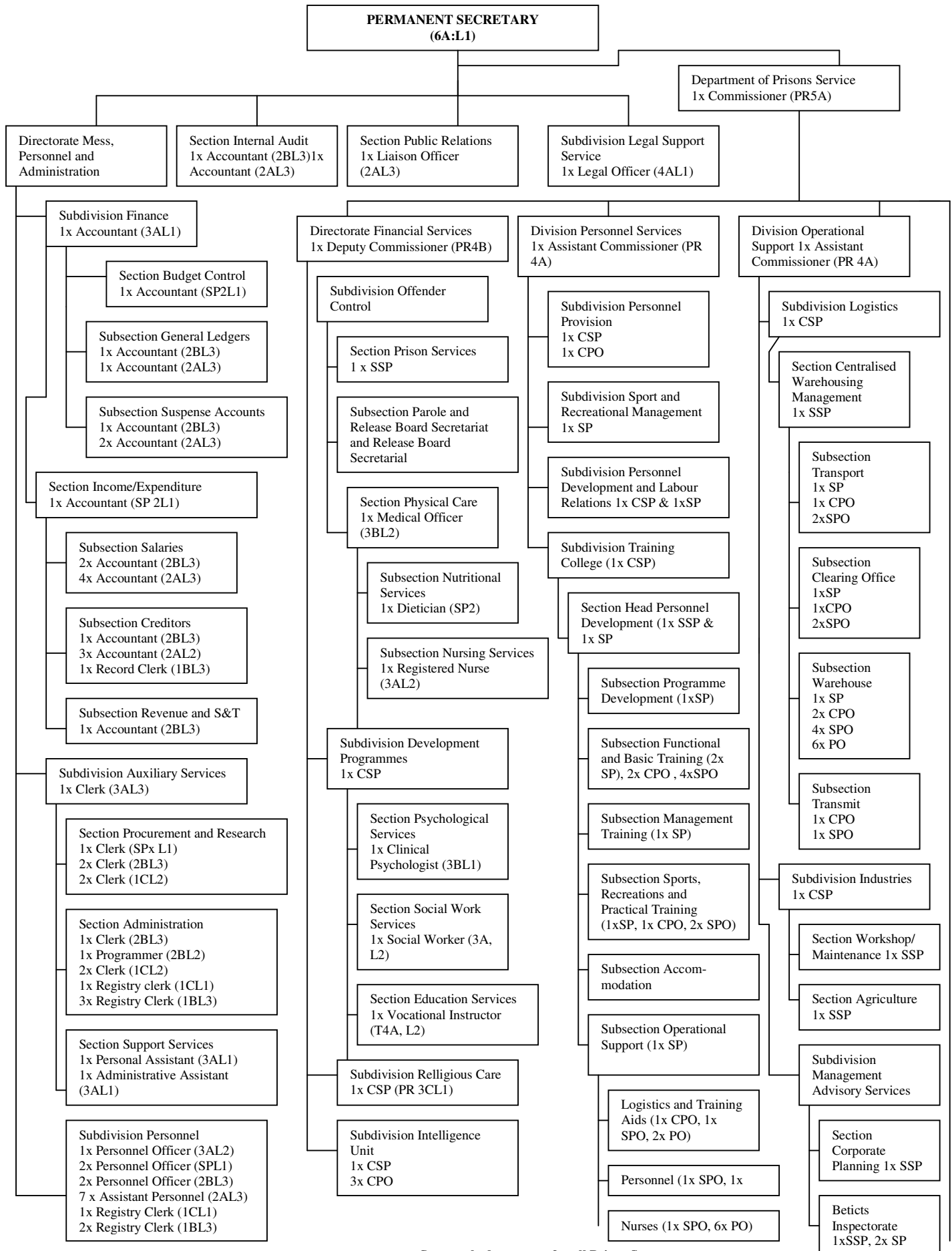
## RECOMMENDATIONS

1. The Ministry should re-classify the present prison institutions according to risk assessment and not only on the length of the sentence. The Ministry should also develop proper guidelines for the prison services on the movements of offenders on transfers so that the offenders can be classified and incarcerated as specified. Formal rehabilitation programmes should be adopted for both the long-term and short-term offenders.
2. The Ministry should emphasize the importance of the prison committees to conduct the meetings in order to take the offenders through an observation period and thereafter the subsequent rehabilitation process of the offenders. The Ministry should implement guidelines on how correctional officers should go about offenders put on hold because of pending cases and those serving short-term sentences. The Ministry should also stabilise a time-frame in which the recommendations should be submitted to the release boards for review in order to release the offenders on time and to impose strict measures for the committees dealing with the recommendations to carry out their functions effectively and submit the lists of all new admissions, dates of minimum sentences, release dates and year plans to the releases board secretariat. The Ministry should also ensure that the committees adhere to the year plans and keep a record system of all board meetings conducted and postponed. The reasons for meetings postponed should be indicated and be authenticated and initialled by the secretary of the release boards. The committees should also keep a register system for the recording of recommendations submitted and feedback received from the release secretariat. The release secretariat should also keep a register system for the recommendations received from the prisons and proper record should be kept when the recommendations are received from the prisons and feedback provided. The release board secretariat should formulate a year plan based on the information received from the prisons which will specify offenders who should be recommended in a particular year as well as to guide them in submitting recommendations timely to the release boards. The release board secretariat should keep record of all the activities of the release boards and how the offenders were released irrespective of whether they are board offenders or not.
3. The Ministry should ensure that all the offenders entrusted into their care by the courts for incarceration should have an equal chance to get rehabilitated by providing the necessary assistance to reform the offender into a law abiding citizen. The Ministry should also introduce measures on how to deal with the rehabilitation of offenders having pending cases, shorter sentences, with the option of fines, releases due to remission of sentence, and lack of interest on the part of the offenders.
4. The Ministry should implement adequate rehabilitation programmes at all the prisons. The work/skill programmes should be accompanied by appropriate effective intervention programmes in the rehabilitation of the offenders. Work programmes cannot change the offenders criminal behaviours. The Ministry should also lobby a smart partnership with other institutions countrywide to offer rehabilitation programmes at the prisons through the display of achievements with those in partnership with them.
5. The Ministry should lobby a smart partnership with the psychologists in the private sector if they are still failing to attract full-time employment to offer part-time therapy programmes at the prisons.



6. The Ministry should attract the skilled professional staff by providing a conducive working environment and competitive salaries so that the Ministry can realise its goals in terms of rehabilitation and effective reintegration of offenders. The success of the implementation of the new systems, Offender Management and Unit Management at the other prisons depends mainly on the Ministry's efforts to acquire this staff.
7. The Ministry should re-emphasize the importance of submitting complete documentation to the release board secretariat and should impose strict measures with regard to outstanding documentation such as the POL 15 and J.24 reports. Strict measures should be imposed for the committees at the prisons to pro-actively double-check outstanding documents during the handing over of offenders at the observation stage and to do follow-ups as soon as possible with the relevant stakeholders.
8. The Ministry should ensure that sufficient meetings should be held to ensure that a reasonable number of offender cases are discussed within a reasonable time and that the backlog is addressed. The Ministry should also ensure that the release board secretariat monitors the activities of the release boards by ensuring that it adheres to the year plans and keep a record system of all board meetings conducted and postponed.
9. The Ministry should establish a smart partnership with the after-care service providers and encourage the establishment of such institutions in the other regions for the benefit of released offenders who need the services and a supportive system. Proper guidelines should also be developed for referrals to the after-care service providers.
10. The Ministry needs adequate funding and should involve all the stakeholders in the justice system. The Ministry should also lobby funding from donors and establish partnerships in order to realise its goals in terms of rehabilitation and reintegration.

**MINISTRY OF PRISONS AND CORRECTIONAL SERVICES**



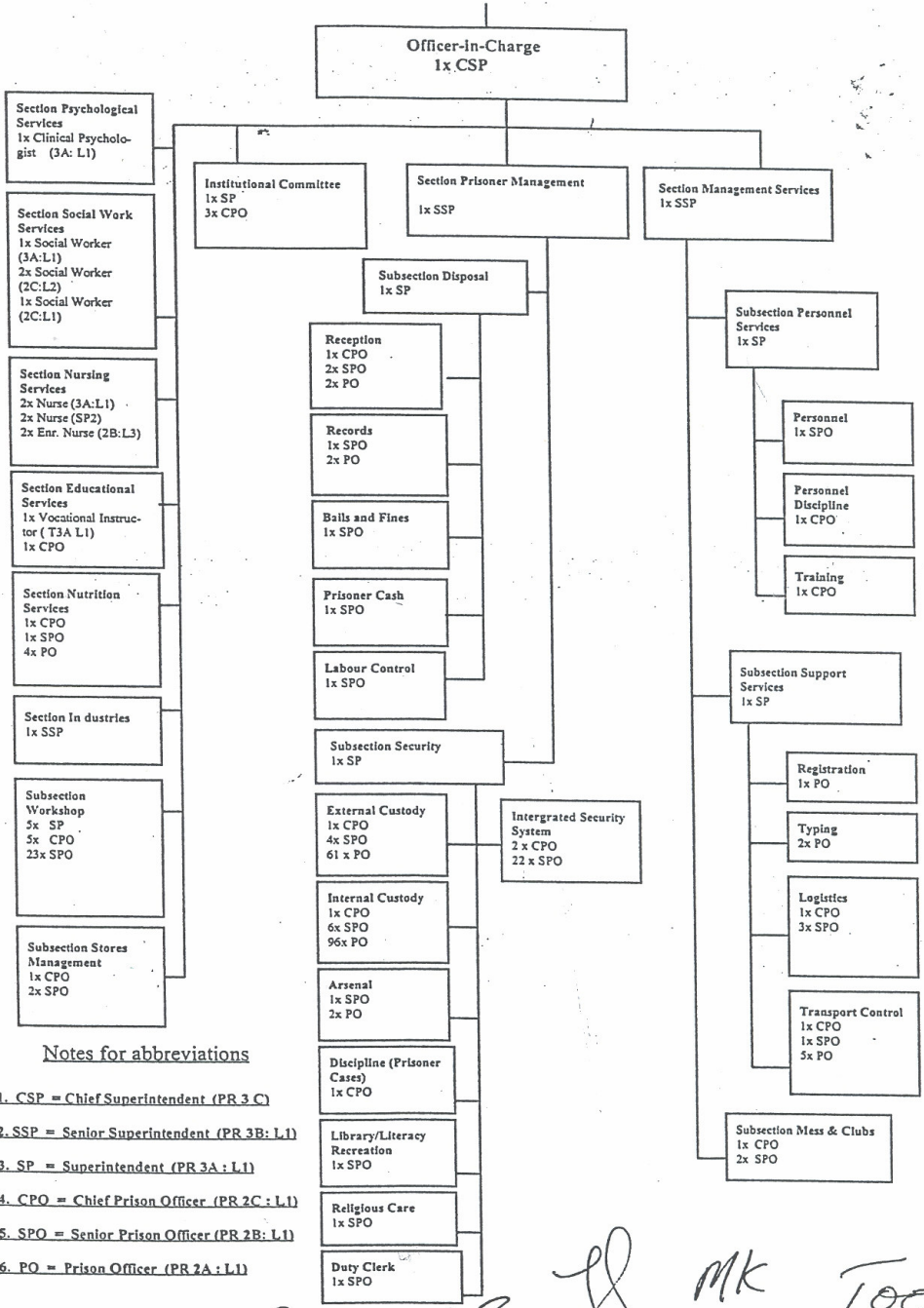
See attached annexure for all Prison Structures.

**Notes for abbreviation:**

1. CSP = Chief Superintendent (PR 3C)
2. SSP = Senior Superintendent (PR 3BL1)
3. AP = Superintendent (PR 3AL1)
4. CPO = Chief Prison Officer (PR 2CL1)
5. SPO = Senior Prison Officer (PR 2BL1)
6. PO = Prison Officer (PR 2A: L1)

ANNEXURE C

WINDHOEK PRISON



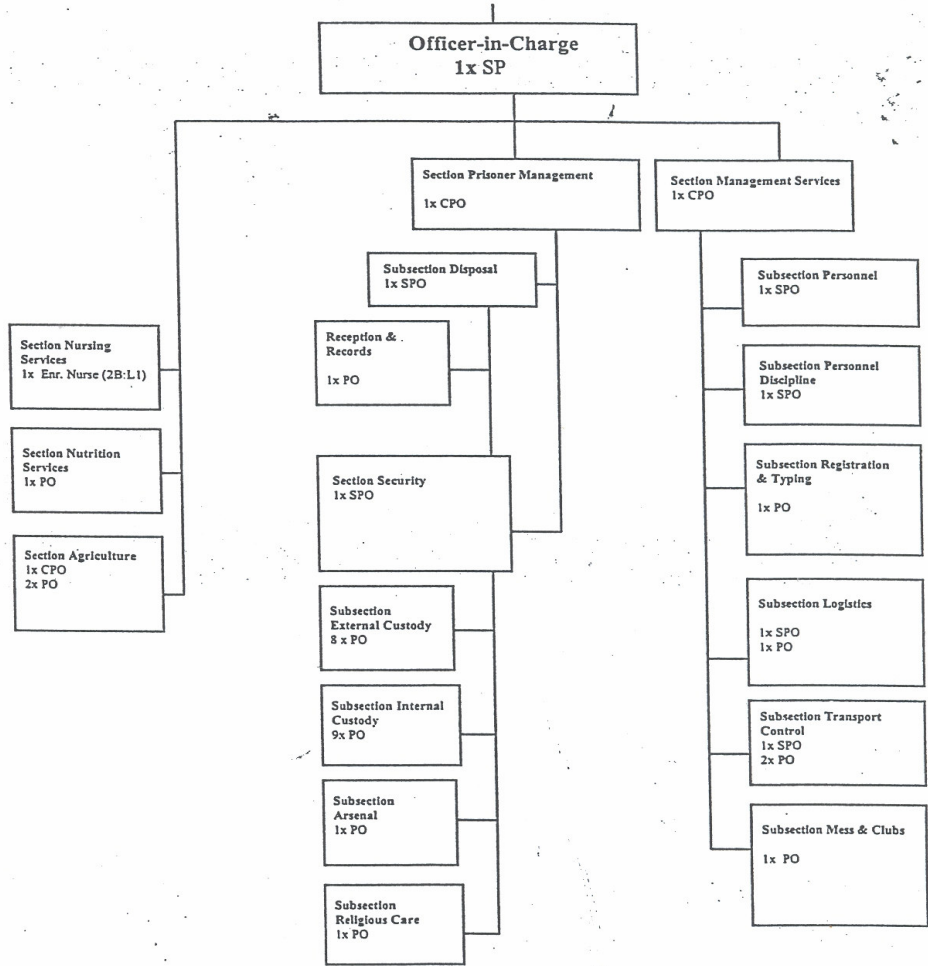
Notes for abbreviations

- 1. CSP = Chief Superintendent (PR 3 C)
- 2. SSP = Senior Superintendent (PR 3B: L1)
- 3. SP = Superintendent (PR 3A: L1)
- 4. CPO = Chief Prison Officer (PR 2C: L1)
- 5. SPO = Senior Prison Officer (PR 2B: L1)
- 6. PO = Prison Officer (PR 2A: L1)

*A*      *AP*      *S*      *MK*      *TOO*

ANNEXURE C

# OMARURU PRISON



Notes for abbreviations

- 1. CSP = Chief Superintendent (PR 3 C)
- 2. SSP = Senior Superintendent (PR 3B: L1)
- 3. SP = Superintendent (PR 3A : L1)
- 4. CPO = Chief Prison Officer (PR 2C : L1)
- 5. SPO = Senior Prison Officer (PR 2B: L1)
- 6. PO = Prison Officer (PR 2A : L1)

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## ANNEXURE 2

### 2.1 The daily report on unlock total of offenders in custody on 27 December 2002

Capacity	Windhoek	Hardap	Oluno	Walvis Bay	Omaruru	Grootfontein	Swakopmund	Keetmanshoop	Lüderitz	Gobabis	Elisabeth Nepemba Juvenile Centre	Divindu Rehabilitation Centre	Tsumeb Farm Scott	Total
Design capacity	912	941	557	300	59	70	88	110	290	220		275		3822
Actual capacity	1412	1018	739	338	96	132	145	168	284	175	140	259	87	4993
Overcrowding in %	54.82	8.18	32.68	12.67	62.71	88.57	64.77	52.73	(2.45)	20.45	0.00	(5.82)	0.00	30.64

### 2.2 The daily report on unlock total of offenders for 29 December 2004

Capacity	Windhoek	Hardap	Oluno	Walvis Bay	Omaruru	Grootfontein	Swakopmund	Keetmanshoop	Lüderitz	Gobabis	Elisabeth Nepemba Juvenile Centre	Divindu Rehabilitation Centre	Tsumeb Farm Scott	Total
Design capacity	912	941	557	300	59	70	88	110	290	220		275		3822
Actual capacity	1126	1040	631	432	136	124	91	135	156	211	110	306	56	4554
Overcrowding in %	23.46	10.52	13.29	44.00	130.51	77.14	3.41	22.73	(46.21)	(4.09)	0.00	11.27	0.00	19.15

### 2.2 The daily report on unlock total of offenders in custody on 27 December 2005

Capacity	Windhoek	Hardap	Oluno	Walvis Bay	Omaruru	Grootfontein	Swakopmund	Keetmanshoop	Lüderitz	Gobabis	Elisabeth Nepemba Juvenile Centre	Divindu Rehabilitation Centre	Tsumeb Farm Scott	Total
Design capacity	912	941	557	300	59	70	88	110	290	220		275		3822
Actual capacity	1395	961	377	432	90	95	122	73	76	124	116	280	83	4224
Overcrowding in %	52.96	2.13	(32.32)	44.00	52.54	35.71	38.64	(33.64)	(73.79)	(43.64)	0.00	1.82	0.00	10.52