

# Challenges to effective prison governance in South Africa

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## 1 INTRODUCTION

The imprisonment of offenders remains a subject of contention world-wide, with proponents arguing alternatively for stricter sentencing regimes, for improved security or for the introduction of more effective programmes of rehabilitation. However, despite the fact that prisons fall under the constant scrutiny of the media and feature prominently in divergent political debates, generally little is known about the administration of these institutions. As Coyle observes, the success of a prison is often measured in the eyes of the public by the absence of failure, and to that extent, a 'prison is successfully managed when there are no escapes or riots'. Furthermore, despite vast international literature on correctional institutions, their objectives and their treatment of offenders, relatively little systematic analysis has been undertaken on the factors which contribute to good prison governance. As Coyle affirms, while there is a wide selection of literature on the theory and practice on the management of large public institutions such as schools and hospitals, comparatively little has been written about the management of prisons. This, he maintains, 'is partly because the world of prisons itself remains relatively closed. It is also because until quite recently it was not acknowledged that there is a particular set of skills required to manage prisons properly.'<sup>1</sup> In the past, he asserts, basic legal or administrative skills (whether acquired through the civil service or through the military), were deemed sufficient experience for the purposes of managing a prison.

Persistent reports of human rights abuses in custodial institutions, together with their singular failure to rehabilitate and reintegrate offenders into society, have prompted periodic attempts at prison reform. Such attempts at reform have frequently occurred in the aftermath of major

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1 Research for this paper was conducted under the aegis of the Civil Society Prison Reform Initiative (CSPRI), an initiative of the Community Law Centre at the University of the Western Cape. The author would like to express appreciation to the Department of Correctional Services which facilitated the field work for the study.

2 Coyle A 'Managing prisons in a time change' International Centre for Prison Studies (2002): 42

3 *Ibid* at 17

political transformation, as was the case in many former Eastern Bloc countries as well as in Latin America and Africa.<sup>4</sup> Amongst the most common characteristics of this reform process have been the efforts to demilitarise systems of prison administration and to introduce forms of civilian management. The experience of these countries, which typically aspire to international norms, has seldom been an unproblematic one and the process has often led to a loss of morale and discipline among custodial staff.

As a microcosm of the broader society, the correctional services in South Africa have undergone dramatic institutional change in the decade following the end of Apartheid rule. This, *inter alia*, entailed a precipitous shift from a militaristic administration to a civilian mode of governance,<sup>5</sup> and a commitment to

full compliance with the provisions of the Constitution of South Africa as well as international instruments in relation to the honouring of the basic human rights of offenders, limited only where justifiable and necessary within a correctional environment.<sup>6</sup>

The process of reform and restructuring has, however, created institutional instability, which has adversely affected the governance of prisons across the country.<sup>7</sup> Significantly, it has also, for the first time, opened up prisons to public scrutiny. It has been in this context that the Jali Commission,<sup>8</sup> the Law Society<sup>9</sup> and other independent investigators<sup>10</sup> have, over the course of the past five years, uncovered numerous instances of mismanagement and corruption and have raised serious questions about the status of prison governance in South Africa.

These concerns, raised by politicians, academics, the media and the general public, however, have tended to be strong in indignation and weak on policy recommendations as to how the governance of these institutions might be improved. In part, this stems from the fact that understandings of prison governance are limited to critique of the administrative regime in place. Overlooked is the fact that the effective governance of any correctional institution is a function not only of the state's administrative efficiency, but also of the extent to which society, at large, understands and engages in, the challenges faced in combating crime and in

4 Barclay A '“Demilitarisation” in prison services in Central and Eastern Europe’ Position Paper, International Centre for Prison Studies (2003) 3.

5 For a discussion of this process, see Dissel A and Ellis S 'Reform and stasis: Transformation in South African prisons' Centre for Study of Violence and Reconciliation (2003).

6 Department of Correctional Services *White Paper on Corrections in South Africa* (2005) 18.

7 See Sloth-Nielsen J 'Overview of policy developments in South African Correctional Services 1994–2002' CSPRI Research Paper Series (July 2003).

8 For an overview of the objectives of the Jali Commission, see Sekhonyane M 'Showing its teeth: the Jali Commission on prison corruption' (November 2002) 2 *SA Crime Quarterly*.

9 Law Society of South Africa *Prison report* (2003)

10 See, for example, Painter-Morland et al (2003) 'Focussed assessment of anti-corruption capacity within the Department of Correctional Services' United Nations Office on Drugs and Crime, Department of Public Service and Administration, Business Enterprises, University of Pretoria (2003)

incarcerating and rehabilitating offenders. These relate to issues of socio-economic development in the broader community, to policing, judicial reform and, crucially, to the extent to which civil society is engaged in oversight of the prison system, both in the monitoring of progress and supporting of initiatives to improve the system of correctional services.

In an attempt to broaden the debate on prison reform in South Africa, this article reports on the findings of an investigation into the status of governance in selected prisons around the country.<sup>11</sup> The study, which set out to identify instances of good practice in the management of prisons, was conducted in five state prisons and in two private prisons during 2004 and 2005.<sup>12</sup> The state prisons were selected from a list of institutions designated 'Centres of Excellence' by the Department of Correctional Services (DCS). Although the management regimens in the two private prisons evidenced numerous instances of sound management practice (to be discussed below), the research, as a whole, was oriented to the governance of state prisons. Before proceeding to a discussion of this research, however, it is of value to briefly comment on some of the generic challenges to good governance faced by prisons worldwide.

## 2 INTERNATIONAL EXPERIENCE

A review of the international literature reveals the fact that there are considerable similarities in the form and scale of challenges which prison authorities in many parts of the world are faced with.<sup>13</sup> These include rapidly increasing prison populations, overcrowding, understaffing, and limited access to resources. In societies which have undergone major political and social transformation, these challenges are most acutely felt. Despite these similarities however, the diversity of administrative systems and socio-cultural contexts internationally is such, that there is no universal model of best governance. There are, notwithstanding, a number of international policy instruments which provide guidance on the treatment of offenders and, in so doing, which provide indicators for appropriate management outcomes.<sup>14</sup> Although these international instruments do not

11 A full version of the investigation is published as Tapscott C 'A study of best practice in prison governance' CSPRI Research Paper Series (May 2005)

12 The following state prisons were visited during the course of the investigation: Johannesburg Youth Prison (Gauteng), Drakenstein Youth Prison, Goodwood Maximum Prison, Malmesbury Medium Prison (Western Cape) and Westville Youth Prison (KwaZulu Natal). The two private prisons visited were Mangaung (run by GSI Solutions) in Bloemfontein in the Free State and Kutama-Smithumule (run by the South African Custodial Services Pty Ltd) in Makhado in Limpopo Province

13 I am indebted to Andrew Coyle, from whose two excellent texts on prison management, namely 'Managing prisons in a time of change' (In 2 above) and 'A human rights approach to prison management' (2002) a number of the ideas in this section derive

14 Amongst the most prominent of these are a number of United Nations instruments which include the Standard Minimum Rules for Treatment of Prisoners (1957), the Code of Conduct for Law Enforcement Officials (1979), the Standard Minimum Rules for the Administration of Juvenile Justice (1985), the Body of Principles for Protection of All Persons under any form of Detention or Imprisonment (1988), and the Basic Principles for the Treatment of Prisoners (1990)

have the force of law, they have been accepted in principle by the overwhelming majority of states, including South Africa. Despite the existence of normative guides, however, much of the character of a penal system including its governance, in practice, is shaped by the society at large. Politicians, responding to the demands of the public, in particular, can influence both the resources allocated to correctional services, the level of public oversight, as well as the types of treatment meted out to offenders. Where the popular demand is for punishment rather than rehabilitation, this is reflected both in sentencing regimes and in the management of correctional centres, where the focus is frequently on security and retribution.

Irrespective of whether prison systems are well established or in transition, there is a broad consensus in the literature that the sound management of correctional centres and, in particular, the effective introduction of reforms, is contingent on the quality of leadership shown by prison managers. Above all, there is recognition that there is a need for leaders with integrity and with the ability to inspire and motivate staff to carry out their work with commitment and professionalism. As prisons are by nature hierarchical, the character and culture of an institution is inevitably shaped by its leadership. Where the leadership is strong and has integrity, managerial skill and vision, this is conveyed to all levels of the prison administration. Conversely, where leadership is ineffectual or corrupt, this weakness pervades all strata of the prison management, diminishes the prospects for initiative and increases the likelihood of maladministration and mistreatment of offenders.

Of central importance to the process of prison reform is the need to change the attitudes of staff. For many, accustomed to a particular administrative order, reform is not readily embraced. Changing the attitude of staff is a process which takes time and, as indicated, sound leadership is instrumental in reorienting the thinking of staff and in developing a new way of working. Of equal importance is the recruitment and training of prison officials. In many countries, prison officials do not have the same status as their counterparts in the police or the military. At the same time, the expectations of prison officials are lower, and the qualifications and experience required of them are less than in other sectors of the civil service. The literature points to the need to professionalise correctional services throughout. This entails the development of prison work as a profession, requiring both generic and specialised skills. This needs to be taken into consideration in the recruitment of staff (where psychological profiling and other measures of aptitude are applied) and in the process of their training. While training and leadership are of central importance in promoting new attitudes, it is also evident that measures need to be in place to ensure compliance with the directives issued by prison management and to ensure that the custodial staff adhere to the codes of ethical and administrative practice. Where discipline amongst staff is lax and where managers are incapable of or unwilling to take action against transgressors, the overall management of an institution is likely to be severely compromised.

In summation, good prison governance is to a large extent determined by the existence of an enabling policy framework, necessary resources and the extent to which prison management has the ability to implement these policies on a day-to-day basis in a transparent, accountable and ethical manner. In the context of this discussion, however, the notion of governance is understood to encompass not only issues of administrative efficiency and probity, but also the extent to which the basic human and constitutional rights of offenders are recognised and respected. This relates both to the manner in which offenders are treated in the prison system and the opportunities which they are afforded to reorientate their lives towards a more constructive future in society. The section which follows entails a review of some of the challenges facing state prisons in South Africa and the measures introduced to ameliorate shortcomings and to promote good practices in prison governance.

### 3 HUMAN RESOURCE MANAGEMENT

It is axiomatic that the effective utilisation of human resources is a key element in the management of any custodial institution. The manner in which prison staff are recruited, trained and rewarded, as indicated, will have a major impact on the manner in which they conduct their duties and the commitment and professionalism which they bring to their work. Staff shortages, however, were a feature of all the state prisons visited, and this problem was most acute amongst custodial staff (Drakenstein Prison reported vacancies in 55% of their posts) and professionals such as social workers, nurses and other remedial specialists.<sup>15</sup> Some prisons, such as Malmesbury, also reported vacancies in their management echelon. Shortages occur as a consequence of normal staff attrition, including death,<sup>16</sup> medical boarding, resignations (the assumption of more lucrative appointments elsewhere) and transfers (especially by staff wanting to return to their home regions). Significantly, however, most prison managers reported that shortages ensued from the fact that their staff establishment is based on the number of offenders which the prisons are built to accommodate, rather than the number which they actually accommodate. Staff shortages have a compounding effect on all aspects of prison life, and not least on the performance of warders' work. Thus, for example, offenders taken to court to answer to further charges must be escorted by an appropriate number of warders. These practices further exacerbate the workload and stress levels of the warders who remain to oversee a unit. It was reported that severe staff shortages lead to stress symptoms and burn-out on the part of many warders.

While all state prisons experienced staff shortages, it was evident that the negative impacts of these shortages were mitigated in some correctional centres by more effective utilisation of existing personnel and, as

15 This confirms the DCS's own findings that there is 'a serious shortage in respect of all professional posts required to ensure effective rehabilitation of offenders'; see Department of Correctional Services *Annual Report for the 2003/04 Financial Year* (2004) 18.

16 Prisons in KwaZulu Natal reported high staff fatalities as a consequence of AIDS.

will be discussed, by strengthening their morale. It was also evident that staff shortages could be significantly alleviated through a reduction in the number of offenders incarcerated in state prisons; this objective could be achieved through various means including non-custodial sentencing, the waiving of mandatory minimum sentences etc.<sup>17</sup>

Prison managers interviewed stated that both staff recruitment and staff retention were constant challenges. Although a substantial number of resignations related to employees' dissatisfaction with remuneration and working conditions, it was also evident that a degree of unhappiness stemmed from the human resource practices in place. This has been an outcome of the process of institutional transformation which has been underway in the Department for much of the past decade. Thus, for example, it was reported that in certain instances staff resignations were triggered by a moratorium on promotions (pending restructuring). This situation limited opportunities for succession planning and led to frustration amongst employees. Some managers reported that the absence of a clear career path served to demoralise staff. It was stated that the perception that promotion was slow, led some individuals to view an appointment in the Department of Correctional Services as merely a stepping stone to a career elsewhere in government or in the private sector; such officials, it was maintained, generally lacked a strong commitment to their work. At the same time, as there is no formalised succession planning in place, the filling of senior posts occurs in an unstructured way, in that the staff remaining are simply invited to apply for the vacancies which arise. This process, however, does not necessarily lead to the appointment of officials most suited to senior positions.

The staff retention strategies implemented by different state prisons varied significantly. While some officials indicated that there was little that could be done to retain staff under current circumstances, others reported that they have attempted to develop an *esprit de corps* amongst their workers as a means to retain their services. Drakenstein prison, for example, maintains a subsidised staff club, which organises events aimed at building team spirit and a sense of community amongst employees. By ensuring that grievance procedures are properly adhered to and employees' concerns, where possible, are addressed quickly and fairly, the prison's management has found it possible to avoid certain types of staff resignation. Attempts are also made to reward good performance through the award of merit bonuses and other awards (although, as shall be seen, the award of merit bonuses has often proven to be problematic). The conducting of regular and careful quarterly assessments is also seen as an effective way to strengthen staff retention, in that it provides regular feedback to members and permits them to raise concerns in a more systematic way.

17 This need is acknowledged by the Department of Correctional Services *White Paper* (In 6 above) 53, which speaks of the need for a review of 'sentencing options and alternatives to incarceration, desired and appropriate rehabilitation routes, and appropriate "release policy" options for particular categories of offence'.

The motivation of staff and the maintenance of morale are of central importance in any large institution and, not least, in those where staff operate under conditions of physical and psychological stress. The most prominent formal method of staff motivation in the state prisons visited is the operation of a merit award system. The awards are made annually and are based on the assessment of an employee's superiors, conducted over the duration of the year. The merit system, in its design, it intended to encourage excellence and reward good performance. In practice, prison managers stated that the award system, as currently implemented, generally acted as a disincentive to staff and, in some instances, adversely affected morale. This was due to the fact that only 25% of the total staff complement is eligible for the annual award (in the form of a cash reward). It was stated that staff complained about favouritism in the award process and that they maintained that a key factor in the adjudication of winners was the nature of the relationship between an official and his/her superior, rather than the actual quality of work performed. It was also mentioned that, in the interest of equity, prison management usually tried to distribute awards across different departments and across employment levels. This practice meant that, irrespective of how well a unit was operating as a whole, only a select few were eligible for an award. This resulted in resentment, which often undermined team spirit. Managers who reported success in motivating staff stated that this was achieved through constant personal interaction with officials. In other words, the motivation of staff was a function of management leadership rather than the existence of formal mechanisms to encourage greater productivity.

#### 4 STAFF TRAINING

In addition to the induction courses received by new recruits, all of the prisons visited offered in-service training programmes to their staff in one form or another. These ranged from administrative training on unit management, financial management and leadership logistics, to specialised courses on the management of offenders, including programmes on sexual offenders, conflict and trauma, aggression and drug abuse, amongst others. The programmes offered are either directed by DCS head quarters in Pretoria (but sometimes involving other state departments), or else are presented by various NGOs. The impact of this training, according to prison officials, depends to a considerable extent on the administrative and managerial environment in which the training is conducted. Where prison management is able to create an environment which is receptive, the prospects for the take-up of ideas and methods introduced through training is much greater. However, it was reported that some of the training programmes offered are too generalised, and are often not specific to the working environments and operational needs of the staff undergoing them.

It was further stated that training is not always introduced systematically. Thus, for example, in section/units where there are severe staff shortages, managers cannot afford to release warders for training of any kind. In addition, members of a particular unit are seldom, if ever, able to undergo training as a group or even in quick succession of each other. As

a consequence, the impact of training tends to be reduced, as staff who have received training tend to be out of synch with others in their units. It was also suggested that training should be more closely linked to the actual resources (in terms of both staff and facilities) available in a prison rather than to the ideal. Thus, for example, warders reported that they struggled to implement all the facets of Unit Management due to staff shortages. As a consequence, problems tended to be delegated upwards, thus effectively defeating one of the prime objectives of Unit Management.

Reflective of the society at large, prison managers, from time to time, confront instances of ethnic and racial tension amongst staff, which impact adversely on prison management and, in particular, on relations with offenders.<sup>18</sup> Whilst some prison managers reported difficulty in managing these conflictual relations, managers at Drakenstein prison reported some success in establishing a cohesive workforce through team-building exercises, which simultaneously addressed inter-racial tensions.

A loss of working days, principally through sick leave, was reported to be a constant problem in state prisons. Whilst the sick leave taken was attributed to a range of ailments typical of the population at large (including influenza, bronchitis etc.), it was noteworthy that a substantial number of days were lost as a consequence of stress-related complaints. While some of the determinants of stress related to the personal circumstances of staff (debt, death in the family, emotional problems etc.), the bulk were related to work-induced stress. The latter were stated to be caused by fear of personal safety (where staff have suffered violence from offenders), to poor working relations with other staff, and to overwork (where staff shortages are severe).

A lesser number of days are lost due to absenteeism, most of which is attributed to indiscipline, as well as to personal circumstances, which are also stress-related. Days lost to industrial action were minimal in all prisons visited, and those that were, were generally a consequence of action dictated by national unions, rather than by direct action against the management of an individual prison. This is in part due to the fact the grievances raised by unions are endemic and occur throughout the state prison system (for example, those related to overcrowding, understaffing, wages etc.). Prison management in the prisons visited, stated that their working relationships with unions were generally positive.

The number of disciplinary cases instituted annually against staff members varies significantly according to the size of the prison and the management regime in place. The majority of offences relate to transgression of the disciplinary code, including insubordination, negligence, and arriving late for work. More seriously, a number of transgressions involved warders smuggling contraband articles to offenders. Prisons such as Drakenstein and Goodwood, which reported having reduced staff indiscipline,

18 For a discussion of this issue, see Dissel A and Kollapen J 'Racism and discrimination in the South African penal system' Research Report, Centre for the Study of Violence and Reconciliation (2002).

did so by maintaining close and constant contact between management and staff

A number of prison managers interviewed stated that they struggled to enforce the disciplinary code in their institutions. New recruits, it was maintained, were the biggest transgressors, suggesting that the recruitment process in place is not sufficiently thorough or that induction training which they receive is inadequate. In two of the state prisons it was reported that there had been instances where disciplinary cases were not followed through to their conclusion. Either there had been delays in the initiation of disciplinary proceedings, which led to cases being dropped,<sup>19</sup> or infringements of the disciplinary code were overlooked. In both instances, it was reported, disciplinary standards were eroded and the morale of those staff who adhered to the rules was undermined.

## 5 STAFF SECURITY

All prisons have measures in place to ensure the security of staff while they are conducting their duties. These include formal safety practices such as the 'buddy' system, which sees the pairing of staff members on duty, the regular searching of inmates, the provision of safety equipment, the appropriate classification of inmates (for example, separating those with a propensity for violence), and the institution of emergency practices. The extent to which these measures are effective is a function of the administrative practices in place to ensure that safety practices are adhered to on a consistent basis. It was reported that security is compromised by staff shortages. This often results in warders working alone in a section, rendering them vulnerable to assault. In state prisons cameras are located in strategic places, but these are too few to provide full coverage of the institution. It is also evident, from the situation of some cameras, that their focus is more on the prevention of escapes than on staff security per se.

The training of prison staff includes the subject of staff security, but it was not evident that this training was followed up in a systematic way. Similarly, it was not clear whether some of the measures in place to protect staff (including the use of intelligence for forewarning of impending assaults and the relocation of offenders when attacks are anticipated), are the outcome of training or of hard won experience on the part of custodial staff.<sup>20</sup> Managers in state prisons reported that the classification and separation of potentially violent offenders is one of the most effective ways of protecting staff from attacks. This practice, together with close interaction with offenders, serves to forewarn staff of impending violence.

19. Disciplinary hearings are supposed to take place within 30 days of an alleged offence and formal disciplinary proceedings must be instituted within three months. Failing that, the charges must be dropped. See Section 74 of the Regulations of the Correctional Services Act of 1998, *Government Gazette*, No. R 914, 30 July 2004.

20. Custodial staff stated that attacks against staff are seldom spontaneous and are usually preceded by rumour and talk amongst offenders. Depending on the quality of their relations with offenders and the intelligence which is communicated to them, warders are able to take proactive measures to avoid such attacks.

Threats to staff security, nevertheless, are ever-present in all prisons, due to the endemic culture of gang violence, which (in the case of the so-called Numbers Gangs) prescribes attacks against warders as a component of induction into gang life and as a means of advancement in the gang hierarchy.<sup>21</sup> Nevertheless, vigilance, strict adherence to security protocols together with other measures in gang management (to be discussed below) can considerably reduce this risk.

## 6 OVERCROWDING AND PRISON DESIGN

In all state prisons visited the overcrowding of offenders was reported to be a problem, by both staff and inmates themselves. The extent of overcrowding varied from 13% in Malmesbury, to 41% in Drakenstein and 116% in Johannesburg Youth prison. Despite the fact that a number of new prisons (both state and private) have been constructed during the course of the past decade, managers of state prisons reported that there had been a progressive increase in problems of overcrowding during this period. Prison managers stated that they had limited say over the number of offenders they accommodated, and awaiting trial detainees were often brought unannounced to their institutions. The impact of overcrowding is felt throughout the prison system and places pressure on management and administrative practices as well as on the welfare of offenders themselves.

Overcrowding, moreover, tends to have a multiplier effect, aggravating staff shortages and resource constraints and exposing weaknesses in administrative practice. It was evident, for example, that overcrowding, in combination with staff shortages, is a primary source of stress amongst prison staff. There is, furthermore, a correlation between the levels of offender overcrowding and sick days taken annually. Thus Malmesbury Prison, with only 13% overcrowding, lost an estimated 7.6 working days per staff member per annum over the past three years, whilst Goodwood (with 35% overcrowding) and Drakenstein (with 41% overcrowding) respectively lost 26 and 33 days per member per annum over the same period. In the two private prisons the days lost per staff member per annum over the past three years were 7 and 10 respectively. Moreover, it would appear that the offender-warder ratios, per se, are not the most significant precipitators of stress amongst staff, as the two private prisons have higher prison-warder ratios than the state prisons visited. The critical factor in the equation, it would appear, is the extent to which there is overcrowding of offenders.

Over and above the physical discomfort to inmates which arises as a consequence of overcrowded accommodation and facilities, excessive numbers of inmates limit prospects for the implementation of effective programmes of rehabilitation. With limited resources and staff and with

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21 See Steinberg J 'Nongoloza's children: Western Cape prison gangs during and after apartheid, Centre for the Study of Violence and Reconciliation' (2004) for a detailed analysis of this phenomenon

excessive numbers of offenders, prison officials are simply unable to deliver a comprehensive programme of rehabilitation and are compelled to focus on a restricted number of activities. Linked to this, overcrowding also impinges on the basic human rights of offenders, not least in limiting their personal space and privacy, but also in restricting opportunities for physical and mental stimulation. That stated, Westville prison, and, to a lesser extent, Drakenstein, have attempted to ameliorate the adverse affects of overcrowding by ensuring that offenders are kept busy through a range of activities (including sporting and cultural activities) which reduces the amount of time which they must spend in their cells.

Prison overcrowding is further aggravated by the design of prisons themselves. Several of the prisons visited were not being used for the specific purposes for which they were designed. Thus, the Johannesburg Youth prison was initially built as a transfer station, Goodwood Maximum was designed to house medium-term offenders, and Westville Youth prison was designed to accommodate offenders other than the young. As a consequence, neither the layout of the prison nor the facilities available facilitate the process of rehabilitation. In contrast, the design and occupancy levels of the two private prisons lend themselves directly to the objectives of both rehabilitation and security.

The problem of prison overcrowding has been acknowledged in the 2005 White Paper Corrections in South Africa, which states that the DCS

regards overcrowding as its most important challenge. It does not only have significant negative impacts on the ability of the Department to deliver on its business, but constitutional provisions also oblige Government to act urgently on the matter.<sup>22</sup>

## 7 REHABILITATION PROGRAMMES

From the time of their induction into a prison, until the date on which they are finally released or transferred, the behaviour and activities of individual offenders are formally tracked through a case management process.<sup>23</sup> Each new inmate is assigned a Case Officer, who monitors his or her activity and provides feedback on progress. The behaviour patterns recorded through the case management system are instrumental in determining the grading of offenders, their privilege categories, as well as their prospects for parole. Ideally, the ratio of offenders to case officers should be 1 to 20. However, due to staff shortages, this ratio is sometimes as high as 1 to 50 (as in the case of Goodwood prison). In terms of DCS norms, each offender should be assessed every six months by a Case Management Team comprising the case officer, a social worker and a senior correctional officer. The extent to which assessment takes place on schedule is variable. In some of the prisons visited, offenders maintained that the interval between assessments could be as long as twelve months.

<sup>22</sup> Department of Correctional Services *White Paper* (In 6 above) 13, par 9.

<sup>23</sup> The exception to this practice occurs in the management of offenders who have been sentenced to twelve months imprisonment or less as they are excluded from the case management process.

It was stated that the fulfilment of offender development plans is compromised by staff shortages and a lack of resources.

All of the prisons visited delivered rehabilitation programmes of one form or another. These included formal education as well as life skills programmes, offered by prison staff themselves or by external service providers (including individuals contracted by the state and NGOs). The extent to which individual prisons are able to offer rehabilitation programmes, however, is generally a function of the facilities, resources and staff available as well as the general level of offender overcrowding. That stated, it was evident that some prison managers and their staff had managed to overcome the shortage of facilities and resources in their efforts to create a physical and social environment which is conducive to offender rehabilitation.

Officials in several prisons (Goodwood, Westville and Drakenstein in particular), have encouraged offenders to paint the prison walls creatively. In so doing, the artwork has made the prison surroundings appear less austere and forbidding. In similar fashion, warders in the Drakenstein Youth prison introduced plants, birds and tortoises into a section cell yard and, in so doing, created a more hospitable living environment. Both offenders and warders reported that this initiative has lowered tensions amongst the offenders, who now have the opportunity to nurture and care for something other than themselves.

A number of prisons have focused their efforts on reorienting the attitudes of offenders as the starting point for rehabilitation. Thus Goodwood prison has introduced an innovative programme on restorative justice, which involves interaction between offenders and victims and their respective families. The initiative, known as the New Beginnings Programme, assists offenders to assume responsibility for their actions and to acknowledge the consequences of their actions for others. The programme is currently being rolled out to at least ten more prisons in the Western Cape Province.

Pre-release programmes represent a critical component of an offender's reintegration into society. Prisons such as Goodwood and Drakenstein place considerable emphasis on offenders establishing support systems with their families during the lead up to their release. This process includes organised visits to families and weekend release programmes. Officials at Drakenstein prison maintain a database of available jobs, and arrange job interviews for released offenders. Over and above programmes alerting inmates to the dangers of HIV/AIDS and sexually transmitted diseases, prisons provide programmes on alcohol and drug abuse. These are delivered by a variety of different providers, including religious groups and NGOs, and are given special emphasis in the period leading up to an offender's release.

The effectiveness of these rehabilitation initiatives is difficult to gauge with any accuracy. Thus, while prisons managers reported that they were aware of high levels of recidivism (estimates varied from 40% to 75%), they have no formal means of tracking the history of offenders. This is due to the fact that no national database of offenders exists in the Correctional

Services.<sup>24</sup> As consequence, even though prisons can, and do, track individual offenders who return to their institutions as repeat offenders, they have no means of tracking the progress of offenders who are sent to other prisons. In addition, individual prisons have no means of linking their databases to those of the South African Police Service or to the courts in order to maintain an effective tracking system.

## 8 THE MANAGEMENT OF CHILDREN AND YOUTH

Four out of the seven prisons visited accommodated children and juvenile offenders, the youngest of whom were 14 years of age. These prisons all had measures in place to ensure that young offenders are totally separated from adult offenders. Measures are also in place to separate children and youths by age according to the following cohorts: 14 to 17 years; 18 to 20 years; and older than 20 years of age. It was stated that this separation was necessary as bullying and recruitment into gangs are constant dangers for younger offenders. It was reported that this process is not always successful as it is, at times, difficult to determine the ages of older children, either because they don't know their own birth dates or because they falsify their ages.

In the prisons in which children are accommodated, managers expressed concern at the fact that many of the very young were incarcerated for extended periods for relatively minor offences. This was due, in part, to delays in trial dates and to the fact that their families lack the finances to post bail for them. Such children are especially vulnerable to abuse and corruption by older inmates. As a consequence, three prisons (Drakenstein, Westville and Johannesburg), involved unsentenced children in ongoing rehabilitation and peer counselling programmes. It was reported, nevertheless, that most warders do not receive training specific to the management of children juvenile offenders, although it was evident from offenders interviewed that many officials had managed to establish a positive rapport with young offenders and, reportedly, had succeeded in reorienting their approach to life.

In all of the youth prisons visited, NGOs, such as Kulisa<sup>25</sup> and the National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO), were involved in programmes supporting the reintegration of young offenders into society. Although not run exclusively for young offenders, NICRO's 'Tough Enough Programme', assists pre-release offenders with the development of a variety of life skills. Importantly, the programme is also extended to post-release offenders for a period of up to nine months. This latter initiative provides continuing support to ex-offenders as they strive to reintegrate into their families and communities.

24 The *White Paper* (In 6 above) 77 par 9.18.2 states in this regard that '[t]he rate of repeat offending ... in South Africa is widely acknowledged to be unacceptably high. This deduction is, however, not very reliable, as there is currently no reliable system for monitoring repeat offending or analysing the trends in this regard.'

25 For a more detailed discussion of these programmes, see Muntingh L 'Reintegration' in Sloth Nielsen J and Gallinetti J (eds) *Child justice in South Africa. A guide to good practice* Community Law Centre, University of the Western Cape (2004)

Khulisa works with both sentenced and unsentenced children, offering a four-part programme aimed at improving offenders' self image, their accountability for their actions, their leadership skills, as well as providing training, learnership and work opportunities following their release from prison. A significant dimension of the Khulisa programme is the fact that it is facilitated by mentors, who are either current or former offenders. These facilitators have an insider's understanding of the challenges which face young offenders, and the programme reports a high level of success.

## 9 THE MANAGEMENT OF GANG ACTIVITY

All of the prisons visited (both state and private) reported that gangs were active in their institutions, although the intensity of this activity varied. Estimates of the number of inmates who were gang members (or affiliates of gangs) varied from 40% to 70%. All of the most prominent prison gangs were reported to be represented, including the Numbers Gangs (the '26s', '27s' and '28s'), the Big Five and the Air Force. Based on a history that stretches back almost a century, the Numbers Gangs have evolved into highly structured and hierarchical organisations, governed by strict codes of behaviour and with a membership that traverses the country.<sup>46</sup> In prisons in the Western Cape it was reported that the interpenetration of street and prisons gangs had added a new and more unpredictable dimension to their behaviour, and this poses additional challenges to prison managers.

It is evident that communal cells and overcrowded prisons provide fertile ground for gangs, both to increase their membership and their power. This is especially evident where there are staff shortages, where remedial activities are limited, and supervision of offender activities is minimal. The collusion of prison officials (whether voluntarily or as a result of coercion) was reported to be a further challenge in combating the influence of gangs. It was stated that the power and influence of gangs revolve, in significant part, around their ability to control the distribution of illicit goods (drugs in particular) and in their capacity to peddle influence. Where this can be controlled, through strict control of access to the prison regular and thorough searches of the cells and prison precincts, strict surveillance and zero tolerance of corruption on the part of staff, the power of gangs is greatly reduced. It must nevertheless be noted that none of the prisons visited (including the private prisons) claimed to have succeeded in eradicating gang activity.

Amongst experienced warders there is generally extensive knowledge of gang lore and practice, and most recognise that the factors which give rise to gangsterism are complex and deeply rooted in the history and social economy of poor communities in South Africa. In view of this, most of those interviewed argued that the complete eradication of gang activity in prisons is an unlikely prospect, at least in the short run. Instead, warders reported that they focus their attention on containing the spread of

26 See Steinberg J *The number* (2004).

gang membership and in limiting opportunities for gangs to extend their influence over prison life

In all the prisons visited, prison managers reported that they were pursuing a multi-faceted approach in their attempts to limit the spread and impact of gang activity. Recognising that gangs prey on the vulnerability of offenders, and especially first offenders,<sup>27</sup> prison officials stated that a prime objective was to separate and, if possible, to isolate gang members in specific sections. The Unit Management system assists in this process, but its overall effectiveness is limited by staff shortages. It was further stated that attempts to protect inmates from gangsterism, were undermined by the fact that many were recruited into gangs (often by coercion) while they were awaiting trial and prior to their sentencing.

In all prisons, officials attempt to classify offenders during their induction into the institution. Many gang members are identifiable from their case files, while other sport tattoos depicting their gang identity and rank. However, it is not always possible to identify gangsters and prison officials must rely on intelligence from other offenders to assist them in this process. Intelligence is also used to forewarn warders of impending violence and of other illegal activity. In the private prisons, officials are able to monitor the phone calls of known gang members and to monitor their interaction with gangsters and other offenders.

In general, it was maintained, the more contact that warders have with offenders on a daily basis, the more possibilities exist for them to exert a positive influence on their lives and the greater the possibility that they might be diverted from gang activity. Offenders interviewed in the Westville and Drakenstein youth prisons, as well as in Goodwood prison, reported that interaction with sympathetic warders had played a major role in reorienting their lives away from the gangs. This process involved extensive one-on-one engagement with offenders as well as engagement with their families.

Perhaps the most effective measure of reducing the impact of gangs, however, would appear to be the introduction of personal development plans for each offender, as is the practice in the two private prisons. Under this system (which will be discussed in greater length below), offenders are assigned a schedule for the entire day, whether exercising, training in a workshop, attending religious services, or attending educational classes. Warders in these two prisons reported that keeping offenders active throughout the day was a key factor in reducing the influence of gangs. Gang activity is further reduced by the fact that offenders are accommodated two to a cell, thus limiting the possibilities for gang organisation after lock-up. It is perhaps because of this that a significant number of gang members have requested to be transferred out of the two private prisons, despite the availability of excellent training and recreational facilities, good food and the absence of overcrowding. It is reported

27 New inmates are recruited through the combined effects of proffered protection and threats of violence.

that most hardcore gang members find the highly regulated form of life in these prisons to be disempowering.

## 10 MANAGEMENT OF PRISON ESCAPES

Offender escapes did not constitute a serious problem in the seven prisons visited. During the preceding three years, Malmesbury, Goodwood and Kutama-Sinthumule had recorded no escapes, while Johannesburg Youth, Westville Youth, Drakenstein Youth and Mangaung<sup>28</sup> had each experienced one escape. It is evident that the prevention of escapes is as much a function of the physical security systems in place as the stringency with which security measures are adhered to on a day-by-day basis. It is also evident that the existence of strict security measures acts as disincentive to offenders wishing to escape as well as to their accomplices. The measures deployed to prevent escapes include electrified fences, surveillance cameras on both the inside and outside of the prison and, in the case of Kutama-Sinthumule, continuous vehicular patrols around the perimeter of the prison complex. The two private prisons have three levels of security (namely the prison perimeter, the housing sections and individual cells), whilst most state prisons have two levels.

It was also reported that some escapes had been facilitated by prison staff themselves, suggesting that the code of ethics instilled in them through training and practice is wanting. It is also evident that those officials who assist offenders to escape do so in the belief that security systems can be evaded without the risk of their own exposure. Once again, this suggests that the deterrence of security measures has been undermined by lax adherence to procedure or general weaknesses in the security system as a whole.

## 11 THE AVAILABILITY OF FACILITIES

The availability of medical facilities was variable in the state prisons visited. Whilst all had dispensaries, which distributed basic drugs, others had a sickbay and even a fully functional dental clinic. The frequency with which offenders are able to receive medical treatment was likewise variable, and some were able only to receive treatment by a doctor or dentist once a week. Nevertheless, all prisons reported that they had provisions in place to transport emergency cases to external medical providers.

All state prisons have teaching and training facilities, but managers reported that they are generally too few to meet the needs of all offenders, and it was stated that their quality is often poor. The prisons visited typically have classrooms, a library, a workshop, and a computer room (although the computers are often dated). It was evident that the facilities available are insufficient to accommodate all offenders wishing to use them. Offenders' access to the prison libraries varies and is conditioned by the availability of library staff. Nevertheless, the libraries visited were,

28 The private prisons face a penalty of R300 000 for every escape from prison

for the most part, well stocked and had material appropriate for their readers. Thus all libraries held books in the vernacular of most of their inmates (including English, Zulu, Afrikaans, Sesotho and Xhosa)

All state prisons provide some form of training, including Adult and Basic Education (ABET), basic computing skills, craftwork etc. In four of the state prisons visited however, offenders complained that there were insufficient teachers. It was also maintained that those who came, did so infrequently (sometimes only four times a month for three hourly sessions), whilst others had not prepared properly for their lessons. Notwithstanding these limitations, in all of the institutions visited, offenders at all levels of education are actively attempting to improve their standing in life through continuing and further education. Offenders are also able to develop a variety of artisanal skills in prison workshops. Thus, in the Malmesbury prison offenders are able to learn a variety of skills in the prison workshops (including carpentry and basic mechanics), in Westville Youth they can learn bricklaying and other building skills, and in Drakenstein they can develop agricultural skills.

Due to staff shortages, the lock up period in prisons varies from 12 to 14 hours a day. The time that offenders spend in their cells during this period is generally an unproductive one. It was reported that it is also during this period that gangs are most active in mobilising members and in planning activities. In an attempt to reduce this problem, Goodwood prison has embarked on a programme to train inmates to conduct continuing education programmes in their cells after lock up. Offenders who are interested in furthering their studies are placed in communal cells with like-minded inmates and receive instruction from one or more mentors. Over and above formal ABET courses and other levels of study, the programme also provides motivational videos and reading material, which encourages both self-awareness and introspection. The initiative extends training hours and protects offenders from coercion by gang members.

All state prisons have some recreational facilities, including sports fields, pool tables, table tennis, football, basketball and gymnasia. Cards and various board games are also available in all prisons. In general, however, there was a noticeable lack of facilities in the youth prisons visited (in Westville and Johannesburg in particular). In such prisons, inmates had no access to playing fields (games were played in a cemented courtyard). All offenders have access to television viewing. Typically televisions are located in a communal area in each unit, but in some of the prisons they are placed in the cells. In general, offenders interviewed in the state prisons complained that the recreational facilities available were inadequate. That stated, it was evident that the warders (particularly in the youth prisons) went to great lengths to organise recreational activities, including sporting and cultural events, for the inmates.

Westville Youth prison has no playing fields and limited recreational facilities. Despite these limitations, the staff regularly organise sporting and cultural events for the inmates. These include soccer, basketball and volleyball tournaments between sections, fashion shows, singing competitions and plays. Photographs in the recreational areas attest to the extent of inmate participation and the spirit in which events are entered into. All

of the events organised assist offenders to focus their energies into positive activities.

## 12 MANAGEMENT OF FINANCE

The management of budgets and the control of resources are vital to the effective functioning of all correctional institutions. The misuse of resources, poor financial control and planning, or the misappropriation of funds will inevitably impact on the functioning of the prison system in some way. Conversely, effective budgeting, tight fiscal control and sound financial planning, will ensure that prisons and their inmates at least have the basic resources and amenities to sustain themselves. Generally, managers in state prisons reported that they did not receive the full budget which they had prepared and submitted to regional headquarters. Nevertheless, a deviation of just 2% is permitted in annual budgets received. This led to problems in replacing obsolete equipment and in the general maintenance of the prison. A major constraint to effective asset management and auditing processes was the fact that none of the prisons made use of a management information system to track expenditure against institutional objectives and strategies. In general terms, all of the state prisons visited were under-resourced in terms of access to computer hardware and software. In some prisons, only senior management had access to a PC and e-mail.

The day-to-day maintenance of plant and equipment is undertaken by prison staff and, where this is not possible, by the Department of Public Works. Prison managers reported that the recapitalisation funds at their disposal were insufficient for their needs. It was stated that when staff were no longer able to repair equipment, long delays were experienced before it was finally replaced. This is aggravated by the delays incurred during the procurement process.

However, even where PCs were available, prisoner records were maintained in a manual database. This system presents complications when it comes to tracking an offender's progress and when linking information from other parts of the prison. It is noteworthy that the units themselves had no PCs and hence are not linked to the prison's database. In effect, the manual upkeep of records limits the potential of case management systems. Without electronic databases, it is not possible to link files to the courts and police service. The control of stock is also compromised by the absence of electronic stock lists.

## 13 THE STATE OF GOVERNANCE IN PRIVATE PRISONS

In part due to the costs of constructing new state prisons and in part as a consequence of the need to develop more effective models of custodianship, South Africa has, in recent years, experimented with the concept of privatised prisons. While the idea of privatised correctional services is not unproblematic (not least because the state is seen to transfer responsibility for the punishment and rehabilitation of offenders to profit-oriented

companies), it is also evident that the management regimes under which such entities operate can, under appropriate contractual arrangements, provide for more cost-effective and better run prisons. In assessing practices in the two private prisons, cognisance was taken of the fact that the contractual arrangements under which these institutions operate, provide them with distinct advantages over state prisons. Amongst the most obvious advantages is the fact that the prisons accommodate the precise number of offenders for which they were designed and their staff-to-offender ratios remain constant and appropriate. Furthermore, the prison buildings and facilities are both modern and appropriate to the objectives of security and offender rehabilitation. The costs of replicating these facilities in all state prisons is beyond the state's budgetary means and, in any event, could not be justified ahead of other prison reform measures. Nevertheless, the investigation set out to establish those elements of private prison management which could be introduced into state prisons without excessive costs. A number of these are discussed below.

The private prisons follow a systematic approach to staff retention and succession. Both have formal succession plans in place, which readily allow officials to apply for more senior positions in the organisation. In addition, regular interaction with and feedback to staff assists officials to plan their careers more systematically. Mangaung prison, for example, maintains a Performance Development Plan for each employee in the institution; this assists officials in improving their performance and also assists management in identifying staff who demonstrate potential for promotion to more senior positions. Such individuals are subjected to leadership training programmes, which prepare them for more senior office. Although good working conditions and competitive salaries are of importance, the management of the private prisons stressed the fact that the continuous training and development of staff, as well as the recognition of outstanding performance, perhaps played a more significant role in the retention of officials.

The prisons (most notably Mangaung prison) have extremely structured systems in place to ensure the security of their staff. Some of these relate to the design and construction of the prison and their introduction would likely incur significant costs were they to be introduced into state correctional institutions, in the short run at least. These include centrally operated electronic access control systems (implying that warders carry no keys), CCTV coverage of selected areas, metal detectors and X-rays. It is also certain, nevertheless, that many of the measures in place rely more on sound management and administrative practices than on expensive equipment. These include compulsory training on security management (topics include intelligence gathering, control and restraint, gang management etc.), frequent testing of emergency procedures, rigorous searching of all persons entering and leaving a prison, as well as regular searching of prison cells.

29 See Harding R *Private prisons and public accountability* (1997) and George A 'Crime pays well, it does if you run the prison' (April 2003) 355 *New Internationalist*, for a discussion of some of these concerns.

The establishment of 'cash-free' systems in the two private prisons, although necessitating the installation of appropriate computer equipment and software, has greatly cut down opportunities for smuggling and other illegal activity. Under this system, all transactions in the prison shop as well as all phone calls and other sundry expenses are paid electronically by means of an offender's access code. The extent to which offenders are able to access funds is a function of the amount which they have deposited, and the number of points they have accrued through good behaviour (this is reflected in the status they have reached in the prison classification system). The same points system is used to reward positive behaviour through increased access to television, increased telephone calls etc.

The case management process followed in the private prisons, although similar to that in the state prisons, is more structured. On arrival, new offenders undergo a thorough assessment in the induction unit, which determines their individual needs. On the basis of this assessment, personal development plans and sentence plans are drawn up for the offender. In terms of the contractual arrangements the prisons have entered into with the DCS, all offenders must be engaged in activities (work, education, sport, recreation etc.) for up to 40 hours a week. The personal development plans are aimed at addressing offending behaviour, social skills, vocational skills and education. The plans are computer-based and prescribe a schedule of activities for each offender for every day of the week. They are also accessible online by the units, and by all professionals (social workers, educators etc.) working with the offender. The offender's performance is then reviewed every six months and inputs are received on all aspects of his<sup>30</sup> behaviour (educational, social, psychological etc.).

The physical facilities and amenities available in the private prisons, as intimated, are of a high standard. In addition to well-equipped health and sporting facilities, the educational and training facilities available to inmates in the private prisons are extensive. In addition to well-equipped computer rooms, a range of vocational training is offered in the workshops, including tailoring, woodwork, leatherwork, metalwork, car mechanics, bricklaying, and candle-making.

The private prisons, operating under strict contractual agreements, have in place rigorous internal and external auditing systems. Of interest is the fact that the audit does not solely assess the proper disbursement of funds and utilisation of resources, but also considers the extent to which compliance has been met in maintaining unit and financial standards, health and safety, security, maintenance, and the delivery of services by all sub-contractors. Key to the effectiveness of this process is the fact that the prisons have highly sophisticated computer networks which, *inter alia*, control prison databases, offender development plans surveillance systems, and security systems. They are also central to the running of a cash-free system.

The private prisons reported strict compliance with all forms of national policy, including those governing correctional services, labour relations,

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30 The private prisons are maximum security prisons which accommodate only men.

black economic empowerment, affirmative action etc. This is, in part, due to the fact that the contractual arrangements entered into with the DCS, prescribed severe penalties for failure to comply with national legislation and policy. Over and above the audit processes, referred to above, the private prisons are subject to the constant scrutiny of independent monitors from the DCS. These Correctional Services Controllers are located in the prisons and constantly report on compliance with contractual obligations as well as with national policy.

The positive dimensions of governance identified in the two private prisons during the course of this investigation, have been reduced, somewhat, by a riot which took place in the Kutama-Sinthumule prison in late February 2006.<sup>31</sup> This event was triggered by striking junior warders, protesting, ironically, against the fact that, unlike state warders, they received no official housing or danger pay. The impact on services which ensued, and offenders' access to food in particular, precipitated violent protests which led to the death of a prisoner and the gutting of one of the prison's four units.<sup>32</sup> Whilst industrial action is a common feature of large enterprises, the measure of sound management may be judged by the extent to which the adverse consequences of strike activity might be anticipated and contingency measures set in place. In this instance, prison management was compelled to seek the assistance of the local farming community and the Department of Correctional Services, in the first instance to prevent offenders from escaping and, in the second, to accommodate offenders whose cells had been destroyed.<sup>33</sup>

## 14 CONCLUSION

The findings of the research into the status of prison governance in South Africa revealed that there is a range of good practices evident in the management and administration of both private and state prisons. However, in the case of the state prisons, instances of good governance are unevenly distributed across different institutions and no one prison could be advanced as a model of best practices. It was also apparent that the conditions under which some prison managers operate preclude the possibility of best practice in certain areas of operation. Thus, the overcrowding of prisons and the ensuing staff shortages compromise virtually every facet of prison governance, including the security of staff and inmates and the rehabilitation of offenders. It is also certain that offenders incarcerated under such circumstances are denied some of their fundamental rights.

Overcrowding unquestionably threatens most aspects of good governance, and although proposals by the DCS to build a number of new generation prisons will go some way towards redressing this shortcoming,

31 Van Zyl A 'Battle rages at new max prison' *Zoutnet Mirror* (3 March 2006).

32 'Prisoner dies in jail' *News 24 Com* (1 March 2006) available at [http://www.news24.com/News24/South\\_Africa/News/0,,2-7-1442\\_1890152,00.html](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_1890152,00.html)

33 'Calm returns to Limpopo prison' *Sunday Times* (5 March 2006), 'Farmers guard jail during strike' *Sunday Times* (5 March 2006)

international experience has shown it is not possible to 'build one's way out of overcrowding'<sup>34</sup> and other solutions to the problem are also required. To an extent, the effects of overcrowding can be reduced by limiting time spent in cells and by optimal usage of all available open space. More significantly, a reduction in overcrowding will require a review and reform of parole and sentencing regimes as well as improvements in the time in which cases are brought to court – in effect, a joint initiative of the police service, the judiciary (through the legislature) and correctional services. In fact, close engagement with the other structures in the Integrated Justice System and the Social Services Cluster is essential to the revitalisation of correctional services.

The investigation also found that good governance of prisons is not necessarily a function of an abundance of resources, and inversely, poorly resourced prisons are not necessarily corrupt prisons. Thus, many of the best practices identified in state and private prisons were reflective of sound prison management practices rather than the availability of additional resources. Overwhelmingly, the evidence of the research pointed to the fact that good prison governance is distinguished more by the quality of the leadership in place than by the quality of facilities.

A review of the 2005 White Paper on Corrections reveals that it embodies many of the ideals of best practice espoused in various international instruments as well as those identified by independent commentators from academia, the non-governmental sector and elsewhere; this relates especially to the correction and rehabilitation of offenders. The challenge in the years ahead will be to operationalise this vision.

Success in achieving the objectives of the White Paper will be determined, in large part, by the manner in which custodial and administrative staff are recruited, trained and retained. As the White Paper acknowledges, there is an urgent need for the stabilisation of staff structures and the establishment of career paths as a means to professionalizing correctional services and to retaining good staff. In part this will entail recruitment of additional personnel, but it will also imply systematic and ongoing training and, in particular, specialist training for specific categories of offenders (children, women etc.). It is also important that staff disciplinary codes are made explicit and discussed thoroughly with all levels of the prison administration. As part of this process, it is of critical importance that disciplinary measures are systematically enforced throughout the correctional services. Similarly, greater civil society understanding of the role of correctional services needs to be promoted, both through direct engagement in service provision and oversight, and through DCS publicity. In particular, the case needs to be made that the correction and rehabilitation of offenders is the responsibility of the entire society. It should also be emphasised that, the negative media publicity aside, there are

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34 Stern V 'Address by Baroness Vivien Stern to the Second Pan-African Conference on penal and prison reform in Africa' Ouagadougou, Burkino Faso (18-20 September 2002).

hard-working and conscientious staff working in the state prison system and more attention needs to be paid to their achievements. Similarly, there needs to be a better appreciation of the fact that the transformation of correctional services in South Africa, as is the case in most other sectors of the social and political economy, is a process which will take time to achieve. To that extent, the twenty-year time frame set for the achievements of the goals of the 2005 White Paper is a realistic one. It is also certain that policy on correction will undergo further refinement as the process of democracy in South Africa evolves. In that respect, the words of Coyle are particularly apt:

It has to be recognised that good prison management is dynamic. It is a continuous process rather than something that can be achieved once and for all and, very importantly, that it is a means to an end rather than an end in itself. To express this in different terms, it is a journey which never ends.<sup>35</sup>

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<sup>35</sup> Coyle (in 2 above) 98

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