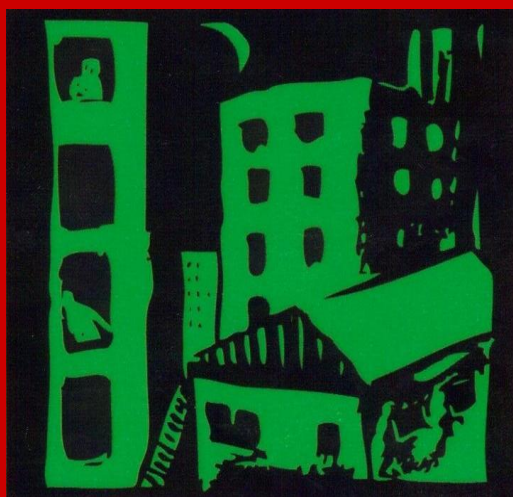
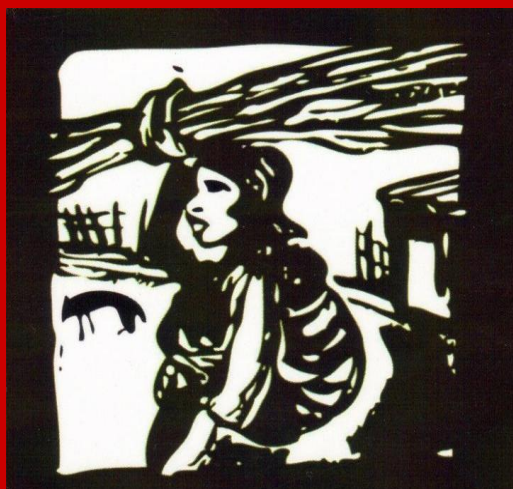


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Breaking the cycle: Examining the socio- economic and psychological factors in recidivism patterns in South Africa

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ABSTRACT

Recidivism refers to an offender's relapse into criminal behaviour that results in his or her rearrest or reincarceration. It points to shortcomings in the correctional system and reveals the ineffectiveness of addressing criminal behaviour through existing procedures. In view of these shortcomings, offenders then remain in a cycle of release and rearrest since current rehabilitation programmes to combat recidivism are less effective than anticipated. Indeed, South Africa is known to have the highest recidivism rate in the world, peaking at 97 per cent. This raises the question of why South African recidivism rates are so high and what could be done to address the problem. It is thus important to investigate the reasons for such high recidivism rates, given that little research has been done on the issue. To this end,

the article examines various socio-economic and psychological factors, such as education, employment, mental health, and substance abuse, to explore the link between them and recidivism. This is an important enquiry, as the failure to address these factors during rehabilitation decreases offenders' prospects of effective reintegration into society once released from prison. The article argues that needs-based rehabilitation programmes are essential to reduce recidivism rates, alleviate prison overcrowding, and, most importantly, successfully rehabilitate offenders; conversely, the "one-size-fits-all" approach taken to rehabilitation needs to be abandoned since it has proven to be ineffective.

Keywords: correctional programmes; criminal justice; rearrest; recidivism; reintegration; rehabilitation; rehabilitation strategies; newly released offenders; rearrest

1 INTRODUCTION

Recidivism is defined as an offender's relapse into criminal behaviour, resulting in his or her rearrest or reincarceration.¹ It points to shortcomings in the correctional system and reveals the ineffectiveness of addressing criminal behaviour through existing procedures. Offenders consequently remain in a cycle of release and rearrest; as such, the incarceration rate has increased over the years,² to the point that correctional facilities are overcrowded, leading to unfavourable living conditions for inmates and a lack of one-on-one sessions with psychologists.³ High recidivism rates are caused by overlapping issues, including "one-size-fits-all" rehabilitation programmes, substance abuse, and not accurately recording re-offending rates.⁴ Hence, a thorough exploration will be undertaken to highlight specific areas warranting attention and enhancement within the rehabilitation process in order to reduce recidivism rates in South Africa.

As mentioned, South Africa's recidivism rates are poorly documented, which is extremely concerning.⁵ Estimates thereof range from 80 per cent to 97 per cent,⁶

¹ Samuels J, Roman N & Schoeman M "A qualitative inquiry: Management of recidivism in South Africa" (2024) 82 *Crime, Law and Social Change* 1 at 2.

² See Judicial Inspectorate for Correctional Services *Annual Report 2022/2023* at 38. The inmate population increased from 92,289 in 2021 to 101,186 in 2023. According to the DCS *Annual Report 2023/2024* at 74, the inmate population peaked at 156,600.

³ Shishane K, John-Langba J & Onifade E "Mental health disorders and recidivism among incarcerated adult offenders in a correctional facility in South Africa: A cluster analysis" (2023) *PLOS* available at <https://doi.org/10.1371/journal.pone.0278194> (accessed 6 March 2024).

⁴ Herbig FJQ & Hesselink AME "Seeing the person, not just the number needs-based rehabilitation of offender in South African prisons" (2012) 41 *South African Crime Quarterly* 29 at 30; Murhula PB & Singh SB "A critical analysis on offenders rehabilitation approach in South Africa: A review on literature" (2019) 12 *African Journal of Criminology and Justice Studies* 21 at 27; Loots S & Louw D "Antisocial personalities: Measuring prevalence among offenders in South Africa" (2011) 31 *South African Crime Quarterly* 31.

⁵ Samuels, Roman & Schoeman (2024) at 8.

⁶ Samuels J, Roman & Schoeman (2024) at 8; Guse T & Hudson D "Psychological strengths and posttraumatic growth in successful reintegration of South African ex-offenders" (2006) 58 *International Journal of Offender Therapy and Comparative Criminology* 1459; Schoeman M *A classification system and*

placing South Africa among the countries with the highest crime and recidivism rates in the world.⁷ This arguably could stem from the fact that South African correctional facilities adopt a uniform approach to offender rehabilitation and disregard the necessity for a more holistic approach instead. Such an approach would incorporate the personalised treatment and assessment plans that are essential for rehabilitation programmes to be effective.⁸ Consequently, when socio-economic and mental health conditions are not adequately treated or are entirely ignored, some offenders leave prison with the same criminogenic behaviours that landed them there to begin with.⁹

Therefore, assessing the impact of existing rehabilitation programmes is vital, as is exploring the feasibility of implementing personalised treatment plans tailored to the offender's needs and characteristics. As offenders often experience diverse psychological and social challenges, all contributing to high recidivism rates, mental health is one key aspect that must be successfully addressed¹⁰ through tailored treatment plans. Moreover, individuals living with untreated mental health conditions frequently resort to self-medicating with alcohol and narcotics.¹¹ In support of this argument for addressing mental health conditions, it is noted that a 2023 study involving adult offenders in a South African correctional facility found that those with mental health conditions who receive appropriate treatment have a lower re-offending rate compared to those who do not receive such care.¹²

It is submitted that because most of these rehabilitation programmes do not cater to the individual needs of each inmate, they have been unsuccessful in lowering recidivism rates. Furthermore, although sociodemographic factors such as age, education, and employment are associated with recidivism, few researchers have focused on the relationship between these factors and recidivism, or on the positive impact that community-based corrections can have on offenders. Even though the Department of Correctional Services (DCS) provides rehabilitation programmes to offenders, if the underlying causes of recidivism are not addressed, offenders may revert to their criminal behaviour. Thus, it is essential to understand the root causes of recidivism and how they impact on recidivism rates when both socio-economic and psychological aspects are not sufficiently addressed.

This article will thus examine the relationship between rehabilitation, socio-economic, and psychological factors and their impact on recidivism and provide recommendations

an inter-disciplinary action plan for the prevention and management of recidivism (unpublished LLD thesis, University of Pretoria, 2002) at 4.

⁷ Schoeman (2002) at 4.

⁸ Herbig & Hesselink (2012) at 30; Murhula & Singh (2019) at 27.

⁹ Oruta E *Correlates of recidivism among released prisoners: A study of Kakamega County, Kenya* (unpublished LLD thesis, University of South Africa, 2019) at 40.

¹⁰ Lebbie K *An examination of the relationship between rehabilitation and recidivism* (unpublished LLM thesis, St Cloud University, 2021) at 8.

¹¹ Lebbie (2021) at 8.

¹² Shishane, et al. (2023).

to lower recidivism rates in South Africa. The socio-economic and psychological aspects of crime will be addressed separately for the sake of readability. The next section explores the influence of socio-economic factors on recidivism rates.

2 SOCIO-ECONOMIC FACTORS IN THE JOURNEY TO REHABILITATION

This section delves into the factors that play a significant role in rehabilitating adult offenders in South Africa. Each of the subtopics – education, employment, financial support, family ties, and housing and accommodation – is discussed separately. These factors were selected because they represent foundational needs directly affecting an offender's ability to reintegrate in society and reduce his or her likelihood of recidivism. Furthermore, these factors are interconnected and thus influencing one another.

2.1 Education

In 2023 it was reported that only 40 to 50 per cent of South Africans have a matric certificate or an equivalent certification.¹³ To contextualise these statistics, more than four million South Africans have never received formal education, with three million being entirely illiterate and 7.4 million, functionally illiterate.¹⁴ Based on the statistics, South Africa has an extremely high illiteracy rate. In 2021, it ranked last out of 57 countries in an assessment that tested the reading ability of 400,000 students.¹⁵ The illiteracy rate rose from 78 per cent in 2016 to 81 per cent in 2023.¹⁶ In a 2015 study of 27 recidivists, it was found that the majority were uneducated, with only some having a high school certificate.¹⁷ In 2018, a similar study observed that 20 out of 60 recidivists were educated up to the basic school level, and 19 out of 60 had attended high school but failed to complete their education.¹⁸

Evidently, there is a close association between education levels and recidivism.¹⁹ The 2021/2022 Annual DCS report goes a step further and asserts that education is the “foundation stone for rehabilitation”.²⁰ This claim was substantiated in the case of *Hennie and Others v Minister of Correctional Services and Others*,²¹ which emphasised the

¹³ DG Murray Trust (DGMT) “Zero dropout schools initiative” *Zero Drop Out* (2025) available at <https://zerodropout.co.za/our-campaign/> (accessed 8 March 2024).

¹⁴ Hesselink-Louw A & Maree S “Criminological assessment of offenders: An analysis with the aim of promoting rehabilitation” (2003) 16(5) *Acta Criminologica* 93.

¹⁵ Durbin A “Eight in 10 South African children struggle to read by age of 10” *BBC* (17 May 2023) available at <https://www.bbc.com/news/world-africa-65618058> (accessed 20 June 2024).

¹⁶ Durbin (2023).

¹⁷ Miah A, Aziz M & Sikder N “Nature & causes of recidivism among the prisoners: A study on Tangail District jail, Bangladesh” (2015) 5(1) *Journal of Science and Technology* 107 at 112.

¹⁸ Morgan N & Fabbro G “Factors associated with recidivism at a South African forensic psychiatric hospital” (2018) 24(1) *South African Journal of Psychiatry* 1 at 3.

¹⁹ See DGMT (2025); Miah, Aziz & Sikder (2015) at 112; Morgan & Fabbro (2018) at 3.

²⁰ DCS *Annual Report 2021/2022* at 75.

²¹ *Hennie and Others v Minister of Correctional Services and Others* unreported case no. 729/2015 (7 May 2015).

premise that knowledge, culture and crime are inextricably linked;²² this in turn underlines the need for a more extensive and credible study. The case involved three applicants, all of whom were registered students at tertiary institutions.²³ The applicants lodged an urgent application seeking permission to use their personal computers in their cells for study purposes.²⁴ It was concluded that the applicants were allowed to use their laptops in their cells as long as they remained registered students with a recognised tertiary institution, and the laptops were subject to inspection at any given time. One of the inferences that can be drawn from this case is that some courts are of the view that increased formal education, knowledge and cultural development may contribute to crime reduction.²⁵

The facts were similar in *Pretorius and Others v Minister of Justice and Correctional Services*, where the applicants sought an order declaring that the prohibition on using personal computers in cells for study purposes constituted unfair discrimination under the provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA).²⁶ The court held that the applicants are entitled to use their personal laptops in their cells as long as they remain registered students and are subject to inspection at any given time. Swanepoel J, in the aforementioned case, noted that education is at the heart of a thriving society.²⁷ Individuals without a matric qualification face an 8 per cent decrease in securing employment.²⁸ Likewise, individuals employed without a matric certificate who manage to secure employment earn 39 per cent less than their counterparts with the qualification, resulting in financial pressure.²⁹ In other words, they struggle to afford basic necessities and lack financial freedom. This increases the risk that they may explore alternative, potentially unlawful, sources of income.³⁰ Limited access to education may reduce individuals' opportunities to develop the skills required by many employers, potentially narrowing their employment prospects and increasing their vulnerability to engaging in unlawful activities.³¹ This will be elaborated upon under heading 2.2 of the article.

²² Hennie (2015) para 40.

²³ Hennie (2015) para 4.

²⁴ Hennie (2015) para 1.

²⁵ Hennie (2015) para 40.

²⁶ *Pretorius and Others v Minister of Justice and Correctional Services and Others* 2018 (2) SACR 501 (GP) para 4.

²⁷ *Pretorius* (2018) para 26.

²⁸ DGMT (2025).

²⁹ DGMT (2025).

³⁰ Mills M *An analysis of the South African legislative framework for the reintegration of sentenced adult male offenders* (unpublished LLM thesis, University of the Western Cape, 2019) at 88. This observation is not intended to suggest that financial struggles inherently lead to criminal behaviour, as individual responses to such circumstances vary greatly. This statement refers to the potential vulnerabilities faced by those in challenging economic situations.

³¹ Flores N "Contributing factors to mass incarceration and recidivism" (2018) 6(1) *Themis Research Journal of Justice Studies and Forensic Science* 1 at 9.

BREAKING THE CYCLE: EXAMINING THE SOCIO-ECONOMIC AND PSYCHOLOGICAL FACTORS IN RECIDIVISM PATTERNS IN SOUTH AFRICA

One barrier that prevents offenders from entering or re-entering the workforce is a lack of employment skills or of adequate education.³² Additionally, incarceration severely hinders offender's education since these persons are incapable of significantly enhancing their abilities during imprisonment given that incarceration makes it difficult to complete one's education.³³ Moreover, an extended period of imprisonment disadvantages the offender in the job market, rendering employment nearly unattainable. Incarceration results in the infantilisation of offenders, deliberately stripping them of autonomy as a form of punishment.³⁴ In other words, these adults are treated like minors incapable of making decisions for themselves. Unlike dehumanisation, which denies people's humanity, infantilisation acknowledges their humanity but undermines their ability to govern themselves rationally.³⁵ This is evident in restrictions such as the loss of voting rights, which limits inmates' ability to fully participate as citizens, and conditions like parole, which imply that they cannot be trusted to manage their own lives without supervision.³⁶ Therefore, reintegration becomes more difficult, and recidivism emerges as a plausible option. It should be noted that this might not be true for the entire inmate population since offenders who took the National Senior Certificate Examination in 2022 had an 87.5 per cent pass rate³⁷ and those who did so in 2023, a 93.2 per cent pass rate.³⁸

Although on average inmates have lower levels of education than the general population, those entering the criminal justice system frequently also have lower reading levels for their ages, as well as lower levels for basic writing and math skills.³⁹ These offenders with minimal or no education are more prone to recidivate. Kandala argues that this is consistent with the high proportion of illiterate youth and adult

³² Cheeks *Predictors of recidivism for offenders with substance disorders* (unpublished LLD thesis, Walden University, 2021) at 37.

³³ Cheeks (2021) at 37.

³⁴ Jefferson-Jones J "Community dignity takings: Dehumanisation and infantilisation of communities resulting from the war on drugs" (2017) 66 *Kansas Law Review* 993 at 1003–1004.

³⁵ Jefferson-Jones (2017) at 1003.

³⁶ Jefferson-Jones (2017) at 1003–1004.

³⁷ Masweneng K "Inmates achieve 87.5% matric pass rate for 2022" (23 January 2023) *Times Live* available at https://www.timeslive.co.za/news/south-africa/2023-01-23-inmates-achieve-875-matric-pass-rate-for-2022/#google_vignette (accessed 9 March 2024).

³⁸ "Inmates ready for upcoming National Senior Certificate exams" (3 October 2024) *South African Government News Agency* available at <https://www.sanews.gov.za/south-africa/inmates-ready-upcoming-national-senior-certificate-exams#:~:text=Formal%20education%20plays%20a%20crucial,attaining%20a%20100%25%20pass%20rate.&text=The%20department%20attributed%20the%20results,development%20journey%2C%E2%80%9D%20Thobakgale%20concluded> (accessed 19 December 2024).

³⁹ Cheeks (2021) at 36.

offenders re-offending.⁴⁰ It is submitted that secondary and tertiary education has the potential to assist offenders in finding employment and avoiding crime.

It must be noted too that other factors, such as a criminal record, present significant obstacles to successful reintegration through employment.⁴¹ A criminal record is a substantial impediment for a newly released offender because employers are hesitant to invest in untrained workers with criminal backgrounds. Therefore, newly released offenders are confined to low-wage blue-collar occupations and earnings.⁴²

2.2 Employment

The vast majority of South African offenders are from low-income families.⁴³ Additionally, they have minimal education and are often unemployed before their imprisonment.⁴⁴ According to a study in 2018, survey participants listed poverty and unemployment as the primary causes of recidivism.⁴⁵ The participants indicated that they turned to crime to meet their fundamental requirements, such as food, shelter, and clothing, since they were uneducated or unskilled and had no financial stability.⁴⁶ The participants maintained that after being released from prison, they had few options at their disposal other than committing crimes.⁴⁷ Therefore, it is no surprise that numerous offenders resort to criminal activities to survive due to inadequate education and job-related skills.⁴⁸ Newly released offenders with no education and/or job prospects recidivate at a higher rate than offenders who manage to secure employment following their incarceration.⁴⁹

This serves to emphasise the importance of employment in reducing recidivism. Nally and Others concur with the assertion that offenders are more prone to return to a criminal lifestyle in the absence of securing legitimate and long-term employment upon their release from prison.⁵⁰ With that said, poor wages can also spike an interest in

⁴⁰ Kandala L "Perspectives on crime theories and juvenile's recidivism based on socio-economic variables in South Africa" (2018) 6(5) *Forensic Research and Criminology International Journal* 339 at 343.

⁴¹ Kandala (2018) at 343.

⁴² Flores (2018) at 8.

⁴³ Gaum G, Hoffman S & Venter J "Factors that influence adult recidivism: An exploratory study in Pollsmoor Prison" (2006) 36(2) *South African Journal of Psychology* 407.

⁴⁴ Gaum, Hoffman & Venter (2006) at 407.

⁴⁵ Urombo L & Kasimba R "Factors behind recidivism at Chikurubi Farm Prison in Zimbabwe" (2018) 5(3) *Journal of African Foreign Affairs* 103 at 108.

⁴⁶ Urombo & Kasimba (2018) at 108.

⁴⁷ Bello M "Reducing recidivism in Africa and the South African model: A legal and criminological overview" (2017) 2(1) *International Journal of Advanced Scientific Research in Humanities, Legal Studies and International Relations* 22 at 24.

⁴⁸ Kandala (2018) at 343.

⁴⁹ Yearwood J *Offender participation in multiple rehabilitation programs to reduce recidivism* (unpublished LLD thesis, Walden University, 2020) at 4.

⁵⁰ Nally J, Lockwood S, Ho T & Knutson K "Post-release recidivism and employment among different types of released offenders: A 5-year follow-up study in the United States" (2014) 9(1) *International Journal of Criminal Justice Sciences* 16 at 18.

BREAKING THE CYCLE: EXAMINING THE SOCIO-ECONOMIC AND PSYCHOLOGICAL FACTORS IN RECIDIVISM PATTERNS IN SOUTH AFRICA

criminal activity and illicit earnings. It should be noted, however, that after inmates are released, they initially aim to secure lawful and permanent employment,⁵¹ mostly with no success. It is argued that 30 per cent of offenders who secure employment after being released from incarceration return to the jobs they held before their incarceration.⁵²

It is, however, crucial to observe that newly released offenders who do find employment after being released from incarceration face discrimination in the workplace because of their criminal record.⁵³ Employers are hesitant to hire individuals with a criminal past.⁵⁴ It is argued that private sector recruiters, depending on the type of employment, discriminate against anyone with a history of theft, drug possession and use, or indecent assault.⁵⁵ Kandala argues that discrimination based on a criminal past will be seen more often in the public sector.⁵⁶ However, a criminal record typically results in the exclusion of an individual in the private sector as well.⁵⁷ Participants in a 2010 study conducted in the Western Cape suggested that the provision of employment opportunities by the DCS during their transition into society from incarceration would help ease the adjustment and steer offenders away from recidivism.⁵⁸

As Oruta explains, the lack of employment among newly released offenders causes desperation, which leads to substance abuse, anti-social associates, and domestic violence.⁵⁹ Factors such as stigma associated with incarceration,⁶⁰ questions about honesty, work ethic and trustworthiness, and fears that ex-offenders will be arrested if they relapse into criminal behaviour while at work,⁶¹ are among the several reasons for offenders' reduced prospects for employability and earning capacity.

Furthermore, most states prohibit hiring newly released offenders in certain professions such as law, real estate, medicine, nursing, physical therapy, and education.⁶² According to a study conducted between 2018 and 2021 in Cape Town,

⁵¹ Travis J, Solomon AL & Waul M *From prison to home: The dimensions and consequences of prisoner reentry* Washington, DC: The Urban Institute (2001) at 31.

⁵² Muntingh L *Prisoner re-entry in Cape Town – an exploratory study* Research paper: Civil Society Prison Reform Initiative (2008) at 18.

⁵³ Ducksworth J “The prisoner re-entry industry” (2010) 34(4) *Dialectical Anthropology* 557 at 558.

⁵⁴ Flores (2018) at 7.

⁵⁵ Kandala (2018) at 343.

⁵⁶ Kandala (2018) at 343.

⁵⁷ Kandala (2018) at 343.

⁵⁸ Samuels J *Challenges that offenders face upon release that contribute to recidivism in the Department of Correctional Services: A case study of the West Coast Medium “A” correctional centre in the Western Cape* (unpublished LLM thesis, University of the Western Cape, 2010) at 61.

⁵⁹ Oruta (2019) at 44.

⁶⁰ Travis, et al. (2001) at 31.

⁶¹ Oruta (2019) at 44.

⁶² Travis, et al. (2001) at 31.

South Africa, institutions and professional registration councils probe into applicants' criminal records as a precondition for admission.⁶³ Therefore, newly released offenders face a diminished prospect of attaining stable employment and fair wages throughout their lifetime.⁶⁴

When an offender has a family to support or is a parent, his or her reduced chances of finding employment create a financial burden owing to a lack of income.⁶⁵ Notably, when people are under financial stress, they are more likely than otherwise to engage in criminal behaviours to satisfy basic needs.⁶⁶ Without employment and a regular income, offenders typically revert to crime, and some begin to abuse narcotics, creating a never-ending and destructive cycle.

2.3 Financial support

Bello argues that if offenders feel pressured by their low socio-economic status and are unable to sustain themselves after being released from prison, they frequently revert to their criminal behaviour.⁶⁷ Therefore, the reoccurrence of criminal behaviour can be argued to be linked to the absence of financial support (or presence of overwhelming debt). The link between a lack of financial support and re-offending does not necessarily stem from a failed rehabilitation programme or the offender's lack of recognition of his or her wrongdoing; rather, it stems from the failure to achieve economic goals.⁶⁸

It is submitted, then, that lack of steady income allows for the possibility of unlawful behaviour. This is exacerbated when offenders' debt rises while incarcerated because even after release, their debt cannot be settled until they are re-established or acquire employment, which, as previously stated, can be a difficult undertaking due to a variety of impediments.⁶⁹

It is evident that family income and financial troubles are among the socio-economic factors influencing recidivism.⁷⁰ Kandala contends that this is because recidivists frequently have more financial difficulties than non-recidivists.⁷¹ While poverty itself is not the only fundamental cause of criminal behaviour, poverty-related factors such as unemployment, substance abuse, and strained family relationships make criminal behaviour more probable.⁷² It has been found that 37.5 per cent of offenders resort to

⁶³ Mdakane M, Nkambule B & Ngubane S "Caught in the spider's web: The collateral consequences of the criminal record on higher education, professional registration and employment opportunities" (2024) 13(4) *International Journal of Research in Business and Social Science* 362 at 371.

⁶⁴ Flores (2018) at 7.

⁶⁵ Open Society Foundation for South Africa *Creating paths for offender reintegration* (2008) at 50.

⁶⁶ Oruta (2019) at 43.

⁶⁷ Bello (2017) at 24.

⁶⁸ Bello (2017) at 24.

⁶⁹ Dissel A *Rehabilitation and reintegration in African prisons* Centre for the Study of Violence and Reconciliation (2008) at 158.

⁷⁰ Kandala (2018) at 343.

⁷¹ Kandala (2018) at 343.

⁷² Loots & Louw (2011) at 31.

theft to survive financially, while others cite the need to work for a family member.⁷³ Newly released offenders who do not have access to better living conditions in terms of their financial situation, social relationships, social welfare services, and economic and employment status re-offend to a greater extent than those who do have access to these pillars after being released from prison.⁷⁴ Therefore, due to the aforementioned reasons, it is clear that a shortage of finances and exponential debt are at the core of recidivism.

2.4 Family ties

Many South Africans face difficulties as a consequence of family conflicts, such as divorce, which inevitably lead to the disintegration of families.⁷⁵ The way in which a family functions, along with the extent of the parent or caregiver's ability to provide for basic needs such as food, clothing, and shelter, greatly influence a child's understanding of societal norms and values.⁷⁶

In a 2018 survey, broken families were identified as one of the leading reasons for recidivism.⁷⁷ Participants maintained that a lack of strong family bonds, particularly with parents who were still married and who were loving and caring during their formative years, created an opening for criminality.⁷⁸ Participants also held that biological parents are more compassionate than non-biological parents and that the absence of biological parents played a part in their criminal behaviour.⁷⁹ It was argued that males of a particular age without their fathers experience an identity crisis, one which is commonly assuaged by joining a gang.⁸⁰ Accordingly, family structure may influence an individual's deviant behaviour.⁸¹ It is submitted that dysfunctional households foster deviant behaviour in those who grow up in them and make the reintegration of newly released offenders difficult because the dysfunctionality often drives offenders to re-offend.⁸²

Family support is an essential element in an offender's rehabilitation, and to such a degree that it has been argued that a lack of family support is a common denominator

⁷³ Samuels (2010) at 38.

⁷⁴ Oruta (2019) at 42.

⁷⁵ Kandala (2018) at 344.

⁷⁶ Kandala (2018) at 344.

⁷⁷ Urombo & Kasimba (2018) at 108.

⁷⁸ Urombo & Kasimba (2018) at 108.

⁷⁹ Urombo & Kasimba (2018) at 108.

⁸⁰ Urombo & Kasimba (2018) at 108–109.

⁸¹ Kandala (2018) at 344.

⁸² South African Government *White paper on corrections in South Africa* Pretoria: Department of Correctional Services (2005) at 35.

among people in contravention of the law.⁸³ This was substantiated in a 2010 study in the Western Cape which found that unemployment, gangsterism, peer pressure, substance addiction, and a lack of family support are some of the underlying reasons causing recidivism.⁸⁴ However, family members of an offender may be coping with their own deeply embedded issues, as well as distrust of the offender, making it difficult to accept an imprisoned family member or parent.⁸⁵ Moreover, having an ex-offender as a parent may have long-term ramifications for the child, such as a strained connection with that parent and the troubling prospect of the child also becoming involved in the criminal justice system.⁸⁶ It has been found that children of offenders are five times more likely to commit crimes, with 70 per cent ending up in prison at some point.⁸⁷

Khwela agrees that returning to a dysfunctional family hinders the offender's progress and causes him or her to re-offend.⁸⁸ This suggests that the family should be included in the process of rehabilitating offenders because rehabilitation is incomplete without the family.⁸⁹ Receiving family support encourages conformity,⁹⁰ since it appeals to one's sense of what is right and wrong in society.⁹¹ It can therefore be argued that a lack of family support for newly released offenders could become a breeding ground for recidivism because they are not supported in combatting their criminal tendencies.⁹²

2.5 Housing and accommodation

Harper and Chitty argue that homelessness is an obstacle that many offenders experience before and after incarceration.⁹³ This is problematic since having a secure place to live after being released helps lessen recidivism risk.⁹⁴ Once released from prison, offenders feel pressure to find suitable and affordable accommodation. However, obtaining stable and inexpensive housing can be a major obstacle for

⁸³ Griffiths C, Dandurand Y & Murdoch D *The social reintegration of offenders and crime prevention* National Crime Prevention Centre and International Centre for Criminal Law Reform and Criminal Justice Policy Berkeley: University of California (2007) at 22.

⁸⁴ Samuels (2010) at 61.

⁸⁵ Muntingh (2008) at 5.

⁸⁶ Bagaric M, et al. "Technological incarceration and the end of the prison crisis" (2018) 108(1) *Journal of Criminal Law and Criminology* 86.

⁸⁷ Bagaric (2018) at 86.

⁸⁸ Khwela M "Effects of incarceration on recidivism in South Africa" (2015) 50 *Journal of Public Administration* 407 at 411.

⁸⁹ Khwela M "A need to re-integrate prisoners to the community: A case of Polokwane Medium B Prison, South Africa" (2014) 1(2) *Athens Journal of Social Science* 145 at 146.

⁹⁰ Oruta (2019) at 50.

⁹¹ Martinez D & Abrams L "Informal social support among returning young offenders: A metasynthesis of the literature" (2013) 57(2) *International Journal of Offender Therapy and Comparative Criminology* 169 at 171.

⁹² Bello (2017) at 25.

⁹³ Harper G & Chitty C (eds) *The impact of corrections on reoffending: A review of "what works"* 3rd ed London: Home Office Research Study 291 (2005) at 22.

⁹⁴ Harper & Chitty (2005) at 22.

offenders and is equivalent to the barrier to obtaining employment.⁹⁵ To make matters worse, family members are not usually keen to welcome back relatives who served time in prison. This could be due to a fear of being stigmatised because a family member has done time.⁹⁶ Additionally, the offender may face the same stigma from family members for being incarcerated, as well as ongoing criticism, making living with them extremely difficult.

It is historically likely that the offender, upon release from prison, lacks financial resources and thus cannot make a deposit on a home.⁹⁷ Financial constraints, along with a lack of support, make reintegration extremely difficult, and re-offending appears far more likely, considering that family support is non-existent. Moreover, in certain communities, there is not enough housing for people who need it, and former prisoners are certainly unlikely to be given priority in accessing the limited supply of affordable housing.⁹⁸ As a result, offenders are automatically excluded from subsidised housing.⁹⁹ This could be argued to be discriminatory to newly released offenders. Even when a public housing system exists, it is often inaccessible to, or unable to respond to the needs of, former prisoners.¹⁰⁰ This could be due to the fact that there are too few homeless shelters to accommodate all persons without a home, and therefore, these shelters are overcrowded.

3 PSYCHOLOGICAL FACTORS SHAPING RECIDIVISM RATES

This section delves into three subtopics – mental health conditions, substance abuse, and lifestyle choices – and explains how they are linked to recidivism rates in South Africa.

3.1 Mental health conditions

It has been argued that mental health conditions are more common among offenders than the general population and that, while this may vary from country to country, the high prevalence of mental health conditions among offenders remains the common factor.¹⁰¹ Moreover, a large number of admitted offenders with mental health conditions go undetected, undiagnosed and untreated, including at the Bizzah Makhate

⁹⁵ Travis, et al. (2001) at 35.

⁹⁶ Open Society Foundation for South Africa (2008) at 65.

⁹⁷ Bello M (2017) at 24; Travis, et al. (2001) at 35.

⁹⁸ Dandurand Y & Chin V *Introductory handbook on the prevention of recidivism and the social reintegration of offenders* 2nd ed Vienna: United Nations Office on Drug and Crime (2018) at 45.

⁹⁹ Dandurand & Chin (2018) at 45.

¹⁰⁰ Dandurand & Chin (2018) at 54.

¹⁰¹ Modupi M, Mosotho N & Le Roux H “The prevalence of mental disorders among offenders admitted at health facilities in Bizzah Makhate Correctional Service Centre Kroonstad, South Africa” (2020) 27(6) *Psychiatry, Psychology and Law* 963.

Correctional Service Centre.¹⁰² These mental health conditions include schizophrenia, clinical depression, bipolar disorder, and post-traumatic stress disorder.

Such conditions rarely present as a single disorder,¹⁰³ and can co-exist with substance abuse disorders.¹⁰⁴ As a result, it has been found that when mental health disorders are combined with substance abuse, offenders are more likely to re-offend, necessitating more comprehensive rehabilitation treatment.¹⁰⁵ Bello agrees with the idea that offenders with untreated mental health concerns are more likely to re-offend.¹⁰⁶ It is estimated that 20–40 per cent of people who live with mental health conditions will break the law at some point in their lives.¹⁰⁷ To put this in context, a South African study found that 102 male offenders out of 236 participants live with mental health disorders.¹⁰⁸ Schizophrenia and other psychosocial conditions accounted for 44 per cent of disorders, clinical depression, for 27.5 per cent, and bipolar disorder, for 12.1 per cent.¹⁰⁹ The survey that yielded these result found that individuals with more than one mental health condition had only completed Grade 5.¹¹⁰ Such offenders might not respond to any punishment, including incarceration, rehabilitation programmes, or other measures,¹¹¹ unless their mental health conditions are adequately addressed. In other words, they are likely to continue to commit crimes until they receive adequate mental health care.¹¹²

Prinsloo and Hesselink's research indicates a significant difference between violent and non-violent forms of schizophrenia.¹¹³ Non-violent schizophrenics have a higher socio-economic level (77% vs 43%), better professional adaptation (67% vs 10%), and greater family support (60% vs 10%) compared to violent schizophrenics.¹¹⁴ The study concluded that the likelihood of violent behaviour among schizophrenics is amplified by substance abuse.¹¹⁵ Additionally, the study depicts the enormous impact that mental health conditions have on recidivism rates.

¹⁰² Modupi, Mosotho & Le Roux (2020) at 970.

¹⁰³ Prinsloo J & Hesselink A "Mental health disorders and crime: An international comparison" (2015) 28(1) *Acta Criminologica* 1 at 2.

¹⁰⁴ Forsythe L & Gaffney A "Mental disorder prevalence at the gateway to the criminal justice system" (2012) 438 *Trends and Issues in Crime and Justice* 1.

¹⁰⁵ Forsythe & Gaffney (2012) at 1 & 7.

¹⁰⁶ Bello (2017) at 24.

¹⁰⁷ Morgan & Fabbro (2018) at 1.

¹⁰⁸ Prinsloo J "Offenders with mental disorders in a South African prison population: Profiling the behavioural characteristics on mental illness" (2013) 23(1) *Journal of Psychology in Africa* 133.

¹⁰⁹ Prinsloo (2013) at 133.

¹¹⁰ Prinsloo (2013) at 134.

¹¹¹ Bello (2017) at 24.

¹¹² Bello (2017) at 24.

¹¹³ Prinsloo & Hesselink (2015) at 2.

¹¹⁴ Prinsloo & Hesselink (2015) at 2.

¹¹⁵ Prinsloo & Hesselink (2015) at 2.

BREAKING THE CYCLE: EXAMINING THE SOCIO-ECONOMIC AND PSYCHOLOGICAL FACTORS IN RECIDIVISM PATTERNS IN SOUTH AFRICA

This could be attributed to the fact that the number of psychologists available to attend to offenders is insufficient. In March 2022, this shortage of psychologists was highlighted in a study which established that a total of 81 psychologist positions were filled¹¹⁶ to attend to an inmate population of 143,223.¹¹⁷ Dissel seems correct to say that the prison environment might not be optimal for rehabilitation due to resource limitations, staff shortages and, most importantly, violence among inmates, which leads to recidivism through observational learning – violence becomes a strategy for surviving and gaining respect from fellow inmates. It is further submitted that inmates conform to their environment to safeguard themselves and avoid showing any vulnerability, which could be exploited by other inmates within the prison through intimidation, coercion, or violence.

This section has illustrated how mental health concerns are inextricably linked with lack of education, employment, financial assistance, and family support. None of these challenges exist in isolation; instead, they are intricately interlinked. The next section considers how substance abuse complicates the rehabilitation process for ex-offenders and leads to recidivism.

3.2 Substance abuse

Numerous studies show that substance abuse is not adequately treated in prison facilities.¹¹⁸ As a result, it comes as no surprise that substance abuse affects a large number of offenders¹¹⁹ and is one of the leading causes of recidivism among newly released offenders.¹²⁰ This is because persons who are under the influence of any unlawful substances cannot reason logically, which has the potential to result in criminal behaviour.¹²¹ This was confirmed in a study of offenders that investigated what led to their illegal behaviour, with various participants reporting that alcohol and other drugs impaired their conscience just enough to make criminal behaviour more likely than would otherwise be the case.¹²²

According to South African statistics, alcohol addiction affects 41.5 per cent of males and 17.1 per cent of women.¹²³ Another survey, conducted in the Western Cape, found

¹¹⁶ DCS *Annual Report 2021/2022* at 178.

¹¹⁷ DCS *Annual Report 2021/2022* at 68.

¹¹⁸ Travis, et al. (2001) at 27.

¹¹⁹ Soderstrom I “Mental illness in offender populations” (2007) 45(1–2) *Journal of Offender Rehabilitation* 1 at 6.

¹²⁰ Peltzer K, Ramlagan S, Johnson BD & Phaswana-Mafuya N “Illicit drug use and treatment in South Africa: A review” (2010) 45(13) *Substance Use and Misuse* 139.

¹²¹ Setelela R *Rehabilitation of long-term offenders in a maximum security prison* (unpublished LLM thesis, University of South Africa) at 18.

¹²² Gaum, Hoffman & Venter (2006) at 417.

¹²³ Peltzer, et al. (2010) at 30.

that 16.5 per cent of males and 4.6 per cent of women are addicted to alcohol.¹²⁴ As regards drug dependency, 13.3 per cent of males and 4.1 per cent of women use illicit drugs.¹²⁵ It is submitted that offenders often commit crimes due to their dependence on substances or narcotics.¹²⁶ It can thus be inferred that substance abuse leads to criminal behaviour because addicts will go to considerable lengths to maintain their addiction, which frequently entails illegal activities.¹²⁷ To make matters worse, respondents reported that because Pollsmoor Prison in Cape Town lacks medical personnel, when these offenders become ill, they struggle to obtain proper treatment, and as a result, soothe their emotional and physical pain with illegal narcotics.¹²⁸

Substance abuse is a serious concern, with 82 per cent of respondents in one study stating that they have or are currently battling with a substance abuse problem.¹²⁹ A study conducted at Pollsmoor Medium C Correctional Centre revealed that seven out of 38 respondents had never taken drugs or alcohol.¹³⁰ According to the same study, five out of 16 respondents reported during post-release interviews that they had resumed drug and/or alcohol use following their release.¹³¹ This could be because those who live with mental health conditions and struggle with substance abuse are more likely to engage in criminal behaviour.¹³² Furthermore, when newly released offenders return to their former neighbourhood and associates, the familiar settings function as a trigger, increasing the likelihood of recidivism.¹³³ Urombo and Kasimba concur that several offenders attribute their predisposition to re-offending to substance abuse, arguing that it affects their judgment and renders them unable to discern between right and wrong, giving them the courage to engage in illegal behaviour.¹³⁴

Several studies show that offenders' access to treatment is limited due to a scarcity of treatment options for co-occurring mental health conditions and substance abuse disorders.¹³⁵ This raises the likelihood of recidivism and imprisonment for these individuals.¹³⁶ Importantly, co-occurring illnesses are strongly linked to poor social

¹²⁴ Myers B, Koch JR, Johnson K & Harker N "Factors associated with patient-reported experiences and outcomes of substance use disorder treatment in Cape Town, South Africa" (2022) 17(1) *Addiction Science and Clinical Practice* 1 at 2.

¹²⁵ Myers, et al. (2022) at 2.

¹²⁶ Urombo & Kasimba (2018) at 110.

¹²⁷ Urombo & Kasimba (2018) at 110.

¹²⁸ Gaum, Hoffman & Venter (2006) at 418.

¹²⁹ Muntingh (2008) at 9.

¹³⁰ Muntingh (2008) at 20.

¹³¹ Muntingh (2008) at 20.

¹³² The Sentencing Project *Mentally ill offenders in the criminal justice system: An analysis and prescription* Washington, DC: The Sentencing Project (2002) at 8.

¹³³ Travis, et al. (2001) at 27.

¹³⁴ Urombo & Kasimba (2018) at 109.

¹³⁵ The Sentencing Project (2002) at 8.

¹³⁶ The Sentencing Project (2002) at 8.

functioning, homelessness, violence, and incarceration.¹³⁷ As a result, it is not uncommon for offenders to lack family support for substance abuse problems¹³⁸ and to be expected to cope with their addiction discreetly.¹³⁹ Substance addiction is exceedingly difficult to overcome without the required support structure, and when combined with mental health conditions, it exacerbates the situation, making reintegration much more difficult.

The question of whether substance use causes crime or crime causes substance use is still contested. However, it may be argued that the two are inextricably linked.¹⁴⁰ The ease with which narcotics can be obtained in the community should be a cause for significant concern since it exacerbates the broader problem of crime and recidivism.¹⁴¹ It is submitted that illicit drugs are readily available while offenders are incarcerated, making ending the cycle of addiction extremely difficult. According to Kabelo Kgobisa-Ncaba, within a period of merely 12 months, nearly a thousand kilograms of drugs were confiscated in South African correctional centres.¹⁴² Moreover, even though illicit drugs are prohibited within prisons, they continue to permeate prisons, with women illicit drug users outnumbering men.¹⁴³ The fact that substance abuse treatment is limited, with just one out of every six persons in need obtaining it, exacerbates a situation in which opioids are so readily available.¹⁴⁴

3.3 Links between lifestyle choices and gang affiliation in recidivism

Socio-economic standing is one of the numerous underlying reasons for crime and recidivism.¹⁴⁵ A study comparing richer and poorer recidivists discovered that the lower class had higher recidivism rates than the upper.¹⁴⁶ To further emphasise the importance of socio-economic status in recidivism, gang members frequently lack education and work-related skills, and many come from low-income families with few job prospects.¹⁴⁷ Additionally, those individuals who belonged to a gang before

¹³⁷ The Sentencing Project (2002) at 8.

¹³⁸ Muntingh (2008) at 20.

¹³⁹ Muntingh (2008) at 20.

¹⁴⁰ Mills (2019) at 92.

¹⁴¹ Otu M "Analysis of the prison system" (2015) 10(1) *International Journal of Development and Management Review* 2221 at 2222–2223.

¹⁴² Kgobisa-Ngcaba K MP "1000kgs of drugs, 41 000 cell phones in SA prisons as contraband reaches crisis levels" *DA.org* (10 December 2024) available at https://www.da.org.za/2024/12/1000kgs-of-drugs-41-000-cell-phones-in-sa-prisons-as-contraband-reaches-crisis-levels?utm_source=chatgpt.com (accessed 19 December 2024).

¹⁴³ Agboola C & Kang'ethe SM "Illicit drug use in South African female correctional centres" (2024) 10(1) *Cogent Social Sciences* 1. Also see Dissel (2008) at 158, who argues that prisons serve as an excellent place to obtain illegal narcotics.

¹⁴⁴ Dandurand & Chin (2018) at 11.

¹⁴⁵ Miah (2015) at 113.

¹⁴⁶ Miah (2015) at 113.

¹⁴⁷ Dandurand & Chin (2018) at 120.

incarceration often rejoin their gangs due to the abundance of avenues for negative peer association, making it more likely for them to re-offend.¹⁴⁸ Attempting to break away from such a lifestyle is extremely challenging for those who have close relationships with other gang members. It is contended that this is due to gangs providing members with a strong sense of belonging and frequently attracting newly released offenders.¹⁴⁹ Furthermore, fear for their lives makes breaking away from a gang-oriented lifestyle virtually impossible, as members are regularly threatened when attempting to start a new life free of these negative influences.¹⁵⁰ As a result, refusing gang membership is highly difficult, if not impossible, due to the risk of violence to one's person and the dread of social isolation.¹⁵¹

It is submitted that ex-offenders who relapse during their period of reintegration tend to reconnect with former connections and seek easy money,¹⁵² a situation Scott describes as self-defeating.¹⁵³ Newly released offenders who socially isolate themselves and engage in more prosocial conduct, on the other hand, have a better chance of reintegrating in society.¹⁵⁴ Gangsterism frequently persists behind bars. According to Mervin West, an inmate in Mangaung Prison in Bloemfontein, violence occurs regularly.¹⁵⁵ He goes on to observe that everyone must fend for themselves or join a gang to be protected.¹⁵⁶ West describes prison as a "cesspool of gangsterism and bloodshed".¹⁵⁷ As a result, the question remains as to how these individuals will be able to break free from a gang if gangsterism is still prevalent behind bars.

4 CONCLUSION AND RECOMMENDATIONS

Neglecting the socio-economic and psychological needs of offenders during rehabilitation, such as the needs for education, employment, and mental health care, creates a cycle of re-offending, with recidivism rates rising indefinitely. Research consistently demonstrates that offenders released without material, psychological, or social support struggle to reintegrate and thus often return to criminal behaviour. Consequently, effective needs-based interventions and accountability programmes are

¹⁴⁸ Dandurand & Chin (2018) at 120.

¹⁴⁹ Dandurand & Chin (2018) at 120.

¹⁵⁰ Dandurand & Chin (2018) at 120.

¹⁵¹ Dandurand & Chin (2018) at 120.

¹⁵² Seal D, Eldridge G, Kacanek D, et al. "A longitudinal, qualitative analysis of the context of substance use and sexual behaviour among 18-to 29-year old men after their release from prison" (2007) 65 *Social Science and Medicine* 2394 at 2398–2399.

¹⁵³ Scott G "It's a sucker's outfit: How urban gangs enable and impede the reintegration of ex-convicts" (2004) 5(1) *Ethnography* 107 at 108.

¹⁵⁴ Seal, et al. (2007) at 2398–2399.

¹⁵⁵ Naidu E "Life behind bars is about survival of the sharpest" *IOL* (22 November 2020) available at <https://www.iol.co.za/sundayindependent/analysis/life-behind-bars-is-about-survival-of-the-sharpest-0f4c31e4-e01c-4f28-9cfc-7a9dd96d17e6> (accessed 11 March 2024).

¹⁵⁶ Naidu (2020).

¹⁵⁷ Naidu (2020).

BREAKING THE CYCLE: EXAMINING THE SOCIO-ECONOMIC AND PSYCHOLOGICAL FACTORS IN RECIDIVISM PATTERNS IN SOUTH AFRICA

essential to addressing the challenges that offenders encounter and to supporting their reintegration in society.

In this regard, the South African cases of *Hennie and Others v Minister of Correctional Services and Others* and *Pretorius and Others v Minister of Justice and Correctional Services and Others* underscore the importance of knowledge, education and cultural awareness in reducing recidivism. These judgments highlight that offenders who receive educational opportunities during and after incarceration are less likely to re-offend. Despite this, education levels among offenders remain low, with many lacking basic literacy and cognitive skills. These deficiencies hinder their ability to participate in rehabilitation programmes, comply with correctional facility rules, and reintegrate effectively. Bello notes that lack of education is a primary driver of recidivism and is often compounded by substance use disorders and poor social and cognitive skills.

Given these realities, several recommendations are proposed, such as mandatory employment initiatives for newly released offenders. This initiative would help offenders generate an income, steer clear of negative influences in old neighbourhoods, and alleviate the pressure of seeking employment to support themselves post-release while complying with their parole regulations. Employment not only provides financial stability but also fosters a sense of purpose and responsibility. Mandatory employment initiatives hold potential for reducing recidivism and supporting offender reintegration. However, given South Africa's limited resources and economic challenges, such programmes should be viewed as a long-term goal rather than an immediate solution. Implementation must be gradual and strategic, focusing initially on scalable pilot projects, partnerships with private sector employers, and vocational training within correctional facilities to build the foundation for broader adoption over time. This phased approach would ensure sustainability while addressing the socio-economic barriers that hinder successful reintegration.

The DCS must ensure that offenders and their families receive comprehensive after-care. Such services should address mental health, substance abuse, and social reintegration challenges. Tailored after-care programmes can help offenders develop coping mechanisms, address addiction issues, and transition to full-time employment, ultimately enabling them to support themselves and their families.

Furthermore, accurate and consistent tracking of recidivism rates is crucial. The current lack of reliable data in South Africa hampers the evaluation of rehabilitation strategies and the development of effective policies. Reliable documentation would allow the DCS to identify successful interventions, professionalise the correctional system, and establish evidence-based practices for managing recidivism.

The incarceration period encourages highly organised routines among inmates, impairing their ability to think or act for themselves.¹⁵⁸ Upon release, they feel lost owing to the absence of structure that has become ingrained in their daily routine.

¹⁵⁸ Dissel (2008) at 158.

Furthermore, newly released offenders are frequently subjected to prejudice and stigmatised in society, making reintegration even more difficult.¹⁵⁹ Therefore, offenders need family support to aid them in their reintegration process and help them avoid recidivistic behaviour.

Family support is critical for successful reintegration. Offenders often face stigma and societal prejudice upon release, which exacerbates their sense of alienation and increases the risk of re-offending. Structured family reintegration programmes can provide emotional and social stability, aiding in the transition back to society. In addition, education and skills development programmes must be prioritised within correctional facilities and continue post-release.

The economic and social benefits of educating offenders are significant not only in reducing recidivism but in alleviating the broader societal costs of crime. It is counterproductive to release offenders who are economically, psychologically, physically, and socially unprepared for reintegration. Without effective follow-up programmes, they are left vulnerable to the same conditions that led to their incarceration. Furthermore, the highly regimented routines of prison life can leave offenders ill-equipped to navigate unstructured environments, contributing to feelings of being “lost” post-release.

This analysis has identified key factors contributing to recidivism in South Africa and provided actionable recommendations for addressing them. The complex interplay of individual, social, and institutional factors underscores the need for comprehensive, well-structured rehabilitation and reintegration programmes. By addressing the root causes of recidivism and providing holistic support to offenders, South Africa can reduce crime rates and foster safer, more equitable communities.

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¹⁵⁹ Otu (2015) at 138.

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