

**Reintegrate Of ex-offenders on community: A case study of Whittlesea Township  
in Lukhanji Municipality**

**By**

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## DECLARATION

I, the undersigned, Ndiye Gcobani do hereby declare that this work with the exception of quotations or references which have been attributed to their authors, is entirely my own and has never been submitted elsewhere.

.....

Gcobani Ndiye

27 September 2014

## **ACKNOWLEDGEMENTS**

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## **ABSTRACT**

This research is an exploratory study on the challenges that offenders face upon release from prison which in turn contribute to recidivism. The study utilized labelling theory.

Furthermore, the qualitative methodology used for this research included in-depth interviews and focus group discussion in order to gather information on the challenges that contribute to recidivism.

The findings demonstrate that the adverse socio-economic conditions confronting the offenders after their release from prison are the main barriers to their successful rehabilitation and reintegration into society. Offenders released into society face numerous obstacles such as the need for employment, food, shelter, and the stigma of having been imprisoned. The community is reluctant to receive perpetrators back into society after their release from prison. Consequently, ex-offenders struggle to find employment because of this stigma, which often translates into family break-ups. They are then expected to invent new ways of making a living and surviving without any help from society; in consequence, they resort to crime, which in turn results in recidivism. Nevertheless, offenders participate in various rehabilitation programmes during their incarceration. However, the challenge is to sustain these rehabilitation efforts after their discharge from prison. Although various rehabilitation programs inside prison are offered by the Department of Correctional service (DCS) it has become apparent that upon release these rehabilitation program is not sustained.

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## ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
CBOs	Community-based Organisations
CMC	Case Management Committee
CJA	Child Justice Act
CSA	Correctional Services Act
F.J.P	Foundation for Justice and Peace
DCS	Department of Correctional service
DCS	Department of Correctional service
FGC	Family Group Conference
HIV	Human Immuno- deficiency Virus
H.R.C	Human Rights Commission
I.C.C.P	International Convention on Civil and political rights
LHR	Lawyers for Human Rights
NCPR	National Child Protection Register
N.G.Os	Non Governmental Organization
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination
SAPOHR	South African Prisoners Organization for Human Rights
NICRO	National Institute for Crime Prevention and Rehabilitation of Offenders)
NPMCAT	National Protocol on Management of Children Awaiting Trial
U.D.H.R	Universal Declaration of Human Rights
VOC	Victim Offender Conference
VOM	Victim Offender Mediation

## CHAPTER ONE

### INTRODUCTION AND BACKGROUND TO THE STUDY

#### 1.1 Introduction and background to the study

This chapter offers the general overview of the study. It starts by highlighting the background to the study, followed by the statement of the problem as well as the aims and objectives of the study. The research questions are laid out and the chapter discusses the anticipated value of the study and outline of its individual chapters.

In 1995 the Constitutional Court of South Africa declared that death penalty was unconstitutional, because the death penalty *inter alia*, rejected the possibility that those convicted could be rehabilitated. The court held that, such a rejection was inconsistent with *ubuntu*, a well-known South African concept characterized by respect for human dignity and the dominant theme that life of human being is important as one's own. Deducing from this, it may be concluded that, one of South Africa's founding values require respect for the life and dignity of everyone including those who have committed crime (Murray, 2005).

May (2001) state that South Africa, statistics and trends indicate that 80% of ex-offenders go back behind bars within three years of their release. The estimated recidivism rate in the Western Cape is estimated at 88%. Currently, more than half of all sentenced prisoners have previously been inmates. However, the present rate of unemployment in South Africa is 40% and this may explain the reasons why there is

high rate of recidivism with prisons operating over capacity. This may consequently give an impression that the prospect for rehabilitation in South Africa looks bleak (May, 2001).

However, most reintegration services in South Africa do not provide a comprehensive service which starts in prison and continues after release. Murray (2005) argues that, by not fulfilling this adequately, the state may be contributing to the repeat of offending. Therefore, if the duty to assist prisoners in reintegration into mainstream society is accepted and complied with, a significant reduction in levels of crime could be achieved.

May (2001) note that a large segment of the prison population consists of the poor, the illiterate, inadequate educated, poor job skills and the unskilled and those that are released to return to their families bring extra burden on the families' that are already living in impoverished conditions. Furthermore, experience indicates that many families and communities reject ex-prisoners and makes it difficult for them to reintegrate due to shame culture and societies that perceive them as "trouble makers". Consequently these factors may cause many to re-offend (May 2001).

## **1.2 The Statement of the Problem**

The families of ex-offenders are not fully prepared for their reintegration back into the community which results in recidivism, largely as result of their socio-economic environment.

### **1.3 Objectives of the study**

The aim of this study was to get an understanding about the challenges encountered by ex-offenders during their re-entry on community at Whittlesea Township.

The following are the objectives of the study:

- To explore the experiences of ex-offenders in re-integrating into the community in Whittlesea
- To uncover the challenges faced by ex-offenders in their attempts to re-integrate into the Whittlesea community
- To investigate the institutional support and coping mechanism available for ex-offenders to integrate into the community of Whittlesea.
- To investigate the impact of the re-integration of offenders on Whittlesea community.
- To determine measures that can improve services available to ex-offenders in their quest to re-integrate into the community of Whittlesea.

### **1.3 Research Questions**

From the perception of ex-offenders, this study addressed the following four research questions.

- What specific challenges have been faced by ex-offenders in their re-integration attempts at Whittlesea?
- How does re-integration attempt of ex-offenders impact on the community of Whittlesea?
- What coping mechanisms or institutional support exist for ex-offenders upon release from prison in Whittlesea?

- How can support services for the re-integration of ex-offenders available in Whittlesea be improved?

#### **1.4 Significance of the study**

- This study will contribute to deeper understanding of concept of community service, reforming process of the prison act and other related laws.
- It will provide an understanding of constraints and opportunities faced by the judiciary and other stakeholders in implementing community service act.
- The research findings will inform policy-makers, legislators and the law-reformers based on some recommendations that would emerge out of this study.
- Finding of the study will be disseminated through publications in accredited journals

#### **1.5 Preliminary Literature review**

Andrews and Bonta (2003) state that social reintegration is often understood as the support given to offenders during their re-entry into society following imprisonment. A broader definition, however, encompasses a number of interventions undertaken following an arrest to divert offenders away from the criminal justice system to an alternative measure. These may include a restorative justice process or suitable treatment. However, the prison's environment at times may fail to prepare inmates for a crime-free life after release. Furthermore, in mainstream society, significant barriers exist for those who have served time in prisons. Therefore, offender reintegration strives to address these issues directly. Successful offender

reintegration models take a holistic approach to addressing offenders' involvement in crime. They usually take into account the individual circumstances of inmates and provide support to them on a needs-basis over the course of their incarceration as well as after their release to ensure that they do not re-offend ( Andre and Bonta, 2003).

Murray (2005) mention that while there is no single solution to crime, offender reintegration is one obvious crime prevention measure that can reduce crime substantially. South African prisons host the ninth highest number of prisoners in the world and our incarceration rate per capita ranks first in Africa. International research has shown that high incarceration rates do not have a significant positive effect on levels of crime in a country. South Africa is a case in point, as it has a significant crime rate despite its equally high incarceration rate. Further, it is estimated that approximately 6 000 prisoners are released monthly and that the vast. Majority (some estimate as many as 85 percent) re-offend (Murray 2005). t may be inferred that repeat of offending by ex-prisoners contributes significantly to the prevalence of crime in South Africa. It is also logical that if the high rate of repeat offending by ex-prisoners were to be reduced; this would help to bring down the crime rate measurably. According to my knowledge the reason for offenders to re-offend, it is because of the challenges they encounter in our communities.

### **Ex-offenders, employment and social ties**

Although the role that employment plays in reducing re-offending has been widely acknowledged, less work has been done into explaining why this should be the case.

Farrall (2002) suggests that employment has a range of impacts upon ex-offenders

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which interact to reduce the likelihood of re-offending. The writer argues that work may offer the following;

- a reduction in unstructured time and an increase in structured time;
- an income, which enables home-leaving and the establishment of significant relationships;
- a legitimate identity;
- an increase in self-esteem;
- use of an individual's energies;
- financial security and
- daily interaction with non-offenders.

It is through these deprivation efforts that ex-offender rights are contravened.

## **1.6 Theoretical Framework**

The study used the labeling theory which is described below:

### **1.6.1 Labeling theory**

According to Siegel (2004), labeling theory concerns itself mostly not with the normal roles that define our lives, but with those very special roles that society provides for deviant behavior, called deviant roles, stigmatic roles, or social stigma. A social role is a set of expectations we have about a behavior. Social roles are necessary for the organization and functioning of any society or group.

Therefore, Siegel (2004) attests that individuals who are arrested, prosecuted, and punished are labeled as criminals. Others then may view and treat these people as criminals, and this may increase the likelihood of subsequent recidivism. Labeled

individuals may in turn have trouble obtaining legitimate employment, and this may increase their level of strain and reduces their stake in conformity. They may also find out that conventional people are reluctant to associate with them; as a result they may end up associating with other criminals. This may reduce their bond with conventional others and foster the social learning of crime. Finally, labeled individuals may eventually come to view themselves as criminals and act in accord with this self-concept (Siege, 2004).

Andrews and Bonta (2003) extends labeling theory by arguing that, labeling increases crime in some circumstances and reduces it in others. Labeling increases subsequent crime when there is no effort that is made to reintegrate the offender back into convectional society; that is, when offenders are rejected or informally labeled on long-term basis. On the contrary, labeling may reduce subsequent crime when efforts are made to reintegrate punished offenders back into society.

## **1.7 Research Methodology**

This study used qualitative research methodology to capture the essence of the barriers ex-offenders encounter when they reintegrate back on the community. De Vos et al, (2005) describe qualitative approach as the study of phenomena using general description to describe or explain. Furthermore, qualitative researchers tend to use narrative descriptions of persons, events and relationships. Their findings may be presented in the form of categories or general statement about the context nature of the person, groups, or events. In light of the above mentioned, this study defines the qualitative research as research that seeks to elicit the meaning that people attach to a specific phenomenon, such as experience of reintegration of ex-offenders

back to community.

### **1.7.1 Research Design**

A research design is like a guide to the researcher; this is what determines or explains the kind of research that the researcher hopes to conduct (De Vos and Strydom, 2005). A research design focuses on the logic of research (i.e. what kind of evidence is required to address the research question adequately), while a research methodology focuses on the research process and the kind of tools and procedures to be used (data collection and sampling).

A research design can be further defined as a plan and procedure for research; it is the overall scheme or program of research. It is the plan, structure and strategy of investigation, conceived to obtain answers to research questions and to control variance. It focuses on what kind of study is being planned and kind of results aimed at (i.e. research problem or question) (Babbie and Mouton, 2005:75).

However, for the purpose of this study, an exploratory design was applied.

### **Population**

According to Zastrow (2005), a population is “the collection of all individuals, families, groups or organizations, communities and events that will participate in the study”. The targeted population was the ex-offenders who were reintegrating in the community of Whittlesea Township which were the universe in the qualitative study.

### **Sampling technique**

De Vos and Strydom (2005) define sampling as taking any portion of population or universe as a representative of the whole. This research used purposive sampling as the researcher is the probation officer and it was easier to get access to ex-

offenders. In addition, purposive sampling selects information rich cases for in depth study.

### **Sample size**

In this research two samples were used. The first sample comprised of twenty ex-offenders and the second sample was made up of six service providers who participated in a focus group discussion and they were comprised of the Magistrate, Prosecutor, Prison warder, South Africa Police official, Social worker and Religious adviser.

### **Data collection**

De Vos et al (2005) define data collection as, "survey studies that are concerned with gathering information from a sample of the population. The researcher designed both interview guides and one was for an in-depth interview and was used to solicit information regarding experiences faced by ex-offenders when they reintegrate back to the community. Whilst the other on was for a focus group discussion.

### **In-depth interviews**

According to (Babbie 2005) In-depth interviewing, also known as unstructured interviewing is a type of interview that was used in the study to elicit information in order to achieve a holistic understanding of the interviewee's point of view or situation. It was also used to explore interesting areas for further investigation. This type of interview involved asking informants open-ended questions, and probing wherever necessary to obtain data deemed useful by the research.

### **Focus Group discussion**

Hennink, Hutter and Bailey (2011: 136) define a focus group discussion as an interactive discussion between six to eight pre-selected participants, led by a trained moderator and focusing on a specific set of issues. The name of the method actually highlights its key characteristics: a focus on specific issues, with a predetermined group of people, conducting an interactive discussion. This study made use of one-off focus group discussion. This assisted with the validation of the study.

### **Data Analysis**

According to De Vos et al (2005) "qualitative data analysis is a process of bringing order, structure and meaning to the mass of collected data" The research used audio-taped interview and permission was sought from the participants' prior interview. The researcher engaged in the process of moving in analytic cycles rather than using a fixed linear approach. The data was made up of text that existed with narratives. Categories were formed that represented the heart of qualitative data analysis. Data was described in details, themes were developed or dimensions through some classification system. This assisted with the provision an interpretation in light of the participants' own views and in line with literature.

Therefore, this study used thematic approach to analyze data from individual interviews. Miles, and Huberman (1994) defines thematic analysis as an approach that deals with data that involves the creation and application of 'codes' to data. The 'data' being analyzed might take any number of forms – an interview transcript, field notes, policy documents, photographs or video footage. By using thematic analysis

the research identified themes through “careful reading and re-reading of the data”. It also formed patterns where emerging themes became the categories for analysis (Cutcliffe and McKenna, 2002).

The focus group discussions were triangulated with the individual interviews for data analysis. Berg (2007) states that triangulation refers to the use of more than one approach to the investigation of a research question in order to enhance confidence in the ensuing findings. The purpose of triangulation in this qualitative research was to increase the credibility and validity of the results.

### **1.7.2 Ethical Considerations**

Ethical considerations were in the forefront of the researcher’s mind throughout this qualitative study and several methods ethical guidelines were adhered to for the protection of participants in the study. The researcher was granted an ethical clearance certificate by the Ethics Committee of the University of Fort hare and informed consent forms guided the process.

#### **Proper Identification**

The codes of ethics suggest that the researcher should identify herself or himself to participants and avoid giving false impressions of the researcher or project (Coghlan, 2001). In order to meet this code of ethics, the researcher was available when he interviewed the participants thus, the researcher introduced himself to the participants so that they would co-operate.

**Comment [P2]:** Not in references

**Clear outset**

The researcher informed the participants of the type of questions, the degree of question sensitivity or less and possible (true) consequences that the questioning and research in general might have on the participant. Furthermore, the researcher also told the participants that, if they felt that some of the questions were sensitive he would not coerce the participants to answer them. The participants were given a choice to withdraw from the study should the need arise. The researcher was also prepared to provide counseling services should the need arise.

**Welfare of the participant**

Coghlan and Brannick (2001) state that the researcher should be concerned with the welfare of the participant and this may include mental and physical health and safety of the participant during the research process. The research took all possible precautions to avoid incident injuries. This study also tried to avoid questions or issues that could cause embarrassment, guilt, discomfort, hazards or risk

**Free and Informed consent**

According to Zastrow (2007), an informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the participants concerned were provided with the forms to complete and were informed about the process of the study.

### **Right to privacy and anonymity**

The researcher respected the participant's privacy when entering their private sphere and when asking questions and participants were allowed to respond to questions that they were comfortable with.

Pseudonyms were used to safe guard the anonymity of the participants as suggested by Coghlan (2001). This also assisted with the issue of stigma that is usually attached to ex-offenders.

### **Right to Confidentiality**

The researcher discussed the limits of confidentiality and gave participants information about how their data was going to be used. The researcher asserted that Information offered by participants was going to be used by the researcher only, and only for the purpose of the study.

### **Limitations of the Study**

- The limitation that affected the conduction of this study included the reliability of communities and ex-offenders. However the researcher tried to work together in making things clear and ensuring confidentiality by using pseudo-name of participants.
- Participants might have given incorrect answers to impress the interviewer. This type of error is the most difficult to prevent because it results from outright deceit on the part of the participants.
- Issue of subjectivity associated with qualitative research. Although the researcher made the best of efforts to interpret the participants' comments as accurately as

possible, there was always the possibility that personal biases may have influenced the interpretation of the results. The participants may have also presented themselves in a positive way.

## **1.8 Conclusion**

This chapter has provided the introductory information that includes background, goals; objectives; critical questions of the study; methodology and the outline of ensuing chapters in this study. The next chapter will look at theoretical framework.



## **CHAPTER TWO**

### **EXPERIENCES OF EX-OFFENDERS WITHIN JUSTICE SYSTEM**

#### **2.1 Introduction**

The previous chapter dealt with the introduction of the study. This section explores the literature review of the study. The review of the literature is aimed at contributing towards a clearer understanding of the nature and meaning of the problem that has been identified (De Vos, 2007). Thyer (2001) mentions that the literature review determines what answers already exist regarding the issue in question. Creswell (1994) suggest that the literature review helps to deepen the researcher's understanding of the history of the problem, its origin, and its scope.

#### **2.2 Experiences of ex-offenders within Justice System**

Ex-convicts in conflict with the law face challenges throughout their involvement with the criminal justice system. After they are released from prison, many ex-convicts face new struggles in their communities that are exacerbated by a lack of release or discharge planning. The lack of dedicated services, difficulty in finding work or appropriate housing, chronic states of low income, poor health, and personal challenges with respect to family contact and support, as well as the kinds of day-to-day anxieties.

Moreover, the experiences of ex-offenders while living inside continue to affect their lives after they are released from prison. As a result, the realities of the prison environment become imprinted both in the mind and on the bodies of prisoners,

further limiting their chances of successfully reintegrating into the community. While the criminal justice process attempts to help individuals to build “pro-social’ lives, the experiences of imprisonment can actually interfere with ex-convicts to function positively in their communities (Southall, 2007).

Comment [P3]: Not in references

### **2.3 Offender reintegration as a complementary crime prevention model in South Africa**

The prevalent and violent nature of crime in South Africa undermines the society envisioned in the South African Constitution. Crime threatens the safety of our communities on a continuous basis. It also evokes, at times, responses from society which could erode our aspirations to live in a state founded on human dignity, freedom and equality (Southall, 2007). There is consequently pressure on the state to address crime with urgency and with approaches that will yield immediate results. To date such approaches have by and large included law enforcement and criminal justice responses .

A larger police service, tougher bail laws and longer prison sentences as a result of minimum sentencing legislation are just some of the measures that have been introduced to stem the tide of crime. These measures have also taken precedence over crime prevention initiatives. Unfortunately these efforts have had a negligible impact on levels of crime, which are still unacceptably high.

According to Murray (2005) the prisons environment fails to prepare inmates for a crime-free life after release. In mainstream society, significant barriers exist for those who have served time. Offender reintegration addresses these issues directly. Successful offender reintegration models take a holistic approach to addressing

offenders' involvement in crime. They usually take into account the individual circumstances of inmates and provide support to them on a needs basis over the course of their incarceration as well as after their release to ensure that they do not re-offend. While there is no single solution to crime, offender reintegration is one obvious crime prevention measure that can reduce crime substantially. South African prisons host the ninth highest number of prisoners in the world and our incarceration rate per capita ranks first in Africa (Murray, 2005).

International research has shown that high incarceration rates do not have a significant positive effect on levels of crime in a country. South Africa as a case in point has a significant crime rate despite its equally high incarceration rate. Further, it is estimated that approximately 6 000 prisoners are released monthly and that the vast majority (some estimate as many as 85 percent) re-offend (Murray, 2005). It may be inferred that repeat offending by ex-prisoners contributes significantly to the prevalence of crime in South Africa. It is also logical that if the high rate of repeat offending by ex-prisoners were to be reduced; this would help to bring down the crime rate measurably.

#### **2.4 The state's duty to support prisoners' reintegration into mainstream society**

The National Commissioner may allow community organizations, Non-Governmental Organizations (NGOs) and religious denominations or organizations to interact with sentenced offenders in order to facilitate the rehabilitation and integration of the offenders into the community." South African courts have begun to accept that positive, constitutionally derived duties with regards to criminal sanctions may be

placed on the state(Frank 2006). It is arguable that a constitutional duty rests on the state to assist prisoners with their reintegration into society. Firstly, however, South African courts' contribution in shaping that duty shall be briefly outlined.

#### **2.4.1 Arguments based on offender reintegration (rehabilitation) as a sentencing objective**

Constitutional values add new dimensions to theories of punishment. Offender reintegration or rehabilitation is a less superficial aspect of punishment and sentencing in contemporary times than it was prior to constitutionalism. The utilisation of restorative justice processes, alternative sentencing options such as correctional supervision and diversion programmes attest to a more rehabilitative approach to the outcomes of criminal justice processes, and even to punishment. But, offender reintegration is not a novel concept in South Africa.

### **2.5 The constitution of South Africa perspective as an obligation**

It is argued that the South African constitution confers a duty on the state to create opportunities for prisoners' reintegration. Although the constitution does not expressly provide that the state should assist prisoners to 'rehabilitate' or 'reintegrate', the overall framework and language of the constitution supports this notion of a constitutional obligation to support their reintegration. The aims to highlight some of the provisions that speak to the state's duty in this regard are as follows;

#### **2.5.1 Argument based on the goals of constitutional democracy**

The preamble of the constitution states that '[w]e ... through our freely elected

representatives, adopt this constitution as the supreme law of the Republic so as to improve the quality of life for all citizens and free the potential of each person'. In this regard, the state's duty to its citizens does not exclude prisoners. Prisoners are perhaps more in need of assistance to improve their quality of life than are ordinary citizens (Frank, 2006). Due to their limited freedom and consequent reliance on the state to meet their daily needs, the state must introduce reintegration processes that can help prisoners to eventually reach their full potential as productive law-abiding citizens. The state should actively work towards this so as not to undermine one of the principal goals of constitutional democracy stated in the preamble to the Constitution.

### **2.5.2 Constitutional equality arguments**

Section 9(1) of the Constitution guarantees equality before the law and the right to equal protection and benefit of the law (White Paper on Correction, 2005) the White paper expressly states that equal protection applies to 'everyone'. Although their right to liberty is justifiably limited thus, prisoners are in no way exempt from the protection – and the benefit – afforded by this provision. They do not become less entitled to justice and to the protection of the law due to their status as Offender reintegration in South Africa prisoners. The Correctional Services Act 111 of 1998 (CSA) (section 6[4][a]) reinforces the state's constitutional duty to ensure that prisoners have equal benefit of the law. Upholding section 9(1) when it comes to prisoners will thus assist in the realisation of the goal of reintegrating offenders, i.e. to allow ex-offenders to become positive and productive participants in mainstream society.

It is important that prisoners are not reduced to second-class citizenship through

imprisonment. The Constitution holds the guarantee of full citizenship to all South Africans. This guarantee coincides with the purpose of reintegration which is to ensure that prisoners become rightful and productive citizens. Denying them any of their fundamental rights (unless it is constitutionally justifiable) can only inhibit their progress in reintegrating into society, and consign them to second class citizen hood, which would be an antithesis to the ideals of democracy (White Paper on Correction, 2005)

### **2.5.3 Arguments based on the prohibition of unfair discrimination**

Section 9(3) prohibits the state from unfairly discriminating directly or indirectly against anyone on the ground of inter alia social origin. Despite this, ex-prisoners find that they are often discriminated against because they have been to prison. In some social circles ex-prisoners are assumed to be of lesser moral standing than others who have not been to prison. Some may seem to be undeserving of the equal treatment and opportunities afforded to those who have no criminal record. This attitude towards ex-inmates is in reality not limited to social settings only. It also seeps into other aspects of life and may have tangible negative effects on ex-inmates. There is thus a need for the state to take positive action to prevent unfair discrimination against people who have criminal records where such discrimination results in the marginalisation of ex -inmates and impedes their reintegration back into society on expiry of their sentence.

## **2.6 Discriminatory practice to employment opportunities to ex-offenders**

Discrimination on the basis of having been to prison extends to the field of employment. Having a criminal record is commonly an obstacle to finding a job. 'As a

prisoner you don't get punished. The real punishment begins when you get out and try to find a job'. This sentiment (expressed by a former Krugersdorp Prison inmate who served ten years) echoes the plight of many other people who have served time in correctional facilities. Some ex inmates claim that they would prefer to return to prison rather than to try to adjust to the difficulties of life outside the correctional environment. It would however not be generally justifiable to prohibit someone as a candidate for employment 'just because' he had been to prison. People who have criminal records often state that they are discriminated against when they disclose this fact and frequently this happens even before they state what they had been convicted for. Job applicants who have criminal records also claim that even if they are qualified and their conviction would have no bearing on the work they apply for, they are still excluded.

## **2.7 Prevention of unfair discrimination**

PEPUDA has been in force since February 2000 and refers to an illustrative list of unfair practices which are widespread and that need to be addressed. Included in that list at 1(a) is the 'creating of artificial barriers to equal access to employment opportunities by using certain recruitment and selection procedures' and at 1(b) 'applying human resource utilisation, development, promotion and retention practices which unfairly discriminate against persons from groups identified by the prohibited grounds'. It can be asserted on the basis of these provisions that the state should be proactive in identifying barriers like the blanket and arbitrary exclusion of job applicants who have criminal records (Frank, 2006).

Courts in other jurisdictions have begun to emphasise that such exclusions cannot

ordinarily be justified. Based on reports by ex-inmates and findings by some researchers which indicate that having a criminal record limits access to employment, the protections in terms of both PEPUDA and the EEA are not resulting in substantial improvements. Protection afforded by legislation does therefore not suffice on its own. It may as a result be reasonable to infer that the enforcement of these protections may be realised through litigation in circumstances where employers do not abide by the law. This may also help to enforce the right to be treated on the basis of personal merits and not to be subjected to blanket discrimination and stereotypes (Murray, 2005).

## **2.8 The role of the Constitutional court**

Murray, 2005 explains that theoretically when he said, 'imprisonment properly organised should offer the offender the possibility of retaining his dignity, of reflecting on his conduct, and of returning to society as a full participant'. He acknowledges, however, that in reality, imprisonment, even for a short period, is a harsh form of punishment. The prison environment is perhaps one of the most challenging spheres in which to uphold the right to dignity, but the state nevertheless has a duty to do so. As was confirmed in the famous **Makhanya. (2000)**, respect should be shown for the life and dignity of even the most hardened criminals. These founding values must never be compromised in a constitutional democracy. The Constitutional Court's pronouncement in this regard was unambiguous when it stated that '[i]t is true that they might have shown no mercy at all to their victims, but one should not take ones standards and values from the murderer. Citizens should on the other hand impose their standards and values on the murderer'.

This speaks to the state's duty. Citizens should apply their values to offenders so that they can also become supporters of all the values that make South Africa a constitutional state. The Constitutional Court has held that the constitutional

guarantee of dignity 'requires us to acknowledge the value and worth of all individuals as members of society'. The marginalisation and stigmatisation due to being an inmate is well documented and the experience of being publicly convicted and sentenced to imprisonment can in itself be a degrading experience. Being branded an ex-convict is likely to diminish an individual's sense of self-worth, and dignity is thus impaired. A prisoner may come to believe that he or she is not deserving of an opportunity to participate in mainstream society (Mpuang, 2007).

In this regard the state has an obligation to ensure that ex-inmates are recognized as equal actors in community life that is to actively promote and fulfill rights based on the constitutional value of dignity. The restoration and upholding of ex-inmates' right to dignity is the most important goal of offender reintegration. A person cannot fully participate in mainstream society unless other members of society recognise and respect his value as a human being (in essence the right to dignity). The constitutional guarantee of dignity thus necessitates that the state removes obstacles that threaten the dignity of ex-offenders and that the state simultaneously promotes the adoption of essential measures (such as reintegration programmes) to help restore and uphold this right (Mpuang, 2001).

In short, the constitutional obligation to promote dignity rights cannot be ignored or swept away where prisoners are concerned and, in giving effect to repairing prisoners' rights to dignity, the state must be the major duty bearer. To summarise, most inmates return to society with their rights to dignity, equality, and should not be subjected to unfair discrimination and lack of respect. The state has a constitutional duty to respect, promote, fulfill and protect these rights in respect of everyone including prisoners. In respect of prisoners, offender reintegration is arguably the

measure through which effect can be given to all these rights. This is asserted as it is widely accepted that when prisoners' fundamental rights are limited, their ability to join mainstream society as productive, law-abiding citizens is substantially diminished. The process of reintegration can then be relied upon in practice to help promote the rights of prisoners. It is thus argued here that the state has a constitutional duty to promote and support offender reintegration in order to give effect to prisoners' constitutionally guaranteed rights (Bailey and Ekiyor, 2005).

## **2.9 Community corrections**

Community corrections are more accurately called community-based correctional services. The concept "Community corrections" describes society sentences and models that provide alternatives to imprisonment. These community based programmes are intended to continue an offender's punishment, but in the context of the community rather than in a correctional centre. Another term that is often used synonymously with community corrections is intermediate punishments. Community corrections sentences and models are designed to consider both the safety of the local residents as well as the treatment needs of offenders (Robins, 2009).

Community corrections sentences recognize that some crimes do not require intervention which calls for imprisonment. Sanctions developed within the community are alternatives to sentences that remove the offender from his or her family job and neighbourhood. The underlying theme of community corrections is that justice is an active process. The offender must participate in this process. Supporters of community corrections recognize that many offenders can still be valuable and contributing members of society despite having a criminal record (conviction). The way corrections programmes are developed and operated cannot be understood

outside the contest of a variety of socio-political influences. Trends, in governments, economics, history and social movements all affect the policies that are formulated and implemented (Muntingh,2002)

Legislatures, various structures of leadership, civilians, politicians, researchers and criminal justice practitioners may all have different views on what is necessary to make community corrections affective. Yet for any programme to be successful they all must work together. To assess the quality efficiency and effectiveness of present community corrections systems, we must first decide what it is we believe such a system should accomplish. Our ideas and expectations about the goals of punishment are the cornerstone of our investigation into the value of our current system by critically analysing the operation and results of contemporary community corrections; we can visualize ways to improve the system (Liverson, 2008).

The following are important characteristics of Reintegration:

- Close liaison between the correctional centre or community corrections office and the community is encouraged,
- Social reform in correctional centres through bridging the gap between in institutional and community life is emphasized,
- The offender is involved in the decision –making process,
- Behavioural changes of the offender are noted, Correctional officials are involved in there habitation process, and
- The community should be involved and should participate in offender's re-integration.

### **2.9.1 The use of community resources in community corrections**

### **operations and offender reintegration.**

At the heart of community corrections movement are some assumptions about the nature of crime and the benefit of using community resources to address the problems of crime. According to **Champion (2005)** these assumptions include the following:

- A correctional centre is a highly artificial society. Conformity in a correctional centre is not always a good indicator of the offender's ability to conform in the free community ,
- Because the community has resources that are not available in the correctional centre, the likelihood-of rehabilitation and re-integration is enhanced,
- The community can provide support networks to the offender that does not exist in a correctional centre. With the help members of their families and community at large, the offender has a greater chance of leading a law-abiding life,
- The offender can contribute to the financial up keep of his or her family- if gain fully employed,
- The state spends less money on offenders in the community corrections programmes than it does in incarcerating them, and the Department of Correctional Services can accurately identify which offenders are dangerous and need secure incarceration and which ones are "safe" to release into the community.

### **2.9.2 Public (community) Values and Education.**

The prevailing moral climate within communities, attitudes towards crime and the

willingness of citizens and communities to take responsibility for crime in reducing tolerance towards crime and hence levels (through participation in community corrections operations and offender re-integration projects). Community values and education cover, strategies which are aimed at intervening the way in which the community engages with and responds to crime and conflict. Community education is a sharp instrument for influencing moral behavior. Given fiscal constraints, it is vital to improve community education and harness greater community participation (Champion, 2005).

### **2.9.3 Providing an alternative range of offender Punishments**

The range of punishments is vast within community corrections. Programs are tailored to fit clients from diverse age groups, include those with diverse needs. It should be ideal to work with special problems offenders such as addictions to drugs or alcohol, learning disabilities or vocational educational deficiencies. Community centers should be created under community corrections acts to assist clients in filling out job applications or overcoming educational problems (illiteracy), and /or use should be made of existing facilities. Peak (2004) suggests that the private sector should become increasingly involved and should participate in the treatment of community based correctional clients.

### **2.9.4 Heightening offender accountability.**

It may be argued that unsupervised community corrections are unsuccessful in rehabilitation and reintegration of offenders. One aim of community corrections, therefore, is to provide substantial supervision and services to offenders. For example, substance abusers comprise a class of clients requiring special assistance

and intervention. Often these offenders have committed crimes in the past to acquire drugs or alcohol they need to satisfy their addictions. With appropriate intervention and accountability mechanisms established, many of these offenders can overcome their addictions and accept responsibility for their actions. Over time, they learn to cope and overcome their substance dependencies to the extent that they can perform full-time jobs and support their dependants. Heightening offender accountability is a key goal of community-based correctional programmes.

### **2.10 Overcrowding in prisons**

The phenomenon of overcrowded prisons is not uniquely South African. According to the Annual Report of the Judicial Inspectorate (2008/2009:17), overcrowding is experienced by most countries in the world, including the United Kingdom and the United States of America. Overcrowding in most of the South African correctional centres continues to impact negatively on the humane detention of inmates, as well as on the efforts of the South African government to implement rehabilitation programmes and reintegrate rather than simply 'warehouse' inmates.

According to a presentation by the Department of Correctional Services to the Parliamentary Portfolio Committee, overcrowding can be attributed to a number of causes. Statistics show that in June 2009 there was a total inmate population of 163,108 accommodated in 237 active correctional centres in South Africa. These centres should have housed only 114,822 inmates, which meant that they were overcrowded by 142.58%. As offenders upon release often regress to their previous habitual ways of committing crime, this recidivism leads to re-incarceration and results in overcrowding in the already full correctional centres in South Africa.

### **2.11 Social reintegration**

The Position Paper on Social Reintegration ([n.d.]:6) indicates that the Department of Correctional Services is fully cognizant of the fact that the reintegration and rehabilitation of offenders remains one of its most serious challenges. The notion of dealing with certain categories of offenders within the community, rather than inside a correctional centre, was introduced to South Africa in 1990 by means of a system known as “non-custodial correctional supervision”. The Department of Correctional Services’ White Paper on Corrections in South Africa (2005:47) notes that social reintegration was introduced as a more effective way of dealing with inmates and as a response to overcrowding.

Non-custodial correctional supervision was implemented through an amendment to Section 84 (A) of the Correctional Service Act of 1959 (Act 122 of 1991). These provisions were later included in the new Correctional Service Act of 1998 (Act 111 of 1998). This system seeks to extend the current scope of correctional supervision by focusing on the life of the offender (including the probationer and parolee) from the date of sentencing through to his reintegration into society. Social reintegration is imperative in the rehabilitation of offenders. It is clearly indicated in the Department of Correctional Services’ (2005:21) White Paper which regards social reintegration as the most challenging aspect of rehabilitation, as effective reintegration is crucial in combating recidivism.

Social reintegration in the prison setting refers to assisting with the moral, vocational

and educational development of the imprisoned individual via working practices, educational, cultural, and recreational activities available in prison. It includes addressing the special needs of offenders, with programmes covering a range of problems, such as substance addiction, mental or psychological conditions, anger and aggression, among others, which may have led to offending behavior (Reiche001).

Reintegration encompasses the prison environment, the degree to which staff engages with and seek the cooperation of individual prisoners, the measures taken to encourage and promote contact with family, friends and the community, to which almost all prisoners will one day return. It also refers to opportunities provided for prisoners' gradual re-entry into society, such as furloughs (home leave) and half-way houses. Post release reintegration refers to conditional release (parole), which is a measure designed to enable offenders' planned and gradual transition from prison to life outside. It also includes all social, psychological and other support provided to former prisoners after release by various agencies and organizations.

Social reintegration is not an issue that can be resolved by legislation and institutions alone, however. The families of offenders, their immediate circle of friends, and the community have a fundamental role to play in assisting the offenders' return to society and supporting ex-offenders in rebuilding their lives. Research indicates that having strong family support is one of the most important factors contributing to successful rehabilitation, together with gaining steady employment. Successful treatment for drug addiction and desistance from returning to former drug circles is another key issue for many, and family support is crucial.

Probation services, where they exist, or similar bodies, have a key function in all of these areas – helping ex-offenders rebuild their relationships with their families, with finding a job, encouraging professional treatment for problems such as drug addiction and in general enabling a positive life strategy. But success, to a large extent, depends on community support; and in countries where a probation service does not exist (which will be in a majority of cases in developing countries) the role of other organizations of civil society is central. Unfortunately, due to factors that include lack of resources, prison overcrowding, and inadequate attention given to the post-release needs of ex-offenders, the social reintegration needs of offenders are often a low priority in practice. In prisons, the resources that are available are typically used to improve security, safety and order, rather than investing in prison workshops, skills training, educational facilities, sports and recreation in the mistaken belief that security can be achieved by using more restrictions and disciplinary measures rather than by improving the prison environment, providing constructive occupation for prisoners, and encouraging positive relations between staff and prisoners (Newman 2008).

Governments do not typically place a high priority on assisting prisoners with post-release care either. In fact, in some countries former prisoners confront new restrictions to employment and education due to their criminal record upon release, hindering the process of reintegration significantly and contributing to re-offending. Another problem that is often encountered is the lack of coordination between pre-release preparations in prisons with the services provided in the community.

### **2.11.1 Socio-economic and geographical environment**

According to Frank (2006), criminologists ask questions about the specific behaviour of criminal offenders and about the motives for such behaviour. Criminologists seek to find out why violations of the law occur and search for explanations in terms of the offenders' social conditions, political ideology, upbringing and current friendship networks. Such an approach is imperative in this study in order to determine the factors that influence the offenders' behaviour and lead to recidivism. Mpuang (2001:85-94), in her study regarding the reintegration of offenders, posits that most offenders in South Africa are unemployed, impoverished, uneducated and by reason of these social and economic circumstances often find themselves driven to a life of crime.

She avers that, in order to reduce the crime rate, efforts should be made to enable offenders to escape these constraints. Newman (1972:83) posits a link between crime and the physical design of the environment. Berg and Theron (2003:28) also share the view that human behaviour is a function of interactions of personal characteristics and environmental factors. They further posit that the individual's behaviour is affected by societal agents such as cultural values, habits, myths, rituals, social roles, interpersonal relationships, communication patterns, family influences, economic conditions (for example, poverty, prosperity, unemployment and peace) political ideologies and social construction.

Many of the above issues contribute to crime and recidivism in various mixes. The societal agents alluded to by Berg and Theron (2003) are explored by the researcher in order to determine if they contribute to recidivism.

### **2.11.2 Obstacles to successful reintegration in South Africa**

Incarceration in South African prisons and elsewhere has a harmful effect on inmates. Institutionalisation and socialisation in prison have a negative impact on prisoners. In correctional centres social relations are almost always based on survival needs (White Paper on Corrections in South Africa, 2004).

Further, factors which may impede effective reintegration are limited resources in correctional centres, overcrowding, gang violence, sexual violence and corruption. These factors together with the fact that there are minimal rehabilitation opportunities in prison essentially results in offenders being dumped back into society regardless of whether they have changed for the better or not. In light of all these challenges it is not surprising that often inmates come out of correctional centres more entwined in criminal activity (Reichel, 2001).

A major stumbling block to successful reintegration is that human and social capital is not sufficiently focused on while an offender is incarcerated. Offenders are given opportunities for skills development, but these programmes are not necessarily linked to employment opportunities on the outside, which becomes problematic. Many offenders enjoy minimal contact with their family and friends once they are incarcerated. In instances where there is a lack of parenting skills on the part of the offender, he may also lose contact with his children. Offenders who are parents and who lack adequate parenting skills should thus in addition to maintaining contact with family, also be allowed to participate in programmes aimed at empowering them with

parenting skills. The broader community too should be involved in facilitating an offender's re-entry into society as a productive and constructive citizen (Reichel, 2001).

Successful reintegration in South Africa can also be negatively affected where there is not continuity between in-prison and out-of prison programs, service and interventions. Offenders who are released from prison face myriad challenges immediately upon release. This may include adapting to social, economic, physical and technological environment which may have changed drastically in the period during which the offender was incarcerated. The conditions which contributed to an offender committing crime may also still be present when he or she is released from prison and may enhance the risk of re-offending. After care programmes are thus imperative to address the host of issues that offenders must contend with when they are released from prison and when they are serious of crime-free lifestyle.

## **2.12 The labeling perspective**

According [Giddens \(2001\)](#) claims that labeling theory is one of the most important approaches to the understanding of criminality. As Giddens points out, "labeling theorists interpret deviance not as a set of characteristics of individuals or a group, but as a process of interaction between deviants and non-deviants" (2001:209). He further posits that one must discover why some people care to be tagged with a "deviant" label to fully understand the nature of deviance itself.

Becker (2005) states that the impact of social reaction to certain types of behaviour or particular categories of people is crucial in explaining the criminalisation process:

“Social groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular people and labeling them as ‘outsiders’ (1963:9). From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an “offender”. Becker further indicates that once people are judged by society, it is very hard to get back to what they once had, and often they experience an identity change. This he regards as a social problem, because labeling these people ruins their lives to a point where they have no choice but to respond to the label they were given.

Becker (in Thomson 2004:14) notes that the label may become a “master status”. Thomson points out that what Becker means by this is that in their reaction to deviants the public tend to forget about the other statuses that the individual may possess (for example, that of a father, teacher, soccer player) and only concentrate on the deviant (stigmatised) status (for example, that of a drug addict).

The stigmatization of former offenders by society often hampers their successful reintegration into the community. Offenders are often labeled because of their incarceration within a correctional facility. Upon release, they sometimes find it difficult to secure employment because of the label attached to them as an “ex-convict”. According to Becker, a deviant label can lead to further deviance.

### **2.12.1 Labeling Theory as a Method Applying Stereotype**

Individuals who are labeled as deviant tend to feel excluded from conventional society based on the fact that they are considered to be different as a result of their

behavior. Labeling theory relies on the symbolic interactionist perspective. This perspective suggest that 'an individual's identify and self-concept, cognitive processes, values and attitude are seen only as existing in the context of society acting, reacting and changing in social interaction with other,' (Akers, 2000:152).

Individuals who feel excluded due to their deviant label will begin to view themselves as deviant, because they will internalize the label which society has applied to them. Typically, individuals who are labeled as deviant would accept this label as part of their self-identity and act in ways that are congruent with this label (Akers, 2000). In general, labeling theorists assert that when an individual receives a deviant label, this will serve as reinforcing factor that promotes further deviant behavior.

According to Siegel, (2004). "Central point of the labeling perspective, then, is that the disgrace suffered by people who are labeled as delinquent or criminal more often encourages than discourages future deviant behavior". Thus, labeled individuals adopt a label as their central identity because they have been embarrassed and excluded from conventional society as a result of the label. This often means that those labeled individuals largely identify with others who have been bestowed a similar label.

### **2.12.2 The Criminal Stereotype**

Previous research demonstrates that stereotypes are quite prevalent in North America society, and stereotypes are believed to exist in one form or another for most demographic groups. Stereotypes surrounding race and gender are mostly referred to when discussing the concept of stereotype threat, however, Morgan,

(2004) suggest that there are also commonly-known stereotype for different ages (e.g. young and old) as well as for the mentally ill and criminal offenders. From these descriptions is it clear that members of society have created an offender stereotype, and it is likely that members of society use the characteristics of such a stereotype to label any or all offenders. In fact, one of the most common hardships experienced by offenders is negative stereotype by the community, which often results in labeling, stigmatization and ostracization.

With respect to reintegration Hirschfield (2010) state that, 'Successful community re-entry and the criminological impact of incarceration may depend in part on the attitude (and consequent reactions) that prisoners encounter (from others)'. If offenders are welcomed back into the community despite their past criminal transgressions then they are more likely to succeed at reintegration, where as if they are stereotypes and rejected by the community then it is likely they will fail in their reintegration efforts.

### **2.12.3 Theoretical Foundation of Parole**

The theoretical underpinning of parole is an attempt to justify to the community why certain offenders are selected to be placed on parole (Weiss, 1990:23). It is also, according to Dammer (2003: 347), based on three basic concepts.

**Comment [P4]:** Not in references

**Comment [P5]:** Not in references

### **2.12.4 The theory of Grace or Privilege**

Parole makes release from a correctional centre or prison a privilege that must be earned. The offender is one who must demonstrate through his efforts and behavior in prison his readiness to be released. The absence of parole or release as a right

means that offenders simply walk out the prison door at the end of their sentence. No questions are asked about what has been done to make sure the offender is no longer a threat or danger to society before he is released. The choice is between parole, which means earned release, and no parole, which means automatic release.

In discussing the question who should be paroled, Plaatjie (2005) said, "Parole should be granted to those who by their ability to keep the rules inside prison give evidence of their ability to keep the law outside, who by their life gain the confidence of the management and whose release is not contrary to the public sense of community from which they come".

Parole, therefore, is granted as a kind of reward for good conduct or behaviour in the correctional centre. Parole is approved by parole authority, such as the Correctional Supervision and Parole Board, that considers all information surrounding the offender, it is an act of grace and therefore a privilege and not a right (Weiss, 1990:23). In other words, an offender could be kept in prison for the whole duration of his sentence, if not for the grace of parole board.

#### **2.12.5 The consent or Contract Theory**

Every offender that is released on parole voluntarily enters into a contract and agrees to certain terms and conditions in return for his conditional freedom. A violation of any of these conditions amount to a breach of contract which can result in parole being revoked (Giddens, 2001)

According to Dammer (2003), the parole system is seen as a kind of agreement, like a contract, between an offender and the state to find a way to meet the needs of both parties-the state gets to see the offender becomes a law-abiding citizen, and the offender gets to leave the prison early. If both parties keep their promise, then parole is a win-win situation.

#### **2.12.6 The custody Theory**

This theory implies that the parolee is not free, but is in 'constructive custody' and the community has become an extension of his prison cell. Dammer (2003) asserts that the offender, even though he is released from prison, is still the responsibility of the Department of Correctional Services. Parole is an extension of correctional programmes into the community. The parolee is in legal custody of community corrections authority and his status is one of quasi-prisoner, which means that his constitutional rights are automatically limited

#### **2.13 Conclusion**

This chapter focused on experiences of ex-offenders within the justice system in South Africa. The next chapter will look at the background of probation practice in South Africa.

## **CHAPTER THREE: BACKGROUND TO PROBATION PRACTICE IN SOUTH AFRICA**

### **3.1 Introduction**

The previous chapter dealt with experiences of ex-offenders within justice system in South Africa. This chapter will look at how probation practice has evolved from England and how it veered to current probation practice in South Africa. Probation originally developed as a result of the realization that imprisonment has negative effects for offenders and their families. It was felt that certain offenders could be released conditionally without posing a threat to society. As a result of the initiatives of concerned citizens and community organizations both in England and America from about 1820 onwards, the courts started releasing young and non-serious offenders conditionally. It is, however, the American John Augustus (1785-1859), who can be seen as the “father” of modern probation. As a member of the Washington Total Abstinence Society, Augustus began visiting the Boston police court in 1841, to undertake pre-trial enquiries in respect of drunken offenders. And also took an interest in other categories of offenders.

In South Africa, probation also developed in an unsystematic way. The first statutory Provision was found in the First Offenders Act (1906) of the Cape Colony. There was no provision for the appointment of probation officers, but the courts could release young and non-serious offenders “on probation of good behavior”. It was only in 1913; with the publication of the Probation Regulations under the Prison and Reformatories Act (1911) that statutory provision was made for the appointment of probation officers, their duties, conditions and for the supervision and care of

offenders.

Initially, probation was applied almost exclusively to adult offenders, but with the advent of the Children's Act (1917), the foundations were laid for juvenile probation services. Private initiative also played a significant role in the establishment of probation services in South Africa. Especially the Prisoners Aid Association (1910) and the Probation League of South Africa (1933), made an important contribution. In 1935, these two organizations amalgamated to form the Social Services Association which, in 1970, became NICRO (National Institute for Crime Prevention and Rehabilitation of Offenders).

A highlight in the development of probation practice in South Africa, in terms of progressive penological ideas, was in the report of the Prison and Penal Reform Commission (1947). It was known as the Lands down Commission and it urged the development of an effective probations service in South Africa. Sadly, the constructive and far-reaching reform proposals of this commission were not implemented, as a new government- the National Party government came into power in 1948. This new government had another agenda, namely, constructing and entrenching a policy of separate development (Apartheid), for the various populations groups in the country. As it was pre-occupied with its political ideology, and did not share the progressive vision of the Lands down Commission regarding penal reform, the probation services stagnated under the National Party government for the next forty years or so.

The present (2004) statutory provisions for probation services in South Africa are

contained in the Probation Services Act No 116 of 1994, the Probation Services Amendment Act of 2002, the Child Care Act No 74 of 1983 and the Criminal Procedure Act No 51 of 1997. Although the Child Justice Bill (Bill 'B', 2000) has not been promulgated as yet (2004), it already plays a significant role, particularly in terms of the mindset and practices of probation officers. (The Bill will be discussed in some detail in a later chapter).

### **3.2 The current nature of probation practice in South Africa**

Since its early beginnings, almost 200 years ago, probation has developed its own occupational identity. It is not a sub-section or appendage of social work, law, or criminology, but internationally it is an occupation in its own right, as it has its own occupation-specific structure and field of operation, is applied and career-directed, and has its own '*modus operandi*'. Furthermore, some academic institutions provide specific training and qualifications for probation practice. Probation work in the Western World has traditionally been confined mainly to conducting pre-sentence investigations for the juvenile and criminal courts, and supervising offenders placed on probation. In practice, this is generally still the position in South Africa today.

Although the Probation Services Act (116 of 1991) broadened the scope of probation work to include the prevention of crime; community service and treatment of the victims of crime; assistance to the families of incarcerated offenders; the establishment, financing and registration of shelters; and the compensating of victims of crime, in actual practice, probation work still consists mainly of conducting pre-sentence investigations and, occasionally, supervising probationers. However, the application of probation practice differs from one province to another. Some

provinces have specific posts for probation officers, where the incumbents focus mainly on providing probation services. Other provinces maintain a policy of generic social work, where social workers may, from time to time, perform probation tasks as part of their general social work duties.

There are different diversion programmes available to cater for different categories of offenders coming through the assessment process. Assessment is the fundamental process of placing offenders in appropriate intervention strategies or programmes. Discussed below are the most commonly used diversion programmes.

### **3.2.1 Ex-Offender Reintegration Project**

The programme seeks to reclaim and re-integrate all the ex-offenders. The need for the project emanates from the plight that the ex-offenders experience after their discharge from serving prison terms. These include joblessness, lack of employment opportunities (aggravated by their criminal record), employability, dysfunctional families, and marital disputes due lack of financial resources, and so on. The target group of this project will be mainly young people who are ex-offenders. They will be engaged in a leatherworks income generating project producing sandals and belts for sale throughout the province. Through this project the challenges facing the ex-offenders such as unemployment will be reduced whilst at the same time acquiring life time skills such and thus providing food on the table for their families.

The majority of the ex-offenders are unemployed due to lack job opportunities for them. They are stigmatized and labeled by their communities and in some instances by their family members as well. This project therefore seeks to reduce poverty and

create job opportunities through income generating projects that will be provided. It will serve as a preventative measure for youth from engaging in criminal offences as they will receive empowerment on income generating programmes through this project. Further, the project will address the problem of recidivism in the area as it will provide the participants alternatives for survival than being involved in crime as a means of living.

### **3.2.2 Developmental foster care**

Developmental foster care is a short term community based alternative care programme targeting young people in trouble with the law. This programme can be implemented as an early intervention programme, namely, a diversion programme that prevents young people from entering deeper into the Criminal Justice System. Alternatively, rather than placing young people in residential care whilst awaiting trial, developmental foster care may be implemented.

Developmental foster care programme lends support to children and their families who experience some difficulty in meeting the developmental needs of their children. This is a very cost effective alternative care programme because the duration of engagement within the programme is between 4 - 12 months, after which the child is reunified with the family of origin. Volunteers are recruited and trained on Professional Foster Care and are utilized as Child and Youth Care Workers and Professional Foster parents. A stipend is paid towards them and for each child placed in there, based on the monthly rate of foster care grant.

Developmental foster care programme embraces the principles of *ubuntu*, family

centeredness; participation; permanency planning and re-unification. The project seeks to address the problems associated with escalating number of young people who come into conflict with the law and are consequently rejected by their families due to their offending behavior. More often than not, such children end up in prison or police cells or worse, on the streets. Family breakdown is a major contributor to the problem of children living on the streets in this area. Due to the fact that there are no residential care centers in the area, young people who have not been released to parental care end up awaiting trial in prison or police cells. In the event that their cases are postponed indefinitely subsequently when such children are arrested they end up in prisoner police cells. This inadvertently exposes them more to criminal elements within the prisons/police cells.

In terms of the Probation Services Act No 35 of 2002; Child Justice Act and Interim National Protocol on Management of Children Awaiting Trial, keeping young persons in prison / police cells should be the last resort and should be for the shortest possible period of time. This project will be implemented as an alternative care for children awaiting trial; as a diversion programmes as well as community based alternative to sentencing. This kind of placement seeks to provide less restrictive and most empowering options that prevent young people getting deeper in the criminal justice system (Du Preez, 2003).

The young people participating in the project will be exposed to a different situation where they will experience their lives differently thus opening up opportunities for them to change and be responsible towards their continued healing and growth in self-esteem. Intensive family support component of Family Preservation will also be

implemented to families of young people who at risk of out-of-home placement. The whole process will culminate to disengagement and re-unification of young people with the families of origin.

### **3.2.3 Home based Supervision (HBS) Programme**

Home based supervision programme is for high-risk children of those who have allegedly have committed a criminal offence and are under the age of 18 years. It can be used as; (a) an alternative placement option; (b) as a diversion programme; (c) as a sentencing option. The child must be placed in custody of his /her parents or guardian or another appropriate adult. This is done after the court has issued an order in this regard. The court order should be preceded by a developmental assessment by a probation officer after arrest, or, in relation to sentencing, after the conviction of a child. A pre-trial or pre-sentence report can also be submitted to the court with recommendations for this purpose.

Where a child is placed in HBS as an alternative to pre-trial detention s/he will remain under the court order until the criminal matter against him/her is finalized. Where HBS is used for diversion or sentence the duration of stay will be determined by the court. At pre-determined intervals, the probation officer or APO provides progress reports to the court or whenever requested by the court. Conditions under which a child will be placed are very important and should be stipulated in the court order.

### **3.2.4 Victim Offender Mediation**

The project aimed to allow victims to express their needs and feelings, and to create

an environment for the offender to begin to understand the consequences of his or her actions and to reintegrate as law-abiding citizen. This approach allows for the facts and emotions of the dispute or offence to be dealt with in a safe environment. It aims to encourage the parties to move towards reconciliation, redress and restitution through both parties reaching an agreement. Based on restorative justice, the principles that underpinned the victim offender conference (VOC) were:

- Acknowledging the injustice: The offender needs to acknowledge responsibility for the offence. The offender has to confront the consequences of his or her action, and see the victim as a person with real feelings and needs. Without this there can be little progress in resolving or reconciling the hurt and damage that has occurred.
- Restoring the inequity: This involves a delicate process of leveling the power imbalances that exist between the offender and victim as a result of the offence or the nature of the relationship between the parties. It provides a forum where victims and their families are given time to speak and be heard by the offender. They are given the opportunity to express their needs and concerns.
- Addressing the future: This is the process of developing an appropriate and concrete plan of action accepted by all parties involved. The plan should address symbolic as well as material needs of the victims and must sufficiently spell out the future intentions of the offending parties in order to ensure that revenge or retaliation is not embarked upon.

### **3.3 After care programs done by National Institute of Crime and Reintegration of offenders (NICRO)**

National Institute of Crime and Reintegration of offenders (NICRO) has reworked its

offender reintegration programme, the oldest part of NICRO's work (which started in 1910). The aim of starting the new project, the "Tough Enough" programme, was to ensure that the institution do indeed have impact on the crime situation in South Africa, through ensuring that ex-offenders take seriously their responsibility to be community builders, not destroyers of the social order. These programs are discussed below:

### **3.3.1 Phase One: Recruitment and Assessment**

Prisoners select themselves into the programme and are individually assessed by the facilitator (social worker). A maximum of twenty participants is allowed in the group. The success of the programme is dependent on the commitment of the participants. It is vital that the participants want to change their circumstances, thus, the principle of self-selection into the programme. Upon successful entry into the programme, the prisoner enters into a contract with NICRO which details the service and duration. The contract also ensures commitment from both and specifies the non-negotiable. The prisoner identifies three primary areas of his/her life that he/she wants to see changed at the end of the programme. These will be the primary focus of the intervention, but other issues or concerns will also be addressed during the programme.

### **3.3.2 Phase Two: Setting the Challenge**

This is a group-based five day intensive phase which challenges the individual participants to objectively look at their lives (the past and present) and draft a path that they want to follow. The emphasis is on the future and how it should be different from the past. The participants take responsibility for their actions, especially the

crimes they have committed, and make plans for restoration (Du Preez, 2003).

Participants discuss the issues facing them, for example, their fears, anxieties, expectations upon release and experiences with imprisonment. They identify systems within their communities which can support them and their families and also develop strategies to access those systems. They commit themselves to certain actions and decisions which will impact positively on their reintegration.

### **3.3.3 Phase Three: Facing the Challenge**

Running over eight weeks (8 sessions), this phase is the beginning of the actual implementation of the decisions made in the previous phase. Participants handle issues either, in a big group or, smaller groups (with similar issues) as well as individually. Work with families or other support structures, and victims begin at this time, through either, Family Group Conferences or, Victim Offender Mediation.

Participants are provided with support and encouraged to tackle challenges with a positive attitude. Participants develop 'projects' - their life plans - and gets a coach to support them. Resilience and perseverance by the participants in the implementation of their plans is crucial, as new or unexpected realities will be dawning for some of them. During this time, the facilitator actively engages the community and challenges them to commit towards the reintegration of the imprisoned participant.

### **3.3.4 Phase Four: Overcoming the Challenge**

This is the most crucial stage, as all the results of the work done in the previous phases become important. The ex-prisoner comes back to the family, community, friends and other support structures. A lot of uncertainties around acceptance, promises and decisions made, might be experienced by the ex-prisoner and family.

The life plan becomes the actual daily life, not just a project, for the ex-prisoner and the future becomes the present.

This phase runs over a 6-9 month period. During this time the ex-prisoner acquires independence and strengthened relationships with the family and other relevant people. The community becomes an important support system for the ex-prisoner and his/her family. Wherever possible, a mentor is appointed for the ex-prisoner and/or the family.

### **3.3.5 Phase Five: Staying Out**

This phase is continuous for the ex-prisoner. The whole programme is about him/her staying out of prison and not re-offending. The previous stages determine the success of this stage. The ex-prisoner should be stable and making a positive contribution towards his/her family and the community. NICRO support, through facilitator, should be minimal or not necessary. Community and family support continues to provide for the sense of belonging and accountability by the ex-prisoner. The ex-prisoner accepts full responsibility for staying out.

### **3.3.6 Phase Six: Tracking**

An important feature of the programme is the ability to track and measure the impact and success of the programme. All the programme participants will be tracked at least twelve months after completion of the programme.

## **3.4 The Correctional Services Act (CSA)**

The Correctional service act re-affirms the goal of rehabilitation (reintegration) in

section 2 by stating that the correctional system is intended to contribute to maintaining and protecting a just, peaceful and safe society by promoting the social responsibility and human development of all prisoners and persons subject to community corrections. Therefore, one of the main objectives of the Department of Correctional Services (DSC) is to promote the social responsibility and human development of all inmates.

A number of other provisions in the correctional service act speak to the creation of an environment in correctional centres that would increase inmates' prospects of effective reintegration into society. Provisions which stand out in this regard include those under Chapter three entitled 'Custody of all Prisoners under Conditions of Human Dignity'. These provisions, especially section 4(2)(c), which provides that the minimum rights of inmates conferred in terms of the correctional service act must not be violated or restricted for disciplinary or any other purposes, reinforces the residuum principle discussed earlier. Giving effect to the rights of prisoners is thus not simply an ideal, but a legal requirement. These rights include rights relevant to reintegration as an important element of restoring human dignity.

The CSA also deals with what may be seen as 'housekeeping' issues in order to prevent undue suffering and to promote a humane existence. Specific requirements regarding accommodation, nutrition, hygiene, clothing and bedding, exercise and healthcare are accordingly stipulated. In section 13 the correctional service act obligates the department of correctional service to encourage inmates to maintain contact with their community and to enable inmates to stay abreast of current affairs. It is apparent that this requirement is aimed at assisting inmates to build or rebuild

relations with the communities to which they will return and to minimise the stigma of imprisonment which ultimately contributes to ex-inmates being unable to form part of mainstream society. These provisions indirectly promote offender reintegration; section 13, which encourages prisoners to maintain contact with the outside world, is a particularly important component. More directly applicable to the reintegration process, the CSA provides that upon admission every sentenced offender must be subjected to an assessment. The assessments aimed at determining inmates': (a) security classification for purposes of safe custody; (b) health needs; (c) educational needs; (d) social and psychological needs; (e) religious needs; (f) specific development programme needs; (g) work allocation; (h) allocation to a specific correctional centre; and (i) needs regarding reintegration into the community.

The assessment is then followed with a correctional sentence plan for each inmate sentenced to longer than 24 months. The manner in which the sentence must be served is set out in light of the assessment and the correctional sentence plan. Logically this means that the department of correctional service must invest resources into programmes for those who are eligible for sentence plans and services in respect of those plans. Any other reading would deprive the requirement of sentence plans of any value at all. The sentence plan is ideally used as a tool to strategize how a prisoner can best prepare for a crime-free life after release, i.e. to plan the reintegration process of the individual prisoner. Goals and targets can be set to ensure that when the prisoner is released he is able to reintegrate effectively. The department of correctional service should ensure that the objectives set in the sentence plan align with the prisoner's needs identified during the assessment. This could occasionally require amendments to the plan as the needs of a prisoner may

change over the course of a prison term. It is suggested here that the Department of Correctional Service should be open to accommodating such changes if they are essential to successful reintegration.

Efforts should also be made to identify specific available programmes and services that may assist prisoners' in the reintegration process. Including these in the sentence plan will help to create a much clearer path for the particular offender's reintegration. It may arguably also give prisoners a greater sense of purpose and hope while they are incarcerated. The sentence plan, regardless of how well it is structured, will be rendered futile if the Department of Correctional Service and prisoner do not take collective responsibility for its implementation, however. The DCS should make programmes, space and time available for the implementation of the plan, while the prisoner must take every opportunity to attend, learn and apply the lessons and skills offered to him.

In addition to the provisions discussed above there are also other provisions in the Correctional Service Act that clearly support offender reintegration. An example is section 44(1)(d) which allows an inmate to be granted temporary leave from the correctional centre for any reason related to the successful reintegration of the inmate into the community. Section 45 further provides that an inmate must be prepared for placement, release and reintegration into society by participating in a pre-release programme. The reintegration process should start from the moment the prison term commences. It should be premised on a sentence plan, and with opportunities for furthering the reintegration ideal built into the legal regime.

### **3.5 The Rights of Prisoners within the South African Criminal Justice System.**

#### **3.5.1 Human Rights**

Human rights refer to those rights that all people are or should be entitled to regardless of race, gender for example, right to fair trial in a court of law, education and access to medical care and religion. According to McLaughlin and Muncie (2000: 144-145) the concept human rights is very problematic to define as it means different things to different people. Historically, different nation states made declarations that codified certain aspects regarded to be fundamental human rights. It usually includes civil and natural rights such as the right to life, family life. In addition, if citizens are accused of a criminal offense, such persons are entitled to a fair trial, be presumed innocent and if found guilty humane forms of sentence be imposed. In a nutshell, human rights act as a protection against the deed and the misuse of power of the state upon individuals.

#### **3.5.2 Prisoner**

This refers to a person kept or incarcerated for crime committed who is awaiting trial or who has been tried in a court of law and found guilty, sentenced to a particular period or for life. It is a neutral term used referring to both genders (males and females, young and adult, all race groups) as South African citizens or foreign nationals (Department of Correctional Service, 2001). When a person commits criminal acts before he / she could be formally arrested is informed of his/her rights to remain silent, and to legal representation. From the law enforcement, the court and the correctional services where such as person is sentenced accorded rights to

be treated with human dignity as contained in the Bill of Rights Chapter two.

According to Pelser (2000:14) about 236 prisons were established in South Africa to shelter 100 384 inmates. In the beginning of April the prison population was at 172 271, meaning that, prisons population were more populated by 71.6%. The most advanced ground is the increasing number of prisoners who are not sentenced or awaiting trial. Within a specific period the total number convicted prisoners escalated or increased by 17% or 15 726 and those still on trial went up by 164% or 39 699. The above projected statistics serves as an indication on how important it is to look at the rights of offenders from a broader perspective. The concept 'prisoners rights' was not often spoken of in the past as prisoners under the oppressive apartheid system were subjected to gross violations of human rights such as, hard labor for both common and political prisoners. The then perceptions about prisoners were based not on rehabilitation but on punishment to offenders who have wronged the society and deserve to be objects of ill treatment. In a number of outreach programs to several correctional institutions around South Africa, Pretoria Central prison (Gauteng province), Baviaanspoort (Mpumalanga), Pietersburg-Polokwane Medium prison (Northern Province) and Odi prison (North West province) the conditions under which prisons are operating and the conditions under which prisoners are kept. From personal observation conditions of South African prisons remain overcrowded and unhygienic for human development of prisoners. While interacting with prisoners questions ranging from the nature of the crime committed the feeling towards their victims, any remorse and life upon prison sentence completion to their rights as prisoners. Responses received were of grievances such as being subject to ill treatment not only by prison guards but by fellow inmates. Pertaining to what

knowledge they have regarding their rights as inmates mostly cited not being informed of their rights as prisoners at the detention and admission centres and detention centres except only a prisoner's Code of Conduct which has been read in a language difficult to be understood as most are illiterate.

The only time they become partially aware of their rights when inside the prison, hearing from other 'informed' prisoners. It remains difficult to accept or contest such statements without any concrete evidence to support allegation leveled against prison authorities. The article focuses on specific and fundamental rights of prisoners as accorded by law through the constitution of the Republic of South Africa 1996 Act 108 of 1996. Key terms used are briefly defined.

### **3.5.3 Treatment of prisoners within the correctional system**

According to Pelsier (2000) treatment of convicted persons to imprisonment regardless of the sentence duration or length, implies that the type of treatment prisoners get in prison must be in such a way that it creates in such prisoners, the will for conformity (law-abiding) and self-supporting lives after their release. If the treatment of convicts remains within human rights context as intended, the outcomes should be twofold, namely; the establishment of prisoners' self-respect and the development of the sense of accountability and responsibility towards the broader society they harmed. The purpose and justification of a prison penalty upon offenders as a mechanism polarizing prisoners freedom is a measure taken by the state as part of its moral obligation in protecting society against crime. And this end can only be realized, if the period of imprisonment is used in ensuring, that upon their release they return to the society not only willing but able to benefit from the

above mentioned outcomes (law abiding and self-supporting). According to Naser (1993:296) the treatment or handling of prisoners in various countries including South Africa has to meet the international standard followed by other states worldwide referred to as SMR or The Standard Minimum Rules. Compliance with the set rules by member states imply the interests and rights of prisoners are seriously looked at without prejudices.

#### **3.5.4 The handling of prisoner's complaints and requests as a right**

Prisoners are also given the right to be heard, meaning as inmates individually are afforded every opportunity to make daily requests, grievances and complaints to the prison authority. The head of the prison as stipulated in terms of the prison regulations shall see every inmate and probe any complaint received from any inmate. The head of every prison is obliged to submit any written requests, grievances or complaints which he personally is unable to dispose of, to the commanding officer for his personal attention. For the full realization of prisoners' rights, especially, the right to be heard pertaining to the general treatment of prisoners by the prison staff, in state's institutions the role of the prison head is very pivotal. It seems the rights of prisoners are more protected than those of law abiding citizens as it does make fundamental difference when it comes to the manner in which they are being handled and treated in prisons forgetting the purpose of their prison sentence, of settling the score regarding the crime committed.

#### **3.5.5 The mentally insane prisoners**

In its endeavour to the observance of human rights, the Bill of Rights pay attention not only to the capable citizens but it also ensures that even the rights of those who

cannot account for own deeds on the grounds of psychological disturbances are protected. Burger (2001) states mental deficiency in prison has been experienced after conviction as most inmates are suffering definable mental disorder. Any illness if not properly treated gets worse if overlooked and in prison it is more likely to happen than outside. Psychoses are prevalent among prisoners than in the general population. In US correctional facilities for young adults, 2 to 4 per cent indicated an incipient or latent psychosis. Another 10 to 15 per cent are psychologically defective. The conclusion arrived at pertaining to the gathered statistics has been that from 15 per cent to 20 per cent of the prison population has a diagnosable emotional or mental problem such as personality disorder, neuroses and psychotic conditions to mention a few. It has been the legal stance that not person can be condemned to prison if his/her mental capability remains questionable and such a person cannot stand trial, thus they are referred to as the state president's patients. But, in situations where such an illness is identified while behind bars it is recommended that such prisoners be re referred for further psychiatric observation and assessment, as the correctional service cannot keep insane and psychologically disturbed or mentally unstable prisoners in the institution. Legally and constitutionally feasible arrangements are there to remove such persons to institutions where further treatment can be carried out. If insane and other mentally abnormal prisoners are detained and kept in prison without being removed to mental institutions, this in itself constitute a serious violation of prisoners rights as entitled by law. The removal or transfer of insane prisoners for further treatment heavily impacts on the correctional service budget which comes from the taxpayer's money. Convicted prisoners suffering from other psychological or mentally related problems are entitled to be referred to specialized institutions for psychiatric observation and further treatment

under the supervision of medical management. It should also be noted that during the stay in a prison such prisoners are to be placed under the special supervision of a medical officer. In the penal institutions all prisoners in need of medical and psychiatric service are entitled to such services at the state's expense.

Any form of deprivation of such accorded rights to prisoners constitute gross violation of human rights and the department, especially, individuals can be criminally liable should it result in loss of human lives a charge of culpable homicide or negligence is likely to emerge. On the basis that if such mentally ill prisoners are not separated from other inmates renders an opportunity to be used by other inmates to further own interests at the expense of them such as perpetration of prison violence against the prison authorities.

The situation in which the mentally disturbed prisoners find themselves in is that of either being potential victims to fellow inmates or a menace to other inmates through acts of aggression. The right to adequate medical care for prisoners is basic, the same as food and shelter are. The department of correctional service is morally obliged to carry out or fulfill prisoners' rights to medical care. It assures that services such as physiological, psychological, and social wellbeing as well as treatment for general illnesses are rendered of high quality being the same received by all people outside prison.

Some of the services (medical care) as integral package of prisoners' rights include the following;

- an immediate medical check-up by a state physician as soon a prisoner is

committed to correctional Institution emergency medical assistance and treatment available for 24 hours period.

- Prisoners to have access to hospitals that are accredited, an issue which members of the conservative society are unhappy about as such hospitals are private and very costly. But for victims of such offenders their rights are not only ignored but disregarded.
- Prison personnel are disallowed from inhibiting prisoners' access to visit medical personnel or any interference with medical treatment. But to be part of helping them with any assistance to medical care. All medical records with full relevant information pertaining to prisoners medical examinations, results, and treatment are to be under the strict supervision of the medical officer or physician in charge, maintaining professional ethical code of conduct (Palmer 1991: 749).

### **3.5.6 Female prisoner's right**

The existing perception surrounding the term 'prisoner' is that it refers to the male gender. However, it is a general concept applicable to both genders convicted or awaiting trial. Prisons also house females who have committed crimes. It is an institution throughout history that has accommodated females who have committed all forms of crimes ranging from petty acts (shop theft / lifting) to more serious crimes (murder/ robberies).

According to Morgan (2004) between the years 1996 and 1997 there has been a slight increase of females in South African prison. A number of such female offenders have their children with them and are being allowed to stay with their maternal figures up to the age of two years. It remains the responsibility of the

correctional service to cater the needs of such children such as books, toys, food and clothing to mention just a few at the state's expense. It is cited that the environment is friendly and conducive for child development, but most of these young ones know nothing of life outside prison, this might have a negative impact in the long as children grow and develop. The right to family life to female prisoners is recognized and acknowledged by the Bill of Rights. While consideration is given to such prisoners' rights, they are being realized at a costly exercised when taxpayers money has to be used.

The Sowetan (2001:4) recently reported on a case involving two Heidelberg prison warders alleged to have illicit nights of passion with female prisoners. The probe into nocturnal acts had been completed as a full report as well as investigation's recommendations are to be submitted to Gauteng Correctional Service's Area Commissioner. They were caught red handed with awaiting trial women prisoners in the prison's administration offices; they were suspended on 25th July 2001. The article went on to state that should the prison warders in question found guilty the recommendations may comprise of different types of disciplinary mechanisms, which may range from further suspension, a warning or dismissal from work.

The rights of awaiting trial prisoners in this instance have not only been contravened by the suspended prison warders knowingly transgressed their professional ethic code of conduct. On the basis or the nature of prisoner does predicament not know their constitutional rights perhaps a promise might have been made offering them from holdings as it is a common thing happening within the criminal justice components executing sexual favours in exchange for anything resulting in their

release. It should be noted that irrespective of whatever forms of justification, taking full advantage of the helpless female prisoners with or without their consent within the correctional facility is a serious violation of human rights constitutionally and otherwise. If the case might have been brought to the attention of the correctional authority by women prisoners the charge qualifies sexual harassment and rape.

### **3.5.7 HIV/AIDS and other illnesses**

The prison population throughout the world has been exposed to dreadful diseases of incurable nature such as HIV/AIDS and other related illnesses like tuberculosis commonly known as TB for a number of reasons such as deprivation of conjugal rights and as a result because of overcrowding in prison cells predominately male. The prison conditions renders an opportunity for prisoners to practice sodomy towards their fellow inmates who have resumed the roles of 'wives' in return for protection against other inmates posing a serious threat to them.

According to Department of Health (2002) sexual and racial discrimination within the correctional institution remain a known occurrence. It is indeed true that homosexuality among prisoners do take place in prisons as a means to explain reasons inmates' exercising control over other inmates 'like women'. By turning some men into sexual object that is 'women' these inmates use sexuality to degrade and dehumanize fellow prisoners. Homosexuality and the abuse of drugs are phenomena and have contributed or resulted in the escalation of HIV infection in prisons throughout the world.

The following are official statistics pertaining to prison HIV/AIDS in the world

including South Africa;

- In May 1996 in England and Wales prisons 8 inmates were identified to be HIV positive or to suffer from AIDS.
- In US in 1995, 2, 3 per cent of the entire prison population, infected or had AIDS, a total of approximately 24 200 individuals. In the very same year (1995), more than 1 000 inmates died of AIDS in the US state correctional facilities.
- As far as South African prison population is concerned, there are nearly 400 inmates with HIV status and it is estimated the number is near 10 000. The response from the correctional authorities regarding the status of inmates known to be HIV positive was that they should be segregated/ separated, and to place such identified inmates in one prison. The action in itself constitutes discrimination in terms health status, which the constitution strongly condemns as it is a serious violation of fundamental human rights in the eyes of the law.

The Minister of Correctional Services and prison authorities refused to make condoms available in prisons and the departmental health policy was then reviewed in 1996 which led to changes as contribution of condoms in prisons was given a go-ahead with the of preventing and controlling the spread of sexually transmitted diseases among inmates. In an attempt to minimize the escalating rate of HIV infection in prison, the South African government proposed mandatory blood tests for prisoners and in the first two months of 1998 27 cases were reported. If such tests are to be an on-going process in order to implement such a policy it will cost the government approximately R7.5 million, implying that, taxpayers has to be used (Department of Health, 2002).

It has been noted that most of those inmates who have contracted HIV in prison if not serving long term but short sentences will go back to their communities, as part of community reintegration, thus it was deemed absolutely necessary that male prisoners should have free access to condoms while in prison as it was announced by New South Wales (Australia) minister of correctional services. Not all countries adhered to such are commendation of condom distribution in prison such as the US, which have rejected to take this approach, have converted their prisons into breeding places of HIV and not only released prisoners are sentenced to death but their families members such as mothers and children run the risk of also being condemned as they become potential victims of contracting the incurable and dreadful diseases from their male partners resuming heterosexual roles.

Prisoners within the ambit of the constitution have the right to free medical care and treatment at the expense of the state, failure to render such services constitute violation of human rights. It's very ironic to see prisoners want their constitutional rights to be recognized, whereas they do not respect the rights of fellow inmates for example treatment towards other prisoners as their 'wives', which at the end through acts of sodomy become infected with illnesses such as HIV/AIDS. There are other contravention of prisoners rights by fellow inmates, thus in order for prisoners' rights to be respected and observed, prisoners themselves must respect the rights of other inmates (Department of Health, 2002).

### **3.5.8 Educational rights**

According to the Prison Administration (2002), the educational system prisoners undertake is the one integrated with that of the entire country with the purpose that

upon their release they may go on to further their education without hardships. For the benefit of the psychological as well as physiological health of prisoners cultural and recreational activities are being provided in prisons. Prisoners throughout the world are accorded with an opportunity to further their education while serving their sentences as part of the department of correctional services in ensuring rehabilitation of offenders become achievable so as they fit well in their societies. Most prisoners emerge from designated background with little or no knowledge at all and undergo vocational training in various fields such as carpentry, bricklaying, candle manufacturing.

It should be noted that not all prisoners fall under the above mentioned category, there are others, when or before their arrest belonged to various fields of specialization or professions such as teaching, lawyers, accountants, police officers, business people or respected leaders. Nelson Mandela qualified as a lawyer while in Robben Island prison through constitutional rights he was entitled to. Education as an essential tool in prison helps to prepare prisoners for life after prison for self-supporting purposes and not to go back to crime.

### **3.5.9 Religious rights**

According to Oppler (2004:41) the increase in South Africa's prison population is a matter of enormous concern and an indication that it is a problem of continuous nature as prisons are overcrowded with offenders representing South Africa's demographic characteristics as well as other foreign nationals belonging to various religious background such as Zion Christian Church, African traditional churches, Islam, Buddhism, Hindu, Christianity and other creeds known to mankind. It is a well-

documented fact that even religious leaders find themselves behind bars for a variety of illicit acts committed. Boesak's recent imprisonment becomes relevant example of a leader who served prison term for theft and embezzlement of money while heading the Foundation for Justice and Peace. As an inmate at Malmesbury he became involved in various prison projects as a right to participate in the growth and development of other prisoners (Waghied, Misbach and Sapa, 2001:1).

Irrespective of race or political affiliation prisoners come from religious liberty remains cardinal aspect in terms of individual freedom and expression as contained in the constitution of the country. Convicted prisoners are entitled to exercise their religion freely without any prejudice or special attention being given to particular religion or on the basis of preferential treatment to specific creed, in other words all religions are to be seen as equal as no one is superior to others. As it has been emphasized the nature of prison population composed of all people of diverse background and subscribing to different beliefs are entitled to religious rights such as to practice, wear religious medals, to correspond with religious leaders, to have free access to ministers, to hold religious services and the right to access religious literature; Christians using The Holy Bible whereas Muslims their teachings are contained in the holy Quran. In South African prisons holy bibles were the only available items than the Quran, since the inception and implementation of the Constitution equal religious recognition has been given to other religion such as Islam to be practiced in prisons for Muslim and other prisoners.

As another form of rehabilitation most prisoners come out of prisons changed, converted to religion of their choice. The use of religion by the criminal justice plays

and continues to play a fundamental role in the maintenance of prison discipline and order as inmates become more submissive to the authorities.

### **3.5.10 Torture and other cruel, inhuman, or degrading treatment or punishment**

According to Peters (2003:273) articles 5 of the Universal Declaration of Human Rights and article 7 of the International Convention on Civil and political rights, both categorically state that no person shall be subject to degrading forms of human ill treatment or punishment such as torture or any inhuman punishment. Prisoners are also humans to be treated in a manner that inflicting physical pain through beatings in state institutions shall be seen as a violation of fundamental rights. The imposition of draconian, inhuman or degrading punishment which involve housing of inmates in a dark prison cell(s) as a mechanism for discipline or internal offenses committed constitute serious illicit act (crime) against humanity. Dark cells are non-existence today as resulted in most inmates kept in such cells suffered various forms of blindness.

The Bill of Rights prohibits torture and draconian, inhuman, or degrading forms of treatment and provides the right to be free from all forms of violence from either public or private sources; however, some members of the criminal justice system it is alleged to physically torturing, beatings and subjecting prisoners to all forms of prison ill treatment which in certain instances have led to the death of inmates , those awaiting trials or detainees and more importantly be refused medical attention or access to legal representatives. A number of reports state types of degrading forms of treatment prisoners were subjected to, female prisoners become vulnerable

to degrading acts such as beatings, sexual harassment and rape inside the prison.

Some of the happenings to be mentioned according to Isaacs et al (2000:71) the death of Steve Bantu Biko, who was killed in custody, which revealed the maltreatment of prisoners and triggered the emergence of human rights committees being the voice of people behind bars.

### **3.5.11 Other rights**

It should be stressed that the term prisoners' rights has created more challenges and proved to be problematic to the criminal justice system in explicitly defining the concept in a more comprehensive manner. The rights accorded to prisoners are so many thus it can be cited that they are equivalent to the same enjoyed by law-abiding citizens. Apart from the above mentioned rights prisoners entitled to there are other fundamental rights which also need to be highlighted. Other prisoners' rights include the following;

- **Notification of illnesses or death**

Prisoners have rights to be informed about the death or illness of their family member while in prison. Even the families of the prisoners have constitutional rights to be notified of the wellbeing (illness or death) of their family members who are serving prison sentences.

- **Removal and transfer**

If a prisoner is to be removed or transferred to another institution he/she has to be informed and notified and their families also should be informed. The removal of

prisoners from one section to another such as for example, from juvenile section to medium or maximum sections perhaps on the basis of age qualification and the severity of the crime committed.

### **3.6 Legal representation and contact with the outside world**

From the time a person is accused of a specific crime he/she is informed of a right to legal representation. If he cannot afford any, the state will provide at its own expense. The same rights are still observed for prisoners at the taxpayers' expense. According to Palmer (1991:104) an offender charged with an illicit act has a right to counsel and more importantly the right to be represented by a legal representative of his own. It is a right which cannot be denied constitutionally or otherwise by prison officials or whoever. They are also entitled to maintain contact with the outside environment such as non-governmental organizations (Human Rights Commission and SAPOHR) pertaining to prison treatment and their rights as prisoners. They also have the right to communicate with inmates in other institutions and with the News Media.

### **3.7 Information to and grievances by inmates**

According to Prison Administration in South Africa (1969: 37), upon admission inmates are to be provided with written information regarding rules and regulations governing their treatment in a specific category, the legalized procedures of seeking information and making grievances, and all matters appropriate enabling inmates to comprehend both his/her rights as well as his/ her obligations so as to adapt to the life of the correctional institution.

### **3.8 Other important stakeholders in the reintegration of prisoners**

In practice effective reintegration also requires the input of other (non-government) stakeholders. These include the prisoner himself, his family and community as well as non-governmental organizations. Below, the role of these stakeholders in the reintegration process will be briefly discussed (Turner and Peck, 2009).

#### **3.8.1 Prisoners as stakeholders in the reintegration process**

Offender reintegration cannot occur without the commitment of prisoners. They have to *inter alia* avail themselves to attend programmes when possible, participate actively in programmes and utilize opportunities afforded to them if it will assist them in refraining from re-offending. However, in reality there are many challenges which affect their reintegration into society. These challenges must be considered, not to relieve or reduce prisoners' individual responsibility, but to understand how they may be assisted effectively and the extent to which they can be held responsible for their own reintegration. The following is aimed at highlighting some of the challenges experienced by prisoners which are likely to impact on their reintegration.

#### **3.8.2 Common characteristics and experiences of prisoners which affect their Prospects of reintegration**

This section seeks to discuss briefly some of the common characteristics and experiences of prisoners which can affect their prospects of effective reintegration. It will become clear below that a greater part of the inmate population is in any event vulnerable due to circumstances outside of the correctional centres in the first place and that this vulnerability is deepened by their loss of adult agency in prison. This therefore heightens the need for assistance to reintegrate when they are released.

Thus crime prevention, as will be argued here, starts within the walls of the prison itself (Luyt, 2001).

It must be cautioned that the literature highlights shortcomings in South African research with regard to the profile of inmates, such as biographical and demographic data, as well as lifestyle characteristics. This notwithstanding, sufficient research exists to illustrate that inmates present a range of common characteristics, and that these are sufficiently prevalent to be of note. It is also noteworthy that the profile of the inmate population differs considerably from that of the general population and that those differences alone can contribute to predisposed involvement in crime. Research consistently shows that most inmates have a history of risk behaviour, limited opportunities, poor parenting, exclusion from certain resources, and a lack of abilities and skills to rise above these shortcomings. It has been reported that inmates, as opposed to the general population, are 13 times as likely to have been in care as children, to be unemployed, ten times as likely to have been a regular truant, two-and-a-half times as likely to have had a family member convicted of a criminal offence, six times as likely to have been a young parent and fifteen times as likely to be HIV positive.<sup>70</sup> Further, 50 percent of inmates have less than a grade 12 education and 60 percent read below the grade 12 level at the time of their arrest.<sup>71</sup> Sixty percent of inmates were not working fulltime at the time of their arrest<sup>72</sup> and more than half of the inmate population has been to prison before.

According to Muntingh (2008) there are certain families, and indeed certain communities, which suffer from high incarceration rates. Imprisonment thus has become normalised from one generation to the next in specific communities. The

South African Institute for Race Relations (SAIRR) has found that the coloured population was incarcerated at a rate of almost 651 per 100 000 people. The imprisonment rate for this population group was twice that of the black population group, which was 342 per 100 000 people in 2007. According to the SAIRR the analysis does not seek to suggest that some population groups are more criminally inclined than others. It seeks to 'identify peculiar environmental influences that might drive members of some communities towards criminal activity'.

### **3.8.3 Families' and communities' role in the reintegration process**

It is important to consider that imprisonment affects not only the inmate concerned, but also his family and community. They have to deal with the separation and the consequences of the inmate's absence from the home as well as the stigma attached to having a relative in prison. Families and communities have to accept the inmate back into the community when he is released and provide assistance to him to ensure that he adapts to life outside prison (Mpuang, 2001).

If they are unable to do so, or are insufficiently prepared to assist, it is likely that the inmate may find the challenge of pursuing a crime-free life overwhelming and may re-offend. It is consequently important to consider how the imprisonment of an individual affects his family and community, and to examine how they in turn may influence the inmate's reintegration into society. This could provide clues to the contribution of reintegration to preventing crime. The imprisonment of a relative may be traumatic for many families. 'It is like someone had died'<sup>84</sup> is how the wife of an inmate described her husband's incarceration.

The imprisonment of an individual may be experienced by some families as a profound loss. Families are also concerned about the inmates' well-being and particularly their safety during imprisonment. The need for intensive support to deal with the trauma and the needs which arise as a result of an offender's incarceration has been poorly documented, and services to families of prisoners are not easily accessible or widely available. It would appear that the plight of families of incarcerated persons has historically not enjoyed much attention. Presently the majority of the South African prison population is made up of young men. As the male prison population increases, so, too, do the number of children with fathers in prison. The impact of the absence of fathers from homes is generally believed to have negative consequences.

Murray (2005) argues that when a father's absence is due to imprisonment there are additional risks. One such risk is that opportunities for both the prisoner and his family are reduced. Du Preez (2006) states that, "There is a cyclical nature to crime and low educational attainment", and with the large number of fathers in prison, "fatherlessness has become more than a private agony, it is now a very public issue with educational, social, cultural and economic consequences".

In the United States of America a 1999 Princeton University study entitled *Father Absence and Youth Incarceration* observed that as the rate of 'father absence' grows, community disintegration and crime (particularly youth crime) will continue to grow. The study also found that 'father absence' can be linked to 63 percent of youth suicides, 90 percent of homeless and runaway youths, 85 percent of children who exhibit behavioural disorders, 71 percent of high school dropouts, 75 percent of

adolescents in centres for substance abuse patients and 80 percent of rapists motivated by displaced anger.<sup>89</sup> In South Africa, boys are growing up without positive male role models as many fathers, older brothers and uncles are in prison.

The prison thus becomes 'an institution with a secret allure where boys become men. While the full extent of the impact of the absence of fathers due to imprisonment is not widely known in South Africa, it is highly possible that it may have similar consequences for children here as it has for those in the US. This contention is affirmed to some extent by a study conducted by the Centre for Justice and Crime Prevention which explored the extent and nature of violence in schools. It was found that approximately 22.3 percent of children included in the study had either a parent or caregiver who had been imprisoned (Proctor, 2000).

Further 38.2 percent had siblings who had been to prison or who were in prison at the time of the study. The study included 12 794 learners from 125 primary and 140 secondary schools across South Africa. Although the focus of the study was not on the topic at hand, the findings in relation to parent imprisonment provides a glimpse into the issue: 25 percent more learners whose parents or caregivers had been in prison had been victims of violence at schools, than those whose caregivers had not been in jail.

A tentative interpretation suggests that there is a reasonable probability that children of inmates are more vulnerable to victimization than children whose parents have never been incarcerated. If this is indeed the case then the well-known concept in the field of psychology that victims of abuse often become perpetrators

themselves<sup>92</sup> should be explored, especially when it comes to children of prisoners. The children of prisoners should be protected as far as possible against conditions which threaten to violate their rights and which may place them at risk of committing crime. Protection of the children of prisoners is thus a complementary, future-oriented, crime prevention strategy. In *S v M*, the Constitutional Court affirmed that courts and administrative authorities are constitutionally bound to consider the effect that their decisions will have on children's lives, and that section 28 of the Constitution (which deals specifically with the rights of children) presupposes that 'the sins and traumas of fathers and mothers should not be visited on their children.

#### **3.8.4 The role of non-governmental organizations in the reintegration of prisoners**

In the absence of sufficient programmes offered by the Department of Correctional services, prisoners who are able to, tend to participate in programmes offered by non-governmental organizations (NGOs). There is a substantial (but unconfirmed) number of NGOs working both inside and outside of prison with prisoners, ex-prisoners and their families to promote offender reintegration and to reduce the chances of re-offending. Some ex-prisoners have indicated that most prisoners prefer the programmes and services offered by NGOs to those offered by the Department of Correctional services (Vigne and Visher, 2004).

This is not to imply that the programmes offered by the Department are inferior or inappropriate to the ones offered by NGOs. Prisoners' preference is motivated by the view that NGOs 'are from the communities'. By participating in NGO programmes, prisoners have an opportunity to work towards gaining the trust of the community.

Participation in such programmes furthermore gives prisoners hope that they will be accepted back into the community when they are released (Petersilia, 2002).

The NGO sector comprises mostly of non-profit, community or faith-based organizations. Such organizations fill a particular niche within communities. Those who lead organizations that are community or faith-based are often respected community members who are familiar with the specific culture and challenges faced by the community. They are thus well-placed to work within the community and to deal with issues faced by ex-offenders. NGOs offer diverse services and programmes to offenders. Some NGOs also offer support services to the family of offenders. The most common services offered include therapeutic support in the form of individual and group counseling, family and victim conferences, drug and alcohol addiction counseling, anger management and conflict resolution education.

Most NGOs also offer vocational and life-skills training that is generally aimed at assisting ex-prisoners to find ways of becoming financially independent. This may stem from the widely held view that if ex-offenders are not able to sustain themselves financially, they resort to crime as a means to support themselves and their families. While this may be debatable, it can hardly be denied that the majority of prisoners lack the skills required to find meaningful employment and that having a criminal record further limits their chances of finding employment in the formal labour market. The training programmes offered by NGOs are thus necessary to improve ex-prisoners' chances of becoming financially independent (Vigne and Visser, 2004).

Accessing the services offered by NGOs is not always easy. Prisoners and their

families are often not aware of all the services offered by NGOs. This is mainly due to the lack of coordination of initiatives in the field of offender reintegration. There is thus a need to streamline and coordinate the activities of all the role players in the field. This will ensure a more consolidated approach to addressing the needs of offenders. Ex-prisoners and their families generally commend the efforts of NGOs. Many ex-offenders in fact become employees or volunteers of the organizations that offered them assistance. This is indicative of the significant contribution that NGOs are making to the broader field of offender reintegration. What constrains the NGO sector is a lack of support from government. With the exception of a few that receive partial funding from the Department of Social Development; the vast majority of NGOs do not receive support either in the form of funding or capacity-building from the government (Du Preez, 2003).

The majority of NGOs operate almost exclusively with financial support from local and international donors. Community-based organizations (CBOs) in particular are at a disadvantage. They tend to struggle with a host of organizational development problems of which fundraising is often a major obstacle. While these challenges can impact negatively on the implementation of their programmes, community-based organizations as alluded to before are well-placed to support offenders. Without the assurance of consistent financial support and capacity-building assistance, however, community-based organizations are in a precarious position and cannot always guarantee continued support or offer support to everyone who seeks assistance. As a result, NGOs require support that will ensure that they do not have to focus the bulk of their efforts on sustaining themselves. The Department of Correctional Services, whose duty it is to provide programmes to prisoners, ought to consider

offering some assistance to NGOs.

### **3.9 Conclusion**

This chapter focused on background to probation practice it also covered current probation practice in South Africa. In addition to that it has also looked at different rehabilitation programs for ex-convicts that are rendered by deferent stakeholders. Lastly it has also mentioned the rights of prisoners when they are incarcerated. The next chapter will focus on legislative framework and its implication to offenders.

## **CHAPTER FOUR: LEGISLATIVE FRAMEWORK AND ITS IMPLICATION TO OFFENDERS**

### **4.1 Introduction**

The previous chapter dealt with the background of probation practice in South Africa. This chapter will look at the literature review regarding legislative framework and its implications to offenders.

### **4.2 2005 White Paper on Corrections Chapter Three**

The primary legal framework in the Correctional Service Act is taken a step further in the White Paper on Corrections. This visionary document states that the department of correctional service's mission is to:

Place rehabilitation at the centre of all Departmental activities in partnership with external stakeholders, through: The integrated application and direction of all Departmental resources to focus on the correction of offending behavior, the promotion of social responsibility and the overall development of the person under correction; the cost-effective provision of correctional facilities that will promote security, correction, care and development services within an enabling human rights environment; progressive and ethical management and staff practices within which every correctional official performs an effective correcting and encouraging role.

Additionally, seven out of the ten objectives in the department of corrections set out in the White Paper, relate to 'offender reintegration. The White Paper on Correction (2005) gives impetus to the conception of offender's reintegration as a crime reduction strategy when it sets out that the main objective of the reintegration

process is to nurture the relationships between the offender and his/her victim, the community, family and society in general. Thus, at the policy level, the links between crime reduction, crime prevention and reintegration of prisoners are explicitly drawn. Offender reintegration appears to present an immense challenge to both the family and community, who must accept ex-offenders back into society upon their release from correctional centers, as well as to offenders, who have to take responsibility for their actions and become productive members of society. Offender reintegration is therefore a difficult process but one that must be undertaken, not only in the interests of the offender, but also in the best interests of the community: ex-inmates who do not successfully reintegrate into mainstream society might re-offend (Burger, 2007).

Equally, though, in the correctional environment itself, the department of correction in practice appears not to provide adequate resources to give effect to the legal obligation to reintegrate inmates. The total budget proposed by the department of correction for the 2009/2010 financial year amounts to R13 238 600 000, of which 33.4 percent is earmarked for security, 26.2 percent for administration costs, 13.4 percent for facilities, 12.0 percent for care, 8.4 percent for corrections and 3.4 percent and 3.2 percent respectively for development and social reintegration.<sup>60</sup> Based on these figures, the department of correction does not envisage any major spending on offender reintegration. The state's budgetary allocation is probably insufficiently aligned to its unambiguous legal and policy commitments on offender reintegration.

The Human Rights Reports (1999: 2) states that there has been an excessive violation of human rights by the South African criminal justice system. This has been

a serious problem which has resulted in a number of mortalities of prisoners in state custody. The Constitution of the Republic of South Africa Act 108 of 1996 as adopted on the 8th May 1996 and amended on the 11th October 1996, is founded on the values of human dignity, the realization of justice, the promotion and advancement of human rights. Recognized as the supreme law of the country, any law or conduct practiced contrary to it is considered invalid as it strives for the achievement of certain obligations which should be attained at all costs. It is a commendable document which made not only special provision in the protection of those harmed by the acts of those kept in prison. It overlaps by accommodating and giving constitutional recognition of prisoners' rights. It perceives prisoners as people who constitute part of society and are also entitled to certain fundamental rights as legal entities even though they are in prison, this is according to the Bill of Rights.

Thus, South Africa's constitution is acknowledged as the most forward thinking and progressive apparatus in the world and central to it is the Bill of Rights. It is not a vague and altruistic wish list of ideals and aspirations. It is the groundwork of every society and should be utilized as a template of every human thought, word and deed. It is a user friendly instrument for the protection and observance of human rights including offenders in state institutions.

The Bill of Rights accommodates the constitutional rights of those considered offenders incarcerated in the state penal institutions. The state is morally obliged to adhere to such principles as failure on its part to comply, watchdog organizations such as the Human Rights Watch, Human Rights Commission (HRC) Lawyers for Human Rights (LHR) and South African Prisoners Organization for Human Rights

(SAPOHR) are watching for any violations of prisoners' rights. Towards the end of 1998, the Parliament passed legislation to restructure the prison service with the purpose of bringing prison law in line with the constitution of the Republic of South Africa. Some of the Correctional Services Act went into effect in February 1998, but sections regarding treatment of prisoners had not been implemented then. In every society people subscribe to different schools of thought in the preservation of what is perceived as explicit distinction amongst things seen to be morally, politically, religiously and socially right from those regarded as wrong.

Prisoners as convicted persons by the court of law kept in the correctional facilities are viewed differently by members of society they have offended against. Some see them as people who deserve to be punished not to be accorded or entitled to natural rights since they have misused such rights whilst still outside prison walls. On the other hand, there are advocates of human rights for prisoners perceiving prisoners as human deserving to be treated fairly and justly within the context of human dignity and respect (Cilliers, 2006).

### **4.3 Constitutional Rights**

This concept refers to the rights accorded to country's citizens individually or collectively as embodied and entrenched in the constitution of the country. Among the provisions in the South African Constitution is the right of "everyone who is detained, including every sentenced prisoner to conditions of detention consistent with human dignity, including the provision, at state expense, of adequate accommodation

The Constitution provides that everyone has inherent dignity and the right to have their dignity respected and protected. This is also a non-denotable right according to the Constitution and may thus not be departed from even during a state of emergency. Moreover; the state is founded on the value of dignity, it therefore applies to all realms of life in South Africa. The prison environment should be no exception to this.

#### **4.4 The development of the Parole System in South Africa**

Parole refers to the period whereby an offender who have serve the prescribed minimum detention period of his sentence in Correctional centre is conditionally released to serve the remaining sentence in the community under the supervision and under the control of (Department of Correctional Service, 2004:5).

The release of prisoners on specific conditions before completion of their sentences has been part of the South African penal system since unification in 1910 (Department of Correctional service, 1992:6). The prisons and Reformatories Act 13 of 1911, which was introduced shortly after South Africa became a union in 1910, led to prison being utilized as reformatories and creation of uniform penal policy, during this time, a system of early release or remission of sentence was introduced. Subject to good behavior in prison, prisoners were released early on probation with supervision, either directly into community or through an interim period in a work colony or similar institution. The prison and Reformatories Act 13 of 1911 was the first South African law to make provision for the appointment of police force members as probation officers. This Act, however, did not clearly state the aim of imprisonment. With harsh prison condition, it appeared that the main emphasis was

on safe custody and little attention was paid to the rehabilitation or treatment of prisoners (Coetzee et al, 1995).

In 1947, the Lansdowne Commission Report on Penal and Prison Reform recommended that prisoners no longer hired as cheap labour and that rehabilitation and literacy programs to prisoners be increased. It also criticized the militaristic management style as it contradicted the goals of rehabilitation. It is generally accepted that the report introduced an important era in penal reform in South Africa (Department of Correctional Service, 2005:44; Plattjie, 2005:27).

Supervisory councils, which had to advise the Governor-General on the release of prisoners on parole, were established in terms of section 48 of the Prisons and Reformatories Act 13 of 1911. These councils were replaced during 1954 by various prison boards, which primarily had to make recommendations to the Minister of Justice regarding the remission of sentences and treatment of prisoners sentenced to more than two years.

In 1959 a new Prison act (Act 8 of 1959) was proclaimed, which embodied the United Nations Standard Minimum Rules for the Treatment of Prisoner. In contrast to the Prisons and Reformatories Act 13 of 1911, the Prisons Act 8 of 1959, which was influenced by the recommendations made by the Lansdowne Commission, specifically stated the aims of imprisonment where the Prisons and Reformatories Act emphasized the retribution principle. The Prisons Act redirected the emphasis to rehabilitation and uplifting prisoners. Despite the cognizance it took of the United Nations Standard Minimum Rules for the Treatment of prisoners as far as the

rehabilitation of prisoners is concerned, the new Act did ignore certain other aspects, such as retaining corporal punishment as a punishment for disciplinary offences (Coetzee et al, 1995).

In 1991 the amendment to Correctional Service Act 8 of 1959 made provision for the replacement of the Advisory Release Board by a body called National Advisory Council. This council consisted of a Supreme Court judge, a magistrate of a regional division, an attorney-general or deputy, a member from the South African police, a member of the Department of Correctional Services of or above the rank of brigadier, an official of a Social welfare authority who held the rank of director or above and two non-state employed persons.

The Correctional Services Act 8 of 1959 was amended in 1993 in order to restructure the release policy of prisoners. Under the Correctional Service Amendment Act 68 of 1993, parole boards would perform the role of Central Release Boards on a decentralized basis. In March 1994, decentralised parole boards were established at each prison in order to make recommendations to the Minister or Commissioner of Correctional Services regarding the release or placement of parole, or the conversion of sentences into correctional supervision (Botha, 1995:58 Department of Correctional Services,1993:2). The introduction of the interim, followed by the final, Constitution of South Africa (108 of 1996), which included a Bill of Rights that made special references to the rights of prisoners, resulted in the Department of Correctional Services embarking on creating a new legislative framework.

In October 2004 the new Correctional Service Act 111 of 1998 was implemented in

full. This legislation represented a total departure from the previous Correctional Service Act 8 of 1959, and embarked on a modern, internationally accepted correctional system, designed within the framework of the 1996 Constitution (Department of Correctional service, 2005:52)

Under Act 111 of 1998, the Department of Correctional Service is now committed to a threefold purpose:

- Enforcing sentences of the court in the manner prescribed by the Correctional Service Act;
- Detaining all offenders in safe custody whilst ensuring their human dignity; and
- Promoting the social responsibility and human development of all offenders and persons subjected to community corrections.

The Department of Correctional Service published a White Paper on Corrections in 2005. In it, the core business of the Department of Correctional Service stated as “correcting offending behavior, rehabilitation and correction as a societal responsibility” (Du Preez et al, 2006:196).

#### **4.5 Legislative framework**

The promulgation of the Correctional Service Act 111 of 1998 means that offenders sentenced before October 2004 will be dealt with in accordance with the release policy of the former Correctional Services Act 8 of 1959. It is therefore necessary, from a legislative framework, to provide clarification on parole provision for offenders’ sentence before and after the promulgation of the new Correctional Services Act 111 of 1998.

#### **4.5.1 Provisions of Correctional Services Act of 1959**

Section 65 (40a) of the Correctional Services Act 8 Of 1959 provides that a prisoner serving a determinate sentence will not be considered for placement on parole before he has served half of his term of imprisonment (Republic of South Africa,1959a). This, however, is subjected to the proviso that the date on which consideration may be given to whether a prisoner may be place on parole may be brought forward by the number of credits earned by the prisoner. The so called credit system came into effect on 1 March 1994 to replace the previous system of remission of sentence.

Section 22A(1) of the Correctional Service Act 8 of 1959 provides that a prisoner may earn credits to be awarded by the institutional committee (now known as the Case Management Committee) by observing the rules which apply in the prison and by actively taking part in the programmes aimed at his treatment, training and rehabilitation. The one proviso is that a prisoner may not earn credits amounting to more than half of the period of imprisonment which he has served. In terms of the credit system, a prisoner, subject to good behaviour, earns credits up to a maximum of one day for every two days 'imprisonment served by him. The practical effect of this is that a prisoner serving a determinate sentence becomes eligible, in terms of the Act 8 of 1959, consideration for placement on parole after serving one-third of his sentence. This is irrespective of the crime for which a prisoner was sentenced (Nxumalo, 1997; Dissel, 1994:3).

In terms of section 629(1) of the Correctional Services Act 8 of 1959, the institutional committee of a given prison was required to make decisions (except in respect of

prisoners serving sentences of less than six months<sup>0</sup> with regard to the credits to be awarded to each prisoner under its jurisdiction, his treatment, training and classification and the regulation of his conduct according to prescribed programmes, classifications and procedures (Republic of South Africa, 1959a).

Section 63(1) of Correctional Service Act 8 of 1959 provides that the parole board for a given prison was required, in respect of each prisoner under its jurisdiction serving a sentence of imprisonment in excess of six months, to submit a report to a Minister or Commissioner of Correctional Services, together with its recommendation on placement of the prisoner on parole (Republic of South Africa, 1959a). The report of the parole board together with its recommendation (the so-called profile report) is submitted to the delegated official of the Commissioner to whom the powers of the Commissioner for placement of prisoner on parole had been delegated in terms of section 93(2) of the Correctional Service Act 8 of 1959 (Department of Correctional Service, 1995:26). After considering the profile report from the parole board together with its recommendation, the delegated official of the Commissioner made the decision whether or not the prisoner should be placed on parole at that stage according to section 65(8) of a Act 8 of 1959 (Republic of South Africa, 1959a).

#### **4.5.2 Legal Frame work and Employment to ex-offenders**

There are existing measures to protect all job applicants and employees against unfair discrimination which include, consequently the Employment Equity Act 55 of 1998; the Promotion of Equality and offender reintegration in South Africa and the Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA).

The Employment act 55 of 1998, in section 6, contains the exact wording of section 9(3) of the Constitution, thus reinforcing the constitutional protection against unfair discrimination. Section 6(2) (b) of the EEA also provides that it is not unfair discrimination to exclude any person on the basis of an inherent requirement of the job. In practice this means that a person who has a conviction of a nature that is unrelated to the job he or she is applying for should thus not be automatically ineligible to be considered for the position.

#### **4.6 Rehabilitation**

Rehabilitation focuses on altering the behavior and attitude of the offenders in such a way that they no longer need or want to commit crimes. This can be accomplished by providing rehabilitation programs such as development or skills training, educational or work programmes and vocational or treatment programs (life skills, drug abuse, etc) that aim target the specific needs of offenders.

Van der Westhuizen (1983:40) states that parole is the next logical step in the total development of the process of rehabilitation. By providing supervised assistance, the offender has better chance of being successful in the community. According Clear (2003) point rehabilitation is criticized as not working. Offenders know that if they show they are “rehabilitative” and learn to beat or manipulate the system, they will have a better chance of early parole.

#### **4.7 Reintegration**

Reintegration stresses adaptation to the community by requiring the offender to participate in rehabilitation programs to develop his skills and educational abilities

and allow the offender to use those skills in a community setting (Cronwell, 2004). According to Stevens (2003) reintegration is the process of finding an offender employment, restoring family relationship and conforming his support system (via address), and guiding an offender toward an independent, crime-free lifestyle. This same person must now be guided through re-entry into a community that values imprisonment more than conditional release. Being stigmatized as 'once a criminal always a criminal' can become an obstacle for many parolees, especially in finding suitable employment.

#### **4.8 Offender Reintegration**

Offenders face a multitude of problems upon their release from prison and subsequent reintegration back into society (Bales and Mears, 2008; Bucklen and Zajac, 2009; Shinkfield and Graffam, 2009). Often, offenders face issues related to employment, housing, and re-establishing pro-social and familial bonds, all of which are essential factors for a successful reintegration (Bales and Mears, 2008). However, one of the most pressing problems facing offenders upon release and reintegration is the lack of release preparation provided by the institution (Gideon, 2009; Wormith et al, 2007). Release planning is essential for successful reintegration because it provides the offenders with knowledge of what to expect upon release; it is impossible to segregate members of society for long periods of time and expect them to require little to no help upon their reintroduction into the community. This failure to provide the necessary release planning is the result of severe lack of funding for rehabilitative programming (Petersilia, 2009).

Petersilia (2001) highlights this issue when she states, "Fewer programs, and lack of

incentives for inmates to participate in them, means that fewer inmates leave prison having participated in programs to address work, education, and substance use deviancies". Consequently, many offenders leave prison without the requisite preparation for successful reintegration and for living their lives on the outside (Windzio, 2009).

In the reintegration literature, three themes are apparent: employment, housing, and for familial supports. Several authors argued that these are the most important and influential factors in determining whether or not an offender will succeed in their reintegration effort once released from prison (Bales et al, 2009). Each theme will be discussed in detail below:

#### **4.8.1 Finding Legitimate Employment**

In order to reintegrate successfully after a period of incarceration, offenders need to secure legitimate employment. This is often extremely difficult as many employers do not wish to employ ex-offenders, and many jobs have conditions which prevent them from hiring individuals who possess a criminal record (Harris and Keller, 2005; Travis and Petersilia, 2001; Vennard and Hedderman, 2009). Travis and Petersilia (2001) explain the hardships offenders face when seeking out meaningful and legitimate employment, "The stigma of incarceration makes ex-inmates unattractive for union jobs, civil disabilities limit ex-felons 'access to skilled trades or the public sector, and incarceration undermines the social networks that are often necessary to obtain legitimate employment". Thus offenders are likely to be turned down for jobs for a variety of reasons, all which relate back to their criminal background and incarceration history (Social Exclusion Unit, 2001).

But not only is an offender's criminal record the only detriment to his attempt to find work; many offenders are considered to be members of a disadvantaged group (Graffam et al, 2008). This is because they lack many basic skills required to obtain legitimate employment. However, a study completed by Graffam et al (2008) found that offenders as a whole were less likely to be able to obtain and maintain employment than members from all of the following disadvantaged groups including: those with intellectual or psychiatric disabilities, those with physical disabilities, those with chronic illnesses, and those with communication disorders. Offenders typically face these types of difficulties because they are not afforded the same employment opportunities as a result of their criminal history. In addition, many have difficulty keeping a job because their conditions of their release make it difficult to do so (Graffam et al, 2008). From this it can be concluded that stereotypes and stigmatization have a great effect on the opportunities afforded to offenders.

#### **4.8.2 Obtaining Housing**

Finding employment is not the only domain in which offenders have difficulty, as obtaining housing is another area of concern for newly released offenders. Offenders are typically mandated to return to the community from which they were living prior to their incarceration; however, those with long-term incarcerations may no longer have ties with their families and thus cannot return to the same home (Bales, 2008).

Additionally, many offenders are able to find housing that they can afford, but they are at risk for recidivism. Affordable housing units are often located in 'undesirable neighborhoods characterized by poverty and violence' (Maidement, 2006). Similar to the problem associated with finding employment is the fact that many landlords are

reluctant to rent to individuals with criminal records (Maiden, 2006).

#### **4.8.3 Family Supports**

Given the difficulties offenders face in finding housing, many will choose to live with family if the option is available (Bales and Mears, 2008; Maidment, 2006; Petersilia, 2001). However, Travis and Petersilia (2001) explain that the opportunity for an offender to live with their family upon release is declining: "The longer time in prison translates into a longer period of detachment from family and other societal networks, posing new challenges to the process of reintegration" (p. 299). Thus, offenders often struggle to find adequate housing, which results in more offenders residing in homeless shelters or living on the street.

Ideally, residing with one's family upon release would provide an offender with a stable place to live, but would also have numerous other benefits. In her discussion of reintegration needs, Taxman (2004) suggests that "priority should be given to the concerns of offenders that generally fall into the categories of survival needs – a place to live, a place to work, food on the table, and people to love" (p. 34). In an ideal situation, residing with family provides the offender with at least two of these needs: A place to live and people to love. Though not many articles focus on the need of an offender to be loved and feel valued upon release, a few articles discuss the importance of emotional support. Though the emphasis appears to be placed on female offenders, the literature suggests that re-establishing bonds with family is extremely important for the success of offenders in reintegration. Not only does communication to the offenders that they are valued and cared for by the others (Dodge, 2001) but the social bonds serve as a means to overcome criminal

stereotypes and community rejection. Consequently, in ideal circumstances family support could provide the offender with a method of identity and stigma management which would aid in easing the process of reintegration.

#### **4.9 Prison and agency staff perspectives**

##### **4.9.1 Professional attitudes and relationships**

The issue of professional attitudes and relationships was significant in various ways: the attitudes of staff within the prisons; the relationship between prison staff and staff from the community drug agencies; and the relationship between the various community drug agencies themselves. It was acknowledged by all staff, but particularly by those within the prison that short-term and remand prisoners presented specific problems; often leading less structured lifestyles, with a higher turnover and consequently providing less time to work constructively with them. In the words of one of the prison staff: For the first two weeks they are merely clearing their heads out and therefore are not receptive to interventions. (Principal prison officer) It was accepted that there were fewer services/resources available to these groups within the prison and negative comments were made about prevailing attitudes of 'get them detoxed and off they go'. A number of issues were raised in terms of inter-agency relationships.

There was a perception that often the community drug agencies and the prisons worked towards different goals and this affected the links they had with each other. The provision of services by outside agencies within the prisons on a tendered basis had been significant in shaping relationships and directly involved some agencies

more than others in direct liaison and shaping prison policy. This, however, also caused some problems in relation to the different levels of communication between the agencies. There is the fundamental issue regarding who decides which drug user is suitable for which agency. Clearly no one agency can provide all the services required, so it is vital to develop cross referrals to ensure a continuation between systems rather than a situation of 'starting from scratch' each time an individual comes into contact with an agency.

There has been an attempt to address this issue with the implementation of the 'Models of Care' (Department of Health, 2002) document but it is unclear how the requirements of the document have impacted on service provision and methods of working. Each of the community drug agencies claimed to have developed extensive monitoring systems and displayed a commitment to more effective recording and monitoring. However, as mentioned earlier, there were no mechanisms for tracking individuals in the transition from prison to community (and potentially back again) or following their routes between agencies.

This meant that several agencies could be working with the same person and duplicating their intervention, and equally an individual could be on the waiting lists of an agency only to find that having been subsequently assessed, the treatment offered could be inappropriate. As Matthews and Young (2003) point out, the economic costs of this process of 'transcarceration' are largely ignored in criminal justice terms. It was felt (despite the obvious political and resource obstacles) that there would be some positive benefits to exploring the potential for a 'clearing house' system to act as a signpost to enable drug misusers to access the most appropriate

service on their release from the range of facilities available. Such an approach would include social (i.e. accommodation, employment, use of leisure, etc.) as well as medical provision. It remains to be seen whether the regional resettlement strategies – such as the one piloted in the North West – will provide a platform to address these issues.

#### **4.9.2 Provision of resources**

Burrows et al (2000) identified the potential difficulties in the liaison between professionals, especially where there are marked differences of opinion as to whether policy should focus on prevention through treatment, harm reduction or security. Some of the participants in this study highlighted reluctance by some providers to 'fast tracking' individuals into treatment through the criminal justice system. It was felt that this was partly ideological: There are a lot of initiatives being developed but I am not sure how welcome they are at grass roots level. There is a piece of work that needs doing to make agencies understand that they may have to take more people from bail support/arrest referral without this moralistic stance (Community drugs worker) (Social Exclusion Unit, 2001).

However, there was also a recognition that even if bail support/arrest referral identifies an individual for treatment, it is unrealistic to expect the service provider to 'drop everything' in order to accommodate him/her. There were several examples of good practice developments identified. For example, one agency had developed a scheme to 'keep clients warm', whereby support is provided to an individual while he/she is awaiting an appointment with an agency. Arrest referral/bail support workers have also been encouraged to develop links and spend time with the

various providers, and effective 'fast track' schemes were identified as a mechanism for breaking down barriers (Morgan, 2004).

Current concerns about provision tended to be less focused on established agencies and more on how new initiatives (which are usually government driven) can be best coordinated with the existing services, in order to avoid duplication and different agencies targeting the same client group for funding. What appeared to be lacking was central coordination to identify which agencies were best placed to offer interventions at the different stages (i.e. pre-custody, post-release, etc.). In this respect the problem identified was not one of resources but one of a strategic vision for the development of drug services in the area (Carter, 2003).

It was recognized though that there would be undoubted difficulties in establishing a truly coordinated system because agencies have their own agenda and funding comes from different streams. Some participants argued that it was important, therefore, that the funding bodies took a proactive stance in this and that there should be service level agreements that agencies will not spend funds without proper liaison. However, again it was recognized that agencies were generally not to blame because, in most cases, money comes in and has to be spent quickly and in this respect people are often looking for 'instant results'.

#### **4.10 Conclusion**

The review of the literature indicates that prison's population is enormous and growing and is disproportionately composed of poor, uneducated men. Their imprisonment and release represent major disruption in the lives of individuals,

families and communities. Their transition from prison back into a community is extremely difficult as they face many challenges and restrictions after their release from prison. They are extremely vulnerable, disadvantaged, and viewed negatively by mainstream society. Current policies are not good enough, serving neither the released offender nor the rest of society. More research is needed on what types of interventions help ex-offenders successfully reintegrate into society. The next chapter will look at the methodology of the study.

## **CHAPTER FIVE: RESEARCH DESIGN AND METHODOLOGY**

### **5.1 Introduction**

The purpose of this chapter is to present the philosophical assumption underpinning this research, as well as to describe the research strategy and empirical techniques applied.

### **5.2 Research design**

In this study, qualitative research methods of collecting and analyzing data were employed. According to De Vos, Strydom., Fouche and Delport (2005:74) the qualitative method of research helps one to explore and understand the reality of the matter from the participants' own view and the meaning it has to them. In addition, Blanche, Durrheim and Painter (2006:56) maintain that qualitative research seeks to preserve the integrity of narrative data and attempts to illustrate core themes rooted in contexts. This study took a descriptive and exploratory form, which according to Bless and Higson-Smith (2006:47) has the purpose of gaining a broader understanding of a particular situation or phenomenon. Exploratory studies employ an open and flexible approach to research as they attempt to look for new insights into phenomena. In the light of the above quote the study established a wealth of information regarding the field of study owing to the chosen research design.

One of the advantages is that the participants are able to have an in-depth understanding of what has been discovered. In addition, this approach is flexible and evolves throughout the research process in that there are no fixed steps that should be followed just like the quantitative approach. Further, this approach has an advantage at it allows the researcher or interviewer to respond to the new concepts

mentioned by the participants (Leyden, 2005).

Therefore, this study used interviews for data collection and they were conducted in isiXhosa so as to avoid break-down of communication. The study also used the exploratory method. De Vos (2007) claims that exploratory research is conducted to gain insight into a situation, phenomenon, community or individuals. The need for such a study could arise out of lack of basic information on a new area of interest. It can also be used in order to get acquainted with a situation so as to formulate a problem or develop a hypothesis. The reason for utilizing this type of research is because the researcher needed to gain insight into the way ex-offenders were affected by the stigma attached to them. The study therefore led to a deeper and more human understanding of what was discovered.

### **5.3 Sampling Procedure**

A sampling method is a way devised to select the population eligible for the research study (Pilit, 2001). The study selected the population of ex-offenders at Whittlesea township in Eastern Cape. The study had two phases. The first phase comprised of individual interviews of twenty (20) ex-offenders. The second phase consisted of focus group participants who were service providers.

#### **5.3.1 Sampling Technique**

A non-probability sampling method, purposive sampling in particular was used. The advantage of this purposive sampling is that first-hand information can be obtained from participants who have encountered challenges when they re-entered on the community.

### **5.3.2 Sample**

Bless and Higson (2006:185) define a sample as a group of elements drawn from the population that is considered to bear representative characteristics of that population. They further point out that the purpose of studying the sample is to acquire some knowledge about the entire population. The sample is also defined by Strydom (2005) as elements of the population considered for actual inclusion in the study. The participants of this study were obtained from Department of correctional service at Community corrections in Whittlesea Township. There were twenty (20) ex-offenders who were utilized as individual participants. The ex-offenders came from the following locations; Dongwe location, Mabuyaze Extension Township and Sada location. The social workers from Sada prison were used to get these ex-offenders. These were the social workers that dealt directly with ex-offenders that were on parole.

Six service providers were utilized as the focus group participants. These were working in government departments in Whittlesea Township and included Magistrates, Public prosecutors, Prison wardens, Police officers and Religious advisors. The service providers were selected because they dealt directly with ex-offenders on community.

### **5.3.3 Sample site**

The study obtained the sample from Community correction at the Department of correctional service in Whittlesea Township, in the Lukhanji/Nkwanca Municipal area, Eastern Cape Province. Whittlesea Township has four township and 20 villages. The reason behind choosing a sample only from Whittlesea is because this

is where the researcher is working and there was a lack of financial means to travel to other areas.

## **5.4 Data Collection**

The researcher used two tools to collect the data. These were in-depth interview schedules and a focus group discussion.

### **5.4.1 Interview schedules**

An interview schedule was used for interview participants. De Vos (2007) defines an interview schedule as a questionnaire to guide interviews. The study benefited from a set of predetermined questions that might be used as an appropriate instrument to engage the participants and design the narrative terrain. This assisted the researcher in creating a format of handling the process of interviewing. The study chose this instrument because it prepared the researcher for the interview with participants.

In phase one, the study used in depth-interview for the individual interviews with twenty individual participants. Thyers (2001) defines in-depth interviews as an observational method to develop empirical knowledge or theoretical models. Furthermore, it is less standardized than other method due to interview variability and interaction effects between the interviewer and the participant. The researcher that has chosen this kind of interview has to know the advantages and disadvantages, as well as appropriate level of structure for an interview for a particular study phase. Lastly, the researcher has to look at how it relates to the over-all knowledge of the building plan. A special consideration needs to be taken,

especially for what Thyer (2001) terms the internal validity as well as unique human subjects.

Therefore, the researcher chose this kind of interview schedule because it enabled the researcher to capture the complexity of individual's feelings, thoughts, and perceptions. Thyer (2007) claims that interviews provide an authentic path to understanding diversity, with an important implication for practice among the underserved and oppressed populations.

#### **5.4.2 Focus Group Discussion**

De Vos (2007) describes focus group as a research technique that collects data through group interaction on a topic determined by the researcher. In phase two of the study, the focus group participants were comprised of six participants. The focus group discussion guide was constructed by the researcher. The advantage of the group approach is that it allows the researcher to investigate a multitude of perception in a defined area of interest in a short space of time. Focus groups draw on three of the fundamental strength that shared by all qualitative methods; exploration and discovery, context, depth and interpretation. Focus groups also created a process of sharing and comparing among the participants. People relatively empowered and supported in a group situation where they are surrounded by others.

#### **5.4.3 A Tape Recorder**

A tape recorder was used in the collection of data and consent was sought from the participants as it can be threatening to the participants. A tape recorder allows a

much fuller record than notes taken during the interview. It also means that the researcher can focus on how the interview is proceeding and where to go next (De Vos, 2007). The reason for utilizing this tool is to assist the researcher in capturing data.

Before each session began, the researcher reminded the participants that tape recorder would be utilized to capture data. Pseudonyms were used when dealing with the participants to cater for privacy and confidentiality. According to the Gems (1998) pseudonyms are fictitious names. The advantage of using a recorder is that a fuller record will be acquired than just taking notes. The recorded sessions were then transcribed after the interviews and focus group discussion.

## **5.5 Data Analysis**

This study made use of triangulation as a method to analyze data from both the individuals and focus group interviews. Triangulation is based on the assumption that any bias inherent in a particular data source, investigator, and method would be neutralized when used in conjunction with other data sources (De Vos, 2007). It is a method that synthesizes data from multiple sources and examines existing data to strengthen interpretations. By examining information collected by different methods, and by different groups, findings can be corroborated across data sets, reducing the impact of potential biases that can exist. This study chose this method because it allowed the researcher to become more confident with the result and may also uncover the deviant dimension of a phenomenon (De Vos, 2007). Therefore, the credibility and validity of the result are increased and ensure in the triangulation method. Furthermore, this approach also provided a powerful tool when rapid

response was needed, or when good data was non-existing in, order to answer a specific question. Triangulation can be used when the collection of new data is not feasible or cost-effective.

The researcher started by analyzing from individual interviews then the data from focus group discussion using the interpretive approach. Terre, Blanche, Durkheim and Painter (2006) assert that the interpretive approach is utilized for the purpose of providing a thorough description of the characteristics, processes and context of the phenomenon being studied. These were the steps that were taken by the researcher when conducting data analyses which were applicable in an interpretive approach as asserted by Terre, Blanche, Durkheim and Painter (2006).

The first step was reading the text for several times. The second step was to induce themes using participant's language to label categories. Further, the researcher summarized the data in terms of processes, functions, tensions and contradictions. In the same step, the researcher found an optimal level of complexity of themes as well as explored various themes. Finally, the researcher found an optimal level of complexity of themes as well as explored various themes. Finally, the researcher ensured that the themes did not lose focus of the objectives of the study. The third step taken was coding where same themes were marked and put together. The fourth step was deep exploration and revision as well as thorough analysis of themes leading to subthemes which is termed "elaboration". The final step was interpretation and checking of the data that was put into themes.

These were the themes that were utilized in individual interviews:

- Experiences of ex-offenders in re-integrating into the community in Whittlesea.
- Uncover the challenges faced by ex-offenders in their attempts to re-integrate into community of Whittlesea Township.
- The institutional support and coping mechanism available for ex-offender to integrate into the community of Whittlesea Township.
- The impact of the re-integration of offenders on Whittlesea community.
- Measures that can improve services available to ex-offenders in their quest to re-integrate into the community of Whittlesea.

The following are the themes that were used for the focus group

- What kinds of crimes are commonly committed by offenders on community service?
- What are some challenges within the community that makes it difficult for offenders coming from prison to adapt?
- What are the barriers that prohibit the successful reintegration of inmates into community?
- Do think the programs address the real life issues the Parolees/Probationers encounter within community?
- What do you think are the benefits of community service work to the community?

## **5.6 Ethical considerations**

Every professional researcher has an obligation to observe research ethics. Robson

(2002: 65) defines ethics as 'the rules of conduct; typically, to conformity to a code or a set of principles....or what one ought to do'. During the research process, the researcher observed the following research ethics that are consistent with the requirements of professional research:

#### **5.6.1 Consent Forms**

The consent forms were used prior to the interviews to request permission from potential participants to participate in this study. De Vos (2007) asserts that the process should be rendered to the potential subjects or their legal representative. Potential participants are given the freedom to knowingly consent to participate in the study. De Vos (2007) claims that obtaining informed consent implies that all possible or adequate information on the goal of the investigation and procedures that will be followed during the investigation may be exposed.

It was also crucial to inform the participants about the rationale, purpose, duration of the study as well as the use of research findings after completion. Potential participants were given the freedom to knowingly consent to participate in the study. It is important that the participants gave written consent to participate in this research. The participants were also required to give written consent to participate in this research. The participants were made aware of their rights to withdraw from taking part in this study should they so wish. The potential participants were given an opportunity to read all that is entailed in the research, and sign if they decided to be part of it, or not.

As aspects of informed consent, the participants were informed of the goal of the study and the approximate amount of time the interviews would take (Strydom, 1998). The potential of the research to act as an impetus towards legal reforms and to provide information for intervention were also communicated to the participants as advantages of the study. Also, participants were informed that the study may be emotionally trying and that their participation in the study was voluntary. The use of a tape recorder was made known to the participants and they were informed that if they wish, they could 'withdraw at any time without penalty' (Cournoyer and Klein 2000:27). This information was written on the consent forms (Annexure A) that the researcher himself read to the participants, checked for clarity and understanding and that was signed by the participants before they could be interviewed.

#### **5.6.2 Subject Information Sheet**

Upon receiving consent, the researcher provided a subject information sheet to the participants. The purpose of this was to inform the potential participants about the objective of the study. In addition to this, the researcher introduced himself and explained the type of research he was conducting. Ethical issues, such as welfare of participants, were also mentioned. Finally, the researcher also made mention of the fact that the participants were participating on a voluntary basis, therefore there was no remuneration that that was going to be paid to them. In addition to this, participants were also informed that they could withdraw from taking part in the study at any particular phase of the study.

### **5.6.3 Gaining access**

Schurink (1998) maintains that the researcher needs to have literature knowledge of the research problem, cultures, languages and the value system of the inhabitants. The researcher was able to gain access to the participants because of his fluency in their language, Xhosa, which is the language spoken in the Whittlesea in Lukhanji District where the research was conducted. Before conducting the research, the researcher sought permission from the Manager of Community correction in Correctional service.

### **5.6.4 Privacy and confidentiality**

According to Alston and Bowles (2003) privacy is that which is not intended for others to observe or analyse. Furthermore, confidentiality is defined by Strydom (1998) as 'a continuation of privacy which refers to agreement between persons that limits others' access to private information except in reporting research results as agreed and that the information will not be used for any purpose other than research'. The researcher did not seek identities and postal addresses of the participants in order to observe the confidentiality of the participants (Cournoyer and Klein, 2000).

Pseudo names were used for participants of the individual interviews so that personal identities of participants could be secure even where information could be used by third parties. As for focus group participants, titles were used and no personal details were taken from them. Participants from both the individual interviews and focus group discussion were told that the information would only be used for research purposes. However, the researcher's experience was that the

participants in individual interviews were a little sceptical of the use of pseudo names and wanted to use their real names. The researcher explained to the participants why there was a need to use the pseudo-names.

#### **5.6.5 Deception of participants**

According to Strydom (1998), deception involves deliberately misrepresenting facts in order to make another person believe what is not true and withholding information to ensure participation of participants when they would otherwise possibly refuse. All necessary information was presented to the participants. The goal of the study and the role of the participants were explained before engaging participants in the focus group as well as before conducting the interviews.

#### **5.6.6 Welfare of the participant**

The researcher will always be concerned with Welfare of the participant, including mental and physical health and safety and take all possible precautions to avoid incident injury (Coghlan and Brannick, 2001). The researcher avoided questions or issues that might have caused embarrassment, guilt, discomfort, hazards or risk as the research is based on ex-offenders, where such conditions might occur, the researcher would inform the participant accordingly at the outset of the study (Coghlan, 2001).

#### **5.6.7 Disclosing results to participants**

The researcher had clearly stipulated, in the consent form, that the participants were at liberty to access the results of the study at any time. Thyer (2001) claims that the researcher ordinarily shares evaluation and the research results with their data

sources. In some instances it is dangerous to divulge the results, especially in clinical circumstances. Therefore, ethically, the researchers must consider the extent to which clients have "the right to know" information about themselves.

#### **5.6.8 Use of Pseudonyms**

As another means of ensuring that the participants' privacy was protected, the researcher used pseudonyms. A pseudonym is a fake name used by a person or a group. A lot of times book authors will use pseudonym's when they publish a book and hide their true identity Coghlan, (2001).

#### **5.7 Limitations of the study**

As always is the case with research, the researcher experienced some limitations during the study. The researcher however, tried various ways to eliminate the problems so that the study could be successfully concluded. Fouche (2005:119) writes 'problems are never completely eliminated from any study in the caring professions; the researcher must spell out the various means by which he tries to limit the problems'. Although the researcher could speak and write Xhosa, he had problems with the translation of the English interview schedule into Xhosa to be used in individual interviews, as some of the English words and phrases are not available in our African languages. Likewise, translating the individual English interviews transcripts into Xhosa was also a problem as some words were difficult to put into English.

Participants sometimes lost concentration in such instances. The researcher had to play back the tape in the recorder to remind the participant where the interview

should continue from. This nonetheless changed the feelings of the participant, the gestures and even the tone the participant used. The researcher then used prompting as a way of getting the participant in the same mood as before the distractions and to continue from where they had left. In Trevithick (2005:172)'s view, prompting takes many forms such as:

....inviting further comment through direct suggestion, by providing a link between one statement and another in order to encourage further dialogue or by helping the individual to return to the unfinished sentences or comments.

The researcher used snowballing as a way of locating the participants and making appointments for the interviews. This means purposive sampling was important for determining who would be involved in the study but snowballing could also be integrated to augment the sampling procedure. Robson (2002:266) describes a snowball sample as 'a particular type of purposive sample' and hence it could be integrated without distorting the sampling procedure.

## **5.8 Conclusion**

This chapter covered how the research was conducted, the research design and methods, the problems that were encountered during the study and how they were dealt with. The research provided the researcher with more insight about the nature of qualitative studies and the skills to be developed in order to be more competent researcher. The researcher used scheduled interviews individual and focus group as well as a tape recorder to collect data. For data analysis, an interpretive approach

was used for both the individual interviews and focus group. In the next chapter, the findings from data analysis will be presented.

## **CHAPTER SIX: DATA ANALYSIS**

### **6.1 Introduction**

This chapter focuses, primarily, on the interpretation and analysis of the collected data. There were six major themes that were utilized which were based on the individual interviews as well as six for the focus group discussion. The literature that the researcher used in the previous chapter was also linked to the data in this chapter.

## 6.2 Presentation of Data and Discussion of the findings

This section presents data and discusses the findings of the study according to the themes that emerged.

### 6.2.1 Biographical information of interview participants

The profiles of participants who were interviewed are presented in Table 6.1. The personal details help to create a brief biographical ‘picture’ of them. The personal details included names of the participants, ages, employment history, marital status, the number of children the participant had, and their educational level.

**Table 6.1: Profile of Interview Participants**

Pseudonym	Age	Employment	Marital	People	participants	qualification
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		<b>status</b>	<b>Status</b>	<b>stay with</b>	
Vukuthu	36	Unemployed	Married	2 children and a wife	Level 4
Mqweniso	32	Unemployed	Single	family	Level 4
Nzuzwana	26	Unemployed	Single	Parents	Grade 9
Bhenge	38	Unemployed	single	Family	Level 4
Mehlwana	32	Self employed	Single	Parents	Grade 10,level 1-4 Architect(Drawing)
Nangatsho	25	Doing odd jobs	Single	Parents	Grade 10
Mshudulu	41	Self employed	married	Family	Grade 5
Mapila	38	Unemployed	single	Family	Grade 12
Nkqayi	33	unemployed	single	Family	Grade 7
Yilani	29	Doing odd jobs	Married	Wife and child	Grade 10
Nonyongo	20	Self employed	single	Family	Grade 11
Mqikela	28	unemployed	single	parents	Grade 10
ntabeni	37	unemployed	single	Family	Grade 7
James	45	unemployed	married	Wife and children	Grade 7
Soldaat	31	Employed (contract)	single	girlfriend	Grade 10
Tshigana	43	Self employed	married	Family	none
Tuswa	29	Unemployed	single	parents	Grade 11
Tyikana	23	employed	single	parents	Grade 8
sokupe	35	unemployed	single	Family	Grade 7
tsebeyi	28	unemployed	married	Family	Grade 11

In terms of age, the ages of the participants ranged from 20-45. There were six individuals who were between the ages of 25 and 29. Nine of them were between

the ages of thirty 31- 38. Three of the individual participants were between 41and 45.

With regard to employment status, the majority of the participants were unemployed who were 12 of them. Whereas four of the participants were self-employed, and two of the participants were doing odd jobs and lastly, two of the participants were employed.

Fourteen participants who participated in the study were single. Only six of the participants were married. Six participants were living with their family during incarceration and after incarceration and six of the participants were staying with their parents and one of the participants was cohabitating with his girlfriend.

Five of the participants attained education up to grade seven which is the primary level and nine of them dropped out in senior secondary school from grade eight (Standard 6) to grade ten (standard 8). One of the participants had grade 12 (standard 10) and lastly one of the participants was illiterate. Steady (2006:80) argues that 'educational deficiencies are a reflection of pattern of underdevelopment' which prevail in many African countries.

### **6.2.2 Biographical information of the focus group participants**

The profile of the focus group participants is presented in Table 4.2. The focus group participants were purposefully chosen as they were the most relevant personnel to interview for the purpose of this study.

#### **Table: 6.2: Profile of the focus group participants**

<b>Department/Stakeholder</b>	<b>Position</b>
Department of Social development and Special programs	Probation officer
Department of Justice and Constitutional development	Prosecutor
Department of Correctional service	Social worker
Legal Aid	Attorney
South African Police Service	Sector manager
Faith based organisation	Pastor

Five out of six participants came from government departments. Only one focus group participant come from Faith based organization. The reason for choosing focus group participants whose majority working for government departments was because they were in the offices that dealt directly with the constitution of South Africa.

The focus group participants comprised of the advocates who were in strategic positions and dealt directly with ex-offenders in our communities. The Department of Social Development and Special Programs' vision is to build a caring society for the protection and development of the poor and vulnerable towards a better life for all. The Department of Justice and Constitutional development which have the aim to transform and accessible justice system, which promotes and protects social justice, fundamental human rights and freedoms.

The Department of Correctional service mission is to integrate application and direction of all Departmental resources to focus on the correction of offending

behavior, the promotion of social responsibility and the overall development of the person under correction. Legal Aid assists in the provision of accessible, sustainable, ethical, independent and quality legal services to the poor and vulnerable. South African Police Service deals with anything that may threaten the safety or security of any community and to investigate any crime that threaten the safety or security of any community. Faith based organisation is to create a conducive socio-cultural environment (impacting on behaviour, attitudes and practices) to ultimately promote and mobilize key communities towards achieving the goals.

**6.3 Theme 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea.**

Participants were asked question about their experiences of ex-offenders in re-integrating into the community and the themes of their responses are shown in Table 6.3 below.

**Table 6.3: Experiences of ex-offenders re-integrating into the community in Whittlesea**

<b>Theme 1:</b> Experiences of ex-offenders in re-integrating into the community in Whittlesea.	
<b>Sub-themes:</b>	<b>Categories:</b>
<ul style="list-style-type: none"> <li>➤ Before going to prison who were you staying with?</li> <li>➤ Can you tell me how did the community members perceive you during your reentry into community?</li> </ul>	Both Parents, family member, e.g. wife; uncle, aunt, granny Insults Disregard Accepted

Eight participants mentioned that they were staying with their family and depended on them for their basic needs. Six participants were living with their family during

incarceration and after incarceration and six of the participants were staying with their parents and one of the participants was cohabitating with his girlfriend.

When asked the question concerning who they were staying with before going to prison, these were some of their responses:

- *“When I was released from prison my shack was demolished by community members and I ended up staying with my parents”.*
- *‘I was staying with my wife and my child employed in a construction company, but when I finished serving my sentence, I was not in good terms with my wife and she is staying with another man and I do not have access to my child’.*
- *‘I was staying with my parents but when I was institutionalized my father passed away and when I came back things got worse as my mother is unemployed and I can’t find a job.’*

Focus group participants also concurred with the fact that the majority of the ex-cons were living with their families as some of them were staying with their parents;

- *‘The social worker said she tries to solve the problem by talking to all concerned parties which constitutes family case work and counseling.’*

The majority of them (99%) reported that they were financially dependent on their families as some of them reported that they depended on social grants of their children and old age pension grant of their parents.

Saleeby (2002) is of the opinion that counseling helps in reaching for the strength of the individual who always have renewable and expandable resources that can be

used successfully in a process of empowering and assisting the people concerned. The strength perspective utilizes this as an empowerment strategy for ex-offenders.

### **6.3.1 Sub-theme: Perceptions of the community members during re-entry into community**

According to five of the participants who were interviewed insults were regarded as their daily bread, even though they had changed. One of the participants had this to say:

- *“I was not accepted by my community as I ended up relocating to another location because of stigma attached to me, even when there are ceremonies in my community I do not attend because they will call me names i.e. rapist’*

The majority of the participants (100%) claimed that they were disregarded by community members even their skills which they attained when they were incarcerated were not taken into consideration when they were applying for jobs.

Furthermore, some participants (16) ventilated that they had been accepted in their community. This is what the participants had to say:

- *“The community members accepted me as I was framed by my friends and due to the consumption of liquor I was unable to make informed decision”.*
- *“I was accepted by the community members but the family of the victim still have grudge against me although I served my sentence”.*

All the participants from the focus group alluded to the fact that the family members needed to be fully prepared for their reintegration back into the community to prevent

or minimize recidivism. Also, all the focus group participants agreed that the ex-offenders were treated as outsiders as they were not accepted by some of the community members. One of the participants said:

➤ *“what I have noticed is that almost all community members have the common distrust which we translate to other things”*

Social isolation can be defined as the separation of individuals or groups resulting in the lack of or minimize of social contact and/or communication. This separation may be accomplished by social barriers and psychological mechanism. (<http://www.find-health-articles.com/msh-social-isolation.htm>) Retrieved on 10<sup>th</sup> February 2013.

**Comment [P6]:** Check validity

#### 6.4 Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township.

**Table 6.4: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

Theme 3: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township	
Sub-theme	Categories
Kind of support that you attained	<ul style="list-style-type: none"> <li>➤ Family</li> <li>➤ Community</li> </ul>
Difficulties that encountered during your re-entry	<ul style="list-style-type: none"> <li>➤ Family life</li> <li>➤ Friends</li> </ul>
Have you experience a situation where your family has not provided money to cover up your basic needs	<ul style="list-style-type: none"> <li>➤ Yes</li> <li>➤ No</li> </ul>

##### 6.4.1 Support attained by ex-offenders

Family is one aspect that played a crucial role in reintegration of ex-offenders.

Eighteen interview participants claimed that they were fully supported by their families. This is what they had to say:

- *“My girlfriend....she was always there for me no matter what the situation was or how crazy it was...she was like my other half. It’s hard to explain....it was like she always met me halfway. Like every time I needed something, she was there joining me before I fell. She helped me fill out job application...she would always tell me that I could do it and to not let no one set me back. She was very positive and I think that started to rub off on me. She help me get on my feet and she was always there listening to my crap. She came right when I really needed”.*

Ten interview participants reported that the community in which they resided they were being supported by the projects that were developed in their communities due to the erection of RDP houses. They were able to utilize their skills such as brick-laying and plumbing.

- *“Due to my criminal record I am unable to find a decent job although I managed to pass my matric so I ended up being employed in a construction company so I can be able to support my family”.*
- *“Even though I was help by the department of Social development for training ex-offender in Port St John in 2010 in plumbing and carpentry, when you get a job from your community the employee will always follow you because you are not trustworthy because of our records”.*
- *“We manage to open an art gallery which is an income generating project the community support us and they know our records. They come in large numbers to buy our painting. Thanks to Department of Art and culture”.*

One of the focus group participants claimed that if community service is a sanction

with potential for development then it can incorporate reparation and restoration that can yield to positive reintegration. However it needs to be firmly based on a strong foundation and utilize the very real strength of the community service supervisors.

This high rate of incarceration has placed added stress on low-income communities of colour. The loss of young men who are potential wage earners and supports for families has a detrimental effect on social organization of poor communities while the offender is in prison. After the offender is released, the problems of lack of employment and lack of meaningful connection with the community can persist (Muntingh, 2008).

#### **6.4.2 Sub-theme: Difficulties that were encountered during re-entry.**

Sixteen interview participants claimed that they were labeled with derogatory names. They mentioned that the community members were calling ex-offenders by insulting words. Families of ex-offenders had not yet been educated about rehabilitation that ex-cons attended in their institution. This is what one of the ex-offenders had to say:

➤ *“They called me a rapist and they knew that I’m still under the supervision of parole officer, my fear is that if I replied this may fuel anger and results to fights so I do not want to go back there”.*

➤ *“My family is insulting me and they usually say i disrespected their clan name of the family because there was no one in the family who has history of violent behavior and I decided to relocate myself to my friends were I can belong”.*

All the participants from the focus group alluded to the fact that stereotype among offenders led them to have low self- determination especially if they did not receive sufficient support from their families. This is what one of them had to say:

- *“As a Social service department, we offer family casework, we call the concerned parties and try to talk to them and enlighten them on the problem. If that does not produce results we refer them to the social worker who so as to solve problem by talking to all concerned parties which constitutes family casework and counseling”.*

The majority of the individual participants highlighted that they attained lots of support whether positive or negative from their friends. This is what two of them had to say:

- *“When I was ill-treated by my family I added up being accepted by my friend”.*
- *“When my immediate family were not supportive to me, I added up where I started by socializing with my co-accusers and I ended up being street wise”.*

During the focus group discussion, the participants perceived that if the ex-offenders do not receive adequate support from their families they will look for attention from somewhere else. These were some of the utterances;

- *“One of the barriers that prohibit the successful reintegration of inmates into community is because of the verbal attacks with lead or caused them to re-offend.”*
- *“An inmate which comes from dysfunctional family they tend to look attention somewhere of think it’s better to go to prison life where your friends will not judge you because you have something in common”.*

In this regard the state has an obligation to ensure that ex-inmates are recognized as

equal actors in community life that is to actively promote and fulfill rights based on the constitutional value of dignity. The restoration and upholding of ex-inmate's right to dignity is the most important goal of offender reintegration. A person cannot fully participate in mainstream society unless other members of society recognize and respect his value as human being (in essence the right to dignity) (Mpuang, 2007).

**6.4.3 Sub-theme: Have you experience a situation where your family has not provided money to cover up your basic needs**

The interview participants were asked about the issue of not being provided basic needs. Nineteen of them reported that they had never encountered a situation where their family had refrained from giving them food, shelter, clothing etc.

According to the results from the focus group discussion, the majority of participants mentioned that the ex-offenders were being supported by their families. This is what one of them had to say:

➤ *“when we have group discussions at Community correction, I can see that they are taking care of by their families as they are hygienic clean.*

**6.5 Theme 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea**

Table 6.5 below shows the responses given by the participants concerning the coping mechanisms which were available to ex-offenders for them to reintegrate into the community. These responses led to sub themes which emerged.

**Table 6.5: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea**

<b>Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea</b>	
<b>Sub-theme</b>	<b>Categories</b>
<p>Did you receive any pre-release programs when you were incarcerated</p> <p>Explain what do you think can be done to improve service for ex-convicts</p>	<p>Life Skills Program</p> <ul style="list-style-type: none"> <li>➤ Substance abuse pre-release program</li> <li>➤ Anger management</li> <li>➤ Sexual offender program</li> <li>➤ Welfare service</li> <li>➤ Psychological Service</li> <li>➤ After care service by community correction</li> </ul>

### **6.5.1 Life Skills programmes**

#### **6.5.1.1 Substance abuse pre-release program**

With regard to formal intervention, the majority of the individual participants (95%) claimed that they attended substance abuse programme which commenced up to one week. The participants felt that the rehabilitation programmes should address the real-life issues that offenders faced on the outside. Skills development, short courses, business skills, entrepreneurial skills, and trades such as plumbing, carpentry, and brick-laying should form part of the rehabilitation programmes. The

aforementioned skills-development programmes are facilitated by Correctional Services, but the services are not rendered at all correctional centres. The participants felt that the DCS could do the following to sustain rehabilitation programmes: it should assist ex-offenders to become employable; it must be compulsory for parolees/probationers to attend programmes on the outside, and this must form part of the parole conditions; programmes should be facilitated within the community where the parolee resides; and the Department could assist by liaising with businesses to give offenders with a trade a chance in the job market. This is what they had to say;

- *“I was part of substance abuse programme in Goede -moede Prison in Doordrecht were I was institutionalized before I was grafted in Whittlesea.”*
- *“Substance abuse program help me a lot because I wanted to quit drugs but from where I was residing it was the habit for my friend, so by joining this programme I was able to refrain from drugs”.*
- *“I am currently a member of Teenagers against Drug Abuse (Tadda) in my community due for taking part in this rehabilitating program.”*

All the focus group participants (100 %) agreed that these programs addressed real life issues within community. They ventilated that;

- *‘We deal with individual who displays aggressive behavior, by being part of this program we are able to see the real cause of the problem’*
- *‘Direct imprisonment is use as last resort especially to first time offender by looking at circumstances of the accused and magnitude of the offence we are*

*able to decide or to give that person a suspended sentence with condition that he will attend Life-skill programs”*

### **6.5.1.2 Anger Management**

Fifteen interview participants stated that they attended anger management courses. The participants reported that it helped a lot when they were back in communities as it teaches an individual how to control anger. One participant had this to say;

➤ *Being stigmatized as ‘once a criminal always a criminal’ may fuel anger to us so anger management is imperative to us so as to live a crime-free life style.*

Focus group participants (95%) claims that anger management program prevent re-offending of ex-offenders when they encounter certain challenges. This is what one of them had to say;

➤ *“An emotional management programme designed for those whose offending behaviour is precipitated by intense emotions. The goals are to assist offenders understand the factors that trigger their anger and aggression and learn skills to manage their emotions.”*

### **6.5.1.3 Sexual offender program**

Twenty interview participants (100%) ventilated that they were part and parcel of the sexual offenders program. The participants reported that this programme does not only cover sexual activity, it also tells about family planning. This is what they had to say:

*‘I was asses by the social worker of the prison and she told me that I will be taking part in this programe’*

From the focus group discussion it was asserted that rehabilitation programs should be well integrated with other services including case management – both in the custodial and community settings, and education and vocational training so that a cohesive service is provided. In addition to increasing the offender's opportunity to obtain employment, there is a clear expectation from Government and the community that the Department should provide a means for offenders to contribute to the community, to acknowledge the impact of their crime on victims and to provide their victims with the opportunity to be involved in the sentencing and correctional process. This is what one of them had to say:

- *“There should be an extensive assessment process that will require interviewing the youth and their families, gathering information from various sources, and working with collateral contacts (i.e. probation officers, court officials, and caseworkers) to ensure a comprehensive treatment approach. Social workers can help to facilitate and complete this process, and then formulate recommendations for treatment.”*

#### **6.5.1.4 Focus group**

The focus group helps offenders develop understanding of how and why they have committed sexual offences. The programme also increases awareness of victim harm. The main focus is to help the offender develop meaningful life goals and practice new thinking and behavioural skills that will lead him away from offending. Reichel (2002) asserts that life skills programmes allow the offenders to express their needs and feelings, and create an environment for an offender to begin to understand the consequences of his actions and to reintegrate as a law-abiding citizen.

#### **6.5.2 Sub-theme: Improvement of services for ex-convicts**

### 6.5.2.1 Welfare service

Twenty interview participants (100%) argued that there must be improvements in the services of ex-offenders. The participants could see that there was a huge gap that needed to be closed in the public sector service. One of participants had this to say:

- *I have, however, two convictions. The first was for drinking and driving and I was given a one-year ban, which has now expired. The second, in March 2001, was for theft. While working in an accounts office I got into debt and took money and thus abused a position of trust. I did in fact return the money, although I accept that what I did was wrong. On pleading guilty and being given a one year sentence, I resolved to make constructive use of my time in prison, where I was trusted with several positions of responsibility, both inside but when I was outside thing got worse I applied for work but in vain."*

### 6.5.2.2 Psychological Service

All interview participants (100%) said that the department of correction service has a component called community correction (COMCORR) where there are practitioners for counseling purpose. But some ex-offenders are reluctant to be part of this and they claimed that it would not do any good. These are some of the utterances:

- *"Psychologically, we think we need help from other people especially on the ever troubling thoughts as we still have flashbacks of what we did. We feel counseling on this one will lower my thoughts because the family of the victim accepted me. We ask our self-several questions some of which we cannot answer".*
- *The role of social worker or pastor is to take care of the emotional disturbed clients.*

All the focus group participants expressed that the social service practitioners had a crucial role to play in addressing the issue of stigma on ex-offenders. According to Trevethick (2000), counseling is the practice of enhancing the client's knowledge and skills and it may either called casework. It can also be defined as a process that focuses on enhancing the psychological well-being of the client, such that the client is then able to reach their full potential. This is achieved by the counselor facilitating your personal growth, development, and self-understanding, which in turn empowers you to adopt more constructive life practices.

#### **6.5.2.3 After care service by community correction**

All of the interview participants concurred that after care service should be done in form of restorative or reconciliation between them and victims of crime, so as to prevent further criminalization and link them with the resources that are there in community. One participant eluded that:

➤ *“Officials from Correctional service it is their duty to do after care service so as to see whether we still comply with parole.”*

Stevens (2003) describe reintegration as the process of finding an offender employment, restoring family relationship and conforming his support system (via address), and guiding an offender towards an independent, crime-free lifestyle. This same person must now be guided through re-entry into community that values imprisonment more that conditional release. Being stigmatized as 'once criminal always a criminal' can become an obstacle for many paroles, especially in finding suitable employment.

**6.6 Theme 4: Impact of reintegration of offenders on Whittlesea Township**

Table 6.6 below shows the subthemes and categories which emerged, concerning the impact that reintegration of offenders has on the township.

**Table 6.6: Impact of reintegration of offenders on Whittlesea Township**

Impact of reintegration of offenders on Whittlesea Township	
Sub-theme	Categories
Tell me what kind of professional support did you need or attain after release from prison.	<ul style="list-style-type: none"> <li>➤ Training</li> <li>➤ Job skills development</li> <li>➤ Removal barriers to employment for ex-offenders</li> </ul>

**6.6.1 Training**

The majority of individual participants (60%) reported that if they can be given vocational training as some of the ex-offenders were bread winners when they were incarcerated. This is what they had to say:

- *“We were recruited by department of social development and trained us in plumbing and brick laying, now we are able to benefit from projects that arise in our communities.”*
- *“I was working at the Bank and I committed fraud because of my background and now that I’m having Criminal record it’s difficult for me to find employment.”*
- *‘If we can be train while we are still serving our sentences in vocational skills and be given accredited certificate so that we can go to FET College, so that*

*we can be able to withstand the challenges that we face in our communities.”*

Four focus group participants indicated that some departments and Non-governmental organizations recruit ex-offenders that are on parole by attaining their data from Community corrections. This is what they had to say:

- *“Ex-offenders receive diversity of training depending on the budget of that department and also on business plan which is created and after they finished they are given certificates and tools so as to be able to generate income on their own.”*

#### **6.6.2 Job skills development**

Twenty participants from individual interviews asserted that if there could be a centre for people like them where they could be equipped with Skills that would be marketable in community. One of the participants said:

- *“I’m staying in the remote areas of Whittlesea where there are few resources and people depend on stock farming, my desire is that services must also come to this area because I had some of my co-accusers who were taken to Port St John’s for training”*

The majority of the focus group participants (6) claimed that the state can reduce statutory prohibitions that may unnecessarily prevent ex-offenders from obtaining professional licenses or serving in certain industries. By lifting unnecessary restrictions and/or providing certificates of rehabilitation, policymakers can improve the placement options for ex-offenders and remove central barriers to reentering the workforce. One participant argued that:

- *‘Ex-offenders often struggle to obtain housing, transportation and healthcare, which are critical to their ability to gain and maintain employment. By improving access to work supports, policymakers enable ex-offenders to better maintain employment and thereby contribute more productively to their communities.’*

### **6.6.3 Remove barriers to employment for ex-offenders**

The majority of the ex-cons (100%) reported that they struggled a lot to secure employment because of their criminal record. One of the participants reported that:

- *“States can reduce statutory prohibitions that may unnecessarily prevent ex-offenders from obtaining professional licenses or serving in certain industries. By lifting unnecessary restrictions and/or providing certificates of rehabilitation, policymakers can improve the placement options for ex-offenders and remove central barriers to reentering the workforce.”*
- *I attained a diploma in Human resources Management in UNISA, but because of my background I am unemployed the only thing I’m good at is being an intern.*

Five focus group participants concurred that even though some of the ex-offenders had acquired training, they were not being absorbed by government departments so they depended on projects that existed in their communities. This is what some of the participants from the focus group mentioned:

- *“Policymakers can use available financial incentives to encourage employers to consider qualified ex-offenders. A number of federal, state and local financial incentives are available to employers who hire ex-offenders”.*

- *“In many circumstances, criminal records are not relevant to hiring decisions and should not be considered “.*
- *“Policymakers can ensure that One-Stop Career Centers and other employment agencies are accessible to those in areas where the need is greatest and that they coordinate with each other to provide a continuity of services.”*
- *“To prove effective, job training for ex-offenders must align with industries in which jobs are available and employers are willing to hire individuals with criminal records. States can promote partnerships with such employers by supporting job training that is tailored to the needs of those employers”.*

**6.7 Theme 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into the community of Whittlesea**

Table 6.7 below indicates the measures that could be taken to improve the services available to ex-offenders in their quest to reintegrate into the community.

**Table 6.7: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

<b>Theme 5: Measures that can improve services available to ex-offenders in their</b>
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quest to re-intergrate into community of Whittlesea	
Sub-theme	Categories
What do you think can be done to improve services for ex-offenders	<ul style="list-style-type: none"> <li>➤ Preparation of family support</li> <li>➤ Education</li> <li>➤ Integrate them with department for utilization of their skills.</li> </ul>
What do you think the department of correctional services can do to sustain rehabilitation programs on outside.	<ul style="list-style-type: none"> <li>➤ Introducing innovative programs</li> </ul>

#### 6.7.1 Preparation of family support

Fifteen individual participants asserted that family support has assisted them a lot, as they were accepted by their family, victim and community members. This is what they had to say:

- *“Our prison policies must be changed to strengthen families rather than destabilize them”.*
- *“Prison must strengthen relationships between families as a healthy, functioning family is one of the most important predictors for successful re-entry”.*

All participants from the focus group discussion asserted that preparation of family support is one of the benefits of community service as these healthy relationships should be encouraged, not prohibited. Maintaining strong family ties during imprisonment had a positive impact on both returning prisoners and their children. This is what they had to say:

➤ *“Family members should be involved in planning and facilitating re-entry, unless they would be in danger or refused to participate”*

This is also exemplifying by the literature chapter that the community can provide support networks to the offender that does not exist in a correctional center. With the help members of their families and community at large, the offender has a greater chance of leading a law-abiding life (Champion, 2005).

Programs are important but healthy relationships are even more important. The support and accountability provided by mentors often make the difference between a successful return to society and re-offending. As offenders make the difficult transition back to the community, they need relationships with caring, moral adults. Provinces should establish a community based program matching mentors to offenders to help them make the transition from prison to the community safely and successfully. The mentors will provide offenders with practical advice, encouragement and hold them accountable for their actions.

### **6.7.2 Education**

The majority of individual participants (99%) asserted that they attended schooling when they were convicted and some of them ended up in grade twelve. Some of the responses included:

➤ *“When I was incarcerated I was having grade 8 but I ended up having grade 11 due to the assistance I got from correctional service”.*

➤ *“I attained grade 12 certificate as I was writing my exams in prison”*

About six (6) participants from the focus group asserted that education must be compulsory for inmates combined with vocational skills. Du Preez (2006) asserted that educational opportunities are available to inmates and offenders through a variety of partnerships that are not limited to, the Ministry of Education, the Ministry of Training, College and Universities, the Provincial Schools Authority, Community colleges and boards and community literacy organizations. Educational programs are delivered by teachers, continuing education instructors, literacy instructors and Ministry volunteer literacy tutors

- *“There must be a review of the Department of correctional service DCS regulations to compel inmates to get schooling”.*
- *“An inmate had qualified for study through University of South Africa (UNISA) but he had no parents to assist with the fees. She suggested that assistance through bursaries was needed. The Department of Public Service and Administration should also assist.”*
- *“Ms Jolingana responded that there was a relationship with the Department of Higher Education and Training, and the sum of R66 million was allocated to train people in welding, building, electrician, mechanic, food services, carpentry and agriculture skills. Every inmate who worked inside or outside the center received a gratuity. Over and above work and skills training, inmates were also involved in programmes that targeted their behavior.”*
- *“Mr. Abram suggested that financial benefits of career-educators also needed to be examined. He suggested that pensioners could be encouraged to come temporarily out of retirement to train people”.*

## **6.8 Conclusion**

This chapter dealt with data interpretation and analysis which was discussed according to the six themes which are as follows: The interpretative approach was used for individual interviews and focus group interviews and were subsequently triangulated. Personal Details; Personal details of the participants, Experiences of ex-offenders in re-integrating into the community in Whittlesea, uncover the challenges faced by ex-offenders in their attempts to re-integrate into community of Whittlesea township, the institutional support and coping mechanism available for ex-offender to integrate into the community of Whittlesea township, the impact of the re-integration of offenders on Whittlesea community and measures that can improve services available to ex-offenders in their quest to re-integrate into the community of Whittlesea. The findings of both individual participants and focus group were discussed using these above mentioned themes. The subthemes and categories discussions were also linked to the literature and this is acceptable in a deductive method. The next chapter will focus on the conclusions and recommendations drawn from the study.

## **CHAPTER SEVEN: CONCLUSIONS AND RECOMMENDATIONS**

### **7.1 Introduction**

The previous chapter dealt with the analysis and interpretation of data collected from the participants. The data was linked to the theoretical framework as well as the literature at the researcher's disposal. This chapter will be looking at lessons learnt and the conclusions that should be drawn based on the data analysed. The second part of the chapter will be the recommendations.

## **7.2 Theme 1: Experiences of ex-offenders in re-integrating into community**

### **7.2.1 Summary of findings**

Participants, both from the individual and focus group agree that they have been insulted by community members and even by their families. This made some participants to lose hope and some of them decided to relocate somewhere else. According to Southall (2007) mentioned that ex-convicts in conflict with the law face challenges throughout their involvement with the criminal justice system. After they are released from prison, many ex-convicts face new struggle in their communities that are exacerbated by a lack of release or discharge planning. The lack of dedicated services, difficulty in finding work or appropriate housing, chronic states of low income, poor health, and personal challenges with respect to family contact and support, as well as the kinds of day-to-day anxieties.

Both individual and focus group participants claim that they were turned down several time by community members even when they applied for jobs they were disregarded. Half of the individual participants claim that they were not accepted by their community members even by their families. Reviews of prior research have found that individuals who maintain contact with their family and/or support system

throughout their incarceration have better post release outcomes (Petersilia, 2003; Visher)

### **7.2.2 Conclusions drawn from the findings**

- Social workers need to be advocates for ex-offenders given that the greatest challenges for them were obtaining a job and keeping their life on course.
- Social workers need to improve their pre-release programs as ex-offenders are greatly shaped by their pre and post prison experiences.
- Social workers need to teach communities to about the stigma since the study as shown that ex-offenders re-offend because of judgement done by their families and community.
- In as much as social work intervention should target all ex-offenders, families should do after care services.
- Ex-offenders come out of prison unprepared that they will be abused emotional so social worker needs to intervene and play role of advocate in these situations.
- Some of the ex-offenders reported that one of the reasons for them not being accepted is the issue of unemployment.

### **7.2.3 Recommendations drawn from the conclusions**

- Calling ex-offenders names like “Rapist or Prisoner when he/she is outside should be prohibited.
- Campaigns must be done so as to brainstorm community members about these individuals.
- States can reduce statutory prohibitions that may unnecessarily prevent ex-offenders from obtaining professional licenses or serving in certain industries.

- The Municipal managers must see to it that ex-offenders are able to benefit from projects that exist in their communities.
- Families and victims of crime need to be prepared about the release of the offender.
- Victim offender mediation must be implemented so that there can be reconciliation between offenders, victim and community at large.

### **7.3 Theme 2: Kind of support attained by ex-offenders**

#### **7.3.1 Summary of findings**

Sixteen ex-offenders asserted that they received support from their family whereas four ex-offenders mentioned that they received support through other government departments. Participants reported that they were accepted by some of the community members but there are still those individuals who still perceive them as prisoners. The participants reported that they had experienced loss of confidence; feeling of inferiority; loss of identity; loss of pride due to the stigma attached to them.

Communities have a key role to play in the successful reintegration of ex-prisoners. However, specific strategies are required to mobilize, and sustain, community interest and involvement in assistance and supervision programs. There is a tendency for the community to over-rely on the criminal justice system to provide supervision. Aboriginal communities can also play an active role in the social reintegration of offenders. Community-based services and programs for offenders on conditional release have been developing in Aboriginal communities across the country. These programs reflect traditional Aboriginal culture and spirituality and are typically rooted in restorative/community justice ideals (Griffiths, 2004).

### **7.3.2 Conclusions drawn from the findings**

- Research should be done on navigating the hidden obstacles to ex-offender re-entry.
- Preparing incarcerated parents for reintegration in families.
- Family members should be encouraged to become more involved in the rehabilitation and reintegration process. In order to understand what interventions the offender has gone through, the families concerned should be guided through counseling and family group sessions to prepare for the offender's release, and not only sign an agreement that the individual can stay at their particular address.
- Many offenders are challenged by skills deficits that make it difficult for them to compete and succeed in the community: poor inter-personal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, and/or a lack of planning and financial management skills.
- Some of the ex-offenders have lost important personal relationships and incarceration may have damaged their social networks; they may have experienced mental health difficulties or acquired self-defeating habits and attitudes. Homelessness, in particular, may place youths at risk of offending.
- Many ex-offenders have multiple needs that must be addressed in a holistic manner, including limited skill sets, substance abuse issues, and an absence of family and community support.

### **7.3.3 Recommendations drawn from conclusions**

- Social workers should be encouraged to do after-care service so they can see the impact of their pre-release programs.
- Partnership approaches to resettlement should be further encouraged by promoting demonstration projects in coalition with champions in relevant

institutions and by actions led by municipalities that increase society's responsibility for successful reintegration.

- Issues concerning the social reintegration of offenders should be resolved, in advance of release, by inviting representative of the relevant agencies or skilled advisors who can liaise with such agencies to counsel prisoners.
- The stakeholders should offer assistance in an integrated and comprehensive manner and address the many inter-related challenges faced by offenders.

#### **7.4 Sub-theme: Difficulties that encountered during your re-entry.**

##### **7.4.1 Summary of findings**

Participants claimed that they were labeled with derogatory names. The families of offenders are a potential source of support and assistance upon reentry into the community. It should be acknowledged, however, that a common attribute of persons in conflict with the law is the absence of family support.

Participants from individual interviews and focus group discussion mentioned that the majority of them never encountered any difficulties to merge with their friends. It is evident that when ex-convicts are not supported by their families they tend to seek attention from their friends.

##### **7.4.2 Conclusions drawn from the findings**

- Although the majority of ex-offenders were supported by their families according to the study, some of the ex-offenders were emotionally abused, rejected by their families which have caused them to develop anger and low self-esteem.

- When Ex-offenders do not have support from their families they tend to go along with their co-accusers of crime and this may lead them to re-offend.

#### **7.4.3 Recommendations drawn from conclusions**

- The social service practitioners should conduct campaigns and preventative programs so as to enhance ex-convicts' independent functioning.
- Government and Non-governmental departments that deal directly with ex-offenders should focus on family strengthening
- Involvement of ex-offenders and their families in planning and decision-making around community-based approaches to improve re-entry and reunification is vital.
- There must be organizations that focus almost exclusively on individuals with criminal records and their families and provide a continuum of services or support from arrest through re-entry.
- Ex-offenders who are ill-treated in their community need to be referred to social service practitioners for assistance.
- Social workers also have a responsibility to determine the needs of offenders and ensure that they are placed under right programmes which are suitable for their needs.
- Ex-offenders must be given a chance to plough back to the community by showcasing their skills so as to keep them busy and prevent gang formation.

### **7.5 Theme 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea**

#### **7.5.1 Summary of findings**

#### **7.5.1.1 Substance abuse pre-release program**

Participants reported that they were part of life skills programme while serving their sentence. The ex-offenders asserted that by attending this programme, it has helped them a lot. These participants from individual interview asserted that not all inmates are put to this programmes, they reported that you must be assessed first by social worker or psychologist through holistic approach. Dowden and Brown (2002) examined the extent to which substance misuse factors predict recidivism, finding that combined alcohol and drug problems were most predictive of recidivism, followed by drug misuse, parental substance misuse and alcohol misuse. According to Pelsler (2000) treatment of convicted persons to imprisonment regardless of the sentence duration or length, imply that the type of treatment prisoners get in prison must be in such a way that it creates prisoner the will for conformity (law-abiding).

#### **7.5.1.2 Anger management**

The majority of individual participant interview mentioned that, they have attended the above mentioned programme as it is a fundamental programme in life skills, they asserted that in order for a person to commit crime or inflict harm there is always an underlying problem which is anger in most cases.

The programs commonly seek to assist offenders to understand anger, recognize anger, utilize anger reduction techniques (for example, relaxation, and time out), restructure cognitions, and create an individualized relapse prevention plan.

#### **7.5.1.3 Sexual offender programme**

Half of individual participants reported they have attended this kind of programme, they asserted that it is meant for those who committed sexual offences like rape or sodomy. Even the focus group participants concur that this programme is dedicated for certain offenders.

According to Polascheck and King (2002: 125), "a thorough examination of the literature on sex offenders' rehabilitation reveals that it is predominantly based on men who offend against child victims". Polascheck and King (2002) continue to argue for the design of different specialist rehabilitation programs for rapists, based on the considerable overlap of this group with general offender groups such as non-sexual violent offenders, although few programs of this type are reported in the literature.

#### **7.5.2 Conclusions drawn from the findings**

- Not all ex-offenders attend these programs
- Secondly, when the participants finish attending their programs, which is life skills, they are given certificates based on the programmes which they attended.
- The majority of the participants who have attended anger management programmes are able to control their anger.
- Anger management assisted the participants to hold back even if they were given harsh names by community members.
- Few participants from interviews reported that they had attended the sexual offenders' programme. Those who reported to have not attended this programme reported that it should be made compulsory even if you have not committed sexual offences, because when they attended this programme, other prisoners

tend to segregate themselves and they will give you a gang name even though you do not belong in that group.

### **7.5.3 Recommendations drawn from conclusions**

- Every sentenced offender must be subjected to an assessment, which aims at determining inmates' (a) security classification for purpose of safe custody; (b) health needs; (c) educational needs; and (d) social and psychological needs.
- The Department of Correctional service must invest resources into programmes for those who are eligible for sentence plans and services in respect of that plan. The sentence plan is ideally used as a tool to strategize how a prisoner can best prepare for crime-free life after release, i.e. to plan the reintegration process of the individual prisoner.
- Family members should be encouraged to become more involved in the rehabilitation and reintegration process. In order to understand what interventions the offender has gone through, the families concerned should be guided through counseling and family group sessions to prepare for the offender's release, and not only sign an agreement that the individual can stay at their particular address.
- After-care should receive much more attention to sustain the rehabilitation of the ex-offender after his release from prison.
- The programmes should address the needs of offenders and it depends upon the individual to apply what he/she has learned.
- The programmes should be facilitated within community where the parolee reside so that the offender can confront the consequences of his action and to be able to see the victim as a person with real feeling and needs.

## **7.6 Sub-theme: Improvement of services for ex-convicts**

### **7.6.1 Summary of findings**

#### **7.6.1.1 Welfare service**

Participants from individual interviews and focus group mentioned that in order to ensure that ex-offenders are able to successfully contribute to their community there should be Community Psychological Centre that will assist them with counseling. For example, Nicro which was catering for rehabilitation programmes for offenders who were parolees, and who also gave them vocational training.

#### **7.6.1.2 Psychological Service**

Participants also reported difficulties keeping their lives on course in that they were aware that they were returning to communities where gangs, drugs, and crime rates were high; hence, they were concerned about possibly relapsing due to the great temptations of their environment. Despite, ex-offenders knowing that they need help transitioning into their communities, they do not usually seek help because they fear that they will be judged by social service professionals. . According to Gideon (2009) ex offenders do not usually obtain counselling and psychotherapy services despite some evidence that they recognize the need for help in making the transition to freedom.

#### **7.6.1.3 After care service by community correction**

All of the interview participants mentioned that proper after care service should be done in form of restorative or reconciliation between them and victims of crime, so as

to prevent further criminalization and link them with the resources that are there in community. According to Gideon (2009) release planning is essential for successful reintegration because it provides the offenders with knowledge of what to expect upon release.

#### **7.6.2 Conclusions drawn from the findings**

- There are few agencies that offer interventions and post-release programs as some of the ex-offenders do not implement what they learned from pre-release programs that they attain from prison.
- In order to reintegrate successfully after a period of incarceration, offenders need to secure legitimate employment, which is extremely difficult as many employers do not wish to employ ex-offenders, and many jobs have conditions which prevent them from hiring individuals who possess a criminal record.
- In order for social workers to be effective with ex-offenders, they need to "work actively to develop an authentic and empathic relationship"
- Most ex-offenders who encounter challenges whether in their families or community they rarely go to agencies for counselling.
- Social service practitioners from correctional service should do after care-service, so as to be able to evaluate the impact of their rehabilitative programs.
- As reintegration involves a process of restoring family relationship and finding an offender employment, the most pressing problem facing offenders upon release is the lack of preparation provided by institutions.
- After-care provided for by community correction is imperative to address the host of issues that offenders must contend with when they are released from prison.

- Some of these individuals lose hope because no one is supervising them or assisting them to find employment and they end up selling their tools which they receive during training.

### **7.6.3 Recommendations drawn from the conclusions**

- Skills training programmes should be established to equip ex-offenders with marketable Skills.
- There is still a need to establish a multi-disciplinary approach that provides comprehensive integrated programmes to support policies, procedures and practices that aim to empower ex-offenders.
- The social service practitioners could provide therapy, conflict management skills, crisis intervention skills, negotiation skills, mediation skills, problem solving skills and communication skills.
- Social workers also need to take on the roles of family counsellors and community educators.
- Families and community providers need to become more aware of the barriers that ex-offenders face during their reintegration so that ex-offenders receive the support that they need.
- More social workers are needed to provide counselling to address the unique emotional and psychological needs of ex-offenders and their significant others.

## **7.7 Theme 4: The kind of professional support attained after release from prison**

## **7.7.1 Summary of findings**

### **7.7.1.1 Training**

The participants claimed to have attended training, some of them ventilated that they acquired training while they were serving their sentences and some of them asserted that they were assisted when they were parolees. The participants allude that they were trained in diverse training as some of them they were trained in Carpentry, plumbing, brick laying and welding.

According to Southall (2007) who reported that pre-release programme aims at fostering successful reintegration and reducing the chance of re-offending. The emphasis has been on inmates 'basic and cognitive skills shortfalls to build up their immunity to crime. Thus, offenders are provided with education and job training as well as behavioral skills, such as parenting skills.

### **7.7.1.2 Job skills development**

The majority of the ex-offenders reported that the government departments must provide ex-offenders with job skills development so that they can be self-reliant as some ex-inmates claim that they would prefer to return to prison rather than to try to adjust to the difficulties of life outside the correctional environment.

According to Mpaung (2001:85-94) in her study regarding reintegration of offenders, postulates that most offenders in South Africa are unemployed, impoverished, uneducated and by reason of these social and economic circumstances often find themselves driven to a life of crime.

### **7.7.1.3 Removal of barriers to employment for ex-offenders**

Participants reported that finding legitimate employment is one of the obstacles they find on daily basis. They reported is extremely difficult as many employers do not wish to employ ex-offender, and many jobs have conditions which prevent them from hiring individual who possess a criminal record.

According to Petersilia (2001) explain the hardships offenders face when seeking out meaning and legitimate employment: "the stigma of incarceration makes ex-inmates unattractive for union jobs, civil disabilities limit ex-felons 'access to skilled trades or the public sector, and incarceration undermines the social network that is often necessary to obtain legitimate employment". Thus offenders are likely to be turned down for jobs for variety of reasons, all which relate back to their criminal background and incarcerated history. Social Exclusion Unit (2001)

### **7.7.2 Conclusions drawn from the findings**

- Some of the offenders were bread-winners when they were incarcerated by providing them with training new doors are being opened to them.
- The individual participants asserted that they have certificates that they got after training but what frustrating them is that they are isolated from the projects that exist from their communities even though they meet job requirements.
- The participants interviewed also ventilated that they do not get support from community members even if they started their own things which generate money the community would not support because of previous records.
- The insufficiency of job skills development causes many offenders to re-offend.
- Offenders are given opportunities for skills development, but these programmes

are not necessarily linked to employment opportunities on the outside, which become problematic.

- As a prisoner you do not get punished. The real punishment begins when you get out and try to find job.
- People who have criminal record stated that they are discriminated against when they disclose this fact and frequently this happens even before they state what they are convicted for.
- Some of the participants claim that even if they qualified for job their conviction would have no bearing on the work they apply for, they are excluded.

### **7.7.3 Recommendations drawn from the conclusions**

- Social workers have the capacity to meet the needs of people locally through community work function, it is therefore recommended that:
- Social workers and community development programmes must be structured in a manner that incorporates public works so as to link ex-convicts with the resources that are available.
- Further research needs to be done on how positive practices can uplift the conditions of ex-offenders by providing resources to them.
- Community should be involved in facilitating an offender's re-entry into community by also involving them to the projects that exist in community.
- More research should be done on navigating the hidden obstacles to ex-offender re-entry.
- Skills development, short courses, business skills, entrepreneurial skills, and trades such as plumbing, carpentry and brick-laying should form part of the rehabilitation programmes requested by the participants.

- Employment Equity Act 55 of 1998 and the Promotion of Equity and offender reintegration in South Africa the Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) these policies need to be clarify to the ex-inmates because some of them they do not know their rights.
- Section 6(2) (b) of Employment Equity Act (EEA) also provides that it is not fair discrimination to exclude any person on the basis of an inherent requirement of the job. This means that a person who has a conviction of a nature that is unrelated to the job he or she is applying for should thus not be automatically ineligible to be considered for the position.

## **7.8 Theme 5: Improvement of services for ex-offenders**

### **7.8.1 Summary of findings**

#### **7.8.1.1 Preparation of family support**

The participants claimed that when they are released from prison they face other problem at home for being supported. Those who have children and wives mentioned that they end up being inferior or disrespected by their children because their mind set have been changed. Research indicates that having strong family support is one of the most important factors contributing to successful rehabilitation, together with gaining steady employment.

#### **7.8.1.2 Education**

The majority of the individual participants have attained education as it is also a rehabilitative programme. Some of them they manage d to write matric examination in prison, they reported that the government is providing them with every reading material and one of the offenders reported that he is corresponding with UNISA

doing diploma in Human resource.

### **7.8.1.3 Integration of ex-offenders with department for utilization of their skills**

The participants both from individual interviews and focus group reported that reintegrating offenders with other stake holders exist in other communities, but the are other departments who are reluctant to assist them.

### **7.8.1.4 Introducing innovative programs**

The participants mentioned that the Department of correctional service must come up with new programmes that will assist the person in conflict with law. Some of the participants narrated that the programmes that are offered in prison are not assisting them when they are back on community.

## **7.8.2 Conclusions drawn from the findings**

- Families and communities have to accept the inmate back into community when he/she is released and provide assistance to him to ensure that he adapts to life outside prison
- Intensive support to deal with the trauma especially to family were one member of the family is being incarcerated who was a bread winner
- Education play a crucial role to them as some of the participants dropped out at primary level.
- According to the Prisoners' Education Trust, a large proportion of offenders said that having access to the internet (62%) and a simple word processor (48%) were the most important requirements for making learning easier.

- There is a need for more intensive public information campaigns that will raise employers' awareness of the untapped pool of workers represented by ex-offenders and promote the "business case" for their employment.
- The assistance of employers' federations and trade unions should be sought in both finding employment for (ex)-offenders and in combating any potential discrimination in the workplace.
- Some programmes which are rendered by Correctional service are not assisting the offenders in terms of employment, securing housing and access medical care.
- The bails that obtained from courts prohibit offenders to go to the victim. If there can be a centre in communities where reconciliations are conducted, the issue of stigma can be minimised.

### **7.8.3 Recommendations drawn from the conclusions**

- Social workers also need to take on the roles of family counsellors and community educators.
- Social workers must play the role of enabler which, aim to enable the people to fulfil their abstract human needs, to enhance their learning process and help them gain meaningful empowerment.
- It is important to meet the needs of offenders with short training courses for offenders serving short sentences with a focus on employability skills, such as CV writing and the job application process, as well as information on how to access training and employment services upon release.
- Systems for diagnosing offenders' individual learning needs more quickly and accurately should be developed.

- For pure literacy training, programmes need to be effective in a short period of time, so as to ensure a) prisoners maintain interest in the end goal and b) as many prisoners as possible
- There must be inter-agency partnerships, with a lead agency designated from among partner agencies.
- Strengthen links with employers, as well as with employment support and the Work Programme.
- Social workers must play the role of enabler by introducing new programmes so as to empower these individual to be able law abiding citizen.
- The department of correctional service must come up with programmes that will assist ex-offenders to secure employment.

## **7.9 Conclusion**

The study of the challenges of reintegration of ex-offenders on the community of Whittlesea was not tranquil one. This was due to the fact the topic itself is sensitive. This chapter briefly captured the summary of the findings and the conclusions drawn from this study. The recommendations outlined were based on the conclusions.

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## **ANNEXURE A**

Dear Potential Participant

My name is Gcobani Ndiye, I am doing my Social Work Masters through research. You are requested to take part in this study which looks at the challenges of reintegration of ex-offenders on the community in Whittlesea Township. The purpose of the study is to explore what are the challenges faced by ex-offender during their re-entry on community. This qualitative study where you will be required to express your perception and experiences with regards to challenges encountered by ex-convicts when they reintegrate back on community.

The study utilizes ex-offenders and service providers that deal directly with ex-offenders. A tape recorder will be utilized to capture data during the interviews. The study contains no material benefits (like money), therefore participants should not expect any monetary gains from taking part in this study. High professional standard and ethics such as anonymity and confidentiality will always be upheld by the researcher.

You have a right to withdraw from taking part in this study as you will be joining on a voluntary basis.

Thank You in Advance

G.Ndike

Researcher

## **ANNEXURE B**

I,.....do hereby confirm that:

- I have read and understand the information provided on the study
- I am aware that tape recorder will be used to capture data during this study.
- I understand that participation in this study is voluntary.
- I reserve the right to withdraw from the study at any time
- Pseudonym will be used to maintain confidentiality
- I understand that no payment will be received for participating in this study.
- I have a right to access the study results if I wish.

I hereby confirm that I fully understand the conditions of this study and what my rights and responsibilities as a participant will be.

I am willing/not willing to participate in this study

**Signature:**.....

**Date**.....

### **ANNEXURE C**

Kindly be informed that the interview will be conducted with confidentiality in a non-censorious environment, and you will be informed about the results as a participant and as a research unit.

#### **BIOGRAPHICAL DETAILS:**

**1.Name**

**2.Age**

**3.Employment Status**

**4. People staying with**

**5.Qualification**

**THEME 1:** Experiences of ex-offenders in re-integrating into the community in Whittlesea.

1. Before coming to prison who were you staying with?

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2. Can you tell me how did the community members perceive you during re-entry into community?

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3. **Theme 2:** Challenges faced by ex-offenders in their attempts to re-intergrate into Whittlesea Township

1. What kind of support did you attained after release from prison?

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2. Difficulties that encountered during your re-entry?

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3. Have you experience a situation where your family has not provided money to cover up your basic needs?

4. **THEME 3:** Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.

1. Did you receive any pre-release programs when you were incarcerated?

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2. What do you think can be done to improve service for ex-convicts?

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5. **THEME 4:** Impact of reintegration of offenders on Whittlesea Township

1. Tell me what kind of professional support did you need or attain after release from prison.

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**6. THEME 5:** Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea

1. What do you think can be done to improve services for ex-offenders

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2. What do you think the department of correctional service can do to sustain rehabilitation programs on outside

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## ANNEXURE D

### INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)

#### BIOGRAPHICAL DETAILS:

**1. Name**

Mqweniso

**2. Age**

32

**3. Employment Status**

Unemployed

**4. Marital Status**

Single

**5. People staying with**

Family

**6. Qualification**

Level 4

**THEME 1:** Experiences of ex-offenders in re-integrating into the community in Whittlesea

**Before coming to prison who were you staying with?**

I was staying with my family

**Can you tell me how did the community members perceive you during re-entry into community?**

It still pains me even to day,as I added up relocating some where else because I cannot not maintain eye-contact with the victims family I guess I derserve the insult,the community still perceive me as prisoner or a thu

**Theme 2: Challenges faced by ex-offenders in their attempts to re-intergrate into Whittlesea Township**

**What kind of support did you attain after release from prison?**

My family supported me even though I ashamed them, even my kinds they still respect me.

**Difficulties that you encountered during your re-entry**

To find employment

**Have you experience a situation where your family has not provided money to cover up your basic needs?**

No

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea**

**Did you receive any pre-release programs when you were incarcerated?**

Yes

What do you think can be done to improve service for ex-convicts?

To be given jobs or to be able to benefit from the projects that are in the community

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

We were assisted by Department of Social development which recruited us in 2010 and also we need to be trained in plumbing and tiling in Port St Johns

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders**

The Department of correctional service should put more focus on Vocational Skills, although some of the prisons offer the Skills for example in St Albans in Aliwal North

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

There should be after care service and proper monitoring as we are realized outside and it is up to us to find employment. My point is that if we can be linked to the department of public works that may help us a lot.

## **ANNEXURE E**

### **INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)**

#### **BIOGRAPHICAL DETAILS:**

**1. Name**

Vukuthu

**2. Age**

36

**3. Employment Status**

Unemployed

**4. Marital status**

Married

**5. People staying with**

My wife and 2 children

**THEME 1:** Experiences of ex-offenders in re-integrating into the community in Whittlesea

**Before coming to prison who were you staying with?**

I was staying with my wife and my children

**Can you tell me how did the community members perceive you during re-entry into community?**

I was accepted by my wife, and when the community realized that I have a healthy relationship with my family some of them accepted me.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

**What kind of support did you attained after release from prison?**

I was supported by my family

**Difficulties that you encountered during your re-entry**

To find employment as my parents are dependent on old age pension, so their money is insufficient to cater all the necessity that are needed by a family

**Have you experience any situation whereby your family did not provide money to cover up your basic needs?**

No

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

Did you receive any pre-release programs when you were incarcerated?

Yes, I attended lots of program in prison, like Life Skills program

**What do you think can be done to improve service for ex-convicts?**

As criminal record is a barrier to us, we must also be supported in our communities, there must be project that are dedicated to us.

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

If there can be a centre where I live, I can show case my talent as I am a person who is good in drawing

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders**

To be provided with jobs as some of us were working in government Departments.

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

To come up with innovative programs that addresses what is happening outside

## **ANNEXURE F**

### **INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)**

#### **BIOGRAPHICAL DETAILS:**

**1. Name**

Nzuzwana

**2. Age**

26

**3. Employment Status**

Unemployed

**4. Marital Status**

Single

**5. People staying with**

Parents

**5. Qualiification**

Grade 9

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

I was staying with my parents as I am the only child to my mother

**Can you tell me how did the community members perceive you during re-entry into community?**

They accepted me because the victim was my relative and she used to pay me a visit in prison.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-intergrate into Whittlesea Township**

**What kind of support did you attained after release from prison?**

I did not receive any support from my family side. I thank the department of Social development for assisting me.

**Difficulties that you encountered during your re-entry**

After I was trained by some department I was unable to find employment; I applied several times but in vain.

**Have you experience a situation where your family has not provided money to cover up your basic needs?**

No

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

**Did you receive any pre-release programs when you were incarcerated?**

Yes. I received a variety of programmes in prison

**What do you think can be done to improve service for ex-convicts?**

If there can be a Centre in our community that will deal with problem that hampers ex-offenders during their re-entry

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

The professional help that I got was when I was serving my sentence in prison attending Life skills programmes and it has assisted me a lot.

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders**

As we are judged by community members, I think the department of correctional service must come up with other programs that talk directly with community members.

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

If the department of correctional service can come up with programs that can assist ex-convicts with employment, this can help to alleviate poverty.

## **ANNEXURE G**

### **INTERVIEW SCHEDULE**

#### **BIOGRAPHICAL DETAILS**

**1. Name**

Bhenge

**2. Age**

38

**3. Marital Status**

Single

**4. People staying with**

Family

**5. Qualification**

Level 4

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

I was staying with my family that is my mother and father

**Can you tell me how did the community members perceive you during re-entry into community?**

If our bails were not prohibiting us to meet with the victim, the community members would have accepted me the community members told me I was not showing any remorse.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

**What kind of support did you attained after release from prison?**

I was supported by my family even now they are still taking care of me.

**Difficulties that you encountered during your re-entry**

I can't find jobs and every time seek employment the employees always turn me down

**Have you experience a situation where your family has not provided money to cover up your basic needs?**

No, but I need to find a job so to be independent.

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea**

**Did you receive any pre-release programs when you were incarcerated?**

No, the reason is that I was awaiting trial and the charges against me were withdrawn.

**What do you think can be done to improve service for ex-convicts?**

To come up with programmes that will make us get employed

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

I think I need professional counsel as I still have flash backs of what I deed, I cannot forgive myself

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders**

Criminal record seems to be death sentence outside; the government must come up with new policies that will be on our favor, so that we can refrain from committing crime.

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside.**

The department of correctional service must not only focus on changing our behavior, they must also help us to find jobs as some of us have training.

## **ANNEXURE H**

### **INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)**

#### **BIOGRAPHICAL DETAILS:**

**1. Name**

Mehlwana

**2. Age**

32

**3. Employment Status**

Self employed

**4. Marital Status**

Single

**5. People staying with**

Parents

**6. Qualification**

Grade 10

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

I was staying with my girlfriend

**Can you tell me how did the community members perceive you during re-entry into community?**

I was not accepted by my family and I ended up cohabitating with my girlfriend

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

**What kind of support did you attain after release from prison?**

We were promised to be trained by Social development as they have taken our data in community correction of those in parole but in vain.

**Difficulties that you encountered during your re-entry**

The most pressing need in our communities is the lack of support from community members as I'm having a spaza shop, some of the residents say I stole the things that I'm selling and I'm always being a first suspect to police

**Have you ever experienced a situation whereby your family did not provide money to cover up your basic needs?**

Yes, that is why I decided to settle with my girlfriend, because I'm abused emotionally and financially by my family.

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

**Did you receive any pre-release programs when you were incarcerated?**

Yes substance abuse, communication skills, anger management and vocational skills.

**What do you think can be done to improve service for ex-convicts?**

The facility after training us, they must market us to other departments who may assist us in finding jobs.

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

I need counselors as I'm haunted by the appalling things that I done to my family

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders?**

The department of correctional service must come up with other programs because I was convicted for the second time and some of us view these rehabilitative programme as a way to get early release

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

The facility must award us with certificates in vocational training and if you are still schooling maybe in UNISA we must be given a chance to do internship in the facility.

## **ANNEXURE H**

### **INTERVIEW SCHEDULE**

**1. Name**

**2. Age**

41

**3. Employment Status**

**4. Marital status**

Married

**People staying with**

I am staying with my wife and children

**5. Qualification**

Level 4

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

My family

**Can you tell me how did the community members perceive you during re-entry into community?**

I was judged by the community members for the crime I did not commit, as I'm the person who is good in fixing electrical appliances some of my customers they do not pay and when I confront them they will insult me saying you are a prisoner.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

What kind of support did you attained after release from prison?

I was supported by my family, even when I was serving my sentence they were there for me.

**Difficulties that you encountered during your re-entry**

I lost my child because I am not employed and when I insisted to see my child my girlfriend apply for protection order.

**Have you experience a situation where your family has not provided money to cover up your basic needs?**

No

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

**Did you receive any pre-release programs when you were incarcerated?**

Yes; like Anger management, substance abuse release programme, and parenting style.

**What do you think can be done to improve service for ex-convicts?**

If the department of correctional service can do campaigns to the communities about why the prison is now called correctional service, because the community members still have little information about what is going on inside.

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

As we are unemployed most of us, I need assistance in on how to write business plan because I want to be self employed

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders?**

All professional groups employed by, or operating in, prisons should be involved in the development continuous improvement and maintenance of change projects

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

The facility must see to it that these programmes are not a gate away, they must do proper monitoring when the offender is in community and visit them frequently.

## **ANNEXURE I**

### **INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)**

#### **BIOGRAPHICAL DETAILS:**

**1. Name**

Andile

**2. Age**

32

**3. Employment Status**

Unemployed

**4. People staying with**

Family

**5. Qualification**

Grade 9

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

I was staying with my family at Dongwe location in Sada Township.

**Can you tell me how did the community members perceive you during re-entry into community?**

They seem not to have a problem, because I am able to talk to them, even with the victim because we reside in the same township.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

**What kind of support did you attained after release from prison?**

I'm having training in welding and plumbing.

**Difficulties that you encountered during your re-entry**

I'm unable to find employment because in my township there are lots of people who are also good in plumbing and welding and you have to market yourself.

**Have you experience a situation where your family has not provided money to cover up your basic needs? No.**

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

**Did you receive any pre-release programs when you were incarcerated?**

Yes, the social worker from St Albans was conducting these life skills

What do you think can be done to improve service for ex-convicts?

**THEME 4: Impact of reintegration of offenders on Whittlesea Township.**

**Tell me what kind of professional support did you need or attain after release from prison.**

I am an artisan but I cannot be employed, I am starting to lose hope as my parents are now the recipient of old age pension grant they look up to me now.

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea.**

**What do you think can be done to improve services for ex-offenders?**

If the correctional service can integrate with other department in order to sustain the programs that would assist us as when we are on our own we cannot move forward, we do not know the channels of securing employment.

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

By integrating with other department and Non-government organisation in order to increase their scope of work and improve their rehabilitative programmes.

## **ANNEXURE J**

### **INTERVIEW SCHEDULE (INDIVIDUAL PARTICIPANTS)**

#### **BIOGRAPHICAL DETAILS:**

##### **1. Name**

Nangatsho

**2. Age**

38

**3. Employment Status**

Doing odd jobs

**4. People staying with**

Parents

**5. Qualification**

Grade 10

**THEME 1: Experiences of ex-offenders in re-integrating into the community in Whittlesea**

**Before coming to prison who were you staying with?**

I was staying with my parents before and after I was incarcerated.

**Can you tell me how did the community members perceive you during re-entry into community?**

The community members accepted me, even now I help them with their gardens I am the only person who is selling seedlings in my community.

**Theme 2: Challenges faced by ex-offenders in their attempts to re-integrate into Whittlesea Township**

**What kind of support did you attained after release from prison?**

We were trained by department of social development but before we were taken for training we were given counsel session.

**Difficulties that you encountered during your re-entry**

There are lots of us now in my community who are doing plumbing so competition is tough and we end up selling the tools because of scarcity of jobs.

**Have you experience a situation whereby your family did not provide money to cover up your basic needs?**

No, but when the is an argument they do not give me food

**THEME 3: Institutional support and coping mechanism available for ex-offender to Integrate into the community of Whittlesea.**

**Did you receive any pre-release programs when you were incarcerated?**

Yes I did receive them, when I was incarcerated and when we were taken by social development.

**What do you think can be done to improve service for ex-convicts?**

As some of us acquired vocational training if we can be marketed by the department who gave us these skills to other department and also to the community at large.

**THEME 4: Impact of reintegration of offenders on Whittlesea Township**

**Tell me what kind of professional support did you need or attain after release from prison.**

If I can be given just to utilize my skills with the help of Social development, to be provided with jobs

**THEME 5: Measures that can improve services available to ex-offenders in their quest to re-integrate into community of Whittlesea**

**What do you think can be done to improve services for ex-offenders?**

The department must not trained us and leave us, they must integration of services with other department. The programmes must not only based to us, but also there must be those who add

**What do you think the department of correctional service can do to sustain rehabilitation programs on outside**

When you are an implementer there should be monitoring which is lacking in correctional service; there must be proper monitoring of ex-offenders when they re-enter community.

## **ANNEXURE K**

### **Focus group discussion**

Kindly be informed that interview will be conducted with confidentiality in a non-censorious environment and you will be informed about the results as a participant and research unit.

**BIOGRAPHICAL DETAILS**

**What position do you hold in government department**

**What are some challenges within the community that makes it difficult for offenders coming from prison to adapt.**

**THEME 1**

**Some people especially the victims have argued that community service is a soft way of treating offenders?**

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**Do you think community service has helped in reducing the prison population of Whittlesea**

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**What are the barriers that prohibit the successful reintegration of inmates into community**

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**THEME 2: In your opinion, how effective is the community service programme as an alternative to imprisonment to the community**

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**Do you think the programs address the real life issues the Parolees/Probationers encounter within the community?**

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**THEME 3: What do you think are the benefits of community service work to the community?**

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**Do you think the introduction of community service law in South Africa has been an effective way of crime prevention?**

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**THEME 4: Who is most likely to suggest Community service order as a punishment?**

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**Correctional Service is a societal responsibility, what can the community do to assist offenders being released from prison.**

## ANNEXURE L

### An interview with Focus Group Participants

#### BIOGRAPHICAL DETAILS

##### What position do you hold at Government departments

Rhini; I hold position in department of Justice and Constitutional development at Whittlesea township. I am a chief prosecutor

Sophitshi: I am a social worker in Department of Correctional service, I am a principal Social worker (grade iii)

Dlangisa: I'm a police official servicing Whittlesea township as Cluster manager

James: I'm an attorney under Legal Aid

Quma: Im a chief magistrate at whittlesea Township.

#### **THEME 1: Some people especially the victims have argued that Correction supervision is a soft way of treating offenders**

No

2(a) Dlangisa: Correction supervision offers viable alternatives to incarceration for offenders at various stages of the criminal justice process. The alternatives which may be available to offenders include: bail supervision programs, alternative measures programs, restitution programs, fine options programs, community service order, and probation, and intensive supervision probation, conditional sentence of imprisonment, attendance Centre programs, electronic monitoring, community-based centres, temporary absence programs and parole.

Sopitshi: Correction supervision programs are said to be an obvious improvement over traditional corrections programs for humanitarian reasons. Community corrections are considered humanitarian in that they provide less serious offenders with alternatives that let them continue with various aspects of their lives. Community corrections programs are also considered to be humanitarian because they avoid many of the negative effects of incarceration, including stigmatization, damage to physical and/or mental health and constant exposure to criminal peers. Community corrections programs also present opportunities to be more responsive to the needs of offenders, victims and communities. An excellent example is the Restorative Resolutions program in Manitoba. The program targets offenders who are facing a prison term of at least nine months. An alternative sentencing plan is developed for offenders referred to the program which aims to address victim concerns and the individual needs of the offender, which is then submitted to the sentencing judge for consideration. Offenders approved for the Restorative Resolutions program are held accountable in their own communities and are assisted in taking responsibility for their actions.

Rhini: Community correction programs were developed in response to a recognition that traditional incarceration was not working. The new approaches are a step in the progression toward a more humane and effective correctional system. However, community corrections programs are not without their problems. For instance, community corrections have often served as a supplement rather than a supplant to traditional incarceration. In such cases, net widening effects result in no reduction in the prison population or correctional costs.

Quma: Despite such problem, there are numerous examples of community corrections initiatives which have been highly successful. Further research is needed into the advantages of new alternatives in community corrections, as, for example, electronic monitoring and attendance centres. With a better educated public, more informed government and an urgent need for changes to the system, community corrections will undoubtedly become an even more significant aspect of the criminal justice system.

**3. Do you think community service has helped in reducing the prison population of Whittlesea**

All: Yes

**4. What are the barriers that prohibit the successful reintegration of inmates into community.**

Social worker: One of the barriers to successful community reintegration is prisoner stigmatization and shame, which affects the prisoner and their family.

James: Successful reintegration involves more than physical resettlement. It includes strategies and processes of moral inclusion, forgiveness, acceptance, redemption (secular or faith-based) and reconciliation.

Dlagisa: There is a growing call from the wider community to get involved with prisoners and their families. Many church and community members feel called to minister to ex-prisoners and their families, but lack the confidence and experience to do so. This new initiative encourages wider church and community involvement with prisoners, in a way which ensures that will provide a safe environment for both volunteers and ex-offenders.

Quma: The community plays a key part in the creation of an inclusive social environment where ex-prisoners and young offenders, who display a strong desire to change, can start life afresh and become contributing members in the community. This can be done through family support.

**THEME 2: In your opinion, how effective is the community service programme as an alternative to imprisonment to the community.**

Sopitshi: It is effective as it is already a conspicuously reparative and restorative penalty and that the combination of visible reparation and effective programmes (what works) could bring together the community safety and community justice agendas

Quma: Community Service offers a setting, where the focus is not on 'offending behaviour' but through the contacts into which it brings offenders, might well offer learning experiences at least as powerful as an approach that directly tackles offending

Dlangisa: Community Service is a sanction with potential for development that can incorporate reparation, restoration and reintegration. However it needs to be firmly based on a strong theoretical foundation and utilise the very real strengths of the Community Service Supervisors

James: it is effective but it needs field worker (Supervisors) so to check whether the offender is still complying.

**3(a) Do you think the programs address the real life issues the Parolees/Probationers encounter within the community**

All: Yes

**THEME 3: What do you think are the benefits of community service work to the community?**

Quma: Community Service is a sentence imposed by the Court as a direct alternative to prison and is served by an offender in the community. It can be a standalone order or a requirement of a Probation Order.

Dlangisa: The aim of Community Service is to provide opportunities for participants to make reparation to the local community, for example local schools, charities and community organisations

James: The aim of Community Service is to allow offenders to pay back communities for their crimes by carrying out unpaid work for charities and community organisations or groups.

**Do you think the introduction of Correction supervision law in South Africa has been an effective way of crime prevention**

All: Yes

**THEME 4: Who is most likely to suggest Correction supervision order as a punishment**

Quma: It is always a magistrate who has a mandate to issue that order

**Sopitshi; We are only monitoring the ex-cons when they are release for community s**