



**UNIVERSITY OF<sup>™</sup>  
KWAZULU-NATAL**  

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**INYUVESI  
YAKWAZULU-NATALI**

**A CRIMINOLOGICAL INVESTIGATION INTO THE SOUTH AFRICAN  
CORRECTIONAL SERVICES APPROACH TOWARDS OFFENDERS'  
REHABILITATION: A CASE STUDY OF THE WESTVILLE CORRECTIONAL  
CENTRE IN DURBAN, KWAZULU-NATAL**

By

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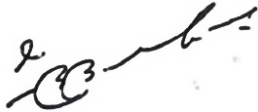
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**MAY 2019**

## DECLARATION

*STUDENT NUMBER: 208523150*

I, **PATRICK BASHIZI BASHIGE MURHULA**, declare that **A Criminological Investigation into the South African Correctional Services Approach towards Offenders' Rehabilitation: A Case Study of the Westville Correctional Centre in Durban, KwaZulu-Natal** is my own work and that all resources that I have or quoted have been indicated and acknowledged by means of complete references.



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**PATRICK BB MURHULA**

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I also place on record, my sense of gratitude to one and all, who directly or indirectly, have lent their hand in this venture.

**This thesis is dedicated to the memory of my beloved Mother, Monique Lukolo Ilundu.  
It is your shining example that I try to emulate in all that I do.**

*In memory of my mother*

*To my father*

*With love and eternal appreciation*

## ABSTRACT

*The South African Department of Correctional Services has a constitutional mandate to provide rehabilitation programmes that address offenders' criminal conducts. The rehabilitation approach currently used to deliver this mandate is grounded on the needs-based model where dynamic factors associated with recidivism are systematically targeted in the treatment of offenders' criminal behaviours. But the reality of the matter is that there are systemic problems that challenge the Department of Correctional Services both conveying its moral messaging and fulfilling its legal commitment to the rehabilitation of offenders. It is alleged from the media reports that South Africa still has one of the highest crimes and recidivism rates in the world. The high crime rate in South Africa created a "rush to incarcerate", but little attention has been paid to its rehabilitation approach. When offenders re-offend, they are frequently blamed, yet ineffective implementation of rehabilitation programmes is rarely considered to be at fault. This study, therefore, aimed to investigate the South African rehabilitation approach at the Westville Correctional Centre. A literature study aimed at describing essential information related to the study and theories applied in designing rehabilitation programmes was expounded. Thereafter an empirical investigation was conducted. Qualitative research methodology was employed, and a case study research design was utilised. Purposeful non-probability sampling was utilised to involve inmates and Westville Correctional Centre personnel in the study. Thirty inmates and twenty Westville Correctional Centre officials who met the inclusion criteria for the study were selected to participate. Semi-structured interview schedule and focus groups were used to collect data during the empirical investigation. Through analysing the results, the findings of this study demonstrated that the Department of Correctional Services mission is far to be accomplished due to its failure to implement rehabilitation programmes. Data generated in this study indicates that the approaches used in implementing rehabilitation strategies may not be well comprehended by the officers. Furthermore, the issue of overcrowding at the Westville Correctional Centre is the major factor inhibiting successful implementation of needs-based care rehabilitation programmes. Besides overcrowding problem, the Westville Correctional Centre structure does not allow for offices for professionals to implement rehabilitation programmes. The research study, therefore, recommends that if correctional centres in South Africa is to have any success in reducing re-offending, then a critical review of the strategy meant to achieve this goal is required. International literature has proven that the implementation of effective rehabilitation programmes can reduce reoffending and can be more cost-effective than other forms of sanctions.*

## LIST OF ABBREVIATIONS

<b>APCCA</b>	<b>:</b>	<b>Asian and Pacific Conference of Correctional Administrators</b>
<b>CBRFs</b>	<b>:</b>	<b>Community-Based Residential Facilities</b>
<b>CCRA</b>	<b>:</b>	<b>Corrections and Conditional Release Act</b>
<b>CCRR</b>	<b>:</b>	<b>Corrections and Conditional Release Regulations</b>
<b>COSA</b>	<b>:</b>	<b>Circles of Support and Accountability</b>
<b>COUSA</b>	<b>:</b>	<b>Correctional Officers Union of South Africa</b>
<b>CRFs</b>	<b>:</b>	<b>Community Residential Facilities</b>
<b>CRS</b>	<b>:</b>	<b>Custody Rating Scale</b>
<b>CSC</b>	<b>:</b>	<b>Correctional Service of Canada</b>
<b>DCS</b>	<b>:</b>	<b>Department of Correctional Services</b>
<b>EM</b>	<b>:</b>	<b>Electronic Monitoring</b>
<b>ESA</b>	<b>:</b>	<b>Execution of Sentences Act</b>
<b>FBOs</b>	<b>:</b>	<b>Faith Based Organisations</b>
<b>GLM</b>	<b>:</b>	<b>Good Lives Model</b>
<b>INDLELA</b>	<b>:</b>	<b>Institute for the National Development of Learnerships, Employment Skills and Labour Assessment</b>
<b>MOJ</b>	<b>:</b>	<b>The Ministry of Justice</b>
<b>MPD</b>	<b>:</b>	<b>Malaysian Prison Department</b>
<b>NCS</b>	<b>:</b>	<b>Norwegian Correctional Services</b>
<b>NGOs</b>	<b>:</b>	<b>Non-Government Organisations</b>
<b>NMR</b>	<b>:</b>	<b>Nelson Mandela Rules</b>
<b>NPOs</b>	<b>:</b>	<b>Non-Profit Organisations</b>
<b>ORP</b>	<b>:</b>	<b>Offender Rehabilitation Path</b>
<b>POPCRU</b>	<b>:</b>	<b>Prison Officers Civil Rights Union</b>
<b>POs</b>	<b>:</b>	<b>Probation Officers</b>
<b>PR</b>	<b>:</b>	<b>Prison Regulation</b>
<b>RESA</b>	<b>:</b>	<b>Regulations to the Execution of Sentences Act</b>
<b>RNR</b>	<b>:</b>	<b>Risk-Need-Responsivity</b>
<b>SAPOHR</b>	<b>:</b>	<b>South African Prisoners Organisation for Human Rights</b>

**SETA** : **Sector Education and Training Authority**  
**USA** : **United States of America**  
**VPOs** : **Volunteer Probation Officers**  
**WCC** : **Westville Correctional Centre**

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**SECTION A:**  
**INTRODUCTION , HISTORICAL BACKGROUND, THEORETICAL  
FRAMEWORK AND LITERATURE REVIEW OF THE STUDY**

**CHAPTER 1  
INTRODUCTION TO THE STUDY**

**1.1. Introduction and Background of the Study**

In South Africa, more and more people are being incarcerated and for longer periods of time (Cilliers & Smit, 2007). Communities are becoming more risk averse and punitive in their attitudes towards offenders and there would appear to be a growing determination to make individuals pay severely for transgressions against the law. At the same time, significant effort is put into rehabilitating offenders and helping them to plan for successful reintegration back into society. Indeed, after the abolition of the apartheid regime, significant investment in the development and delivery of offender rehabilitation programmes across South Africa, in both prison and community correctional (probation and parole) settings, and support for rehabilitative ideals is now more clearly enshrined in public policy than at any time in the past.

The socio-political context in which any work with offenders takes place ensures that attempts to reintegrate or rehabilitate offenders will almost certainly come under a high level of scrutiny, both public and professional (Ward & Birgden, 2007). It is now more important than ever that rehabilitation providers in South Africa can demonstrate that their efforts are effective in reducing rates of reoffending or, at the very least, consistent with those practices that have been shown to be effective in other settings. Most correctional agencies around the world have now developed accreditation and quality assurance systems designed specifically to ensure that the programmes offered have to meet basic standards of good practice (Ward & Birgden, 2007). There are thousands of controlled outcome studies from which to determine the types of intervention that are likely to be effective (Hollin, 2000), the results of which, when aggregated, offer consistent and persuasive evidence that offender rehabilitation programmes can have a positive effect on reducing recidivism (Andrews & Dowden, 2007).

In South Africa, when it comes to offenders' rehabilitation, the Department of Correctional Services (DCS) put its focus on the principles of "Batho Pele" (People first) in its transformation of service delivery to inmates. These principles are based on consultation,

service standards, access, courtesy, information, openness and transparency, redress and value for money. The focus at present is on transforming South African prisons from being so-called “universities of crime” into effective rehabilitation centres that produce skilled and reformed individuals who are capable of successful reintegration into their communities as law-abiding citizens (Draft White Paper on Corrections in South Africa, 2003). The DCS has, therefore, identified the enhancement of rehabilitation programmes as a key fundamental starting point in contributing to a crime-free society (Coetzee, 2003a).

## **1.2. Study Aim and Objectives**

Crime in South Africa is a major issue that is expanding each day, and the question is why this particular issue is not yet resolved and why it is really turning out worse. If offenders are not rehabilitated by the correctional services or led to a change of behaviour throughout sentence, the reality is that their liberation will without fail pose once again a danger to the community. Therefore, the idea of rehabilitation of offenders perceives the way that reoffending can be decreased by corrective measures as well as by guaranteeing that offenders participate into programmes that will take out the issues that prompted them to offend in the first place (Muthaphuli, 2008).

Rehabilitation is accomplished through the conveyance of main services to offenders, together with both correction of the offender conduct and the improvement of the human being involved (Matetoea, 2012). The rehabilitation of offenders remains one of the most important functions of incarceration (Landman, 2009) and the DCS is the custodian of people who have offended against the community and transgressed the laws of the state (Skelton, 2013). Its function is to carry the responsibility of correcting behaviour which society has failed to deal with and one of its main objectives is to provide inmates with the opportunity to develop and to grow into individuals who can positively contribute to conventional society (Mathole, 2009). However, according to Dissel and Kollapen (2010), there is a growing dissatisfaction with treatment and rehabilitation services available to offenders in South African correctional centres. Thus, ineffective treatment of inmates results in an increase in recidivism (Landman, 2009).

The aim of this study is to investigate DCS’s approach to offenders’ rehabilitation. As objectives, this study:

- ✚ Investigated the method DCS uses to deliver on its legal and constitutional responsibility towards offenders’ rehabilitation;

- ✚ Investigated if the DCS's approach is appropriate when it comes to offenders' rehabilitation in South Africa;
- ✚ Understand to what magnitude the DCS provides, in terms of resources, required services to offenders;
- ✚ Have a clear idea of the realities and challenges faced by the DCS pertaining to offenders' rehabilitation.

### **1.3. Research Questions**

The study is informed by the following research questions:

- ✚ What is the method used by the DCS to deliver its legal and constitutional responsibility towards offenders' rehabilitation?
- ✚ How suitable is the DCS approach when it comes to offenders' rehabilitation?
- ✚ What are the resources used by the DCS to provide the required services to offenders for their rehabilitation?
- ✚ What are the challenges faced by the DCS with regards to offenders' rehabilitation?

### **1.4. Assumptions of the Study**

The assumptions of the study are as outlined below:

- ✚ Rehabilitation programmes are not efficiently done to rehabilitate inmates.
- ✚ Several factors inhibit the efficacy concerning the sustainability of offender rehabilitation programmes.
- ✚ The South African White Paper on Corrections policy is relevant and could help in the successful rehabilitation of offenders.
- ✚ Rehabilitation of offenders can be successful by a relevant rehabilitation approach.

### **1.5. Rationale of the Study**

South Africa has one of the highest incarceration rates in the world and has become a country with a growing crime problem (Skelton, 2013). In this regard, Coetzee (2003b, p. 3) believes that: "It could be said that South Africa's worst troublesome social problem is its very high crime rate. In spite of efforts through the criminal justice system to combat this disturbing social evil, a gulf of crime is still terrorising and disrupting the lives of peace-loving citizens".

Furthermore, Skelton (2013) and Venter (2004) state that crime in South Africa is widespread and rife and that life sentences have no effect on criminals. The escalation in crime emphasises the need for a better understanding of criminal behaviour, an adequate assessment structure, and offence specific programmes to enhance the effective treatment of offenders (Hesselink-Louw & Schoeman, 2003).

### **1.6. Significance of the Study**

Correctional institutions<sup>1</sup> have, traditionally, been designed to punish and confine those who break laws. However, as more focus bears on Human Rights and humane treatment of offenders, civil society and public policy, increasingly, are demanding that Correctional institutions adopt programmes that rehabilitate inmates and prepare them for reintegration into society as new individuals. The researcher expects the study to influence more positive improvement in the current review of South African Correctional services policy according to the provisions of the White Paper on Corrections.

The White Paper on Corrections in South Africa represents the final fundamental break with a past archaic penal system and ushers in a start where prisons become correctional centres of rehabilitation and offenders are given new hope and encouragement to adopt a lifestyle that will result in a second chance towards becoming the ideal South African citizen. The White Paper on Corrections stipulates the inclusion of the correctional aspect anchored on rehabilitation and the expansion of the DCS to focus on more reforms aligned to offender treatment for reform. The researcher would like to establish the weaknesses, relevance and sustainability of offender rehabilitation approach being undertaken by the DCS at the Westville Correctional Centre (WCC) in controlling the tendency of recidivism. The new knowledge generated in this study may be of great significance in that the findings could help the DCS to improve the implementation of programmes meant to change offending behaviour. This, to a greater extent, will inform prison officers with a context in which to address offenders' needs and risks, for successful reformation. Furthermore, this study may form a basis for further research in the field of Corrections.

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<sup>1</sup> Previously referred to as prisons. In South Africa, the change of terms from prisons to correctional institutions or correctional centres took place after 1994. Therefore, in this study, the word prison will be used only in direct quotes.

### **1.7.Delimitation of the Study**

The focus of this study is on the DCS rehabilitation approach implemented at the WCC in Durban, KwaZulu-Natal. The main focus is delimited to the current rehabilitation approach to curb recidivism in South Africa. The concept of rehabilitation was adopted only after 1994 in South Africa; therefore, the focus is on post-apartheid South Africa.

### **1.8.Limitations of the Study**

Conducting research on correctional services is a tedious process that requires patience. The security protocols and regulations are stringent. Ethical issues within the high-security controlled environment could have affected the reliability and validity of data somewhat and compromised the authenticity of responses because some interviews and all the focus groups meetings were conducted in the presence of security guards. Furthermore, prisons management is a government responsibility. This makes them bureaucratic in nature; therefore, generation of data may be stalled by political pressures associated with institutions of this nature. In this study, some participants portrayed a different picture from reality on the ground.

It is also important to point out that, with a sample size of only 50 participants from an estimated national population of 164 129 <sup>2</sup>inmates and around 38 000<sup>3</sup> correctional centres' personnel in the South African correctional centres, the researcher cannot generalise its findings and conclusions. Therefore, this study makes no claims that its findings could be applicable to other correctional facilities that were not studied. Some conclusions and recommendations in this study might not be applicable in some correctional settings.

### **1.9.Definition of Key Concepts**

Luyt (1999) claims that a research project brings about certain concepts that appear regularly within the continuum of the investigation. It is necessary to clarify these concepts to ensure that the same meaning is continually attached to the same concepts. The following concepts are central to this study. Definitions of key concepts central to this study will be defined and operational definitions will be formulated to avoid confusion.

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<sup>2</sup> *Number of South African inmates according to the Department of Correctional Services Annual Report 2017/2018*

<sup>3</sup> *Number of correctional centres' personnel according to the Department of Correctional Services Annual Report 2017/2018*



### 1.9.1. Offender

An offender is an accused who the court has convicted of or who has pleaded guilty to a criminal offence (McEleney & McEleney, 2005). That is to say, it is when the criminal charges against an accused are proven beyond a reasonable doubt at the trial and the judge or jury finds the accused person guilty of committing a crime.

According to Morris (2013, p. 8), offenders might be classified under the following headings which represent a scale or continuum ranging from minimal to maximum commitment to crime as a way of life:

- ✚ *Legalistic or technical offenders*: This would include those whose offences are, in law, referred to as “*mala prohibita*” (conduct that is prohibited by laws). They may involve no criminal intent, no “*mens rea*” (guilty mind). Such acts, though potentially harmful may, cause no harm at all. They are chiefly committed through ignorance or thoughtlessness.
  
- ✚ *Situational Offenders*: These are defined as offenders who have violated the criminal law under situations of great provocation, stress, and difficulty, of the sort in which any ordinary person might behave irrationally or inadequately though not necessarily criminally. Situational offenders are defined as persons who are normally lawful in their behaviour, who have no conscious wish or intent to break the law but who have responded with poor judgment and skill and less foresight and control than the situation required.
  
- ✚ *Pathological Offenders*: These offenders are at the opposite end of the see-saw from the situational offenders. Unlike the latter, pathological offenders are chronically abnormal. Their offences are symptomatic of their basic psycho-somatic problem. They may be the kinds of people loosely referred to as inadequate, the kinds of people who definitely do not have the world by the tail, people who are pushed around not so much because others are against them as because they get in the way. And, they range all the way from these merely inadequate personalities to those who are psychotic.

- ✚ *Avocational Offenders*: These are preponderantly normally socialised, respectable, and law-abiding people whose primary occupations and efforts are legitimate but who habitually commit criminal offences in the normal course of carrying on their occupations. Avocational offending is primarily a response to the priority given to the value of financial success over legitimate business procedures for attaining it. Such offending may be rationalised as a customary part of the sub-culture of business in an aggressively competitive economy and defined, not as a violation of trust, but as a calculated risk that is an expected part of the game.
- ✚ *Career Offenders*: Also called “real criminals”, they are the ones most people seem to have in mind when they talk about crime. Essentially they are what the law calls property offenders although a tiny minority may earn a living by assault and battery, mayhem, or murder. They differ from avocational offenders in that they get their living wholly or chiefly by behaviour that is consciously a violation of the criminal law. They may justify their activities on the ground that dishonesty is universal and everybody has his “racket”, but their law violation is deliberate and repetitive and it is the focus of their vocational interest.

## 1.9.2. Recidivism

According to Prinsloo (2004), recidivism refers to a general academic term, indicative of a specific society, community or populations’ needs, perceptions and interpretations. Prinsloo (2004, pp. 16-21) argues that a recidivist can be characterised by:

- ✚ Repetitive and continuous criminal behaviour (the most important aspect of the definition);
- ✚ Being rearrested for a crime;
- ✚ Committing breach of parole or supervision;
- ✚ Being found guilty of two or more crimes on different occasions;
- ✚ Being found guilty on two or more occasions of a similar crime;
- ✚ Serving an indeterminate sentence;
- ✚ Reoffending within a stipulated period of time after release;
- ✚ Therapeutic interventions having little or no impact on the individual’s offending behaviour;
- ✚ Resulting in the labelling or stigmatisation of the offender.

Champion (1994, p. 12) affirms Prinsloo's definition of recidivism but offers a more detailed definition that includes:

- ✚ Rearrest;
- ✚ Parole or probation revocation or unsatisfactory termination;
- ✚ Technical parole or probation rule violations;
- ✚ Conviction for a new offence while on parole or probation;
- ✚ Return to prison;
- ✚ Having a prior record and being rearrested for a new offence;
- ✚ Having a prior record and being convicted for a new offence;
- ✚ Any new commitment to prison for sixty days or more;
- ✚ Presence of a new sentence exceeding one year for any offence committed during a five-year parole follow-up;
- ✚ The return of released offenders to custody of state correctional authorities;
- ✚ The use of drugs or alcohol by former substance abusers;
- ✚ Failure to complete educational or vocational/technical course(s) in or out of prison custody.

Champion (1994) and Siegel (2005) cite that the most common meanings of recidivism are reoffending, rearrests, reconvictions, revocations of parole or probation and re-incarceration. Bonta (2003) is of the opinion that "recidivism" can be measured in different ways for different purposes. According to Bonta (2003), there is no single measure of recidivism that does not have a disadvantage. The various measures that have been used (such as rearrests and re-incarceration), all have shortcomings but also certain advantages that justify their continuation. However, reconviction, as a measure of recidivism, has a number of advantages over other measures. Firstly, compared to re-arrest, reconviction requires a plea or finding of guilt in court. Therefore, it minimises the likelihood that someone will be viewed as committing a new crime when in fact that person did not. Secondly, this definition of reconviction includes the full range of crimes from the least to the most serious (whereas re-incarceration would normally indicate only the more serious offences) (Bonta, 2003).

### **1.9.3. Rehabilitation**

Rehabilitation is the result of a process that combines the correction of offending behaviour, human development and the promotion of social responsibility and values. It is the desired outcome of processes that involve both the departmental responsibilities of government and the social responsibilities of the nation (White Paper on Corrections, 2005). Rehabilitation examines whether there are sufficient interventions (programmes) available for offenders to address their offending behaviour and to enhance them to be self-sufficient.

However, various meanings are attached to the term rehabilitation. In fact, this term is often used interchangeably with other terms such as “treatment”, “intervention” “reform”, “change”, “correction” and “development” (Alexander, 2000). This highlights the flexible use and application of the term rehabilitation.

Mubangizi (2001) believes that rehabilitation refers to activities designed to change criminals into law-abiding citizens. Tshiwula (2001, p. 14) describes rehabilitation as “the provision of professional assistance or job training to offenders to make them less likely to engage in future criminality”. Holtzhausen (2002) and Siegel (2005) view rehabilitation as an assistance process where offenders are provided with psychosocial and educational opportunities, job training and religious care, to reduce their propensity to crime in order to help them to reintegrate into the community.

The Panel on Research on Rehabilitative Techniques (PRRT) defines rehabilitation as “the results of any planned intervention that reduces an offender’s further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values, or other factors. The effects of maturation and the effects associated with fear or intimidation are excluded, the result of the latter having traditionally been labelled as specific deterrence” (Alexander, 2000). According to Coetzee (2003a), rehabilitation occurs when an offender can identify, recognise, and acknowledge the damage caused to his or her victim(s), understand the elements contributing to the offence and can take responsibility for his or her actions. Coetzee (2003b) and Neser (1989) propound that rehabilitation entails hope, the prospect of change and the opportunity for self-improvement.

It is furthermore suggested that for rehabilitation to succeed, prisoners must be treated as individuals, the community must be involved in rehabilitation efforts (as a long-term solution to crime), and hindrances (such as stigmatisation) should be eliminated to successfully reintegrate offenders into the community. The rehabilitation of offenders should include addressing the various ways in which offenders respond to cues in their immediate environment, motivation for the crime, personal development and the reduction of criminal and antisocial behaviour and lifestyles (Du Preez, 2003)

Sentle (2004, p. 14) states that rehabilitation in the South African correctional context can be perceived as:

- ✚ The creation of an enabling environment where a human rights culture is upheld, reconciliation, forgiveness and healing are facilitated, and prisoners are encouraged and assisted to discard negative values and to develop positive ones;
- ✚ The creation of opportunities, the acquisition of knowledge and new skills, the development of an attitude of serving with excellence and the achievement of principled relations with others, to prepare the prisoners to return to society with an improved chance of staying out of prison as productive and law-abiding citizens;
- ✚ A process that starts with the prisoner gaining insight into his need to change the negative behaviour.

In addition, the Draft White Paper on Corrections in South Africa (2003, pp. 3-4,22,29,31,42,45,47,59-61) states that rehabilitation refers to:

- ✚ Correcting correctional clients to promote human development and social responsibility;
- ✚ Ensuring that offenders internalise the impact that their actions have had on their victims and on society as a whole;
- ✚ Separating the offender from the offending behaviour;
- ✚ Changing criminal attitudes, behaviour and social circumstances that promote criminality;
- ✚ Promoting positive social values and responsibility;
- ✚ Preventing recidivism;
- ✚ Focusing on a holistic, multi-disciplinary approach pertaining to the rehabilitation of offenders;
- ✚ Addressing the causes of criminal behaviour;

- ✚ Empowering offenders through life and other skills;
- ✚ Conducting needs and risk assessments of offenders;
- ✚ Ensuring social reintegration of offenders back into their communities by focusing on after-care services.

#### **1.9.4. Reintegration**

In the criminal justice system, reintegration refers to the process of reentry into society by persons that have been incarcerated. Reintegration includes the reinstatement of freedoms not previously had by individuals as a result of being in jail (Liebling et al., 2011). This process may occur gradually, as in the case of paroled inmates, inmates finishing their sentences in halfway houses, or serving the final part of their sentence on home confinement and gradually granted freedoms. Alternatively, reintegration may occur immediately as in the case of sentence expiration.

#### **1.9.5. Convict**

A person found guilty of an offence and sentenced by a court of Law (Albrecht, 2015). Convicts are often also known as inmates.

#### **1.9.6. Correctional Centre Reform**

Is the attempt to improve the conditions inside correctional centres, aiming at a more effective system. It implies the changing of old practices and work processes to achieve dramatic improvements in critical measures of performance such as quality of rehabilitation strategies (Hulley et al., 2012)

#### **1.9.7. Correctional Centre Overcrowding**

According to Albrecht (2015), overcrowding refers to a situation whereby too many inmates live in too close proximity to each other and are made to compete for the limited space and resources. This situation creates diminished access to available and limited facilities such as medical attention, recreation, rehabilitation programmes.

## **1.10. Research Design and Methodology**

The purpose of this section is to provide an outline of the research design and methodology applied in gathering information for this study. The demarcation of the study field is clearly indicated, followed by sampling technique, access to subjects and methods used to collect data.

### **1.10.1. Research Design**

The research uses qualitative methodological tools as these are deemed most appropriate for the purposes of gathering information in order to answer the research questions. Newman (2000) argues that qualitative data is empirical as opposed to quantitative research where usually the researcher does not become close or familiar with the respondents. Qualitative research allows for interviews in a less structured setting and the researcher to observe non-verbal communication like facial expression. According to Babbie and Mouton (2001), the main goal of qualitative research is to describe, explore and understand, rather than explain human behaviour. Different techniques and data collection methods are used in order to describe, observe, make sense or interpret the phenomenon under investigation and this is achieved by interacting with research participants. This methodology is particularly appropriate to this study to investigate the DCS approach to offenders' rehabilitation.

#### **1.10.1.1. Demarcation of the Study Field**

The research population for this study is confined to convicted re-offenders incarcerated at the WCC in Durban to obtain information on the obstacles that they faced during the rehabilitation process and the possible reasons for their re-offending. However, because the rehabilitation of offenders in DCS is holistic and therefore covers a wide scope of professionals, the researcher included as well correctional officials, psychologists, educators and spiritual caregivers working at the WCC to determine the existing barriers that prohibit the successful rehabilitation of offenders as well as to address the needs of inmates before recidivism occurs.

#### **1.10.1.2. Sampling Technique**

In this study, purposive sampling technique was used to select participants. This is the best method of sampling for this study because it focuses on a specific group of offenders, namely those who re-offended, as well as prison officials working at the WCC. This sampling

technique allows the researcher to make a deliberate choice of participants due to the information they possess. According to Bernard (2002), this technique helps the researcher to decide what needs to be known and to select people are willing to provide the information by virtue of their knowledge or experience.

### **1.10.1.3. Access to Subjects**


Permission was first requested and obtained from the University of KwaZulu-Natal Ethics Committee in order to first conduct this research ethically. Permission was also requested and obtained from DCS Management to investigate the approach used towards offenders' rehabilitation at the WCC.

### **1.10.2. Data Collection**

An extensive literature study regarding relevant research findings on offender rehabilitation in various scientific journals, books, and the World Wide Web have been explored to guide this research project. Furthermore, semi-structured interviews and focus groups were conducted with convicted re-offenders, correctional officials, psychologists, educators and spiritual caregivers.

## **1.11. Outlay of the Study**

This study is divided into three main sections:

 **SECTION A** constitutes the essential background to the study and encompasses the following chapters:

### **❖ Chapter 1**

Chapter 1 sets out the basis of the study and the reasons for conducting it. Limitation, relevant concepts central to the topic as well as the methods used to undertake the study are outlined in this chapter.



## ❖ Chapter 2

Chapter 2 comprises a review of the historical development of the rehabilitation ideal. Four critical historical periods are reviewed: the rehabilitative ideal's discovery, dominance, decline and reaffirmation.

## ❖ Chapter 3

This chapter starts with a consideration of the theoretical context of rehabilitation and how the term is defined. The chapter also looks at the theoretical justifications for rehabilitation and its significance in the criminal justice process, the basic guiding principles of offender management and ends by considering some strategies to effective rehabilitation of offenders.

## ❖ Chapter 4

This chapter focuses on international correctional service systems of four countries (Norway, Canada, Japan and Malaysia) on the rehabilitation of inmates, and analyses how each country regulates and institutionalises this aspect of the prison system. The national cases considered in this chapter were chosen to reflect a wide range of differences in their respective correctional service systems.

## ❖ Chapter 5

This chapter focuses on offenders' rehabilitation within the South African correctional centres. It reflects a broader perspective of different programmes and services provided to inmates within correctional facilities to promote their rehabilitation. This chapter also outlined the concept of professionalism amongst correctional staffs and the role of the community to facilitate inmates' reintegration into the society after their release.

🚧 **SECTION B** focuses on the methodological and the empirical outlay of the research project.

## ❖ Chapter 6

This chapter provides a description of the research methodology employed in this study. It explores the research paradigm that informed the direction pursued in this study, which also includes the nature of the research study. The description of the research design follows, with

highlights of the research site and target population. Sampling is clearly indicated, together with the methods that the researcher used to collect data and how the data was analysed.

## ❖ Chapter 7

This chapter presents, analyses and discusses the findings of the study. Attention will be paid to the DCS approach on offenders' rehabilitation at the WCC. The chapter is divided into the following: biographical data of in-depth interviewees on aspects of age, marital status, educational level, and employment status, type of crime committed and religious affiliation of participants. Thereafter, the biographical data of the key informants are presented. Narrative data analysis and discussions then follow under different emergent themes with sub-themes in order to analyse and interpret the data.

✚ **SECTION C** provides the summary and conclusion that ties all the major findings and the recommendations.

## ❖ Chapter 8

This chapter focuses on the summary of findings, conclusions and recommendations of the study. This chapter provides a consolidated summation of the entire study. It is divided into two sections. The first section deals with the summary of the thesis including the methodological processes. The second section covers the summary of the major findings of the study, the conclusions and the recommendations.

### **1.12. Conclusion**

This chapter provided a background of the study, the research aim and objectives. Central questions to the research are presented, followed closely by a highlight on the rational, significance and delimitation of the study thereof. Key terms of the study are defined, with the limitations of the study indicated. Research design and methodology are detailed, with an indication on the demarcation of the study field, sampling technique, access to subjects and methods used to collect data. This chapter ends by providing the layout of all chapters of the study.

## **CHAPTER 2**

### **HISTORICAL DEVELOPMENT OF OFFENDERS' REHABILITATION**

#### **2.1. Introduction**

This chapter provides a historical overview of the development of the rehabilitative ideal. Four historical periods are identified: the rehabilitative ideal's discovery, dominance, decline and reaffirmation. First, this chapter highlights how, during the 1800s, the rehabilitative ideal was discovered and developed. Second, it explains how the rehabilitative ideal then became the dominant correctional ideology, shaping the development of criminal justice. Third, it demonstrates how, in a sudden reversal, the rehabilitative ideal came under withering attack during the late 1970s. At this point, the rehabilitative ideal was in steep decline. Fourth, this chapter ends by explaining how over the final two decades of the 1900s, a counter-movement slowly developed to challenge the nothing works doctrine of rehabilitation.

#### **2.2. Early Indications**

The term rehabilitation has been used in different ways, and it is also worth noting that rehabilitation has meant different things at different times. What one understands by rehabilitation today is likely to be different from what the term might have meant to someone in the nineteenth century. Because of this, it is hard to determine just when rehabilitation emerged as a feature of how offenders were dealt with in any contemporary sense. The development of rehabilitation can be seen as a series of emerging distinctions occurring at various points in time.

##### **2.2.1. Antiquity and Christianity**

The idea of the moral transformation of the offender has its roots in antiquity. As early as 1050 BC a Chinese book contained a penal policy based on the idea of amendment. But the earliest rehabilitationist is usually regarded as Plato, who saw wrongdoers as morally sick, where the court's task was to act as physician of souls (Rotman, 1990).

The Greek ideas on reformatory punishment evolved into the Christian notion of monastic penance. The Christian contribution to the development of a rehabilitative spirit in the application of criminal sanctions was rooted in various texts of the New Testament, particularly the admonition to love one's enemy (Bean, 2010). According to Bean (2010), St Thomas

Aquinas spoke about the notion of “*poena medicinalis*” (Medical penalty) which means that one can also look at punishment as medicinal and then not simply as a cure for past sins but as a preventative of future sins or even as an inducement to some good. In these formulations, rehabilitation is spoken of as a manifestation of social disease. These arguments use a medical orthodoxy, and the aim must have been to cure the disease by treatment. It was assumed that reform was possible. The most influential embodiment of the Christian rehabilitative conception was the disciplinary punishment practised within monastic orders (Menninger, 2007). Through solitary confinement and meditation in the cell, the order attempted to combine the pain of imprisonment with the spiritual growth of the transgressor. It was the combined use of imprisonment and amendment which became the formula for nineteenth-century correctional experiments.

### **2.2.2. Classical to Positivist**

The shift from classical to positivist thinking is most commonly traced back to the work of Cesare Lombroso in the latter part of the nineteenth century. The positivist school of Lombroso stood in contrast to the classicism of Cesare Beccaria and Jeremy Bentham that had preceded it. Whereas classical criminology emphasised dealing with the offence, the positivists focused more on the offender (Garland, 2001). Classical thinkers emphasised the importance of reasoning, justice and uniformity of sentencing. The beginnings of classical theory introduced to law the notion of utility. Following the principles of utility, the purpose of legal punishment is not to administer harsh punishment, but to deliver just enough punishment to deter the individual from further criminal actions and so prevent crime (Hollin & Palmer, 2006).

While classical theory favours punishment to deter the offender, the positivists placed more emphasis on offenders as fundamentally different from non-offenders, and as people who could not help being who they were. However, Garland (2001) points out that, although Lombroso’s work gave rise to a scientific approach to criminality, it required much shaping and refashioning before it could form the basis for a realistic policy. Nonetheless, criminal justice was to cease being a punitive reactive system and was to become instead a scientifically informed apparatus for the prevention, treatment and elimination of criminality (Garland, 2001). According to Bonta (2007), by denying the meaning content of human action positivism tends to regard offenders as being pre-determinedly crime-prone; it treats crime as a naturally occurring phenomenon and hence sees the role of the organs of the state as unproblematic, and

it relies on the ability of behavioural science experts to accurately predict and treat the problem behaviour.

### **2.3. The Rise of the Rehabilitative Ideal in the United States of America**

The idea that correctional intervention should reform offenders goes back to the invention of the penitentiary in the first part of the 1800s in the United States of America (Rothman, 1971). The very word “penitentiary” suggests that the prison was not to be a place where offenders were merely warehoused or suffered their just deserts, but rather that the experience of incarceration was to transform their very spirit and habits of living (Cullen & Gendreau, 2000).

When the idea of penitentiaries emerged, some scholars see the American prison as a humanitarian invention that moved away from the gallows, the pillory, the whipping post, and other barbaric punishments (Colvin, 1997). Other scholars see it as emerging from a changing social context that prompted the view that solving crime could be achieved by removing offenders from the prevailing criminogenic, disorderly environment and placing them in the morally pure, orderly environment created behind institutional walls; and still others see prisons as part of a sinister plot by political and economic elites to create an institutional machine capable of disciplining the poor and transforming them into productive workers (Colvin, 1997). Regardless, it is clear that correctional interventions, including prisons, have a lengthy history in the United States of America (USA) of being justified as serving the goal of reforming their responsibilities. In the USA three major shifts occurred in thinking about how best to reform offenders.

First, in the 1820s, the USA initiated its penitentiary experiment (Rothman, 1971). Two classic designs for the penitentiary has been created: the Pennsylvania “solitary” model and the Auburn “congregate” model. The reformatory strategy underlying both these models, however, was the same (Cullen & Gendreau, 2000). On one hand, insulate inmates, whether through solitary confinement or silence, from the corrupting influences in society and from associating with other offenders; on the other hand, reform their spirit and habits through religious influence and daily labour (Cullen & Gendreau, 2000).

Second, by the latter part of the 1800s, this faith in the routines of prison to change offenders had lost its appeal. A belief in religious training and labour remained and, at times, education was added to the reformatory prescription. But a new ingredient, said to be the key to the whole enterprise, was added: the indeterminate sentence (Cullen & Gendreau, 2000).

The third period of reform, which sought to professionalise and sophisticate the rehabilitative ideal, was signalled by the conscious use of the term “corrections.” In 1954, the American Prison Association, the professional organisation to which the leaders in corrections belong, changed its name to the American Correctional Association. Prisons were now relabeled “correctional institutions” (Irwin, 2010, p. 25). This change was more than euphemistic. In the next two decades, an array of treatment programmes was introduced inside prisons, such as individual and group counselling, therapeutic milieus, behavioural modification, vocational training, work release and furloughs, and college education. New and more sophisticated classification systems were implemented. Relatedly, there was a movement, which gained steam in the 1960s, to foster community treatment and the reintegration of offenders into the community (Cullen & Gendreau, 2000).

Observers of American corrections were not unmindful of the problems associated with implementing programmes that had the difficult task of changing inmates (Gibbons, 1999). The lack of resources and trained staff needed to carry out programmes effectively was commonly cited. Still, in the mid-1960s, few criminologists or correctional administrators debated that rehabilitation was the enlightened course to pursue. Thus, it is instructive that Karl Menninger (1968) earned rave reviews for his book, *The Crime of Punishment*. Near the same time, Jackson Toby’s (1964) assessment of criminology textbooks led him to conclude “that students reading these textbooks might infer that punishment is a vestigial carryover of a barbaric past and will disappear as humanitarianism and rationality spread”. Reflecting on that era, Don Gibbons (1999, p. 272) observes that “it seemed to many criminologists that they were about to become ‘scholar-princes’ who would lead a social movement away from punitive responses to criminals and delinquents and toward a society in which treatment, rehabilitation, and reintegration of deviants and lawbreakers would be the dominant cultural motifs”.

#### **2.4. The Decline of the Rehabilitative Ideal**

From the mid-1960s to the mid-1970s, the philosophy of rehabilitation experienced a sudden decline in legitimacy, “moving from decades-long ideological hegemony to complete disrepute” (Cullen, 2013, p. 305). This decline is often linked to “cataclysmic changes” that transpired in the world at that time (Cullen & Gendreau, 2000). According to Cullen and Jonson (2012, p. 33), the world was thrown into turbulence especially “marked by the Civil Rights Movement, and escalating crime rates”.

This ongoing social unrest troubled those on both the left and right political wings of American society. More and more citizens came to question the legitimacy of the prevailing social order and the methods that the government used to maintain it. As the 1970s progressed, the USA faced a radical loss of confidence in its political and social institutions. Indeed, this was a legitimacy crisis, “a confidence gap between the public and the government” (Cullen & Gendreau, 2001). For many citizens, the ongoing events caused them to question whether the state could be trusted to govern American society. Importantly, however, conservatives and liberals interpreted the crisis in different ways.

#### **2.4.1. Conservative and Liberal Attacks on the Ideology of Rehabilitation**

Citizens that held a conservative perspective viewed the events and saw a social disorder, a breakdown of law and order. Conservatives watched how numerous political protests throughout the USA often became a stage for a direct confrontation with state authority. In addition, they recognised a deep erosion of traditional American moral values, especially those that related to obedience to authority, education, and family. During this period, “crime” became a real threat in the life of many citizens and was perceived as an “a codebook for all that was wrong with American society” (Cullen & Gilbert, 1982). In this regard, conservatives displayed a keen sensitivity to the public’s fears of increasing crime.

Conservatives mistrusted the welfare state and perceived its ideology as the source of society’s disruption. In the area of crime policy, they blamed the ideology and practice of rehabilitation for allowing lawlessness to flourish. First, conservatives argued that rehabilitation encouraged criminals to externalise responsibility. That is, advocates of rehabilitation assumed that the causes of crime have social or innate sources and thus enabled offenders to neutralise their irresponsible choices, to believe that their criminal acts were the result of circumstances beyond their control (Ziv, 2016). Second, conservatives blamed the ideology of rehabilitation for the leniency of the correctional system. They stated that one of the major obstacles to maintaining the social order was the due process legislation that protected the rights of suspects, defendants, and inmates (Ziv, 2016). According to conservatives, this legislation sent a dangerous message to offenders: that whatever they did wrong, the law would be on their side. Moreover, they argued, that the therapeutic attitude of the correctional system signalled offenders that future convictions would result with a lenient reaction. That is, judges and parole boards would focus on offenders’ needs and would use their discretion to release them back to the community (Ziv, 2016).

Conservatives, then, opposed the notion of rehabilitating offenders and perceived it as an illegitimate practice. Within the therapeutic state, they asserted, crime had become a rational “crime paid” because it brought rewards and posed few risks of punishment (Cullen & Gilbert, 1982). Conservatives thus contended that the best way to stop chaos in society was to implement laws that “severely limit the discretion exercised by judges and liberal parole boards” (Cullen & Gilbert, 1982, p. 97). Specifically, they proposed to replace indeterminate sentences with determinate sentences. Judges, then, would no longer have the discretion to impose lenient sentences. Instead, they would have to impose the sentences mandated by the law. Conservative legislators could then pass laws that inflicted harsh sentences on offenders for the crime they committed.

Conservatives thus believed that punitive policies would solve the crime problem: it would transform criminality into an irrational choice. Their suggestion was to inflict harsh sentences to deter both active criminals and potential criminals. In addition, conservatives advocated for sentencing policies that would send hardened offenders for lengthy prison terms (Ziv, 2016). Thus, they supported laws that would impose prison terms on all criminals who committed serious offences or those who were chronic offenders.

Liberals, on the other side of the political spectrum, perceived the social turbulence in different terms than conservatives. While conservatives traditionally believed that rehabilitation was a false premise and were eager to demolish its dominancy, liberals experienced the events as a continuing disenchantment with their own ideology (Cullen & Gilbert, 1982). During the late 1960s and the 1970s, then, liberals could no longer maintain their faith in a state that no longer seemed designed to reflect the liberal reaction to crime. During this time, they eventually detached themselves from the hope of a welfare state that promised to do good and came to “doubted both the willingness and capacity of the government to achieve an equitable and human society” (Cullen & Gilbert, 1982, p. 104).

Moreover, liberals suddenly realised that the problems in the correctional system stemmed not from “the absence of a genuine commitment to treatment” but from “the very presence of rehabilitative ideology and practice” (Cullen & Gilbert, 1982, p. 111). That is, rehabilitation was no longer viewed as a humane ideal. Instead, liberals asserted that rehabilitation became a “dangerous myth that has long been used by the state to justify the unconscionable victimisation of offenders” (Cullen & Gilbert, 1982, p. 125).



For the first time then liberals started to question the fundamental assumptions that followed the development of the therapeutic state for one and a half centuries. Indeed, for liberals, the idea that “the rehabilitative ideal was not flawed and fixable but rotten to the core” was a paradigmatic shift (Cullen, 2013, p. 316). In this sense, liberals abandoned their own social welfare ideology. According to Cullen and Gilbert (1982), liberals rejected rehabilitation for three reasons: the theory of rehabilitation was flawed and thus futile, the therapeutic system inflicted an excessive punishment on offenders, and the administration of individualised treatment was unjust. These types of liberal criticism on rehabilitation led to the decline of the rehabilitative ideal and therefore merits close examination (Ziv, 2016).

The first type of criticism was directed toward the inherent problems in the theory of rehabilitation. These problems, liberals argued, indicated that “rehabilitation efforts are futile and wasteful” (Garland, 2001, p. 70). One problematic issue was the reliance of correctional rehabilitation on positivistic criminology. That is, liberals advocated against the notion that the rehabilitative process required a change in offenders’ criminogenic conditions. Instead, they contended that the roots of crime lay in the “structural features of an unjust society” (Garland, 2001, p. 113). Moreover, similar to conservatives, liberal in the 1970s followed the classical school of criminology and advocated that crime was the outcome of a rational decision. For liberals, however, crime was a rational reaction of people who had to take decisions in harsh and unjust social circumstance (Ziv, 2016).

Another problem in the theory of rehabilitation, liberals argued, was the assumption that the way inmates behaved in prison would predict their behaviour after release. According to liberal scholars, this assumption was flawed because prison officials did not have the scientific expertise to predict inmates’ future behaviour. That is, correctional rehabilitation had no capacity to identify inmates’ criminogenic propensities and to deliver effective intervention (Ziv, 2016). Therefore, they concluded, this problematic assumption led to the inaccurate prediction of which inmates were, or were not, judged to be “rehabilitated”. In addition, liberals argued firmly against the notion of enforced therapy and considered it as a theoretical flaw. They stated that this practice was ineffective because “people cannot be reformed against their will” (Ziv, 2016, p. 116). Last, liberals dismissed the premise that rehabilitation would be achieved in prison. The corruptive nature of confinement, they asserted, is antithetical to any environment that aims to change offenders for the better.

The second type of liberal critique accused correctional rehabilitation of “*doing harm*” to offenders. That is, “rehabilitation makes offenders worse, not better” (Garland, 2001, p. 70). Liberals claimed that, in practice, “the system is using the mask of benevolence to do considerable harm” (Cullen & Gilbert, 1982, p. 119). Liberals, for example, perceived sentences of indeterminate length “as a ruthless weapon to coerce inmate conformity” (Cullen & Gilbert, 1982, p. 120). Their argument was that under the policy of indeterminate prison term, the original condition of release was distorted. That is, the power to grant release was not used to promote inmates’ reintegration into society but rather to serve custodial goals: the need to maintain order and to prevent escapes (Cullen, 2013). Therefore, they claimed that inmates experienced coercion, not correction. Rothman (1980) described the mechanism of this therapeutic endeavours and concluded that: “At the end, when conscience and convenience met, convenience won. When treatment and coercion met, coercion won” (Rothman, 1980, p. 10).

Liberals thus were convinced that correctional rehabilitation in prison would inevitably be corrupted and be harmful. In this regard, they also mentioned the uncertainty of release under an indeterminate prison term as another harmful aspect of correctional rehabilitation. Liberals also criticised the nature of the therapeutic techniques as a harmful aspect of rehabilitation (Ziv, 2016). They asserted that under the cloak of a benevolent scientific approach, the correctional system used inhuman behavioural techniques such as electroshock therapy, sterilization, and psychosurgery. In addition, liberals claimed that the use of positive and negative reinforcement in institutions was corrupted to achieve compliance (Ziv, 2016).

The third type of liberal’s criticism claimed that rehabilitation should be rejected because it allowed the administration of injustice. Liberals contended that rehabilitation “undermined fundamental values such as moral autonomy, the rights of the individual, due process and the rule of law” (Garland, 2001, p. 70). In this regard, they stated that the administration of individualised treatment created official decisions that were both “excessively arbitrary and capricious” and “blatantly discriminatory” (Cullen & Gilbert, 1982, p. 124).

Specifically, liberals argued that judges had no expertise to decide how each offender should be rehabilitated, and thus the decision-making in court relied on their personal tendencies. Such subjective decisions, they asserted, led to diversity in punishment for crimes that committed under identical circumstances (Ziv, 2016). Moreover, liberals accused, the subjectivity in court discriminated the poor and minority offenders. That is, “racial stereotypes shaped sentencing

and subsequence decisions” (Cullen, 2013, p. 316). In addition, as mentioned above, liberals also argued against the harmful way prison officials administered their unfettered discretion to abuse inmates.

Taken together, these three reasons to reject rehabilitation reflected the cognitive shift that liberals experienced during the 1970s. In essence, for these liberals, these fundamental critiques “render the treatment enterprise fully illegitimate” (Cullen, 2013, p. 317). By 1975, then, liberals mistrusted the welfare state and agreed that the correctional system should abandon “the false hopes for a criminal justice system that would do good” (Cullen & Gilbert, 1982, p. 125). As an alternative to the rehabilitative ideal, liberal scholars proposed a model that would reflect their perception of justice called the “justice model” of correction.

The justice model consisted of several assumptions that, together, aimed to reorganise the correctional process (Cullen & Gilbert, 1982; Cullen & Jonson, 2012). First, sanctions should be based on “just deserts” and not on individualised treatment. That is, punishment would fit the crime and not the criminal, and the abusive link between rehabilitation and liberty would be eliminated (Cullen & Jonson, 2012). Second, laws should narrow the range of punishment that judges can impose for each criminal offence. That is, liberals hoped to eliminate the disparity and discrimination in sentencing by creating clear sentencing guidelines. Third, indeterminate sentences must be replaced by determinate sentence. Liberals perceived this change as a fundamental factor to protect offenders from being abused by state officials (Cullen & Jonson, 2012).

The fourth assumption of the justice model required the abolition of parole boards and parole release. That is, under determinate sentencing, and without the link between treatment progress and release, parole boards would no longer be needed. Fifth, prison terms should be short and “reserved for only the most serious crimes” (Cullen & Jonson, 2012, p. 58). This liberal assumption aimed to minimise both the deprivation of liberty and the criminogenic impact of prison. Sixth, prisons should be a safe and just place. This liberals’ image of prison involved prison officials that treat offenders in a non-abusive manner, inmates that have access to civil rights, penalties that would be regulated according to due process principles, and inmates that would practice self-government (Cullen & Jonson, 2012). Liberals thus wanted to ensure that beyond the loss of liberty, inmates would not suffer additional pain. Seventh, participation in treatment programmes should be voluntary. This assumption was intended to eliminate the

harmful consequences of enforced therapy. Liberals believed that voluntary participation in treatment programmes would create an authentic motivation to change

From the mid-1960s to the mid-1970s, then, conservatives and liberals joined forces to solve what they perceived as the failure of criminal justice. Indeed, although conservatives and liberals had a different motivation, they called for similar policies: to abandon the therapeutic ideology and indeterminate sentence, and to replace it by “the principles of just desert and determinacy” (Cullen & Gilbert, 1982, p. 91).

#### **2.4.2. Martinson and the “Nothing Works” Doctrine**

In the spring of 1974, advocates of rehabilitation experienced a devastating strike that ended up the case against its legitimacy. In that year, Robert Martinson published the results of the most extensive evaluation study that had been conducted on the effectiveness of correctional treatment (Cullen & Gilbert, 1982). This study was designated to provide an answer to the general question: Does rehabilitation work?

Martinson and his colleagues used “rigorous standards to select and analyse” 231 controlled studies, conducted from 1945 to 1967 (Cullen, 2013, p. 326). In his article, Martinson (1974) reviewed the effectiveness of several “treatment methods” such as education and vocational training, individual counselling, group counselling, milieu therapy, psychotherapy, imprisonment (sentence length and degree of security), medical treatment, “decarceration,” probation, and parole. The analysis of these approaches led him to report that “with few and isolated exceptions the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism” (Martinson, 1974, p. 25). Martinson (1974) then moved beyond his findings and stated a conclusion that reflected a pessimistic attitude toward rehabilitation. In the final section of his article, Martinson raised the possibility that the efforts to rehabilitate offenders were futile due to an inherent theoretical flaw. That is, “education at its best, or that psychotherapy at its best, cannot overcome, or even appreciably reduce, the powerful tendency for offenders to continue in criminal behaviour” (Martinson, 1974, p. 49).

This notion that “nothing works” to reform offenders became a doctrine that had a tremendous impact on policymakers and criminologists. The appeal of this doctrine, however, stemmed more from its historical context than from the scientific aspects of Martinson’s evaluation. That is, by the time Martinson published his study “many criminologists, and other commentators on corrections had already decided that rehabilitation was a failed enterprise” (Cullen & Gendreau, 2000, p. 122). In the mid-1970s, Martinson thus served as the final scientific proof

to those who argued for a correctional system that should reject the existing social welfare approach and therapeutic principles in favour of either the justice model, advocated by liberals or the get-tough crime-control model, advocated by conservatives (Cullen & Gilbert, 1982).

In this regard, Cullen (2013) details three considerations that ascribe the popularity of Martinson's "nothing works" doctrine to the historical context. First, Martinson was not the first one to show the ineffectiveness of correctional interventions (Cullen & Gendreau, 2000). That is, in the 1950s and the 1960s, scholars conducted reviews of empirical studies and presented negative results. However, those reviews emphasized the need for treatment integrity and did not present estimations that undermined the theoretical aspects of rehabilitation. Second, in 1979, Martinson published another evaluation that analysed 555 studies and, in fact, renounced his nothing works claim (Martinson, 1979). However, the new evidence did not convince others "to follow Martinson in reconsidering their rejection of rehabilitation," and "was largely ignored" (Cullen, 2013, p. 328).

The third consideration that shows how the influence of Martinson relates to the social context in that time is the way it was accepted by criminologists. In the 1970s, criminologists did not approach Martinson's doctrine with a critical examination of his report and did not try to address methodological flaws that could challenge the pessimistic conclusion. Instead, criminologists approached Martinson (1974) with an attitude that "sought to show that 'nothing works' when 'state control' is exercised" and to argue "that larger social justice is the solution to crime" (Cullen & Gendreau, 2001, p. 333). In other words, the "nothing works" doctrine became part of the field's "professional ideology" (Cullen & Gendreau, 2001). Therefore, criminologists in the 1970s welcomed Martinson's "nothing works" doctrine and accepted it "uncritically, abandoning the core norm of science that scholars subject empirical claims to organised scepticism" (Cullen, 2013, p. 328).

Indeed, by the mid-1975, the legitimacy of rehabilitative ideal was at rock bottom. Martinson's study seemed to end the debate on the potential merit of rehabilitation. His study symbolised a solid "proof that rehabilitation was a failed and thus indefensible enterprise." Martinson's "nothing works" doctrine thus "quickly became accepted as a criminological fact, both within academia and among policy-makers" (Cullen & Gilbert, 2013, p. 200).

Retrospectively, however, Martinson's study reframed the debate on rehabilitation and established a silver lining that enabled to reaffirm its legitimacy. That is, Martinson (1974) transformed the debate "from a broad and complex critique of the welfare state into the

narrower and simpler issue of effectiveness” (Cullen, 2013, p. 329). In other words, the argument over which correctional theory should take precedence in guiding the correctional system’s policies and practice increasingly became seen as a matter of evidence (Cullen & Gilbert, 2013). Martinson ironically paved the one way for advocates of offender treatment to restore legitimacy to the rehabilitative ideas: They needed to accumulate sufficient empirical evidence to show that treatment programmes reduced recidivism. That is, they needed to show that the nothing works doctrine was wrong and the rehabilitation did in fact work.

## **2.5. Reaffirming Rehabilitation**

In the mid-1970s, Martinson’s (1974) publication sounded the death knell for the field of correctional intervention. Rehabilitation then became a deserted ideology that struggled defenceless against policy-makers, academician, and practitioners that believed in the “nothing works doctrine.” According to Cullen and Gilbert (1982, p. 200): “If Martinson was right, then it made little sense to continue any conversation about the value of rehabilitation”.

This section thus describes how advocates of rehabilitation reacted to this doctrine. Essentially, rehabilitation was reaffirmed primarily by efforts of scholars to show empirically that offender treatment was effective (Ziv, 2016). Chronologically, the accumulation of the empirical evidence that supported rehabilitation began with reassessing the findings in Martinson’s 1974 publication. That is, Palmer (1975) recounted the statistically significant outcomes of studies mentioned in Martinson’s review and provided different empirical perspective. In the late 1970s, scholars continued to conduct narrative reviews that challenged the “nothing works” doctrine. These reviews examined the results of individual studies that evaluated treatment programmes (Gendreau & Ross, 1979). This section then discusses how the ongoing empirical findings during the 1980s contradicted Martinson’s premise that “nothing works” (Gendreau & Ross, 1987). The second part of this section will describe the rehabilitation efforts since the early 1990s. Specifically, this section will present the findings from the meta-analyses reviews.

### **2.5.1. Narrative Reviews**

In 1975, the legitimacy of correctional rehabilitation made the first step toward restoration. Ted Palmer, a psychologist researcher, doubted the empirical validity of Martinson’s conclusion and thus examined “whether this conclusion takes account of the facts that were presented” (Palmer, 1975, p. 133). Palmer (1975) analysed Martinson (1974) and developed a “systematic rebuttal of Martinson’s ‘nothing works’ conclusion” (Cullen, 2005, p. 9). According to Cullen (2005), his study presented three important conclusions. The first was the empirical refutation

of Martinson's statement that his study contained "only 'few and isolated' instances of treatment effectiveness" (Cullen, 2005, p. 9). In his article, Palmer broke down 82 individual studies, cited in Martinson (1974), into four categories that indicated different degrees of effectiveness. Then he counted how many studies presented outcomes that reflected either "positive," "partly positive," "ambiguous," or "negative" effect on recidivism. The findings showed that 39 studies of 82 had either positive or partly positive effect on recidivism. In other words, rehabilitation efforts worked in 48 % of the studies in Martinson (1974).

The second important conclusion that could be drawn from Palmer (1975) was the link between Martinson's methodology and his conclusion that nothing worked. In this regard, Palmer (1975) noted that Martinson and his colleagues set a rigorous criterion for "success." That is, only a "treatment method" that always worked was considered as a "successful treatment." Therefore, when Martinson found that within each treatment method some programmes were effective and some were not (i.e., inconsistent effect), he jumped to conclusion that one cannot expect that any treatment program would be reliable enough to reduce recidivism through rehabilitation (Palmer, 1975).

Martinson's qualitative judgment thus affected his interpretation. In fact, while Martinson interpreted the negative results in each treatment method as evidence of failure, Palmer interpreted the positive results in each method as evidence of success. Within the social context of the 1970s, however, Martinson's analytic framework could not be considered as an innocent perspective or an "inaccurate description of individual study" (Palmer, 1975, p. 150). Indeed, Martinson's criterion of success might have reflected a "confirmation bias" in his work: a deliberately searched for evidence that would confirm his belief that nothing works to reform offenders (Kahneman, 2011).

The third conclusion was that Martinson's expected each treatment method to have the same effect "for all or nearly all offenders" (Palmer, 1975, p. 150). That is, Palmer pointed at the fact that Martinson ignored the possibility that "some methods are nevertheless of value to at least some offenders" (Palmer, 1975, p. 149). Palmer (1975) then suggested an alternative perspective on the observed effects. He proposed that the findings reflected a pattern that was influenced by other intervening factors such as offender characteristics, type of treatment setting, and type of worker or service provider. Palmer (1975) called then to researchers to move from searching methods of treatment that hold a "answer" for all offenders to research

that focus on “which methods work best for which types of offenders, and under what conditions or in what types of setting” (Palmer, 1975, p. 150).

In the 1970s, Palmer’s work refuted Martinson’s article but did not inspire the correctional field to question the underlying premises of the “nothing works doctrine”. Indeed, in times when this doctrine became “a matter of almost religious faith” a single narrative review could be easily ignored (Cullen, 2013, p. 329). Martinson (1974) thus remained the “final word” for many criminologists, an essay that coincided conveniently “empirical reality and their ideological preferences” (Cullen & Gendreau, 2000, p. 131).

In 1979, Paul Gendreau and Robert Ross joined Palmer in challenging Martinson’s doctrine. They stated that those who embraced Martinson’s conclusion not only ignored critical literature but also seemed indifferent to the fact that Martinson’s research team relied on research published before 1967 (Ziv, 2016). Gendreau and Ross (1979) then presented an extensive narrative review of the literature on correctional treatment: 95 studies published between 1973 and 1978. Their review presented clear evidence of success in correctional rehabilitation and emphasised the important advances in rehabilitation ignored by Martinson. Cullen and Gendreau (2000) drew three major conclusions from this article.

First, Gendreau and Ross (1979) argued for a consensus among behavioural scientists that criminal behaviour is learned. They claimed that Martinson incorrectly premised that “criminal offenders are incapable of relearning or of acquiring new behaviours” (Gendreau & Ross, 1979, pp. 465-466). Their review then presented how behaviourally oriented programmes successfully changed offenders’ behaviour in various situations and services. Specifically, they found a reduction in recidivism in treatment programmes that prompted and maintained behaviour through manipulation of rewards or reinforcements and in programmes that also focused on offenders’ observation and imitation. In addition, the review showed better results for programmes that employed a combination of treatment methods (i.e., multimodal approach) rather than relying on a single method (Gendreau & Ross, 1979). The authors concluded that this finding reflected different learning styles among individuals and thus the importance of matching individual’s learning ability and the delivered service (Gendreau & Ross, 1979).

Second, Gendreau and Ross (1979) followed Palmer (1975) and emphasised the importance of the interactions between individual differences, type of treatment, and setting. Their review found that such interaction increased “dramatically” the success of treatment methods (for



example, in interventions that employed diversion, behavioural contracts, family interaction, contingency management, probation, or counselling) (Gendreau & Ross, 1979, p. 486).

Third, Gendreau and Ross (1979) considered lack of therapeutic integrity as a major cause of programmes' failure (Cullen & Gendreau, 2000). Their review thus called on researchers to pay attention to the link between the original theoretical plan of the program and the actual way that it was eventually carried out. Specifically, they emphasized the following questions: "to what extent do treatment personnel actually adhere to the principles and employ the techniques of the therapy they purport to provide? To what extent are the treatment staff competent? How hard do they work? How much is treatment diluted in the correctional environment so that it becomes treatment in name only?" (Gendreau & Ross, 1979, p. 467).

In 1987, Gendreau and Ross continued to challenge the nothing works doctrine and to encourage the correctional field "to uncover what it is about programmes that work that distinguishes them from programmes that do not work" (Cullen & Gendreau, 2000, p. 129). They conducted another extensive narrative review of 130 studies published between 1981 and 1987. Their report analysed the findings in various types of correctional interventions (e.g., biomedical, diversion, early/family intervention, education, getting tough, individual differences, parole/probation, restitution, and work) and offender populations (e.g., sex offenders, substance abusers, and violent offenders).

The findings in Gendreau and Ross (1987) presented updated support of correctional rehabilitation. In addition, the review indicated that the ability of correctional intervention programmes to reform offenders relied on "principles underlying effective rehabilitation". In this regard, although the review did not provide a structured guidance, an effort to evolve principles of effective correctional intervention could be drawn from their analysis.

First, as in the 1979 review, Gendreau and Ross (1987) continue to demonstrate that effective programmes relied on learning theories. Moreover, the updated review clearly showed the progress that occurred during the 1980s in this field of knowledge. That is effective treatment programmes designed to change both observed behaviour and the way in which offenders think (i.e., offenders' cognitive process and skills). Specifically, the review indicated several successful programmes designed to enhance offenders' problem-solving skills and to redirect their beliefs, values, and attitudes (Gendreau & Ross, 1987).

Second, Gendreau and Ross (1987) continued to advocate the interaction of individual differences, type of treatment, and settings as a factor that influenced the results. This review

thus investigated this premise by examining only treatment programmes “in which a component of individual difference was the primary concern” (Gendreau & Ross, 1987, p. 371). One type of findings indicated a link between offender’s personality or cognitive reasoning structure and antisocial behaviour. Another type of findings demonstrated the importance of the match between offender’s learning ability and the level of functioning required in a program (e.g., taking into account offender’s low cognitive functioning). The last type of findings was the connection between offenders’ level of risk (to recidivate) and the effectiveness of treatment programmes. This pattern of results reflected a potential “to be the most potent individual-difference factor” (Gendreau & Ross, 1987, p. 373). Specifically, the review showed that difference in recidivism “depending on whether high-risk cases received intensive services” and whether low-risk cases received” relatively minimal attention” (Gendreau & Ross, 1987, p. 373).

Third, Gendreau and Ross (1987, p. 395) noted that the challenge for the correctional field would be to implement and maintain the scientific knowledge within “the social service delivery systems provided routinely by government and private agencies”. In this regard, they recommended using risk assessment tools that would be represented by dynamic “personal needs” (e.g., degree of substance abuse, criminal thinking). In addition, they recommended assigning high-risk offenders to a programme that would be tailored to fit their abilities and learning style.

Overall, Gendreau and Ross (1987) showed that by the late 1980s many practitioners and researchers took rehabilitation seriously and focused on the developing methods, strategies, and approaches that resulted in effective treatment programmes. Nevertheless, in those days, the significant advances in the correctional rehabilitation field only scratched the deeply entrenched “nothing works doctrine”. That is, many criminologist and policy-makers already decided that treatment was ineffective and tended to dismiss the reviews as biased studies (Cullen, 2005). They accused thus that authors of reviews presented selective studies, employed subjective interpretation, presented the findings in a misleading way, and ignored other study characteristics that might provide an alternative explanation to the results (Cullen & Gendreau, 2000).

### 2.5.2. Meta-Analyses

By the end of the 1980s, there were already more than 400 controlled evaluations of intervention with offenders, and at least 40 % of the better-controlled studies “reported positive effects” (Andrews, et al., 1990). According to Palmer (1992), this ongoing research effort reflected a developing consensus that rehabilitation might be useful after all. However, the accumulating number of studies made it more and more difficult to conduct large narrative reviews that would reflect the findings from all the available research (Ziv, 2016). Such an effort was important because narrative reviews of only a subset of studies could not overcome the alleged flaws that the conclusions were contaminated by a subjective selection and interpretation (Whitehead & Lab, 1989).

Gaining more legitimacy for rehabilitation thus required a new, systematic way to address the findings from a large body of literature. That is, a reliable way was needed to overcome Martinson’s (1974, p. 22) observation. Fortunately, in the early 1990s, a new method of assessing extant studies emerged: the technique of meta-analysis. Meta-analysis was used by scholars to provide a quantitative answer to the issues of what works in correctional rehabilitation (Palmer, 1992).

In a nutshell, meta-analysis is a statistical method to summarise the findings of multiple independent research, which can run into the hundreds, on the same topic. Lipsey and Wilson (2001, p. 1), for example, define meta-analysis as a “form of survey research in which research reports, rather than people, are surveyed”.

Within the field of corrections, the quantitative nature of the meta-analytic technique was crucial in changing sceptical views about the efficacy of interventions. In contrast to the narrative reviews, the interpretation of findings in the meta-analyses was short and clear. That is, the outcome in those reviews was simply a number, the effect size of the defined categories. Indeed, the quantitative nature of meta-analysis produced an outcome that was not only simple to grasp but also allowed more objective interpretation of the findings. Sceptical scholars thus could use the code form and the criteria for the inclusion of studies to replicate the decision making that led to particular conclusions (Ziv, 2016).

In addition, the meta-analytic technique was established as a better alternative to the vote counting method. That is, while the vote-counting method summarised the knowledge by counting the number of studies that found a positive effect on recidivism, the meta-analytic technique provided a much more sophisticated tool to assess the data (Ziv, 2016). Overall, then,

the meta-analytic technique offered a reliable methodology to face the general question: does offenders can be rehabilitated? Moreover, it could also clarify the pattern of results and thus answer the more specific questions: What does not work? What does work? And what factors moderate the outcome in correctional interventions?

Since the publication of the first meta-analysis research review that focused on the treatment of offenders (Garrett, 1985), approximately 100 meta-analyses were used to assess the effectiveness of correctional treatment (McGuire, 2013). Those reviews covered various of areas such as juvenile offenders, offense type or offender classification (e.g., sex offenders, violent offenders, drink driving, personality disorder), types of punitive sanctions, and specific types of interventions (e.g., education and vocation, socio-therapeutic prison, cognitive-behavioural, family-based, school-based, substance abuse, restorative justice) (McGuire, 2013). In addition, reviews have been designed to test specific hypotheses (e.g., the differential impact of gender, ethnic minority, age group, or adherence to certain correctional principles). Overall, these meta-analyses provided one key finding that challenged Martinson's "nothing works" doctrine: across all types of interventions, the average effect size showed reduction in recidivism.

## **2.6. Conclusion**

This chapter followed the impact of the rehabilitative ideal in four historical periods. Since its development, the rehabilitative ideal inspired a correctional model that survived one and a half centuries. First, in the early 1800s, this paradigm was built on a broad consensus that the correctional system had the capacity to reform offenders through a sincere and honest human intention. Second, for seven decades, individuals shared a consensus about the ability to change criminality, the goals of rehabilitation, and the way to achieve those goals. Third, however, in the late 1960s, the ideal of rehabilitation went into a sudden decline. This decline in legitimacy followed the rejection of the approach in correction and existing therapeutic principle. The fourth historical period began in the late 1970s. Since then, advocates of rehabilitation have struggled to reaffirm the legitimacy of rehabilitation as a major correctional goal. Specifically, they worked to confirm the notion that offenders are able to change their behaviour and to produce reliable evidence that the correctional system is capable to achieve such change in a planned intervention. The restoration of the rehabilitative ideal thus was a long process that ultimately relied on the evidence-based approach to corrections. The next chapter focusses on the theoretical philosophy of rehabilitation.

## **CHAPTER 3**

### **THEORETICAL PHILOSOPHY OF REHABILITATION**

#### **3.1. Introduction**

Rehabilitation has long been a contentious topic in the field of criminology. The term “rehabilitation” itself simply means the process of helping a person to readapt to society or to restore someone to a former position or rank. However, this concept has taken on many different meanings over the years and changed in popularity as a principle of sentencing or justification for punishment. This chapter starts with a consideration of the theoretical concept of rehabilitation and how the term is defined. The chapter also looks at the theoretical justifications for rehabilitation and its significance in the criminal justice process, the basic guiding principle of offender management and ends by considering some strategies to an effective rehabilitation of offenders.

#### **3.2. The Concept of Rehabilitation**

Ideas and practices associated with the rehabilitation of offenders have a long history, stretching back at least as far as in the antiquity period. However, as a concept, rehabilitation is surprisingly difficult to pin down, such that when different writers, theorists or practitioners refer to it, there is quite a good chance that they are not talking about precisely the same thing. This is at least in part because rehabilitation can be understood both as a general objective or goal and as a process or set of practices (Rotman, 1995); but attempts to define rehabilitation are also complicated by a proliferation of related terms. Some of these (such as reform and redemption) have a long history; others (such as reintegration, resettlement and re-entry) have more recent origins.

Clearly what all of these terms share in common is their prefix ‘re’, which implies a return to a previous condition. It is perhaps unsurprising then to learn that according to a general, dictionary definition, rehabilitation is closely associated with the notion of ‘restoration’, which denotes a return to a former (desirable) state or status (Casey, et al., 2012). Thinking about rehabilitation as a process of restoration certainly seems to make good sense in medical contexts, where one often talk about the rehabilitation of a person following a physical injury sustained in an accident. Here, there is a clear sense in which the process of rehabilitation involves assisting the individual to get back to normal. He or she may need to re-learn motor

skills, such as how to walk (in the case of a broken limb); or seek to recover cognitive skills, such as memory (in the case of a head injury). In either scenario, rehabilitation implies returning to a former, favourable state (Casey, et al., 2012).

This is arguably a useful starting point for thinking about the rehabilitation of offenders. If asked to describe a rehabilitated offender, it is likely that the majority of lay people would indicate a person with some history of offending behaviour which has now ceased. One might think of this as a return to normal, law-abiding behaviour. This is clearly a behavioural definition: it is about a change in the way a person behaves (Casey, et al., 2012). So the action of rehabilitation might involve the provision of interventions to remove the propensity, desire or necessity to offend.

But the notion of rehabilitation also has a symbolic dimension, such that it implies a return to a former status: that of a law-abiding citizen who is accepted by and enjoys the same rights as other members of the community. In other words, offender rehabilitation can simply not just behavioural change, but also a symbolic process whereby an individual is permitted to shed the negative label of ‘offender’ and be reinstated within the community after a period of exclusion or censure (Casey, et al., 2012). Indeed, as Garland (1985) has observed, the concept of rehabilitation was first conceived in French law in the second half of the seventeenth century and was used to refer to the destruction or ‘undoing’ of a criminal conviction. Mannheim (2009) describes the act of rehabilitation in its original context as “a restoration of all entries regarding the conviction in the records”.

There are, then, good grounds for thinking about offender rehabilitation in terms of restoration. However, that is not to say that the equation of the two concepts is unproblematic. As both Rotman (1990) and Raynor (2004) have argued, one needs to be careful not to confine the concept to the sense of restoration to a pre-existing condition of adequacy. According to Raynor (2004), this is principal because one cannot always assume that offenders were ever in a desirable state to which one would wish to restore them. For Rotman (1990), the notion of a return to a former condition is too narrow because it does “not cover the achievement of totally new social or psychological developments or the acquisition of new skills” (Rotman, 1990, p. 3). For both, then, it is arguable that rehabilitation sometimes needs to go further than restoration, by actually improving upon, as opposed to reverting to, an offender’s original state.

### **3.3.The Human and Criminological Subject of Rehabilitation**

This section confronts the criminological assumptions which lie behind rehabilitative practices and interventions; and posit that all such practices are founded on a particular understanding of the offending subject. In other words, whatever their shape, approaches to rehabilitation are never theory-free. They reflect particular criminological theories (about why people offend) and, even more broadly, theories about the nature of human behaviour.

Criminological theories tend to view the human subject, the offender in other words, on a core continuum with, at one extreme, active agents who create and shape their world and bear responsibility for the choices and decisions they make; and, at the other, passive subjects whose behaviour is shaped by a variety of forces largely beyond their control (Henry & Milovanovic, 1996). These extreme positions are sometimes characterised in terms of the dichotomy of freedom and determinism, and in criminology they are mirrored, respectively, in the classical and positivist schools of criminology (Robinson & Crow, 2009).

The classical tradition, with its roots in eighteenth-century, is founded on a view of the offender as a rational actor and emphasises the role of free will in dictating behaviour (including offending). According to the classical perspective, offending behaviour is a result of the application of choice on the part of the individual: specifically, a calculation of the costs and benefits of a particular course of action (Veldhuis, 2012). Offending, in common with any other form of human behaviour, is motivated by the will to pleasure. In other words, human behaviour is motivated above all else by a desire to seek pleasure and enjoyment, and to avoid pain. As a rational actor, free to choose his or her course of action in any given situation, the offender bears full responsibility for his or her behaviour (Veldhuis, 2012). Classicism draws no distinction between those who offend and those who do not: we are all thought to be driven by the same impulses and subject to similar temptations.

In contrast positivism, in its extreme manifestation, views the offender as an entirely passive victim of external or internal forces. When viewed in this way, the offender tends to be seen as bearing little or no responsibility for his or her actions. As a consequence, it follows that he ought to be treated or helped, much like someone suffering from a physical illness, in an attempt to remove the causes of his offending (Robinson & Crow, 2009). It was this set of assumptions which animated the so-called “treatment model” which dominated the way offenders were dealt with in the mid-part of the twentieth century. Less extreme versions of positivism contend that

offenders' behaviour is not entirely determined but nonetheless their ability to exercise free will is likely to have been constrained by factors not entirely within their control (e.g. poverty; mental illness; or attitudes learned from antisocial/pro-criminal peers or family members) (Robinson & Crow, 2009). In this scenario it follows that whilst offenders bear some responsibility for their offending, they can claim some mitigation for their behaviour and it might be possible to prevent reoffending if the factors which led them to offend are tackled or confronted.

Positivist criminology has its roots in the work of Italians Cesare Lombroso, Enrico Ferri and Raffaele Garofalo. Lombroso, whose highly influential book *L'Uomo Delinquente* ("The Criminal Man") was first published in 1876, is best known for his Darwinian theory that offenders were atavistic 'throwbacks' to an earlier stage of evolution: that is, biologically inferior subjects. However, not all positivist explanations rest on biological assumptions. There are in fact three main types of positivist explanation: (i) biological; (ii) psychological; and (iii) social/ environmental. Thus, positivist assumptions may recommend interventions aimed at changing people and/or their social/environmental circumstances (Robinson & Crow, 2009).

A positivist perspective then tends to recommend expert intervention to deal with offending behaviour: that is, some intervention likely to involve the identification of the causes of offending ('diagnosis') and their subsequent removal. One possible exception to this is some versions of biological positivism: if it is theorised that offending is a result of some biological abnormality for which there is no cure then there are fewer grounds for optimism (Robinson & Crow, 2009).

According to Hollin (2004), the history of attempts to rehabilitate offenders is intimately entwined with the emergence and development of positivist criminology, and a view of offending behaviour as determined (to a greater or lesser extent) by factors which lie outside the individual's control. During the 1950s and 1960s, positivism came to dominate criminological thinking and the treatment model associated with it reflected a common belief that both the causes of and the cure for crime would ultimately be discovered, relieving society of the problem of crime forever (Hollin, 2004). Allen (1959) famously referred to this as the rehabilitative ideal.



### **3.4. Rehabilitation and the Criminal Justice Process**

As already noted, above, that the notion of rehabilitation is not confined to offenders. Thus, for example, one commonly refers to the rehabilitation of persons who have been injured or are otherwise debilitated by some medical condition. Of course, none of these contexts is of focal concern in this section. Rather, the principal focus is the applicability of the notion of rehabilitation to offenders: namely, individuals who have broken the law. This, however, begs certain questions about how and in what contexts rehabilitation becomes relevant to such individuals. For example, does it imply a particular type of punishment or sanction? Is it best understood as a type of punishment or an alternative to punishment? Or is it perhaps better summed up as a process which follows punishment? There is no single correct answer to any of these questions: rather, there are a number of different ways of seeing rehabilitation in the context of penal sanctions or punishment.

#### **3.4.1. Rehabilitation and Diversion**

The first point to make is that access to services or sources of help which can broadly be described as rehabilitative is not necessarily contingent upon an offender having been processed by the criminal justice system. A good example is people who misuse drugs. By virtue of their consumption of illegal substances, such individuals may well have broken the law on many occasions; but it is perfectly possible not only that such individuals may evade detection, but also that they may enter into treatment voluntarily (Robinson & Crow, 2009).

It is also sometimes the case that an offender whose offending has been detected may avoid prosecution or criminal sanctions but nonetheless be referred by a criminal justice agency to rehabilitative help (Veldhuis, 2012). One such example is the use of diversion schemes, whereby offenders (typically juveniles or mentally disordered offenders) are sometimes referred to sources of help or treatment-type interventions as an alternative to prosecution. Since the 1970s a variety of diversionary schemes and measures have been introduced, in the criminal justice system, under the influence of labelling theory. Labelling theory emphasises the damaging and stigmatising effects of a criminal label on young offenders and thus recommends diversionary measures to keep them out of the criminal justice system for as long as possible (Day et al., 2011). Other offenders may get as far as court and be diverted from there.

### **3.4.2. Rehabilitative Punishment**

For those who are not diverted prior to sentencing, there are a number of ways in which rehabilitation can become relevant. First of all, the sentence of the court may reflect, in whole or in part, a desire to bring about the rehabilitation of the offender. This is often referred to as rehabilitative punishment, or penal rehabilitationism (Von Hirsch & Maher, 1992).

Sentencing decisions are guided by principles or philosophies which serve to justify the punishments imposed by the criminal courts. Consequentialism (or reductionism) and retributivism are the two main philosophies relevant to sentencing and punishment although there are others (Cavadino & Dignan, 2007). When a sentence with a rehabilitative component is passed, the sentenced is being guided, to some extent at least, by a consequentialist philosophy. Consequentialism justifies punishment with reference to the desirability of its future consequences. Rehabilitation is one of three main consequentialist strategies, sitting alongside deterrence and incapacitation. All three strategies share a forward-looking orientation, each aiming to achieve the goal or end of crime reduction (Robinson & Crow, 2009). Incapacitation is consequentialist in that it seeks to prevent reoffending by physically restraining or removing the offender from society, thereby removing his or her opportunities to offend. Deterrence also seeks to prevent reoffending, but by different means: namely, by ensuring that punishment is suitably unattractive to the would-be offender. Rehabilitation, in common with both of these strategies, seeks to reduce the likelihood of reoffending, but via instituting changes in the offender. These changes are usually couched in positive terms (Robinson & Crow, 2009). For example, Cavadino and Dignan (2007, p. 45) explain that rehabilitation seeks to “improve the individual offender’s character or behaviour and make him or her less likely to re-offend in future”.

In contrast, retributivism essentially describes the principle that wrongdoers should be punished because they deserve it, by virtue of the wrong that they have done. Unlike consequentialism it is a backwards-looking strategy: it looks back to the offence or offences committed and considers the amount of deserved punishment. In other words, it specifies punishments which ‘fit the crime’, with little or no reference to the future consequences of that punishment (Robinson & Crow, 2009). Retributivists are principally concerned with ideas of desert and proportionality, which concern the amount or degree of punishment prescribed: this, they argue, should reflect the seriousness of the offence(s) committed and not exceed what is deserved. Convictions of a similar type should, therefore, attract similar sentences.

### **3.4.3. Rehabilitation beyond Punishment**

For some theorists, rehabilitation is conceptually divorced from punishment, such that it is not understood as an objective or quality of a positive process of punishment, but rather as an antidote to punishment (Cullen & Gilbert, 1982). According to this view, just as retributive punishment may be deserved, so the offender deserves not to be unduly damaged by the experience of punishment. Any handicaps or damage inflicted on the offender in the process of punishing him or her ought to be offset or mitigated by rehabilitative measures.

Regardless of one's theoretical position in respect of rehabilitative punishment or sanctions, however, one must also note that for many offenders it will be at the end of their journey through the criminal justice process that rehabilitation becomes relevant. For example, prisoners serving longer prison sentences tend to be subject to a period of supervision in the community (parole) after release from custody; a time during which they may receive help and assistance from a probation officer with a view to preventing the likelihood of reoffending and easing the transition to life outside (Veldhuis, 2012). Similarly, offenders serving shorter sentences may seek or access help of various kinds. This process of adjustment to life after prison is commonly referred to as resettlement or re-entry. It is also worth noting that to the extent that rehabilitation refers to a symbolic process, a return to citizenship, it is difficult to envisage such a process occurring until an offender has completed his or her sentence or punishment (Robinson & Crow, 2009).

### **3.5. Study Approaches to Rehabilitation**

Different research approaches to correctional services suggest different definitions, as well as criteria and standards. Despite their differences, these approaches all try to answer the questions of whether, and under what conditions, rehabilitation and reintegration measures are "successful" or "effective" (Pruin, 2016).

#### **3.5.1. The "What Works" Approach**

The "what works" approach, which is very influential in the USA, United Kingdom and the Netherlands, attempts to distinguish effective rehabilitation or reintegration programmes from non-effective ones through meta-analyses and systematic literature reviews (Döring & Bortz, 2016). The idea is that evaluation research based on quantitative methods can objectively demonstrate which programmes show effects and can, therefore, be seen as cost-efficient.

Effectiveness is mainly measured in terms of recidivism, which means that an effective programme must reduce recidivism rates.

While the first evaluations of treatment programmes tried to identify which programmes work in general, the current approach to research on effective rehabilitation focuses more on why some programmes work better for some offenders than others and what factors can lead to more highly effective programmes.

An important finding of this kind of research is that the effectiveness of treatment programmes depends on several moderators. These include offender-related factors (for example, motivation), the treatment context (for example, the institutional climate or the qualifications of the staff) and the evaluation methods (McGuire, 2013). Therefore it is very unlikely that there are specific programmes for the treatment of offenders in general, or rehabilitation and reintegration in particular, which are equally effective in all contexts and in any places.

MacKenzie (2014) published a meta-analysis of the effectiveness of USA rehabilitation programmes in reducing the risk of recidivism. According to this analysis, recidivism was reduced by certain forms of cognitive behavioural therapy and vocational education programmes in prisons. These programmes train the offender in particularly important labour-market skills that were also productive for the correctional centre, as well as external treatment programmes for sex offenders.

Two other research findings are particularly significant for the area of reintegration: one programme following the principle of therapeutic community in prison, combined with follow-up treatment after release, proved to be particularly effective. In addition, programmes helping offenders integrate into the labour market outside also seemed to work. Furthermore, MacKenzie (2006) argued that isolated intensive monitoring after release does not reduce the risk of reoffending.

Seiter and Kadela (2003) used the same approach for the assessment of specific programmes for prisoner reintegration. They analysed evaluations that used a randomised control group design and investigated programmes that started in prison and combined treatment with follow-up after release. The following rehabilitation programmes were identified as “working” by Seiter and Kadela (2003): (i) vocational training programmes in prisons and work-release programmes at the end of the sentence, (ii) community-based transitional halfway houses

which prepare the former offender for life in liberty (temporary living facilities provided to people recently released from incarceration), and (iii) some prison drug treatment programmes with intensive aftercare. Due to the strict criteria, only a small number of programmes could be included in the analysis. However, they suggest that more evaluations are necessary to be able to determine the effectiveness of transition programmes.

According to one of the latest meta-analysis particularly focusing on prisoner re-entry programmes, the specific re-entry programmes of the study moderately reduced the risk of reoffending (Ndrecka, 2017). Higher effect sizes have been identified for programmes that started in prison and were continued after release. In line with previous research on offender treatment, Ndrecka (2014) found that therapeutic communities can increase the chances of rehabilitation and reintegration. These programmes had higher effects on high-risk offenders than on moderate or low-risk offenders. Another influential factor was the length of the programme with programmes lasting longer than 13 weeks showing higher rehabilitative effects. Ndrecka (2014) concluded that rehabilitation and reintegration programmes that offer individual treatment have a higher probability of reducing recidivism.

The “what works” approach to research is based on evaluations of a small percentage of all programmes. This is partly because many programmes and programme evaluations do not meet the criteria for meta-analyses, for example, using randomised control groups (Petersilia, 2009). Although the demand for a more robust evaluation of rehabilitation and reintegration programmes is certainly justified, the issue remains that meaningful evaluation results in this approach require the use of randomized control groups. The dilemma in these circumstances is that it is highly problematic to treat prisoners differently solely for methodological reasons as the principle of equal treatment is a basic human right for prisoners and for other citizens. Further ethical considerations would not allow the exclusion of a randomly selected group from participation in a programme that is assumed to effectively reduce reoffending (Petersilia, 2009). In consideration of those limitations, the results of meta-analyses and systematic reviews can be viewed as “evidence-based” ways for rehabilitation and reintegration.

### **3.5.2. The Desistance Approach**

The third approach to the effectiveness of rehabilitation and reintegration programmes is found in desistance research. McNeill (2012) concludes that rehabilitation is a social project as well as a personal one. The desistance approach assumes that only a change of attitude can lead to

the end of a criminal career. Such change can also be externally encouraged. Social ties and participation opportunities are viewed as being highly significant. From this point of view, treatment should be targeted at improving the social bonds of the offender and improving their perspectives of a good life as a normal citizen. According to Laub and Sampson (2003), social bonds play an overarching role in the decision of an offender to end their criminal career. They found a stable working place and a good relationship to be the main factors in the desistance process. According to Maruna (2001), a person must first have the motivation to change and be prepared cognitively to use these social bonds. The concept of “human agency” is considered to play an important role in the desistance process. Paternoster et al (2015) define “agency” as four elements: (i) intentionality (“having a deliberate purpose”), (ii) forethought (capacity to create future goals); (iii) reflexivity (ability to self-monitor); and (iv) power (self-efficacy).

According to Giordano et al. (2002), the path to abandoning a life of crime has several stages. The mental attitude and the will to change are the beginning of the process. However, anchor points must exist to ensure that the former offender will not return to their life of crime. Finally, a changed attitude to one’s former criminal behaviour must manifest itself (Giordano et al 2002).

For rehabilitation and reintegration, these approaches mean that not only the criminogenic risks and needs must be observed and addressed, but also that individual support must be offered to achieve the personal goals of the offender and to enable the creation of social capital and hooks for change. The structures nurturing pro-social behaviour and attitude, that is behaviours and attitudes for the benefit of another in the outside world, which are maintained or established during prison time are considered important. Likewise, it is important that social support after release enhances the desistance process and strengthens the former offender (Ward et al., 2014). According to desistance theory, “social reintegration is derived from the fundamental right of social integration referring to the opportunities to participate in all aspects of social life which are necessary to enable a person to lead a life in accordance with human dignity” (Scheirs, 2016, p. 15). Therefore, an important aspect is the goal of including former prisoners in the community as full citizens (Maruna, 2001; Maruna & LeBel, 2003).

Desistance research does not form its own theory on the successful treatment of offenders but rather describes a framework for evaluating offender treatment programmes. However,

research in this approach demonstrates strong consensus that a change in personal attitude is a significant factor for the effectiveness of rehabilitation programmes and that good social integration after release has an influence on the tendency to re-offend (Marshall et al., 2006; Alexander, et al., 2014).

### **3.5.3. Social Learning Approach**

Learning is a cognitive process that takes place in a social context through socialisation. According to the social learning theory, this is through observation and participatory observation. In offender rehabilitation, modelling or observational learning is very important in behaviour change for successful re-integration (Rupande & Ndoro, 2014).

The social learning theory, as stated by Willison et al. (2011), highlights the fact that learning can occur, independent of an observable change in behaviour; hence reinforcement through modelling is also important for behaviour change. The social learning theory is, thus, important in establishing the relevance of a rehabilitation policy on the successful reintegration of ex-offenders in that the environment influences an individual's behaviour and the environment is, in turn, influenced by the individual's behaviour. According to Rupande and Ndoro (2014), this is what the social learning theory terms the "reciprocal determinism concept". For example, an offender's offending behaviour is a result of the environment, and the consequences of offending behaviour influence the environment.

### **3.5.4. The Cognitive Model of Offender Rehabilitation**

Ross and Fabiano (1985) propose a cognitive model of offender rehabilitation, a variant of social learning theory. This has a particular focus on cognitive skills. The cognitive model of offender rehabilitation is anchored on the notion that many offenders have cognitive deficits (Crewe & Bennett, 2012). The scholars found evidence to support a hypothesis that persistent offenders differed from non-offending populations in that they were rigid in their thinking styles, more impulsive, less likely to think before acting, and less likely to consider the potential consequences of an alternative course of action. Further, the theory confirms that re-offending is caused by a lack of cognitive skills on the part of the offender and not necessarily the ineffectiveness of rehabilitation efforts.

Therefore, the theory suggests that targeting these deficits and building offenders' cognitive skills could be a fruitful strategy for reducing their propensity to offend. Given the above, the researcher feels offending is part of human behaviour, and changing it is yet another problem. While this theory points at rigidity in the thinking of offenders, it should be noted that some inmates commit offences against simple prison regulations; this shows a weakness to stand against social factors that influence offending behaviour and is that gap of knowledge the study aimed to fill.

### **3.5.5. Social Labelling Theory**

The labelling theory of crime considers how people think about labels given to them by society as very influential to the way they behave. McNeil (2012) argues that labelling creates self-prophecy and that crime and deviance arise as self-fulfilling prophecies as a result of labelling within the society. According to Day et al. (2011), the labelling theory of crime is a sociological approach to understanding crime and deviance which refers to the social process through which certain individuals and groups classify and categorise the behaviour of others. Individuals and groups are labelled and stereotyped to act in certain ways and consequently, respond accordingly. In other words, like the cognitive model of offender-rehabilitation, the labelling theory does not see recidivism as a result of ineffective rehabilitation but as a result of the effects of labels that are given to offenders by members of the society upon their release from prison.

The social labelling theory highlights the social responses to crime and deviance. Social labelling theory connects to sociological ideas of Durkheim's anomie as cited in Day et al. (2011). If society is stable, its parts operate smoothly, and social arrangements are functional. There are consensus and cohesion, but if parts are dysfunctional, there is social disorder. Durkheim's theory suggests that human conduct or misconduct lies not in the individual but in the group or social organisation. Crewe and Bennet (2012) believe that social behaviour develops in a continuous process of actions and reactions. The way people perceive themselves, which is their self-concept, is built not only on what they think of themselves but also on what others think of them. This is key to the study as rehabilitation is a process of changing an offender's disposition, attitudes and perceptions to restore lost hope for successful re-integration into social groups hence offender rehabilitation policies being relevant should address this.



Social groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular people and labelling them as outsiders. Deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender (Gona et al., 2014). Adler et al. (2007) argue that given a criminal record, ex-offenders will gradually begin to think of themselves as they have been officially defined. Dissel (2012) affirms that it is the process of labelling that ex-offenders fail to break the offending cycle. Dissel (2012), in his elaboration of secondary deviance, refers to the way crime and deviance become 'central fact(s) of existence' for an ex-offender, through the continued experiences of sense of injustice, which is reinforced by job and accommodation rejections, police cognisance, stigma, discriminations and strained interactions with the general society. These strain successful re-integration processes. According to Adler et al. (2007), the effects of social labelling are significant so as to push the ex-offender to re-offend hence recidivism so as to find a social grouping that accepts him.

### **3.5.6. Restorative Justice Approach**

According to Cullen (2013), restorative justice principle is holistic in approach. Within the background that rehabilitation of offenders should be viewed as a way to observe Human rights and facilitate harmony in communities, the notion of restorative justice becomes central to address criminal psychology. Restorative justice approach is whereby the offender and the offended come together to address the problem. The focus is on the offender, victim and the community. Rehabilitation of offenders is voluntary to encourage the offender to own responsibility for their crime so as to achieve maximum benefits. The responsibility for the governance of security, crime and disorder is shared among community members. This is a key concept to alternatives to imprisonment (Wilkinson, 2010). Situating this principle to the study, therefore, means that rehabilitation of offenders for successful re-integration in society is not the responsibility of correctional centres and correctional services alone but of the social system, as a whole, for national ownership and cooperation among stakeholders. This also gives sustainability to programmes. Several strategies are used, according to the Restorative Justice concepts, such as victim-offender dialogue, family and community re-unifications.

In other jurisdictions of criminal justice, the core is on understanding that crime is a societal menace. Restorative justice, as a concept, addresses this societal concern. According to Dissel (2012) communities are encouraged to support the offender to rehabilitate and reintegrate and to identify the root causes of the crime. This will make programmes targeting behaviour change

easier to implement since both the offender and the victim are supported to deal and recover from the effects of crime.

Restorative justice aims to enhance offender personal competencies, through encouragement and support for integration into the community. According to Coyle (2009), these are readily interpreted as rehabilitative and can be allocated in offender rehabilitation policy and practice agenda of right to education and skills/vocational training for successful re-integration. In principle, offender rehabilitation includes a supportive relationship between the offender, the victim and the community. Therefore, restorative justice can be adopted as a long-term intervention in the development of a rehabilitation framework whose expected outcome is reduction in recidivism rates through the application of relevant rehabilitation policies.

### **3.5.7. Emerging Rehabilitation Approaches: The Risk-Need-Responsivity Model and the Good Lives Model**

The process of assisting individuals to change their criminal dispositions is a value-laden and capability-building process which primarily focuses on assisting individuals to acquire the skills and values to lead more fulfilling and less harmful lives (Laws & Ward, 2011). The value-laden component of rehabilitation is reflected in the fact that the concept of an offender is a moral one, where individuals have been judged to have acted wrongly and illegally, and are punished accordingly. Furthermore, in order to be able to pursue a meaningful life, individuals must discern what is truly valuable and discover ways of living that embody these activities, outcomes and experiences (Casey, et al., 2012). In short, the goals are to provide individuals with the internal (e.g., attitudes, beliefs, knowledge, skills, etc.) and external (e.g., social supports, intimate relationships, education/training, employment, leisure activities, etc.) resources to achieve their individually identified goals, which will help them attain better.

Therefore, offender rehabilitation frameworks should be seeking to provide offenders with the values and competencies required to live more satisfying lives and also aim to reduce their risk of recidivism (Casey, et al., 2012). The two most prominent correctional theories of rehabilitation, the Risk-Need-Responsivity (RNR) and the Good Lives Model (GLM) prioritise different aspects of this equation: the RNR is focused primarily on risk management while the GLM, while not ignoring risk, has a primary interest in enhancing offender wellbeing. Each of these theories will be review in turn below.

### **3.5.7.1. The Risk-Need-Responsivity (RNR) Model**

Any kind of therapeutic work with individuals relies heavily upon theories that function to explain the origins of the problem being addressed and by doing so suggest ways of intervening to alleviate the person's suffering. In a similar way, rehabilitation theories provide practitioners with conceptual maps, which assist them to negotiate the various challenges associated with correctional and forensic therapeutic work (Ward & Maruna, 2007). Ideally, rehabilitation theories should provide guidance on such issues as the overall aims of intervention, what constitutes risk, the general causes of crime, how best to manage and work with individuals who are often reluctant to change, and how to effectively balance offender needs with the interests of the community.

Andrews and Bonta (2010) set out to account for criminal conduct through the derivation of empirically derived predictors of recidivism in conjunction with a general personality and social psychology perspective of human behaviour. They arrived at a set of empirically based principles that collectively, were able to describe effective programmes. The most important of these principles were those of risk, need and responsivity. Additional principles incorporated into the RNR since 1990 include those focused on offender strengths and the use of professional discretion (Bonta & Andrews, 2010). The model is now widely referred to as the RNR model of offender rehabilitation, a term synonymous with the risk management approach to offender rehabilitation. A key assumption of the risk management approach is that offenders are embodiments of risk through their possession of certain psychological and social variables.

A major consequence of this conceptualisation is that the primary aim of offender rehabilitation is to reduce this risk, which can be achieved through adherence to the RNR principles. In brief, the risk principle states that criminal behaviour can be predicted and that the intensity or dosage of interventions should be matched to an offender's level of risk, with more intensive and extensive interventions targeted at high-risk offenders and minimal, or no, interventions being offered low-risk offenders (Casey, et al., 2012). The need principle states that interventions should target an offender's dynamic risk factors or what have been referred to as criminogenic needs. Criminogenic needs, which are differentiated from no criminogenic needs (i.e., changeable offender characteristics whose reduction is not associated with reduced recidivism), are factors which are directly related to offending, for a given individual, and are changeable and therefore should be explicitly immediately targeted through intervention (Bonta & Andrews, 2010).

Dynamic risk factors/criminogenic needs include antisocial associates, antisocial personality pattern including impulsivity, aggression and pleasure-seeking, and pro-criminal attitudes (Bonta & Andrews, 2010). In the case of sexual offending examples of dynamic risk factors include deviant sexual interests, intimacy deficits and poor self-regulation skills (Hanson & Morton-Bourgon, 2005). Thus, from the perspective of the RNR model, treatment should aim to reduce an individual's array of dynamic risk factors (Bonta & Andrews, 2010). According to the need principle interventions which target no criminogenic needs such as low self-esteem or a history of victimization are likely to prove ineffective if they have not been directly linked with the risk of further offending and therefore, at the very least, are discretionary targets (Andrews & Bonta, 2010 ; Bonta & Andrews, 2010 ). Finally, the responsivity principle is intended to inform the way interventions should be delivered to offenders, and can be regarded as a matching principle. In brief, it specifies that interventions should be matched to accommodate the unique cultural and psychological characteristics of offenders (Casey et al., 2012). More particularly, factors such as cognitive ability (e.g., for those with intellectual disabilities), personality, gender, learning style, ethnicity, level of motivation should all be considered and used to tailor the way interventions are delivered as long as the other two principles are not violated. Furthermore, according to Andrews and Bonta (2010), effective correctional interventions are likely to be cognitive-behavioural in nature, rely on the use of detailed manuals, be structured, utilise trained and qualified staff, and operate within environments that are supportive of rehabilitation initiatives (Casey et al., 2012). For groups such as sex offenders, structured cognitive behaviour therapy interventions have found empirical support as the best treatment currently available (Hanson et al., 2002).

The RNR approach has been extremely significant in the development of offender risk instruments and procedures and has pretty well determined the structure and content of rehabilitation initiatives internationally. According to the RNR principles, before rehabilitative interventions can begin, it is necessary to make an assessment of the type of intervention(s) relevant to and most likely to benefit the individual offender. As Kemshall (1998, p. 173) has succinctly explained, assessment is a key part of the rehabilitative process because “not only does it frame problems, it defines their solutions”. Assessment then can be understood as a process which serves to classify the offender in relation to particular variables, setting out what the relevant issues or problems are in the case, and this serves as a starting point for making decisions about how to respond to or tackle the identified problems. However, assessment is not always or necessarily oriented toward the identification of problems; it can also serve to

identify more positive aspects of the individual or his circumstances, which can be harnessed to assist in the process of rehabilitation (Robinson & Crow, 2009). In recent years, the assessments carried out by probation officers, prison officers and others have come to focus in particular on the related concepts of risk and (criminogenic) need.

**(i) Assessing Risks**

Risk assessment involves making judgments or predictions about the likely future behaviour of an individual and this involves thinking about future behaviour on a number of levels. Kemshall (1998, p. 5), a leading authority on the subject, defines risk assessment as: “a probability calculation that a harmful behaviour or event will occur, which involves an assessment about the frequency of the behaviour/event, it is likely to impact and who it will affect.”

A thorough risk assessment, then, should consider both the gravity and seriousness of any future offending behaviour and the probability or likelihood of such behaviour occurring. These two dimensions of risk are commonly referred to as risk of harm and risk of reoffending respectively (Robinson & Crow, 2009). A further important dimension of risk assessment concerns the likely target(s) or victim(s) of the individual’s offending (or other harmful) behaviour. Thus, the practitioner should take into account both the risk(s) posed by the offender to him or herself (i.e. risk of self-harming behaviour), as well as the likely risks to others: that is, to the public at large, to particular communities, and/or to specific individuals (Robinson & Crow, 2009).

Whilst risk assessment on both of these dimensions has assumed increasing importance since the mid-1990s, it is the assessment of the risk of reoffending which has come to be a key task for those professionals whose practice is oriented toward offender rehabilitation (Robinson, 2003). In this context, the importance of assessing the risk of recidivism is highlighted by the principle of risk classification. The ‘risk principle’ was derived from Canadian research which indicated not only that intensive programmes tended to be most effective for higher-risk offenders, but also that subjecting lower risk offenders to intensive programmes could actually be counter-productive (Andrews, et al., 1990). The risk principle thus dictated that, in order to maximise the rehabilitative potential of the service’s work, there should be: “a matching between offender risk level and degree of service intervention, such that higher risk individuals

receive more intensive services, while those at lower risk receive lower or minimal intervention” (McGuire & Priestley, 1995, p. 14).

The ability of penal practitioners to routinely assess the risk of reoffending has subsequently come to be an accepted prerequisite of effective rehabilitative practice, and in the last decade or so the pursuit of accurate assessments of risk has been accompanied by a move toward more formalised risk assessment methods.

## **(ii) Assessing Needs**

Whilst risk assessment is a relatively new concern of those practitioners engaged in rehabilitative practices, the assessment of offenders’ needs has a much longer history. This is not, however, to imply that the practice of assessing offenders’ needs has not changed in recent years. On the contrary, there have been significant developments in respect of both how needs are assessed (with a move towards much more structured assessments) and which needs are considered important or legitimate as targets for intervention (Craig, et al., 2016). Central to assessment practice today, certainly in the penal realm, is a key distinction between so-called ‘criminogenic’ and ‘non-criminogenic’ needs, and it is the identification of the former which is today considered to be at the heart of effective rehabilitative practice.

Until relatively recently, needs assessments conducted by probation officers and other penal professionals tended to rely upon the clinical approach. However, the mid-1990s witnessed a growing critique of the clinical approach, which centred on the lack of consistency between assessments conducted by different practitioners, and on the questionable accuracy of such assessments, which were not necessarily being guided by the latest research on factors known to be associated with offending (Burnett, 1996). As Bonta (2007) has argued, the most serious weakness of the clinical approach is that the rules for collecting and interpreting information about the individual are subject to considerable personal discretion: for example, the practitioner is free to ask questions that he or she considers important or interesting, which renders objectivity problematic. The subjectivity of a purely clinical approach was illustrated in Burnett’s (1996) research on assessment practice. In the course of this research over one hundred probation officers and senior probation officers in ten probation areas were interviewed, and it was found that over half thought that the assessment of the offender and/or the proposal in a Pre-Sentence Report was likely to differ according to the particular experience or skills of the report writer (Burnett, 1996).

According to Andrew and Bonta (2010) research had, by the mid-1990s, begun to identify a number of factors pertaining to the lifestyles and attributes of offenders which could be shown to be linked with offending behaviour. These factors have come to be known as “criminogenic needs, or dynamic risk factors”. As Bonta (1996, p. 23) has explained: “Criminogenic needs are linked to criminal behaviour. If we alter these needs, then we change the likelihood of criminal behaviour. Thus criminogenic needs are actually risk predictors, but they are dynamic in nature rather than static”.

In other words, in assessing criminogenic needs, one is also assessing the individual’s risk of reoffending. It, therefore, follows that if one intervenes to try to ameliorate or do something positive in respect of the offender’s criminogenic needs, one can in principle lower his or her risk of reoffending (Robinson & Crow, 2009). So-called criminogenic needs are therefore a crucial ‘discovery’ in that they can usefully point to the areas of the offender’s life, such as his or her accommodation or employment situation, drug or alcohol use or attitudes, which, if subject to intervention and help, are likely to reduce his or her risk of further offending.

### **(iii) Assessing Responsivity**

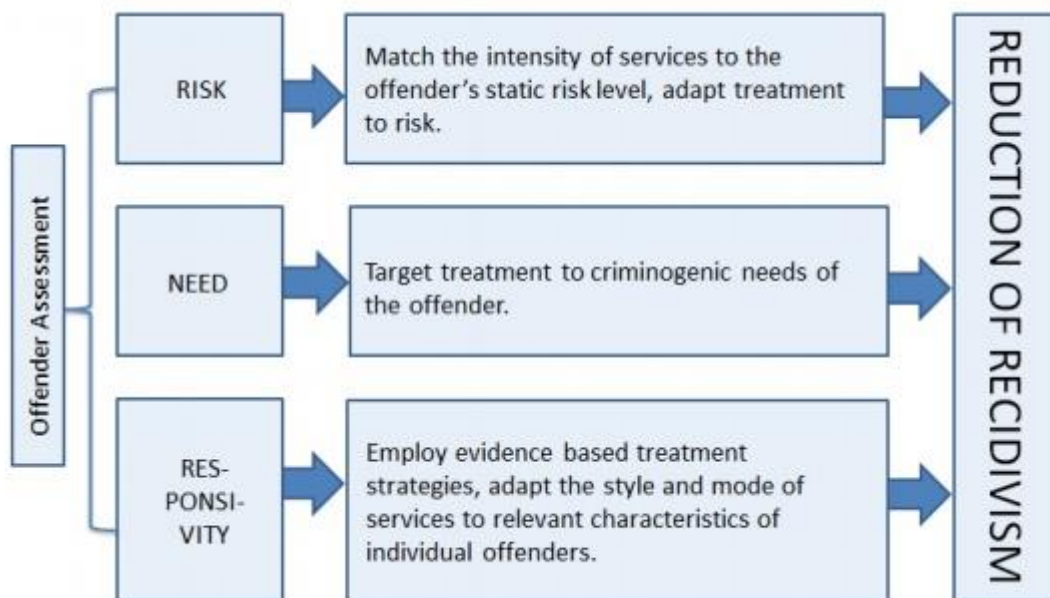
Whilst developments in assessment technology and practice have clearly reflected the principles of ‘risk’ and ‘(criminogenic) need’ derived from research, there has arguably been corresponding neglect of a third principle: namely, that of responsivity (Robinson & Crow, 2009). The responsivity principle concerns individual differences between offenders in respect of a variety of issues which have the potential to impact on their ability to benefit from rehabilitative interventions. Andrews et al. (1990, p. 20) described this principle as follows: “Styles and modes of service are matched to the learning styles and abilities of offenders. A professional offers a type of service that is matched not only to criminogenic need but to those attributes and circumstances of cases that render cases likely to profit from that particular type of service”.

Andrews et al (1990) clearly leave the issue of just what the relevant attributes and circumstances of offenders are open to interpretation, and these may well differ from individual to individual. However, Ogloff and Davis (2004) have helpfully distinguished two general groups of factors which are likely to affect responsivity. These are referred to as idiographic and nomothetic factors. Idiographic factors are internal to the individual (e.g. intellectual functioning, self-esteem and motivation); whilst nomothetic factors are external (e.g. staff

characteristics, therapeutic relationships, environmental support, and the content and delivery of programmes).

In thinking about motivation as a ‘responsivity’ factor, it is well worth reminding ourselves that penal practitioners are, to a large extent, dealing with involuntary clients, and it cannot be assumed that individuals subject to penal sanctions will be ready or willing to ‘change’ or desist. As McGuire (2000) has observed, levels of motivation can vary substantially, even among those who appear to be in urgent need of help: some may be highly motivated to engage with rehabilitative interventions, whilst others may be disinterested in or even resistant to any notion of change.

**Figure 1: The Risk-Need-Responsivity Model**



Source: (Robinson & Crow, 2009)

### **✚ Limitations of the RNR Model**

The RNR model has been heavily criticised for its failure to motivate and engage offenders in the demanding process of changing their criminal dispositions and offence supportive environments rehabilitation process (Ward & Maruna, 2007). Its risk-oriented orientation means that offenders are asked to cease from harming others without their specific needs and interest necessarily being given sufficient attention. Jones (Jones, 2010) found that a judge’s recommendation for treatment significantly predicted whether sex offenders volunteered for treatment, suggesting that external motivators such as parole eligibility influences decisions to



enter treatment. Furthermore, attrition rates from programmes are high, a worrying finding when research suggests that dropping out from programmes elevates the risk for further offending (Marques, et al., 2005) as well as untreated comparison groups (Hanson, et al., 2002). For example, researchers have reported failure to complete rates as high as 30 per cent to 50 per cent for some sex offender programmes, relating to poor treatment engagement (Beyko & Wong, 2005).

There are likely to be a number of factors contributing to the difficulty experienced by proponents of the risk management approach in engaging inmates in treatment. An obvious issue is that risk management approaches with offenders differ significantly from therapy delivered to other client populations seeking help for psychological and behavioural problems (Andrews, et al., 2010). These differences include the nature of correctional treatment goals, the limited collaboration between client and therapist and lack of attention to problems that are not causally related to the problem behaviour (i.e., in the case of offending, non-criminogenic needs such as self-esteem or personal distress).

Looking at these differences in greater detail, first, therapeutic models applied to non-offending domains tend to concentrate on achieving what have been called approach goals. These are goals that spell out the steps required to achieve a specific, positive outcome, for example, increased levels of wellbeing, or employment skills. Such goals are typically based on individuals' core commitments and are sensitive to their abilities and needs (Andrews, et al., 2010). Thus, approach goals emphasize the importance of achieving specific outcomes rather than simply avoiding negative consequences. By contrast, risk management interventions rely heavily on avoidant goals, which stress the need for vigilance around potential threats of relapse and the priority of directing resources to the reduction of criminogenic risk factors (Mann & Marshall, 2009).

It has been found that these two goals orientations can result in different outcomes with approach goals, which focus on a positive outcome, being associated with higher levels of perseverance than avoidance goals. The overarching goal of offender treatment (i.e., the reduction of recidivism risk) could be reframed as an approach goal such as "to become someone who lives a satisfying life that is always respectful of others" (Mann & Marshall, 2009, p. 194). Such a goal remains consistent with the aim of avoiding relapse given it is incongruent with offending and can be broken down into several, personally meaningful sub-goals that provide offenders with a constructive life plan, for example, increasing confidence

in socializing with adult women. Thus, by using approach goals treatment can help offenders live better lives, not just less harmful ones, in ways that are personally meaningful and socially acceptable (Ward & Maruna, 2007). This initiative is supported by the research of Mann, Webster, Schofield, and Marshall (2004) who found that approach-goal focused interventions with sex offenders resulted in better treatment engagement compared to a traditional avoidant-goal focused intervention.

Second, treatment goals in the risk management approach are not usually mutually agreed upon within the context of a therapeutic relationship, but rather are imposed upon offenders (Mann & Marshall, 2009). A worry is that the perception of having no, or little, choice in the selection of a treatment plan will adversely impact on the quality of a working alliance with offenders. For example, Marshall, et al (2006) discovered that confrontational therapeutic styles have a negative impact on treatment engagement and outcomes. By way of contrast, they discovered that therapist displays of empathy, warmth, encouragement and appropriate directiveness significantly facilitated positive treatment change. Unfortunately, the didactic nature of the risk management approach allows limited scope for enhancing the therapeutic relationship.

Third, Ward and Maruna (2007) cautioned that focusing solely on criminogenic needs can obstruct treatment engagement, and that attention to non-criminogenic needs, such as those relating to enhanced wellbeing and quality of life, may result in a corresponding improvement in treatment engagement. Furthermore, it has been suggested that targeting non-criminogenic needs may be a necessary precondition for being able to effectively target and reduce, criminogenic needs (Ward & Stewart, 2003). For example, attempting to address criminogenic needs in the context of great personal distress or financial crisis (both non-criminogenic needs) is likely to prove less effective than if these pressing issues, often identified by the individual, are attended to (Ward & Maruna, 2007).

Another general weakness of the risk management approach is the limited attention paid to re-entry and reintegration into the social environment (outside of identifying and then actively avoiding high-risk situations). As described above, resilience and desistance research has highlighted the pivotal role of environmental systems such as close, supportive relationships and employment in curtailing offending (Laws & Ward, 2011). Thus, building and strengthening environmental opportunities, resources and supports should be central to offender rehabilitation and reintegration endeavours. Moreover, in the case of treated offenders, environmental factors have the potential to facilitate or impede the maintenance of

treatment-related changes to dynamic risk factors. Ward and Nee (2009) argued that effective treatment generalisation requires an environment that supports and reinforces newly learned concepts, such as the restructuring of offence-supportive beliefs. Associating with people endorsing such beliefs.

### **3.5.7.2. The Good Lives Model**

The Good Lives Model (GLM) of offender rehabilitation is a strength-based approach by virtue of its responsiveness to offenders' core aspirations and interests, and its aim of providing them with the internal and external resources to live rewarding and offence-free lives. It is closely aligned with positive psychology because of its stress on promoting offender well-being and its overall positive orientation to treatment, although it was developed independently of this perspective (Linley & Joseph, 2004).

As a rehabilitation theory, the GLM comprises a number of ethical, metaphysical, epistemological, methodological, aetiological, and treatment assumptions that are intended to guide practitioners in their work with offenders (Ward & Maruna, 2007). The GLM was formulated as an alternative approach to correctional treatment that has the conceptual resources to integrate aspects of treatment not well addressed by the RNR model (Andrews & Bonta, 2010), such as the formation of a therapeutic alliance, agency concerns, and motivating individuals to commit themselves to treatment and ongoing desistance from offending (Ward & Maruna, 2007). The GLM has been most extensively applied to rehabilitation work with sex offenders and therefore the assessment process and interventions consistent with the GLM have been developed in the most detail with this particular population. It is important to note, however, that the GLM is a general rehabilitation theory that is applicable to a wide range of problems, including other types of criminal behaviour, and is not restricted to use with sex offenders. It has recently been used effectively in working with individuals convicted of violent, non-sex-related crimes (Landman, 2009; Whitehead, et al., 2007) and also applied to individuals with medical disabilities (Siegert, et al., 2007).

#### **A. Principles, Aims and Values of the GLM**

The GLM is a strengths-based approach to offender rehabilitation that augments the risk, need, and responsivity principles of effective correctional intervention. Its principles, aims and values focus on assisting inmates to develop and implement meaningful life plans that are incompatible with offending (Andrews & Bonta, 2010).

**(i) Embodiment, Plasticity and Cognitive Extension**

The first major set of theoretical assumptions of the GLM revolve around recent research and theory in cognitive science relating to the nature of human agency. According to Ward and Casey (2010, p. 15), this model suggests that:

- ✚ Human agents' physical embodiment has a profound impact on their cognitive functioning and interfaces with the world;
- ✚ Human agents are characterised by the plasticity of cognitive functioning; and
- ✚ Human agents have cognitive systems that incorporate both internal and external components.

The above claims converge on a picture of organisms who are, naturally, designed to act in pursuit of biological, psychological and social goals (Clark 2008).

The claim that human beings are embodied is based on a unified conception of the mind and body and a rejection of dualism. That is, mental properties are thought to be causally dependent upon the body and their form determined in part by the experience of physical embodiment (Ward & Nee, 2009). Furthermore, the body also plays an important part in altering the environment in ways that facilitate problem clarification and effective action. It is the interface between inner and outer resources that make it possible for individuals to bring about goal-directed changes in the environment and ultimately within themselves.

The dependence of goal-directed action and psychological functioning upon the body creates a source of vulnerability for human agents and underlines the need to ensure that threats to physical integrity are effectively managed. The provision of adequate food and water, safe and hygienic environments, freedom from physical danger, and accommodation are necessary ingredients of a good life (Casey et al., 2012). Typically, this means that individuals need educational and vocational skills to be able to work in order to pay for these essential materials. The fact of being physically vulnerable agents points to our ultimate interdependence and reliance on each other for access to vital goods or at least to the means of providing them for ourselves. Offenders as embodied human agents require the materials needed to protect their physical integrity and subsequent ability to act in pursuit of their goals.

The second assumption concerning the nature of human beings and their capacity for agency trades on the view that they are cognitively versatile animals who are able to quickly adapt to novel situations and acquire new cognitive repertoires and tools with relative ease (Clark,

2008). Human beings' sense of self is derived from the ability to effectively change the world and themselves in accordance with their personal commitments (Clark, 2008). From a rehabilitation standpoint, the soft nature of human agency reminds correctional practitioners that enhancing offenders' abilities to achieve better life plans is likely to alter their sense of themselves in ways that are socially beneficial as well as personally fulfilling (Ward & Casey, 2010).

The third agency-related assumption builds on the fact of human beings' cognitive plasticity and claims that external cognitive resources such as language, computers, other minds, and social and cultural institutions under some circumstances can be viewed as part of people's (extended) minds (Ward & Casey, 2010). In other words, individuals are not cognitively limited by the biological boundaries of skin and skull and are able to intentionally incorporate internal and external elements when engaged in cognitive tasks. Individuals do not have space to fully explain this complex and novel idea but point out that it is logically connected to the previous two assumptions. It is because human beings are physically embodied that they are able to use tools of various kinds to change themselves and their world. Furthermore, it is their cognitive plasticity and soft agency that enables people to actively incorporate internal and external cognitive resources when engaged in problem-solving activities (Ward & Gannon, 2006). The implications of this assumption for offender rehabilitation is that it makes sense to focus our efforts on what matters to people and to realise that external social and cognitive resources may well be actively recruited in offenders' problem-solving routines and strategies. If offenders are quarantined in environments that contain others like them and few pro-social models, the chances are that their beliefs, values and actions will continue to be anti-social in nature.

## **(ii) Primary Human Goods**

The above set of three presuppositions of the GLM centred on human embodiment and agency are the most fundamental ones and the following assumptions are really derived from them. The biological nature of human beings and the supervening of psychological properties on physical processes and structures means that in order for individuals to function effectively their basic needs have to be met (Deci & Ryan, 2000). Furthermore, the biological and psychological evidence suggests that all people, including offenders, are naturally inclined to seek certain goals, or what one has called primary human goods such as relatedness, creativity, physical health, and mastery (Ward & Maruna, 2007).

In essence, primary goods are states of affairs, states of mind, personal characteristics, activities or experiences that are sought for their own sake and are likely to increase psychological well-being if achieved (Ward & Stewart, 2003). In addition to these primary goods, instrumental or secondary goods provide particular ways (that is the means) of achieving primary goods: for example, certain types of work or relationships. For instance, it is possible to secure the primary good of relatedness by the way of romantic, parental or personal relationships. The notion of instrumental goods or means is particularly important when it comes to applying the GLM to offending behaviour as it is assumed that a primary reason why individuals commit offences is that they are seeking primary goods in socially and often personally destructive ways (Ward & Stewart, 2003).

The psychological, social, biological and anthropological research evidence provides support for the existence of at least ten groups of primary human goods (Aspinwall & Staudinger, 2003; Ward & Maruna, 2007). According to Ward and Maruna (2007, p. 19), these include the following:

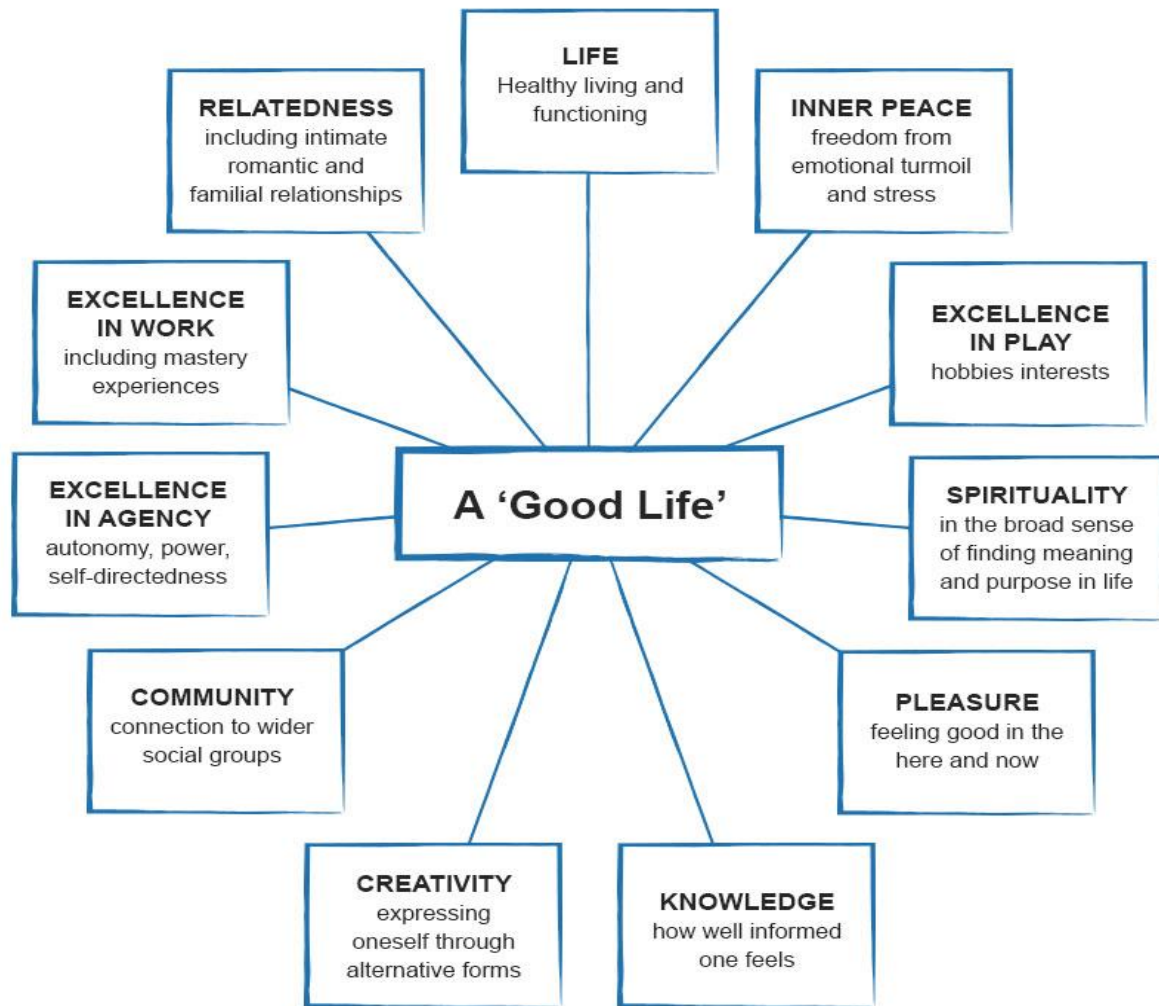
- ✚ *Life*: The primary good of life incorporates physical needs and factors that are important for healthy living and physical functioning, such as food, water, a physically healthy body, and so on.
- ✚ *Knowledge*: This primary good is based on the notion that human beings are inherently curious and possess the desire to understand aspects of themselves, their natural environments, and other people.
- ✚ *Excellence in play and work*: This primary good refers to the desire to engage in leisure or fun activities for their own sake and to strive for mastery at work-related and leisure or recreational activities.
- ✚ *Autonomy*: The primary good of autonomy refers to the desire to formulate one's own goals and to seek ways to realise these through actions and activities of one's choice without facing undue interference from others (moderated by cultural and social norms).

- ✚ *Inner peace*: The primary good of inner peace refers to emotional self-regulation and the ability to achieve a state of dynamic emotional equilibrium and competence.
- ✚ *Relatedness*: The good of relatedness refers to the natural desire of human beings to establish warm, affectionate bonds with other people. It is noted that these relationships range from intimate, romantic relationships to close family relationships to platonic relationships and friendships.
- ✚ *Community*: The primary good of community refers to the desire human beings have to belong to social groups and to feel connected to groups that reflect their interests, concerns and values.
- ✚ *Spirituality*: The primary good of spirituality refers to the desire to discover and attain a sense of meaning and purpose in life.
- ✚ *Happiness*: The primary good of happiness refers to a hedonic (pleasure) state or the overall experience of being content and satisfied with one's life, and includes the sub-good of sexual pleasure.
- ✚ *Creativity*: The primary good of creativity refers to the desire for novelty and innovation in one's life, the experience of doing things differently, or engaging in a specific activity that results in an artistic output or other novel or creative product.

An especially significant characteristic of the GLM is that the goods are plural rather than singular and, therefore, a fulfilling life will most probably require access to all the primary goods even though individuals can legitimately vary in the way they value or rank them.

This means that there are multiple sources of motivation and that each has its origin in the evolved nature of human beings, as shown below in *figure 2*.

Figure 2: Primary Human Goods



Source: (Ward & Maruna, 2007)

### (iii) Values and Practical Identities

The plural nature of the goods sought is likely to result in their differential weightings or endorsement by individuals. While all the primary goods need to be present to some degree (that is, meet a threshold requirement) if persons are to achieve good lives there could be significant differences in the experiences, objects and activities they consider most important. According to Korsgaard (1996), conceptions of practical identity provide “a description under which you value yourself and find your life worth living and your actions to be worth undertaking” (1996: 101). Thus individuals’ sense of identity emerges from their basic value commitments: the goods they pursue in search of better lives. Interestingly, Korsgaard (2009) argues that when there are conflicts between different practical identities people have to work hard to establish some degree of unity in their lives, and she suggests that a way of assisting





this process is by focusing on our common humanity and our (shared) inherent dignity. The existence of a number of practical identities also means that each of us will draw from a variety of distinct value sources when faced with decisions about how best to act (Korsgaard, 2009). For example, a person may value being a father, psychologist, scientist, citizen and member of a political party, and each of these practical identities will exert some normative pressure on his actions and life.

At times the aims and subsequent actions arising from the value commitments of each of these practical identities could even conflict. The relevance of variation in value endorsements is that if offenders' sense of themselves and what really matters depends upon the things they most value, then correctional practitioners ought to identify what primary goods are most heavily endorsed and in particular how they are expressed in their lives (Clark, 2007). Because human beings are thinking animals there is a reflective gap between the experience of a desire to act in pursuit of a natural good or incentive, and actually doing so (Korsgaard, 2009). This reflective gap allows individuals space to critically evaluate desires and to decide whether or not they are worthy of fulfilment; whether they are really of value. Arguably, problematic actions such as sexual offending partly arise from individuals making faulty judgements and reveal a lack of forethought or knowledge concerning the relevant facts and the real value of the proposed actions. Thus, the process of rehabilitation requires not just the targeting of isolated factors but also the holistic reconstruction of the self.

#### **(iv) Goods and Risks**

According to the GLM model, correctional interventions should aim to:

-  Promote offenders' aspirations and plans for better lives, as well as
-  Manage/reduce their risk to the community.

This assumption has both normative and pragmatic strands to it. Normatively, the assertion that interventions should promote well-being alongside reduce risk reflects the ethical foundation of the GLM in human rights theory and practices (Laws & Ward, 2011). Pragmatically, it is assumed that because criminogenic needs and human needs are causally related, the promotion of adaptive approach goals should also reduce dynamic risk factors. Thus a major aim of correctional reintegration work is to help individuals to construct a life plan that has the basic primary goods, and ways of effectively securing them, built into it and does not involve inflicting harm on others.

#### **(v) Ecological Selves**

As discussed above, according to the GLM people are multifaceted beings composed of a variety of interconnected biological, social, cultural and psychological systems, and are interdependent to a significant degree. What this entails is that complex animals such as human beings can only flourish within a community that provides emotional support, material resources, education, and even the means of survival (Andrews, et al., 2010). The complexity of human functioning means that an adequate explanation of something as important as crime will require multiple levels of analysis and theoretical perspectives. In particular, the interdependency of human behaviour points to the necessity of adopting an ecological framework.

The fact that human beings are interdependent and that, therefore, a satisfactory understanding of behaviour will always involve an appreciation of the contexts in which they exist, has important implications for therapists when designing reintegration programmes. Thus, according to the GLM, any assessment and intervention should take into account the match between the characteristics of the individual and the likely environment where he or she will be functioning (Andrews, et al., 2010). Rather than viewing the offender as essentially a self-contained deviancy machine who therefore requires treatment designed to restore or repair or, more frequently, to manage a faulty system, the aim is to locate him or her within a social network. Treatment consistent with the GLM is viewed as furnishing individuals with some of the agency scaffolding and resources required to establish important social bonds and to engage meaningfully with the world.

#### **(vi) The Nature of Risk**

For the reason that people are conceptualised to be constituted from and to be embedded within complex systems, risk is viewed as multifaceted rather than purely individualistic (Denny, 2005). Therefore, it is to be expected that an adequate risk management plan would need to take into account individuals' particular lifestyles and environments. Even those dynamic risk factors that can be said to be located inside individuals (impulsivity, aggressiveness) are only meaningful in their specific, cultural and situational contexts.

The trouble with psychometric approaches to risk assessment and management is that they have a tendency to identify risk primarily in terms of individuals' deviancy and to view offenders as essential bearers of risk (Ward & Maruna, 2007; Ward & Stewart, 2003). By bearers of risk

one states that in some sense risk is seen as inhering within individual offenders and to a lesser extent their environments. A difficulty with such a static conceptualisation is that it fails to appreciate how risk can be created by correctional interventions and policies that effectively isolate offenders, such as community notification or geographical restrictions (Vess, 2009).

#### **(vii) The Nature of Intervention**

Finally, according to the GLM, a treatment plan should be explicitly constructed in the form of good lives conceptualisation or plan. In other words, it should take into account individuals' strengths, primary goods and relevant environments, and specify exactly what competencies and resources are required to achieve these goods. An important aspect of this process is respecting the individual's capacity to make certain decisions themselves, and in this sense accepting their status as an autonomous individual (Andrews, et al., 2010). This is in direct contrast to previous recommended practice in the treatment of offending behaviours, where therapists were cautioned not to allow offenders to participate in decision-making (Salter, 1988). Using the GLM, one believes that each individual's preference for certain primary goods should be noted and translated into his or her daily routine (for example the kind of works, education and further training, and types of relationships identified and selected to achieve primary goods).

#### **B. Aetiological Assumptions of the GLM**

The aetiological component of a rehabilitation theory flows logically from a theory's basic assumptions, is general in nature, and functions to give correctional workers a cognitive map or general overview of the broad causes of anti-social behaviour.

According to the GLM, goals are usefully construed as primary human goods translated into more concrete forms, and as such are typically the objects of intentions and actions. Goals are the ultimate and intermediate ends of any actions and collectively give shape to people's lives insofar as they create a structure of daily activities that represent what is of fundamental importance to them. In terms of practical identities, goals are typically thematically linked to concrete identities and the various roles and tasks they imply (Andrews, et al., 2010). For example, a person has responsibility for the assessment and treatment of psychological disorders. Each of these domains of professional practice is linked to actions, guided by particular goals, such as conducting an interview competently, interpreting psychological tests,

or assisting an individual to overcome his or her fears of intimacy (Korsgaard, 2009). Alternatively, the practical identity of being someone's romantic partner generates a variety of tasks such as providing emotional support, spending time together, and maintaining a household. In other words, goals are typically clustered together under specific descriptions; these descriptions are ultimately anchored in practical identities (Korsgaard, 2009).

According to the GLM, there may be a number of distinct problems within the various domains of human functioning that can result in offending behaviour: emotional regulation difficulties, social difficulties, offence supportive beliefs, empathy problems, and problem-solving deficits (Andrews et al., 2010). Yet, such individuals' general underlying personal motivations/goals are rarely inherently bad. Instead, it is the means used to achieve these goods that are deviant. The value of this understanding is that it helps to focus clinical attention on primary goods, the ultimate underlying motivating factors, and away from an exclusive focus on the psychosocial difficulties with which individual clients are struggling. That is, there are likely to be distortions in the internal and external conditions required to achieve the primary goods in socially acceptable and personally satisfying ways.

The GLM guided analysis goes beyond deficit-based etiological theories (theories that focus on what individuals lack) by encouraging clinicians to think clearly about just what it is that the person is seeking when committing the offence (Andrews, et al., 2010). This information has direct treatment implications and can provide a powerful way of motivating individuals to engage in therapy; the aim is to help them to secure human goods that are important to them but to do so in ways that are socially acceptable and also more personally satisfying. The latter point is especially important, as most of the causal factors involve self-defeating attempts to seek personally valued goals and consequences. The GLM can explain why this is so and provide a clear understanding of where the problems reside in an individual's life plan.

From the perspective of the GLM there are two routes to the onset of offending, each reflecting individuals' agency: direct and indirect (Ward & Gannon, 2006; Ward & Maruna, 2007). The direct pathway is implicated when offending is a primary focus of the cluster of goals and strategies associated with an individual's life plan. This means that the individual intentionally seeks certain types of goods directly through criminal activity. For example, an individual may lack the relevant competencies and understanding to obtain the good of intimacy with an adult, and furthermore may live in an environment where there are few realistic opportunities for

establishing such relationships (Ward & Gannon, 2006; Ward & Maruna, 2007). Thus, the actions constituting offending are a means to the achievement of a fundamental good.

The indirect route to offending occurs when the pursuit of a good or set of goods creates a ripple effect on the person's personal circumstances and these unanticipated effects increase the pressure to offend. For example, conflict between the goods of relatedness and autonomy might cause the break-up of a valued relationship and subsequent feelings of loneliness and distress (Andrews & Bonta, 2010). The use of alcohol to alleviate the emotional turmoil could lead to loss of control in specific circumstances and this might increase the risk of offending. These indirect or ripple effects are particularly evident when two practical identities a person is invested in conflict and cause him or her uncertainty about how best to act. An example of this conflict of identities is when an offender values both his roles as a worker and as a husband (Andrews, et al., 2010). The two identities can on occasions clash and in some circumstances, the pressure to work longer hours in order to get a job done might interfere with his responsibilities as a partner.

First, an individual who has problems with the means he or she uses to secure goods may be using inappropriate strategies to achieve the necessary primary goods needed for a good life. Second, an individual's life plan might also suffer from a lack of scope with a number of important goods left out of his or her plan for living. Third, some people may also have conflict (and a lack of coherence) among the goods being sought and their associated practical identities and therefore experience acute psychological stress and unhappiness (Emmons, 1999). Fourth, a final problem is when a person lacks the capabilities (knowledge, or skills) to form or effectively implement a life plan in the environment in which he or she lives or to adjust his or her goals to changing circumstances (for example impulsive decision-making). The problem of capability deficits has both internal and external dimensions. The internal dimension refers to factors such as skill deficits while external dimension points to a lack of environmental opportunities, resources and supports.

The aetiological commitments of the GLM are general in form and stem from a view of human beings as creatures capable of reflective agency, usually acting under the conceptual constraints of a range of practical identities. That is, one proposes that human beings are goal-seeking, culturally embedded animals who utilise a range of strategies to secure important goods from their environments when occupying personally valued social or cultural roles (partners, workers, citizens, playmates, artists, helpers and so on). When the internal or external

conditions necessary to achieve valued outcomes associated with practical identities are incomplete or absent, individuals tend to become frustrated and may engage in anti-social behaviour (Andrews, et al., 2010). The etiological commitments serve to orient correctional workers and require supplementation from specific theories to supply more fine-grained explanations of anti-social behaviour and particular types of offences.

### **C. Implications of the GLM for Practice**

A GLM-oriented treatment programme seeks to tailor an intervention plan around an offender's core values and associated practical identities. The good lives plan unfolds from this value centre and incorporates all of the various goods required to function as a reflective and effective agent within specific environments (Burnett, 2002). Where possible, local communities and resources are recruited and the objective is to assist in the building of a better life rather than simply trying to contain risk. For example, an individual's treatment plan could be based on his or her desire to learn a trade (become a mechanic, for example) and establish a romantic relationship. The skills required to become a mechanic, such as mechanical knowledge of engines, effective work habits, at least a reasonable degree of social and communication skills, effective and self-control competencies, may reduce risk while consolidating the offender within a social network. Access to workmates and hobbies that cohere with his or her interests might further open up opportunities to meet potential partners who are law-abiding and supportive. The result of such a plan will hopefully be a life that is fulfilling, meaningful, ethically acceptable and socially productive (Maruna, 2001).

The first phase when intervening with offenders from the standpoint of the GLM involves the detection of the social, psychological and material phenomena implicated in individuals' offending (Andrews et al., 2010). This requires a careful analysis of offenders' level of risk, their living circumstances, physical and social problems and psychological capabilities around the time of their offending and stretching into their past as well. Offenders are likely to have multiple problems, such as poverty, substance abuse, lack of accommodation, high levels of impulsiveness and aggressive behaviour, and so on.

In the second phase of the GLM, the function of offending (what the individual expected to achieve via his offending) is established through the identification of primary goods that are directly or indirectly linked to the criminal actions (Andrews, et al., 2010). In addition, the identification of the overarching good or value around which the other goods are oriented

should also be ascertained. This step requires that practitioners identify the practical identities endorsed by offenders and clarify how they are causally related to their offending actions. It is anticipated that the core goods (for example, mastery or caring) will be translated into more concrete values and tasks that directly connect with offenders' general life circumstances and their offence related actions.

In the third phase of the GLM rehabilitation process, the selection of the practical identities and their overarching good(s) or value(s) is undertaken and made a focus of a plan (Andrews, et al. 2010). Frequently practical identities are aligned with the primary goods and in a sense simply flesh out the abstractness of the good in question. In effect, practical identities and their goals, strategies and practices provide the detail needed to effectively work with an offender. For example, an individual might nominate knowledge and relatedness as the two most important goods and decide that going to university and establishing a relationship with a woman are means to these ends.

In the fourth phase, a greater level of detail is added to the above developing plan and the selection of secondary goods or values that specify how the primary goods will be translated into ways of living and functioning is undertaken. In this step identification of the contexts or environments in which the person is likely to be living while in the community during or following treatment is conducted (Andrews et al., 2010). For example, the practical identity of being a university student (and partner in a relationship) is now examined with respect to a possible environment and the educational, social, psychological and material resources required to make this possible are noted. The GLM is a regulatory and pragmatic model so it is imperative that the probable environments a person will be living in are identified and their potential to provide the required resources to realise the good lives plan ascertained.

In the fifth phase, the practitioner constructs a detailed intervention plan for the offender based on the above considerations and information (Andrews et al., 2010). The plan will be holistic, specify the internal and external conditions required to successfully implement it, revolving around offenders' core values and their associated practical identities, and the various tasks for correctional practitioners will be carefully detailed. Dynamic risk factors or criminogenic needs are indirectly targeted when cognitive behavioural techniques and social interventions are utilised in the acquisition of offender competencies (Burnett, 2002). Thus, taking into account the kind of life that would be fulfilling and meaningful to the individual (primary goods, secondary goods, and their relationship to ways of living and possible environments), the

evaluator notes the capabilities or competencies the individual requires in order to have a reasonable chance of applying the plan (Burnett, 2002). Practical steps are then taken to organise the various actors involved and to put the good lives plan into action. The offender is consulted in all the various phases and he or she drives the content of the plan, if not its form. Furthermore, the practitioner seeks to balance the ethical entitlements of the offender with those of victims and members of the community (Burnett, 2002).

### **3.5.8. Mandela Rules Approach**

Different overview of major research and evaluation approaches has shown that there is no uniform guidance on the evaluation of rehabilitation and reintegration programmes. The question arises as to how those diverse perspectives and findings can be used as a framework for the analysis of rehabilitation and reintegration of inmates. Such a framework must also acknowledge respective differences in the cultures of imprisonment and rehabilitation.

The most recent guidelines are called “Nelson Mandela Rules,” which were adopted on December 17, 2015, and which revised the “Standard Minimum Rules for the Treatment of Prisoners” (1955) to incorporate human rights into criminal justice systems (UNODC, 2016). They include, among other stipulations, rules and standards about welfare, rehabilitation and reintegration that are mandatory for all member states. However, it is important to emphasise that the Rules only form minimum standards of the lowest common denominator. Consequently, these rules help to provide a normative framework and criteria on what adequate treatment of inmates should look like, and can thereby serve as a framework.

The Nelson Mandela Rules comprise two main parts: the rules of general application and the rules applicable to special categories (UNODC, 2016). The first, the rules of general application, constitute the majority of the Nelson Mandela Rules, with 85 rules out of the total 122. The rules of general application concern basic principles of detention, inmate file management, separation of certain categories of prisoners, accommodation standards, personal hygiene, clothing and bedding, food, exercises and sport, health care services, use of restrictions, disciplines and sanctions, instruments of restraint, searches of prisoners and cells, information to and complaints by prisoners, contact with outside world, access to books, religion, retention of prisoner property, notifications, investigations and removal of prisoners, and rules regarding internal and external inspections (UNODC, 2016). The second part provides rules for the treatment of five special categories of prisoners:



- (i) inmates under sentence;
- (ii) inmates with mental disabilities and/or health conditions;
- (iii) inmates under arrest or awaiting trial;
- (iv) civil inmates; and
- (v) persons arrested or detained without charge.

The category for prisoners under sentence contains more detailed rules concerning the guiding principles of sentenced prisoners, their treatment, classification and individualisation standards, their privileges, work, education and recreation activities, as well as rules regarding social relations and aftercare of those prisoners (UNODC, 2016).

Even though the Nelson Mandela Rules are not organised explicitly in terms of welfare, rehabilitation and reintegration, they clearly include the main aspects of these dimensions, especially the dimensions of welfare and rehabilitation. The important aspects of the reintegration dimension are also incorporated by the Rules, however, they are elaborated in less detail since reintegration and aftercare technically apply to a non-detained person. Yet, the domains regulated by the Nelson Mandela Rules directly correspond to the concepts of general correctional centre regimes as well as to the welfare, rehabilitation and reintegration dimensions, as shown below in *Table 1*.

**Table 1: Nelson Mandela Rules (NMR)**

Concept	Domain included by the NMR	Content
<b>Prison Regime</b>	Basic principles	The treatment of every prisoner shall respect their inherent dignity, protect them from cruel or inhuman treatment and be applied impartially while taking in account the individual needs of every prisoner. (Rules 1-3)
	Separation of categories	The different categories of prisoners (regarding their sex, age, criminal record, legal reason for detention and necessities of treatment) shall be detained in different institutions or in different part of one institution. (Rule 11)
	Restrictions, discipline and sanctions	Disciplinary offences and sanctions shall be authorized by a law or regulation and should not be more restrictive than necessary to ensure safe custody, order and security of the institution and community life. The mental health of every prisoner must be considered before sanction and no mentally ill or disabled prisoner shall be sanctioned. Torture or inhuman treatment are prohibited and include: indefinite solitary confinement, prolonged solitary confinement, placement of a prisoner in a dark or constantly lit cell, corporal punishment, diet or water restrictions and collective punishment. Solitary confinement means the confinement of a prisoner for 22 hours or more a day without meaningful human contact and is considered as prolonged when the period exceeds 15 consecutive days. Solitary confinement shall be used only in exceptional cases as a last resort and does not apply to mentally ill or disabled prisoners. Sanctioned prisoners should receive special health care attention and the medical professionals shall report and review to respective authorities. (Rules 36-46)
<b>Welfare Rehabilitation</b>	Health care services	The health care standard provided to prisoners shall be the same as in the community. Every prison shall have in place a health care service and pay attention to special health care needs (physical and mental health, specific health care for women and children). For special treatment prisoners are transferred to adequate institutions or civil hospitals. Health care professionals have daily access to sick prisoners and follow the same ethical and professional standards in the treatment of prisoners as in the treatment of any civilian. (Rules 24-35)
	Accommodation	All parts of a prison used by prisoners (such as sleeping accommodation, living and workplaces, sanitary installation and bathing and shower installations) shall correspond to health requirements. Where cells are used as sleeping accommodation, it is not desirable to have two prisoners in one cell. Where dormitories are used, the prisoners shall be carefully selected. (Rules 12-17)
	Personal Hygiene	Penal institutions must provide water, toilet articles and hair and beard care in order that prisoners can keep a clean appearance. (Rule 18)
	Clothing and bedding	Clothes and beddings of every prisoner shall be clean and kept in proper conditions. If prisoners wear their own clothes, the institution ensures their cleaning. (Rule 19-21)
	Food	Food of nutritional value for health and strength shall be served at the usual hours and drinking water shall be available whenever a prisoner needs it. (Rule 22)

Basic principles	The period of imprisonment shall be used to prepare inmates for their life after prison, by offering specific programmes and minimizing the differences between prison life and life at liberty. (Rules 4-5)
Contact with outside world	Regular contact with family and friends shall be provided, communication with legal advisors as well as diplomatic and consular representatives is allowed, and prisoners shall be allocated close to their homes. (Rules 58-63)
Notification	Prisoner shall be able to inform family about the imprisonment, transfer or serious illness and shall be informed about serious illness or death of family members. (Rules 68-70)
Prisoner file management	Every detention facility shall have a standardized prison file management system where the specific information of every prisoner is registered on their intake as well as during imprisonment. (Rules 6-10)
Health care services	The specific health care, ill treatment, mental health needs of a prisoner must be identified as soon as possible following admission. (Rule 30)
Information to and complaints by prisoners	Every prisoner shall be provided with information on the prison laws, his or her rights, obligations and general information on prison life. (Rules 54-57)
Guiding principles for prisoners under sentence	It is desirable that prisoners follow a gradual return to life in society and that community agencies take part in social rehabilitation tasks. Therefore, individualised treatments and a flexible classification system with different security degrees are required. (Rules 86-89)
Treatment for prisoners under sentence	The treatment of sentenced offenders shall establish in them the will to lead a law-abiding and self-supported life after release and developing their selfrespect and sense of responsibility. To do so all appropriated means shall be used (rehabilitation programmes) and reported to the prison authority. (Rules 91-92)
Work for prisoners under sentence	Prisoners shall have the opportunity to do useful work that increases the ability to earn a living after release. If possible, the prisoner should choose the type of work and vocational training shall be offered. Prisoners shall have an equitable remuneration, which can be spent and/or saved for after release. (Rules 96-103)
Education and recreation for prisoners under sentence	Further education possibilities shall be provided and, if possible, follow the national educational system. Recreational and cultural activities shall also be provided in all prisons. (Rules 104-105)
Exercise and sports	At least one hour of open air exercises a day (if the weather permits), and physical and recreational training during these exercises, shall be provided.
Books	Every prison shall have a library accessible to every prisoner. (Rule 64)
Religion	Every prisoner shall be allowed to have access to a qualified representative of a religion and should be able to satisfy needs of their religious life. (Rules 65-66)
Prisoners with mental disabilities and/or health conditions	Offenders with mental disabilities or health conditions should be in adequate or specialized facilities and psychiatric treatment should be included in health care services inside prisons. The continuation of psychiatric treatment after release should be ensured. (Rules 109-110)
Institutional personnel	Female prisoners shall be supervised by female staff members. (Rule 81)

	Classification and individualization	Classification shall separate different prisoner categories and facilitate the provision of adequate treatment to those categories. Treatment programmes should be in accordance with the individual needs, capacities and disposition of an inmate. (Rules 93-94)
<b>Reintegration</b>	Guiding principles for prisoners under sentence	Governmental or private agencies shall provide efficient aftercare to released prisoner. (Rule 90)
	Social relations and aftercare for prisoners under sentence	Assistance in maintaining and improving social contacts with the outside world shall be provided, also in the best interests of the family. Furthermore, released prisoners shall be provided with appropriate supports to maintain themselves in the period immediately following their release. (Rules 106- 108)
	Contact with outside world	Regular contact with family and friends shall be provided and prisoners shall be allocated close to their homes. (Rules 58-63)

Source: UN General Assembly (2015) 70/175. *United Nations Standard Minimum Rules for the Treatment of Prisoners*

### **3.6.Guiding Principle of Rehabilitation**

According to the United Nations Prison Support Recommendations Revised Policy (2009), the core aim of any credible prison system is the protection of society from criminals . This is normally done by designing programmes that target convicted inmates in correctional centres. This is one to make sure they return to society as reformed persons after serving their sentences. This is best achieved by putting programmes in place, in their sentence plan, which directly address the offending behaviours that brought them to imprisonment. If this is achieved, the ex-convicts will not return to society to add on existing criminals who have not been apprehended. People-centeredness and respect for human dignity in the operations of correctional centres have taken centre stage in correctional policies of the twentieth century (Makarawu, 2011).

#### **3.6.1. Correctional Centre Rehabilitation as Public Policy**

Prison rehabilitation policies are widely regarded as public policy. This is anchored in the nature and characteristics of public policy, as defined by different scholars. Anderson (2013), for example, defines public policy as whatever governments choose to do and what not to do. Further, it is perceived that public policy may be viewed as the government decision of what they want to do for their people. Public means people. Stakeholders in public policies are stakeholders that depend on the society to achieve their objectives. The society also depends on these stakeholders to achieve its objectives. Therefore, there is a mutual link. This generally and explicitly qualifies the rehabilitation policies to be viewed as public policy to address criminal behaviour.

According to Muzondo (2012), a policy is a course of action, a procedure, a route, a strategy or a guiding principle. This is a plan of action taken by a person, a group or an organisation within the context of the very persons' or groups' strengths to address a problem. This is a more organised way of achieving a given pre-set objective or goal. Public policy is defined as a proposed course of action of a person group or government within a given environment, providing obstacles and opportunities which the policy was proposed to utilise and overcome an effort to reach a goal or realise an objective or purpose (Anderson, 2013). The offender rehabilitation policies are government's course of action to address the problem of re-offending in the society. They are also societal efforts to punish offending activities by citizens as well as protect the society from these criminal elements. There is a mutual link by various stakeholders to serve the interest of society and supporting each other to achieve a purpose. However, there are factors that influence the formulation of these policies. There are factors that affect their implementation, hence the need to evaluate the policy impact and effectiveness in achieving the intended goals (Anderson, 2013).

It is in the interest of the government and society to evaluate the effectiveness of offender rehabilitation policies against the intended objectives so that a way forward is established. The issues that concern public policy are generally the same issues that concern the successful implementation of offender rehabilitation policies in correctional centres. The general issues that concern the various stages of offender rehabilitation policies are, but not limited to, economic, political, professional, technological and the social environment in a country (Muzondo, 2012). These are to be considered in the evaluation of the successful implementation of the policy and the achievement of the set goals in this study.

Offender rehabilitation is a tool in which government and other stakeholders use to address issues and challenges pertaining to recidivism and the prison mission delivery in the country. Various economic and social problems are linked to the prison and communities through the way prisoners are treated during imprisonment. This also determines how the communities are faring in helping offenders to reform (Cullen et al., 2011).

In any society, the people, the government and the civil society work together to enact laws, formulate policies, and allocate various resources for correctional centres to deliver their mandates. Given this fact at all levels, representatives of the various stakeholders always work hand-in-glove to make sure the desired results are achieved. According to Fili (2013), individuals and groups often attempt to shape corrections and rehabilitation policy through

education, advocacy, or mobilisation of interest groups. Stakeholders in the criminal justice system have generally agreed and recognised that correctional centres rehabilitation policy, though supported by civil society, its process is always affected by competing interest groups to influence policy-makers in their favour. Correctional centres do not always get priority in developmental issues unless there are advocacy and lobbying from the rule of law and human rights activists (Fili, 2013).

A major aspect of rehabilitation policy is supporting legislation and laws. In a general sense, the law includes specific legislation and more broadly defined provisions of constitutional or international law. This influences how policy-makers, implementers and beneficiaries view the issues of offender rehabilitation. The way offenders are treated and the type of assistance they get is influenced by legislation research and funding the policies receive. Thus, it is in the best interest of the stakeholders in the criminal justice system to influence policy debate over proposed legislation and funding.

Advocacy can be used to influence correctional rehabilitation policy through education, lobbying, or political pressure by the civic organisations and Non Governmental Organisations (NGOs). Advocacy groups often attempt to educate the general public as well as public policy makers about the nature of problems, what legislation is needed to address problems, and the funding required providing services or conducting research (Kilpatric, 2009). Although advocacy is viewed as unseemly by some in the professional and research community, it is clear that public policy priorities are influenced by advocacy. Sound research data can be used to educate the public as well as policy makers, thereby improving the public policy process (Kilpatric, 2009).

### **3.6.2. The Process of Coming up with Offender Rehabilitation Policy**

According to Kilpatrick (2009:90) “when new public policies are created, there are generally three key things involved in the process: the problem, the player, and the policy. The problem is the issue that needs to be addressed, the player is the individual or group that is influential in forming a plan to address the problem in question, and the policy is the finalised course of action decided upon by the government.” It is against this background that the offender rehabilitation policies are formulated and directed to benefit the society. Muzondo (2012) suggests that typically, the general public does not have much influence in the policy formulation process in the African context. However, there are various means to make the government aware of an issue through the various sectors of society, the different social groups,

and formal organisations and opinion leaders who may be used to push the issue in the media then brought forward during government meetings and the process for creating new policies begins.

The relationship between the government and its citizens, the systems of governance, and the socio-economic conditions influence the process and need for that particular policy. This confirms the reasons for the process of coming up with the policy, as explained by Muzondo (2012, p. 36) that “the rational model for the public policy-making process can, typically, be divided into three steps: agenda-setting, option-formulation, and implementation”. It should be noted that within the agenda-setting stage, the agencies and government officials meet to discuss the problem at hand. In the second stage, option-formulation and alternative solutions are considered, and final decisions are made regarding the best policy. Furthermore, the decided policy is implemented during the final stage; in most cases, once public policies are in place, they are extensively open to interpretation by non-governmental players, including those in the private sector (Anderson, 2013). Implied within this model is the fact that the needs of the society are a priority for the players involved in the policy-making process; also, it is believed that the government will follow through on all decisions made by the final policy. The level at which the policies are made varies within governments.

The government, though compelled by other forces, has to consider the interests of its citizens. The fact that in prison systems, the government, itself, is responsible for protecting the offending citizen makes the whole process complex. Varying interest of people who are key to societal development should be put into consideration. Offender rehabilitation, like any other public policy, is for the common good of the citizens; it is prone to what Anderson (2013, p. 32) termed “policy problems; the problems need an oversight mechanism in place to be quickly addressed but unfortunately, those who frame the issue to be addressed by policy often exert an enormous amount of influence over the entire process through their personalities, personal interests, political affiliations, and so on. The bias is extenuated by the players involved. The final outcome of the process, as well as its implementation, is, therefore, not as effective as that which could result from a purely rational process”.

### **3.6.3. Factors Affecting the Implementation of Rehabilitation Policies**

There are several policy issues that affect implementation in many ways. Some may be positive, and some may be negative. According to Muzondo (2012), these include, among other things, economic issues and the people, their various groups and interests, the opinions of

various publics and research findings. Also to be considered are the various political landscapes and technological developments. The implementation of offender rehabilitation policies is a very complex and generally multifaceted process. It requires and involves the honest and sincere interplay and participation of many parties. The parties who are involved include and vary according to jurisdictions (Muzondo, 2012).

According to Hulley et al. (2012), the first requirement for effective policy implementation is that those who are to implement a decision must know what they are supposed to do. Policy decisions and implementation orders must be transmitted to the appropriate personnel before they can be followed. Naturally, these need to be accurate, and they must be accurately perceived. They must be clear and consistent. This assertion is supported by Liebling et al. (2011) who agree that policy inconsistency can lead to discretion. The policies must be communicated with integrity and right standing. The problem of resources may lead to inconsistency. Right quantities and qualities should be available for successful policy implementation. Adequate and well-informed staff is a vital factor for successful policy implementation (Fili, 2013).

### **3.7.Strategies to Effective Rehabilitation of Offenders**

An effective rehabilitation policy agrees that the core purpose and measure of rehabilitation must be to reduce re-offending. However, a reduction in re-offending can only be achieved through a rehabilitative strategy which re-integrates offenders into society by giving them the opportunity and assistance needed to reform. An effective prison rehabilitation strategy must look not only at the offending criminal behaviour but also at the individual inmate himself or herself as stated by Dissel (2012). A prison rehabilitation regime must, where appropriate, investigate the inmate's background and needs in order to develop specific measures for his or her reintegration into society. A lot is involved in addressing offending behaviour and other deficiencies.

In developed countries (western countries), programmes such as offering alternative life choices to the offender through the provision of education, training and work opportunities are common and well-funded (Coyle, 2009). In addition, their rehabilitation regimes are designed to deal with the different needs of different types of correctional centres. These include factors affecting the re-offending of certain groups such as women, juveniles and terminally ill and remanded inmates. Various correctional centre reports have recommended that, wherever



possible, offenders should be actively engaged in their own rehabilitation and encouraged to take responsibility for themselves and their behaviours (Coyle, 2009).

The other strategy used in western countries, according to Henseltine et al. (2009), is to capacitate the families of offenders to support the re-integration process other than targeting only the offender for behaviour change. This is a two-way process that seeks to address the problem of re-offending, especially sex offenders and drug addicts. The community and family of the offender are prepared to support and keep the person occupied as well as provide maximum support to the person so that they become responsible for their actions and behaviour.

### **3.7.1. Effective Models of Intervention to Address Offending Behaviour**

Prisoners, as human beings, have various expectations that, to a larger extent, should influence the kind of approaches and programmes to rehabilitate them. Given the diversity of circumstances in which individuals commit offences, it is generally agreed by various researchers in criminal rehabilitation that successful prisoner reform programmes should be guided by the principles discussed below.

A sound conceptual model, targeting the criminogenic needs of offenders: This is in sound compliance to the Responsivity principle. Social cognitive skills, role playing and modelling are also essential (Rupande & Ngoro, 2014). These principles work in various degrees depending on the capacity of individual policies and regimes of implementation. All the same, generic models of interventions compatible with world standards of good correctional practice and treatment of offenders are in place and accessible to various correctional settings (Cullen et al., 2011). In the advent of a global village and millennium development goals, more of the recommended interventions have proved useful if applied holistically.

Rehabilitation regimes around the world comprise a number of different types of interventions which are employed in varying degrees to provide purposeful activity for prisoners. These challenge offending behaviour, provide basic education to tackle illiteracy and innumeracy and equip prisoners with life and work skills (Cullen et al., 2011). According to Cullen et al. (2011, p. 22), the most common interventions are:

- ✚ Needs assessment to identify the offender's needs and classify the types of intervention required.

- ✚ Academic education to address the prisoner's educational deficits and enlighten them mentally and socially for acquisition of the various skills to be offered;
- ✚ Behavioural and cognitive skills programmes to challenge offending behaviour and offending-related risks;
- ✚ Vocational training to provide transferable and recognised skills to increase prospects of employment on release;
- ✚ Work to give prisoners experience and create a normal culture of working and increase prospects of employment on release; and
- ✚ Re-integration to provide assistance to prisoners with finding social family support and employment after their release.

The models of intervention do have their shortcomings, especially those tested and found to work in western economies. Studies done in Africa revealed that there are socio-cultural determinants of criminal behaviour. Rupande and Ndoro (2014) cite a study done in Nigeria that confirms this notion saying social and economic activities available in communities are major determinants of the nature of crime the offenders get involved in, meaning criminal behaviour is influenced by economic and social activities one is exposed to. These two researchers then come into the conclusion that the natures of crimes common in western economies are different from those of Africa. To a larger extent, the tested and proved working models to address criminal behaviour and curb re-offending, may also not really work in the Africa society regarding the determinants of criminal behaviour and social activities the offenders are exposed to (Rupande & Ndoro, 2014).

### **3.8. Conclusion**

The purpose in this chapter has been to consider various theoretical reasons for rehabilitation and its meaning. It will now be clear that what at first sight appears to be a relatively straightforward concept is in fact rather more complex. Just what is meant by it, what one think it entails and how one justify doing or attempting it depends to a great extent on the theoretical position(s) one adopt. It is for this reason that there is no single vision of offender's rehabilitation approach, but rather a collection of views, some of which appear to have relatively little in common and even at times to be in conflict. In this chapter, the focus was also put on the subjects agreed by various scholars as best practices in offender rehabilitation. The next chapter is centred on the international correctional service systems by presenting four

national case studies (Norway, Canada, Japan and Malaysia) on the rehabilitation of inmates, and explores how each country regulates and institutionalises this aspect of the prison system.

## CHAPTER 4

### OFFENDER REHABILITATION APPROACH IN NORWAY, CANADA, JAPAN AND MALAYSIA

#### 4.1 Introduction

In many countries worldwide, prison population rates are high and have risen significantly since the 1990s (Walmsley, 2016). Modern sentencing principles, laid down inter alia in international recommendations such as the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (UN General Assembly, 2015) also known as the Nelson Mandela Rules (NMR), define humane treatment and standards for the rehabilitation and reintegration of prisoners, both core elements of prison sentencing. As most prisoners serve determinate sentences and will eventually be released, the purpose of imprisonment is to reduce future criminality by ensuring, as much as possible, that the offender is able to lead a law-abiding and self-supporting life upon return to society (Huber, 2016). In this sense, successful rehabilitation results in the reduction of criminality and therefore contributes to promoting peaceful and inclusive societies for sustainable development.

This chapter focuses on international correctional service systems by presenting four national case studies on the rehabilitation of prisoners, and analyses how each country regulates and institutionalises this aspect of the prison system. The national cases considered in this chapter were chosen to reflect a wide range of differences in their respective correctional service systems: Norway, a country with a comparatively low prison rate (World Prison Brief, 2016), is internationally known for its strong rehabilitation; Canada is internationally known for its extensive integration of citizens in rehabilitation approach; Japan, a country with a decreasing prison rate, has a strategy to become “Japan the Safest Country in the World” by adopting a general attitude of “No Return to Crime, No Facilitation of a Return to Crime (Toward a Bright Society by Everyone Supporting Rehabilitation)”; and Malaysia, a country that has recently received international attention for its inmates deradicalisation efforts that distinguish between “cognitive and behavioural components”, and its further work “to become a modern and a world-class correctional department conforming to human rights” as per the national Vision 2020 (Asian and Pacific Conference of Correctional Administrators, 2013).

This chapter starts by providing a short overview of demographic trends regarding prison populations in Norway, Canada, Japan and Malaysia. Next, the case studies on the

rehabilitation approach of the four countries are presented, with the same explanatory structure followed for each of them.

#### **4.2 Correctional Centre Population Trend in Norway, Canada, Japan and Malaysia**

The following section, derived from the World Prison Brief, provides basic information on the evolution of prison populations and prison population rates, as shown in *Table 2*. It is currently estimated that well over 10 million people are incarcerated worldwide, of whom around half are in prisons in the USA, China, Russia and Brazil. Disparities in prison population rates (that is, the number of prisoners per 100,000 citizens) among the five large continents of Asia, the Americas, Europe, Oceania and Africa are clear, with the rate for Asia standing at 92, compared to the rate for Africa of 94, Oceania of 140, Europe of 192 and the Americas of 387 (Coyle et al., 2016).

Examining the information available on the prison population of the four countries, the picture that emerges is one of diverse prison population rates and fluctuations. The country with the lowest imprisonment rate is Japan (47 per 100,000 in 2015), followed by Norway (74 per 100,000 in 2016), then Canada (114 per 100,000 in 2015) and finally Malaysia (172 per 100,000 in 2016) (World Prison Brief, 2016). As data is not available on the flow of entries, it is not possible to assess whether these rates mirror smaller use of prison sentences or rather a practice of many prison sentences of short duration. If one looks at fluctuations over the period of 2000 to 2016, one finds relatively stable development in Canada on one end and on the other, a steady rise by almost 30 % in Norway and by almost 50 % in Malaysia (World Prison Brief, 2016). In Japan, the prison population rate rose from 48 in 2000 to 64 in 2006 and has since fallen to 47 in 2015. Again, without additional data, it is not possible to determine if the rise and fall of prison sentences indicate more or less punitive turns or whether they can be attributed to changes in the length of prison sentences. For Japan, evidence suggests that the fluctuation is at least partly influenced by a legislative trend toward more severe punishment that was followed by a rehabilitation law in 2006 aiming at reducing the prison population (World Prison Brief, 2016).

**Table 2: Prison Population Trend in Canada, Norway, Japan and Malaysia (2000-2016)**

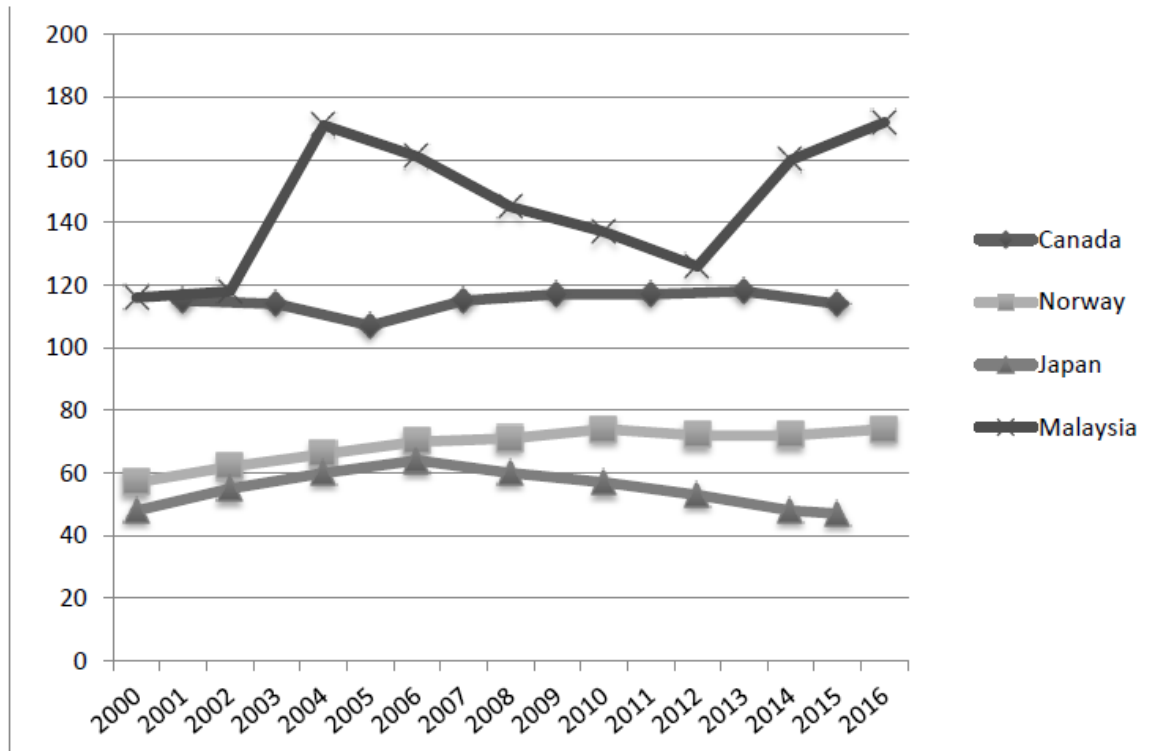
Year	Canada		Norway		Japan		Malaysia	
	Prison population total	Prison population rate*	Prison population total	Prison population rate*	Prison population total	Prison population rate*	Prison population total	Prison population rate*
<b>2000</b>			2,548	57	61,242	48	27,358	116
<b>2001</b>	35,553	115						
<b>2002</b>			2,832	62	69,502	55	28,804	118
<b>2003</b>	35,868	114						
<b>2004</b>			3,028	66	76,413	60	43,424	171
<b>2005</b>	34,365	107						
<b>2006</b>			3,250	70	81,255	64	42,389	161
<b>2007</b>	37,452	115						
<b>2008</b>			3,387	71	76,881	60	39,440	145
<b>2009</b>	39,051	117						
<b>2010</b>			3,624	74	72,975	57	38,387	137
<b>2011</b>	39,976	117						
<b>2012</b>			3,591	72	67,008	53	36,608	126
<b>2013</b>	41,026	118						
<b>2014</b>			3,717	72	60,486	48	47,986	160
<b>2015</b>	40,663	114			59,620	47		
<b>2016</b>			3,874	74			52,784	172
<b>Average value</b>	37,994	114,63	3,317	68,67	69,487	54,67	39,687	147,80

Source: World Prison Brief (2016a, 2016b, 2016c, 2016d)

\* Prison population rate: the number of prisoners per 100,000 citizens

Figure 3 highlights the prison population rate trends. While Norway’s rate shows minimal growth, Japan’s prison population has experienced a consistent decline since 2006. Canada demonstrated a low prison population rate in 2005, which has been slightly rising in the time since. Malaysia’s prison population rate is the most volatile, experiencing a very high rate in 2004, followed by a constant decrease until 2012, only to return to very high levels by 2016.

**Figure 3: Prison Population Rate in Canada, Norway, Japan and Malaysia (2000-2016)**



Source: WPB (2016a, 2016b, 2016c, 2016d)

\* Prison population rate: the number of prisoners per 100,000 citizens

### 4.3. Canada Rehabilitation Approach

In Canada, the responsibility for prison administration depends on the length of the sentence. Sentences of two years or more and conditional release supervision fall under the responsibility of a federal government agency, the Correctional Service of Canada (CSC), whereas persons sentenced for less than two years are the responsibility of the respective provinces and territories (Correctional Services Canada, 2016). Each of the 13 provinces and territories in Canada has its own correctional services agency administering sentences of less than two years, as well as their probation sentences and juvenile corrections (Correctional Services Canada, 2016). According to Section 5 of the Corrections and Conditional Release Act of 1992 (CCRA), the CSC is responsible for care of custody, the provision of programmes contributing to the rehabilitation and reintegration of offenders, release preparation, release supervision (parole, statutory and long-term supervision), as well as for public education programmes. Furthermore, their management takes place at three levels: national (overall planning and policy development); regional (implementation level); and institutional (correction facilities).

The Canadian approach is based on the belief that the successful rehabilitation of an offender depends on the measures taken to support their gradual return to society during the stay in prison on the one hand (Parole Board of Canada, 2011), and on the social acceptance and sensitivity of the general population to reintegrate offenders into society on the other. Community involvement in the rehabilitation and reintegration process is an important factor (Griffiths, 2007). Thus, the CSC collaborates with the community through forms of volunteering where citizens can share their skills and talents as volunteers at the institutions, in outreach events or by actively advising the CSC through Citizen Advisory Committees (Correctional Services Canada, 2016).

#### **4.3.1. Offender Assessment**

Offender assessments help to classify inmates, along a broad spectrum, within security classifications, according to the CCRA Subsection 30(1) and Corrections and Conditional Release Regulations (CCRR) Subsection 18 which advise the CSC to establish minimum, medium and high-security classifications. Beyond that, it allows for a comprehensive assessment of an offender's situation, risks and needs, and serves in this sense as a management tool in reducing the risk of misbehaviour and violence within the institution, reducing escape risk and adequately distributing resources (Correctional Services Canada, 2016).

Intake assessment, according to the Custody Rating Scale (CRS), as well as regular security review and reclassification procedures of inmates, facilitate CSC compliance with the Subsection 4(d) of the CCRA, which stipulates that CSC "use the least restrictive measures consistent with the protection of the public, staff members and offenders" (Correctional Services Canada, 2016). Sub-classification within the minimum, medium and high-risk classifications considers the nature of the offence, outstanding charges against the inmate, their performance and behaviour during the sentence, the inmate's social and criminal history, physical or mental illness and potential for violent behaviour, as well as the inmate's continued involvement in criminal activities (CCRR Section 17). On admission and based on the information gathered during the intake assessment, the CSC, in collaboration with the offender, develops a correctional plan, containing the offender's needs and objectives for the offender's behaviour.

The plan aims to help offenders obey prison rules and actively participate in the programmes developed to fulfil court-ordered obligations, including restitution to victims as well as child



support (CCRA Subsection 15.1). The CSC's manner of managing security classification reflects its risk-taking policy "by placing offenders in the least restrictive environment while maintaining predictive accuracy and managing risk. As such, the Service is maximizing reintegration potential through the security reclassification process" (Correctional Services Canada, 2016). Therefore, periodical assessments are an important tool to identify the adequate correctional plan, including rehabilitation measures, and to reclassify an offender within the security classifications, thus contributing to a gradual progression toward release.

The more information the CSC obtains on an offender, the more it can identify their criminogenic needs and individualize the correctional plan. Depending on the specificity of an offender, it is, however, unclear if their needs can actually be captured using standardised assessment tools (Griffiths, 2007). This concern was addressed during an international roundtable event organised and hosted by the CSC Research Branch on the Management of Radicalised Offenders held in Ottawa in December 2014 (Correctional Services Canada, 2016). The needs of this specific group of offenders, namely radicalised offenders, differ from the needs of non-radicalised offenders in the sense that the "most common treatment targets in correctional programmes such as substance abuse, education, and employment, appear to be less important need areas for radicalised offenders. Other needs, such as beliefs and attitudes, may require greater attention" (Correctional Services Canada, 2016). In line with the growing consciousness of radicalisation in or outside detention facilities, the CSC (2016) emphasizes six key points to enhance the effectiveness of radicalised offenders:

- ✚ Awareness training on radicalisation for the staff;
- ✚ Pilot assessments and interventions to radicalised inmates;
- ✚ Engagement of partners and community for facilitating reintegration;
- ✚ Enhancement of information sharing;
- ✚ Implementation "of a strategic management model"; and
- ✚ Evidence-building on radicalisation matters.

#### **4.3.2. Educational, Vocational and Employment Programmes**

The CSC facilitates an offender's rehabilitation by means of correctional programmes, as well as educational, social and vocational programmes. The education process, regulated by Commissioner's Directive Number 720, includes reviewing initial education related assessments, career counselling, individual education planning, delivery of correctional

education programmes and ongoing assessment of progress and reporting (Correctional Services Canada, 2013). Individual needs are considered in choosing educational and vocational programmes. In addition to basic education, post-secondary education can also be attained. Furthermore, the CSC has a special operating agency supporting rehabilitation and reoffending prevention by offering employment and employability skills training during the time of incarceration and for a short time after release. This is one of the key rehabilitation programmes of the CSC and operates in 29 institutions across the country with specific business sectors offering jobs via apprenticeships, community employment and vocational training (Correctional Services Canada, 2013). In line with this, the CSC also allows work releases, which afford an offender a release of specific duration for work or community service outside the penitentiary (CCRA Section 18). Offenders receive payments for their participation, enabling them to take responsibility and save for their reintegration (CCRA Section 78).

#### **4.3.3. Cultural, Physical, Leisure Activities**

The CSC provides cultural, physical and leisure activities, as well as access to a library containing books addressing offender's needs for recreational, cultural, spiritual, educational and informative materials, including information on laws and regulations (Correctional Services Canada, 2016). Commissioner's Directive Number 760 regulates any social programmes and leisure activities, which take place outside the usual working hours.

#### **4.3.4. Religion, Ideology and Spiritual Knowledge**

According to Section 75 of the CCRA, “[every] inmate is entitled to reasonable opportunities to freely and openly participate in, and express, religion or spirituality, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons”. The CSC, therefore, provides an interfaith chaplaincy service to respond to the individual cultural and religious needs of offenders (Correctional Services Canada, 2007). Even though Canada shows a high interest in the management of radicalised offenders that they define as “an ideologically motivated offender, who commits, aspires or conspires to commit, or promotes violent acts in order to achieve ideological objectives”, there is little information available on the daily management of susceptible inmates (Correctional Services Canada, 2014). Yet the CSC Research Branch has identified two groups of offenders susceptible to radicalisation: the “vulnerable, unattached, and unskilled offender” and the “more connected, educated and skilled susceptible offenders” (Correctional Services Canada, 2014). The CSC

has also identified indicators of radicalisation including “possessing of certain books or materials, exhibiting a change in institutional associations, having ideological arguments with staff members or other inmates, and congregating in specific areas or participating in informal prayer sessions.” Radicalised offenders seem to attend vocational and educational programmes or psychological services, rather than social programmes or even interfaith chaplaincy services.

Furthermore, in the context of the chaplaincy service, the CSC funds projects of Circles of Support and Accountability (COSA), where trained volunteers support the reintegration of sexual offenders into the community by meeting and assisting him or her on a daily basis. Volunteers “are professionally supported and work in conjunction with community agencies, treatment providers like psychologists, sometimes parole or probation officers, the police, and the courts” (Correctional Services Canada, 2007).

#### **4.3.5. Reintegration**

Once an offender is conditionally released from custody, they fall under the responsibility of CSC parole and probation officers who supervise compliance with the correctional plan established during the offender’s intake procedure. In fact, most of Canada’s federal offenders serve only part of their sentences in institutions and are then conditionally released to serve the remainder of their sentence in the community, where they adhere to certain conditions and are supervised by parole officers (Correctional Services Canada, 2016). Community corrections strategy sets the framework for monitoring and supervising offenders, where the first measures are taken within the prison settings and are continued in the community during the gradual and supervised transition to freedom (Correctional Services Canada, 2016). Community correction activities are interrelated and consist of supervision, programming activities and community involvement. Supervision is the responsibility of the CSC parole officers or trained volunteers and consists of monitoring and communicating with the offender. The programming activity is the offender’s participation in programmes tailored to their needs. Community involvement involves the community in the supervision process (Correctional Services Canada, 2010). It is mainly achieved through the voluntary involvement of local citizens who offer their skills and help as volunteers, as members of a Citizen Advisory Committee, by participating in the Community Forum Programme or by collaborating with the CSC Give Back Society, where offenders are given the opportunity to give something back to society. All these forms of community involvement help increase general community awareness concerning correctional and reintegration matters and contribute to the link between the community and CSC. This link

is a key factor for successful reintegration since it facilitates communication between the CSC, the offender and the community and thereby contributes to a good transition from institutional prison life to life in society (Correctional Services Canada, 2010).

The transition of an offender to the community is most likely to be successful when communities, NGOs and the government maintain collaborative relationships in the provision of tools and assistance for an adequately supported transition. One example is Community-Based Residential Facilities (CBRFs), where conditionally released inmates (including statutory early released offenders, day parolees, full parolees and offenders granted temporary absences) can retain progress toward gradual and supervised release (Correctional Services Canada, 2016). Community Residential Facilities (CRFs), which are owned and run by NGOs and contracted by the CSC, offer housing, counselling and supervision. In contrast Community Correctional Centres (CCCs), which provide housing for offenders on unescorted temporary absence, work release and day parole, as well as on full parole, statutory release or long-term supervision (if ordered by the Parole Board), are operated by the CSC (Correctional Services Canada, 2016). Other examples of collaborative relationship are chaplaincy services and Prison Fellowship Canada, which offers an aftercare ministry programme where former inmates can receive community-based aftercare, and a victim-offender reconciliation programme.

The COSAs, which originated in Canada in the mid-1990s, have gained a large amount of international attention in recent years. COSAs are a post-incarceration programme for sex offenders and involves volunteers in the reintegration process (Hannem, 2013). These community-based initiatives currently exist in 18 Canadian cities (COSA Ottawa, 2017). Even though the COSAs in each city have their own specific structure, they all have the same organisational structure and are based on the principles of restorative justice. In line with this, trained volunteers contribute to offenders' reintegration into society and thereby enhance public safety by supervising meetings with the offenders and "walking with them in their transition into society" (COSA Halifax, 2017). They offer concrete supports such as meeting practical needs like housing or work and offering an established network of emotional support. Furthermore, they help offenders in developing their pro-social strategies, offering solutions to common and daily problems (COSA Ottawa, 2017). An offender's participation in COSA is based on their voluntary commitment without any judicial mandate.

#### **4.4. Norway Offender Rehabilitation Approach**

In Norway, the Norwegian Correctional Services (NCS) is responsible for executing penal sanctions and remands in custody, which are based on gradual progression toward reintegration. Following this approach, prisoners progress from higher to lower security facilities on their way back to society. Norway's special geographical shape has led to adaptations regarding the size and the distribution of prisons, resulting in the distribution of many small, medium and a few large size prisons all over the country, whereas generally small prisons are more desirable than large ones (Johnsen et al., 2011). According to the NCS (2016), Norway's smallest prison contains 13 cells, while the largest has 392 cells. The smaller the size of the prison, the more prison officers are involved in all relevant prison officer tasks. This helps them to create a broader understanding and consideration of the prisoners' situations and contributes to greater transparency in prison management (Johnsen et al., 2011). Basic training for prison officers lasts two years and supports the development of the necessary sensitivity of prison officers to become contact-officers for (Norwegian Correctional Services, 2016). Furthermore, the national distribution of prisons allows offenders to serve their sentences as close as possible to their social network and relevant service providers (Pratt, 2008). In fact, community service providers are responsible for reintegration programmes such as medical, educational, employment and cultural or religious programmes within the correctional system, while the NCS is responsible overall for the security and correctional aspects (Norwegian Correctional Services, 2016). This form of correctional system, with health care, education or employment services provided by external service providers, is known as the Import Model. This model assures continuity of services upon release and cross-sectoral involvement in the rehabilitation of offenders and offers some general budgetary advantages (Norwegian Correctional Services, 2012).

NCS activities are based on five pillars: legislation; a humanist approach; the principles of due process and equal treatment; the fact that the debt to society ends with the end of the sentence; and the principle of normality. Even though each pillar is important, the principle of normality influences the overall execution of procedures and states that: (i) punishment means the restriction of liberty where no other rights shall be affected; (ii) no one should serve their sentences under stricter circumstances than necessary for community security, and therefore all offenders will be placed in the lowest-level security classification possible; and (iii) life inside prison should correspond as much as possible to life outside (Norwegian Correctional

Services, 2016). This principle consequently not only influences the prison regime but also the process of progression toward gradual release.

The Probation Service in Norway forms part of the NCS, under the Ministry of Justice, and consists of 17 Probation Offices in 40 locations. Probation Offices “are responsible for the implementation of community sanctions, like the community sentence, the programme against intoxicated driving, release on licence, home detention with or without electronic monitoring, and for the writing of pre-sentence reports” (Norwegian Correctional Services, 2016). Within this framework, the Probation Service holds a high degree of discretion in deciding on the contents sanctions, including for example whether unpaid work will be performed as a part of a community sentence. Voluntary workers can also supervise unpaid work in situations where the probation unit and the offender’s workplace are too far apart, even though voluntary workers do not play a major role in the general Norwegian correctional system.

#### **4.4.1. Offender Assessment**

After individual’s assessment, offenders are placed in institutions with appropriate security levels in accordance with the risks and needs presented by each inmate. The NCS uses the offender assessment system called BRIK<sup>4</sup> to gather information on individual needs and resources, which helps the NCS to provide “comprehensive and effective interventions” in offender rehabilitation and reintegration procedures (Santora et al., 2014). BRIK is broadly based on the RNR model where: (i) the risk principle indicates that the offered service has to correspond to an offender’s risk level of reoffending; (ii) the need principle estimates the criminogenic needs and dynamic risk-need factors which are predictors for criminal offending; and (iii) the responsivity principle “focuses on maximising the offender’s ability to learn from rehabilitation interventions” (Santora et al., 2014). The Norwegian BRIK system uses different methods to assess the needs and resources of convicted persons and includes pre-trial assessments and pre-sentence serving assessments, such as an offender’s eligibility for Electronic Monitoring (EM). Participation in this assessment is voluntary and the results are used to elaborate individualised treatment plan according to the needs and resources of every inmate, and to strengthen cooperation with rehabilitation partners (Norwegian Correctional Services, 2012).

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<sup>4</sup> *BRIK is the Norwegian acronym for “behovs-og ressurskartlegging i kriminalomsorgen” which corresponds to the assessment of the needs and resources of convicted persons*

#### **4.4.2. Educational, Vocational and Employment Programmes**

In terms of the principle of normality, the progression toward freedom becomes easier where the differences between prison life and outside life are smaller. Norway's balanced sentence serving policy focuses not only on punishment but more specifically on "punishment that works" to prepare the offender for a life without crime (Norwegian Ministry of Justice and Public Security, 2014). In this sense, Section 3-12 of the Regulations to the Execution of Sentences Act (RESA) states that "work, training, programmes or other measures are all on a par and satisfy the requirements of the duty to take part in activity", are remunerated on an equal basis (RESA Section 3-13) and follow the national curriculum in the case of educational programmes. In addition to these measures, the Norwegian Agency for Lifelong Learning implements various projects within prisons, such as numeracy or carpentry projects in female facilities, or reading, writing and numeracy courses in male facilities (Byholt et al., 2016). These practical aspects are supported by counselling offered by the Norwegian Labour and Welfare Service, which has a counsellor in every prison to provide assistance related to several matters, including education and employment (Santora et al., 2014).

#### **4.4.3. Cultural, Physical, Leisure Activities**

While limited information is available on this indicator, the Execution of Sentences Act (ESA) regulates cultural, physical, leisure activities on a general level, stating that "the Correctional Services shall arrange for prisoners to be given facilities to take part in leisure activities, including opportunities for physical activity and cultural activity" (ESA Section 21). However, this vague regulation must be put into the context of the five pillars guiding the NCS's activities, such as the principle of normality or the humanist approach and that, in general, "the deprivation of liberty is the actual penalty" and that the "daily routine in prison (...) reflects [as far as possible] the society outside the walls" (Norwegian Ministry of Justice and Public Security, 2014, p. 35).

#### **4.4.4. Religion, Ideology and Spiritual Knowledge**

Section 23 of the ESA indicates that "the Correctional Services shall give prisoners opportunities to practise their religion and philosophy of life". However, this is not further explained in the information available. Prison chaplaincy in Norway is financed by the Church of Norway, which considers chaplaincy as an integrated task but this financing raises the

question of interfaith services (Furseth & van der Aa Kuhle, 2011). Even though Muslim inmates “constitute the largest religious minority in Norwegian prisons” and imams can visit on a voluntary basis, their general possibility to exercise religious activities during a regular workday is “fairly limited” (Furseth & van der Aa Kuhle, 2011).

The lack of interfaith sensitivity is reflected in Measure 16 of the Action Plan which aims to prevent radicalisation and violent extremism, rather than respect for diverse religious faiths, stating that the NCS shall establish an interfaith team to enhance cooperation between personnel with different faiths to prevent radicalisation in prisons. Within the same Action plan, Measure 18 also stipulates that the NCS should develop a mentoring scheme for inmates identified as vulnerable to radicalisation (Norwegian Ministry of Justice and Public Security, 2014).

Following the Copenhagen terror attacks in 2015 where a young Dane killed two people, a Norwegian prison near Oslo organised seminars and interfaith philosophy groups in collaboration with an imam, aiming to counteract extremism by facilitating religious practices while being incarcerated (Vidino & Brandon, 2012). However, this soft approach of terrorism prevention and counter-terrorism provoked reaction seeking tougher approaches such as “isolation from other inmates, and rotation between several institutions” (The Local, 2015). Despite those reactions, Norway adopted a more general and holistic counter-radicalisation strategy aiming to: (i) reform rather than punish by guiding people away from radical thoughts and using imprisonment as a last resort; (ii) adopt a non-theological approach that brings practical solutions to political and social problems such as isolation, poverty as well as the “failure of integrating immigrants into society”; (iii) follow general Norwegian values; (iv) consider counter-radicalisation as police-led work, using community policing; and (v) to enhance dialogues with communities such as the Norwegian Muslims (Vidino & Brandon, 2012). The general Norwegian values mentioned above also reflect the typical Norwegian approach, such as seen as in the reintegration guarantee, namely a “whole-of-government approach with nine ministries involved in its implementation” as well as identification of the root causes of radicalisation to combat terrorism (Dahl, 2016).

On a more concrete level, Norway’s efforts to combat violent extremism reflect, as mentioned above, the holistic approach that includes strong collaboration between the Ministry of Justice, the NCS, the police, the PST (Norwegian Police Security Service) as well as the prosecuting authority. On the one hand, the police and the PST adopt a comprehensive strategy to prevent



terrorism and violent extremism by strengthening individual preventive talks and applying restorative justice measures for young offenders, as well as promoting liaison schemes to the local community to raise awareness and detect negative trends or individuals that may be vulnerable to radicalisation (Vidino & Brandon, 2012) . There is also the possibility for parents of teenagers who have joined violent extremist groups to meet in parent network groups to get information, professional support and advice as how to react in these situations.

While the police and the PST work strongly to prevent radicalisation within the society, the NCS, on the other hand, deals with offenders already radicalised and attempts to prevent other offenders following those radicalised offenders. It should be mentioned that Norway has had very little incidents involving violent extremists linked to religion, and more “lone wolf” attacks resulting from radical ideological right-wing views (Norwegian Ministry of Justice and Public Security, 2014). For those radical ideological right-wing views, however, no special measures have been put in place “but rehabilitation and security measures have been considered and implemented individually as with other prisoners and convicted persons” (Norwegian Ministry of Justice and Public Security, 2014). The NCS is aware that incarceration can be a potentially destabilising experience for an offender resulting in an increased vulnerability of the offender to follow a radical ideology.

The NCS counteracts such situations by “facilitating adapted sentences and social training in the various arenas in society” and by offering “services and programmes for various religions and faith groups [...] with respect for individual and human rights, irrespective of the inmate’s background” (Norwegian Ministry of Justice and Public Security, 2014, p. 31). Finally, a key practice in fighting radicalisation in Norway seems to be the efforts to establish routine communication arrangements “for exchange of information between the Norwegian Correctional Services, the police, PST and the prosecuting authority. This cooperation strengthens the quality of Correction Service’s risk assessments, among other things, with regard to the composition of inmates in the various wings and the inmate’s progression during the period of imprisonment” (Norwegian Ministry of Justice and Public Security, 2014).

#### **4.4.5. Reintegration**

Section 41 of the ESA states that the NCS “shall in good time make preparations and help to make suitable arrangements for release on probation. This applies as far as possible also to

prisoners who are serving a rather short sentence of imprisonment” as well as to prisoners serving a term exceeding 21 years (ESA Section 42) (Norwegian Correctional Services, 2016).

However, once the offender is released on probation or conditional release, it is the responsibility of the Probation Service to support and supervise the offender as well as to mediate between him or her and the victim. The probation service is part of the NCS, and this organisational structure facilitates communication. The offender’s participation in special programmes such as the DUI-Programme (Driving Under the Influence programme) or the DC-Programme (Drug Court programme) can be part of the conditions of their release (Norwegian Correctional Services, 2016). Participation in the programmes is based on the offender’s consent. While the DUI-Programme falls under the responsibility of the Probation Service, a Drug Court team, consisting of representatives from the NCS and the Norwegian Health Service, Social Service and Educational Service, supervises the DC-Programme (Johnson & Storgaard, 2014).

According to the Report to the *Storting*<sup>5</sup>, “penal implementation out in the community is more effective for rehabilitation than prison and is, therefore, the best long-term public protection” (Norwegian Ministry of Justice and Public Security, 2014, p. 52). In this sense, the NCS also uses alternative forms of sentencing, such as community sentences, including unpaid work and programme participation according to the offender’s needs, or EM sentences for offenders serving less than four months, provided that they have suitable accommodation and occupation, and respect the general conditions (Johnson & Storgaard, 2014). EM is carried out by means of radio-frequency system at the domestic residency of the offender, through visits by the Probation Service, announced or not, at work, school or other measures defined by the activity plan. Where breaches occur, such as drug or alcohol use, offenders are sent back to prison, receive warnings or are placed under intensified supervision. EM is supervised by a multidisciplinary special unit within the Probation Office (Kylstad Oster & Rokkan, 2015).

The NCS collaborates with several institutions to provide aftercare supports such as work, education, health services, addiction treatment and debt counselling, to name a few. Norway’s approach is based on the Soria Moria Declaration, which “expresses the Government’s position regarding important fields of social policy areas,” such as the NCS, and which “emphasizes the nexus between crime policy and welfare policy” (Norwegian Ministry of Justice and Public

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<sup>5</sup> *The Supreme Legislature of Norway*

Security, 2014). In this sense, rehabilitation and reintegration are not only the responsibility of the NCS but also of the public bodies (Norwegian Ministry of Justice and Public Security, 2014). Welfare service providers (who sit in the municipalities) cooperate with the correctional service and create permanent committees to coordinate supports for released prisoners. The committees can create a “responsibility group”, where representatives of the responsible service organisations meet and discuss individual support plans for released offenders. The offender may assume the role of the leader of this group. Organisations like the Oslo Red Cross or Prison Fellowship Norway offer post-release activities, mentoring programmes, child support and restorative justice programmes, while the Norwegian Labour and Welfare Service continues to offer assistance and counselling in relevant fields (Kylstad Oster & Rokkan, 2015).

Furthermore, Norway has put into practice specific exit and deradicalisation programmes, mostly for young offenders aiming to “help in establishing a new social network and arranging contact with public authorities and social services...to ensure that young person stays away from extremism when they leave prison” (Norwegian Ministry of Justice and Public Security, 2014, p. 38). The exit programmes help young offenders to disengage from extremist groups through “individual guidance, group meetings with other defectors” and by including family members, deradicalisation programmes also involve psychological and social help, theological dialogues as well as vocational training (Chowdhury Fink & Hearne, 2008).

#### **4.5. Japan Rehabilitation Approach**

The Correction Bureau within the Ministry of Justice of Japan is the authority responsible for the treatment of inmates, as well as for the development and adaption of correctional legislation (Ministry of Justice Japan, 2016a). In 2013, the Japanese government approved a strategy aiming to make “Japan the Safest Country in the World” by 2020 by adopting comprehensive crime control (Ministry of Justice Japan, 2016b). This goal is linked not only to crime prevention in general but also to the prevention of reoffending through the effective rehabilitation and reintegration of offenders. The Correction Bureau identified two main problems impacting successful reintegration, namely (i) individual problems like drug addiction and (ii) weakened family ties due to incarceration which create difficulties relating to work or housing (Ministry of Justice Japan, 2016b). The Correction Bureau, therefore, intends to address the reoffending problem by offering adequate guidance and support and to “enhance effective and seamless treatment based on empirical studies and bases according to each offender’s characteristics” (Ministry of Justice Japan, 2016c). However, efforts to reduce

crime and recidivism were not only made by the Ministry of Justice and its Correction Bureau, but also on a more general level when the government took across-the-board measures, increased cooperation with other countries, and improved awareness-raising activities and terrorism prevention measures through the Public Security Intelligence Agency (Ministry of Justice Japan, 2014b). Concerning penal institutions, Japan is characterised by an increased number of female offenders, resulting in overcrowding of female prisons, and of elderly inmates. To address these issues, the government has undertaken measures to improve infrastructure and human resources, as well as to increase international prisoner transfers.

The Japanese justice system considers imprisonment as punishment, which can be handed out with or without prison work. During incarceration, the Correction Bureau uses correctional treatment to support inmates in their behavioural reform, with a view to reintegration into society. These efforts are supported by the probation and parole system, where Probation Officers (POs) and Volunteer Probation Officers (VPOs) supervise and assist parolees and probationers in the rehabilitation and reintegration progress (Ministry of Justice Japan, 2016d). Nationwide, there are 52,500 possible VPO positions whose specific functions, qualifications and conditions are regulated in the Volunteer Probation Act. To become a volunteer, potential VPOs undergo a clear recruitment process whereby they must be designated as a successor by an established VPO to be confirmed by the local VPOs Association (Muraki, 2015). The local VPOs Association recommend VPO candidates to a Probation Office, which further examines the candidate. If the examination goes well, the Probation Office confirms the candidate who is then considered by the VPO Screening Commission, which finally decides whether a candidate is appointed or not. Once officially appointed and assigned to a local VPOs' Association, VPOs have the same status as part-time government officials, however, the position is without salary and they are rather recognised as private-citizen volunteers. They follow various training, capacity-building and exchange programmes to ensure good probation and parole supervision (Muraki, 2015).

It is the responsibility of the Rehabilitation Bureau under the Ministry of Justice to supervise POs and VPOs, which, for their part, not only administer rehabilitation measures in the community for parolees and probationers from the correctional institutions, but also administer community-based treatment for mentally ill offenders (Ministry of Justice Japan, 2016a). The parole and probation system seeks to support offenders in their process of becoming law-abiding citizens and is organised through eight Regional Parole Boards, 50 Probation Offices

and administered by professional POs and VPOs (Ministry of Justice Japan, 2016e). Under this collaboration between the Correction Bureau and the Rehabilitation Bureau, the correction measures are institutional, while the rehabilitation measures are community-based, reflecting the community's responsibility in the successful reintegration of offenders. In this sense, the VPO's are an indispensable factor of the non-governmental rehabilitation system, since they are familiar with local residents and thereby are able to maintain contact with the probationers (Muraki, 2015).

#### **4.5.1. Offender Assessment**

In addition to the classification made to separate inmates according to sex, age and legal status, inmates undergo a treatment assessment in order to establish an individualised treatment code, involving the correctional treatment as well as the characteristics and the criminal tendencies of each inmate (Ministry of Justice Japan, 2014a). This treatment assessment is conducted on the inmate's commitment to prison and periodically repeated in order to adapt the treatment to each inmate's conditions and progression (United Nations Asia and Far East Institute, 2014). These assessments provide information on an offender's needs and provide more precise direction as to which programmes, within the guidance for reform, are adequate and appropriate. Additionally, the periodic assessments put into evidence an offender's progress within the programmes and the extent to which their needs have changed since the previous assessment, and thus lead to adaption within the individualised treatment code of the inmate.

#### **4.5.2. Educational, Vocational and Employment Programmes**

The Correction Bureau considers work to be a key factor in preventing reoffending since it offers regular income and helps released inmates establish stable social relations, thereby becoming independent law-abiding citizens. By offering inmates vocational training and job assistance, in collaboration with various public and private organisations, it aims to reduce unemployment due to insufficient qualification upon release (Ministry of Justice Japan, 2014b).

Vocational training in prison mainly consists of learning new skills and techniques and is linked to job assistance, social contribution activities and even to traffic safety. This training is completed alongside educational programmes, such as academic training, correspondence courses and living guidance, following the curriculum of the general School Education Act

(Act No. 26 of 1947) (United Nations Asia and Far East Institute, 2014). Furthermore, work, in general, occupies an important place within correctional treatment in Japan. As such, Japanese penitentiaries contain prison industries where work is mainly divided into three categories, notably productive work, vocational training and self-maintenance work (United Nations Asia and Far East Institute, 2014). The majority of inmates serve a prison sentence with work, which is compulsory by law and considered to raise the morale of inmates and maintain discipline. In consequence, working hard during the daytime is a very common practice for the majority of inmates and is generally defined by the Penal Detention Facilities and Treatment of Inmates and Detainees (PDFA) as a correctional treatment (PDFA Art 84).

The general working conditions, such as working hours per day and days of leisure, are determined by the warden of the penal institution, which is done in accordance with the standards provided for by a Ministry of Justice Ordinance according to article 95 of the PDFA. Work is remunerated and inmates can gain additional money according to their achievements in work (PDFA Art. 98). Furthermore, article 96 of PDFA states that some sentenced offenders can, if the warden of the respective penal institution allows, commute to an outside business establishment to facilitate their reintegration into society.

#### **4.5.3. Cultural, Physical and Leisure Activities**

There is little information available on cultural or leisure activities other than Article 39 of the PDFA, which states that inmates can engage in self-contracted work during leisure time, meaning that can be “under contract to a person outside the penal institution” for whom they can manufacture goods. In addition, the same Article mentions that inmates should receive assistance regarding intellectual, educational and recreational activities, such as sports and others. Exercises for mental and physical health, including outdoor activities, are regulated under Section 6 “Hygiene and Medical Care” of the PDFA (Ministry of Justice Japan, 2016a).

#### **4.5.4. Religion, Ideology and Spiritual Knowledge**

According to Section 7 of the PDFA, inmates may conduct individual religious acts and the warden of the prison must support them by offering the possibility of participating in religious ceremonies held by volunteers or religious leaders (Ministry of Justice Japan, 2016a). While this general regulation provides little information on the extent to which measures facilitate religious practices or diets, there are indications that it is difficult to practice Islam, notably to

fast during Ramadan, since, according to Muslim Council of Hong Kong (2016), leaving the food constitutes breach of the prison rule which would result in punishment. Yet it seems that prisons can offer meals that respect religious conditions if a religious preference is declared when an inmate enters a system (Van Buren, 2015). This implies that prisoners converting to Islam or another religion during their sentence may have missed out on the possibility to declare their preferences. Further information on detention conditions in the context of religious, ideological or spiritual preferences, as well as radicalisation issues, are hardly available or almost non-existent.

#### **4.5.5. Reintegration**

In Japan, inmates eligible for parole must have served the statutory term of their sentence and express a “genuine repentance”. Offenders on probation and on parole are supervised by VPOs under the guidance of professional POs, who are responsible for community-based crime prevention campaigns as well (Ministry of Justice Japan, 2016c). The probation and parole system in Japan is highly dependent on these volunteers regulated under the Volunteer Probation Officers Act of 1950. In addition to guiding VPOs, professional POs supervise special cases that are particularly complex. This general supervision consists of everyday life assistance, including home visits or assistance in educational and employment matters, and crime prevention activities and programmes such as sex offender treatment programmes, stimulant offender treatment programmes, violence prevention and drunk driving prevention (Ministry of Justice Japan, 2014b).

In order to provide an adequate programme in view of the gradual treatment approach, offenders are classified into one of four treatment levels, taking into account their rehabilitation progress, as well as their recidivism risk and need for guidance. Community service activities in Japan are mainly carried out at welfare facilities or in public places by probationers and parolees with support from VPOs and other organisations. In terms of non-custodial sanctions, probationers are offenders who were granted a suspension of execution of their sentences in custody, and therefore probationers must follow the supervision programme, including community service activities, supervised by VPOs and POs. More generally, the vocational programmes provided within prisons are offered to provide prisoners with useful skills required by society according to “high social needs”, and therefore facilitate reintegration by giving prisoners the possibility of becoming law-abiding citizens (Ministry of Justice Japan, 2016g).

The above-mentioned objective of reintegrating former inmates into society by providing them with work is further reflected in the cooperative employers' service. The Ministry of Justice (MOJ) is constantly seeking employers and companies to join this service, whereby participants can post their job offers within a penal institution to provide a seamless transition for offenders from prison work to employment outside the institution (Ministry of Justice Japan, 2016g). Next to employment after release, housing is also considered an important factor to prevent recidivism. To avoid situations in which offenders do not know where to go upon release, efforts are being made to organize, in collaboration with NGOs, places such as welfare hotels (self-support homes) and halfway houses to receive such inmates after release.

Halfway houses in Japan are commissioned by the Probation Offices to provide general support (Ministry of Justice Japan, 2016g). Re-entry assistance does not only apply to employment and housing, but more generally, offers support to any inmate who has difficulties in leading an independent life, including elderly or drug-dependent offenders and offenders with disabilities, as well as young offenders who need support in reconnecting with their families (United Nations Asia and Far East Institute, 2014). Aftercare, in general, includes medical care, meals, accommodation, clothing, education and training, travel expenses, vocational guidance and referral to public welfare authorities, and is provided for six months with the possibility to extend in specific cases (United Nations Asia and Far East Institute, 2014). In addition to the VPO system, which already highlights the importance of community involvement within the reintegration process of an offender, further organisations such as the Big Brothers and Sisters Movement and the Women's Association for Rehabilitation Aid, collaborate with the government to work toward successful reintegration (Ministry of Justice Japan, 2016e).

#### **4.6. Malaysia Rehabilitation Approach**

The overall mission of the Malaysian Prison Department (MPD), under the Ministry of Home Affairs, is to “nurture productive individuals through effective rehabilitation, a conducive environment and strategic integration” by establishing and operating detention orders, ensuring lawful detention, control and security, lawful treatment of prisoners, effective rehabilitation programmes and by ensuring the implementation of effective reintegration programmes for prisoners (Malaysian Prison Department, 2012b).

The MPD is organised in ten divisions, of which the Safety and Intelligence Division, the Inmate Management Division, the Transfer of Prisoner Division, and the Parole and



Community Service Division are responsible for prison population management (Malaysian Prison Department, 2012d). While the Safety and Intelligence Division ensures all security conditions are met, the Inmate Management Division aims to reduce recidivism by providing effective rehabilitation measures, reducing the number of complaints against the system and providing adequate health facilities to offer medical treatment to at least 80 percent of the prison population (Malaysian Prison Department, 2012e). According to the MPD, its Inmate Management Division is responsible for the moral rehabilitation of inmates and providing for prisoner health, medical treatment, basic needs and social relations, within the Nelson Mandela Rules. To fulfil these functions, the Inmate Management Division has two subsections: the Rehabilitation and Treatment Section for educational and character development, treatments, religious and welfare matters and the Vocational and Industrial Section (Malaysian Prison Department, 2012f).

The Parole and Community Service Division aims to “ensure continuity of the rehabilitation programmes” and to regulate and develop the Parole Management Information System to facilitate the sharing of information between the MPD and parole officers, who are responsible for the supervision of parolees (Malaysian Prison Department, 2012d).

#### **4.6.1. Offender Assessment**

Offender assessment is carried out by the Reception Board, which interviews every inmate after their intake to consider arrangements for the prisoner’s training. It is also up to the board to classify prisoners by considering their age, character and previous history (Reg. 21) (Malaysian Prison Department, 2016). In addition to this classification, Regulation 34 of the Prison Regulation (PR) aims to facilitate the training, and reduce the risk of ideological or other contamination, of six categories of prisoner (convicted, prisoners who have not been convicted, young prisoners, first offenders, recidivists, escapees) (Malaysian Prison Department, 2016). Efforts made by the Reception Board are completed by the Discharge Board, which also interviews prisoners on admission, to offer treatment with a view to rehabilitation. However, the PR does not direct any interactions between the two boards on matters concerning prisoner treatment arrangements (Malaysian Prison Department, 2016).

#### **4.6.2. Educational, Vocational and Employment Programmes**

Work is a general requirement for inmates within the MPD framework. Work has an important role within the progressive stage system and a direct impact on an inmate's earnings. Payments are made according to grades measuring the inmate's working skills, with promotion to a higher grade possible based on good behaviour and work progress (Malaysian Prison Department, 2016).

The type of labour offered within the prison is allocated by the Officer-in-Charge who must give first consideration to "suitable vocational training" for each inmate in accordance with their sentence, individual interests and capacity, and the disponibility of prison resources (Malaysian Prison Department, 2016). Along with work inside the prison, the MPD offers a Prison Workforce programme, with community service work activities whereby inmates can contribute to their social duty by maintaining public places. Furthermore, some prisons offer workshops to provide skills training to the inmates, such as carpentry, sewing, craft, welding or laundry workshops (MPD, n.d.). In addition, the MPD considers educational classes to be part of the rehabilitation programme but bases them as optional activities to be fulfilled during general leisure time.

#### **4.6.3. Cultural, Physical, Leisure Activities**

Inmates may engage in physical training and recreational games supporting physical as well as mental health. Furthermore, there are activities such as lectures, concerts and debates. General access to a library, reading and writing material are regulated by the PR (Malaysian Prison Department, 2016). Educational classes are considered leisure activities and can be fulfilled through correspondence courses as well as through voluntary teachers who visit and teach inmates on a regular basis (Malaysian Prison Department, 2016).

#### **4.6.4. Religion, Ideology and Spiritual Knowledge**

Vocational, educational and leisure programmes form a part of the general rehabilitation programme of inmates and includes the religious component. Part 14 of the PR regulates matters related to faith and religious practices (Malaysian Prison Department, 2016). An inmate must declare their religious denomination upon intake to inform the prison officer, who will treat them accordingly. The MPD offers religious or moral education to prisoners of every faith, and explicitly states its respect for Muslim as well as non-Muslim prisoners. Visits by

religious personnel or members of religious associations, as well as access to religious texts, are granted to every inmate (Malaysian Prison Department, 2016).

Nationally, Malaysia has high awareness of religious radicalisation and terrorism, a factor in establishing the Security Offences and the Prevention of Terrorism Act (POTA) in 2015, which contains a section related to detention and the possibility to hold potential security offenders in custody without trial for a certain period and in some cases even up to years through renewable appeal processes (Besant, 2016).

Malaysian militants support groups, which has become a greater threat on a national as well as international level. In some cases, radicalisation has been traced back to prison experiences where ideologies were shared (Institute for Policy Analysis of Conflict, 2016). As a result, Malaysia developed its own deradicalisation programme, under the main responsibility of the Royal Malaysian Police that brings an arrested suspect to a special Branch Department for Interrogation. Detainees undergo the deradicalisation programme which aims to change their radical ideology, seen to be caused by religious misinterpretation, through the Religious Rehabilitation Program which covers re-educational and rehabilitation aspects (Noor & Hayat, 2009). First, the re-education aspect focuses “on correcting political and religious misconceptions” through religious classes providing Islamic studies to detainees, and discussion and debates with Islamic clerics (Noor & Hayat, 2009; Besant, 2016). Second, the rehabilitation aspect consists of evaluating and monitoring released detainees and financially supporting the spouses and families of detainees (Noor & Hayat, 2009). In addition to family support, released detainees receive financial assistance to prevent recidivism for financial reasons and to reduce the negative effects of potential efforts to indoctrinate other family members (Besant, 2016; Aslam et al., 2016). Therefore, the Malaysian deradicalisation programme not only focuses on the re-education of militants but also supports families to guarantee “a good perspective and prevent misunderstanding towards the deradicalisation initiative” (Aslam et al., 2016).

However, in addition to the re-education and rehabilitation aspects, the Malaysian deradicalisation programme is also known for being an authoritative and coercive one, using beatings and “strong surveillance for monitoring rehabilitated prisoners after their release” (Speckhard, 2011, p. 42). These coercive measures using “fear and threats of harsh punishments are a key component of the Malaysian deradicalisation programme. The militants

are beaten, tortured and subjected to long periods of solitary confinement in addition to other punishments” (Noor & Hayat, 2009, p. 25).

Although there are no official documents stating the success rate of this programme, Malaysian officials point to high success rates and international recognition of the programme (Povera, 2016). Once a detainee has gone through the programme and is released, post-release care, including job provision, counselling activities and visits from parole officers, are key factors in keeping the former prisoner disengaged from extremist groups (Jones, 2013). Thus, they still face some restriction and controls on their activities, and limits on their travel as well as contacts.

Finally, Malaysia also involves communities by means of awareness-raising measures aiming to train communities to recognise the early signs of radicalisation and to report those to authorities (Mogul, 2016). To do so, the Malaysian government organises events where former militants who underwent the deradicalisation programme speak to university students and preach against joining terrorist groups and also focuses on social media channels and other means of communication in the clampdown on the spread of terrorism (Mogul, 2016).

#### **4.6.5. Reintegration**

The parole system established under the MPD is one of two community-based treatment programmes, the other being the Community Service programme (Thailand Institute of Justice, 2015). Parole is considered a continuation of serving a sentence, where offenders are placed under the responsibility of parole officers, whose duties are regulated in Section 46J of the Prison Act. The parole system operates with 50 Parole Offices throughout the country to conduct home visits, employment visits, telephone check-ins, urine testing, and reporting (Thailand Institute of Justice, 2015). As mentioned before, the Parole and Community Service Division manages the Parole Management Information System, makes sure parole officers have the technical know-how to properly access the offender’s file and thereby realises the transition of responsibility from Prison Officer to Parole Officer (Speckhard, 2011).

The Community Service programme consists of: (i) the prison workforce, where prisoners do community work in collaboration with the local community; and (ii) community involvement within the rehabilitation procedures. The MPD considers the Community Service programme as one that raises awareness within the community, who share responsibility for maintaining

peace and well-being in society (Malaysian Prison Department, 2012f). In this sense, the MPD offers “educational and crime prevention activity consisting of an exhibition and lectures by selected inmates who will share their life stories and experiences that led to their imprisonment as a lesson and example to the public” which it also calls on society to do voluntary work such as religious speeches, lectures and counselling for inmates, or to donate food, material or money for prisoners (Malaysian Prison Department, 2012f).

Along with programmes with community involvement, Malaysian courts also impose non-custodial sentences to facilitate reintegration, such as unconditional discharge, conditional discharge or a Good Behaviour Bond, and restitution to the victim, as well as compulsory attendance and community service (APCCA, 2013). Furthermore, the National Blue Ocean Strategy promotes efforts undertaken by government agencies to increase collaboration to optimize resources and thereby achieve greater results in preventing reoffending (APCCA, 2013).

In order rehabilitation programmes to have full effect, the return to society needs to be adequately planned so that released prisoners do not commit new offences, thereby reducing recidivism. Yet many prisoners have lost contact with their families and social stigma negatively affects their reintegration into the community. In 2010, the Malaysia Ministry of Home Affairs began implementing halfway houses, receiving released inmates and offering them monitoring and a safe place to help them to adjust to life in society (Sokial, 2013). Additionally, the MPD’s SAHABAT Club aims to support prisoners, their families and residents in general by promoting and fundraising for welfare and vocational programmes, and by raising awareness within society (MPD, n.d.). Alongside governmental efforts, former inmates also receive support from NGOs such as Prison Fellowship Malaysia, which offers aftercare by supporting former inmates with counselling and reconciliation programmes bringing together prisoners and victims of crime.

#### **4.7. Conclusion**

In conclusion, this chapter reveals that the four countries have different perspectives on the meaning of rehabilitation of offenders. Canada and Norway reveal a desistance-based perspective that shares the responsibility for the desistance process between the offenders on the one hand and society on the other. Risk assessment is not primarily used to protect society from the offenders but to enable appropriate treatment with a focus on rehabilitation and

reintegration of offenders, with risk estimated to ensure that inmates serve their sentences in the lowest security level facility deemed appropriate for the specific risk the offender presents to society and fellow inmates. In Japan, effective rehabilitation is regarded as a means of preventing reoffending. As such, reintegration is not primarily seen as a responsibility of the state as a duty bearer to realise the offender's rights, but rather the state is supposed to put more emphasis on order and safety of society. In Japan, it is the task of the offender not to relapse into crime, and society offers support and control measures. In this sense, risk assessment is primarily used to limit the possibilities of the offender to re-offend. A similar conclusion can be drawn from the case of Malaysia, where the available information led to an assessment that the offender is an individual which must pay back society to compensate for the damage that their crimes incur. The next chapter focuses on the rehabilitation approach in South Africa.

## **CHAPTER 5**

### **OFFENDERS' REHABILITATION APPROACH WITHIN THE SOUTH AFRICAN CORRECTIONAL SYSTEM**

#### **5.1.Introduction**

This chapter focuses on the rehabilitation approach in South Africa. It starts by giving a historical overview of the South African correctional system. The post-apartheid correctional system, as indicated by the Constitution of 1996, will be also examined. The emphasis is on the Bill of Rights, which is aimed at outlining the rights of every individual. As a result, this chapter deals with the rights in the Bill of Rights that have an influence on the rehabilitation of offenders while they are within the correctional system and that affect their rehabilitation processes, such as freedom of expression, freedom of association, right to opinion, religion and belief, and right to equality. Furthermore, the DCS is guided by the Correctional Services Act 111 of 1998 (as amended) and the White Paper on Corrections of 2005, which outlines the way ahead for the DCS. In order to stay in line with the implications of the Constitution and to shift towards the rehabilitation of offenders instead of just keeping offenders out of society, the DCS has embraced these provisions. So, the provisions of the Act and the implications of the White Paper on Corrections will be discussed as well as the rehabilitation programmes provided to inmates and the role players in the rehabilitation process.

#### **5.2.Historical Overview of the South African Correctional System**

The current status of correctional system in South Africa is a result of many changes that have occurred in the past. During the 1600s most sentences were aimed mainly at deterring other citizens from offending; hence the punishment was carried out in public (Coetzee, et al., 1995). It is believed that the first correctional centre to be established in South Africa was Robben Island, which was characterised by severe punishment. The first correctional centre in the Cape was established in 1781 and by 1848, 22 correctional centres had already been developed around the Cape. In Natal, the first correctional centre was established between 1838 and 1842 in Pietermaritzburg and after 1854, the Orange Free State and Bloemfontein also built their own prisons. The first correctional centre in Pretoria was established in 1865. By 1873, there were already 33 prisons in the Transvaal (Neser, 1993).

### **5.2.1. South African Correctional Centres in the early 1900s**

According to Van Zyl Smit (1992), the unification of South Africa that took place on 30 May 1910 led to many changes regarding the operations of prisons. Many changes started after Jacob de Villiers Roos, who had at the time been working as the Director of Prisons for the Transvaal since 1908, was appointed as the Secretary of Justice and Director of Prisons for the Union. His first major role was to come up with legislation that would regulate the operations of prisons. The outcome of his work was the Prisons and Reformatories Act 13 of 1911.

The 1911 Act had many shortcomings when it came to the administration of correctional centres, as described by Coetzee, Kruger and Loubser (1995). A few of the weaknesses of the Act include the lack of clarity with regard to the aims of imprisonment. This led to correctional centres focusing more on safe custody and prisoners were detained under harsh conditions. Punishment and forced labour were the order of the day within the prisons. In addition, section 9(1) of the Act made specific provision for racial segregation, which on its own was a problem.

### **5.2.2. The 1947 Lansdowne Commission on Penal and Prisons Reform**

Owing to the high level of recidivism amongst prisoners, there was a need to investigate the operations of the prisons so that changes could be made where necessary. The Lansdowne Commission was appointed in 1941 and only released its findings in 1947. One of the major findings of the report was the problems that were associated with the Prison and Reformatories Act 13 of 1911. It emerged that, instead of introducing a whole new era of the operation of prisons, the Act continued to support the previously used harsh sentences and inequitable prison system (Van Zyl Smit, 1992).

Coetzee, Kruger and Loubser (1995, p. 31) also mention that the Commission had the mandate to investigate the following:

- ✚ The whole structure of the Department of Prisons
- ✚ Methods of recruitment used by the Department as well as the qualifications of the prison officials
- ✚ Classification and control of prisons
- ✚ Methods of punishment which were being used in various prisons



- ✚ Various forms of programmes aimed at educating and training offenders in various skills
- ✚ The remuneration of offenders for the work that they did
- ✚ The use of prisoners for labour by private institutions or individuals
- ✚ The transfer of prisoners from prison to society

After a few years of investigating, the Commission finally released its findings and recommendations. Amongst others, the Commission made the following recommendations: “It did not support the hiring of prisoners to private institutions or individuals, it emphasised the rehabilitation of prisoners and the provision of education and training and it discouraged the military approach to management followed by the Department, as this was not conducive to the rehabilitation efforts” (White Paper on Corrections, 2005, p. 44).

### **5.2.3. The Era of South African prisons from 1959 to 1993**

In 1959, the Prisons Act 8 of 1959 replaced the Prison and Reformatories Act 13 of 1911, which was believed to be a failure since it did not even state the aims of imprisonment, to begin with. This Act was influenced by the Standard Minimum Rules for the Treatment of Prisoners developed by the United Nations in 1955. The Act did manage to set out the responsibilities of the DCS as follows: safe custody of offenders, development and rehabilitation of offenders, efficient management of the DCS and the performance of other duties that can be assigned by the Minister.

However, the Prisons Act later called the Correctional Services Act 8 of 1959, also had its own shortfalls. Even though it attempted to be in line with the Standard Minimum Rules, some provisions were in conflict with these rules (Human Rights Watch, 1994, p. 1). For example, Rule 6(1) of the Standard Minimum Rules states that all the provisions should be applied impartially without any discrimination on one or more of the following grounds, i.e. race, colour, gender, language, religion or other opinion, national or social origin, property or other status. However, the Correctional Services Act 8 of 1959 itself stated in section 23(1) that: “as far as possible, white and non-white prisoners shall be detained in separate parts thereof and in such manner as to prevent white and non-white prisoners from being within view of each other; and wherever practicable, non-white prisoners of different races shall be separated”.

Van Zyl Smit (1992) mentions that the racial segregation of offenders continued even after the introduction of the 1959 Act, which was supposed to be a replacement of the 1911 Act. In addition, corporal punishment was retained as a means of punishment for disciplinary offences committed by male prisoners, even though the Standard Minimum Rules strictly opposed this type of punishment. The Act did not promote the principle of transformation in the prison system either.

Throughout the years there have been many changes in South Africa, be they political, economic, social or technological. These changes influenced the day-to-day running of prisons. For example, political control of the past as characterised by the rule of apartheid also extended to the operations of prisons because prisons are government institutions. The separation of white offenders from non-white offenders and the dominance of white people in the management of prisons are some of the examples of the apartheid rule. However, the reversal of racial segregation which had been part of South African prisons for more than a century began in 1988 owing to amendments to a number of regulations that referred to race (Van Zyl Smit, 1992). In 1990, a national peace accord that led to the end of all discriminatory laws was signed. The end of discriminatory laws also extended to prisons, where racial discrimination was abolished.

#### **5.2.4. The Correctional System in South Africa since 1994**

According to Coetzee and Gericke (1997), the history of the South African correctional system as represented by the apartheid regime led to the mistreatment of offenders and staff members in general. Important developments occurred in South Africa immediately after the 1994 elections. After the elections, there was a need to develop a new set of laws that would regulate a non-racial South Africa not only within the correctional service but in every government unit. The Constitution of the Republic of South Africa of 1996 was then implemented, and it introduced a culture of human rights for everyone, including offenders. The first step taken by the National Cabinet was to remove Correctional Services from the Department of Justice to become an independent department with its own Minister (Gxilishe, 2004). Correctional Services also had to make changes in its legislation so that its operations were in line with the Constitution and, more specifically, to meet international standards. As a result, the Correctional Services Act 111 of 1998 was drafted.

The changes that occurred in 1996 with the appointment of a Minister of Correctional Services led to a whole new phase in the correctional system of South Africa. In the mission to do away with the past, the Department of Correctional Services has redeveloped itself into a whole new system which pays attention to the rehabilitation of offenders (Muthaphuli, 2008). In addition, the establishment of major organisations such as the Police and Prison Officers Civil Rights Union (POPCRU) and the Correctional Officers Union of South Africa (COUSA), which protects the interests of correctional officials, as well as SAPOHR, which promotes offenders' rights, has played a significant role in revolutionising the correctional system of South Africa (Muthaphuli, 2008).

The mandate of the Department is currently drawn from the 1996 Constitution of South Africa (incorporating the Bill of Rights), the Correctional Services Act 111 of 1998 (as amended), and regulations, subordinate policy and institutional orders, the National Crime Prevention Strategy and the White Paper on Corrections in South Africa. The introduction of both the Constitution of South Africa of 1996 and the adoption of the Correctional Services Act 111 of 1998 (as amended) saw the Department of Correctional Services moving away from the old methods of operation (Muthaphuli, 2008). New policies and procedures were introduced which recognise the rights of inmates, thereby ensuring the effective functioning of the Department. In his foreword to the White Paper on Corrections in South Africa (White Paper on Corrections, 2005, p. 7), the former Minister of Correctional Services Mr BMN Balfour confirmed that "it took the political metamorphosis of 1994 to introduce the first steps along the path of respect for human life and human dignity. The transformation programme of this country's first democratic government necessitated that prisons shift from institutions of derision to places of new beginnings".

### **5.3. Provisions of the Constitution of 1996 in Relation to the Rehabilitation of Offenders**

#### **5.3.1. Purpose of the Constitution**

The preamble of the South African Constitution of 1996 is based on four cognitive themes which indicate its purpose (Devenish, 2005, p. 28):

- ✚ It is concerned with undoing the separations of the past, thereby leading to a new society which is based on democratic values, social justice and fundamental rights. Even though the theme is related to history, its implications are here to stay.

- ✚ The creation of a new democratic order where every citizen has the right to participate.
- ✚ Improving the quality of all citizens, thereby ensuring social and economic justice to all.
- ✚ Working towards building a united and democratic South Africa.

### **5.3.2. Specific Rights Contained in the Constitution**

As indicated in section 7 of Chapter 2 of the Constitution, all the rights that are included in the Constitution are meant for every citizen of the country and they strive to uplift the human dignity, equality and freedom of everyone. How the rights in the Bill of Rights influenced the way in which offenders should be treated within the correctional system will be explored.

#### **5.3.2.1. Equality**

Section 9 of the Bill of Rights states as follows:

- ✚ Everyone is equal before the law and has the right to equal protection and benefit of the law.
- ✚ Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.
- ✚ The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- ✚ No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- ✚ Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

It is clear from the Constitution that every citizen of South Africa should be treated equally and they should never be discriminated against on the grounds mentioned in subsection (3). Mubangizi (2004) cautions that equality does not necessarily mean that all people should be treated in the same manner; rather, it requires those things that are alike to be treated alike and

those things that are unlike to be treated unlike. The Constitution of South Africa, like the Universal Declaration of Human Rights (articles 2 and 7), guarantees equality to everyone including offenders and this equality should also prevail within the correctional system when implementing rehabilitation programmes for offenders.

The rehabilitation programmes of offenders must be developed in a manner in which every offender can participate without difficulty. Everyone in prison should have equal access to facilities, including jobs, education, library services, exercise and accommodation (Mubangizi, 2004).

In addition, failure to provide equal opportunities for rehabilitation will lead to the ineffectiveness of the correctional system. Hence it is important to ensure that every offender is fully rehabilitated when leaving the correctional centre. Unless it can be proved that such discrimination is fair, for example, separation of juveniles and adult offenders, no offender in South Africa can be discriminated against on the basis of the aforementioned grounds, as everyone is equal before the law (Mubangizi, 2004).

#### **5.3.2.2.Human Dignity**

Section 10 of the Bill of Rights states as follows:

“Everyone has inherent dignity and the right to have their dignity respected and protected.”

The dignity of every person is viewed as important, which is why the Constitution states that it should be respected and protected at all times. Because South Africa is a country which in the past was clouded by the rule of apartheid, which paid little or no attention at all to the dignity of citizens, the right to dignity is important in ensuring that everyone gets the respect that they always deserved (Devenish, 2005).

Given the country’s history, the dignity of offenders was never considered when it came to the way they should be treated while incarcerated and they were treated like slaves. But given the changes in the country, offenders’ dignity is considered important and every activity that takes place within the correctional centre must never violate the dignity of offenders. The dignity of offenders must never be sacrificed even when implementing the rehabilitation programmes.

### 5.3.2.3. Freedom and Security of the Person

Section 12 of the Bill of Rights provides as follows:

✚ Everyone has the right to freedom and security of the person, which includes the right:

- (i) not to be deprived of freedom arbitrarily or without just cause;
- (ii) not to be detained without trial;
- (iii) to be free from all forms of violence from either public or private sources;
- (iv) not to be tortured in any way; and
- (v) not to be treated or punished in a cruel, inhuman or degrading way.

✚ Everyone has the right to bodily and psychological integrity, which includes the right:

- (i) to make decisions concerning reproduction;
- (ii) to security in and control over their body;
- (iii) not to be subjected to medical or scientific experiments without their informed consent

The South African Constitution of 1996, as indicated in section 12(i), guarantees the freedom and security of every person and it prohibits anyone from depriving the freedom of another person without any reason. It also ensures that every person is protected from any cruel, inhuman or degrading punishment, which is in line with the provisions of article 5 of the Universal Declaration of Human Rights.

Within the correctional context, the section implies that Correctional Services is obliged to ensure the safety of offenders because it is supposed to rehabilitate offenders so that they can change their offending behaviour (Muthaphuli, 2008). A safe environment will motivate the offenders to participate in the rehabilitation programmes designed for them, unlike in a situation where the offenders' security is always under threat. The DCS must also ensure that the road to maintaining discipline does not constitute cruel, inhuman or degrading treatment of offenders because that kind of treatment hampers offenders' will to participate in the rehabilitation programmes.

#### **5.3.2.4.Slavery, Servitude and Forced labour**

Section 13 of the Bill of Rights provides as follows: “No one may be subjected to slavery, servitude or forced labour.”

Section 13 protects any person from being slaves or performing forced labour. This means that everyone will be able to perform the kind of labour that is comfortable for them and that provides favourable working conditions. This provision is in line with article 4 of the Universal Declaration of Human Rights.

The correctional system must provide offenders with meaningful labour that will ensure that they are successfully rehabilitated when returning to society. This labour must provide offenders with the necessary skills that will ensure their successful reintegration. Offenders will be fully focused on the kind of labour that they perform in the correctional centre if it has meaning and can help them sustain their lives (Muthaphuli, 2008). From the Constitution it is clear that forced labour is no means of punishment; hence the Department cannot force offenders to perform labour unless it is for a good cause and will eventually lead to their rehabilitation.

#### **5.3.2.5.Privacy**

In terms of section 14 of the Bill of Rights:

🚩 Everyone has the right to privacy, which includes the right not to have:

- (i) their person or home searched;
- (ii) their property searched;
- (iii) their possessions seized; or
- (iv) the privacy of their communications infringed.

From the Constitution, the privacy of anyone has to be respected and no one can search or seize other people’s property without their consent. “Privacy is a basic human need, essential for the development and maintenance both of a free society and of a mature and stable personality for an individual. It is profoundly cherished as a right by persons; both in relation to intrusion by state and as far as other people in the community are concerned” (Devenish, 2005, p. 135). The violation of privacy is twofold, namely the unauthorised invasion of someone else’s private life

and disclosing someone else's information without their authorisation (Devenish, 2005). The implications of section 14 of the Constitution are also in line with article 12 of the Universal Declaration of Human Rights.

The privacy of the offender must be considered at all times when a search is conducted. Infringements of the right to privacy must be minimal and offenders should be allowed to communicate with whomever they want to without their privacy being infringed, whether by mail, telephone, etc. The correspondence between offenders and their family members is important and can sometimes motivate the offender to participate in the rehabilitation programmes. For this reason, it should always be respected. An offender will focus on programmes that will change his or her behaviour, knowing the status in his or her family, and will try by all means necessary not to disappoint them again. However, the correctional officials may, if necessary, restrict any personal correspondence of offenders if the purpose is to ensure the security as well as the rehabilitation of such offenders (Devenish, 2005).

#### **5.3.2.6. Freedom of Religion, Belief and Opinion**

Section 15 of the Bill of Rights states the following:

- ✚ Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- ✚ Religious observances may be conducted at state or state-aided institutions, provided that:
  - (i) those observances follow rules made by the appropriate public authorities;
  - (ii) they are conducted on an equitable basis; and
  - (iii) attendance at them is free and voluntary.
- ✚ This section does not prevent legislation recognising:
  - (i) marriages concluded under any tradition, or a system of religious, personal or family law; or
  - (ii) systems of personal and family law under any tradition, or adhered to by persons professing a particular religion.

Every South African citizen is protected by section 15 of the Constitution to practise their own religion without any interference from anyone or without being compelled by anyone. Any person is also allowed to attend religious services of their choice and no religion has to be regarded as better than another because all religions are equal. As in article 18 of the Universal



Declaration of Human Rights, everyone is also allowed to worship according to their religion or to teach it.

For the rehabilitation of offenders, they should be encouraged to follow a religion of their choice and be granted equal and enough time to practise it, as religion plays a significant psychological role in the rehabilitation of offenders. The fact that religion forms an important part of personal identity such as “political affiliation, racial or ethnic background, profession, occupation or marital status” is confirmed by Smith in Ahdar and Leigh (2005). Through religion, offenders have time to come together and in that instance, they teach each other positive things that can change their behaviour. Religion and rehabilitation can never be separated as they both attempt to change human behaviour for the better.

### **5.3.2.7. Freedom of Expression**

Section 16 of the Bill of Rights states as follows:

✚ Everyone has the right to freedom of expression, which includes

- (i) freedom of the press and other media;
- (ii) freedom to receive or impart information or ideas;
- (iii) freedom of artistic creativity; and
- (iv) academic freedom and freedom of scientific research.

✚ These rights do not extend to:

- (i) propaganda for war;
- (ii) incitement of imminent violence; or
- (iii) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The implications of section 16 of the Bill of Rights are in line with those of article 19 of the Universal Declaration of Human Rights. Within a correctional system, as long as the application of this right does not lead to propaganda for war; incitement of imminent violence; or advocacy of hatred, such freedom has to be promoted. Offenders will, therefore, be able to have a say in what works for them and what they require from rehabilitation programmes. Rehabilitation requires offenders to be trusted enough to make suggestions about what they regard as important in their lives.

### **5.3.2.8. Assembly, Demonstration, Picketing and Petition**

Section 17 of the Bill of Rights provides as follows: “Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.”


As long as it does not result in violence or disturb other people in the enjoyment of their rights, section 17 provides every citizen with the right to assemble, demonstrate, picket and to hand over petitions in order to express their opinion. This section is in line with article 20 of the Universal Declaration of Human Rights. In addition, offenders, like anybody else, are allowed to express their dissatisfaction as long as it does not lead to problems within the correctional centre. Rehabilitation programmes will only work if offenders are satisfied with the services they get from the correctional system. Because the offenders are the most important clients of the correctional system and they have to be rehabilitated to be able to go back to society, it is important that they are listened to.

### **5.3.2.9. Freedom of Association**

In terms of section 18 of the Bill of Rights: “Everyone has the right to freedom of association.” Like article 20 of the Universal Declaration of Human Rights, section 18 guarantees the right to freedom of association, which entitles everyone, including offenders, to fall under, for example, a political party and religion of their choice without being restricted by anyone or anything. According to Palmer (2001), freedom of association does not extend to offenders becoming members of gangs, as gang activities threaten the running of the correctional centre from a security perspective. Offenders must be allowed to associate with anything that will have a positive influence in their rehabilitation process. Denying offenders such an opportunity will not only be a violation of their rights, but it will demoralise them, which can lead to them paying less attention to the rehabilitation programmes.

### **5.3.2.10. Health Care, Food, Water and Social Security**

Section 27 of the Bill of Rights states as follows:

 Everyone has the right to have access to:

- (i) health care services, including reproductive health care;
- (ii) sufficient food and water; and

(iii) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

✚ The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

✚ No one may be refused emergency medical treatment.

As indicated in article 25 of the Universal Declaration of Human Rights, everyone is entitled to adequate health care, food, clothing, housing as well as medical care. The Constitution of South Africa also guarantees these services to every South African citizen. It is the responsibility of the state to ensure that every citizen has full access to all essential services and Correctional Services as an organ of the state has to provide for its offenders. To ensure the effectiveness of rehabilitation programmes, the above needs have to be met first. A healthy offender who has enough food and enough water to drink is more likely to participate fully in the rehabilitation programmes than any offender who does not have the aforementioned. Failure to supply effective health care services and food will have a negative impact on the effectiveness of rehabilitation programmes.

#### **5.3.2.11. Education**

Section 29 of the Bill of Rights states as follows:

✚ Everyone has the right to:

- (i) basic education, including adult basic education; and
- (ii) further education, which the state, through reasonable measures, must make progressively available and accessible.

✚ Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account:

- (i) equity;
- (ii) practicability; and
- (iii) the need to redress the results of past racially discriminatory laws and practices.

Dlamini (1994) sees both education and culture as being closely related because to ensure that culture is transmitted from one generation to the other, education has to be provided. It is the responsibility of the state to provide sufficient education to its citizens in the language that they understand. All the educational activities should not discriminate against other citizens since they are all equal, as indicated in article 26 of the Universal Declaration of Human Rights. Plaatjies (2005) emphasises that educators within Correctional Services can play an important role in teaching offenders alternative life skills, since the ones they had led them to the correctional centres. Education alone can lead to a complete rehabilitation of an offender because it helps to instil new knowledge that can be used by the offender after release. When offering education, it is important that educators do not discriminate against other offenders.

#### **5.3.2.12. Cultural, Religious and Linguistic Communities**

In terms of section 31 of the Bill of Rights:

- ✚ Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community:
  - (i) to enjoy their culture, practise their religion and use their language, and
  - (ii) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

The cultural and religious diversity in South Africa has led to the country being referred to as a “multi-lingual, multi-faith, multi-cultural and multi-political” country (Dlamini, 1994). Dlamini (1994) also states that religious right is a negative right in the sense that the state cannot impose any religious belief on people but rather has to accept whatever religions the individuals practise. Considering Dlamini’s statement within a correctional context, Correctional Services has to make room for all the religious beliefs of the general population of the offenders and all the religions should be treated as equal.

#### **5.3.2.13. Access to Information**

Section 32 of the Bill of Rights states that:

- ✚ Everyone has the right to access to:
  - (i) any information held by the state; and
  - (ii) any information that is held by another person and that is required for the exercise or protection of any rights.

- ✚ National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The importance of the right to access information led to the drafting of the Promotion of Access to Information Act 2 of 2000, which guarantees access to any information that is held by the state or any other person in order to protect or exercise other rights. Offenders are therefore also entitled to this right (Palmer, 2001). According to Maheshwari and Mustafa (1998, p. 10), the right to information leads to maximum participation by citizens in the governance of the country and without it “people are playing the role in shaping the nation’s destiny ineffectively, inefficiently and inadequately”. As long as there is any information that offenders believe to be important, they should never be denied access to that information. Offenders must have access to any information that can lead to their rehabilitation. The right to information enables the offender to have a participatory role in any decision-making that affects his or her rehabilitation process.

#### **5.3.2.14. Rights of Detained Persons**

Section 35(2) of the Bill of Rights states that:

- ✚ Everyone who is detained, including every sentenced prisoner, has the right:
  - to be informed promptly of the reason for being detained;
  - to choose, and to consult with, a legal practitioner, and to be informed of this right promptly;
  - to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
  - to challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released;
  - to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment; and
  - to communicate with, and be visited by, that person’s spouse or partner; next of kin, chosen religious counsellor and chosen medical practitioner.

A person cannot be detained without the representation of a legal practitioner. Furthermore, it should be emphasised that the offender is detained under conditions that take into account his or her human dignity. The offender must also be allowed to communicate with his or her family members constantly. Everything that an offender needs in order to be rehabilitated has to be made available. Cachalia et al. (1994) report that general acceptable knowledge is that an offender's rights to adequate nutrition, reading materials and medical treatment, as well as the rights to proper clothing, housing, adequate food and medical care, protection against assault, religious right and legal rights, have a positive impact on the offender's physical, mental and psychological wellbeing.

When it comes to offenders communicating with the outside world, Livingstone and Owen (1993, p. 143) write that "with the decline of faith in the rehabilitative capacity of prison itself, contact with the outside world as a means of reducing the debilitating effects of institutionalization has come to be seen as perhaps the most important rehabilitative strategy in the prison context".

#### **5.4. Implications of the Correctional Services Act 111 of 1998 in the Rehabilitation of Offenders**

The Correctional Services Act 111 of 1998 (as amended) can be easily identified because of the following most important features which are different from those of preceding Acts (Department of Correctional Services, 2005, p. 52):

- ✚ the inclusion of offenders' rights
- ✚ specific recognition of the rights of women and 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 for monitoring offenders after their release
- ✚ promotion of partnership between the public and the private sector towards the development of correctional centres

Chapter 3 of the Act sets out the general requirements which ensure that all the offenders are detained under conditions that recognise their human dignity. The most important aspect of the

set requirements is the fact that they meet the standard required by the United Nations as set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

#### **5.4.1. Approach to Safe Custody (section 4)**

The rules of general requirements with regard to the treatment of offenders start with section 4 which deals with the approach to safe custody of offenders. The section describes the offender as the responsibility of the Commissioner and all the officials of the DCS; hence the offender should accept their authority at all times. While offenders have to follow the authority of the DCS, the DCS itself must ensure that the security and the safe custody of the offenders are maintained at all times. This security must be maintained in a lawful manner which does not violate all the rights which offenders have while they are in the correctional centre.

If offenders are safe they will be motivated to participate in rehabilitation programmes designed for them. This is unlikely to happen when they are always concerned about their safety. The DCS has a duty to provide safe custody for all offenders without discrimination. By ensuring safe custody of all the offenders, the DCS is guaranteed to have offenders who will not hesitate to participate in rehabilitation programmes that will change their lives for the better (Andrews, et al., 2010).

#### **5.4.2. Admission (section 6)**

The Commissioner is authorised to detain any offender by means of a warrant and without it, this detention will be unlawful. During the process, offenders' personal particulars, as well as the nature of the offence and the day and hour of admission and release, should be recorded in a register. While in the correctional centre an offender has the right to consult a legal practitioner of his or her choice and if he or she is not able to afford a legal practitioner, the state must provide one. All the rules that are applicable to the offenders must be explained in a language which they understand or an interpreter must be used. The offenders must be notified of the formal channels of communication where they can raise their complaints or requests. After admission, offenders must bath or shower and undergo a health status examination to ensure that their health is maintained while incarcerated.

#### **5.4.3. Accommodation (section 7)**

The accommodation of offenders must meet all the requirements which are adequate for offenders to be detained under conditions maintaining their human dignity. As indicated in the Standard Minimum Rules for the Treatment of Prisoners, the detention cell must have enough space, lighting, ventilation and sanitary installations and must be in conditions which promote the health and safety of the offender (Andrews & Bonta, 2010).

To avoid victimisation of certain categories of offenders or to ensure security, the Act stipulates that offenders must be separated, for example, sentenced and unsentenced, male and female, adult and children.

Failure to provide enough space for accommodation not only hampers the offender's wellbeing, but it also has a significant impact on the implementation of rehabilitation programmes. This is mainly because instead of focusing on programmes that will work for them, the offenders will be worried about their health and pay less attention to rehabilitation. But if offenders have been provided with enough space which meets all their requirements, there is no doubt that they will find it comfortable and focus on the positive aspects of their lives (Andrews & Dowden, 2007). To avoid such problems, the DCS must ensure that accommodation meets all the offenders' needs.

#### **5.4.4. Nutrition (section 8)**

This section provides that offenders must be supplied with adequate food and those with specific nutritional requirements, such as children and pregnant women, must also be provided with whatever it is that they require. In addition, religious requirements and cultural preferences when it comes to diet must be considered where possible. Well prepared food, as well as clean drinking water, must be made available to all offenders within the acceptable intervals.

The Act requires that offenders be provided with healthy food all the time. Females and children offenders' special requirements when it comes to nutrition also have to be met. The provision of well-balanced nutrition plays a role in the rehabilitation of offenders. Failure to provide sufficient food will have a major impact on the rehabilitation process because no starving offender will be able to dedicate himself or herself to the programmes. If the DCS wants to ensure the effective implementation of the rehabilitation programmes, it should first meet, amongst others, the nutritional requirements of offenders (Andrews & Dowden, 2007).



The differences in nutritional requirements amongst offenders also have to be considered. For example, a Christian offender and a Muslim offender will have different nutritional requirements because of religious as well as cultural differences. The DCS has to cater for all cultures and all religions.

#### **5.4.5. Hygiene (section 9)**

The DCS must provide the necessary means which will ensure that offenders, as well as their clothing, bedding and cells, are clean at all times.

Cleanliness must be encouraged amongst all offenders. In the process of rehabilitating offenders, it is essential to provide them with the necessary products such as soap, towels and extra clothes in order to ensure that they are always clean. Failure to provide these products will lead to the rehabilitation attempts looking rather unworthy (Casey, et al., 2012). This is mainly because the community will find it difficult to accept that an untidy person has been rehabilitated, but will be more open to this idea when he or she is tidy.

#### **5.4.6. Clothing and Bedding (section 10)**

As indicated in section 9, clean and tidy clothing and bedding must be provided to offenders whether sentenced or unsentenced and they should meet the hygienic and climatic conditions of the time.

The Standard Minimum Rules for the Treatment of Prisoners state that the clothing and bedding of offenders may by no means be degrading or humiliating. Officials should be able to keep offenders in good health. Offenders must be provided with clothes that are clean and can stand the climatic conditions of that time (Casey, et al., 2012). For example, offenders have to be provided with warm clothes in winter. Failure to do so may lead to diseases related to the cold, which can lead to an unhealthy offender population. An unhealthy offender population hampers the departmental programmes aimed at rehabilitation. The Department must avoid this by all means possible to ensure the success of rehabilitation programmes.

#### **5.4.7. Exercise (section 11)**

Every offender is entitled to at least one hour of exercise per day for them to stay healthy if the weather permits.

All offenders must be given enough time to exercise because it gives them enough access to light and fresh air. By exercising offenders keep themselves healthy and stay away from unwelcome practices such as drugs as they find a new way of taking the stress away. To strengthen the rehabilitation opportunities of offenders, they must be encouraged to take part in various activities such as sports, music and a wide range of physical exercise available to them (Andrews & Dowden, 2007). Failure to provide offenders with enough exercise time will hamper the rehabilitation process because it is during this time that offenders come together and exchange ideas that can help one another. Exercising not only helps to improve offenders' mental and physical health, but it also develops interpersonal relationships amongst offenders. By participating in recreational activities, offenders will be able to develop high self-esteem and their faith will improve through winning.

#### **5.4.8. Health Care (section 12)**

Every offender has the right to adequate medical treatment which will lead to a healthy life at state expense. Unless a prisoner requests the services of his or her preferred medical practitioner, only the certified medical practitioner of the institution may offer medical treatment when the need arises.

Offenders must be encouraged to voluntarily undergo medical treatment which leads to them maintaining a healthy life. No prisoner can be forced to do so. In addition, offenders must give their consent so that surgery can be performed on them unless he or she is in a condition where he or she is unable to give such consent and the practitioner is of the opinion that the surgery is necessary for the prisoner's health (Andrews & Dowden, 2007).

A healthy inmate population will have a positive impact on the rehabilitation process. If the DCS ensures that all the medical requirements of the offenders are met at all times, this can help to prevent infectious diseases such as TB and HIV/AIDS. Failure to provide adequate medical care to offenders equals an unhealthy population with widespread dangerous diseases. The spreading of diseases may even lead to certain offenders losing their lives because of something that could have been prevented. In order to avoid these problems and focus on the implementation of rehabilitation programmes, the DCS must meet all the offenders' medical demands (Andrews & Dowden, 2007).

#### **5.4.9. Contact with the Community (section 13)**

Contact with the community must be encouraged and enough opportunities provided for visits by family members, friends, religious leaders and authorised medical practitioners. If an offender cannot receive visits from his or her family members, anyone else can visit the offender each month. In addition, an offender from a foreign country must be allowed to maintain contact with his or her country's embassy or any member of his or her country who has the responsibility to protect the interest of that offender.

The necessary steps should be taken to inform the offender's next-of-kin when an offender is admitted to a place of detention. If they are not known, any other relative can be informed and where an offender does not wish to notify them, he or she must indicate the matter to the head of the correctional centre. In a situation where a child is detained, parents and even legal guardians, as well as the Departments of Education and Welfare, should be notified and that child cannot refuse to allow notification.

The road towards the rehabilitation of an offender also extends to the community outside the correctional centre. The community has a vital role in the rehabilitation of offenders because the offender comes from the community and at the end of it all has to return to that community. The strong relationship between the offender and the community strengthens the opportunities for successful reintegration into society (Du Plessis & Lombard, 2018). If the community does not accept that the offender has been rehabilitated, he or she might resort to actions that will lead him or her back to the correctional centre. But if the community accepts the offender, he or she might reintegrate successfully; hence it is important to allow the offender to have regular contact with the community. Offenders will also dedicate themselves to rehabilitation programmes that will prepare them for positive things such as work after release so that the community does not reject them (Du Plessis & Lombard, 2018).

#### **5.4.10. Religion, Belief and Opinion (section 14)**

An offender is allowed to practice his or her freedom of religion, conscience, thought, belief and opinion, which includes him or her being allowed to attend religious services or meetings within the correctional centre without being disturbed or even forced by anyone. It is the responsibility of the Department of Correctional Services to provide at every centre a place of worship for all religions.

Religion has an important meaning for every human being. Offenders, like all human beings, need their religious beliefs to be respected. Because of the positive influence that religion has, the DCS might have less to do in maintaining discipline and focus on the implementation of rehabilitation programmes. Religious offenders are more likely to focus on their rehabilitation than ones that are, for example, gang members (McGuire, 2013). They also have the ability to encourage other offenders to change their behaviour. With religion, offenders can change the behaviour that led them to prison in the first place and leads a new life. The interaction of offenders of the same religious beliefs can lead to positive thoughts being shared with other offenders and this will lead to their rehabilitation.

The DCS has at its disposal the services of various religious leaders who, amongst other things, are responsible for offering spiritual leadership for offenders. The Directorate of Spiritual Care is responsible for promoting the religious beliefs of offenders. Various churches and faiths offer spiritual care to their own followers within correctional centres. In addition, faith-based organisations, spiritual workers and volunteers are allowed to render spiritual care to offenders (Department of Correctional Services, 2018). The use of religious programmes within the correctional institutions presents a unique opportunity to offenders so that they can channel their energies in meaningful and beneficial ways. The religion that is practised in prison is eventually carried over to the community when the offender is released. The religious programmes can help to reduce recidivism and bring reconciliation to victim, community and inmate through personal transformation of the offender using the participant's faith commitment.

#### **5.4.11. Development and Support Services (section 16)**

All the development and support services that are available must be made known to offenders and those who request these services must be provided with them. Aspects such as disabilities and gender of offenders must be considered in terms of planning, policy and infrastructure in the services that are available. Because it is the aim of the DCS to rehabilitate offenders, it is important to provide every means that will lead to this rehabilitation. Offenders must be encouraged to participate in the development and support programmes that will lead them to acquire new skills and knowledge. These skills will help the offenders to reintegrate successfully into the community. The Directorate of Skills Development is responsible for overseeing the whole process of offenders' development. The Directorate offers skills that are

relevant in the lives of the offenders after release. Offenders participate in various programmes which are aimed at empowering them for the future.

#### **5.4.12. Reading Material (section 18)**

Offenders can receive study materials of their choice from outside the correctional centre or access those in the centre library unless this hampers the rehabilitation process of the offender or the material constitutes a security risk. Since the motive behind the implementation of the rehabilitation programmes is to help offenders acquire new skills and knowledge, offenders have to be given enough time to access reading materials. Reading materials help them to gain new knowledge and skills. Offenders should not be denied access to newspapers, radios and televisions as they keep them up to date with what is happening in the country.

Studying and reading while in prison promotes skills development and transfers knowledge amongst offenders. Because the educational level of offenders is usually lower than the national average, educating offenders is crucial when it comes to their rehabilitation. The Directorate of Education is responsible for monitoring education to offenders within the Department of Correctional Services. The Directorate currently offers both formal and non-formal educational opportunities which are in line with the South African Qualifications Authority and National Qualifications Framework (Department of Correctional Services, 2018).

#### **5.4.13. Complaints and Requests (section 21)**

Every offender is entitled to make complaints and requests to the head of the correctional centre or any official who is acting on behalf of the head of the prison. This official will take the necessary steps to deal with the requests or complaints and communicate the outcome with the offender. If the offender is still not satisfied with the outcome, he or she might take the matter to the area manager and must provide substantive reasons for his or her dissatisfaction. The area manager will try to tackle the issue and if the solution is still not found, the problem can be referred to an independent prison visitor.

Every offender has to be allowed to raise his or her complaint if the DCS aims to achieve rehabilitation. An offender who is not satisfied will not pay attention to the rehabilitation programmes undertaken in the correctional centre. But if an offender is listened to every time he or she has a problem, he or she will adhere more easily to the rules of the correctional centre (Coyle, 2009). In addition, an offender is entitled to make requests regarding anything that

concerns his or her detention. Failure to attend to offenders' requests and complaints will hamper the rehabilitation attempts, as this might lead to negative actions such as hunger strikes by offenders. Coyle (2009, p. 107) writes that one of the main objectives of the prison administration in this area "should be to prevent a simple request developing into a complaint, or a complaint developing into a formal grievance, or a grievance developing into an appeal to a higher body".

### **5.5. The White Paper on Corrections**

In 2005, the DCS drafted the White Paper on Corrections. This replaced the 1994 White Paper, which had the following shortcomings, amongst others (Department of Correctional Services, 2005: 13):

- ✚ It did not focus on corrections and rehabilitation in South Africa and in particular the role of the Department in them.
- ✚ It lacked a positive approach to the erection and procurement of facilities to ensure alignment with the objectives of rehabilitation.
- ✚ It lacked a long-term vision on policy with regard to issues such as public-private partnership policy.
- ✚ The 1994 White Paper did not include important issues relating to human resources that are critical to the implementation of the Department's new rehabilitation centre system.
- ✚ It did not set out a clear departmental role in contemporary government initiatives, including corrections in the African Union, the Moral Regeneration Movement, sustained growth and development, and the National Crime Prevention Strategy.
- ✚ It lacked consistency in the use and understanding of key terminology and definitions in the way that is user-friendly and consistent with the philosophy of corrections.

In his article entitled "First things first: Rehabilitation starts with alternatives to prison", Sekhonyane (2004) stated that White Paper on Corrections in South Africa focuses on the correction of offending behaviour, the development of the offenders, security (for both offenders and officials), care of offenders (health, physical and psychological needs), facilities and aftercare. According to the South African Yearbook (2006/07, p. 415), the White Paper on Corrections is based on the concept of rehabilitation and the fact that rehabilitation, as well as social reintegration, remains the responsibility of society.

The White Paper is underpinned by the following values and rights which are entrenched in the Constitution. Amongst other things, they ensure that every offender is treated in a humane manner that makes his or her rehabilitation possible (Department of Correctional Services, 2005: 12):

- ✚ Section 9: Equality
- ✚ Section 10: Human dignity
- ✚ Section 35: Rights of detained persons
- ✚ Section 27: Right to health care services, food, water, etc.
- ✚ Section 12: Freedom and security of the person
- ✚ Section 28: Rights of children
- ✚ Section 29: Religious freedom
- ✚ Section 41: Intergovernmental relations
- ✚ Section 195: Values and principles governing public administration

In addition to the above, the White Paper on Corrections (Department of Correctional Services, 2005: 21) states that the Department must assess the following needs of offenders after admission:

- ✚ The security needs of offenders while taking into consideration their human rights: By determining the security needs of the offender, that offender can be placed under the classification where he or she can cope. For example, if an offender who is suitable for placement in the maximum security classification is placed in the minimum security classification, it can lead to him or her undergoing rehabilitation programmes that are ineffective for him or her. Determining the security needs of the offender also involves determining rehabilitation programmes suitable for an offender.
- ✚ The physical and emotional wellbeing of offenders: Assessing these needs ensures that the Department determines the types of services that have to be provided to an offender to ensure his or her rehabilitation. For example, programmes designed for older inmates will be made available to older offenders, and rehabilitation programmes which include psychological services will be made available for mentally ill offenders.
- ✚ Educational and training needs of offenders: The educational capabilities of the offender can be determined and that offender can be placed on a level that is suitable for him or her. When it comes to training, the potential of the offender can be identified and an offender will be encouraged to undergo the type of training that is suitable for

him or her. In this manner rehabilitation needs of offenders when it comes to education and training can be met. This will not happen when offenders are placed under programmes that are ineffective for them.

- ✚ Accommodation needs: Because the state has an obligation to supply suitable accommodation for offenders, assessing them will help determine what is suitable for them. Those with special requirements for accommodation, such as offenders with disabilities, will also be identified. Rehabilitation requires that every accommodation need, such as bedding, be met so that offenders can focus on rehabilitation programmes.
- ✚ The need for support after the offender has been released: It is the duty of the Department to ensure that the offender is successfully reintegrated into the community. In ensuring that, the Department offers a variety of rehabilitation programmes for offenders that will help them after their release. By thoroughly assessing the offender, it will be determined whether the offenders require further support to ensure that they reintegrate successfully.
- ✚ Offenders' needs which are related to specific information programmes that deal with offending behaviour: Offenders' behaviour which may be problematic in the rehabilitation process may be identified in the assessment stage.

The White Paper also emphasises the fact that in order to ensure the successful reintegration of offenders, Correctional Services should try and rebuild the lost relationship between the offender, the community and society. According to the Department of Correctional Services (2005, p. 21):

- ✚ Written and telephone communication: For offenders to successfully reintegrate successfully into the community of their origin, they should be encouraged to regularly interact with members of that community. Mail and telephone conversations between offenders and the community outside correctional institutions have a positive contribution towards the reintegration of offenders. Through them, offenders are kept up to date with developments within their families or in their community as a whole.
- ✚ Physical and emotional wellbeing: Offenders must be well prepared both physically and emotionally to return to their community. Service providers such as social workers, psychologists and doctors must monitor the integration of offenders into the



community. If an offender is not emotionally prepared to return to the community, chances are that he or she will return to the prison sooner than expected.

- ✚ Visits with family, friends and loved ones: “Visits give inmates something to look forward to, an incentive to participate in rehabilitative programmes, and a mechanism with which to cope with prison life” (Carlson & Garrett, 1999, p. 281). All offenders who receive enough support from their families and friends will adapt positively to the rehabilitation programmes that are offered in the prison. Visits can lead to offenders’ good behaviour, amongst other things. Offenders will try everything possible to change the behaviour that led them to prison in the first place so that they do not disappoint their families again.
- ✚ Access to information about the world outside through newspapers, television and radio: Newspaper, televisions and radios, like telephones and mail, also keep offenders up to date with the latest developments within their community. They ensure that offenders are not left out of normal community life. Through these mediums, offenders are updated with political, economic and technological developments, amongst others. This knowledge will help offenders when returning to their community since they will not need anyone to fill them in on what has happened since their incarceration.
- ✚ Contact with social institutions from his or her community of origin: Whether the person is an offender or not, social institutions have a positive impact on every individual’s life. Through these institutions, offenders can be helped to find employment that will sustain their lives after release. In addition, they can provide guidance to the offenders when needed.

To be in line with section 13 of the Constitution, which restricts anyone from being subjected to slavery, servitude or forced labour, the type of work that offenders do has to be aimed at their rehabilitation. The work must give offenders enough experience to ensure that they are fully rehabilitated and can be productive after release. According to the Department of Correctional Services (2005, p. 27) the White Paper on Corrections states that inmates must be provided with productive work which is based on the following principles:

- ✚ It should form part of the sentence plan of the offender.

- ✚ The work must consider the nature of the offence as well as the characteristics of the offender.
- ✚ The work should contribute towards the human development of the inmate.
- ✚ The work must meet all the general requirements of the labour legislations and departmental policy regarding the remuneration system for labour performed by offenders.
- ✚ All offenders should benefit from prison work irrespective of their race, class or gender so that they can all become productive citizens of society after release.
- ✚ All offenders who have done some work should be provided with proof so that it can increase their chances of being employed after they have been released.

### **5.6.Rehabilitation Programmes Provided by the DCS**

According to Silverman and Vega (2012), the core characteristic required for a prison setting to become a rehabilitative correctional institution is that all features of the facility's environment have to be directed towards changing the offender. Therefore, it is imperative that the focus of correctional programming involves therapeutic, academic and vocational training components. Silverman and Vega (2012) elaborate on their statement by saying that educational programmes have to meet the inmate's interests and needs, with the major emphasis being placed on vocational training. The work programme has to be comparable in type, variety and pace to employment outside of prison and must involve tasks with some vocational training value. Recreation programmes have to include both indoor and outdoor activities and must be organised in such a manner that they promote good morale and sound mental and physical health. It is also important that institutional discipline should be aimed at developing self-control and preparing the inmate for release and resettlement in the community rather than merely ensuring compliance with prison rules.

Development programmes that are offered to incarcerated offenders in South Africa aiming to assist in their rehabilitation process are identified as educational programmes (education, skill development and training programmes), social work sessions, psychological sessions and spiritual sessions.







### **5.6.1. Education, Skills Development and Training Programme**

The Correctional System has an infrastructure available by means of which education and training programmes are offered to offenders. The aim of these programmes is twofold: to raise the educational level and to improve the skills of inmates in order to equip them for successful rehabilitation and reintegration into the community. The intention is thus to contribute to the rehabilitation process of the participating offender.

Qualified educationists are employed by the DCS to present the educational programmes, and they are assisted by selected functional personnel who have received specialised training. The role of the educationists includes identifying the inmates' educational and training needs and presenting the education and training programmes. They are responsible for classroom tuition, study guidance, assistance in preparation for the assessment, the administration of studies as well as the presentation of informal educational programmes. Technically qualified educationists are responsible for the presentation of classical tuition in theoretical technical subjects. They are also involved in the presentation of internal skills programmes (Department of Correctional Services, 2012).

The Directorate of Skills Development offers programmes that are in line with the South African Constitution. The Constitution states in section 29 that every citizen is entitled to education. In these skills development programmes, offenders' labour market potential is developed as they undergo activities that improve their knowledge, skills and attributes and thus enhance their social functioning.

Skills development programmes which are offered to offenders are aimed at achieving the following objectives (Department of Correctional Services, 2012, p. 32):

-  to improve the quality of life of the offenders, their prospects of work and mobility and skills innovation
-  to raise the skills levels of offenders
-  to promote self-employment
-  to encourage offenders to participate in learner ships and other skills development programmes
-  to recognise previous learning experience of offenders in order to know their skills level
-  to contribute towards the personal development of offenders

- ✚ to use skills development as a foundation for further development of offenders and promotion of lifelong learning
- ✚ to promote an integrated approach to life skills development with the components of formal education, sport, recreation, arts and culture, production workshops and agriculture
- ✚ to provide diverse skills development opportunities
- ✚ to promote community participation in order to strengthen and enhance the rehabilitation efforts of the Department and the reintegration of offenders back into the communities
- ✚ to cater for the skills development needs of special groups such as youth, females and people with disabilities

The White Paper on Corrections (2005) states that in order to improve the levels of offenders' literacy, the DCS offers literacy classes and training programmes to offenders. The objectives of the training programmes offered to sentenced inmates are, firstly, to develop their market-related labour potential with the purpose of being productively utilised either during incarceration or in the external labour market after release. Secondly, they are aimed at equipping the inmate for resettlement into the community to lead an honourable, self-supporting and decent life after release from prison (Department of Correctional Services Annual Report, 2018). To establish in which field an inmate should receive training, interviews are conducted by the Case Management Committee. The fields available to the inmates are formal vocational training and basic occupational skills training. Vocational training is defined as theoretical and practical training in a field in which articulated status can be obtained. Articulated certificates are issued by the relevant Sector Education and Training Authority (SETA) or the Institute for the National Development of Learnerships, Employment Skills and Labour Assessment (INDLELA). The types of vocational training include, but are not limited to, the building, metal and electrical trades (Department of Correctional Services Annual Report, 2018).

Furthermore, the Truth and Reconciliation Commission's final report (1998, p. 314) recommended the following with regard to the rehabilitation of offenders:

- ✚ Skills training for all the offenders have to become a priority for every correctional centre.

- ✚ All correctional officials have to receive training regarding the rehabilitation of offenders for them to be able to recognise the basic needs of such rehabilitation.
- ✚ Offenders must receive training in human rights and be trained in non-violent methods of resolving conflict.
- ✚ Counselling should be made available to all offenders.
- ✚ Offenders must have access to literacy classes and skills training. Work that is performed by offenders should be designed to promote rehabilitation, rather than simply being punitive hard labour.

### **5.6.2. Psychological Services**

Psychological services are offered by the Directorate of Psychological Services, which aims to offer professional services to offenders, probationers as well as parolees with a view to promoting their mental health and their emotional wellbeing. Most importantly, these services ensure that offenders are rehabilitated for them to reintegrate successfully into society. Psychologists within the Directorate ensure that offenders are diagnosed as soon as they are admitted in order to make sure that they are treated according to their needs (Department of Correctional Services, 2012). During the first stage, offenders are evaluated by means of interviewing, psychometric tests and observations within a group situation, feedback from functional personnel and consultation with any person who knows the offender. Programmes will then be designed based on the information obtained from applying any of the said methods. Individual therapy, group therapy and family therapy are the methods used by psychologists to ensure the effective treatment of offenders, which will, in turn, strengthen their rehabilitation. These methods are applied to various forms of offenders, ranging from ones with suicidal tendencies to ones who request these services themselves (Department of Correctional Services, 2012).

With a view to the rehabilitation of offenders, the psychological services programmes offered by the DCS aim to achieve the following major objectives (Department of Correctional Services, 2012, p. 48):

- ✚ Render psychological services to sentenced offenders, probationers and parolees and promote care, emotional wellbeing, the development of personality, mental and social functioning, that will facilitate correcting of offending behaviour.
- ✚ Create an environment and/or climate that is conducive for therapeutic interventions and care programmes/services.

- ✚ Facilitate the restructuring of prison correctional systems and general environment in order to become more synonymous with and reflective of the culture, values, characteristics and needs of the external community.
- ✚ Facilitate transformation and personal change by recognising the uniqueness of the individual at all times.
- ✚ Create a desire within offenders to lead productive and law-abiding lives upon release into the community.
- ✚ Strive towards a flexible psychological approach that is sensitive to indigenous and diverse cultures and that incorporates strategies that not only address psychopathology, but that also facilitate healthy functioning proactively and are directed at the development of positive personality attributes and skills.

The provision of psychological treatment to offenders counters the negative effects of imprisonment. It is stated in the White Paper on Corrections (Department of Correctional Services, 2005, p. 132) that for the DCS to develop and support the offenders through the promotion of their social functioning and mental health, it should provide both social and psychological services. Psychologists within the Department of Correctional Services can, among other things, help cure the causes of criminal behaviour such as alcohol and substance abuse. They contribute to the aim of reducing reoffending by addressing the problems of those individuals who are highly likely to re-offend.

According to Towl (2013), there are two key drivers of the work of a psychologist within the correctional system. They are organisational needs, meaning that they should meet organisational aims and objectives, as well as psychological expertise, meaning that they should offer the knowledge and skills required of psychologists.

The DCS is committed to offering psychological services to all offenders with the aim of improving their mental and emotional wellbeing. This commitment is shown in section 2(c) of the Correctional Services Act 111 of 1998 (as amended) which states, among other things, “the purpose of the correctional system is to contribute to maintaining and protecting a just, peaceful and safe society by promoting the social responsibility and human development of all prisoners and persons subject to community corrections”. All offenders have equal access to these services, but their participation is voluntary. The DCS has in its service psychologists who are registered with the Health Professions Council of South Africa. They target all suicide-risk offenders, all court referrals, offenders with emotional problems, mental disturbances or who

are receiving psychiatric treatment, sexual and violent offenders and those offenders who request these services (Muthaphuli, 2008).

### **5.6.3. Social Work Services**

The Directorate of Social Work Services offers professional services to offenders by means of professional social workers. These services include therapeutic, informative, supportive, crisis intervention, development, administrative, assessment and evaluation services (Department of Correctional Services, 2012). Social work services empower offenders with social functioning skills and help them solve their own problems. Offenders are also helped to reintegrate successfully into society. Casework, group work and community work are the methods used to implement social work services. According to (Department of Correctional Services, n.d.) the broad objectives of the social work services are:

- ✚ to strengthen offenders' support systems;
- ✚ to link offenders with systems that provide them with resources, services and opportunities;
- ✚ to address situations that influence behaviour change;
- ✚ to enhance offenders' capacity to deal with the demands in their social environment;
- ✚ to ensure goal-oriented services to special categories of offenders in terms of their accommodation, custodial programmes, development and treatment programmes with a view to the empowerment and enhancement of their total functioning within the family and community;
- ✚ to ensure care and stimulation programmes to young children incarcerated with their mothers in an environment conducive to their normal development;
- ✚ to co-ordinate the development of distinctive and comprehensive policies for these categories regarding accommodation, custodial development and treatment in consultation with relevant directorates and other parties;
- ✚ to develop and design needs-based care programmes for targeted offenders and probationers.

Like psychologists, social workers also have the responsibility to determine the needs of offenders and to ensure that they are placed under programmes which are suitable for their needs. Social workers ensure that offenders are provided with programmes that help them deal with substance abuse, marriage and family, life skills and sexual offending, amongst other

things (Towl, 2013). These programmes contribute positively to the lives of the offenders as they ensure that they move away from their old habits and develop a new life, thereby ensuring their complete rehabilitation. Only qualified social workers who are registered with the South African Council of Social Workers and Professions are utilised by the Department of Correctional Services. Programmes that they offer include orientation of offenders to social work services, substance abuse programmes, life skills, marriage and family care, aggressive offender programmes, sexual offender programmes, trauma counselling, pre-release and needs-based programmes for special categories of offenders (Department of Correctional Services, 2012). It is the responsibility of the offender to stay committed to all programmes that are offered by the social workers.

#### **5.6.4. Spiritual Care Sessions**

In the correctional centre, the Spiritual Care component deals with the rendering of church/faith programmes and interventions as part of the rehabilitation of offenders. According to the Department of Correctional Services (2012), the Spiritual Care component consists of:

- ✚ The Spiritual Care Manager referred to as the chaplain;
- ✚ Spiritual and moral development coordinators, responsible for the coordination of spiritual care programmes and interventions in the correctional centre;
- ✚ Spiritual workers and volunteers as representatives of different religions (e.g. Christians, Judaism, Muslims, Rastafarians), and
- ✚ External service providers, comprising of Non-Governmental Organisations (NGOs), Faith Based Organisations (FBOs), Non-Profit Organisations (NPOs) and community institutions, as permitted by the DCS's policy directives.

Churches/religious organisations are permitted to provide spiritual care to their adherents, according to their own religious directives. Religious leaders or a representative are therefore afforded the opportunity to apply to be appointed as a spiritual worker or volunteer. External service providers go through a quality assurance process and, if their application is successful, an operational agreement will be signed to provide specialised services and programmes to the offenders (Frantz, 2017). According to the Department of Correctional Services (2012), spiritual workers and external service providers are trained as facilitators to conduct programmes designed to impart the following objectives:



- ✚ The concept of healing, concentrating on self-knowledge, responsibility, repentance, self-insight, guilt, anger, acceptance and dignity. The programmes that address these topics are: Anger-Management, The Sycamore Tree, and Self- Image.
- ✚ The concept of development, concentrating on one's belief system, religious knowledge, discipleship and mentoring. The following programmes that address these topics are: Alpha Course, Evangelism Explosion course, church/religious doctrines, catechism classes, spiritual enrichment programmes, Bible study courses, Muslim, Rastafarian and Jewish courses.
- ✚ The concept of lifestyle, concentrating on ethical behaviour, ethical decision making, positive values, and respect for self and others. The following programmes address these topics: Heartlines, Nothing for Mahala-Heartlines, Combating HIV/AIDS through Spiritual and Ethical Conduct, Anger Management.
- ✚ The concept of restoration, concentrating on forgiveness, grace, reconciliation family, community, victim dialogue, and accountability. The following programmes address these topics: Restorative justice, Family Firm Foundation, Igugulethu: Our Treasure, Ukuphula-Iketanga (break the chains), Restoration and Forgiveness, and Victim and Offender Dialogues.

These programmes promote sound ethical and moral values with the aim of addressing offending behaviour. They encourage offenders to adopt a positive lifestyle, and helps them restore their relationship with God, their family, as well as with the community, and also victims. It too improves the spiritual growth of the offender (Frantz, 2017). The broad range of programmes contributes to the rehabilitation process by influencing the offenders to change their criminal behaviour; however, it ultimately remains the responsibility of the offender to change.

Spiritual workers and service providers are also responsible for the completion of a spiritual care report for each programme or intervention conducted with an offender in order to give feedback on the following (Department of Correctional Services, 2012):

- ✚ The impact of the programme or intervention on the offender, e.g. identify the problem (what is the current situation),
- ✚ The objective of the intervention (knowledge, attitude, skills), and

- ✚ The outcome of the intervention/programme (increase in knowledge, attitude change).

In light of the feedback, it will be stated whether the goals of the programme were achieved. The reports will be submitted to the Case Officer assigned to the offender and be placed in his case-file. The intervention reports along with the reports from the other professionals will be taken into consideration by the Case Management Committee for submission to the Correctional Services Parole Board for possible parole placement (Akih & Dreyer, 2017).

## **5.7. Role Players in the Rehabilitation Process**

The rehabilitative objective of the correctional institution can only be accomplished in a proper enabling environment for both offender and correctional personnel where rehabilitation is expected and maintained. In the correctional institution, the correctional official must, therefore, develop a professional character, based on knowledge, skills and attitude (Du Preez & Luyt, 2004). In order for the offender to be a better person, he/she must be ready to change his/her attitude. This will give rise to an effective rehabilitation process.

There are various role players involved in the process of rehabilitation, in order for correctional institutions to be able to productively embark on the process. Du Preez and Luyt (2004, p. 156) highlight the importance of external role players in the rehabilitation process: “a common understanding, and a common commitment to rehabilitation by all the partners within the justice, crime prevention and security, as well as the social clusters, is indispensable to the fulfilment of the rehabilitation of offenders. Reinforcing experiences and coherence of the message to offenders throughout the criminal justice system and within communities can only assist the objective or rehabilitation then, as well as censoring crime force living.”

### **5.7.1. Offenders**

With regard to the rehabilitation of offenders through treatment, the question needs to be asked what role individual offenders play in their own rehabilitation. Rehabilitation is only possible if offenders themselves first accept their own disposition, attitude and behaviour (Cilliers, 2008). This simply means that voluntary participation is required from offenders. This is mainly because rehabilitation is intended to redress the specific history of the offender and as a result requires full commitment (Muthaphuli, 2008).

Since offenders' physical freedom has been taken away from them, offenders must realise that they can take full advantage of all the privileges that they have while they are incarcerated by equipping themselves through participating in programmes that will empower them (Labane, 2012). As soon as offenders understand that they must reject and do something about their unpleasant situation, this will automatically build positive experiences. Offenders will start using time instead of doing time by following a relevant study course and participating in training programmes which will better equip them to adapt to society after their release and help them lead an honourable life. Offenders who have realised that they have to accept challenges will find it easier to adapt to the routine and discipline of a prison and will work better (Labane, 2012). Offenders need to be kept busy with meaningful activities in order to avoid adopting negative behaviours such as sexual deviances, gang activities, escapes and even unrest and protests in prisons (Coetzee & Gericke, 1997). After release, offenders must ensure that they do not find themselves on the wrong side of the law. There are three keys to change that can also help to change offenders, as identified by Muthaphuli (2008). These are: relate, repeat and refrain.

**(i) Relate**

Offenders can shape a new, emotional relationship with a person or a society that encourages and maintains expectations during the process of rehabilitation. Offenders need the influence of seemingly unreasonable people to restore their hope and make them believe that they can change and expect that they will change if they come face to face with a situation that a sensible person would regard as impossible (Muthaphuli, 2008).

**(ii) Repeat**

The new relationship within the prison environment will help the offender to look at the world in a way that would have been so foreign before they changed. Offenders will find out new ways of thinking about their circumstances (Muthaphuli, 2008).

Coetzee and Gericke (1997) further emphasise that there are four realities that contribute largely to the fact that offenders suffer anxiety and that make it difficult for them to make sense of life: shock of admission, loss of external communication, loss of stability and loss of normal human activities. All these realities can lead to negative behaviour by offenders and can cause the offender not to be rehabilitated successfully.

- ✚ *Shock of admission:* As people who have been isolated from society, most offenders are aware of their social rejection, and experience feelings of helplessness, frustration and loss of hope (Stinchcomb & Fox, 2009). Most offenders experience feelings of fear, frustration and uncertainty on the day of admission to prison. This could lead to the development of illness due to the fact that the offender is stressed, depressed and feels useless and pointless. It is important for correctional staff to refer offenders to a psychologist, social worker or medical practitioner as soon as possible. During this period offenders believe that there is no future for them (Coetzee & Gericke, 1997).
  
- ✚ *Loss of external communication* can also cause offenders to become lonely because they are no longer in touch with the outside world. These offenders may attempt to escape from custody to be in touch with the outside world, e.g. family and friends. Offenders may sometimes join gangs within prison in an effort to do away with loneliness. This type of offender conduct cannot be changed and social workers should encourage offenders to have contact with their family and to communicate with them on a regular basis (Coetzee & Gericke, 1997). Being locked away from one's family and friends, being totally out of control of one's life, is a deprivation that dwarfs the significance of televisions, stereos and designer jeans (Stinchcomb & Fox, 2009). During the initial step in classifying offenders, the reception and intake team of psychologists, medical personnel and social services must interview the offender with regard to problems, family welfare or personal matters. The offender's adjustment to the correctional institution should be discussed with the social worker assigned to the offender (Stinchcomb & Fox, 2009).
  
- ✚ *Loss of stability:* Prison environment is a place where the offender's life is largely transformed into uncertainty. Correctional centres cannot replace the offender's consistency. Therefore, correctional officials can succeed in relieving the need for stability by encouraging offenders to participate in meaningful activities such as study, training, constructive reading material and hobbies (Coetzee & Gericke, 1997).
  
- ✚ *Loss of normal human activities:* Normal human activities are restricted in prison; therefore the meaningfulness of the prisoner's life is threatened since there are not enough activities available in the prison to keep them busy. A lack of important use of

time frequently leads to negative behaviour such as gang activities, sexual deviances, escapes, unrest and protests (Coetzee & Gericke, 1997).

These realities can contribute to negative conduct and offender attitude, and a disposition not to change. For correctional services to successfully rehabilitate offenders, they need to consider these realities, otherwise, rehabilitation cannot be effective.

### **(iii) Reframe**

Offenders need to have new relationships in order to gain knowledge of the latest habits of thinking about their situation and their lives in general (Deutschman, 2009). Bartollas (2006) identifies three main groups of ex-offenders, i.e. those who will ultimately fail, those who will make a marginal adjustment to society and those who will be successful. He further gives reasons why offenders who want to succeed fail in the end: failure of will, lack of satisfaction with the straight life and the inability to make it in the outside world (Bartollas, 2006).

✚ *Failure of will:* if offenders do not want to change in a manner that could overcome the everyday anxiety they face, eventually they have a tendency to be unsuccessful. Offenders leave the correctional institution with opportunities, but they discover that it is not easy to change in a world that has been progressing without them. There are real problems that offenders are confronted with, such as finding jobs and societal interaction. In facing all these challenges offenders tend to re-offend as a result of frustrations and disappointments. Within the rehabilitation perspective, offenders themselves must be willing to change from their unlawful conduct to lead an ordinary life as law-abiding citizens, and for them to lead a normal life they have to conquer all their problems. If this fails, the rehabilitation programmes will be unsuccessful (Bartollas, 1988).

✚ *Lack of satisfaction with the straight life:* if offenders do not accept the straight life, which is crime free, this may cause them to leave the ordinary life or to commit robberies as a way to survive. Others commit fraud because it is difficult for them to work in a company where they are paid once a month. First offenders must recognise that committing unlawful conduct by robberies is not the way to go if rehabilitation is going to work (Bartollas, 1988).

- ✚ *The inability to make it in the outside world:* some offenders tend to commit crime because they are not successful within society. Offenders are not capable of getting jobs in order to survive, as most companies do not prefer to hire ex-offenders. As a result of this, offenders commit offences again as a means to survive. In addition, habitual conduct leads to offenders failing in the outside world (Muthaphuli, 2008).

### **5.7.2. The Correctional Staff**

The correctional official as an operational worker also functions as a manager (Bruyns, et al., 2015). The role of the correctional official is greatly challenging and broad. They are involved in security, guiding, mentoring, facilitating, developing and inspecting offenders. They help when offenders need assistance with jobs, or to get along with other offenders, to enter programmes, to interact with staff, or to obtain privileges (Hemmens & Stohr, 2005). In cases where offenders are feeling worthless and meaningless, it is the duty of correctional staff to make an important contribution to encouraging offenders to admit to the challenges that they are facing within the prison as a result of their incarceration, and to keep offenders busy with meaningful activities such as study, training, construction, reading and hobbies (Coetzee & Gericke, 1997).

Even though correctional staff are not counsellors, they must frequently communicate with offenders and carefully listen to their worries and problems. This will help offenders relieve stress and tension and will shape the line between custody and treatment personnel. Most offenders' problems are solved by discussing issues with them (Seiter, 2002). The White Paper on Corrections (2005) stated that the services rendered by the DCS "are personnel intensive", and "sound personnel practices are, therefore, promoted as a prerequisite to the rendering of professional services".

According to Coetzee and Gericke (1997), the department believes that to accomplish policy, in terms of the White Paper, the following principles must be adhered to (Republic of South Africa, 1998, p. 19):

- ✚ Correctional officials should always be non-partisan and perform professionally.
- ✚ Correctional officials must contribute to employee initiative, creativity and reliance.

- ✚ The Department of Correctional Services should provide enough information, training and supervision required by the correctional officials to do their jobs in the most effective way.
- ✚ There must be a good relationship between correctional staff and labour organisations established through successful communication and mutual respect.
- ✚ All professional correctional staff should actively achieve goals and implement policies, plans and priorities of the department.

According to Seiter (2002), the correctional officials' duties are no longer what they were in the past. They have gone far beyond merely guarding offenders; their duties now require knowledge, training, good interpersonal communications and sound decision making.

Coetzee and Gericke (1997) are of the opinion that in order for the DCS to be effective in the rehabilitation of the offender, it must value the professional character of its staff, such as knowledge, skills and attitude. Correctional officials will then be professional and deal with offender rehabilitation effectively as an internal role player.

**(i) Knowledge**

Professional correctional officials need knowledge in the following areas for the rehabilitation process to be successful (Coetzee & Gericke, 1997, p. 63):

- ✚ Knowledge of the Department of Correctional Services in order for correctional staff to know the latest developments in the departmental vision and mission. This will enable staff to function effectively and professionally.
- ✚ Knowledge of departmental policy and prescriptions as set out in the Correctional Services Act. This includes corporate, functional, operational and legislative policies.
- ✚ Knowledge of job content
- ✚ Academic knowledge
- ✚ Officials must be knowledgeable about offenders and see them as people and special beings. This can help the offenders to change their attitude and conduct since officials value them as unique and special beings.

## (ii) Skills

Professional correctional personnel need to be equipped with all the necessary skills in order to be able to perform better and in a more professional manner, thereby making an important contribution to effectively rehabilitate offenders. It is very important for correctional personnel to have self-knowledge and communication skills, and to promote teamwork and dealing with conflict, etc., since they interact with people every day (Coetzee & Gericke, 1997).

- ✚ *Self-knowledge:* The truth is that most correctional officials must know themselves, e.g. accept themselves, have a direct relationship between themselves and their self-concept and be able to be with other people. Offenders will then follow their example and improve their own self-image (Coetzee & Gericke, 1997).
- ✚ *Communication:* This needs to take place with colleagues, seniors, subordinates and the public, as well as offenders (Coetzee & Gericke, 1997). When correctional officials communicate with offenders in a polite and respectful manner, this can have a positive impact on the offenders' anxiety and encourages discussion about offender apprehension or grievances, thus contributing to an effective rehabilitation process (Seiter, 2002).
- ✚ *Promoting teamwork:* The team approach is very important in terms of problem-solving. One of the advantages of teamwork is that complex tasks that are too much for one correctional official to deal with are more controllable in teams.
- ✚ *Dealing with conflict:* One of the unavoidable aspects of the correctional environment or personal relationship is dealing with conflict in situations where offenders continually try to make false statements about each other, tell lies and smuggle dagga. Correctional staff must try to deal with this conflict (Seiter, 2002).
- ✚ *Problem-solving and decision making:* A correctional official's ability to make decisions and solve problems is a significant life skill, and is almost certainly one of the most important professional skills that correctional officials must consider for them to participate in offender rehabilitation (Coetzee & Gericke, 1997). Decisions which are made at operational level are usually regarded as more important than decisions



which are made at top management level in the Department of Correctional Services. It is the responsibility of correctional staff to ensure that decisions, however minor, are carefully and impartially taken (Bruyns, et al., 2015).

✚ *Coping with stress:* It is important for correctional officials to handle stress effectively. Correctional centres are high stress environments due to the nature of the work situation.

✚ *Educators:* Correctional officials must act as educators; this does not mean, though, that correctional officials have to be formal educators. They can mainly be involved in the presentation of informal education. The role of a correctional official is just the same as that of an advisor or counsellor who presents knowledge, skills and abilities to colleagues and offenders (Bruyns, et al., 2015).

### **(iii) Attitude**

Coetzee and Gericke (1997) point out that the attitude of the professional person distinguishes them from others. Attitude and behaviour relate to an ethical basis. Since different officials have different ethical standards, it is difficult to set clear guidelines for ethical correctional official behaviour. In order for the correctional official to be regarded as a professional, there are values and norms that they must pursue. These norms and values are also derived from what is regarded as correct, adequate and humane, and are reflected their attitude to work, which is also known as work ethic. According to Bruyn et al. (2015), the foundation of all management ethics is: treat others the way you would like them to treat you. This means that officials must treat offenders fairly.

A correctional official's work attitude is based on the following values in terms of the rehabilitation of the offender: humanity, respect for human potential, relationships, partnerships and accountability. These values are based on the manner in which the officials conduct themselves. According to Coetzee & Gericke (1997, p. 71):

✚ *Humanity:* Correctional officials must at all times respect offenders as people and recognise the human dignity of all offenders under all circumstances. They must try to be sensitive to offender's needs and feelings, respect their point of view and must

promote offenders well-being, without undermining the most important function of safety and security.

- ✚ *Respect for human potential:* In order to make an important contribution to the rehabilitation process of the offender, officials must at all times respect the human potential of offenders through their words and actions every day within the work environment. Officials must recognise that the offenders have the potential to become law-abiding citizens.
  
- ✚ *Relationship:* The professional correctional official believes that sound human relations between staff form the basis to achieve departmental objectives. The decision of the correctional services can be attained through a work force that is committed to their profession and maintains meaningful and transparent relationships with their colleagues, the public and the offender case in their care.
  
- ✚ *Partnerships:* For the department to achieve its mission and values, it is necessary for professional correctional officials to accept that the exchange of ideas, knowledge and experience is important both nationally and internationally. Correctional services can survive through social, political and economic partnerships at local, provincial, national and international level. Therefore it is important for the department to have strong partnerships with other sectors in the rehabilitation of offenders.
  
- ✚ *Accountability:* Professional correctional officials must be answerable for their actions. They must perform their duties in a transparent manner and they are authorised and responsible to perform tasks as stipulated by the Minister of Correctional Services and therefore they can be made to answer for the consequences of their actions. Wrongful action can thus result in an official and the department being held responsible for the unlawful act of the offenders.

For the correctional institution to be able to function effectively and therefore be able to successfully undertake the process of rehabilitation, professional behaviour is a prerequisite. The manner in which correctional officials conduct themselves contributes to the rehabilitative aspect. They perform this task not by trying to make friends with offenders or advising them about personal problems (Coetzee & Gericke, 1997).

The roles that officials perform with regard to the offender rehabilitation process, irrespective of whether they are counsellors or treatment specialists, are as follows (Seiter, 2002: p. 383):

- ✚ *Contributing to surroundings of control without threats and tension:* A pleasant personality, a fair and important upholding of prison roles, respect for individual dignity, and an understanding of correctional officials' role in the rehabilitation of an offender contribute to a relaxed environment with positive interaction between staff and offender.
  
- ✚ *Communicating with inmates on a professional basis:* Communication with offenders has a major impact on the whole prison environment. The manner in which officials communicate with offenders can also contribute towards offender rehabilitation, as it sets the tone in the environment. Attitudes can create hostility, poor or good communication between staff and offenders.
  
- ✚ *Focusing on providing human services:* There must be an overall environment of respect for offenders as individuals for a prison to maintain order and control, as well as to have effective rehabilitation programmes. As part of humane treatment, officials must at all times meet offenders' needs. By providing the necessary services to the offenders, offenders will focus more on their rehabilitation programmes.

### **5.7.3. The Community**

According to Muthaphuli (2008), the involvement of community members in correctional issues is made possible by the Sub-directorate of Community Involvement. The aim of the sub-directorate is to ensure that it shares responsibility for offender rehabilitation, encourages co-responsibility for offender management and crime prevention, reintegrates offenders into the community as well as maximises the use of public and private forums.

The DCS on its own cannot be effective if it is solely responsible for rehabilitation. It must therefore recognise the significant involvement that the community can make. For rehabilitation to be effective, the community must be at the centre of the rehabilitation process because it is both the place of origin and return for the prisoner. The causes that contribute to criminal behaviour also support both the victim and offender. The principle of restorative justice should be initiated by the community (Du Preez & Luyt, 2004). According to Bailey

and Ekiyor (2006, p. 27), the DCS supports community participation in correctional matters through the following means:

- ✚ The department drafted a community participation policy that outlines the guidelines for community involvement, which are in line with the departmental rehabilitation strategy.
- ✚ The department encourages greater community participation as a means of reducing crime, thereby promoting good relationships amongst community members.
- ✚ It offers support to both the offender and the victim.
- ✚ In all activities, it aims at integrating offenders into the community.
- ✚ The department ensures active involvement in the definition of offender obligations.
- ✚ It offers offenders an opportunity for remorse, forgiveness, reconciliation and for offenders to make amends.
- ✚ The department aims to ensure that relations are restored for successful reintegration of offenders.

## **5.8.Conclusion**

Changes that have occurred in South Africa as a whole since the early 1990s have led to new developments in the functioning of the correctional services and the entire justice system. This chapter gave an overview of the new trends within the South African Correctional Services which came with the introduction of the Correctional Services Act 111 of 1998 (as amended) and later the implications of the White Paper on Corrections of 2005. The main aim of introducing these provisions was to overcome the problems that came with apartheid where the rights of offenders were not even recognised and the focus was on punishment. From the discussion, it is clear that offenders' rehabilitation is an important factor that contributes to their development. Where the rights of offenders are always respected, they are more likely to pay attention to all the programmes that were designed to prepare them for life after imprisonment. This chapter also outlined the concept of professionalism amongst correctional staff and highlighted that every correctional official plays an important role in developing a professional character, based on knowledge, skills and attitude for them to rehabilitate offenders successfully. The role of the offender, correctional staff and the community were also summarised in this chapter. The next chapter provides a description of the research methodology employed in this study.

**SECTION B:**  
**METHODOLOGICAL AND EMPIRICAL OUTLAY OF THE STUDY**

**CHAPTER 6**  
**RESEARCH METHODOLOGY**

**6.1. Introduction**

This chapter identifies and explains the methodological issues underpinning the study. It explores the research paradigm that informed the direction pursued in this study, which also includes the nature of the research. The description of the research design follows, with highlights of the research site and target population. Sampling is clearly indicated, together with the methods that the researcher used to collect data and how the data was analysed. More importantly, the chapter presents the ethical and logistical requirements that were attended to in the study.

**6.2. Research Paradigm**

According to Cooper and Schindler (2008), the research process has three major dimensions: *ontology*<sup>6</sup>, *epistemology*<sup>7</sup> and *methodology*<sup>8</sup>. According to them, a research paradigm is an all-encompassing system of interrelated practice and thinking that define the nature of enquiry along these three dimensions.

The term paradigm originated from the Greek word *paradeigma* which means pattern and was first used by Myer (2009) to denote a conceptual framework shared by a community of scientists which provided them with a convenient model for examining problems and finding solutions. Myer (2009, p. 38) defines a paradigm as: “an integrated cluster of substantive concepts, variables and problems attached with corresponding methodological approaches and tools...”. According to him, the term paradigm refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature

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<sup>6</sup> The term *Ontology* refers to a branch of philosophy concerned with articulating the nature and structure of the world. It specifies the form and nature of reality and what can be known about it

<sup>7</sup> *Epistemology* refers to the nature of the relationship between the researcher and it denotes the nature of human knowledge and understanding that can possibly be acquired through different types of inquiry and alternative methods of investigation.

<sup>8</sup> *Methodology* refers to how the researcher goes about practically finding out whatever he or she believes can be known.

and conduct of research (Myer, 2009). A paradigm hence implies a pattern, structure and framework or system of scientific and academic ideas, values and assumptions. Research paradigms are classified into three philosophically distinct categories as positivist, interpretivist/constructivist, and critical which are all different by ontological, epistemological, and methodological aspects (Schwandlt, 2007).

This study is situated in the interpretivist paradigm. Interpretive researchers believe that the reality consists of people's subjective experiences of the external world; thus, they may adopt an inter-subjective epistemology and the ontological belief that reality is socially constructed. According to Welman and Kruger (2009), interpretivists are anti-foundationalists, who believe there is no single correct route or particular method to knowledge. Liamputtong (2009) argues that in the interpretive tradition there are no correct or incorrect theories. Instead, they should be judged according to how interesting they are to the researcher as well as those involved in the same areas. They attempt to derive their constructs from the field by an in-depth examination of the phenomenon of interest. Creswell (2009) argues that interpretivists assume that knowledge and meaning are acts of interpretation, hence there is no objective knowledge which is independent of thinking, reasoning humans. Tracy (2013) argues that the premise of interpretive researchers is that access to reality is only through social constructions.

Interpretive paradigm is underpinned by observation and interpretation. Thus, to observe is to collect information about events, while to interpret is to make meaning of that information by drawing inferences or by judging the match between the information and some abstract pattern (Tracy, 2013). Furthermore, interpretive paradigm attempts to understand phenomena through the meanings that people assign to them (Matthews & Ross, 2010). According to Welman, Kruger and Mitchell (2005), interpretive paradigm deals with subjective data that are produced by the minds of the participants. In this study, the rationale for using this paradigm is primarily to derive new knowledge related to offenders' rehabilitation approach at the WCC. *Table 3* displays the characteristics of interpretivism, as used in this study, categorised into the purpose of the research, the nature of reality (ontology), nature of knowledge and the relationship between the inquirer and the inquired-into (epistemology) and the methodology used.

**Table 3: Characteristics of interpretivism**

Feature	Description
<b>Purpose of research</b>	The purpose of this study is to investigate DCS’s approach towards offenders’ rehabilitation at the WCC.
<b>Ontology</b>	<ul style="list-style-type: none"> <li>✚ There are multiple realities.</li> <li>✚ Reality can be explored, and constructed through human interactions, and meaningful actions.</li> <li>✚ Discover how people make sense of their social worlds in the natural setting by means of daily routines, conversations and writings while interacting with others around them.</li> <li>✚ Many social realities exist due to varying human experience, including people’s knowledge, views, interpretations and experiences.</li> </ul>
<b>Epistemology</b>	<ul style="list-style-type: none"> <li>✚ Events are understood through the mental processes of interpretation that is influenced by interaction with social contexts.</li> <li>✚ Those active in the research process socially construct knowledge by experiencing the real life or natural settings.</li> <li>✚ Inquirer and the inquired-into are interlocked in an interactive process of talking and listening, reading and writing.</li> <li>✚ More personal, interactive mode of data collection.</li> </ul>
<b>Methodology</b>	<ul style="list-style-type: none"> <li>✚ Processes of data collected by literature, interviews and group sessions.</li> <li>✚ Research is a product of the values of the researcher.</li> </ul>

Source: Researcher’s concept

### 6.3. Research Design

Research design can be thought of as the “logic” or “master plan” of a research that throws light on how the study is to be conducted. It shows how all of the major parts of the research study work together in an attempt to address the research questions (Nieuwenhuis, 2013). The research design can be seen as the actualisation of logic in a set of procedures that optimises the validity of data for a given research problem. According to Mouton (2001), the research design serves to plan, structure and execute the research to maximise the validity of the findings. It gives directions from the underlying philosophical assumptions to research design and data collection. Yin (2009, p. 19) adds further that “colloquially a research design is an action plan for getting from *here* to *there*, where ‘here’ may be defined as the initial set of questions to be answered and ‘there’ is some set of (conclusions) answers”.

Given the interpretive position adopted in this research and the nature of the research questions, a case study research design was considered the most appropriate approach to employ. A case study is one of several ways of doing research whether it is social science related or even socially related because its aim is to understand human beings in a social context by interpreting their actions as a single group, community or a single event: a case. Delpont and Fouché (2009) define a case study as an investigation to answer specific research questions which seek a range

of different pieces of evidence from the case settings. Yin (2009) defines a case study as an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly defined. The case study approach is especially useful in situations where contextual conditions of the event being studied are critical and where the researcher has no control over the events as they unfold. In the situation of this study, the phenomenon of rehabilitation was examined through the experiences in rehabilitation matters at the WCC. The rationale for using a case study in this research was that it enabled the researcher to get a deeper understanding of DCS rehabilitation approach.

#### 6.4. Research Site

The South African correctional centres, under the jurisdiction of DCS, have a total of 235 active correctional centres countrywide. A total of 122 of these correctional centres house males only, while 91 of them house both males and females. The remaining 8 accommodate females, with only 14 for the youth. The correctional centres are in turn managed under 46 management areas which are grouped into six regions. There are six to ten management areas per region (Department of Correctional Services, 2018). The six regions comprise Gauteng Region, Eastern Cape (E-Cape) Region, KwaZulu-Natal (KZN) Region, Limpopo, Mpumalanga, and the North-West (LMN) Region, Northern Cape and Free State (NC & FS) Region, and Western Cape (W-Cape) Region (Department of Correctional Services, 2018).

**Table 4: Management Areas and Correctional Centres as at 31 March 2018**

REGION	Number of Management Areas	Number of Correctional Centres		
		Number of Centres Temporarily Closed	Number of Active Centres	Total Number of Centres
Eastern Cape	6	1	44	45
Gauteng	8	1	15	16
Free State/Northern Cape	7	-	47	47
KwaZulu-Natal	7	2	40	42
Western Cape	10	2	41	43
Limpopo/Mpumalanga/North West	8	2	36	38
Public Private Partnership (PPP)	-	-	2	2
<b>Total</b>	46	8	235	243

Source: Department of Correctional Services (2018)



#### 6.4.1. Westville Correctional Centre

Westville is a residential suburb close to Durban in KwaZulu-Natal, South Africa, which is situated 20 km inland from the Durban city centre. Previously an autonomous metropolitan area governed by a Town Council, it currently forms part of the eThekweni Metropolitan Municipality, which also includes Durban. The Westville Correctional Centre (WCC) is one of the largest correctional facilities in the country and the only prison located in the Durban, Westville area. There are thirty-nine (39) correctional centres in KwaZulu-Natal and the Westville Correctional Centre is the largest.

Durban Westville Correctional Centre was opened in 1985 but was preceded by two small correctional centres, named Central Correctional Centre and the Point Correctional Centre, which were situated in the city centre. These correctional centres were very similar to Robben Island correctional centre, as they were situated close to the old harbour. Overcrowding was then already a huge problem (Department of Correctional Services, 2018). The Point Correctional Centre accommodated only maximum-security inmates, (which means inmates who were detained there were sentenced), whereas Central Correctional Centre accommodated a combination of sentenced and remand prisoners. The reason why Central Correctional Centre accommodated a combination of inmates was because of its proximity to the magistrate courts (Department of Correctional Services, 2018).

The first inmates started to fill the Westville Correctional Centre in June/ July of 1985 and currently it consists of a total of five (5) sections, namely:

- ✚ *Durban Correctional Centre A*: which houses awaiting trial offenders-unsentenced;
- ✚ *Durban Correctional Centre B*: which houses sentenced male maximum security inmates;
- ✚ *Durban Correctional Centre C*: which houses sentenced short-to-medium security inmates;
- ✚ *Durban Youth Correctional Centre*: which houses youth who are in conflict with the law and have been sentenced; and
- ✚ *Durban Female Correctional Centre*: which houses female sentenced inmates.

Table 5 indicates that the KZN region has a total number of 27 919 inmates. The WCC has approximately ± 12 500 inmates, including sections for males, females, juveniles and remand (awaiting-trial) offenders. The WCC was initially built to accommodate 6023 prisoners. The

centre also accommodates inmates with very long sentences and awaiting trial detainees who are incarcerated for long periods of time.

**Table 5: Total Number of Inmates as at 31 March 2018, per Region:**

REGION	Sentenced Inmates			Un-sentenced Inmates			Total number of Inmates
	Males	Females	Total Number of Sentenced offenders	Males	Females	Total Number of Un-sentenced offenders	
Eastern Cape	15 258	288	15 546	5199	91	5 290	20 836
Gauteng	25 084	919	26 003	10 742	375	11 117	37 120
Free State/Northern Cape	17 847	279	18 126	4 953	96	5 049	23 175
<b>KwaZulu-Natal</b>	<b>21 191</b>	<b>504</b>	<b>21 695</b>	<b>6 100</b>	<b>124</b>	<b>6 224</b>	<b>27 919</b>
Western Cape	17 531	626	18 157	11 451	548	11 999	30 156
Limpopo/Mpumalanga/North West	18 002	340	18 342	6 445	136	6 581	24 923
<b>Total</b>	<b>114 913</b>	<b>2 956</b>	<b>117 869</b>	<b>44 890</b>	<b>1 370</b>	<b>46 260</b>	<b>164 129</b>

Source: Department of Correctional Services (2018)

The rationale for the choice of this setting is informed by the findings of the 2013 /14 DCS annual report, which revealed that the WCC facility is one of the largest correctional centres in South Africa and has experienced changes in direction to the detention, treatment and rehabilitation of inmates. However, it is facing challenges over the past few decades to implement the DCS rehabilitation approach due to overcrowding and other related problems as in most South African correctional centres.

## 6.5. Target Population

Blankenship (2010) defines a population as a group of all individuals, organisations or artefacts that could be involved in a particular study. The target population in the case of the present study comprised offenders and correctional officials at Westville Correctional Centre in Durban.

## 6.6. Sampling Method

Sampling is an element of data collection and is defined by Bryman and Bell (2004) as the fragment or section of the population that is selected for the research process. For the purpose of this study, the researcher selected non-probability sampling which gives the researcher assurance about the selected population. Purposive sampling was the non-probability sampling technique used in this study.

### **6.6.1. Purposive Sampling**

According to Tracy (2013), purposive sampling is a technique used by researchers to select participants with clearly identified characteristics that according to the researcher's judgement, represent the population. Purposive sampling is "associated with research designs that are based on the gathering of qualitative data and focuses on the interpretation of experiences and perceptions" (Matthews & Ross, 2010:167). In this study, the respondents were selected purposively based on their characteristic that makes them the holders of the data needed for the study (Nieuwenhuis, 2013). This type of sampling, according to Nieuwenhuis (2013), is entirely based on the judgment of the researcher. This means that based on the researcher's knowledge of the population, a judgment was made about which participants were ideal in providing experiential information related to the study.

### **6.6.2. Sampling Criteria**

Each member of the sample had to comply with the following eligibility criteria for inclusion in this study:

#### **For Sampled Offenders**

Participants were selected according to their credibility to generate useful data to answer the research questions. In this study, re-offenders incarcerated within the case study area were selected to obtain information on the obstacles that they faced during the rehabilitation process and the possible reasons for their re-offending.

#### **For Sampled Correctional Officials**

Since the rehabilitation of offenders is holistic and therefore covers a wide scope of professionals, the researcher interviewed correctional officials (psychologist, social worker, educator, spiritual caregiver,...) who have more than 5 years' work experience, to determine existing barriers that may prohibit the successful rehabilitation of offenders.

#### **Sampling Size**

According to Strydom (2009, p. 195): "there is no rule for sample size in qualitative inquiry. The sample size depends on what needs to be known, the purpose of the inquiry, what is at stake, what is useful, what provides case credibility and what can be done with available time

and research”. In this study, a sample size of fifty (50) participants (representatives of a wide population of both inmates and correctional centre officials) were selected based on a particular set of characteristics mentioned above:

- ❖ Thirty (30) re-offenders;
- ❖ Twenty (20) DCS officials: one (1) psychologist; five (5) social workers; five (5) educators; and five (5) spiritual caregivers, the head of WCC and four (4) wardens.

## **6.7. Methods of Data Collection**

To realise the aim of this research study semi-structured interviews in the form of in-depth interviews and focus groups were used. According to Nieuwenhuis (2013) the advantages of using a semi-structured interview are the following:

- ✚ It is used in research to corroborate data from other data sources;
- ✚ In most cases a semi-structured interview calls the participant to answer a set of predetermined sample questions;
- ✚ It does allow for probing for the ultimate clarification of answers;
- ✚ Semi-structured interview schedules also define the line of inquiry.

The interviews consisted of two sections. The first section was about questions on the biographical data of the participants in order to get a picture of who the participants are. With the second section, concentration was mainly on their perceptions of offender rehabilitation in South African correctional centres.

Interviews in this study were based on provided interview guides. Such interview guides were used to maintain focus and a particular pattern of interviewing, and also to serve as prompts to the interviewer. The structure of the guide was made very flexible in order to permit the themes to be covered in the order most suitable to the participant. The questioning style was equally flexible with no pre-stated order. Responses to the interviews were both manually transcribed and also using a tape recorder which was declared, with permission obtained for usage from prison management and from participants.

The following factors obtained regarding each data collection tool:

### **6.7.1. In-depth Interviews**

According to Nieuwenhuis (2013) in-depth interviews (conducted with the offenders in the case of this research) which are semi-structured, were used to corroborate data emerging from other data sources which in this research are books, research papers, and other official documents mentioned above as secondary data. In-depth interviews were used for the following advantages: they enable face to face discussion, they allow an opportunity for clarity seeking to unclear questions, and also allow for follow-up on interesting answers (Rubin & Babbie, 2010). The question posed to re-offenders was related to the aim and objectives of this research project.

### **6.7.2. Focus Groups Discussions**

According to Nieuwenhuis (2013, p. 90) “the focus group interview strategy is based on the assumption that group interaction can be productive in widening responses”. Participants engaged in discussion with each other rather than directing their comments to the researcher (Nieuwenhuis, 2013). Participants (in the case of this study the offenders) “in focus group discussions were able to build on each other’s ideas and comments to provide an in-depth view not attainable from individual interviews” (Nieuwenhuis, 2013). The focus group discussions were used for the following advantages: they are inexpensive, generate speedy results for a group of people and offer flexibility for probing (Rubin & Babbie, 2010).

Focus group interview can also help the researcher identify the conditions that encourage interaction and open discussion. Also, this type of interview can help the researcher in the analysis of the data through the firm understanding of what is obtaining in a group including the reason why it might have happened (Nieuwenhuis, 2013). Group discussions were facilitated around the aim and objectives of this study.

### **6.7.3. Key Informants Interviews**

Key informant interviews were used as another data gathering technique. The use of key informants means asking the opinion of a small number of people that are in contact with the target population and have special knowledge of its problems, needs as well as about the current gaps in service delivery to that population (Rubin & Babbie, 2007).

For the purpose of this study, the following category of participants has been selected as key informants: DCS officials such as social workers, psychologist, religious caregivers and educationalists

Key informants in a setting under study are valuable for a number of reasons: First, informants can provide crucial knowledge that can lead to a better understanding of a setting under study. In other words, they can facilitate entry into an area of operation (the prison setting for instance), as well as into an organisation. In addition, key informants can also be used to identify emerging themes in the interview process, based on their expertise and insight into the subject matter (Schurink, 2002). With key informants, the question posed was based on the aim and objectives of this research project.

### **6.8. Trustworthiness**

According to Nieuwenhuis (2013), it is accepted that using multiple methods of data collection can contribute to trustworthiness. Trustworthiness in qualitative research is similar to validity and reliability in quantitative research. De Vos (2009) clearly stated that the terms credibility, transferability, and conformability are key criteria of trustworthiness and are briefly explained below:

- ✚ *Credibility*: The goal is to demonstrate that the research study was conducted in a manner that ensures that the participants were accurately identified and described.
- ✚ *Transferability*: It ought to be explained on this aspect that a qualitative study's transferability which is similar to generalising research findings might be difficult to achieve based on its small sample that in most cases is not representative of its population. The usage of multiple sources of data can enhance the study's generalisability by corroborating findings, thus strengthening the study's usefulness for other settings.
- ✚ *Conformability*: Here, the researcher tries to capture some elements of objectivity in the research study. The qualitative criterion can then be derived from asking the question of whether the data can help confirm the general findings and lead to the implications.

Table 6 below elaborates the way trustworthiness was ensured in this research study.

	<b>Credibility</b>	<b>Transferability</b>	<b>Conformability</b>
<b>Researcher</b>	Had clear selection criteria of participants, which were adhered to	Descriptive data is provided and corroborated through the use of different data collection methods	Probing was done without being too personal and not to satisfy personal inquisitiveness
<b>Participants</b>	Only those eligible for selection finally were included in the investigation	Participants were diverse: they comprised of in-depth interviewees, focus group discussion, and key informants	Strict adherence to ethical requirements
<b>Research instrument</b>	Non-probability sampling was used to select participants purposefully	Three data collection methods were used consistently	Sampling interview's questions were semi-structured for all selected participants
<b>Data analysis</b>	Thematic analysis was used following the provided steps	The researcher followed the described method of data analysis	The audit was carried out through member checking

### 6.9. Researcher's Role in this Study

In this study, the researcher was involved in interacting with the participants through interviews. The researcher was also involved in recording interviews and was the sole collector of data in this study. The main reasons for being the sole collector of data were based on the facts that the number of participants in the sample was small enough to make data collection manageable, and again the researcher wanted to personally share at first hand in the experiences of participants during their answering moments.

### 6.10. Ways of Recruiting Participants

Permission was first requested and obtained from the University of KwaZulu-Natal Ethics Committee in order to first conduct this research study ethically (See Appendix E). Permission was also requested and obtained from DCS Management (See Appendix F & G). After obtaining permission two meetings were arranged with the provincial DCS, in order to explain the purpose of the study to management and to ask permission for secured venues that were going to be used for the interviews. During the second meeting, permission was sought from the sampled officials and offenders. The purpose of the meeting among others was done to alleviate doubt and fears among the participants. Participants were also made aware that participation in the study was voluntary and they may withdraw from the study at any time if they wished to do so. Thereafter the purpose of the consent form that they had to complete was also explained to them.

## 6.11. Data Analysis

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

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

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

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

Thematic Analysis gives an opportunity to understand the potential of any issue more widely (Marks & Yardley, 2004). Namey et al., (2008, p. 138) stated that:



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

Thematic analysis is considered the most appropriate for any study that seeks to discover opinions and perceptions. It is used to analyse classifications and present themes (patterns) that relate to the data. It illustrates the data in great detail and deals with diverse subjects via interpretations (Boyatzis, 1998). Good qualitative research needs to be able to draw interpretations and be consistent with the data that is collected. With this in mind, thematic analysis is capable to detect and identify factors or variables that influence any issue generated by the participants. Therefore, participants’ interpretations are significant in terms of giving the most appropriate explanations for their behaviours, actions and thoughts. This fits in well with the features that are involved in the process of thematic analysis (Hatch, 2002).

There are five steps ranging from the specific to the general that were followed to perform the thematic analysis of the data in this study. These steps involved multiple levels of analysis (Creswell, 2009). It is very important for the researcher to follow all steps to analyse data. The process starts when the analyst begins to notice, and looks for patterns of meaning and issues of potential interest in the data, this may be during data collection. The researcher, through these steps, shows the importance of being familiar with all aspects of the collected data. The steps are discussed to indicate their relevance to this study.

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

✚ *The second thematic step:* involves going through the entire data in order to get a general sense of the ideas expressed by the participants. Verbal data that have been

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

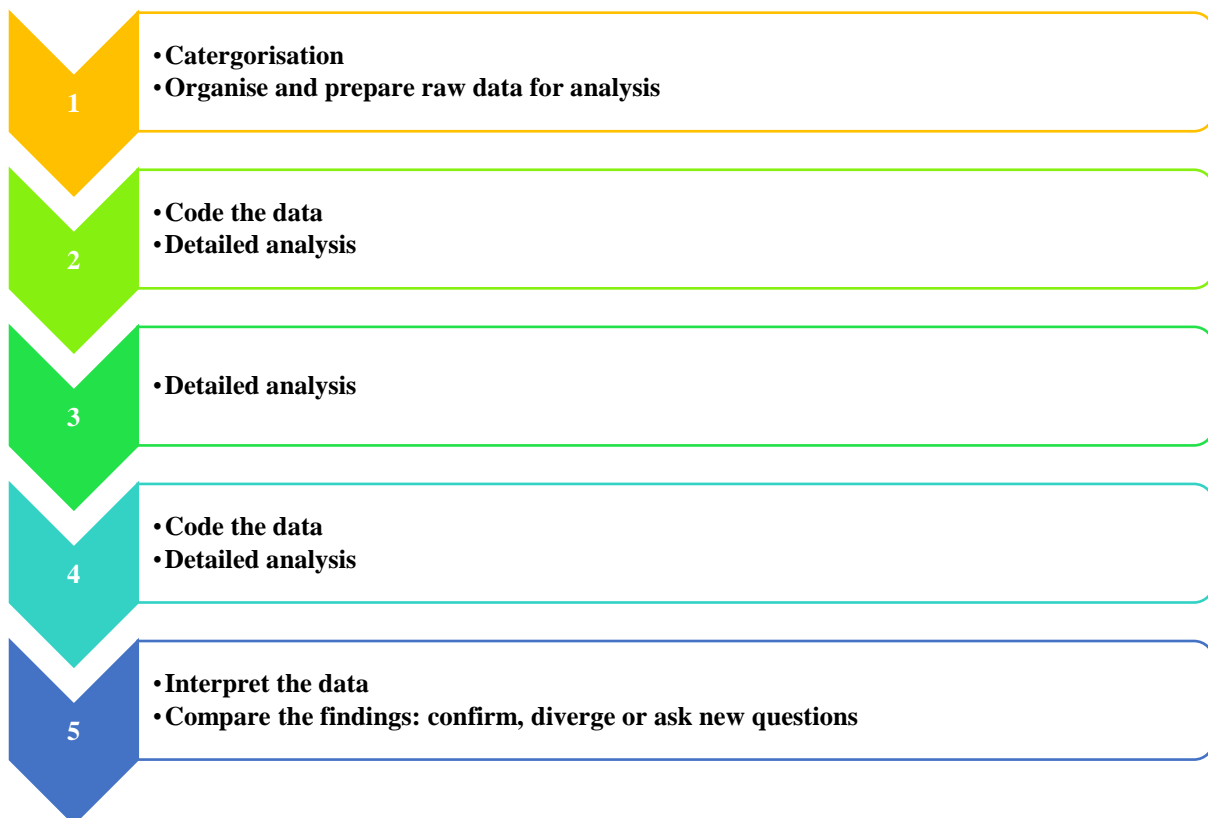
✚ *The third thematic step:* is undertaken through a process of coding, which plays a major role in thematic analysis (Liamputtong, 2009). The process of coding is part of analysis, as the researcher is organising raw data into meaningful groups. However, the researcher coded data differ from the units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

✚ *The fourth thematic step:* Thematic analysis involves the integration and summary of data through mainly inductive reasoning (Leedy & Ormrod, 2005). It is in this phase that theories that describe and synthesised relationships among the categories will be offered. It is also in this phase that the data will be packaged in the form of themes (Creswell, 2009).

✚ *The fifth thematic and final step:* involves making an interpretation or understanding of the data (Creswell, 2009). During this phase, the researcher made comparisons of the findings with data gleaned from both the reviewed literature and the theories underlying

the study. It was important to constantly find out whether the findings confirmed or diverged from the literature and theoretical framework. The findings may, in addition, suggest new questions that need to be answered from both the theoretical exposition and the literature review. New questions may suggest answers requiring the development of new theories that may best respond to the present context of the case investigated.

In summary, the five steps applicable to the interpretive thematic analysis of data can be diagrammatically represented as in *Figure 4* below.



## 6.12. Procedures Used in Accessing the Study Population

The researcher made preliminary visits to the selected site, WCC, which is the selected correctional centre in the demarcated area of study. The aim of these visits was to inform the management of the correctional centre about the purpose of the intended research and to apply for permission, and also to answer any questions they might have had concerning the anticipated study. After getting permission, the selected participants were also provided with information about the purpose of the study and to get their cooperation as well. All the information was imparted in languages understood by both the selected offenders and the correctional officials (IsiZulu & English).

### **6.13. Ethical Aspects**

It is important to highlight firstly the importance of ethics in research. As indicated by Maree and van der Westhuizen (2013), ethics in any scientific study concerns itself with what is wrong and what is right in the conduct of research. Strydom (2009), on the other hand, explain the term ethics as a set of moral principles guiding behaviour of an individual or group, over others.

Ethical approval was obtained for the study *HSS/2057/016D* (See Appendix E), from the Ethics Committee of the University of KwaZulu-Natal. Ethical clearance was also obtained from the National DCS and from the management of the selected correctional centre (See Appendix F & G).

The following ethical considerations were adhered to in the case of the present study:

#### **(i) Informed Consent and Voluntary Participation**

Strydom (2009, p. 59) indicates that “obtaining informed consent implies that all possible and adequate information on the goal of the investigation, the expected duration of the participants involvement, the procedure which will be followed during the investigation, the possible advantages, disadvantages and dangers to which participants may be exposed as well as credibility of the researcher be rendered to potential participants”. All the participants in the study were informed about the objectives, procedures, including the duration of the study. The briefing sessions were followed by the completion of consent forms. For the purpose of the study, the aims and objectives of the research were clearly communicated, so as to give them choice to participate or not, even the choice to withdraw any time during the interviewing process without fear of any form of threat and or intimidation.

#### **(ii) Privacy, Confidentiality and Anonymity**

Every individual has the right to privacy and it is his right to decide when, where, to whom and to what extent parts of his private life can be revealed, (Strydom, 2009). In this research study firstly the interviews were held in secured rooms away from any form of distractions, with privacy afforded to all participants. Also, participants were assured of confidentiality, in that their information was not to be revealed to any third party. The answering was anonymous in that no real names were used. For the purpose of the research, information obtained from the participants is to be kept as confidential as possible for a stipulated period of time. All tools utilised to gather information will be destroyed after consolidation of information. This will be

done for a simple reason which is to curb a situation whereby information received is not traced back to individual participants.

**(iii) Protection from Harm**

According to Babbie (2007), as cited in by Strydom (2009), the fundamental ethical rule of social research is that it must bring no harm to participants. In the case of this research study, participants were not harmed in any way, be it physical and psychological. Debriefing sessions were held at the end of the interview session in order to rectify any misrepresentation which might have arisen in the minds of some participants. The researcher at all times strived to be honest, respectful and sympathetic to all the participants in order to avoid exposure to undue physical and psychological harm.

**6.14. Conclusion**

This chapter discussed the methodology and pragmatic qualitative research design, using a case study. The WCC was used as the research field to justify how the design fitted the data collection and analysis methods selected. Purposive sampling technique was used to select a sample of 50 participants and the procedures used in accessing the study population were discussed. Research instruments and methods such as interview guides, focus group sessions were also deliberated. Data collected were analysed with thematic method using the iterative analysis technique. The chapter also discussed how data were checked for trustworthiness (reliability and validity), and how the ethical issues were addressed. The next chapter focusses on data representation, analysis and discussion.

## **CHAPTER 7**

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

#### **7.1. Introduction**

This chapter presents, analyses and discusses the findings of the study. The aim of the study was to investigate the DCS approach to offenders' rehabilitation at the WCC. The findings of this study are presented and discussed as per the objectives of the study. In Presenting, analysing and discussing the research findings reference was made from time to time to literature review and theoretical framework as provided in section A of this study.

The chapter is divided into the following: biographical data of in-depth interviewees on aspects of age, marital status, educational level, and employment status, type of crime committed and religious affiliation of participants. Thereafter, the biographical data of the key informants are presented. Narrative data analysis and discussions then follow under different emergent themes with sub-themes in order to analyse and interpret the data.

#### **7.2. Demographic Details**

The demographic data of the respondents who participated in this study are presented hereunder. According to Patton (2002), demographic information refers to socio-economic characteristics of a population, such as age and gender. For the purpose of this study, the focus is on age, level of education, marital and employment status, type of crime committed, and the total number of years sentenced to custody, and religious affiliation.

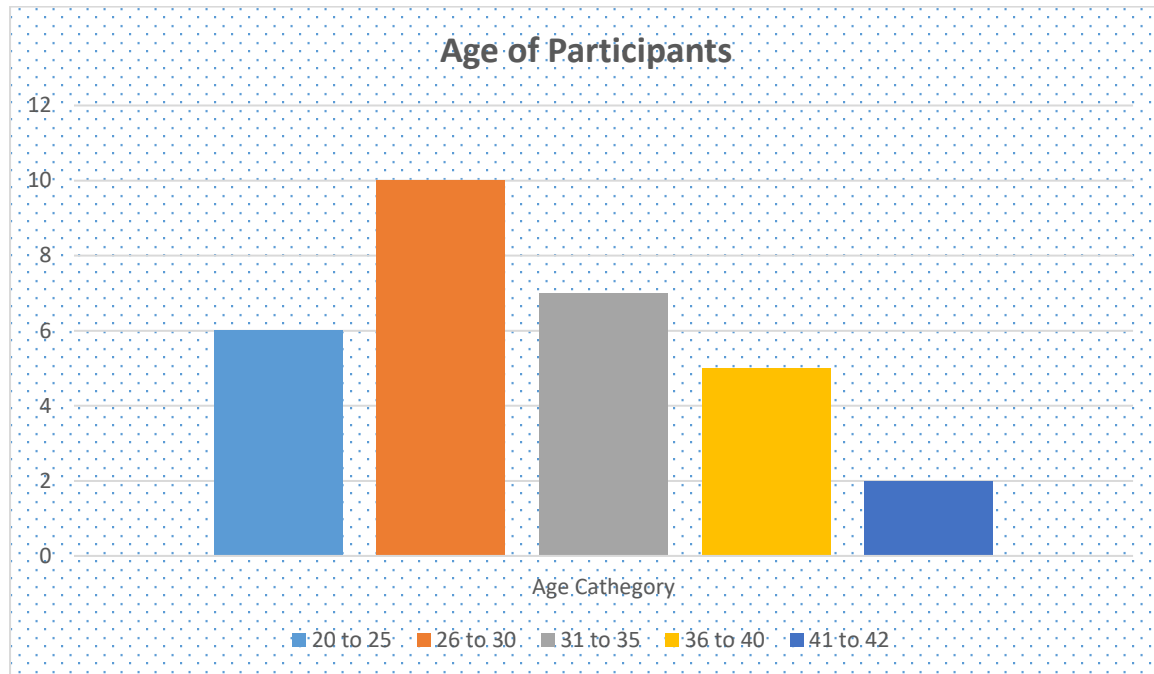
##### **7.2.1. In-depth Interviewees**

###### **(i) Age of Participants**

From the in-depth interviewees, 23 (77%) from a total of 30 of those participants fall within the age range 20-35 years (*See figure 5*). The age category of participants is indicative of the fact that the most heinous and serious crimes in South African communities are committed by young people still in their prime years. This can be linked to the findings by the Department of Correctional Services (2012) which revealed that the youth of South Africa has over the years been marginalised. This, combined with the slow growth in the job market, has contributed to the creation of a large pool of young people who are at risk. All these provided factors, the

findings further revealed contributed towards a profile of the actual and potential offenders in South Africa which constitute of, predominantly: black young males, from very disadvantaged communities.

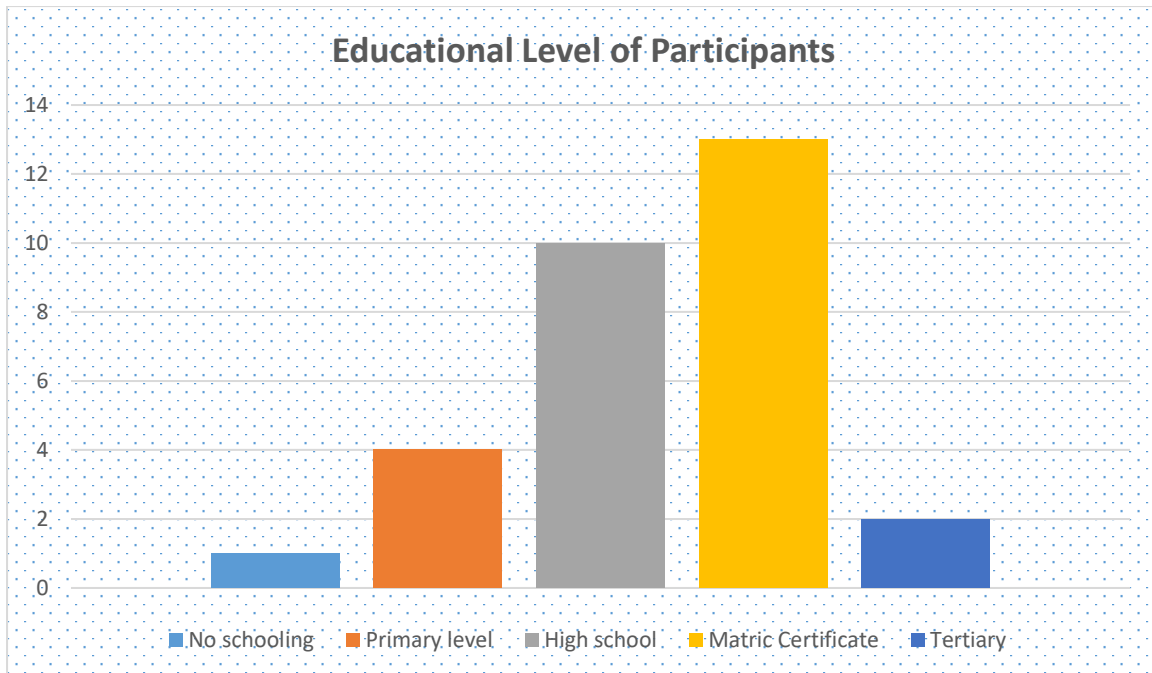
**Figure 5: Age of Participants**



**(ii) Level of Education**

Figure 6 below demonstrates that two (2) participants have a tertiary qualification, thirteen (13) participants have obtained high school qualification (meaning that they have passed their grade 12), ten (10) participants did not finish high school, four (4) attended only primary school and one (1) never attend any school. About six (6) participants indicated that they acquired their formal schooling whilst incarcerated, based on the privileges, opportunities and motivation afforded to them at the correctional centres. Literature also revealed that over the years, DCS has not only recorded a “satisfactory pass rate among offenders writing educational examinations but there has also been an increase in the number of full-time correctional centre schools from one in 2012 to fourteen in 2017. Of those who registered for Grade 12 in all existing correctional centres in South Africa in 2014 their overall pass rate increased from 58.8% in 2013 to 68.9 % in 2014 with an all-time record of 185 offenders sitting for the examinations” (Mhanga & Wolela, 2016, p. 16).

**Figure 6: Educational Level of Participants**

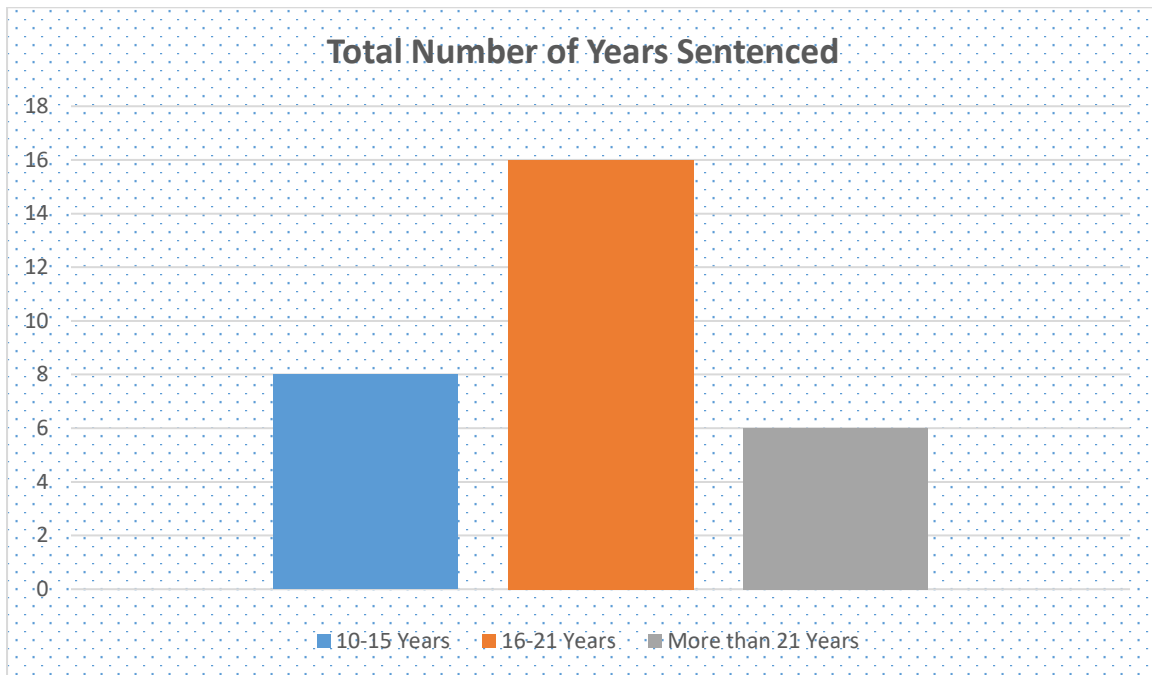


**(iii) Total Number of Years Sentenced and Type of Crime Committed**

Figure 7 below indicates that 8 participants are serving a maximum sentence of between 10 and 15 years, 16 participants were sentenced for 16 – 21 years and 6 serving 22 years and above which include life sentences. Much as all the participants are those in maximum prison, the number of years in custody is determined by the nature of crimes committed. The majority of these sentenced offenders are serving sentences for aggressive crime, followed by economic offences, such as fraud and theft. These crimes are then followed by sexual offences. The South African Police Services National Crime Statistics (2016/17) equally confirms that contact crime in South Africa has been the biggest contributor to the total number of reported crimes (36%) during the 2016/17 financial year. This broad category includes: “murder, attempted murder, sexual offences, assault with the intent to cause grievous bodily harm, common assault, common robbery and robbery with aggravating circumstances” (South African Police Services, 2016/17, p. 12). These findings imply that violence and aggressive crimes are endemic in the South African situation. The long term of 22 years and above can also serve as demotivation for inmates from participating in rehabilitation programmes.



**Figure 7: Total Number of Years Sentenced**



**(iv) Religious Affiliation of Participants**

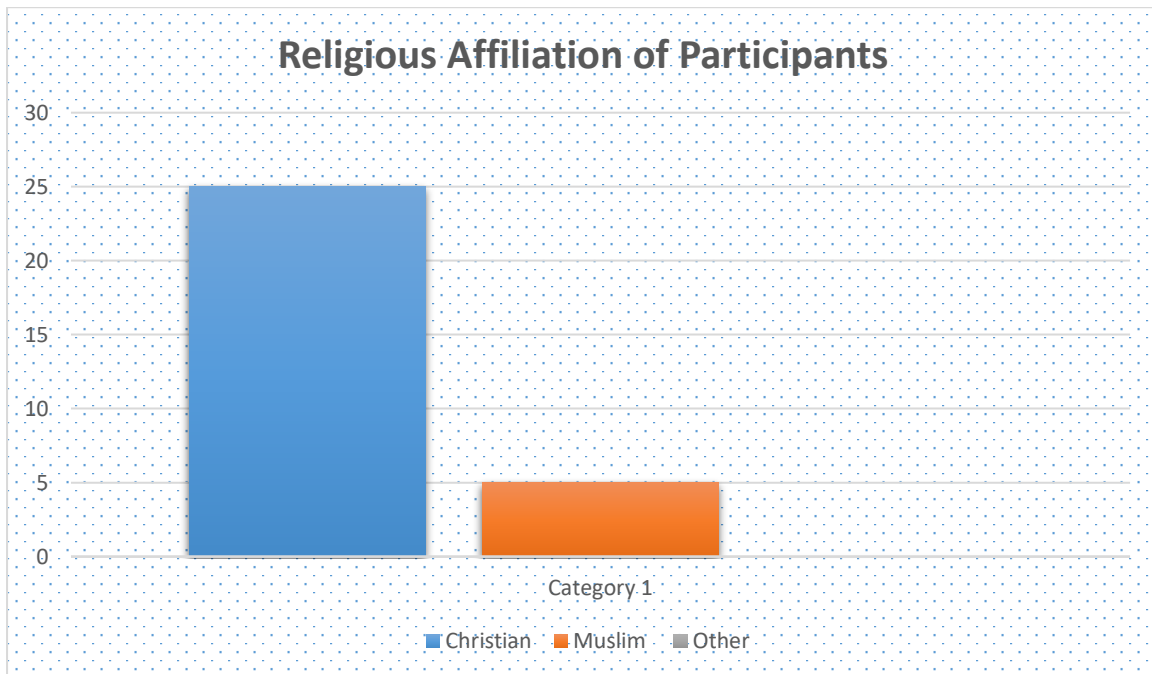


Figure 8 above indicates that the majority of participants are affiliated to the Christian religion with only 5 participants are Muslims. One can be born within a family practising a particular faith with a member of that family becoming a follower not by choice but by birth, resulting in

the practices and lifestyles not being adhered to and not followed. In the case of this study, most affiliates openly indicated that they revived their spiritual beliefs and position whilst incarcerated, meaning that it is not only about what their families affiliated to, but instead their own personal stand based on personal convictions.

Literature confirmed that indeed in the year 2007 in most correctional centres in South Africa spiritual sessions (51%) had by far the biggest attendance in terms of participation by offenders (Cilliers & Smit, 2007). Literature further indicated that the methodology adopted and used for rehabilitation in this programme account for its popularity. For instance, offenders' personal spiritual needs receive attention in individual sessions and small group meetings. During such meetings also, specific focus is laid on the offender's experience of their conviction, their adaptation to life in the correctional environment and the process of leading them to a life free of criminality. Attention and support are also provided in the recovery and maintenance of the offenders' view of themselves, their relationship with their families, and in their relationship with friends.

### **7.2.2. Key Informant Interviewees**

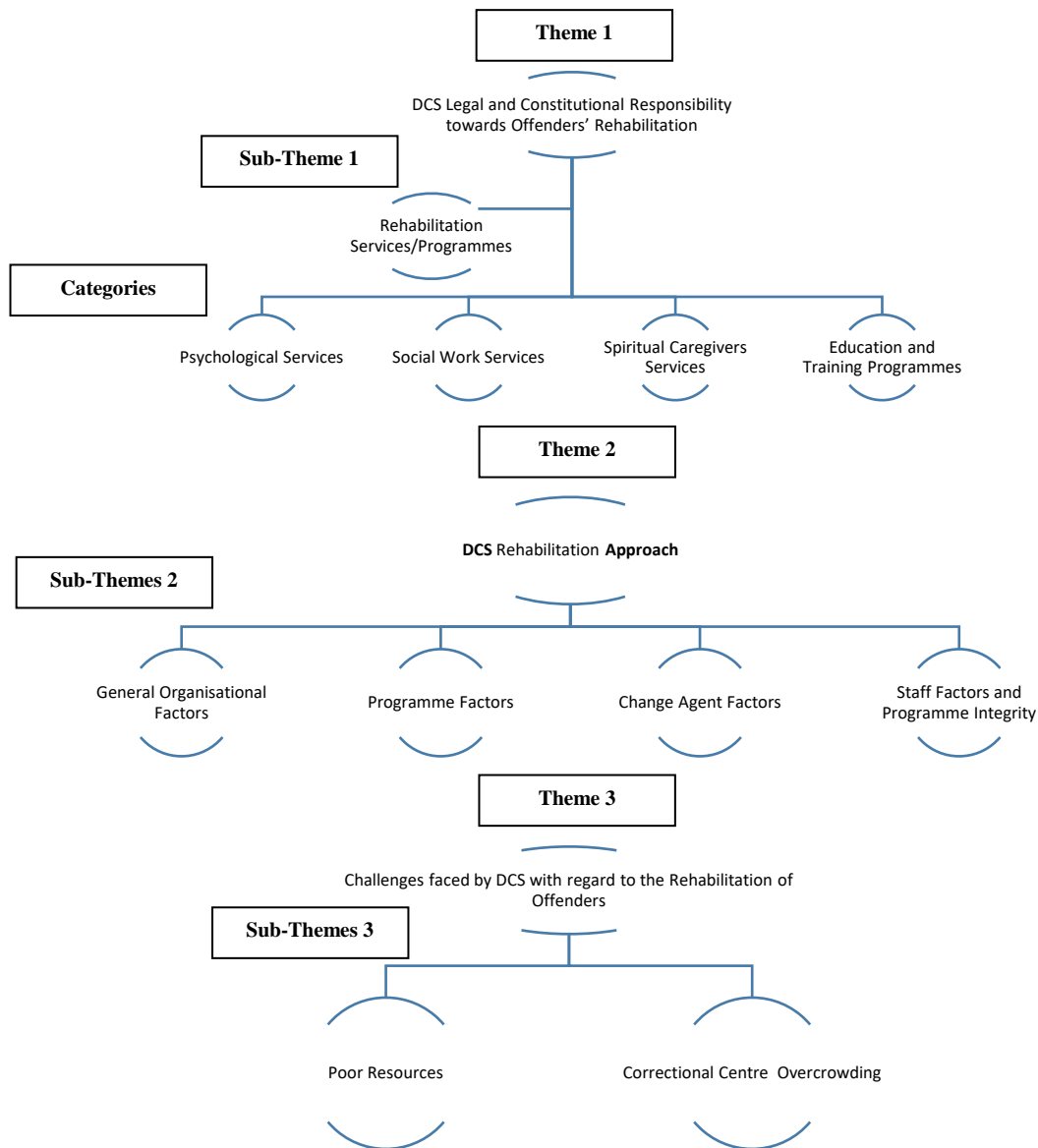
In this study, key informants were correctional officials/officers and are the most significant individuals in the life of the inmate. They have an influence in either improving or lessening the success of the different types of rehabilitation programmes that a prisoner is expected to attend (Matetoa, 2012). Literature indicates that correctional officers worldwide are trained in two separate methods that fluctuate between punitive and promoting rehabilitation. They are expected to make sure that security is maintained and at the same time be in a position to be responsible for changing the behaviour of offenders constructively through rehabilitation (Greineder, 2013). According to the South African White Paper on Corrections (2005), a correctional official has to exemplify the values of the DCS as she or he is the one who facilitates the rehabilitation process of offenders and also has the responsibility of serving with quality, a principled way of relating to others and above all a just and caring attitude.

### **7.3. Data Presentation and Analysis**

In this study, themes were generated from the data collected under each research objective. The study generalised answers for the reason that almost 90% of participants agreed or said the same things. Data presentation of this study were coded firstly in groups, then compared with

other groups that helped to develop final themes (*figure 9*). The participants' views are indicated as “**iDI**” in the case of the in-depth interviewee, “**KI**” in the case of the key informant and “**FG**” in the case of a focus group.

*Figure 9: Summary of Themes and Sub-themes*



### 7.3.1. THEME 1: DCS Legal and Constitutional Responsibility towards Offenders' Rehabilitation

According to the South African White Paper on Correction (2005), rehabilitation has to be seen not only as a technique to avert crime, but instead as a complete phenomenon combining and encouraging, social responsibility; social justice; active participation in democratic activities; strengthening with life-skills and different abilities; and a contribution to improving South

Africa as a better place to live in. Rehabilitation is accomplished through the conveyance of main services to offenders, together with both correction of the offender conduct and the improvement of the human being involved (Matetoea, 2012).

The emphasis of this first theme was to find out if the DCS approach is in line with the South African White Paper on Corrections as regards to offenders' rehabilitation. The White Paper on Corrections in South Africa represents the fundamental break with a past archaic penal system of apartheid era and ushers in a start of freedom where prisons become correctional centres of rehabilitation and offenders are given new hope and encouragement to adopt a lifestyle that will result in a second chance towards becoming the ideal South African citizen.

### **7.3.1.1. Rehabilitation Services/Programmes**

#### **(i) Psychological Services**

Within the South African correctional system, psychological services are offered by the Directorate of Psychological Services to ensure the emotional wellbeing of offenders. Various programmes are designed considering the needs of offenders. According to **KI5**:

*“Psychologists in the DCS deal with psychological substance to offenders, the role is twofold: to offer mental health services to assist them to adjust in prison... but also on the rehabilitation side. To look at their crimes, to look at offending behaviour, to do a risk assessment of that and to offer therapeutic services. So, the role is twofold: we help them to adjust here and also look at their crimes; look at their offending behaviours, gain more inside to their crimes, look at relapse prevention, how can we prevent it to happening again. That is the broad thing”.* **KI5**

The primary responsibility of psychologists in the DCS is the management of a psychological/mental health programme where the offender is assisted to adjust in a correctional centre, learn new coping skills and to prevent re-offending behaviour. In all cases, the most appropriate therapeutic technique is determined by the individual needs of the offender, probationer or person under Correctional Supervision. However, according to **KI3**, there are only 2 psychologists in charge of all the inmates in Medium B at the WCC:

*“... we only have 3 psychologists for the entire management and in this prison itself, we only have 2 for 3000 offenders. It is tuff, it is very tuff.”*

Based on the information from **KI3**, there are 1500 offenders for every psychologist within Medium B correctional facility at the WCC. Also, according to **KI3**, this huge ratio between

offenders and expert assistance places a huge burden on the rehabilitation of offenders at the WCC:

*“...the Department is well aware about the shortage of the staffs, they are well aware of it, but I think also beside psychologists it is also a general shortage issue which impact, you know, at rehabilitation...and the DCS could be one of the reasons of recidivism because of that shortage of staff...”*

**KI3**'s evidence is in line with the research done by Matetao in 2012. In his findings, Matetao (2012) confirmed that the South African DCS is confronted with staffing challenges when it comes to specific careers within the broader correctional staff: social workers and psychologists fall under the top vacant positions. Traditionally, rehabilitation is seen as the duty of these professions, and the high vacancy rates disturb the facilitation process of rehabilitation and of gearing the activities of the DCS toward rehabilitation. According to the founder of the GLM theory of rehabilitation Ward and Steward (2003, p. 35):

*“...the therapist (psychologist) helps each offender to construct a highly individualised good life plan. This plan consists of the distinctive conditions that are likely to lead the individual toward happiness, good life, and well-being. Following such good life plan is also likely automatically to eliminate or modify commonly targeted dynamic risk factors which are criminogenic needs”.*

According to Correctional Services Act 111 of 1998 (as amended), the DCS is committed to offering psychological services to all offenders with the aim of improving their mental and emotional wellbeing. However, according to **KI3**, due to a lack of human resources and scarcity of psychologists at the WCC, all sentenced offenders cannot receive psychological treatment:

*“...so basically as psychologist, you cope by prioritising your work, what is your priority, you work according to your plan, according to the referring, according to the needs... you prioritise the cases that need to be seen.”* **KI3**

According to **KI3**, Psychologists mainly attend to the following target groups: *“Suicide risks, court referrals, persons who have previously received psychiatric or psychological treatment and /or who are mentally ill, youth and females, aggressive and/or sexual offenders, and Persons who request to see a psychologist”.*

When asked if all these targeted groups of inmates attend their services (especially sexual offenders), **KI3** responded that some of the cases are referred to social workers and to other officials.

*“...they all don’t go to our services, the social worker is here as well. Social workers also do sexual offender programmes, correctional programmes; you got Correctional Officers who do specific programmes, they have their own sexual offence programmes as well...not everybody has to come to us.”* **KI3**

However, making social workers and correctional officers to perform psychologists’ duties impact negatively on the rehabilitation of offenders. It impacts negatively on the rehabilitation of offenders because only psychologists (not social workers or correctional officers) within the Directorate of Psychological Services ensure that offenders are diagnosed and evaluated by means of interviewing, psychometric tests and observations. The application of basic and applied psychological science or scientifically oriented professional practice by psychologists enable the proper classification, treatment and management of offenders. Its goal is to reduce the risk of offender misconduct and thus to improve their rehabilitation and reintegration into the community.

## **(ii) Social Work Services**

The Directorate of Social Work Services offers professional services to offenders by means of professional social workers. These services include therapeutic, informative, supportive, crisis intervention, development, administrative, assessment and evaluation services (Department of Correctional Services, Undated). The Core function of Social Work Services is to assess the offenders and provide needs-based programmes and services in order to enhance the adjustment, social functioning and reintegration of offenders back into the community.

At the WCC, social workers regard their role as vast and crucial. Most participants viewed their role as social workers relating to empower offenders with social life-skills and to help them solve peacefully their own problems. Social work services help offenders to reintegrate successfully into society once they are released. Casework, group work and community work are the methods used to implement social work services.

This research study discovered that at the WCC, social workers have offices, computers, telephones and other important stationeries; however, the overall sentiments expressed by key

informants is that the working condition is poor especially in relation to the facilitation of group work sessions. This sentiment was expressed by **KI8**:

*“...we have small offices which are not conducive to group facilitation. In most situations, we have to improvise to be able to render services, for example by using a chapel for a group session even though it is not suitable for this activity due to the setting that cannot be changed and offenders having to sit behind one another”.* **KI8**

It appears as if, due to the small spaces, group work is a challenge, but individual sessions can be conducted since they do not require a lot of space. To facilitate group work sessions, a social worker needs a room where chairs can be arranged in a circle so that the participants can maintain eye contact with each other.

The importance of the physical setting for group work is also accentuated by Toseland and Rivas (2011) who state that the social worker should pay attention to the total effect of the physical setting on a group's ability to accomplish its tasks. Furthermore, group workroom should not be too small, so that the space between members is not too small, and not too big to the extent that it puts a too much physical distance between members, who may then lose interest in being part of or participating in the group (Toseland & Rivas, 2011).

Key informants also asserted that there is overcrowding at the WCC, and this does not create an environment at all conducive to rehabilitation. This leads to a higher workload for social workers and a strain on resources. This was clearly stated by **KI7**:

*“...in this facility [medium B] the last time I checked we had 3900 inmates...and in medium B it is about 13 social workers but I will say about 3 of them are on supervisory services. But the other 10 are mostly production...and it is very difficult because even our standards you know, we have our standards as social workers...each social worker, the production worker he supposed to have at least a case of about 240 per year, 240 cases per year and you find that we can't... we are unable to cope with the number we are having, I don't want to lie... we can't cope because we have a lot of admissions and it makes rehabilitation very difficult because we have a lot of cases to attend to...”.* **KI7**

The issue of overcrowding is also accentuated by Van der Westhuizen and Lombard (2005), who maintain that correctional facilities in South Africa are overcrowded, and one way of dealing with this is for less serious offenders to be re-integrated into communities.

Furthermore, **KI7** also voiced their concern about their own security, which is always compromised and this impact negatively on their services. These findings are reflected in the quotation below:

*“...you know we work in a security environment, it is dangerous environment and more social workers are females, all the thirteen I told you, we have no male whatsoever. So, because we females we are at a risk of maybe umm umm umm being stabbed or anything and besides that all these are males who have committed serious crimes outside. They are not angels and the shortage of staffs u know... expectation is that each offender comes with a custodial official but because of shortage of members, it doesn't happen you know. We tried, we have registered almost all the management meetings about that but nothing seems to change...but we have to work, we have to continue our work. So, that is the problem. You are working, you are afraid even though you supposed to render a service that is satisfactory to offender but you are afraid. You fear for your life...”. **KI7***

### **(iii) Spiritual Caregivers Services**

Religious or spiritual care is a voluntary service aimed at contributing to the change in the offender's anti-social behaviour. The spiritual care programmes are offered during large or small group sessions and personal interviews. The communal experience of faith is the focus, especially in the context of the larger group gatherings. Offenders' personal spiritual needs receive attention in individual conversations and small group meetings led by the chaplain and/or spiritual workers (Africa Check, 2017). During these meetings and with the aim of rehabilitation, the specific focus is on the offenders' experience of their punishment, their adaptation to life in the correctional environment and the process of leading them to a life free of criminality.

Spiritual caregivers and inmates who participated in this research were very clear about their high regard for spiritual caregivers' services at the WCC. One spiritual caregiver who participates in **FG2** stated both his commitment to chaplaincy and his pastoral concern for inmates:

*“ Everybody of us, I think, would have to say we love what we are doing...we want to show people that these prisoners are worthwhile ...we integrate the religious ethical principles of love and compassion into the penal system which make it more human and conducive to the growth and rehabilitation of the inmates...we do advocacy for justice and humanness in prisons and provide support to people inside jail...”**FG2***



*“...chaplains are a symbol of morality and humanity in the prison environment...prison chaplaincy provides a distinctive form of care and support which differs from that of psychologists and social workers...”*. **FG2**

Chaplains generally view prison pastoral work as their mission and calling to serve the forgotten and less privileged in penal institutions. **FG2** data is in line with existing literature that sees pastoral care, the provision of religious services and spiritual support as the core contribution of chaplains. According to Akih (2017, p. 228):

*“...chaplains regard these services as valuable, not only to themselves who perform these duties but also for those who receive them. They stressed that spirituality and religion touch the core of a person’s humanity. That is why it is particularly important in the context of prisons where people have often already lost their humanity when they enter into the system, or the system contributes to their losing their humanity in prison...”*

Key informants in this study expressed, in some way or another, the privilege of being in a position to contribute on this deep level to the lives of people in dire need for forgiveness and rehabilitation. They also acknowledge that their work is difficult and draining.

Some key informants, for instance, were not content with the way that some prison officials taunted inmates when trying to attend approved spiritual caregivers’ services. These key informants noted an attitude of deliberate lethargy by certain prison guards in restricting or denying prisoners access to approved chapel occasions, as **KI10** related:

*“...the official would just sit there reading his newspaper while prisoners queued waiting to attend chapel. Attendance at chapel way have already been approved but some official would decide to change the rules as a personal form of retribution and self-authorised power...”*.

**KI10**

The denial of human rights, by preventing inmates attending religious worship for no legitimate reason, would be considered a deliberate breach of the 2005 White Paper on Corrections that refers to the United Nations Standard Minimum Rules for the Treatment of Offenders that stipulates: *“access to a qualified representative of any religion shall not be refused to any prisoner...so far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the [corrective] institution...”* (United Nations Standard Minimum Rules for the Treatment of Offenders, 1955).

Furthermore, according to **KI10**:

*“The contribution of prison chaplaincy should be recognised by the Department to a much greater degree than is currently the case. It has the potential to help the correctional institution reach its rehabilitation institutional goals because it makes a spiritual, missionary and pastoral contribution to the lives of vulnerable people in custody to enrich their lives, build their sense of self-worth and guide them to find hope for a better future.”* **KI10**

The **FG2** identified several factors with regard to the improvement of inmates to better participate in chaplaincy service and to better assist both prisoners and the correctional services. The majority of chaplains recognised and affirm the need for inmates upon entry into the WCC to be introduced to the spiritual caregivers’ services to facilitate their rehabilitation. One of the respondents stated that:

*“...chaplains will be able to explain and define their role to prisoners upon entry and prisoners will be able to know that there are people here for them, somebody who cares about them and wants to help them rehabilitate”.* **FG2**

Furthermore, another participant added that:

*“We, as spiritual caregivers, are able to find out any initial spiritual and emotional needs’ of prisoners which will help them settle into the system and this will help the correctional service to function smoothly...spiritual caregivers are able to assess whether prisoners have immediate family communication needs, for example, the prisoner’s family may not be aware of their relatives’ incarceration, and thus the chaplain can inform and provide support to both the prisoner and the family...”* **FG2**

According to the literature, chaplaincy provides an opportunity for prison inmates to find forgiveness for the crimes and offences they have committed, and to rehabilitate themselves and their lifestyle while in custody. Chaplaincy services can also help to improve the life of inmates which is in line with the GLM principles on rehabilitation. The GLM takes a more holistic and constructive approach to rehabilitation, through enabling offenders to live better lives. The foundation of the GLM lies in its emphasis on the achievement of a life characterised by emotional well-being, which is dependent on securing primary human goods: actions, states of affairs, characteristics, experiences, and states of mind that are intrinsically beneficial to human beings and are sought for their own sake. One of the major goals of GLM is helping

offenders to build capabilities and strengths in order to reduce their risk of re-offending as it is the case with spiritual caregivers' services in correctional centres.

#### **(iv) Education and Training Programmes**

The WCC has the infrastructure available by means of which education and training programmes are offered to offenders. The intention is thus to contribute to the rehabilitation process of the participating offender. According to the White Paper on Corrections (2005, p.62): *“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”*.

The WCC has different training programmes as stated by **KI1**:

*“...we have AET [ABET] programmes, AET is Adult Education and Training Programmes from Pre-AET to level 4. Pre-AET is for those who can't read and write...and then we have here, as it is an adult centre, we have grade 12 but they study part-time...and then we have skills programmes. Under skills, we have TVET which is the colleges training and vocational education programmes and skills which has short courses and long courses. And we have tertiary education students, they register with UNISA [University of South Africa] and these other colleges...”* **KI1**

According to the White Paper on Corrections (2005), the objectives of the training programmes offered to sentenced inmates are, firstly, to develop their market-related labour potential with the purpose of being productively utilised either during incarceration or in the external labour market after release. Secondly, they are aimed at equipping the inmate for resettlement into the community to lead an honourable, self-supporting and decent life after release from prison.

In this study, offenders at the WCC were able to identify and voice their basic rehabilitation programmes in order to optimise rehabilitation. Findings revealed that skills development programme is the top priority rehabilitation need by offenders at the WCC. Offenders were of the opinion that teaching them some skills will prevent them to commit crimes once they are released, as it is evident from some of their perceptions, for example in **FG1** one of the participants stated that:

*“It is good to have knowledge, education provides such knowledge no one can take away from you. If you are educated you will be able to survive without committing crimes regardless of one’s employment status”.* **FGI**

Although skills training was identified as the priority need by both offenders and officials, most of the respondents did not participate in any of the skills training activities at the WCC. In a study on offenders’ rehabilitation in South Africa, Baumgardt (2013) found that the majority of offenders do not attend any skills development training. Six years later this finding is confirmed in the current study, which indicates that there is little progress made by the DCS concerning the provision of skills training to offenders. Findings show that some offenders have a desire to develop themselves, but it is impossible because these opportunities are currently lacking due to the limitation of resources and lack of skilled staffs at the WCC as indicated by the following quotes from some key informants:

*“The first challenge is the resources, sometimes you find that classrooms are not enough and in some other cases and maybe they should be bursaries for people...”* **KII**

*“...maybe if we can find some ways to return the educationists because most of them are frustrated and they leave the Department and you find that it is those ones who are needed...we need those ones because most of the chances are under that stream. But those are the educators who don’t want to work in the Department of Correctional Services...I think the Department must find a way to return those educators with those skills, those special skills...”.* **KII**

*“A lot of our focus is on rehabilitation and also skills programme...but at the same time you can remember that the infrastructure here is not convenience in term of this facility was built purely for holding people in term of incarceration but now the time has changed...I mean you need to have the infrastructure and you need to have resources, funding and the facilities for people to train, you know, for especially with skills. But the resources are very limited”.* **KI2**

Key informants indicated that qualified educators, materials and resources that they need to improve offender rehabilitation were seriously lacking. They are expected to function as rehabilitators despite having insufficient resources, including funding. This not only gives an impression of deficiency of professionalism, but it is also demotivating to the officials.

Findings from key informants further indicated that the design and infrastructure of the WCC hinder offender rehabilitation. The WCC, like many other correctional centres in South Africa, was built many years ago and focused more on the punitive aspect of imprisonment. Later,

when rehabilitation was introduced into the DCS, the challenges created by the infrastructure surfaced.

### **7.3.2. THEME 2: Offenders' Rehabilitation Approach at the WCC**

The importance of the second theme was to investigate the practical implementation of offenders' rehabilitation approach by prison officers at the WCC and also to find out if this approach is suitable into the South African context in term of reducing recidivism. Based on reviews of meta-analytical studies of programmes implementation in correctional settings, Gendreau, Goggin and Smith (2009) compiled a list of guiding principles for successful implementation of programmes. These fall into five categories: general organisational factors; programme factors; the importance of a change agent; staffing activities and programme integrity. The researcher's investigation was based on these five categories to test the rehabilitation approach at the WCC.

#### **7.3.2.1. General Organisational Factors**

These factors concern the host agency where the programme is to be implemented. These refer to whether the host agency (in this case the WCC) has a history of adopting new initiatives, and whether it is able to put these into place efficiently. According to **KI7**, they (social workers) always come with new initiatives to facilitate and to improve rehabilitation of offenders at the WCC but it is always difficult from the management (DCS) to accept their recommendations or proposals. For example, when it comes to some rehabilitation activities, **KI7** stated that:

*"...look I honestly feel sometimes they come with programmes that are not helpful. They do give us guidelines on a certain aspect, but you know I don't think that if they come with programmes it will help us, I will rather have them ask us what we think we should be trained on to come up with it. If they do that, I think it will be much better...client [inmate] that we are servicing here is the one who tells us what we need. So, if they can hear from us and then come up with the guideline that will be much better...as social workers we have learnt to be more innovative, we design our own programmes that will suit a particular clientele..."*. **KI7**

Furthermore, the majority of key informants revealed that lack of participation in decision making affects their work negatively. This is illustrated by the following quotes:

*“Working as a case management officers I form part of the middle management where I supposed to suggest solutions to issues we are facing but often they don’t care to take our suggestions in consideration...”* **KI8**

*“...we discuss matters happening in the institution, however our suggestions to solve those matters are most of the time dismissed...but later we will be blamed for whatever is happening to offenders even if we suggested some solutions to resolve different issues faced by them...”.*  
**KI8**

According to Lambert et al. (2012), administrative factors such as lack of participation in decision making can significantly affect staff and they need to be avoided as much as possible in organisations. Drawing from the findings above it can be urged that it is important to allow employees to have an influence in matters that affect their work, as this not only helps to establish a working and practical guiding tools but will further enhance the working relationship between employees within organisations. Furthermore, no matter the position a person holds within an organisation, their input can be important in the functioning of the organisation and towards the achievement of set organisational goals (Gendreau et al., 2009). In situations where employees such as the correctional officers are snubbed in decision making, they tend to shy away, develop low-esteem and become disinterested in the work. A sense of belonging could be nurtured if only the top management could listen to the suggestions being put forward.

#### **7.3.2.2. Programme Factors**

According to Muntingh and Gould (2010), rehabilitation programmes should be based on credible scientific evidence that the methods and approach used is likely to be effective in a particular correctional setting. The South African Offender Rehabilitation Path (ORP) entails converting certain guiding principles from the White Paper on Corrections in South Africa into practice.

**Table 7: Offender Rehabilitation Path**

<b>DCS OFFENDER REHABILITATION PATH</b>	
<b>1. Admission</b>	<i>Identification and capturing of personal details; welcoming; assessment of immediate risks and needs and referral to an assessment unit.</i>
<b>2. Assessment/orientation/profiling in assessment unit:</b>	<i>Comprehensive health assessment; orientation/induction; comprehensive risks/needs assessment; profiling/ analysis of assessment outcomes; classification; development of sentence plan; confirmation of the classification and the correctional sentence plan; and allocation to housing unit/transfer to another correctional centre.</i>
<b>3. Admission to a housing unit</b>	<i>Induction and allocation of offenders to a Case Officer.</i>
<b>4. Intervention</b>	<i>Implementation of the correctional sentence plan and case review (progress, updating of correctional sentence plan and offender profile).</i>
<b>5. Monitoring and evaluation</b>	<i>Decisions are made according to the offender's progress or lack thereof. Feedback reports and reclassification.</i>
<b>6. Placement</b>	<i>Reassessment and recommendation (pre-release needs/ risks, review community profile, possible placement on parole/ correctional supervision, pre-placement report); effecting instructions/ recommendations (capture decisions/ recommendations on pre-placement profile and roll out to pre-release unit).</i>
<b>7. Allocation to pre-release unit</b>	<i>Preparation for release and reintegration; transfer offender to correctional centre closest to where s/he will reside six months prior to placement or release; prerelease assessment occurs during this phase.</i>

*Source: (Department of Correctional Services, 2018)*

According to the DCS, the noble aspirations of this process (Offender Rehabilitation Path), rehabilitation per se can only be achieved through the delivery of vital programmes to offenders, including modification of the offending behaviour and the development of the human being involved. However, based on the findings reflected in *theme 1* of this chapter: *the DCS is unable to deliver vital rehabilitation programmes to offenders at the WCC due to the deficiency of staffs and resource constraints it is facing. There is a huge deficit of psychologists, social workers and educators as indicated by KI2, KI3 and KI7.*

Furthermore, it is important to note that according to the ORP, the rehabilitation of an offender should start when that offender enters the DCS structure, and continue until a parolee is released back into the community. The intention of the ORP is that rehabilitation must be facilitated through a holistic sentence planning process that engages each offender at all levels. However, according to Herbig & Hesselink (2012), this is feasible in some correctional centres: for instance, it might work in smaller correctional centres, but not necessarily at the larger, more metropolitan centres such as the WCC because of the unavailability of considerable number of

psychologists and social workers, and the centre's overcrowding rate. This has been confirmed by **KI7** who stated that:

*"...the intention here is that the rehabilitation of offenders should start as soon as the prisoner is admitted in this facility. We supposed to assess them, do a unique profile of each offender, summarise needs, risks and intervention strategy...but because of the small number of professional staffs and a big number of prisoners we have, it is impossible to do it...sometimes we do it 3 or 5 months after the prisoner has been admitted..."*. **KI7**

According to the literature, assessment should be the first step in the development itinerary of an inmate, and the needs of the offender should be harmonised with the necessary resources to ensure maximum support (Holtzhausen, 2012). Offender's assessment is the basis for the treatment of offenders, especially on a personal level. Furthermore, Section 42(2) of the Correctional Services Act of 1998 stipulates that the case management committee must ensure that each sentenced offender has been assessed (Coetzee, 2003b). However, this goal at the WCC (based on **KI7** findings) is unfortunately stymied by capacity constraints. Offender's assessment serves as a foundation of the ORP. Missing it can mean missing foundation aspects of rehabilitation programme (Herbig & Hesselink, 2012).

#### **(i) Needs-based Rehabilitation Approach**

In South Africa, offenders' rehabilitation approach (in all its correctional centres) is centred on needs-based care approach which is aimed at maintaining the well-being of inmates and social integration. The philosophy behind the need-based care programmes resides on needs and risk assessments principles, and rehabilitation (comprising structured day programmes). It is apparent that the principles of need, risk and rehabilitation are consistent with this model's overall aims.

First, according to the need principle, treatment programmes for offenders should primarily focus on changing criminogenic needs which is dynamic offender characteristics that when changed, are associated with reduced recidivism rate. According to some in-depth interviewees who participate in the rehabilitation programmes at the WCC, programmes they are attending are helping them to become better people as stated in different quotes below:



*“The programmes I am attending is helping me to change my behaviour...I use to steal a lot....but now I learnt to be honest...” iDI15*

*“I am happy now because I am not the person I used to be...I know to be patient in life and to avoid to be a gang [member] because that was the life style I knew...I have been trained to be a better person in the society because I am tired living behind the walls.....” iDI17*

*“...I was a drug addict and I never care about my life but now I know how to put everything together...finally, I am serving the Lord here in prison...I don’t touch drug anymore...” iDI5*

*“.... when I got sentenced here I get two programmes so far...life skills and substance abused programmes...I learnt something especially from the substance abused programme...” iDI8*

Second, the risk principle is concerned with the match between individuals’ level of risk for reoffending and the amount of treatment/interventions they should receive. The assumption is that risk is a strong indicator of clinical need and, therefore, according to this principle, high-risk individuals should receive the most treatment. Those offenders displaying moderate levels of risk should receive a laser dose of treatment, while those designated as low risk warrant little if any, intervention. However, the findings in this research demonstrate that at the WCC, DCS approach on the rehabilitation of offenders is not in line with this principle:

*“...you see like here [Medium C] at the moment they got substance abused programmes, they got anger management programmes, they got economic crime from the social workers. What about the hard-core criminals who committed rape or robbery? They put all of us in these same programmes. You can’t take a person who committed rape and put him in the same programme with someone like me who committed car theft?” iDI10*

When it comes to the rehabilitation of offenders in South Africa, the literature also demonstrates that individual treatment of offenders is not the norm, and “one-size-fits-all” approach is used by the DCS (Herbig & Hesselink, 2012). This approach is against the South African White Paper on Corrections which underscore the fact that there is a definite need to introduce more individualised treatment and assessment of offenders to coordinate and facilitate effective rehabilitation efforts.

Third, the rehabilitation principle is used to refer to the use of a style and mode of intervention that engages the interest of the inmates and takes into account their relevant characteristics such

as cognitive ability, learning style, and values. Findings from **iDI10** [above] and **iDI12** [below] confirmed that rehabilitation programmes at the WCC are often not effective because they continue to focus more on process than results:

*“...before your release, they will tell you what to do [programmes to attend]. This thing was not supposed to be done like this. I can't have just a month left for me to get out of jail then you say there is something that you will teach me so quick. All along I have been here for a long time you only telling me when I am leaving...they made me do that thing [attend rehabilitation programmes] and I did it in two weeks then they released me from prison. But nothing went in my mind and that is why I committed another crime and I am back again here...” iDI12*

### **7.3.2.3.Change Agent**

A programme is more effective if it is championed by a “change agent” who is primarily responsible for initiating the programme. Such a person or institution could be an external consultant or someone internal to the organisation. The change agent should have intimate knowledge of the organisation and its staff and have the support of senior agency staff as well as of line staff members (Dissel, 2012). The change agent should be compatible with the agency’s mandate and goals and should have professional credibility and a history of successful implementation in the agency programme area.

The findings in this study demonstrate that when it comes to the rehabilitation of offenders at the WCC, the centre uses the service of the Department of Basic and Higher Education or of other private institutions to assist them with some educational and training programmes. According to **KI1 and KI12**:

*“...we have tertiary education students [inmates], they register with UNISA [University of South Africa] and these other colleges...and then the skills where they are short courses and long courses, the Department [of Education] always send us a list maybe of all the programmes that are funded by the National Skills Fund so that we recruit inmates to attend those programmes. And some other time you find that they are external service providers maybe those ones they are being subsidised to train offenders so that they get accredited certificates.”*  
**KI1**

*“...programmes and lectures in this centre [Medium B] are aimed at addressing specific identified needs or problem areas of individual cases with a view to educate prisoners and the acquisition of social skills. These programmes are presented by expert personnel of corrections offices. Where such expert personnel are not available, we always arrange for the procurement of the services of external experts...” KI12*

According to Lunenburg (2015), every organisational change (whether large or small) requires one or more change agents. The DCS always involves the Department of Basic and Higher Education and other private institutions as change agents to assist and to improve educational and training programmes at the WCC. This research discovered that the success of educational programme at the WCC depends heavily on the quality and workability of the relationship between the change agent (Department of Basic and Higher Education) and the DCS.

#### **7.3.2.4. Staff Factors**

These factors apply to the staff directly implementing the service, as well as to their managers and supervisors. Findings revealed that most of the staffs at the WCC do not understand the theoretical basis of rehabilitation programmes, and do not have the technical and professional skills to implement the programmes as stated by **iDI05, iDI06 and iDI07**:

*“...they took officials who are working here, and they made them do a course or a two weeks course and then bring them back here quickly to run programmes...they don't take professionals who studied for years to do that...these staffs don't have professional skills, not at all, not at all...they take a warden to be a therapist, to make him a person who supposed to do anger management...” iDI05*

*“...they are plenty who are working and they don't have a passion of working here...they just work here because they have a salary...they don't care about us” iDI06*

*“No. they are not trained, or I can say some of them are trained to give us, to provide us with these programmes but some of them they are just doing it. They are not properly trained to do this, to facilitate these programmes...the people who are teaching the programmes you find sometimes the passion is not there to teach what they are teaching because they don't know what they are doing...” iDI07*

In order to meet the rehabilitation needs of offenders, all officials should be equipped with the necessary skills, passion and knowledge to present rehabilitation programmes. In this study, inmates indicated that officials need to be equipped with the necessary skills to improve offender rehabilitation.

Du Plessis and Lombard (2018), also, indicated that DCS officials, in general, feel incompetent and unprofessional when dealing with the rehabilitation issues of offenders. Most of them are in possession of a Grade 12 qualification and need specialised training in order to meet the needs of the offenders in a knowledgeable and professional manner (Du Plessis & Lombard, 2018). Even though professional correctional officials, which includes social workers, nurses and educationists, are trained in their field of specialisation, specific training is needed in terms of offender rehabilitation. Staff need to completed courses in how to assess and treat offenders. These skills should include general social learning and responsively principles. In addition, Andrews (2000) suggests that staff skills and cognition should also include relationship and interaction skills.

#### **7.3.2.5. Programmes Integrity**

The broad aim of rehabilitation programmes is to transform antisocial attitudes and behaviour into prosocial ones and is achievable only if a focus is maintained on that aim. Ensuring that a programme is delivered according to the way it is designed and set out in the manuals is a critical factor for effective delivery. Findings reveal that some officials at the WCC are unable to implement rehabilitation programmes and are unfamiliar with some important concepts designed to implement and to facilitate the rehabilitation of offenders as stated in the quotation below:

*“...if you go to the unit we are staying, there is a sentence plain in our case files...you find that even the case officers in the unit they are not trained to come and address us in cells [where] we are staying about the programmes we must attend: you committed this crime, these are the programmes you must do... They are not doing that. They are just sitting in the unit doing nothing. That shows they not properly trained to facilitate, to make sure that we are aware of the programmes...”* **iDI07**

The literature states that one way of maintaining programme integrity over a number of interventions is to ensure that there is a programme manual which guides the service deliverers

in the implementation of the programme (Dissel, 2012). Official (**KI16**) revealed that there are programme manuals in each department however staffs are not sound trained in the use of such manuals and the infrastructure of the correctional centre (WCC) does not allow them to properly implement some programmes found in the manuals:

*“...we need more training of officials to properly implement some programmes...we need specialists in development of offenders and our correctional structure should be changed for housing unit. We are still utilising the structure which was designed for locking, feeding, locking...”* **KI16**

Integrity is also enhanced when there is an understanding of when the specific treatment has come to an end and when the dosage requirements have been met. This means that service deliverers and supervisors know when treatment has been delivered successfully in the appropriate dosage. Integrity thus requires that the programme is monitored to ascertain whether intermediate objectives have been achieved. However, the findings in this research discovered that inmates at the WCC were of the opinion that they have been rushed to attend programmes only when it was almost time for them to be released as stated by **ID12**: *“...they made me do that thing [attend rehabilitation programmes] and I did it in two weeks then they released me from prison....”*

A number of studies found that many correctional programmes fail to work because they are not rooted in sound criminological theory. Scholars have argued that some of the variations in effectiveness observed among meta-analyses of correctional programmes likely stems from a lack of programme integrity (Cullen, 2013; Gendreau, 1996; Duwe, 2017). Despite its importance, programme integrity has often been overlooked at the WCC. Findings show that the levels of integrity are not high, and the officials do not deliver the programme as intended with enthusiasm and commitment, and do not maintain good quality delivery. They do not maintain the style of directness necessary to encourage and sustain the engagement of inmates. According to Duwe (2017), higher programme integrity is always associated with larger reductions in recidivism.

### **7.3.3. THEME 3: Challenges faced by DCS with regard to the Rehabilitation of Offenders**

The respondents indicated that they are faced by the following challenges, which have a bearing on the services they render at the WCC, namely:

- Poor Resources; and
- Overcrowding.

#### **7.3.3.1. Lack of Resources and Overcrowding**

The United Nations International Standards of Good Prison Management (2009) states that governments have an obligation to adequately resource prison institutions if rehabilitation policies are to be meaningfully implemented. This can be in the form of budgetary allocations and donor funds to finance the running of the programmes. Additionally, Coyle (2009) emphasised that there is need to provide prisoners with adequate basic needs such as food, water, shelter clothing and facilities that are in tandem with humane treatment of offenders for the rehabilitation programmes to be well received.

Key informants who took part in this research are of the view that overall offender rehabilitation is not given the attention it deserves, since the emphasis falls more on security rather than on rehabilitation, particularly since the research site (the WCC) is a maximum-security correctional centre. As a result, prison management perceives rehabilitation as a less important service.

Furthermore, the findings of this study demonstrate that given the available specific and precise legislation on rehabilitation of offenders in South Africa, the biggest handicap and challenge is on implementation of the policy (programme integrity). Due to the shortage of resources, the implementation of rehabilitation programmes at the WCC became problematic. Limited budget allocated to the rehabilitation section has incapacitated WCC to keep pace with increased correctional centre population (prison overcrowding) demands in terms of providing rehabilitation and reform programmes as stated by **KI16**:

*“...what is here... I think it has to do with manpower...funding goes with manpower; manpower is the challenge. Manpower, rehabilitation resources and skills resources...we have all programmes, we run a 24hrs hospital in this prison... we are in a right trajectory, we just need to have manpower and resources...”* **KI16**

Literature shows that in an overcrowded correctional setting the ration of staff per prisoner declines. Overcrowding can also have a profound impact on the quality of work performed by correctional officials and the attitudes of the inmates. **KI7** stated that the WCC needs to employ more people because of the huge number of inmates incarcerated:

*“...they need to employ more people...you know what they have it is a policy; it is not reflecting on the ground. The policies are on the paper but if really I want to work according to the policy that means I will not work... I don't want to lie... we can't cope because we have a lot of admissions [inmates] ....”KI7*

The consequences of overcrowding in correctional facilities are many and have an impact on a range of services. Dissel (2012) reports that overcrowding leads also to poor sanitation in correctional centres. This affects the health of the correctional centre inmates, because the resources were designed for fewer people, and are now overstretched. This has a ripple effect, as diseases spread faster in prison. The most common diseases found in South African correctional centres are hepatitis, syphilis, tuberculosis, and HIV and AIDS. The increase in HIV and AIDS infections in correctional centre facilities has led to many deaths (Dissel, 2012). This then defeats the whole purpose of imprisonment for rehabilitation and reform. Many in-depth interviewees were of the view that there is a dire lack of infrastructure at the WCC as a result of overcrowding. Sanitation was also of concern to many participants considering the overcrowded conditions they lived in, as stated by **iDI13** and **iDI14**:

*“...the conditions here are terrible terrible terrible...the conditions are not very good here...our beds are in bad condition number one, we don't have hot water to bath here. We bath in cold water. I am not saying that we can't bath in cold water but over a period of time people are getting sick and they get TB because of the conditions ...the food is not right here...the jail doesn't give you nice uniforms. They give you old, torn uniform...you must buy your own uniforms from other people...even your beddings you have to buy it...” iDI13*

*“Honestly speaking the conditions here are bad in term of everything that supposed to happen, people don't do their jobs properly and if you got a complain it is not followed properly. But the best thing that is happening here is the hospital, if you are sick they take you to the hospital but they are only taking a very small number of inmates due to space issue....so if you sick and there is no space you must wait up until one is available...” iDI14*

#### **7.4. Conclusion**

In view of the above, the probe into correctional centre officers (key informants) and inmates' views led this study to maintain that although rehabilitation strategies are well defined in the South African White Paper on Corrections, a lot still needs to be done to improve their practical implementation on the ground. In Presenting, analysing and discussing the research findings, the researcher brought to the fore the strategies in place in the rehabilitation of offenders at the WCC, how they are implemented, and furthermore the researcher elucidated some circumstances that seriously hamper any rehabilitation programmes and the DCS's efforts to place the rehabilitation of the offender at the centre of its activities. The next chapter focuses on the summary of findings, conclusions and recommendations.



## SECTION C

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### CHAPTER 8

#### SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

##### 8.1.Introduction

This chapter focuses on the summary of findings, conclusions and recommendations of the study. The chapter preceding this covered data presentation, analysis and discussion. This chapter provides a consolidated summation and it is divided into two sections. The first section deals with the summary of the thesis including the methodological processes. The second section covers the summary of the major findings of the study, the conclusions and the recommendations made for various stakeholders who are interested to improve offenders' rehabilitation approach in South Africa. The study was guided by four research questions based on the rehabilitation approach at WCC in Durban. This chapter establishes whether the aim of the study has been achieved and whether the assumptions made at the beginning of the study have been addressed through the findings made by the study. Mouton (2001) advised researchers to look out for coherent, logical, clear and persuasive argument to validate the findings by demonstrating scholarship in their final arguments.

##### 8.2.Summary of the Research Process

This study successfully managed to yield substantive evidence from all the four research questions that guided it. The four questions and the methods used to collect data provided valid and reliable data. Data collected through interviews and focus groups were supported by other previous studies and literature selected for the study. The researcher concludes therefore that based on the empirical evidence reported, the study has achieved its purpose and objectives.

Through the use of selected approaches, strategies, methods and techniques in data collection and analysis, the study was able to obtain diverse perceptions and views from different participants mainly the officials and the inmates. The case study of the WCC provided a broad spectrum of ideas and a diversity of issues in the implementation of rehabilitation programmes in South Africa. From the data generated from this study, the researcher was able to give an overview of all issues raised during the interviews and focus groups.

### **8.3. Summary of the Major Findings**

In terms of legislation, the DCS in South Africa is responsible for the rehabilitation of offenders. The ORP prescribes how the White Paper on Corrections should be translated into practice. A central theme of this path is the promotion of corrections as a societal responsibility and the development of correctional centres into institutions of rehabilitation. This central theme is embedded in the mandate of the DCS in terms of the Constitution of the Republic of South Africa and the Correctional Services Act (Act 111 of 1998).

It was central for this research to analyse the DCS rehabilitation approach at the WCC. The above data confirm that some circumstances at the WCC seriously hamper any rehabilitation programme and the DCS's efforts to place the rehabilitation of the offender at the centre of its activities. The study, evidently and on a broader perspective, established that rehabilitation approach in South Africa is well crafted in the White Paper on Corrections but there is a huge implementation problem. This transcends into a system that is weak and has more functional challenges to achieve intended results compared to the overall objective and purpose of rehabilitation crafted in the White Paper on Corrections.

The lack of requisite skills to implement rehabilitation programmes is a stumbling block to the efficacy of the programmes in place and implementation of the rehabilitation policy. The study reveals that some correctional centre officials mandated to facilitate rehabilitation programmes did not understand the concept. Furthermore, lack of programme integrity was considered as another major weakness for the implementation of the rehabilitation approach at the WCC. Correctional centre staff members are key players in offenders' rehabilitation and reform in that they must correctly implement all the policy-defined interventions intended to assist offenders. It is clear that professional capacity within the DCS at the WCC needs to be urgently addressed if the ultimate goal of effective rehabilitation is to be achieved.

It was clear from the perspectives of key informants that offenders' assessment is a big challenge at the correctional centre under study. As a result, inmates are enrolled in programmes without proper orientation. There is no chance to identify programmes of choice for each inmate because the DCS uses the strategy of "one size fits all" approach when it comes to the treatment of offenders. This study reveals that individual treatment of offenders at the WCC is not the norm, this despite the White Paper on Corrections underscoring the fact that there is a definite need to introduce more individualised treatment and assessment of offenders

to coordinate and facilitate effective rehabilitation efforts. The importance of offender assessment is not primarily used to protect society from the offenders but to enable appropriate treatment with a focus on rehabilitation and reintegration of offenders. This is also in line with Rules 4-5 of the Mandela Rules on Rehabilitation that state that the period of imprisonment shall be used to prepare inmates for their life after prison, by offering specific programmes and minimising the differences between prison life and life at liberty.

Data generated in this study indicates that some of the approaches used in implementing rehabilitation strategies may not be well comprehended by the officers. DCS's rehabilitation approach is centred on needs-based care programmes which are aimed at maintaining the well-being of inmates and social integration. However, the issue of overcrowding at the WCC is the major factor inhibiting the successful implementation of the needs-based care rehabilitation programmes in practice. Besides overcrowding problem, the WCC structure does not allow for offices for professionals to implement the needs-based care programmes: there are no rooms for psychologists and social workers to conduct group sessions, not enough classrooms for the school section, and insufficient space for caregivers' services. As long as the DCS does not succeed in providing correctional officials with a working environment conducive to the rehabilitation of offenders, rehabilitation will remain a challenge.

Furthermore, the security focus at the WCC (because WCC is classified as a maximum-security correctional centre), to some extent, contradicts the overall objectives of reforming the offenders as it has more to do with retribution than reform, and the inmates are left more hardened than reformed. This research reveals the need to re-align the rehabilitation efforts at the WCC with the interests and unique needs of offenders for behavioural change.

#### **8.4. Conclusion**

If rehabilitation in South Africa is to have any success in reducing re-offending, then a critical review of the strategy meant to achieve this goal is required. International literature has proven that effective rehabilitation programmes can reduce reoffending and can be more cost-effective than other forms of sanctions. It is imperative that in South Africa some of the resources allocated to the DCS need to become more closely aligned to achieving the objective of rehabilitation. The strategy also needs to involve the development and use of appropriate assessment methods to determine the needs and risks of offenders. Programmes need to be developed and implemented to meet these identified needs, and offenders should be assigned on the basis of an assessment, rather than on a random assignment in order to increase the

number of participants in programmes. Programmes need more rigorous monitoring and evaluation to ensure that they are implemented as intended and that they have the intended outcome on offenders. It would be important that these evaluations, both by the DCS and civil society organisations, are published so that practitioners can learn and develop more effective interventions.

### **8.5.Recommendations**

This study identifies the following recommendations for a successful offenders' rehabilitation strategy in South Africa:

1. Rehabilitation can be effective where there is motivation among the actors in the programme. Westville Correctional Centre management should organise a number of interactive seminars with all stakeholders to motivate officials and to address issues of rehabilitation. Furthermore, there should be greater emphasis through training of correctional personnel in the aspects of offenders' rehabilitation. The available officials at the WCC can be regarded as ineffective in their rehabilitation of offenders, despite their efforts, because of a lack of the specific skills and tools that they require. If the DCS wants to create the ideal profile for the ideal correctional official, as stated in Chapter 8 of The White Paper on Corrections in South Africa, attention should be given to the development of these officials in terms of training, tertiary qualifications, provision of resources and materials, including training on new ventures in the DCS.
2. Training manuals for rehabilitation programmes must be developed. The manuals will then be used for continuous in-service training. The continuous in-service correctional training should target the correctional centre personnel and specialists. Hence, the requirement for officials to be trained for effective implementation of various strategies in line with the White Paper on Corrections in South Africa. Policies are complex to deliver; therefore, there is a need for continuous training of implementers.
3. DCS must have a responsibility to take certain measures and put certain factors in place before its vision and mission can be fulfilled at the WCC. Correctional and professional correctional officials cannot be expected to function as rehabilitators as stated in the White Paper on Corrections in South Africa when the means for doing so are not available. The design and infrastructure of the WCC, as well as the shortage of

professional correctional officials, impact negatively on the presentation of rehabilitation programmes at that correctional centre.

4. Rehabilitation requires accurate individual assessment of offenders on her/his admission to the correctional centre as stated in the White Paper on Correction in South Africa. Based on the principle of RNR, WCC officials must address the risk-need-assessment strategy the same way it is done in Norway. In addressing offender's needs, an individualised treatment programme addressing psychological, social and intellectual needs contribute to effective rehabilitation.
5. One of the key implications of the South African White Paper on Corrections is to provide education to inmates while they are under custody. This is because the majority of inmates in South Africa are uneducated. The DCS must encourage inmates to obtain marketable skills in order to break through in various industry and job market on release. Furthermore, those with a family background of poverty (as it is the case at the WCC) should be adopted into after-care programmes. Inmates from a cycle of poverty families should be noted and provided with assistance. Repeat offender programmes should focus on addressing employment-related skills.
6. Policies that deter companies (including government departments) from employing former inmates should be repealed in South Africa. The success of offenders' rehabilitation approach in Norway, Canada and Japan is mostly based on using employment as a principal key to reduce recidivism.
7. The current economic and social context, owing to the considerable rise in the cost of basic needs of sustaining a human being, imprisonment has become a high cost to the South African government. Therefore, it is recommended that a proactive arrangement must be put in place to sentence offenders. Furthermore, one of the big issues that affect negatively the implementation of rehabilitation programmes at the WCC is overcrowding. To reduce overcrowding, the South African Criminal Justice System must urgently limit the unnecessary use of correctional centres, ensuring it is reserved for serious, persistent and violent offenders for whom no alternative sanction is appropriate. Instead, more should be done to divert minor and non-violent offenders

out of correctional centre into measures which enable them to make amends for their wrongdoing and better address the problems which lie behind their offending.

8. The South African government must involve the community in the rehabilitation of inmates. In order to gain community participation, the government must engage the community through sensitisation on the rationale of imprisonment and their role. In cases where offenders have been sentenced to imprisonment, the government should avail sufficient funds for the correctional centre authorities to enable them to develop and operate programmes that would target the rehabilitation of offenders. The government should also engage and cooperate with the relevant NGOs. Civil society groups should be encouraged to visit prisons to work with offenders and assist them with pre-released and re-integration programmes.
9. It is important to raise awareness of rehabilitation of criminal offenders within society to facilitate reintegration. The involvement of volunteers is particularly notable in awareness-raising campaigns (as it is the case in Canada, Norway and Japan) since it shows that the responsibility for the reintegration of former inmates into society can be shared by all. The less obvious the segregation between the correctional centre and the outside world, the more open the outside world is in terms of helping in the reintegration of former inmates and in accepting them as full members of society.
10. The application of restorative justice programme in offender rehabilitation is supported by the White Paper on Corrections. The DCS has to integrate and to enforce restorative justice programme in its offenders' rehabilitation approach. Offenders' rehabilitation procedure must incorporate strategies that will facilitate contacts between offenders and their victims. These contacts will have healing significance for both victims and offenders.

#### **8.6.Suggestion for Further Studies**

This study is making another call like other previous studies that an urgent need to conduct a national overarching study on offenders' rehabilitation approach in South Africa with the aim of decreasing the high rate of recidivism. The following topic and issue should be raised when such studies are conceptualised:

- **Reducing the Risk of Re-offending in South Africa: What Approach Works for Whom?**

In this study, I would like scholars to discuss how offenders from different cultures may not share some of the theoretical assumptions that underpin the current offender rehabilitation approach in South Africa, potentially leading to a discussion about the cultural appropriateness of rehabilitation programmes. The main aim of this study may focus on how cultural differences might be understood in ways that facilitate the further development of rehabilitation programmes in South Africa

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## **APPENDIX A**

### **INTERVIEW SCHEDULE (Re-offender)**

#### **SECTION 1: DEMOGRAPHIC DATA**

##### **1. Age:**

- a. 18-25 years old and below
- b. 26-35 years old
- c. 36-45 years old
- d. Above 45 years old

##### **2. Gender**

- a. Male
- b. Female

##### **3. Race**

- a. Black
- b. White
- c. Indian
- d. Colored

##### **4. Marital status**

- a. Single
- b. Married
- c. Divorced
- d. Widowed

##### **5. What is the highest level of education you completed?**

- a. No school
- b. Primary school
- c. High school
- d. Tertiary education

##### **6. Employment status**

- a. Employed
- b. Self-employed
- c. Unemployed

d. Retired

**7. Who do you live with?**

a. Family

b. Friend

c. Alone

**SECTION 2: INTERVIEW PROTOCOL**

1. What influenced your behaviour that led to your first imprisonment?
2. What are the reasons for you returning back to correctional centre?
3. Describe the conditions of the correctional centre where you serve your jail.
4. What do you understand about the functions of rehabilitation?
5. Do you have an opportunity to attend any programmes?
6. If no, why do you think you are not afforded the opportunity to attend?
7. If yes, how effective is WCC in curing rehabilitating offenders?
8. Do you think the programmes address the needs of the inmates? Explain your answer.
9. In your previous sentences, did you attend any rehabilitation programmes?
10. If yes, why the rehabilitation programmes did not assist you to remain outside?
11. Do you think that staffs have the technical and professional skills to implement rehabilitation programme?
12. Do you think that staffs are supportive when it comes to the rehabilitation of offenders?
13. How confident and capable do you think staffs run rehabilitation programmes?
14. Do you think that the Westville Correctional Centre is effective in curing rehabilitating offenders?
15. What aspects would you like to be included in rehabilitation programmes offered by the Department of Correctional Services?

## **APPENDIX B**

### **INTERVIEW SCHEDULE (WCC Acting Operational Support's Manager)**

1. How long are you working at the Westville Correctional Centre?
2. What is your current rank of service?
3. Since when are you in your current position?
4. What is the average number of inmates do you have?
5. Do you have any number of recidivism at this correctional centre?
6. Which model of rehabilitation technique do you use at the Westville Correctional Centre
7. Please describe the work done by correctional officers in your correctional centre when it comes to the rehabilitation of offenders?
8. Do you have sufficient staffs to render rehabilitation programmes to offenders?
9. Have your staffs attended any refresher course, further professional training or professional seminars in the course of their job (offenders' rehabilitation)?
10. Do you think that staffs have necessary time, adequate resources when it comes to the implementation of offenders' rehabilitation programmes?
11. Do you have rehabilitation programmes' manuals which guide staff in the implementation of rehabilitation programmes?
12. If yes, are staffs trained in the use of such manuals and how do you do the follow up on it?
13. If the need arise for further assistance or support during the rehabilitation process, are cases referred to other agencies? If yes, kindly name some of these agencies utilised.
14. What are the existing barriers, challenges that prohibit the successful rehabilitation of inmates here at the Westville Correctional Centre?
15. What can the Department of Correctional Services do to facilitate the implementation of offenders' rehabilitation programmes at the Westville Correctional Centre?

## **APPENDIX C**

### **INTERVIEW SCHEDULE (WCC Officials)**

1. How long are you working at the Westville Correctional Centre?
2. Which kind of service are you giving inmates?
3. Since when are you in your current position?
4. What is the average number of inmates who take part in the programme you are conducting?
5. Which model of rehabilitation technique do you use at the Westville Correctional Centre
6. Please describe your duty as correctional officers in your correctional centre when it comes to the rehabilitation of offenders?
7. How many staffs in your department render rehabilitation programmes to offenders?
8. Do you, as staffs, attend any refresher course, further professional training or professional seminars in the course of your job (offenders' rehabilitation)?
9. Do you think that you have necessary time, adequate resources when it comes to the implementation of offenders' rehabilitation programmes?
10. Do you have rehabilitation programmes' manuals which guide you in the implementation of rehabilitation programmes?
11. If yes, are you trained in the use of such manuals?
12. What are the existing barriers, challenges that prohibit the successful rehabilitation of inmates here at the Westville Correctional Centre?
13. What can the Management do to facilitate the implementation of offenders' rehabilitation programmes at the Westville Correctional Centre?



## **APPENDIX D**

### **INFORMED CONSENT DOCUMENT**

#### **UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)**

##### **APPLICATION FOR ETHICS APPROVAL**

**For research with human participants**

##### **INFORMED CONSENT RESOURCE**

Information Sheet and Consent to Participate in Research

Date:

**Good morning, Sanibonani, Molweni, Absheni, Dumelang, Goeie more,**

My name is Patrick Bashizi Bashige Murhula from the University of KwaZulu-Natal, School of Applied Human Sciences, Discipline of Criminology and Forensic Studies, contact number: 031 260 3846.

You are being invited to consider participating in a study that involves research on rehabilitation of inmates at the Westville Correctional Centre. The aim and purpose of this research is to examine the Department of Correctional Services (DCS) approach on offenders' rehabilitation by:

- ✚ Investigating how the DCS deliver on its legal and constitutional responsibility towards the rehabilitation of offender;
- ✚ Investigating if the approach used by the DCS is suitable in the South African context in the rehabilitation of offenders;
- ✚ Understanding to what extent the DCS geared, in terms of resources, to provide the required services to offenders for their rehabilitation;
- ✚ Having a clear idea on the realities and challenges that DCS is facing with regard to the rehabilitation of offender.

The duration of your participation if you choose to enroll and remain in the study is expected to be a maximum of two (2) months.

The study will involve no risks and/or discomforts to participants. We hope that the study will provide innovative pathways for an effective offenders' rehabilitation approach in South Africa. This will benefit particularly all inmates in captivity, the DCS and the whole country in general.

This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Research Ethics Committee (approval number *HSS/2057/016D*).

In the event of any problems or concerns/questions you may contact the researcher at 031 260 3846 / [murhulab@ukzn.ac.za](mailto:murhulab@ukzn.ac.za) or the UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

**HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Throughout the research process, all interviews conducted will remain strictly confidential. No participant will be asked to provide his/her name or any contact details. Participants will therefore remain anonymous and under no circumstances will their confidentiality be broken in any way. All participation is voluntary and no participant will be forced to participate in this research and in the event of refusal/withdrawal of participation the participants will not incur penalty or loss of treatment or other benefit to which they are normally entitled.

In accordance with the rules of the University of KwaZulu-Natal, the researcher in consultation with his supervisor will store the data for a period of five years. After this period all confidential or sensitive data will be destroyed and will not be used for further research without the express permission of the interviewees.

Thank you very much for agreeing to take part in this research.

**Patrick BashiziBashigeMurhula**

**PhD Candidate: University of KwaZulu-Natal**

**Department of Criminology and Forensic Studies**

---

## CONSENT

I \_\_\_\_\_ have been informed about the study entitled *A Criminological Investigation into the South African Correctional Services Approach towards Offenders' Rehabilitation: A Case Study of the Westville Correctional Centre in KwaZulu-Natal* by Mr Patrick Bashizi Bashige Murhula, PhD candidate in Criminology and Forensic Studies at the University of KwaZulu-Natal.

I understand the purpose and procedures of the study.

I have been given an opportunity to answer questions about the study and have had answers to my satisfaction.

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed about any available compensation or medical treatment if injury occurs to me as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at 031 260 3846 / [murhulab@ukzn.ac.za](mailto:murhulab@ukzn.ac.za) .

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

**HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557 - Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Additional consent, where applicable

I hereby provide consent to:

Audio-record my interview / focus group discussion YES / NO

---

**Signature of Participant**

---

**Date**

---

**Signature of Witness**

---

**Date**

**(Where applicable)**

---

**Signature of Translator**

---

**Date**

**(Where applicable)**



08 May 2017

Mr Bahsizi B Murhula (208523150)  
School of Applied Human Sciences  
Howard College Campus

Dear Mr Murhula,

**Protocol reference number: HSS/2057/016D**

**Project title:** Criminological investigation into the South African Correctional Services approach towards offenders' rehabilitation: A case study of the Westville Correctional Centre in KwaZulu-Natal.

**Full Approval – Expedited Application**

With regards to your response received on 03 May 2017 to our letter of 18 January 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

*Handwritten signature of Dr Shenuka Singh*

Dr Shenuka Singh (Chair)

/ms

cc Supervisor: Prof Shantha B Singh  
cc Academic Leader Research: Dr Jean Steyn  
cc School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

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Postal Address: Private Bag X54001, Durban 4000

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Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



100 YEARS OF ACADEMIC EXCELLENCE



# correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA  
Tel (012) 307 2770, Fax 086 539 2693

**Mr. PBB Murhula**  
**34 Gillepsie Street**  
**62 Gilroc Flat**  
**South Beach**  
**Durban**  
**4001**

Dear Mr. Murhula

**RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: A CRIMINOLOGICAL INVESTIGATION INTO THE SOUTH AFRICAN CORRECTIONAL SERVICES APPROACH TOWARDS OFFENDERS' REHABILITATION: A CASE STUDY OF THE WESTVILLE CORRECTIONAL CENTRE IN KZN**

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- Your internal guide will be **Regional Head Development and Care: Mr JCN Chonco, KZN Region.**
- You are requested to contact him at telephone number (033) 355 7348 before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity documents/passports and this approval letter should be in your possession when visiting correctional centres.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) of the report.
- Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number (012) 307 2770 / (012) 305 8554.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

**ND SIHLEZANA**  
**DC: POLICY COORDINATION & RESEARCH**

**DATE: 28/04/2017**



# correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Area Commissioner  
Correctional Services :Durban  
Private Bag X1  
Westville

Ref : 13/1/3/1  
Enq : PN Malembe  
Tel : (031)204 8812

## ENTRANCE PERMIT TO MANAGEMENT AREA: DURBAN CORRECTIONAL SERVICES

1. Authorization is hereby granted to:

**Full Name:** MURHULA BASHIZI BASHIGE  
**Institution:** HOWARD COLLEGE  
**Purpose:** HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE  
**Period of validity** 2018/07/05– 2018/07/31

2. This permit is subjected to the following specific condition and provisions.

- 2.1 The permit holder is restricted to do Practical Work/Research at the Durban Correctional Centre.
- 2.2 Bearer has to produce this permit upon entry to the Correctional Centres if and when requested to do so.
- 2.3 Bearer must comply with the security arrangements of each of the Correctional Centres he/she will visit during the period authorized.
- 2.4 Bearer is authorized to enter the premises with VEHICLE REGISTRATION NUMBER.....N/A
- 2.5 On expiry, the permit must be returned to this office please.

SIGNED AT Westville ON 05 OF July 20 018

  
ACT : AREA CO-ORDINATOR: CORRECTIONS  
MR PB MADONDO