

DEPARTMENT OF CORRECTIONAL SERVICES

REPUBLIC OF SOUTH AFRICA



OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

## CREATING PATHS FOR OFFENDER REINTEGRATION

### CONFERENCE REPORT

14-15 OCTOBER 2008, KIVIETSKROON HOTEL,

KAMEELDRIFT-EAST, PRETORIA



## Acronyms and abbreviations

CJI	Criminal Justice Initiative
CSA	Correctional Services Act 111 of 1998
DCS	Department of Correctional Services
JIOP	Judicial Inspectorate of Prisons
OSF-SA	Open Society Foundation for South Africa
OR	Offender reintegration
RJ	Restorative Justice
SLA	Service level agreements

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## Introduction

The conference entitled 'Creating Paths for Offender Reintegration' was organised and hosted by the Open Society Foundation for South Africa (OSF-SA) in partnership with the Department of Correctional Services (DCS). The objectives of the conference were to present role players in the field with an opportunity to: (1) highlight the gaps in theory; (2) share and exchange ideas on best practice; (3) profile promising models for offender reintegration; and (4) look at ways in which to expand and strengthen the impact of existing work in the field.

The event was attended by 51 people, including academics from local universities, senior officials from the Department of Correctional Services, staff from the Judicial Inspectorate of Prisons including the Inspecting Judge of Prisons, members of Parliament's Portfolio Committee on Correctional Services including its Chairperson, representatives from local NGOs, including representatives from community-based organisations.

Some of the conference participants



## Welcome and introduction

Louise Ehlers, Director: Criminal Justice Initiative, OSF-SA



Louise Ehlers, Director of the Criminal Justice Initiative (CJI), a programme of the Open Society Foundation for South Africa, welcomed all delegates and gave a brief input on the diverse approaches to crime prevention and law enforcement in South Africa. Ms Ehlers mentioned that law enforcement measures have largely been reactive and punitive in the past and that efforts were often aimed at the attainment of immediate, yet short-term results. She further indicated that during 2008, the CJI embarked on a strategy which includes the exploration of the nexus between long-term crime prevention and immediate safety. This was prompted by the question of how criminal justice institutions may keep citizens safe in the context of high levels of crime and simultaneously develop models for long-term crime prevention.

In recognising that the marginalisation of ex-offenders and the failure to facilitate their re-entry into mainstream society as productive citizens may undermine public safety, offender reintegration was identified as an important facet of any long-term crime prevention strategy. This view aligns closely with the mission of the 2005 White Paper on Corrections which prioritises the rehabilitation and reintegration of inmates. In practice this means that the duty conferred to the Department of Correctional Services (DCS) is no longer limited to enforcing the sentences imposed by the courts. DCS's expanded mandate requires efforts to ensure the rehabilitation of all inmates while they are in prison so that they may return to their communities with the desire and ability to become productive members of society.

As effective reintegration is not easily achievable, a range of services are necessary to support persons while they are incarcerated and once they are released from correctional centres. Non-governmental organisations, including community-based organisations, have a major role to play in this regard. Former inmates inevitably return to their communities of origin. The question of how we make our communities safer is therefore one that must be addressed collectively by civil society and government.

Louise Ehlers handed over to Judge van Zyl to deliver the keynote address. Judge van Zyl was appointed as Acting Inspecting Judge in the Judicial Inspectorate of Prisons on 1 May 2008. His appointment has subsequently been made permanent. He is also presently an honorary professor of law at the North West University and an extraordinary professor of law at the Universities of Stellenbosch and the Free State. Prior to his appointment as Inspecting Judge, he served as a Judge of the High Court of South Africa for more than twenty-three years.

## Keynote address

Judge Deon van Zyl, Inspecting Judge: Judicial Inspectorate of Prisons



Judge van Zyl expressed his appreciation for the opportunity to address the conference. He indicated that his attendance was not just motivated by the request from his office that he participate in the conference, but also by his own interest in enhancing his knowledge on issues related to the South African correctional system. Generally judges' experience and knowledge of the criminal justice system does not extend beyond the sentencing phase, much less to the experience of ex-offenders once they are released from prison. As a former judge his new appointment therefore presents a steep learning curve on a continuous basis.

The Judicial Inspectorate of Prisons (JIOP) is an independent office tasked with the duty to facilitate inspections of correctional centres and to report on the treatment of inmates as well as on the conditions in prison. This office was established in 1998 and with the commitment of its staff it has succeeded in meeting its mandate. The recent permanent appointment of Judge van Zyl as Inspecting Judge has made it possible to develop a work plan for the next three years. This will ensure that the JIOP continues to make a positive difference in the correctional system.

The DCS is faced with an enormous and very complex task. The Correctional Services Act 111 of 1998 and the 2005 White Paper on Corrections sets out objectives that are aimed at addressing criminal behaviour and to bringing about positive social change. Factors like overcrowding in correctional centres and a lack of adequate resources make it difficult to achieve these objectives. Whatever happens in the correctional centres has an impact on the extent of former offenders' reintegration into society. While an offender is incarcerated every effort must therefore be made to ensure that he or she is prepared properly for release.



The South African Constitution does not make provision for the right to rehabilitation, correction and reintegration of former offenders. There are however other rights in the Constitution that underpin the latter concepts. Section 35 of the Constitution, for example, provides for humane conditions for those who are detained including adequate accommodation, nutrition, reading material and medical treatment. Additionally the Constitution guarantees detainees the right to communicate with and to be visited by family, friends, religious leaders and medical practitioners.

The right to freedom, which is limited when a person is detained, is the second most important human right guaranteed in the South African Constitution. Any limitation of the right should as a result be strictly permissible within the ambit of the Constitution. In spite of this guarantee many people detained in the correctional centres should not be there. Awaiting trial prisoners are filling up South African correctional centres. Many of these detainees could be released to await trial in the community. Also, it is not constitutionally justifiable to detain a suspect until there is sufficient evidence to warrant a prosecution, yet there are cases where suspects are detained for long periods while the police are investigating their cases for evidence to warrant a legal prosecution.

There is a need to educate the judiciary on sentencing. Judges are generally not aware of what happens to offenders once they are admitted to correctional centres and moreover the impact of imprisonment on former offenders and society once they are released. The personal circumstances of a convicted person ought to be given greater consideration by presiding officers during the sentencing stage of a trial.

Minimum sentencing legislation has had a profound impact on sentence terms and the growth of the prison population. There were approximately 700 people nationally who were serving life sentences in 1998. Currently this figure stands at around 8000. Over and above this it is society that bears the brunt of the effects that imprisonment has on individuals when they are unable to reintegrate into society.

Judge van Zyl emphasised that while it is necessary to be aware of the theories and law on offender reintegration, it is equally important to know what is happening in practice. There are many good reintegration models in the United States of America and the United Kingdom. The South African context is, however, very different from these countries. It is consequently necessary to develop models that will meet the unique needs of our context. A number of ideas and initiatives exist and should be considered when contemplating a model that speaks to the South African experience. Non-governmental organisations and

community-based organisations offer an array of reintegration services to former offenders. Many people working in the field of corrections believe that a sentence of imprisonment should be the exception rather than the rule. Community services sentences should be imposed in far more cases than at present. These ideas and initiatives may all be built on to design a model that is effective in the South African context.

The Criminal Justice Assessment Toolkit of the United Nations Office on Drugs and Crimes entitled "Custodial and Non-Custodial measures: Alternative to Incarceration" is a useful source to consider in a country like South Africa where prison overcrowding is a major problem. The tool provides guidance in the assessment of alternatives to imprisonment including their legal basis, management, effectiveness and opportunities for improvement. The tool takes cognisance of the objectives of both imprisonment and rehabilitation. One of the goals of imprisonment is to offer an offender the opportunity to rehabilitate while he or she is serving a sentence. The goal of rehabilitation is in turn to address the underlying factors that led to criminal behaviour and to reduce the probability of reoffending. This makes sense in theory, but in practice imprisonment more often than not is not conducive to rehabilitation. It is for this reason that resources such as the toolkit should be considered and utilised to inform our work.

This is an exciting period for the legal and correctional system. In November 2007 Cabinet approved a strategy to evaluate the South African criminal justice system. This was influenced by a review of the criminal justice system in Britain and other countries. The objective is to address the inherent problems of our criminal justice system and to empower role players to provide greater protection to the citizenry. The review commenced at an opportune time. Because this process has started now, we can make major improvements to our justice system in the long-term. In particular we can reduce the number of people who are imprisoned.

Former offenders almost always return to their communities of origin when they are released from prison. If they are not accepted back by the community it inevitably results in them re-offending. Non-acceptance by the community arguably makes recidivism inevitable. The role of the community in the reintegration process therefore speaks for itself. Communities should hence be educated on the importance of offender reintegration. Communities should furthermore guard against them contributing to criminal behaviour and endeavour to create a culture of respecting the law.

## Session one: Law, Policy and theory

# 3

### The implementation of the 2005 White Paper on Corrections as it relates to offender reintegration

Sharon Kunene

Department of Correctional Services Directorate: Deputy Commissioner of Social Integration



The DCS's overall purpose is to contribute to the maintenance and protection of a just, peaceful and safe society. To fulfil this goal the Correctional Services Act 111 of 1998 (CSA) sets out three objectives, namely, to enforce the sentences imposed by the courts, to detain all inmates in safe custody whilst ensuring their human dignity and to promote the social responsibility and human development of all inmates and persons subject to community corrections.

The White Paper on Corrections confers a challenging mandate on the DCS. In a nutshell, it obligates the DCS to keep inmates in safe custody and simultaneously to prepare offenders to reintegrate back into society. This implies that former offenders must be supported in the correctional system with a view to enabling them to play a meaningful role in their communities once they are released. This is obviously not an easy feat and requires various formal partnerships between DCS and civil society. DCS can for example not effectively facilitate the restoration of relationships between an inmate and members of his or her family or community unless the latter are directly involved in the process. Mutual co-operation between DCS and communities is therefore crucial to the reintegration process of former offenders.

*Phases of social integration*

The DCS defines 'social integration' as a process of facilitating acceptance and effective readjustment of offenders into their communities. Efforts to ensure the integration of offenders commence during the early stages of inmates' detention, including the pre-sentencing period and continue until release. Throughout the reintegration period the offender is reliant on a variety of services including legal, social, spiritual, financial and psychological services. The availability of such services is dependent on strong partnerships within the Integrated Justice System (IJS) and between the DCS and its social partners.

According to the DCS the social reintegration process comprises of various phases. The earliest of these is the pre-sentence phase. Pre-sentence reports are compiled and submitted to the courts. Additionally intervention services may be provided to offenders if it is found that there is a need for such assistance. Next is the incarceration phase. This would only apply to individuals who had been convicted and sentenced to direct imprisonment. It commences with an induction, an assessment of the needs of the offender, profiling of the offender and the development of a sentence plan which must be executed during the period of imprisonment. In terms of the CSA only persons sentenced to twenty four months and more are required to have a sentence plan. The ultimate goal during this phase is to prepare for the offenders' release and for their transfer to Community Corrections.

Offenders who serve sentences in the community (i.e. probationers and parolees) are subject to a similar process as described above. It commences with an induction, followed by an assessment of the offender and the development of a correctional sentence plan. The plan may be a continuation of an existing plan from a correctional centre and it may include a plan for probationers.

DCS also fulfils a monitoring function during the 'supervision phase'. It does so in respect of persons who are on bail and awaiting trial as well as those who are on parole or probation to ensure that the conditions imposed by the parole board or courts are complied with. In fulfilling this function it is necessary for DCS officials to interpret the conditions that offenders must comply with and to build positive partnerships between offenders and service providers who offer the assistance which offenders need. DCS is also responsible for applying the consequences of non-compliance with parole conditions or bail conditions.

DCS describes the final phase of the social reintegration process as the 'release phase'. During this phase offenders are afforded the benefit of pre-release interventions and are

referred to community support systems. This is to ensure that offenders have a sound basis to enable them to successfully reintegrate into society.*Parole Boards*

The CSA also provides for the appointment of parole boards. It provides that the Minister of Correctional Services may name each parole board, specify a seat for the board and determine or amend the area of jurisdiction of each board. The CSA prescribes that a Parole Board should comprise of a chairperson, vice-chairperson, a DCS official nominated by the Commissioner of Correctional Services and two members from the community. Parole Boards consists almost entirely of community members and can therefore be regarded as a link between the DCS and communities.

The mandate of the parole boards presents a huge challenge. When considering applications for parole the board must take into account the risk that the offender may pose to the community if he or she is granted parole, the probability of rehabilitation in respect of the offender as per a report from the Case Management Committees (CMC) and if the release of the offender may pose a risk to the victim. Other challenges include that the community may not want to accept the offender back, the involvement of victims in the process, the restoration of relationships, the public interest in sensitive/publicised cases, lack of proper support systems and lack of employment opportunities for former offenders.

Where community service is imposed as a condition of parole there is a need for close co-operation between civil society organisations and the DCS. The former must provide feedback reports to the latter where a parolee participated in programmes offered by the civil society organisation. To secure the partnership between DCS and such organisations a service level agreement must be entered into by the DCS and the organisation. Further it is important for the DCS to be aware of civil society organisations and the services they offer as DCS must have a list of organisations available for the courts when a sentence of community services is contemplated for a convicted offender. DCS, as mentioned earlier is also responsible for monitoring compliance with the courts' orders regarding sentences of community service. The DCS must compile reports for submission to the courts detailing whether the prescribed sentences of community service had been fulfilled.

#### *Supervision of parolees and probationers*

Probationers and parolees are subjected to different levels of supervision. In practice there are five levels of supervision. Each level determines the degree of strictness to which the probationer or parolee will be subjected. DCS officials who monitor parolees or probationers

do so by means of *inter alia* telephonic contact, personal visits to the home, work place or place where the community service is rendered.

#### *Programmes at Community Corrections*

Social workers at Community Corrections present various programmes to offenders. Offenders are offered life skills and self-growth courses as well as anger management, substance abuse and orientation programmes. In many cases former offenders are also referred to non-governmental organisations to participate in programmes that are not offered by DCS.

#### *Absconders at Community Corrections*

There are presently 23 986 offenders recorded in the system of Community Corrections who have absconded. This figure is the accumulative total over a period of 18 years since the inception of community corrections in 1991. Community Corrections' active caseload is 52 187. According to DCS, the number of absconders compared to the active caseload 'paints a negative picture of Community Corrections' as it means that 45 percent of all offenders that go through the community corrections' system abscond. The DCS however argues that the number of absconders should be compared against the total number of admissions (namely 962 076) into the system over the 18 year period to get a realistic picture of the situation. Viewed in this manner, it means that the absconding rate is approximately only two percent instead of 45 percent.

DCS indicated that there are a number of factors that contribute to offenders absconding. These include the introduction of parole supervision, the granting of special remission of sentences (amnesty) in 1994, 1995, 1998 and 2005, personnel that are inadequately trained or untrained as well as rigid conditions that apply to all offenders regardless of their individual circumstances.

#### *Measures to improve the functioning of community corrections*

The problem of offenders who abscond is dealt with by regional and area management task teams. These teams were established to trace absconders and it is reported that approximately 2000 offenders were successfully traced between June 2008 and October 2008. Furthermore current supervision categories are being revised and the DCS is liaising with the South African Police Services criminal record centres as well as the Department of Home Affairs to determine whether death certificates have been issued in respect of any of the absconders.

Apart from the abovementioned improvements DCS has also developed a three-year plan to improve the functioning of community corrections offices. This commenced with the auditing of facilities and the infrastructure of community corrections. The plan also includes an 'image turn around' strategy, an effective absconding management system, a review of the functions and competencies of community corrections officials and a database of resources and services available to offenders.

*Partnerships with civil society organisations and other government departments*

The DCS refers offenders to other government departments where they require assistance offered by the specific departments. Additionally DCS is currently working in partnership with a number of non-governmental organisations and offenders are often referred to these organisations for assistance. Some of the organisations with whom the DCS has partnerships are the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) – NICRO plans to establish a family centre for inmates and their families, Khulisa Crime Prevention Initiative, an organisation involved in various restorative justice initiatives and the Centre for Conflict Resolution where training in restorative justice processes are offered to DCS officials.

To strengthen its partnerships the DCS plans to formalise its relationships with other stakeholders by entering into service level agreements with them. The DCS also intends to create a database of services and programmes for offenders. This will be done with a view to expanding services to areas where they are non-existent. Finally, DCS will endeavour to attract the involvement of other government departments in order to contribute optimally to the ultimate goal of creating safer communities.

# 4

## Offender reintegration – A restorative approach to crime in South Africa

Venessa Padayachee: National Coordinator: Research and Design (NICRO)



### *Introduction*

Crime in South Africa is very complex. Given the high crime and recidivism rates, effective rehabilitation and reintegration programmes are integral to solving the crime problem. Yet, it would be simplistic to think that the causes of crime are limited to offenders.

The DCS in particular experiences many challenges in providing services to offenders. Correctional centres are overcrowded, there is a shortage of professional staff, there is a lack of infrastructure at most correctional centres and the cost of incarcerating offenders is high. The following figures are indicative of these challenges:

- The prison population is 162510<sup>1</sup> of which 114673 are sentenced inmates and 47837 (i.e. 29 percent) are awaiting trial detainees.
- 22 percent of the sentenced population are between the ages of 14 and 25 years.
- The staff to offender ratio is 1:52. Further 51 percent of professional staff positions are not filled.
- The cost of incarceration per person per day is R123, 37.

An interpretation of the abovementioned statistics implies that conditions in correctional centres impact negatively on service delivery and in turn the successful rehabilitation and reintegration of inmates. Considering also that 95 percent of all prisoners are released at some stage, with many having not had access to rehabilitation programmes it is predictable

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<sup>1</sup> These statistics were available on the DCS's website [www.dcs.gov.za](http://www.dcs.gov.za) (accessed in October 2008).



that the rate at which former inmates re-offend is rather high. It is estimated that between 80 and 94 percent of all former inmates re-offend after they are released from prison.

Increasingly a public outcry to 'lock offenders up and throw away the keys' persists. This is understandably motivated by the devastating effect that crime and particularly violent crime has on victims, victims' families and society. Crime also affects offenders and the offenders' families (a marginalised group as found by a NICRO study) yet it appears that these issues enjoy very little consideration. A NICRO study found that many juvenile inmates have parents who were incarcerated and that the imprisonment of a parent may have profound psychological consequences for children. In this way children of offenders who may also be seen as victims of the crimes committed by their parents are at risk of becoming offenders. Within the sentiment expressed by the public, one is not sure if the realisation that imprisonment of an individual is life changing and that many offenders become 'worse' criminals in prison may have been taken into consideration.

Retributive 'punishment' and incarceration has not proved to be an effective solution to crime. Prison confinement dehumanizes and diminishes individuals, resulting in former inmates being less capable of effectively reintegrating into society.<sup>2</sup> Awaiting trial detainees are also exposed to this environment. In spite of these facts South African courts seemingly impose imprisonment as a sentence far too easily. Imprisonment should be a sanction reserved for dangerous and lifestyle criminals and should not be a sentencing option for all crimes. We need to be more rigorous in coming up with alternatives for those offences and offenders that commit crimes, yet are not a threat to society. Both diversion, and alternative sentencing options, through careful assessment must be considered for less serious crimes, and cases that warrant specific consideration and where victims, offender and their families, as well as society as a whole can benefit, and the risk for harm is low. Fortunately the South African government together with NGO's like NICRO have started to consider non-custodial options. However more attention needs to be paid to developing and resourcing more non-custodial programmes

Offender reintegration as opposed to retributive punishment and imprisonment is aimed at protecting both offenders and society. Offender reintegration is not a crime prevention model on its own, but may be seen as part of a restorative justice approach. This approach includes offender accountability, (which may include opportunities for various options of

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<sup>2</sup> Maruna & Immarigeon. 2004: viii.

mediation and conferencing between victims, offenders, families and community through victim initiated contact, and support, as well as various forms of community service) non-custodial options to imprisonment and reintegrating former offenders as productive citizens. This approach holds greater promise to reduce crime than a strictly punitive approach. It is unfortunate though that offender reintegration in South Africa was not considered a national priority and was therefore not considered as a legitimate crime prevention/ reduction intervention in the past. Successful reintegration of offenders benefits society and reduces crime and victimisation.

The 2005 White Paper on Corrections promotes the advancement of restorative justice and offender reintegration approaches to crime prevention. It will however only give real impetus to these approaches if the DCS and other governmental departments work together. The offender reintegration sector is fragmented and more dialogue between government and non-government role players is necessary to implement effective offender reintegration strategies and programmes.

*What is offender reintegration?*

*It is defined as '[a] systematic and evidence-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and re-offending is significantly reduced. It encompasses the totality of work with prisoners, their families, significant others, (and victims) in partnership with statutory and voluntary organisations.'*<sup>3</sup>

Offender reintegration, in a nutshell, looks at factors to assist offenders to reintegrate into society with the aim of keeping them from committing more crimes. Reintegration (or 're-entry' as it is sometime called) is both an event and a process. Narrowly speaking, re-entry comes the day a prisoner is released from prison. Re-entry is also a long-term process, one that actually starts prior to release and continues well afterward.

Reintegration theory states that criminal behaviour represents a breach or absence of community. Reintegration has always been as much about the community as the offender. Successful offender reintegration therefore holds promise as it is rooted in potential benefits for society and not in the moral satisfaction of the judicial system. (Reitan, in Muntingh: 2001).

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<sup>3</sup> Morgan and Owers 2001:12 cited in Maruna and Immerigeon: 2004:5.

### *Critical ingredients for effective reintegration*

While the list of 'ingredients' for offender reintegration is not exhaustive, there are seven critical components which must be present. They include: (1) building a criminal justice system that can reduce the level of re-offending; (2) prison conditions that are conducive to rehabilitation and ultimately successful reintegration; (3) effective rehabilitation in prison; (4) proper preparation for release; (5) Post-release support; (6) non-custodial options; (7) Individuals working with former offenders must understand and respect the emotions, processes and trauma that victims experience and be accountable to victim networks.

#### 1. Building a criminal justice system that can reduce the level of re-offending

In South Africa it appears that this area of work is only seen to be the responsibility of the Department of Correctional Services (DCS). Even the Department of Social Development, which supports reintegration programmes in some provinces, is beginning to relegate this duty to the DCS.

Yet, successful offender reintegration as a crime reduction strategy should be the overall purpose of the criminal justice system. The criminal justice system has been developed over centuries to achieve one goal — to reduce crime in society. If the criminal justice system loses sight of this goal and becomes a self-serving and repetitive institution, a deep moral dilemma would present itself to society. Can a justice system justly punish people if it has no transcendent purpose, but merely aims to punish people and impose sanctions that serve no other purpose but to cause suffering? In a liberal democracy, the answer would clearly be no.

A criminal justice system should be both proactive and reactive. Such a system has to accept (partial) responsibility for assisting offenders to return to society as improved citizens and to facilitate their return. The approach to offender reintegration hinges upon the acceptance of this viewpoint. If the perception continues to hold that law enforcement has nothing to do with crime prevention, that the sentencing judge has no responsibility towards offender reintegration, or that the correctional officer is only responsible for preventing escapes, society will indeed find itself in a difficult situation. Every aspect of the criminal justice system should be aimed towards successful reintegration and therefore making a contribution to crime reduction. Every former prisoner or other offender who does not re-offend represents success for the system. But if the majority of offenders passing through

the system re-offend within a relatively short space of time, it also has to be acknowledged that the system is failing structurally and functionally.

To build a system that can reduce the level of re-offending is a major challenge. One key element is a transparent and robust sentencing framework, geared towards crime reduction. But reform of sentences would not, of itself, be enough. Major changes to the way in which those inside and outside the criminal justice system operate are necessary to ensure that the system is focusing resources sufficiently to deal with the right people, using robust systems of accountability and joint working, and delivering in innovative ways. Long-term change is needed to ensure that all those dealing with prisoners and ex-prisoners make the maximum possible impact on re-offending. The judiciary, for example imposes sentences on those who are convicted of committing crimes. In doing so they ought to separate the crime from the person. In other words due consideration should be given to the personal circumstances of an offender, and risks to the victim and society when deciding on an appropriate sentence. To reduce the level of re-offending the broader social issues must be addressed. Factors such as poverty and lack of parenting place many people at risk of offending. These issues must thus be addressed. On the other hand there are also protective factors which reduce the risk of committing crime. One very important protective factor is the family unit. It is important that the family unit is strengthened to maximise the support that it may lend an individual.

Further major changes inside and outside of the criminal justice system are necessary. Restorative justice processes and human rights based approaches should be adopted when dealing with subjects of the criminal justice system. The benefits of reform would not only be felt by the criminal justice system. There are likely to be multiple returns to services dealing with employment, housing, families, health and education."<sup>17</sup>

## 2. Conditions in prison should be conducive to rehabilitation and successful reintegration

Imprisonment globally, particularly the effects of 'the institutional prison culture,' shows a failure to effectively deter and rehabilitate offenders.

Muntingh (2001) argues that "it is known that imprisonment *per se* does not rehabilitate people nor does it facilitate the ultimate goal of reintegration. It contributes to the formation of a prison sub-culture within an environment where social relations are based on survival, violence and hierarchy. Can we then say that after a period of imprisonment people are better equipped to deal with life?"<sup>12</sup> Unlikely, yet, society, through the criminal justice

system, **punishes** offenders by sending them to prison. There is an immense belief in the premise that tough rather than humane justice is the answer to society's crime problem. For society to continue with this strategy of incarcerating people for periods of time and then expecting them to have transformed themselves as by a miracle is indeed futile.

In South Africa these conditions are exacerbated by (i) overcrowding; (ii) the state of DCS facilities; (iii) corruption and mal-administration; (iv) training and re-training members for the new paradigm; (v) aligning the Correctional Services organisational structure with the new paradigm; (vi) the needs of special categories of offenders-women, children younger than 18 years, the youth, the disabled, the aged, the mentally ill, long-term offenders, offenders with life sentences; first offenders; foreign nationals; (vii) dealing with HIV/Aids, and the effect and management of communicable diseases, (White Paper on Corrections in South Africa: 2005:17); and the one not mentioned in the White Paper; (viii) victimization and male rape.

The condition of South African correctional centres (such as overcrowding, staff shortages and infrastructural collapse) severely undermines the potential positive outcome of a term of imprisonment. When people are living in conditions that are inhumane and are often treated as something other than human, it is unlikely that they will treat other people humanely. Treating and respecting prisoners as human beings, with all their rights and responsibilities, forms the foundation of all good offender reintegration initiatives. Without this, the chances for success are severely diminished.

A greater focus on the mental and physical health of inmates is necessary. It should also allow for the strengthening of relationships that could support the effective reintegration of offenders. Emphasis should be placed on building positive attitudes whilst all inmates should have the benefit of programmes that will allow them to develop control over their conduct.

### 3. Effective rehabilitation in prison

The purpose of sentencing and imprisonment should be the effective reintegration of the offenders. The DCS must therefore employ staff that is dedicated, sensitive and available to assist and support inmates. To ensure that inmates receive the support that they need every inmate should be assessed and a one-size fits all approach should be avoided in relation to services. Each inmate must have a comprehensive, individualised sentence plan. The CSA currently requires that only persons sentenced to twenty four months and longer

have sentence plans. This is not desirable as imprisonment should be an opportunity for everyone, regardless of the length of their sentence, to rehabilitate and prepare to reintegrate back into society.

Participation in rehabilitation programmes is not compulsory for all inmates. It is only where participation in programmes is specifically set out in a sentence imposed by a court that an inmate is compelled to participate. This is highly undesirable. All inmates should be compelled to participate in programmes as this can only be beneficial to their reintegration. The status quo will be retained until the CSA is amended or new legislation is enacted compelling all inmates to participate in programmes.

Restorative justice principles must be incorporated into programmes offered to inmates. NICRO's programmes are by design inclusive of such principles. Programmes are also designed to achieve behavioural change. NICRO offers an array of services to inmates. While each programme has a specific aim, the programmes collectively are 'multi-levelled' in nature in that they address the different needs of offenders. Some of the programmes address self-change, social support, responsibility and accountability. Additionally there are treatment approaches which directly speak to cognitive behavioural needs that an offender may have. Other NICRO programmes address specific problems such as substance abuse, provides life skills education, debt counselling and family counselling.

According to NICRO the family unit is an important protective factor for former offenders. It is therefore essential to work with the families of offenders during the reintegration process. NICRO is therefore in the process of establishing Family Centres. This is to enable therapeutic family reunifications for offenders and their families. These centres will help to reconstruct family units where necessary and serve as support centres to both offenders and their families.

For many offenders the reintegration process must include an opportunity to meet or communicate with those whom they have harmed. Whilst it is not always possible for the offender to make amends, victim-offender contact may have therapeutic value for both offenders and victims. NICRO's programmes thus include Victim- Offender Conferencing and Surrogate Victim- Offender Conferencing. There are also instances where it is more appropriate for offenders to communicate with their victims by writing letters to them to initiate the process of restoration or there may be group meetings where the offender and victims can communicate openly.

Prison labour can also be seen as part of the rehabilitation process. Prison labour may be a poverty alleviation mechanism and present inmates with an opportunity to develop skills that will make them more employable once they are released from prison.

#### 4. Proper preparation for release

NICRO's Tough Enough Programme (TEP) is aimed at preparing inmates properly for their release. All participants are prepared psychologically to reintegrate back into their families and communities after they are released. While they are still incarcerated, the programme assists inmates in building human and social capital. They are motivated to become productive and constructive members of society. The TEP also includes the families of inmates. As mentioned earlier NICRO undertook a study that found that the incarceration of an offender may have a profound impact on an entire family unit. To support the reintegration of an ex-offender the family unit must therefore be strengthened. The involvement of the community to which an offender will return after his or her release from prison is essential to an effective reintegration process. The actual work of reintegration must be done by the ex-offender, his family and other members of their communities.<sup>4</sup>

Participants of the TEP also have the benefit of mentors who may be members of the communities where they live. Additionally participants are offered skills development opportunities, assisted in finding employment and job creation.

#### 5. Post-release

After an ex-offender is released it is important that his or her practical needs are met. These may include finding accommodation, alcohol and drug treatment, assistance with job placement and job creation and skills development. After-care work with families and positive social networking is also offered in terms of the TEP. Community reception committees are established to support ex-offenders when they are released. Furthermore ongoing research and evaluation must be done to ensure a smooth reintegration process.

#### 6 Non-custodial options

Effective reintegration may also be attained where an offender is not incarcerated but a non-custodial sentencing option is imposed. Victim Offender Mediation is not the only non-custodial option. There are many other options which incorporate restorative justice

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<sup>4</sup> Nils Christie

principles. Professional intervention can also be made through the imposition of non-custodial sentences. Offenders must thus be assessed to ascertain the best possible intervention for their individual circumstances.

Where a non-custodial sentence is imposed, NICRO still recommends that the families, victims and communities be involved in the reintegration of the offender. Moreover NICRO advocates that all those working with offenders in order to rehabilitate and reintegrate them back into mainstream society must understand and respect the emotions, processes and trauma that victims go through. NICRO also recommends that role players in offender reintegration be accountable to victim support networks.

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

Incarceration in South African prisons and elsewhere has a harmful effect on inmates. Institutionalisation and socialisation in prison “sub-culture” especially, have a negative impact on prisoners. In correctional centres social relations are almost always based on survival needs.

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

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



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

A relatively smooth reintegration process can be affected by the fact that there is insufficient dialogue amongst partners and stakeholders. This may also result in uncoordinated strategies to address the reintegration needs of offenders. In particular the struggle in developing formal partnerships and agreements with DCS and civil society organisations has been problematic. Furthermore the field of offender reintegration is under explored and the lack of sufficient research on the subject affects the services that are offered to offenders and in turn the reintegration process. Additionally restorative justice practices are not adequately incorporated into reintegration approaches. It appears that restorative justice practices are reserved for less serious offences only. There also appears to be a misconception of restorative justice practice in that many incorrectly believe that it pre-empts forgiveness between the victims and offenders.

### *Recommendations*

- NICRO recommends a comprehensive national integrated offender reintegration strategy and operational plan. In this regard NICRO is negotiating with DCS and other partners. NICRO is also of the belief that DCS is not the sole role player in the reintegration process and that other government departments and civil society agencies as well as communities have important roles to play. There should also be better coordination of budgets and resources.
- There should be stronger links between offenders, their families, local communities and the public at large.
- Programmes and interventions for families affected by the incarceration of a family member must be prioritised. NICRO is in the process of rolling-out Family Centres.

- DCS and other governmental departments should work together. Government and civil society should form sustainable partnerships. Policy documents regulating these partnerships may need to be developed.
- A strategy to improve the prison environment is necessary. Such a strategy should address overcrowding, gang violence, sexual violence and corruption in prisons. This requires that DCS appoint staff that is adept in meeting the rehabilitation needs of offenders and more staff should be appointed to fill all the vacant positions.
- More pre and post-release programmes must be made available to offenders to 'deinstitutionalise' the prevailing 'sub-cultures' in correctional centres.
- A broader understanding of the application of restorative justice principles and interventions in the rehabilitation and reintegration of offenders must be acquired by those working in the field. Restorative training and practice must also be applied throughout the reintegration process. It should also be applied to serious and more violent crimes.
- There must be rational continuity between pre and post release programmes. DCS has an integrated support which must be expanded and improved on. Offenders must be properly assessed to ascertain their needs and their cases must be managed effectively.
- Human and social capital must continuously be built on.

It is also recommended that the following be avoided:

1. Building more prisons.
2. Rendering no support to offenders based on the belief that they can rehabilitate on their own.
3. Not supporting offenders in finding meaningful employment.
4. Programme fetishism
5. Addressing only the socio-economic needs of offenders
6. Solely providing 'welfare' services without addressing thinking and attitudes.
7. Losing sight of the fact that the offender is an individual.

## **Conclusion**

Offender reintegration is not and cannot be the cure for all of South Africa's crime woes and it does not claim to do so. Critics will be quick to point out that effective law enforcement is necessary to curb recidivism. While this may be true, it is equally true that most offenders who are arrested, tried and convicted will eventually be released. There is as yet no effective strategy to deal with released prisoners that would successfully prevent them from committing further offences. Law enforcement is a reactive measure, whereas reintegration is sustainable, and rooted in the values and norms acceptable to the society of good citizens. Offender reintegration strategies also interact with social problems in our society, working with risk factors such as poverty, materialism, self-gratification, the ever growing gap between the rich and poor, unemployment, substance abuse, education, poor skills, housing/accommodation, family responsibility, debt, toxic and violent communities-moral decay, stigma, new technology/systems *through building protective factors such as human and social capital with offenders, victims and their families.*

Offender reintegration is "using a restorative approach to help in the social reconstruction of our society, in the rebuilding of lives (victims, offenders and their families) and in the regeneration of morals and values and is critical as a crime prevention model."

# 5

## The value of restorative justice to the reintegration process



Mike Batley, Executive Director, Restorative Justice Centre

### **Introduction**

Restorative justice is well articulated at an academic level, yet there often is a lack of clarity about what it is and how it can be integrated into the criminal justice system. In light of this it is important to define 'restorative justice' before the value of it can be considered.

### **Important definitions**

There is currently no universally accepted definition of 'restorative justice', but the following description is gaining prevalence:

*'Restorative justice is a theory of justice that emphasises repairing the harm caused or revealed by criminal behaviour. It is best accomplished through inclusive and co-operative processes.'*<sup>5</sup>

This definition makes it clear that one needs to distinguish between restorative justice as a theory (or a way of thinking) and restorative processes. It is also useful to make a third distinction namely *programmes that are restorative*. The United Nations Handbook on Restorative Justice Programmes<sup>6</sup> defines a restorative justice **process** as "any process in which the victim and the offender, and, where appropriate, any other individual or community member affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator".<sup>7</sup>

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<sup>5</sup> Van Ness, Daniel W. (2004). RJ City: *Contemplating a restorative justice system*. Paper presented at Building a Global Alliance for Restorative Practices and Family empowerment, 5-7 August 2004. Richmond, BC, Canada. Also used on [www.restorativejustice.org](http://www.restorativejustice.org)

<sup>6</sup> **UNITED NATIONS OFFICE ON DRUGS AND CRIME UNITED NATIONS 2006.** Handbook on Restorative Justice Programmes **CRIMINAL JUSTICE HANDBOOK SERIES** available on [http://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf)

<sup>7</sup> Ibid p7.

Although terms are sometimes used interchangeably, and there can be variations within models, common examples of restorative justice processes include:

- **Victim offender mediation** in which the starting point is bringing the individuals involved together, but possibly drawing in other relevant people
- **Victim offender conferencing/Family group conferencing/restorative justice conferencing/community conferencing.** The emphasis is on involving all who have a stake in the offence/incident
- **Victim offender panels,** in which groups of offenders meet with groups of victims, but are not matched according to offences. This application is thus usually used when no offender has been apprehended.<sup>8</sup>

The typical outcomes of these processes (apart from victim offender panels) are:

- An apology
- Restitution in kind or in monetary terms, aimed at compensating the victim for the loss suffered
- Performing some service for the victim
- Performing community service as a way of making amends with the community
- Referral of the offender to some form of assistance programme to address some of his/her needs
- A plan to address what future steps can be taken by all involved to reduce the possibility of the recurrence of the crime committed.

Programmes that are restorative must be distinguished from restorative justice **theory** and restorative justice **processes**. The following are examples of programmes that are restorative:

- **Victim support,** arranged either individually or in groups, at any stage after a crime or violent incident
- **Victim awareness.** This is usually targeted at offenders in either a custodial or non-custodial setting with the purpose of helping them understand the impact of their behaviour on others

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<sup>8</sup> See AW Roberts *Is Restorative justice tied to specific models of practice?* In Zehr, H, and B Toews (eds), *Critical Issues in Restorative Justice*, Criminal Justice Press, Monsey, NY, 2004 and Raye, BE and AW Roberts *Restorative processes* in Johnstone and van Ness (eds) 2007 *Handbook of restorative justice*, Willan Publishing, USA and Canada for comprehensive discussions on the classification of models.

- **Life skills and mentoring for offenders.** These would typically be the kind of assistance programme that an offender could be referred to from a restorative justice process, but could often be stand alone programmes such as those that are used to divert offenders from trials. The typical rehabilitation/treatment/reintegration programmes could be regarded as being in this category as well.

These programmes contain restorative elements and values and can thus be regarded as being part of an overall restorative justice system, but they cannot be deemed as “restorative justice” as they do not meet the criteria of a *process* stated above.

### ***A restorative world view***

Every year during the third week in November many countries celebrate and raise awareness about restorative justice. The theme suggested for this year is “Fostering a restorative world view”. This raises obvious questions about what a restorative world view would mean in a correctional environment and particularly in the area of rehabilitation/treatment/reintegration.

Restorative justice is about giving all parties involved in a conflict the opportunity to take an active role in a safe and respectful process that allows open dialogue between the victim, offender and the community. For offenders, it is about taking responsibility and being held accountable for the harm caused. For victims, it provides an opportunity to talk about the harm caused and to pose questions that may be necessary as a part of the healing process. For communities surrounding the victim and offender, it provides an understanding of the root causes of the conflict<sup>9</sup>.

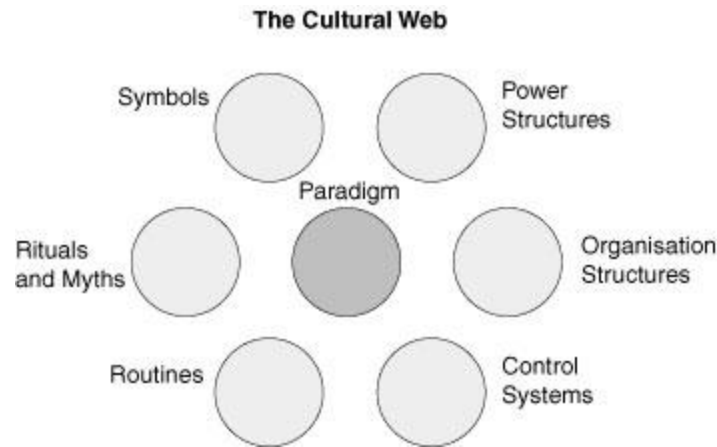
Examples of what it means to foster a restorative world view include suggesting that it should inform how one thinks about an entire paradigm and cultural web<sup>10</sup> within a prison context:

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<sup>9</sup> See <http://www.csc-scc.gc.ca/text/rj/index-eng.shtml>

<sup>10</sup> Restorative Practice in Prisons: Circles and Conferencing in the Custodial Setting Tim Newell Governor (retired), Grendon Prison, UK Plenary Speaker, Saturday, August 10, 2002 From "Dreaming of a New Reality," the Third International Conference on Conferencing,

Circles and other Restorative Practices, August 8-10, 2002, Minneapolis, Minnesota Accessed from [http://www.iirp.org/library/mn02/mn02\\_newell.html](http://www.iirp.org/library/mn02/mn02_newell.html) on 4 October 2008



A restorative world view would have definite implications for power and organisational structures for example. Indeed, many opportunities for fostering a restorative world view exist in the areas of functional activity in prisons such as induction programmes for prisoners, complaints and requests systems, the way bullying and race relations are dealt with. Other authors also stress the systemic challenges of a prison context and raise the issue of trauma and a set of questions about creating restorative spaces in a prison environment.<sup>11</sup>

- What does it mean to view relationships, as opposed to separation and isolation, as a way to do justice with offenders?
- How do we create restorative environments that respect our need for access to nature?
- Is it possible to determine what part the availability of green spaces plays in inhibiting (or facilitating) crime and other forms of violence?
- What can we learn from offenders themselves about the meaning and journey towards accountability, restoration and transformation?
- How do community members view the public spaces available to them, and what role do these have in constituting an urban scene whose citizenry wishes to protect and cherish it?
- How do community members and prisoners themselves view prisons and how can we transform those perceptions toward a more restorative vision and reality?

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<sup>11</sup> Difficulty in Building Restorative Spaces: Re-envisioning Justice for Offenders By Barb Toews, Restorative Justice Program Manager, Pennsylvania Prison Society and Lotta Rao, Communications Coordinator, Pennsylvania Prison Society available on [www.restorativejustice.org](http://www.restorativejustice.org)

- What does the creation of restorative spaces for offenders say about the creation of restorative societies?
- What small steps can we take toward creating restorative spaces for offenders, and restorative societies?

We need to take cognisance of the focus on relationships, including with the wider community, engaging with nature, and the idea of a restorative community and society. Given the current South African context, such considerations are probably a little ambitious and ethereal for us at this stage, and we need to give our attention to understanding how restorative justice applies to the realm of rehabilitation/treatment/reintegration. These terms are deliberately used simultaneously here, as they are often used interchangeably in practice but with different nuances in meaning that are not always recognised.

The famous article by Robert Martinson<sup>12</sup> and the ensuing “nothing works” debate negatively impacted on the credibility on the concept of rehabilitation. In spite of this however the concept has not disappeared. In South Africa it remains a central feature in criminal justice. Furthermore, South Africa’s Department of Correctional Services states clearly in its White Paper (2005: 3) that “rehabilitation is central to all our activities”.

Cilliers and Smit (2007: 86) for example, refer to the overcrowding of South Africa’s prisons and conclude that although:

“Statistical analysis of the recidivism rate in South Africa could not be found . . . a study on prison health care during 2002 estimated that the re-offending rate after release could be as high as 94%”<sup>13</sup>

Cilliers and Smit (2007: 86) point out that the words rehabilitation, rehabilitative, rehabilitate and rehabilitated appear in total 250 times in the White Paper. The word “treatment” is also often found in the literature (see for example Bazemore and Bell: 2004:

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<sup>12</sup> Martinson, R. 1974. What Works? Questions and Answers About Prison Reform The Public Interest 22.

<sup>13</sup> Cilliers, C & Smit, J ‘Offender rehabilitation in the South African Correctional System: Myth or reality?’ (2007) 20(2) Acta Criminologica



"What is the appropriate relationship between restorative justice and treatment?"<sup>14</sup>). Muntingh (2001) uses the word "reintegration", drawing on the reintegration theory put forward by Reitan<sup>15</sup>. At a seminar hosted by Nicro<sup>16</sup>, the following elements of reintegration were suggested:

- Reducing the need to re-offend
- Self-sustainability
- Creating supportive environment
- Settling in and finding one's feet
- Resisting peer pressure
- Working with the community

The terms "rehabilitate" and "treat" are based on a medical model, suggesting that offenders have a certain "illness" that needs to be cured. Brunk (2001: 43<sup>17</sup>) is highly critical of a therapeutic approach to punishment,

"... as it denies the need, even the possibility, of taking personal responsibility for one's actions. Why should one be encouraged to compensate victims if one is not 'at fault' or 'to blame' or 'responsible' in any way? True restorative justice is not the same thing as therapeutic rehabilitation. It is not the 'treatment' or 'cure' of a 'sick' offender or a 'sick' society. The restoration of the relationship between offenders and their victims or society is something far more profound and complex than rehabilitation in the traditional sense of the term".

Furthermore, "the term 'rehabilitation' is also too weak to describe the ways in which restorative justice processes help offenders out of the destructive patterns of behaviour by opening up new social spaces for them in the community. An offender who has taken

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<sup>14</sup> Bazemore, G. and Bell, B. 2004. What is the appropriate relationship between restorative justice and treatment? In H Zehr and B Toews (eds) Critical issues in restorative justice p 119 – 132 Criminal Justice Press, Monsey, New York, USA

<sup>15</sup> Muntingh, L. 2001. After prison, the case for offender reintegration. Pretoria: Institute for Security Studies, Monograph 52

<sup>16</sup> Nicro Seminar: "Offender Reintegration: A Legitimate Crime Prevention Strategy" 27 & 28 March 2003, p 23

<sup>17</sup> Brunk, C. 2001. Restorative justice and the Philosophical Theories of Criminal Punishment. In M Hadley (ed) The Spiritual Roots of Restorative Justice (pp 31 – 56) Albany: State University Press.

responsibility for repairing the harms done, and now has restored the trust and confidence of the community is 'rehabilitated' in a far broader sense than can be said of individualised therapeutic measures'. (Brunk 2001: 51)

The rehabilitation approach, whilst it moved away from a focus on punishment, thus also has its limitations in theory and in practice. Johnstone (2002:94<sup>18</sup>) makes the point that "[j]ust as most restorative justice advocates want to distinguish restorative justice from retributive justice, many insist on distinguishing it sharply from the therapeutic response to offenders which was favoured by progressive opinion until the early 1970s, when faith in therapy began to wane". The problems stem from viewing the offender less as a moral agent who can make choices, and more as a person who needs to be helped through a therapeutic model of rehabilitation. This is seen as problematic because it "robs" the offender of his or her essential morality, it has not succeeded in rehabilitating the majority of offenders, and like the retributive and utilitarian approaches it focuses almost entirely on the offender, with little concern being paid to the victim. Rehabilitation is also entirely offender-focussed, and this is something that a restorative justice approach would eschew, as it always aims to place victims at the core of the process.

Restorative justice is both backward-looking, in that it includes dealing with the "aftermath of the offence", and forward-looking, in that it is a process that looks at the implications for the future. This introduces a crime prevention element in that an effort is made to identify how future incidents may be avoided. The standard criminal justice response is rarely forward-looking. It generally aims to incapacitate the offender as a strategy to avoid future crime – chiefly through imprisonment. Alternatively, general deterrence in the criminal justice system aims to prevent crime through instilling fear in others unconnected with the crime, hoping that by dealing harshly with one offender, a lesson is learned by others that will cause them to avoid committing crimes. The fresh approach presented by a restorative justice process is that those with a stake in the crime must look at implications of that crime for the future, meaning that those who are personally and directly involved can formulate targeted strategies to avoid further incidents (Skelton 2007<sup>19</sup>).

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<sup>18</sup> Johnstone and van Ness (eds) 2007 Handbook of restorative justice, Willan Publishing, USA and Canada for comprehensive discussions on the classification of models.

<sup>19</sup> Skelton, A. 2007. Tapping indigenous knowledge: Traditional conflict resolution, restorative justice and the denunciation of crime in South Africa" *Acta Juridica* 228.

The White Paper on Corrections (2005) provides a vision for viewing correction as a societal responsibility (White Paper:p34). "Correction is therefore not just the duty of a particular department. It is the responsibility of all social institutions and individuals (starting within the family and educational, religious, sport and cultural institutions), and a range of government departments. It is only at that final point at which the society has failed an individual, where the criminal justice system and the Department of Correctional Services step in." (White Paper: p35). Reconciliation of the offender with the community is listed as a key objective (White Paper: p39) and the principles of restoration are stated as a "correctional management objective" (White Paper: p40). However, as Sloth Nielsen points out,

"[i]t is not clear that the concepts restorative justice, corrections and rehabilitation are at all coterminous, and there may well be tension between the restorative justice philosophy (and its advocates?) when contrasted with the statements to the effect that the core mission of the Department is to correct offending behaviour. Alternatively, since the Corrections aspect is intended to take place after, among other things, assessment and the development of individual plans for prisoners, it may be that restorative justice sits "next to" correction as a distinct policy initiative."<sup>20</sup>

However, this vision of correction as a societal responsibility does resonate well with the various writings of Bazemore and others. Bazemore (1999: 155 – 184) refers to the concept of "relational rehabilitation". He criticises treatment programmes that are insular and one-dimensional, and makes a plea for them to nurture relationships. He advocates for the use of "sanctioning needs" (imposing constructive consequences, setting limits and reparations) as well taking public safety into account. Taking this thinking further, Bazemore and Bell (2004: 119 -132) have developed a restorative model of rehabilitation.

They concur with the view of Brunk that it is difficult to reconcile the "strengths-based" assumptions of a restorative approach with a "medical model" perspective that views offenders primarily in terms of deficits and "thinking errors". A restorative model of rehabilitation would have the following features: A *collective* approach to offender reintegration that focuses on building or strengthening relationships damaged by crime, or

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<sup>20</sup> Sloth-Nielsen, J, Overview of Policy Developments in South African Correctional Services 1994 – 2002, CSPRI Research Paper Series No 1, July 2003

on building new, healthy relationships; a *naturalistic* focus that does not always assume the necessity of formal intervention; an organic process of informal support and social control that emphasises the *community* role in offender transformation and increased reliance on the role of citizens as “natural helpers”; and when specifically needed, professional treatment would be utilised, but only of those models that adhere to the principles of Effective Corrective Treatment.

Bazemore and Bell conclude that “a blend of restorative justice and effective treatment principles builds on the assets of offender, victim and community by broadening the rehabilitative context to include victim and community, emphasizing the non-punitive accountability for harms in a way that reinforces reciprocity in human relationships, and finally by connecting the offenders with informal supports and controls.”(2004: 129). This is a very different approach regarding offenders as having something “wrong” with them that needs to be “fixed” by a professional in an isolated context.

From the perspective of the White Paper on Corrections as well as the above “restorative view of rehabilitation”, we should broaden our view of rehabilitation/treatment/reintegration to include all efforts prior to and after imprisonment. This view of restorative justice and rehabilitation is particularly apposite for South Africa at the present time. Restorative justice advocates do not ignore the importance of a therapeutic and rehabilitative approach, but they do not view these as the central or most important aims of a justice process, especially as they are entirely offender focussed. Restorative justice emphasises the harm done to the victim and the accountability of the offender for repairing that harm. Thus the offender is held responsible, and the aim is to restore him to the status of a moral being who can make and act on choices, although he or she may need assistance to do so.

Apart from its doubtful record, a highly professionalised approach to rehabilitation is entirely unfeasible, given our current crime levels and scarce professional human resources. Furthermore, the collective nature of South African society as opposed to the highly individualised nature of Western societies, suggests that restorative justice is a more appropriate approach. What we should be aiming for is to understand how a restorative justice approach can be a catalyst to create possibilities for a crime-free life for the offender, and by doing so create a safer environment for all. The prospects of this appear to lie in the way that restorative justice changes dynamics in relationships, and creates space in the community for offenders to connect with opportunities. This has multiple implications

for the development of both restorative justice and rehabilitation in the country, as well as the research agendas attached to each. Researchers need to turn their attention to assisting practitioners and policy makers discover what rehabilitative programmes work under what circumstances and what the exact relationship is between these programmes and restorative justice processes.”<sup>21</sup>

***The value of restorative justice processes for rehabilitation/treatment/reintegration/corrections***

As indicated above, restorative justice processes include:

- Victim offender mediation
- Victim offender conferencing/family group conferencing/restorative justice conferencing/community conferencing.
- Victim offender panels

A recent evaluation of a victim awareness programme suggested that “there is a dearth of research and information about RJ in prisons. The little that exists concentrates on changing prisons systemically rather than integrating RJ within the existing regime.”<sup>22</sup> In South Africa the discussion has tended to focus on the relationships offenders have with their families in addition to the relationships with their direct and other secondary victims. The current thinking within the Restorative Justice Initiative Southern Africa (RJISA)<sup>23</sup> is that restorative justice needs to be viewed as part of reintegration work, and not treated as a separate intervention. This would include awareness raising and a focus on healing and reconciliation, particularly acknowledging other victims besides direct victims. A process of engagement between the DCS and the RJISA is currently underway. The RJISA’s view is also that increasing the level of implementation of restorative justice processes should not be done at the expense of developing general reintegration services. Other important dimensions that

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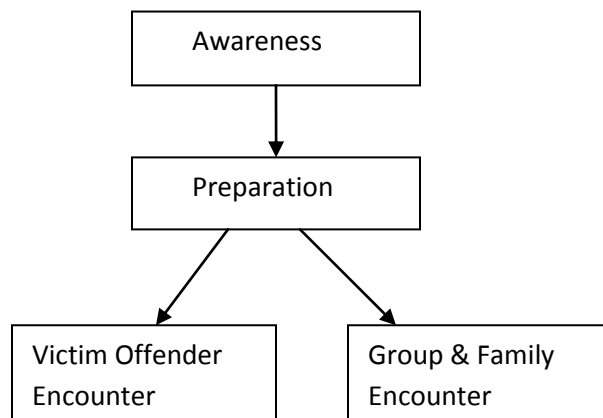
<sup>21</sup> Skelton A and M Batley (forthcoming) Restorative Justice: A Contemporary South African Review (Acta Criminologica)

<sup>22</sup> Margaret Wilson Lucy Cavendish College M.Phil.in Criminological Research 2007. Inside out: how does an in-prison victim awareness programme affect recidivism? Accessed from [www.restorativejustice.org](http://www.restorativejustice.org) 4 October 2008

<sup>23</sup> Minutes of RJISA Task Team 24 June 2008. The Restorative Justice Initiative Southern Africa is a network of organisations and individuals that promotes restorative justice

have emerged are that individual and group processes need to be considered and that these should be adapted to the needs of a specific client and situation, rather than having a “one size fits all” programme based approach.

This was represented graphically as follows:



The clear direction that is emerging among practitioners is that,

- restorative justice processes should include a wider focus than the direct victim of a crime and should include individual and group interventions
- these processes must be linked to rehabilitation/treatment/reintegration/corrections services if these are understood as “programmes that are restorative” and approached from a restorative world view, rather than a medical one.

Some significant research has been conducted on elements of this approach. In South Africa, Khulisa has developed a Peacemaking, Restorative Justice and Conflict Resolution Programme that is a holistic and integrated programme that combines Khulisa’s community development, rehabilitation and reintegration programmes with restorative justice, peacemaking and conflict resolution processes. What is significant about this programme from a conflict resolution point of view is that it did not only bring together victims and offenders in dialogue with a narrow focus of healing and taking responsibility by offenders as is done in North America, but it conducted processes of **peacemaking** within and between families, as well as communities, and it engaged in **dispute resolution** wherever

needed. It also made justice more meaningful and accessible to the public, particularly to disadvantaged communities and vulnerable groups, such as women and children.

The organisation's report concludes that,

"While it is difficult to determine how much the programme assisted in the rehabilitation of offenders and contributes to the reduction of re-offending over the long term, the preliminary study done by Susan Sharpe and George Lai Thom gives grounds for optimism<sup>24</sup>. Certainly, all the participants that were questioned reported positively when asked questions concerning the **repair and rebuilding of damaged relationships**, damaged by the crime, and the **healing** to victim, offenders, families and community members as a result of mediation and restorative conferencing. As for those offenders that have been released it appears that the restorative conferencing significantly assisted in their peaceful **reintegration** into their community. In one case a community peacemaking circle was facilitated in anticipation of the release of an inmate who had stabbed his father to death. In another case an intra-family dialogue, including the offender who had killed his wife was conducted upon offender's release. As offenders often re-offend because of a feeling of alienation from their families and communities this peaceful reintegration and peacemaking should have positive benefits as regards re-offending."<sup>25</sup>

In another project, Khulisa held a family day during which families were given the opportunity of interacting with their members in prison in a set of meetings held simultaneously on one day. The evaluation of the day concluded that:

- Relatives had an opportunity to understand the truth about the crime and understand the context within which it occurred
  - They saw the personal growth that had occurred in the offender while in prison
  - The majority of the families spoke explicitly about forgiveness.
  - Feelings of hurt, disappointment, anger and distress were expressed and heard.
- Once greater understanding of each other was reached, people were able to ask for

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<sup>24</sup> Sharpe, S. and Lai Thom, G. 2007. Making Sense of North American and South African Differences in the Practice of Restorative Justice. Available at <http://www.restorativejustice.org/editions/2007/dec07/comparesaandusa>

<sup>25</sup> The Impact Of Restorative Justice In Dealing With Serious Violent Crime, Khulisa, 2007, p5

and accept forgiveness. During this process, old hurts, misunderstandings, and feelings of failure and blame were addressed and a new platform from which to relate was established.

- Sharing experiences in a bigger group possibly enabled everyone to feel that they were not alone and so is likely to have been experienced as supportive.
- The very process and ritual of “telling stories”, which are then publicly heard and validated, can serve as a powerful tool in the process by which discoveries and changes are integrated and maintained.<sup>26</sup>

Papers presented at the Third Conference of the European Forum for Victim-Offender Mediation and Restorative Justice “ Restorative Justice in Europe: Where are we heading?”, Budapest, Hungary, 14-16 October 2004<sup>27</sup> raise some of the key debates surrounding restorative justice work in prisons:

- **Will the offender benefit from having participated in a restorative justice process?** For a number of victims, if there had been a direct link between the restorative work and a sentence benefit for the offender, they would not have felt able to participate, due to feeling so concerned about the real motivation.
- **Who should initiate a restorative justice process?** The typical approach in both Europe and North America has been that in order to protect victims’ right to privacy from further intrusion by the offender only a victim may initiate. However, as Buonatesta point out, this creates a double bind for offenders:

“Sooner or later, the majority of detainees are involved in a conditional release procedure. Among other criteria, according to the same “restorative spirit”, they will be assessed by their positive initiatives towards the victims. In such a context, they often face a double bind situation. On the one hand, if they undertake such an initiative (e.g. a mediation process), they are often suspected to be self-interested. On the other hand, if they do not undertake

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<sup>26</sup> Forgiveness and Reintegration Process for Families and Offenders. Khulisa July 2004 External Report prepared by Helen Haynes, Clinical Psychologist

<sup>27</sup> Third Conference of the European Forum for Victim-Offender Mediation and Restorative Justice “ Restorative Justice in Europe: Where are we heading?”, Budapest, Hungary, 14-16 October 2004 Available on <http://www.euforumrj.org/readingroom/Budapest/workshop11.pdf>



anything, they do not fulfil the parole release criteria. So, in order to help them to get out of this dead end, we came to consider that, detainee's requests to participate at a mediation process have to be admissible in any cases. Moreover, the victim should be given the opportunity to assess *themselves* their interest in reacting to the proposition. So, it is more relevant to consider that the offender should be judged according to the way he fulfils an agreement towards the victim and not according to his subjective position in the initiation of a mediation process.<sup>28</sup>

Sharpe and Lai Thom reflect that "North Americans like this policy (of only victims being able to initiate processes) because it reduces the risk of offender manipulation and frees victims from any concern that their choices might help or hinder the offender. The policy was, however, perplexing to people we mentioned it to in South Africa, where participation in victim-offender dialogue is broadly seen as an appropriate basis for early release. In our conversations about this difference, people asked, "Why would there be a policy against recognising someone's effort to make amends?" More to the point, "When someone has had a change of heart, why would you keep them in prison?"<sup>29</sup> At this stage, there are no restrictions in South Africa to prevent offenders from initiating processes.

- **What is the main aim of a restorative justice process?** If restorative justice is truly about helping victims it needs to provide services or processes that they can access independently of the stage their offender has reached, or their willingness to be involved, or even if they've never been caught (e.g. victim-offender groups). On the other hand, if evaluations are centred on the effects on the offenders and reduced recidivism then the reality of the effects on some of the victims are negated and can lead to victims being reluctant to get involved because they don't want to be 'used'.<sup>30</sup>

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<sup>28</sup> Victim – Offender Mediation In Custodial Settings: Outcome Of An Experiment Carried Out In Several Belgian Prisons By Antonio Buonatesta, Mediante (Belgium) Third Conference of the European Forum for Victim-Offender Mediation and Restorative Justice " Restorative Justice in Europe: Where are we heading?", Budapest, Hungary, 14-16 October 2004 Workshop 11 p5

<sup>29</sup> Sharpe, S. and Lai Thom, G. 2007. Making Sense of North American and South African Differences in the Practice of Restorative Justice p3

<sup>30</sup> Restorative Justice In Bristol Prison By Marian Liebmann (UK) And Lindy Wootton (UK) Third Conference of the European Forum for Victim-Offender Mediation and Restorative Justice " Restorative Justice in Europe: Where are we heading?", Budapest, Hungary, 14-16 October 2004 Workshop 11 p3

- **Restorative justice processes can be an important tool for both parties to manage the parole release procedure in a more consistent way.** This refers to the practice that has arisen in a number of countries (including South Africa) over the past few years that the victim may make a statement at the parole board hearing that determines whether or not the offender may be released. If this is done without any prior encounter, it is likely to be a negative experience for both victim and offender, such as setting excessively restrictive conditions. According to Buonatesta, on the one hand the victim will not understand why his/her expectations are not taken into account by the parole commission and then will feel "re-victimization", which is quite the opposite of what the procedure intended. On the other hand, the offender will not understand why such harsh conditions were imposed when he had good intentions and he may come to consider the victim as his tormentor and become reluctant to fulfil those conditions. Restorative justice processes have proved to be a very effective way of generating more satisfying and realistic release conditions.

In considering the value of restorative justice processes generally, a recent review of research on restorative justice in the UK and beyond showed<sup>31</sup> that across 36 direct comparisons to conventional criminal justice, "restorative justice had, in at least two tests each:

- Substantially reduced repeat offending for some offenders, but not all;
- Reduced crime victims' post-traumatic stress symptoms and related costs;
- Provided both victims and offenders with more satisfaction with justice
- Reduced crime victims' desire for violent revenge against their offenders

These conclusions were based largely on two forms of restorative justice: face-to-face meetings among all parties connected to a crime, including victims, offenders, their families and friends, and court-ordered financial restitution. These meetings were tested in comparison with conventional criminal justice without benefit of restorative justice, at several stages of the justice process for violence and theft:

- As diversion from prosecution altogether (Australia and US);
- As a pre-sentencing, post-conviction add-on to the sentencing process;

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<sup>31</sup> Restorative justice: the evidence By Lawrence W Sherman and Heather Strang

Jerry Lee Program of Randomized Trials in Restorative Justice 2007. Available on [www.restorativejustice.org](http://www.restorativejustice.org)

- As a supplement to a community sentence (probation);
- As a preparation for release from long-term imprisonment to resettlement.

Evaluations of the "Citizens, Victims and Offenders Restoring Justice Program" at both the Washington State Reformatory (Lovell et al., 2002) and the Shakopee Women's Prison (Burns, 2001) found that victims felt less fear and shame and were more accepting of offenders. Many offenders were finally able to recount their crimes and the terms 'responsibility' and 'accountability' became more real. Other changes included overcoming stereotypes of each other, enhanced awareness of commonalities, enhanced awareness by offenders of harms caused to victims, victims families, and the pain and suffering their own families experienced, and greater appreciation of the need for atonement and amends-making.<sup>32</sup>

The following two restorative justice processes have been developed specifically for use in prison and have been evaluated: the Sycamore Tree Project (STP), which is run by Prison Fellowship in a number of countries, including South Africa, and Bridges to Life (BTL) that runs in 15 Texas prisons.

STP is described as a victim awareness programme based on the Biblical story of Zacchaeus, the corrupt tax collector, who climbed a sycamore tree to see Jesus (Luke, 19:3-5)<sup>33</sup>. He becomes a symbolic offender. Jesus noticed him, called him down and they met over a meal. The meeting changed Zacchaeus's life, which he demonstrated by making restitution to his victims and giving half of his wealth to the poor. This story provides the restorative elements of a meeting, mediation, and reparation/restitution. It builds awareness of victims needs and helps offenders accept responsibility. The programme is based on the concept of bringing a group of offenders together with a group of victims, but who are not matched by specific offence. The group meets over a number of sessions following a clear curriculum; the meetings are facilitated by volunteers, who are trained and supported by Prison Fellowship staff.

Wilson had set out to conduct an outcome analysis of the STP in the UK, but this had to be abandoned when essential data requested from the Home Office was not forthcoming. A

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<sup>32</sup> [Armour, Marilyn](#) (2006) Bridges to Life: A Promising In-Prison Restorative Justice Intervention p4 Accessed from [www.restorativejustice.org](http://www.restorativejustice.org) 4 October 2008

<sup>33</sup> Margaret Wilson Lucy Cavendish College M.Phil. in Criminological Research 2007. Inside out: how does an in-prison victim awareness programme affect recidivism? Accessed from [www.restorativejustice.org](http://www.restorativejustice.org) 4 October 2008

qualitative study was undertaken instead. She concluded that there is evidence of commitment to change and of changed thinking on the part of the offenders who participated in the programme. She regards the realisation they come to of the trauma and harm they have caused others as the root of change. The fact that the programme uses a group process as opposed to an individual one is listed as an advantage in that it is more cost efficient and that it reduces delays in setting up meetings between victims and offenders. (p50)

Bridges to Life (BTL) is a manualised, pre-release, ecumenical faith-based 12-week in-prison programme that is built on a restorative justice model to facilitate victim healing and help offenders come to terms with their offences and learn to deal with them in rehabilitative and redemptive ways. BTL operates in 15 Texas prisons and has completed 51 projects serving over 1500 inmates since 2000. BTL has tracked the recidivism rates of its graduates using statistics gathered from the data base of the Texas Department of Criminal Justice. Armour (2006) reported on this and conducted a partial cost-benefit analysis.<sup>34</sup> To date, only 12.4 percent of post release BTL participants have been reincarcerated. For those offenders who graduated from BTL and were released from prison before mid-2001, the three-year re-incarceration rate is 16 percent, a figure that stands in stark contrast to the 3-year recidivism rate of 31.4 percent (Criminal Justice Policy Council, 2000) in Texas and the 3-year recidivism rate of 67.5 percent nationally (Bureau of Justice Statistics, 2002). This drop in recidivism suggests that in addition to victim sensitization and victim healing, in-prison programmes may offer increased safety for citizens, produce financial savings related to reduced offender incarceration, and demonstrate to the community that offenders can contribute to society rather than being a financial and emotional liability.

A survey of BTL participants (Armour, Sage, Rubin, & Windsor, in review) found that:

- They value their experiences in the programme and believe it will lower recidivism and should be implemented in other prison units.
- victim panels and victim stories help overcome offenders' denial, self-centeredness and lack of awareness, expose offenders to the impact of their actions, and help offenders feel the pain their crimes created.

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<sup>34</sup> [Armour, Marilyn](#) (2006) Bridges to Life: A Promising In-Prison Restorative Justice Intervention p4 - 6

- cognitive dissonance emerges between the past and the present, making offenders less likely to return to crime.

### **South African examples of restorative justice work in prison**

Apart from the examples referred to above from Khulisa and Prison Fellowship, there are also the following initiatives:

- a pilot project by the Restorative Justice Centre offered at Pretoria Local Prison. The project combines a group approach to deal with the emotional needs of offenders and to help them grow in understanding restorative justice principles before giving them the opportunity of engaging in an individual victim offender conference;
- regular programmes offered at Pollsmoor Prison by Hope Now. These programmes are based on group activities that can lead to individual victim offender meetings;
- Programmes offered by Phoenix Zululand in the prison located at Eshowe, Mthunzini, Stanger, Maphumulo, Empangeni (Qalakabusha), Empangeni (Medium B), Ingwavuma, Melmoth, Nkandla, Nongoma & Vryheid. The Programme employs three categories of people as Facilitators: (a) Peer Facilitators (serving prisoners), (b) full-time Facilitators (ex-prisoners who have generally had experience as Peer Facilitators), and (c) community-based facilitators who offer the time they have available and a considerable variety of skills. There are usually about 25 people working as facilitators on projects at any one time. The Parole Board uses Phoenix reports extensively. These are prepared for many hundreds of individual participants. The programme *Conversations in Families* follows on from other projects and specifically asks participants to focus on their responsibilities towards their families, and to decide how they will need support, and ask for it, after they leave prison. The project is integrated with Family Conferencing.

### **Conclusion**

From the above, we can summarise that restorative justice offers the following to the field of offender reintegration:

- The values and principles of restorative justice offer a sound framework to inform rehabilitation/treatment/reintegration programmes

- A restorative world view seeks to keep victims as a central point of reference and creates additional opportunities for addressing their needs as valid in their own right, not as an adjunct to offenders' needs
- Restorative justice processes
  - i. Focus on relationships and create opportunities for individual, family and community restoration and reconciliation. In doing so they open up new social spaces for offenders and nurture social inclusion
  - ii. Help offenders accept responsibility
  - iii. Help all parties manage the process of release from prison.

Pursuing a restorative justice world view would help us live the truth embodied in the African proverb, so badly needed at this time, "Ngwana phosa dira ga a bolawe. (If a person has erred he does not deserve to be punished too harshly (literally "killed)).

# 6

## Questions to session one presenters and responses

1. The importance of family and strong family relations in the reintegration process of offenders has been emphasised a number of times during each of the presentations. Is there a particular definition for 'family' within the realm of offender reintegration?

*Response by Venessa Padayachee:* The concept of 'family' is used in its broadest sense in the field of offender reintegration. Role players in the field are well aware of South African's unique and diverse situation and their understanding of 'family' is thus not limited to the more Western nuclear unit.

2. The female prison population is not large compared to the male population. Despite this, are there any concerted efforts to address the needs of female inmates?

*Response by Venessa Padayachee:* The female prison population is rather small, but adequate research around this group is necessary. This is especially true in South Africa.

3. How will DCS apply restorative justice practically?

*Response by Sharon Kunene:* There may indeed be officials who are not familiar with rehabilitation practices and who are not working to address reintegration. DCS however endeavours to identify highly qualified individuals to work in the correctional centres and to support offenders in their reintegration processes.

4. Should it be compulsory for inmates to participate in rehabilitation programmes?

*Response by Sharon Kunene:* There is no legal obligation on an offender to attend programmes, unless such attendance was ordered by a court of law. One's sense, however, is that participation in pre-release rehabilitation programmes is necessary and that it should be compulsory.

*Response by Venessa Padayachee:* Offenders should be motivated to participate. Ideally participation in rehabilitation programmes should be compulsory as it is for the benefit of offenders, their families and communities. In the absence of a legal obligation to attend such programmes there should at least be ample attempts to motivate offenders to attend programmes as successful reintegration cannot be achieved without any assistance.

## Session two: Roadblocks to re-entry

# 7

### Experiences immediately after release

Lukas Muntingh, Project Coordinator, Civil Society Prison Reform Initiative



#### *Introduction*

A study entitled 'Prisoner re-entry in Cape Town' - an exploratory study was motivated by a simple question, namely, what happens to people when they are released from prison? Approximately 5000 sentenced prisoners are released per month but 360 000 people circulate through the system annually in South Africa. Some prisoners are released after a few days and others can be released after decades. In all cases, however, the question as to how do they restart their lives arises. The majority of prisoners come from socially excluded backgrounds and therefore face more obstacles at gaining re-entry into society.

Research in the United Kingdom shows that compared to the general population, prisoners are:

- 3 times as likely to have been placed in care as a child;
- 13 times more likely to be unemployed;
- 10 times more likely to have been a regular truant at school;
- Two and a half times more likely to have a family member convicted of a criminal offence;
- 6 times more likely to have been a young father;
- 15 times more likely to be HIV-positive;

Research further shows that:

- Of prisoners 80 percent have the writing skills, 65 percent the numeracy skills, and 50 percent the reading skills of or below the level of an eleven year old child;
- Of prisoners 60 to 70 percent were using drugs before imprisonment;
- Of prisoners over 70 percent suffered from at least two mental disorders;



- 20 percent of male and 37 percent of female sentenced prisoners have attempted suicide in the past.

We need a better understanding of how people end up in prison and what they experience upon release in order to intervene in the cycle. Failure to understand the experiences of prisoners will keep the revolving doors spinning and desperation comes quickly. This is clear from the following statement made by a respondent in the study:

*"I want to go back to prison because things are not working out for me. This is how I feel – it does not mean that I will do it."*(Respondent #37 spent 18 of the last 21 years in prison).

#### *Prisoner re-entry: Four dimensions*

Prisoner re-entry typically focuses on four dimensions, namely:

- *Issues facing prisoners returning to communities:* Returning prisoners confront a range of personal issues: Substance abuse, mental illness, lack of accommodation, being HIV-positive or having Aids, unemployment, low educational qualifications.
- *Impact of prisoner re-entry on families:* Returning parents have to resume or start assuming the role of parent in a family set-up that often faces significant challenges. Families may in themselves experience deep-seated problems. The incarceration of a parent remains an important indicator for future delinquency amongst children.
- *Impact of prisoner re-entry on communities:* There is increasing evidence that certain communities and indeed certain families contribute disproportionately to the prison population and that high incarceration communities are destabilised in a variety of ways. The net effect is large numbers of predominantly young men circulating through the prison system on a continuous basis from these communities.
- *Challenges to prisoner reentry:* 'Returning prisoners confront a number of challenges that make it difficult for them to gain access to jobs, benefits, or services that might assist in their transition back into the community'. Unlike the USA, there are few barriers that legally exclude released prisoners from state assistance, but poor support services, uncoordinated services or absence of services to released prisoners and their families remain a significant problem.

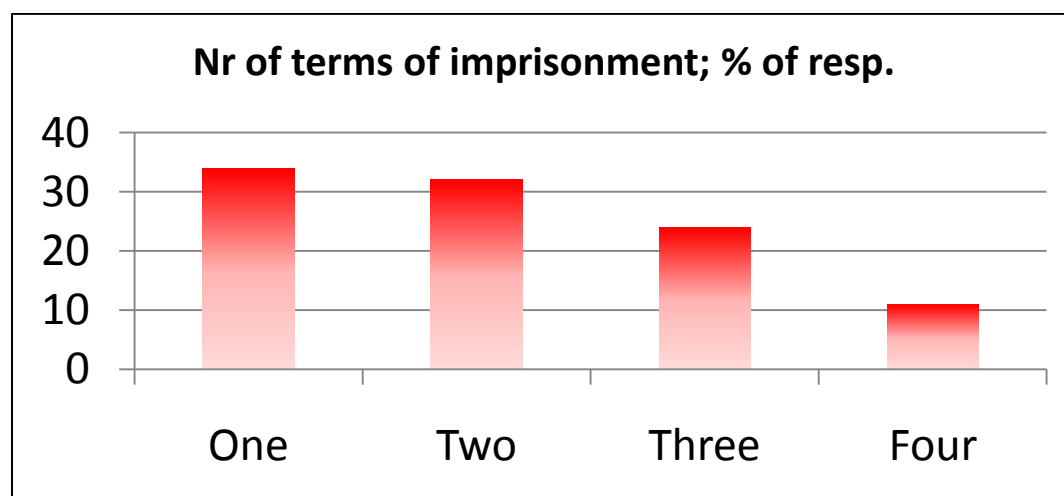
### *Methodology*

The study is descriptive in nature. It is based on three qualitative interviews in a structured format with a sample of 38 individuals who were imprisoned and then subsequently released in Cape Town. A total of 38 respondents were interviewed, approximately one month prior to their release. The second interview was conducted with 21 respondents one month after release and the third interview was conducted with 19 respondents one month after the second interview. Respondents were selected randomly and based on their date of release which had to fall within certain parameters to enable tracking within the overall time frame of the project. The only other selection requirement was that the respondents had to reside in the greater Cape Town area. Respondents resided in the following areas: Retreat, Athlone, Macassar, Mitchells Plain, Strandfontein, Strand, Chris Nissen Park (Somerset West), Stellenbosch, Belhar, Masipumelelo (Fishhoek), Delft, Manenberg, Gugulethu, Langa, Elsiesrivier, Belrail, Scottsdene (Kraaifontein) and Durbanville.

Tracking individuals after their release was important for the purposes of the study. This was however a difficult, time-consuming and expensive task. Tracking was especially challenging and in some cases impossible in respect of those who had given incorrect addresses, a few who relocated and alternative addresses were not readily available and where respondents' family lost contact with them.

### *Profile of sample*

The chart below indicates that 47% of the sample was younger than 30 years old at the time of the first interview.



It was further established that only 26 percent of the sample had an educational qualification above Grade 10. In addition to the latter the following facts regarding the profile of the former prisoners emerged:

- 66% have a family member who has been in prison.
- Prior to the last term of imprisonment nearly half were employed
- Only 7 out of the 38 respondents reported that they do NOT have a history of drug and/or alcohol abuse.
- Nearly half belong to a gang (street, prison or both).
- The majority participated in some form of a programme while in prison and found it useful
- 15 out of 38 respondents rated relationships with their family as 'Acceptable', 'Poor' or 'Very poor'

Respondents were asked what they planned to do after they are released. The following plans were specified:

- Finding employment;
- Improving family relations
- Finding accommodation and transport
- Risk management
- Sport, religion and recreation

Finding employment appeared to be the most featured goal in respondents' post-release plans. Further, employment status *prior* to imprisonment revealed an unexpected profile in that 18 out of the 38 respondents were employed on a full-time basis, 14 were engaged in casual jobs and only 5 were unemployed prior to their incarceration. This profile denotes that questions ought to be raised about the link which is often made between unemployment and crime.

#### *Problems experienced after release*

A number of themes were explored in relation to problems that ex-prisoners may experience. The themes explored were: emotional state of mind, family relations, finding employment, substance abuse, abiding by parole conditions, relationships with former associates, re-arrest, health care and access to support services.

#### Emotional state of mind

The majority of respondents described their emotional state of mind as good/positive/optimistic and that they are coping with being released. A number of respondents did, however, report some problems in this regard, ranging from experiencing minor stress but being able to cope with it, to total despair and frustration due to them not being able to function in society.

Statements made by respondents revealed that some of them: felt flustered when they were released; depressed as they are unable to find work; worried about parole as it is difficult to comply with parole conditions when they have to search for casual employment; continue to use drugs; experience anger about being under house arrest; experience a sense of failure; engage in self destruction (one respondent who was very depressed about his HIV+ status started to use methamphetamine, more commonly known as tik).

Mental health is important and it appears to be linked to substance abuse, finding employment and dealing with boredom.

#### Family relations and accommodation

Respondents reported problems that were related to domestic violence, a lack of means to provide financial support to children and/or parents, (respondents who are parents) reported a lack of contact with their children and being accepted and trusted by family. It appeared from the statements made by the respondents that their family members are often skeptical when they express that they have changed for the better. In two instances the families of respondents' lost contact with them (the respondents). Both respondents were addicted to drugs. In both cases substance abuse and addiction had played a significant role in the disintegration of family relations.

Most respondents were able to find accommodation with their families. One respondent was, however, evicted by a family member due to his drug addiction, another respondent's mother obtained an interdict prohibiting him to enter her property as he had stolen from her and one respondent who was also addicted to drugs simply stopped visiting his family.

The death of a parent while imprisoned was observed to be a traumatic event and more than one respondent remarked on this, indicating that this was indeed the event in their lives that steered them in a different and more positive direction. One respondent remarked - "*Ek het my ma dood bandiet*" (*I prisoner-ed my mother to death*)

#### Finding employment

This is an enormous challenge despite most respondents rating their chances of finding employment as “good” prior to release. During the first interview after their release only 9 out of 21 respondents had found employment. At the second post-release interview 10 out of 19 respondents were employed. It should also be noted that 3 of the 10 respondents who had secured employment, returned to the employment positions they had prior to imprisonment. A further three respondents were employed in the family business. It was therefore only four out of the total group who were able to secure employment in the open market.

Two respondents lost the employment that they had secured, although one is now working in a family business. The other respondent lost his position as security guard after he was injured and hospitalised following a gang attack.

If a parolee secures employment, the employer has to confirm this in writing to DCS Community Corrections to enable the amendment of house arrest conditions and allow the parolee to be at his place of employment for certain hours. Casual jobs are, however, the norm for released prisoners and in order to find casual employment, the released prisoners must leave their residences to physically search for job opportunities. This places parolees at risk of violating parole conditions as monitoring visits by parole officers are not pre-arranged and a parolee in search of casual employment would obviously not have a letter from an employer to allow for the amendment of parole conditions.

At least three respondents reported that their households were without a regular income and that they literally had to rely on extended family members, neighbours and friends for food. This was referred to as ‘skarrel’. Social security uptake also appeared to be low as it did not emerge from the interview data as a significant source of income.

It emerged from the study that respondents did not have knowledge of possible resources to assist them in finding employment. Further many of the respondents appeared resentful of parole conditions that limit their job seeking activities.

#### Substance abuse

Five out of 16 respondents who reported in the first interview that they used drugs, relapsed in less than one month after their release. The respondents lacked knowledge on available resources. They were unaware of the support they could be offered after their

release by organisations such as Alcoholics Anonymous and Narcotics Anonymous. Family support in respect of substance abuse disorders also appear to be absent. The impression was created that drug addiction is a private matter and therefore a problem that former prisoners should deal with on their own. Ex-prisoners with substance abuse disorders return in nearly all instances to the same communities and conditions in which they started using drugs and abusing alcohol.

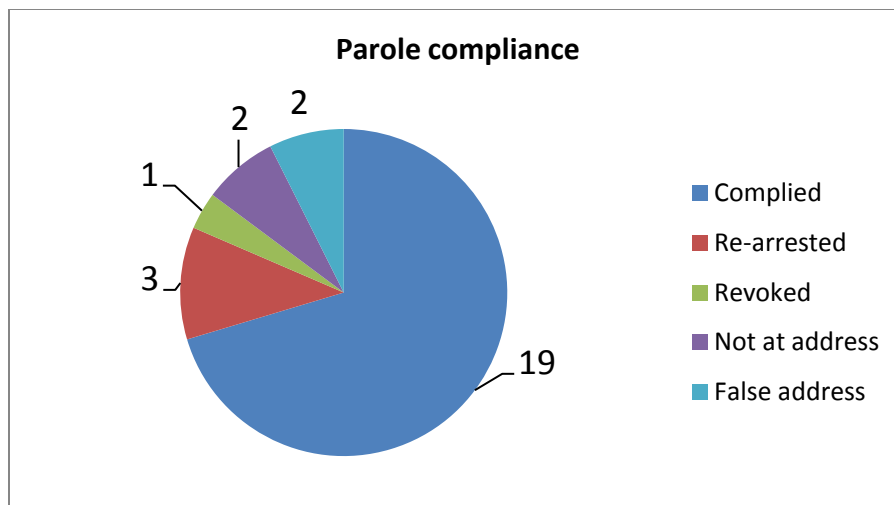
#### Abiding by parole conditions

The DCS defines **parole** as follows:

"Parole placement is the conditional release of an offender subjected to continuous good conduct and adaptation from a correctional centre after a minimum prescribed portion of sentence has been served in the centre and under specific conditions that allows for the offender's re-incarceration in the event of non-compliance of conditions of placement."

**Correctional supervision**, on the other hand, is "a community-based sentencing option by the court which an offender serves under set conditions in the community. 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."

There are three types of 'releases', namely, release on sentence expiry date (SED) where there are no conditions attached to the release of a prisoner, parole and correctional supervision as described *supra*. The sample comprised of 10 respondents who were released on 'sentence expiry date' and there were therefore no further requirements. On the remaining 28, information was collected on 27 of the respondents. The profile of the latter respondents is reflected in the chart below:



Being under this form of supervision is, however, not only about complying with the conditions. One respondent complained about the fact that officials from DCS visited him dressed in their uniforms and this had alerted neighbours that he is an ex-prisoner and on parole.

#### Relationships with former associates ("tjommies, vriende en bendelede")

In nearly all cases ex-offenders return to their community of origin where the conditions contributing to their involvement in crime persist. Ex-prisoners can move away from these communities, but for many this is often not possible. Only one respondent in the sample managed to move away from his community of origin and was able to avoid former associates and gang members. The majority of respondents returned to their areas of origin and had to interact with (former) associates and gang members. Most reported that they were receive visits from the latter and invitations to "kom loop saam" (which translates to 'to walk with', but this means much more than too literally accompany them). Respondents also reported that they were offered drugs and alcohol by their friends.

In dealing with former associates respondents generally adopted one of two strategies. The majority chose to avoid former associates by staying at home and not to invite contact with the community. The other strategy is to create alternative social networks like joining a church group for example.

An interesting case scenario was that of Respondent number 24 who was a member of the Nice Time Kids gang. He wanted to make peace with the Americans gang and did so after

his release from prison. The truce did however not bind The Sexy Boys gang who aligned to the Americans. Members of The Sexy Boys stabbed Respondent number 24 multiple times. Respondent number 24 did not lay a charge with the police and declined an offer of protection from the Nice Time Kids and his brothers. Respondent 24 appeared traumatised but was offered no victim support while he was in hospital for five days and his parole officer also did not attempt to assist him in this regard.

#### Re-arrest

Out of the sample of 27 respondents on whom information was available, a total of six were arrested of whom four were re-imprisoned during the first two months after release. Three of these were re-arrested and re-imprisoned prior to the first post-release interview being done. One respondent was arrested and returned to prison after the first post-release interview was done. Two further respondents were arrested but released on bail. In the first of the two cases who were arrested but released on bail, the respondent was arrested for an old case, reportedly from 14 years ago. He was detained in the court cells at Cape Town on a Friday and released on bail the following Monday. In the second case, the respondent was arrested in front of his house for dealing in Tik.

#### Health care

Health problems and access to health care was an issue raised by only three respondents. The first complained about constant and severe headaches which were in all likelihood related to his deteriorating eyesight. The second complained of TB-like symptoms. The third respondent that raised health care as an issue reported that after his release he went to have his CD4-count tested as he is HIV-positive. Unfortunately track was lost of this respondent after the first post-release interview.

It is of great concern that the three respondents had serious and chronic medical conditions, but that these were not addressed in the pre-release phase.

#### Access to support services

The overwhelming majority of the respondents had not over a two-month period sought assistance from government departments or civil society organisations as they did not know where to go. A few did report that they had sought assistance. Two respondents indicated that they asked for help from DCS social worker at Community Corrections and that the social worker was being helpful in explaining their conditions of parole to them. One



respondent went to The Haven for accommodation and was assisted. Two respondents reported that they wanted to go to NICRO and one reported that he had visited the NICRO offices in Mitchell's Plain. One respondent received a caravan from an Islamic community based-organisation.

#### *Positive aspects after release*

Respondents were questioned about the positive aspects of their lives after their release. It was clear from responses that the quantum of positive aspects is smaller than the problems experienced. The overwhelming majority expressed that they are thankful to be out of prison and indicated that they felt a sense of personal change. This is evident from the following statement made by one respondent: 'I am different and I feel good about it.

Six respondents reported that they felt good about abstaining from drugs and alcohol and those who were employed, considered themselves to be very lucky.

#### *Use of skills acquired in prison (soft skills only)*

Many of the respondents indicated that they had participated in programmes while they were incarcerated. From the comments made by respondents it is apparent that imprisonment provides a time for reflection for some and they do make a decision to change. The following is a list of some of the comments that were made:

- *The sexual conduct programme helped me to understand sexual relations. Also understand what the consequences are. The (DCS) Pre-release Programme opened my eyes about my responsibility. How to control myself, this is helping me.*
- *I've learnt a lot - to avoid conflict and stay away from crime.*
- *The programmes helped me a lot to get wisdom, respect and self-discipline – and how to care for people around you.*
- *I see these things around me and the programme helped me to deal with conflict situations.*
- *It helped somewhat. You need to think before you do something. You reflect on what you are doing. The street does not need me anymore. I avoid conflict now, even with my neighbours.*
- *Especially regarding alcohol they opened my mind as to the effects of alcohol. The Cross Roads and Restorative Justice Programmes were very good. I also learned self-control and how to interact with other people.*

- *They help. You had one mindset but now I have a different mindset. I had a negative mindset (interested in gangs) – the programmes help you to be different outside.*
- *The Manhood Programme showed me how to respect myself, women and people around me.*
- *The Family Violence Programme – I learned to talk to my wife properly. I go to church now. Learned to think before I speak. I don't want to be aggressive with my wife anymore.*
- *I don't use alcohol anymore. They made me change my life. I tell my friends about the programmes and experiences in prison; some of them listen to what I have to say.*
- *The programmes were about communication and the community. They can see that I have changed. It is about communication and respect.*
- *I learned things – some things are useful. I learned that I must walk away from conflict. I must keep quiet with my wife.*
- *The programmes still help. I see these things around me - a friend of mine is back in prison. It's because he was involved in gangs. Now nobody is now interested in him, including these gangsters that he was involved with. The wife of another friend is pregnant but he is in prison. He was arrested on the night before his wedding. What was he thinking? Getting married is not easy, you must think it through. He didn't think because he was doing drugs.*

Many of the respondents returned to their families yet from the interviews it appeared that none of the families were involved in any support programmes that would facilitate the re-entry of the respondents and sustain the positive outcomes from the programmes that the respondents attended prior to their release.

#### *Recommendations from respondents*

Respondents were asked for their input regarding preparations for release and support after the release from correctional centres.

The majority of respondents made comments regarding **employment**. They suggested that: people's skills in finding employment should be improved; prisoners and ex-prisoners should be trained in marketable skills; that ex-prisoners should be placed in employment; assistance should be provided to people to look for employment more effectively; parole conditions should be relaxed to enable more effective work-seeking activities; material assistance should be offered to released prisoners.

Respondents also commented on **personal decision-making**. The respondents emphasised the importance of making a personal decision to change. The following comments were made by respondents:

- *This is his decision - you must make that decision - protect yourself, I realised I need to be there for my children and my girlfriend. There are young guys in there who commit the one offence after the other and then he picks up a long sentence – [Hy loop hom vas binne in die jare in.] 'He collides with the years'.*
- *Prison will make or bring no change in a prisoner. All these programme certificates are just prison papers. [Die tronk sal niks kan maak aan 'n bandiet nie. Dis net tronk papiere.] It is your own decision that makes the change - in 1998 when my mother died, I made that decision.*

Further recommendations made by respondents include:

- Personal support is very important to the re-entry process. It is therefore important to have a confidant. Access to psychological support is also necessary. Prisoners and former prisoners need encouragement. People should not be forsaken because they are prisoners or ex-prisoners.
- Family support is important. This was emphasised by a smaller group of respondents. It was indicated that families need to be prepared for the release and they must be able to provide support in a constructive manner. It could be problematic if the family is not prepared for the release.
- Respondents overall displayed a very negative attitude towards DCS. Some of them asked that DCS officials adopt a more positive attitude and that they should be more accommodating and treat parolees fairly.

#### *Recommendations from the study*

- A comprehensive case management approach by all stakeholders including offender/parolee, officials, family members and community structures must be adopted. It must be aimed at continuity in planning and monitoring and should start prior to the release of inmates. Such a release plan must be linked to sentence plan.
- The case management plan must identify risk factors and develop plans accordingly
- A data base on resources for ex-prisoner should be created.
- Much greater emphasis should be placed on preparing families for the release of their imprisoned relative and the family should be made part of re-entry process.
- A more strategic approach is required to improve chances of finding employment.
- Mental health assessment should be conducted during and after imprisonment.
- Substance abuse must start prior to release and link individuals to community-based

resources.

- Proper medical examinations should be done prior to release and ex-prisoners should be linked with the public health care system.
- Ex-prisoners must have identity documents.
- Parolees and probationers should be afforded proper orientation regarding community corrections conditions
- There should be a review of community corrections conditions to remove obstacles to employment.
- There should be structured compulsory programmes in place for parolees and probationers

# 8

## Working towards an understanding of social reintegration in rural South Africa



Richard Aitken, Director, Phoenix Zululand: Restorative Justice Programme

### *The rural context for the Programme (Phoenix Zululand)*

Phoenix Zululand works in the prisons of Zululand. These are: Eshowe, Mthunzini, Stanger, Maphumulo, Empangeni (Qalakabusha), Empangeni (Medium B), Ingwavuma, Melmoth, Nkandla, Nongoma & Vryheid. The Programme usually runs projects in *eight* Correctional Centres and Units **concurrently**. When projects are developed, these are offered intensively with facilitators working in the prisons every day of the week.

The Programme employs three categories of people as facilitators: (a) peer facilitators (serving prisoners), (b) full-time facilitators (ex-prisoners who have generally had experience as peer Facilitators), and (c) community-based facilitators who offer their spare time and a considerable variety of skills. There are usually about 25 people working as facilitators on projects at any one time.

The combination of facilitators has been a particularly successful aspect of the programme. It lends efficiency to programme development. Each person involved in the programme has also brought insights relative to his or her background. A great deal has been discovered through living and working with ex-offenders – this has been intensely illuminating of what all offenders face after prison.

The Parole Board uses Phoenix reports extensively. These are prepared for many hundreds of individual participants. In line with maintaining a local emphasis, the Phoenix Board of Management consists of regional magistrates, prosecutors, academics, a member of the KwaZulu-Natal civil service, and the Anglican Bishop of Zululand, all locally based. Amongst the members are three Quakers owing to an association with Southern African and International Quakers.

A brief outline of the main projects running in the prisons is offered:

### *Starting with Us*

This is an intensive life skills project run over two to three months encompassing a range of techniques to promote self-esteem, conflict resolution, and a focus on the many and varied tasks lying ahead in the lives of individuals and families after parole.

### *Groundswell*

This offers environmental learning to awaken inherited knowledge of trees and plants and their value in society. This is a collaboration with the **Wildlife and Environment Society of South Africa (WESSA)** at Qalakabusha Prison, Empangeni and also involves developing an indigenous tree nursery. The project asks: "What is it to be a fully rounded citizen?" Answers are sought in evoking participants' inherited knowledge of trees and plants and a deep-seated environmental understanding.

### *Voice Beyond the Walls*

This project produces of a variety of radio dramas and programmes for community radio stations. These have a huge audience. Enacted in four prisons so far, the project represents prison communities "reaching beyond the walls". Dramatic collectives tell their stories to the outside world in the form of polished and artistically developed plays and stories. In the experience of the Programme, this kind of activity has created some of the most successful learning and emotionally developmental contexts for offenders. Phone-in programmes at the radio stations are testimony to the substantial impact these narrations of crime and punishment have on audiences.

### *Conversations in Families*

This follows on from other projects and specifically asks participants to focus on their responsibilities towards their families, and to decide how they will need support, and ask for it, after they leave prison. The project is integrated with *Family Conferencing*. In several hundred case histories, the project is drawing whole families into complex tasks of social reintegration. This represents some of the Programme's most important work in developing an understanding of and a practical commitment to restorative justice: families are encouraged to help offenders approach victims in acts of restoration.

### *Special programmes*

There are several other projects and special programmes including the following:

- Phoenix Zululand has a permanent art gallery at the Zululand Museum Village in Eshowe. Many visitors have found this revealing of matters relating to the criminal justice system and the Gallery is an important way for the Programme to tell the general public about the effects on people of imprisonment.
- There are many activities in several prisons in the ***Healing Through Art*** and ***Healing Through Music*** projects, including music training offered by a Phoenix Facilitator, once himself a prisoner.
- Phoenix continues to host and guide students and interns from the USA, Germany and the UK, most notably through a relationship with the ***School for International Training***.

#### *The principles underlying programme construction*

There are four central principles underlying Programme vision and project formulation. Significantly, these principles shaping Phoenix work in prisons have come to be defined under the influence of an experimental approach to programme construction. In the beginning, the enactment of specific programmes in Correctional Centres and Units on the basis of only *elementary* theory was important. The programmes have been conceived in ways that allow mature and more complex objectives to be defined as momentum has gathered. As a consequence, the following cardinal principles have placed huge tasks on both the rigour of programmes and also the techniques that Facilitators use in dealing with offenders.

#### *Four principles:*

1. **The agency of rehabilitation – its sources and its answers:** We try to put into the hands of offenders ideas, processes and things that will enable ***them*** to refashion, re-vision the way families and communities perceive them. This is to move the agency of rehabilitation into the hands of serving offenders themselves. *It also locates work in prison primarily in the domain of social experience, not individual conscience and makeup.* Group processes to develop capacity and techniques for self-disclosure and self-revelation as a moral activity are central to this, especially as there can be no innocent individual motives in the psychologically deformed environment of prisons.

2. **Bringing “weak” people to the fore:** We try to use people and ideas that come from the “soft-underbelly” of society. Useful discourses come from the non-dominant members of society – for example, women, children, the elderly, AIDS sufferers, victims. The dominant patriarchy too readily betrays men and defeats creativity of character and personality. Crime evolves from a misuse of power and those who have most to give in influencing others in their lives are “weak” people.
3. **Listening to and understanding peoples’ stories:** we build projects deriving from the narratives of lives and not around the propagation of moral injunctions. *Projects should be foremostly celebratory, not cautionary or monitory.* Phoenix is especially interested in the richness of social life in rural contexts and finding within this the resources of ritual, symbol and metaphor by which offenders can create the discursive space for self-disclosure, and contribute to an environment of trust where this is possible.
4. **A co-operative view of the relationship between civil society and the State:** the Phoenix Programme sees this to be essential to the field and sets out to open discursive space within this relationship.

There are a number of concrete examples from project experience to illuminate each of these principles. In citing examples, particular emphasis is given to ways in which participants have drawn on symbolic and ritual resources as a means to achieve a healing self-disclosure that makes a re-visioning of a future possible.

Attention is also drawn to examples in which serving offenders have grasped convincingly how the loss of “social place” is inimical to any sense of either rehabilitation or a capacity for social reintegration. The experience of being in prison is a “struggle against forgetting” for both those incarcerated and members of families and communities. The ways in which social memory in those in prison and those outside finds resources in symbolic practice is described. The examples also allude to theories of narrative therapy which have evidently proved so consonant with the practical experiences of the Programme.



# 9

## Panel discussion: Community-based services to former offenders

**Panelists:** Soloman Madikane (Project Co-ordinator, Rebuilding and Life Skills Training Centre (REALISTIC)); Jabu Radebe (Legal Advisor, Former Convicted Offenders Development Initiative (FOCODI)); Sabelo Rala (Executive Director, Vezokuhle Youth Development Project)

### *Introduction*

The primary objectives for the conference were, *inter alia*, to profile promising models for offender reintegration and to look at ways in which we can expand and strengthen the impact of existing work in the field. Consequently, three community-based organisations namely REALISTIC, FOCODI and VYPD, each with a unique approach to offender reintegration were afforded an opportunity to showcase their projects and moreover to share their experiences in the field.

### Rebuilding and Life Skills Training Centre (REALISTIC)

Solomon Madikane (Project Coordinator: REALISTIC)



#### Background

REALISTIC is a community-based organisation located in Gugulethu in the Western Cape. The organisation was founded by Solomon Madikane, who served as a DCS official for seven years. Mr Madikane recalls that during his stint as a DCS official he saw how the same young men were incarcerated and then released time after time. This had a profound effect on him as many of the young men were in fact from his community. Witnessing the lifestyle of crime and imprisonment that many young men adopted led Mr Madikane to resign from his position at DCS and with the help of John Gilmore, Director of LEAP and his personal mentor and a few other individuals, he established REALISTIC in 2004. REALISTIC's mission is to provide reintegration services to probationers and parolees in order to enable them to reintegrate effectively back into mainstream society. REALISTIC

concretises their mission by transferring skills and increasing the capacity of parolees and probationers through a range of different mechanisms.

#### REALISTIC's approach

REALISTIC's approach is to design a reintegration plan for each individual parolee or probationer based on the individual's needs and capacity. The organisation offers its services to ex-offenders who have decided to take responsibility for their own lives. Programme participants are thus referred to as REALISTS. REALISTS are generally between the ages of 14 and 25 years old, but the organisation also welcomes individuals who require assistance, but who does not fall in this age category.

As mentioned above, a reintegration plan is developed for each REALIST according to his or her needs. This necessitates an understanding of each REALIST's background and specifically what contributed to the REALIST's decision to engage in criminal activity in the first place. REALISTS are thus assessed for this purpose and in designing the reintegration plan the specific causes of the REALISTS' criminal behaviour are addressed.

#### Opportunities for in-depth reflection

All REALISTS have to attend a six-week camp where they are afforded an opportunity to reflect on their own lives and deal with the stigma of being an ex-offender. The camps, which are organised for every new intake of REALISTS has proven to be especially beneficial to REALISTS who struggle with substance addiction problems. Such REALISTS are presented with a challenge to abstain from using drugs for the duration of the camp and are expected to participate in a host of activities that are aimed at teaching them to deal with the real issues underlying their addiction. Activities include hiking, art lessons, environmental education, fitness training, team building, writing exercises and lessons on personal hygiene.

Two weeks after each six-week camp the REALISTS are tested for illegal substances by a doctor who runs a private practice. On average approximately 80 percent of those who attend the camps tests negative after each camp. This is a major personal achievement for most REALISTS as many of them are not able to abstain from using drugs for even a full day prior to joining REALISTIC.

#### Counselling services

As an organisation committed to supporting positive changes in the lives of each REALIST, REALISTIC offers a range of counselling services to REALISTS. Daily support groups are facilitated by trained counsellors and individual counselling and intervention planning is available to all REALISTS. Daily addiction counselling workshops and HIV/AIDS awareness and support services are also offered.

#### On site-vocational and life skills training

REALISTIC places great emphasis on individualised reintegration. REALISTS are thus offered vocational training that is in line with their personal capabilities. Training is provided by external service providers with whom REALISTIC has formed strategic partnerships. Partners include *inter alia* LEAP, a Mathematics, Science and Technology school and Chrysalis Academy, a youth leadership project aimed at empowering unemployed youth, both physically and mentally for the challenges of life. REALISTIC also works closely with DCS Community Corrections and the Department of Social Development to identify appropriate skills training for REALISTS.

The vocational training offered to REALISTS range from entrepreneurship and small business management to sewing, arts and crafts training. REALISTS are also offered written and verbal skills workshops and as it was discovered through internal research in the organisation that there are REALISTS with learning difficulties, volunteers from the community with specialised training offer private tuition to them. REALISTIC views the training as having therapeutic and concrete value in terms of the overall development and reintegration process. The fact that a number of REALISTS who, for example, participated in the art and craft classes now view themselves as artist and are showing an avid interest in creating artworks, attending exhibitions and accepting opportunities to further their knowledge and skills bears testimony to the therapeutic nature of the training.

#### Family support

The vast majority of families are not prepared for the release of their family member who served time in a correctional centre. To add to this many families also experience a host of social challenges including stigmatisation as a result of having a relative who was involved in crime and has been incarcerated. These difficulties result in the family not being able to support the ex-offender when he or she is released.

REALISTIC views the family unit as an important source of support for ex-offenders. As a result the families of REALISTS are encouraged to form family support groups with the help

of REALISTIC's trained facilitators. Home visits are also regularly done and families are as far as possible invited to be involved in the work of REALISTIC.

### Achievements

To date REALISTIC has offered its support to an intake of approximately 200 ex-offenders of whom 85 percent did not break their parole conditions or returned to prison for other offences. REALISTIC has also expanded its mandate in that services are now offered to youth who are at risk of imprisonments.

REALISTIC regards their newly established relationship with the Department of Public Works as a major achievement. This association has to date yielded opportunities for a number of REALISTS to do apprenticeships in plumbing, building and other fields. Additionally REALISTIC has managed to form a relationship with telecommunication companies and to organise contracts for 30 REALISTS in terms of which each of them are given airtime vouchers to sell and earning commission on the sales they make.

### Challenges

REALISTIC's main challenge is that they do not have sufficient space to accommodate more programme participants. This has, however, not prevented the organisation from providing support to every person who has sought their help to date. Staff go well beyond the call of duty and are available to assist after hours and on Saturdays.

A further challenge experienced is that it is difficult to secure employment for former offenders. Potential employers tend to be sceptical about employing people who have criminal records. REALISTIC must therefore negotiate with potential employers and in that way create awareness around the importance of being employed and financially independent to the reintegration process.

### Long-term support

REALISTS graduate from the REALISTIC programme after four months and the completion of all assignments that were given to them during training. Graduating from the programme does however not mean that participants' association with REALISTIC is terminated as REALISTIC also assists graduates in finding employment. REALISTIC staff assists REALISTS in compiling and sending their curriculum vitae to potential employers. REALISTIC often also endeavours to negotiate with employers to give REALISTS a chance to prove themselves as reliable employees as mentioned earlier.

Most graduates continue to reside in Gugulethu and surrounding areas in the Western Cape and are fully aware that they may continue their relationship with REALISTIC for as long as they choose to. REALISTIC also keeps track of graduates and offer assistance where it is necessary.

## Vezokuhle Youth Development Programme (VYPD)

VYPD is a youth driven organisation based in Port Elizabeth. Their vision is to empower youth by building their competencies. They specifically target youth at risk of being in conflict with the law and those who are facing academic, health and socio-economic challenges.



### Mission

VYPD's (Vezokuhle Youth Development Project) leadership describes the organisation as an organisation of excellence aimed at developing and empowering youth in all sectors. VYPD endeavours to achieve this by transferring leadership skills, conflict management skills and introducing poverty alleviation interventions to youth in the Eastern Cape.

Furthermore VYPD offers relevant up-to-date life skills training, essential to personal and community development to youth.

### History

VYPD was conceived in October 1999, after the current directors of the organisation attended a workshop by the Project for Conflict Resolution and Development (PCRD) at Ithembelihle High School, in Port Elizabeth. The objective of the workshop was to empower participants with life skills such as decision-making skills, goal-setting skills and HIV AIDS awareness. Since then the members of VYPD have continued to enhance and refine their skills with ongoing and intensive training from several service providers, including Port Elizabeth Technikon. After thorough training and research, VYPD designed programmes as a part of a development strategy to be used in the delivery of viable, sustainable training to the youth of the Nelson Mandela Metro Municipality(NMMM) and the broader community of the Eastern Cape Province. VYPD also developed programmes specifically aimed at reaching youth prisoners.

### Organisational capacity

VYPD has five staff members that are contracted for a period of one year, eight field workers and a Board of Directors who act as a strategic team and decision makers of the organisation. The board members meet regularly to discuss and strategise in order to

ensure the sustainability of the organisation. VYDP also has the benefit of the services of Fisher Hoffman PKF, an Accounting and Auditing Company to manage their finances.

#### Long-term objectives

VYPD believes that its vision and mission can be realised if they succeed to do the following:

- To empower and develop youth in the NMMM
- To build youth forums in the NMMM
- To establish satellite programmes in the Eastern Cape
- To create linkages between youth and government institutions
- To develop a network & database on various youth organisations

#### Rehabilitation and social integrations programmes

VYPD's rehabilitation and reintegration programme was first piloted at St Albans prison in Port Elizabeth. The programmes were then rolled out to: Port Elizabeth Female Correctional Centre; East London Female Correctional Centre; Queenstown Female Correctional Centre; Middledrift Correctional Centre; Cofimvaba Correctional Centre; Grahamstown Correctional Centre and Cradock Correctional Centre.

The VYDP works with youth in various sectors. The organisation's Rehabilitation and Social Reintegration Programme, however, specifically targets youth in prison as well as those who had been released from prison. The VYDP offers therapeutic and skills training services to inmates and former inmates who participate in the programme. The main objective of the programme is to assist participants to reintegrate successfully into mainstream society and to ensure that they break away from a lifestyle characterised by crime.

#### Overall project layout

The rehabilitation component of the programme is aimed at providing the following services to youth in prison:

- Facilitating workshops on self awareness and decision-making skills.
- Educating inmates about HIV/AIDS and also support to those living with HIV.
- Assistance with establishing and encouraging support groups for inmates who desire a more positive and balanced lifestyle.
- Conducting workshops on job seeking skills and technical skills.
- Motivating inmates to utilise opportunities to further their education and develop their skills.

- Providing life skills, leadership development, project management and entrepreneurship skills training.

The expected outputs for this component of the project are:

- To reduce the rate of gang related violence by establishing and training and peer mediation committee.
- To enable juvenile inmates to start and sustain their own small businesses.
- To enable former offenders to work in teams and to manage their own projects.
- To prevent human rights violations and gender-based violence.
- To reduce the crime rate in the Eastern Cape.

### *The Social Reintegration Programme*

The social integration component of the project targets youth who have been released from prison and who participated in the rehabilitation programme whilst they were incarcerated.

The programme offers the following services to inmates:

- Facilitation of restorative justice activities for former inmates who wish to make amends for some of the harm that they have caused.
- Liaising with institutions that offer technical skills training to accommodate former offenders.
- Organising employment opportunities for former offenders.

It is the organisation's goal to assist former offenders to secure employment or to find ways to sustain themselves financially. Furthermore VYDP endeavours to address the issues that prevent former offenders from being accepted by their communities of origin.

### Challenges and Setbacks Encountered

- The implementation of VYDP's programmes in some of the correctional centres is sometimes affected by staff changes that are made by the DCS. Frequent staff changes make it difficult to build working relationships with DCS staff which is essential to delivering effective rehabilitation and reintegration services.
- Finding employment for former offenders is a major challenge. VYDP endeavours to provide former offenders with skills that will make them employable. Furthermore



VYDP assists former offenders in the job hunting process, by helping them to compile curriculum vitae and guides them on how to approach potential employers.

- VYDP has also discovered that when former offenders do find employment they are often not able to manage their personal finances. VYDP thus offers a course in financial management to former inmates to provide them with guidance on how to manage their own finances.
- Many former inmates find it difficult to sustain a crime-free lifestyle and easily become frustrated when they are faced with several challenges simultaneously. To help them cope with the changes and challenges in their lives VYDP offers on-going mentorship to all ex-offenders.

### Success Stories

- VYDP has many success stories. While every achievement is valued, the most significant achievements often relates to the educational development of former offenders as education heralds empowerment and progression in VYDP's opinion. At the end of every programme there have been a number of ex-offenders who decided to complete their high school education or to study at a tertiary level.
- Programme participants develop a sense of responsibility towards their fellow inmates in that they attempt to share the knowledge that they acquire with them as far as possible.
- Training in basic project management has commenced and the inmates will do practical projects in the correctional centres to show case their projects.
- A number of inmates have despite the challenges that exist, found employment and are proving to be committed to their work.
- VYDP have established a relationship with the Department of Public Works. This will open doors for the former inmates who are interested in running businesses in construction and renovations.
- Former inmates have registered a Closed Cooperation (CC).
- Inmates have launched an outreach programme for the youth in schools and also assisting in VYDP Crime Prevention Programme.

## Former Convicted Offenders Development Initiative (FOCODI)

*Jabu Radebe, FOCODI, Legal Adviser*



### History

FOCODI was founded by former offenders in 2001 at Boksburg Correctional Centre. It is currently registered as a non-profit organisation with the Department of Social Development. The core business of the organisation is the rehabilitation and reintegration of convicted and ex-offenders. FOCODI thus provides former offenders with intervention programmes which deals with character faults, recidivism and crime prevention.

FOCODI is led by individuals who understand the challenges experienced by communities and by DCS. As former offenders the leadership of FOCODI are aware of issues of overcrowding, recidivism and crime in correctional centres. Since the beginning of February 2007 FOCODI has been rendering services to former offenders at Nigel Community Corrections and Devon Correctional Centre. To ensure that the quality of their programmes is up to standard FOCODI fosters positive relations with other organisations active in the field. Some of FOCODI's strategic partners include: NICRO; the Restorative Justice Centre; Phaphama; the Benoni Justice Centre; Lostha Ministries; Gibs; AFFSA and Khulisa Crime Prevention Initiative.

### Overview of programmes

There are two programmes that FOCODI is currently offering former offenders, namely, the pre-release programme and a post release support programme. The former programme is implemented in partnership with Khulisa at Devon Pre-release Centre. The programme is called "I'm coming out" and comprises of the following eleven sessions:

1. Introduction and orientation.
2. My relationship and me
3. Where do I fit in
4. Restoration and making amends
5. Relapse prevention
6. Coping financially
7. Searching for employment

8. Adherence to parole conditions
9. Closing the book
10. My first 24 hours
11. My personal road map

The programme is aimed at providing assistance to former offenders to enable them to deal with character faults and recidivism. Moreover the programme is aimed at supporting former offenders to reintegrate back into society. FOCODI measures the impact of this programme through the use of pre and post evaluation tools. To date indications have been that the programme indeed helps participants to accept socially acceptable values.

The post release support programme is a reintegration programme which focuses on parolees who participated in FOCODI's pre-release programme at Devon Correctional Centre as well as those referred to the programme by the Nigel Community Corrections. This programme seeks to empower and reintegrate former offenders. The programme covers the following topics: priority skills in the labour market; fieldwork for community surveys; technical skills training; public works training and learnership; substance abuse; crime prevention.

To enable former offenders to contribute meaningfully to community development and public safety, FOCODI attempts to ensure that their programmes impact positively on all programme participants. To date feedback from various stakeholders including ex-offenders, indicates that FOCODI does make a positive impact.

### Challenges

One of the main challenges facing FOCODI is to secure sufficient funding to sustain its project. During the 2008 financial year the organisation received funding from OSF-SA to implement and roll-out their programmes in two correctional centres. FOCODI wants to expand and make its services available throughout the Ekurhuleni area. FOCODI is confident that with the guidance of their mentors at Khulisa they will be able to achieve their goal.

### Successes

A total of approximately 700 former offenders have benefited from FOCODI's services. FOCODI's records also indicate that for the past ten month period none of the programme participants re-offended. A further success is that FOCODI is also referring former offenders for participation in the Gateway Project, of which Khulisa is a key role player. The project is

aimed at streamlining job opportunities and learnerships for former offenders. Due to FOCODI's referral at least four former offenders have secured part-time employment in terms of the project.

In addition to the abovementioned successes FOCODI has also received awards for their work from the following institutions: Gordon Institute of Business; Mlombile Memorial Crusade; DCS (Excellence Award); National Commissioner Stakeholders Imbizo.

#### FOCODI's message

"We are here to stay and FOCODI is a real stakeholder. We call on all stakeholders to streamline their resources towards rehabilitation and reintegration to combat crime."

# 10

## Panel discussion: Direct experiences in the correctional system

### Introduction

To understand the causes of crime and more particularly what potentially leads a person to commit a crime it is necessary to hear first hand from those who have committed crime. For the purpose of the conference five former offenders who have made the decision to become positive and productive members of society were approached to share their experiences of the road to crime, imprisonment and most importantly to provide guidance and insight into the reintegration process.

Panelists: Basil Nqamani (REALISTIC); Solomon Twala (FOCODI); Qunisi Magnificent (NICRO); Andile Dlula (Vezokuhle); Sipho Mboweni (Khulisa)

### Basil Nqamani (REALSTIC)

Mr Nqamani is a young man from Gugulethu in the Western Cape. As a teenager and young man he lacked a clear vision of what he wanted to do with his life and had no positive role models to guide him. He therefore used alcohol from an early age. Although Mr Nqamani



was not involved in gangs or crime, his anger and lack of direction in life resulted in him committing an offence for which he was sentenced to imprisonment. He found the prison environment extremely challenging. He felt a sense of hopelessness and considered himself a victim.

While serving his sentence he met Solomon Madikane who was a DCS official at the time. Mr Madikane's positive attitude had a lasting positive effect on Mr Nqamani. The two men from Gugulethu formed a positive association and one month after his release from prison, Mr Nqamani was approached by Solomon Madikane who invited him to visit REALISTIC. Mr Nqamani liked the organisation and accepted an offer to enrol as a REALIST. He attended the four month programme offered by REALISTIC and due to

his hard work and commitment to a personal positive transformation, REALISTIC's staff identified him as a motivational speaker. Mr Nqamane was offered a position at REALISTIC as a motivational speaker and facilitator. He accepted the position and reports that he is enjoying the job.

Mr Nqamane explained that although he is a very positive person now, the road to reintegration was not without major challenges. He related an incident which occurred while he was still on parole that resulted in him doubting momentarily whether there were really any prospects for him to live as a law-abiding citizen. He had been invited to speak at a conference and that he felt very excited and honoured to have been selected. However, when Mr Nqamane contacted the parole official the latter was very unsupportive and it became clear that he was not going to get the necessary permission to travel to the conference. Although this was one isolated incident, the impact of that conversation, for a moment, caused serious frustration and hopelessness in Mr Nqamane. Fortunately he had REALISTIC to turn to and to guide and support him further. He explained that although the incident had a profound effect on him at the time he managed to overcome it and he believes that with the right education parole officials can in fact have a very positive influence on parolees.

## Solomon Twala (FOCODI)

Solomon Twala explained that he does not have a long history of criminality like many other offenders. He was in fact always employed and an accepted member of his community before his incarceration. Mr Twala explained further that there was however a phase in his life when he started keeping the wrong company. In other words he befriended people who were involved in illegal activities and to be accepted by the group he had to participate in certain criminal activities. As a result of this he was arrested and sentenced to imprisonment.



Mr Twala describes the correctional centre environment as 'tough'. Resources in correctional centres are extremely limited and overcrowding appears to have an impact on most activities. For the greater part of his incarceration there was often only one social worker to serve approximately 300 inmates. Mr Twala also noticed that many of the awaiting trial inmates did not receive medical treatment when they needed it as medical staff was not readily available. Furthermore the shortage of DCS staff often resulted in inmates being left in their cells for as long as 23 hours per day as letting them out of the cells would pose a security risk.

In spite of all the challenges there were also a number of positive aspects to Mr Twala's incarceration. While he was incarcerated many fellow inmates respected him because he had adopted a positive attitude. He and fellow prisoners formed an organisation called CODI (Convicted Offenders Initiative) the catalyst for FOCODI. The aim of CODI was to protect the rights of inmates and to create an environment more conducive to rehabilitation. Mr Twala was also a teacher while serving time in prison.

The road to reintegration is not always smooth, but it was easier for Mr Twala to return to his community than it is for most other former offenders. He originates from a community that knows him well and is aware of his true nature as a person. He is generally respected by everyone in his community now. During the initial stages of the release this was not always the case and there were occasions when people would falsely accuse him of doing something illegal, but this has changed due to all the work that he has done as a leader of FOCODI.

### Andile Dlula (Vezokuhle).

Andile Dlula grew up in a poor township in the Eastern Cape. As a child and young man he witnessed how his peers and older men acquired expensive goods without working for them. He felt under pressure to do the same. He too wanted to come across as powerful. This motivated him to commit crime. He was however caught and unfortunately shot and seriously injured. Mr Dlula explained that due to his injuries he is now physically disabled and cannot walk without crutches. In addition to these serious consequences he was sentenced to imprisonment.

Despite engaging in crime Mr Dlula always secretly had a desire to improve his education and while in prison the first thing that he did was to ask the officials about the possibility of doing this. He saw education as a signal of freedom and “always respected that freedom”. He completed his high school education while in prison and at the same time he studied Human and Business Management up to N6. Thereafter he privately enrolled at UNISA for a National Diploma in Economic Analysis. Unfortunately the Correctional Centre did not allow him to register for the computer related courses that he wanted to do and he could not complete his studies. In spite of this Mr Dlula feels that his matriculation results changed some people’s negative perceptions of him and this has helped in his reintegration process. The life skills programmes he participated in with Vezokuhle also assisted greatly in the process.

Mr Dlula mentioned that his family was extremely supportive of him throughout his incarceration and his community allowed him the ‘space’ to reintegrate. All the support has also enabled him to start his own business called ABANTU CC. He explained that being a businessman is not always easy, but he enjoys the challenges that it presents. Prior to starting the business he applied for employment, but found that due to his criminal record most employers were reluctant to give him a chance.



## Qiniso Magnificent Dube (NICRO)



Qiniso Dube was a young police officer in 1997. He believes that he was not been given sufficient training in using a firearm and due to his overzealousness he committed an offence while on duty. He was at first reluctant to admit his guilt, but later he accepted it and pleaded guilty. He was sentenced to five years imprisonment because he had made a decision without thinking about the consequences.

Mr Dube stated that being a former police officer in prison was not easy. There were a number of inmates whom he had arrested when he was a member of the police force and some of them would mock him. He described the prison environment as a place where only the 'fittest' could survive. In spite of all the challenges he studied while he was in prison. He managed to do an ABET Certificate through UNISA with the help of NICRO and his grandmother. His family was very supportive. He served three years and was released on parole.

His community knew him as someone who did not engage in crime. He was easily accepted back into the community, but many were curious about his future as they know that the prospects for ex-offenders are quite bleak. Mr Dube found that his ABET qualification opened many doors for him. This has enabled him to work on community projects. Thanks to NICRO and his ABET teachers in prison he was also able to complete a Certificate in Auxiliary Social Work. He is currently working in NICRO's Social Integration Programme.

### Mr Dube's message

I am grateful to NICRO for giving me the opportunity to show the community that I am not a hardened criminal. I have found myself on the wrong side of the law and I have accepted my actions and responsibilities.

## Sipho Mboweni (NICRO)



Sipho Mboweni was not involved in crime in any way. He was in fact an ordinary 'working man'. While Sipho did not want to discuss the specifics of his case, he said that one morning he was involved in an incident involving a gun. It was the very first time that he held a gun in his hands but by the end of that day he had committed an offence and the police were looking for him.

According to Mr Mboweni one irresponsible thought led to one irresponsible act. In turn this led to his incarceration for many years. The prison environment presented many challenges, but notwithstanding this he obtained numerous qualifications. The single event that led to his incarceration changed his life forever. "Change is a process" said Mr Mboweni and imprisonment was ironically a catalyst for the changes in his life.

Mr Mboweni noted that it is easier to pursue individualistic goals than it is to set goals that would benefit a collective or a group. Personal goals must however be set. It ensures continuous development and helps to build knowledge that can be shared to help others. Sipho set many goals for himself while serving time in prison. He stated that the activities he completed were not in vain. He acquired a number of academic qualifications and although he values his achievements he feels that in reality a former offender does not easily become part of the mainstream economy.

Mr Mboweni does not share the sentiment of former offenders who claim that it would be better to go back to prison. He does share in the belief however that the vast majority of offenders are punished doubly. First he says they are punished by being forced to serve the sentence imposed by a court and secondly they are sentenced to life after they are released into a society into which they cannot be integrated. Sipho Mboweni believes that government must act to change this situation.

# 11

## Questions to session two speakers

1. It is widely believed that dysfunctional families are a major contributing factor to crime in South African. What in the ex-offenders' view causes crime?

*Reply by ex-offender panellists:* There is no specific cause. People from different walks of life commit crime. There are a variety of causes or reasons for crime and dysfunctional families are one of them. DCS generally focuses only on hardened criminals. Greater focus on repeat offenders is needed as this will help to uncover some of the causes of crime.

2. Which is more desirable, the life skills programmes offered by DCS or the programmes presented by non-governmental organisations?

*Reply by ex-offender panellists:* Inmates tend to 'trust' the programmes offered by the NGOs more than they 'trust' the programmes of DCS. This is because NGOs are from the communities and this gives inmates hope that there will be acceptance of them by the community when they are released one day.

3. Are substance abuse programmes generally effective for former offenders?

*Reply by Lukas Muntingh:* Many programmes provide former offenders with information on substance abuse, but they are often not given 'treatment' for their problem. It is also problematic that many of them do not know where to access services and information. There appears to be a shortage of treatment services for substance abusers once they released.

4. Mention was made during the presentation on 'immediate experiences after release' that parolees are treated unfairly by DCS officials. What constitutes "unfair treatment"?

*Reply by Lukas Muntingh:* The information presented on the issue was the perceptions of parolees who participated in the study and not Mr Muntingh's interpretation of the situation.

## Day two

# 12

### Session three: Expanding the knowledge-base on offender reintegration

To uncover some of the obvious as well as the less obvious roadblocks to reintegration, conference delegates were divided into small group of six to eight participants to discuss a set of questions which were made available to them prior to the conference.

The following are topics that participants were asked to consider in the small groups/commissions:

1. The impact of a lack of reintegration services for former offenders. (Discuss the situation of ex-offenders who return to urban and rural areas with no or limited basic reintegration services. How can this be prevented?)
2. The role of the family and community in the reintegration process of a former offender. (Consider the impact of the ex-offender's incarceration and release on the family and why the family unit and community play a role in the successful re-entry of an offender)
3. The key components of an effective reintegration model. (Provide examples of potentially effective models. The groups were also asked to briefly justify why each component is important to the process.)

The following are some of the inputs offered by the various groups:<sup>35</sup>

- Responses to question 1

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<sup>35</sup> The responses captured here came from individual delegates at the conference. These are not the views, conclusions or recommendations of the conference as a whole.

There are generally more resources available to former inmates who reside in urban areas than for those who reside in rural areas. DCS officials are also more readily available in urban areas than in rural areas. Former inmates in the rural areas who have questions regarding their parole conditions or the availability of appropriate services are therefore often unable to access assistance and advice. Similarly most NGOs are based in the urban areas and although some of them attempt to serve the rural communities this do not happen often enough.

Residents in the rural areas are also unable to benefit from the programmes that are offered in the cities as they have limited or no access to transport services and telecommunication aids. This means that while former inmates in the urban areas do not always have the benefit of all the services and interventions required to support their reintegration process, they are probably better off in terms of accessing services than former inmates who live in the rural areas. This in turn means that the barriers which inhibit effective reintegration are not always addressed in respect of rural residents. They, their families, friends and their communities at large bear the full brunt of the consequences that imprisonment has for individuals and those to whom they return after release.

The discussion groups indicated that a national audit on offender reintegration service providers should be undertaken and areas where no services are provided should be identified. The following suggestions were made to ameliorate the present state of affairs in rural areas:

- Parole officials should be given suitable transport to make regular visits to those in the rural areas;
- Former inmates in the rural areas should be given access to transport or telecommunication aids in order to approach NGOs for assistance;
- Half-way houses should be established for those who are released and who have to go back to remote rural areas to enable them to at least benefit from intensive services and settle back into society before they move back to their communities of origin;
- Community workers, traditional, religious and cultural leaders should be offered training in order to assist former offenders when they are released;

- Former offenders should be detained at correctional centres that are not too far from their homes as it is essential to the reintegration process that they have sufficient contact with family and their broader communities while they are incarcerated;
- The families of former offenders in both the rural and the urban areas should be involved in the reintegration process. It is also imperative that the needs of the family are addressed as dysfunctional families may be contributory to re-offending;
- A budget for reintegration services must be made available to civil society organisations;
- The communities should be made aware of the merits of offender reintegration as this may encourage community members to respect the dignity of former offenders. This may also assist in protecting the former offender against stigmatisation.

In addition to the above recommendations it was suggested by some that participation in reintegration programmes must be made compulsory for all inmates, although no consensus was reached on this issue.

### Responses to question 2

The discussion under this question tied in with that under question 1. It was mentioned that the incarceration of a person not only severely affected the individual, but that it had a very profound effect on the family. Families experience trauma when a relative is imprisoned and if this is not properly addressed it may have devastating consequences. The incarceration of a family member can give rise to a host of problems or where the family was already dysfunctional prior to the incarceration it may lead to further complexities.

If the offender is a parent his or her children and partner will be affected by his/her absence from the home. The imprisonment of the family member is also likely to be perceived as an embarrassing occurrence to the family. They may become the subjects of stigmatisation and ridicule in their communities. Furthermore if the breadwinner of a family is incarcerated then the incarceration may have financial implications for the family and this may in turn give rise to more problems within the family unit. The

importance of addressing the needs of families thus speaks for itself. It was suggested that social workers have a major role to play in addressing social and familial problems.

It was also mentioned that if the family unit is strengthened and if they are involved in the reintegration process from the start (which is from the moment of admission to a correctional centre) a support network will await the former offender when he is released. The reintegration process will then be much smoother and this will decrease the likelihood of the offender re-offending. It was also contended that the sentence plan of an offender should be made available to the family of the offender as this will not only make them aware of the plans of the former offender but will also allows them to support him/her.

Many former inmates may be ill with, for example, Tuberculosis or be infected with HIV upon release. In such cases families may be unaware of how they may assist their relative. This may cause distress or despondency to both the inmate and his or her family. It is therefore important that families keep contact with their relative while he or she is in prison and furthermore that families are made aware of the public health care services that are available. In this way they will be in a better position to support their relative upon his or her release.

The family of a former offender may also not be in the position to support him or her financially and this may result in a complete failure of former offenders to be reintegrated. In such cases there are interventions that may assist the family. This must however be arranged well before the release of the offender.

### Responses to question 3

It was emphasised that any offender reintegration programme should include at the very least a plan for psychological intervention. Imprisonment has a traumatic effect on the individual as the prison environment is by no means conducive to a normal lifestyle. There is much violence amongst inmates and the conditions are more often than not, unsatisfactory. Pre-release programmes must thus be provided in prison in order to prepare inmates for the initial stages of release. It was also felt that people from the community should be involved in the pre-release programmes as these offer the inmates a connection to the community once they are released.

Former offenders should also be offered life skills and skills training that will make them employable in the open labour market. It was suggested that business should in fact go

into prisons and allow inmates to work for them. Inmates should also have bank accounts in order to save their earning for when they are released or to support their families.

Those who are struggling with substance abuse problems should also be offered assistance that is not limited to the provision of information on drug abuse, but should receive appropriate treatment for their addiction.

Vocational and educational programmes should be made available to offenders as many of them have low levels of education. Furthermore they should be offered assistance with their basic needs such as accommodation, nutrition and health care.

The families of the offender must also be involved in the reintegration process. The needs of the families must be assessed and addressed. Restorative justice processes should also be used where it is appropriate to do so. Furthermore successful reintegration stories must be documented and showcased as encouragement for former offenders who are in the beginning stages of the reintegration process.



## Session four: The way forward

# 13

### Conference resolution meeting

This session was chaired by Lukas Muntingh (CSPRI) and constituted a plenary session. The purpose of this part of the conference was to take offender reintegration in South Africa forward or put differently to identify opportunities to advance the field of offender reintegration. Mr Muntingh mentioned that the session was a continuation of a discussion that was initiated at the Action for a Safe South Africa (AFSSA) four-day convention in August 2008. At that conference it was agreed that there is a need to co-ordinate the sector. It was also decided that a structure should be established for this purpose.

The conversation was carried forward at the conference. It was stated that the core purpose of advancing offender reintegration is broadly to reduce the rate at which former inmates are re-offending when they are released from correctional centres. It was also confirmed that the activities agreed upon at the AFSSA convention included (1) establishing a working group that can take the initiative forward, (2) establishing an electronic presence to keep role players in the sector informed on developments and (3) conducting an audit of all services.

### The formation of the structure

There was much discussion on the appropriate format for the structure and how it would operate. The following is a synopsis of the discussions in this regard:

It was noted that there are two existing networks that are endeavouring to achieve the same objectives as the proposed forum. It was decided that these networks would be invited to join the new structure as they share a common vision to improve services to former offenders. Venessa Padayachee (NICRO) mentioned that a myriad of activities are undertaken in the field and that there is a need for activities to be co-ordinated and streamlined. Lukas Muntingh (CSPRI) suggested that a forum for communication should be established and that such a forum should then be tasked with facilitating co-operation in the field. Sabelo Rala (Vezokuhle) supported the idea of a forum and suggested that it should be a national forum with provincial and local levels.

Pritima Osman from the JIOP recommended that the forum should include an intergovernmental component. Lukas Muntingh indicated that the intention was that the coordinating structure should comprise of civil society representatives only, but that it would be important to have a function where it builds a relationship with government. Sabelo reiterated the need to build a relationship with government departments, but indicated that there would also be a need for a government representative to co-ordinate that sector as it would be impossible for a civil society member to do so.

Mr Munitngh led a discussion aimed at setting the immediate tasks for the structure. The following tasks were agreed to by all delegates:

1. Establish a driver group similar to the one of the Child Justice Alliance. The function of that driver group is to co-ordinate activities in the field and to keep all role players informed on developments in or affecting the sector.
2. Develop a two-year work plan for the structure.
3. Secure funding for a secretariat.
4. Ensure that all relevant stakeholders are represented on the structure.
5. Establish and compile an electronic newsletter.

The structure had no funding at the time of the conference and a request was made for delegates to volunteer to be part of the driver group who would commence with the preliminary tasks as set out above. It was suggested that there should be a representative from each sector on the structure. Venessa Padayachee added that the driver group would also be tasked with recruiting members to serve on the structure to enable good representation. Mr Muntingh mentioned that there would be no meetings to attend for the time being but that there would be newsletters to keep members informed of ongoing progress.

Gideon Morris (JIOP) mentioned that the structure should look at viability and sustainability. The structure must have some bargaining power when approaching government for example. Mr Muntingh indicated that this was a concern, but that it was agreed that the structure would be kept as inclusive as possible.

The following delegates volunteered to be part of the driver group:

1. Sabelo Rala (Vezokuhle)
2. Richard Aitken (Phoenix Zululand)
3. Busi Mokeki (RJC)

4. Solomon Madikane (REALISTIC)
5. Andile Dlula (Vezokuhle)
6. Mr Molefe (IPV)
7. Mlluleki Mxotwa (LEAP)
8. Chesné Albertus (OSF-SA)
9. Ronald Ntuli (DCS)
10. Mike Batley (RJC)
11. Douw Grobler (Prison Fellowship SA)

It was concluded that these members will communicate with each other to discuss the preliminary tasks. The group will operate on the same basis as the driver group of the Child Justice Alliance. The primary commitment of the group will be to discuss and plan the strategy for meeting the objectives (mentioned earlier in this paper).

## Strengthening reintegration initiatives

Lesley Ann van Selm, Managing Director, Khulisa Crime Prevention Initiative



### *Introduction*

Khulisa Crime Prevention Initiative a multi-award winning organisation was established in 1997. Khulisa tackles crime holistically. Their programmes work at different levels of the crime cycle. The organisation has programmes aimed at preventing crime, diverting youth from the criminal justice system, providing alternatives to imprisonment and fostering personal transformation for those who are in prison and assisting with their reintegration back into society.

### *Overview Khulisa's Programmes*

#### Corrections Programmes

Khulisa offers a number of programmes to both inmates and former offenders. Inmates are offered corrections programmes in prison which are aimed at changing negative behaviour. Khulisa's 'My Path' Rehabilitation Programme is a year-long self-help learning programme for individuals needing corrective behaviour therapy and personal development. The programme promotes exploration of oneself as an emotional, social, physical and psychological being and the discovery of creative abilities.

#### Skills Development

Khulisa endeavours to present offenders with opportunities to develop their hard and soft skills. The 'Break Through' programme is a life skills programme which is aimed at teaching adults and children key personal empowerment skills, self-image, assertiveness, communication and the theory of violence and conflict resolution. The programme also places emphasis on the application of these skills to personal problems.

### Restorative Justice

The restorative justice and conflict resolution processes assist offenders to be accountable to those they have harmed. A variety of mechanisms such as mediation, dialogue, negotiation and problem-solving are used to restore relationships and so that healing can take place.

### Pre-Release Programme (Step-out)

Khulisa's 'I'm Coming Out' programme is a pre-release programme offered to inmates prior to their release. The programme is presented over 28 hours (14 sessions) and was designed in partnership with the DCS. The purpose of the programme is to enhance individuals' capacity to successfully adjust to society upon release from incarceration.

### Post-Release Programme

'Destinations' is a post release reintegration programme providing ongoing support services to ex-offenders with a view to reducing recidivism. Involvement in community service projects is encouraged as part of the restorative process. The programme is guided by each offender's pre and post-release case plan.

### Community Crime Prevention

Khulisa also offers programmes aimed at community crime prevention. Their 'Make South Africa Safe' is a three day programme focused on crime prevention training for community members. The goal of the programme is to stimulate local crime prevention projects.

### Silence the Violence

"Silence the Violence" takes participants on a journey of discovery in which they become aware of the extent of their own violence, where it comes from, and effective non-violent choices. The programme illustrates how violence (which is not always physical) is ingrained in our culture and belief systems and how it emerges in daily interactions. Participants learn practical ways to minimise violent behaviour. The programme is delivered in 10 sessions over a number of weeks.

### Ubuntu Clubs

Khulisa has established community-based youth clubs that provide at-risk youth with a safe social and recreational milieu, peer education on issues of violence and HIV/AIDS, and community service activities reflecting the spirit of Ubuntu (community solidarity).

### Diversion Programmes

Diversion is a process of channelling children away from the formal court system to programmes that are reintegrative. Khulisa offers an eight-week or ten-week programme for youth.

### Khulisa's Partnerships

Khulisa has a host of partnerships with organisations in South Africa, many of which are led by former offenders whom previously participated in Khulisa's programmes. Khulisa also has partnerships with international organisations such as A4E, a UK based organisation renowned internationally for its work with former offenders and especially for their success in finding employment for the long-term unemployed.

Khulisa has also formed a partnership with the City of Johannesburg in the 'Gateway' Project which seeks to reach out to young people accused or convicted of minor crimes to prepare them for an alternative lifestyle: gainful employment. The dual objective is to increase the potential for young people to become self-sufficient, and thus to reduce crime and recidivism.

### The Challenges Experienced by Organisations Working in Offender Reintegration

- It is not easy for organisations to acquire funding for rehabilitation and reintegration programmes.
- It is often very difficult for former offenders to gain acceptance from their communities.
- A 100 percent success rate is probably a myth.
- In Khulisa's experience it is entirely possible to change (reduce) the recidivism statistics.
- It is not possible to achieve effective reintegration without support from all sectors of the community.

### Key Factors in Khulisa's Successes

In Khulisa's experience a structured behavioural programme vastly improves success rates. It must be recognised, however, that even good rehabilitation programmes have limited success if there is not a reintegration element attached to it.

Khulisa believes in encouraging ex-offenders to participate in community-based 'volunteer' programmes. This increases reintegration support from communities and is restorative in nature.

Khulisa has found that computer skills and fluency in English are two important prerequisites for successful reintegration. Furthermore, persistence and collective responsibility are vital to success in a field that is fraught with challenges.

### Some Examples of Khulisa Efforts

As mentioned earlier Khulisa has formed partnerships with many local organisations. As an organisation that expanded and developed due to support by other organisations Khulisa is now in a position to assist small organisations to grow and to implement their programmes. FOCODI is one of the many small organisations that is currently benefiting from the mentorship offered by Khulisa. Approximately 18 months ago Khulisa established a relationship with FOCODI when the Open Society Foundation for South Africa appointed Khulisa as mentor to FOCODI. Khulisa also acts as a conduit for their funds until FOCODI develops their own financial systems.

The relationship between Khulisa and FOCODI has grown over the past year and a half and Khulisa has been able to assist FOCODI overcome many challenges. Early in 2008 FOCODI battled to acquire accreditation for their programmes at certain correctional centres. As an organisation that has been through the process many times before Khulisa was able to support FOCODI in a negotiation process with the DCS. As a result DCS, Khulisa and FOCODI signed a service level agreement.

Khulisa comprehends the challenges experienced by small organisations as they also started off small. Khulisa believes that they were able to make mistakes and to learn from their mistakes as a result of the support they received from other organisations. These partnerships are critical to improving approaches to offender reintegration. In turn the collective work of the organisations will help to create a safer South Africa.

### Food for Thought

Khulisa has learned through trial and error and has many anecdotes that illustrate this fact. One particular story, however, stands out and is probably the best example of Khulisa's perseverance and commitment to making South Africa safer. A few years ago Khulisa, in partnership with a UK-based organisation, and a group of nine ex-offenders visited London in order to raise awareness of Khulisa's programmes in South Africa and to nurture potential fundraising opportunities.

Khulisa's management committed significant time and effort in the preparation of the former offenders and everybody was confident that the UK trip would be a major success. During the week-long tour audiences were impressed with the participants who were well-spoken and well-behaved, with the message of Ubuntu and restorative justice being received well, on all levels. On the last night of the trip the group broke up so that they could pursue their individual, personal interests. The delegates were asked to meet at the hotel the following day. However, four of the delegates did not show up at the agreed time. In fact, they arrived at the airport several hours later injured and intoxicated. The airline refused to allow them on the aircraft and the rest of the group had to leave without them. The British High Commission who had granted special visas for them to enter the UK were outraged by what had happened and withdrew their funding to Khulisa. The greatest disappointment, however, was that the individuals responsible for the breakdown in the relationship were all people in whom Khulisa had the greatest confidence and were deemed exemplary of the success that Khulisa's programmes are capable of.

The final blow was when the management of the hostel where the group was staying called Khulisa, upon their return to South Africa, to inform them that some of the other guests' luggage has been ransacked with CD players, CDs and cell phones having been stolen. The Khulisa delegates were blamed.

A number of years have passed and Khulisa has restored relationships with all but one of the 'breakaway' group. The experience was devastating, but nonetheless resulted in Khulisa having learnt many lessons about the realities that may be experienced in the field, and also about giving second chances. Khulisa has learned never to 'vouch for an individual's change'. The organisation also acknowledges taking ownership of and learning from mistakes, to articulate risks as honestly as possible and most of all, never to give up! Human beings want, and need hope. Working in this field requires that we should endeavour to give hope to those seeking or needing a second chance.



## LESEGO TSHABALALA



Former Khulisa beneficiary and employee

### Background

Lesego Tshabalala was born in the North West province. He grew up without his biological parents. In 1996 he was placed in foster care with his aunt who lived in Daveyton. Adapting to Gauteng and living with his aunt was difficult for Lesego. He felt socially excluded, but he continued with his schooling until Grade 11 when he was convicted and sentenced for rape in 2002.

When he arrived at Leeuwkop Correctional Centre he was angry, lonely and withdrawn. He was only 15 years old and very scared of prison life. The first year was uneventful but in 2003 when he was serving the second year of a 10-year prison term he met an official who was from the same township that he came from. He provided Mr Tshabalala with a lot of encouragement to develop himself whilst incarcerated in preparation for his future. Although he supported Mr Tshabalala it was still very difficult for him to accept his sentence. Everything changed however when he was introduced to Khulisa's programmes. Khulisa has been facilitating programmes at Leeuwkop Correctional Centre since 1997.

Mr Tshabalala firstly participated in Khulisa's personal development programme 'My Path', which was delivered over a 3-month period. 'My Path' helped him to come to terms with himself and the choices he had made during his childhood. He was thereafter trained as a drug and HIV/AIDS peer educator and counselor, the purpose of which was to deliver such programmes to his fellow inmates during incarceration.

While he was imprisoned Khulisa taught him that, '... with integrity you have nothing to fear, since you have nothing to hide. With integrity you will do the right thing, so you will have no guilt. With fear and guilt removed you are free.'

He was released in 2006 and it was then when he discovered the realities of being 'an ex-offender'. His family rejected him and despite numerous efforts it was very difficult to get employment. He was expected to assist his aunt with household tasks.

Khulisa, however, welcomed him into their reintegration programme, where he came in contact with many other ex-offenders. He felt accepted and that he belonged somewhere. During the latter part of 2006 he participated in a series of training programmes as part of the reintegration process. These included the following:

- Community crime prevention programme
- Silence the Violence programme
- Victim / offender mediation
- Basic Counseling for Adolescents
- Job readiness workshop
- Leadership programme
- Training in community needs analysis (research)

Through the support of Khulisa all programme participants are encouraged to return to their communities and to offer the skills they have learnt as prevention programmes to youth at risk and in conflict with the law. This was a very important part of the reintegration process for Mr Tshabalala.

Over the past year and a half Mr Tshabalala has been involved in many different projects in his community. These have included among others a drug awareness programme in Daveton High School. These programmes were developed during the Life Orientation periods. He was responsible for 10 classes of Grade 10s. Over a 3-month period Mt Tshabalala worked with 411 learners. This proved to be a break-through for the school as for the first time young people were provided with an opportunity to discuss their challenges around substance abuse. Mr Tshabalala was able to do basic counselling and through this referred many cases to local social workers.

A group of learners and Mr Tshabalala then started a support group and through the ongoing support of Khulisa, managed to establish an Ubuntu Youth Club in the school, which He is still running with 30 members. Through the Ubuntu Club Mr Tshabalala and the learners teach other learners about Ubuntu values and encourage them to embark on community outreach programmes.

Later, in 2007, Mr Tshabalala was given the opportunity by Khulisa to provide mediation services in the Benoni Magistrate Court. In a mere three weeks he mediated 20 cases which included assault, theft, possession of illegal substances and damage to property. During this process, the results of which were highlighted during International Restorative Justice Week last year, Mr Tshabalala and his partners were provided with an opportunity to demonstrate to the communities that they are capable of providing an extremely valuable service.

In 2008 Mr Tshabalala has been involved in a project for the City of Johannesburg where he facilitates a programme called 'Silence the Violence' for youth at risk in a number of 'hotspot' schools. An external evaluation on the programme is currently being conducted. Preliminary feedback from the assessor indicates that there has been true behaviour change amongst the learners.

Mr Tshabalala has also trained a number of young people on Ubuntu and the establishment of Ubuntu Clubs. Mr Tshabalala mentioned that all the projects that he participated in since his release have truly motivated him to continue to want to make a difference in his community. This has helped him to be independent and to make a financial contribution at home. Most importantly, this has kept him busy and according to Tshabalala he has never even considered committing a crime again.

Mr Tshabalala has been a public speaker and an MC at numerous gatherings. He indicated that he is always proud to carry the banner for Khulisa and for the many ex-offenders in need of the help and the same support he received.

Mr Tshabalala's message to everybody in South Africa and the world is 'There is great hope for ex-offenders provided that society can give us a chance to give back and to participate in the development of our country's economy. In a sense this is restorative justice at its core.

In closing he shared a quotation with conference delegates,

"When you have reached the end of all the light that you know, and you must step out into the darkness of the unknown, faith is knowing that one of two things will happen: either you will have something solid to stand on, or you will be taught how to fly!"

'Khulisa taught me to fly.'

# 15

## **Closing**

Louise Ehlers thanked all the speakers, chairs and attendees for their participation in the conference. Ms Ehlers reiterated the attendance by DCS, the Judicial Inspectorate and Chairperson of the Portfolio Committee on Corrections added credence to the conference as *a* platform for creating a sound knowledge-base for offender reintegration.

## Conference Resolutions

### Conference Resolutions

#### **OSF-SA DCS OFFENDER REINTEGRATION CONFERENCE RESOLUTIONS**

Access to services, resources and information

1. To reduce re-offending, it is essential that there is consistency and continuity between services rendered inside correctional centres and services rendered after release. Service providers must therefore work closely with each other and engage with each other as much as possible.
2. Following on the above the conference recommends that the necessary emphasis be placed on resource allocations and policy development in order to prepare inmates adequately for their release and to provide them and their families with access to services.
3. Currently NGOs are for the most responsible for providing services to former offenders. Many organisations are however battling to secure funding to support their programmes.
  - 3.1 To increase service delivery to former offenders and to ensure that more people have access to rehabilitation and reintegration services the conference recommends that DCS and other departments allocate funds directly to NGOs to allow them render services to former offenders.
4. Many newly released inmates lack information regarding available resources in their communities. It is recommended that steps be taken on a national level to identify and describe resources that may assist released inmates.

5. it is further recommended that procedures are developed to make this information accessible to stakeholders in government and civil society, and to inmates and ex-offenders.
6. Families and communities play a central role in successful re-entry of ex-inmates. It is therefore essential that they be made part of the rehabilitation and reintegration process from the outset. The conference recommends that restorative justice processes are essential in assisting families, victims and inmates.
7. Conference participants endorse the view of Department of Correctional Services that rehabilitation and reintegration starts at the moment the sentence starts. The conference recommends that in line with this it is required that all inmates are properly assessed and that all efforts be made to involve the family in rehabilitation as early as possible as well as in re-entry programmes.
8. Inmates released under community corrections continue to face challenges of stigmatisation and exclusion. Community involvement in community corrections will make a valuable contribution to the successful re-entry of parolees and probationers. It is therefore recommended that community corrections forums be established nationally to facilitate community involvement and counter the stigmatisation and exclusion of ex-inmates with specific reference to parolees and probationers. Efforts also need to be made to change societal attitudes to enable former inmates to experience a 'second chance'. This can be achieved through effective communication with stakeholders, public education, awareness raising activities, and training.
9. Rural South Africa often does not experience the benefit of the services available in urban areas. For ex-offenders returning to rural areas, this presents particular challenges. It is recommended that particular attention be paid to the challenges faced by returning inmates in rural areas and that innovative solutions be sought to address this imbalance.
10. There is a responsibility on service providers to act with integrity and render quality programmes to their clients. It is therefore recommended that service providers

commit themselves to continuous training, capacity building and quality assurance processes to ensure that only services of the highest quality are rendered.

## Sentencing

11. South Africa has one of the highest imprisonment rates in the world. The issue of sentencing has been widely debated in recent years and there have been numerous calls for comprehensive sentencing reform. Prison overcrowding has had a debilitating effect on the capacity of the Department of Correctional Services to fulfill its rehabilitation mandate. In light of the review of the criminal justice system currently underway, it is recommended that sentencing reform is included in the review of the criminal justice system with the aim to reduce the use of imprisonment as a sentencing option, and to encourage and enable the use of non-custodial sentencing options.

12. South African courts continue to use imprisonment as a sentencing option with high frequency. It is also the case that presiding officers are often not well informed of other sentencing and intervention options that may be more appropriate and have a far greater impact in respect of rehabilitation and reintegration. It is therefore recommended that the judiciary is informed and educated regarding different sentencing options and other supportive interventions that are available in their jurisdictions.

## Legislative reform

13. Since 1994 there has not been a comprehensive review of the legislation governing the expungement of criminal records. The legislation governing criminal records that existed under the previous regime is still largely in force. Those who are convicted of criminal offences face tremendous challenges in respect of re-entry and reintegration as a result of having a criminal conviction against them. In view of these challenges it is recommended that a comprehensive review of the expungement of criminal records is undertaken. Such a review should strive to enact legislation that would strike a balance between the protection of society and the right of every South African to reach his or her full potential and participate in the economy.

## The media

14. The media often portray stereotypes of inmates and ex-offenders which do little to facilitate their re-entry. It is recommended that the media in all its forms be sensitised to the issues facing released inmates and the role that it can play in promoting and facilitating successful offender re-entry.

## Interdepartmental cooperation

15. The Department of Correctional Service (DCS) is the department primarily responsible for inmates and ex-offenders. However, other government departments also have an impact on the mandate of the DCS. It is recommended that a proper analysis be done of the interaction between DCS and other government departments and that blocks and adverse effects be identified and addressed.

## Partnerships with government

16. Partnerships between NGOs and government tend to be one-sided. It is recommended that NGOs be included and consulted in drafting strategies, interventions and processes where both parties will be involved.



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## Conference participants

<b>Offender Reintegration Conference - 14-15-October 2008</b>			
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