A perspective on the future of prisons in the new South Africa

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South Africa, once a pariah of the world because of its unacceptable political system, has become the showcase of the world due to the radical political changes which took place in the first half of this decade and the smooth transition into one of the newest democracies in the world. Under the leadership of the renowned President Nelson Mandela, South Africa has received a great deal of international support in its development into one of the most significant role-players on the African continent.

However, the new South Africa reflects different degrees of freedom (see D v Z Smit, 'Degrees of freedom' (1994) 13 Criminal Justice Ethics 31). On the one hand the majority of South Africans became liberated in terms of obtaining the basic right to vote for a democratic government, while on the other hand the country is struggling to get significant economic growth and investment to address the poor socio-economic conditions which have prevailed for so long in disadvantaged communities. All in all, South Africa has become a country of opportunities for everyone, unfortunately including a large number of people with criminal intentions.

Apart from the growing crime rate, where, according to police statistics, five murders or attempted murders take place every hour and nearly three people are raped every hour (Beeld, May 1998:1), the South African Department of Correctional Services has inherited a prison system where an apartheid regime with narrow thinking patterns ruled for nearly half a century. The heritage of the present prison regime was none other than an overcrowded monster which the staff was unable to control. Riots in South African prisons were at their worst only days before the first democratic elections in 1994. Very little effort was made to improve the prisoners' skills to a degree where they could look forward to a useful new life after being released from prison. Prisons had become universities for crime, where gangsters were the professors.

South Africa has experienced many changes within the prison environment over the last two years. In an attempt to transform the Department of Correctional Services, six hundred and fifty-three voluntary severance packages, mostly for people who could not identify with the new government system, were approved during 1997, including 33 people from
the top management cadre (Department of Correctional Services *Annual Report* (1998) 32). Under-representation in managerial positions was addressed by means of an affirmative action plan whereby the ratio of 70% blacks to 30% whites in these positions would be reached by the year 2000. This target has already been attained, which is a major achievement in so short a space of time.

Arising from the placement of previously disadvantaged staff, the most important responsibility on the shoulders of the top management of the South African Department of Correctional Services is to ensure that the newly appointed managers are empowered with proper management training. The Department of Correctional Services stopped all forms of internal management training in October 1997. The internal capacity to train these new managers is also lacking, mainly due to a shortage of internal training staff with international experience and exposure. The fact remains, however, that the new managers are fulfilling such an important role that the future of successful operations must be secured by proper management training in this specialized field.

Not only have corrections in South Africa had to deal with the position of disadvantaged staff, but the prisoners themselves were on the receiving end of a prison system where human rights had been neglected and where virtually no meaningful efforts had been made to empower prisoners for a life without crime after release. In an effort to bring about a total transformation, the South African Department of Correctional Services determined a new strategic outlook with the vision of being an excellent correctional service, in the interest of the community and of those people who are entrusted to their care. Arising from this vision, the mission of the South African Department of Correctional Services is to render a correctional service in order to contribute to the development, protection and stability of the community.

South African Corrections will in future be run according to a number of objectives and a business philosophy. The main objectives are:

- safe custody of prisoners
- supervision and control over probationers and parolees in the community
- humane detention and treatment of prisoners
- provision of development services
- reintegration into the community
- effective resource management and utilization.

As far as the business philosophy goes, the following aspects are highlighted:

- the Department’s core business is the safe custody and supervision of offenders
- the Department manages risk regarding offenders
the Department acknowledges and applies the concept of humanity and human rights regarding all stakeholders.

After all these changes and transformation inside South African Corrections, the time has come to ensure that the new team of staff members should be consolidated for a stable future. In an effort to facilitate this, core values have been determined and distributed to all members of staff by means of brochures, posters, video recordings and discussions during personnel meetings (Nexus A Strategic Outlook for Correctional Services (1998) 7). These core values are the following:

- **Development**
  Faith in the potential of people, the provision of opportunities and facilities for growth and enablement and empowerment are emphasized under the core value of development.

- **Integrity**
  Integrity is highlighted by aspects such as honesty, dissociation from all forms of corruption and unethical conduct and sound business practices.

- **Security**
  The safety of employees, prisoners and the community are regarded as the most important part of security.

- **Recognition of human dignity**
  Recognition of human dignity is highlighted by the acceptance of people for who they are. Humane treatment of prisoners and the recognition of inherent human rights of all people also form an integral part of this core value.

- **Efficiency/Accountability**
  This core value includes productivity, utilizing the best working methods, procedures and systems to achieve set goals and the desire to perform well. Aspects such as accepting accountability for one’s behaviour, commitment and excellent services also form part of efficiency/accountability.

- **Justice**
  Fair treatment and fairness and equality before the law results in justice for all.

The new vision, mission, objectives, business philosophy and core values form the main ingredients for the recipe of the future success of the South African Department of Correctional Services. In addition, critical success factors have been determined. These critical success factors include the following:

- strategic positioning within the government order
- effective management and leadership
- service specifications, with a balance between the community and offenders
- sound interpersonal relations, and
- effective two-way communication.

As is the case in a large number of prison settings in the world, South Africa encounters major problems from overcrowding in prisons. The correctional system in South Africa has come under considerable pressure, both as a result of the general fiscal crisis faced by the government, and more directly, as a result of the increasing number of persons being sentenced to long terms of imprisonment. The latter was also enhanced by the fact that the death penalty was declared unconstitutional and has subsequently been abolished. The 230 prisons in South Africa officially have accommodation for 99,348 prisoners, but 146,917 prisoners were in detention at the end of April 1998.

The previous government embarked on community sentences to partly address the issue of overcrowding, something which still forms part of the way in which overcrowding is managed. From time to time, however, the concept of 'bursting', where prisoners were released earlier than the expected release date, has been used to counter overcrowding. What needs to be mentioned is that, apart from correctional supervision, no meaningful innovative ideas have come to the fore to address the phenomenon of overcrowded prisons during the apartheid prison regime.

In this regard, the newly established regime has already considered the possibility of using private prisons and other means to address overcrowding. An amount of R28 million has already been earmarked for the upgrading a number of existing prisons, such as Pretoria Central Prison and Modderbee Prison. According to one of the Chief Deputy Commissioners of the Department of Correctional Services in South Africa, these expansions will not influence the overcrowding crises in a mentionable manner (Beeld, June 1998). Two new prisons have recently been opened in the Western Cape. One of these prisons, namely the Malmesbury Prison, is managed according to the unit management concept. Being filled to more than half of its capacity, the state-of-the-art Malmesbury Prison has no equipment in its workshops yet. Prisoners transferred there to develop themselves by means of a trade have to embark on other ways of keeping busy. As a large number of these prisoners are gang members, the potential for the development of gangsterism in a new form in South African prisons has been enhanced.

The other new prison, Goodwood, is utilized as an extension of the Pollsmoor Prison which is more than 200% overcrowded and can be seen as the drug capitol of South African prisons. It is alleged that drugs to the value of at least R150,000 change hands in a single month, inside the walls of Pollsmoor Prison. Drug gangs are also rampant on the streets of certain Western Cape neighbourhoods. These gangs are well organized and play a
major role in supplying drugs to gangs in prison. According to the Director of
Community Corrections in the South African Department of Correctional
Services, 12 people died and 113 were injured during 1997 as a result of
gangsterism in prisons. The problem is that although Goodwood Prison
relieves overcrowding, it is becoming a monster in itself solely because of the
fact that it serves as an overflow for one of the biggest problems in South
African corrections, the Pollsmoor Prison.

Apart from these two prisons, a newly erected prison for juveniles will
open at Baviaanspoort outside Pretoria during 1998. The erection of this
prison was financed by the private sector. New prisons are also planned at
Louis Trichardt, Bloenfontein, Kokstad and Boksburg.

The Asset Procurement and Operating Partnership System, known as
APOPS, is the latest innovation in addressing overcrowding. In collaboration
with the private sector, four new correctional facilities will be provided in
the initial stage. These facilities will be erected, financed and operated by the
private sector and will provide accommodation for 5 300 prisoners. Apart
from this, the conversion of inner city buildings (to house prisoners on
remand) and the more unconventional use of ships as prisons are being
investigated.

In the past, the Correctional Services Act was just another piece of
legislation, written to be understood by those people who were schooled in
the field of law. As Smit (D v Z Smit, '“Normal” prisons in an “abnormal”
society? A comparative perspective on South African prison law and practice'
1987 Criminal Justice Ethics. 37) puts it: 'In prisons the gap between the law
in books and the law in action may be large.' Smit (D v Z Smit South African
Prison Law and Practice (1992) 40) does mention that the political changes
in South Africa, particularly after 1992, have influenced prison law directly.
The Bill of Human Rights which forms part of the highest law, the new
Constitution of South Africa, made substantial changes to the Correctional
Services legislation imperative. This resulted in the drafting of the new
Correctional Services Bill, which is in its final stages of approval (now
the Correctional Services Act 111 of 1998).

One major aspect of the new legislation is the fact that it will be more
enabling more people to understand it, it not only promotes legal certainty,
but it also ensures that correctional officials will refer to the Act more
frequently. A major difference between the old and the new Acts is the fact
that the powers of correctional officials were emphasized in the old Act,
whereas in the new Act, the emphasis is placed on the rights and obligations
of the prisoner and the powers of the correctional official arise from the latter.
All infringements on fundamental human rights of prisoners have to be
justifiable in terms of the Constitution.
According to Dankwa (EV Dankwa *Prison Conditions in Africa* (1997) 7) the African Commission on Human and Peoples’ Rights spend most of their time on complaints which are termed communications on violations of the rights of prisoners. In order to improve prison conditions in Africa a more human model for the development of prisoners must be evolved. South Africa, as part of Africa, also has the obligation to address the development of prisoners urgently. If one looks at the new direction envisaged by South Africa in terms of the strategic outlook, the approach towards overcrowding and the new Act, one can clearly see that plans are on the way to bring about major changes in prison conditions, the treatment of prisoners and the development of strategies to empower disadvantaged people to the extent that they become dignified human beings.

South Africa has one major shortcoming, however. Most members of the emerging generation were deprived of the opportunity to develop, both in terms of self-development and in terms of obtaining all the relevant skills to manage a particular environment. The existing Correctional Services regime in South Africa not only has the obligation to develop staff to their full potential, but it also has the opportunity to make a difference in the life of prisoners and their families through proper staff development. The new correctional managers will have to take the lead in the development of both their subordinates and the offenders entrusted into their care. Future objectives should include the utilization of organizations which have the ability to build competency amongst staff in accordance with the latest international tendencies in the field of criminal justice.