



Recidivism

1. Introduction

Recently the Catholic Parliamentary Liaison Office, NICRO¹ and the Prison Care and Support Network² held a collaborative roundtable discussion on recidivism. This briefing paper reflects both the presentations of the panel of speakers as well as the subsequent discussion.³ The discussion took place within the framework of a 'restorative justice' approach in terms of which

"crime is seen primarily as an offence against human relationships, and secondarily as a violation of a law... it recognizes that crime is wrong and should not occur, and also recognizes that after it does there are dangers and opportunities. The danger is that the community, victim(s), and/or offender will emerge from the experience further alienated, more damaged, disrespected, disempowered, feeling less safe and less co-operative with society. The opportunity is that injustice is recognized, the equity is restored, and the future is clarified so that participants are safer, more respectful, and more empowered and co-operative with each other and society. Restorative justice is a process to 'make things as right as possible'".⁴

2. Definitions

Recidivism can be defined as a tendency to lapse into a previous pattern of conduct, particularly a pattern of criminal of behaviour. According to Pastor Jerome Samuels of the Department of Correctional Services (DCS), "recidivism, the tendency to revert to crime upon release from prison, seems to be an uncontrollable

phenomenon as inmates keep on re-offending, which impacts negatively on the already overcrowded correctional centres in South Africa".⁵

Although there are no accurate statistics of the rate of recidivism, it is estimated to be about 47%. This clearly contributes to overcrowding. (South Africa's 241 prisons have a capacity of 118 154, but hold 153 556 people. Of these, 45 718 are awaiting trial.) Studies indicate that people re-offend due to a variety of personal and circumstantial factors. These include the individual's social environment of peers, family and community, as well as a lack of support systems and appropriate policies to assist in the reintegration of offenders into their families and communities.

It is sometimes suggested that recidivism is an indication that prison is somehow attractive or 'not too bad'. However, according to Pastor Samuels' research, life in prison is extremely difficult.⁶ Conditions are harsh and overcrowding is common. There is thriving gang activity and violence is endemic. Furthermore, inmates are exposed to a number of communicable diseases including TB, HIV/AIDS and other sexually transmitted infections.⁷

3. Life On the Outside

Many factors need to be taken into consideration when dealing with life on the 'outside', including the individual's circumstances before imprisonment, their experiences during their time in prison, as well as the period immediately after they have been released from prison. There is an urgent need to explore ways and means of

stemming the tide of recidivism and of sustaining rehabilitation programmes once an offender's sentence has been served.

One of the main reasons why they find themselves back in jail is because it is difficult for the individual to adjust to life outside. They can experience difficulty in re-establishing ties with their families and communities; they often return to potentially high-risk places and to the same circle of friends or fellow gang-members; and they lack the capacity to re-establish a secure sense of identity. Although release from prison is something to which prisoners look forward with much hopeful expectation, it is often tinged with anxiety. The immediate post-release period is critically important. Many prisoners feel that they have nowhere to go; there are no support structures, little prospect of employment, and – at a time of vulnerability and isolation – it is very easy to return to old haunts and habits that are not helpful.

In the words of one offender,

"I don't say outside is bad. It's good outside, but the first time when you reach outside you have to have a person's hands that are warm that will give you support, to make some nice things for you, to buy you clothes. When I reach at home, there's nothing. I also have nothing".⁸

There is a desperate need for half-way houses, mentors, and frequent contact with probation officers and social case-workers who are able to help released offenders draw up a plan for both the immediate and the long terms. The question that must be answered is, what happens when the doors of the prison open and the process of reintegration begins?

Another obstacle which plays a negative role in the reintegration of ex-offenders is the social stigma confronting the ex-offender on their re-entry to outside society. Sociologist Erving Goffman defines stigma as:

"The phenomenon whereby an individual with an attribute is deeply discredited by his/her society, is rejected as a result of the attribute. Stigma is a process by which the reaction of others spoils normal identity"⁹

Such stigma is extremely hard to overcome and makes finding employment extremely difficult.

Many prisoners engage in further education as part of the rehabilitation process while in prison and despite this have great difficulty in finding employment. Ex-offenders have paid their debt to society and feel that they are being punished twice. There has been a call for the expungement of a criminal record after a certain period when no further offence has been committed.

There are many obstacles to rehabilitation and many difficulties are encountered in the process of reintegration into families, relationships and communities. Moreover, there is a societal reluctance to employ people who have been to prison and who have a criminal record. Ex-prisoners thus experience enormous social stigma and prejudice which are very difficult to overcome. There is a prevailing societal tendency to regard all prisoners as the same – a danger to society and best left in prison. But while it is readily conceded that violent crime is a frightening reality, and that those responsible for such crimes are a danger to society and deserving of long-term incarceration, it is simplistic and reductionist to regard all offenders in the same light. The fact is that many offenders are quite capable of rehabilitation; many emerge from prison resolved not to offend again, but then encounter the kind of rejection and prejudice that makes it extremely difficult to 'go straight'. Moreover, it is important to take prison conditions such as overcrowding and gang-related activity into account. Circumstances in prison can themselves sow the seeds of recidivism.

Imprisonment is certainly a punitive and retributive measure, and is surely experienced as such, but the ultimate goal of prison sentences is rehabilitation. Once prisoners have been released they have 'paid their debt to society' and should have the opportunity to 'start over'. However, there is a paucity of rehabilitation programmes in prisons, and those serving short sentences are not necessarily given the opportunity to participate in such programmes. Young first-offenders should be involved in such programmes as a matter of priority.

Many such offenders have entered the social welfare system at a young age and have lived in a variety of social welfare settings including orphanages, foster care and industrial schools with little hope of family reconstruction and sadly without much sense of being loved and end up in the criminal justice system in their early

teens.

Young in Prison (YIP) is an organization which seeks to compensate for the lack of programmes for young offenders through offering art and educational workshops, and through these workshops to facilitate the procurement of life skills. The organisation “hopes to foster self expression, as well as offer role model relationships and help secure the youth with skills which will aid them in reintegration into society for after they are released.”¹⁰

4. The Child Justice Act

The implementation of the Child Justice Act 75 of 2008, and in particular its policy of ‘diversion’, have done much to keep juvenile offenders out of the prison system. The aim of this legislation is to help juvenile offenders to make different life choices and avoid incarceration in an environment which compromises their rights as children, exposes them to appalling role models, initiates them into gangs, and substantially increases their chances of re-offending. Such early intervention, at the point where a young person first falls foul of the law, is a vital step in preventing the all-too-common experience of an offender progressing from petty to serious crime, and from a few months’ incarceration to long-term, even life-long, imprisonment.

5. Short-Term Prisoners

Not all offenders are guilty of serious crimes. Many have committed offences which include petty theft, shoplifting, vandalism, prostitution, drug possession and minor fraud. It is frequently these offenders who are in the revolving doorway that is recidivism. Any efforts to reverse such destructive behavioural patterns need to have a holistic approach that takes in to account the particular circumstances of each offender and which provides the necessary support, thus lessening the tendency to re-offend.¹¹ As one of the panellists observed, crime itself, particularly petty theft, can become an instinctive habit. Psycho-therapy or counselling (offered by such organisations as Beauty for Ashes and the Institute for the Healing of Memories) can play a valuable role in helping repeat offenders understand the source of such behaviour.

6. Substance Abuse

All members of the panel spoke about the devastating role of substance abuse in the perpetuation of crime and its consequent role in recidivism. It fuels crime on a number of levels. Individuals have always stolen to pay for their ‘habit’, but the advent of ‘tik’,¹² which is relatively cheap but highly addictive, within a very short period of time has had a major impact on criminal and anti-social behaviours.¹³ Petty theft can easily escalate to more serious offences including violent crime. In addition, one of the panellists spoke of the role of substance abuse in prostitution in that ‘pimps’ use addictive substances as a method of control and encourage dependence on both on drugs and themselves as ‘managers.’ In such instances there is a loss of the sense of ‘self’ and a consequent descent into more and more serious criminal behaviour.

7. The Challenges of Reintegration

Father Babychan Arackathara, prison chaplain and co-ordinator of the Prison Care and Support Network (PCSN) told the roundtable that “the vision is to create hope in the individual and restore a sense of humanity in the communities”. The principal focus, inspired by ‘restorative justice’, seeks to “respond to the spiritual and emotional needs of the incarcerated and to provide them with care and support on release from prison”.¹⁴ This includes social integration and aftercare programmes such as family support and mediation, bursary programmes, court support and economic empowerment.

It was emphasized that it is critical to work with individuals, the family and the community in order to successfully achieve the reintegration of an offender. Furthermore, families need to be advised of the conditions of the ex-offender’s parole and follow-up visits should be conducted. Unfortunately, the present shortage of parole officers and social case workers militates against this. And while organisations such as the Prison Care and Support Network do what they can, their capacity is limited as they rely primarily on the services of committed volunteers.

Families often have unrealistic expectations of their members who have been released; they are expected to contribute to the household income

as they are ‘another mouth to feed’, and their presence as such is resented. This is particularly the case in very poor areas where economic survival is an everyday struggle. The community of Atlantis, where Pastor Samuels conducted his research, is a case in point.¹⁵ In such an environment it is relatively easy to revert to crime and/or substance abuse.

But even under favourable circumstances, as Tarisai Mchuchu Rashidi of YIP points out, “it isn’t easy to rehabilitate someone. It has to come from them, because no matter how much potential I can see in someone, if they don’t want to change then that’s the most difficult part”.¹⁶

The Institute for the Healing of Memories “seeks to contribute to the healing journey of individuals, communities and nations”. Their work is grounded in the belief that we are all in need of healing, because of what we have done, what we have failed to do, and what has been done to us.¹⁷ Such an emphasis takes into account the complexity of criminal behaviour in a non-judgemental manner and allows ex-offenders the opportunity to explore the reasons for their offences and to look at ways of rebuilding a life that does not include re-offending. “Peace Building and reconciliation between groups and individuals contributes to lower levels of community tension, anti-social behaviour and crime”.¹⁸

8. Individual-cognition and recidivism

There is a paucity of research on the issue of recidivism and many studies on the issue tend to put all repeat offenders in the same box and such an approach is not particularly useful.¹⁹ There is a need to develop and approach the issue with a body of knowledge that takes into account the individual characteristics and life histories of each offender. That is the ‘who, what and how’ of each offence and each offender. Such an approach informs the development of quality programmes and appropriate response to specific incidence of recidivism.

Major risk factors and/or need factors must be taken into account. Some of the individual level risk factors include a history of anti-social behaviour which may comprise early and continuous involvement in a number of anti-social acts and behaviours; poor impulse control and adventurous experimentation. Examples of

such behaviour include substance abuse which was discussed above, petty theft, and spray painting of graffiti in public places and on the walls of private property and entry into gangs. Individual cognition which is the “mental process of knowing, including aspects such as awareness, perception, reasoning, and judgment”²⁰ plays a vital role in social behaviour. Negative cognition informs attitudes and opinions which in turn inform rationalizations that are supportive of crime and accompanied by ‘cognitive emotional’ states of anger, resentment and defiance. Any attempt to meaningfully address the incidence of recidivism must provide alternatives to risky behaviour. Such interventions need to focus on building problem solving capacity, self control, anger management and life skills. The reduction of anti-social cognition needs to focus on building up alternative and less risky thinking as well as encourage the ability to reflect on one’s behaviour and the management thereof. The process of reforming thoughts and behaviours leads to an anti criminal identity. All these interventions lower the incidence of recidivism and contribute to a healthier social environment.

9. Conclusion

*“It abundantly clear that recidivism is multifaceted in its causation. Consequently, the effective reintegration of offenders after their release from prison is dependent on a joint partnership of all the stakeholders, including the family, businesses, communities, cluster departments, NGOs, FBOs, CBOs and the other partners in the criminal justice system”.*²¹

These words of Pastor Samuels sum up the challenge, and call for a comprehensive, multi-faced collaborative approach in dealing with the issue of recidivism. Of course, many will argue that criminals should simply be put into prison and forgotten about; in effect, that is what happens most of the time. And precisely because of this short-sighted attitude, the released offender re-enters society un-rehabilitated, bitter, scared, and without prospects – and ready to re-offend.

We really need to break this cycle in South Africa. We can afford neither our high rates of crime nor the cost of continual re-imprisonment of offenders. It is surely time to recall Jesus’ words: “I was in prison and you visited me.” In the words

of one inmate speaking about the significance of visits to prison “Thank you for keeping hope alive in me – only contact with the outside world can do this. When there is no contact hope disappears and people die”.²²

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¹ The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) is a non-governmental organization that has been in existence since 1910, and has played a key role in shaping criminal justice policy and practice in the country. The introduction of Probation services, community service, diversion, non-custodial sentences, court witness/victim support, and restorative justice have been some of the key contributions of NICRO. The organization continues to be a passionate advocate on issues of offender reintegration and rehabilitation, particularly prison reform, creating alternatives to imprisonment, the wider use of restorative justice processes.

² The Prison Care and Support Network operates under the auspices of the Catholic Church but provides services to any person who is incarcerated irrespective of religion or denomination. The vision of the Network is to create hope in the individual and restore a sense of humanity in the communities from which offenders come thus facilitating the reintegration of offenders in to their families and communities.

³ The Roundtable Panel consisted of Pastor Jerome Samuels the Deputy Director: Spiritual and Moral Development, Goodwood Prison; Olga Rautenbach of Beauty for Ashes an interdenominational, faith-based, non-profit organisation bringing encouragement and hope to women in Southern Africa; Arina Smit (NICRO National Manager: Programme Design and Development); Venessa Padayachee (NICRO National Manager: Advocacy and Lobbying); Fr Babychan Arackathara of the Prison Care and Support Network and Alphonse Niyosenga of the Institute for the Healing of Memories.

⁴ Paper presented at the UN Alliance of NGOs Working Party on Restorative Justice' May 1996 by Ron Claasen, Director of the Centre of Peacemaking and Conflict Studies, Fresno Pacific University

⁵ 'Challenges that offenders face upon release that contribute to recidivism in the Department of Correctional Services: A case study of the West Coast Medium 'A' Correctional Centre in the Western Cape', Pastor Jerome Samuels, July 2012

⁶ See 5 above

⁷ Upon release from prison offenders take these communicable illnesses back home to their families and communities

⁸ 'Released into freedom's chains', The Daily Maverick, 10th July 2012

⁹ Erving Goffman 'Stigma: Notes on the Management of Spoiled Identities.' 1963

¹⁰ Young in Prison believes that children don't belong in prison, but while they are imprisoned, they have the right to positively develop themselves. The organization wants to create a movement of people giving support to children in prisons worldwide. The organization seeks to support youth ages 14-18

¹¹ There are very few halfway houses for those released from prison

¹² 'Tik' is crystal methamphetamine and is "a colourless, odourless form of d-methamphetamine, a powerful and highly addictive synthetic (man-made) stimulant. The shortened name is simply 'meth', It is known colloquially as "TIK" because of the interesting sound produced when crystals are placed in a lolly (usually a light bulb) and then lit, producing a "TIK-tik" sound". Smart Cape 22nd July 2012

¹³ Much like Foetal Alcohol Syndrome the abuse of tik during pregnancy is damaging to the foetus and is the focus of research at present.

¹⁴ Presentation at the Roundtable

¹⁵ Atlantis was built during the last days of apartheid as a dormitory suburb for 'coloureds'. The township is a good distance from any employment opportunities, unemployment is common and many households are dependant on social grants. Social Services are thin on the ground while the use of addictive substances is high.

¹⁶ Interview in the 'Big Issue' June 12-21 June 2012

¹⁷ The Institute believes that when personal stories are heard and acknowledged, individuals feel healed and empowered. Over the years, the Institute has worked with people from a rich diversity of backgrounds, as well as with refugees, offenders, HIV/ AIDS sufferers, and National Institute for Crime Prevention and the Reintegration of Offenders and Young in Prison

¹⁸ Presentation by the Institute for the Healing of Memory at the Roundtable 18th June 2012

¹⁹ 'The Self, Criminal Cognition and Recidivism', Presentation by Arina Smit, Manager: Programme Design and Development NICRO, Presentation at the Roundtable 18th June 2012

²⁰ Free Online Dictionary

²¹ Pastor Jerome Samuels Presentation at the Roundtable 18th June 2012

²² An inmate visited by volunteers from the Prison Care and Support Network.

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