Assessing the State of South African Prisons

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INTRODUCTION

The state of prisons in South Africa is an issue of current concern. In an attempt to understand the breadth of the problem, this article sets out to assess the extent of overcrowding in prisons in South Africa and makes suggestions for future research. This article is part of a larger research project on South African prisons. It aims to advance the debate by providing a broad overview of the current issues faced by the Department of Correctional Services. It also considers the environment in which prisoners are housed and suggests alternative mechanisms which can be used to alleviate current problems in prisons.

The substantial rise in South Africa's prison population is of great concern and indications are that it will continue to increase. Government, in the run-up to the national elections in 1999, is tapping into the retributive sentiment of citizens, making plans for bigger and better prisons and implementing tougher bail conditions and longer sentences. However, when considering developed countries, such as the United Kingdom and the United States, building and filling more prisons are proving to be expensive.

This article will discuss the crisis in South African prisons, highlighting the various variables contributing to the rising prison population. It aims to contextualise the South African debate by providing international comparisons and examining the prison environment in South Africa. Prisons are not the ideal means of dealing with criminals, since many return to the community and commit further crimes. Such recidivism is a contributing factor to the high crime rate in South Africa. A non-prison penalty is a more rational route for criminals found guilty of most crimes in order to achieve protection, recompense victims for the harm done, and a solution that might reduce crime rates in future. Such alternative mechanisms of sentencing, including community sentences, reintegrative shaming, as well as restitution and compensation, are not being prioritised by the South African government. Such measures must be considered if South Africa does not want to follow other countries' policies of mass incarceration.

THE PROBLEM OF PRISON

The problems in South Africa's overcrowded prisons are slowly building, with potentially explosive consequences. The population has increased by an additional 36,280 from 1984/85 to 1998 (see Figure 1). South Africa's 231 prisons
contained 146 435 inmates at the end of March 1998. This represents a prison population that is 47.31 per cent over capacity, and the problem is expected to get worse.\footnote{Pollsmoor, in the Cape peninsula, one of the most overpopulated prisons in the country, is 39.64 per cent fuller than it should be.\footnote{By 1999, the population is expected to rise to 156 000 (see Figure 2).} By 1999, the population is expected to rise to 156 000 (see Figure 2).} Although the rising prison population in South Africa is of great concern, it is certainly not just a South African problem, but an international phenomenon. In countries of the developed world, such as the UK and the US, prison populations are increasing each year. At the end of November 1997, the prison population in England and Wales stood at 63 868 compared to just over 40 000 only five years before.\footnote{This steep rise in imprisonment is not a result of increasing crime, but a consequence of sentencing reforms, initiated by the conservative government, which were seen as an attempt to safeguard the public and reinforce faith in the criminal justice system with proof that 'prison works'.\footnote{The increase in the prison population from May to November 1997 (60 000 to 63 000), suggests that many of these policies have been continued by the new labour government.\footnote{For example, mandatory sentencing has been implemented. The British Home Office estimates that the population will increase to 92 600 in 2005, assuming that further increases will occur in the proportions of prisoners sentenced to prison, with the duration of sentences remaining constant.\footnote{It is not known where all these prisoners will be housed, as the planned six new prisons will not be taking inmates for several years.}}.\footnote{The increase in the prison population from May to November 1997 (60 000 to 63 000), suggests that many of these policies have been continued by the new labour government.\footnote{For example, mandatory sentencing has been implemented. The British Home Office estimates that the population will increase to 92 600 in 2005, assuming that further increases will occur in the proportions of prisoners sentenced to prison, with the duration of sentences remaining constant.\footnote{It is not known where all these prisoners will be housed, as the planned six new prisons will not be taking inmates for several years.}}.\footnote{The increase in the prison population from May to November 1997 (60 000 to 63 000), suggests that many of these policies have been continued by the new labour government.\footnote{For example, mandatory sentencing has been implemented. The British Home Office estimates that the population will increase to 92 600 in 2005, assuming that further increases will occur in the proportions of prisoners sentenced to prison, with the duration of sentences remaining constant.\footnote{It is not known where all these prisoners will be housed, as the planned six new prisons will not be taking inmates for several years.}}.\footnote{The increase in the prison population from May to November 1997 (60 000 to 63 000), suggests that many of these policies have been continued by the new labour government.\footnote{For example, mandatory sentencing has been implemented. The British Home Office estimates that the population will increase to 92 600 in 2005, assuming that further increases will occur in the proportions of prisoners sentenced to prison, with the duration of sentences remaining constant.\footnote{It is not known where all these prisoners will be housed, as the planned six new prisons will not be taking inmates for several years.}}
Britain's 'getting tough' initiative seems to be following America's policy of mass incarceration. America has the highest prison population in the world, reaching almost 1.7 million in 1996, increasing by about seven per cent per year since 1990. More prisons, particularly private ones, have been and are still being built to alleviate overcrowding. The costs of running America's constantly expanding prison system amounts to approximately US $30 billion a year. Britain is facing similar expenditure increases with the urgent need to build more prisons. The costs are approximately £9 million for a new prison and £24 000 per prisoner per year. Some of these costs have been masked by joint financing arrangements with the private sector, under which most new establishments are being built.8

Recent developments in South Africa suggest that it is also heading towards becoming a punitive society. In February 1998, there were 382 people per 100 000 of the population in prison. This is the highest rate in Africa, compared to Algeria where the rate was 125 in 1996, Nigeria with 61 and Cameroon with 116.9 Contradictory prison statistics from various sources suggest that such figures are unreliable.10 It is better to compare South Africa's rate with that of Russia, another country transforming from an authoritative regime to a democracy, as both countries show similar trends of imprisonment. Since the fall of the Berlin Wall, the history of imprisonment in Eastern Europe and countries of the former Soviet Union have shown two distinct phases.

Initially in Eastern Europe, prison populations decreased as political prisoners were released and new prison directors were appointed. In varying
numbers, existing staff were dismissed or chose to leave, and penal executive codes were introduced or planned to fulfil one of the requirements to become a member of the Council of Europe.

Secondly, as argued by King, “prison systems have been required to respond to the anomic problems of fledgling market economies; in the inevitable timelag between the establishment of new systems of production and distribution, criminal activity is perceived to be filling the vacuum created by the collapse of the old communist systems.”11 Thus, prison populations grew dramatically.

The prison population in Poland has increased by more than fifty per cent in four years, without creating problems with overcrowding. Over the past five years, increases in the size of the Russian prison population, on average, has been “equivalent to adding the 1995 prison population of England and Wales every year to a system that is already vast.”12 The Russian incarceration rate now exceeds that of the US with 690 prisoners per 100 000 of the population, the highest rate in the world.13

Russia’s mounting prison population may be the consequence of the rise in crime and the inadequate system of justice during the transformation process. However, in other countries, particularly the UK and US, prison populations are increasing despite the fact that crime rates are declining because, as some may argue, of the more effective system of justice. The relationship between crime rates and trends in penal populations needs to be analysed carefully. Many examples tend to defy the possibility of a relationship between the increase in crime and the prison population. The Netherlands, Australia, and Ontario, Canada reduced their prison populations in the context of rising crime rates, as indeed did England in the 1920s and 1930s.14 Downes certainly “casts serious doubt on the notion” that there is a proportionate relationship between a rising crime rate and an increasing prison population.15 The argument that penal trends depend on the methods of sentencing being implemented at the time, rather than that crime rates have an effect on the rising prison population, sounds far more convincing.

South Africa’s penal population confirms this trend. However, the rise in the prison population has a complex explanation. Looking at Figure 1, there is a slight increase in the prison population in 1986/87, possibly due to the state of emergency implemented at the time, in which hundreds of people were detained. Between 1990 and 1992, there is a significant decline, resulting from the release of 57 000 sentenced prisoners, which included political prisoners. From 1992, there is an increase and then a general stabilisation until 1995. The increase may be related to the rapid increase in crime in 1990, the year in which the political transition began and then steadily increased until 1997 where a general stabilisation occurred.16 However, throughout 1997 the prison population has steadily increased in contradiction to the stabilisation of the crime rate. There are many explanations for this. The enforcement of better policing could have increased the number of people arrested and then put into prison while awaiting trial. The processing of the backlog of people awaiting trial from 1995/96, who were finally convicted while out on bail, is another possible explanation. Yet, the factor which has contributed the most to the increasing prison population from 1996 and 1997 is the increase in the number of unsentenced prisoners from 1995 to 1997 (see Figure 3). Prisoners awaiting trial increased from 27 320 in January 1995 to 41 435 in December 1997. This enormous increase in the unsentenced population had to do with blockages elsewhere in the criminal justice system. Essentially, the Department of Justice is the 'gatekeeper' to the prisons, therefore effectively determining the rise and fall in the prison population.

JUSTICE AS GATEKEEPER TO PRISONS

South Africa’s high number of prisoners awaiting trial make up approximately one quarter of the
prison population. In Pollsmoor Prison, Cape Town, almost half of the prison population are awaiting trial - 2,989 out of 6,052 - and 225 are youth aged seventeen or younger.\textsuperscript{17} Statistics from Pretoria Central Prison show a worse situation with almost 4,000 of its 4,800 inmates awaiting trial.\textsuperscript{18} The two main reasons for such a situation are deficiencies in the criminal justice system which greatly contribute to the declining conviction rate\textsuperscript{19} and the application of the new bail law, implemented in September 1995.

Although the current bail law is "comprehensive, emphasis[ing] the need for each case to be investigated thoroughly and stressing the importance of weighing up both the rights of the community and those of the individual accused", there is no denying that the way it is applied is keeping an ever larger number of accused in custody awaiting trial.\textsuperscript{20}

This was evident in a profile of Pollsmoor's awaiting trial population which showed that 75 per cent of those who were being detained pending trial had been granted bail by the court. These prisoners could probably not afford to pay the bail amounts, despite these being relatively low. Of the population granted bail, "45,9\% had been granted bail of R500 or less and a further 45,9 \% had bail set at more than R500 but equal to or less than R1,000."\textsuperscript{21}

In general, the bail amounts granted by the Magistrate court appeared to be relatively low at first. However, these amounts need to be considered in the light of the poor socio-economic conditions and high unemployment in Mitchell's Plain.\textsuperscript{22} The profile indicated that most accused persons could not pay bail at court on the day that bail was granted if the amount exceeded R300. The net result has been a large number of unsentenced prisoners contributing to the already overcrowded prison system. The court is required to set a bail amount that is affordable to the accused and to provide a better alternative to a money-based bail system where condition and supervision programmes are initiated. However, the problem of the increasing awaiting trial population is more complex. The flaws lie in the criminal justice system as a whole, particularly within the South African Police Service (SAPS) and the Department of Justice.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure3.png}
\caption{Total number of unsentenced prisoners for 1995-1997}
\end{figure}

\textsuperscript{21} Source: Department of Correctional Services.
Recently, the National Assembly of Parliament passed new bail and sentencing laws, which came into effect in April 1998. These laws are intended to strengthen the hand of the government in the fight against crime. The laws include:

- tougher criteria for the granting of bail to criminals: It will be extremely difficult for a person accused of serious crimes to be let out on bail; only if the accused can prove exceptional circumstances, will bail be granted;
- heavy minimum sentences which cannot be suspended;
- qualifying for parole after serving a longer proportion of the sentence: The new parole system provides that all prisoners must serve at least fifty per cent of their sentence, and that the court can increase this to 67 per cent. Prisoners serving life sentences must serve at least 25 years before they can apply to the court for parole.

Although these laws send a clear message to those who commit serious violent crimes, it seems that the last stage of the criminal justice system has not been considered. Tougher conditions of bail, minimum sentencing and a tougher parole system will obviously increase the number of inmates going to and staying in prison. With the severe problem of overcrowding, it is unclear where all these criminals are going to be housed. In particular, the harsher bail law will further increase the number of people awaiting trial in prison, adding to the enormous number of people already being 'warehoused' by the department.

DECLINING CONVICTION RATES

The latest official estimates indicate that convictions for most crimes have declined steadily since 1992/93. According to the police, numbers of reported crimes – in real terms and measured per 100 000 of the population – have recently stabilised and, in some cases, are declining. If fewer crimes are reported to and investigated by police, it stands to reason that the numbers of convictions would also drop. But the disturbing reality is that the decline in convictions preceded the levelling off of reported crimes by several years. In fact, many of the serious crimes were still on the increase when convictions began their descent.

Members of the SAPS – as the front end representatives of the criminal justice process, battling high crime levels – have more contact with the general public than any other agency in the delivery of safety and security. Problems plaguing the police service, of which detection and statistics collection are major headaches, have not escaped public scrutiny. By contrast, too little is known about court processes and attendant problems, and crucially, the detective-prosecutor interface. The steady drop in convictions – even for drug-related crimes and traffic offences which rely almost entirely on police action and usually provide the prosecution with concrete evidence – reflects grave deficiencies in this area.

While these trends across varying crime types are too consistent to be attributable to statistical peculiarities, the collection of conviction figures is not without its problems. Statistics on the workloads of courts (involving the number of cases police bring to court, backlogs, etc.) are presently recorded manually from court records – indeed, no information in the Department of Justice is computerised, and court sentencing figures are unavailable. Furthermore, a trend peculiar to South Africa is that the police – and not the Justice Department – collect court statistics.

Once dockets of cases which have proceeded to court are returned to the police station which issued them, copies of the final decision are sent to Central Statistics for summary and publication. Some of the problems which the police experience in the capturing and processing their own data on the Crime Administration System (CAS), arguably also apply to the statistics reflecting the police’s clearance rate and subsequent court proceedings.
CLEARANCE RATES

The ‘clearance rate’ is calculated as the ratio of the number of cases handled by the police which are referred to court, withdrawn or unfounded to the total number of cases either cleared up or undetected. This definition is similar to that used in Europe, as are some clearance rates – particularly for crimes which are simultaneously recorded and cleared up, like shoplifting, drug-related offenses and illegal possession of firearms. For violent crimes, particularly murder, the SAPS’s clearance rate is substantially lower than that in European countries. Between January and June 1997, nearly forty per cent of murder cases remained undetected (representing a 60.4 per cent clearance rate). Among the violent crimes, aggravated robbery had the lowest clearance rate, with 77 per cent of cases remaining undetected. Property crimes, with the exception of shoplifting, are notoriously difficult to solve, with between eighty and ninety per cent of burglaries and theft of and out of motor vehicles going undetected (Figure 4).

Of the cases which eventually reach court, a large proportion are withdrawn during the proceedings – one of the main factors contributing to declining conviction rates. Nearly half of all cases of attempted murder, aggravated robbery, rape, serious assault and other robbery were withdrawn in court in the first six months of this year (Figure 5).

There are several possible reasons for this. Prosecutors can decline to proceed with a case if there is insufficient evidence – something which may only be established on the day of the court appearance due to extensive workloads. This lack of evidence, in turn, often relates to investigation by detectives. Cases are also frequently postponed when investigating officers fail to bring the case docket to court or to subpoena witnesses. The challenge of conducting investigations in the new constitutional order has also complicated effective investigation. Withdrawals also result from the disappearance or death of witnesses, or when victims retract the charges before finalisation of the case, particularly in cases of domestic violence and rape.

It is not only withdrawals in court, however, that pose a problem. Half of all common assaults, more than two-thirds of serious assaults and 23 per cent of rape charges are withdrawn before reaching court. While this is often regarded (especially by the police) as the victim’s decision, the type of service provided by the police (and the legal system) and their attitude towards victims reporting crimes at police stations, probably play a crucial role in decisions to withdraw cases.

EXPERTISE AND RESOURCES

Incompetent investigating on the police’s part is also perpetuated by prosecutors’ inexperience in guiding investigations. According to one prosecutor, “[w]ithout exception the job of a state prosecutor is a stepping stone to another career in the field of justice.” That the twenty prosecutors at Johannesburg Magistrate’s Court have already worked 3 800 hours of unpaid overtime from January to August 1997, is one example of the unprofessional treatment and low salaries that state prosecutors have to tolerate. The reason for this situation is the Department’s lack of financial
and personnel resources. Prosecutors have to work overtime in order to keep up with the many cases on hand. However, they are not paid for these hours. The salaries earned by prosecutors have been described a “national disgrace” by the latest Hoexter Commission Report.

The situation in the Department of Justice is also affecting victims’ co-operation with the judicial system, as well as the state’s ability to convict. There is a lack of essential equipment, such as photocopiers, fax machines and computers. Typists are few and far between – those working at courts in Soweto have to send their typing to the Johannesburg Magistrate’s court, slowing down the processing of cases. Limited office space – the 23 prosecutors at Johannesburg Magistrate’s Court have two offices – means victims and witnesses are interviewed in an office of ten people. There are also too few prosecutors. According to the Department of Justice, numerous posts in the prosecution service should be created for an effective functioning of the service: 22 chief state prosecutors, sixteen senior state prosecutors and 167 state prosecutors.

Lacking expertise, basic resources and with fifteen cases a day, it is not surprising that prosecutors seek other employment opportunities. This high turnover specifically prevents the development of expertise.

THE PRISON ENVIRONMENT: LIFE FOR AN INMATE

“Prisons, even the most reformed ones, produce damage and disease, in varied forms
and intensity, they produce damage and ill people. This suggests that harm is inevitable and too extreme for an imprisoned individual. Although many may argue that it is what offenders deserve, the risk of psychological and physical harm to an inmate must be acknowledged, knowing that such 'damaged' individuals will return to society. It is simply too convenient an institution to demand their abolition, even though they are not the ideal means of dealing with criminals. However, alternative forms of punishment are not prioritised by many governments.

In South Africa, conditions in prisons vary markedly. Where prisoners serve their sentences, determines the extent of inflicted harm. The main factor which determines where a prisoner is incarcerated, is the availability of accommodation. Other criteria may play a role — where their families live, where the crime was committed (people who commit crimes in Johannesburg are likely to end up in a prison in the area), and the nature of the crime. Criminals who commit murder will start off in a maximum security facility and then graduate through good behaviour to less strictly controlled prisons. Overcrowding is the major problem facing the Department of Correctional Services, as discussed earlier. It invariably has one consequence: attrition and steady destruction of prison buildings, a phenomenon which is particularly
Figure 6: Total population, male and female prisoners, 1984-1997

Source: Department of Correctional Services.

evident in older prisons like Pollsmoor and Pretoria Central. Correctional Services relies on the Department of Public Works to repair and replace dilapidated or damaged property, but there are always long delays. Many of these problems are evident in Johannesburg Prison and Pollsmoor. Both are a complex of prisons. At Pollsmoor, the worst is the admissions centre, where prisoners awaiting trial are held. One enters a Dickensian world when walking into the complex, the passages are long and dark with a minimal amount of daylight. All areas are lit with artificial light. Many of the cells are in darkness as lights are routinely destroyed by inmates who seem to prefer semi-darkness. Many of the single cells, designed for one inmate, measure 8 X 6 feet and are occupied by three inmates. Three bunk beds with a minimal amount of space between them hang on the walls. The communal cells which are built for nine prisoners are overflowing with fifteen. Similarly, in Pretoria Central Prison, cells designed for between 28 and thirty inmates hold between fifty and 55. Blankets are hung along the width of the walls to serve as additional dividers. Such a situation makes supervision of prisoners hard for the scarce number of warders.

Prisoners spend most of their time in these conditions. Their cells are opened at 05:00 and lock-up is at 15:00 due to the lack of prison staff. Exercise is rationed to an hour a day. Many prisoners, particularly the youth, do not use this exercise time as they are often intimidated by older prisoners. The boredom many prisoners awaiting trial must experience is therefore hard to imagine. It seems that much of their time is spent playing karum, a popular game, and smoking marijuana, which is readily available. Idleness leads to further problems: frustration, fights and attempts to escape. Some
prisoners stay in such an environment for months, perhaps even years awaiting to appear in court, because of the overloaded system of justice.37

The problem of idleness is certainly a feature of the medium security A and B complexes which house sentenced prisoners in Pollsmoor. Although these prisoners work in the kitchens and workshops, there are a minimal number of places available. Time is spent watching television and loitering around the various cells.

The women's section, which houses both sentenced and unsentenced inmates, is 21,24 per cent over capacity, even though women make up a small percentage of the prison population, and their numbers have been declining gradually over the past ten years (see Figure 6). The majority of female prisoners are black and over the age of twenty-five, with the minority being Asian and under the age of twenty (see Figure 7). There has been a slight increase in female prisoners between 1996 and 1997 (see Figure 7). This increase follows the enormous growth in the general prison population during the same period and is as a result of the many variables discussed earlier. A fair number of women have their children with them, who are allowed to stay with their mothers until they are two years old. There are books and toys available, as well as the necessary food and clothing. Although the environment is friendly and colourful, most of the children do not know life outside of prison.

Sexual and racial discrimination within the prison regime is also a well-documented phenomenon. Homosexual activity readily occurs in prisons. Perhaps one of the causes is explained by Stanko who states that inmate power and control can be gained by treating other inmates 'like women'.
By turning some men into 'women', these inmates use sexuality to dehumanise and degrade fellow inmates. Homosexual activity and drug abuse, widespread phenomena in prisons across the world, cause increased problems with HIV infection. In England and Wales, eighty prisoners were known to be HIV positive or to have AIDS in May 1996. In the state and federal prisons in the US in 1995, 2.3 per cent of the total prison population was HIV-infected or had AIDS, a total of about 24,200 people. In 1995, over 1,000 people died of AIDS in US state prisons. In South Africa, there are approximately 400 prisoners with known HIV status in prison. It is estimated that the figure is closer to 10,000. Achmat and Heywood write: "HIV infection thrives in environments of poverty, rapid urbanisation, violence and destabilisation, and prisons are melting pots for people from such circumstances." However, until 1998, the response of the prison authorities has been to segregate those who were known to be HIV positive, and to centralise, in some cases, HIV positive prisoners in one prison. Throughout 1995, the Minister and prison authorities refused to make condoms available in prison. A review of the Department's health policy during 1996 finally led to changes.

The Department of Correctional Services has undertaken to distribute condoms through medical personnel, and to increase the number of trained personnel to educate prisoners and employees of the Department. In addition, prisoners may only be issued with condoms if they first attend counselling sessions presented by personnel. Although this is an attempt by the Department to address the issue, it does not help the prisoner who will not willingly go for counselling because of possible intimidation and violence by other inmates. Recently, the government has considered mandatory blood tests for prisoners to help reduce the high rate of HIV infection in prison. Already, 27 cases were reported in the first two months of 1998. However, it will cost the government approximately R7.5 million rand to implement such a policy.
The issue of great concern is that many of those prisoners who have contracted HIV in prison will return to the community. It was due to this fact that the Minister of Correctional Services in New South Wales, Australia, announced that male prisoners will have free and anonymous access to condoms while in prison. The availability of condoms will have an effect on the further reduction in the spread of the virus. Countries like the US, which have refused to take this step, have turned their prisons into one of the worst breeding grounds of HIV, and have condemned thousands of prisoners and their families to death.

There have been 78 recorded suicides in South African prisons from 1995 until February 1998. The reliability of this figure is debatable, considering that, in England and Wales, sixty prisoners took their lives in 1995, almost the same number as in 1994. Recent research in England suggests vulnerability and ‘poor coping’ capabilities are the primary causes of prison suicide. The research showed that the behaviour of a suicide victim differs from other inmates. They often feel more disadvantaged, report having more difficulties with other prisoners and are unable to occupy their time constructively with a job. Liebling notes that those who attempted suicide had “suffered more severe disadvantage, violence and family problems in their histories and ... more frequent contact with social services and the criminal justice agencies.” Thus, incarceration may act as a catalyst for some suicides, but not for all.

Taking the physical and mental environment that an inmate has to cope with into consideration, the lack of reformation and reintegration that the Department of Correctional Services offers, and the fact that prisons serve as ‘schools for crime,’ it is not surprising that the rate of recidivism is so high in South Africa. Between 87,5 and 95 per cent of all convicted accused are not rehabilitation and commit further crimes.
ESCAPING JUSTICE

In 1997, 937 suspected or convicted criminals escaped from prison. The government has sought to downplay concerns over these figures pointing to a decline in the number of escapes between 1976 and 1990 (see Figure 8). The Commissioner of Prisons, Khlekani Sithole, has suggested that increased transparency has exaggerated the severity of the situation. He cites statistics which, with increasing prison populations, show twenty per cent fewer escapes from prisons in 1997 than 1996 (1 069 versus 1 345), the lowest figures in twenty years (the estimated number of prison escapes for 1976 was 2 339) (see Figure 9).

Statistics for prison escapes show approximately 100 escapes per month from all prisons in South Africa. The causes for the conditions which allow these escapes are numerous. Overcrowding in cells and prisons contributes greatly to escapes. Poor buildings and insufficient security, such as fencing and lighting, decrease the ability of the police and warders to detain prisoners and prevent escapes. Inadequate training and understaffing compound the problem.

In response to the perceived worsening of the situation, the government has budgeted R58 million to upgrade security measures at 21 prisons in 1998. However, the government has realised that physical security measures will not be enough to solve the problem. The upgrading of personnel training, stricter disciplinary action against negligent personnel, heightened prisoner awareness of the consequences of attempting escape, and incentives to prisoners to help foil escapes, have all been emphasised by the government. Yet, the process of implementing these measures is unclear. The number of people escaping from detention, whether a new or simply newly recognised problem among the general public, demands an effective and just response from those involved in the prevention of crime.

Additional steps are still necessary. For instance, greater attention to the categorisation and allocation of prisoners is needed. Increasing police intelligence gathering and the effective use of such information will also assist in deterring escapes.

STAFF SHORTAGES

Corruption and work overload (doing many jobs simultaneously) or work underload (understimulation) lead to low staff morale and negative attitudes. Furthermore, the overcrowding of correctional facilities increases the problem of the staff:prisoner ratio. South Africa's inmate to correctional officer ratio is almost 5:1, compared with Germany and Australia's 1.5:1.49. The Department is shortstaffed by 7 440 personnel nationally, of which 6 228 are correctional officers. In 1997, there were 31 000 correctional officers in total. This is on the decrease, as a number of officials have taken retrenchment packages and left the service. A further contributing factor is the present transformation of the Department with which many of its employees, particularly the older ones, are not in agreement.

In addition, the Department suffers severely from absenteeism. On average, absenteeism amounts to about ten per cent. Approximately 2 424 members were said to be absent from work daily during the period May 1996 to April 1997. The root causes of the absenteeism rate are stress-induced illnesses and a lack of self-discipline, precipitated by the working environment, and resulting in employees playing truant. Although it seems that managers of the Department do not understand the causes of stress and find it difficult to address stress in themselves, Nexus (the services' magazine) has at least highlighted the problem by having several articles on stress and trauma among officials and methods to address them. The present transformation of the Department also adds to the feelings of distress among personnel. The affirmative action process, the uncertainty of retaining employment, and promotion limitations are issues which have a negative impact on personnel performance.
CONSIDERATIONS FOR THE FUTURE

The crisis in South African prisons results from a variety of factors. Although many may blame the Department of Correctional Services for the severe overcrowding, it is evident that this is a problem arising from the whole criminal justice system. The recently instituted laws on tougher sentencing and bail will have a significant effect on the problem of overcrowding.

This article has not attempted to present solutions to South Africa’s prison situation. However, steps taken by other countries to move away from incarceration deserve further scrutiny to determine their possible utility in South Africa. Presently, alternatives to imprisonment fall into two categories: alternative sanctions and a different management structure. The South African government has started to explore both options. The draft Correctional Service Bill Version 11 touches upon ‘community corrections’, highlighting various methods of alternative sentencing. Although the Department is looking into the concept, it is still in its embryonic stage. Preliminary evidence has shown that alternative sentencing has proven to be effective in reducing the prison population in several developed countries. Alternative sanctions include a variety of initiatives, such as day fines, community service, electronic monitoring, intensive supervision programmes and reintegrative shaming. The latter was developed by an Australian criminologist, John Braithwaite, who views ‘shaming’ as “conscience building”. The concept works on the premise that sanctions imposed by people who are personally relevant to the wrongdoer have more effect than those imposed by a “remote legal authority”. It has proved to be a success in some parts of New Zealand and Canada.

However, shaming could also have a role in some African situations, where community ties are close and relationships important. The Attorney-General of Kenya has noted: “In traditional Africa, a criminal who is taken to prison or who is excommunicated from society, is one who is actually beyond repair through societal means, or who has committed a major crime. What is recorded in our legal books as petty crime by African standards were completely dealt with by society itself.” A careful assessment would have to be conducted before such a policy is adopted in South Africa or, indeed, in any country.

The harsher application of justice for serious violence and organised crime would also have to be considered. However, these crimes only make up a small proportion of crime in all countries of the world. The bulk of the crimes that drive people into prison are those that happen in the streets and poor areas. The use of alternative mechanisms, such as those touched upon above, should be explored further for such petty offenders. Steps such as these could go some way towards reducing the severe overcrowding of South African prisons and contribute to the reduction of crime through the reintegration of the petty offender into society.

ENDNOTES

The graphs contained in this article are all based on information obtained from the SAPS Crime Information Management Centre, September 1997.

1 Department of Correctional Services, Headquarters, Pretoria.