

PAROLE AS A WAY TO REDUCE OVERCROWDING IN ZAMBIAN PRISONS: A
COMMUNICATIVE AND PARTICIPATORY APPROACH

By

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2012

DECLARATION

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ABSTRACT

The Prisons Service is one of the agencies of the Criminal Justice System in Zambia. The Zambian Criminal Justice System is founded on the Western concept of criminal justice. The concept is governed by the Roman Philosophy and legal notion *Justitia* whose justice is generally referred to as *lex talionis*. This concept defines crime as a violation of the state. Justice, therefore, focuses on establishing guilty and blame. Since justice is defined by intent and not by process, the interpersonal conflictual nature of crime is obscured and consequently crime comes to be seen as conflict between the individual and the state. The Judicial process works purely on legal terms devoid of moral or social dimensions. The Victim is represented by the state while the offender participates in the legal process only to attest to guilty.

Taking into account the ever increasing crime rate in Zambia, and the intrinsic dependency of the criminal justice system on incarceration, more and more people continue to be locked up in prisons. The resultant is severe overcrowding in the penal institution. Zambia has a prison population of over 16, 000 prisoners against the official holding capacity of 5,265.

The use of participatory communicative approaches is essential in the administration of parole, as this would provide interventional measures aimed at reducing overcrowding in Zambian Prisons. Many people are in prison because of felons and other social crimes. Improved participatory communication in the administration of parole within the communities and the creation of linkages among key stakeholders in the criminal justice system can help reduce criminal behaviour by providing parolees with community based correctional interventions; acceptance, forgiveness, mentoring, job placements, family ties, increased spiritual care and counselling, networking for social support, and eventual reintegration of offenders into society as useful and productive law abiding citizens.

Dedicated to my late beloved Sister Christine Mwanza

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ABBREVIATIONS/ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
APAI	Association of Paroling Authorities International
AMP	Anger Management Programme
AVP	Alternative to violence Programme
COP	Commissioner of Prisons
CJS	Criminal Justice System
DEC	Drug Enforcement Commission
ESU	Extension Services Unit
FGD	Focus Group Discussion
HARID	Home Affairs Research and Planning Information Department
HIV	Human Immunodeficiency Virus
IEC	Information Education Communication
IG	Inspector General
LDPP	Long Distance Parenting Programme

MCDSS	Ministry of Community Development and Social Services
MHA	Ministry of Home Affairs
NGO	Non – governmental Organization
NPB	National Parole Board
OAP	Open Air Prison
OIC	Officer in Charge
PO	Parole Officer
QSP	Quit Smoking Programme
RCO	Regional Commanding Officer
RDC	Reception and Discharge Committee
SATI	Substance Abuse Therapeutic Intervention
SOP	Sexual Offenders Programme
SPSS	Statistical Package for Social Sciences
TOL	Tickets of Leave
UNESCO	United Nations Education and Scientific Organization
USA	United State of America
ZP	Zambia Police
ZPS	Zambia Prison Service

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CHAPTER ONE

1. INTRODUCTION

The issue of prisons, and particularly prison overcrowding, and the inherent human rights problem, remain a matter of great concern to Zambia today. The major challenge is that of addressing prison overcrowding across the country and how prisoners can be availed with alternative interventional programmes to support them successfully rehabilitate and reintegrate into community as useful law abiding citizens who can, upon discharge, contribute to national development and public safety

To the average person, the word “prison” more than any other form of punishment represents the law’s threat against the wrong doer. In all times, punishment by the state has been motivated by desires to intimidate the criminal, inflict suffering upon him, deter him and others from crime, and protect society. Until a couple of centuries ago, it was assumed that these aims could best be secured by corporal and capital punishment. The old laws of Europe vied with each other in the number and the diversity of these penalties. Death was inflicted in various ways, one more frightful than the other. Among the corporal punishments, the lash was prominent, and branding and maiming were frequently employed. The ordinance of 1670 in France, for instance, which regulated criminal law and procedure through the realm, recognised the prison only as a place of detaining of prisoners held for trial or awaiting the execution of the penalty imposed by the court. The best known of the French treaties on criminal law written during the eighteenth century, before the French Revolution, adopted the same attitude toward the prison. In England on the other hand, the prison as a form of punishment had been used for a considerable time.

History indicates that as early as the tenth century, certain minor offenses brought loss of liberty for specified periods to the criminal; and as each succeeding century unrolled, this penalty was used more and more frequently in any case without displacing corporal and capital punishment. For most of history, imprisoning has not been a punishment in itself, but rather a way to confine criminals until corporal or capital punishment was administered. Only in the 19th century, beginning in Britain, did prisons as known today become commonplace. The modern prison system was born in London and New York, influenced by the utilitarianism of Jeremy Bentham (Vanness 1986, pp. 70-74).

Bentham's panopticon introduced the principle of observation and control that underpinned the design of the modern prison. The notion of prisoners being incarcerated as part of their punishment and not simply as a holding state until trial or hanging was at the time revolutionary. This is when prisons had begun to be used as criminal rehabilitation centres.

The unique American contribution to the punishment of criminals has been the prison. The Philadelphia Walnut Street Jail of 1790 was an historical event in the development of prisons in America and the globe (Vanness 1986, p. 74).

The early experiments of imprisonment had been a few instances where imprisonment was used as punishment before 1790. Monasteries in Europe in the middle ages had used imprisonment as a form of discipline. Initially, these were more retreats than prison. Vanness (1978, pp. 74) observed that Jean Mabillon, a seventh – century monk wrote that “eventually a frightful kind of prison, where daylight never entered, was invented, and since it was designed for those who should finish their lives in it, received the name ‘vadein Pace’ [‘go in peace’] (McHugh 1972, pp. 20-21).

It is important to note that these prisons were different from the contemporary imprisonment and practice. In these prisons, sentences were almost always carried out in public, with the intention of humiliating the offender and deterring potential criminals.

Thereafter came the *isolation and reflection: the penitentiary approach*. This was an appeal that was championed by the church as they saw prison conditions as being harsh and inhuman. The approach was advocated by the Quakers because they believed that crime was caused by the criminal's environment (Ronald et al.1973, pp. 20-21). They claimed that removing offenders from the environment and placing them in isolation with a bible and regular visits from the warden and a Minister of the word and sacrament would encourage them to reflect on their guilt and repent and so they came to call the penal institution penitentiary or a place of penance. The prisoners were kept in small cells, six feet wide, eight feet long and nine feet high. Each cell had a small yard. They had no contact with other prisoners or with their families. There was no recreation, the food was spare. They heard sermons regularly.

Nevertheless, the experiment failed, as the facility was beleaguered with escapes, riots and financial problems. The facility later closed in 1835 (Vanness 1986, pp. 75-76).

Discipline and hard work: the "Auburn" approach. After the failure of the penitentiary approach in 1802 people started to rethink prison and proposed against reflection and idleness and instead suggested discipline and hard work approach. This, they claimed, would not only in still improved habits but also defray the cost of imprisonment. Within the space of thirty years the rationale for imprisonment had undergone a paradigm shift from reflection and repentance to discipline and hard work (Francis et al. 1982, pp. 46-51).

This meant that the state had a labour force available which could not only defray the cost of punishment but also make profit. This, however, led to protests by labour unions that made claims of unfair competition by private businesses.

It also led to relaxation of the severe discipline such as silence which proved to be counterproductive to state industries and private contractors employing prisoners.

Education and Training: the reformatory approach. Unfortunately the Auburn system could not demonstrate the desired results on the prisoners upon release. Therefore, in 1876 there was a proposal for a national conference on prison reform which was conducted in Cincinnati in 1870 (Blake 1977, pp. 9, 14). The conference was characterized by the call for a prison system which would reform inmates by creating independent agencies responsible for classifying incoming prisoners and diverting juveniles to separate facilities and at the same time consider taking on incorrigibles for life.

They recommended the adoption of indeterminate sentence (where the judge imposes the minimum and maximum prison term) as a way of restricting release to those prisoners who had reformed. The system employed a well-coordinated discipline, centering on the grading and marking system with an industrial activity subordinated to trade and academic schools and a military organization and callisthenic exercises supplemented by physical culture (Phillip 1984, p. 560).

However, this system could not work due to severe overcrowding which prevented the facility from being effective in its purpose of reforming the prisoners.

Diagnosis and treatment: the “correctional” approach. Again the desired result (reformed prisoners) was not forthcoming from the Reformation approach and this stimulated a new movement in criminology starting from the nineteenth century extending through most of the twentieth century. The movement focused on the physical or psychological disabilities of the prisoner

Andrew (1976, pp. 11-23) rightly observed that the premise was that most prisoners were “sick” in the classic psychiatric sense, and that what was needed was treatment, this resulted in the medical model- corrections, and with its medical experimentation drugs and psychiatric therapy were used to commemorate the change in purpose; prisons were renamed correctional facilities and prison guards came to be known as correctional officers and prisoners came to be called residents or clients while solitary confinement cells became adjustment centres.

The prison system in Zambia has followed a similar historical trend in its development and this can be attributed to the countries colonial legacy.

The Zambia prison system has a rich colonial history dating as far as 1879 when a colonial resident officer Robbert Corydon created the Barotse Native police at Lealui under the Barotse Native Act (Mumbuwa 1992, pp. 4-18). In May 1900 the North Eastern Rhodesia order was promulgated and it defined areas for the formation of a police force to be known as North Eastern Rhodesia Constabulary. On 16 July 1912 in Cape Town South Africa, the Northern Rhodesia Prison Proclamation was formulated and assented to and in November the same year the Northern Rhodesia Prison was established for the control, superintendence and maintenance of discipline in prison (Mumbuwa 1992, pp. 12-14).

At the formation of the federation of Rhodesia and Nyasaland with its headquarters in Salisbury saw the creation of the federal prisons service with its headquarters in Causeway

Salisbury. In 1954 the Northern Rhodesia prison service was dissolved and by 1 December 1963 the control of prisons was now under the territorial administration with its headquarters at Coronation Flats in Broken Hill today Kabwe (Mumbuwa 1992, pp.10-16).

In the new independent Zambia, the prison system was nationalised in 1965 and it came to be known as the Zambia Prison Service. The prison system in Zambia has not gone through radical shifts but gradual movement from retributive criminal justice model to reformation and finally corrections. The pre independence era saw a lot of emphasis on custodial and punishment. After Zambia attained its independence in 1964, the prison system saw the introduction of education, agriculture and industry. Later in 1990, religious programmes and activities became institutionalized through the establishment of the chaplaincy service unit.

Except for the introduction of the extension service unit following the establishment of the National Parole Board and the recruitment of qualified staff in social science disciplines as provided for under the Amended Act of 2004, not much in terms of treatment programming has been done.

However, with the operationalization of the parole system on 28 November 2008 and the application of non-custodial measures such as community sentence orders which are typical community based correctional representations, the Zambia prison system though faced with the challenge of sternly overcrowded prisons, is without any doubt on its way towards the correctional model.

This paper intends to study parole as a way to reduce overcrowding in Zambian Prisons and to recommend a communicative and participatory approach.

The researcher was attached to the National Parole Board (NPB) Secretariat which is the administrative office of Parole releases in Zambia. The NPB offices are situated along Paul Banda Road opposite the court complex in Lusaka.

The studies appraised the communicative and participatory strategies the NPB uses in its quest to effectively and efficiently administer parole releases in order to reduce overcrowding in Zambian prisons subsequently mitigate the impact of overcrowding in prisons.

The study is divided into six chapters as follows: The first Chapter gives a brief introduction to the study, the background of prison establishment worldwide and Zambia in particular, and the establishment of parole system in Zambia.

The second chapter looks at the methodology that the study employed. It sets out an outline of the methods used and the data collection techniques applied to gather, analyse and present both quantitative and qualitative data under the following sub headlines: study design, study site and selection, study population, sampling methods, data collection, pre-testing the methodology and data analysis.

The third chapter deals with the conceptual frame work supporting the study. The notions and theories defined in the chapter are particularly taken from the discipline, communication for development. An in-depth understanding of the concepts will assist the researcher appreciate, explain and appraise the communication strategies that the NPB uses in the administration and practice of the parole system as a way to reduce overcrowding in Zambian prisons. The fourth chapter is literature review. The chapter looks at studies that have already been done on both prison overcrowding and parole as a community based intervention and significantly so to see what has been done and to establish the information gap. The researcher by so doing will identify the required relevant information to the study.

The fifth chapter presents the findings of the study that are organised in line with the set objectives as already outlined. The presentations begin with establishing numerically prison overcrowding basing on data from the ZPS national daily unlock against the official holding capacity. Other findings are taken from respondents out of their experience, coming into contact with the NPB and the general administration and practice of the parole system in Zambia. Therefore, the chapter reports findings as in retention of community based interventions proposing a community participatory approach as espoused in the study.

The sixth chapter deals with the conclusion and recommendations. The conclusion is drawn from the research findings and the recommendations are derived from the study. These are essential to both prison officials and policy makers as they form the basis on which policies are formulated and implementation plans put in place. This would subsequently lead to increased quality service delivery.

1.1. Background

Throughout the world, prison systems are experiencing a population crisis of unprecedented proportions. The world's rate of imprisonment is growing at an alarming rate having more than tripled between 1979 and 2007 World Prison Population List (2008, p. 1). However, (Donziger1996, p.42) asserted that academic research has shown little or no correlation between rates of crime and the number of people in prison. Many prisons of the world are overcrowded, that means, they are holding more prisoners than they were designed for. According to the International Centre for Prison Studies (2004, p. 2), overcrowding is common in the East and in the West, in the developing as well as the developed world.

According to (Walmsley2008, p. 2) over 9.8 million people are held in penal institutions throughout the world, mostly as pre-trial detainees (remand prisoners) or having been convicted and sentenced.

The worldwide prison population being experienced indicates a prison population rise of 71% in 211 independent countries and dependent territories; (64% of countries in Africa, 83% in the Americas, 76% in Europe and 60% in Oceania) (International Centre for Prisons Studies: World Prison Population List (2008, p. 2).

The United States of America (USA) has the highest prison population rate in the world. 756 per 1000 of the national population,(International Centre for Prison Studies: World Prison Population List 2008, p. 2).

However, it is worth noting that prison population rates vary considerably between different regions of the world and between different parts of the same continent. For example:

- In Africa the median rate for Western African Countries is 35 whereas for the Southern African Countries it is 231;
- In the Americas the median rate for South American Countries is 154 whereas for Caribbean countries it is 324.5;
- In Asia the median rate for South Central Asian Countries (mainly the Indian Sub-Continent) is 53 whereas for Ex-Soviet Central Asian Countries it is 184;
- In Europe the median rate for Southern European Countries is 95 whereas for Central and Eastern European Countries it is 229;
- In Oceania (including Australia and New Zealand) the median rate is 102.5 (World Prison Population List: 2008, pp. 2-3)

As rightly pointed out, “Prison overcrowding is a widespread phenomenon throughout the world” (Guidance Notes on Prison Reform: Guidance Note 4. 2004, p. 2).

Tkachuk (2005, p. 9) observed that in Africa a more disturbing account of prison has unfolded.

In most African countries, imprisonment and the punitive element that it represents, remains the basis of modern day correctional and penal systems. There is also evidence of harsher penalties being imposed in the form of lengthening periods of imprisonment.

Commenting on overcrowding conditions in Zambia, Tkachuk (2005, p. 9) stated:

Notwithstanding rapid growth rates in national populations and increased crime rates over the past twenty years, leading to more individuals being sent to prisons, few, if any, new prisons have been built. The use of alternatives to incarceration remains largely non-existent or insignificant in relation to the overall number of prisoners. The result of this is overcrowded prison populations [...]

According to the International Centre for Prison Studies (World Prison Population List 2007, p. 2) prison population rates in Africa vary significantly between sub-regions and to a lesser extent between countries of the same region. In Southern African Countries, prison population rates vary from 348 in Botswana to 256 in Lesotho with a median rate of 267. While in East Africa, the rates vary from 30 in Comoros to 205 in Mauritius and 239 in Seychelles.

In West Africa, rates vary from 23 in Burkina Faso to 75 in Benin and 178 in Cape Verde. While in Central Africa they range from 35 in Chad to 125 in Cameroon.

Nonetheless, it is worth noting that about 668,000 people are incarcerated in Sub-Saharan Africa. South Africa has the highest prison population with 157,402 people imprisoned, that is 335 prisoners per 100,000 of the National Population, (World Prison Population List 2007, p. 2).

According to the (National Audit of Prison Conditions in Zambia 2009, p. 90) the official holding capacity of prisons in Zambia is 5,265. On the other hand; currently Zambia has a prison population boom of over 16,000 prisoners.

The study conducted by Kamocha (2005, p. 32) showed that all prisons in Zambia are overcrowded although the overcrowding in Maximum and Medium Security Prisons was much higher than in District and Open Air satellite prisons.

The (National Audit of Prison Conditions in Zambia 2009, p. 90) showed that Zambian prisons are overloaded by 173%. The report noted that, “overloading of prison is the biggest challenge the prisons are facing with derivative problems. Some of these problems include failure to segregate inmates due to lack of space, increased health risk due to highly contagious diseases and strain on the limited Zambia Prison resources such as food, uniforms and even transport” (National Audit of Prison Conditions in Zambia. 2009, pp.90-91).

During the prison mapping exercise conducted by Kamocha (2005, pp. 32-33) it was observed that Lusaka Central Prison had a higher number of inmates 1,560 against its holding capacity of 260 representing 503% more inmates than was originally planned.

Maximum Security Prison in Kabwe and Lusaka Remand Prison were correspondingly holding 1,492 and 1088 against their official holding capacity of 640 and 120 respectively.

The figures represent 133% and 806% more than the holding capacity. Comparatively, Lusaka Remand Prison is more overcrowded than Lusaka Central Prison and Maximum Security Prison (Kamocha 2005, p. 33).

The International Centre for Prison Studies (World Prison Population List 2008, p. 2) observed that Zambia has a prison population rate of 122 per 1000 of its National population.

1.2. Zambia: Social and Economic Overview

About two-thirds of Zambians live in extreme poverty. Per capita annual incomes are well below the levels of many Zambians at independence, and now at \$852, place the country among the world's poorest countries. Furthermore, the country's economic growth rate cannot support the rapid population growth neither the strain caused by the HIV and AIDS scourge (<http://www.traveldocs.com/zm/economy.htm> - accessed on 17/09/09).

The country faces serious unemployment and underemployment problems resulting in a lot of youths; male and female both educated and uneducated loitering on the streets.

According to Banda (2007) 86% of male and 74% females above the age of 15 are unemployed, (<http://www.lusakatimes.com/2007/03/01unemployment-level-in-zambia-rises-to-16-per-cent> – accessed on 16/10/2011). Joblessness has hit individual job-seekers very hard that all those employed at national level, 60% of them are self-employed, while 20% are unpaid family workers. Private sector employment accounts for 10% only, while the central government accounts for 5%. In real terms, therefore, only about 15% of the total labour force is in formal employment, (<http://www.afrika.no/Detailed/10988.html> - accessed on 16/10/2011).

A further glance at the unemployment rates across the provinces in Zambia show that the Copperbelt and Lusaka provinces have higher rates than other provinces, at 22% and 29% respectively. Eastern and Northern provinces have the lowest rates at 2% and 3% respectively, (<http://www.afrika.no/Detailed/10988.html> - accessed on 16/10/2011).

However, the consequences of unemployment on the countries social life are poverty, political instability, mental health problems, diminished health standards and increased crime rates, (<http://www.afrika.no/Detailed/10988.html> - accessed on 17/10/2011)

Evangelical Fellowship of Zambia Executive Director Mwanza P. (2011) also observed that high levels of unemployment have significantly contributed to crime, social misconduct and drunkenness among people in Zambia, mostly in peri-urban and rural areas, (<http://www.izambia.co.zm/component/content/article/23-local/1361-the-evangelical-fellowship-of-zambia-links-crime-to-unemployment.html?device=xhtml> - accessed on 17/10/2011).

Currie (1998, p. 421) drawing an example from the American situation argued that young people are increasingly growing up on their own without the guidance and support they need from the adult population. Faced by the seductive lure of the market and consumer goods, young people are also confronted by diminishing opportunities in the labour market to sustain a livelihood. The prevailing economic scenario has led to feelings of a profound sense of relative deprivation among young people, and a willingness to turn to illegitimate means of sustaining a desired lifestyle and hence 'crime and deviance' has set in as a way of life.

Commenting on crime and its effect on prison overcrowding, Walmsley (2008, p. 6) emphasised the fact that the prison population boom being experienced worldwide has been as a result of increased crime rates.

Giddens (2010, p. 975) asserted that prison, with reliance on long term prison sentences, is generally perceived as a powerful deterrent to crime. This belief results in many people being incarcerated including those who have committed misdemeanours or felons.

For this reason he observed that many politicians eager to 'get tough' on rising crime rates have favoured a more punitive justice system and the expansion of prison facilities. "...there remains a popular perception that prison is appropriate for offenders (Giddens 2010, p. 982)."

As Giddens (2010, pp. 982-983) has rightly observed, there is overreliance on imprisonment consequently, increased crime rate leading to more individuals being sent to prison.

1.3. Zambia Prison Service

Unlike in other jurisdictions, for example Canada, where the parole board is an independent administrative tribunal that has exclusive authority to grant, deny or revoke parole without interference from any political or bureaucratic structure or external pressure (Parole Decision Making Myths and Realities 2001, p. 6) in Zambia, the National Parole Board (NPB) is not an independent or final arbitrator in the administration of parole. Contrariwise, the board makes recommendations to the Commissioner of Prisons (COP), (Amended Prison Act 2004 Section 113B (a) who approves or disapproves the conditional release of a prisoner on parole.

The Zambia Prison Service (ZPS) is one of the main agencies of the Criminal Justice System (CJS) that falls under the Ministry of Home Affairs (MHA).

Other departments under MHA are Zambia Police Service (ZP), Drug Enforcement Commission (DEC), Registration and Passports, Registrar of Societies, Archives, and Home Affairs Research and Planning Information Department (HARID). However, the main criminal justice agencies in Zambia are the Judiciary, ZP and ZPS.

The ZPS is headed by the COP who is appointed by the Republican President.

Administratively the ZPS is divided into nine (9) provinces in which the Regional Commanding Officer (RCO) monitors and supervises the operations of all district prisons within his/her province.

The goal statement of the ZPS is, “To effectively provide and maintain humane correctional services to inmates and to increase industrial and agricultural production in order to contribute to the wellbeing and reform of inmates and maintenance of internal security” (HIV& AIDS/STI/TB Workplace Policy of the Zambia Prisons Service 2006, p. 12).

The core functions of the ZPS according to the Prison Act Cap 97 of the laws of Zambia are custodial and correction which entails best practices in the treatment, and the management and control of prisons and prisoners lodged therein. Besides custodial services, the ZPS in its correctional quest is also engaged in rehabilitation or treatment programmes, occupational therapy and life skills training which include, art and craft, agriculture, trowel, design cutting and tailoring, metal fabrication and ceramics. Other rehabilitation programmes include education; at primary and secondary level, cultural programmes and spiritual care.

Commenting on the correctional functions of the ZPS, Tkachuk (2005, p. 18) observed that:

The responsibility for rehabilitation and reformation is tremendous and also for which the Zambia prisons also receives a little or no credit. Rehabilitation is a role that goes unrecognised by not only members of the public, but also by political leaders and colleagues from other criminal justice sectors. Given that prisons most often struggle for resources to acquire the most basic of necessities such as food, clothing and beddings, it is obvious that the resources directed to the Zambia prisons for it to fulfil its rehabilitative role are inadequate.

The Zambia Prison has total staff establishment of 1,555 of which 1,217 are males and 338 are females, (Zambia Prisons Service Staff Establishment Register 2010).

The service has a total of 87 prisons, 53 of which are main prisons and 34 are Open-Air Prisons (OAP) that exist as satellite facilities to the main prison. All prisons are classified according to their capacity and security; (i) Maximum Security (ii) Medium Security (iii) Minimum Security or District Prisons.

Other types of prisons are Remand Prisons, Katombora Reformatory School for Juveniles, and Female Maximum Security Prison in Kabwe, Kamfinsa Female Prison in Kitwe and Milima Female Prison in Kasama.

The other female prison facilities are not independently established but are annexed to the main prison. This is because nearly all female prisons were not built as such but do exist as annexes to the main prison, for example Lusaka Female Prison was originally stores but later converted into a female prison facility.

1.4. Overcrowding in Zambian Prisons

Zambian Prisons are among the most overcrowded prisons in the world, (ARASA, PRISCCA, Human Rights Watch 2010, p. 28).

According to the study conducted by (ARASA, PRISCCA, Human Rights Watch 2010, p. 4) Zambia's prisons were built prior to 1964 to accommodate 5,500 prisoners. In October 2009 they housed 15,300 – nearly three times the official capacity.

At the time the study was conducted, Mukobeko Maximum Security Prison, a facility built in 1950 with a holding capacity of 400, housed 1,731 inmates – 433% of its capacity. Lusaka Central Prison, a facility built in 1923 with a capacity of 200, housed 1,145 – 573% of its capacity. Mwembeshi, a farm prison opened with a capacity of 55 inmates, housed 345 – 622% of its capacity.

The study conducted by ARASA, PRISCCA, Human Rights Watch (2010, pp. 30-31) observed that at many prisons visited, overcrowding was often so severe that inmates could not lie down at night.

The officer in charge of Lusaka Central Prison Kababa J. was quoted confirming the scenario saying, “they sleep in shifts because of the congestion, and not all can sleep at once.

Some sleep, some sit. They take turns to make sure that others get a chance also. They are not sleeping they are just squatting, instead of resting in the night, they come out tired.” Over and over again inmates reported the horrific overcrowding they face, every night in their cells, describing the bodies of inmates in the cells as “squeezed like logs in a pile,” “packed like sacks,” or “like bodies in a mortuary,” “like fish in a refrigerator,” or simply, “packed like pigs,” (ARASA, PRISCCA, Human Rights Watch 2010, p. 31).

The Chairperson of the NPB Mr Chilukutu F.S.S during the Association of Paroling Authorities International (APAI) 25th Annual Conference held in Savannah Georgia United States of America (USA) on 17th, May 2010 stated that the number of prisoners in custody in Zambian Prisons was over 16,000 against the official holding capacity of 5,265.

1.5.Male Prisoners

The average age of the male prison population is twenty four years. About 10% are foreign nationals commonly referred to as prohibited immigrants (PIs). The most common crimes for which these foreign nationals are convicted include, murder, manslaughter, drug trafficking, unlawful possession of government trophy, defilement, assault, aggravated robbery, theft of livestock and illegal entry into Zambia.

In most instances these serve a prison sentence of three to five years (Kamocho 2005, p. 34). The Zambian nationals who are in the majority are mostly incarcerated for crimes such as, theft by public servant, arson, assault, rape, aggravated robbery, manslaughter and stock theft,

(Kamocha 2005, p. 33). Most of the nationals serve sentences ranging from two to fifteen years.

1.6.Female Prisoners

According to (ARASA, PRISCCA, Human Rights Watch 2010, p. 15) women prisoners constitute 2.6% of the total convicted prison population in Zambia.

Taking into account their small numbers and the need to keep them separate from male prisoners, female inmates in most Zambian prisons occupy facilities annexed to or within a male prison (Kamocha 2005, pp. 33-35). For example, Lusaka Prison, the female prison was originally stores for prisoner's rations and so it is annexed to the male prison.

At Choma Prison, the female prison was originally stores for prisoner's rations and so it is annexed to the male prison. Due to minimal female prison population in prisons countrywide, female prisoners are generally allocated small yards.

However, such allocations of limited space offer little opportunity for participation in rehabilitation programmes especially for those serving long term sentences.

Currently, the ZPS is not able to classify prisoners according to the level of risk that they present. Nevertheless male prisoners can be transferred to a low risk or Open Air Prison as they show signs of being reformed. However, such opportunities do not exist for females (Tkachuk 2005, pp. 76-77). The ZPS is facing a lot of challenges in its quest to provide humane safe custody to female prisoners especially in areas such as health care, child care and skills training, (Tkachuk 2005, p. 77).

The Prisons Act CAP 97 of the laws of Zambia allows female prisoners to remain in custody with their children up to the age of three years.

1.7. Juveniles

According to the Juvenile Act CAP 53 Part I (2) of the Laws of Zambia, a 'juvenile' means a person who has attained the age of nineteen years and includes a child and a young person. This classification is used as a basis for distinguishing between juvenile and adult prisoners. The intended separation is in conformity with both the Prisons Act and the United National Minimum Standard Rules for the Treatment of Offenders (2005, p. 52).

Despite the legal provision and the subsequent ratification of international protocols, except for Katombora Reformatory School, which is a boy's facility, the ZPS has little capacity or no capacity at all to separate juvenile offenders from adult prisoners. In most instances juvenile offenders are made to reside side by side with their adult counterparts (Tkachuk 2005, p. 79). During the assessment of Prison needs, Tkachuk (2005, p. 79) observed that in congested prisons where separation does occur, the spaces allocated to the juveniles are similar to adult males, and are extremely limited, at one instance fifteen boys shared the space of three and half metres by three and half in size. With such crowding the capacity to provide programmes including basic education is virtually non-existence for the juveniles.

A study conducted by Mutingh (2000, p. 17) reviewed that juvenile rights were being infringed upon. Whereas the law provides for the juvenile to appear at least every 21 days before the court in order to extend the warrant of his/her detention that is not happening, citing the example of a 17 years old boy charged with burglary and theft who was being held at Mukobeko (Maximum) Prison and had been in custody for 21 months but had appeared in

court only twice – a violation of the provision of Section 66 (4) (a) of the Juveniles Act, thus rendering the detention illegal.

A number of juveniles find themselves in extremely crowded remand prisons waiting to be transferred to Katombora Reformatory School or the Approved Schoolin Mazabuka for long periods (Kamocha 2005, p. 35).

1.8.The Effects of Overcrowding

A recent study by Haney (2009, p. 4) on prison overcrowding reviewed from psychological and related disciplines that powerful social contexts like the prison can have real consequences for the people who enter them. When prison environments become unduly painful they also become harmful, and prisoners carry the effects or consequences of that harm back into the free world once they have been released. Due to overcrowding, lack of work or work opportunities lead to prisoners' idleness, often reinforcing the maxim that idleness bleeds discontent and disruptive behaviour (Cox et al. 1984, p. 1149).

In a crowded prison, there is less of everything to go around, to satisfy the needs of every prisoner. This lack of resources can apply to anything a prisoner may need to use, such as a washroom, toilet, library, recreational materials. The unavailability of resources however can result in frustration or unpleasantness of being limited or denied a resource and such may lead to aggression and violence.

Research studies on overcrowding have indicated that in crowded situations there is more aggression and competition for resources, less corporation and more social withdraw. Prison overcrowding increases negative effect among prisoners; elevate their blood pressure and leads to greater number of prisoners illness complaints. The exposure to long term crowding

of the sort that now characterises the Zambia Prisons such as Maximum Security Prison and Lusaka Central Prison may result in high levels of stress (Smith 1982, p. 52).

Cox et al.(1984, p. 1150) observed that whatever way the prisoner chooses to deal with crowding stress, generally they tend to be methods which do not enhance the health of the prisoner. The adjustment process for prisoners to cope with excess stress varies; it could be withdrawal, aggression, or depression. Again, social withdrawal in response to crowding manifests itself in various ways. Adopting a defensive or guarded attitude is one method of withdrawing, which by its nature decreases the quality of social interaction. Similarly, topics that dominate conversation in crowded settings tend to be less personal or self-relevant, even among well acquainted people (Johnston 1991, p. 18).

To the institution, overcrowding results in a combination of the prison system's inability to meet the increased demand for more space and the resulting harm to individual prisoners. In an attempt to cope with the limited space available and the resulting overcrowding, there has been a wrong tendency to misclassify prisoners. To a larger extent, overcrowding has resulted in offenders being classified on the basis of the space available rather than the security level and programmes most suitable for the offender (Cox et al. 1984, p. 1156).

However, the effects of misclassifying offenders due to prison overcrowding extend beyond the immediate consideration of their being too little space and too few resources. It also leads to slow progress through the prison system.

Research has described overcrowding as an interactive variable, which can sometimes cause, sometimes result from or sometimes exacerbate the impact of other conditions no matter how the variable is classified; it produces a range of outcomes. Overcrowding of prisoners has been connected with higher rate of psychiatric commitment, (Paulus et al. 1978, p. 8) higher

rates of illness complaints (McCain et al.1976, p. 670), and with an increased likelihood of recidivism, (Farrington et al. 1980, p. 110).

Tkachuk (2005, p. 58) stated that:

On the whole, the level of health care services in the ZPS is poor and inadequate and has in fact been described as being generally unavailable. Although there are fifteen (15) medical clinics at prisons country wide, there are thirty eight (38) prisons without. Prisoner health care files that would assist receiving institutions and health care staff, do not follow prisoners on transfer to another prison. Although prisoners should be taken to community health clinics in the absence of a clinic at the prison, the critical shortage of transport most often prohibits this. This has led to the high prevalence of many treatable diseases among both prisoners and staff. The effects of these high prevalence rates of disease, which consist mainly of HIV/AIDS, tuberculosis and a host of other sexually transmitted diseases, are compounded by poor nutrition, a weak health care system and shortage or absence of prescribed and non-prescribed medications including anti-retroviral treatment. The health of the prisoner population is further undermined by dilapidated prison infrastructure, poor sanitation and severely overcrowded conditions. As a consequence, morbidity and mortality rates among both prisoners and staff of the ZPS are unacceptably high.

1.9.National Parole Board

The NPB was established in 2004 by the amendment of the Principle Act CAP 97 (114) of the laws of Zambia, which provided for the conditional release of an offender on parole and the subsequent establishment of administrative structures: National Parole Board, Reception and Discharge Committee (RDCs) and the Extension Service Unit (ESU) for the organisation, management and supervision of parolees.

The term parole comes from a French word Parole, meaning “word” as in giving ones’ word of honour or promise upon one’s faith and honour to fulfil (<http://thinkexist.com/dictionary/meaning/distinguished/> - accessed 2/2/2012).

In its application, parole has come to mean a prisoners’ word, promising to conduct himself or herself in a law abiding manner according to specific rules in exchange for release.

In penal philosophy, parole is seen as being part of the 1800 general paradigm shift in criminology from punishment to rehabilitation. (<http://www.articlesalley.com/article.detail.php/137246/256/history/politics/50/history-Of-The-Parole-System> - accessed on 17/9/2011).

Credit for developing the early parole system is usually given to Alexander Maconochie who was in charge of the English penal colony at Norfolk Island a thousand kilometres off the coast of Australia, and Walter Crofton who directed Ireland Prisons (Bohm et al. 2005, p. 442).

He criticised definite prison terms and instead developed a system of rewards for good conduct, labour, and study. Through a classification procedure he developed a mark system; were prisoners could progress through stages of increasing responsibility, accountability and ultimately gain freedom,

(<http://www.articlesalley.com/article.detail.php/137246/256/history/politics/50/history-Of-The-Parole-System> - accessed on 17/9/2011).

Walter Crofton tried to implement Maconichie's mark system when he was administrator of The Irish Prison System. He felt that prison programmes should be directed more towards rehabilitation and that "tickets-of-leave" (TOL) should be awarded to prisoners who had shown definitive achievement and a changed positive attitude. After a period of strict incarceration, he began transferring offenders to "intermediate" facilities where they could accumulate marks based on work performance, behaviour and educational improvement. Eventually they would be given TOL and be released on parole supervision. Parolees were supervised by the police and they found them jobs (Bohm et al. 2005, pp. 442-443).

The concept of intermediate prisons, assistance and supervision after release from prison, were Crofton's contribution to the modern parole system.

Parole was operationalized in Zambia on 28 November, 2008 at a ceremony officiated by the then Minister of Home Affairs Hon. Lieutenant General Rev. Ronnie Shikapwasha MP, and in accordance with the provisions of the Amended ACT No. 16 of 2004 Section 113A (1).

The Minister appointed the NPB members as follows.

- Deputy Commissioner in Charge of Correctional Services – Chairman
- The Chaplain General
- Director Health
- Representative of the MHA
- Representative of the Ministry of Community Development and Social Services (MCDSS)
- Representative of the Attorney General
- Representative of a Non-Governmental Organisation (NGO) dealing with the welfare of prisoners
- Member of the reception and discharge committee.

The composition of the NPB is a representation of consultative, collaborative and cooperative partners of the justice sector and the community; the ministry of community development and social services, the church and civil society are all key players in facilitating smooth community re-entry and reintegration of prisoners into society as useful citizens. The NPB has two primary functions in its administration of the parole system: parole releases and parole supervision.

Parole releases means releasing a prisoner to serve part of his/her sentence in the community under the supervision of a parole officer.

This is done at the recommendation and discretion of the parole board and the approval of the COP. Parole supervision involves the supervision of released offenders in the community for six (6) months before the expiry of their sentences.

The NPB supervises parolees through RDCs and Parole Officers (POs) established in all provincial or regional offices, Maximum, Medium and Minimum Security Prisons.

The composition of the RDCs is as follows:

- Officer in Charge of a Prison - Chairman
- Chaplain
- Parole Officer
- Representative of Church Organisation
- Representative of the MCDSS
- Representative of an NGO dealing with prisoners welfare, (Prisons Amended Act No 16 of 2004 Section 116B (2), (3).

In Zambia, the main purpose for parole is to reduce overcrowding in prisons which are overcrowded. The official holding capacity of prisons in Zambia is 5,265(National Audit of Prison Conditions In Zambia, 2009, p. 99) and the number of prisoners in custody is over16, 000.

1.10. Statement of the Problem

Parole is one of the non-custodial community correctional measures, that is used to reduce overcrowding in Zambian prisons. Despite the NPB conducting parole information, awareness among offenders and other stakeholders, the parole system in Zambia still remains far from addressing the problem of overcrowding in Zambian prisons.

The NPB currently uses the media, posters, workshops and seminars to communicate its programmes besides periodical talks to prisoners. Their communication activities are primarily centred on parole eligibility and release procedures.

Apart from creating awareness, very little is done in terms of parole education communication, which is an interactive activity where prisoners can, through interaction, be taught about the parole system its administration and practice. According to Hubley (1993, p. 12) a message communicated will only be effective if and when the counsel contained and presented is relevant, appropriate, and acceptable; and is put across in a simple understandable manner.

Zambian prisons are unprecedentedly and dangerously overcrowded.

Overcrowding in turn exacerbates the chronic pains of imprisonment as studies on prison crowding have shown that prison overcrowding increases negative effect among prisoners, elevates their blood pressure and leads to greater number of prisoner illness complaints. Not surprisingly, exposure to “long term, intense, inescapable crowding” of the sort that now characterises maximum and medium prisons in Zambia can result in high levels of stress that can lead to physical and psychological impairment.

In addition, overcrowding has been associated with higher rates of disciplinary infractions. For example a study by Megargee (1977, pp. 289-295) revealed that there is a correlation between crowded conditions or lack of personal space and the occurrence of disciplinary violations. He argued that overcrowding directly affects prisoners’ mental and physical health by increasing the level of uncertainty with which they regularly must cope.

A research on prison overcrowding conducted by Cox et al.(1984, pp. 1148-1159) observed that one useful psychological model of the negative effects of overcrowding emphasises the

way in which being confined in a space that is occupied by too many people increases the sheer number of social interactions and that persons subjected to such conditions tend to develop high levels of uncertainty, goal interference and cognitive load, thus crowded conditions heighten the level of cognitive strain that persons experiencing such are often predisposed to introducing social complexity, turnover, and interpersonal instability into an already dangerous prison world in which interpersonal mistakes or errors in social judgements can be fatal.

Cox contended that overcrowding also raises collective frustration levels inside prisons by generally decreasing the resources available to prisoners confined in them.

The sheer number of things prisoners do or accomplish on a day to day basis is highly compromised by the amount of people in between them, their goals and destinations.

Menninger (1969, pp. 74-75) stated that, the short, non-scientific term that best describes most adult penal institutions is *evil*. To describe what it means to be a prisoner, how it feels to be confined, and the agonies of the long moments of suffering.

The White Paper on Corrections in South Africa (2009, p. 57) discussing overcrowding affirmed that by its very nature, incarceration can have a damaging effect on both the physical and mental well-being of inmates. The psychological state of complete passivity and dependence on the decisions of prison guards must be included among the pains of imprisonment along with restrictions of physical liberty, the possession of goods and services and heterosexual relations.

The frustration of the prisoner's ability to make choices and the frequent refusals to provide explanation for the regulations and commands descending from the officers in charge and this

coupled with overcrowding is a terrible human experience of evil (Menninger 1969, pp. 74-76).

The 2004 Report on Global AIDS Epidemic, (p.81) observed that overcrowded prisons and other custodial settings are breeding grounds for infectious diseases such as HIV, tuberculosis and hepatitis.

Walmsley (2000, p. 19) commenting on prison overcrowding stated that, “it has been said that prisons are ‘universities of crime’ and imprisonment is an expensive way of making bad people worse”. It is clear that imprisonment in conditions of growth in numbers and overcrowding is even more damaging.

If there is any explanation to reduce overcrowding in Zambian prisons, the above stated account substantiates the need.

This study examined the effectiveness of the communication strategies that the NPB uses in its pursuit to contribute towards reducing overcrowding in Zambian prisons. The research appraised the functions of the NPB; the communication strategies it uses and to what effect these strategies have assisted to improve on the quality of parole releases so as to significantly contribute to reducing overcrowding in prisons. Does the NPB have communication strategies? How have these communication strategies employed, assisted in reducing overcrowding in Zambian prisons.

1.11. Rationale

The Penal institution in Zambia is an agent of the criminal justice system which is founded on a retributive principle of “just desert”. This concept defines crime as a violation of the state, defined by law breaking and guilt. Justice determines blame and administers pain in a contest

between the offender and the state directed by systematic rules (Zehr1995, pp. 180-181). Retributive justice therefore focuses on establishing blame and guilty.

The retributive criminal justice model tends to score a higher incarceration rate due to its overreliance on custodial measures (Mikinao 2001, p. 113).

Communication is greatly recognised as one that influences change and several times people have asserted that it creates market linkages between the producer and the consumer.

Vivian J. (2007, pp. 3-4) asserted that people form opinion from the information and interpretation to which they are exposed, meaning information has an element of persuasion. Information also binds communities together by giving messages that become a shared experience. An informed and involved citizenry is essential in modern democracy. With information flow people learn, appreciate and get involved. Therefore participatory communication can be a vital tool, as it will open up the parole system in Zambia to public scrutiny, make the system accountable, more transparent, and promote community engagement and ownership thereby strengthening its administration and practice.

This will make the NPB more effective in its administration of parole releases as it strives to reduce overcrowding in prisons. An effective and efficient parole system will mean more prisoners on parole and more prisoners successfully reintegrating into community as useful and productive law abiding citizens.

1.12. Justification

This study is aimed at evaluating and making recommendations to improve on the existing communication strategies that the (NPB) uses in order to achieve its objectives.

The research is intended to contribute to greater understanding and appreciation of how different communication strategies can assist to facilitate efficiency in the management and practice of parole releases.

Subsequently, the study will assist to allow for more offenders on parole, increase community corrections and supervision, reduce chances of reoffending and cultivate community reintegration.

1.13. Study Outline

The study is divided into seven chapters. The first chapter consists of the introduction, background to the study and the statement of the problem.

The second chapter will cover the methodology; objectives of the study, research questions, research methods to be used, sampling procedures, data gathering techniques used in data collection and analysis.

The third chapter comprises conceptual and operational definitions, and the main theories underpinning the research.

The fourth chapter covers literature review. The fifth chapter constitutes data analysis and the presentation of results. Finally, the sixth chapter closes with the conclusion and recommendations.

CHAPTER TWO

METHODOLOGY

2. Introduction

This chapter outlines the research methods used and data collection techniques followed by the study to gather and analyse and present both qualitative and quantitative data. The study was structured under the following sub-headlines: Study design, Research Site and Selection, Study Population, Sampling Methods, Data Collection Methods, Data Collection and Tools Pre-Testing the Methodology, and Data Analysis.

2.1. Study Design

The paper intends to study parole as a way to reduce overcrowding in Zambian prisons and to appraise the communication strategies used by the NPB. In order to obtain a holistic insight into the objectives of the findings, the study used both quantitative and qualitative research designs. The quantitative data took a comparison of female and male prisoners seeking parole conditional releases, while qualitative data focused on the effects of parole in mitigating overcrowding in prisons and the benefits respondents have received from the study.

The mix methodology is aimed at improving research validity of psychological trials based on the fact that any method employed has its own limitations and bias that would be reduced by the use of two multiple approaches (Cresswell 2003, p. 137). Using this approach, it was possible to get acquaintance with the attitude of prisoners, the perception of the community and also gain insight into possible communicative and participatory strategy interventions to address the effect.

2.2. Research Site Selection

The study was undertaken at NPB secretariat while the respondents were drawn from Lusaka based prisons that is Lusaka Central Prison and Lusaka Remand Prison, and Kabwata Township for a sample representation of the general public. The sites were purposively selected as both prisons are among prisons that are highly overcrowded and have the highest number of parolees. The study used a simple random sampling technique to select respondents; male and female convicted offenders, members of staff at NPB Secretariat, and the general public.

2.3. Sample Size and Sampling Procedures

The study used both probabilistic and non-probabilistic methods of sampling as it took into account the dissimilarities and human sophistication often experienced especially when conducting research about special populations such as convicted offenders. When dealing with the inmates, the study used the stratified random sampling, and purposive sampling methods. This was done from among convicted prisoners eligible for parole at Lusaka Central, Female Section, and Kamwala Remand Prisons, and Kabwata Township for the general public (people who have visited prisons or have had contact with the penal system by way of a relative or friend who is or was in prison or those who are ex-prisoners).

Among the inmate population it was estimated that 800 convicted inmates were eligible for parole.

The total sampling was set to interview consenting respondents aged between 21 and 55. A total of 100 convicted prisoners, 100 members of the general public, and 12 NPB staff were purposively sampled for interviews.

The outline sampling procedures were used together with an in-depth interview in order to make the research as exhaustive as possible, and in order to randomly come up with a sample size the HAT software was used.

$$\text{Frequency Interval} = \frac{\text{Total Number of Population}}{\text{The required number of sample}}$$

$$\text{That is} = \frac{N}{SN}$$

$$= \frac{800}{212}$$

$$= 3.7$$

The respondents who consented were selected and interviewed. Those who declined were allowed continuing with their daily routine.

2.4. Data Processing and Analysis

There are two major research methods used in social sciences and these are Quantitative and Qualitative. The study, therefore, employed a triangulation method which is, the use of multiple tools in data collection and this is done in order to complement each methods limitations. The study used four (4) main data collection instruments as follows: structured questionnaires for prisoners (appendix 1), structured questionnaires for the general public (appendix 2), In-depth interview guide for NPB staff (appendix 3), focus group discussion (FGD) guide (appendix 4), and parole documents (appendices 5-11) and the research attachment letter (appendix 12). Pre-tests of instruments were conducted.

In addition, analysis of qualitative data was done using the inductive approach. This is done in order to ensure precision and accuracy.

The researcher used the statistical package for social sciences (SPSS v 16.0) software for data entry and analysis as collected from respondents.

2.5. Semi-Structured Questionnaires

Structured questionnaires were used to collect quantitative data. The instrument assisted to have the data collected from a lot of people respondents within the study time frame.

This included background information such as sex, age religious affiliation, education attained, marital status, previous convictions, length of sentence, knowledge about parole, occupation - before imprisonment, family status, prison term, and access to information and prison visits. This also allowed for specific effects as regards female and male convicts.

The answers provided to the questionnaires were analysed in order to see which effect affected a specific sex. The open ended questionnaires allowed respondents to freely express themselves and also removed the limitation aspect that they were free to express themselves in common vernacular as some wished.

Most of the respondents (convicts) understood English as can be evidenced from figure 4 as they attained secondary level of education. The same applied to respondents from Kabwata Township.

The following measure was taken to ensure accuracy of the translation: whenever the respondents were asked to read questions, if they failed the researcher read the questions and

if in English and respondents could only understand vernacular, then English was read and later the interpretation done in Nyanja, which is the local language widely spoken in Lusaka.

2.6. In-Depth Interview

This was done using an interview guide on 20 independent respondents (10 from among the convicts and from Kabwata Township). This was done on a, one-to-one basis.

Consent was sought from all respondents and confidentiality guaranteed. This was done in order not to just get answers, evaluate or test hypothesis, but to also understand peoples' feelings, experiences and meanings they attach to their experiences of the reality of being studied (Seideman 1991, pp. 77-81). The information obtained was very useful to the study as it gave insight into the difficulties that convicts were experiencing in order to access parole, distortion, fears and myths surrounding parole conditional releases. The interviews also enriched the study with information about minimal community involvement in parole programmes, issues of stigma and discrimination, judgemental attitudes of communities towards prisoners, the lock and key prison mentality of officers, prisoner a snake concept, homelessness, family disintegration, harsh and stressful conditions in prison the coping-up mechanism, and how these nasty, inhuman and cruel experiences were being addressed. Most in-depth interviews were conducted in vernacular languages; in Bemba or Nyanja.

The study accessed several materials on overcrowding in prisons, the parole system and communication as the solution to the problem. These included books, journals, published and unpublished documents. All these were used to provide secondary data. Most of the documents that were analysed provided useful data on the subject matter.

2.7. Problems Encountered During Data Collection

Just like any other study, this exploration had encountered some problems worth noting. One major problem met was the lack of openness and signs of withdraw by some convicted respondents.

This was difficulty for the researcher as more time was needed to first deal with openness and withdraws before coming to actual questions or interviews. Certain times prisoners were sent to outside work parties and this meant postponement. This resulted in the researcher failing to complete the interviews within the stipulated data collection time frame.

Most respondents especially among convicted prisoners continued asking for incentives in form of grocery and food stuffs. However, for ethical reasons these were not given.

2.8. Objectives

The primary objective of this study is to appraise the communication strategies used by the NPB in carrying out its mandate, to reduce overcrowding in Zambian prisons.

2.9. Specific Objectives

- To analyse prison overcrowding and its impact on prisons and the community.
- To analyse the organisational structure, functions and patterns of communication that the NPB uses.
- To assess community attitude towards prisoners as a communicative problem.
- To evaluate community involvement levels in the communication strategies that the NPB uses.

- To appraise the communication strategies employed by the NPB in the administration and practice of parole.

2.10. Research Questions

The study was guided by the following questions and points of reference directed to the convicted prisoners eligible for parole, NPB staff, POs and members of the general public.

- How much do people know about prison overcrowding and its impact on the prisoners, staff and the community?
- Who are the target audience of the NPB?
- What are some of the organisations NPB patterns of communication?
- Does the NPB have any communication strategies?
- What communication strategies does the NPB employ in order to reduce overcrowding in prisons?
- Have the communicative strategies used by the NPB contributed to the effective administration of the parole system in Zambia?
- What is the attitude of the community towards prisoners?
- How much is the community aware about parole?
- How is the community involved in information dissemination and communicative education of the parole system in Zambia?

2.11. Limitations

- Not having easy access to respondents (prisoners).
- Respondents restricted movements and discussions in the case of (prisoners).

These limitations affected the research in a way.

CHAPTER THREE

THEORETICAL AND CONCEPTUAL FRAMEWORK

3. Introduction

This chapter presents a theoretical and conceptual framework of the key concepts underlying the study. The understanding of these concepts is crucial to the research as it will bring out appreciable details relevant to the study. The section will use communication and development theories and concepts to assist the researcher gain insight into the strategies currently being employed by the NPB in the administration and practice of parole as a way to reduce overcrowding in Zambian prisons and how these strategies can be appraised.

3.1. Prison

Prison is a Middle English word from Anglo-French and Latin terms; “prehensio” meaning an act of seizing, *prehendere* to seize” (www.merriam-webster.com/dictionary/prison. 1996 accessed on 18 September 2011). According to (Burton 2007, p. 9) Prisons is defined as a place used for confinement of convicted criminals. However, Bouvier (1856) referred to prison as, “a legal building designated by law, for confinement, or detention of those persons judiciary ordered to be kept in custody[...] every place where the party is arrested is a prison; as, the street, if one is detained in passing along.” He asserted that prison is a place of confinement for law breakers; specifically, an institution as one under state jurisdiction for confinement of persons convicted of serious crimes, a public building used to house convicted criminals and accused persons remanded in custody and awaiting trial” (www.merriam-webster.com/dictionary/prison. 1996 - accessed on 18/9/2011).

According to the Prisons Act, CAP 97 Section 2 (1) and Section 3 (1) (2) of the Laws of Zambia (1996) prison refers to,” any building, enclosure or place or part thereof, declared to

be a prison by the Minister of Home Affairs, it includes the grounds and buildings within the prison enclosure.

It includes any other grounds or building belonging to or attached thereto and used by prisoners or staff of a prison.

Under Section two of the Prison Act, CAP 97 of the Laws of Zambia the term, “Prisoner” refers to, “any person, whether convicted or not under detention in any prison.”

Looking at prison overcrowding, its definition has concentrated mainly on spatial density and the social density of crowding. Spatial density is defined as the amount of space available per person in a particular housing unit, while social density is defined as the number of individuals sharing a housing unit, and is considered the factor which mostly contributes to the adverse effects of crowding (Toch 1977, p. 31).

3.2. Parole

On the other hand, Parole is defined as, a carefully constructed bridge between incarceration and the return to the community. It is a form of conditional release that involves a careful review of information and assessment of risk to decide whether or not an offender may be permitted to return to the community before the end of the sentence of incarceration under the supervision and assistance of a parole officer (National Parole Board 2002, p. 1). The Botswana Prisoners’ Handbook (2005, p. 13) defines parole as,

A conditional release of a prisoner before the expiration of his/hersentence. Its purpose is to encourage inmates to display a positive response to rehabilitation programmes. It also helps inmates to adjust to community life and lead a normal life with both their families and the community before the actual expiration of their sentence.

According to the Prisons Amendment Act (2004) CAP 97 section two of the Laws of Zambia: Parole means “the conditional release of a convicted offender from a penal correctional institution, under the continued custody of the state, to serve the convicted offender’s remainder of the sentence in the community under supervision.”

The Correctional Services of South Africa - Offenders Rehabilitation Path (2005, p. 4) refers to a parolee as an offender who has been conditionally released from a prison or correctional centre to serve the remainder of his/her sentence in the community, subject to supervision and control of the Correctional Service.

Parole order refers to an order for the release of a prisoner from prison on parole made by the Commissioner of Prisons (COP) under rule 9 (Parole Rules 2008).

3.3. Communication

Just as there are several approaches to the study of communication, there are also various definitions of communication. However, it is important to agree on a working definition as a positive step towards improving our understanding of this complex phenomenon.

Miller (1996, p. 7) observed that communication has its central interest in behavioural situations in which a source transmits a message to a receiver with conscious intent to affect the latter’s behavior. According to Tubbs(2008, p. 7), communication is the process by which participants create and share information with one another for mutual understanding.

Similarly Rodgers (2003, p. 35) referred to communication as a process to which participants create and share information with one another in order to reach a mutual understanding. The following are communication contexts:

- Interpersonal Communication
- This is the basic unit of communication, It occurs between two people. The most important defining element in interpersonal communication is the level of closeness or intimacy among the two interacting parties.
- Small Group Communication
- It is defined as the process by which three or more members of the group exchange verbal and non-verbal messages in an attempt to share and influence each other. This type of communication occurs in settings such as churches, social situations, organizations and in therapeutics.
- Public Communication
- It is usually referred to as “public speaking” It occurs in public rather than private places. It is relatively formal as opposed to Informal unstructured communication. This type has clear cut and well established behavioral norms.
- Intercultural Communication
- Is communication between members of different cultures. Culture is a way of life developed by a group of people and passed down from generation to generation.

- Organisational Communication - It is defined as the flow of messages within a network of interdependent relationships.
- Mass Communication - This context involves communication that is mediated through print or electronic medium.
The message is intended for masses of individuals.
- Interviewing - The context is defined as communication transaction it emphasizes questions and answers with a view of extracting the required information (Tubbs et al. 2008, pp. 19-22).
- Participatory Communication - It is defined as that type of Communication in which all the Interlocutors are free and have equal access to the means to express their view points, feelings and experiences.
Therefore it implies people's involvement in all forms of communication; be it inter-personal, mass media, team communication and cultural communication (Shirley et al. 1994, p. 43).

3.4. Participatory Communication

Participatory communication is an essential component in development. The notion of participatory communication signifies a pragmatic concept that presupposes a basic commitment on mutuality and respect for one another (Freire 1978, p. 81). A people based pedagogic that treats the learner and the teacher as equals.

Borrowing (Buber 1958, p. 10), "*I thou and I it*" relationship, Freire describes participation as the "*I- thou*" relationship, an encounter of dialogue, mutual respect, openness and give and take, that accepts and affirms the other and through such acceptance, liberates and enhances both the I who meets and the thou, who is met. This dialogue encounter is more holistic as it is born of relationships applicable to one's life with nature, with other people and with the eternal.

Participatory communication is defined as the type of communication in which all the interlocutors are free and have equal access to the means to express their viewpoints, feelings and experiences (Burke 1999, p. 19).

Participatory communication has of late come to be defined as a central factor in any development agenda. It refers to both the theory and practice of communication that is used by involving people in the initial planning, decision making, planning and finally implementation. Participatory communication tends to get its meaning from its roots similarly to the term community, originating from the Latin word, 'communis' meaning common (Mody 1991, p. 56).

If the NPB has to succeed in its mandate that is to reduce overcrowding in Zambian prisons, the active participation of the church, business houses and the community is very essential. The community should be considered as an equal partner in that prisoners come from the community into prison and when they are discharged out of prison they go back to the community where they came from, (The International Centre for Criminal Law Reform and Criminal Justice Policy 2001, p. 4).

Undoubtedly, there cannot be any meaningful rehabilitation and successful reintegration of prisoners into the community without the full participation of the community itself.

Participatory communication as a social interactional practice, which brings together people of common interests in an effort to improve their situation, change the status quo, and take charge of their own destiny (Mody 1991, pp. 30-31).

From a parole perspective, participatory communication can be viewed as a practice toward a common good as it will involve the offender, the victim, the community and the prison system. The offender will be given an opportunity to take responsibility of his/her criminal acts, the victim is accorded a chance to speak his/her experiences with, and the aftermath of the crime, the community is there to witness and render support to both the victim and the offender.

Participatory communication is based on the rhetoric and practice of liberation, freedom, emancipation, persistence and struggle and always taking a preferential option for the poor to bring about social transformation of oppressive structures in a bid to cultivate social change. It is opposed to the theory and practice of the traditional linear communication that merely

reinforces the status quo and perpetuates class, status, caste, gender and other social inequalities.

The second approach to participatory communication involves the ideas of access, participation and self-management articulated in the United Nations Education and Scientific Organization (UNESCO) discourse which also includes the idea of gradual progression (United Nations Development Programme 1996, p. 8).

In this way the grassroots are empowered to take control of their own lives, they develop critical thinking and reflection, learning and being transformed and are able to influence public policy through media.

Participation leads to decentralization. The experience of knowledge, fundamental rights which come through information sharing and interaction sharpens the grass-roots to resist a centralized top-down approach which tends to always be imposed on them whether by mistake or by structural design.

Parole, a community based correctional model, as a paradigm shift in penal administration and practice with prisoners as its central focus can draw strength from participatory communication to which human dignity, dialogue, mutual respect, accountability and openness provides a suitable atmosphere for rehabilitation and subsequently successful reintegration of prisoners into society as productive law abiding citizens.

3.5. Social Change: Parole a Paradigm Shift in Corrections

Social Change can be defined as alteration in social structures; the nature and functioning, the social institutions, social system, the social behaviours or social relationships of a society. (Eisenstadt1973, p. 9). Like in the history of prisons or penitentiaries, institutional incarceration did not become a major punishment for offenders until 1600s and 1700s.

In many countries institutional confinement was not as a punishment until 1800. Even though institutional confinement has existed since ancient times before 1600, however, it usually served other functions and not punishment. For example confinement was used to:

- Detain people before trial
- Hold prisoners awaiting sanctions such as death and corporal punishment
- Coerce payments of debts and fines
- Hold and punish slaves
- Achieve religious indoctrination and spiritual reformation
- Quarantine disease

In olden day Zambia, confinement was used to detain offenders before trial. This was usually done by the chief following information that someone had committed a crime. Serious crimes included murder, blasphemy of ancestral spirits and the gods, and any behaviour deemed disturbing or unpleasant in the eyes of the chief. Detentions were centered on the kingship or the chiefdom and were done under his/her instruction within the palace. Most common is that offenders were held before trial, to coerce payment of debt and fines as a form of making amends and reparation in order for the offender to receive spiritual cleansing and to restore peace in the community as desired by ancestral spirits.

Confinements as a result of disease such as leprosy were done far away from the communities usually in solitary places such as banana plantations and thickets. Relatives to leprosy patients were also encouraged to do sacrifice to the gods through the media so that their relatives could be healed. This again meant performing rituals with specific instructions from the chief. This practice was very descriptive as to what type of sacrifice and how the rituals were to be performed.

Unlike modern imprisonment which strives to reform the offender's character and is carried out away from public view, early punishment for crime which predated the use of institutional confinement were directed more at the offender's body and property with the sole goal of inflicting severe pain.

In addition, these sanctions were carried out in public to humiliate the offender and to deter onlookers from committing similar crimes for example seizure of property, corporal and capital punishment were some of the punishments meted on offenders. Some popular methods of capital punishment used were: beheading, stoning, hanging, crucifixion, boiling and burning. For corporal punishment they used methods such as branding, flogging or placement in the stocks of pillory material. In Zambia placement in stocks was not used instead the offender was rope-tied to a tree.

These practices were viewed as being inhuman and, therefore, there was a paradigm shift, a radical social change that brought in alternatives to these more severe inhuman sanctions.

Later people who committed crime were forced out of their communities by way of banishment and transportation. Banishment required that offenders leave the community to

live in the wilderness. This form of punishment was used in Zambia until late 1950s. But even now some villages still use banishment to punish deviants such as, witches or wizards.

In the west transportation came as the need for more labour arose at the dawn of Western capitalism. Offenders were transported from their home nation to one of the nation's colony. Gradually transportation replaced banishment and unfortunately became the architect of slavery where Africa became the offender.

The later development was the use of work houses; small structures were put-up specifically for offenders to learn work habits and discipline. This development eventually coined the use of hard labour as a way to punish offenders. In Zambia this was commonly used as offenders were sent to cultivate fields usually for the chiefs. In modern Zambian penal system, this was replaced with prison farms, gardens and other forms of unpleasant labour.

The enlightenment period was a time of faith in science as well as a period of humanistic reform(Bohm et al. 1999, pp. 310-311). The thinkers of the enlightenment of the 1700 and 1800 described the penal system of their day as excessive, arbitrary, discriminatory, capricious and unjust.

The reformers who were important to corrections were Cesare Beccaria (1738-1797), John Howard (1726-1790) and Jeremy Bentham (1748-1832). These advocated for written laws in the administration of criminal justice and a deterrent criminal behaviour (Bohm et al. 1999, p. 310).

Beccaria believed that punishment needed to be certain and swift. Certainty implied the likelihood of getting caught and punished to be perceived as high. Swiftiness meant that punishment after crime has been committed must speedily be executed and not delayed (Bohm et al. 1999, p. 310)

On the other hand, Howard was appalled by the crowding, overall poor living conditions, disorderly and abusive practices. He advocated for safe, orderly, and humane treatment. He claimed penal institutions should not just punish but also reform. He proposed an orderly institutional routine of religious teachings, hard work and solitary confinement to promote introspection and penance. Bentham later advocated for architectural designs that would foster reform and order (Bohm et al. 1999, pp. 310-311).

In Zambia there is a written criminal procedure code meant for quick disposal of cases. Religion has been an activity that was introduced in prison daily routine and Lusaka Central Prison commonly called Chimbokaila is a typical architectural prison work design of Bentham.

Thereafter, penal institutions developed into penitentiary; philosophically these were guided by enlightenment principles. In a system consistent with Howard's plan, its prisoners laboured in solitary cells and received large doses of religious teachings (Bohm et al. 1999, p. 311). With faith in the penitentiary declining, the stage was set for another paradigm shift in penal development. This was the reformatory model of 1870. A new type of institution, the reformatory was designed for the younger, less hardened offenders between 16 to 30 years of age. Founded on a military concept of regimentation, it emphasized academic and vocational

training in addition to work. It was during the reformatory period that the first women's prison, according to the reformatory model, was established (Bohm et al. 1999, p. 312).

Penal development in the twentieth century saw the development of two types of institutions: First, Big houses model: these were an extension of the old structures in order to accommodate larger prison populations. Second, Correctional Institutions: these arose during the 1940s and became a dominant model, (Bohm et al. 1999, p. 313). They emerged as penologists turned to the field of medicine. Menninger K. (1969, pp. 231-232) considered crime as being symptomatic of personal illness in need of treatment. The main kind of treatment is academic, vocational education and therapeutic counseling.

After the treatment model came parole. This led to follow-up treatment in the community, after the offender is conditionally released to serve part of his/her sentence in the community – a paradigm shift towards non-custodial measures generally referred to as community corrections.

According to (Bohm et al. 1999, p. 314) community based corrections can be defined as the subfield of institutional corrections consisting of programs in which offenders are supervised and provided services outside the prison. Community corrections are, therefore, referred to as non-institutional corrections.

3.6. Development

Development is generally perceived as a process directed towards improved standards of living and greater capacity for self-reliance in economics that are technically more complex and more dependent on global integration. Development is thus positive change for the better

from conditions; economic, political and social, which are no longer considered well enough for the goals and aspirations of a society to those that are likely to meet those goals and aspirations. It is also looked at as a social condition within a nation in which the authentic needs of its population are realized and met by rational and sustainable use of natural resources and systems. The optimal use of natural resources is by such technology, as that which respects the cultural features of the people.

This broad definition includes the specification that social groups have access to organizational basic services such as education, housing, health services, nutrition and above all, that their culture, norms and values are respected within the framework of the particular country.

Economically, development entails employment opportunities, satisfaction in terms of basic needs and the achievement of a positive significant rate of equal distribution and redistribution of national wealth (Melkote et al. 2001, p. 34).

Politically, development implied legitimacy of government systems not only in law but also in terms of providing social benefits to its citizens. This development model that stress people's basic needs was espoused by the Dag Hammarskjold foundation, it encouraged an endogenous development process, promotes self-reliance, use of ecology and the promotion of structural transformation (Nair et al. 1994, p. 18).

Development is a change process towards patterns of society that yields better realization of human values; that allows society greater control over environment, over its own political destiny and that which makes its population have greater control of their own destiny.

It creates an opportunity for government officials and development agents to listen to people and learn from them thus encouraging target social system participation, motivation and commitment. Participation here means participatory development, which means greater decentralization and democratization of information for development oriented activities (White et al. 1994, pp. 36-49).

Therefore, participatory development holds that people's quality of life should be improved and that development projects should be carried out with the full cooperation and participation of the people in the target social system. Authentic development efforts take into account the often ignored fact that the social intelligence existing within the target social system is frequently a more relevant position than the abstract intelligence of the development agent.

If one of the country's vulnerable special populations, the prisoners can be rehabilitated, human dignity and self-esteem restored, become useful productive and law abiding citizens, and self-reliant through participatory communication and participatory development strategies, prisons would constantly experience significant reduction in the number of inmates coming out of prison and never recidivating back into prison, consequently reducing overcrowding.

3.7. Social Learning or Social Cognitive Theory

The theory was developed by Bandura in 1977. The theory was the first to introduce the notion of self-efficacy. The theory is based on the belief that behaviour is determined by expectancies and incentives (<http://www.infosihat.govt.mt> - accessed on 22/9/2011).

It posits that behaviour is influenced by expectancies about:

- Environmental cues (beliefs about how events are linked and what leads to what)
- Consequences of one's actions (how behaviour is likely to influence outcomes)
- Competence to perform the behaviour needed to influence outcomes (self-efficacy).

Table1

Social Learning and Social Cognitive Theory Concept and Application

Concept	Social Learning Theory Definition	Application
Reciprocal Determinism	Behaviour changes result from interaction between person and environment; change is bidirectional	Involve the individual and relevant others; work to change the environment, if warranted
Behavioural Capability	Knowledge and skills to influence behaviour	Provide information and training about action
Expectations	Beliefs about likely results of action	Incorporate information about likely results of action in advice
Self-efficacy	Confidence in ability to take action and persist in action	Point-out strengths: use persuasion and encouragement; approach behaviour change in small steps
Observational learning	Beliefs based on observing others like self and/or visible physical results	Point-out others' experience. Physical changes' identify role models to emulate
Reinforcement	Responses to a person's behaviour that increase or decrease the chances of recurrence	Provide incentives, rewards, praise; encourage self-reward; decrease possibility of negative

		responses that deter positive changes
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Source: Bandura 1977 (<http://www.infosihat.gdv.mt> - accessed on 22/9/2011).

Reciprocal determinism for example, prisoners who after parole conditional releases into community corrections start prefer to live under a health environment which is peaceful and respectful and always seeking to live and interact with decent and sober minded people, this action would foster behavioral change.

Behavioural capability, for example, offering Alternatives to Violence Programme (AVP), Sexual Offenders Programme (SOP), and Anger Management Programme (AMP) as interventions can help offenders gain the knowledge and right attitudes to lead a more productive, positive, and useful life.

Expectations, for example telling the prisoner the likely result of his/her action, 'if you decide to start smoking cannabis after your release on parole, you will be arrested and imprisoned for a period not less than three years. During this period in prison your family will be subjected to suffering and probably the time you will be out of prison your wife might even have gotten married to someone else. Equally your children would have stopped going to school due to lack of school requirements. Some of your children may even go onto the street due to financial constraints which could be a direct result of your being in prison.'

The notion of self-efficacy, which is having the confidence and trust to take action and persist in it. This might work well with most prisoners who perceive crime to be as a result of their drunkenness. Action is taken to confidently stop the vice but they fail to persist or continue

with their action. The fact that they are able to admit wrong doing and to show remorse and sometimes while in the drunken state is a clear indication that one has the ability to resist wrong doing and persist in right action.

Observational learning: could imply pointing out to peers who were in similar criminal behaviours but are now able to live a decent productive life and have become respectable people in society. For example, one ex-convict now is an ordained minister of religion manning a congregation with a membership of over one thousand people, and another one is working as Director of a prominent NGO. This could be a model to prisoners still serving.

Reinforcement: for example saying to a prisoner encouraging words such as, 'you have now totally changed'. Since your release into the community, your behaviour has been extremely good, respectable, hardworking and keen to advance in education.

For that reason the community has decided to pay for your education in full. However the community feels that your new friend may not be helpful to you considering that he drinks alcohol too much and he was recently involved in a theft scandal, even though he cleverly escaped the dragnet. But we hear again that the police are still after him.

Parole releases into community is able to provide a more conducive environment that can provide community rehabilitation programmes in a suitable environment with better interactions that reinforce sound behaviour and positive action.

3.8. Theory of Reasoned Action

The theory of reasoned action was developed by Fishbein and Ajzen in 1975. It posits that voluntary behaviour is predicted by one's intention to perform the behaviour (e.g. how likely

is it that you will take up a quit smoking programme (QSP). The theory views intention as a function of attitude towards behaviour (do you feel positive about quitting smoking), and subjective norms (do most people who are important to you think you should quit) (<http://www.infosihat.gdv.mt> - accessed on 22/9/2011).

The theory looks at attitude as a function of beliefs about the consequences of the behaviour (how important do you think it is to quit) and that subjective norms are a function or expectations of significant others (does your spouse think you should quit smoking) weighed by the motivation to conform (how important is it to do what your spouse wants). Unlike the health belief model and the social learning theory, this model is based on rationality and does not provide explicitly for emotional “fear-arousal” elements such as perceived susceptibility to illness. Basically emphasis is placed on intention rather than attitude.

A prisoner understands that anger is what has caused him incarceration and on his own decides to take up the anger management programme. The programme is offered to those to whom the assessments indicate need. After the assessment results are out, he takes the initiative to see the psychologist and make further inquiry about the programme. After he is informed about the programme, he starts to make preparations, for example, he buy books, pens and markers. Then he starts to ask for materials on the programme and begins to read books on anger management. He starts to share with his friends his happiness and expectations of the programme.

He later writes a letter to his wife informing her that he is happy that now he has enrolled into AMP and jokingly assures the wife no more fighting after release from prison and regrets that violent behaviour had brought misery to both him and his family, citing an example of the

children who are no longer at school, electricity bills, house rentals and water bills that cannot be paid and the family is facing disconnection and eviction. In reply the wife assured him a happy marriage and that the family was looking forward to his completion of the AMP and finally his return back home. But before the expiry of the jail term he is released on parole.

The wife later shares the letter and the development with her in-laws and all of them express happiness over the development and pledge support to the family and their son in law.

Parole releases are more effective in continuing rehabilitation programmes as this provides an open and free atmosphere conducive for behavioral change. Unlike institutional rehabilitation that carries with it the prison sub-culture, community correction programmes are offered in a more relaxed interactive free environment.

Most prisoners when asked about rehabilitation programmes in prison indicated that the harsh conditions in prison were a serious prohibiting factor to many inmates for them to appreciate rehabilitation. Many say overcrowding is a major setback making prison rehabilitation simply a mockery of Justice. Inside prison, they said, there is no rehabilitation pointing out that prison was hell and full of evil. Many who were interviewed were quick to say that the only thing helping inmates in prison was the preaching of the word of God, commitment to prayer and fellowship. Many prisoners admitted that they knew God while in prison and dedicated their lives to God.

Asking them if they were not going to change after release on parole if granted, most of them declined seeing prison as an opportunity that God gave them to realize their criminal acts, and that while others had died during the commission of crime God protected them and gave them an opportunity to change their behaviour.

Finding out from them if they had peers whose stay in prison was an inspiration to them, they said, they have had an experience of rebirth in prison, people whose lives one cannot doubt.

CHAPTER FOUR

LITERATURE REVIEW

4. Introduction

This chapter will identify relevant research works done on parole. The researcher will also try to position the research paper in the context of the previous studies done on the subject, and work to refine the study methodology.

Prison overcrowding has for a long time been a problem in the Criminal Justice System (CJS) especially the penal institution. In the recent years Zambia has experienced a lot of public pressure on prison sentencing in cases such as defilement, rape, sexual harassment on top of drug offences. The obvious explanation given to crowding is that the increase in crime has fuelled the growth in prison population.

The other explanation for this ever increasing prison population boom is that Zambia has developed through the CJS a tradition of total reliance on prison as the only way to tackle crime. However, the “get tough on crime policies” have inevitably contributed to an increase in the prison population and correspondingly, expenditure for prisons has continued to rise (Colson et al. 1988, pp. 29-30).

According to Mize (2009, p. 14) the movement towards increased use of parole comes from the disillusionment with imprisonment as the primary focus for CJS. He contended that the alternative to incarceration is international in scope making claim that if community corrections is the wave of the future, then correctional authorities will have to become very creative in developing intermediate sanctions that provided a viable range of options to sentencing judges.

Prisons are costly to build and to operate. Frequently they are overcrowded and in several instances inhuman and unjust. Most importantly, they don't seem to be particularly effective at rehabilitating offenders and curbing increasing crime rates.

According to Bohm et al. (1999, p. 376) prison staff that supervises offenders on community corrections have two potentially competing roles reflecting different goals. The first is that of law enforcement: seeing that offenders abide by community correction rules and regulations. The other role is to help offenders identify and address their problems and needs. This has three aspects: first, direct provision of services such as counselling to offenders. Second, as a "resource broker" with this role; the staff identify particular problems and needs and refer offenders to various community agencies for help. A very important advantage of community corrections is that correctional agencies can draw on the services of other agencies in the locality. For example, a parole officer may refer a parole showing suicidal tendencies to a local therapeutic counselling clinic. Third, the role of advocacy: this happens in instances where the community may not be offering services and programs that are significant to a number of offenders, for example, opportunities for vocational training. It is the responsibility of staff to advocate for greater availability of the services that are lacking and to work with community leaders to initiate and develop such services.

Community based support and treatment services are intended to fulfill some of the rehabilitation functions that institutions fail to provide (Mize 2009, p. 54). Making basic assumptions underlying the introduction of alternatives to incarceration Doob (1990, p. 421) asserted that there were several issues related to community corrections and these include cost savings, reduction of prison population, effectiveness, humanitarianism and public opinion.

He stated that community correction programs are more effective than imprisonment. Their effectiveness can be measured in terms of reducing recidivism, avoiding exposure to an undesirable effect and promoting the successful reintegration of offenders into the community. Incarceration is not more effective than community corrections in preventing reoffending, and treatment programs have proved to be more effective when delivered in community settings than in prison institutions (Doob 1990, p. 421).

Furthermore, community corrections spare offenders many of the negative effects of imprisonment. Community based correctional programs also facilitate various other factors associated with the offender's successful resettlement in the community.

Blomberg (1984, p. 51) noted that community corrections are an obvious improvement over traditional correctional programs for humanitarian reasons. They are considered humanitarian in that they provide less serious offenders with alternatives that let them continue with various aspects of their lives. In order for community corrections to be more effective and for programs to be successful, offenders must not be simply located in the community but integrated into it because if offenders are isolated, they will not develop the meaningful social tools that are the *raison d'être* of community corrections.

Community based programs are considered more humane in that they avoid many of the negative effects of incarceration, including stigmatization, damage to physical and/or mental health and constant exposure to criminal peers.

Affirming parole, Scull (1977, p. 3) observed that these programs were developed in response to a recognition that traditional incarceration was not working. The new approaches are a step in a progression toward a more humane and effective correctional system.

Examining criminal justice, Tombs (2000, p. 34) asserted that despite the difficulties of measurement, there is incontrovertible evidence that for the vast majority of offenders, community corrections are the most effective in reducing re-offending and consequent recidivism.

The conclusion comes from a raft of meta-analytic studies, and from the detrimental effect that prison has on social inclusion factors; on resettlement and integration. A look on how prison fares reviews the following:

- Prison does not meet public expectation of meeting the victims concerns and giving the offender a second chance
- Prison is the most expensive response to crime
- The return to custody rates are extremely high
- Prison reduces the spirit of embracing one another to increase social exclusion
- Prison is not tough on the causes of crime – it creates more causes

On the other hand, parole as a community correctional model has advantageous in the following ways:

- Reducing prison overcrowding: parole allows offenders to serve part of their sentence in the community this reduces reliance on imprisonment. They are also given time to make things right with the victims by way of reconciliation and reparation.

- Reducing prison costs: parole programs are far cheaper than the traditional lock and key penal system. Many community programs are self-supportive and may not need more funds to run them.

Effective use of community based programs may reduce the need for more prison constructions. This may save the state from ever spending on ever-expanding prison systems that don't rehabilitate offenders, don't repay victims and cost tax payers more.

- Reduce high crime rates: parole as community corrections reduces crime rates by retaining family ties and reducing recidivism. To the contrary public opinion explanation on imprisonment claims that members of the public will think punishment for crime is too soft and will demand more imprisonment and longer sentences as long as they think crime is too high. The problem is that prison generally do unsatisfactory job of controlling crime, so the public continues to perceive crime to be high, despite sharp increases in the prison population. Therefore, the inability of prisons to control crime fuels public demands for stall more incarceration (Bohm et al. 1999, p. 321).

Community corrections, however, do not imply complete release of prisoners into complete freedom. They have first to spend some time under the supervision of the state. Although often misunderstood, community, corrections serve a number of important functions. It allows the state to supervise the prisoners after release to minimize the risk that they will commit new crimes.

While in prison, it motivates the offenders to follow the rules and take part in programs. Community correction's challenge is to provide adequate support that can increase the likelihood that offenders on community corrections will successfully make the transition

from a prisoner to a useful productive and law abiding citizen (Donzinger 1996, pp. 192-193).

Zambia has made notable strides towards the implementation of parole as a community based correctional model. However, parole is still in its infancy stage even though they are a good number of prisoners on parole.

CHAPTER FIVE

RESEARCH FINDINGS/DATA PRESENTATION AND ANALYSIS

5. Introduction

This chapter presents the findings of the study which are organised in line with set objectives. The chapter begins by setting-out the parole system in Zambia; how it is administered and practiced. Then presents the overcrowding situation analyses of the ZPS by way of the daily unlock against the prisons official holding capacity. Finally data presentation is done from both questionnaires; from convicted offenders and the general public.

5.1. The National Parole Board Legal Status

In Zambia, the National Parole Board is a Unit of the Zambia Prison Service. It is an administrative tribunal that makes recommendations about parole releases. The discretionary early release of Prisoners was introduced in Zambia in 1964 upon attainment of Independence (Prisons ACT CAP 97 Section 114 of the Laws of Zambia). This provision was repealed by the Prisons Amendment Act No. 16 of 2004 Section 113A, which provided for the establishment of the National Parole Board.

5.2. Composition of the Board

The Prisons Amendment ACT (No. 16 of 2004) provides for the establishment of the (NPB). Section 113A (1) reads, "There is hereby established the National Parole Board which shall consist of members appointed by the Minister as follows:

- (a) The Deputy Commissioner in Charge of Correctional Services who shall be the Chairperson;
- (b)The Chaplain General;
- (c)The Director Medical;
- (d) A representative of the Ministry responsible for Home Affairs;
- (e) A representative of the Ministry responsible for Community Development and Social Welfare;
- (f) A representative of the Attorney General;
- (g) A representative of the Religious Organization;
- (h) A representative of a non-governmental Organization dealing with the welfare of Prisoners; and
- (i) A member of the Reception and Discharge Committee.”

Board members are appointed for a three (3) year term renewable for a further three (3) years. The Prisons Amendment ACT also provides for the Vice Chairperson who is elected by the members from among themselves. As can be seen, the Board draws its membership from various institutions as outlined above with a variety of Professional backgrounds.

5.3.Functions of the Board

The functions of the board according to the provisions of the Parole Rules (2008: rule 4) are:

- (a) To coordinate activities related to, and recommend to the commissioner, release of prisoners on parole;

- (b) To receive and consider applications for parole and to recommend to the commissioner the grant or refusal of such applications;
- (c) To issue summons requiring the appearance before the board of any parolee or applicant for parole or such witnesses as the board may consider necessary for the purpose of these rules;
- (d) To recommend to the Commissioner the recall from parole of a parolee for violation of parole conditions;
- (e) To recommend to the Commissioner the suspension or revocation of parole in respect of any parolee;
- (f) To make reports to the Minister at the end of the year and at such other intervals as the Minister may direct.

5.4.Daily Operations of the Board - Board Secretariat

The NPB Secretariat Offices are located along Paul Banda Road opposite the magistrate court complex in Lusaka, the capital city of Zambia. The day to day activities of the Board are handled by the Secretariat consisting of Officers drawn from the Zambia Prisons Service. The secretariat is supervised by the Board Secretary who is also a senior prison officer appointed by the COP.

Other members of staff are 1 parole records officer, 1 parole supervising officer and support staff; 3 drivers, 2 typists, 2 office cleaners and 1 office orderly.

Although the day to day administration of the board is supervised by the Board Secretary, the secretariat also has offices for both the Chairperson and the Vice Chairperson.

5.5.Extension Service/Parole Officers

The extension Service is provided for under the Prisons Amendment ACT (2004) Section (116A) for the purpose of providing post imprisonment programmes.

The officers under extension services are at times referred to as parole officers as they also supervise parolees serving part of their sentence in the community under community corrections.

5.6.Responsibilities and Duties of a Parole Officer

The NPB secretariat works hand in hand with parole officers. Each main prison; Maximum, Medium and Minimum or District has a parole officer.

These are the basis of information gathering concerning prisoners applying for parole release. Parole officers play duo functions first, as rehabilitation agents where their role is primarily to engage and support prisoners in interventional programmes while serving their time in prison. Second, they have a duty to engage the community where the parolee is so that together with the community they will see the best way to integrate the parolee in the community and at the same time see whether the parolee is responding positively or not (Bohm et al. 1999, pp. 390-391).

Parole involves specific rules and conditions that offenders must follow to avoid revocation. Nonetheless, it also entails providing offender's constructive supervision and quality correctional services.

5.7.Board Member Training and Development

The Parole system in Zambia is modelled on the Parole system of Canada. With the help of co-operating Partners such as Danida and the Canadian Government, the Board members attended a two week Board Members Training Workshop that was held at 96 Empress, Ottawa, Ontario, Canada from July 6th to 17th2009.

The workshop covered many other topics among them: approaches to parole, principles of natural justice, general theory of criminal conduct, women offenders, parole interventions, sexual offending, prediction of violence offenders, offenders with mental health concerns, parole decision making and writing of reasons, code of ethics, and practical sessions on parole board hearings: debriefing hearing process and interviewing techniques (Training Schedule for Members of the Zambian Parole Board 2009, pp.1-2). The Training Programme has been of great assistance to the NPB in carrying out its mandate.

Other training opportunities such as the Association of Paroling Authorities (APAI) Annual Training Conferences; the 25th annual conference held in New York in 2009, the 26th, Annual Training Conference held in Savannah Georgia in 2010 and the 27th, Annual Training Conference held in Texas in2011 have all been of great assistance to the Board especially in acquiring international perspectives on parole, parole evidence based practices and the role of parole: administration and practice.

5.8.Mission

As part of the CJS the Board makes independent, quality conditional release decisions and makes recommendations to the COP for action.

The Board contributes to the protection of society by supporting and facilitating as appropriate, parole and reintegration of offenders into society.

5.9. Vision

Rehabilitation and successful reintegration of offenders into society as law abiding citizens thereby enhancing national development and public safety.

5.10. Parole - its Purpose

In Zambia the main purpose of parole is to reduce overcrowding in Prisons. The official holding capacity of Prisons is 5,265 while the number of Prisoners in custody is over 16,000.

Parole conditional releases provide a gradual half way community re-entry and a structured correctional supervised release plan, before the expiry of the sentence of a prisoner. This rehabilitation path and eventual reintegration of offenders into community augments accountability and responsible behaviour thereby preventing reoffending and subsequent recidivism.

5.11. Offender Eligibility

Section 114 of the Prisons Act provides that;

The Commissioner may, on such terms and conditions as the Parole Board may determine, permit a prisoner who is serving a term of imprisonment of the date the prisoner is due to be released, to be absent from the prison on parole until the expiry of the remainder of the prisoner's term of imprisonment.

This means that, to be eligible for Parole, a Prisoner must be serving a term of at least two years and can be on parole six (6) months before their expected release date until the expiration of their sentence (unless parole is suspended or revoked).

In considering an application for parole, the Board will require the following:

- (a) Forms outlining eligibility of the application for Parole;
- (b) Case history of the applicant
- (c) Report by parole officer on institutional conduct of applicant
- (d) Report by the extension officer of the conduct, the background, and suitability of home circumstances, and employment record of the applicant;
- (e) Report by psychiatrist or psychologist
- (f) Investigation report by the reception and discharge committee in relation to application (if necessary and requested by the Board).

5.12. Parole Hearing Process

When the Board receives an application for parole they will set a day and time for the hearing and notify the Officer in Charge of a prison in question to inform all the applicants. Others to be informed are the Inspector General of Police (IG) and the victim (Unless she/he has indicated that they do not wish to be notified).

Each of the above individuals may make separate submissions to the Board in writing.

5.13. Decision Making

The paramount consideration of the board when determining an application for release of a prisoner on parole is public safety. The board can make a paper decision or can order that the applicant appears physically before the board (Parole Rules 2008 rule 7). The board will take into consideration the following:

- (a) The nature and circumstances for the offence which the applicant was sentenced to prison
- (b) Relevant remarks made by the court at the time of sentencing
- (c) Likelihood of prisoner to comply with conditions of parole
- (d) Circumstances and gravity of offence (s) for which the applicant was sentenced
- (e) Impact of the crime (s) on victim if applicable and necessary (The board may call for the Victims' impact statement if and when the victim declines to appear in person)
- (f) Institutional behaviour
- (g) Behaviour on previous parole (if any);
- (h) Reports concerning social, medical, psychological condition of the applicant as well as reports from the extension officer
- (i) Probable circumstances of the prisoner after release and
- (j) Any other considerations as the board may deem necessary (Parole Rules 2008 rule 7 (2)).

5.14. Criteria for Granting Parole

The Board must be satisfied that:

- (a) The applicant had derived the maximum benefit from imprisonment and the applicant is at the time of the application for parole, fit to be released from prison on parole;
- (b) The reform and the rehabilitation of the applicant will be aided by parole; and
- (c) The grant of parole to the applicant will not, in the opinion of the board, constitute a danger to society.

Where the board recommends to the Commissioner that the applicant be released from prison on parole, the board shall-

- (a) Recommend a day on which the applicant shall be released from prison on parole; and
- (b) Within seven days of the date of such recommendation give written notice of such recommendation to-
 - (i) The applicant
 - (ii) The Officer In Charge
 - (iii) The Commissioner (Parole Rules 2008 rule 7(4)).

The Commissioner may, on receiving the board's recommendations order that the prisoner be released from prison on parole on a date and day and for a period specified in the order, being not more than six months before the prisoner's term of imprisonment is due to expire.

A parole order referred to shall be parole form 5 and shall:

- (a) Have effect for the parole period which shall be specified therein;
- (b) Be subject to parole conditions and
- (c) Contain such requirements as the board with the approval of the Commissioner considers necessary-

- (i) For securing the supervision of the parolee; and
- (ii) For securing the reform and rehabilitation of a parolee (Parole Rules 2008: rule 9 (2)).

However, the release of a prisoner on parole is subject to the following conditions-

- (a) That the prisoner-
 - (i) Shall be under the supervision of an extension officer and
 - (ii) Shall obey the reasonable direction of an extension officer until the expiration of the period of parole;
- (b) That the prisoner shall not commit any offence;
- (c) That the prisoner shall not possess an offensive weapon unless the prisoner has first obtained the permission of the board to do so and complies with the terms and conditions of that permission; and
- (d) May be subject to any other condition recommended by the board and approved by the Commissioner (Parole Rule 2008: rule 10).

Conversely, if the prisoner was convicted for any sexual offence involving a child, the board may recommend to the Commissioner the imposition of the following additional conditions on the release of a prisoner on parole:

- (a) A condition preventing the prisoner from loitering without reasonable excuse, at or in the vicinity of a school, public toilet or place at which children are regularly present or while children are present at school, toilet or place;
- (b) A condition preventing the prisoner from engaging in remunerative or voluntary work with children or at a place used for the education, care or recreation of children;
- (c) A condition preventing the prisoner from providing or offering to provide accommodation to a child, whether or not the child is, or is not related to the prisoner

by blood or marriage, if there is no other adult living with the prisoner and who can ensure the safety of the child (Parole Rules 2008: rule 11(2)).

It is worth noting that a prisoner cannot be released on parole unless the prisoner has accepted the conditions to which parole will be subject (Parole Rules 2008).

5.15. Refusal of Application for Parole

However, if the board is not satisfied with the application, the board shall recommend to the Commissioner that the application by the prisoner for release on parole be refused and shall state the reasons for the refusal.

The Commissioner shall on receiving a recommendation to refuse an application notify the prisoner:

- (a) The refusal of the application and
- (b) The reason for such refusal (Parole Rules 2008: rule 7(7)).

5.16. Parole Supervision and Monitoring

The Extension Service program was established in the ZPS for the purpose of providing post imprisonment programmes for the prisoners in the community (i.e. those who are discharged and those who are on conditional releases).

The Prisons Amended ACT No 16 (2004) under section 116 (2) gives the Commissioner power to appoint prison officers as extension officers, persons who are professionally qualified in social welfare for the purposes of administering the extension service programme and compulsory after care orders.

Under Parole Rules (2008: rule 19) the duties of the Extension Service/ parole Officer are:

- (a) To supervise persons released on parole assigned by the Commissioner;
- (b) To prepare reports as in form 7 as required by the board;
- (c) To maintain case records and statistics as required by the board;
- (d) To carry out the discretions of the Commissioner in relation to the parole order;
- (e) To investigate and make reports to the board on the employment and place of living available to each person applying for release on parole; and
- (f) To perform such other duties as may be directed by the commissioner or the board (Parole Rules 2008: rule 19).

The offenders risk assessment to reoffend can be viewed from many social psychological ills critical among them are:

- (i) Anti-Social Outlook: a prisoner who avoids friendship and relationship with family members and the surrounding community is easily discriminated therefore more likely to reoffend
- (ii) Criminal Association: a prisoner who embraces and maintains a close relationship with criminals is likely to reoffend
- (iii) Lack of Empathy for Victims: a prisoner who does not feel remorse, accountable, and empathy to the victim of crime is likely to reoffend.

5.17. Duration of Parole

The prisoner remains on parole until the expiry of the term, unless parole is suspended or revoked or recall of a parolee in public interest.

5.18. Suspension of Parole

The Commissioner shall, on recommendation from the board, suspend parole in respect of a parolee for any period during which investigations are being carried out for-

- (a) An offence which the parolee is alleged to have committed while on parole; or
- (b) Any breach by the parolee for any other condition of parole.

5.19. Revocation of Parole

Parole can be revoked following:

- (1) The recommendation of the board to the Commissioner to revoke parole in respect of a parolee if during the parole period, the parolee is convicted of an offence;
- (2) The board's satisfaction following a parolee's appearance before it, that the parolee has while on parole, breached a condition of the parole, the board may recommend to the Commissioner that the parolee's parole be revoked and the Commissioner shall on receiving such recommendation, order accordingly;
- (3) The Commissioner's order in respect of a person who is still on parole. The Commissioner shall order the person's release on parole be revoked;
- (4) A parolee's breach of a condition to which the release of the parolee is subject or commits an offence and is sentenced to a term of imprisonment during the parole period, the parolee is then liable to serve in prison the balance of the sentence of imprisonment in respect of which the parolee was on parole and which was remaining to be served on the date the parolee was released from prison on parole. This implies that at the time the breach is proved, parole has expired (Parole Rules 2008: rule 16).

5.20. Recall of a Parolee on Public Interest

A parolee may be called in public interest:

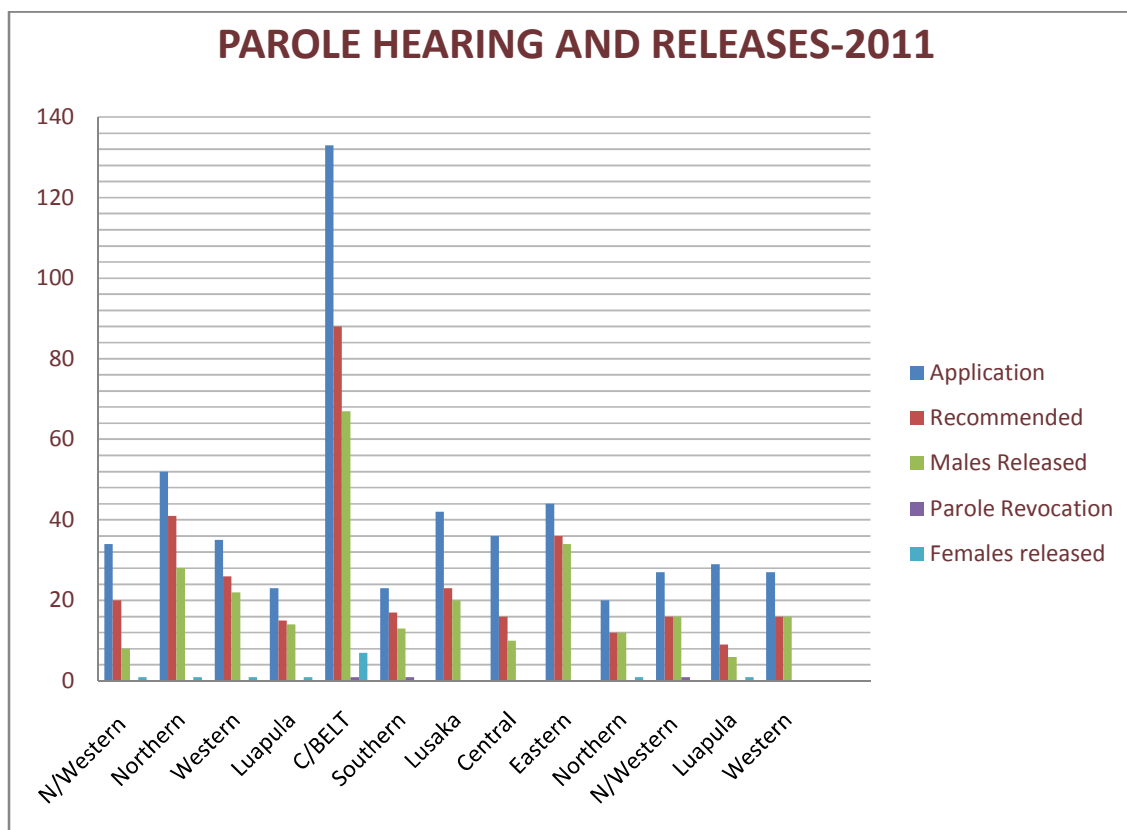
- (1) Where at any time during the parole period it appears to the Commissioner that the immediate recall of a parolee is necessary in the public interest, the Commissioner shall apply to court for a warrant for the arrest of such a parolee, who shall upon such an arrest be returned to the prison from which the parolee was released on parole (Parole Rules: rule 17).

5.21. Statistics – Parole Releases in 2011

- Total number of convicted male prisoners released on parole - 214
- Total number of convicted female prisoners released on parole - 12
- Total number of revocations (males) - 3

Total number of convicted prisoners released on parole:	-	226
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Figure 1



Source: National Parole Board Annual Report for - 2011

5.22. Pressure from Victims/Victim Groups and the Community

Crime creates a crisis in the life of the victims and usually this carries with it similar effects on the community. Victims may have been physically injured.

Victims may experience financial losses. When victimised there is almost always psychological trauma, and this may affect job or academic performance, marital relationships, sexual interest or behaviour (Van ness et al. 1986, pp. 30-31).

It is for these reason that the victims and victim advocates feel convicted offenders are supposed to be in prison until discharge. Parole is viewed as being lenient and double victimisation on the part of the victim, as most victims don't feel free to live with criminals or their victimisers. This is one of the reasons why there is public outcry for longer sentences especially for sexual offences. Public outcry is always aimed at keeping perpetrators of crime away from victims and the community.

When parole is granted, the victims and the community feel cheated, the system not helpful and authorities perceived as being corrupt.

The unwillingness by the community to embrace offenders as they are released to serve part of their sentence in the community such as rejection and exclusion arises in them feelings of guilt and shame, "i am a wrong doer, am a failure and hopeless" Taylor (1980, p. 38) observed that the response to these feelings of shame and powerlessness is a rage which he directs either outwardly at the world or inwardly at himself.

5.23. Board Decision Making

The Board does not make the final decision to release applicants on parole but instead, only recommends eligible prisoners to the COP for release. This makes the board a mere extension of the ZPS and not an independent tribunal that makes independent decisions.

5.24. Funding

The Board has no administrative autonomy and, therefore, does not receive direct funding from the Treasury or Ministry of Finance and National Planning.

This means that the board does not receive adequate funding for its operations as it receives its unit allocation from the Prisons budgetary allocation.

5.25. Parole Eligibility

Eligibility for applicants to be released on parole is too restrictive as only convicts serving more than two years jail terms and have remained with six months before discharge are eligible for parole releases.

5.26. Data Presentation

This chapter presents analysis and interpretation of data collected by means of questionnaires, interview guides and purposively selected stakeholders as research methods and instruments.

The study aims at evaluating parole as a way to reduce overcrowding in *Zambian Prisons* and to recommend a communicative and participatory approach.

The results of the study were analysed using the Statistical Package for Social Sciences (SPSS v 16.0) for the quantitative aspects of the research and facts presented by stakeholders for the qualitative aspect of the research. This was in line with the set objectives as follows:

- To analyse overcrowding and its impact on prisons and the community.
- To analyse the organizational structure, functions, and patterns of communication that the NPB uses.
- To assess community attitude towards prisoners as a communicative problem
- To evaluate community involvement levels in the communication strategies that the NPB uses.

- To appraise the communication strategies employed by the (NPB) in the administration and practice of parole releases.

5.27. Research Outcomes

There were three sets of respondents who were targeted during the study. The three were; incarcerated individuals, the general public and the members of the (NPB). Each group gave vital information that formed the findings of the study.

5.28. Incarcerated Individuals

A total of 100 respondents from a set target of 100 answered the questionnaires representing a positive response of 100%. The respondents for the quantitative aspect of this research were incarcerated individuals with varying jail sentences. These respondents were purposively sampled depending on security levels, availability and permission from the prison authorities.

5.29. Sex of Respondents

Of all the respondents who were interviewed, 74% were female while 26% were male. The bias towards female prisoners was deliberate as they seem to be the major beneficiaries of parole in Zambia since inception; female releases on parole 4.33%, male releases on parole 2.09%.

It should be noted also that respondents were purposively sampled to achieve a set objective of more female respondents.

Figure 2

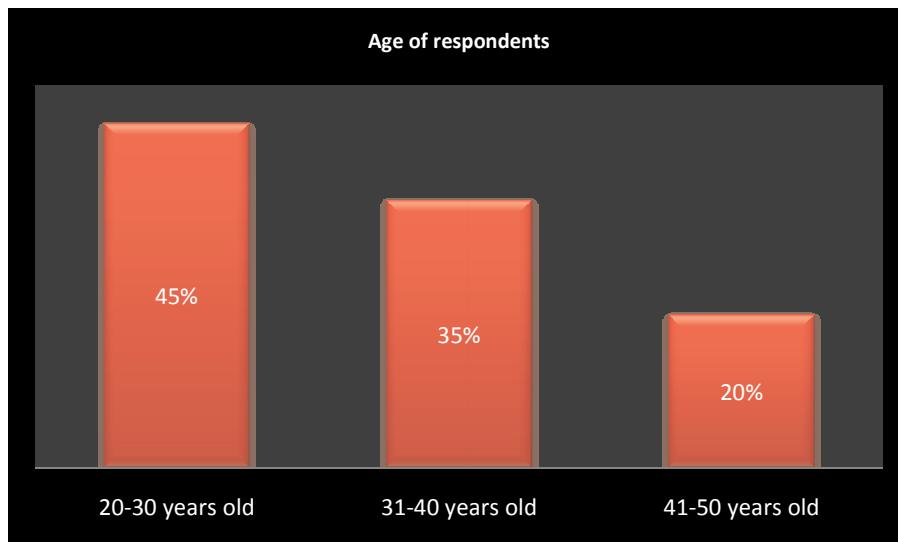
Sex of Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Female	74	74.0	74.0	74.0
	Male	26	26.0	26.0	100.0
	Total	100	100.0	100.0	

5.30. Age of Respondents

The ages of respondents varied from 20-51 years old. The majority of research respondents, about 45% fall within the range 20-30 years followed by respondents aged between 31-40 years who made up 35% of respondents while the remaining 20% fell in the category 41-50 years old as shown in the chart that follows.

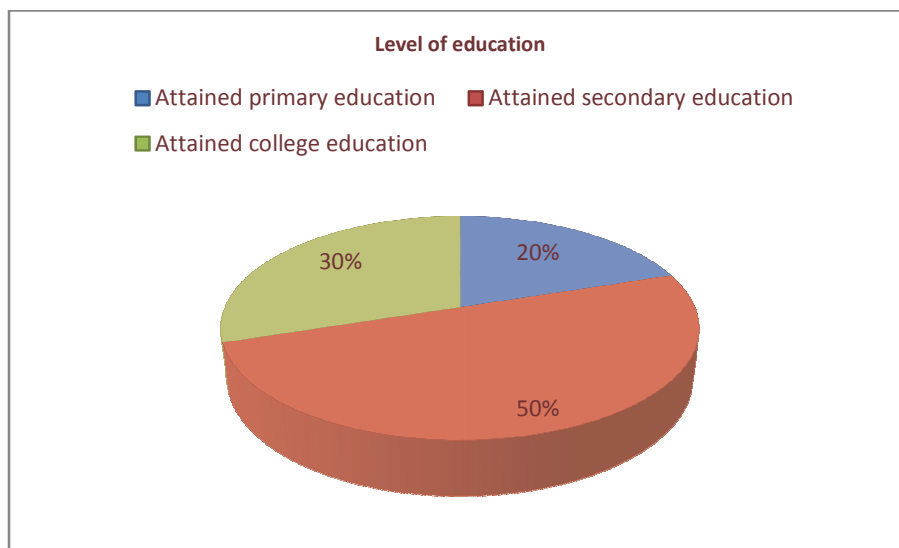
Figure 3



5.31. Level of Education

The respondents were asked about their level of education at the time they were incarcerated. The respondents who had attained secondary education were in the majority representing 50% while those who attained college education accounted for 30% and those with primary education formed the other 20%.

Figure 4



5.32. The General Public

A total of 100 respondents were interviewed from the set target of 120. The 20 that was not accounted for were either unanswered questionnaires or partially answered which could not give the required information. The above statistics gave a positive response rate of 83.9% which was credible enough to give inference to the study. The data was quantitatively analysed and applied.

5.33.Sex of respondents

Figure 5

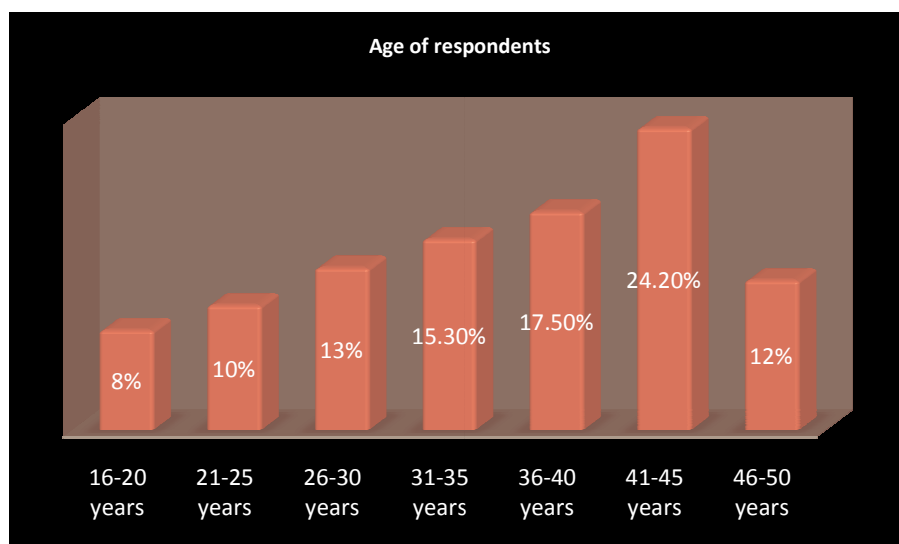
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male	53	53.0	53.0	53.0
Female	47	47.0	47.0	100.0
Total	100	100.0	100.0	

As indicated on the chart before, the intended respondents were 120, however only 100 were successfully interviewed and out of these 53 were males while 47 were female.

5.34.The Age of the Respondents

The study revealed that the age distribution ranged from 16 years to above 51 years. Majority of the respondents, about 24.2% fall within the range of 41 to 45 years followed by respondents aged between 36 to 40 years at 17.5% as detailed in the chart that follows.

Figure 6



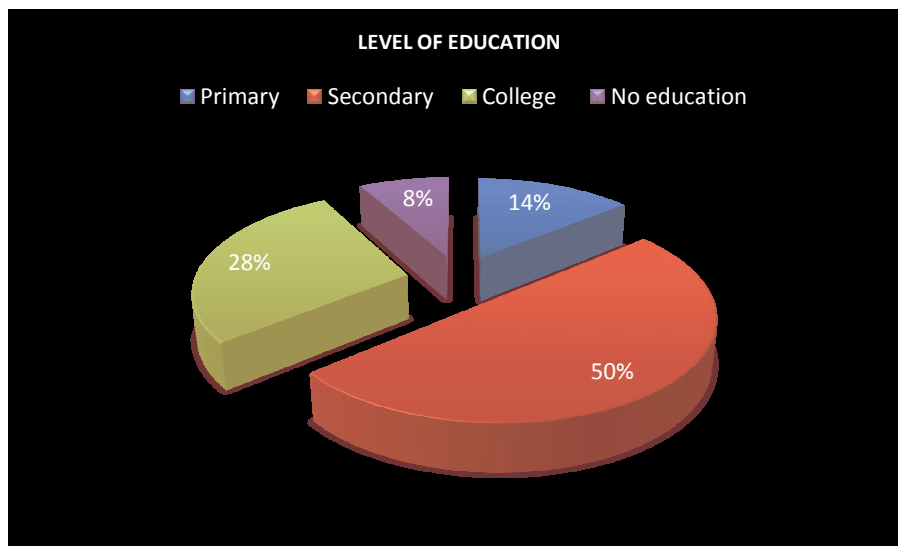
5.35. Education Levels of Respondents

The education levels of the respondents varied greatly from those who had no formal education to those with post graduate education.

Over 90% of the respondents said they have attended some sort of education, while just slightly above 8% said they never had any formal education.

For this category of respondents the researcher read and translated the questionnaires to them and filled in the answers as they responded.

Figure 7



5.36. Members of the National Parole Board

The other group of respondents were major stakeholders who were purposively selected because of the nature of their jobs. The data obtained from this group of respondents informed the research in a qualitative way.

The respondents in this category provided vital information that informed much of the study and its recommendations. These individuals have worked with the other two groups of respondents in as far as parole is concerned and they have accumulated a wealth of experience.

5.37. Findings

1. Does the NPB have communication strategies on parole?

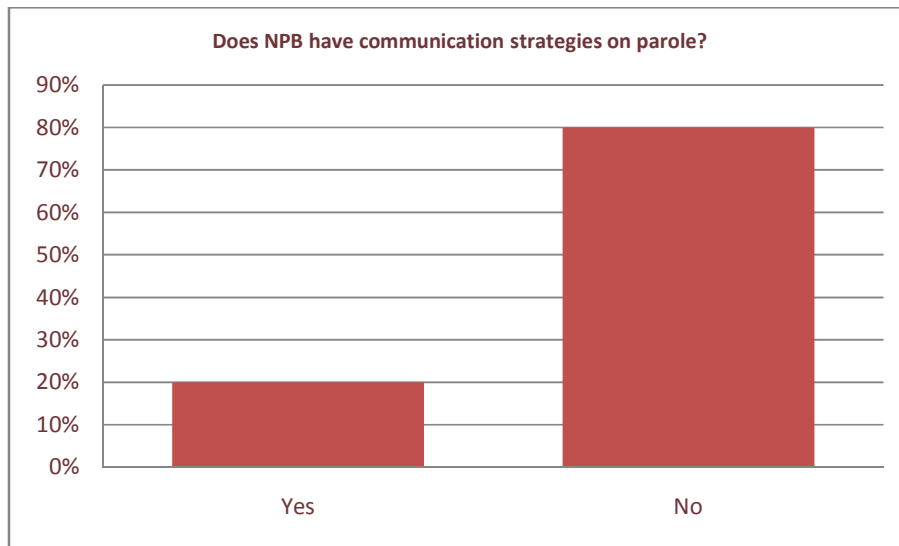
From the 100 members of the general public who were interviewed, 80% said the (NPB) has no communication strategies on the parole system in Zambia.

These respondents pointed out that they had never seen or heard about parole and therefore concluded that there was no communication strategies employed to inform the general public.

The 20% that said NPB has communication strategies observed that they have heard about parole either in the media or from relatives who were once incarcerated.

The table that follows further illustrates the response levels from the members of the general public.

Figure 8

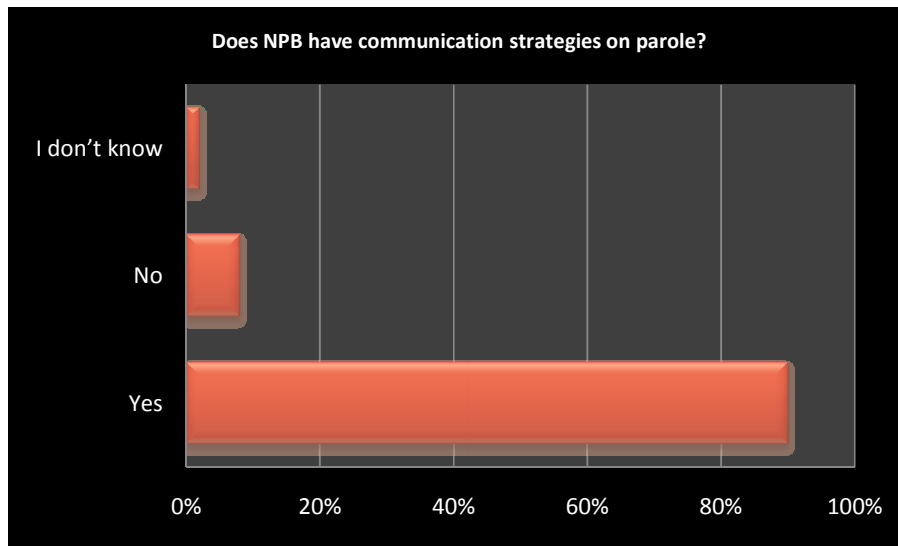


For the prisoners themselves, 90% said the NPB has communication strategies on parole because they have heard about parole from the prison staff and from their lawyers. However even those who heard about parole, they said it was difficult to access it because they could not start the process from within prison without the help of prison officers, the officer in charge, relatives or lawyers.

The other 8% said there was no strategy because they could not access parole even if they were told about it. They stressed the fact that the information needed to be given to the parole officer who then can start the process for them.

The other 2% said they had no idea about parole and therefore, did not know if there was a communication strategy as shown in the table that follows.

Figure 9



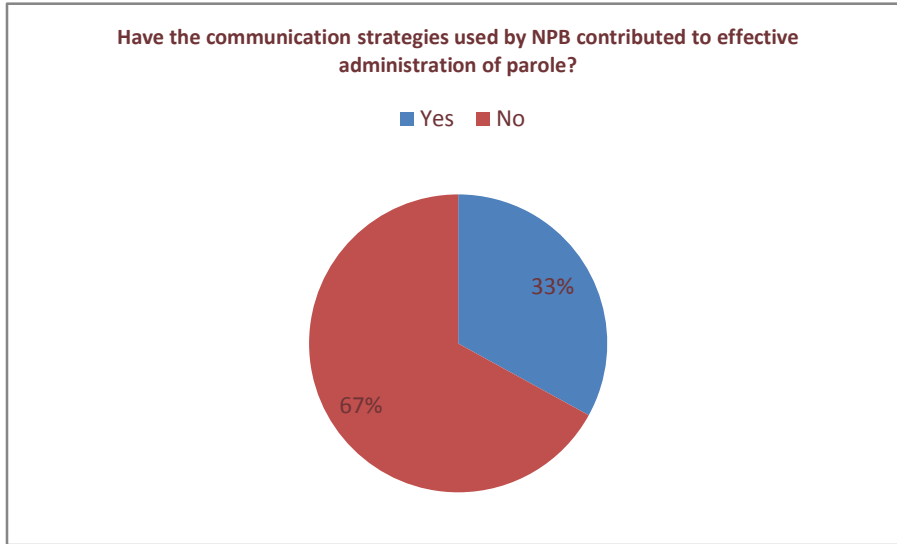
2. Have the communicative strategies used by NPB contributed to effective administration of parole?

It was difficult to ascertain whether the NPB has communication strategies and therefore answering this question was even more complex. Most of the respondents as indicated above expressed ignorance of any communication strategy being used by the NPB to effectively communicate parole in Zambian prisons.

From the members of the general public it was established that 67% of the respondents thought that if the NPB had a communication strategy, it was ineffective and did not contribute to the effective administration of parole in Zambia. However 33% said the communication strategy NPB was using was effective and helped to deliver an effective parole system in Zambia.

The following chart further stresses the responses of the respondents.

Figure 10



On the other hand majority of the prisoners themselves, 85% of the respondents, indicated that the NPB had a communication strategy that was effective in the administration of the parole system in Zambia while 15% said, the strategy was not there hence not effective.

During the interviews with the members of the NPB it was noticed that while the board has communication strategies to effectively deliver information about parole in Zambian prisons, there still existed a major challenge of how this can be coordinated as members of this board are from different ministries and institutions.

They also pointed out the lack of autonomy of the board to implement its own programmes. Institutional framework or structure and funding remain major challenges to the effective administration of the communication strategy about parole.

However it's important to note that the board and the government have made major strides by making sure that all the convicts are, at their inception into prison, told if they are eligible for

parole and at what stage of their sentence. The board has also taken deliberate steps to talk to family members about the possibility of parole if the prisoner met the conditions.

3. Have the NPB strategies helped in reducing overcrowding in prisons?

The purpose of parole in Zambia is to help reduce overcrowding. However this does not seem to be the case at the moment as prisons are still very crowded and pose great human rights issues especially in the eyes of the international community.

The following table gives a situational analysis of what was on the ground at the time the researcher was doing the study.

Table 2

Daily Prison Unlock – March 22nd, 2011

REGION	MC	FC	MR	FR	MPI	FPI	M /CONV.	F /CONV.	MJC	FJC	MJR	FJR	MHEP	FHEP	M LIFER	FLIFER	TOTAL
CENTRAL	2301	48	518	12	62	4	274	3	8		41				102	3	3376
C/BELT	2819	60	720	42	12				22		36	1	3				3715
LUSAKA	972	47	1111	45	237	14	12		54		53	2	13	2	5		2567
SOUTHERN	928	18	417	12	7				90		41		41				1554
N/WESTERN	449	3	130		5				2		9						598
NORTHERN	725	21	228	10	3	1			13		13	1					1016
LUAPULA	525	18	177	15	38	2			3		17	1	1				797
EASTERN	1016	11	368	10	4				4		15	1					1429
WESTERN	497	1	892	16	4				3		14	1					928
TOTAL	10233	227	4061	162	372	21	286	3	199		239	7	58	2	107	3	16035

Unlock Summary

Convicted	10460
Unconvicted	4223
Prohibited Immigrants	393

Condemned	289
Juvenile Convicted	199
Juvenile Remand	246
HEP	61
Lifers	110
GRAND TOTAL	16035

Source: Daily unlock report for prisoners throughout the country. 22nd March, 2011.

Below is the national prison population status province by province.

National Prison Population Status per Province

Table 3

Province	Male	Female	Total	Official Capacity	%Overload
Central	3306	70	3376	1055	220%
Copperbelt	3612	103	3715	1191	230%
Lusaka	2457	110	2567	324	692%
Southern	1524	30	1554	268	474%
North Western	595	03	598	435	37%
Northern	982	33	1015	450	126%
Luapula	761	36	797	329	142%
Eastern	1407	22	1429	818	75%
Western	1410	18	1428	395	261%
National Total	16,054	425	16479	5265	213%

Source: Zambia Prison Service Headquarters Country Unlock for 22nd March 2011.

Source: Official Capacity – National Audit of Prison Conditions in Zambia 2009, p. 90.

The national prison population status indicates a prison population of 16,479 against the official holding capacity of 5265 an overload of 213%. Lusaka Province which is the most overcrowded had a total of 2567 prisoners against the official holding capacity of 324 an overload of 692%.

The seemingly lowest overcrowded was North Western province with the total of 598 prisoners against an official holding capacity of 435 an overload of 37%.

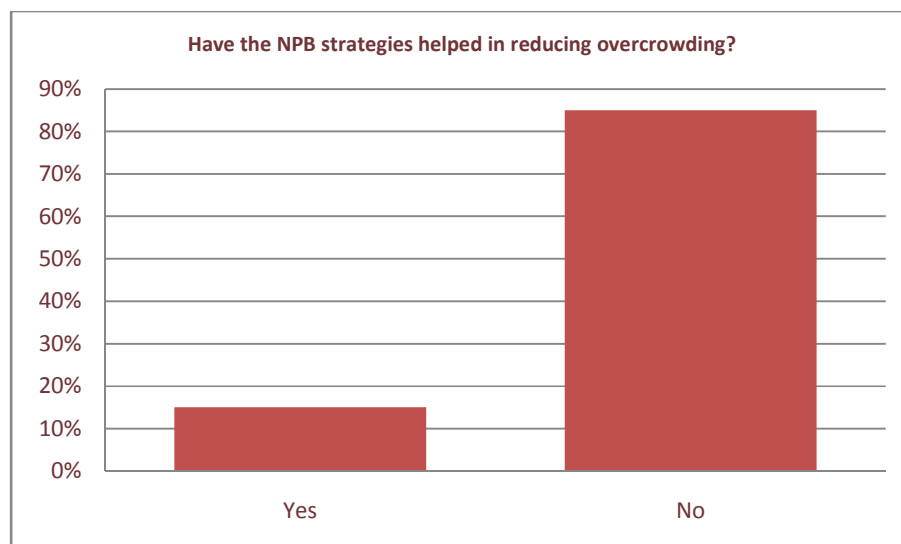
According to the above records, it is evident that overcrowding is still a major challenge in Zambian prisons. Parole statistics so far indicate that only 226 prisoners have been released and 3 male parolees had their parole order revoked and have since returned to prison due to breach of parole rules. The prison official holding capacity is said to be at 5265 while the data shown indicates that the national prison population is over 16000 prisoners.

This goes to demonstrate that parole in Zambia, though intended to reduce overcrowding in prisons, has not done so, as its impact is still insignificant.

The ordinary citizens who participated in this research also gave a resounding no to the question of parole reducing overcrowding in prisons.

Out of the 100 respondents 85 said the strategies of the NBP has not in any way helped to reduce overcrowding in prisons while the other 15 said the strategy has worked in reducing overcrowding as shown in the chart that follows.

Figure 11

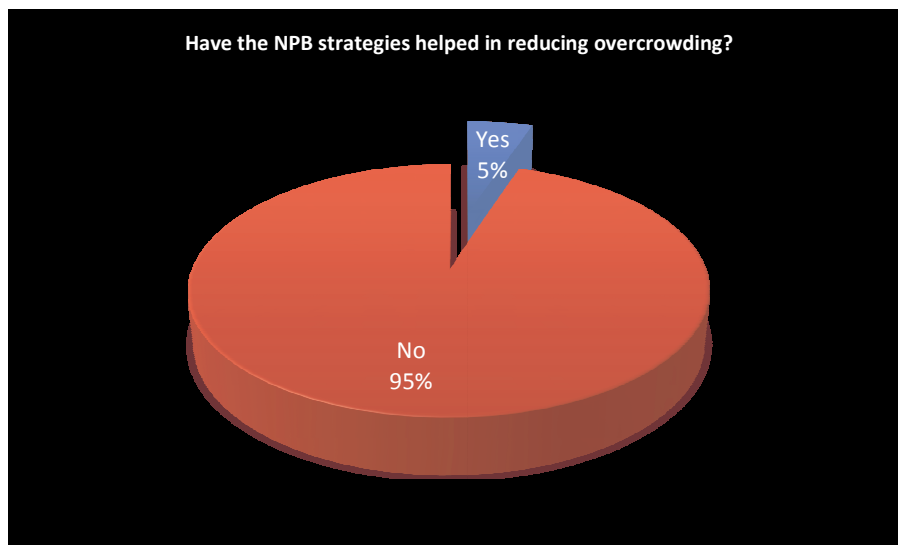


However the inmates gave an even grimmer picture as 95% said the strategies by NPB have not helped in reducing overcrowding in prisons. Only 5% thought the strategy has worked in reducing overcrowding.

The NPB confirmed that they had no communication department or a communications officer in their structure. They also admitted that there was no member of staff who could be pointed at as the person responsible for communication even though communication has mostly been done through the office of the chairperson or the board secretary.

The research findings showed that NPB once in a while had media coverage during the release of prisoners on parole and employed the use of posters, radio and television talk shows, though not frequently.

Figure 12



From the members of the NPB, the prisoners and the general public, it was clear that the current strategy being used by the board to communicate information about parole in Zambia is not working effectively.

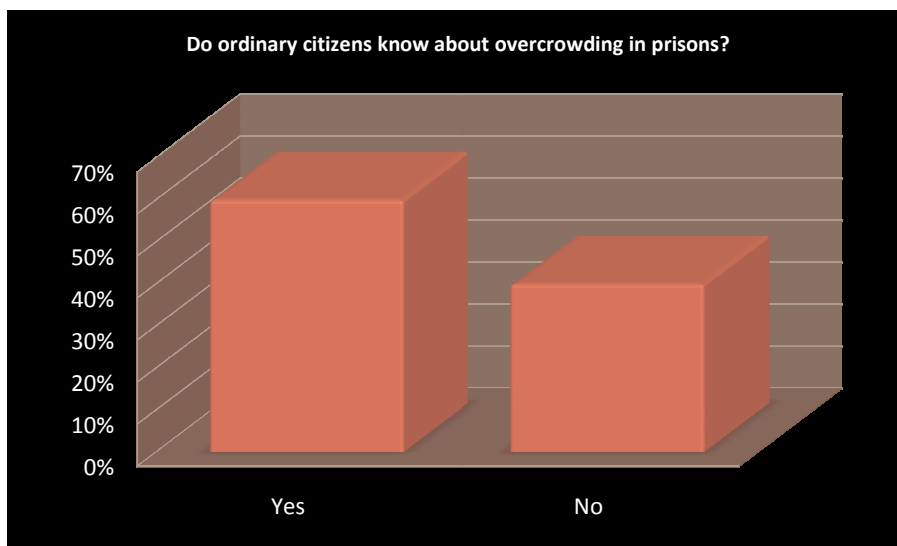
4. Do ordinary citizens know about overcrowding in prisons?

The question of citizens knowing about overcrowding in prisons was addressed during the research and findings were that 65% of the respondents said they knew about the problem of overcrowding while 35% said they did not know about the problem as illustrated in the chart that follows.

According to the research findings, people know that Zambian prisons are seriously and dangerously overcrowded. Public knowledge about overcrowding of prisons can be attributed to prisoners sharing with their relatives during visitation.

The NPB members also confirmed media reports about overcrowding in prisons. They also attributed public knowledge about overcrowding to churches and other non-governmental organisations frequent visits to prison.

Figure 13



However it was interesting to note from the NPB that they were convinced that most citizens also knew about the parole system in the country.

The members of the parole board insisted that prisoners as well as their family members who visit them while serving their prison term are told about parole by the prison officials.

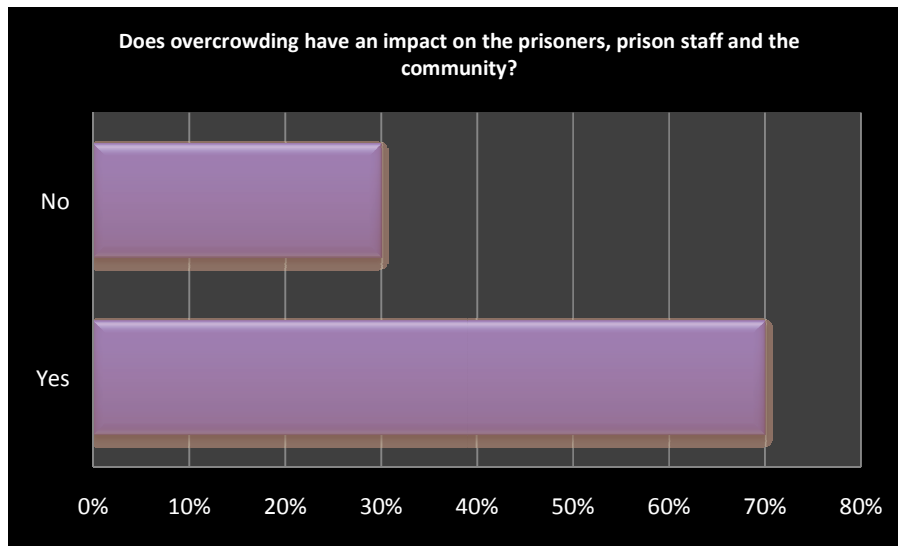
5. Does overcrowding have an impact on the prisoners, prison staff and community?

This question was put to all the three research groups and their responses were somewhat similar. For the prisoners, 90% said yes it has an impact on them while 10% said it doesn't have any impact.

For the general public, their response was that yes it had an impact on both prisoners as well as the community at large.

The larger section of the respondents, 70%, indicated that overcrowding was an issue and had impacted negatively on prisoners and society at large, while the other 30% said overcrowding was not an issue and thought it had no impact on neither prisoners nor society as the chart below shows.

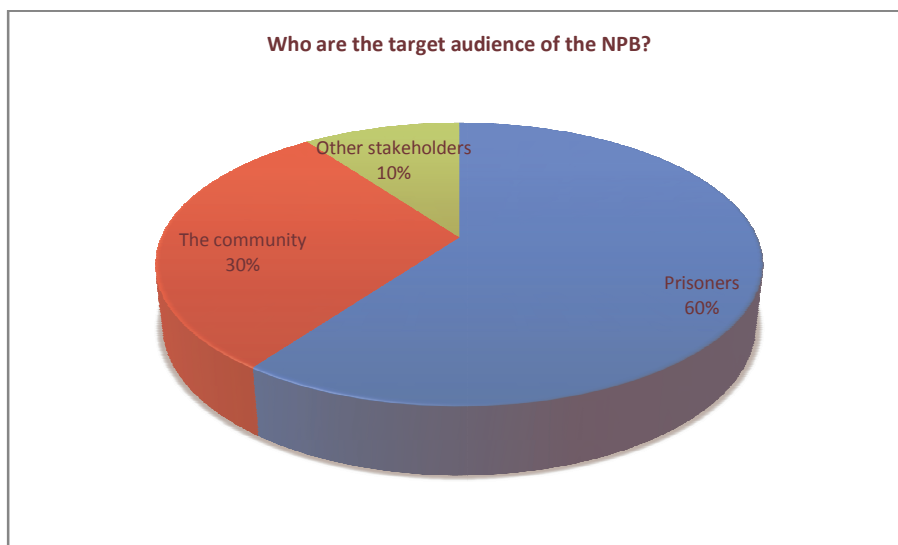
Figure 14



6. Who are the target audience of the National Parole Board?

The respondents from the general public group observed that the major target audience for the NPB were the prisoners at 60%, the community at 30% and other stakeholders at a paltry of 10%.

Figure 15

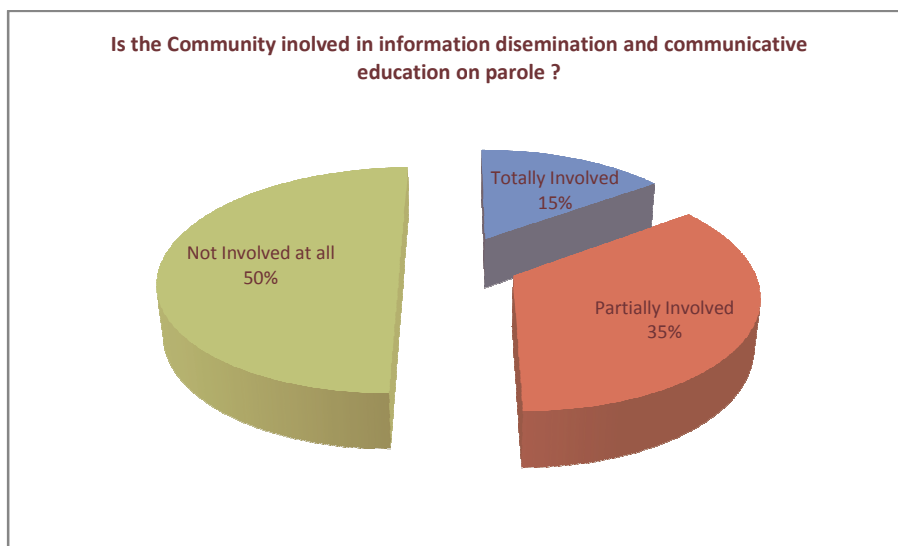


The interviews with the NPB members, however, revealed a different trend. Most of the respondents said their major target is the community and other stakeholders while the work of informing prisoners is left to the prisons service and the government. This scenario poses a great challenge to the NPB who may think they are communicating the right message when in the actual sense they are targeting the wrong people.

7. Is the community involved in information dissemination and communicative education on parole?

When asked if they are involved in the dissemination of information on the parole system in Zambia, the members of the general public were divided as 50% said they are not involved while 35% said they are partially involved and 15% said they are totally involved as shown in the chart that follows.

Figure 16



The members of the NPB admitted that it was not easy to involve the community in sharing information about the parole system in Zambia especially with families which were not

affected. The board has however worked out measures aimed at improving information flow between the board and the general public.

The members talked to during the research indicated that the board is in the process of formulating human rights programmes that will also look at how the community can help enhance the rehabilitation programmes of inmates.

There was a major concern on how the public reacts to seeing people who were once convicted walking free on the streets.

One case in particular was noted when a prisoner in central Province who was on parole was arrested by citizens and taken back to the police. It took members of the board to inform the police that the prisoner was actually a parolee.

Such cases could be avoided if the communities were involved in community educative information dissemination programmes about the parole system in Zambia.

8. How is the Community involved?

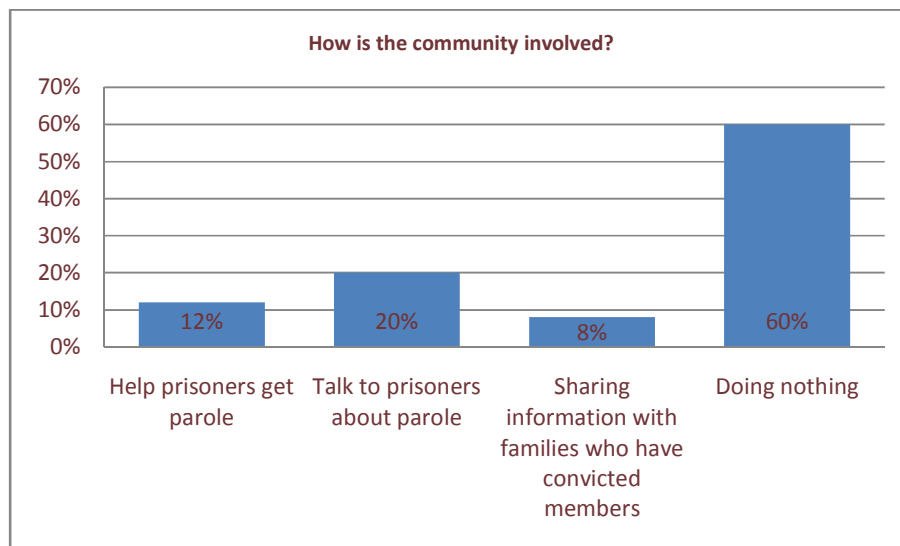
Community involvement in the parole system in Zambia still remains critical. From this study it was clear that 60% of the communities are not involved in disseminating information about parole. Of those who were involved 12% said they helped prisoners get parole while 20% said they talked to prisoners about parole and 8% said they shared information with families of those who had convicted relatives as shown in the following illustration.

The communities feel they have not been engaged as key stakeholders to partner with the NPB in information dissemination on parole to the general public. Though the communities

have already established media forms; the church and cultural gatherings, they felt they have not been called to active participation in information dissemination.

During interviews the NPB secretariat admitted that they had not yet put in place a community engagement programme that would cultivate strong partnership with the community so as to allow for greater community involvement in creating awareness and educating the public about the parole system in Zambia.

Figure 17



The NPB maintained that community involvement is very critical but that they are still finding ways and means of having the communities involved positively. In the worst case scenario the community thinks prisoners are a danger to society wellbeing and have no rights since they are criminals, therefore there shouldn't be any attempt to make their lives comfortable.

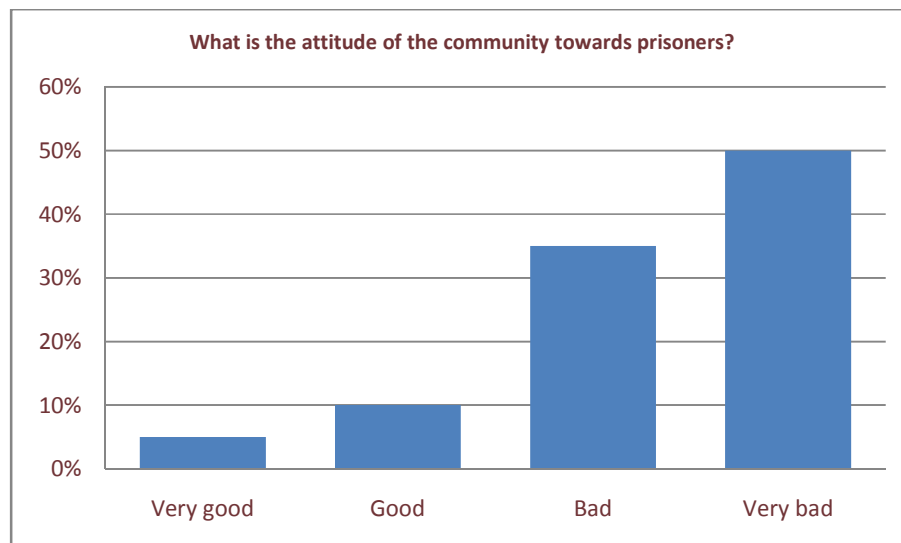
9. What is the attitude of the community towards prisoners?

The table that follows explains the general feeling of the public about prisoners in general. The researcher was trying to establish as to how common citizens think about prisoners which could be one way of finding out why the community is either involved in parole or not.

Attitudes influence perception and relationships. The researcher wanted to know the general attitude of the members of the community towards prisoners.

The attitude of the community towards prisoners is cardinal to community involvement and its willingness to support community rehabilitation and eventual reintegration of prisoners into society as law abiding citizens, an essential aspect to the whole parole process.

Figure 18



About 50% of all the respondents branded prisoners as being very bad people while 35% said prisoners are bad people and said they would not do anything to help them. The other 10% said prisoners are good people and 5% said prisoners are very bad people. Those who advanced this view said some people are in prison due to injustice and that not all prisoners are criminals.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6. Conclusion

Prisons in Zambia are inhumanely overcrowded with over 16,000 against the official holding capacity of 5265 prisoners. Since parole is a community based correctional model overcrowding in Zambian Prisons can be reduced by using a communicative and participatory approach. The participation of the community in the administration and practice of parole is very cardinal as prisoners are a product of society and on release they go back to communities. Therefore the responsibility to rehabilitate and reintegrate offenders into society as useful law abiding citizens who can positively contribute to development and public safety can only be achieved through the active participation of the community in parole programmes and activities.

This will create the opportunity for NPB officials to listen to the people and learn from them as it encourages, motivates and brings about commitment. Popular participation in planning and implementation can yield positive results in the administration of parole as communicative participation can lead to both individual and community development.

6.1. Recommendations

It is therefore recommended that:

- The NPB should engage the community to take a leading role in the administration of parole. This means that the community should be involved right from the initial

decision making process about the release plan of the offender on parole. This action will bring in the community to begin to strengthen family and community ties.

The community can set-up its own release plan in collaboration with the prison authorities which can ensure psychological preparedness on the part of the offender, the family and the community. With this plan, the offender can be waited for at prison gate on the day of release. This sign of welcome is what the offender requires for a successful community re-entry as it will make him/her feel accepted and embraced.

Moltmann (1996, p. 43) pointed out that,

A person who thus admits his guilt and complicity renders him/herself defenceless, assailable and vulnerable. He stands there, muddied and weighed down. Everyone can point at him. But he/she becomes free from alienation and the determination of his/her actions by others; he comes to him/herself, and steps into the light of a truth which makes him/her free [...]

Parole can help the offender take responsibility and be accountable for his/her actions and therefore make amends. Such positive attitude can generate community acceptance and willingness to support community based corrections.

A special group could be formed to welcome the parolee. If a parolee belonged to a church, chiefdom or village, political party, ward and family then representatives could be sent from these groups to welcome the parolee at the gate.

With a lot of community education and formation of community circles of support, the community can engage community volunteers who can assist in finding community occupational programmes, mentor, counselling and also to open-up linkages with other social agents. Greater involvement of the community at all levels will ensure a smooth continuation of rehabilitation programming in the community

thus creating a conducive environment for successful community re-entry and reintegration of offenders into the community as useful and productive law abiding citizens.

- The NPB should employ a communications officer who will be responsible of all matters pertaining to communication and information dissemination. However, in order to enhance better service delivery the officer to be employed should possess professional qualifications in the relevant field.
- The NPB should improve on its communication strategies by allowing broader participation and the use of local community channels such as art and craft, poems, song and dance and plays as well as the frequent use of mass media i.e. radio, TV, and newspapers for education, information dissemination and entertainment. Drama, songs, art and craft, sport, dance and poems can be used inside the prison as a means to create awareness to the prison population and outside the prison to educate the general public.

Information dissemination is critical to successful implementation of parole in Zambia especially as a tool to reduce overcrowding in Zambian prisons. To realise this, the NPB and the prison service should strengthen and prioritize community engagement this again can be achieved through contact with church leaders, community leaders and within families, the elderly.

- The NPB should become an independent tribunal under the (MHA) so that it has a clear mandate, a voice and authority to manage conditional releases and pardons in Zambia. This will make its operations more effective as it will now be making

independent decisions, plan and implement its programmes, and take full responsibility of its activities.

- As a communication strategy parole law reform should be ongoing in order to ensure quality correctional service delivery.
- The ZPS and the NPB should engage the Law Reform Commission and other stakeholders to amend parole release legislation, “The Commissioner may, on such terms and conditions as the Parole Board may determine, permit a prisoner who is serving a term of imprisonment of at least two years, within six months of the date the prisoner is due to be released, to be absent from prison on parole until the expiry of the remainder of the prisoner’s term of imprisonment”, (Amended Act. No 16 of 2004 Section 114).

Taking into account that most prisoners are not serving prison terms within the stipulated two years, this piece of legislation therefore, implies narrow and restricted eligibility. Undeniably, with such legislation in place, parole may not meet its intended objective that is to reduce overcrowding in Zambian prisons. The review of legislation should allow for all convicted prisoners to be eligible for parole depending on the nature of the crime and the prisoners’ record while in prison.

The six months conditional release on parole provided for in the law is too minimal, it does not reflect the essence of parole and in most cases with logistical problems it is not just pragmatic. Most prisoners released on parole when interviewed, pointed out that from the time they were recommended for parole to the date of their release on

parole they found out that either their sentences were already expired or they were remaining with a few days before the expiry of their prison term.

Government should review the law to allow prisoners to be on parole early and as parolees continue on community based corrections as long as they do not breach parole regulations until the expiry of their sentences.

- Government should come up with a deliberate non-custodial sentencing policy for a number of offences especially for minor criminal offences as Parole conditional releases should not be taken as a stand-alone to reduce overcrowding in prisons. The courts should be encouraged to apply non-custodial sanctions such as community sentence orders, reparation and mediation, suspended sentence orders and fines.
- The NPB should be holding awareness for a in Primary, Secondary Schools, Tertiary Institutions and Churches aimed at educating and informing the public about parole; its role and practice as these will in turn take the information to other communities.
- The NPB should have a quarterly magazine publication, information, education and communication materials (IECs): brochures, leaflets and posters with messages on parole for distribution to prisoners and the general public.
- The NPB should use sporting tournaments and community radio stations to inform and educate the public on its programmes and activities.

- The NPB should print small ease to carry pocket manuals on parole which can be given to prisoners on admission. These should be ease to be carried by prisoners, so that they are able to read and talk about parole wherever they may be, in whatever situation.

This will increase access to information on parole among the prisoners and as this is so, interaction and sharing levels will also increase, as more and more prisoners will want to share their knowledge about parole with their peers.

6.2. Further Research

The research study opened up the researcher's scope of knowledge in the administration and practice of community corrections in general and parole in particular. However, the study also revealed inadequacies in other areas such as parole supervision, community re-entry and after care services, staff establishment, pardons and the decentralisation of the NPB, which the research is not aligned to cover.

Given that every research is a stepping stone to mount another research as no survey finishes or handles all problems, further research is recommended especially in the above stated areas.

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THE UNIVERSITY OF ZAMBIA
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF MASS COMMUNICATION

QUESTIONNAIRE FOR PRISONERS AT LUSAKA CENTRAL, FEMALE AND KAMWALA REMAND PRISONS

INSTRUCTIONS

PLEASE TICK CORRECT ANSWERS IN THE BOX AND WRITE ANSWERS IN THE SPACES PROVIDED.

SECTION A: DEMOGRAPHIC INFORMATION

Q1. Sex of Respondent?			
1) Female	<input type="checkbox"/>		<input type="checkbox"/>
2) Male	<input type="checkbox"/>		
Q2. What is your age in years?			
1) 15-24 years	<input type="checkbox"/>		<input type="checkbox"/>
2) 25-34 years	<input type="checkbox"/>		
3) 35-44 years	<input type="checkbox"/>		
4) 45-55 years	<input type="checkbox"/>		
5) Above 55 years	<input type="checkbox"/>		
6) I don't know	<input type="checkbox"/>		
Q3. What is your highest level of Education?			
1) Primary level	<input type="checkbox"/>		<input type="checkbox"/>
2) Secondary level	<input type="checkbox"/>		
3) College	<input type="checkbox"/>		
4) None at all	<input type="checkbox"/>		
5) I don't know	<input type="checkbox"/>		
Q.4. What is your current marital status?			
1) Married	<input type="checkbox"/>		<input type="checkbox"/>
2) Divorced/Separated	<input type="checkbox"/>		
3) Widowed	<input type="checkbox"/>		
4) Cohabiting with a steady partner	<input type="checkbox"/>		
5) Single/never married	<input type="checkbox"/>		
6) I don't know	<input type="checkbox"/>		

- Q5. What is your religious affiliation?
- 1) Protestant
 - 2) Catholic
 - 3) Pentecostal
 - 4) Muslim
 - 5) Hindu
 - 6) Any other specify
 - 7) I don't know

- Q6. How many children do you have? (State Number)
- 1) 1
 - 2) 2
 - 3) 3
 - 4) 4
 - 5) 5
 - 6)
 - 7) I don't know

SECTION B: CONFINEMENT HISTORY

- Q7. Where were you living before imprisonment?
- 1) Rural area
 - 2) Urban area
 - 3) I don't know

- Q8. Before incarceration with whom were you living?
- 1) With no one
 - 2) With my wife
 - 3) With my wife and children
 - 4) With my friend/s
 - 5) With my parents
 - 6) Any other specify
 - 7) I don't know

- Q9. When did you enter prison?
- 1) Less than a year
 - 2) 1-3 years ago
 - 3) 4-9 years ago
 - 4) 10-15 years ago
 - 5) More than 15 years ago
 - 6) I don't know

<p>Q10. How long is your prison sentence, from beginning to end?</p> <p>1) Three months or less</p> <p>2) More than 3 months but less than 12 months</p> <p>3) 1-3 years</p> <p>4) 3-5 years</p> <p>5) 5-7 years</p> <p>6) 7-10 years</p> <p>7) More than 10 years</p> <p>8) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<p>Q11. Before this present imprisonment, what was your most recent job or main source of income? (Specify)</p> <p>1) Unemployed</p> <p>2) Farmer</p> <p>3) Self employed</p> <p>4) Employer</p> <p>5) Employee</p> <p>6) Still at school</p> <p>7) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<p>Q12. Have you ever been in prison before this imprisonment?</p> <p>1) Yes</p> <p>2) No</p> <p>3) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<p>Q13. Have you ever heard of Parole?</p> <p>1) Yes</p> <p>2) No</p> <p>3) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<p>Q14. If yes who told you?</p> <p>1) My fellow prisoner</p> <p>2) At reception on admission</p> <p>3) Officer in Charge</p> <p>4) The offender management officer</p> <p>5) Any other specify</p> <p>6) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<p>Q15. Have you told anyone in prison or out of prison about parole?</p> <p>1) Yes</p> <p>2) No</p> <p>3) I don't know</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

- Q16. What is parole in the way you know?

- Q17. What do you think you would benefit from parole as a prisoner in prison?

- Q18. Before incarceration with whom were you living?
 1) With no one
 2) With my wife
 3) With my wife and children
 4) With my friend/s
 5) With my parents
 6) Any other specify
 7) I don't know
- Q19. What do you think you would benefit from parole if you are released to serve the remaining part of your sentence in the community?

- Q20. Does prison overcrowding affect both prisoners and the community?
 1) Yes
 2) No
 3) I don't know
- Q21. Who are the primary target of the national parole board?
 1) Prisoners
 2) Community
 3) Justice sector
 4) Prison Officers
 5) I don't know
- Q22. Does the national parole board have a communicative strategy?
 1) Yes
 2) No
 3) I don't know
- Q23. Have the communicative strategies used by the national parole board contributed to effective administration of parole?
 1) Yes
 2) No
 3) I don't know

- Q24. Have the strategies helped in reducing overcrowding in prisons?
 1) Yes
 2) No
 3) I don't know
- Q25. Are the members of the community involved in information dissemination and communicative education on parole?
 1) Yes
 2) No
 3) I don't know
- Q26. Have you talked to your relatives about the possibility of parole?
 1) Yes
 2) No
 3) I don't know
- Q27. Is the community in partnership with the national parole board in the administration and practice of parole in Zambia?
 1) Yes
 2) No
 3) I don't know

SECTION C: ACCESS TO INFORMATION

- Q28. How often do you listen to the news?
 1) Very often
 2) Often
 3) Rarely
 4) I don't know
- Q29. How often do you read Newspapers?
 1) Very often
 2) Often
 3) Rarely
 4) I don't know
- Q30. How often do you use the internet?
 1) Very Often
 2) Often
 3) Rarely
 4) I don't know

THANK YOU FOR TAKING YOUR TIME TO ANSWER THE QUESTIONNAIRE

THE UNIVERSITY OF ZAMBIA
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF MASS COMMUNICATION

QUESTIONNAIRE FOR THE GENERAL PUBLIC FROM KABWATA

INSTRUCTIONS

PLEASE TICK CORRECT ANSWERS IN THE BOX AND WRITE ANSWERS IN THE SPACE PROVIDED.

SECTION A: DEMOGRAPHIC INFORMATION

Q1. Sex identity?

- (1) Male
- (2) Female

<input type="checkbox"/>
<input type="checkbox"/>

Q2. What is your age?

- (1) 15-24
- (2) 25-34
- (3) 35-44
- (4) 45-55
- (5) Above 55
- (6) I don't know

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Q3. What is your marital status?

- (1) Single
- (2) Married
- (3) Divorced
- (4) Widowed

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Q4. What is your level of education?

- (1) Primary
- (2) Secondary
- (3) Tertiary

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Q5. What is your religious affiliation?

- (1) Catholic
- (2) Protestant
- (3) Pentecostal
- (4) Muslim
- (5) Any other specify

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

SECTION B: PRISON OVERCROWDING AND COMMUNITY

Q6. Have you ever had contact with the Zambia Prison Service?

	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't know	<input type="checkbox"/>	
Q7.	Are you aware of prison overcrowding?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't know	<input type="checkbox"/>	
Q8.	Does prison overcrowding affect prisoners and the community?	<input type="checkbox"/>	
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't know	<input type="checkbox"/>	
Q9.	Are you aware of the National Parole Board, a wing under the Zambia Prisons Service?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't know	<input type="checkbox"/>	
Q10.	Are you aware of a prison community based correctional programme, "Parole"?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't Know	<input type="checkbox"/>	
Q11.	Are community members in Kabwata involved in parole activities by the (NPB)?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) Know	<input type="checkbox"/>	
	(3) I don't know	<input type="checkbox"/>	
Q12.	Who are the organisation's key stakeholders?		
	(1) Prisoners	<input type="checkbox"/>	
	(2) Churches	<input type="checkbox"/>	
	(3) Community members	<input type="checkbox"/>	
	(4) Other agents in the criminal justice	<input type="checkbox"/>	
	(5) Donors, Non-governmental Organisations and business houses	<input type="checkbox"/>	
	(6) None of the above	<input type="checkbox"/>	
	(7) All the above	<input type="checkbox"/>	<input type="checkbox"/>
Q13.	Does the (NPB) have a communicative strategy?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
	(2) No	<input type="checkbox"/>	
	(3) I don't Know	<input type="checkbox"/>	
Q14.	Are the communication strategies employed by the (NPB) effective to assist reduce overcrowding in prisons?		
	(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>

- (2) No
- (3) I don't know

- Q15. What is the general attitude of the community towards prisoners discharged or released on parole?
- (1) Very good
 - (2) Good
 - (3) Bad
 - (4) I don't know

- Q16. What medium does the (NPB) use in creating public awareness?
- (1) Television
 - (2) Radio
 - (3) Print
 - (4) Any other state.....

- Q17. To what extent are the stakeholders involved in creating awareness about parole?
- (1) Totally involved
 - (2) Partially involved
 - (3) Not involved at all
 - (4) I don't know

- Q18. What in your opinion is the level of public awareness about parole?
- (1) 90%
 - (2) 50%
 - (3) 10%
 - (4) I don't know

SECTION C: ACCESS TO INFORMATION

- Q19. How often do you listen to the news?
- (1) Very often
 - (2) Often
 - (3) Rarely
 - (4) I don't

- Q20. How often do you read Newspapers?
- (1) Very often
 - (2) Often
 - (3) Rarely
 - (4) I don't

- Q21. How often do you use the internet?
- (1) Very often
 - (2) Often
 - (3) Rarely
 - (4) I don't

Thank you for participating

APPENDIX III

THE UNIVERSITY OF ZAMBIA
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF MASS COMMUNICATION

INDEPTH INTERVIEW GUIDE

1. How many members of staff does the National Parole Board have and what is the organizations structure?
2. What are the specific job descriptions for each position?
3. Are the members of staff adequate to execute the mandate of the National Parole Board
4. Does the National Parole Board have a Communications Department?
5. What communication strategies has the National Board put in place to ensure effective communication of its programmes?
6. When was Parole operationalized?
7. What was problematic in the legislation which led to parole not being implemented from 1964?
8. How effective is the record management of the National Parole Board?
9. Why is the National Parole Board not an independent tribunal on all matters pertaining to Parole?
10. What problems does the National Parole Board face which are directly as a result of it being under the Zambia Prisons Service?

APPENDIX IV

THE UNIVERSITY OF ZAMBIA
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF MASS COMMUNICATION

FOCUS GROUP DISCUSSION GUIDE

1. What is parole?
2. What is the primary objective of parole in Zambia?
3. What role does the community play in the implementation of parole in Zambia?
4. What rehabilitational programmes does the prison service offer to prisoners to prepare them for parole releases?
5. Who are the key stakeholders in parole as a community based correctional measure?
6. How can parole assist in reducing overcrowding in prisons?
7. What are the best practices of parolee supervision in the community?
8. What criminogenic factors lead offenders to reoffend and recidivate to prison?
9. How does the community view offenders on parole or after discharge from prison?
10. What rehabilitational practices are available for offenders on parole in the community?
11. How can effective communication strategies help increase the number of prisoners on parole, reduce reoffending and recidivism?
12. What social facilities are available in the community to prevent crime before it occurs and to control crime after it occurs?
13. What communication tools or systems are available in the community to enhance community based corrections?
14. What communication modes exist between the National Parole Board and the community?
15. Do you have a section within the National Parole Board charged with the responsibility to communicate and carry out information dissemination to create awareness?



REPUBLIC OF ZAMBIA
PAROLE BOARD
THE PAROLE RULES, 2008
APPLICATION FOR PAROLE

(Rule 5 (2)(a))

PRISONER'S PERSONAL DETAILS

Full names:

Date of Birth:

Marital status:

No. of children, if any:

Relationship to person looking after the children:

Age of prisoner on admission to prison:

Offence committed:

Sentence:

Date of sentence:

No. of previous convictions, if any:
.....
.....

Court by which prisoner was sentenced:

EPD

LPD

No. of prison offences/Nature:

Remission forfeited in previous 12 months:

Remission forfeited since admission to prison:

PAROLE APPLICATION

Reasons for making application for parole:

.....
.....
.....

EMPLOYMENT RECORD:

Occupation before conviction:
Employer/Address:
Residential address before conviction:
Nature of employment in prison:
Intended work/employment outside prison:
Capital self-employment, e.g. money, tools, etc:
.....
Prospective employer/sponsor:
Training programmes/courses taken before and whilst in prison if any:

PRISON VISITS

Visits from individuals/institutions in previous three months:

Names of visitors:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

FAMILY BACKGROUND

INFORMATION ABOUT SPOUSE

Full names:
Nationality:
Date of marriage:
Residential address:
Occupation:

INFORMATION ABOUT PARENTS

Father's full names:	Mother's full name:
.....
Age:	Age:
Nationality:	Nationality:
Residential address:	Residential address:
Occupation:	Occupation:

MEDICAL HISTORY

Physical disabilities, if any:

.....
.....
.....

Other disabilities, if any (specify)

.....
.....

Extension officer's report on prisoner's conduct in last 6 months:

.....
.....

Remorsefulness of applicant towards offence:

.....
.....
.....

FOR OFFICIAL USE

PAROLE BOARD DECISION

Parole Boards findings and recommendations:

.....
.....
.....
.....

.....

Chairperson



REPUBLIC OF ZAMBIA

PAROLE BOARD

THE PAROLE RULES, 2008

PRISONER'S ELIGIBILITY REPORT

(Rule 5 (3)(a))

To : **The Parole Board**
From : **The Officer-in-Charge**
Date :
Ref : **APPLICATION FOR PAROLE BY PRISONER**

I wish to confirm to the Parole Board the following:

- (a) That prisoner No..... was sentenced to Prison on the by the Court on a charge of and sentenced to of which the prisoner has served that portion of the prisoner's sentence as stipulated under Section 114A of the Prison Act, Cap 107.
- (b) That this case is put forward for your hearing and consideration because the prisoner has applied for parole by completing necessary application form.
- (c) That the report and information as required under rule 5 (3) is annexed to this form.
- (d) That the name of this prisoner and the necessary notice was given to all concerned as required under rule 6n (1).

Therefore, the prisoner, whose name is contained herein and on the application form hereby attached, is eligible for a hearing of this Parole Board at its next and upcoming meeting.

.....
Officer-in-Charge



REPUBLIC OF ZAMBIA
PAROLE BOARD
THE PAROLE RULES, 2008
RECOMMENDATION BY THE PAROLE BOARD
(Rule 7 (3) and (6))

To : The Commissioner
From : The Parole Board
Ref : (PRISONER'S NAME)

Date of birth of prisoner
.....

Having considered the application of the foregoing prisoner, together with such information gathered from

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

The Parole Board hereby recommends, in accordance with rule 7 of the Parole Rules as follows:

- a) That you order the release of the foregoing prisoner on Parole having qualified for Parole subject to the standard terms and conditions and those we hereby recommend as attached.
- b) That the application for release on parole by the foregoing prisoner be denied.

The reasons for our recommendations are as follows:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Dated this day of 20

.....

For and on behalf of the

PAROLE BOARD

.....

Chairperson

.....

Recommendation sent to the Commissioner of:

.....

Signed

Officer-in-Charge



**REPUBLIC OF ZAMBIA
NATIONAL PAROLE BOARD
THE PAROLE RULES, 2008
ORDER FOR RELEASE ON PAROLE
(Rule 9 (2))**

The Commissioner of Prisons, in exercise of the powers contained in section 114 of the Prisons Act, Cap 97, does by this order authorize, being a prisoner who on the day of, 20 was found guilty of the offence of by the Court held at and was sentenced to imprisonment for a term ofto be released from prison on parole from the day of, 20 on condition that the parolee is placed under the care, supervision and authority of until the expiration of the sentence on the day of unless the Commissioner sooner suspends or revokes this order.

This order is granted subject to the conditions endorsed hereon. The Commissioner may revoke this order at any time for reasons including the breach of the conditions on which the parole is granted.

.....
Commissioner of Prisons

CONDITIONS OF RELEASE ON PAROLE

1. On release from prison, you will travel directly to your place of residence, as authorized by the Parole Board respecting you, and report to the extension officer immediately and thereafter as instructed by the extension officer; you will obey and carry out all lawful instructions given to you by the extension officer during the parole period;
2. You will remain at all times in Zambia within the boundaries fixed by the Board.
3. You will obey the law and keep the peace; you will not commit any offence during the parole period.
4. You will inform the extension officer immediately on arrest on being questioned by the police;
5. You will at all times carry the parole order and the identity card provided by the Commissioner of Prisons and produce them on request for identification to any law enforcement officer or the extension officer;
6. You will report to the police if and as instructed by the extension officer;
7. You will inform the extension officer of your address of residence on release and thereafter report immediately to the extension officer-
 - (a) any change in your address of residence,
 - (b) any change in your normal occupation, including employment, vocational or educational training and volunteer work;
 - (c) any change in your domestic or financial situation and, on the request of your extension officer, any change in your family situation that you have knowledge of; and
 - (d) any change that may reasonably be expected to affect your ability to comply with the conditions of parole; and
8. You will not own, possess or have control of any weapon, as defined in the Penal Code Cap 87, except as authorized by the Parole Board.

I..... (Prisoner's name), declare that I understand and will comply with the conditions of this parole order, which have been explained to me.

Signature:
Parolee

Date: 20

Dated at this day of 20

This parolee was released from prison on parole on 20....
.....

.....
Officer-in-Charge

.....Prison



REPUBLIC OF ZAMBIA
NATIONAL PAROLE BOARD
THE PAROLE RULES, 2008
SUSPENSION/REVOCAION OF PAROLE ORDER
 (Rule 15 (5), 16 (1), 16(2) and 17 (3))

WHEREAS by Order dated the day of 20 you..... being a person under a sentence of imprisonment in the Prison at were duly released from prison on parole to the care of for a period of month and days until the expiration of your sentence on the day of unless the Commissioner sooner suspended or revoked the Order, the Commissioner does hereby suspend/revoke the said order from the date of this order, and requires you the saidimmediately to return to the Prison at.....

Given under my hand this day of 20

.....
Commissioner of Prisons

Note – A person failing to return to a prison on revocation of the parole order may be apprehended without warrant and taken to the Prison.



REPUBLIC OF ZAMBIA
NATIONAL PAROLE BOARD
THE PAROLE RULES, 2008
PAROLE SUPERVISION FORM

(Rule19)

Name of Parolee:

Date of release:

Address of parolee:

DATE SUPERVISED	EXTENSION OFFICER'S COMMENTS

Name of Extension Officer:

Signature: Date:

LUSAKA
8th October, 2008

.....
Minister of Home Affairs