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ADDRESSING RECIDIVISM: AN EVALUATION OF REHABILITATION PROGRAMMES IN GAUTENG PRISONS

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A research report submitted to the Faculty of Law, Commerce and Management, University of the Witwatersrand, in partial fulfillment of the requirements for the degree of Master of Management (in the field of Public and Development Management)

October 2006

DECLARATION

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) to the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other university.

_____

Tebogo Umanah

31 October 2006

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Abstract

Measures to address the issues of juvenile crime and the problem of young people in trouble with the law are areas of international concern. Violent crime is mostly perpetrated by young people between the ages 14 and 25. The entry of these youngsters into the corrections system is worrying, as some of them will be equipped to become worse criminals partly due to them sharing cells with hardened criminals. It has been argued that it is a fruitless exercise to keep young offenders in prison as they tend to relapse upon release. Consequently, various approaches such as rehabilitation, minimum sentences and restorative justice have since been introduced as alternatives to traditional ways of imprisonment. Drug abuse, peer pressure, a lack of commitment on the part of offenders to change and corruption amongst DCS personnel are some of the factors leading to recidivism. As far as juveniles are concerned, rehabilitation therefore means helping young offenders to become responsible citizens.

Acronyms

CBOs – Community Based Organisations

CMC – Case Management Committee

COMPRA - Common Prisoners Rehabilitation Agency

DCS – Department of Correctional Services

DoJCD – Department of Justice and Constitutional Development

NACRO – National Association for the Care and Resettlement of Offenders

NCPS – National Crime Prevention Strategy

NGOs – Non Governmental Organisation

NICRO - National Institute for Crime Prevention and Reintegration of Offenders

RDP – Reconstruction and Development Programme

RJC – Restorative Justice Centre

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Chapter 1: Introduction

1.1. Introduction

The Correctional Services Act 111 of 1998 recognises the importance of rehabilitative work with prisoners, of promoting social responsibility, human development of all prisoners and persons subject to community corrections (Section 2 of the Correctional Services Act111 of 1998). Rehabilitation, if implemented well, can play an important role in reducing the cycle of re-offending. Rehabilitation is defined by Sentle as "the provision of an enabling environment where a human rights culture is upheld, where the prisoners are inspired and assisted to discard negative values and develop positive ones" (2002:14). He goes on to say that it is a development of opportunities to acquire knowledge and skills in order to prepare the prisoner to return to society with improved chances of staying out of prison and becoming a law abiding citizen.

International trends have determined that offenders are sentenced to imprisonment as punishment (Dissel, 1995:1). Prison should not serve the purpose of punishing offenders, but rather, ensuring that they are prepared in order to become responsible and empowered individuals after release. It becomes a fruitless exercise to keep offenders, especially young offenders incarcerated as the prison experience may increase their chances of re-offending after release (Muntingh, 2002:21). Muntingh argues that whilst in prison, they can either learn to perform more sophisticated crimes or can get addicted to drugs which are easily smuggled into the cells. There has therefore been a move internationally, from retribution to rehabilitation.

Rehabilitation, it is believed, can deter crime and reduce recidivism. Recidivism is a phenomenon of reverting to crime upon release from prison, after an offender had been convicted of a certain crime. Recidivism is also defined as "the continued, habitual or compulsive commission of law violations after first having been convicted of prior offences" (www.utcourts.gov). A study conducted by Eldefonso and Hartinger (1976) revealed that recidivism rates for young offenders are higher than those for any other group. This is due to the fact that certain factors in society such as peer pressure after

release and pressure to have an income pushes them towards committing more crimes in order to survive and to conform to societal norms. Rehabilitation can therefore be seen as a mechanism for restoring the dignity of young people in trouble with the law. Whilst in prison, the root causes of their behaviour as well as risk factors can be identified and addressed systematically. It is believed that "depending on individual characteristics, treatment in prison can theoretically lead prisoners to a life without crime after serving the prison sentence" (Sagel-Grande, 2002:95).

It is the aim of this research to assess the rehabilitation programmes that are being implemented by the Department of Correctional Services (DCS). The research will examine the types of programmes that are implemented by the department, the manner in which they are being implemented and factors that work against the success of such programmes. The experiences of ex-offenders as well as offenders around such programmes will be captured in the report. The research will conclude by assessing whether criminal behaviour is truly being addressed by rehabilitation programmes, through analysing the causes of criminal behaviour against the kind of programmes that are being administered in prisons.

The first chapter will outline the background to this study, the problem statement and the objectives of the study. The research methodology embarked upon in order to come to the findings as outlined in the report will also be discussed, and this will be followed by a brief outline of what each chapter entails.

1.2. Background

Measures to address the issues of juvenile crime and the problem of young people in trouble with the law are areas of international concern (Roper and Van Rooyen, 2003). This stems from the fact that crime, especially violent crime, is perpetrated by young people between the ages 14 and 25. Statistics indicate that the number of juvenile offenders in prisons more than doubled from 14 172 in 1995/96 to 28 761 in 2002/03, an increase of 103% in the eight year period (Kriel, 2005:109). Currently, young people

between ages 14 and 25 comprise 60 509 (38%) of the total prison population of 159 575 (DCS information as at 29.09.2005). The entry of these youngsters into the corrections system is worrying, and more disturbing is the fact that some of them young people will be equipped to become worse criminals partly due to them sharing cells with hardened criminals.

Research by Roper and van Rooyen reveals that approximately 4000 juveniles are released from jail per month (2003:3). Whether these are rehabilitated or rehabilitation has borne fruit in them remains to be seen, and is a subject of this study. The questions that arise here are, whether these young people have skills to cope with the outside world, whether they have education which will enable them to continue with their schooling or even become economically empowered after release? Most offenders who get released, especially juveniles and the youth, end up in prison after release. The recidivism rate is estimated between 85% and 94%, (Muntingh, 2002:21). Some of these are people with minor offences, who in essence, should not be incarcerated for long or at all. It is worth emphasizing that some of these young people sometimes come out of prison being worse criminals, as they share cells with inmates who would have, in some cases, committed more sophisticated crimes.

According to the report of the Portfolio Committee on Correctional Services, (2004), the Criminal Law Amendment Act No. 105 of 1997 has led to an increase in the duration that people spend in prison. The Legislation prescribes minimum sentences for certain serious offences. For example, the population of prisoners serving 10-15 years has increased by 204% between 1995 and 2004. There are some juveniles who serve such sentences. This leads to a situation in which young people enter jail as children or juveniles and get released as adults. The implication therefore is that they would have spent time in prison with both fellow juveniles and adults, and would have learnt some of the undesirable prison behaviour[1]. As put forward by eight psychologists linked to the Department of Correctional Services in 1997, "in some prisons, inmates have access to more drugs and alcohol than whilst they were in the community" (Beeld, 5 August

[1] Becoming part of prison gangs for example, which are involved in drug trade and sexual activities.

1997:8). The experience of prison may affect their development and the ability to shift from a life of crime. Instead of becoming responsible adults, they might end up suffering from post release trauma and even committing suicide (Roper, 2005). It therefore becomes essential to assess whether they are being rehabilitated and if such programmes are effective in deterring them from further crime.

It is one of the aims of the Department of Correctional Services to "develop the inmates' sense of social responsibility and promote their general development whilst in custody" (the DCS presentation to the Medium Term Expenditure Committee, 2004). In terms of corrections, the Department aims to provide needs based correctional sentence plans and interventions based on the criminal profile of individuals and targeting all elements associated with offending behaviour. Its White Paper on Corrections places rehabilitation at the centre of its activities in order to break the cycle of crime. Rehabilitation has been introduced as far back as 2002 with the introduction of the Probation Services Amendment Act of 2002.

1.3. Problem Statement

It is assumed that current attempts by government in dealing with the emergent problem of repeat offending are inadequate and ineffective. Despite rehabilitation programmes that have been introduced in correctional centres as well as sentences like correctional supervision, some of the juveniles that have been incarcerated tended to relapse. The recidivism rate is estimated between 85% and 94%, (Muntingh, 2002:21). This kind of problem leads to a situation wherein one finds large numbers of juveniles and the youth in prisons, and sometimes being comfortable there.

1.4. Research Objectives

The goal of this study is evaluate the effectiveness of initiatives that have been put in place to curb repeat offending. In order to achieve this goal, the following objectives of the study will be undertaken, which are as follows:

- To assess current theoretical arguments on the issues of rehabilitation and recidivism, as well as an outline of the evolution of rehabilitation in South African prisons.
- To capture the perceptions and experiences of a sample of offenders and ex-offenders with regard to rehabilitation, prison life and crime.
- To establish the kind of measures put in place to address recidivism, how these are being implemented and what the challenges and success factors are in implementing such programmes.

1.5. Research Methodology

1.5.1. Literature review

The research commenced by means of a literature review on theories underpinning rehabilitation and recidivism. This was important in ensuring that the researcher gets a grasp of arguments around the causes of repeat offending, as well as identifying gaps in the literature. Dane points out that the grasp of the literature "enables the researcher to introduce the project so that others can discover its worth as an addition to the body of knowledge" (1990:62). The literature review enabled the researcher to develop a research instrument and to decide on the unit of analysis.

1.5.2. Sample

For purposes of this study, four correctional centres (prisons) in the Gauteng province were selected as a sample. These were chosen at random. The correctional centres in question are Leeuwkop, Johannesburg Medium C, (also known as Sun City) Nigel and Pretoria Female prison. From each of these correctional centres, four juvenile or youth offenders were randomly selected for an in-depth interview. In total, sixteen interviews were held with juvenile offenders that were still incarcerated. A questionnaire was also

distributed to the four correctional centres. Four questionnaires were distributed and only three were returned.

A sample of ten parolees was drawn from both the Johannesburg and Randburg Community Corrections offices. This was made up of six men and four women. The Randburg and Johannesburg offices were selected since they are linked to the Johannesburg and Leeuwkop correctional centres, in that offenders from these centres are supervised by parole officers from the offices in question. The sample for men was random because the researcher sought to speak to any man that was willing to share his prison experience, including the experience on the rehabilitation programmes in prison. The sample for women was a convenient sample, as they were the only women available at the time. Also known as incidental or accidental sampling, convenience sampling is believed to be "the most convenient collection of members of the population that are near and readily available for research purposes" (Welman and Kruger, 2001:62; Weberloff, 2001:6). The researcher acknowledges that a convenient sample is usually not representative.

1.5.3. Unit of analysis

The unit of analysis was informed by the researcher's interest in the opinions of young people on rehabilitation programmes, which they would have attended. This was regarded by the researcher as first hand experience. The identification of the population to be interviewed was also informed by the need to know why young people re-offended despite having gone through rehabilitation.

Offenders as well as parolees were therefore identified as the unit of analysis. Patton argues that for programmes engaged in healing, transformation and prevention, the best source of information are client stories. It is through these stories that we discover how programme staff interacts with clients, other service providers and families of clients to contribute to outcomes (2002: 151). In addition, the correctional centres mentioned

above were chosen as units of analysis in as far as they were the custodians of rehabilitation.

1.5.4. Data collection techniques

Data was collected through both qualitative and quantitative methods. The quantitative technique involved the distribution of a questionnaire to the four correctional centres. The questionnaire sought to find out, amongst others, the accommodation capacity of each centre against the number of inmates that were incarcerated at the time of the interview. This question was asked with the assumption that rehabilitation is not possible under overcrowded conditions. The number of repeat offenders was also sought per correctional centre. This could help in determining whether the rate was high or low in all the four correctional centres. Also asked were questions about the type of offenders that were rehabilitated the most, problems leading to offending behaviour as diagnosed by social workers and psychologists as well as the types of programmes that are offered. Thus, the questionnaire was made up of closed and a few open ended questions where opinions of the social workers were sought.

The survey was self administered, in the sense that some of the information that the researcher required from social workers was not readily available. As a result, the researcher left the questionnaire with social workers and collected it at a later stage. Dane argues that self administered questionnaires increase the likelihood for misunderstanding in terms of incomplete responses (1990:133). In case of the study in question, this was overcome by means of phone calls made to the researcher where the respondents did not understand the questions. The researcher also called when clarity regarding certain responses was needed.

In terms of qualitative methods, in depth interviews were initially held with officials of the Department of Correctional Services. These were prison area managers, social workers and psychologists. Broad questions around the implementation of rehabilitation

programmes were asked, as well as challenges and successes pertaining to these programmes. The following people were interviewed:

- the area manager of Pretoria Management Facility
- a chief social worker from the same facility,
- a social worker from Leeuwkop Medium B,
- the area manager for the Nigel correctional centre,
- a social worker from Johannesburg Medium C which houses juveniles,
- a social worker and a psychologist from Krugersdorp and
- a Community Corrections manager in Johannesburg.
- A directed conversation was held with a parole officer from the Randburg community corrections office.

This group of people was interviewed because they are responsible for implementing rehabilitation, whose outcomes the research sought to find. As Patton points out, "in an effort to make the world a better place, the question of whether the people involved are accomplishing what they want to accomplish arises" (2002:10).

In addition to the above, sixteen offenders and ten parolees were interviewed through in-depth unstructured interviews. These were carried out in order to capture the experiences of people whom the rehabilitation programmes were meant for. The inmates were free to tell their stories at their own pace. Discussions around what they were doing in the correctional centres during the day were also held. In an unstructured interview, as Welman and Kruger show, an attempt is made to understand how individuals experience their life world and how they make sense of what is happening to them" (2001:188). Qualitative methods are used in evaluations because "they tell the programme's story by capturing and communicating the participant's story…to the extent that they illuminate the processes and outcomes of the programmes" (Patton, 2002:10). The interviews sought to find out whether the offenders and parolees had attended any rehabilitation programnmes and whether they had benefited from these.

After these interviews were held, the researcher identified a need to conduct focus groups with ex-offenders in order to test a few hypotheses around offending behaviour as well as rehabilitation. There was a need to capture the stories, experiences and perceptions of this group of respondents in order to inform the research on the dynamics around rehabilitation and incarceration. A group of ex-offenders who had attended rehabilitation programmes as administered by Khulisa Crime Prevention Initiative[2] was interviewed. This was made up of three women and four men, and was a convenient sample as these were people that attended computer courses at Khulisa every Monday. Themes and hypothetical statements such as "prison mends, prison destroys" were discussed. Challenges regarding rehabilitation programmes were also discussed. Another focus group was held with parolees at the Alexander police station, as they are linked to the Randburg Community Corrections office. This was a group of young men who were selected randomly. Similar themes as above were raised with them.

1.5.5. Data Analysis

Because quantitative data facilitates comparisons and provide descriptions, the data has been analysed through frequency displays as well as measures of central tendency. This information will be important in corroborating findings that emerged from qualitative research.

A thematic analysis has been employed to analyse qualitative data. The content of the data, which reveals the respondents' emotions, thoughts and perceptions has been analysed and is shown through direct quotations in the report.

1.5.6. Ethical Considerations

Permission to conduct the study was obtained from the National Department of Correctional Services. The researcher also obtained consent from all participants in the

[2] Khulisa Crime Prevention Initiative is a Section 21 organisation dedicated to reducing crime in South Africa through the implementation of youth and community development programmes and through the provision of rehabilitation and reintegration programmes to youths in trouble with the law.

study prior to interviews. Participants were assured of their anonymity as well as the confidentiality of interviews. Consent was also obtained for note taking during interviews. Participants were informed as to who would have access to the research material and about the dissemination of research findings. They were also assured that they could get access to the research report if they needed it.

1.5.7. Limitations of the research

A questionnaire for the Nigel correctional centre was never answered as there was only one social worker who would have provided the researcher with the answers. The social worker mentioned that she was tied up with work as she was the only one implementing rehabilitation in the centre.

The Department of Correctional Services has not been colleting statistics on repeat offending, and therefore, this information could not be obtained in some of the correctional centres. This information would have been crucial in making some arguments and drawing some conclusions in the study.

Some of the respondents could only speak Zulu. This was tackled by means of switching to their languages as the researcher is fluent in more than four African languages.

In this research, offenders and ex-offenders (especially the former) were asked as to whether rehabilitation programmes have had a positive impact in their lives. The researcher feels that the interviewees have said what they wanted to say in as far as rehabilitation was concerned as most of them expressed the way in which rehabilitation programmes had been useful and some of challenges that impeded the success of these programmes. Questions around the usefulness of these programmes tend to make some offenders dishonest to the researcher since they perceive her as who would intervene in such a situation through for example, ensuring that they get early parole.

1.5.8. Challenges

Data collection challenges:

The researcher met with a number of challenges during the research project. These were, amongst others, challenges relating to application to obtain approval for conducting the research, convincing some offenders and parolees to participate in the research project, power relations and availability of offenders.

Obtaining approval to conduct interviews can be time consuming and a hassle too, especially in government departments. With regard to this project, the researcher had to submit a proposal, fill some forms and write a letter to the national Department of Correctional Services in order to obtain approval to interview inmates and parolees. After this process, the researcher had to wait until the request was approved, which took close to two months. The researcher was referred to a contact person who acted as a gatekeeper and provided details of relevant people in the sampled Correctional Centres. A letter of approval and an identity document (in some cases) had to be produced every time interviews were requested with the various centres.

Getting some of the respondents to participate was a challenge. This was the case with parolees in the Johannesburg Community corrections office. At first the parolees were not convinced as to why they should participate in the research project, but after the head of the unit told them that they were free to outline gaps and problems they had regarding the rehabilitation programme, almost all of them came up to be interviewed. This probably had to do with the issues of power relations, in that having been prisoners, they felt disempowered and sometimes not sure if they could freely discuss the experiences they had whilst in prison.

The other problem related to the issue of power relations is that of a woman interviewing men. Sometimes men tend to use sexist language during interviews or portray women in a manner that lowers their dignity. For example, the men interviewed in a focus group in Alexander referred to the fact that female prison officials had sexual relationships with inmates, and that they derived pleasure from having relationships with them than other

people outside. This was said in a manner which ridiculed women, and it sounded as if it was directed at the researcher, who happened to be a woman and was holding a senior position than they did. It seemed as if it was a way of getting back at the female researcher, because culturally, men see themselves superior to women.

The availability of respondents posed another challenge in that in some correctional centres, which were initially part of the sample such as Nigel, the social worker indicate that she was too busy with projects and was never available. This is a person who had information (including statistics) on rehabilitation and recidivism. As a result, only information from the inmates was used.

It is not always possible to get true stories from offenders, who occasionally lie in order not to reveal the crimes they had committed. One of the offenders from the Leeuwkop correctional centre did not tell the truth about the crime he was convicted of, and this emerged through contradictory versions of his story. This kind of problem, which was alluded to by the DCS officials, could render some of the information gathered unreliable, because of the shame that goes with admitting that one has committed a certain crime.

1.6. Chapter Composition

Chapter two will provide an overview of theoretical approaches to rehabilitation and recidivism. The purpose of this is to enhance an understanding of both concepts, especially when applied in the context of the South African environment. The chapter also discusses practices that are embarked upon in other countries in order to address recidivism. These are practices such as restorative justice and reintegrative shaming, which are aimed at making the offenders responsible for their actions. It concludes by discussing the origin of rehabilitation of offenders in the South African history of prison management, as well as the introduction of the notion of restorative justice.

Chapter three discusses the findings by examining some of the causes of repeat offending. It also outlines challenges regarding the implementation of the rehabilitation

programmes. It argues that rehabilitation has yielded positive results in the lives of most of those who took part in the programmes, and needs to be sustained. There are, however, challenges to rehabilitation such as overcrowding, language barriers, corruption and some of the prison policies which need to be addressed in order to sustain the rehabilitation programmes and successes that are already felt. A critique of rehabilitation is provided in this section. The chapter argues that rehabilitation is not a panacea to resolving the problem of recidivism, but that there are other methods such as restorative justice, reintegrative shaming and retribution, which are aimed at making the offenders responsible for the crimes they have committed. In addition, the chapter discuses the type of offences to which different methods of addressing recidivism could be applied.
]
Chapter four discusses recommendations to ensure that rehabilitation becomes effective and yields positive outcomes where it is applicable. It points out that the in-mates need to be involved in designing these programmes as they know the kind of challenges they will face when they go into the outside world. It concludes by stating that incarceration should be for brief periods only, wherein offenders can get intensive rehabilitation prior to release. The research argues that the type of offenders which should be liable for rehabilitation should be the ones with minor offences such as shoplifting and robbery, whereas serial rapists, serial killers and ordinary rapists should be subject to retributive justice in order to protect communities.

1.7. Conclusion

In conclusion, the chapter has discussed pointed out that there is a high number of juvenile offenders in the correctional centres. It has also been highlighted that violent crime is perpetrated by young people between the ages 14 and 25, and that it is this group, especially juveniles, who recidivate the most. Challenges regarding data gathering have been raised in the chapter, which range from the issue of power relations, unavailability of respondents to those of dishonesty by offenders. The study faced a major limitation, which is that of the inability to access data relating to repeat offending.

This is largely because at the time of the research, the Department of Correctional Services had not yet put in place systems to collect statistics on repeat offending.

Chapter 2

2.1. Literature Review

2.1. Introduction

The purpose of this chapter is to provide an overview of theoretical arguments around rehabilitation and recidivism. Issues around incarceration and its relationship to offending will be explored, as there are various positions on the effect of incarceration on offending behaviour. Also discussed is the restorative justice model, which is an alternative to rehabilitation. A comparative analysis of strategies that are implemented internationally to address recidivism is also carried out. The chapter also gives an outline of policy developments towards rehabilitation and restorative justice in South Africa, and concludes by examining the contents of the Draft White Paper on Corrections 2003, as it is the main basis on which rehabilitation is administered in South African prisons.

2. Recidivism

The Oxford English dictionary defines recidivism as the repeated committing of crimes without being able to stop even after punishment or intervention. Recidivism is also defined as "the continued, habitual or compulsive commission of law violations after first having been convicted of prior offences" (www.utcourts.gov). Recidivism is not only a national problem, but an international one. Dissel and Kollapen argue that South Africa has one of the highest crime and recidivism rates in the world (2002:92). Recidivism is estimated at a rate of between 85% and 94% (Muntingh, 2002:21). The majority of people who get imprisoned every year are young men. It is these young men that find themselves in prison soon after being released. The recidivism rate in South Africa is related to the country's socio-political circumstances, poverty, unemployment, lawlessness and the ineffective rehabilitation and treatment of offenders (Dissel and Kollapen, 2002:93). Research on the views of the judiciary on the criminal justice system in South Africa reveals that factors such as lenient sentences, insufficient

resources, insufficient emphasis on rehabilitation of offenders and adverse socio economic circumstances were quoted by respondents as contributing to recidivism (Prinsloo, Ladikos and Naude, 2003:44). Thus, recidivism is linked to life in prison and choices that ex-offenders have once released into the community.

Arguments around recidivism nationally and internationally centre on the fact that making prison an unpleasant experience does not reduce crime, but instead, punitive imprisonment often increases the risk of recidivism (Mail and Guardian, 25 November 2002 and 23 April 2003). The logic behind this argument is that inmates tend to learn more sophisticated crimes whilst incarcerated, which is why it becomes easy for them to relapse upon release. Also, putting someone in prison without the ability to read or write or even think positively, and then have them released without that ability, they would have no other choice but to return to crime.

Some arguments around recidivism are centred around the belief in the Dutch proverb that "once a thief, always a thief". The thinking behind this argument is that offenders, especially sex offenders, should undergo compulsory treatment and at worst, people want to keep them in lifelong custody *because they are a danger to the society* (my emphasis) (Hanson and Bussiere, 1998:1). The implication of this argument is that a lack of treatment will lead to repeat offending, while lifelong custody will deter criminals from re-offending. The latter part of the argument has been challenged by some scholars, as will be shown in the subsequent sections.

2.3. Incarceration and Recidivism

The effect of prison on recidivism is an important issue and has implications for public safety. Opinions are divided between those advocating longer sentences in the interest of public safety and those supporting shorter sentences in an attempt to reduce recidivism. To this effect, there are various schools of thought on the relationship between incarceration and re-offending

The "prisons as punishment" school of thought argues that prisons suppress criminal behaviour. This school advocates that given the unpleasantness of prison life and the negative social stigma associated with incarceration; these should serve as deterrents to later criminal behaviour. This is a retributive approach, which views punishment in terms of doing justice to the offender in order to make the wrong right (Brunk, 2001:34). Such an approach negates the fact that given the socio-economic conditions that some offenders find themselves in, they would rather re-offend and stay in prison than outside.

The "schools of crime" school of thought, states that prisons increase criminality. By this account, "the inhumane and psychological destructive nature of imprisonment makes offenders more likely to recidivate after release" (Gendreau, Goggin and Cullen, 1999:1). Research has shown that incarceration does not contribute to the reduction in recidivism, but could be leading to its increase. As cited by Song and Lieb (1993), Branham (1992) argues that prison is a school for criminals, and those who are incarcerated become more sophisticated criminals. There are conditions in prison such as access to drugs and alcohol by inmates whilst in prison than when they are in the community, which contributes to recidivism (Beeld, 1997:8).

An argument by Piehl and DiLulio (1997/1998: 9) around the issue of imprisonment is that although there are social benefits of imprisonments such as retribution, deterrence, rehabilitation and incapacitation, these benefits have diminishing returns. They point out that within three years of their community based sentences, about half of all probationers either abscond or are returned to prison for a new crime, while roughly half of all parolees are convicted of a new crime. What is put forward by this argument is that there are no tangible benefits in incarceration in as far as crime prevention is concerned. An argument by an economist Freeman, as cited by Piehl and DiLulio (1997/1998: 5) is that incarceration decreases post-release employability and lifetime earnings potential. Recent moves away from incarceration to rehabilitation support the argument as put forward by the second school of thought. There has thus been an emphasis on rehabilitation and restitution worldwide, rather than retribution.

The rehabilitation view sought to cure or reform offenders, so that they could become law-abiding citizens (Brunk, 2001:35). The restitution view on the other hand, whose primary concern is with correcting the wrong by compensating the victim, has contributed to renewed interests in the rights and interests of victims (ibid). Restitution is only good in cases where there is no relationship between the victim and the offender, which would need to be restored. Since restitution does not achieve restoration of the relationship between the offender and the victim of or the offender and the community, there has been a call for a restoration approach, which is restorative justice. Restorative justice has most of the elements of the restitution approach.

2.4. Rehabilitation

Rehabilitation is defined by Conrad (1973:22) as "a process which makes it possible for an institutionalized and ostracised individual to function as a responsible citizen by enabling him to exercise his rights to meet his obligations". It is a process which should empower convicted criminals to become law-abiding citizens through treatment and skills equipment. The rehabilitation model suggests that certain problems of offenders, whether physical, psychological or social are the direct causes of criminal behaviour. The model is based on the conceptualization of crime as "a deviant behaviour stemming from an illness suffered by the offender, the offender's family or the offender's society" (Brunk, 2001:42). Thus, the offender is not to blame, as his or her offence is viewed as a product of the dysfunctions of the social environment. During incarceration, these problems can be diagnosed, treated and mitigated – and as a result, the offender is less likely to re-offend (Song and Lieb, 1993:3). The objective of rehabilitation is to prevent future offences. It is believed that there are a number of interventions within the rehabilitation approach which might assist in preventing future offences, and these are drug withdrawal therapy, remedial education, specific job training, physical fitness, psychiatric treatment, psychological counselling and job search assistance (www.ditpublishing.com/justice/frames/).

The development of offenders therefore needs to form an important part of their incarceration in order to address their offending behaviour (Hesselink-Louw, Joubert and Maree: 2003: 94). It is crucial that offenders, and in particular young ones, come of prisons having a certain contribution that they can make in society. Roper and van Rooyen (2003) argue that young offenders need to come out of prisons having the skills to cope with the outside world as well as a foundation in education that will enable them to continue schooling and for purposes of economic empowerment upon release.

Hoffman sees rehabilitation as "a lifelong process which relies on individual commitment and socio-political and institutional recognition and support" (2005:8). In other words, the ability of the individual to assert oneself and commit oneself to change is one of the crucial ingredients of rehabilitation. One can argue that this goes along with recognition and support from the very institutions that promote rehabilitation as *well as families*, so that the cycle of crime can be reduced (my emphasis). Support and commitment therefore call for realistic resources to be provided, such as adequate staff, space and equipment for purposes of rehabilitation (Hoffman, 2005:9). Another factor which makes it possible for prisoners to live a life without crime after prison is the type of education offered in prisons (Sagel-Grande, 2002:95). Thus, if the education is not adequate to meet the individual's intellectual and psychological needs (*self-esteem*), then the prisoner is more likely to relapse after release.

One of the critiques of rehabilitation, as Brunk illustrates, is that enforced behavioural therapy is rarely successful. Inmates learn quickly how to go through the notions of rehabilitation, in order to earn early parole and other concessions (2001:42). Thus, inmates can take advantage of this model so as to get an early release, and then go back to their criminal acts. Also, the therapeutic approach to punishment denies the need, even the possibility, of taking personal responsibility for one's actions.

Recently, there has been a tendency internationally, to opt for restorative justice rather than a retributive justice philosophy, which was adversarial and punitive. Restorative justice is an approach to justice, which seeks to hold offenders personally accountable for

their behaviour. It emphasises the human impact of crime, to provide opportunities for offenders to take responsibility for their actions by facing their victims and making amends, and to promote active victim and community involvement in the justice process. The approach emerged in the 1970s and was developed in countries such as New Zealand and Canada. Most traditional and African societies also focused on victims of crime. Restitution and reconciliation were considered as crucial to correct the wrong caused by crime, while imprisonment was not an option (Nsereko, 1992:21). The focus of restorative justice was on healing and reconciliation, as well as encouraging the offender to take responsibility for the crime committed. Restorative justice also sought to create an opportunity to bring other role players (the community affected by the offending and the victim) into the process. The core values of restorative justice, as Braithwaite points out, are about healing, moral learning, community participation and caring, forgiveness, responsibility and making amends (1998:6).

Restorative justice is about relationships between members of a community. Relationships get damaged by crime and there is the power of community relationships to help heal and transform victims, offenders and the community. Pranis argues that justice based on relationships must be pursued in the context of relationships (1998:1). This however, can be a limitation in the sense that a group of people who live in a neighbourhood but do not have shared interests and a sense of connection cannot come together to resolve crime issues. This approach maintains that the criminal justice system cannot deliver improved public safety without the active involvement of the community. But this can only happen in neighbourhoods in townships and rural areas, where a sense of a community is experienced amongst inhabitants of a neighbourhood in question. This argument highlights the fact that issues of social capital and social cohesion are believed to play a role in preventing and addressing crime.

Some of the strengths of the restorative justice approach are that it focuses on harms suffered rather than laws that are broken. This shows a balanced concern for the victim and offender and involves both in the criminal justice process, and works towards assisting victims through empowerment and responding to their needs. Restorative

justice also gets offenders to become responsible for the harms they have caused. Restorative justice involves the balancing of the interests of the offender, the victim and the community, while retributive justice focuses on the offender (Naude, Prinsloo and Ladikos, 2003:1). The restorative approach ultimately mends the relationship not only between the victim and the offender, but that of the offender and the rest of the community.

However, one of the limitations of restorative justice is that an offender might, after reconciliation with the victim, go to another province and carry out a criminal offence there, where he or she is not known by the community in that province. This is possible in cases of theft, organised crime and sexual offences. Restorative justice is not appropriate for all crimes, and it should not be forced upon the victim and the offender. As cited in Naude et al (2003:8), Roach argues that restorative justice may not always be successful, as some victims do demand retribution and punishment (2000:258). The problem of inequality in terms of race and class can be to the disadvantage of poor offenders, as they may not be able to meet the conditions of restorative sanctions (Naude et al, 2003:11). Poor offenders may not be able to make monetary restitution to victims, which may result in harsh penalties and in some cases, incarceration.

Another way in which offenders can be accountable for their offences is through reintegrative shaming, which seeks to reduce the stigma attached to an offender and thus enable the offender to rejoin society. With reintegrative shaming, all parties affected by the offence gather together in one room with the offender, and the latter is made aware of the damage that he or she had caused, as well as the implications of that crime. It is believed that by so doing, the offender's social behaviour is regulated internally through his conscience and externally by means of social disapproval from certain persons in society (Campbell and Revering, 2002:1). Thus, shame is used to instil responsible behaviour, and peers of a particular offender are sometimes called in during the shaming session. This approach is important in that some of the violent crimes that are committed are carried out by people who do not feel any remorse. It is therefore important at times to make people feel bad when they do something wrong. This approach, however, may

not be appropriate for cases of murderers and serial rapists, who may remain shameless. Such cases may require retributive justice, as the victims would certainly feel that they deserve to do some time in jail for having had committed gross human rights violations.

2.5. Comparative Analysis

United Kingdom

In the United Kingdom, there are programmes that are specifically geared at rehabilitating young offenders and other general categories of offenders. An institution known as the National Association for the Care and Resettlement of Offenders (NACRO) is the one that spearheads the rehabilitation of young offenders (www.nacro.org.uk). The objective of this is to prevent re-offending. NACRO does this through:

- Providing accommodation for released offenders. NACRO acknowledges that most prisoners lose their homes while they are in prison.
- Ex-offenders also get help with drug problems.
- They are encouraged to address the things that led to their offending behaviour and get assistance with life skills.
- There are youth activity projects that young offenders get involved in, and these activities are meant to engage difficult and youth at risk.
- Technical skills training is also offered to the young offenders.
- In respect of employment, NACRO trains around 14,000 people a year and works in partnership with some employers. This initiative helps get many ex-offenders to work.

Although NACRO's services have led to a reduction in recidivism and employment opportunities, rehabilitation services remain under resourced, many people still come out

of prison with no home, no prospect of employment and unresolved personal problems – often including an untreated drug habit. This is due to the fact that the prison population has doubled in 2002-2003. Thus incarceration is surely not an instrument for rehabilitation. (www.nacro.org.uk)

United States of America

The United States of America has special treatment programmes for offenders such as women batterers and offenders that are in prison because of drug addiction, to name but a few (Ascroft, Daniels and Hart, 2003; Roman, Townsend and Bhati, 2003: 12). The US has utilized sanctions such as Correctional Boot Camps, programmes such as drug courts and work release programmes. Correctional boot camps are in-prison programmes that resemble military basic training – which emphasise vigorous physical activity, drill, ceremony and manual labour, which ensure that participants have little free time. These are directed towards young, non-violent first time offenders between 17 and 25 years of age, who would have received a sentence of one to two years imprisonment. In this case, the sentence period is reduced to six months. The main goals of boot camps are to reduce recidivism and reduce prison populations. Evaluation studies showed that boot camps did not reduce recidivism because the length of stay in boot camps was too short to affect recidivism, and also because they were not preparing inmates for re-entry into the community. Thirdly, there was no strong treatment model underlying the boot camps (www.ojp.usdoj.gov). Morash and Rucker argue that principles of a strong hierarchy, unquestioning obedience and the learning of an aggressive combating mentality cannot deter further criminality" (1990:19).

Prison work release programmes, aimed at addressing the problem of recidivism have been implemented in Washington. According to Turner and Petersilia (1996:1), work release programmes permit selected prisoners nearing the end of their terms to work in the community, returning to prison facilities during non-working hours. The programme also allows inmates to earn an income and build up savings for their full release. The programme succeeded in as far as it prepared inmates for final release and facilitated their

integration into the community. While in prison, the offenders re-connected with their communities and most remained drug free. These programmes declined due to a lack of funding.

Australia

Since 1991, Australia had used the reintegrative shaming method to address the problem of repeat offending. This is a programme that is rooted in the principles of restorative justice. With regard to reintegrative shaming, Campbell and Revering observed that people are deterred less by the threat of official punishment than the threat of public disgrace (2002:3). In these sessions, the victim of crime and his or her community, as well as the offender and his or her community are involved in the process of determining how to best repair the harm or damage resulting from the crime. When dealing with juveniles, his or her peers are also called in to participate in the process. Only by being confronted and shamed, can offenders begin to understand the extent of the harm they have caused. It was found that in 95% of cases, juveniles did not re-offend after having attended reintegrative shaming sessions.

Australia has also implemented the restorative justice approach through offender conferencing. When used as a diversion from court prosecution, a young person who has admitted the offence , his or her supporters, the victim, the victim's supporters, a police officer and a conference convenor come together to discuss the offence and its impact. Afterwards, the sanctions or reparations may include an apology, paying some form of monetary compensation and undertaking work for the victim or community. The outcome is legally binding (Daly and Hayes, 2001:1).

In terms of restorative justice, it was found that 96% of victims felt that they had been treated fairly, 93% found the process helpful, 98% said the process allowed them to express their feelings without fear of being victimized. 75% felt that the offender was sincere, while 94% indicated that would again participate in restorative justice conferencing if they were in a similar situation (Braithwaite, 1989:22). Thus, Restorative

justice approach yielded positive results and created a sense of satisfaction amongst participants. Communities in Australia also seemed to be more satisfied with restorative processes than with existing criminal justice practices. As Braithwaite shows, members of the community who participated in restorative justice conferencing expressed high rates of satisfaction (1989:35). 93% of parents, 84% of police members and 67% of judicial officers expressed satisfaction with the restorative justice outcome.

South Africa

Most of the rehabilitation measures in South Africa are implemented by Non Governmental Organisations (NGOs) and Community Based Organisations (CBOs). In some instances, these are done in partnership with the Department of Correctional Services.

The measures used to curb repeat offending in South Africa are Correctional Supervision, Diversion and Offender Reintegration. Each of these will be dealt with in detail below.

Correctional Supervision

Under correctional supervision, an offender may be sentenced to imprisonment for an initial period, after which he or she may be required to serve the remainder of the sentence in the community (Dissel, 1997:1). The offender could alternatively be released immediately to serve correctional supervision in the community. Correctional supervision is a community-based sentence which can be imposed for any offence. The purpose of correctional supervision is to provide a means of rehabilitation within the community. Supervision takes the form of monitoring of the offender's movements and compliance with the sentence conditions, as well as regular support sessions with social workers from the DCS. This type of sentence has certain conditions attached to it. For instance, someone who serves under community supervision is prohibited from taking alcohol and drugs, is required to be home during specified hours of the day, is prohibited

from leaving the magisterial district and should attend a treatment programme. Community supervision encourages the offender to be employed (Dissel, 1997:1).

Although most offenders have successfully completed their sentence under this method, the sentence has its own limitations. Most of the offenders do not live in areas that can easily be monitored. They have no fixed addresses or employment, and so do not qualify for the sentence. As Dissel (1997:2) argues, the offender is not encouraged to take initiative or responsibility for dealing with the offending behaviour. This is a top-down approach which might not deal with the root causes of offending.

Diversion

Another approach is that of diversion, which can be used where the offence committed is relatively minor, such as shoplifting. Normally, in such cases, where an offender has admitted responsibility for the offence, the state prosecutor can suspend the prosecution of the case – on condition that the offender attends a particular treatment programme. Cases are diverted to the National Institute for Crime Prevention and Reintegration of Offenders (NICRO), where offenders are educated on criminal procedures and rehabilitated. NICRO assesses the offender's background, which contributes towards the offender's behaviour and also involves children's parents in their counselling sessions. NICRO also holds workshops in schools to enable teachers to identify problems among pupils and to conduct group-counselling sessions for offenders and would-be offenders. This approach is useful for juvenile offenders.

Offender Reintegration

Offender reintegration, which is another rehabilitative method, is a process that "holds offenders accountable for their actions in a constructive and accountable manner" (Muntingh, 2001:1). South Africa has a number of offender reintegration services, most

of which are offered by CBOs and NGOs. These are organizations such as NICRO, Common Prisoners Rehabilitation Agency (COMPRA), Gauteng Rehabilitation Trust and Prison Fellowship International. Most of these however, as Muntingh argues, do not provide a comprehensive service that starts in prison and continues until after release (2001:2). In order to facilitate re-integration of ex-prisoners into society, some of the services that NICRO offers provide contract employment to former prisoners. However, former prisoners are first screened and selected, given skills and other training workshops. There is an emphasis on entrepreneurial development due to the difficulties that former offenders experience in finding employment in the formal sector. After termination of the placement with a particular company, NICRO refers the former offenders to another service agency, arrange vocational training for them or help them access micro financing through the NICRO Enterprise Finance. Follow-ups with ex-offenders are done after a period of six months, and this is important in checking on their well being. This programme has helped in building the prisoners' self image and in reducing re-offending.

Other agencies provide prisoners that are due to be released with motivational workshops and spiritual counselling through church ministers. Nevertheless, one of the problems with workshops as administered by COMPRA is that every workshop includes new participants and it therefore becomes difficult to monitor progress and build on what has already been achieved.

Rehabilitation methods such as the ones undertaken by NACRO and in particular, skills training and rehabilitation of young offenders are being utilized by NICRO in South Africa, and are yielding good results. Correctional boot camps have been utilised in Canada, but have proven not to reduce re-offending.

Limitations in some rehabilitation methods

Some of the rehabilitation approaches as discussed assume that as long as one has the skills, one will get a job, and this should prevent them from re-offending. This is not the

case in South Africa, where it is normally difficult to get job opportunities in the market. Other approaches assume that with vocational training, ex-offenders will start small businesses as soon as the programme they are attending comes to an end, but this is also not the case. Because ex-offenders are seen as a high risk group, it is difficult for them to get loans from micro-finance institutions.

The problem that former offenders experience upon release is that they find difficulty getting jobs in the formal sector after release – this poses the risk of repeat offending which some of the rehabilitation approaches such as ordinary counselling with no skills training do not address. In some cases, offenders cannot be monitored through correctional supervision, and are therefore denied the opportunity of being re-integrated back into the community before release. This could leave the former offenders still feeling like social outcasts, who can easily resort to crime because they would prefer to stay in prison than in their communities.

The issues that remain unanswered, which arise from the literature, are issues around crime that results out of greed rather than need. Rehabilitation puts a lot of emphasis on employment, skills training and psychological counselling, and these leave out the issue of organised crime. The causes of these are not fully dealt with, as most of the rehabilitation approaches are based on the assumption that people offend due to reasons such as a lack of skills which lead to unemployment, among other reasons.

2.6. Rehabilitation and Restorative Justice: an overview of policy developments in South African Corrections

2.6.1. The Pre-1990 period

In the seventeenth century in South Africa, as history reveals, there was no emphasis on imprisonment of offenders but instead, public executions and deportations. Oppler points out that at the time when the Cape was first occupied by the Dutch in 1652, the imprisonment of convicted offenders and the use of such persons for manual labour did

not appear to be prioritized. Mass deportations to the Robben Island and other Dutch colonies in the East took place (1998:1). However, there was a change in dealing with prisoners around 1795. Van Zyl Smit as cited by Oppler, argues that physical punishment was abolished around 1795, and was replaced with incarceration for a fixed period proportionate to the seriousness of the offence. During the 1840s and 1850s, convicts were made to work on public projects, particularly building roads and later, ships. Prisoners were also used to provide labour for the mines between the 1870s and 1890s (1998:1).

Shortly after an introduction of the Union of the Republic of South Africa in 1910, the Prisons and Reformatories Act 13 of 1911 was introduced, which saw the introduction of a system that allowed for the remission of part of a prison sentence subject to good behaviour on the part of the prisoner. A probation system that allowed for early release of prisoners either into the community or work colony was introduced. Although mention of the concept of rehabilitation was made, there was not much that happened in this area. Within prisons, there was harsh punishment for crimes committed, and these ranged from solitary confinement to whippings. This was believed to be a deterrent against crime. Attempts to reform this system were made by the South African Institute of Race Relations, which appointed the Landsdown Commission in 1945. With the establishment of a Landsdown Commission on Penal and Prisons in 1945, it was discovered that the Prisons and Reformatories Act of 1911 had been a vehicle for maintaining a harsh prison system. At the time, the prison service was organised along military lines in order to enhance its control over prisoners. The commission was critical of this kind of service, and instead, suggested rehabilitation for prisoners and the need to ensure that they, especially black prisoners, are literate.

Oppler implicitly illustrates that the South African government did not take into consideration the Commission's proposals (1998:1). This was manifested through the introduction of new prison legislation after 1948, under the apartheid system. This was the Prisons Act 8 of 1959, which stressed the punitive approach on prisoners in the form of corporal punishment for offences and the fact that paroled prisoners should enter into

agreement with employers at low remuneration, or else remain in prison. The legislation recognized some of the aspects of rehabilitation as prescribed by the United Nations' Standard Minimum Rules for the Treatment of Prisoners[3]. Although not significant, some rehabilitative programmes were being undertaken in prisons in 1980. However, these were soon eclipsed due to the declaration of the State of Emergency, which saw the prisons overcrowded with political prisoners.

2.6.2. The Early 1990s

The early 1990s saw the introduction of the concept of "correctional supervision", which was about dealing with certain categories of offenders within the community rather than inside the prison (White Paper on Corrections in South Africa, 2003). This was introduced as a more cost-effective way of conducting corrections and as a response to overcrowding. At the same time, government revisited the release policy as well as the automatic system of remission. A system of credits, which prisoners could earn for appropriate behaviour, was also introduced.

The pre-1994 legislation therefore reveals that in the pre-1994 period, the administration of justice by the courts was characterized by an application of law rather than justice. The courts and prisons enforced oppressive laws and institutional inequality. The period was characterized by punishment for crimes committed, and not development and restitution.

2.6.3. The Post 1994 policy developments

The democratic elections of April 1994 saw the African National Congress' commitment to transform every aspect of the South African society. Such a transformation would be based on the Reconstruction and Development Programme (RDP) policy. The RDP policy document focused on human rights, the rehabilitation of offenders, reformation of

[3] One of the requirements was to divide prisoners into classes in order to facilitate their treatment, with a view to their social rehabilitation (1955:11).

the law dealing with children in custody as well as the effective implementation of demilitarization (1994:120; 125). In 1994, government published, amongst others, a White Paper on the policy of the Department of Correctional Services. Its aim was to "stimulate debate on correctional matters and redefine priorities…coming to grips with a correctional model for the new South Africa. The paper brought with it the demilitarization of the correctional system in order to enhance the department's rehabilitation responsibilities. Although the paper addressed the mandate of the Department of Correctional Services, it failed to identify rehabilitation and correction as a societal responsibility which necessitated community and societal involvement. The paper did not address issues related to human and other physical resources (such as facilities) needed to ensure alignment with the objectives of rehabilitation (draft White paper on Corrections in South Africa, 2003). In other words, the paper did not suggest any forms of alternative sentencing, for example, forms of diversion where the child offender can be put in a reform school and where he or she can be reintegrated back into the community.

There is reference to the notion of rehabilitation in policy documents dating from as far back as 1996. The National Crime Prevention Strategy (NCPS), geared at addressing the deep rooted social and economic causes of crime in society, proposed a need for a new paradigm in crime prevention. This paradigm focused on restorative justice, which seeks to encourage full rehabilitation, particularly for juvenile offenders, and one where treatment is aimed at enabling the minor offender to avoid a life of crime (1996:6-7). The notion of restorative justice is not entirely new in South Africa. There is reference to it in policy documents from as far back as 1996. But apart from this, forms of restorative justice have been taking place in African customary practices as well as traditional practices of other cultural or religious groups engaging in the resolution of community and private disputes (Dissel, 2000:6).

One of the national programmes as identified by the NCPS under the Criminal Justice Process pillar is "Appropriate Community Sentencing". The strategy advocates for an increase in the availability of community sentencing options, which will not only

improve the effectiveness of corrections but also, reduce recidivism. The argument put forward in the strategy is that the imposition of prison sentences on minor offences reduces the likelihood of reintegration into society (1996: 9). The NCPS also refers to a diversion programme for minor offenders, and in particular, juveniles. The programme is aimed at diverting petty offenders and juveniles out of the criminal justice system. A programme on secure care for juveniles also comes up in the strategy, whose aim is to strengthen the eventual reintegration into society (1996:9). This programme necessitated the creation of secure care facilities for young suspects and convicts. The implementation of the NCPS necessitated that the Department of Correctional Services re-examine its core objectives and begin to focus on an effective rehabilitation of offenders.

The NCPS also refers to a Victim Empowerment Programme, a restorative justice approach in which victim offender mediation and compensation create real possibilities for a restorative justice system in which offenders are required to take responsibility for their actions. This programme was initiated with the belief that it will support the creation of crime-resistant communities and will contribute to a reduction of the "culture of violence and victimization (1996:66).

With the idea of restorative justice and rehabilitation, came the introduction of minimum sentences. This came about through an introduction of the Criminal Laws Amendment Act No. 105 of 1997. The purpose of the Act was to amend certain laws so as to repeal provisions relating to capital punishment and to provide for minimum sentences for certain crime types. The move to substituting the death sentence with life imprisonment indicated a shift from a harsh punishment driven approach to the one respecting human rights as stipulated in the Constitution of the Republic of South Africa Act No. 108 of 1996. Sentences for rape, murder and robbery with aggravating circumstances, to name a few, were passed on in accordance with certain provisions of the Act. A critique of this is outlined later.

The White Paper on Social Welfare (1997) called for alternative forms of sentencing, and advocates that only offenders who pose a serious threat to society should be sentenced. According to the white paper, community sentences should be developed and maintained at a level which will command credibility with the courts. These should be put in place as an alternative to imprisonment. It also makes reference to issues of restorative justice. With regard to services that should be offered to offenders, the paper states that "all services must aim at restorative justice by taking into account the victim's perspectives, and by involving the community in justice processes, thus promoting integration and social cohesion.

Between 1996 and 1997, there was a need to test the idea of family group conferences, whose aim was to bring about reconciliation between the victims and offenders. An Inter-Ministerial Committee on Young People at Risk project was introduced. The Interim policy recommendations of this committee stated that the approach to dealing with young people at risk should focus on restoring societal harmony and making amends right rather than punishment. The young person must be held responsible for his or her actions and where possible, reconcile with the victim (1996:17). The project led to the inception of the Restorative Justice Centre. The Restorative Justice Centre (RJC) has been involved in programmes such as Victim Offender Conferencing, diversion of young offenders and probation services. The Victim Offender Conferencing is offered at pre-trial, pre-sentence and post sentence level for young offenders and adults. This programme is funded by the Gauteng Department of Social Services.

There was, after the passing of the constitution in 1996, legislative reform in the Department of Correctional Services, which saw the passing of Correctional Services Act 111 of 1998. The Act provided for a system of community corrections and a release from prison and placement under correctional supervision. Community corrections refer to all non-custodial measures and forms of supervision applicable to persons subject to such measures, and who are under the control of the Department of Correctional Services (1998:12). It recognises the importance of rehabilitative work with prisoners, and to promoting the social responsibility and human development of all prisoners and persons

subject to community corrections. Section 50 of the Act outlines the objectives of community corrections as being, "to enable persons subject to community corrections to lead a socially responsible and crime-free life during the period of their sentence and in future" (1998:48). According to the act, the persons placed under community corrections should take part in treatment, development and support offered.

The Act provides for services such as Day parole. Parole is generally offered when a prisoner's behaviour has proven to be satisfactory. The conditions for community corrections in a way prevent an offender under such a sentence from committing a crime, encourages him or her to seek employment and to remain employed in order to assist him or her not to commit a crime.

Another policy document, namely, the White Paper on Safety and Security (1998), speaks of reducing crime through making it more difficult to commit crimes and less rewarding to do so. This, it is argued, can be achieved through a justice system that acts as a deterrent and through rehabilitation and reintegration. The paper continues to illustrate that in order to target the causes of crime and address factors that contribute to the occurrence of crime, social crime prevention should focus on offender based strategies, which seek to change the behaviour of those known to be criminals or at risk of committing crime. One of the areas of intervention should therefore be community crime prevention, which could entail effective rehabilitation through effective community corrections. This will be aimed at reducing repeat offending. In order to realise this, partnerships between government and civil society structures are deemed as necessary (1998: 19-20).

In August 2000, the Department of Correctional Services hosted a National Symposium on Correctional Services. The symposium recognized the need to "promote a collective social responsibility for the rehabilitation and the reintegration of offenders into the community" (Draft White Paper on Corrections in South Africa, 2003:16). One of the objectives of the symposium was to achieve national consensus on the human development and rehabilitation of all prisoners and their reintegration into the community

as productive and law-abiding citizens. As a result, the department decided to put rehabilitation at the centre of its activities. To this end, it developed programmes geared towards reinforcing rehabilitation, such as the development of individualized needs based rehabilitation programmes, the establishment of formal partnerships with the community to strengthen rehabilitation programmes and combating illiteracy in prisons by providing ABET to offenders (Draft White Paper on Corrections in South Africa, 2003:17).

During a National Cabinet *Lekgotla* in 2001, the department identified rehabilitation as one of its key objectives (National Assembly Budget Vote, 5 June 2001). It outlined the programme to reduce recidivism, which involved strengthening partnerships with civil society, with some of the objectives being to develop individualized needs-based rehabilitation programmes, marketing programmes to inmates and increasing prisoner-made goods and services to enhance self-sufficiency.

Another move towards rehabilitation and restorative justice was manifested through the introduction of the Probation Services Amendment Act, 2002. This was an amendment of the Probation service Act 116 of 1991. The legislation was amended so as to make further provision for, amongst others, programmes aimed at the prevention and combating of crime. Contained in the legislation are provisions for diversion programmes, early interventions, family group conferencing, home based supervision, appointment of assistant probation officers and assessment of an arrested child by a probation officer before his or her first court appearance. Diversion refers to diversion from a formal court procedure, and this takes place within the context of a family or community. With regard to family group conferencing, a gathering is convened by a probation officer, as a diversion or sentencing option to devise a restorative justice response to the offence. In a home-based supervision, an arrested, accused and sentenced child is cared for by his/her parents or guardian, and monitored by an assistant probation officer. This is done under certain conditions.

Although government has introduced legislation and programmes geared towards correcting offending behaviour, research reveals that sentences handed down between

1995 and 2002 have become longer. Sekhonyane argues that this could be due to the fact that criminals have become more violent since 1995 (2003:34). The following table illustrates the length of sentences and the number of prisoners serving those sentences in both 1995 and 2002.

LENGTH OF PRISON SENTENCES 1995-2002		
Length of Sentence	**1995**	**2002**
2-10 years	61 181	68,418
10-15 years	6,168	18,956
15-20 years	2,660	8,355
20+ years	1,885	7,885

Table 1. Length of prison sentences in 1995 and 2002 (Source: Office of the Inspecting judge)

The table above illustrates a disturbing trend of 32,7% of the average prison population of 187 000 (includes both sentenced and unsentenced prisoners) serving sentences of less than ten years. Sekhonyane argues that in 1999, "almost 70% of prisoners in this category were serving sentence of less than five years, with the largest numbers (49%) serving less than six months" (2003:35). Thus, a significant number of offenders who have committed less serious offences could have been given alternative sentences such as diversion and community corrections rather than imprisonment. This is important given the fact that the youth is the most at risk of offending. As the minister of Correctional Services has revealed in his budget vote address in parliament in June 2004, "we have 26 781 unsentenced 18-25 year old youths in our facilities as of 30 April 2004, and 46 291 sentenced youths" (2003: 3).

Thus, government is pursuing a punitive approach through it sentencing policies, which contradicts its approach towards restorative justice and rehabilitation. Such an approach does not recognize the community as a victim, in the sense that the community (or even the victim) is not involved in developing appropriate resolutions to the problem at hand.

Community or victim involvement could bring about restoration and would play a role in averting repeat offending.

The draft White Paper on Corrections in South Africa (2003) focuses on issues of rehabilitation. It was developed as a replacement of the 1995 White Paper which failed to address issues of rehabilitation and corrections. This is mainly due to the fact that there has been a paradigm shift towards rehabilitation.

According to the draft White Paper on Corrections in South Africa, the mission statement of the department as developed in 2002 is to place rehabilitation at the centre of all departmental activities. Some of its objectives are to break the cycle of crime through promotion of social responsibility, to enhance human development and provide guidance and support to correctional "clients" within the community through community supervision. Furthermore, it aims to reconcile the client or offender with the community. The approach of the department towards rehabilitation is informed by a commitment to a restorative justice approach, which requires correctional services to, amongst others, enable offenders and ex-offenders to make amends to their victims and the community.

In his budget vote address in the National Assembly in June 2004, the Minister of Correctional Services Mr. Ngconde Balfour highlighted the fact that rehabilitation rather that mere incarceration for purposes of punishing criminals, will not correct offending behaviour. He said,

> "I am convinced that correction and rehabilitation is the only way in which we are going to insulate society against the cycle of crime. No high walls will do this…those criminals must know that we are ready to accommodate them not only in our facilities when apprehended but also in our programmes aimed at assisting them in changing their offending behaviour and ultimately reintegrating them into society" (2004:1).

He highlighted that corrections, which includes rehabilitation and reintegration of offenders, is not a role for the Department of Correctional Services only, but other social institutions such as families, communities, schools, religious and cultural groups.

Lastly, the issue of rehabilitation is mentioned in the proposed Child Justice Bill. The proposed child justice system includes alternatives to arrest, compulsory assessment of each child and appearance at a preliminary inquiry within 48 hours of arrest. The purpose of a preliminary inquiry (which is carried out before plea), is to encourage the use of diversion (Child Justice Bill, 2002). It is believed that an appropriate implementation of this Bill will see the reduction in the number of children in prisons, as well as the number of children that are in trouble with the law.

The issue that remains unanswered, which arise from the literature is around crime that results out of greed rather than need. Rehabilitation puts a lot of emphasis on employment, skills training and psychological counselling, and these leave out the question of organised crime. The causes of these are not fully dealt with, as most of the rehabilitation approaches are based on the assumption that people offend due to reasons such as a lack of skills which lead to unemployment, among other reasons.

2.7. Conclusion

This chapter has highlighted important arguments around the issues of recidivism, rehabilitation and restorative justice as an alternative to rehabilitation. Rehabilitation serves the purpose of empowering inmates to become law-abiding citizens upon release. A change in behaviour, however, depends on their commitment as literature reveals. It has been argued that incarceration leads to an increase in recidivism, as inmates learn more sophisticated crimes whilst in prison. The chapter has put forward arguments that imprisonment without rehabilitation is a fruitless effort, as this leads to repeat offending. Arguments on the fact that incarceration reduces criminal behaviour have been explored, but this viewpoint is not convincing as there are socio-economic conditions such as rejection by the family, which encourage some re-offenders to re-offend and stay in prison than outside. The chapter has also argued that there is a need to have a victim

centred approach, so that it is not only offenders that society should be concerned about, but victims as well. Restorative justice, which highlights the restoration of relationships in society, is crucial in reviving social cohesion in society ensuring that offenders take responsibility for their actions. Arguments and gaps emerging from this section will guide the discussion of findings and recommendations.

Chapter 3
Discussion of Findings

3.1. Introduction

Hogwood and Gunn argue that if we lived in a world of complete certainty and perfect administration, there would be no need for evaluation. They point out that because we do not have any certainty that the option we choose in policy analysis would yield the desired results, we often seek to monitor the delivery of a programme and evaluate its success (1984:219). Evaluation is normally undertaken "to measure progress towards achievement of policy objectives and to learn lessons from the project or programme for future policy review or re-design" (Cloete, 2000:210). According to Cloete (2000), assessment or evaluation is needed in order to decide whether to continue with a policy project or programme, to curtail it, terminate it or expand it.

The aim of this section is to outline the findings of the research on the evaluation of the rehabilitation programmes as implemented by the Department of Correctional Services. The Chapter will assess whether these programmes have brought about a decline in recidivism. It will therefore start by discussing the magnitude of the problem of recidivism as revealed by the findings, the type of rehabilitation programmes that are delivered by DCS and the successes of these programmes in reducing recidivism. The chapter will conclude by outlining challenges to rehabilitation as revealed by the findings.

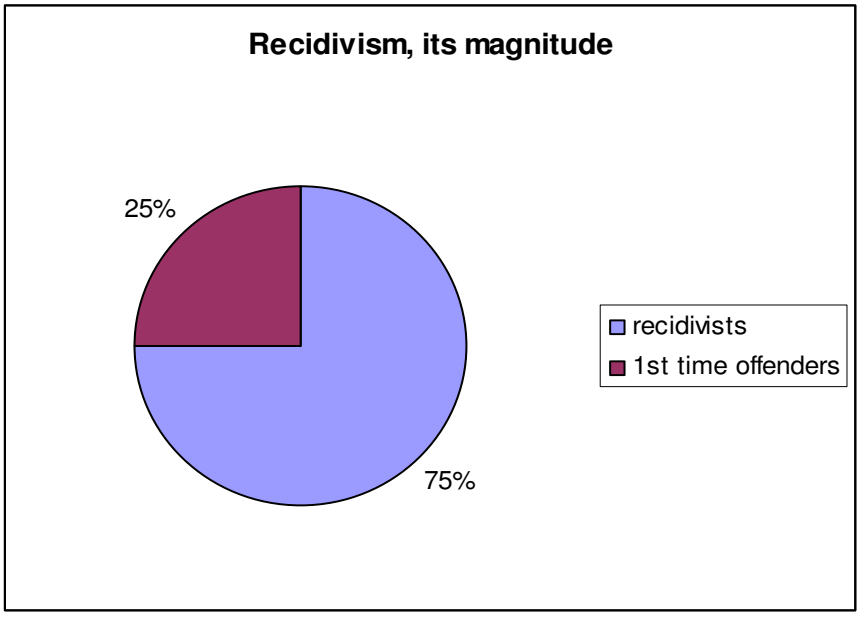
3.2. Recidivism, magnitude of the problem

As a working definition, recidivism will be defined as a phenomenon in which an individual who has completed his jail or community corrections sentence reverts to crime. Given this definition, a repeat offender is therefore someone who has, beyond reasonable doubt, committed a crime, got arrested and convicted for it and upon release,

relapsed to crime. This could have happened more than twice. As shown by the literature, recidivism is "the continued, habitual or compulsive commission of law violations after first having been convicted of prior offences (www.utcourts.gov).

Research findings for this study have revealed that recidivism is a serious problem amongst both juvenile men and women. The recidivism rate is high countrywide. Out of 120 parolees that are supervised by one of the probation officers in Randburg, 10-15 have already relapsed. This is more than 10% of parolees under his supervision. The National Institute for Crime Prevention and Rehabilitation of Offenders says that recidivism rates are much higher at prisons where they operate at between 80 and 90% (Business Day, 08 February 2005). Information from interviews with inmates shows that out of a sample of 16 juveniles, 12 were repeat offenders. The inmates were selected at random. This is illustrated in the graph below.

Figure 3.1. The magnitude of the problem of recidivism



This graph is an illustration of a greater problem that is faced by correctional centres not only in the Gauteng province but countrywide. The then minister of Correctional Services Ben Skosana was quoted by the Mail and Guardian as saying about the recidivism rate in South Africa, "over 65% go out and come back…if awaiting trial prisoners were included, more than 65% of people in prisons were there for the second or third time"

(2002, 3). Some of the respondents in the focus group made up of parolees were recorded as saying,

> "The problem of recidivism is serious, even amongst parolees. Some of the people you see here are going to 'spin'[4] when they leave this place"
>
> "In Moderbee where I was, they go back a lot, jo! jo!" (he exclaimed).

Some of the parolees that report to parole officers once a week are reported to be involved in crime. The reasons for this are outlined in the next section.

3.2.1. Reasons for re-offending

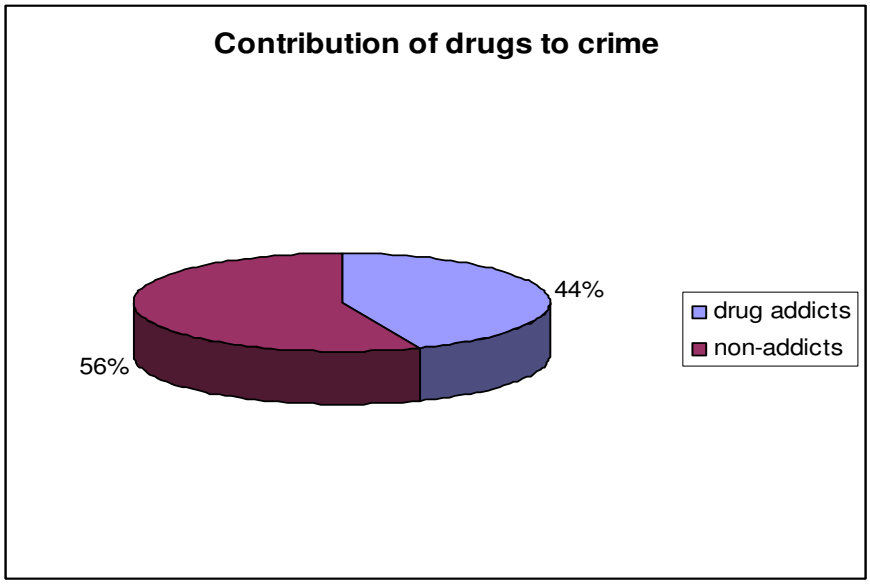
There are a number of factors that are associated with recidivism and juvenile criminal behaviour generally. Zigler, Taussig and Black (1992) as cited by McMackin et al outline factors such as reported school problems, substance abuse, age at first offence, family dysfunction, parental substance abuse, family criminal involvement, poor parental supervision and poverty as associated with criminal behaviour and in some cases leading to recidivism (2004:3). Some of these factors have been identified in the research study and will be outlined and elaborated on below.

3.2.1.1. Drug abuse

As shown in figure 3.1. above, 75% of respondents in the sample have been found to be repeat offenders. These have been convicted of either robbery, housebreaking, theft or shoplifting. Almost half of the respondents who have committed these crimes mentioned that they have been drug addicts prior to arrest, as shown in the graph below.

[4] 'Spin' is colloquial for "commit crime".

Figure 3.2. Extent to which drugs contribute to crime



44% is a significant amount, and this could illustrate the extent of the problem in the correctional facilities. The proceeds from such crimes are normally sold in order to buy drugs.

Drug abuse and addiction however, do not stop once someone has been incarcerated. Both secondary and primary research has revealed that drugs are available in the correctional centres, and do get smuggled through the help of the Correctional Services officials. An article published by the Beeld newspaper in 1997 stated that inmates had access to drugs and alcohol whilst in prison than when they were in the community (1997:8). Thus, corruption indirectly leads to repeat offending, because the same people that are supposed to ensure that juvenile offenders get rehabilitated are the ones that encourage their offending behaviour. One of the parolees said, "Drugs make people recidivate because people make money in prison through selling them"

The statement above was corroborated by a revelation by one of the parolees from the Johannesburg Community Corrections office, who said that he was able to start a small business upon release because he was a prison gangster, and was selling drugs in prison. He was therefore able to save money whilst in prison. The social workers from the three

Correctional Centres under study also mentioned drug dependency as one of the causes of recidivism. Easy access to drugs by juvenile offenders makes them relapse because they cannot easily access these in the community.

3.2.1.2. Socio-economic factors

Unemployment has been cited by Correctional Services staff and parolees as the main cause of re-offending. Parolees and other ex-offenders tend to be desperate for money upon release, and if they do not get jobs, they relapse. Literature has shown that socio-economic circumstances and unemployment contribute to recidivism (Dissel and Kollapen, 2002:93; Prinsloo, Ladikos and Naude, 2003:44). The three Correctional Centres who filled in their questionnaires namely Johannesburg, Pretoria Female and Leeuwkop mentioned unemployment, especially after release, as one of the primary factors that lead to recidivism. Social workers at Leeuwkop and Pretoria female facilities revealed that offenders with economic crimes (theft, robbery and housebreaking) re-offend the most. The prison area manager argued:

> "I do not link reduction in recidivism to a successful rehabilitation, issues such as unemployment play a role" (prison area manager)

In addition, one of the parolees pointed out:

> "DCS officials do not assist us with getting jobs. Some people go back as a result, this is a big number. I can say out of 40%, 35% re-offend. This is because they do not get jobs after release."

As demonstrated above by one parolee, ex-offenders often hope that the DCS officials can get them jobs after release. This is due to the fact that some parolees managed to get jobs through non-governmental organisations such as Khulisa[5], and others through DCS.

[5] Khulisa is a non-profit organisation that is dedicated to reducing crime in South Africa through the provision of rehabilitation and reintegration programmes to young people in conflict with the law.

DCS is seen as an agent that could help. This is mainly because ex-offenders have criminal records, and this makes it difficult for them to get jobs. They believe that the DCS can negotiate with prospective employers on their behalf. When their expectations in this regard are not met, they relapse.

It is estimated that almost 18 million (of the total 43 million population) people in South Africa are living below the poverty line set at an income of approximately R353 or 35 euros per month (Hesselink-Louw, Joubert and Maree, 2003:92). It should therefore not be surprising when people that are desperate for money, which could be a certain proportion of those living below the poverty line, resort to crime when their basic needs are not met.

Table 2. Average number of prisoners sentenced for certain types of offences

AVERAGE FOR PERIODS	Economical	Aggressive	Sexual	Narcotics	Other	All Crime Categories
Average for 1999	58048	65960	19490	4592	7941	156031
Average for 2000	58529	73556	21667	4513	9302	167567
Average for 2001	56502	77421	22303	4365	10338	170928
Average for 2002	57602	83323	23795	4751	10702	180173
Average for 2003	56605	88720	25349	4593	10516	185783
Average for 2004	53108	92654	26284	4457	9963	186467

(source – DCS – November 2005)

The table above illustrates that prisoners sentenced for economic crimes are on average, the second biggest after those sentenced for aggressive crimes. This illustrates the magnitude of the issue of unemployment and social pressure.

Environmental factors also play a role in contributing to recidivism. These are some of the socio economic circumstances and lawlessness that Dissel and Kollapen (2002) refer to. Parolees living around Alexandra for example, have been reported to be abusing alcohol on weekends. This was revealed by a parole officer who supervises them. Alcohol abuse sometimes culminates in cases of assault and attempter murder, and in extreme circumstances, murder. Thus, an environment with more taverns and pubs rather

than libraries and constructive entertainment facilities is not conducive to the development of young people.

3.2.1.3. Prison as comfort zone

Some juvenile offenders tend to relapse because they have considered prison as a place to stay. Eight psychologists linked to the Department of Correctional Services were quoted by the Beeld newspaper as saying, "in some prisons, inmates have access to more drugs and alcohol than they had whilst they were in the community" (5 August 1997:8). This situation tempts released offenders to re-offend and go back into prison in order to easily access drugs because they are addicted to such substances. Parolees interviewed at Alexandra police station pointed out that the situation in and outside prison is the same in the sense that they have access to everything that is available outside prison. They referred to drugs, alcohol, money and sexual relationships not only with fellow inmates but also with DCS officials. This is related to corruption and in some cases unemployment. Male juvenile offenders tend to depend on adult men for money in prison in exchange for sex, and they therefore prefer to be in prison where they will have money than outside where they will struggle to get jobs. Corrupt officials make it easy for inmates to smuggle almost whatever they need inside prisons, making prisons a comfort zone for offenders. Once they are released, some juveniles deliberately commit offences so that they can go back where life is not "as harsh" as it is outside.

3.2.1.4. Family Background/rejection

Most offenders from broken homes or those rejected by their families upon release tend to relapse. Some families do not adhere to parole conditions, and thus leave their children to abuse alcohol. One DCS official stated:

> "Parents sometimes accept that their children commit crime because they bring the proceeds of that crime to the house – money." A home environment that is not conducive, where a parent drinks, creates an environment for re-offending."

The case of Mary-Anne[6], a juvenile offender in Pretoria is an example of bad upbringing which contributes to crime and sometimes, a cycle of crime:.

> Mary Anne was adopted when she was three months old because her parents were not fit enough to raise children. Her parents were drug and alcohol addicts. She later lived with a stepfather, who was a drunkard and abusive. The stepfather used to sexually abuse Mary-Anne and his own children. Mary-Anne's sister did not have a good upbringing either. She was brought up by their grandmother and was sexually and physically abused when she became a prostitute. She got addicted to drugs and eventually became a Satanist. Mary-Anne herself got addicted to drugs at the age of 12, and could not get to finish standard 8 (Grade 10). After a failed drug rehabilitation, she went to stay with a certain family that re-united her to her biological father at the age of 15. She stayed with her father and sister for eight months and during that period, the three were involved in housebreaking. The father was abusing her sexually, but she managed to get him arrested. At the time, she was addicted to mandrax, cocaine, dagga and glue. Together with her sister, they made a living by stealing and used the proceeds thereof to buy drugs. They also got involved in prostitution, and the main reason for that was to get money to buy drugs. She got addicted to heroine in the process.

Mary-Anne is a repeat offender, who was previously convicted for possession of drugs and for theft. At the time of the interview, she was awaiting trial for housebreaking. Her case is a clear illustration of the effect of poor family upbringing on the life of children. If the situation does not get addressed thoroughly and on time, it tends to destroy the life of the very young people which are supposed to be protected. This often leads to a cycle of re-offending. Thus, if the family as a primary social institution fails in moulding the behaviour of young people from the onset, it becomes difficult for what one could refer to as secondary institutions, to do this on their own. For example, after her first arrest and drug rehabilitation, Mary-Anne reverted to drugs and subsequently committed another

[6] Not her real name.

crime. According to the rehabilitation model, certain problems of offenders, whether physical, psychological or social, are the direct causes of their criminal behaviour, stemming from the offender's family or society" (Brunk, 2001:42).

3.2.1.5. Parole conditions

Ex-offenders feel that parole conditions contribute to re-offending. Parolees feel that they do not have adequate time to look for jobs. Issues such as house arrests on weekends and in the afternoons, as well as the fact that parolees need to mention to prospective employers that they have a criminal record put them in a situation where they might remain desperate for jobs and ultimately relapse. In highlighting their plight around revealing their status as ex-offenders to prospective employers, one of the parolees said, "I was working, now I lost my job, what must I think?" Upon the knowledge that a particular employee was once arrested and convicted, employers dismiss such employees and this creates a problem. Parolees tend to think that the only solution in this case should be to go back to crime. The issue of one having a criminal record is a serious challenge. With regard to time allocated to looking for jobs, another parolee said, "you only have three days to look for a job (Monday, Tuesday and Wednesday), and this is between 8am and 2pm. Weekend it's house arrest".

For someone who is desperately in need of money after they have spent a long time in jail, one could say that the parole conditions are a bit tight. The fact that Thursdays and Friday mornings are not given to parolees to look for jobs is a problem. Even if they were taught to manage their time effectively, the time allocated to them (three days) would still be inadequate when taking into account the fact that they are desperate for cash and are a vulnerable group. `This, however, is related to capacity problems within the Department of Correctional Services, as only a few parole officers are there to monitor the parolees.

3.2.1.6. Lack of commitment to change

Sagel-Grande argues that psychological treatment in prisons can theoretically lead prisoners to a life without crime after serving the prison sentence, but whether this result is reached or not, depends mainly on the individual characteristics and qualities of the prisoners (2002:95). A lack of commitment to change on the part of offenders appears to be one of the reasons for relapse. Interviews with parolees have shown commitment to change or a lack thereof to be a strong factor in determining their stay out of crime or decision to go back to the life of crime. Some of their remarks were as follows:

> "rehabilitation needs a prepared person…some ex-offenders vow that they will not work for *umlungu*[7]"

The second respondent said:

> "You rehabilitate yourself, it starts from within"

Another respondent argued:

> "Change is a choice, an individual decision"

The fourth respondent concluded:

> "Rehabilitation means to empower people to help themselves. You must come to your senses before you get rehabilitated, because no one can change you"

Rehabilitation therefore requires somebody who is prepared to make a amends. In other words, courses and programmes can be offered, but if one is not willing to change, these will be a fruitless exercise. In the words of Hoffman, rehabilitation relies on "individual commitment and socio-political recognition and support" (2005:8). One of the inmates who had been attending rehabilitation programmes pointed out that he had a firearm at his home, and would like to avenge his brother's death upon release. This could be an illustration that some people are not prepared to change no matter what they get taught. This also indicates that rehabilitation cannot be a panacea for reducing recidivism. Offenders with this kind of an attitude clearly need an alternative way of ensuring that they feel remorse for what they had done.

3.2.1.7. Implementation of remissions or early releases

[7] Literally refers to a white person.

In an attempt to address the issue of overcrowding in prisons, the Minister of Correctional services tends to implement, on an occasional basis, early releases or remissions of a certain category of offenders. This was done in 2003 for offenders with less serious offences, and again in June 2005. However, one can argue that These were not carefully planned for. As revealed by one of the parolees who had been imprisoned at the time, 30 minute crash courses were offered prior to release, and these were not effective. These types of releases often result in certain offenders relapsing. An article by the Cape Times reveals that after the Minister's remission between 13 June and August 2005, 157 of 62 837 offenders who were released were rearrested. This is due to the fact that service providers within the Correctional Services Department such as social workers and psychologists do not prepare the target group for such releases. As a result, the latter is unable to cope with challenges that are posed by life outside prison, such as unemployment and a lack of certain crucial skills.

Thus, major risk factors for recurring criminal behaviour are not only those relating to environmental factors, substance abuse and peer pressure, but also attitudes, beliefs, childhood trauma and abuse as well as social support for anti-social behaviour play a role in determining criminal behaviour. These factors have been identified in this section, and have been elaborated on by means of findings from the study. Social position also explains recurring criminal behaviour. The fact that young girls find themselves becoming shop lifters in order to dress like their peers is not just an issue of peer influence but an indication of the need to belong to a certain social class, which would in turn enhance their self-esteem. Reductions in re-offending are to be found through the design and delivery of services which will take into account these factors. The section below discusses the administration of rehabilitation programmes.

3.3. Rehabilitation

Sub-section c of the Correctional Services Act 111 of 1998 makes provision for the rendering of treatment and rehabilitation services aimed at the rehabilitation of the offender in order to prepare him/her for the successful return to society. The principles of

the Correctional Services Act 111 of 1998 state that in order to protect the community and encourage prisoners and offenders to adopt a law-abiding lifestyle, the Department of Correctional Services will provide opportunities for rehabilitation and facilitate reintegration into the community (The Correctional Services Act, 1998).

It is in implementing this Act that Correctional Centres are now offering rehabilitation programmes. This has been the practice since 2001. Rehabilitation has been defined by one of the parolees as "empowering people to help themselves" (focus group with parolees at Alexandra). Sentle (2002:14) has defined rehabilitation as:

- The provision of an enabling environment where a human rights culture is upheld…prisoners are inspired and assisted to discard negative values and develop positive ones. It is the development of opportunities knowledge and skills, to prepare the prisoner to return to society with improved chances of staying out of prison as productive and law-abiding citizens".

The whole process of rehabilitation starts with the prisoner acknowledging that he/she has a problem and therefore needs to change his/her behaviour. This explains why the programmes are not forced upon anyone, as will be discussed later in the report. As Song and Lieb have shown, the rehabilitation model suggests that certain problems of offenders, whether physical, psychological or social are the direct causes of criminal behaviour. During incarceration, these problems can be diagnosed, treated and mitigated – and as a result, the offender is less likely to re-offend (1993:3). Thus, rehabilitation is a process in which people are empowered with physical and life skills in order to aid them to get rid of criminal behaviour and to be economically sustained after release.

Rehabilitation programmes that are offered to sentenced prisoners in the three Correctional Centres range from therapeutic programmes such as drug programmes, HIV-counselling, aggressive offenders course, life skills course, bible courses to economically empowering courses such as drama classes, courses in engineering, plumbing and public speaking. Inmates are also trained in areas such as sewing and

hairdressing. As Hesselink, Joubert and Maree argue, the development of offenders needs to form an important part of their incarceration in order to address their offending behaviour (2003: 94).

The life skills course tackles issues such as self esteem, self knowledge, conflict management, communication, problem solving, friendships and relationships. On the other hand, therapeutic services includes services of a psychologist and those of social workers. In addition, psychologists conduct group and individual therapy sessions with inmates. These cover topics such as anger and conflict management.

Apart from ABET programmes which entail schooling, there are training programmes which have already been mentioned above (plumbing, carpentry and electrical engineering). There are certain groups that are eligible to participate in these programmes. As some of the programmes involve the handling of sharp objects, maximum prisoners[8] cannot participate in them as they are perceived to be dangerous. People serving short sentences (three months to six months) cannot attend these programmes either.

In addition to the above, there are recreational programmes such as sporting activities and cultural performances.

3.3.1. Process of rehabilitation

3.3.1.1. Pre-assessment

Upon entry into the Correctional Centres, inmates are given what is referred to as a risk assessment form which requires details such as personal information including names of relatives, medical information and emotional wellness. The emotional wellness section seeks to find out whether they have had suicide attempts or suicidal thoughts, whether the inmate has received mental health treatment before and if there is any sign of substance abuse from an inmate. Interviews with social workers reveal that if an inmate has had

[8] These are prisoners who are serving long sentences, convicted for murder and other gross violations.

two or more suicide attempts or has thought of killing him/herself, they are immediately referred to a psychologist.

There is also a needs assessment form which gets filled out by prison officials on behalf of inmates. It seeks to find out if an inmate was working at the time of sentence/conviction, whether they are taking alcohol or drugs, what their hobbies are and if they have any diseases. Education and training needs are sourced from inmates, and they are asked if they need to see a psychologist or if they have seen one before. Once inmates answer yes to questions regarding psychological services, elaborate information is sought from them by DCS officials. Questions on inmates' religious background are also asked.

During an assessment of inmates, they are given a checklist of things that they need to see happening in their lives. They would, for instance, indicate whether they want a change in lifestyle, if they would like to upgrade their skills, to stop using drugs and to learn better ways of coping with their problems, to name but a few.

It is on the basis of the documentation outlined above that rehabilitation programmes are administered.

3.3.1.2. Rehabilitation sessions

The first step towards rehabilitation involves an orientation session with offenders upon their arrival. In these sessions, they are told of services and programmes that are available at the Correctional Centre as well as the importance of making use of those services.

The orientation session is followed by the seating of a Case Management Committee (CMC), which is made up of social workers, psychologists and teachers. The CMC studies the needs and risk assessment forms together with every inmate, and suggest to them the type of service that they need in order to be rehabilitated. Some inmates, as

revealed by a social worker from the Johannesburg Medium C Correctional Centre, do attend programmes whilst others prefer to do manual labour inside the Correctional Centre.

Social workers and psychologists normally hold therapeutic sessions with inmates after the CMC seating. Some of the offenders get referred to the social workers by correctional officers who are in charge of the cells, (these are inmates that could be suffering from depression), those that know that they need therapy request to consult social workers directly. Most inmates, whether as individuals or a group, get to seek counsel from social workers after they have received orientation. However, research has revealed that not all inmates can get the services of social workers or psychologists, due capacity constraints.

There are outside service providers such as Khulisa and the National Institute for Crime Prevention and Reintegration of Offenders, who offer services such as aggression management and life skills courses. Groups of people who experience a similar emotional problem are normally referred to these service providers.

Prior to release, offenders are given a form which seeks to find out the type of training they received whilst in jail, whether they aim to be self-employed or if they want to look for a job in the formal sector. This information is used to give the parolees reference when they look for jobs, and it also gets submitted to the Parole Board to facilitate approval for parole.

3.3.1.3. Types of offenders targeted

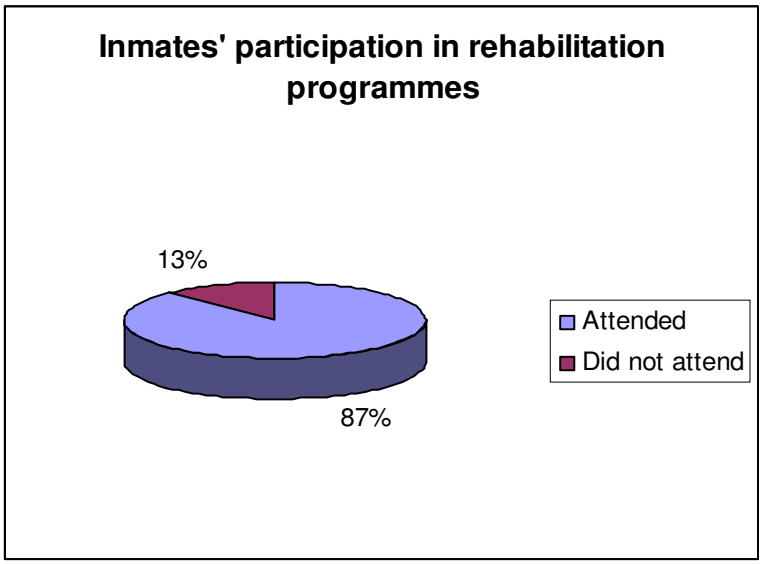
Based on the questionnaire, the types of prisoners that social workers deal mostly with in terms of rehabilitation are, in the order of their majority, those convicted for robbery, murder, assault and sex offenders. The fact that robbery offenders were said to be the first or second group of offenders that social workers work mostly with shows that robbery either out of need or peer pressure is the dominant form of crime that juveniles

are engaged in. This is in a way corroborated by findings of interviews conducted with offenders. Out of 16 offenders interviewed, eight were convicted for robbery.

3.3.1.4. Participation rate

Of the 16 inmates that were interviewed, 14 (87%) indicated that they have been participating in rehabilitation programmes. This is shown by the graph below. 87% is a big number, given that the programmes are not compulsory. The challenge will be whether these are seen as effective.

Figure 3.3. Extent to which inmates participate in rehabilitation programmes



Two respondents from the sample indicated that they did not attend rehabilitation programmes. One did not attend because he was not told of any. The other one belonged to a group that social workers in Leeuwkop refer to as "*eet en le*", since he does not want to do anything but just eat and sleep. The "*eet en le*" is a group of offenders who does not want to participate in rehabilitation programmes at all. What is interesting is that this inmate has mentioned that he is ready to commit another crime upon release, so that he can get money to start a small business.

3.4. Has rehabilitation worked?

Interviews with prison officials have revealed that the rehabilitation programmes have addressed relevant issues in the lives of inmates. According to them, this is due to the fact that they focus on the individuals' specific needs or problems. The causes of offending behaviour are identified through a needs analysis, and programmes are then delivered in accordance with inmates' needs. They also feel that inmates gained self-esteem as a result of such programmes.

Through these programmes, educational achievement is attained, which renders some of the ex-offenders economically productive upon release. Of the ten parolees that were interviewed face to face, five are working in formal environments, either doing full-time or part-time jobs. Five are self-employed, and they either sell perishable wares, clothes or own small hair salons. Most of those that are working or are self-employed have either done plumbing or electronics whilst in prison. Thus, ex-offenders are employable after release, and can become self reliant. Some of those that are in formal employment have received reference from the DCS, making it easy for them to find employment after release. As Roper and van Rooyen (2005) argue, young offenders need to come out of prisons having the skills to cope with the outside world…and for purposes of economic empowerment upon release.

As shown in figure 3.4., out of 16 offenders that were interviewed, only five have expressed that they have learnt something out of these programmes. Three of these five are facilitating courses or involved in teaching other inmates. Only two respondents out of 16 have mentioned that they did not learn anything. This was implicit in their responses. Respondent A said:

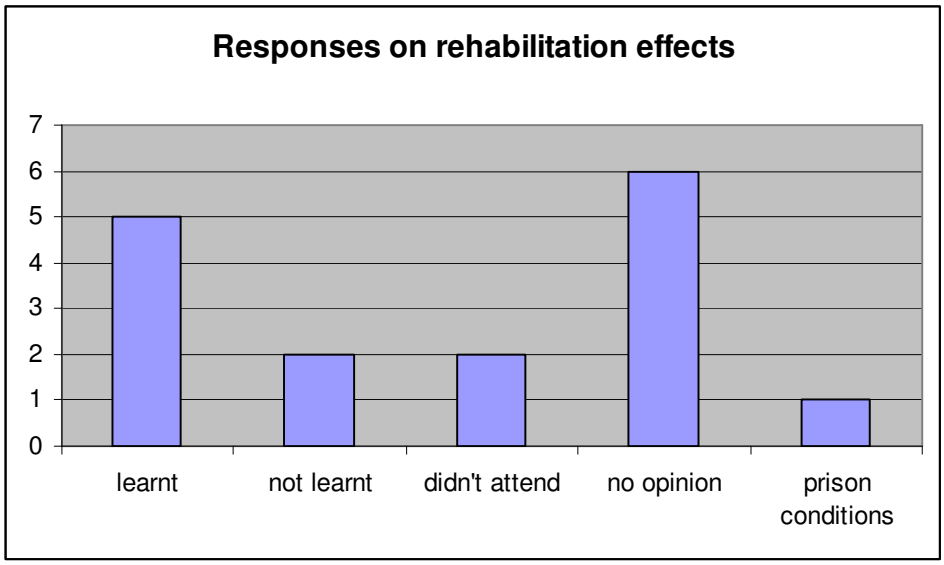
> "They do not ask you what courses you want to attend. I am attending courses that I do not want"

Whilst respondent B stated:

> "I do not promise that I will not go back to drugs when I leave this place. I can't make promises"

One of the respondents felt that she had not changed and has suicidal thoughts. This is because she could not access a psychologist even though she had mentioned that she needed to consult one. This emphasises the need for enough psychologists in the process of rehabilitation. Hoffman argues that support and commitment to rehabilitation call for realistic resources to be provided, such as adequate staff" (2005:9).

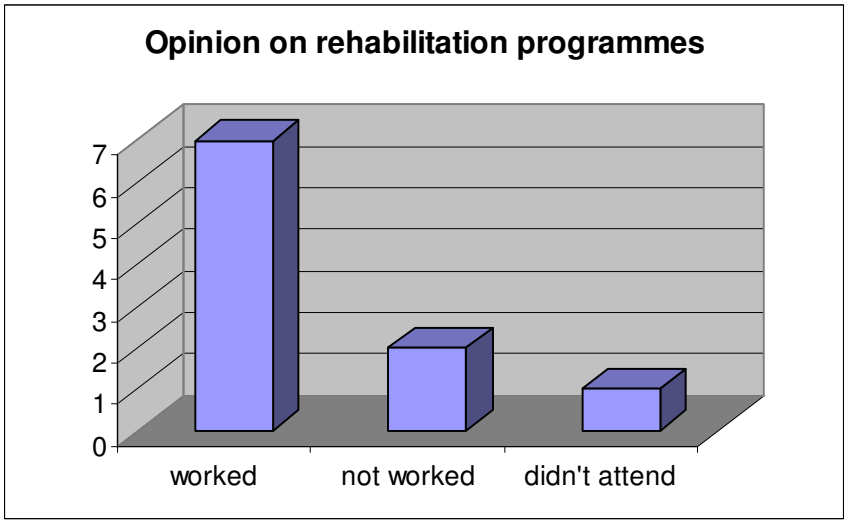
Figure 3.4. Inmates' responses on the effects of rehabilitation.



The rest of the respondents did not express anything regarding the rehabilitation programmes. Figure 3.4 shows that prison conditions had also contributed to a change in behaviour and attitude of one respondent. He believed that there was no freedom in prison and he would not commit crime again. There are six respondents who did not voice out their opinions about rehabilitation programmes.

The opinions of ex-offenders regarding the effectiveness of rehabilitation programmes is slightly different, as shown in figure 3.5 below.

Figure 3.5. Ex-offenders' views on the effect of rehabilitation programmes



Seven of the ten ex-offenders who were interviewed felt that the programmes have brought about a positive effect in their lives, while two have mentioned that the programmes were not effective. Given what transpired from focus groups, namely that rehabilitation programmes were effective, one can conclude that two is not a significant number. Participants from the focus groups have acknowledged that the rehabilitation programmes have been useful to them. One of them remarked, "without rehabilitation, people cannot think positively, you can even commit a bigger crime because you are mentally destroyed". Another one said, "I did not know myself until I went to prison". One respondent from the ex-offenders' group mentioned that she did not attend the courses because her sentence was short.

From this quantitative description, one can infer that 30% of the respondents in the ex-offenders' sample did not get rehabilitated, and the DCS is partly to blame for this. The prison policy on who should be on the rehabilitation programmes is problematic. People with short sentences and those that await trial cannot attend rehabilitation programmes. This is a shortcoming in the sense that someone serving a short sentence might re-offend after release, as the causes of his/her offending behaviour may not have been addressed. For instance, the respondent who was given a short sentence was arrested for shoplifting as she needed money to buy clothes for her children. She was incarcerated for five weeks and during that period, she was not engaged in anything that would have helped her

correct her behaviour. The question that arises here is: what was the point of incarcerating her if she was not going to get help?

Ex-offenders tend to thrive upon release if support from the family and community is attained. Some are able to start small businesses with loans or grants from either the family or community members. Three of the ex-offenders were able to start small businesses from money obtained either from their parents or friend in the community.

The findings generally reveal that some offenders and ex-offenders who believe to have benefited from rehabilitation programmes were involved in teaching other inmates. This implies that they were used as role models for other inmates, in order to encourage them.

There seems to be a general view amongst ex-offenders, both through focus groups and interviews, that rehabilitation programmes are effective. This is said about the therapeutic programmes such as anger management programmes, drug rehabilitation and life skills courses. They do however, acknowledge that there are serious challenges to rehabilitation, as will be shown in the section that follows. DCS officials believe that the programmes they administer do have positive results, but this depends on the participants' commitment and desire to change. Hoffman points out that rehabilitation is a lifelong process which relies on individual commitment (2005:8). Similarly, Brunk argues that inmates should not just take advantage of the rehabilitation model so as to get an early release, and then go back to their criminal acts (2001:42).

3.5. Challenges to rehabilitation

Rehabilitation as administered by the DCS, faces a lot of challenges. Most of these have to do more with the Department than the offenders and the outside community. These challenges impede upon the Department's ability to administer rehabilitation, which could make all the efforts at rehabilitation fruitless. This sub-section outlines the challenges that have been identified.

3.5.1. Communities' role in Corrections

Based on the findings, the community appears not to be playing its rightful role in terms of corrections. The responsibility for rehabilitation and reintegration should not only be shouldered by the DCS, but communities and families as well. Some social workers argue:

> "They are not aware that they have a responsibility" and "the problem that leads to a failure of rehabilitation is that families do nothing once their members are released"

Families, for instance, do not discourage their members to refrain from alcohol abuse upon release. The fact that families are said to be not "aware of their role" has implications for communication between the DCS and communities, and the manner in which the idea of rehabilitation has been marketed. If clear communication around the concept of rehabilitation was undertaken by the DCS to all relevant stakeholders including the ordinary community members, this challenge would have been minimal. What this also implies is that the ownership of the concept of rehabilitation rests with the DCS and NGOs that administer rehabilitation in partnership with DCS, as well as other government departments such as Social Development as well as Justice and Constitutional Development. This is a limitation in the sense that the most important institution that carries the burden created by offending and re-offending, namely, the family, is left out in the process. Community and family members are responsible for reintegration of offenders. Hoffman speaks about the importance of institutional recognition and support in reintegration, which should stem from the family and the community as social institutions (2005:8).

3.5.2. Insufficient capacity to administer rehabilitation

The DCS is understaffed. This has also been revealed by research elsewhere. Research by Hesselink-Louw and Joubert for instance, shows that 188 000 inmates in DCS facilities in 2003 were looked after by approximately 32 500 officials in 241 Correctional

Centres (2003:91). At the moment, one social worker attends to between 350 and 400 inmates. The ideal situation is 200-250 inmates per social worker. There are also few psychologists, for instance, there is only one psychologist in the Pretoria Female section which houses 195 inmates (information as at September 2005). In Johannesburg, there is one psychologist and one teacher for the whole management area. Johannesburg Medium C holds 582 inmates in its cells, and these including other inmates are attended to by only one psychologist. The issue of few psychologists implies that there is no proper psychological assessment of offenders, for example, that of shop-lifters, who can exhibit a range of factors which could have led to their offending behaviour. These could be "financial, psychological (lack of self-esteem, anger or vengeance), sociological and environmental (Caputo, 2004:50). This was highlighted by one of the inmates in the Pretoria Female Prison, who had suicidal thoughts and had never seen a psychologist.

Some of the sentiments shared regarding the issue of capacity were as follows:

> "We can't plan very well, instead of attending to 200 offenders, you have to attend to 800, and this makes the programmes not very effective, as it gets laborious to implement them" (a social worker)

A prison area manager said:

> "The social work section is understaffed, they sometimes find themselves attending to complaints instead of doing assessments and running programmes"

Thus, the ratio of social workers to inmates is not balanced. This problem relates to overcrowding which will be discussed later. One cannot say that overcrowding exacerbates the situation because even if the inmates in the Johannesburg Medium C section were 302 (normal accommodation capacity) instead of 582, One psychologist and one teacher would still not be enough. One would not find an environment in which every inmate gets a chance to learn and interact with the programme facilitator.

There is also an insufficient number of parole officials, which impacts negatively on rehabilitation and reintegration of offenders. One of the parole officers that was interviewed supervises about 120 parolees. This is a huge number, and not all of these can be monitored effectively. This leads to a situation whereby parolees violate parole conditions, as revealed by the research. The issue of insufficient resources was identified by literature as one of the challenges of rehabilitation, which could lead to recidivism (Prinsloo, Ladikos and Naude 2003;44).

3.5.3. Space

There are inmates who attend rehabilitation programmes and those who do not. These are not housed in separate cells. What this means is that offenders who attend rehabilitation programmes go back to the same cells which might have inmates that do

not wish to attend rehabilitation programmes. This might affect the rehabilitation process, as offenders have revealed that different ways of committing crimes get discussed inside the cells. The attitudes of non-attendees might negatively affect those that are attending the programmes. Some of the non-attendees are foreign nationals who are in this country illegally, and who prefer to be deported. The question that arises is, should DCS incarcerate undocumented foreigners in their facilities, as this not only contributes to the overcrowding problem but adds to the cost of incarceration?

Besides the fact that inmates are not separated in terms of those that attend rehabilitation programmes and those that are not, there is a problem of a lack of space to administer sessions by social workers and psychologists. As a result, social workers end up using their offices to administer the sessions. This does not provide enough room for sessions that require certain activities. The result of this is that sessions become scanty and not comprehensive.

3.5.4. Overcrowding

Overcrowding is one of the major challenges of rehabilitation. Overcrowding impacts negatively upon the ability of the Department of Correctional Services to implement rehabilitation. In the words of one social worker, overcrowding "creates a burden on resources results in an environment which is not conducive to rehabilitation". A report in the Business Day newspaper in February 2005 year stated, "South Africa has 180 000 inmates housed in prisons built to accommodate 114 000. Towards the end of 2004, several South African prisons were overpopulated by 250% to 375%" (8 February 2005). The then Deputy Minister of Correctional Services Cheryl Gillwald said the following about overcrowding, "current corrections, development and care programmes are not appropriately resourced, primarily as a result of the costs associated with overcrowding" (This Day, August 2004). Table 3 below illustrates the problem of prison overcrowding nationally.

Table 3. Trend in prison overcrowding since 1999.

	< 20 Years	20 - 25 Years	> 25 Years	All Ages
Year 1999	17789	48194	90048	156031
Year 2000	18807	50908	97852	167567
Year 2001	19067	51173	100688	170928
Year 2002	20290	53596	106287	180173
Year 2003	20195	56475	109113	185783
Year 2004	18974	57056	110437	186467

(source – DCS November 2005)

According to this table, there has been an upward trend in prison overcrowding since 1999. The number of juveniles has also been increasing, but the figure decreased from 2003 probably due to early releases and alternative sentencing. The National Institute for Crime Prevention and Reintegration of Offenders for instance, has been involved in diversion programmes in partnership with the Department of Justice and Constitutional Development. This could be the reason for a decline in the number of children that were incarcerated from 2003.

Figure 3.6. Trend in prison population nationally

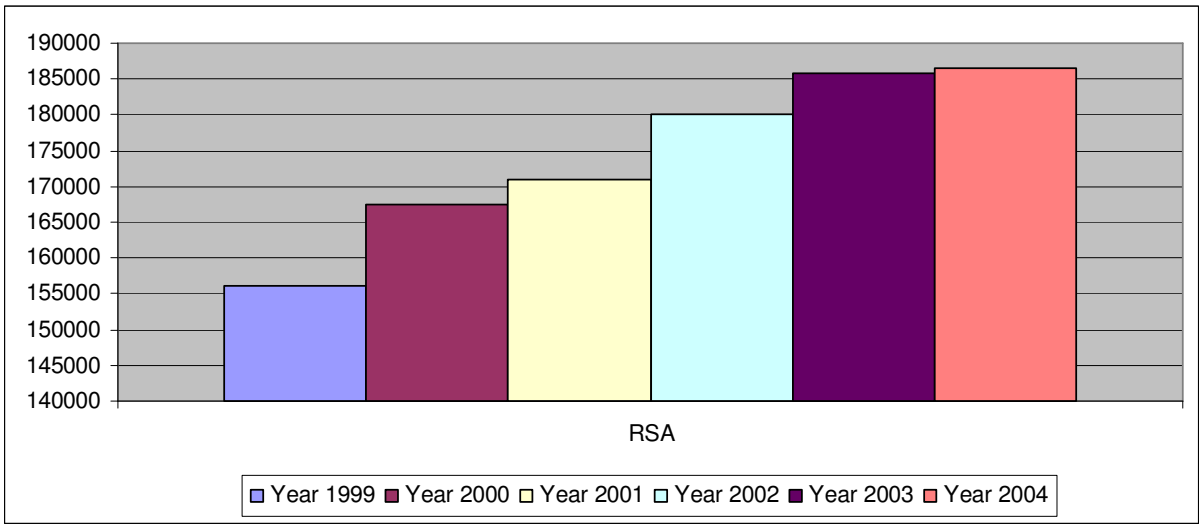


Figure 3.7. Pattern of increase in prison population

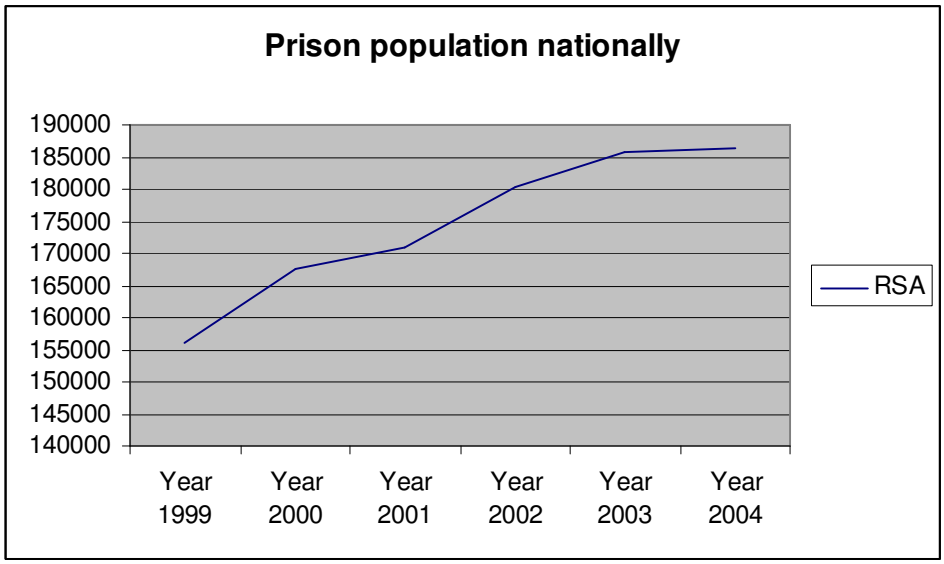


Figure 3.7. above shows a stabilisation in prison population from the year 2003. During that period, there was a decrease in the number of children that were incarcerated.

Findings reveal that the three Correctional Centres under study are overcrowded, as shown in table 4 below. Inmates in both Johannesburg and Leeuwkop are juveniles and youth, whilst Pretoria female comprises juveniles, youth and adults.

Table 4. Prison population in the Correctional Centres under study

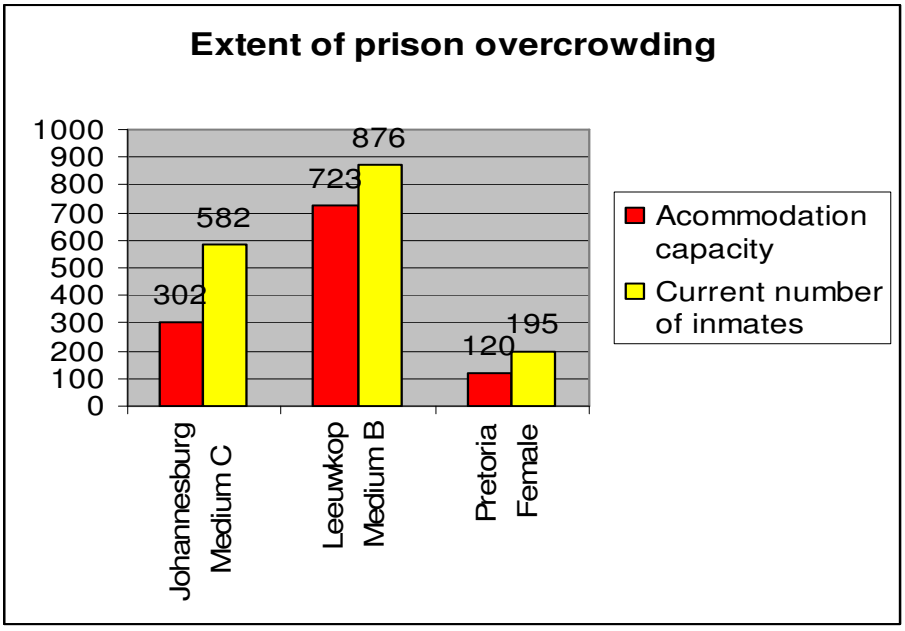
	Johannesburg Med C	**Leeuwkop Medium B**	**Pretoria Female**
Accommodation capacity	302	723	120
Current number of inmates	582	876	195
Percentage of overcrowding	192.7%	121%	162.5%

The table illustrates that there are more male juveniles in prison than females. Johannesburg Medium C and Leeuwkop Medium B, which house only male juveniles are more overcrowded than Pretoria, which houses female inmates. In Leeuwkop, it was mentioned that there are 32 to 40 inmates per cell, whereas the ideal figure is 27. This

creates pressure on the already few staff members who have to administer rehabilitation programmes. Overcrowding can lead to demoralisation, resulting in staff turnover.

Figure 3.8 below illustrates that Johannesburg Medium C is the most overcrowded Correctional Centre as compared to Leeuwkop and Pretoria Female. All the three centres are more than 100% overcrowded (data as at September 2005). As shown in the draft White Paper on Corrections (2003), the Department of Correctional Services (DCS) is moving away from incarceration to a rehabilitation approach, but this is hampered by the fact that prisons are overcrowded, and repeat offenders constitute a substantial amount of the prison population (Report of Portfolio Committee on Correctional Services, 2004).

Figure 3.8. Extent of prison overcrowding



Overcrowding would not be a serious problem if alternatives such as restorative justice and diversion were adequately explored.

3.5.5. Corruption

Corruption is not only a problem in Gauteng prisons but in prisons across the country. It is impacting negatively on the rehabilitation of offenders. Corruption is practiced by DCS officials in collaboration with the families of the offenders. The issue of drug

smuggling and prison escapes, as findings reveal, are perpetuated by DCS officials. The following was said by prison officials and parolees:

A Correctional Services official said:

> "The problem is that some families are involved in drug trafficking with inmates. Sometimes they use prison officials, and this does not encourage offender rehabilitation".

A social worker on the other hand stated:

> "Some offenders who attend substance abuse programmes do not get rehabilitated because after the programmes, they go back to their cells where they take drugs

A parolee's view was as follows:

> "I do not agree with officials when they talk about rehabilitation, because they are corrupt – they need to be rehabilitated themselves."

The effect of an involvement in drug smuggling is that inmates get addicted whilst in jail, and will always want to come back to jail after release. The reason for this is that in prison, they are able to access goods and services that they cannot obtain whilst they are out in the community. They are able to access airtime for cell phones, money, and knives, which is why they can stab each other in some instances. Prison officials go to the extent of having sexual relationships with inmates. This makes prison a comfort zone for inmates who are not willing to change, and this perpetuates the phenomenon of prison gangsterism. Eight psychologists linked to the Department of Correctional services were quoted by the Beeld newspaper as saying, "in some prisons, inmates have access to more drugs and alcohol than they had whilst they were in the community" (5 August 1997:8). This situation tempts released offenders to re-offend and go back into prison in order to easily access drugs, especially when they are addicted to these substances.

Repeat offending cannot be addressed while inmates are helped to escape from cells by prison officials. It should be borne in mind that inmates that escape from prison are not

rehabilitated, as their minds still focus on lawlessness. Their attitudes are not yet changed, and they take no responsibility.

3.5.6. Language barriers

Language is an important issue in any programme that is geared towards the development of people and communities[9]. If people are not addressed in a language that they can understand, then the effort in ensuring development or empowerment of such individuals is fruitless. Findings have shown that the rehabilitation programmes are offered in English, and some of the illiterate offenders do not benefit from this. In one of the centres, the social worker is Afrikaans speaking, and not everyone is conversant with the language. This is related to the question of staffing. One of the parolees said, "in Johannesburg, there is one psychologist, and she speaks English, and not everyone is able to see the psychologist". Even if they get to consult this person, there is a barrier in that they will not be able to understand the language that he or she converses in.

3.5.7. Lack of commitment from offenders

It is widely believed by DCS officials, and also known by parolees that some inmates attend rehabilitation programmes just for purposes of getting certificates, so that they can obtain approval for parole. Sending an offender to community corrections depends on their behaviour and a report from prison officials. Their behaviour must be satisfactory, and the report on them should reflect that the behaviour has been acceptable. One of the social workers expressed a concern that social workers were not sure if the offenders were learning anything from rehabilitation programmes. This is a serious concern in that the DCS could be releasing back into the community, people that are not ready. It is also a challenge because it is sometimes not easy to tell that somebody has been rehabilitated, as one of the social workers pointed out, "we are not sure of rehabilitation, we can only say that they have attended the programmes". Brunk argues that enforced behavioural therapy is rarely successful; inmates learn quickly how to go through the notions of

[9] I refer to development as it is a multidimensional process, which encompasses amongst others, issues of safety and social justice.

rehabilitation, in order to earn early parole and other concessions (2001:42). This is one of the big downsides of rehabilitation.

3.5.8. Top-down approach

Parolees have mentioned that they are not involved in the design of rehabilitation courses and as a result, feel that they are attending courses that they do not want to attend, which do not bring about any difference in their situation. This is a reflection of existing power relations in society, which society needs to deal with. The notion of "us helping them" or, "us empowering them to help themselves" can be flawed because in the process, inappropriate models are put in place to address certain situations.

3.5.9. Rehabilitation not well marketed

There seems to be no proper orientation by DCS staff to inmates on the type of programmes offered in prisons. Whilst there is a procedure to inform offenders about existing rehabilitation programmes, some inmates and parolees have said that they heard this from their friends, who told them to go and register for a certain programme. One of the inmates from Nigel pointed out that he was not attending courses or programmes because he was not aware of any programmes that were offered in the Correctional Centre. This implies that when assessments are carried out, individuals are not told from the onset about programmes that they need to attend.

3.5.10. Prison policy

The DCS policy on who should be on the rehabilitation programmes is problematic. There are inmates that are serving short sentences who are not put through any programme. This could pose a serious problem of repeat offending as causes of whatever had landed them in jail do not get addressed. One of the parolees stated that she did not attend any programme because she was serving a short sentence. She was convicted of shoplifting, and the likelihood of her doing it again is high as she is still a hawker who cannot adequately take care of her children financially.

The issue of long sentences for cases that are not so serious also poses a serious challenge, as inmates may learn worse criminal behaviour whilst in prison. This is related to the prisons as schools of crime argument, that prison is a school for criminals, and those who are incarcerated become more sophisticated criminals (Branham [1992] as cited by Song and Lieb, 1993). This, combined with the fact that some inmates only attend programmes so that they can get parole, can contribute to repeat offending.

3.6. Discussion and critique

*3.*6.1. Is rehabilitation the sole answer?

The question that needs to be asked at this stage is, "is rehabilitation all we need?" The findings of this research require serious thought. For instance, it has been shown that some offenders attend rehabilitation programmes so that they can get parole. Once on parole, they either recidivate or violate parole conditions. This means that they have not learnt to be responsible for their actions. Cloete has argued that assessment or evaluation is needed in order to decide whether to continue with a policy project or programme, review, curtail, terminate or expand it (Cloete:2000:210).

One of the challenges to successful implementation of rehabilitation is inadequate capacity on the part of the Department of Correctional Services. Should the public be worrying about capacity or should its concern be alternative ways of reducing recidivism, such as making offenders responsible for their crimes and therefore involving the Department of Justice and Constitutional Development (DoJCD) in implementing an alternative such as Restorative Justice? The DoJCD has an important role to play in this case. This would in the long term alleviate the problem of capacity to deal with repeat offenders.

3.6.2. Offender's Irresponsibility

Recidivism could just be because offenders are not really made to feel responsible for their actions. Rehabilitation assumes that somebody is emotionally unwell, and therefore needs therapy in order for them to heal. This could be true in cases of offences that are commissioned as a result of anger and drug addiction. What this means therefore, is that

it is not all cases that require rehabilitation. Rehabilitation as treatment is in some cases offered to offenders who are in denial. This is said in light of the fact that one of the offenders in the Leeuwkop correctional centre stated that he was convicted of a crime he did not commit, although his version of the story was contradictory. It is therefore a waste of resources to rehabilitate someone who has not acknowledged that he has a problem, or that he had done something wrong. Such an offender has no sense of responsibility over the crime he had committed and consequently is likely to offend.

3.6.3. Parole conditions

Parolees have complained about parole conditions and the way in which these make it difficult for them to get jobs. One gets an impression that they want to be let loose so that they can do whatever they wish, including committing acts of crime. This study has already revealed that most parolees commit crime after their meetings with parole officers. This is an indication that some might have attended rehabilitation programmes in order to get parole. What hinders proper monitoring of parolees is a lack of capacity within the Department of Correctional Services.

3.6.4. Rehabilitation not for all cases

One of the serious flaws of the rehabilitation model is that it does not address the crimes that are committed out of greed. There are cases of housebreaking, white collar crimes as well as theft from business premises, wherein the perpetrators sell stolen goods at a price that is less than the value of those goods. This in a way becomes the perpetrator's way of life and of creating wealth. Such perpetrators do not need rehabilitation but rather to be made accountable for the crimes they have committed, either through retributive or restorative justice methods. Some of the offenders clearly stated that they were ready to commit another crime when they got out of prison. This could mean that although change was required in their lives, it was not to take place through rehabilitation but other means.

3.6.5. Benefits of incarceration for some offenders

One of the offenders swore that he would not commit crime when he leaves prison because prison is just not a place to be, "you lose your freedom". He had committed murder, and has seen that prison conditions are not pleasant. In other words, for him, incarceration has served as a deterrent to crime. The argument put forward by the "Prisons as Punishment" school of thought, that prisons suppress criminal behaviour, becomes relevant here, and should be seriously considered for certain types of offences. This school of thought advocates that the unpleasantness of prison life and the negative social stigma associated with incarceration should serve as deterrents to later criminal behaviour (Brunk, 2001:34). There are serious offenders such as sexual offenders, child rapists, serial rapists and murderers, who cannot just be put under rehabilitation so that they easily leave prison. Some of the former maximum offenders have complained that they did not get rehabilitated until six months before the end of their sentence. Rehabilitation cannot be the sole way of addressing recidivism, especially for this type of offenders.

3.6.6. Needs of victims ignored

The rehabilitation approach tends to put emphasis on the needs of offenders than those of victims, who have suffered the gruesome acts and consequences of crime. The approach fails to recognise that there needs to be restoration of the relationship between the offender and both the primary and secondary victims. Victim empowerment is one of the programmes that have been proposed by the National Crime Prevention Strategy. Victim Empowerment Programme is a restorative justice approach in which victim offender mediation and compensation create possibilities for a restorative justice system in which offenders are required to take responsibility for their actions. This programme was initiated with the belief that it will support the creation of crime-resistant communities and will contribute to a reduction of the "culture of violence and victimization (NCPS, 1996:66).

Most of the victims, especially those of sexual offences would opt for retributive justice, where perpetrators are locked up in jail for the rest of their lives. The rehabilitation approach does not consider the feelings and needs of victims. Social workers who implement rehabilitation programmes have mentioned that they deal mostly with murderers and sex offenders in addition to perpetrators of assault and robbery.

3.7. Conclusion

Given the above mentioned challenges, the question of concern is whether rehabilitation in prisons should be pursued, or should a different approach altogether be adopted? Parolees feel that rehabilitation works if inmates get committed, rather than become part of prison gangs. As one of them said, "jail cannot help you, *kumele uzilungise wena*[10]. Most of the parolees feel that rehabilitation has made them better persons. On the other hand, some respondents feel that they would still go out and commit some crime in order to get an income, or because parole conditions make it difficult for them to get jobs.

This section has discussed factors that contribute to recidivism, which need to be looked at when administering rehabilitation programmes. Drug abuse and addiction, which occur in and outside of prison, are major contributing factors to recidivism. Drug abuse is related to incidents of robbery and theft, as the proceeds of these crimes are used to purchase such substances. Drug abuse in prison is perpetuated by Correctional Services officials, as they smuggle illicit substances from outside. Thus, to a certain extent, corruption contributes to repeat offending and it renders the rehabilitation programmes ineffective. This is because inmates who have deals with Correctional Services officials, especially prison gang leaders, tend to relapse as they prison becomes a comfort zone for them. Unemployment and lack of commitment to change are other factors that contribute to recidivism.

Although rehabilitation programmes have been found to be effective, this research has identified challenges which impede their success. There are challenges such as overcrowding, language barriers, corruption and a lack of commitment from offenders.

[10] Literally means, you need to take an initiative and repair yourself.

Overcrowding has implications for space and capacity within the Correctional Centres. Because of insufficient space, inmates that attend rehabilitation programmes share cells with those who do not. This could lead to a situation whereby inmates who are willing to change adopt negative values and beliefs from those who do not attend rehabilitation programmes. These are challenges that require intervention by not only the DCS but also, the Criminal Justice System as a whole and the communities out there. As shown by the literature, socio-political and institutional recognition and support are vital for rehabilitation (Hoffman, 2005:8).

The chapter has also argued that rehabilitation is not the sole answer to the question of recidivism. Because certain categories of offenders are dangerous and others show no remorse for their actions, a blanket approach of rehabilitation is inappropriate for them. This calls for alternatives to rehabilitation such as restorative and retributive justice.

The next section will provide recommendations on how to address the challenges that have been discussed. The section will also provide recommendations on how to deal with recidivism.

Chapter 4
Recommendations and Conclusion

4.1. Introduction

The previous section has discussed salient issues around rehabilitation programmes, including critical challenges. The major challenges are that of overcrowding, corruption and capacity within the DCS. The section has also provided a critique of rehabilitation by arguing that there are other methods of addressing repeat offending, which would make offenders feel responsible for the crimes they have committed. This section will outline recommendations with regard to challenges that have arisen, as well as alternative strategies rather than rehabilitation, in addressing recidivism. Recommendations in relation to the causes of recidivism will also be discussed, as these are related to prison conditions and rehabilitation programmes. This section will argue that rehabilitation is not a panacea in addressing recidivism, as there are other cases which deserve a different treatment, depending on their nature. Finally, a conclusion which sums up the findings will be reached.

4.2. Recommendations

4.2.1. Rehabilitation programmes are effective

Rehabilitation programmes have proven to be useful to those who were once incarcerated. Although some did not benefit materially, they did so emotionally. Parolees said the following about the outcomes of the rehabilitation programmes, "prison helped me to think that the things I was doing outside were wrong. If I did not get arrested, I would not have had this thought, because life outside is fast, you have no time to sit down and reflect on the things you do". In the words of Brunk, the rehabilitation view sought to cure or reform offenders, so that they could become law-abiding citizens (2001:35). From this, it can be argued that it is imperative to incarcerate offenders for a brief period and offer them rigorous rehabilitation. This should depend on the type of offence committed. For offenders who have committed crimes such as shoplifting, common robbery, assault and other non-violent crimes, rehabilitation would be essential. Recommendations relating to rehabilitation for these groups are outlined in the next

section. Rehabilitation for this type of offenders should follow a proper analysis of the offence, its nature, history and causes.

4.2.2. Rehabilitation as empowerment

One of the parolees has, during a focus group, defined rehabilitation as "empowering people to help themselves", and there was consensus in the group around this definition. Empowerment is defined by Smit as "a process in which a person is enabled to satisfy his or her needs" (1992:23). In essence, rehabilitation is meant to ensure that inmates are provided with a conducive environment in order that they may discard negative values and beliefs. Skills and knowledge are also provided to them so that they can return to society and become productive citizens. Rehabilitation is therefore another form of empowerment. Empowerment is about making sure that people finally become self-reliant. Looking at rehabilitation from this angle, this report argues that most of the parolees did not get empowered because they ended up not having power and control over some of the situations that they faced outside prison. They had with them a baggage – that of criminal records – and this hindered them from getting jobs and becoming self reliant. Some of them possessed skills around plumbing, but could not start their own businesses as they did not have the capital to do so. Others possessed life skills which taught them that there are alternatives in life, but they had no financial power to embark upon those alternatives. After all, as Parkin argues, "knowledge is not always power" (1985:12). People may have skills and ideas but lack the means to implement them.

The main challenge ex-offenders face is the one around jobs. All but one parolees that were interviewed through focus groups mentioned that they were not working and could easily go back to crime as they had no money. As shown by Dissel and Kollapen, "the recidivism rate in South Africa is related to poverty and unemployment…" (2002:93). Also, ex-offenders are a risk group and therefore find it difficult to even start businesses upon release. It would therefore be imperative for the Department of Correctional Services, in partnership with business, to design a small loan scheme for ex-offenders who have successfully completed their parole. Although inmates make artefacts in prison, the money generated from selling these goes to the DCS recreational account, and

not to them. This money could be made available to ex-offenders as loans, with assets from members of their families used as collateral. A policy around this process should be developed by the DCS in collaboration with business. Learnerships should be targeted towards ex-offenders so that they can be equipped with skills that would make them compete in the job market.

4.2.3. Individual access to psychologists

One of the ways of dealing with anger is through what is called, "a journal". A journal is a book wherein people write their stories and no one would read them. It is believed that by writing out one's story, offenders are able to deal with their frustrations. This is a limitation in the sense that there are people who would need to get responses to their stories and answers as to how they should respond in case situations like that happen again. Writing one's story in a journal is the first step towards rehabilitation, since it is through the journal that the inmate admits that he or she has a problem. The next step is to ensure that inmates get rehabilitated about the problem they had written about. Somebody who has utilised a journal to deal with his/her anger is, in my view, not rehabilitated. Therefore, this report recommends that there be individual sessions with inmates who need to consult a psychologist. Psychological counselling should be made compulsory, and psychologists need to ensure that all the relevant inmates get this type of counselling.

4.2.4. Networking skills for inmates

Networking skills should be taught to inmates in prison as part of rehabilitation. Whilst some ex-offenders have information regarding courses they can attend elsewhere in order to empower themselves, others do not. Sharing of information through networking could go a long way in ensuring that one is well informed about jobs and courses.

4.2.5. A review of life skills programmes

Some ex-offenders do not take an initiative but depend upon Khulisa to help them find jobs. This could be a reflection on the life skills programmes that are administered. Life-

skills programmes should be able to teach not only self-esteem but self-reliance. The programmes as administered by DCS should also focus on empowering offenders with skills on how to draw business plans, to do research around the available market for the types of businesses people are interested in and to market their businesses. This would enable ex-offenders to think of business ideas prior to release and work on these once they are released.

4.2.6. Incarceration of undocumented immigrants

Some of the inmates who do not attend rehabilitation programmes are undocumented immigrants, who prefer to be deported. The DCS cannot afford to incarcerate undocumented immigrants, as this has implications for incarceration costs and overcrowding. It costs the Department approximately R103,69 per day to keep a person in a correctional centre (South African Police Service, 2005:32). The DCS and the Criminal Justice System as a whole needs to have a policy on dealing with undocumented immigrants who are involved in crime. The policy should state clear procedures for deportation, for instance, liaising with an immigrant's country of origin prior to deportation so that he/she can be imprisoned in the country of origin. This procedure could be achieved through bilateral agreements with immigrants' countries of origin as well as amendment of certain regulations.

4.2.7. Increase capacity in the DCS

Lack of capacity and space to administer rehabilitation programmes is an issue of poor institutional arrangements in the DCS. The fact that the ratio of social workers to inmates and that of psychologists to inmates is not balanced undermines the ability of the DCS to implement rehabilitation. The DCS needs to employ more staff, especially due to the fact that it is accommodating more offenders than it should. The DCS has maintained that overcrowding causes a vicious circle. It says, "the more the prisoners, the more inadequate the facilities, the greater the shortage of skilled personnel, the greater the influence of prison sub-culture, the less the chance of getting rehabilitated, the greater the

chance of institutionalization and recidivism, which in turn means more prisoners" (City Press, 17 August 2003). If the problem of crime and repeat offending are to be addressed, adequate resources are needed, so that the programmes can be thorough and meet the needs of every offender. This should be preceded by proper problem structuring on the overcrowding issue, so that creative solutions can be put in place.

Social workers' time get consumed by a need to attend to complaints and requests. Administrative staff should be employed for these, so that social workers can give full attention to administering rehabilitation programmes.

One of the issues that came out of the research was the fact that one parole officer mentioned that he had 129 parolees under his supervision. This is rather a high number, which cannot effectively be managed by one person. A review of parole supervision could be an option, where the police are also involved, so as to discourage repeat offending.

4.2.8. Tackle corruption

The issue of corruption raises an important question of sustainability of rehabilitation programmes. With the current cycle of re-offending and the problem of corruption, the rehabilitation programmes may not be sustainable. The Department of Correctional Services' policies on addressing corruption should be reviewed, so that so that corrupt officials can be heavily penalised. The installation of close circuit television cameras in the Correctional Centres could go a long way in addressing the problem of corruption.

4.2.9. Develop targets for reducing recidivism

The DCS needs to develop targets for reducing recidivism. This will be informed by statistics on the rate of recidivism, which is currently being collected by DCS. A fingerprint identification system will be effective in tracing repeat offenders, as some of them use false names and identity documents when they get re-arrested. The targets

should be realistic, stating the percentage with which DCS wants to reduce repeat offending, as well as the category of offenders that they want to target the most. Each category of offenders can have its own target.

4.2.10. Pro-active steps should be taken

Life skills programmes need to be taught at primary and secondary school levels. This is said in light of the fact that the parolees made mention of the fact that they were not aware of who they were until they landed in prison, and that prison had opened their eyes. The society should not wait for its children to get incarcerated before they know their goal in life and how to properly attain them. The Department of Education will have to play a big role in administering life skills in schools. In addition to this, social crime prevention messages should be conveyed through edutainment programmes such as Soul City and Soul Buddyz. These should be around issues of peer pressure and peer association because most youngsters commit crime as a result of their interaction and association with aggressive peers. Social crime prevention initiatives should be carried out in collaboration with the Department of Arts, Culture, Sports and Recreation. The involvement of the youth in various performances and sporting activities will divert their attention away from crime. Solving crime, however, cannot be the sole responsibility of government. Institutions such as the family and the church should also play this role through socialization of their children.

Ex-offenders should be involved in crime summits as they know the type of problems which trigger offending and re-offending behaviour, as well as the modus operandi. Their participation will help in developing informed crime prevention strategies.

4.2.11. Early releases should be carefully planned

Findings have revealed that early releases are normally not carefully planned for, and result in situations in which some offenders relapse. Once a decision around early release is made, the DCS staff needs to select those liable for early releases and provide intensive

rehabilitation programmes for them. This will assist in reducing the rate of recidivism. Maximum offenders need to be prepared and rehabilitated long in advance before release, which should be a period of a year or more.

4.3. Alternatives to Rehabilitation

4.3.1. Restorative Justice

As defined earlier, restorative justice is an approach to justice which seeks to hold offenders personally accountable for their behaviour, to emphasise the human impact of crime. Furthermore, to provide opportunities for offenders to take responsibility for their actions by facing their victims and making amends, and to promote active victim and community involvement in the justice process (Nsereko, 1992:21).

Many parolees are given an opportunity to complete their sentences in the community[11] as opposed to prison, but the same are still perceived as a threat by the community they had offended against. This calls for clarity on the role of the community as the presence of those parolees is a challenge for the very community whose values they had violated. McMackin et al argue that the time an offender is in the community prior to recidivism is important. This is the time when he or she has to readjust to community factors such as antisocial peers, alcohol and drug availability, economic and family stress (2004:3). It is the time when parolees need both financial and emotional support from their families and communities. Communities are built on fabrics of trust and social capital, and these are destroyed through crime. A resurrection of social capital and social cohesion in that particular community is a first step towards ensuring that an offender gets reintegrated. This can be achieved through social inclusion of those communities by the DCS in its administration of justice. These types of offenders should go through a restorative justice process, whereby confessions are made, forgiveness is sought from both primary and secondary victims[12] and agreed upon form of compensation made to the victim. This will not only ensure that the ex-offender gets reintegrated, but also that the relationship

[11] Community in this case refers to a group with functional interests and a sense of belonging as well as shared values.
[12] Secondary victims are victims that are not directly affected by the committed crime

between the ex-offender and the broader community is restored, which will lead to a restoration of a the particular community's social cohesion and social trust.

A restorative justice approach will ensure that offenders take responsibility for the crimes they commit, and will in the long run, reduce recidivism.

4.3.2. Reintegrative Shaming

Another approach which would see a reduction in recidivism, especially amongst juveniles, is called reintegrative shaming. This is an approach that stems from restorative justice, which also seeks to make offenders responsible for their actions and actually pay for such actions. The report has alluded to the fact that there are inmates in prison who do not want to attend rehabilitation programmes. Clearly they do not feel a need to attend these, and they show no remorse. Some of them feel that they would go back to crime after release, either because they are still angry or they want to generate money to start businesses (which may not be true). Other ex-offenders, as the study has shown, relapse whilst on parole. Through reintegrative shaming, all parties affected by the offence gather together in one room with the offender, and the latter is made aware of the crime that he/she had committed, as well as the implications of that crime. It is believed that by so doing, the offender's social behaviour is regulated internally through his conscience and externally by means of social disapproval from certain persons in society (Campbell and Revering, 2002:1). Thus, shaming is used to instil responsible behaviour, and peers of a particular offender are sometimes called in during the shaming session. This approach could be a deterrent to possible future criminal behaviour amongst juveniles, due to the fact that they would face tougher punishment if they relapse, or that their peers would have no regard for them. Restorative shaming would be appropriate for cases such as those involving vandalism, malicious damage to property, theft and hijacking. Reintegrative shaming had been used in Australia since 1991, and has proven to reduce recidivism.

4.3.3. Retributive Justice

There are serious cases of crime which cannot be dealt with through restorative justice methods or rehabilitation. These are cases of rapists, serial rapists and killers. Because they are maximum offenders, they are normally excluded from participating in rehabilitation programmes. This is due to the fact that maximum offenders are not trusted, especially with sharp objects such as manufacturing tools, as they are perceived to still be aggressive. Although some of them end up being involved in prison gangsterism, as this study has shown, it is important to ensure that there is tight security around them whilst they are still in custody. Besides the fact that victims of such crimes would like to see such perpetrators locked up in jail so that they may feel safe in society, it can be argued that imprisonment in this case will serve as a deterrent for future acts of crime. As advocated by "prisons as punishment" school of thought, the unpleasantness of prison life will serve as deterrents to later criminal behaviour" (Brunk, 2001:34). Life-long custody in this case will deter criminals from re-offending (Hanson and Bussiere, 1998:1). Hanson and Bussiere's argument is convincing in the case of this category of offenders as they would come out of prison being mature individuals.

4.4. Conclusion

The effectiveness of the rehabilitation programmes as discussed, one can conclude that the programmes are successful on those offenders that are willing to change. It can be argued that rehabilitation is not a panacea for reducing repeat offending. In some of the rehabilitation cases, offenders do not take responsibility for the crimes they have committed, and as result, do not feel remorseful for such acts. Therefore, alternative means of dealing with offenders that show no remorse for the crimes they have committed, such as restorative justice, reintegrative shaming and retributive justice need to be implemented. These might minimise the chances of ex-offenders to re-offend, as circumstances under which they would have been made to feel guilty for the crimes they had committed would remind them that crime does not pay. A segmentation of offenders is therefore important, so that after careful assessment, each category will get the form of justice that they really deserve.

Even though the DCS has identified a process to rehabilitate prisoners, there have been serious shortcomings which affect the usefulness of this process. The shortcomings are three-pronged, and they stem from the DCS as an institution, its officials and the inmates.

On the one hand, the DCS has a good vision of administering corrections and therefore addressing the problem of recidivism. However, the vision is crippled by poor governance, which is characterized by a lack of implementation capacity. Heymans (1996) argues that capacity is essential in fostering good governance. The fact that there are not enough social workers, psychologists and educators creates stress and low morale amongst staff, which could lead to a compromise of the values of the institution by certain staff members. The inability of inmates to access psychologists renders the rehabilitation programmes pointless. There are inmates who suffer from anger, acute depression and those that have suicidal thoughts. These inmates spend a lot time in jail without receiving the services of a psychologist. What exacerbates the problem is that some of the psychologists that are available speak only English, which some of the inmates do not understand. This point could imply that there is either poor planning on the part of the DCS, in the sense that a rehabilitation policy is developed but there is no proper structure to ensure that the implementation of the policy is a success. It could also mean that there is such low morale due to factors such as inadequate capacity and overcrowding that some of the staff members tend to resign.

The fact that about 120 parolees are supervised by one correctional officer is a serious matter and requires careful consideration. There will not be a proper monitoring of parolees with such limited capacity, which is why a lot of them violate parole conditions or are reported to have been abusing alcohol over weekends. Research has revealed that alcohol abuse leads to cases of assault and murder (Department of Community Safety, 2005). A proper monitoring of parolees would play a major role in pre-empting alcohol abuse, which could lead to recidivism.

Overcrowding has huge implications for capacity within the DCS. As at March 2006, the national figure for overcrowding stood at 172 271 for correctional centres that were built to accommodate 100 668 prisoners (Fagan, 2005/2006). Overcrowding leads to early paroles, which are sometimes not well thought out. Perhaps the problem is the high rate of crime, as well as the existence of the market for crime, and not just the slow pace with which cases are investigated and finalised. This requires a coordinated effort by the whole country to deal with crime through strong crime prevention strategies, review of sentencing policies and a well capacitated detective service. The problem of overcrowding is aggravated by the fact that undocumented immigrants are also incarcerated in the DCS facilities, and most of them prefer to be deported than to be rehabilitated. Undocumented persons should not be given an option of rehabilitation, as they are in the country illegally. Proper coordination between the Department of Home Affairs, the DCS and the migrants' countries of origin regarding undocumented immigrants that are involved in crime is of utmost importance. The problem of overcrowding is also caused by unnecessary detention of awaiting trial prisoners who cannot afford bail for minor cases. Petty criminals need to be released for community corrections.

Good governance on the other hand, is characterised by, amongst others, respect for human rights and an accountable public administration (Leftwich, 1993:605). Until corruption in the DCS is addressed, the problem of crime and repeat offending in particular, will persist. It is alleged that DCS officials smuggle drugs and knives into the Correctional facilities, which, to a certain extent enslaves inmates into drug addiction. Consequently, this will lead to re-offending. The officials also facilitate prison escapes. The fact that criminals can connive with prison officials illustrates that there is no respect for the rule of law on the part of inmates and officials. This is even more serious when considering that prison officials should be the ones responsible for enforcing good principles and fostering a professional relationship with inmates. They need to know where they should draw the line as officials. The fact that there is a "buddy-buddy" system between them and the inmates renders the rehabilitation programmes useless, unproductive and meaningless. Perhaps, as one ex-offender stated, they are the ones who

should be rehabilitated in terms of their value systems and ethics. Their alleged role in drug smuggling and facilitation of prison escapes is probably leading to a situation wherein certain individuals will deliberately commit crime because they know that they would either be assisted to escape in case they get arrested, or that they would in any case get access to drugs and money whilst in jail. This results in a cycle of re-offending and a state of lawlessness. Strict regulations in addressing corruption need to be put in place, as corruption by DCS officials contributes to a larger problem, which is crime.

In addition to the problems mentioned above, the inmates or offenders also pose challenges to the successes of rehabilitation. Some of them are not committed to changing their criminal behaviour. This was illustrated by the fact that most of them attend rehabilitation programmes in order to obtain parole. This has serious implications in that when the same offenders get released, they relapse back to the same system that, to a certain extent, perpetuates their offending behaviour. Because there are other inmates who need change and are committed to attending rehabilitation programmes, they should be separated from the ones that are not committed. This will prevent circumstances in which the offenders attending rehabilitation are wrongly advised and provoked by those that do not attend.

Some parolees have gone to the extent of complaining about parole conditions. They need to start appreciating the fact that those conditions have been set in order to help them not to relapse. They need to operate within those rules for their own good. Parolees are actually not doing anybody a favour by violating parole conditions, but are doing themselves a lot of harm.

The three major shortcomings as mentioned above lead to a cycle of re-offending, which may lead to a society characterised by lawlessness and tensions.

Another condition that facilitates good governance is the extent to which citizens participate in political processes and express their preferences about public policy (Hyden, 1992:200). It would be important for offenders and ex-offenders to participate

in designing rehabilitation programmes so that their needs are met. This will ensure that they feel empowered at the end of the rehabilitation sessions. Character development should form part of rehabilitation, as ex-offenders might be provoked by their peers and other community members to relapse once released.

Finally, whilst it is vital that the country takes care of offenders in order to ensure that they abandon their criminal behaviour, focusing on the needs and interests of victims would also contribute towards deepening democracy. If this is not done, the victims might in the long term, be tempted into taking revenge, will reject ex-offenders when they are released into society and will even lack complete trust in the Criminal Justice System. This might lead to them taking the law into their own hands, creating a vicious circle wherein the victims become perpetrators of crime.

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