

**THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY  
GROUP CONFERENCE PROGRAMMES ON RECIDIVISM IN POLOKWANE  
MUNICIPALITY, LIMPOPO PROVINCE**

by

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DISSERTATION

Submitted in (partial) fulfilment of the  
requirements for the degree of

**MASTER OF ARTS**

in

**CRIMINOLOGY AND CRIMINAL JUSTICE**

in the

**FACULTY OF HUMANITIES**

**(School of Social Sciences)**

at the

**UNIVERSITY OF LIMPOPO**

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**2021**

## DECLARATION

I declare that the dissertation ***THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROGRAMMES ON RECIDIVISM IN POLOKWANE MUNICIPALITY, LIMPOPO PROVINCE*** hereby submitted to the University of Limpopo, for the degree of Master of Arts in Criminology has not previously been submitted by me for a degree at this or any other university; that it is my work in design and in execution, and that all material contained herein has been duly acknowledged.



.....

**Montsho P**

**12 OCT 2021**

.....

**Date**

## DEDICATIONS

This study is dedicated to the following important people in my life: **My husband:** Thabiso Phaka, **my sisters:** Thandi Matlaila, Khomotso Montsho and **my children:** Tshegofatso and Rorisang Montsho

## ACKNOWLEDGEMENTS

- My gratitude goes to the one above, “**My Almighty God**” who protected me, gave me strength, wisdom and encouraged me with everything during my studies:
- I cannot express enough thanks to my supervisor and co-supervisor for their continued support, guidance, advice and encouragement: **Prof Dr W Maluleke and Dr F Manganyi**. I offer my sincere appreciation for the learning opportunities provided by my supervisors. **Dr W Maluleke**, you also taught me so much about analytical procedures employed in response to recidivism. Thank you for availing your time.
- Special thanks goes to the ‘**Area Manager**’ at the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) who assisted willingly during the study, at the beginning and during the application for data collection process.
- The completion of this study could not have been accomplished without the support of the following:
  - To fellow students who showed keen interest in my progress. You have been a constant source of support. Thank you for the moral and academic support you have given me throughout my study.
  - The following people are acknowledged for availing their time and sharing their knowledge:
    - ✓ Social Workers at NICRO.
    - ✓ Offenders that participated in Victim-Offender Mediation (VOM) and Family Group Conference (FGC) programmes.
    - ✓ Family members of offenders who were part of VOM and FGC programmes.
- I express my gratitude to my sisters Thandi and Khomotso for being my pillar of strength, and for their love, inspiration and wisdom.

## **ABSTRACT**

*The VOM and FGC programmes have become valuable instruments for the rehabilitation of offenders. These programmes bring crime victims and offenders together to reach agreements for restitution and community healing. Moreover, the NICRO, a Non-Profit Organisation (NPO) in Polokwane, Limpopo Province, offers these programmes to offenders and their victims. Therefore, the purpose of this study was to evaluate the effectiveness of VOM and FGC programmes on recidivism in Polokwane Municipality, Limpopo Province. The study sought to identify factors contributing to recidivism in Limpopo Province, to explore associated challenges in response to recidivism by the local NICRO and to determine strategies employed by NICRO in response to recidivism in the province.*

*The qualitative research approach was used in the study. This study further assumed a phenomenological design, which aims to describe, understand and interpret the meaning that participants give to their everyday life. The non-probability sampling technique was used to select participants of the study. One-on-one semi-structured interviews were used to collect data from adult male and female offenders and their family members who participated in VOM and FGC programmes. Data was also collected using one-on-one semi structured interviews from Social Workers at NICRO. Based on the transcribed data, themes were extracted and analysed using Thematic Contents Analysis (TCA). This allowed for an all-inclusive view to be gained of participants' opinions about insights into the topic. The design of the questionnaire was based on the objectives of the study.*

*This study established that there are factors that contribute to reoffending and challenges in response to recidivism. The findings of the study showed that factors such as unemployment and substance abuse can lead to reoffending. The study recommended that these programmes should address the criminogenic needs of offenders as a measure to respond to recidivism. It has been discovered that VOM and FGC programmes help many offenders to acknowledge and understand the impact of the crime committed to parties.*

**Keywords:** Offender, Victim, VOM, FGC, NICRO, Recidivism, Restorative Justice

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## **ACRONYMS AND DESCRIPTIONS**

**CJS:** Criminal Justice System

**CRJ:** Community Resources for Justice

**CSL:** Community Service-Learning

**COVID-19:** Corona Disease 2019

**DCS:** Department of Correctional Services

**FGC:** Family Group Conference

**FGDs:** Focus Group Discussions

**JICS:** Judicial Inspectorate of Correctional Services

**NCS:** Non-Custodial Sentence

**NICRO:** National Institute for Crime and Reintegration of Offenders

**NGOs:** Non-Governmental Organisations

**NPO:** Non-Profit Organisation

**RJ:** Restorative Justice

**RS:** Re-integrative Shaming

**RGC:** Restorative Group Conference

**SAPS:** South African Police Service

**TC:** Therapeutic Community

**TCA:** Textual Contents Analysis

**USA:** United States of America

**VOM:** Victim-Offender Mediation

**WPB:** World Prison Brief

**YES:** Youth Empowerment Scheme

## CHAPTER ONE

### GENERAL ORIENTATION

#### 1.1. INTRODUCTION AND BACKGROUND

It remains a common knowledge that huge number of incarcerated offenders leave South African correctional centres and return to their immediate families and communities. It is also confirmed that little number of them do reintegrate effectively into these communities, while some of them end-up reoffending and get re-arrested (May & Pitts, 2000). Schoeman (2013) stated that recidivism rates in South Africa are estimated to be between 55% and 95%. Whereas, Khwela (2015:407) argued that general numbers for recidivism are at around 50% to 70% within a period of Three years. The incarceration rate is high and most of the sentenced offenders make about 51% of the total offenders' population. Many studies on recidivism rates in South Africa indicate that 85% to 94% of offenders do reoffend (Khwela, 2015:407).

The implementation and development of effective programmes and interventions to reduce recidivism rates is a national priority. Committed criminal offences are seen as a significant societal problem with great financial and social costs (Zehr, 1990:1). Furthermore, antisocial behaviour consists of negative emotional, physical and financial effects on victims, their families and communities at large. Traditionally, in responding to offences, retributive and rehabilitation models, the Criminal Justice System (CJS) has been dominated in various approaches (Bradshaw, Roseborough, & Umbreit, 2006:87-98).

However, the systems of the VOM and FGC programmes have become increasingly popular in activities of the CJS across the globe. This approach in dealing with crimes committed aims to include victims and the community in a process that keeps the offender responsible for fixing the damage that he or she has done.

Victims and community leaders meet the offender in VOM and FGC programmes to understand why the crime happened and to explore how to provide remedy for it. Such meetings also result in the offender's attempts to make amends for those affected by some sort of restitution or service to the community. Researchers and criminal enforcement departments are becoming more interested in how effective VOM and FGC programmes are in preventing more negative activities from the offender.

For the purpose of this study, the literature review objective is to evaluate the effectiveness of VOM and FGC programmes by examining whether interventions minimise crime or lower the recurrence rate. VOM and FGC programmes hold offenders directly accountable to the people they violate by restoring the emotional and material losses of victims. The programmes also offer a variety of opportunities to participate in a dialogue, discussion and problem-solving so that it can lead to a greater sense of community security. The former programmes focus on criminal acts and all stakeholders to address the victim, offender and community needs (Braithwate, 2007:689-696).

VOM and FGC programmes view crime as a violation of people and relationships. These violations in turn create an obligation to make things right. According to Umbreit and Armour (2010:1), these programmes aim to reestablish the balance that has been offset as a result of a crime by involving primary stakeholders, such as the victim, offender and the affected community in the decision-making process of how best to restore this balance. The focus is on healing as opposed to punishment. Other important principles of VOM and FGC include offender accountability for wrongdoing, respect for all participants, and the centrality of the victim throughout the process.

Bradshaw and Roseborough (2005:15) reveal that “the assumption of the retributive model is that punishment will prevent further re-offending. The rehabilitation model focuses on the offender's treatment assuming that interventions such as probation supervision, work readiness training, cognitive skills training, and behavioural therapy will change behaviour and reduce the occurrence of offences”. An increasingly important alternative approach to responding to criminal offences is Restorative Justice [RJ] (Bazemore & Umbreit, 1995:1). Models of retribution and rehabilitation focus on the offender's punishment or rehabilitation and neglect the victim's needs.

The goal of restorative programmes is to repair committed crimes caused harm by bringing together the most affected people to determine how to deal with the offence. These programmes are offered through interventions such as guidance programmes for the people concerned in order to help families and the community to stay away from crime. The victim and the offender have a chance to be reconciled and restituted. As an alternative to this process, the CJS uses restorative programmes (Zehr, 1990). The purpose of this process is to benefit the victim, offender and community. Victims can express their feelings, get answers to questions about the crime, and make inputs into the reparation plan.

The VOM provides a human aspect to a crime that many offenders do not often face and refocuses the impact of the crime on the victim(s) (Zehr, 1990). Bazemore (2001:220) stated that “VOM has the potential to reduce recidivism by providing an opportunity for the reintegration of offenders back into the community.” Moreover, the VOM provides those involved (which is the offender and the victim) with an opportunity to settle the conflict instead of being the subject of decisions imposed upon them by justice officials (Bazemore, & Umbreit, 2001:220).

Subsequently, FGC involves the victim, the offender, the family of the offender, the family of the victim and the community in a process aimed at restoring peace and preventing further re-offending. According to Zehr (1990) “during FGC, there is a mediator who guides the discussion on how the affected parties have been harmed by the crime and explains how the harm can be repaired.” The victim, offender, family and community are involved in decision-making on how to resolve the matter. FGC involves bringing together the family of the victim. Sometimes members of the community take part in the mediated process in order to find desirable outcomes for the parties, address the consequences of the crime and explore appropriate ways of preventing the offending behaviour from reoccurring (Skelton & Frank, 2001:103-119).



## 1.2. PROBLEM STATEMENT

In South African context; a high rate of recidivism remains a concern, leaving victims suffering the most. As a recourse, approximately 241 correctional centres are available in South Africa, with a total inmate population of 161 054 and more. World Prison Brief [WPB] (2020) showed that the prison population total (Including pre-trial detainees / remand prisoners) were at 147 922, as reported by the Ministry of Justice in 2020. The prison population rate (Per 100,000 of national population), was at 248; based on an estimated national population of 59.62 million at June 2020, as revealed by the Statistics South Africa figures.

The rate of incarceration has increased dramatically, where prisons are overcrowded leading to bad environment for offenders. As a result, crime continues inside prison walls and gangs are rife behind bars. The rate of recidivism is an indication that offenders re-offend within a period of three years after they had been released (Singh, 2008). According to the NICRO of South Africa, criminal reoffending is high because rehabilitation and reintegration programmes are largely absent from the justice system. NICRO indicated that there are no accurate statistics on recidivism; it could be 87% (Ntuli, 2017). Limpopo Province consist of seven (7) correctional centres, with prison population of 19 786 (Department of Correctional Services, 2008).

The society pays more attention on the offender and the kind of the punishment that he or she should receive than on how the victim has suffered. This study seeks to evaluate the effectiveness of VOM and FGC programmes in terms of their ability to reduce recidivism. To understand the effectiveness of VOM and FGC programmes on recidivism in Polokwane Municipality based on NICRO experiences, the researcher conducted a pilot study in August 2018 prior to drafting the research proposal by visiting the local NICRO offices to informally solicit views of the area manager on the programmes offered and the challenges thereof.

During this pilot study, it was then shared that NICRO in Limpopo Province is not immune to challenges facing the implementation and the effectiveness of these programmes. One of the challenges that NICRO is faced with during the delivering of VOM and FGC programmes is the participation of offenders, victims and family members of both and offenders. In other cases, the victim is not willing to participate or to be in the same room with their offenders. Other offenders acknowledge their wrongdoing and are willing to participate in the programmes but are not ready to meet their victims or family members of the victim do not want to meet the offender. It was also indicated that VOM and FGC programmes are restricted because of lack of resources and the availability of relevant role players such as social workers.

The VOM and FGC were mostly cited as concerned problematic areas. The area manager also cited that this is a national crisis at a regional level. The researcher realised that VOM and FGC are currently ineffective owing to various factors beyond the regional office in Limpopo. It remains an impossible mandate to expect them to implement these programmes effectively.

### **1.3. STUDY AIM**

The aim of this study was *to evaluate the effectiveness of VOM and FGC programmes [As offered by NICRO] to determine their effectiveness on recidivism in Polokwane Municipality, Limpopo Province.*

### **1.4. STUDY OBJECTIVES**

The objectives of this study were designed as follows:

- To evaluate the effectiveness of VOM and FGC programmes on recidivism by NICRO in Limpopo Province.
- To identify factors contributing to recidivism in Limpopo Province.

- To explore associated challenges in response to recidivism in Limpopo Province by NICRO.
- To determine strategies employed by NICRO in response to recidivism in Limpopo Province.
- To make recommendations regarding the effectiveness of VOM and FGC on recidivism.

## **1.5. DEFINITIONS OF KEY CONCEPTS**

This study was guided by the following general concepts:

### **1.5.1 Family Group Conference**

This refers to the process of bringing [young] people together, especially those who offended their families and victims to discover ways of correcting the wrong for both the victim and the community; and to make plans that will help them not to re-offend (Umbreit & Armour, 2010:43).

### **1.5.2 National Institute for Crime Prevention and the Reintegration of Offenders**

According to Skelton and Frank (2001:1), the NICRO is regarded as the national non-government organisation providing comprehensive crime prevention services across South Africa.

### **1.5.3 Offender**

Offender is someone who has committed a crime and found guilty for committing a crime. Offender is the way prison inmates and lawbreakers are often referred to in news reports or by police officers and prison staff. Offenders are detained in custody in correctional centre, the Correctional Services Act [No. 111 of 1998].

#### **1.5.4 Recidivism**

This is the act of a person repeating an undesirable behaviour after they either have experienced negative consequences of that behaviour or have been trained to extinguish that behaviour. It is also used to refer to the percentage of former prisoners who are rearrested for a similar offence or a new offence (Urahn, 2011).

#### **1.5.5 Restorative Justice**

The RJ is an approach to justice that aims to involve the parties to a dispute and others affected by the harm (Victims, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation (Umbreit, & Armour, 2011:65).

#### **1.5.6 Victims**

According to Cohen and Cohen (2004), victim is defined as the person who was attacked, violated or assaulted by the suspect or offender, whereby the offence resulted in temporary or permanent injuries (Burgers,). In this study, victim is defined as the person who has suffered physical or emotional harm, property damage and economic loss because of a crime (Cohen and Cohen, 2004).

#### **1.5.7 Victim-Offender Mediation**

This refers to the process of facilitating communication between the victim and the offender after a crime has been committed. This programme involves a meeting between the victim and the offender facilitated by a trained mediator. The mediator assists the victim and offender to resolve the matter in order to achieve justice in the face of their particular crime ((Umbreit, 1998:1-29).

## **1.6. PRELIMINARY RESEARCH DESIGN AND METHODOLOGY**

### **1.6.1 Research design**

The phenomenological design was adopted in this study. This type of research design is a form of qualitative research that focuses on analysing experiences lived by an individual. This research design aims to describe, understand and interpret the meaning that participants give to their everyday life. In a phenomenological approach, the researcher strived to describe the phenomenon as accurately as possible, refraining from any pre-given framework but remaining true to the facts (Thomas, 2004:1).

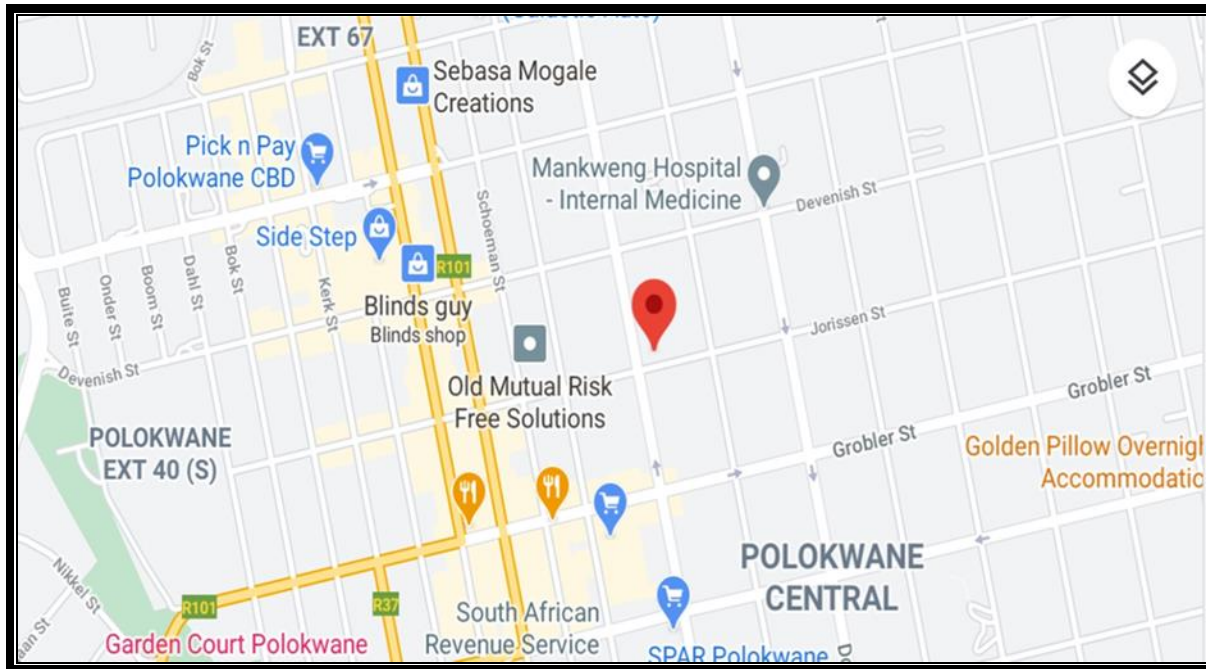
### **1.6.2 Research methodology**

This study employed the qualitative research approach, which is dialogical and flexible. According to Babbie and Mouton, (2001) qualitative research always attempts to study human action from the perspective of social actors themselves. Qualitative research methods are a subjective approach, which include examining and reflection of perception in order to gain understanding of social and human activities. The results of a qualitative research are not replicated easily because qualitative research is based on individual perspective; it is almost impossible to duplicate the results that are found. Qualitative research creates data that is difficult to present because individuals have different perspectives (Babbie & Mouton, 2001).

#### **1.6.2.1 Study location**

The NICRO is situated at No. 28 Jorrisen Street, between Biccard and Voortrekker Streets, under Capricorn District. NICRO is one of the largest, most enduring South African NPO. The organisation specialises in social crime prevention and offender reintegration, unparalleled history in human rights, juvenile justice and innovative criminal justice reform (Rautenbach, Walton & van Nierop, 2006).

**Figure 1:** The location of National Institute for Crime Prevention and Reintegration of Offenders in Polokwane inner city



Source: Google Map (2021:1).

### 1.6.2.3 Sampling method and procedures

In this study, the non-probability sampling technique was used. In non-probability sampling, not all participants have an equal chance of being selected in the study (Fox & Bayat, 2007:59). Therefore, this study opted for purposive sampling because not all offenders and NICRO officials were selected. Only adult offenders and their family members who are attached to the VOM and FGC programmes and NICRO officials such as social workers providing the VOM and FGC programmes to offenders were selected. Social workers from NICRO have experiences of working with offenders attached to VOM and FGC programmes. This was likely to advance the researcher's interests to evaluate the effectiveness of these programmes towards recidivism.

#### **1.6.2.4 Data collection method**

##### ***1.6.2.4.1 One-on-one semi-structured interviews***

The one-on-one semi-structured technique was adopted to elicit a vivid picture of participants' perspective on the research topic (Rubin & Rubin, 1995:10). One-on-one semi structured with open ended questions were employed to collect data from adult offenders and their family members who participated in VOM and FGC programmes. Adult offenders and their respective family members also participated in FGC programmes. The offenders referred to the VOM and FGC programmes were purposively selected to form part of the one-one semi structured interviews. NICRO officials such as social workers rendering VOM and FGC programmes also formed part of the one-on-one semi-structured interview. Moreover, in-house [UL] psychologists and social workers were asked to offer counselling, psychological, psychotherapy and social services to participants who may express discomforts during the data collection process.

##### **1.6.2.5 Data analysis methods**

The Thematic Content Analysis (TCA) is a method of analysing qualitative data. The TCA was used to categorise acquired data into appropriate themes and text units. The researcher closely examined the data to identify the common themes, ideas and patterns. Information from the participants was taken in a form of note taking. Analysis of data using TCA uses themes as steps that enhance the analysis, such as The first step is familiarisation, second step is coding, third stage is generating themes, fourth step is reviewing themes, fifth step is defining and naming themes and sixth step is writing up (Creswell, 2002).

## **1.7. SIGNIFICANCE OF THE STUDY**

The recidivism is a serious issue in South Africa as it has a negative impact on the development and effectiveness of diversion programmes. The researcher conducted a pilot study at NICRO offices for an understanding of the effectiveness of VOM and FGC programmes in terms of whether or not the programmes do address the issue of recidivism. Many studies show that efforts to develop strategies and techniques for the prevention and eradication of crime are still not enough, as the current initiatives and interventions are not sufficient to optimally improve and promote compliance in South Africa. According to the White Paper on Corrections (2005:75) in South Africa, the "motivation behind the rehabilitation programmes is not punishment, but the protection of the society, advancement of social responsibility and the improving of human advancement with a specific end goal to prevent recidivism" (The White Paper, 205:74).

There is little information on the effectiveness of VOM and FGC programmes to address recidivism in South Africa. Through the effectiveness of programmes offered under NICRO, this would assist in reducing the high rate of recidivism. The importance of the study is to evaluate the programmes in order to determine the effectiveness of VOM and FGC programmes on recidivism based on NICRO's principles in Limpopo Province.

Through this study, institutions such as Department of Correctional Services (DCS), NICRO and the society will benefit by using information to assess the effectiveness of VOM and FGC programmes towards recidivism. This study also provided insight into factors contributing to recidivism. This study was ultimately beneficial in adding to the already existing literature on the effectiveness of the VOM and FGC programmes offered by the NICRO. This study hopes to provide recommendations to all relevant stakeholders taking part on the effectiveness of the VOM and FGC programmes in addressing the rate of recidivism in the country.



## **1.8. DELIMITATIONS OF THE STUDY**

This study was undertaken in Capricorn District in Polokwane Municipality. This geographical area consists of the following four local municipalities: Blouberg, Lepelle-Nkumpi, Molemole and Polokwane. The research evaluated the efficacy of the VOM and FGC programmes on the recurrence in the large region. The study targeted offenders from Polokwane municipality who participated in the VOM and FGC programmes offered by NICRO to assess the effectiveness of these programmes and offenders' participation in the programmes.

## **1.9. SUMMARY**

This study was aimed at evaluating the effectiveness of the VOM and FGC programmes in preventing recidivism. This chapter (One) outlined the orientation of the study. It indicated how operational key definitions were defined in the study. The introduction and background to the study were presented. The research problem was covered, including aims and objectives of the study. The subsequent chapter (chapter two) will introduce the literature review related to the effectiveness of VOM and FGC programmes in preventing recidivism, background to VOM and FGC programmes and factors contributing to recidivism and strategies employed by NICRO in reducing recidivism. The next chapter (Two) look at the available seminal studies on VOM and FGC.

## **CHAPTER TWO**

### **LITERATURE REVIEW ON VICTIM-OFFENDER MEDIATION, FAMILY GROUP CONFERENCE AND RECIDIVISM**

#### **2.1. INTRODUCTION**

In this chapter, literature was reviewed to identify key issues, problems, gaps and weaknesses associated with the subject of this study. The chapter provided a brief overview of background to the VOM and FGC programmes, as well as recidivism in international and South African contexts, the effectiveness of VOM and FGC, factors contributing to recidivism, challenges in response to recidivism and current strategies employed by NICRO in response to recidivism.

#### **2.2. UNDERSTANDING VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROCESSES: GLOBAL AND LOCAL PERSPECTIVES**

The VOM is defined as a mechanism that offers affected victims an opportunity to meet their offenders in a secure and organised environment in order to engage in a facilitated discussion of crime (Shapland, Robinson & Sorsby, 2011:227). Through the help of a professional mediator, the victim is able to inform the perpetrator about the crime's physical, emotional effect on them and to be actively involved in establishing a restitution plan for the offender to pay back (Shapland, Robinson & Sorsby, 2011:227). The process of VOM supports the healing process of victims by providing a safe and controlled setting for them to meet and speak with the offender on a strictly voluntary basis. The process also allows the offender to learn about the impact of the crime on the victim, to take direct responsibility for their behaviour and to provide an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime.

Furthermore, Thurman-Eyer and Mirsky (2009:74), defines the process of Family Group Conference (FGC) as a participatory model of decision-making that involves the victim, offender and both families of the victim and the offender. FGC differs from VOM in that it involves more parties in the process. In particular, not only are primary victims and offenders included, it is a legal process that brings together families and professionals in a family-led decision-making forum regarding the crime that has been committed in the community against the victim of crime. According to Thurman-Eyer and Mirsky (2009:74), FGC is a method of the RJ that allows offenders, their families and victims to discuss ways of fixing wrongs for both the individual and the community, and to prepare to discourage people from re-offending. FGCs are based on the notion that families and communities have historically been coping with offences and that they are the people who know best how to deal with the actions.

The researcher contends that the processes of the VOM and FGC bring together the victim, offender, family and important supporters to decide how to deal with the aftermath of crime. This seeks to provide the victim with an opportunity to be directly engaged in reacting to the crime, to increase the knowledge of the offender about the effect of their behaviour and to provide an opportunity to be accountable for it. The support system of the offender is engaged to make corrections and shapes the future behaviour of the offender.

### **2.2.1 Background of the Victim-Offender Mediation**

The VOM is known as the oldest and most widely practiced expression of RJ. Umbreit and Greenwood (2000:2) argue that in the modern context, the RJ originated in the 1970s as mediation between victims and offenders. In the early 1970's, VOM started as an experiment in Kitchener, Ontario (McCold, 2006: 23-51). This happened when two youths were convicted by a youth probation officer for vandalism whereby, they should meet the victims of their crimes (Peachey, 1989:14-16). After the meetings, the offenders are requested to pay restitution to the victims as a condition of probation. The origins of VOM appeared in the United States of America (USA) in the 1970s.

Over the years, the VOM has grown extensively over the past 25 years, and most importantly, it has gained recognition and support from CJS. It is also recognised as a practical alternative to more traditional retributive response for serving victims' needs by probation. In North America and Europe, VOM is one of the clearest expressions of RJ that is receiving a great deal of attention (Umbreit & Greenwood, 2000:1). The idea of bringing together a victim of crime and the person who committed that crime is based on the notion of accountability and restoration. The offenders are directly held accountable while providing support and assistance to victims.

Skelton, (2002:496) stated that in the South African context, VOM started to broaden in the early 1990s. Nevertheless, as a concept, it was not foreign. The African traditional justice systems had been typically recounted to incorporate factors of RJ even before the 90's and before the Kitchener experiment. South Africa did not have a formal VOM project. During the apartheid era, South Africa was more on punishment than on restoration. Many people were detained during that period and experienced torture and death during detention or even detained without trial (Skelton, 2002: 496, 513). In 1994, the South African CJS began to adopt new policies and laws on how to control crime. RJ was used as a method of justice in South Africa. In 1992, NICRO established the first VOM project in South Africa (Skelton, 2002:513).

#### 2.2.1.1 The process of Victim-Offender Mediation

Umbreit and Coates, (1993:572) mentions that VOM facilitates communication between the victim and the offender after a crime has been committed. The programme involves a meeting between the victim and the offender facilitated by a trained mediator. During this process, the mediator assists the victim and offender to resolve the matter in order to achieve justice in the face of their particular crime. During the arranged meeting, both the victim and the offender are given the opportunity to express their feelings and perceptions of the offence.

The participation of both parties is voluntary. Moreover, the victim has a chance to speak about the personal dimensions of victimisation and loss, while the offender has a chance to express remorse and to explain circumstances surrounding his/her behaviour (Umbreit & Coates, 1992:572).

Subsequently, victims who participate in VOM receive more restitution than those who do not and feel safer and less fearful afterwards than those who do not. Offenders have an opportunity to take responsibility for what they have done (Umbreit, Coates, & Vos, 2002). They learn the impact of their actions on others. They take an active role in making things right, such as through community service or restitution. Umbreit, Greenwood, Fercello and Umbreit (2000: 138) state the following:

*“The goal of the mediation is to create an environment that allows the parties involved to engage in a dialogue in which emotional and informational needs are met and in which a plan for the offender to make things right, as much as possible, is developed. About 87% of VOM sessions result in a restitution agreement.”*

There is a large number of studies on VOM. Some studies have researched the relationship between the offender’s participation in VOM and the occurrence of recidivism (Umbreit, Coates & Kalanj, 1994:53-64). Before the process of VOM takes place, there are certain steps that the facilitator must go through to ensure that VOM will be productive and successful. According to Chupp (1989:59, 61, 64), the process of VOM consists of the following phases:

- **Phase 1** is about taking, screening and assigning the mediator. During this phase, a referral is checked and evaluated whether the requirements are met before assigning the mediator. In the second phase of the process, the requirements are explained.
- **Phase 2** is based on preliminary meetings between the mediator, the victim and the offender. The meetings are held separately with the victim and the offender. The mediator tries to find few detailed points during the separate meetings.

The aim of the meeting is to introduce the assigned mediator and the programme, listen to both sides of the story, get to understand the crime and explain the process of the mediation and the part of the mediator and participants.

- **Phase 3** involves the intervention meeting between the victim and the offender. During this phase, the mediator starts by explaining the rules, the process and role played by the victim and offender as well as ensuring the privacy of the meeting. After getting all the facts and sensitive matters have been enclosed, and a resolution has happened, then an agreement is made in writing.
- **Phase 4** is reporting, monitoring and follow-up. After the meeting, the mediator writes a report. It is important for the mediator to monitor the agreement, and should any problem happen, “that the necessary follow-up work be done by the mediator.”

#### 2.2.1.2 The principles of Victim-Offender Mediation

It is important that the values and principles of VOM are understood and implemented to ensure that restoration is done well. Levrant, Cullen, Fulton and Wozniak (1999:3) stated that these principles refer to the process of renewing and mending personal and community relationships after an offence has occurred. The goal is to support the victims emotionally and their well-being and to involve thoughtful acts by the offender to regain trust and dignity. This is important to restore both personal and community relationships (Levrant *et al.*, 1999:19). According to Levrant *et al.* (1999:27), if restorative programmes are not grounded in RJ values, and its procedures are not planned to make best use of those values, it then becomes challenging to meet the needs of those most affected by crime, such as the victim, offender and the community.

Principles such as accountability, skills development and community security should be guaranteed throughout the process (Achilles & Zehr, 2001:87). If the victim is willing to participate, his or her identification, the determination of the loss and the preparation of the victim could ensure responsibility. Victim empathy training could be conducted to raise offenders' level of understanding for the harm the victim and the community suffered, thereby ensuring that the offenders' attitudes are appropriate for VOM.

The focus on the victim is one of the principles of RJ. The needs of the victim must be the starting point for RJ after the crime has occurred (Achilles & Zehr, 2001:87). RJ is a victim-centred response to crime that offers opportunities for victims, the offender, their families and representatives of the community who are most directly affected by the crime to be directly involved in responding to the harm caused by the crime (Umbreit, 2000:1). Many victims lack justice through the conventional system of retributive justice. They are only involved as witnesses when necessary and are not given the opportunity to contribute to sentencing decisions.

Acceptance of responsibility as a principle of RJ, one of the fundamental principles of RJ is that the offender takes responsibility for the offence and the harm done. It is not a debate to blame, but to decide what harm was done and to find ways to amend it (Zehr, 1990:197). Taking full responsibility for one's actions requires understanding and recognising the harmful effects of behaviour on another person. This means recognising that the behaviour was the result of a choice that could have been made differently and acting to repair the harm where possible and to make the necessary changes in the future to avoid such behaviour. Offenders must amend by restoring losses, and communities and victims must play an active role in the penalty process (Bazemore & Umbreit, 1995:305-316).

### 2.2.1.3 The guidelines of Victim-Offender Mediation

There are guidelines that need to be followed to achieve a good outcome in a mediation session. The purpose of the guidelines is to provide mediators with basic guidance on the issues that may arise during or related to the mediation process. Mediation is a voluntary process using a third party to help beneficial parties resolve their dispute. The following guidelines are of national scope and necessarily general in mediation process:

- The focus should be on providing victims and offenders with the opportunity to talk to each other directly, to enable victims to express the full impact of the crime on their lives and to receive answers to important questions.

Offenders should be able to grasp the real human impact of their behaviour and to take direct responsibility for correcting things. The focus should not be entirely on determining the amount of financial restitution to be paid, since restitution is usually secondary to the impact of crime (Venter, 2005).

- Victims should be empowered by constantly making choices throughout the process, such as where to meet and who they want to have (Seyko, 2001:187).
- Preparation meetings with victims and offenders should be held separately before they are brought together, with emphasis on listening to how the crime has affected them, identifying their needs and preparing them for mediation. Victims should not only receive a written notice for mediation at a set time and date without preparation (Palk, Hayes & Prenzler, 1998:138).
- A non-directive mediation or facilitation style should be used, where the mediator does not speak much and has high tolerance for silence. There should also be a high degree of tolerance for the expression of feelings and to explore the full impact of crime. There should be a lot of direct dialogue between the victim and the offender (Umbreit, 1998:1).
- The victim and the offender should voluntarily participate in the mediation and take responsibility for their actions. Forced meetings will not be good for the offender or the victim. Without voluntarism, offenders cannot develop responsibility (Louw & van Wyk, 2016:490). Without implementing the mentioned principles before, it would be impossible for the victim to be empowered and put both the victim and the offender back in a situation in which they have no control or ownership of the conflict.

It is submitted that if VOM is carried out in accordance with the principles of RJ, the victim, with the assistance of a trained facilitator, will be able to inform the offender how the crime has affected him or her, to receive answers to their questions and to participate directly in the development of a restitution plan for the offender (Seyko, 2001:187-205.). This will satisfy most of their needs for most victims. The issue of guilt or innocence is not mediated in the VOM. One of the parties committed and acknowledged an offence. The other party was assaulted. The VOM focuses on victim healing, offender accountability and loss recovery (Seyko, 2001:187-205).



#### 2.2.1.4 The benefits of Victim-Offender Mediation

The RJ is a way to deal with victims and offenders by focusing on resolving crime-related conflicts and solving underlying problems (The South African Law Reform Commission [SALRC], 1997:4). According to the South African Law Commission (1997:9), “the RJ process seeks to redefine crime, interpreting it not so much as violating the law or offending the State, but as an injury to another person”. VOM provides both offenders and victims with higher levels of satisfaction, and reduces fear among victims (Angel, 2005).

##### *2.2.1.4.1 The benefits to victims*

The mediation process is carried out in a way that is more sensitive to the victim. Victims are given the benefits of providing a restorative process of conflict resolution that actively involves both the victim and offender in repairing the emotional and material harm caused by the crime, an opportunity for the victim to get answers to their questions. According to Umbreit (1998:1, 4, 7,10, 15-17), VOM offers victims an opportunity to accomplish the following:

- Opportunity to face the offender with the real human impact of the offence and to express thoughts and feelings to the offender directly. The victim’s express anger and pain directly to the offender, as to heal the injuries or pain caused by the offender.
- Get answers to questions that can only be answered by the offender (Why did you do this to me?) Receive answers to questions regarding the crime; victims sometimes deserve an explanation as to why certain things happened to them. The offender's answers might help the victims to heal.
- Victims get to tell offenders their story. Telling their story will make the victim to go on easily and freely with their lives.

- The victims become empowered as a primary and valued participant in the resolution of the offence, rather than being dismissed or regarded as a nuisance, as is common in CJS proceedings.
- Receive restitution for damages and losses. VOM helps determine what restitution or other restoration the offender will give and obtain in a personal and meaningful manner to the victim. Compensation is also important for RJ because the offenders would have caused damage during the committing of the crime. Restitution will differ depending on the type of crime committed by the offenders.
- See remorse in the offender. It is very important for the offender to remorse the victim for a successful reintegration after committing crimes. It could be easy for the victim to forgive the offender who is remorseful.

Therefore, it is concluded that during the mediation process, the victims get to feel that justice has been done and is able to obtain closure that brings peace of mind.

#### *2.2.1.4.2 The benefits to offenders*

Offenders have a chance to take responsibility for what they have done in the VOM process. They learn about the impact of their actions on others throughout the process. According to Herman and Wasserman (2001:428-445), VOM gives offenders opportunities to accomplish the following:

- Opportunity to make amendments and to correct the wrong in a meaningful way, instead of just being punished.
- Opportunity to offer an apology or an explanation.
- Opportunity to really understand the real impact of the crime.
- Opportunity to take part in deciding what restitution will be given to the victim and to negotiate a reasonable and feasible restitution agreement.
- Chance to restore an image of oneself as a good and a competent person.

The offender can ask the community and the victims who have suffered because of his/her criminal behaviour for forgiveness and a second chance.

Offenders are encouraged to promise both the community and the victims that they have changed and that they will compensate those most affected by the offence (Herman & Wasserman, 2001:428).

#### *2.2.1.4.3 The benefits to the community*

The community benefits from VOM programmes being implemented. The active involvement of community representatives sends a strong message in many VOM programmes that crime will not be tolerated and that investment in individual and public safety is a community priority (Umbreit, 2010:1). VOM offers community members the opportunity to accomplish the following (Bazemore & Stinchcomb, 2004:14-24):

- Reduce the impact of crime on the community by increasing the restoration of losses.
- By training volunteers to solve crimes, overcome feelings of impotence and empower the community to have a direct impact on its crime problem, instead of simply looking to governments to solve problems.
- Feel a greater sense of connection between members of the community.
- Reduce the fear of crime in the community.

Stemming from the bulleted points; Dandurand and Griffiths (2006:65) highlight that the victim, offender and community benefits through participation in VOM. Reducing the crime rate in that community is beneficial to everyone in that community because crime is a social problem in the nation.

### **2.3. THE FAMILY GROUP CONFERENCE**

The researcher contends that the FGC process brings together both the victim, offender, family, friends and key supporters to decide how to deal with the aftermath of the crime. This aims to provide the victim with an opportunity to be directly involved in responding to the crime, to raise awareness of the offender about the impact of their behaviour and to provide an opportunity to take responsibility for it.

### **2.3.1 Background to Family Group Conference**

The concept of FGC originates in New Zealand (NZ) and is based on Maori culture. In the 1980s, the Maori people began to express their concerns about the Department of Welfare practices. They emphasised the disproportionately large numbers of children of Maori in care. The heavy representation of Maori families were caseloads for social workers, the placement of Maori children in white European families must be looked into, virtually no social workers from Maori and racism institutionalised (Crampton, 2007:202).

The Department of Social Welfare had asked the Maori Advisory Unit to submit a social services report. Their findings confirmed that the service was mono-cultural and that this resulted in institutional racism (Crampton, 2007:203-204). Faced with the challenge, the State had to broaden the definition of the family in line with Maori traditions and culture, and thus develop an unprecedented way of working with families. A process was then developed to give power to families and to work in a more culturally sensitive way. It facilitated family decision-making and became known as FGC (Crampton, 2007:206). Other countries such as Australia, Canada, Sweden, South Africa, France, the US, Holland and England adopted the process quickly. Each country was only slightly adapted to its specific cultural needs, legislation and resources in accordance with the original model making (Crampton, 2007:207-209).

### **2.3.2 The model of Family Group Conference**

The Family Group Conferencing is an integral part of the new paradigm of RJ. FGC provides a forum for those most affected by a crime incident to sit down and face the incident and related concerns honestly. FGC helps to create a safe and supportive environment in which participants, including the victim, the offender and their families, are involved in decision-making about how best to deal with the behaviour of the offenders. All participants can express their concerns about their expectations of the outcome of the conference openly (Neser, 2001:1-9).

The FGC allows victims to solve problems. They are encouraged to investigate various ways in which the specific victimising behaviour has harmed them. They are given the opportunity to express their feelings about experiences, their responses to the experience and their future concerns (Neser, 2001:1-5). FGC strongly emphasises the physical and emotional safety of the victim and offender by allowing them to meet the facilitator in a neutral environment. The FGC also stresses the recognition of the harm done to victims, their families and their communities (Neser, 2001:5-9). In FGC, offenders are allowed to move beyond their inappropriate behaviour, discard the label of the offender and return to their community. The objective of the offender is to start taking ownership of their victimising behaviour and to gain a better understanding of the various ways in which people have been harmed by their actions (Pennell & Burford, 2000:24).

### **2.3.3 The process of Family Group Conference**

Umbreit and Armour (2010: 43) argued “FGC is a RJ process, which brings together people who offended their families and victims to discover ways of correcting the wrong for both the victim and the community; and to make plans that will help them not to re-offend.” FGC is built on the concept that usually families and communities have to deal with the crime committed within the community, and members of the community know best how to deal with this kind of a behaviour (Umbreit & Armour, 2010:43).

In order for the conference to be successful, the story of victims need to be heard, and all the wrongs they felt need to be confirmed. FGC is a type of meeting between victims and offenders, their families and members of the community. According Morris and Maxwell (1998:1), the process of FGC begins with a referral from a court, moves to a conference involving a facilitator, the victim, the offender and community members, and involves the facilitator’s monitoring and assessment. The objective is to provide an opportunity for the victim, offender, of their both families, and community members to resolve issues relating to the crime that has been committed by the offender. FGC involves family and friends in solving problems rather than leaving decision-making entirely in the hands of legal authorities and other service providers (Pennell & Burford, 2000:79).

In the US and other countries, this model focuses on education for the offender (Umbreit & Zehr, 1997:68-71). The process emphasises the seriousness of the offending behaviour in order to reduce the probability of reoffending. It also deals with the question of family and community accountability, focusing on the role of each person in a crime ((Umbreit & Zehr, 1997:68-71). The process focuses on making the consequences of inappropriate behaviour more seriously considered. FGC offers an opportunity for integration back into the community and family. The agreements reached clarify specific ways to correct the wrong or cure the harm and reduce the feelings of alienation and injury of the victims, the offenders, their families and members of the community. The aim is to improve the feelings of connection, care and social awareness of the offender in order to reduce the possibility of future victimisation (Taylor & Kummery, 1996:44-46). In FGC, there are stages as discussed in the following section, which are the preparation stage, facilitation stage and monitoring stage. Each stage plays an important role for the success of other stages (Ban, 2000:232).

- **Stage one: Referral stage**

FGC begins with a referral. The reference person is usually someone who works with the family. Various FGC services accept referrals from various agencies, but the referrer is often a social worker. Once a referral is made to FGC service, an independent facilitator is appointed by the service to take on the case. The facilitator is independent of the social worker in the case. Their job is to help the family plan FGC and preside over the day's meeting. They will not influence the family to make a specific decision, but they will help them to reflect on the plans and decisions to be taken (Hayden, 2009:205-220).

- **Stage two: Preparation stage**

Umbreit and Zehr (1996:68-71) point out that the preparation of participants is one of the main concerns of FGC process. Participants include both the victim and offender, the family and the community. The preparation of the main parties before the joint conference is crucial for the process of establishing relationships and trust with the parties involved.

Participants need to be ready to participate in a dialogue, in which the facilitator does not dominate the discussion. Instead, the facilitator will evaluate the needs of victims and offenders and gain a human context for the crime that occurred. These meetings are important because they humanise the process so that the parties feel safe and ready to participate freely in a genuine way. Without proper preparation of all participating members, FGC could lead to poor preparation (Zehr, 1990).

- **Stage three: The conference**

There are steps that are followed by the facilitator before the conference stage could begin. In this stage, the information is given to both parties whereby the members involved should plan amongst themselves and lastly the family produces their agreement and plan. Frost, Abram and Burgess (2014:480-490) indicated that the Conference stage is held during the following three phases:

- **Phase one: Information sharing**

The facilitator will begin the meeting by welcoming all and ensuring that everyone knows who they are. The parties involved will then ask the person who submitted the referral (often the social worker) to share information about the decisions. This should include clear understandable information on decisions to be taken. Once the referrer has provided information, the family will be given the opportunity to ask questions and to clarify anything that is unclear. Once the family has all the information to help them make a plan, the meeting takes place in phase two (Lowry, 1997:57).

- **Phase two: Private family time**

Connolly (2006:523-528) argues that families should always be given time to plan. During private time, professionals and the facilitator leave the room to give the family time to plan, although they stay in the building so that they are available to the family if necessary. The family has unlimited time to discuss and formulate a plan that addresses the issues and problems identified by the referrer and takes into account the issues explained to them.

If the family needs additional information to plan, they can call any professional, including the coordinator, back to their private meeting to help them. After the family has made a plan, the facilitator will be called back to the meeting and moved to the third stage.

- **Phase three: Agreeing the plan**

The facilitator asks the family to explain their plan at this phase. Participants may also be asked to clarify their detailed plan. Then, the referrer is asked if they agree with the plan. The referrer should agree with the plan as long as it is legal and safe. However, if the court proceedings are ongoing, the plan would normally have to be agreed by the court before it can be carried out. Facilitators involved will also confirm what assistance they can give the family to work on the plan. This should normally be included in the plan (Connolly, 2006:531-540).

- **Phase four: The follow-up stage**

The FGC model states that the responsibility of monitoring the plan lies with the family group. The referrer will continue to work with the family and will monitor the family plan, but the family must continue to be in charge. There should be a clear process of reviewing the implementation of the plan. A review FGC should be offered to the family so that they can consider how the plan is working, and to make adjustments or change the plan if necessary (Lowry, 1997:57).

### **2.3.4 The existing principles of Family Group Conference**

FGC plays a key role in helping the victim's family and the offender to solve the crime. The focus of the conference process is to bring together the family and friends of both the victim and the offender, as well as sometimes-other community members, to participate in a professionally facilitated process to identify desirable outcomes for the parties, address the consequences of the crime and explore ways of preventing the reoccurrence of the offending behaviour.



Principles for professional practice in preparing participants for FGC (London, 2003:175).

- Ensure that mediators involved in the conference are committed to the objectives and philosophy of FGC.
- Ensure that mediators are trained and qualified in ways appropriate to participants' culture. Cultural sensitivity is a key concern of this process.
- To ensure the participation of those who are important in the lives of victims and offenders and who can and will contribute to the future of each individual.
- Briefing participants about what will occur, their role and involvement in the process, and providing appropriate information on which they can base decisions during FGC.

It is also holistically agreed that during FGC, it is important to prepare the offender before to ensure that he/she is fully aware of the process. The offender should be prepared to hear the details of the offence that will be presented at the conference (Pennell & Burford, 2000:79).

#### **2.4. THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE**

An important policy challenge is the development and implementation of programmes that can reduce recidivism rates (Bradshaw, Rosenborough & Umbreit, 2006:87-98). There has been a shift in recent years to a more rehabilitative approach to prevent offenders from re-offending. Bradshaw, Rosenborough and Umbreit (2006:87-98) argue that over the past 30 years, the VOM programmes in the US and other countries have increased in response to recidivism. The VOM programmes are typically based on a non-adversarial interaction between victims, offenders and other persons affected by the criminal act to repair the damage caused by the crime and to assume responsibility for the courageous offender (Bergseth & Bouffard, 2007:433-451).

The VOM is regarded as the oldest and most widely used expression of the RJ throughout the world. The VOM is seen as the solution for handling efficiently all restitution cases. Most VOM programmes work with youth offenders, with an increasing number of adult offenders, and some with both offenders (Umbreit, 1997).

Victims have traditionally been left out of the justice process. There were no opportunities for either victims or offenders to tell their stories and be heard. The state has stood in for the victim somehow, and the offender has rarely noticed how real people have been affected by his or her actions (Umbriet, Coates & Vos, 2000:29). Victims have been left with stereotypes to fill their thoughts about offenders. VOM gave both parties the opportunity to come together in a controlled setting to share the pain of victimisation and to answer questions about why and how.

In some cases, these programmes have shown better outcomes than traditional court proceedings for nearly every victim and offender, including assessing perceptions of fairness, satisfaction, opportunity to tell their stories, and perceptions that their opinions have been taken into consideration (Poulson, 2003:167). VOM programmes can increase community and victim involvement in the justice process, generate greater satisfaction with the outcome of the case, and demonstrate compliance with and perceptions of procedural fairness by the offender. A number of studies have also shown reduction in recidivism (Leonard & Kenny, 2011:57-80).

The programme interventions typically take the form of either direct communication between the victim and the offender, such as mediation between them (i.e. during VOM and FGC). The programming is often focused on the development of sanctions aimed at improving the ability of the community to prevent future crime (Bergseth & Bouffard, 2007:433-436). VOM programmes seek to restore the victim (in terms of the harm caused by the criminal act) and to restore the community at large. Furthermore, programmes aim to reduce the likelihood of continued offence by identifying and resolving those factors that may have contributed to the criminal behaviour of the offender (Bergseth & Bouffard, 2007:438-441).

More work is needed to determine the circumstances under which these programmes can be effective in achieving important goals. Bradshaw, Roseborough and Umbreit (2006:87-98) state that “VOM participation accounted for a 34% in reducing re-offending compared to non-participants in these programmes and addition to the reduction of reoffending, participation in VOM led to increased satisfaction of victims and offenders with the overall process and the perceived fairness of the process.”

Furthermore, there are several factors associated with successful offender intervention, which are generally defined as principles that work more effectively. These principles suggest that interventions or programmes are more effective with the following characteristics:

- According to Day, Bryan, Davey and Casey (2006:473), these programmes are responsive so that offender’s benefit from interventions that are meaningful to them and are delivered according to their learning styles (Responsiveness principle).
- Focus on the offender's criminal need; the characteristics and circumstances that contribute to the offence and principle of need (Bonta & Andrews, 2007:1).
- Instead of low-risk offenders (risk principle), programmes target high-risk offenders who are likely to continue to offend (Andrews & Bonta, 2010:39).
- Offenders are given a chance to practise new skills, attitudes and behaviours (Gendreau, 1996:144).
- The method used should be skill-oriented, active and aimed at improving the solution of problems in social interaction. The treatment should be based on cognitive behavioural techniques (Gendreau, 1996:150).
- The impact of the programme is influenced by the delivery manner and setting. This means that the programme should be carried out in a standardised manner with consistent delivery quality. This refers to the integrity of the programmes (Hollin, 1999:361).

The VOM and FGC programmes are not all for the benefit of the victim. Even the programme support offenders and society. In this system, offenders appear to understand fairness and justice, and are thus more likely to respond favourably to the process (Hollin, 1999:361-372). They are put in an intimate encounter with their victims as they enroll in programmes where they are supposed to recognise their wrongdoings. Hence, both programmes offer a more productive way to deal with offenders while focusing solely on retribution.

#### **2.4.5 The principles of effective programmes**

Successful initiatives have various objectives to ensure that each of the offenders is supported to become a better citizen within the society. There are certain offenders with particular needs that require intensive interventions to improve. It is a mechanism that must be driven by values by reforming offenders so that they can become active members in their own societies (Polaschek, 2012:1-8). The principles are more in a series because if successful results are to be obtained, one must follow the other. The principles are intended to interfere and motivate targeted people in society to become better individuals.

##### **2.4.5.1 The risk principle**

Polaschek (2012:9-11) indicated that offenders are divided into different groups as far as risk is concerned, low-risk and high-risk offenders. Low-risk offenders are offenders that pose no great threat to both the community and to themselves. Everything that is required when it comes to such offenders is limited involvement for them to integrate back into society. The second classification consists of offenders at high risk. Not only are these types of offenders a risk to the community but to themselves as well. Many resources are needed when it comes to attending to them. Even approaches must adhere to their needs. Risk principle calls for resource prioritisation in line with the risk of offenders. For example, a person who possesses a risk to the society cannot be viewed as an individual with a smaller risk (Polaschek, 2012:12-17).

Rujjanavet (2008:142-149) mentioned that the risk principle helps in addressing cases with all the seriousness that offenders deserve. The second classification consists of offenders at high risk. These types of offenders pose threats not only to the community but also to themselves. Many resources are needed when it comes to attending to them. Even the methods used must conform to their needs. The risk principle requires resource prioritisation in accordance with the offender's risk.

There are also several ways in which the intervention strategies used on a riskier individual vary. The principle helps in addressing cases with all the seriousness they deserve. The principle is sound and sensible. A person who is used to involving him or herself in criminal activities, for example, needs a more efficient method of intervention (Altschuler & Armstrong, 2001:72-88). The reason for doing so is that he or she cannot be helped by a less effective method. The methods of intervention are not intended to punish but to alter. Allowing continuous offenders to return to the community with expectations that he or she will change will in no way help him or her. Because he or she has proven to be risky, it is only good to ensure that more resources are used to make the intervention work.

#### 2.4.5.2 The need principle

The need principle states that in any given intervention phase, the interests of the victim should be taken into account. Maybe the need is direct or indirect. Some citizens are compelled to participate in illegal acts because of the circumstances. They are missing a thing or two in most situations, and that is why they end up doing what they do. What they are missing is what is called a need. The principle also states that the obligation must be fulfilled for the offender not to go back to his or her old ways (Aertsen & Peters, 1998:106). An individual may end up engaging in criminal activities because of a lack of education and awareness about certain issues. It is therefore necessary to enlighten that person about the issues with which he or she may not be familiar, so that he or she cannot go back to his or her old ways.

Aertsen and Peters (1998:106) stated that the environment can cause one to commit a criminal offence. When the offender's environment is not well looked into, after corrections, the offender is brought back to the same threats, and it does not produce the desired results. For example, if an offender lives in a gun-driven community and earns from criminal activities, take him or her back to risk. The principle is important because in the process of making sure that a person benefits from an intervention programme, it seeks to find a permanent solution. Helping offenders and not looking at what they needed to commit a crime is partly solving the issue. The only way to ensure offenders do not get their old ways back is to deal with the triggers, and this means looking at their needs and meeting them (Dignan, 1992:453).

#### 2.4.5.3 The treatment principle

The treatment principle underlined the need to search for the most appropriate treatment plan. The principle concentrates much on high-risk offenders. For the offender to be welcomed back to the community, he or she must go through some successful therapies. The type of treatment, the period of treatment and the length of the treatment are things to consider when it comes to treatment. An offender that is at greater risk to community needs should be treated accordingly (Bonta & Andrews, 2003:215).

Although the main reason the offender is placed in a correctional institution is not to be punished, a high-risk offender must be serious and if the need requires, it must take a longer time so that after recovery, he or she will be able to integrate in the community. Offenders are inspired by various motives to participate in illegal activities. The treatment principle recognises the character of the offender. Considering the offender's personality, it becomes easy to assist a person with a set of issues by understanding the correct way to handle him or her (Bonta & Andrews, 2003:215-218).

#### **2.4.6 Measuring the effectiveness of the Victim-offender Mediation and Family Group Conference on recidivism**

Developing and implementing strategies for VOM and FGC that can reduce recurrence rates is a significant policy concern (Bradshaw, Rosenborough & Umbreit, 2006:1). There has been a movement in recent years towards a more restorative approach to juvenile delinquency and crime (Braithwaite, 2007:2). According to Okada (2011:1), in other countries and the US, the use of the VOM and FGC programmes has been growing over the past 30 years in response to some types of adult crime and juvenile delinquency (Bazemore & Umbreit, 2001:1).

Usually, the VOM and FGC initiatives are focused on a non-adversarial relationship between victims, offenders, and all individuals impacted by the criminal act to mitigate the harm done by the crime and to promote responsibility to offenders (Bergseth & Bouffard, 2007:433). In some cases, these interventions have shown greater results than conventional court practices on almost every victim and offender aspect, including measuring perceptions of justice, satisfaction and ability to share their story. Implementing the FGC and VOM model has seen rapid growth in several countries. Some scholars have pointed out that the success of both programmes is more dependent on client satisfaction.

Bergseth and Bouffard (2007:443-451) indicated that VOM and FGC developments also concentrate on creating policies that aim to strengthen the capacity of the community to deter crime in the future using non-adversarial and usually collaborative mechanisms that often include group-based decision-making rather than a centralised judicial authority (Bazemore & Umbreit, 2001:1). Both programmes seek to recover the victim in terms of the damage incurred by the criminal act, as well as recover the broader society. Therefore, the programmes aim to minimise the risk of future offending by recognising and mitigating certain causes, which might have precipitated the criminal activity of the offender (Bradshaw *et al.* 2006; Smith, 2001:472-478).

The effectiveness of prisons in rehabilitating offenders can be measured in many other ways than recidivism rates, such as reductions in the abuse of substances among released offenders and increases in their employment rates during release and in education (MacKenzie, 2006:56). Statistics on recidivism can be confusing because direct measurements on recidivism may exclude some of the offenders who should be part of the statistics due to the type of measurement the system uses. Recidivism statistics may be inconsistent, but recent data show that education has a serious effect on recidivism. Government should invest heavily in the education programmes for offenders, as the education of an offender dramatically reduces recidivism (Bednarowski, 2010:1).

The effect of education programmes on recidivism is, however, that the rate is reduced by at least 29 percent (Bednarowski, 2010:1). The recidivism rate could be measured in three specific ways: time monitoring; types of offences included and the inclusion of contraventions of parole. The length of time monitored varies by agency, but the three-year period is the period most commonly used to rate recidivism. The belief in harsh sentences is that life in prison is terrible and the associated social stigma can deter criminal behaviour that can reduce recidivism. According to Bednarowski (2010:2), offenders are mostly antisocial when sentenced. When they spend most of their time with other peers who have the same behaviour, they get worse than when they go in, which could lead to recidivism.

One of the key objectives of the DCS was to identify effective rehabilitation (Skosana, 2001:11). The programme to reduce recidivism includes strengthening partnerships with civil society and the family of offenders. Some of the DCS include the development of individualised need-based rehabilitation programmes, the promotion of the RJ approach and the improvement of training capacity. The VOM and FGC programmes are a more successful way to enhance victim-offender satisfaction, increase offender compliance with restitution, and decrease offender recurrence compared with more conventional criminal justice approaches such as detention, probation and court-ordered restitution. The programmes have been regarded to have higher victim satisfaction ratings and offender satisfaction and have an important impact on recidivism.



## **2.5. FACTORS CONTRIBUTING TO RECIDIVISMS**

There are many different reasons that lead potential offenders to re-offend. According to Leighton and Roy (2001:34), the following are indicated as factors contributing to recidivism:

### **2.5.1 Failure of programmes**

Available programmes will be effective if offenders participate in them fully, whether in a correctional centre or as a part of parole or probation. People may re-offend without commitment to the goals of the programme. If a programme does not meet the needs of offenders effectively, then reoffending may not be prevented (Leighton & Roy, 2001:34).

### **2.5.2 Failure of penalty**

It is believed that if their original punishment is inappropriate and does not act as a deterrent, criminals will commit further crimes. Sentences may be too lenient to make people acknowledge their wrongdoing. They may also be too harsh to cause offenders to disassociate and react criminally to social norms. For the type of crime such as long-term imprisonment for first time offenders, some sanctions may not be a suitable match. Alternative sanctions must be provided to offenders in this instance (Slobogin, 2005:121).

### **2.5.3 The use of substance**

The relationship between substance use and criminal activity has been linked together and studied extensively over the past few years. According Thompson (2008), people who use drugs are more likely to engage in crime than those who do not. Studies in the United States estimate that approximately 60% of arrested people used drugs at the time of arrest, and that nearly 70% of the offenders suffer from problems related to substance and drug use (Thompson, 2008). Some studies suggest that drug abuse treatment is a significant factor in reducing recidivism.

### **2.5.3 Economic stress**

People will use illegitimate means to achieve goals when legitimate ways of achieving them are denied. If offenders cannot support themselves when they are released or if they feel under pressure because of their low socio-economic status, they can react to illegal behaviour. Therefore, re-offending does not occur because of a failed rehabilitation programme or because an individual does not recognise his or her wrongdoing, but because the offender has failed to achieve economic goals within a broader capitalist system (McMackin, Tansi & LaFratta, 2004:1-15).

### **2.5.4 Inability to attain employment**

Jacobs (2005:387) states that most offenders are imprisoned without jobs, and when they are released, it becomes very difficult for them to get jobs. As a result, they are left to idle in society when they have nothing to use in terms of taking care of themselves, which makes them reoffend because they have no option but to commit crimes. A criminal record itself makes significant obstacles to finding legitimate work by interfering with business, restricting the improvement of occupation abilities, and discouraging potential employers from hiring those with a criminal history.

### **2.5.5 Lack of support**

This is also another reason for the re-offending by offenders because prisoners are not supported by their families and communities after serving their penalties and are not helped to fight against committing further crimes. Offenders, especially those who have served for a long time in prison, may find it difficult to adjust after release. The outside world may differ significantly from what they knew before with technological advances, shifts in public policy or ideals, political changes, and so on. If offenders are unable to adjust to the norms of an ever-changing society in an attempt to meet their needs, they may engage in illegal practices (Munn & Bruckert, 2013:31).

### **2.5.6 Peer pressure**

Peer pressure has been correlated with illegal behaviour, but it has not been discovered to be a primary explanation why most individuals participate in criminal conduct. Immaturity has been shown to be positively associated with how much the negative effect of others may motivate others to participate in disruptive actions, such as being involved in crimes (Boone, 2004:167). This in turn leaves the adolescents more vulnerable to peer influence, which can lead them to commit crimes. Adolescents and young adults who choose to be in the company of others who endorse criminal behaviour are then more likely to engage in such behaviour themselves.

### **2.5.6 Environment**

Chikadzi (2017:288-293) points out that community settings in which an offender lives are crucial to developing an explanation for recidivism. Offenders face an environment that is challenging, and that actively prevents them from becoming productive members of the society. When released, numerous offenders do not come back to sustaining conditions. Many return to homes that are imparted by different people who engage in crime, in disordered societies, or societies without resources.

This population may participate in illegal activities as a way of surviving in the society that they have spent so much time separated from. Seiter and Kadela (2003:361) reported that offenders cannot keep up stable housing. Some may contend that the absence of stable housing sustains the cycle of criminal conduct.

## **2.6. VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE ON RECIDIVISM: BRIEF COMPARATIVE STUDIES**

Recidivism is one of CJS most fundamental concept. It refers to the relapse of a person into criminal behaviour, often after the person is interfered with for a previous offence. It is also stated that when a parolee resumes criminal behaviour after release from prison, he or she is said to have recidivated.

Recidivism is measured by criminal acts that result in arrests, convictions or return to prison with or without a new sentence for a period of three years after the offender has been released. Recidivism rates reflect the level of rehabilitation of released offenders and the role of correctional programmes in reintegrating them into society. High recidivism rates also lead to tremendous public safety costs. The high rates of recidivism lead to devastating social costs for offenders' communities and families, as well as personal costs (Zamble & Quinsey, 2001:1).

Pollock (2017:1) mentions that international and national studies assume that most of the crimes committed are the responsibility of recidivists. The correctional institutions are already overburdened, and recidivism is a serious matter, which cannot be overlooked on an international or national level. This study will use three countries to look at the rates of recidivism on an international and national level. These countries are the US, Nigeria and South Africa.

### **2.6.1 Recidivism in the United States of America**

Carson and Sabo (2012) highlight that the USA has about 5% of the world's population, yet it accounts for about 25% of the world's inmates. Despite a continuous decrease in crime rates over the previous two decades, the USA imprisons more citizens than any other nation. More than 2.3 million offenders are in government and local institutions in the USA. The correctional agencies and organisations face several major difficulties in setting fresh prison records, such as increasing crime rates and more criminal prosecutions (Carson & Sabo, 2012:1). Recidivism in the USA is unavoidable, promotes overcrowding and affects the living conditions of offenders in correctional centres.

The USA's Community Resources for Justice (CRJ) structure is unique and complicated, varying from state to state, but statutes, sentences and penalties allow some variety, standardised, and controlled by the overruling federal government administration (O'Connor, 2014:122). The total amount of people imprisoned in the USA increased to 1.9 percent in 2004 (Harrison & Beck, 2005:2).

A research on the general rate of recidivism was performed in the USA to see how many had returned to prison within a period of five years. The research discovered that within three years, 67.8 percent of released inmates have been detained for a fresh crime, and within five years 76.6 percent have been detained.

This research was commonly recognised as proof that recidivism in the USA is a serious national problem that needs to be considered a main part of the reform of mass incarceration. In the US, the rate of incarceration has risen dramatically, resulting in correctional centres to be filled with poor circumstances and inmate environments. Petersilia (2004:4-8) states the following:

*“In USA, the increase in the number of releases has extended the system of parole beyond its boundaries with increasing concern about what support can be given at release. Prison rehabilitation programmes have had no significant impact on recidivism due to the large number of offenders re-offending.”*

### **2.6.2 Recidivism in Nigeria**

The prison system in Nigeria is experiencing a tremendous increase in the recurrence of people in crime. A large number of reoffenders in Nigerian correctional centres has challenged the feasibility and effectiveness of rehabilitation programmes. Abrifor, Atere and Muoghalu (2012:1) stated that “the rate at which released offenders return to prison a few months after their release has attracted the attention and interest of experts from other disciplines who now doubt the ideal function of the worldwide prison institution.” Statistics from Nigerian correctional facilities indicate that more than 60% of offenders are recidivists, and this is an indicator that the prison as a place for rehabilitation has failed to correct inmates' antisocial behaviour (Otu, 2015:136).

According to Otu, (2015:136-145) Nigerian prisons have become a place where criminals learn more criminal activities instead of rehabilitating offenders. The number of offenders that go in and out of Nigerian prisons show that there are some problems in the system. The prison system in Nigeria was not able to live up to expectations.

The expectation is that the system will have a positive impact on prisoners' lives and vocations. Soyombo (2009) mentioned that the Nigerian prison system is unable to identify the incarceration intent and is silent on the critical rehabilitation programme. The system focuses on the retributive / punitive nature of incarceration, to the almost complete lack of its demands for rehabilitation. The system is seeing a high rate of criminal behaviour. According Soyombo (2009) and Abrifor, Atere and Muoghalu (2012:1), the prevalence of recurrence in Nigeria in 2005 was 37.3 %, while in 2010, it was 52.4%.

The prison system in Nigeria lacks funds to obtain and set up state of the-art rehabilitation services such as vocational skills and a comprehensive formal education system for detainees. Nigerian prisons have increased tremendously, and many correctional facilities are already crowded (Obioha, 2011:95). Throughout Nigeria, between the years 2013 and 2015, more than 300,000 criminals were registered, with males accounting for more than 90% of the crimes committed. The report, which includes data from 2011 to 2015, shows that 72.5% of Nigerian offenders have reoffended and sentenced (Obioha, 2011:101). The troubling statistics illustrate crucial gaps in Nigeria's CJS with trials often going on for years without conclusion. Like other African countries, in Nigeria the rehabilitation of offenders is largely insufficient. Relapse of offenders is a complicated issue and most offenders are three times more likely to be rearrested (Freeman, 2003:1). Such high rates of recidivism, directly or indirectly, create significant additional costs to society.

### **2.6.3 Recidivism in South Africa**

According to Valera, Brotzman, Wilson, and Reid, (2017:412), South Africa as a developing country still faces a number of challenges which must be prioritised, such as a high level of crime. It is also important to note that causes and effects of the crime committed have a negative effect on the growth and development of the republic at large. There are a number of important elements, including good education systems, financial stability in trade relations and the infrastructure development. These key areas are negatively affected by the high crime rate.

The country is therefore failing to achieve its intended objectives of improving the lives and security of the people and the efforts to develop strategies and techniques for the prevention and eradication of crime are still not sufficient, as the current initiatives and interventions are not sufficient to optimally improve and promote compliance in South Africa (Valera *et al.* 2017:412). The DCS in South Africa has a challenge to provide support for offenders during reintegration. This support can take the form of collaborative efforts and interventions by all stakeholders to monitor activities and behaviour of offenders in order to provide corrective measures (Valera, Brotzman, Wilson, & Reid, 2017:412).

In South Africa, recidivism seems to be an uncontrollable phenomenon as offenders keep on re-offending, which has a negative impact on the already overcrowded correctional centres (Dissel, 2002:13). According to the White Paper on Corrections (2005:75) in South Africa, the "motivation behind the rehabilitation programmes is not punishment, but the protection of the society, advancement of social responsibility and the improving of human advancement with a specific end goal to prevent recidivism" (White Paper, 2005:75). Additionally, the White Paper (2005:75) indicated that while prison sentences do restrain the degree of repeated re-offending, the essence of deterrence remains rehabilitation. This implies that it is rehabilitation and not punishment that eventually prevails concerning breaking the cycle of crime.

South Africa has one of the largest incarceration rates in the world (Dissel, 2002:13). According to the Judicial Inspectorate of Correctional Services [JICS] (2012), statistics indicate that the incarceration rate is more than double the rate of any European nation, and that most of these imprisoned offenders make up 51% of the total offender population. The DCS is increasingly anticipated not only to household offenders, but also to help transform them so that they can become law-abiding citizens when they are released.

Although they are accountable in terms of implementing court sentences and offering corrections, they do not maintain statistics on recidivism. Dissel, (2002:13) mentioned that there are no credible figures on recidivism rates in South Africa, but scholarly and academic study estimates that 85% to 94% of inmates reoffend.

## **2.7. THE NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS: VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE INTERVENTIONS**

In South Africa, the NICRO started the diversion programmes in the early 1990's. NICRO is set up as a friendly detainee organisation to create a crime-free South Africa, and encourages the use of alternatives to incarceration, tries to enhance conditions in correctional facilities, encourages the efficiency of autonomous surveillance systems for correctional facilities and aims at preventing and combating torture (Wood, 2003:22). The framework of NICRO aims to empower the victim, the offender, the CJS and the community to move towards the RJ system. NICRO programmes include VOM, FGC and community programmes. The NICRO has been in existence for several years and runs a range of programmes. The Victim Support Programme is one of them, of which its goal is to ensure that the rights of victims of crime are met through the development of sustainable, needs-based victim support services (Wood, 2003:22).

Muntingh (2001:28-34) argued that offenders, victims of crime and the community at large form the focus area of NICRO. The primary initiatives of NICRO include the reintegration of offenders such as diversion and non-custodial sentencing, among other programmes. The interaction between NICRO and offenders is not limited and extends to their communities and families. Through active engagement with the society, crime is prevented, and offenders do not repeat it. Many offenders learn valuable life skills through NICRO's interference, and refrain from further criminal activities (Muntingh, 2001:28-34).



Williams (2005:1) stated that “various stakeholders work with offenders and their families to encourage reintegration of offenders and decrease the likelihood of re-offending.” The state provides offenders with various services and programmes in collaboration with the community and NGOs. These services range from family support, vocational skills and therapeutic programmes such as anger management. However, many studies show that these programmes lack continuity from prison and outside correctional centres.

### **2.7.1 Challenges faced by the National Institute for Crime Prevention and Reintegration of Offenders in response to recidivism**

The NICRO, as the NPO, deals with preventing recidivism. It experiences lot of challenges when responding to recidivism. Due to long experience that NICRO has in dealing with offenders, the organisation recognised that imprisoning offenders in an environment that is not conducive to change their criminal behaviour does not resolve criminal behaviour, believing that the Department of Correctional Service’s current state compounds criminal behaviour rather than rehabilitates people (Robinson & Shapland, 2008:337-358).

Therefore, there are many challenges faced when responding to recidivism. These challenges also hinder the effectiveness of VOM and FGC programmes such as:

- **The lack of psychological services for offenders**

According to Comer, Chow, Chan, Cooper-Vince and Wilson (2013:26), it does not serve any purpose to maintain offenders in prison without providing rehabilitation programmes for them. For example, sex offenders being kept in a correctional centre without rehabilitation are likely to commit further predatory acts of sexual violence as a consequence of psychological disorders.

- **Lack of resources**

Some offenders do not have equal opportunities to participate in the programmes due to the lack of resources. This makes them vulnerable to criminal behaviour. There is a shortage of dedicated educational staff in South Africa as well as social workers and psychologists who provide offenders with the programmes. The role of these experts is crucial in decreasing recidivism (Notshulwana, 2012:139).

- **Lack of participation**

Participation of victims and offenders during the programmes is very important. Some victims do not participate due to the reason that they are not ready to meet their victimisers or lose interest in taking part in the sessions along the way. Offenders acknowledge their wrongdoing to their victims, but it becomes challenging to meet their victims. Participation is another factor that hinders the effectiveness of the programmes because without participation of the parties involved, the sessions cannot take place. Some offenders do not participate in the sessions because they are being labelled in their communities (Umbreit, Coates & Vos, 2002:259).

- **Overcrowding**

Drago, Galbiati and Vertova (2011:103) confirmed overcrowding at the correctional centres has an adverse effect on employees, offenders and on the safe custody of offenders. Overcrowding leads officials and offenders to be tensed and aggressive. Working with a big number of offenders becomes hard because the efficacy of control and supervision is limited. The environment is not conducive to effective programmes being applied and unsafe working environment being created. Operating in a setting characterised by serious overcrowding becomes hard. Officials rendering the programmes have responsibilities that go beyond what they can offer, and their contributions become ineffective due to overcrowding.

## **2.7.2 The role played by Non-Governmental Organisations in reducing recidivism**

In the absence of appropriate programmes offered by the DCS, prisoners are able to take part in the programmes offered by NGOs. Inside and outside of correctional centres, there are many NGOs working with offenders and their families in order to reduce chances of re-offending. Many offenders prefer to participate in programmes offered by NGOs because these NGOs are from their same communities (Albertus, 2010). Offenders have an opportunity to work towards gaining the trust of the community by participating in NGOs programmes. The opportunity to take part in the programmes give offenders hope that they will be accepted back into the community when they are released.

NGOs field consists mainly of non-profit and community based organisations that play a significant role within the communities. Those heading community-based organisations are often trusted community members who are acquainted with the community's particular culture and challenges (Roper, 2005:42). Muntingh (2005:40) further shared that offenders and their families mostly acclaim efforts of NGOs. Most offenders that have undergone programmes offered by NGOs volunteer in organisations. This shows the importance and contribution of organisations in reducing chances of offenders from re-offending.

Although there is limited information on the effectiveness of offender rehabilitation programmes in South Africa, there are programmes that NGOs offer to help offenders and their families to reduce chances of re-offending. Some NGOs have changed the lives of offenders through their services (Muntingh, 2005:37). Some of the programmes that are all facilitated by NGOs include the following:

- VOM brings together victims and perpetrators in an effort to reach an agreement that addresses the parties' needs (Umbreit, Coates & Roberts, 2000:215).
- Youth Empowerment Programme is a life skills training programme that includes youth and their families (Umbreit, Coates & Roberts, 2000:215).

- FGC is similar to VOM, which involves family and friends of the offender in an attempt to restore harmony and prevent reoffending (LaPrairie, 1995:78).
- The Journey is an intense and long-term project for those at greater risk and overwhelmed to embark on a long-term process of working towards a positive and independent life.
- Pre-Trial Community Service (PTCS) requires the offender to perform community service rather than punishment (Panzer, 1997:186).

The stated programmes are facilitated by NICRO to help offenders not to re-offend. VOM and FGC programmes aim at bringing the offender, victim and family members of both victim and the offender, including community members wherein NICRO officials facilitate a meeting to discuss the impact of the crime committed against the victims and community. The YES, PTCS and Journey are also rendered at NICRO, whereas the study focused on VOM and FGC programmes.

## **2.8. THE STRATEGIES EMPLOYED BY THE NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS IN REDUCING RECIDIVISM**

Gumz and Grant (2009:119-126) stated that developing systematic, evidence-based strategies to minimise recurrence falls within the NICRO context, which also helps to encourage offenders, victims and the community to move towards a culture of the RJ. Many studies indicate that the risk of recurrence can be efficiently minimised through evidence-based programming that meets the criminogenic needs of offenders. NICRO offers proactive approaches to crime prevention and reduction by providing rehabilitation services such as conflict management, clinical and behavioural life skills services for offenders, their families and their victims and developing community and individual ability to turn their backs on crime (Gumz & Grant, 2009:119-126).

The NICRO finds crime as a significant threat to human security, social stability and economic growth. The organisation, in its committed and tireless battle against crime, boasts a proven tangible record of achievement. NICRO approaches crime in a comprehensive and proactive manner, partnering with offenders, families and communities at all levels to mitigate and deter crime by preventing impressionable, vulnerable offenders from being trapped in the downward spiral of crime (Lucas (2000:1365). NICRO diverts children, youth and primarily first-time adult offenders away from the traditional CJS into specialised educational, rehabilitation services that successfully deter and mitigate crime.

According to Lucas (2000:1365), providing constructive and effective alternatives to imprisonment for offenders convicted of less serious, non-violent crimes succeeds in teaching, healing and effectively breaking the cycle of crime. Providing opportunities for change and personal growth for inmates and former criminals, promoting their recovery and positive reintegration into society as a productive, responsible, law-abiding citizen who is an asset rather than a threat or burden, and helping families and communities help criminals and potential offenders to turn their lives around and make a new, healthier start (Lucas, 2000:1365).

The NICRO's approaches of minimising recidivism include crime prevention, diversion programmes, non-custodial sentencing and reintegration of offenders. Each approach is a NICRO programme that focuses on increasing awareness and supporting offenders (Godfrey, Cox, Shore and Alker, 2017).

### **2.8.1 Crime prevention**

Cherney and Sutton, (2007:65-81) mentioned that effective crime prevention initiatives tackle factors that lead to the vast number of crimes committed by offenders who have completed an incarceration period and failed to return as law-abiding citizens to the community after release. Without financial, psychological and social support at the time of release, offenders may have difficult time breaking the release and the re-arrest process.

NICRO's problem is high-risk criminals with long criminal histories. A key aspect of effective crime prevention initiatives is emphasis on the community social reintegration of offenders and the implementation of programmes aimed at minimising recurrence rates (Hannah-Moffat, 2005:29-51). NICRO raises public awareness about crime prevention and public safety, provides information, discusses problems, and distributes knowledge to people for informed decision-making.

### **2.8.2 The diversion programmes**

Ntuli, (2017:1) highlighted that in South Africa, diversion programmes commenced in the early 1990s by NICRO. The diversion of offenders is one practice that takes away offenders from the formal CJS, such as VOM, FGC, Youth Empowerment Programme, The Journey and Pre-Trial Community Service, referral to a NGO or other community or social programmes, including substance abuse programmes, family reunification and community services and anger management programmes. The diversion is a major change away from punitive and retributive criminal justice to rehabilitative, educational and rehabilitation alternatives intended to facilitate redemption, reconciliation and healing (Ntuli, 2017:1).

The NICRO's programme provides a positive option and substantial incentives for the advancement of disadvantaged, socially isolated and traumatised offenders in conflict with the law by giving them the opportunity to turn their lives around and become successful, responsible people. According to Singh (2016:1-10), the aims of the diversion are to deter offenders in conflict with the law from re-offending, to recognise and deal with underlying factors that drive the actions of offenders, to include psycho-educational and recovery services for the benefit of all parties involved. In addition to offering an opportunity for reparation, offenders are given the opportunity to take responsibility for their actions.

First time offenders are prohibited from having a criminal record and being labeled as criminals. NICRO is reducing the caseload of the formal CJS, preventing the detention of first-time offenders exposed to criminal elements, being hardened by experience and becoming more likely to repeat their offence and the likelihood of criminals committing crimes (Singh, 2016:1-10).

#### 2.8.2.1 Anger management

One of the services developed by NICRO as a tool to encourage offenders not to reoffend is the Anger Management programme. It is a session curriculum designed to resolve the deficiencies in social coping skills associated with rage and behaviours associated with anger. This programme is ideal for low- to medium-risk offenders, strengthens the interpersonal and social coping skills of offenders, with particular focus on anger management and self-control, and decreases the probability that they may turn to rage and violence to solve conflicts and resolve anxiety and frustration (Cecil, Drapkin, MacKenzie & Hickman, 2000:207).

#### 2.8.2.2 Adult life skills

The Adult life skills programme is a session programme that addresses improvement of life skills and enhancement by concentrating on key social and cognitive skills that offenders need to work efficiently within their communities (Jolley, 2018). These usually include emotional self-awareness, ability to objectively evaluate one's abilities and strengths, self-confidence, empathy, emotional self-control, adaptability, attitude towards success, motivation, conflict management, and ability to communicate with others, Jolley (2018).

### 2.8.2.3 Non-Custodial Sentence

Based on the principles of RJ, NICRO uses the RJ concept in their programmes to offer justice to the affected parties. According to Robinson and Shapland, (2008. 337-3448) with the Non-Custodial Sentence (NCS), it is possible to resolve the root causes of the criminal activity, and criminals are given the opportunity to turn their lives around. Attending therapeutic services and programmes is part of NCS, where behavioural improvements will occur for offenders.

NICRO allows only eligible offenders to be sent to NCS, where punishments of the offenders are served in the community rather than in prison. The NICRO argues that incarceration is not the only choice for many offenders, and that sending an offender to incarceration in some situations actually worsens the crime issue (Robinson & Shapland, 2008. 349-358).

Some offenders are sentenced to rehabilitation interventions and services intended to fix their actions, according to NICRO (2012:1), and these penalties can be carried out in the community. NICRO (2012:1) further notes that NCS provides greater opportunities and possibilities to improve behaviour make amends, encourage community engagement and reparation. NICRO sees development prospects and ways to help reduce the violence. NCS assists offenders by providing rehabilitative services that promote and encourage successful reintegration.

## **2.9. OVERCROWDING IN SOUTH AFRICAN CORRECTIONAL CENTRES**

Overcrowding in correctional centres in South Africa, as in many countries, is one of the issues that have proved to be a serious issue in correctional facilities. The situation is even more serious than in most other countries as South Africa has at any given time one of the highest figures of correctional centres in the world with about 4 out of every 1000 citizens in correctional centres (Fagan, 2002:16).



Overcrowding in correctional facilities not only presents management and finance-related problems, but also results in many other negative ways. Overcrowding of correctional facilities limits offender's incentives to courses of recovery and raises the risk of recidivism. South Africa is not the only country that has to deal with overcrowding in the correctional facilities. For example, overcrowding in the US has led to the situation where some correctional institutions have not even been able to provide offenders with basic services such as sanitation and medical care. The South African correctional system's problem of overcrowding has been described as a major obstacle, negatively affecting the South African correctional system's ability to rehabilitate and protect offenders (Fagan, 2002:16-19).

Following the release of offenders, most have not received proper treatment measures to stop them from committing further crimes. This often results in reoccurring offenders returning to the correctional system. Innovative programmes have expanded, allowing offenders to be properly rehabilitated because of overcrowding in correctional centres. South Africa is ranked number 11 with the problem of overcrowding around the world. South Africa's correctional facilities have been overcrowded since 2000, according to estimates from the DCS (Luyt, 2008:176). South Africa's correctional facilities have been overcrowded since 2000. According to the DCS report for the 2017/18 financial year, correctional facilities were overpopulated by an average of 38% across South Africa. In South Africa there are 241 correctional centres, of which most are facing overcrowding. The Eastern Cape correctional centres are known to be the worst affected at 57% overcrowded, followed by Gauteng at 48% and the Western Cape at 45% of overcrowding (Luyt, 2008:195).

### **2.9.1 Contributory factors to overcrowding in correctional centres**

There are numerous reasons why prisons are overcrowded. Some societal issues have an impact on prison overcrowding, including longer sentences for offenders, which require them to serve the majority in their time in custody.

Overcrowding in correctional centres compromises the effectiveness of rehabilitation programmes for offenders (Haney, 2006:265). Factors contributing to overcrowding in correctional centres include:

- **High recidivism rate:** Recidivism contributes to overcrowding in correctional centres as many offenders during their release time are more likely to commit crimes, where they are being apprehended and sentenced to correctional centres again (Geldenhuys, 2017:22).
- **High crime rate:** The committing of crimes is another factor that plays a significant role in overcrowding. For a person to be brought to correctional centres, crime is a requirement. Many people commit crimes, where other people are caught and sentenced to correctional facilities almost every day (MacKenzie, 2006:56).
- **Courts:** Proceedings before courts contribute to overcrowding. Within the trial process, a lot of time is lost during court proceedings. Some cases are postponed due to the non-availability of witnesses or for further investigations, court consideration of verdict, procurement of previous records of conviction, consideration of an appropriate sanction and other reasons which magistrates or judges may consider appropriate in the circumstances (Junaid, 2009).

## 2.10. SUMMARY

This chapter (Two) discussed the literature relevant to the effectiveness of VOM and FGC on recidivism. The literature focused on factors contributing to recidivism. The recidivism rates were compared on an international and national level using countries such as the USA, Nigeria and South Africa and measuring the effectiveness of VOM and FGC on recidivism. This chapter also discussed NICRO's framework in South Africa and challenges faced when responding to recidivism. The next chapter looks at the theoretical framework of the study. Theories relating to the effectiveness of VOM and FGC on recidivism are discussed in the next chapter (Three).

## **CHAPTER THREE**

### **THEORETICAL FRAMEWORK ON THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE ON RECIDIVISM**

#### **3.1. INTRODUCTION**

This chapter is based on theoretical literature about the effectiveness of VOM and FGC programmes on recidivism. This study adopted the concept of the RJ Theory to explain the effectiveness of VOM and FGC programmes on recidivism. Other theories of RJ such as RS Theory are also addressed. In addition, RJ principles are discussed in relation to the literature on the effectiveness of VOM and FGC. The RJ Theory is chosen based on its characteristics, which state that the theory considers crime as more than violating the law, and that it harms individuals, relationships and the community. Crime causes damage, and the harm caused by crime should be remedied for justice. Most affected members should be those most impacted by crime in their resolution (Akers & Sellers, 2004).

Wenzel, Okimoto, Feather and Platow (2008:375-389) state that the purpose of the RJ Theory is to restore the broken connection between the victim, offender and society that comes from where the crime is committed. Participating members, in particular the offender, must recognise his or her wrongdoing for the effectiveness of the programmes, which needs the offender to recognise and internalise socially accepted norms, attitudes and values of the community.

#### **3.2. THE RESTORATIVE JUSTICE THEORY**

The RJ Theory is a theory of justice that emphasises repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders. According to McCold (2000:414), the RJ Theory approaches crime in a variety of ways.

*Firstly*, considering criminal acts more comprehensively than merely describing crime as lawbreaking, recognising that criminals injure victims, communities and even themselves. *Secondly*, more parties are involved in reacting to crime, rather than only providing key roles to the government and offenders. It also includes victims and communities. Eventually, instead of measuring how much damage is done, it measures how much harm is reversed, and measures performance differently. It acknowledges that crime causes injury to people and communities; it insists that justice repairs those injuries and that the parties be permitted to participate in that process.

The RJ Theory allows the victim, the offender and community members affected to be directly involved in the response to the crime. The victim, the offender and `community become central to the criminal justice process, with governmental and legal professionals serving as facilitators of a system that aims at offender accountability, reparation to the victim and full participation by the victim, offender and community (Shapland, Atkinson, Atkinson, Colledge, Dignan, Howes, Johnstone, Robinson and Sorsby, 2006:505). The theory focusses much on getting offenders to take responsibility for their actions, to understand the harm they have caused, to give them an opportunity to redeem themselves and to discourage them from causing further harm.

Crime is first seen from a restorative perspective as a violation of individuals, communities and relationships. When criminality is thus understood, justice must be viewed as more than punishing or treating those found guilty of breaking the law. The RJ can therefore be described as including 'all responses to crime aimed at doing justice by repairing the harm or healing the wounds or causes of crime' because of offences 'create obligations to make things right' (Zehr, 1997:181). Bazemore and Erbe (2004:10) highlight that the RJ Theory seeks to establish three main goals, which are to benefit the victim, offender and community.

Crimes are viewed as actions by which people cause certain types of harm, prohibited by law, and for which, if a person is convicted of them in court, a sanction may be imposed (Busch, 2002:223). According to Busch, (2002:223), the RJ Theory creates a new model of justice where “the response to crime would be, not to add to the harm caused, by imposing further harm on the offender, but to do as much as possible to restore the situation” (Busch, 2002:223).

Zehr (1997:183) elaborated that the RJ Theory sees crime as a conflict not between the individual and the state, but between people. Accordingly, this understanding encourages the victim and the offender to see one another as persons. In consequence, the focus of the process is on the restoration of human bonds, and the reunion of the two individuals and of the individual with the community (Zehr & Mika, 1998:17). The principle of the RJ Theory is as follows: crime causes harm and justice focuses on mitigating the damage. People most affected by crime should be able to participate in addressing it, and essentially the government's responsibility is to preserve order and community building harmony. The principles of RJ theory play a major role in maintaining a good relationship between criminals, victims and the community through their principles of intervention. According Braithwaite, 2003:5-6), the principles of RJ Theory are discussed as follows:

### **3.2.1 Crime causes harm and justice focuses on mitigating the damage**

The most important principle of RJ Theory is to undo the damage as justice involves working to restore victims, offenders and families who have been affected by crime. This focuses on recognising the damage caused by offender behaviour, while at the same time ensuring that intervention prevents further harm (Hoyle, 2010:1). The overall effort is to address the needs of victims, offenders and communities driven by the needs of these primary stakeholders in the justice process. The effort to repair must be the first concern with the crime, victim and victimised communities. Regarding the needs of victims, repair may include restitution or other types of reparation, the opportunity to be heard and to be vindicated, and the opportunity to provide feedback on the event.

### **3.2.2 The people most affected by crime should be able to participate**

The most affected parties should be involved for the efficiency of restoring the damage. The second principle requires the full participation of all parties involved and is accomplished by allowing all interested parties to participate, requiring the parties to follow their own interests and being sufficiently flexible to accept new solutions applicable to their specific situations. The process maximises the participation and engagement of the parties involved, especially primary victims as well as offenders in the quest for redress, healing, accountability and prevention. Mutual agreement takes precedence over determined outcomes (Consedine, 1995:176).

### **3.2.3 The responsibility of the community and government**

Van Ness and Strong (2002:206) provided that in the absence of feedback from those most affected by the incident, mitigating the harm of crime cannot be efficiently done. The RJ offers as early as possible the full participation of stakeholders in the justice process. The principle of repair means that the amount of reparation depends largely on the degree and nature of stakeholder involvement. Processes involving stakeholders including victims, offenders and communities interested in decision-making on how to resolve should go beyond conventional guilt issues, law violations and the prosecution of offenders (Van Ness & Strong, 2006:43).

During the RJ process, participants are concerned with three different issues: the nature of the harm caused by the crime, what needs to be done to repair the harm, and the person responsible for repairing the harm caused by the crime. Makkai and Braithwaite, (1994:361-385) stated that during the RJ process, participants are concerned with three questions: the nature of the crime-related harm; what must be done to repair the harm; and the person who committed a crime should be held accountable for his/her actions.

### **3.2.4 Criticisms of the Restorative Justice Theory on the effectiveness of Victim-offender Mediation and Family Group Conference programmes on recidivism**

The RJ Theory has been criticised for how it operates. Many critics fail to interpret what it has done. There are many critics of the RJ Theory. This theory provides a more positive way of responding to crime than the traditional form of CJS (Morris, 2002: 596-601.615). Crime is seen in the CRJ as an offence against the state, with the state determining how best to react to law-breaking behaviour (Braithwaite, 2002: 64-68). The theory suggests that those affected by crime should engage in the identification and prosecution of their own crimes, rather than relying solely on CRJ practitioners to handle crime (Braithwaite, 2002: 64-68).

Any of RJ Theory's critiques apply to the way conditions are set to promote victim and offender involvement. Too often, the status of the victim and the offender has not been properly examined, or a thorough review has not been carried out on their needs. Time is not often expended in supplying information to the victim and the offender, educating both parties psychologically and allowing them to become acquainted with the procedure (Morris, 2002:602). Some critics have shown that there was pressure on victims to engage in mediation. The victim and offender can be involved at a time when they are unable to. For example, when engaging in diversion programmes, where it is crucial to include the offender immediately in the process of taking responsibility and avoid dragging it out (Shapland, Atkinson, Atkinson, Colledge, Dignan, Howes, Johnstone, Robinson, & Sorsby, 2006:505-532).

Morris (2002:596) highlighted that some of the arguments used against RJ Theory's practicality such as that RJ erodes human rights, fails to recover victims and criminals and therefore fails to bring about substantive change and avoid recurrence. One critique of RJ Theory is that professionals are left out of the dialogue about restitution. Critics suggest that the CJS cannot thrive without professionals. In other words, professionals can help to prevent issues resulting from informal justice (Olson, & Dzur, 2004:139).

Furthermore, the RJ Theory is seen as an imperfect model in that it does not address the underlying, systemic differences that make certain people more likely to be offenders. It is also criticised because it can cause psychological harm to the victim, particularly if the offender shows little remorse for them (Olson, & Dzur, 2004). This can result in diminished self-esteem. The offender may be hurt, the victims may gang up against the offender, and the victims may attempt to shame the offender which is not the intent of the procedure.

### **3.2.5 The lasting value of Restorative Justice Theory on the effectiveness of Victim-offender Mediation and Family Group Conference programmes on recidivism**

The RJ Theory is a common term for any of those solutions to crime that aim to go beyond judgment and retribution and tackle both causes and effects of offending in ways that facilitate transparency, reconciliation and justice. It is a collective and peace-building approach to dispute resolution that can be seen in a variety of ways. To accomplish its aims, it uses many different approaches, including VOM, FGC and other related services (Duff, 2012:120). The values of the RJ Theory are stated as follows:

- **Participation**

Those most impacted by the incident of crime, the victims, offenders and their communities of concern will be key speakers and decision-makers in the case, rather than qualified experts serving the State's interests (Roche, 2003). Anyone presents at a conference on RJ Theory has something important to contribute to achieving objectives.

- **Interconnectedness**

While emphasising the rights and responsibility of people, the RJ Theory acknowledges the social ties that bind victim and offender. Parties that are impacted by crime are all respected members of community, a community in which a network of relationships interlinks all men. Society takes responsibility for its citizens and for the nature of crime, and a common responsibility for helping to recover victims and reintegrate offenders. Moreover, through their mutual presence in the criminal case, the victim and offender are closely bound together, and in some ways hold the key to each other's rehabilitation.



Crime's social character makes a group forum, the perfect environment for discussing the implications and causes of the offence and for charting a healing path forward (Hadley, 2001:276).

- **Accountability**

When one person knowingly inflicts wrong on another, the offender has a moral duty to take responsibility for doing so and mitigate the resulting consequences. Through showing regret for their conduct, through rendering reparations for the damages suffered, and even by requesting forgiveness from those whom they treated disrespectfully, offenders show acceptance of their actions. The offender response could pave the way for reconciliation to take place (Goodman, 2011:1529).

- **Empowerment**

Barton (2001:25-46) mentions that all human beings claim a degree of autonomy and self-determination in their lives. Crime robs victims of the power because without their permission, another person has exerted influence over them. The RJ aims to empower victims by allowing them an active role in deciding what their needs are and how those needs will be handled. It also empowers the offenders to take full responsibility for their actions, to do what they can to mitigate the damage they have caused, and to begin a cycle of recovery and reintegration. The principles of the RJ Theory should underpin all relationships among people working in the justice domain with a view to restoring harmony, healing the most affected by the crime committed.

### **3.3. THE RE-INTEGRATIVE SHAMING THEORY**

The Re-integrative Shaming (RS) theory is a theory of RJ Theory that describes why the RJ mechanisms can be effective in reducing crime, carrying out other types of restoration and concentrating on the issue instead of placing an individual at the core. The theory holds that the punishment should concentrate on the actions of the offender rather than the offender's attributes (Braithwaite, 2003:5).

This theory explains that communities have lower rates of crime if they effectively communicate shame over crime. There will be a lot of violence in societies if violent behaviour is not shameful. The shame happens as an interaction between the affected party and the individual who perpetrated the act. It ensures that all parties retain mutual relations when voicing their disapproval of the act. The injured party makes the person who committed the crime fully aware that the actions were wrong, but the perpetrator is still allowed back into the social group, returning the social order to the way it was before the incident, Braithwaite (2003:6). There are ways to communicate crime's shamefulness, which increases crime. The philosophy of this theory conveys guilt to a wrongdoer in a way that encourages him or her to stop committing crimes. Within a continuum of empathy for the individual, the theory shame expresses disapproval; the perpetrator is viewed as a decent person who has done a bad deed. Equally, Braithwaite (1989:100) stated the following:

*"The RS Theory is forgiving; ceremonies to certify deviance are replaced with ceremonies to decertify deviance, for example, societies that are tolerant and respectful while taking crime seriously have lower crime rates rather than societies that punish and humiliate offenders have higher crime rates."*

The FGC is based on Braithwaite's family model of the CJS called the RS Theory (Braithwaite, 1989:55). According to Braithwaite (1989:77), the family and community have a vital role to play in shaming other community members. The same principle of including family and community also extends to the practice of FGC. Members of the community play a very important part in forgiving offenders. The FGC is a remedial approach to crime involving the offender and his relatives, as well as the victim and community members (Umbreit, 2000:1). Compared to RS Theory, FGC plays a crucial role in motivating and strengthening societies as it includes a wide range of people involved in criminal justice proceedings.

The idea driving FGC is that the execution of an offence victimises a larger circle of people; and that the crime has both primary and secondary victims (Umbreit, 2000:1). Offenders are given the opportunity to repair imbalances and fix the harm caused by the offender's tribunal in the presence and encouragement of their own families who are actively involved in the process.

### **3.3.1 Criticisms of Re-integrative Shaming Theory on the effectiveness of Victim-offender Mediation and Family Group Conference programmes on recidivism**

The RS Theory focuses on all social mechanisms of voicing disapproval that trigger guilt to be caused on the individual who is shamed by those who become aware of the shaming. This theory has been criticised, as have other ideas, for how it works (Tosouni, 2004). The questions posed about this theory by other critics are its inability to tackle systemic problems, its cultural specificity, and whether the main variable is the intent of the shame or the real impact of the shame on the shamed individual.

Braithwaite, (1989) claimed that re-integrative stigma does not consider the underlying causes of the crime, or even explain how and why only those people are classified as criminals and then processed into the CJS. Instead, the theory focuses on the individual offender and positions blame for choosing to directly offend them (Braithwaite, 1989). However, the RS Theory was criticised for indicating that no matter how remorseful or shamed an offender may be, and no matter how accepting the families of the offender may be in his or her return to the fold, if the offender's underlying triggers remain unchanged, then he or she is likely to reoffend. If offenders remain marginalised and socially isolated, reintegration into societies is inadequate.

This theory has also been criticised for its unquestionable presumption that Western cultures are based on a consensus on what is right and wrong. The theory puts little emphasis on subculture values and morality while believing that laws have an underlying social consensus. The theory also obscures the fact that the dominant culture includes subcultures which may or may not accept the dominant consensus (Braithwaite, Braithwaite, & Ahmed, 2018: 286-296).

### **3.3.2 The lasting value of Re-integrative Shaming Theory on the effectiveness of Victim-Offender Mediation and Family Group Conference programmes on recidivism**

This theory plays a crucial role in controlling the social conduct (Braithwaite, 1989:1). Many people have an emotional reaction to deviant conduct and that response makes them insensitive to most criminal behaviour. This answer is a fear, not the danger of the CJS, which keeps people from committing crime. Shaming can take two forms, according to the theory (Braithwaite, 1989:1). An individual can be shamed when their conduct is identified as criminal and are socially excluded in this process. In comparison, the RS Theory shame focuses on redemption, remorse and repentance. This works by playing on a person's conscience, establishing a trusting, and accepting relationship when the offender is restored.

Scheuerman and Matthews (2014) stated that shaming understands that the deed and the doer are not the same. There is a known distinction between criticising what the offender has done and denouncing the offender. The shame process seeks to instill that the individual is better than what they did wrong but insists that what they did wrong must be condemned, while who they are must be acknowledged and supported. The session at FGC involves those impacted by the crime committed, the offender, the victim and their families (Makkai & Braithwaite, 1994:361). The offender will have shame to meet their victim and will generally apologise and make amends. The offender will also be offered support, encouragement and recognition during the meeting that they too need care and protection.

Shaming in the informal process can be a powerful factor that brings the victim and the offender together in their quest for a just restorative solution to their dispute. When the crime is judged, the RS Theory claims that it will give rise to arbitrary judicial intervention, so the position of the justice system must be clearly established. The CJS should not shame the offender; it should clearly lay down obligations and contribute to conditions facilitating restitution, Koss (2000:1332).

This theory is about the positive of human relationships in coping with offences and other forms of actions that threaten harmonious community living while the RJ theory is concerned with how the structured social response to offences can lead to a framework in which a meaningful response to such offences can be made. The RJ is not open to all offenders, but only to those who have confessed their crime, but the offer may be refused by victims (Koss, 2000:1332).

According to Tittle, Bratton and Gertz (2003:592-617), this theory suggests that shame can be either stigmatising or re-integrative. The stigmatising shame increases the possibility of reoffending. This theory focuses on condemning the deviant behaviour without condemning the individual. The behaviour is punished but the individual should be accepted to the community after completing the punishment. The focus of the RJ Theory is on keeping the offender to account in a more realistic way than simply enforcing punishment. Programmes like the VOM and FGC have evolved as a way to help support victims, offenders and communities 'needs. This theory argues that punishment should concentrate on the actions of the offender rather than the offender's characteristics (Tittle, Bratton & Gertz, 2003:592-617).

### **3.4. SUMMARY**

This chapter (Three) discussed the RJ Theory and the RS Theory by looking at the effectiveness of the VOM and FGC programmes on recidivism. Criticism and lasting values of both theories are also explained. Each theory views crime differently. The aim of the RJ Theory is to restore peace between the victim, offender, families of both the victim and offender and the community at large, repairing the harm caused by the offender; whereas the RS Theory focuses more on bringing the offender back into the community as a respected member, and believes that the offender should not be looked at shamefully. He or she should be seen as someone who is sorry for what they did and who have changed and regrets their actions.

The RS Theory argues that without the RJ Theory looking at what made the offender to offend in the first place, irrespective of how remorseful the offender may be, it cannot reduce chances of offenders from reoffending. Throughout the context of this research, both the RJ Theory and the RS Theory seek a mutual effect on the ability by victims, offenders, communities, extended families, support organisations and other community institutions to develop indigenous skills required to deter and control crime. The next chapter (Four) discusses the research design and methodology applied in this study.

## **CHAPTER FOUR**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **4.1. INTRODUCTION**

The purpose of this study is to evaluate the effectiveness of the VOM and FGC in preventing recidivism in Polokwane Municipality, South Africa. This chapter discussed the employed research design and methodology in detail. This included discussing the used methods and the processes followed during the study. Evaluating the effectiveness of VOM and FGC on recidivism is outlined in chapter one as the aim of this study. The research design and methodology used to select the study location, sampling procedures and data collection methods and analysis, as well as study limitations, and ways of ensuring trustworthiness and ethical considerations are explained in this chapter.

#### **4.2. RESEARCH DESIGN**

Research design can be considered as the structure of research. It is the glue that holds all the elements in a research study. It is a plan which is used to acquire participants or subjects, and how to collect data from them in order to arrive at conclusions about the initial research question (Fouché, 2002). The researcher tried to explain the phenomenon as objectively as possible in a phenomenological approach, desisting from any pre-given structure but staying true to the facts. The phenomenological approach focuses on the commonality of a lived experience within a particular group. The fundamental goal of the approach is to arrive at a description of the nature of the phenomenon (Cresswell, 2002:146). A qualitative study focuses on meaning and interpretation because it implies “a concern for more inductive analysis, for exploring, explaining, uncovering phenomena and for generating new theoretical insights” (Hammond & Wellington, 2013:107).

One-on-One semi-structured interviews were conducted with the selected participants who have first-hand knowledge of a situation or experience. Interviews attempt to answer questions such as follows: *What have you experienced in terms of the phenomenon? And Which situation has typically influenced your experiences of the phenomenon?* (Cresswell, 2002:157-166).

### **4.3. RESEARCH METHODOLOGY**

Qualitative research approach is defined as a market research method that focuses on obtaining data through open-ended and conversational communication. This method is not only about what people think but also why they think so. A qualitative research approach was followed, since this study is a phenomenological approach in nature and was aimed at gaining an understanding of the effectiveness of the VOM and FGC programmes on recidivism in the Polokwane Municipality, South Africa. A qualitative study involves the collection of various types of empirical material, such as personal experience, life stories and interviews and meaning of individuals' lives. Qualitative data is based on meanings expressed by means of words and other symbols that can be used successfully in the description of groups, small communities and organisations.

This research approach allowed the researcher to explore vital individualised insights and experiences (Patton, 1990). The method produces in-depth and detailed information that generates understanding (Patton, 1990; Babbie & Mouton, 2001). Within the qualitative research approach, a phenomenological research design was used. Qualitative research helps researchers to understand people, and social and cultural contexts within which they live (Patton, 1990). This study was considered to produce qualitative data by evaluating the effectiveness of VOM and FGC on recidivism.

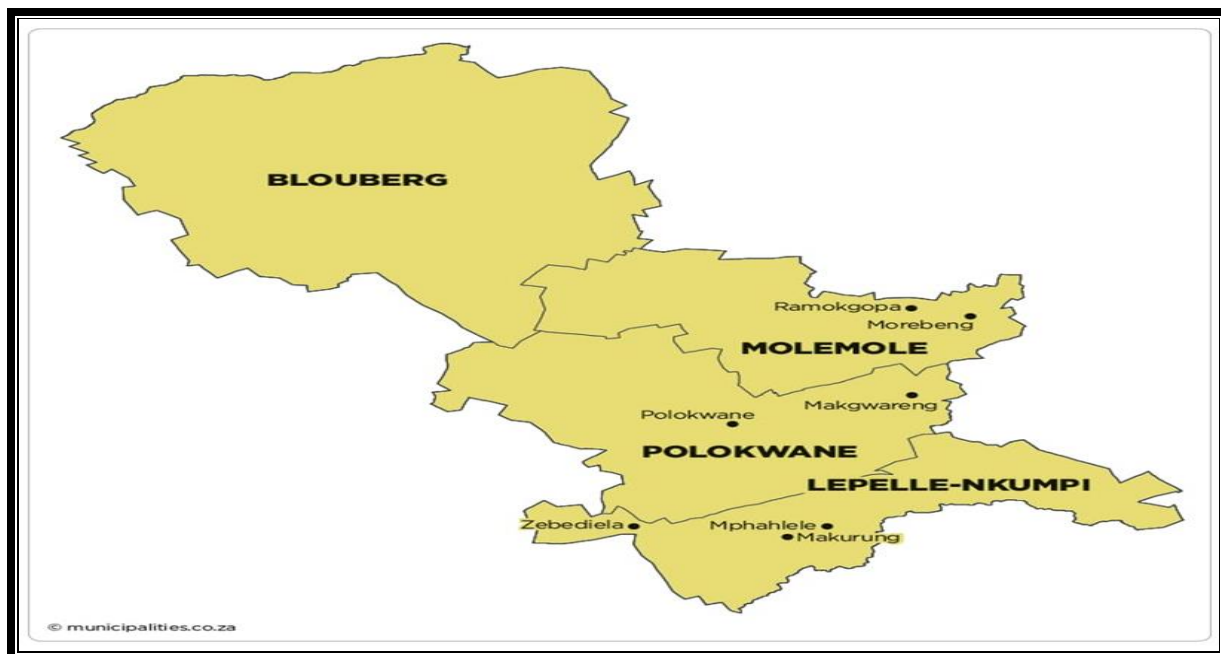


### 4.3.1 Study location

This study was conducted at NICRO in Polokwane Municipality, Capricorn District, Limpopo Province, South Africa. The National Institute for Crime Prevention and Reintegration of Offenders (NICRO) is situated at No. 28 Jorrisen Street, between Biccard and Voortrekker Streets, under Capricorn District. The municipality is a Category C municipality and is situated in Limpopo Province. Capricorn District consists of the following four local municipalities, namely: Blouberg, Lepelle-Nkumpi, Molemole and Polokwane (Rautenbach, Walton & van Nierop, 2006).

The NICRO is one of the largest, most enduring South African NPO. The organisation specialises in social crime prevention and offender reintegration, unparalleled history in human rights, juvenile justice and innovative criminal justice reform. NICRO renders life changing services to approximately 12 000 to 15 000 direct beneficiaries and touches the lives of between 40 000 and 50 000 South Africans each year (MacKenzie, 1997:82).

**Figure 2:** Map of Polokwane City



Source: Google Map (2021:1).

### **4.3.2 Study population**

The population is the study of objects and consist of individuals, groups, organisations, human, products and events or a group in the universe which posses' specific characteristics (Wellman, Kruger & Mitchell (2008). Population of the study is generally a large collection of individuals or objects that is the main focus of the study. Researchers cannot test every individual due to the large size of populations because it is time consuming or might be expensive. The researcher relied on sampling techniques to select the sample to be used in a study. The ideal population of this study are all adult male, female offenders and their family members who attended the VOM and FGC programmes at the NICRO residing in the Polokwane area, as well as the social workers from the NICRO with expert knowledge in the discipline of VOM and FGC programmes.

For the purpose of this study, the targeted population is the offenders and their family members who are attached to VOM and FGC programmes and Social workers rendering both the programmes (VOM and FGC) to the offenders. The sample was drawn from the Polokwane Municipality. The researcher is from Polokwane and decided to use NICRO offices at Polokwane. Due to time, restrictions of Corona-Virus-2019 (Covid-19) and financial constraints, the total targeted population of this study consisted of Eleven (11) participants who were all subjected to interviews.

### **4.3.3 Sampling methods and procedures**

Qualitative research studies allow researchers to study the participant's experiences in a small sample (Fox & Bayat, 2007:59). In this study, the Non-probability: Purposive sampling was used to recruit participants. The 11 adult offenders (Including the social workers) were purposively selected because they have knowledge and experience on VOM and FGC programmes. These were made part of the sample as they have special knowledge on the programmes and offer services that aim to reduce recidivism. This will likely advance the researcher's interests to evaluate the effectiveness of the VOM and FGC programmes in reducing recidivism.

The population of study included all offenders from Polokwane Municipality who were attached to the VOM and FGC programmes were sampled.

The criteria for inclusion of the participants in this study was that they must be adult offenders and their families attached to VOM and FGC programmes. The selection of participants depended on the availability and willingness of participants to participate. Therefore, the selection of participants is 'Volunteer Sampling'. NICRO officials have experiences of working with offenders attached to VOM and FGC programmes.

Leedy and Omrod (2012) shared that while applying qualitative research approach, researcher often selects a few participants that shed the best light on the phenomenon. From the stated ideal study population, the target sample were purposively selected as follows: Six (6) offenders, four (4) family members of the offenders that are attached to VOM and FGC programmes. One (1) social worker from NICRO who have knowledge and experience on delivering the VOM and FGC programmes to the offenders.

A sample size refers to the number of items or individuals to be selected from the population to constitute a sample. In qualitative research, a sample size should not be excessively large or too small but should be optimum. An optimum sample is one, which fulfills the requirements of efficiency, representativeness, reliability and flexibility. Regarding the numbers, rather than selecting a large number of people or sites, the researcher identifies a small number that will provide in-depth information about each person (Creswell & Clark, 2007:112). The offenders that undergoes the programmes at the NICRO did not have equal opportunity to participate in the study. Offenders that were attached to the VOM and FGC programmes formed part in the study. The sample size consisted of eleven (11) participants, (1 social worker from NICRO at Polokwane, 4 male adult offenders, 2 female offenders and 4 female family members of the offenders that were attached to VOM and FGC programmes.

#### **4.3.4 Data collection methods**

Data collection is a systematic process of gathering observations or measurements. It allows the researcher to gain first-hand knowledge from participants of the study. The One-on-One semi-structured technique was adopted to elicit a vivid picture of participants' perspectives on the research topic (Rubin & Rubin, 1995:10). With the one-on-one semi structured interview, the researcher had a set of planned questions on an interview schedule, however these questions guided the interview. (Greeff, 2005). The advantage of this interview type provided an atmosphere in which the participants could feel free to speak out on their perspectives and perceptions.

The researcher was able to follow up on interesting avenues that emerged in the interview. The technique also allowed the researcher to collect open-ended data, to explore participants' thoughts, feelings and beliefs about a particular topic. Notes were taken during the interviews to enable the researcher to have detailed information on what transpired during the interviews (De Vos, 2002:15). The researcher notified the interviewees before the interview about that notes will be taken and gained their consent to ensure that they could express themselves freely (De Vos, 2002:30).

Moreover, in-house (UL) Psychologist and Social Workers were asked to offer counselling, psychological, psychotherapy and social services to participants who may express discomforts during questioning at the time of data collection. During data collection, the Focus Group Discussions were not successful due to Covid-19 regulations. The researcher opted for One-on-One semi structured interviews and notes were taken down with all the participants (Adult male and female offenders, family members of the offender and social worker at NICRO).

#### 4.3.4 Data analysis methods

The TCA is a flexible data analysis plan that qualitative researchers use to generate themes from data collected during interviews. The TCA was used to categorise acquired data into appropriate themes and text units. Information was taken in a way of note taking (made initial notes), read the text and generally looked through the data to get to know it. Analysis of data using the TCA uses themes as steps that enhance the analysis (Attride-Stirling, 2001: 385). The researcher then analysed data by following the six phases of data analysis identified by Braun and Clarke (2006):

- **The first step is familiarisation.** The researcher must have knowledge of the data. Before starting to analyse individual items, it is important to get a thorough overview of all the data collected from participants (Braun & Clarke, (2006). Being familiar with the data may include transcribing audio, reading the text, making initial notes, and generally looking through the data to get to know it.
- **The second step is coding.** The researcher collected, sorted and classified participants' raw data. Decisions were taken during the phase whereby the researcher must know what matters, since not everything matters during data collection. The researcher wrote ideas down using coding (Braun & Clarke, (2006).
- **The third stage is generating themes.** Creswell and Liamputtong (2009:1) stated that around this point the researcher looked at the codes that had been developed, recognised similarities among them and started to come up with themes. Some codes are not applicable at this point, so they are discarded. The researcher has generated potential themes which tell us something useful about the data for study purposes.
- **The fourth step is reviewing themes.** Throughout the analysis of the themes, the researcher ensured that the themes were relevant and valid data representations. The data set is compared with the themes in this phase to test if nothing is missing or whether the themes are actually displayed in the data (Braun & Clarke, 2006).

- **The fifth step is defining and naming themes.** Each theme was named at this stage and defined accordingly. Defining themes included formulating exactly what each theme meant and finding out how it helped explain the data. Naming themes involved bringing up an easily understandable name for each theme (Braun & Clarke, 2006).
- **The sixth step is writing up.** This is the final stage whereby the researcher needs to convert the study by using themes for an interpretable piece of writing. The study needs to relay the empirical findings in a way that will persuade the reader (Leedy & Ormrod, 2005:10).

#### **4.4. QUALITY CRITERIA**

In a research study, trustworthiness refers to “concerns about the truth value of the research study” Guba and Lincoln (2005:1). Creswell (2002) indicated that “qualitative validity means that the researcher checks for accuracy of the findings by employing certain procedures, while qualitative reliability indicates that the researcher’s approach is consistent across different researchers and different projects”. Guba and Lincoln (2005:1) view credibility, conformability, transferability and dependability as contributions to qualitative research to ensure trustworthiness of the study. The four methods to ensure trustworthiness were applied in this study as follows:

##### **4.4.1 Credibility**

Credibility deals with the accuracy of data in a study. “It focuses on establishing a match between the constructed realities of respondents and those realities presented in the study. Credibility is more concerned with whether the study actually measures what it is intended to measure” (Liamputtong, 2009:21). The researcher ensured credibility through various conducts (Shenton, 2004:64). *Firstly*, the methods used to collect and analyse data was adopted from approaches “which have been used successfully in comparable previous projects” (Shenton, 2004:64). For the purpose of this study, the researcher conducted a pilot study with the area manager at NICRO. The manager had full knowledge and understanding of the effectiveness of VOM and FGC programmes.

*Secondly*, by creating a sample of participants from different demographics such as age, ethnicity and marital status, thematic data analysis was applied. The sample had been selected from the case files of NICRO.

The researcher thus took correct records from NICRO case files to ensure credibility, and the validity of the offenders who had participated in the programmes was checked by checking their names, age and contact numbers which appeared in the files. The interest of the researcher in the study was motivated by a desire to evaluate if VOM and FGC programmes provided by the NICRO to offenders are effective in reducing recidivism. In addition, the researcher wanted to understand issues that need to be resolved to prevent recidivism and to discourage re-offending by offenders. Thirdly, participants were fully informed about the nature of the study and the implications of their involvement. They were made aware that at any point, they have the option to refuse to participate without any explanation. Fourthly, sampling was not only used to clarify participants, but also to identify discrepancies in their responses (Shenton, 2004:64).

#### **4.4.2 Transferability**

According to Guba and Lincoln (2005), transferability refers to the degree to which results of qualitative research can be generalised or transferred to other contexts or settings. Transferability requires findings in the research setting to be connected to different individuals. The study was compared with other studies (Liamputtong, 2009:22). The researcher indicated the applicability of the study in multiple environments through literature review. The researcher enhanced transferability by describing the research context and assumptions that were central to the research. The researcher provided a thorough report on what was discovered during the evaluation of the effectiveness of VOM and FGC programmes in reducing recidivism. The researcher ensured that clear descriptions of information that was obtained from participants' responses were discussed throughout the data analysis process.

#### **4.4.3 Dependability**

Dependability is the consistency of observing the same findings under similar circumstances. According to Merriam (1998:205), dependability refers to the extent to which research findings can be replicated with similar subjects in a similar context. The researcher provided a descriptive discussion of the methods used to achieve the study's final results. In addition, to allow rectification, the methods were evaluated repeatedly for errors. One-on-one semi structured interviews were used on offenders who participated in VOM and FGC programmes and NICRO officials guided by open-ended questions.

The One-on-One semi structured interviews were suitable for the study as they allowed participants to share their experiences and understanding of their criminal behaviour. They also allowed the researcher to explore shared views of selected participants on this subject. This approach provides much more versatility to the researcher and to participants. In addition, it allows the researcher to follow up on especially interesting issues that appear in the interview. It also allowed participants to provide a more complete image (De Vos, 2011:351).

#### **4.4.4 Conformability**

Conformability ensures that findings and interpretations of these findings can be confirmed by other studies (Marshall, 1996:522). Findings should not be derived from the researcher's imagination. They should be clearly linked to the data gathered (Liamputtong, 2009:22). This was accomplished by providing complete disclosure on the final report, disclosing all decisions taken in the study and the reasons behind the decisions from the conception of the study to its completion. The researcher ensured that the data was honestly presented as offered by offenders who participated in VOM and FGC programmes. Notes were taken down during the interview to ensure that data was collected.



## **4.6. ETHICAL CONSIDERATIONS**

According to Silverman (2000), it is important for a researcher to always remember that they are literally entering the private space of their participants when doing research. Bryman (2004) affirmed that gatekeepers who are taken up by the researcher's motives usually mediate admittance to the research site. Researcher's entry into the field was gained after all the formal requirements were fulfilled. The researcher addressed the ethical issues that were followed during, and after the research has been conducted. The aim of the ethics was to prevent the participants in the research from being harmed by both the researcher and the research process. The researcher was bound to follow research ethics such as ensuring that the participants are not harmed and that their free will was exercised in the research. The researcher in this study strived to meet the ethical requirements. The researcher adhered to the following codes of ethics in this study:

### **4.6.1 Permission to conduct this study**

- Gatekeeper permission

Gatekeeper permission refers to access into an institution/organization. This access can be either physical or informational. All institutions have the right to be aware of and be given the right to grant or decline permission to a researcher to conduct research in their domains. Gatekeepers provide only access permission and do not provide consent for the study. Consent was obtained from the individual participants. The gatekeeper permission letter was ideally presented as an official document bearing either a letterhead or stamp. Permission was granted from the NICRO.

- The University of Limpopo on Research Ethics (Internal and external process)

To make this study possible, the researcher adhered to the internal processes, such as submission of the proposal to the Department for Round-Robin Review (DREC) in preparation for the School of Social Sciences Research Ethics Committee (SSREC) proposal defense.

Furthermore, after the approval from the SSSREC, the proposal was submitted to the Faculty of Humanities Higher Degrees and Ethics Committee (FHDC). The favourable decision of the FHDC saw the approved research proposal to the Turfloop Research Ethics Committee (TREC) for the approval and issuing of ethical clearance certificate. Thereafter, the made an application for permission to conduct this study with the local (Polokwane) NICRO.

- Selected participants informed consent

Equally, the Informed consent form is founded on the perceptive that the researcher must give information to the participants about the purpose of the research, its operation, potential risks, benefits and alternatives, so that the participants can understand the information and can make a voluntary decision whether to enroll and continue to participate or not, in terms of this study (Liamputtong, 2009). The research participants must understand what they are willing to take part in without influence (Matthew & Ross, 2010).

The participants must be aware of the grounds of the research, what the applicable implications of the research are that their participation is voluntary, and therefore, they have the right to withdraw at any stage of the research (Liamputtong, 2009). According to Creswell (2009), this imply making a full disclosure of the nature of the study according to which the participants were required to read and sign an informed consent form. When the researcher was done explaining the purpose and nature of the study, those participants who were willing to participate in agree to form part of the study were requested to sign a consent form. Interviews were conducted only with participants who had signed consent forms.

- Anonymity and confidentiality

The purpose of confidentiality was to hide their true identity and to ensure the privacy and anonymity of the participants (Liamputtong, 2009). Confidentiality was settled on the principle of respect for liberty of people in terms of safekeeping their identity unknown (Creswell, 2009).

In perspective of this principle, the participants have the right to adjudicate who should know about their private lives, including the disclosure of their names or any other sort of identification in the research since the revelation may result in serious emotional, social or physical harm (Marshall, 2006). Accordingly, it is compulsory for the researcher to take responsibility in ensuring that the subjects' participation in the research does not harmfully affect them (Liamputtong, 2009).

In this regard, the researcher did not ask the participants any question that would reveal their identity during the collection of data. Instead, where necessary fictitious names were used in field notes, transcripts, in reference to where they come from, and in the research report itself when discussing their verbatim explanations. The researcher ensured that the data collected from the participants were treated with the utmost confidentiality and was used only for the purpose for which it was collected.

#### **4.6.2 Purpose of the study**

This study was undertaken in fulfillment of requirements of a master's degree in Criminology and Criminal Justice at the University of Limpopo, to evaluate the effectiveness of the VOM and FGC in reducing recidivism, in Polokwane Municipality.

#### **4.6.3 Procedures**

One-on-One semi structured interviews were used to gain valuable information from participants. The One-on-One semi structured interviews served as a means to gain insight and knowledge from the participants' respective fields and was held according to the participant's convenience. The notes were written down during the session.

#### **4.7. STUDY LIMITATIONS**

Some constraints restricted the analysis during the data collection process. Due to the Covid-19 pandemic that the world is faced with, discussions with offenders were not successful for the purposes of FGDs. Participants were selected by the researcher and personally invited to attend the discussions. Unfortunately, only few offenders decided to engage in the meetings, though few of them at their locations, which is where they reside. In order to make participation more available to participants, arrangements were made for the sessions to take place on a day that is appropriate for participants at their home locations.

The researcher arranged with participants staying closer to Polokwane as they were easily accessible. The researcher also provided the means to reach them where they reside. The one-on-one semi-structured interviews with the NICRO officials such as social workers rendering the programmes to offenders were not successful due to the Covid-19 regulations. Only one social worker was allocated to the researcher, but because of the strict Covid-19 regulations, the staff was on rotation during the data collection. The social worker was given questions to answer to make notes for every question.

During the data collection, participants did not allow the researcher to record or use the voice recorder during the interview even though the researcher clarified that voice recordings would not be used anywhere else except for the analysis of data and their voice records would remain confidential. The researcher made use of an alternative method of taking notes. During interviews, other participants agreed not to continue, but the researcher used the information obtained from those who cooperated until the end of interviews.

#### **4.7. SUMMARY**

A detailed and systematic demonstration of how the study was performed was described in this chapter (Four). This includes information on the researchers' motivation to use the qualitative method. This validated the use of semi-structured interviews. The chapter also highlighted that the purposive sampling method was used to identify respondents. Ethical considerations and limitations encountered during the study were included. Data analysis, discussions and presentations of study findings is given in the next chapter (Five).

## CHAPTER FIVE

### DATA ANALYSIS, PRESENTATIONS OF DATA, INTERPRETATION AND FINDINGS OF THE STUDY

#### 5.1. INTRODUCTION

In this chapter (Five), several themes regarding recidivism of offenders into criminal activities were identified based on the TCA technique of this study as follows: Substance abuse, unemployment, peer pressure and broken families. These themes and associated data of recidivism experienced from the offenders are discussed from this chapter to illuminate recidivism as the essential piece of the study extracted from the data collected from the sampled participants. The aim of this study was to evaluate the effectiveness of the VOM and FGC programmes on recidivism in Polokwane Municipality, Limpopo Province.

Before data was collected from participants, informed consent was given to every participant, which explained the purpose of the study and the rights of participants in the study. Participants were also informed that they are free to withdraw from the study at any time. By signing a copy of the consent form, participants demonstrated their willingness to participate in the study. To ensure that they understood the questions before they answered, the researcher went through the interview schedule. Participants were assured that personal information would be treated as confidential. The findings of this study are presented and discussed as per objectives of the study. This chapter consists of themes and sub-themes.

In order to ensure that their identities were protected, participants were given fictitious names such as **“Participants A, B, Family member 1 and social worker.** The researcher ensured that information from participants was protected so that it could not be traced back to them.

## **5.2. TO IDENTIFY THE UNDERLYING PROBLEMS MOTIVATING RECIDIVISM IN LIMPOPO PROVINCE**

Emerging themes are discussed based on the following. What motivated the offender to commit a crime in the first place, factors that led the offender to re-offend, how NICRO can prevent re-offending, the attendance of VOM and FGC programmes to assist offenders not to return to criminal activities, the effectiveness of VOM and FGC programmes on recidivism and addressing the needs of offenders. Other themes that were also discussed include diversion programmes offered by NICRO in Polokwane Municipality, the effects of VOM and FGC programmes, challenges faced by NICRO when responding to recidivism, possible challenges that offenders face which may lead to their re-offending and strategies employed by NICRO in response to recidivism.

### **5.2.1 What motivated you to commit a crime in the first place?**

The purpose of this question was to understand the motivation behind reoffending by offenders. The question also wants to define variables that caused offenders to reoffend and issues that facilitate recidivism. The researcher needs to understand participants' views on the perceived causes that relate to just the crime they commit. Different participants of this study gave varieties of common reasons. The participants outlined the following explanations and root causes of crimes:

- **Substance abuse**

Substance abuse was a factor, which was revealed by many participants as one of the causes of their criminal conduct. They indicated that drug use influences judgment about what is wrong and right, giving one the confidence to engage in risky actions. They also revealed that drug abuse drives one to commit crime in order to sustain the habit of consuming drugs. Participants therefore emphasised that drug use was a path to criminality because they had to find ways to gain money to maintain the habit, even if it meant illegally. When the participants were asked on how substance abuse motivated them to commit crime at first:

**Participant A (Male)** mentioned the following regarding this question: *“Mmmmm ... we will not call it a motivation; it was a phase of being under the influence of drugs, we were high and could not think straight. The time we committed the crimes, it did not look like something serious to us at that time. We had many things in our head that justified our actions. We are addicted to drugs and alcohol ...”*

**Participant B (Male)** noted that *“... we use drugs such as marijuana, as addicts we have to feed our addiction and we not working. We committed the crimes so that we can satisfy our habits”*.

Participants demonstrated that drug use is a problem because it impacts how things are done and how they think. They do not distinguish what is right or wrong and, when they participate in illegal activities, many are more at risk. Thompson (2008) argued that approximately 60% of people who are arrested used drugs at the time of arrest, and nearly 70% of offenders suffer from problems related to substance and drug use.

- **Unemployment**

Freeman (1991) indicated that “unemployment is another problem that drives offenders to commit crimes. Other surveys carried out indicate that there is a high unemployment rate and a high crime rate. Many people who do not have the means to live participate in illegal acts to make a way to live”. Several offenders found that while he or she is unemployed, they lack sources of legitimate income. To this end, the selected participant indicated the following:

**Participants E (Male)** said that: *“Unemployment influenced my actions of committing a crime, it is difficult to be a family man, having kids to support made me to do something about that situation. As a man I had to provide for my family, I would not run away from that responsibility but to do something, in the process a crime was committed, and I got caught.”*



The high unemployment rate indicates that released offenders want to work to move away from a life of crime but face systemic obstacles to job security (Jacobs, 2005). Jacobs (2005) stated that the offender's prison status further decreases their chances of getting jobs. The above quote indicates that many offenders make the difficult transition from prisons to the community, although the transition entails many obstacles. There are especially serious implications for the obstacles to obtaining a job. Jobs allow offenders to achieve economic stability and decreases the risk of going to prison after release. One of the participants said the following:

**Participant D (Male)** said that: *"most offenders who have been imprisoned are largely shut off from the labor market." They fired me when I got a job, and the same thing happened when I found another job*". **Participant C (Female)** mentioned that: *"It has been hard to find employment since I came back from prison because of our criminal background."* **Participant E (Male)** stated that: *"I was fired from work immediately after finding that he has a criminal record"*.

- Unemployment is one significant issue that most participants are facing. Many participants indicated that criminal record and serving a sentence had a negative effect on their work opportunities. Jacobs (2005) highlighted that many of the offenders interviewed were without employment. It is obvious from participants' perspectives that after spending time in prison, it is a major challenge to get work. Participants indicated that having a criminal record is an obstacle that prevents them from being employed. Zehr (1998) stated that the principle of RJ focuses on mitigating the damage. People most affected by crime should be able to participate in addressing it, and essentially, the government's responsibility is to preserve order and to bring harmony in the community, giving offenders an opportunity to change their lives, for example, by being employed so that they can turn away from criminal lives.

- **Peer Pressure**

Peer pressure can lead to illegal behaviour because one can also be motivated to do things that are not right with one's peers. This causes one's actions to shift, gangs are commonly established, and members most likely prefer to take advantage of others. Many young adults typically imitate attitudes by their role models, looks and acts. If the role model turns out to be a negative one, young adults can engage in crime due to peer pressure.

As a result, the consequences of the law and legal rules for such acts are not easy for them to grasp, they may misjudge the consequence of the criminal offence right at the beginning. Peers also instill a false hope that they will avoid being captured if they do such an act together. A family member said the following in this regard:

**A family member 1 (Female)** revealed that: *“The friends he associated with put him under a great deal of pressure. Many of his peers, in particular are his classmates, he saw them owning things that he didn't have, and he was envious of having them, own them. He studied their behaviours and picked up some of their habits.”*

**Participant F (Female)** indicated that: *“We would daydream about the progress we would make from the crime before the crime committed, but no repercussions of the crime were considered. We just dreamed about buying nice things that would make us more appealing to our peer groups, even though we had more extreme financial needs”.*

**Participant D (Male)** agreed with his co-participant that: *“I We did not care about the moral repercussions of the offence or what it would do to the victims. I We did not view the thoughts and emotions of the victims as humans”.*

- **Broken Families**

Families who do not have parents that are unable to provide the necessary love, fighting and domestic violence, insufficient child monitoring and discipline, and child neglect are all common features of dysfunctional families that often lead to illegal activity.

Among male young adult participants, living under a single-headed parent who is the mother, they grew up without a father figure, which may mean that the child may not be disciplined well to higher levels of deviance. Furthermore, it has been proposed that the lack of a male role model or father figure increases the risk of a person participating in deviant behaviours associated with other individuals. Munn and Bruckert (2013) indicated that most participants found that during their childhood, lack of parental love and protection created room for criminal activities.

**Participants B (Male)** emphasised this point with the following expression: *“comparing us to those who grow up under the guidance of both parents, it is not the same as growing up with absent parents because growing without parents correlated with a lack of adequate guidance and care in the assumption that the parents are more loving. As we grow we start searching for our roots and end up entering a gang of criminals, being a young boy to grow up without a father-figure we begin to suffer from identity crisis and we fulfill the need by joining wrong groups engaging in criminal activities.”*

**Participant F (Female)** noted the following in this regard: *“I grew up without my mother being around me...I stayed with my father who was having multiple partners and not having a time for, he did not take care for me, so I had to look after myself ... that is where I ended joining the a group of peers where I felt loved and welcomed.”*

### **5.2.2 What led you to re-offend?**

The purpose of the question was to understand factors that lead offenders to re-offend. The answers from participants created the subthemes below. Many contributing factors might explain why released offenders could not successfully re-enter the community. The most plausible reasons to explain the relatively high recidivism rate among released offenders were centered on offenders' lack of vocational job skills, change of environment, the negative attitude of the community or being discriminated due to criminal history. During interviews, participants highlighted factors that lead to their reoffending. Some of these factors are discussed in the following sections:

- **Change of environment**

Participants stressed that adjusting to an environment that is evolving is a challenge. They noted that the prison environment is differentiated by repetition and its own culture. Chikadzi (2017) indicated that participants get used to the actions of the prison; and after several years in prison, returning to a normal life outside prison walls becomes a challenge. Several participants indicated that the transition from imprisonment to their communities was associated with psychological stress because of adjustment. They also noted that the fact that they lacked the means to deal with change such as material and financial resources exacerbated their struggle with adjustment.

**Participant E (Male)** stressed the following on this aspect: *“I have been away from my family and community for a long time and it feels like I am moving back to a new place that I have never been to. Um ... many things about my community have changed; I feel like I'm a stranger in my own community. I worry a lot because I fail to adapt into my community. Several things are difficult for me. I am used to the world of prison. Am no longer used to live within my group. Changes happened whilst I was still in prison, so we find it hard to cope when we are out.”*

Many participants, especially after spending many years in confinement, find it difficult to adapt to life outside the prison system. This is also made worse by the fact that after they are released from a correctional centre, many participants fail to get family acceptance and jobs. The opinion held by one of NICRO's officials (**Social worker**) was that *“some participants alleged they would prefer to be inside the prison than outside because they were not properly accepted in their communities”*. Chikadzi (2017) noted that *“many prisoners spend time learning habits and forms of living in prison that would not assist them after their release to adapt to life in the community”*.

- **Discrimination**

People are subjected to persistent group labels, unfair treatment by others and laws that limit their involvement in community events, all of which have the power to affect their self-concept. Participants revealed that being classified as an offender has a huge influence on how offenders think and feel about themselves. Braithwaite (1989) stated that “the RS Theory conveys guilt to a wrongdoer in a way that encourages him or her to stop committing crimes. Discriminating an offender would not assist in reducing re-offending by the offenders, instead the actions of the offender should be dealt with in a way that will empower not discriminate them. Within a continuum of empathy for the individual, RS Theory expresses disapproval; the offender is viewed as a decent person who has done a bad deed.”

The manner in which offenders respond to being discriminated against can interfere with the way of changing their lives and not adjusting adequately, return to criminal activities, and difficulty experiencing participate on in their communities.

**Participants F (Female)** revealed the following in response to the posed question: “*Being discriminated restricts us from engaging in other aspects of community involvement and affect our chances of getting jobs*”.

**Participant E (Male)** also stressed that *we have been punished for the crimes we committed in our neighbourhoods, but we are still being discriminated and considered as criminals on our communities*”.

**Participant D (Male)** noted that “*the way we are treated, we end up having no choice but to adapt and react to the labels we are called with*” because we are not good people in the eyes of our community members”.

Many offenders in their neighborhoods would become contributing citizens if they can be given the opportunity to do so and not shamed of their actions. Braithwaite (1989) mentioned that “offenders in their neighborhoods are discriminated against and are not eligible to engage in certain voluntary operations. Shaming has a stigmatising effect and excludes a person from the community”.

To this course, a **social worker** from NICRO, in supporting views by offenders, emphasised that “*Offenders are not quickly accepted and given the opportunity based on the fact that they have been rehabilitated through our services. The way they are discriminated against by a group almost forces them to re-offend. Since offenders are also essential breadwinners, the obstacles that prevent them from having opportunities in their community often affect their innocent families and relatives.*

- **Challenges in fixing relationships with family and community**

Offenders may use the help of their families and communities to improve their life after incarceration. Family and community relationships are a positive influence. Support for offenders from both the family and the community would decrease chances of reoffending. Offenders commit crimes in their own neighborhoods, but many face obstacles. The committed crime has a negative effect on the victim, the family and the community when a crime is committed, and everyone in the community will know about it.

**Participants C (Female)** emphasized that: “*our family members and members of the community rejected us after imprisonment, it was difficult for us to readjust to life after imprisonment. It is hard not to be welcomed back as a member of the family and we cannot force our families or even our community to accept us back into their lives. When we are rejected in the families and communities, things become so hard for us outside ...*”

**Participant E (Male)** emphasised that *“because of not being welcomed back in my community, I end up resorting into illegal acts again”*.

**Participant D (Male)** indicated that: *“My brother, one of my own family members, told other members of my community not even to give me a second chance of life, not everyone wants me next to them ... They are saying hurtful things to me ... calling me names. In my own community I feel like I am lost”*.

### **5.2.3 In your view, what do you think National Institute for Crime Prevention and Reintegration of Offenders can do to assist offenders not to re-offend?**

The purpose of the question is to understand offenders' views regarding programmes offered to them by the NICRO to assist them not to re-offend. Williams (2005) noted that: *“NICRO is an NPO that offers services for crime prevention and provides juvenile and adult offenders in conflict with the law with diversion programmes. The NICRO creates proactive strategies across the country to deter and mitigate crime and approaches crime holistically and efficiently, partnering with people, families and neighbourhoods' at every level to reduce and prevent crime by helping families and communities to help perpetrators turn their lives around and make a fresh, new safe star”*.

**Participant C (Female)** argued that *“Un-employment is a problem faced by us as offenders and NICRO could help us find jobs so that we do not return to criminal life. As offenders we need stable jobs for the same reasons as everyone else, to support ourselves and our loved ones, to pursue our life goals. Majority of us we are not being employed due to the fact that we are labelled as “criminals.”*

**Social worker** said that *“NICRO tend to look at the variables that lead offenders to commit crime. The use of substance and drug lead offenders to criminal activities. As NICRO we help offenders with the programmes that will assist them in reducing the use drugs or substance. As NICRO, offenders experiencing the problem of substance are referred to the relevant programmes or sessions that deals with their problems”*.

**Participant D (Female)** stated that *“during the implementation of the programmes, NICRO should address my criminogenic needs. My criminogenic need for me is ideal for drug abuse because I am here because of the influence of the substance use”*. The argument by Polaschek (2012) supported the sentiments made by the participants that offenders are classified based on high and low risk. Offenders that pose a high-risk are not only a risk to the community but to themselves as well, and more resources are needed to attend to their needs.

**Family member 2 (Female)** noted that *“NICRO programmes should be accessible for all offenders not for certain group of offenders because offenders that attended the programmes they seem to do better with their lives. They are able to turn away from crimes and they acknowledge their actions and ask for forgiveness to their families, victims and community members”*. Herman and Wasserman (2001:428-445) indicated that *“during VOM and FGC, offenders have a chance to take responsibility for what they have done. VOM and FGC programmes give them opportunities to make amendments, to correct the wrong in a meaningful way and to offer an apology and explanation”*.

Based on what is mentioned by participants during interviews, it appears that NICRO is not doing enough to assist offenders to turn away from life of criminality. Lack of follow up from NICRO contributes to their failure to change their lives. They are left to struggle on their own in communities that they have been away from for some time.

### **5.3. TO EVALUATE THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROGRAMMES ON RECIDIVISM BY NICRO IN LIMPOPO PROVINCE**

The purpose of the objective was to evaluate the effectiveness of VOM and FGC programmes in reducing re-offending by offenders. Subthemes formulated during interviews are discussed below.



### **5.3.1 Do you think attending the Victim-offender Mediation and Family Group Conference programmes would help you not to return to criminal activities?**

This question was aimed to understand if the offenders that attended VOM and FGC programmes did not return to criminal activities. Coates and Vos (2000) indicated that the “VOM and FGC programmes gave all the parties involved in the crime, namely, the offender, victim, family members of both the victim and offender and some representatives from the community the opportunity to come together in a controlled setting to share the pain of victimisation and to answer questions about why and how.”

**Participant A (Male)** highlighted that *“Indeed attending VOM and FGC programmes helped me to change my behaviour. Rehabilitation without peace of mind is not effective, having that chance to say I am sorry, explain how sorry I am for what I did to others”*.

**Participant D (Male)** highlighted that *“... that inner peace is needed. Being forgiven, given a second chance to turn your life around so ruining the chance it will be a step back of life. It is difficult to go back to a life of criminality at the same time trying to prove to the community your living in and to the people we caused harm to that the forgiveness and the confessions you made are true and worth changing”*.

**Family member 4 (Female)** stressed that *“Attending an FGC programme really helped my family in healing from the crime that was committed against one of our family members. Meeting with the offender, together with his family and some members of the community was very fruitful, it brought so much changes in our lives. We have closure in our family and the offender has deeply apologised for his actions”*.

**Participant F (Female)** indicated that *“eeeeehhh ... the meeting helped me to realise that what I did to all the affected parties was not a good thing to do in the first place. The meeting had a bigger impact. The bigger impact is when I heard the victim and their family accepting my apology ... it meant so much to me. From that day of being forgiven, I started to see that there is still a chance to become a better person in life, a contributing member in my own family and community”*.

The sentiments mentioned by the participants was supported by Bergseth and Bouffard (2007) who argued that “the programmes seek to restore the victim (in terms of the harm caused by the criminal act) and to restore the community at large. Furthermore, programmes aim to reduce the likelihood of continued offence by identifying and resolving those factors that may have contributed to the criminal behaviour of the offender”.

**Participant C (Female)** argued that *“our communities and families played a role in us becoming someone better after committing our self into criminal activities.* McCold (2000) stated that “the RJ Theory acknowledges that crime causes injury to people and communities. It insists that justice should repair these injuries and that the parties should be permitted to participate in that process”. Many offenders choose to have a meeting with the parties affected by the crime committed as a means of recognising and admitting their faults and taking full responsibility for their acts.

### **5.3.2 In your view, do you think that the Victim-Offender Mediation and Family Group Conference programmes are effective?**

The main purpose of the question was to evaluate if VOM and FGC programmes are effective in reducing recidivism. The implementation of the programmes has seen rapid growth in several countries. The programmes aim to minimise the risk of future offending by recognising and mitigating certain causes, which might have precipitated the criminal activity of the offender. These programmes have demonstrated better outcomes on almost every variable for victims and offenders.

**Participant D (Male)** highlighted that: *“VOM and FGC programmes are really working and effective. Given the opportunity to attend the programmes was a great chance for us to acknowledge our wrong doings, taking full responsibility of our actions. The arranged meeting between us and our victims was fruitful, and we were able to understand the impact of our action”.*

**Social worker** stated that *“our programmes are effective in helping offenders. Most offenders attended VOM and FGC have changed their lives. Not all offenders would turn away from the life of criminality but there are those who understand the importance of fixing their wrong doings”*.

**Family member 2 (Female)** stated that *“I am very grateful for NICRO in offering the services to us, FGC helped us in resolving the impact of the crime caused by my child (the offender). After the attendance of FGC, he (offender) acknowledged what he did was wrong and deserved to be punished for it. Now he has changed to be a better person, trying to change the friends he used to have. The community we are living within, have given him a second chance as a person who has learnt a lesson from his criminal behaviours”*.

Participants' views are that VOM and FGC programmes are effective in reducing chances of reoffending and help in decision-making. Rather than one person making a decision on the punishment, the community affected by the offender's action takes decisions about compensation. The argument made by Wenzel, Okimoto, Feather and Platow (2008) indicated that *“the purpose of the RJ Theory is to restore the broken connection between the victim, offender and society that comes from where the crime is committed”*. Participating members, in particular the offender, must recognise his or her wrongdoing for the effectiveness of the programmes, which need the offender to recognise and internalise socially accepted norms, attitudes and values of the community.

**Participant B (Male)** mentioned that *“No, the way I see things I can say VOM and FGC programmes are not effective because after my release, I came back to the community that I committed a crime against without addressing the real issue of what led me to commit a crime in the first place. Unemployment led to my criminal activities, so during the meeting nothing about me being unemployed was mentioned. It is difficult for me to stay away from crimes as a lack employment for making the means of living”*.

### **5.3.3 Do you think the Victim-Offender Mediation and Family Group Conference programmes address the needs of offenders?**

The aim of this question was to determine whether offenders' needs are addressed during VOM and FGC programmes. Offenders have needs that interfere with their prosocial lifestyle.

**Participants C (Female)** mentioned that: *“VOM and FGC programmes addressed my needs. I was very disturbed by the sentence and serving a longer sentence in prison, being in a new environment of prison walls. The therapy was offered during the meetings and I was able to see things in a positive manner, encouraged and empowered to deal with the situation. During VOM the need for accountability that addresses harm, encourages empathy and responsibility and shame was transformed”.*

## **5.4. THE PROGRAMMES OFFERED BY THE NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS IN REDUCING RECIDIVISM**

### **5.4.1 What are the programmes offered by National Institute for Crime Prevention and Reintegration of Offenders in reducing recidivism?**

The purpose of the question was to obtain knowledge and understanding of programmes offered by NICRO. NICRO is set up as a friendly detainee organisation to create a crime-free South Africa. NICRO programmes offer a healthy alternative and are significant developmental opportunities for marginalised, socially excluded and traumatised people in conflict with the law by giving them a chance to turn their lives around and become productive and responsible citizens.

A **social worker** mentioned that NICRO in Polokwane offers a range of specialised group based therapeutic programmes as follows:

- The Youth Empowerment Scheme (YES) for young offenders in conflict with the law is a particular life skill programme. This discusses negative behaviour, as well as social and psychological causes that lead to illegal activities.  
It focuses on the elimination of risk factors, the cultivation of favourable behaviours and the enhancement of skills to help juvenile criminals escape violence and life skills for adults in conflict with the law. The adult life skill is effectively an adult version of the YES programme, which is addressed to adult offenders who have displayed ineffective coping mechanisms, and low self-esteem, addressing the growth and advancement of life skills.
- Community Service-Learning programme is a programme that involves every person accused of being in conflict with the law and is diverted. The programme is based on community service. NICRO as the organisation involved in the RJ and rehabilitation programming of offenders will, upon intake, match and place the offender with a relevant community organisation where the offender will undertake his or her community service hours.
- The Journey programme is an intensive outdoor intervention aimed at the youth who are at high risk of re-offending. The programme primarily focuses on creating awareness of personal and societal consequences and effects of crime and is based on a life skill. The programme promotes self-expression, self-esteem, commitment and accountability. It utilises information giving, group discussions and adventure therapy as facilitation methods to encourage change.
- Restorative Group Conference (RGC), VOM and FGC are restorative programmes offered to people committed and affected by the offence committed in different settings. These are face-to-face encounters between the victim, the offender, individuals who support each of them, and those who have been affected by the crime.

- Programme for offender of intimate partners' violence. This is a programme that is aimed at reducing the high rate of domestic violence, especially intimate partners who are diverted. This mostly provides to offenders who violated the protection order as NICRO receives referrals of this nature.

The bulleted programmes are offered at NICRO to offenders, victims, family members of both the victim and offender and the community. Zehr (1998) indicated that programmes at NICRO aim at preventing people in conflict with the law from re-offending, and to identify and deal with underlying problems motivating the offender to re-offend. The programmes are based on the principles of the RJ, which requires that offenders accept responsibility for the crime committed, make amends for their misdeeds and initiate a healing process for themselves, their families, victims and the community.

#### **5.4.2 What are effects of the Victim-offender Mediation and Family Group Conference programmes?**

Programmes offered at the NICRO provide a very different framework for understanding and responding to crime and victimisation. The programmes target underlying problems that led to the crime in the first place. They can also improve long-term community safety and reduce recidivism.

A **social worker** highlighted that *“during VOM the victim and offender come together in a safe environment where they participate in a mediated discussion of the crime. The victim is allowed to ask questions about the crime, and he or she tells the offender of its impact. The mediation gives them some closure about what had happened to them. It also helps the victim to understand the framework which had guided the offender’s thinking when committing the crime”*.

The **social worker** also mentioned that *“FGC programme involves the group of people most affected by the crime, such as the victim, offender, family and friends, as well as supporters of the victim and offender. These parties are brought together by a trained facilitator to discuss how they have been harmed by the offence and how it could be*

*repaired. When all who are affected by the offence are involved, it demonstrates to the offender the extent of the impact of their actions. The offender's intention might not necessarily be to hurt their own family or friends, but it is important for them to be made aware of this as it will discourage them from repeating their destructive behaviour".*

The **social worker** further argued that *"the purpose of programme is to give the victim the opportunity to be involved in the discussion of the offence and in decisions regarding appropriate sanctions for the offender. The programme creates the chance for questions to be answered by the offender.*

*By becoming involved in the process, the victim gains clarity and closure about the crime committed against them. The chances of re-offending could be reduced if the offender is aware of the impact of his or her actions".*

These responses indicate that the programmes are aimed at promoting the victim's recovery process and help offenders to become aware of consequences of their acts. It encourages the offender to take responsibility for his or her actions, thereby encouraging accountability and attempting to improve the conduct of the offender. Umbreit (2000) emphasised that RJ Theory is a victim-centred response to crime that offers opportunities for victims, the offender, their families and representatives of the community who are most directly affected by the crime to be directly involved in responding to the harm caused by the crime.

#### **5.4.3 In your view, what do you think motivate offenders to re-offend?**

The purpose of the question was to determine factors that motivate offenders to re-offend. During interviews, NICRO officials (Social workers) highlighted that there are certain factors that motivate offenders to re-offend. These factors were discussed by the **social workers** as follows:

- **Lack of support and fixing broken relationship with the family and community**

The NICRO officials regard lack of support as another factor motivating offenders to re-offend. When a crime is committed, there are people who are affected by the action. These are victims, who include family members, relatives and people within the

community. Zehr (1998) highlighted that the process of RJ Theory focuses on the restoration of human bonds, and the reunion of the two individuals and of the individual with the community.

A **social worker** noted the following in this regard: *“One of the greatest challenges that many offenders are faced with is lack of support from their families and communities and fixing the broken relationship with their families and community at large.*

*Many of our offenders come from rural areas, which are categorised by close bonds between families and community members. When offenders are lacking support from their own families and community, they find it difficult to find their feet again and they are more likely to be in contact with their fellow criminals”.*

The **social worker** that: *“most offenders get rejected by their families and friends and the community shut the doors for them to enter. They are not welcomed and that is the reason they go back to re-offending.”*

This study confirmed that many offenders relapse because of rejection from their families and community members. When families and communities refuse to accept offenders into their families and communities, offenders are more likely to be in contact with their fellow criminals.

## **5.5. TO EVALUATE THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROGRAMMES ON RECIDIVISM BY NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF THE OFFENDERS IN LIMPOPO PROVINCE**

### **5.5.1 Are programmes offered by National Institute for Crime Prevention and Reintegration of Offenders effective in reducing recidivism?**

The purpose of the question is to determine the effectiveness of the VOM and FGC programmes in reducing recidivism. In response to this question the **social worker** noted the following: *“Yes, I would say the programmes are effective. Rehabilitation is a process, it’s not an once programme and this can be seen when client attend the aftercare sessions*



*following the attendance of all programmes. The aftercare sessions are attended for a period of twelve months, for youth accompanied by their respective parents or guardians or family members”.*

*“In case of the adults the partner or people in their circles are also required to be checked/interviewed for monitoring and interactions with the accused person attended diversion programmes. The primary goal of offering offenders the programmes is to reduce recidivism”.*

Bergseth and Bouffard (2007) indicated that “VOM and FGC developments concentrate on creating policies that aim to strengthen the capacity of the community to deter crime in the future using non-adversarial and usually collaborative mechanisms that often include group-based decision-making rather than a centralised judicial authority.

A **social worker** emphasised that “the programmes are effective when the client completes the attendance of the programmes, and aftercare sessions have been completed”.

## **5.6. TO EXPLORE ASSOCIATED CHALLENGES IN RESPONSE TO RECIDIVISM IN LIMPOPO PROVINCE BY NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS**

NICRO is an NPO dealing with offenders in reducing recidivism and securing a safe environment that is a crime-free environment for every citizen member. As an organisation, NICRO faces many challenges in response to recidivism.

### **5.6.1 What are challenges that you face when offering diversion programmes in response to recidivism?**

The purpose of the question was to have insight into challenges that NICRO was faced with when offering diversion programmes in response to recidivism.

The **social worker** mentioned that *“Non-compliance by family members to provide support since rehabilitation is not possible without the support from the people who interact with offenders and Family disorganisation seems to be the most challenging aspects when offering these programmes.*

*The lack of participation by victims due to the reason that they are not ready to meet up with their victimisers or lose interest in taking part in the sessions along the way". Umbreit, Coates and Vos (2002) argued that "participation of victims and offenders during the programmes is very important".*

A **social worker** also indicated that *"there is a shortage of dedicated staff such as social workers who renders the programmes to the offenders, the work becomes too much for one person to deal with".* Notshulwana (2012) concurred with participants' views that lack of resources during the offering of the programmes is a challenge.

These comments indicated that the lack of participation by victims, family members of the victim or offender and community members as well as noncompliance by affected people was mentioned as a challenge when offering diversion programmes in response to recidivism.

### **5.6.2 What do you think are possible challenges faced by offenders, which may lead to their re-offending?**

The purpose of the question was to gain insight from NICRO officials who facilitate diversion programmes with offenders into possible challenges faced by offenders, which may lead to their re-offending. Many offenders are faced with challenges after returning to their families and communities.

A **social worker** noted that *"offenders are excluded from the job opportunities to turn their lives to the better by earning something. Communities do not give offenders second chances of proving that indeed their behaviour is changed, and they have learnt a lesson in life and are being discriminated from others in their communities. By being discriminated, offenders are unable to be involved in activities taking part in their own surroundings".* Munn and Bruckert (2013) emphasized that "offenders are not supported by their families and communities after serving their penalties and are not assisted to fight against committing further crimes".

The **social worker** indicated that *“being labeled as a stigmatised person has substantial effects on the way offenders think and feel about themselves and the way the offender’s response to the stigma interfere with their functioning, and lead to maladaptive behaviours and difficulty participating in the community”*. Braithwaite (1989) indicated that “the philosophy of the RS Theory conveys guilt to a wrongdoer in a way that encourages him or her to stop committing crimes”.

This view by participants pointed out that challenges faced by offenders lead them to return to criminal life and restrict offenders to participate in community activities. The label makes offenders feel less of a human being, see themselves as nothing or someone useless and to think negatively about themselves. As indicated in the literature review chapter, discrimination does not allow offenders to live a life away from crime.

## **5.7. TO DETERMINE STRATEGIES EMPLOYED BY NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS IN RESPONSE TO RECIDIVISM IN LIMPOPO PROVINCE**

### **5.7.1 What are strategies employed by National Institute for Crime Prevention and Reintegration of Offenders in response to recidivism?**

The purpose of the question was to determine strategies employed by NICRO in response to recidivism. NICRO developed evidence-based strategies to minimise recurrence and to encourage offenders, victims and the community to move towards a culture of the RJ.

One **social worker** highlighted that *“NICRO raises public awareness about crime prevention and public safety, provides information, discusses problems, and distributes knowledge to people for informed decision-making”*. Hannah-Moffat (2005) concurred with participants’ views that crime prevention through the use of awareness campaign is one of the strategies employed by NICRO in response to recidivism.

The **social worker** revealed that *“diversion is another strategy employed by NICRO in response to recidivism. Other offenders are referred to the diversion programmes instead of going through the formal CJS”*. Ntuli (2017) stated *“that NICRO’s programmes provide a positive option and substantial incentives for the advancement of disadvantaged, socially isolated and traumatised offenders in conflict with the law by giving them the opportunity to turn their lives around and become successful, responsible people”*.

It became clear during interviews with NICRO social workers that the mentioned strategies help offenders not to reoffend but to change their criminal behaviour in order to become law-abiding citizens in their own communities. The strategies provide greater opportunities and possibilities to improve behaviour, make amends and to encourage community engagement and reparation.

## **5.8. INTERPRETATION OF FINDINGS**

The findings of the study were presented in a way that others would be able to make sense of. Based on data analysis, the interpretation of the data focuses on simple explanations. Mouton (2011) noted that findings and results of research studies in the current literature will either affirm or refute the researcher's own interpretation. Thus, the explanation of results starts with an overview of each emerging theme which, as indicated in Chapter two and three, is highlighted and followed by related sources of literature review and theoretical framework.

### **5.8.1 Overview of evolving themes**

During data analysis and presentations indicated in this chapter, a number of themes emerged. This chapter organised and explored the established themes. The key aim of the analysis of findings was to reach understanding on the effectiveness of VOM and FGC programmes on recidivism. The following section presents the discussion of the overview of developing themes:

- Identifying underlying problems motivating recidivism
- Evaluating the effectiveness of VOM and FGC programmes on recidivism
- Exploring associated challenges in response to recidivism
- Determining strategies employed by NICRO in response to recidivism.

The identified themes are discussed in the following section.

### **5.8.2 Underlying problems motivating recidivism**

The data collected indicates that offenders view crime because of an interaction of factors ranging from unemployment, substance abuse, broken families and peer pressure. Leighton and Roy (2001) agreed with what the offenders mentioned as factors that can motivate someone to re-offend.

- **Unemployment**

Findings of the study indicated that many offenders do not have the means of making a living; they engage in criminal activities to make a means of living and they lack sources of legitimate income when they are unemployed. When interviewed the participants indicated that they are struggling to get employment. Jacobs (2005) concurred with the views of the participants that “many of the offenders are without employment”. It was also highlighted that after spending time in prison, it is a major challenge to get work, and offenders’ prison status affects opportunities of getting employment as they are faced with many obstacles when making the transition from prison to their communities.

- **Substance abuse**

Findings showed that several participants stressed that friends exposed them to drugs; and being intoxicated gave them the nerve to commit crime. The study findings also indicated that substance abuse was largely related to crimes such as robbery for commercial purposes in order to sustain drug use habits. Furthermore, Social Workers from NICRO highlighted that soon after release, the use of alcohol and drugs increases the risk of reoffending. Thompson (2008) argued that after their release, many offenders are more at risk of re-offending, and of committing more crimes in order to feed their drug habits.

- **Broken families**

The findings showed that people who grow up without the presence of parents or either one parent more especially where the parent is not always present are likely to suffer from a sense of belonging and an identity crisis. As a result, to strengthen their sense of belonging, they end up joining criminal gangs. The findings of this study, apart from the identity crisis, also showed that children with absent parents lack parental guidance, affection and encouragement that led to their participation in crime. Munn and Bruckert (2013) stated that offenders lack support from their own families and communities, which leads them to reoffend and they are not helped to fight against further crimes. Living in dysfunctional families was one of the causal factors blamed by participants for participation in crime. Most participants found that during their childhood, parental love and protection lacked, and this created room for criminal activities.

- **Peer pressure**

The findings of the study showed that participants indicated that after their release, they continue to interact with the same individuals because that is the neighborhood they are from and that is the norm for them. Their surrounding environment affects them. The study also revealed that they are once again subjected to a life of crime when they are released from prison, as people close to them may already be involved in a criminal lifestyle. Therefore, because of these influences and a lack of opportunities to get away from the burden, they are likely to commit crimes. This form of conduct sets them up to commit further crimes once again, putting them at a high risk of returning to correctional centres.

Boone (2004) stated that immaturity has been shown to be positively associated with much the negative effect of some may motivate others to participate in disruptive actions, such as being involved in crimes. Such behaviours leave young adult offenders more vulnerable to peer influence, leading them to commit crimes. Adolescents and young adults who choose to be in the company of those who endorse criminal behaviour are then more likely to engage in such behaviour themselves.

It was revealed that young offenders typically get the confidence to experiment in a group environment with risky behaviour by manipulating each other. The results showed that young people were motivated to engage in criminal activities to strengthen their sense of belonging to a group.

### **5.8.3 Factors that led offenders to re-offend**

This study established that there are various factors contributing to re-offending by offenders. The study revealed that the most plausible reasons to explain the relatively high recidivism rate among released offenders were centred on their lack of vocational job skills, change of environment, and the negative attitude of the community or being discriminated against due to criminal history. Offenders highlighted the need for factors contributing to be addressed as they prevent them from living a crime-free life. Factors that led offenders to re-offend are highlighted as follows:

- **Change of environment**

The study revealed that offenders that spent more time away from their community lead to chances of re-offending. It is indicated that adjusting to an environment that is evolving is a challenge to offenders. Chikadzi (2017) noted that the community environment in which an offender lives is crucial to the development of an explanation for re-offending. It was shared that offenders are faced with a daunting world that deliberately prevents them from being productive members of society. Some offenders also noted that the fact that they lacked the means to deal with the change, such as material and financial resources, exacerbated their struggle with adjustment. Seiter and Kadela (2003) emphasised that offenders cannot maintain stable housing, and many may argue that the lack of stable housing sustains the cycle of criminal activity. Several participants indicated that the transition from imprisonment to their communities was associated with psychological stress as a result of adjustment.

- **Discrimination**

The findings of the study found that offenders discriminated are subject to constant group labels, unequal treatment by others and laws that restrict their participation in community activities, all of which have the power to influence their self-concept while participants mentioned that being categorised as a 'criminal' has a significant effect on the way offenders think and feel about themselves, as well as how they are treated in their communities. Braithwaite (1989) mentioned that "offenders in their neighbourhoods' are discriminated against and are not entitled to engage in certain voluntary operations. Shaming has a stigmatising effect and excludes a person from the community". It was also highlighted that community function as the source of basic needs to offenders and being discriminated amongst others in the community increase the vulnerability of offenders to re-offend.

In agreement with Social Workers from NICRO, it was further stated that the way participants think about themselves limits their ability to make positive improvements in their life or even gain self-confidence and experience a feeling of inferiority.

- **Challenges in fixing relationships with family and community**

The study highlighted that participants face problems of not being accepted but rather being held in prison. There is no support, love from families and community members and being rejected in their own communities make them more vulnerable to be involved in criminal activities. The views by participants are supported by the argument by Hadley (2001) believed that the RJ Theory acknowledges the social ties that bind the victim and offender. Parties that are impacted by crime are all respected members of a community, a community in which a network of relationships interlinks all men. Society takes responsibility for its citizens and for the nature of crime, and a common responsibility for helping to recover victims and reintegrate offenders.



It was indicated that the offenders feel as if they no longer belong to and fit in their families and communities. Everyone knows their history and the type of illegal activities they partake in the neighborhood where offenders come from; so, they are then categorised. No one wants to be next to them, everyone runs away from them and members of the community do not want them near their children because they think they will encourage them to engage in illegal activities. Offenders are viewed as outsiders in their own societies. The study showed that participants described fixing relationships with their families and communities as one of the crucial elements that was difficult to deal with.

#### **5.8.4 National Institute for Crime Prevention and Reintegration of Offenders (NICRO) in assisting offenders not to re-offend**

The findings of this study showed that participants claimed that their criminogenic needs were not met during VOM and FGC programmes. It is found that the programmes should assist in addressing the needs of offenders to prevent them from committing crimes. Participants also highlighted that NICRO should facilitate family reunification services in order to assist them to be reunited with their families and communities. In this study, participants further indicated that NICRO should work with the communities regarding the reintegration of offenders back into their societies where they have been away from for quite some time. The findings showed that NICRO programmes should be accessible to every offender, and follow-up on offenders should be done to check up on how they are coping.

Williams (2005) stated that in order to facilitate the reintegration of offenders and minimise the risk of re-offending, multiple stakeholders should collaborate with offenders and their families. In cooperation with the government and NGOs, the state provides offenders with different services and programmes. These services vary from assistance for families, career skills and rehabilitation activities such as anger management.

### **5.8.5 Evaluating the effectiveness of Victim-offender Mediation and Family Group Conference programmes on recidivism**

- **The attendance of Victim-offender Mediation and Family Group Conference programmes in helping offenders not to re-offend**

This study found that attending the VOM and FGC programmes really helped many participants not to return to criminal activities. Participants indicated that meeting with the members that were impacted by crime was a great opportunity to deal with the issuing of forgiving each other. The study showed that participants found the attendance of the programmes very useful, sharing the pain that the crime has caused and explaining how sorry they were.

Leonard and Kenny (2011) indicated that the “VOM and FGC programmes can improve the interest of the community and victims in the legal process to create greater satisfaction with the outcome of the case and illustrate offenders’ enforcement and expectations of procedural fairness.” Furthermore, it is important for participants to be at peace with people from their community, which gives them a second chance in life, a chance of not committing crimes further. Participation in VOM and FGC programmes can lower the risk of reoffending”. Umbreit, Coates and Vos (2000) indicated that VOM and FGC programmes gave all the affected parties, namely, the offender, victim, family members of the victim and offender and some representatives from the community the opportunity to come together in a controlled setting to share the pain of victimisation and to answer questions about why and how.

- **The effectiveness of Victim-offender Mediation and Family Group Conference programmes**

The study showed that more work is needed to determine circumstances under which these programmes can be effective in achieving important goals. The implementation of the programmes should be characterised by a transparent channel of communication to avoid negative influences on the affected parties.

This should include the development of clear instruments that will be used to assess all activities that will take place during the implementation.

The participants responded with different views on how effective the programmes are as responses varied from one participant to another. Most participants indicated that services of VOM and FGC programmes are successful in minimising the risk of reoffending and assisting in decision-making, rather than making a decision on the penalty. Bergseth and Bouffard (2007) stressed that “the goal of the interventions was to minimise the risk of continued crime by recognising and resolving causes of the offender's criminal activities. It was also indicated that programmes are effective at aiming to get offenders to take responsibility for their actions, to understand the harm they have caused, to give them an opportunity to redeem themselves and to discourage them from causing further harm.”

- **Addressing the needs of offenders during Victim-offender Mediation and Family Group Conference programmes**

The study showed that offenders indicated that their psychological needs were addressed. The need to be accountable and responsible for their actions was also discussed during meetings of the VOM and FGC programmes. Participants' views were supported by Goodman (2011) emphasised that offenders should be accountable. When one person knowingly inflicts wrong on another, the offender has a moral duty to take responsibility for doing so in order to mitigate the resulting consequences.

The findings of the study showed that offenders argued that their views to be listened to should be met. They still have a desire for emotional support and treatment. The study found that stated the issue of unemployment was mentioned as a problem that was not addressed during the delivery of the programmes. Participants noted that they were unemployed before they were arrested, even after their release, the issue of unemployed is not addressed. This study finds that by partnering with chief leaders, government departments and relevant stakeholders such as NGOs in working together to identify and solve challenges that offenders face can help in addressing their needs.

- **The programmes offered by National Institute for Crime prevention and Reintegration of Offenders in Polokwane municipality**

The study showed that the NICRO offers few different programmes. It is therefore necessary that these programmes aim at addressing the actual offence, and then attempt to correct the contributory behaviour of offenders. Wood (2003) emphasised that “NICRO encourages the use of alternatives to imprisonment, seeks to improve conditions in correctional facilities, promotes the effectiveness of autonomous correctional surveillance systems, and aims to prevent and combat crime”.

Participants further stated that “programmes such as the RGC, VOM and FGC programmes were used as a decision-making forum to promote the principle of RJ to restore disruptive relationships where the focus is on correcting things rather than punishing them. Mutter, Shemmings, Dugmore, and Hyare, (2008:262-270) indicated that the RJ acknowledges that crime causes injury to people and communities. It insists that justice repairs those injuries and that the parties be permitted to participate in that process. It is also presented in chapter five that the Community Service-Learning programme as one of the programmes divert offenders to perform community service as part of their sentence. It is important that offenders attend the programmes to ensure that their needs are well identified. The participation of offenders in diversion programmes is crucial and usually involves a long-term vision that is implemented in programmes.

- **The effects of the programmes offered at National Institute for Crime prevention and Reintegration of Offenders**

The findings of the study indicated that implementation of the programmes should serve as a platform for offenders to acquire various skills that could be applied in future, even outside the programmes to prevent further re-offending. For programmes to be seen as providing offenders with the required skills, it should be presented to the satisfaction of the majority of offenders and parties involved such as victims, families of victims, offenders and members of the community who participate in the programmes.

From participants' perceptions programmes for offenders are significantly more successful in reducing recidivism, with the programmes focusing on medium to high-risk offenders. The programmes provide a very different framework for understanding and responding to crime and victimisation. The study revealed that the programmes target the underlying problems that led to the crime in the first place. So, they can improve long-term community safety and reduce recidivism. The views by participants are supported by the argument by Umbreit (2000) emphasised that "RJ is a victim-centred response to crime that offers opportunities to victims, the offender, their families and representatives of the community who are most directly affected by the crime to be directly involved in responding to the harm caused by the crime".

#### **5.8.5 Exploring associated challenges in response to recidivism in the Limpopo Province by National Institute for Crime prevention and Reintegration of Offenders**

- **Challenges faced by National Institute for Crime prevention and Reintegration of Offenders in response to recidivism**

The findings of the study showed that from participants' perceptions family members are unable to provide help; and rehabilitation is not possible without the assistance of people who are engaged with offenders. The disorganisation of the family tends to be the most daunting element when providing services to offenders. The other challenge that was mentioned was lack of commitment by victims because they are not able to face their victimisers or lose interest in taking part in the sessions along the way.

Participation by the parties was indicated as a key element in response to recidivism. The argument by Notshulwana (2012) emphasised that "there is a shortage of dedicated staff who should render services to offenders. Owing to the lack of resources, some offenders do not have an equal opportunity to engage in the programmes". This leaves them vulnerable to criminal behaviour. This challenge hinders the effectiveness of programmes in response to recidivism.

### **5.8.6 To determine strategies employed by National Institute for Crime prevention and Reintegration of Offenders in response to recidivism in Limpopo Province**

- **The strategies employed by National Institute for Crime Prevention and Reintegration of Offenders in response to recidivism**

The findings of the study showed that for the strategies to thrive, community engagement and accountability should be at the forefront at the local level. It is important to engage offenders through VOM and FGC programmes in crime prevention and awareness within their communities. Gumz and Grant (2009:119-126) stated that “it falls within the framework of the NICRO to implement systemic, evidence-based strategies to reduce recidivism. This helps offenders, victims and the community to move towards a culture of RJ.”

It was also indicated in the findings that NICRO increases public awareness on crime prevention and public safety, offers information, addresses problems and distributes knowledge for informed decision-making to individuals. It was indicated that instead of going through the traditional CJS, other offenders are assigned to diversion services. Singh (2016) emphasised that “the aims of the diversion are to deter offenders in conflict with the law from re-offending, and to recognise and deal with underlying factors that drive offenders’ behaviour”.

Therefore, crime prevention awareness campaigns could also be utilised to influence participation in programmes that address crime in the communities. These campaigns are powerful instruments that could influence offenders and community members in different ways.

## **5.9. SUMMARY OF THE FINDINGS**

This study evaluated the effectiveness of VOM and FGC programmes in preventing reoffending. The effectiveness of the VOM and FGC programmes were evaluated differently by the participants who were attached to the programmes. The study revealed that there are certain factors that led offenders to re-offend, which included unemployment, substance abuse, peer pressure and broken families. According to the participants it was found that they are factors that led them to them to reoffend. The study found that many of the participants were unemployed when committing crimes which led them to reoffend. The findings of this study showed that getting a job after imprisonment was almost impossible. Prospective employers look into a person's criminal record and their employability greatly depends on whether they have a criminal history or not.

Many of the participants highlighted that they were introduced to drugs by friends and being intoxicated gave them the nerve to commit crime. The findings also showed that substance abuse was mainly connected to economic crimes such as theft for commercial purposes to maintain the habit of substance use. The findings of this study also revealed that peer pressure was central to crime causation especially among young offenders. It is evident that young offenders normally get the courage to experiment with risky behaviour in a group setting through influencing one another. The results showed that lacking parental guidance, love and support contributed to offender's involvement in crime.

The respondents said that they struggled with a change of an environment, moving back to their communities that they have been away from for a long time was not easy. The study indicated that many of the participants failed to adjust and resort back to life of criminality. Many of the respondents indicated that they were discriminated in their own communities and not allowed to take part in the activities of the community. The study showed being discriminated amongst others made offenders not to think positively about themselves.

From the participant's experience, the attendance of the VOM and FGC programmes was very helpful. The programmes required those impacted by the crime to talk about what happened. The participants (offenders) admitted their guilt and ask for the forgiveness. The study showed that the attendance of the VOM and FGC programmes restored peace amongst those who were infected by the crime. Many of the participants mentioned that the VOM and FGC programmes are effective in helping to reducing the risk of committing crimes further. The participants (Offenders) were responsible for their own actions.

Many of the participants indicated that there was little or no support from their families and communities. The participants indicated that they faced rejection from the very important people who were supposed to play a crucial role in facilitating their returning back to the communities. Some participants revealed that they had to re-offend to find their feet again. Some experienced stigma, discrimination and rejection whilst others failed to secure gainful employment due to their criminal history.

They remain unemployed and struggled to make a means of living so that they can turn their lives to better. The participants highlighted that programmes were more of theoretical and lip-service centred with little implementation on the side of the stakeholders. Therefore, minority of the participants voiced the need to implement more programmes. Majority of them appreciated the rendering of the VOM and FGC programmes.

## **5.10. SUMMARY**

This chapter (Five) presented data analysis and discussed the findings of the emerged themes as well as their sub-themes. The participants' responses to the in-depth interviews are presented and discussed by means of developing themes and sub-themes to evaluate the outcomes of these interviews. A description of each theme and sub-themes improves the discourse of such themes and their sub-themes. Lastly, an interpretation of the research and the findings are also presented in this chapter (Six).



## **CHAPTER SIX**

### **RECOMMENDATIONS AND CONCLUSIONS**

#### **6.1. INTRODUCTION**

This chapter (Six) presented the recommendations and conclusions of the study drawn from the literature and data collected through qualitative methods. Based on the findings, recommendations are made in respect of how to improve the effectiveness of the VOM and FGC programmes on preventing recidivism in the Polokwane area. All the aspects collected from the empirical analysis are discussed in the recommendations. In order to obtain opinions and perceptions of participants, the researcher conducted in-depth interviews with Social Workers from NICRO and offenders attached to VOM and FGC programmes.

#### **6.2. OVERALL STUDY SUMMARY**

Chapter **one** started with the presentation of the purpose of the research undertaken, namely the evaluation of the effectiveness of VOM and FGC programmes on recidivism in Polokwane Municipality. Background to the study was given. A concise problem statement was issued, clearly presenting the problem to be studied. The presentation of the aim and objectives of this study following the study's intentions were explained. The aim of the study was to evaluate the effectiveness of VOM and FGC programmes on recidivism in Polokwane Municipality, Limpopo Province. The importance of this analysis and its expected outcomes were given attention, accompanied by a description of the demarcation of the study. Consequently, to provide a common understanding of their significance, key theoretical concepts fundamental to this study were identified.

The research design and methodology were preliminarily introduced and addressed, and explained the concrete steps taken to tackle the research problem, namely whether VOM and FGC programmes are effective in reducing recidivism. The chapter concluded with the methods to ensure trustworthiness, as well as ethical considerations applied in this study.

**Chapter two** presented an overview of the effectiveness of VOM and FGC programmes in reducing recidivism. This chapter provided a brief overview of background to VOM, FGC and recidivism in international and South African contexts, the effectiveness of VOM and FGC, factors contributing to recidivism, challenges in response to recidivism and current strategies employed by NICRO in response to recidivism.

**Chapter three** consisted of an overview of the theoretical framework. The chapter was based on theoretical literature on the effectiveness of VOM and FGC programmes on recidivism. The idea of RJ Theory was adopted to describe the effectiveness of VOM and FGC programmes on recidivism. Other RJ Theories such as RS Theory were also discussed. The overview included a brief background to both RJ Theory and RS Theory, the principles of RJ Theory, criticism and lasting values of these theories.

**Chapter four** presented data analysis. The purpose was to gain a better understanding of the data collected. This goal was accomplished by evaluating the relationship between ideas, structures and variables, defining and isolating patterns and trends, and setting up emerging themes and sub-themes. The data collected from participants during the in-depth interview was illustrated and identified in the chapter. The chapter concluded with a critical reflection of each theme and subtheme.

**Chapter five** presented the results of the analysis. Themes that emerged from the study were as follows: identifying the underlying problems motivating recidivism, evaluating the effectiveness of VOM and FGC programmes on recidivism, exploring associated challenges in response to recidivism and determining strategies employed by NICRO in response to recidivism.

The findings of the study were interpreted and measured against the comprehensive body of literature review and theoretical framework, as presented and discussed in chapters two and three. The identified emergent themes and subthemes provided the basis for the structure of this chapter. This chapter furthermore included the perspectives of participants that were integrated to form a comprehensive interpretation of findings.

In **chapter six**, presented recommendations and conclusions of this study. This chapter contained a brief of chapters One to four, followed by recommendations as how the effectiveness of the VOM and FGC programmes can be improved to prevent re-offending. A small sample was used in this current study, the researcher succeeded in evaluating the effectiveness of VOM and FGC programmes at Polokwane area.

### **6.3. RECOMMENDATIONS DERIVING FROM THE FINDINGS**

Based on the findings of the study, the following recommendations are suggested to improve the effectiveness of the VOM and FGC programmes in preventing recidivism in the Polokwane Municipality.

- It is recommended that similar research must be taken with bigger samples in order to increase validity and credibility of this research as well as to allow wider generations since the researcher followed qualitative approach to conduct research on evaluating the effectiveness of the VOM and FGC programmes on preventing recidivism and not all offenders who were attached to the VOM and FGC were able to participate.
- Organisations that assist offenders with programs like the VOM and FGC and others appear to be functioning in isolation. To promote services provided to offenders, it is suggested that coordination and partnerships between all relevant players, such as welfare organisations, the state, prison officials, employment agencies, and communities, be emphasised.

- Programmes rendered to offenders should be human. Human in a way that offenders feel respected and dignified in order to show reductions in recidivism, demonstrating that diversion programmes can be an effective approach in enhancing community safety.
- There is a lack of complete intervention strategies to address offenders' needs in totality such as offenders' risks such as substance abuse. It recommended that the programmes should seek to address the risks and needs of offenders and developing preventative measures to reduce vulnerability to crime.
- Findings indicated that criminal records and attached stigma to offenders' result in most of them finding it difficult to get employment. It is recommended that measures should be developed to remove criminal records in order to shorten the time period before the record is removed.
- There appears to be a scarcity of community-based programs for offenders and where offenders wish to initiate one, there is limited support from stakeholders. As a result, it is critical to start community-based projects for offenders to address their fundamental needs and avoid reoffending.
- Many offenders find it impossible to maintain a crime-free life without the acceptance and support of their families and communities. It is suggested that family reunion and community education services be offered to improve offenders' reintegration into the community.

#### **6.4. FUTURE RESEARCH STUDIES**

There is a need for further research studies on the evaluation of the VOM and FGC on recidivism in Polokwane Municipality, Limpopo Province. The study should focus more on factors that lead offenders to re-offend and how effective the VOM and FGC programmes are in preventing further re-offending by offenders in Polokwane Municipality. The focus should be on addressing the needs of offenders that prevent them from engaging in criminal activities as a way of preventing further recurrence.

The envisaged studies should also focus on the collaboration of certain stakeholders such as the DCS, SAPS, NPO and relevant stakeholders in the community in helping offenders to turn away from criminal activities and to become law-abiding citizens. There is a need for educational programmes and skill development to empower offenders, victims and the entire communities to reduce re-offending. The collaboration of relevant stakeholders will contribute to the accomplishment of these results by:

- Addressing factors that lead offenders to re-offend.
- Addressing the needs of offenders in preventing re-offending.
- Establishment of job opportunities and skills development programmes for offenders.
- Understanding the motivation of offenders in committing crimes.
- Evaluating the effectiveness of the VOM and FGC programmes in reducing re-offending.
- Establishment of Community-based programmes in deterring re-offending.

In the government of Limpopo Province, there is a need for relevant stakeholders such as NICRO, DCS, SAPS, community representatives and other relevant NGOs that deal with services for offenders.

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**ANNEXURE A1: CLEAN COPY OF INTERVIEW SCHEDULE GUIDE FOR NATIONAL INSTITUTE FOR CRIME AND REINTEGRATION OF OFFENDERS OFFICIALS**

**1. To identify underlying problems motivating recidivism in Limpopo Province:**

1.1 What are the diversion programmes offered by National Institute for Crime and Reintegration of Offenders (NICRO) in Polokwane Municipality?

1.2 What are effects of the above mentioned programmes?

1.3 In your view, what do you think motivate the offenders to re-offend?

**2. To evaluate the effectiveness of victim-offender Mediation and Family Group Conference programmes on recidivism by National Institute for Crime and Reintegration of Offenders in Limpopo Province:**

2.1 Are the programmes offered by NICRO effective in reducing recidivism?

2.2 If no, explain why and if yes how they are effective?

**3. To explore associated challenges in response to recidivism in Limpopo Province by National Institute for Crime and Reintegration of Offenders:**

3.1 What are the challenges that you face when offering diversion programmes in response to recidivism?

3.2 What do you think are possible challenges that offenders face which may lead to their re-offending?

**4. To determine strategies employed by National Institute for Crime and Reintegration of Offenders in response to recidivism in Limpopo Province:**

4.1 What are strategies employed by NICRO in response to recidivism?

4.2 Are the above-mentioned strategies effective or not?

**4.3** If the strategies are effective, do they really help the offenders not to re-offend?

**ANNEXURE A2: FOR OFFENDERS UNDERGOING VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE**

**5. To identify underlying problems motivating recidivism in Limpopo Province:**

5.1 What motivated you to commit a crime in the first place?

5.2 What led you to re-offend?

5.3 What are the challenges that motivated you to commit a crime?

5.4 In your view, what do you think NICRO can do to assist offenders not to re-offend?

**6. To evaluate the effectiveness of Victim-offender Mediation and Family Group Conference programmes on recidivism by National Institute for Crime and Reintegration of Offenders in Limpopo Province:**

6.1 Do you think attending VOM and FGC programmes would help you not to return to criminal activities?

6.2 In your view, do you think that VOM and FGC programmes are effective?

6.3 If no, explain why and if yes, how they are effective?

6.4 Do you think VOM and FGC programmes address the needs of the offenders?

**THANK YOU FOR PARTICIPATING IN THIS STUDY**

## ANNEXURE B: INFORMATION SHEET FOR PARTICIPANTS

I am a Master of Arts Student in the Department of Criminology at the University of Limpopo conducting a study entitled: ***The effectiveness of Victim-Offender Mediation and Family Group Conference programmes on recidivism in Polokwane Municipality, Limpopo Province.*** I would like to invite you to participate in my study. Your participation in the study is voluntary and you will not be deprived of participation in any way. This will not take more than 40 minutes and will be held according to the participant's convenience. Participants have the right at any given time to withdraw from the study and may refuse to answer any questions that makes them feel uncomfortable to answer it.

The interview will be voice recorded and notes will be written during the interviews and the recordings will only be viewed by the supervisor and the researcher. Participants will be assured that their name and personal details will be kept confidential and that the final research report will not include any identifying information. In a case of creating discomfort during data collection, participants will be referred to the 'University of Limpopo's social workers and psychologists' whereby counselling will be provided for participants to deal with the discomfort caused by this study.

## **ANNEXURE C: INFORMED CONSENT FORM FOR PARTICIPANTS**

I \_\_\_\_\_ agree to participate in this Masters Research project which focuses on the effectiveness of VOM and FGC on recidivism in Polokwane Municipality, Limpopo Province.

The researcher explained the main purpose of the study to me. I understand that should I feel like discontinuing with my participation in this focus group, I can terminate at any time. Although the interview will be tape recorded notes will be written, my responses will remain confidential, anonymous and no names will be mentioned in the report.

I understand the outcomes of this research project. I understand that my details as they appear in this consent form will not be linked to the interview schedule and that my answers will remain confidential.

I understand this information and agree to participate fully under the conditions stated above:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**ANNEXURE D: APPLICATION LETTER TO DO RESEARCH AT NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS**

**National Institute for Crime and Reintegration of Offenders**

28 JORISSEN STREET

POLOKWANE CENTRAL

0700

P.O BOX 849

DOORNSPRUIT

0759

pattymontsho@gmail.com

06 JANUARY 2020

**LETTER OF REQUEST**

Dear Sir/Madam

My name is Petronella and I am a registered student for Master of Arts in the Department of Criminology at the University of Limpopo. In partial fulfilment of the requirements of Master of Arts, I am conducting a research entitled: The effectiveness of Victim-Offender Mediation (VOM) and Family Group Conference (FGC) programmes on recidivism in Polokwane Municipality, Limpopo Province. The study will be providing the researcher with the knowledge about the subject matter and to gain valuable information from participants.

I am in the process of gathering data through semi-structured interview that will be used in the study. Regarding this issue, I would like to ask your permission to interview the management staff, such as Social Workers working on the VOM and FGC programmes and the offenders participating in the mentioned programmes offered by your organisation that will help me obtain more information I need in relation to this study.

I would greatly appreciate your consent at my request

Thank you for your time and looking forward to a positive response.

Respectfully yours,

Montsho P (Researcher)

**ANNEXURE E: APPROVAL LETTER FROM UNIVERSITY OF LIMPOPO - THE FACULTY HIGHER DEGREES COMMITTEE**



**University of Limpopo**  
**Faculty of Humanities**  
 Executive Dean  
 Private Bag X1106, Sovenga, 0727, South Africa  
 Tel: (015) 268 4895, Fax: (015) 268 3425, Email: Satsope.maoto@ul.ac.za

**DATE: 7 August 2019**

**NAME OF STUDENT:** MONTSHO, P  
**STUDENT NUMBER:** [201311519]  
**DEPARTMENT:** MA - Criminology  
**SCHOOL:** Social Sciences  
 Dear Student

**FACULTY APPROVAL OF PROPOSAL (PROPOSAL NO. FHDC2019/5/20)**

I have pleasure in informing you that your MA proposal served at the Faculty Higher Degrees Meeting on 29 May 2019 and your title was approved as follows:

**TITLE:** THE EFFECTIVENESS OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROGRAMMES ON RECIDIVISM IN POLOKWANE MUNICIPALITY, LIMPOPO PROVINCE

Note the following:

Ethical Clearance	Tick One
In principle the study requires no ethical clearance, but will need a TREC permission letter before proceeding with the study	
Requires ethical clearance (Human) (TREC) (apply online) Proceed with the study only after receipt of ethical clearance certificate	✓
Requires ethical clearance (Animal) (AREC) Proceed with the study only after receipt of ethical clearance certificate	

Yours faithfully

**Prof RS Maoto,**  
**Executive Dean: Faculty of Humanities**

Director: Prof SL Sithole  
 Supervisor: Dr W Maluleke  
 Co-supervisor: Dr FM Manganyi

*Finding solutions for Africa*



**ANNEXURE F: APPROVAL LETTER FROM UNIVERSITY OF LIMPOPO – THE TURFLOOP RESEARCH ETHICS COMMITTEE**



**University of Limpopo**  
Department of Research Administration and Development  
Private Bag X1106, Sovenga, 0727, South Africa  
Tel: (015) 268 3935, Fax: (015) 268 2306, Email: anastasia.ngobe@ul.ac.za

**TURFLOOP RESEARCH ETHICS COMMITTEE**  
**ETHICS CLEARANCE CERTIFICATE**

**MEETING:** 05 November 2019

**PROJECT NUMBER:** TREC/487/2019: PG

**PROJECT:**

**Title:** The effectiveness of Victim-Offender Mediation and Family Group Conference programmes on recidivism in Polokwane Municipality, Limpopo Province.

**Researcher:** P Montsho

**Supervisor:** Dr W Maluleke

**Co-Supervisor/s:** Dr FM Manganyi

**School:** Social Science

**Degree:** Master of Arts in Criminology

**PROF P MASOKO**  
**CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE**

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: REC-0310111-031

**Note:**

- i) This Ethics Clearance Certificate will be valid for one (1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee, together with the Application for Amendment form.
- iii) PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

*Finding solutions for Africa*

**ANNEXURE G: APPROVAL LETTER FROM NATIONAL INSTITUTE FOR CRIME PREVENTION AND REINTEGRATION OF OFFENDERS**



**HEAD OFFICE**

1 HARRINGTON STREET, CAPE TOWN, 8001, SOUTH AFRICA. PO BOX 10005, CALEDON SQUARE, 7905, SOUTH AFRICA  
Tel: +27 (0)21 462 0017 Fax: +27(0)21 462 2447 E-Mail: [info@nicro.org.za](mailto:info@nicro.org.za) Website: [www.nicro.org.za](http://www.nicro.org.za)

Enquiries: Betzi Pierce  
Reference: NICRO Research Approvals

Prof / Dr \_\_\_\_\_  
Department of \_\_\_\_\_  
University \_\_\_\_\_

Date: 10/02/2019

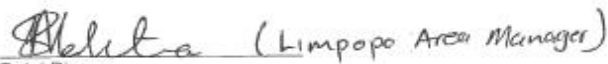
**RE: Petronella Montsho (Name of Researcher) - Masters of Art in Criminology,**

I hereby confirm that the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) has given approval to Mr/s Montsho for her proposed research study "the effect of Victim-Offender Mediation and Family Group Conferencing programmes". She will have access to NICRO's beneficiaries in the Polokwane office.

Please be advised that NICRO requires a presentation on the findings and recommendations on completion of the research study.

Contact me should you need any further information.

Kind regards

 (Limpopo Area Manager)

Betzi Pierce  
National Operational Manager

P.P.

ANNEXURE H: CERTIFICATE/LETTER FROM THE EDITOR



**University of Limpopo**  
**Department of Linguistics, Translation and Interpreting**  
**School of Languages and Communication Studies**  
**Private Bag x1106, Sovenga, 0727, South Africa**  
**Tel: (015) 268 3707, Fax: (015) 268 2868, email:kubayij@yahoo.com**

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**07 March 2021**

Dear Sir/Madam

**SUBJECT: EDITING OF DISSERTATION**

This is to certify that the dissertation entitled 'An evaluation of victim-offender mediation and family group conference programmes to determine their effectiveness on recidivism in Polokwane Municipality, Limpopo Province, South Africa' by Petronella Montsho has been copy-edited, and that unless further tampered with, I am content with the quality of the dissertation in terms of its adherence to editorial principles of consistency, cohesion, clarity of thought and precision.

Kind regards

A small, faint handwritten signature in blue ink, appearing to read 'SJ Kubayi', is located below the 'Kind regards' text.

Prof. SJ Kubayi (DLitt et Phil - Unisa)  
Associate Professor  
SATI Membership No. 1002606

*Finding solutions for Africa*

# ANNEXURE I: TURNITIN REPORT

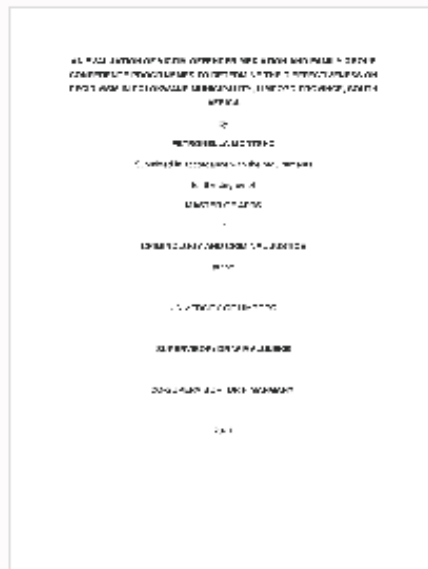


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Page count: **175**  
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AN EVALUATION OF VICTIM-OFFENDER MEDIATION AND FAMILY GROUP CONFERENCE PROGRAMMES TO DETERMINE THEIR EFFECTIVENESS ON RECIDIVISM IN POLOKWANE MUNICIPALITY, LIMPOPO PROVINCE, SOUTH AFRICA

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