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## **PARTICIPANTS' PAPERS**

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### **COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT COUNTRY REPORT – BOTSWANA**

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#### **I. INTRODUCTION**

Rehabilitation and restoration of the offender have over the years superseded safe custody and security in becoming the most important aspects of the offender's experience in prison. Offender treatment has become a strong focus and it is used to target factors that interact to increase the likelihood of the offender engaging in criminal activity. The type of community one grows up in, or is a part of, is regarded as a risk factor for an offender's initial crime or recidivism, although it is not a straightforward connection. Even more influential to the criminogenic factors is the individual's immediate social environment (family, school, neighbourhood, etc).

These factors, when considered, indicate clearly that there is a need to include the community in the process of rehabilitating the offender. The community can be a very important resource in the treatment of the offender and there is abundant information that shows that they can be a significant catalyst in the altering of the offender's character and criminal ways. Botswana as a country recognizes all of the above, but as this paper will show, actions to incorporate this knowledge into the offender rehabilitation programmes by the criminal justice system have been extremely slow. To start the discussion though, the paper will give a brief history of offender rehabilitation in Botswana (most of it will concentrate on the prison system as that is currently where most of the rehabilitation work is done). Then it will outline community involvement in Botswana, including the successes and the challenges. The paper will also discuss how the challenges to community involvement in the treatment of the offender can be addressed.

#### **II. BRIEF HISTORY**

The Botswana Prison Service (BPS) introduced rehabilitation as part of its core mandate in 1979 when it realized that the heavy emphasis on safe custody and security was not yielding desired results in terms of curbing and preventing further crimes by offenders. Similar to other prisons in the world (but perhaps a little behind the times) the department was moving away from being punitive, to ensuring that the offender was rehabilitated through psychosocial treatment, education and training in various skills.

Different professionals were introduced to the BPS to offer vocational training to the offenders to equip them with a means of taking care of themselves after release from prison. The next year (1980) professionals from sectors including Social Work, Chaplaincy, Health and Adult Education were also introduced. These professionals were responsible for ensuring that on release from prison, offenders would be changed people, no longer interested in criminal activities and also able to provide for themselves and their families utilizing the trade skills that they learnt while incarcerated.

The programmes introduced by these professionals have grown, but despite having the highest number of professionals, the Prisoner Administration and Rehabilitation Office (PARO) is facing many challenges. These include shortage of skilled staff which results in the use of unskilled manpower, high attrition, poor or lack of facilities and poor funding. The Division therefore struggles to offer rehabilitation programmes to offenders.

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### III. CURRENT SITUATION OF COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT

The government agencies that make up the criminal justice system in Botswana were previously located in different Ministries but have been all recently moved into one Ministry (Ministry of Justice, Defence and Security). The BPS, which was previously under the Ministry of Labour and Home Affairs, has been the major stakeholder in offender treatment as most sentences in Botswana are custodial. Given this background, community involvement in offender treatment for Botswana has been a serious challenge for the criminal justice system. Generally, there is a culture of “out of sight, out of mind,” and Botswana have been satisfied with knowing that an offender had been arrested, tried, and given a custodial sentence. (A situation that has seen the country have the third highest rate per 100,000 of its incarcerated population (Tkatchuk, 2003)). The public (it would seem) believed that offenders were getting their just desserts and trusted that the BPS would do their job with no interference/assistance from them. This attitude from the public was supported or rather perpetuated by the guarded culture that the BPS has had in the past. The department emphasized *Security and Safe Custody over Rehabilitation*. Safe Custody and Security were perceived as more important because, as it has popularly stated “*who will you rehabilitate if the prisoners are not there or have escaped*”. The emphasis on security often meant that the community was kept out of all activities carried out by the department as it was believed that any involvement could lead to a security breach.

The environment described above had an impact on the BPS's ability to engage the community in the process of rehabilitating the offender. This however did not deter everyone in the community as there was still a small number who were determined to assist the prison service. These were mostly religious organizations and associations, though there were individuals that have become involved in offender treatment.

In the past two years, the department has seen a dramatic change in the community's level of involvement in the treatment of offenders. This change can be attributed to the current Commissioner Colonel Silas Motlalekgosi, who values the important role that the community can play in helping the department rehabilitate offenders. Commissioner Motlalekgosi strongly believes that *Rehabilitation and Reintegration* are just as important as *Safe Custody and Security* and this has influenced the current focus on community involvement in offender rehabilitation. This has seen a paradigm shift in the department where there has been an effort to equalize all the support (e.g. management support for projects, funding, infrastructure, lobbying for political support etc.) given to aspects of the BPS's mandate. The Commissioner has started with lobbying the *Bogosi*,<sup>1</sup> private businesses, non-governmental organizations and faith-based organizations as well as artists, athletes and other individuals that are seen as key stakeholders. The Commissioner has held a series of events (breakfast meetings, *Kgotla*<sup>2</sup> meetings etc.) that were aimed at sensitizing the community to the needs of the department.

The BPS has started a strong campaign in the community targeting all stakeholders, including those who are deemed especially important to the rehabilitation and reintegration process. In fact, stakeholder involvement has become an important part of the department's strategic plan for 2010-2016 (Botswana Prison Service 2010). The Strategic objective P1 states that “*The Botswana Prison Service will strengthen partnership with the communities, volunteers and other stakeholders in order to provide coordinated supervision of programmes*” (Botswana Prison Service 2010). Another strategic objective P3 states that “*Botswana Prison Service will improve communication in order to strengthen partnership with the community, volunteers, and other stakeholders to intensify effective and efficient two way communication*” (Botswana Prison Service 2010). These strategic objectives clearly indicate that the department is dedicated to the involvement of the community in its treatment programmes for offenders.

The Prisoner Administration and Rehabilitation Office (PARO) Division, as the spearhead of rehabilitation efforts, is committed to ensuring community involvement in its programmes, as evidenced by its plans to introduce case management and restorative justice to the department. Case management will help the department determine the individualized needs of the offender and therefore make it easier for us to determine the areas in which the community can assist us. On the other hand, taking a restorative justice stance will allow the department (and the criminal justice system as a whole) to start involving victims in the treatment of offenders. Victim and offender reconciliation is an area that the country is lagging behind in but the department

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<sup>1</sup> “Bogosi” is a Setswana word referring to the chieftainship. Botswana has been very successful in including its chieftainship in the Criminal Justice System.

<sup>2</sup> “Kgotla” is where Chiefs hold their meetings and “Kgotla” meeting refers to a public meeting.

is determined to incorporate it into its programmes.

To ensure that this happens, the PARO Division is in the process of devising a new rehabilitation policy that will make community involvement an integral part of its rehabilitation programmes (PARO, 2010). The BPS is planning to introduce a rehabilitation system that allows for individualized plans for each offender that will start from initial contact with the prison to time of release. With this will be the introduction of case management, restorative justice and aftercare. At the heart of all these strategies is the idea of involving the community as the department has realized that rehabilitation efforts have a better chance of succeeding if the community is involved.

## **A. Examples of Community Involvement in Offender Treatment**

### **1. Religious Community**

Religious groups in Botswana (especially the predominant Christians) have been providing assistance for the treatment of offenders. Churches not only visit the prisons to hold regular services but also provide for other needs that the offenders may have, such as spiritual counselling, clothing and toiletries for those who have no or little family support, and also connecting with the families of the offenders to offer them support as well. Recently we have had churches donate television sets to the prisons along with satellite dishes so that they can access free channels. Pastor Justine of World Community Counselling Centre donated eight television sets and eight DVD players while the Seventh Day Adventist Church donated television sets and decoders to all the prisons in the country (Chaplains Unit, 2009). This has enabled the offenders to watch personal growth channels that cater to their spiritual needs as well as provide much-needed entertainment.

The Christian Fellowship has also been very active in visiting prisons and providing spiritual counselling to the prisoners. One of the members (Pastor Tonic) has started an after-care programme for ex-offenders that provides follow-up services. There is also Pastor Reddly in Palapye in the Central District who conducts services at Serowe New Prison (Chaplains Unit, 2010). Pastor Reddly has also started a gardening programme for ex-offenders by providing land where the ex-offenders can grow their own vegetables to sell and feed their families. These services that are provided by the community have greatly helped as the department has not yet established after-care programmes for ex-offenders.

### **2. Industries and Vocational Training**

Vocational training has been slow in coming up with programmes to assist prisoners in using these skills to create jobs for themselves and other Batswana once they complete their sentences. Community involvement in this regard has also been sparse with only a few private companies and individuals offering their assistance. Examples are Line Feed (Upholstery) and Western Furniture (Carpentry) which hire ex-offenders in their workshops. The Department has however realized that unemployment and low socioeconomic status are a huge risk factor for recidivism. To address this problem, the department is in the process of introducing the 'Kick-Start'<sup>3</sup> programme. The aim of the programme is to assist offenders who have been released from prison by allowing them the use of prison workshops, providing them with materials for production. Ex-offenders will be encouraged to use the facilities and materials supplied to make some money so that they can eventually start their own businesses. The department has also engaged other government agencies that offer financial assistance and training to help by coming up with packages that will assist the ex-offenders in setting up their own businesses. This programme will also be encouraging the community to help where they can by their facilities available to ex-offenders (e.g. vocational training centres and brigades).

### **3. Social Welfare**

The Social Welfare Unit is responsible for liaising with local authorities to ensure that offenders are offered assistance after release and to ensure continuity of care for those that have been receiving treatment. For instance, ten prisoners received clemency from the president at the beginning of the year. All these offenders had served long sentences (all had served over 20 years) and had participated in the rehabilitation programmes and responded well to the treatment programmes. Offenders were, upon their release, handed over to their local *Kgosi*,<sup>4</sup> social worker, health authorities, and families. This was done to ensure that these offenders would reintegrate well into their communities, which was expected. Prison Social Workers who visit them monthly

<sup>3</sup> The Kick-Start programme started as a response to President Lieutenant General Seretse Khama Ian Khama's plea for government departments to improve service delivery. The programme is in the planning stages and is currently awaiting approval from the Ministry of Finance and the Attorney General's Chambers.

<sup>4</sup> "Chief" in the Setswana language.

have found that these offenders are settling well and getting a lot of assistance from the community.

#### 4. Health

Health is a big problem in Botswana as the country is one of those most affected by HIV and AIDS with a prevalence rate of 17%. Prisons have also been affected and have a prevalence rate of 14% (Health Unit Annual Report). Tebelopele<sup>5</sup> has been assisting the service and comes once a week to provide HIV counselling and testing for inmates and officers. According to the Health Unit Annual Report (2008/2009), of the 2,586 people that received counselling, 1,909 agreed to be tested for HIV. Of this number only 272 tested positive for HIV. This has made it easier for the Health Unit (in collaboration with the Ministry of Health) to offer antiretroviral therapy to prisoners.

The Health Unit has also been successful in engaging the family of offenders with HIV and AIDS in their care. It introduced a Home Based Care programme for offenders who terminally ill. In this programme the inmate is handed over to their family so that they can look after them at home. The prison health staff and social worker continue to look after the offender by doing home visits to offer the family support in looking after them. Care for offenders who are HIV positive continues after they are released as the health workers ensure that they are referred to community health services so that they can continue their treatment.

#### 5. Young Offenders

Juvenile offenders (14 to 18 years) in Botswana are generally not given prison sentences but despite this there is one juvenile detention centre, located in Molepolole (Ikago Centre). The centre is operated by the Department of Social Services and caters for young offenders between the ages of 14 and 18. These young offenders are given vocational skills while receiving psychosocial assistance from social workers. Unfortunately this facility only caters for male offenders and thus, female offenders do not have any custodial facility.

Other juvenile offenders are given probation instead of being sent to Ikago Centre and are placed under the care of probation and after-care officers in the Department of Social Services. The probation officer liaises with community service providers such as psychologists and social workers as well as other youth organizations to ensure that the juveniles get the necessary assistance.

All other young offenders above the age of 18 are generally sent to Moshupa Boys Prison<sup>6</sup> (again there is no female equivalent). This prison has a number of challenges such as shortage of staff and poor rehabilitation resources (including facilities, materials and infrastructure). Fortunately, we have the support of Boikhutso Khubamang, a young professional boxer who has been engaged with the department for a few years now. Mr. Khubamang helps the boys' development, not only with boxing skills, but also by engaging other professionals in programmes to develop music skills, entrepreneurial skills and even to provide mentoring and counselling (Mr. Khubamang in a private conversation, 2010). He has also engaged other local agencies such as the Local Entrepreneurial Agency, and the Citizen Entrepreneurial and Development Agency to help in empowering the young boys with business skills as well as funding (upon release). The department is fully using Mr. Khubamang's services and he has recently embarked on a roadshow funded by the Ministry of Youth, Sports and Culture that allowed him to extend his service to other prisons in the country. The roadshow started with prisons in the northern region of the country and included boxing matches and music from local artists and the local entrepreneurial services that will be available to the offenders. In the next year the roadshow will be taken to other prisons in the southern region.

#### 6. Publicity

The public relations office has been very active in trying to engage the community in the treatment of offenders. The unit has been participating in a number of talk shows on the national television channel (Botswana Television), and has also been engaging with various stakeholders to teach them about the importance of taking part in offender rehabilitation. The Commissioner of Prisons, Col. S. Motlalekgo, has also started a project titled "*Working with the Community to Empower the Offender*" (Organising Committee Draft Report, 2010). The aim is to sensitize the community to offender rehabilitation and treatment needs by

<sup>5</sup> Tebelopele is a non-governmental organization that provides voluntary counselling and testing for HIV.

<sup>6</sup> Moshupa Boys prison started operating in 2009. Before then there was a boys prison in the capital Gaborone but this has since been turned into an adult facility.

showing them that even during imprisonment, offenders are still part of the community and therefore deserve some compassion, assistance and acceptance. The project aims to involve local artists, businesses, and civil society in general to highlight to the community that it is imperative that offenders be transformed into better citizens before they go back to society. It is also aimed at improving the inmates' chances of reintegration back into society once released from prison. In Botswana it has been observed that some offenders deliberately commit crimes so that they can go back to prison where they are sure of care and this makes this project absolutely essential. It is also hoped that the project will promote reconciliation and reconnection of prisoners with the society by engaging the community in interventions that will improve the attitudes, and (criminal) behaviour of the offenders.

## **B. Challenges**

Rehabilitation and reintegration are a serious challenge for the BPS. As stated before, the nation of Botswana has historically had an "*out of sight, out of mind*" mentality to those who enter the prison system. The nation however is not the only stumbling block in this endeavour as the department has challenges that are idiosyncratic to it. The organizational culture (which emphasizes a paramilitary leadership) is a serious challenge to rehabilitation in Botswana. According to a needs assessment by Tkachuk and Mason in 2003, this culture is a hindrance in engaging the community and other stakeholders. This culture makes it hard for the community to trust the department.

The reserved culture has also made it difficult for the community to know about BPS's rehabilitation efforts and is therefore making it hard for them to believe offenders are capable of change. This issue has also contributed to the poor reintegration of offenders as the community is not willing to assist them by hiring, accommodating, or even believing that they have been rehabilitated. The media has also been a problem as they tend to run only negative articles about the department or offenders, thus making the community fear them.

Poor coordination within the department has also been a problem as there have previously been no procedures or policy to guide the process of community involvement. This left the department vulnerable to losing potential partners, as well as in some cases, being exploited by partners. Additionally, correctional facilities are not a top priority for governments and are therefore poorly funded (as compared to other criminal justice departments) and this is no different in Botswana. Lack of funds has often resulted in the few members of the community that were concerned with helping offenders losing interest because of the lack of funds.

There has also a serious problem of shortage of skilled manpower as well as poor deployment of the rehabilitation staff. Lack of human capital has meant that some of the programmes that were meant to rehabilitate offenders have been poorly executed. It has also meant that there has been no office that was directly concerned with the involvement of the community and other stakeholders.

Legislation has also been a problem in Botswana as we do not have any statutes that support offender rehabilitation. For instance, we do not have legislation that allows for community service sentences. This could be one way of showing the public that not all offenders are dangerous and that they can be of service to the community. The section that talks about rehabilitation in the Prisons Act (ss. 90-91, Botswana Prisons' Act 2000) is very short and vague. It does not talk about any form of rehabilitation in any specific terms and merely states that they will be given training and treatment. There is no mention in the Act of engaging the community. It must be stated for the record that the BPS is currently in the process of changing the Prisons Act.

## **C. Way Forward**

The BPS has undergone a shift in the way it perceives offender treatment and has over the past two years made changes that signify its commitment to offender rehabilitation that is not only effective, but involves the community. To address the challenges that it is facing (e.g. staff shortage, poor deployment, etc.) the department has revised its organizational structure<sup>7</sup> and the new structure will be supportive of all rehabilitation efforts, including community involvement. However there is still some work that needs to be done to make this a reality, including:

<sup>7</sup> The organizational structure is awaiting approval by parliament before it is implemented.

- Rebranding to improve the organization's image and reputation in the community.
- Improving the department's policies and procedures to make it conducive to community involvement.
- Benchmarking with other countries (especially African and other developing countries) that have achieved community inclusion in their rehabilitation of offenders.
- Legislating to allow for community sentences and community-based rehabilitation.
- Increasing funding of all rehabilitation programmes.
- Collaborating with civil society to start halfway houses and other community-based treatment facilities.
- Increasing public awareness efforts aimed at engaging the community in offender treatment, especially utilizing the print and broadcast media.
- Government policies in general need to be changed, e.g. the BPS and the Department of Social Services policies that target offenders need to be aligned so that there is no duplication of duties or any blind spots.

#### **IV. CONCLUSION**

Community involvement in the treatment of offenders is no doubt very important to the outcome of the rehabilitation efforts of the prison service. The Botswana Prison Service recognizes this issue and is making efforts to incorporate it into its operations. There are however many challenges to this as has been discussed in the paper and a lot of effort is going to be needed for community involvement to become a reality. There is hope however, as the department has a strong management that is committed to offender treatment in general. As discussed in the paper the strategic foundations of the department clearly indicate this. There is a strong belief that in the next few years, Botswana society will know that offenders do not cease being a part of the community when they are sent to prison. The community will be made to see that when offenders see the community believing in them and assisting them then change becomes easier and more enduring.

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