

Non-Custodial Sentencing

March 2011

The National Institute for Crime
Prevention and the Reintegration of
Offenders



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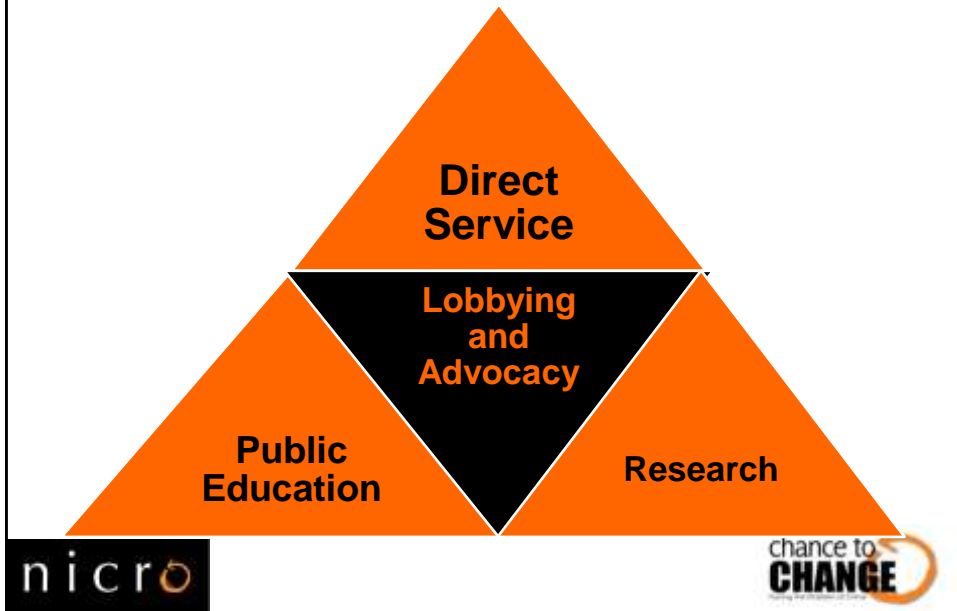


What Is Non-Custodial Sentencing

- NCS is an alternative to incarceration.
- Best practice: to contain behavioural change interventions (programmes / services)
- NICRO's Goal:
 - To reduce likelihood of reoffending
 - To change behaviour
 - To promote restorative justice
 - To reduce exposure of lower risk offenders to prison



Components of NCS Service



Community Service Orders

Domestic violence

Adult and Youth Life skills

External referrals

Restorative Group Conferencing

Substance abuse and addiction

Victim Offender Mediation

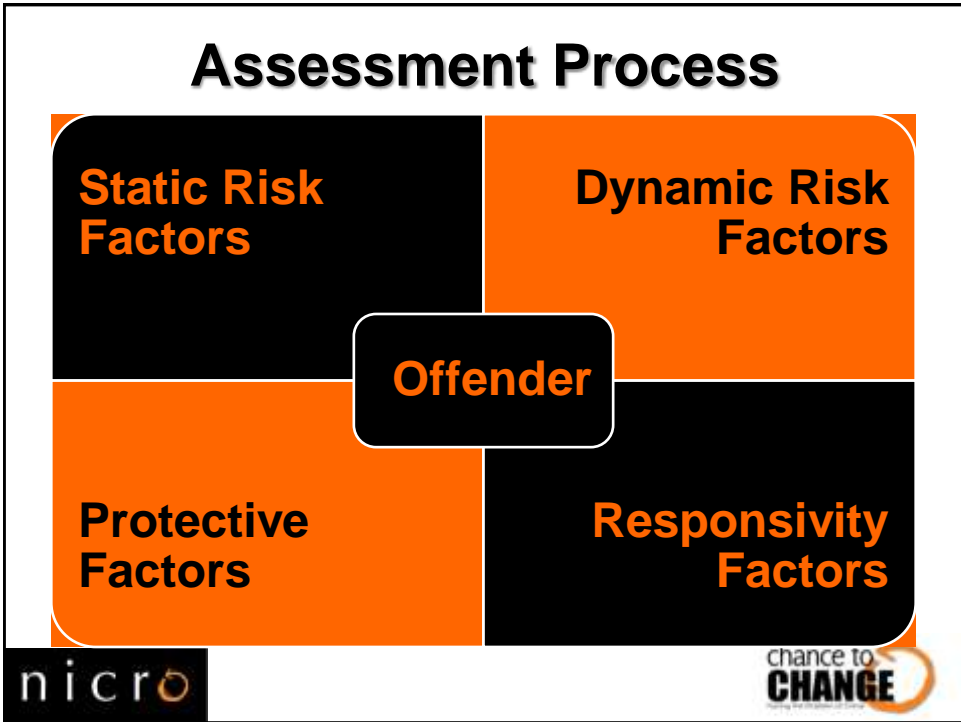
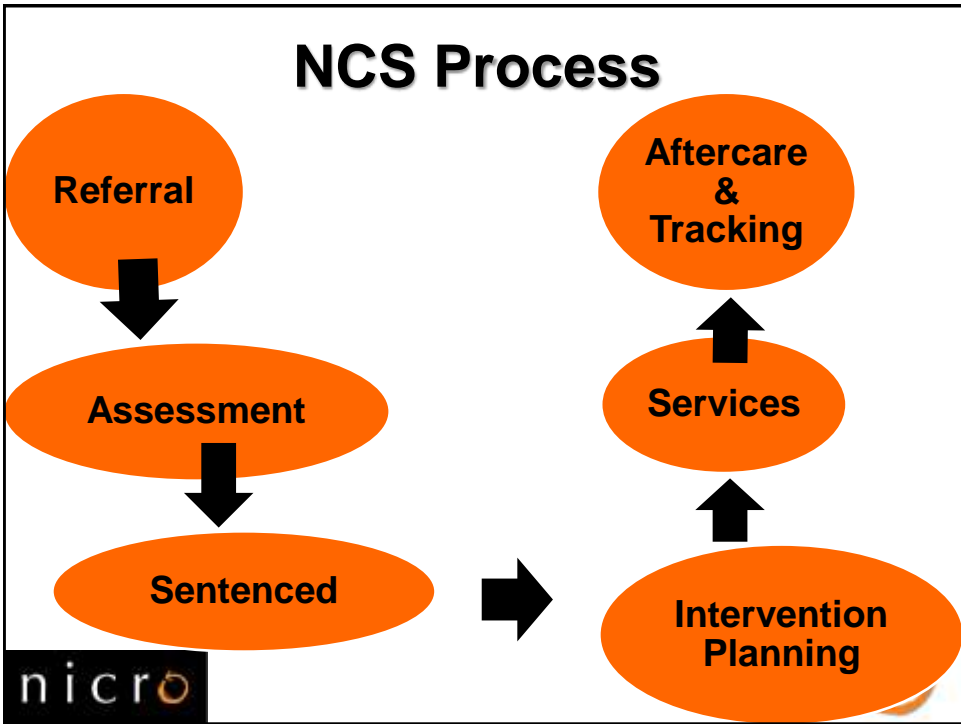
Family Group Conferencing

Aftercare and support

NON-CUSTODIAL SENTENCING

Restorative Justice Principles





Progress of NICRO's NCS Service

- Delivered NCS since 2006 (small scale)
- DoJCD pilot (2008/09)
- NCS service received international funding for five years (2008 – 2013)
- Going into Year 4 of DFID-funded phase in April 2011
- Reaching 35 magistrate courts in all nine provinces
- Expanding to another 9 in April 2011.
- Goal = 52 courts by 2013.



Service Stats

	2008-2009	2009-2010	2010-2011	TOTAL
	Year 1	Year 2	Year 3	Years 1-3
Sites	18	26	35	35
Referrals	26	1349	1429	2804
Assessments	26	1047	1462	2535
Intake	26	895	1278	2199



Referral Sources

Referrals Source	
Magistrate	37%
Prosecutor	30%
Probation Officer	14%
Community Corrections	12%

The logo for nicro, featuring the lowercase letters 'nicro' in white on a black rectangular background.The logo for 'chance to CHANGE', with 'chance to' in a smaller font above 'CHANGE' in a larger, bold font. To the right is a circular arrow icon.

Recidivism and Non-Compliance

- **Recidivism:** tracks re-offending rate. Requires conviction
- **Non-compliance:** tracks behaviour of offender

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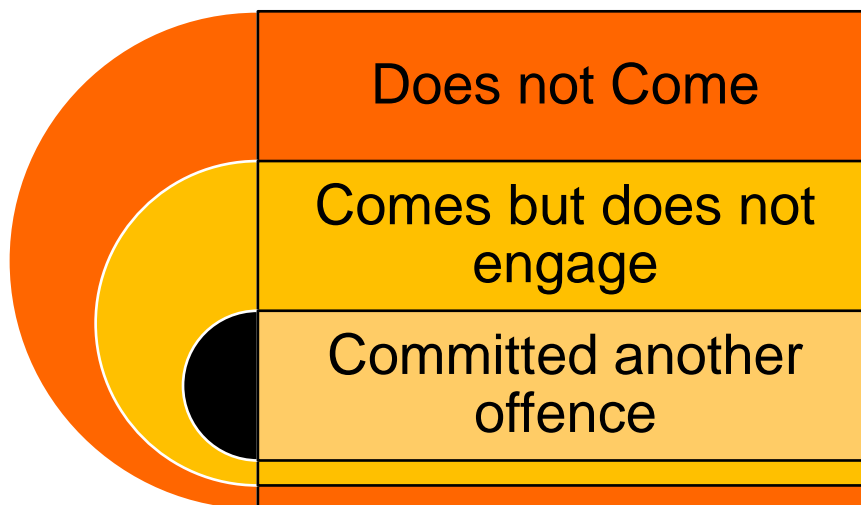
England and Wales 2008

Stream	2008	
Supervision and programmes [NCS]	34.2%	Reconviction within a 18 month follow-up from starting court order
Custody	49.4%	

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Non-Compliance



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Causes of Non-Compliance

Environmental Factors

- Financial constraints
- Time constraints due employment / study
- Offender relocation
- Processes not followed by stakeholders
- Illness or death in the offender's family





Causes of Non-Compliance

Individual Client Factors

- Lack of offender commitment
- Lack of understanding about the consequences of non-compliance
- Resumption or continuation of substances use / abuse by the offender
- Offender has committed another offence and has been arrested / convicted





Thematic Causes	
Lack of Interest / Commitment	10
Employment/Exams/Illness/Moved	9
Stakeholders Not Following Process	5
Financial Constraints	5
Re-offended	4
Continued Substance Abuse	2

NCS Non-Compliance Rate		
Target	Rate at Time of Audit	Current Rate
10%	21%	13%

Measures taken since audit:

- Target social worker professional skills
- Use of MOUs with stakeholders
- Inclusion of non-compliance stats in monthly reports
- Re-orientation of staff RE significance of non-compliance

Public Education and Awareness

- Community engagement workshops: 67
- Baseline public attitude survey (253:54%)
- Before and after attitude surveys (373:45%)
- Sentencing stories booklets
- Facebook

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Public Education and Awareness

- Media coverage (R 7,698,059.01)
- NCS videos
- NCS Toolkit
- Online Knowledge Forum: [NING](#)
- "How To" Start Up Guide

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Profile of NCS Offenders



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Profile of Offenders on NCS

Racial Profile	NCS	Prison
African	73%	80%
Asian	3%	1%
Coloured	15%	18%
White	9%	2%
Gender	NCS	Prison
Female	19%	2%
Male	80%	98%

Note: the following statistics are for the April 2009 – March 2010 period. Figures may not add up to 100% due to rounding off.

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Profile of Offenders on NCS

Employment Status	
Unemployed	43%
Formally Employed	20%
Scholar	12%
Casual Employment	9%
Self Employed	5%




Profile of Offenders on NCS

Age Profile	
15-16	5%
17-18	11%
19-20	13%
21-22	14%
23-25	8%
26-29	11%
30-39	21%
40-49	10%
50-59	6%




Profile of Offenders on NCS

Education Profile	
School Drop Out	49%
Completed School	14%
Schooling	13%
Tertiary Education	4%
No Schooling	3%




Profile of Offenders on NCS

Offences	
Theft/Attempted Theft	22%
Assault GBH	16%
Housebreaking/ Attempted	10%
Common Assault	9%
DUI	8%
Shoplifting	6%
Fraud	5%
Possession of narcotics/ alcohol	5%
Malicious damage to Property	3%
Robbery/Armed Robbery	3%




Profile of Offenders on NCS

Sentences	
Suspended Sentence	80%
Correctional Supervision	10%
Conditional Postponed Sentence	7%
Imprisonment	1%
Committal to Treatment Centre	1%

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Profile of Offenders on NCS

Sentence Length (Suspended and DCS)	
6-12Months	27%
3-6 Months	24%
5 years	18%
1-2 years	15%
2-3 Years	12%
3-4 Years	5%

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Challenges to NCS

- Low referrals
- 38% turnover of social workers 2010
- Some hostility towards NGOs acting as independent service providers
- Capacity challenges across the board to:
 - Lack of knowledge of evidence-based practice
 - Invest adequate time in the NCS process
 - Attend information workshops
 - Track and monitor offenders



Challenges to NCS

- Long term sustainability of the NCS service beyond NICRO
 - Funding beyond the five year project
 - Capacity of other organisations to reach the remaining magistrate courts and the High Courts.
 - Formalising relationships with key stakeholders at provincial and national level.
 - Adults are not a government funding priority IRO Child Justice Act



Questions

