



KHULISA EUROPEAN UNION

KWAZULU-NATAL

JUSTICE AND RESTORATION PROGRAMME [JARP]

***ENTRY- AND EXIT-COMMUNITY SCAN ON CRIME,
VICTIMISATION AND ACCESS TO JUSTICE***

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1. Introduction and Background

A community scan can be described as “community at a glance” – it cannot be used to generalise to other communities and is often focussed on specific areas of interest. In this case Khulisa conducted a community scan that is Restorative Justice specific, to be able to measure the impact of the Khulisa Justice and Restoration Programme (JARP) on the specific community members’ perception of access to justice, crime and victimisation, and the Criminal Justice system. The Khulisa Justice and Restoration Programme ran from March 2010 to April 2012, and was funded by the European Union (EU).

In order to utilise this community scan as an evaluation tool for JARP, Khulisa completed an entry-community scan at the beginning of the programme, as well as an exit community scan at the end of the programme.

The main findings of the entry-community scan included the following:

- Approximately 44.6% of the participants have been involved in a crime incident, whether being a victim, the offender, or family member
- Of these participants, more than a third were not satisfied with the services provided by the police and courts
- Few of these cases have been referred to JARP, as only between 5% of the victims in the survey and 6% of the offenders have indicated such
- Both offenders (45%) and victims (55.95%) and in the study indicated they and their family members did not feel justice has been done through the criminal justice system or police
- More than 80% of all the participants did not know what Restorative Justice or the Service Charter for Victims of Crime are
- Approximately 70% of both victims and offenders respectively indicated they would meet with the other party, through a neutral third party, in order to resolve and restore the wrongdoing

From the above results, it was noticed there were clear needs for additional forms of justice, as well as an increasing need for access to justice and information on Restorative Justice. The assumption was that JARP provide these for communities. As such, the results depicted in this report will specifically focus on the comparison between these elements in the entry- and exit-community scan, in order to compare the attitudes and opinions of community members who have been actively involved with JARP. The results and comparisons of these two surveys are depicted in this report.

2. Aim and Objective

The main aim of this community scan and subsequent report was to depict the impact of JARP on the participating community members in Kwa-Zulu Natal, South Africa, specifically focussing on crime, the criminal justice system, and access to justice. This study aimed to contribute towards the understanding of the community’s perspective and feelings toward the accessibility of justice, including whether the Criminal Justice System provide efficient and fair services to the community, as well as the impact JARP had on their lives.

3. Methodology

The research design was quantitative in nature. The aim of quantitative research is to classify features and count them. The quantitative researcher uses tools, such as questionnaires or equipment to collect numerical data and such data is in the form of numbers and statistics. As such, a quantitative research design was appropriate for this study as measurements, explanations, and analysis of certain aspects regarding crime, victimisation, and justice were required. The researcher gathered the data for this study by utilizing structured questionnaires with open- and closed-ended questions. In addition to the quantitative data gathered in this study, the open-ended questions made provision for the gathering of some qualitative data also. As such, contextual and rich data was also gathered through these open-ended questions.

Community members were invited to participate in an entry-community scan project, as well as an exit-community scan project. In both these surveys participants completed the same questionnaire, which enabled the researcher to gather pre- and post data on the same topics. The project was conducted by facilitators and managers of the JARP programme from Khulisa, in 6 communities situated in Kwa-Zulu Natal, namely Phoenix, Ixopo, Empangeni, Midlands, Umlazi, and Wentworth. These communities were selected, as JARP was subsequently implemented in these areas.

Participants could participate voluntarily in the project. Responses were completely anonymous.

The data was analysed through a statistical data analysis programme titled Moonstats. Moonstats provides the user with certain analytical tools, such as frequency tables and figures, in order to depict the data in an explanatory and interpretive manner. The entry-community scan study sample consisted of approximately 1419 community members across the selected 6 areas in Kwa-Zulu Natal. In addition, the exit-community scan study sample consisted of approximately 745 community members across the selected 6 areas in Kwa-Zulu Natal.

4. Research Results

The results gathered specifically provide information regarding the biographical details of the participants, their involvement in a crime incident to date, experiences of victimisation, experiences of justice and the accessibility thereof (including JARP), as well as their immediate family members' experiences of these topics in question.

4.1 Biographical Details

This section deals with the biographical details of the research participants. These details include the gender, age, marital status, racial group, education, and employment. This data is depicted in Figures 1 to 5 below.

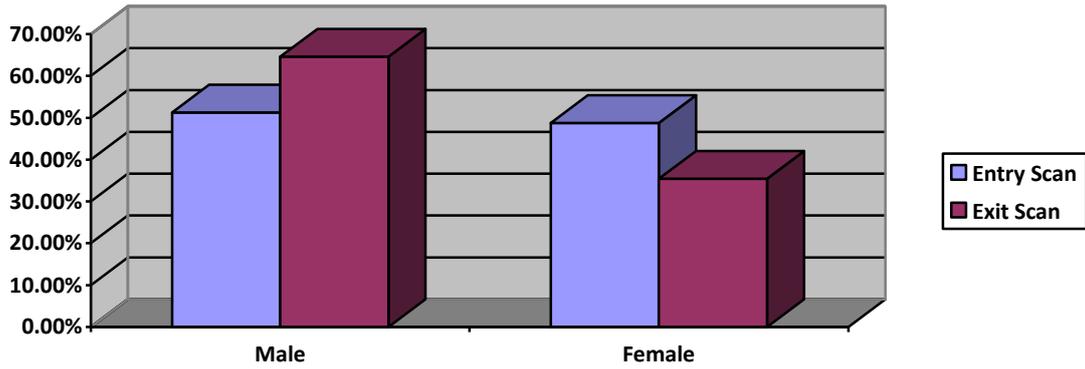


Figure 1: Gender of participants

In both the entry- and exit-scan the gender ratio was relatively equally distributed, as can be seen in Figure 1 above.

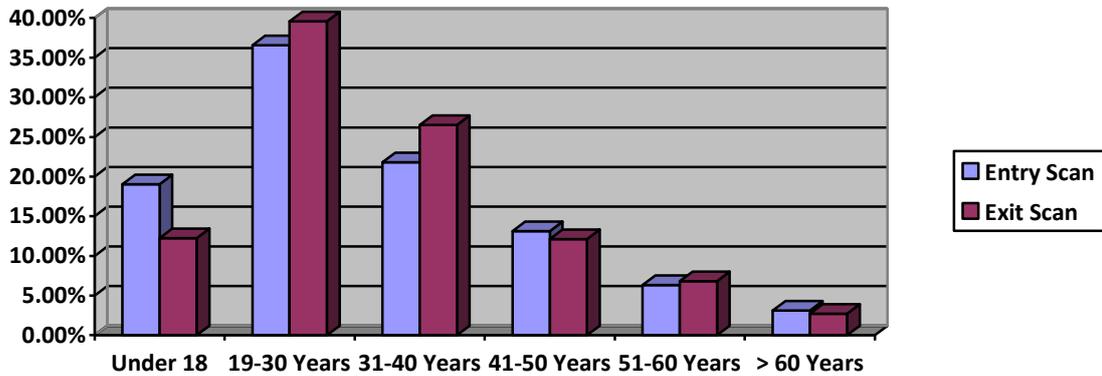


Figure 2: Age of participants

The data in Figure 2 depicts more than a third (respectively 36.58% and 39.59%) of the participants in both surveys were between 19 and 30 of age.

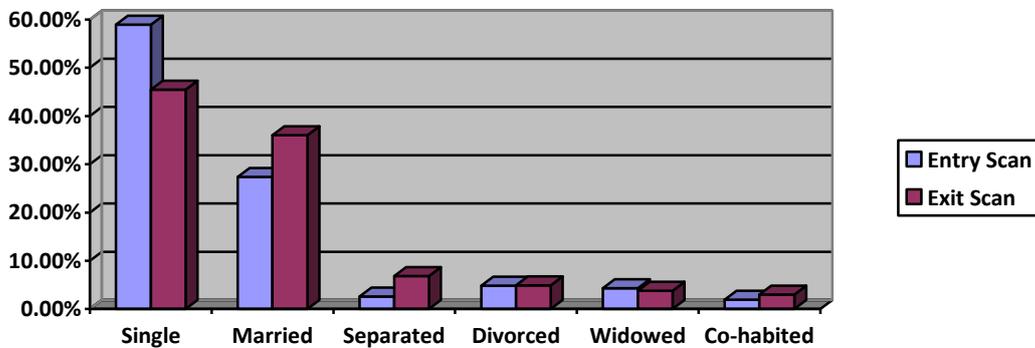


Figure 3: Marital status of participants

From the above data it can be noticed that in both surveys most of the participants (respectively 58.94% and 45.43%) were single. In addition, the large majority of participants (respectively 63.28% and 57.12%) were African and Indian (respectively 23.62% and 18.32%). The findings hereof are displayed in Figure 4 below.

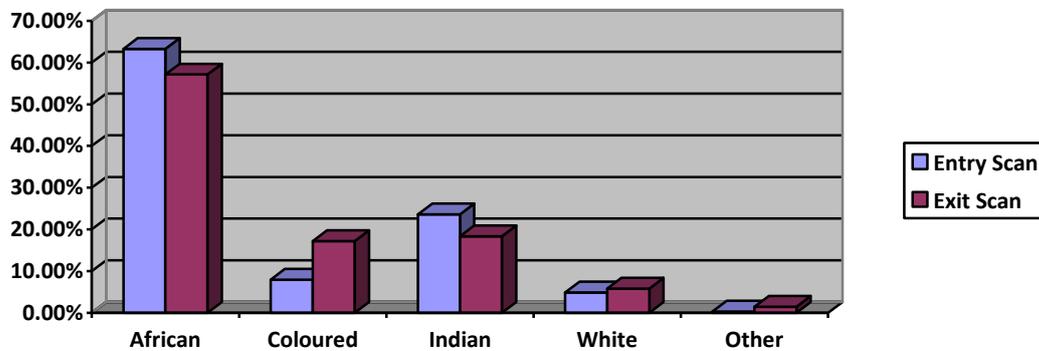


Figure 4: Race of participant

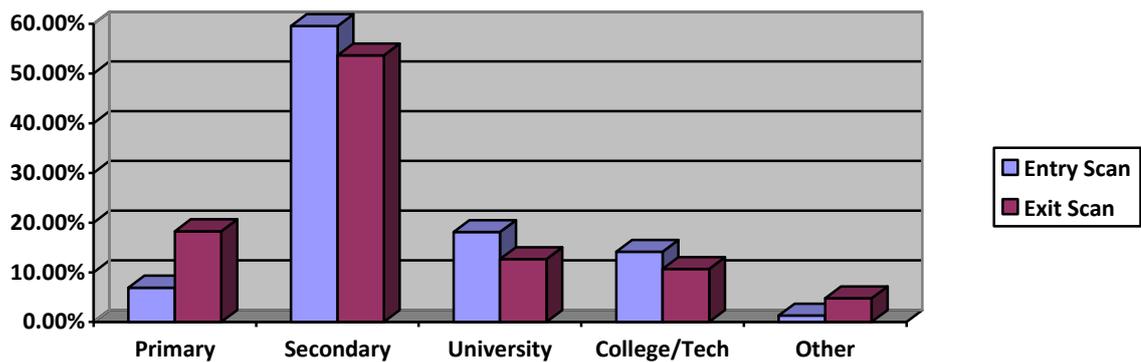


Figure 5: Highest level of education of participants

From the data in Figure 5 above it can be seen that more than half (respectively 59.53% and 53.65%) of the participants' highest level of education was secondary school.

In addition, during the exit-community scan participants were asked what their current employment status is. These findings are depicted in Figure 6 below.

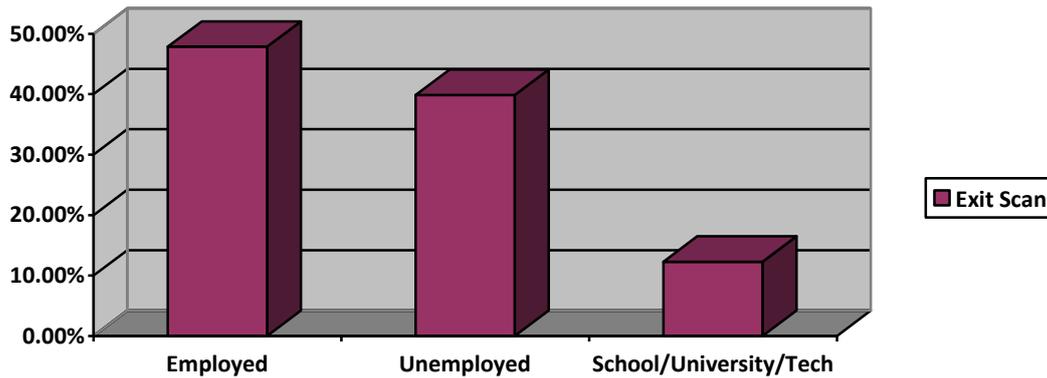


Figure 6: Current employment status of exit-community scan participants

4.2 Crime, Victimization and Justice Information

This section depicts data gathered on the participants' involvement in crime and/or victimisation. In addition, the participants were probed on the services they received from the police and/or court. Data was also gathered on the participants' involvement with JARP and how they perceived justice has been achieved or not.

The data in Figure 7 below depict participants' indication of whether they have been involved in a crime incident to date. In addition, the data in Table 1 depicts what the nature of their involvement in the mentioned crime incident was.

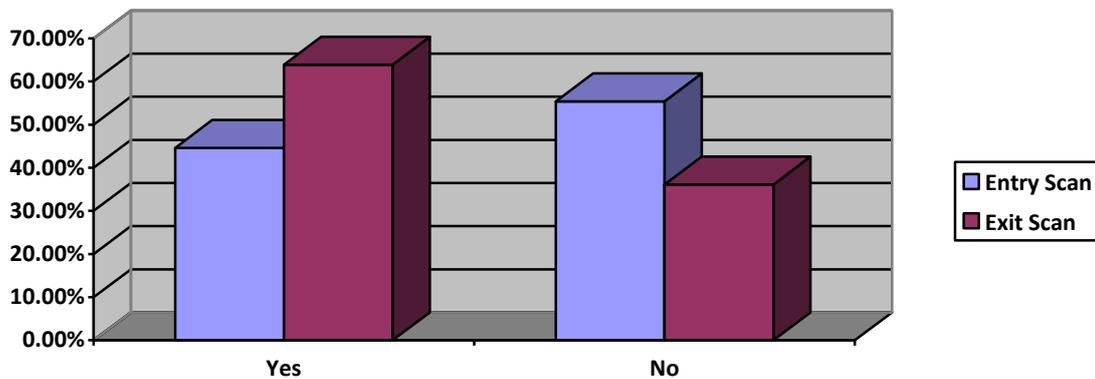


Figure 7: Participants' indication of involvement in a crime incident to date

From the above data that more participants in the exit-scan (63.88%) indicated they have been involved in a crime incident, whether it was as a victim, offender, or witness, than during the entry-scan (44.60%).

Table 1: Nature of participants' involvement in a crime incident to date

Involved in crime incident	As offender	As victim	As offender & victim	As witness
Entry scan	221	303	21	67
Exit scan	200	213	53	78

The data in Figure 8 below indicates the participants' opinion of whether they were not happy about the service from the police and courts.

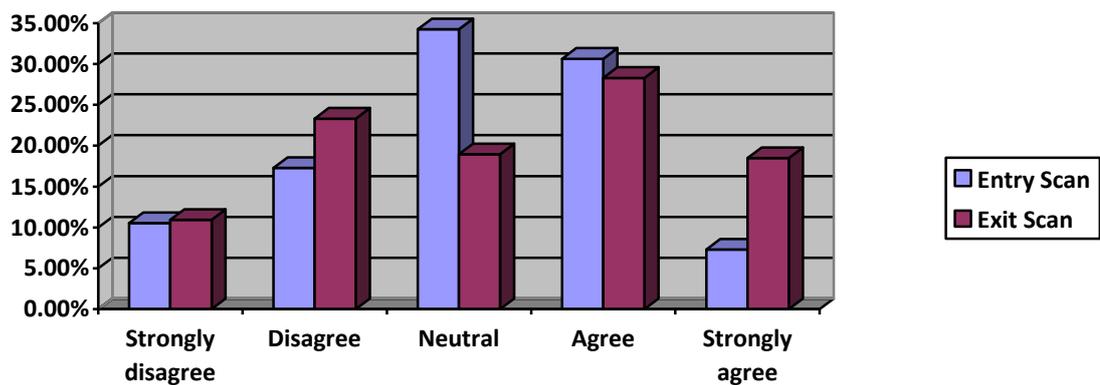


Figure 8: Participants' indication of whether they received a good service from the police and courts

Participants were subsequently asked to rate the services from the police and courts respectively. The findings hereof are displayed in Figures 9 and 10 below.

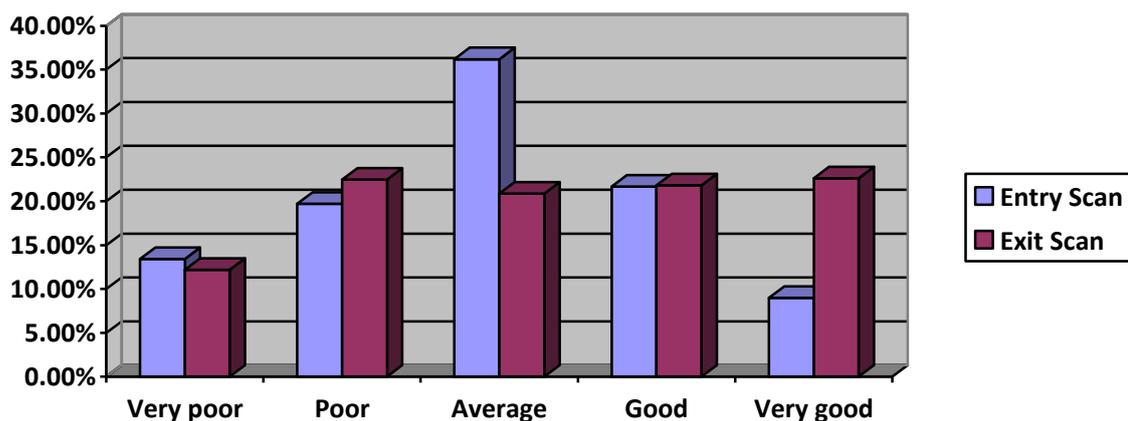


Figure 9: Participants' rating of the service they received from the police

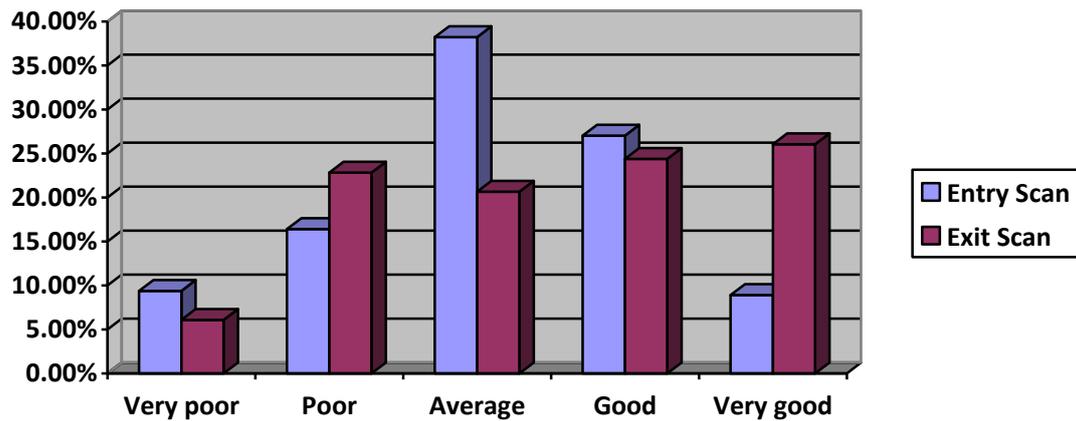


Figure 10: Participants' rating of the service they received from the courts

The data in Figures 8 to 10 depict that the participants in the exit-scan indicated they were more satisfied with the services received from the courts and police, than those participants in the entry-scan. This can be seen in the fact that only 7.30% of the entry-scan participants indicated the strongly agree they received a good service from the courts and police, compared with the 18.49% of the exit-scan that indicated similarly. In addition, when asked to rate the services received from the police and courts respectively, in both cases during the exit-scan (respectively 22.63% and 26.06%), considerably more participants answered 'very good' than during the entry scan (8.99% and 8.93%).

In order to measure impact and compare pre- and post- attitudes toward JARP, participants were probed on their involvement in JARP. The findings of both the entry- and exit-community scan participants' involvement in JARP are depicted in Figure 11 below.

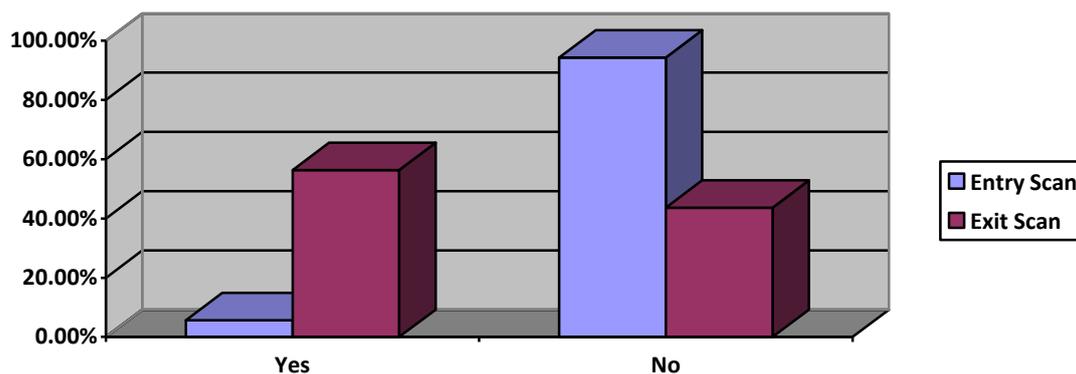


Figure 11: Participants' involvement with JARP

The data in Figure 11 depicts that more participants in the exit-scan (56.32%) participated in JARP than participants during the entry-scan (5.68%). This finding is important as this may explain why participants in the exit-scan were more satisfied with the services received from the police and court, as such services related closely to RJ and JARP, instead of criminal justice related-services received by the participants in the entry-scan (who were largely not involved in JARP).

Table 2: Participants' indication of nature of involvement in JARP

Nature of involved in JARP	As offender	As victim	As offender & victim	As witness
Entry scan	211	303	21	67
Exit scan	200	213	53	78

JARP aims to make justice more accessible to individuals and communities. As such, participants in both the entry- and exit-scan were asked whether their previous involvement in JARP made justice more accessible. More than half (approximately 60%) of those participants (5.68%) that were involved JARP at the time of the entry-scan indicated they strongly agree or agree that JARP made justice more accessible to them. In addition, during the exit-scan just fewer than 60% of the participants have been involved in JARP and of those participants the large majority (82.62%) indicated that justice was more accessible to them due to JARP. The findings hereof are displayed in Figure 12 below.

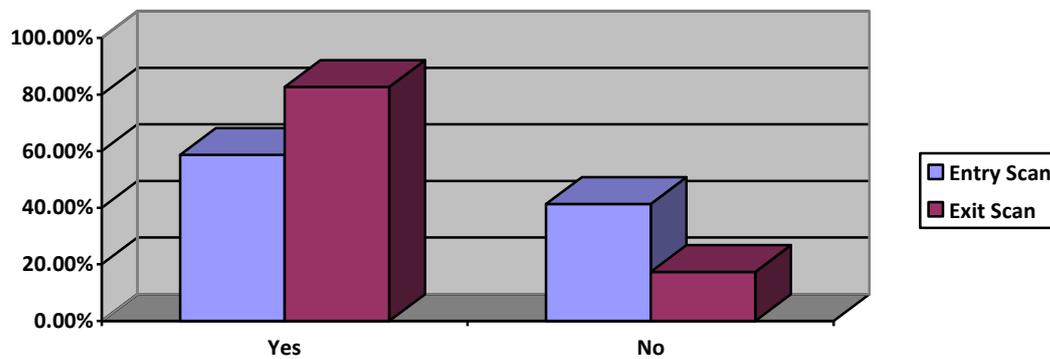


Figure 12: Participants' indication of whether JARP made justice more accessible to them

In addition, in both entry- and exit-scans just less than three quarters of the participants (respectively 73% and 74.58%) indicated they received good or very good services through Khulisa JARP.

4.2.1 Victimization Information

Participants were specifically probed on their experiences of victimisation and the subsequent experiences regarding the criminal justice system and JARP.

Firstly, participants were asked whether they or any of their family members have ever been a victim of a crime, the findings hereof are displayed in Figure 13 and 14 below.

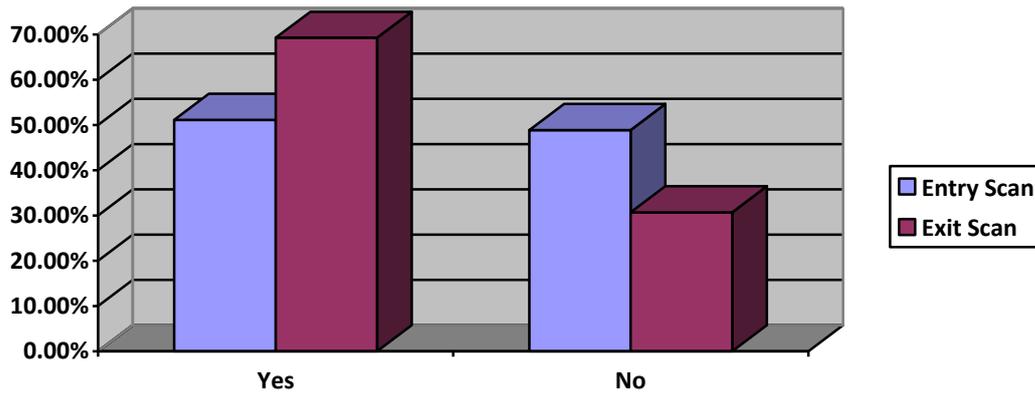


Figure 13: Participants' indication of whether they have ever been victimised

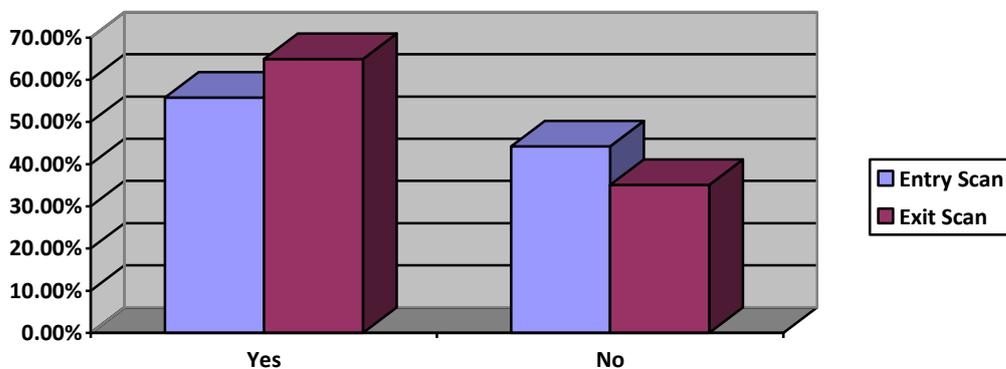


Figure 14: Participants' indication of whether any of their family members have ever been victimised

In both Figures 13 and 14 above more participants (respectively 69.26% and 64.91%) than during the exit-scan indicated they or a family member have been victimised, than during the entry-scan (respectively 51.14% and 55.78%).

Participants were further probed on what the crime during the victimisation was. The findings hereof are displayed in Table 3 below.

Table 3: Participants and family members' nature of victimisation

Crime Cases	Entry Scan	Exit Scan
Theft	306	179
Robbery	247	101
Hijacking	154	44
Burglary	171	37
Assault	178	113

Crime Cases	Entry Scan	Exit Scan
Attempted assault	54	43
Rape	46	20
MDTP	63	38
Attempted murder	38	14

The data in Table 3 depict the most common crimes during both surveys included theft, robbery, and assault.

Participants were probed on who the offender was that victimised them or their family member(s) and the data hereof are displayed in Table 4 below.

Table 4: Indication of offender during victimisation

Offender	Entry Scan	Exit Scan
Wife	2.77%	20.36%
Husband	8.32%	14.09%
Close Family	19.4%	19.91%
Relative	12.15%	9.4%
Close friend	9.17%	6.49%
Acquaintance	13.65%	4.47%
Neighbour	22.39%	9.17%
Teacher	1.28%	0.45%
Fellow learner	3.41%	1.34%
Other	7.45%	14.09%

The data in Table 4 depicts that in both surveys more than half (respectively 53% and 70.25%) of the victimisation were conducted by individuals close to the victims, such as close family, husbands, relatives, or close friends.

In addition, in both entry- and exit-scan the large majority (respectively 79.39% and 89.19%) of the participants reported this victimisation to the police. This data is depicted in Figure 15 below.

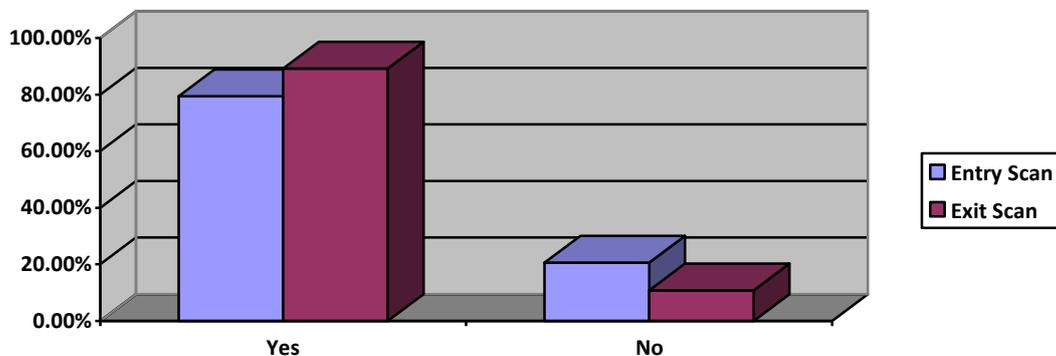


Figure 15: Respondents' indication of whether they reported the victimisation to the police

In both surveys noteworthy percentages (respectively 48.29% and 38.71%) of these victims indicated they were not satisfied with how the police dealt with the incident. In addition, respectively 11.82% and 8.53% of the participants indicated they were angry with the manner in which the police dealt with their victimisation cases. The findings hereof are displayed in Figure 16 below.

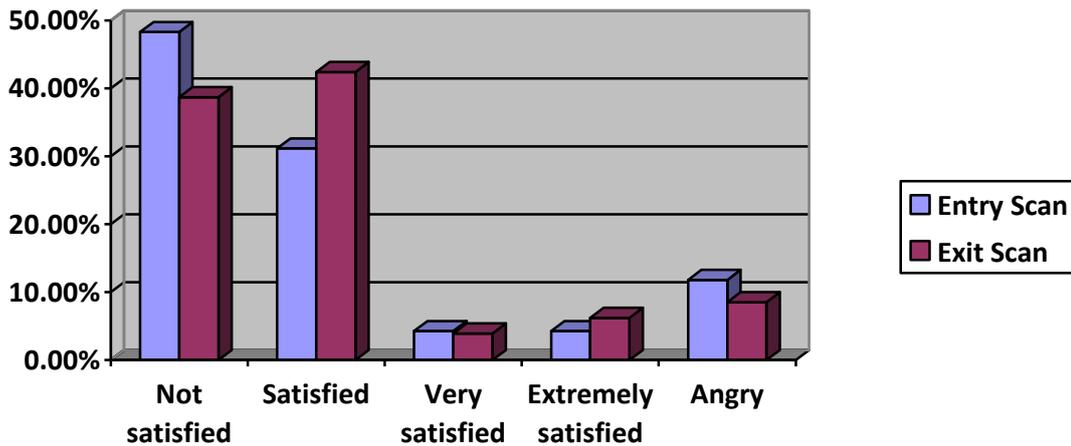


Figure 16: Victims' indication of satisfaction with the police

In addition, similarly than previously noted, it appears those participants in the exit-scan who were more involved with JARP, were more satisfied (42.40%) with the police than those in the entry-scan (31.16%).

Of the approximate 20% and 10% of victims who did not report the crime incident to the police, provided the following explanations for this:

- The police can't do anything = 265 cases
- The police will not believe me = 116 cases
- I am afraid the offender will harm me = 76 cases

Victims were probed on whether the offenders were caught. The data hereof is displayed in Figure 17 below.

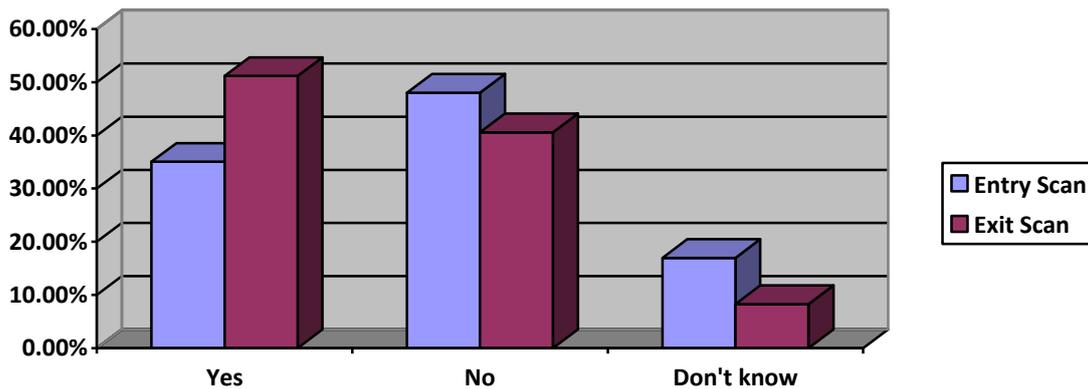


Figure 17: Victims' indication of whether offenders were caught

Approximately half of these victimisation cases (respectively 50.95% and 45.87%) were not heard in court, as can be seen in Figure 18 below.

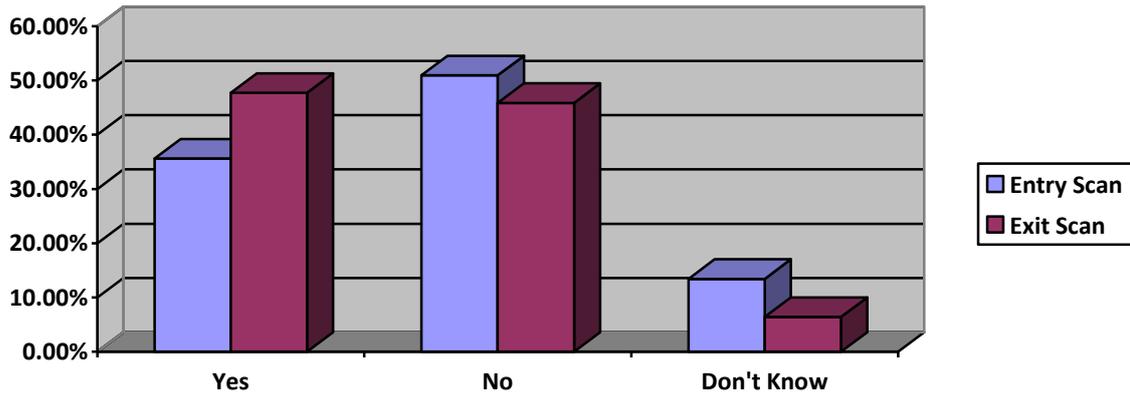


Figure 18: Victims' indication of whether crime incident was heard in court

Of the approximate 35% and 47% of cases that were heard in court, the participants provided additional details for such court cases. Firstly, participants indicated how long after the crime the case was heard (Figure 19), how long the case took to be finalised (Figure 20), and whether the victim attended the court case (Figure 21).

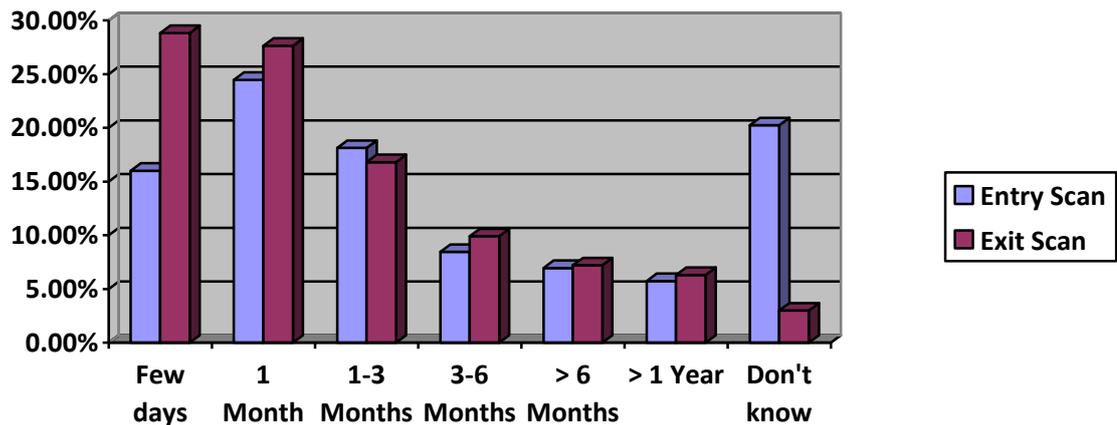


Figure 19: Indication of how long after crime incident case was heard in court

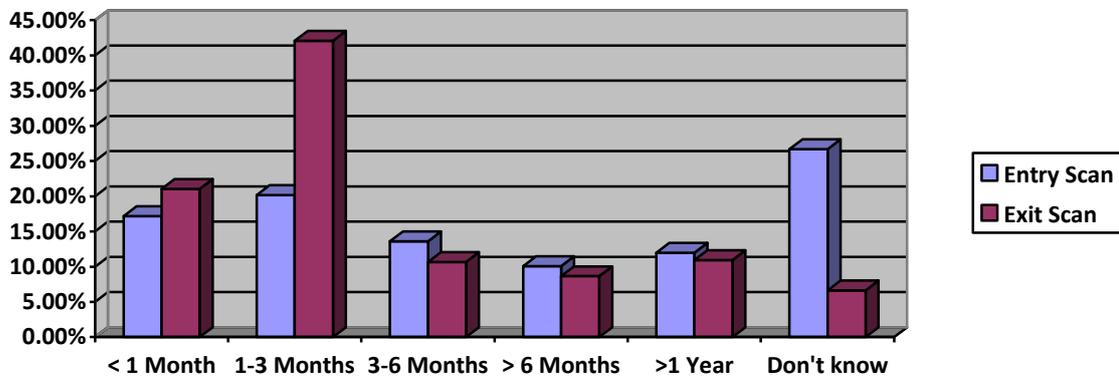


Figure 20: Indication of how long the case took to be completed

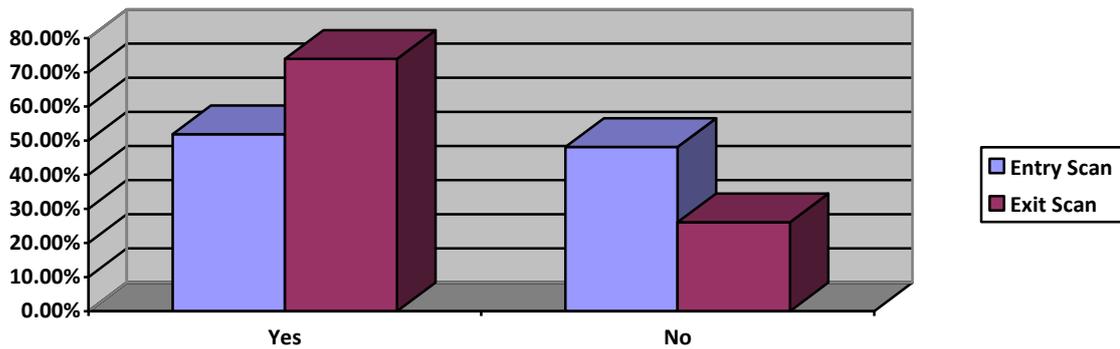


Figure 21: Victims' indication of whether they attended the court case

Victims were also asked to provide a reason for why or why not they attended the court case. These answers included (amongst others):

- As a complainant I was obliged to attend the case
- Case didn't go to court
- Case referred to khulisa
- Children at School
- Don't know because my husband never report it
- Establish results
- I attended a mediation session
- I attended court when I wanted to withdraw the charge
- I attended khulisa for mediation
- I called to attend the court case and later referred to khulisa
- I had to see for myself the decision the court will make
- I wanted my husband to feel the pain and going to jail will make him think twice
- I wanted to see the court system and see how it works
- I wanted to see the end
- I was at school I could not get a chance to attend the case at it due date
- I was called to come to court and on that very same day it referred to Khulisa
- I was the one who filed the charges therefore I was obliged to attend it
- I was unaware of any court case
- I was working and it was taken to khulisa
- I went to see what happens
- Matter was taken to khulisa
- My parents took all of us at home to go and attend the case because it has involved the family as a whole
- Not informed
- Only the people who were affected had to be present at court to testify
- To see him pay
- To see justice
- To see what happens
- To see what the decision was
- To stand up for my self
- To understand how it's going to end
- Wanted to see what happens
- Was a family members court case

Participants who were victimised were asked whether they or their family members were informed about the progress of the case by the police or prosecutor. The findings hereof are displayed in Figure 22 below.

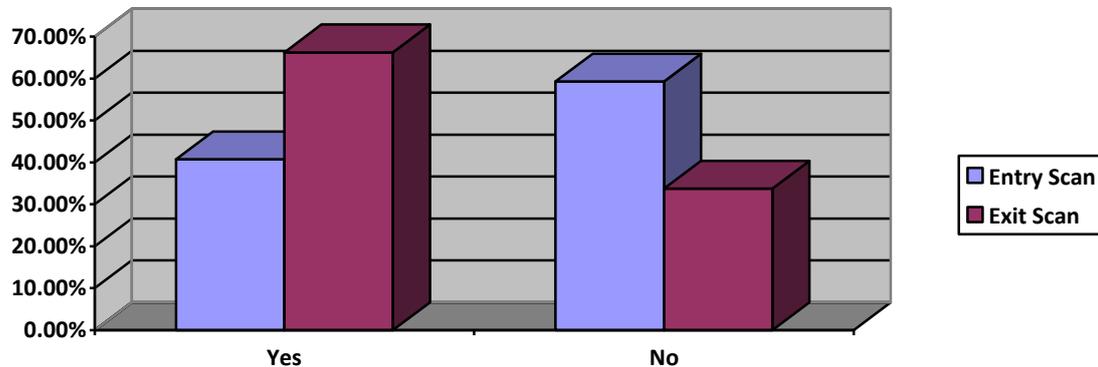


Figure 22: Victimized participants' indication of whether they were informed on the case progress

The victims in the exit-scan (66.25%) were more informed about the progress of their cases than those victims in the entry scan (40.72%). This may be as a result of JARP and the programme's ability to keep participants updated on the cases, in comparison with the criminal justice system (as more victims in the exit-scan were involved with JARP than during the entry scan, as is noted in Figure 23 below).

In both surveys, the large majority (respectively 85% and 75.79%) of participants who were victimised indicated they or their family members suffered harm or loss as a result of the crime. These victims specified their losses as follows, as depicted in Table 5 below.

Table 5: Victims' indication of the nature of their loss in the crime incident

Nature of Loss	Entry Scan	Exit Scan
Lost money or personal belongings	142 cases	298 cases
Had to pay hospital / doctor's bills	113 cases	97 cases
Could not go to work due to injury	40 cases	36 cases
Loss of income as breadwinner was injured	39 cases	15 cases
Loss of income as breadwinner was killed	14 cases	11 cases

In addition, in both entry- and exit-scan, just under a third (respectively 60% and 56.15%) of the participants indicated they did not seek assistance from an external source after the crime incident.

Of these participants that did not seek assistance from an external source, they gave the following reason for not doing so:

- Afraid of the outburst from the offender
- Because the case was already reported to the police department
- Did not want to waste my time more money
- Didn't feel the need to
- Doesn't help
- Doubted that we would get help that we needed after the SAPS failed us
- Felt it would be a waste of time
- I felt like I could deal with the situation
- I thought I was going to catch the offender by myself for street justice
- I tried to stand up to him and seek for help but he just said we need to let it go because they won't go anywhere with crime
- I was afraid
- I was traumatised
- More running around costly
- No funds
- No time
- Nothing comes at it
- They were too emotional
- We felt that there was no point to it
- We never seem to be getting any help from the police or the community

The respective 40% and 43.40% of the participants in the two surveys that did seek assistance after the incident indicated they did so from the following resources depicted in Table 6 below.

Table 6: Indication of external assistance requested

External Resource	Entry Scan	Exit Scan
Counsellor at community organisation	83 cases	105 cases
Social worker at community organisation	36 cases	63 cases
Support group in community	27 cases	38 cases
Priest (church, temple, mosque, etc)	75 cases	37 cases
State psychiatrist	6 cases	9 cases
Private psychiatrist	13 cases	13 cases
Private psychologist	12 cases	5 cases
Social worker at NGO	17 cases	11 cases
Social worker Department of Social Development	37 cases	23 cases
Services at police station (trauma room)	37 cases	31 cases
Traditional healer	43 cases	13 cases

Participants were asked in both entry- and exit-scan whether the victimisation case was referred to or heard through JARP during the entry-scan the large majority (81.22%) indicated 'No'. However,

during the exit-scan almost half (44.99%) indicated their case was referred to JARP. The findings hereof are displayed in Figure 23 below.

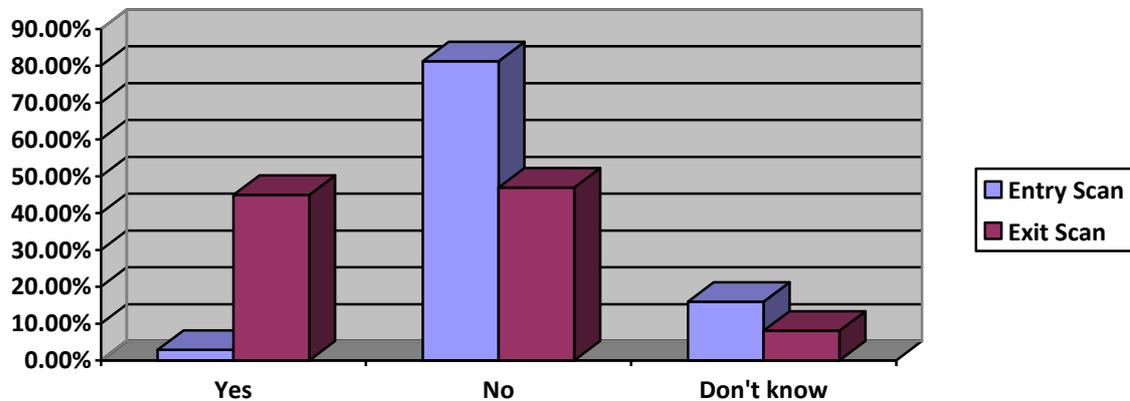


Figure 23: Indication of whether victimisation cases were heard in JARP

It can be seen from the data in Figure 23 that noteworthy more victimisation cases were heard through JARP at the time of the exit-scan, as compared to that of the entry-scan.

Additionally, these victims were asked whether they feel justice has been done and a fair result was achieved. More than half (55.95%) of the victims in the entry-scan indicated 'No'. It is important to remember that most of these cases were done through the criminal justice system, as indicated. As such, this may indicate these victims felt the traditional criminal justice system failed them. In addition, during the exit-scan a noteworthy only 39.49% of the victims indicated the felt justice was not done. It appears these victims were more at peace with the justice they received through JARP. The findings hereof are displayed in figure 24 below.

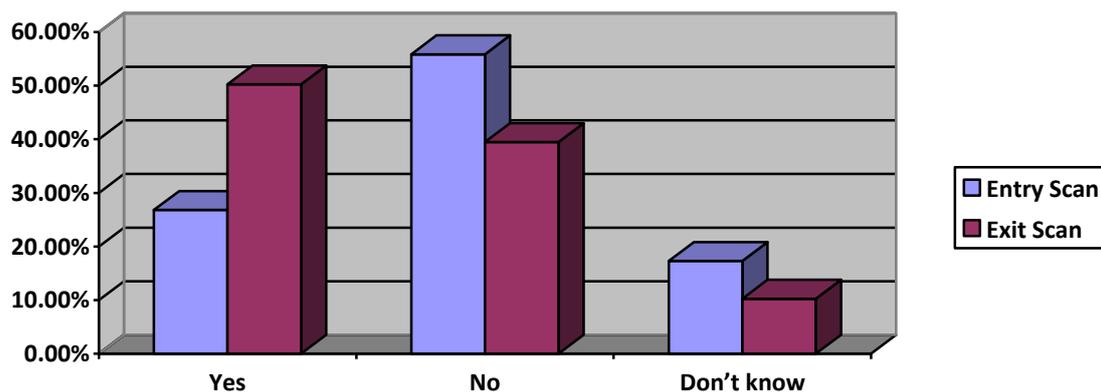


Figure 24: Victims' indication of whether they feel justice has been done at the end of their case

These victims' explanations for their indication of whether justice has been done or not included the following:

- After mediation khulisa sent my son for professional help and that what he needed
- After mediation the case was withdrawn
- An agreement was reached
- Did not get my things back
- He has done it again
- He has gone to jail
- He was able to apologise and willing to pay
- He was able to tell me why he assaulted and he apologised
- I faced him to get the bottom of the story
- I faced the father of my kids without fear
- I let him know that what he did was wrong because we are related
- I was able to apologise
- I was able to sit down with the offender and we could resolve the issue on our own
- I was given a chance to talk to him and make him understand how wrong what he did was
- I was heard at JARP , I was given an opportunity to speak
- I was to reconcile with the offender and recovered what was lost
- It happened so that the people never come again
- Khulisa has helped me resolve the situation and helped me become a better person
- Khulisa helped to sort out the problem
- No agreement reached
- Not referred to khulisa
- Offender not caught
- People reconcile
- RJ gives parties closure to talk no matter how big the situation and find their own solution
- She was able to return my belongings and I was able to forgive her
- The case was mediated successfully
- The khulisa social worker helped to mediate
- The offender is still on the run
- The offender paid for the damage he done
- The person was able to be put behind bars
- The staff member was fired
- They gave me my rights as a victim and gave me a chance to explain all my feelings
- They were very friendly, better than SAPS
- To let the person know who I am
- We have talked about the things that I have lost and I am going to get them back
- We made our agreement after doing what we want
- We talked together and reached agreements
- We were able to resolve our problem and we were both happy
- We were given a chance to make our own decision about the case in a suitable justice manner
- We were given a chance to talk about the conflict between us
- We were to correct our indifferences and be united again

Answers above such as “We were given a chance to make our own decision about the case in a suitable justice manner” and “They gave me my rights as a victim and gave me a chance to explain all my feelings” depict that these victims did experience some form of justice through their participation in JARP.

Participants were asked what more could have been done in order to make justice seem fairer or that these victims would have felt more satisfied with justice. The answers of these participants included (amongst others) the following, as depicted in Table 7 below.

Table 7: Indication of what more participants feel could have been done

What more could be done	Entry Scan	Exit Scan
Given a chance to explain to the prosecutor/court how I felt	98 cases	74 cases
Meet the offender face-to-face and tell him or her how I felt	118 cases	116 cases
Get the offender to apologise to me	103 cases	107 cases
Offender should have paid me for the loses I had to suffer	111 cases	45 cases
Offender should return my property	134 cases	37 cases
Police should have kept me informed about the proceedings (arrest, prosecution, trial date, and/or sentence)	112 cases	53 cases
Police should have worked harder to apprehend the offender	107 cases	35 cases
Offender should have been given a more severe sentence	55 cases	13 cases
Given an opportunity to participate in processes to reconcile with the offender	41 cases	8 cases

From the data in Table 7 above, it appears victims value the opportunity to meet with their offenders face-to-face to tell them how they feel, as well as having their property returned and their costs being recovered, as some of the most important things that could be done for them as victims of crime.

The Service Charter of Victims of Crime (SCVC) is an important guideline for victims, specifically regarding their rights to specific services. Participants were probed on their knowledge on the SCVC, and in both surveys the large majority (respectively 93.01% and 85.03%) indicated they have never heard about this document, as can be seen in Figure 25 below.

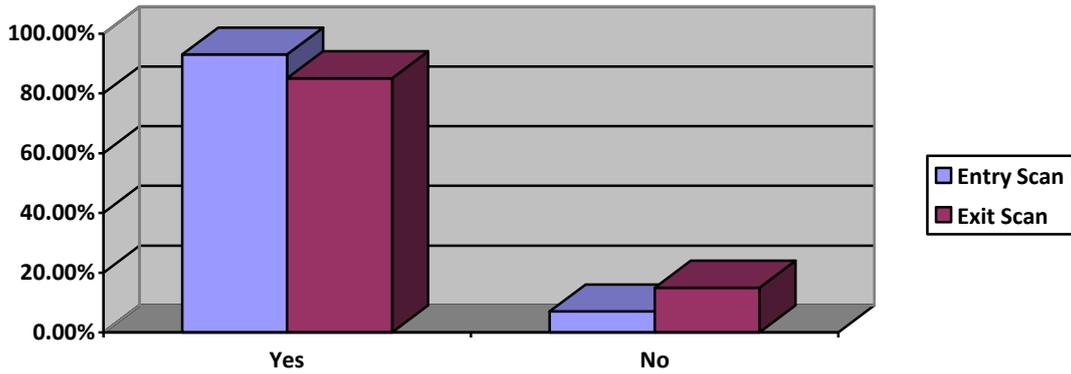


Figure 25: Participants' indication of knowledge on the Service Charter of Victims of Crime

The data in Figure 25 indicate that victim empowerment may be an area that requires more attention. Victim empowerment is a vital element in Restorative Justice, and as such victims should be well aware of their rights and the documents that guide such rights.

The small percentages of participants who indicated they knew something about the SCVC provided the following explanations to their answers (amongst others):

- A victim has a right to continue the case if he/she is not satisfied about the manner it has been handled
- It's a victim support act which support them
- The victim has a right to be given the full of service as a result of dealing with the case
- They also have right to privacy

In addition to the SCVC, victims were probed on their knowledge regarding Restorative Justice (RJ). With this question the large majority (85.66%) of participants in the entry scan indicated they did not know what RJ is. However, more than half (52.55%) of the participants in the exit-scan indicated they knew what RJ was. This may be as a result of more participants exposed to JARP during the exit-scan. This is a positive reflection on the JARP programme, for creating awareness and increased understanding amongst participants regarding the meaning of RJ. The findings hereof are displayed in Figure 26 below.

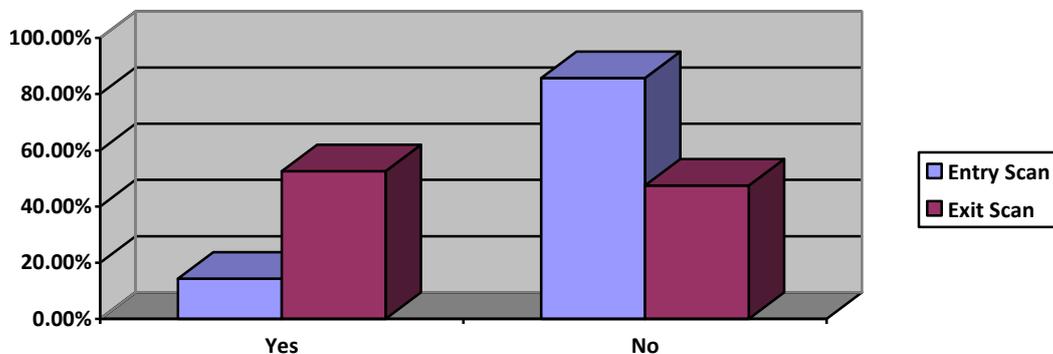


Figure 26: Participants' indication of knowledge of Restorative Justice

The noteworthy percentage of victims, who indicated they do know something about RJ during the exit-scan, provided the following answers (amongst others):

- It is when the victim and offender get to meet the neutral party and given a chance to talk face to face with a purpose of restoring their lost relationship
- A lost relationship is being restored in a manner of justice and peace by social workers
- A process or program of restoring peace within the individuals or community
- Creation of peace between two members that don't see things well together
- Getting an opportunity to sit down with the offender and discuss your issues
- Heal / Restore
- Healing relationships
- Helps bring peace and harmony into society
- I am able to express my feelings in letting the person who hurt me know how I feel , it was not okay what he done to me
- Is where you put right , the learn from wrong from right
- It a way of offering second chances to make up for the wrong we have made while promoting healing peace
- It helps people to sort out their indifferences taking into consideration the interest of the two parties involved
- It helps to explain his side of the story
- It is to rebuild relationship and justice within
- It means solving the crime, coming to a conclusion and solution
- It whereby there is a way of restoring peace between
- It's to help the offender and the victim
- Making amends
- Making it right
- Mediation
- Mediation / counselling
- Offender and victim meet to restore issue and amend broken relationship an meal
- Resolve issues
- Restoring a victim
- RJ gives people a platform to resolve matters on their own
- RJ is a kind of justice that resolves issues while taking into consideration their needs and interests
- RJ is a way of making up for our past mistakes and doing what is right to the victim
- RJ promote peace, security and healing while resolving the issue on hand
- RJ seeks to promote healing to both parties involved and restored what was lost and damaged
- RJ unites people while taking care of their needs and interest
- They help people in any matter
- To bring two people who are fighting to come with a solution
- To make peace between two parties
- When you restore justice for the victim

From the participants' above explanations of their understanding of RJ, it can be seen they have a relatively clear and good understanding of the term. Answers such as "RJ is a way of making up for our past mistakes and doing what is right to the victim" and "RJ seeks to promote healing to both parties involved and restored what was lost and damaged" support this statement.

Lastly, participants who have been victimised were asked if they were given a chance to meet their offenders in a session with a neutral third party present, whether they would. The findings hereof are displayed in Figure 27 below.

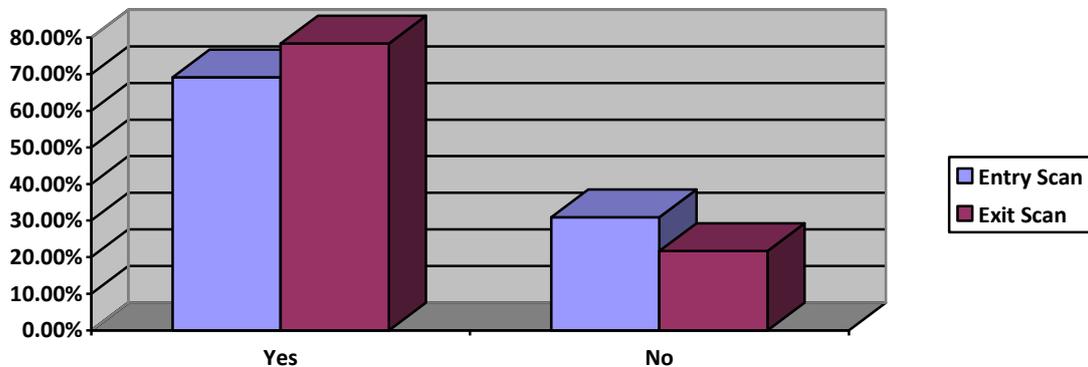


Figure 27: Victims' indication whether they would agree to meet their offenders

The findings in Figure 27 depict that there was an increase in the percentage of participants who would be willing to meet their offender from the entry- to the exit-scan (from 69.11% to 78.33%). This may be due to some of these victims already having met their offenders and indicating they would do so again, if they had to choose again. This is a positive reflection on JARP and its' ability to make victims feel heard and safe during a mediation process.

Those victims (respectively approximately 70% and 80%) who indicated they would meet their offenders provided the following reasons, as depicted in Table 8 below.

Table 8: Indication of why participants would meet their offenders

What more could be done	Entry Scan	Exit Scan
To find out why he/she committed the crime	253 cases	114 cases
To explain how I as a victim felt	156 cases	165 cases
To find out if he/she feels sorry for their actions	134 cases	165 cases
To ask him if he is willing to pay for the harm he has caused	85 cases	73 cases
To find out if he/she is willing to do community service	41 cases	28 cases
To ask him to pay for or return the property he/she stole	97 cases	47 cases
To try and reconcile with him/her because he/she is a close family member/friend/neighbour/relative	52 cases	47 cases

The data in Table 8 depicts the main reasons why victims would like to meet their offenders included to find out why he/she committed the crime, to explain how they as victims felt, and to find out if the offender feels sorry for their actions.

Of those victims (approximately 30% and 20%) who indicated they would not want to meet their offenders provided the following reasons (amongst others):

- A fight will start
- Don't like to meet with them anymore
- I do not forgive easily but I will try work on it
- I will get angry , lose my temper
- Not interested in doing so
- There's nothing to talk with him anymore because the police have done their job
- They said I could not
- They will hold a grudge
- To difficult to look at the person who did so much harm to the family,
- because when he did all those crimes , he had no remorse
- What is done is done, and all the things I have lost are not there anymore also I don't want to go back and talk about it

The above answers from some of the victims that indicated they would not like to meet their offender highlight the need for processes such as that offered by JARP. Victims that fear “a fight will start” or that feel “what is done is done”, would benefit from RJ processes, in order to be given a chance to express their feelings and deal with these emotions.

4.2.2 Criminal Behaviour Information

This section provides the reader with the information related to those participants that indicated they or a close family member have committed a crime to date.

Firstly, participants were asked whether they or any of their immediate family have ever been arrested for a criminal offence. The findings hereof are displayed in Figures 28 and 29 below.

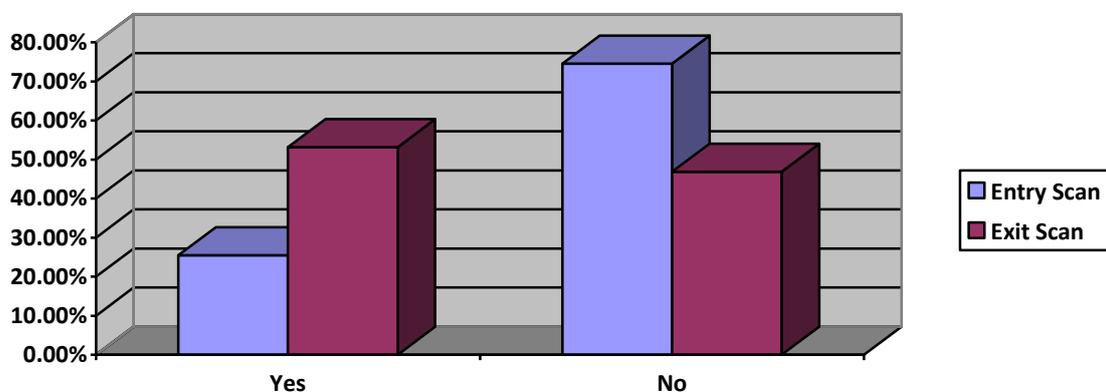


Figure 28: Participants' indication whether they have ever been arrested for a criminal offence

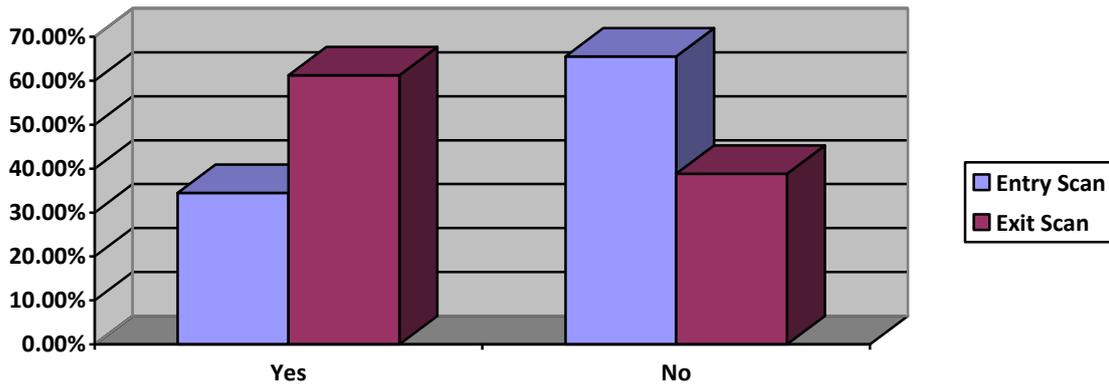


Figure 29: Participants' indication whether any of their immediate family members have ever been arrested for a criminal offence

In both Figures 28 and 29 more participants during the exit-scan (respectively 53.13% and 61.21%) indicated they or their family members have been arrested for a criminal offence, as than during the entry-scan (respectively 25.44% and 34.48%). Similar findings were depicted earlier in Figures 13 and 14, in that more participants (respectively 69.26% and 64.91%) in the exit-scan indicated they or a family member have been victimised than during the entry-scan (respectively 51.14% and 55.78%). Similarly with the data depicted in Figure 7 earlier, were it was shown that more participants in the exit-scan (63.88%) indicated they have been involved in a crime incident, whether it was as a victim, offender, or witness, than during the entry-scan (44.60%).

The above findings may be because participants in the exit-scan were more comfortable about talking about their victimisation, offences, and experiences with criminal incidents, due to their increased involvement with JARP and RJ, as these are more non-judgemental spaces than the criminal justice system.

Participants were further asked to provide additional information on this offence, including what type of crime was committed, who the victim was, and the reason why the crime was committed. The findings hereof are displayed below and in Table 9 to 10 below.

Table 9: Types of crimes committed by the participants

Crime Committed	Entry Scan	Exit Scan
Theft	102 cases	120 cases
Shoplifting	36 cases	86 cases
Assault	88 cases	78 cases
Hijacking	20 cases	17 cases
Assault GBH	30 cases	34 cases

Crime Committed	Entry Scan	Exit Scan
Indecent assault	19 cases	29 cases
Drunk driving	39 cases	22 cases
Drug-related	37 cases	19 cases
Burglary	9 cases	9 cases

The data in Table 9 depicts theft, assault, and shoplifting to be some of the more prevalent crimes recorded during these two surveys.

Table 10: Indication of victims during the participants' criminal behaviour

Victim	Entry Scan	Exit Scan
Wife	7.6%	24.05%
Husband	6%	24.34%
Neighbour	17.2%	13.49%
Stranger	24.8%	11.14%
Friend	18.4%	8.5%
Employee	5.69%	4.11%
Employer	6%	5.87%
Boyfriend	5.2%	1.17%
Girlfriend	8.8%	7.33%

Similarly than the findings previously depicted in Table 4, the majority of victims affected by the offenders' behaviour were family, such as spouses, close friends, and neighbours.

The reasons indicated by the participants as to why they or their immediate family members committed the specific crimes, included the following, as depicted in Table 11 below.

Table 11: Reasons indicated by the participants as to why they committed the crime

Reason	Entry Scan	Exit Scan
I needed money	101 cases	130 cases
I was provoked	49 cases	109 cases
I was under the influence of alcohol	110 cases	75 cases
I was taking drugs	45 cases	38 cases
I did it with my friends	31 cases	26 cases
I was angry	26 cases	43 cases
That is how one resolves conflict	9 cases	9 cases

According to the data in Table 11, the reasons most given for the offenders' behaviour included they needed money, they were provoked, and they were under the influence of alcohol.

Participants were subsequently asked whether they or their immediate family members were charged and tried in court for the criminal offence. It can be seen in Figures 30 and 31 below that the large majority (respectively approximately 70% and 82%, as well as 75% and 76%) of these individuals were charged after the criminal offence and the case continued to court.

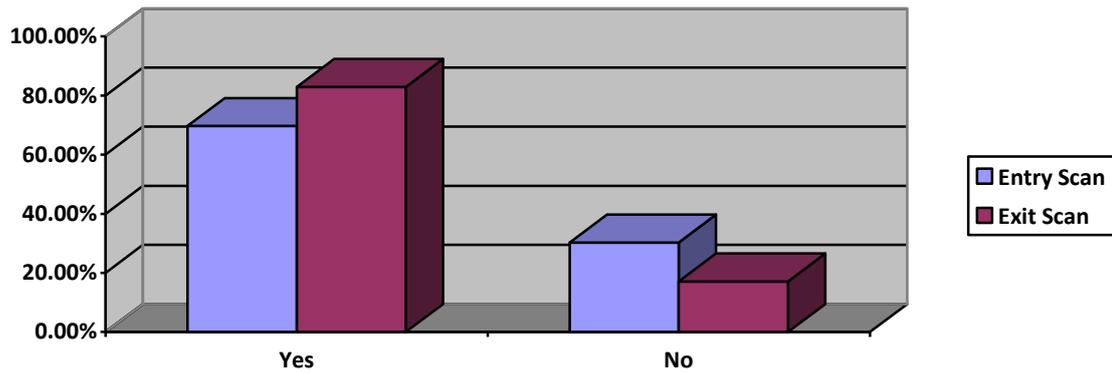


Figure 30: Indication of offenders charged after criminal incident

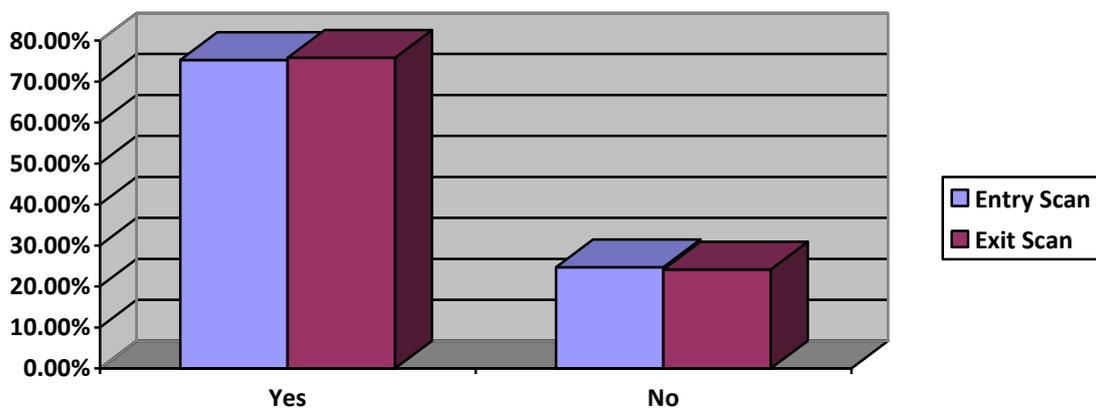


Figure 31: Indication of reported criminal incidents tried in court

The data in Figure 31 depicts that in both entry- and exit-scan almost a quarter (respectively 24.18% and 24.72%) of the participants' cases were not tried in court. Of these participants who indicated their cases were not tried in a court, the following reasons were provided (amongst others) for this:

- Charges were dropped by the prosecutor
- I was referred for mediation
- It was referred to Khulisa by the court
- It was taken to Khulisa for Mediation
- Referred to Khulisa for mediation
- They said that they don't get my docket
- They withdrew the charges because of other reasons
- Victim recovered vehicle

Participants were further probed on details relating to the court case, including how long after the crime the case was heard in the court, the length of the court case, and the outcome of the court case. The findings hereof are displayed in Figures 32 to 34 below.

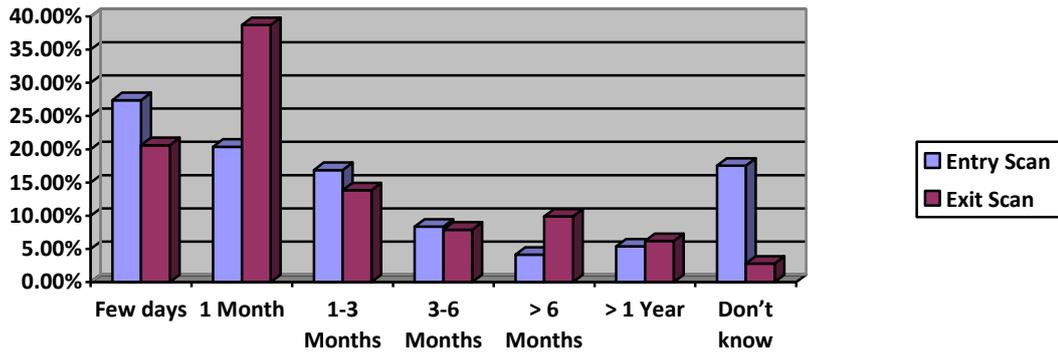


Figure 32: Indication of how long after the criminal incident the case was heard in court

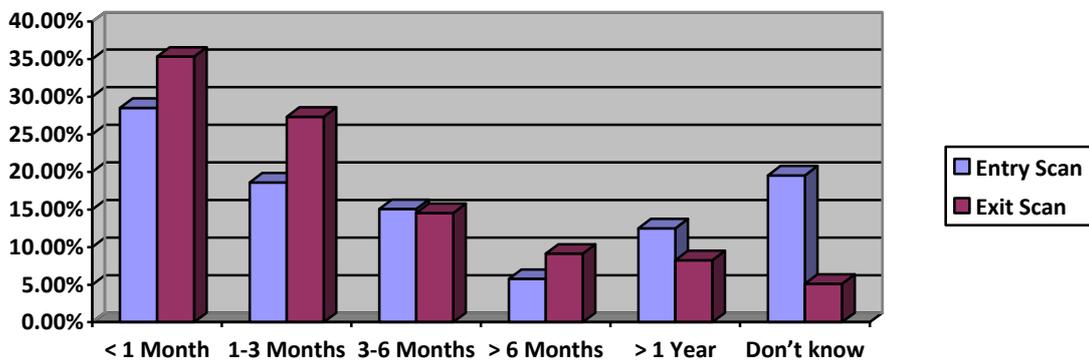


Figure 33: Indication of the length of the court case

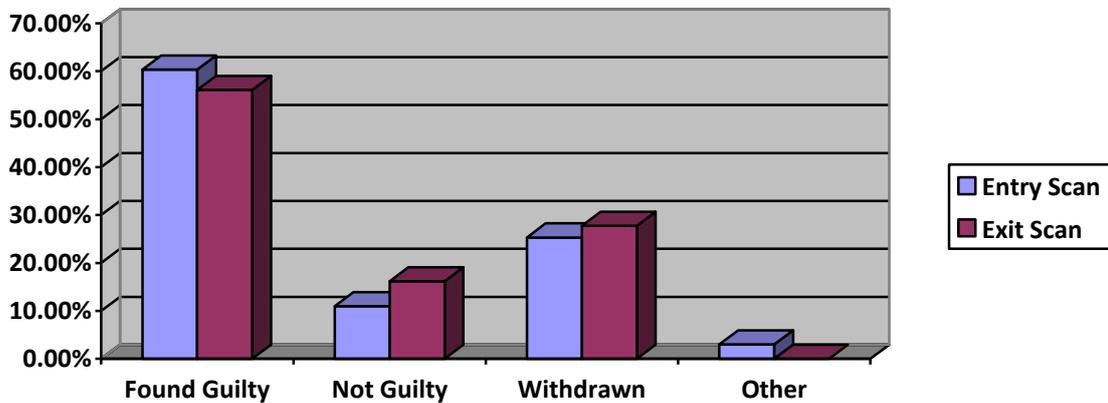


Figure 34: Indication of the outcome of the case

In order to measure and compare the impact of JARP before and after the programme roll-out, it was important to establish whether the participants have been involved with JARP. As such, in both the entry- and exit scan participants who indicated they have been arrested for criminal behaviour were also asked whether the case was referred to and mediated through JARP. The findings hereof are displayed in Figure 35 below.

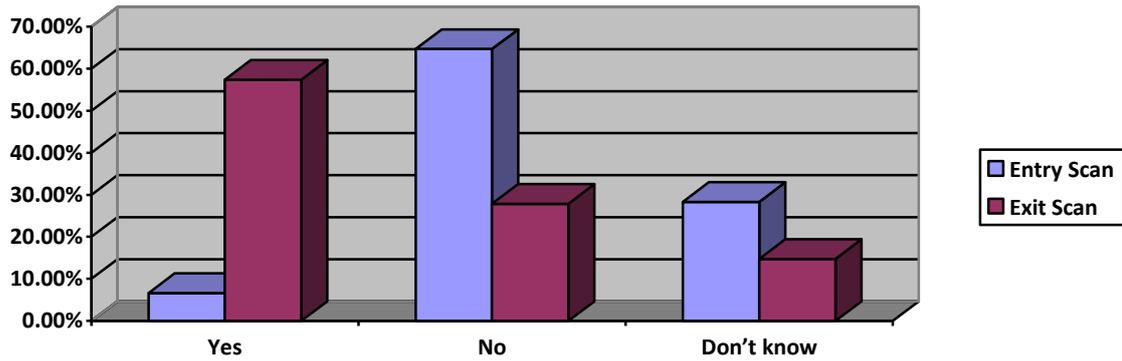


Figure 35: Indication of whether criminal incidents were referred to and mediated through JARP

From the data in Figure 35 it can be seen that more cases of the offenders were referred to JARP at the time of the exit-scan (57.38%), than during the entry-scan (6.62%). Similar findings were shown earlier in this report, regarding participants who indicated they have been victimised. In Figure 23 it was depicted that noteworthy more victimisation cases were heard through JARP at the time of the exit-scan (44.99%), as compared to that of the entry-scan (2.82%). The data in Figure 11 also depicted that more participants in the exit-scan (56.32%) participated in JARP than participants during the entry-scan (5.68%), whether they were victims, offenders or just witnesses of a crime incident.

Participants were subsequently asked whether they feel justice has been done. Similarly with the victims in these two surveys, again during the entry-scan fewer participants indicated justice was done, and more participants during the exit-scan indicated similarly. During the entry-scan almost half (45%) of the participants indicated they felt justice has not been done. In addition, during the exit-scan almost three quarters (72.09%) of the participants indicated they felt justice has been done. This data is depicted in Figure 36 below. When considering that the large part of the cases during the entry-scan were tried or resolved in court, it can be assumed that the criminal justice system failed these individuals. On the other hand, considering almost 60% of the cases in the exit-scan were referred to and completed at JARP, it can be assumed that this contributed to justice being served to these participants.

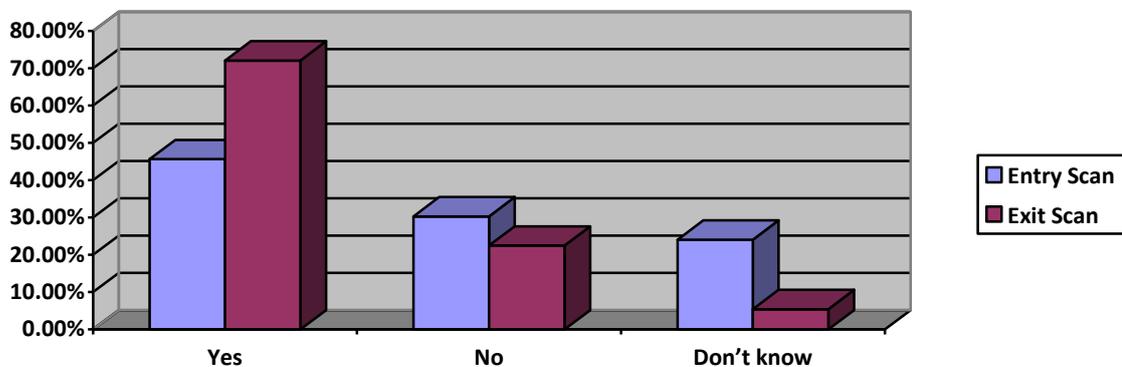


Figure 36: Participants who committed an offence's indication whether justice has been done upon finalisation of their cases

Participants were also asked to provide a reason for their answer regarding justice being done. Their answers included (amongst others):

- After mediation we made an agreement and withdrew the case
- Decision that was made there are fair and satisfying
- Family member was wrong should be punished
- Given a chance to express how I feel about the crime and access to justice
- He was given 6 years
- I am so glad about the opportunity they gave me to fix things I have messed
- I apologised to my employer and returned back his money
- I came to my senses and understood what I did was wrong
- I feel fantastic
- I got what I wanted
- I know I was wrong, I deserve the sentence they gave me even if it was something I did not expect
- I was able to apologise
- I was able to apologise to the victim and I was given a chance to make up for my wrong doings
- I was able to ask for forgiveness and given a second chance to do things right
- I was able to talk to the victim and ask for forgiveness and a second chance
- I was found guilty and the shop owner deserved the full rights to arrest me
- I was found guilty for the second time , I deserved it
- I was found not guilty of crime
- I was given a second chance to make things right , for the victim and offender
- I was given a chance to apologise to my friend and amend our relationship
- I was given a chance to mend my relationship with my neighbour
- I was given a chance to speak to the victim face to face and get to know how she feel
- I was given a chance to talk to the victim and say sorry to about the impact of crime
- I was given a second chance
- I was not arrested but given a warning and I was able to apologise for my wrong doing
- I was punished for my crime
- It was able to apologise to the victim and return the stolen goods
- It was left to us whether we wanted to resolve this matter and we took the advantage
- Khulisa people helped us came up with our own solutions without taking any sides
- Me and the victim had a chance to resolve the issue without going to court
- Mediation really helped us to re-unite again and put our differences aside
- My partner and I were given a chance to talk and try to solve the issue we had and were assisted by mediators
- Since I was on the wrong I was given a chance to account for my actions
- They are Jailed for their crimes
- They have given me a chance to talk to the victim and apologise
- They have let me talk to the victim and we have made a fair agreement assisted by them
- They should of not arrested me but gave me a chance for what I stole
- They were given a chance to explain how did the incident affect their relationship of ours

- Through mediation were able to sort out indifference and be neighbours again
- To apologise to my husband for abusing him all the time
- Vehicle was returned
- We could resolve the problem on our own without the involvement of the court
- We managed to keep a health relationship between me and my boss
- We were able to resolve the issue on hand
- We were given a chance to make things right between us with no one going to jail, we are happy now

The answers above depict qualitative information of what ‘justice done’ meant for the participants in both surveys. Answers such as “Mediation really helped us to re-unite again and put our differences aside” and “I was given a chance to speak to the victim face to face and get to know how she feel” support this statement.

Restorative Justice is the foundation of JARP. As such, both participants who indicated they have been victimised and those who have committed a crime, were probed on their knowledge on Restorative Justice.

The data below in Figure 37 depict the participants’ indication whether they know anything about RJ. It can be seen that during the entry scan only a small percentage (15.67%) indicated they know something about RJ. However, during the exit-scan two thirds (66.05%) of the participants indicated they know something about RJ.

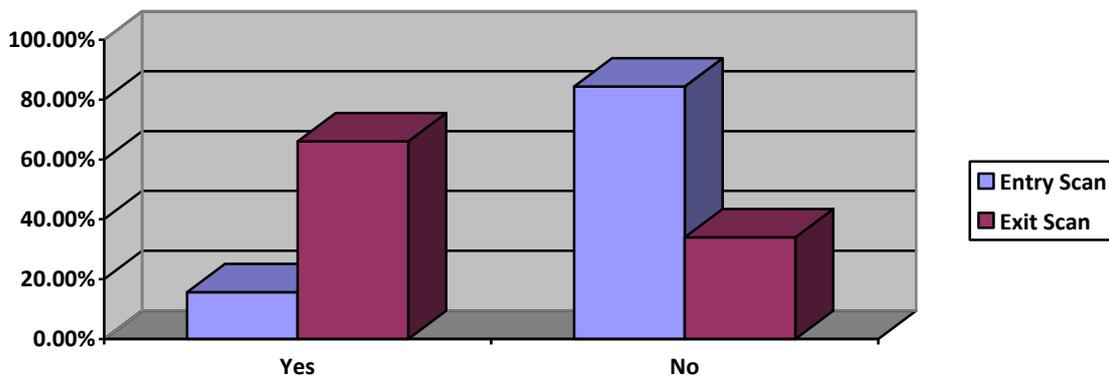


Figure 37: Offenders’ indication whether they know anything about Restorative Justice

The above depict similar findings than that in Figure 26, where victims were probed on their knowledge on RJ. It was seen that the large majority (85.66%) of victims in the entry scan indicated they did not know what RJ is. However, more than half (52.55%) of the participants in the exit-scan indicated they knew what RJ was.

The findings in Figures 26 and 37 may be as a result of more participants exposed to JARP during the exit-scan. This is a positive reflection on the JARP programme, for creating awareness and increased understanding amongst participants regarding the meaning of RJ.

Of those who indicated they know something about RJ, the following explanations were provided (amongst others):

- A process where peace and access to justice has been done
- About making peace
- Counselling people
- Creating peace and justice been stored forever because we given open talk programme
- For me it means rebuilding relationships, characters and moral values
- Healing
- Healing relationships
- It means being able to make things right without the involvement of the court
- It is a kind of justice that seeks to promote peace and healing to both partners
- It is a process whereby partners who have a dispute come and solve their problem
- It is resolving conflict
- It is the alternative way for people to resolve their issues rather than going to court
- It is to make peace
- It seeks resolve issues while promoting peace and healing
- Making amends
- Making of peace where it is lost
- Making peace that has lost within you and others
- Mediation
- Rehabilitation / healing
- RJ is a kind of justice that brings about change, growth and peace in people's lives
- RJ is another way of making wrong, right while taking care of the need and interest of the parties
- RJ makes peace and it prevents further harms
- RJ means doing justice while correcting the situation and taking into consideration the needs of the parties
- RJ means to deal with a problem taking into consideration the needs of the offender and the victim
- RJ means to restore peace, healing while resolving issues decisively
- RJ promotes healing and restores relationships
- RJ puts the interests and needs of the parties first while solving the issue in a mutual manner
- RJ Seeks to bring change in people's lives and behaviour
- Sitting down with the neutral party/ social worker helping you out to resolve the issue and store peace
- Solving crime and coming to a solution
- The way of finding justice and resolve the unresolved issues
- To bring peace to people who were fighting
- To make things right
- To make up for the things or relationship that has been interrupted during crime
- To me it means been given a second chance to make things right for the victim, myself and the community as a whole
- To rebuild peace and justice between the candidates
- To speak about our problems
- When justice is restored for the victim
- Where conflict becomes conflict anymore but only justice and creature of peace
- Where peace was lost is going to be restored
- Where they help people
- You are given a chance to face the victim and talk confidential with a neutral third party to assist you
- You as a offender meet the victim and try to restore peace is lost between you

The above answers from participants support the statement that these participants have a good understanding of RJ, with answers such as “RJ is another way of making wrong, right while taking care of the need and interest of the parties” and “To me it means been given a second chance to make things right for the victim, myself and the community as a whole”.

Khulisa JARP, include RJ processes, such as victim-offender mediation and community dialogue circles. As such, participants who indicated they or a family member have committed a crime, were asked whether if they were given a chance to meet the victim of the crime in a session with a neutral third party present, if they would want to participate. The findings hereof are displayed in Figure 38 below.

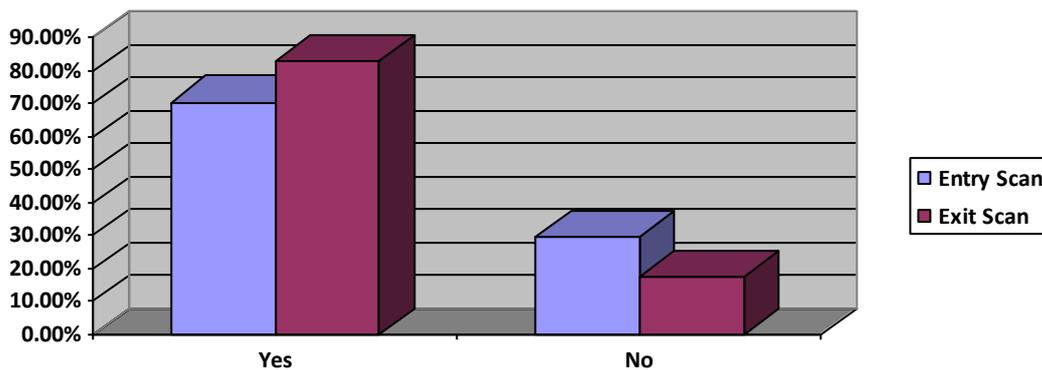


Figure 38: Offenders’ indication whether they would like to participate in mediation session with the victim

The data in Figure 38 depicts that those participants that indicated they would meet with their victim to participate in a mediation session have increased from 70.56% to 82.7%, from the entry-scan to the exit-scan. This may again be indicative of those participants during the exit-scan who have already met with their victims through JARP that would again make that same decision if given the option, thus reflection their satisfaction with the process. Of the participants who indicated they or their family members would like to participate in a mediation session with a third neutral party, provided the following reasons for their answer, as shown in Table 12.

Table 12: Reasons indicated by the participants as to why they would participate in a mediation session with their victim

Reason	Entry Scan	Exit Scan
To explain what happened	101 cases	130 cases
To apologise / say sorry	49 cases	109 cases
To offer compensation for the harm I caused	110 cases	75 cases
To pay for hospital / doctor’s expenses	45 cases	38 cases
To return the property I stole	31 cases	26 cases
To pay for the things I stole	26 cases	43 cases

From the above answers given by the offenders it can be seen the reasons why they would like to meet with their victims for mediation, included to explain to the victims what happened, to apologise or say sorry, and to offer the victim compensation.

Of the participants who indicated they would not want to meet with their victims, the following reasons were provided for their answer:

- A Family member was concerned not me
- I don't want this anymore
- I'm embarrassed
- I'm too ashamed of what I did
- Just don't
- No cause of what he has done

The above answers from some of the participants that indicated they would not like to meet their victim highlight the need for processes such as that offered by JARP. Offenders that "feel ashamed" or "embarrassed" of what they did, would benefit from RJ processes, in order to be given a chance to express their feelings.

5. Conclusion

The main purpose of this community scan was to gather pre- and post data in the community where the Khulisa JARP programme ran, in order to be able to measure the impact of this programme on the specific community members' perception of access to justice, crime and victimisation, and the Criminal Justice system. The Khulisa Justice and Restoration Programme ran from March 2010 to April 2012, and was funded by the European Union (EU).

In order to utilise this community scan as an evaluation tool for JARP, Khulisa completed an entry-community scan at the beginning of the programme, as well as an exit community scan at the end of the programme. The results and comparisons of these two surveys were depicted in this report.

This community scan specifically gathered data in 6 communities across Kwa-Zulu Natal, relating to crime, victimisation, access to justice, and perceptions about justice. More specifically, participants were probed on their involvement with crime and victimisation, their involvement with JARP (if any), services they could access after and during the finalisation of the criminal incident, and whether these participants feel justice has been done, whether through the criminal justice system or through Restorative Justice, such as JARP.

The **main findings** in this community scan included:

- **More participants in the exit-scan participated in JARP than those in the entry-scan** whether they were victims, offenders or just witnesses of a crime incident. It was noted that overall in the exit-scan (56.32%) participated in JARP and only (5.68%) during the entry-scan. Similar findings were depicted when offenders and victims were asked separately regarding their involvement with JARP. More cases of the offenders were referred to JARP at the time of the exit-scan (57.38%), than during the entry-scan (6.62%). In addition, noteworthy more

victimisation cases were heard through JARP at the time of the exit-scan (44.99%), as compared to that of the entry-scan (2.82%).

- It appeared that **participants in the exit-scan were more comfortable to talk about their victimisation, offences, and experiences with criminal incidents**, due to their increased involvement with JARP and RJ, as these are non-judgemental spaces than the criminal justice system. It was noted that more participants in the exit-scan (63.88%) indicated they have been involved in a crime incident, whether it was as a victim, offender, or witness, than during the entry-scan (44.60%). Similar findings were depicted for the respective victims and offenders who answered this question, in that more participants (69.26%) in the exit-scan indicated they or a family member have been victimised than during the entry-scan (respectively 51.14%); and more participants during the exit-scan (61.21%) indicated they or their family members have been arrested for a criminal offence, as than during the entry-scan (25.44%).
- **Participants in the exit-scan were more satisfied with the services they received from the courts and police than those during the entry-scan.** This may be as a result of more participants in the exit-scan being involved with JARP also, as concluded above. Services received by these participants were more integrated through JARP and collaboration between JARP, police and the courts may have increased satisfaction rates for these participants, compared to those who were only involved with criminal justice system. Only 7.30% of the entry-scan participants indicated the strongly agree they received a good service from the courts and police, compared with the 18.49% of the exit-scan that indicated similarly. In addition, when asked to rate the services received from the police and courts respectively, in both cases during the exit-scan (respectively 22.63% and 26.06%), considerably more participants answered 'very good' than during the entry scan (8.99% and 8.93%). In both surveys noteworthy percentages (respectively 48.29% and 38.71%) of these victims indicated they were not satisfied with how the police dealt with the incident. In addition, respectively 11.82% and 8.53% of the participants indicated they were angry with the manner in which the police dealt with their victimisation cases. In addition, similarly than previously noted, it appears those participants in the exit-scan who were more involved with JARP, were more satisfied (42.40%) with the police than those in the entry-scan (31.16%).
- **JARP may have an increased ability to keep participants updated on their cases**, in comparison with the criminal justice system. This can be seen in the findings that the victims in the exit-scan (66.25%) were more informed about the progress of their cases than those victims in the entry scan (40.72%). As more victims in the exit-scan were involved with JARP than during the entry scan, it may be concluded they were more informed as a result of JARP.
- **Victim empowerment may be an area that requires more attention.** The Service Charter of Victims of Crime (SCVC) is an important guideline for victims, specifically regarding their rights to specific services. Participants were probed on their knowledge on the SCVC, and in both surveys the large majority (respectively 93.01% and 85.03%) indicated they have never heard about this document. Victim empowerment is a vital element in Restorative Justice,

and as such victims should be well aware of their rights and the documents that guide such rights.

- **JARP exposed participants more to Restorative Justice and as such increased their knowledge and understanding on RJ.** This is a positive reflection on the JARP programme, for creating awareness and increased understanding amongst participants regarding the meaning of RJ. Victims were probed on their knowledge regarding Restorative Justice (RJ). The large majority (85.66%) of victims in the entry scan indicated they did not know what RJ is. However, more than half (52.55%) of the victims in the exit-scan indicated they knew what RJ was. In addition, offenders were also probed on their knowledge of RJ. It was seen that during the entry scan only a small percentage (15.67%) indicated they know something about RJ. However, during the exit-scan two thirds (66.05%) of the participants indicated they knew something about RJ. This may be as a result of more participants exposed to JARP during the exit-scan.
- **There was an increase from the entry-scan to the exit-scan in participants indicating willingness to meet with the other party for mediation or RJ processes.** This may be due to some of these victims and offenders already having met the other party and indicating they would do so again, if they had to choose again. This is a positive reflection on JARP and its' ability to make victims and offenders feel heard and safe during a mediation process. It was noted that there was an increase in the percentage of victims who would be willing to meet their offender from the entry- to the exit-scan (from 69.11% to 78.33%). In addition, those participants that indicated they would meet with their victim to participate in a mediation session have increased from 70.56% to 82.7%, from the entry-scan to the exit-scan. This may thus reflection satisfaction with the process by victims and offenders who have participated in such processes at the time of the exit-scan.
- **JARP made justice more accessible to participants.** JARP aims to make justice more accessible to individuals and communities. As such, participants in both the entry- and exit-scan were asked whether their previous involvement in JARP made justice more accessible. More than half (approximately 60%) of those participants that were involved JARP at the time of the entry-scan indicated they strongly agree or agree that JARP made justice more accessible to them. In addition, during the exit-scan the large majority (82.62%) indicated that justice was more accessible to them due to JARP.
- **JARP resulted in victims and offenders feeling justice has been done.** Participants were probed whether they feel justice has been done at the end of their cases. It was noted that during the entry-scan almost half (45%) of the offenders indicated justice has not been done. In addition, during the exit-scan almost three quarters (72.09%) of the offenders indicated justice has been done. When considering that the large part of the cases during the entry-scan were tried or resolved in court, it can be assumed that the criminal justice system failed these individuals. On the other hand, considering almost 60% of the cases in the exit-scan were referred to and completed at JARP, it can be assumed that this contributed to justice being served to these participants. Additionally, victims were asked whether they feel justice has been done and a fair result was achieved. More than half (55.95%) of the victims in the

entry-scan indicated 'No'. It is important to remember that again most of these victimisation cases were done through the criminal justice system. As such, this may indicate these victims felt the traditional criminal justice system failed them. In addition, during the exit-scan a noteworthy 60.51% of the victims indicated they felt justice was done. It appears these victims were more at peace with the justice they received through JARP.

Participants in both the entry- and exit-scan were probed on their overall impression of Khulisa JARP. It was depicted that in both the entry- and exit-scans just less than three quarters of the participants (respectively 73% and 74.58%) indicated they received good or very good services through Khulisa JARP.

From the above main findings of this community scan, it can be seen there are clear needs for additional forms of justice and where participants did receive such through JARP, they were of the opinion justice was served and that they had increased access to justice. Participants who were involved with JARP gained a better understanding and increased knowledge on Restorative Justice.