



Ex-offenders and their families: a study of reintegration in Zululand

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Abstract

The study's aim was to understand issues and challenges affecting the reintegration of ex-offenders, with particular reference to their families. For this purpose, six ex-offenders who had gone through an in-prison restorative justice programme facilitated by Phoenix Zululand were recruited, together with two others. Ex-offenders face a harsh socio-economic environment in any case and the additional challenges of stigma following time in prison means even lower prospects of finding a job. Success in reintegration with their families has been found to be critical in preventing recidivism. This is exploratory research with the purpose of exploring the challenges faced by ex-offenders upon their release, when reintegrating with their families.

The study was carried out with the active support of Phoenix Zululand. Qualitative research was used to explore the reintegration challenges faced by ex-offenders over a 12-month period during 2019. Interviews and focus group discussions were conducted with ex-offenders and their families, who volunteered to participate. The main challenges were stigma, a lack of trust by family members/spouses and securing a livelihood. An unexpected benefit was the mutual support gained from other group members.

Declaration

I, Bongeka Princess Ndaba, declare that:

This thesis is my original work and has been composed by myself. I confirm that this thesis contains no work that has been submitted for any other degree or professional qualification. All sources used or cited in this thesis have been indicated and acknowledged.

Dedication

This study is dedicated to my late mother Makhosazane Dlamini and my late father Bongani Ndaba, I know whenever you are so proud of me. May their soul rest in eternal peace.

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Firstly, I would like to thank Almighty God for giving me the strength, good health and wisdom to complete this thesis: if it wasn't for my trust in you, I don't know where I would be.

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Chapter 1 Introduction

1.1 Background

The study focuses on ex-offenders who have previously gone through an in-prison programme facilitated by Phoenix Zululand, a restorative justice non-governmental organisation. Reintegration with their families has been found to be critical in preventing recidivism. This is exploratory research with the purpose of exploring the challenges faced by ex-offenders upon their release when reintegrating with their families.

The original intention was to visit the ex-offenders in their home communities in Zululand, but practical reasons made it easier to focus on ex-offenders living in Durban. A request was made to the Faculty Research Committee to change the title to reflect this, but this request was denied.

The research was carried out with the active support of Phoenix Zululand. Qualitative research was used to explore challenges faced by ex-offenders on reintegration. Interviews were conducted with ex-offenders and those of their families who indicated their willingness to participate. Eight ex-offenders and their families were selected for data collection, using purposive and convenience sampling, and data was collected over a 12-month period. Interviews were recorded with the permission of the participants and data were analysed using a thematic approach.

1.2 Statement of the problem

According to the latest annual report of the Department of Correctional Services (2018: 7), South African prisons are, on average, 34% overpopulated (2015/16), whilst a number of individual correctional centres are more than 100% overpopulated. The problem of overcrowding within the context of the South African correctional system has been identified as a key challenge, which negatively affects the ability of the South African correctional system to rehabilitate and secure offenders. Recent studies

indicate that the general numbers for recidivism are that at least 50% to 70% of offenders are back in prison within three years of release (Kwela 2015: 409).

Zululand is harsh socio-economic environment, and ex-offenders face the additional challenge of having spent time in prison and thus even lower prospects of finding a job. The temptation to reoffend is therefore very high. The philosophy and experience of Phoenix Zululand is that ex-offenders who have been able to reconnect well with their families are less likely to reoffend. Hence the importance of examining the relationships of ex-offenders and their families (Lushaba 2017:7). The research hoped for insights into effective ways of preparing ex-offenders and their families for release and supporting them after release.

1.3 Research objectives

The overall aim of the research was to explore the challenges faced by the ex-offenders in reintegrating into society. The following are the aims and objectives of the study:

- To identify the specific challenges faced by a sample of ex-offenders, in general and with particular respect to their families, during the first year after release.
- To examine the strategies ex-offenders use to handle such challenges and to assess how effective they are.
- To identify specific insights which could help the rehabilitation work of the Department of Correctional Services and the Restorative Justice work of Phoenix Zululand.

1.4 Definition of key terms

Retributive Justice

The concept of retributive justice has been used in a variety of ways, but it is best understood as that form of justice committed to the following three principles: (1) that those who commit certain kinds of wrongful acts, paradigmatically serious crimes, morally deserve to suffer a proportionate punishment; (2) that it is intrinsically morally good—good without reference to any other goods that might arise—if some legitimate punisher gives them the punishment they deserve; and (3) that it is morally impermissible intentionally to punish the innocent or to inflict disproportionately large punishments on wrongdoers (*Stanford Encyclopaedia of Philosophy* 2014: 1). To be more precise, retributive justice promotes that punishment is necessary. The state takes over and victims are harshly ignored. Harsh punishment will deter re-offending and send a warning to others.

Restorative Justice

Restorative justice is “a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Zehr 2002: 37). In contrast to retributive justice, restorative justice is concerned for the healing of the victim (whose feelings must be heard), offenders (who must take responsibility for what they have done) and the relationship between them (which if possible must be restored). All human beings have inherent and equal worth irrespective of their actions, good or bad, or of their race, culture, gender, sexual orientation, age, beliefs or status in society. Therefore, both offenders and the victim have to be treated with respect and dignity.

Rehabilitation

Rehabilitation is a systematic and evidence-based process by which actions are taken to work with the offender in custody in transforming attitudes and behaviour so that societies will be safe from harm with chances of re-offending reduced. “It encompasses the totality of work with offenders, their families, others, (and victims) in partnership with statutory and voluntary organisations” (Padayachee 2011, cited in

Singh 2016: 16). It builds on offenders' core interests and skills by equipping them psychologically, socially and economically to fit back into society.

Reintegration

Davis, Bahr and Ward (2012: 448) define reintegration as the process of transitioning from incarceration to the community, adjusting to life outside of prison or jail, and attempting to maintain a crime-free lifestyle. It is a lengthy process. Reintegration is part of the societal problem in reducing challenges like stigma, rejection and abandonment of the offenders in order to reduce issues of recidivism.

There are programmes which support the offenders who have difficulty in adjusting because of broken families and community relationships, unemployment and lack of after-care services, amongst other factors. In general, reintegration programmes provide offenders with the assistance and supervision that they may need to abstain from crime, successfully reintegrate into the community and avoid a relapse into criminal behaviour.

Recidivism

Recidivism is the commission of a new crime by an ex-offender, resulting in a new sentence. Recidivism is often defined as the re-arrest, reconviction or re-incarceration of an ex-offender within a given time-frame.

1.5 Research methods

The study is exploratory research concerning the challenges experienced by ex-offenders upon their release from prison with particular respect to their families. Qualitative research is an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem (Creswell 2014: 14). An enquiry process of understanding based on distinct methodological traditions of enquiry that explore a social or human problem that exist in the society. Researcher builds a complex, holistic picture, analyses words, reports detailed views of informants

and conducts the study in a natural setting (Creswell 2009: 15). Qualitative research fits in in terms of what was logically required with my research questions and methodological preferences.

Data was collected during meetings at times convenient to the participants. I used my cell phone device to record all the interviews with permission from the participants. I continued collecting data from the participants via WhatsApp conversations. In-depth interviews with a semi-structured interview schedule were used in the study to discover emotions, thoughts and beliefs of participants. The collection of data was not restricted to the available questions; I used the skill of self-determination to allow the participants to lead the interview and to freely express themselves.

1.6 Delimitations and limitations

Delimitations are conditions or parameters that the researcher intentionally imposes in order to limit the scope of a study (Bloomberg and Volpe 2012). In terms of delimitation, I choose to focus on a small group of ex-offenders with their families. I did not involve the members of the DCS (Department of Correctional Services). A limitation of the thesis is its sample size; the experience of eight offenders with their families cannot lead to general conclusions.

1.7 Overview of the thesis

Chapter 1 – Introduction

This chapter outlines the nature and scope of this study, which involves the background of the study, problem statement, the research objectives, and definition of key terms and delimitations and limitations.

Chapter 2 – Understanding Justice

The theoretical base and understanding of the concept of retributive justice and restorative justice are examined in this chapter, which also covers a historical overview of reintegration, as well as the rehabilitation concept and its theoretical underpinning. This chapter furthermore addresses the meaning, rationale and effectiveness of retributive justice and restorative justice, as well as linking restorative justice and retributive justice.

Chapter 3 - The South African Experience

This chapter reviews empirical studies of restorative justice programs, including that of Phoenix Zululand.

Chapter 4 – Research methods

In this chapter the research design, target population, sampling method, and data collection method are set out, with additional information regarding the measuring instruments, data analysis methods and issues of validity and reliability.

Chapter 5 – Data analysis and results

This core chapter provides data on the main challenges faced by ex-offenders.

Chapter 6 - Six months later

In this chapter, I go back to the objectives of the study and draw on some of the insights learned from the themes which emerged.

Chapter 7 – Conclusions

In my final chapter, conclusions are offered based on the results of the survey study. Recommendations are made encouraging all the offenders as well as ex-offenders who experienced challenges upon reintegrating with their families — and also those who successfully reintegrated. The goal is to understand the meaning of the

experience as it is lived by the participant — the lived experience — and all the ‘why’ questions will be answered in a further investigation.

Chapter 2 Understanding Justice

2.1 Introduction

In this chapter, I compare and contrast retributive and restorative approaches within the criminal justice system.

2.2 Retributive justice: meaning, rationale and effectiveness

Johnstone (2013: 56) defines retributive justice as a term derived from the word “retribution”, which is past- and blame-fixing-oriented and is based on the right rules and measuring justice by intention and process. It is connected with revenge, retaliation, punishment, recompense and vengeance. However, the ultimate goal is to impose pain, suffering, or deprivation of liberty on the offender and to impose it as quickly as possible.

Historically, the desire for revenge was restrained by compensation to victims and the limitation of revenge; hence the principle is that if a man has caused the loss of a man's eye then his eye shall be lost (“an eye for an eye”). The legal system defines crime as an offence against the state and the states prosecutor to file the charges as well as representing the victim of the crime (Johnstone 2013: 25). Consequently, it ended up with victims being left out of the process since they do not have any legal definition of the offence. Retribution is a backward-looking theory of punishment and aims to create a just society by looking to the past and compromising the focus of the future.

Retributive theory believes that pain will vindicate, but in practice this is often counterproductive for both victim and offender (Zehr 2002: 59). The argument that is most accepted is that we should hate the crime but not the criminal. Retributive justice, according to Zehr (2002: 59), embraces a basic moral intuition that disturbance and distortion of balance has been made by a wrongdoing, and as result the victim is entitled to something whereas the intruder owes a debt to pay and therefore there must be a proportional link between the act and the response.

The retributive theory of punishment holds “you reap what you sow” as a principle. This means that if the offender committed a crime, he deserves painful consequences for his actions. The question still remains: does the principle of an “eye for an eye” have a positive impact on recidivism? The accumulating evidence is that the retribution movement has been a disastrous failure (Andrews and Bonta 2010:41). The prison environment affects the prisoners personally, as the separation sends the message that the incarcerated are worthless. They further mention that “[p]risons effectively silence prisoners by minimizing their humanity”. The literature reveals that offenders’ separation from their families finding it hard to soul-search for personal healing and take responsibility for the crimes they committed. Subsequently, they are influenced by other criminals in prison with criminal skills that resulting no fear prison life in the future (Kilekamajenga 2018: 10).

Retributive justice focuses on what law was broken, who broke it and what the punishment is. However, there is a dark and bright side of everything. The dark side is the desire for vengeance which all of us are capable of feeling when we believe we are seriously wronged. The brighter side of retributive justice is within its basic premises that the punishment must be directed at redressing the injustice of the offence and its insistence that justice can be restored only when offenders are made to take responsibility for righting the wrong (Johnstone 2013: 244).

Traditional philosophical theories of retributive punishment have tried to give a coherent explanation of why it is justifiable to wreak pain, suffering, deprivation or death upon the offender. However, modern secular retributive philosophers and legal theories cannot do this in the traditional theological terms, so they look elsewhere for a coherent moral answer. The usual answer is that the infliction of similar harm on the offender is the only way justice can be restored (Johnstone 2013: 242). The reality still stands that our culture tried to banish death from our consciousness and hand it over to professionals. Criminal justice officials see their job as meting out appropriate levels of punishment and offenders are encouraged to believe that by taking their punishment they are paying their debt to society (Zehr 2015: 78).

The lawful duty of the state is to protect society, reform the criminal, and recover what is lost for society while criminal law is meant to deter potential transgressors and fairly punish those who are caught in the criminal act. The position in South Africa is that

the rules that are drawn up by the State as well as those which constitute the common law are enforced by it and where they are infringed it sees to the apprehension of offenders. Punishment is inflicted by the State because it is its laws that have been violated. It is inflicted through the courts.

Another assumption upon which the idea of deterrence is based is that adversity of punishment always outweighs the benefits of crime. However, most people are not intimidated by fear of punishment but a result of human responsiveness that legal threat poses. The perception of individual and general deterrence is that individual deterrence is the concept that the punishment will deter the offender undergoing it from committing a crime in future. Individual deterrence operates on the notion of "once bitten, twice shy". It is a means of protecting society. On the other hand, when looking at general deterrence's focal point, the offender is punished severely enough to serve as an example to deter would-be-offenders from committing a similar crime for fear of similar punishment.

After all is said and done, the fact remains that the effectiveness of deterrence as a principle of decreasing recidivism is unrealistic. Offenders are simply not likely to alter their conduct because the law formulates a liability rule one way or another. However, deterrence as a distributive principle often produces results that a just society ought not to tolerate (Johnstone 2013: 986). We devise a variety of rationales for delivering pain as a means of rehabilitation and treatment. We administer pain even though it may have little relevance to what the victim needs or to the problems involved in the offence (Zehr 2015: 79).

The direction set by retributive justice theory with its ancient Roman law defines the process more than the outcome. The theory assumes that the offenders must receive what is coming to them, hence overlooking the harm done to the offender in rehabilitation. Retributive justice theory has pointed to empirical evidence that half of the offenders who had served prison sentences were recidivists and therefore individual deterrence is unsuccessful. We administer pain in the name of deterrence, despite substantial questions about the morality of administering pain to one person for the purpose of possible deterring another (Zehr 2015: 79).

Throwing people into prison does not guarantee individual and social deterrence or personal transformation, but it raises more questions since it is counterproductive. Zehr further explains that there is considerable evidence that there is little correlation between certainty and immediacy of the sanction and deterrence. However, this suggests that the most important consideration in dealing with offenders is not how much pain, suffering, or deprivation of liberty is imposed on them, but rather, how swiftly and surely the system is able to bring the person to account (Johnson 2013: 23). The most important factor is to determine how many persons would have repeated their actions but for the punishment they had experienced.

The question about the future needs of reintegration and rehabilitation need to be debated: will the offender commit the crime again, and also how will the offender move ahead with life after incarceration? The use of heavy punishment has been described as the least effective and least fair principle of sentencing. According to Johnstone (2013: 245), while incarceration is an effective short-term guarantee of social protection, it is notoriously bad as a long-term strategy. This is because it so often produces "the ex-con" who emerges from his punishment even more alienated from society, more psychologically and morally debilitated, and better educated in the art of the law-breaking.

Deterrence theory claims to give a rational way of determining appropriate punishment; hence the best punishment is the one that provides the greatest deterrence value with the least cost to society and the least pain and suffering to the offender. However, one of the most telling criticisms of deterrence theory comes from retributivists, who point out the inherent injustice involved in the decision to punish the offender in a certain way because of the effect it will have on other potential offenders. It violates the basic moral principle that persons should be treated solely as the means to accomplishing other social ends because it justifies types and levels of punishment beyond those that may be fair to the offender as a way of deterring others (Johnstone 2013: 246).

Measuring and estimating the effectiveness of retributive justice on subsequent criminal behaviour is the historic and conceptual core of criminology. Despite numerous studies using a variety of data sources, sanctions, crime types, statistical methods and theoretical approaches, there remains little agreement in the scientific

literature about whether, how, under what circumstances, to what extent, for which crimes, at what cost, for which individuals, and perhaps most importantly, in which direction various aspects of contemporary criminal sanctions affect subsequent criminal behaviour.

There is evidence that the severity of a punishment does not have much effect on crime, while increasing the certainty of punishment does have a deterrent effect. Moyo (2016: 26) emphasized that all criminal justice systems throughout the world aim at attaining maximum effectiveness (zero crime) at maximum efficiency (zero cost) with maximum equity (zero human rights violations). Clearly, enhancing the severity of punishment will have little impact on people who do not believe they will be apprehended for their actions. Similarly, enhancing the certainty of punishment will have little impact on people who do not believe that the sanctions to be imposed will be severe. The offender benefits from the deterrent effect which arises from his own punishment because his punishment operates to deter others and serves to protect him in turn.

The use of heavy punishment has been described as the least effective and least fair principle of sentencing. A study by a Canadian criminologist Paul Gendreau brought together the results of 50 studies of the deterrent effect of imprisonment involving over 300,000 offenders (Lumley 2009: 329). He found that

None of the analyses found imprisonment reduced recidivism. The recidivism rate for offenders who were imprisoned as opposed to given a community sanction was similar. In addition, longer sentences were not associated with reduced recidivism. In fact, the opposite was found. Longer sentences were associated with an increase in recidivism.

This finding suggests some support for the theory that prison may serve as a “school for crime” for some offenders. Johnstone (2013:245) emphasizes that retributive practice is not effectively deterrent, rehabilitative, restorative or compensational to offender, victim or society.

2.3 Restorative justice: meaning, rationale and effectiveness

We have seen that retributive justice views crime as a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state-directed systematic rules. Under restorative justice, by contrast, crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation and reassurance.

Restorative justice employs accountability and healing with those most impacted to make things right, and to heal the wound. It has experienced remarkable growth of awareness and interest. However, even where there is high-level support for the restorative philosophy in the criminal justice system or community, the broader public policy typically moves in the opposite direction. Prison populations are growing rapidly and the cost of that expansion threatens the availability of resources to work with victims and offenders in the community (Zehr 2002). Increasing dependence on incarceration may further paralyze the system, making change much more difficult. Practitioners frequently become so overloaded that it is very difficult for them to think about questions of underlying values or philosophy.

The goals of restorative justice regarding offenders seem straightforward: to make amends and to reintegrate offenders into the community of law-abiding citizens. However, other scholars view restorative justice as a deeply significant spiritual or psychological process which requires all of us to come to releases with who we are, accounts on what we have done in order to become in the completeness of our humankind within our society. Community safety is a developing concern under current legislation and there is an increasing number of agencies that are supporting local community safety.

Restorative justice at micro level views crime primarily as injury rather than law-breaking, with its purpose as healing rather than as punishment alone. It emphasises the accountability of offenders to make amends for their actions and focuses on providing assistance and services to victims. Its objective is the successful reintegration of both victim and offender as productive members of safe communities.

However, education about restorative justice is the primary strategy. Building community support requires building the capacity among all peoples at all levels to think about criminal justice issues from a restorative perspective. Public speaking and distribution of written materials are key elements for this public education.

Zehr (2002: 37) emphasizes restorative justice as both the process and result where those who are involved and affected by a specific offence collectively work together towards addressing the harm caused with the intention of repairing the harm, healing and peace building. Key values of restorative justice are healing rather than hurting, respectful dialogue, making amends, a caring and participatory community, taking responsibility, remorse, apology and forgiveness. It is clear that many ex-offenders face rejection from their families who are indirect victims of the crime. Accordingly, Brunton-Smith and McCarthy (2016) emphasise the often strained relationships that exist between prisoners and their family before, during and after their sentence.

Restorative justice means restoring victims, and a more victim-centred criminal justice system, as well as restoring offenders and restoring community (Johnstone 2013: 60). The parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future. It means making things right, attending to the needs created by the offence, mending the ruptured relationship between the offenders and society as a whole and, most importantly, the relationship between the victim and the offender. It means restoring a sense of security. Restorative justice is a deeply significant approach which requires all of us to come to grips with who we are, what we have done, who has been affected and what can be done to make things right. Restorative justice is a process to involve, to the greatest extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible (Zehr 2000: 37).

It also takes care of those who made a series of poor choices in their lives and gives them a chance and opportunity to find humanity within themselves. South Africa's Director of Probation (2017: 1) also praises restorative justice as

a communally founded and driven system of justice where the offender(s), the victim(s) and the community holistically search for the cause of the offence, and come [up] with practical ways in which the victim could be compensated for the

physical, emotional, social and spiritual damage caused by the offence. It acknowledges the fact that crime causes scars to people and communities and therefore [is] aiming on repairing those scars.

The concepts behind restorative justice recognise that the offenders have a part to play in helping the victim and the community regain a sense of safety. Victim Offender Mediation aims to create a conducive space for the victim and the offender to settle the issues between them under the supervision of a trained mediator with the ultimate aim to restore the damage caused by crime. This may occur through mediation sessions where stories can be told and heard, apologies made and forgiveness asked for and given (Harris 2014: 3). In this regard, Victim Offender creates a space for victims and offender to share their experiences, pain and truth as part of the healing process. Furthermore, the offender finds emotional relief and an opportunity to express remorse while the victim finds answers and closure from the perpetrator.

Restorative justice respects the humanity of those who offend and creates a way to promote accountability and personal healing at the same time. In doing so, the offending individual receives support to make things right: not only for others, but for themselves as well. As those who offend heal, so does the community. The web of relationships becomes stronger (Toews 2006: 49). Moreover, the community often ranks rehabilitation for the offender as an important value in addressing the problem of safety and the prevention of the future wrong (Zehr 2015: 195). Such rehabilitation process can impede healing and forgiveness; hence forgiveness cannot be forced.

2.4 Restorative justice in traditional African communities

It is important to recognise that restorative justice is a central feature of the mechanisms used by traditional communities in Africa and elsewhere. Communities come together to hear from anyone who has been affected by a crime and to hear from the offender. A pattern typical of many such mechanisms has been summarised by Murithi (2000) as follows:

- Following presentation of evidence by witnesses, offenders are encouraged to accept responsibility for the offences committed.

- The offender is encouraged to repent and show remorsefulness.
- The offender is required to ask for forgiveness from the victim and the victim is expected to be merciful and forgive.
- Depending on the nature of the case, it is expected that the offender will pay compensation to the victim.
- There is a process of reconciliation between the representatives of the offender and the victim which involves drinking a bitter herb obtained from the oput tree to signify the effort made to restore harmony and social trust.

The parallels of these stages with Western restorative justice practice are obvious.

Restorative justice practices have been employed as part of transitional justice, to help a nation move out of war into peace e.g. the South African Truth and Reconciliation Commission, efforts in Sierra Leone. According to (Graybill 2017), "Ubuntu says I am human only because you are human. If I undermine your humanity, I dehumanize myself." He explains, "[i]n African traditional thought, the emphasis is on restoring evildoers to the community rather than on punishing them." In the case of Sierra Leone, Graybill (2017) documents the concurrent presence of two very different bodies geared towards achieving justice in the aftermath of the conflict: The Special Court (a war crimes court) and a Truth and Reconciliation Commission (TRC). Sierra Leone was the first post-conflict country to run two such institutions in parallel. Graybill found that among the populace the TRC resonated more positively than the Special Court.

The evidence, which she accumulated from oral interviews and polling data, suggests that this was due to the character and reach of Sierra Leonean religious and "traditional" values, resources, and approaches to conflict resolution, which aligned more with TRC ideals. That religious leaders – both Muslim and Christian – through the medium of the Inter-Religious Council (IRC) were particularly effective initially in helping to broker the peace, supports this because it points to the centrality of religious identity in Sierra Leone (Graybill 2017).

Retributive approaches emphasise punishment and prosecutions, and target perpetrators, whereas restorative approaches turn on sentiments such as reconciliation, forgiveness and healing, with reference to both perpetrators and

victims. Restorative justice focuses on the building of a sense of self- worth and personal responsibility among offenders, and often involves efforts to build or rebuild the relationship between offenders and their victims. The goal of restorative justice regarding offenders seems straightforward: to get offenders to accept responsibility for their actions and to make amends, and to reintegrate (or sometimes integrate for the first time) such offenders into the community of law-abiding citizens (Johnstone 2011: 79). However, the most significant and distinctive feature of restorative justice is to bring about social change and accountability in order determine whether or not reintegration into society will be successful.

2.5 Families and restorative justice

The primary goal for any restorative justice intervention is to repair, to the greatest extent possible, the harm caused to victims, offenders and communities who have been injured by crime (Johnstone and Van Ness 2011: 404). Research has indicated that restorative justice is effective in reducing recidivism rates. A study, based on 551 youth who were assigned to restorative justice or traditional court proceedings between 2000 and 2005, found that 40 percent of the juveniles committed a new offence within the average 3.5-year study period. Youth processed through juvenile courts re-offended nearly 50 percent of the time, while those in a minimal restorative justice educational program committed new offences only 31 percent of the time. More intensive restorative justice programs also had fewer new offences than juvenile court cases, including 24 percent for community panels, 27 percent for indirect mediation, and 33 percent for direct mediation (Houston 2016). Another strategy or approach that has been successful in reintegration is the programs that enable inmates to reconnect with their families who are the direct victims of an offenders' action.

Aloison and Lafleur (2013: 13) have put forward a family justice model with the following components:

- Resettlement plans must include a strategy for working with families, and address the impact of imprisonment on children

- The model taps the natural resources of families, the collective wisdom of communities, and the expertise of government to make families healthier and neighbourhoods safer
- It emerged as a leading national non-profit institution dedicated to developing innovative, cost effective solutions that benefit people at greatest risk of cycling in and out of the criminal justice system.
- It develops creative initiatives with a wide range of strategic partners, including government agencies and community- and faith-based organizations in fields such as criminal and juvenile justice
- It helps organizations work with families facing overlapping health issues and involvement in the criminal justice system or risk of such involvement

The restorative justice movement appears to be more theoretically firmed up now, more focused on holistic, system-level change, and to have much stronger support among senior governmental officials and justice personnel.

Grier (2015: xiii) mentioned that reintegrating is less difficult to face when there is encouragement and support from family and community members. Once they have been released, ex-offenders face numerous reentry challenges that include, but are not limited to, securing housing, finding employment, and reestablishing relationships with their families and in the community. Moreover, Grier noted that after prison the offenders' family members rejected and ostracized them, which made it difficult for them to readjust to life after imprisonment. In this regard, the participants mentioned that it is clear that many ex-offenders experience rejection by their family members and loved ones when reintegrating with them. This article builds upon existing notions of the use of theory in qualitative research that have primarily emphasized theory in understandings of methodology and epistemological dispositions by advocating for a clearer use of a theoretical framework. We synthesize previous literature to advance the idea that a strong theoretical framework can allow the researcher to reveal existing predispositions about a study and assist in data coding and interpretation (Collins and Stockton 2018: 1).

Hickox (2016: 41) agrees that historically, a majority of employers have refused to hire any ex-offenders, assuming that any crime is somehow related to any job. According to Adams, Chen and Chapman (2017: 30) sixty percent of employers are reluctant to hire ex-offenders, perceiving their convictions as indicators of their untrustworthiness. Persons with criminal records experience extreme difficulty obtaining employment due to the wide availability of criminal record information (Travis, Western and Redburn 2014 cited in Adams, Chen and Chapman 2017: 30). African communities which are characterized by close bonds between families noted that one of the greatest challenges they faced was the issue of mending broken relations with their family since they were depending on them for basic needs like shelter and food. In this regard, hindrances in securing employment due to stereotyping and generalization that ex-offenders are labelled as bad people. There is, therefore, an increasing number of unemployed ex-offenders which results in their families not accepting them.

2.6 Comparing retributive justice and restorative justice

Focusing on the differences between restorative justice and criminal justice can lead to the belief that we must choose one or the other (Newell 2007: 100). However, these two theories are strongly interrelated. Punishment alone is not effective in changing behaviour and is disruptive to community harmony and good relationships hence it deters crime in criminal justice and changes behaviour in restorative justice. Moreover, the focus of both theories might not be similar, yet they shelter holistic perspectives of the past and the future. Criminal justice focuses on establishing blame or guilt in the past while restorative justice focus on the problem of solving liabilities and obligations in the future (what should be done). Zehr (2000: 20) emphasises that interrelationships imply mutual obligations and responsibilities.

Zehr (2002: 89) has characterised the practice of restorative justice as a journey to belonging, with “the journey to belonging often [involving] a journey to identity — the two [being] deeply intertwined, like a double helix”. The journey to belonging is characterised by a number of legs: meaning, judgement, honour and vindication. Through this journey metaphor, Zehr challenges us to think more deeply about retribution and restoration. Both forms of justice can be understood as an interaction ritual, with the former often being a ritual of exclusion, in the name of security, and the

latter being a ritual of inclusion, in the name of harmony; yet, they also share the idea of vindication through reciprocity. We can also bridge the divide between retribution and restoration through the concept of ontological security, characterised as social and emotional security from within, nurtured through communal interaction rituals, which often include music and dance. Through these interaction rituals emerges a stronger sense of belonging, identity, and ultimately justice.

Expanding the use of restorative practices in the criminal justice system and building community support for those practices will be more effective if they are understood in the context of substantial social change that is reshaping many of our institutions. Drawing parallels between these changes and the restorative framework gives legitimacy and viability to restorative justice, and places restorative justice at the centre of some of the most hopeful (encouraging) changes occurring in our nation. It also assists those not in the criminal justice system in relating these changes to something familiar in their lives.

Retributive justice is a way of restoring justice through punishment, while restorative justice seeks to establish consensus among all those with a stake in a crime. These two systems are each influenced by a set of three questions, which form diametrically opposed pairs of questions. The questions in retributive justice are: What laws were broken? Who broke them? And what do they deserve? Restorative justice asks: Who was hurt? What are their needs? And whose obligations are these? (see Table 2.1 below). An analysis of these questions reveals that retributive justice is predominantly concerned with the laws broken and punishment for the offender. On the other hand, restorative justice focuses on the needs of the victims and making the offender meet them.

Table 2.1 Three different questions in restorative justice and retributive justice

Criminal Justice	Restorative Justice
What laws have been broken?	Who has been hurt?
Who did it?	What are their needs?
What do they deserve	Whose obligations are these?

Source: (Zehr 2000)

The equation for retributive justice is “original harm + punishment = harm doubled”, while for restorative justice it is: “original harm + restoration= harm reduced or repaired”. Their equations show that the use of punishment to address crime might yield more negatives, while use of restorative justice might bring healing. Zehr (1990: 95) observes that “punishment reduces offenders to be victims, while restorative justice elevates offenders to their previous status”.

Chapter 3 The South African Experience

3.1 Introduction

In this chapter, I will be discussing the South African justice approach looking at South African Criminal justice as essentially retributive both in terms of sentencing and in the way prisoners are treated when incarcerated. The rehabilitation process for offenders while incarcerated, its impact and effectiveness will be discussed. The policies implemented in the White Paper of the Department of Correctional Services, its practices, responsibilities towards families and effectiveness will be examined. Lastly, I will discuss alternative approaches used in correctional centres aligned with restorative justice, what they do and their implementation in terms of the rehabilitation process and aftercare of ex-offenders.

The South African criminal justice system sees the rehabilitation and reintegration of offenders as a collective responsibility of society (Chikadzi 2017: 6) and South Africa's *White Paper on Corrections* (Department of Correctional Services 2005: 85) emphasises that the successful rehabilitation and reintegration of offenders into society can only be made effective and meaningful by allowing the participation of multiple stakeholders. The department is cognisant of the fact that rehabilitation remains one of its most serious challenges.

The Department, together with different stakeholders like the police, the courts, communities, voluntary organisations and municipalities can intervene with great impact and facilitate successful rehabilitation and reintegration of offenders. In this regard, many institutions are keen to offer tremendous services on reintegration. However, there are some gaps and challenges regarding rehabilitation and reintegration that need to be strengthened.

Some scholars such as Wilkinson (2005: 70) note that as far as rehabilitation is concerned nothing works. Martinson (2001: 270) also claims that the rehabilitation approach is faulty and overlooks the normality of crime within the society. Though their research was done decades ago, even today the issue of rehabilitation and

reintegration is still a challenge. Moreover, this results in multiple challenges faced by offenders that drive them to resort to crime as a survival mechanism. Improvements and enhancements in rehabilitation and aftercare programming of offenders needs to be addressed so as to result in better outcomes, like reduction of recidivism.

In essence, rehabilitation signifies working with the offender to effect change and reintroduce the offender into the community, encourage law-abiding behaviour and prevent further engagement in criminal activities. It is necessary to know that rehabilitation is a process rather than a singular intervention. It is a process of support commencing during incarceration and continuing after release, which sometimes is referred to as “aftercare”. Rehabilitation resonates with the ability of an ex-offender to function within their family and society at large. Hence it requires partnership between the correctional system, the offender and the community.

3.2 The White Paper

The 2005 *White Paper on Corrections* aimed to give directions to the management and service provision of the Department over the next two decades and beyond. South Africa can be a peaceful place to live if the approach to rehabilitation and reintegration can be technically based on the conviction that every human being is capable of change and transformation if offered the opportunity and provided with the necessary resources.

This holistic approach to rehabilitation makes it much more than just an attempt to prevent crime; it is also a tool fabricating social responsibility, promoting social justice, and empowering offenders by equipping them with life- and other skills. According to the *White Paper on Corrections* (2005: 12) the Department is committed to rehabilitation and the prevention of repeated offending is the best achieved through corrections and development as opposed to punishment and treatment.

The Correctional Service Act no 111 of 1998 defines the purpose of the South African Correctional System, which is to contribute to maintaining and protecting a just, peaceful and safe society by:

- Enforcing sentences imposed by the court in a manner prescribed by the Act;
- Detaining all prisoners in safe custody whilst ensuring their human dignity, and
- Promoting the social responsibility and human development of all persons subject to community corrections (Section 2 of Correctional Service Act 111 of 1998).

The South African criminal justice system stands firmly within the retributive tradition notwithstanding the strong emphasis of the *White Paper on Corrections in South Africa* (2005) which recommends a change in the basic role of the Department of Correctional Services from incarceration to rehabilitation.

The Department of Correctional Services is guided by the Correctional Services Act 111 of 1998 and the *White Paper on Corrections* of 2005, which outlines the way ahead for the Department. The Correctional Services Act 111 of 1998 can be easily identified because of the following most important features which are different from those of the preceding Act (Department of Correctional Services, 2005b: 52):

- The inclusion of offenders' rights
- Specific recognition of the rights of children
- Clear policy regarding the use of force and separation of offenders
- Programmes for the development, treatment and support of offenders
- Promotion of community involvement in correctional matters
- Programmes of monitoring offenders after their release
- Promotion of partnership between the public and the private sector towards the development of correctional centres.

Muthaphuli (2008: 143) emphasises that to ensure the rehabilitation of offenders, the Department must determine the security classification, health needs, educational needs, social and psychological needs, religious needs, specific developmental needs, work allocation and offenders' needs regarding rehabilitation. The correctional centres must be aligned with the constitution, embracing rehabilitation in order for the offenders to return to society transformed and rehabilitated.

3.3 Rehabilitation in practice

The rehabilitation of offenders is one of the main objectives of the Department of Correctional Services in South Africa, yet this aspect is of primary concern to the community at large. The objectives of the rehabilitation process, as summarised in the *White Paper on Corrections in South Africa* focus firstly on correcting offending behaviour, secondly on enhancing human development, and thirdly on promoting social responsibility and positive social values amongst offenders (Republic of South Africa, Ministry for Correctional Services, 2005: 20). In this regard they no longer call the place of incarceration a jail or prison, but call it a rehabilitation centre.

According to Geldenhuys (2018: 26) South Africa has 243 correctional centres, including two private correctional centres, with a maximum of six social workers and one psychologist per centre. There are 241 active correctional centres across South Africa. Eight are for women only, while 13 are for youths and 129 are for men only. Ninety-one accommodate women in a section of the prison. The total capacity of prisons is 118 154 people, with 25 000 places being reserved for awaiting trial detainees (ATD) or remand offenders. The total prison population in 2014 was 154 648, of which 44 236 (31%) were ATD and 110 412 (69%) were sentenced offenders. Nationally, there is an overcrowding level of approximately 137 percent. This figure varies according to the number of offenders released (Singh 2016: 3).

As part of rehabilitation, offenders should be subjected to rehabilitation programmes, which should result in rehabilitation and successful re-integration into the community after release, according to the *White Paper on Corrections in South Africa* (Republic of South Africa, Ministry for Correctional Services, 2005: 62). Social workers form part of the team responsible for presenting rehabilitation programmes. Other team members include, firstly, professional correctional officials such as educationalists, psychologists and health care professionals, and secondly, the correctional officials, who include the heads of the centres, unit managers, case management supervisors, case administration officials, case officers, case intervention officials, spiritual care workers, safe custody officials and administrative officials.

Each DCS official, whether correctional or professional officials, regardless of his/her post, is regarded as a rehabilitator (Du Plessis and Lombard 2018: 482). The opportunities to intervene positively with social workers and psychologists reveal limitations to the correctional centres. There are too few social workers and psychologists to meet the needs, which means that their ability to spend time with and invest in single cases is extremely constrained. Further, they have a limited menu of remedial options to choose from, and long, complex therapeutic interventions for individual cases are unlikely to be feasible (Gould 2015: 56).

Offenders face a number of challenges upon release from prison and subsequent reintegration into the community. Often, offenders face issues related to lack of a family support system, employment, or housing and difficulties re-establishing a social life with peers. For a successful reintegration all these factors are essential. However, one major challenge facing offenders upon release is the lack of release preparation provided by the Department of Correctional Services. For a successful reintegration release planning is important because it provides the offenders with knowledge of what to expect upon release; it is impossible to isolate ex-offenders from the community for long period of time and expect them to require little to no help upon their release into the community. Most incarcerated offenders will eventually be released from custody and return to the community hoping to reintegrate with their families successfully, but after few months they return to prison because of the limited support for them to survive when entering the community.

The offenders have a tendency to have a high expectation of good family support and good relationships with their loved ones while still in prison. However, the expectation is not met resulting in relapse and recidivism. The findings also indicate that the family members experience hardship due to the harsh socio-economic environment that they live in (Andrews and Bonta 2010). The study was a decade ago but there are recent findings of ex-offenders experiencing similar problems of reintegration with their families since the families were not part of rehabilitation process.

Other studies examine formal support systems that provide assistance to family members of returning prisoners (Grier 2014: 143). The findings of the studies were that when family members were involved in the support system this results in a positive outcome and a decrease in substance abuse and psychosocial problems. However,

this study also found that the involvement of families in the rehabilitation process created additional strains on the family relationship.

Leaving prison may mark the end of a troubling period in an individual's life, but it is also the beginning of what may prove to be an even greater challenge regarding proper rehabilitation to successfully reintegrating with their families and into social environments. Though the length of time an ex-offender has served and the offences may vary, after serving time for committing an offense, they all face the stigma and challenges associated with the conviction for the remainder of their life (Grier 2015: 1).

The failure to provide the necessary release planning is the result of a severe lack of funding for rehabilitative programmes, and a lack of incentives for offenders to participate in them, meaning that fewer offenders leave prison having participated in programmes to address work, education and substance abuse deficiencies. Consequently, many offenders leave prison without the requisite preparation for a successful reintegration and for living their lives in the community. Reintegration literature has five important themes: a family support system, employment, substance abuse, housing and employment. Several authors argued that these are the most important and influential factors in determining whether or not an offender will succeed in their reintegration efforts once released from prison.

The majority of South Africans are familiar with what a correctional centre is and the challenges that come with it (Geldenhuys 2018:26). Although the purpose of the South African correctional system is not punishment, but the protection of the public, promotion of social responsibility and enhancing human development in order to prevent the rate of recidivism, the correctional population continues to escalate. Intervention methods that are used by Department of Correctional Services are structured using cognitive-behavioural interventions.

In this regard, the offenders are expected to discontinue from committing crime and the question is: will this be accomplished by learning new skills such as problem solving skills, anger management skills, improving the ability to communicate, changing attitudes etc.? However, the need for such programmes and support from the community for the successful reintegration of offenders cannot be disregarded. Whilst offender reintegration programmes may remain the most intensive and least

effective in reducing crime, this does not mean that efforts to promote reintegration should be abandoned (Muntingh 2008, cited in Singh 2016: 2).

Intervention efforts are more likely to succeed if they are based on a conceptual model of criminal behaviour that is both theoretically sound and has firm empirical support (Craig, Gannon and Louise 2014: 33). Whilst this is by no means the only theoretical option available, I will suggest a psychological intervention, treatment integrity and re-entry programme which will cover all aspects of life of the offenders, including his or her upbringing and stages of development. Re-entry programmes are typically divided into three phases: programmes that prepare offenders to re-enter society while they are in prison, programmes that connect ex-offenders with services immediately after they are released from prison, and programmes that provide long-term support and supervision for ex-offenders as they settle into communities permanently (James 2011: 1).

The rehabilitation model used by the DCS needs to be assessed in order to produce positive change brought about by subjecting offenders to particular interventions or programmes: with the right intervention, offenders can be brought into line with a law-abiding norm. Offender re-entry programs vary widely in range, scope, and methodology. The best-designed programs, according to the research in the field, are those that span all three phases. This will actually benefit the offender in understanding his or her behaviour to such an extent that the healing process will begin to lead automatically towards a journey of self-actualisation. Consequently, he or she will be able to commit to act differently and chances for a successful rehabilitation will be more likely to materialize.

3.4 Non-governmental efforts

Families play a crucial role and have the greatest impact in life of offenders in enabling them to cope with the challenges which come with prison life and the reintegration process. Therefore, non-profit organizations provide the best programmes of support, like family conferences to assist offenders to prepare and cope with whatever challenges will be experienced during their time in prison. The family conference mission is to reduce risks and trauma prisoners encounter in prison as well as

improving quality of life and strengthening family relationships in preparation for the reintegration process. This approach helps the offender make reparations to his or her community, usually through mediation, counselling, or conferencing. Restorative justice is considered a preventive approach based on the assumption that the crime's origins are a result of social conditions, and therefore the response to the crime must take into account the social context (Yuhase 2019: 1). In reality, families are the secondary victims, yet receive little or no support. In many cases some family members lack understanding and access to information about criminal justice systems, including their rights of visitation when their loved ones are incarcerated.

The alternatives must be built upon procedures of cases, as some cases need to be handled with careful safeguards, and that will give us direction in our journey of experimentation and exploration. Andrews and Bonta (2010: 50) agreed that through their sentencing powers, courts have a tremendous impact on offenders. Defreitas (2012) (not in your references) advises that if restorative justice can be mutually inclusive with our current criminal system – for example used by judges, courts and lawyers – we can reduce crime in our society and offer better outcome to clients.

In this regard, it can bring transforming of negative identity and taking appropriate accountability to the offenders. Defreitas further mentions that the continuation of being tough on crime and mass incarceration does not reduce crime but promotes crime. Liberty can be curtailed and treatment mandated. Judges can divert low-risk offenders from prison settings and thus minimize associations with higher-risk offenders. Although we all know that offenders need to account for their actions, that accountability should be a step towards change and a community sense of wholeness.

3.4.1 NICRO

The South African National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) currently operates a wide variety of services and programmes to those in need.. Nicro is a national non-profit organisation which regards crime as a threat to democracy and individual rights. They develop an approach called people-centred development and offer services to victims, offenders and communities to strengthen a human rights culture and a safer South Africa.

The diversion it has provided has a very high success rate in preventing re-offending, and reintegrating children into their families and communities. In this regard, there are five diversion programmes from all nine different provinces which are as follows:

- The Youth Empowerment Scheme (YES)
- Pre-Trial Community Services (PTCS), in terms of which the offender performs community services at a non-profit organisation
- Victim-Offender Mediation (VOM) in which the victim and offender meet and work out a mutually acceptable agreement
- Family Group Conferences, which are similar to VOM, except they involve the families of victims and the offender in the process
- The Journey, aimed at high-risk children and which involves life-skills training amongst other things.

The core of the organisation's diversion programmes is an attempt to channel people away from crime, which will result in reducing recidivism. There is a procedure that is followed for the offender get into a NICRO programme. Social workers or psychologists are the people who made referrals after assessment, if the offender is deemed suitable for attending programmes. They monitor the progress and give feedback prior to the offender being granted parole or reintegrated into society.

The organisation basically equips the clients referred with skills preparing them for the outside world. Furthermore, NICRO also offers adult life skills programmes, substance abuse programmes, and anger management for those who have addiction problems and those who have been incarcerated for driving under the influence. There are other interventions that are offered by NICRO like counselling and restorative justice programmes, where they try to resolve family issues peacefully by mediation.

NICRO has been highly recommended and recognized by different stakeholders in rehabilitation as contributing appropriate intervention in supporting offenders to reintegrate and offering after care programmes for a successful social relation to build resilient and secure societies. In addition, regarding the mediation perspective, more organisations are needed in bringing positive outcomes towards recidivism. This will contribute to establishing less re-offending, promoting successful reintegration and improving best interests in both the victim and the perpetrator.

3.4.2 Khulisa

Khulisa is an organisation that basically works with young people in schools, prisons and in the community. It has 31 offices nationally and employs 250 staff working in at least 100 rural areas around the country. Over the past 12 months the organisation has partnered with 188 non-governmental organisations (NGOs) nationally and has reached 493 046 youth through multiple programmes (Nzula 2017: 72). The primary objective of the organisation is to help youth understand and tackle the root-cause of their violent and anti-social behaviours. This is done by placing wellbeing at the heart of rehabilitation and providing intensive therapeutic support and mentoring that builds self-awareness and emotional resilience.

The key value of Khulisa is to guide by restoring empathy, self-belief and self-worth in human behaviour, to nurture by believing all people can grow, to restore by enabling people to have an equal value and by building trust and aspiration. The functional strategy of the organisation is firmly based on various scientific methodologies identifying the true needs of the community and while doing so, with inputs from the community itself, assessing the opportunities for grass roots-level development to address such needs.

The mission statement of the organisation is “to provide support and developmental know-how to address social vulnerabilities, inequalities through key community level partnerships and initiatives that quantifiably demonstrate social impact.” In that regard they also want to reduce the prison population with the acknowledgement that ex-offenders need more compassion and understanding from the criminal justice system perspective.

Most of the programmes that are focusing on the re-entry of offenders into the society address the challenges beginning from where the offender was incarcerated and follow through to those initial hours where the offender is about to be released, as well as after care programmes to get their lives back on track. The Khulisa organisation empowers the offenders with skills from plumbing and welding to culinary art.

It is anticipated that Khulisa’s integrated systemic collaborative-based Restorative Justice Model (JARP) will soon be introduced in the UK. Khulisa embraces the

opportunity to work with all NGOs in the country, believing that with a symbiotic like-minded approach the needs of the government can be addressed, resulting in sustainable collaborative needs-driven grass roots capacity-building processes.

3.4.3 Phoenix Zululand

Phoenix Zululand is a non-profit organisation that promotes connection and repairing broken relationships between the offenders and their families. The organisation was established in 2003 with the aim of providing the Department of Correctional services with tried and tested programmes to help inmates preparing for re-integration into the family, community and society. The name derives from the symbolic appropriateness of the myth from ancient times of the bird that dies in a fire by its own act and then rises again from the ashes. Phoenix Zululand is currently registered as a non-profit organization with the Directorate for Non-profit Organizations. They also provide programme support to victims of offences to strengthen the DCS's mandate to provide victim-offender dialogue processes. Over the years, the organisation has developed a strong partnership with the Department of Correctional Services in strengthening their prisoner rehabilitation capacities, and in modelling processes of healing through restorative justice (Argall 2018: 5).

There is far more evidence for the work done by Phoenix Zululand (PZ) complementing the restorative justice system, with more positive results, than there has been for most innovations in criminal justice that have been rolled out across the country. The bottom-up approach of restorative justice mainly concerns the offenders taking action for his/her wrong behaviour, showing remorse to the perpetrator and the victim, committing to act differently, making reparation or amendments of relationship and the community accepting the person back to the society. It is obvious to the extent that the motivation and organisation for restorative justice come from the justice system, that this is also true for restorative justice. In another study of the PZ programme by McAree (2011: 38) one participant reported that "Phoenix made me feel important". In Lushaba & Shandu's (n.d: 7) study, participants expressed similar sentiments. When asked about the impact of the programme in his life, one participant said he had become resilient against prison stigma.

In addition, the study revealed that ex-offenders got a chance to ask for and receive forgiveness through the PZ programme. The focus of the organisation is on education for social transformation with an aim to promote restorative justice, prevent recidivism, and prepare the ground for victim-offender dialogue and moral regeneration with life skills training aiming to promote prisoners' rehabilitation. The principal aim of Phoenix Zululand's restorative justice work, it should be noted, is to build self-worth and personal responsibility among offenders and to enhance their relationship with their families.

The above statements indicate that the PZ programme's impact is in assisting the offenders to gain self-confidence, self-esteem and conflict resolution skills, the implication being that forgiveness may result in healing, which could thus break the cycle of violence. The programme has seen prisoners reintegrated into their families and making promises to change future behaviour. Furthermore, giving the ex-offenders opportunities for proper rehabilitation will result in successful reintegration with their families and societies. This is seen as a demonstration of their commitment to change their way of life, and has the potential to reduce their chances of reoffending.

Harris (2013: 16) and McAree (2011: 37) observe that the programme's impact is also seen in the reduction of recidivism, although there are no statistics to back the claim. There are two core programmes that are implemented by PZ, called "Phoenix Rising" and "Conversation in Families" aiming at mending broken relationships between offenders and families. According to Harris (2014: 7), there are also strong indications that the benefits of the training continued when the prisoners were released and resulted in significant reductions in reoffending. He further mentions that family conversation has a positive contribution in equipping inmates with anger management skills and non-violent conflict-resolution skills, helping them to take responsibility for their actions, enhancing their self-worth and taking them back to their childhood pro-social behaviour.

The conference process empowers families to work on their relationships and build internal resources that, with support from the community, assist with accomplishment of the family group conference plan. A case study from Phoenix Zululand illustrates the complexity of prisoner-family relationships (Lushaba 2017: 5). Deep divisions were evident between family members: the inmate, his son aged 24 (aged 4 at the time the

offence was committed), and the inmate's sister. The son of the offender believed his father when he (the father) denied committing the offence. This deep-seated conflict led the Department of Correctional Services to appoint a pastor and psychologist to intervene in the matter until a level of understanding was reached. Newell (2007: 52) emphasises that restorative justice is concerned with the preservation and restoration of relationships both at individual and community level.

According to Harris (2013: 9), participants valued the role played by the PZ programme during and after their prison experience. He indicates that many respondents emphasised one or more of the following:

- Controlling their anger and dealing with conflicts well when they occur.
- Taking responsibility for their behaviour,
- Having self-confidence and an enhanced willingness to speak.
- Remembering the respectful behaviour they had learned from their families and communities but had gone away from.

3.4 Summary and Conclusions

This chapter presented the South African experience regarding rehabilitation with after-care of ex-offenders. Rehabilitation and reintegration of prisoners seems to be insignificant, which might be one of the problems contributing to high levels of reoffending. In addition, the retributive system used in South Africa, like in most parts of the world, does not seem to be effective in reducing recidivism. Non-governmental organisations play a major role in enhancing government's rehabilitation efforts so that they will result in successful reintegration. Therefore, one of the aims of this research was to enhance the rehabilitation work with ex-prisoners.

Chapter 4 Research Methods

4.1 Introduction

This research is an exploratory study aimed at understanding issues and challenges affecting the reintegration of ex-offenders with particular reference to their families. The research examined the reintegration experience of a sample of ex-offenders. This chapter outlines the research design, research methodology, process of data collection, data analysis, issues of validity and reliability and the limitations and delimitations of the study.

4.2 Research design

Research design is the plan for an entire qualitative research project with its framework that has been created to seek answers to research questions. Blaikie and Priest (2019) describe research design as an integrated statement of, and justification for, the technical decisions involved in planning a research project. It provides a road map with regards what the researcher intended to do and when for the entire research project.

This research study follows a qualitative exploratory tradition to explore different versions of participants' perceptions and experiences of ex-offenders reintegrating with their families. A qualitative, exploratory, descriptive and contextual design was followed to explore challenges and experiences of the ex-offenders with particular respect to their families.

An ethnological design was chosen in order to understand socio-cultural challenges and experiences in ex-offenders' experiences regarding reintegrating with their families over a year following their release. I spent over the period of eight months with my population visiting their homes and work places; listening and observing with a goal to understand behaviour on their individual terms not mine. Ethnology helps to bring about the individual's constitution of his or her life-world and how the person experiences his or her world. The ethnological research method was used to conduct this study as it provides the opportunity for the ex-offenders to share their lived

experiences and challenges with the researcher, without imposing the views of the researcher. Ethnology helps to bring about positive change in the lives of the ex-offenders with some strategies to cope with their challenges toward positive change.

Lecompton and Schensul (1999) have summarised the characteristics of ethnography design as scientific inquiry with a commitment to producing a story about events as they occur in their natural setting. Ethnography requires the researcher to become intimately involved with the participants in a natural setting, and to build trust between the researcher and the participants. This process will not happen overnight; it takes time considerable effort and genuine interest on the part of the researcher, particularly given the difficult life experiences of the participants.

4.3 Research methodology

The way in which the research problem is defined and understood will lead to particular choices regarding whether to use a qualitative, quantitative or mixed method design (Davis and Hughes 2014: 9). Creswell (2013:4) describes qualitative research as an approach that seeks to explore the meaning people ascribe to social problems. This study sought to uncover the experiences of a small number of ex-offenders as recipients in the participants' "natural settings".

Qualitative research emphasises the dynamic, holistic and individual aspects of the human experience and attempts to capture those experiences in their completeness within the context of those experiencing them. Through this approach, it was possible for the researcher to deeply engage and interact with ex-offenders with particular respect to their families. As a result, rich data was generated on the experiences and challenges of ex-offenders with their families in their journey towards rebuilding their relationship and achieving reintegration.

4.4 Sampling

A sample can be defined as a group or relatively smaller number of people selected from a population for investigation purposes (Alvi 2016). A purposive sampling method with snowballing sampling was used in the study. Purposive sampling requires selecting participants who are knowledgeable with experience of the situation. I

selected the participants from the list of ex-offenders who attended the programme offered by Phoenix Zululand while serving their sentence. Some additional participants were recruited as a result of being referred by the initial participants.

The sample size was eight ex-offender participants, together with their families. No language barriers were experienced during the data collection process as all participants were able to express themselves in isiZulu, their home language. Participants would occasionally express some terms in *Tsotsi Taal* and then translate it to English themselves with the help of the coordinator.

The sample method was a combination of purposive and snowballing sampling as mentioned above. The entire study consisted of eight participants: four females and four males. All the participants are ex-offenders, which means they had finished their prison sentence. The selection criteria were from those participants who had committed serious crime and minor crime. Participants were within the age range of 31 and 47 and their marital status consisted of two married and six single participants during data collection. Three participants were living with parents and siblings, two were living with their children, one was living with siblings and two were living on their own. It was also noted that no male participants had children except for the one who was married at the time of his arrest. Participants were selected from the list of ex-offenders who were part of the Phoenix Zululand programme. **Table 4.1** below represents information regarding participants and their families.

Table 4.1 Key information about participants

Name of participants	Gender	Time in prison	Age	Crime committed	Marital status	Type of family	Dependents	Attended Phoenix Zululand programme
Cindy	Female	10yrs.	37	Murder and attempted murder	Life partner	No traces of family, living with her partner prior her arrest	2 deceased Only 11 yr.-old alive	Yes

Samantha	Female	7yrs.	40	Murder	Married	Living with her daughter	15 yrs	Yes
Thando	Female	5yrs.	37	Fraud and shoplifting	Single	Living with her children	7 yrs and 9 yrs. (boys)	Yes
Nelly	Female	5yrs.	31	Murder	Single	Family with siblings	1 boy & 1 girl	Yes
Peter	Male	9yrs.	35	Armed robbery and attempted murder	Single	Parents deceased, living with siblings	None	Yes
John	Male	17yrs.	36	Cash heist robbery	Single	Living with parents and siblings	None	Yes
Nimrod	Male	5yrs.	46	Armed robbery	Single	Family deceased while in prison	None	No
Charles	Male	6yrs.	47	Attempted murder	Married	Living with parents and siblings	11 yrs.girl 8 yrs. boy 5 yrs.girl 3 yrs.boy	No

4.5 Data collection methods

In-depth interviews with a semi-structured interview schedule (included as Appendix C) were conducted to expose the emotions, thoughts and beliefs of participants. These face-to-face interactions with participants in a safe, conducive environment using their own language allowed them to freely express themselves. The collection of data was not limited to the available questions; I used the skill of self-determination to allow the participants to lead the interview as they wished and so bring out their own life's experiences. With the consent of participants, a digital audio recorder from my cell phone was used to record the interviews. The device allowed me as the researcher to

capture information and engage in the interview fully without reservation. I used the skill of summarising and paraphrasing to guide and redirect throughout the process.

Data was collected during meeting with the participants from focus group discussions, individual interviews and via a WhatsApp group. In-depth face-to-face interviews were conducted based on the premise that these provide a platform to engage in rich detail on the knowledge and experiences acquired by the participants in their day to day lives. Face-to-face interviews provide a platform for immediate clarification and probing into participant responses which forms the core of qualitative inquiry. In this regard, face-to-face interviews allowed the researcher to explore how participants reached the opinions and assumptions they held, thus giving the researcher a better understanding of the information acquired.

I collected data from a sample of four male ex-offenders and four female ex-offenders aged 32 to 47 years old from Durban and surroundings who were part of the Phoenix Zululand programme (see section 3.3) while incarcerated. I collected data between 9 April 2019 and 9 August 2019 as well as via a WhatsApp group that was created with consent of the participants. A questionnaire included in Appendix B asked a series of questions concerning the respondents' challenges in reintegrating with their families. A prior meeting on the 12 March 2019 at Durban central in one of the coffee shop with a female ex-offender who assisted in coordinating and who was also a facilitator helped to refine the questionnaire.

The survey with interview was supplemented by focus group discussions (FGDs) with ex-offender's families' on the 9 August 2019. The purpose of the meeting was to learn more about the challenges to intervention and mediation in reuniting broken relationships from the family's perspectives. The FGD questions are included in Appendix E.

Data from WhatsApp group discussions was used in improving understanding of the issues raised previously and to allow participants to freely empower each other during the process. This method became useful to the me as well as the participants as it saved money and time. The means of communication has improved over time according to the state of and developments in technology. Therefore, the process of transferring data, such as audio, video and images, from one individual to another has grown beyond texting and has evolved to enable the transmission of media – not only

between two individuals, but also in a group where a huge number of people can interact and have a chance to connect worldwide. WhatsApp is one such application, which is used widely for transferring media, text, and files as well as for audio calling. WhatsApp is one of the best communication platforms whose pros and cons are decided by the users themselves (Patil 2016).

All the discussions were saved and secured on the device. I also wrote down some of the discussions in case the device was lost before analysing. The participants expressed themselves freely and used some memes during their discussions as a sign of enjoying the discussions. I noted some of the discussions developed into friendships (see examples of WhatsApp conversations below). I found the use of the WhatsApp communication platform accommodating both the participants and myself during the data collection process. It provides an easy and safe way to communicate with the participants guided by the participants' availability. It saves us money, and shares live location with video calling and voice call support to communicate with the participants. Silverman mentioned (2006:47) that a challenge to the reliability of using transcripts from video or audio-recorded interviews is that transcriptions do not convey participants' facial expressions or body language. In consideration of the above, I ensured that I took notes when interviewing participants. Further, I took notes from the coordinator for conflicting body language or facial expressions and probed into statements that contradicted with the body language displayed. I paid close attention to the tone and terminology used by the participants when analysing the data collected.

Follow-up was carried out six months after the date of the first interviews. The purpose was to draw some insight into what works better or worse in the lives of the participants compared with six months earlier. New themes that emerged during their discussions were noted. It is important to say that the informal exchanges outside the formal data collection process also provided important insights.

All the interviews were conducted in isiZulu which was an advantage for the participants, since it was their home language and helped them to easily express themselves using idioms. However, it required translation before transcribing what the participants shared during interviews. I treated all the participants with respect from the beginning until the end of the interviews. Given my professional background as

social worker it was an advantage to use skills like listening (verbal and non-verbal), summarising and paraphrasing in our face-to-face interviews. However, I did not show an position towards the participants to talk freely about their experience.

On 12 March 2019, I first met with my assistant, Bathabile, a former facilitator for Phoenix Zululand and ex-offender. We refined the questionnaire, planned for the interviews and arranged the first group meeting.

Our first meeting was on the 9 April 2019 with the purpose of getting to know all the participants and building relationship with them. I firstly created a safe environment in which they could express themselves freely. I introduced myself and explained to the participants that the research was prompted by the challenges that they faced when reintegrating, in particularly with their families. Furthermore, I discussed the ethics of the study, assuring confidentiality and that their names would not be used in any way in the study.

I asked permission to record using my cell phone device during our interviews. I found participants transparent and willing to disclose information. I also communicated both verbally and non-verbally to the participants as they were introducing themselves. The atmosphere was conducive as the participants were so active and enthusiastic to share their experiences.

This is a stage where the participants reveal their level of emotion, the way in which they organize their world of experience with their thoughts about what is happening, and their basic perceptions. There was no tension noted in this stage. However, not all the participants invited attended our first meeting, mostly because of the cost of travel. We also worked on the up-coming interviews. We discussed their availability for the interviews as well as the affordability of our upcoming meeting. Even though I told them that I would reimburse their taxi fare, the challenge was that at times they wouldn't have the money to arrive to the venue. We then opted to buy data bundles and communicated via WhatsApp. That was when the WhatsApp group was created.

From 14th April till the 9 August, our WhatsApp group was active. We had eight members in our group with the purpose of sharing challenges and experiences when reuniting with their families and ways of coping with reintegration challenges. Participants connected very well via this method.

I learned that one of the participants needed special attention and I asked to communicate with him on his inbox. We arranged to meet with his family and his in-laws, the purpose being for the family members to share their side of the story order to mend broken relationship between the in-laws and children.

Between September and October 2019 I revisited the participants to follow up on what had happened during this period. I had planned to have both a FGD and individual interviews with the participants to revisit themes that had emerged previously and to see if things had improved in their lives compared with six months before. I wanted to learn more about their personal strength and suggestions, in particular about coping mechanisms regarding being an offender. However, I was unable to meet with all the participants at the same time. They explained that they are busy during the day as they have opened up their own businesses.

The participants opted to continue using WhatsApp. The communication was flowing very well. When I noticed the need of using the inbox I asked that particular participant to communicate privately. I was so impressed during their conversation when I learned that they were empowering one another to start up their own businesses. I continued listening and observing different social media language like LOL (laugh out loud), WUD (what are you doing), Tnx (thanks), and L8 (late). Others used emoji's when they wished to demonstrate some feelings at that particular moment (**see appendix G**). See **Table 4.2** below for a data collection overview. Our discussions helped me a great deal to learn some of the words that I did not know about. Overall I enjoyed the journey and gained a lot of insight conducting research using a social media platform.

Table 4.2 Data collection table

Date	Name of the participant	Venue	Purpose of the meeting
12 March 2019	Bathabile (Coordinator)	Durban University of Technology	Refining the questionnaire Planning for interviews

09 April 2019	Cindy Samantha Thando Nelly Peter John Nimrod	DUT Boardroom	Introductory phase Getting to know each other Building relationship Discussing ethics of the study Brief introduction of each participants
14 April 2019- August 2019	Cindy Samantha Thando Nelly Peter John Nimrod Charles	WhatsApp group Inbox (Individual interview)	Sharing their challenges and experiences when reuniting with their families Coping strategies
15 June 2019	Charles Charles parents	Inanda (Charles family)	Getting to know the family Sharing their side of the story Setting up date to meet with other family
17 June 2019	Mrs S family Charles family Charles	Nyoni (Camperdown) (Mrs S' home)	Learning about their challenges Intervention Mediation Reuniting broken relationships
September 2019- October 2019	Cindy Samantha Thando Nelly Peter John Nimrod Charles	WhatsApp group Discussions	Whether their families were able to forgive them Revising stigma, that they mentioned before Better things in their life compared with six months ago Source of their personal strength

			Suggestions – in particular with coping mechanisms regarding being an ex-offender
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4.6 Data analysis

Mouton (1996:161) defines analysis as the “resolution of a complex whole into its parts”. In this regard, data analysis can be understood as the scrutiny of an array of information so as to bring about a comprehensible arrangement of specific variables. An eight-step data analysis method as adopted from Tesch (cited in Creswell, 2009:186) was implemented. The steps are as follows:

Step one: The researcher went through all the gathered data so as to get an in-depth understanding of the scripts. The researcher had structured the questions using the data collection tool that was mentioned earlier in a manner that would allow for data analysis to be guided. The analysis was centred around the different sections of the questions on shelter, food, healthcare and employment as per the purpose of the study.

Step two: Moving one script at a time, the researcher listed topics that came to mind in the margins as the script was being read. With these guided sections, the identification of the emerging themes became easier.

Step three: After going through several scripts, the researcher made a list of all identified topics using one column for each script on a single sheet. All columns were then compared to each other and thereafter, similar topics were grouped together. They were divided into columns with headings that represented major topics, unique topics and additional topics.

Step four: In this step, the identified topics were abbreviated into codes. Thereafter the researcher went through each script and placed the abbreviations next to each appropriate section. In addition, the researcher was also looking for new emerging topics that were not necessarily within the scope of the identified topics under investigation. The emerging topics of issues of stigma, abandonment and rejection, and coming of age were areas that the researcher had not anticipated but which were

communicated by the participants. The emerging of such new topics called for noting down of ideas that were needed, which are referred to as analytic memos and which Tesch (1992:142-145) highlights as necessary.

Step five: The researcher then found the most descriptive words to use as topics for categories and grouping those that were related. In the same process, the researcher looked for sub-categories as guided by Tesch (1992:142-145) who states that the group should be between 20 and 50 categories.

Step six: Final decisions on abbreviations were made for each category and were placed in alphabetical order to avoid duplication and to identify any repetition of abbreviations.

Step seven: All data falling into each category were placed together and a primary assessment was done by looking at all data under each category separately. Research questions were being used as guidelines to help discard unrelated information.

Step eight: Where the researcher saw fit, data was recorded so as to ensure clear analysis of the same dataset.

4.7 Validity and reliability

Validity and reliability are crucial elements in research work as they point to the strategies that can be established to check for accuracy and stability of the research findings (Moyo 2016: 125). Reliability refers to the consistency or stability of the results and requires strict attention to accuracy in recording the results and in the definitions used which, states Creswell (2014: 203), can “drift” over time.

Validity, on the other hand, is aimed at ensuring that the instrument of measurement has tapped the concept it sets out to measure by including an adequate representation of items that operationalize the concept (content validity), differentiates items on an adequate criterion (criterion-related validity) and ensures that the measure used fits around the theories for which the test is created (Dikko 2016: 521). In this study validity is measured by the extent to which the analysis reflects what was said by the participants and by identifying the structure concerning the discourse under

investigation. The overall concern is with ensuring the trustworthiness of the data and its interpretation.

Moyo (2016) mentions that validity and reliability in qualitative research could be difficult to ascertain, owing to the fact that human experiences can change with or without interventions made. In the study there were interventions made by the researcher presented in the case study and change was made. The researcher intervened in the family issue at the request of the participants and the outcome was positive. However, some of the change occurs without any intervention being made.

In qualitative research, the accuracy of the findings is validated in other ways, typically by using several data collection methods, the results of which are compared with each other. If these methods produce the same results, the researcher can be more confident about the results. The use of more than one method is termed triangulation. In addition, Creswell (2013: 201-203) lists a further eight validity strategies, namely: triangulate different data sources; use member checking; use rich, thick description; clarify the bias; present negative or discrepant information; spend prolonged time in the field; and use peer debriefing and use external auditors.

Three of these strategies were used in this present study, namely checking results and interpretations with the participants, involving other peers in the collection and analysis of the data, and presenting discrepant information. I collected data six months after the initial interviews to check if the participants were still experiencing similar challenges as well as consistency in rebuilding relationships with their families. For reliability, I adhered to Creswell's suggestion that a researcher needs to document the processes of her findings in great detail.

4.8 Ethical considerations

In the context of research activity, the principle of respect for persons is frequently articulated in terms of rights – both rights to autonomous participation and welfare rights – that is, the right to have one's support and protection needs respected (Scott 2013: 4). Some such rights are the following:

- The right not to be injured or mistreated

- The right to give informed, un-coerced consent to participate in the particular piece of research
- The right to privacy, confidentiality and/or anonymity

These are in line with the ethical guidelines of the Durban University of Technology. Informed consent explained during the informational stage prior to the participant's interviews. Participants were reminded about the process of informed consent and this was reviewed with the participants regarding their rights to participate in the study. Moreover, each participant was asked to sign an informed consent form with the explanation that they had a right to withdraw from the project at any given time. Throughout all the stages I created a safe and conducive environment for the participants to freely explore their experiences. Consistent observation was useful with attentive listening, assisted by the coordinator, to avoid issues that were seen as sensitive (though it was a bit challenging because of the nature of the participants). It was also important regarding referral for proper intervention for counselling.

Confidentiality and anonymity were ensured regarding the identities of the participants during the whole process and pseudonyms are used in my study and during publication. Data was also kept safe by locking it in a safe space and destroying the tapes on completion of the study.

Raw data will be protected and no unauthorised person will have access to the data. The researcher always maintains privacy regarding the matters communicated by the participants to protect their beliefs, feelings and emotions. No names have been linked to data during reporting.

4.9 Delimitations, limitations and challenges

Delimitations are characteristics that limit the scope and define the boundaries of the study, including the choice of objectives, the research questions, theoretical perspectives and the population you chose to investigate. This study used non-probability sampling procedures, for example, and thus can make no general claims about the findings. Limitations refer to issues that are out of the researcher's control, including obtaining permission to conduct meetings in a safe environment as well as taxi fare for all the participants, since none of them were employed. Interesting insights

were obtained by asking for related words or phrases in IsiZulu from the jargon that is used by ex-offenders. The dual process compelled the involvement of a coordinator as an assistant helping to record verbal responses of the participants, observing non-verbal communication during the interviews and keeping an eye on those who might be distracted or not understanding the question. The challenges of the dual role of interviewing and collecting research data meant that I inevitably missed hearing important data at the time. However, I was able to catch up with some of their conversation on the WhatsApp group that we created as we continued chatting on a daily basis.

4.10 Conclusion

This chapter has provided an overview of the research process. The ex-offender who was also a facilitator at Phoenix Zululand coordinated all the meetings with success. I experienced some challenges during conducting interviews. I planned to conduct individual interviews and focus group discussions, and to host a family conference, but the participants were not available as they were busy improving their lives. Guided by research ethics, there was no way I could force the participants to come for the interviews. Instead, I agreed to continue on WhatsApp as they requested. I was very impressed by how they continued supporting each other and referring one other to their business contacts.

Chapter 5 Data analysis

5.1 Introduction

In this chapter, I will report on and analyze the early rehabilitation experiences of a small number of ex-offenders, most of whom went through the Phoenix Zululand program while they were in prison. The steps of analysis, according to Braun and Clarke (2008:16), are to familiarize yourself with the data, generate initial codes and collate data, search for themes, review themes and create a thematic map, define and name the overall theme of the story and produce the report using selected extracts. The procedure has been discussed in detail in section 4.6.

Firstly, written summaries of the full interview transcripts were completed by the researcher to capture the main topics across each interviewee. These summaries varied in length and were checked to ensure they correctly captured the detail covered by the applicable interview. These summaries were used to identify themes by coding each transcribed interview systematically into a range of broad categories and then dividing these into subcategories based on the objectives of the study. Merriam and Tisdell (2018: 7) state that "when it comes to coding and analyzing, the connections between the theoretical framework need to be explicit."

Several strategies were employed to enhance the validity and reliability of the coding and hence the resulting analysis. In particular, I checked with participants on a number of occasions concerning the themes and sub-themes, bearing in mind that some interviewees had intimate knowledge of certain issues that other interviewees lacked. One way to accomplish this was to list predetermined codes in the analysis section and clarify for the reader how these codes were generated as a deductive analytic strategy.

5.2 Key objectives of the study

The main aim of the study (see section 1.3) was to explore challenges in the reintegration of ex-offenders, in general and particularly with respect to their families.

The key objectives of the study sought to capture this aim. I used the objectives in identifying the themes that emerged from the interviews conducted with the ex-offenders and their families. **Table 5.1** below presents the study objectives and key themes identified from the interviews with ex-offenders.

Table 5.1 Study objectives and identified themes

Objectives	Theme identified
1. <i>To identify the specific challenges faced by a sample of ex-offenders both in general and with particular respect to their families during the first year after release.</i>	1. Feeling rejected and abandoned by their families 2. Stigma 3. Relationship breakup 4. Guilt
2. <i>To examine the strategies ex-offenders use to handle such challenges and to assess how effective they are.</i>	1. Accepting oneself 2. Taking responsibility 3. Forgiving oneself, asking forgiveness from others

The study was guided by two objectives, and seven major themes were identified to offer a logical presentation of the challenges faced by ex-offenders and the strategies they used to deal with them. I interviewed eight participants (**see Table 4.1** for details on each participant). The sample comprised eight ex-offenders, most of whom had gone through the Phoenix Zululand program while in prison, along with family members who had attended family conferences conducted by Phoenix Zululand prior to the release of their ex-offender family member (see section 4.1).

5.2 Challenges faced by ex-offenders

The research sought to understand the experiences of ex-offenders regarding challenges during their first year after release. To this end, interviews were done individually in order for the participants to freely share their experiences. Establishing a good relationship with ex-offenders and creating a safe and conducive environment

while doing my interviews was important in influencing them to explore their experiences further (see section 4.5).

They mentioned leaving prison after long sentences and being thrown back into a drastically changed society with little or no social or financial support. They further stated that family members often do not know how to help returning prisoners go back to their lives and rebuild relationships with children. The most vulnerable time after imprisonment is their first year. They need to find a way to survive as well as to take care of their families. They must also cope with people's mistrust of them.

5.2.1 Feeling rejected and abandoned by their families

I allowed ex-offenders the opportunity to speak to their personal experience of criminal behaviour, affording them the chance to share their personal experiences. I used the ex-offenders own words and then reflected on them. Five of the eight participants felt rejected and abandoned by their families during their first year after release.

It was very hard during my first year out of prison. I was hoping they will come and visit me but none of them come except my brother. I am coming from a very big family and both my parents passed on. However, before I got arrested they used love me and take care of me but when I came out things changed drastically. They locked all their rooms before they left in the morning and didn't even bother to leave money to buy bread. (Peter)

The father of my children was my only hope when I came out of prison. I found out that he has moved on with his life when I came out of prison. I tried to contact him and ask for forgiveness but he treated me like trash and even didn't allow me near my children as they are staying with his mother. His mother threatened me with dogs when I tried to visit my children telling me I must never set my foot in her house ever again (Thando).

My family only visited me twice during my arrest. Things are not the same at home comparing now and prior to my arrest. Even if I'm around them at times they don't even acknowledge my presence (Nelly).

I do want to earn back their trust, care, and kindness. I want to be the daughter that makes them proud. But when I act sometimes I wish they could see right through my heart how sorry I am (Thando).

Most of ex-offenders did not feel love and support from their families in the reintegration process. They felt unfit to be around their loved ones and families. They felt they needed to distance themselves from their families and try to rebuild their own lives independently. Their families gave them the cold shoulder. However, a minority received the support of their families. John, for example, mentioned that his family had been very supportive towards him after his arrest and throughout his imprisonment and that was also the case for his younger sister. Peter was hoping for and expecting support from his family as he comes from a very big family, but only one family member supported him in prison. Getting support from their families while in prison was important to all the participants.

The ex-offenders spoke of the difficulty of rebuilding trust once it had been lost. Many of the participants mentioned that they were disappointed in their families and were not sure on how much they should trust them. They were sorry for what had happened and for the resulting uncertainty and anxiety to their families regarding how much they should trust them. Past disappointment and betrayal, they said, is the root cause of mistrust. This may escalate to negative feelings for family members and self-doubt for the participants. It was evident that participants experienced mistrust from the people from whom they expected love and support, and that was very disappointing to them.

Families stated that they couldn't visit their family member in prison due to expensive travelling costs. They also mentioned that they had been left with the extra responsibility of taking care of children in the absence of the children's parents who were in prison. Families carried extra burdens as a result of imprisonment. The one participant who attended the conference with his family is the one who in actual fact had a very good support structure from his family prior to and after his incarceration. Therefore, he was welcomed with open arms and all his family accepted him.

I also noted that participants who still have biological parents living had better family support than those who had been brought up by members of the extended family. For this minority, familial attachments during their prison sentence had been crucial for managing the pressures of prison life and providing hope for when they were released.

This support had continued after release. The family conference had reinforced their commitments to their family members while in prison and after their release. We can never underestimate family support to the ex-offenders while serving their sentences. It improves feelings of belonging, provides a listening ear when needed and support in both the practical and emotional aspects of their lives.

5.2.2 Stigma

Stigma is a complex phenomenon and has exclusion as a key component. The participants mentioned different types of stigma, especially the challenges they experienced when they were trying to secure employment. They also felt that stigma is passed on from one person to another. They are affected by how they are treated in the environment and on how they think about themselves.

I tried to look for employment but since people from Correctional Service need to know all your whereabouts they come to my work place. After a few visits my contract at work was not renewed. I feel so bad and ask myself how I can ever remove this thing of being a criminal even after I completed my sentence. Everyone in my neighbourhood called me a murderer because of what I did to my boyfriend. They don't trust me at all (Nelly).

I got many skills that I have learned while in the prison. My aunt called me the other day to go and do plumbing at one of her colleague's house. Apparently her colleague admired my work and my aunt referred her to me. While I was about to complete my work, the lady called and told me that it was my last day; she didn't know that I had been incarcerated. She further mentioned that her children are not safe around me (Nimrod).

A key informant concurred with the view that most ex-offenders are labelled as criminals although there are those who committed crimes like theft who are considered as non-violent offenders. However, all those factors are not considered when it comes to stigmatization: they are all tarred with the same brush by their family members and their communities. Securing employment was the greatest opportunity and best way to prevent them from going to prison. Moreover, especially for male participants, being

employed or getting income would give them hope, dignity within their families and provide opportunities for a better life in feeding and taking care of themselves.

All the ex-offenders face the challenge of unemployment. Employers are so unforgiving, not allowing them to get a second chance to develop a sense of identity and regain self-worth. Irrespective of how serious their crime, ex-offenders are being punished twice: first by the system and then by society. This destroys their most important defence mechanism, which is self-esteem. Nelly had tried to secure employment and was fired after the employer realized that she had a prison record. It feels as if nobody cares or understands that they also need something to put on their table. When they come out of prison, they are subjected to further punishment by employers.

All of them remain with a similar criminal record irrespective of what crime they committed. According to the Department of Justice (2009:5), the Criminal Procedure Amendment Act 65 of 2008 sets out that an ex-offender can apply for the expungement of their criminal record ten years from the date of conviction, provided they have not been convicted of any other offence during the ten-year period. This period is lengthy; how will ex-offenders fend for themselves during that period? This provision within the Act impacts negatively on ex-offenders and has a negative impact in developing coping strategies to overcome recidivism. The question still remains: how will they rebuild their lost relationship with their families and children with no employment? In other words, employers and society are too unforgiving to give ex-offenders another chance in building social contact with other people and in proving to the members of society that they have learned their lesson.

5.2.3 Relationship breakup

The study found that most of the participants are with new partners subsequent to their imprisonment, except for two participants who were married before their arrest (see table 4.1). During interviews I found that four out of eight participants lost their family relationship while serving their sentences.

My wife visited in my first year of my sentence but she never asked me anything about my arrest while in prison and I don't know what was going on in her mind.

I heard that she has moved on with her life and has a child with another man. Its hurts me so much; I put her in a vulnerable situation. If she can allow me to build relationship with my children, I will appreciate it. (Charles)

Sometimes good things fall so that good things will fall into place. I am not proud for what happened to my husband but who was supposed to die? At least my daughter and I are at peace now: no one is threatening us every day. If I had courage to leave I wouldn't have done what I ended up doing to him. (Samantha)

I lost the love of my life while I was in prison. I used hustle a lot to please her but she never visited me even once when I was in prison. I couldn't believe what she did to me; she left me with scars. I've learnt my lesson to never trust a woman. My friends told me she moved on with her life while I was inside prison. In fact, people who visited me were my other girlfriends who I in fact hurt because I was so much in love with her. I bumped into her one of these days. I couldn't even recognize her she was so ugly and looked very old (laughing). (John).

Relationship breakup during imprisonment is very common and hard for those in prison. Some ex-offenders have developed new relationships.

When I got released I had got no one to turn to I am now staying with a girlfriend that I connected with on social media. She so loving and caring. (Nimrod)

It was notable that participants have different perceptions regarding their relationship break-ups. Some still want to rebuild relationships with their loved ones: Charles wants nothing more than getting his family back. Some are still hoping for something better than what they had previously, in their marriage for example Samantha murdered her husband and feels life is much better without him since he was abusing her and her teenage daughter. Women tend to endure a range of abuse, from physical to emotional abuse, thinking their partners will change, and some endure it for the sake of the children. They also have a greater heart to forgive than men.

Samantha and Charles for example, were both married before being incarcerated. Charles cheated on his wife, but he is still hoping to get his family back. Samantha stayed in an abusive relationship and ended up killing her husband while defending herself and her daughter. By looking at these relationships, it is clear that women tend to be more attached to their children than men; while for men, their perspectives change as they grow older and take their partners more seriously. The Bible confirms that "It is not good for man to be alone".

Another tried while in prison to develop intimacy on social media which positively impacted his health and sense of well-being. I feel they spend enough time on their own in prison reflecting on what they could have done better for their relationships. They are hoping to meet up with new intimate partners. Nimrod, for example, spent a great deal of time looking for a partner while in prison because he had no one to turn to as he lost all of his family while in prison and did not even get a chance to pay his last respects to them.

5.2.4 Guilt

Disappointment in this context it is a feeling of unhappiness because something that you hoped for or expected did not happen because of your own actions. During interviews participants mentioned disappointment with themselves.

I am very disappointed for what I did to my wife and children. I used to be their shield of protection for my family. My heart is wounded with the pain I caused my wife and children, being away from them all these years. I cannot begin to imagine the hardship and embarrassment my wife went through during my arrest. How I wish I could turn the clock backwards and make the right decisions and undo everything that happened. (Charles).

I don't know what was happening to me, the thought of killing my own children. I miss them very much. I don't even know how to explain what happened to my daughter (Cindy).

I did a lot of things that I regretted. Crime does not pay. Instead I caused a lot of suffering to my family. (Peter)

Guilt may have the positive consequence of motivating people to act differently; for example, Charles: how he wishes he had stayed faithful to his wife and been a protector instead of cheating on her. It also may paralyze people by draining them of energy and making them depressed. The focus of the Phoenix program on building self-esteem has helped participants focus on the positive option.

5.3 Methods used by ex-offenders to handle these challenges

Themes of accepting oneself, taking responsibility, forgiving oneself and asking forgiveness from others emerged during our interviews with the participants.

5.3.1 Accepting oneself

Self-acceptance has a powerful emotional and psychological effect for a successful reintegration of ex-offenders. In this regard, the strategy of acceptance encouraged and empowered most of the participants from Phoenix Zululand to move forward with their new identity and successful reintegration. Four participants mentioned that accepting themselves resulted in peace in their souls. Several participants spoke of the effect of accepting oneself which assists in building relationships of mutual respect with their families.

Everything we resist, stays much longer. Even more, it'll grow up over time. Therefore, the remedy for any unpleasant state or content of the mind is to accept it completely. Whenever we entirely and honestly accept any thought, emotion or sensation, we become free of it. It will not bother us anymore. It will disappear from our individual universe, as we have learned that lesson. I have learned accepting things that I cannot change and to live with what I have, not living other people's life. If I have 10 rand, I have to accept and learn to live with it. It helped me a lot; it has been 3 years out of prison and I'm not thinking of going back. (Peter).

I have friends, and most of them now have good jobs and cars. Some are married with a good life; you see that's why I feel bad. There is one of my close friends – we were in prison together – he came out from prison a year before

me. Last month he was getting married.... Money makes the world go round and I believe my day is coming as well. (John)

It was hard for me at first to accept that I am unemployed. However, life leaves me no choice except to accept and persevere. The worst part of it was the thought that I will be unemployed after my release. (Charles)

The participants' views above were their reality and perception of life. The nature of living in a material world means our reality becomes the canvas upon which we make sense of our environment. They reflected how they had learned to accept their lives as they are and live with what they have. Some mentioned that they are still hoping for good things to come their way as they have seen other ex-offenders turning into good members of society. More generally, they saw – as in the words of Peter – that they had no choice other than to accept their situation and persevere.

5.3.2 Taking responsibility

Taking responsibility in this aspect is when the participants taking full responsibility for their actions and do not blame anyone. Therefore, most of the participants have reached an adulthood stage of development. They mentioned the importance of leading by example and some wanted to start their own families as they feel prison had robbed them of part of their life.

Where do I start, where do I begin to fix my own life? I messed up big time and my biggest fear is that my child will never understand when hearing that I tried to kill her as well as murder her siblings. I don't like the life that I am living. I wish I could settle down with my own children and raise them with dignity. I'm not sure that will happen in the near future. (Cindy)

My life is revolving around my 15-year-old daughter. She is all that I have. I regret all the years that I spent without her. I want to be a good mother and I'm trying every day to show her how sorry I am for what I did to her late father. (Samantha)

Many participants explained how their decision to change was accompanied by a desire to make a clean break from activities and associates from the past. Most of

them were arrested in their adolescent stage and released from prison in their adulthood stage. These participants want to leave their old identity behind: the task of constructing a new identity remains. Six out of the eight participants spoke of being/feeling responsible for what they had done in the past and for what they would do in the future. Taking responsibility is an important theme of the Phoenix programme.

5.3.3 Forgiving yourself, asking for forgiveness for others

Forgiveness is a process and a gift which has the power to heal wounds and allows everyone to move on with their lives. Reconciliation is a process that involves mutual acknowledgment of past suffering and the changing of destructive attitudes and behaviour into constructive relationships toward sustainable peace. Forgiveness is often spoken of as a condition for reconciliation. However, it might be wise to regard forgiveness and reconciliation as two separate processes because reconciliation doesn't necessarily follow from forgiveness. The first part of forgiveness follows from ex-offenders accepting responsibility and asking for forgiveness.

At the end of the day forgiveness is not for other people's benefit but for our own. At times life can seem like throwing you at the deep end but forgiveness is a most powerful weapon that removes fear and restores soul. (Peter)

A case study of forgiveness: Charles

In this regard, one of the participants (Charles) requested my presence in a meeting with family members from his wife's side. What follows is summary of that meeting. I met with the offender on the via WhatsApp group that I created. He had served six years for attempted murder in one of the Zululand prisons. He asked me to mediate as he wanted to meet with his family as well as with his in-laws to apologise and ask for forgiveness. I called the family as well as his in-laws to meet, which happened on 17 June 2019.

Charles had shot his “side chick” while he was still married to his wife. He was sentenced to six years’ imprisonment and served three years. When he came out of prison his wife had moved on with her life and had a child with another man. We firstly meet with the parents of the ex-offender and he explained what actually happened on the day. He told them how disappointed he is for what he did. He mentioned that he lost everything as well as his employment. They forgave him and said that they appreciated his effort of coming to explain his side of the story. His mother also agreed to come with us to meet with the in-laws.

I asked Charles about his intentions before meeting with his in-laws. He stated that he wished to ask forgiveness from his wife and for the family to grant him access to build a relationship with his children: to visit them or allow them to come to his place during weekends and school holidays. The in-laws welcomed us and we introduced ourselves. The family was welcoming and the wife was also present in the meeting. Charles then spoke to the family. He described how disappointed he was about what he did. He explained that he shot his “side chick” because she was threatening to tell his wife that they were dating. “I do not want anything to come between me and my family and I am very sorry for all the pain and hardship I caused away from you”. His wife was not sure if she wanted to be with him or not. “I don’t trust him anymore and I’m not sure of who I got married to...” She did say she would allow the children to visit their father.

Forgive me my wife. Every morning when I wake up it feels like I am serving another sentence without you and my kids. I know how hard it was for you to raise children in my absentia but now I am here I promise you sohlukaniswa ukufa (“death will ever separate us”). (Charles).

I forgive you and I find closure for what happened years ago. Your children will visit you during weekends and school holidays. (Ex-offender’s family).

It was a very tense and humbling experience as they were feeling guilty and emotional; even tears were shared in that moment. It was amazing that the participants and some of the family members displayed forgiveness for anything and everything: negative words spoken, past failures and resentment towards those who wronged them. They found forgiveness in their hearts where they will start afresh and experience hope,

peace, joy and victory in every area in their life. This hopefully will assist Charles to fix the trouble he caused his family.

Case study of fear, trauma and regret: Cindy

Cindy, a 37-year-old female, was staying with her life partner and the father of her three children before her arrest (see section table 4.1). Her partner used to beat her up every weekend when he was drunk. She had nowhere to go with his children and her partner was the provider in the family. She tried breaking up with him several times, but he always threatened to kill her. She continued staying with this man until one day she decided to poison herself and the children. She bought a poison and mixed it with yoghurt and fed it to all her children and herself. They all passed out and the next thing she woke up in ICU fighting for her life.

According to her, she was all blank and couldn't remember what really happened. Then she was told her two children had passed on and the third child was fighting for her life in the same hospital. She couldn't attend the funeral for her children since she was already a suspect in hospital for murder and attempted murder for her children. She went through a lot of pain in hospital as they were trying to drain the poison out of her system and the fact that things had not gone according to her plan. After she recovered they took her straight to prison. Her case was one of the high profile cases everyone was talking about at the time. Cindy served her sentence and the worry that she now had was how she would begin to explain to her child what had happened. Will she ever forgive her and still love her as her mother? She knows very well that one time or another her child will find out since everyone in the neighbourhood learned from the news what happened.

My deepest fear is how am I going to tell my 11-year-old daughter that I tried to kill her? She is still attending hospital further, assessing her in flushing out toxin from the poison. (Cindy)

One of the hardest lessons learnt while in prison was letting it go. I fight with myself every day saying could have, would have, should have but that will not bring back my children. (Cindy)

5.4 Reflection

For many of the participants, the thing that kept them going in prison was the hope of being reunited with their families when they were released. This is no easy thing in reality, given the high probability of relationships breaking up during their imprisonment. The second challenge relates to earning a livelihood in an already very difficult economic environment made more difficult by virtue of being an ex-offender.

It was evident during interviews that participants felt that their families had treated them badly, and most opted not to stay with them, at least initially. For example, Peter is a very self-motivated man who is going out of his way in trying to assist other people. He mentioned how he gained so much respect for others from prison. However, his family does not care about his good things but focuses on the fact that he was coming from prison. He decided to move out of his home and rent a room from the neighbourhood. He was able to utilize his skills as a dancer which contributed positively in his life. He inspired me when he mentioned the importance of the sharing and Ubuntu: "If we can learn to work together and share with other people together we can accomplish a lot."

Chapter 6 Six months later

6.1 Introduction

Reintegration with families does not happen overnight; it is a journey that has its ups and downs. In the previous chapter, I examined challenges that ex-offenders experienced in their first year with particular reference to their families. This chapter is a follow up which took place six months later. I conducted individual interviews between September 2019 and November 2019, all of which used WhatsApp.

6.2 Research methods

My plan was to have a face- to-face interview with each participant and to follow that up with a focus group discussion with all of them together. Two of the seven participants have started their own businesses, one selling from home and the other one operating in town and we agreed to meet at their work places. Four participants were interviewed in their home. One was arrested in a mall for shoplifting and was not interviewed. Home interviews were conducted during weekdays when children and other family members were not around.

6.2.1 Interviews

During data collection, I asked Bathabile to accompany me for the interviews. Her role was mainly to take notes of the conversation and this enabled me to improve the trustworthiness of the data I collected. There were times when the participants spoke *Tsotsi Taal* that only an offender could understand and therefore the coordinator and I could capture the essentials of the interviews, and also transcribe them into English for analysis purposes. It should, however, be noted that translating some verbatim recording and notes from the coordinator from *Tsotsi Taal* to isiZulu then into English was no easy task and therefore some distortions could be expected. I am aware that things can get “lost in translation”.

The following question guided our discussions during interviews.

- Have your family been able to forgive you and how does this play out in practice?
- Is the stigma you mentioned before still happening?
- What is better in your life now compared with six months ago when we last met?
- What is worse and what is better?
- Where do you get your personal strength from?
- Is there some particular insight which you would like to share which helped you cope with being an ex-offender?

6.2.2 WhatsApp group discussions

The plan to follow re-interview with a FGD proved impractical and as discussed in section 4.5, I used WhatsApp group discussions instead, based on the WhatsApp group that was created during our first round of interviews. Seven ex-offenders participated and seemed comfortable sharing their experiences and stories about what was currently happening in their lives. I guided and administered the WhatsApp discussion with the help of the research coordinator. Individuals felt relatively empowered and supported in a group situation where they were surrounded by others with similar experiences. The interviews focussed on the four main challenges identified in chapter 5, but were quite flexible, and the sole intention of collecting data was achieved successfully.

6.3 Findings

6.3.1 Family relationships

Most of the participants experienced improvements regarding quality of relationship with their families. They spoke of a new identity in finding their own self and, for those with children, living for them. The following was how they describe their ongoing experiences:

Peter talks about how his life improved for the better compared with six months ago.

I can say things are coming together in my life. I'm currently doing promotion for Nivea. Zibakhona insuku la ngingaphushi khona ("there are days where I'm not working") since our promotions are seasonal. I got this job via my friends in our dance group. (Peter)

Nelly describe her success in her business of selling clothes that she was actually doing before she got arrested.

I am back on my feet now. Two months ago, I was so stressed, my uncle wanted to chase me out of my home and wanted all his money he contributed towards my children during my arrest. Thanks to my grandmother who mediated the matter everything is much better now. (Nelly)

I thank my family and friends for all the support they gave from the first day out of prison up until this day. If it wasn't for them hayi impela ingabe kwasimbakala ikati ingabe liyalala impela eziko ("things would have been bad"). My business is going very well – though there are a lot of competitors around this place – but it's better than nothing. (Peter).

Nothing makes me happier than waking up next to my wife and my beautiful children. I haven't secured any employment at the moment but nothing more important than peace of mind in life. (Charles)

6.3.2 Making a living in the face of stigma

Their relationships with their families and loved ones had changed for the better. For some of them, their financial life has improved for the better. I was so overwhelmed with the support they are giving to each other. Stigma remains high. Some participants have managed to break through it but others are still struggling.

We registered a company with a group of people in my neighbourhood. I didn't tell them that I was convicted until one day I sensed something was not right. On the next day they called a meeting confronting me about why I didn't tell them. I told them that it's because I knew they

would be like this. If it wasn't for the fact that they needed me since I am good with paper work and I am a very hardworking person, they would have fired me. That is why I have two jobs. (Peter)

In my case it is working for me now in my business. I am selling clothes as I have mentioned before. I only collect my money on the second day of the month. I'm telling you no one has ever double crossed me. They all bring before collecting from them... (laughing) Bayangisha ("they are scared of me"). (Nelly)

I concur with you Nelly. In my case, I am selling different things in town. Amapara ayasihlupha ("street kids are stealing from us"). They play far away from me and my stuff baphakamisa inombolo nje ("they just greet me using prison sign for gangsterism"). My co-workers are always complaining. (John)

Loneliness is killing me. When I tried to date someone after few days he never came back to me. Even when I am chilling with my friends for drinks they used to call me a "murderer". That will haunt me for the rest of my life. (Samantha)

From what the participants mentioned in the above quotes, it is clear that they are carrying stigma. Thanks are due to the DCS for offering skills "because if it wasn't for my ability to do the paper work they would have dismissed me" (Peter). Two participants mentioned that the stigma of being a criminal works out for their good and they are doing very well with their business because members of the community are scared of them. The downside, however, is that you will always be labelled as a "murderer" irrespective whether you have changed or not.

6.3.3 Mutual support

One of the participants was able secure employment through his talent as a dancer and some of the skills he learned from Department of Correctional Services. Peter was arrested while he was doing Grade 11 and pursued his studies in prison and completed

his Matric. He continues with Accounting and Financial Management as well as Bible Study. Attending Muslim classes inside the prison has provided personal strength.

I was very impressed when I heard that Peter was able to secure employment and that John and Nelly have their own businesses up and running. They were also in process of the hooking up Samantha and Charles in their conversation on WhatsApp for them to put something on the table.

Do some research into what your community likes and get back to me I might have something for you Samantha but I will inbox you (Nelly).

If anything came up in your work place Peter, please let me know or if you guys need more people in your company in cutting grass (Charles).

Isicathulo sishisa imniniso ("a person knows exactly what's going on with his/ her life") (Charles's mother)

Actually we might need more people as we are experiencing challenges from the one we recently employed. They are so lazy, so we decided to recruit new people since it's the right season for the project. I feel for you my brother; when you are coming from prison usuke uyinja yesgebengu ("people treat you as trash"). You need to be really strong to survive outside the prison. (Peter)

Their common experience meant that some ex-offenders considered themselves as counsellors to others; they found themselves more capable than outsiders of providing guidance and support. This in turn gave them a renewed sense of identity and self-worth.

6.3.4 Parenting

Four participants reported improvements in their family relationships compared to six months before. Peter, for example, mentioned that he ended up moving out because his family were not treating him well, though he never mentioned his children during our first interviews (he has two daughters). Now things have changed, and he has moved back home with his children and family. Another example is Charles, who is

back together with his wife and they are staying together as a family, and Thando is allowed to rebuild relationships with her children.

Things have changed now; we are very close in my family. The only person that I will never forget is my younger brother who has been with me through thick and thin even while I was in jail. Moreover, he was taking good care of my children while I was in prison and even spoiled them on their birthdays. (Peter)

I promised for better and for worse, in sickness and in health. I will stick to my husband. Though we are not the same – he is not working – but I'm praying things will be back to normal one day and we can live the life we once lived before he was arrested. (Charles's wife).

Prison taught me different things like to humble myself in all situations. My relationship with my children's granny has slightly improved: though she is still staying with my children she allowed me to take them during holidays to visit me (Thando).

No one wanted to associate with me except for my daughter. She is the only source of my strength every day when I wake up each morning. She is giving unconditional love and happy that she wakes up next to me each morning. (Samantha)

6.4 'I deserve a second chance'

I feel some of the offenders deserve to be given the benefit of the doubt for their wrong deeds. All human beings are subject to change. Therefore, we all deserve the same courtesy as members of the community who committed crime but did not get caught. Public stigma towards offenders is the most prominent form observed and studied, as it represents the prejudice and discrimination directed at a group by the larger population. Self-stigma occurs when people internalize these public attitudes and suffer numerous negative consequences as a result. If the members of the community have the ability to forgive people who wronged them, ex-offenders also deserve forgiveness and being given a second chance in life.

Hearing such stories, I imagine how difficult it is to have people reminding you of your past mistakes all the time when you are trying to put your past behind you. Every human being has a right to have someone to whom they feel close, emotionally connected. It means being able to share a whole range of thoughts, feelings and experiences that we have as human beings. It boosts self-esteem which is the most effective defence mechanism for a human being to have: someone talking through their thoughts with you and showing someone else how you feel and what your hopes and dreams are. Attachment to an intimate partner would give ex-offenders a hesitancy to be involved in crime as it might put the relationship at risk.

All the participants poured out their hearts, pleading with their families and society as a whole that they are deserving of a second chance in their lives. It was noted that most of the participants were arrested at a younger age and they were returned to society with the huge responsibility of rebuilding relationships with their families and friends.

I believe I am worth having a second chance. I have a talent that can help many youths in my community in their spare time which will also help them to be on the right side of the law. I've changed so many lives inside the prison and I know I can do so much for my community if only I can be given a chance. (Peter)

They can call me a "murderer" all they want but I know that I am a good mother and a person who has the ability to do so much more for my life. (Samantha)

It is evident from the above comments that most of the participants are crying out for their voice to be heard; that they are still human and deserve a chance in life. I was very touched by what the participants were sharing. All they want is for the members of society and their families to grant them a second chance to succeed in life like any other human being. Cindy, who went straight into her old ways after being released, did not have any support or security to protect her when coming out of prison. All the ex-offenders need is to be surrounded by people who believe in them when they do not have the courage to believe in themselves. We as a society need to change our mind-set and be willing to see ex-offenders succeed.

6.5 Three reflections

Firstly, difficult though life is, things are improving for more participants as time goes by. Secondly, there is a correlation between being able to earn a livelihood and improved family relationship, with Peter, Nelly and John doing well. Relationships with their families did not start on very good terms, but from what the participants reported, things have improved a great deal and they have developed new friendships. The first year after coming home was for some of them not an easy transition. Most of their family and friends had moved on with their lives while the ex-offenders were serving their sentence. I see families as their most important source for a successful reintegration, as they will provide necessities like shelter, food and support while the participants are trying to get back on their feet.

Thirdly, the value of mutual support which began in the earlier FGD can be continued via the WhatsApp group. This is an unexpected by-product of the research and may be a potential valuable suggestion for Phoenix Zululand to help ex-offenders, perhaps via WhatsApp, to have a connection with each other for mutual support

Chapter 7 Conclusions

7.1 Objectives of the study

The aim of my study (see section 1.3) was to explore challenges of reintegration of ex-offenders with particular respect to their families with the following objectives:

- To identify the specific challenges faced by a sample ex-offenders in general, and with particular respect to their families, during the first year after release.
- To examine the strategies ex-offenders use to handle such challenges and to assess how effective they are.
- To find implications for the rehabilitation work of the Department of Correctional Services and the restorative justice work of Phoenix Zululand.

7.2 Summary of the findings

The first research objective was to identify challenges and experiences of ex-offenders within their first year of release with their families. The study revealed (see section 5.2.1) that the participants often experienced rejection and abandonment by their families, and were stigmatized by their community, resulting in the heartache of disappointment and mistrust. Some found employment, but once the employer realized that they were ex-offenders their contact was terminated. Others mentioned they found that their partners had moved on with their lives while they were serving their sentences. This was common to most participants. While trying getting back on their feet they were commonly accused of things they never did; whenever crime happened, they were blamed.

The second objective examined the methods used to handle specific challenges faced by a sample of ex-offenders in general, with particular respect to their families, in coping with such challenges and assessed how effective they are. This study revealed that some of the participants experienced hardship when reuniting with their families, but they were able to find strategies and methods to carry on with their lives. Some decided to move out of their family home to avoid tension. Some continued doing good

for their families in the hope of earning back their trust. Others asked for mediation so they could ask for forgiveness and find a way to be part of their children's lives. Learning from each other's experiences and accepting things they cannot change also helped them to cope with their challenges.

The third objective was finding implications for the rehabilitation work from the Department of Correctional Services and the restorative justice work of Phoenix Zululand. Participants reported that the programmes run by both had been a great help in affirming their dignity and also empowered them to turn their lives around. The family conference was valuable in breaking down the anger and mistrust which families typically felt towards their ex-offender.

Table 7.1 Summary table of outcomes after one year out of prison

Name of participants	Economic activity late 2019	Strategies used to rebuild relationships
Thando	She has not able to secure employment or earn an income but the support group promised to connect her to a business selling clothes.	After a long time separated from her children, she went and asked for forgiveness from the granny of her children. She is now allowed to take her children to visit her during school holidays.
Samantha	Nothing has happened, but she is getting a lot of support from the group.	She has a good relationship with her daughter though members of the community do not accept her.
Nelly	Things are working out very well after she initially struggled to secure employment. She started a business of selling clothes from her neighborhood and it is going well.	She still maintains a good relationship with her family and her two children.
Peter	Self-motivated and goal oriented. He managed to secure employment as director of a grass cutting company and	He continues with being humble, driven by what he learned from Islamic religion and prison

	choreography in the community teaching youth to dance.	experiences. He is happily living with his family and is back together with the mother of his two daughters.
John	Operating a business in town and doing well.	Still maintaining a good relationship with his family and has a new partner in his life.
Charles	Not able to earn an income, but things are promising with support from the group.	Reconnected well with his family after mediation
Nimrod	Not able to secure employment to earn his living.	Made connections via social media while in prison after a relationship break-up, and managed to get a partner. Things are going well between them.

It was noted from recent interviews with the participants and following up their conversation on the WhatsApp group that the support from other members had a positive impact on the participants. Three participants have managed to earn a living. They are learning a lot from others to put something on the table for their families. Some have benefited a great deal from the prison programmes and are using the same experiences and strategies in gaining trust from their family and society.

Peter, Thando and Nelly tell different stories regarding their prison life (see section 5.2.1). In their first year after release they experienced rejection and abandonment by their families and loved ones. In Nelly's case, her presence was invisible in her family: they pretend that she was not around. A major challenge was returning home with no family traces. These ex-offenders were forced to live independently with no family support. Therefore, they found themselves within the circle of their old friends and committed more crime as their survival mechanism. Prosocial friendship might have assisted them in emotional support and even given comfort on their journey of reintegration. Without human relationships to turn to for support during the transition to the community, the re-entry process may become more difficult and disappointment may be more likely to occur.

Exclusion was a major theme (see section 5.2.2). They were unable to secure employment due to how people reacted towards them because they had been in prison. Employment on its own has its influence in increasing confidence and ego, especially for male participants. However, six months later (see section 6.3.1) some had been able to secure employment from their contacts and some had started their own businesses.

7.3 Effectiveness of Phoenix Zululand and DCS

Rehabilitation is a process that aims to give those with convictions the chance to start afresh with a clean slate. In this regard the prisons are no longer called “jail” but “rehabilitation centers” where the behavior of ex-offenders is being transformed, preparing them for a successful reintegration with their families. The Department of Correctional Services, in collaboration with Phoenix Zululand, provides rehabilitation programs and enhanced supervision to priority offenders and has a particular emphasis on the critical period before and after prisoners are released from custody.

I've learned many skills while in prison. Before my arrest I used to rely on my siblings and family to do the house chores but now I can do everything on my own. Another important thing that I learned inside the prison is “respect” Whether you liked it or not you learnt respect. I got arrested in grade eleven and pursued my studies inside prison; now I have NCV (Accounting and financial management). (Peter)

I will never forget the help from social workers inside the prison who were always with me to call my children almost every week with advice and support. (Thando)

If it wasn't for the social workers, I would have missed the upbringing of my only daughter. They were always there for her, assisting with cosmetics and sanitary towels for my daughter. (Samantha)

I was turned down so much because of the nature of my charges; because I have shoplifted. I cannot say any of the skills worked for me. The only thing that

really worked for me was importance of mending family relationships learned in prison from Phoenix Zululand with the support from fellow ex-convicts.
(Thando)

Most of the participants had attended in-prison programs offered by Phoenix Zululand, but not all had experienced family conferences and not all family members had attended these. Participants noted that a combination of family and peer support can help former prisoners transition better once they are released. The experience of the WhatsApp group may point to a small initiative which Phoenix Zululand might be able to facilitate for connecting ex-offenders in a mutual support group.

7.4 Final reflections

Not everything about the ex-offenders prison experience was bad. They mentioned that prison impacted positively as it instills the values of respect, Ubuntu and religion. For some, their first encounter with God was in prison. They mentioned that they gained a sense of belonging provided by their religion and spiritual support which assisted in prison adjustment and personal security. It assisted them in thinking and behavior.

They felt that they had more self-control, tolerance and even word missing? in the outside world. Peter was attending an Islamic group inside the prison. He mentioned he learned things called “brotherhood” where they were taught the importance of sharing with other people. He seems like a very focused young man with a purpose in life guided, by the learnings and lessons from his prison life.

Six months later (see section 6.2.3), there were improvements based on family reunification and new themes emerged, substituting rejection and abandonment with family and social relationships. Peter, Nelly and Charles resolved their issues with their families. Some are doing well with their lives as they managed to start their own businesses. Charles is happily back together with his wife and children; however, he had not managed to secure any employment for himself.

The experience of the participants reveals the importance of handling whatever life throws at one in order to move on with one’s life. They further mentioned how

programmes offered by Phoenix Zululand have impacted positively in their life. They gained strength to take full responsibility for their actions, and forgive themselves and ask forgiveness from others. Six months later it was notable that they feel they are deserving of a second chance to be fully accepted and loved by their families and society at large (see section 6.4).

The study also found that there are huge differences between men and women participants regarding the reintegration process. Women participants mentioned more struggles when they had to leave behind their children as the women are considered as incubators and primary caregivers for their children. Thando was ill-treated by the father of her children who even declared her as an unfit mother who should not come near her children. On the other hand, male participants mostly revealed their eagerness to start their own families.

There is a participant who mentioned that she doesn't even know how she will begin to explain to her only child that she was the one who killed her siblings and the reason she is still attending hospital, being the only child surviving the poison (see section 5.3.2). Unfortunately, when I tried to contact her six months later, I found that she had been arrested for shoplifting.

The importance of being part of a group had helped the participants benefit and gain mutual support in connecting with other members of the group. This platform of communication continues even after data collection processes are done. I have seen more ex-offenders joining the group, referred by participants of the study. It was also noted that new members joining were ex-offenders' old friends from prison who were recently released and going through similar struggles. I believe they will continue spreading the word, empowering and supporting one another so that they will not experience similar challenges, in particular with respect to their families.

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APPENDIX A



LETTER OF PARTICIPATION TO THE RESEARCH PROJECT

Dear research participant

My name is Bongeka Ndaba, a Masters student in the Peacebuilding programme at DUT. My research topic is "First year out: the reintegration experience of ex-offenders in the Durban area" under the supervision of Prof. G.T. Harris.

The aim for undertaking this research project is to find out how ex-offenders can reintegrate with their families without challenges. Since you have personal experience about this study, I regard you as an expert who can provide me with valuable information about it.

Please note that participation in the research study is completely voluntary which means you are not forced in any way to participate. Whatever decision you take concerning participation will not affect you in any way now or in the future. All the information that you will provide will be treated with confidentiality and there will be shared confidentiality between me and my supervisor.

If I observe any information that you shared affects you emotionally or causes you to become anxious, I will refer you to a counsellor for debriefing (only if you agree). You have a right to ask questions about the study or concerns and have a right to withdraw anytime during the study.

If you agree to participate in the study, I would like you to sign the consent form that follows.

Yours sincerely

Bongeka Ndaba

APPENDIX B

INFORMED CONSENT FORM

I, agree of my free will to participate in this study, which focuses on the “challenges of reintegration of ex-offenders with their families”. I understand that the information will be used for research purposes only and that nowhere will my identity be made known in any research report or publication. I am also aware of the fact that I can withdraw at any time during the study without incurring any penalty.

.....
Signature of the participant

.....
Date

APPENDIX C

Sample of interview schedule based on research questions

Interview Schedule (Ex- offenders)

What are the specific reintegration challenges faced by a sample of ex-offenders in general and with particular regard to their families, during the first year after release?

1. What challenges you perceived in the aspect of reintegration from the facilitator's point of view, families' point of view and ex-offenders'.
2. What things you believe stood in your way to successful reintegration?
3. What were you expecting at the time you were released from prison after a long time in the prison environment?
4. Is there any major challenge that you can share with me that was a barrier in reconnecting with your family?

What methods do ex-offenders and their families use to handle these challenges and how effective are they?

1. How did you cope with the above mentioned challenges and how did it affect your life?
2. What coping skills are you using to cope with the situation?
3. If you could advise other persons in similar situations, what would you say?
4. What else was most helpful to you along the way?

What are the implications of the answers to these questions for the rehabilitation work of the Department of Correctional Services and Restorative justice work of Phoenix Zululand?

1. Based on the Rehabilitation process inside the prison and programmes offered by Phoenix Zululand, what can you mention that most impacted on your life?
2. What do you think can be changed to make reintegration a success?

Interview Schedule (Families of ex-offenders)

What are the specific reintegration challenges faced by a sample of ex-offenders in general and with particular to their families, during the first year after release?

1. What challenges have you perceived in the aspect of reintegration from the facilitator's point of view, families' point of view and ex-offenders'?
2. What things do you believe stood in your way to successful reintegration with participant A?
3. What were you expecting at the time Participant A was released from prison after a long time, coming back to the family?
4. Is there any major challenge that you can share with me that was a barrier in reconnecting with Participant A?

What methods do ex-offenders and their families use to handle these challenges and how effective are they?

1. How did you cope with the above mentioned challenges and how did it affect your life?
2. What coping skills are you using to cope with the situation?
3. If you could advise other person in similar situation what would you say?
4. What else was most helpful to you along the way?

What are the implications of the answers to these questions for the rehabilitation work of the Department of Correctional Services and Restorative justice work of Phoenix Zululand?

1. Based on the rehabilitation process inside the prison and programmes offered by Phoenix Zululand, what can you mention that most impacted the life of Participant A?
2. What do you think can be changed to make reintegration a success for Participant A?

APPENDIX D

INDIVIDUAL INTERVIEW SCHEDULE (SIX MONTHS LATER)

- (1) Whether their families were able to forgive them?
- (2) Revising themes which emerged before: better things in their life compared with six months ago?
- (3) Source of their personal strengths?
- (4) Suggestions in particular with coping mechanisms for being an ex-offender

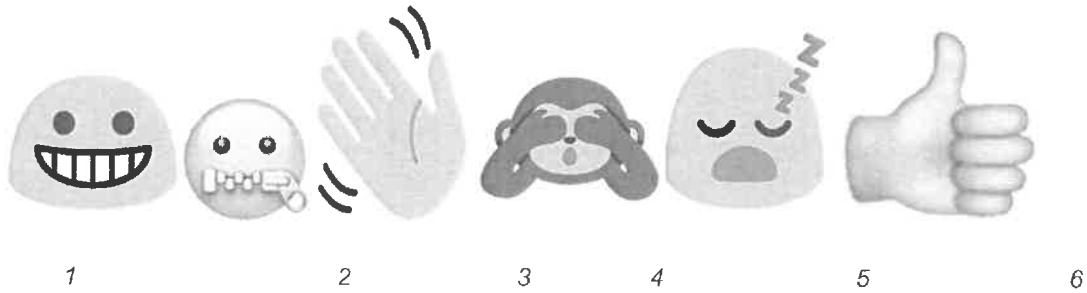
APPENDIX E

WHATSAPP GROUP DISCUSSIONS (SIX MONTHS LATER)

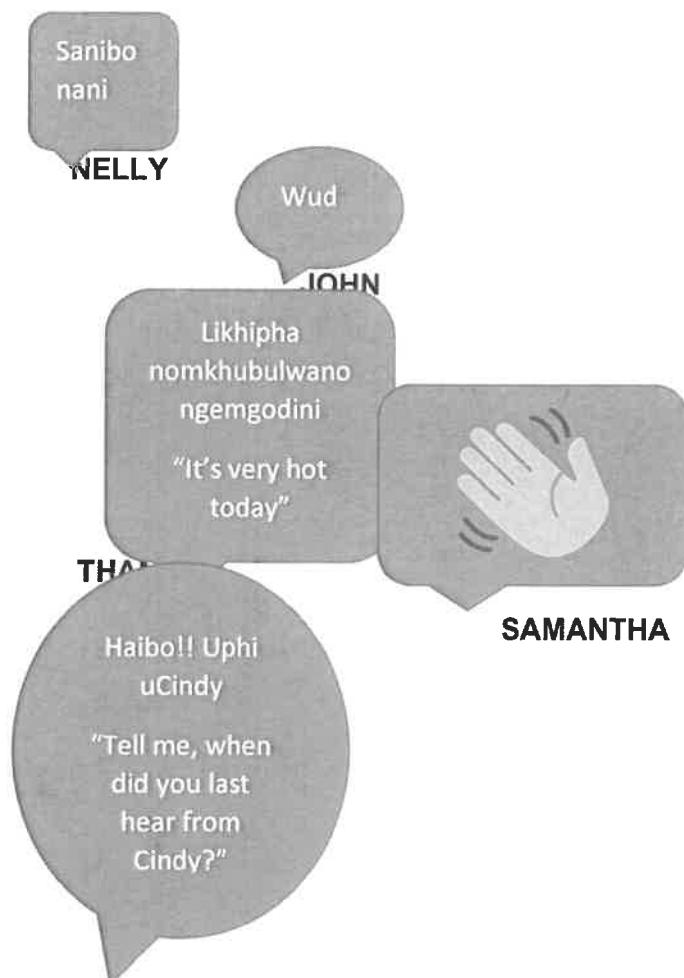
- (1) Have your family been able to forgive you and how does this play out in practice?
- (2) Is the stigma you mentioned before still as strong?
- (3) What is better in your life now, compared with six months ago when we last met?
- (4) What is worse?
- (5) Where do you get your personal strength from?
- (6) Is there some particular training you would like to help you cope with being an ex-offender?

APPENDIX F

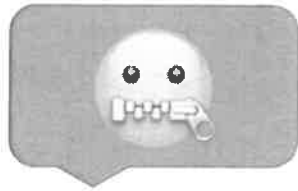
Example of WhatsApp conversation



1. Smiling face
2. Keeping it a secret
3. Hello or Hi!
4. Cannot be true
5. Sleepy face
6. OK



JOHN



THANDO

Ubuyele
Edanyane
"She got
arrested a few
months ago"

CHARLES



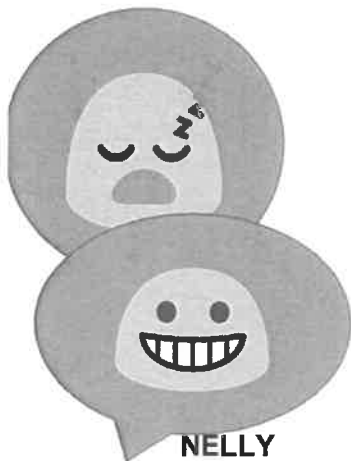
NIMROD

Lol!!
Akukho Qili lazikhotha
emhlane
"There is no paragon of
excellence"

THANDO

Peter why
are you so
quiet

JOHN



NELLY

APPENDIX G

Phoenix Zululand

*A restorative justice programme
in association with the Zululand Chamber of Business Foundation
PBO 930622956 - 055-312 0110*

In ancient Greek mythology, the Phoenix is a bird that dies by its own act in a fire and then rises again from the ashes.

14 May 2018

The Head
Research Office
Durban University of Technology

Dear Professor Napier

I write on behalf of Phoenix Zululand to grant permission for Ms Songeka Ndaba to carry out her research project with a sample of ex-offenders who have passed through our programmes, and their families.

Phoenix Zululand is keenly interested in this research and will be assisting Ms Ndaba to carry it out.

Jane Argall
Director

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