

**ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY AND CRIME IN SOUTH  
AFRICA: A CASE OF POLOKWANE MEDIUM B PRISON.**

by

**MICHAEL NKOSINATHI KHWELA**

THESIS

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“Together doing more and better to break the cycle of crime and poverty.”

## Dedication

This is dedicated to my late parents, Mrs Ethel L. Khwela and Reverend Siziwenkosi L. Khwela who are still an inspiration in my life through their teachings that one should love his/her neighbour the same way that one loves himself/herself and to have Jesus Christ as one's best friend followed by the siblings as best friends in life.

This also goes to The Almighty God who assured me that He will do the rest as long as I do my best.

**DECLARATION**

I declare that **ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B PRISON** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references and that this work has not been submitted before for any other degree in any other institution.

.....

**Michael Nkosinathi Khwela**

.....

**Date**

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## **ABSTRACT**

The purpose of this study was to assess the poverty and crime levels among the offenders' families and to compare the perceptions of the offenders and correctional officials regarding incarceration and rehabilitation in the correctional centres with the view of developing an adjusted framework for the Department of Justice and Correctional Services. The study utilised a mixed method approach and was descriptive. The study used survey method to collect quantitative and qualitative data. Quantitative data were collected using self-administered structured questionnaires and qualitative data used self-administered semi-structured questionnaires and open-ended questions. Three groups of respondents participated in this study. The population for the quantitative design were offenders (n=59) and correctional officials (n=17), respectively from Polokwane Medium B Prison. Participants for the qualitative design were the same correctional officials (n=17) and offenders' families (n=10). Quantitative data was analysed using SPSS version 22 package while qualitative data was coded and analysed manually. The majority of offenders (66%) indicated that their families were struggling while they were incarcerated and corroborated by 59% of the correctional officials, whereas 80% of the offenders' families were evidenced during the interview that they were struggling. The findings revealed that incarceration and rehabilitation lead to recidivism and the ensnarement of offenders' families to poverty and crime. The study revealed that overcrowding, limited staff and lack of staff with expertise were the contributing factors to the ineffectiveness of rehabilitation programmes in the correctional centre. The study recommends the coordinated efforts of the stakeholders (government departments and NGOs) for improving the implementation of the remunerated work for the offenders. The researcher is optimistic that if the proposed adjusted incarceration and rehabilitation framework is implemented, the poverty among the offenders' families might be alleviated.

**KEY CONCEPTS:** incarceration; rehabilitation; recidivism; offenders' families; prisoners; correctional officials; mixed research methodology.

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## **LIST OF ACRONYMS**

<b>AET</b>	:	Adult Education and Training
<b>CAC</b>	:	Citizen's Advisory Committee
<b>CCRF</b>	:	Canadian Charter of Rights and Freedoms
<b>CJS</b>	:	Criminal Justice System
<b>CSC</b>	:	Correctional Services of Canada
<b>DCS</b>	:	Department of Correctional Services
<b>ICCPR</b>	:	The International Covenant on Civil and Political Rights
<b>ICESCR</b>	:	The International Covenant on Economic, Social and Cultural Rights
<b>RCMP</b>	:	Royal Canadian Mounted Police
<b>UDHR</b>	:	The Universal Declaration of Human Rights
<b>UN</b>	:	United Nations
<b>USA</b>	:	United States of America

## CHAPTER 1

### INTRODUCTION AND BACKGROUND

#### 1.1 INTRODUCTION

The crime rate in South Africa is at an extreme level (Strydom 2009) and the offender population is as well increasing at an alarming rate due to the precipitous incarceration rate in the country when compared to international trends (Singh 2008). The households of the incarcerated offenders who are breadwinners are assumed to be in household poverty trap as there is no income being generated during the period of incarceration. When a member of the family is incarcerated, more especially when it is the breadwinner, the family is in most cases faced with income problems due to the cost of living, which exposes them to poverty and ultimately crime (Seymour and Hairston 2001; Travis and Waul 2003; Manganyi 2007; Strydom 2009; Eddy and Poelmann 2010). According to Strydom (2009); incarceration affects not only the offender but also the family.

Some researchers argue that incarceration might be regarded as bringing relief to families from the challenges of an active offender. However, it also brings about new costs associated with the taking care of the incarcerated family member like money for collect telephone calls and commissary (Fishman 1990; Braman 2004; Travis, McBride and Solomon 2005). If the offender was providing an income to the household prior to incarceration, the family would struggle to compensate for this loss. In most cases, offenders' families have to adjust economically when a family member is incarcerated (Christian, Mellow and Thomas 2006). Research on how incarceration impacts on offenders' families has shown that families that try to maintain the relationship with the offender, mostly end-up failing to keep-up due to financial implications (Fishman 1990; Hagan and Dinovitzer 1999; Braman 2004; Arditti 2005; Christian et al. 2006; Eddy and Poelmann 2010).

The DCS (2005), states that most South African offenders come from communities and families that are dysfunctional and plagued by poverty, unemployment, hunger, and absent figures of authority and care. It is common that these dysfunctional families are mostly offenders' families that have a family member under incarceration. Poverty, unemployment and illiteracy need serious attention if the crime rate and the offender population in South Africa are to be successfully reduced (Sefara 2002; Hasselink-Louw 2003). Impoverished communities with poor education rate usually have soaring rate of incarceration, and communities with high incarceration rate tend to have an extreme unemployment rate, economic hardships (Gibson, Roberson and Daniel 2009) and usually excessive crime rate. The logical conclusion is that people living in poverty are far more likely to commit crime and then recidivate.

During January 1995, South Africa had 443 offenders serving life sentences, and by January 2005 the number had increased to 5,745, which is 1,296 percent increase in a period of ten years, which led to the overcrowding in the prison population (Mujuzi 2008). The Department of Correctional Services (DCS) in South Africa accommodates more than 160 000 inmates with an average of 150% overcrowding after achieving democracy in 1994 (Mujuzi 2008). The International Centre for Prison Studies indicates that at 30 April 2012, 307 out of 100 000 South Africans were in correctional centres, based on an estimated national population of 51.08 million and placing it the 28<sup>th</sup> out of 216 countries in relation to their rates of incarceration (ICPS 2012).

In light of the over-crowding in the correctional centres and the rapid increase in the number of offenders due to recidivism and other common crimes, there is a need to reintegrate offenders to the community (Cheliotis 2008). The DCS has proper policies with regard to rehabilitation of inmates but there is not much with regard to the families of incarcerated inmates in breaking the cycle of poverty and crime. Consequently, the rehabilitation of an incarcerated inmate with the exclusion of the family might be an incomplete process as family involvement is central to successful offender re-entry (Cheliotis 2008; Gibson et al. 2009). The families left behind after the incarceration of the

breadwinner are vulnerable in such a way that the family dynamics are compelled to change so as the family structure. Additionally, the released offenders may be regarded as bringing back crime to the neighbourhood such that it is less safe but the return reunites the families although most families are by then dysfunctional (Travis et al. 2005). There is also a challenge to the offender re-entry by the non-criminal neighbours who make it very difficult for offenders to join the community. These non-criminal neighbours are often wary of the offenders and which in most of the times make it difficult for the returning offender to find meaningful employment (Gibson et al. 2009).

If offenders are returning to neighbourhoods that do not provide access to the sort of services that are important for re-integrating them into the broader community, it stands to reason that they will be less likely to succeed in their post-release transition and more likely to recidivate (Travis et al. 2005). It is assumed that a better option for dealing with crime is to place greater effort on the rehabilitation of offenders, in particular, programs that adhere to the reduction of offender recidivism. The White Paper on Corrections in South Africa is based on the South African Constitution (RSA, 1996), which has a provision of a detention system that is based on a Bill of Rights that provides the premise within which the DCS should handle incarcerated inmates (Cilliers and Smit 2007; Singh 2008). Consequently, there was a need to compare and contrast the correctional models in South Africa which are incarceration and rehabilitation to reduce recidivism and the ensnarement of offenders' families to poverty and crime. Correspondingly, there was also a need to investigate the ensnarement of offenders' families to poverty and crime.

## **1.2 STATEMENT OF THE PROBLEM**

South Africa has a challenge of overcrowding in correctional facilities due to the inefficient functioning of the criminal justice system and the high incarceration rate when compared to international trends (Singh 2008). The offenders' families that are left behind are assumed to be in poverty trap more especially when the breadwinner is incarcerated (Seymour and Hairston 2001; Travis and Waul 2003; Manganyi 2007; Strydom 2009). According to Gibson et al. (2009), there is a relationship between high incarceration rate

and the high unemployment rate that in the researcher's opinion leads to poverty and then crime. Travis and Waul (2003), indicate that the parental incarceration has a severe impact on the children due to a number of aspects such as general instability, poverty, inadequate care at home, crime and arrest. Presently, little is done to assist children during parental incarceration to avoid problems of adjusting during the re-entry of the ex-offender (Strydom 2009).

Incarceration entails imprisonment or confinement as a deterrent without associating any privileges to it while rehabilitation of offenders may imply a more cooperative and remedial approach (Singh 2008). The DCS (2005), states that rehabilitation should include the correction of the offending behaviour and is achieved through interventions to change attitudes, behaviour and social circumstances. However, what is said by the DCS compared to what is experienced by the offenders within correctional centres are very much inconsistent (Singh 2008). The international approach that the South African government subscribe to, perceive rehabilitation as ensuring that incarcerated offenders are treated with care and dignity such that their re-entry to society should not be a challenge (Cilliers and Smit 2007; Singh 2008). According to Singh (2008), there is still no difference between rehabilitation and incarceration in South Africa due to the DCS correctional facilities' environment.

The move by the democratically elected South African government from the Department of Prisons to the Department of Correctional Services indicates that the intention was to move from mere incarceration to corrections and rehabilitation of offenders (Cheliotis 2008). But this correctional objective seems to be defeated if a corrected inmate gets back to join a family that is already dysfunctional, and hence involuntarily the corrected inmate reverts back to his/her offence. The DCS (2005) compatibly tries to address the issue of rehabilitation and re-entry of offenders to their communities including the importance of the family in the rehabilitation of offenders. Family involvement is also central to successful offender re-entry. If offenders are returning to neighbourhoods that do not provide access to the sort of services that are important for re-integrating them into

the broader community, it stands to reason that they will be less likely to succeed in their post-release transition and more likely to recidivate (Travis et al. 2005).

Recidivism is the other momentous challenge which is usually not taken acutely, which is presently estimated at between 80 – 90% (Pelser and Rauch 2001). Consequently, the rehabilitation of an incarcerated inmate with the exclusion of the family could be an incomplete process. Literature proposes that a combination of family, community and societal conditions, especially poverty collude to trap offenders and their families into a cycle of crime (Cheliotis 2008). The DCS currently has no assessment structure in place to identify the needs, readiness for treatment and personality traits of offenders or the causes and motives behind crime. Consequently, the effective treatment of offenders cannot be ensured (Hasselink-Louw 2003). Thus far, little or no attention has been focused on the working together of social services, criminal justice system, health care providers and communities to meet the needs of families left behind (Travis et al. 2005). According to Zondi (2012), there is a lack of communication between communities and DCS when ex-offenders are re-integrated to the communities.

The rate of awaiting trial offenders is high due to the non-finalisation of investigations by SAPS (Pelser and Rauch 2001). These awaiting trial offenders have to be kept by the Department of Correctional Services, which adds to the present challenge of overpopulation in correctional centres. Some awaiting trial offenders have been in correctional centres for more than five years (Singh 2008). To this extent, the study pursued to investigate the role of incarceration and rehabilitation in the ensnarement of offenders' families to poverty and crime. Based on the extensive review of the literature as presented in chapters 3 and 4, no research exists that is dealing with the issue of ensnarement of offenders' families to poverty and crime; hence this research is intended to fill this gap in literature.

### **1.3 RESEARCH QUESTIONS**

Based on the above problems, this research is anchored on the following questions:

- How does incarceration and rehabilitation ensnare offenders' families to poverty?
- How does incarceration and rehabilitation ensnare offenders' families to crime?
- How may incarceration cause recidivism?
- How may the existing incarceration and rehabilitation framework be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime?

## **1.4 AIM/PURPOSE**

The aim of this study is to examine how prisoners' families may be ensnared to poverty and crime.

### **1.4.1 Objectives**

Based on the above questions, the objectives of the study are:

- To examine how incarceration and rehabilitation may ensnare offenders' families to poverty;
- To examine how incarceration and rehabilitation may ensnare offenders' families to crime;
- To examine how incarceration may lead to recidivism;
- To make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

## **1.5 DEFINITION OF TERMS**

For the purpose of clarity, the following definitions of terms are presented as their meaning might differ when applied in other contexts or by different disciplines.

### **1.5.1 Dysfunctional families**

The family that lacks discipline and provide opportunities for the criminal activities to happen. Dysfunctional families are in most of the times having a high unemployment rate, lacking socio-economic basic services, and high level of crime. Such families also deny ex-offenders opportunities of re-entry to the community and they then recidivate (DCS 2005).

### **1.5.2 Ensnarement**

To ensnare is to capture and ensnared is when you are trapped like the animals when they are trapped. For the purpose of this study, ensnarement would be adopted to mean the entrapment of offenders' families to poverty and crime.

### **1.5.3 Incarceration**

The term refers to the detention or confinement of a person in a correctional facility. Persons are utmost ordinarily imprisoned upon being suspected or convicted of committing a crime. General opinion is that incarceration refers to instances where an individual is found guilty of a crime and sentenced to incarceration for a specific period for punishment or for the protection of society (Barker 2003; Strydom 2009).

### **1.5.4 Poverty**

In conceptualising poverty, there are two terms that are used to define poverty, which are relative poverty and absolute poverty. Absolute poverty used to be regarded as primary poverty until in 1995 in Copenhagen during the World Summit for Social Development. Poverty is regarded as a situation where there is a severe deprivation of basic human needs, which includes: food, healthy drinking water, sanitation facilities, shelter, education and information (Statsa 2005). For the sake of this study, both concepts of absolute poverty and relative poverty will be used to address the ensnarement of offenders' families to poverty.

### **1.5.5 Recidivism**

This is an act of a person repeating undesirable behaviour and is most frequently used in conjunction with criminal behaviour and substance abuse. This can be regarded as an inability to learn from the past mistakes. Criminal recidivism is highly correlated with psychopathy (Harris and Rice 2006).

### **1.5.6 Rehabilitation**

There has always been conflict between the punitive approach and the treatment (correctional) approach in the penal system (Zastrow 2008; Strydom 2009). The rehabilitation of the offender and the support of the victim, by way of a multidisciplinary approach and the presentation of a variety of programmes, should always be the main aim of incarceration in order to re-integrate the offender with society and the family so that they can once again function as a proper unit (Bezuidenhout 2006; Cilliers and Smit 2007; Strydom 2009).

## **1.6 DELIMITATIONS OF THE STUDY**

The study endeavoured to investigate the ensnarement of offenders' families to poverty and then crime. The study was a case study focusing on the Polokwane Medium B Correctional Centre which is situated in the Polokwane Local Municipality. Polokwane is the economic hub and the city of the Limpopo Province. The study initially concentrated on offenders where a structured questionnaire comprising of quantitative questions was utilised. Subsequently, open-ended questions were posed to offenders' families regarding recidivism, crime and poverty. Ultimately, randomly chosen correctional centre officials by strategy and seniority were interviewed through a structured and open-ended questionnaire to gather information regarding incarceration, rehabilitation and the ensnarement of offenders' families to poverty and crime.

The Department of Correctional Services that has just been incorporated under the Ministry of the Department of Justice and Correctional Services is one of the departments in the government of the Republic of South Africa. It is responsible for running South Africa's corrections system. The DCS has about 34,000 staff members and is responsible for the administration of 241 correctional centres that accommodate about 189,748 inmates. The correctional centres include minimum, medium and maximum security facilities. The 241 correctional centres run by the department include: 8 women-only correctional centres; 13 correctional centres for young offenders; 129 correctional centres for male offenders; 91 correctional centres for both male and female offenders; and 2

correctional centres that are temporarily closed down as undergoing renovations as at the end of 2011.

The Limpopo Province has five correctional centres which are Thohoyandou Correctional Centre, Kutama Sinthumule Private Prison, Polokwane Correctional Centre, Modimolle Correctional Centre and Tzaneen Correctional Centre. The overcrowding in these facilities during the visit by the Portfolio Committee in August 2005 except for Kutama Sinthumule Private Prison is as indicated in the following table:

**Table 1.1: Correctional centres in the Limpopo Province.**

Correctional Centre	Approved Accommodation	Actual Total	Percentage Occupation
Thohoyandou	953	2342	246%
Polokwane	538	1233	229%
Modimolle	341	976	286%
Tzaneen	67	99	148%

*Source: Portfolio Committee 2005.*

The study was conducted in one of these correctional centres that is Polokwane Medium B correctional centre and the reason being that Polokwane is the economic hub of the Limpopo Province. The other reason for choosing Polokwane Medium B correctional centre was that it is still regarded as a hidden city by the criminals from major cities like Johannesburg, Durban and Cape Town. The Polokwane Local Municipality had a population of 628 999 people according to Population Census of 2011, which is 10.2% of the Limpopo Province population. Polokwane correctional centre had 1233 inmates with an approved accommodation capacity of 538, which is 229% overcrowding. The sentenced youth were 199 while the sentence types of the inmates were 11 (maximum sentence), 593 (medium sentences) and 247 (minimum sentences). The correctional centre had 849 paroles with 449 probationers while having 1445 absconders (paroles) and 188 absconders (probationers).

## 1.7 STRUCTURE OF THESIS

The thesis has eight chapters dealing with various aspects of the study. The thesis is structured as follows:

- **Chapter 1:** Introduction: This chapter mainly introduces the study, provide rationale for the study, identify and clarify the research problem, the research questions, the research objectives, and an outline of thesis.
- **Chapter 2:** Philosophical framework of the study: The chapter discusses the theory of collateral damage to the families left behind and the children of the incarcerated parents. The theories of poverty, crime and recidivism are deliberated on in detail in this chapter.
- **Chapter 3:** The International Perspective: The chapter discusses in detail the ensnarement of offenders' families to poverty and crime in the United States of America and the prison systems of Canada, Britain, Australia and Nigeria.
- **Chapter 4:** The South African Perspective: The chapter discusses in detail the ensnarement of offenders' families to poverty and crime in the Republic of South Africa.
- **Chapter 5:** Research Design and Methodology: This chapter presents the design and methodology applied during field work including the decision to make a case study, the choice of area, the choice of the sample, the content of the interviews, the interview procedure, the results of the interviewing programme, and data analysis techniques.
- **Chapter 6:** Data Analysis and Presentation of Quantitative Findings: This chapter provides detailed analysis and interpretation on the findings of the quantitative research.
- **Chapter 7:** Data Analysis and Presentation of Qualitative Findings: This chapter provides detailed analysis and interpretation on the findings of the qualitative research.
- **Chapter 8:** Summary Conclusions and Recommendations: This chapter summarises and make recommendations based on findings.

## **1.8 SIGNIFICANCE OF THE STUDY**

It is a fact that families that have a member who is incarcerated, whether be a breadwinner or not, usually the family would struggle financially. The other point is that when the offender is released from a correctional centre either through parole (probationer) or after doing time, they usually recidivate due to unpreparedness for them to be re-united with the community. The study thus improves the knowledge and understanding of the two correctional models of incarceration and rehabilitation together with the status of offenders' families. The study then succours to present on how the existing incarceration and rehabilitation framework should be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

## **1.9 CONCLUSION**

The ensnarement of offenders' families to poverty and crime is an international phenomenon for most of the countries as discussed in the literature review chapters. Recidivism is also another challenge that needs global academic conferences in order to share ideas and theory. The problem is that the community is failing to accept offenders as human beings and they feel that they are not supposed to be integrated into the community.

## **CHAPTER 2**

### **PHILOSOPHICAL FRAMEWORK**

#### **2.1 INTRODUCTION**

Imprisonment in the wake of a prison sentence brings about a lot of challenges for the families including the loss of work, the reduction of income and the reliance on welfare benefits (Smith, Grimshaw, Romeo and Knapp 2007), if available. Furthermore, the support to the offender, disruption of family structures, lack of parental-child relationship for children left behind and the stigma of shame for the families left behind. The Criminal Justice System (CJS) and Social Welfare policies combine to impoverish the relatives of those in correctional centres – in particular offenders' children (Smith et al. 2007). This chapter attempts to discuss a related philosophy within which this research is anchored. Given that the objective of this research is to examine how prisoners' families are negatively embroiled in the web of offender's incarceration; the researcher chooses to align this research aim with the theory of collateral damage.

The purpose of the chapter was to explore the impact of incarceration and rehabilitation on the ensnarement of prisoners' families to poverty and crime. This was done by deep exploration of poverty and crime theories. Subsequently, an investigation was conducted on the role of incarceration on recidivism where the recidivism theory was surveyed thoroughly. The following stanza discusses the theory of collateral damage in the context of this research, which is also the outline of this chapter.

#### **2.2 THE THEORY OF COLLATERAL DAMAGE**

Collateral damage is damage to things that are incidental to the intended target. In the United States of America (USA), they have collateral consequences of criminal conviction, which is additional penalties to offenders who were enjoying benefits of the state like study loan, restriction of a professional license, loss of voting rights, ineligibility for public funds including welfare benefits and student loans. For this study, the theory of collateral damage deals with the problem of collective punishment. The collateral damage theory is fitting for this research because if the prisoners' families get ensnared, it is therefore

tantamount to collective punishment (Arditti 2005; Zondi 2012).

Most offenders come from socially deprived sections of the society (Smith et al. 2007). Similarly, dysfunctional families provide fertile ground for acts of criminality (RSA 2005). Furthermore, lack of employment, public infrastructure, social recreational infrastructure and poverty combined with dysfunctional families put the youth at risk. The Department of Correctional Services (DCS) expects the family to play a role in the correction of offenders; however, nobody has shown interest in the families of incarcerated offenders (Arditti 2005; Zondi 2012). The responsibility of the DCS is to correct behaviour, in a secure, safe and humane environment to facilitate the achievement of rehabilitation and the avoidance of recidivism (Singh 2008).

The removal of a parent due to incarceration might be beneficial or detrimental to the child but more often are a traumatic life event that intensifies the problems that the involved children are already facing (Hagan and Dinovitzer 1999). Hagan and Dinovitzer (1999) further states that the associated sociological and criminological theories distinguish three fundamental effects of parental incarceration on the children. These fundamental effects include economic deprivation, loss of parental socialisation, and the stigma of shame of societal labelling (Hagan and Dinovitzer 1999). Given the impact of incarceration on family incomes, offenders' children are supposed to form part of that wider group at risk (Smith et al. 2007). According to Kennedy and Chance (2011), the penal system is hurting the people that it is supposed to protect with the mass incarcerations that are happening. These mass incarcerations also disrupt family ties, increase poverty and ultimately crime, which logically will have a serious negative impact on the children (Kennedy and Chance 2011). According to Smith et al. (2007), the courts increased the use of custody in Britain and the length of prison sentences for offenders, although there has not been a corresponding increase in crime.

In the USA, evidence is emerging regarding the increased financial challenges for those caring for offenders' children and supporting the inmate, and how incarceration creates

and entrenches existing poverty due to the mass incarcerations (Braman 2004; Smith et al. 2007). Equally, the likelihood of female carers leaving paid employment following a relative's incarceration has a contribution to the decline in family income (Arditti 2005). The most detrimental collateral consequence of incarceration is the separation of the parent from the children and exacerbated when the parent and the child lack regular contact (Genty 2002). Genty (2002), states further that the limited contact between the incarcerated parent and their children has a damaging impact on the parent-child relationship. Mostly, when parents go to correctional centres, it is usually for a lengthy period of time without having contacts with their children and being incarcerated very far from home (Mumola 2000; Seymour and Hairston 2001; Genty 2002). The challenge is that the offenders' families and the effects of imprisonment on families and children are neglected in academic research, public policy and media coverage (Hagan and Dinovitzer 1999; Murray n.d.). It therefore stands to reason that if we do not attend to the effects of incarceration on children, we might be punishing innocent victims and ultimately possibly causing crime in the next generation (Murray n.d.).

A substantial number of families that are left behind were at risk before the family member was incarcerated and it becomes worse when the member is incarcerated. It is only a minority of such families who become better when a breadwinner is incarcerated. According to Arditti (2005), at least 10 million children have a parent involved in the Criminal Justice System (CJS) and a substantial amount of incarcerated women and men have a child (Seymour and Hairston 2001; Travis and Waul 2003; Strydom 2009). Although the data is minimal on the families left behind; documents have started to indicate the impact that incarceration has on children of incarcerated parents like poor educational performance, drug abuse and the involvement of the children themselves with the CJS (Arditti, 2005). The collateral damage that is caused by incarceration to the family needs serious attention.

The phenomenal effect that incarceration has on children with a parent in prison according to Treadwell (2013), is that girls who have a household member in prison are

likely to exercise sex at a very young age, are unlikely to use contraceptives, are prospective to have more sexual partners and are probable to fall pregnant before reaching the age 20. Research indicates that 23% of children with a parent who has served time in prison are likely to be suspended at school and such children have very poor school achievements, are probable to drop out of school and ultimately get involved with the criminal justice system themselves as offenders (Treadwell 2013). Many of the children who have a parent in prison experience teasing and bullying at school, which leads to them dropping out of school. Furthermore, many of the youth who are seen consulting in public mental health facilities are likely to have a parent with a prison record. Nobody is concerned about their anger, frustrations and challenges, even if they withdraw from school; there is nobody to turn to for help or therapy (Edmonds 2012; Treadwell 2013). The majority of convicts are parents of minor children. Almost half of the fathers inside prison lived with a child prior to incarceration and almost two thirds of mothers also lived with a child before being imprisoned. Roughly, eighty percent of the mothers that lived with a child prior to imprisonment were single parents (Treadwell 2013).

Despite the declining economy according to Edmonds (2012), there is still one business that continues to grow, which is prison industry. Similarly, literature shows that the increase in the prisoner population does not only affect the offenders but it has an impact on the children left behind (Edmonds 2012; Treadwell 2013). Very few researchers have studied the impact that parental incarceration has on the children but researchers agree that due to the mass parental incarcerations, then there is an entire population of children who are also suffering as well. The children of incarcerated parents are considered as hidden victims as they are not considered for certain programs, underserved and understudied due to the labelling and the stigma of shame by society (Seymour and Hairston 2001; Travis and Waul 2003; Strydom 2009; Eddy and Poelmann 2010; Edmonds 2012; Treadwell 2013). According to Travis et al. (2005), more than three quarters of the parents that have a child left behind indicated that they were incarcerated prior to the current incarceration. This should have a detrimental effect to the family and mostly to the children left behind. More than half of the parents reported not having a visit

from the children. Communication in the form of letters and telephone calls also seems to be problematic as correctional policies have a limit to the number per offender. The financial implication is also a factor as collect telephone calls are very expensive (Travis et al. 2005).

Parental incarceration leads to likelihood of children engaging in criminal behaviour as an adolescent and adult in a way that such behaviour would lead the children of incarcerated prisoners to be incarcerated themselves (Edmonds 2012; Treadwell 2013). Few studies have comparatively investigated the difference between paternal and maternal effects of incarceration (Eddy and Poelhmann 2010; Edmonds 2012; Treadwell 2013). Literature indicates that parental incarceration for children experiencing maternal incarceration is intensified compared to the children experiencing paternal incarceration due to the fact that children experiencing maternal incarceration are prone to experience greater stress and more cumulative risks in their own environments than the children of incarcerated fathers (Edmonds 2012). Literature shows that the parental imprisonment is socially arranged along the proportions of social disadvantage such that the disproportionate confinement of minorities brands this source of disadvantage a grave concern (Eddy and Poelhmann 2010; Edmonds 2012; Foster and Hagan 2013; Treadwell 2013). It is eminent that in measuring the parental incarceration of the children left behind to also examine the maternal and paternal incarceration (Foster and Hagan 2013).

According to Strydom (2009), there are six theories relevant to the scourge of parental incarceration and the effect of the incarceration to the children left behind. The first theory is the Developmental theory: this is also referred to as attachment theory where if the child has bonded with the parent and when the parent is removed, it may generate emotions like anger and sadness, which might have an impact to the development of the child (Travis and Waul 2003; Manganyi 2007; Strydom 2009). Then there is Life-span theory: which according to Strydom (2009), the change that the children are likely to go through can be traced from the following three causes: Normative events; Unexpected events and Historical time periods and social trends. Next is the Systems theory: this is

when a child develops some emotional problems and behavioural problems after the parent has been removed compared to children who live with both parents (Manganyi 2007; Strydom 2009). Subsequent, it is the Ecological theory: in this case, children are influenced reciprocally by the environment they are faced with either negatively or positively due to the incarceration of the parent (Manganyi 2007; Strydom 2009). Succeeding is the Risk and Resilience theory: in this situation, it is when the child is exposed to risk of separation from the parent but the resilience from the child has to take effect. However, the resilience to some children diminishes when they are faced with risk (Strydom 2009). Ensuing is the Cumulative Risk theory: this is a situation where there are multiple risks that the child is faced with after the incarceration of a parent. These have to be analysed and mitigated before they do more harm (Strydom 2009).

Regarding the impact of incarceration on children left behind, Strydom (2009) refers to the following areas of children's lives: Developmental, Mental and Emotional State; Social Isolation; Educational and Behavioural problems; Structural Changes; Loss of Financial Support; Maintaining Contact with the Family; and Trauma Within the Family. Children with the imprisoned parents especially mothers precisely, are at danger of academic failures, school drop-outs and for enduring an intergenerational cycle of crime and imprisonment (Dallaire, Ciccone and Wilson 2010). Notwithstanding the amount of research that is increasing with regard to the risk that the children left behind are facing at home and the communities they live in, no empirical study has been conducted to determine their performance at school and their relations with the teachers (Dallaire et al. 2010). According to Dallaire et al. (2010), though these children may be successful at school they are likely to struggle academically. Such sorts of academic problems may lead to less achievement at school, contribute to school drop-out (Dallaire et al. 2010) and ultimately culminate with incarceration. Though there is increasing acknowledgement in the empirical literature that teachers could provide valued support to children with imprisoned parents, there is practically no study has surveyed the teachers' consciousness of parental imprisonment (Dallaire et al. 2010).

The children whose lives are impacted by traumatic family environments (e.g., parental neglect, abuse, and addiction), as well as by the severe disruption associated with the imprisonment of a parent, are disproportionately prone to become delinquent as adolescents or as young adults (Seymour and Hairston 2001; Travis and Waul 2003; Strydom 2009). Control and socialisation theories consider early adolescence as a period when there are significant struggles between allegiances to family and peers in which the absence of a parent may well shift the balance of these struggles in the favour of antisocial peers. Because of their increased vulnerability to the development of deviant activity, these children are particularly in need of preventive interventions.

### **2.3 THE POVERTY THEORY.**

Poverty is defined as the deprivation of survival necessities. Poverty reduction is the key objective of development such that the Millennium Development Goals target halving world poverty by 2015. Poverty is regarded as a situation where there is a severe deprivation of basic human needs, which includes: food, healthy drinking water, sanitation facilities, shelter, education and information (Statsa 2005). The other definition of poverty is based on failure to access the basic human needs which not only include food, clothing and dwelling, but also health and education (Sen 1999). According to Jensen (2009), there are six types of poverties which are: Situational, Generational, Urban, Rural, Absolute and Relative poverties.

The Situational poverty is when there is a sudden occurrence that is usually temporal like environmental disaster, illness, strikes, loss of a job, death of a spouse and divorce. They can be easily remembered as the 7 D's: Divorce, Death, Disease, Downsized, Disabled, Disasters and Debt. These uncontrollable events can ultimately lead to the loss of income and material possessions. It is important for the people working with the poor and for the poverty advocates to understand the difference between situational poverty and generational poverty. Most of the time, people who experience situational poverty are likely to be at an advanced level of education compared to people in entrenched poverty. The person in situational poverty is usually familiar with the rules and regulations of the

state, which might be helpful when a person wants to move out of the situation. Furthermore, individuals in situational poverty are probable to have support to fall back on in the form of a relative and persons in the communities. In general, to get out of short-term poverty it necessitates one to identify and address the cause by looking out for employment that would ease the situation. Situational poverty has the potential of becoming generational poverty if not attended to as soon as possible (Jensen 2009).

The Generational poverty is when the family is unable to move out from a situation that they inherited from the previous generations. Generational poverty is defined as being in poverty for at least two generations and it is unlike situational poverty. The key indicator to distinguish the two is that players in generational poverty feel that the society owes them a living while players in situational poverty the pride does not allow them to accept the needed assistance. Schools are the only places where students can learn about the choices that can be made to come out of generational poverty and education is crucial in getting and staying out of generational poverty. Families facing the challenge of generational poverty tend to face the three other poverties known as parental poverty, educational poverty and spiritual poverty that cumulates to hopelessness. People caught in generational poverty are focussed on things facing them on that day like food, money, place to live, which is about survival and there is absolutely no planning. The values of those caught in generational poverty centre more on survival and short-term outcomes (Jensen 2009).

Urban poverty is usually experienced in metropolitan areas where there are more than 50,000 people (Jensen, 2009). The urban poor are mostly facing the following challenges: restricted access to opportunities of employment and income, insufficient and uncertain housing and amenities, fierce and harmful surroundings, slight or no social security mechanisms, and restricted access to satisfactory health and education prospects. The worldwide problem is that urban poverty exists everywhere, from poor to rich countries. The household surveys that have been conducted tend to suggest that the developing countries are experiencing urbanisation at a very high rate more especially in Sub-

Saharan Africa and Latin America. Urbanisation is regarded to be essential for the rural poor in order to access better paying jobs and services that are available in urban areas. Some might perceive urbanisation in a negative way due to shacks that mushroom all over towns in developing countries while others perceive that in a positive way in terms of poverty reduction since poverty is a scourge in rural areas. Many of the poor who migrate to cities can benefit from the opportunities of the city life while those with low skills might be left behind stressed with daily trials of the life in the city. Given the extraordinary growth rates in most of the cities in the developing countries with the poor from rural areas moving to urban areas, the complications of urban poverty might be a serious challenge.

Rural poverty on the other hand is in nonmetropolitan areas where there are less than 50,000 people (Jensen, 2009). There are high rates of rural poverty in developing countries than in developed countries and eradicating rural poverty through policies and economic growth is still a challenge for the international community. Poverty is predominantly a rural problem with the bulk of the deprived living in the rural areas. The household surveys estimate that 76% of the developing world's poor live in rural areas. Individuals living in rural areas tend to have less access to social services, which increases the scourge of poverty in rural areas. Lack of infrastructure in rural areas exacerbates the challenges of rural poverty like the lack of sufficient roads to access agricultural inputs and markets. Poor infrastructure also has an impact on the communications like limited access to media and news outlets.

Rural communities tend to value much the development of roads as the access to markets, health facilities and education services. Road constructions also provide temporal employment to the rural poor, which temporarily alleviate poverty for the vulnerable. The lack of labour markets in rural areas leaves the rural poor with no option but to work for low wages and with a threatened income security. Low levels of education and limited skills force the rural poor to work as subsistence farmers or be employed in informal employment, which exacerbate the scourge of rural poverty. Social isolation due to inadequate roads hinders the rural community to access education or acquiring health

care, which might increase the infant mortality rate. In conceptualising poverty for this study, there are two terms that are used to define poverty, which are absolute poverty and relative poverty (Jensen 2009).

Absolute poverty is also known as extreme poverty where people are on a day-to-day survival. This poverty is the situation where there is a serious lack of basic needs (Jensen, 2009). Absolute poverty used to be regarded as primary poverty until in 1995 in Copenhagen during the World Summit for Social Development. The concept absolute poverty refers to poverty that exists independently of any reference group and it becomes synonymous with subsistence poverty according to Noble, Ratcliffe and Wright (2004). A family is referred to be poor when it is unable to attain things necessary for its survival. This could mean that the family generates insufficient total earning to obtain minimum necessities. The World Bank calculates that a fourth of the population in the developing world, about 1.2 billion people are living in poverty, which is below \$1 a day (World Bank 2000).

This threshold by The World Bank is based on purchasing power parity per day. The \$1 per day was revised in 1993 through 2005 and was placed at \$1.08 per day. Presently, the absolute poverty line is at \$1.25 per day. However, this does not translate to the exchange rate of the United States Dollar (US\$) that a person can live on an equivalent of the US\$. Moreover, subsistence farmers may have low income which is less than the benchmark but living not below the poverty line as they would be generating their own food and only needing money to top-it-up. Since the US is a more expensive country, the poorer countries that do not use the US\$ might be able to buy more from the exchange rate of a US\$ in their currency. Equally, most countries have their own absolute poverty line thresholds like the US, which was at \$15.15 per day in 2010 while in India during the same time was at \$1 per day and in China they were at \$0.55 per day.

Certain scholars dispute that The World Bank approach being used to benchmark all the countries at the same poverty line might be distorted as others state that the poverty line

might be too low while others argue that it might be too high. The World Bank data shows that the Sub-Saharan Africa is the worst in people living below the poverty threshold of US\$1.25 per day at 47.5% followed by South Asia at 36% while Europe and Central Asia are at 0.5% and the whole world at 22.4%. The life expectancy for the whole world was also increasing and converging except for Sub-Saharan Africa that saw a decline supposedly to the HIV/Aids pandemic.

However, the advocates of relative poverty criticise heavily this absolute notion of poverty (Noble et al. 2004). Other scholars also argue that the mere inadequate income does not adequately describe poverty. The definition of absolute poverty adopted during the World Summit for Social Development in Copenhagen was as follows: *“a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to social services”* (World Summit for Social Development 1995). The recent definition of poverty is based on the lack of opportunities. This definition means that poverty does not only mean the lack of adequate income and basic human needs, but the tacit denial of opportunities pushes them into unemployment resulting in loss of income and finally inability to meet the basic needs (Sen 1999).

Relative poverty is a situation where there is a comparison with others when one does not have what others have (Jensen, 2009). The relative poverty approach makes it very difficult as to where to draw the line in contrast to absolute poverty. The academics over the course of the twentieth century became aware of the limitations of absolute concepts and subsistence definitions of poverty. Relative poverty actually means that individuals, families and groups in the population are said to be in poverty when they lack resources that other families or groups in the same population are able to achieve. According to Sen (1983), the notion of relative poverty might mean that some groups of people will always be poor when juxtaposed to others as there will never be absolute equality.

In the monetary approach also known as the utilitarian approach, poverty is the deprivation of utility income, which in principle includes all income in money metric. This approach is usually measured by consumption versus income and the poverty line is relative or nutrition based. Measuring poverty in this approach is attributed to individuals but measured by family per consumption. The challenge in measuring poverty in this approach is translating household income into individual poverty allocation of income within the family/needs of different family members/economics of scale of consumption. According to Sen (1993), the utilitarian approach of poverty is ethically flawed as it neglects to consider the physical condition of life of the observed object. The other challenges with this approach are that it does not consider group conditions, causes of poverty and it neglects social goods.

In the capability approach to development, the objective is to enhance the individual's capabilities to be or do different things (Sen 1979, 1993, 2009; Nussbaum 2000). Poverty is regarded as the failure of some basic capability to function. The first question with regard to capability approach is finding out what are the basic capabilities? Some scholars have attempted to define them with education and health being mentioned but there is an overlapping consensus. This is an economic theory that was conceived by the 1980's as a welfare economics approach with the core focus on what individuals are able to do. According to Nussbaum (2000), there are ten central capabilities that are supposed to be supported by all democracies and listed them as follows: Life; Bodily Health; Bodily Integrity; Senses, Imaginations, and Thought; Emotions; Practical Reason; Affiliation; Other Species; Play; and Control over One's Environment. Consequently, Sen and Nussbaum offer a capability-based critique of using the Gross Domestic Product (GDP) and Gross National Product (GNP) as measures of well-being.

## **2.4 THE CRIME THEORY.**

Punishment that does not emanate from absolute necessity is tyrannical. This is where the right to punish for crimes by the sovereign is based or founded in order to defend the liberty of the public (Beccaria 1764/1963). Cesare Beccaria argued in the 18<sup>th</sup> century

that excessive punishment could be counter-productive as criminals might commit more serious crimes knowing that nevertheless whatever crime they commit the punishment would be excessive. Beccaria's argument was that the punishment has to fit the crime (Beccaria 1764/1963). Contrary to Beccaria's standpoint, the classical theorists believe that extreme punishments would deter people from crime. Antagonistically, the positivist theorists discount the role of free will but instead focus on the factors such as personality, learning, moral development and genetic transmission. The positivist theorists place their emphasis on anomie and strain emanating from poverty, which is exacerbated by the rigid class structure. Positivists postulate that the criminal behaviour stems from the internal and external factors beyond the individual's control. Classical theory became prominent during the 18<sup>th</sup> and the 19<sup>th</sup> centuries but the positivist theory then became popular instead. Recently, the classical theory is becoming more popular as the communities are demanding harsher sentences as the rate of crime is escalating internationally.

It is necessary to understand the theory of crime as presently it is assumed that the policy-makers either do not understand or ignore the criminological theory. Similarly, a number of criminologists instead of using a normative definition of crime are using the legal definition. There are thirteen identifiable criminological theories. The first one and the very old which, dates back to 1876 is Biochemistry. The causes of biochemistry include heredity, toxins, allergy, brain dysfunction and hormonal imbalance. Biochemistry is known by many names with the oldest field known as criminal anthropology founded by Cesare Lombroso famously known as the father of modern criminology, in 1876. This can be addressed by treatment and the isolation of the individual. Lombroso was among the first advocates of the positivist method in elucidating crime (Lilly, Cullen and Ball 1995; Vold, Bernard and Snipes 1997; Shoemaker 2000; Bohm 2001). There is then the Psychological criminology which has been around since 1914. The causes of this are low intelligence, psychopathy and stress. This theory attempts to use the eight-point IQ difference between the criminals and the non-criminals. The remedy for this is treatment and counselling (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

The initial sociological criminology that was developed during the 1920s by the Sociology Department in the University of Chicago was the Ecological criminology. Ecology studies the relationship between the organism and the surrounding environment. The causes of this are the disorganised neighbourhoods. This is addressed by empowering the communities where people are living (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Then there is Strain theory also known as Anomie, which was developed by Durkheim, the father of modern sociology who lived during 1858 to 1917. This was reinvented by the French philosopher, Jean-Marie Guyau in her two books *Esquisse d'une morale sans obligation ni sanction*, published in 1885 and *L'Irreligion de l'avenir*, published in 1887. The causes of this are economic goal blockages in which people set their aspirations that might be too high and thereafter suffer strain. To address this challenge is to reduce aspirations or increase opportunities (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Subsequently, is the Learning theory which is caused by imitation and reinforcement schedules. This theory tends to follow the lead of theory of differential of association developed by Edwin Sutherland in 1947. This is often referred to as the peer group theories, although learning is much more than that. This is addressed by use of more positive reinforcement (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

Successively, Control theories that are caused by socialisation and low self-control. Control theory has subjugated the criminological landscape since 1969. Its focus is on the relationship of the individual and the agent of socialisation like preachers, parents, teachers, or police officers. The motive of the control theory is to keep the public away from trouble with the law by studying the effectiveness of the relationship with the authority personnel that may ultimately result in a relationship with community. This could be solved by child-rearing and social bonds (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Consecutively, the Labelling theory surfaced during the 1960s and the 1970s, which perceived criminals as losers that ordinarily acted somehow but that turned to somewhat enormous in relations to government labelling and ostracism antiphons. The Labelling theories are caused by shunning and identity immersion of people. The

argument of the labelling theories is that if one is negatively labelled overwhelmingly by the society, then one will eventually more resemble the label as that would be the only escape route for distinctiveness realisation. This is addressed by non-intervention and the reintegration of people to the society. The Labelling theory argues that for minor offending it might be best to do nothing but to apply rituals to fit the individual back to the community (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

Continually, the Conflict theory that has a dogma which esteems society as grounded on struggle among hostile interest groups; like rich contrary to the poor, men compared to women, or adults counter to children. The origin of the conflict theories is traced back in the 1960s and the 1970s. The conflict theories are caused by power differentials and competition among the society. The conflict theories are all about the power and the powerless and can be addressed by an increased equality (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Constantly, the Radical theories that involve Marxist (Karl Marx 1818–1883) criticisms of the capitalist society that is also from the 1960s to the 1970s. The radical theories question the cause for the capitalist society to countenance the existence of things like a million billionaires and millionaires that exist whereas an enormous amount of societies live in poverty. The cause of radical theories is due to class struggle and capitalism. The radical theorists perceive crime as a class struggle of a primitive rebel of criminals who are behaving like insurgents without a clue. This could be addressed through praxis and socialism (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

Consecutively is the Left Realism, which is a mid-1980's development by the British that focuses on the working class questioning their motive on preying on one another meaning they victimise each other. The cause of Left Realism is predatory relationships. The Left Realism does not want police to be invasive or intrusive but to have more power just to protect the poor. The solution to the Left Realism is more effective police protection for the poor (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Subsequent, is the Peace-making criminology established during the 1990s arguing that the fight

against crime makes matters worse. The causes of Peace-making criminology are inner suffering and turmoil. Peace-making criminology proposes as the resolution to crime is to form more considerate and communally reliant communities. The solution to the Peace-making is the spiritual rejuvenation (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

Continually is the Feminist criminology that has been around for decades but only matured in the 1990s. The stance of the Feminist criminology is that male domination or patriarchy is the cause of crime. The causes of Feminist criminology are gender inequity and patriarchy. The solution to the Feminist criminology is to end sex discrimination (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001). Similarly, the postmodern criminology was established in the 1960s but matured in the 1990s. The causes of the postmodern criminology are hierarchical privileges and language. The focus of the postmodern criminology is on the reasons behind the development of crime from feelings of being disconnected or dehumanised through words, thoughts and the limit of our understanding. The solution to postmodernism is a more informal social control (Lilly et al. 1995; Vold et al. 1997; Shoemaker 2000; Bohm 2001).

## **2.5 THE RECIDIVISM THEORY**

Recidivism is action of an individual repeating unwanted behaviour and is most frequently used in conjunction with criminal behaviour and substance abuse. This can be regarded as an inability to learn from the past mistakes. Criminal recidivism is highly correlated with psychopathy (Harris and Rice 2006). The term recidivism is derived from the Latin word *recidere*, which means to fall back (relapse). A recidivist is someone who after release from a correctional centre for committing a crime or crimes, is not rehabilitated and falls back and commit crime(s) again (Maltz 2001). Therefore, recidivism in a criminal context can be defined as a relapse of somebody after having been charged, sentenced, purportedly corrected, released and re-offends thereafter. This recidivism scourge could be attributed to the following failures: failure of the individual to stay out of trouble; failure of DCS to provide programs relevant after release of an offender; failure of the individual

to live up to society's expectations; failure of DCS to provide programs that are appropriate for rehabilitation of offenders; failure of an individual after committing a crime to dodge being arrested; and failure of an individual as an inmate to take advantage of the programs that are provided by DCS for rehabilitation (Maltz 2001).

The reasons that cause people to re-offend are unclear and according to Langan and Levin (2002), there are seven theories that are regarded as causes of making people to re-offend. The first one is Incurability: the advocates of this theory suggest that some offenders are beyond reform such that whatever sentence that is imposed by the court to the person does not deter the individual from re-offending. Their argument is that offenders will re-offend if they are not punished severely enough (Andrews, Zinger, Hoge, Bonta, Gendreau, and Cullen 1990). The succeeding theory is Failure of the Sanction: others believe that if a sentence is inappropriate to the offence committed, it might not act as a deterrent to the offender. For instance, if a criminal activity was a minor offense, offending for the first-time, if the sentence is too harsh and for a long period, an individual might disassociate with the society and become a serious criminal after learning from inside. Equally, if the sentence is soft for a serious crime, this might not act as a deterrent to the offender as it might inspire the offenders to commit more crimes hoping for lenient sentences (Andrews et al.1990; Maltz 2001; Langan and Levin 2002). Subsequently, is the theory of Failure of Support in Reintegration: offenders who have served longer sentences might have a challenge in re-joining the community due to the changes and developments in the society while he or she was away. Then recidivism would not be triggered by the offender or the sentence imposed but by the reintegration (Andrews et al.1990; Maltz 2001; Langan and Levin 2002).

Successively, the theory of Failure of Programs: offenders have to participate fully in the designed programs either inside the correctional centre or as a parole condition. The offender has to commit to the program intended to rehabilitate offenders. The institution should also ensure that the environment at which such programs are provided has to be conducive. Without a commitment to the goals of the program, an offender may re-offend.

Likewise, if the program does not address the needs to prevent the offender from re-offending, then the offender would recidivate (Andrews et al.1990; Maltz 2001; Langan and Levin 2002). The next theory is Peer Pressure and Other Social Provocations: this is a social stimulus which is beyond the criminal justice system where the offender is participating in the program and the offender is willing to change but overwhelmed by peer pressure. The sanction might have been passed and the offender served the sentence and participated fully in the rehabilitative program, but the social influences may make this difficult for the offender not to commit crime again (Andrews et al.1990; Maltz 2001; Langan and Levin 2002).

Successively is Economic Stress: this theory is associated with the North American traditional goal of obtaining economic wealth and stability. The advocates of this theory believe that an offender might be forced to re-offend if they are unable to support themselves after they have been released. An offender may attend successfully the rehabilitation programs and be very much willing to change but due to the capitalist situation where an offender is faced with poverty, the offender might commit illegitimate means of trying to make the ends meet. The rehabilitation program could have been successful but if the offender is not supported by DCS and the community, it stands to reason that the offender would recidivate (Andrews et al.1990; Maltz 2001; Langan and Levin 2002). Ultimately, there is the Mental Health: this is a situation where recidivism cannot be circumvented as the offender might not be deterred by the sanction imposed and the rehabilitation programs are not having an impact on the offender. The chance of re-offending for the mentally ill could endure until the encounter of mental health has been addressed (Andrews et al.1990; Maltz 2001; Langan and Levin 2002).

The definition of recidivism is complex as scholars and organisations have failed to come-up with a general definition. Recidivism is most defined by researchers and organisations to address the goal and objectives of the study concerned. According to McKean and Ransford (2004), recidivism could be defined in three specific ways: Duration of Time Monitored; Types of Offenses Included; and Inclusion of Parole Violations. This approach

by McKean and Ransford (2004) introduces a novel perspective to the classifications of recidivism discussed above. The duration of time monitored varies per agency but the period of three years is the most generally utilised period to rate recidivism. This could be the motive that the data on recidivism is so limited internationally.

The duration varies from the time when agencies /researchers begin with the measurement and where they want the measurement to end. The measurement may vary in terms of what is being measured like testing the efficiency of a program, the measurement would start at the end of a program. In measuring the effectiveness of the parole system, the measurement would commence at the end of the parole period. The measurement of recidivism is actually measured from the day the offender is released from the correctional centre, however, the above varying measurements contribute to the intricacy of the recidivism data including when one wants to conduct comparative studies (Andrews et al.1990; Maltz 2001; Langan and Levin 2002; McKean and Ransford 2004).

The other challenge on the definition of recidivism could be on the type of offense that is committed by the ex-offender. The system might not consider an offense lesser than what the offender was previously incarcerated for as recidivism and the other system might not take into account if the offense is a new one from the offense that the ex-offender was incarcerated for. The other instance could be the violation of parole by the offender, which is a chargeable offense where other systems might not consider it as recidivism. The data on recidivism can be really misleading due to the fact that the direct measurement on recidivism may preclude some of the offenders who ought to form part of the data due to the type of measurement that the system is utilising (Andrews et al.1990; Maltz 2001; Langan and Levin 2002, McKean and Ransford 2004). Such inconsistency could make the use of the secondary data on recidivism by other scholars to be misleading (McKean and Ransford 2004).

The statistics on recidivism might be inconsistent but recent data portray that education has a serious impact on recidivism. According to Bednarowski (2010), the governments

should invest a lot in the educational programs for the inmates as educating an offender reduces recidivism dramatically and it also reduces the costs associated with long term of housing incarcerated offenders. The recent studies indicate that the general numbers for recidivism are that 50% to 70% of offenders recidivate within a period of three years. However, the impact that the educational programs have on recidivism is that the rate is reduced by at least 29% (Bednarowski 2010). There are three schools of thought that are dominating the recent minimum sentencing policies that have gained widespread popularity internationally. The first one is that prisons suppress criminal behaviour and harsh sentences could act as a deterrent to criminals and recidivists. The credence regarding harsh sentences is that life in prison is abysmal and the societal stigma associated with it might deter criminal behaviour, which could reduce recidivism (Gendreau, Goggin and Cullen 1999). The second one is that prisons are crime schools where criminals learn a lot behind bars. This seems to be the direct opposite of the harsh sentences that should act as a deterrent. This school of thought suggests that the offenders after release from prison would recidivate due to the crimes they learnt behind bars (Gendreau et al. 1999). The third school of thought is labelled as the minimalist/interaction which indicates that offenders when they are sentenced they are mostly antisocial and when they spend most time with other peers who have the same behaviour, they then become worse than the time they got in, which might lead to recidivism (Gendreau et al. 1999).

## **2.6 CONCLUSION**

The chapter addressed the theory of collateral damage which indicated that the families and children in particular are seriously affected by the incarceration of a parent or breadwinner. This was supported by the theory of poverty where it is stated that families with an incarcerated member are mostly faced with poverty. The theory of collateral damage also indicated that a substantial number of families that were left behind when the family member was incarcerated, were at risk before he was incarcerated and it becomes worse when the member is incarcerated. The collateral damage theory also emphasised the likelihood of children engaging in criminal behaviour as adolescents that

would probably lead to criminal behaviour when they are adults where they could likewise be incarcerated (Edmonds 2012; Treadwell 2013).

The poverty theory dealt with the different types of poverty including situational poverty, generational poverty, urban poverty, rural poverty, absolute poverty and relative poverty. The section defined these diverse poverty theories and their impact to the families left behind. The section also deliberated on the rural and urban communities regarding the poverty situations and the recent urbanisation. The chapter then discussed the crime theories and then the recidivism theories.

## **CHAPTER 3: LITERATURE REVIEW**

### **THE INTERNATIONAL PERSPECTIVE**

#### **3.1 INTRODUCTION**

A new disparity of incarceration, rehabilitation and the ensnarement of prisoners' families to poverty and crime is vital owing to the effect that South Africa is amongst the countries that are experiencing the highest incarceration rate in the world (Singh 2008; Khwela 2014). The countries that are comparatively having high incarceration rate and a criminal justice system that is almost similar to South Africa are the United States of America, Canada and England (Pinard 2010). The United States of America (USA) has the world's largest prison population and the world's highest crime rate per capita (Clear 2009). The USA uses prisons and jails as a form of punishment to individuals who had committed crime under the authority of the states where they are denied a variety of freedoms. The USA Criminal Justice System (CJS) commonly uses the incarceration of individuals in prisons and jails until they are lawfully charged for the offence they committed or incarcerate them until they had completed their sentence. As at 2006, Canada had a 107 per 100 000 incarceration rate that was one seventh that of the USA during the same time. The USA compared to England and Canada has a vast literature on incarceration, rehabilitation and recidivism, which exhilarated the researcher to anchor the literature review on the USA. The other reasons are that the USA, just like South Africa still experience extensive racism, poverty and crime contrary to England and Canada who are experiencing these in a trifling effect. However, the literature review will also deliberate on the prison systems of Nigeria and Australia including England and Canada to augment the background of incarceration and rehabilitation.

The beginning of prisons can be traced back to the rise of the state as a form of an organisation. Corresponding with the development of the state was the development of the written language, which would enable the society to read the legal codes that were created to formalise the behaviour of the citizenry. The first well known legal code was the Code of Hammurabi written in Babylon around 1750 BC and that was deliberated on in detail in chapter two of this study. The rules in the Code of Hammurabi centred on the

law of retaliation, where people were punished as a form of vengeance, which was often applied by the victims themselves. The notion of vengeance or retaliation can be traced back in the other codes of that time during the early civilisation. Some of the Ancient Greek philosophers like Plato started to use the model of punishment in order to reform offenders instead of using it for retribution only (Mackenzie 1981; Saunders 1973, 1991). Ultimately, the impoverished Athenians who could not afford to pay fines that were imposed instead of incarceration then had to spend time in prison, which was called the “*desmoterion*” which means the place of chains (Mackenzie 1981; Saunders 1973, 1991).

The Romans were among the first nations to use the prison as a form of punishment rather than for sole purpose of detention. The Mamertine Prison was one of the notable prisons utilised by the Romans established around 640 BC by Ancus Marcius. In the Mamertine Prison, prisoners were incarcerated in the network of dungeons where there was a sewer system of human waste as the prison was situated beneath the ancient Rome. Also as a form of punishment, forced labour was applied on prisoners to do public works projects. In Europe during the middle ages, basements of buildings, castles and fortresses were used as makeshift prisons. The possession of the right to imprison citizens was afforded to kings, regional courts and government officials, which was a signifier to the community as to who was in power or authority over the others. Until the early 19<sup>th</sup> century, the concept of modern prison remained largely unknown as previously punishment consisted of physical form of punishment like capital punishment, mutilation and whipping (Beaumont and Tocqueville 1964/1833).

The popular resistance to public prosecution and torture became more widespread in Europe and in the United States of America during the 18<sup>th</sup> century and the rulers began to look for means of punishment that would not let them to be associated with spectacle of tyrannical or sadistic violence. That is when they began to look at mass incarceration as a solution to this challenge. In the 1780s, the Philadelphia Quakers developed in the penitentiary the theory of penitence, segregation, labour together with religious contemplation which prejudiced the intention and procedure of penitentiaries in North

America, South America, Asia and Europe. In New York, the Auburn System developed during the Auburn Penitentiary adopted the Philadelphia model however added inmates' work with the conviction that labour and training could be beneficial in the reformation of offenders. In 1786, the Quakers, who detest the shedding of blood, succeeded in their protest against ferocious laws of punishment like death, mutilation and whipping when they were ultimately abolished by the Legislature of Pennsylvania (Beaumont and Tocqueville 1964/1833). This led to the establishment of the Walnut Street prison in Philadelphia where courts sentenced offenders to solitary confinement (during the day and night) and classified the offenders according to their levels of crime. Offenders in solitary confinement were not allowed to work and this innovation was regarded as good but incomplete due to the fact that solitary confinement without labour has been condemned by experience (Beaumont and Tocqueville 1964/1833). To tell the truth, this penitentiary system had not existed before and the abolition of the death penalty was confounded in America through this system.

### **3.2 THE INTERNATIONAL PERSPECTIVE OF THE PRISON SYSTEMS.**

Generally, in a society where people live in, almost everything that people do has a rule. There are rules when playing games, rules in the running of schools, rules in the working situation, rules in churches, rules in accommodation, and rules in almost everything. Rules prepared by regime are named "Laws" and laws are intended to regulate or transform the individual's conduct and are applied by court of law. For instance, if you have contravened the law, even if you favour that law or against it, you might be compelled to pay a fine, compensate for the harm or go to prison. Laws are necessary to circumvent anarchy in a society since people started to live together. Even in disciplined societies, persons experience differences, and then disputes arise and that is when the law becomes essential to resolve the dispute cordially. If both individuals plead entitlement of the similar portion of goods, instead of fighting, they approach the rule of law and the courts to resolve as to whom the actual owner of the property is and in what way such owner's privileges are to be safeguarded (Beaumont and Tocqueville 1964/1833).

The legal system is to ensure that the rights of an individual are respected while simultaneously warranting that the humanity functions in a logical way. An important aspect would be that the rule of law is applicable to everyone; comprising the police, government officers who ought to apply the law while executing their functions. Laws may be separated into private law and public law. The public law is concerning the issues that touch the entire populace and encompasses constitutional, criminal and administrative law. Public laws are meant to fix the instructions for the individual and the public or for the roles of diverse administrations. Private law also named civil law is concerned with a relationship among people. Civil laws administer rules for assets ownership, contracts, rights and obligation to household members and harm to somebody or to their assets by somebody else. A civil case is primarily an act among parties to resolve a private dispute (Beaumont and Tocqueville 1964/1833).

### **3.2.1 The Canadian Penitentiary and the Criminal Justice System**

The Canada's legal structure originates from the European structures that came about to the continent by the explorers and the colonists during the 17<sup>th</sup> and the 18<sup>th</sup> centuries. The indigenous people of Canada each had their own system of law but subsequent to the 1759 Quebec battle, the state was then completely controlled by the English law, except for Quebec as the civil law was centred on the French Code Napoleon. The rest of the country's criminal and civil law was centred on the English statutory and common law. The common law established in Great Britain subsequent to the Norman Conquest that was centred on the judgements of judiciaries in the royal courts developed around the rule of precedence where the decision taken by a particular judge would be followed as a precedent for the subsequent analogous cases. The common law is distinctive as it is not based on any code or legislation but is based on previous decisions. The common law is also flexible as it adapts to altering situations.

The Canadian civil law is rather diverse from the common law because it is based on the Roman law that was scattered around in volumes, statutes, and assertions till the Emperor Justinian (c.482 – 565) demanded his legal specialists to amalgamate the rules

to one volume to circumvent misunderstanding. The common law courts are different from the civil law courts because in the civil law system the decision derives from the Code and then previous judgements are consulted for consistency. Canada became a bijural (two legal systems) country because of the Quebec Act of 1774 as they had two types of law. As stated above, civil law in Quebec was applicable only in Quebec but common law applicable to everyone in the country. The Constitution of Canada protects the rights of the aboriginal people. The traditions and customs of the aboriginals of Canada have contributed to the legal system of Canada when it comes to healing, customary sentencing, community and restorative justice. In the democratic countries there are commonly legislatures or parliament where the powers to create rules or amend the ancient ones are bestowed. As Canada is a federation, it consists of both the Parliament based in Ottawa to create laws for the entire country and legislatures in every province to handle local matters.

Laws legislated by the Parliament or Provincial Legislatures are titled statutes, legislation or acts. If Parliament or Provincial/Territorial Legislatures pass a statute, the statute replaces common law or previous decisions that dealt with the same matter. Just like in Quebec, most statutes have been passed that are not covered by the Canadian Civil Code. Creating laws in this manner may be an intricate procedure. To create a law in Canada, first, the government ministers and senior public officials would be requested to thoroughly investigate the matter and come-up with a proposition on how a rule should address the matter. Subsequently, they would be asked to make a draft of the law. The draft will then need to be approved by cabinet comprising of Members of Parliament or Senators elected by the Prime Minister. Such a draft version would thereafter be tabled in Parliament as a bill to be examined and discussed by the members. The bill would then become law if it is ratified by a greater number in both the Senate and the House of Commons and consented to by the Governor-General on behalf of the Queen of England. Due to the sophistication of current humanity, numerous laws are being passed these days compared to previously and if the legislators are to handle all the laws it would be practically unmanageable. To address this difficulty, Parliament, Provincial and Territorial

legislatures usually ratify general laws assigning power to government departments or other organs of the state to create particular laws titled regulations. Regulations convey the tenacities of general laws but are limited in scope.

Canada developed to be a country by the act of Parliament in Great Britain. The country did not have a constitution and the only closest thing to the constitution was the British North American Act of 1867 now identified as the Constitution Act of 1867. Though the Canadian law had no single constitution, the Canada Act of 1982 ultimately presented from Great Britain a Canadian constitution as enacted in the British North American Act of 1867. The Constitution Act affirms the Constitution of Canada as a supreme law in the country and encompasses 30 acts that go with it. The Constitution Act also reaffirms Canada's bijural legal system. The Constitution Act tables the basic democratic government principles in Canada as it clarifies the supremacies regarding the three branches of government: the executive, the legislative and the judicial. The executive authority in Canada is bestowed in the Queen although this is just a constitutional convention as in a democratic state the executive power is vested to the Cabinet.

The Canadian Cabinet entails the Prime Minister and Ministers that are accountable to the Parliament for governmental undertakings. The legislative branch is the Parliament consisting of the House of Commons, the Senate and the Monarch or her representative, the Governor-General. The process in Canada is that most laws must first be discussed and debated by the Cabinet and then submitted for deliberation and endorsement by the House of Commons and then the Senate. The Monarch or her representative has to assent to the law although the assent of the Monarch is an advice from government in terms of the Canadian Constitution. The same process is followed in provinces but the representative of the Monarch is called the Lieutenant Governor. The third branch is the judiciary, which consists of judges who preside over cases in courts. The judiciary's role is to construe and implement the law and the Constitution and also to provide judgements impartially to all cases.

In 1982, when the Canadian Constitution was espoused, the Canadian Charter of Rights and Freedoms (CCRF) became a vital part of the Constitution. The CCRF is supreme over any other statute as it is imbedded in the Canadian Constitution. This Charter protects individuals and makes certain objectivity in the course of legal proceedings, predominantly in criminal cases. These rights are to be *habeas corpus* or the privilege to contest being held or detained, and to be assumed not guilty until confirmed guilty. When indicted with a transgression in federal or provincial law, you have a right: to be advised punctually of the transgression, to attend trial inside a realistic period, not to be obliged to attest during your specific hearing, to be supposed not guilty until established guilty beyond a realistic uncertainty in an unbiased and public trial through a sovereign and unbiased court, not to be deprived of realistic bail without foundation, not to be exposed to any punishing and strange penalty, for serious charges to be tried by a jury, and not to experience double jeopardy for the same offence.

Judiciaries can enforce numerous diverse types of rulings or a combination of punishments that might consist of such penalties as:

- fine - an amount of money,
- restitution - an directive demanding the delinquent to recompense for damages or to pay reimbursement for harm of or destruction to property as a result of the transgression,
- probation - release of the delinquent on the set conditions, that might include community service,
- community service - an instruction that the delinquent execute a sum of hours doing volunteer work in the community, or
- imprisonment - incarceration in a jail or penitentiary.

An inmate sentenced to jail for a period of two years or more will be referred to a federal penitentiary; while the ones sentenced to two years or less will be directed to a provincial prison.

The Canadian legal system has recently adopted the restorative justice which is derived from the Aboriginal's traditions that is alternative approach in response to criminal deeds. During the restorative justice programs; the offender, the victim and the community members willingly take part in deliberations. The aim of restorative justice is to re-establish the relationship, healing the harm done by the crime and also to avert additional forms of crime from happening. The restorative justice necessitates the offenders to recognise the harm that they had instigated, to agree to take accountability and to do reparation to the victims and community by being actively involved in improving the situation. Special reflections come into consideration when young individuals get involved in acts that are regarded to be of criminal nature.

The Canadian Parliament approved the law covering the youth between 12 to 17 years, inclusive, called Youth Criminal Justice Act of 2003. The act recognises that young offenders are not as matured as adults but need to be held accountable for their actions although they should not be treated as adults. The act also recognises that it should be in the people's concern that as numerous as possible of the youthful wrongdoers need to be rehabilitated such that they can become productive members of the society. Court procedures in terms of the legislation are executed in youth courts to protect the rights of young people by provision of special sessions that are accommodative to the youth. In Canada, there is still use of the jury system where 12 jurors are selected from the citizens to form part of the trial. The Provinces and Territories select adults to be jurors using different kinds of criteria to serve where the court is located.

The Correctional Services of Canada (CSC) formerly known as the Canadian Penitentiary Services is a government agency of Canada that is tasked with the imprisonment and reintegration of criminal delinquents who are incarcerated to two or more years, with headquarters based in Ottawa. The CSC came into being when Queen Elizabeth II signed authorisation for its existence in 21 December 1878 and presented the agency with its own Armorial Bearings. The Kingston Penitentiary was built in 1835 and was based on

the Auburn System of New York that initially operated as a provincial jail and only became a federal government prison after the passing of the British North America Act in 1867.

The initial Penitentiary Act in 1868 delivered jails in Saint John, Halifax, Kingston and New Brunswick under the federal jurisdiction. The federal government built over the next twelve years Saint-Vincent-de-Paul Penitentiary in Saint-Vincent-de-Paul, Quebec in 1873, Manitoba Penitentiary, in Stoney Mountain, Manitoba in 1877, British Columbia Penitentiary, in New Westminster, British Columbia in 1878, and Dorchester Penitentiary, in Dorchester, New Brunswick in 1880. The administration of these penitentiaries encompassed hard work through the day, solitary detention through relaxation periods and the principle of silence during all times. Since parole was not available, inmates who conduct themselves in a good manner were remitted three days in a month out of their sentences.

Responding to a sequence of strikes and riots during the 1930s, the Royal Commission (Archambault Commission) was formed to investigate the Penal System of Canada that provided a report that was published in 1938. The Commission recommended sweeping changes in the Canadian penitentiary system that it is supposed to provide strict but humane discipline among prisoners with a severe emphasis on the crime prevention. The Archambault Commission recommended a change from retributive justice to rehabilitation. Unfortunately, the recommendations of the Commission could not be implemented immediately due to the dawn of World War II and their theory is still significant. In 1953, the Fauteux Committee was created due to the prison population that was rising, which caused overcrowding and disturbances in prisons that happened after the Second World War. The Fauteux Committee regarded prisons not as institutions to provide custodial role but to play a role in the reformation and rehabilitation of offenders.

Therefore, the Canadian Penitentiary system had to back these programmes and offer job-related training, pre-release together with after care programmes. It was recommended by the Fauteux Report the hiring of more, and better skilled personnel, as

well as those with professional qualifications in social work, psychology, psychiatry, criminology and law. In 1959, the reputation of the committee was realised in the establishment of the National Parole Board and the creation of a parole system that would replace the former ticket of leave system. In 1961, the Penitentiary Act was adjusted and had a proposal to construct ten more prisons throughout Canada in order to apply the Fauteux Committee endorsements.

The CSC operates under the federal law of the Corrections and Conditional Release Act and the Commissioner's Directives should endure the considerations of the CCRF. The CSC has authority over inmates that have court sanctioned sentences that are two years or more in prison. Offenders with court imposed sentences that are shorter than two years are the responsibility of the provinces. The Canadian government has two sorts of court imposed sentences called determinate and indeterminate sentences. The determinate sentences have a completion date, for instance five years and six months. The CSC does not have jurisdiction over the offender as the sentence is court imposed with a completion date. When the sentence expires, the CSC has to release the offender. The indeterminate sentences are life sentences, where the CSC has authority over the delinquent until the inmate dies. For instance, the court would sentence a wrongdoer to a life sentence without parole for a minimum of fifteen years.

This means the offender has to serve the minimum years as imposed by the court before the offender could apply to be considered for parole by the Parole Board of Canada. The Correctional Service of Canada has three levels of security that include maximum, medium and minimum security where the Parole Board of Canada has the comprehensive accountability to make liberty discretion to provide conditional release of the offenders to join the community. An offender that is sentenced by the court for two years or more then becomes the responsibility of the CSC where the parole officer (institutional) develops an inclusive assessment of the criminals' delinquency and generates a convict classification report together with a correctional strategy. However,

there is a obligatory two year custody at a maximum security institute for offenders who have been sentenced for life in a maximum security prison regardless of their behaviour.

The Assessment and Intervention Managers, Staff Training Officers, Program Facilitators, Psychologists, Parole Officers, Security Intelligence Managers, Assistant/Deputy Wardens, and the Warden who is the Institutional Head are generally the personnel that are plain clothed in an institution. Correctional Officers are the employees of the Public Service of Canada and a CSC Correctional Officer is uniformed and designated as a Peace Officer in terms of Section 10 of the Corrections and Conditional Release Act. According to section 7 of the Corrections and Conditional Release Regulations and also by the Commissioner's Directives; every institution and the parole office must establish a Citizen's Advisory Committee (CAC), assigned to assist in the community safety by interrelating with the personnel of Correctional Services of Canada, the community and inmates by the provision of unbiased guidance and commendations thereby backing the value of the correctional processes.

Every institution and the parole office form the local committee that is consulted by the CSC concerning correctional operations, programmes, procedures and strategies. They then in turn participate in the regional committees to harmonise creativities within the area. Then, there is the National Executive Committee that is made out of five CAC Regional Chairpersons including the National Chairperson. The National Chairperson as well as the five CAC Regional chairpersons are accountable for cooperation among the committees and the CAC headquarters as well as screen and evaluate all the CSC rules or activities at national, regional and local levels. All CAC members, after their application has received approval and also the security clearance has been approved by the CSC National Headquarters; CAC members have the right, by law, authorising them access in any institution they are attached to including the parole office; they can talk to any staff members or offenders, and that they can attend the hearings if the offender consents.

However, in 2003, the CSC was criticised by Scott Newark for its policies of getting some offenders back to the streets in what is called “The Reintegration Project.” The internal Corrections audit reported that certain parole officers, particularly in cities are overwhelmed with 40 caseloads rather than the suggested 18 per parole officer to such an extent that they are not able to execute their functions as expected like critical security checks in the public, for instance speaking to the employers, property-owners, neighbours and members of the household. The police officers also protested about the violators of parole who are frequently re-released to the community immediately after they had been apprehended more especially the violent offenders.

The Criminal Justice System of Canada is designed in such a manner as to protect its citizens from the law violators. Those that are indicted with a criminal transgression are assumed innocent till established guilty in a competent criminal court and are assured a right to a legal representation and a fair trial by an independent tribunal. The Criminal Justice System of Canada operates under the foundations of the pieces of legislation including: The Criminal Code of Canada, the Youth Criminal Justice Act, the Corrections and Conditional Release Act, and the Canadian Charter of Rights and Freedoms. The primary functions of the criminal justice system are: investigation, laying of charges, prosecution, determination of guilt or innocence, sentencing, and administration of the sentence.

The criminal justice system consists of four interrelated parts that work together to protect society from the moment a crime is committed until the offender is reintegrated into society. They are: policing, courts, corrections, and parole. Each component is governed by legislation specific to its area of jurisdiction in the criminal justice system but they have the potential of influencing each other. The main role of the police is to apprehend wrongdoers, to lay charges against the accused in terms of the Criminal Code, and they are the front line of Canada’s criminal justice system. Once charges have been laid, the Crown attorney decides which charges the offender will face and the case is processed for trial. During the trial, judges are responsible to determine whether the offender is guilty

or not before imposing a sentence. This also happens in cases that are handled by the jury; the judges are still responsible to determine the sentence to be imposed. However, the Canadian judges are limited by the Criminal Code and the CCRF in imposing minimum or maximum sentences and for the offenders between 12 and 17 years, the Youth Criminal Justice Act is applicable. If an offender is given probation, it is the judge that decides the conditions of the probation.

The Corrections aspect of the criminal justice system administers the sentence handed down by the judge, whether it is incarceration or probation. The federal corrections system deals with adult offenders who are 18 years and older, who had been sentenced to two years and longer. These offenders fall under the CSC, which is governed by the Corrections and Conditional Release Act. The provincial/territorial systems deal with offenders with sentences of less than two years, youth offenders and non-custodial offenders. Parole is offered to offenders who have served a portion of their sentences in an institution and who may be released to serve the rest of their sentence under supervision and control in their community. Parole is granted after the review of the parole board, which has the final say whether the offender is released from prison before serving the full sentence.

The parole board decisions are administered by the Corrections and Conditional Release Act. Canada's Federal Corrections and the Criminal Justice System are made out of three spheres that are federal government, the provincial/territorial and community. The federal government is responsible for the Department of Justice and the Department of Public Safety. The Department of Justice is responsible for the Supreme Court, the judges, federal statutes and prosecutions. The Department of Public Safety is accountable for five agencies that are: the Correctional Service of Canada, the Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency, the National Parole Board, and the Canadian Security Intelligence Service. There are also three independent review bodies that ensure the respect of law by these agencies and they are: the Commission for Public

Complaints against the RCMP, the Office of the Correctional Investigator, and the RCMP External Review Committee.

### **3.2.2 Prisons and the Criminal Justice System in Britain**

During 1166, Henry II built prisons in England including the Newgate Prison in London and also established courts in England. During the same year, the first legal textbook was established to become a precursor to Common Law. This also saw the establishment of the 12 free men who were the modern jury presiding over land disputes. The Magna Carter was signed by King John in 1215, which was the beginning of the English judicial rights that stated that a free man cannot be imprisoned without a trial by his peers. The Magna Carter meaning the Great Charter was a document that was meant to limit the powers of the king as its purpose was to indicate that nobody in the land is above the Law. During the 1300s, people who refused to be tried by the jury were imprisoned and the conditions in prison were very much primitive. Prisoners were meant to sleep on bare earth, provided only bread and water every day and had to pay the jailers for food, blankets, fuel and had to pay even to have their manacles removed.

In the 1400s, the Houses of Correction were established to deal with the soaring vagrancy problem where the idling poor were locked-up for laziness and the magistrate had to decide whether to release them. In the 1600s, the number of inmates increased dramatically as there was a growing reluctance by the jury to sentence offenders to gallows for petty crimes (Allen and Simonsen 2001; Misis 2011). The alternative that was provided was to give pardon to offenders if they joined the Army or the Navy. During the 1700s, the England's prisons were seriously overcrowded and the Industrial Revolution saw the displacement of people that led to the increase of petty crime. The jails swelled by the prisoners who were debtors together with the prisoners of war from the conflict with Napoleon of France. This led to the dilapidated ships to be used as floating prisons in the Thames and the southern ports (Allen and Simonsen 2001; Misis 2011).

Responding to the mounting pressure from the prison system and opting for a more humane form of punishment rather than execution, saw the development of transportation of prisoners to North America (Allen and Simonsen 2001; Misis 2011). This also led to around 50,000 prisoners to be settled there but the American War of Independence ended that option where Australia was perceived as an alternative. In 1786, the first fleet of 775 prisoners were transported to Australia followed by three large fleets that were between 1787 to 1791, who now form basis of the population of Australia. John Howard who was the High Sherriff of Bedfordshire studied the prison system of England and Wales for 17 years. Howard thereafter published a book in 1777 where he proposed that prisoners should be kept healthy, disease-free and that jailers should not be allowed to charge prisoners. The book was widely influential but only put into practice in the 19<sup>th</sup> century.

The Howard League for Penal Reform that is influential even today is named after him. In 1791, Jeremy Bentham designed a prison called the “Panopticon” that was ideal to him as prisoners would be monitored by the guards without them knowing that they are being watched. Such a prison was never built as intended but the Pentonville and Millbank prisons were built following the same model. In 1815, following John Howard’s proposal, the state started paying jailers; the jailers were no more allowed to charge prisoners; and magistrates were then given the mandate to inspect prisons. The state introduced prison inspectors in 1835 and in 1877 the prison staff began to be employed on merit and effectively salaried accordingly. In 1817, Elizabeth Fry after she was appalled by the conditions in prison and overcrowding, she founded the school for children in prison who are incarcerated with their mothers and also established an Association for the Improvement of female prisoners in Newgate Prison. She was very much central in the campaigns for reforms in prison where she even engaged her brother to persuade the Home Secretary to introduce reforms in prison. In 2002, the five pound note was depicted with her face by the bank of England in recognition of her efforts.

In 1878, the Prisons Act was enacted which led to the closure of worst prisons and all prisons came under the control of the national body called the Prison Commission. The

Prison Commission was mandated to provide annual reports to Parliament with regard to the conditions in prisons. The Act also ensured that John Howard's reforms were effected and with the Act's emphasis on shifting from prisons being the place of punishment but a place of reform. The Act also introduced two new ideas that were to change sentences to community supervision called "decarceration" and "therapeutic incarceration" that dealt with the reduction of the element of punishment in imprisonment. The states that were keeping prisoners in solitary confinement were highly criticised as it was regarded as the cause of high instances of insanity which led to the abolishing of the solitary confinement in 1922. During this time, four hundred volunteer teachers started to assist by working in prisons to augment the reforms stated in the Prisons Act. The jail warders, who were later named prison officers in 1919, could not cope with the pace of reforming prisons and therefore in 1935, the first staff training course was launched in Wakefield Prison. The World War II also had an impact in the increase in the numbers of female prison officers as men were in war. In 1948, the Criminal Justice Act was enacted and it introduced the model for modern day prison system. It recommended longer prison sentences to allow for training and rehabilitation of offenders. It also emphasised a lot on the staff involvement with regard to rehabilitation.

The National Offender Management Service (NOMS) is an administrative agency of the Ministry of Justice accountable for correctional service in England and Wales. The agency moved its head office to Clive House in 2010 and was created by combining the headquarters of the National Probation Service and Her Majesty's Prison Service together with certain Home Office tasks. NOMS was created on 01 June 2004 as a way of achieving stability amongst the increasing offender population and the means accessible for corrections (Patrick Carter) (Misis 2011). Three radical changes were proposed in the creation of the NOMS and they were: that there should be end-to-end management of each offender from the first contact with correctional services to full completion of the sentence; that there should be a clear division between the commissioners of services and their providers; and that there should be contestability among these providers. It was argued by Patrick Carter that the proposed changes would increase efficiency, reduce

unit costs and encourage innovation. Carter further argued that the prison population that had increased by two thirds during the past ten years would be constrained by giving courts confidence that community service sentences are effective compared to prison sentences and the better management of offenders that would lead to the reduction of recidivism (Misis 2011).

The creation of the NOMS brought about the employment of the 9 Regional Offender Managers (ROM) for all the 9 regions of Wales and England. The responsibility of ROMs involved the deliberation and the performance monitoring of the Service Level Agreements of all the public sector penitentiaries and probation institutions within the region, and of agreements with private sector penitentiaries. ROMs were also given the responsibility of reducing recidivism in their regions, that they had to do by forming partnerships with particular government departments, agencies and local establishments to deal with the dynamics that are central to offending. The offending factors targeted included the alcohol and drug abuse, housing, vocational training and education, children and families, health, finance debt and benefit, attitudes thinking and behaviour (Misis 2011).

Due to the change of political leadership and the challenges with international prisoners and the increasing prison population, on 9 May 2007, the correctional services element of the Home Office was moved to join the newly formed Ministry of Justice as stated above. The Secretary of State in the Ministry of Justice announced major organisational change in January 2008, where the Director-General of Her Majesty's Prison Service was appointed as the Chief Executive Officer of NOMS that was responsible for National Probation Services and Her Majesty's Prison Services. The Chief Executive post of NOMS was reclassified as Director-General and NOMS was reclassified as an executive agency in the Ministry of Justice. ROMs were replaced by the Directors of Offender Management in the 10 government regions of England and Wales. The Directors of Offender Management assumed the combined responsibility of National Probation Services and prisons in their regions (Misis 2011).

Her Majesty's Prison Service is assigned with management of the entire jails within Wales and England. The Director-General of NOMS is responsible for the administration of the prison service. The Director-General is accountable to the Secretary of State for Justice and also has close working relationship with the Minister for Prisons, which is a subordinate ministerial post inside the Ministry of Justice. During 2004, the prison service was accountable for 130 prisons and had about 44,000 staff members in its employ. In 2009, the amount of prisons had grown to 131 counting the 11 privately owned penitentiaries (Misis 2011).

### **3.2.3 Prison Systems, Poverty and the Criminal Justice System in Australia**

High crime rate is associated with poverty, unemployment, family relationships problems, drug use and low level education attainment. The prevalence of high crime rates may depend on the types of punishment or imprisonment by the government. Crime may take different forms in the wellbeing of the individual and can have a serious impact to the wellbeing of the victim, the family and the society. Fear of crime has a negative effect to the society as it might hinder community engagement and social cohesion. Crime is costly like the need for law enforcement officials, the judges and the corrections. Many households have to pay the costs in taking care of the inmate who usually need money for commissary from the already dysfunctional families. The Australian high rising population together with the demographic characteristics of the country might be influential in the rising crime rates in Australia. As at June 2009, the population of Australia was recorded at 22.0 million compared to 1901 where it was recorded at 3.8 million. During the 1990s and the 2000s the Australian annual growth rate was not as high as is experienced presently and during the First World War. As at June 2009, the annual growth rate was at 2.1%, which was the highest since the introduction of the estimated resident population in 1971.

Australia was used by Great Britain during colonisation as they wanted a place where they could send their convicts who were to provide labour in establishing the new colony.

Britain started sending convicts to Australia with the first shipment in 1788. The first fleet landed in Botany Bay situated 13 kilometres south of Sydney and this was the colonisation of Australia. Before the colonisation of Australia by the British in 1788, there were numerous expeditions and it was believed that in the southern part of Australia, there was an unknown land that had a lot of gold. The British government decided to start a settlement for convicts in August 1786 in Australia to stop France and Spain from taking it. There were eleven ships in the First Fleet where six of the ships had convicts who were kept in the prison quarters under the deck. The fleet had 1500 men, women and children where there were 772 prisoners who were petty thieves from London and the others were marines and administrators who were to manage the settlement. Out of the eleven ships that made it to Sydney Cove, 48 people were reported to have died on the way.

The Second Fleet in 1789 had six ships but only five made it to Sydney Cove while the other hit an ice beach when it left the Cape of Good Hope and was left there to wreck as it was only carrying provisions. It is reported that from the five ships that made it to Sydney Cove, 278 people died as convicts were ill-treated during this fleet. The reason for the ill-treatment of convicts was alleged to be the fact that the transportation of the convicts was contracted to the private service providers who were more worried about making the money rather than taking care of the human beings. It is alleged that the convicts were not even given enough food to eat (AustralianHistory.org 2014). When the settlement had survived its first worst five years where Sydney was a rough but growing place, the Governor Arthur Phillip (1738 – 1814) then left Sydney in December 1792.

The chronology of events in Australia regarding the reform of the prison system dates back to 1788 where prisoners when they settled in Australia were housed in tents and then advised to find their own accommodation in town (Allen and Simonsen 2001). They worked for the government for half-a-day and used the rest of the day to work privately for the payment of rent and their living. The transportation of convicts from Britain to Australia lasted for 80 years and since most of the convicts were illiterate, it is difficult to

know what they felt about being moved away from their societies. The other issue that was challenged was the choosing of female convicts as women and the other as prisoners 'as if they were cattle'. In 1800, the demand for labour increased and the need arose to assign convicts to private masters in a system called "assigned service". In 1835, the Parliamentary committee recommended the erection of more penitentiaries in Sydney and Parramatta as the number of prisoners was increasing due to the arrival of fleets that lasted 80 years as stated above. It was also proposed during this era that the convicts be kept in isolation from each other and be forbidden from talking with one another (Allen and Simonsen 2001; Misis 2011).

In 1840, the transportation of convicts to New South Wales ended. In 1849, an administration enquiry at the Darlinghurst Gaol was conducted and it was discovered that the officers there conducted themselves in wicked ways, the drunkenness and irregularities, which led to them being dismissed. In 1878, a Royal Commission was established after there were allegations of cruelty in Berrima Gaol where prisoners were chained to a wall, which was abolished after the recommendation by the commission (Misis 2011). In 1895, an appointment of Captain Neitenstein (1850 – 1921) as the chief administrator of the New South Wales prisons where he brought about reforms that led to the halt of incarcerating children and people who are mentally disturbed in prisons. In 1909, a prison to house female convicts was constructed in Long Bay, which is situated 14 kilometres south of Sydney. In 1917, more reforms came into being, like the termination of leg-ironing convicts while in transit. The reforms also saw the granting of permission to prisoners in Emu Plains and Tuncurry being permitted to be active in sports like cricket, soccer, swimming in the river or surf. The reading of newspapers was allowed in 1918 with the exception of controversial articles that were cut-out to prevent what might inspire disorder in prisons.

In 1920, the convicts were now allowed to bathe everyday rather than two times a week and the shouting by night guards every half-hour was abandoned. The lights in cells were now allowed. The principle of the penal diet where prisoners were offered food in terms

of the amount of work they had performed was abandoned in 1921; instead bonus payments were introduced for work done on top of the allotted tasks. In 1925, prisoners who were serving two years or more were now allowed to have writing materials inside the cells. During World War II, there were serious challenges in state prisons where it was decided that the most stubborn convicts be incarcerated in Grafton Gaol. More reforms were recommended in 1946, where a report indicated that there was overcrowding in Long Bay and recommendations were made that in all major prisons the sewerage system should replace the pan system and that the convicts must be provided further two hours a day not inside their cells. The Katingal project was introduced in 1968, to accommodate some six types of fierce offenders, which was to be based in Long Bay Gaol. The Katingal prison was built in secrecy as it was inhumane to society.

There were major riots that erupted in Bathurst Gaol during 1970 that were attributed to deficiencies in that prison like lack of glasses in windows, which led to the bedding to be soaked when it rained. The sewerage system was also alleged to be the cause of the riot as the lavatories always jammed and overflowed. This led to the flogging of prisoners immediately after the riots by the prison officials. During February 1974, the Bathurst Gaol again experienced but now a larger riot where gasoline bombs were flung all over the penitentiary compound and the prison officials were firing at the inmates, which led to the prison to be rebuilt at an amount of \$10 million. The Katingal Gaol that was meant for violent offenders was opened in 1975. The Gaol had no normal illumination in the cells, with the gates of the cells electrically operated where prisoners were not allowed to have physical contacts with the officials and it cost \$15 million to erect, which was way above the budget. In 1976, Justice Nagle (1913 – 2009) of the New South Wales Supreme Court was appointed to lead the royal commission that was to investigate the riots at Bathurst Gaol. In 1977, Russell Cox famously known as “Mad Dog” managed to escape from the exercise yard of the Katingal Gaol but was later re-arrested after eleven years of running.

In 1978, Nagle recommended more than 250 reforms to the Australian penal system through the Royal Commission report where most of the recommendations were

implemented. Nagle also found that the New South Wales government had endorsed the inhuman treatment of detainees in Grafton Gaol. Nagle further condemned the Katingal as an unnecessary expensive establishment which led to the closure of the Katingal only after three years of operation. It is alleged that prisoners spent the rest of their stay during this period without seeing the outside world or the sun. In 1979, a magistrate enquiry found evidence of assault by four correctional officers in the Goulburn Gaol after the inmates complained about beatings but no charges were laid. In October the very same year, the Parramatta inmates staged a peaceful protest of the decision by the government for refusing to criminally charge the jail officials involved in the Bathurst riots.

In 1980, the prison officials in Australia went on a series of strikes due to the swift reforms in the penal system administration more especially with regard to prisoners' rights. In 1983, there was an introduction of remissions even to non-parole sentences as recommended by Nagle in order to reduce sentences that are served in prison. During the same year, there was an allegation that the New South Wales Minister for Correctional Services, Rex Jackson had received bribes in place for the premature discharge of some inmates. A task force in 1985, established that 78% of the females in prisons were dependent on alcohol or drugs particularly heroin. In 1987, the Minister of Corrective Services was convicted for his conspiracy of early licence release, which also led to the remissions to be abolished. During October of the same year, the government announced the Royal Commission that was to investigate the death of 99 Aboriginals who died in police and prison custody during the previous nine years. A 22 year old probationary officer, Geoffrey Pearce, was stabbed in 1990 by an inmate in Long Bay Gaol with an HIV infected blood syringe. He later tested positive to the HIV virus and died in 1997 with an AIDS-related illness. This led to the government in 1990 to crackdown on personal items of inmates which led to riots across the state.

In 1991, the communique regarding the Deaths of the Aboriginals in Detention made above 300 commendations. It was found by the communique that it was the way that the Aboriginals were arrested and imprisoned which led to their passing away. The

Commonwealth promised to expend \$400 million towards the implementation of the commendations over five years. Consequently, the critics claimed that the implementation was too sluggish and fragmentary. The New South Wales Prisons Minister indicated in 1993 that rape in prison is inevitable and might help as a deterrent to people who might think of offending. During the same year, the New South Wales saw the opening of the first privately owned prison the Junee Correctional Centre. The special focus of a privately owned facility was to create employment, valuable skills training and wages to inmates. The Australian Institute of Criminology reported that there was a 40% rise in the number of custodial deaths. The report stated that 72 died during 1992/1993 period compared with 57 and 58 in the previous two years, respectively.

In 1997, saw the opening of the 900-bed Metropolitan Reception and Remand centre in Silverwater located 15 kilometres from Sydney's CBD, which is Australia's largest correctional centre. The Independent Commission Against Corruption into Corrective Services found in 1999 that prison officers were forging improper relationships by taking bribes from the inmates in order to temper with prison documents. In 2000, a New South Wales parliamentary committee reported a 40% rise in the number of women prisoners from 1994 with a 14% growth of the Aboriginal female convicts. The committee indicated that women prisons are endemic in terms of drug abuse and psychiatric illnesses. An ethnic clustering where inmates were separated according to race in Goulburn Gaol was introduced in 2001 with Aboriginal, Pacific Islander, Arabic and European prisoners were kept separate from each group to make control of prisoners easier and contacts were not allowed among the groups. An AU\$20m Risk Management Unit was opened in the same year to house the most dangerous killers as well as those charged with terrorists offences. Complaints were made about lack of natural light, isolation, harsh environment and regime. During October in the same year, a seminar heard that psychiatric convicts detained in Long Bay Gaol are locked-up for up to 23 hours a day, that there were 800 patients who needed mental illness treatment but there were only 90 beds in Long Bay Hospital. During the same year, the ethnic clustering was criticised by an internal report that it creates unnecessary tensions among the inmates and that it also promoted gang

formations. A gang of 100 inmates was identified as having serious gang affiliations after a crackdown on gangs was opened in the same year. The internal communique reflected that the gangs were guilty for the running of drugs, fornication, theft and gambling rackets.

In 2002, the Standard Minimum Terms for the handling of inmates that was espoused by the United Nations in 1995 held in Geneva was introduced for a range of serious offences. This meant that some sentences could be reduced through mitigation or increased through aggravation. During the same year, a report was availed that established that gangs operate in three maximum facilities: Silverwater, Goulburn and Luthgow Gaols; presenting a serious challenge to the safety of inmates and staff. In 2004, the leaders of these ethnic gangs, together with crime and street warfare all behind bars were cornered into the isolation section of Parklea Prison. One of the gang leaders was sent to Supermax prison. In 2005, the population of inmates in New South Wales gaols increased by 40% compared to the previous ten years with approximately 9,000 prisoners. The government decided to build more facilities in order to meet the demand.

### **3.2.4 Prison Systems in Nigeria**

The declaration of Lagos as a colony in 1861 saw the beginning of a new formal western type of governance where the origin of modern Prison Service in Nigeria was realised. The main aim of colonising Lagos was to protect the British trade, protect British merchants and also to protect the work of missionaries. During this year, the acting governor of Lagos who was also a British merchant started a police force of 25 constables. This was followed by the establishment of four Courts in Lagos: a Police court for petty disputes, a criminal court to resolve more serious crimes, a slave court to resolve cases in the abolishing the slave trade and a criminal court to resolve disputes between traders and merchants.

The functioning of these courts meant that the prisons were needed (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014). In 1872, the Broad Street prison was established with an initial inmate capacity of 300. The

relationship between the local people and the merchants in Niger Delta was moderated by a special court supported by the British Navy more especially when John Beecroft (1790 – 1854) was appointed as consul in 1849. There was evidence that by this time in Bonny there was a prison, nothing much was known about its size and content. However, those who were found to be opposing the British rule were deported; the case of Jaja of Opobo and King Dappa of Bonny. Bonny is situated in the south of Nigeria. During the 15<sup>th</sup> and the 19<sup>th</sup> centuries, Bonny was a major trading port for slaves by the Portuguese until the intervention by the British government (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

The continuous invasion of Nigeria by the British into the vicinity and the establishment of the British protectorate; necessitated the establishment of prisons such that by 1910, there already were prisons in Onitsha, Benin, Degema, Calabar, Ibadan, Sapele, Jebba and Lokoja. The entire Nigerian area became under the British rule after the declaration of protectorates over the South, West and North Nigeria in 1906. Still, this did not mark the beginning of a unified Nigerian Prisons that would have negated the official colonial policy since the colonial power was not prepared to expend on such as it would have needed some funds. During this era, colonial prisons were not obliged to reform anyone; instead prisoners were used for public works and colonial administration (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014). Therefore, there was no need to recruit trained personnel but police were used for the job including the ex-servicemen that were recruited at a later stage to do the job.

The local prisons were poorly run and operated differently in one place to the other with regard to their disorganisation, insensitivity and abuse. No one cared about the living conditions of inmates as long as they served the colonial administrators demands and engaged in public works. In 1917, the Prison regulation was published regarding the treatment of prisoners when it comes to the diet, clothing as well as staffing. These processes were limited in some way as they were not geared to stipulate a certain type of the treatment of inmates but were meant to provide just policies of those who were

already in prison. The processes were also limited to those who were on remand detention (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

There were also different types of prisons; those who were sentenced by the British-inspired colonial courts were sent to national prisons and those who were sentenced by the Native courts were sent to Native Authority Prisons. This Prison regulation was applicable to the national Prisons while on the other hand the Native authority prisons went their own way. When Colonel V.L. Mabb a military officer was appointed the Director of Prisons by the then Governor Sir Donald Cameron, Mabb had an understanding of what the prisons should be. His focus was on the formation of a unified Prison structure for the whole country but he failed. However, Mabb succeeded in extending the Director of Prison's supervisory and inspectoral powers over the Native Authority Prisons. It was during his tenure that Warders board was established (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

Mabb was succeeded by Mr R.H. Dolan (1946 – 1955), who was a trained prison official and had wealth of knowledge in prison administration both in Britain and colonies. Mr Dolan reintroduced the vocational training in 1949 although it had been introduced for National Prisons in 1917 but failed except Kaduna and Lokoja Prisons. Dolan also introduced visits by the relatives of the inmates together with the classification of offenders to be mandatory in all the prisons. The progressive earning scheme for first long term offenders was also introduced by him. He was central in the Transfer of Prison Headquarters from Enugu to Lagos for the offices to be closer to other government departments. The adult education and moral classes that were to be handled by competent Ministers and teachers for Christian and Islamic education were introduced by Dolan. During his tenure, the programmes of recreation and relaxation of prisoners as well as the formation of the association for the care and rehabilitation of discharged prisoners was introduced during his tenure. His most profound work was the building and expansion of more prisons to enhance proper classification and accommodation of

prisoners (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

In 1947, he was central in the founding of the Prison Training School in Enugu. He generally tried to improve the service condition of the prison staff and was also responsible for the appointment of trained wardresses who were to be responsible for female wings in prisons. In pursuit of his dogma of prison classification, he introduced four reformatories in Lagos in 1948 and converted part of the Port-Harcourt prisons for the treatment and housing of juvenile prisoners. Five years later, he was key in the opening of an open prison in Kakuri-Kaduna to house and train first time long term prisoners who had committed serious crimes like murder and manslaughter and sentenced to 15 years or more. His main aim was to have them to work with minimal supervision in agriculture in order for them to be self-employed on release from prison. Mr Dolan's tenure represented an evolution in the Nigerian Prison Service. The beginning of the Nigerian Prison Service was realised in 1968 when the Natives Authority Prisons were abolished and a unified Prison Service was introduced. The Northern Inspector General who was the ex-officio Director of Prisons was responsible for the general supervision of prisons in the north while the prisons in the south were under the general supervision of the Director of Prisons, which was put to an end by the Gobir report. In the 1<sup>st</sup> of April 1968, the recommendations of the Gobir report were implemented by the abolition of the Native Authority prisons (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

The government white paper on the reorganisation of prisons was released in 1971 after it was delayed by the civil war that was raging in the country. This was followed by the Decree No.9 in 1972 that was specific on the goals and objectives of the Nigerian Prisons Service. The Prisons were given the responsibility of taking custody for the legally detained; investigate their behaviour and retaining them to become useful citizens in the society. The main objectives of the decree were to ensure safe and secure custody, reform and rehabilitate prisoners. The prison system improved from being administered

by the Director alone but added three agencies that were each administered by the Deputy Director which were Technical, Inspectorate and Welfare. The Technical division was responsible for logistics and the administration of farms and industries. The Inspectorate was responsible to oversee staff deployment, training, recruitment, discipline and promotion. The Welfare division was to oversee the medical needs of the prisons together with the inmate treatment, training and rehabilitation. The Welfare also had to oversee the liaison between the prisons and the voluntary humanitarian organisations that were focussed on the treatment, training and rehabilitation of prisoners (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

The Decree No.9 changes necessitated the need for the recruitment of qualified group of officers who were teachers converted to welfare officers between 1974 to 1980 to deal with the reform, training and rehabilitation of prisoners. The changes also effected the recruitment of additional Nurses and Doctors to strengthen the medical expertise in the prison service. Also, three hundred graduates were recruited between 1972 and 1974 to enlighten other staff members regarding the treatment of inmates. Since 1972, there were massive improvements with regard to the prison service such as the move from three sub-directorates in 1980 to six sub-directorates in 1993. The Nigerian Prison Service is now boasting more professionals than any other time before, including officers like medical staff, environmental health officers, sociologists/psychologists, lawyers, general administrators including engineers all focussed in the reform of the inmates (CIA 2008; MotherlandNigeria.Com 2008; OnlineNigeria.Com 2008; Olusina 2012; Orakwe 2014).

### **3.2.5 Penitentiary, Prisons and Jails in the United States of America**

Panel Incarceration started in England as early as the 1166 when Henry II built the Newgate Prison and was also widespread in Europe with the sort of torture chambers and numerous imprisonment structures that were initially in existence. However, in the United States of America (USA), imprisonment was pervasive in most of the States subsequent to the American Revolution. The determinations to build prisons in USA started during the Jacksonian Era where crime was punishable by the use of

imprisonment and the rehabilitative labour which went on until the American Civil War. This was followed by the Progressive Era that was after the American Civil War where a number of imprisonment mechanisms were introduced like the indeterminate sentencing, probation and parole became part of the punitive drill in America. From the beginning of the 1970s, the USA expanded its incarceration system to such an extent that by 1973, USA had increased its prison population by five folds, having more than 7 million at a time people controlled by the Criminal Justice System (CJS) (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

The initial American Systems penitentiaries in the form of the Massachusetts' Castle Island Penitentiary erected in 1780 followed the style of the English Workhouse in the 1500s. The English Workhouse was initially established to remedy the redundancy of the underprivileged who were found to be begging. It later became apparent to the authorities that the workhouse was appropriate to rehabilitate all sorts of criminals. Property crime was also attributed to idleness. Since Parliament enacted the Statutes for Labourers, idleness was awarded the status of being regarded as a crime. Tramps and Vagrants were subjected to lashing and maiming and the repeat offenders might have faced the capital punishment.

When England noticed that vagrancy was on the rise, the City of London reopened Bridewell as a workhouse in 1557 and all the vagrants that were found in the vicinity of the city were incarcerated in Bridewell. Vagrants could be housed in a workhouse for several weeks up to several years. In 1576, the England Parliament required every county in its empire to have a house of corrections or a workhouse. The supporters of the workhouse model did not regard a workhouse as only a custodial institution but they believed that the know-how of imprisonment could help in the rehabilitation of the inmates if hard labour is applied. The advocates of the workhouse also believed that restraint from redundancy could rehabilitate beggars to useful inhabitants. Some advocates of the workhouse contended that the fear of the workhouse could discourage begging and that

the labour provided by the inmates could also help in the maintenance of the workhouse itself (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

In 1516, in his book, *Utopia*, Sir Thomas Moore described how an ideal government could punish its convicts through slavery instead of the death penalty. Thomas Starkey who was a chaplain to Henry VIII recommended the use of community work to the incarcerated inmates such that communities could derive profit from such work. In 1500s, Edward Hext, who was the justice of peace in Somersetshire recommended the use of hard labour to prisoners in workhouses after receiving appropriate punishment for their wrong doings. Several insignificant delinquents were condemned to the workhouse through the begging rules which was during the seventeenth and eighteenth centuries.

In 1622, King James 1 appointed a Commission that was to look in the banishment of the inmates condemned to death to the workhouses with heavy and painful manual work and kept in chains until such time that the King or the government ministers could decide on the fate of the offender. Inside the three years after the Commission's report, the petty criminals were by an enacted law incarcerated in a workhouse. The numerous types of criminals throughout the 1700s who got suspended judgements for capital punishment via the assistance of a pastor or forgiveness, those who evaded the transportation to the colonies or those who were sentenced for robbery offences; incarceration at hard labour was regarded as an appropriate sentence for them (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

The English Parliament passed the Penitentiary Act in 1779, after the American Revolution had made it impracticable for the incarcerated prisoners to be transported to English North America. The Penitentiary Act mandated the building of two prisons in London that would take the model of the Dutch workhouse where inmates were constantly involved in hard labour during day time with a vigorously controlled diet, clothing and communication. A series of penitentiaries that were prescribed by the Penitentiary Act, were never constructed as prescribed although the Penitentiary Act had promised penal

incarceration to be the focal point of the English criminal law. Reformers like John Howard (1726 – 1790) focused their efforts not only in the severity and pre-trial detention in England penitentiaries but were also concerned about inmate hygiene, random mixing of inmates and the classification of inmates together with solitary confinement that had an influence in USA penal reform during the Progressive Era. In 1771, Jonas Hanway concentrated on the post-incarceration rehabilitation of inmates and had a belief that criminals should be reformed by restoration of faith in such a way that they should fear the Christian God, to enter the Kingdom of Heaven. Philanthropists perceived criminality as an estrangement from God (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

The major political challenge in England regarding the solitary program implementation of the philanthropists was the economic implication. Erection of cells for individual inmates was going to be very expensive to the government compared to the halls where all inmates would congregate typical of eighteenth century English penitentiaries. It was only during the 1790s that the isolation amenities for sentenced offenders emerged in numerous English regions including in Gloucestershire. Most of the English philanthropists supported the solitary confinement with a belief that it was the answer to the rehabilitation of inmates morally as it would circumvent contamination of other prisoners and could speed up the inmates' spiritual recovery. The focus on isolation and moral contamination of inmates by the philanthropists in England became the foundation of the early penitentiaries in the USA. John Howard's report was eagerly followed by the Philadelphians of that period. The Auburn and Eastern States penitentiaries followed the solitary confinement with the objective of morally rehabilitating inmates. Since then, the classification of inmates in terms of their behaviour and age are still practised in the USA to date (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

The other group that had an interest in the penal reform was the rationalist philosophers also known as "utilitarian". The eighteenth century rationalist were Cesare Beccaria a rationalist from Italian and the writer of "*On Crimes and Punishment*" (1764), whose work

was discussed in detail previously more especially in the Philosophical Framework chapter and Jeremy Bentham, the English rationalist penal campaigner who also designed the Panopticon. These rationalists assumed that the criminal behaviour of an individual can be attributed to his/her past environment. Beccaria's dogma was that the punishment should be appropriate to the crime committed. Beccaria and Bentham as rationalists believed that what made an action to be punishable for crime was the harm that the action caused to the members of the society. However, Beccaria and some rationalists differed on the environmental factors that gave rise to criminality as they believed that the uncertainty of the sentence or punishment to be imposed on a criminal was the cause of the rise in crime, while the earlier criminologists believed that the harsh sentences were appropriate to deter criminality. Basically, Beccaria believed that the promptness of the arrest, conviction and sentencing for crime committed would ensure that the crime rate would remain moderate (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

Bentham and other rationalists believed that deterrence alone could not end crime but added that the societal background as the critical foundation of criminality. Bentham and the like rationalists concurred with the philanthropists' reformers that convicts needed to be rehabilitated but differed with the philanthropists that the goal of rehabilitation should be to show the offenders the uselessness of crime and not their estrangement from religion. Basically, Bentham and the like minded rationalists were convinced that the people were the foundation and resolution to criminality (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012). Eventually, Bentham adopted the approach of hard labour and designed the Panopticon prison that accommodated prisoners who were incarcerated in solitary confinement in their cells and hard labour for the rest of their imprisonment. This resulted in the drafting of the Penitentiary Act in 1779 that summoned for a hard labour punitive system. The rationalists had a lesser influence on the USA punitive practices; however, their planning resonates to the present Penitentiaries of the USA to date (Hirsch 1992; Gottschalk 2006; Blackmon 2008; Alexander 2012).

### *3.2.5.1 Historical Development of the Prison Systems in the United States.*

The incarceration of offenders is a modern experience in the Anglo-American legislation although criminals had a pivotal part in the arrival of England convicts in North America (Hirsch 1992). However, the USA penal incarceration status has remained the same since the awakening of the American Revolution albeit the fundamental purpose of the facilities changed in the American legal history due to geographically widespread of penitentiary movement. The earliest English settlement in North America brought with it the imprisonment facilities. In actual fact, prisons and prisoners simultaneously came into effect with the arrival of the European settlers in North America when ninety men came with an explorer called Christopher Columbus where they had four convicts and a black man who was abducted in the Canary Islands. The first substantial prison in North America was built by the Spanish soldiers in St. Augustine, Florida by 1570. The convicts were essential by then in the English settlement at the North of America which is now known as the United States of America that lagged out until 1606 when England extended the motive of adding to the colonies (Gottschalk 2006).

The colonists, who in effect lived as convicts of the Virginia Company's governor together with his representatives, authorised convicts to abduct the Native American kids anywhere they could to convert them to the awareness and devotion of a real God and their saviour Jesus Christ (Christianson 1998). The Company was responsible for the settlement in Jamestown, where men who tried to run away were persecuted until they died and dressmakers who made a mistake during embroidery remained subject to lashing. When Richard Barnes who was indicted of articulating wrong confrontations in contrast to the governor was made to be disarmed; both of his arms were fractured and the tongue cut out. He was then banished from the settlement altogether. In 1618, when Sir Edwin Sandys took control over the Virginia Company in an effort to move more quantities of immigrants to the New World contrary to their willingness, vagrancy statutes began to take shape where convicts were subjected to shipping to the American protectorates as a surrogate to capital punishment, which was through the sovereignty of Queen Elizabeth I (Christianson 1998).

The convicts were legally authorised by the Royal Commission to be shipped to Virginia or West Indies as agricultural estate servants except for those who were convicted for rape, murder, witchcraft and burglary. Sir Edwin Sandys also proposed that females be sent to Jamestown as producers of children while their costs of transportation would be funded by the plantation servants who converted them to their wives. This happened immediately after this proposal; sixty women were transported to Virginia and many more followed thereafter. Between 1617 and 1619, more than 1,500 of the vagrant's children were sent to Virginia as plantation servants and by 1619 the African convicts were sent to Jamestown and traded as captives, which marked the entry of England's Atlantic slave trade. This act of sending kidnapped children, maids, convicts and African slaves to Virginia went on for more than two centuries. By 1660, the English Crown was alleged to be spiriting away more than 10,000 people annually to the Americas either as slaves, convict labourers or indentured labourers (Christianson 1998).

During the eighteenth century, English courts were empowered by Parliament in 1717 to sentence offenders to transportation as a pardon for capital punishment and by 1769; over two-thirds of those convicted were transported and this became the punishment for serious crimes in England. It is estimated that more than 25% of all the British expatriates who went to America in the 1700s were captives (Ekirch 1987). James Oglethorpe established the state of Georgia nearly fully with the prisoner immigrants. The offender cargo ship would be advertised in newspapers in advance of its arrival and the buyers would come and purchase convicts in an auction block (Christianson 1998). Prisons including the ancient prisons like the Fleet and the Newgate played a pivotal role during the prison trade to America in the eighteenth century for the ones destined for American agricultural estates or the Royal Navy. Convict transportation was resented by numerous colonizers in British North America such that as soon as 1683, the Pennsylvania's administration endeavoured to block the introduction of new convicts within their borders (Christianson 1998).

Convict transportation was referred to by Benjamin Franklin as rudeness and disrespect, the harshest thing that people ever offered to each other and recommended that the societies should send North America's most venomous snakes to the finest parks of England, and let them loose in revenge. However, the convict transportation continued to England's North American settlements till the American Revolution, which was seen by the British as humane as it was punishment short of capital punishment (Christianson 1998). The Britain penal system was thrown into disarray by the American Revolution which terminated the convict transportation to North America that led to the prisons all over Britain to be overcrowded. In 1777, James Howard published, *The State of the Prisons in England and Wales*, which was a comprehensive study of the criminal justice system of England. This was published one year after the America Revolution had started (Christianson 1998).

The oldest wooden jail in America was constructed in 1690 in Barnstable, Massachusetts by the directive of Massachusetts Bay Colony Courts and worked from 1690 to 1820. The American jails did not serve as incarceration facilities to punish offenders but were custodial facilities to cater for pre-trial, pre-sentence of offenders and imprisoned debtors although the prison systems had been an earlier fixture with the colonial North American communities. Massachusetts came up with a house of corrections for penalising lawbreakers in 1635 after the 1629 territorial charter of Massachusetts Bay Court allowed shareholders the venture to establish their own laws for their settlements that were not going to be contrary to the England laws for the administration of lawful correction to the violators. This was followed by colonial Pennsylvania in 1682 who built two houses of corrections and Connecticut who established one in 1727. This led to all the counties in North America to be having a jail or house of corrections during the eighteenth century (Hirsch 1992; Christianson 1998).

The territorial American penitentiaries were not the normal penitentiaries for criminal incarceration but were instead utilising criminal punishment as a second choice for prisoners. Criminal punishment was dealt with in many different ways including whipping,

finer, banishing, capital punishment in the gallows, the stocks, the public cage and the pillory. All of these came before a person could be incarcerated as a criminal offender (Hirsch 1992; Rothman 2011). Sentences to the colonial American workhouse hardly went over three months and at times were just for one day. The jails worked most as warehouses for political prisoners and war prisoners more especially during the American Revolution. They also served as warehouses during the slave transportation. The colonial North American jails' primary objective were pre-trial and pre-sentence detention facilities and it was the poorest who found themselves being incarcerated as the colonial North American judges rarely denied offenders' application for bail (Hirsch 1992; Rothman 2011).

The eighteenth century brought serious change to the colonies of North America. The transportation of convicts had made the population to grow drastically to such an extent that Massachusetts doubled their population while the population of Pennsylvania developed threefold and in New York it was fivefold. After the American Revolution, the population of former British colonies also increased and the movement to the cities likewise increased (Rothman 2011). The eighteenth century demographic change in population during the 1700s brought with it an increase in crime like property crime and the denseness in the towns made the streets to be unsafe. The community-based punishments and the penal practices of the British and the American criminal justice almost became non-existent through the eighteenth century such that cities like Vermont in 1777 began to abolish slavery (Hirsch 1992; Rothman 2011). In city centres like Philadelphia, punishments like pillory became difficult to execute because the population would side with the offender and whipping also became very difficult to execute. This led to the former colonies of North America who were now colonial governments like Massachusetts, Pennsylvania and Connecticut to exercise the traditional form of punishment which was hard labour as the appropriate punishment for most crimes (Hirsch 1992; Rothman 2011). These efforts were somehow interrupted by the war but immediately after the war, they were renewed.

### *3.2.5.2 Post-Revolutionary Penal Reforms and the Beginnings of United States Prison Systems*

The post-Revolution politics influenced the Americans to retool the English forms of punishment together with their rules. It was the Anglophobic politics of the day that encouraged the doing away with the punishments that were inherited from the English legal practice. Some United States reformers like Thomas Eddy from New York and William Bradford the Attorney, agreed that the form of criminal punishment that they inherited from the English legal system was barbaric and did more harm than good (Hirsch 1992; Rothman 2011). By the nineteenth century, all the states had adjusted their penal code to arrange for hard labour as general criminal penalty for the entire crimes except for critical offenses. The only states that had not amended this by the nineteenth century were North Carolina, South Carolina and Florida. Massachusetts provincial laws began to introduce the workhouse and hard labour as means of criminal penalty. In New York, a bill was presented in 1785 but restricted to the New York City, authorising the municipal officers to substitute to all the offenders who had received corporal punishment sentences by the previous law with workhouse hard labour punishment up to six months. This program was expanded by an additional bill to the entire state of New York in 1796. In 1786, Pennsylvania established the Hard Labour law. These Hard Labour programs expanded to Virginia in 1796, to New Jersey in 1797, towards Kentucky in 1798, and to Maryland, New Hampshire and Vermont in 1800 (Hirsch 1992; Rothman 2011).

This change towards incarceration did not happen immediately, it took some states like Massachusetts for a period of almost twenty years to change to this system before the penalties, imprisonment or capital punishment turned out to be the only accessible sanctions in their punitive code. The other states like Pennsylvania, New York, and Connecticut followed suit towards incarceration (Hirsch 1992; Rothman 2011). All the states that had revised their criminal codes started the construction of post-Revolutionary prisons that were state prisons to cater for the incarceration of offenders. It was deemed that incarceration was more human and fitting for the crime committed than the traditional punishments of whipping and hanging (Hirsch 1992; Rothman 2011). Out of the then

sixteen United States by 1800, only eleven had some form of penal incarceration and they were Vermont, New Jersey, New York, Maryland, Massachusetts, Pennsylvania, Georgia, Virginia, Kentucky and New Hampshire (Hirsch 1992; Rothman 2011).

A new institution emerged at the beginning of the 1820s known as the penitentiary which steadily turned out to be the principal fact of the United States criminal justice system. The penitentiary emerged with institutions like the asylum and the almshouse that were to provide for the mentally ill and the poor. By the end of the 1830s, the penitentiaries were well established in the United States (Rothman 2011). The reformers of the Jacksonian-Era and the prison officials attempted to locate the source of crime and ultimately tied it to the society and the environment. They were determined that the child that grows in a disorderly family or society would be deviant and if the deviant child is removed from such a family/society, would repent after being sheltered in a penitentiary when realising that what she/he was doing is not acceptable in a community. They also tied crime with the rapid growth in the population which led to the community to be immoral and disorderly (Rothman 2011).

In 1790, Pennsylvania was the first state in the United States to introduce solitary incarceration for the prisoners. Those who were convicted to harsh labour during 1790 were moved into inner cells of the Walnut Street prison in Philadelphia. In 1796, New York implemented the solitary confinement in New York City's Newgate prison. These two prisons developed two competing systems known as the Separate system for Walnut Street jail and Congregate for Newgate prison. The Walnut Street jail used the Pennsylvania System where convicts when they enter the penitentiary would be covered with a black hood so that they should not know their fellow convicts and be kept in solitary confinement until the end of their sentence. The Newgate prison used the Auburn System where inmates would congregate by day while working and be kept in lone detention in the evening (Hirsch 1992; Rothman 2011). The main objective of both systems was the removal of the inmate from contamination of other inmates (Rothman 2011).

The Pennsylvania System was initially executed during the 1830s in the peripheries of Philadelphia at the Eastern State Penitentiary and in the peripheries of Pittsburgh at the Western State Penitentiary with the prisons designed following the model of Jeremy Bentham's Panopticon. The erection of these prisons entailed a massive expenditure of state funds. Eventually, only three penitentiaries endorsed the costly Pennsylvania System programme nevertheless the system remained intact in the Eastern State Penitentiary until the beginning of the twentieth century. In the 1830s and the 1840s saw the expansion of the Auburn System from the New York's Auburn Penitentiary to the South, Northeast and the Midwest. In the Auburn System where inmates laboured together in workshops during the day and kept in solitary confinement at night became an ideal system for the United States prison system (Hirsch 1992; Rothman 2011). In the Auburn System, prisoners were not allowed to congregate but they were being disciplined to study and exercise industriously a valuable skill such that when she/he is released from prison, should earn an honest living.

The Auburn Penitentiary became the second state penitentiary in New York State after Newgate prison that had no solitary confinement cells except for the few that were kept for worst offenders. The keeper of the Newgate prison was the Quaker Thomas Eddy who believed that the punishment for bad behaviour by inmates was the solitary confinement with limited rations and forbid the prison officials to strike inmates. He rewarded good behaviour with a supervised family visit once in three months. He unsuccessfully tried to establish profitable labour programs that would sustain the prison and a little portion of the prisoners' labour profit while incarcerated known as overstim to be kept aside for the inmate on release to assist him/her with the re-entry into society (Rothman 2011). Discipline remained a challenge such that in 1799 to 1800 riots erupted that were managed by the intervention of the army and they continued until after the War of 1812 during the crime wave. The Legislators of New York reserved some monies for the building of the Auburn Penitentiary to correct the disillusionments of Newgate prison and the tenacious congestion. The humane style reforms that were envisioned by Thomas Eddy were eschewed with the consent of the legislature like the thirty nine lashes

were now permitted under the 1819 law. The overstay that was kept aside for the inmates on release was discontinued (Rothman 2011).

In the wake of the riots in Auburn Penitentiary, prison officials started classification of offenders by their level of crime and behaviour. They were divided into three groups as follows: the worst, were kept in solitary confinement - lockdown; the average convicts, kept in solitary confinement but permitted to work in clusters as long as they were well behaved; the petty crime offenders, permitted to sleep in solitary confinement and worked in clusters. The category (1) hardened offenders were moved to their new home in December 1821 after the construction of solitary confinement cells was completed. In just over one year, five of the inmates had died, forty one were seriously ill and the others were insane (Hirsch 1992; Christianson 1998). This led to Governor Joseph C. Yates to pardon several of them on the spot during his visit to the prison after he saw an appalling manner in which the inmates were (Christianson 1998).

The Auburn System became an ideal and model system for decades in the United States. In 1826, Massachusetts opened a new prison following the Auburn System model. Within a decade of the introduction of the Auburn System, the following states had constructed prisons modelled in the Auburn System: Kentucky, Georgia, New Hampshire, Vermont, Ohio, Tennessee, Maryland, Indiana, Illinois, Missouri, Mississippi, Texas and Arkansas (Christianson 1998). This move by the eighteenth-century United States transformed the topography of the criminal justice system with the enactment of penitentiaries in the model of the Auburn system where criminals were now shipped through water or into enclosed complexes away from the public. This meant that the penitentiary was putting an end to the involvement of the family and community in the penal process although some visitors were allowed to visit offenders on payment of a certain fee (Hirsch 1992). Southern United States did not consider crime as a major concern as Southerners regarded crime as a problem for the Northern United States. It is only the most hardened criminals that were brought under the control of the state by the Southern United States penitentiaries as the

majority of the convicts persisted out of the state control arrangements and particularly outside in Southern cities (Hirsch 1992).

Figure 3.1: Map of the United States of America.



There was a robust debate in the Southern states regarding the erection of the penitentiaries contrary to the Northern states. The Southerners who believed in the Republican principles were of the opinion that freedom means being free from any other person and therefore felt that they should not necessarily follow the model of penitentiaries as in the Northern states. However, some Southerners who were supporters of the penitentiaries had a belief that freedom has to grow in an enlightened government that have a criminal law that attempts to eradicate its more brutal practices and succour to rehabilitate offenders. The majority of the Southern population did not support the penitentiary and this was evidenced in the ballot box in the states of North Carolina and Alabama where penitentiary lost overwhelmingly. The resistance to the prison traversed beyond party politics with Whigs, the Democrats and the Republicans all

opposed to the system. Even some Evangelical Clergy men were opposed to the penitentiary due to its principles of restricting the death penalty as it was obligatory for certain crimes (Hirsch 1992).

However, the stable and eager backing for the penitentiary did ultimately come to the Southern states with governors whose motive was unclear. The grand juries from the Southern states also made regular calls for the establishment of penitentiaries in the south. The supporters of the penitentiary ultimately triumphed in the Southern states just like the Northern states. The legislatures began to enact prison legislation for the Southern states, which was before the Civil War albeit was against the public opposition. In the early nineteenth century, Southern states began erecting penitentiaries just like the Northern states and all the convicts served a compulsory duration of solitary confinement subsequent to the first entrance. Prisoners could not perform any work during the period of solitary confinement and were kept in isolation in a near-complete darkness. This made some prisoners to be insane and the ones who survived the period of solitary confinement would then join their counterparts in doing the work at the workshops to make goods for the state (Hirsch 1992).

The prison authorities in the South were pre-occupied by the costs of running the penitentiary just like their counterparts in the North. The Southern governors were against the prisons that did not generate any profit and embarked on projects that would generate profit like sewing shoes for the slaves, manufacturing of wagons and charging fees to the visitors of offenders. This led to some of the states like Georgia, Tennessee and Virginia to arrange the leasing of their inmates to private businesspersons in the 1850s. The period between 1800 and 1860 experienced change in the Northern states where workers in agriculture dropped from 70% to 40% while in the Southern states almost 80% of the population was working in agriculture. This is also evidenced by the fact that the census during this period portrayed the Southern states as having one tenth of the population living in areas regarded as semi-urban while in the Northern states it was one quarter of the population that lived in urban areas (Hirsch 1992). The international economy and the

slave trade played a vital part in modelling the crime of the Southern cities. The economy attracted white poor males and blacks to the cities like Georgia and Savannah where they interacted with the affluent society.

Between 1845 and the Civil War, emerged the Southern police forces that were initially not favoured by the community because of observed fraud, incompetence and menace to the independence of individuals. Theft prosecutions arose during this period in the Southern cities to such an extent that the prison population in the Southern penitentiaries was at half of the population while theft criminal convictions in the courts were amounting to around 20% only. However, the prison lease in the Southern cities gradually faded as the way it gradually emerged. The 1890s marked the shift from this lease system to a sort of state-run penal farms. The states started to remove children, females and the sickening and removing them away from the pollution of the ruthless convicts and provided an improved workforce. In 1890, Mississippi ratified a government constitution calling for an end to the tenancy of convicts by the end of 1894. Besides all the call that was made by the labour movements and the Populists, it was only two of the states in addition to Mississippi that terminated the lease scheme before the twentieth century (Hirsch 1992).

However, most states made tighter controls on the system and increased the use of penal farms which resulted in better conditions and lesser death rate. In 1908, Georgia abolished its lease system after they were exposed in a newspaper regarding cruelty in their lease projects. The Florida prison camps remained in use until 1923, where also the sickening were obliged to work with an intimidation of thrashing or assassination (Christianson 1998). Arkansas by the mid-twentieth century still consisted of two male penal farms, where the treatment of the convicts was terrible to such an extent that during the 1960s one judge refused to return to Arkansas the escapees who were apprehended in his state declaring the farms as terror, horror, and despicable evil (Christianson 1998). The ratio per staff member to inmates was one is to sixty-five in Arkansas penal farms during 1966 in contrast to the national average of one staff member to seven inmates. The main objective was generating profit and the state was not the only entity generating

profits. It is indicated that one Physician who owned a blood bank generated an amount from \$130,000 to \$150,000 out of the donations by the inmates and retailed the blood to hospitals (Christianson 1998).

Arkansas that was faced with acute shortage of staff relied on armed inmates who were called trustees or riders to guard and control the convicts who were working. The working hours at times amounted to fourteen hours a day for six days a week depending on the time of the year and this was the only state where whipping of inmates was still allowed. Arkansas penal farms had violent deaths that were reported and a number of human abuses, which only after the federal court had intervened then that is when there were some improvements (Hirsch 1992; Christianson 1998; Rothman 2011).

### *3.2.5.3 The Reformation Era to Date*

A group of progressive wardens and administrators met in Cincinnati, Ohio on 12 October 1870 as the first American Prison Congress to plan for the ideal prison. It is from this meeting where the professional association that is today known as the American Correctional Association emerged. The main aim of this group was to address the scourge of overcrowding in prisons and how an ideal prison should be built that would not be expensive but be able to address this problem. The American Correctional Association drafted the following principles that were towards the reform of the inmates: Instead of punishment, there should be reformation of convicts; enhancement of self-respect by the inmates; recognition of basic human needs of the inmates and upgrading their daily lives; prison discipline must involve inmates in the areas of decision and responsibility; and put the inmates destiny in his own hands. The first model prison that was built during this period was a young men's prison (16 – 25 years) in Elmira, New York that deemphasised custody and emphasised corrections.

This prison started as a first offender reformatory and later became a medium security facility. The prison had the following features: A less massive architecture and a forbidding appearance; a new emphasis on inmate appearance with solid uniform and no

more stripes; a deliberate effort to establish a balanced diet; emphasis on physical culture with sports, a gym and athletics field; facilities for industrial, on the job training; basic education and high school instruction and credits; a library for inmates; a weekly newspaper for/by the inmates; recreation and entertainment; religious opportunities; more intermingling of inmates; encouragement of individual expression; introduction and the use of the indeterminate sentence and a state of parole; less rigidity and control through the abolishment of corporal punishment. Elmira was copied before 1900 by eighteen other states due to the reforms and rehabilitation portrayed where after these states built new reformatories in this model. In 1876, Mass was the first state to develop a probation system where by 1900, ten states had also developed the system and also a number of states were starting to utilise the parole system between 1900 and 1935. During this period a lot of changes happened like the rule of silence and religious indoctrination were no more; the erection of penitentiaries slowed down and the prison population increased by 140% (from 53,292 to 126,258). Some penitentiaries were forced to place two inmates in a cell that was meant for one due to increase in prison population.

The increase to the penitentiary population forced the states to create more facilities like the reformatories, expansion of the prison facilities, creation of more camps, establishment of minimum facilities to house inmates, the utilisation of the parole system and the usage of probation system throughout the criminal justice, which was implemented by almost all the states. This period also marked the end of the prison market goods that were sold in open/free markets which was followed by the end of self-supporting penitentiaries. The stoppage of prison labour led to the idleness of inmates and educational programmes were established to offset this idleness. This period also marked the arrival of medical corps and teachers in the penitentiaries together with sociological and psychological researchers and research teams to conduct IQ tests on inmates. The Great Depression that forced out of work almost 30% of the labour force in 1930 made the prohibition of prison goods to be sold on free/open market to be legislated by all the states. The states referred to the goods as unfair competition as they were taking away potential jobs and food from the honest citizens. The long hours of idleness

by the inmates in penitentiaries led to challenges such as infighting, and resulted in riots that were among all the states.

Between 1926 and 1933 emerged massive prison riots in the penitentiaries among the states. Security for the inmates and among inmates became a serious challenge to such an extent that it was accentuated that the troublemakers and the incorrigible be put on solitary confinement as a solution. This led to the erection of the super maximum prison, the Alcatraz in St Francisco which was the last stop for all the incorrigible inmates in the United States of America. The Alcatraz started accepting inmates in 1934 and operated until 1963. The inmates mostly referred to the prison as “The Rock” where all hardened criminals reached their final destination. The Alcatraz started as a military prison but in 1933 it was handed over to the Justice department due to the challenge of the incorrigibles. The Alcatraz was built on an island that was a lighthouse for St Francisco Bay. It is indicated that fourteen attempts were made to escape the penitentiary by thirty six inmates and twenty three of them were caught, six were shot and killed, two drowned and the five went missing and never found again. The functioning of Alcatraz was stopped due to the high cost of running it. This was due to the shipments that had to be made there and also the ratio per staff was one staff member to three prisoners.

The creation of a Federal Bureau of Prisons and the Federal Prison System in 1930 relieved a number of state penitentiaries who were faced with overcrowding and also with the hardened criminals that had to be transferred to the federal prisons. The Federal Bureau had twelve maximum security facilities in operation by 1935, which had an impact on the decrease of riots in penitentiaries. The last public execution of convicted criminals happened in Kentucky and Missouri in 1936, where it was decided that this type of an exhibition was to cease. Most local or circuit courts during 1900 to 1935 after pronouncing the death sentence, the convicts were remanded to the department of correctional services where they had to complete the sentence in a most inhumane manner like the electric chair or gas chamber facilities. From 1935 to date, a serious turmoil was experienced with administrators who were not professional or qualified penologists being

appointed because of political deployment who never had a clue on how to run prisons. Ultimately, qualified penologists and professionals emerged who were able to run penitentiaries effectively due to the courses that are now provided by colleges and universities on penology and prison management. The public's attitude of the rehabilitation of convicts had been affected by the media coverages and the excess of crime in the states. It was very difficult for the public to believe that inmates could be rehabilitated and re-enter the society. The Federal Bureau of Prisons provided leadership during this period and with the backing of law enforcement, medium and small facilities were built to enhance these innovations.

#### *3.2.5.4 Conclusion to the Prison Systems of the Four Countries*

The four countries are having almost the similar processes of enacting legislation and use the same prison systems since all of them are former colonies of Britain. The Canadian legislation process is similar to the other three countries and that is the reason the processes were not repeated for the other three countries as that would be monotonous.

### **3.3 INCARCERATION/REHABILITATION AND THE ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY**

Poverty is regarded as a situation where there is a severe deprivation of basic human needs, which includes: food, healthy drinking water, sanitation facilities, shelter, education and information (Statsa 2005). The other definition of poverty is based on failure to access the basic human needs which not only include food, clothing and dwelling, but also health and education (Sen 1999). According to Jensen (2009), there are six types of poverties which are: Situational, Generational, Urban, Rural, Absolute and Relative poverties. In this chapter we are only going to focus urban, rural and absolute poverty in order to be able to compare United States of America and South Africa.

Urban poverty is usually experienced in metropolitan areas where there are more than 50,000 people (Jensen, 2009). The urban poor are mostly facing the following challenges: restricted entrance to job opportunities and earnings, insufficient and uncertain housing

and facilities, fierce and harmful surroundings, slight or no societal security mechanisms, and restricted opportunities to sufficient health and education prospects. The worldwide problem is that urban poverty exists everywhere, from poor to rich countries. The household surveys that have been conducted tend to suggest that the developing countries are experiencing urbanisation at a very high rate more especially in Sub-Saharan Africa and Latin America.

Urbanisation is regarded to be essential for the rural poor in order to access better paying jobs and services that are available in urban areas. Some might perceive urbanisation in a negative way due to shacks that mushroom all over towns in developing countries while others perceive that in a positive way in terms of poverty reduction since poverty is a scourge in rural areas. Many of the poor who migrate to cities can benefit from the opportunities of the city life while those with low skills might be left behind besieged with daily encounters of life in the city. Given the soaring evolution rates in many of the cities in the developing countries with the poor from rural areas moving to urban areas, the complications of urban poverty might be a serious challenge.

Rural poverty on the other hand is in nonmetropolitan areas where there are less than 50,000 people (Jensen, 2009). There are high rates of rural poverty in developing countries than in developed countries and eradicating rural poverty through policies and economic growth is still a challenge for the international community. Poverty is predominantly a rural problem with most of the poor living in the countryside. The household surveys estimate that 76% of the developing world's poor live in rural areas. Individuals living in rural areas tend to have less access to social services, which increases the scourge of poverty in rural areas. Lack of infrastructure in rural areas exacerbates the challenges of rural poverty like the lack of sufficient roads to access agricultural inputs and markets.

Poor infrastructure also has an impact on the communications like limited access to media and news outlets. Rural communities tend to value much the development of roads as

the access to markets, health facilities and education services. Road constructions also provide temporal employment to the rural poor, which temporarily alleviate poverty for the vulnerable. The lack of labour markets in rural areas leave the rural poor with no option but to work for low wages and with a threatened income security. Low levels of education and limited skills force the rural poor to work as subsistence farmers or be employed in informal employment, which exacerbate the scourge of rural poverty. Social isolation due to inadequate roads hinders the rural community to access education or acquiring health care, which might increase the infant mortality rate. In conceptualising poverty for this study, there are two terms that are used to define poverty, which are absolute poverty and relative poverty.

Absolute poverty is also known as extreme poverty where people are on a day-to-day survival. This poverty is the situation where there is a serious lack of basic needs (Jensen, 2009). Absolute poverty used to be regarded as primary poverty until in 1995 in Copenhagen during the World Summit for Social Development. The concept absolute poverty refers to poverty that exists independently of any reference group and it becomes synonymous with subsistence poverty according to Noble, Ratcliffe and Wright (2004). A family is referred to be poor when it is unable to attain things necessary for its survival. This could mean that the family generates insufficient total earning to obtain minimum necessities. The World Bank calculates that a fourth of the population in the developing world, about 1.2 billion people are living in poverty, which is below \$1 a day (World Bank 2000).

This threshold by The World Bank is based on purchasing power parity per day. The \$1 per day was revised in 1993 through 2005 and was placed at \$1.08 per day. Presently, the absolute poverty line is at \$1.25 per day. However, this does not translate to the exchange rate of the United States Dollar (US\$) that a person can live on an equivalent of the US\$. Moreover, subsistence farmers may have low income which is less than the benchmark but living not below the poverty line as they would be generating their own food and only needing money to top-it-up. Since the US is a more expensive country, the

poorer countries that do not use the US\$ might be able to buy more from the exchange rate of a US\$ in their currency. Equally, most countries have their own absolute poverty line thresholds like the US, which was at \$15.15 per day in 2010 while in India during the same time was at \$1 per day and in China they were at \$0.55 per day.

Relative poverty is a situation where there is a comparison with others when one does not have what others have (Jensen, 2009). The relative poverty approach makes it very difficult as to where to draw the line in contrast to absolute poverty. The academics over the course of the twentieth century became aware of the limitations of absolute concepts and subsistence definitions of poverty. Relative poverty actually means that individuals, families and groups in the population are said to be in poverty when they lack resources that other families or groups in the same population are able to achieve. According to Sen (1983), the notion of relative poverty might mean that some groups of people will always be poor when juxtaposed to others as there will never be absolute equality.

This poverty challenge can be referred to what the previous studies have shown that when a member of the family is incarcerated, more especially when it is the breadwinner, the family is in most cases faced with a challenge due to the cost of living, which exposes them to poverty (Seymour and Hairston 2001; Travis and Waul 2003). It has been noted that incarceration affects not only the prisoner but the family and the community at large (Strydom 2009). Some researchers argue that incarceration might be regarded as bringing relief to families from the challenges of an active offender; however, it also brings about new costs associated with the taking care of the incarcerated family member like money for collect telephone calls and commissary (Fishman 1990; Braman 2004).

If the offender was providing an income to the household prior to incarceration, the family would struggle to compensate for this loss. In most cases, prisoners' families have to adjust economically when a family member is incarcerated (Christian et al. 2006). Research on how incarceration impacts on prisoners' families and neighbourhoods has shown that families that try to maintain the relationship, mostly end-up failing to keep-up

due to financial implications (Fishman 1990; Hagan and Dinovitzer 1999; Braman 2004; Arditti 2005; Christian et al. 2006). When a breadwinner is sent to prison, many family dynamics may undergo significant changes like the family structure, financial relationships, income levels, emotional support systems, and living arrangements (Travis et al. 2005).

Research has also shown that financial damage caused by incarceration to families left behind could be enormous. According to Travis et al. (2005), most parents (71%) were employed either full- or part-time in the month preceding their arrest. Sixty (60%) of the fathers had a full-time job prior to incarceration compared to 39% of mothers. For fathers (68%) and this was the primary source of income for their families. This financial loss increases the burden to the families that are already living in poverty.

### **3.4 INCARCERATION/REHABILITATION AND THE ENSNAREMENT OF PRISONERS' FAMILIES TO CRIME.**

Currently, in the United States of America (USA), one in 134 adults are in prison and among African-American are likely to be one in 20 (Treadwell 2013). Almost 70% of offenders in the USA are imprisoned for child support and when they are released from prison, the amount had increased and likely owing an average of \$20,000 in arrears. This is a serious challenge for these ex-offenders as they also have a challenge of joining the labour market due to the felony sentence that one has on his records, which employers use to deny such ex-offenders employment. Ultimately, such ex-offenders will go back to prison for the same charge (child support), which has a negative effect on the children.

Obedience to the law should not be taken for granted by the offenders and that the government and the private sector spend a lot of money to incarcerate offenders. According to Wilhite and Allen (2008), individuals, the community and the government come up with measures to combat crime. They further state that the rate of crime and incarceration is dependent on the amount of effort these three components exploit to combat crime (Wilhite and Allen 2008). Larger cities are the ones that experience more

crime rate as offenders enjoy anonymity and camouflage among the many people in the vicinity. Cities also offer great returns to crime due to the number of victims available and the wealthier victims. The conclusion to this is that combating crime by the individuals, the community and the government together could reduce the rate of crime in the vicinity (Wilhite and Allen 2008).

According to Behavioural Economic theory, the individuals do not apply strict logic when making a decision whether to commit crime or not which leads the individual to opt for an irrational decision that leads to their incarceration (Ritchie 2011). According to Ritchie (2011), in Victoria, Australia, sentences may be imposed for the purposes of: punishment, denunciation, rehabilitation, community protection and deterrence. The punishment is regarded as a situation where the offender is given a sanction that is appropriate to the crime committed. Denunciation is then a strong message to the offender and the community that such acts of criminality will not be tolerated. Rehabilitation, community protection and deterrence; act as means to address the scourge of criminality (Ritchie 2011). Ritchie (2011) further states that the imprisonment of an offender is the most severe form of punishment when imposing a sanction for crime in Victoria.

The USA experiences the scourge of crime and the purpose of incarceration has shifted from that of rehabilitation to deterrence and most recently to retribution. Prisons were initially made for violent crime offenders but lately the CJS incarcerates all kinds of offenders as a form of deterrence and the reduction of crime. Research has recently suggested that causes of criminal behaviour are complex and vary, therefore the mass incarcerations are a short-term resolution to the reduction of crime but in a long run are not beneficial (Wilhite and Allen 2008; Ritchie 2011). It is evident that more measures that are utilised to combat crime tend to reduce the velocity of crime, however, the impact of incarceration is not clear (Wilhite and Allen 2008). Therefore, the empirical studies and the criminological literature establish the questions: whether the threat of incarceration does in fact deter the potential offender; whether the increase in the severity of sentencing does provide a corresponding decrease in offending; and whether the experience of

incarceration does deter the offenders from re-offending after they are released from a correctional centre, or does it make the offenders more likely to reoffend (Ritchie 2011)?

There has always been conflict between the punitive approach and the treatment (correctional) approach in the penal system (Zastrow 2008; Strydom 2009). The rehabilitation of the offender and the support of the victim, by way of a multidisciplinary approach and the presentation of a variety of programmes, should always be the main aim of incarceration in order to re-integrate the offender with society and the family so that they can once again function as a proper unit (Bezuidenhout 2006; Cilliers and Smit 2007; Strydom 2009). Rehabilitation is to bring about positive change in offenders and their fundamental behaviour. This is a primary requirement in order to affect this change that the offender should come to the realisation that his or her behaviour, deeds and actions were wrong.

Once the offender feels remorse for his deeds, there is a possibility that a turnabout can be achieved and the beginning of a process of positive change within the individual can take place (Cilliers and Smit 2007). Rehabilitation is the correction of offending behaviour, human development and the promotion of social responsibility and values. Rehabilitation should be viewed as a holistic phenomenon incorporating and encouraging: social responsibility; social justice; active participation in democratic activities; and empowerment with life-skills (DCS 2005).

### **3.5 THE ROLE OF INCARCERATION ON RECIDIVISM**

The term recidivism is derived from the Latin word *recidere*, which means to fall back (relapse). A recidivist is someone who after release from a correctional centre for committing a crime or crimes, is not rehabilitated and falls back and commit crime(s) again (Maltz 2001). Therefore, recidivism in a criminal context can be defined as a relapse of somebody after having been charged, sentenced, purportedly corrected, released and re-offends thereafter. This recidivism scourge could be attributed to the following failures: failure of the individual to stay out of trouble; failure of the Criminal Justice System to

provide programs relevant after release of an offender; failure of the individual to live up to society's expectations; failure of the Criminal Justice System to provide programs that are appropriate for rehabilitation of offenders; failure of an individual after committing a crime to dodge being arrested; and failure of an individual as an inmate to take advantage of the programs that are provided by the Criminal Justice System for rehabilitation (Maltz 2001).

The definition of recidivism is complex as scholars and organisations have failed to come up with a general definition. Recidivism is most defined by researchers and organisations to address the goal and objectives of the study concerned. According to McKean and Ransford (2004), recidivism could be defined in three specific ways: Duration of Time Monitored; Types of Offenses Included; and Inclusion of Parole Violations. This approach by McKean and Ransford (2004) introduces a novel perspective to the classifications of recidivism discussed above. The duration of time monitored varies per agency but the period of three years is the most generally utilised period to rate recidivism. This could be the motive that the data on recidivism is so limited internationally.

The other challenge on the definition of recidivism could be on the type of offense that is committed by the ex-offender. The system might not consider an offense lesser than what the offender was previously incarcerated for as recidivism and the other system might not take into account if the offense is a new one from the offense that the ex-offender was incarcerated for. The other instance could be the violation of parole by the offender, which is a chargeable offense where other systems might not consider it as recidivism. The data on recidivism can be really misleading due to the fact that the direct measurement on recidivism may preclude some of the offenders who ought to form part of the data due to the type of measurement that the system is utilising (Andrews et al.1990; Maltz 2001; Langan and Levin 2002, McKean and Ransford 2004). Such inconsistency could make the use of the secondary data on recidivism by other scholars to be misleading (McKean and Ransford 2004).

The statistics on recidivism might be inconsistent but recent data portray that education has a serious impact on recidivism. According to Bednarowski (2010), the governments should invest a lot in the educational programs for the inmates as educating an offender reduces recidivism dramatically and it also reduces the costs associated with long term of housing incarcerated offenders. The recent studies indicate that the general numbers for recidivism are that 50% to 70% of offenders recidivate within a period of three years. However, the impact that the educational programs have on recidivism is that the rate is reduced by at least 29% (Bednarowski 2010).

### **3.6 THE EXISTING INCARCERATION AND REHABILITATION FRAMEWORK**

The first written code of punishment was the Code of Hammurabi, which expressed the law of retaliation (Stohr et al. 2009). The Hammurabi Code is one of the initial and best set of rules that were preserved to date. King Hammurabi (1728 BC-1686 BC) was the king of Mesopotamia which is presently known as Iraq. The code was inscribed in a stone and was displayed for all to have access such that all his subjects would not have an excuse of unfamiliarity with the law. However, limited persons were able to read during that period and it was primarily the clerks. The other collections of such laws that are preserved consist of the codex of Eshnunna created around 1930 BC, the codex of Lipit-Ishtar of Isin created around 1870 BC and the codex of Ur-Nammu by the king of Ur created around 2050 BC. The Code of Hammurabi had rules and punishment if those rules were defied. The rules attempted to cover all the aspects that concern the human beings from theft, farming, women's rights, rights for the children, rights for the slaves, injury, death, murder, marriage rights and damage to property. The Code of Hammurabi had rules numbered from rule 1 through rule 282. Hammurabi made these laws as he felt that he had to satisfy his gods however, different to other former and contemporary monarchs, did not associate himself with any of the gods but regarded himself as a favourite of the gods. The Hammurabi code is engraved in Old Babylonian on an 8 foot high stone which was discovered in 1909 in Susa, Elam, which is now known as Khusistan and the stone is presently on exhibition in the Paris Louvre Museum in France.

The other latest discoveries of laws encompass the Hittite laws, the Assyrian laws and the Mosaic laws. These codes originate from related cultures, in a tiny geographical region and the passages almost bear a resemblance to one another. Some sections of the Mosaic Laws are similar to the Code of Hammurabi which led to some scholars to argue that the Hebrews derived their laws from the Hammurabi Code. However, the book *Documents from the Old Testament Times* states "There is no ground for assuming any direct borrowing by the Hebrew from the Babylonian. Even where the two sets of laws differ little in the letter, they differ much in the spirit." The inscription of the Code of Hammurabi suggests that King Hammurabi received the laws from the sun god Shamash as the portrayal resembles Hammurabi receiving the laws from Shamash. The Hammurabi code was something that encouraged the people to accept the king in order to allow him to govern his subjects' behaviour. The Code of Hammurabi applied to the whole Babylonian society and the punishments differed in terms of the rank of the casualty. The Babylonian society comprised of three classes: the patricians (those regarded as free men and women); the plebeians, (the commoners); and the slaves. Whereas the patricians were safeguarded by the law of retaliation, the junior classes were compensated in financial values. The purpose of the code was to make use of the political power to create common connexions among the diverse society. The Code of Hammurabi greatly influenced the dependence of the society to their one ruler as the main source and authority of earthly powers. The Code of Hammurabi was responsible for the amalgamation of the empire by providing standards in terms of moral values, religion, gender relationships, and class structure. The Code of Hammurabi was the most vital of all Babylonian's influence to civilisation.

Furthermore, the Code of Hammurabi is among the longest surviving texts of laws from the Babylonian period and is regarded as the early example of fundamental law to guide the government like a primitive constitution. Despite the laws and punishments enshrined in the Code of Hammurabi, the code also suggests that the accuser and the accused should be given an opportunity to come and provide evidence. It is indicated that when Hammurabi came up with these laws, it was just after he had conquered most of the small

tribes around his area and had to behave as a just and providing king in order to please his gods. The arrangement of the code is very precise, with every offence getting the specific penalty. However, there had to be control over this vengeance and the state had to take responsibility for punishing wrongdoers from the individuals who were wronged. In the beginning of the eighteenth century a new form of punishment emerged. This form of punishment is referred to by the historians as the period of Enlightenment, ushered a belief in the dignity and worth of individuals, a view that would eventually find expression in the law and treatment of criminal offenders (Stohr et al. 2009). Beccaria (1764/1963) in his book, *“On Crimes and Punishment”* states that an offender has to be given a fair trial and be given an opportunity to face their accusers. Beccaria further states that if offenders are found guilty, punishment should be appropriate to the offence (Stohr et al. 2009).

The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, and The United Nations Basic Principles for the Treatment of prisoners facilitate the route of rehabilitation to ensure that inmates are treated with care and dignity. The UDHR is a testimony that was espoused by the General Assembly of the United Nations on the 10<sup>th</sup> of December 1948, which arose from the experiences of the Second World War. The declaration was espoused in Palais de Chaillot in Paris, France, which epitomises the initial worldwide expressions of rights where humanity is integrally eligible. The International Bill of Human Rights consists of the UDHR, the ICESCR, and the ICCPR. During 1966, the UN General Assembly espoused the two comprehensive conventions to finalise the International Bill of Human Rights. During 1976, subsequent to the ratification of the Covenants by an adequate amount of individual countries, the International Bill of Human Rights was then promulgated into international law.

On 6 January 1941, Franklin Delano Roosevelt, in his State of the Union address introduced the subject of four liberties: speech, religion, from fear, and from want, which was adopted during the Second World War by the Allies as their rudimentary war objectives. The UN Charter endorsed the fundamental human rights and committed

member states to abide by the fundamental human rights regardless of race, religion, sex or language. It, however, became apparent as consensus by the community of the world that the United Nations Charter did not adequately describe the privileges that it referred to; more especially when the atrocities that were committed by the Nazi Germany became apparent after the 2<sup>nd</sup> World War. This discovery led to the drafting and creation of The UDHR, which was commissioned in 1946 for a period of two years by the Commission on Human Rights that consisted of 18 members from diverse people and administrative environment.

The Human Rights Commission was constituted to craft a document that was originally perceived as an International Bill of Rights, which was intended to be approximately illustrative of the worldwide public. The representatives who served in the Commission were from the following countries: Australia, Belgium, Byelorussian Soviet Socialist Republic, Chile, Republic of China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, United Kingdom, United States, Union of Soviet Socialist Republics, Uruguay, and Yugoslavia. On the 10<sup>th</sup> of December 1948, the Testimony was espoused by 48 member states in favour, no one against, and there were eight abstinences from the following countries: the Union of South Africa, Byelorussian SSR, People's Republic of Poland, Soviet Union, Ukrainian SSR, People's Federal Republic of Yugoslavia, Czechoslovakia, and the Kingdom of Saudi Arabia. Yemen and Honduras, together being participants of the UN at the time failed to vote or abstain. The stance of South Africa could have been an endeavour to safeguard its apartheid system, which evidently desecrated numerous articles in the Testimony.

The ICESCR was espoused and ready for signature, approval and concurrence by the United Nations General Assembly with a resolve of the 16<sup>th</sup> of December 1966 and applicable on the 03<sup>rd</sup> of January 1976. The ICESCR was first drafted in 1954 and obligates its affiliates to strive towards the surrendering of social, cultural and rights economic to the Non-Self-Governing and Trust Territories, and persons as well as the right to education, labour rights and the right to health, and the right to the appropriate

living standard. The ICESCR follows the structure of the UDHR by a prelude and 31 articles alienated in five parts. The part 1 (article 1), distinguishes the right of people to freedom; the part 2 (articles 2 – 5), institutes the opinion of liberal comprehension; the part 3 (articles 6 – 15), outlines the rights; the part 4 (articles 16 – 25), administers reportage and observing of the convention together with steps to be taken by the signatories to implement it; and the part 5 (articles 26 – 31), administers the endorsement, implementation date, and the adjustments of the Convention. The majority of states in the world are affiliates to the ICESCR and as at June 2012, only 33 had one or the other not signed the covenant or have signed but not ratified. South Africa is one of the states that signed the covenant on 03 October 1994 but had not ratified the covenant.

The ICCPR was espoused and made available for signature, ratification and accession by the UN General Assembly with a determination of the 16<sup>th</sup> of December 1966 and applicable on the 23<sup>rd</sup> of March 1976. The ICCPR pledges its affiliates to observe the political and civil rights of people, comprising the freedom of: speech, religion, assembly; and the observation of: right to life, right to a fair trial and electoral rights. As of April 2014, the ICCPR had seventy four countersigners and 168 parties. The ICCPR forms portion of the Human Rights Bill, the ICESCR and the UDHR. The ICCPR resembles the edifice of the UDHR and the ICESCR with a prelude and 53 articles alienated into 6 parts. The part 1 (article 1), distinguishes the right of humanity to sovereignty; the part 2 (articles 2 – 5), gratifies affiliates to promulgate if need be to achieve the rights that are enshrined in the ICCPR; part 3 (articles 6 – 27), it is the rights themselves; the part 4 (articles 28 – 45), administers the formation of the Human Rights Committee and the reportage and observing of the ICCPR; the part 5 (articles 46 – 47), elucidates that the ICCPR shall not be construed as meddling with the procedure of the UN; the part 6 (articles 48 – 53), manages endorsement, implementation date and the adjustments of the ICCPR.

The article 6 of the ICCPR distinguishes the person's intrinsic liberty to life and necessitates it to be safeguarded by legislation. Though the 6<sup>th</sup> article does not prohibit the capital punishment, it confines its use solely for the utmost crucial criminalities and

prohibits its application to pregnant women and children or in a fashion conflicting to the Resolution on the Deterrence and Sentence of the Crime of Genocide. The Human Rights Committee of the United Nations construes the article to mean the advancement in the total abolition of the death penalty. The Second Voluntary Procedure pledges its associates to completely eliminate the capital punishment within their margins. Article 7 forbids torment and harsh, insensitive or humiliating penalty. Also in response to the Nazi human experimentation during World War II, the article prohibits conducting tests (medical and scientific) short of agreement. Article 8 forbids compulsory work, with exclusions for criminality penalty, armed service and community work. Article 9 distinguishes the rights to the independence and safety of the individual. The article forbids haphazard detention and custody and forces affiliates to permit those underprivileged their freedom to contest their incarceration over court of law. Article 9 further imposes practical protections about detention, demanding anybody detained to be quickly advised of infringements alongside them, and to appear punctually in front of the justice of the peace. Article 9 of the ICCPR also prohibits the use of pre-trial detention excluding for exceptional circumstances where it should be as short time as possible.

Article 10 of the ICCPR necessitates anybody underprivileged of independence to be handled with formality and civilisation. The article supplements article 7 with regard to exclusion on torment and harsh, insensitive or humiliating handling of prisoners. The article 10 also imposes some obligations around the criminal justice system to ensure that the awaiting trial prisoners be divided out of sentenced inmates as well as kids to be alienated from grown-ups. It obliges penitentiaries to be concentrating on rehabilitation and reform compared to penalty. Article 11 forbids the employ of incarceration for the break of agreement. Article 14 recognises and safeguards a fair trial and the right to justice. Article 14 further institutes the basics: everyone need to be the same in the law court, and any trial should be held in an accessible court before a capable, free and unbiased court, with any finding or ruling made overtly. Barred trials are only official for confidentiality, national security or justice and rulings may only be suppressed in the

annulment trials to safeguard the welfares of minors. Such responsibilities are applicable to the entire civil and criminality hearings, and to both courts and tribunals.

The rest of article 14 imposes the processes in the criminal trials to safeguard the privileges of the indicted and to give the right to a fair hearing. It affords the assumption of innocence and prohibits the double jeopardy. Article 14 of the ICCPR also requires those incarcerated for criminality to be permitted to plea at an upper court, and wants sufferers of the Failure of Justice to be reimbursed. It institutes for a prompt hearing and permits for the indicted to be existent and summon and scrutinise witnesses. Article 15 of the ICCPR forbids the obligation of the backdated criminality punishments and necessitates the obligation of a minor punishment wherever criminality verdicts have altered between crime and verdict. Article 16 wants the countries to classify everybody as an individual and the same before the law.

The “Basic Principles for the Treatment of the Prisoners” was espoused and pronounced by the General Assembly of the United Nations resolution 45/111 of the 14<sup>th</sup> of December 1990. The United Nations General Assembly resolved to craft these basic principles from a background of the following: the apprehension of the UN for the humanisation of criminal justice and the safeguard of human rights; that rigorous strategies of criminality deterrence and control are crucial in forecasting for cost-effective and community improvement; the Standard Minimum guidelines adopted by the First United Nations Congress are of high importance and effect in the improvement of punitive rule and exercise; and recalling resolution 10 and 17, adopted by the Seventh United Nations Congress with regard to the deterrence of criminality and handling of inmates. The Basic Principles on the Treatment of Prisoners are annexed to the resolution for the attention of member states as follows:

*“1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.*

*2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

3. *It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.*
4. *The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.*
5. *Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.*
6. *All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.*
7. *Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.*
8. *Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.*
9. *Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.*
10. *With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.*
11. *The above Principles shall be applied impartially."*

The Basic Rules for the Handling of Inmates were espoused on the 30<sup>th</sup> of August 1955 in Geneva by the UN Congress on the Deterrence of Criminality and the Handling of Delinquents, and ratified by the Economic and Social Council in the resolutions of the 31<sup>st</sup> July 1957 and 13<sup>th</sup> of May 1977. The handling of inmates is furthermore dealt with in the

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. While not legitimately mandatory, the Basic Standards for the Treatment of Prisoners afford procedures for global and national rule for inhabitants detained in penitentiaries and different types of incarceration. The basic principle defined in the standards is that *"There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"*.

Part I comprises of the General Application of the Rules. It comprises of the values that display what is normally presumed as being noble attitude and exercise in the handling of inmates and the administration of punitive establishments. Precisely, it deals with concerns correlated to basic rules of housing (rules 9 up to 14), personal cleanliness (15 and 16), clothing and bedding (17 to 19), food (20), exercise (21), medical services (22 to 26), restraint and penalty (27 to 30), the employment of restraint instruments (33 and 34), complaints (35 and 36), communication with the outside world (37 to 39), the accessibility of books (40), religious conviction (41 and 42), retaining of inmates' goods (43), notification of death, illness, transfer (44), removal of inmates (45), the quality and training of prison personnel (46 to 54), prison inspections (55).

Part II covers guidelines pertinent to diverse classes of convicts as well as those under punishment. It includes numerous regulatory rules (rules 56 up to 64). Rule 61 is crucial to the regulatory principles and states: *"The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it."* Part II moreover consists of the rehabilitation of inmates (65 and 66), sorting and individualism (67 to 69), privileges (70), labour (71 to 76), learning and regeneration (77 and 78), community affairs and after care (79 to 81). Part II as well contains guidelines for inmates that are indicted or awaiting trial, rules for municipal inmates (applicable to states where domestic legislation allows incarceration for debt, or by court order for any other non-criminal procedure) and guidelines for individuals indicted or imprisoned without charge. Also,

there is a set of standards denoted to as the "*Handbook on prisoners with special needs*" issued in 2009 by the UN Office on Drugs and Crime.

### **3.7 CONCLUSION**

The international perspective surveyed the prison systems of Canada, Britain, Australia, Nigeria and the United States of America. All the countries that were surveyed in this study are former colonies of Britain and their legal processes and criminal justice systems are almost similar as were influenced by Britain although there might be slight differences here-and-there. The literature portray that the countries that signed and ratified the UN conventions were really in favour of the good treatment of offenders even though there were diverse influences politically. This better treatment of offenders is seen as an improvement from the slaves who were subjected to hard labour up to the basic principles for the treatment of offenders. The discouragement of whipping, banishing and capital punishment in the gallows are perceived to be improvements by the UN for the better treatment of offenders.

The Basic Principles on the Treatment of Prisoners as annexed to the resolution, if applied impartially as indicated, the rehabilitation of offenders and their reintegration into the society would not be a complex process. It is also anticipated that the present scourge of recidivism would be reduced radically.

## **CHAPTER 4: LITERATURE REVIEW**

### **THE SOUTH AFRICAN PERSPECTIVE**

#### **4.1 INTRODUCTION**

Incarceration and rehabilitation are prison models that are utilised by the DCS in their day-to-day functions. There is still doubt about the DCS employing the rehabilitation framework in the form it was intended for. The reasons for this failure are presently unclear to the scholars and an investigation on this is imperative for the success of this study. Literature has attested to the overpopulation in correctional centres internationally and rehabilitation in such circumstances will not be easy (Singh 2008). The investigation will focus on how incarceration and rehabilitation ensnare offenders' families to poverty and crime. The investigation will then determine the role of incarceration on recidivism. A new comparison of incarceration/rehabilitation and the ensnarement of prisoners' families to poverty and crime is essential due to the effect that South Africa is among the countries that are having the highest incarceration rate in the world (Singh 2008; Khwela 2014). The countries that are comparatively having high incarceration rate and a criminal justice system that is almost similar to South Africa are the United States of America, Canada and England (Pinard 2010).

The crime rate in South Africa is at an extreme level (Strydom, 2009) and the prison population is as well increasing at an alarming rate due to the precipitous incarceration rate in the country when compared to international trends (Singh, 2008; Khwela 2014). The households of the incarcerated prisoners who are breadwinners are assumed to be in household poverty trap as there is no income being generated during the period of incarceration. When a member of the family is incarcerated, more especially when it is the breadwinner, the family is in most cases faced with income problems due to the cost of living, which exposes them to poverty and ultimately crime (Seymour and Hairston, 2001; Travis and Waul, 2003; Strydom, 2009; Eddy and Poelmann, 2010). According to Strydom (2009); incarceration affects not only the prisoner but also the family.

Some researchers argue that incarceration might be regarded as bringing relief to families from the challenges of an active offender. However, it also brings about new costs associated with the taking care of the incarcerated family member like money for collect telephone calls and commissary (Fishman 1990; Braman 2004; Travis, McBride and Solomon, 2005). If the offender was providing an income to the household prior to incarceration, the family would struggle to compensate for this loss. In most cases, prisoners' families have to adjust economically when a family member is incarcerated (Christian, Mellow and Thomas, 2006). Research on how incarceration impacts on prisoners' families has shown that families that try to maintain the relationship with the offender, mostly end-up failing to keep-up due to financial implications (Fishman, 1990; Hagan and Dinovitzer, 1999; Braman, 2004; Arditti, 2005; Christian et al. 2006; Eddy and Poelmann, 2010).

During January 1995, South Africa had 443 prisoners serving life sentences, and by January 2005 the number had increased to 5,745, which is 1,296 percent increase in a period of ten years, which led to the overcrowding in the prison population (Mujuzi, 2008). The Department of Correctional Services (DCS) in South Africa accommodates more than 160 000 inmates with an average of 150% overcrowding after achieving democracy in 1994 (Mujuzi, 2008). The International Centre for Prison Studies indicates that at 30 April 2012, 307 out of 100 000 South Africans were in prison, based on an estimated national population of 51.08 million and placing it the 28th out of 216 countries in relation to their rates of incarceration (ICPS, 2012).

The DCS has proper policies with regard to rehabilitation of inmates but there is not much with regard to the families of incarcerated inmates in breaking the cycle of poverty and crime. Consequently, the rehabilitation of an incarcerated inmate with the exclusion of the family might be an incomplete process as family involvement is central to successful offender re-entry (Cheliotis, 2008; Gibson et al. 2009). The families left behind after the incarceration of the breadwinner are vulnerable in such a way that the family dynamics are compelled to change so as the family structure. Additionally, the released offenders

may be regarded as bringing back crime to the neighbourhood such that it is less safe but the return reunites the families although most families are by then dysfunctional (Travis et al. 2005). There is also a challenge to the offender re-entry by the non-criminal neighbours who make it very difficult for offenders to join the community. These non-criminal neighbours are often wary of the offenders and which in most of the times make it difficult for the returning offender to find meaningful employment (Gibson et al. 2009).

If offenders are returning to neighbourhoods that do not provide access to the sort of services that are important for re-integrating them into the broader community, it stands to reason that they will be less likely to succeed in their post-release transition and more likely to recidivate (Travis et al. 2005). It is assumed that a better option for dealing with crime is to place greater effort on the rehabilitation of offenders, in particular, programs that adhere to the reduction of offender recidivism. The White Paper on Corrections in South Africa is based on the South African Constitution (RSA, 1996), which has a provision of a detention system that is based on a Bill of Rights that provides the premise within which the DCS should handle incarcerated inmates (Cilliers and Smit, 2007; Singh, 2008). Consequently, there is a need to compare and contrast the prison models in South Africa which are incarceration and rehabilitation to reduce recidivism and the ensnarement of prisoners' families to poverty and crime. This study sets out to explore the prison models in South Africa which are incarceration and rehabilitation with regard to the ensnarement of prisoners' families to poverty and crime; hence this study intends to fill this gap in literature. To this extent, the study seeks to investigate the role of incarceration and rehabilitation in the ensnarement of prisoners' families to poverty and crime.

#### **4.2 INCARCERATION/REHABILITATION AND THE ENSANAREMENT OF PRISONERS' FAMILIES TO POVERTY**

The democratically elected government of South Africa is concerned about the reduction of poverty that was created during the apartheid era by introducing different kinds of programs that might be relevant. The country had also experienced sanctions that were

focussed on the apartheid regime to relinquish their policies of apartheid, which was detrimental to the citizenry. When the democratically elected government took over from the previous regime, the country was already experiencing enormous poverty among the citizenry and had to come up with programs that could ease this scourge. On the other hand, the citizenry also expected the newly elected government to deliver miraculously programs that would eradicate poverty.

The South African government then came up with a Constitution that was aimed at fighting poverty through social grants and which was based on the freedom charter like the section that says: *“Everyone has a right to have access to social security, including, if they are not able to support themselves and their dependents, appropriate social assistance.”* Well, it would have been an ideal situation if the country could achieve what is stated above but in reality, the country is quite far off that picture. According to latest census report, the population of South Africa is 51.8million and around half of the population live in poverty with an expanded unemployment rate of 40% (StatSA 2012). The first decade of democracy in South Africa was marked by the lack of data on poverty up until 2000, which makes it difficult to compare poverty figures before then. However, the data on poverty from the year 2000 portrays a decline in poverty per capita and the poverty gap.

The South African government attempted to adopt a system that would be performance-driven and able to reconstruct and develop the country and that could stimulate growth and development in all sectors (Coetzee 2010). The challenge is that the government has since 1994, promulgated various Government Papers, Policies and Acts aimed at developing growth and development in all sectors that were published. Some of the government documents in question are the Reconstruction and Development Programme (RDP) (1994); the Development Facilitation Act (1995); the Growth, Employment and Redistribution Strategy (GEAR) (1996); the White Paper on Local Government (1998); the Integrated Development Planning (IDP) (1997 – 2000); and the Accelerated and Shared Growth Initiative of South Africa (Asgisa) (2006) (Coetzee 2010). South Africa in 1995 signed an agreement with other governments in the Copenhagen World Summit for

Social Development as well as in Geneva in 2000, where they were committing to reduce poverty (Scott 2005).

The country recently came up with a document that is a plan to reduce poverty called the National Development Plan 2030. This document clearly outlines what the country must achieve specifically until the year 2030. This plan is also linked to the eight Millennium Development Goals of the United Nations. Poverty reduction is the key objective of development such that the Millennium Development Goals target halving world poverty by 2015.

Some academics contend that The World Bank technique being used to benchmark all the countries at the same poverty line might be distorted as others state that the poverty line might be too low while others argue that it might be too high. The World Bank data shows that the Sub-Saharan Africa is the worst in people living under the line of poverty of US\$1.25 per day at 47.5% followed by South Asia at 36% while Europe and Central Asia are at 0.5% and the whole world at 22.4%. The life expectancy for the whole world was also increasing and converging except for Sub-Saharan Africa that saw a decline supposedly to the HIV/Aids pandemic. However, the advocates of relative poverty criticise heavily this absolute notion of poverty (Noble et al. 2004). Other scholars also argue that the mere inadequate income does not adequately describe poverty. The recent definition of poverty is based on the lack of opportunities. This definition means that poverty does not only mean the lack of adequate income and basic human needs, but the tacit denial of opportunities pushes them into unemployment resulting in loss of income and finally inability to meet the basic needs (Sen 1999).

Research has also shown that financial damage caused by incarceration to families left behind could be enormous. According to Travis et al. (2005), most parents (71%) were employed either full- or part-time in the month preceding their arrest. Sixty (60%) of the fathers had a full-time job prior to incarceration compared to 39% of mothers. For fathers (68%), this was the primary source of income for their families. This financial loss

increases the burden to the families that are already living in poverty. Families with an incarcerated inmate have to adjust in singly supporting the children and to also provide support to the offender by buying the necessary toiletries, arrange visits and also budget for telephone calls (Christian et al. 2006). According to Braman (2002), the family loses income during incarceration and the single spouse or partner has to assume multiple roles including support to the offender. This is detrimental to the already dysfunctional family (Fishman 1990; Hagan and Dinovitzer 1999; Braman 2004; Arditti 2005). The loss of parental income during incarceration also adds a burden to the caregiver like relatives and grandparents. Studies have found that most children that live with a grandmother live in poverty (Arditti 2005).

#### **4.3 INCARCERATION/REHABILITATION AND THE ENSANAREMENT OF PRISONERS' FAMILIES TO CRIME.**

South Africa is among the countries that have a challenge of crime internationally (Singh 2008). The crime rate and the prison population are increasing drastically. In ancient times, a behaviour that was meted to be abnormal in society was dealt with by the immediate community. Prisons are not indigenous to Africa but a Western tool that was used to rehabilitate an offenders' behaviour to a law-abiding citizen. Incarceration came about in South Africa when it was introduced by the Dutch colonists after the British had come-up with the penal policy. During the 1840s the prisoners were used to work on public projects. The De Beers mining company introduced the first private prisons in South Africa. The majority of prisoners were those who had violated pass laws (DCS, 2009). The rate of incarceration has increased dramatically where prisons are filled to capacity with an alarming overcrowding that leads to bad environments for the offenders. According to Singh (2008), crime continues inside the prison walls and gangs are rife behind bars. The available data on recidivism is an indication that the ex-offenders that are released by DCS are not rehabilitated (Freeman 2003). Most of these ex-offenders they re-offend within a period of three years after they had been released up until they are in mid-forties where the rate of re-arrest falls noticeably (Freeman 2003).

Literature proposes that a combination of family, community and societal conditions, especially poverty collude to trap offenders and their families into a cycle of crime (Cheliotis 2008). The perception among communities is that incarceration reduces crime while data indicates that incarceration amount to a mere 25% crime reduction (Murray n.d.). Doubling incarceration rates would double the costs of incarceration together with the social costs of the affected families (Travis et al. 2005). The lengthy sentences that are imposed have an impact on the offenders' children as the children may be poorly educated or socially alienated and more likely to be involved in crime. According to Singh (2008), incarcerated inmates are exposed to the teachings of crime behind bars as there are gangs that are controlling the inmates.

Impoverished communities with poor education rate usually have spiralling rate of incarceration, and communities with high incarceration rate tend to have an extreme unemployment rate that commonly leads to economic hardships (Gibson et al. 2009) and usually excessive crime rate. The logical conclusion is that people living in poverty are far more likely to commit crime and then recidivate. The DCS (2005) states that most South African offenders come from communities and families that are dysfunctional. These dysfunctional families are mostly offenders' families that have a family member under incarceration. Research has shown that there is some form of relationship between low literacy levels, unemployment, poverty and crime (Dissel and Kollapen 2002; Hasselink-Louw 2003). Poverty, unemployment and illiteracy need serious attention if the crime rate and the inmate population in South Africa are to be successfully reduced (Sefara 2002; Hasselink-Louw 2003).

The Republic of South Africa criminal justice system is implicit not to be anxious about the children of the incarcerated parents but ponders mostly on offenders themselves as attested by the available literature (Fishman, 1990; Travis et al. 2005; Strydom 2009). To this extent, research has just been focusing on the rehabilitation of offenders and not much about the families' ensnarement to crime (Arditti 2005; Travis et al. 2005; Strydom

2009). The theoretical conclusion to this is that the criminal justice policy circumvents the psychological impact of family separation for the adults and the children.

#### **4.4 THE ROLE OF INCARCERATION ON RECIDIVISM.**

What happens inside the correctional centres does not stay there but it is spilled over to the community by the inmates that are released from correctional centres and also the officials working there also take these unscrupulous acts from behind bars to the free victims outside prisons. According to Muntingh (2007), when people work and stay in an unhealthy, unsafe, unproductive or inhumane facility, they are bound by circumstances to take that to the free society at home. Correctional centres in general have to treat inmates in a humane manner while maintaining order and control as enshrined in the Constitution of the country. The question is, is South Africa as a democracy ready to meet these requirements at the present moment?

The move by the democratically elected South African government from the Department of Prisons to the Department of Correctional Services indicates that the intention was to move from mere incarceration to corrections and rehabilitation of offenders (Cheliotis, 2008). But this correctional objective seems to be defeated if a corrected inmate gets back to join a family that is already dysfunctional, and hence involuntarily the corrected inmate reverts back to his/her offence. The DCS (2005) compatibly tries to address the issue of rehabilitation and re-entry of offenders to their communities including the importance of the family in the rehabilitation of offenders. Family involvement is also central to successful offender re-entry. If offenders are returning to neighbourhoods that do not provide access to the sort of services that are important for re-integrating them into the broader community, it stands to reason that they will be less likely to succeed in their post-release transition and more likely to recidivate (Travis et al. 2005).

Recidivism is the other momentous challenge which is usually not taken acutely, which is presently estimated at between 80 – 90% (Pelser and Rauch, 2001). Consequently, the rehabilitation of an incarcerated inmate with the exclusion of the family could be an

incomplete process. Literature proposes that a combination of family, community and societal conditions, especially poverty collude to trap offenders and their families into a cycle of crime (Cheliotis, 2008). Thus far, little or no attention has been focused on the working together of social services, criminal justice system, health care providers and communities to meet the needs of families left behind (Travis et al. 2005). According to Zondi (2012), there is a lack of communication between communities and the DCS when ex-offenders are re-integrated to the communities.

The rate of awaiting trial prisoners is high due to the non-finalisation of investigations by SAPS (Pelser and Rauch 2001). These awaiting trial prisoners have to be kept by the Department of Correctional Services, which adds to the present challenge of overpopulation in correctional centres. Some awaiting trial offenders have been in correctional centres for more than five years (Singh, 2008). The DCS expects the family to play a role in the correction of offenders; however, nobody has shown interest in the families of incarcerated offenders (Arditti, 2005; Zondi, 2012). The responsibility of the DCS is to correct behaviour, in a secure, safe and humane environment to facilitate the achievement of rehabilitation and the avoidance of recidivism (Singh, 2008).

#### **4.5 THE IMPACT OF INCARCERATION ON THE CHILDREN**

The removal of a parent due to incarceration might be beneficial or detrimental to the child but more often are a traumatic life event that intensifies the problems that the involved children are already facing (Hagan and Dinovitzer 1999). Hagan and Dinovitzer (1999) further states that the associated sociological and criminological theories distinguish three fundamental effects of parental incarceration on the children. These fundamental effects include economic deprivation, loss of parental socialisation, and the stigma of shame of societal labelling (Hagan and Dinovitzer 1999). Given the impact of incarceration on family incomes, offenders' children are supposed to form part of that wider group at risk (Smith et al. 2007). According to Kennedy and Chance (2011), the penal system is hurting the people that it is supposed to protect with the mass incarcerations that are happening. These mass incarcerations also disrupt family ties, increase poverty and ultimately crime,

which logically will have a serious negative impact on the children (Kennedy and Chance 2011).

Equally, the likelihood of female carers leaving paid employment following a relative's incarceration has a contribution to the decline in family income (Arditti 2005). Genty (2002), states that the limited contact between the incarcerated parent and their children has a damaging impact on the parent-child relationship. Mostly, when parents go to correctional centres, it is usually for a lengthy period of time without having contacts with their children and being incarcerated very far from home (Mumola 2000; Seymour and Hairston 2001; Genty 2002). The challenge is that the offenders' families and the effects of imprisonment on families and children are neglected in academic research, public policy and media coverage (Hagan and Dinovitzer 1999; Murray n.d.). It therefore stands to reason that if we do not attend to the effects of incarceration on children, we might be punishing innocent victims and ultimately possibly causing crime in the next generation (Murray n.d.).

According to Arditti (2005), at least 10 million children have a parent involved in the Criminal Justice System (CJS) and a substantial amount of incarcerated women and men have a child (Seymour and Hairston 2001; Travis and Waul 2003; Strydom 2009). Although the data is minimal on the families left behind; documents have started to indicate the impact that incarceration has on children of incarcerated parents like poor educational performance, drug abuse and the involvement of the children themselves with the CJS (Arditti, 2005). The phenomenal effect that incarceration has on children with a parent in prison according to Treadwell (2013), is that girls who have a household member in prison are likely to exercise sex at a very young age, are unlikely to use contraceptives, are prospective to have more sexual partners and are probable to fall pregnant before reaching the age 20.

Research indicates that 23% of children with a parent who has served time in prison are likely to be suspended at school and such children have very poor school achievements,

are probable to drop out of school and ultimately get involved with the criminal justice system themselves as offenders (Treadwell 2013). Many of the children who have a parent in prison experience teasing and bullying at school, which leads to them dropping out of school. Furthermore, many of the youth who are seen consulting in public mental health facilities are likely to have a parent with a prison record. Nobody is concerned about their anger, frustrations and challenges, even if they withdraw from school; there is nobody to turn to for help or therapy (Edmonds 2012; Treadwell 2013). Most of the offenders are parents of minor kids. Furthermore, almost half of the fathers inside prison lived with a child prior to incarceration and almost two thirds of the mothers also had lived with a child before being imprisoned. Roughly, 80% of the mothers that lived with a child proceeding to imprisonment were single parents (Treadwell 2013).

Very few researchers have studied the impact that parental incarceration has on the children but researchers agree that due to the mass parental incarcerations, then there is an entire population of children who are also suffering as well. The children of incarcerated parents are considered as hidden victims as they are not considered for certain programs, underserved and understudied due to the labelling and the stigma of shame by society (Seymour and Hairston 2001; Travis and Waul 2003; Strydom 2009; Eddy and Poelhmann 2010; Edmonds 2012; Treadwell 2013). According to Travis et al. (2005), more than three quarters of the parents that have a child left behind indicated that they were incarcerated prior to the current incarceration. This should have a detrimental effect to the family and mostly to the children left behind. The majority of the parents reported not having a visitation by the children. Communication in the sort of letters and telephone calls also seems to be problematic as correctional policies have a limit to the number per offender. The financial implication is also a factor as collect telephone calls are very expensive (Travis et al. 2005).

Parental incarceration leads to likelihood of children engaging in criminal behaviour as an adolescent and adult in a way that such behaviour would lead the children of incarcerated prisoners to be incarcerated themselves (Edmonds 2012; Treadwell 2013). Few studies

have comparatively investigated the difference between paternal and maternal effects of incarceration (Eddy and Poelmann 2010; Edmonds 2012; Treadwell 2013). Literature indicates that parental incarceration for children experiencing maternal incarceration is intensified compared to the children experiencing paternal incarceration due to the fact that children experiencing maternal incarceration are prone to experience greater stress and more cumulative risks in their own environments than the children of incarcerated fathers (Edmonds 2012). Literature shows that the imprisonment of parents is informally organised along the proportions of community detriment such that the inconsistent imprisonment of minorities makes this foundation of disadvantage a serious worry (Eddy and Poelmann 2010; Edmonds 2012; Foster and Hagan 2013; Treadwell 2013). It is eminent that in measuring the parental incarceration of the children left behind to also examine the maternal and paternal incarceration (Foster and Hagan 2013).

Regarding the impact of incarceration on children left behind, Strydom (2009) refers to the following areas of children's lives: Developmental, Mental and Emotional State; Social Isolation; Educational and Behavioural problems; Structural Changes; Loss of Financial Support; Maintaining Contact with the Family; and Trauma Within the Family. Minors with the imprisoned parents and mothers in particular, are in danger of educational failures, school drop-outs and for enduring an intergenerational sequence of criminality and detention (Dallaire, Ciccone and Wilson 2010). Notwithstanding the amount of research that is increasing with regard to the risk that the children left behind are facing at home and the communities they live in, no empirical study has been conducted to determine their performance at school and their relations with the teachers (Dallaire et al. 2010). According to Dallaire et al. (2010), though these children may be successful at school they are likely to struggle academically. Such sorts of educational complications can lead to less achievement at school, add to school drop-out (Dallaire et al. 2010) and ultimately culminate with incarceration. Though there is mounting appreciation in the pragmatic writings that educators could afford valued assistance to minors with imprisoned parents, no study has investigated the educators' consciousness of parental imprisonment (Dallaire et al. 2010).

#### **4.6 THE EXISTING INCARCERATION AND REHABILITATION FRAMEWORK.**

The purpose of this study was to make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/ improved to address the issue of poverty and crime to the offenders' families while the breadwinner is incarcerated. Corrections, is a generic term covering the functions carried out by the Department of Correctional Services (DCS) in terms of the Criminal Justice System (CJS). The term is assumed to imply to correct, amend or put right the criminal behaviour of offenders. Humans are prone to breaking the rules from childhood being scolded by the parents to school going age being disciplined by teachers up to adulthood where they are disciplined by employers. Discipline helps humans to learn that their wants and needs are best achieved through cooperation with others who might want the same thing. Punishment is then a form to achieve peace and harmony in social relationships. Punishment is functional as it defines boundaries of acceptable behaviour and allows citizens to express their moral outrage (Stohr, Walsh and Craig 2009).

The former Minister of Correctional Services, Sibusiso Ndebele in his address of education and training for the inmates indicated that all inmates with a qualification that is less than grade 9 are obliged to attend Adult Education and Training (AET). It is also encouraging that in 2013, between April and September, more than 11,000 inmates registered for the AET programme and more than 73,000 inmates had registered between 2010 and 2013 (Ndebele 2014). The former Correctional services Minister Sibusiso Ndebele also added that inmates should have a skill on one hand and a certificate on the other so that the hand that used to harm the community should be used to build the society. The DCS has increased the full-time correctional schools from one in 2009 to 12 in 2013 and three are being built in KwaZulu-Natal, Gauteng and North West (Ndebele 2014). In a media statement released on 16 January 2013, the former Minister of Correctional Services identified the year 2013 as "The Year of the Correctional Official" (Ndebele 2013). The former Minister Ndebele also emphasised what is indicated in the DCS (2005) that corrections is an all-round occupation which obliges the familiarity of

Social Work, Theology, Pharmacology, Psychology, Nursing and Health (DCS 2005; Ndebele 2013).

The corrections are under the auspices of the Ministry of Justice and Correctional Services. The purpose of corrections in the criminal justice system is to punish, to rehabilitate, and to ensure public safety. However, corrections include probation, parole, and prison. The challenges faced by the Department of Justice and Correctional Services include Prison overcrowding; Corruption among department personnel; Failure to provide rehabilitative services to prisoners; HIV/Aids in prison among both staff and prisoners; and providing safe custody to juvenile prisoners, which is the responsibility of the Ministry of Social Development. The challenge of overcrowding hampers the successful implementation of rehabilitation and development services (Pelser, and Rauch 2001).

The South African criminal justice system has five main role players. It starts with the police service where their functions include: prevention of crime, investigation of crime, and catching suspected criminals. This police service is officially known as the South African Police Services. The crime is usually reported at the police station where the police will open a docket and investigate the crime. The docket is then sent to court for the prosecutor to decide if more investigations are essential (NPA 2008). The prosecution service is officially known as the National Prosecuting Authority (NPA). The role of the NPA is to decide whether to prosecute or not. If they decide not to prosecute, it is because the case does not have enough evidence. If they decide to prosecute, the case goes to court for charge. The NPA may decide to divert the matter for alternative resolution. The diversion is a way of giving a chance to the accused for the following reasons: To perform community service or make restitution for damage due to the crime; receive counselling and if the defendant cooperates and diversion results showing progress, the charges could be dropped. Diversion is not granted for a second offence (NPA 2008).

If the case goes to court for charge, the judiciary (Magistrate or Judge) have to decide if the defendant is innocent or guilty. They also decide what sentence that should be given

if the defendant is found guilty. In court, the defendant may apply to be released on bail while waiting for the trial to finish. However, there is a bail hearing if there is an application. The trial may be postponed a few times to collect more evidence, or defendant may require a lawyer. The proceedings during the trial are that: The prosecutor is the first to call a witness to give evidence to prove that the defendant is guilty. Defendant may also call a witness or present evidence. After both sides have been heard, the presiding officer decides if the defendant is guilty or not guilty. If guilty, the defendant is sentenced by the presiding officer. If sentenced to pay a fine or compensation, this is paid to the clerk of the court (NPA 2008).

If the defendant is sentenced to do time in jail, the prison system then takes over. The role of the prison system in the criminal justice system is to make sure that sentences are carried out and also try to rehabilitate the convicted criminals in their care. The prison system is formally known as the Department of Correctional Services (DCS). The sentenced prisoners may be released on parole, which is decided by the parole board hearing. A convict is released on parole (before sentence ends) as long as the offender does not misbehave (NPA 2008). The NPA (2008) defines rehabilitation as to help the criminal to return to honest and useful work. If a case is sent for diversion, then the social services come in. They are known as probation officers/social workers. Their role is to provide social services for the poor and vulnerable people. They operate under the social services ministry formally known as the Department of Social Development (DSD). The probation officer is tasked to make sure that the person who is on probation behaves very well. The juvenile prisoners are usually diverted to probation because of their vulnerability (NPA 2008).

There has always been conflict between the punitive approach and the treatment (correctional) approach in the penal system (Zastrow 2008; Strydom 2009). The rehabilitation of the offender and the support of the victim, by way of a multidisciplinary approach and the presentation of a variety of programmes, should always be the main aim of incarceration in order to re-integrate the offender with society and the family so

that they can once again function as a proper unit (Bezuidenhout 2006; Cilliers and Smit 2007; Strydom 2009). Rehabilitation is to bring about positive change in offenders and their fundamental behaviour. This is a primary requirement in order to affect this change that the offender should come to the realisation that his or her behaviour, deeds and actions were wrong.

The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, and The United Nations Basic Principles for the Treatment of prisoners facilitate the route of rehabilitation to ensure that inmates are treated with care and dignity. South Africa is among countries that subscribe to these international conventions (Cilliers and Smit 2007; Singh 2008). The Universal Declaration of Human Rights is a pronouncement espoused by the UN General Assembly on the 10<sup>th</sup> of December 1948, which arose from the experiences of the Second World War.

The Commission of Human Rights was constituted to craft a document that was firstly considered as an International Bill of Rights, which was intended to be largely characteristic of the worldwide community. The Commission was aided by representatives out of the following countries: Australia, Belgium, Byelorussian Soviet Socialist Republic, Chile, Republic of China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, United Kingdom, United States, Union of Soviet Socialist Republics, Uruguay, and Yugoslavia. On the 10<sup>th</sup> of December 1948, the Declaration was embraced by 48 member states in favour, no one contrary to, and eight abstaining from the following countries: the Soviet Union, Ukrainian SSR, Byelorussian SSR, People's Federal Republic of Yugoslavia, People's Republic of Poland, Union of South Africa, Czechoslovakia, and the Kingdom of Saudi Arabia. Yemen and Honduras, together as affiliates of UN at that moment failed to vote or abstain. The position of South Africa could be perceived as an endeavour to safeguard its apartheid system, which evidently desecrated various articles enshrined in the Declaration.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was espoused and available for signature, ratification and accession by the General Assembly

of the United Nations with a resolution of the 16<sup>th</sup> of December 1966 and applicable on 03 January 1976. The ICESCR was first drafted in 1954 and committed its affiliates to strive towards the conceding of cultural, social and economic rights to the Non-Self-Governing and Trust Territories, and entities comprising of labour rights and the right to health, the right to education, and the right to the suitable living standard. The ICESCR follows the structure of the UDHR with a prelude and thirty one articles distributed into five sections. Part 1 (article 1), identifies the right of all people to independence; part 2 (articles 2 – 5), institutes the standard of progressive awareness; part 3 (articles 6 – 15), outline the rights themselves; part 4 (articles 16 – 25), administers reporting and monitoring of the covenant and action to be executed by the signatories to implement it; and part 5 (articles 26 – 31), administers endorsement, implementation process, and the amendments of the Covenant. The majority of states worldwide are affiliates to the ICESCR and as at June 2012, only 33 have either not yet signed the covenant or have signed but not ratified. South Africa is one of the states that signed the covenant on 03 October 1994 but had not ratified the covenant.

The Basic Principles for the Treatment of the Prisoners were espoused and declared by the United Nations General Assembly resolution 45/111 of the 14<sup>th</sup> of December 1990. The United Nations General Assembly resolved to craft these basic principles from a background of the following: the distress of the United Nations for the humanisation of criminal justice system and the safeguard of citizens' rights; that rigorous rules of criminality deterrence and control are vital in the design for economic and societal improvement; the Standard Minimum rules adopted by the First United Nations Congress are of huge importance and effect in the improvement of corrective rule and practice; and recalling resolution 10 and 17, adopted by the Seventh United Nations Congress on the deterrence of criminality and treatment of prisoners. The Basic Principles on the Treatment of Prisoners are annexed to the resolution for the attention of member states as follows:

*“1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.*

2. *There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
3. *It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.*
4. *The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.*
5. *Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.*
6. *All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.*
7. *Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.*
8. *Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.*
9. *Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.*
10. *With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.*
11. *The above Principles shall be applied impartially.”*

The Standard Minimum Rules for the Treatment of Prisoners were espoused on the 30<sup>th</sup> of August 1955 through the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, hosted in Geneva, and ratified by the Economic and Social Council in resolutions of the 31<sup>st</sup> of July 1957 and the 13<sup>th</sup> of May 1977. The handling of inmates is also dealt with in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. While not binding legally, the Minimum Standards for the Treatment of Prisoners afford procedures for the international and the national law for peoples detained in penitentiaries and other sorts of imprisonment. The basic principle defined in the standards is that *"There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"*.

The Bill of Rights enshrined in chapter two of the Constitution of the Republic of South Africa of 1996 with reference to the detention system defines how the Department of Correctional Services (DCS) should operate, which emulates international statutory measures with regard to the treatment of prisoners (Singh 2008). The Corrections White Paper (2005) has a provision of a detention system that is based on a Bill of Rights that provides the premise on handling incarcerated inmates (Cilliers and Smit 2007; Singh 2008).

#### **4.7 THE NEED TO REINTEGRATE OFFENDERS.**

In light of the excessive overcrowding in the correctional centres, it is necessary to reintegrate offenders to their communities. However, it would be inappropriate to reintegrate the offenders to already dysfunctional families without any economic benefit. Due to the poverty that is rife in most offenders' families that are usually dysfunctional, it is proposed that the incarcerated offenders be trained in terms of The Skills Development Act to do paid work, which should be controlled by the state. The state tenders that are presently awarded to individual entrepreneurs that are in most of the times abandoned un-finalised or acquired inappropriately, need to be handed over to DCS and be attended to by the offenders to alleviate poverty in their homes/communities. Once they are

properly trained, the offenders could be utilised in the building of schools, low cost housing, infrastructure for basic needs, structures for the state, bridges, and all the other necessary community work.

The illiterate offenders to be made to attend AET classes as recommended by the former Minister of Correctional Services until they achieve a recognised qualification. On achievement of the qualification then the illiterate offenders should attend trade qualification where they could specialise in the trade of their choice. Those who are around rural areas should be engaged in the commercial farming trade and earn a living from that. The breakdown of all the prisoners' remuneration should be 70% that goes straight to the family for education of the children and alleviation of poverty, and then 30% to go straight to the offender for his/her food and wellbeing (toiletries, preferred medical attention, reading material, and any other necessity that might arise). This could be achieved within a period of two years after the DCS has appointed proper staff members who also have to be trained in dealing with offenders. The appointed staff members have to have qualifications in different trades and should have pedagogy background to transfer the skills.

The Bill of Rights enshrined in chapter two of the Constitution of the Republic of South Africa of 1996 with reference to the detention system defines how the Department of Correctional Services (DCS) should operate, which emulates international statutory measures with regard to the treatment of prisoners (Singh 2008). The Corrections White Paper (2005) has a provision of a detention system that is based on a Bill of Rights that provides the premise on handling incarcerated inmates (Cilliers and Smit 2007; Singh 2008). Probations costs between \$700 and \$1,000 per year as opposed to imprisonment that costs between \$20,000 and \$30,000. Employed probationers stay in their communities and continue to pay taxes. The married offenders maintain the integrity of the family compared to incarceration that could lead to its disruption. Probation prevents felons from becoming further embedded in a criminal lifestyle (Stohr et al. 2009).

#### **4.8 LOCAL GOVERNMENT AND OFFENDER REHABILITATION IN SOUTH AFRICA.**

South Africa has three spheres of government and they are: national (responsible for the formulation of policies), provincial (monitoring the implementation of such policies) and local (charged with the implementation) (RSA 1998). The local government is closest to the people, where service delivery is anticipated (Thornhill 2008; Koma 2010). It is in this sphere of government where most basic services have to be delivered. The local government has politicians that are also closest to the community known as Local Ward Councillors who are expected to carry the mandate of the communities they represent and supposedly to be sensitive to the views of the communities. It is in this respect that local government's developmental role plays a pivotal role in the local developmental state system (RSA 1998; Thornhill 2008; Coetzee 2010; Koma 2010).

The South African government has clear policies on how the local municipalities are anticipated to operate and how significant is consultation with the communities they serve (RSA 1998; Thornhill 2008; Coetzee 2010; Koma 2010). Consequently, local government should form partnerships with the civil society in order to address almost all the local issues pertaining but not limited to development. Consultation is at the forefront of all the laws that mostly outline participation processes to be utilized by the local government to the communities that they serve (RSA 1998). On 5 December 2000, South Africa held its first fully democratic local elections. Under the democratic dispensation, the Constitution of South Africa (1996) states that the government must unequivocally ensure that all South Africans have access to basic services wherein the local municipality is mandated to play a developmental role. The RSA (1998) has details on how local government should operate. It further states that development should target members and groups within the communities who were marginalized, mostly women, poor people and people with disabilities (Coetzee 2010; Koma 2010).

The apartheid era had caused drastic disparities in terms of development planning and the municipalities are charged with the task of addressing such disparities where a huge

backlog emanated (Coetzee 2010; Koma 2010). For the local government to address these disparities, they would have to work together with local citizens, communities and businesses (Coetzee 2010). This principle is to ensure that the local government is having a great influence over local economic development such as working in partnership with business and the community to improve job creation. Hence, local government has to play a major role on job creation, for instance in provision of basic household infrastructure such as sewage or shelter, such that contracts should be preferably awarded to local businesses and then the local business to be encouraged to employ local people.

Notwithstanding the globally applauded local governance and democratic systems that South Africa has adopted, practice appears to have been scarcely comprehensive. Despite being one of the most complex and integrated legislative provisions, a democratic South Africa's local government development mandate has been applied in a fragmentary manner (Coetzee 2010; Koma 2010). Thus, the integrated development planning requirement for local government has appeared to be oblivious of the strong linkages between household poverty, crime and justice systems. This study sets out to explore this drawback in order to demonstrate that despite being the most complex and advanced local developmental state system, practice has been fragmentary causing significant social exclusions of crime on the offenders' household poverty background, which creates a vicious cycle.

The households of the incarcerated prisoners who are breadwinners are most of the times in poverty trap as there is no income being generated during the period of incarceration. Research has shown that when a member of the family is incarcerated, more especially when it is the breadwinner, the family is in most cases faced with a challenge due to the cost of living, which exposes them to poverty and a cycle of crime emanating from that (Seymour and Hairston 2001; Travis and Waul 2003; Manganyi 2007; Strydom 2009). According to Strydom (2009), incarceration affects not only the prisoner but also the family. Research on how incarceration impacts on prisoners' families has shown that

families that try to maintain the relationship with the offender, mostly end-up failing to keep-up due to financial implications (Fishman 1990; Hagan and Dinovitzer 1999; Braman 2004; Arditti 2005; Christian, Mellow and Thomas 2006).

#### **4.8.1 Complexity and the multifaceted nature of the local developmental state system.**

A developmental state ought to be staffed with efficient and effective public services that are among the nations' brightest, able to be innovative in addressing municipal challenges and functioning without constraints. The appointments during recruitment should be based on merit rather than patronage, ethnic or religious considerations. Similarly, a developmental state municipality has to be well-placed to appropriately respond to local expectations of the communities (Koma 2010). Local government can be regarded as the public organization that is assigned with the provision of basic services to the communities with authority to manage and govern the affairs in the area of jurisdiction. However, local government signifies a sphere of government where all the municipalities form part (Roux 2005). Consequently, as a sphere of government that is closest to the people, it is tasked with the provision of variety of basic but essential services to the people (Roux 2005).

Coetzee (2010) defines the concept 'developmental state' as a situation where each side of the party uses the other on mutual beneficial grounds to achieve development. He further states that if the developmental state works very well, no one between the government servant and the populace would prevail over the other (Coetzee 2010). According to Coetzee (2010), there are various types of developmental states such as the democratic developmental state; the authoritarian developmental state; the developmental welfare state; the classical developmental state; and the developmental network state. In terms of literature, there is no clear-cut definition of the word but can be reputed to mean 'the development of economies and society' for the sake of this study. Coetzee (2010) construes a developmental state as:

*'a state with a particular and appropriate leadership structure; an active and strong central state with a particular organisational architecture; a state with strategic entrepreneurial focus, vision and orientation; an entrepreneurial state machine that thinks and works like a business; an export-oriented state with strong international partners; a learned and attuned state (society) with high levels of competency and skills, and an embedded state that is in close contact with the people.'*

The above description of the concept 'developmental state' means local government should have all the qualities that are mentioned to be what it is expected and required to be. These expectations and requirements are in terms of the developmental state system to properly serve the communities. It could be arduous to accomplish all the qualities but it might be emboldening if municipalities are benchmarked on them.

The aims and objectives of local government are to provide for the social and economic development of local communities; provide universal access to essential services that are affordable to all; promote a safe and healthy environment; remain financially viable; and encourage community involvement and participation (Scott 2005). The mandate of the developmental local government is to fulfil their constitutional obligations by ensuring efficient and sufficient municipal services while promoting social and economic development and then encourage working with communities to create an environment in which all people can lead uplifted and dignified lives (Koma 2010). The East Asian Tigers success stories that were realized under undemocratic governments cannot be duplicated in South Africa due to democracy (Chang 2010; Coetzee 2010). The country has to find ways to put together a democratic developmental state system that will work for South Africa (Chang 2010; Coetzee 2010).

The democratically elected governments in East Asia, have been embroiled in political turmoil. In 2006, Thailand had a crippling political crisis that triggered a military coup. These democratically elected governments in East Asia all suffer from fragile foundations of legitimation. In Thailand, Philippines and Taiwan; most populace lost confidence on the democratic procedures and wanted to depose leaders by means of "people's power".

Even Japan that is the oldest among the democratically elected governments in the east, owes more to the lack of support of the less democratic alternatives by the populace. Democracy and development go hand-in-hand together with prosperity, vitality and technological progress of its populace that is mostly related to the degree of their liberty. Democracies have also shown their capability to doing a far much better job than their authoritarian counterparts.

#### **4.8.2 The adoption by South African government of the local developmental state system**

The South African government attempted to adopt a system that would be performance-driven and able to reconstruct and develop the country and that could stimulate growth and development in all sectors (Coetzee 2010). The challenge is that the government has since 1994, promulgated various Government Papers, Policies and Acts aimed at developing growth and development in all sectors that were published. Some of the government documents in question are the Reconstruction and Development Programme (RDP) (1994); the Development Facilitation Act (1995); the Growth, Employment and Redistribution Strategy (GEAR) (1996); the White Paper on Local Government (1998); the Integrated Development Planning (IDP) (1997 – 2000); and the Accelerated and Shared Growth Initiative of South Africa (Asgisa) (2006) (Coetzee 2010). South Africa in 1995 signed an agreement with other governments in the Copenhagen World Summit for Social Development as well as in Geneva in 2000, where they were committing to reduce poverty (Scott 2005). It is also constitutionally endorsed that local government should play a key role in poverty reduction (Scott 2005). The primary tool to address this is through the Integrated Development Planning (IDP) where all the needs and necessities of the community are put together by the municipality in an attempt to reduce poverty through service delivery. The first IDPs were established in 2002. Presently, South Africa has a number of legal documents that were promulgated to assist in defining developmental local government and what it intended to achieve. Some of these documents are the Municipal Systems Act (1998); the Municipal Structures Act (1998) and the RSA (1996).

Coetzee (2010) argues that these convalescence documents were developed under tremendous transformational pressure by the government and were not provided enough space for proper implementation. The assumption is that this might be the cause of the functions in the developmental local government state system to be fragmented and confused. Currently, people from various sectors and disciplines are presenting to government on how developmental local state system should operate but there seems to be some confusion on the role of the government in South Africa (Koma 2010). It is the author's opinion that there is still a need for more research in order to turn South Africa to a developmental state. For South Africa to perform in terms of its developmental mandate, the local government has to radically increase its developmental performance.

Just after the new dispensation, South Africa had a challenge of poverty, crime and unemployment that were as a result of worldwide sanctions towards the apartheid regime (RSA 1998; Thornhill 2008; Coetzee 2010; Koma 2010). Urban municipalities had to extend their services to rural areas that were previously catered for by homeland governments and self-governing states (RSA 1998; Thornhill 2008; Coetzee 2010; Koma 2010). These municipalities were also struggling with environmental threats, possible effects of global warming and the worldwide economic recession (Coetzee 2010). The assumption is that the mainly rural municipalities had a challenge with skills shortage among staff members and also the lack of payment for services provided due to poverty in their areas of jurisdiction. The above challenges meant that the government had to intervene in support of such municipalities by initiating Project Consolidate in 2004 in provision of support to low-capacity municipalities and also the provision of Municipal Infrastructure Grants that amounted into billions of South African rands (Koma 2010). This intervention was also accompanied by the formulation of the Local Government: Public Finance Management Act, 2003; to ensure sound financial management of public funds.

Various efforts have been made by the South African government since the dawn of democracy in 1994 to institute a developmental local government system (Coetzee 2010). After the democratic local government elections in 2000, the country had to institute

measures that are in-line with the developmental local government system such that all the citizens should have access to basic services, including the very poor in order to combat poverty (RSA 1998). Municipalities face grave encounters to be able to promote human rights, meeting human needs and addressing backlogs caused by apartheid's poor planning, that was not developmental focused (RSA 1998; Thornhill 2008; Coetzee 2010; Koma 2010). Conversely, the provision of services by municipalities is a constitutional obligation including those that are falling concurrently within the national and provincial competence constituent units in terms of Part B of Schedule 4 and 5 of the South African Constitution (Koma 2010). To achieve this, local government had to adopt a developmental approach to meet these challenges by working together with local citizens, communities and businesses (Koma 2010). In terms of service delivery, in March 2008 pit latrines were only common in Limpopo at 64.5%, bucket toilets mostly in the Free State at 12.7% and the national average regarding access to piped water within 200metres of a household from 72.1% to 74.4% (Koma 2010). However, out of the 283 municipalities, only 36 in the whole country that did not have sanitation backlog (Koma 2010).

Failure to promptly address this backlog might be attributed to the capacity gap in the municipalities. It is recorded that 31% of municipal managers had qualifications other than those related to finance, legal, public administration, planning and development and that 28% of chief financial officers did not hold finance related qualifications (Koma 2010). Still, 35% of technical managers were without engineering qualifications (Koma 2010). There is a serious capacity gap in the municipalities to such an extent that most of senior management do not have relevant qualifications including most staff members. Very few employees qualify for the positions that they are holding (Scott 2005; Thornhill 2008; Coetzee 2010; Koma 2010). The low-capacity municipalities were found to be really struggling more especially in financial management such that 60% could not account for the revenue they had received (Scott 2005). The developmental local government is faced with challenges and problems with regard to sustainable development (Scott 2005; Thornhill 2008; Coetzee 2010; Koma 2010). For the municipalities to be developmental,

a serious intervention is necessary with the strong and informative executive leadership that is needed to steer implementation in the correct direction. A high priority should be afforded to staff recruitment including headhunting in order to find best suitable candidates for employment positions.

#### **4.8.3 The essential omissions by the local government developmental state system**

Impoverished communities with poor education rate usually have spiralling rate of incarceration, and communities with high incarceration rate tend to have an extreme unemployment rate that commonly leads to economic hardships (Gibson, Roberson and Daniel 2009) and usually excessive crime rate. The logical conclusion to this theory is that people living in poverty are far more likely to commit crime and then recidivate. Nothing is much said about crime and poverty while they are at the helm of local governance. The Department of Correctional Services (DCS) (2005) states that most South African offenders come from communities and families that are dysfunctional and plagued by poverty, unemployment, hunger, and absent figures of authority and care. These dysfunctional families are mostly prisoners' families that have a family member under incarceration. Research has shown that there is some form of relationship between low literacy levels, unemployment, poverty and crime (Dissel and Kollapen 2002; Hasselink-Louw 2003). Poverty, unemployment and illiteracy need serious attention if the crime rate and the prison population in South Africa are to be successfully reduced (Sefara 2002; Hasselink-Louw 2003).

If offenders are returning to neighbourhoods that do not provide access to the sort of services that are important for re-integrating them into the broader community, it stands to reason that they will be less likely to succeed in their post-release transition and more likely to recidivate (Travis et al. 2005). Barbary (2007) indicates that the prisoners in Britain who were released from custody in 2004, 65% of them re-offended. Barbary (2007) also states that the local level is at a better position to break the cycle of re-offending. The DCS (2005) is based on the South African Constitution (Act No. 108 of 1996), which has

a provision of a detention system that is based on a Bill of Rights that provides the premise within which the Department of Correctional Services (DCS) should handle incarcerated inmates (Cilliers and Smit 2007; Singh 2008). The research conducted in Britain during 2002, demonstrated that employment reduces the risk of re-offending by a third and a half and that stable housing reduces re-offending by more than 20% (Barbary 2002).

#### **4.9 CONCLUSION**

Literature proposes that a combination of family, community and societal conditions, especially poverty collude to trap offenders and their families into a cycle of crime (Cheliotis 2008). The DCS currently has no assessment structure in place to identify the needs, readiness for treatment and personality traits of prisoners or the causes and motives behind crime. Consequently, the effective treatment of offenders cannot be ensured (Hasselink-Louw 2003). Thus far, little or no attention has been focused on the working together of social services, criminal justice system, health care providers and communities to meet the needs of families left behind (Travis et al. 2005). It is in working together where Developmental Local Government System has to play an important role. The linkage among all the spheres of government would make most of the functions that are partially attended to, to be given priority.

It is a fact that families that have a member who is incarcerated, whether be a breadwinner or not, usually the family would struggle financially. The other point is that when the prisoner is released from prison either through parole (probationer) or after doing time, they usually recidivate due to unpreparedness for them to be re-united with the community. Cilliers and Smit (2007) argue that if offenders still regard rehabilitation as a form of influencing the parole board, then it will never be a reality. The Corrections White Paper (2005) compatibly tries to address the issue of rehabilitation and re-entry of offenders to their communities including the importance of the family in the rehabilitation of offenders. Consequently, the rehabilitation of an incarcerated inmate with the exclusion of the family could be an incomplete process.

Literature proposes that a combination of family, community and societal conditions, especially poverty collude to trap offenders and their families into a cycle of crime (Cheliotis, 2008). The DCS currently has no assessment structure in place to identify the needs, readiness for treatment and personality traits of prisoners or the causes and motives behind crime. Consequently, the effective treatment of offenders cannot be ensured (Hasselink-Louw, 2003). Thus far, little or no attention has been focused on the working together of social services, criminal justice system, health care providers and communities to meet the needs of families left behind (Travis et al. 2005).

The Bill of Rights enshrined in chapter two of the Constitution of the Republic of South Africa of 1996 with reference to the detention system defines how the Department of Correctional Services (DCS) should operate, which emulates international statutory measures with regard to the treatment of prisoners (Singh 2008). The Corrections White Paper (2005) has a provision of a detention system that is based on a Bill of Rights that provides the premise on handling incarcerated inmates (Cilliers and Smit 2007; Singh 2008).

## **CHAPTER 5**

### **RESEARCH METHODOLOGY**

#### **5.1 INTRODUCTION**

The research methodology chapter defines the methodology employed to conduct the study including the research design. The foundation of the research, explanation of the research design, the studied population, sampling methods, research tools, the procedure of collecting data and analysis are re-affirmed in this chapter. The validity, reliability and credibility of the study findings are procedurally presented in this chapter. Moreover, mixed methods and triangulation design appropriate to this study are defined. The quantitative and qualitative methods employed by this study are deliberated on. The mixed method triangulation research design employed during data collection, analysis, and interpretation was used throughout the study.

#### **5.2 BACKGROUND OF THE STUDY.**

Such as indicated in chapter 1, the purpose of this study was to explore the ensnarement of prisoners' families to poverty and crime in South Africa, with special reference to Polokwane Medium B Prison in order to recommend a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime. The researcher hopes that the findings revealed by the study would enhance to the prevailing body of knowledge and perception of the ensnarement of offenders' families to poverty and crime with special reference to the Polokwane Medium B Prison. Furthermore, this study will generate greater awareness in Correctional Services on the importance of rehabilitation as a vehicle to address the scourge of recidivism among the correctional centres. This makes this study very essential not only in South Africa but in the whole world.

#### **5.3 THE SCOPE OF THE STUDY**

The study was a case study focusing on the Polokwane Medium B Correctional Centre which is situated in the Limpopo Province, South Africa. Polokwane was selected purposively based on the fact that it is the economic hub and the city of the Limpopo

Province. The other reason for choosing Polokwane is that it is still regarded as a hidden city by the criminals from major cities like Johannesburg, Durban and Cape Town. The study initially concentrated on offenders where a structured questionnaire comprising of quantitative questions was utilised. Subsequently, open-ended questions were posed to offenders' families regarding recidivism, crime and poverty. Ultimately, randomly chosen correctional centre officials by strategy and seniority were interviewed through a structured and semi-structured questionnaire to gather information regarding incarceration, rehabilitation and the ensnarement of offenders' families to poverty and crime.

#### **5.4 RESEARCH DESIGN**

Research design is described as an outline or a total strategy for attaining responses to enquiries under study and for management of complications that might impede the research process. The research design as emphasised in Creswell and Plano Clark (2007) is a technique for the collection, analysis, interpretation and report on data in a study. Research design is further described as a framework of the researcher's intention commencing at the formulation of the research problem to the ultimate analysis of data. The study is made more efficient by the research design as it facilitates the smooth running of the various operations. It is expected of the researcher to contemplate on a number of aspects in determining the research design to employ during the study. These may encompass the orientation of the study, the strategy during the analysis and the timeframe (Creswell and Plano Clark 2007). Consequently, in order to achieve a full depiction regarding the incarceration/rehabilitation and the ensnarement of offenders' families to crime and poverty, the researcher employed the mixed methods and triangulation design. In this case, both qualitative and quantitative research methods were used at the same time.

##### **5.4.1 Mixed Methods Research Design**

The researcher used the mixed methods design to conduct this study as previously indicated. This research model (mixed methods) is described as a strategy for the

collection, analysis and mixing of both quantitative and qualitative research approaches or data in a particular study or a sequence of studies so as to comprehend the research problem. In the case of this study, the ensnarement of offenders' families to poverty and crime with a special reference to offenders and correctional officials in Polokwane Medium B Correctional Centre is the research problem. The quantitative and qualitative data in the mixed methods research model is brought together either instantaneously or chronologically.

The justification for mixing both quantitative and qualitative data in a single study is based on the point that neither of the methods (quantitative nor qualitative) is adequate on their own to capture the tendencies and particulars of the circumstances. In principle, the use of qualitative and quantitative techniques in combination they are usually complementary to each other, therefore providing the researcher with a better understanding of the research problem than either of the approach alone (Creswell 2003).

There are three main advantages of mixed methods design according to Polit and Beck (2008) that encompass: complementarity, incrementality, and enhanced validity.

- *Complementarity*: the mixed methods approach allows a study to employ both numbers (quantitative) and words (qualitative) so as to curtail the confines of a single approach.
- *Incrementality*: development on the research topic inclines to be incremental, dependant on response loops. Consequently, the use of qualitative findings the study could generate theories that could also be verified quantitatively, as well as the qualitative findings that occasionally require interpretation over comprehensive probing.
- *Enhanced validity*: this is once a model is supported by numerous and corresponding types of data, the researcher tends to be more assured about the validity of the results (Polit and Beck 2008).

Hence, based on the above facts, the researcher opted to employ the mixed approaches, with the purpose to produce conclusions and to put together evidence on the feeling and understanding of the participants as accurate conclusions regarding incarceration/rehabilitation and the ensnarement of prisoners' families to poverty and

crime in Polokwane Medium B Correctional Centre in the Limpopo Province, South Africa. Methodologists who write about mixed methods research have dedicated a great deal of attention to classify the different types of mixed methods design (Plano Clark and Creswell 2008).

The mixed methods research design is classified in to two major categories by some of the contemporary methodologists as concurrent and sequential designs. Through the concurrent design both qualitative and quantitative data are collected simultaneously. The concurrent approaches encompass triangulation and embedded designs. Within the sequential approach, a single class of data between quantitative or qualitative would build on the other while the emphasis placed on one set of data. Sequential approaches may comprise of the explanatory, the exploratory, together with sequential embedded approaches. Mixed methods approach has its challenges even though it is assumed to be more comprehensive. For instance, the approach necessitates extensive data collection, rigorous analysis, conclusions on the research approaches to combine, as well as how to assimilate and interpret the study findings (Plano Clark and Creswell 2008). For this study, the researcher employed the 'concurrent triangulation design' to explore the incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime in South Africa.

#### **5.4.2 The Triangulation Design**

Triangulation is a one-phase design plan in which the researcher implements the quantitative and qualitative methods during the same time-frame and with equal weight or priority (Plano Clark and Creswell 2008). The single-phase timing is the reason why it is referred to as the 'concurrent triangulation design'. Triangulation is a term that was borrowed from the military naval science that signifies the usage of numerous reference points to detect the objective's meticulous location. Triangulation was thereafter used to advocate that quantitative and qualitative data might be complimentary. It is defined by Polit and Beck (2008) as the employ of numerous approaches to gather and interpret data regarding a phenomenon, so as to formulate a precise depiction of authenticity.

The determination of triangulation design is to achieve diverse but corresponding data on the same theme, with the purpose of converging the contradictory strengths and reduce the weaknesses of quantitative and qualitative research approaches (Polit and Beck 2008). Instantaneous but then again distinct quantitative and qualitative data collection and analysis is dealt with during triangulation. Attempts are then made by the researcher to combine both data sets by bringing the discrete outcomes together through interpretation or by converting data to enable during the analysis the combination of the two sets of data. This assists the researcher to comprehend the research problem distinctly (Creswell 2003; Creswell and Plano Clark 2007; Plano Clark and Creswell 2008).

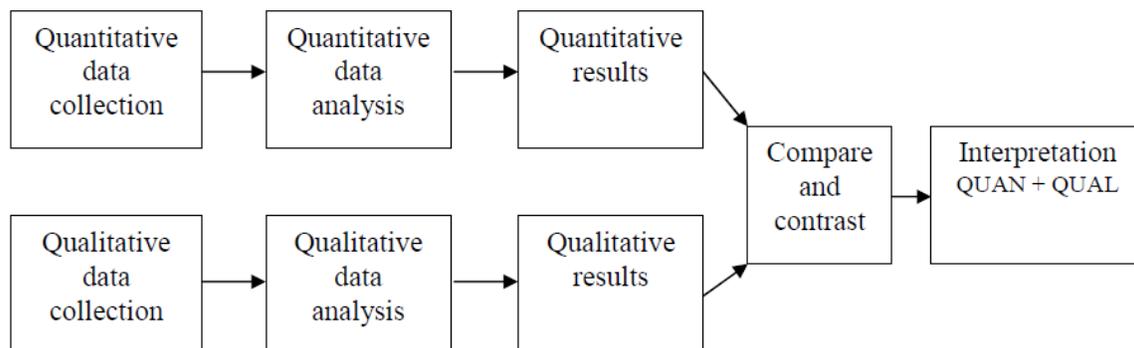
For the sake of this study, the researcher had to collect data using different methods regarding the incarceration/rehabilitation (methodological triangulation) and the ensnarement of offenders' families to poverty and crime including the offenders from Polokwane Medium B Correctional Centre (beneficiaries) and the Correctional Officials from the same Correctional Centre (service providers) categorised by their different ranks (space triangulation and person triangulation), at the matching time-frame and combined the conclusions during interpretation (data triangulation).

- Methodological triangulation: encompasses the use various research approaches or the techniques of data collection regarding the same phenomenon, as in this case is the incarceration/rehabilitation of the offenders in Polokwane Medium B Correctional Centre. To collect quantitative data, the researcher employed structured questionnaires and semi-structured interview guides to collect qualitative data (Polit and Beck 2008).
- Space triangulation: includes collection of data on a singular theme but from diverse locations to assess for cross-site reliability (Polit and Beck 2008). In this instance, data was collected from randomly selected ten offenders' families who are residing in the Polokwane Local Municipality.

- Person triangulation: includes collection of data from diverse categories or ranks of individuals (Polit and Beck 2008). The purpose is to validate data over numerous standpoints on the same subject. In this instance, data was collected by the researcher from offenders' families, offenders themselves and the correctional officials.
- Data triangulation: encompasses the usage of several sources of data with same aim to achieve various opinions through a series of data on a particular theme so as to increase the validness of the findings. The data that is collected may then be analysed with the usage of diverse approaches for validness (Polit and Beck 2008). In this case, data was collected by the researcher from offenders' families, the offenders themselves, and correctional officials at different levels of the DCS (Polokwane Medium B Correctional Centre). For data triangulation, the researcher employed semi-structured questionnaires and in-depth interviews among offenders' families to gain diverse views on the same subject matter. Besides, similar questions were used for in-depth understanding of the incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime among offenders and correctional services officials at all levels. The diverse sources of data afford perceptions regarding the phenomenon, and also the provision of an improved description of the problem, and succour in validation of the conclusions (Polit and Beck 2008).
- Investigator triangulation: the situation denotes where two or multiple investigators with dissimilar backgrounds study the similar phenomenon while each having a particular part to execute in the study (Polit and Beck 2008). However, the probable prejudice which is possible to happen if there single investigator is eliminated. In this instance, the services of two research assistants having some background in social sciences were employed by the researcher to assist in the interview of the offenders' families through the qualitative phase. This reduced the possible prejudice as the research assistants were not part of the analysis and interpretation phases of this study. Correspondingly, the researcher made use of a statistician to assist with the analysis of the quantitative data. This is intended at augmenting the validity and reliability of the study.

### 5.4.3. Variants of Triangulation Design

Triangulation design consist of four main variants as stated in Creswell and Plano Clark (2007) and they comprise of the convergence model, the data transformation model, the data validating quantitative model, and the multilevel model. In this study, the researcher used the 'convergence model'. In the convergence model, collecting and analysing both quantitative and qualitative data distinctly on the similar phenomenon and thereafter converge the diverse findings (compare and contrast the diverse results) through interpretation. By using this model, the researcher wanted to relate or validate, endorse or substantiate quantitative findings with qualitative findings. The purpose of this model is to end up with valid and well-substantiated conclusions about a single phenomenon. Figure 5.1 illustrates the 'convergence model' of the triangulation design where quantitative data represents purely of offenders and correctional officials collaborative for offenders' families (beneficiaries) and the qualitative part from offenders' families and correctional officials collaborative activity implementation phenomenon.



**Figure 5.1: Triangulation design: Convergence Model (Sourced from Creswell and Plano Clark 2007:63)**

Such as depicted in the figure 5.1 above, the researcher employed the 'convergence model' of the triangulation design to collect and analyse both quantitative and qualitative data individually on the similar phenomenon and thereafter the diverse findings were converged through the interpretation and analysis phase. In this design, diverse however corresponding data were collected on the similar theme through both quantitative and qualitative methods with equivalent significance. The reason for the collection of both the

quantitative and qualitative data is to assemble the strengths of both methods of the study; hence, produce more credible results. The researcher analysed the data in parallel and was then merged so as to cultivate a more broad understanding regarding incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime (Creswell 2003).

## **5.5 THE QUANTITATIVE RESEARCH DESIGN**

The study employed quantitative research design in the collection of data from offenders and correctional officials at the correctional centre level. Quantitative design is described as a strategy for accomplishing research focused on data quantification that is executed so as to define or explore the existing circumstances and associations. Polit and Beck (2008) describe the quantitative method to involve the usage of a broad set of structured and prearranged processes to gather data. According to quantitative research, confirmation is produced in terms of the stated strategy, through the usage of prescribed tools like questionnaires to gather the necessary information. The collected data is normally numerical and the analysis done by employing statistical techniques so as to improve neutrality (Polit and Beck 2008).

The quantitative design may be regarded as experimental, quasi-experimental, or non-experimental and utilised for descriptive and inferential statistics. They may also be cross-sectional or longitudinal in nature (Polit and beck 2008). The researcher concluded that the current study be cross-sectional and non-experimental since the collection of data was at a particular point in time and in the normal setting of the correctional centre and without experimental manipulation of the participants. Hence, the study employed quantitative non-experimental cross-sectional designs to categorise and gather numerical data on incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime from offenders and correctional officials accordingly. In so doing, the researcher tried to explain, describe, understand, and predict the ensnarement of offenders' families to poverty and crime with special reference to Polokwane Medium B Correctional Centre.

### **5.5.1 Descriptive Research Design**

According to Polit and Beck (2008), the definition of descriptive research may be regarded as a wide class of non-experimental studies. Descriptive studies provide the current information or intelligence on a research problem. The researcher in a descriptive study ensures to observe, relate, and describe quantifiable characteristics of the phenomenon in a normal environment (Polit and Beck 2008). The main purpose of the descriptive study is to produce specific dimension of the phenomena under study that could be then explained by the accrual of numerical data.

In this instance, the researcher explored and attempted to describe the incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime collaborative to activities in correctional services. These were described in relation to the criminal justice system as per the present functioning situation. Furthermore, various approaches were described by the researcher which are presently utilised to rehabilitate offenders and the scourge of incarceration on recidivism. This allowed the researcher to detect their strong-points and weak-points, which formulated the basis for the recommendation for a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

### **5.5.2 Survey Research Approach**

The survey research approach was utilised to collect quantitative and qualitative data. The survey approach can be utilised for descriptive, explanatory, and exploratory studies. A survey is defined to be a research process employed to collect data from a population sample and is possibly the paramount technique accessible for scholars with an interest to collect primary data for defining a particular population (Babbie 2011). The determination of a survey may be to simplify data starting from the sample to ultimately the population in order that inferences could be formed regarding their attitudes or characteristics. The main use of surveys is in studies where an individual is a unit of analysis.

The researcher in this study employed the survey research approach due to its cost efficiency and that it is able to encompass an enormous population with the use of a sample. A survey is the best tactic to gather understanding from the target population of this study; it enabled both the offenders and the correctional officials to respond to questions at ease and hence more honestly as responses were dealt with anonymously. Furthermore, surveys help researchers to be innovative in determining areas for further study. While regarded as advantageous, the survey approach also consists of some limitations. Firstly, the survey has a challenge in the provision of an in-depth depiction as to the reasons why some features are found to be there or not and also on the stakeholders as to why they hold diverse perceptions. Secondly, the participants can forge to depict themselves in an enhanced light. Thirdly, surveys can lead to prejudice as persons responding to them are frequently excesses of the continuum, typically the opinionated, largely more educated, and richer. Fourthly, surveys can lead to fewer representations of the smaller groups (Creswell 2003).

## **5.6 QUANTITATIVE RESEARCH METHODS**

A quantitative as well as descriptive research method was employed to collect data from the offenders and correctional officials in Polokwane Medium B Correctional Centre. Investigations regarding the unknown aspects of incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime were guided by the research objectives of the study. Answers to the quantitative questions are tabled in numerical process.

### **5.6.1 Population and Sampling Method (Offenders and Correctional Officials)**

The research methods utilised in the sampling and the collection of data from the offenders and correctional officials through the quantitative aspect are defined in the ensuing sections.

#### 5.6.1.1 *Study Population for Offenders*

A 'study population' is described as a comprehensive collection of the entire components or individuals that generate attention in a specific examination and where insinuations are to be made (Amin 2005). On the other hand, the study population can be described as a group where from the findings of the research are indiscriminate. The other definition of a study population is that it is the complete set of circumstances from where a sample is derived. A study population can consist of study objects being individuals, groups, organisations, human products and actions that they are exposed to (Creswell 2003; Amin 2005; Plano Clark and Creswell 2008; Polit and Beck 2008). Taking this into consideration, the study population in this study were the sentenced offenders in Polokwane Medium B Correctional Centre.

#### 5.6.1.2 *Target Population*

The definition of target population according to Polit and Beck (2008); is regarded as the cumulative of circumstances around where the researcher might have interest to make generalities. A target population is regarded as the complete set of individuals or units that are meeting the criteria for sampling. According to Amin (2005), a target population is described as the parent population that may not be accessible but where the investigator wishes to generalise the findings. In this instance, the target population for this category were the sentenced offenders in Polokwane Medium B Correctional Centre.

#### 5.6.1.3 *Accessible Population*

Contrary, an accessible population may be regarded as the part of the target population where the investigator has access. According to Polit and Beck (2008), it is defined as the cumulative of what conforms to the appropriated criteria which are accessible as study participants. Amin (2005) defines accessible population as where the sample is actually drawn. Hence, findings resulting from the sample may solely be generalised to the population sampled and generality to the target population being dependant on the similarities that are existent through the entire population.

The researcher in this study interviewed offenders that were randomly selected from the list of sentenced offenders supplied by the Polokwane Medium B Correctional Centre. The list had 836 sentenced offenders and sixty two offenders were interviewed.

#### *5.6.1.4 Sampling Frame for Offenders*

The sampling frame may be described as a collection of aspects from where the probability sample is selected (Amin 2005). For this study, the proposed sampling frame for the quantitative design comprised of all the sentenced offenders found in Polokwane Medium B Correctional Centre at the time of data collection period until the sample size quota filled for the site. The questionnaire was self-administered and the correctional centre was provided a maximum of three weeks to finalise the exercise due to the high risk when dealing with offenders. The Polokwane Medium B Correctional Centre took three weeks to finalise the exercise.

#### *5.6.1.5 Sampling and Sampling Techniques of Offenders*

According to Polit and Beck (2008), a sample may be regarded as part of the population where from findings may be generalised to the complete population for a certain study. Hence, sampling is a method of extracting a certain part of the population from where generality of the results may be made (Amin 2005; Polit and Beck 2008). Sampling is beneficial since it is more hands-on and cost-effective. The usage of sampling saves cost and time that is consumed on the sample as equated to the larger populations. Moreover, sampling warrants comprehensiveness and a high degree of accurateness because of the limited scope of operation. As Amin (2005) state that the central shortcoming of sampling is that the chosen components may not necessarily be representative of the entire population, even though the finest statistical methods are employed, particularly once the sample size is insignificant. Additionally, accessible population is not regularly 100% representative, as components that may not be accessible could be diverse from accessible ones.

Samples can be chosen with the employ of probability or non-probability sampling techniques. The probability sample is chosen randomly in such a manner that all the components in every sampling frame having equal chances of being selected. Probability sampling techniques encompass: simple random sampling, stratified sampling, systematic sampling, cluster sampling, and panel sampling (Amin 2005; Polit and Beck 2008). In this instance, the researcher employed the probability stratified random sampling to choose participants with regard to the quantitative part. With regard to stratified sampling, the study population is segregated into two or numerous divisions in a way that the components within individual sub-population remain homogeneous. However, in the usage of random sampling, the models are chosen individually from every sub-group (Amin 2005).

Polokwane Medium B Correctional Centre had 1233 inmates with an approved accommodation capacity of 538, which is 229% overcrowding. The sentenced youth were 199 while the sentence types of the inmates were 11 (maximum sentence), 593 (medium sentences) and 247 (minimum sentences). The correctional centre had 849 paroles with 449 probationers while having 1445 absconders (paroles) and 188 absconders (probationers).

In order to avoid disruption of service delivery, data collection was left to be administered by the correctional centre, and the researcher was always on stand-by at the waiting area to assist where necessary as DCS REC had advised that the researcher is supposed to administer the whole process. Therefore, maximum efforts had been employed to maintain the normal service delivery.

#### *5.6.1.6 Sample Size Determination for Offenders*

The determination of the sample size depends on the accurateness essential and the variation among the target population. If the sample size is large then the error in estimating the features of the target population become smaller but would be more expensive to conduct such a study. The concept probability can be defined as the ultimate

proportion of times a certain event will occur if the experiment concerned, of which the event is a possible outcome, is to be executed repeatedly. A random selection process is one in which there is an equal possibility for every element of the population to be selected, regardless of the selection of any other element of the population.

This study utilised simple random sampling where N=1233 (number of offenders in Polokwane Medium B correctional centre). Therefore:-

N=1233

$$\begin{aligned}
 N &= \frac{N}{1 + NE^2} & N &= \text{Total population} \\
 & & E &= \text{Error of estimate} \\
 & & &= 0.05 \\
 &= \frac{1233}{1 + (1233)(0.05)^2} \\
 &= \frac{1233}{4.0825} \\
 &= 302
 \end{aligned}$$

The sample size of the number of offenders in Polokwane Medium B Correctional centre would have been 302. However, due to the attached advice by the DCS Research Ethics Committee (REC) regarding the hazard and sensitivity of involving 302 offenders (sample size) from one correctional centre, which was regarded as too large, the researcher decided to reduce the sample size to 5% of the Polokwane Medium B Correctional Centre (see appendix D).

The probability sampling allows the 10% sample size as representative to the population size but the sensitivity of the people to be researched, the researcher decided that the sample size be kept at 5%. This is not expected to have an effect on the results of the survey as the people that were researched are regarded to be homogeneous. Therefore, the sample size of the number of offenders in Polokwane Medium B Correctional Centre was 62. Suppose that the population consists of N elements numbered from 1 to N and that  $N = nk$ , where n denotes the sample size and k is an integer. The systematic sample

of size  $n$  then consists of an element drawn randomly from the first  $k$  elements on the list and every  $k$ -th element thereafter. The selection of the first element of the sample consequently automatically determines the entire sample. Systematic sampling is often used to obtain a sample of names from a list of names arranged in alphabetical order or from a register. Consider for example the list of  $N = 62$  names given and suppose that a systematic sample of size  $n = 10$  is required. The length of the selection interval is 6 since  $k = N/n = 62/10 = 6.2$  so that 6 is the nearest integer number. First, a random number between 01 and 66 has to be drawn. Assume the number 45 was drawn. Then the systematic sample consists of the names corresponding to the numbers 45,  $51(=45+6)$ ,  $57(=51+6)$ ,  $01(=57+6)$ ,  $07(=01+6)$ ,  $13(=07+6)$ . Therefore, systematic random sampling will be used to select the offenders' families who are from Polokwane Local Municipality who will participate in the study.

The study consisted of 836 sentenced offenders from Polokwane Medium B Correctional Centre. Therefore the sample size considering the 5% of 1233 was 62 including the awaiting trial offenders.  $N = 836$  and  $n = 62$ .  $836/62 = 13.5$  and the nearest integer is 14. The random number that was selected between 1 and 836 was the median of 418. Therefore, the random sampling consisted of the following numbers from the list that was provided by the correctional centre,  $432(=418+14)$ ,  $446(=432+14)$ ,  $460(=446+14)$ ,  $474(=460+14)$ ,  $488(=474+14)$ ,  $502(=488+14)$ ,  $516(=502+14)$ ,  $530(=516+14)$ ,  $544(=530+14)$ ,  $558(=544+14)$ . Therefore, the numbers that were drawn thereafter were: 572, 586, 600, 614, 628, 642, 656, 670, 684, 698, 712, 726, 740, 754, 768, 782, 796, 810, 824, 02, 16, 30, 44, 58, 72, 86, 100, 114, 128, 142, 156, 170, 184, 198, 212, 226, 240, 254, 268, 282, 296, 310, 324, 338, 352, 366, 380, 394, 408, 422, 436 and 450.

### **5.6.2 Data Collection during the Quantitative Study for Offenders**

Data collection is defined as the identification of respondents and the precise, methodical collection of data appropriate to the objectives of the study. Furthermore, data collection is defined as the collection of data essential to solve the research problem. The researcher used structured self-administered quantitative data collection methods.

#### 5.6.2.1 *Data Collection Method and Approach for Offenders*

The researcher utilised a structured data collection approach. The structured data collection approach encompasses the employ of prescribed tools comprising of already defined items and response choices (Polit and Beck 2008). In the quantitative part of this study, the researcher used self-administered questionnaires. The questionnaire elements comprised of mainly structured questions. The questionnaire development employed the guidance of the objectives of the study and the philosophical framework. The closed-ended approaches produce data that are comparatively less difficult to quantify and analyse.

A questionnaire is defined as a printed, structured report form intended to gather data with the employ of a written or a verbal response. Amin (2005) concurs with the fact that a questionnaire is a report form comprising of consistent questions set by researcher regarding the problem under examination based on objectives of the study. The presumption is that when a questionnaire has to be employed, the respondents must recognise the elements, be in possession of data to respond to the questions and are prepared to respond to the questions fairly.

The researcher decided to utilise a self-administered questionnaire based on its advantages. Self-administered questions or face-to-face interview only require the participant to be fluent in the matching language that the questions are being probed, and also to possess simple verbal and listening skills. Reading skills are not necessary except where the written materials for the respondent are confined within the interview. A pleasant, inspiring interviewer may improve response rates, retain inspiration with lengthier questionnaires, search for responses, explain confusing questions, help respondents with bloated show cards of response select options, employ memory jogging techniques for assisting the recollection of occasions and conduct, and control the format of the questions

### 5.6.2.2 *Questionnaire Construction.*

During triangulation design the researcher used diverse tools to gather information on the similar subject matter. Three distinct tools were developed by the researcher, one for each strand of the data gathering procedure (quantitative and qualitative). The researcher then developed a self-administered questionnaire for the quantitative component and an open-ended interview guide for the qualitative component. The questionnaire has to be indistinct, modest, and explicit. The questionnaire has to be prepared in a systematic way such that data analysis would be less complicated (Polit and Beck 2008). The questionnaire was developed based on the reviewed literatures related to incarceration/rehabilitation and the ensnarement of offenders' families' collaborative activities, based on the research objectives and the philosophical framework. The researcher also explored the other techniques that were employed by other researchers in related studies and also made use of some of the questions that are suitable for this study.

Most of the questionnaire components were structured and the wording of the questions was such that the respondents were restricted to identify jointly selected response choices. Structured selections expedite coding and statistical analysis of information. Structured choices may also guarantee the researcher that the anticipated data is acquired, that may improve the reliability of the study

### 5.6.2.3 *Structuring of the Questionnaire for Offenders*

The quantitative questionnaire for offenders happened to be distributed into five parts (section A - E). The questions were developed to produce data regarding incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime. As already stated, all the questions were closed-ended. Furthermore; section A dealt with the socio-demographic characteristics of the respondents.

Section A: consisted of fourteen items of closed-ended questions about Socio-Demographic Characteristics information; which were: age, sex, marital status, position in the household, race, ethnicity, religion, educational status, highest educational

qualification, working area, monthly income, why unemployed if not working, breadwinner or not and source of income of study participants.

Section B: consisted of eight items of closed-ended questions about incarceration/rehabilitation and poverty.

Section C: consisted of ten items of closed-ended questions about incarceration/rehabilitation and crime.

Section D: consisted of three items of closed-ended questions about incarceration on recidivism.

Section E: consisted of nine questions of closed-ended questions about the existing framework.

#### *5.6.2.4 Study Population for Correctional Officials*

This study has a quantitative section in the questionnaire for correctional officials; in addition, to offenders. Therefore, the study population for correctional officials were all correctional officials in Polokwane Medium B Correctional Centre. In the correctional officials' questionnaire, the researcher employed probability stratified random sampling to choose respondents for the quantitative component. Regarding the stratified sampling, the population is separated into two or numerous levels such that the components within every sub-population are homogeneous. Hence the employ of random sampling, the models are chosen individually from each sub-group (Amin 2005). The study population was stratified according to seniority and level in the Polokwane Medium B Correctional Centre.

The stratified random sampling which is used when the population is heterogeneous in respect of the variable or characteristic being studied and the population can be divided into so-called subpopulations or strata that are homogeneous in respect of the relevant variable than the population as a whole. Elements in the same stratum should consequently be more similar or alike than those in different strata. These subpopulations or strata may not overlap and should jointly constitute the entire population. Stratified sampling is fairly easy to apply. It is, for example, not necessary to number the elements

in the population continually. This sampling was employed in selecting correctional services officials in terms of their seniority and qualifications.

In pursuit to achieve a representative sample, the study employed the Neuman's 'rule of thumb' to attain the suitable ratios of the sample from per individual section. The Neuman's rule of thumb indicates that for a lesser population that is less than 1,000, a greater sampling proportion is necessary at +/- 30% and for a greater population of +/- 10,000 a lesser proportion is necessary at +/- 10% (Neuman 2006). The target population for this study was less than 1000 correctional officials; hence a sampling proportion of 30% was employed by the researcher on each section to achieve the necessary sample. However, due to the communication received from DCS REC committee regarding the hazard and sensitivity of using too many participants, the sample was reduced to 20 participants.

Once the members of the population were categorised as components of the individual established sub-groups, numbers were allotted by the researcher commencing from 001 alongside the designations of the correctional officials and also through the usage of the tables of random numbers, the necessary sample for the individual classification was carefully chosen. The same process was followed with regard to the system to replace those persons who were not present during the commencement of information gathering. In Amin (2005) mention is made that the preferred quantity of components from each level is carefully chosen proportionally. Thus, the choice of sample from individual level is dependent on its magnitude. This suggests that larger samples were chosen from bigger strata and smaller samples from the small strata. This warranted representativity of all the strata.

#### *5.6.2.5 Structure of the Questionnaire for Correctional Officials*

The questionnaire was distributed into five divisions (A-E). The questions were intended to prompt data regarding the real incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime.

Section A: consisted of seven closed ended questions about socio-demographic characteristics information such as age, sex, occupation, race, ethnicity, educational status, special skill and one open ended question about the professional status.

Section B: consisted of seven closed-ended questions about incarceration/rehabilitation and poverty.

Section C: consisted of seven items about incarceration/rehabilitation and crime with six closed-ended questions and one open-ended question.

Most of the latter part of the questionnaire was constructed with qualitative open-ended questions to be responded in short answers, sections D – E.

Section D: consisted of six items of open-ended questions about incarceration on recidivism, and.

Section E: consisted of eleven items about the existing framework with six of open-ended questions and five closed-ended questions.

#### *5.6.2.6 Pilot Testing of the Questionnaire*

Polit and Beck (2008:213) define a pilot study as a small-scale version or trial designed to test the methods to be used in a larger and more rigorous study. The pilot study is done so as to detect potential imperfections in the data collection tools. The purpose of a pilot test is to refine the questionnaire so that the participants will have no problems in answering questions and there will be no problems in recording data. On top of these, the researcher will obtain some assessment of the questions' validity and reliability of the data that will be collected.

Polit and Beck (2008) mentions that the pre-testing a questionnaire helps the researcher to discover as to:

- How long will it take to complete the questionnaire,
- Clearness of the guidelines,
- Questions that are unclear or confusing,
- Any main exclusions in the questionnaire,
- Whether the design is perfect and smart, and
- Identification of possible perplexing variables that require control.

The questionnaires were pre-tested by the researcher for this study on six participants; three offenders and three correctional officials from Polokwane Medium B Correctional Centre, who were not among the selected study units, to identify any gaps in the questionnaires. This exercise assisted in estimating the time required to complete the questionnaires, and helped to identify the questions that were not clear or too difficult in terms of language and conceptualisation.

#### *5.6.2.7 Research Assistants*

Two research assistants were utilised by the researcher to succour in the development and the collection of data for the qualitative phase of this study. The researcher recruited the experienced research assistants with social sciences background in possession of master's degree, knowledge in conducting research, with decent communication skills, and confident in both written and spoken English.

### **5.7 ADMINISTRATION OF THE QUESTIONNAIRE**

After completion of designing the questionnaire, pilot tested, modified and identifying the study participants, the questionnaires were used to collect the main data. The self-administered questionnaires with the list of the selected sample of participants were handed over to the Head of the Polokwane Medium B Correctional Centre.

The data collection period was four weeks (including the pilot testing period). Interviewing was done without interfering with the normal service delivery, since the arrangement was made with the Head of the Correctional Centre and the internal guide that the data collection be done during free periods. Each interview followed an appropriate ethical formality. As a principle, the purpose, risks, and benefits of the research were described to potential participants in a language they understood, so that they had the information needed to decide whether to participate in the research. Providing initial information allowed for informed consent of participants. They were told that they do not have to participate if they do not want to, that they have the right to refuse to answer any question(s), and that they can quit at any time if they feel like.

### **5.7.1 Validity and Reliability of the Questionnaire**

Two vital concepts that determine the suitability of a questionnaire to use for research purposes are validity and reliability. In this section, these concepts are described briefly as follows.

#### *5.7.1.1 Validity of the Questionnaire*

Validity is the appropriateness of the tool while reliability is the dependability in evaluating anything it is deliberated to quantity (Polit and Beck 2008). According to Amin (2005) validity is described as the capability to produce answers which are in conformity with hypothetical or theoretical values. A research tool is regarded to be valid if it essentially manages to measure the anticipated proportion. Furthermore, the validity of the tool is the fortitude in the manner that the tool reveals the theoretic model being studied. Different authors have identified the four central methods to measure the validity of the study tools, and they are: face, construct, content, and criterion related validity (De Vos et al. 2005; Polit and Beck 2008).

In this instance, the researcher made use of construct and content validity. The construct validity is defined as the point to which the dimension questions essentially quantify the existence of those variables that are intended to be measured. The researcher warranted that classifications of connotations are pertinent to the respondents in a normal setting. While on the other hand content validity refers to the degree to which the evaluating instrument affords satisfactory reportage of the research questions.

The content validity for this study was warranted through cautious sample and decent construction of the research questionnaires. This guaranteed that the questionnaire components are applicable to the study subjects. The research specialists in the field of this research topic, for instance the promoter of this study, lecturers at the School of Economics and Management in the University of Limpopo, and the Internal Guide from the Ministry of Justice and Correctional Services were consulted upon to evaluate whether the instrument components sufficiently address the identified information of the

topic or not (De Vos et al. 2005). Notwithstanding the above, the researcher detected that utilisation of such techniques might bring unfairness due to their prejudice. Validity in terms of research tools may be external or be internal.

- External Validity

External validity is the point to which the research results may be comprehensive to the general populace (Polit and Beck 2008). For the sake of this study, the external validity was warranted by the usage of probability sampling explicitly stratified sampling so as to have suitable representation from the main sets of offenders and correctional officials. Moreover, the researcher attempted at utmost to acquire the precise structure of study respondents in terms of the socio-demographic characteristics and determined sample size for this study. The researcher carefully chose concepts pertinent to the inclusive study population.

- Internal Validity

Internal validity seeks to demonstrate that the explanation for a certain occasion or set of data resultant from that research may essentially be continued by data; this means the results of the study should define exactly the phenomena that is studied (Polit and Beck 2008). For this research study, internal validity was warranted by: the development of questionnaires in arrangement with the study objectives, by confirming voluntary and assented involvement of study respondents.

#### 5.7.1.2 *Reliability of the Questionnaire*

According to Polit and Beck (2008), reliability may be defined as the dependability that the study tools evaluate the intended attribute. Furthermore, reliability is referred to as the degree to which information gathering techniques or analysis procedures produce dependable results. Henceforth, once a research tool is managed by different researchers, it will produce comparable findings under similar situations (De Vos et al. 2005). The researcher believed that reliability for this study was confirmed by the pre-testing of the questionnaires to warrant transparency of the test elements and through

confirming privacy of the respondents to the questionnaires (Amin 2005; Polit and Beck 2008).

### **5.7.2 Data Analysis for Quantitative Data**

In Amin (2005) data analysis is referred to as diligently correlated processes that are executed for the determination to summarise the gathered data and arranging it so that they respond to the study questions. The researcher personally dealt with data entry and analysis. The computer software called Statistical Package for Social Sciences (SPSS, 2013) was employed by the researcher in this study for both the entry of data and for quantitative data analysis. The analysis of structured questions was employed through descriptive statistics and inferential statistics such as frequencies and percentages, chi square ( $X^2$ ) and t-test.

The researcher employed thematic qualitative content analysis to analyse open-ended questions, with the purpose of measuring emergent descriptions and ideas. The content analysis is defined as the process of analysing verbal or written communication in a systematic way to measure variables quantitatively.

### **5.7.3 Data Presentation**

The presentation of analysed data was in the form of frequency tables, charts, and texts wherever applicable. Therefore, tables, graphs, and figures were used in the data presentation. Graphs have the advantage of communicating a huge amount of information in a summary at a glance (Polit and Beck 2008). The presented percentages were rounded off to one decimal point. The research results of the statistical tests were discussed with reference to the sample characteristics of the participants. References are only made to the frequencies of responses that showed significant variations.

## 5.8 THE QUALITATIVE RESEARCH DESIGN

Amin (2005) defines a qualitative research design as the one that its information is mostly expressive in general. Amin (2005) sketches the features that describe qualitative research. They include:

- Detailed description of the phenomenon,
- Unambiguous description of information gathering and analysis,
- Preparatory thinking employed to data gained from sources,
- Blended explanation, and
- Addition of indulgence by others.

Qualitative research design was employed in this study to gather data from offenders' families and correctional officials. The information gathered through qualitative techniques was ordinarily communicated in non-numerical terms, though occasionally it is converted into statistical variables. During qualitative method, the researcher typically collected open-ended data with the primary intent to develop themes from data.

The in-depth interview and observation were the qualitative data collection techniques that were used in this study. The advantages of using these techniques in the study were: giving depth to the information, enabling for probing and refining the endorsement of quantitative information.

The qualitative data in this research was collected from both offenders' families and correctional officials using structured interview and observation. The qualitative offenders' families' interview procedures assessed how collaborative is the ensnarement of offenders' families to poverty and crime and its feasibility.

This research approach also assisted the researcher to acquire profound data on incarceration, rehabilitation and recidivism. Ultimately, the research employed the technique to gather the opinions of both offenders' families and correctional officials on how the existing framework may be adjusted.

## **5.9 QUALITATIVE RESEARCH METHODS**

The qualitative data collection procedures were used in parallel or together with the quantitative data collection from the offenders themselves and correctional officials from Polokwane Medium B Correctional Centre. As it has been described above, the researcher collected data from both offenders and correctional officials through qualitative research methods as well. The technique assisted the researcher to discover and describe the incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime. Additionally, the researcher employed such a technique to gather the opinions of correctional officials on how the existing framework can be adjusted. The interview schedule for the offenders' families was mainly qualitative with only open ended questions. The qualitative questions to be responded to, using interview, were placed together with the quantitative part for the correctional officials' questionnaire which was placed at the last part of the questionnaire.

### **5.9.1 Population and Sampling**

The research methods employed in sampling and gathering of information from offenders' families and correctional officials in the qualitative study are described in the following sections.

### **5.9.2 Study Population for Offenders' Families**

The study population for the qualitative part of the study are offenders' families from Polokwane Local Municipality in Limpopo Province, South Africa.

### **5.9.3 The Target Population for Qualitative part of Offenders' Families**

The target population in this study for the qualitative component of short-answered questions were the offenders' families from Polokwane Local Municipality and correctional officials from Polokwane Medium B Correctional Centre.

#### **5.9.4 Accessible Population for Offenders' Families**

For the qualitative questionnaire for the offenders' families, the researcher embarked on identifying offenders' families who were visiting the Polokwane Medium B Correctional Centre.

#### **5.9.5 Sampling Frame for Qualitative Research**

Study participants who were included in the quantitative part were those who continued for short-answered interview guided questions for correctional officials as the questionnaire was quantitative and qualitative. However, there was a separate sampling frame for offenders' families that consisted of only open-ended questions.

#### **5.9.6 Sampling Techniques for Offenders' Families**

The researcher employed convenient sampling techniques to interview offenders' families who were visiting the correctional centre for the short answer qualitative section. Therefore, the researcher decided to interview the maximum number of offenders' families from those who could be able to deliver relevant information for the open-ended questions presented.

#### **5.9.7 Inclusion and Exclusion Criteria**

Inclusion criteria: Those offenders' families from Polokwane Local Municipality who volunteered to participate in the open-ended questions, successful in the screening document check-list, able to communicate and understand the questions very well.

Exclusion criteria: Non volunteer and those who could not communicate maturely.

#### **5.9.8 Sampling of Correctional Officials**

Study participants who were included in the quantitative questionnaire were the ones who continued for short-answered interview guided questions since the questionnaire was quantitative and qualitative. Therefore, participants of this category for the qualitative study were selected using the quantitative sample (Polit and Beck 2008).

### **5.9.9 Sample Size for Open-ended Interview**

It is suggested in Polit and Beck (2008) that the sample for qualitative study ought to be resolute established on the data requirements. Therefore, the regulatory standard in sampling is data saturation (sample to such an extent that no new data is acquired, and repetition is reached). For the sake of this study, ten offenders' families were invited to participate, and all ten members of offenders' families agreed to participate. This provided a 100% response rate from the offenders' families.

### **5.9.10 Data Collection Approach and Methods for Interview**

For the qualitative strand of this study, the researcher used a structured interview guide in order to have uniformity in the questions. The closed-ended interviews are grounded on similar group of questions. The interview method is distinctive such that it includes the gathering of information using unequivocal verbal communication. During face-to-face interviews the response rates are generally high due to the fact that several persons struggle to fill out questionnaires. The dialogue condition allows the researcher to probe further verbal pointers and accordingly attain additional information and more simplicity of the questions that may seem vague or unclear to the respondents. The dialogue condition also allows more gravity than the other approaches of gathering information for instance questionnaires (Amin 2005; Polit and Beck 2008).

In addition to this, Polit and Beck (2008) highlight that the strong point of interviews overshadows that of questionnaires, though they are expensive, avoid privacy and allow the possibility of interviewer prejudice. Additionally, the interviewees hardly give 'I don't know' responses, therefore omitted data is reduced. During interview, the arrangement of questioning is not imperative, as the interviewer is free to vary the sequence of the questions being probed. Interviews similarly assist to regulate the sample as the researcher distinguishes whether the respondents are the projected target. Ultimately, with face-to-face interviews further data like comprehension and the degree of collaboration may be achieved over the non-verbal observations (Polit and Beck 2008).

In this study, the interview guide contained primarily of open-ended questions based on the objectives of the study.

#### **5.9.11 Data Collection during the Qualitative Study**

As already mentioned above in section 5.8, the researcher used structured data collection techniques to collect data from correctional officials and guiding questions for the offenders' families.

#### **5.9.12 The Structure of the Qualitative Questionnaires**

The interview guide for offenders' families comprised of open-ended questions. The offenders' families' interview guide consisted of twenty three open-ended questions. The questions were intended to explore data with regard to the status of ensnarement of offenders' families to poverty and crime. Similarly, the questionnaire for correctional services officials consisted of quantitative and qualitative questions. The first three sections comprised of closed-ended questions and the latter part of the questionnaire (sections D – E) mainly consisted of qualitative questions. Therefore, all the questions in all the qualitative sections were open-ended.

#### **5.9.13 Construction of the Interview Schedule**

The interview guides for both offenders' families and correctional officials were established grounded on the philosophical frameworks, literatures reviewed, and the objectives of this study. These structured interview guides were intended to provide comprehensive data regarding incarceration/rehabilitation and the ensnarement of offenders' families to poverty and crime with special reference to Polokwane Medium B Correctional Centre.

#### **5.9.14 Structure of the Discussion and Interview Guide for Offenders' Families and Correctional Officials.**

The interview guide for offenders' families consisted of 23 questions or items about the impact of incarceration of the family member to the household including rehabilitation, re-

entry of offenders, overcrowding in correctional centres, recidivism and how the existing framework may be adjusted or improved. The first three questions for the offenders' families were about age, employment status, and dependants of the interviewee. The next question is about the relationship of the interviewee and the offender, the period the offender is incarcerated for, including the role that was played by the offender prior to incarceration. The questions further probed as to how the imprisonment affected the family, the relationship with family members since incarceration, support provided by the state or NGOs to the household, the support that the household expects from the state and the financial support that the family receives presently from the inmate.

The interview guide further probed the feeling of the interviewee about the incarceration of the offender, changes in behaviour of the offender since the incarceration, financial support provided to the inmate including visits, and the calls made by the offender using collect call. The interview guide further probed the re-entry of the offender, the frequency of visits by the family and money spent during such visits. The interview guide then probed whether there was any member in the household who had been incarcerated or presently incarcerated. Ultimately, the probe was on overcrowding, living conditions in prison, the parole system and rehabilitation.

Similarly, the structured interview guide for correctional officials also consisted of open-ended questions. The structured self-administered interview guide consisted of two sections, Section D - E following the quantitative questions. Hence, section D comprised of six open-ended questions. The questions were intended to ask regarding the impact of incarceration on recidivism. Aspects related to whether rehabilitation is functioning well, the ratio per official and the number of prisoners; causes of recidivism, how to address recidivism and what promotes recidivism.

Section E consisted of six open ended questions on impacts regarding the existing framework being utilised by the criminal justice system. Among the questions, the probe was on how rehabilitation and the framework could be made effective, how crime could

be curbed inside correctional centres, the ideal rehabilitation process, and whether the Victim-Offender-Dialogue was working.

#### **5.9.15 Administration of the Interviews and Discussions.**

The semi-structured self-administered questionnaires used prescribed written questions that were probed face-to-face with exchanges among the interviewers and the study respondents. It is pointed out in Polit and Beck (2008) that administering interview schedules necessitates various abilities. The worth of interview information is dependent profoundly on interviewer expertise. The researcher attempted to a feasible extent to calm the respondents such that they could feel relaxed in articulating their views comfortably. Interviews were handled mostly at the offenders' families' homes. The researcher tried to keep the participant's convenient time and strived to be impartial (Polit and Beck 2008). The questions were probed verbally in the language that the interviewee understood best, the way they appeared sequentially in terms of the interview schedule. The answers for the qualitative interview questions were recorded with participants' own words in meaningful way. However, audio recording and note taking were both used for all offenders' families' sections.

The researcher tried to keep the level of understanding of participants' pace to allow for responses and might needed to repeat the questions when required in order to elicit more useful information. Prior to the commencement of the interviews, the researcher clarified the determination and process for the interview, and asked for written and oral consent for an audio tape recorder utilisation (Polit and Beck 2008). The respondents received assurance that the complete data that they provided was going to be handled with ultimate privacy. The interviews started once a formal written agreement was provided. The respondents were guaranteed liberty to terminate at any time of the interview even if they had consented earlier. Immediately after the interviews for qualitative part, the data were transcribed in full (Polit and Beck 2008).

### **5.9.16 Enhancing Quality and Integrity of Qualitative Data.**

Qualitative research is mostly defined as somewhat a sort of investigation that yields results not attained at through numerical processes or further tactic of evaluation but instead as a sort of investigation that yields results that are reached at from real-life situation whereupon the phenomenon of importance unfolds logically. Both the quantitative and qualitative researchers have to assess and prove that their studies are dependable. While trustworthiness in quantitative research relies on the construction of the tool, the researcher is the tool in qualitative research. Even though reliability and validity are handled individually in quantitative studies, in qualitative research the terms are not viewed individually. As an alternative, the vocabulary that incorporates both just like credibility, transferability, and trustworthiness is utilised instead.

It is proposed in Polit and Beck (2008) that the four paradigms for determining the trustworthiness or reliability with regard to the qualitative research approach. They comprise of credibility, transferability, dependability, and confirmability. For this study, the researcher adopted these constructs to guarantee the trustworthiness of the results. Different methods were employed to confirm that the four qualitative assumptions were tried and achieved.

- **Credibility:** discusses how well the studied subjects are accurately branded and defined by the enquiry. Credibility is referred to in Polit and Beck (2008) as the sureness in certainty of information and its analysis. For this study, credibility will be warranted over member scrutiny and colleague probing (Polit and Beck 2008). On top of these, the researcher acquired broad field records, audio recorded the interviews and as was probable employed respondents' precise words in transcribing the data.
- **Dependability:** indicates the constancy of information in a period and over comparatively identical circumstances (Polit and Beck 2008). Furthermore, it is mentioned that dependability evaluates the scholar's capability to be responsible for alterations in the studied phenomenon. For this study, the researcher reinforced dependability by scrutiny and review of the existence or absenteeism of the phenomenon by cautious

record keeping of the interviews. Additionally, dependability was warranted by space, person, investigator, and methodological integration (triangulation) of information. Lastly, 'inquiry audit' by external reviewer was used to enhance the dependability (Polit and Beck 2008).

- **Confirmability:** Polit and Beck (2008) refers to it as the similarity amongst two or numerous independent persons regarding the accurateness, significance, and implication of information. This means, confirmability is an evaluation of the researcher's impartiality. In this study, confirmability will be strengthened by review track, inter-coder assessments or enquiry auditor, peer review and probing (Polit and Beck 2008).
- **Transferability:** denotes the degree to which the results could be realistic or have appropriateness in other situations or sets (Polit and Beck 2008). In this instance, the appropriateness of one group of information was attained by data triangulation through the usage of numerous informants and numerous information gathering approaches. The appropriateness was also guaranteed by the composition of broad field notes and warranting that acceptable sample till data saturation is touched (Polit and Beck 2008).
- **Authenticity:** discusses the degree to which the researcher honestly and authentically presented a variety of diverse realisms. Authenticity, according to Polit and Beck (2008), develops in a communique once it expresses the sentiment of respondents. Authenticity in this study was confirmed by audio recordings and precise dictation of the interviews. Additionally, authenticity was also attained by protracted meeting with the respondents.

#### **5.9.17 Data Analysis.**

The qualitative data analysis is an effortful activity and necessitates inspiration, theoretical compassion, and sheer hard work (Polit and Beck 2008). Qualitative data analysis is a vigorous and collaborative procedure. Mostly, qualitative data is perplexing also to proficient scholars due to the nonexistence of common guidelines for analysing data, massive volume of effort is essential and reducing information for the purpose of reporting (Polit and Beck 2008). The analysis of data in qualitative research normally commences through the information gathering procedure primarily as the consequences of initial

information gathering monitor the ensuing data collection and also allows appropriate speculating about the findings (Polit and Beck 2008).

#### **5.9.18 Processing of Interview Data.**

According to Cohen, Manion and Morison (2000), the following tactics are suggested regarding the generation of meanings as of recorded together with interviewed information:

- calculating incidences of happenings of subjects;
- stating configurations of the subjects, that can be created after repetitive subjects;
- seeing credibility – trying to make good sense of data, using informed intuitions to reach assumption;
- aggregating-positioning objects according to classes;
- ascertaining and observing relations among subjects;
- constructing a consistent sequence of data by observing connectedness and developing assumptions; and
- Developing theoretical consistency through transition as of concepts to philosophies towards clarifying the phenomena.

The researcher for the sake of the study, employed the ensuing phases while handling the information taken out of the field notes and audio recorded interviews:

- listening to the information recorded per cluster but not scribbling whatsoever;
- listening to the information secondly then observed the subjects and arrangements emerged by means of features regarding the ensnarement of offenders' families to poverty and crime;
- Writing the subjects according to classes in the way they appear in per cluster of information. The subjects were arranged on a diagram in a way that the data from every item was noticeable. The codes got established from the subjects with the research questions liaison;
- using such codes out of every subject, then revisit the information clusters and code the appropriate section in every subject; and

- ultimately, the recorded data from every subject, the findings to the appropriate research questions were combined.

#### **5.9.19 Analysis of Interview Data**

It is mentioned in Polit and Beck (2008), that to analyse interview data encompasses a logical method in order to determine and classify concepts brought-up from the respondents. The commencing phase in analysing data is the data-coding procedure. Practically, it is not an easy process to construe the qualitative data without it being formerly coded. The codes outline sets; bring together a lot of concepts in an orderly manner and format. Codes may be identifiers or markers apportioned to the entire manuscript or fragments of the manuscript to succour catalogue crucial ideas whereas conserving the perspective where such notions arise (Polit and Beck 2008).

There are different approaches that may be followed with regard to qualitative data analysis. In this study, the researcher used the Strauss and Corbin (2008) grounded theory approach. The Strauss and Corbin's approach was used to analyse both the offenders' families and the correctional services officials' interviews.

#### **5.9.20 Strauss and Corbin's Grounded Theory Approach**

Strauss and Corbin (2008) approach is that data analysis involves a complex coding process designed to break down the data, create meaning, and then put data back together in new and different ways. The analysis consists of three main kinds of coding: open coding, axial coding, and selective coding. Open coding involves the naming and categorising of phenomena through close examination of the data with similar events and incidents grouped together (Strauss and Corbin 2008). In this study, the grouping of events and incidents led to discovery of a number of categories during open coding. The axial coding allowed the researcher to reassemble data that were 'fractured' during open coding in new ways by linking categories with subcategories. Therefore in this study, based on the results of the interviews the researcher yielded a set of categories for further analysis (Strauss and Corbin 2008). Selective coding is the process by which the

categories are integrated to form core category as the central phenomenon around which all other categories are related (Strauss and Corbin 2008).

In this study, the open coding involved the process by which the content of the interview were carefully searched for discrete instances of both offenders' families and the correctional services officials. Once the main idea is identified, the identified concepts were grouped according to their properties. After performing the Strauss and Corbin (2008)'s coding procedures, a combined axial coding was performed on a collection of axial coding results. Once the categories are identified and given a name, it was characterised by their relationships to the main phenomenon or idea. The coding results therefore delivered a complete brief about subjects regarding the gathering of the interview data.

#### **5.10 ETHICAL CONSIDERATIONS**

It is explained in De Vos et al. (2011) that ethics may be inclinations that effect conduct in relationships. Frequently, ethics can be correlated with morals including dealing with matters of honesty and incorrectness between citizens. Hence, the ethical utilisation of human subjects regarding research may not be proceeded with devoid of cautious scrutiny. Additionally, Amin (2005) refers to ethics as sound grounded values of accurate and erroneous, which suggest whatever individuals should perform ordinarily with rights, responsibilities assistances to humanity, objectivity, or precise qualities. In Polit and Beck (2008), ethics is defined as a scheme of proper morals worried about the extent to which the research techniques' adherence to the professional, legal, and community responsibilities of the partakers. Consequently, ethical consideration in terms of research ought to contemplate; impartiality, trustworthiness, frankness, revelation of approaches and the determination that the research is implemented for. Grounded on such thoughtfulness, the researcher abided by the ensuing ethical values during the procedure of the study.

### **5.10.1 The Protection of the Participants**

All individuals are eligible to confidentiality and self-esteem. The researcher in this study handled the participants with dignity and requested their collaboration by a knowledgeable agreement (Polit and Beck 2008). It is stated in Amin (2005) that respondents ought to be told of the research objectives and must provide consent to continue. Consequently, the researcher made certain that the identified respondents were safeguarded in such a way that the data gathered is not detriment to them whatsoever. Thus, no names of respondents ended-up being captured in any way on the questionnaires; as such would guarantee privacy and confidentiality (Polit and Beck 2008). During the study, the researcher never related any data gathered to anyone. The data collected by the researcher was primarily for the research study, also essential efforts were made to divulge, and also provide clarity on how the respondents will benefit out of the findings of this study.

The recognition by the respondents regarding the worth of the study and as to how the data will be employed prior to them providing their agreement is very significant. The participation in this study was voluntary and the respondents were advised of their prerogative to pull out from the study albeit they initially had provided their inscribed agreement. The individuals who declined to be part of the study will not be coerced whatsoever (Polit and Beck 2008).

### **5.10.2 The Protection of the Institutional Right**

The researcher had already been awarded the ethical clearance of the study from the University of Limpopo Turfloop Campus Research Ethics Committee (TREC). The researcher had presented the certificate of ethical clearance of University of Limpopo to be cleared to gather information in the Polokwane Medium B Correctional Centre. At the correctional services levels, permission was requested from the Department of Correctional Services Ethics Committee, and was awarded the same. The researcher made a promise to abide with the arrangements agreed upon throughout the considerations for the authorisation to administer the research (Polit and Beck 2008).

### **5.10.3 The Scientific Integrity of the Study.**

Others' efforts were appreciated in this study by the acknowledgement of the sources. The researcher was objective and employed unprejudiced approaches to gather, analyse and report on the findings of the study. Hence, the researcher chose the method to employ in terms of the research objectives and principally not based on other motive. Data were construed in terms of the methodological norms and not based on the researcher's opinion or bias. The researcher described the truth of the findings while writing and recording the conclusions through proper explanation of the approaches employed, and motives for such action. The researcher did not fabricate or distort the information in order to fit what the researcher wanted to accomplish (Polit and Beck 2008). As defined by Amin (2005), the researcher's report was based on what was revealed by the data.

The researcher in this study protected the privacy and confidentiality of study participants. The conducted study was considered as having low risk as it did not introduce any invasive procedures or collection of any specimen from the participants. Hence, the study was not anticipated to cause any detriment to the respondents.

## **5.11 CONCLUSION**

The researcher presented in this chapter the research design approach and methodology employed to administer the study. Mixed methods and triangulation designs have been lengthily presented. Sampling together with the sampling techniques employed in the study was defined. Structures of the information gathering tools have been outlined. In addition, approaches employed to warrant the validity and the reliability of the study were presented in detail. Ultimately, the approaches employed to guarantee the collection of data, analysis and reporting ethically, were defined by the researcher.

## CHAPTER 6

### QUANTITATIVE DATA PRESENTATION, ANALYSIS AND DISCUSSION

#### 6.1 INTRODUCTION

This chapter deliberates on the quantitative data analysis and interpretation. The purpose of quantitative data analysis is to group, mandate, manipulate, and recapitulate data to a comprehensible and interpretable form in order to afford ripostes to the research objectives and be capable to draw inferences from the data (Creswell 2003; Plano Clark and Creswell 2008; de Vos et al. 2011). The findings of the quantitative data were presented, interpreted, analysed and deliberated in contrast with preceding researches on the area of the study.

The objectives of the study were to:

- examine how incarceration and rehabilitation may ensnare offenders' families to poverty;
- examine how incarceration and rehabilitation may ensnare offenders' families to crime;
- examine how incarceration may lead to recidivism;
- make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

As indicated above, the data was analysed according to the objectives of the study. This suggests that the outcomes are not presented or deliberated in the categorisation of the philosophical framework or that of the research instrument. This chapter is structured as follows: response rate, data analysis including normality testing of the data, and the reliability of the scale used. The descriptive and inferential statistics that were used are briefly discussed. This is followed by the presentation of the demographic characteristics of the participants and the research findings. Finally the chapter summary is presented. In the next chapter (chapter 7), findings from the qualitative data are discussed.

## 6.2 RESPONSE RATE

Polit and Beck (2008) states that to calculate the response rate one has to divide the number of that took part in the study by the number that was sampled. Table 6.1 shows the response rate for quantitative data of this study by offenders.

**Table 6.1: Quantitative study response rate, Polokwane Medium B Correctional Centre, August 2014**

Data type	Number of questionnaire administered	Number of questionnaire completed	Percent (%)	Reason for difference
Quantitative questionnaire for the offenders	62	59	95.1	Incompleteness or inconsistency of data
Quantitative questionnaire for Correctional Services Officials	18	17	94.4	Incompleteness or inconsistency of data
<b>Total number of usable questionnaires</b>	<b>80</b>	<b>76</b>	<b>95</b>	

As shown in table 6.1, the response rate for the quantitative study was 95%, which is considered to be very good. This high rate of study participation was because of the self-administered questionnaire and may be an indication that the questions were interesting to the participants given that the questionnaire items were directly related to the incarceration, rehabilitation and the ensnarement of offenders' families to poverty and crime.

## 6.3 DATA ANALYSIS

Data analysis is the ability to breakdown data and to clarify the nature of the factors and the relationships between them. Polit and Beck (2008) describe data analysis as the systematic organisation, synthesis of research data, and testing of the hypothesis using those data. The purpose of data analysis is to provide answers to the research questions or objectives. The plan for data analysis comes from the research objectives, the research design, the methods of data collection used, and the level of measurement of data.

### **6.3.1 Statistical Analysis Programme**

The software that was used to analyse the data for this study was the SPSS Version 22. The researcher collaborated with the statistician to analyse data. For the purpose of this study, data analysis was done using both descriptive and inferential statistics.

### **6.3.2 Data Cleaning, Checking for Completeness and Consistency**

Data cleaning is a process used to determine inaccurate, incomplete, or unreasonable data and then improving the quality through correction of detected errors and omissions. The process may include format checks, completeness checks, reasonableness checks, limit checks, review of the data to identify outliers (geographic, statistical, temporal or environmental) or other errors, and assessment of data by subject area experts.

In this study, data were cleaned during data collection, entry and before analysis manually. During data cleaning, completeness and consistency of each of the questionnaires were done before analysis. As a result, all data that were found incomplete and inconsistent were discarded from the final analysis. Consistency of the data were checked before data entry and after entry by SPSS data split and select analysis. For example, sex of participant is denoted by male and female on the questionnaire; therefore, SPSS Data 'select cases' identifies those who are male but occupation denoted prior to incarceration to be housewives, so that data would be either checked from the hard copy of the questionnaire for correction or would be discarded.

Completeness of data is the extent to which the expected attributes of data are provided. In this study, all the questionnaires were checked for completeness by the researcher before data entry. Incomplete questionnaires were not included for data entry and final analysis.

### **6.3.3 Reliability of the Data Collection Tool.**

Reliability is defined as the degree of consistency with which a research instrument measures a given attribute (Polit and Beck 2008). Hence, reliability test measures how consistent the participants were in answering a group of related questions. Hence, before

collecting the data for individual groups of offenders and correctional services officials, one had to make sure that all the questionnaire items were reliable.

In this study, the reliability of the data collection tool was insured by correlating the individual questionnaire items to have complementary ideas such that it measures the same thing.

## **6.4 QUANTITATIVE DATA PRESENTATION, ANALYSIS AND DISCUSSION**

Data that can be quantified and verified, and is amenable to statistical manipulation. Quantitative data defines whereas qualitative data describes. Quantitative Research options have been predetermined and a large number of participants are involved. By definition, measurement must be objective, quantitative, and statistically valid.

### **6.4.1 Data from offenders and correctional services officials**

The findings from the self-administered offender interview questionnaire with quantitative data, is presented in the following sub-sections.

### **6.4.2 Descriptive Statistics**

Descriptive statistics are used to describe the basic features of the data in a study. They provide simple summaries about the sample and the measures. Together with simple graphics analysis, they form the basis of virtually every quantitative analysis of data.

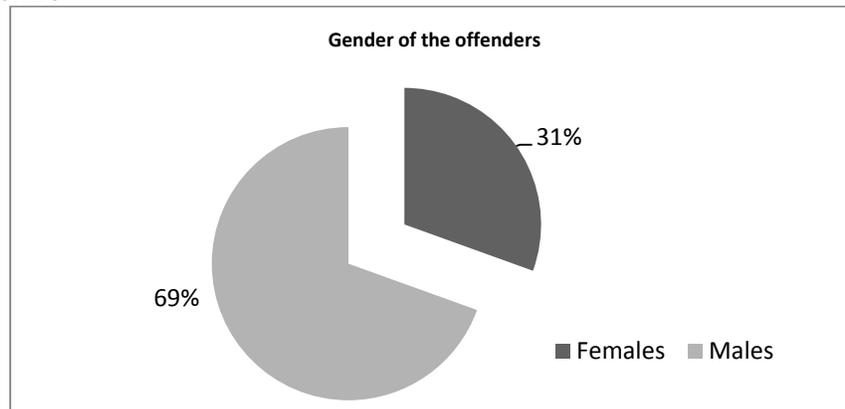
Descriptive Statistics are used to present quantitative descriptions in a convenient type. In a large research study, a large number of people may be measured on any measure. Descriptive statistics help to simplify large quantity of data in a meaningful way. Each descriptive statistics reduces lots of data into a simpler summary. In the following sections, the findings of the quantitative data are described.

### **6.4.3 Demographic Data of the Offenders**

This section presents the description of the biographic information of the participants involved in this study. This information includes the gender, age, marital status, position

in the household, race, ethnicity, religion, formal education, highest educational qualification, employment status, last monthly income, reason for unemployment if unemployed, and whether the offender was a breadwinner before incarceration. Table 6.2 presents the summary of the demographic characteristics of the participants. However, below is figure 6.1 that reflects the gender of participants (offenders) in this study.

**Figure 6.1: Gender of the offenders who participated in the study in Polokwane Medium B Correctional Centre**



The above figure (figure 6.1) portrays that more males participated in the study although it is just the norm that in mixed correctional centres, the ratio of females to males; the female proportion is usually very low. It is therefore not surprising to notice that the participation of males was more than that of the females. The findings in figure 6.1 may be consistent to findings in other correctional centres and somewhere else in other countries. The fact is that most criminals that are sentenced, statistics portray them to be of male origin. The gender demographic data of the offenders that participated in the study will be further discussed after the analysis of information provided in table 6.2 below, where ethnicity will also be discussed in detail. The Polokwane Medium B Correctional Centre has minimum, medium, maximum sentenced offenders and unsentenced offenders.

As it is shown in the below table (table 6.2), males were in higher proportion than females with males accounting to  $n=41$  (69%) and females  $n=18$  (31%). This was not because of samples selection; samples were taken randomly without any preference to enrol in the

study. Table 6.2 is about gender, race and formal education. Regarding the gender, there were 17 African females and one White female who were participants in the study. No Indian females were part of the study in terms of this table just like the White males. The males were n=39 African and n=2 of Indian origin. According to the table, only three races participated in the study being the Africans, Whites and Indians. This will be probed further during the analysis on ethnicity. The question on formal education was whether the respondent does or does not have formal education. The interesting phenomenon of this element is what the respondents regard as formal education.

**Table 6.2: Gender \* Race \* Formal education**

Formal education			Race			Total
			African	White	Indian	
Yes	Gender	Female	17	1	0	18
		Male	37	0	2	39
	Total		54	1	2	57
No	Gender	Male	2			2
	Total		2			2
Total	Gender	Female	17	1	0	18
		Male	39	0	2	41
	Total		56	1	2	59

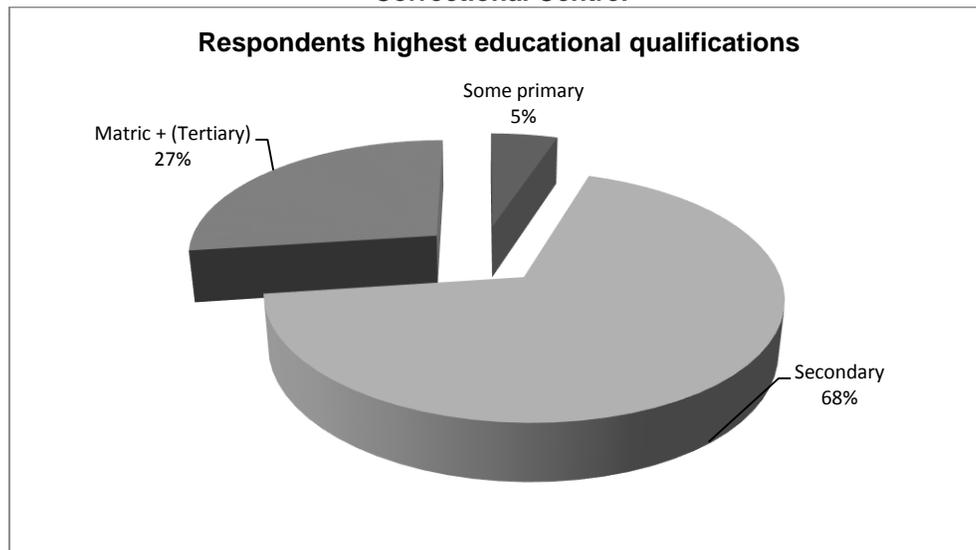
The table above, (table 6.2) portrays that n=57 (96.6%) of the respondents had some form of education and only n=2 (3.3%) indicated to have no formal education. However, this has to be explored further regarding the highest educational qualifications the offenders had. The reason for further probing the education factor being that the two offenders (3.3%) who claimed to have no formal education might have had some form of education which they regard as not formal.

**Table 6.3: Gender \* Race \* Educational Qualification**

Educational Qualification			Race			Total
			African	White	Indian	
Primary	Gender	Male	3			3
	Total		3			3
Secondary	Gender	Female	12		0	12
		Male	27		1	28
	Total		39		1	40
Tertiary (matric +)	Gender	Female	5	1	0	6
		Male	9	0	1	10
	Total		14	1	1	16
Total	Gender	Female	17	1	0	18
		Male	39	0	2	41
	Total		56	1	2	59

Table 6.3 above portrays the different types of education that the respondents claimed to be having. It is interesting to note that the two respondents who had claimed in table 6.2 to have no formal education now indicated in this category to be having some form of education. It is not easy to identify where they might have claimed their level of education in table 6.3 but the lowest educational qualification was 'some primary' where three respondents claimed to have achieved. The two who claimed to be having no formal education were African males and the three respondents in with 'some primary' category are now three African males. If the two respondents regard 'some primary' as no formal education, it is interesting that the third respondent regarded that as some form of education. This is consistent with poverty theory that people in generational poverty feel that they are being owed by the state because of the condition that they are in.

**Figure 6.2: Highest educational qualification of offenders who responded in Polokwane Medium B Correctional Centre.**



The level of education among the respondents was at 95% having achieved Secondary education and above. The majority of the respondents had secondary education at 68% and 27% having matric plus or tertiary. This portrays the high standard of the response rate and the completeness of the questionnaires as they were self-administered. This is also regarded as a positive factor to the reliability of data that the offenders filled in the research instrument. The respondents that claimed to have 'secondary educational qualification' were n=40 (68%), with 12 African females, 27 African males and one Indian male. The respondents that claimed to have achieved matric plus or tertiary educational qualification were n=16 (27%), with 5 African females, one White female, 9 African males and one Indian male.

In terms of table 6.2 above, only three races participated in the study but this had to be probed further with regard to ethnicity. The table below (table 6.4) portrays the educational qualification, gender and ethnic group of the offenders that participated in the study.

**Table 6.4: Educational qualification, gender and ethnicity of the respondents.**

Educational Qualification			Ethnic group											Total		
			Pedi	Zulu	Tswana	Sotho	Venda	Tsonga	Ndebele	Swati	Afrikaner	English	Xhosa		Other, specify..... .....	
Primary	Gender	Male	3													3
	Total		3													3
Secondary	Gender	Female	5	0	0	1	1	2	1	1		0		1	12	
		Male	17	1	1	2	1	3	1	0		2		0	28	
	Total		22	1	1	3	2	5	2	1		2		1	40	
Tertiary (matric +)	Gender	Female	2			0		0	1	1	1	0	1		6	
		Male	6			1		2	0	0	0	1	0		10	
	Total		8			1		2	1	1	1	1	1		16	
Total	Gender	Female	7	0	0	1	1	2	2	2	1	0	1	1	18	
		Male	26	1	1	3	1	5	1	0	0	3	0	0	41	
	Total		33	1	1	4	2	7	3	2	1	3	1	1	59	

The table above (table 6.4) portrays that the n=3 African males who claimed to have achieved 'some primary' educational qualification were from Pedi ethnic group. The race elements that were indicated in the questionnaire were: African, Coloured, White, Indian, Asian and Other. The ethnic groups were: Pedi, Zulu, Tswana, Sotho, Venda, Tsonga, Ndebele, Swati, Afrikaner, English, Xhosa and Other. The n=40 (68%) that claimed to have achieved 'Secondary Educational Qualification', the females were Pedi (5), Sotho (1), Venda (1), Tsonga (2), Ndebele (1), Swati (1) and other (1). The males were: Pedi (17), Zulu (1), Tswana (1), Sotho (2), Venda (1), Tsonga (3), Ndebele (1), and interestingly English (2). One of the two English speaking ethnic groups is supposedly one Indian who claimed to have achieved a Secondary Educational Qualification in terms of table 6.3 but the other one is difficult to designate. The n=16 (27%) who claimed to have achieved matric plus or tertiary educational qualification, the females were: Pedi (2), Ndebele (1), Swati (1), Afrikaner (1) and Xhosa (1). The males were: Pedi (6), Sotho (1), Tsonga (2), and English (1). The majority of the respondents that participated in the study were Pedi ethnic group maybe due to the fact that Polokwane is in the heart of Pedi speaking area and also that they form majority in the Limpopo Province. This is portrayed in figure 6.3 below.

**Figure 6.3: The number of offenders in Polokwane Medium B Correctional Centre who participated in the study.**

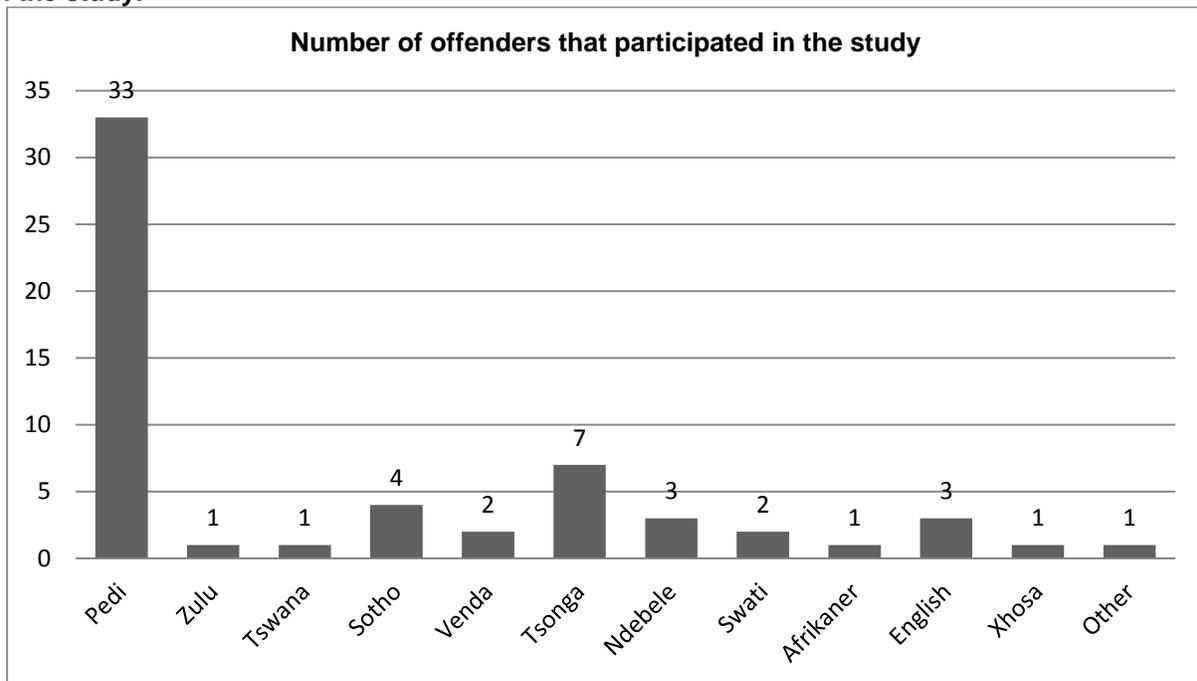
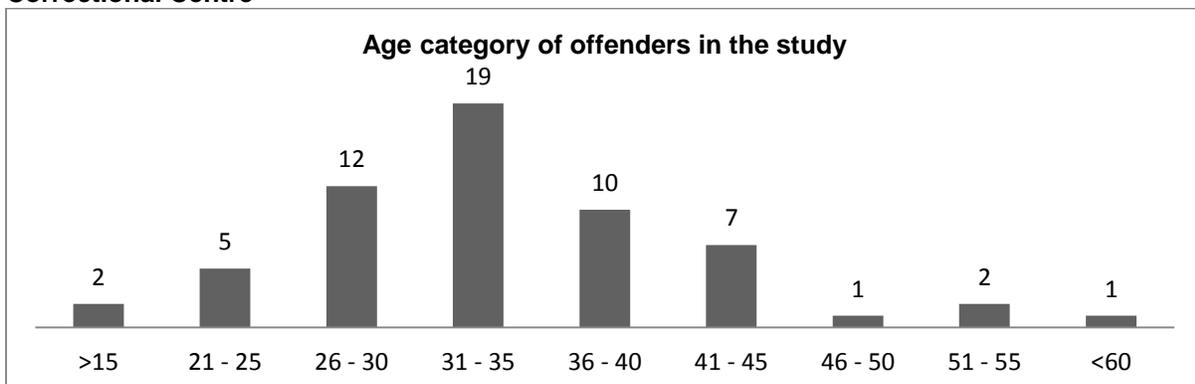


Figure 6.3 portrays what was indicated above regarding the Pedi ethnic group dominating the Polokwane Medium B Correctional Centre. However, what is interesting in this study is that the study is representative of the whole of South Africa and that the correctional centre has all the languages spoken in the country. As indicated above, this was not because of samples selection; samples were taken randomly without any preference to enrol in the study. This again is important for the completeness and reliability of the study regarding offenders.

**Figure 6.4: Age category of offenders who participated in the study from Polokwane Medium B Correctional Centre**



The number of respondents was dominated by the age category 31 – 35 who had n=19 respondents followed by 26 – 30 with n=12 and then 36 – 40 with n=10. There were no respondents for category 15 – 20 and 56 – 60 years but with n=2 respondents for category less than 15. Categories 46 – 50 and above 60 had one respondent each.

**Table 6.5: Formal education by age and race**

Formal education			Race			Total
			African	White	Indian	
Yes	Age	>15	2	0	0	2
		21 - 25	5	0	0	5
		26 - 30	12	0	0	12
		31 - 35	19	0	0	19
		36 - 40	10	0	0	10
		41 - 45	5	0	2	7
		51 - 55	1	1	0	2
		Total	54	1	2	57
No	Age	46 - 50	1			1
		<60	1			1
		Total	2			2

Table 6.5 portrays that the two respondents who claimed to be having no formal education were falling into categories 45 – 50 and 60 and above. The reason for them to claim ‘some primary’ as no formal education may be due to the fact that they attended school during the apartheid era and do not regard primary education as formal education compared to the one who referred to ‘some primary’ as formal education since the latter’s age category is 31 – 35 as portrayed in table 6.6 below. The category of ‘some primary’ is having only three respondents as indicated above and the ‘Secondary’ category is distributed among all age categories with category 31 – 35 dominating with n=13 respondents, followed by 26 – 30 and 36 – 40 categories with 8 respondents each. The matric plus or tertiary category is also dominated by 31 – 35 category with n=5 respondents and followed closely by 26 – 30 category with n=4 respondents. The two respondents who participated in the study who were in age category less than 15, both had achieved ‘Secondary’ education and the only respondent that was above sixty who had indicated that was having no formal education and later indicated to have achieved ‘some primary’ prompted the examining of his questionnaire. When the hard copy of the questionnaire was verified,

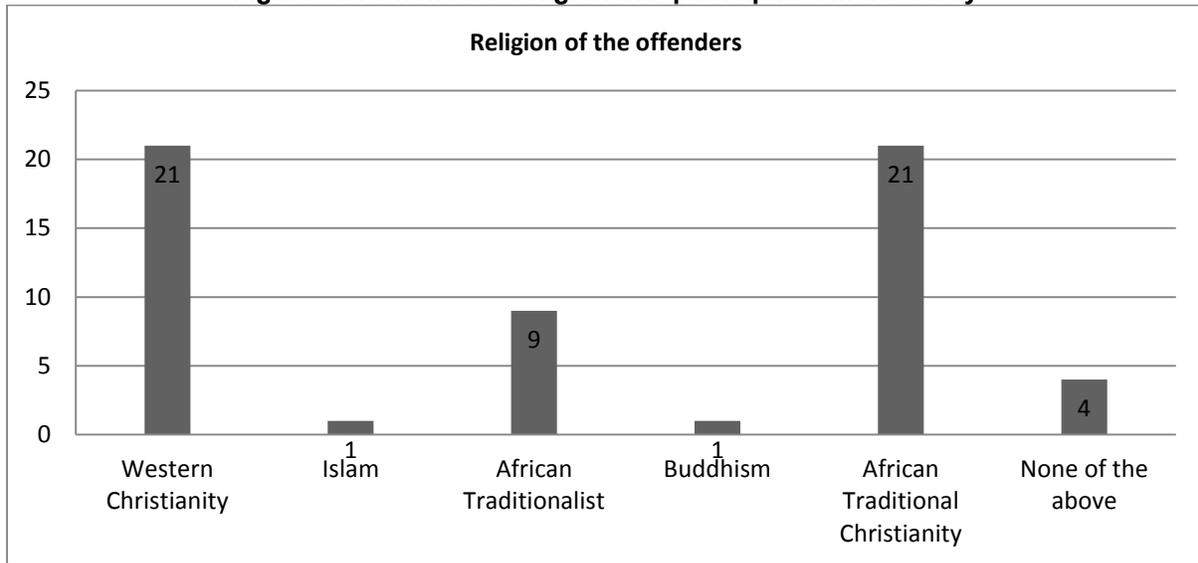
he really indicated like that. The reason for this is presently unknown to the researcher but will be probed during the analysis.

**Table 6.6: Age, Race and Highest Educational Qualification of Offenders**

Educational Qualification			Race			Total
			African	White	Indian	
Primary	Age	31 - 35	1			1
		41 - 45	1			1
		<60	1			1
	Total		3			3
Secondary	Age	>15	2		0	2
		21 - 25	4		0	4
		26 - 30	8		0	8
		31 - 35	13		0	13
		36 - 40	8		0	8
		41 - 45	3		1	4
		46 - 50	1		0	1
	Total		39		1	40
Tertiary (matric +)	Age	21 - 25	1	0	0	1
		26 - 30	4	0	0	4
		31 - 35	5	0	0	5
		36 - 40	2	0	0	2
		41 - 45	1	0	1	2
		51 - 55	1	1	0	2
	Total		14	1	1	16

The Indian males that participated in the study were both in the 41 – 45 age category with one on ‘secondary’ and the other with matric plus tertiary educational qualification.

**Figure 6.5: Offenders' religion that participated in the study**



It would be beneficial for the study to further probe the marital status and religion of the respondents as this is regarded as significant to offender reintegration. In terms of religion of the participants (offenders), figure 6.5 above depicts that Christianity dominated among the participants. Western Christianity and African Traditional Christianity both had 21 respondents each, which amounted to n=42 respondents. These were followed closely by African Traditionalist who had n=9 respondents. The category 'none of the above' had n=4 respondents while Islam and Buddhism both had one respondent each.

**Table 6.7: Educational Qualification, Marital Status and Religion of the Offenders.**

Educational Qualification			Religion					Total	
			Western Christianity	Islam	African Traditionalist	Buddhism	African Traditional Christianity		None of the above
Primary	Marital stauts	Married	1		0			0	1
		Never married	0		0			1	1
		Widowed	0		1			0	1
	Total		1		1			1	3
Secondary	Marital stauts	Married	2		2	0	0	1	5
		Never married	8		5	1	12	2	28
		Divorced	0		0	0	1	0	1
		Widowed	0		0	0	1	0	1
		Seperated	3		0	0	1	0	4
	Total		13		7	1	15	3	39
Tertiary (matric +)	Marital stauts	Married	4	0	0		2		6
		Never married	2	1	0		4		7
		Divorced	1	0	0		0		1
		Widowed	0	0	1		0		1
	Total		7	1	1		6		15
Total	Marital stauts	Married	7	0	2	0	2	1	12
		Never married	10	1	5	1	16	3	36
		Divorced	1	0	0	0	1	0	2
		Widowed	0	0	2	0	1	0	3
		Seperated	3	0	0	0	1	0	4
	Total		21	1	9	1	21	4	57

This might be an indication regarding the religion in the country that South Africa is dominated by Christianity with other religions having minimal percentages. The distribution of religion in South Africa according to StatsSA (2012), Christianity (including Western Christianity and African Traditional Christianity) was at 79.8%, African Traditional Religion at 0.3%, Islam at 1.5%, Judaism at 0.2%, Hinduism at 1.2%, other at 0.6%, undetermined and no religion at 15.1%.

The population of South Africa according to StatsSA (2012) was at 51.8 million and the population of Limpopo Province was at 5.4 million with females at 2.9 million and males

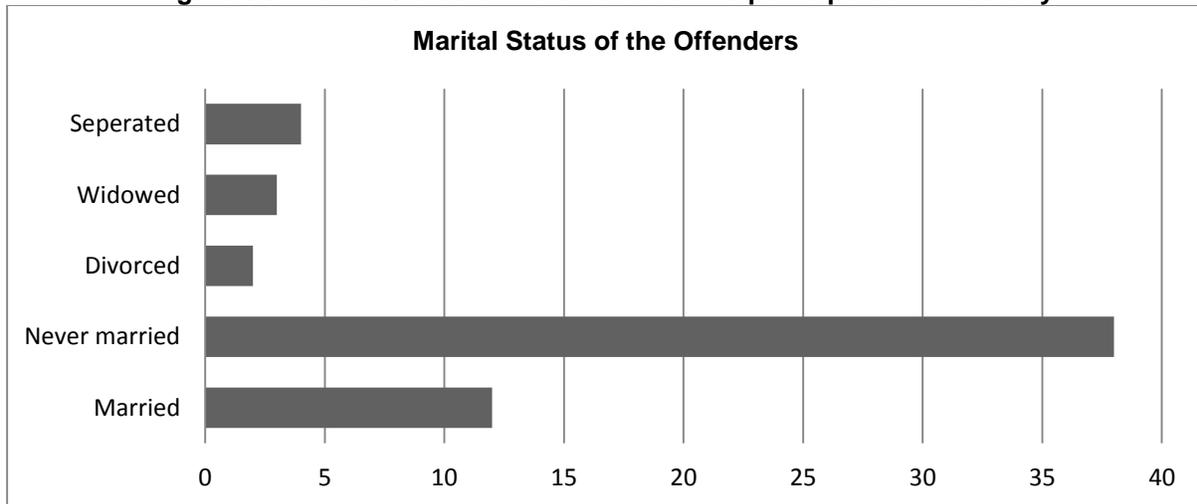
at 2.4million. The population in South Africa in percentages comprises of Black African at 79.2% followed by Coloured and white people at 8.9% and then Indian or Asian at 2.5% and then other at 0.5%. In the Limpopo Province the distribution of the population was at 96.7% Black African, 2.6% White, 0.3% Coloured and Indian and 0.2% other. The language distribution in the Limpopo Province is dominated by Sepedi at 52.9% followed closely by Tsonga at 17.0% and then Venda at 16.7%. The other languages that followed are Afrikaans at 2.6%, Ndebele and Tswana both at 2.0%, other at 1.6%, English and Sotho both at 1.5%, Zulu at 1.2%, Swati at 0.5% and then Xhosa at 0.4%. This may be one of the factors that Pedi was dominating in the study at the Polokwane Medium B Correctional Centre.

In terms of the highest educational qualification distribution of the people 20 years and older according to StatsSA (2012), Limpopo Province had the highest percentage in the country of people with no schooling at 17.3% while the country average was at 8.6%. The percentage of people with 'Some primary' in the province was at 11.6% just below the country average of 12.2%. Those who had completed primary, the Limpopo Province was at 4.3% just below the country average of 4.6%. The percentage distribution of people with 'Some Secondary', the Limpopo Province was at 34.8% while the country average was at 33.8%. The persons that had Grade 12/Std 10, the Limpopo Province was just below the country average at 22.3% while the country average was at 28.4%. Those who had higher education in the Limpopo Province were at 9.5% just below the country average of 12.1%. The highest percentage of no schooling in the country by the Limpopo Province should be a concern for the province with regard to crime. The lack of education may lead to unemployment where unemployment is resultant to poverty and poverty may result to crime. According to StatsSA (2012), the unemployment rate in the Limpopo Province was the highest in the country at 38.9% compared to the country average which was at 29.8%. The Limpopo Province unemployment rate is very high and might need serious attention.

The other element that is a concern for rehabilitation, recidivism and offender re-entry is the marital status of the offender. Studies have shown that married offenders have a

better chance of achieving rehabilitation and re-entry to the community due to the attachment to the family. Although education is regarded as vital to recidivism, the marital status of the offender may play a prominent role in the successful re-entry of the offender to the community. Table 6.7 above and figure 6.6 below reveal that the majority of the participants in the study were never married.

**Figure 6.6: Marital Status of the Offenders who participated in the study.**



The number of the never married was  $n=38$ , with married  $n=12$ , separated  $n=4$ , widowed  $n=3$  and divorced  $n=2$ . This means that only 20% of the respondents were married and the rest of the respondents were single. This is a serious concern for rehabilitation, recidivism and re-entry of offenders. There might be a need just to probe further the gender of the ones who were married. The marital status of the participants and their gender portray that the married were  $n=2$  females and  $n=10$  males. The never married were  $n=14$  females and  $n=24$  males. The divorced were only males  $n=2$  without any females. The widowed had one female and two males. The separated had one female and three males. This means that among all the participants, only two females were married out of  $n=18$ . The other factor that needs to be probed is the monthly income of the offenders before incarceration that might bring light as to some of the reasons these offenders committed crime. The following figure 6.7 is depicting the different categories of monthly incomes including not working. The previous question had asked whether the participants were working or not and that might be the reason behind that some did not respond to the follow-up question of monthly income.

**Figure 6.7: Monthly income of the offenders prior to incarceration.**

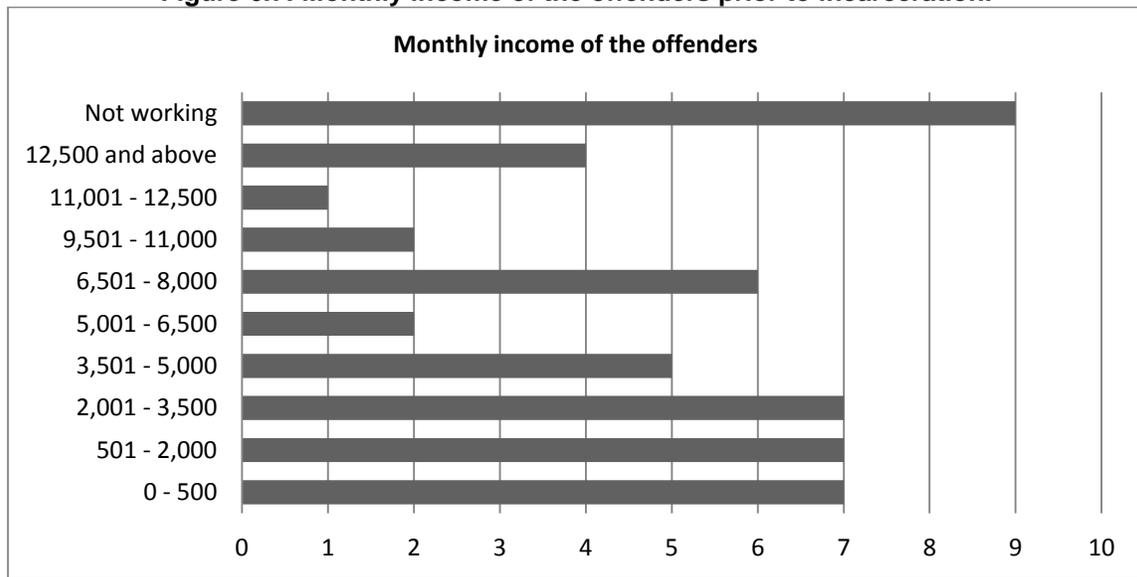


Figure 6.7 above depicts that the majority of offenders including the ones that did not respond to the question who were unemployed, which might be the reason for them to commit crime due to poverty. These unemployed respondents amounted to n=18 including those who do not reflect in the figure 6.7 above but were part of the study. The figure also displays that n=21 of the participants received a monthly salary of less than R3,501 with n=7 receiving less than R500 pm, n=7 receiving between R501 and R2,000 and n=7 receiving between R2,001 and R3,500. The salaries of the respondents were very low with an exception of only four respondents who claimed to have been receiving R12,500 and above prior to incarceration.

The minimum wages in South Africa for the vulnerable workers are above R2,000 per month which means the other respondents who claimed to have been working were just doing part-time jobs but unemployed. Maybe one might need to probe further the types of employment where the participants generated the monthly income. Some might have been in formal employment and others in informal employment. The question that was about the source of income, it was of the participants that generated income prior to incarceration. The options that were provided to the respondents were eight and they

were: pension (old age/disability), unemployment insurance fund, formal business, pension (retirement), formal employment, small business/entrepreneur, crime, and other.

**Figure 6.8: Sources of monthly income**

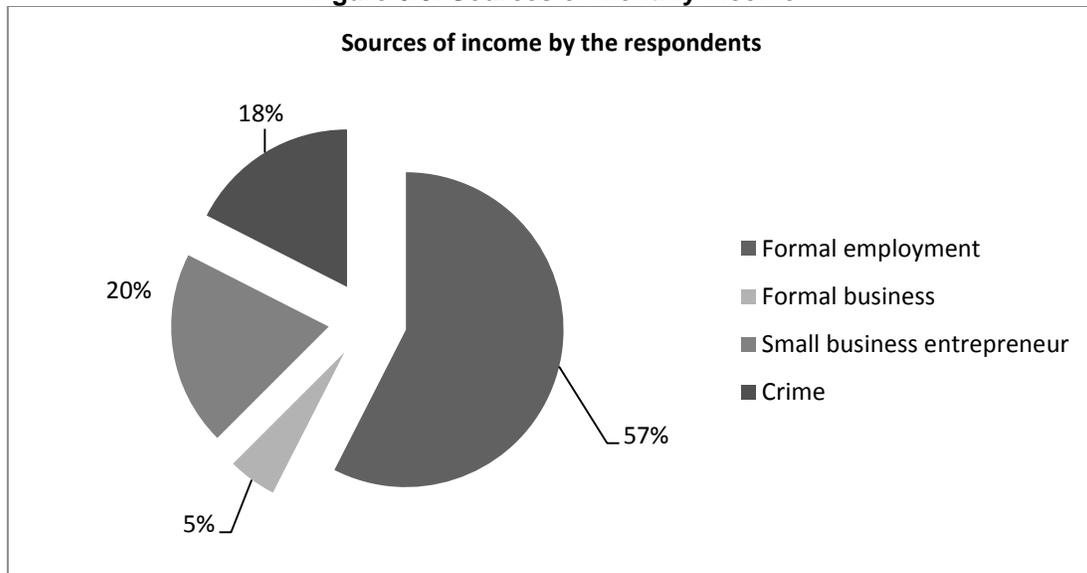


Figure 6.8 above depicts that the respondents only identified four areas from where they generated income being formal employment, formal business, small business/entrepreneur, and crime. Those who generated income from formal employment amounted to 57%, with 5% who claimed to have generated income from formal business, while 20% claimed to have generated income as small business/entrepreneur, and surprisingly 18% claimed to have generated income from crime. The 18% that claimed to have generated money from crime, n=2 had indicated in the monthly income category of less than R500 per month and the rest claimed to have not been working.

This is a worrying factor that people resort to crime due to unemployment that leads to poverty. This means that these offenders who generated income from crime will continue with crime once they are released or integrated to the society. In the formal employment category, n=2 of the respondents were receiving income of less than R500 per month, n=5 were receiving income between R501 and R2,000 per month, n=4 were receiving income between R2,001 and R3,500 per month. While it cannot be confirmed, according

to the information that is depicted by figures 6.7 and 6.8, respectively, unemployment and poverty leads to crime. Recidivism can also not be ruled out in this instance as if the 18% offenders are released to society, they will obviously recidivate if they are not provided with formal employment or skills to be self-employed.

#### **6.4.4 Section B: Incarceration or Rehabilitation and Poverty**

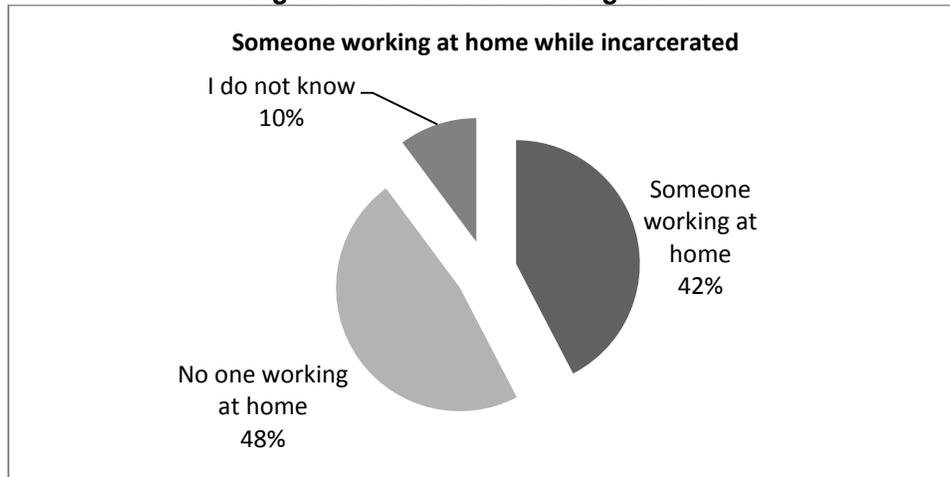
The above information regarding the source of monthly income and the monthly income received prior to incarceration have provided light with regard to what can be regarded as some of the causes of crime. If those who were unemployed and the ones who were receiving from formal employment little salaries claimed to have generated money from crime, then the crime rate in the country is still going to be a challenge. This section had eight questions to examine further the issue of incarceration, rehabilitation and poverty. The first question was checking whether the participants had regular contacts with relatives followed-up by the question on the frequency of the visits. These questions were followed by the one checking whether there was anyone working in the family while the offender was incarcerated with a follow-up question checking whether the money generated by the employee at home is enough to cater for the family. Consequently, followed the question that was checking whether offenders are aware as to how the family is surviving at home while they are incarcerated, which was succeeded by the question on the offenders whether they would like to work for their families while incarcerated with a follow-up question checking on how offenders feel the income they receive from their labour in corrections should be distributed among the offenders and family. Ultimately, the last question was proposing a 70% to 30% distribution.

**Table 6.8: Anyone working in the family, regular contacts with family and frequency of visits.**

Working in family			Frequency of visits							Total	
			Weekly	Fortnightly	Monthly	Bi-monthly	Quarterly	Half-yearly	Yearly		Other, specify
Yes	Regular contact with family	Yes	3	2	15	1	3	1			25
	Total		3	2	15	1	3	1			25
No	Regular contact with family	Yes	5	1	10		1	6	1	2	26
		No	0	0	0		0	2	0	0	2
	Total		5	1	10		1	8	1	2	28
Total	Regular contact with family	Yes	8	3	25	1	4	7	1	2	51
		No	0	0	0	0	0	2	0	0	2
	Total		8	3	25	1	4	9	1	2	53

Table 6.8 above reveal that n=25 of the respondents had someone working in the family while under incarceration and n=28 of the respondents indicated that no one was working in the family during their incarceration. This means that there is a real challenge in the offenders' families with regard to unemployment, poverty and then crime. This can be interpreted better by figure 6.9 below where 48% of the respondents indicated that there was no one working at home while they were incarcerated with 42% indicating that there is someone working at home while on the other hand, 10% of the respondents indicated that they do not know whether there was someone working or not. The ones that do not know, could be assumed to be the ones that lack regular visits. If 48% of the offenders' families generate no income during the period of incarceration of the offender, this means poverty is rife in such families including those who indicated that they do not know whether there was anyone working. This might mean that the country is creating more criminals or candidates for the criminal justice system due to poverty. The 42% that indicated that there was someone working at home, it is unknown whether the salaries they are receiving are appropriate to take care of the family.

**Figure 6.9: Someone working at home**



However, it is pleasing to note that out of n=53 respondents, n=51 indicated that they had visits from their families and only n=2 who indicated that they had no visitors. The two respondents that indicated that they had no regular visits by the family, indicated when probed further about the frequency of visits that their families visited them half-yearly. This information might be regarded as good news for the correctional centre with regard to rehabilitation and reintegration if almost all the offenders receive visitors. Visits by families for the sentenced offenders are only during weekends from Saturday to Sunday. Weekly (every Saturday or Sunday) visits might be difficult for working families as they also have to use some of the weekends for other factors concerning the family like funerals, groceries, house chores and many other aspects.

Nevertheless, the frequency of visits that dominated according to the offenders was the monthly visits by n=25 respondents. Half-yearly visits were n=9 and weekly visits were n=8. Quarterly visits were n=4, fortnightly n=3, other n=2, and yearly n=1. The visits by families are regarded as fundamental for the success of rehabilitation and offender re-entry into the society. It should also be noted that the visits accompany money in the form of toiletries, telephone money, clothes like shoes and underwear for the offenders and cash that is left at the reception for the offenders. The families try their level best to make sure that the offenders receive something during each visit and this might be the reason that visits are dominantly limited to monthly visits.

**Table 6.9: Working in family, income enough and frequency of visits.**

Is the income enough			Working in family		Total
			Yes	No	
Yes	Frequency of visits	Weekly	1	1	2
		Fortnightly	1	0	1
		Monthly	5	1	6
		Quarterly	2	0	2
		Half-yearly	1	1	2
	Total	10	3	13	
No	Frequency of visits	Weekly	2	1	3
		Fortnightly	1	0	1
		Monthly	7	2	9
		Quarterly	0	1	1
		Half-yearly	0	3	3
	Total	10	7	17	
I do not know	Frequency of visits	Monthly	3	1	4
		Bi-monthly	1	0	1
		Half-yearly	0	1	1
	Total	4	2	6	
Other	Frequency of visits	Monthly		1	1
		Half-yearly		1	1
	Total		2	2	
Total	Frequency of visits	Weekly	3	2	5
		Fortnightly	2	0	2
		Monthly	15	5	20
		Bi-monthly	1	0	1
		Quarterly	2	1	3
		Half-yearly	1	6	7
	Total	24	14	38	

Table 6.9 above elucidates the facts that were raised in the above paragraphs regarding the monthly visits and the question of people working in the family while the offender is incarcerated. The offenders' families that were having someone working in the family were the ones who displayed most visits with n=24 while on the other hand those who had no one working were few with n=14. The category of monthly visits dominated in families where there was somebody working at n=15, followed by weekly at n=3, followed by fortnightly and quarterly both at n=2 and then half-yearly at n=1. This can be said to be representative of a working group. The offenders' families where there was no one working are dominated by half-yearly visits at n=6 followed by monthly visits at n=5, followed by weekly at n=2 and the quarterly at n=1.

This clarifies the dominance of monthly visits as discussed in the previous paragraphs that offenders expect goods from families when they are visiting and that families need some money in order to visit the correctional centre. The half-yearly visits that dominated in the offenders' families where there was no one working is evidence that they need to bring something for the offender which they should accumulate over a period of six months and also the money to visit the correctional centre. According to table 6.9 above, those who indicated that the income generated by the family was enough were n=13 compared to those who said the income was not enough who were n=17. This is an indication that poverty in offenders' families is largely rife. It is only n=4 who indicated that they do not know whether the income was enough or not. This clarifies a lot with regard to poverty in the offenders' families which may lead to crime.

Among the offenders' families that indicated that there was no one working in the family, n=3 indicated that the income they were generating was enough while n=7 indicated that the income was not enough. The reason for the 3 respondents who said the income was enough, one might assume that they had some other means of generating income with no one working which might mean they might be having a business or the money was generated through other means and not ruling-out crime.

**Table 6.10: Is the income enough? How is the family surviving?**

Is the income enough			Working in family		Total
			Yes	No	
Yes	How is the family surviving	They are doing well	10	1	11
		They are struggling	2	2	4
	Total		12	3	15
No	How is the family surviving	They are doing well	3	0	3
		They are struggling	6	6	12
		I do not know	1	1	2
	Total		10	7	17
I do not know	How is the family surviving	They are struggling	4	1	5
		I do not know	1	2	3
	Total		5	3	8
Other	How is the family surviving	I do not know		2	2
	Total			2	2
Total	How is the family surviving	They are doing well	13	1	14
		They are struggling	12	9	21
		I do not know	2	5	7
	Total		27	15	42

Table 6.10 above reveals that among those respondents who indicated that there was someone working at home while they were incarcerated, who also stated that the income being generated was enough, n=10 indicated that the family was doing well while n=2 indicated that the family was struggling. In the same category of respondents who indicated that there was someone working at home, those who indicated that the income was not enough, n=3 indicated that the families were doing well, n=6 indicated that the families were struggling and n=1 indicated that they do not know how the family was doing. Still in the same category where there was a person working at home, those respondents who indicated that they do not know whether the income was enough or not, n=4 indicated that the family was struggling and n=1 indicated that they do not know whether they were struggling or not. Table 6.10 is elucidated by figure 6.10 below.

**Figure 6.10: Are the offenders' families surviving poverty (data from table 6.11).**

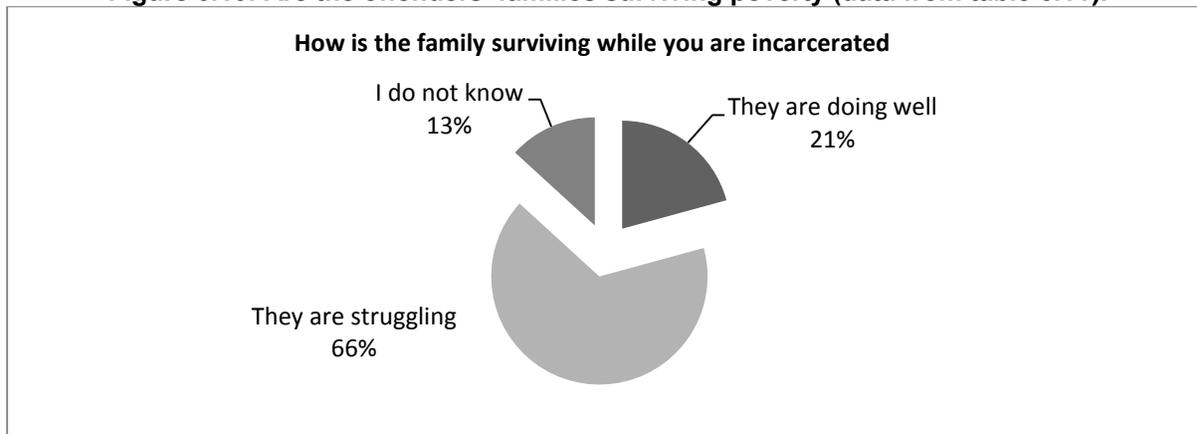


Figure 6.10 above reveals that 66% of the respondents indicated that their families were struggling to survive while the offenders were incarcerated with 13% indicating that they do not know whether their families are struggling or not while 21% demonstrated that their families were doing very well. The 13% of the respondents that indicated that they do not know whether their families are doing well or struggling, this cannot be regarded as ignorance but a destitute situation where an offender may not be receiving visitors on a regular basis due to the fact that they cannot afford to come to the correctional centre or bring him goods like the other inmates.

The assumption may be that a huge number of the offenders' families that the offenders do not know whether they are doing well or struggling could be struggling because if not, the offenders would be receiving visits from them. Immediately, you do not have information about a certain element, it means there is lack of communication or contact. Therefore, if 79% of the offenders' families are struggling while the offender is being incarcerated, this means there is severe poverty among the offenders' families that needs to be addressed before we create other criminals. The 21% that the offenders specify that they are doing well, this might be owing to a number of factors; like the offender is receiving regular weekly or monthly visits and goods from the family but the offender is not aware how is the family struggling to raise the money, while the other may be that since they despise what the offender did and in an attempt to punish the offender by not visiting him, the culprit would have no mercy for the family and indicate that they are doing well.

**Table 6.11: How should your salary be distributed if you prefer to work to support your family.**

How should your income be distributed			Would you prefer to work to support your family				
			Would like to work for them	Would not like to work for them	The state should take care of them	Other, specify	Total
Money to be given to family/children	How is the family surviving	They are doing well	6		1	0	7
		They are struggling	19		0	1	20
		I do not know	2		0	0	2
	Total		27		1	1	29
Keep all the money till I am released	How is the family surviving	They are doing well	1	1			2
		They are struggling	4	0			4
		I do not know	1	0			1
	Total		6	1			7
Money given to a person nominated by me	How is the family surviving	They are doing well	2				2
		They are struggling	11				11
		I do not know	3				3
	Total		16				16
Other, specify	How is the family surviving	I do not know	1				1
	Total		1				1
Total	How is the family surviving	They are doing well	9	1	1	0	11
		They are struggling	34	0	0	1	35
		I do not know	7	0	0	0	7
	Total		50	1	1	1	53

Table 6.11 above depicts that the majority of the respondents when asked whether they would prefer to work for their families/children while incarcerated, 94% of the respondents indicated that they would like to work for their families and children, while 2% said they would not like to work for them, the other 2% indicated that the state should provide for them and ultimately, the other 2% indicated other. This information is elucidated by figure 6.11 below.

**Figure 6.11: Would you prefer to work for your family while incarcerated.**

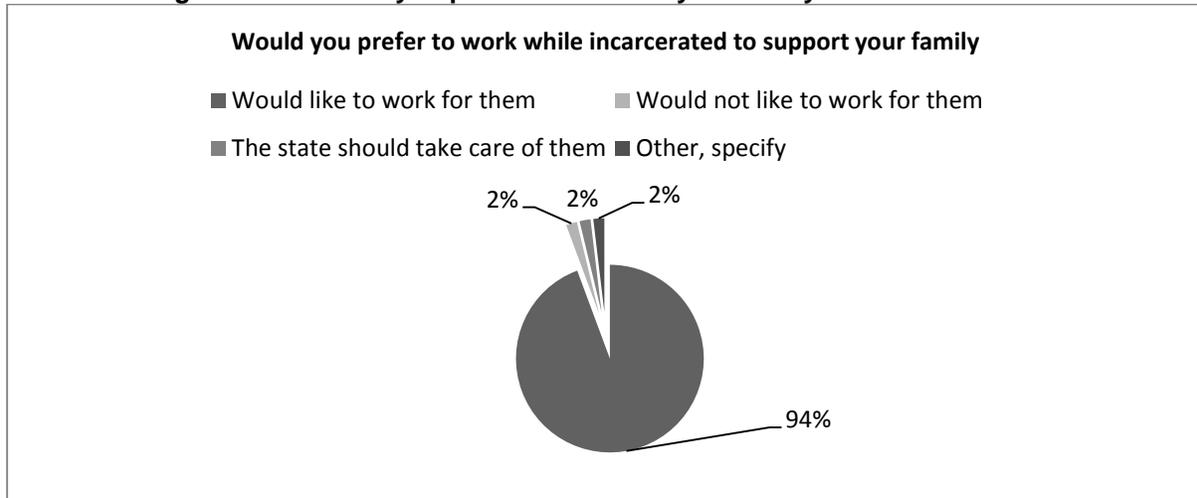


Table 6.11 probed the respondents further as to how would they prefer that the money they generate working while incarcerated should be distributed. The options that were provided to the respondents were: money to be given to my family/children, keep all my money until I am released, money should be given to a person nominated by me, do not know and other. This was a follow-up question from the preceding question that was checking whether the offenders would like to work for their families. It is really pleasing to note that 94% of the respondents were prepared to work for their families which could be regarded as a good opportunity for rehabilitation and re-entry to the society.

**Figure 6.12: How would you like your money to be distributed**

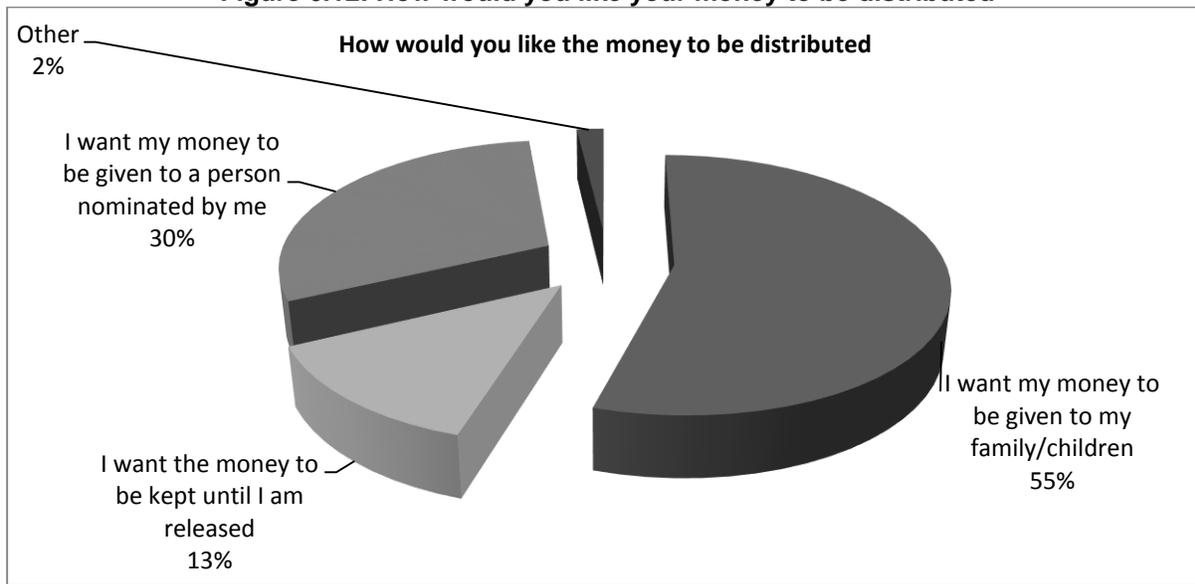


Figure 6.12 above further demonstrates that most of the respondents wanted to work for their families/children. This is evidenced by 55% of the offenders who indicated that they want the money to be given to their family, followed by 30% of the respondents who indicated that they would prefer the money to be given to the person identified by them, then followed 13% of the respondents who said they want the money to be kept until they are released. These percentages are perceived to be positive due to the fact that this was a follow up question from the question of working for the children where 94% of the respondents indicated that they would like to work for them. Hearteningly, 55% plus 30% of the respondents wanted the money to be given to people outside the correctional centre to support them, which are 85% of the respondents and a good sign of rehabilitation and offender re-entry.

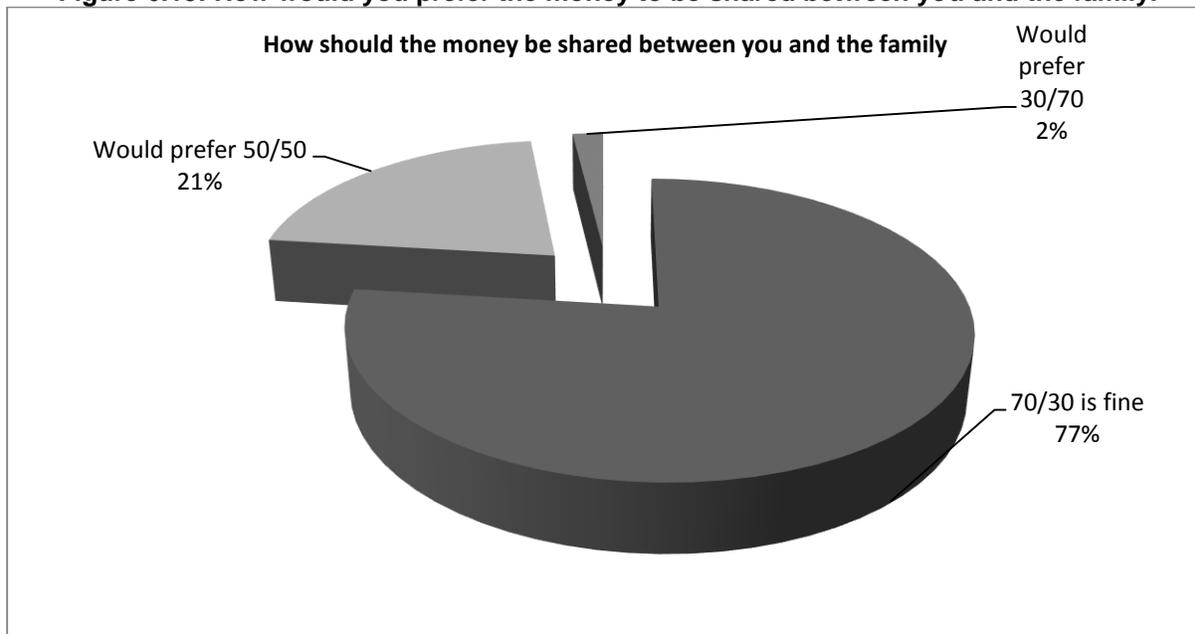
The other 13% of the respondents might be requesting that the money be kept until they are released due to the conditions that they are aware of at home and would like to fend for their children themselves. They might have lost trust to the family members on the outside who might misuse the money for their family/children. The loss of trust might be due to a separation or a divorce where the spouse is now in a relationship with another person and would not like to work for a person that took your spouse. The responses from

the respondents who participated in the study display positive attitude towards the future. This may be due to the rehabilitation programs that are provided by the correctional centre and the relationships with their families. The statements that the offenders' families are struggling also display the level of concern by the offenders.

However, there were offenders who were not optimistic and displayed some pessimism in their responses like the 4% (2% that did not want to work for the family and 2% that said the state should take care of their families) in figure 6.11 above. In table 6.11 above, one of the two respondents indicated that the family was doing well and would like the money to be given to the family but contrary to that indicated that the state should take care of the family. This again as indicated above is a situation where people in generational poverty believe that the state owes them for the situation that they are in. This respondent might also be having issues with the family if the respondent indicates that the family is doing well, while the money must be given to the family and contrary to that the state must take care of the family. There is some animosity somewhere as these statements are inconsistent.

Still on table 6.11 above, one of the respondents indicated that the family was doing well and did not want to work for them while indicating that the money generated while incarcerated should be given to him when he is released. Equally, if one looks in these statements of this respondent, there is some acrimony in the relationship between the offender and the family. The cause of this might be the lack of trust that the offender has with the family or the people outside. These are not good signs for rehabilitation and offender re-entry to the society. Fortunately, such respondents only form 4% of the offenders who are pessimistic out of the 94% who were optimistic. The respondent that indicated the other category specified that the family was struggling at home and wanted the money to be given to the family/children but when probed whether would prefer working for them or not, the respondent preferred other, which might mean something else. Nevertheless, the responses of this respondent were not detrimental.

**Figure 6.13: How would you prefer the money to be shared between you and the family.**



A further probe was made regarding the sharing of the money between the offender and the offenders' family. The question that was asked was 'how would you feel, if 70% of your income is given to your family and 30% be utilised for your boarding and lodging? The respondents were provided these options: 70/30 is fine, would prefer 50/50, would prefer 70/30, or other. Figure 6.13 above reveals that 77% of the respondents preferred 70/30 meaning that 70% of their income should be sent to the family and the 30% be kept for the inmate to take care of himself. Again, this shows the relationship that the respondents had with their families and one might assume that these respondents were incarcerated trying to generate income for their families.

The 21% of the respondents who indicated that they would prefer 50/50 might be regarded as respondents who would like to take care of the family but still have control. There might be some element of doubtfulness in this regard and would like to make sure that the money is utilised accordingly. Most of such respondents might be the ones who indicated that they were married in the marital status category as they still want to control. The respondent who indicated the preference of 30/70 cannot be understood. This is maybe a respondent who is still young or not having a biological family or is having

problems with the family. This might also be the respondent that was argued about in the above paragraphs where there is hostility between the offender and the family.

This section has displayed that the offenders' families are in dire poverty, which is also obvious to the offenders themselves. It is evident that the offenders are willing to take-up employment if afforded the opportunity in order to support their families/children. Moreover, the majority of the offenders are more than willing to give 70% of their earnings to the family and remain with 30%. This is really encouraging with regard to rehabilitation of the offenders.

#### **6.4.5 Section C: Incarceration or Rehabilitation and Crime**

This section is about incarceration or rehabilitation and crime regarding the offenders in Polokwane Medium B Correctional Centre. The section consisted of 10 questions that were mainly focussed on crime. The first question was about the area where the offender was sentenced followed by the length of the sentence. The following question is checking whether the present institution is the first institution where the offender was incarcerated and followed by the question on the reason why the offender committed the present crime. Consequently, the next question is checking on members of the family who are incarcerated, also checking the relationship of the offender to that of the relative who s incarcerated and checking the criminal offense of the relative whether it is related to the offenders' sentence. Ultimately, the respondents are asked about the harshness of their current sentence whether it is harsh or not.

**Table 6.12: Area and length of the sentence and the institution where currently sentenced.**

			How long is your sentence				Total
			More than six months but less than a year	More than one year but less than three years	More than three years but less than ten years	More than ten years	
Is this your institution to be incarcerated in							
Yes	Where were you sentenced	Polokwane	1	4	5	7	17
		Not in Polokwane but in Limpopo Province	1	4	15	7	27
		Not in Limpopo Province but South Africa	0	0	0	1	1
	Total		2	8	20	15	45
Was transferred next to my home	Where were you sentenced	Not in Polokwane but in Limpopo Province			2	2	4
	Total				2	2	4
Transferred to more than one institution	Where were you sentenced	Polokwane		1	0	2	3
		Not in Polokwane but in Limpopo Province		1	1	2	4
	Total			2	1	4	7
Other, specify	Where were you	Not in Polokwane but in Limpopo Province				1	1
	Total					1	1
Total	Where were you sentenced	Polokwane	1	5	5	9	20
		Not in Polokwane but in Limpopo Province	1	5	18	12	36
		Not in Limpopo Province but South Africa	0	0	0	1	1
	Total		2	10	23	22	57

Table 6.12 above reveals the responses from the three questions that were asked from the respondents. The first question was about the area where the offender was sentenced. The respondents were provided with four options and they were: Polokwane, Not in Polokwane but in Limpopo Province, Not in Limpopo Province but in South Africa and other.

**Figure 6.14: The area of sentencing.**

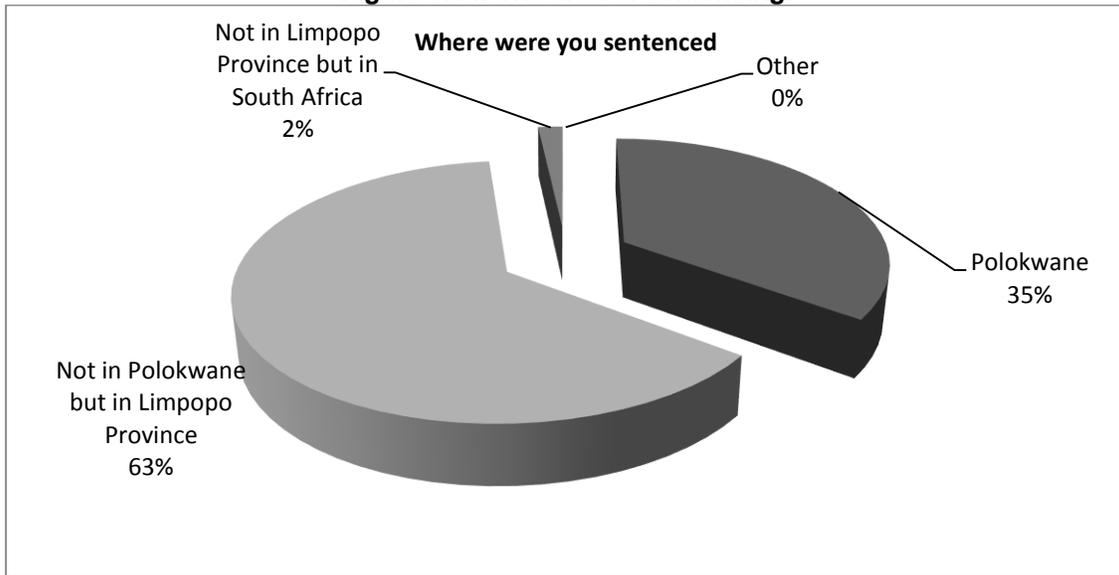


Figure 6.14 portray that 63% of the offenders were sentenced not in Polokwane but in the Limpopo Province, followed by 35% who were sentenced in Polokwane. Only 2% of the respondents indicated that they were sentenced outside of the Limpopo Province but in South Africa.

**Figure 6.15: The length of the sentence**

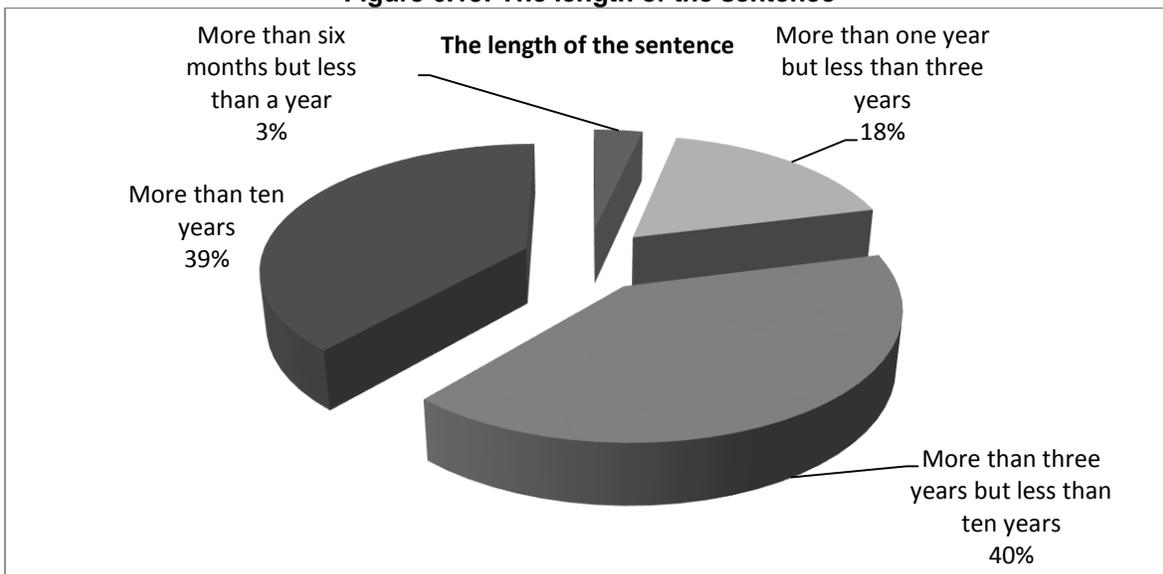
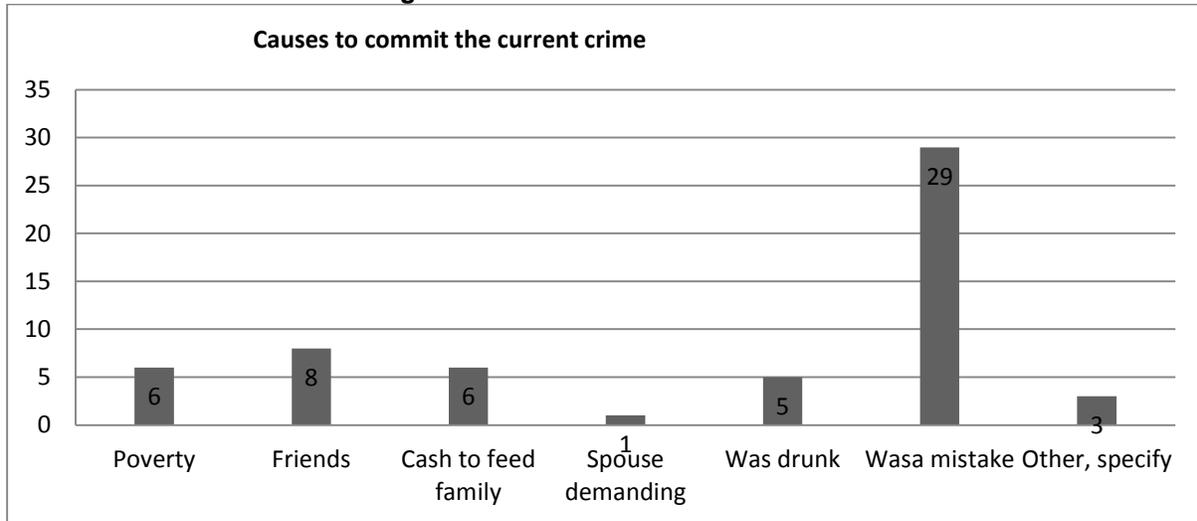


Figure 6.15 above portrays that 40% of the respondents indicated that their sentences were more than three years but less than ten years while 39% of the respondents indicated that their sentences were more than ten years. This was followed by the 18% of the respondents who indicated that their sentences were more than one year but less than three years and lastly 3% of the respondents indicated that their sentences were more than six months but less than one year.

**Figure 6.16: Causes to commit crime**



**Table 6.13: The reason to commit crime including the institution and the level of incarceration**

			What made you to commit this crime						Total	
			Poverty	Friends	Cash to feed family	Spouse demanding	Was drunk	Wasa mistake		Other, specify
Is this the first incarceration										
Yes	Is this your institution to be incarcerated in	Yes	3	7	5	1	4	19	2	41
		Was transferred next to my home	0	0	1	0	0	2	0	3
		Transferred to more than one institution	0	0	0	0	0	3	0	3
		Other, specify	0	0	0	0	0	1	0	1
	Total		3	7	6	1	4	25	2	48
Was incarcerated once before	Is this your institution to be incarcerated in	Yes	2					0		2
		Was transferred next to my home	0					2		2
		Transferred to more than one institution	0					1		1
	Total		2					3		5
Was incarcerated more than once before	Is this your institution to be incarcerated in	Yes	1	1			0	0	0	2
		Transferred to more than one institution	0	0			1	1	1	3
	Total		1	1			1	1	1	5
Total	Is this your institution to be incarcerated in	Yes	6	8	5	1	4	19	2	45
		Was transferred next to my home	0	0	1	0	0	4	0	5
		Transferred to more than one institution	0	0	0	0	1	5	1	7
		Other, specify	0	0	0	0	0	1	0	1
	Total		6	8	6	1	5	29	3	58

Table 6.13 above reveals the responses with regard to what caused the respondents to commit crime, checking whether this is the first institution where the offender was incarcerated and the frequency of incarceration.

**Figure 6.17: Is this the first time you were incarcerated**

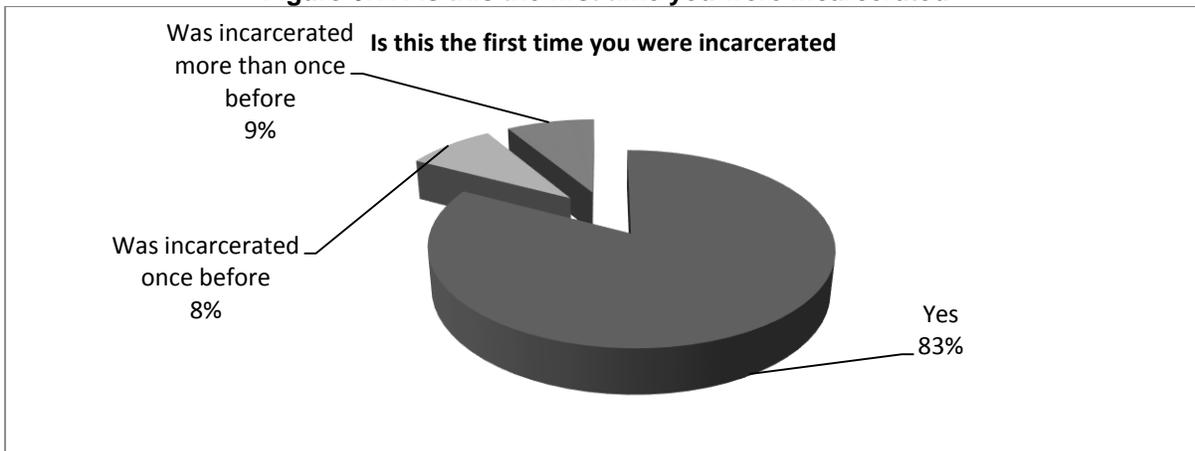


Figure 6.17 indicates that 83% of the respondents were incarcerated regarding the current crime for the first time in Polokwane Medium B Correctional Centre while 9% were incarcerated more than once before and the 8% were incarcerated once before. The 17% in figure 6.17 above are recidivists.

**Table 6.14; Anyone from the family who is incarcerated or was once incarcerated.**

Is the offence in C8 related to your offence			If yes in C^, how are you related					Total	
			Husband	Son	Grandparent	Cousin	Other, specify		Not applicable
Yes	Anyone from family incarcerated or was once incarcerated	Yes				1	1	1	3
		No				0	0	8	8
	Total				1	1	9	11	
No	Anyone from family incarcerated or was once incarcerated	Yes	0	0	1	2	3	0	6
		No	1	1	1	0	0	4	7
	Total	1	1	2	2	3	4	13	
I do not know	Anyone from family incarcerated or was once incarcerated	No					1	12	13
	Total					1	12	13	
Total	Anyone from family incarcerated or was once incarcerated	Yes	0	0	1	3	4	1	9
		No	1	1	1	0	1	24	28
	Total	1	1	2	3	5	25	37	

Table 6.14 above tells of the relatives of the respondents who had committed crime and further investigating whether the crime in question is related to the offenders' crime. The main aim here was to check whether rehabilitation in terms of crime is possible for the offender in order to allow reintegration of the offender to the community. However, there were a lot of missing values in this table as most questions were follow-up questions.

**Figure 6.18: Relationship between the offender and convict relatives**

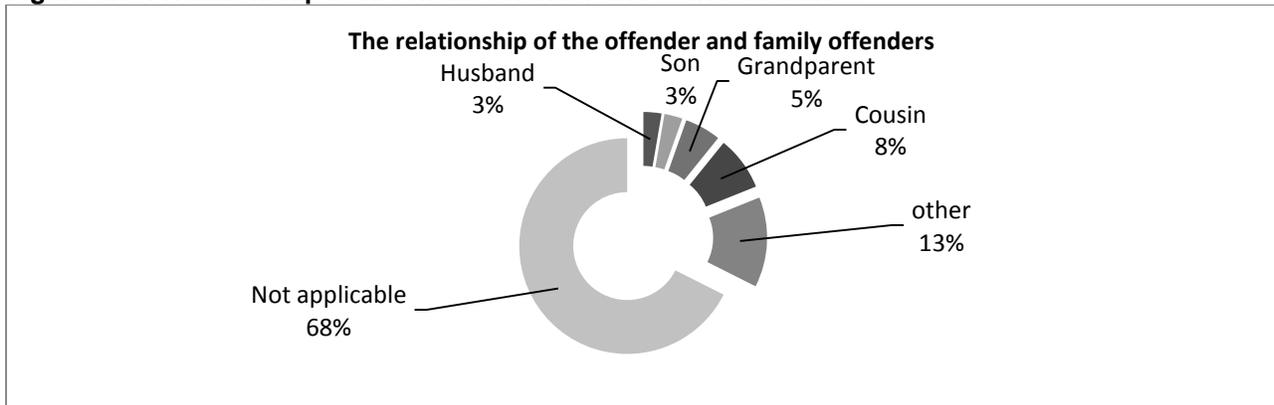


Figure 6.18 above depicts that 68% of the respondents specified the not applicable category in this question as they had no relatives that were involved in crime currently or

previously. The 13% of the respondents also indicated other and 8% of the respondents indicated that their cousin, with 5% indicating that their grandparent while son and husband were both at 3% each.

**Table 6.15: Appropriateness of the sentence and the frequency of incarceration**

		Is this the first incarceration			Total
		Yes	Was incarcerated once before	Was incarcerated more than once before	
Is your sentence to harsh or appropriate to the crime	Appropriate to the crime committed	5	1	2	8
	Too harsh	35	4	3	42
	I do not know	4	0	0	4
	Other, specify	1	0	0	1
Total		45	5	5	55

Table 6.15 above depicts that most respondents regard their sentences to be too harsh compared to the crime committed. This could be a serious concern for the Department of Correctional Services regarding rehabilitation in the sense that if the offenders do not regard the imposed sentence to be appropriate to the offence, then it would be difficult for them to undergo proper rehabilitation programmes.

#### **6.4.6 Section D: How Incarceration May Lead to Recidivism**

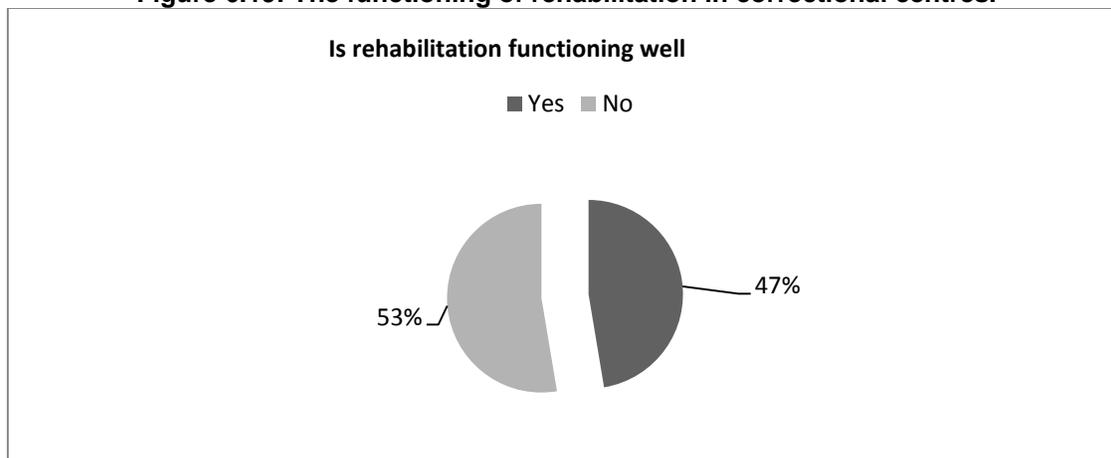
This section was made up of three questions probing on the effect of incarceration or rehabilitation on recidivism. The first question was checking on the functioning of rehabilitation succeeded by a follow-up question on areas where the Department of Correctional Services and the Criminal Justice System need to improve. Ultimately, the respondents were asked whether they would re-offend if they were to be released in an attempt to explore the scourge of recidivism.

**Table 6.16: Is rehabilitation functioning well and If released, will you re-offend**

		If released, will you re-offend				Total
		Yes	Not a chance	Depending on the situation out of prison	I do not know	
Is rehabilitation functioning well	Yes	2	21	1	3	27
	No	0	29	0	1	30
Total		2	50	1	4	57

Table 6.16 above depicts responses provided by offenders of Polokwane Medium B Correctional Centre who participated in the study. The question was checking on the effective and efficient functioning of rehabilitation to curb the rising rate of recidivism not only in South Africa but elsewhere in other countries.

**Figure 6.19: The functioning of rehabilitation in correctional centres.**



It is a serious concern to note that the majority (53%) of the respondents indicated that rehabilitation was not functioning well compared to 47% who said it was functioning well. However, the margin is not that great which makes it difficult to determine the reason for the diverse sentiments. A follow-up question was provided for the respondents who had indicated that it was not functioning well. In the follow-up question, the respondents were provided with the following options in response to the non-functioning of rehabilitation: overcrowding, lack of appropriate staff, lack of appropriate policies, staff does not implement policies, do not know and other.

**Table 6.17: Where are DCS and CJS lacking if Rehabilitation is not well implemented**

		If no in D1, where do you think DCS and CJS are lacking					Total	
		Overcrowding	Lack of appropriate staff	Lack of appropriate policies	Staff do not implement policies	I do not know		Other, specify
Is rehabilitation functioning well	Yes	6	1	1	1	2	1	12
	No	12	3	2	7	0	5	29
Total		18	4	3	8	2	6	41

Table 6.17 above shows how the respondents that responded to both question D.1 and D.2 regarding the functioning of rehabilitation. The gap seems to be widening due to the missing entries in terms of question D.2 as it was a follow-up question.

**Figure 6.20: The implementation of rehabilitation in Polokwane Medium B Correctional Centre**

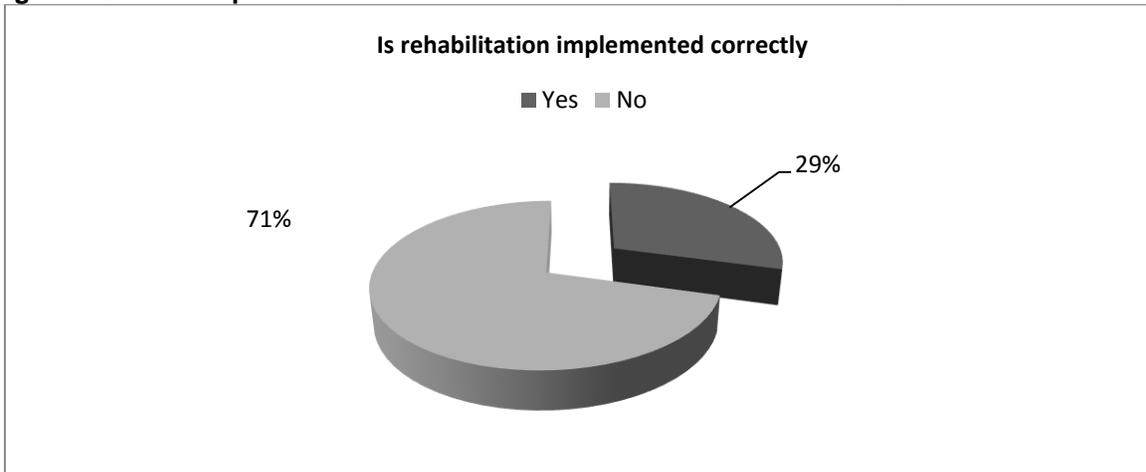


Figure 6.20 above depicts that 71% of the respondents that responded to both D.1 and D.2 indicated that rehabilitation in Polokwane Medium B Correctional Centre was neither functioning nor implemented well with only 29% indicating that it was working. The reasons that were given by the respondents are stated in figure 6.21 below.

**Figure 6.21: The areas where the respondents feel DCS is lacking**

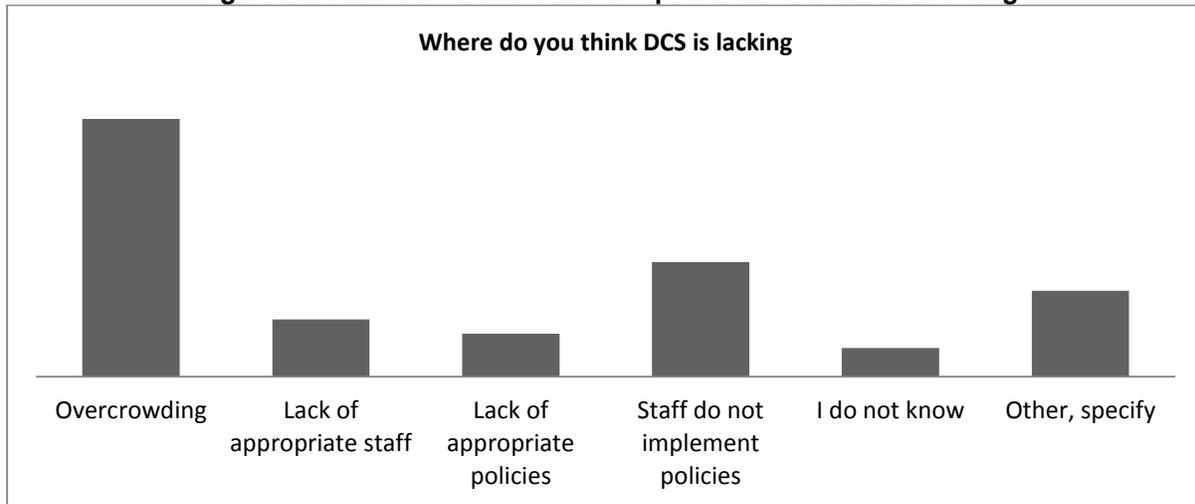
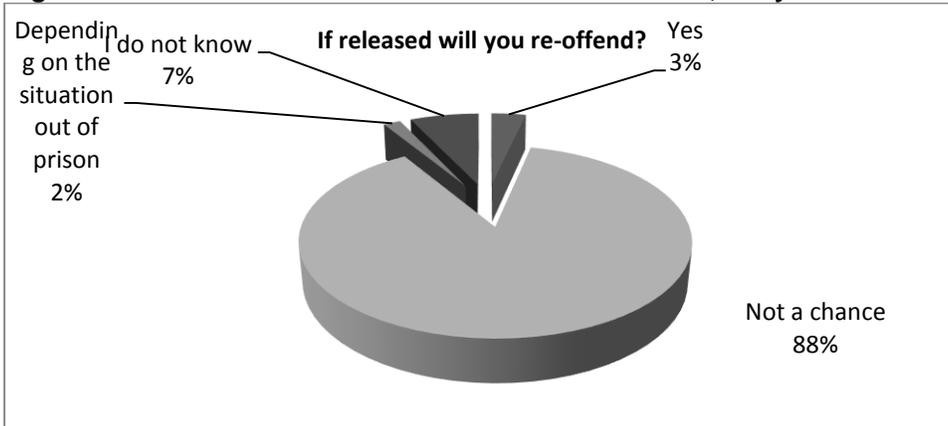


Figure 6.21 above reveals the reasons provided by the respondents that they feel are the contributing factors in the non-functioning of rehabilitation in the correctional centres. The majority of the respondents thought that overcrowding was the reason that rehabilitation was not functioning well followed by that staff does not implement the policies as prescribed. The lack of implementation of policies was followed closely by other. Some respondents felt that the lack of appropriate staff while a few felt that the reason was the lack of appropriate policies.

The last question of this section was probing on the respondents was that if they were released, would they re-offend? The options that were given to the respondents were: Yes; not a chance; depending on the situation out of prison; do not know; and other. Table 6.16 above and figure 6.22 below illustrate that 88% of respondents indicated that they would not re-offend once released and 7% indicated that they do not know while 3% indicated that they would re-offend while 2% indicated that it would depend on the situation out of the correctional centre.

**Figure 6.22: When released from the correctional centre, will you re-offend?**



It is encouraging that the majority of the respondents are positive about not to recidivate after their release; however, the other 12% really have to attend rehabilitation programs as this paints a picture of lack of confidence.

**6.4.7 Section E: How the Existing Incarceration and Rehabilitation Framework May Be Adjusted or Improved.**

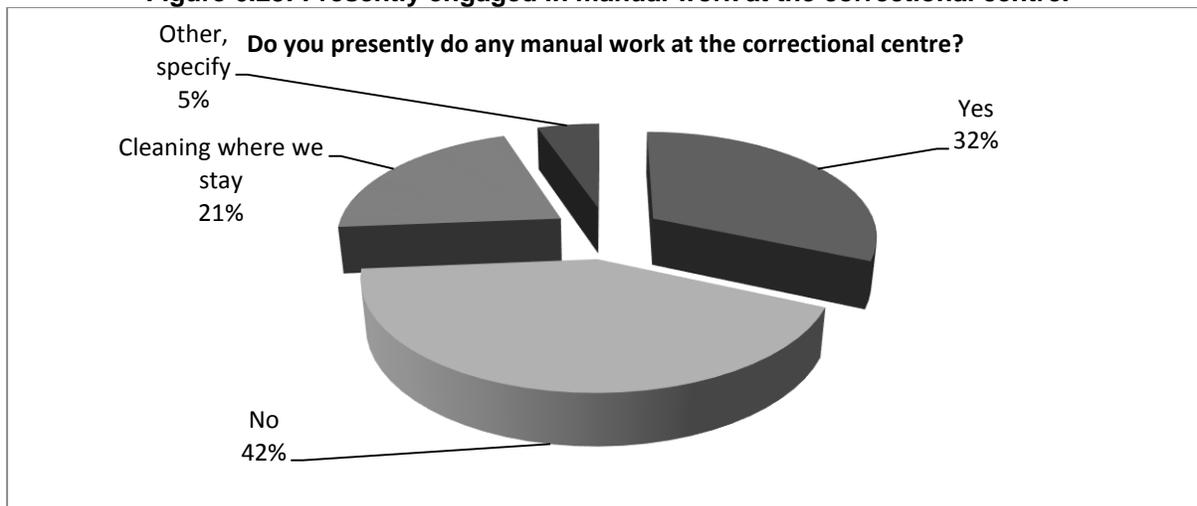
This was the last section of the offenders’ questionnaire. The purpose of this section was to scrutinise the current framework of DCS and explore ideas on how the framework could be adjusted or improved. The section consisted of nine questions with the first four checking whether the offenders are engaged in manual work inside the correctional centre and also examining whether they are paid for that manual work. The two following questions invited the opinion of the respondents regarding the parole system. These were followed by a question on overcrowding which was followed by a question on mass incarcerations. Ultimately, the respondents were questioned about incarceration by the municipalities.

**Table 6.18: Manual work at the correctional centre.**

		Marital staufs					Total
		Married	Never married	Divorced	Widowed	Seperated	
Do you do any work at prison	Yes	3	14	1	0	0	18
	No	3	16	1	1	3	24
	Cleaning where we stay	3	6	0	2	1	12
	Other, specify	2	1	0	0	0	3
Total		11	37	2	3	4	57

Table 6.18 above and figure 6.23 below portray the responses from the respondents regarding the manual work that some of the respondents are engaged in. The respondents were provided with four options: yes; no; just cleaning where we stay; and other. In terms of figure 6.23 below, 42% of the respondents indicated that they were not involved in any manual work in the correctional centre while 32% indicated that they were involved in the manual work. The 21% of the respondents claimed that they were involved in manual work just by cleaning where they are staying, which cannot be regarded as manual work.

**Figure 6.23: Presently engaged in manual work at the correctional centre.**



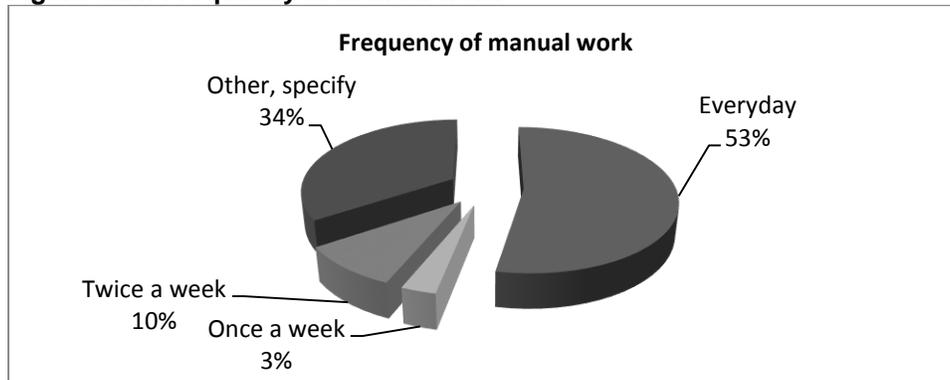
It is interesting to note that 42% of the respondents were not involved in manual work which might be due to a lot of factors. One of the positive factors that were identified in the responses were that the offenders could not be engaged in manual work as they were busy with the studies, which in the researcher's opinion is very good for rehabilitation and the curbing of recidivism. However, those respondents who claimed to be studying were not probed further since this is positive but the probing focused on the respondents that were involved in manual work. This might have a serious impact on the response rate in this section since 42% indicated that they were not involved in manual work.

**Table 6.19: Payment for work, Frequency and Satisfactory amount**

Are you satisfied with the amount			If yes in E1, are you paid for work			Total
			Yes	No	Other, specify	
Satisfied	how frequent	Everyday	4	2		6
		Once a week	1	0		1
	Total		5	2		7
Not satisfied	how frequent	Everyday	9			9
		Twice a week	1			1
		Other, specify	1			1
	Total		11			11
Not applicable	how frequent	Everyday		2	0	2
		Twice a week		2	0	2
		Other, specify		3	5	8
	Total			7	5	12
Other, specify	how frequent	Other, specify		2		2
	Total			2		2
Total	how frequent	Everyday	13	4	0	17
		Once a week	1	0	0	1
		Twice a week	1	2	0	3
		Other, specify	1	5	5	11
	Total		16	11	5	32

Table 6.19 above portrays the responded who indicated in table 6.18 above that they were involved in manual work. The three questions probed in the table are the frequency of the manual work; whether the respondents were paid for the manual work and whether the respondents were satisfied with the payment for the manual work.

**Figure 6.24: Frequency of manual work**



The first question in the table (table 6.19), was the frequency of the manual work, which consisted of four choices. The choices were: everyday; once a week; twice a week; and other. According to figure 6.24 above, 53% of the respondents indicated that they were involved in manual work every day while 10% indicated that it was twice a week and 3% indicated that it was once a week. The 34% of the respondents who indicated other are supposedly the respondents who indicated that they are involved in manual work by cleaning where they are staying. This may be verified against figure 6.25 below. The question that was asked from the respondents was whether they are paid for the manual work or not. They were provided with three options: yes; no; and other.

**Figure 6.25: Payment for the manual work**

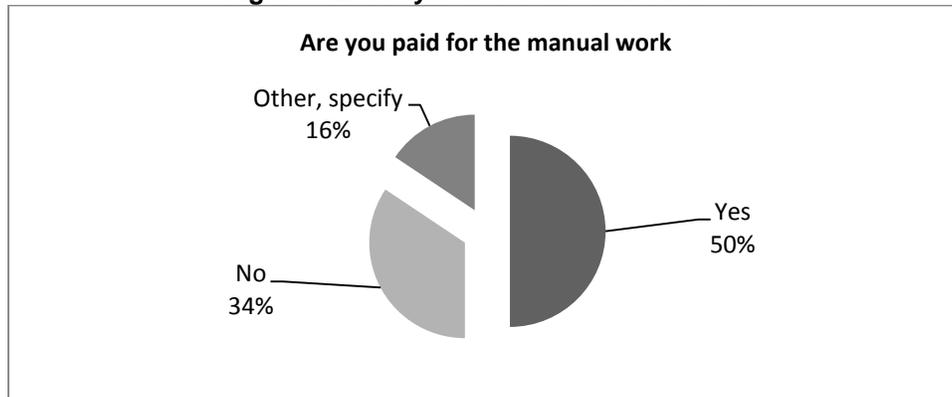


Table 6.19 above and figure 6.25 above portray that 50% of the respondents who indicated that they were involved in manual work, were being paid for the manual work and 34% indicated that they were not paid while 16% indicated other. This means that some respondents are being paid inside the correctional centre for doing manual work. The further question that needed to be probed was whether these paid respondents are satisfied with the amount that they receive.

**Figure 6.26: Satisfaction with the amount paid for manual work**

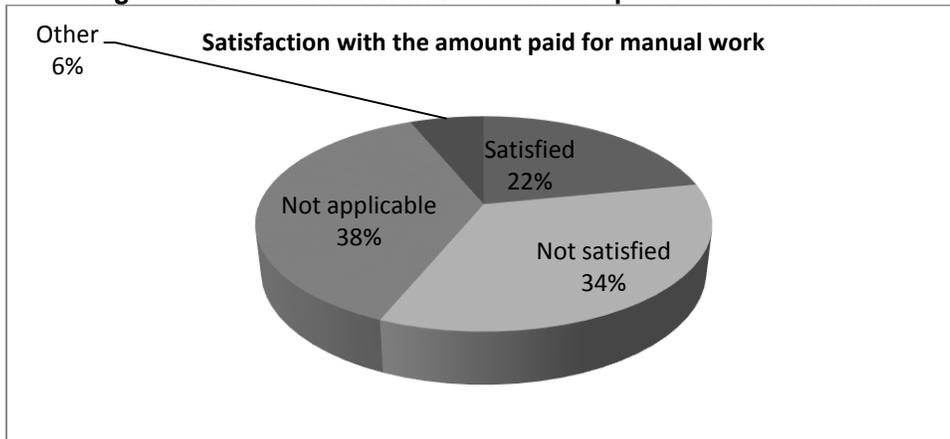


Figure 6.26 above portrays that 38% of the respondents indicated that this was not applicable to them whereas 34% indicated that they were not satisfied with 22% indicating that they are satisfied and 6% indicating other. In compliance with approved ethical conduct of the researcher regarding sensitive issues, the probe did not go further to investigate the amount of money that the respondents are receiving together with what happens to the money once the respondents are paid.

**Table 6.20: The parole system in the DCS.**

		Which area of parole system that needs to be improved				Total
		The way inmates are chosen	The panel that conducts the hearings	The policies that are applicable	Other, specify	
Is the parole system applied fairly	Fair	3	4	5	1	13
	Applied unfairly	2	6	5	0	13
	Do not know	6	4	6	6	22
	Other, specify	0	0	0	1	1
Total		11	14	16	8	49

Table 6.20 above reveals that the respondents are not familiar and not informed about the parole system. This is evidenced by the responses provided by the participants to the study. The first question in table 6.20 above, attempted to investigate the fair application of the parole system by the DCS in the correctional centre and the options that were provided to the respondents were: fair; it is applied unfairly; I do not know; and other.

**Figure 6.27: Application of the parole system by the DCS**

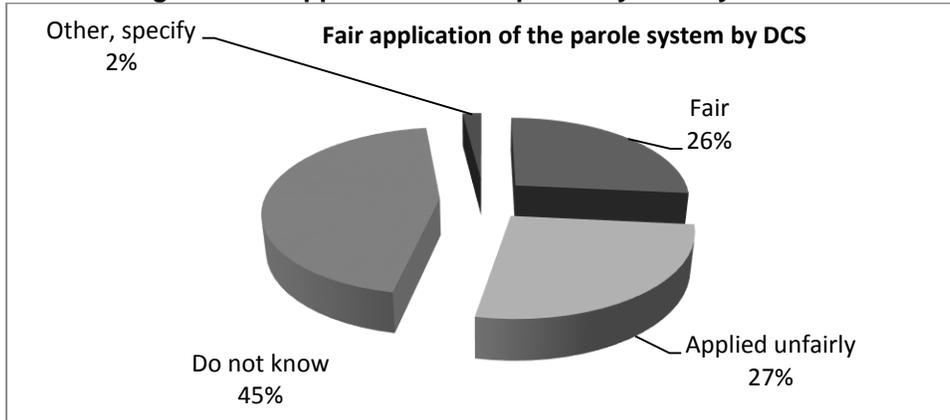


Table 6.20 and figure 6.27 above, reveal that 45% of the respondents did not have any understanding regarding the parole system. The respondent (2%) that indicated other; had indicated in the questionnaire that he/she has never been involved in the parole system with the 27% of the respondents indicating that it was applied unfairly though 26% indicated that it was fairly applied. Figure 6.27 above might be regarded as exposing the level of ignorance with regard to this element. The second question in the same table 6.20 above was testing the areas that the respondent feels should be improved. The respondents were provided with four choices: the way inmates are chosen; the panel that conducts the hearings; the policies that are applicable; and other.

**Figure 6.28: Areas of the parole system that need to be improved**

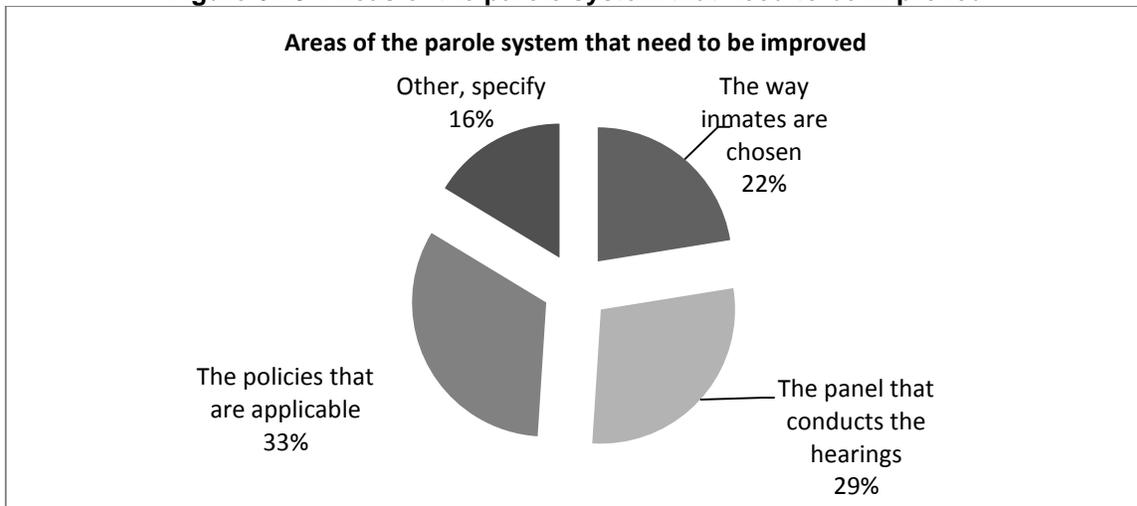


Figure 6.28 depicts the responses provided by the respondents from Polokwane Medium B Correctional Centre. The respondents had diverse opinions regarding the areas that need to be addressed in the parole system. The first response was 33% of the respondents that indicated that the policies that are applicable need to be improved followed by 29% that indicated that the panel that conducts hearings needs to be improved whereas 22% indicated that the way inmates are chosen needs to be improved and 16% that indicated other.

**Table 6.21: Mass incarceration and overcrowding**

		How do you feel about mass incarceration						Total
		They create unnecessary overcrowding	They need to change their policies	It is good because of too much crime	Incarcerate offenders into communit service	I do not know	Other, specify	
How should overcrowding be addressed	Build more prisons	0	0	1	0	0	0	1
	Send more inmates to community service	5	4	1	8	1	0	19
	Release less serious crime offenders	6	1	4	1	1	1	14
	Remove awaiting trial offenders	0	1	0	0	0	0	1
	Let offenders work from home	3	2	0	8	0	1	14
	Stop incarceration for petty crimes	0	0	0	1	0	0	1
	Do not know	0	0	0	0	3	0	3
	Other, specify	2	0	0	0	0	0	2
Total		16	8	6	18	5	2	55

Table 6.21 above illustrates the sentiments of the respondents regarding overcrowding in correctional centres and mass incarcerations by the criminal justice system. The first question was about concepts in addressing overcrowding in correctional centres. Respondents were provided with eight choices to choose from. The choices were: build more correctional centres; send most inmates to community service; release less serious crime offenders; remove awaiting trial offenders; let offenders work from home; stop incarceration for petty crimes; do not know; and other. This question was also posed for the DCS officials. The purpose of this question was to test the views of the offenders regarding overcrowding.

**Figure 6.29: Offenders' views regarding overcrowding**

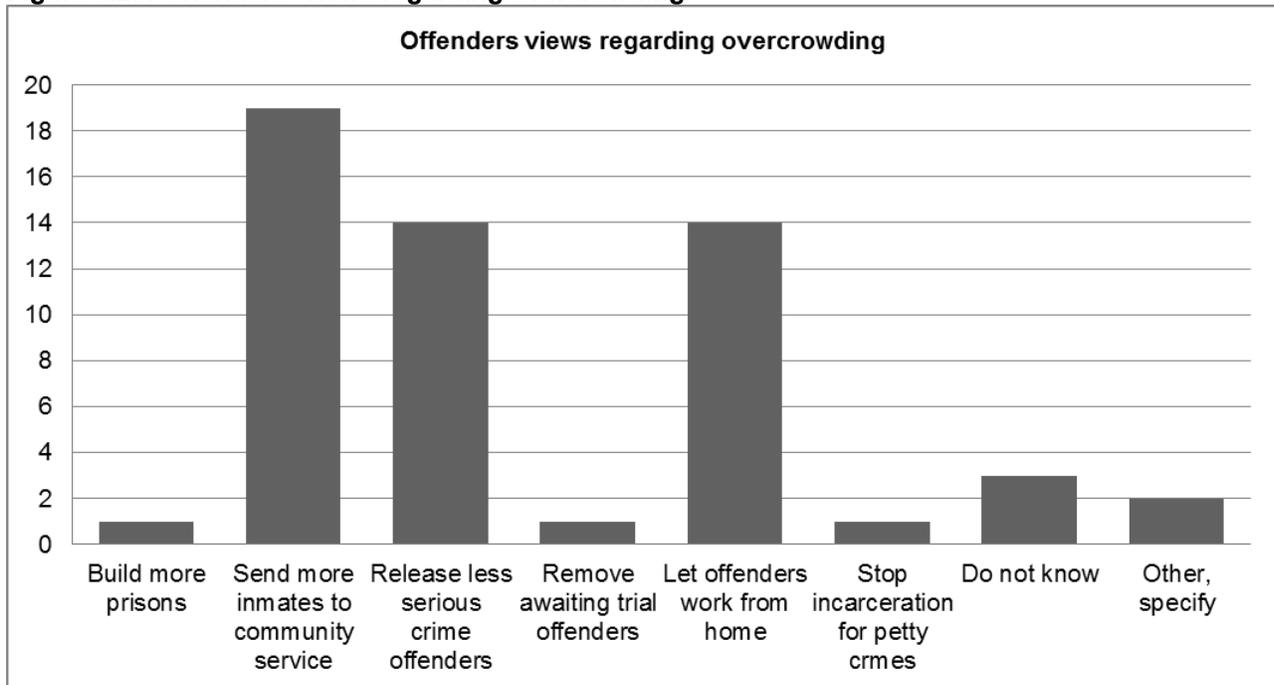
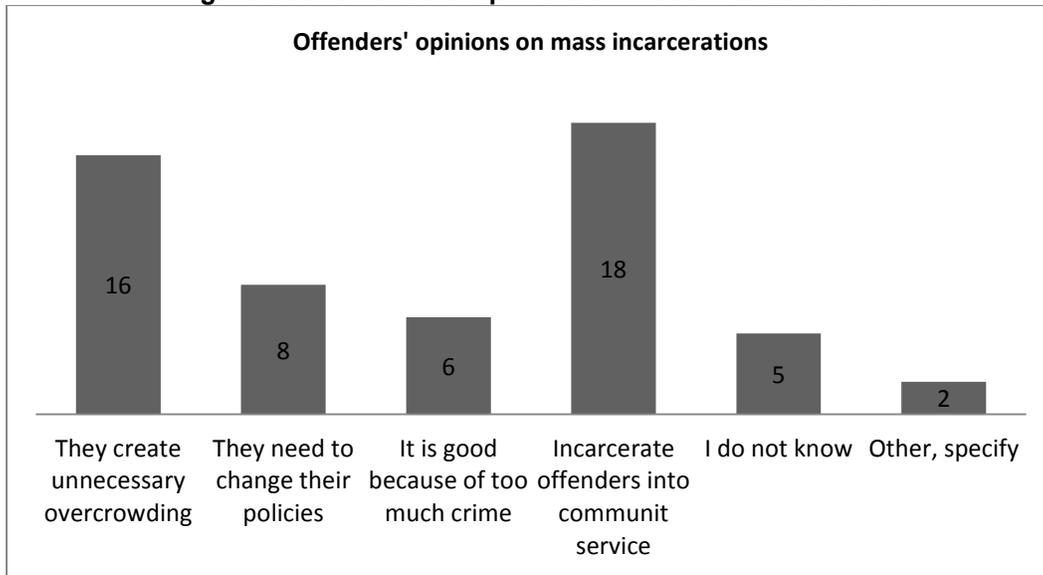


Table 6.21 and figure 6.29 above represent the opinion of the respondents with the majority indicating that to avoid overcrowding, DCS should send more inmates to community service was the most favourable followed closely by release less serious crime offenders and let offenders work from home. The ones that received least nominations were: build more prisons; remove awaiting trial offenders; and stop incarceration for petty crimes whereas I do not know and other had a bit of an attitude above these three least elements. It was expected that the respondents would most probably select the categories that would favour them. The 'building of more prisons' was not a favourable choice together with 'remove awaiting trial offenders' and the last one being 'stop incarceration for petty crimes'. The study excluded awaiting trial offenders and that might be the reason this category was less favourable among the respondents.

Figure 6.30 below shows the opinions of respondents (offenders) with regard to mass incarcerations. The choice that was most favourable was 'incarcerate offenders into community service', analogous to figure 6.29 above. This will be contrasted with the responses of the DCS officials. The next choice that followed this one closely was 'mass

incarcerations create unnecessary overcrowding’ and followed by ‘the DCS and CJS need to change their policies’. The honest opinion that did not receive much but encouraging to a certain extent was ‘mass incarceration is good because there is too much crime’. This reveals the robust application of rehabilitation programs as these respondents now understand that crime is not good.

**Figure 6.30: Offenders’ opinions on mass incarcerations**



The choice that was least favourable among the respondents was other followed by I do not know. It is interesting to notice that even if the responses were provided for the respondents, some still decided to indicate that they do not know and other.

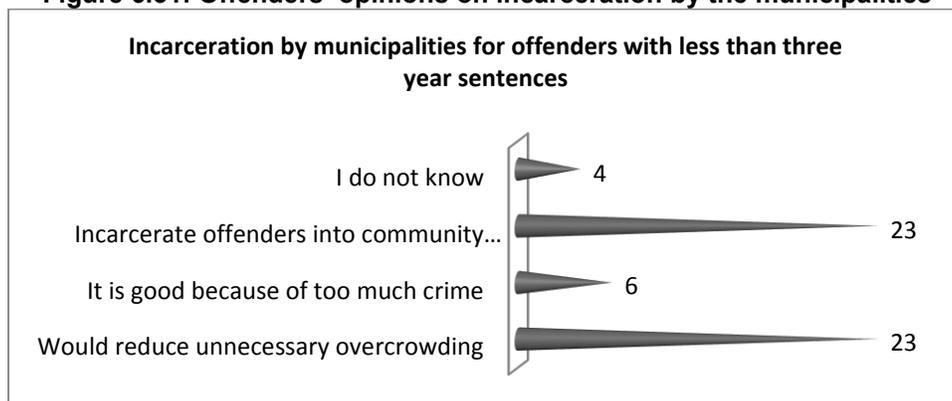
The last question in the offenders’ questionnaire was testing the opinion of the offenders’ with regard to incarceration by the local or district municipalities. Diverse responses were expected in this question as respondents were not expected to have ever heard of such an arrangement, similar to the correctional services officials. The question had five options to choose from and they were: would reduce unnecessary overcrowding; it is good because of too much crime; incarcerate offenders into community service; I do not know; and other. Table 6.22 and figure 6.31 below show that the responses by the offenders (respondents) were very much diverse as predicted due to the fact that this was a phenomena that had never been discussed before and so they had to use their sole thinking and give an honest opinion.

**Table 6.22: Incarceration by the municipalities**

		What if offenders with sentences of less than three years were incarcerated by the municipalities				Total
		Would reduce unnecessary overcrowding	It is good because of too much crime	Incarcerate offenders into community service	I do not know	
How do you feel about mass incarceration	They create unnecessary overcrowding	9	2	4	1	16
	They need to change their policies	3	1	4	0	8
	It is good because of too much crime	2	2	2	1	7
	Incarcerate offenders into community service	7	0	11	0	18
	I do not know	0	1	2	2	5
	Other, specify	2	0	0	0	2
Total		23	6	23	4	56

Figure 6.31 below reveal that the majority of the respondents chose the element ‘incarcerate offenders into community service’ just like the previous questions but was now equivalent to ‘would reduce unnecessary overcrowding’. Again, the honest opinion of those who indicated that ‘it is good because of too much crime’ persisted even in this question.

**Figure 6.31: Offenders’ opinions on incarceration by the municipalities**



The reality here is that offenders believe that they now owe the community that they had harassed a service to make-up for the wrongs that they had previously done. The questionnaire on quantitative data was that of the correctional services officials who self-

administered a questionnaire that was quantitative and qualitative. The questionnaires were investigating the same data but the difference between the offenders' questionnaire and the correctional services' questionnaire was that most questions for the officials were open-ended for them to provide more information regarding the study.

#### 6.4.8 Demographic Data of the Correctional Services Officials

This section presents the biographic data of the correctional services officials that were participants in this study who are from Polokwane Medium B Correctional Centre. The information includes age, gender, occupation, race, ethnicity, highest educational qualifications, special skill relevant to DCS and type of professional skill. The above information formed section A of the correctional services officials.

**Figure 6.32: Gender of the correctional officials**

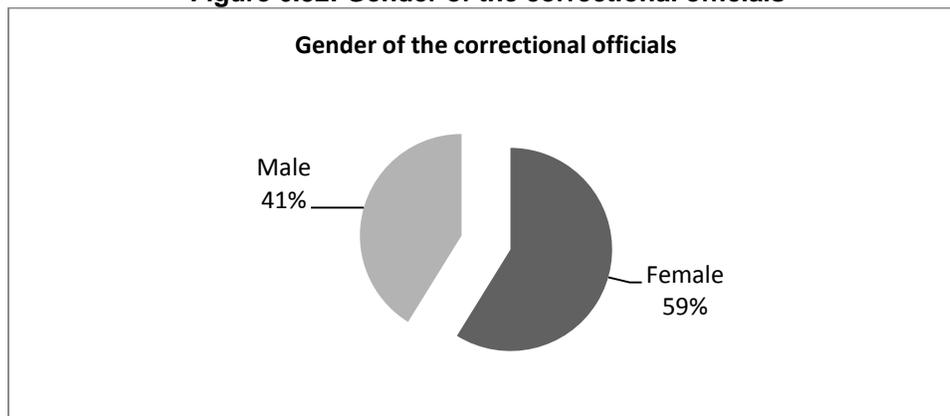


Table 6.23 below, portrays age category, gender and occupation of the correctional services officials of Polokwane Medium B Correctional Centre. The data was collected simultaneously with the data of the offenders. The gender of the participants is represented in figure 6.32 above which reveals that the gender of the respondents was dominated by females at 59% and males at 41%. Again, as indicated previously, this was not because of samples selection; samples were taken randomly without any preference to enrol in the study. Table 6.23 consisted of age, gender and occupation. The age of the participants is illustrated in figure 6.33 below.

**Table 6.23: Age, gender and occupation.**

Occupation			Gender		Total
			Female	Male	
Assistant Director	Age category	36 - 40	1	0	1
		41 - 45	0	1	1
	Total		1	1	2
Correctional Official level 8	Age category	21 - 25	1	0	1
		36 - 40	0	1	1
		51 - 55	2	0	2
	Total		3	1	4
Correctional Official level 7	Age category	36 - 40	0	1	1
		46 - 50	0	1	1
		51 - 55	1	0	1
		56 - 60	0	1	1
	Total		1	3	4
Correctional Official level 6	Age category	41 - 45	1	1	2
	Total		1	1	2
Correctional Official level 5	Age category	36 - 40	1	1	2
	Total		1	1	2
Student	Age category	21 - 25	1		1
		26 - 30	2		2
	Total		3		3
Total	Age category	21 - 25	2	0	2
		26 - 30	2	0	2
		36 - 40	2	3	5
		41 - 45	1	2	3
		46 - 50	0	1	1
		51 - 55	3	0	3
		56 - 60	0	1	1
	Total		10	7	17

According to figure 6.33 below, the category that dominated was age category 36 – 40 that had more respondents than any other category. This age category is followed closely by age categories 41 – 45 and 51 – 55. There was no age category 31 – 35, which dominated in the offenders’ data. There might be a reason for the domination by this age category. Correctional services officials are expected to be matured personnel to be able to deal with the offenders but can be younger if they are professional and students. This would be verified when presenting data on the occupation of the respondents.

**Figure 6.33: Age category of the officials in Polokwane Medium B Correctional Centre**

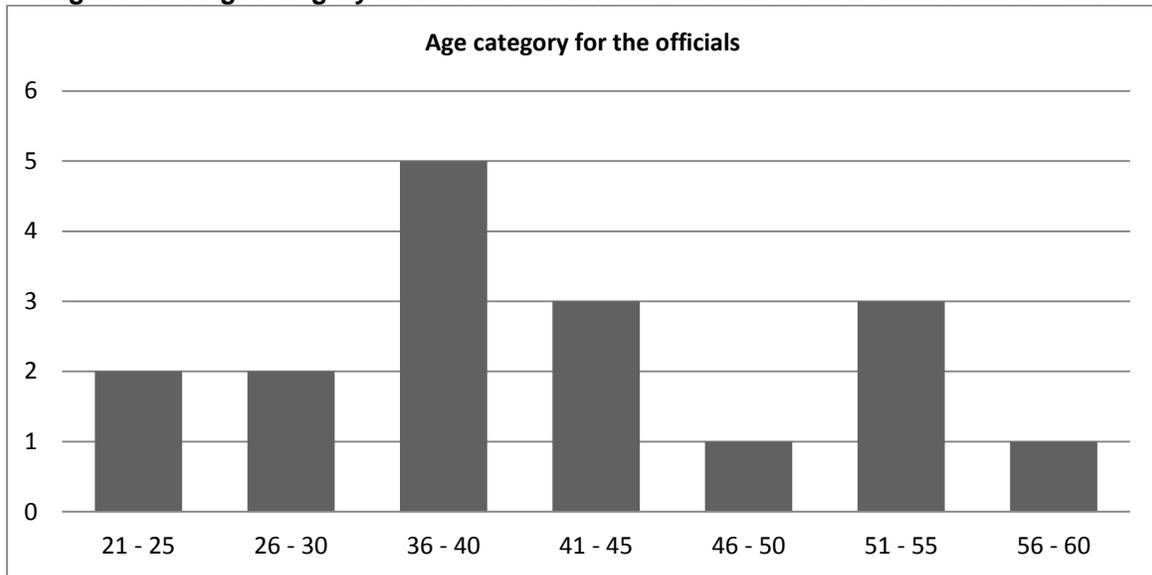


Table 6.24 portrays the age category and occupation of the officials who were respondents in this study.

**Table 6.24: Age category and occupation of the officials.**

		Age category						Total	
		21 - 25	26 - 30	36 - 40	41 - 45	46 - 50	51 - 55		56 - 60
Occupation	Assistant Director	0	0	1	1	0	0	0	2
	Correctional Official level 8	1	0	1	0	0	2	0	4
	Correctional Official level 7	0	0	1	0	1	1	1	4
	Correctional Official level 6	0	0	0	2	0	0	0	2
	Correctional Official level 5	0	0	2	0	0	0	0	2
	Student	1	2	0	0	0	0	0	3
Total		2	2	5	3	1	3	1	17

The point that was made above regarding the age category of correctional officials regarding maturity is elucidated by table 6.24 above and figure 6.34 below. The Polokwane Medium B Correctional Centre is headed by a Deputy Director and assisted by Assistant Directors in running the centre with a responsibility of certain sections of the centre. The Correctional Officials at level 8 are mostly professionals working in the centre and the senior supervisors who have been long in the system. From Correctional Official level 7 to Correctional Official level 5, those are supposedly matured personnel to deal

with offenders. Table 6.24 above reveals that age category (21 – 25) comprised of one Correctional Official level 8 and one student and age category (26 – 30) comprised of two students. This justifies the information presented above with regard to occupation and age categories.

**Table 6.25: Race and occupation of the officials**

		Your race		Total
		African	White	
Occupation	Assistant Director	2	0	2
	Correctional Official level 8	3	1	4
	Correctional Official level 7	4	0	4
	Correctional Official level 6	2	0	2
	Correctional Official level 5	2	0	2
	Student	3	0	3
Total		16	1	17

Table 6.25 above depicts the race of the respondents at Polokwane Medium B Correctional Centre that comprised of only one White and then Africans. It might assist to present further the ethnicity of the officials as Polokwane has a majority of Pedi speaking ethnic group.

**Table 6.26: Ethnicity and occupation of the officials**

		Ethnic group				Total
		Pedi	Tsonga	Ndebele	Afrikaner	
Occupation	Assistant Director	2	0	0	0	2
	Correctional Official level 8	3	0	0	1	4
	Correctional Official level 7	3	1	0	0	4
	Correctional Official level 6	2	0	0	0	2
	Correctional Official level 5	1	0	1	0	2
	Student	3	0	0	0	3
Total		14	1	1	1	17

Table 6.26 above elucidate the issue of race by displaying ethnicity of the respondents. The respondents consisted of n=14 Pedi at all levels, n=1 Tsonga at Correctional Official level 7, n=1 Ndebele at Correctional Official level 5, and n=1 Afrikaner (White) at

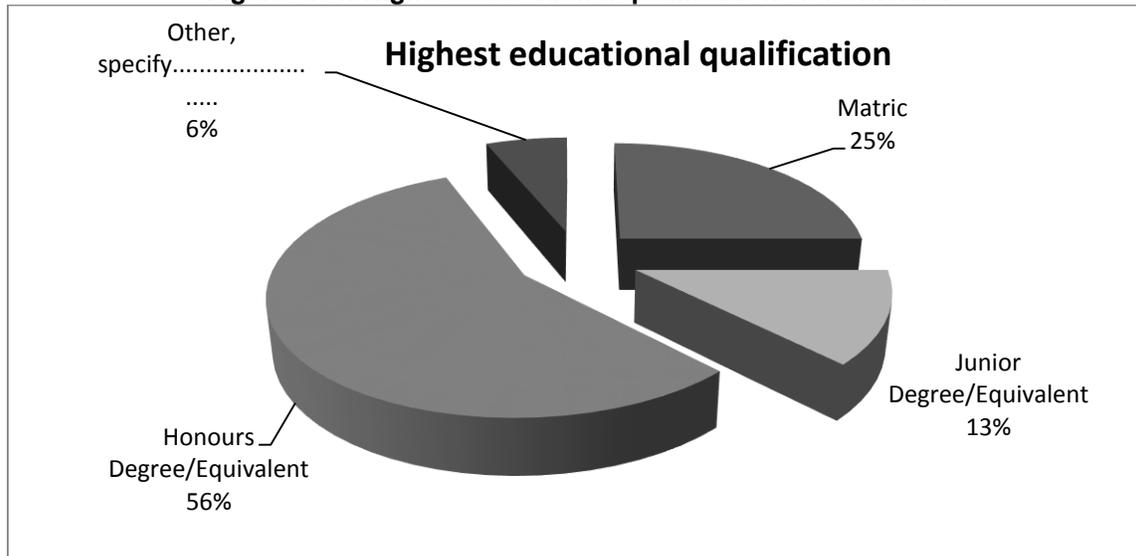
Correctional Official level 8. This justifies the demographics of the Polokwane Medium B Correctional Centre as stated at the beginning of this chapter.

**Table 6.27: Highest Educational Qualification and Special Skill relevant to DCS for officials.**

Have special skill relevant to DCS			Highest Education				Total
			Matric	Junior Degree/Equivalent	Honours Degree/Equivalent	Other, specify.....	
Yes	Occupation	Assistant Director	0	0	1	0	1
		Correctional Official level 8	0	1	3	0	4
		Correctional Official level 7	1	0	3	0	4
		Correctional Official level 6	1	0	0	0	1
		Correctional Official level 5	0	0	0	1	1
		Student	1	1	1	0	3
	Total		3	2	8	1	14
No	Occupation	Assistant Director	0		1		1
		Correctional Official level 5	1		0		1
	Total		1		1		2
Total	Occupation	Assistant Director	0	0	2	0	2
		Correctional Official level 8	0	1	3	0	4
		Correctional Official level 7	1	0	3	0	4
		Correctional Official level 6	1	0	0	0	1
		Correctional Official level 5	1	0	0	1	2
		Student	1	1	1	0	3
	Total		4	2	9	1	16

Table 6.27 above shows the occupation, highest educational qualification and special skills relevant to DCS with regard to the correctional services officials in Polokwane Medium B Correctional Centre who were respondents in this study. Fourteen of the respondents claimed to have a special skill that is relevant to DCS and only two officials indicated that they do not have a skill relevant to DCS including the Assistant Director. The special skill relevant to DCS is actually crucial for rehabilitation and this may be probed further during the qualitative analysis. It is encouraging to note that four respondents only had matric; two possessed a junior degree or equivalent while nine respondents had an honours degree or equivalent. This is also significant for the achievement of rehabilitation as education is vital in the correctional facilities. The highest educational qualifications are elucidated in figure 6.34 below.

**Figure 6.34: Highest educational qualifications for officials.**



As stated above, it is inspirational to note that according to figure 6.34 above, the participants to this study had 56% of the respondents having an Honours Degree or equivalent with 13% having a Junior Degree or equivalent while 25% had matric and 6% claiming other. If correctional facilities are administered by personnel with such educational qualifications, the challenge of the implementation of the policies should be a thing of the past.

#### **6.4.9 Section B: Incarceration or Rehabilitation and Poverty**

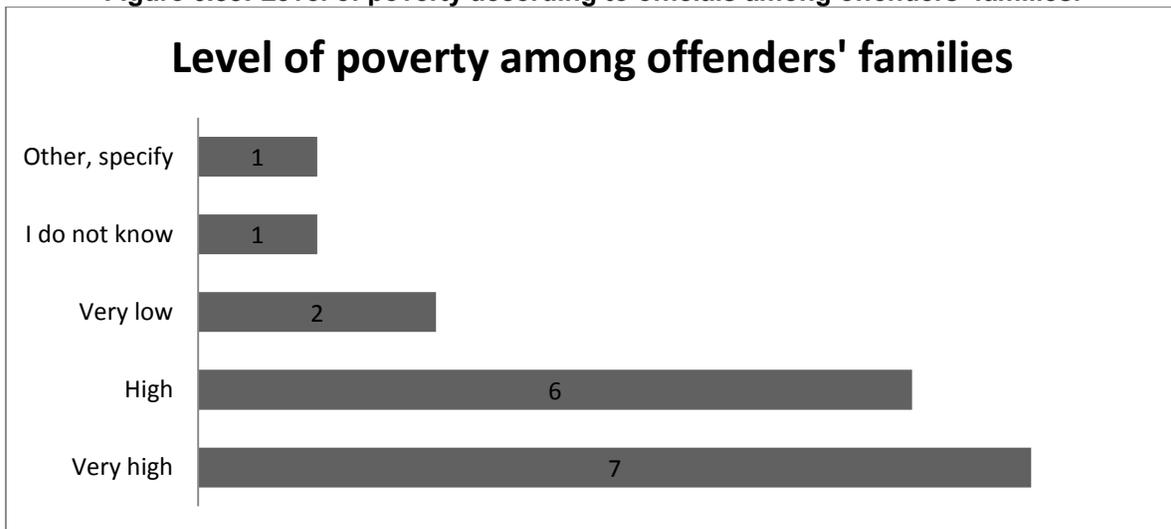
This section consisted of seven questions that were quantitative with a purpose of investigating poverty among offenders' families. The first question was checking the level of poverty among offenders' families; the four following questions were on manual work by the offenders, with the following question checking on the living conditions of offenders' families with the last question on the proposed distribution of income for the offenders. The purpose of table 6.28 below was to assess the discrepancy among the respondents who claimed to have special skills relevant to DCS and those who claimed to have no special skill relevant to DCS.

**Table 6.28: The level of poverty among offenders' families and their survival.**

			How are the families surviving while the inmate is incarcerated			Total
			They are doing well	They are struggling	I do not know	
Have special skill relevant to DCS						
Yes	What is the level of poverty among offenders' families	Very high	0	6	1	7
		High	0	3	1	4
		Very low	1	0	1	2
		Other, specify	0	0	1	1
	Total		1	9	4	14
No	What is the level of poverty among offenders' families	High		1	1	2
		I do not know		0	1	1
	Total			1	2	3
Total	What is the level of poverty among offenders' families	Very high	0	6	1	7
		High	0	4	2	6
		Very low	1	0	1	2
		I do not know	0	0	1	1
		Other, specify	0	0	1	1
	Total		1	10	6	17

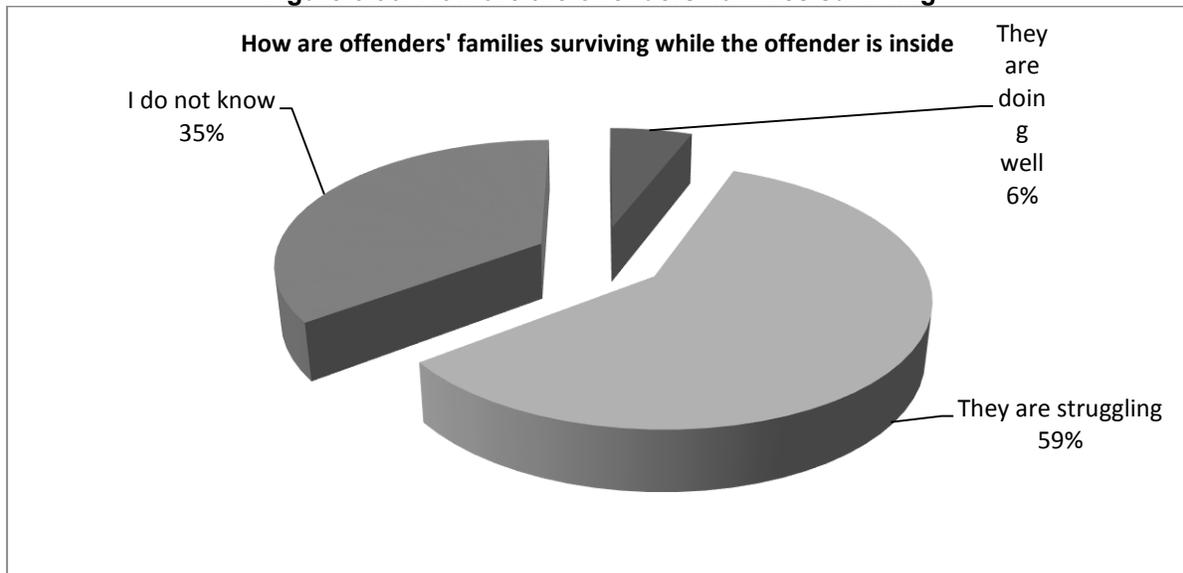
Table 6.28 above depicts that respondents had different views regarding the offenders' families but mostly corroborative with only one respondent with contrasting views as elucidated in figures 6.35 and 6.36 below, respectively.

**Figure 6.35: Level of poverty according to officials among offenders' families.**



The first question that was asked in this section was ‘in your own view, what is the level of poverty among offenders’ families’? The next question that was asked but not in sequence was, ‘according to your knowledge, how are the offenders’ families surviving while the inmate is incarcerated’? Figure 6.35 above reveals that the majority (76%) of the correctional services officials view the level of poverty among offenders’ families as high while only 12% of the respondents claimed that it was very low.

**Figure 6.36: How are the offenders’ families surviving**



The correctional services officials are always in contact with the offenders and the offenders’ families when they visit the correctional centre. They probably have relevant data regarding poverty among offenders’ families. Figure 6.36 above portrays the knowledge that the correctional services officials have with regard to the offenders’ families. The respondents who claimed that the offenders’ families were struggling formed 59% with 35% indicating that they do not know while 6% claimed that they were doing very well. Figure 6.35 above had 79% of the respondents indicating that the poverty level among offenders’ families was high and 59% of the respondents in figure 6.36 claiming that the families are struggling. The escalation (35%) in the number of the respondents who indicated that they do not know, it might be due to the nature of the question which required the knowledge of the respondents and not their view or feeling.

The following set of questions was on manual work provided by the offenders in Polokwane Medium B Correctional Centre. The first question was checking whether the offenders are involved in any form of paid work; with a follow-up checking whether the labour generates income or not; then followed-up by a question that required the view of the respondents if offenders earned a salary and shared it with their families. These were followed-up by a question requiring the knowledge of the respondents on how inmates could earn a salary to alleviate poverty in their families and ultimately, a question checking on the distribution of the salary with 70% to the family and 30% remaining with the offender for boarding and lodging.

**Table 6.29: The involvement of offenders in paid work and generate income.**

		Does labour generate income for inmates, DCS or Government				Total
		Yes, for the government	Yes, a little for the inmates	Yes, a lot for the inmates	No, there is no salary	
Are offenders involved in paid work	Yes, all of them	0	1	0	0	1
	Yes, some few	1	7	0	1	9
	Those who are willing to work	1	5	1	0	7
Total		2	13	1	1	17

Table 6.29 above shows the responses of the correctional services officials regarding the involvement of offenders to any form of labour like paid work and whether do they generate income.

**Figure 6.37: The involvement of offenders in paid work.**

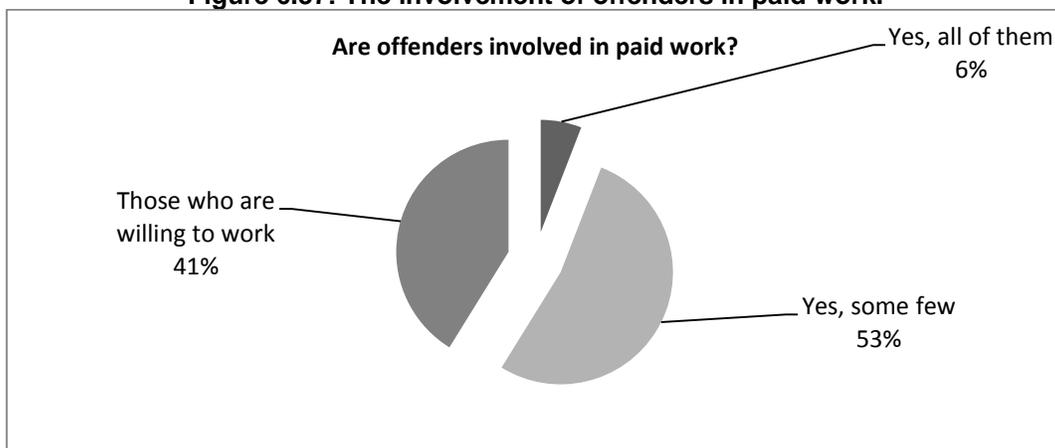


Figure 6.37 above depicts that 53% of the respondents indicated that a few of the offenders were involved in paid work with 41% indicating that those who are willing to work whereas 6% indicated that all of the offenders were involved in paid work.

**Figure 6.38: Does the offenders' labour generate any income.**

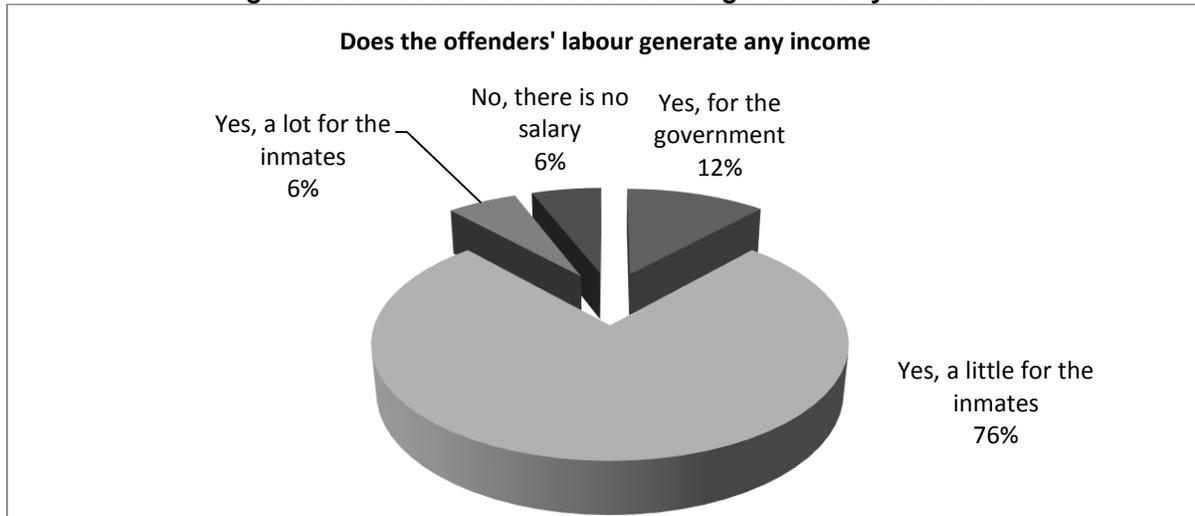


Figure 6.38 above reveals that 76% of the respondents indicated that the offenders' labour generated little income for the inmates with 12% indicating that the offenders' labour generated income for the government and 6% indicating that the offenders' labour generate a lot of income for the inmates though 6% indicated that there is no income for the inmates. The contrasting responses could be expected from respondents who are students still learning about the operations in the correctional centre.

**Table 6.30: If inmates earned a salary, how would they earn that salary?**

		How could inmates earn a salary			Total
		Do public works projects	Working in Commercial Farms	Working around the centre	
If offenders earned a salary to share with their families	Not good at all	1	2	3	6
	It would be fair	0	0	2	2
	It would help families	1	1	2	4
	Do not know	0	1	4	5
Total		2	4	11	17

Table 6.30 above reveals the responses provided by the respondents to the two questions that were checking the view of the correctional services officials regarding inmates if they earned a salary to share with their families with a follow-up checking on how the inmates could generate a salary.

**Figure 6.39: If offenders earned a salary.**

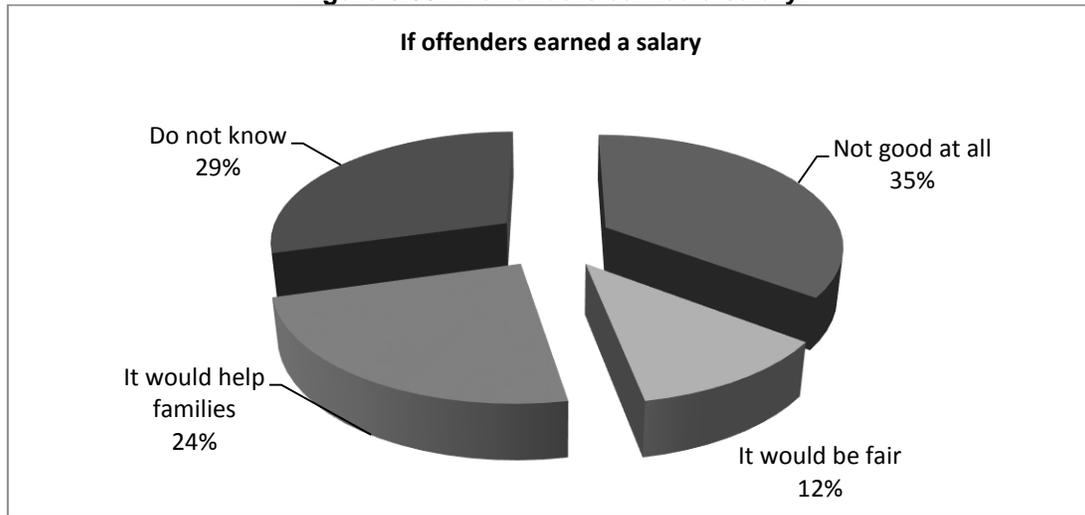


Figure 6.39 above depicts that 35% of the respondents indicated that it was not good at all for offenders to earn a salary with 24% indicating that it would help families and 12% indicating that it would be fair while 29% indicated that they do not know.

**Figure 6.40: The way inmates could earn a salary.**

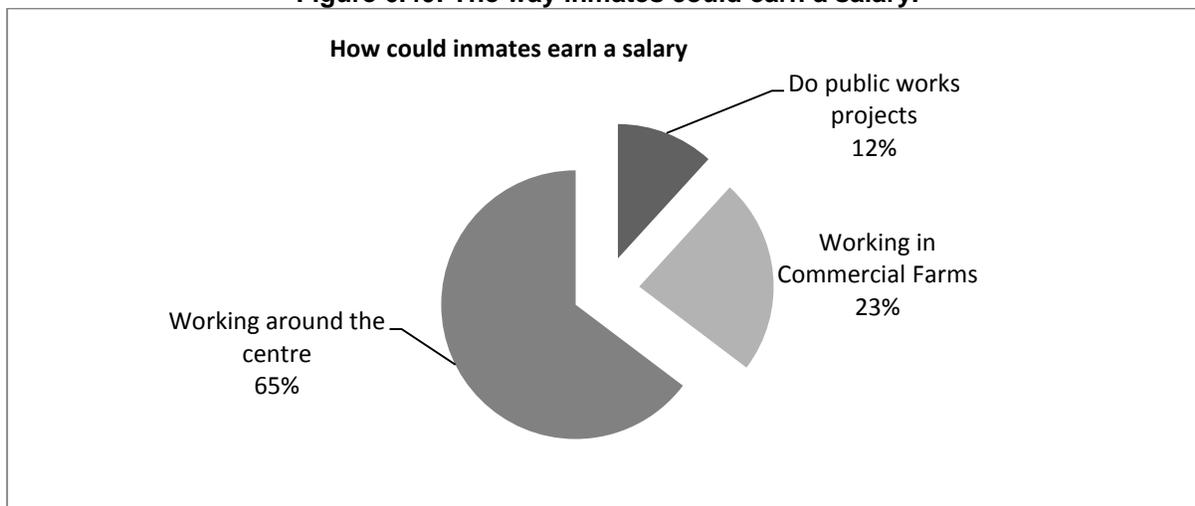


Figure 6.40 above reveals that 65% of the respondents indicated that inmates could earn a salary by working around the correctional centre with 23% indicating that they could generate a salary by working in commercial farms and 12% indicating that inmates could generate a salary by doing public works projects.

The last question was assessing the view of the respondents with regard to the distribution of earned salary from paid work for a certain portion to the offenders' family and the balance to remain with the offender. The question was checked against the question that was checking on the labour by the offenders whether it does generate income or not.

**Table 6.31: If labour generates income, what if inmates were paid 30% and 70% to their families**

		How if inmates were paid 30% and 70% to family				Total
		70/30 is fine	I would prefer 50/50	I would prefer 30/70	Other, specify	
Does labour generate income for inmates, DCS or Government	Yes, for the government	0	1	0	0	1
	Yes, a little for the inmates	6	3	3	1	13
	Yes, a lot for the inmates	0	0	0	1	1
	No, there is no salary	0	0	0	1	1
Total		6	4	3	3	16

Table 6.31 above shows that the respondents had diverse responses regarding the distribution of income between the offenders and their families. The responses are elucidated in figure 6.41 below.

**Figure 6.41: Correctional officials' view on the distribution of salary earned by the offenders.**

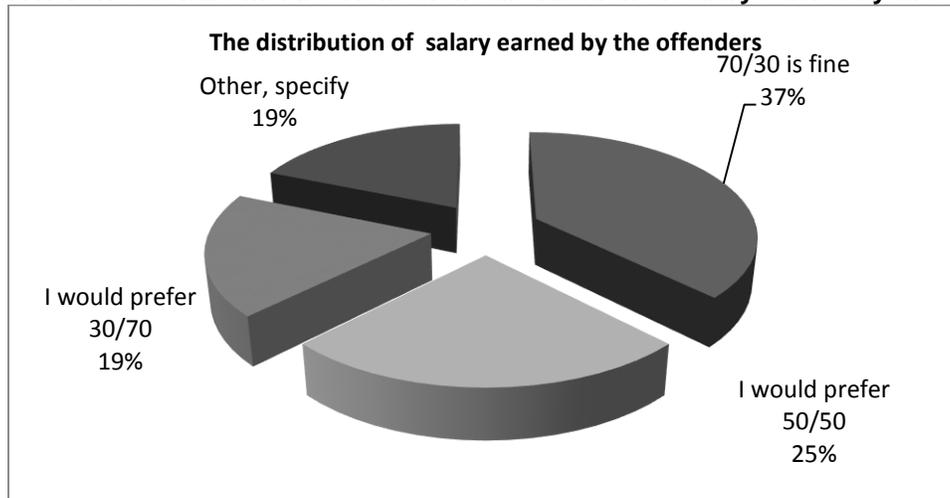


Figure 6.41 above shows that 37% of the respondents indicated that they would prefer 70% to be given to the family and 30% to be given to the offender with 25% indicating that they would prefer 50% to the families and 50% to the offenders whereas 19% indicated that they would prefer 70% to be given to the offender and 30% to the families. It is not clear to the researcher the reason behind that the other respondents feel that the offenders should receive an equal amount or more than their families.

#### **6.4.10 Section C: Incarceration or Rehabilitation and Crime for Officials**

This section consisted of six quantitative questions and one qualitative question. The qualitative question will be addressed during the qualitative process. The purpose of the section was to evaluate incarceration, rehabilitation and crime in Polokwane Medium B Correctional Centre.

**Table 6.32: The level of crime and the impact of rehabilitation. Do inmates learn more crime in prison**

Impact of rehabilitation on incarcerated inmates			Do inmates learn more crime in prison			Total
			Yes	No	I do not know	
Yes, they benefit from it	Level of crime inside prison	Very high	1	0		1
		High	1	0		1
		Low	1	1		2
		Very low	0	1		1
	Total		3	2		5
No, very few benefit from it	Level of crime inside prison	High	7	0	0	7
		Low	1	1	1	3
		Very low	1	0	0	1
	Total		9	1	1	11
Total	Level of crime inside prison	Very high	1	0	0	1
		High	8	0	0	8
		Low	2	2	1	5
		Very low	1	1	0	2
	Total		12	3	1	16

The first question was asking about the level of crime in the correctional centre followed by a question checking whether inmates get contaminated by incarceration. Then the next question attempted to assess the impact of rehabilitation on incarceration with a follow-up qualitative question investigating the causes of crime inside the correctional centre. The last three questions were checking on the involvement of officials on crime prevention inside the correctional centre, whether officials had ever experienced violence inside the centre and whether they were ever involved in violence inside the centre. Table 6.32 above depicts the level of crime, the impact of rehabilitation on incarceration and whether inmates learn more crime inside the correctional centre.

**Figure 6.42: The level of crime inside the correctional centre.**



Table 6.32 and figure 6.42 above portray that the majority of correctional services officials indicate that the level of crime in the correctional centre is high with very few indicating that it is very high. However, a considerable amount indicated that it is low followed closely by the respondents who indicated that it is very low. The respondents that indicated that it is high were 50% and the ones who indicated that it is very high were 6%, which amounts to 56% whereas the ones that indicated that it is low were 31% with the ones who indicated that it is very low making 13%, amounting to 44%. This means that more than half of the correctional services officials identify crime as being high inside the correctional centre.

The next question was checking whether the inmates learn more crime inside the correctional centre. In the literature survey most scholars discussed the challenge of contamination of offenders inside the prison walls hence the use of solitary confinement by some countries in Europe and the west. Learning from inside bars is a serious challenge for rehabilitation and recidivism more especially for offenders with short sentences.

**Figure 6.43: Contamination of offenders inside prison.**

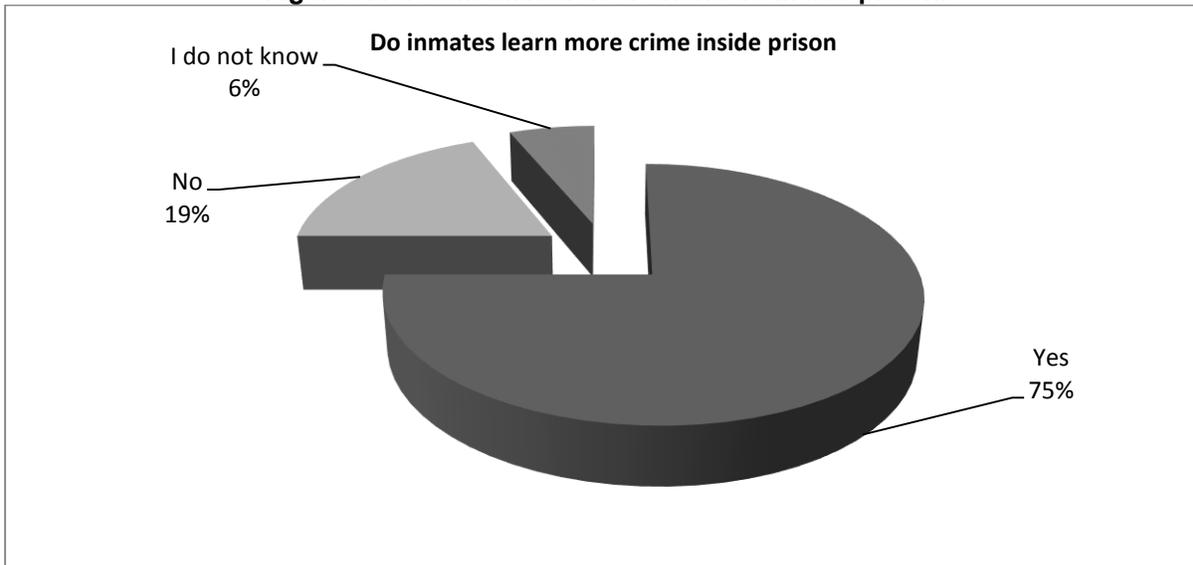


Table 6.32 and figure 6.43 above show that 75% of the respondents indicated that inmates learn more crime inside the correctional centre whereas 19% indicated that they do not with 6% indicating that they do not know. This means that the challenges of contamination behind bars need serious attention. The next question was on the impact of rehabilitation on incarceration. The respondents were given options of: yes, they benefit from it; no, very few benefit from it; do not know; and other.

**Figure 6.44: Impact of rehabilitation on incarceration**

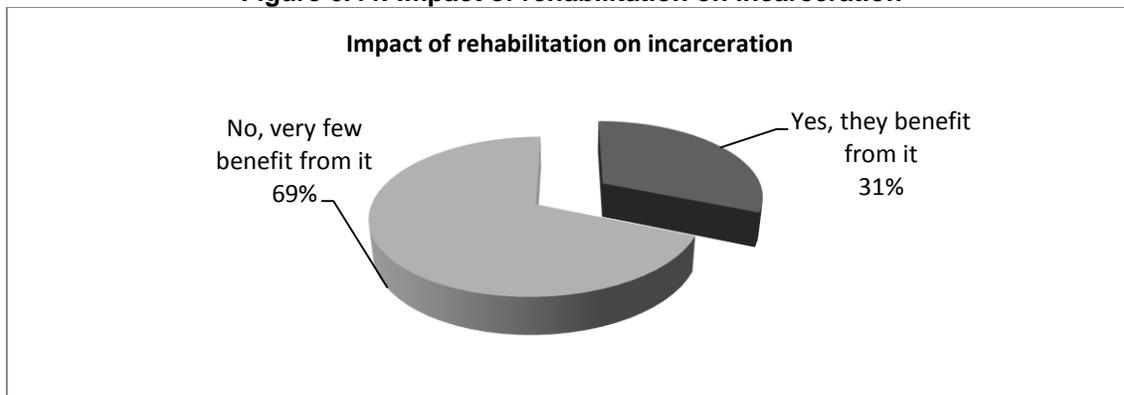


Table 6.32 and figure 6.44 above reveal that 69% of the respondents indicated that rehabilitation does not work properly as it benefits only a few of the incarcerated inmates while 31% indicated that yes, the incarcerated inmates do benefit from rehabilitation.

There were no respondents who indicated that they do not know. This means rehabilitation at its present state is questionable if correctional services officials do not believe that it has an impact on the incarcerated inmates. The next questions were assessing the involvement of correctional officials in crime prevention and violence inside the correctional centre.

**Table 6.33: Crime prevention and violence inside the correctional centre**

			Ever experienced violence inside prison		Total
			Yes	No, specify	
Ever involved in violence inside prison					
Yes	Ever been involved in crime prevention inside prison	Yes, specify.....	3		3
	Total		3		3
No	Ever been involved in crime prevention inside prison	Yes, specify.....	3	5	8
		No, specify.....	3	2	5
	Total		6	7	13
Total	Ever been involved in crime prevention inside prison	Yes, specify.....	6	5	11
		No, specify.....	3	2	5
	Total		9	7	16

Table 6.33 above presents the involvement of the respondents in the crime prevention and violence including experiencing violence inside the correctional centre. The first question to be assessed was the crime prevention whether respondents have ever been involved.

**Figure 6.45: Involvement of correctional officials in crime prevention inside prison**

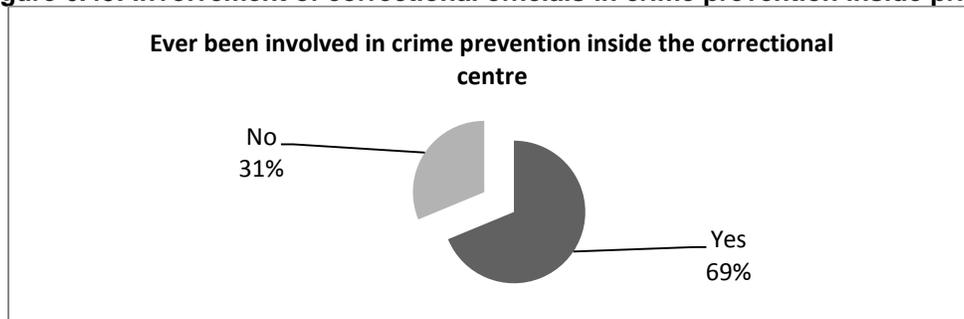


Figure 6.45 above portrays that 69% of the respondents indicated that they were involved in crime prevention inside the correctional centre whereas 31% indicated that they have never been involved in crime prevention inside the correctional centre. It can be assumed that some of the respondents that have never been involved in crime prevention inside the correctional centre are professional like social workers and educators. Nevertheless, this demonstrates that crime is rife inside the correctional centres and the contamination of offenders is existent. The next question was checking whether the respondents have ever experienced violence inside the correctional centre. Violence is said to be also rife with prisoners fighting against each other.

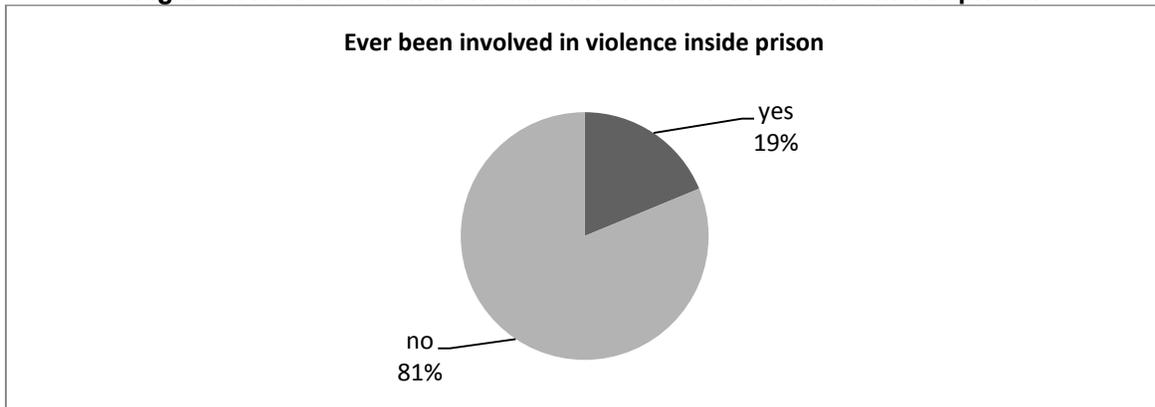
**Figure 6.46: Violence inside prison experienced by correctional officials**



Table 6.33 and figure 6.46 above portray that 56% of the respondents have experienced violence inside the correctional centre whereas 44% have never experienced violence inside the correctional centre. A further question was asked to check whether the respondents are involved in violence against offenders. There are allegations that correctional services officials are involved in violence against offenders which is forbidden by the Bill of Rights enshrined in the Constitution of the country.

Table 6.33 above and figure 6.47 below reveal that 81% of the respondents showed that they had never been involved in violence inside the correctional centre. However, 19% indicated that they have been involved in violence inside the correctional centre.

**Figure 6.47: Correctional official's involvement in violence inside prison**



The purpose of this section was to assess incarceration or rehabilitation and crime in Polokwane Medium B Correctional Centre. It is worrying to note that 19% of the respondents indicated that they are involved in crime inside the correctional centre although it is encouraging that the proportion has been reduced to this level compared to olden days. However, the empirical data of the olden days was not available during the study.

#### **6.4.11 Section D: How Incarceration May Lead to Recidivism for Officials**

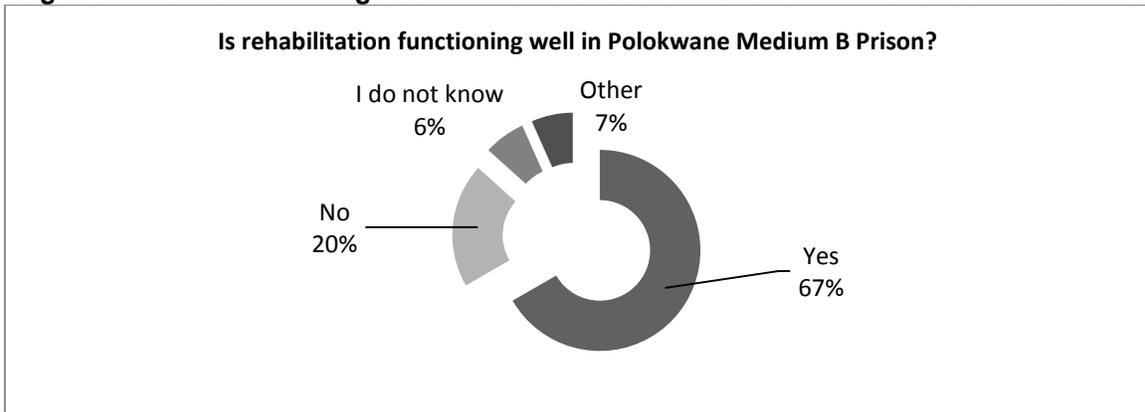
The purpose of this section was to assess how incarceration may affect offenders to be contaminated such that they recidivate. The section consisted of mainly qualitative questions with an intention of allowing the correctional services officials to explicate their experiences with regard to corrections in Polokwane Medium B Correctional Centre and the Department of Correctional Services. However, there was only one quantitative question which was the first question. The question was checking on the well-functioning of rehabilitation in the Polokwane Medium B Correctional Centre. This question was mainly asked due to the fact that without proper rehabilitation, offenders are anticipated to recidivate after their release from a correctional facility. Table 6.34 below presents the functioning and the impact of rehabilitation in Polokwane Medium B Correctional Centre.

**Table 6.34: The well-functioning of rehabilitation in Polokwane Medium B Correctional Centre**

		Impact of rehabilitation on incarcerated inmates		Total
		Yes, they benefit from it	No, very few benefit from it	
Is rehabilitation functioning well in this prison	Yes	5	5	10
	No	0	3	3
	I do not know	0	1	1
	Other	0	1	1
Total		5	10	15

Table 6.34 above and figure 6.48 below reveal that 67% of the respondents indicated that rehabilitation was functioning well in Polokwane Medium B Correctional Centre whereas 20% of the respondents indicated that it was not functioning well.

**Figure 6.48: The functioning of rehabilitation in Polokwane Medium B Correctional Centre**



The data on figure 6.48 above was juxtaposed with data on figure 6.44 above where 69% of the respondents indicated that incarcerated inmates did benefit from rehabilitation while 31% indicated that they benefit from it. This means that rehabilitation is functioning well in the way it is implemented in Polokwane Medium B Correctional Centre but it does not have an impact on the incarcerated inmates due to unforeseen circumstances. The other qualitative questions from this section will be dealt with in the qualitative chapter (chapter 7) that follows this chapter.

#### 6.4.12 Section E: How the Existing Incarceration and Rehabilitation Framework May Be Adjusted or Improved for Officials

The purpose of this section was to assess areas where the correctional services officials perceive the existing Department of Correctional Services incarceration and rehabilitation framework. The section consisted of eleven questions with five quantitative questions and six qualitative questions. As indicated in the previous sections, the qualitative questions will be addressed in the qualitative chapter. The first two quantitative questions were about the parole system ensued by a question on overcrowding, then a question on mass incarceration and ultimately a question on the incarceration of offenders by the municipalities (local government).

**Table 6.35: The parole system of DCS**

		Which areas of the parole system that needs improvement			Total
		The panel that conducts hearings	The policies that are applicable	Other	
Is the parole system applied fairly	Fair	3	5	2	10
	It is applied unfairly	0	2	0	2
	I do not know	1	0	2	3
Total		4	7	4	15

Table 6.35 above presents the data of the correctional services officials with regard to the parole system of the Department of Correctional Services. The correctional services officials were projected to provide corroborative data compared to the offenders who mostly seemed to be not having an idea regarding the parole system. The parole system of DCS has been criticised for a number of concerns with what the media and public regard as irregularities and favouritism. However, the correctional services officials were expected to protect the institution where they are working as they are also officials of DCS. It would be very much absurd to expect the majority of the correctional services officials to negatively criticise the parole system unless there was animosity between them and the DCS (employer). The majority of the offenders who participated in this study

appeared not to be informed about the parole system hence the sundry responses that were provided by the offenders.

**Figure 6.49: The fair application of the parole system by the DCS.**

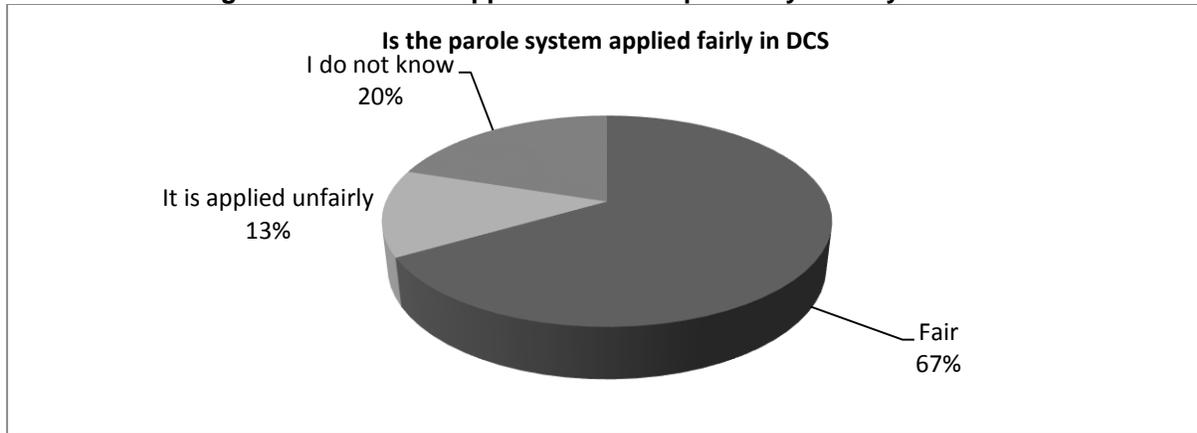


Table 6.35 and figure 6.49 above reveal that 67% of the respondents indicated that the parole system was applied fairly by the DCS and 20% indicated that they do not know while 13% indicated that it was applied unfairly. Offenders are eligible to apply for the parole after serving a certain portion of their sentence wherein an offender applies for consideration by the parole board. Good conduct and involvement in the rehabilitation programs are some of the pre-requisites considered before an offender is considered for the parole.

**Figure 6.50: Areas in the parole system that need to be improved**

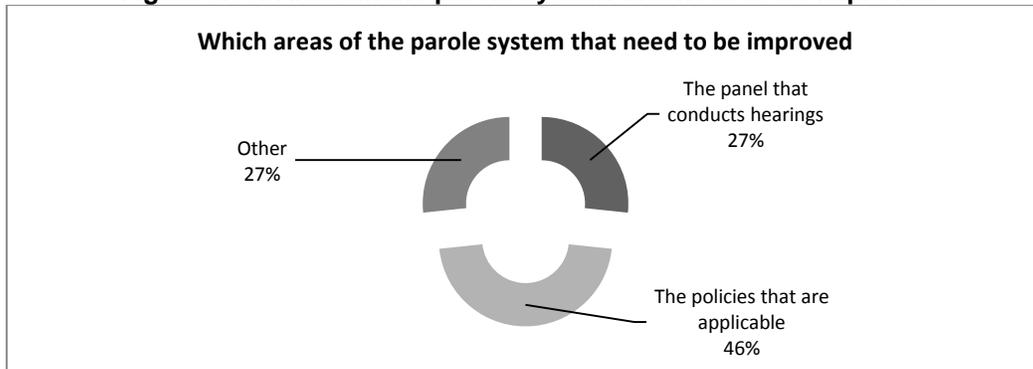


Table 6.35 and figure 6.50 above present that 46% of the respondents indicated that the policies that are applicable in the parole system need to be improved with 27% of the respondents indicating other while 27% indicated that the panel that conducts hearings

need to improve. This question was specifically asked based on the fact that the parole is crucial in the reintegration of the offenders to the community. Most offenders who participated in the study and the majority of the correctional services officials indicated in their responses above that the offenders have to be sent to community service, which is through the approval of the parole board. The next two quantitative questions that were asked were about overcrowding and mass incarcerations.

**Figure 6.51: The ways the DCS should address overcrowding**

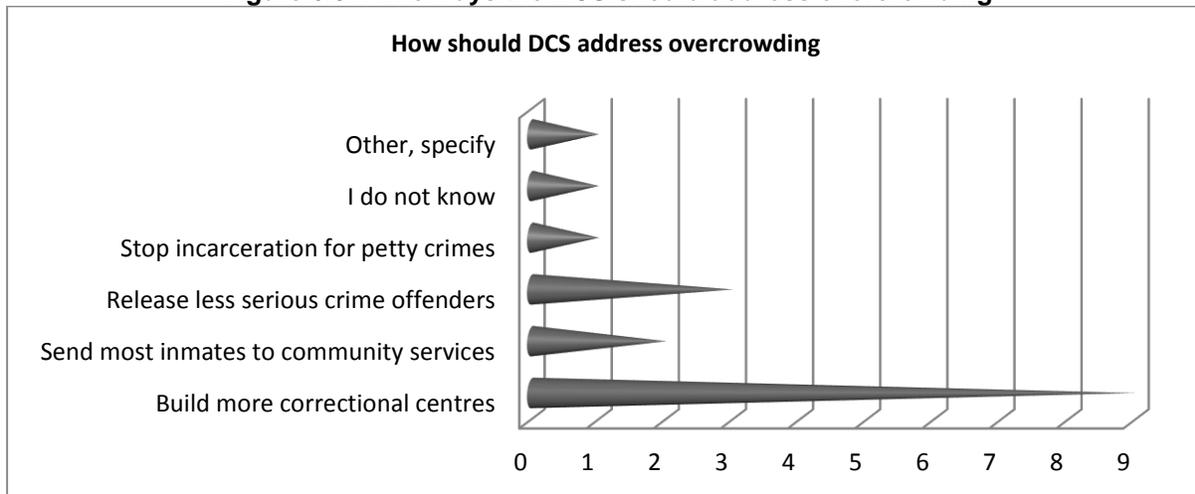


Figure 6.51 above portrays that 53% of the respondents indicated that the DCS should build more correctional centres to curb overcrowding followed by 17% who indicated that the DCS or the Criminal Justice System should release less crime offenders while 12% indicated that the DCS or the CJS should send most offenders to community services and 6% indicating that the CJS should stop incarceration for petty crimes. The building of more correctional centres would create more employment for the respondents and also guarantee their employment. The other elements were not fine for their job security. The next question was about the mass incarcerations that are a challenge in the modern world. It is understood that the DCS does not play a role in the sentencing of offenders but they are collaterally affected by such sentences. It was for this reason that the view of the correctional services officials was requested with regard to mass incarcerations as most correctional centres in the country and somewhere else in the whole world they experience overcrowding in correctional centres.

**Figure 6.52: Mass incarcerations by the Criminal Justice System**

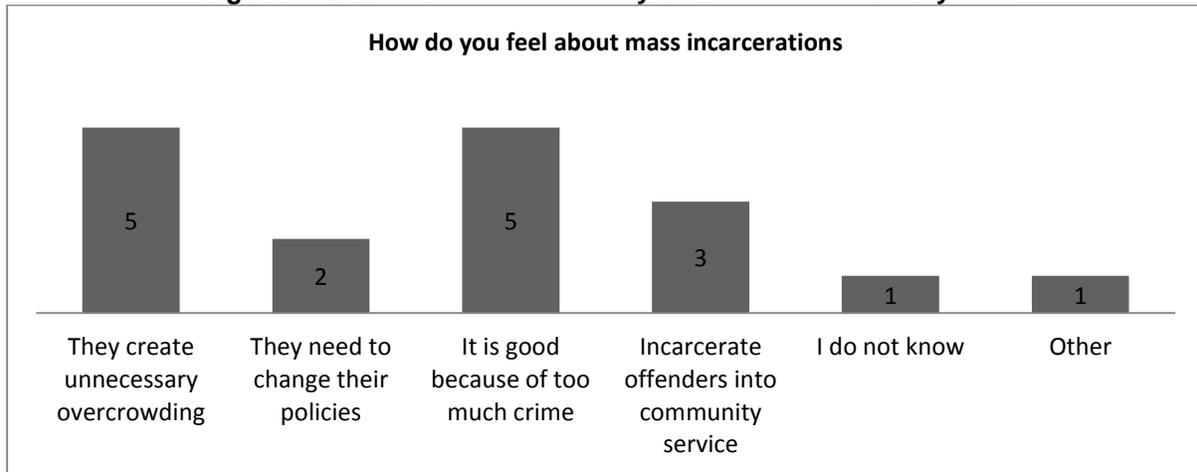


Figure 6.52 reveal that 29% of the respondents felt that mass incarcerations create unnecessary overcrowding with equally the other 29% of the respondents indicating that mass incarcerations are good because of too much crime. These were ensued by 18% of the respondents who felt that due to mass incarcerations, offenders need to be incarcerated into community service while 12% of the respondents felt that the CJS need to change their policies when it comes to mass incarcerations.

**Table 6.36: Incarceration of less than two-year sentences by the municipalities**

		How should DCS address overcrowding						Total
		Build more correctional centres	Send most inmates to community services	Release less serious crime offenders	Stop incarceration for petty crimes	I do not know	Other, specify	
What if offenders with less than two-year sentences incarcerated by municipalities	Would reduce unnecessary overcrowding	3	1	0	0	0	0	4
	It is good because of too much crime	1	0	0	0	0	0	1
	Incarcerate offenders into community service	2	1	3	0	1	1	8
	I do not know	2	0	0	0	0	0	2
	Other	0	0	0	1	0	0	1
<b>Total</b>		<b>8</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>16</b>

Table 6.36 above presents the question of incarceration of offenders with less than two-year sentences by the municipalities or local government to address overcrowding at the DCS.

**Figure 6.53: Incarceration of offenders with less than two-year sentences by municipalities**

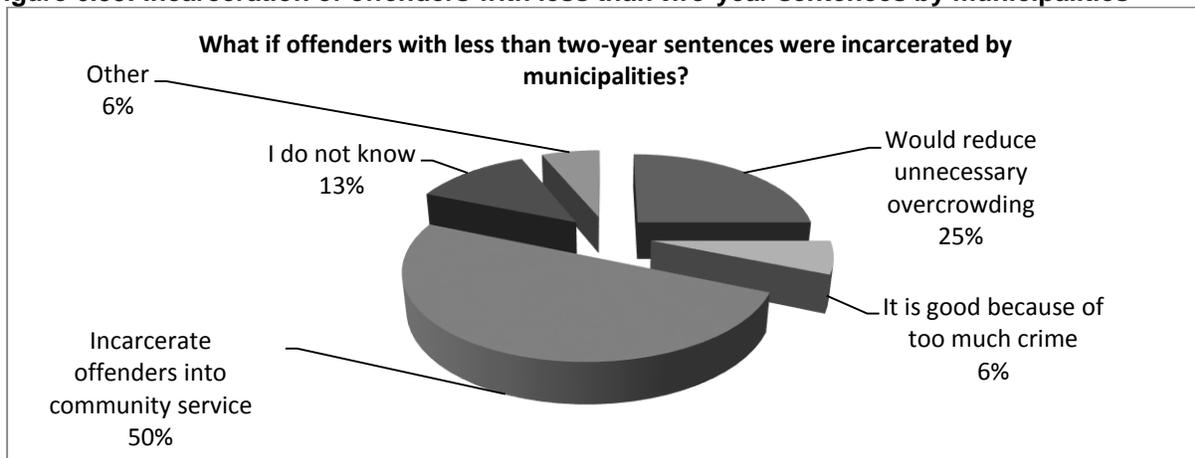


Figure 6.53 above portrays that 50% of the respondents felt that instead of incarcerating offenders with less than two-year sentences by municipalities, it is better to incarcerate them into community service contrary to figure 6.51 where 53% indicated that to address overcrowding, more correctional centres need to be built. One respondent who did not respond to this question just wrote 'what a joke'. However, 25% felt that incarceration of offenders with less than two-year sentences by the municipalities would be good as it would reduce the unnecessary overcrowding experienced by the DCS presently while 6% felt that it is also good because of too much crime.

## 6.5 CONCLUSION

This chapter 6 presented the analysis and interpretation of quantitative data. The response rate for this study was satisfactory at 95%. Data were tested before being analysed using SPSS Version 22. This chapter widely used tables and figures for presentation of data for these statistics. The study made use of frequencies and percentages to summarise the data.

The first objective of this study was to examine how incarceration and rehabilitation may

ensnare offenders' families to poverty. According to figure 6.10, 66% of the offenders who were respondents in the study indicated that the offenders' families were struggling to survive while only 21% of the respondents indicated that the offenders' families were doing well. Similarly, according to figure 6.36 above, 59% of the correctional services officials indicated that the offenders' families were struggling to survive while only 6% of the correctional services officials indicated that they were doing well.

The second objective of this study was to examine how incarceration and rehabilitation may ensnare offenders' families to crime. Figure 6.17 portrays that 17% of the offenders who participated in the study were repeat offenders with 71% of the offenders that participated in the study indicating that rehabilitation was not implemented well. In terms of table 6.32 above, 75% of the correctional services officials indicated that offenders learn more crime inside the correctional centre while 56% of the correctional services officials according to figure 6.42 indicated that the crime inside the correctional centre was high.

The third objective of this study was to examine how incarceration may lead to recidivism. According to figure 6.19 above, 53% of the offenders indicated that in the correctional centre was not functioning well with the majority of the respondents claiming that rehabilitation was not working due to overcrowding.

The fourth objective of this study was to make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted or improved to alleviate the ensnarement of offenders' families to poverty and crime. Astonishingly, 45% of the offenders according to figure 6.27 did not know about the parole system and 27% indicated that it was applied unfairly most offenders indicated that to reduce overcrowding, more inmates were to be sent to community service followed closely by both release less serious crime offenders and let offenders work from home. Correspondingly, 50% of the correctional services officials indicated that offenders need to be sent to community service instead of incarcerating them in the municipalities while

53% indicated that more correctional centres should be built to address overcrowding. The next chapter presents the analysis, interpretation, and discussion of the qualitative findings.

## **CHAPTER 7**

### **ANALYSIS, INTERPRETATION AND DISCUSSION OF QUALITATIVE DATA**

#### **7.1 INTRODUCTION**

The qualitative study findings are presented, interpreted, analysed and discussed in this chapter. The chapter commences with how the various qualitative questionnaires were administered. The qualitative findings were presented and described under sub-sections and the chapter will be summarised and concluded by the key findings from the qualitative study. Qualitative research is more particular than quantitative research and utilises diverse methods of collecting data, mainly individual, in-depth interviews and open-ended self-administered questionnaires. This type of research is empirical and open-ended.

The objectives of the qualitative study were to:

- examine how incarceration and rehabilitation may ensnare offenders' families to poverty;
- examine how incarceration and rehabilitation may ensnare offenders' families to crime;
- examine how incarceration may lead to recidivism;
- make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

Presented in this chapter are the qualitative findings that respond to the exploratory questions as outlined below.

The findings from the correctional services officials' questionnaire and the interview schedule for the offenders' families are presented and discussed in the following sections.

#### **7.2 THE ADMINISTRATION OF THE QUESTIONNAIRES**

The qualitative part for the interview of the correctional services officials was part of the questionnaire that was utilised for the quantitative data. The questionnaire had both quantitative and qualitative questions and was a self-administered questionnaire by the

correctional services officials. The response rate of this category is similar to the response rate in the quantitative chapter (chapter 6: table 6.1) and is presented in table 7.1 below.

The qualitative part for offenders' families was conducted by the researcher using a note book and an audio recorder. The offenders' families were identified by a screening document which was used at the reception of the Polokwane Medium B Correctional Centre where appointments were thereafter made with those who volunteered to participate in the study. The offenders' families that met the criteria with the characteristics that the researcher was looking for were identified with a screening document that was completed before an appointment was made. The interviews were conducted in the offenders' families' houses to assist the researcher to observe the level of poverty. Ten offenders' families that volunteered were interviewed and the response rate is presented in table 7.1 below.

Data for the correctional services officials are presented in the sequence as they appeared in the questionnaire that was also used for quantitative data. Some quantitative questions had options for qualitative data that will also be presented during the presentation of data for the correctional services officials. Data for the offenders' families are presented according to the sequence of questions as they appeared in the interview schedule designed for the offenders' families.

### 7.3 THE RESPONSE RATE

**Table 7.1: Response rate for the qualitative study, Polokwane Medium B Correctional Centre, August 2014**

<b>Data type</b>	<b>Number of questionnaire administered</b>	<b>Number of questionnaire completed</b>	<b>Percent (%)</b>	<b>Reason for difference</b>
Interview schedule for the Offenders' families	10	10	100	
Quantitative questionnaire for Correctional Services Officials	18	17	94.4	Incompleteness or inconsistency of data
<b>Total number of usable questionnaires</b>	<b>28</b>	<b>27</b>	<b>96.4</b>	

## 7.4 DATA ANALYSIS

The analysis of the qualitative data collected from the correctional services officials and the offenders' families who were participants in this study are presented in the following sub-sections.

### 7.4.1 The answered interview questions for the officials

The questionnaire consisted of section A – E and the qualitative questions were in section A, C, D & E. The qualitative questions in the questionnaire for the correctional services officials were eleven with one question in section A, one question in section C, three questions in section D, and six questions in section E. The responses from the correctional services officials were short and the questions consisted, among other:

- 1) What type of skill are you having that is relevant to the DCS?
- 2) What makes inmates to commit crime inside the correctional centre?
- 3) What do you think causes recidivism?
- 4) In your own view, how could the problem of recidivism be addressed?
- 5) What do you think promotes recidivism?
- 6) In your own view, how do you think the present problem of rehabilitation could be made effective?
- 7) Is the rehabilitative framework effective?
- 8) In your own view, how do you think the present scourge of crime in the correctional centre could be curbed?
- 9) What is your ideal rehabilitation process compared to the present one?
- 10) Is the Victim-Offender-Dialog working? and
- 11) Is there any other information that you would like to add to the information above?

**Table 7.2: Emergent themes, sub-themes and categories**

THEME		SUB-THEME		CATEGORIES	
1	How Incarceration or rehabilitation may ensnare offenders'	1.1	What makes inmates to commit crime inside the correctional centre?	1.1.1 1.1.2 1.1.3 1.1.4	Smuggling and money. Most of them want money and to gain popularity. The anger from outside the prison Some inmates are habitual offenders who need to be properly rehabilitated.

THEME		SUB-THEME		CATEGORIES	
	families to crime.			1.1.5	Pressures to adopt and in a group (groups that exist in jail).
				1.1.6	Use of substances (dagga) and gangsterism.
				1.1.7	Poverty.
				1.1.8	By joining gangsterism, stealing from other inmate's belongings.
				1.1.9	Gangster groups.
				1.1.10	It is the choice they make themselves maybe due to the way they grew-up.
				1.1.11	Lack of disciplinary measures presented by the present government.
				1.1.12	In order to satisfy their needs like the need to smoke.
				1.1.13	Gangsterism, carrying of unauthorised items such as money, dagga, knives.
				1.1.14	Lack of family support, and they practice don't care attitude.
				1.1.15	Frustrations.
				1.1.16	To prove to other inmates that they are their bosses and some due to lack of visits
				1.1.17	If their grievances or complaints are not attended to, they become aggressive.
2	How Incarceration may lead to recidivism.	2.1	What do you think causes recidivism	2.1.1	Intolerance, undermine each other, anger, poverty, lack of rehabilitation, unemployment.
				2.1.2	Clear whether harsher prison sentences, arrested for many decades.
				2.1.3	Poverty
				2.1.4	Lack of employment and skills. Project Managers should employ them on release in order to earn a living wage.
				2.1.5	Centre based and non-centre based
				2.1.6	The issue of centre based vs not centre based. Separate members to tackle the issue of rehabilitation to offenders.
				2.1.7	Smuggling among prisoners in the correctional centre.
				2.1.8	Poverty
				2.1.9	Poverty and psychological factors.
				2.1.10	Poverty and unemployment
				2.1.11	Offenders are not properly rehabilitated and therefore stick to being habitual criminals.
				2.1.12	Offender's rejection from their community members.
				2.1.13	Poverty and joblessness.

THEME		SUB-THEME		CATEGORIES	
		2.2	How could the problem of recidivism be addressed	2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.6 2.2.7 2.2.8 2.2.9 2.2.10 2.2.11 2.2.12 2.2.13 2.2.14 2.2.15	Job creation and skills training The centre can provide offenders with skills training Through formal reintegration of the offenders to their communities. Mediating offenders with their communities. Through proper rehabilitation which is intensive and address the crimes committed. Re-integration programmes and employment. Job creation and punitive measures like the death penalty. By letting them get self-enrichment courses. By involving prisoners in the development programmes. We involve them in development programmes. Make members equal, whether office bearers or not we are in the same department. All security officials from the Basic Training to be under the same option and the state employ public service admin staff. Employer should employ offenders on release. Skilling offenders. If our government creates jobs so that our children be employed and be away from the streets. To give them proper skills.
		2.3	What do you think promotes recidivism	2.3.1 2.3.2 2.3.3 2.3.4 2.3.5 2.3.6 2.3.7 2.3.8 2.3.9 2.3.10	Low skills level Stigma that is attached to the offenders – then they turned to be isolated. Not being accepted by the community after release and lack of proper rehabilitation. Lack of knowledge and hope in rehabilitation processes. Poverty. Alcohol and drug abuse. Low education/illiterate. Low education. The issue of centre base vs not centre base. Separate members to tackle the issue of rehabilitation to offenders. Security officials with different centre options.

THEME		SUB-THEME		CATEGORIES	
				2.3.11	Lack of jobs and skills training programmes offered during incarceration and certificates provided.
				2.3.12	Peer group pressure.
				2.3.13	Lack of unemployment (employment) and gangster, even drugs.
				2.3.14	Unemployment, lack of support, stigma.
3	Suggestion on how the existing framework may be adjusted or improved.	3.1	How could the present problem of rehabilitation be made effective	3.1.1	Lower case bad per care worker
				3.1.2	More experts in all fields should be engaged.
				3.1.3	Employ more officials to the centre including social workers.
				3.1.4	Officials who are supposed to rehabilitate the offenders should be trained to do so.
				3.1.5	Inmates should have respect and dignity from the official's side.
				3.1.6	Manageable units.
				3.1.7	If enough staff is employed.
				3.1.8	Offenders must first understand the vision, mission of the department (DCS).
				3.1.9	Offenders must know the mission, vision of the department.
				3.1.10	Have enough members to attend to each and every complaints or challenges of offenders.
				3.1.11	The old prison structure should be improved to accommodate or separate high risk inmates or suspects according to sections not rooms as is done.
				3.1.12	It needs to be compulsory.
				3.1.13	Enough resources. Support staff is very limited.
				3.1.14	Employ more officials.
				3.1.15	By encouraging them to do more programmes.
				3.1.16	More skills must be given to offenders.
		3.2	Is the rehabilitative framework effective	3.2.1	No
				3.2.2	No
				3.2.3	Yes
				3.2.4	The programmes which exist are good however due to the lack of training of officials they are not effective.
				3.2.5	Not effective.
				3.2.6	Yes – if it is managed within a controlled unit.
				3.2.7	No.

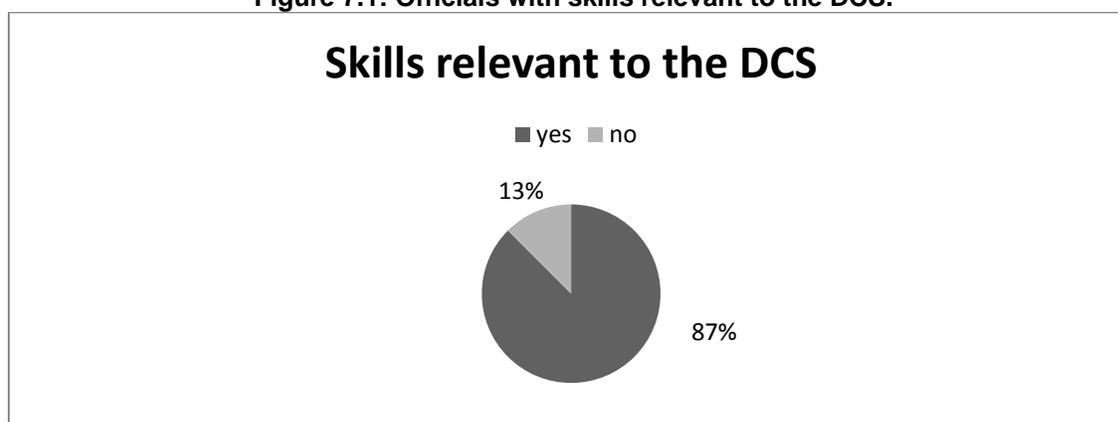
THEME		SUB-THEME		CATEGORIES	
				3.2.8	No, offenders do not participate in the programmes.
				3.2.9	Yes, to some inmates who are willing to be rehabilitated/change.
				3.2.10	Yes, it is. Only if you deal with few offenders because you will know all of them and able to advise them.
				3.2.11	Yes but not simple as expected due to overcrowding and the old prison structure without enough technical workshops.
				3.2.12	Yes.
				3.2.13	Very slow due to shortage of relevant practitioners.
				3.2.14	Fairly well.
				3.2.15	Yes.
				3.2.16	Yes, 50% is effective because when offenders are released to their communities (they) can work for themselves.
		3.3	How the rife scourge of crime in the correctional centre could be curbed.	3.3.1	Every offender should be in a single cell.
				3.3.2	Job opportunities should be increased.
				3.3.3	Overcrowding should be dealt with.
				3.3.4	Reduce overcrowding and profile individual inmates.
				3.3.5	By installing searching machines.
				3.3.6	If all of us officers and the community can be involved in the programmes the department is coming up with.
				3.3.7	We officers and community, if we can work together we will see the difference.
				3.3.8	By having one on one with the offenders and address their challenges and if you cannot, refer to the relevant person.
				3.3.9	If manpower can be supplied to prisons to control overcrowding.
				3.3.10	Officers need to communicate with inmates for a better understanding.
				3.3.11	Extend measures to curb crime.
				3.3.12	More rehabilitation programmes present.
				3.3.13	Give offenders more activities e.g. sports, arts, recreation etc.
		3.4	What is your ideal rehabilitation process compared to the present one.	3.4.1	The offenders should be seen one-on-one per month rather than waiting for the offender to request/complain.
				3.4.2	Some programmes should be used however officials rendering facilitating

THEME		SUB-THEME		CATEGORIES	
				3.4.3	programmes should be trained so as to be successful in their rehabilitation. Inmates should be respected and treated with dignity. Therefore, they may acknowledge that they are human and treat the world with that mentality.
				3.4.4	Implementation of Unit Management Systems.
				3.4.5	By employing more staff.
				3.4.6	It is not effective.
				3.4.7	It is effective, according to my side; because some inmates have succeeded after finishing his/her sentence.
				3.4.8	Is to understand the real problem from the roots and try to solve.
				3.4.9	Very low due to unbalanced ratio.
				3.4.10	The present one is good.
				3.4.11	The present one is sufficient.
				3.4.12	More skills programme and when complete use their skills in the correctional centre.
				3.4.13	The present one is much better.
				3.4.14	Skills training.
		3.5	Is the Victim-Offender-Dialogue working	3.5.1	No
				3.5.2	It works only if the victim is ready. It depends mostly on the victim.
				3.5.3	Sometimes
				3.5.4	Only when the offender initiates it and is not forced to do it because she/he will not be released.
				3.5.5	Yes – Some offenders are remorseful and would like to apologise.
				3.5.6	No – it opens old wounds.
				3.5.7	No.
				3.5.8	No, perpetrators of crime do not want to take part.
				3.5.9	Yes.
				3.5.10	Yes.
				3.5.11	Very good.
				3.5.12	Yes.
				3.5.13	Yes.
				3.5.14	No.
				3.5.15	Yes.
				3.5.16	Yes.
				3.5.17	Yes, 50% is working but offenders are afraid to talk with their victims.

#### 7.4.1.1 *What type of skills are you having that are relevant to the DCS?*

The first question (not included in table 7.2 above) was about the demographic profiles of the correctional services officials that probed them about the skills that they were having that are relevant to the DCS. Most respondents (87%) indicated that they were having skills relevant to DCS except for 13% of the correctional services officials who claimed not to be having any relevant skill relevant to the DCS as portrayed in figure 7.1 below. The skills that were indicated by the respondents were Social Work, Correctional Programmes Facilitator, Rehabilitator, Basic Trainer, Diploma in DCS Administration (Unisa), Skills Development Facilitation, and Educator.

**Figure 7.1: Officials with skills relevant to the DCS.**



It is inspiring to note that the DCS has in its employ officials with qualifications or skills relevant to corrections as they are also beneficial to the rehabilitation of offenders.

#### 7.4.1.2 *What makes inmates to commit crime inside the correctional centre?*

Most of the respondents (correctional services officials) indicated that gangsterism inside the correctional centre was the reason that inmates committed crime while inside the correctional centre. The norm is that in order to join a gangster group inside the correctional centre you need to prove that you are a criminal. Being a member of a gangster group provides you with protection by other group members. Therefore, the inmate is qualified to join the group by pursuing the mandate of committing crime before you graduate to join the gang. This may be the foremost motive that criminality endures within the correctional centre. The other popular motives identified by the respondents

with regard to the criminality endurance inside the correctional centre were money, drugs (dagga), smuggling, frustrations and the lack of family support.

One of the respondents indicated poverty, which is unexpected as they are provided with amenities while incarcerated. The intriguing response was the one that indicated that if the grievances or complaints of the offenders are not attended to, then offenders may become aggressive. However, this is the responsibility of the correctional services officials that the grievances and complaints are attended to. This might be an indication that the grievances and the complaints might not be attended to deliberately as a sort of punishment by the officials. It is only one respondent who positively identified the culprits but shifted the blame to the government where the response was that it is the lack of disciplinary measures by the (DCS officials) government. This respondent was trying to shift the blame from correctional officials while the correctional officials are employed to ensure the correction of the offending behaviour as indicated in the (DCS 2005).

*“The responsibility of the Department of Correctional Services is first and foremost to correct offending behaviour, in a secure, safe and humane environment, in order to facilitate the achievement of rehabilitation and avoidance of recidivism”.*

The shifting of the blame to the government suggests that the correctional services officials still want to violently discipline the offenders which is contrary to the international conventions ratified by the government and also what is enshrined in the Bill of Rights which is part of the Constitution of the Republic of South Africa.

Gangsterism is an international malady that needs some serious attention, however, correctional services officials are expected to be proposing solutions in the eradication of this scourge. As indicated above that “...in a secure, safe and humane environment” in terms of the DCS (2005), this suggests a place without gangs in order to achieve rehabilitation and the circumvention of recidivism. Gaining popularity with gangsterism means that offenders learn more crime while inside the correctional centre whereas the solitary confinement is not conducive for rehabilitation and the reintegration of the offenders to the community.

#### *7.4.1.3 What do you think causes recidivism?*

The most popular suggestion from the respondents was that poverty is the central root of recidivism among the released offenders. This may suggest that lack of employment opportunities for the released offenders may lead them to recidivate. Recidivism internationally is proclaimed to be between 80 – 90% presently although data on recidivism is complex as indicated in the previous chapters on literature review. Lack of employment was the second most popular response among the correctional services officials with regard to recidivism. This may mean that the DCS has to ensure that the offenders are equipped with certain skills and compelled to attend rehabilitation programmes before they are released on parole or at the end of their sentences to avoid recidivism.

The other areas that were identified by the respondents were lack of proper rehabilitation of offenders, the rejection of ex-offenders by the community members, and the long period of incarceration. This supports the notion that offenders need to be equipped with survival skills in order for them to achieve a productive livelihood after their release from the correctional centre. Literature indicates that if the offenders go back to live in a poverty stricken environment, they are usually exposed to relapse and then recidivate. Recidivism is one of the factors that pose a challenge of overcrowding in the correctional centres and these re-offenders are regarded as key in the contamination of offenders for petty crimes. The recidivists may need to be provided with special rehabilitation programmes that are focused on their re-offending. Most recidivists prefer life behind bars compared to facing poverty and the rejection by the community outside of the correctional centre.

#### *7.4.1.4 How could the problem of recidivism be addressed?*

The most popular view by the respondents was that to address recidivism, the skills training should be the crucial element that the rehabilitation programmes should centre. However, skills training without employment opportunities might be an incomplete process as when a skilled ex-offender does not find employment relevant to the skill that one possesses, it might lead to the released offender to recidivate. It is also interesting to

note that one of the respondents indicated the return of the death penalty which is surprising that it is indicated by a correctional services official. This may mean that some of the correctional services officials do not understand their mandate as correctional services officials or they do not understand the international statuses that the South African government subscribe to.

The other views that were indicated by the respondents were that the communication or formal and proper reintegration of offenders to their communities is crucial in the acceptance of the offender by the community in evasion of recidivism. The other view that was popular and indicated by several respondents was the involvement of the offenders in the development programmes. Some respondents felt that the government has to provide employment to the offenders on their release while other respondents felt that the employers need to employ offenders. The intriguing view was that in order to address recidivism, offenders should go through proper rehabilitation which is intensive and to address the crimes committed. This may mean that the present rehabilitation programmes are not intensive and they do not address the crimes committed by the inmates, which could be an incomplete process.

#### *7.4.1.5 What do you think promotes recidivism?*

The most popular view among the respondents was that illiteracy was the cause that promotes recidivism. Literature indicates that in a study conducted internationally, education reduced recidivism by 29%. The causes of such a conspicuous reduction might be the certificates that the offenders receive and the skills training that they achieve that might increase their employment opportunities hence the circumvention of recidivism. Some respondents indicated that the rehabilitation may be the cause that promotes recidivism since it is applied in diverse means by different correctional services officials. The stigma attached to the offenders after reintegration to the community, peer pressure and drug/alcohol abuse might be the other causes that promote recidivism.

#### 7.4.1.6 *How could the present problem of rehabilitation be made effective?*

The most prominent view from the respondents was that the present staff complement of the correctional centre is not suitable for rehabilitation and therefore more staff have to be employed more especially staff who are experts in different fields like psychologists, social workers, educators, nurses, artisans, and many other skills necessary for the rehabilitation of offenders. This is the most serious factor of rehabilitation when the staff are limited compared to the number of inmates. It would be difficult for the staff members who are charged with providing rehabilitation programmes do deal with excessive staff. The reasons for the shortage of staff may vary; for instance overcrowding might be a serious issue due to the fact that the centre is accorded staff members in terms of the approved staff complement. Therefore, extra staff could only be provided to the centre once the Organisational Development of the DCS has evaluated the centre. However, it would be questionable if the DCS organisational development directorate can approve the staff complement of the centre in terms of overcrowding instead of approved accommodation since overcrowding is always regarded as a temporal situation.

The other reason for the shortage of staff could be that the DCS does not have a full staff complement which is presently the case with almost all the correctional centres in the country including Polokwane Medium B Correctional Centre. The encounter of the shortage of staff could be attributed to the structure of the DCS that has low ranks but requires highly qualified staff members which results to the highly qualified staff members to be absorbed by other government departments and private companies where there is also no risk. The risk allowance may be available for the staff members but if the ranks of the officials are still at senior administration officer level and below, retention of staff by the DCS will always be a fallacy. Most government departments in South Africa appoint professionals at deputy director level which is presently the rank of the head of the correctional centre in Polokwane Medium B Correctional Centre. A review may be eminent by the Department of Public Service and Administration regarding the retention strategy for the professionals in the DCS.

The other views that were raised by the respondents included the training of officials who are charged with the execution of the rehabilitation training programmes. This view may be very much important since most professionals are simply having the qualifications obtained at a tertiary institution but not specific for the corrections of the inmates. The DCS has to provide such professionals with training that is specifically focused on the corrections of inmates. The additional view that was popular among certain respondents was that the offenders need to understand the vision and mission of the DCS. This may be very imperative in the sense that once offenders are incarcerated, the impression is that it is the end of the road for them until they are released. Conversely, the DCS is supposed to provide orientation to the offenders regarding the objectives of the corrections in South Africa and provide inmates with the white paper or corrections act applicable during that period. The ignorance of the rules applicable in the DCS correctional centres was evidenced when the offenders were asked about the parole system and its effectiveness where according to table 6.20 and figure 6.27 in the previous chapter, 45% of the respondents indicated that they do not know about the parole system. This is perturbing as all inmates are eligible to apply for parole at some stage.

The intriguing opinion of one of the respondents was the issue of dignity and respect towards the inmates by the correctional services officials. This may mean that the correctional officials are not providing the required respect to the inmates which could be detrimental during the rehabilitation process. The lack of respect by the correctional services officials towards the inmates has been a problem for decades and this observation is the endorsement that it endures even in the Polokwane Medium B Correctional Centre. One respondent raised a concern regarding the limited number of officials to attend to the complaints and challenges of the inmates. This may be consequential to staff shortages and overcrowding which is a challenge internationally in terms of the literature reviewed. The other concern raised was that the present structure of the correctional centre has to be improved to accommodate inmates according to the severity of the crimes committed to circumvent contamination of the inmates incarcerated

for petty crimes. This may be very significant for the rehabilitation of the offenders and the evasion of recidivism.

The effectiveness of rehabilitation could be achieved by encouraging inmates to do more rehabilitation programmes and skills as anticipated by some of the respondents. Subsequently, one respondent advocated that rehabilitation has to be compulsory for all the offenders that are incarcerated. This is highly momentous that all offenders should be obliged to under-go rehabilitation programmes. The provision of rehabilitation to some offenders with the exclusion of the other inmates who spend most of the time together might be an incomplete process as the rehabilitated inmate might relapse after meeting the non-rehabilitated offenders. It is surprising that the DCS could allow some offenders not to under-go the rehabilitation process which is contrary to the vision and mission of the department. The department was converted from the Department of Prisons to the Department of Corrections as the main aim was to correct the criminal behaviour of the inmates. The correction of the inmates' behaviour may be achieved among other things through the application of the rehabilitation programmes.

#### *7.4.1.7 Is the rehabilitative framework effective?*

This question was focused on the present rehabilitation framework that is utilised by the correctional services officials to rehabilitate inmates. Intriguingly, it is only 19% of the respondents who utterly corroborated that the present rehabilitation framework for the offenders to be effective in its present form. Antagonistic to the view of the 19% of the respondents, were the correctional services officials who indicated that the framework in its present state was not effective at all. However, some respondents designated that the rehabilitation programmes were good but due to lack of training of the officials to implement the programmes was a contributing factor to the failure of the contemporary rehabilitation framework. The additional concerns raised by the respondents were that: the rehabilitation framework would be effective if it was managed within a controlled unit; offenders do not participate in the programmes which results in the failure of the framework; the rehabilitation framework would be effective if officials responsible were

able to deal with a few inmates during the programmes; overcrowding makes the rehabilitation of offenders impossible; and the lack of technical workshops for training purposes create challenges for the effective rehabilitation of offenders.

#### *7.4.1.8 How the scourge of crime in the correctional centre could be curbed?*

Overcrowding was the most popular view raised by the respondents regarding the scourge of crime in the Polokwane Medium B Correctional Centre followed by the shortage of staff. The overcrowding resulted to the shortage of staff in Polokwane Medium B Correctional Centre and would be worse if the vacancies were already not filled to manage the number of approved accommodation for the inmates. Overcrowding has to be urgently addressed by the DCS to achieve effective rehabilitation of offenders and the evasion of recidivism. It should also be noted that overcrowding was mentioned by the respondents in almost all the previous sub-themes as a problem. However, overcrowding is not only a South African scourge but an international menace. This may mean that crime is easily committed in an overcrowded correctional centre and very difficult for the understaffed correctional services officials to manage.

Conversely, the respondents had miscellaneous views regarding the scourge of crime in the correctional centre. Around 8% of the respondents suggested a single cell for each inmate to curb the scourge of crime. Although this could be expensive to achieve, it is very good for the rehabilitation of inmates and the evasion of contamination of other offenders that may lead to recidivism. The currently utilised old prison structures could be renovated to achieve this goal or be converted to technical workshops that are imperative for rehabilitation programmes. The renovations could be executed by the inmates in terms of paid labour for the self-sustainability of the correctional services department. The other proposal was for the installation of the searching machines instead of the current primitive method of stripping inmates nude and then searched the whole body. The stripping method promotes the scourge of crime as inmates are able to hide items inside their bodies and smuggle that inside the correctional centre and ultimately their cells. An x-ray scanner could detect anything that the individual is having in possession as utilised in

most international airports. If the x-ray or similar method is applied correctly, it could have a huge impact on the reduction of crime inside the correctional centre.

Around 16% of the respondents suggested the collaboration between the correctional services officials and the community in order to curb this scourge of crime. The view of the involvement of the family is ideal for crime prevention inside the correctional centre and the rehabilitation of the offenders. Additionally, these respondents indicated that the rehabilitation programmes that the DCS is coming-up with could be comprehended if the community is involved. Other respondents suggested the one-on-one communication between the offenders and the correctional services officials which is supposed to be a norm but is not happening as raised by the respondents. The other respondents recommended the addition of rehabilitation programmes to the existing programmes that could be significant in the curbing of crime inside the correctional centre. Similarly, some respondents proposed the addition of activities for the offenders to keep the offenders busy like sports, arts and recreation instead of idling.

#### *7.4.1.9 What is your ideal rehabilitation process compared to the present one?*

This question was raised to the correctional services officials as they are currently working with the rehabilitation process and hypothetically had identified the areas of the process that need to be adjusted or improved. Usually, policies and programmes are introduced as a top-down approach in the public service excluding the participation of the officials dealing direct with the matter. Around 29% of the respondents indicated that the present rehabilitation process was good and effective noting the inmates that had succeeded after finishing their sentences. It is good to note that some inmates benefit from rehabilitation as evidence that it is effective; nevertheless, 29% is a very small digit to assume that rehabilitation is effective. The sentiment of seeing offenders on a one-on-one basis was again raised suggesting that this should happen monthly instead of waiting for offenders to request or complain before being given the opportunity. Presently, this could not be achieved due to the alleged shortage of staff and overcrowding.

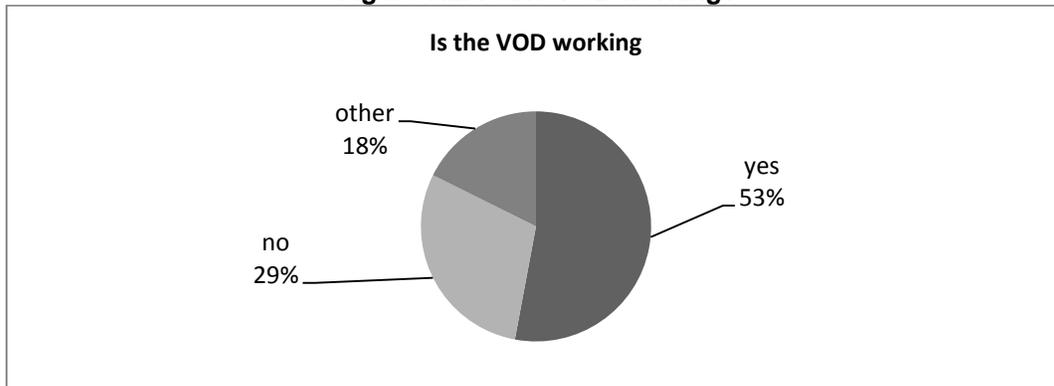
The other views were that officials rendering the facilitation of rehabilitation programmes should be trained for the offenders to be successful on completion of their sentences. The challenge in this instance may be that correctional services officials are just handed the rehabilitation programmes to execute without prior training on how to implement such programmes. Astoundingly, some respondents indicated that inmates should be respected and treated with dignity in order that they may acknowledge that they are human and begin to treat the world with the same mentality. This suggestion is regarded as ideal for the rehabilitation of inmates and for the successful offender reintegration to the community. The implementation of the rehabilitation programmes would be an incomplete process if offenders are not treated with dignity and respect.

Furthermore, another respondent proposed that the implementation of the rehabilitation programmes should include among other things which is to understand the real problem of the offenders from its roots and try solving it. This view is also very important for the rehabilitation of the offender since if programmes are simply implemented to assist the offender without knowing the real cause of his/her behaviour might be an incomplete process that may lead to recidivism. The other respondents proposed that the offenders need to attend more skills programmes and on completion to apply the skills obtained in the programme in the correctional centre. Ultimately, one respondent suggested the implementation of Unit Management Systems perfect for rehabilitation.

#### *7.4.1.10. Is the Victim-Offender-Dialog working?*

The Victim-Offender-Dialog (VOD) is the latest attempt by the DCS with regard to the restoration of justice. In the VOD, offenders are allowed to request to communicate with the victim or victim's family to heal the wounds of the crime committed. This is nonetheless, allowed if the victim party is willing to meet the offender. It is alleged as an ideal process for the rehabilitation and reintegration of the offender.

**Figure 7.2: Is the VOD working?**



The correctional services officials were therefore asked about their perception of the VOD whether it works or not since it has just been introduced in the DCS. Figure 7.2 above portrays that 53% of the respondents indicated that the VOD was working well while 29% indicated that it was not working. This may mean that the VOD is a good thing if more than 50% of the respondents view it as working even though the 29% perceive it as not working. This may be due to the fact that the VOD is a new thing such that the victims or the offenders are still not used to the programme or have never heard about the VOD. The other respondents specified that the VOD works only if the victim is ready as it depends mostly on the victim.

Out of the 18% reflected as other on figure 7.2 above, one respondent indicated that sometimes it works while the other indicated that it works only when the offender initiates it as offenders are not forced to do it because that does not mean they would then be released after achieving the VOD. Nevertheless, one respondent indicated that it does not work due to the fact that the perpetrators of crime do not want to take part in the programme contrary to the respondent who indicated that 50% of the VOD is working but the offenders are afraid to talk with their victims. The other respondent indicated that the VOD is working well as some offenders are remorseful and would like to apologise to the victims. The VOD could also be one of the programmes that are used to reduce crime since the mentality of the offender is anticipated to change after consultation and apologising to the victim with a demonstration of being remorseful. Although the reaction

of the victim cannot be predictable, however, the offender would have moved a step further towards rehabilitation and restoration.

*7.4.1.11 Do you have any other information that you would like to add to the information above.*

The question was to afford the respondents to add any information that they felt was not covered by the questionnaire or any suggestions that might be beneficial to the researcher. The researcher noted that most correctional services officials still use the terms that are alleged by DCS ETHICS committee to be outdated like prisoners and prisons. One of the respondents indicated that the perpetrators of crime need to understand that offenders are still going to go out of correctional centre one day. The other respondents indicated that the researcher's line of questioning is not open enough. This became interesting to the researcher as this may mean a further study could be possible as a follow-up on this study. It is encouraging to note that the respondents still wanted to add more information towards the study although the respondents were somehow limited in order not to lose focus of the study. One respondent indicated that let the VOD be continued as it removes community fear, incomplete or outstanding resolutions while the other indicated that the VOD reconciles the two parties so that they could accept one another.

One respondent emphasised that the rehabilitation processes need more staff than before, including psychologists whereas the other respondent indicated that more support staff should be hired and relevant practitioners for development programmes. Remarkably, one respondent pointed out that the DCS officials must be retrained about correctional services rather than prison services and the other stated that the rehabilitation programmes need to be modified by training officials to be more tolerant of the offenders so that they would have a better chance of being successfully rehabilitated.

#### **7.4.2 Offenders' Families' Responses to the Interview Schedule.**

The interview schedule for the offenders' families consisted of 23 main questions with follow-up questions on questions 3, 6, 11, 13, 17, 18, and 19. There were thirty six questions in total that were in the interview schedule. The questions for the offenders' families were open-ended and conducted in the homes of the offenders' families in order to observe the level of poverty as indicated above. Most offenders' families were interviewed individually or in a family group with one family member responsible for the responses.

The responses from the offenders' families were open-ended and they were given time to express whatever they wanted to indicate as the researcher was using the notebook and an audio recorder. The questions from the interview schedule for the offenders' families were the following:

1. How old are you?
2. Are you employed?
  - 2.1 How do you support your family?
  - 2.2 Per month how much are you receiving?
3. Do you have any dependants?
  - 3.1 How many?
    4. What is your relationship with the prisoner?
    5. How long is he imprisoned for?
    6. What was the prisoner's role at home before imprisonment?
      - 6.1 How did he generate an income?
      - 6.2 How much?
        7. How did his imprisonment affect your life?
        8. How is your relationship with family members since his/her imprisonment?
        9. Are you receiving any support from the state or NGOs?
        10. What is the best support you think you should receive?
        11. Are you receiving any financial support from the inmate?

11.1How?

12. How do you feel about his/her incarceration?

13. What are the changes you have observed since his/her incarceration?

13.1 Do you think when released, he/she might re-offend?

14. Is the inmate receiving any financial support from you?

15. Does he/she call you using collect call?

16. If he/she was to be released to your custody for community service work, would you take care of the inmates so that he/she does not re-offend?

17. How often do you visit the inmate?

17.1 How much do you spend to visit the inmate at the correctional centre where he is incarcerated?

17.2 If you do not visit the inmate, what could be the reason?

17.3 What are the benefits of having the inmate close to you?

18. Has anyone ever been incarcerated in this family?

18.1 If yes how are they related to the inmate?

18.2 If yes what were they convicted for?

19. What is your feeling regarding overcrowding in correctional centres?

19.1 How should overcrowding be addressed?

20. Are you informed or updated regarding the inmate's condition in the correctional centre?

21. What is your feeling regarding the parole system in the DCS?

22. What is your feeling regarding the rehabilitation of the inmates?

23. What do you think should be done regarding rehabilitation?

**Table 7.3: Interview Schedule for the Offenders' Families.**

QUESTION		CATEGORIES	
1	How old are you?	1.1	The father is a pensioner and the mother is still working but also old.
		1.2	The father is a pensioner over seventy years.
		1.3	25 years old.
		1.4	29 years old.
		1.5	45 years old.
		1.6	28 years old.
		1.7	48 years old.
		1.8	29 years old.
		1.9	63 years old.

QUESTION		CATEGORIES	
		1.10	36 years old.
2	Are you employed?	2.1	The father is a pensioner but does odd jobs because he is not receiving old age pension from the state. The mother is employed as a teacher.
		2.2	The father is a pensioner who repairs cars and the mother is unemployed but only doing odd jobs.
		2.3	Unemployed
		2.4	Yes, but working temporarily for five days a week.
		2.5	No, not employed.
		2.6	No, I am not employed.
		2.7	Temporal employment.
		2.8	Yes.
		2.9	Self-employed.
		2.10	Yes.
3	How do you support your family?	3.1	The family is supported through the odd jobs and the income from the mother and a tenant.
		3.2	We survive on pension money that is provided by the state.
		3.3	Receiving child grant to support the family.
		3.4	The income I receive from work.
		3.5	Child support grant.
		3.6	I am supported by child support grant.
		3.7	Temporal work money.
		3.8	Salary and the child support grant.
		3.9	Project money and the pension grant.
		3.10	Salary plus child support grant.
4	How much are you receiving per month?	4.1	It is difficult to indicate because it is not stable.
		4.2	Pension money.
		4.3	R620.00
		4.4	R2,000.00 per month.
		4.5	R640.00 only per month.
		4.6	R960.00 grant per month since my father died last-year. My mother is self-employed.
		4.7	R1,280.00 per month.
		4.8	R5,000.00 per month.
		4.9	R1,350.00 per month.
		4.10	R2,500.00 per month.
5	Do you have any dependants?	5.1	Yes, the offender because his sister is married.
		5.2	Yes we do have dependants who are our children.
		5.3	Yes.
		5.4	Yes.
		5.5	Yes.
		5.6	Yes.
		5.7	Yes.
		5.8	Yes.
		5.9	Yes.
		5.10	Yes.
6	How many?	6.1	It is only him and one offender that we offered temporal work as he is also struggling.
		6.2	They are five including the offender.
		6.3	Seven dependants.
		6.4	Eleven, including my parents, my siblings and my child. My father works but he does not provide for the family.
		6.5	Four boys.

QUESTION		CATEGORIES	
		6.6 6.7 6.8 6.9 6.10	Three children and my brother. Six dependents. Two. Two. Three.
7	What is your relationship with the prisoner?	7.1 7.2 7.3 7.4 7.5 7.6 7.7 7.8 7.9 7.10	He is our son that was adopted as an infant when he was one week old together with his sister. He is our biological child. He is our last born son and we were relying on him to take over everything in the household. Husband/partner. He is my elder brother. He is the first-born at home. My first-born son. He is my twin brother. Mother and son. Spouse (husband). Spouse (husband). Husband.
8	How long is he imprisoned for?	8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 8.10	He was given a 5 to 15 years sentence but is due for parole maybe in November, we are not sure. He was incarcerated in 2000. He has been sentenced in 2002. It really affected me emotionally such that I could not even attend during his sentencing. Five years since June 2013. He was sentenced for fifteen years. He has been in prison a long time ago just after 1994. He was moved from different institutions including Matlatje, Senthumule and then Polokwane. He is incarcerated since January 2014 for eight years. He is sentenced to three years since last month (interview conducted in July 2014). Ten months with five years suspended sentence and violated parole. Ten years, since January 2011. Life sentence – since May 2004. To date it is twenty days and still attending trial.
9	What was the prisoners' role at home before imprisonment?	9.1 9.2 9.3 9.4 9.5 9.6 9.7 9.8 9.9 9.10	He was unemployed and got mixed up with bad friends which led to his arrest. He was at school doing matric. He only completed matric inside prison. He also deed other courses in prison as he now has a Social Work qualification. He has four certificates now although I am not sure what these other qualifications are. He said he is doing something on criminal law but we are not sure what it is. We even had discussions with the person who is responsible to teach them. We are now even worried as to when is he going to come back home. He was self-employed selling. He used to sell with another gentleman. He used to work in the construction industry. He was unemployed. He was unemployed but helpful at home. He was the breadwinner. He was the breadwinner. Self-employed breadwinner.

QUESTION		CATEGORIES	
10	How did he generate income?	10.1	He did not generate any income but instead was stealing and selling items from the house.
		10.2	Not applicable.
		10.3	Selling and doing part-time jobs.
		10.4	Through selling.
		10.5	Through the work that he did.
		10.6	He used to drive taxis here at home. We have three taxis. My mother is the one who opened a case against him.
		10.7	Used to do temporal work (odd jobs).
		10.8	Self-employed.
		10.9	He was a Councillor (ANC).
		10.10	Self-employed.
11	How much?	11.1	Not applicable.
		11.2	Not applicable.
		11.3	R1,200.00 per month.
		11.4	I do not know.
		11.5	Used to be R1,800.00 per month. He used to help a lot here at home.
		11.6	Not applicable.
		11.7	Not clear.
		11.8	R6,000.00 per month.
		11.9	R6,000.00 per month.
		11.10	+/- R2,200.00 per month.
12	How did his imprisonment affect your life?	12.1	It affected us a lot emotionally even now we are failing to accept what happened. He was our only hope as we are old. We are still taking care of him.
		12.2	It really affected me as stated above to such an extent that even my clothes became too big for me (I lost weight).
		12.3	It affected me emotionally because he was incarcerated while I was expecting a child whereas the other child still needed some attention. I was forced to take the other child to my parents at home to be attended to.
		12.4	It affected us emotionally because he used to be a reliable person.
		12.5	It affected me terribly emotionally because he used to be a well-respected child.
		12.6	It affected me emotionally and I do not think my mother was supposed to open a case against him. We are not having a good relationship with my mother.
		12.7	It affected us very bad emotionally.
		12.8	It affected me very, very bad emotionally.
		12.9	It emotionally affected me because he was sentenced in Randburg since 2004 to 2010 before he was transferred to here.
		12.10	It affected me in a terrible manner emotionally.
13	How is your relationship with family members since his/her imprisonment?	13.1	Family members are very supportive with regard to his imprisonment. They support us emotionally.
		13.2	Our family members are very supportive that the child should come back home. The prison requested that the community should sign to indicate that they would accept him if he is released and the family members, the community and the counsellor all signed without a problem. They are very supportive. We are not sure whether he applied for parole. We don't think he might re-offend because we are supporting him.

QUESTION		CATEGORIES	
		13.3	They did not assist me or support me when he was incarcerated but it is only now that they are visiting him in prison. They used to visit me every weekend before he was incarcerated.
		13.4	The father is not supportive at all. The relationship was never okay and nothing changed that much.
		13.5	They are very much supportive.
		13.6	Our big brother did not like this. We are not a nice family. My sister is always on my mother's side. My elder brother does not come home any more. My mother mistreated my father before he died. I also used to work for my mother and she already wanted to reduce my salary and then stopped working. In this family we are divided. The family is disrupted by my mother.
		13.7	He was a supportive somebody and so the family is very supportive evidenced by the aunt who visits him all the time in prison.
		13.8	They are very much supportive.
		13.9	Only one member is supportive but the others were not. They even influenced the community to be against me. I even reduced weight. Even the police came to my place and abused my family.
		13.10	They are very supportive.
14	Are you receiving any support from the state or NGOs?	14.1	We are receiving no support from the state or NGOs as the state is even refusing to provide old age pension to the father as they say because the mother is still employed.
		14.2	Except for the pension there is no support that we are receiving from government or the NGOs. We have never been called to be addressed about the offender.
		14.3	Except for the child grant, I am receiving no other support from the state.
		14.4	Except for the child support grant, there is no support that I receive from the state.
		14.5	Except for the child support grant, I receive nothing from the state.
		14.6	Except for the child support grant, I receive nothing from the state.
		14.7	Except for the R1,280.00 child grant, I receive nothing else from the state.
		14.8	Nothing except for the grant.
		14.9	Nothing except for the grant. Even the Mayor did not support me.
		14.10	Except for the grant, I am receiving nothing from the state.
15	What is the best support you think you should receive?	15.1	If the Social Workers could assist with intervention with regard to the situation our son is in. He was incarcerated for drugs but there is no rehabilitation for drugs in prison. There also has to be some counselling for us and the offender because he is telling us that he is really struggling. We at times have to smuggle inside the prisons drugs and medication for him to survive as they only provide him with headache tablets when he is struggling with addiction. We also want to be informed about the developments in prison regarding his state.
		15.2	We think the support that should be provided is to release the inmate and let him be placed for employment because if he is not employed he might re-offend. We are waiting as to when he is going to be released.
		15.3	If I could be supported with clothes and food for the children as we are really struggling.
		15.4	If I could be trained so that I can take care of my family because as it is, I am the sole breadwinner. By training I mean further studies like Social Work.

QUESTION		CATEGORIES	
		15.5 15.6 15.7 15.8 15.9 15.10	If I could be employed or at least receive something for food. I think if one could be employed. The support we need is to finalise his case as soon as possible because he has been on trial for one year plus six months. They should provide training to the inmates. The support is that people should start communicating with me. There is also no support from the ANC as he was responsible for Ward 23. To provide me with an attorney and some money. My parents are also unemployed. It was self-defence when he committed this crime.
16	Are you receiving any financial support from the inmate?	16.1 16.2 16.3 16.4 16.5 16.6 16.7 16.8 16.9 16.10	He is actually receiving financial support from us. Nothing as we have already indicated above. We are actually supporting him. No, I am not receiving any financial support from him. Nothing. Nothing. Nothing. Instead it is me who is supporting him. Nothing that comes from him. Nothing at all. Nothing. He has money but he cannot support me because he lost his cards.
17	How?	17.1 17.2 17.3 17.4 17.5 17.6 17.7 17.8 17.9 17.10	Not applicable. Not applicable. Not applicable. Not applicable. Not applicable. Not applicable. Not applicable. Not applicable. Not applicable. Not applicable.
18	How do you feel about his/her incarceration?	18.1 18.2 18.3 18.4 18.5 18.6 18.7 18.8 18.9 18.10	We feel emotionally bad as indicated above. We don't feel okay about his incarceration. It is not good at all. I feel terrible and cannot afford to support the children. It is also affecting me a lot emotionally. I feel emotionally terrible. His friends the soccer players usually come to visit me because they say I remind them of him. I do not even sleep well because he was a well-behaved child. His lawyer is refusing to refund bail money and it affects me. His father passed-on in 2013 and his uncle also passed-on three months thereafter who was also assisting. It affected me emotionally. We are really stressed and also the issue of violation of parole is still a problem. Initially I did not feel well but now I think it is good for him to learn. It was terrible but now I have accepted. It affected even the children. They chanted outside my place and even wanted to burn the house. It is terrible.
19	What are the changes you have observed since his/her incarceration	19.1 19.2	To our surprise, he indicated that maybe he had to go through this in his life as a wake-up call. What we have observed is that he has changed and improving. The change that we observed is that he used to argue a lot but now he is very understanding.

QUESTION		CATEGORIES	
		19.3 19.4 19.5 19.6 19.7 19.8 19.9 19.10	He has improved a lot more especially when we discuss. He has improved even facially it can be observed. He is just the same, still well respected. The anger towards my mother is no more there because he is a loving person and not a criminal. He is improving. He has improved a lot. He has improved. He is now like a pastor in prison. He even comforts me. He is now a believer. He is a changed person.
20	Do you think when released, he/she might re-offend?	20.1 20.2 20.3 20.4 20.5 20.6 20.7 20.8 20.9 20.10	He might fall back if he is not provided with a busy schedule like employment and something that might generate some money for him. He might re-offend if he is unemployed but if he is employed, I am certain that he would not recidivate because he looks perfect now. Because of peer pressure they then re-offend. They also look for money. I do not think he will re-offend. I do not think he might re-offend. He has been inside for quite some time with no one to support him as no one was assisting him until I came to the picture. I am also building at home to make a home to accommodate us all so that when he is released he might have space. I do not think so. I do not think so. He said he wants to stay elsewhere on his release from prison. We don't think he would re-offend. I do not think he would re-offend as he has learned. I do not think so. I do not think so. He is also remorseful about what he did.
21	Is the inmate receiving any financial support from you?	21.1 21.2 21.3 21.4 21.5 21.6 21.7 21.8 21.9 21.10	Yes, we have to buy him toiletries, food and medication. We buy for him things that he might need like airtime and we do not give him money. I usually help him with little money that I can afford from the child grant. Yes, I give him commissary and buy him toiletries by giving him money. Tw weeks ago he requested R500.00 and then R300.00 and thereafter R100.00 and is still requesting money. We do if we have something around R200.00 per month. Yes. Yes. Yes. Yes. Yes.
22	Does she/he call you using collect call?	22.1 22.2 22.3 22.4 22.5 22.6 22.7 22.8	Yes, he calls now and again when provided an opportunity. At times they do not have access to the telephones and they use smuggled cellphones. Yes he does call us to tell us what he is short of. He calls using airtime from me or his family. I buy him world call airtime (airtime used in prisons). He calls us using world call which is R49.00 at Shoprite supermarket. He does call using world call airtime. We usually by him world call for him to call us. Yes he does call using world call.

QUESTION		CATEGORIES	
		22.9	He calls me using world call. I even have world call now to give to him.
		22.10	He called me once.
23	If he/she was to be released to your custody for community service work, would you take care of the inmate so that she/he does not re-offend?	23.1	Yes, if he is kept busy, we have no doubt that he would not re-offend.
		23.2	We would seriously take care of him and make sure that he really does not re-offend. I was very much disappointed when he was incarcerated.
		23.3	I can take care of him if he is working.
		23.4	They can attend to him and take care of him at home if he is working.
		23.5	Yes. I would take care of him and make sure that he does not re-offend.
		23.6	Yes I would.
		23.7	We can try that he does not re-offend but if he could be employed, we are certain he would not re-offend.
		23.8	Yes, I would take care of him.
		23.9	We have written a letter as a project to correctional services for him to be released. He likes development and I would take care of him.
		23.10	I would take care of him.
24	How often do you visit the inmate?	24.1	We visit him every time we have an opportunity almost every weekend.
		24.2	We visit him twice per month because we do not want to visit him if there is nothing to take to him. It would not be nice to visit a person when you are bringing nothing. When I get a few cents I usually go there to buy him what he is short of just like last week I was there to buy him what he had requested.
		24.3	I visit him two times a week.
		24.4	Almost four times a month.
		24.5	Twice a month.
		24.6	Twice a month.
		24.7	Two times a month when having money.
		24.8	Once per month.
		24.9	Four times a month and even children are able to see him.
		24.10	Every week on Saturday.
25	How much do you spend to visit the inmate at the correctional centre where he is incarcerated?	25.1	We spend almost R800 per week buying him food and the necessary items which is almost R3,200.00 per month.
		25.2	We spend around R300 per month on him that includes going there and the things that we buy for him.
		25.3	R150.00 per month.
		25.4	R1,000.00 per month.
		25.5	R500.00 per month.
		25.6	R450.00 a month.
		25.7	R500.00 per month.
		25.8	R1,000.00 per month.
		25.9	Presently I use almost R1,000.00 per month.
		25.10	R400.00 per month.
26	If you do not visit the inmate, what could be the reason?	26.1	Not applicable.
		26.2	Not applicable.
		26.3	Not applicable.
		26.4	Not applicable.
		26.5	It would affect me emotionally if I visit him as a mother and it is also not okay.
		26.6	Not applicable.
		26.7	When there is no money.

QUESTION		CATEGORIES	
		26.8	Not applicable.
		26.9	Not applicable.
		26.10	Not applicable.
27	What are the benefits of having the inmate close to you?	27.1	We are able to see him often.
		27.2	We do not spend much when visiting him. We used to spend a lot when he was in Barberton. You could not utilise public transport when going to Barberton and Cullinan such that we were forced to sleep in houses of people we did not know just because we wanted to see him. We used to sleep at Pinaar in Nelspruit.
		27.3	Transport is cheap and I can even walk to prison to go and visit him.
		27.4	It is easy to visit him whereas during the time he was incarcerated far, it was difficult to visit him.
		27.5	It is better because we can see him anytime although money is a serious challenge.
		27.6	Visiting him when I have little to share with him.
		27.7	The money involved when it comes to visiting.
		27.8	You can visit him often and the money spent is reduced.
		27.9	Firstly when he was in Leeuwkop prison, I paid a lot of money travelling plus money for commissary. They even robbed me a couple of times when visiting him. They actually robbed me three times. I was even stabbed once.
		27.10	To see him anytime.
28	Has anyone ever been incarcerated in this family?	28.1	No one that we know of as he was adopted at a very young age, we do not know about the blood relatives.
		28.2	No one has ever been incarcerated in the family.
		28.3	Not that I know of.
		28.4	Not anyone that we know of.
		28.5	Not anyone except his younger brother seated next to you.
		28.6	Not anyone that I know.
		28.7	No one that we know of.
		28.8	No one.
		28.9	No one.
		28.10	No one except my sister's child.
29	If yes, how are they related to the inmate?	29.1	Not applicable.
		29.2	Not applicable.
		29.3	Not applicable.
		29.4	Not applicable.
		29.5	He is his younger brother.
		29.6	Not applicable.
		29.7	Not applicable.
		29.8	Not applicable.
		29.9	Not applicable.
		29.10	My sister's child.
30	If yes, what were they convicted for?	30.1	Not applicable.
		30.2	Not applicable.
		30.3	Not applicable.
		30.4	Not applicable.
		30.5	Rape.
		30.6	Not applicable.
		30.7	Not applicable.
		30.8	Not applicable.
		30.9	Not applicable.
		30.10	Theft.

QUESTION		CATEGORIES	
31	What is your feeling regarding overcrowding in correctional centres?	31.1 31.2 31.3 31.4 31.5 31.6 31.7 31.8 31.9 31.10	It is terrible. Our son and the offender that is helping here at home they tell us that it is horrible. A cell that is meant to accommodate 5 offenders, accommodates more than seventy inmates. They sleep being five in one single bed. Rehabilitation then becomes a problem. We are not aware about the overcrowding and he has never informed us about the overcrowding. We don't even know how overcrowded they are inside. We have never discussed overcrowding and he has never said anything about it. Overcrowding is very bad. I wonder why our brother is not telling us. He told us that they are seriously overcrowded but indicated that they are not assaulted. I am not aware of overcrowding. Overcrowding is not good and it is very bad for rehabilitation. Overcrowding is very bad because they could get diseases from other inmates. It is a bad thing but there is nothing I can do. It is not good.
32	How should overcrowding be addressed?	32.1 32.2 32.3 32.4 32.5 32.6 32.7 32.8 32.9 32.10	The administration of sentences. Let the awaiting trial offenders have their cases finalised as soon as it is possible. The offenders should always be checked regularly. Offenders should be released and be monitored with the tracking devices. The SAPS should do their work to promptly finalise the cases of awaiting trial prisoners. Not applicable. Prisoners with minor cases should be released. Build more prisons but seriously create more jobs to reduce crime. They should be given parole. Send prisoners to community service work and also provide parole. That would be better to reduce overcrowding. The judges should focus on the cases and not individuals because some people are on awaiting trial for more than five years. They should be given parole and use tracking devices. They should release people who have changed and served long sentences. He is very harmless. They need to reduce them in cells. Release offenders with minor cases and minor sentences.
33	Are you informed or updated regarding the inmate's condition in the correctional centre?	33.1 33.2 33.3	There are no updates with regard to the inmate. Even the medical staff members in the correctional centre are not helpful. The court should sentence inmates who are sentenced for drugs in a narcotics section where they could receive proper care. We are not updated at all instead we are informed by him that on such a date I will be transferred to Polokwane or tell us that on such a day I will be transferred to another facility. We are just informed by him. Even when he is ill, we are not informed but told by him that he is not well. Even regarding the instructor who is responsible for them, we were called by the offender that we should bring money for his registration for studies and told us the names of the instructor. We then looked for the instructor and gave him registration money. We paid R100 registration money to a certain prison official and he came and told us that he is responsible for their registration and we gave him R100. I am only informed by (name of the prisoner). I am not updated about his condition.

QUESTION		CATEGORIES	
		33.4	I am never updated regarding his condition. He is the only one updating us.
		33.5	I am usually informed by prison officials that he is behaving well and they told me that he is busy with soccer.
		33.6	I am updated by him and not the DCS.
		33.7	We are never informed, even when he fell playing soccer and got injured, we were only informed by him that he had collapsed playing soccer and recovered.
		33.8	Nothing at all.
		33.9	Nothing. He is the one that calls. When he is moved, he is the one who tells me.
		33.10	Not at all.
34	What is your feeling regarding the parole system in the DCS?	34.1	Our feeling is that the parole system is not working in the correctional centre.
		34.2	We have no idea regarding the parole system and how it works. We are just old people.
		34.3	We don't know how it works.
		34.4	Parole is good if handled very well.
		34.5	We feel the parole is working.
		34.6	The parole system works.
		34.7	The parole does not work because he was on parole and followed their rules but they ended-up saying he had violated parole.
		34.8	It works but it takes a long time. Maybe they choose according to what you have.
		34.9	I am not sure about it (do not know it).
		34.10	The parole system is good.
35	What is your feeling regarding the rehabilitation of the inmates?	35.1	It is working although not well because of overcrowding.
		35.2	He spoke to us about victim-offender dialogue but it is difficult for us. It might be a good idea.
		35.3	It is a good thing because if a person was troublesome, when he comes back he would be a changed somebody.
		35.4	Rehabilitation is good to prepare them for the world outside.
		35.5	He called asking for his matric certificate and I think it was for rehabilitation.
		35.6	We are very much in favour of rehabilitation. He is very much intelligent. If he could receive training, it would assist him a lot.
		35.7	It would be good if he was trained, it would have worked but he is not rehabilitated according to him.
		35.8	Rehabilitation is very good. They should train them and provide them with certificates.
		35.9	It is working well. I even got certificates from him achieved through rehabilitation.
		35.10	He informed me that they only clean in the correctional centre.
36	What do you think should be done regarding rehabilitation?	36.1	It is not like in the olden days where it was not working at all. There is still room for improvement in this government.
		36.2	We think people should be trained for placement purposes and be provided with employment.
		36.3	Train them further so that they can find employment.
		36.4	Provide employment for the offenders and train them for trades.
		36.5	We feel it works wonders but it would not work with present overcrowding. I just want my child to come back. I lack support for this family. He is good because he likes working.
		36.6	Build rehabilitation centres and reduce overcrowding.

QUESTION		CATEGORIES	
		36.7	They should be trained and be kept busy. When released, he could then be beneficial to the community.
		36.8	Vigorous training.
		36.9	It is good. Some people who are prepared to change they change. One pastor was preaching at Mofolo in Soweto and he has changed a lot. He is an ex-convict.
		36.10	I think it is a good thing because it would make them to improve themselves.

Table 7.3 above portrays the responses provided by the offenders’ families regarding the ensnarement of the families to poverty and crime. The categories are from one to ten and those are families. The discussion and analysis may refer to the respondents as family one or family three, depending on the category of the response.

*7.4.2.1 How old are you?*

The first question was to determine the age of the respondents to confirm the maturity of the responses provided. The respondents were 28 years and older up to pensioners with only one respondent at 25 years who was a spouse of the offender. This shows the maturity of the responses that were provided by the respondents in this study. The respondent that indicated to be 25 years old is also regarded as matured since she is married to one of the offenders and has her own children that she is taking care of. She is also taking care of the offender who is incarcerated.

*7.4.2.2 Are you employed?*

The study is about the ensnarement of offenders’ families to poverty and crime whereas the question was to determine whether the offenders’ families are prone to be in poverty. The majority of the respondents indicated that they were unemployed with only 30% indicating that they were employed. Other respondents indicated that they were self-employed while others indicated that they were in temporal employment. The other respondents are pensioners and the employment statuses of the respondents would be checked against the amount of money that they were receiving per month. The interviews were conducted by the researcher at the offenders’ families’ houses for observation to augment qualitative data from the interview schedule of the study.

#### 7.4.2.3 *How do you support your family?*

This question was meant to probe the offenders' families whether they were able to support their families after the offender was incarcerated, either he was a breadwinner or not. Startlingly, 70% of the respondents indicated that they supported their families through grants that are provided by the state. Some were receiving child support grants and others receiving pension grants. This means that the government is supporting the offenders in the correctional centre and the offenders' families outside of the correctional centre. The criterion used in the screening document was that the offenders' families should be from the Polokwane Local Municipality but it is now shocking that 70% of these families were struggling. From the remaining 30% of the respondents who were not receiving government grants, 20% indicated that they were temporarily employed and the 10% received money from the wife who works as a teacher while the father who is a pensioner generates money through odd jobs and the tenant.

The only family that seems not to be struggling that much is family number one who have an employee who is a teacher and a tenant. Although the father is a pensioner, he was supposed to also have been receiving the pension grant if the wife was not employed by the state that could have increased the number of government grants recipients to 80%. From the information provided above, this may show that the majority of the offenders' families live below the poverty line of \$1.25c per person per day. This would need to be probed further during the presentation and analysis of the amount they received per month and the number of dependants that they are supporting.

#### 7.4.2.4 *How much are you receiving per month?*

According to the information provided in table 7.3 above, offenders' families were receiving less than R5,000.00 per month to take care of themselves, their families and the offender for commissary during visits. This excludes family #1 who were having an employee who was a teacher with a husband who was doing odd jobs plus the income generated from the tenant. The only family that was receiving R5,000.00 per month was followed by a family that was receiving R2,500.00 which was half of the amount of family

#8. This family #8 also received a grant from the government, meaning that they were regarded as struggling by the state to provide them with a child support grant. Some families were only receiving R650.00 per month, for instance family #3.

#### *7.4.2.5 Do you have any dependants?*

All the respondents in this category indicated that they did have dependants meaning that the money the offenders' families were receiving was not only for individuals and the offender but included some dependants. It is now evident that the majority of the offenders' families who participated in this study may have been living below the poverty line. The tentative poverty line when converted into rands as of 24 December 2014 should be +/- R450.00 per person per month. Therefore, depending on the number of dependants per family, the poverty line amount would be multiplied by the number of dependants after subtracting the amount that families may be using when visiting the offender.

#### *7.4.2.6 How many dependants do you have?*

All the offenders' families that participated in the study all had more than one dependant and the poverty line amount of R450.00 per person per month had to be multiplied by the number of dependants and then subtract the amount allegedly given to the offenders during visits per month. This would provide direction to the study as to who were the families that were living above the poverty line. The probable worst family with the number of dependants is family #4 that had eleven dependants while the breadwinner was earning R2,000.00 per month while the calculation for these eleven dependants amounts to R4,950.00 per month, way below the poverty line. This also excludes the average amount that the respondent gave to the offender during visits. The family #4 was followed closely by family #3 who had seven dependants and received R650.00 per month. At R450.00 per person per month; the amount they were supposed to be receiving was R3,150.00 excluding the amount that the family gives to the offender during the visits. Again this proves that offenders' family #3 is living way below the poverty line.

It is also evident that family #5 was struggling with a monthly earning of R640.00 per month while having four boys as dependants. During the interview, what was observed by the researcher was that the father had built structures that could be used fruitfully but they were all not being utilised. Poverty in this family was rife and this was confirmed by the respondent during the interview. The offender that was incarcerated used to be the breadwinner in the family and was a responsible person according to the respondent and the younger brother of the offender. The respondent when probed about domestic work, she indicated that she was afraid to take a job where she would have to be away from the family as the boys were irresponsible. One of the boys who was available during the interview was advised to visit the FET colleges in around Polokwane as he had a matric certificate but with fair results.

The other families that at a glance were struggling were families #2 and #7. Although family #2 did not indicate the money they were receiving and just indicated pension money, the earning per month was less than R1,500.00 and poverty was just evident in the household through observation. The father in the household was very old but still tried to raise money through repairing vehicles where the business was very slow such that there was no vehicle when the researcher arrived. The offender in this household was the last-born and all his elder brothers were unemployed. Therefore, this family relied only on the pension grant for support that the father was receiving. The respondent indicated that the offender had achieved a degree in Social Work while incarcerated and had indicated to the family that he was furthering his studies. This motivated the parents such that they were waiting for his release in order to hand-over everything to him to take over as a successor in the family.

The other family that was observed to be having a serious challenge was family #7. The respondent in this family was a female who was a mother to the six dependants and relying to support her family only on temporal work that generated only R1,280.00 per month. As discussed above, this family lived far below the poverty line and what made the matters worse was that the offender was on parole and violated the parole rules. He

was then still not sentenced for violating the parole and he was the eldest among the family children with a lot of siblings that came after him. Some of the respondents' children had finished matric but could not continue with the studies due to financial constraints. The respondents' children were also advised by the researcher to apply at FET colleges for bursaries.

The family that was not experiencing poverty is family #1 as the mother of the offender was a teacher and the respondent a pensioner who was refused pension due the fact that the wife was still working. The respondent was provided with the contact details of the senior official of the Department of Social Welfare to confirm whether the refusal was legitimate. The family had a property in town with an erf of more than 1,400m<sup>2</sup> and a tenant on the yard. The respondent and his wife adopted the offender and his married sister when they were infants and groomed the adopted children themselves. The children were not aware that they were adopted but the girl was very much successful and the boy a delinquent. This family was made out of a very kind-hearted couple who adopted one of the ex-offenders who was incarcerated with their convicted son as he had nobody back home. They offered him employment and treated him as one of their children. Looking at the history of South Africa, the offender that they adopted on his release was a Pedi speaking African and this family was of White people. Whenever one came across the couple when visiting the correctional centre they were in the company of this African ex-offender.

#### *7.4.2.7 What is your relationship with the offender?*

According to table 7.3 above, 40% of the respondents were having their husbands incarcerated in Polokwane Medium B Correctional Centre. The respondents were all females with diverse ages; for instance the respondent in family #3 was 25 years old with seven dependants and unemployed with a monthly income from child support grant of R620.00; the respondent in family #8 was 29 years old with two dependants and employed with a monthly income of R5,000.00; the respondent in family #9 was a 63 years old pensioner with two dependants and doing temporal work in a project with a

monthly income including pension grant of R1,350.00; and the respondent in family #10 was a 36 years old with three dependants and employed with a monthly income including child support grant of R2,500.00.

Furthermore, 40% of the other respondents were parents to the offenders with 20% being pensioners and the other 20% made out of mothers' to the offenders with one temporarily employed and the other unemployed. This shows the tough conditions that the offenders' families are facing with regard to poverty and then crime. Ultimately, the last 20% is made out of siblings (sisters) to the offenders; one being a twin sister taking care of her three children and the brother as dependants and the other having eleven dependants and also building a house at home with only R2,000.00 monthly income from temporal employment. It looks like the state is creating more harm to the offenders' families than the offenders themselves. However, it could be said that the South African government was doing a tremendous job with the grants that were provided to families as most offenders were supported through the grant money for families and the tax payers' money for the offenders' custody.

Shockingly, was the family #4 female who was taking care of her elder brother, her siblings, the parents and herself while building a house at home out of a meagre R2,000.00 per month while the father was working for the government but not supportive. It was really shocking that the DCS (Social Workers) did not follow-up on such families. Rehabilitating an offender from such family with an exclusion of the family would be an incomplete process. This family might have needed to be investigated further to determine how the individual members of the family were surviving and support or counselling to be provided by the DCS or any government agency. Similarly, family #3 was also struggling which was observed in the shack covered with plastics that they were staying in being eight. Such cases needed serious intervention by the state as state may be creating criminals due to poverty and the collateral damage to the offenders' families.

#### 7.4.2.8 *How long is he imprisoned for?*

The respondents provided diverse responses regarding sentences that were handed to the offenders on their incarceration. The question on the sentences was to check the duration that the offenders would still be away from their families while some families were experiencing poverty. The first respondent indicated that the offender was sentenced 5 to 15 years imprisonment but further indicated that the offender was maybe due for parole in November 2014 (interview conducted in July 2014). This may mean that the offender had served a portion of his sentence and since the parents were aware of the parole system, then they had applied for his release on parole. It was indicated above that the family was really not struggling like the other families and were then advised to apply for parole either by prison officials, their attorney or the offender who they adopted.

The second respondent indicated that the offender was incarcerated in 2000 and sentenced in 2002 to date. The parents were not aware of the period of incarceration as they did not even attend the court when he was sentenced. This offender was incarcerated while he was at matric and finished his matric behind bars. This shocked the parents as the mother indicated that she seriously lost weight because she was failing to accept it. The third respondent indicated that the offender was incarcerated in June 2013 for five years. The offender was incarcerated while the wife was expecting a new born baby which had an impact on the family as they had to request that the family should take care of the other baby that was also still young. Respondent number three stays in a shack in the outskirts of Polokwane. She supported her children, her siblings and the siblings of the offender on top of supporting the offender with a monthly income of R620.00.

The fourth respondent indicated that the offender was sentenced to 15 years and had been incarcerated since just after 1994 when the country achieved the democratic rule. This family had been seen to be really struggling and the offender, if he was given fifteen years he was supposed to have applied for parole but this may mean that since the family did not have money then, they were not considered for the parole. This may also mean

that the offender was still behind bars because the family and the offender were not aware of the parole system. This offender was supposed to have gone out and assist his sister who was taking care of eleven dependants and building a house at home in order to accommodate the offender on his release. This is where the DCS might be making a mistake by not providing orientation to the offenders and their families regarding the benefit of a parole system once the offender had served a portion of his sentence. This offender had been moving around the maximum prisons and ultimately brought next to home.

The fifth respondent indicated that the offender was incarcerated in January 2014 for eight years. The sixth respondent indicated that the offender was incarcerated for three years since June 2014. The seventh respondent indicated that the offender was incarcerated for ten months with a five years suspended sentence and he had violated the parole while the eighth respondent had indicated that the offender was incarcerated in January 2011 for ten years. The ninth respondent had indicated that the offender was given a life sentence in May 2004 whereas the tenth respondent had indicated that the offender had been inside the correctional centre for ten months without being sentenced as he was still attending a trial.

#### *7.4.2.9 What was the offenders' role at home before incarceration?*

The first respondent indicated that the offender was unemployed before incarceration and got mixed up with bad friends that led to his incarceration. This means this offender was not providing any support to the family and corroborates the above argument that family #1 was probably not struggling compared to the other families that participated in the study. The second respondent indicated that the offender was incarcerated while he was at school doing matric but the good news was that he had completed matric inside the correctional centre and obtained a social work degree while inside plus other four certificates that he had achieved. The respondents were now expecting him to come back home but they did not know what was his sentence. The father of the offender was over

seventy years and his elder brothers were unemployed and not contributing to the livelihood of the household. They all relied on the fathers' pension money.

The third respondent indicated that the offender before incarceration was self-employed selling and supporting the family of the respondent, his side of the family and their children. The respondent indicated that his incarceration left a huge gap in the lives of her siblings, the offenders' siblings and her children. The respondent had never worked and she was only relying on the child support grant provided by the state. The fourth respondent indicated that the offender was working by selling with another gentleman before he was incarcerated. The respondent also indicated that he was supportive at home prior to incarceration. His incarceration may have also left a huge gap in the family livelihood such that the respondent had to leave school without completing as the father was alleged to be working but not supportive.

The fifth respondent indicated that the offender was very supportive prior to incarceration. He had been working in a construction industry and was the breadwinner after the father passed-on. His incarceration left a huge gap in the family as attested by the respondent during the interview. The DCS was supposed to be having officials to visit families of the offenders to provide rehabilitation also for these families as indicated in chapter one that the rehabilitation of the offender alone excluding the family may be an incomplete process. The sixth respondent indicated that the offender had been unemployed prior to his incarceration. However, this family had their own challenges as the mother had taxis and the offender used to drive such taxis. The offender was incarcerated due to the mother who had opened a case against him. The family relations were terrible in this family as the mother had money that she spent with her other daughter while the twin to the offender and her children they were starving. Such cases needed the intervention of the state because the father had just died and since the other children had sided with the father they were now being side-lined.

The seventh respondent indicated that the offender had been unemployed before incarceration but had been very helpful at home. The offender had been alleged to have violated the parole. During the interview, the respondent had indicated that the offender after release from parole had changed the household as he was the first born. The respondent indicated that when he was re-arrested, a huge gap with regard to taking care of his siblings was left open. The eighth, ninth and tenth respondents had indicated that the offenders (husbands) had been breadwinner prior to incarceration and all complained about the huge gap left by the offenders when they were incarcerated. This may mean that 80% of the offenders' families struggled after the offender was incarcerated as the income that was generated by the offender was therefore annulled during the incarceration as goes with the support also. The DCS did not consult with these families regarding their well-beings which is regarded as an omission by government. In terms of the DCS (2005), the white papers emphasises the involvement of the family and the community in the rehabilitation of the offenders.

#### *7.4.2.10 How did he generate income?*

This question was a follow-up question to the above question probing the role of the offender prior to incarceration. The first respondent indicated that the offender prior to incarceration had generated no income but instead had been stealing and selling items from the house and bought drugs. The incarceration of such an offender was not supposed to be detrimental to the offender, however, the family felt that he needed to be rehabilitated as they wanted him back home as they are also old and he was the heir. In the researcher's view, this offender was supposed to have been sent to a drug rehabilitation centre instead of a correctional centre as they do not deal with drug addicts in a correctional centre. This is another flaw by the criminal justice system of South Africa. Incarceration of a drug addict in a correctional centre is torture to the addict and encourages crime within the correctional centre as the addict would sacrifice anything to access the drugs.

During the era of King Hammurabi, magistrates/judges who provided wrong sentences were punished by being incarcerated themselves or killed. This does not mean that magistrates or judges still must be incarcerated or killed but a certain punishment should be imposed on them like suspension without pay while attending a disciplinary enquiry into the case in question. This also goes for the prompt investigation of cases. The delay in finalising the case by the South African Police Services has to have some form of punishment against the investigating officer. For instance, the tenth respondent indicated that the offender had been in the correctional centre for more than ten months still attending trial. King Hammurabi believed that the justice delayed is the justice denied. The government has to be decisive in changing the criminal justice system of South Africa. Recently, the case of Shrien Dewani, the British Businessman who was alleged to have killed his wife and is now on the international news where the criminal justice system of South Africa was proved to be inefficient.

The second respondent indicated that the question was not applicable to them as the offender was still at school when he was incarcerated. The third respondent indicated that the offender was a breadwinner who was selling and being self-employed plus doing part-time jobs prior to his incarceration. The fourth respondent indicated that the offender generated money through selling prior to his incarceration. The fifth respondent indicated that the offender generated income through the work that he was doing prior to incarceration. The sixth respondent indicated that the offender used to drive taxis at home prior to his incarceration that was influenced by the mother after the father had died. The seventh respondent indicated that the offender used to do odd jobs prior to his incarceration. The eighth and tenth respondents indicated that their husbands (offenders) were self-employed prior to incarceration while the ninth respondent indicated that the offender was a Councillor in the municipality prior to his incarceration. This shows that 80% of the respondents generated income prior to incarceration which may have created a gap in the livelihood of the offenders' families.

#### 7.4.2.11 *How much was he generating?*

This question was a follow-up to the above question that was checking on how the offenders generated income prior to incarceration. This question was not applicable to respondents one, two and six as the offenders were not employed prior to incarceration. The third respondent indicated that the offender used to generate R1,500.00 per month while the fourth respondent indicated she did not know how much he generated maybe because she could have been less than fifteen years by then as she was now 29 years during the interview. The fifth respondent indicated that the offender used to generate R1,800.00 per month while the seventh respondent indicated that it was not clear how much he generated as he was doing odd jobs prior to incarceration. The eighth and ninth respondents indicated that the offenders were both generating R6,000.00 each per month prior to incarceration while the tenth respondent indicated that the offender generated +/- R2,200.00 per month. This shows that income to the offenders' families was cut during the incarceration of the offenders and that gap may have generated poverty among the offenders' families.

#### 7.4.2.12 *How did the imprisonment affect your life?*

This question was posed to check the emotional impact of incarceration to the offenders' families besides the income gap that was generated by incarceration. The first respondent indicated that the incarceration affected them a lot emotionally since the respondent was their only hope as they were old and had not expected what happened to him. The respondent further indicated that even during the interview they were failing to accept what happened. Ultimately, the respondent indicated that they were still taking care of him while incarcerated. The second respondent indicated they were seriously affected emotionally by the incarceration of the offender and emphasised that they even lost weight due to the incarceration of their last-born child. The third respondent indicated that the incarceration affected her very much emotionally as she was expecting the offenders' baby while the other child was still an infant and therefore had to request parents to take care of the other baby. The fourth respondent indicated that the incarceration of the

offender affected the family terribly as the offender was supportive at home and a very reliable person.

The fifth respondent indicated that the incarceration of the offender affected her a lot emotionally as the offender was a well-respected child who supported the family. The sixth respondent indicated that the incarceration of the offender affected her a lot emotionally and felt that the mother was not supposed to have opened a case against the offender. This family might need counselling as rehabilitation of the offender might be fruitless if the relationship is terrible at home. The seventh and eighth respondents indicated that the incarceration of the offenders affected them very bad emotionally while the tenth respondent also indicated that the incarceration of the offender affected her terribly. The ninth respondent indicated that the incarceration of the offender affected her terribly as the offender was sentenced and incarcerated in Randburg in 2004 until 2010 when he was brought to Polokwane Medium B Correctional Centre.

*7.4.2.13 How is your family relationship with the family members since his/her incarceration?*

The purpose of this question was to check the problem of stigma that offenders' families face among the family members and the community when a member of the family is incarcerated. The first respondent indicated that the family members were very supportive with regard to the incarceration of the offender and further stated that the family members even support them emotionally. The second respondent indicated that the family members are very supportive that the child must come back home. The respondent further stated that the correctional centre provided them with a petition that was to be signed by the family members, the community and the Counsellor that they would accept him which they all signed without any problem. The respondent also indicated that they were not aware whether he had applied for parole but they believed that he would not re-offend as the respondent was still supporting him.

The third respondent indicated that the family members were not supportive at all when the offender was incarcerated. She indicated that the family members used to visit her every week at their place before he was incarcerated but after the offenders' incarceration, they stopped visiting. The respondent then indicated that it is recently where they had started visiting him in the correctional centre. The fourth respondent indicated that the father was not supportive at all even before the incarceration of the offender and further stated that the family relationship had never been tolerable whereas the fifth respondent indicated that they are very supportive. The sixth respondent reiterated what she had indicated before that the family is disrupted by the mother and the family is completely divided. The respondent further indicated that the elder brother did not like the situation in their family and did not come home anymore. She further indicated that she used to work for her mother like the offender but stopped working when she wanted to reduce her salary. She further stated that the mother of the offender mistreated their father before he died.

The seventh respondent indicated that the offender was a very supportive person prior to incarceration and that was evidenced by the aunt who visited him all the time at the correctional centre. The respondent then indicated that the family members are very supportive. The eighth and the tenth respondents indicated that the family members were very supportive. Contrary, the ninth respondent indicated that the family members were not supportive except for one family member who was supportive. She further stated that the family members even influenced the community against her family while also the police came to harass her children and herself. She then indicated that she ultimately lost weight.

#### *7.4.2.14 Are you receiving any support from the state or NGOs?*

The first respondent indicated that they were receiving no support from the state as the state was even refusing to provide him with pension grant stating that because the mother of the offender was still working as a teacher. The second respondent indicated that except for the pension grant that he was receiving, there was no other support.

Astoundingly, from the second respondent to the tenth respondent; 90% of the respondents indicated that except for the grants that they were receiving, there was no other support from the state or NGOs. This now indicated that 90% of the offenders' families were on receipt of the grants from government.

*7.4.2.15 What is the best support that you think you should receive?*

This question was to check from the offenders' families whether they expected anything from the government regarding the incarcerated offenders. The first respondent indicated that if they could be assisted with a Social Worker to intervene regarding the offender who was incarcerated for being a drug addict but was not being rehabilitated for drugs in the correctional centre. The respondent further indicated that as a family would appreciate counselling for the family and the offender as offender used to tell the family that he was struggling inside the correctional centre. He also stated that they had to smuggle medication for the offender as he was usually provided with headache tablets when he was struggling with addiction. The respondent then stated that they would appreciate if as a family they were updated about the conditions of the offender inside the correctional centre.

The second respondent indicated that the support that she thought should be provided to them was to release the offender and at least he be placed for employment to evade his chances of the inmate to re-offend. The respondent then indicated that they were waiting for his release from the correctional centre. The third respondent indicated that the support they thought should be provided to them was the clothes and food for the children as they were really struggling. The fourth respondent indicated that the support that they thought should be provided to them was that if she could be able to further her studies like a degree in Social Work in order to take care of her siblings and the mother. The fifth and the sixth respondents indicated that the support that they thought would be appropriate for them was if they were afforded employment in order to buy food for their families.

The seventh respondent indicated that the support that they required was the finalisation of the offenders' case as he had been in prison for one year plus six months. The eighth respondent indicated that the support that should be provided was the training of inmates through the rehabilitation programmes during incarceration and prior to their release. The ninth respondent indicated that the support she needed was that the community should start talking to her and that the ANC should provide support to her as the offender was working for them and responsible for Ward 23. The tenth respondent indicated that the support she thought she needed was to be afforded an attorney and some money since her parents were also not employed. She further stated that the offender was acting in self-defence when he committed the crime he was incarcerated for.

*7.4.2.16 Are you receiving any financial support from the inmate?*

The purpose of this question was to check whether the offenders were having money inside the correctional centre and how were they generating the money. Astonishingly, 100% of the respondents indicated that they were not receiving any support from the inmates but were all instead the ones supporting the inmates. The tenth respondent indicated that she probably would have been receiving support from the inmate but the offender had lost his bank cards during incarceration. This means that all the offenders were being supported by their families with 90% of the respondents using the grants that are provided by the government. This indicates that the government was paying for the custody of the offenders and also for their toiletries, cigarettes, drugs, airtime and the offenders' families.

*7.4.2.17 How are you receiving financial support from the inmate?*

This question was to check if any of the offenders' families were receiving financial support from inmates, how were they getting the money? The other purpose of the question was to check how the inmates generated the money. Inopportunistically, this question was not applicable to 100% of the respondents as they all instead supported the offenders.

7.4.2.18 *How do you feel about his/her incarceration?*

This question was being asked for the second time in a different way to check the emotional impact of the offenders' incarceration to the respondent and the family. The first respondent indicated that it affected them emotionally bad as they had indicated in the previous question. The second respondent indicated that they did not feel well about his incarceration. The respondent further indicated that it was not good at all. The third respondent indicated that she felt terrible about the offenders' incarceration as she could not afford even to buy food for the children. She further stated that it affected her a lot emotionally. The fourth respondent indicated that the incarceration of the offender made her feel emotionally terrible. The fifth respondent indicated that the friends of the offender usually visited her as they claimed that the respondent reminded them of the offender. The respondent further stated that the lawyer who was handling the offenders' case was refusing to refund the bail money which made the impact worse as her husband had just died the previous year (2013).

The sixth respondent indicated that the incarceration of the offender affected her in a terrible manner emotionally. The seventh respondent indicated that they were really stressed by the incarceration and what made matters worse was that he had also violated the parole which was still a problem. The eighth respondent indicated that initially she had felt bad about the incarceration but later felt that it may have been a good thing so that the offender could learn from the incarceration. The ninth respondent indicated that the incarceration affected her in a terrible manner but had now accepted. The respondent further indicated that the incarceration of the offender also had affected the children as the community had chanted outside her place in an attempt to burn the house. Ultimately, the tenth respondent indicated that the incarceration of the offender affected her in a terrible manner. This means that 100% of the respondents were affected negatively by the incarceration of the offenders. Then we might ask ourselves as to why we are taking them away from their families instead of them doing community services for reparation.

*7.4.1.19 What are the changes you have observed since his/her incarceration?*

The purpose of this question was to check whether the offenders had any signs of improvement since they were incarcerated. The improvements were expected to be signs of rehabilitation. The first respondent indicated that it surprised them that the offender indicated that maybe he had to go through this in his life as a wake-up call. The second respondent indicated that the offender had changed and was improving. The respondent further stated that the offender used to argue a lot prior to incarceration but now he had changed completely and understanding. The third respondent stated that the respondent had changed evidenced by the discussions. The fourth respondent indicated that the respondent had improved even facially. The fifth respondent indicated that the offender had not changed as he was always a loving person and not a criminal. The sixth respondent indicated that the offender had changed because even the anger he had towards his mother was gone as he was a loving person. The seventh respondent indicated that the offender was improving while the eighth respondent indicated that the offender had improved a lot. The ninth respondent stated that the offender had improved and was a pastor in the correctional centre. The respondent further stated that the offender was the one who comforted her because the offender was now a man of God.

*7.4.2.20 Do you think when released, he/she might re-offend?*

The purpose for this question was to determine whether the respondents had faith in the offender that the offenders had been rehabilitated. In the previous questions they spoke very well about the offenders. The first respondent indicated that the offender might fall back if he was not provided with a busy schedule like employment and something that could generate some income for the offender. The second responded indicated that the offender may re-offend if he was unemployed but stated that he was certain that if he was employed he would not re-offend as he was a changed person. The second respondent further indicated that for them to recidivate it was due to peer pressure when they looked for money. The third respondent indicated that she thought the offender might not re-offend while the fourth respondent reiterated the third respondent's sentiments but further stated that the offender had been incarcerated for quite some time with nobody to take

care of him until she came to the picture. The fourth respondent emphasised that the offender would not re-offend as the respondent had built a proper house at their household to accommodate all the siblings.

From the fifth respondent to the tenth respondent, all the respondents indicated that they do not think the offenders would re-offend with some stating that the offenders have learned while others indicated that the offenders were remorseful about the crime they committed. From the third respondent to the tenth respondent, respondents felt that the offenders were rehabilitated enough not to re-offend. However, the first and second respondents who are parents and pensioners were afraid that the offenders might re-offend if not provided with employment. These were the honest opinions of the pensioners maybe due to experience. It is actually encouraging to note that the respondents that participated in the study had such a close relationship with the offenders. This was healthy for rehabilitation and reintegration of the offenders.

#### *7.4.2.21 Is the inmate receiving any financial support from you?*

The question was checking on the financial support that the offenders' families gave to the offenders inside the correctional centre as they were already struggling, living below the poverty line. The first respondent indicated that they bought the offender toiletries, food and medication. The second respondent indicated that they bought the offender things that he might require things like toiletries and airtime but did not give the offender money. The third respondent indicated that she offered the offender the little money she could afford from the child support grant while the fourth respondent indicated that she did give the offender money and bought the offender toiletries. The fourth respondent further stated that the offender was always requesting for money like the previous two weeks of the interview the offender had requested R500.00 that he got, thereafter requested R300.00 that he got and then R100.00 that he got but was still requesting for money. This may mean that this offender is either paying the correctional services officials, the bosses inside the correctional centre or buying drugs. This was not discussed with the respondent as it was just theory. The fifth respondent indicated that they

financially supported the offender with around R200.00 per month. From the sixth respondent to the tenth respondent, the respondents indicated that they financially supported the offenders.

#### *7.4.2.22 Does he/she call you using collect call?*

The collect call is a call that is paid for by the receiver after the receiver had confirmed that they would pay for the call. This was a norm if the receiver had a landline but due to the influx of cellular phones, collect calls diminished to be famous. The first respondent indicated that the offender called when he was provided with an opportunity and further stated that they were at times denied access to the telephones where offenders then had to use the smuggled cellular phones. The smuggled cellular phones are taken inside the correctional centre illegally for use by the gangs. This smuggling of cellular phones could be very dangerous as crime would be planned inside the correctional centre and committed outside the prison walls. This challenge could be addressed by having no network coverage inside the correctional centre except for strategic areas that would be approved by management.

The second respondent indicated that the offender did call them when he was short of something. The other respondents, from the third respondent to the tenth respondent, the respondents indicated that the offenders did call them using world call airtime which is the airtime for correctional centres sold at Shoprite Supermarket at R49.00 per voucher. The voucher was alleged to be convenient for the offenders if they wanted to call home. This means during the visits, one of the items that were bought for the offenders was this world call airtime as 90% of the respondents indicated that they bought the offenders world call.

#### *7.4.2.23 If he/she was to be released to your custody for community service work, would you take care of the inmate so that he/she does not re-offend?*

The purpose of this question was to check the readiness of the offenders' families or the respondents to accept the offenders if they were released for community service work.

This also was to check on the confidence of the respondents on the offenders regarding recidivism. The first respondent just like the rest of the respondents, they indicated that if the offenders were provided with employment, there was no doubt that they would not re-offend. This means that 100% of the respondents believed that if the offenders were provided with employment they would not re-offend, however, the unemployment rate in South Africa is still very high. The public works programmes of building schools and government buildings have to be handed to the DCS for offenders to attend rehabilitation programmes and thereafter be self-sustainable after acquiring a trade certificate.

#### *7.4.2.24 How often do you visit the inmate in the correctional centre?*

This question was to check whether the respondents visited the offenders which is vital for the rehabilitation and re-entry of the offenders. The respondents provided diverse responses regarding the frequency of visits but corroborated one another that during the visit, one had to be having some money to offer or buy for the offender. The first respondent indicated that they visited the offender every time they had an opportunity, almost every weekend. The second respondent indicated that they only visited the offender when they had something for him almost twice per month as they did not want to visit him if they had nothing to give to him. The third respondent indicated that she visited the respondent twice per week while the fourth respondent stated that she visited the respondent four times a month.

The fifth and sixth respondents indicated that they visited the offender twice per month while the seventh respondent stated that she visited the offender also twice per month but only if the respondent had money for the offender. The eighth respondent stated that she visited the offender once per month while the ninth respondent indicated that she visited the offender four times a month where the children were also able to see him. The tenth respondent indicated that she visited the offender every week on Saturdays. It is encouraging to note that 100% of the offenders' families who participated in the study visited the offenders on a monthly basis although their frequencies were diverse. The literature that was reviewed substantiated that the frequent visits by offenders' families to

the correctional centres were vital for rehabilitation, reintegration to the community and the evasion of recidivism.

*7.4.2.25 How much do you spend when visiting the inmate at the correctional centre?*

The question was probing the respondents on the amount of money that they spent at the correctional centre when they visited the offender. The study had targeted the offenders' families who were from around Polokwane Local Municipality which meant that the transport expenses would not have been that much. Consequently, the amount of money that the respondents claimed to have utilised would be for the offenders' commissary amount. The respondents indicated varied amounts that were used at the correctional centre when they visited the offenders. The first respondent indicated that they spent almost R800.00 per week which is almost R3,200.00 per month for buying the offender food and the necessary items. The amount is way above than 80% of the offenders' families who participated in the study. The only family that exceeded the amount was eighth respondent who generated a monthly income of R5,000.00 per month. All the other respondents generated as a family an amount less than the amount that the first respondent spent on the offender. This substantiates the level of poverty among the offenders' families.

The second respondent indicated that they spent an average of R300.00 per month on the offender while the third respondent indicated that they spent an average of R150.00 per month on the offender and the fourth respondent indicated that she spent average of R1,000.00 per month on the offender. The fifth and seventh respondents indicated that they utilised an average of R500.00 per month on the offender while the sixth respondent stated that she utilised an average of R450.00 per month on the offender. The eighth and ninth respondents indicated that they utilised an average of R1,000.00 per month each on the offender while the tenth respondent indicated that she utilised an average of R400.00 per month. Despicably, these offenders were using a lot of the offenders' families' monies who were already struggling. This has to be stopped somehow because families will never stop as they love these offenders.

*7.4.2.26 If you do not visit the inmate, what could be the reason?*

The purpose of the question was checking on the offenders' families that did not visit the inmates to state the reasons of not visiting the inmate maybe due to the stigma of shame or unforeseen circumstances. The question was not applicable to 80% of the respondents as they all visited the offenders without fail except for the fifth and the seventh respondents. The family of the fifth respondent visited the offender except for the respondent who indicated that as a mother she could not visit her son in the correctional centre as it would affect her bad emotionally. The respondent further stated that it was not good for a mother to see her child in a correctional centre. The seventh respondent indicated that she visited the offender but did not visit if there was no money. Therefore, the seventh respondent's reason for not visiting the offender was due to money if it was not available.

*7.4.2.27 What are the benefits of having the inmate next to you?*

As indicated above, the study targeted offenders' families who were from the Polokwane Local Municipality and therefore were in the vicinity of the correctional centre. The reason for the question was to compare the challenges that the offenders' families face if the offender was incarcerated far away from the family. The first respondent indicated that the benefit of having the offender in the vicinity was that they were able to see him regularly. The second respondent stated that they used to pay a lot of money when visiting the offender while he was incarcerated in Barberton and Cullinan. The respondents indicated that there was no public transport that went to Barberton and they had to sleep-over in Pinaar, which is in Nelspruit or sleep in the people's houses that they have never met. The second respondent further indicated that they sacrificed everything and risked their lives because they wanted to see the offender and now it was better as he was in the vicinity of Polokwane.

The third respondent indicated that the benefit of having the offender in the vicinity was better as the transport was cheap and they could even walk to the correctional centre. The fourth respondent indicated that it was better that the offender had been transferred

to the vicinity as prior to that it was difficult to visit him while he was at Senthumule and Matatshe correctional centres. The fifth respondent indicated that it was beneficial to have the offender in Polokwane as they could visit him any time although money was a problem while the sixth respondent indicated that it was better to have the offender in the neighbourhood as they could visit him to share the little that they had. The seventh and the eighth respondents indicated that to have the offender in Polokwane was better as the money involved for transport was minimal while the tenth respondent indicated that the benefit of having the offender in the locality was that the respondent could visit the offender any time.

Conversely, the ninth offender also indicated that having the offender in the neighbourhood was beneficial to the respondent and the family due to the fact that while the offender was incarcerated far away, she met a couple of challenges. The tenth respondent indicated that when the offender was in Leeuwkop correctional centre, she paid a lot of money for transport while she had to pay money for commissary when arriving at the correctional centre. She further stated that she was robbed three times when visiting the offender and at one stage was stabbed by the robbers. The respondent authenticated the advantage of having the offender in the purlieu.

*7.4.2.28. Has anyone ever been incarcerated in this family other than the offender?*

The aim of the question was check the trend of incarceration in the family whether there was an element of contamination by other member of the offenders' families. The 80% of the respondents indicated that there was no one that was incarcerated in the family with the first respondent indicating that the offender was adopted when he was very young and did not know the blood relatives of the offender whether they were delinquents or not. It was the fifth and tenth respondents who claimed to have had a member of the family who was incarcerated.

*7.4.2.29 Those who were incarcerated, how are they related to the offender?*

This was a follow-up question of question 7.4.2.28. The question was not applicable to 80% of the respondents except for the fifth and tenth respondents. The fifth respondent indicated that the younger brother of the offender who was seated next to the researcher during the interview was the one who was once incarcerated while the tenth respondent indicated that it was the respondents' sister's child that was once incarcerated.

*7.4.2.30. What were they convicted for?*

This question was a follow-up of question 7.4.2.28 and 7.4.2.29 above. The question was only applicable to the fifth and the tenth respondents. The fifth respondent indicated that the younger brother to the offender was incarcerated for rape while the tenth respondent indicated that the respondents' sister's child was incarcerated for theft. The link to these convictions was that the offender and the younger brother to the offender were both incarcerated for rape. The fifth respondent insisted that the offender and his younger brother were by girls from the community who confessed later-on; however, this family might need the intervention of a psychologist and a social worker. The DCS is supposed to follow-up on such cases. With regard to the tenth respondent, there was no serious link between the families and the crimes committed as the offender was a husband to the respondent and the sister's child did not have blood connections to the offender.

*7.4.2.31. What is your feeling regarding overcrowding in the correctional centre?*

The purpose of this question was to check whether the respondents were aware regarding overcrowding in the correctional centre and seeking their opinion on the overcrowding that is a challenge internationally. The first respondent indicated that overcrowding was a terrible thing and further stated that the offender and the ex-offender assisting them at home informed them that it is horrible inside the correctional centre. The first respondent indicated further that the offender and the ex-offender informed them that a prison cell that is meant to accommodate five inmates was accommodating more than seventy inmates and were sleeping being five in one single bed which is also detrimental to rehabilitation. The second, third, fourth and sixth respondents did not know about

overcrowding and they were never informed by the offenders regarding overcrowding while the fourth respondent indicated that overcrowding was a bad thing. This may mean that the offenders thought it was a norm when incarcerated to stay under such conditions and that is the reason they do not even share it with the family. The other reason may be that the offenders do not want to create unnecessary anxiety for their families.

The fifth respondent indicated that they were advised by the offender that the offenders were seriously overcrowded inside the correctional centre but it was better because the offenders did not assault each another. The seventh respondent indicated that overcrowding was not good and it was bad for rehabilitation while the eighth respondent indicated that it was also not good such that inmates could contaminate each another with diseases in the correctional centre. The ninth respondent indicated that overcrowding was not good but there was nothing that she could do whereas the tenth respondent just indicated that overcrowding was not good. It is only 20% of the respondents who were aware about overcrowding inside the correctional centre which may substantiate the theory above that the offenders did not want to create unnecessary anxiety for the offenders' families.

#### *7.4.2.32. How should overcrowding be addressed?*

This question was a follow-up on question 7.4.2.31 above. The aim of the question was to seek the opinion of the respondents on how overcrowding could be addressed. The first respondent indicated that to reduce overcrowding it would start with the administration of sentences such that the awaiting trial offenders should have their trials finalised as soon as possible and the offenders be checked regularly. The first respondent further stated that offenders should be released and be monitored with the tracking devices while the SAPS should do their work promptly by finalising the cases of awaiting trial offenders as soon as possible. The second respondent indicated that the question was not applicable to him as he did not know what was overcrowding even after it was explained.

The third respondent indicated that to alleviate overcrowding the criminal justice system should release offenders with minor offenses while the fourth respondent indicated that the DCS should build more correctional centres but the government should concentrate on creating more jobs to reduce the level of crime in the country. The fifth respondent indicated that the DCS should provide parole to offenders while the sixth respondent indicated that the DCS should send offenders to community services work and also provide parole to offenders to reduce overcrowding in the correctional centres. The seventh respondent indicated that the judges should focus on the cases and not individuals as she alleged that some offenders have been awaiting trial prisoners for more than five years. The eighth respondent indicated that the offenders should be afforded parole and be monitored with tracking devices. The ninth respondent indicated that the DCS should release offenders who have served long sentences and had changed and then indicated that her husband is very harmless while the tenth offender indicated that the DCS should reduce the number of offenders in each cells and release offender with minor cases and sentences. It is interesting to note that 80% of the respondents proposed that offenders be released either on parole or offender with minor sentences while 20% of the offenders suggested the tracking devices.

*7.4.2.33 Are you informed or updated regarding the inmates condition in the correctional centre?*

The purpose of this question was to check whether the correctional centre updates the offenders' families regarding the conditions of the offenders inside the correctional centre. This was worrisome as offenders' families when they came to visit the offender and they were told that the offender had been moved to another correctional centre. This process would start with the correctional services officials indicating that the offender was not in the correctional centre and ultimately after checking thoroughly, then the family would be told that the offender had been moved more than 300 kilometres away. Some offenders became very ill inside the correctional centre and if the offender was not having someone to advise the family, the offender could die inside the correctional centre without the family

knowing that the offender was seriously ill. It should be part of the DCS that the families are updated regarding the offenders' conditions if necessary.

The first respondent indicated that they were not updated by the correctional centre regarding the inmates and also stated that even the medical staff that they were also not helpful. The first respondent further indicated that the courts were supposed to sentenced inmates accordingly such that the inmate incarcerated for drugs should have been sentenced in the narcotics section where the offender would receive proper care regarding drugs. The second respondent indicated that they were not updated by the DCS regarding the conditions and transfers of the offender and instead were informed by the offender that on such a date the offender would be transferred to this correctional centre. The second respondent stated that even when the offender was ill, they were informed by the offender that he was not well. The second respondent also indicated that even regarding the instructor who was responsible for them, that they were called by the offender that they should bring money for registration and handed R100.00 for registration to the instructor.

The third, fourth, sixth, eighth, ninth and tenth respondents indicated that they were not updated by the correctional centre regarding the conditions of the offenders but were instead informed by the offenders themselves. However, the fifth respondent indicated that the correctional services officials from her village are the ones who update her regarding the offender. The fifth respondent further stated that the correctional services officials also told her that the offender was well-behaved in the correctional centre and kept himself busy by playing soccer. Contrary, the seventh respondent indicated that they were never informed about the conditions of the inmate such that even when at one stage the offender fell and collapsed while playing soccer, they were not informed until the time when the offender had recovered and told them the whole story. This appears prejudiced but the correctional centre might have been having motives not to apprise the offenders' family about this calamity.

*7.4.2.34. What is your feeling regarding the parole system in the DCS?*

The ambition of the question was to assess whether offenders' families were aware that the offenders could apply for parole after the offender had serviced a certain portion of the sentence. Unpredictably, 50% of the respondents indicated that the parole system was working in the DCS if it was handled correctly while 20% stated that it was not working at all with 30% indicating that they had no idea what was the parole system. This again shows the vitality of the involvement of the family in the rehabilitation of the offenders. The respondents in the previous questions kept on indicating that the offenders need to be released by the DCS but there was no evidence that the offenders had applied for parole. The DCS may have been blamed by the offenders' families regarding overcrowding and limited rehabilitation while the offenders are not applying for parole.

*7.4.2.35. What is your feeling regarding the rehabilitation of the inmates?*

This question was meant to evaluate the knowledge of the offenders' families regarding rehabilitation. The respondents had in the previous questions indicated that the offenders had improved and were ready to be released into the community. Some respondents had commented about the negative impact of overcrowding in the rehabilitation process of the offenders. Reassuringly, 90% of the respondents were aware about rehabilitation and were positive about it that it works. Nevertheless, the first respondent indicated that it was working although it was not functioning well due to overcrowding. The first respondent was the only respondent that commented on rehabilitation and overcrowding. Unequivocally, all the respondents felt that the offenders needed to be rehabilitated and receive certificates after attending some programmes in order to prepare them for the world outside. It is really encouraging to note that the families of the offenders want to be involved in the corrections of the offenders as it is vital for rehabilitation, reintegration and the circumvention of recidivism.

*7.4.2.36. What do you think should be done regarding rehabilitation?*

The purpose of this question was to seek the opinion of the offenders' families what would be an ideal rehabilitation for the offenders. It was however encouraging to note that the

offenders' families regarded rehabilitation as a good thing that should be implemented for the successful re-entry of the offenders. The responses from the respondents were in anyway diverse but all positive regarding rehabilitation. The respondents corroborated in the issue of training of the offenders for employment creation and placement. Some respondents even provided examples of the ex-convicts who were rehabilitated while some pleaded for the return of the offenders. The DCS need to ensure that as much as it is possible, the offenders' families have to be visited to evaluate the level of poverty in the offenders' families.

## **7.5 CONCLUSION**

This chapter 7 presented the analysis, interpretation, and discussion of qualitative data of the study. The presentation began with an introduction to the chapter and review of the objectives of the study. The findings of the qualitative study were presented on the order stated on the questionnaires and the interview schedule under the following four themes:

- To examine how incarceration and rehabilitation may ensnare offenders' families to poverty;
- To examine how incarceration and rehabilitation may ensnare offenders' families to crime;
- To examine how incarceration may lead to recidivism; and
- To make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted or improved to alleviate the ensnarement of offenders' families to poverty and crime.

Each theme was discussed under several subthemes which were also subdivided into numerous categories except for the first theme that was excluded in the correctional services officials but included in the offenders' families' interview schedule. The research findings indicate that 70% of the offenders' families who participated in the study were unemployed and 90% of the offenders' families were supporting their families through government grants. Almost 80% of the offenders' families were living below the poverty line as defined by Statistics South Africa and the World Bank. This means poverty is rife

in the offenders' families. When asked as to what caused the offenders to commit crime inside the prison wall, most of the correctional services officials indicated that gangsterism was the reason that crime was rife inside the correctional centre.

Surprisingly, the most popular suggestion among the correctional services officials was that poverty was the main reason for the scourge of recidivism and corroborated with the offenders' families that the solution to recidivism would be the placement of the offenders into employment on release from the correctional centre. Similarly, the correctional services officials and the offenders' families corroborated regarding the ineffectiveness of the rehabilitation programmes due to overcrowding. The suggested solution by all the participants was the sending of offenders to community service.

The next chapter presents the conclusions, limitations, and recommendations of the study.

## **CHAPTER 8**

### **CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS**

#### **8.1 INTRODUCTION**

Chapter 8 presents a summary of the key results, insinuations, limitations and conclusions of the study. The recommendations for the adjustment or improvement of the existing incarceration and rehabilitation framework as well as areas for further research are also presented. The proposed adjusted or improved framework arising from the findings of this study is outlined.

#### **8.2 THE OBJECTIVES OF THE STUDY**

This chapter is presented in line with the objectives of the research study. The objectives of this study were to:

- examine how incarceration and rehabilitation may ensnare offenders' families to poverty;
- examine how incarceration and rehabilitation may ensnare offenders' families to crime;
- examine how incarceration may lead to recidivism;
- make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.

#### **8.3 RESEARCH DESIGN AND METHODOLOGY**

The study used both quantitative and qualitative research methods. The offenders were interviewed using a self-administered questionnaire to determine the incarceration, rehabilitation and the ensnarement of offenders' families to poverty and crime. Similarly, the correctional officials were also interviewed using a self-administered questionnaire to assess the ensnarement of offenders' families to poverty and crime with a special reference to Polokwane Medium B Correctional Centre. The interview also attempted to seek the correctional official's suggestions with regard to the improvement or adjustment

of the DCS existing correctional framework. The offenders' families on the other hand were interviewed using an interview schedule with open-ended questions to assess the poverty level among the families through questions and observation. Data collection and analysis of both quantitative and qualitative data were done concurrently.

#### **8.3.1. Quantitative data.**

The population for this segment of data collection comprised of offenders from the Polokwane Medium B Correctional Centre who volunteered to participate in the study. The data were collected using a self-administered questionnaire where respondents were required to make a cross on the relevant answer (appendix VII). Therefore, a total of 59 offenders participated at this segment of data collection. The data analysis was done using SPSS version 22. Correspondingly, at this segment of data collection, the population encompassed correctional officials with diverse levels of seniority who volunteered to participate in the study. The correctional officials were also from Polokwane Medium B Correctional Centre. The data were collected using a self-administered questionnaire that was mainly quantitative and an additional eleven qualitative questions. Consequently, 17 correctional officials participated at this segment of data collection. The data analysis was also done using SPSS version 22.

#### **8.3.2 Qualitative data.**

The population at this segment of data collection consisted also of correctional officials who participated in the quantitative data. The same participants (17 correctional officials) completed the qualitative part of the questionnaire. Additionally, 10 offenders' families were interviewed with open-ended questions. The offenders' families were identified at the reception area of Polokwane Medium B Correctional Centre with the use of a screening document (appendix V). The study focused on the offenders' families that were from Polokwane Local Municipality. The data analysis was done manually with themes and sub-themes for correctional officials and questions for offenders' families.

## **8.4 CONCLUSIONS.**

The findings of the study derived from the analysis are summarised in terms of the study objectives as follows.

### **8.4.1 To examine how incarceration and rehabilitation may ensnare offenders' families to poverty.**

The study registered 59 offenders and 17 correctional officials from Polokwane Medium B Correctional Centre and 10 offenders' families from Polokwane Local Municipality. The offenders and correctional officials who participated in the study were interviewed using a self-administered questionnaire while the offenders' families were interviewed in their homes using open-ended questions.

According to the findings of this study regarding the monthly income of the offenders, prior to incarceration, 57% of the offenders that participated in the study were in formal employment, 5% in formal business, 20% as small business entrepreneur and 18% generating income from crime. The 48% of the offenders, indicated that there was no one working at their homes while incarcerated, whereas 42% indicated that there was someone working, with 10% that indicated that they did not know whether there was anyone working. The 45% of the offenders, indicated that the income that was generated at home by the working person was not enough, with 34% indicating that the income was enough, while 16% indicated that they do not know whether it was enough or not.

However, 96% of the offenders indicated that they had frequent visits from their families and the 4% were only visited half-yearly. The visits by the offenders' families encompassed money for: toiletries, food, clothes, cigarettes, medication and other needs for the offenders. Offenders expected the offenders' families to bring them something when visiting which was also corroborated by the offenders' families during their interview who indicated that they did not visit the correctional centre if they had no money to give to the inmate. Additionally, 66% of the offenders indicated that their families were struggling while offenders were incarcerated, contrary to 21% who indicated that their

families were doing well. This was also corroborated by the 59% of the correctional officials who indicated that the offenders' families were struggling, whereas 35% indicated that they did not know, while 6% indicated that they were doing well.

According to the respondents for the offenders' families, only 30% indicated that they were employed, whereas 80% of the offenders' families indicated that they supported their families through the grants that were provided by the government. In terms of the interview, 80% of the offenders' families were really struggling with a monthly income that is below the poverty line of \$1.25 per person per day as calculated by Statistics South Africa and the World Bank, which is the money that they received from government for child support grants and pension grants. This was also corroborated by 79% of the correctional officials who indicated that the poverty level among offenders' families was high. All the participants in the offenders' families' interview indicated that they were having more than one dependant at meagre monthly incomes that they received. This was corroborated by the observations of the researcher when interviewing the offenders' families in their houses.

According to table 7.3, 40% of the respondents in the offenders' families' category were women with husbands incarcerated in the correctional centre and one of the respondents was 25 years old with two infants and seven dependants, while supporting the family and the offender from a child support grant of R620.00 per month. The other 40% of the respondents in the offenders' families' category were parents with 20% being pensioners and the other 20% being mothers with one mother temporarily employed and the other unemployed. They all supported their families and the offenders through the child support grant and the pension grant except for one family where the mother is a teacher. The other 20% were siblings to the offenders with one respondent who is temporarily employed and supporting eleven dependants and also supported the offender while building a house at home at an income of R2,000.00 per month, which included the child support grant.

The offenders' families indicated diverse sentences for the offenders with some serving ten years, fifteen years and some even serving life sentences. The least sentence was that of three years when excluding one offender who had violated the parole. Some offenders' families did not know the sentences of the offenders. Prior to their incarceration, 80% of the offenders as indicated by the offenders' families were providing income to the family as breadwinners and their incarceration left a huge gap with regard to the monthly income to support the families. The offenders' families were not receiving any other financial support from the state and the NGOs except for the child support grants and pension grants. All the respondents in the offenders' families' category requested some assistance with money as they were in poverty except for one family where the mother was a teacher.

Additionally, all the respondents in the offenders' families' category indicated that they did not receive any support from the offenders but instead they were supporting the offenders with the child support grant and pension grant monies. The offenders' families spent huge amounts of money on the offenders when visiting them. The highest amount provided by one of the offenders' families was R3,200.00 per month for an offender who was incarcerated for drugs. Other families were paying an average of R500.00 per month while struggling to support the families at home. The family that had seven dependants with two infants at an income of R620.00 per month spent an average of R150.00 per month on the offender.

However, 94% of the offenders indicated that they would like to work while incarcerated in order to support their families. Similarly, 85% of these respondents (offenders) wanted the money to be given to their families with 77% indicating that they would prefer 70% to be given to the family and 30% be kept for the inmate. Nevertheless, 76% of the correctional officials indicated that the offenders' labour generated income for the offenders. Around 65% of the correctional officials indicated that offenders could generate income by working around the correctional centre, with 25% indicating that they could generate income by working in commercial farms and 12% indicating the public works

projects. The majority (37%) of correctional officials corroborated the distribution of income of 70% to family and 30% for the offenders with 25% indicated 50/50, and 19% that preferred 30/70. In the researcher's opinion, this might be an indication that correctional officials receive money from inmates for unforeseen circumstances. The researcher's opinion is validated by the amounts that the offenders' families claimed to be giving to offenders some on a weekly basis and some on a monthly basis.

More than 53% of the offenders indicated that they were doing manual work while 42% indicated that they did not do manual work mostly because of the studies. The 53% of the offenders indicated that they were involved in manual work every day with 10% that indicated twice a week and 3% who indicated once a week. Amazingly, 35% of the correctional officials who participated in the study indicated that it was not good at all for the offenders to earn a salary with 29% that indicated that they did not know while 24% indicated that it would help the families and 12% that indicated that it would be fair for the offenders. This is contrary to the DCS (2005) which states that as part of rehabilitation, offenders need to be engaged in the poverty alleviation projects to prepare them for re-integration. It further states that the payments for the offenders should be in accordance with the government prescribed wages. This may mean that the correctional officials do not read or understand the contents of the white paper and this is a serious concern. This may be the reason that the correctional officials claimed that rehabilitation programmes were not efficient due to diverse presentation of the programmes to the inmates by different officials. This may mean they do not understand what they are supposed to do. This statement is corroborated by correctional officials who indicated that rehabilitators have to undergo training for rehabilitation to be effective.

From these findings, the ensnarement of offenders' families to poverty was very high. This was also illustrated by figure 6.10 that showed 79% of the offenders that indicated that their families were struggling. Similarly, in terms of subsections 7.4.2.2, 7.4.2.3, 7.4.2.4, 7.4.2.5, and 7.4.2.6; the poverty level among offenders' families was rife and exacerbated by the amounts of money that the offenders' families provided to the inmates

during the visits as indicated in subsection 7.4.2.25. The offenders' families also indicated that it used to be difficult to visit offenders while they were incarcerated far from their vicinity with one female respondent indicating that she was robbed three times and stabbed once while going to visit her husband in order to provide him with money while she did not have enough even to feed the family with. According to the former Minister of Correctional Services, Sibusiso Ndebele, the cost of incarceration per offender per day is R329.20 and in two years the cost of incarceration is R237,024.00 per offender. It should also be noted that the bulk amount of the DCS' budget is spent on detention and not on rehabilitation.

#### **8.4.2. To examine how incarceration and rehabilitation may ensnare offenders' families to crime.**

According to the findings of this study, 63% of the offenders were not sentenced in Polokwane but in the Limpopo province while 35% were sentenced in Polokwane and 2% sentenced outside the Limpopo province but in South Africa. The sentences of the respondents were 39% (more than ten years), 40% (more than three years but less than ten years), 18% (more than one year but less than three years), and 3% (more than six months but less than one year). Half of the offenders (50%) indicated that it was a mistake for them to commit crime, 14% indicated that it was because of friends, 10% indicated that it was because of poverty, 10% indicated that it was to feed the family, 9% indicated that they were drunk and 2% indicated that the spouse was demanding. Figure 6.8 portrays that 18% of the offenders who participated in the study indicated that prior to incarceration, they generated income from crime. Such offenders need rigorous rehabilitation programmes as they are prone to recidivate once released.

According to table 6.32, 75% of the correctional officials indicated that inmates learn more crime inside the correctional centre, while 19% indicated that they do not learn crime inside the correctional centre, and 6% indicated that they do not know. However, 56% of the correctional officials indicated that the crime inside the correctional centre was high, contrary to 44% who indicated that it was low. Nevertheless, 69% of the correctional

officials indicated that inmates do not benefit from rehabilitation but a few benefit from it, contrary to the 31% that indicated that inmates did benefit from rehabilitation. Similarly, 69% of the correctional officials indicated that they were once involved in crime prevention inside the correctional centre, with 56% indicating that they once experienced violence inside the correctional centre. The cellular phones that are smuggled inside the correctional centre are also a serious concern for the crime in the correctional centres. Some correctional officials suggested a single cell per inmate to curb crime and better implementation of rehabilitation programmes.

From these findings, incarceration and rehabilitation ensnare offenders' families to crime. In terms of the correctional officials, gangsterism was the main reason for crime to endure inside the correctional centre. The other popular motives that were indicated by the correctional officials regarding the durability of crime inside the correctional centre were money and drugs. Gangsterism in the correctional centres is a global menace. This may mean that when the offenders are released from the correctional centre they may be more experienced in terms of crime, which may also affect their families and most probably induce the offenders to recidivate since the rehabilitation is alleged to be ineffective. Poverty in the offenders' families also exacerbates criminal activities among family members in order to generate income for the family due to unemployment and the incarceration of the breadwinner.

#### **8.4.3. To examine how incarceration may lead to recidivism.**

Reasonably, 83% of the offenders were incarcerated for the first time during the interview. According to the findings of this study, 17% of the offenders who participated in the study were recidivists with 9% having been incarcerated more than once before. More than half of the offenders (53%) indicated that rehabilitation was not functioning well in the correctional centre, with 71% indicating that rehabilitation was not implemented correctly in the correctional centre. The majority of the offenders indicated that overcrowding was the cause for rehabilitation not to be effective in the correctional centre, while others indicated that the lack of implementation of policies by the staff was the cause.

Contrary to the offenders, 67% of the correctional officials indicated that rehabilitation was functioning well in Polokwane Medium B Correctional Centre which was inconsistent to the 67% correctional officials who indicated that the incarcerated inmates did not benefit from rehabilitation. The reason for the ambiguity could have been the protection of their employment as correctional officials were supposed to ensure that rehabilitation of inmates was effective which is one of the main objectives of the DCS. The correctional officials indicated poverty as the main cause of recidivism which could be the lack of employment opportunities for the released offenders. Indeed, lack of employment was the second most popular cause for recidivism according to the correctional officials. This may mean that the DCS has to ensure that offenders are empowered with proper life skills during their incarceration in order to prepare them for the world outside. The other areas that were identified by the correctional officials to be the causes of recidivism were lack of proper rehabilitation of offenders, the rejection of ex-offenders by the community and the long periods of incarceration.

Understandably, 88% of the offenders indicated that they would not re-offend once released from the correctional centre. This was substantiated by the offenders' families where 100% of the respondents indicated that the offenders would not re-offend if they were to be provided with employment opportunities on their release from the correctional centre. Shockingly, 3% of the offenders indicated that they would re-offend with 7% indicating that they do not know whether they would re-offend or not, while the 2% indicated that it would depend on the situation outside of the correctional centre. This is a worrying factor that 12% of the offenders were not properly rehabilitated. This figure may be perceived as small but when taking into consideration the population of Polokwane Medium B Correctional Centre for this study, it was 836 sentenced offenders and 12% of the population amounts to more than 100 sentenced offenders who may recidivate due to inefficient rehabilitation programmes.

The DCS (2005) is explicit regarding the productive work and poverty alleviation projects that are to be utilised for empowering offenders with life skills during the rehabilitation programmes. The DCS (2005) commits the DCS to provide work of a useful nature for the inmates in the correctional centre. For the productive work to be effective, this study recommends that the work has to be regulated by the government legislation with regard to remuneration and occupational health and safety. The work should also empower inmates with life skills for the outside world by providing offenders with accredited certificates for future employability. The productive work should form part of the Correctional Sentence Plan of the offender and contribute towards the development of the offender. Similarly, the DCS (2005) accentuates the poverty alleviation projects that should be provided to the needy communities by the category of offenders who are regarded as high risk. The recidivists may need to be included among these high risk offenders as a deterrent. It further states that the projects should not be a once-off event but a year programme that is geared for sustainable development of the community. The DCS (2005) further indicate that such projects should contribute to the rehabilitation, offender employability, skills development and the evasion of recidivism.

Moreover, there was the 75% of the correctional officials that indicated that offenders learn more crime inside the correctional centre and the 56% of the correctional officials who indicated that crime inside the correctional centre was high. This is a concern for recidivism as the offenders when released would be prone to re-offend and recidivate. Gangsterism, as indicated above is also a grave anxiety with regard to recidivism due to the contamination of the offenders by gangs inside the correctional centre. The rehabilitation of such inmates would be an incomplete process if they were members of the gangs. Their rehabilitation may be faked by the inmates in order to be granted parole and commit crimes that are usually planned inside the correctional centre walls.

From the findings of this study, incarceration leads to recidivism. The correctional officials indicated that the lack of communication or formal and proper reintegration of the offenders to their communities was crucial in the acceptance of the offender by the

community in the evasion of recidivism. This statement was substantiated in Zondi (2012) during the literature review. The correctional officials also indicated that the government may need to provide employment opportunities to the released offenders to avoid recidivism as their employment with ordinary employers is usually obstinate due to the stigma of incarceration. Some correctional officials indicated that in order to address recidivism, the offenders have to undergo proper rehabilitation programmes which may mean that the present rehabilitation programmes that are provided are not proper.

#### **8.4.4 To make a modest suggestion on how the existing incarceration and rehabilitation framework may be adjusted/improved to alleviate the ensnarement of offenders' families to poverty and crime.**

The findings from this study confirmed that rehabilitation was not effectively implemented due to overcrowding and the alleged shortage of staff. This was substantiated by 71% of the offenders who indicated that rehabilitation was not implemented well in the correctional centre citing the challenges like overcrowding, lack of appropriate staff, lack of appropriate policies, and staff that do not implement policies. The most popular challenge among the offenders with regard to the ineffectiveness of the rehabilitation programmes was overcrowding followed by the staff that do not implement the policies. According to the correctional officials, 69% indicated that very few offenders benefited from rehabilitation when asked about the impact of rehabilitation on incarceration, while 67% indicated that rehabilitation was functioning well in Polokwane Medium B Correctional Centre. This ambiguity may be due to the correctional officials trying to protect their jobs as rehabilitation is one of the main objectives of the DCS.

This uncertainty was substantiated by the correctional officials on the qualitative questions where they mentioned elements that made rehabilitation not to be implemented effectively. The prominent view by the correctional officials was the staff complement of the correctional centre that was not proportional to the number of offenders. In addition, the correctional officials indicated also that the shortage of experts in different fields regarding rehabilitation like the psychologists, social workers, educators, nurses, doctors,

artisans, and many other skills necessary for the implementation of the rehabilitation programmes were a contributing factor to the ineffectiveness of the implementation of rehabilitation programmes. The shortage of staff may be attributed to a number of diverse reasons. The reasons may be overcrowding, staff retention, unfilled vacancies and lack of officials with relevant skills.

The other views that were raised by the correctional officials with regard to the ineffectiveness of rehabilitation were the training of officials who are charged with rehabilitation. The DCS (2005) indicates that every correctional official is a rehabilitator which may mean that some correctional officials did not perceive themselves as rehabilitators. This may be one of the reasons that the rehabilitation programmes are not effectively implemented in the correctional centre. The DCS (2005), states that every correctional official is a rehabilitator. Therefore, the DCS must provide training to all the officials in the correctional centres with the implementation of rehabilitation programmes. This could even be arranged with tertiary institutions to provide officials with accredited competency certificates for the success of the implementation of the effective rehabilitation programmes. The newly appointed staff should first attend the accredited competency programme before even starting to work at the correctional centre and not excluding the students that are appointed by the correctional centre. The former Minister of Correctional Services, Sibusiso Ndebele, also emphasised what is stated in the DCS (2005) on Corrections that corrections is a multi-faceted profession which requires the knowledge of Social Work, Theology, Pharmacology, Psychology, Nursing and Health (DCS 2005; Ndebele 2013).

Furthermore, the correctional officials indicated that the offenders need to first understand the vision and mission of the DCS. This may be very significant because if the offenders understand the main objectives of the DCS that its focus is on rehabilitation including the correction of the offending behaviour and not incarceration, then the offenders may have a different attitude towards the rehabilitation process. The DCS is supposed to provide orientation programmes to the newly incarcerated offenders with regard to all the

elements of the white paper and the Corrections Act and all these relevant documents to be accessible to inmates all the time. However, this view by the correctional officials was surprising due to the fact that evidently, most of the officials in terms of the responses provided during the interview they were not well conversant with the Corrections White Paper 2005.

The lack of dignity and respect for the offenders by the correctional officials was the other view that was raised by the correctional officials as a factor that exacerbated the ineffectiveness with regard to the implementation of the rehabilitation programmes. The lack of respect for the offenders undergoing the rehabilitation programme could be gruesome as the offenders may have a negative attitude towards the whole programme and influence others that it is not effective. This may be the reason that 71% of the offenders indicated that rehabilitation was ineffective. This concern of lack of dignity and respect for the offenders by the correctional officials has to be immediately addressed by the DCS. This is very much contrary to the well-structured corrections white paper of 2005. The other concern that was raised was the lack of attention to the complaints and challenges of the inmates by the correctional officials. This is another serious concern as it may create animosity between the inmates and the correctional officials. The inmates and the correctional officials may need pocket books to record some of the irregularities that may need to be addressed by the line managers.

The findings of this study indicate that the structure of the correctional centre had to be improved in order to accommodate inmates according to the severity of the crimes committed to circumvent the contamination of the offenders incarcerated for petty crimes to elude recidivism. This may be very significant but the infrastructure to accommodate the structure may be a long term process. Furthermore, the correctional officials suggested that for the rehabilitation programmes to be effective, the offenders have to be encouraged to take part in more rehabilitation programmes. Additionally, the other views were that the rehabilitation of the offenders should not be a choice for the offenders but compulsory to all the offenders in the correctional centre. This may be key to the

successful implementation of the rehabilitation programmes as all offenders would be set to achieve a certain goal not only those who are willing to succeed. This is contrary to the DCS (2005) which states that rehabilitation of the offenders should be a choice, which needs to be adjusted accordingly.

According to 90% of the offenders' families, they indicated that rehabilitation was necessary to empower inmates with life skills to prepare them for the world outside the correctional centre. The offenders' families were also positive that rehabilitation was effective after they observed changes in the behaviour of the offenders when they visited them in the correctional centre. The only concern that was raised by the offenders' families was that overcrowding may hamper the positive implementation of the rehabilitation programmes. The offenders' families indicated that to reduce overcrowding, the criminal justice system has to finalise as soon as possible cases of the awaiting trial offenders. They further indicated that the other offenders should be released to community service and be monitored with the tracking devices. The other view by the offenders' families was that to reduce overcrowding, more correctional centres should be built but the government should concentrate on creating more employment opportunities to reduce the level of crime in the country.

The findings for this study show that 80% of the offenders' families indicated that offenders with minor sentences or who have served the required portion of their sentences be released on parole while 20% suggested the monitoring by tracking devices for most offenders. Figure 6.52 reveals that 29% of the correctional officials felt that mass incarceration of the offenders created unnecessary overcrowding with equally the other 29% indicating that it was good because of too much crime in the country, while 18% felt that to reduce overcrowding from mass incarcerations, offenders need to be directed to community services. This view of sending offenders into community services corroborated the views of the offenders and the offenders' families. Similarly, when the correctional officials were asked about the incarceration of offenders with less than two-year sentences into local municipalities, 50% indicated that it is better to incarcerate

offenders into community service while 25% indicated that it would reduce unnecessary overcrowding and 6% indicating that it was good because of too much crime.

According to table 6.20 and figure 6.27, 45% of the offenders in the correctional centre did not know about the parole system, with 26% indicating that it was applied in a fair way, while 27% indicated that it was applied unfairly. The areas that the offenders suggested that need to be changed in the parole system were diverse, with 33% that indicated that the policies that are applicable, while 29% indicated that the panel that conducts the hearings, and with 22% indicating the way inmates are chosen. Unpredictably, 67% of the correctional officials indicated that the parole system was applied fairly in the correctional centre with 13% who indicated that it was applied unfairly, while 20% indicated that they do not know. When asked about the areas that need to be improved in the parole system, 46% of the correctional officials indicated the policies that are applicable, while 27% indicated the panel that conducts hearings. Remarkably, 50% of the offenders' families indicated that the parole system would be working in the DCS if it was handled correctly, with 20% that indicated that it was not working at all, while 30% indicated that they had never heard of a parole system. The majority of states in the world are parties to the ICESCR and as at June 2012, only 33 have either not yet signed the covenant or have signed but not ratified. South Africa is one of the states that signed the covenant on 03 October 1994 but had not ratified the covenant.

## **8.5 LIMITATIONS OF THE STUDY**

The following limitations may affect the generalisation of the study results:

- The study was conducted among offenders and correctional officials in Polokwane Medium B Correctional Centre and the Polokwane Local Municipality, therefore the results may not be generalised in the entire country.
- Data from the offenders and correctional officials was obtained using structured and self-administered questionnaires, so it was not possible to probe on the responses provided by the participants.

- Data from 10 offenders' families who agreed to participate was acquired using open-ended questions. It cannot be presumed that their views and ideas are basically the same as those offenders' families who were not interviewed.

Despite the above limitations, the study findings are reliable, valid, and trustworthy. The use of quantitative and qualitative data collection and analysis methods (triangulation) increased the validity, reliability and trustworthiness of the research findings.

## **8.6 RECOMMENDATIONS**

Based on the results of this study, the researcher would like to make the following recommendations for improving the DCS incarceration and rehabilitation framework to alleviate the ensnarement of offenders' families to poverty and crime. The researcher also recommends areas for further research.

### **8.6.1 Recommendations for addressing the ensnarement of offenders' families to poverty.**

- The DCS should make arrangements that the offenders' families especially children are visited by the correctional officials, the NGOs and social cluster partners. The DCS should have a database for these families and accessible to all the stakeholders.
- Offenders should be engaged in productive work as part of the Correctional Sentence Plan and also to support their families with 70% to the family and 30% for the inmate.
- Offenders should be provided with debit cards that have a private individual number (PIN) to curb the circulation of cash inside the correctional centre.
- Productive work should include work inside the correctional centre, working on commercial agricultural farms and the Department of Public Works tenders that are currently offered to individual companies to be executed by the DCS.
- The DCS to employ artisans and educators to train offenders on the required trades and expertise thereafter accredited competency certificates should be

awarded. The training should also include trade tests assessments by the Department of Higher Education in Indlela/Olifantsfontein.

- The remuneration for the offenders should be as per the prescribed wages for that sector.
- The occupational health and safety regulations should be observed during all the times.
- The offenders should contribute towards the Unemployment Insurance Fund for the benefits immediately after release from the correctional centre.
- Offenders should be responsible for their custody in the correctional centre from the money generated through productive work including the health facilities. This would save the government and tax payers 54% of the DCS budget which in 2012/2013 financial year was R10billion from a budget of R18.75billion. Such savings could be used to build the structures that are required for rehabilitation.

#### **8.6.2 Recommendations for addressing the ensnarement of the offenders' families to crime.**

- The Correctional Sentence Plan of the offenders should include orientation with regard to the applicable corrections white paper and the corrections act accessible at all times.
- The offenders with sentences longer than three years should be separated from the offenders with sentences of three years and less. The offenders with sentences of three years and less should be housed locally in district correctional centres while offenders with sentences more than three years to life sentences should be housed in Provincial Correctional Centres. This would evade contamination of offenders incarcerated for petty crimes and also assist in reducing the unnecessary overcrowding. Once overcrowding is addressed, rehabilitation would have a better opportunity of being effective once implemented correctly.
- The cellular phones that are smuggled into the correctional centres should be restricted by disabling network connections in all areas in the correctional centres except for strategic areas like the administration block and other areas that might

need this requirement. Offenders should be monitored through CCTV cameras in these strategic areas when they attempt to use such cellular phones.

### **8.6.3. Recommendations for addressing recidivism**

- Release offenders who qualify for parole on condition that they had been rehabilitated and acquired an accredited qualification that would improve the offenders' chances of acquiring employment if government cannot provide something for the offender. The DCS should however ensure that after care is provided to the offender and the family until such time that the DCS is convinced that the ex-offender is self-sufficient.

### **8.6.4. Recommendations for improving the DCS incarceration and rehabilitation framework to alleviate the ensnarement of offenders' families to poverty and crime.**

- South Africa to ratify the ICECSR covenant that was signed in 1994 but never ratified by the country to date.
- The Principles on the Treatment of Prisoners as annexed to the resolution should be implemented with immediate effect and applied impartially.
- The rehabilitation of incarcerated offenders should no more be a choice but be compulsory for all the offenders. This should also be applicable to offenders serving sentences of two years and less as they are presently excluded.
- The productive work as stated in the DCS (2005) should be implemented with immediate effect in consultation with Treasury Department and the Department of Public Works.
- All the correctional officials should attend rigorous training programmes on how to implement the rehabilitation programmes as stipulated in the DCS (2005). The arrangement should be made with tertiary institutions in order that the competency assessment and certification to be accredited. Ultimately, this should be an entry requirement for all the correctional officials.
- The implementation of what the former Minister of Correctional Services, Sibusiso Ndebele in his address on education and training for the inmates when he

indicated that all inmates with a qualification that is less than grade 9 be obliged to attend Adult Education and Training (AET).

- The building of more correctional schools in the entire country where possible.
- The government should build youth penitentiaries in each district municipality to avoid overcrowding in correctional centres, the contamination of young offenders by the adult offenders and also the ease of access by families to the young ones to prepare them for reintegration.
- Article 8 of the ICCPR prohibits forced labour, with exceptions for criminal punishment, military service and civil obligations.
- The country should oil the criminal justice system as per Beccaria's model of prompt arrest, prompt investigation, prompt trial, prompt sentencing and prompt imprisonment. This would surely moderate the crime and recidivism rates in the country.

#### **8.6.5. Recommendations for further research.**

Based on the findings of this study, the researcher recommends the following areas for further research.

- Data on recidivism and a standardised international format of obtaining such data.
- Erection of district correctional centres to house offenders with sentences of three years and less while the offenders with sentences that are more than three years to be housed in provincial correctional centres. The provincial correctional centre could be housed in the capital city of the province for centrality and the ease of access by the offenders' families.
- A review on the retention strategy of correctional services professionals by the Department of Public Service and Administration.
- The issue of the workhouse that was practised in England and the USA could be considered for property crime convicts.
- South Africa should think about introducing a workhouse for the inmates who had committed serious offences like rape and murder and who are sentenced to life imprisonment. These should be allowed to work as long as they are not a danger

to the society. The re-introduction of the overstay might be a solution for these offenders to be able to reintegrate.

## **8.7 CONTRIBUTION OF THE STUDY**

The study contributes vastly into the knowledge as policies of DCS and the White Paper on Corrections (2005) might have to be amended based on the recommendations of the study. The study also contributes vehemently to the present prevalence of poverty and crime. The incarceration and rehabilitation framework that is always challenged can be improved or adjusted based on the findings of the study. Similarly, the present international challenge of overcrowding is realised based on the findings of the study. Ultimately, the prevailing issue of recidivism that is not taken care-off or considered as important by government, is addressed, which should reduce re-offending by the inmates. Eventually, the reduction of the income tax to the South African tax payers if offenders have to earn their living, if implemented as per the findings, would be realised.

Conceptually, this study falls into the Basic Principles for the Treatment of the Prisoners adopted and proclaimed by the United Nations General Assembly resolution 45/111 of 14 December 1990. The resolution is for the member states that are expected to apply the principles impartially. This study also falls into the Millennium Development Goals more especially goal number one with regard to poverty. Therefore, as a result of this study, the proper rehabilitation of offenders in terms of the findings of this study and their preparation for reintegration would reduce the unnecessary overcrowding that is experienced in the correctional centres. The implementation of Basic Principle number eight as also recommended in this study would eradicate poverty in the offenders' families and reduce crime that is created on the grounds of poverty. The remunerated work for the offenders is also expected to reduce the spending by the state drastically as indicated above that in 2012/2013 financial year, the state would have saved 54% of its budget. This would also be a relief to the tax payers and the offenders' families.

## **8.8 IMPLICATIONS OF THE STUDY**

The findings of this study have implications to all the stakeholders that are involved in the remunerated work and the alleviation of poverty among the offenders' families. The stakeholders including the Department of Justice and Correctional Services, the Department of Public Works, the Department of Finance-Treasury, the Department of Public and Administration, the Department of Higher Education, the Department of Labour, the Department of Agriculture and Forestry, the Department of Social Welfare, the Local Government Department, the Department of Health, NICRO, tertiary institutions and the community at large need to take into consideration the recommendations made by the researcher in this study.

If the above recommendations are attended to, and the stakeholders implement the recommendations as suggested, the alleviation of poverty among the offenders' families will be realised. Ultimately, the outlined recommendations are the basis of promoting the implementation of remunerated work to enable the reintegration of the offenders into the South African labour market and authorise the offenders to contribute to their own financial support and that of their families.

## **8.9 CONCLUDING REMARKS**

The objectives of this study were to assess the incarceration and rehabilitation framework and to recommend an improved framework to alleviate the ensnarement of offenders' families to poverty and crime. Generally, the objectives of this study have been achieved. The findings of this study established that the offenders' families were in poverty and then facing crime. The study also indicated that incarceration had an impact on recidivism as the offenders learn more crime inside the correctional centres. The study also outlined the areas in the incarceration and rehabilitation framework that need to be adjusted.

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## Appendix i



**University of Limpopo**  
Research Development and Administration Department  
Private Bag X1106, Sovenga, 0727, South Africa  
Tel: (015) 268 2212, Fax: (015) 268 2306, Email:noko.monene@ul.ac.za

### TURFLOOP RESEARCH ETHICS COMMITTEECLEARANCE CERTIFICATE

**MEETING:** 06 March 2014

**PROJECT NUMBER:** TREC/05/2014: PG

**PROJECT:**

**Title:** Ensnarement of prisoners' families to poverty and crime in South Africa: A case of Polokwane Medium B Prison.

**Researcher:** Mr MN Khwela

**Supervisor:** Prof CC Ngwakwe – University of Limpopo

**Co-Supervisor:** N/A

**Department:** Development Planning and Management

**School:** Economics and Management

**Degree:** Doctor of Administration in Development

  
**PROF TAB MASHEGO**  
**CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE**

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**.

**Note:**

- i) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee.
- ii) The budget for the research will be considered separately from the protocol.  
**PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.**

## **Appendix ii**

AGREEMENT REGARDING CONDITIONS APPLICABLE TO RESEARCH DONE IN INSTITUTIONS  
WHICH ARE UNDER THE AUTHORITY OF THE COMMISSIONER OF CORRECTIONAL SERVICES

1. I Michael Nkosinathi Khwela (name & surname) wish to conduct research titled ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B PRISON.

in/at institutions which falls under the authority of the SA Commissioner of Correctional Services. I undertake to use the information that I acquire in a balanced and responsible manner, taking in account the perspectives and practical realities of the Department of Correctional Services (hereafter referred to as "the Department") in my report/treatise. I furthermore take not of and agree to adhere to the following conditions:

#### 1.1 INTERNAL GUIDE

The researcher accepts that an Internal Guide, appointed by the Department of Correctional Services will provide guidance on a continual basis, during the research. His/her duties will be:

- 1.1.1 To help with the interpretation of policy guidelines. He/she will therefore have to ensure that the researcher is conversant with the policy regarding functional areas of the research.
- 1.1.2 To help with the interpreting of information/statistics and terminology of the Department which the researcher is unfamiliar with.
- 1.1.3 To identify issues which could cause embarrassment to the Department, and to make recommendations regarding the utilization and treatment of such information.
- 1.1.4 To advise Correctional Management regarding the possible implementation of the recommendations made by the researcher.

With regard to the abovementioned the research remains the researchers own work and the internal guide may therefore not be prescriptive. His/her task is assistance and not to dictate a specific train of thought to the researcher.

#### 1.2 GENERAL CONDITIONS WHEN DOING RESEARCH IN PRISONS

- 1.2.1 All external researchers; before conducting research must familiarize themselves with guidelines for the practical execution of research in prisons as contained in the handbook (see par.11 of Policy).
- 1.2.2 Participation in the research by members/prisoners must be voluntary, and such willingness must be indicated in writing.
- 1.2.3 Prisoners may not be identified, or be able to be identified in any way.
- 1.2.4 Research Instrument such as questionnaires/schedules for interviews must be submitted to the Department (Internal Guide) for consideration before they may be used.

- 1.2.5 The Department (Internal Guide) must be kept informed of progress and the expected completion dates of the various phases of the research and progress reports/copies of completed chapters furnished for consideration to the Department should this be requested by the Department. The Research Ethics Committee must be provided with an unbound copy of the researcher's report at least two months prior to presentation and publication for evaluation (see par.9 of Policy).
- 1.2.6 Research findings or any other information gained during the research may not be published or made known in any other manner without the written permission of the Commissioner of Correctional Services.
- 1.2.7 A copy of the final report/essay/treatise/thesis must be submitted to the Department for further use.
- 1.2.8 Research will have to be done in the researchers own time and at his own cost unless explicitly stated otherwise at the initial approval of the research.

### 1.3 CONDUCT IN PRISON

- 1.3.1 Arrangements to visit a prison (s) for research purposes must be made with the Area Manager of that particular prison. Care should be taken that the research be done with the least possible disruption of prison routine.
- 1.3.2 Office space for the conducting of tests and interviews must be determined in consultation with the Area Manager of that particular Prison.
- 1.3.3 Research instruments/interviews must be used/done within view and hearing distance of a member (s) of the South African Correctional Services, otherwise only within view of a member (s) of the Department.
- 1.3.4 Documentation may not be removed from files or reproduced without the prior approval of the Commissioner of Correctional Services.
- 1.3.5 Any problem experienced during the research must be discussed with the relevant Head of the Prison without delay.
- 1.3.6 Identification documents must be produced at the prison upon request and must be worn on the person during the visit.
- 1.3.7 Weapons or other unauthorized articles may not be taken into the prison.
- 1.3.8 Money and other necessary articles that are worn on the researcher's person are taken into the prison at his own risk. Nothing may be handed over to the prisoners except that which is required for the process of research; e.g. manuals, questionnaires, stationery, etc.

- 1.3.9 The research must be done in such a manner that prisoners/members cannot subsequently use it to embarrass the Department of Correctional Services.
- 1.3.10 Researchers must be circumspect when approaching prisoners with regard to their appearance and behavior, and researchers must be careful of manipulation by prisoners. The decision of the Head of Prison in this regard is final.
- 1.3.11 No prisoner may be given the impression that his/her co-operation could be advantageous to him/her personality.

2. INDEMNITY

The researcher waives any claim which he may have against the Department of Correctional Services and indemnifies the Department against any claims, including legal fees at an attorney and client scale which may be initiated against the latter by any other person, including a prisoner.

3. CANCELLATION

The Commissioner of Correctional Services retains the right to withdraw and cancel authorization or research at any time, should the above conditions not be adhered to or the researcher not keep to stated objectives. In such an event or in event of the researcher deciding to discontinue the research, all information and data from the liaison with the Department must be returned to the Department and such information and data may in no way be published in any other publication without the permission of the Commissioner of Correctional Services. The Commissioner of Correctional Services also retains the right to allocate the research to another researcher.

4. SUGGESTIONS

The researcher acknowledges that no other suggestions except those contained in this agreement; were made which had led him/her to the entering into this agreement.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ month  
\_\_\_\_\_ year.

RESEARCHER: \_\_\_\_\_

**WITNESSES**

Abovementioned researcher signed this Agreement in my presents.

Name & Surname: \_\_\_\_\_

Date: \_\_\_\_\_

ENDORSEMENT BY PROMOTER OR EMPLOYER OF THE RESEARCHER WHERE APPLICABLE

I have taken cognizance of the contents of this agreement and do not have any problem with the conditions/have the following reservations about the conditions of this agreement.

Signature: \_\_\_\_\_

# Appendix iii



## DEPARTMENT OF CORRECTIONAL SERVICES

### RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES

#### INSTRUCTIONS:

1. This form caters for research carried out by a team or an individual
2. Please complete in PRINT-Using blank ink
3. \* Mark with an X where applicable
4. Please attach the following documents to your application: (I) A detailed research proposal and proposed method  
(ii) Certified copies of your ID Book(s)/ Passport(s)  
(iii) Current proof of registration from the institution where you are studying (Students only)

#### A. PERSONAL INFORMATION

**A1:** For research conducted by an **individual** (**Note:** If it is a research by a team of individuals details of the team leader should also be included here)

1) Title MR 2) Surname Khwela 3) Initials M.N.

4) Full Name(s) Michael Nkosinathi 5) ID Number

5912305148083

6) Country of Origin RSA

If not a S.A. Citizen: Passport No

NOT APPLICABLE

**A2:** For research conducted by a **team of individuals**

7) Details of team members must be completed in the table below (If more than five include others on the separate sheet)

	Surname	Initials	ID/ Passport Number	Highest Qualification Obtained
1.	NOT APPLICABLE		NOT APPLICABLE	NOT APPLICABLE
2.				
3.				
4.				
5.				

8) Postal Address: PO Box 5427 Polokwane –North Polokwane  Code:0750	12) Residential Address: No. 5 Villa Venice 54 Thabo Mbeki Street Polokwane  Code: 0699
9) [H] Telephone No: Area Code: 082 Number:	13)[W] Telephone No: Area Code: 015 Number: 2682261
10) Fax Number: Area Code: 0865130296 Number: 0865130296	14) Cellular Phone Number: 0729952052
11) E-Mail Address: Michael.khwela@ul.ac.za	

15) Academic Qualifications

Diploma / Degree/Certificate	Institution	Date obtained
Master of Development	University of Limpopo	2006
Certificate Programme in Management Dev.	Wits	2004
Diploma in Development Leadership	University of the North	2002
Disciplinary Enquiry Course	Wits	2002

16) Present Employer University of Limpopo

17) Position Occupied Lecturer

18) If you are a member of the Department of Correctional Services: Persal Number

19) Station Polokwane

**B. INDIVIDUAL/GROUP'S PREVIOUS RESEARCH AND/OR PUBLICATIONS**

20) Title	21) Publisher	22) Magazine	23) Date
Local Government and the Fragmented Developmental Mandate: A Case Study Offender Rehabilitation in South Africa			

**C. PLANNED RESEARCH**

24) Title ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B PRISON

25) Is your planned research required to obtain a qualification? \*  Yes  No

If yes, specify Degree: Doctor of Administration in Development

If no, stipulate purpose of research Not Applicable

26) Does your planned research have any connection with your present field of work? \*  Yes  No

27) Subject to the conditions that may be set in this regard, do you intend to publish or orally present the findings of your research/ dissertation/ thesis or parts thereof during lectures/ seminars? \*  Yes  No

If yes, in which way, and at what stage? One article has already been presented in Kon Khaen University Conference in Thailand and has been published. Three other articles have been submitted for conference purposes

28) At which Area(s) of Command/ Prison(s) do you plan to do your research?

Polokwane Medium B Prison

Polokwane

Limpopo Province \_\_\_\_\_

29) Which of the following will be involved in your research?

	Yes	No	Specify
Prisoners	X		302 to complete a quantitative questionnaire
Personnel	X		30 randomly chosen officials from different ranks
Official documents of the Department	X		As may be directed by the Internal Guide
Interviews	X		Only officials during the qualitative questionnaire
Questionnaires	X		302 prisoners and 30 official as indicated above
Observations		X	
Psychometric tests		X	
Technological Devices		X	
	Yes	No	Specify
Medical Tests including: • Physical Assessment • Laboratory tests (blood, sperm, urine) • X-ray examination • Other		X	

**D. SUPPLEMENTARY INFORMATION**

30) For which tertiary institution/ Organisation/ Company are you conducting the research? University of Limpopo  
 \_\_\_\_\_ Department/ Division/ Section/ Component/ Unit Faculty of Management and Law,  
Department of Development Planning and Management. Project or Group Leader/ Promoter/ Lecturer: Title Professor

31) Surname Ngwakwe Initials C.C.

32) What value is your planned research to the Department of Correctional Services? The study is seeking to provide clarity between incarceration and rehabilitation. This clarity would assist in the effective implementation of rehabilitation for the efficient re-entry to the community of offenders. Recidivism and overcrowding are also some of the challenges that the international community is grappling with, and so this study will also attempt to address such issues from the data that will be generated.

33) Do you receive any financial assistance for your planned study in the form of a Scholarship / Loan/ Bursary/ Sponsor? \*

Yes  No

If yes, do your sponsor/ loaner/ funder have any copyrights to the study?

If yes specify Not Applicable

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. COMMENTS/ RECOMMENDATIONS OF THE CHAIR PERSON OF THE INSTITUTION'S RESEARCH COMMITTEE WITH REGARD TO THE APPLICATION**

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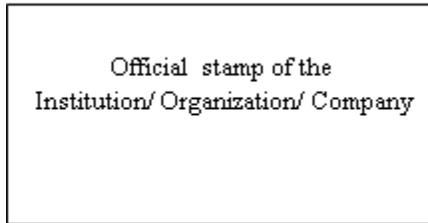
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34) Title \_\_\_\_\_ 35) Surname \_\_\_\_\_ 36) Initials \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**F. DECLARATION STATEMENT BY APPLICANTS:**

I/We confirm that:

1. the particulars mentioned above are true, and
2. if this application is favourably considered, I/ We will comply with the conditions which may be set with regard to the application.

**Note: If it is a research carried by a team, the Team Leader's signature must appear on the space provided below together with the signatures of two other members of the team as witnesses.**

\_\_\_\_\_  
Applicant/Team Leader's Signature

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**FOR OFFICE USE BY HEAD OFFICE ONLY**

*In case of Bursary Holders of the Department of Public Service and Administration please refer to the Director:  
Policy and External Training*

Referred by \_\_\_\_\_ Date \_\_\_\_\_

Application \*

\_\_\_\_\_  
Chairperson: Research Ethics Committee

\_\_\_\_\_  
Date

## Appendix iv



### correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruin Street, PRETORIA

Tel (012) 307 2770, Fax (012) 328-5111

**Mr. M.N Khwela**  
**P.O Box 5427**  
**Polokwane**  
**0750**

Dear Mr. M.N Khwela

**RE: FEEDBACK ON THE APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON "ENSNAREMENT OF PRISONERS FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE"**

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- Your internal guide will be **Area Coordinator: Development and Care (Mr Maserumule)**. You are requested to contact her at telephone number **(015) 295 2009** before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document and this approval letter should be in your possession when visiting.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. offenders not prisoners and Correctional Centres not prisons.
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the National Commissioner of Correctional Services before publication of the report.
- Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number 012-307-2770/ 012-305 8554.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

  
**ND SIHLEZANA**  
**DC: POLICY CO-ORDINATION & RESEARCH**  
**DATE: 23/06/2014**



## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Tel: (012) 307-2770

Fax: (012) 328-5111

### INTERNAL MEMO

DATE:	23 JUNE 2014	FILE NR:	4/7/4/1/153
TO:	REGIONAL COMMISSIONER: LMN	FROM:	RESEARCH DIRECTORATE
SUBJECT:	RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "“ENSNAREMENT OF PRISONERS FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE”"		

#### REGIONAL COMMISSIONER: LMN

1. This is to inform you that the application on the above-mentioned research has been approved.
2. You are therefore requested to grant permission to the following researcher to conduct the said research **Mr. M.N Khwela, ID No 5912305148083**. The researcher intends visiting Polokwane Medium B Correctional Centre.
3. Please take note that:
  - 3.1 The researcher is not allowed to use photographic or video equipment during her visits to the Correctional Centre, however the audio recorder is allowed.
  - 3.2 The researcher's internal guide is **Area Coordinator: Development and Care (Mr Maserumule)**.
  - 3.3 It is the researcher's responsibility to make arrangements with the Correctional Centre for the visiting times. The researcher has been informed of this arrangement.
  - 3.4 The security measures are still applicable and must be adhered to by the researcher.
4. Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number 012-307-2770 or 305-8554.

Your co-operation is highly appreciated.

  
ND SIHLEZANA

DC: POLICY CO-ORDINATION & RESEARCH

DATE: 23/06/2014



## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Tel: (012) 307-2770

Fax: (012) 328-5111 / 086 533 1047

### INTERNAL MEMO

DATE:	23 JUNE 2014	FILE NR:	4/7/6/1/153
TO:	AREA COORDINATOR: DEVELOPMENT AND CARE	FROM:	DIRECTORATE RESEARCH
SUBJECT	RE:PERMISSION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON "ENSNAREMENT OF PRISONERS FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE"		

#### AREA COORDINATOR: DEVELOPMENT AND CARE

It is with pleasure to inform you that you have been appointed to act as an internal guide for the above-mentioned research project by Mr. M.N Khwela. This research has been approved, and the policy guidelines require that every researcher should be allocated an internal guide. Your responsibilities for this research will be as follows:

- Assist the researcher in accessing information or data from records of the Department;
- Ensure that technical aspects such as statistics and policy are interpreted correctly and the correct use of terminology as reflected in the White Paper on Corrections in South Africa (February 2005).
- To ensure that the researcher submits progress reports quarterly about the research project.
- To identify sensitive information which could cause embarrassment to the DCS and exercise control over the use and management of such information or through interviews with offenders.
- Make recommendations concerning further utilization, implementation of findings and exploitation of research results, publication possibilities or possible restrictions on the publication thereof.
- Arrange for a person to act as a facility guide when research is being conducted; Please refer to the DCS research policy, or contact the Research Directorate at (012) 307-2770.

Your co-operation is highly appreciated.

  
ND SIHLEZANA  
DC: POLICY CO-ORDINATION & RESEARCH  
DATE 23/06/2014



## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Tel: (012) 307-2770

Fax: (012) 328-5111

### INTERNAL MEMO

DATE:	23 JUNE 2014	FILE NR:	4/7/4/1/153
TO:	AREA COMMISSIONER:POLOKWANE	FROM:	RESEARCH DIRECTORATE
SUBJECT:	RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: ""ENSNAREMENT OF PRISONERS FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE"		

#### AREA COMMISSIONER: POLOKWANE

1. This is to inform you that the application on the above-mentioned research has been approved.
2. You are therefore requested to grant permission to the following researcher to conduct the said research **Mr. M.N Khwela, ID No 5912305148083**. The researcher intends visiting Polokwane Medium B Correctional Centre.
3. Please take note that:
  - 3.1 The researcher is not allowed to use photographic or video equipment during her visits to the Correctional Centre, however the audio recorder is allowed.
  - 3.2 The researcher's internal guide is **Area Coordinator: Development and Care (Mr Maserumule)**.
  - 3.3 It is the researcher's responsibility to make arrangements with the Correctional Centre for the visiting times. The researcher has been informed of this arrangement.
  - 3.4 The security measures are still applicable and must be adhered to by the researcher.
4. Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number 012-307-2770 or 305-8554.

Your co-operation is highly appreciated.

  
ND SIHLEZANA

DC: POLICY CO-ORDINATION & RESEARCH

DATE: 23/06/2014

**Screening 'families'/'partners'**

**ENSNAREMENT OF OFFENDERS' FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE.**

**Where are you staying?**

Polokwane Municipality.

Not in Polokwane Municipality but in Limpopo Province

Not in Limpopo Province but other. Specify.....

**Does the person you have come to see normally live with you?**

Yes

No

Sometimes

Has done and will do

Has done but will not do in the future

**Is the individual you have come to see:**

Sentenced                      on remand                      don't know.

**What is your relationship to the person you have come to see?**

*Point out that we recognise there are many people who regard children for instance who live with them as their children, though they may be members of what we would regard as extended family. We take an inclusive definition.*

**a) Family relationship**

biological parent	biological child	aunt/uncle
grandparent/grandchild	children	informal/family foster carer

**b) personal relationships**

married partner (living together for six months or more)

**Financial relationship**

Is your income shared between everyone, or do you and your partner/relative in prison keep your income(s) and/or financial affairs completely separate?

Share incomes

Share some income

Separate incomes and finances/Other.....

**Are you currently employed?**

Yes No Part-time Intermittently

**If you do work, or if you are working now, what is your usual occupation?**

(e.g. building, sales, driving).....

**Are you receiving income support at the moment?**

Yes No No – lost it because relative/partner gone into prison

**Can we set-up an appointment for an interview that would not take much of your time?**

Yes No If no, what is the reason. Specify.....

**Where do you prefer to be interviewed?**

Home Elsewhere, specify.....

If home, specify address.....

.....

Contact details.....

**Do you have an objection in providing the name of the person you have come to see?**

Yes No If yes what is the name.....

**During which days of the week do you prefer to be interviewed?**

During the week Mon Tue Wed Thu Fri

Weekend Saturday Sunday

**Around what time do you prefer to be interviewed?**

.....

**Is there anything that you might want us to know before the interview?**

.....

We would like to thank you for allowing us to interview you.

# APPENDIX A: INTERVIEW SCHEDULE FOR OFFENDERS' FAMILIES

---

1. How old are you?
2. Are you employed?
  - 2.1 How do you support your family?
  - 2.2 Per month how much are you receiving?
3. Do you have any dependants?
  - 3.1 How many?
4. What is your relationship with the prisoner?
5. How long is he imprisoned for?
6. What was the prisoner's role at home before imprisonment?
  - 6.1 How did he generate an income?
  - 6.2 How much?
7. How did his imprisonment affect your life?
8. How is your relationship with family members since his/her imprisonment?
9. Are you receiving any support from the state or NGOs?
10. What is the best support you think you should receive?
11. Are you receiving any financial support from the inmate?
  - 11.1 How?
12. How do you feel about his/her incarceration?
13. What are the changes you have observed since his/her incarceration?
  - 13.1 Do you think when released, he/she might re-offend?
14. Is the inmate receiving any financial support from you?
15. Does he/she call you using collect call?
16. If he/she was to be released to your custody for community service work, would you take care of the inmates so that he/she does not re-offend?

17. How often do you visit the inmate?

17.1 How much do you spend to visit the inmate at the correctional centre where he is incarcerated?

17.2 If you do not visit the inmate, what could be the reason?

17.3 What are the benefits of having the inmate close to you?

18. Has anyone ever been incarcerated in this family?

18.1 If yes how are they related to the inmate?

18.2 If yes what were they convicted for?

19. What is your feeling regarding overcrowding in correctional centres?

19.1 How should overcrowding be addressed?

20. Are you informed or updated regarding the inmates condition in the correctional centre?

21. What is your feeling regarding parole system in DCS?

22. What is your feeling regarding the rehabilitation of the inmates?

23. What do you think should be done regarding rehabilitation?

I would like to thank you for honestly completing this questionnaire.

**MN Khwela**  
**Researcher**  
**Department of Development Planning and Management**  
**University of Limpopo**

**Mobile 0729952052**  
**Office 0152682261**

**Appendix vii**

**INMATE QUESTIONNAIRE**

**ENSNAREMENT OF OFFENDERS’ FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE.**

- This questionnaire is designed to obtain information on the impact of incarceration on your families/relatives. I request you to respond to the questions frankly and honestly and your responses will be kept strictly confidential. The information collected will be used for academic purposes only.
- As a respondent, you are also guaranteed anonymity; and participation in the study is voluntary. However, your participation in this study and co-operation shall not be advantageous to your personality.
- Please mark with an ‘x’, the option that best describes your response where appropriate.

Consent form	Respondents signature
I, the respondent grant the interviewer my permission to interview me. Information provided will be confidential and be used for the purpose of this study.	

**Section A: Demographic Profile of the Inmate**

A.1. How would you describe your age category in years?

- A.1.1 (Less than 15years)  A.1.2 (15 – 20 years)  A.1.3 (21 – 25 years)   
A.1.4 (26 – 30 years)  A.1.5 (31 – 35 years)  A.1.6 (36 – 40 years)   
A.1.7 (41 – 45 years)  A.1.8 (46 – 50 years)  A.1.9 (51 – 55 years)   
A.1.10 (56 – 60)  A.1.11 (Above 60 years)  A.1.12 Other, Specify .....

A.2. What is your gender?

- A.2.1 Female  A.2.2 Male

A.3. What is your marital status?

- A.3.1 Married  A.3.2 Never married  A.3.3 Divorced   
A.3.4 Widowed  A.3.5 Separated  A.3.6 Others, Specify .....

A.4. What is your position in the household?

- A.4.1 Husband     A.4.2 Wife     A.4.3 Son     A.4.4 Daughter   
A.4.5 Grandparent     A.4.6 Grandchild     A.4.7 Other, Specify .....

A.5. How would you describe your race?

- A.5.1 African     A.5.2 Coloured     A.5.3 White     A.5.4 Indian   
A.5.5 Asian     A.5.6 Other, Specify .....

A.6. What is your ethnic group?

- A.6.1 Pedi     A.6.2 Zulu     A.6.3 Tswana     A.6.4 Sotho   
A.6.5 Venda     A.6.6 Tsonga     A.6.7 Ndebele     A.6.8 Swati     A.6.9 Afrikaner   
A.6.10 English     A.6.11 Xhosa     A.6.12 Other, Specify .....

A.7. What is your religion?

- A.7.1 Western Christianity     A.7.2 Islam     A.7.3 African Traditionalist   
A.7.4 Buddhism     A.7.5 African Traditional Christianity     A.7.6 None of the Above

A.8. Have you ever been to school (formal education)

- A.8.1 Yes     A.8.2 No

A.9. If yes in A.8, what is your highest educational qualification?

- A.9.1 Primary     A.9.2 Secondary     A.9.3 Tertiary (matric +)

A.10. By the time you were incarcerated, were you working from home or away from home?

- A.10.1 Working from home     A.10.2 Working away from home   
A.10.3 Not working

A.11 If you were working in A.10 above, what would best describe your last monthly income?

- A.11.1 (0 – R500)  A.11.2 (R501 – R2,000)  A.11.3 (R2,001 – R3,500)
- A.11.4 (R3,501 – R5,000)  A.11.5 (R5,001 – R6,500)  A.11.6 (R6,501 – R8,000)
- A.11.7 (R8,001 – R9,500)  A.11.8 (R9,501 – R11,000)  A.11.9 (R11,001 – R12,500)

- A.11.10 (R12,501 and above)  A.11.11 Not working

A.12 If you were not working in A.10 above, why were you unemployed?

- A.12.1 Retrenched  A.12.2 Resigned  A.12.3 Dismissed  A.12.4 Health problems
- A.12.5 Disabled  A.12.6 Not skilled for any job  A.12.7 No jobs available
- A.12.8 Too young to work  A.12.9 Not willing to search in distant places
- A.12.10

Other(specify).....

A.13 Were you the bread winner in the household?

- A.13.1 Yes  A.13.2 No

A.14. What was your source of income?

- A.14.1 Pension (old age/disability)  A.14.2 Pension (retirement)
- A.14.3 Unemployment Insurance Fund  A.14.4 Formal employment
- A.14.5 Formal businesses  A.14.6 Small businesses/entrepreneur
- A.14.7 Crime  A.14.7 Others, specify .....
- 

**Section B: Incarceration/Rehabilitation and Poverty**

B.1 Are you having a regular contact with your family/relatives/children?

- B.1.1 Yes  B.1.2 No

B.2. If yes in B.1, how frequent are the visits?

- B.2.1 Weekly                       B.2.2 Fortnightly     B.2.3 Monthly                        
 B.2.4 Bi-monthly                      B.2.5 Quarterly     B.2.6 Half-yearly   
 B.2.7 Yearly                       B.2.8 Other (specify).....

B.3. According to your information, is there anyone working in your family?

- B.3.1 Yes                       B.3.2 No     B.3.3 I do not know

B.4 If yes in B.3, is the income being generated by the household enough to cater for the family?

- B.4.1 Yes     B.4.2 No     B.4.3 I do not know     B.4.4 Other

B.5 According to your knowledge, how is the family at home surviving while you are incarcerated?

- B.5.1 They are doing well     B.5.2 They are struggling     B.5.3 I do not know

B.6 Would you prefer to work while incarcerated in order to support your family?

- B.6.1 I would like to work for them     B.6.2 I would not like to work for them   
 B.6.3 The state should take care of them     B.6.4 Other (specify).....

B.7 If you would like to work for them in B.6 above, how should your income be distributed?

- B.7.1 I would like all my money to be given to my family/children     B.7.2 I want to keep all the money until I am released   
 B.7.3 I want the money to be given to a person nominated by me     B.7.4 I do not know     B.7.5 Other (specify).....

B.8 How would you feel, if 70% of your income is given to your family and 30% be utilised for your boarding and lodging?

- B.8.1 70/30 is fine     B.8.2 I would prefer 50/50     B.8.3 I would prefer 30/70   
 B.8.4 Other (specify).....

**Section C: Incarceration/Rehabilitation and Crime**

C.1 Where were you sentenced?

- C.1.1 Polokwane  C.1.2 Not in Polokwane but in Limpopo Province  C.1.3 Not in Limpopo Province but in South Africa  C.1.4 Other (specify).....

C.2. How long is your sentence?

- C.2.1 Not sentenced yet  C.2.2 Less than six months  C.2.3 More than six months but less than a year  C.2.4 More than one year but less than three years  C.2.5 More than three years but less than ten years  C.2.6 More than ten years  C.2.7 Other, specify .....

C.3. Is this your first institution to be incarcerated in?

- C.3.1 Yes  C.3.2 Was transferred to next to my home  C.3.3 I have been transferred to more than one institution  C.3.4 Other, specify.....

C.4 What made you to commit the crime that you are presently incarcerated for?

- C.4.1 Poverty  C.4.2 Friends  C.4.3 Short of cash to feed family   
C.4.4 My spouse was demanding  C.4.5 I was drunk  C.4.6 It was a mistake   
C.4.7 Other, specify.....

C.5 The present incarceration, is it the first time that you were incarcerated?

- C.5.1 Yes  C.5.2 I was incarcerated once before  C.5.3 I was incarcerated more than once before  C.5.4 Other, specify.....

C.6 Is there anyone from your family who is incarcerated or was once incarcerated?

- C.6.1 Yes  C.6.2 No

C.7 If you replied yes in C.6 above, how are you related to the person in question?

- C.7.1 Husband  C.7.2 Wife  C.7.3 Son  C.7.4 Daughter   
 C.7.5 Parent  C.7.6 Grandparent  C.7.7 Grandchild  C.7.8 Cousin   
 C.7.9 Other, Specify .....  C.7.10 Not applicable

C.8 If you responded yes in C.6 above, what was his/her criminal offence?

- C.8.1 Robbery  C.8.2 Drunken driving  C.8.3 Assault  C.8.4 Money  
 laundering  C.8.5 House breaking  C.8.6 Theft  C.8.7 Murder   
 C.8.8 Fraud  C.8.9 Other, specify.....  C.8.10 Not applicable

C.9 Is the criminal offence in C.8 above related to your offence?

- C.9.1 Yes  C.9.2 No  C.9.3 Not applicable

C.10 How do you feel about your sentence; is it too harsh or appropriate to the crime committed?

- C.10.1 Appropriate to the crime committed  C.10.2 Too harsh  C.10.3 I do not  
 know  C.10.4 Other, specify.....

**Section D: Incarceration on Recidivism**

D.1 Is rehabilitation functioning well in the correctional centres?

- D.1.1 Yes  D.1.2 No

D.2 If you replied no in D.1 above, where do you think the Department of Correctional Services and Criminal Justice System are lacking?

- D.2.1 Overcrowding  D.2.2 Lack of appropriate staff  D.2.3 Lack of  
 appropriate policies  D.2.4 Staff do not implement policies  D.2.5 I do not know  
 D.2.6 Other, specify.....

D.3 If you were to be released, will you possibly re-offend?

- D.3.1 Yes  D.3.2 Not a chance  D.3.3 Depending on the situation out of prison

D.3.4 I do not know  D.3.5 Other, specify.....

**Section E: Existing Framework**

E.1 Do you presently do any manual work at the correctional centre?

E.1.1 Yes  E.1.2 No  E.1.3 Just cleaning where we stay  E.1.4 Other, specify.....

E.2 If you replied yes in E.1 above, how frequent is the manual work?

E.2.1 Everyday  E.2.2 Once a week  E.2.3 Twice a week  E.2.4 Other, specify.....

E.3 If you replied yes in E.1 above, are you paid for the manual work?

E.3.1 Yes  E.3.2 No  E.3.3 Other, specify.....

E.4 If you replied yes in E.3 above, are you satisfied with the amount paid?

E.4.1 Satisfied  E.4.2 Not satisfied  E.4.3 Not applicable  E.4.4 Other, specify.....

E.5 In your own opinion, is the parole system in DCS applied fairly?

E.5.1 Fair  E.5.2 It is applied unfairly  E.5.3 I do not know   
E.5.4 Other, specify.....

E.6 Which areas of the parole system you feel need to be improved?

E.6.1 The way inmates are chosen  E.6.2 The panel that conducts the hearings  
 E.6.3 The policies that are applicable  E.6.4 Other, specify.....

E.7 How do you feel the DCS should address the present overcrowding in correctional centres?

E.7.1 Build more correctional centres  E.7.2 Send most inmates to community  
service  E.7.3 Release less serious crime offenders  E.7.4 Remove awaiting trial  
offenders  E.7.5 Let offenders work from home  E.7.6 Stop incarceration for petty  
crimes  E.7.7 I do not know  E.7.8 Other, specify.....

E.8 How do you feel about the mass incarcerations by the Criminal Justice System?

E.8.1 They create unnecessary overcrowding  E.8.2 They need to change their policies  E.8.3 It is good because of too much crime  E.8.4 Incarcerate offenders into community service  E.8.5 I do not know  E.8.6 Other, specify.....

E.9 How would you feel if offenders with sentences less than three years were incarcerated by the municipalities?

E.9.1 Would reduce unnecessary overcrowding  E.9.2 It is good because of too much crime  E.9.3 Incarcerate offenders into community service  E.9.4 I do not know  E.9.5 Other, specify.....

I would like to thank you for honestly completing this questionnaire.

**MN Khwela  
Researcher  
Department of Development Planning and Management  
University of Limpopo**

<b>Appendix viii</b>
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## **Appendix B**

### **DCS OFFICIAL'S QUESTIONNAIRE**

**ENSNAREMENT OF OFFENDERS’ FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B CORRECTIONAL CENTRE.**

- This questionnaire is designed to obtain information on the impact of incarceration on families/relatives of inmates in this Correctional Centre. I request you to respond to the questions frankly and honestly and your responses will be kept strictly confidential. The information collected will be used for academic purposes only.
- As a respondent, you are also guaranteed anonymity; and participation in the study is voluntary.
- Please mark with an ‘x’, the option that best describes your response where appropriate and write eligibly where you have to provide details. If there is not enough space for the information, an additional page could be attached to the document.

Consent form	Respondents signature
I, the respondent grant the interviewer my permission to interview me. Information provided will be confidential and be used for the purpose of this study.	

**Section A: Demographic Profile of the DCS Official**

A.1. How would you describe your age category in years?

- A.1.1 (Less than 15years)  A.1.2 (15 – 20 years)  A.1.3 (21 – 25 years)   
 A.1.4 (26 – 30 years)  A.1.5 (31 – 35 years)  A.1.6 (36 – 40 years)   
 A.1.7 (41 – 45 years)  A.1.8 (46 – 50 years)  A.1.9 (51 – 55 years)   
 A.1.10 (56 – 60)  A.1.11 (Above 60 years)  A.1.12 Other, Specify .....

A.2. What is your gender?

- A.2.1 Female  A.2.2 Male

A.3. What is your occupation in DCS?

A.3.1 Deputy Director  A.3.2 Assistant Director  A.3.3 Correctional Official level 8   
A.3.4 Correctional Official level 7  A.3.5 Correctional Official level 6  A.3.6 Correctional  
Official level 5  A.3.7 Student  A.3.8 Other, specify.....

A.4. How would you describe your race?

A.4.1 African  A.4.2 Coloured  A.4.3 White  A.4.4 Indian   
A.4.5 Asian  A.4.6 Other, Specify .....

A.5. What is your ethnic group?

A.5.1 Pedi  A.5.2 Zulu  A.5.3 Tswana  A.5.4 Sotho   
A.5.5 Venda  A.5.6 Tsonga  A.5.7 Ndebele  A.5.8 Swati  A.5.9 Afrikaner   
A.5.10 English  A.5.11 Xhosa  A.5.12 Other, Specify .....

A.6. What is your highest educational qualification?

A.6.1 Primary  A.6.2 Secondary  A.6.3 Matric  A.6.4 Junior  
Degree/Equivalent  A.6.5 Honours Degree/Equivalent  A.6.6 Master's  
Degree/Equivalent  A.6.7 Other, Specify .....

A.7. Do you have any special skill that is relevant to DCS?

A.7.1 Yes  A.7.2 No  A.7.3 I do not know

A.8. If yes in A.7, what type of skill are you having?

Specify, -----

### **Section B: Incarceration/Rehabilitation and Poverty**

B.1 In your own view, what is the level of poverty among offenders' families?

B.1.1 Very high  B.1.2 High  B.1.3 Low  B.1.4 Very low   
B.1.5 I do not know  B.1.6 Other, Specify .....

B.2. Are the offenders who are incarcerated involved in any form of labour like paid work?

- B.2.1 Yes, all of them       B.2.2 Yes, some few       B.2.3 Those who are willing to work   
 B.2.4 No one is working       B.2.5 I do not know       B.2.6 Other, Specify .....

B.3. Does the labour generate any income for the inmates, DCS or government?

- B.3.1 Yes for the government       B.3.2 Yes, a little for the inmates       B.3.3 Yes, a lot for the inmates   
 B.3.4 No, there is no salary       B.3.5 I do not know       B.3.6 Other, Specify .....

B.4 How would you feel if offenders earned a salary that they could share with their families that are left behind?

- B.4.1 Not good at all       B.4.2 It would be fair       B.4.3 It would help families that are poor   
 B.4.4 It would help families that are very poor       B.4.5 I do not know

B.5 How could inmates earn a salary?

- B.5.1 Do public works projects       B.5.2 Working in government offices       B.5.3 Working in commercial farms   
 B.5.4 Working around the centre       B.5.5 I do not know       B.5.6 Other, Specify .....

B.6 According to your knowledge, how are their families surviving while the inmate is incarcerated?

- B.6.1 They are doing well       B.6.2 They are struggling       B.6.3 I do not know

B.7 How would you feel, if inmates were afforded paid labour with 70% of their income to be given to their family and 30% be utilised for the inmate's boarding and lodging?

- B.7.1 70/30 is fine       B.7.2 I would prefer 50/50       B.7.3 I would prefer 30/70   
 B.7.4 Other (specify).....

**Section C: Incarceration/Rehabilitation and Crime**

C.1 What is the level of crime inside the correctional centre?

- C.1.1 Very high  C.1.2 High  C.1.3 Low  C.1.4 Very low   
 C.1.5 I do not know  C.1.6 Other, Specify .....

C.2. Do inmates become more experienced in crime during incarceration?

- C.2.1 Yes  C.2.2 No  C.2.3.I do not know  C.2.4. Other, specify.....

C.3. Does rehabilitation have an impact on incarcerated inmates?

- C.3.1 Yes, they benefit from it  C.3.2 No, very few benefit from it  C.3.3.I do not know  C.3.4. Other, specify.....

C.4 What makes inmates to commit crime inside the correctional centre?

-----  
 -----

C.5 Have you ever been involved in crime prevention inside the correctional centre?

- C.5.1 Yes  C.5.2 No

Please specify-----  
 -----

C.6 Have you ever experienced violence inside the correctional centre?

- C.6.1 Yes  C.6.2 No

C.7 Were you ever involved in violence inside the correctional centre?

- C.7.1 Yes  C.7.2 No  Please specify-----

**Section D: Incarceration on Recidivism**

D.1 Is rehabilitation functioning well in this correctional centre?

- D.1.1 Yes  D.1.2 No  D.1.3.I do not know  D.1.4. Other, specify.....

D.2 What is the present ratio per official and the number of prisoners?

-----  
D.3 What would be the best staffing (ratio) inside the correctional centre?  
-----

D.4 What do you think causes recidivism?  
-----  
-----

D.5. In your own view, how could the problem of recidivism be addressed?  
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-----

D.6. What do you think promotes recidivism?  
-----  
-----

**Section E: Existing Framework**

E.1 In your own view, how do you think the present problem of rehabilitation could be made effective?  
-----  
-----

E.2 Is the rehabilitative framework effective?  
-----  
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E.3 In your own view, how do you think the present rife scourge of crime in the correctional centre could be curbed?  
-----

E.4 What is your ideal rehabilitation process compared to the present one?  
-----

-----  
E.5 In your own opinion, is the parole system in DCS applied fairly?  
E.5.1 Fair  E.5.2 It is applied unfairly  E.5.3 I do not know   
E.5.4 Other, specify.....

E.6 Which areas of the parole system you feel need to be improved?  
E.6.1 The way inmates are chosen  E.6.2 The panel that conducts the hearings  
 E.6.3 The policies that are applicable  E.6.4 Other, specify.....

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E.7.1 Build more correctional centres  E.7.2 Send most inmates to community  
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offenders  E.7.5 Let offenders work from home  E.7.6 Stop incarceration for petty  
crimes  E.7.7 I do not know  E.7.8 Other, specify.....

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E.8.1 They create unnecessary overcrowding  E.8.2 They need to change their  
policies  E.8.3 It is good because of too much crime  E.8.4 Incarcerate  
offenders into community service  E.8.5 I do not know  E.8.6 Other,  
specify.....

E.9 How would you feel if offenders with sentences less than two years were incarcerated by  
the municipalities?  
E.9.1 Would reduce unnecessary overcrowding  E.9.2 It is good because of too much  
crime  E.9.3 Incarcerate offenders into community service  E.9.4 I do not  
know  E.9.5 Other, specify.....

E.10. Is the Victim-Offender-Dialogue working?  
.....

E.11. Is there any other information that you would like to add to the information above?.....  
.....  
.....

I would like to thank you for honestly completing this questionnaire.

**MN Khwela**  
**Researcher**  
**Department of Development Planning and Management**  
**University of Limpopo**

## Appendix ix



### correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie de-Bruyn Street, PRETORIA  
Tel (012) 307 2000, Fax (012) 328-5111

**Mr. Khwela MN**  
**NO 5 Villa Venice**  
**54 Thabo Mbeki Street**  
**Polokwane**

Dear Mr. Khwela

**RE: FEEDBACK ON THE APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON "ENSNAREMENT OF PRISONERS' FAMILIES TO POVERTY AND CRIME IN SOUTH AFRICA: A CASE OF POLOKWANE MEDIUM B PRISON."**

We acknowledge receipt of your application but regret to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been *declined* due to the following reasons:

- The title consists of outdated DCS terminology like 'prison' etc.
- The title is focused on the family while the objectives revolve around the inmate himself/herself. This constitutes an inconsistency in the proposed study and needs to be addressed.
- The role of the DCS staff in the study is not clear
- The proposed sample is too large for one centre (Polokwane)

It is recommended that you rework your proposal and re-submit to the next DCS REC.

Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number (012) 307 2770.

Yours faithfully

**ND SIHLEZANA**  
**DC: POLICY CO-ORDINATION & RESEARCH**

DATE: 21/11/2013