DOES RESTORATIVE JUSTICE WORK? AN EVALUATION OF THE PROGRAMMES OF PHOENIX ZULULAND

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Summary

This report provides an evaluation of the main restorative justice programmes of Phoenix Zululand.

1. Introduction

This report is a short version of an evaluation of the main restorative justice programmes of Phoenix Zululand (PZ) which has operated in the Zululand prisons since 2005. The evaluation was funded by the Joseph Rowntree Charitable Trust and was supervised by Professor Geoff Harris of the University of KwaZulu-Natal. The fieldwork and preliminary writing up were carried out by Ms Sthandiwe Mthuli. Various PZ employees and associates provided valuable assistance, particularly during the fieldwork period in the latter part of 2010.

The specific programmes evaluated were Starting With Us and Conversations In Families/Family Conferencing. The former involves group discussions broadly promoting self-disclosure by prisoners on issues surrounding personal responsibility and personal growth, and are run by either Peer Facilitators (serving prisoners employed by PZ) or other Facilitators depending on who is available in particular prisons. Towards the end of their sentences, prisoners who have completed Starting With Us may participate in Conversations In Families i.e. groups which deal with issues relating to family life and responsibility, including conflict resolution and fatherhood. An important aspect of in-prison work is its diagnostic value, which leads to difficulties in families and communities being defined and made tractable. Family Conferences are subsequently arranged between groups of prisoners and their families in the last few months before a prisoner’s release, with the aim of dealing with the need
for reconciliation and forgiveness which dominate these relationships. Towards the last part of 2010, \textit{Family Conferences} were occurring at a rate of almost one week and typically involved eight prisoners together with around 30 family members.

The objective of all PZ work is restorative – the restoration of self-worth and dignity among prisoners and the restoration of relationships between prisoners and their families. One anticipated outcome of such restoration is a lower recidivism rate (the national recidivism rate is not precisely known but is thought to be as high as 90%).

\textbf{2. Research design and data collection methods}

A qualitative research design was chosen, given the importance of securing in-depth information concerning attitudes and behaviour. Focus groups of up to eight ex-prisoners were used and were followed up by individual interviews with some of the focus group participants. The particular benefit of focus groups derives from the interaction, discussion and debate among the participants. It is thus a more natural environment than an interview in that participants are influencing others and being influenced by them – just as they are in real life. The moderator plays a low key role and feeds in a limited number of questions at appropriate times. The individual interviews allowed some of the issues from the focus groups to be explored with individuals. Only ex-prisoners were able to participate and, given the overwhelming proportion of male prisoners in the Zululand prisons, only males were included. All focus groups and interviews took place in isiZulu. With the permission of the ex-prisoners, these were recorded, then transcribed and subsequently translated into English.

The composition of the sample of ex-prisoners who took part in the evaluation was dominated by practical considerations. Ex-prisoners are spread across Zululand – mostly in rural communities and elsewhere in South Africa. While PZ has the names of all of the prisoners who have been through its programmes, the phone and other contact details for them are limited. The sample can be regarded as a convenience sample and the researcher took advantage of times when ex-prisoners came in from rural areas to meet parole commitments with the Department of Correctional Services at
various Centres in Zululand. While this is in no sense a random sample, there is no reason to suspect that those interviewed are not typical of prisoners who participated in PZ programmes and who have been released within the last two to three years.

A total of 35 ex-prisoners who had participated in one or move PZ programmes participated in four focus groups. Of these, a further 23 took part in individual interviews. In addition, 16 ex-prisoners who had not been involved in PZ programmes participated in two separate focus groups. Data from the families of ex-prisoners (33 in total) were collected by a mixture of group and individual interviews, depending on the availability of individuals.

3. Responses from ex-prisoners

3.1 Starting With Us: ‘… these programmes had an utmost impact on my life’.

Two main questions were asked

- What are the main things you remember about ‘Starting with us’?
- Which of these made the biggest impact on you?

Overall, there was a very strong appreciation of the role played by the Starting With Us programme in the lives of these ex-offenders. They regarded the impact this programme had in their lives as being tremendously positive, both while in prison and since they have been out. Many respondents emphasised one or more of the following four themes:

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

Some representative quotes from the interviews are listed below
... there are so many things I learnt you know. For an example here, I learnt that if I have a problem with someone how I must approach the person you see. I learn about this thing what is it ... assertiveness and dignity oh and also ... if you have a problem with a person I must talk nice and not fight, make him/her understand that he wronged me you know, yes ... eish it’s a lot. And it helped me because eish I never used to tolerate shit you know...

... I am a quiet person you know. I used to talk less when I am with people. Now ... I can say that these programmes helped me to boost my self-confidence. In fact what I learnt is that if there is fault I talk about it then and there before it grows and spreads into hatred.

... you see I am a kind of person that does not like fighting who comes from a family with respect you see. I can say that my sister that Phoenix revived that which I was taught by my parents. My father was a man of respect you see. So now here at Phoenix in this programme they taught me about respect [and] being responsible for the things I have done in the community.

I think it is where we learnt about owning up for the truth, realising our mistakes, love, honesty, handling any life related situations. I used to have a problem with my family but after doing conflict management I realised my mistakes. Now I get along so well with my sister and everyone else.

3.2 Family Conferences: ‘I felt a luggage being removed from my shoulders’.
The same two general questions were asked concerning Family Conferences. The responses clearly show that participants highly appreciated these events. For some it was the first time they had met with their families after being sentenced and some did not expect their families to attend (indeed, in some cases they did not, to the disappointment of the prisoner concerned).

Respondents often said that this was the first time that they had been able to explain to their families what they had done. Explaining to the entire room what they had done as well as asking for forgiveness in a public space was a huge step for them but one which they felt that their involvement with PZ had prepared them for. A number spoke of the relief it provided to them. Making promises to their families about future behaviour was
important to both parties as a demonstration of their commitment to a changed way of life.

Some representative quotes from the interviews are presented below:

... I was very happy to see my family... respecting my wish [to attend the Family Conference] even though I had wronged them ... I got an opportunity to explain to my family exactly what happened because in actual fact my family is the victim in this case. I asked for forgiveness and they forgave me. Well it was a very difficult day of my life because I didn't know whether they were going to forgive me or not ... I can say thank you very much Phoenix, Father Richard, and Father Vilakazi who are the fathers that played a crucial role in bringing my family. Indeed, when I begin to think about this I feel the tears but tears of joy ...

My brother could not even look at me in the eye. I even remember him saying that if I commit another crime, they won’t give me support. That alone my sister said a lot to me. They [had previously] refused to forgive me as they were still angry because my mother kept on crying endlessly. You know my sister I had ... created enemies for them in the community [because of the crime I committed] and my family had to move from home because of me. It was not until Phoenix intervened that they forgave me.

After explaining to my family about the case I was charged for I felt a luggage being removed from my shoulders.

4. Responses from the families of ex-prisoners: ‘... the most joyous moment of my life’.

Four main themes emerged from the group discussions with families of ex-prisoners.

- The invitation to attend the Family Conference was ‘a dream come true’ for many families in that it allowed them to realise that their son/brother/husband was alive. (Many families perceived prisons as the last stop before death and had given up hope of seeing the prisoner again.)
• Many families felt that they learned the truth about the prisoner’s crime for the first time
• Most families – even though many were angry with the prisoner and found having a family member in prison to be the most traumatic experience they had faced – really wanted to reconcile and were hugely grateful for the opportunity which Family Conferences provided for reconciliation
• Many families reported dramatic changes in attitude and behaviour, the most commonly mentioned being giving up alcohol.

Some representative comments from the family interviews are as follows:

Meeting here as families made me feel relaxed seeing that I am not the only one who has been through this; there are a lot of us.

I felt very disappointed when his mother told me this boy had committed crime. My heart was very painful such that I decided to take out of my heart. I told myself that he is like a dead son to me. But when I got here after getting the invite, I felt my soul filled with happiness. I thank Phoenix so much. I hope that my son learnt some lessons for being here as I used to hear his mother telling me about lessons he is getting from you ... please do not give up on collecting our lost sheep.

... it was a difficult day because we did not get the message so well. We thought that he was dead and we were supposed to come and fetch his body. I then phoned my brother and asked him to accompany me to fetch his remains as it is our Zulu culture to collect a soul using a traditional leaf called umlahlankosi. I then rejoiced when I heard that my son is in fact alive.

I am so grateful of Phoenix because he came back with so many improvements like not drinking.
**Conclusion**

Evaluations of this type aim to measure the difference which a programme may have had i.e. which would not have occurred otherwise. This is a difficult task because we can never be really sure of the counterfactual - what might have happened in the absence of PZ programmes. The use of a control group (of prisoners with similar characteristics but who did not go through PZ programmes) with whom to compare PZ participants was almost impossible to achieve for ethical reasons i.e. the difficulty of taking, say, 100 volunteers and then refusing to offer programmes to half of them for experimental purposes. Another issue is selection bias. That is, the prisoners who volunteered for PZ programmes may have already been inclined – because of their personalities and/or their prison experience - to change their behaviour. If so, PZ’s impact may have been limited to facilitating the putting of this inclination into action.

Reading the words of the ex-prisoners in the interview transcripts, however, does not support a limited view of the impact of PZ programmes. They are very clear in suggesting a strong link between the principles espoused in *Starting With Us* (e.g. taking responsibility for your actions, dealing with your conflicts non-violently) and their willingness to change. This is in addition to building of self worth and inter-personal skills. Ex-prisoners consistently attributed the motivation to change, as well as the ability, to *Starting With Us*. There is no obvious reason why their views should not be taken as very largely correct.

The opinions of the ex-prisoners’ families provide an important corroboration of the prisoners’ opinions from the other side of the wall. They frequently reported positive changes in attitude and behaviour and they regarded the opportunity to participate in *Family Conferences* with their lost sheep as bordering on the miraculous.

That said, ex-prisoners face a very difficult social and economic environment on their release. Many still have issues with their families – after all, forgiveness and reconciliation is a process rather than an event – and their communities. The stigma of
having a prison record is considerable and strongly limits the opportunities to find employment in an already extremely difficult employment environment. The data collected during this evaluation do not allow predictions about the possible effect of PZ on recidivism, but the fieldworker is convinced that ex-prisoners who have gone through a PZ programme are less likely to re-offend. Personal growth and development is one reason but the more important one is the reconciliation with families and a commitment in them to change.

The notion of prisoners “changing” is however hemmed in by ambivalences. Phoenix Facilitators, with the development of their own therapeutic skills, have frequently pointed to the need for families to embrace new attitudes and practices; they too need to change. (One thinks particularly of multiple instances of brutality of fatherhood.) The developing sophistication of Phoenix theory suggests that perhaps one of the most important sources of richness in the *Family Conferencing* process lies in the way it distributes amongst other family members or disperses more generally culpability for wrongs committed. Similarly, responsibility takes hold as a social undertaking. The recovery of dignity by an imprisoned individual rests heavily on attitudes and actions of the social group upon which he or she will depend after parole. Sthandiwe’s research was limited by various constraints of time and mobility, and she was not able to explore this kind of ambivalence in depth as this would have necessitated discussion with distant communities. However, the Phoenix records are replete with instances where this kind of complexity is evident.