

CHAPTER 5 CORRECTIONAL SERVICES

The Department of Correctional Services is headed by a National Commissioner of Correctional Services. The National Commissioner is assisted by five Chief Deputy Commissioners responsible for operational support, functional services, corporate services and finance. The department is divided into provinces headed by Provincial Commissioners, 148 management areas and 192 community corrections offices.⁷⁰

The aim of the Department of Correctional Services is to contribute to maintaining and protecting a just, peaceful and safe society by enforcing court-imposed sentences. The department also aims to detain prisoners in safe custody while ensuring their human dignity, and to promote the social responsibility and human development of prisoners and people subject to community corrections.⁷¹

The key functions of the department are to render services that contribute to community protection and the rehabilitation of offenders through:

- safe custody of prisoners under conditions consistent with human dignity;
- provision of rehabilitation and reintegration programmes to offenders; and
- effective supervision of persons under community corrections.⁷²

What was promised?

According to the Department of Correctional Services' 2001/02 budget vote, the main policy objectives of the department are to:

- keep prisoners in safe custody;
- control and supervise probationers and parolees;

- maintain control and discipline in order to ensure a safe environment in prisons;
- provide for the basic needs of prisoners and ensure humane conditions;
- provide education, training and rehabilitation programmes;
- assist prisoners with reintegration into the community; and
- deliver correctional services with maximum financial efficiency.⁷³

Key departmental policy goals for the period under review included:

- reducing overcrowding;
- focusing on rehabilitation;
- launching the restorative approach to corrections;
- introducing unit management;
- improving prison conditions;
- developing a HIV/AIDS policy; and
- combating corruption.⁷⁴

The Department of Correctional Services set itself the outputs and service delivery indicators for the 2002/03 budget year as outlined in Table 5.⁷⁵

Available resources

During the 2002/03 budget year the Department of Correctional Services was allocated R6.9 billion from the state treasury. Of this, 43% was allocated to incarceration, 30% to administration, 18% to facilities management and capital works, 5% to rehabilitation and 4% to community corrections.⁷⁶ Almost two-thirds (66%) of the department's total budget was allocated to personnel related expenditure.⁷⁷ In 2002 the department had a staff complement of some 35,300 employees. Of these the bulk (78%) were performing duties connected with the incarceration of prisoners.⁷⁸ Staff numbers are projected to increase to somewhat over 40,000 by mid-2003.⁷⁹

| Table 5: Correctional Services outputs and indicators, 2002/03 | | |
|---|---|--|
| Sub-programme | Outputs | Service delivery indicators |
| Offender control | <ul style="list-style-type: none"> • Ensure prisoners serve their sentence. • Accommodate prisoners. • Implement unit management. • Ensure a safe and secure environment for prisoners & staff. | <ul style="list-style-type: none"> • Reduce number of escapes. • 65% overcrowding in prisons. • Reduce assaults in prison. • Reduce unnatural deaths in prison. • 70% of prisons under unit management. |
| Health & physical care | <ul style="list-style-type: none"> • Render a 24-hour health care service to all offenders. • Provide offenders with 3 nutritious meals a day. | <ul style="list-style-type: none"> • 24-hour health care service in 120 prisons. • Prisoners receiving average daily minimum calories nutrition. |
| Development programmes | <ul style="list-style-type: none"> • Render education & training programmes to sentenced prisoners. • Optimise utilisation of prison labour. • Provide needy prisoners with material & financial assistance. | <ul style="list-style-type: none"> • No. of offenders involved in education (11,400) & training (10,300) programmes. • Offenders involved in building & maintenance (1,800/day), agricultural projects (7,500/day), workshops (3,700/day). • 21,000 needy prisoners assisted. |
| Correctional & parole supervision | <ul style="list-style-type: none"> • Supervision and control over offenders. • Electronic monitoring of offenders in the community. | <ul style="list-style-type: none"> • Daily average probationer & parolee population (67,200). • Number of absconders traced (7,935). • Daily average offender population under electronic monitoring. |
| Capital works projects | <ul style="list-style-type: none"> • Accommodation provided through joint ventures. • Standard provision of new accommodation. | <ul style="list-style-type: none"> • No. available prisoner places (5,952). • No. of additional prison beds (3,917). |

Source: National Treasury, 2002

In mid-2002 the department was responsible for 241 prisons:

- two APOPS prisons for sentenced men only (managed by a private consortium);ⁱⁱ
- eight facilities for women only;
- 13 for youth;
- 14 were temporarily closed for renovations;
- 72 for both men and women; and
- 132 for men only.

Workload

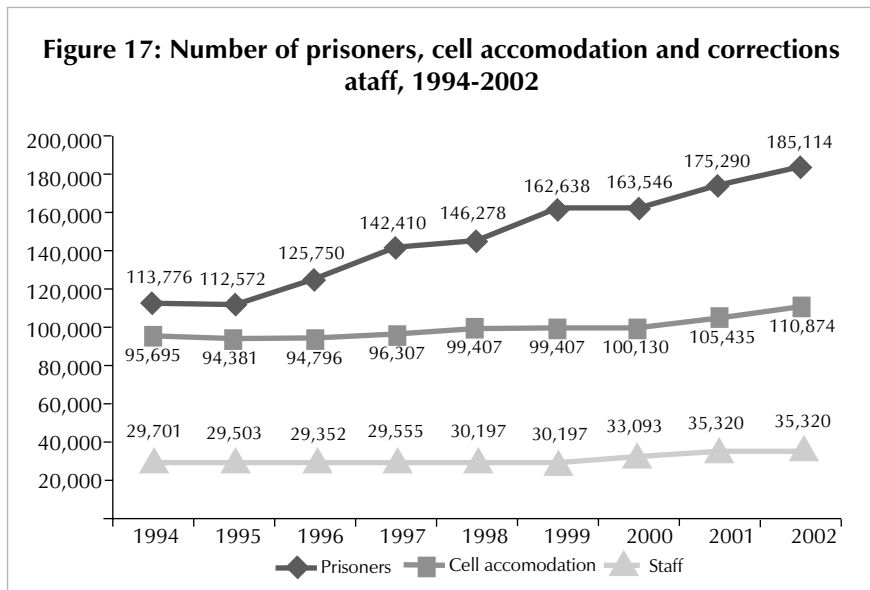
At the end of 2002 the department's prisons were accommodating 185,114 inmates even though the available prisons had been designed to hold only 110,874 prisoners. In other words, the prisons were overpopulated at the rate of 167%. During the period under review (January 2001–December 2002) the number of prisoners increased by 21,568 or 13%.

The department's workload has been increasing faster than its resources. Between 1994 and 2001 the number of prisoners increased by 63%. Over the same period the official cell accommodation increased by 16%, and the number of corrections staff by 19% (Figure 17).

At the beginning of 2002 occupancy levels in South Africa's prisons were at 166%. There were strong provincial variations in these levels, ranging from a massive 249% in Limpopo province to 131% in the Free State. Much of the overcrowding problem has to do with the increase in unsentenced prisoners since the mid-1990s. At the end of 1995 less than a quarter (24%) of all prisoners were unsentenced; at the end of 2002 almost one-third (31%) were.

Unsentenced prisoners can be more labour-intensive for prison wardens than sentenced inmates. There is a higher turnover among unsentenced prisoners;

ii APOPS: Asset Procurement, Maintenance and Operating Partnerships Programme.

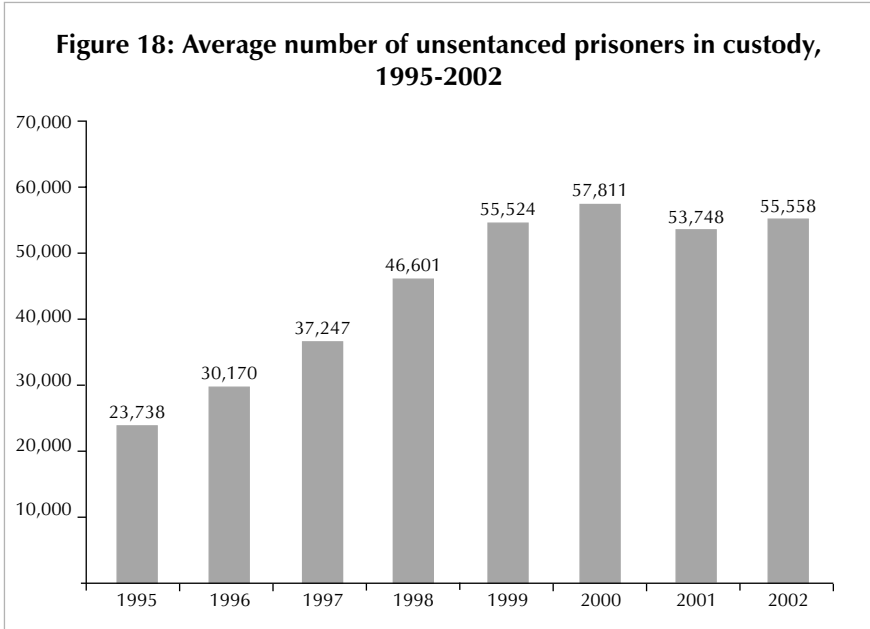


Source: Department of Correctional Services

they are not permitted to partake in vocational or educational classes; and they may not be released on community corrections or parole.

The large number of unsentenced prisoners is a result of a slow court and investigative process. However, partly due to the efforts to reduce overcrowding by the Department of Correctional Services and the Judicial Inspectorate of Prisons, the increase in the number of unsentenced prisoners was reversed during 2001 and largely stabilised during 2002. Compared to 2000, there were 7% fewer unsentenced prisoners during 2001. Sentenced prisoners increased by 9% over the same period. Between 2001 and 2002, unsentenced prisoner numbers increased by 2%, while the number of sentenced prisoners rose by 19% (Figure 18).⁸⁰

Another indicator of the department’s workload is the number of prisoners who needed ongoing medical attention—something that requires additional resources and management time. During 2001, 1,169 prisoners died as a result of natural causes—up from 1,087 during 2000 (an increase of 8%). In 1995 only 186 prisoners died from natural causes.⁸¹ Post mortems have revealed that the majority of these deaths in 2001 were linked to HIV/AIDS.⁸²



Source: Department of Correctional Services

Actual performance

Escapes

The department has been successful in reducing the number of escapes from its facilities and the escape of prisoners under its care. In the period April 2001 to March 2002, 233 prisoners escaped, down from 241 between April 2000 and March 2001. In 1999, 469 prisoners escaped, and in 1996 a massive 1,244 prisoners escaped. Although this trend is encouraging, the department's enhanced security measures may have a negative impact on rehabilitation strategies. For example, in an effort to further reduce the number of escapes, the department may restrict the prisoners who are permitted to work on farms and in industries outside of prison perimeters.

Overcrowding

The department, in partnership with the Judicial Inspectorate of Prisons, has released prisoners to reduce overcrowding. During the period under review,

at least 11,000 sentenced and unsentenced prisoners—excluding sexual and aggressive offence prisoner categories—were released. Moreover, the department has developed the following strategies:

- Providing additional prison accommodation through public-private partnerships. During 2002 two privately funded and managed prisons became fully operational in Limpopo province and the Free State. Jointly these two prisons provide accommodation for 5,952 prisoners.
- Developing and promoting alternative sentencing options to imprisonment such as electronic monitoring, correctional supervision, restorative justice process and suspension of sentences.⁸³

Assaults in prison

The number of assaults by prisoners on prisoners increased marginally by just over 1% in 2001, and 2% during 2002. The number of assaults by prison wardens on prisoners increased by 4% during 2001, and decreased by 9% in 2002 (Table 6).⁸⁴ According to the Office of the Inspecting Judge, statistics on assault are not always reliable as some inmates fear reprisals if they report an assault on them by a fellow prisoner or a warden.

Rehabilitation and restorative justice

During the 2002/03 budget year R353 million was allocated to the department with the aim of rehabilitating prisoners (up from R345 million in 2001/02, and R285 million in 2000/01). The move towards rehabilitation, as reflected in the increase in expenditure, confirms an important trend away

| | 1999 | 2000 | 2001 | 2002 |
|-----------------------------|-------------|-------------|-------------|-------------|
| Prisoner on prisoner | 2,204 | 2,354 | 2,380 | 2,429 |
| Warden on prisoner | 545 | 609 | 633 | 582 |
| Total | 2,749 | 2,963 | 3,013 | 3,011 |

Source: Department of Correctional Services

from a prison system centred on physical security and control, to one of rehabilitation and reintegration.

Greater emphasis on rehabilitation will allow offenders to improve themselves and aid their reintegration back into society as productive, well-adapted and law-abiding citizens. The National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO) estimates the rate of recidivism or repeat offending to be between 85% and 94% in South Africa.⁸⁵

During the course of 2001, the Minister of Correctional Services, Ben Skosana, initiated restorative justice programmes within the department. This further confirms that the department has undertaken a policy shift from a retributive form of justice to one based on restorative principles. An important objective of the restorative justice approach is to restore the dignity of the victim, the offender and the community by offering compensation to victims, and offenders taking responsibility for their actions.⁸⁶

Correctional supervision and parole

The daily average number of people on community corrections increased from 69,814 in 2001 to 72,813 in 2002 (an increase of 4%). During 2001, some 59% of the community corrections population was on probation, the remainder on parole.⁸⁷

Issues to watch

- *HIV/AIDS Policy.* Although the department has developed a policy on HIV/AIDS in prison in consultation with the Department of Health, a number of challenges still face the Department of Correctional Services in this area. These include the quality of condoms supplied, provision of anti-retroviral treatment to prisoners, testing inmates for sexually transmitted infections, and prevention (education) and counselling.
- *New prisons.* It is uncertain whether the government will pursue building further privately funded and managed prisons because of their expense. Such private prisons are based on the idea of unit management. The belief is that if prisoners are housed in smaller manageable units, the chances of rehabilitation are increased since it is easier to monitor and supervise the prisoners.

- *New parole policy.* The department's new parole policy has been completed. Some 58 parole boards will be established across South Africa once the relevant legislation is promulgated.⁸⁸ For the first time every parole board will include two community representatives as permanent board members. The new policy could make the granting of parole more difficult than in the past. For example, prisoners serving a minimum sentence (in terms of minimum sentencing legislation) must serve four-fifths of their sentence before they can be considered for parole.
- *Unit management.* By March 2003, one-fifth of the country's prisons are to be run on the principle of unit management. This target is set to increase to 40% of the country's prisons by March 2004.⁸⁹ Moreover, to reduce overcrowding, the department has unveiled an innovative plan to build cost-effective, low-density prisons that would cut down staffing costs and reduce prison overcrowding. The new prisons, which will start being built in 2003, are based on smaller prisoner housing units grouped together in clusters with improved security.⁹⁰
- *Electronic monitoring.* The department claims that its investment in electronic monitoring will enable it to monitor 8,850 probationers and parolees electronically by March 2003.⁹¹
- *Corruption.* In July 2001 president Thabo Mbeki appointed judge Thabani Jali to investigate allegations of escalating corruption, misadministration, violence and intimidation in the Department of Correctional Services.⁹² Following the Commission's exposé of corruption, the Department of Justice and Constitutional Development appointed a Special Investigation Unit, headed by Willie Hofmeyr of the NPA, to prosecute those involved in prison-related corruption.⁹³ The Commission is expected to release its findings during 2003.
- *Overcrowding.* The department's workload is increasing faster than its capacity. It is estimated that the prison population will have risen to 225,000 by 2004/05.⁹⁴ The proposed new prisons (see above) are unlikely to reduce overcrowding substantially given the rapid pace at which the prisoner population is increasing. For this reason, simply building more prisons does not appear to be a solution. It is important that the government's incarceration policy is matched with policies of rehabilitation and restorative justice.

Summary

The workload of the Department of Correctional Services is increasing faster than its capacity. The number of prisoners entering the system continues to increase at a faster rate than the capacity of the department to accommodate them. Given that prisons are expensive to build, that prisoners are costly to house, and that crime levels are likely to remain high for some time in South Africa, simply building an increasing number of prisons seems an unaffordable solution. To move away from an incarceration-focused approach for convicted offenders, more resources need to be allocated towards the rehabilitation of offenders and innovative restorative justice programmes. In addition, crts need to focuss on other non-custodial options such as correctional supervision.

For a variety of reasons HIV prevalence levels tend to be significantly higher inside of prison than outside. As most sentenced prisoners are eventually released back into their communities, prisons can become “architectural vectors” for the spread of HIV/AIDS.⁹⁵ For some time the lack of a clear departmental HIV/AIDS policy has threatened the health of prisoners but also posed a potential danger for society more broadly. The finalisation of the department’s HIV/AIDS policy will assist, but careful attention will need to be paid to the implementation and monitoring of the policy.