

**THE EFFECTIVENESS OF THE PAROLE SYSTEM IN THE  
REHABILITATION AND SOCIAL REINTEGRATION  
OF OFFENDERS  
IN THE EASTERN CAPE:  
MTHATHA COMMUNITY  
(2004-2007).**

**BY**

**AYANDA**

**ZIXESHA**



**A dissertation submitted in partial fulfillment of  
the requirements for the Degree**

**Master of Public Administration**  
*University of Port Harcourt*  
*Together in Excellence*

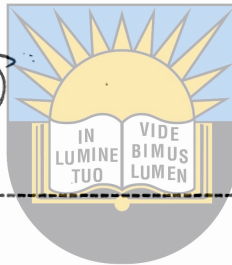
**DEPARTMENT OF PUBLIC ADMINISTRATION  
FACULTY OF MANAGEMENT AND COMMERCE**

**SUPERVISOR: DR THOZAMILE RICHARD MLE**

**SEPTEMBER 2008**

## Declaration

I the undersigned, Ayanda Zixesha hereby declare that this dissertation is my original work and that it has not been submitted, and will not be presented to any other university for a similar or any other degree award.



---

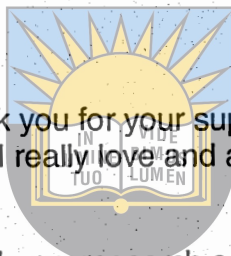
**Signature**

**University of Fort Hare**  
*Together in Excellence*

## Acknowledgements

I wish to express my sincere gratitude to all the people who contributed towards the success of this project, namely:

My Supervisor, Dr T.R. Mle who showed his patience and willingness to help at all times. Thank you for your help, guidance and supervision throughout this research. I am glad it came through.



To my beautiful wife, Zim. Thank you for your support and encouragement. You are indeed God's gift in my life. I really love and appreciate you.

To all my respondents, you made my research so enjoyable. Your contributions added great value to this research. I thank you.

University of Fort Hare  
*Together in Excellence*

UNIVERSITY OF FORT HARE LIBRARY	
ACC. NO.	<u>F001251</u>
BIB NO.	<u>1848 7658</u>
ITEM NO.	<u>2397 1289</u>

## Dedications

I dedicate this project to my grandmother,

Smutu Eleanor Sotaka

My mother,

Midiane Mavis Zixesha

and my father,

Dumalisile Washington Zixesha.



University of Fort Hare  
*Together in Excellence*

## Abstract

This study investigated the effectiveness of the Parole System in the rehabilitation and social reintegration of offenders in the Eastern Cape: Mthatha Community (2004-2007). Parole forms part of the total rehabilitation programme of the offender in correcting offending behaviour. It is an incentive for continuous good behaviour and substantial proof of rehabilitation. Parole is also regarded as an aid at the same time it is a mechanism to manage the risk the offender may pose to the community (White Paper on Corrections in South Africa 2005: 50).

This study used both quantitative and qualitative research approaches to increase the reliability and validity. The instruments used were interviews, questionnaires and literature on the subject matter. The findings of the study were that other offenders are just doing these rehabilitation programmes for the sake of doing them so that they can get parole, after that they forget about them and that is why they relapse to crime. Summary Imprisonment should be resorted to only in extreme cases, where the court has no other alternative, due to the nature and seriousness of the offence. This is also applicable in cases where, the offender has a long list of previous convictions, thereby showing a propensity to commit crime. Such a person is a menace to society and should be kept behind bars.

Correctional officials should monitor that in correctional cells, all offenders must be engaged in rehabilitation programmes. Offenders engaging in gangsterism must be penalized by not being given an amnesty. The Department of Correctional Services has to drastically reduce the number of prisoners so that meaningful rehabilitation programmes can be implemented. All offenders who have been sentenced to less than two years must be sent to community corrections for correctional supervision, not to correctional centres.

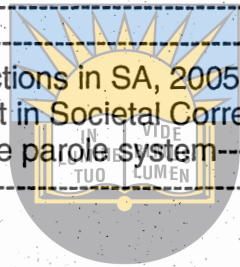
## Table of Contents

Title-----	i
Declaration-----	ii
Acknowledgements-----	iii
Dedications-----	iv
Abstract-----	v
Table of Contents-----	vi-viii
Abbreviations-----	ix
CHAPTER ONE	
1. Introduction-----	1
2. Statement of the problem-----	2
3. Research Objectives-----	3
4. Significance of the study-----	3
5. Literature Review-----	4
5.1 Definition of Parole-----	4
5.2 Correctional Supervision-----	5
5.3 Amnesty-----	5
5.4 Special Remission of Sentence-----	6
5.5 Sentence Expiry Date-----	6
5.6 Day Parole-----	7
5.7 Rehabilitation-----	8
5.8 Social Reintegration-----	9
6. Research Methodology-----	11
7. Delimitation of the study-----	12
8. Ethical Considerations-----	12
9. Conclusion-----	12
CHAPTER TWO	
LITERATURE REVIEW	
2.1 Introduction-----	13



University of Fort Hare  
*Together in Excellence*

2.2 Factors to be considered by the Parole Board-----	13
2.3 The Decision to Parole-----	14
2.4 Parole Hearings-----	15
2.5 Conditions of Parole-----	15
2.6 Revocation of Parole-----	16
2.7 Parole Officers-----	17
2.8 Effectiveness of Parole-----	17
2.9 Manual for members of the Correctional Supervision and Parole Board, 2004-----	19
2.10 The Constitution of the R.S.A, 1996-----	19
2.11 The Department of Correctional Services Act, 1998 (Act 111 of 1998) 19	
2.12 Manual for members of the Correctional Supervision and Parole Board, 2007-----	20
2.13 Recidivism-----	21
2.14 The White Paper on Corrections in SA, 2005-----	22
2.15 The Role of the Department in Societal Corrections	23
2.16 Policy implementation of the parole system-----	26
2.17 Conclusion-----	27



CHAPTER THREE **University of Fort Hare**  
RESEARCH METHODOLOGY *Together in Excellence*

3.1 Introduction-----	30
3.2 Research Design-----	30
3.2.1 Quantitative Method-----	30
3.2.1.1 Characteristics of quantitative research-----	31
(a) Constructs and their measurements-----	31
(b) Causality-----	31
(c) Generalisation-----	32
(d) Replication-----	32
(e) Individual as focus-----	33
3.2.2 Qualitative Research-----	33
3.2.2.1 Characteristics of qualitative research-----	34
(a) The participants' and researcher's perspectives-----	34
(b) Contextualism-----	34
(c) Process-----	35
(d) Flexibility and the use of theories-----	35
3.3 Population-----	36
3.4 Sampling Method-----	36
3.5 Data Collection Method-----	36
3.5.1 Questionnaires-----	37
3.5.2 Interviews-----	38

3.5.3 Literature study-----	38
3.6 Analysis of Data-----	39
3.7 Conclusion-----	40

## CHAPTER FOUR

### RESEARCH FINDINGS AND RESULTS

4.1 Introduction-----	41
4.2 The effectiveness of the Parole System-----	41
4.3 Rehabilitation as a societal responsibility-----	60
4.4 Social Reintegration of offenders-----	63
4.4.1 The phases of Social Reintegration-----	65
(a) Pre-sentence phase-----	65
(b) Incarceration phase-----	65
(c) Persons serving sentences in the community (probationers and parolees)-----	65
(d) Supervision phase-----	65
(e) Preparation for final release phase-----	65
(f) DCS functions in social reintegration-----	66
4.5 Conclusion-----	68



## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

5.1 Introduction-----	70
5.2 Summary of major findings-----	70
5.3 Conclusion-----	72
5.4 Recommendations-----	74

#### Questionnaires

3.5.1.1 Questionnaire A: Open-ended questions for Parolees-----	76
3.5.1.2 Questionnaire B: Open-ended questions for Communities-----	77
3.5.1.3 Questionnaire C: Open-ended questions for Offenders -----	77
3.5.1.4 Questionnaire D: Open-ended questions for Correctional Officials-----	78
3.5.1.5 Questionnaire E: Open-ended questions for Social Workers-----	79
3.5.1.6 Questionnaire F: Open-ended questions for Educators-----	80

6. BIBLIOGRAPHY-----	81
----------------------	----

## Abbreviations

ATD	Awaiting-Trial Detainee
CMC	Case Management Committee
CSPB	Correctional Supervision and Parole Board
DCS	Department of Correctional Services
FBO	Faith Based Organisation
ISS	Integrated Support System
NGO	Non-Governmental Organisation
PAJA	Promotion of Administrative Justice Act
SA	South Africa
SAPS	South African Police Service
SED	Sentence Expiry Date
VOM	Victim-Offender Mediation



## List of Tables

Table 4.2.1 Outcomes of Respondents and their percentages-----	46
Table 4.2.2 Gender Representativity-----	48
Table 4.2.3 Age of respondents-----	49
Table 4.2.4 Parole is a right-----	50
Table 4.2.5 Acceptance of parolees by the society-----	51
Table 4.2.6 Effectiveness of rehabilitation programmes-----	52
Table 4.2.7 Treatment in prison-----	53
Table 4.2.8 Relationships in prison-----	54
Table 4.2.9 Stigmatism in society-----	55
Table 4.2.10 Access or not to healthy food in correctional centres-----	57
Table 4.2.11 Access or not to education in correctional centres-----	58
Table 4.2.12 Access to physical exercise in correctional centres-----	59
Table 4.2.13 Life in correctional centres-----	60

**THE EFFECTIVENESS OF THE PAROLE SYSTEM IN THE REHABILITATION AND SOCIAL RE-INTEGRATION OF OFFENDERS IN THE EASTERN CAPE: MTHATHA COMMUNITY. (2004-2007).**

**CHAPTER 1.**

UNIVERSITY OF FORT HARE  
ALICE LIBRARY  
PRIVATE BAG X1322  
ALICE 6700

**1. INTRODUCTION**

Parole refers to a period whereby an offender who has served the prescribed minimum detention period of his or her sentence in a Correctional Centre, is conditionally released to serve the remaining sentence in the community under the supervision and control of the Department of Correctional Services. (Manual for Parole board members 2007: 15).

Parole placement is subject to certain conditions until the expiry of the full sentence. Whilst on parole in the system of Community Corrections offenders are referred to as "Parolees". Parole is a privilege and not a right.

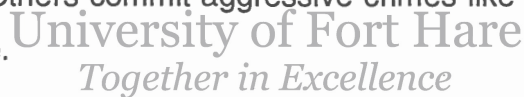
Parole forms part of the total rehabilitation programme of the offender in correcting offending behaviour. It is an incentive for continuous good behaviour and substantial proof of rehabilitation. Parole is also regarded as an aid to the social reintegration of the offender and at the same time it is a mechanism to manage the risk the offender may pose to the community (White Paper on Corrections in South Africa 2005:50).

The Correctional Supervision and Parole Board is an independent body that has certain recommendation and decision –making competencies. The primary task of the Board is directed at the responsible consideration and approval/disapproval of placement of offenders under correctional supervision/on day parole/parole and medical grounds. In addition, the Board also approves the allocation of special remission of sentence for meritorious conduct.

The primary purpose of the correctional system is to enforce the sentences of the courts and as such sentences of imprisonment remain valid until they expire. This does not imply that an entire sentence of imprisonment must be served in the correctional centre. Part of the sentence may be served in the community under the supervision of officials of the Department of Correctional Services. Persons can also be placed under correctional supervision by the court as an alternative to imprisonment.

## **2. STATEMENT OF THE PROBLEM**

The current Parole system in the Mthatha communities is cause of concern because of the behaviour of ex-offenders after they have been given the parole. These ex-offenders violate the parole conditions and come back to the correctional centres. Others commit aggressive crimes like rape and murder and this poses a challenge.



The recurring violation of parole conditions by parolees worries the Mthatha communities and raises some concerns that need serious consideration and attention and which constitute the following research questions:

- 2.1 Is there any necessity for offenders to be given a parole?
- 2.2 Is there a need for rehabilitation and social reintegration programmes whilst the offenders are in correctional centres?
- 2.3 Why it is some "Parolees" do not take advantage of the parole opportunity afforded?

### **3. RESEARCH OBJECTIVES**

The objectives of the study are as follows:

- 3.1 Determine if the behaviour of offenders on parole is in conflict with social norms in the community.
- 3.2 Find out whether the rehabilitation programmes which the offenders receive whilst in correctional centres equip them well enough to integrate into society and meet societal needs and expectations.
- 3.3 Find out whether there is a shortage of employees in the correctional centres as compared to the number of offenders to be rehabilitated.
- 3.4 Propose strategies to ensure that parolees take advantage of the parole system and mend their ways.

### **4. SIGNIFICANCE OF THE STUDY**

University of Fort Hare

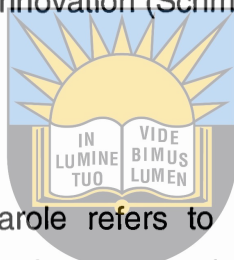
*Together in Excellence*

- 4.1 The study will add value to the existing literature on the parole system in South Africa.
- 4.2 It will inform correctional managers of the good and short comings of the rehabilitation programmes.
- 4.3 The study will provide answers to some of the unanswered questions for example why some “parolees” do not take full advantage of the parole system.
- 4.4 Lastly the significance of the study is that it will provide information on how the Mthatha communities can benefit, in terms of service delivery, from the parole system.

## **5. LITERATURE REVIEW**

Various books, Acts and the Constitution 1996 towards the literature of parole system have been consulted. The study is underpinned towards ethics such as corruption and accountability.

The use of parole was introduced in New York State and began with Elmira Reformatory in 1876. Parole was a much heralded tool of the nineteenth-century corrections, whose advocates had been looking for a behavioural incentive to induce reformation among youth offenders. Parole, through its promise of earned early release, seemed the ideal innovation (Schmallegger 1993:385).



### **5.1 Definition of Parole**

Reid (2006:574) writes that Parole refers to the release of offenders from Correctional facilities after they have served part of their sentences. It is distinguishable from unconditional release in that conditions are imposed on the parolee's behaviour and usually the parolee is placed under supervision.

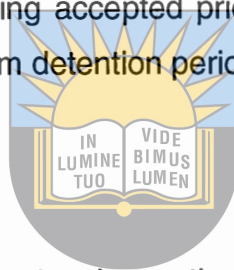
According to Schmallegger (1993:376) the term Parole is the supervised early release of inmates from correctional confinement. Parolees have already served part of their sentence in prison, being released upon determination by a paroling authority that they are ready for a safe return to community life. Parole is a correctional strategy whose primary purpose is to return offenders gradually to productive lives. Parole makes early release possible and thus acts as a stimulus for positive behavioural change.

Smith et al. (1988:23) write that Parole is the conditional release, usually by a board of parole, of an inmate from a penal or reformatory institution after he/she has served part of the sentence imposed upon him.

Reid, Schmalleger and Smith define parole more or less the same but do not take the process to its logical conclusion and explain the after effects of parole on the offender and the communities. In this regard, the writers fall short.

In terms of the White Paper on Corrections in South Africa (2005:88), parole is not a right, it is a privilege. Parole is the period whereby the offender is conditionally released to serve the remainder of a sentence in the community until the expiry of the full sentence. Parole is being performed under the supervision and control of the Department of Correctional Services. Parole is subject to certain conditions being accepted prior to release. An offender must complete the prescribed minimum detention period of sentence.

## **5.2 Correctional Supervision**



Correctional Supervision is a sentencing option exercised by the court and is served within the community. This sentencing option can be imposed where a person must firstly serve a portion of the sentence in a Correctional Centre or is admitted directly into the Community Corrections system from court. These offenders are referred to as probationers who are subject to the rendering of community service and compliance with set conditions whilst in the system of Community Corrections. (Manual for the members of the Correctional Supervision and Parole Board 2004:15).

## **5.3 Amnesty**

The granting of amnesty is the prerogative of the President vested in him in terms of the Constitution, 1996 and is usually allocated on special occasions/events. Amnesty is a sentence reduction and the terms and conditions are determined by the President. In this regard the Department of Correctional Services must comply with the administrative steps as specified in the presidential decree.

## **5.4 Special Remission of Sentence**

The Correctional Service Act 111 of 1998 (Section 80) makes provision that the Correctional Supervision and Parole Board may allocate special remission of sentence to an offender where he/she has acted highly meritoriously. This special remission of sentence is not a reduction of sentence and can only be deducted from the parole period and not from the non-parole period. It has no effect on the minimum detention period. If special remission of sentence has no effect on the offender's term of imprisonment such as life imprisonment, a monetary reward may be allocated.

Only a Parole Board may allocate special remission of sentence in terms of section 80, even for offenders serving sentences of 12 months or less (Department of Correctional Services Act, 1998).

University of Fort Hare  
*Together in Excellence*

## **5.5 Sentence Expiry Date**

This is the date when the total determinate sentence expires after amnesty and/or special remission of sentence has been deducted from the maximum date. That is, the release of the offender occurs at the expiry of his or her total sentence. This is also known as unconditional release.

Unconditional release should be seen as a last resort and should be the exception rather than the rule to keep certain offenders out of the community for as long as possible. It is not the ideal because there is no control/supervision over this category of releases with the result that risk cannot be managed by the DCS. Due to economical and social problems experienced in some areas it is unfortunately not always possible to place all offenders out on parole. (Manual for members of the Correctional Supervision and Parole Board 2007:17).

## 5.6 Day Parole

Day Parole is a placement option which is mainly used as a management mechanism normally preceding the parole phase to gradually assist an offender to be released into the community on his/her own responsibility under controlled circumstances.

However, day parole can be utilised as a placement option which does not have to go into parole and an inmate may stay a day as a parolee until sentence expiry. The purpose of day parole is to provide a transition period to offenders who serve long sentences in an attempt to neutralize the effects of institutionalisation; assist them with strengthening support system, obtain employment and residence; and as a risk management measure to ensure integration back into the community whilst still having control and supervision over the offender.



University of Fort Hare  
*Together in Excellence*

Day Parole works on the basis that the offender is accommodated in special accommodation at a Correctional Facility but outside the Correctional Centre. This is however not always practical and in some instances these day parolees are detained inside the institution but separate from other offenders as far as possible. (Manual for members of the Correctional Supervision and Parole Board).

During the day the offender may be left in the community on his own, normally from 06.00 until 18.00 to obtain employment, work or for other purposes not conflicting with his conditions. During this period he/she has to adhere to certain specified conditions and is subject to monitoring by Department of Correctional Services officials. During the period after 18.00 to 06.00 the offender must stay in the accommodation provided by the DCS. (Manual for members of the Correctional Supervision and Parole Board 2007:20).

## **5.7 Rehabilitation**

Rehabilitation seeks to bring about fundamental changes in offenders and their behaviour. This is done through education and psychological treatment to reduce the likelihood of future criminality (Schmalleger 1993:340).

According to the White Paper on Corrections in South Africa (2005:128), rehabilitation is a process that has to address the specific history of the individual concerned in order to be successful. Moreover, it requires the positive commitment and voluntary participation of the individual, as it is a process that others can facilitate, but cannot succeed without the commitment of the individual. Rehabilitation cannot be complete or sustainable without restoration of the offender within the community. Restoration must be applicable throughout the criminal justice system, from the point of arrest, during the trial and ultimately throughout incarceration. During the trial stage the court could impose a sentence of community service.

Community service is productive work related to the aim of correcting the behaviour of offenders to the benefit of affected communities. Restorative community service provides an opportunity for the offender to make amends to the community in a way that is valued by the community.

The community service experience allows the offenders to create new, positive relations with members of the community and thus the fabric of the community is strengthened. The process also enhances the offender's investment in the community.

Offenders having served a predetermined time in a correctional centre become eligible for parole under community corrections supervision. This is done on the basis that the offender will comply with set conditions, including continued

participation in correctional and development programmes. (White Paper on Corrections in South Africa 2005:83).

### **5.8 Social Reintegration**

Social reintegration prepares offenders to be received by and reintegrated into their communities of origin whilst on parole or under community correctional supervision. (Manual for the members of the Correctional Supervision and Parole Board 2004:21).

According to the White Paper on Corrections in South Africa (2005:140), social reintegration as the most challenging aspect of rehabilitation is crucial to combating recidivism. In the Department of Correctional Services, social reintegration is an integral component of the sentence plan that must become part and parcel of case management. The period of incarceration should be used to nurture and rebuild the relationship between the offender, the community and society at large. The Department of Correctional Services intends using the term “after-care” to describe its services aimed at promoting the effective social integration of offenders back into their communities of origin.

According to N. Ramadikela in South African Corrections Today, (September/October 2007:14), social reintegration is the process of facilitating the return and effective readjustment of offenders into their communities after being released from correctional facilities. As part of the department’s strategy to facilitate their reintegration there is a need to promote the concept of acceptance by the community. Social reintegration aims to, among others, prepare offenders for being received by and reintegrated into their communities whilst on parole or under community correctional supervision.

It maps the offender’s rehabilitation path from admission to release through interventions as outlined in the correctional sentence plan. It ensures sustainable

correction and rehabilitation through an integrated support system by mobilising the community as partners in the rehabilitation process.

It creates opportunities for restoration by rebuilding and nurturing relationships between offenders and their families, victims, communities and society at large.

Social reintegration does not start once offenders leave the correctional centre, or at the point that they leave the care of the Department of Correctional Services. The preparation for reintegration starts when an offender is admitted into correctional care and continues throughout the time the offender spends in correctional facilities.

Social reintegration is central to rehabilitation. The concept involves a variety of services and is not limited to those rendered by the Community Corrections Offices but also includes providing court assessment reports, social work services, some psychological services, random and occasional physical monitoring of offenders, tracing of absconders and corrective measures upon violation and referrals.

Social reintegration further aims to ensure sustainability of rehabilitation and as such provides the second chance to individuals in realising their potential and exercising available options to live as productive citizens. It is therefore a multi-sectoral programme reliant on services from other government department, Non-Governmental Organisation, Faith Based Organisation and family involvement in the life of the offender.(White Paper on Corrections in South Africa 2005).

Social reintegration aims to strengthen the support system for offender's reintegration into the community by involving other role players. This entails maintaining Integrated Support System that will sustain rehabilitation, maintain and offer employer opportunities, build families, and enable access to support services. It will also assist in combating recidivism.

The relationships between the Department, the community and organisations are inherent to the successful achievement of rehabilitation and reintegration. The Department's methodology should strengthen the role that offenders play in building these relationships. The involvement of the community in the correctional system, through representation on Correctional Supervision and Parole Boards and their involvement in joint projects must be guided by the approach to rehabilitation that the department has enshrined in the White Paper on Corrections.

## **6. Research Methodology**



There are two types of methods when conducting research namely, Quantitative and Qualitative research approaches.

6.1 Quantitative research requires that the data collected be expressed in numbers (it can be quantified), as the type of research design will be influenced by many factors. The most common methods used to conduct quantitative research are exploratory, descriptive, experimental and quasi experimental (Struwig 2004:41)

6.2 Qualitative research reflects certain approaches to knowledge production; this type of the research commonly uses qualitative data. Qualitative data refers to any information that the researcher gathers that is not expressed in numbers . Qualitative data includes information such as words, pictures, drawing, painting, photographs, films, videotapes, music and sound tracks (Leedy 2005: 161).

This study will use both quantitative and qualitative research approaches. The instruments that will be utilised in this research are the following:

1. Interviews.
2. Questionnaires.
3. Literature on the subject matter.

Because of the size of the Correctional centre which is situated in Mthatha, these research approaches will be used both to increase reliability and validity. There would be about 50 questionnaires that will be compiled and be sent to 10 offenders, 10 correctional officers, 10 community members, 10 parolees, 5 social workers and 5 educators. Since the answers of the respondents will be different when analysing data, the study will check for weaknesses and strengths and be able to draw a conclusion.

### **7. Delimitation of the Study**

The study will focus on the Eastern Cape Mthatha Community where the community correctional centre is located and where there have been a number of parolees.



### **8. Ethical Considerations**

University of Fort Hare  
*Together in Excellence*

All the information that would be gathered in this study would be treated with respect for the values of the respondents including confidentiality and no information would be disclosed, unless with permission. Also the information from the Department of Correctional Services would be dealt with in terms of the Code of Conduct of the Department.

### **9. Conclusion**

This chapter helps the researcher to understand exactly what is going to happen in the following chapter. It has given the picture of how the research is all about and how it will be conducted namely, Introduction, Statement of the Problem, Research Objective, Significance of the Study, Literature Review, Research Methodology, Delimitation of the Study, Ethical Consideration and Conclusion. Chapter two will deal with the literature review.

## **CHAPTER 2: LITERATURE REVIEW.**

### **2.1 Introduction**

Various books, Acts and other pieces of legislation relating to the parole system have been consulted. The study is underpinned by the ethics theory with specific reference to corruption and accountability.

The concept of parole will be explained further under the following subheadings; Definition of Parole, The Decision to allow Parole, Parole Hearings, Conditions of Parole, Revocation of Parole, Parole Officers , Effectiveness of Parole, Manual for the members of the Correctional Supervision and Parole Board,2004, The Constitution of the R.S.A, 1996, The Department of Correctional Services Act, 1998(Act 111 of 1998), The Manual for members of the Correctional Supervision and Parole Board, 2007, Rehabilitation, The White Paper on Corrections in South Africa, 2005 and Social Reintegration. The above literature and definitions will provide an understanding of the concept of parole and the parole system.

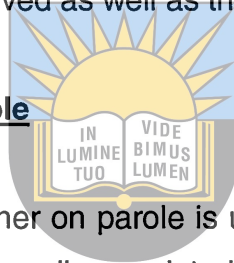
### **2.2 Factors to be considered by the Parole Board**

The Correctional Supervision and Parole Board must function and consider cases in accordance with the provisions of section 73, 74 and 75 of the Correctional Services Act, 1998. Specific attention must be given to the type of crime committed, the length of the sentence and the gravity thereof must be counterbalanced with other factors for consideration, including circumstances surrounding the committing of crime rather than the crime itself.

The primary issue is to at all times evaluate offenders justly for possible parole placement and to take well-based decisions. The highest possible form of professionalism must be practiced when dealing with each case.

In a case such as drug trafficking, it must be known what the value and the mass of the drugs were and what the intended use of the drugs was. A police report (form SAP 62) plays a vital role in all cases considered whether it be aggressive, sexual or economical offences. The remarks of the presiding magistrate or judge also play a vital role in the consideration process. There must be consistency with regard to similar cases that appeared before the Board and especially where syndicate crimes were committed. In all cases of violence or sexual offences irrespective of the length of the sentence, the Correctional Supervision and Parole Board must take into account the degree of aggression, the type of weapon used, accomplices involved as well as the age of the victim(s).

### **2.3 The Decision to allow Parole**



The authority to release a prisoner on parole is usually vested in a parole board made up of respected citizens, usually appointed by the governor of the state. To provide professional input, governors have favoured doctors, lawyers, educators and psychologist in their appointments.

Members of the parole board serve for terms that range from two years to life. The average term is six years. In some jurisdictions, the terms of the board members are staggered. Traditionally it has been the function of the parole board to determine when the parole term is completed and to discharge a person from parole and aid, supervise, and provide continuing control of parolees in the community. If violation of conditions of parole occurs, the board determines whether parole revocation should take place. (Reid 1996:323).

## **2.4 Parole Hearings**

Members of the parole board meet to decide which prisoners will be granted parole at a parole hearing. Hearings are held in camera, meaning they are closed to the public, usually at penitentiaries, with only prisoners, attorneys, and witnesses in attendance. At the hearing, the board reviews information from many sources. The board thoroughly reviews a prisoner's file, which includes work reports from correctional officers, psychiatrists' reports on the readiness of the prisoner for release into the community, remarks the judge made at the time of sentencing, and, in some jurisdictions, statements submitted by victims of the crime. The prisoner may then be summoned to the hearing to argue why he or she is ready for release.

Parole boards are often faced with the difficulty of preferring to keep an inmate imprisoned, even though the individual is eligible for parole. Such a case may attract nationwide publicity because of the notoriety of the crime, for example Arthur Jackson, who attempted to kill the actress Theresa Saldana, the case of Sirhan Sirhan, the assassination of Robert F. Kennedy or the case of Charles Manson (and his followers) who massacred actress Sharon Tate and others. In many cases parole is strongly opposed by victims or victims' families, or by police groups, which routinely oppose the paroling of murderers of police officers (Smith et al 1996:323).

## **2.5 Conditions of Parole**

In terms of the Correctional Services Act 1998 (Act 111 of 1998) (Section 74) inmates granted paroles are released into the community under supervision. As a prerequisite to release, the inmate must sign an agreement to adhere to the parole condition rules that prohibit, demand or encourage certain behaviour on the part of the parolee. The rules are meant to prevent the person from getting into trouble. Common conditions include abstinence from alcohol and drugs,

restrictions on the people with whom the parolee can associate, the curfew restrictions, and the prohibition against frequenting places the parole board deem a threat to the parolee's lawful behaviour. Usually, the parolee is required to report at frequent intervals to a parole officer and to notify the officer of any changes in place of residence or employment.

## **2.6 Revocation of Parole.**

According to Smith et al (1996:323) technically still under the control of the corrections department while living in the community under contract the parolees traditionally were returned to prison with few formalities when they violated the conditions of their contract. But since 1972, the procedures for revocation of parole have undergone major changes. In a landmark decision that changed parole agency procedures nationwide, the Supreme Court outside the Santa Monica mandated that the Fourteenth Amendment (violation of parole) requirement of due process of law applies to parole revocation proceedings. While the Court did not call for the full range of rights due to a defendant in a criminal proceeding, it set up procedural guidelines that States must follow before revoking an offender's parole.

Violation of parole conditions can be of two types namely commission of another crime or technical violation of a condition, such as breaking a curfew, leaving the jurisdiction, frequenting an off-limits place, or drinking alcohol. While commission of another crime may appear to be the major factor influencing decisions to revoke parole, studies reveal that two-thirds of all parolees released by decision of the parole board, along with one-half of the mandatory releases, were returned to prison for technical violations of the conditions of their releases. The parole revocation process, it appears, cannot be fully understood without examining the strong influence of technical violations.

## **2.7 Parole Officers**

At the time of release, the parolee is assigned to a parole officer who is responsible for monitoring the parolee's activities and for providing him or her with help in readjusting to life in the community. This dual role makes the parole officer both a cop and a social worker. In the police officer's role the parole officer has the duty to restrict the parolee's activities, to detect violations, to make an arrest, and to initiate revocation proceedings. As a social worker the parole officer has to assist the parolee with adjustment and lend a helping hand when he or she is about to stumble. It is not easy to play both roles. A considerable body of research has tried to unravel the conflict between the roles to find practical solutions to the parole officer's predicament. (Smith et al 1996:332).

## **2.8 Effectiveness of Parole**

Parole effectiveness rates have never been great. In 1990 only 45% of parolees had completed their terms successfully in the U.S.A. The high failure rate is not the only reason parole has come under attack in recent years. Firstly parole is supposed to be a reward for rehabilitation in prison, yet prisons are generally not known for rehabilitating inmates. Thus prisoners are denied a reward because of the prison's failure. Secondly the parole system has long been plagued by questions about the validity of the criteria used by parole boards in making parole decisions.

Though nineteen jurisdictions (places where parole system took place) have had guidelines for such decisions since federal guidelines were introduced in U.S.A in 1973, parole decision-making nevertheless remains a mysterious and seemingly arbitrary process. Moreover, the system is subject to political manipulation and lobbying. For example, the governor may put pressure on the parole board to grant more releases when prisons are overcrowded. Lobbyists may exert pressure against a parole decision when a notorious inmate comes up for parole.

Parole, like probation, depends for its success on assistance and supervision. Yet case loads are so great that such assistance is usually not available. There is also the challenge of changing release criteria every time the composition of the parole board changes.

Some scholars argue persuasively for the abolition of parole. The decision to release an offender, they argue, should not be based on questions for treatment or likelihood of offending again rather, prison time should be correlated with a degree of responsibility for the current offence. Some jurisdictions have terminated discretionary releases by parole boards and substituted these with mandatory release, either through determinate sentencing or parole guidelines. Some jurisdictions use both methods and some have returned to the good time system.

The good time system entails a procedure by which the length of the sentence is shortened by specific periods if the prisoner performs in accordance with the expectations of prison authorities. There may be many risks, especially to public safety, in the good time system, and much has to be learned about it before it can be considered an effective mechanism for alleviating prison overcrowding. One survey from the 1980's found strong public approval for the use of "good time" and community-based corrections. Construction of more prisons received only moderate support, and shortening sentences and increasing parole boards were disapproved. (Smith **et al**1996:324).

**2.9 Manual for members of the Correctional Supervision and Parole Board, 2004**

Correctional Supervision is a sentencing option exercised by the court and is served within the community. This sentencing option can be imposed where a person must firstly serve a portion of the sentence in a Correctional Centre or is admitted directly into the Community Corrections system from court. These offenders are referred to as probationers and are subject to the rendering of community service and compliance with set conditions whilst in the system of Community Corrections. (Manual for members of the Correctional Supervision and Parole Board 2004:15).



**2.10 The Constitution of the R.S.A, 1996.**

The granting of amnesty is the prerogative of the President vested in him in terms of the Constitution, 1996 (Section 84) and is usually allocated on special occasions/events. Amnesty is a sentence reduction and the terms and conditions are determined by the President. In this regard the Department of Correctional Services must comply with the administrative steps as specified in the presidential decree.

**2.11 The Department of Correctional Services Act,1998(Act111 of 1998)**

The Department of Correctional Services 1998,( Act 111 of 1998) (Section 80) makes provision that the Correctional Supervision and Parole Board may allocate special remission of sentence to an offender where he/she has acted highly meritoriously. This special remission of sentence is not a reduction of sentence and can only be deducted from the parole period and not from the non-parole period. It has no effect on the minimum detention period. If special remission of sentence has no effect on the offender's term of imprisonment such as life imprisonment, a monetary reward may be allocated.

Only a Parole Board may allocate special remission of sentence in terms of section 80, even for offenders serving sentences of 12 months or less (Department of Correctional Services Act, 1998).

### **2.12 Manual for members of the Correctional Supervision and Parole Board, 2007.**



The Manual for Members of the Correctional Supervision and Parole Board, 2007 talks to the sentence expiry date.

This is the date when the total determinate sentence expires after amnesty and/or special remission of sentence has been deducted from the maximum date. That is, the release of the offender occurs at the expiry of his or her total sentence. This is also known as unconditional release.

Unconditional release should be seen as a last resort and should be the exception rather than the rule to keep certain offenders out of the community for as long as possible. It is not the ideal because there is no control/supervision over this category of releases with the result that risk cannot be managed by the DCS. Due to economical and social problems experienced in some areas it is unfortunately not always possible to place all offenders out on parole. (Manual for members of the Correctional Supervision and Parole Board 2007:17).

The manual also talks to day parole which is a placement option mainly used as a management mechanism normally preceding the parole phase to gradually assist an offender to be released into the community on his/her own responsibility under controlled circumstances.

However, day parole can be utilised as a placement option and an inmate may stay a day as a parolee until sentence expiry. The purpose of day parole is to provide a transition period to offenders who serve long sentences in an attempt to neutralize the effects of institutionalisation, assist them with strengthening support system, and obtain employment and residence and as a risk management measure to ensure integration back into the community whilst still having control and supervision over the offender.

Day Parole works on the basis that the offender is accommodated in special accommodation at a Correctional Facility but outside the Correctional Centre. This is however not always practical and in some instances these day parolees are detained inside the institution but separate from other offenders as far as possible.

During the day the offender may be left in the community on his own, normally from 06.00 until 18.00 to obtain employment, work or for other purposes not conflicting with his conditions. During this period he/she has to adhere to certain specified conditions and is subject to monitoring by DCS officials. During the period after 18.00 to 06.00 the offender must stay in the accommodation provided by the DCS. (Manual for members of the Correctional Supervision and Parole Board 2007:20).

### **2.13 Recidivism**

Rehabilitation has been broadly defined as the results of any social or psychological intervention intended to reduce an offender's potential future criminal activity. By this standard, the true test of success is non-involvement in crime following participation in an intervention program. Criminologists examine recidivism data for those who have and have not been exposed to intervention programs.

Recidivism refers to repeated or habitual relapses into criminal behaviour and it may be measured by rates of re-arrest, reconviction, or reimprisonment. Supporters of rehabilitation hope to see lower recidivism rates for those who have been in rehabilitation programs. The three types of programs used most frequently are psychological (psychotherapy and behaviour therapy), educational and vocational.

Innovative rehabilitation programs usually start with great enthusiasm, but typically fail to produce results. The most devastating evaluation was that by Douglas Lipton, Robert Martison, and Judith Wilks, published in 1975, proclaiming that nothing works. As a result of these studies, the treatment philosophy was discredited, programs were dismantled, and the vacuum in corrections was filled by the just-deserts approach.

Some criminologists who subsequently scrutinized Martinson's evaluations found them methodologically flawed. Martinson himself later confirmed that some programs have had some success in curbing recidivism.

After a thorough review of treatment programs initiated between 1981 and 1987, researchers concluded that it is downright ridiculous to say nothing works. An analysis of biomedical, diversion, family intervention, education, get-tough, and work programs gives reason for hope. The expectation that appropriate rehabilitation efforts may yield some success in curbing recidivism rates has thus been rekindled, and the rehabilitation approach has been reborn. (Reid 1996:319).

#### **2.14 The White Paper on Corrections in South Africa, 2005**

Rehabilitation seeks to bring about fundamental changes in offenders and their behaviour. This is done through education and psychological treatment to reduce the likelihood of future criminality (Schmallegger 1993:340).

According to the White Paper on Corrections in South Africa 2005, (2005:128), rehabilitation is a process that has to address the specific history of the individual concerned in order to be successful. Moreover, it requires the positive commitment and voluntary participation of the individual, as it is a process that others can facilitate, but that cannot succeed without the commitment of the individual. Rehabilitation cannot be complete or sustainable without restoration of the offender within the community. Restoration must be applicable throughout the criminal justice system, from the point of arrest, during the trial and ultimately throughout incarceration. During the trial stage the court could impose a sentence of community service.

Community service is productive work related to the aim of correcting the behaviour of offenders to the benefit of affected communities. Restorative community service provides an opportunity for the offender to make amends to the community in a way that they will value.

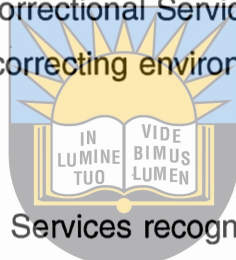
The community service experience allows the offenders to create new, positive relations with members of the community and thus the fabric of the community is strengthened. The process also enhances the offender's investment in the community.

Offenders having served a predetermined time in a correctional centre become eligible for parole under community corrections supervision. This is done on the basis that the offender will comply with set conditions, including continued participation in correctional and development programmes. (White Paper on Corrections in South Africa 2005:83).

### **2.15 The Role of the Department in Societal Corrections**

According to the White Paper on Corrections in South Africa (2005:65), the Department of Correctional Service's perspective on corrections provides the fundamentals for its new strategic redirection. It is based on the ideals contained

in the South African Constitution that asserts that all South Africans should contribute to maintaining and protecting a just, peaceful and safe society in the country. This must be done by upholding the law and justice system and promoting the social responsibility and human development of all citizens. It is therefore the approach of the South African government that correction is inherent in good citizenship. The new strategic direction, towards making a fundamental contribution to correction in South Africa, incorporates a profound understanding of where the Department of Correctional Services fits into the corrections framework. The strategic framework also incorporates the important notion that the Department of Correctional Services is but one crucial role-player in creating, and maintaining, a correcting environment for South Africa's children and youth.



The Department of Correctional Services recognises the family as the basic unit of society. The family is also the primary level at which correction should take place. The community, including schools, churches and organisations is the secondary level at which corrections should take place. The state is regarded as being the overall facilitator and driver of corrections, with the Department of Correctional Services rendering the final level of corrections. The successes in crime-prevention and rehabilitation are intimately connected to how effectively the government is able to address the anomalies in South African families that put people at risk with the law at the primary level, that is family level.

Correction is therefore not just the duty of a particular department, it is the responsibility of all social institutions and individuals (starting within the family and educational, religious, sport and cultural institutions), and a range of government departments. It is only at that final point at which the society has failed an individual, where the criminal justice system and the Department of Correctional Services step in. It is also for this reason that the Department of Correctional Services needs the cooperation of other government departments, community based organisations and non-governmental organisations.

Collectively there is a need to ensure that all stakeholders contribute to the betterment of the circumstances of families and communities. The challenge that this poses is to develop mechanisms to strengthen families and to empower communities to ensure that South Africans can realise the all-important objective of crime prevention through rehabilitation. The Department's view on corrections also flows from the need to regenerate the moral fibre of the South African society. In this regard, the work of the Social Cluster of Government in strengthening the social cohesion and promoting social justice, marks proactive steps to effectively deal with the moral degeneration of the South African society. The Department of Correctional Services believes that the moral regeneration drive will be a major contributing factor to the efforts that the Department is engaged in of cultivating moral values within those already convicted.

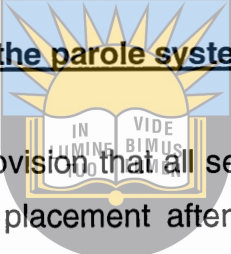
The creation of an environment in which offenders are encouraged to discard negative and destructive values and replace them with positive and constructive values can be said to be core business of the Department of Correctional Services. This approach has started to assume a key role in the provision of correctional services in South Africa. All departmental programmes are designed specifically to support a regeneration of morality for those who have strayed from the accepted norms and values of society. This marks a major paradigm shift, turning prisons from centres of punishment to centres that provide an environment that fosters moral/spiritual regeneration.

Moral regeneration and promotion of the ethics enshrined in the Constitution, 1996 requires that special attention be paid to the creation of an environment that allows for self-discipline, social independence, ongoing family support and community support as well as reintegration of offenders into a substantially transformed community. It is the vision of the correctional system, that by the time offenders are released into society, they will have developed an attitude of desiring to serve their families and society with competence, excellence and responsibility. However, without general moral regeneration and social crime

prevention within broader society, the trigger factors for recidivism are likely to come to play.

The promotion of the spirit and practice of goodwill and sincere interaction between offenders and their community and family, and within the correctional centre community, is a vehicle through which rehabilitation can be promoted. The involvement of inmates in caring for their communities within the correctional centre environment, in taking responsibility for their fellow inmates and their families, are stepping-stones to the reintegration of these individuals into a society equipped to strengthen the moral fibre of society.

### **2.16 Policy implementation of the parole system**



In principle legislation makes provision that all sentenced offenders qualify to be considered for possible parole placement after they have served a specified minimum period of detention. This is an automatic process which occurs once an offender has served the prescribed minimum detention period. Section 73 and 136 of the Correctional Service Act (111 of 1998) determines the minimum periods of sentence that must be served before consideration may be given to possible placement. Also it is the duty of the Case Management Committee to explain the specifics regarding the sentence and minimum detention of the offender.

Section 136 of the Act stipulates that all offenders in the system prior to the enactment of the new Act on 1<sup>st</sup> October 2004 must be dealt with in accordance with the release policy applicable before the enactment of the Correctional Service Act, 1998. This implies that an offender has to be considered for possible placement as soon as he/she has completed the minimum detention period. For those serving determinate sentences consideration will take place once 1/3 of the sentence has been served, habitual criminals once 7 years has been served and in the case of a lifer upon completion of 20 years.

## **2.17 CONCLUSION**

The system of parole in South Africa has often been severely criticized based on the perception that it constituted administrative interference with sentences of imprisonment passed by courts of law. Although the system of parole is an internationally accepted practice aimed at managing the conduct of offenders by providing incentives for good behaviour and co-operation and also to allow for a controlled transitional period between imprisonment and normal community life, the system in South Africa was accused of not being transparent, that is it lacked independence in decision making.



It is against this background and capitalizing on the opportunity to amend legislation in accordance with the fundamental principles of democracy instilled in the Constitution post 1994, that the Department introduced new legislation in 1998. The new legislation allows for the establishment of a transparent and fair parole system with the inclusion of key stakeholders outside of the Department in the decision making process.

In principle legislation makes provision that all sentenced offenders qualify to be considered for possible parole placement after a certain period of the sentence has been served. The fact that an offender is eligible for parole does not mean that parole will automatically be granted and cannot be regarded as a right offenders may lay claim to. The possible parole placement or conversion of sentence of each offender is considered individually on own merit in order to determine the most appropriate stage for placement. The Correctional Service Act, 1998 determines the minimum periods of sentence the various categories of offenders must serve before consideration may be given to their possible placement into the Community Corrections system. This implies that an offender does not have to apply for placement but that an administrative process is

activated by the Department, more specifically the Case Management Committee (CMC) once the offender reaches the consideration date.

The CMC compiles a report prescribed by Section 42 of the Correctional Service Act, 1998 and submits this report together with recommendations to the Parole Board. In the South African system, a number of community based Parole Boards country-wide have been established to take decisions on the placement/release of offenders. Each Parole Board consists of 4 members from the community, one being the Chairperson and one the Vice Chairperson, both appointed on a full time basis on a 5 year contract. The other two community members are employed part time and are paid sessional allowances. In addition, one member of the Department of Correctional Services and the Department of Justice and Constitutional Development are also invited and when present form part of the official constitution of the Board. The functioning of the Parole Board are regulated in terms of the Correctional Service Act, 1998 but functions independently in terms of its decision-making competency.

When consideration is given to the release of an offender, the Parole Board must consider all information presented to them including the inputs from the representatives of SAPS and/ or Justice, representation by the complainant/victim (if any), as well as the offender's representation on the recommendation of the CMC. The application of the *audi alterem partem* rule and the rules of natural justice is of absolute importance and forms the foundation on which the Parole Board functions.

Although the decision of the Parole Board is final the Minister or the Commissioner may refer any decision of a Parole Board to the Correctional Supervision and Parole Review Board (Review Board). The Review Board may then either confirm the decision of the Parole Board or take any other decision as they see fit. Technically an offender, or any other affected party cannot refer a matter to the Review Board if they are not satisfied with the

decision of the Parole Board. However, any affected party may after providing a properly motivated ground for possible review request that the Commissioner or Minister consider referring the matter to the Review Board. Their decision in such an instance is final and if an affected party is still not satisfied with the decision of the Parole Board/Minister/Commissioner they may approach a court with a motion application.

Chapter three deals with the research methodology.



University of Fort Hare  
*Together in Excellence*

## **CHAPTER 3: RESEARCH METHODOLOGY**

### **3.1 INTRODUCTION**

The previous chapter focused mainly on the literature review of the parole system towards rehabilitation and social reintegration. This chapter focuses on the types of methods used to conduct the research. The chapter identifies the instruments used to collect the data, discusses the research design, population, the sample and sample procedures, how the interviews will be conducted and how the questionnaires will be administered as well as data analysis.

### **3.2 Research Design**



C.Nachmias and D. Nachmias (1987:75) define research design as the program that guides the investigator in the process of collecting, analyzing and interpreting observations. It is a logical model of proof that allows the researcher to draw inferences concerning causal relations among the variables under investigation. The research design also defines the domain of generalizability, that is, whether the obtained interpretations can be generalized to a larger population or to different situations. The study will utilize both the quantitative and qualitative research methods.

#### **3.2.1 Quantitative Method**

Quantitative research is a form of conclusive research involving large representative samples and fairly structured data collection procedures. A primary role of quantitative research is to test hypothesis. A hypothesis is a proposition (or statement) regarding the relationship between two or more variables (phenomena) and a hypothesis can be tested (Struwig and Stead 2004:04).

### **3.2.1.1 Characteristics of quantitative research.**

The following are the characteristics of quantitative research:

(a) Constructs and their measurement.

Quantitative research examines constructs (variables) which are based on the hypothesis derived from a theoretical scheme. It normally gives a theoretical account of how constructs are derived. Constructs, however, are the central focus in quantitative research. To conduct quantitative research the constructs studied must be measured. The measurement of constructs tends to be undertaken through the use of questionnaires and/or some form of structured observation. When one conducts quantitative research, one must specify precisely how the constructs will be measured. (Struwig and Stead 2004:04).

(b) Causality

Quantitative research often tries to establish causal relationship (cause and effect relationship) between constructs. The frequent use of independent and dependent variables by quantitative researchers is evidence of the widespread tendency to establish causal relationship between variables. A causal relationship between constructs explains why things are the way they are by specifying the cause thereof (Struwig and Stead 2004:05).

This preoccupation with causality is a consequence of the tendency among quantitative researchers to seek to absorb methods and assumptions of the natural scientist, which generally have been interpreted in positivistic terms. The quantitative approach is based largely on positivism and neo-positivism.

Positivism is a research paradigm (or framework) that combines a deductive approach with precise measurement of quantitative data so researchers can

discover and confirm causal laws that will permit predictions about human behaviour (Neuman 2000:516).

Neo-positivism, also referred to as post-positivism, has responded to some of the criticisms of positivism. It states that reality can only be imperfectly understood, that research findings are probably true, and that qualitative research methods can also be employed.

#### (c) Generalisation

The quantitative researcher wishes to generalise results beyond the confines of the research sample. A great deal of attention is paid to sampling issues and particularly to the representativeness of samples. It is important to establish that findings can be generalised legitimately to a wider population. This preoccupation with establishing generality can probably be attributed to the quantitative researcher's tendency to initiate the methods and style of the natural scientist. (Struwig and Stead 2004:05).

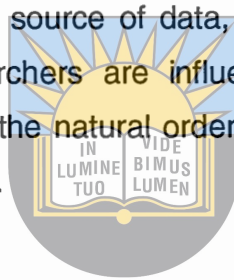
University of Fort Hare  
*Together in Excellence*

#### (d) Replication

The replication of a study provides a way of determining the extent to which findings are applicable to other contexts. It also serves as a means of checking the biases of the investigator. A study is replicable when the study's research process is clearly and accurately described. This enables other researchers to repeat the study should they wish to do so. One of the reasons why qualitative research is often criticised by quantitative researchers is the difficulty of replicating qualitative research findings. Whether quantitative research is in fact replicated does not seem to be the issue, otherwise it would be a frequent activity of quantitative researchers. The critical issue, however, is that the study can be replicated.

(e) Individual as focus

In quantitative research the individual is the focus of the empirical inquiry. Survey instruments are administered to individuals and the individual's responses are required. The individual's responses are then aggregated to form overall measures for the sample. There is no requirement that individuals should know each other only that their responses can be analysed. The individualistic element in quantitative research has to do with its techniques of investigation which uses the individual as a source of data, largely independent from other individuals. Quantitative researchers are influenced by positivism, and view reality as if it were identical to the natural order. Their research is linked to the practices of the natural scientist.



**3.2.2 Qualitative Research** University of Fort Hare  
*Together in Excellence*

The term qualitative research does not describe a single research method. There are many research methods associated with qualitative research. Qualitative research is not easily defined and yet it does have certain characteristics that tend to distinguish it from quantitative research methods. It is found in many subject fields such as management science, sociology, anthropology, archaeology, psychology, social work, education and history. Qualitative research concerns itself partly with approaches such as phenomenology and econological psychology (Struwig and Stead 2004:11).

Qualitative research employs research methods such as participant observation, archival source analysis, interviews, focus groups, and content analysis. Qualitative research can thus be viewed as interdisciplinary, multi-paradigmatic, and multi-method (Struwig and Stead 2004: 196). Clearly, one cannot state that one is conducting qualitative research and expect social scientists to understand

what one is doing. As qualitative research can mean many things, one has to be more specific in one's description of how qualitative research is being used in a research project.

### **3.2.2.1 Characteristics of qualitative research**

The following are characteristics of qualitative research:

- (a) The participants' and researcher's perspectives.

Qualitative researchers are very interested in understanding the issues being researched from the perspective of the research participants. In other words, one is trying to see through the eyes of the participants. Some researchers merely report the views of the participants, but this may deteriorate into a research report that is anecdotal. Anecdotal reports largely reflect the partisan's' views with the researcher providing little commentary on or in-depth analyses of these views. It is for the researcher to analyse and interpret the research data in association with the participants.

- (b) Contextualism

Human behaviour does not occur in a vacuum. It is necessary to provide a comprehensive description and analysis of the environment or social context of the research participants. If one were to examine the ways high school learners acquire information about careers it would be necessary to explore environments such as the school and family. Often the behaviours of individuals are inextricably related to the environments in which they are situated. For example, one may query the extent to which parents, peers and teachers encourage learners to find information about careers. Contextualism emphasises the various macro and micro contexts of the individual and how these contexts dynamically

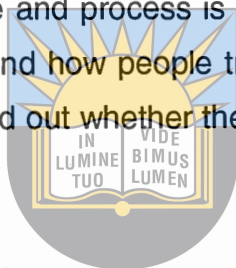
interact with one another. The historical context of the individual may also be important to the researcher. Contextualism is closely aligned to holism which examines social environments in their totality (Struwig and Stead 2004:12).

(c) Process

Process research examines interrelated events along a temporal or developmental continuum. It is necessary to understand how prior events play a role in the individual's thoughts or behaviours. Social events are not static and therefore understanding change and process is imperative. For example, it may be more productive to understand how people try to make career decision over time (developmental) than to find out whether they are at present career decided or undecided.

(d) Flexibility and the use of theories

Qualitative researchers prefer to begin research in a relatively open and unstructured manner and may be hesitant to rely excessively on theory to provide a framework of what to research. It is argued that such an unstructured approach encourages one to be sensitive to unexpected events and that too much reliance on theory or prior research may influence one's understanding and interpretation of events. Whether this is possible is debatable as all researchers subscribe to theories, both formal and personal. It can be argued that research is value laden and value driven in that one's methods and interpretation cannot be divorced from one as a person. In any event, qualitative researchers attempt to approach a research problem with an open mind. They tend to be mistrustful of theories and prior research, partly because research participants and their contexts could be different to those discussed in the research literature. They may argue that as the study progresses, so does their use of theories and research. However, it should be noted that theories are sometimes tested from a qualitative perspective (Struwig and Stead 2004:14)



University of Fort Hare

*Together in Excellence*

### **3.3 POPULATION**

A population is the aggregate of all cases that conform to some designated set of specification (C. Nachmias and D.Nachmias 1987:294).

The population can be defined as the total number of cases with a given characteristic or a set of characteristics from which a sample is drawn. In every case, a sample from among the data that might be collected and studied is selected. In this case, it refers to the total number of parolees who are given parole in the Mthatha Community Corrections by Members of the Parole Board. The researcher also selected specialists who have insight and knowledge inside the Correctional Centre and who are dealing with these developmental programmes on a daily basis. The targeted population for this research is Correctional Officials, Offenders, Parolees, Social Workers, Community Members and Educators. The sampling method will be discussed below.

### **3.4 SAMPLING METHOD**

University of Fort Hare  
*Together in Excellence*

Obtaining information from a sample is often more practical and accurate than obtaining the same information from an entire universe or population (Struwig and Stead 2004:109). In this study, random and judgemental sampling was utilized as it allowed each unit in the population the same chance or probability of being included. The sample was selected with the intention of getting as much appropriate representation as possible but taking into consideration limitations of the study, which included time and travelling expenses. The sample size comprises a total of 50 members.

### **3.5 DATA COLLECTION METHOD**

The research is based on information gathered from the Mthatha Correctional Centre and Community Corrections. Data and information are collected through questionnaires, interviews and literature on the study.

### 3.5.1 QUESTIONNAIRES

The foundation of all questionnaires is the question. The questionnaire must translate the research objectives into specific questions, answers to such questions will provide the data for statement testing. The question must also motivate the respondent so that the necessary information is obtained. It is to these two ends that the question becomes the focus around which the questionnaire is constructed.

It is important to keep in mind that the response to a questionnaire is voluntary, therefore a questionnaire should be designed to maintain the interest of the respondent. In this regard the questionnaire should,

- Contain precise and clear instructions on how to answer questions;
- be divided into logical sections by subject;
- start with questions that are easy to answer;
- proceed from general to specific questions;
- ask personal or sensitive questions last;
- avoid subject-related or technical jargon;
- employ the respondent's vocabulary; and
- minimise the number of questions to avoid respondent fatigue.

### 3.5.2 Interviews

Interviews can be adapted to the situation (individual and context). Both the interviewer and interviewee can provide further explanations and clarifications. Personal interviews are an expensive method for collecting data because interviewers have to be trained and many interviewers may be needed to conduct all the interviews. The physical presence of the interviewer, especially in the case of interviews at home, tends to have a positive effect on the accuracy of the data obtained. Personal interviews provide good response rates since the interviewer is often able to persuade individuals to take part in the research. (Struwig and Stead (2004:160).



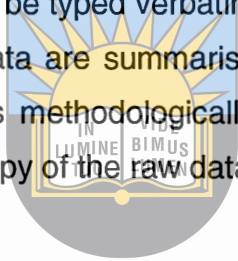
### 3.5.3 Literature study

This research will add value to existing literature on the parole system in the country and elsewhere. A study of the literature involves tracing, identifying and analysing documents containing information relating to the research problem.

- A literature study can highlight previous investigations relevant to the research topic and indicate how other researchers have dealt with similar research problems in similar situations.
- It can reveal unfamiliar sources of information.
- A perspective on one's own study can be provided.
- A literature study stimulates new ideas and approaches.
- It can provide a framework for the evaluation and assessment of future work.
- It provides a basic body of knowledge for the derivation of theories, principles, concepts and approaches for research.

### **3.6 ANALYSIS OF DATA**

Struwig and Stead (2004: 169) define data analysis in qualitative research as a process that is less discrete than that found in quantitative research. For example, data gathering and data analysis can occur simultaneously. However, data analysis is a separate activity. Data analysis methods enable the researcher to organise and bring meaning to large amounts of data. Before attempting to analyse the data, one must ensure that all the field notes, interview transcripts, and documents are available and complete. There should be no missing data. The interview transcripts should be typed verbatim and not rephrased so as to be grammatically correct. If raw data are summarised, they no longer become the original data and this becomes methodologically problematic. In addition, one must ensure that at least one copy of the raw data is available.

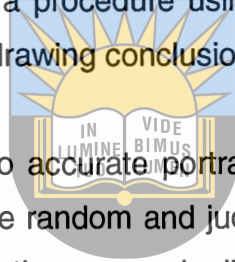


University of Fort Hare  
*Together in Excellence*

### **3.7 CONCLUSION**

This chapter helps the researcher to understand exactly what is going to happen in the following chapter. It has elaborated on various methods used to gather and analyse the information. The study used both quantitative and qualitative research methods. The study will use judgemental and the simple random sampling methods which provide every member of the population an equal opportunity of being selected. In this chapter the data collection procedures for quantitative research studies were first discussed. The sampling procedures were emphasised. Sampling is a procedure using a small number of units of a given population as a basis for drawing conclusions about the whole population.

Properly taken, samples lead to accurate portrayal of the whole situation. The two major sampling methods are random and judgemental sampling techniques. Sampling procedures for qualitative research differ from quantitative studies in that random selection and judgemental are not of primary consideration in qualitative research. Qualitative research focuses primarily on the depth or richness of the data and therefore qualitative researchers generally select samples purposefully rather than randomly. The characteristics of both quantitative and qualitative research sampling were discussed. Chapter four will therefore present research findings that seek to answer the research questions of the study.



University of Fort Hare  
*Together in Excellence*

## **CHAPTER 4: RESEARCH FINDINGS AND RESULTS**

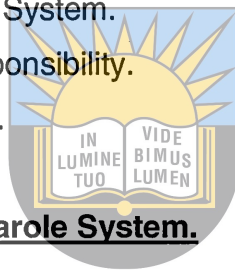
### **4.1 INTRODUCTION**

The previous chapter discussed the methods the researcher used to carry out the research. This chapter therefore presents the research findings that seek to answer the research question of the study. In order to answer the research question, the researcher categorised responses into the following headings:

The effectiveness of the Parole System.

Rehabilitation as a societal responsibility.

Social reintegration of offenders.



### **4.2 The effectiveness of the Parole System.**

The study will give a picture of the effect of the parole system in the Mthatha community after the ex-offenders have been given their second chance. One has to understand how the parole board operates when taking decisions during parole hearings. Effectiveness is a difficult notion to measure or quantify, thus in seeking to answer the research question, the researcher had to determine the qualities that the parole board members should possess in order to be effective. The researcher had to ensure that the parole board members know and understand the Constitution 1996, prescripts of legislation, White Paper on Corrections and Manuals for members of the parole board and thus be able to perform efficiently and effectively. The researcher interviewed respondents from offenders, parolees, correctional officials, community members, social workers and educators on whether there is any necessity for offenders to be given parole.

The study also had to interview a representative of SAPS and Justice on whether the parole system is effective in the rehabilitation and social reintegration of offenders in the Mthatha community. Reports and other information were

provided to the researcher by Community Corrections which were also essential throughout the research. The following discussion, tables and diagram seek to answer the research question through research findings:

**Table 4.2.1 Outcomes of Respondents and their Percentages.**

	Parolees	Communities	Offenders	Correctional Officials	Social Workers	Educators	Totals
No of Respondents	8	6	10	8	3	4	39
Out of	40	38	42	40	38	33	231
Percentage	20%	16%	24%	20%	8%	12%	100%

University of Fort Hare  
*Together in Excellence*

**Diagram 4.2.1: Graph of the outcomes of the Respondents of the Parole System.**

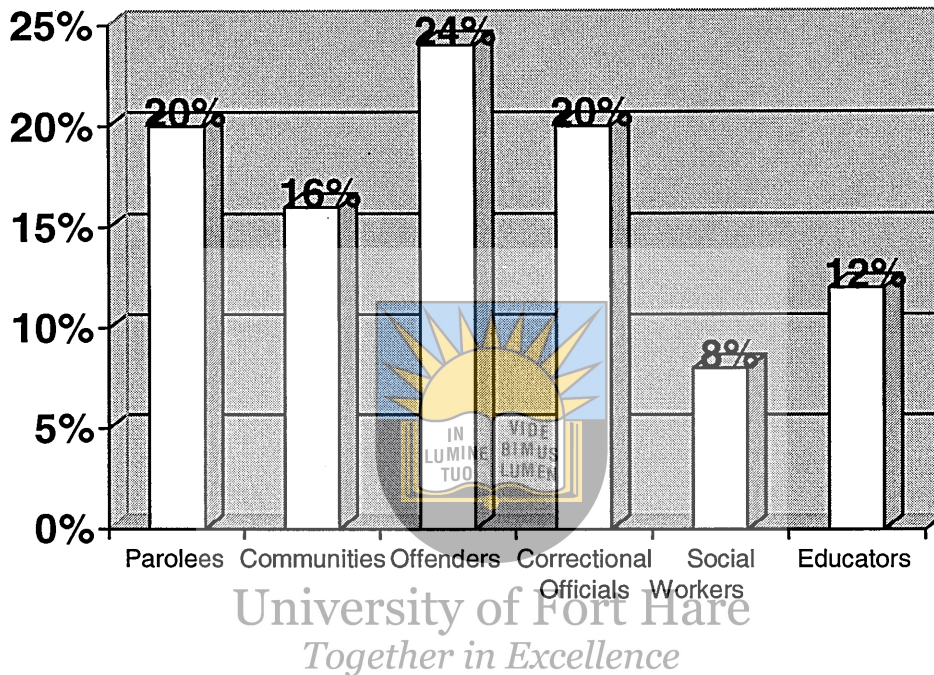


Table 4.2.1 and Graph 4.2.1 illustrate the number of respondents as drawn from parolees, communities, offenders, correctional officials, social workers and educators. The table and graph show that most respondents were from the offender's followed by both parolees and correctional officials who have the same percentages of respondents followed by communities and educators and lastly the percentage of social workers.

**Table 4. 2.2: Gender Representativity.**

GENDER	Male	Female	TOTAL
NO OF RESPONDENTS	20	19	39
OUT OF	38	40	78
PERCENTAGE	53%	47%	100%

**Diagram 4.2.2: Pie Chart of Gender Representativity.**

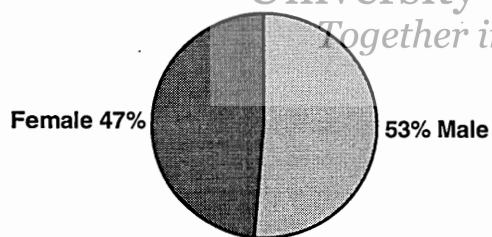


Table 4.2.2 and diagram 4.2.2 show that 47% of respondents are females and 53% are males. From the data above it can be deduced that gender representation has been considered in this study.

**TABLE 4.2.3: Age of Respondents**

AGE	20-29	30-39	40-49	50-59	OVER 60	TOTAL
NO.OF RESPONDENTS	4	15	7	8	5	39
OUT OF	40	39	39	40	36	194
PERCENTAGE	10%	38%	18%	20%	14%	100%

**Diagram 4.2.3: Graph of age of respondents.**

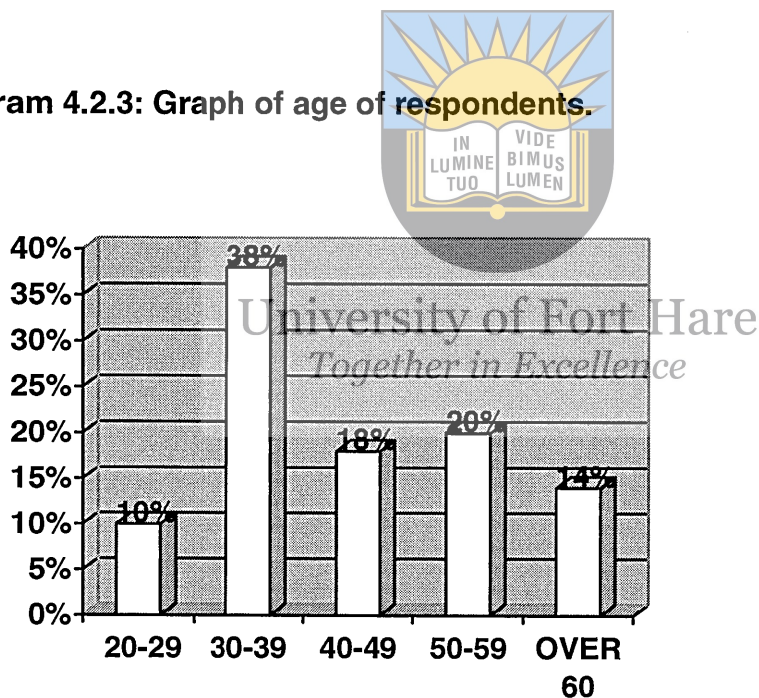
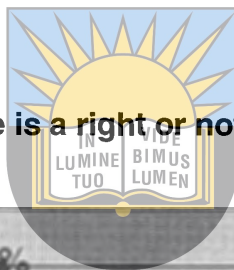


Table 4.2.3 and diagram 4.2.3 illustrate that the respondents comprise 10% of the age group 20-29 years, 38% of the age group 30-39, 18% of the age group 40-49, 20% of the age group 50-59 and 14% of the age group over 60. The majority are in the age group of 30-39 years. It can be deduced that the majority of the respondents are matured enough to make a meaningful contribution to the study.

**Table 4.2.4: Parole is a right.**

	STRONGLY AGREE	AGREE	NOT SURE	DISAGREE	STRONGLY DISAGREE
Offenders take parole as a right	40,5%	40,5%	14,2%	4,8%	0,0%



**Diagram 4.2.4 Graph of Parole is a right or not.**

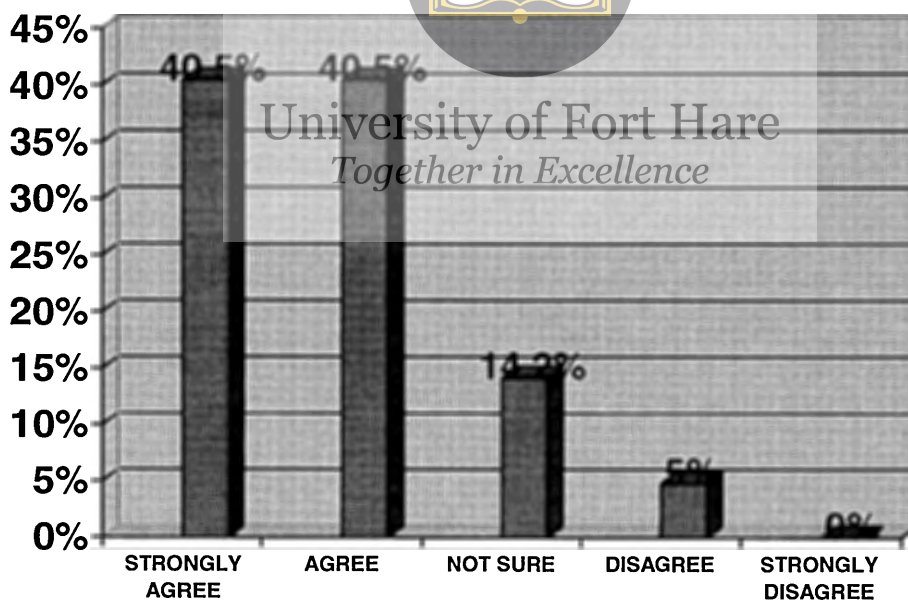


Table 4.2.4 and diagram 4.2.4 show that over 80% of the respondents are of the opinion that offenders take parole as a right not a privilege, whilst 14, 2% are not sure and 4, 8% disagree. It can be deduced that the majority of respondents take parole as a right not a privilege.

**Table 4.2.5: Acceptance of parolees by the society.**

	STRONGLY AGREE	AGREE	NOT SURE	DISAGREE	STRONGLY DISAGREE
Acceptance of parolees by the society	30%	25%	30%	10%	5%



**Diagram 4.2.5 Graph of the acceptance of parolees by the society.**

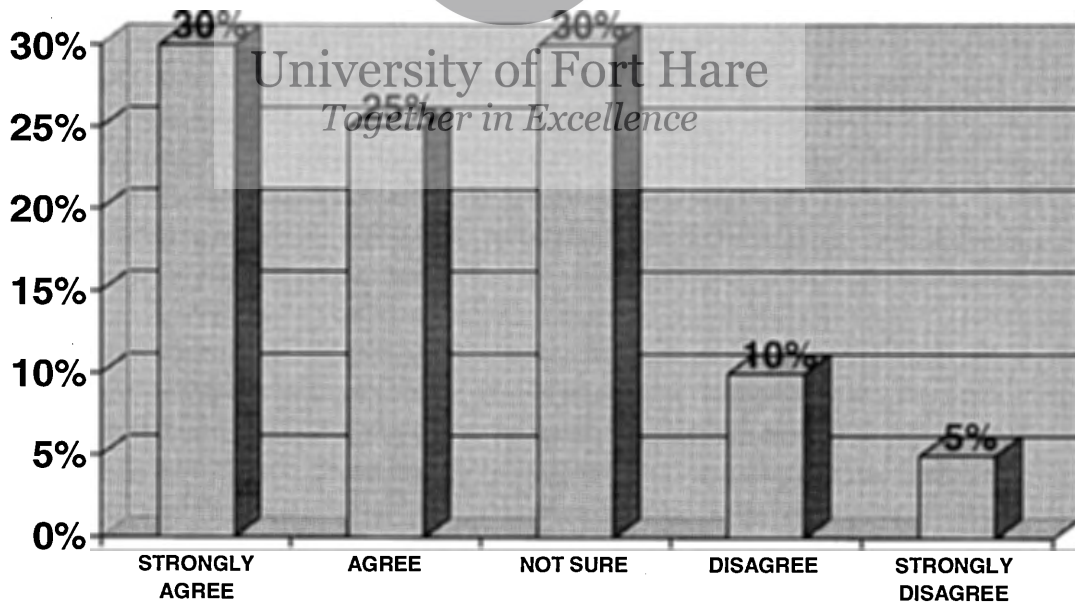
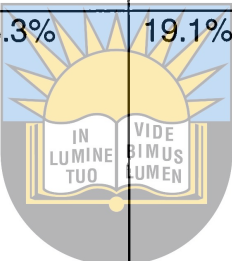


Table 4.2.5 and diagram 4.2.5 illustrate that 30% of the respondents strongly agree that parolees are really being accepted by the society and 25% of the respondents agree that parolees are being accepted by the society, 10% of the respondents disagree about the acceptance and 5% totally disagree that

parolees are accepted by the society and 30% of the respondents are not sure. It can thus be deduced that parolees are accepted by the society and this deduction is based on the 55% positive response rate to acceptance of parolees by society.

**Table 4.2.6: Effectiveness of rehabilitation programmes.**

	STRONGLY AGREE	AGREE	NOT SURE	DISAGREE	STRONGLY DISAGREE
Rehabilitation programmes are effective towards parole	23.8%	33.3%	19.1%	23.8%	0.0%

  
 University of Fort Hare  
*Together in Excellence*

**Diagram: 4.2.6 Graph of effectiveness of rehabilitation programmes.**

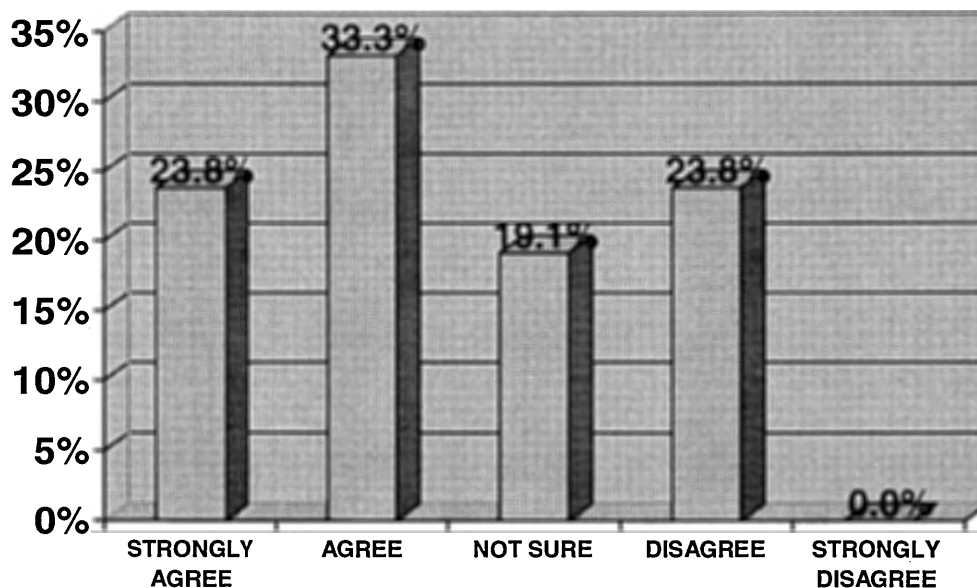


Table 4.2.6 and diagram 4.2.6 illustrate that over 56% of the respondents hold the view that rehabilitation programmes play an important role towards the parole system, 19, 1% are not sure whilst 23,8% disagree. It can be deduced that rehabilitation programmes are very important for an offender to be paroled.

**Table 4.2.7: Treatment in prison.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
Treatment in prison is bad	20%	30%	20%	5%	25%

University of Fort Hare  
*Together in Excellence*

**Diagram 4.2.7 Graph that depicts treatment in prison.**

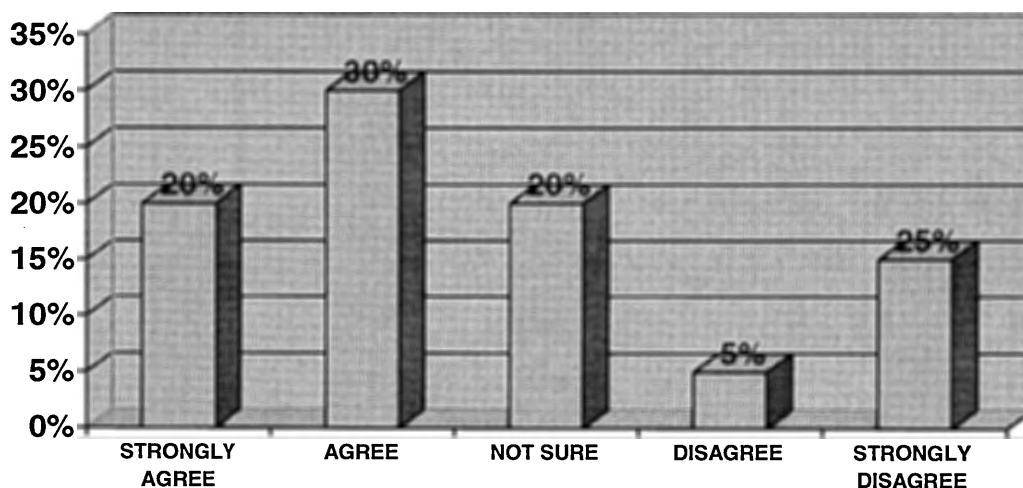
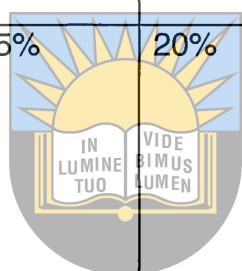


Table 4.2.7 and diagram 4.2.7 illustrate that 50% of the respondents are of the opinion that treatment in prison is bad against offenders, 20% are not sure, 5%

disagree whilst 25% strongly disagree. It can be deduced that a high percentage of respondents are of the opinion that treatment is bad in prison.

**Table 4.2.8: Relationships in Prison.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
Relationships between Offenders and Correctional Officials is good	30%	15%	20%	15%	20%



University of Fort Hare  
Together in Excellence

**Diagram 4.2.8: Graph of relationships in prison.**

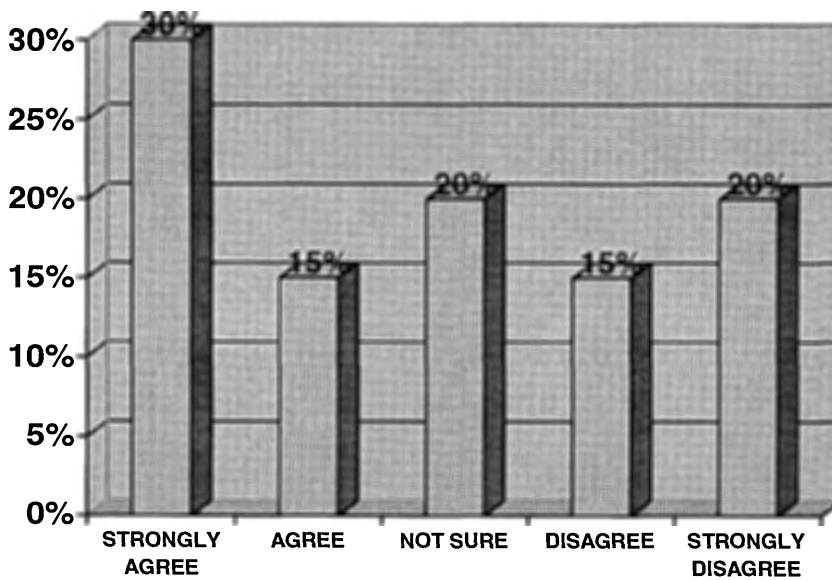


Table 4.2.8 and diagram 4.2.8 illustrate that 45% of respondents strongly agree that relationship between offenders and correctional officials is good, 20% are not sure, 15% disagree whilst 20% strongly disagree. It can be deduced that relationships in prison between correctional officials and offenders is good according to the respondents.

**Table 4.2.9: Stigmatism in society.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
Being stigmatised in society is a problem	19%	21%	40%	10%	10%

  
 University of Fort Hare  
*Together in Excellence*

**Diagram 4.2.9: Graph that shows stigmatism in society.**

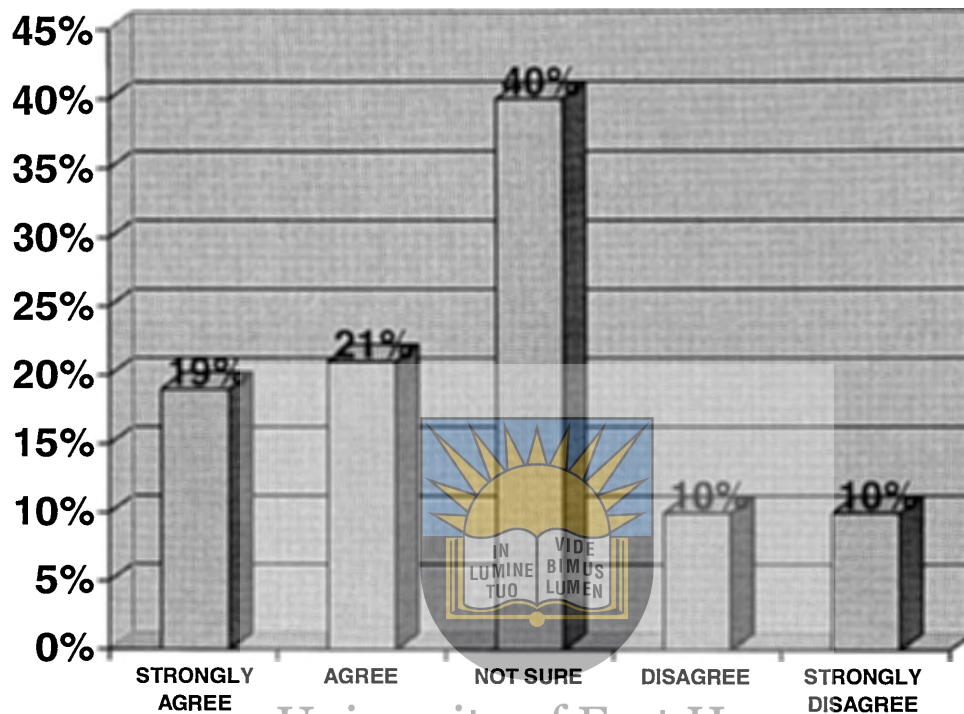


Table 4.2.9 and diagram 4.2.9 illustrate that 19% of respondents strongly agree being stigmatised in society when they are back and 21% also agree, 40% of the respondents are not sure but 10% disagree whilst another 10% totally disagree being stigmatised in society. It can be deduced that there is uncertainty on whether parolees are being stigmatised or not when they are back in society.

**Table 4.2.10: Access or not to healthy food in correctional centres.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
No access to healthy food in correctional centres	30%	30%	20%	10%	10%

**Diagram 4.2.10: Graph which shows access or not to healthy food in correctional centres.**

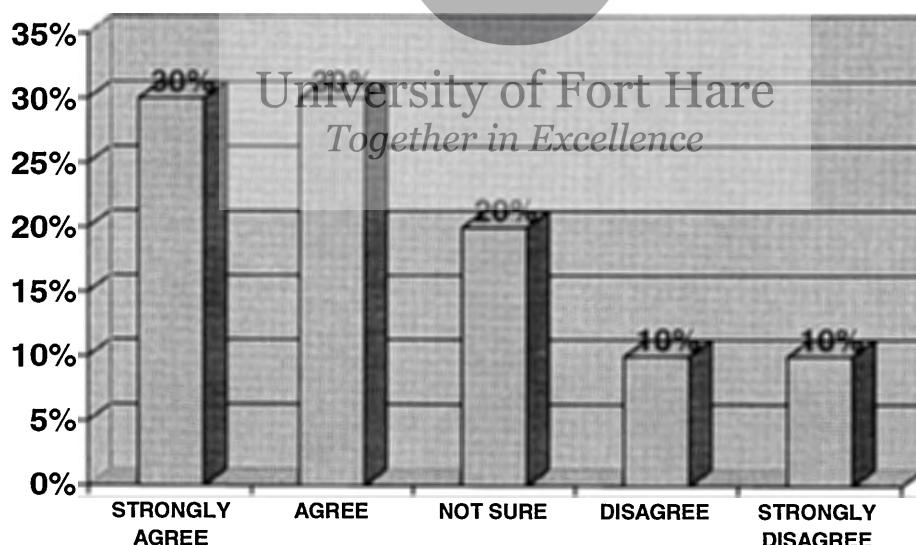
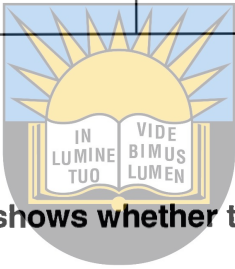


Table 4.2.10 and diagram 4.2.10 illustrate that 60% of the respondents are of the opinion that they have no access to healthy food in correctional centres, 20% are not sure, 10% disagree, whilst another 10% strongly disagree. It can be deduced that offenders have no access to healthy food in correctional centres.

**Table 4.2.11: Access or not to education in correctional centres.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
No access to education in correctional centres	10%	0%	10%	20%	60%



**Diagram 4.2.11: Graph which shows whether there is access to education in correctional centres or not.**

University of Fort Hare  
*Together in Excellence*

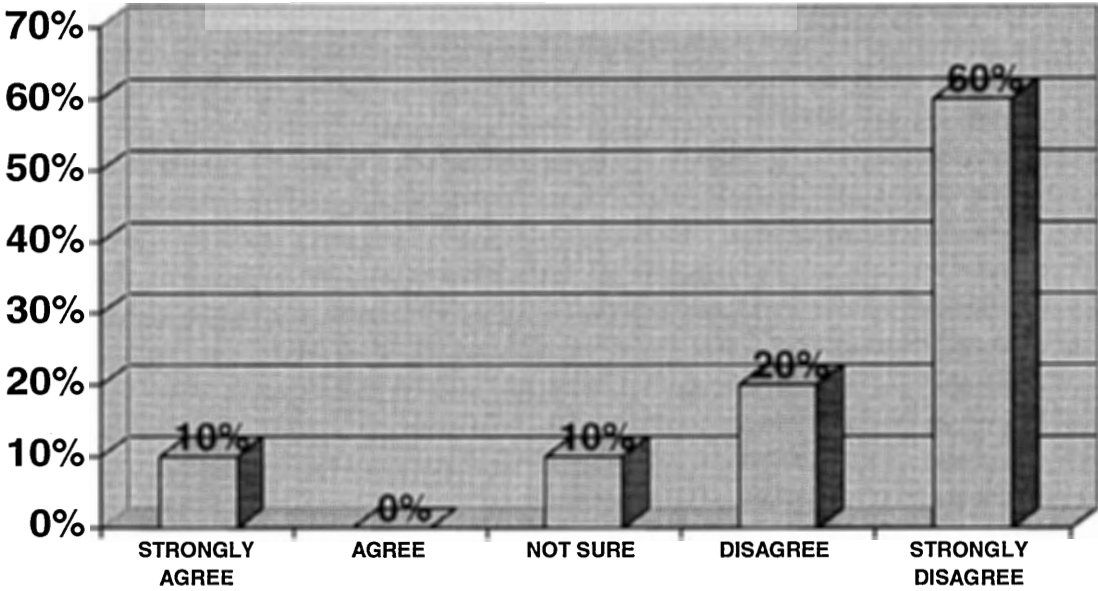


Table 4.2.11 and diagram 4.2.11 illustrate that 10% of the respondents strongly agree to having no access to education, 10% are not sure whether they have access or not but 20% disagree whilst 60% of the respondents strongly disagree

about having no access to education in correctional centres. It can be deduced that offenders have access to education in correctional centres according to respondents.

**Table 4.2.12: Access to physical exercise in correctional centres.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
No access to physical exercise in correctional centres.	27%	20%	20%	13%	20%

**Diagram 4.2.12: Graph of respondents which shows access to physical exercise in correctional centres.**

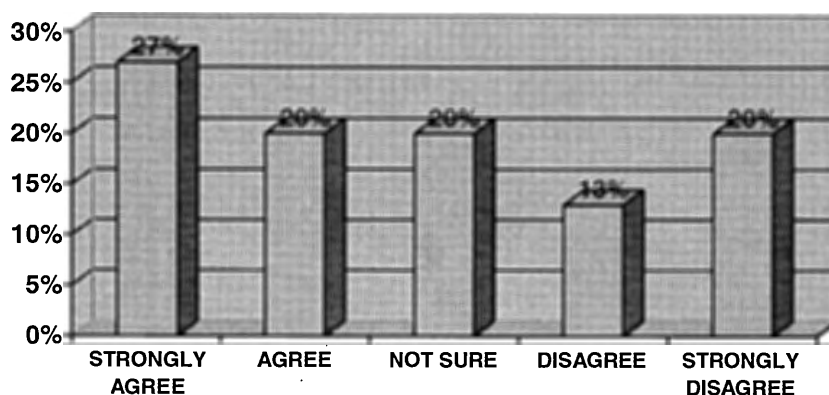


Table 4.2.12 and diagram 4.2.12 illustrate that 27% strongly agree that there is no access to physical exercise, 20% agree but 20% are not sure about access to physical exercise, 13% disagree whilst 20% strongly disagree. It can be deduced

that more respondents agree that there is no access to physical exercise in correctional centres.

**Table 4.2.13: Life in correctional centres.**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NOT SURE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
Life is better in correctional centres than in communities	10%	5%	5%	30%	50%

**Diagram 4.2.13: Graph which shows whether life is better in correctional centres than in communities.**

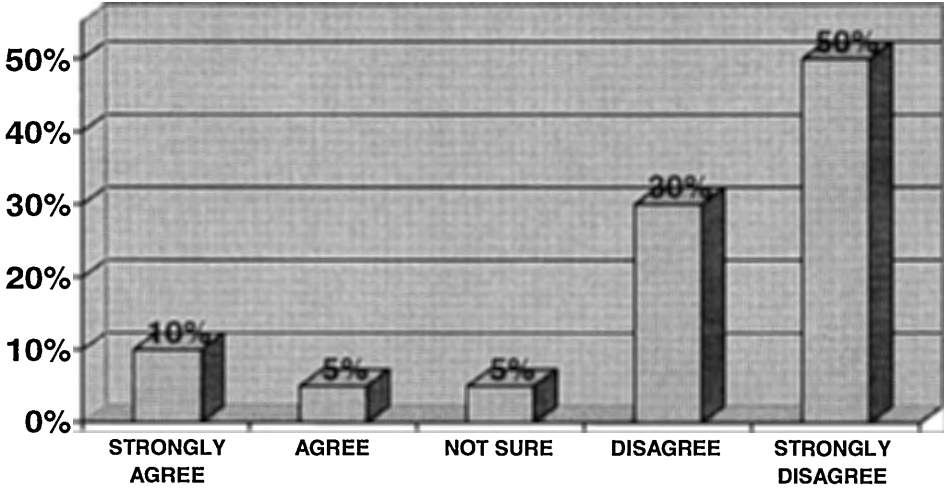


Table 4.2.13 and diagram 4.2.13 illustrate that 10% of the respondents strongly agree that life is better in correctional centres than in communities, 5% also

agree whilst another 5% are not sure, 30% of the respondents disagree whilst 50% of the respondents strongly disagree that life is better in communities than in correctional centres. It can be deduced that most respondents agree that life is better in the society than in correctional centres.

The research findings reveal that the parole policy, which is often erroneously called the release policy, is the policy that directs the release of an incarcerated offender under community correctional supervision. This is done on the basis of an undertaking between the parolee and the Department of Correctional Services on condition that he/she will not abscond and will comply with the conditions, including continued participation in correctional and development programmes. Parole gives effect to the principle of social reintegration of the offender as part of the purpose of the Correctional System. It also recognises that the parolee is particularly vulnerable at the beginning of the process of social reintegration. It must be emphasised that parole takes place under the guidance of correctional officials based in the community, and under conditions determined by the Parole Board on the basis of the assessment of the parolee.

Part of the purpose of the correctional system is enforcing the sentences imposed by the courts. As such, the parole policy must at all times be aligned to the sentencing policy and the reason for the imposition of the particular sentence by the court of law. The parole policy should also make provision for any possible change on the part of the parolee that may reduce or remove the risk that the individual poses to society. The research reveals that the key objective of the Department of Correctional Services is to make a meaningful contribution to the promotion of the community's responsibility for corrections. To this end provision is made for participation by members of the community, employees from relevant state departments in the integrated justice system, family and friends of the inmate in the processes of community supervision and parole boards. Inmates themselves also have the right to make representations to the Board, as does the victim of the criminal act.

In principle, all offenders qualify for consideration for placement after having served half of their imposed sentences or the mandatory period as determined by the court. The Correctional Supervision and Parole Boards have been charged with the placement of each offender. The Case Management Committees are responsible for recommendations regarding the placement of offenders. This is done on set dates and on the basis of the offender's behaviour in and adjustment to the correctional centre, his or her co-operation with regard to and progress in respect of detention and treatment programmes in which he or she is involved, as well as his or her criminal prognosis. Other factors which play an important role in the process of consideration are,

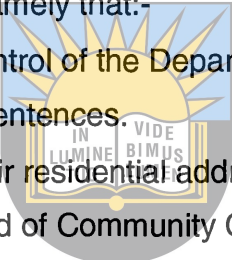
- Comments by the person imposing the sentence.
  - Nature of previous convictions.
  - Nature of the current offence or offences.
  - Duration of sentence.
  - Age of the offender.
  - Crime pattern.
  - Results of assessment by experts, if relevant, and
- 
- The availability and quality of support system in the community.

The new release policy allows for victim empowerment, as a basic right of the victim. The Criminal Procedure Act 1977 now makes provision for a victim to attend a Correctional Supervision and Parole Board hearing, or to make written representations to the Board. The victim may also request to have certain stipulations included in the offender's parole conditions, especially in rape and child abuse cases. After the Correctional Supervision and Parole Board has come to a decision regarding the recommendation in respect of the placement of an offender, the offender is informed of the recommendation and is afforded the opportunity to respond to it. The recommendation of the Case Management

Committee, as well as the offender's response where applicable is then resubmitted to the Correctional Supervision and Parole Board for a final decision.

In cases where an offender is placed on parole before the expiry of his/her sentence, the Department of Correctional Services ensures that effective control is exercised. This is done by setting specific parole conditions and supervision measures with which the offender on parole will have to comply.

Offenders on parole are subject to certain standards of parole conditions throughout their parole period namely that:-

- 
- They will be under the control of the Department of Correctional Services until expiry date of their sentences.
  - They may not change their residential addresses or employers without prior approval by the Head of Community Corrections.
  - They may not commit any offence.
  - They may not make known or publish information relating to their offences unless the information was admissible as evidence during the hearing.
  - They have to accept and comply with the set conditions for parole and with the supervisory measures and
  - They have to render free community services.

Upon placement on parole, each offender is integrated into the parole supervision system in terms of which he/she is subjected to certain supervisory measures until the expiry date of his/his total sentence.

The objectives of the application of parole supervision are to,

1. Promote the successful reintegration of the offender on parole into the community.
2. Combat recidivism and
3. Protect the community effectively.

The risk which the offender on parole might pose to the community, determines the degree or level of parole supervision. Parole supervision therefore aims primarily at protecting the community. Offenders on parole fall into the phases I II III IV OR V supervision category. These categories determine the degree of strictness of the conditions to which the parolee will be subjected.

Monitoring officials exercise control over them by means of telephonic contact or personal visits to the workplace, at home or place at which community service is rendered.

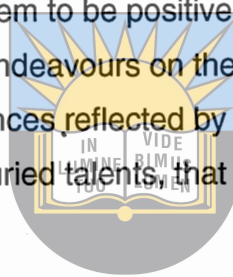
The following steps can be taken against offenders on parole who contravene their conditions:

- Issuing of oral warnings.
- Issuing of written warnings with an indication of the steps which would be taken if conditions were to be contravened again.
- Requesting the family or employer to assist in supervising the offender on parole urging him/her to comply with the conditions and requesting the family or employer to support the offender on parole as far as possible.
- Re-imprisoning the parolee for the remaining part of the parole period.

#### **4.3 REHABILITATION AS A SOCIETAL RESPONSIBILITY.**

Research findings reveal that offenders believe that rehabilitation programmes in the correctional centres during the period of incarceration are the corner-stone to correcting the offending mind of an inmate. Skills and expertise in trade is acquired through such programmes. These rehabilitation programmes done in correctional centres must also be performed in the society for parolees so that the communities also participate to reduce recidivism. The private sector and non-governmental organisations must introduce these rehabilitation programmes in communities and ex-offenders should be given a chance to preach about the crimes they have committed to prevent the youth from committing crime.

Research findings also reveal that these programmes make offenders realise that they are accountable and create opportunities for them to make things right as much as possible. They provide a platform whereby victims, offenders and communities become involved in dealing with crime. They have well-trained counsellors and mediators who will counsel and mediate between victims, offenders and families to bring about reconciliation and healing. In these rehabilitation programmes offenders immediately accept their punishment and look forward to their rehabilitation, especially those whose trial was conducted fairly and justly. This enables them to be positive during their term of incarceration, and even apply endeavours on their own, to correct their wrongful behaviour. This is in most instances reflected by engaging in various activities including skills training. Even buried talents, that they were not even aware of, emerge.



This type of inmate quickly or soon becomes ready to integrate with his/her society without any potential for harm or danger to such communities. If the Department of Correctional Services had a system to identify such inmates this would prevent a situation where they could revert to a state of negativity due to the length of time they have to stay. Research findings reveal that there are inmates who were unjustly sentenced. A rigorous, relevant rehabilitation programme is strongly needed for these types of inmates after diagnosing the injustice metered to them. Counselling is also necessary because these inmates are resentful to the system itself for what has been done. When it is seen that the inmate has accepted and changed, then it is not necessary to keep him/her longer.

This explains how important and necessary, parole is. It would be more important, if it could be granted when or according to readiness or correction of the inmate without regard to the specified period of consideration. This also means that programmes of rehabilitation have to be improved and conducted

seriously and with an aim. It is only then that this could be of effect and could result in a large number of ex-prisoners not re-offending.

Parole gives hope to inmates. There is definitely a great need for parole. It should be remembered that the reason for the courts to send a person to correctional centres is to correct the wrongful behaviour that resulted in him committing an offence. This can be achieved by conducting rehabilitation programmes that are directed at individual cases.

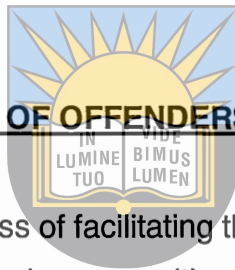
Rehabilitation cannot be complete or sustainable without the restoration of the offender into the community. The researcher views restoration as applicable throughout the criminal justice system, from the point of arrest, during the trial and ultimately throughout incarceration. During the trial stage the court could impose a sentence of community service. Community service is productive work related to the aim of correcting the offending behaviour of offenders to the benefit of affected communities. Restorative community service provides an opportunity for the offender to make amends to the community in a way that is valued by the community. The community service experience allows the offenders to create new, positive relations with members of the community and thus the fabric of the community is strengthened. The process also enhances the offender's investment in the community. Community members recognize the offender's capacity to contribute to the general well-being of the community.

The role of community members during incarceration is also of vital importance to ensure that offenders feel a sense of being needed by the community despite their exclusion. Offenders having served a predetermined time in a correctional centre become eligible for parole under community corrections supervision. This is done on the basis that the offender will comply with set conditions, including continued participation in correctional and development programmes. The parole system reflects the principles of social reintegration. While the offender on parole

is under the supervision of a correctional officer based in the community, the research findings reveal that the community should in fact play a bigger role in ensuring that corrections do take place.

A key objective of the research is to make a meaningful contribution in promoting community responsibility for correction. This would be enhanced by making provision for the participation of members of the community and relevant state departments in the integrated justice system in the process of community supervision and parole boards.

#### **4.4 SOCIAL REINTEGRATION OF OFFENDERS.**



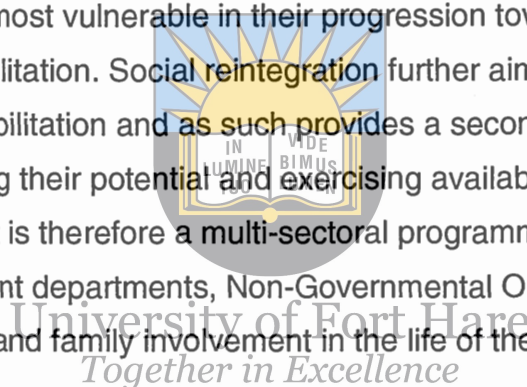
Social reintegration is the process of facilitating the return and effective readjustment of offenders into their communities after being released from correctional facilities. As part of the department's strategy to facilitate their reintegration it promotes the concept of acceptance by the community.

Social reintegration aims to, inter-alia, prepare offenders for being received by and reintegrated into their communities whilst on parole or under community correctional supervision. Social reintegration does not start once offenders leave the correctional centre, or at the point that they leave the care of the Department of Correctional Services. The preparation for reintegration starts when an offender is admitted into care and continues throughout the time that he/she spends in a correctional centre.

Social reintegration is central to rehabilitation. The concept involves a variety of services and is not limited to those rendered by the community corrections offices but also includes providing court assessment reports, social work services, some psychological services, random and occasional physical monitoring of offenders, tracing of absconders, corrective measures upon violation and referrals. Social reintegration maps the offender's rehabilitation path

from admission to release through interventions as outlined in the correctional sentence plan. It ensures sustainable correction and rehabilitation through an integrated support system by mobilising the community as partners in the rehabilitation process.

It creates opportunities for restoration by rebuilding and nurturing relationships between offenders and their families, victims, communities and society at large. Research findings reveal effective reintegration as the most challenging and most crucial aspect of rehabilitation and realises that this is the point at which offenders are at the most vulnerable in their progression towards sustainable correction and rehabilitation. Social reintegration further aims to ensure sustainability of rehabilitation and as such provides a second chance to individuals in realising their potential and exercising available options to live as productive citizens. It is therefore a multi-sectoral programme reliant on services from other government departments, Non-Governmental Organisations, Faith Based Organisation and family involvement in the life of the offender.



Community corrections serve as means of monitoring offenders, social reintegration aims to strengthen the support system for offender's reintegration into the community by involving other role players. This entails maintaining Integrated Support System (ISS) that will sustain rehabilitation, maintain and offer employment opportunities, build families, and enable access to support services. It will also assist in combating recidivism. The relationships between the department and the community and organisations are inherent to the successful achievement of rehabilitation and reintegration. The department's methodology should strengthen the role that offenders play in building these relationships. The involvement of the community in the correctional system, through representation on Correctional Supervision and Parole Boards and their involvement in joint projects must be guided by the approach to rehabilitation that the department has enshrined in the White Paper on Corrections.

#### 4.4.1 The phases of Social Reintegration

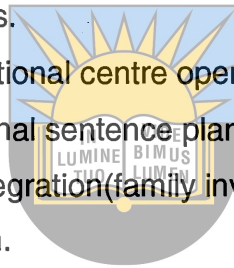
The following are the phases of social reintegration:

(a) Pre-sentence phase

- Compilation and submission of pre-sentence reports to court.
- Provision of intervention informed by findings of needs/risks.

(b) Incarceration phase

- Induction is a period when an offender is introduced to a correctional centre situation.
- Assessment is a period when an offender is assessed towards rehabilitation programmes.
- Profiling is when a correctional centre opens a file for an offender.
- Development of correctional sentence plan and its execution.
- Facilitation of social reintegration (family involvement and support), victim empowerment, reparation.
- Preparation for release and handing over to Community Corrections.



University of Fort Hare  
*Together in Excellence*

(c) Persons serving sentences in the community (probationers and parolees)

- Induction.
- Assessment.
- Development of correctional sentence plan (continuation of existing plan from correctional centre and new plan for probationers).
- Monitoring of non-bailed persons awaiting trial.
- Executing recommendations from correctional centre.

(d) Supervision phase

- Monitoring to ensure compliance with conditions.
- Interpretation of set conditions and building partnerships between the offender, the service provider or the service recipient.
- Application of consequences of non-compliance

(e) Preparation for final release phase

- Pre-release intervention is a phase when an offender is learning about things he/she will meet in the community.
- Referral to community support system.

#### (f) DCS functions in social reintegration

##### Pre-release

- Assess awaiting-trial detainees (ATDs).
- Compile pre-sentence report.
- Establish database for integrated support.
- Manage referral system in communities.
- Identify and document criminal trends.
- Source and provide family support.



##### Resettlement

- Induction of family and offender.
- Assessment of family, offender and community.
- Provide Correctional Sentence Plan interventions.
- Update reports on offender and family.
- Establish support group for offender.
- Identify opportunities for restoration.

##### Supervision

- Monitor adherence to sentence conditions.
- Coordinate activities enabling compliance to conditions.
- Monitor successful reintegration.
- Monitor relevant interventions as per risks, needs and vulnerabilities.
- Oversee complementary supervision activities.

##### Community Liaison

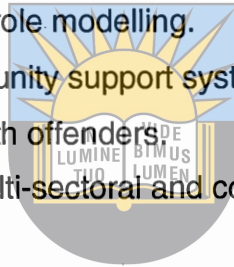
- Profile communities (profile for parolees).
- Promote correction as societal responsibility.
- Liaise with local structures.
- Manage community services database.

- Promote diversion programme.
- Scan and scout for collaboration activities.
- Assist with monitoring and tracing absconders.

#### Preparation for final release

- Engage offenders in pre-release intervention programmes.
- Create database of released offenders.
- Request progress reports from agencies.
- Evaluate performance of offenders throughout the stages.
- Identify opportunities for role modelling.
- Refer offenders to community support systems.
- Conduct exit interview with offenders.

Successful reintegration is a multi-sectoral and community-participatory process.



University of Fort Hare  
*Together in Excellence*

## **4.5 CONCLUSION**

This Chapter has presented the research findings that seek to answer the research question of the study. The research has indicated that there are various factors that influence the effectiveness of the Parole System and these are

- Rehabilitation as a societal responsibility. The involvement of the community in the correctional system, through representation on community supervision and parole boards, and in volunteer work in correctional centres and joint projects, must be reinforced and guided by the restorative approach to rehabilitation.
- Social reintegration of offenders is the process of facilitating the return and effective readjustment of offenders into their communities after being released from correctional facilities.
- Social reintegration aims to, among other things prepare offenders for being received by and reintegrated into their communities whilst on parole or under community correctional supervision.

These rehabilitation programmes and social reintegration must encourage offenders to own the values enshrined in South Africa's Constitution, 1996. They must assist offenders to be an asset to society as productive and law-abiding citizens. The Department of Correctional Services must ensure that offenders have access to all the facilities that are accessible to offenders in correctional centres. The DCS must address the offending behaviour in order to curb re-offending and holding offenders accountable by ensuring that they face up to their actions, understand the impact of their behaviour, understand the extent of harm and take steps to "put things right" as far as possible. The DCS must ensure offenders assume responsibility, change behaviour and become contributing members of the community through accountability that addresses the resulting harm and encourages empathy and responsibility. Through these rehabilitation programmes offenders must experience personal transformation through healing the harm that contributed to their offending behaviour; making

use of opportunities for treatment; enhancing their personal competencies and participating in impact programmes as part of corrections.

Lastly, encouraging the provision of support systems for offenders to be successfully reintegrated into the community.

The results indicate that most of the factors mentioned in the questionnaire confirm that rehabilitation programmes and social reintegration have an effect on the Parole System. The majority of the respondents confirmed that offenders take parole as a right not a privilege and parolees are being accepted by the society,



Chapter five will present the conclusion and the recommendations of the study.

University of Fort Hare  
*Together in Excellence*

## **CHAPTER 5: CONCLUSION AND RECOMMENDATIONS**

### **5.1 INTRODUCTION**

The purpose of this chapter is to provide a summary of the research findings, draw conclusions and give recommendations. The researcher seeks to answer the question of the effectiveness of the parole system in the rehabilitation and social reintegration of offenders in the Mthatha Community. The findings seek to provide a platform from which the researcher will draw conclusions and give recommendations.

Quantitative and Qualitative methods were used to gather information from almost all the different people working in Mthatha Correctional Centres and Community Corrections as well Offenders and Parolees. Both Quantitative and Qualitative data analysis were used to evaluate all the information that was gathered in order to arrive at a conclusion that the research seeks to draw.



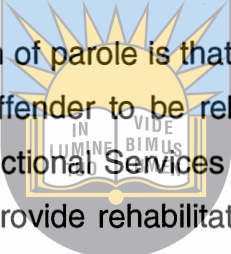
University of Fort Hare  
*Together in Excellence*

### **5.2 SUMMARY OF MAJOR FINDINGS**

The research revealed that not all offenders took rehabilitation as seriously as they are suppose to. Other offenders took these rehabilitation programmes as the key to get out of the correctional centre, after that they re-offend. The main aim of the parole is to give an offender a second chance to prove himself/herself that what he/she did was a human error. These rehabilitation programmes are only afforded the sentenced offenders in correctional centres with no consideration of awaiting of trial detainees.

It would be better if these rehabilitation programmes could start at awaiting trial detainees because it is where the challenges start. Sometimes awaiting trial detainees stay more than two years before appearing in court or being sentenced. During this period they are vulnerable to gangsterism etc. The

Department of Correctional Services does not follow these offenders after they have been granted parole to check whether the skills they have acquired inside correctional centres are utilized effectively in the communities for service delivery or are ploughed back. The only thing that the Department is doing is monitoring, to make sure that they have signed at the end of the month. The Department of Correctional Services is failing to check whether a particular parolee does have a job or not, or what he/she is doing in the community. This may be but one of the reasons why they re-offend because they are doing nothing the whole day, others fall prey to being stigmatized about the crimes they committed.

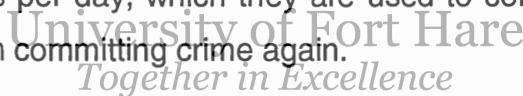


The major problem in the system of parole is that the Department of Correctional Services focuses only on the offender to be rehabilitated, forgetting about the victim. The Department of Correctional Services needs also to engage the non-governmental organizations to provide rehabilitation programmes to the victims. The Department further needs to provide the victims with counselling from the day of victimisation until the victim recovers from the trauma. The focus must also be on the victim so that it could be easy for the victim to reconcile with the offender. The researcher found that the rehabilitation programmes provided to offenders in correctional centres are sometimes not relevant to the offence the offender committed. The Department needs to consider providing relevant rehabilitation programmes to offenders. Once programmes are relevant towards exact offences then it may be easier for offenders to be rehabilitated. Other major findings are the shortage of Educators, Social Workers and Psychologists in the Department of Correctional Services as compared to the number of offenders inside correctional centres.

In the Mthatha correctional services there are seven Social Workers to assess 2400 offenders. There are eight Educators to teach these 2400 offenders and there is no psychologist. If there are offenders who require psychological treatment, the Department sends them to St Albans in Port Elizabeth where there is only one psychologist. The Department needs to increase the salaries of these

specialists so that more specialists could be attracted. There is a huge gap in the notches of the Educators in the public service than those in the correctional centres. This is a challenge to the Department which needs to close the gap to avoid an exodus of Educators to seek greener pastures.

The researcher found that most of the offenders being given parole, re-offend. Immediately when the offender is coming from the court to the correctional centre, there must be counselling, so that he/she could adapt himself/herself to the situation. Another major finding is that the parolees are stigmatized in the communities and thus see themselves as not welcomed which sometimes results in them relapsing. Sometimes the communities do not engage offenders in community activities, they sideline them and they feel neglected that's why they choose to go back to correctional centres again. Even their own families, sometimes neglect them deliberately and do not buy them clothes to wear and access to three meals per day, which they are used to correctional centres and this may result in them committing crime again.



### **5.3 CONCLUSION**

The aim of the research was to explore the Effectiveness of the Parole System in the Rehabilitation and Social reintegration of Offenders in the Eastern Cape, Mthatha community. A lot of research findings were discussed which made a huge contribution to the body of knowledge concerning rehabilitation programmes, social reintegration and areas that need attention.

The research has shown that to a greater extent the Department of Correctional Services plays a major role to the offenders to give them parole, so that they have a second chance to prove that committing crime was a human error. For an offender to be granted parole he/she must show remorse by engaging himself/herself in the rehabilitation programmes which are being offered in correctional centres. These programmes must be relevant to the crimes the

offender has committed. The Department of Correctional Services must also make sure that gangsterism in correctional centres are abolished. All offenders must take part in rehabilitation programmes.

The researcher has noted that other offenders are just doing these rehabilitation programmes for the sake of doing them so that they can get parole, after that they forget about them and that is why they relapse to crime. Also the Correctional Officials contribute to recidivism by not encouraging the offenders to take part in rehabilitation programmes. The researcher noted that traditional approach to crime and criminals has not reduced criminality to any marked degree. Despite severe punishment, the crime figures have steadily increased and the population in prison has grown. Imprisonment usually serves only as retribution and a community protective function. It should be mentioned that rehabilitation of inmates is severely restricted by a high imprisoned population and the shortage of trained manpower as well as the prison subculture. Furthermore, experience indicates that, while some offenders do not benefit from rehabilitation, custody in itself presents no permanent protection for society.

Mthatha prison is bursting at the seams. With space for 1751 prisoners 3880 are crammed in. The result is at best problems with food, health, exercise, stress levels and rehabilitation. At worst prisoners are dehumanized, develop a grudge against authority and turn prisons into universities of crime. The Department of Correctional Services has to drastically reduce the number of prisoners so that meaningful rehabilitation programmes can be implemented. For a start there is the appalling number of awaiting-trial prisoners. These prisoners remain in prison waiting to be tried for an average of about three months, some for years. About 60% of them may not be convicted. Until their court appearance they just lie or sit all day in overcrowded cells without engaging any programme that could improve them. Unnecessary arrests by the police, like arresting a wrong person without evidence, unaffordable bail and delays in completing cases are the main causes. Summary imprisonment should be resorted to only in extreme cases, where the

court really has no other alternative, due to the nature and seriousness of the offence. This is also applicable in cases where the offender has a long list of previous convictions, thereby showing a propensity to commit crime. Such a person is a menace to society and should be kept behind bars.

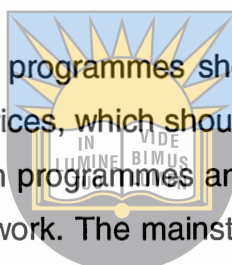
#### **5.4 RECOMMENDATIONS**

These recommendations are the brain-child of both the researcher and the respondents especially on areas where Parole System needs improvement. African traditional dispute mechanisms need to be considered and ways should be found to incorporate this practice into the criminal justice system, like using the old traditional ways of sentencing people in Tribal courts. There must be Magistrates for African traditions, who know the different cultures in the society. This could assist courts on how to solve African traditional problems. The current justice system should explore ways of incorporating the voice of the family, the victim and the community in the process, and social integration and reintegration options must be included from the start. Victim-Offender Mediation should be strengthened within the Department of Correctional Services as part of the sentencing framework. The Department should embark on training programmes that will build a critical mass of skilled mediators working in both the correctional centres and on the community reintegration process.

While the critical role of the community in improving restorative justice processes is evident, further consideration should be given to the role that communities can play in the restoration and reintegration of offenders. Public education meetings should be hosted to build the relationship between the Department of Correctional Services and the communities. The Department can enhance its social reintegration work through public participation. The rehabilitation programmes for offenders facilitated by external organizations and the programmes facilitated by the Department of Correctional Services should be aligned. The Department should ensure that external organizations are

monitored and their impact evaluated to ensure that maximum value is achieved. Gangsterism in correctional centres should be abolished. Correctional Officials should monitor that in correctional cells, all offenders must be engaged in rehabilitation programmes. Offenders engaging in gangsterism must be penalised by not being given an amnesty. The Department of Correctional Services has to drastically reduce the number of prisoners so that meaningful rehabilitation programmes can be implemented. All offenders who have been sentenced to less than two years must be sent to community corrections for correctional supervision, not to correctional centres.

The philosophy of rehabilitation programmes should inform the practices of the Department of Correctional Services, which should ensure that every correctional officer is trained on rehabilitation programmes and that this practice is integrated into every aspect of her or his work. The mainstreaming of gender analysis into the conceptualization of restorative justice initiatives is essential, as the needs of women and men within the correctional services' system differ. The "one-size-fits-all" approach should be replaced with an approach that responds to the specific gender needs of the department, community and offender. As South Africa plays an increasingly visible role on the African continent, the Department of Correctional Services should forge partnership with correctional services in other countries, particularly in the southern Africa region, in an effort to share experiences and learn from other examples of implementing the Parole System.



University of Fort Hare  
*Together in Excellence*

## **QUESTIONNAIRES**

### **3.5.1.1 Questionnaire A: Open-ended questions for Parolees**

1. How is life in the community as compared to the correctional centres?
2. Does the community really accept you back when you return from a correctional centre?
3. How do you feel when you see your victim or the family of the victim?
4. Do the skills you have acquired inside the correctional centre help you well in the community?
5. Are you not shy to report at the nearest police station at the end of the month?
6. What is your contribution in your society towards fighting crime?
7. Do you think that the department's rehabilitation programmes have a positive impact towards recidivism?
8. Does your family still accept you as their member on your return?
9. What challenges do you encounter after being placed on parole?
10. How do you respond when members of the communities call you names? For example rapists, murderer etc.

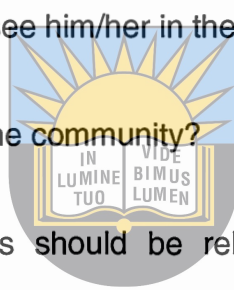


University of Fort Hare

*Together in Excellence*

### **3.5.1.2 Questionnaire B: Open-ended questions for Communities**

1. How do you feel when a criminal in your area has been arrested?
2. If he/she is sentenced how long do you take to forget about the crime he/she has committed?
3. Can you forgive him/her after he/she has been given a parole?
4. How do you react when you see him/her in the community?
5. How do parolees behave in the community?
6. Do you think that criminals should be released before they finish their sentences?
7. Do you really accept them back in the community?
8. Do the parolees show any remorse after a long service in correctional centres?
9. Do they really respond to these developmental programmes they have done in correctional centres?
10. Do you label them in terms of the offence they have committed?



University of Fort Hare  
*Together in Excellence*

### **3.5.1.3 Questionnaire C: Open-ended questions for offenders.**

1. How is life inside the correctional centres?
2. Do you ever think of committing crime again and why?

3. Do you belong to any gangsters in the correctional centres and why?
4. Is there any necessity for offenders to be given parole and why?
5. Is there a need for rehabilitation programmes whilst the offenders are in correctional centres?
6. Is there a need for social reintegration programmes whilst the offenders are in correctional centres?
7. Is life better in correctional centres than in communities?
8. How do you feel when you are thinking of what you did?
9. How is the relationship between you and the correctional officials?
10. How do you feel when you have been given a date to go home? (Parole).



University of Fort Hare  
*Together in Excellence*

**3.5.1.4 Questionnaire D: Open-ended questions for correctional officials.**

1. Do you really enjoy working under the Department of Correctional Services and why?
2. How were the conditions before the Department demilitarised as compared to-day?
3. Do you agree with the treatment of offenders by the department and why?
4. How is relationship between you and offenders?

5. How do you treat the offenders?
6. Do you think rehabilitation programmes really help the offenders?
7. Do you think that parole is a right of offenders and why?
8. Do you condone the rights of offenders and why?
9. Is it proper for tax payer's money to be utilized for offenders?
10. Is it not easy for you to be bribed by offenders and why?



University of Fort Hare

*Together in Excellence*

**3.5.1.5 Questionnaire E: Open-ended questions for social workers.**

1. Do the offenders tell you exactly what crime they committed?
2. Are the rehabilitation programmes relevant to the offence an offender committed?
3. What is the impact of rehabilitation programmes on the offenders?
4. How do you interact with different cases of offenders?
5. How do you re-concile the offender with the community and victims?

### **3.5.1.6 Questionnaire F: Open-ended questions for educators.**

1. Do offenders have interest in education?
2. Do educational programmes have an impact in the rehabilitation of offenders
3. How has education helped the offenders to rebuild their moral values?
4. Do offenders really cope with the educational programmes?
5. Do you enjoy teaching in a correctional centre?



University of Fort Hare  
*Together in Excellence*

## **6. BIBLIOGRAPHY**

### **BOOKS**

Bayat S, Cheminais J, Fox W and van der Waldt G, 1998: The fundamentals of Public Personnel Management, Juta and CO Ltd, Kenwyn.

Botes P.S, Brynard P.A, Fourie D.J and Roux N.L (Coordinator), 1997: Critical Issues in Public Management and Administration in South Africa, Kagiso Tertiary, Pretoria.

Botes P.S, Brynard P.A, Fourie D.J and Roux N.L, 1992: Public Administration and Management, A Guide to Central, Regional and Municipal Administration and Management, HAUM Tertiary, Pretoria.

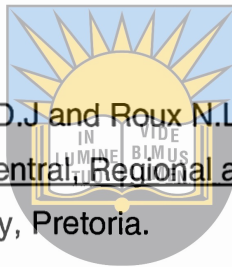
Cloete J.J.N, 1986: Introduction to Public Administration, J.L van Schaik (Pty) Ltd, Pretoria.

Crow I, 2003: The treatment and rehabilitation of offenders. SAGE Publication Inc, London.

Fox W, Schwella E and Wissink H, 1991: Public Management, Jutta and Company Ltd, Kenwyn.

Leedy P.D and Ormrod J.E, 2005: Practical Research, Pearson Education International, Merrill Prentice Hall, London.

Meiring M.H and Parson C.R, 1994: Fundamental Public Administration: A Guide for a changing South Africa, University of Port Elizabeth, Port Elizabeth.



University of Fort Hare  
*Together in Excellence*

Nachmias D and Nachmias C, 1987: Research Method in the Social Science, Edward Arnold (Publishers) Ltd, London.

Neuman L, 2000: Social Research Method, Ally and Bacon, Boston.

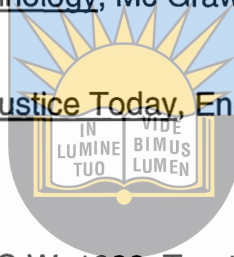
Price Terry. L, 2006: Understanding Ethical Failures in Leadership, Cambridge University Press New York.

Ranny Austin, 1975: The Governing of men, The Dryden Press Hinsdale, Illinois.

Reid S.T, 2006: Crime and Criminology, Mc Graw-Hill, New York.

Schmallegger F, 1993: Criminal Justice Today, Englewood, Prentice Hall, Cliffs London.

Smith B, Adler F and Mueller G.O.W, 1998: Treating the criminal offender, Plenum Press, New York.



University of Fort Hare  
*Together in Excellence*

Struwig F. W and Stead G.B, 2004: Planning, designing and reporting research, Maskew Miller Longman, Cape Town.

Thornhill C and Hanekom S.X, 1995: The Public Sector Manager, Butterworth Publishers (Pty) Ltd, Durban.

## JOURNALS

Manual for the members of Correctional Supervision and Parole Board 2004.

Manual for the members of Correctional Supervision and Parole Board 2007.

S A Correction Today: September/October 2007.

## LEGISLATION

Constitution of the Republic of South Africa, 1996.

Criminal Procedure Act, 1977(Act 51 of 1977).

Department of Correctional Service Act, 1998(Act 111 of 1998).

White Paper on Corrections in South Africa, 2005.



University of Fort Hare  
*Together in Excellence*