

**A STUDY OF THE PARTICIPATION OF VHEMBE DISTRICT COMMUNITY
CORRECTIONS FORUM (CCF) MEMBERS IN THE RE-INTEGRATION OF EX-
OFFENDERS INTO THE COMMUNITY**

By

TSHIMANGADZO OSCAR MAGADZE

THESIS

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Supervisor: Prof Dr C.J. Roelofse

Co-Supervisor: Dr C.E. Oliver

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DECLARATION

I declare that a study of the participation of Vhembe District Community Corrections Forum (CCF) members in the re-integration of ex-offenders into the community (thesis) hereby submitted to the University of Limpopo, for the degree of PhD in Criminology has not previously been submitted by me for a degree at this or any other university; that it my work in design and in execution, and that all material contained herein has been duly acknowledged.

Mr TO Magadze

Date

DEDICATION

My mother: Thank you for your unconditional support towards my studies. I am honoured to have you as my mother (Munyaliwa Leah Sisinya). Thank you for giving me the chance to prove and improve myself throughout life. Please, do not ever change. I love you (*Mudzimu a vha tonde zwi hulu*).

My wife: I would like to thank my gorgeous wife, Nomazwi Millicent Mhlanga for her support and encouragement. I could not have completed this research journey without her support, tolerance and enthusiasm.

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Abstract

Community involvement in ex-offenders' re-integration is an important issue in efforts to reduce recidivism and to control overcrowding in our correctional facilities. Crime is a social problem which requires society to come together to fight against. The Department of Correctional Services (DCS) introduced Community Corrections Forums (CCFs) with the aim of controlling re-offending by ex-offenders. CCFs were established in each region to bring the community, business and stakeholders together to facilitate rehabilitation and re-integration. This study was conducted in the Limpopo Province, in Vhembe District Municipality within four local municipalities, namely Musina, Makhado, Mutale and Thulamela. A total number of 30 participants were interviewed and all were members of Community Corrections Forums. This was necessitated by the fact that Musina is a very small area which compelled the Department of Correctional Services to combine the two (Musina and Makhado) into one social re-integration entity. This is a qualitative research study where participants were selected through the use of purposive sampling. Participants were selected based on the value they would add to this study in order to achieve objectives. The data collection method of this study was the focus group which comprised by 3 groups of 10 participants each. Thulamela and Mutale local municipalities formed a group with (10) participants each whereas Musina (2) and Makhado (8) formed another. Results indicate that the current situation is not conducive for re-integration to be successful. CCF members raised many factors that need serious redress, namely offenders' discrimination, lack of forgiveness by members of the community which is fuelled by lack of community awareness due to lack of education of communities by the Department of Correctional Services on reduce space of ex-offenders' re-integration. The relationship between CCF and DCS raises many questions based on the results. Without a good working relationship between these two offices, the study observed that there would be no successful re-integration policy. Theoretical implications of the investigation based on labelling theory are discussed, together with practical applications for ex-offenders. The latter face daunting barriers to successful re-integration. Successful re-entry requires strong community support networks and comprehensive services by DCS, both of which are lacking in Vhembe District.

Key concepts: Re-integration; Restorative Justice; Ex-offender; Community; Labelling

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DIAGRAMS

- Recidivism likelihood scale
- Components of the control theory
- Data analysis in the study

LIST OF ACRONYMS

BCRE	Botshabelo Centre for Re-integration of Ex-offenders
CCOs	Community Corrections Officers
CC	Community Corrections
CRIMSA	Criminological and Victimological Society of Southern Africa
CSPB	Correctional Supervision and Parole Board
CMC	Case Management Committee
CCFs	Community Corrections Forums
CSP	Correctional Sentence Plan
CSVR	Centre for the Study of Violence and Rehabilitation

CAT	Case Assessment Team
DCS	Department of Correctional Services
DoJ	Department of Justice
FGC	Family Group Conference
FGDM	Family Group Decision Making
HCC	Head of Community Corrections
ORP	Offender Rehabilitation Path
SAPS	South African Police Services
NGOs	Non-Governmental Organisations
NICRO	National Institute for Crime Prevention and Re-integration of Offenders
NPS	Nigerian Prison Services
SAIRR	South African Institute for Race Relations
JCPS	Justice Crime Prevention and Security Cluster
IMC	Inter-Ministerial Committee
TRC	Truth and Reconciliation Commission
RDP	Reconstruction and Development Programme
SOM	Survivor-Offender Mediation
USA	United States of America
SA	South Africa
VOM/D	Victim-Offender Mediation/Dialogue

CHAPTER 1

BACKGROUND TO THE STUDY

1.1 INTRODUCTION

Successful crime prevention strategies must address factors contributing to the large number of crimes in South Africa, *inter alia* those crimes committed by individuals who have served a term of incarceration and failed, upon their release, to integrate into the community as law-abiding citizens (Casey & Jarman, 2011:43). Community safety makes it imperative that governments and communities develop effective interventions that will assist ex-offenders to successfully re-integrate into the community and avoid further criminality (recidivism). Griffiths, Dandurand and Murdoch (2007:23) state that, “[m]anaging offender re-entry processes and programmes are gaining community acceptance and may offer a cost-effective way of preventing crime”.

According to the White Paper on Corrections (2005:74), the “purpose of the Correctional System in South Africa is not punishment, but protection of the public, promotion of social responsibility and the enhancing of human development in order to prevent recidivism or the return to crime”. However, the purpose of the White Paper cannot be adequately pursued without the cooperation of communities.

Mnyani (1994:1) states that, imprisonment takes away basic human rights from an offender like freedom of movement and association. Nevertheless, imprisonment does not only seek to incapacitate criminals, the aim is to protect communities and also to rehabilitate offenders with the view of successful re-integration. Mnyani (ibid.,p.1) further indicated that:

If the ideal of imprisonment is to rehabilitate offenders in order to become law-abiding citizens, it is the community where the offender comes from and to which he/she will return after release which should be actively involved in the rehabilitation and re-integration process.

Communities should partner with the Department of Correctional Services to optimise the process of rehabilitation and re-integration.

Offender re-integration, in a nutshell, looks at factors to assist offenders to re-integrate into society with the aim of keeping them from committing crimes again. Therefore, re-integration is a long-term process that actually starts prior to release and continues well after the actual release of an offender.

1.2 STATEMENT OF THE PROBLEM

The researcher grew up in a remote rural area where community members believe that past behaviour is the best predictor of future behaviour (Franklin, 2013:26). From this perspective, Franklin further indicated that “it is reasonable to attempt to prevent crime by preventing ex-offenders from continuing their criminal behaviour after release”. Offenders participate in various rehabilitation programmes during their incarceration. The challenge is to sustain these rehabilitation efforts after their release from correctional facilities (Jarome, 2010:20). The researcher identified the following challenges that ex-offenders encounter upon their release, such as the need for employment, food, shelter, and dealing with the stigma of having been imprisoned (labelling by community members) (Winnick & Bodkin, 2008:295). Society is usually reluctant to receive ex-offenders after their release. Consequently, ex-offenders struggle to find employment because of this stigma, which often translates into family break-ups (Ministry of Justice, 2012:32). They are then expected to invent new ways of making a living and surviving without any help from the community. Subsequently, they fall back into crime. Where correctional facilities and community resources exist and can be mobilised, the offender’s re-entry process can be more effectively managed in order to reduce the likelihood of recidivism.

Padayachee (2008:20) states that “the re-integration approach holds greater promise to reduce crime than a strictly punitive approach”. Similarly, Wodhal (2006:32) observes that “there has been evidence that some interventions such as helping ex-offenders to find jobs can reduce recidivism”. Scholars such as Muntingh (2001:34) and Padayachee (2008:20) noted that offenders who received treatment showed lower rates of recidivism when compared to offenders who received no treatment at all.

Prospective parolees need confirmation of a residential address where they will be lodged during parole. In the absence of such confirmation, they are not released until they serve their full sentence. This demoralises them and often they do not want to participate in rehabilitation and skills development programmes anymore. In the same vein, Albertus (2010:43) argues that numerous ex-offenders relapse upon release. This is mainly due to the failure to support their re-integration back to society as law-abiding citizens which in turn contributes significantly to the already increasing crime rate. In light of this statement, the researcher argues that effective re-integration of ex-offenders into society should be seen as a central part of a comprehensive crime prevention strategy.

According to White Paper on Corrections (2005:74) it is unfortunate that, “offender re-integration in South Africa has not been considered a national priority and therefore has not been considered as a legitimate crime prevention or crime reduction intervention in the past”. The researcher’s observation is that successful re-integration of ex-offenders benefits society and potentially reduces crime and victimisation.

Walmsley (2012:2) states that “South Africa has one of the highest incarceration rates in the world”. Statistics show that this rate is more than double that of any European country. The majority of these offenders (51% of the prison population), are incarcerated for crimes of violence (Vapi & Boyle, 2004: 30). The White Paper on Corrections (2003:71) indicates that, “there are no reliable figures on the rates of recidivism in South Africa, but academic and scholarly research estimates that between 85% and 94% of prisoners re-offend”. Vapi and Boyle (2004:31) claim that 60% of South Africa’s prison population comprises repeat offenders. This shows that offender re-integration in the country is not functioning as expected.

The higher the success rate of re-integration, the fewer recidivists will be re-admitted and consequently, the prison population will be reduced. Currently, there is a lack of community involvement into ex-offenders’ re-integration which makes it difficult for ex-offenders to settle back in their communities. The introduction of Community Corrections Forums (CCF’s) is not effective and the policy is silent about their objectives during the re-integration process. Therefore, is not surprising that the recidivism is high in South Africa. The Department has endorsed a community

participation policy to achieve re-integration objectives, but the challenge relates to how the Department will achieve these objectives if the implementation process is not effective. The CCF's are embedded into communities and can serve as a conduit between the Department of Corrections and communities during re-integration. Very little is known about the role of CCF's and they are not used effectively. This was revealed through informal discussions with CCF members and hence this study is set on studying the role of CCF's in the identified study area.

1.3 PRELIMINARY LITERATURE REVIEW

The purpose of reviewing literature is to identify the key issues, problems and controversies surrounding the research problem. This means identifying gaps in existing knowledge and practice, and articulating the weakness of arguments of a particular approach (Pamela, Peter & Victor, 2011:67). Selected interventions for offenders designed to reduce rates of re-offending and to promote the successful re-integration of offenders back to their communities. The White Paper on Corrections (2005:34) suggests that it is not the duty of a particular department to reduce re-offending but,

...it is the responsibility of all social institutions and individuals (starting within the family and educational, religious, sport and cultural institutions), and a range of government departments

In addition, reconciliation of the offender with the community is listed as a key objective by the White Paper on Corrections and the principles of restoration are stated as a 'correctional management objective' (White Paper on Corrections, 2005:40)".

McNeill (2006:56) puts it this way:

The State cannot be said to be in the business of 're-integrating individuals'. Professionals cannot re-integrate anyone no matter how much training they have. Ex-offenders can re-integrate themselves and communities can reintegrate ex-offenders. But the most that the State can do is to help or hinder this process. Re-integration happens 'out there', when the professionals go home.

Offenders' re-integration is not an individual fight; it requires the participation of as many stake-holders as possible, for example, the Police, Correctional Service, Justice and the community. However, the community needs to play a vital role as communities deal with the reception of the released offenders. In order to have successful offender re-integration, communities must be involved throughout the whole process and this is where CCF's can play a vital role.

1.3.1 Principles underlying the Integrated Support System Policy

The following is a list of principles from the White Paper on Corrections (2005:75) in order to identify the problem of offender re-integration. The Integrated Support System Policy of the Department of Correctional Services is based on the following principles:

- *“Community-based, non-profit and non-governmental organisations will be involved in the re-integration process of offenders into the community;*
- *The Integrated Support System shall jointly cater for the development and rehabilitation of offenders;*
- *Offenders will be referred by the community corrections officials to various support services for their rehabilitation process within their residential areas;*
- *The various support services will cater for the individual needs of the offenders in the community; and*
- *Families/friends/potential employers/other role-players will be involved in obtaining employment for offenders”* (White Paper on Corrections (2005:75).

The researcher argues that the Department of Correctional Services is not doing enough to see to it that all these principles are promoted and implemented in communities. Through this study, the DCS, other government departments and stakeholders will be able to understand the reasons why re-integration is not effective with resulting recidivism.

1.3.2 The role of the Department of Correctional Services in community corrections

The Department's perspective on corrections provides the fundamentals for its new strategic (DCS, 2005). It is based on the ideals contained in the South African Constitution, Act 108 of 1996 [s12(1) (a) - (e)], which assert that "all South Africans should contribute to maintaining and protecting a just, peaceful and safe society in our country". This should be done by upholding the law and promoting social responsibility and human development of all citizens. It is therefore the approach of the South African government that correction (both self-correction and the correction of others) is inherent in good citizenship (DCS, 2005:15).

In this regard, the Department of Correctional Services recognises the family as the basic unit of society. The former Minister of correctional services Mr Thabo Makwetla (2015:1) stated that,

...the family is also the primary level at which correction should take place. The community, including schools, churches and organisations is the secondary level at which corrections should take place. The State is regarded as being the overall facilitator and driver of corrections, with the Department of Correctional Services rendering the final level of corrections.

South African successes in crime-prevention and rehabilitation are intimately connected to how effectively the DCS addresses differences in families that put people at risk with the law at this level (DCS, 2005:18). The researcher supports the notion of the importance of the family in corrections.

1.3.3 Reconciliation of the offender with the community

The Department of Correctional Services in co-operation with Community Corrections Forums (CCF) and other authorities such as churches, business associations, traditional leaders and other community structures must address the reconciliation of the offender with the community, and facilitate the process of restorative justice. This includes restoration of trust, where applicable, as an integral part of rehabilitation and re-integration. Former Minister Sibusiso Ndebele (DCS, 2012:1) states that if there was no reconciliation between the offender and the community, the risk of repeat Offending (recidivism) is high due to alienation.

Support for the above views on community involvement is vividly explained by Shaw (2006:128) who argues that crime prevention is dependent upon community involvement and various stakeholders such as municipalities, the police schools and private sector should in a partnership. Communities have a key role to play in the successful re-integration of ex-offenders. However, specific strategies are required to mobilise and sustain community interest and involvement in assistance and supervision programmes.

1.3.4 Other countries' experiences in ex-offender re-integration

Workman (2011b) states that South Africa adopted its corrections style from the United States of America. It is therefore very significant for the study to compare American and South African correctional styles. In addition, reference will be made to England's style as South Africa and America are both former colonies of Great Britain.

1.3.4.1 The United States of America

At the community level, the difference between the United States of America and South Africa is that, American churches are very involved in after-care services to promote successful ex-offenders' re-integration. The USA government and Americans are working together in order to see to it that ex-offenders do not commit crimes again after release. Dornfeld (2012:2) states that, in considering the after-care services in the United States of America, ex-offenders organise themselves to assist other ex-offenders with challenges of re-integration. *The Network for Life* is a group of ex-offenders functioning in cities across America specifically for this purpose, and is supported by businesses, NGOs and churches to assist ex-offenders with re-integration (Dornfeld, 2012:2). These groups are service-oriented rather than support-oriented, and their aim is to help with the very real, practical and personal needs of ex-offenders in a holistic and organised way. *The Network for Life* is an explicitly Christian organisation, although assistance is offered to anyone in need, regardless of their religion or lack of religious faith.

According to Van Ness (2002:4), in many churches in the United States of America, volunteers are involved in reaching out to ex-offenders. Much of this work is going on in prisons, but a great deal of it is also happening within communities. All over the United States, churches and church members are stepping forward to help those coming back from prisons that are willing to accept help, and work hard. For example, job training and placement efforts, drug and alcohol treatment programmes, life skills training and monitoring are all ways in which church members get involved.

According to Yoon and Nickel (2008:20), there are some 258,000 churches, synagogues and mosques in the United States of America involved in after-care services to help ex-offenders who need the community's help to re-start their lives after coming back from correctional facilities. These religious institutions offer hope of re-integration for offenders who are faced with issues, albeit in very different ways, that could benefit from a touch of the 'faith factor.' Yoon and Nickel (2008:23) state that in Detroit, Michigan, a demonstration project, called 'Detroit Transition of Prisoners' (TOP) has been initiated. Yoon and Nickel (2008:24) further emphasise that, in the United States of America, TOP is a church-based, non-residential after-care programme. Its purpose is to help selected prisoners overcome personal, economic and societal barriers in order to lead productive, crime-free lives following their return from imprisonment. TOP engages and equips community churches and volunteers to encourage, assist and strengthen accountability for ex-offenders.

1.3.4.2 England

The researcher observed that England applies different methods compared to South Africa towards ex-offenders' re-integration. They introduced after-care programmes that look after ex-offenders during their re-entry into their communities but unlike America and South Africa, this is a government controlled process. The need and philosophy of after-care programmes is to have successful ex-offenders' re-integration. This was summed up by Malot and Fromader (2010:35), prison reformers in England, stating that:

An effective penal system must aim for the re-integration of prisoners into society. In the last resort this is because there is a moral argument

for after-care. It is simply that no man is so guilty, nor is society blameless, that it is justified in condemning anyone to a life time of punishment, legal or social. Society must be protected, but this is not done by refusing help to those who need it far more than most of their fellow citizens.

In England, the Central After-Care Association, which is entirely funded by the State, is responsible for statutory supervision, to assist ex-offenders' re-entry into their societies. This is primarily offenders who have served imprisonment for four years or longer, and those who have been sentenced to corrective training and preventive detention (Wilkinson; 2004:14). Under the Criminal Justice Act of 1961, supervision over ex-offenders is compulsory for all offenders who are sentenced for four years imprisonment and above, and also for those serving sentences of imprisonment of six months or more who are recidivists, or under twenty-six years of age at the date of sentence. According to Malot and Fromader (2010:36), there are two more developments in the prison system in England, which have some bearing on the question of after-care. Firstly, home-leave for five days may be granted to offenders on corrective or long term imprisonment, and this gives the offenders an opportunity to contact those responsible for their after-care programme, and also to look for potential employers. Secondly, there are pre-discharge hostels, which are meant for carefully selected offenders serving preventive detention. These offenders go out to work in a local establishment and have to pay for their upkeep out of the wages earned. This leads to successful re-integration of offenders in England.

In summary, the American and English models differ primarily on the basis of a voluntary faith-based and citizen-driven approach in America while in England it is a government supervised programme. In South Africa, the attempt is to develop a citizen-driven programme through the CCFs. South Africa is therefore following the American citizen-driven model.

1.4 THEORETICAL FRAMEWORK

The preferred theory for the research is the labelling theory.

1.4.1 The labelling perspective

Communities can help to restore the offender's identity by erasing the social stigma associated with being an ex-offender. Schmalleger (2006:64) indicated that, "labelling theory essentially states that communities label certain behaviours and actions as criminal, hence once sanctioned for the criminal act, the offender is permanently labelled by communities". Once labelled as a criminal, the individual has few legitimate opportunities to re-integrate successfully back into the community. This individual will seek out others with a similar label of social misfits and resort to crime because he or she has identified and internalised the label (Schmalleger, 2006:64).

Community actions towards integrating offenders was observed by Winnick and Bodkin (2008:301), who stated that "[t]he impact of community reaction to certain types of behaviour or particular categories of people is crucial in explaining the criminalisation process". Appiah (2007:62) contends that "community groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular people (offenders) and labelling them as outsiders". From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application of rules and sanctions applied to an offender by those in society that one can refer to as the "labellers". This often makes ex-offender re-integration programmes unsuccessful. That is the reason why ex-offenders often resort to re-offending and particularly in relation to the following exploratory constructs:

- (a) There is a drastic change in the individual's public identity after he or she has committed a crime.
- (b) People generalise about the possession of one deviant act so that people automatically assume that its bearer possesses other undesirable traits. In other words, a person that has committed one type of crime can also commit other crimes.

- (c) The process of labelling is “a self-fulfilling prophecy” where processes are set in motion which “conspires to shape the person and the image people have of him” (Appiah, 2007:62).

The study makes use of these theoretical concepts to assess Community Corrections Forum (CCFs) members on re-integration of ex-offenders in the study area. These constructs have been included in the data collection instrument.

1.5 DEFINITION OF OPERATIONAL TERMS

This study makes use of the following concepts:

- **Community:** This refers to a social group of any size whose members reside in a specific locality, share government, and often have a common cultural and historical heritage (Fontaine & Millen, 2004:13). For the purpose of this research, a community is a group of people who reside in a locality and share the same vision and interest with regard to the re-integration of offenders.
- **Re-integration:** This term entails all activities and programmes conducted to prepare an offender to return safely to the community and live as a law-abiding citizen (Maruna & Immarigeon, 2007:290). For the purpose of this research, re-integration means when offenders become active and productive with the support from the community to settle down well from the correctional facilities in order to reduce re-offending behaviour through a successful re-integration process.
- **An ex-Offender:** this refers to a person who has broken the law, have been convicted and sent to a correctional centre and released from incarceration (Lichtenberger, 2006:67).
- **Labelling theory:** is based on the idea that behaviors are deviant only when society labels them as deviant. Unfortunately, people who accept the labelling of others have a difficult time changing their opinions of the labelled person, even in light of evidence to the contrary (Crossman, 2014:1).

1.6 PURPOSE OF THE STUDY

The aim of the study was to investigate the participation of Community Corrections Forums (CCFs) in the re-integration of ex-offenders.

1.6.1 Objectives

The specific objectives of the study are:

- To explore the Community Corrections Forum (CCF) members' perceptions towards re-integration of ex-offenders;
- To explore the Community Corrections Forum (CCF) members' understanding of ex-offender re-integration policies; and
- To gain a better understanding of the experience of Community Corrections Forum (CCF) members during re-integration of ex-offenders.

1.7 RESEARCH METHODOLOGY

1.7.1 Research design

This study is qualitative in nature because it best suits the exploratory research design. According to Minichiello and Kottler (2010:45), an exploratory study is performed when a researcher has little knowledge about the situation or has no information on how similar problems or research issues have been solved in the past. The study embarks on investigating and finding the real nature of the problem of ex-offender re-integration back to the community by involving CCF's. In addition, solutions and new ideas could surface from this type of research.

1.7.2 Sampling method

The study makes use of purposive sampling to select Community Corrections Forums (CCF) members (these are non DCS officials) through the assistance of the Head of Community Corrections (HCC) at Makhado and Thohoyandou Department of Correctional Services in Limpopo Province. The study did not make use of ex-offenders because many studies have been conducted in this regard (Mnyani, 1994; Maruma & Immarigeon, 2007: 23). There are 160 CCF members in Vhembe District. The researcher attended two meetings called for CCF's and arranged with the HCC to give him an opportunity to meet with and select participants. From these meetings, members from the CCF were purposively selected to form part of 3 focus groups with 10 participants each. This ensured that there were participants from the four main areas in the study area, namely Makhado, Musina, Thulamela and Mutale. Due to the relatively small population, it is assumed that the 4 focus groups would present the researcher with sufficient data for the study. It was also assumed that to add more focus groups would add no new information to the fore. CCF members have particular experiences of re-integration that were most likely to advance the researcher's interests and potentially open new avenues about re-integration. This was done in recognition of a statement by Maree (2010:172), that participants in purposive sampling are selected because of some defining characteristics that make them the holders of the data needed due to their perceived understanding of re-integration. In this instance, participants were selected based on the fact that they belonged to Community Corrections Forums and therefore were involved in re-integration programmes.

1.7.3 Data collection method

The study employed focus group interviews to collect data from Community Corrections Forums (CCF) members. The researcher conducted separate group interviews with CCF members within each municipality (community corrections). Focus group interviews were carefully planned with groups of people (CCF) representing the community in order to record their common experiences/knowledge about the topic. Thomas, Nelson and Silverman (2011:67) state that interviews with open-ended questions allow the participants to elaborate more on what they think

about the topic under study. The advantage of using this data collection method is that it allows respondents to freely express their views while also affording the researcher to probe on issues that need more elaboration. Interviews were designed in order to get the best possible answers in tandem with the research objectives.

1.7.4 Data analysis

Becker and Bryman (2004) indicated that, “[d]ata analysis is the process of bringing order, structure and meaning to a huge volume of collected data”. The study used thematic content analysis to analyse data. According to Vaismoradi, Turunen and Bondas (2013:400), thematic content analysis helps to prepare the researcher to arrange the results into emerging themes from the interviews (focus groups) with participants. Gibbs (2010:3) “notes that three steps are involved when analysing data using thematic content analysis”. These steps are reduction or breaking down the text, exploration of the text and integration of the exploration. The study followed the three steps identified by Gibbs (2010) for the data analysis.

1.8 PILOT STUDY

The researcher conducted a pilot study. Pilot study is defined by Bless, Higson-Smith and Kagel (2006:156) as “[a] small study conducted before the actual research to determine whether the methodology, sampling, instruments and analysis” procedures are adequate. The researcher conducted a pilot study by taking a small group of CCF members to test validity and reliability of instruments in order to identify potential practical problems in following the research procedure. The pilot study improved the researcher’s experience of interviewing as well as his interpersonal skills as important aspects of qualitative research. In addition, it also gave the researcher the opportunity to probe for relevant responses from participants being mindful of the participants’ sensitivity and rights to dignity or respect. No adjustments to the focus group interview schedule were necessary.

1.9 BIAS

The researcher took responsibility to ensure that bias was reduced. The study made use of focus group interviews to minimise the bias that could arise by discussing questions and factors as a group rather than as individuals. Discussions minimise bias unlike distributing questionnaires, where participants may not understand. In the focus group interview, the researcher is there to clarify questions fully and immediately, so that participants do not give answers to questions they do not understand.

1.10 ETHICAL CONSIDERATIONS

Prior to conducting or collecting data, the researcher applied for ethical clearance from the University of Limpopo Ethics Committee (see attachment appendix: E). Following this approval, permission was also obtained from the Department of Correctional service. The approval obtained is appended hereto (See attached appendix: F). The researcher also considered the following ethics codes in the study, which are supported by Criminological and Victimological Society of Southern Africa (CRIMSA) Code of Conduct as amended at the annual general meeting dated 27 August 2004. The code is intended to sensitise criminologists, victimologists and other scholars or practitioners aligning themselves with the criminological sciences (hereafter referred to as “criminologists”) to ethical issues that may arise in their work and to encourage them to behave ethically.

1.10.1 Informed consent

According to Rogers (2008:36) informed consent is the cornerstone of ethical research. It provide an important aspect through the quality of the information provided by potential participants. The researcher assured that potential participants understood the importance consent. Prior to the focus groups sessions commenced, consent forms were distributed and signed by each participant. The informed consent forms were placed on record in a special file.

1.10.2 Privacy, confidentiality and anonymity

According to Polit and Beck (2010:43), the right to confidentiality forms an essential part of research. The researcher protected the respondents' identities and responses from the public domain. Assurances that identities of subjects were protected through the assignment of pseudonyms, in data analyses, and throughout the discussion in the study, were given to participants. Participants were guaranteed privacy and anonymity and their information was also treated as confidential.

1.10.3 Avoidance of harm

Canterbury Christ Church University (2006:30) states that, "social research should never injure the participants, regardless of whether they volunteer for the study. The researcher ensured that all the procedures in research were followed to avoid harming the participants whether physically or emotionally and counselling sessions were arranged for participants who could have suffered emotional discomfort as a result of the interview". It turned out that this was not needed.

1.11 SIGNIFICANCE OF STUDY

The researcher has observed and realises that South Africans are traumatised by crime. According to MacCloy (20015) being affected by crime can lead a person to have Post Traumatic Stress Disorder (PTSD) and look on how to cope with it. The researcher's impression is that there is a lot that needs to be done in the country so that communities can be able to reconcile with (forgive and forget) ex-offenders in order to accept them back into communities. The researcher is of the opinion that through ex-offenders re-integration this impression can be achieved with the involvement of the community and relevant stake holders. By so doing, this will assist to reduce the high rate of crime and overcrowding in South African correctional centres. Through this research, the Department of Correctional Services will be able to understand that without community participation in ex-offenders re-integration programmes will remain unsuccessful. This project will provide a clear picture of what needs to be done by the DCS and Vhembe District community in

order to achieve the mission and vision on offender re-integration with the involvement of the CCF's community. The study hopes to make recommendations to all relevant role-players and stakeholders because this research deals with a social problem that affects every member of the community and South Africa at large. A better understanding of the re-integration procedures would allow Community Corrections Forum members, professionals, friends, and family members to help more offenders to adjust their lifestyle outside of prison and learn to desist from further criminal activity.

1.12 DELIMITATION OF THE STUDY

The study does not focus on the decision making process of the Parole Board and Case Management Committee within the Department of Correctional services but only looks at the roles, responsibilities that are in place with respect to the CCF. The study is confined to the community corrections as a statutory body in relation to its role, responsibilities, accountability and obligations towards community involvement in ex-offender re-integration. The geographical area of the study is the Vhembe District Municipality within its four local municipalities, namely Makhado, Musina, Mutale and Thulamela (see geographical map below). The study targeted groups of Community Corrections Forums (CCFs) from each of these four municipalities in order to explore their participation in ex-offenders' re-integration into communities.



According to the website, www.vendaland.org(2015:1): “Vhembe District Municipality is located in the northern part of Limpopo Province. It shares borders with Zimbabwe and Botswana on the north-western side and Mozambique to the south-east along the Kruger National Park”. According to Groenewald and Munnik (2014:1) the Limpopo river valley forms the border between the district and its international neighbours. It includes parts of the former Transvaal and territories that former resorted under Venda and Gazankulu.

1.13 THE FRAMEWORK OF THE STUDY

The study is divided into nine chapters as follows (see Table 1. below):

Chapter	Description
1	General introduction: It consists of the introduction to the research, statement of the problem, definition of operational terms, purpose of the study, objectives, research methodology, ethical considerations, significance, geographical area and the structure of the study.
2	Literature review: It explains the role of the offender’s pre-release programme as a supporting instrument to the success of ex-offender re-integration process. The review focuses on ability of the pre-release programmes to address the objectives of the study. Thus, the review consider basic needs, transportation, clothing and food, financial support, identification and important documents, housing, employment and education, physical illness, mental illness, substance abuse/addiction, support systems and the offender’s pre-release model.
3	Literature review: Correctional Supervision and Parole Board: It provides a description of the practical operation of Correctional Supervision and Parole Board (CSPB) and involvement of CSPB on the ex-offender re-integration process.

	<p>This chapter also reviews the procedures of the parole board in order to acquire its contribution towards the successful implementation of re-integration. The development of the South African parole board system and its community correction conditions.</p>
4	<p>Literature review: Community corrections and community involvement: It highlights the challenges associated with community corrections and community involvement. The chapter reviews the background of community corrections in South Africa. This chapter interlinks with chapter 3. The review of community corrections objectives in terms of Correctional Services Act 111 of 1998. The involvement of the community stakeholders within the community corrections.</p>
5	<p>Literature review: Community restorative justice: This chapter provides a detailed literature on how ex-offenders' re-integration forms part of the restorative justice process. The discussion of the relationship between the community and an ex-offender during re-integration process. The chapter also provide South African history of restorative justice and its approaches. Thus, the retributive approach, utilitarian deterrence approach, the rehabilitation approach and restitution approach are discussed.</p>
6	<p>Theoretical perspectives: This chapter explains the theories and philosophies that underpin the concept of ex-offender re-integration. In order to contextualise the study theoretically, labelling is presented as the core theory of the study while other three theories, namely control, conflict, re-integrative shaming theories are also dealt with. Furthermore, restorative principles as normative theory of intervention will be discussed with reference to the research literature in order to deal with the stigma against ex-offenders.</p>

7	Research methodology: It looks at the research methodologies used in the research to collect and analyse the data. The chapter is therefore divided into the following sections; namely introduction, research design, sampling method, data collection method, data analysis, criteria for ensuring the rigour of the research, ethical considerations, research questions, report writing and summary of the chapter.
8	Data presentation, analysis and interpretation: The chapter analyses and interprets the research results.
9	Recommendations and conclusion: The chapter brings the thrust of the research together by paying attention to the findings, conclusions and recommendations of the study. The chapter is divided into five sections as follows; introduction, findings, conclusions, recommendations and summary.

Table 1: Framework of the study

The study used italics in all direct quotes.

1.14 SUMMARY

This chapter presented an intensive background of the study. The aim and research methodology briefly discussed. The return of ex-offenders and the role of CCF to the communities is very important for community development on at least two levels. According to Kniss (2013), firstly ex-offenders return to families and friends whom they have been separated from for a significant amount of time. The re-union can be positive or negative, depending on the relationships between these people and how the relationships changed during the period of incarceration. Secondly, the return of incarcerated ex-offender to their community has a direct impact on the stability and safety in the community. Ex-offenders could return to their communities, increasing the employment demand and strengthening community organisations. But if ex-offender were offered a chance to be involved in community activities like civic and

also applied skills that they requires during their incarceration. On the other hand, ex-offenders could return to their communities and continue with the illegal activities because of the treatment they receive from the community members and that will result in their incarceration in the first place. An increase in crime would undoubtedly reduce the stability of the community and decrease public safety. Long-term protection achieved through a strategy that promotes and sustains the ex-offenders' efforts to re-integrate into society as a law-abiding citizen. The following chapter 2 present literature review.

CHAPTER 2

THE OFFENDER'S PRE-RELEASE PROGRAMME

2.1 INTRODUCTION

This chapter presents literature on the offender's pre-release programme in order to support the ex-offender re-integration process. According to the White Paper on Corrections (2005:14), the main objective of the pre-release programme is to prepare offenders for successful re-integration into society, by providing them with skills and information to enable them to cope with possible challenges they may have to face after their release. The chapter also deals with the fact that all sentenced offenders who have received their release dates are required to have completed this programme before release from the correctional centre.

The aim of this stage of pre-release is to help the offender to plan for transition into the community. According to Department of Correctional Services (2008:14), this stage is characterised by intensive preparation for release, formalising the re-integration plan and establishing solid links with the community. The core of the re-integration plan should provide strategies to ensure access to: food, shelter and legitimate sources of financial support. Apart from these welfare needs, resettlement literature also mentions other relevant targets such as training; employment; mental disease; physical health; finance; thinking and behaviour.

According to Workman (2011a:10), "[e]ffective institutional programmes tend to focus on a number of dynamic risk factors and offenders' challenges or needs that require attention in order to prepare the offender for release and successful reintegration". As these programmes are voluntary, a large number of offenders only participate when they apply for parole and are subsequently released into the community without being adequately prepared for release. Parole and other conditional release decisions are often based on whether an offender has participated in programmes designed to address some of his/her criminogenic or other challenges.

Of great concern with the offender's pre-release process must be community safety and offenders' reception in the community. The objective is to contribute towards

assistance of offenders to focus on re-integration into the communities and the reduction of re-offending. These efforts will also focus on specific strategies such as relationship programmes which provide assistance to ex-offenders and their relatives. The above discussion clearly indicates that CCF's should be involved in pre-release programs so that they can get to know the offenders, understand their needs and be involved in preparing a community for the reception of offenders.

2.2 PRE-RELEASE AND RE-INTEGRATION

According to Padfield (2008: 98), "the terms pre-release and re-integration are often used interchangeably without much variation". However, these two terms represent distinct phases on the Offender Rehabilitation Path (ORP) and integrate with the broader community.

2.2.1 Pre-release

Pre-release is represented in the Offender Rehabilitation Plan (ORP) whereas the Correctional Sentence Plan (CSP) is developed for offenders upon incarceration, in consort with mental health, social services, health services, security and administrative staff (DCS, 2005). According to Padfield (2008:99), "these plans may include prescribed or recommended programmatic activities, educational endeavours, job assignments, addiction treatment courses and recreational outlets crafted for a particular offender". Though offenders may be engaged in some form of a pre-release plan during the duration of their sentence, such services may be more concentrated and comprehensive in the months preceding their release.

2.2.2 Re-integration

According to Workman (2011a:10), re-integration is connoted with something more deeply entrenched than offenders' physical return to communities. At this stage, they become familiarised with financial, professional, social, civic and familial challenges and expectations and increasingly become active participants within re-integration.

Workman (2011b:23) describe re-integration as "...the process of transitioning from incarceration to the community, adjusting to life outside of correctional facilities, and attempting to maintain a crime-free lifestyle". Re-integration is a complex process that occurs over time and there is much to do in the process (Shinkfield & Graffam, 2009:29).

2.3 PLANNING OFFENDERS' RELEASE

Ideally, planning re-entry begins at the time of intake/admission and extends beyond the time of release to prepare offenders for long-term post-release success (La Vigne, Davies, Palmer & Halberstadt, 2008). Planning release represents a distinct component of the broader process of re-entry planning, focusing on success at the moment of release and in the days and weeks that follow.

The timeline for release planning varies across institutions (private and public prisons) and depends upon several factors, including the sentence date of each offender and the extent to which the Parole Board can predict the inmate's release date. In the United States of America release planning can occur as little as one week to six months prior to release, in which time activities gradually increase such as the completion of rehabilitation programmes until the day of release (Abadinsky, 2009:43). In South Africa, on the other hand, pre-release starts from the day of admission into correctional facilities.

Release activities typically include, at a minimum, an individualised assessment and a written release plan (G326 Profile report). According to Byrne and Taxman (2004:63), corrections agencies (the Case Management Committee (CMC) the Parole Board and the Case Assessment Team (CAT)) "should administer an assessment to identify what an offender will need in order to be released, including any problems that might occur with meeting conditions of release". According to La Vigne, Davies, Palmer and Halberstadt (2008), the USA and England's pre-release assessments cover housing and employment needs, with most also identifying medical (substance abuse history and treatment, post-release mental and physical health care, current and future prescription medications), identification, and income

and benefits needs references. In South Africa, housing is not part of release while employment needs is assisted with but not an obligation.

2.3.1 Responsibility for release preparation

The management of correctional centres and correctional supervision are traditionally seen as distinct areas of expertise and responsibility, even when located within the same centre (Byrne, 2009:76). Primarily responsible for “the maintenance of safety and security” within their communities, correctional officials may not view themselves as responsible for an offender’s welfare once that individual is no longer in custody. Similarly, post-release supervision officials such as probation and parole officers often interpret their role as beginning when an offender first arrives in a field office after release from correctional facility (DCS, 2005). This perceived gap in responsibility during the transition to post-release status represents one of the largest challenges in discharge planning. However, if the responsibility of the DCS ends at release and the responsibility of probation and parole agencies begin during the intake interview, on which agency can an inmate rely at the moment of release? Although corrections agencies typically assume the task of release planning for offenders, the process should be a collaborative effort between correctional officials and parole officers, along with representatives of community groups (CCF) and other key stakeholders.

2.4 KEY COMPONENTS OF A RELEASE PLAN

Every country has a system in place to guide how an offender should be released from correctional facilities; some systems involve nothing more than checklists while the South African DCS require extensive documentation (G326) of offender histories and significant outreach to service providers in the community. La Vigne, Davies, Palmer and Halberstadt (2008:47) indicated that:

These policies and procedures vary considerably across countries, a logical succession of release preparation activities can be identified by anticipating the immediate challenges prisoners encounter along the pathway from confinement to freedom.

The reason to discuss the basic needs is to show the important support the ex-offenders requires from the community upon their release. The role the CCF's can play in this support and coordination will unfold with this study.

2.4.1 Basic needs

When an offender leaves a correctional facility, most immediate needs will be transportation, shelter, food, and clothing. They must also have a means for getting to their release location even though in South Africa the DCS normally transport them to community corrections office for admission. Some offenders need clothes to wear on their journey home because they spend many years in incarceration. Abadinsky (2009) states that ex-offenders need food to sustain them when they are released; an amount of cash; a personal identification document as personal identification is needed when an ex-offender applies for a job and other needs such as for housing., Unfortunately, these basic necessities represent some of the most overlooked needs of returning ex-offenders (Abadinsky, 2009:43). These needs must be addressed as a prerequisite for successful re-integration.

2.4.2 Transportation

At the moment of release, transportation represents a basic critical need for exiting offenders. The Department of Correctional Services drop-off point of ex-offenders is community corrections offices after admission; while those who completed their full sentence need public transportation to reach their homes. Pawasarat (2007:5) supported this by saying that, "access to public transportation could, however, be restricted by both the location of bus stops (which may not be within walking distance) and the hours of operation". For example, ex-offenders who are released or dropped off after hours may have difficulty accessing public transportation and may have no choice but to wait until late. This situation can make individuals vulnerable to victimisation and may also create opportunities for criminal behaviour.

In the days immediately following release, ex-offenders will also need reliable transportation in order to follow up on referrals from their release plans, as well as to

meet initial parole requirements (if applicable). Pawasarat (2007:5) further indicated that, “transportation challenges represent a significant barrier for offenders attempting to access services, with nearly one in four released offenders reporting difficulty in accessing public transportation”. These difficulties could result from an overall lack of public transportation in the area, from difficulties ex-offenders encounter when navigating transportation systems, as well as from barriers to driving one’s own vehicle, such as challenges in getting a driver’s licence reinstated due to past suspensions or revocations (Pawasarat, 2007:6). In South Africa, taxis run to virtually every remote corner of the country. Getting transport is thus not so difficult but money for the fare must be available since ex-offenders faced challenges of unemployment.

2.4.3 Clothing and food

Access to basic necessities such as food and appropriate clothing represent two of the most overlooked needs of any returning ex-offender (Abadinsky, 2009:43). Ideally, all ex-offenders should be equipped with the knowledge and resources to attend to their basic needs at the moment of release. Abadinsky (2009:43) indicated that:

They should know the location of inexpensive grocery stores, soup kitchens and have the resources required to obtain food from those places, including money, vouchers, and proper identification. Ex-offenders will also need adequate private clothing at the moment of release. In a survey of Maryland prisoners returning home, almost one third (30 percent) of the sample wore correctional facility clothes or were issued with street clothes at the time of release, while a little under half (46 percent) dressed in clothes they owned before going to prison.

Having appropriate clothing is one of the many small resources that help offenders become re-integrated into society, affirming their identity as free citizens and supporting their efforts to secure employment.

2.4.4 Financial support

Released offenders must have enough money to pay for their basic needs during the first few days outside correctional facilities. Unfortunately, few financial resources exist for this population. According to Woldhal (2006:32), “ex-offenders who relied on Government benefits prior to incarceration often lose their eligibility while incarcerated”. Ex-offenders with disabilities, including severe mental illness, who received monthly support grants from the Government (social grants) prior to arrest cannot receive benefits while incarcerated and typically will have had those benefits suspended or terminated (Bazelon Centre for Mental Health Law, 2006:25). South African scenario is that long term incarceration requires ex-offenders to make new application for social grant upon release. A typical application takes three months to be processed, though individuals with severe mental illness may also apply for advance emergency payments that provide financial assistance before benefits officially begin.

Offenders typically do not have sufficient resources to pay for financial obligations such as an ID book or a copy of a birth certificate immediately upon their return to the community; “as a result, many ex-offenders rely on their families for financial support in the days following release, often to a much larger extent than they expected prior to release” (McLean & Thompson, 2007:83).

2.4.5 Identification and important documents

Proper documentation of one’s identity including an ID book, birth certificate and educational credentials are often necessary to secure housing, open a bank account, and apply for employment. Important documents or identification may have been lost during the criminal justice process or an offender may not have had them when they first entered the justice system (H.I.R.E Network, 2003:10). According to Hancock (2007:29),

...ex-offenders adjusting to life on the outside will often find it difficult to obtain these documents following their release. Some individuals may view the cost associated with obtaining these documents as a barrier (the cost of a birth certificate ranges from R150 - 200 while others will

lack the initial documents needed to obtain other papers or identification.

Many correctional agencies such as re-integration offices require multiple forms of identification to access resources or receive benefits, and ex-offenders who possess the resources needed to secure these documents, will face long processing times. Parolees in South Africa take 2-6 months before receiving identification cards from the Department of Home Affairs (Hancock, 2007:29). A lack of proper identification and documentation not only inhibits access to a myriad of services needed for successful re-integration, it may also prompt a return to criminal activity to help meet basic needs (H.I.R.E Network, 2003).

2.4.6 Housing

Since ex-offenders require a safe place to sleep after their release from correctional facilities, housing is a critical component of any release plan, even if that initial housing is temporary or transitional in nature. Many ex-offenders in South Africa reported that they reside with family, friends or in their own homes on their first night of release (Beck & Kett, 2008:82). Beck and Kett (2008:82) further indicated that,

...living with family and friends may appear to be the best and most affordable option for returning offenders, these living arrangements may not be stable or even feasible in the long run. Many recently released ex-offenders reported that they had few other options but to live with their family in RDP housing; finding an apartment of their own was improbable, and few desired to live in the shelter system.

Family members may refrain from providing housing based on past negative experiences with the returning ex-offender, while others may be legally prohibited from having an ex-offender reside with them if they live in a Reconstruction and Development Programme (RDP) areas based on past incidents (Beck & Kett, 2008:82). Offenders may also be prohibited from living with family or friends for other legal reasons, such as protective orders or conditions of supervision (Beck & Kett, 2008:82). Ex-offenders often live with family members more out of necessity than out of choice. Some often refer to such arrangements as a good “stepping-stone” after release yet also report feeling stuck in their current living situation, dependent on

their parents or relatives and desirous of building a life for themselves (Beck & Kett, 2008:82).

The same barriers that dissuade recently released ex-offenders from living with their families may also prevent them from securing their own affordable housing. According to Garrett (2011:103) barriers for ex-offenders to obtain government RDP houses generally fall into two categories: formal and informal regulations that restrict tenancy; and the scarcity of RDP houses since the government use tender procedures to build houses for South Africans which often takes long to be finalised.

2.4.7 Employment and education

While perhaps not topping the list of immediate needs of ex-offenders upon release, in the long run, obtaining employment represents one of the greatest barriers to an individual's successful re-integration into the community (Garrett, 2011:103). At its most basic level, employment provides ex-offenders with a consistent source of funding for the necessary food, shelter, clothing, transportation, and other basic amenities. It also increases feelings of self-efficacy and self-sufficiency, building confidence in ex-offenders that they can support themselves without needing to resort to criminal activities or reliance on family members or "handouts," and provide a new social network that supports positive behaviours and serves as a protective factor against future criminal activity (Thurman-Eyer & Mirsky, 2009).

Indeed, most ex-offenders feel that having a job would help them stay out of prison (Garrett, 2011:103) and would allow them to concentrate on other lower-order tasks, such as avoiding drugs or other illegal activities and staying in good health. Unfortunately, on average only one in five ex-offenders had employment lined up prior to their release (Garrett, 2011:103). The reasons for an ex-offender's lack of employment are manifold. Some individuals do not possess the proper skills, work experience, or education to secure employment (DCS, 2005). According to Garrett (2011:103), about 67% of ex-offenders indicated that they were employed prior to incarceration...and "...some may have erratic work histories". Others have mental impairments or life skill deficits that prevent them from working. Many ex-offenders are able and qualified to work, but simply do not have proper proof of identity or

educational credentials needed to demonstrate employment eligibility, have not been given information on how and where to look for jobs, or must meet parole requirements (conditions such as finding employment and magisterial district, just to mention a few) that limit their ability to find and keep employment (Bloom, Redcross, Zweig & Azurdia, 2007:46).

Ex-offenders also face community and institutional barriers to employment. Company policy restrictions may formally prohibit them from hiring individuals with criminal histories. Garrett (2011:103) urges that,

...employers often do not initially consider hiring ex-offenders, as a person's status as ex-offender may lead an employer to believe that the applicant lacks basic job readiness and desirable personal qualities, such as trustworthiness, responsibility, punctuality, and interpersonal skills.

This study is based on labelling theory to support its theoretical perspectives towards the treatment of ex-offenders by community during re-integration. Labelling is certainly one of the biggest social dilemmas facing an ex-offender after release and a barrier in the process of finding employment.

Bloom et al. (2007:46) states the role of pre-release planning in meeting these employment challenges is to assess and document existing employment and educational skills, including those acquired during incarceration; identify remaining deficits; and develop links to training and placement opportunities in the community.

2.4.8 Health care

Since everyone in South Africa is free to access health care services in public clinics and hospitals across the country, it is important for the Department of Correctional Services to teach or monitor and support all offenders under community corrections to make use of public clinics or hospitals. Many ex-offenders come from correctional facilities with health problems that require medical attention. According to Shinkfield and Graffam (2009:29) indicated that, although everyone should have access to affordable health care, the need for medical treatment is particularly acute for those released from correctional facilities, who typically have more physical and mental health problems, including infectious diseases, than the general public. Scott

(2008:52) provided a clear about substance addiction that often accompanies and can exacerbate these health problems, underscoring the importance of identifying the health care needs and ensuring the provision of medication and treatment for this population, particularly for the most severely afflicted returning ex-offender, attending to immediate medical needs is a critical component of release planning.

2.4.8.1 Physical illness

Across all manner of physical illnesses, ex-offenders released from correctional facilities have more health problems than the average citizen, including chronic diseases such as asthma, hypertension and communicable diseases such as HIV/AIDS, Hepatitis C and tuberculosis (NCCHC 2002). Unfortunately, the continuum of care for released ex-offenders is far from seamless (Mallik-Kane & Visser, 2008:24), creating significant problems for both these offenders and the communities to which they return. In the first two weeks after release, ex-offenders are over 12 twelve times more likely to die from health problems than the general population (Binswanger, Stern, Deyo, Heagerty, Cheadle, Elmore & Koepsell, 2007:132). These deaths typically result from drug overdose or cardiovascular diseases. The community will also face challenges when ex-offenders releases without health care, as citizens bear the costs of hospitalisation and emergency treatment (Ward & Maruna, 2007:12). Indeed, one study found that although ex-offenders lacked health insurance (medical aid), one third had used public clinics and one fifth had been hospitalised in the ten months following their release (Mallik-Kane & Visser, 2008:24).

Some of the obstacles may represent the release's prioritisation of needs. Ex-offenders with chronic health problems face a wide array of re-entry challenges, such as finding housing, obtaining a job, and attending to basic necessities. Maruna (2007) indicated that, in the absence of appropriate support mechanisms, however, focusing on these core needs may distract them from adhering to treatment and medication plans. In a vicious circle, this lack of adherence hinders their ability to accomplish the re-integration goals they value most. A pre-release plan must link offenders with medical services for follow-up care and supplies. Therefore, an adequate amount of medication upon release is therefore critical to re-integration

success (Ward & Maruna, 2007:12). Pre-release planning for health care is undoubtedly a complex undertaking. In addition to documenting health needs prior to release, ideally the DCS should schedule an appointment with a health care provider for offenders in need of services to increase the chances that the offender will both initially access services and remain in services over time even after release.

2.4.8.2 Mental illness

Although it is challenging to estimate the prevalence of mental illness among incarcerated populations, recent estimates suggest that about one in every two offenders in South African correctional institutions have mental health problems, compared to one in ten in United States of America (James & Glaze, 2006:94). Ex-offenders suffering from mental health problems require immediate and on-going medical services in order to be successfully re-integrated back into communities (Abadinsky, 2009:43). These services not only refer to the obvious needs for medication, medical equipment, prescriptions and referrals, but also to assistance in accessing these key supports. Many offenders facing mental health challenges will require intensive support in order to navigate life outside of correctional facilities. This support is particularly critical given that mentally ill ex-offenders tend to receive less support from family members (Mallik-Kane & Visher, 2008:25).

Ex-offenders with mental health problems face all the difficulties about health care described above, which also raises other challenges such as proving that their mental illness represents their primary disorder (in lieu of a substance abuse problem) in order to obtain government benefits (social grants) and coping with the stigma associated with self-identifying as a results mentally ill (Abadinsky, 2009:43). If mentally ill ex-offenders experience delays in receiving medications and medical care, they can pose a risk to themselves and the communities in which they live.

2.4.8.3 Substance abuse/addiction

Mallik-Kane and Visher (2008:25) contend that ex-offenders with mental illnesses are likely to have other illnesses, including histories of substance use. In fact, two in five male ex-offenders and three in five female ex-offenders released from correctional facilities reported a combination of physical, mental, and substance abuse problems. Radcliffe and Stevens (2008:1065) support Mallik-Kane and Visher (2008) by saying that

...substance abuse often co-occurs with mental illness, with estimates suggesting that three in four offenders with a mental illness also have a substance abuse or dependency problem, compared to a little over half (56 percent) of offenders without a mental problem. Indeed, 87 per cent of offenders with a mental health problem reported regular use (once a week or more for at least a month) of drugs and alcohol before their arrest.

As a result, co-morbidity is extremely common according to Hammett, Krebs and Arriola (2006:143). Offenders with triple diagnoses (mental illness, substance abuse, and HIV/AIDS) will also require particular attention, as the complexity of drug interactions becomes even more severe in triply diagnosed patients than in dually diagnosed patients (Hammett et al., 2006:143).

Even among those who are otherwise in good health, substance abuse problems can derail a successful transition from correctional facilities to the community. According to Ward and Maruna (2007:71), “*drug use and intoxication are common in the months following release and without sustained advocacy and follow-up*”, those with substance abuse problems are likely to relapse and engage in other negative behaviours (Abadinsky, 2009:43). Compared to others released from correctional facilities, substance users are more likely to engage in criminal behaviour and to be re-incarcerated in the year following their release (Mallik-Kane & Visher, 2008:25). Indeed, the more often an offender is imprisoned, the likelier that offender is to be a drug or alcohol addict or abuser (Hammett et al., 2006:143).

2.4.9 Support systems

In South Africa, the Department of Correctional Services relies on community corrections for monitoring offenders who were released conditionally. Abadinsky (2009:43) indicated that, “...*unconditional release of ex-offenders would need a positive support system that encourages a healthy lifestyle, positive behaviour, and self-sufficiency*”. Whether an ex-offender has a family member, friend, or mentor to aid them at the moment of release, no one should leave correctional facilities without an immediate support system (National Academies, 2007). This support is usually best when it comes from family members, as the strength of family support directly predicts an offender’s success upon release in areas such as employment, housing, and abstinence from illegal activities (Fox, 2012:97). Many ex-offenders report that family support is the most important factor in keeping them from recidivism and helps them to successful re-integration into the community (Fox, 2012:97). According to Ross (2008:1) even “fragile families, though not ideal, can provide crucial resources upon release, such as housing, medication management, crisis intervention and feedback on probation and parole under community corrections”.

A supportive family may also steer ex-offenders away from both illegal activities and the people who are planning to engage in them. Ex-offenders reunited with their families, following release, have been shown to decrease their use of illegal drugs without additional treatment, have fewer new arrests, and show improved physical and mental health (National Academies, 2007:90). In general, family, friends or Community Correction Forum members represent the most useful form of support in offenders’ transition back to the community, and many ex-offenders rely heavily on these individuals for emotional, financial and other forms of support but *Workman (2008:1) opines that, “supportive family members can also encourage ex-offenders to make up for their past actions by participating in restorative justice activities*”. Designed primarily to support victims of crime in rebuilding their lives, restorative justice programmes, including restitution payments to victims, community service, and various forms of victim-offender mediation, have also been found to reduce recidivism among participants (Workman, 2008). Research by Braithwaite (2007:689) indicates that, formal involvement of family members to help their relatives (ex-offenders) during the release process increases the likelihood that they

will follow through with restorative justice activities and aids in their ability to express their remorse and demonstrate their successful rehabilitation.

2.5 OFFENDERS PRE-RELEASE MODEL

An overview of literature revealed no involvement of CCF's in the pre-release model in South Africa. It is however important to present the model with a view of offering possible involvement of these structures later on in the thesis.

The punitive oriented correctional system releases offenders back into the community with a little more than what they came into correctional facilities with. The preparation usually involves the completion of a form (address confirmation and completion of the G326 form) identifying where the offender expects to reside and the likely place of employment. According to Taxman, Young and Byrne (2004:100), “[o]ffenders are expected to make as much arrangements as they can from correctional facilities, with most issues left to the offender after returning to the community”.

Yet, the correctional experience defines the offender, and often positions the offender to be reactive. When returning to the community, where there are fewer restrictions, the offenders’ defiance is generally directed toward not being “controlled” by the correctional centre (Taxman, Young & Byrne, 2004:100).

The following is the discussion of the offenders’ active participation model that outlines stages offenders go through before release in order to have a successful re-integration. This model deals with stages based on the needs of each offender in order to promote public safety. The offender active participant model supports re-integration and promotes public safety through active participation of offenders in all stages.

Taxman, Young and Byrne (2004:101) introduced several different models that focus on empowerment as a form of strengthening the offender’s commitment to new goals. According to Taxman (2004) the interest by the South African Justice System in re-entry is not just an exercise; it is a commitment to public safety through the

successful re-integration of the offender into the community. The table below indicates the re-entry stages to promote public safety by correctional institutions.

Table 2: Building components to promote public safety

Re-entry Stage	Stages of Change	Constructs	Offender's Needs
Institutional	Pre-contemplation	Beginning to consider that a non-criminal lifestyle is possible.	Motivate the offender to change behaviour, define own needs to correct.
Institutional / Pre-release	Contemplation	Offender begins to contemplate changes in lifestyle.	Offender defines areas that are likely to be a threat to re-integration such as housing, support network, employment.
Pre-release/post release	Action	Offender lays out a plan to make changes in different components.	Certain areas (e.g. employment, leisure activities, family, etc.) have been defined as contributors to negative behaviours; focus on mediators to these factors.
Post release/ Re-integration	Maintenance	Offender establishes a plan to stabilise the situation.	Establish a non-criminal network to support the pro-social lifestyle through financial

			independence
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Adopted from Taxman (2004)

The goal of re-entry is therefore for the offender to be in a position to make decisions that support the ultimate goals of public safety. Fox (2010:35) indicated that, “empowerment is therefore an important and necessary component of the process, since most literature attest to the reality that offender change is only going to be successful when the offender has internalised the goals and objectives of incarceration”. External controls such as conditions of release and, mandates are likely to assist the process but will not sustain the internalisation. The ex-offender must be committed to this change and pursue it. There is a need of transformation policy that shows ex-offenders’ belief in himself/herself that can result in non-criminal behaviour.

The following are the steps that support the offender active participant model in order to have a successful re-integration. These steps provide a clear explanation or understanding on how offenders can participate in the pre-release process.

2.5.1 Step 1: Message to the Offender.

Crewe (2011:509) indicates that re-entry or the successful integration of the offender into mainstream society requires a clear message to the offender on personal responsibilities. Stated simply, even during the sentencing phase of incarceration, one of the key messages to the offender must be that the offender controls his/her own destiny.

Therefore, it is critically important that the offender has options so that he or she can learn to make decisions that are in his/her own interest (Fox, 2010:35). These decisions must be made during each of the stages of incarceration but also about the types of survival and skill based services that offenders desire to ease their transition back into society as contributing and responsible members of society.

2.5.2 Step 2: Institutional treatment (from incarceration to 90 days before release)

Many offenders lack the basic skills to make a contribution to society and are not necessarily committed to a crime-free lifestyle. *According to Taxman, Young and Byrne (2004:100) "correctional facilities present the offender with a large percentage of idle time, which can be more effectively used by providing necessary educational, vocational and clinical intervention services".* The challenge of offering services within the correctional facilities' settings is well documented (Crewe, 2011:509), and research tends to support the value of correctional based programming, especially with the continued provision of services in the community (Sipes, 2006:34).

During the institutional phase, the key to programming is twofold: to assist the offender to determine re-integration goals and to link the programming to transitional planning. According to Scott (2008:131):

...the process should assist the offender in learning some skills of self-diagnosis and self-awareness of behavioural patterns that affect the offender's involvement in criminal behaviour. One key component that is important to achieve during incarceration is the motivation to change, so that the offender will be prepared to return to the community with a mind-set to seek a crime-free lifestyle.

Maruna and LeBel (2010:158) strongly suggest reach-in programmes only for community supervision staff and treatment programme staff before the offender leaves prison. This model requires an investment strategy approach by the community agency through the involvement of CCF in the pre-release process.

2.5.3 Step 3: Institutional/pre-release (from 90 days before release to release day)

In the pre-release stage the offender begins planning for transition into the community (DCS, 2005). Most important for the offender to address, are the housing and employment plans, since these concern basic survival needs. The offender should take an active participant role by assessing housing and employment issues and then begin to make plans. For offenders to acquire this, the ID book is needed for application towards both the house and employment. Logically, the involvement of the CCF concerned can assist tremendously with this process and also acquaint the offender with members of the community's post release structures.

Countries such as the USA and England start by developing procedures for offenders to obtain the necessary identification, such as a driver's license, social security card (Raynor & Robison, 2009:3). The Offenders Rehabilitation Path (ORP) helps ex-offenders to achieve their goals after release by getting jobs using the skills they acquired during their incarceration. Institutional programmes start a recovery process in an environment which structures help the change process to begin, and that do not possess a risk to the community. But recovery and self-management skills' learning begin in the institutional programme and needs reinforcement and some degree of re-learning in the community's follow-up programme (DCS, 2005). This will ease successful re-integration of ex-offenders into the community.

2.5.4 Step 4: Post release (from release day to 30 days and afterwards)

Fox (2010:35) indicated "what issues take precedence at the post-release phase depends on the emphasis during the pre-release phase and the offender's analysis of his/her own adjustment". In the active participant model, the early stages of release should focus on the offender's perception of adjustment in the community and a re-assessment of criminogenic factors.

If the re-entry process has a pre-release phase that develops a reasonable plan for the offender, then the purpose of the post release phase should be to stabilise the offender by making sure that more attention is paid to the quality of life issues (Crewe, 2011:509). If there is no pre-release phase, then the focus of the post release plan should be on securing and stabilising the offender in the basic survival areas of home, work, and extra-curricular activities. According to Fox (2010:36), more attention will need to be paid to the offender's survival needs and determining how these impact the offender's ability to maintain a crime-free lifestyle.

2.5.5 Step 5: Integration (from 30 days after release for up to two years)

Benekos (2008:27) outlined the importance of maintenance and crisis management as defines the integration phase, during which the emphasis should rest on incremental advancements in the ex-offender's life. As an active participant, the ex-

offender should be involved in adjusting the plan based on his/her own experiences in the community (Benekos, 2008:27). The focus should be on addressing some of the survival skills that will stabilise the ex-offender in the community. The goal during re-integration is to strengthen the resolve of the ex-offender to be crime and drug free (Taxman, 2004:3). According to Crewe (2011:509), attachments to community members are important components during this phase. While this is a gradual process, the active participant model recognises that re-integration is best described not as “going straight” but going to a “straight curve” (offenders focus on corrections programmes). The straight curve will help offenders to be actively involved in all correctional activities instead of being involved in order to be considered for parole. Involvement by the community should assist with some of these different paths like straight curve that the offender will have to navigate.

In summary, there are institutional pre-release models that work, for example therapeutic communities, and there are community models that work, for example intensive supervision with treatment. However, the study’s attention has been focusing on the process of transition from institution to community and literature on the role of CCF’s in this is conspicuously absent. Experts on criminal justice and substance abuse treatment have observed that important gains made during incarceration are not being sustained when offenders returned to the community because continuity of care is either inadequate or non-existent. According to Muntingh (2008:152):

“Many offenders report feeling overwhelmed by the transition from a highly structured correctional environment to a less structured environment following release. At this time of concentrated stress, an offender enters a culture where little or no support exists, no job, no money, weakened or broken family ties with immediate needs to plan daily activities, to begin interacting constructively in non-adversarial relationships, and to manage personal or household finances and problems.”

It is very vital for the Department of Correctional Services to manage its pre-release process together with the CCF in order to assist ex-offenders to settle back in the community.

2.6 SUMMARY

This chapter discussed the process of ex-offenders' pre-release which start immediately after admission into all correctional centres in South Africa. The transition process from correctional facilities to the community is complex, intertwined with balancing the needs of society with the needs of the individual offender. Society at large is concerned with safety first and foremost. The process of offender pre-release requires a group of experts such as ORP and CAT to work together to change the criminal mind of an offender. However, that can only be achieved with the assistance of community members within the CCFs. People look up to public agencies (DoJ, DCS and SAPS, just to mention a few) to ensure that the returning ex-offenders are "safe" and that they will not commit crime again in their communities. The immense concern about safety emerges from the past two decades, in which decay and blight were heightened by criminal activities of drug dealers and random acts of violence committed by offenders under parole supervision (Pittaro, 2008:3). While the need of society to protect itself is evident, the returning offender is ensnared in a web of social, economic and psychological needs. Part of the dilemma is how best to engage the offender in the re-entry process and the process that supports the offender to be accountable for his/her own behaviour.

CHAPTER 3

CORRECTIONAL SUPERVISION AND PAROLE BOARD

3.1 INTRODUCTION

This chapter presents the literature review on the operation or involvement of the Correctional Supervision and Parole Board (CSPB) in ex-offenders' re-integration. It is interlinked with the pre-release programme as key aspects to preparing offenders for CSPB placement. The Parole Board in South Africa is within the Department of Correctional Services (DCS) and has a crucial role to play in the fulfilment of its core mandate. Its performance is expected to be managed consistently with the objectives to which they are established. There are fifty two Correctional Supervision and Parole Boards country-wide chaired by community members. The Correctional Services Act (Act No 111 of 1998) section 76 gives the Correctional Supervision and Parole Boards decision making competency with the exception of decisions regarding the granting of parole. Take decision to offenders who are declared dangerous criminals in terms of the Criminal Procedure Act (Act No 51 of 1977) section 286A, correctional supervision and decisions with regard to those sentenced to life imprisonment. In such cases, recommendations are submitted to the courts to make decisions in respect of conditional placement.

This study views parole as a policy to place offenders under supervision within the community. Comparing South Africa and USA prison statistics, in South Africa currently, there are approximately 158 000 offenders inside correctional centres while 63 240 offenders are under community supervision and live in their respective communities (26 February 2014) while in the United States, an estimated 6,899,000 persons were under correctional facilities at the end of 2013, down from 6,940,500 at the end of 2012. At the end of 2013 nearly 5, 1 million adults were under community supervision with 4 270 917 probationers and 828 169 parolees (Lauren & Danielle, 2013:1).

It has to be recalled that parole is an integral part of a sentence because it is a continuation of a sentence outside of the correctional facility. In other words, an individual who is on parole is still serving his/her sentence. Parole has various

motivations which include being an alternative to imprisonment (Miler, Copeland & Sullivan, 2015:178), “[r]ewarding offenders for complying with their sentence plan, participating in rehabilitation programmes and combating recidivism by ensuring the gradual re-integration of offenders”.

In South Africa, parole is not a right. It is subject to specific conditions that an offender must comply with. The South African parole system allows for independent decision-making through the participation of various role-players, including victims and communities. The critical issue is to determine if the offender who should be paroled is rehabilitated or not.

3.2 DESCRIPTION OF CONCEPTS

3.2.1 Parole

Herberman and Bonczar (2014:2) state that parole is an internationally accepted mechanism that allows the conditional release of offenders from a correctional centre into the community prior to the expiration of their entire sentences of imprisonment, as imposed by a court of law.

In South Africa, it is referred to as a placement option from prison into the system of community corrections. According to Campbell (2006:210):

This means that the offender is released from a correctional facility prior to the expiry of his or her entire sentence of imprisonment to serve the remainder of the sentence outside of a correctional facility subject to specific conditions that must be complied with.

This allows the offender to return to normal community life albeit, under controlled conditions under the supervision of correctional officials.

3.2.2 Unconditional release

This is the statutory date on which an offender must be released from a correctional centre, after having served the determined sentence. When an offender is not considered a suitable candidate for conditional release as mentioned above, the release of the offender occurs at the expiry of his or her total sentence and no

conditions for release can be set (DCS, 2005:23). This is the date when the total determinate sentence expires or after amnesty and/or special remission of sentence has been deducted from the maximum date and is often referred to as unconditional release.

3.3 MODELS OF PAROLE BOARDS

It is important for this study to consider the models of parole boards in order to understand their contribution towards successful re-integration. Kahneman (2011:31) indicates that the parole system is one of the most misunderstood components of the Criminal Justice System. Countries such as the USA and England apply parole board procedures as an international principle, but the difference arises when it comes to individual countries statutes such as constitution and other parts of justice systems.

Abadinsky (2006:222) identifies two basic models for administering parole, namely the independent model and consolidated model. Interestingly, Kahneman (2011:31) identifies three models, the third, over and above the independent and the consolidated, being the institutional model. These models are briefly discussed hereunder.

3.3.1 Independent model

According to Mays and Winfree (2005:201), independent model, a parole board is responsible for making release and revocation determinations and discussions on supervision of offenders released on parole. This model is independent of any other government agencies. According to Lin, Grattet and Pertersilia (2010:759), with the independent model, a Parole Board is responsible for making release (parole) determinations as well as supervising offenders' release on parole (or good time).

Mays and Winfree (2005:201) argue that the independent Parole Boards are not under the control of the DCS. These boards make all release and revocation decisions for parolees in the jurisdiction and are also responsible for setting conditions for the supervision of parolees. According to Lin, Grattet and Pertersilia

(2010:759), this model is often criticised severely as the Parole Board is composed of people who know little or nothing about corrections. In South Africa, the board is removed from the institution and may not understand what is taking place there. Decisions may be made for inappropriate reasons, and as a result, Parole Boards may release offenders who should not be paroled and retain those who should be released.

3.3.2 Consolidated model

According to Mays and Winfree (2005:201), the consolidated model advocates for a Parole Board that is autonomous within a DCS and also administers correctional institutions during the release of offenders. The Parole Boards make release and revocation decisions, but supervision of persons released on parole is under the direction and supervision of community corrections (Lin, Grattet & Pertersilia, 2010:759). These boards release and make revocation decisions, but the supervision of parolees are the responsibility of a unit within the DCS. The South African Parole Boards operate on this basis.

3.3.3 Institutional model

In terms of this model it is very challenging to have a successful re-integration because of the release method. According to Lin, Grattet and Pertersilia (2010:759), “the institutional model is found mainly in the juvenile field and is based on the fact that the decision to release is made by the correctional staff. In USA, the assumption is that those who work closely with the offender are in the best position to make a decision concerning his/her release. Arguments against this model are that institutions may make decisions in their best interests, not the best interests of the offender or the community”. Parole decisions may be based on institutional overcrowding rather than the paramount requirement of public protection.

The following is a discussion of the development of the South African parole system.

3.4 THE DEVELOPMENT OF THE SOUTH AFRICAN PAROLE SYSTEM

Department of Correctional Services (2005) indicated that: “parole is an internationally accepted mechanism that allows for the conditional release of offenders from correctional facilities into the community prior to the expiration of their entire sentences of imprisonment, as imposed by a court of law”. In South Africa, it is referred to as a placement option from a correctional centre into the system of community corrections. The release of prisoners on specific conditions before the completion of their sentences has been part of the South African penal system since unification in 1910 (DCS, 2005).

3.4.1 The Prisons and Reformatories Act 13 of 1911

This Prisons and Reformatories Act 13 of 1911 was introduced shortly after South Africa became a union in 1910, which led to prisons being utilised as reformatories and the creation of a uniform penal policy. According to Louw (2008:22), “during this time, a system of early release or remission of sentence was introduced. Subject to good behaviour in prison, prisoners were released early on probation with supervision, either directly into the community or through an interim period in a work colony or similar institution”.

The Prisons and Reformatories Act 13 of 1911, was the first South African law to make provision for the appointment of police force members as probation officers. This Act, however, did not clearly state the aim of imprisonment. With harsh prison conditions, it appeared that the main emphasis was on safe custody and little attention was paid to the rehabilitation or treatment of prisoners (Department of Correctional Services, 2005:43).

3.4.2 Landsdowne Commission’s Report and Prison Reform

According to the Department of Correctional Services (2005:44), in 1947, the Landsdowne Commission’s Report on Penal and Prison Reform recommended that prisoners no longer be hired out as cheap labour and that rehabilitation and literacy programmes to prisoners be increased. It also criticised the militaristic management

style as it contradicted the goals of rehabilitation. It is generally accepted that this report introduced an important era in penal reform in South Africa (Plaatjies, 2005:27).

Supervisory councils, which had to advise the Governor-General on the release of prisoners on parole, were established in terms of section 48 of the Prisons and Reformatories Act 13 of 1911. These councils were replaced during 1954 by various prison boards, which primarily had to make recommendations to the Minister of Justice regarding the remission of sentences and treatment of prisoners sentenced to more than two years (Louw, 2008:22).

3.4.3 Prison Act 8 of 1959

In 1959 a new Prison Act (Act 8 of 1959) was proclaimed, which embodied the United Nations Standard Minimum Rules for the Treatment of Prisoners (Louw, 2008:23). In contrast to the Prisons and Reformatories Act 13 of 1911, the Prisons Act 8 of 1959, which was influenced by the recommendations made by the Landsdowne Commission, specifically stated the aims of imprisonment. Where the Prisons and Reformatories Act emphasised the retribution principle, the Prisons Act redirected the emphasis to rehabilitation and uplifting prisoners. Despite the cognisance it took of the United Nations Standard Minimum Rules for the Treatment of Prisoners as far as the rehabilitation of prisoners was concerned' and the new Act ignored other aspects, such as retaining corporal punishment as an option punishment for disciplinary offences (DCS, 2005:45).

During the 1960s, the Prisons Act 8 of 1959 "made provision for the institution of release boards as a replacement for the former prison boards. In addition, the Commissioner of Prisons appointed institutional committees in the areas where release boards were established". Institutional committees made recommendations on the training and treatment of specific prisoners and submitted reports to release boards on the conduct, adaptation, training, aptitude, physical and mental state of health and the possibility of relapse into crime of every prisoner (Andrews, Bonta & Wormith, 2011:735).

The functions and duties of release boards, as stipulated by section 61A of the Prisons Act 8 of 1959 (Republic of South Africa, 1959b:75), were to submit a report and recommendations to the Commissioner of Prisons on:

- The release of prisoners either on probation or on parole or upon the expiration of sentence;
- The period for, and the conditions on which these prisoners are released; and
- The remission of parts of sentences imposed (Louw, 2008:22).

3.4.4 Viljoen Commission of Inquiry

According to Burnet and Maruna (2006), “in 1976 the Viljoen Commission of Inquiry into the South African penal system regarded the lack of co-ordination between the judiciary and the then Prison Authority as the largest single reason for the establishment of a representational body which would be entrusted with the release policy”. The Commission recommended that the 28 release boards which existed at that stage be centralised and that one parole board be established. During 1980, the release boards were centralised to form the Central Release Board based at the Prison Services’ Head Office in Pretoria (Burnet & Maruna, 2006:83); Department of Correctional Services, 1991:5).

The consideration of each individual case was now subjected to the following release process:

- A report was submitted by the institutional committee of the prison at which the prisoner was incarcerated to the Central Release Board regarding, inter alia, the behaviour, adaptation, training and treatment programmes the prisoner was involved in; and
- The Central Release Board then made recommendations to the Minister or to the delegated persons regarding the manner of release of such a prisoner (Department of Correctional Services, 1992:7).

A further development, after an amendment was made to the Prisons Act (Prisons Amendment Act 65 of 1982), was the establishment of the Advisory Release Board.

Its duties, in terms of section 61B of the Prisons Act, were to advise the Minister on policy to be followed with regard to release of prisoners, remission of sentence and recommendations of the Central Release Board in particular cases (Louw, 2008:23).

Louw (2008:23) further insist that, “an important milestone in this period was the introduction of the concept of non-custodial “correctional supervision” as a more cost-effective way of dealing with offenders and to alleviate the problem of prison overcrowding”. It advocated the sentencing option to deal with certain categories of offenders within the community rather than inside prison (Department of Correctional Services, 2005:47; Plaatjies, 2005:29).

3.4.5 Correctional Services Act 111 of 1998

The Prison Act 8, of 1959 was amended in 1993 in order to restructure the release policy of offenders. According to Act 111, *“under the Correctional Services Amendment Act 68 of 1993, parole boards would perform the role of the Central Release Board on a decentralised basis”*. In March 1994, decentralised parole boards were established at each prison in order to make recommendations to the Minister or Commissioner of Correctional Services regarding the release or placement of prisoners on parole, or the conversion of sentences into correctional supervision (DCS, 1995:2). The introduction of the first interim, followed by the final Constitution of South Africa (108 of 1996), which included a Bill of Rights that made special reference to the rights of prisoners, resulted in the Department of Correctional Services embarking on creating a new legislative framework. In October 2004, the new Correctional Services Act 111 of 1998 was implemented in full. This legislation represented a total departure from the previous Correctional Services Act 8 of 1959, and embarked on a modern, internationally accepted correctional system, designed within the framework of the 1996 Constitution (DCS, 2005:52).

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

- Enforcing sentences of the court in the manner prescribed by the Correctional Services Act;

- Detaining all offenders in safe custody whilst ensuring their human dignity; and
- Promoting the social responsibility and human development of all offenders and persons subject to community corrections.

Louw (2008:24) states that the Department of Correctional Services published a White Paper on Corrections during 2005. In it, the core business of the Department is stated as “correcting offending behaviour, rehabilitation and correction as a societal responsibility”. According to Du Preez and Luyt (2006:196), “*case management was identified as the vehicle to bring about a shift in emphasis in the core business*”. One of the important features of the Correctional Services Act 111 of 1998, outlined below is correctional supervision.

3.4.5.1 Correctional supervision

In South Africa placement under correctional supervision is a community-based sentencing option by the court which an offender serves under set conditions in the community. According to DCS Act 111, it also refers to an option where the Commissioner may convert a sentence of imprisonment after a portion has been served in a correctional centre under certain set conditions.

The composition of CSPB:

In terms of Act 111 of 1998, section 2, the Minister of Correctional Services must appoint one or more Correctional Supervision and Parole Boards consisting of:

- (a) A chairperson;
- (b) A vice-chairperson;
- (c) One official of the Department nominated by the National Commissioner; and
- (d) Two members of the community.

Section 3 states that the National Commissioner must designate the correctional official referred to in subsection (2) (e) to act as a secretary for the Board. This Correctional Supervision and Parole Board is the one to decide or place offenders

under community correction through parole conditions. The following is the CSPB decision making process on offenders' placement.

3.4.5.2 Correctional Supervision and Parole Board Decision making

According to Act 111 of 1998, the Parole Board must advise the communities they serve of their programmes and decision-making powers to release offenders. In terms of Act 32 of 2001, section 6, any decision of the Parole Board must be taken by resolution of the majority of the members present at any meeting of that Parole Board and, in the event of equality of votes, the person presiding shall have the casting vote as well as a deliberative vote. For the Parole Board to make a decision they need submission of recommendation (G326 profile report) for placement by Case Management Committee (CMC) in terms of section 42 (2) of the Correctional Services Act 111 of 1998:

The Case Management Committee must:

- (d) Submit a report, together with the relevant documents, to the Correctional Supervision and Parole Board regarding;
 - (i) The offence or offences for which the sentenced offender is serving a term of imprisonment together with the judgment on the merits and any remarks made by the court in question at the time of the imposition of sentence if made available to the Department;
 - (ii) The previous criminal record of such offender;
 - (iii) The conduct, disciplinary record, adaptation, training, aptitude, industry, physical and mental state of such offender; and
 - (iv) The likelihood of a relapse into crime, the risk posed to the community and the manner in which this risk can be reduced.

In summary, the duties of the Case Management Committee is to support the release of offenders by the CSPB. By conducting an assessment of each sentenced offender's needs and creating a suitable correctional sentence plan in terms of section 38(2) of the Correctional Services Act 111 of 1998 the CMC supports the

CSPB to make a decision. Such assessment is based on interviewing each offender on a regular basis, reviewing the Correctional Sentence Plan (CSP) and the progress made and if necessary, amending such plan. This will make a possible placement of offenders under community corrections by making recommendations and the conditions for such placement by submitting a profile report (G326), together with all relevant documents. The Correctional Supervision and Parole Board makes a decision and informs the offender of the contents of the report submitted by the Case Management Committee which gives the offender the opportunity to submit written representations (DCS, 2004:7).

3.4.5.3 Conditions of community corrections

The Department of Correctional Services ensures that effective control is exercised over offenders placed on parole, day parole or correctional supervision by means of specific conditions that are set. An offender must accept the conditions of such placement in writing prior to placement. If they refuse to accept the conditions, conditional placement will not be granted by the Parole Board. Section 52 of the Correctional Services Act 111 of 1998 inter alia, stipulates that the conditions for placement can be set by the CSPBs.

Attached to a profile report (G326) are the conditions related to community corrections as discussed below, in other words this is the crucial condition document for parole placement (conditional placement). The offender must accept and sign for these conditions as recommended by the Case Management Committee. According to Miller, Copeland and Sullivan (2015:178), *“parolees who are integrated into the parole supervision system are subject to certain conditions until the sentences’ expiry date”*.

Parole conditions serve two distinct purposes: facilitation of rehabilitation and re-integration into the community; and protection of society. While these purposes are often complementary, occasionally their implementation may lead to contradictory results. For example, strict monitoring or supervision of parolees may best provide short-run community safety, but is also likely to be dysfunctional to the rehabilitation

goal, thus creating a greater long-run problem for the community (Andrews, Bonta & Wormith, 2011:735).

Section 52(1) of the Correctional Services Act 111 of 1998 provides that, when community corrections are ordered, a court, Correctional Supervision and Parole Board, the Commissioner or any other body which has the statutory authority to do so, may, subject to the limitations in subsection (2), stipulate that the person concerned:

- (a) Be placed under house detention;
- (b) Does community service;
- (c) Seeks employment;
- (d) Takes up and remains in employment;
- (e) Pays compensation or damages to victims;
- (f) Takes part in treatment, development and support programmes;
- (g) Participates in mediation between victim and offender or in family group conferencing;
- (h) Contributes financially towards the cost of the community corrections to which he or she has been subjected;
- (i) Be restricted to one or more magisterial districts;
- (j) Lives at a fixed address;
- (k) Refrains from using or abusing alcohol or drugs;
- (l) Refrains from committing a criminal offence;
- (m) Refrains from visiting a particular place;
- (n) Refrains from making contact with a particular person or persons;
- (o) Refrains from threatening a particular person or persons by word or action;
and

(p) Be subject to monitoring.

The above mentioned conditions are only applied to offenders who meet the requirements of the Parole Board. Many offenders struggle to cope under these conditions especially when they received bad reception (during re-integration process) from their communities. This study emphasises that for offenders to cope under these conditions, it requires the involvement of the community to support them. The role of CF's in this can be vital but is not prescribed in the Act. The following is the discussion of each condition as stipulated in the Correctional Services Act 111 of 1998.

(a) Community service

One of the conditions that may be set if not ordered by the court is the rendering of community service as specified in section 60 of the Act. Section 60 (1) stipulates that where a condition of community service is set as part of community corrections, the number of hours which the person is required to serve, shall not be less than 16 hours per month, unless the court otherwise directed. Section 60 (2)(a) of the new amendment DCS Act 31 of 2001 stipulate that the court, Correctional Supervision and Parole Board or any other body which has the authority to, may impose community service and specify where such community service is to be done. All offenders placed on parole, where practicably possible, are compelled to do community service as a constructive contribution to serve the community. Through this condition, offenders become accustomed to or adjust within their communities.

(b) House Detention

Section 59 of the Act provides that, where a condition of house detention is set in terms of section 52(1) (a), it must stipulate the hours to which the person is restricted daily to his or her dwelling and the overall duration of the limitation. The period of house detention, or period that the individual parolee is compelled to be at home, differs and depends on the monitoring phase under which the parolee was placed. Only the conditions that are applicable to that specific monitoring phase may apply.

The main reasons for these conditions are control over all parolees and successful re-integration.

(c) Seeking employment

Section 61(1) of the Correctional Services Act 111 of 1998 states that, a person subject to community corrections who is required in terms of section 52(1)(c) to seek employment, must make a reasonable effort to find employment and must furnish evidence to the Commissioner of the attempts that he or she has made (employed) in this regard. Section 61(2) states that the Commissioner must assist in the attempt to find employment. Section 62 further states that:

- (i) A person subject to community corrections is required in terms of section 52(1) (d) to take up and remain in employment;
- (ii) May not change his or her employment without the permission of the Commissioner;
- (iii) Must perform the work to the best of his or her ability and comply with the conditions of the contract of employment; and
- (iv) May not leave the place of employment during working hours, for purposes unrelated to the employment without the permission of the Commissioner.

In short, if the offender gets employed it facilitates the support of himself/herself and the family. This can make the offender to desist from criminal activities or recidivism (hence, successful re-integration).

(d) Compensation

It is very vital for the parolee to comply with this condition, namely, if the court ordered that a parolee, as a condition of parole, must pay a certain amount to the victim as compensation. The parolee is required in terms of sections 52(1) (e) and 63 of the Correctional Services Act 111 of 1998 to pay compensation and an agreement must be reached with the parolee either to pay the amount once off or in

instalments. This process helps with reconciliation and is a factor of successful re-integration.

(e) Attend programmes

These programmes are usually aimed at addressing specific needs in each individual parolee's case, for example, to prevent further criminality, to aid in drug and alcohol rehabilitation programmes, to improve family responsibilities or relationships and to acquire social skills (Miller, Copeland & Sullivan, 2015:178). Section 64(1) of the Correctional Services Act 111 of 1998 stipulates that the court, Correctional Supervision and Parole Board or any other body which has the authority to impose treatment, development and support programmes in terms of section 52(1)(f) may specify what programmes the person subject to community corrections must follow. Through these programmes offenders learn how to behave within their communities, but this becomes a nightmare to the offenders when they try to comply with these programmes whereas community members label them and call them names as a result of their conviction and sentencing.

(f) Fixed address

Section 66 (1) of the Correctional Services Act 111 of 1998, states that the court, Correctional Supervision and Parole Board or any other body which has the authority to impose community corrections, requires a parolee to live at a fixed address in terms of section 52(1) (j). They must, after consultation with the Commissioner, determine such address. Subsection 2 indicates where an address was stipulated by such court, Board or any other body but the Commissioner has subsequently been satisfied that section 52 (2) (a) which states that:

The support will not be available to such person living there and that such support cannot be provided from other sources;

Or section 52(2) (b) living at such address will be incompatible with compliance with the prescribed conditions for community corrections;

The Commissioner may declare the address unsuitable. This means that the offender will remain behind bars until the expiry of the sentence.

(h) Monitoring

Section 68(1) of the Correctional Services Act 111 of 1998 states that where a condition of monitoring is set in terms of section 52(1) (p), it must specify the form of monitoring. Ntuli (2000:160) indicates that all parolees are subject to monitoring, which takes place in the following manner:

- Telephonic control at work and at home;
- Physical visits at home; and
- Compulsory visits by the parolee to the community corrections office.

A revised classification system for offenders subject to community corrections has been implemented. The aim is to align the offenders' classification with rehabilitation, requiring more interaction between offenders and their supervision officials (DCS, 2006:39).

The grade of monitoring could take the form of Phase I to Phase V, depending on the predicted risk of the parolee to the community or as determined by the Correctional Supervision and Parole Board. The most stringent monitoring phase is gradually scaled down to Phase V of the level of supervision, depending on the parolee's positive co-operation with the office of community corrections.

(i) Use or Abuse of Alcohol or Drugs

Section 67 of the Correctional Services Act 111 of 1998 makes it clear that, where there is a reasonable suspicion that a person has used or abused alcohol or drugs in contravention of a condition set in terms of section 52(1) (k), a correctional official may require such a parolee to allow a designated medical officer to take a blood or urine sample in order to establish the presence and concentration of alcohol or drugs in the blood or urine.

The following are the roles of parole associated with both the parolee and corrections in order to have a successful re-integration.

3.5 THE ROLES OF PAROLE ASSOCIATED WITH PAROLEE

It is very important to outline the role of parole associated with the parolee in order to reveal the importance of parole to the parolee. This is an overall aim of the parole according to DCS's current Act and justice system.

3.5.1 Restitution

According to the Service Charter for Victims of Crime in South Africa, restitution refers to cases where the court, after conviction, orders the accused to give back to the victim the property or goods that have been taken from victim unlawfully, or to repair the property or goods that have been unlawfully damaged. The aim is to restore the position offenders were in prior to the commission of the offence. Skeem and Manchak (2008:220) indicated that:

[m]onetary payment from offenders to victims or institutions they have harmed or to compensate for their losses is the most common form of restitution. Parole can provide an opportunity for offenders to repay their financial debt to society and teaches them to take responsibility for their actions.

Community service provided by a parolee as a condition of parole is referred to as a form of 'symbolic restitution'. The parolee must perform 'free labour' to benefit or compensate the community. According to Andrews, Bonta and Wormith (2011:735):

[r]estoration for the harm done by crime is produced through work, benefiting the entire community and not just a specific victim. Community service restitution is both punitive and rehabilitative. It is punitive in that the parolee's time and freedom are restricted until the task is completed and rehabilitative in that it allows parolees to do something constructive, to increase their self-esteem, to reduce their isolation from the community and to benefit society through their effort.

3.5.2 Rehabilitation

Rehabilitation focuses on altering the behaviour and attitudes of offenders in such a way that they no longer need or want to commit crime. According to Scott, Helsop, Kelly and Wiggins (2015:273), “this can be accomplished by providing rehabilitation programmes such as development or skills training, educational or work programmes and vocational or treatment programmes (life skills, drug abuse, etcetera) that aim to target the specific needs of offenders”. The Correctional Services Act 111 of 1998 also places an enormous responsibility on the Department of Correctional Services to provide programmes, but this is constrained by a lack of resources, such as sufficient social workers, teachers/educationists, psychologists and other professional staff.

Wormith and Luong (2011:1177) state that parole is the next logical step in the total development of the process of rehabilitation. By providing supervised assistance, the offender has a better chance of being successful in the community. Polaschek (2012:1) point out that “rehabilitation is criticised as not working, since offenders are released but re-offend again and again”. Offenders know that if they show that they are “rehabilitated”, and learn to beat or manipulate the system, they will have a better chance of early parole release.

3.5.3 Re-integration

Kavanagh and Borrill (2013:400) describe “re-integration as the process of finding an offender employment, restoring family relationships and confirming his support system (via address), and guiding an offender toward an independent, crime-free lifestyle”. The same person must now be guided through re-entry into a community that values imprisonment more than conditional release.

Being stigmatised as “*once a criminal always a criminal*” can become an obstacle for many parolees, especially in finding suitable employment. According to DCS (2005), to prevent this, the Department of Correctional Services aims to equip offenders with skills required for effective re-integration into the community after parole has been approved.

Offenders are to undergo a compulsory pre-release programme. Aspects receiving attention include obtaining employment, accommodation and personal finance management. Community involvement in supporting offenders after release is encouraged during the programme.

The approval of parole limits the effects of imprisonment and functions as a re-integrative mechanism (Miller, 2014:235). Offenders, especially those who have been incarcerated for long periods, often find it difficult to re-adjust to life in the community. Parole provides a means through which an offender may make a smooth transition from prison life to living in a community with some degree of freedom under supervision (Miller, 2015:314).

3.6 THE ROLE OF PAROLE ASSOCIATED WITH CORRECTIONS

The role of parole associated with corrections focuses on how parole and corrections operate together with the parolee in the middle in order to have a successful re-integration.

3.6.1 Deterrence of crime and institutional control

The prospect of parole provides a strong incentive for offenders to comply with institutional rules. Polaschek (2012:6) says that, "*a study of Parole Board decision-making in Nebraska showed that parole eligible offenders who were denied parole were more likely to comply with institutional rules and behave well following their parole denials*". Institutional misconduct also decreased by offenders not granted parole hearings. This information suggests that once these offenders have been rejected for early release or denied a parole hearing, they may seek to conform to institutional rules to a greater degree than before (Polaschek, 2012:6).

Parole Boards are persuaded to approve parole for offenders with good conduct records in prison. They are deemed lesser risk than those who engage in institutional misconduct or disciplinary offences (Miller, 2015:314).

3.6.2 Punishment

Sentence through parole is a continuation of the prison sentence in a sense that parolees are subjected to strict parole conditions under the supervision and monitoring of parole officers. Parolees are not free to do whatever they wish, and parole can be revoked for misbehaviour or not complying with the conditions (Wormith & Luong. (2011:177). Parole has to do with “how” punishment and not “how much” punishment is administered. Parole implies flexible, judgement driven, tailored and targeted punishment (Miller, 2014:1235).

3.6.3 Offender re-integration

Parole provides a means whereby an ex-offender may make a smooth transition from prison life to living in a community with some degree of freedom under supervision. Parole functions as a re-integrative mechanism for ex-offenders. Collette (2006:35) “maintains that, there are parole systems in many countries. They differ in format and structure but they all have gradual and safe re-integration of ex-offenders as law-abiding citizens for better public safety as the main objective”.

Erasmus (2015), re-integration of ex-offenders poses challenges. It is done in an environment which is often hostile. Communities know little about the facts, often having false perceptions towards re-integration. There are also those in the public and political environment who sometimes critique the parole system or would prefer to have a more repressive system. For an example, according to Erasmus (2015:01) on Shabir Shake’s incident, where media published articles about him playing golf while he was still under parole conditions, but community members were not familiar with his conditions.

3.6.4 Public safety and protection

One of the primary areas of concern for citizens relating to parole is ex-offender risk. According to Skeem and Manchak (2008:220), “there are no definite ways of forecasting an ex-offender’s future dangerousness. Such forecasts of ex-offender risk have been used since the 1920s particularly in the United States. The Parole

Boards' decision-making has always been affected by prison overcrowding conditions". One critical issue is determining whose interests are more important, the community or the ex-offenders'. This statement gives a clear indication that both the community and ex-offenders must be willing to deal with safety. Section 75 of the Correctional Services Act (Act No 111 of 1998) only provides the powers, functions and duties of Correctional Supervision and Parole Boards focusing much on offenders not the community. It is very clear in terms of Section 75(1) of the Correctional Supervision and Parole Board, having considered the report on any offender serving a determinate sentence exceeding 12 months submitted by the Case Management Committee in terms of section 42 and in the light of any other information or argument. The role of CCF is not regulated or included when considering the report for placement.

The following is the discussion of the Nigerian, USA and England parole processes.

3.7 NIGERIAN PAROLE PROCESS

The Nigerian constitution empowers the Nigerian prison operatives to rehabilitate and re-integrate ex-offenders who completed their sentences in the prison (Adetula, Adetula & Fatusin; 2010: 235). The prison is also used to keep offenders from further "infecting and inflecting" other members of the society (Alabi & Alabi, 2011:102).

Ogunleye (2007:53) indicates that, according to Nigerian Prison Services (NPS), there is a conditional release of an offender from prison. The offender returns to the community, but he/she must abide by certain rules of conduct, which are specified by the parole authority and enforced by a parole officer (Diri, 2010:86). These rules are in effect, until the expiration of the offender's sentence. If the offender breaks the rules, the parole is revoked and he/she returns to prison. It is a kind of a mentoring role that epitomises treatment-punishment mixture. Orakwe (2010: 321) supports Diri (2010) by indicating that the parolee is expected to obey special rules of conduct, while the parole agent (monitoring officers and community institutions such as NGOs) protect the parolee from slipping back into harmful behaviour patterns by

giving him or her counselling, moral support and some concrete help, such as securing employment.

Ogunleye (2007:54) indicates that the rehabilitative techniques in the Nigerian prisons' service have not yielded the desired fruits, namely to reduce recidivism rates and to de-congest the prisons. Nigeria requires serious strong intervention by Parole Boards to administer ex-offenders' release. There is a similarity with South Africa on some of the conditions of ex-offender's development that require deconstructing the "criminal label" earned by the ex-offender on conviction. So, even after serving the full sentence, the "ex-offender" label serves to identify his/her criminal antecedence. In an effort to earn a living in a competitive society, the ex-offender may resort to the old habit of crime. In the short term, he or she is recycled back into prison.

3.8 UNITED STATES OF AMERICA PAROLE PROCESS

It is very vital to note that, in the USA discretionary release no longer exists in 10 States. According to Collette (2006), the word "parole" has sometimes been retained to describe the period of mandatory supervision which some offenders have to undergo after their automatic release. Of the 10 States which have abolished discretionary release, only five, namely California, Illinois, Indiana, New Mexico and North California have retained a parole board for setting supervision conditions and for dealing with recalls. In the other States, the parole board has been abolished (The Parole System, 1971:282). According to the Parliamentary Monitoring Group (September 2006):

...the parole board decisions in the USA are based on the discretionary and mandatory releases. The discretionary release is influenced by rehabilitation objectives which consider factors such as participation in treatment programmes, readiness for the community, seriousness of the offence and availability of suitable employment. The mandatory release on the other hand is determined on the basis of the sentence or parole guidelines.

According to Collette (2006), the parole decision-makers in the US are the members of a State Parole Board or a Federal Parole Commission. The United States is facing a scary reality. A huge number of offenders sentenced to prison without parole

(about 600,000 a year) are coming out. They have no support, no structure and no gradual supervised re-integration.

According to Collette (2006), many States, with the support of the Federal Government, are now seeking the collaboration of all partners in the communities to help put in place re-entry programmes as an answer to the concerns resulting from these facts. This is a very good initiative. In 1973 the US Parole Board adopted a system of parole guidelines to structure its decision making and established an administrative law system within the parole board so that prisoners could challenge adverse decisions (Collette, 2006). Extensive efforts were also made to structure the sentencing decisions of judges.

Consequently, forty-nine States adopted mandatory sentencing laws for selected offences. Many States enacted statutory determinate sentencing laws in which the criminal code itself establishes a sentence or range of sentences to guide the trial judge's decisions in most cases (Farrington, Loeber & Ttofi, 2012:46). The following is a summary of the USA parole board techniques.

3.8.1. United States of America Parole Board Decisions

- Discretionary release is influenced by rehabilitation which the Parole Board considers factors such as participation in treatment programmes, readiness for the community, seriousness of the offence and availability of suitable employment.
- Mandatory release is determined on the basis of the sentence or parole guidelines (Collette, 2006).

3.8.2. United States of America parole for inmates with special needs

- Elderly: 60 years old or over requiring a 24 hour skilled nurse;
- Terminally ill: incurable condition that will result in death within 6 months regardless of the use of life sustaining treatment and requiring a 24 hours skilled nurse;

- Physically handicapped: specified categories and also requiring a 24 hours skilled nurse;
- Mentally ill: as defined in the policy; and
- Mentally retarded: as defined in the policy.

The similarities with South African techniques are that, section 79 of DCS Act 111 of 1998 provides an opportunity for all terminally ill ex-offenders to be release conditionally through the Parole Board. In South Africa drastic changes have been made to the conditions under which medical parole is granted by the DCS. From March 2014 parole on medical grounds started to be decided by a team of medical practitioners in terms of changes to section 79 of the Correctional Matters Amendment Act 2001. At present, the parole board decides who will be granted parole on medical grounds, but nowadays it will be advised by a medical Parole Board.

Another change to the Act is that the medical practitioner treating the intended parolee will no longer be the only individual allowed to apply for parole. The offender, or someone acting on the offender behalf, may now bring an application. While mandatory release is also based on the South African guidelines on releasing ex-offenders.

3.9 ENGLAND PAROLE PROCESS

As in the USA and South Africa, parole in England is based on the idea that an inmate who has earned the privilege may be released (discretionary release) from the prison before his/her sentence has been completed, serving the remainder of the sentence under supervision within the community, something England refers to as “*on licence*” (Parliamentary Monitoring Group, 2006). There is perhaps a greater distinction between the word parole and probation in the US, whereas in England they are often used interchangeably.

Currently, for prisoners serving less than 4 years, release at the halfway point is automatic. Prisoners serving 4 years and more are eligible for parole at the halfway point in their sentence, but release is not automatic. In England, parole release is based on the length of the sentence and is limited to inmates with sentences

exceeding four years (Hirschel, Wakefield & Sasse, 2008:256). According to the Parliamentary Monitoring Group (2006), the system in the United Kingdom, compassionate release on medical grounds is granted by the Secretary of State in consultation with the Parole Board.

Hirschel, Wakefield and Sasse (2008:256) indicated that, the criteria for release on medical grounds are that the offender should be suffering from a terminal illness where death is likely to occur very shortly (3 months is considered the appropriate period). The risk of offending is minimal and that there are adequate arrangements for the prisoner's care and treatment outside the correctional facilities. Compassionate licence is a form of temporary lease designed to help ex-offenders deal with urgent personal matters, such as the funerals, visits to close family members that are near to death, domestic crises and urgent hospital appointments.

3.10 SUMMARY

It is vital for CSPB to note that, 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 re-offend (Travis, McBride & Solomon, 2005). Partnerships are essential in South African criminal justice system. The inter relationships of the different components of the system, as well as with the communities, are key elements to ensure community safety. The country needs intensive collaboration and commitment of all players in order to live in a safer and better South Africa.

The CSPB approve offenders' release based on the profile report submitted by CMC for parole. Through this profile report it is easy for parole board members to see whether some of the social challenges are being address by DCS through ORP. 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 & Thomas, 2006:112). With the programmes or skills acquired during incarceration the ex-offenders can still be able to find employment or create jobs for

his or her family's financial support. The DCS has proper policies with regard to re-integrate of offenders but there is not much with regard to the involvement of the communities and families of incarcerated offenders in breaking the cycle of poverty and crime. 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 re-offend (Miller, 2014:1235). This chapter explained the importance of the independence of the parole board in taking decisions without any form of interference and that the offender is paramount in all the processes of parole. The recognition of the importance of community involvement in decision making when DCS releases offenders plays a crucial role in order to have a successful re-integration.

Astonishingly, no literature explains the role of CCF's in all the processes and structures described in this chapter, although engaging communities in integration is often mentioned, there are no definitive references as to how this should be done or where it has actually been implemented. However to understand re-integration, aspects of parole must be understood.

CHAPTER 4

COMMUNITY CORRECTIONS AND COMMUNITY INVOLVEMENT

4.1 INTRODUCTION

This chapter focuses on the literature review towards the operation of community corrections with the involvement of the community, after the decision by Correctional Supervision and Parole Board (CSPB) to release the parolee as discussed in chapter 3. Community Corrections started on the 15 August 1991 in the Republic of South Africa. According to South African Correctional Services Act 111 of 1998, section 50, subsection (1), the objectives of community corrections are to enable persons subject to community corrections to lead a socially responsible and crime-free life during the period of their sentence and in future. These objectives do not apply to restrictions imposed in terms of sections 62 or 71 of the Criminal Procedure Act 51 of 1977, which articulates that the court can add further conditions with regards to the released offender's daily activities. The immediate aim of the implementation of community corrections is to ensure that persons subject to community corrections abide by the conditions imposed upon them by CSPB in order to protect the community from offences which such persons may commit.

In order to involve the community in correctional matters, particularly community corrections, each community corrections office must have a discussion forum (CCF) which must meet at least quarterly, in which members of the community are involved. The purpose of these forums according to Correctional Services Act 111 of 1998, are mainly to address problems pertaining to the imposition and execution of correctional and parole supervision, to familiarise their community with the activities of community corrections; and to initiate policy amendments in order to have successful offenders' re-integration.

The former Minister of Correctional Services in South Africa, Mr Sibusiso Ndebele emphasised the "partnership between DCS and communities to assist in preparing all inmates for successful re-integration" (DCS, 2005:24). On 27 April 2012, in the spirit of celebrating 18 years of freedom, and in line with established international practice, in terms of section 84 (2) J of the Constitution, Act 108 of 1996, President

Jacob Zuma granted special remission of sentence to specific categories of offenders, probationers and parolees. Those who pose a serious risk to society, particularly offenders declared to be dangerous criminals, were excluded from remissions. All offenders, except those who received life sentences and refused parole (conditional release), must inevitably return to communities at the end of their sentences. It is very clear that the Department of Correctional Services is aware of the risks of offender re-integration into society, and has put in place appropriate pre-release (discussed in chapter 2 of this study) interventions which unfortunately do not clearly stipulate the role of the community. Community members are not kept informed about the release of ex-offenders. Members of the community assist in bringing the perpetrators of crime to justice but when they are released or brought back to communities they are not informed of the reason of their release. This creates uncertainty within the communities about their role in smooth re-integration and support to prevent ex-offenders from falling back into crime.

DCS (2004:14) states that, “[s]ome people may view community corrections as consisting of only probation and parole while others might see community corrections as being more related to community service and other such programmes”. This study explores the participation of Community Corrections Forums (CCF) in re-integration of ex-offenders with the aim of achieving success. The essential part of this chapter deals with three key concepts, community corrections, community involvement and social re-integration.

4.2 HISTORICAL BACKGROUND OF COMMUNITY CORRECTIONS

This is a very essential part of the study that deserves elaboration, because it lays a foundation and provides a background of community corrections. It is undoubtedly true that there is a need for alternatives to correctional centres simply due to the fact that facilities tend to be overcrowded, which makes it difficult to conduct rehabilitation programmes. According to Burrell and English (2006:13), the concept of community corrections has existed for centuries. In the United States of America (USA) this approach can be traced from the introduction of halfway houses in New York City in 1887. There are philosophies of the offender that developed through four historical eras namely, the reform era (mid 1800’s to 1930’s), rehabilitation era (early 1900s),

re-integration era (1960s) and war on crime (1970 through the 1990s) (Miller, 2015). This section focuses on community participation (through CCF's) in re-integration which forms the crux of the study. Miller (2015) indicated that in the 1960's penologists thought that offenders needed strong ties with the community which led to the following developments:

- Job training programmes for ex-offenders;
- Creation of special employment opportunities, and
- An emphasis on community based programmes.

The most important development during this re-integration era was the use of non-custodial alternatives in dealing with offenders with probation and parole as the main methods. Notably, the need for options to avoid further jail or prison construction probably was the main impetus behind the proliferation of community corrections programmes that occurred during the later 1960s and has continued into the 21st century (DCS, 2008:21). Since the transformation of correctional services in democratic South Africa in 1993, DCS adopted the US corrections style. There was a need to explore alternatives that allow for the goals of incarceration and rehabilitation to be met, increasing the use of re-integration strategies that include programmes such as pre-release and community transition. With the perceived social benefits emanating from community corrections, DCS adopted the principles of re-integration from this era (1960s).

According to Latessa and Smith (2011:132), community corrections provide "alternatives at both the front end and the back end of the correctional system. With respect to front end alternatives, probation has been used as a means of avoiding further re-offending behaviour" while back end reduces overcrowding by releasing offenders before the expiry date of their sentences.

The belief is that, the nature of re-integration in community corrections is important from both society's and the offender's perspectives. Social benefits might also come in the way of offender/community involvement (Burrell & English, 2006:13). Re-integrated offenders may be involved in religious institutions, volunteer activities or even anti-crime activities with youth who might be at risk of crime (former offenders can provide insight on the hazards of criminal lifestyles in schools or other settings).

The potential benefits for society may not be apparent from a budgetary perspective, but they can reap enormous benefits in the way of relationships that build community cohesion (Latessa & Smith, 2011:132). Furthermore, “prevention efforts can be aided through the input of previous offenders involved within various community programmes. Thus, it is clear that there are familial, and community benefits associated with offender re-integration that can be realised by society”.

From the perspective of the ex-offender, the potential benefits should be clear (Albertus, 2010:23). Such offenders do not have their liberty as restricted as is the case while being incarcerated. Furthermore, such offenders are still able to maintain contact with family (particularly their children), and these offenders are able to maintain meaningful connections with the community.

It is very important that the community with community corrections defines its role and strategically think of their plan of the re-integration process, and correction of offenders is a societal responsibility (DCS: 2004). The White Paper on Corrections (2004) says that the rehabilitation of offenders and their re-integration into the society can only be truly successful if all stakeholders are allowed to participate in the process.’ To this effect the participation of the community with the CCF playing a leading role, in strengthening and enhancing rehabilitation, is crucial.

4.3 COMMUNITY CORRECTIONS

Community corrections are a shared responsibility to provide effective re-integration to achieve public safety. Correctional Supervision and Parole Board (CSPB) and community re-integration representatives such as CCF members collaborate to enhance public safety by providing a range of activities, services and interventions, including supervision, to facilitate the conditional release of offenders back to their communities (Jiang, Xiang, Cheu, Huang, Yang, Zhang Zhao, 2014:75). According to Schmallegger (2006:204), “community corrections are a legal status, an alternative to incarceration, a service delivery mechanism and an organisational entity”. Section 50(1) of correctional services Act 111 of 1998 provides objectives of community corrections, with the support of Criminal Procedure Act 51 of 1977, while section

276A, gives reasons on the imposition of correctional supervision which operates within community corrections.

According to Johnstone and Van Ness (2007:14), “the re-integrative nature of community corrections is important from first, both society’s perspective and the perspective of the offender. Secondly, if the offender is successfully re-integrated, it is more likely that the offender will produce something of material value (through gainful employment) for society”.

4.3.1 SOUTH AFRICAN COMMUNITY INVOLVEMENT

Since South Africa is a democratic society, government institutions such as correctional centres are instruments of service to the community and if Correctional Services want to enjoy the trust, respect and support of the community, it should see to it that the community is convinced of its effectiveness and honesty. The public is often not fully informed regarding the services and facilities offered by correctional services since its activities occur mainly behind high walls and out of sight of the general public. According to Lattimore, Steffy and Visher (2009:213), in order to fill this vacuum, a great deal must be done to inform the general public regarding the objectives and functions of the Department of Correctional Services, especially on ex-offender’s re-integration process. It seems logical that CCF’s should be fully informed and have a say in this process. However literature does not testify to such involvement.

According to Mnyani (1994:1),

[c]ommunity involvement assumes a need for greater accountability of correctional authorities, greater public participation in decision making and greater concern for civil rights and liberties by correctional authorities in order to have successful re-integration.

The community (through CCF’s) should have a greater say in the manner in which offenders are incarcerated, treated and the rehabilitation programmes they are subjected to, because ex-offenders are part of civil society. This should be done in the context of understanding the social concerns outside of correctional centres.

4.3.2 SOCIAL RE-INTEGRATION

The social re-integration of ex-offenders is the support provided to them before, during and after their release. According to Shinkfield (2006:106), the preparation of offenders for a return to a community is something that should be envisaged and worked towards from the very beginning of a term of incarceration. Awofeso (2010:236) also indicated that social re-integration is often understood as the support given to ex-offenders during their re-entry into society following incarceration.

4.6 CONDITIONS FOR COMMUNITY CORRECTIONS

Before discussing the conditions, it is important to outline first or give a brief discussion of the objectives of community corrections and offenders' subjection to community corrections according to Correctional Services Act 111 of 1998.

4.6.1 Objectives of community corrections

The objectives of community corrections are, firstly, to enable persons subject to community corrections, to lead a socially responsible and crime-free life during the period of their sentence and in the future (these objectives do not apply to restrictions imposed in terms of sections 62(f) or 71 of the Criminal Procedure Act 51 of 1977 which says that, juveniles may be placed in a place of safety or under supervision in lieu of release on bail or detention in custody); and secondly, to ensure that persons subject to community corrections abide by the conditions imposed upon them in order to protect the community from offences which such persons may commit (section 50(1)).

4.6.2 Offenders subject to community corrections

According to DCS Act 111 of 1998, section 1-3, the description of offenders subject to community corrections, is very vital for Community Corrections Forum (CCFs) to have an understanding of the following descriptions in terms of statutes (Act 51 of

1977) provide a range of offences that the offenders commit and qualify for community corrections:

(a) Placed under correctional supervision in terms of sections 6(1)(c), 276(1)(h), 276(1)(i), 276A(3)(a)(ii), 276A(3)(e)(ii), 286B(4)(b)(ii), 286B(5)(iii), 287(4)(a), 287(4)(b), 297(1)(a)(i)(cc A), 297(1)(b) or 297(4) of the Criminal Procedure Act 51 of 1977 (this is a summary of Criminal Procedure Act 51 of 1977);

(b) Who have been granted temporary leave in terms of section 44 while out of prison;

(c) Placed on day parole in terms of section 54 while out of prison;

(d) Placed on parole in terms of section 73 of the Correctional Services Act 111 of 1998;

(e) Placed under the supervision of a correctional official in terms of sections 62(f), 71, 290(1) (a) and 290(3) of the Criminal Procedure Act.

No order imposing community corrections may be made unless the person who is to be subjected to community corrections agrees that it should be made according to the stipulated conditions, and undertakes to cooperate in meeting them.

4.6.3 Conditions relating to community corrections

There are specific conditions in terms of DCS Act 111 of 1998 that bind all offenders under the supervision of community corrections through offender monitoring during conditional release. “When community corrections are introduced by a court, Correctional Supervision and Parole Board and the Commissioner of Correctional Services, or another body which has the statutory authority to do so”, may order a probationer/parolee to be subjected to the following conditions:

- (a) To be placed under house arrest;
- (b) To do community service;
- (c) To seek employment;
- (d) To take up and remain in employment;
- (e) To pay compensation and damages to the victim;

- (f) To takes part in treatment;
- (g) To participate in mediation between victim and offender or in family group conferencing;
- (h) To contribute financially towards the cost of community corrections to which he or she has been subjected;
- (i) To be restricted to one or more magisterial districts;
- (j) To live at a fixed address;
- (k) To refrain from using or abusing alcohol or drugs;
- (l) To refrain from committing a criminal offence;
- (m) To refrain from visiting a particular place;
- (n) To refrain from making contact with a particular person;
- (o) To refrain from threatening a particular person or persons by word or action;
- (p) To be subject to monitoring; and
- (q) In the case of a child, to be subject to additional conditions as contained in section 69 (Correctional Services Act 111 of 1998).

These are the conditions which are aimed at the personal composition of the offender's situation and could entail aspects such as specific development and support programmes and the type of community service that fits the background, training and interests of the offender. None of these conditions invite or engage CCFs as a support staff to ex-offenders in order to make these conditions successful.

4.6.4 Supervision

In terms of the Act, all persons subject to community corrections must be supervised in the community by correctional officials. Community Corrections Forum (CCFs) can play an important role in supervision because they stay with ex-offenders and have daily contact with them.

To ensure compliance with the conditions of community corrections, officials must not invade the privacy of the person (ex-offender) concerned. If during such supervision, it is reasonably necessary to ensure the safety of a correctional officer

or any other person, a correctional officer may search a person (ex-offender) subject to community corrections, and confiscate any weapon found.

According to DCS (2005),

A person subject to community corrections must facilitate the supervision process, and must not threaten abuse, obstruct or deliberately avoid a correctional official, and must not be under the influence of alcohol or any other drug to the extent that it impairs the process of supervision.

An ex-offender subject to community corrections may be required to attend and participate in meetings with the correctional official(s) responsible for supervising his or her behaviour, or with a supervision committee (section 57). The Act is silent about the involvement or the role the community (and CCF) should play during supervision.

4.6.5 Community Corrections Supervision Committee

The supervision committee, as outlined in section 58 of the Act, consists of correctional officials involved in the supervision of offenders who are subject to community corrections. Legally, supervision committees are not required to have community representation. The purpose of the committee is to determine the level of supervision for each offender subject to community corrections, and it must review its determination at regular intervals.

Although the Act does not require communities' participation, DCS policy makes provision for community cooperation as stated in a policy announcement:

Community Corrections Office must have a discussion forum which must meet at least quarterly, in which members of the community are involved. The purpose of these forums are mainly to address problems pertaining to the imposition and execution of correctional and parole supervision, to make the community familiar with the activities of Community Corrections, to initiate policy amendments (DCS, 2014:1).

The forum referred to above is the Community Corrections Forum (CCF). It is very vital to have a committee that monitors or supervises offenders under community corrections with the assistance of members of the CCF. Hirschel, Wakefield and Sasse (2008:256), "each supervision committee at each community corrections

office, as prescribed by regulation, should consist of correctional officials involved in the supervision of offenders subject to community corrections and, if practical, a person or persons from the community who are experts in behavioural sciences". Currently, there is a complete lack of community involvement in these committees. Whilst recognising that these committees are responsible for observing prisoners' progress during the period of community corrections monitoring, and only correctional officials fulfil this task, there are aspects that require the involvement of the community to resolve, such as changing the ex-offenders' behaviour.

4.7 ELEMENTS OF COMMUNITY CORRECTIONS

4.7.1 Community corrections as a key element of public safety

The aim of this study is to explore the community involvement in ex-offender re-integration process, in order to understand the role of Community Corrections Forums (CCF) as a key element of public safety. It is important for communities to understand where ex-offenders come from. Because they tend to forget about them after they are sent to a correctional facility. Community members do not think about where offenders come from and would probably rather imagine that they are not of their world. Nevertheless, the fact is that offenders are human beings and they come from our families and our communities. These are the same communities the DCS wants to protect. They are the same communities ex-offenders will return to after their release from correctional facilities. Referring to the phenomenon, Shinkfield and Graffan (2009:29) remarked that ex-offenders need the means to support themselves and communities can either look at ex-offenders as a risk or can assist them to support themselves.

Community support is vital to prevent recidivism. Fox (2010:334) reiterates that ex-offenders: "Return to their communities, trying to put their lives back together and avoid the pitfalls that got them in trouble. Bearing the stain of their convictions, they compete for jobs, look for housing and seek educational opportunities" (Ibid. p.1).

Fox (2010:335) reiterates that ex-offenders get time, now they need opportunity to revive back their lives. Community Corrections are a key element of public safety and an essential segment of the criminal justice system. The essential component in

the criminal justice chain starts with a reaction to a crime being committed. Therefore, a victim reporting a crime to the police, and an offender being arrested and prosecuted by the courts, lead to the involvement of Corrections in the criminal justice system. When the court found offenders guilty and sentenced either with an alternative measure to incarceration or correctional sentence the idea is to have successful rehabilitation and re-integration of the offender. According to Fox (2010), “community corrections can play an important role at different stages of that chain such as at the time of sentencing with the preparation and presentation of pre-sentence reports; when a judge imposes a sentence using an alternative to imprisonment (e.g. community work, conditional sentence, probation); and during the prison sentence when it is time to review the types of release for a gradual re-integration of the offender such as temporary absences, work releases and parole or conditional release”. This is what community corrections is all about.

4.7.2 Parole as a key element of community corrections

The previous chapter outlined the definition and the process of parole which is a community corrections option. It is a key element of community corrections because it is part of the management of an offender’s re-integration as part of a reward system for progress in rehabilitation. The other reason is that, parole is a bridge from the prison to the community. It is about the safe and gradual re-integration of offenders. It is about community safety through quality decision-making based on good programming to address the risk factors, structured and realistic release plans as well as supervision of the offender’s return into our respective neighbourhoods (Collette, 2006:5).

The study insists that human beings can change and our communities are better protected if the return of ex-offenders is gradual and supervised with the involvement of the community in order to have successful re-integration. Communities warrant better knowledge or understanding to ensure that the victim, ex-offender and their families are safe and at peace, by contributing to the release process and community corrections activities. From this it can be deduced that the role of CCF’s should be clearly defined and that members should be capacitated to fulfil a meaningful role in,

not only re-integration but in rehabilitation as well. Community input in the entire corrections process is vital for the successful reintegration of ex-offenders.

4.8 COMMUNITY INVOLVEMENT

A community corrections duties is based on the approach that the community will be involved and understand the system. Muntingh (2007:84) states that, “the necessary statutory structures should be created, in which the community will be represented, such as correctional boards which consist of representatives of that particular community, together with members from Correctional Services”. The relationships between the DCS and the community, NGOs and faith-based organisations such as churches are inherent to the successful achievement of the rehabilitation and re-integration of offenders. This will ensure that the interests of the community in correctional matters is catered for and that advice is forwarded to the Minister on matters to be considered by the National Advisory Boards on Correctional Services and will also form a direct link between the community and correctional management (DCS, 1991:20).

In summary, Ross and Richards’ (2003) perspectives of community involvement in community corrections’ activity of re-integration articulate that, criminological research recognises that the majority of ex-offenders are not evil, crazed, depraved individuals as depicted within the media, but are normal individuals who have done something relatively minor, perhaps even ill-conceived acts and are thus negatively labelled by communities. This is the reason why community involvement is crucial in ex-offenders’ re-integration.

4.8.1 Objectives of the Community Participation Policy

According to the White Paper on Corrections (2005), the Department of Correctional Services should introduce community participation policy, of which the implementation is questionable according to study that is why our correctional facilities are overcrowded because ex-offenders re-offend daily. Mannyi’s (1994) findings were that greater community involvement in correctional centres would

assist the correctional centres by allowing ordinary people from the community to understand more fully the problems which prisons confront. Since this policy is silent about CCF, but focusing much on communities in general, it makes the implementation, and to achieve specific objectives successfully difficult. The objectives of such a policy are to:

- *“Create an environment that would allow for the effective involvement of the community in the rehabilitation of the offenders;*
- *Create opportunities for establishment and maintenance of partnerships between the Department and the community;*
- *Regulate the influx of community-based service providers into the Department wanting to render programmes and services to ex-offenders to assist with rehabilitation efforts;*
- *Formalise collaborative partnerships and networking relationships with the community;*
- *Integrate and coordinate services rendered by community-based service providers to offenders;*
- *Ensure effective re-integration of offenders into the community;*
- *Involve ex-offenders in rehabilitation efforts; and*
- *Market the Department, its needs and services to the community”.*

Without enough involvement of community members in correctional activities, the objective of ensuring the effective re-integration of ex-offenders into the community and involving ex-offenders in rehabilitation efforts will be impossible. This will contribute to the high rate of recidivism and raises questions such as:

- Are community members aware of this policy; and
- What are their contributions in these objectives since there is an escalation of recidivism in the country.

4.8.2 Establishing a policy framework for community involvement

The rehabilitation and re-integration of ex-offenders can only be truly successful and meaningful in society if all stakeholders such as communities and NGO's are allowed to participate in the process. To this effect, the participation of the community, in strengthening and enhancing rehabilitation is crucial. The needs of the Department shall have to be marketed to the community so as to enable it to know what expertise and services it can provide. An environment that encourages and promotes the participation of community-based service providers must be created. What is currently being done is not enough. According to DCS (2005), community cooperation with the Department for purposes of rendering services must be regulated, yet made easy. Structures that facilitate ease of access into the Department need to be put in place, to make it easy for NGOs to cooperate with the Department in joint structures such as the CCF.

The essential point to observe is the DCS' involvement in community initiatives and projects in order to support ex-offenders. This can be done through the participation of ex-offenders, community members and active participation by DCS personnel in community projects. According to Visher (2007), closer links and cooperation between the Department, community and other departments is crucial for the fight against crime, reparation of relationships and the rehabilitation of offenders. In this regard, it will be very important for the DCS to develop the necessary policy and practice framework in relation to community participation in support of the above-mentioned objectives of the policy.

4.8.3 Principles of the Community Participation Policy

The under-mentioned philosophical guidelines from the White Paper on Corrections provide a clear explanation about how offenders participate in community based services such as those offered by NGO's like NICRO and Khulisa. The Community Participation Policy is guided by the following principles:

- *“Offenders shall have the freedom to participate voluntarily in processes and services offered by the community-based service providers;*

- *An offender may not be forced to participate in processes or be deprived of his/ her rights and privileges because of non-participation; and*
- *This principle shall be subject to stipulations of the court, which may require such participation to be compulsory”.*

The South African Constitution Act 108 of 1996, Chapter 2 in the Bill of Rights, provides individuals with a freedom of choice which allows all ex-offenders a freedom of choice whether to participate in the programmes or not, yet after completion of their sentences they are released into communities without having undergone a re-integration process.

4.8.4 Development of community involvement

According to Hollin (2002), “[c]ommunity involvement and participation in various aspects of offenders’ correctional and rehabilitative processes narrow the gap between the public at large and the offenders”. It helps to change the negative attitude of society towards offenders. It provides diversity and enriches the DCS’ service delivery. There is a need for regular and active participation of non-government organisations and religious bodies (Hollin, 2002). As a result of the Department’s incessant publicity efforts, supportive connections and partnerships conducive to ex-offenders’ re-integration have been established in the policy (White Paper on Corrections) even though the implementation is still a challenge. At present, there are more religious bodies and non-governmental organisations trying to partner with the DCS to provide services to help offenders or ex-offenders to re-integrate into the community like NICRO and Khulisa, not forgetting members of CCF who represent the community in association with community corrections re-integration offices.

Some of these organisations employ specialists such as social workers, psychologists and also volunteers to perform their duties including counselling, recreational programmes, and religious services to offenders inside and outside correctional facilities to facilitate rehabilitation. They also provide social services, employment and accommodation assistance for their clients.

4.8.5 Fostering re-integration through community involvement

NGOs with the assistance of CCFs can provide the best possible opportunity for released offenders to make a new start in life. Their successful re-integration also depends on how ready the community is to support and accept them. According to Travis and Visher (2005:341) misconceptions about offenders and re-integration as well as correctional issues are largely a result of ignorance amongst the public due to a dearth of information poor education on the matter. Lattimore, Visher and Steffey (2009) urge that, this not only creates obstacles to the smooth re-integration of rehabilitated offenders but also leads to wastage of resources devoted to their rehabilitation. The efforts made by the government and the offenders themselves are not adequate. Recognising the importance of community acceptance and support of the successful re-integration of rehabilitated offenders, the DCS established Community Corrections Forums which comprise community members under the community corrections offices throughout the country.

4.8.6 The Department's approach to community-based service providers

The Department of Correctional Services should provide access of community-based service providers into its institutions for the rendering of programmes and services to offenders aimed to foster rehabilitation (Lattimore, Visher, & Steffey, 2009:73). Such programmes and services should be:

- *“Non-discriminatory and sensitive to culture, religion, gender and linguistic diversity;*
- *Responsive to the need of offenders and other intended recipients; and*
- *Be aimed at strengthening and enhancing the rehabilitation efforts of the Department”.*

4.9 CORRECTION IS A SOCIETAL RESPONSIBILITY

Societies, through socialisation produce either well or maladjusted individuals. Should an individual come in conflict with the law it is incumbent upon society to act to restore the broken relationship between the offender, victim and community.

4.9.1 Correction and dysfunctional families

The following discussions provide a detailed summary of the effects of dysfunctional families towards re-offending traits. Visher (2007:69) emphasises that, when families are dysfunctional, they provide a fertile ground for acts of criminality for the young. The family within the larger context of society and in tandem with government should provide an environment for positive socialisation. Lack of delivery on basic socio-economic needs, such as employment, public infrastructure, social recreational infrastructure and poverty, combined with dysfunctional families provide the basis that put youth at risk (Roelofse, 2007). Dysfunctional families can also provide the circumstances for ex-offenders to recommit crime.

Visher (2007:69) argue that, if one looks at all these negative consequences connected with dysfunctional families, the role of CCF members in other social institutions and with individuals in society becomes very important. These other social institutions and individuals, such as teachers, religious leaders, sports role models, families, cultural and community leaders are required to supplement the role of parents in shaping the values and life style choices of all children and youth. It is in the context of dysfunctional families that the role of the State through its various government departments and communities with all its social institutions, assume significant importance in the development of a corrective environment for children and youth.

It is also within this context of the need to provide a corrective environment for South Africa's ex-offenders, that the Department of Correctional Services has formulated a new strategic direction that facilitates a fundamental contribution to corrections.

4.9.2 The role of DCS in societal corrections

The Department's perspective on corrections provides the fundamentals for its new strategic direction. It is based on the ideals contained in the South African Constitution Act 108 of 1996 (Sections 198, chapter 11) that asserts that all South Africans should contribute to maintaining and protecting a just, peaceful and safe society in the country. This should be done by upholding the law and justice system and promoting the social responsibility and human development of all citizens. It is

therefore the approach of the South African government that correction (both self-correction and the correction of others) is inherent in good citizenship.

The Department of Correctional Services recognises the family as the basic unit of society. This study insists that, the family is also the primary level at which correction should take place. The community, schools, churches and organisations are the secondary level at which corrections should also take place. The State is regarded as the overall facilitator and driver of corrections, with the Department of Correctional Services rendering the final level of corrections at community corrections level. Our successes in crime-prevention and rehabilitation are intimately connected to how effectively we are able to address the anomalies in South African families that put people at risk with the law at the primary level. Corrections is therefore not just the duty of a particular department but a comprehensive and integrated concept.

It is also for this reason that the DCS needs the cooperation of other government departments, community-based organisations and non-governmental organisations. Collectively, there is a need to ensure that we contribute to the betterment of the circumstances of families and communities (DCS, 2005: 76). The challenge that this poses is to develop mechanisms to strengthen families and to empower communities to ensure that South Africa can realise the all-important objective of crime prevention through rehabilitation. This approach is even supported by the White Paper on Corrections.

The correctional system endeavours to have equipped offenders so that by the time they are released into society they serve their families and society with competence or excellence and responsibility in relationships. However, without the general moral re-generation and social crime prevention within the broader society, the trigger factors for recidivism are likely to come into play.

White (2007:84) highlighted that, the promotion of the spirit and practice of goodwill and sincere interaction between offenders, community, family, and within the correctional centre, the community is a vehicle through which rehabilitation *can be promoted*. The involvement of offenders in caring for their community within the correctional centre environment, in taking responsibility for their fellow offenders and their families, are stepping-stones to re-integration of these individuals into a society equipped for strengthening the moral fibre.

4.9.3 Collaboration within the community corrections field

Blumstein and Beck (2005:117) indicated that community corrections professionals cannot possibly, and should not expect to address the complex needs of offenders independently. Visher, Yahner and La Vigne (2010: 406) suggested that professionals must be involved to provide valuable information, resources, and perspectives that will help the offender to succeed in the community.

Collaboration goes beyond sharing of resources and exchanging information. It requires that community corrections officers, court officials, and community partners to collaborate with each other to achieve outcomes that would not be possible without such collaboration (Visher, Yahner & La Vigne, 2010:406). Working with other criminal justice professionals and community partners can result in supervisory plans that address offenders' needs more effectively, resulting in low crime rates within the community and successful re-integration (Petersilia, 2005:117). For example, working with collaborative partners could result in the establishment of new service resources, or a different method of opening up new opportunities for both the offenders and their families (Visher et al., 2010:407). It is only through collaboration with public, private, and community-based service providers that community corrections can reduce recidivism and contribute to creating safer communities.

4.9.4 Members of community corrections collaboration

Researchers such as Helfgott and Gunnison (2014) have explored whether criminal justice professionals are aware of ex-offenders' needs and the challenges they face on re-entry. These studies focused on determining the extent to which ex-offender's needs were being met by transition agencies and what, if any, gestures of support were extended to them by the community during the re-entry process. Helfgott and Gunnison found that coordination of services were major obstacles for ex-offenders.

Although this study emphasises collaboration programmes within communities and in South African context this would mean with CCFs, NGOs such as NICRO, the other critical component in collaboration is the selection of a broadly representative coalition of partners and other stakeholders. Collaborative partners should include those who have the authority to influence the outcome of the problem at hand and

have a demonstrated investment in doing so. In this process, the support of directors of community corrections, area commissioners and heads of correctional centres are imperative.

Professionals such as pastors, social workers and other stakeholders (traditional leaders) who can play a major role in the successful re-integration of ex-offenders in the community should participate in a community corrections collaborative partnership. According to Helfgott and Gunnison (20014), ex-offenders believe that their community corrections officers (CCOs) do not truly understand their needs, nor do they see their CCOs as adequately supportive in the re-integration process. DCS officials are important partners in community corrections, providing support to monitoring and enforcement activities to manage ex-offenders successfully and to promote their re-integration in the community.

The community and non-government organisations play key roles in effectively addressing the complex social, behavioural and health issues that ex-offenders face.

4.10 COMMUNITY STAKEHOLDERS

According to Shinkfield and Graffam (2009:29), to practice effective re-integration also requires the input of other (non-government) stakeholders. These include the ex-offender him/herself, family and community as well as non-governmental organisations such as NICRO and Khulisa just to mention a few. The role of these stakeholders in the re-integration process is briefly discussed. It is very important to provide informal social controls through economic incentives to NGOs that are rendering services or programmes to ex-offenders. Shinkfield (2006:45) suggested that such programmes will reduce recidivism, which is supported by a recent report for programme evaluation which revealed that 70 per cent of offenders were employed within a year after completing some NGO's re-integration programmes (Re-entry Policy Council, 2010). The following diagram of recidivism shows that ex-offenders remain crime-free longer after completing NGOs programmes and get jobs and support from community members.

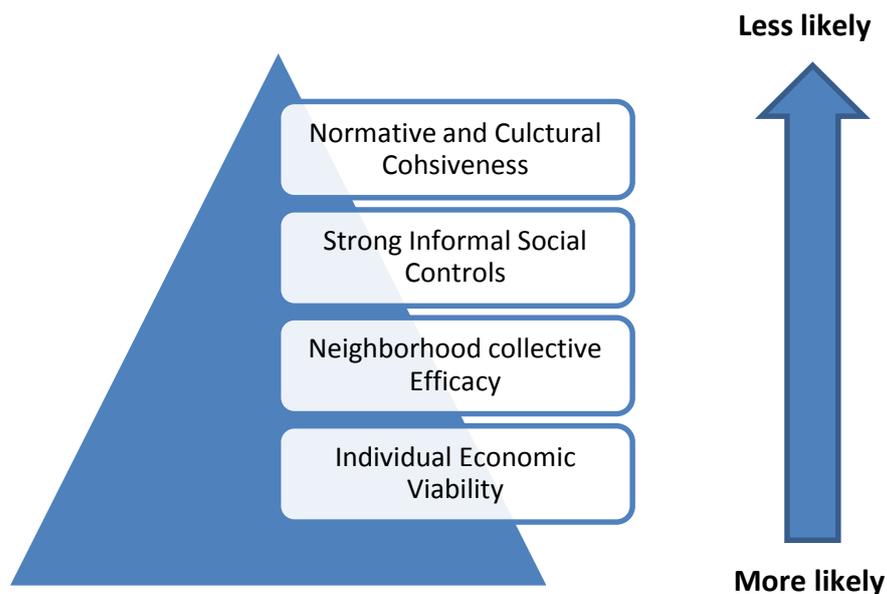


Diagram 1. Recidivism likelihood scale

This diagram provides a limited scope of a one dimensional approach that undermines successful rehabilitation and ex-offenders' re-integration. Such approach would include the intervention directed at enhancing "collective efficacy" to which ex-offenders return. Sipies (2006:43) outline the following supporting the importance of neighbourhoods, NGOs and CCF involvement in rehabilitation and re-integration by stressing the influence this has on crime reduction.

It is essential that economic infrastructure exists that is able to support normative and cultural expectations from the ex-offenders. The brief background on how the NGOs can operate to help government and the community to deal with preventing re-offending by ex-offenders with the aim of promoting successful re-integration.

4.10.1 Offender as stakeholder in the re-integration process

According to Wodhal (2006:32), offender re-integration cannot occur without the commitment of the offender him/herself. They have to *inter alia* avail themselves to attend programmes when possible, participate actively in programmes and utilise opportunities afforded to them if it will assist them in refraining from re-offending. However, in reality, there are many challenges which affect their re-integration into society. According to Levenson and Hern (2007:59), challenges must be considered,

not to relieve or reduce offenders' individual responsibility, but to understand how they may be assisted effectively and the extent to which they can be held responsible for their own re-integration (with the involvement of the community). The following is aimed at highlighting some of the challenges experienced by ex-offenders which are likely to impact on their re-integration.

- ***Common characteristics and experiences of ex-offenders which affect their prospects of re-integration***

Re-integration into the community is multi-faceted, and typically, ex-offenders experience wide-ranging challenges to re-integration. Variables influencing re-integration may be conceptualised as falling within three domains:

- Intrapersonal conditions, including physical and psychological health, substance use, education and skill levels, and emotional state;
- Subsistence conditions, including finance, employment, and housing; and
- Support conditions, including social support, formal support services, and criminal justice support (Shinkfield, 2006).

Therefore it is very vital to emphasise the need for assistance to re-integrate when ex-offenders are released with the involvement of all stakeholders including the community. It is also noteworthy that the profile of the inmate population differs considerably from that of the general population and that those differences alone can contribute to predisposition to crime. The reason to raise this point is that South Africa is a country with different race groups, and the DCS should use differentiated tools to deal with the specific needs of different groups of ex-offenders in order to accommodate everyone.

According to Albertus (2010:17), research shows that certain families and communities suffer from high incarceration rates. Imprisonment, thus becomes normalised from one generation to the next in specific communities. The South African Institute for Race Relations (SAIRR) has found that the coloured population was incarcerated at a rate of almost 651 per 100 000 people. The imprisonment rate

for this population group was twice that of the black population group, which was 342 per 100 000 people in 2007. According to the SAIRR, the analysis does not seek to suggest that some population groups are more criminally inclined than others. According to Muntingh (2008:20), it seeks to 'identify peculiar environmental influences that might drive members of some communities towards criminal activity'.

It may be assumed that many offenders are already vulnerable due to their backgrounds. It is possible that they lack self-esteem, skill and support to re-integrate into society because of their personal background and that this is exacerbated by the prison environment (Muntingh, 2008:20). The inhumane conditions in prison degrade inmates further and minimise their chances of rehabilitating. These considerations must be borne in mind when contemplating how prisoners may be assisted and to what extent they are personally responsible for their reintegration (or not).

- ***The effect of the limitation of freedom***

Communities know or understand that imprisonment limits a person's freedom; this has a profoundly negative effect on offenders and their preparation for re-integration. According to Steinberg (2004:51), an offender's experience is essentially one of infantilisation.

If adult life is made meaningful by the exercise of one's agency, then this is exactly what the offenders is denied in the correctional environment. 'Agency' in this context, not only refers to the overarching projects of adult life such as raising children and forging a career, but includes even the simplest things we do by ourselves like washing, using a telephone, deciding when to eat and when to rest.

Offenders are deprived of the very basics of being an adult. This is likely to affect an offender's sense of self-worth. To demonstrate their dissatisfaction with such treatment, offenders may resort to conduct which may be seen as anti-social, 'rebellious' and even criminal. Re-integration programmes must seek to overcome and limit the dehumanising effects of imprisonment that are occasioned by loss of adult agency. They should focus on future agency and give offenders ways to exercise this upon release.

- ***Lack of constructive activities for offenders***

Albertus (2010:40) indicated that due to a limitation or lack of rehabilitation services and constructive activities for offenders, it is unsurprising that most ex-offenders do not re-integrate effectively and risk re-offending as a result. Offenders should be required to participate in activities that will give them a sense of purpose and may contribute to skills development which may be utilised to sustain themselves after release. Allowing them to assist in the upkeep of the prison and other labour activities can serve this purpose. Intensive and individualised therapeutic interventions are also important to ensure that personal, internal psychological and emotional issues, which may underlie offending behaviour, are dealt with effectively (Albertus, 2010:41). With such assistance from communities and specialists, most offenders would be in a better position to plan their re-integration and to refrain from re-offending.

4.10.2 Families' and communities' role in the re-integration process

According to Muntingh (2008:36), it is important to consider that imprisonment affects not only the offender concerned, but also the family and community. They have to deal with the separation and the consequences of the offender's absence from the home as well as the stigma attached to having a relative in correctional facilities. La Vigne, Visher and Castro (2004:58), posit that families and communities have to accept the ex-offender back into the community when he or she is released and provide assistance to ensure that adaption to life outside correctional centre is facilitated. Shinkfield (2006:114) further argues that, if families and communities are unable to do so, or are insufficiently prepared to assist, it is likely that the offender may find the challenge of pursuing a crime-free life overwhelming and may re-offend. It is consequently important to consider how the imprisonment of an individual affects families and communities, and to examine how they in turn may influence the inmate's re-integration into society. This could provide clues to the contribution of re-integration to prevent crime.

Presently, the majority of the South African correctional population are young men. As the male correctional population increases, so, too, do the number of children

with fathers in correctional centres. The impact of the absence of fathers from homes is generally believed to have negative consequences. During 2009/2010, Statistics SA figures showed that 32 863 children were convicted and sentenced. By 2010/2011, this figure had increased by 17 526 children convicted of crime. The number of child prisoners is increasing, indicating a greater reliance on the use of imprisonment as a sentence. The statistics report shows that 80% of this children comes from single parent (mother), they lack of father supervision. Bushfield (2004:104) argues that when a father is absent due to imprisonment there are additional risks. One such risk is that opportunities to advance in life for both the offender and his family are reduced.

There is a cyclical nature to crime and low educational attainment', and with the large number of fathers in correctional centres, 'fatherlessness has become more than a private agony, it is now a very public issue with educational, social, cultural, and economic consequences (Bushfield, 2004).

This requires serious attention from communities and other community organisations to help children to achieve their dreams even though their fathers are incarceration.

4.10.3 The role of non-governmental organisations in the re-integration of prisoners

In the absence of sufficient programmes offered by the DCS, prisoners are able to participate in programmes offered by non-governmental organisations (NGOs). There is a substantial (but unconfirmed) number of NGOs working both inside and outside of correctional centres with offenders, ex-offenders and their families to promote offender re-integration and to reduce the chances of re-offending. According to Albertus (2010), some ex-offenders have indicated that most offenders prefer the programmes and services offered by NGOs to those offered by the DCS. This is not to imply that the programmes offered by the Department are inferior or inappropriate to the ones offered by NGOs. According to Albertus (2010), offenders' preference is motivated by the view that NGOs are from the communities. By participating in NGO programmes, offenders have an opportunity to work towards gaining the trust of the

community. Participation in such programmes furthermore gives offenders hope that they will be accepted back into the community when they are released.

The NGOs sector comprises mostly of non-profit, community or faith-based organisations, which fill a particular niche within communities. According to Roper (2005:42), those who lead organisations that are community or faith-based are often respected community members who are familiar with the specific culture and challenges faced by the community. Muntingh (2005:40) indicated that ex-offenders and their families generally commend the efforts of NGOs. Many ex-offenders in fact become employees or volunteers of the organisations that offered them assistance. This is indicative of the significant contribution that NGOs are making to the broader field of offender re-integration.

Although the data on the effectiveness of offender rehabilitation and re-integration programmes in South Africa is scant, there are three programmes that this argument can rely on. It is important for this study to give a summary of some NGOs that have changed ex-offenders' lives through their programmes (Muntingh, 2005:37). The three programmes, all facilitated by non-governmental organisations are:

- My Path facilitated by Khulisa;
- Working for Water and NICRO offender re-integration programme.
- Botshabelo Centre for Re-integration of Ex-offenders (BCRE)

It is also important to note that, all three programmes start differently. The first two (My Path and Re-integration of Ex-offenders Programmes) start in correctional facilities and continue after release, whereas the Working for Water-NICRO Programme commences only after release. Each of these programmes is briefly discussed hereunder.

- **My Path**

Roper (2005:42) indicated that, Khulisa's rehabilitation programme targets offenders between the ages of 18-35 years with a Grade 10 level of literacy and an approved release or placement date at least two years into the future, or those serving a sentence of five years or less. This brings challenges to those who do not meet the requirement of Grade 10. They may feel rejected and as a result may continue with criminal behaviour. According to Muntingh (2005:36), Khulisa conducted research consulting young offenders on how offender re-integration programmes could be made more effective and the following emerged:

- Facilitating educational studies and equipping participants with skills for employment or self-employment;
- Learning to live a positive life through self-control, by managing anger and having confidence, perseverance, patience and determination to succeed;
- Participating in community development programmes after release such as being part of a church or talking about prison experiences to school groups;
- By facilitating restorative justice methods, such as apologising to the victim; and
- Setting realistic goals and being realistic about life challenges, as well as having a clear vision and steps to achieve target goals.

Roper (2005:43) states that the willingness of Khulisa to consult offenders in this manner on programme content is regarded as a positive development and reflects a desire to develop needs-based programme content. Based on the evaluation of My Path Programme, three themes emerged that appear to be of importance to the re-integration process (Muntingh, 2005:37). Firstly, it was found that the programme content assisted the offenders in getting to know themselves better. This was described as improved self-confidence, being able to deal with stigma of labelling by the community or society, developing patience, and remaining dedicated to reaching goals that were set. Further attributes described by offenders entailed improving relationships with friends and family, being more articulate about feelings and thoughts, improved problem-solving, better communication skills, and in shifting them towards more positive behaviour. Part of this increased self-knowledge meant

setting realistic expectations for the period after release in order to avoid such re-offending.

Secondly, conforming to the social capital of families, building family relationships, and the support of families was critical to the process. Roper (2005:43) states that it is important to develop methods of sustaining relationships while incarcerated to encourage support systems for effective re-integration of the offender after release. In addition to these, attention should be paid to issues of financial and material support and the applicability of restorative processes.

Thirdly, achieving financial sustainability is critical to the re-integration process and requires a combination of skills development, education, access to financial support, and, in many instances, support through family networks. As Roper (2005:43) summarises:

One of the key factors for successful re-integration is ex-offenders accessing supportive structures to meet their individual needs after release including initial financial support for basic necessities, opening opportunities for gainful and meaningful work, and possible access to employment or markets for small businesses.

Muntingh (2005:44) supports Roper by indicating that the organisation (Khulisa) also introduces community awareness campaigns to create awareness about ex-offenders among the public and to provide feedback on success stories. This institution monitors participants through follow-up visits and where possible, community mentors are assigned to each ex-offender. There is still a lot to be done, because these programmes are not offered throughout the country but only in a limited area such as Gauteng as a result of lack of resources, limiting the efficiency thereof. Government intervention and support for this programme is needed so that it can be offered throughout the country. The scope for CCF and NGO cooperation has not been touched yet but is an obvious avenue of increasing successful re-integration.

- **Working for Water**

According to Muntingh (2005:43), this programme was considered as an employment programme funded through the Poverty Eradication Programme of the Department of Social Development. Lomofsky and Smith (2003:62) indicated that the overall purpose was to place 500 ex-offenders (who would be selected and prepared by NICRO) in work teams of the Working for Water Programme, where they would be employed to cut down alien vegetation in water-catchment areas. Additional support and training were also rendered to prepare participants for the termination of contract as the employment was for a limited period. The following objectives were pursued:

- To improve individual skills and characteristics;
- To improve relationships with individuals and the community; and
- To reduce stigmatisation.

These programmes were introduced to increase economic integration and access to resources, personal empowerment of clients through improved self-concept, forming new social networks in the community and rebuilding relationships with families. According to Muntingh (2005:45), the emphasis of this programme was that employment would in itself not result in effective re-integration, but it is more important that the individual responds in a constructive manner to the opportunity of employment. The employment opportunity should fit into a bigger life plan, which is a technique that was used in this programme. The Working for Water Programme also demonstrated the importance of stabilising the individual's life immediately after release, especially if this could be done through employment.

- **Botshabelo Centre for Re-integration of Ex-Offenders (BCRE)**

Botshabelo Centre for Re-integration of Ex-Offenders (BCRE) is based in Klerksdorp and is another NGO that provides services in the country. The services they render are structured in two phases. According to Vacca (2004:302), phase one, focuses on offenders to be released in six to 12 months. A two-week life skills programme,

making use of role models in the correctional-based phase and family support groups' programmes are presented during this phase. Phase two of the service is aimed at post-release support and ex-offenders are encouraged to use the services of the Centre. Vacca (2004:302) states that skills training (vocational) and job placement services are provided at the centre. It is very important for community corrections offices throughout the country to work together with these NGOs and CCF members to support the programmes they offer. The other challenge is that many, if not all of these NGOs are based in the big cities and offenders in the rural area such as Vhembe District remain unaffected as they are not included in the programmes.

4.11 EX-OFFENDER ASKS FOR A SECOND CHANCE

The study provides the following scenario to support the overall discussion on how the relationship between community and community corrections affects ex-offenders' re-integration. Approximately 200 ex-offenders asked the then Deputy Minister, Ngoako Ramathodi to raise these problems at the decision making table of government so that they could access employment opportunities without being rejected due to their previous convictions (DCS, 2005:2). Mr Tebogo Kgabje, an ex-offender who completed a law degree while incarcerated, had his dream shattered due to his criminal record which prevented him from practising as an attorney. His application for pupillage which is a requirement to be admitted as an attorney was rejected by the Bar Council of Mafikeng's High Court. Mr Kgabje, who was sentenced to 15 years for armed robbery in 2005, heeded the call while at Rooigrond Correctional Centre to leave the life of crime behind and focus on education. He enrolled for an LLB degree with UNISA in 2008 which he completed in 2012. The possibility of someone with a criminal record to be admitted as an attorney is a mountain to climb and involves petitions and substantial motivations. He asked the Department of Correctional Services to help him to realise his dream of practicing as an attorney. Although he was successfully rehabilitated, he faced the challenge of finding a job that matched his qualification due to the criminal record. The duty of the Department is to see to it that Case Assessment Teams assess offenders in order to

have a successful re-integration. This should include career guidance before studies are undertaken to prevent problems such as those experienced by Mr Kgabje.

4.12 SUMMARY

Re-integration of ex-prisoners is currently one of the major issues in the correctional services field, and promoting successful re-integration is an on-going concern in efforts to reduce recidivism. The lack of community involvement in community corrections activities raises a question towards unsuccessful ex-offenders' re-integration in South Africa. Crime in South Africa is exacerbated by the reality that the correctional system under community corrections fails to prepare prisoners for a crime-free life when they are released. Repeat offenses by ex-offenders contribute substantially to the high crime rate in South Africa. Offender re-integration is thus a necessary component of crime prevention, which requires different stake-holders such as community and non-governmental organisations to work together with community corrections. The correctional Services Act 111 of 1998 provides conditions that seek to support offenders after their release in becoming productive and law abiding citizens. The Department of Correctional Services Act is not clear about community involvement and how to equip them to understand offenders' release policy, which will make it easy for ex-offenders to re-integrate successfully.

Arguably, there is a constitutional obligation on the State to support re-integration. Re-offending adversely affects public security, traumatises victims, and increases government spending on the criminal justice system, not to mention the problems associated with prison over-crowding resulting from the perpetuation of this vicious circle. Partnerships with community NGOs are essential in our criminal justice system. The inter-relationships of the different components of the system, as well as with the communities, are key elements to ensure community safety. South Africa need intensive collaboration and commitment of all players in order to live in a safer and better world. The DCS should ensure that communities also have appropriate resources and that conditions are available to facilitate re-integration of ex-offenders. As most offenders return to their families and community of origin, the impact of imprisonment on these role players should be addressed since the 2005 White Paper on Corrections promotes the advancement of restorative justice and offender

re-integration approaches to crime prevention, which is discussed in the following chapter.

Lastly, the government is an institution created by the people. It is in the hands of ordinary people and control should also come from the community which that government serves. If the government or any of its agencies, or departments force or do not involve the community in whatever changes this may result in a breakdown in law, escalating crime rates, riots within prisons and dissatisfaction with governance..

CHAPTER 5

COMMUNITY RESTORATIVE JUSTICE

5.1 INTRODUCTION

This chapter explores the relationship between the community and ex-offenders during re-integration. It also provides insight on how re-integration forms part of the restorative justice process. Since the South African Justice, Crime Prevention and Security Cluster (JCPS) has adopted the restorative justice approach and the fact that restorative justice is largely informed by indigenous and customary responses to crime, it is necessary to take it into account as part of re-integration. In the book of Exodus in the Bible specific rules for restitution were laid down. "If a man steals an ox or a sheep, and slaughters it or sells it, he shall restore five oxen for an ox and four sheep for a sheep" (Ex 22:1). The principle of compensation is firmly entrenched in this portion of scripture. According to McDowell and Whitehead (2009:18), there is a similarity between restorative justice and justice as practiced by Africans through community and customary courts which have also found expression in urban areas in forums such as street committees and people's courts. The focus is on restoration through accepting responsibility, by the offender, for the wrong done.

According to Fox (2012:97), ex-offender accountability includes taking personal responsibility to repair the harm caused to the victim and atoning to the community for disrupting their peace and violating societal norms. According to the South African Truth and Reconciliation Commission, one of the principles of *Ubuntu* is to forgive even our adversaries (Nussbaum, 2003:1). This principle is also important for the South African justice system to successfully re-integrate ex-offenders into society. This study assumes that human beings are by nature good but are capable of making mistakes. Ex-offenders' needs and competence must be looked into (*Ubuntu*) because of the understanding that people are capable to change and learn responsible behaviour under the right conditions.

The re-integration of ex-offenders into society is indeed a complex phenomenon that involves a careful connection between addressing the transitional needs of offenders for acceptance, forgiveness, and making amends. In this paradigm, *Ubuntu* and

restorative justice complement each other and can be used in reconciliation and integration.

5.2 DESCRIPTION OF CONCEPTS

5.2.1 Justice is *Ubuntu*

The spirit of *Ubuntu* (a Zulu word) refers to the “healing of breaches, the redressing of imbalances, and the restoration of broken relationships” (Nussbaum, 2003:1). It is a prescription for treating others as we would like to be treated. *Ubuntu* is a command to care for each other and to embrace the principle of reciprocity and mutual support.

5.2.2 Restorative justice

According to Roche (2006), restorative justice is about addressing the hurts and the needs of both victims and offenders in such a way that both parties, as well as the communities of which they are part, are healed. Restorative Justice elevates the position of victims and the community in the justice process and allows for direct participation of community members in responding to the impacts of crime.

5.2.3 Community responses

A supportive community environment often mitigates the trauma of ex-offenders' family members. Petersilia (2001:10) indicated that, community responses to restorative justice support many families, specifically emphasising the importance of their religion and employers in helping them through this process. Restorative justice recognises the community as an important stakeholder in criminal events. Restorative justice, within the philosophical approach of *ubuntu* can be used effectively in re-integration.

5.3 SOUTH AFRICA HISTORY OF RESTORATIVE JUSTICE

According to Skelton and Batley (2006:19), the formalisation of the practice of restorative justice in South Africa dates back to 1992, when South Africa participated in the “modern international movement of restorative justice”. South Africa has been involved in a number of initiatives that were used to promote “restorative justice” (Fox, 2012:97). Probation Services Amendment Act, 35 of 2002 was the first to mention “restorative justice” in South African legislation. In section 1(d) of the Probation Services Amendment Act, 35 of 2002, restorative justice is defined as “the promotion of reconciliation, restitution and responsibility through the involvement of a child, the child’s parents, family members, victims and communities concerned”.

The Inter- Ministerial Committee (IMC) of the JCPS has adopted the core concepts of restorative justice as its “practice principle” (IMC, 1996:24). The South African Law Reform Commission (1996) has undertaken several projects and the following projects were mentioned as key projects. Community Dispute Resolution Structures (project 94) proposes that community based dispute resolution forums such as “*makgotla, inkundla, ibunga and imbizos*” should be encouraged and nurtured.

In terms of section 155 of the White Paper for Social Welfare (1997), the services offered to offenders, victims and their families based on restorative justice and the involvement and needs of victims and communities are of paramount importance for the promotion of re-integration and social cohesion.

A number of restorative justice projects were launched in South Africa from the 1990’s onward. NICRO was the first NGO to establish a Victim Offender Mediation project in Cape Town (Skelton & Batley, 2006:19). In 1995, Survivor-Offender Mediation (SOM) was established and convened by the Centre for the Study of Violence and Rehabilitation (CSV), with the aim of offering services to the victims or survivors and offenders during the sittings of the Truth and Reconciliation Commission (TRC) (Skelton & Batley, 2006:20). In 1999, the Restorative Justice Centre launched a Victim Offender Conference (Skelton & Batley, 2006:21). Skelton and Batley (2006:23) believe that the concept of restorative justice is “attractive to the policy makers in South Africa”. They state that this is shown by a number of training events conducted in South Africa by people from outside the country and this

also points towards commitment to the establishment of restorative justice in South Africa.

To this end, strategies of the Department of Correctional Services focussed on the enhancement of rehabilitation which is the promotion of a restorative justice approach. This creates a platform for communication between the victim, offender and community and thus facilitates the healing process (DCS, 2005:59).

The objectives of restorative justice clearly indicate the way of addressing the pain and needs of both victims and offenders in such a way that both parties, as well as the communities which they are part of, are healed (Hoyle, 2010).

5.4 RESTORATIVE JUSTICE APPROACHES

Restorative justice has its own theories that explain the reasons of restorative justice approaches. Below is the discussion of the retributive, utilitarian deterrence, rehabilitation and restitution approaches.

5.4.1 The retributive approach

According to Maruna (2006:32), this is probably the oldest punishment theory, and has its roots in religious and theological ideas. There is a strong influence of viewing a criminal offences as 'sin' and as wrong-doing against deity. In many religions, sin can only be atoned for through the suffering of the offender or a substitute (Maruna, 2006:33). This is the origin of the retributive theory's focus on punishment. The point of punishment is to correct a wrong done. The offenders' suffering or loss is what constitutes the 'pay back' to society and the victims.

The theory simply blinds itself to the fact that the real injustice of an offence is the loss and harm suffered by the victims. This injustice is not addressed by the suffering of the offender and the loss is not restored, the suffering is not compensated, and the broken relationships with victims and community are not mended. In this stance, the amount of harm in the world would have in fact been increased whereas the injustice remains.

5.4.2 The utilitarian deterrence approach

The principle of this approach is that punishment should protect communities against offenders. According to Walgrave (2003:72), the theological and metaphysical assumptions of the retribution theory are rejected. The State is viewed as having a monopoly on the use of force, which it justified in using to obtain obedience to the legal and moral order. However, the utilitarian deterrence approach retains a preoccupation with pain and suffering as a means of deterring potential offenders (Boulton & Mirsky, 2006:66). Because of its focus on protection, the theory claims to be victim focused. However, in reality it focuses entirely on the potential victims of crime, but ignores almost completely the actual victims. It also provides no mechanism for correcting the wrong.

Deterrence is a legitimate aim of law enforcement. Restorative justice can accomplish this aim without using the offender's punishment as an occasion to teach other potential offenders a lesson. Walgrave (2003:72) claimed that, by providing a way back into constructive involvement for communities, restorative justice can plausibly claim to meet the objective of social protection and deterrence more effectively than the utilitarian approach. As far as general deterrence is concerned, there is nothing to suggest that the sanctions of restorative justice, including restitution, are any less effective than the infliction of harm or deprivation.

5.4.3 The rehabilitation approach

The classical debate about the justification of punishment has been between the two theories above. Boulton and Mirsky (2006:67) indicated that, during the 20th century the prevailing language of penal theory and practice drew heavily on the rehabilitation model. The offender tends to be viewed either as a patient or a victim or both. Either way, the person is not viewed as morally responsible for the offence she or he has committed. As a patient, the offence is the product of an illness for which treatment is required. As a victim, the offence is the product of a dysfunctional social environment.

According to Boulton and Mirsky (2006:67), the rehabilitation approach has been heavily criticised and has demonstrated that enforced behavioural therapy is rarely

successful. Conditions in the average prison are far more detrimental to rehabilitation than any good served by therapeutic programmes which hinder the process of ex-offender re-integration. There is also little agreement about what approaches are appropriate or successful (Boulton & Mirsky, 2006:68). The general public also view rehabilitation as 'too soft' and that to treat offenders as non-responsible moral agents is to deny them their dignity as persons (Walgrave, 2003:73). As with the previous two approaches, this approach has little to say about the victims of crime.

Restorative justice is sometimes aligned with rehabilitation theory. However, restoration is not the same as rehabilitation. The term rehabilitation is far too weak to capture the profound changes that take place in those who participate in and internalise restorative justice processes. Restorative justice emphasises the need to accept responsibility, and so treats offenders as responsible moral agents, not as sick patients needing treatment.

5.4.4 The restitution approach

This approach is far more recent than the preceding three. It has its roots in economic and political schools of thought that are committed to a strong view of the minimalist state, and that government should intervene as little as possible in communities (Maruna, 2006:34). It essentially reduces criminal law to civil law and removes the moral concept of wrong. Criminal offences are not really wrongs against a victim but simply the cost of doing business in a community. According to Boulton and Mirsky (2006:68), this approach is sometimes appealing to advocates of restorative justice because it is the only other approach that addresses the needs of the immediate victims, it must be recognised and accepted by all stakeholders like CCF or communities that it places far too narrow an interpretation on an essentially sound idea.

5.5 PARTICIPANTS IN THE RESTORATIVE PROCESS

According to Bonta, Jesseman, Ruge and Cormier (2006:301), there are certainly many differences in the situation and motivation of the various participants in the restorative justice process. Restorative justice approaches provide for different levels of participation and this must be factored into the design of new programmes or existing traditional practices whose restorative elements can be enhanced and strengthened. CCF members in Vhembe should largely be acquainted with traditional practices and can serve a valuable purpose in incorporating traditional ties into RJ.

The following discussion examines the role of key participants in the restorative justice process. Hereunder, participants who are relevant to the research project, depending on the specific model of restorative justice and the specific context within which the programme operates are dealt with. All participants in the restoration process need to be informed of their respective roles in the process, as well as the roles of all other participants.

5.5.1 Victims

Victims play a vital role towards successful offender re-integration in all restorative justice processes. It is important to protect the interests of the victim and to ensure that re-victimisation does not occur. This may require a considerable amount of preparatory work to be undertaken with the victim prior to any encounter with the offender. According to Herman and Wasserman (2001:428), there must be a pre-meeting preparation that is designed to ensure that the victim is emotionally and psychologically prepared to engage in a dialogue with the offender. The Basic Principles (paragraph. 8 of the Department of Justice and Constitutional Development, 2011:4) states that restorative justice processes should be used only with the free and voluntary consent of the victim and further, that the victim should be able to withdraw such consent at any time during the process.

5.5.2 Offenders

For the sake of successful re-integration offenders must form part of restorative justice processes in order to make their explanation about the crime, accepting responsibility for their actions and asking for a second chance from the community and the victim. Where possible, restoration through compensation and restitution should form part of the process. Herman and Wasserman (2001:428) indicated that, in many systems, an offender can be processed through the entire justice system, from arrest, detention, trial, sentencing, and perhaps incarceration, without speaking more than a few sentences. The Basic Principles recommend that restorative processes should only be used where there is sufficient evidence to charge the offender and with the free and voluntary consent of the offender, who should be able to, as indicated above, withdraw such consent at any time during the process (Herman & Wasserman, 2001:428). Offenders also require access to legal advice and/or information.

For the offender, the process does not end with the conclusion of an agreement with other parties because fulfilling the commitment that he or she has made as part of the agreement is, perhaps, even more important. This is where offenders must demonstrate that they have accepted responsibility for their conduct and are prepared to be accountable for it in a very real and practical way.

5.5.3 Community members

The study focuses on community involvement through CCF's in ex-offenders' re-integration, which is part and parcel of the restorative justice aspiring towards successful re-integration. According to Bazemore and Stinchcomb (2004:14), many restorative justice approaches provide for an expanded role for community members in the resolution of conflict and in constructing agreements to be adhered to by offenders and sometimes also by other parties. It has been noted that "community involvement' can designate very individualistic modes of collaboration or a powerful or national lobby" (Dandurand & Griffiths, 2006:65).

There is considerable variability in the nature and extent of community involvement in the various restorative justice approaches (Bazemore & Stinchcomb, 2004:14).

For example, in Victim-Offender Mediation (VOM), the community is absent and the process consists of a mediator, the offender and the victim. In circle sentencing (discussed in detail below), on the other hand, the process is open to all members of the local neighbourhood, village or indigenous group. It is therefore always important to develop materials and design initiatives to educate the community about the principles and practices of restorative justice and the potential role that community members can play. To clearly delineate the role of CCF's in restorative justice is essential for re-integration programmes.

5.5.4 Correctional officials

Correctional officials from the Department of Correctional Services through community corrections play a vital role in the success of ex-offender re-integration by forming part of restorative justice (DCS, 2005:12). Although restorative justice processes have operated primarily at the pre-charge or post-charge, pre-sentence stages of the criminal justice system, in recent years there has been increasing use of these processes in corrections and throughout the various stages of the execution of the offenders' sentence. Strahl (2006:10) stated that, the restorative justice process, including victim offender mediation, can be utilised for offenders who are on probation or correctional supervision in the community. Parole boards can consider the participation of offenders in a restorative process as a potentially positive factor in making release decisions. Parole officers can facilitate mediations as part of the conditions of parole or refer offenders to a restorative programme in order to reduce recidivism.

5.5.5 Police

The police role in the restorative process will differ significantly depending on the type of restorative model considered. In some instances, the police have virtually no role to play whereas such police, they can participate fully in the intervention. In some instances, police officers can act as facilitators or convenors of the process and may even help participants reach decisions and resolutions consistent with community views (Burnett & Maruna, 2006:83). Care should be taken to ensure that

the role of the police is balanced and that the statutory requirements of their position do not compromise the restorative process.

5.5.6 The role of non-governmental organizations

The importance of NGOs in the process of offender re-integration dictates that they should form part of restorative justice. According to Leverentz (2011:359), non-governmental organisations (NGOs) have played a major role in the development and implementation of restorative justice programmes worldwide. Their effectiveness in creating restorative forums stems in large measure, from their being closer to the communities than the criminal justice personnel usually are (Leverentz, 2011:359). Similarly, NGOs may have more credibility in some cases than the police, public prosecutors and judges and be held in higher regard. In many countries, NGOs are also free from the taint of patronage and corruption and this gives further legitimacy to their programmatic initiatives (Dandurand & Griffiths, 2006:76). This legitimacy is very important for restorative programmes, many of which rely on the involvement of community and, in particular, assurance on the part of the victims of crime that their case will be handled fairly with little chance of re-victimisation.

NGOs may also partner with government, but in doing so, should assure themselves that doing so will not compromise the integrity of the programme or introduce political or other agendas into the process.

5.6 PRINCIPLES OF RESTORATIVE JUSTICE

Restorative justice is based on a set of principles designed to orient the response of a justice department or community to the crime or wrongful occurrence. The three core principles of restorative justice are:

5.6.1 Restoring the harm that has been done

Restorative justice requires that victims, offenders, and communities be healed following the harm which resulted from the crime or wrongful occurrence.

5.6.2 Reducing risk

This involves provision for the utmost protection of the community and its citizenry, with the prevention of future harm emphasised.

5.6.3 Empowering the community to address future harms

O'Brien and Bazemore (2005:205) indicate that, community transformation by allowing the community to take an active role and be responsible in the restorative response to the crimes they encounter in their daily lives. Stakeholders (such as victims, offenders, justice system partners and communities) should deal collectively with the impact, consequences and reparation.

The principles of restorative justice define crime as an injury and recognise the need for actions to repair that injury, plus a commitment to involve all those affected in the response to crime (O'Brien & Bazemore, 2005:206). Restorative justice responds to crime at the micro-level by addressing the harm that results from the offense and by giving priority to victim reparation. It also focuses on the need to build safer communities at the macro-level. Government and the community play complementary and collaborative roles in this response to crime, with the government responsible for establishing order and the community responsible for restoring and maintaining peace.

Restorative justice is not about deciding on punishment; in fact punishment has no role in a restorative process. Punishment can be viewed as wilfully imposing harm upon another person, and restorative justice is about healing harm done.

In summary, restorative justice processes create respectful, safe environments where forgiveness can sometimes happen, although forgiveness is not in itself the

goal of restorative justice processes. The following is a restorative three dimensional collaborative processes.

5.6.4 Restorative justice: three-dimensional collaboration

This study also based its argument on the restorative justice: three dimensional collaborative process developed by O'Brien (2007:16), which seeks to meet the needs of each participant in the healing response to the crime or wrongful occurrence. The following table was adopted from O'Brien (2007).

Table 3: Restorative justice: three dimensional collaboration

Three-Dimensional Collaboration		
Victims	Offenders	Families and community members
<ul style="list-style-type: none"> • Receive support, assistance, compensation, information and services. • Receive restitution and reparation from the offender. • To provide input at all points in the justice process, including direct input into how the offender will repair the harm done. • An opportunity to face the offenders 	<ul style="list-style-type: none"> • Complete restitution to their victims. • Provide meaningful service to repay the debt to their communities. • Face the personal harm caused by their crimes by participating in victim offender mediation. • Complete work experience and 	<ul style="list-style-type: none"> • Are involved to the greatest extent possible in offender accountability and rehabilitation, and in developing community safety initiatives. • Provide support to victims. • Provide work for offenders so that they can pay restitution to victims. • Provide service opportunities that allow offenders to learn skills and successful re-

<p>and tell their story to offenders and others, if they so desire.</p> <ul style="list-style-type: none"> • Feel satisfied with the justice process. • Provide guidance and consultation to professionals on planning and advisory groups. 	<p>tasks which increase skills and improve the community.</p> <ul style="list-style-type: none"> • Monitored by community adults as well as justice providers, and supervised to the greatest extent possible in the community. • Improve decision making skills and have opportunities to help others. 	<p>integration.</p> <ul style="list-style-type: none"> • Assist families to support young offenders in their obligation to repair the harm and increase competencies. • Play an advisory role to courts and corrections. • Act as mentors to assist offenders with developing competencies, including completing job application and becoming productive members of society.
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According to Bassani (2007:17), the victim dimension involves victims in the case, provides input through victim impact statements and case disposition, and provides restitution or other forms of reparation. According to Roche (2006:217), the objectives of the community dimension are to offer a sense of security and safety to neighbourhoods, to engage the community as participants in the sanctioning process, and to involve the community in offender re-integration to provide an opportunity for restoration and crime prevention. In fact, communities are always affected by crime and the role of communities in reintegration and restoration should be recognised as a constant. The processes and involvement of CCF's as a community structure, need to be clearly stipulated. Lastly, the offender dimension obligates the offender to be accountable in fulfilling his/her responsibility to repair the harm caused to the crime victim and the victimised community (O'Brien & Bazemore, 2005:17). This dimension also develops offenders' competencies and social skills so that they can lead a productive life and avoid future wrongful occurrences.

5.7 RESTORATIVE JUSTICE MODELS

The following restorative justice practices or models play a major role in crime prevention and also help communities to understand their role in offender's re-integration. According to Bazemore and Boba (2007:25), community decision-making models, otherwise known as community conferencing models, involve a range of restorative options for justice and educational systems. The community conferencing models implemented nationally include circle sentencing, group conferencing, reparative boards, and victim offender mediation (Thurman-Eyer & Mirsky, 2009). The models seek to identify what happened, determine the impact, and discuss a mutual agreement for resolution and repair of the harm. According to Bazemore and Boba (2007:25), the focus of these processes is to provide a means of healing the victim and offender by empowering the victim and allowing the offender to make amends for the consequences caused by the crime. There are several models of restorative justice that are practiced across a range of programmes and sectors. The following list is by no means complete:

- Victim offender mediation;
- Family group conferencing/Family group decision making;
- Conferencing (pre and post sentencing, pre-release);
- Circles; and
- Restorative practices in schools.

5.7.1 Victim Offender Mediation (VOM)

According to Umbreit and Armour (2010: 23), victim-offender mediation is the most common and broadly accepted practice in South Africa and the United States of America. VOM is a face-to-face meeting between the victim of a crime and the person (offender) responsible for that crime. Strahl (2006:10) indicated that, the meeting is facilitated by a trained mediator and allows the parties to talk about the crime and its impacts on their lives. Victims have an opportunity to get answers to their questions about the crime and the offender who committed it. The wrongdoer

has an opportunity to take responsibility for what they have done and to understand the harm they have caused (Strahl, 2006:10). If appropriate, a plan may be developed that reflects their joint decisions about how to make things right and it may include apology, restitution, and community service. According to Umbreit and Armour (2010: 23), the practice is also called victim-offender dialogue, victim-offender conferencing, victim-offender reconciliation, or restorative justice dialogue. It is evident that CCF's can play a role in RJ, even if it is just to facilitate the presence of relevant parties at sessions.

There are three basic requirements that must be met before victim-offender mediation can be used:

- The offender must accept or not deny responsibility for the crime;
- Both the victim and the offender must be willing to participate; and
- Both the victim and the offender must consider it safe to be involved in the process.

The mediation process does not always involve direct contact between the offender and the victim. When there is direct contact, the victim is often invited to speak first during the mediation as a form of empowerment.

5.7.2 Family Group Conferencing (FGC)

Thurman-Eyer and Mirsky (2009:74) described the origins of the Family Group Conference (FGC), also known as Family Group Decision Making (FGDM) process lie in New Zealand (NZ) and England. Umbreit and Armour (2010:43) explain the groups that form part of this conference as involving those persons most affected by the occurrence, such as the victim, offender, family and community. A trained facilitator guides discussions on how the affected parties have been harmed by the offense and how the harm may be repaired (Lynch & Zehr, 2004:103). All participants are involved in the resolution of the wrong doing.

According to Thurman-Eyer and Mirsky (2009:74), the United Kingdom started in the early 1980's and FGCs became a practical decision making tool in local authorities for children and projects were developed within social services organisations to

facilitate this. Internationally, the process may differ slightly but predominantly the following values are adhered to.

- **Principles and Values that Underpin FGCs include:**

The following are the principles and values that underpin family group conferencing:

- The term 'family' is interpreted widely, and includes family, friends and other significant people;
- The family always has an opportunity to plan in private;
- Families provide identity, roots and continuity beneficial to children;
- Families have vital information that professionals cannot easily access;
- Families' ability to care for their children will be encouraged by family decision making;
- Family problems can be solved through the involvement of friends and wider family;
- Families can make plans sensitive to, and reflective of, their culture; and
- Professionals need to share some of their power in working with families (based on Family Rights Group [UK], 1994).

Through the following case study, it is clear that community conferencing can play a major role in offender re-integration. The focus of the conferencing process is somewhat broader than that of regular mediation programmes. It involves bringing together the family and friends of both the victim and the offender, and sometimes also other members of the community (clearly indicating a possible role of CCF's) to participate in a professionally facilitated process to identify desirable outcomes for the parties, address the consequences of the crime and explore appropriate ways to prevent the offending behaviour from reoccurring.

- **The impact of the community in re-integration**

Peace making committees, *Zwelethemba (South Africa)* by Cartwright and Jenneker (2005)

In 1997, the Community Peace Programme launched a “model building experiment” aimed at mobilizing local knowledge and capacity around issues of dispute resolution and community building. The project was with a local community in Zwelethemba, a township near Worcester. The peace committees are made up of local township residents who undertake both peace-making and peace building. Peace-making revolves around resolving specific conflicts, whilst peace building aims to address the underlying problems in the community such as poverty or lack of access to services. Peace-making activities deal with a range of legal disputes including both civil and criminal matters.

The peace committees initially received almost all of their referrals directly from the community, not from the police or the courts. As the project evolved, however, there has been increased interaction with state agencies, notably the police. The process does not follow strict procedural rules, though there are “steps in peace-making” that are followed as guidelines rather than rules. The committees have developed their own code of good practices, and all problem-solving techniques must be legal and adhere to the code. The peace-making process does not involve adjudication, but rather focuses on discovering what can be done to reduce or eliminate the problem. The outcomes of peace-making meetings are restorative in nature: apologies, restitution and compensation.

Peace building initiatives take the process even further, looking at the wider issues affecting the community and trying to resolve these problems with a view to avoid a reoccurrence of the conflict.

In conclusion, conferences can also be convened for offenders and their families to address the issues of re-integration back into the family of the offenders and into the wider community before release.

5.7.3 Circles sentencing

According to Dickson-Gilmore and La Prairie (2005:68), the circle is a traditional form of communication for spiritual, political and communal life and is central to many indigenous communities' approaches to problem solving. Ancient Native Americans and many other indigenous cultures, gathered around fires in their communities to discuss important issues and decide as a community the appropriate way forward (Pranis, 2005:11).

For countless generations these traditions have persisted. In modern time, people are more likely to sit around a table or on chairs in a circle, to talk, solve problems or simply support one another.

The traditional form of the circle process is now used as a peace-making process. Peace-making 'circles promote safety, therefore by promoting healing: addressing the pain that gives rise to hurtful or violent conduct' (Pranis, 2005:11).

The circles invite the following paradigm shift from:

- Coercion to healing;
- Solely individual to individual and collective accountability;
- Primary dependence on the state to greater self-reliance within the community; and
- Justice as "getting even" to justice as "getting well".

By simply sitting in a circle and listening to each other, groups are able to come to shared understandings and develop a sense of belonging and connectedness. According to Pranis, Stuart & Wedge (2003:21), regardless of their use, the circle is a form that promotes the following:

- Equality – people participate on equal terms;
- Speaking and listening – everyone has a chance to speak without interruption, be listened to and be heard;

- Respect – no-one’s ideas, thoughts or feelings are dismissed or put down; and
- Inclusive – no-one is left out, everyone in the circle participates.

The strategy is to address their concern in repairing the harm caused by the criminal act process within a holistic and integrative context.

5.7.4 Reparation boards

O’Brien (2007:17) states that, reparation boards are a community sanctioning response to crime, known by such terms as, community panels, neighborhood accountability boards or community diversion boards. Most reparation boards, primarily handle non-violent, minor offenses. Trained community board members conduct face-to-face meetings with offenders who have been diverted from the formal justice process. Victims are encouraged to provide a statement to the board either in person or by way of a victim impact statement.

5.8 RESTORATIVE JUSTICE AND ITS BENEFITS

According to Mousourakis (2015:2), the traditional criminal justice system’s failure in preventing and reducing the rate of crime as well as meeting the needs of the offenders; has sparked the growing interest in “restorative justice”. Mousourakis believes that this interest signifies “a reflection of not being satisfied with the traditional criminal justice theory” (Mousourakis, 2015:2). He writes that the traditional system with its focus on determination of guilt and punishment has resulted in a “contest” between the offender (who is trying by all means to escape punishment) and the State (which is focused on a conviction).

Mousourakis (2015:2) believes that the traditional system is governed by “impersonal and systematic rules” which allow the State to be the only active “participant” in the whole process. He believes that the passive participation of the other participants who have a stake in the commission of the crime (offender; victim and communities)

results in the offender being unable to grasp the human impact of his/her actions on the victims; and “the victim remains just that, a victim” (Mousourakis, 2015:2).

The South African Law Reform Commission (1997:4) describes restorative justice as “a way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which caused it”. According to the South African Law Commission (1997:9), “the process of restorative justice seeks to redefine crime, interpreting it not so much as breaking the law, or offending against the State, but as an injury or wrong done to another person”. Umbreit (2000:4) is of the opinion that available research proves that restorative justice programmes yield higher levels of satisfaction for both the offenders and the victims, and reduces fear among the victims.

The following is a discussion of the benefits to the direct victim and indirect victims (community).

5.8.1 Benefits for victims

The community conferencing programme gives victims the opportunity to:

- **Express anger and pain directly to the person responsible;**

The benefit from this is to heal the wounds or pain caused by an offender. It is another way of dealing with stigma.

- **Receive answers to their questions about the crime;**

Sometimes victims deserve to get an explanation on why certain things happened to them. Getting answers from the offender can reduce the anger and hatred.

- **Tell their story;**

Telling their story will make the victim to continue with his/her life easier and freely.

- **Contribute towards ex-offenders' re-integration;**

This can help ex-offenders to be re-integrated successfully because the conferencing programme will make the ex-offenders to answer questions from the victim.

- **Receive restitution for damages and loses;**

Compensation is also important to restorative justice since the offenders would have caused damages during the commission of crime. Restitution will differ depending on the type of crime the offenders would have committed.

- **See remorse in the offender;**

After committing crimes, it is very important for offenders to show remorse to the victim in order to have a successful re-integration. It might be easy for the victim to forgive the offender who shows remorse.

- **Feel more powerful and in control of their life;**

Through the conferencing process, the victim can start feeling more powerful and in control of his/her life after being humiliated in a criminal act.

- **Experience a greater sense of closure.**

The benefit of this to the victim is the healing that helps him/her to start a new life after suffering victimisation. Through the interaction of the victim and the offender, this will help the victims to get answers on why the victimization happened to them.

5.8.2 Benefits for offenders

The community conferencing programme gives offenders the opportunity to:

- Take responsibility for the crime they committed;
- See the human costs of their crime;
- Have a say in how to repair the harm; and
- Experience a greater sense of closure.

The offender is able to ask for forgiveness and for a second chance from the community and victims who suffered as a result of his/her criminal behaviour. The offenders are encouraged to promise to both the community and the victims that they have changed and will pay restitution/compensation.

5.8.3 Benefits for the community

The community conferencing programme gives the community the opportunity to:

- Feel a greater sense of connectedness between community members;
- Be involved in problem solving instead of relying only on the criminal justice system for solutions;
- Contribute towards ex-offenders' re-integration; and
- Decrease the fear of crime.

Benefits of the community through CCF participation in ex-offenders re-integration is the major outcomes in this research project, the reason being that ex-offenders received by the same community after incarceration and still the same group of community to apply labelling theory towards ex-offenders. The reduction of crime rate in that community benefit everyone reside in that community as crime is a social problem in country.

5.8.4 Seven values of restorative justice

It very important to consider values of restorative justice after presenting benefits for both the community and the victims in restorative justice. The following are values of restorative justice.

- Crime is an offense against human relationships;
- The result of a crime is that harm is done to the victim and the community;
- The first priority of the justice process is to assist the victim;

- The second priority of the justice process is to restore the community to the degree possible;
- The offender has personal responsibility to victims and the community for the crime he/she has committed;
- The offender will develop improved competencies and understanding as a result of the restorative justice experience; and
- Stakeholders share responsibility for restorative justice through partnerships for action.

The values of restorative justice help community members to understand each other, and also advise them on how to resolve criminal issues within their community. Restoring the broken relationships between the criminals, and the community where these criminals come from, in order to avoid re-offending behaviour is the primary goal. Restorative justice can lead to successful re-integration of ex-offenders into the community.

5.9 SUMMARY

Restorative justice is not a “one size fits all” approach to crime. It is a social movement which promises to do justice differently and perhaps better. As such, it continues to evolve and assume new forms as governments and communities implement restorative justice principles in a manner that most effectively meets the needs of crime victims, offenders and community residents (Workman, 2008). A measure of the success of the restorative approach is that it has spawned many different types of programmes and processes. It is hoped that this research project will assist governments and communities in their consideration and implementation of restorative justice programmes through the involvement of CCF’s as part of communities. Moving a justice system from purely a punitive approach to crime prevention and transforming it to a restorative response to crime or wrongful occurrence is a viable option for justice and educational systems by actively involving system partners, victims, offenders, and communities.

Furthermore, utilising community advocates who are well trained and members of Community Corrections Forum (CCF) to address the problems and needs of re-entering offenders will not only provide an invaluable resource that will assist in the development of re-entry initiatives, but will also serve as a mechanism by which offenders can develop a sense of social responsibility to the victim and the community.

CHAPTER 6

THEORETICAL PERSPECTIVES

6.1 INTRODUCTION

This chapter focuses on theoretical literature based on Community Corrections and involvement of communities in ex-offenders' re-integration. It is also interlinked with chapter 5 on community restorative justice that deals with the reception of ex-offenders by the community. The aim is to restore the broken relationships between ex-offenders and their communities that originate from the commission of crime. In order to contextualise the study theoretically, labelling is the core theory of the study while a further three theories namely: control, conflict and re-integrative shaming theories are also dealt with. Furthermore, restorative principles as normative theory of intervention will be discussed with reference to the research literature in order to deal with the stigma the community might have against ex-offenders.

For successful re-integration, the individual offender must adapt and transform, which requires that the offender should adopt and internalise socially approved norms, attitudes, values and beliefs. The offender must, therefore, change his or her thinking and behaviour and unlearn the criminal ways in favour of learning socially responsible behaviour. The offender can accomplish this goal only if he or she is willing to engage in an on-going self-transformation process, which should theoretically start from the time he or she first enters a correctional centre.

6.2 Formal and informal labels

Kavish (2012:1) indicated that, labelling theory argues that deviant behaviour is interpreted by people in society or a community within some type of stereotyping (informal/formal labels). The following discussion of formal and informal labels explains the reaction from society that may push an individual towards behaviour that will conform to the stereotype.

6.2.1 Formal labels

Formal labels are applied to individuals that have come into contact with correctional systems with the authority to officially label the individual as deviant (Bontrager, Bales, & Chiricos, 2005:589). In South Africa, terms such as “inmate”; “prisoner” and “offender” are used while in America, the commonly used formal label is “felon”. These formal labels are also some of the most severe labels that can be applied by the criminal justice system. Simply, formal labels such as “offender” or “felon” are tools of social control reacting to an individual’s deviant behaviour (Kavish, 2012:1).

Stimulated by high recidivism rates, there has been a recent revival in the research into the criminogenic effects of formal labels (Chiricos, Barrick, Bales & Bontrager, 2007:547). The high recidivism rates suggest that secondary deviance is likely behaviour for convicted offenders. Johnson, Simons and Conger (2004:3) noted very clear that there is new support for the labelling theory when they wrote that, *“Although labelling theory has a history of being very problematic, current theory and research has reconsidered its merit as an explanation of deviance”*.

Formal labels may lead to failure of re-integration and contribute to the increase of recidivism rates in the country. Formal labels insist that “once a criminal always a criminal” no matter how far the offenders show that they have changed through correctional rehabilitation programmes. This makes it very difficult for the community, with stigmatisation playing a major role, to understand and accept ex-offenders back in their communities. Kgosimore (2001) quotes Van Eden who states that the Thembu people in the Eastern Cape and the vha-Venda people in Vhembe (the study area) exercise restorative justice. In instances the offender was required to compensate the injured party and then to share in a ritual meal, in which all the people would eat one of the animals imposed as a fine upon the offender, in public. The symbolic meaning of the sharing in the meal was that the crime expiated and that the criminal was readmitted into the community. This may work against labelling in communities in the study area. Clearly the Ubuntu philosophy is evident here.

6.2.2 Informal labels

Informal labels are applied to individuals by someone outside the official or professional authority to distinguish between deviant and non-deviant behaviour (Liu, 2000:499). Viewed as a process, this is known as informal labelling. Kavish (2012:1) argued that parents are the primary source of informal labels, and that informal labels can have a direct effect on an individual's self-concept or self-esteem.

The study of self-concepts is an intricate part of labelling theory research. Kavish (2012:4) examined the effects of labelling on institutionalised adolescents, focusing on the development of self-concepts as they pertain to labelling theory. The study by Kavish states that if a self-concept is redefined as deviant, then the probability of further "deviant" behaviour will increase.

6.3 THE LABELLING PERSPECTIVE

Giddens (2001:209) claims that labelling theory is one of the most important approaches to the understanding of criminality. As Giddens points out,

Labelling theorists interpret deviance not as a set of characteristics of individuals or a group, but as a process of interaction between deviants and non-deviants.

He further posits that one must discover why some people care to be tagged with a "deviant" label to fully understand the nature of deviance itself. Becker (1963:9) states that the impact of social reaction to certain types of behaviour or particular categories of people is crucial in explaining the criminalisation process;

Social groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular people and labelling them as 'outsiders'.

From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender". Becker further indicates that once people are judged by society, it is very hard to get back to what they once had, and often they experience an identity change. Becker (1963:9) regards this as a social problem, because labelling these

people ruins their lives to a point where they have no choice but to respond to the label they were given.

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

The stigmatisation of ex-offenders by society often hampers their successful re-integration into the community. Offenders are often labelled because of their incarceration. Upon release, they sometimes find it difficult to secure employment because of the label attached to them as an “ex-offender”. According to Becker (1963), a deviant label can lead to further deviance.

6.3.1 De-labelling practice

It is very essential to introduce measures in which communities can change the way they perceive those who violated the trust of community members by breaking the law. Understandably, forgiveness is a difficult character trait to instil in others. According to Petersilia (2003), society is again partly responsible for preventing criminal acts, because in an ideal society, considerable money would be invested in widespread crime prevention programmes that are, far more effective in preventing crime than treating crime after the fact.

Schmallegger (2006:113) emphasises that a community can help to restore the offender’s identity by erasing the social stigma associated with being an ex-offender. Labelling theory essentially states that society labels certain behaviours and actions as criminal, but once sanctioned for the criminal act, the offender is permanently labelled by society (Pittaro, 2008:1). Once labelled as a criminal, the individual has few legitimate opportunities to re-integrate successfully back into the community.

This individual will seek out other people with a similar label of social misfit and resort to crime because the ex-offender has identified and internalised the label society has bestowed on him/her (Schmallegger, 2006:113), and this results in more

deviance. According to labelling theorists, the blame lies partly with society because society created the label; yet, the individual eventually comes to identify with and accept the label (Schmallegger, 2006:113). This study emphasises that restoring the offender's identity requires society to re-label the ex-offender with a positive, socially acceptable label.

6.3.2 Removing the “Us” versus “Them” mentality

The Looking Glass Self theory implies that one's self-image is formed both consciously and sub-consciously by the perceived views and judgments of others (Yeung & Martin, 2003:843). Therefore, successful ex-offender re-integration demands that ex-offenders have the ability to adapt and exhibit socially acceptable and responsible behaviours that include thinking and acting appropriately. It is essential that they rid themselves of the self-defeating “us” versus “them” mentality by focusing on positive relationship building with family and community members (Rollo, 2002:1).

According to Rollo (2004:2), offenders internalise hostility, belligerence, and resentment towards society, which ultimately leads to an individual who becomes negative, dangerous, and unstable and exhibits self-defeating behaviour. Therefore, it is critical that researchers understand the deep influence incarceration has on the human mind and spirit (Rollo, 2004:2). Also as a community, it is imperative that we understand the effects of isolationism and alienation. When an individual loses the perception of having a vested interest and link to others resulting in a sense of detachment and lack of connectedness, this limits the offender's sense of responsibility to others. This widens the social distance or dissonance exhibited in criminal behaviour.

6.3.3 Stigma and labelling theory

This theory states that the label of ‘deviant’, and stigma that comes with such a label, is more a product of society than it is of the individual committing the deviant act. What is considered deviant in one society, or at one point in history, may not be

considered deviant in another. Anderson and Taylor (2009:45) conclude that deviance is not a quality of the act the person commits, but rather the consequence of the application by others of rules and sanctions to an “offender”. Labelling theory also suggests that once a person is labelled a deviant, he/she will be denied essential life opportunities because of this stigma, and thus will have a greater propensity to repeat deviant behaviours (Anderson & Taylor, 2009:45). Finally, labelling theory embraces that those who are restricted with an obdurate, stigmatising label often find it easier to act in accordance with that label than to shed the deviant label. Anderson and Taylor (2009:45) state that, the effects of being labelled, then, are external, with constraints being imposed on the deviant by society.

6.4 THE CONFLICT PERSPECTIVE

Chambliss, Mankoff, Pearce and Snider (2000:68) suggest that sociologists such as Haralambos and Holborn argue that only a Marxist perspective (control of the means of production/power) can deal adequately with the relationship between deviance and power. Power is held by those who own and control the means of production. Horton and Hunt (1984:176) further elaborate on the difference between cultural and class conflict theory. Cultural conflict, according to them, asserts that “when there are a number of subcultures (ethnic, religious, national, regional, class) in a society, this reduces the degree of value consensus” (Horton & Hunt, 1984:176).

Class-conflict theorists attribute deviation not to differential cultural norms, but their different interests. The clashing norms of different subcultures, according to Horton and Hunt (1984:176): “Create a condition of anomic normlessness. Deviation will continue as long as class inequalities and class exploitation continue”.

The notion of culture and class conflict in the study of the challenges that contribute to re-offending is imperative, as many ex-offenders’ behaviour is contrary to the set of norms of society.

6.5 THE CONTROL PERSPECTIVE

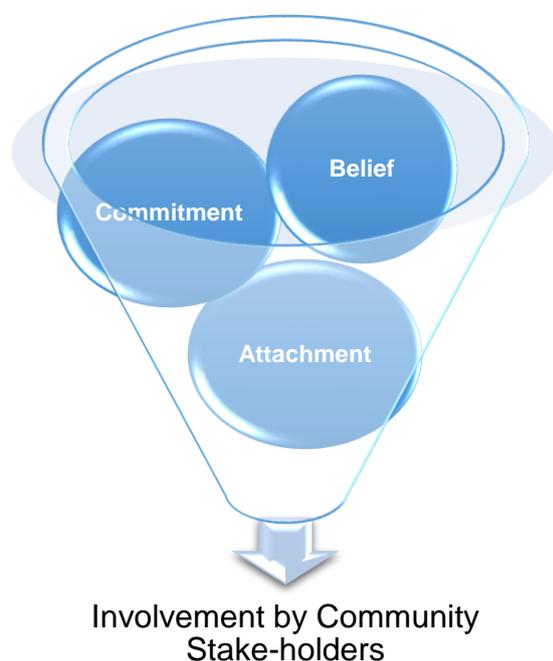
According to Giddens (2001:213), control theory postulates that crime occurs as a result of an imbalance between impulses towards criminal activity and the social or physical controls that deter it. The theory is less interested in the individual's motivations for carrying out the crimes. People act rationally, but given the opportunity, everyone would engage in deviant acts. Giddens (2001:213) claims that many types of crimes are a result of "situational decisions"; the person sees an opportunity and is motivated to act or respond to it accordingly.

Horton and Hunt (1984:177) note that:

Control theorists assume that people conform to the dominant values, because of both inner and outer controls. The inner controls are internalised norms and values one learns and outer controls are social rewards for conformity and the penalties for deviation, which one receives.

Control theory emphasises the bond which ties the individual to conventional society. Siegel and McCormick (2006:320) borrowed their suggestion from Hirschi (1980) who developed the control theory. They suggested that there are four components in this bond, namely; belief, attachment, commitment and involvement. Belief refers to the internalised values; the stronger the belief the lower the likelihood of deviation. Commitment is related to the greatness of the rewards which one gets from conformity. Attachment is the responsiveness to the opinion of others. Involvement refers to one's activities in community institutions such as the church, school and local organisations. The diagram below elaborates elements that make ex-offenders to change from criminal behaviour.

6.5.1 Diagram 2: Components of the control theory



This theory is very crucial to this study as it enabled the researcher to determine whether the lack of bonds is a possible cause of criminal behaviour leading to re-offending. It is very vital for ex-offenders to bond with their communities and families in order to be successfully re-integrated.

6.5.2 Social control theory

According to the social control theory, the development of bonds helps people to change (Akers & Sellars, 2004:13). If parolees during their re-entry associate with individuals involved in conventional activities; they are likely to develop bonds that constrain them when they are tempted to violate their parole. For example, associating with family members and peers who are law abiding may help constrain parolees who are tempted to participate in illegal behaviour. Ex-offenders think about becoming involved in illegal activities again, the prospects of losing associations with a partner or children or losing a job may constrain them.

Consistent with social control theory, several researchers have reported that marriage may help parolees refrain from crime ((Piquero, MacDonald, Dobrin, Daigle

& Cullen, 2005:55). Informal monitoring by a spouse appears to help individuals desist from drug use and other law violations (Laub & Sampson, 2001:1). However, Piquero et al, (2005:56) found out that it was not just marriage but a cohesive marriage that had a preventive effect on crime. The social ties that developed within a marriage helped explain why individuals stopped committing criminal acts (Sampson & Laub, 1993:143). Caring for a family is a big motivational factor to stay out of trouble. So, another important component in control is employment.

When parolees obtain a desirable job, they develop a stake in conformity that they have something to lose if their behaviour jeopardises their employment (Laub & Sampson, 2001:1). Laub and Sampson further indicate that, work may provide an opportunity to create new networks that replace old deviant networks. Agnew (2006:101) supported this review by saying that the type of work may be more important than just being employed. For example, low-paying or distasteful work may do little to help an ex-offender to adjust, whereas enjoyable, well-paying jobs are likely to aid in the adjustment of ex-offenders.

In summary, according to the social control theory, offending trajectories are influenced by informal controls. Individuals develop bonds to conventional individuals and institutions; they develop a stake in conformity that may constrain them when they are tempted to participate in illegal activities.

6.6 Re-integrative shaming theory

According to Braithwaite (1989:55), family group conferencing is premised on Braithwaite's family model of the criminal justice system called "re-integrative shaming". Braithwaite (1989:55) distinguishes between two types of shaming, re-integrative shaming and disintegrative shaming. He believes that disintegrative shaming is the stigmatisation of an individual by the society or community, creating outcasts which support this study objective, and labelling theory. Disintegrative shaming leads to individuals being rejected by family and community and this may lead to attachment to criminal subcultures (Braithwaite 1989:102). He explains that, this acceptance by criminal subcultures paves the way for criminal role models and criminal careers, leading to the high crime rate and unsuccessful re-integration.

Disintegrative shaming creates the following impression,

Populations of outcasts with no stake in conformity, no chance of self-esteem within the conventional society-individuals in search of an alternative culture that allows them self-esteem (Braithwaite, 1989:102).

In contrast, Braithwaite (1989: 55) claims that integrative shaming means that the community or family's expression of disapproval of a particular act by an individual is followed by re-integration back to the family and community. Shaming of an individual is followed by acceptance and forgiveness, and individuals are not marginalised. Integrative shaming takes place within that group which is important and meaningful to the young person (Braithwaite, 1989:56).

Braithwaite (1989:77) believes that the family and community have a very crucial role to play in re-integrative shaming of other community members. The same principle of family and community involvement also applies to the family group conferencing practice. Community members play a very important role in re-integration of offenders back to the community.

According to Braithwaite (1989:100), re-integrative shaming is;

"Followed by efforts to re-integrate the offender back to the community of law abiding or respectable citizens through words or gestures of forgiveness or ceremonies to decertify the offender as deviant".

The family group conference is a restorative justice (see chapter 5) response to crime that involves the offender and his family as well as the victim and the members of the community (Umbreit, 2000:1). Similar to re-integrative shaming, family group conferencing plays a very crucial role in empowering and healing communities as it involves a broad range of people who have a stake in the criminal justice processes.

The principle on which the family group conferencing is based, is that the commission of an offense victimises a wider circle of people; and that the crime has both primary and secondary victims (Umbreit, 2000:1). Offenders are given an opportunity to restore imbalances and heal the harm caused by the commission of

the offender in the presence and support of their own families who actively participate in the process.

In re-integrative shaming, the family is also cited as having a very important role to play, just as the functionalist and conflict theorists have claimed. The family is expected to play its role of nurturing, caring and forgiving the ex-offender while also providing practical support and guidance on how to lead a proper life (Braithwaite, 1989:87). Societies that believe in re-integrative shaming have less crime (Braithwaite, 1989:80).

6.7 PRINCIPLES FOR NORMATIVE THEORY OF INTERVENTION

From a restorative perspective (see chapter 5), crime is first viewed as a violation of individuals, communities, and relationships. When crime is understood in this way, “justice” must be seen as more than punishing or treating those found guilty of law breaking. Rather, because offenses “create obligations to make things right” (Zehr, 1997: 181), restorative justice can therefore be described as including “all responses to crime aimed at doing justice by repairing the harm, or healing the wounds or crime causes” (Bazemore & Erbe, 2004:10).

The following are three core principles explaining normative theory of restorative justice supporting the idea of re-integrative shaming theory:

- Repairing harm;
- Stakeholder involvement; and
- Transformation of community and government roles in response to crime.

It is very important to discuss these principles in this study, because they play a major role by making sure that there is a good relationship between ex-offenders and the community through their intervention principles.

6.7.1 Repairing the harm of crime

Hoyle (2010:1) indicated that the first and most important principle of the restorative perspective is that justice requires working to heal victims, offenders, and communities that have been injured by crime or other harmful behaviour. Van Ness and Strong (2006:43) support Hoyle by saying that a harm-focused approach in restorative justice responses to intervene begins with a focus on identifying the damage caused by the actions of offenders, while ensuring that intervention avoids doing additional harm. The overall effort is to address the needs of victims, offenders and communities driven by the needs of these primary stakeholders in the justice process.

The effort to repair must be the first concern with the crime, victim and victimised communities. Regarding victim needs, “repair” may mean restitution or other forms of reparation, the opportunity to be heard and (ideally) to be vindicated and the chance to provide input into the case.

6.7.2 Stakeholder involvement

Repairing the harm of crime cannot be effectively accomplished in the absence of input from those most affected by the crime. The second core principle of restorative justice provides maximum involvement of stakeholders in the justice process as early as possible (Van Ness & Strong, 2002:206). The following logic from the principle of repair implies that the quality of reparation is largely dependent on the extent and quality of stakeholder participation.

Stakeholder involvement processes by victims, offenders, and communities engaged in decisions making on how to repair should go beyond traditional concerns with guilt, law breaking, and how to punish (or treat) offenders (Van Ness & Strong, 2006:43). In a restorative justice process, participants are therefore concerned with three very different questions: What is the nature of the harm resulting from the crime, what needs to be done to “make it right” or repair the harm, and who is responsible for this repair? (Zehr, 1990).

The ultimate goal associated with the principle of stakeholder involvement is ownership of the response to crime and responsibility for its repair by those most affected as a result of crime. Over and above the importance of stakeholder involvement to improve the likelihood of repair, restorative justice processes are therefore important in their own right as part of an effort to democratise social control. CCFs can play a mediation role in this process between the community and ex-offenders.

6.7.3 Transformation in Community and Government Roles and Relationships

Johnstone and Van Ness (2007:16) indicated that restorative justice stems from the conviction that there are limits to the effectiveness of the criminal justice system in response to crime and trouble and the parallel view that communities have an essential role to play in this response. Transformation of community and government roles and relationships, defines the structural configuration required to ensure that communities play a major role in a reparative effort in the justice system and community context. This implied goal of systemic change is of course complex and has been discussed in numerous texts focused on the restorative vision for a transformation of criminal and juvenile justice systems (Van Ness & Strong, 2002:206).

In recent decades, communities have increasingly relinquished their responsibility for many social control and socialisation tasks. The new relationship between professionals and citizens required to facilitate victim, offender, and citizen participation in a restorative response is one aimed ultimately at the larger goal of community-building. According to Elizabeth (2011:23), “a community-building dimension is becoming an important secondary outcome of restorative practice aimed at increasing citizen and community capacity as a vital form of social capital grounded in informal networks of social control and social support”.

6.8 SUMMARY

This chapter outlined theories by explaining and presenting multiple causes of criminal behaviour in different settings. These theories provide an explanation for the habitual re-offending that results in recidivism and forms the conceptual platform. As the study seeks to understand how society as a whole contributes to the ex-offenders' re-integration and factors contribute to unsuccessful re-integration.

What is clear in the contemporary world is just as amenable to problems of labelling now as it was fifty years ago (Braithwaite, 1989). Braithwaite further states that, *“the media has become a pivotal agent in constructing the problems of crime and it oozes the daily air we breathe and still people experience the problems of labelling on a daily basis in many institutions”*.

This study emphasises that, labelling theory may have had its criminological generation and its heyday but the point is that it still brings an important and abiding set of concerns for criminologists. Its fall from explicit prominence in the twenty first century does not make the issues it raises any less significant. This chapter also presented other theories to support labelling as the main theory of this study. Theories such as control, conflict, re-integrative shaming and restorative principles for a normative theory of intervention were discussed.

Restorative justice intervention, in the context of this study, seeks a collective impact on the capacity of families, extended families, support groups, neighbourhoods, schools, housing projects (RDP), workplaces, and other community entities to enhance indigenous skills necessary to prevent and control crime. Such a community, in return, becomes a primary agent of intervention, directly affecting offenders, victims, and families using restorative justice tools to repair harm and promote conflict resolution and collective healing.

CHAPTER 7

RESEARCH METHODOLOGY

7.1 INTRODUCTION

This chapter outlines the research methodology of the study. Research method is a strategy of enquiry, which moves from the underlying assumptions to research design, and data collection (Myers, 2009). It covers the research approach, design, sampling techniques, data collection and analysis, ethical considerations and data analysis used. It of necessity also deals with trustworthiness of data and ethical issues. Although there are other distinctions in the research modes, the most common research approaches are qualitative and quantitative. At one level, qualitative and quantitative refer to distinctions about the nature of knowledge; how one understands the world and the ultimate purpose of the research. On another level of discourse, the terms refer to research methods, that is, the way in which data are collected and analysed, and the type of generalisations and representations derived from the data. This research was designed to generate qualitative data by exploring CCF's members' perceptions of their involvement in ex-offenders' re-integration.

According to Denzin and Lincoln (2003) states that, *“qualitative research is naturalistic; it attempts to study the everyday life of different groups of people and communities in their natural setting. It is particularly useful to study corrections settings and processes”*. According to Domegan and Fleming (2007:24), qualitative research aims to explore and discover issues about the problem on hand, where very little is known about the problem. In his approach there usually is uncertainty about dimensions and characteristics of a problem. According to Myers (2009), qualitative research is designed to help researchers understand people, and the social and cultural contexts within which they live. Such studies allow the complexities and differences of worlds-under-study to be explored and represented (Philip, 1998: 267). The qualitative data source of this study is focus group interviews.

7.2 RESEARCH DESIGN

Cooper and Schindler (2008:140) define research design as the blueprint for the collection, measurement and analysis of data, but warn that it is a wide-ranging concept. According to Welman and Kruger (2001:46), research design is the strategy or plan which is used to acquire participants or subjects, and how to collect data from them, in order to arrive at conclusions about the initial research question.

This is a qualitative study which made use of a phenomenological approach to gather relevant data. The phenomenological approach concerns itself with understanding and interpreting the meaning that participants give to their everyday lives (Liamputtong, 2009). The qualitative research paradigm, in its broadest sense, refers to research that elicits participants' own written or spoken words. A qualitative study is concerned with non-statistical methods and small purposively selected samples (De Vos et al., 2002:79) that need not be representative. According to Liamputtong (2009) "the strength of qualitative research is its ability to provide complex textual descriptions of how people experience a given research issue". A qualitative study focuses on meaning and interpretation because it implies "a concern for more inductive analysis, for exploring, explaining, uncovering phenomena and for generating new theoretical insights," (Hammond & Wellington, 2013:107). Similarly, Creswell (2009) holds the view that qualitative inquiry is "a means of exploring and understanding the meaning individuals or groups ascribe to a social or human problem". The phenomenon of community perspectives towards ex-offenders re-integration has not been researched in Vhembe District and a qualitative approach presents an opportunity to explore the research problem. Being an exploratory study the quantitative approach is best suited for the study.

Kubayi (2013:102) states that on a similar note, Clarkson (1989) in Carcary (2009) posits that it is impossible to study people outside the context of their on-going interactions with others or separate from their interconnectedness in the world. It is within this framework that Hammond and Wellington (2013:75) assert that an interpretivist framework is concerned with "the meaning of a phenomenon for those taking part and the consequences of their behaviour". Still, Walsh and Downe (2005) hold the view that an interpretivist approach seeks to uncover and communicate the meanings and interpretations that human beings apparently invest in social activities.

Such meanings are a function of the circumstances in which the study takes place, the individuals involved in the research and the broad interrelationships in the situations that are being researched (Carcary, 2009).

Thus, in order to arrive at the meanings of ex-offenders' re-integration in Vhembe District, the researcher sought detailed description of the phenomenon by asking questions such as 'what?', 'why?' and 'how?' about the interactions of the participants within the chosen study area (Walsh & Downe, 2005). Apart from its inherently interpretive nature, the choice of qualitative research strategy is informed by the understanding that qualitative data are reliable. In addition to their capacity to be replicated (Tracy, 2013), the reliability of qualitative data lies in the fact that rather than presenting data from the point of view of the researcher, the world is documented from the perspective of the language speakers (Hammond & Wellington, 2013). It may well be that the understanding of people's behaviour requires the understanding of the meanings and interpretations that they give to their behaviour. In fact, this tie in with the aim of qualitative research; to capture the lived experiences of the social world and the meanings that individuals give to these experiences from their own viewpoints. Liamputtong (2009:xi) is more direct about this argument that:

Because of its flexibility and fluidity, qualitative research is suited to understanding the meanings, interpretations, and subjective experiences of individuals. Qualitative inquiry allows the researchers to be able to hear the voices of those who are silenced, bothered, and marginalized by the dominant social order, as qualitative methods ask not only "what is it?" but, more importantly, "explain it to me on how, why, what's the process, what's the significance?". The in-depth nature of qualitative methods allows the researched to express their feelings and experiences in their own words (2009:xi).

Another characteristic of a qualitative inquiry as identified by Christensen, Johson and Turner (2011) is that it is conducted in the field, that is, the participants' natural setting and surroundings. In the case of this study, the researcher conducted the first focus group interview in Makhado Municipality community corrections offices and included representatives from Musina Municipality. All participants from the first focus group resided in these two municipalities. The second focus group was from Thulamela Municipality and the third or last group was from Mutale Municipality. All

these local municipalities fall under Vhembe District Municipality in the Limpopo Province.

According to Liamputtong (2009), both the participants and the sites of data collection in which the participants are selected in terms of the criteria of leadership (CCF), gender, marital status, educational level and occupation. The selection of the participants in terms of these variables was premised on the understanding that the sampled individuals were situated in different but similar social contexts in varying degrees. The goal was to confirm and to illustrate common emerging and even divergent themes (patterns) from the participants. It was clear that qualitative research would be essential for producing data from diverse individuals situated in particular contexts.

7.3 SAMPLING METHOD

According to O'Leary (2004:103), "sampling is a process that is always strategic and sometimes mathematical, which involves using the most practical procedures possible for gathering a sample that best 'represents' a larger population". Sampling is an element of data collection, and is defined by Bryman and Bell (2007:182) as the fragment or section of the population that is selected for the research process. Gill and Johnson (2010:123), however, warn that the sample size and selection are major concerns for researchers when designing and planning the research design. For the purpose of this study, the researcher selected non-probability sampling which gives the researcher assurance about the selected population. In the context of this study, only Community Corrections Forum members who were representing communities and not attached (employed) to the Department of Correctional Services were considered for participation.

Patton (2002:244) states that there are no rules for sample size in qualitative inquiry. Sample size depends on what the researcher wants to know, the purpose of the inquiry, what is at stake, what will be useful, what will have credibility, and what can be done with the available time and resources. Tracy (2013) indicated that in non-probability sampling an individual being selected has the same probability as any other in the selected population. The researcher believed that, making use of

purposive sampling technique in the study is appropriate in order to make sure that CCF members from all four municipalities were included in the study. In addition, the researcher could ensure that the required characteristics as stipulated above were represented in the focus groups. The discussion of the selection method or procedure is presented below.

7.3.1 Non-probability sampling techniques

Fox and Bayat (2007:59) indicate that, although units of analysis of non-probability sampling do not have an equal chance of being included in the sample, it still is frequently used because of its convenience and inexpensiveness. The following non-probability sampling technique was used in this study:

7.3.1.1 Purposive sampling

The study made use of purposive sampling to select its participants. According to Tracy (2013), purposive sampling is a technique used by researchers to select participants with clearly identified characteristics that according to the researcher's judgement, represent the population. Purposive sampling is a non-probability based sample "associated with research designs that are based on the gathering of qualitative data and focuses on the exploration and interpretation of experiences and perceptions," (Matthews & Ross, 2010:167). In purposive or judgemental sampling, the researcher chooses subjects who, in his opinion, are relevant to the research topic. In this study, the respondents were selected purposively because of their experience with the central phenomenon or key concept being explored. Marshall (1996:522), it is very important for the study selected the most productive sample that answered the research question.

According to Patton (1990) "focus groups combine elements of both interviewing and participant observation". Patton (1990) further indicated that, "focus group session is, indeed, an interview not a discussion group, problem-solving session, or decision-making group. At the same time, focus groups capitalise on group dynamics. The hallmark of focus groups is the explicit use of the group interaction to generate data and insights that would be unlikely to emerge without the interaction found in a

group. The technique inherently allows observation of group dynamics, discussion, and first hand insights into the respondents' behaviours, attitudes, language" and other aspects such as opinions, perceptions, preferences, fears and prejudice.

The aim is not to make empirical generalisations because qualitative research "does not require a generalisation of the findings as in positivist science" (Liamputtong, 2009:11; Kubayi, 2013:110). More importantly, it is to gather information from people who can change this world through their participation or involvement in community corrections activities and report back to their community in order to reduce or prevent re-offending behaviour. Morgan and Krueger (1998:71) support both De Vos and Strydom (2012) by indicating that "deciding on the right number of participants means striking a balance between having enough people to generate a discussion, and not having so many people that some feel crowded out". During the application of this sample method, the researcher indicated that it was acceptable to mix the sexes when the discussion topic is not related to or affected by sex stereotypes.

This study considered a heterogeneous variation sample, as it is also called, identifies cross-cutting themes among the participants, heterogeneous as they were, in terms of the categories of gender, marital status, social class and employment status (Matthews & Ross, 2010). In other words, the researcher decided in advance which types of people would be interviewed and observed (Moore, 2000). "The central idea is that if participants are purposefully chosen to be different in the first place, then their views will reflect this difference and provide a good qualitative study," (Creswell & Plano Clark, 2007:112; Kubayi, 2013:111). The differences in terms of the above variables imply not only divergent perspectives, but also similar viewpoints on the phenomenon of ex-offender re-integration.

7.3.1.2 Sample size

The researchers' understanding is that, when determining sample size for qualitative studies, it is important to remember that there are no hard and fast rules. According to Kroll, Barbour and Harris (2007:693), the number of participants per group also depends on the research question, the type of focus group guide used, and the degree to which the discussion is structured. The key factor of this study was the

detailed information the researcher wanted to obtain from each participant. The larger groups typically require a higher level of facilitator involvement, and it takes an experienced facilitator to control them without engaging in continual efforts of discipline. However, at least two considerations which are to determine the sample size that will reach saturation or redundancy and also be able to indicate the large (size) sample is needed to represent the variation within the target population. Anderson (2004:209) argues that there are no clear answers with regards to how large a sample should be. These recommendations are presented in Onwuegbuzie and Collins (2007) study. In general, sample sizes in qualitative research should not be too large that it is difficult to extract rich data. At the same time, as noted by Sandelowski (2010), the sample should not be too small that it is difficult to achieve data saturation (Flick, 2007; Morse, 1995). As noted by Sandelowski (2010: 77); 'A common misconception about sampling in qualitative research is that numbers are unimportant in ensuring the adequacy of a sampling strategy'.

According to Creswell and Plano Clark (2007:112):

"In terms of numbers, rather than selecting a large number of people or sites, the qualitative researcher identifies a small number that will provide in-depth information about each person or site. The larger the number of people, the less the amount of detail typically emerging from any one individual and a key idea of qualitative research is to provide detailed views of individuals and the specific contexts in which they hold these views. The number relates to the question or to the type of qualitative approach used".

In order to get credible findings, qualitative sample size must be large enough to ensure that the widest possible coverage of research subjects perceptions or opinions are accounted for. It is apparent that there is no set formula which is rigidly applied in the determination of the sample size in qualitative research (Liamputtong, 2009). The participants must, however, be selected meaningfully and strategically. Thus, the sample size of the present study is limited to 30 participants chosen in terms of being members in Community Corrections Forums with 10 per group and municipality, but Makhado (8) and Musina (2) municipalities were combined because the Musina CCF members were too small in number to form a focus group on their own. According to De Vos and Strydom (2012:366), focus groups usually include six to ten participants. Matthews and Ross (2010), the small number of the sample also

ensures minimal expenditure of resources in terms of effort, time and money. In other words, once the researcher is satisfied with the information gathered after interviewed and seeing that no new data are being generated, no new participants should recruited to participate in the study. The researcher's concern was not only the amount of data but rather the richness of data and not the total counts but the detail description. Morgan and Krueger (1998:77) state that the greatest amount of new information usually comes from the first two group meetings, with considerable repetition after that.

7.4 DATA COLLECTION METHOD

Malhotra and Birks (2007:94) distinguish between primary and secondary data collection. They consider primary data as information collected by the researcher in an effort to address or resolve the specific problem they identified for the research project. They define secondary data as information that has been collected from other sources. This study focused on the collection and analysis of primary data.

This study focused much on attitudes and opinions. An individual's views and preferences can be classified as attitudes, while opinions are the spoken expressions of those attitudes. This study collected data about the attitudes and opinions of the sample group related to ex-offenders' re-integration, as well as their understanding and implementation of policy on offenders' re-integration.

The intentions and motivation which refer to the participant's planned or anticipated behaviour towards ex-offenders is relevant to this study, as it plans to determine the involvement of CCFs in Correctional Services activities. The motivation behind the research was to establish how CCF members cooperate with DCS in ex-offenders' re-integration. This could assist in anticipating and planning conditions which might lead to a more positive experience for ex-offenders.

The researcher believe that the collected data would assist to identify if community behaviour contributes towards re-offending. Lacobucci and Churchill (2005:184) define behaviour as a "physical activity that takes place in specific circumstances" (example, ex-offender being denied employment because of a criminal record and labelling). This study is particularly interested in the community perspectives

(represented by CCF's) towards ex-offenders' re-integration in order to see how to solve the problem of recidivism.

7.5 FOCUS GROUP FACILITATOR

The researcher facilitated all focus groups. According to De Vos and Strydom (2012: 367), the group facilitator can be the researcher him/herself, should he or she have the necessary communication and group facilitating skills. Krueger and Casey (2000:98) indicated that a facilitator should be a good listener, have empathy and a positive regard for the participants. The researcher decided to facilitate the focus groups because he has adequate background knowledge on the topic of discussion to guide and follow up on critical areas of concern. The other advantage was that, the researcher has the ability to communicate in the relevant vernacular language. The study had two scribes and in addition, used a tape recorder to capture the discussions.

7.6 DATA ANALYSIS

Cooper and Schindler (2008:93) describe data analysis as a reduction of the volume of the collected data to a manageable size through which the researcher can start to identify trends and allows for a process of summarising it. In the process of analysing the data, the researcher is simultaneously interpreting them because he engages in the active process of noting significant data and ignoring insignificant data. According to Schwardt (2007:6), "data analysis is the process of bringing order, structure and meaning to the mass of collected data". The study made use of thematic data analysis. Patton (2002: 432) states that qualitative analysis transforms data into findings. Patton further points out that qualitative researchers have an obligation to monitor and report the analytical procedures they use in their research projects. This means that they must observe their own processes, and analyse and report on the analytical process. Malhotra and Birks (2006:10), on the other hand, describe data analysis as the editing, coding, transcription and verification of data.

There are four types of data analysis under qualitative research method, namely narrative analysis, discourse analysis, semiotic analysis and thematic analysis (Liamputtong, 2009; Kubayi, 2013:114). In the case of this study, thematic analysis was chosen as the appropriate type of data analysis. Thematic analysis can be described as follows:

“Qualitative researchers believe that words are more powerful than numbers. Hence content analysis may not be appropriate for most qualitative researchers. A more common type of analysis in qualitative research is thematic analysis, sometimes called interpretive thematic analysis. Thematic analysis is a method for identifying, analysing and reporting patterns (themes) within the data and is perceived as a foundational method for qualitative analysis (Ibid., 2009:284”.

Thematic analysis is a flexible method where the researcher needs to be clear and explicit about what is to be done and that this matches up with what is actually done. Braun and Clarke (2006) suggests that thematic analysis as essentially a foundational qualitative technique that allows researchers to interrogate data by pattern analysis through identifying, analysing and reporting patterns (themes) within data.

Thematic Analysis gives an opportunity to understand the potential of any issue more widely (Marks & Yardley, 2004). Namey, Guest, Thairu and Johnson (2008:138) said,

“Thematic moves beyond counting explicit words or phrases and focuses on identifying and describing both implicit and explicit ideas. Codes developed for ideas or themes are then applied or linked to raw data as summary markers for later analysis, which may include comparing the relative frequencies of themes or topics within a data set, looking for code co-occurrence, or graphically displaying code relationships”.

Thematic analysis is considered the most appropriate for any study that seeks to discover opinions and perceptions. It is used to analyse classifications and present themes (patterns) that relate to the data. It illustrates the data in great detail and deals with diverse subjects via interpretations (Boyatzis, 1998). The researcher emphasises that good qualitative research needs to be able to draw interpretations and be consistent with the data that is collected. With this in mind, thematic analysis is capable to detect and identify factors or variables that influence any issue generated by the participants. Therefore, the participants’ interpretations are

significant in terms of giving the most appropriate explanations for their behaviours, actions and thoughts. This fits in well with the features that are involved in the process of thematic analysis” (Hatch, 2002; Creswell, 2003). There are five steps ranging from the specific to the general that were followed to perform the thematic analysis of the data in this study. These steps involved multiple levels of analysis (Creswell, 2009). It is very important for the researcher to follow all steps to analyse data. The process starts when the analyst begins to notice, and looks for patterns of meaning and issues of potential interest in the data, this may be during data collection. The researcher, through these steps, shows the importance of being familiar with all aspects of the collected data. The steps are discussed to indicate their relevance to this study.

The first thematic step: is to organise, sort, classify or categorise the raw data obtained. using focus groups interviews. This step is designed to prepare for the (raw data) analysis. Categorising involves transcribing the interviews’ data, typing the field notes and arranging the data into different general categories and themes and in terms of their levels of complexity (Creswell, 2009; Liamputtong, 2009). During this initial stage, tough decisions are taken (Tracy, 2013) because the researcher must know what matters, because not everything matters (Miles & Huberman, 1994). The researcher started this phase by jotting down ideas and potential coding schemes and continued right through the entire coding/analysis process.

The second thematic step: involves going through the entire data in order to get a general sense of the ideas expressed by the participants. Verbal data that have been transcribed into written form were read a number of times in order to conduct a thematic analysis. Bird (2005: 227) argues that, this should be seen as “a key phase of data analysis within interpretative qualitative methodology”. This step also involved listening to the recorded interviews with possible interpretations of the data, by among others, listening to the tone of the ideas as expressed by the informants. According to Braun and Clarke (2006:77), analysis involves a constant moving back and forward between the entire data set, the coded extracts of data that you are analysing, and the analysis of the data that you are producing.

The third thematic step: is undertaken through a process of coding, which plays a major role in thematic analysis (Liamputtong, 2009). The process of coding is part of analysis (Miles & Huberman, 1994), as the researcher are organising r data into meaningful groups (Tuckett, 2005). However, the researcher coded data differs from the units of analysis (themes) which are (often) broader. Coding refers to “the process of organising the material into chunks or segments of text before bringing meaning to information” (Rossman & Rallis, 1998 in Creswell, 2009). It refers to the labelling, systematisation and organisation of the data together by making connections between major and sub-categories (Liamputtong, 2009; Tracy, 2013). In this sense, coding enables the generation of meaningful categories or themes through the segmentation of the data collected into well-organised sentences and paragraphs. The themes constitute the major findings in qualitative inquiries and should thus display multiple perspectives from the informants (Creswell, 2009). The researcher coding was based on the purpose of the study. Through coding process the researcher allocated numbers in repeated statements which enable him to organise and group similarly coded data into themes and categories.

The fourth thematic step: of thematic analysis involves the integration and summary of data through mainly inductive reasoning (Leedy & Ormrod, 2005). It is in this phase that hypotheses that describe and synthetised relationships among the categories will be offered. It is also in this phase that the data will be packaged in the form of an organisational scheme of tables, figures, diagrams, formulas and hierarchies (Ibid., 2005; Creswell, 2009) or purely just themes.

The fifth thematic and final step: involves making an interpretation or understanding of the data (ibid, 2009). The meaning of the data were included the researcher’s understanding of the data, taking into account the researcher’s and the participants’ culture, history and experiences, among others. The researcher, being a n inhabitant of Vhembe understands the language and culture which assisted with the interpretation. During this phase, the researcher again, made comparisons of the findings with data gleaned from both the reviewed literature and the theories underlying the study which is labelling theory. It was important to constantly find out whether the findings confirmed or diverged from the literature and theoretical frameworks. The findings may, in addition, suggest new questions that need to be answered from both the theoretical exposition and the literature review. New

questions may suggest answers requiring the development of new theories that may best respond to the present context of ex-offenders re-integration back to their communities or even other issues involving the community and ex-offenders.

In summary, the five steps applicable to the interpretive thematic analysis of data can be diagrammatically represented as in Figure 7.5.1, derived from both Kubayi (2013:117) and Creswell (2009). It presents the similarities and differences between the participants' perspectives to assist the readers to obtain a global view of what (Joffe & Yardley, 2004; Blacker, 2009). Diagram 3 has been adopted from Creswell (2009) and Kubayi (2013:117).

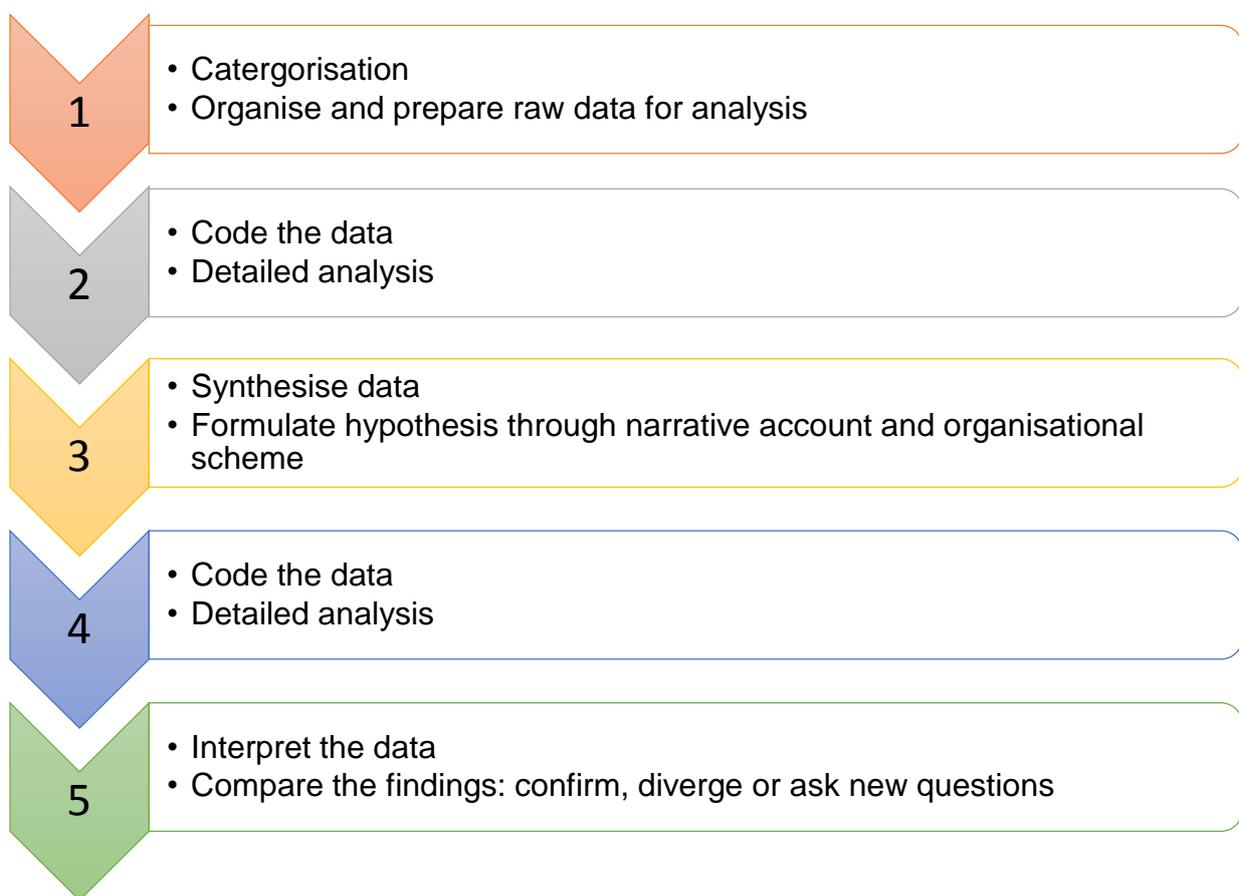


Diagram 3: Data analysis in this study

Diagram 3 shows a linear hierarchical analysis of the data building a progressive analysis from top to bottom. In practice, however, data analysis is more interactive and flexible process, showing the interrelationships that hold between the various stages (Marshall, 1996). Carcary (2009) states that data analysis requires 'reflexive interpretation,' involving the examination on how theoretical, cultural and political

contexts and intellectual involvement of the participants affects their interactions with others.

7.7 CRITERIA FOR ENSURING THE RIGOUR OF THE RESEARCH

Smith and Ragan (2005) says it is upon the reader to judge the extent of its credibility based on his/her understanding of the study. Most rationalists would propose that there is not a single reality to be discovered, but that each individual constructs a personal reality. Qualitative research must ensure quality similar to reliability and validity in quantitative research. It must demonstrate integrity, competence, clarity, completeness and legitimacy of the research process. It must meet the criterion of replication by other researchers (Liamputtong, 2009). Replication refers to “the act of recreating or reproducing an earlier study to see if its results can be repeated” (Beins, 2009:77). Rigour refers to the care and effort with which the research is carried out in order to meet the required standard (Tracy, 2013). Rigour requires the researcher to apply due diligence and to practise his craft effectively in terms of time, effort and thoroughness. Without rigour, research is worthless, becomes fiction, and loses its utility (Morse, Barrett, Mayan, Olson & Spiers, 2002:14). The strength of the qualitative approach is its ability to enable understanding and explanation of phenomena in similar settings (Walsh & Downe, 2005).

The researcher applied four criteria to judge the merits, credibility, authenticity, rigour or trustworthiness of the research, and these are:

- Credibility and authenticity;
- Transferability or applicability;
- Dependability; and
- Conformability.

Credibility in qualitative research is defined as the extent to which the data and data analysis are believable and trustworthy. Credibility and authenticity are used to determine whether the research is genuine, reliable, or authoritative (Liamputtong, 2009:21). It implies a fit between what the participants say and the representation of

their perspectives by the researcher. The researcher gave testimony of the trustworthiness of the research findings. The multiple realities given by the informants must be represented as accurately and adequately as possible.

Transferability or applicability requires the findings and the insight generated in the study's context to be generalised or applied to other individuals or contexts (Hammond & Wellington, 2013). In other words, a study must be able to be compared to others. Transferability conveys that the theoretical knowledge obtained from qualitative research can be applied to other similar individuals, groups, or situations (Liamputtong, 2009:22). Applicability or generalisability as applied in qualitative research is different from its application in positivist science (quantitative research) in which case it relates to the external validity of the findings (Kubayi, 2013:117). Social contexts are too complex to be reduced to a limited list of generalisable variables, and thus, it is not possible to replicate qualitative studies in the same way as in natural science because social research deals with human agency which cannot be generalised (Hammond & Wellington, 2013).

Dependability is analogous to reliability, that is, the consistency of observing the same finding under similar circumstances. According to Merriam (1998:205), it refers to the extent to which research findings can be replicated with similar subjects in a similar context. Dependability requires a fit between the research findings and the data from which the former have been derived. This requires the research process to exhibit logic, traceability and clear documentation (Liamputtong, 2009).

Confirmability, on the other hand, ensures that the findings and the interpretation of these findings can be confirmed by another study (Marshall & Rossman, 2006). The findings should not be derived from the researcher's imagination; they should be clearly linked to the data gathered (Liamputtong, 2009). This requires that the reader be able to see how the logical inferences and interpretations were made. The findings should thus, to a large degree be determined by the informants and the conditions of the inquiry and not merely by the biases, motivations, interests or perspectives of the researcher. According to Walsh and Downe (2005), confirmability ensures transparency of the process because it enhances the strength of the assertions made by the researcher which requires a self-critically and openly

delineated research process. This is also supported by Tracy (2013:234) who further indicated the value that brings by transparency in the research project.

Creswell (2009:192) states that an audit trail has been suggested as a strategy to establish the credibility, authenticity, dependability and confirmability of the findings of qualitative research, leading to the rigour of the whole research. The use of audit trail implies the use of external auditors. Creswell (2009:192) had the following to say about the role of an external auditor;

This auditor is not familiar with the researcher or the project and can provide an objective assessment of the project throughout the process of research or at the conclusion of the study. The role is similar to that of a fiscal auditor, and specific questions exist that auditors might ask. The procedure of having an independent investigator look over many aspects of the project enhances the overall validity of a qualitative study.

It is apparent that an audit trail is a strategy that enables readers to see how the researcher has carried out his research and come up with his interpretations and findings (Liamputtong, 2009). Carcary (2009) identifies two benefits of the auditing process. The first is that the researcher is able to reflect on how the study unfolded. Besides, an auditing trail assists the reader to follow every stage followed in the research process, including the inherent logic. In this way, other researchers will be able to determine whether a study's findings may be relied upon as a platform for further inquiry and as a basis for decision making (ibid, 2009:16).

In a similar vein, Morse et al. (2002:17) contend that an audit trail allows external reviewers to proclaim the rigour of the research after its completion. The researcher believes that this strategy therefore shifts the responsibility of ensuring rigour from the researcher to the reader of the qualitative study. Hence, it is proposed that, rather than wait for external auditors to make judgement on the merit of the inquiry, trustworthiness of process should be implemented by the investigator during the research process through verification strategies which place the investigator at the centre of the research process.

In the words of Carcary (2009), a qualitative researcher should be accountable for the quality and claims of the research. Morse et al. (2002:17) indicated that, "verification is the process of checking, confirming, making sure, and being certain of

the process followed during the research”. According to Walsh and Downe (2005) the goal of using verification mechanisms is to incrementally make meaningful contribution in the research with a view of “ensuring reliability and validity and thus, the rigour of the research, culminating in a transparency of the process”. This hypothesis finds resonance in research to those who argues that validation of findings should occur throughout the research process (Creswell 2009).

Morse et al. (2002:18) identify five verification strategies of ensuring the reliability and validity of the research process with the overall goal of bringing about the rigour of the research. The first verification strategy is methodological coherence. In the case of this study, the researcher’s choice of the interpretive framework in the form of a qualitative research design to explore the community perceptions towards ex-offenders re-integration is geared towards ensuring methodological coherence. In other words, the choice has ensured congruity between community perceptions through focus group interviews as data collection methods. Thus, rather than using a linear approach, the research follows an interactive and flexible method with every subject to modification and expansion in every step of the way.

Secondly, the sample of 30 participants was based on the saturation of categories of informants in terms of the set criteria selected for data collection. Thirdly, for the purpose of mutual interaction between what was already known about the ex-offenders’ re-integration and what still needed to be known, data was collected and analysed concurrently.

The fourth strategy requires that in conveying the findings of the study, the researcher will think theoretically using data to arrive at themes (Creswell, 2009; Tracy, 2013). This calls on the researcher to constantly reconfirm, check and verify new data against emerging data while simultaneously taking into account multiple micro and macro perspectives of the informants. Related to this strategy is one that requires the development of theory. In order to develop a well-informed, comprehensive, logical and consistent theory that accounts for ex-offenders’ re-integration, it is important to consider the interface between the micro but multiple perspectives of the data and the macro but multiple conceptual or theoretical understanding of both the data and its findings (Morse et al., 2002:18).

In addition to the five verification strategies of the process, Creswell (2009) and Tracy (2013) discuss other strategies of ensuring validity. The first of these is that the researcher should clarify the bias that he or she brings to the study. Bias will be clarified by making an open and honest self-reflection or comments about how the interpretation of the findings will, to a certain extent, be shaped by the researcher's knowledge or experience in corrections. Self-reflexivity relates to an honest and authentic awareness of one's own identity and research approach, and attitude of respect for participants, audience members, and other research stakeholders (ibid, 2013:233).

Yet another strategy is to present negative or discrepant information that runs contrary to the prevailing view or emerging themes (Creswell, 2009). People do not think alike; different perspectives bring about a more realistic picture of results. Valid research can also be brought about by spending prolonged time with the participants in the field of research (Ibid, 2009; Tracy, 2013). This has the positive outcome of amassing an in-depth understanding of ex-offenders' re-integration back to the community. This study adhered to this strategy by also reporting discrepant information.

Clearly, ensuring the rigour of the research largely lies squarely in the hands of the researcher's creativity, sensitivity, flexibility and skill in using the verification strategies that determine the reliability and validity of the evolving study, ensuring its rigour (Morse et al., 2002: 17). Walsham (2006) in Carcary (2009) cited by Kubayi, 2013:118) states that "the researcher's best tool for analysis is his or her own mind". The researcher of the present study clarified, in detail, the standards and the verification strategies that were used in the study to achieve reliability and validation, and thus, ensure the rigour of the process. The application of verification standards ensured transparency on how decisions were made, the grounds for making them, and how interpretations and findings were arrived at, and conclusions drawn. Apart from using the inherent verification strategies in the research process and an external auditor located to validate and to make an audit of the research process; data interpretations, findings, conclusions and recommendations of the study.

7.8 ETHICAL CONSIDERATIONS

Silverman (2000: 201) indicated that, “researchers should always remember that while they are doing their research, they are in actual fact entering the private spaces of their participants. Understandably, this raises several ethical issues that should be addressed during, and after the research has been conducted”. Qualitative research involves researchers and informants and is based on mutual trust and cooperation between the two groups (Kubayi, 2013:122). It is also based on promises, conventions and expectations as the outcome of the research project. The research process, therefore, gives researchers few limits and much freedom for action. This freedom of action, can, however, have adverse effects on the participants. Ethics is a crucial component of a rigorous qualitative research, more so given the close interaction and relationship between the researcher and the participants during data collection, especially in the light of the factor of unstructured, and therefore, unpredictable nature of qualitative research methods (Liamputtong, 2009).

Ethics is defined as a set of moral principles or rules by which people and societies maintain moral standards (Matthews & Ross, 2010). The aim of ethics is to prevent the participants in the research from being harmed by both the researcher and the research process. Three broad codes of ethics that a researcher should take care of can be identified (Creswell, 2009; Liamputtong, 2009; Matthews and Ross, 2010; Tracy, 2013), and these are:

- informed consent;
- Privacy and confidentiality; and
- Risk and harm

Creswell (2003), states that the researcher has an obligation to respect the rights, needs, values, and desires of informants. The

Informed consent is based on the understanding that the researcher must provide information to the participants about the purpose of the research, its procedures, potential risks, benefits, and alternatives, so that the individual understands this information and can make a voluntary decision whether to enrol and continue to participate or not (Liamputtong, 2009:34; Kubayi, 2013:122). The research

participants must understand what they are consenting to partake in without prejudice (Matthews & Ross, 2010). They must be aware of the reasons why the research is being done, what the practical implications of the research are, and that their participation is **voluntary**, and thus, they have the right to withdraw at any stage of the research. Ethics is thus based on the principle of individualism and free will of the participants (Marshall & Rossman, 2006). It is aimed at respecting the dignity and worth of every individual and his right to self-determination. It is therefore a means of protecting the participants in the research from harm or exploitation by the researcher.

According to Kubayi (2013:122), informed consent also implies that the participants should not be pressured or deceived in any way to participate in the research. It is therefore crucially important for the researcher to inform them about the nature and goals of the study before they are requested to take part in the research project. The researcher of the present study obtained informed consent from the participants before the commencement of the interviews. This entails making a full disclosure of the nature of the study subsequent to which the participants were required to read and sign an informed consent form (Creswell, 2009). The researcher read out the details of the consent form to the illiterate participants in order to secure a verbal consent from them.

The aim of **confidentiality** is to conceal the true identity and to ensure the **privacy and anonymity** of the participants (Liamputtong, 2009). Confidentiality is based on the principle of respect for autonomy of individuals in terms of keeping their identity unknown (Christensen et al., 2011). In view of this principle, the participants have the right to decide who should know about their private lives, including the revelation of their names or any other form of identification in the research (Kubayi, 2013:123; Marshall & Rossman, 2006). The revelation of the participants' private lives may result in serious physical, emotional or social harm not only to the subjects, but also to the community or even the society. In the case of social harm, social problems may emanate from the research. Consequently, the researcher is required to take responsibility to ensure that the subjects' participation in the research does not adversely affect them (Liamputtong, 2009).

It is therefore necessary to refrain from revealing the participants' identities. Instead, where necessary, pseudonyms or fictitious names should be used in field notes, transcripts, in reference to the villages or municipalities where they come from, and in the research report itself when discussing their verbatim explanations. In other contexts, the participants' identities are avoided altogether.

Confidentiality includes respecting their right not to answer certain questions in contexts where the informants are not comfortable to do so (Sarantakos, 1997). The right to privacy equally applies in situations where the researcher has a duty to enter the participants' private sphere. The data collected from the subjects must be used by the researcher only for study purposes (Christensen et al., 2011). The researcher in this study created name tags for all participants with fictitious names and promised all participants confidentiality.

7.9 INTERVIEW QUESTIONS FOR FOCUS GROUPS

In order to make a meaningful collection of the data, the researcher formulated 17 questions (Appendix: C). These questions were formulated based on the objectives of the study. They were designed to gain understanding of the social and community rules, norms and values, expectations and practices underlying challenges encountered by communities (participants) during ex-offenders' re-integration back to their communities. They were also designed to gain understanding of the participants' knowledge towards offenders' re-integration policy. The last section of the questionnaires was developed from the last research objective which described the role of participants during the re-integration of ex-offenders. The study developed questions under each specific objective in order to get more information or rich data. The questions were divided into three groups since the study had three research objectives. The researcher developed two sets of research instruments with the same content but different in languages, which are Venda and English. The reason to do this was to accommodate all respondents since the study area was dominated by Venda speaking people.

7.10 REPORT WRITING

According to Kubayi (2013:124), the research report is the face of the study. As a result, the primary goal of the report is to reflect both the research process and the research outcomes as accurately, precisely, adequately and effectively as possible from the beginning up to the last chapter (Sarantakos, 1997; Christensen et al., 2011). The study should be clearly and explicitly reported, in terms of both structure and content. Thus, the report of the present study comprises a number of chapters. These are background of the study; literature review which is divided into five chapters namely, The offender pre-release programme; Correctional Supervision and Parole Board (CSPB); Community corrections and Community involvement; Restorative justice and lastly, Theoretical perspectives; Research methodology; Data analysis and interpretation of findings, Recommendations and conclusion.

7.11 SUMMARY

The purpose of this chapter was to outline the research methodology employed in the study. It identified the research design and strategy that the researcher believed was most appropriate for the study. The section was divided into research design to discuss the qualitative research method, sampling method particularly, purposive sampling and sample size. Data collection with clarity on the role of the group facilitator and criteria for ensuring the rigour of the research, ethical considerations, research questions and report writing were also explained. The interpretive thematic analysis was chosen as a type of data analysis strategy most appropriate for the study. The following chapter is a data presentation and analysis.

CHAPTER 8

DATA PRESENTATION AND ANALYSIS

8.1 INTRODUCTION

This chapter presents the analysis and interpretation of the data that were collected through focus group interviews. Thematic content analysis was used to analyse data as indicated in Chapter 7. The presentation and the analysis of the data are done by means of the generated themes and subthemes to categorize patterns or trends in order to demonstrate the realisation of the aim and the objectives of the study.

Firstly, the researcher, after the participants were selected handed an informed consent form (Annexure A) to every participant, which explained the purpose, procedures, risks and the participants' rights in the study. The participants then indicated their willingness to participate in the study by signing a copy of the consent document. Secondly, the researcher went through the focus group interview schedule to ensure that the participants understood the questions before they responded. The participants were assured that personal information disclosed would be treated as confidential.

This chapter is divided into five themes with sub-themes and categories with sub-categories in order to analyse and interpret the data.

8.2 DEMOGRAPHIC DETAILS

The demographic data of the respondents who participated in this study are presented hereunder. According to Petersen (2000:27), demographic information refers to socio-economic characteristics of a population expressed statistically, such as age and gender. For the purpose of this study, the focus is on the gender, employment status and location of participants. The respondents were from four different local municipalities in Vhembe District. As there were only two representatives from Musina local municipality, these were included in the same focus group with the eight from Makhado. Mutale and Thulamela had the same

number of representatives with ten participants each. During the interviews and thematic analysis it soon became evident that there were no major differences in the perceptions and opinions of the three groups, therefore the data from the three groups were integrated for purpose of presentation. In instances where individual views differed from the group data the views were presented in the data.

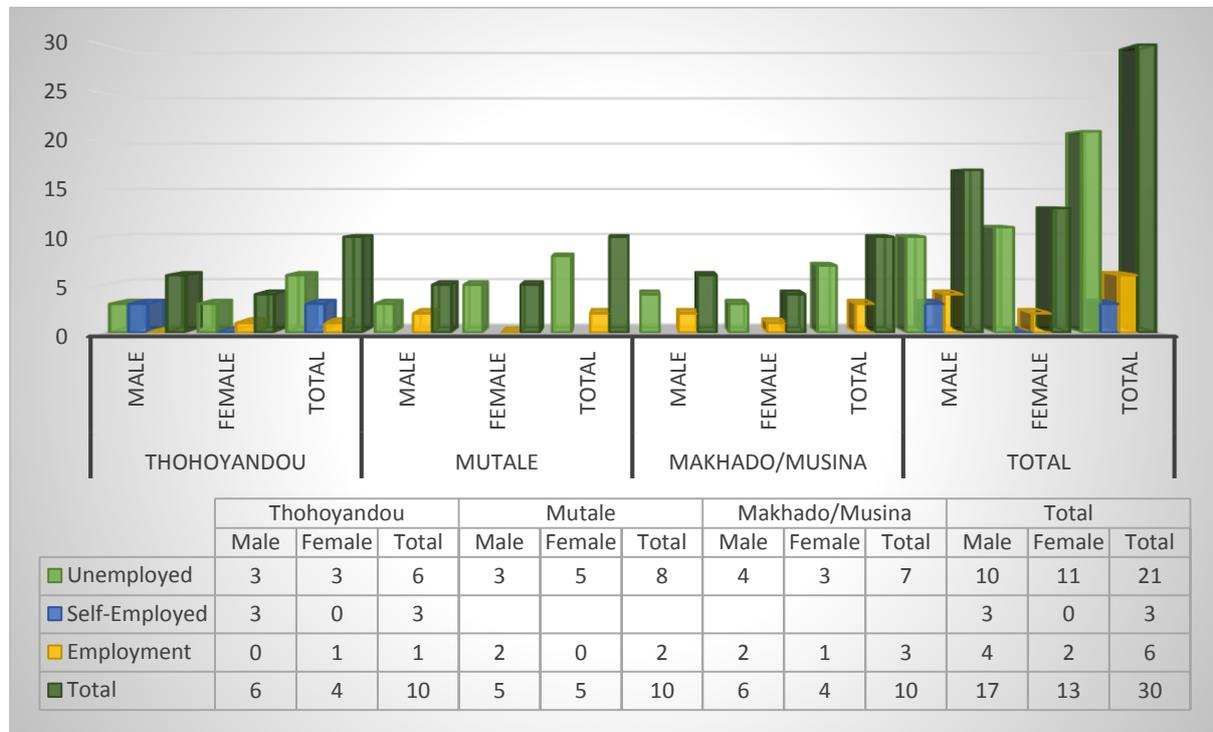


Table 4: Respondents by Gender, Employment status and Municipality

The table above indicates that the majority of participants (21) were not employed. only 3 male participants were self-employed while 4 males and 2 females were employed. The gender distribution reflects that there were a majority of males (n=17) and fewer (n=13) females respectively represented in the focus groups.

8.3 THEMES

The themes were generated from the data collected under each research objective. The study generalised answers because almost 90% of participants agreed or said the same things. Categories and sub-categories were discussed in order to explain the link between the main themes. Data presentation of this study were coded firstly in groups then compared with other groups that helped to develop final themes. The

following is the interpretation of data according to the data obtained from the focus groups.

8.3.1 THEME 1: CCF PERCEPTIONS TOWARDS EX-OFFENDER RE-INTEGRATION

The emphasis of this study is the success of ex-offender re-integration based on the involvement of CCF under the DCS administration. In chapter 2 under literature review, Laub and Sampson (2003:45) describe re-integration “as the process of transitioning from incarceration to the community, adjusting to life outside of correctional facilities, and attempting to maintain a crime-free lifestyle”. Re-integration is a complex process that occurs over time and there is much to do in the process (Shinkfield & Graffam, 2009:29). The perceptions of CCF are vital for the success of re-integration. The following are the sub-themes generated from the responses given by participants during focus group interviews. These sub-themes are generated from the perceptions of CCF members.

8.3.1.1 Sub-theme: Reception (Red carpet)

The CCF views this reception as something special and refers to it as rolling out “the red carpet” to make ex-offenders feel free and welcome. Their reception of ex-offenders is an important point of departure of the re-integration process ex-offenders as it reflects the goodwill of the community towards the ex-offender. Through this reception it can be easy for the community to exercise *Ubuntu* principle towards ex-offenders. Muntingh (2007:84) states that, the necessary statutory structures should be created to formalise communities’ role, in reception of ex-offenders. The relationships between the DCS and CCF community members, NGOs and faith-based organisations such as churches are inherent to the successful achievement of the rehabilitation and re-integration of offenders. The formalisation of community representation as recommended by Muntingh above should make provisions of participation from these groups.

Respondents agreed that:

- *They were elected by the respective communities;*
- *They were responsible for making offenders feel comfortable by laying out a red carpet;*
- *The DCS encourages CCF, to work with other departments “to promote community corrections re-integration among the community members they represent.*

It is evident that offender re-integration is a reciprocal process involving not only the perceptions, will and efforts of the returning offender but those of the community as well.

8.3.1.1.1 Categories: Relocating ex-offenders

It seemed that as if the Department of Correctional Services adopted a new system of releasing offenders to other villages or areas and not to where the offenders come from.

One of the participants from group one summarised the feelings of CCFs as follows:

The problem is that, ex-offenders acquiring of a new home when they get released, why (do) they relocate him? They are escalating the problem, because where he now lives he is new and unknown and he is likely to come back to our community and continue to commit crime knowing that he is no longer staying here.

Community Corrections Forum members showed concern in terms of the safety of the community where the ex-offender committed crime that led to incarceration. They felt that there is a possibility that an ex-offender released into another community may commit crime at night in the community where the ex-offender was first arrested knowing that he is no longer a member of that community. After committing a crime such a person can retreat to the community where he/she has been resettled by DCS and it will be difficult for community to suspect him/her. CCF members questioned this idea by seeking advice on how they could handle ex-offenders who have been moved by DCS from one community to another after release.

When communities are directly involved in the re-integration process, released ex-offenders come to understand that they have a place in their communities where they belong and that they are accepted. It becomes easy for other ex-offenders in the community to get support to facilitate their re-integration successfully.

One of the respondents indicated that:

It is very painful when we see that DCS they do not recognise us, but they expect the very same people (CCF members) to facilitate or create good reception for all ex-offenders that we didn't even know how they do in terms of their rehabilitation programmes and restorative justice with the direct victim (Zwia a vha vha (it's painful)).

According to DCS (2015:1), the Deputy Minister of Correctional Services indicated that (During the address of 2015 ex-offenders conference in Pretoria) communities have imposed “**Invisible punishments**” on ex-offenders who are re-integrating back into their communities, putting a wall between the ex-offender and society. It is very important for the community to engage themselves to support and assist ex-offenders during their reception to avoid re-offending.

- **Summary of findings**

This study emphasises the important role of the CCF in re-integration. If DCS create good collaboration with CCF's in the reception of ex-offenders it will improve the chances of successful re-integration.

Respondents collective opinion can be summarised by a response from a participant in group three who indicated that:

We were elected by the community to lay a red carpet for the ex-offenders and the other thing is that the DCS official during training of CCF members said that we should go back to the community and intermarry with other departments and have quarterly meetings and they have theirs quarterly and you slot in to sell the brand (the name of the Department of Correctional Services).

During the ex-offenders conference that was held in Pretoria the Deputy Minister of Correctional Services provided a contradiction statement when he refers to the rehabilitation and re-integration of offenders in the USA under the Second Chance Act, which was signed by President George W Bush in April 2008. This was

interesting reference by the Deputy Minister turning the blind eye on CCFs but country such as US is one of the most developed country where NGOs and society are much involve in government activities. The truth is South African need to utilise CCF and existing NGOs in order to be successful re-integration process.

8.3.1.2 Sub-theme: Forgiveness

This sub-theme was developed from the main theme. This theme covers questions from a-c in the research instrument. The question is whether communities can really forgive and forget what ex-offenders have done?

To elucidate this view, one respondent stated:

Community members are not ready to forgive and forgot (forget) ex-offenders, because some they do not talk or open up to them.

It is evident that community members need serious attention from the DCS and other relevant stakeholders to work together to remove stigmatisation. This behaviour towards ex-offenders by members of the community raises questions on the effectiveness of South African restorative justice efforts. There is considerable variability in the nature and extent of community involvement in the various restorative justice approaches (Bazemore & Stinchcomb, 2004:14). For example, in Victim Offender Mediation (VOM), the community is absent and the process consists of a mediator, the offender and the victim.

O'Brien and Bazemore (2005:206) indicated that, "principles of restorative justice define crime as an injury and recognise the need for actions to repair that injury, plus a commitment to involve all those affected in the response to crime". It is important for the department to introduce or involve community members in the restorative justice system such as the VOM. Participants indicated that community members are not informed about incarceration and rehabilitation and are intent on retribution rather than reconciliation

This point can be demonstrated by the following statement a participant made during the focus group 1 interview:

Community they do not accept that a criminal going to the correctional centre pay for the crime, they want criminals to rot in jail. They do not understand when offenders have been released after committing serious crime like murder; they think that offenders paid bribes. The other thing is that we (they) do not form part of Victim Offender Mediation and Offender Rehabilitation Programs, just to have an understanding on what is happening to them (offenders) before they are released back to us.

According to the responses or remarks above, it seems very difficult for the community to accept that ex- *When is our debt ever going to be paid according to the community and when will we be full citizens, with rights like everyone else in the community. When will we cease to be criminals by community only when society stops treating us that way and accepts us for who we are and who we can be and not who we were.*

offenders have paid their debt by being sentenced to imprisonment. Hass and Saxon (2012:1049) conducted a study on from the inside/out: Greene County jail inmates on restorative re-entry and one of the participant in this study stated that:

Chapter 5 of this study presented extensive literature on restorative justice and the review indicated that there are no chances of the DCS succeeding in re-integration if restorative justice is failing or not properly planned. To show the importance of restorative justice, Harris and Keller (2005:6) indicated that, ex-offender accountability includes taking personal responsibility to repair the harm caused to the victim and atoning to the community for disrupting their peace and violating societal norms.

To elucidate this view, one respondent stated that;

Community do not accept ex-offenders because when they are back they (ex-offenders) do not show any remorse or regret to what they have done to the community.

It is evident that community members want to see and experience a situation where the ex-offender takes responsibility for his/her actions and to make amends. Cesaroni (2001:89) describes breaking away from the effects of institutionalisation as one of the most daunting struggles faced by ex-offenders. Certain behaviours and attitudes can become more pronounced in a correctional environment as a way of

coping and surviving but then become obstacles to an ex-offender's ability to relate and work with people in the outside community.

The question were asked on how communities view ex-offenders. In this instance, CCF members in the three focus groups differed depending on the area or community they served. Groups differed amongst themselves. The main point was how members perceived the remorse and the effectiveness of rehabilitation. From the data, it was however possible to first group those who differed between groups and then members within groups. The majority of members from Thulamela and Makhado/Musina indicated that they were not involved during rehabilitation programmes and were just expected to receive ex-offenders after release. They were not in a position to assess whether the behaviour of ex-offenders had changed from the time of offense through rehabilitation and if the offender truly had shown remorse. To forgive under these circumstances was difficult according to the two groups. The Mutale group did not share this opinion.

CCF believed that if ex-offenders were not forgiven by community members they would struggle to adjust or settle back in the community, which would make them to reoffend. Forgiveness, according to this group should be given even if it is not asked for. Support was largely based on the attitude of community members towards ex-offenders. Without forgiveness support would not easily be given. Offenders need counselling, social workers and support services to bring them to a point of accountability and restitution.

To elucidate this view, one respondent stated that;

It would depend on how they (ex-offenders) got rehabilitation, re-integrated, and support he/she gets from the community and Department of Correctional.

This poses a question about the implementation of ORP within the Department of Correctional Services during offenders' incarceration. CCF members emphasised that if rehabilitation is implemented correctly it can reduce the high rate of recidivism. And therefore CCFs need to form part of the rehabilitation programme so that it can facilitate the development of a relationship between CCF members and ex-offenders which will make forgiveness and restoration easier. CCF members can then assist to

facilitate restoration and re-integration processes. This point is duly amplified by a respondent who said:

If the Department of Correctional Services assist or train CCF on how they conduct themselves towards ex-offenders to settle back to their communities and have continuous rehabilitation or treatment inside and outside correctional facilities.

According to Hass and Saxon (2012), offenders need to be reassured that they can embrace the norms and values of mainstream society and be embraced back. Hass and Saxon further (2012:1046) indicated that one of the respondents in their study indicated that:

I know what I did was wrong, and I'm paying for it by being here. Everyone makes mistakes, but everyone deserves to be forgiven, especially after they've done their time. We need to be assured that we are forgiven, not just by our families, but by society in general. This is the only way that we can let go of the past and start new.

It is important to facilitate process within RJ that will assist with the process of restoration and forgiveness this will greatly help the ex-offenders who show remorse and regret for what they have done.

- **Summary of findings**

The finding is that, Community Corrections Forum members have an important role to play with the emphasis on members being involved in the total rehabilitation process and so get acquainted with offenders that will be released.. Rehabilitation and RJ processes making ex-offenders to realise that they wronged society is crucial for reintegration. Through CCF, ex-offenders will start a new life once they show remorse and forgiveness. The community believe that ex-offenders need support systems (e.g. counselling, social work etc.) outside correctional centres to support them to settle back to the community. It is very important for communities to forgive ex-offenders but that can only happen if ex-offenders are assisted by the DCS. Under this sub-theme, the issues of engaging CCF members in ORP, VOM and RJ were raised which are very crucial points that need to be addressed in order to have successful ex-offenders' re-integration.

8.3.1.3 Sub-theme: The role of traditional leaders

Vhembe is largely a rural district and this theme was generated during the discussion of CCF's perceptions towards re-integration of ex-offenders. All CCF members from the four local municipalities highlighted this theme as a major factor that can lead to successful re-integration. According to South African Constitution Act 108 of 1996 Chapter 12, the status and role of traditional leadership according to customary law is recognised.

During the opening of the National House of Traditional Leaders earlier this year (2015), President Zuma pointed out only five responsibilities of Traditional Leaders and none of those urged traditional leaders to participate or get involved in ex-offenders re-integration. Participants felt that crime is a social problem, and consequently re-integration is an important issue and in rural communities traditional leaders should be involved.

Respondents agreed that local community leaders such as chiefs and civic leaders are not aware of the progress of offenders who are in correctional facilities. In some instances, traditional leaders oppose local community corrections office wanting to place or release offenders to communities under their jurisdiction because ex-offenders may continue with their criminal behaviour. One of the participants expressed this point as follows:

Local community leaders such as chiefs and civic leaders are not aware of progress of offenders who are in correctional facilities. Chief in my area ordered the community corrections office not to place or release an offender back to his community because the Chief is not sure if whether this ex-offender would continue with criminal behaviour.

It is evident that CCF members see the absence of traditional leaders in the re-integration process as a serious flaw.

To elucidate this view, one respondent said;

Community members plan to kill ex-offenders upon their release. One incident that took place at my village was that, the community heard about the release of one member of the community who was arrested for committing murder in our village and they planned to kill him also but fortunately they didn't kill him but they assaulted him in a way that he ended up being disabled and now he is in a wheelchair. All this was done in the presence of the traditional leader (Chief).

Significantly, none of the Acts recognises the role of traditional leaders in corrections and particularly rehabilitation and re-integration. The general view among CCF members who participated in the study was that, the role and powers of traditional leaders are ignored, including their role in crime prevention.

According to Tshehla (2005:4), there are challenges for incorporating traditional leaders into crime prevention programmes. Tshehla opines that, “challenges facing the incorporation of traditional leaders include the relationship between municipalities and traditional leaders, perceptions about who is responsible for crime prevention and crime combating, and the traditional leaders’ understanding of justice”.

- **Summary of findings**

Community Corrections Forums raised the important role of the traditional leader in ex-offenders re-integration as one of the keys to success. This also vindicates the selection of the study area which is largely rural. This finding put more emphasis on the traditional leader’s responsibility to support communities to deal with crime. Traditional leaders encourage community members often to take part in crime prevention through Community Policing Forums voluntarily, and with this understanding traditional leaders can still work hand in hand with the Department of Correctional Services to reduce the number of ex-offenders who re-offend by participating in ex-offenders’ re-integration.

8.3.1.4 Sub-theme: Communication

It is very important to understand that communication involves provision and exchange of information between DCS staff or management and CCF members. Current methods used to communicate with CCF members by DCS are seen as unsuccessful. Chapter 4 of this study provided an intensive literature review on community involvement which cannot be successful without proper communication. According to Mnyani (1994:1), community involvement assumes a need for greater accountability of correctional authorities, greater public participation in decision making and greater concern for civil rights and liberties by correctional authorities in

order to have a successful re-integration. The CCF members emphasised that there was no proper communication between them and the DCS since they were not involved in many of the DCS activities.

Respondents outlined the following in support of the above statement:

- *There is no communication between the Department of Correctional Services and the local communities of (on) the release of ex-offenders (Group3); and*
- *The department must inform the CCF to inform the community to be aware of the release of an ex-offender in order for the community to accept him/her as a changed member of the community (Group 1).*

According to Kelly (2000:92), organisational communication is the process by which information is exchanged and understood by two or more people, usually with the intent to motivate or influence behaviour. It is very difficult for CCFs to operate from the vacuum of communication from the DCS officials to assist them on how they should operate when supporting ex-offenders' re-integration. The communication process can be described as the steps between a source and a receiver that results in the transference and understanding of meaning. According to McShane and Von Glinow (2000:233) in Werner (2005:166), communication is made up of seven parts: the communication source, encoding, the message, the channel, decoding, the receiver and feedback. It is very acknowledged that all of elements are very important for each and every organisation to operate successful. The CCF is the one that operates at grassroots level with ex-offenders and the communities. They need to supply the DCS with the feedback from the ground. Equally, they need information about rehabilitation, re-integration and all facets of RJ from the DCS. This includes the resources needed to communicate with the DCS, amongst themselves, with ex-offenders and communities. Yet according to respondents this is not happening. They are obliged to use their own resources.

As one of the respondents stated that, "I use my own money to print letters and my airtime to call others to arrange meetings".

Another indicated that some information that they should have such as release dates are nor given to them by DCS. Participants also indicated that the DCS officials even withhold, screen or manipulate information. It is very difficult for CCFs to operate

without resources and with managers who may consciously or unconsciously distort downward communication by giving inaccurate, incomplete or inconsistent information. According to Gordon (1999:195), this obviously calls for complete honesty in revealing information as it makes its way down the communication channels of an organisation. The serious challenges arise when the DCS expect CCF members to make calls and copies of documents from their personal resources. The more serious problem arises from the fact that information needed by CCFs does not reach them. Respondents indicated that the CCF has no power to get involved into relocation of ex-offenders as the DCS does not communicate with them about the release dates of offenders.

If there is no communication between CCF and the DCS in terms of releasing offenders from the correctional institution, all ex-offenders will struggle to adjust or to be received by their communities. Communication between the DCS and CCF members is very vital because it determines the success of the community response on ex-offenders' re-integration. A lack of communication on release dates means that the ex-offender faces re-integration without the support of CCF because they will be unaware of the release.

According to Hass and Saxon (2012:1044), one ex-offender once indicated that:

When we're in prison, we have to become dull in our feelings and emotions. We can't care; we actually learn not to care about anyone or anything. We become defensive and hostile. Then we're released back into the community with the same attitudes. I need someone to teach me how to love and care...and if I don't make that connection, I'll go right back to hanging with my boys on the street corner and sell drugs".

Connecting with the CCF and with community members and specialist support services is therefore vital for the ex-offender's re-integration.

- **Summary of findings**

The importance of communication between the DCS officials and CCF members was very questionable or ineffective. Community Corrections Forums indicated that, empowering communities to become more directly involved in the re-integration of returning ex-offenders requires extensive communication between the DCS and

CCFs. DCS should communicate regularly and openly with CCF's. Furthermore it cannot be expected of unemployed people (70% of participants were unemployed at the time of the study - see Table 4) to foot the bill to communicate among themselves, with ex-offenders and with community members. Communication is important in every part of life. However, it must be remembered that the right way of communication is necessary to ensure that the effects of miscommunication do not occur.

8.3.1.5 Sub-theme: Consultation

The most important part of the DCS policy was to put emphasis on the relationship between the community and ex-offenders. According to the White Paper on Corrections (2005:90) Chapter 13, under external partnership, the Department indicated that, "over and above the formalisation of partnerships with the community, the Department should strive to sustain a regular Consultative Forum (CCF) of organisations committed to penal advocacy". This forum should also strive to ensure that the societal responsibility for corrections becomes inherent to the fabric of the South African society.

Respondents indicated a lack of regular contact on the progress with re-integration. A respondent stated that;

DCS does not visit the CCF to check if whether there is a progress in terms of re-integration. How effective they are and what the reports says about the forum on the ground.

This point was raised in all three groups.

Another respondent indicated that:

We only get invitations for meetings towards the end of the year when officials want to write reports.

A respondent from group two further indicated that:

The only thing that the DCS requires from the CCF is the roll call for catering (only).

Participants further indicated that no specific DCS official had been allocated the responsibility to liaise with CCFs. One of the respondents who was very angry

(facial expression and tone of voice) made a statement that covers both the above sub-themes of communication and consultation by indicating that;

Employee communications and consultation are essentially about involving and developing people in an organisation. Whatever the size of an organisation, and regardless of whether it is unionised or non-unionised, employees will only be able to perform at their best if they know their duties, obligations and rights and have an opportunity of making their views known to management on issues that affect them.

This practise by management, employees of DCS, and community representatives (CCF), should jointly examine and discuss issues of ex-offenders' re-integration of mutual concern, through seeking acceptable solutions to problems of re-entry through a genuine exchange of views and information. Consultation involves the DCS management actively meeting with CCFs representatives, and taking account of CCFs views before making a decision.

- **Summary of findings**

This is important for the DCS to have effective consultation with all stakeholders or people who are work together with them. The findings emphasise that effective consultation requires CCF members to be given the opportunity to contribute to the decision-making with regard to ex-offender re-integration process. It is very important for the DCS to take the views of CCF members into account, and advise them on the outcome of any consultation in a timely manner. It will remain the task of the Department of Correctional Services to introduce a method that will deal with barriers to effective consultation by addressing communication failure, power differences, distrust and lack of commitment if they have to achieve effective consultation with CCFs.

8.3.1.6 Sub-theme: Offices

The challenges arises when the CCF talked about office space and equipment that could help them to achieve successful re-integration. Participants believed that lack of resources was because they did not have their own office to hold meetings, perform administration and perform other related functions. Earlier, the issue of

paying for communication needs from their own pockets was also raised. The issue of resources was not in the research objectives neither were questions formulated for the focus groups but because participants raised this issue very often, the researcher decided to develop a theme on these.

Respondents said they needed:

- *An office;*
- *Stationery;*
- *Phones; and*
- *Vehicles.*

A respondent further indicated that;

Let the Department keep its promises and provide us with stationery and independent office which deal specifically with CCF. The office must have phones to communicate with other members from different local municipalities around Vhembe District.

Another participant said that;

I use my own money to print letters and my airtime to call others to arrange meetings.

It is evident that CCF members were struggling to participate and their involvement was negatively affected by a lack of resources. The challenge was that 21 of the participants in the study were not employed, which raised many questions in terms of getting money to buy airtime and transport fare to attend meetings if the independent office was not there to take care of all the logistics. Participants indicated that this can be achieved to ensure accountability and transparency through ex-offender release mechanism in South Africa.

- **Summary of findings**

The finding of this sub-theme is that CCF's need, an office that is equipped with basic necessities. Participants believe that such an office will give CCF members the ability to operate productively in the community and with the same freedom of choice applying effective consultation or communication with other stakeholders including the DCS. Once it is established, this office should receive funds from the DCS to meet the operational needs of Community Corrections Forums. This office will also

assist in transforming the DCS policy implementation and support ex-offenders' re-integration.

8.3.1.7 Sub-theme: Victim Offender Dialogue/Mediation

Chapter 5 of this study provided a literature review where Umbreit and Armour (2010: 23) indicated that, "*victim offender dialogue is the most common and broadly accepted practice in South Africa and the United States of America*". VOD is a face-to-face meeting between the victim of a crime and the person (offender) responsible for that crime. This should only happen in the presence of direct victims and excludes the community. It is very vital to engage communities since the ex-offender will return to the community and expect the very same community to treat him/her with respect. The DCS always put emphasis on direct victim and his/her families when it comes to restorative justice but not on the broader community.

To elucidate this view, respondents from group 1, after discussion of the issue collectively stated that;

The administration of VOD is not properly coordinated because only certain groups are involved in this process excluding CCF which is the bridge to the community.

This opinion was also heralded in the other groups. It should be borne in mind during VOD that the offender and the victim should talk to each other about what happened such as the effects of the crime on their lives, and their feelings about it. They may choose to create a mutually agreeable plan to repair any damages that occurred as a result of the crime. In the Ubuntu philosophy, the reconciliation can be achieved and it is important that the CCF, in conjunction with the traditional leaders initiate such a process. The main reason is that, the DCS want to hold offenders directly accountable while providing important support and assistance to victims.

- **Summary of findings**

The finding here is that CCFs agreed that it was very important to repair the harm caused by crime while holding the offender responsible for his or her action, by providing an opportunity for the parties directly affected by the crime; victim and offender to meet. The challenges arises when the DCS releases ex-offenders and expect CCF members to assist with re-integration while CCF members are not involved in victim Offender Mediation/Dialogue. Community Corrections Forums need to identify and address community needs in the aftermath of the crime, and seek a resolution that affords healing, reparation and re-integration and prevent further harm through involvement of VOD. To achieve this, it is important to refer to the previous sub-theme which states that resources are needed to perform thus role.

8.3.1.8 Sub-theme: Release method

Taxman (2004:68) indicates (Chapter 2) that this stage is characterised by intensive preparation for release, formalising the re-integration plan and establishing solid links with the community.

One of the respondents indicated that;

The release form (address confirmation) do not involved them, that is why they say CCF is neglected or not contribute to the release of the ex-offenders only the family and direct victim (person who suffer as a results of criminal activities).

Another respondent further supported this by saying that;

The fact that the person was arrested doesn't mean that he or she was borne with a criminal mind it is decisive that can be done by everybody. The thing that we internal scares because when you deal with an ex-offender you need someone whose faith is strong but internal how is he or she, we are all created by God and God never created a criminal. This means that if CCF is fully engaging the community not be afraid and start to believe that ex-offenders can change from inside their heart.

Respondents indicated that the Department of Correctional Services must not finalize the address confirmation with the family or victim only but also in consultation with the community as a whole.

According to DCS (2005), one of the key recommendations community corrections is that the “community involvement in the parole processes can be improved and that conditions for placement should be tailor made for individual offenders with a view to enhancing their successful re-integration into the community”.

Respondents stressed the fact that a parole board serves to connect the Department to the local communities and it is critical that the community members recruited to serve on the parole board should come from the same communities that offenders come from. The community members (CCF) who come from outside the community within which the parole board operates is usually frowned upon by all participants.

To elucidate this view, respondents stated that, it was not fair that one community member serves all the areas in different villages as the roving parole boards use members who do not come from each local community from where the ex-offender originates. This means that the community member may not know the offender.

In Chapter 3, an extensive literature review on how the DCS releases offenders was done. In terms of Section 6 of Act 32 of 2001, any decision of the Parole Board must be taken by a resolution of the majority of the members present at any meeting of the Board and, in the event of a split vote, the person presiding shall have the casting vote as well as a deliberative vote. CCF members felt that it was appropriate for members of each village who have offenders under correctional facilities to have representatives as part of roving parole boards in order to assist in decision making. Through this, representatives can easily communicate with communities about the release of offenders.

- **Summary of findings**

The outcome is that participants from the four Community Corrections Forums were of the opinion that they play an important role during the release of ex-offenders from incarceration. Participants acknowledge the importance of the Parole Board system but the challenge arises on who should form part of these boards. In theme 1 of this study CCF members indicated that they worked as a bridge between the DCS and the ex-offenders and therefore Community Corrections Forum members need to form part of the Parole Board setting because they work on the ground with

communities, which can be the easiest way of conveying the message about offenders before they are released. CCFs should also be able to make input in decision making during Parole Board meetings when they take decisions on offenders to be released into the communities they represent.

8.3.2. THEME 2: CHALLENGES HINDERING THE EX-OFFENDER RE-INTEGRATION PROCESS

Successful re-integration into the community is multifaceted, and typically, ex-offenders experience comprehensive challenges to re-integration. According to Graffam and Shinkfield (2012:897) in Skinkfield (2006), “conditions that affect an ex-offender’s success in re-integration may be conceptualised as falling within three broad ecological domains: intrapersonal conditions (including physical and psychological health and substance use), subsistence conditions (including employment and criminal record), and support conditions (including social support by communities, and criminal justice support)”. All these ecological domains need support from CCFs with the assistance of the DCS.

In Chapter 2 of this study challenges hindering ex-offenders successful re-integration were highlighted. According to Travis (2000:23), institutional programmes that are successful, portray a number of elements that hone in on particular dynamic risk factors as well as the challenges or needs, faced by ex-offenders requiring specific focus in preparing the offender for life outside and successful re-integration. The following are sub-themes and categories to address the main theme. The Deputy Minister of Correctional Services Honourable Thabang Makwetla (2015:1) in his speech addressing delegates who were attending ex-offenders’ conference said;

It was President Mandela who reminded us that offenders are part of society’s problem, and rejecting them is not going to solve crime. Corrections is a societal responsibility therefore, “let us build a society that is home to all.

South African must do more to break down the artificial barriers that still divide us through the support or assistance of CCF members in ex-offenders re-integration processes.

8.3.2.1 Sub-theme: Discrimination

In 2013 the former DCS Minister Mr Sibusiso Ndebele promised the South African community that, the Department would make sure that, on their release, offenders could be productive citizens, not only as job seekers, but also as social entrepreneurs and contribute to the development of their communities. Ex-offenders are extremely stigmatized and are not allowed to go for their dreams and goals. Many of them have already overcome many hard obstacles and are looking to better their lives and to support their families (honestly and legally). The way a community treats or discriminates against them almost forces them to re-offend. Since ex-offenders are often important breadwinners, their innocent families and relatives also suffer from the barriers blocking their re-entry to community or society.

Respondents generally agreed that there are so many people who want to turn up their noses at ex-offenders or look past them, but the outcome of that is not good. A respondent stated that community members discriminate against ex-offenders in many ways. They do not believe in them. They do not trust and listen to them even during community gatherings. Ex-offenders are often deliberately excluded from community activities such as sporting events.

According to Mail & Guardian (2013) former minister of Correctional Services honourable Mr Sibusiso Ndebele indicated that:

When offenders have paid their dues to society and completed their sentences, please, as communities, let us not continue to, indirectly, impose a life sentence on them outside our correctional centres or discriminate against them.

He was addressing the community urging them not to discriminate against ex-offenders.

The majority of respondents indicated that when something goes wrong in the community, ex-offenders are the first suspects in the villages, because community members do not believe that these people have changed. Once employed a further problem rears its head namely customers could feel uncomfortable if they knew that an ex-offender was serving them.

- **Summary of findings**

The outcome is that community members were still judging or discriminating against ex-offenders because of their previous criminal record. Many ex-offenders were left out of community committees such as civic or sports development because of stigmatisation. The South African Constitution Act 108 of 1996, Chapter 2 on the Bill of Rights, section 12 provides all citizens with rights that need to be respected by all South Africans. The right to freedom and security of the person also protect ex-offenders from being victimised or discriminated against by community members. According to the CCF there is still a very serious challenge to convince communities not to discriminate against ex-offenders because even relatives of ex-offenders do the same.

8.3.2.2 Sub-theme: Fear

Promoting secure communities means more than just achieving low crime rates. Rather, it means providing the security of life, liberty, and property that is necessary for communities to flourish.

Some respondents indicated that community members fear ex-offenders. Respondents from group 2 and 3 said that some offenders wanted to return to prison because they felt that outside correctional centre they were not coping and they were unable to feed themselves. When they compare the life outside and inside prison, they found that it was better to live in a correctional centre. This results re-offending which means that community members get victimised again resulting in fear being instilled into communities which will always expect ex-offenders to commit crime again.

The opinion of participants is best summarised by a participant who said:

It is very discouraging for ex-offenders to find themselves being feared in a way that community members avoid contact with them. When they need assistance from the community they will have nowhere to turn to. Communities need to learn to trust in order to delete the fear they have towards ex-offenders.

This attitude of fear affects ex-offenders too as one respondent indicated that “*Yet being back on the street*” has its own traumas.

Community members may not look kindly upon ex-offenders for fear that they will bring more crime to an already dangerous area. One respondent further argued that community members need to be very alert when going out at night. “We can’t even walk alone at night because they are back”.

This finding is expanded on by Leverentz (2011) stating that perceptions that crime is getting worse within a community is linked with more punitive attitudes towards ex-offenders. Additionally, Stahler et al. (2013) found that ex-offenders’ likelihood of re-offending increases if they are released into neighbourhoods into which high numbers of offenders have already been released and with a record of high recidivism. Regardless of the concentration of ex-offenders in the area of study, a consistent finding in research of community’s attitudes towards ex-offenders is the *fear of victimization* (Lynch & Sabol, 2004; Leverentz, 2011).

Another point raised is that community members who are looking for employment or do not have job security may also feel threatened by an additional group of unemployed adults looking to enter the labour force.

- **Summary findings**

The theme provided important outcomes of fear. Firstly, there was fear by ex-offenders of not getting employment because of their criminal record. Secondly, CCFs indicated that community members were very scared or feared ex-offenders in such a way that when they saw them they would run away. Because of fear, community members became reluctant to form friendships with or employ ex-offenders. According to Atkins and Armstrong (2011:73), communities believe that ex-offenders’ finding employment after release is crucial to their long-term success yet they are competing with other jobseekers in the community. As long as communities remain antagonistic towards ex-offenders, this obstacle will not disappear. The DCS needs to present community awareness programmes in conjunction with CCFs as the gateway into communities. The fear that customers would feel uncomfortable if they knew that an ex-offender worked for a business they

normally visit and co-workers feeling uncomfortable about working with ex-offenders is a real concern.

8.3.2.3 Sub-theme: Employment

Employment is clearly critical to alleviating the financial pressure typically experienced by ex-offenders and is therefore a significant factor in community re-integration. According to Fletcher (2001) *“there is a range of barriers to employment, including attitudes of employers toward ex-prisoners and criminal records”*. The reasons for an ex-offender’s lack of employment are manifold. Some individuals do not possess the proper skills, work experience, or education to secure employment (DCS, 2005). Although two-thirds of ex-offenders indicate working prior to incarceration, some may have erratic work histories (Visher, La Vigne & Travis, 2004:22).

One respondent indicated that:

We as Africans we (community) are afraid to employ someone with a criminal record or ex-offenders because we think they will steal from us.

Respondents indicated that community members felt that ex-offenders were not employable because they were still a threat to the community.

The transition of ex-offenders from a correctional centre to the community creates vulnerability in the community because some ex-offenders do not show any sign of remorse, which makes things difficult for them to get jobs. Employers look for a change of heart and behaviour. Ex-offenders who are lonely, without support from communities and families who can advise them and assist them in job hunting may be susceptible to the influences of deviant peers (Agnew, 2005). As one of the themes of this study indicated, ex-offenders without the support of psychologists and a lack of law abiding friends may be particularly likely to succumb to offers from drug-using friends (Bahr, Harris, Fisher & Armstrong, 2010:667).

One respondent indicated that:

The officials are not skilful and offenders are not employable, because they are very raw, mentally and physically.

Ex-offenders also face community and institutional barriers to employment. Company policy restrictions may formally prohibit them from hiring individuals with criminal histories. Employers often do not initially consider hiring ex-offenders (Holzer, Raphael & Stoll, 2001:29), as a person's status as an ex-offender may lead an employer to believe that the applicant lacks basic job readiness and desirable personal qualities, such as trustworthiness, responsibility, punctuality and interpersonal skills (Holzer, Raphael & Stoll, 2003:57).

Respondents felt that the Department places a lot of emphasis on rehabilitation and reintegration expecting the private sector to employ ex-offenders. As one respondent aptly stated:

The Department of Correctional Services says they rehabilitate offenders, but they fail to hire them once they are released. How can other departments or the private sector be expected to trust ex-offenders when the DCS themselves do not believe in them?

The Department of Correctional Services should lead by example if they want South African communities to believe that ex-offenders deserve a second chance to rebuild their lives after incarceration.

- **Summary of findings**

The finding is that CCFs understood that employment can decrease the rate of recidivism by increasing bonds with communities and families. The other finding is that if ex-offenders got employed could provide responsibilities and productive ways to spend time. It could increase ex-offenders' association with other law abiding members in their communities. Survey research by Holzer (2003) found out that:

...industries most willing to hire ex-offenders are those that require little customer contact, including manufacturing, construction, and transportation, while service industries represented those most unwilling to hire ex-offenders.

Because employment opportunities and the prevalence of crime have a dramatic impact on an ex-offender's ability to successfully re-integrate and are closely linked with the economic situation within the country, communities must understand the economic conditions of the ex-offenders.

8.3.2.4 Sub-theme: criminal record

CCF members still felt that ex-offenders were facing very serious challenges upon release, they experience the added stigma of a criminal record (Pager, 2003). A better understanding of the re-integration process enables professionals, friends, community, CCF and family members to help more offenders adjust to life outside of correctional facilities and learn to desist from further criminal activity.

Respondents from all three groups stated that;

Communities always accuse ex-offenders for any wrong doing just because of their previous criminal record or behaviour.

Respondents collectively indicated that The challenge that CCFs face is to convince ex-offenders not to believe that their criminal record will prevent them from getting jobs. One of the respondents reiterated that ex-offenders their viewed criminal record as a life sentence.

The DCS defines re-integration as the process of transitioning from incarceration to the community, adjusting to life outside of prison or jail, and attempting to maintain a crime-free lifestyle (Laub & Sampson, 2003). Healy and O'Donnell (2008) indicate that re-integration is not a simple issue, taking place over an extended period and that adequate knowledge about it does not exist. If indeed the DCS and the South African criminal justice system wants to achieve success with the ex-offenders' re-integration process, they have to review some of the justice system principles (expungement of criminal record) that hold ex-offenders to their criminal records for a long period.

According to Giordano, Cernkovich and Rudolf (2002:880), ex-offenders are exposed to particular circumstances or 'hooks' that may help them move toward change. Hooks for change include social characteristics such as obtaining a good job or attending a treatment programme. Most employers will assist on a record clearance before employment and application forms invariably require the declaration of a criminal record. This men that this sword remains over the heads of ex-offenders.

- **Summary of findings**

Based on the findings Community Corrections Forums are aware of expungement. . Expungement is the process by which a criminal record is cleared and removed from an ex-offenders personal record and they are given an opportunity to start on a clean record in life but raised challenges imposed by this expungement of criminal records. Participants raised concerns about expungement. The problem arises when ex-offenders need to pay for assistance of expungement by legal advisers. Ex-offenders face serious challenges in terms of employment and economic status because they spend a long time incarceration and have criminal records. In deed CCFs argue that this can assist ex-offenders to get employment and to start a new life with recidivism going down. Currently, in South Africa the Criminal Procedures Amendment Act, Act 55 of 1977 that provides for three different categories of criminal records which fall away when previous convictions are expunged. Sections 2 and 3 of the Amendment Act, which came into operation on 6 May 2009, effect certain amendments to the Criminal Procedure Act, 1977, in order to allow for the expungement of criminal records.

8.3.3 THEME 3: THE ROLE OF CCF IN EX-OFFENDERS' RE-INTEGRATION

The White Paper on Corrections in South Africa (2005:83) which is a policy document for the Department states that the role of the community members during incarceration is to ensure that offenders feel a sense of community despite their exclusion. CCFs are tasked with promoting correctional supervision and parole boards' meetings to address problems with regard to the imposition and execution of correctional supervision and parole. Community Corrections Forums are also supposed to evaluate policy amendments as well as to accommodate the needs of the community in this regard. The former Minister of Correctional Services in South Africa, Mr Sibusiso Ndebele emphasised the partnership between the DCS and communities to assist in preparing all inmates for successful re-integration (DCS, 2005:24). The following are sub-themes generated from the data on the role of CCFs in re-integration programmes.

8.3.3.1 Sub-theme: CCF involvement

According to Roper (2005:5), as part of the crime prevention initiative, the Department of Correctional Services established Community Corrections Forums in each region to bring the community, business and stake holders together to facilitate rehabilitation, re-integration and to monitor parole conditions. However, CCF member have been accused by the DCS officials on how they respond to these initiatives (Roper, 2005:5). This study obtained the views from the forum members and it differs from what the officials said about them. According to Roper (2005:5), there was a discussion between the DCS staff and Khulisa that indicated that there is lack of participation by community members, structures and business in these forums. Consequently, these forums are not bringing the DCS services closer to the people nor developing greater support for rehabilitation and re-integration at ground level. The respondents maintained that the community members' presence is crucial if the re-integration committee is to get a quorum and enjoy legitimacy within the communities they serve and they viewed the role of the community members in the re-integration as a link in that regard.

Respondents collectively indicated that,

Ex-offenders are released without the involvement of the chiefs and the community and CCF respondents do not know them or even their names.

One respondent accurately summarised the feelings that echoed through all three groups:

The only thing that we know is when DCS officials come to our homes to inform as about the ex-offenders who are already out correctional facilities. They only need our assistance when they conduct visits to ex-offenders sometimes.

A research report written for the Centre for the Study of Violence and Reconciliation by Mnyani (1994:1) provides extensive meaning of community involvement in prisons as a partnership between civilian individuals within the community and the prison authorities. Community Corrections Forum members believe that community involvement in prisons seeks to bring together prison authorities and the community

in an effort to understand mutual problems and concerns and requires meaningful communication and dialogue.

One respondent indicated that:

I think we can't address the wound without checking the cause of the wound. The department officials are not honest, they use CCF to better up their pocket – they don't recognise this forum – they don't even rely on this forum – the only thing that they do is to invite us to attend functions, but they don't even want any input from us as CCF. They just feed us. When last did we meet? 2013, 2014 we never met. They only take roll call for catering. Decide to ignore our recommendations, it is very difficult, criminals becomes friends of officials.

This is an indication of serious mistrust between CCF members and DCS. Community Corrections Forum members emphasise that community involvement expects greater accountability from correctional authorities, greater public participation in decision making and greater concern for civil rights and liberties by prison authorities.

Participants from all the three groups indicated that the role of the CCF is to channel the offender to the community, but the Department did not use the CCF as the channel, they just release offenders into the community without prior notification.

A respondent said in Tshivenda about the role of the CCF: ***“Ukonanya mufariwa na vhadzulapo”*** (to facilitate reconciliation between an ex-offender and the community). According to Mnyani (1994:2):

it is important to note the potential and practical role the community can play in terms of providing input and support. For successful community involvement in prisons to occur, both community groups and prison officials have to work towards a better acceptance of each other.

Respondents collectively indicated that the Department was not involving them in offender re-integration processes. CCF members only become aware of the release when they saw ex-offenders out on the street. This made the task of the CCF very difficult. Community members then accused the CCF members as being “sell-outs” because of not informing the community about offenders who are released. For the process to be successful, the CCF must be informed timeously so that they can act as a link between the community and the Department as well as the ex-offender.

The Department of Correctional Services has a Head Office which is situated in Pretoria with correctional facilities distributed country wide. There are also regions, consisting of a number of provinces. In the current configuration, Limpopo is linked with Mpumalanga and Northwest into LMN (Limpopo, Mpumalanga and Northwest) Region. However, each province still has its own administrative centre. According to Roberts (1994:229), decentralisation aims at the involvement of communities in the different regions to facilitate affective co-ordination, management and ensuring accountability. CCF's members feel that provincial commissioners and head of correctional centre must interact with the community where the correctional centre is situated with the idea of promoting more community involvement in their respective prisons. Heads of Correctional Centres with the assistance from Area Commissioners must conduct quarterly assessments on how CCFs operate and also consider their recommendations based on the information they have collected within their communities about ex-offenders.

- **Summary of findings**

Community involvement in correctional activities (ORP, VOD and Parole Board) is the key towards success of the re-integration process in the country. The finding is that greater community involvement in correctional activities would assist the DCS by allowing ordinary people from the community to understand fully the problems which confront the Department of Correctional Services. The government is an institution created by the people, is in the hands of ordinary people and control should also come from the community which that government serves.

8.3.3.2 Sub-theme: Ex-offenders' counselling

Upon offenders' release from incarceration, many of them experience difficulty re-integrating into their local communities and experience psychological pressure through the treatment they receive from the communities (Shinkfield & Graffam, 2009). It is very important for them to receive rehabilitation and re-integration treatment so that they can be successfully re-integrated. This could help them to overcome some of the challenges they face upon release.

To elucidate this view, a participant summarised the views of the groups:

All ex-offenders need to get psychological support because communities treat them in a way that can make them to re-offender sometimes.

Another problem was raised by a participant that shows how the rights of ex-offenders can be ignored. In such instances the Department of Labour should be involved but such an ex-offender should be helped in order not to react adversely to such treatment:

In some cases, it even happened that ex-offenders were employed but community members did not pay them for the work they had done due to the stigma associated with incarceration.

Ex-offenders receive psychological assessment while they are still inside correctional facilities under the programme called Offender Rehabilitation Path (ORP). The ORP only assists offenders inside the centre but when they are released some offenders get referrals to psychologists while others do not. CCF as a bridge between the community and the DCS sees continual psychological assessment of all ex-offenders as vital in the success of re-integration. Ex-offenders require positive psychological intervention once released. Positive psychology is a discipline of psychology focused on optimal functioning. It emphasises the importance of individuals becoming valuable members of society and their local communities (Huynh, Hall, Hurst, Bikos, 2015). According to Robbins (2008), psychological interventions in order to prepare inmates for release. These skills may benefit the offenders, community corrections and the receiving community or society.

- **Summary of findings**

The outcome is that the CCF believed that ex-offenders counseling as a talking therapy would give ex-offenders the opportunity to talk about their problems and the way in which these problems affected their re-integration. CCFs members were of the opinion that, it was really good for ex-offenders to talk to someone who known what they were going through.

8.3.3.3 Sub-theme: Community education (awareness campaign)

According to Zondi (2012:05), community education is a sharp instrument for influencing moral behaviour. It is vital to improve community education and harness greater community participation in ex-offenders' re-integration. The prevailing moral climate within communities, attitudes towards crime and the willingness of citizens and communities to take responsibility for crime in reducing tolerance towards crime and hence levels (through participation in community corrections operations and offender re-integration projects). Community awareness campaign about ex-offenders' re-integration is important to the success of re-integration.

Respondents' collective response on this point is captured in the statement by a participant in group 1:

A lack of education among community members leads to challenges where members do not understand what the ex-offender is and needs. The officials were not doing a good job.

Another stated that:

Vhakho balelwa (meaning they are failing). Society does not accept ex-offenders as a changed human being who has already paid for their criminal acts. They label them as criminals.

This study put emphasis on community education by indicating that it can provide a community with a working understanding of the criminal justice system, which can enable them to participate fully in the operations of the DCS and re-integration process. Community awareness and education can provide key information which underpins the development of strong community values and social pressure against criminality and promote non-violent means of conflict resolution between the community and ex-offenders.

To elucidate this view, one respondent stated that;

The knowledge that the community has outside there, is not the same as that of CCF members. The victim's family and criminal can forgive each other, but the community are not. The Department must inform the community about everything regarding the parole placement of an ex-offender and that should be done through the CCF.

It is evident that community awareness campaigns were required to support the idea of community awareness campaign to educate communities about re-integration,

Public Safety Canada (2011) conducted an evaluation of public education engagement activities which yielded mixed results. Evidence suggested that public confidence has improved as a result of these activities. However, it could be determined whether these results could be generalised to all public education engagement activities or not (Public Safety Canada, 2011). According to the Deputy Minister of Correctional Services Mr Thabang Makwetla, addressing delegates during the *2015 Ex-offenders Conference* in Pretoria, the important matters that require focused deliberations, are research themes, academic input, bench-marking with other countries and resolutions among social partners of the Department of Correctional Services (DCS), in order to develop a South African roadmap, and blueprint, about the role of former inmates within the broader society.

- **Summary of findings**

The finding is that CCF members agreed that community awareness campaigns were needed. The primary purpose of community corrections programmes is to assist offenders in becoming re-integrated into their communities. The CCFs has to perform productive work to support ex-offenders. It is essential that the community attend awareness campaigns in order to invent 'new' ways of improving involvement and participation in ex-offenders' re-integration. The Department of Correctional Services should introduce awareness campaigns to educate South African communities about ex-offenders' re-integration and community member attitudes and role therein.

8.3.4 THEME 4: CCF's UNDERSTANDING OF RE-INTEGRATION POLICY

Roy (2012:4) said that the Standard Minimum Rules for the Treatment of Prisoners, Rule 80 on re-integration indicate that:

...from the beginning of a prisoner's sentence, consideration shall be given to his/her future after release and the ex-offender shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as this may promote the best interests of his/her family and his/her own social rehabilitation.

In Chapter 1, an outline of the re-integration policy of the Department was presented. One of the aims of the new social re-integration policy framework is to prepare the offenders for successful re-entry that also must ensure public safety. Re-integration into the community is multi-faceted, and typically, ex-offenders experience wide-ranging challenges in re-integration if the policy is not well observed and implemented. The following are the sub-themes generated to provide a clear explanation on CCF's understanding/knowledge on the re-integration policy.

8.3.4.1 Sub-theme: Access to re-integration policy

It was related through the focus groups that they do not have copies of the policy to guide them. Although the CCF is a creation of the DCS the Department failed to provide them with relevant material to guide them on their operations. CCF members under the Makhado Municipality received policy documents during the focus group interview for the first time because one of the DCS members noted that they were not familiar with the policy and that whatever they did was not informed by any written material. Some remarks made by participants are as follows;

- *How will you work without a policy document?*
- *Is like we are using our own common senses.*
- *We can say that the implementation of the policy is unsuccessful.*

It is very important for policymakers to promote education and training for CCF members so that when they are busy assisting ex-offenders they will be guided by the policy. This will enable them to engage with ex-offenders and community members meaningfully using the appropriate skills knowledge necessary for re-integration. Through the skills acquired during policy training or workshops, CCF members could assist ex-offenders to be more productive and to be fully engaged in their communities, working and supporting their families. This could contribute towards successful re-integration and safer communities. To elucidate this view, one respondent stated:

Policies are there but we do not have it and there is no one to train and evaluate us. The responsibility of the department is to inform the CCF on how to apply this policy.

The DCS is responsible to enhance Community Corrections Forums through disseminating policy and training CCF members. These are important issues in the re-integration process as without the policy and training CCF's will be just inefficient structures serving no real purpose.

- **Summary of findings**

It was discovered that the Department of Correctional Services did not distribute the appropriate policy documents and did not train CCF members in the application of the policy as far as their participation there-in is concerned. Furthermore DCS is not conducting an evaluation on how CCF members understand the implementation of policy because it is very essential for successful policy implementation and to ensure intended outcomes. CCF members emphasised that this responsibility requires determining whether offender re-integration policy or programmes are implemented correctly, the right programmes and strategies are used, progress is measured appropriately and ex-offenders and communities are benefiting. The implementation of re-integration policy is very vital because through this policy CCF members advise on what to do and how to perform ex-offenders' re-integration successfully.

8.3.4.2 Sub-theme: staff development

DCS has to conduct staff training or workshops to make sure that CCF members and its employees excel in service delivery. While staff development fosters the professional growth of individuals, organisational development addresses the organisation's responsibility to define and meet changing self-improvement goals. According to Showers, Joyce, and Bennett (1987);

The purpose of providing training in any practice is not simply to generate the external visible teaching "moves" that bring that practice to bear in the instructional setting but to generate the conditions that enable the practice to be selected and used appropriately and interactively. The dimension of teaching skill is cognitive in nature.

For CCF members to be used “appropriately and interactively” it is essential that members are developed and acquire appropriate knowledge and skills. Some of the Community Corrections Forums members are not well educated which poses a challenge to the re-integration process. Staff development is therefore a dire need.

Respondents indicated that they could obtain copies of the policy but applying it was something else.

One respondent expressed said that:

We can get the policy and read, but the question is are we able to follow it?

Conducting workshops is one way in which an organisation can systematically modify the knowledge, skills and behaviour of employees that will enable it to achieve its objectives. Workshops or seminars are task oriented because they focus on the work performed in an organisation based on job or task descriptions (Meyer & Bushney, 2008:13). The task requirements will determine the training standards for a particular job performed by CCF members. According to Erasmus, Leodolff, Mda and Nel (2009:2), workshops aim to improve employee performance in an organisation and especially when the input work standard is low because of lack of knowledge and skills by CCF members.

- **Summary of findings**

The outcome of this theme (staff development) is that CCF members are not trained on how to perform their duties. CCF members were concerned about how they would perform their duties of re-integration without training. They emphasised that the idea of the DCS distributing of policy documents would not work because some members needed someone to explain the policies to them. Community Corrections Forum development would empower them to make better decisions and solve problems more effectively around their communities.

8.3.5 THEME 5: LABELLING ATTITUDES

Becker suggested that once people are judged by society, it is very hard to get back to what they once had, and often they experience an identity change. This, Becker (1963:9) regards as a social problem, because labelling these people ruins their lives to a point where they have no choice but to respond to the label they were given. The following are the sub-themes generated from the main theme of labelling attitudes towards ex-offenders by the community.

8.3.5.1 Sub-theme: Labelling theory

In Chapter 6 under 6.1, the literature outlined the difference between formal and informal labelling. Schmallegger (2006:113) emphasises that a community can help to restore the offender's identity by erasing the social stigma associated with being an ex-offender. Communities view ex-offenders with different mind-sets and this makes ex-offenders' re-integration very difficult and it may end up being unsuccessful.

To support the above statement, one of the respondents indicated in Tsi-Venda that:

Muthu na ho wa tamba wa dola senenga a lituwi (A criminal does not change his/her habits).

This is a Tshivenda idiom which explains the way people view others in the community. The strange part of this idiom is that, once a group of people say it they are likely not to change their perceptions or the about an ex-offenders' behaviour' According to Haddock and Maio (2012), labelling theory is largely about formal labelling, dealing with real criminals, but the stigmatising social processes that affect these people seem to apply to targeted individuals as well. The only difference in formal labelling is that at least criminals are aware of their formal label owing to their previous incarceration

Respondents felt that:

- *Ex-offenders will remain with their labels until such time when they demonstrate to the community that they have really changed; and*
- *It is also a matter of how individual ex-offenders deal with the stigmatisation when they are called names or insulted.*

The impact of social stigma and community isolation on successful community re-entry is well documented in the literature of this study from chapter 2 to 6. Hass and Saxon (2012:4) stated that:

The transition from captivity to freedom is a vital time to concentrate on inclusion. Social inclusion is needed in the attitudes of the ex-offender and society, to give ex-offenders a sense of belonging and to encourage each one to think of himself or herself as a citizen with a contribution to make to his or her community and society.

The extensive literature was reviewed in Chapter 6 under 6.3.1 which deals with de-labelling practice by communities themselves. The main role player in the re-integration process is the community because it can change the way it perceives those who violated the trust of community members by breaking the law. The truth is that forgiveness might be very difficult for community members who were victimised. The counselling they received after the victimisation may assist in this regard. Those who still feel the trauma may not cooperate with re-integration.

- **Summary of findings**

The outcomes from this sub-theme is that, for ex-offenders to be successfully re-integrated into communities, the ex-offender must shed the label and find a new identity that fits positively within his or her community. Through community intervention ex-offenders need to be morally and socially re-integrated. However, ex-offenders also have to feel that this re-integration has been justified by their own efforts to make good and redress past crimes. According to Burnett and Maruna (2006), in order for re-integration to successfully occur, these efforts toward restoration must, in turn, be acknowledged and rewarded by the ex-offender's family and community.

8.3.5.1 Sub-theme: Provocation

Many ex-offenders go through anger management as part of rehabilitation process/programme. This helps ex-offenders to deal with the situation of provocation by members of the community upon their release. Such conduct by the community

where one induces another to do a particular deed such as the act of inducing rage, anger, or resentment in another person may cause that person to engage in an illegal act. Reminding the ex-offender about a previous conviction may provoke feelings of resentment, rejection and anger, especially when he/she cannot control his/her temper. These feelings may result in withdrawal to criminal peer groups and even retaliation. Respondents agreed that when family members label an ex-offender as a criminal, may incite community members to act against such an ex-offender under the perception that the family will approve of such action. The important factor here is that the ex-offender's relatives sometimes engage in encouraging members of the community to provoke their relatives. There is a serious need for community intervention to assist members of the community as well as relatives of ex-offenders on how they should conduct themselves in the presence of ex-offenders. This could promote successful re-integration because ex-offenders will develop a sense of belonging and trust towards the community.

To elucidate this view, one respondent stated that;

Community members provoke ex-offenders, okay, let's put it this way. A person can be released and when he arrived home he is no longer a criminal but the thing of people calling him criminal doesn't make him criminal or to commit crime again. It depend on the person himself if whether he was rehabilitated successfully.

During the focus group discussions respondents provided their views towards this concept of provocation and agreed that sometimes this concept is a factor of recidivism. But they emphasised that community members behave in this manner because thus are ill informed the about the Offenders Rehabilitation Path ex-offenders go through during their time of incarceration.

- **Summary of findings**

One of the findings of this study was the provocation of ex-offenders by members of the community. Ex-offenders may react in a negative way to such provocation and may even react violently towards members of the community. Some members of the community always want to test ex-offenders whether indeed they have changed by provoking them. Provocation is one of the serious factors that can hinder the

success of ex-offenders' re-integration because ex-offenders have the right to be respected by community members, instead of community members violating their rights. According to the South African Constitution Act 108 of 1996, Chapter 2 Bill of Rights under section 10 states that every person has the right to human dignity while sections 9 and 14 ensure every citizen is right of equality and privacy.

8.4 ACHIEVEMENT OF RESEARCH OBJECTIVES

The reason for this discussion was to check whether all research objectives delineated in chapter 1 were achieved.

8.4.1 To determine the Community Corrections Forum (CCF) members' perceptions towards the re-integration of ex-offenders

This objective was achieved, as the respondents identified many factors that hinder re-integration of ex-offenders. Respondents were very honest or open in terms of their perceptions towards the re-integration of ex-offenders. Respondents raised the *inter alia* following elements based on their observations; reception (laying a red carpet); forgiveness; the role of traditional leaders; communication; consultation; independent office; victim offender dialogue/mediation and release methods. According to Mnyani (1994), community involvement in prisons seeks to bring together prison authorities and the community in an effort to understand mutual problems and concerns and requires meaningful communication and dialogue. Chapter 4 outlines community corrections and community involvement under figure 4.4 which shows the importance of community corrections while chapter 5 covers community restorative justice. Through this objective, the study achieved results that support the idea of successful ex-offenders' re-integration through community engagement in which CCF's should play a liaising role.

8.4.2 To assess the Community Corrections Forum (CCF) members' understanding of offenders' re-integration policy.

This objective was concerned with Community Corrections Forum members' knowledge in terms of offender re-integration policy. This objective was also achieved. Respondents showed frustration towards the accessibility of re-integration policy in the first place, while others also indicated that they performed their duty as members of CCF without policy guiding them. The study even went further to quote standard minimum rules for the treatment of prisoners, particularly rule 80. It was very clear that the DCS introduced the CCF's but did not empower them for their intended role. The fact that the policy document has not been distributed and no training was done is a clear indication that the study uncovered a debilitating shortcoming in the system.

8.4.3 To determine the role of the Community Corrections Forum (CCF) members during re-integration of ex-offenders.

This objective was achieved successfully. Respondents believed that for ex-offender re-integration to be successful they need to perform their role as community representatives and put more emphasis on creating good relationships between ex-offenders and communities. Respondents indicated that ex-offenders' counselling and community education are part of their roles with the assistance of specialists to enable the re-integration process to run smoothly. A major problem uncovered by the research is that ex-offenders are released without communities being informed and also that sometimes, -ex-offenders are released to communities other than the ones in which they come from.

8.4.4 Community Corrections Forum as part of VOD/M, ORP and the Parole Board.

This originated from the objective on CCFs role. Respondents indicated that CCFs should contribute towards ex-offenders activities such as ORP, VOD and the Parole

Board in order to make sure that re-integration runs smoothly with the influence of CCF representatives. This is not done.

8.4.5 Incidental issues

The study also uncovered issues that were not incorporated in the initial objectives. The exclusion of traditional leaders in the study area from the re-integration process was seen as a major problem by participants. Secondly CCF members indicated that they are using their own resources to run CCF business.

8.5 DISCUSSION OF THE FINDINGS

Wigston (2000:255) states that the key requirement of a research report is that it must report findings as accurately as possible. The re-integration of ex-offenders into communities is indeed a complex phenomenon that needs careful analyses of the relationship between Community Corrections Forum members and DCS officials. South African re-integration programmes should be perceived as a process whereby the transformation of the offenders into law abiding citizens is achieved through a cooperative effort between criminal justice agencies and society as a whole. There are serious challenges that makes CCF in the study area to be dysfunctional because through the focus groups discussion, all respondents agreed that the Department of Correctional Services does not recognise their role in re-integration.

Mr Solly Mashabela published an internal notice to all staff communication called “let’s communicate” on 27 September 2013 with the article ex-offenders ask for a second chance from the community. It was an ex-offender who completed his study (LLB degree) while he was still incarceration but life after correctional centre he says it’s a mess, indicating challenges like theme 8.3.2.4 criminal record, 8.3.2.3 employment, 8.3.2.1 discrimination and 8.3.5 labelling attitudes. Currently, the Deputy Minister of Correctional Services Mr Makwetla was addressing during ex-offenders conference that was held on 21 July 2015. He put much emphases on few ex-offenders who are successful re-integrated by motivating them to create jobs through skills they acquired during their incarceration. The issue of the relationship between the community and DCS institution was never been discuss as key element

of successful re-integration. The findings of this study created more options on how to deal with community engagement on ex-offenders re-integration.

The five themes generated from the research objectives in order to address research objectives as well as the sub-themes and categories have been presented in the findings. This chapter interpreted and analysed the five themes in order to present and interpret the data from the focus groups. However, what is clear is the failure of the DCS approach in effectively administering the process through the involvement of CCF's and communities. CCF members have a low feeling of confidence in the implementation of the re-integration policy, the manner in which correctional services perform their internal activities such as excluding CCF members from the Parole Board and post release supervision. There was even some evidence to suggest that the community is relatively unaware of how re-integration process unfolds yet they showed some support for ex-offenders. This can probably be attributed to *ubuntu* Although immediate change can be challenging, offender re-integration is proving invaluable to re-entry efforts that seek to address and engage the mutual needs of ex-offenders and the reciprocal nature of systemic re-integration and settlement in communities. However if CCF members are not engaged or consulted for their input this is doomed to fail.

CHAPTER 9

RECOMMENDATIONS AND CONCLUSION

9.1 INTRODUCTION

This chapter presents the recommendations and conclusion of the study. Therefore, in this chapter recommendations are made against the background of what the researcher found during the investigation.

9.2 RECOMMENDATIONS

Recommendations are made based on the rationale of the investigation and are aimed at addressing each of the research findings discussed above. None of the recommendations are prescriptive to any organ of government, but will have relevance in terms of potential implementation of re-integration policy in the Department of Correctional Services and may potentially contribute to the effectiveness of the restorative justice and parole system. Some recommendations may also be applicable to other government departments and could be considered within the integrated justice system.

9.2.1 Recommendation 1: Incorporate CCF into the DCS Statute (Act)

It is recommended that Community Corrections Forums be incorporated in the Department of Correctional Services Act. This can improve CCF co-operation or involvement in all ex-offenders' activities. It will formalise the appointment of members and regulations can be published to direct appointment criteria, term of office and budgets for infrastructure requirements.

9.2.2 Recommendation 2: Introduce Traditional Leaders in the Ex-offenders' Re-integration process

It is important to introduce the role of traditional leaders in ex-offenders' re-integration process. Traditional leaders meet their communities each and every week which makes it easy for them to communicate successfully about ex-offenders' re-integration. This study emphasises that one cannot overlook the social role that

traditional leaders play within their rural communities and thus, can be considered a useful tool in helping to stimulate public participation with regard to ex-offender re-integration. Ntsebeza (2004) implored that, we must not ignore the traditional leaders in South Africa. Due to their strong influence over their communities, individuals may be afraid to make their true opinions known and hence the chief will not be an effective representative of the will of the people. This is in recognition of the fact that individuals in these areas are encouraged to participate, to make their views known to their traditional leaders as they see these leaders as valuable outlets for these views. Through this study, one can learn that the National and Provincial House of Traditional Leaders must form part of restorative justice because offenders come from their communities under their leadership. It is important for this House to be involved in the offenders' rehabilitation process.

9.2.3 Recommendation 3: Ex-offenders' Release Method

It is recommended that the DCS improve the representation of community/society in Correctional Supervision and Parole Boards because many members of the community feel under-represented as the very people who live with ex-offenders after their release. The DCS only has a small number of CSPB members with one or two members from the community. The question is whether these two community members should come from the same village or area as the offenders because communities feel betrayed by the DCS when the offenders are released without a member from the affected village forming part of CSPB. If there is a member from the same area community who knows the offender, it could be easier to communicate with other community members through the involvement of the CCF. Therefore, Community Corrections Forum members should form part of the relevant CSPBs. This will also obviate the problem raised by participants that DCS does not inform them about release dates.

9.2.4 Recommendation 4: The Establishment of CCF's Offices and Infrastructure

This study recommends the establishment of CCF's offices that will aid the process of the implementation of ex-offenders' re-integration and community concerns about

ex-offenders. This office will operate as a bridge between the communities, ex-offenders and DCS with the CCF as the conduit.

9.2.5 Recommendation 5: Ex-offender Counselling

This study noted an imperative sanction on ex-offenders that shows the need for counselling so that they can settle back in their communities. It is important for the DCS to promote external counselling of ex-offenders in their communities because they face many challenges that inhibit their progress. Based on theme 8.3.5.1 (provocation), communities sometimes provoke ex-offenders so that they can commit or re-offend. Counselling is needed in such instances and in general to assist ex-offenders to cope with life outside prison.

9.2.6 Recommendation 6: Create Vacant Post for Community Corrections Forum Officer

This study recommends that the Department of Correctional Services urgently create posts for people who will work together with CCF members on a full-time basis. The purpose is to try to manage, advise and direct Community Corrections Forum members, to understand and practise effective internal communication and other departmental logistics. This is essential for successful policy implementation to achieve intended outcomes. The Community Corrections Forum Officer will ensure accountability by determining whether re-integration policies are implemented correctly in accordance with workforce strategies for effective re-integration of ex-offenders.

9.2.7 Recommendation 7: Guidelines for Ex-offender Re-integration

The researcher recommends that the Department of Correctional Services adopt a new uniformed approach to the ex-offender re-integration process. The guidelines will provide clear and transparent on how CCF's perform their duties within regulated rules to reduce the inconsistent operations. This guidelines will also assist the DCS to monitor the progress of re-integration quarterly.

9.2.8 Recommendation 8: Ex-offenders' Re-integration as Crime Prevention Strategy

It is important to introduce ex-offenders' re-integration as a strategy for crime prevention as a priority in South Africa. Stakeholders in the justice system (South African Police Service, the Courts and Correctional Services) should come together and discuss the implementation of this proposed strategy of crime prevention. This strategy is not meant for an individual department this requires collective involvement, and where necessary, non-governmental organisations must be engaged for support. Through the ex-offender re-integration crime prevention strategy, communities will understand how law and order maintenance is part of their responsibility.

9.2.9 Recommendation 9: Ex-offenders Re-integration Public Awareness Campaign

Public awareness is important because safe communities are created when people in their country work together to eliminate attitudes against ex-offenders. In order to work together, the Department of Correctional Services needs to make sure that, the public have a common understanding of what ex-offenders' re-integration is, and how it relates to individual safety in their communities. The DCS needs to make communities aware and to share values that ex-offenders' safety is an important issue in the community. Public awareness is the public's level of understanding about the importance and implications of ex-offenders' safety in communities. The researcher believes that by increasing community awareness, one will not be telling the community what to do, but it involves explaining issues and disseminating information to communities so that they can make their own decisions. This campaign should also address the issue of stigmatisation and labelling attitudes.

9.2.10 Recommendation 10: Address community stigmatization (Labelling)

Department of Correctional Services need to better address the community needs and attitudes that encourage the creation of these obstacles (labels) rather than merely the obstacles themselves.

9.3 FURTHER RESEARCH

The following is the recommendation for further research. There is a need for further investigation in the South African corrections context. The research on the administration and implementation of ex-offenders' re-integration policy in community corrections and social re-integration offices in South Africa. The reason why this study should be under taken is because through this study it was not clear on how social re-integration office operate together CCF's. The study also developed the structure, model or process (see annexure G) on how CCF should operate.

9.4 CONCLUSION

The study explored the role of Community Correction Forums as the ex-offenders' bridge from correctional facilities back to their homes. It provided the reasons why communities often supports or oppose ex-offenders' re-integration measures. Based on the study findings the DCS officials, academics and policy makers may now understand the various factors that contribute to the community perceptions on re-integration. This will serve to inform their approach to address the concerns that may arise during ex-offenders' re-integration process. This report was structured in such a way that the readers could clearly understand what the researcher did, why he did it and what he found out. In addition, while the new ex-offenders' re-integration programme started with a flurry of ideas and signs of success, the impact of the re-integration policy has been questioned (Garland & Wodahl, 2014). The question is, what makes this re-integration policy to be questioned? This study leaves this and other related questions to future studies to be conducted on the same topic.

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Annexure: A

Department of Criminology

University of Limpopo

Private Bag X1106

Sovenga

0727

Date-----

Dear Participant

Thank you for showing interest in this study that focuses on participation of Vhembe District Community Corrections Forum (CCF) members in the re-integration of ex-offenders into the community. The purpose of the study is to explore the participation of Community Corrections Forum members in re-integration of ex-offenders.

Your responses to this interview will remain strictly confidential. The researcher will attempt not to identify you with the responses you gave during the interview or disclose your name as a participant in the study. Please be advised that your participation in this study is voluntary and that you have the right to terminate your participation at any time.

Kindly answer all the questions as truthful as possible. Your participation in this research is very important. Thank you for your time.

Yours sincerely

Magadze TO
Student

Prof, Dr C.J. Roelofse
Supervisor

Date

Date

Annexure: B

CONSENT FORM

I _____ hereby agree to participate in this PHD research project focuses on the participation of Community Corrections Forum (CCF) officials in re-integration of ex-offenders in Vhembe District Municipality.

The main purpose of the study, terms and conditions has been explained to me. I understand that should I feel like discontinuing with my participation in this focus group I can terminate at any time. Although the focus group will be tape recorded, my responses will remain confidential, anonymous and no names will be mentioned in the report.

I understand the outcomes of this researcher project, which purpose is not necessarily to benefit me personal. I understand that my details as they appear in this consent form will not be linked to the interview schedule and that my answers will remain confidential.

I understand this information and agree to participate fully under the conditions stated above:

Signed: _____

Date: _____

Annexure: C (English version)

RESEARCH INSTRUMENT

Focus group (CCF) interview questions

Objective (1):

1. To explore the Community Corrections Forum (CCF) perceptions towards re-integration of ex-offenders.

- (a) What is your opinion of a person who committed crime after serving a sentence?
- (b) In your opinion how does the public view ex-offender?
- (c) Do you believe that a person who commits a crime once, is likely to commit others crimes in future?
- (d) Do you think a person who is labelled negatively as a criminal will live up to negative label?
- (e) In your opinion, if a prisoner serves a sentence should he/she be considered as having paid the full debt to society?
- (f) What is your view of CCF involvement towards ex-offenders' re-integration process?
- (g) Are there any recommendations you would like to make to improve CCF perceptions on re-integration of ex-offenders?
- (h) Are there any factors or attitudes that help or hinders ex-offenders to find works?

Objective: 2

2. To assess the CCF's understanding of offender reintegration policy.

- (a) Do you know the re-integration policy of ex-offenders?
- (b) Have you received any written information on the ex-offenders re-integration policy?
- (c) Can you briefly explain the policy?

- (d) Can you say that the policy has been implemented successfully in your area?
- (e) Are you aware of any successful ex-offender re-integration process?
- (f) Have you had personal experiences with ex-offenders?

Objective: 3

3. To describe the role of the CCF during the re-integration of ex-offenders.

- (a) What is the role of the community in the re-integration of ex-offenders into society?
- (b) Can you provide an example of how you support ex-offenders to ensure successful re-integration?
- (c) Are there any recommendations you would like to make on how to improve the community's understanding of the re-integration policy?

Annexure: D (Venda version)

TSHISHUMISWA TSHA VHUṬODISISI

Mbudziso dza ndingo dza tshigwada tshine tzedzuluso dzi livhiswa khatsho (CCF)

Tshivhangalelwa tsha (1):

4. Uṭoda u divha ngaha kuvhonele kwa Foramu ya Vhululamisi ya Tshitshavha (CCF) malugana na u konanywa ha vhafariwa.

- (i) Kuvhonele kwaṅu ndi kufhio nga ha muthu ane o ita vhutshinyi nga murahu ha u fhedza tshigwevho tshawe?
- (j) Uya nga kuvhonele kwaṅu, tshitshavha tshi vhona hani muthu ane a khou bva dzhele?
- (k) Ni a tenda uri arali muthu a ita vhukhakhi, huna khonadzeo dza uri a vhu ite hafhu?
- (l) Ni vhona ungari muthu ane a vhonwa sa tshigevhenga u fhedza atshi tshila vhugevhenga?
- (m) Nga kuvhonele kwaṅu, arali muthu a bandida tshigwevho tshawe, u tea u vhonala o lifha mulandu wawe kha tshitshavha?
- (n) Kuvhonele kwaṅu ndi kufhio kha u dzhenelela ha CCF malugana na u maitete a u konanya-hafhu muthu we avha a tshivhotshwa?
- (o) Hu na makumedzwa ane na tama u a nea u itela u khwiṅisa kuvhonele kwa CCF kha u konanya muthu o itaho vhutshinyi?
- (p) Naa huna zwithu kana maitete zwine zwa thusa kana u thivhela muthu we avha a tshivhotshwa u wana mushumo?

Tshivhangalelwa tsha: 2

5. U linga kupfesesele kwa polisi ha u konanya ya vhatshinyi.

- (g) Ni a divha nga polisi ya u konanya ya vhe vha vha vha vha zwivhotshwa?
- (h) No vhuya na tʃanganedwa manwalwa a polisi ya u konanywa h a vhe ha vha vhe zwivhotshwa?
- (i) Ni nga tʃalutshedza polisi nga u pfufhifhadza?
- (j) Ni vhona uri pholisi i khou shuma vhuponi ha hanu?
- (k) Ni a divha maṅwe maitete a u konanya e asi anwe mitshele?
- (l) Ni na tshenzhemo ya u tshila na muthu we a vha a mufariwa?

Tshivhangalelwa tsha: 3

6. U tʃalusa ndeme ya CCF kha tshifhinga tsha u konanya vhatshinyi.

- (d) Ndeme ya tshitshavha ndi i fhio kha u konanya muthu we avha a mutshinyi?
- (e) Ni nga ṅea tsumbo ya uri ni tikedza hani maitete a u konanya mutshinyi uri a bvelele?
- (f) Hu na makumedzwa ane na tama u a ṅea u itela u khwiṅisa kupfesesele kwa tshitshavha malugana na polisi ya u konanya?

Annexure: E



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 COMMITTEE
CLEARANCE CERTIFICATE**

MEETING: 28 January 2015

PROJECT NUMBER: TREC/15/2015: PG

PROJECT:

Title: A study of the participation of Vhembe District Community Corrections Forum (CCF) members in the re-integration of ex-offenders into the community

Researcher: Mr TO Magadze

Supervisor: Prof CJ Roelofse

Co-Supervisor: Dr CE Oliver

Department: Criminology

School: Social Science

Degree: PhD in Criminology

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.

Annexure: F



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 2770, Fax 086 539-2693

Mr. T O Magadze
Private Bag X1106
Sovenga
0727

Dear Mr. T O Magadze

RE: FEEDBACK ON THE APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "A STUDY OF THE PARTICIPATION OF VHEMBE DISTRICT COMMUNITY CORRECTIONS FORUM MEMBERS IN THE RE-INTEGRATION OF EX-OFFENDERS INTO THE COMMUNITY"

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 **Mr. A Van De Venter: Unit Manager Social Re-integration, Makhado Community Corrections.**
- You are requested to contact him at the telephone number: **(015) 516 1399** 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 making visits.
- 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 Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) 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: 29/06/2015