

The social worker as representative of the state or society: Sipho's story

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Abstract

All social workers must determine to whom is their primary responsibility held - the client or the state. This paper explores issues that surround this question. The context is the criminal justice system in South Africa. A case is taken, the story of Sipho as a vehicle to explore these issues.

Introduction

I was born and raised during the period of apartheid South Africa. From this experience I gained a deep sense of value for common humanity. It was this core value that defined my purpose in life and predetermined my career path. As a young social worker, fresh out of university, I considered myself fortunate to be employed by the Department of Correctional Services. I expected to work with inmates, parolees and persons serving various forms of community sentences. Rather, I was thrust into the interface created by the criminal justice system, correctional services, the community and the client system. In the South African context, I found myself with a role function that was concerned with compiling pre-sentence reports with special focus on community based sentences, reducing crime, and protecting the public. My responsibility was the provision of accurate information to court about offenders, implementing and enforcing community sentences imposed by the court, planning and delivering programmes to confront, change and challenge offending behaviors. My colleagues also worked with prisoners in custody and after release to tackle offending behaviors and to help with their reintegration into the community. Hence, our combined functions were wide ranging from assessing, providing care and protection to vulnerable individuals and their families, to providing a measure of control for those at risk to themselves and or wider community.

Sipho's Story

It was through this process that I met Sipho. He was convicted of drug dealing in the regional court of Durban, South Africa. The court was struck by the incongruence between Sipho's perceived functioning and the offence; hence, a pre-sentence report was required to assist with sentencing. Thus, Sipho was referred to the office where I worked and the case was subsequently allocated to me.

As Schulman (1999, p.714) stated the relationship between individuals and society has become very complex in character. A large number of institutions have been set up, on behalf of society, to deal with individuals such as Sipho, who have specific problems related to criminal behavior crime. A service was established to meet a need and these institutions were thought to meet the need with more efficiency than any other; the criminal justice system, within which I work, with its vested partners was no different. It prescribed my functions in dealing with individuals in favor of particular comprehensive solutions that were thought to fit *all* individual situations.

In attempting to address criminality, sentencing, crime prevention, risk management, rehabilitation as well as the victims and society's interests; my investigations revealed a profile of Sipho's bio-psycho-social functioning. Sipho was raised in a stable functional family unit in which his basic needs were met. He possessed a very high IQ, had excelled academically and had a career as pharmacist - to the obvious delight of his family. Nonetheless he had waged a continuous battle with chronic depression since early childhood. Hence Sipho was on daily medication to suppress the depressive state that he was prone to. However the side effects of the medication did not enhance his quality of life.

Sipho's war with depression and the influence of peers contributed to his experimentation with ecstasy. He quickly concluded that this drug was a better solution to combating the

effects of depression and the side effects of the medication. He achieved a high state and felt good when using this drug. In addition, he was able to use his talent to manufacture the drug at home in his makeshift laboratory. Word soon spread among his friends that he was manufacturing a private supply of ecstasy. The local drug cartel soon heard of his achievement in this regard and felt that he was a threat with potential to undercut their business. Hence, Siphon was given an ultimatum 'work for us or be killed'. In a bind, Siphon began working for the drug cartel. With prospects of escape diminishing he soon realized that he was 'sinking in quicksand'. So with the support of his family he contacted the Narcotics Bureau and reported the matter which led to the break up of the drug cartel as well as the arrest of several of its members.

Although Siphon acted courageously to rectify the situation, he himself was arrested, charged and convicted with manufacturing of ecstasy. Nonetheless Siphon continued working with the Narcotics Bureau in their anti-drug campaign and was very successful considering his experience and knowledge of the drug. He found new direction and purpose in life. Above all he hoped that with structured help he would be able to break the clutching grip of depression, whilst serving his sentence.

The Problem

Lerner, cited in Compton and Galway (1989, p. 237) states that bureaucratic institutions are organized around 'abstract, standard parts: specific programmers that are dealt with by specific procedure', rather than around clients unique personalities or around the concern of the practitioners for their clients. Compton and Galway add that social workers will have to relate to bureaucratic institutional structure as environments in which they work as worker-client subsystems within a more complex system. However, it becomes difficult to work in such a setting as a social worker given the conflict between judgements about the ideal intervention for the client and what is possible given the resources and the parameters defined by a bureaucratic institution.

In Siphon's case this tension proved detrimental. Given the evidence accumulated and revealed through my investigation, I arrived at a recommendation that I considered fair and balanced. I took into consideration the various aspects of the triad i.e. the offender's personal circumstances, the nature of the offence, and the victims and society's needs. As such I recommended to court that Siphon be placed under house arrest. This would entail that he lost his freedom while remaining in the community over a long period, be monitored and supervised. In addition, he would be deterred on an individual level and through his participation in an intensive rehabilitation programme designed for his needs. The fact that he would be serving his sentence in the community would serve another purpose namely that of general deterrence. Siphon would also serve the purposes of retribution through ongoing community work and through his work with the narcotics bureau. The purpose of such a recommendation was that Siphon ultimately became a productive law abiding citizen through a process of social inclusion which would promote integration and enhanced social functioning.

Bureaucratic Institutions such as the criminal justice system and its vested partners were created to maintain law and order and to motivate individuals to integrate and to play a productive role in society as opposed to being excluded by virtue of their membership within a criminal subculture. However, as Shulman (1999, p.714) stated these very institutions that are set up to solve problems have become so complex that they generate new problems. The South African Police Services, criminal justice system and the Department of Correctional Services in South Africa contend with large caseloads that they cannot process fast enough. Further, their most frequently used solution to most crimes is to utilize imprisonment as an effective way of dealing with the problem. In fact, this approach breeds new problems such as: social exclusion, which impacts negatively on the prognosis for rehabilitation, reinforces the

evident lack of resources to effectively rehabilitate and treat prisoners, shortage of prison staff and other personnel, over crowding, exposure to criminal subculture, stigma, gross human rights violations.

A professional, according to Compton and Galaway (1989, p. 240), works by applying principles and methods to resolve problems determined by the unique client input and professional judgment, rather than using standardized procedures as established by a bureaucratic institution toward some predetermined goal. So although I considered my recommendation to serve purposes that would be for the good of all concerned parties, the court, in this instance, chose to pursue a predetermined goal as established by the Criminal Justice System and its vested partners. It viewed a sentence of House Arrest, with all its attached conditions and as an alternative to imprisonment, with great deal of skepticism. Hence, my recommendation was not accepted.

South African Prisons are human warehouses with an almost nonexistent role of successfully challenging offending behavior. Thus, it is widely recognized that community based alternatives properly targeted can have a more significant long term impact than expensive custodial sentences. Even the Department of Correctional Services recognized in its White Paper (2003), which outlines a long term vision, that it needs to deal more effectively with offenders in the community. The Department recognizes that to reduce offending it is necessary to promote social inclusion and reduce unnecessary use of imprisonment. Blockages in the criminal Justice system and unnecessary use of imprisonment have contributed to severe overcrowding in South African prisons, gross human rights violations, difficulties in managing offenders, and the escalation and spread of contagious diseases. South African Prisons have been likened to criminal universities. Although all of these problems were recognized six years ago, they were not given sufficient weight. Hence, Siphos were imprisoned for fifteen years and so were many other people like him.

People such as Siphos are not only punished in such environments but further victimized by the system that is not able to protect them from the virulent subculture that thrives inside the prison. They are exposed to gang violence including rapes, smuggling and substance abuse. Often such sentences serve to harden offenders further with little or no hope of rehabilitation let alone re-integration into society upon release. Court was adamant that the offence was of such a serious nature that the long term interests of the community outweighed the offender's Siphos personal circumstances. It judged that it would best serve the community by imprisoning him for a lengthy period without giving sufficient consideration for the consequences of such a sentence in circumstances such as Siphos.

As a social worker, I felt helpless and enraged that the service established within the criminal justice system in conjunction with its vested partners did not guarantee that the needs of clients like Siphos were met. My efforts as a social worker, within the community and within the bureaucratic institutions proved both futile and meaningless. As Swatz (1961) cited in Shulman (1999, p.715) stated, it is a function of the social worker to mediate between the client subsystem as they negotiate their way through the interface with other systems. I could not intervene adequately nor could the pending appeal process save Siphos from the hands of prison inmates, chronic spiraling depression, and a system that was not geared to meet his basic needs.

A Death

The anger and helplessness I felt was exacerbated a month later with the death of Siphos. He hung himself from the bars of his cell whilst in 'safe custody'. He became a statistic. His death did not raise questions about accountability, safe custody, prisoners' rights, the role of social workers in the interface between criminal justice system and its vested partners, the

purpose of punishment and rehabilitation, community interests, etc. It did not answer the countless other questions that lodged in my mind. It was just a life that was lost in vain.

The Issues

It has been six years since these experiences; they have mostly lived in the attic of my mind. Yet, it is only now that I am able to confront my feelings about Sipho and my life's work. The systems that I continue to work in that have not improved much despite good intentions. It is from within these systems that I attempt to find a path out of the maze that I have been wondering in for so long. Although I believe that I don't have the power to change the system, I have come to understand as Shulman (1999) has discussed, that social workers rendering services established for the marginalized client subsystems that are both criminalized and prisoners within large bureaucratic institutional systems, face many issues in the rendering of that service.

Within a South African context, the criminal justice system and the prison system is complex. It is thus difficult for client subsystems to access, use, and benefit from and in this case to survive. Rehabilitation services are not mandatory. Rather, people such as Sipho are expected to volunteer for services, even when they are of not of sound mind. Whether they receive these services is dependant on whether they are referred to a social worker.

Most social workers in the South African Prison and Criminal Justices Systems are women. They are thus not allowed access to parts of these institutions that house prisoners in dire conditions characterized by overcrowding, poor sanitation, and lack of personnel. Their safety cannot be assured under these conditions and there have been a high number of escapes and violent crimes within the prisons. Services are also scarce in view of the large client population in comparison to the few social workers.

Further the client subsystem has to contend with the negative sub cultural elements on a daily basis during the process of receiving rehabilitation services. This means that they receive rehabilitation services in the social workers office when referred and then return to the very environment that entrenches and ingrains criminality. Thus it is difficult for the client to internalize desired motivation for positive change and to manifest socially acceptable behavior. Such efforts on the part of the client are not viewed positively by the negative subculture in which they exist, bearing in mind that their very survival depends on them finding a level of acceptability within this environment. Failure to do so is met with severe consequences that are designed to undermine change efforts and to distort the very fabric of human nature. Services are administered in a way that is judgmental and punitive. Clients are considered neither productive or members of society which stigmatizes those in the criminal justice system and is counterproductive to the process of rehabilitation. This is opposed to social work values and ethics that have a fundamental and inherent belief that all individuals have potential to change positively and have worth.

Social workers were until recently forced to receive military training in order to provide social work services. They are still forced to wear uniforms in the process of rendering social work. These uniforms strongly identify them with a military institutional culture and color their therapeutic efforts. The military element, social work and therapy do not combine well when working with marginalized clients, most of whom have in their lifetimes experienced the harsh realities of apartheid. The social worker is thus perceived as an agent of this institutional culture who has other purposes than the client's interests at heart. It becomes difficult to establish fragile rapport and fledgling trust in an environment that is counterproductive to their development.

Efforts to seek change are met with ridicule and resistance by the warders and judicial staff

who want to maintain law, order and discipline. Often it is the very warders and judicial staff who lock up the prisoners, that do not hear their calls to see the social worker, that do not assist them to access help, that do not have the training or insight to recognize that they need professional help and do not see the damaging consequences of their ignorant behavior on the client subsystems. Hence, clients like Siphon get lost in such large systems, they do not receive services they need and they have difficulties communicating their needs because there are many obstacles that stand between them, paying their debt to society and making a new life.

Institutional cultures change and evolve slowly over a period of time. The very institutions that I work for were born of apartheid to serve its purposes and were inherited by the new government and a society free, democratic, and struggling to come to grips with its legacy. The criminal justice system and correctional services in South Africa are no different. Social workers function in an environment that is not conducive to rehabilitation and is at odds with social work practice. There is little or no support for social work. Despite the core business of such institutions being defined as rehabilitation focused; discipline, staff needs and other purposes receive more priority. The adoption of the constitution and policies that are in line with the human rights bill and a broader vision to transform South African society did not guarantee the transformation of these state institutions. Such bureaucratic institutions maintain a quasi-stationary equilibrium in which customs and social habits are a barrier to change. These systems and their representatives are thus not willing to deal with changes. Hence the social worker experiences difficulty in striking a balance between maintaining the system functions, and the client's needs. I often found myself in a position of conflicting interest as highlighted by Siphon's story. The prison and criminal justice systems' require social workers to function in a specific way as prescribed by policy to address certain problems and according to resources available. However, people are unique and do not benefit from a stereotyped way of addressing problems.

The feelings of social workers similar to mine add to this dysfunctional process. Often it seems as if we are involved in a fruitless struggle as clients place something of their life into the palm of our hands. Hauerwas and MacIntyre (1987) when commenting on Løgstrup (1905-1981) stated:

Through the trust which a person either shows or asks of another person he or she surrenders something of his or her life to that person. Therefore our existence demands of us that we protect the life of the person who has placed his trust or her trust in us.

It is an implicit yet unspoken demand not expressed within the client subsystem verbally. Yet as social workers we are aware of our moral and ethical obligations and find our inability to carry out our responsibility our greatest challenge and our greatest burden. We are not able to protect our clients. We become angry, discouraged, disillusioned with ourselves and on behalf of our clients that we cease to be proactive out of sheer helplessness. We feel undermined as professionals and complain amongst ourselves, suffer from burnout due to stresses of working continuously in such environments.

Out of self preservation we leave for greener pastures, elsewhere. It is our only solution out of this situation, leaving our clients in no better position for having done so. In knowing this, we acknowledge that it is not acceptable to be voiceless.

Conclusion

According to Compton and Galaway (1989, p.238) social workers need to relate to bureaucratic structures as the environment in which they will work. Pruger (1978) as cited in Compton and Galaway stated that it does not help the clients if the social worker condemns the system, because there are no other feasible superior organizations that are able to carry out complex

functions required of social services i.e. to bring about co-operative contributions of large numbers of specialized individuals. Rather the system must be recognized for its complexity in which both the client and worker are subsystems. We need to learn to work within, to use, and to change bureaucracy.

South African institutions and in particular correctional services were based on a strong military structure that supported the apartheid regime. Hence, they have structures that function and rely heavily on a top down style of managing the institution as well as on discipline based on punishment. This context does not allow for the creation of policy that is appropriate for the problems experienced on the ground by the worker and client system alike. Hence, there are often discrepancies between what is possible and appropriate morally and ethically, and what current policy dictates.

This problem can perhaps be countered in three ways.

- First: social workers' issues should be represented at regional and provincial levels in a credible way. It is not adequate that just that we are given a voice but that we are listened to; our concerns must be dealt with in a transparent way at all levels of bureaucratic power. We want to see the fruit of our participation i.e. change to enhance the system as well as the services we render.
- Second: unit management as a way of managing large groups of prisoner\criminals (client subsystems) is a better way to ensure that they receive services and are treated with human dignity. It is easy for prisoners\criminals (client subsystems) to lose their identity and not be heard within this large group. In smaller units they have an identity and a voice.
- Thirdly: the personnel working with smaller groups of client subsystems must be trained and sensitized to the needs of the clients they work with. It would make referral and access to professional services of the social worker more readily available and will be more effective in countering the negative effects of prison life. Staff need to acquire expertise through staff development and in-service training.

As social workers employed in such bureaucratic institutions we need to recognize that we are both professional and also bureaucrats. Hence, we must struggle to maintain a state of equilibrium between social work norms and institutional norms. As social workers we are bound by the institutional norms. We must work to change these, if we are not happy or leave. It is my opinion that change happens very slowly in such complex systems and is almost impossible. Hence, we need staying power to make things happen. It is often more difficult and almost impossible to effect change within these institutions from the outside. Mobilizing as a group of professional social workers lobbying for social work concerns is more likely to yield some results than if we complain as individuals or splintered groups of worker subsystems. As for myself, I have decided not to be a victim and to empower myself with education

Social Work is underpinned by a code of ethics, code of conduct and is value based in South Africa. We thus have an ethical responsibility to ensure that our work practices, and policies that govern our work within these institutions are in line with our code of ethics, code of conduct and social work values. Toward this end social workers are required to be part and parcel of the development of social work in these institutions. The Principles of Batho Pele i.e. good governance applies to us as well, as to our clients. Just because they are marginalized through criminality and imprisonment, does not mean that they are not entitled to good governance. Client subsystems similar to Siphos and his family deserve more than Siphos experience. The community should know that the criminal justice system and the prison system does add to the process of social exclusion currently and actually contributes to the increase of criminality. These institutions are part of government and should thus be held accountable for their practices just as we professional social workers have the onus to uphold

the ethics, morality and practices that govern our work within these institutions.

We can only benefit by concerning ourselves not only with social work but with policy issues. We will empower ourselves with the ability to recognize and use areas of policy subject to interpretation for the benefit of social work as a whole. Hence, in response to the systems ambivalent approach to client subsystem, we can say that the institution has less power to control than we realize. Hence, there is room for insights and strategies that help social workers preserve and enlarge their discretionary powers. To this end we need to acquire competencies with regard to the very policy that we complain about, to empower ourselves and to bring about change by being part of the change process.

We must resist institutional pressure that suppresses action and independent thought, and conserve our energy. So Instead of complaining as I have done over many years to no avail, I realize that I need to work on what can be changed. Such Institutions in South Africa are involved in a transformation process and I/we need to be involved in this process for fear of perpetuating the past.

As social workers it is important that we take charge of our fate through active participation in social work and issues that impact on service delivery and the client sub systems in such large institutions. Crime is rife in South Africa with a population of 46.7 million. At least thirty to forty per-cent of this population are unemployed. This contributes to mass poverty as well as crime. Four out of every 1000 persons in South Africa are in prison. Our prison population is growing. Social exclusion is not working as a deterrent. Many of these prisoners have to return to society at the end of there sentences. They often return to society worse for the experience.

Hence social workers within systems such as the correctional services have an important role in promoting more effective means of rehabilitation based on social inclusion. Rehabilitation as a practice of social work cannot occur in isolation and independent of transactional interactions between individuals and the various systems in society. Hence, there is a need for social workers like me and the systems they work in to have an encompassing approach when dealing with client systems. This can only be achieved through a partnership with all stake holders. While I acknowledge that I do not have concrete comprehensive solutions to the issues I have highlighted, I am hoping that my ideas and understanding are a step in the cathartic and resolution process. It is a beginning.

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