

Front Cover Page

DURBAN UNIVERSITY OF TECHNOLOGY
OVERCROWDING OF SHORT-TERM OFFENDERS AND REMAND DETAINEES
IN SOUTH AFRICA: EVIDENCE FROM PIETERMARITZBURG, KWAZULU NATAL.

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DECEMBER 2024

Title Page



OVERCROWDING OF SHORT-TERM OFFENDERS AND REMAND DETAINEES IN SOUTH AFRICA: EVIDENCE FROM PIETERMARITZBURG, KWAZULU NATAL

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APPROVED FOR FINAL SUBMISSION

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Abstract

This study aimed to highlight the effects of prison overcrowding in Pietermaritzburg Management Area in KwaZulu Natal by acquiring knowledge about and seeking alternatives to imprisonment for the two categories of offenders in this study. The study endeavoured to address, implement and redress in relation to the overcrowding experienced in correctional centres. It presented a complete evaluation of research on the causes and consequences of overcrowding, drew conclusions, and proposed solutions. It is unfortunate that the correctional system is unable to keep up with the influx of new offenders, leading to a number of other challenges within the system. Overall, the study argues the need to put into effect innovative options to address the circumstances which lead to overcrowding, such as providing access to redirection programmes and public protection, whilst promoting restorative justice.

Prison overcrowding is a significant problem in South Africa, which has amongst the highest numbers of incarceration in the world. This is not a new problem in South Africa as it has been recurring for several decades. In this study, overcrowding refers to a situation when the total number of offenders in a correctional centre exceeds the capability to conveniently accommodate prisoners, whilst ensuring their security at the same time.

number of people being sent to correctional centres has drastically increased, leading to prison overcrowding. The comments and the outcry from the populace indicate that government is not doing enough to curb the underlying increase in the crime rate, which will lessen overcrowding. Alternatives to imprisonment are necessary, and the Justice Department needs to refer to the sentencing guidelines in South Africa when a term of imprisonment is the only option in order for sentencing to be fair and not biased in any way. According to Statistics South Africa, the numbers are increasing with a yearly growth rate of an increase in the prison population and the lack of adequate facilities to house offenders, both remand detainees and sentenced offenders, is a major contributing factor. This in turn affects the safety, human rights and health of offenders, officials, the community at large, as well as the effectiveness of the justice system in fulfilling its purpose of rehabilitation. The phenomenon

becomes a burden on the taxpayers as there are insufficient finances to provide for offenders' needs whilst incarcerated.

Another major problem causing overcrowding in prisons in South Africa is the high crime rate, especially of violent crimes. Due to this high crime rate, the

The research study also highlighted the importance of the reduction of offenders and remand detainees in prison by offering alternatives such as making use of the free bail for remand detainees and offering alternatives to imprisonment for the category of short-term offenders who are incarcerated for economic crimes, which are considered to be less violent or serious.

Furthermore, the study examined the causes and solutions to overcrowding, which include the impact thereof on offenders, officials and the community at large. Addressing overcrowding is critical as it will ensure that offenders' human rights are upheld, which is necessary to prepare them for release back into society.

Over the past years, various approaches have been taken into consideration to deal with overcrowding. Many amnesties have been granted by various successive Presidents of the country, but to no avail. Overcrowding remains an issue which is a threat to the Justice system of South Africa. The situation needs the Government of the day to join forces with the two Departments, namely the Department of Justice and the Department of Correctional Services, along with the involvement of communities.

This research study collected data through a qualitative method using interview schedules. Officials directly affected by the overcrowding from both the Department of Correctional Services and the Department of Justice in the Pietermaritzburg area, formed part of the focus group of individuals who offered insight and possible solutions to the overcrowding currently being experienced.

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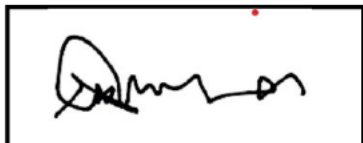
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Declaration by student

I, Natasha Alona Carries, a student at the Durban University of Technology, student number 21854666, wish to state:

- o That this is my own work and all the information that I have made use of has been cited and acknowledged accordingly.
- o This work has not been submitted at any other learning institution previously.

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'Natasha Alona Carries'. There is a small red dot above the signature.

Natasha Alona Carries

December 2024

Dedication

I dedicate this thesis to the following people:

- My late Mum, Yvonne Mary Bantom who passed away suddenly after a short illness on the morning of my birthday on 6 August 2022. I was at an all-time low and I wanted to abandon my studies as I was doing this solely for her: nobody will be prouder of me than my mother. I thank my supervisor, Dr S. Lombo, who refused to hear of my plan to postpone my studies He gave me time to mourn and assured me that Mama is still watching and proud of me.
- My only child, Jade Carol Carries, to prove to her that the sky is indeed the limit baby girl, for all other young females and males from my community of Eastwood in Pietermaritzburg and beyond, to prove to them that if you set your mind on something, irrespective of your background, you can achieve it if you believe in it and put in the work.
- My Dad, George Harry Bantom, who also suddenly passed away on 25 March 2024. Also to my siblings: my only sister, Melanie Bantom, and my three brothers, Garland, Delmann and Edwin Bantom, as well as my nieces and nephews, Dylan, Taylin, Kezlynn, Xe'thean and Kerry Bantom.
- My colleagues, who have had any kind of doubt: I have done it, so can you.
- Dear Lord, thank you for the strength you knew I needed to make it through; indeed, you do not give us a cross that is too hard to bear. Thank you for wisdom and for being with me as I continue on this journey. You know how difficult it was, but you saw me through the darkest moments.

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Dear Lord, none of this would have even been possible without your guidance every step of the way; it was not easy, but you remained faithful.

List of Acronyms

ACRONYM	FULL DESCRIPTION
DCS	Department of Correctional Services
DOJ	Department of Justice
RD	Remand Detainee
SAPS	South African Police Service
NPA	National Prosecuting Authority
CPA	Criminal Procedure Act
CSA	Correctional Service Act
CIO	Correctional Intervention Officer
CMC	Case Management Committee
CSPB	Correctional Supervision Parole Board
KZN	KwaZulu Natal
PMB	Pietermaritzburg
SA	South Africa
CC	Correctional Centre
SPD	Special Parole Dispensation
VOD	Victim Offender Dialogue
VOM	Victim Offender Mediation

SR	Special Remission
C/S	Correctional Supervision
P	Parole
SED	Sentence Expiry Date
EST	Emergency Support Team

Definitions

- **Offender:** a sentenced offender or convicted person sentenced to incarceration.
- **Overcrowding:** an environment where the number of inmates incarcerated exceeds the functional or usable bed space capacity.
- **Prison:** an international concept which is universally applied in the Justice system to refer to facilities for detention of unsentenced and sentenced persons.
- **Probationer:** a criminal who has been sentenced to a term of imprisonment but whose sentence was converted to correctional supervision; also, those individuals sentenced to correctional supervision directly from the court.
- **Parolee:** a criminal who has been released conditionally from a centre to complete the remaining portion of their sentence in a community
- **Remand detainee:** a person detained in a remand detention facility awaiting the finalisation of his or her trial.
- **Reoffending or recidivism** is the behavioural pattern whereby an offender, parolee or probationer who is convicted of a crime and given a punishment by a judge
- **Special Remission:** a decrease of the sentences of incarcerated criminals, probationers and parolees with a period as determined by the President of South Africa
- **Short Term Offenders:** any offenders sentenced to a period of 24 months or less imprisonment.
- **Awaiting-trial person:** an accused person placed in a correctional centre awaiting the finalisation of his/her trial.
- **Bed space /Accommodation:** the figure which represents the maximum number of prisoners that can be held in a particular centre.
- **Design bed space:** the number of bed spaces that can be utilized for housing inmates and may be equivalent to or less than the design bed spaces.

- **Inmate:** any individual in a prison or remand facility who is being held in custody, regardless of whether they have been found guilty or not.
- **Revocation:** when a parolee/probationer violator breaks their parole conditions, and such person is returned to the correctional centre to complete the rest of their sentence; their parole is therefore revoked by CSPB.

Chapter 1

Introduction and Background to the Study

- **1.1 Introduction**

The function of the correctional system is to assist in the maintenance and protection of a just, peaceful and safe community by carrying out court orders prescribed by the Correctional Services Act 111 of 1998. In so doing, the system ensures that all inmates are in safe custody whilst ensuring that their human dignity is always being upheld. Therefore, encouraging social responsibility and the universal human development of all offenders is crucial. However, the challenge of overcrowding in the Department of Correctional Services has been in existence for more than fifty years and affects the delivery of services throughout the entire chain.

The growing rate of crime in South Africa has left the Correctional System afflicted with huge prison overcrowding. Correctional centres are required by law to offer a healthy atmosphere for all offenders, allowing them to reflect on their crimes, repent and rejuvenate themselves in preparation for their release into the free world (Anderson & Achipelago, 2018). Adopting the rehabilitation idea in prison facilities is not a recent phenomenon as it dates back to the nineteenth century. Overcrowding, on the other hand, has been an obstacle in implementing this idea for many years and it continues to be a scourge in this significant problem.

The Department of Correctional Services (DCS) and the Department of Justice (DOJ) from the Pietermaritzburg (PMB) area, the capital of KwaZulu Natal (KZN) Province, lies in the Msunduzi river valley and has been experiencing a notable increase in crime levels. According to Stats SA (2022: 12-14), the current crime rate is at an all-time high, with an average of 86.08% prison capacity filled in all South African correctional centres. It is for this reason that the Pietermaritzburg (Pmb) area has been chosen for the study. According to Amnesty International (2013:45), the challenges of overcrowding, the high conviction rate of short-term offenders and the unnecessary detaining of remand detainees is a serious concern globally. According to Sibisi and Olofinbiyi (2021:209-226), correctional centres are places where people are at high risk of contracting a number of infectious diseases.

The problem of overpopulation in the Pmb Management area is not exclusive to this area. It affects the whole of South Africa, Africa, and the rest of the globe. As argued by Nkosi (2020: 10-15), overcrowding is exacerbated by a rise in crime due to high unemployment, which now stands at a startling 40%. Due to the present economic situation in South Africa, more juveniles and first-time offenders under 35 years old find themselves in prison. Unemployment is a major cause of the high crime rates. This argument begs the question: What is government doing to assist the people in areas which contribute to criminal behaviour? (Bhorat & Lilenstein, 2019).

The study will critically review incarcerations of short-term offenders and the detention of remand detainees for lengthy periods that contribute to overcrowding. These two categories are important as it will shed light on possible solutions to assist the Correctional system in terms of overcrowding. However, in this study, the focus area will be limited to the Pietermaritzburg (PMB) Management area. The Pietermaritzburg Management area is one amongst many in South Africa (SA), and each centre may have its own challenges. The recommendations made in this study cannot be generalised but are only applicable to the Pietermaritzburg area as the data was only collected in Pietermaritzburg.

The lack of adequate space is only one of the numerous problems experienced as consequences of overcrowding. Overcrowding also impacts the quality of the standard of activities, hygienic conditions, food, medical care and assistance given to underprivileged people. All people's mental health is impacted and generates offender tension and violence, according to Atabay (2015:11). No correctional system can achieve its objectives if it does not have a range of healthy external partnerships. According to the Commissioner of Correctional Services (2005:12), the Department of Correctional Services has identified several key external relationships.

- **1.2 Definition of overcrowding**

Overcrowding refers to a situation where there are more offenders than the bed or institutional space. This lack of space contributes to offenders' needs not being met, including rehabilitation and educational programmes. It also increases the risk of violence, poor living conditions and inadequate medical care. Various factors play a role

and contribute to overcrowding, such as prison administration, security, economics, safety of inmates, public concerns, politics, rights of offenders, court judgments, shift patterns in the departments affiliated with dealing with offenders, networks, and more recently, load shedding. Inhumane treatment becomes a major area of concern when there are fears around the physical space of an inmate which is prone to lead to risks of infections from diseases.

- **1.3 Background**

Overcrowding in correctional centres occurs when the number of inmates exceeds the facility's capacity, which is a major problem worldwide. It remains one of the most pressing issues globally, with 27 nations running at 150 percent to 200 percent capacity (Anderson & Achipelago, 2018: 23-25). Despite repeated calls to reduce prison populations since the outbreak of the COVID- 19 pandemic, the prison population in the world has reached an all-time high. Rather than reducing prison numbers, many governments are increasing prison capacity, with the global prison estate expanding significantly in the last year Global Prison Trends (2022). According to the report, there are 11.5 million people currently in prison globally. Since 2000, correctional centres saw an increase in the number of incarcerations by 24%. In South Africa, overcrowding is an issue for many other stakeholders, including communities, the Department of Social Development, South African Police, Department of Justice and naturally the Department of Correctional Services.

The study used an exploratory design method where various DCS and the DOJ stakeholders were interviewed to find out the various multi-faceted variables that are directly linked to prison overcrowding at the Pietermaritzburg prison, namely medium A and B. Using qualitative tools of data collection such as interview schedules, the sample population was purposively chosen from the DCS and DOJ. The collected data was analysed using Nvivo software. The findings of the study will assist in providing current and relevant solutions for the Department of Correctional Services regarding prison reforms.

- **1.4 Problem Statement**

On May 8, 2020, the Minister of Correctional Services introduced the parole

dispensation to help with overcrowding in South African penitentiary facilities and deal with the spread of COVID-19 (Minister Ronald Lamola, 2020: 1). Throughout South Africa, a total of 19 000 low-risk offenders were freed. After failing to follow their parole requirements, 126 inmates were re-admitted to the system within a few days after their release on May 13, 2020. This did little to help with the overpopulation situation. Ex-offenders and fresh criminals were not deterred from committing crime by the harsh measures that accompanied the State of Disaster. Instead, the recent COVID-19 pandemic exacerbated an already dismal situation by increasing unemployment and the proportion of individuals living in poverty.

The criteria utilized to sentence offenders who are convicted of committing economic crimes without the option of bail, or high amounts of bail, are inconsiderate of individual contexts, according to Ahmad (2009: 34). It appears therefore that the jail circumstances that the inmates are exposed to, as well as other aspects such as a person's age and mental state, are not considered. Offenders who are mentally challenged are being sent to Correctional Centres and forgotten about. The staff at the Department of Correctional Services, aside from medical staff, are not trained to handle such offenders. Nkosi (2020:45) highlights that mentally challenged detainees are not guarded by healthcare staff but by security officials, as healthcare staff only have the responsibility to treat and administer treatment to offenders.

The researcher is of the view that Correctional Services does not really reform or rehabilitate offenders. If one investigates the entire legal process, both the rights of the victims of crime and the rights of detainees are ignored. Hence, there is a need for a balance of rights between these two groups. The researcher is concerned with the issue of catering for inmates materially and otherwise while the victims of crime are ignored, which is another factor that contributes to recidivism and eventually overpopulation. The offenders are catered for by the very taxpayers who are the victims of their crimes. Offenders sleep with a clear conscience that they will receive breakfast the following morning, and other meals, clothing, medication, shelter and other amenities are also free of charge. Law abiders are to pay for all these material needs irrespective of whether they are employed or not.

High levels of inequality, unemployment, illiteracy and socio-financial challenges result

in high degrees of crime. Investigations and prosecutorial methods are drawn out, similarly contributing to the high numbers of remand detainees in correctional centres. Overcrowding has a direct negative influence on DCS's capacity to rehabilitate offenders for successful integration into society. It creates a significant threat to the health system of inmates, increasing the number of infections when the country was dealing with the crisis of the Covid 19 pandemic in 2020. Overcrowding compromises safety, protection and good morals, which officials are trying to uphold within the correctional centres. These in turn lead to gang activities, escapes and assaults on either offenders or officials. Elevated levels of job loss and inequality, low literacy levels, and challenging socio-economic factors all lead to increases in crime. The process of prosecuting and investigating become too much, thus increasing the remand detainees in the correctional centres. In order for the new conviction rate to decrease, the family as the main source and the centres as the second source of support, need to be functional units. DCS tries to ensure that this is indeed taking place in accordance with the White Paper on Corrections.

- **1.5 Nature and scope of the study**

The reasons for jail overpopulation are not limited to criminal justice, but also include social welfare policy, access to healthcare, education and employment amongst other things. The primary goal of this study is to provide an in-depth analysis of the various political, social and economic factors relating to overcrowding in Pietermaritzburg correctional centres. As a result, the focus of this research is restricted to providing an overview of certain essential criminal justice-related features of overcrowding. It intends to assist strategy and policy formulation in the DOJ and DCS within the KZN context. The study will highlight examples of good practice and promote additional thought and research within the context of criminal justice policies and programmes.

The study will further elaborate on the working relations between the DCS and DOJ in incarcerating short-term offenders and remanding detainees to correctional institutions, with no bail or bail that they cannot afford. Short-term offenders in the prison context are a category of offenders whose sentence is two (2) years and below. Remand detainees in the prison context is a category of offenders that are not yet sentenced but who are housed at DCS. The researcher aspires to highlight the problems produced by

overpopulation, such as human resources, violence, gangsters, sodomy, safety and various contagious diseases, to name a few. Increased overcrowding leads to difficulty in monitoring inmates' health and providing a safe environment. Furthermore, it has the potential to contribute significantly to insanity and jail violence. Minister Ronald Lamola (2019: 12-14) indicates that this category of offenders, namely short-term offenders, should be provided special remission. The time which must be served for this category of offenders, according to prison orders, is $\frac{1}{4}$ of their sentence. This means that a person sentenced to two (2) years imprisonment is eligible to be considered for release after serving only six (6) months. There is not enough time to refer this category of offenders for any programmes due to the time constraints. Programmes which can assist them to shift their mentality from doing what is wrong to doing what is right are thus not offered to this category of offenders, and the officials providing these programmes are in any case swamped and have huge backlogs with work from the other categories of offenders who are serving a much longer term in prison.

The only compulsory programme offered to short-term offenders is a pre-release programme after they have obtained a positive support system. A pre-release programme prepares the offender for release back into the community. Programmes to assist them to deal with their anger, substance abuse, reasons they commit these crimes, and social worker programmes which are more detailed, but are not offered to this category of offenders.

They therefore leave the correctional centre still not mentally prepared to deal with temptation, substance abuse and negative influence, amongst others, to assist them to abstain from a life of crime. This leads to repeat offenders and the same offenders visiting correctional centres as they have not been properly equipped with the knowledge or skills to assist them in the outside world. The DOJ may set an individual up for failure by actually sending them to a correctional centre and not dealing with the underlying issue at hand. An individual may come out a worse person than when he/she was imprisoned, as they had to learn the prison way of having to defend their belongings and themselves from theft, gangs and victimisation from other offenders.

Alternatives to incarceration are discussed throughout the research. Referring short-term offenders rather to a sentence of correctional supervision, where they can help an already-struggling municipality in Pietermaritzburg to maintain the city's upkeep. When examining such possibilities, age and professional qualifications must be considered to refer a person to a community service appropriate for these two groups. The research

respondents who participate in the study are chosen through a purposive, non-probability sampling method and their individual experiences. The qualitative methodology is used to collect data.

- **1.6 Aim**

The aim of this study is to acquire knowledge and to seek alternatives to imprisonment for the two categories of offenders, namely short term and remand detainees in order to better address the overcrowding experienced in correctional centres.

- **1.7 Objectives**

The objectives of the study are to:

- Investigate the root causes of crowded conditions in Pietermaritzburg (PMB).
- Explore the consequences of overpopulation and conditions within PMB correctional centres.
- Ascertain how shortening jail time for first-time offenders (removal of non-parole periods, reducing bail, giving free bail to those who cannot afford it) can effectively reduce overcrowding within the correctional centre; and
- Make recommendations of measures to reduce prison numbers and thus overcrowding.

- **1.8 Key research questions**

- What are the causes of overcrowding in the Pietermaritzburg Correctional Centre?
- What are the effects of overcrowding and the conditions within correctional centres?
- How would shortening jail time for first time offenders (removal of non-parole periods, reducing bail, giving free bail to those who cannot afford it) effectively reduce overcrowding within the correctional centre.
- What recommendations can be made for measures to relive prison numbers?

- **1.9 Research Methodology**

It refers to the systematic and structured approach used to conduct research, which include the methods and techniques employed to collect, analyze and interpret data.

Interview schedules will be used to collect qualitative data to gain a deeper understanding into prison overcrowding and it allows for respondents to share their voices and experiences. The qualitative data will be analysed using Nvivo to identify themes that emerged from the data. The accessible population for the study consisted of the Department of Correctional Services and the Department of Justice employees who are accessible and willing to participate. The interviews will be conducted with 15 respondents from the two departments in total, 13 (thirteen) from DCS and 02 (two) respondents from DOJ.

A copy of the interview schedule for DCS is available in Appendix H.

A copy of the interview schedule for DOJ is available in Appendix I.

- **1.10 Study Limitations**

The study was only conducted in one management area in KwaZulu Natal (KZN) Province, the Pietermaritzburg management area. KZN consists of a total of 7 management areas, which have a number of correctional centres falling under it. There are also 6 provinces in the correctional services context and the study is based on one of them.

- **1.11 Outline of the chapters**

The study consists of 5 chapters, which are outlined as follows:

Chapter 1- Introduction

Chapter 1 Introduces the study and its purpose and presents the study background, problem statement, nature, the aim and objectives.

Chapter 2 - Literature Review

This chapter addresses and explores the literature review of studies conducted in this field by other researchers.

Chapter 3 - Research Methodology

This chapter introduces the methodology, which is the qualitative method, and outlines the investigation method and format used to accumulate and analyse information.

Chapter 4 - Qualitative Analysis and Discussion

This chapter presents the findings based on the qualitative methods used.

Chapter 5 - Summary and Recommendations

This final chapter provides the outcomes in line with the study objectives and the aim.

- **1.12 Conclusion**

Chapter 1 has focused on the dire state of the correctional system with respect to prison overcrowding. Implications for various issues such as health, safety and whether overcrowding contributes to the rehabilitation of prisoners were discussed. Given this crisis, policymakers should take swift and decisive action to tackle the numbers of prison overcrowding as soon as possible as offenders adjust to incarceration in different ways, taking into account aggression levels, social support, ages, sentence lengths and classifications (Rogers, 2019).

The following chapter will provide existing literature on the topic. The purpose of chapter two will be to identify gaps in existing research. The chapter aims to contribute to the ongoing discussion of prison overcrowding, add on to it or challenge existing knowledge.

CHAPTER 2

Literature Review

- **2.1 Introduction**

This chapter will focus on examining and reviewing relevant literature pertaining to Correctional Centre overcrowding and the current state of knowledge. By combining literature of various fields pertaining to the topic, this study seeks to provide an understanding of the issues relating to prison overcrowding and offer ways to progress and better deal with overcrowding.

The prison population in the world continues to increase. There are many countries with no official statistics in the world, however according to the World Prison Brief. 2021 it shows that there are more than 11.5 million people in prison globally. Of this, more than 2 million are in the US, at least 1.69 million in China and 811 000 in Brazil. In terms of prison population rates, the US remains the country with the highest rate (629 per 100 000 people), followed by Rwanda (580), Turkmenistan (576), El Salvador (564) and Cuba (510). To put this into context globally, 140 people per 100 000 are in prison on any given day. Large numbers have been reported in some places. In India, the prison population has risen by 14% across 24 of the country's 28 states (counting for almost 84% of the national prison population) in the last two years due to increased arrests, delays in the hearing of bail applications, and suspension of regular court proceedings. Turkey's prison population has grown 130% in the last ten years, from 128 000 in 2010 to 295 000 at the end of 2021. In contrast, data from 2021 revealed that Switzerland had the lowest rate of incarceration in a decade, with an 8.4% drop between 2020 and 2021, maybe as a result of being pandemic-related World Prison Brief. 2021

Pre-trial detainees continue to constitute a significant share of the prison population in most jurisdictions, as around one in three people in prisons globally is held without having been convicted or sentenced. Despite tracking pre-trial detention rates as an indicator of progress towards Sustainable Development Goal 16, the global share of

unsentenced detainees has remained stable since 2000, ranging between 29% and 31% of the global prison population. At the regional level, there is considerable variation in trends. Over the last two decades, Africa has seen the largest decrease in the share of unsentenced people in prison, from 45% in 2000 to 34% in 2019, although along with Asia, the region continues to have the highest share of people in pre-trial detention globally. Over the same period, the proportion of pre-trial detainees increased in Oceania from 20% to 32%.

Some of the fluctuation in prison population numbers over the last two years is undoubtedly related to the COVID-19 pandemic, either directly through large-scale exceptional release measures to decongest correctional centres, or indirectly through changes in the nature of offences being committed or a slowing down of the judicial system and subsequent efforts to clear court backlogs. Now, more than two years from the start of the pandemic, it is clear that COVID-19 has not resulted in an overall reduction in the global prison population. During the pandemic, some countries have seen lower imprisonment rates due to courts not operating as usual, resulting in fewer new admissions to correctional centres. Many countries' courts continue to have a huge backlog of cases, which has a significant impact on the criminal justice system. For example, in Ireland, correctional centres dealing with active lockdowns are not accepting new admissions as staff are not able to escort people in prison to court, which has compounded court delays. In New Zealand, nearly 20 000 court appointments had been postponed because of COVID-19-related restrictions.

Other countries are seeing the opposite, with prison numbers rising again. In some places, this is linked to changes in court operations, such as in Nigeria, where the backlog of court cases has led to a huge proportion of people being held in pre-trial detention. There are now 50 000 people awaiting trial, out of a prison population of 70 000. A study in the US found that following initial reductions of pre-trial detainees held in jails in the first months of the pandemic between May 2020 and February 2021, the populations of 83% of jails sampled increased by December 2021, and 28% had higher populations than before the pandemic. Data suggests that most of the population declines during the pandemic are due to reduced prison admissions rather than dedicated decongestion efforts, and early reforms to mitigate COVID-19 have been

largely abandoned.

South Africa is also struggling to curb overcrowding in the country's correctional centres, with some facilities overcrowded by as much as 248%. The Minister of Justice and Correctional Services, Ronald Lamola, revealed this in a parliamentary response which showed that the country's correctional centres have an overcrowding capacity of 33%. Leading the pack are correctional centres in Eastern Cape, sitting at 63%; followed by Western Cape with 49%; while Gauteng correctional centres are overcrowded by 45%. The Judicial Inspectorate for Correctional Services (JICS: 2016) indicated that overcrowding in South African correctional centres has been problematic for years.

Spokesperson Emerantia Cupido stated that one example of this was the judgment by the Western Cape High Court in December 2016 ordering the Pollsmoor remand detention facility to develop a comprehensive plan, including timeframes, which would address many of the issues related to overcrowding. Overcrowding does not only affect the safety of inmates and prison officials as the ratio of officials to inmates poses a danger to both, especially when it comes to optimal safety response times, but also creates deficiencies in the provision of exercise, nutrition, accommodation, ablution facilities and healthcare. Overcrowding has far-reaching causal effects, which not only affect those that are incarcerated and those that have to guard over them, but also increase the maintenance costs of centres as the buildings themselves cannot cope with the number of people being housed in them. Cupido stated that JICS has been monitoring inmates who are incarcerated but cannot afford bail of less than R1 000 and has made several appeals to the minister for the release of certain categories of inmates. Justice Department spokesperson Chrispin Phiri stated: "The excessive use of pre-trial detention and the use of correctional centres for minor, petty offences, are critical drivers of population rates".

"Overcrowding in correctional centres has ramifications for the entire society, as convict rehabilitation appears unsuccessful and criminal inclinations are intensified. Unlike courts who are there to sentence those found guilty of crime, correctional centres exist to detain, carry out sentences of the court and ensure rehabilitation is carried out" (Mmutlane, 2019). Correctional centres are overcrowded in almost every country in the world and South Africa is no different. The White Paper on Remand Detention

Management in South Africa (2014: 20) indicates that overcrowding is not a new phenomenon in South Africa detention facilities. According to the White Paper on Corrections presented by the Commissioner of Correctional Services (2005), the problems can be traced back to the early 1900s when the prison system was regulated mainly by various Provincial Ordinances. One of the major causes of crime is racial profiling whereby a black person is viewed to be most likely to commit criminal activities compared to any other race. This profiling goes beyond race but also the age-group, place of location and level of education. Hence, first-time offenders tend to repeat the same crime due to the stigma attached to them by the justice system. As stated by the Labelling theory, the researcher believes that bad labelling most likely sticks to the individual who strives towards aligning himself with such a label, which becomes the motive behind crime commission. The above school of thought is seconded by Prins (1973:40-42) as he explains the implications of "giving a dog a bad name".

According to the labelling theory it is said that once labelled a delinquent, a person may either find it very difficult to locate away from the label given to him by society, or alternatively, he may even wish to cling to the label as it may provide him with the identity that he cannot acquire by any other means, which becomes important to maintain.

Prins (49-56) explains criminal behaviour in terms of genes and chromosomes, nature v. nurture, physique and crime, physical illness and crime, endocrine disturbances and crime, and physical handicaps and crime. Siegel (2015:60- 61) draws a parallel between crime and social class in that he points out that people of the lowest echelons of the social structure have the greatest incentive to commit crimes. People who cannot get the goods and services they need through normal channels could therefore turn to theft and other illegal activities. These illegal activities include the sale of drugs, or other illegal means of obtaining them.

The William Harry theory states that those living in poverty-stricken areas are usually involved in disproportionate amounts of violence as a means of expressing their rage, frustration and anger against society in so far as expressive crimes like rape and assault are concerned. These may also be higher in poverty-stricken areas for those engaging in violence have a likelihood of developing an alternative source of positive self-image by viewing themselves as tough, strong, or "bad". Change in the educational

system is seen by Siegel (2015) as another contributing factor in creating criminal activities. Schools becoming larger and more complex provides ideal sites for crime. Spacious school grounds reduce teacher supervision. Helson in Siegel (2015:96) perceives the aforementioned changes and functions of society as having helped to increase and sustain crime rates. For criminals to think about crime, Siegel (2015:111) maintains that those who have a lack of inhibition against misconduct and the assumed value of the excitement and thrills of breaking the law have a low stake in conformity and are willing to take greater chances than an average person. Should they be convinced that their actions might bring about severe punishment, only the totally irrational would be willing to engage in crime.

From what is highlighted by Siegel (2015) above, the researcher infers that crime commission goes hand-in-glove with choice, rational and or irrational thinking to commit or not to commit crime on the part of the offender. There is also the element of being prepared to take any risk, which would form part of embarking on crime eventually. Crime is in one way or another to be measured, whether it pays or not. This is done by considering the probability of arrest and the cost of punishment, and the benefits of employment being lower than the expected benefits of theft.

Other motives pointed out by Siegel (2015:112) are that criminals tend to overestimate the money they can earn from crime. Some criminals are under the impression or believe that legitimate work is unavailable. Criminals have the perception that eventually everyone is caught and punished. Hence, the majority of repeat offenders are for minor crimes such as burglary, pickpocketing and robberies, and the perpetrators thereof are the major cause of overcrowding in correctional centres.

The historical overview of the establishment of Correctional Centres in South Africa and the current state of correctional services in South Africa is the result of several political and social shifts that have happened in the past. According to MacDonald (2018: 34), the sentencing of offenders in the 1600s and the existing quotas were primarily geared at discouraging other people from misbehaving, hence punishment was carried out in public. Overcrowding is one of the difficulties that the Department of Correctional Services (DCS) has tried to address throughout the years, especially in remand detention correctional centres. For arrested persons being transported into

correctional centres, remand detention is the initial point of entry. Thereafter, the remand detainees are held in detention centres awaiting trial until they are condemned or acquitted by the courts. Following the 1945 Lansdowne Commission on Penal and Correctional Centres Reform, due to the high levels of re-offending amongst offenders, there was a dire need to re-examine the daily procedures of correctional centres so that changes could be implemented where necessary. Muthaphuli (2008:119) contends that the Lansdowne Commission was appointed in 1941 to address this need, but its findings were only released in 1945. One of the chief findings of the Commission was that the legacy of the 1911 Act continued to sanction harsh sentences and a discriminatory system instead of changing the operations of correctional centres to reflect democratic and humane values. Coetzee, Kruger and Loubser (1995:31) comment that the Commission had the mandate to investigate the whole structure of the Department of Correctional centres. Methods of recruitment used by the Department, in addition to the qualifications of the prison officials were classification and control of correctional centres; methods of punishment which were being used in various correctional centres; various forms of programmes aimed at educating and training offenders in various skills; the remuneration of offenders for the work that they did; the use of offenders for labour by private institutions or individuals, and the transfer of offenders from prison to society Mathaphuli continues to state that the Commission recommended, amongst others, the abolishment of the practice to use inmates as cheap labour. He stated: "It did not support the hiring of offenders to private institutions or individuals, it emphasised the rehabilitation of offenders and the provision of education and training, and it discouraged the military approach to management followed by the Department, as this was not conducive to the rehabilitation efforts. This statement reflects the epoch of South African correctional centres from 1959 to date.

In 1959, the Correctional centres Act No. 13 of 1911 was replaced by the Prisons and Reformatories Act No. 8 of 1959, as Act 13 was ostensibly a failure because it did not clearly state the aims of imprisonment. Muthaphuli (2008:116) states that the new Act was influenced by the Standard Minimum Rules for the treatment of offenders that had been developed by the United Nations in 1955. According to this scholar, "the Act did manage to set out the responsibilities of the Department as follows: safe custody of offenders, development and rehabilitation of offenders, efficient management of the Department, and the performance of other duties that can be assigned by the Minister".

However, the 1959 Act, which was later referred to as the Correctional Services Act No. 8 of 1959, was troubled with various shortcomings.

Although it was intended to be in line with the international Standard Minimum Rules, some requirements were in conflict with these rules (Human Rights Watch (1994:1). For example, Rule 6(1) of the Standard Minimum Rules states that all the provisions should be applied without fear or favour, without any discrimination on one or more of the following grounds: race, colour, gender, language, religion or other opinion, national or social origin, property, or other status". The apartheid policies of the ruling political party were still strongly ingrained in the South African legal system at the time (Muthaphuli, 2008:98). Thus, the 1959 Act's section 23(1) read as follows (b) as far as possible, white and non-white offenders shall be detained in separate parts thereof and in such manner as to prevent white and non-white offenders from being within view of each other; and wherever practicable, non-white offenders of different races shall be separated. Smit (1992:31) notes that the racial segregation of criminals persisted even after the adoption of the 1959 Act, which was intended to replace the 1911 Act. Additionally, male offenders were still subjected to physical punishment as a form of discipline and a corrective action. The Standard Minimum Rules vehemently forbade this type of punishment, but it was still applied. The Act did not support the concept of transformation in the system of correctional facilities either, according to Smit (1992:31). These changes had an impact on the daily operations within correctional centres. For example, "the political control of the past as characterised by the rule of apartheid also extended to the operations of correctional centres because correctional centres remain government institutions" (Smit, 1992:31). Muthaphuli (2008:121) claims that "the separation of white offenders from non- white offenders and the dominance of white people in the management of correctional centres are some of the examples of the apartheid rule". However, Smit (1992:39) argued previously that "the reversal of racial segregation which had been part of South African correctional centres for more than a century began in 1988 owing to amendments to a number of regulations that referred to race".

The repeal of discriminatory legislation also included correctional centres, where discrimination based on race was eliminated. South Africa has had a number of changes in its political, economic, social, and technical domains, all of which have had

an influence on the legal framework that governs the country's correctional services. The following are the major turning points in these legislative developments:

- The Prisons and Reformatories Act No. 13 of 1911.
- The 1945 Lansdowne Commission on Penal Prison Reform; and
- The Correctional Services and Reformatories Act No. 8 of 1959.

Section 49(G) of the CSA Act No.111 of 1998 was also a watershed moment in the modernisation of Correctional Services. The statute provides that remand detainees shall not be held for more than two years. However, some remand detainees in correctional centres have been in remand detention for more than two years as a result of other processes involving the DOJ and Constitutional Development, the National Prosecuting Authority, and the South African Police Service, all contributing to overcrowding. The obvious provision in the CSA is not being followed, as there are convicts who have served up to 7 years awaiting trial. Unfortunately, time served awaiting trial is not always considered by magistrates when sentencing. In extremely rare situations, time spent in awaiting trial is considered or criminals apply for leave to appeal the sentence requesting that it begin from the day the offender was in awaiting trial. Furthermore, the Act requires the HCC to submit any remand inmate whose imprisonment will last longer than two years to the proper court for continued detention or release under circumstances appropriate to the situation. Baffour (2021) suggests that many persons charged by the court to pay a fine for their offences end up serving a term of imprisonment due to the unavailability of funds.

According to Section 63A, 1977 (Act No.51 of 1977) 63A Bail Protocol, one of their goals is to minimize the number of remand detainees in prison. This will effectively alleviate the problem of RDs being overcrowded in remand detention facilities and correctional centres. The researcher believes that repeat criminals who are homeless return to jail on purpose to ensure that they have access to shelter, water and power, a three-meal schedule and medical treatment. However, the government is ignoring the issues of homelessness, housing and unemployment, all of which contribute to jail overpopulation.

Robben Island, off the coast of Cape Town, is commonly believed to be the most notorious jail ever built in South Africa, which was characterized by “severe punishments that were meted out to the inmates”, according to Muthaphuli (2008:118). The latter scholar affirms that the first prison in the Cape was established in 1781 and that by 1848, 22 correctional centres had already been established around the Cape (Muthaphuli, 2008). He further asserts that in Natal, the first prison was established between 1838 and 1842 in Pietermaritzburg. In 1854, the Orange Free State also established a prison in Bloemfontein, and the first prison to be established in Pretoria was in 1865 Muthaphuli (2008:118). Neser (2005:66) states that “by 1873, 33 correctional centres had already been established in the Transvaal area”. During the apartheid period, the problem plagued the National Party government and its prison authorities, providing those opposed to the apartheid system with the means to launch a series of ideological attacks on the apartheid regime. The apartheid system clearly contributed to the problem of prison overcrowding during this period, for example the thousands of people imprisoned under the infamous past laws. However, the problem of prison overcrowding in South Africa did not start with the rise of apartheid. It can be traced back much earlier than this, to the very introduction of this form of punishment into South Africa by the colonial authorities. The problem remained a feature of colonial life throughout the period during which the colony was in existence. The colony in question is the Colony of Natal and the period under examination is from the time of the introduction of British administration in 1845, following the annexation by the British Empire three years earlier in 1842, until the Union of South Africa came into existence in 1910. By shedding light on this one small part of South Africa’s penal history, it is hoped that this study will contribute to a more nuanced understanding of the problem of chronic overcrowding in South African correctional centres.

- **2.2 Exploring the causes of overcrowding**

Overcrowding in correctional centres has both direct and indirect effects on the entire society, as convict rehabilitation appears unsuccessful and criminal inclinations are intensified. Correctional centres are overcrowded in almost every country in the world, and South Africa is no different. According to the White Paper on Remand Detention Management in South Africa (2014: 20), overcrowding is not a new phenomenon in South African detention facilities and according to the White Paper on Corrections

presented by the Commissioner of Correctional Services (2005), it can be traced back to the early 1900s when the prison system was regulated mainly by various Provincial Ordinances.

The average cost per day for an offender to be imprisoned is R1174.84, which means that the average cost per year is R430 535.46. This does not include the cost of food, which is about R18.74 per day, or the cost of clothing, which is about R9.37 per day. The total cost of an offender is therefore about R451 860 per year. The cost of an offender in South Africa is high, which is more than three times the amount spent on a child in school. It costs more to go to prison than to live because there are so many offenders in overcrowded correctional centres and a high staff-to-offender ratio. A total of 161 050 inmates are currently housed in 243 correctional facilities. According to the South African Prison Service, there are 38 459 people working in the prison, and almost one in every five offenders is concerned with their psychological well-being on a daily basis. Each offender eats three meals per day, as listed below. However, due to a lack of food, many offenders in Africa are malnourished and ill.

Inmates in South Africa do not have adequate medical care and cannot eat whenever they feel like but are restricted to three meals a day at specific times which must be in line with the three-meal system. As a result of these conditions, many inmates suffer from mental and physical disorders. However, there are programmes aimed at breaking the cycle of re-offense and re-incarceration use, offender education to combat the oppressive mental power dynamic that drives offenders to re-offense and re-incarceration. If South African offenders can share their experiences with confinement in the United States, they may be able to provide insight into how other countries deal with confinement issues. It can provide them with a psychological understanding of how society and the prison environment have a psychological impact on them. A person's ability to learn has an impact on his or her future and the minds of those imprisoned.

As a result, approximately 18 000 foreigners are in this country's prison facilities, accounting for 52 percent of all offenders. These figures are expected to rise to over 25 000 by 2021 as the government takes further steps to crack down on illegal immigration. Why is the government so obsessed with illegal immigration? There are a number of reasons for this. The government is attempting to cut its fiscal deficit in two

ways. The vast majority of illegal immigrants' taxes go toward funding public services, such as healthcare and education. The government is also concerned about the safety of its citizens, which is one reason. The presence of illegal immigrants in the country raises the risk of crime, as they are more likely to be criminals. Illegal immigration, according to the government, consumes a disproportionate share of the country's resources. Illegal immigrants frequently abuse public services in an irresponsible manner that violates their legal status. They also use government resources for their own use, such as social welfare programmes and other government programmes. While all these concerns are valid, it is clear that criminal justice alone cannot solve the problem of illegal immigrants. Government assistance can be reduced in other ways in order to reduce costs and improve the safety and security of South Africans. The government, for example, could invest in infrastructure to make it easier for immigrants to find work. South Africans would benefit from this solution by reducing the demand for illegal services and creating jobs. Legal immigration may also be expanded by the government. It would also help to reduce the country's illegal immigrant population while also providing new opportunities for South Africans. The government should prioritize illegal immigration and streamline its operations, to reduce the government's burden. It will result in a fiscal deficit reduction and increase safety and security in South Africa.

Prison overcrowding is one of the key contributing factors to poor prison conditions around the world. It is also arguably the biggest single problem facing prison systems and its consequences can at worst be life-threatening as well as preventing correctional centres from fulfilling their proper functions. Correctional centres in over 118 countries exceeded their maximum occupancy rate, with 11 national prison systems at more than double their capacity. Overcrowding is a consequence of criminal justice policy, not of rising crime rates, and undermines the ability of prison systems to meet basic human needs, such as healthcare, food and accommodation. It also compromises the provision and effectiveness of rehabilitation programmes, educational and vocational training, and recreational activities. The excessive use of pre-trial detention, and the use of prison for minor, petty offences, are critical drivers of high prison population rates. Overcrowding, as well as other related problems such as a lack of privacy, can also cause or exacerbate mental health problems, and increase rates of violence, self-harm and suicide.

Beginning in 2021, there was a total of 164 000 detained people to be punished. On average, a high proportion of offenders have a mental health concern. Detained people are said to be in such large numbers with very few beds that some argue that overcrowding is the norm.

- **2.3 Current State of Incarceration in South Africa**

The current state of incarceration in South Africa is a matter of great concern. The imprisonment system in South Africa is overcrowded, underfunded and understaffed. More than half of all offenders are awaiting trial, and many have been in prison for years without being convicted of a crime. The conditions in South African correctional centres are often deplorable, and offenders are subject to violence, sexual assault and extortion. In addition, the prison system is plagued by corruption, and offenders are often forced to pay bribes to guards in order to obtain basic necessities. There are approximately 161 050 inmates housed in 243 jails in South Africa. Inmates and offenders are subjected to harsh living conditions, which are extremely overcrowded and inhumane. Correctional centres, in addition to these conditions, can be breeding grounds for sexual violence. In a constitutional democracy, offenders' rights to dignity, bodily integrity and protection from cruel, inhuman and degrading treatment must be respected. Despite the high rate of sexual violence in South African correctional centres, a large portion of this abuse is rarely reported. Prison overcrowding, poor sanitation, inadequate nutrition, inadequate medical care, and a toxic culture are some of the factors that contribute to the spread of HIV amongst offenders. Basic needs are not met in relation to sanitation, ventilation, safe spaces, protection from physical and sexual violence, clothing, food and access to HIV and medical care, according to Van Hart and Mhlanga (2019).

The issue of prison overcrowding must be addressed in a multi-pronged manner. Prison issues can be addressed with education and awareness campaigns. It is critical to pursue legal recourse to protect the rights of vulnerable and marginalised individuals. The proper oversight of a prison system is critical to ensuring that inmates' human rights are protected. Inmates' rights are not an isolated issue, they can have a direct and indirect impact on all citizens. It is critical for activists and policymakers to strengthen JICS and encourage parliamentarians and judges to visit prison at least once a year. To effectively protect inmates, the Policy to Address Sexual Abuse of inmates must be

properly resourced and implemented within the national prison system.

- **2.4 Occupancy and overcrowding**

The increase in the use of imprisonment has resulted in severe overcrowding. Overcrowding is caused by the justice system sending more people to prison and for longer periods of time than is permitted. Overcrowding has no immediate cause, but it can be caused by either overuse of imprisonment or an inadequate prison population. In this study, overcrowding is given a technical definition with the help of the statistical occupancy rate.

Overcrowding means that the number of inmates exceeds the official capacity of the prison (over 100% occupancy). Currently, this is the only metric available for broader comparisons across countries. The main problem with this measure is that the degree of overload in this sense depends heavily on national/local standards norms and standards.

Countries which allow four offenders in one cell may report “free space” if some cells are occupied by only three offenders, while countries with single-cell accommodation as a norm may report overcrowding with much less “objective” overcrowding. Neither does this measure consider differences in space, or in other prison conditions. This means that the following figures of overcrowding are in most cases the absolute minimum figures. Using more substantial criteria, for example those imposed by the CPT - ratings for prison overcrowding would most probably look much worse. More substantial criteria would refer for example to spatial density, social density and privacy. Subjective criteria of overcrowding would also include feelings of helplessness and stress, etc. However, for the moment there is no data of these measures for comparative purposes. Neither is there an agreement on international standards of what constitutes prison overcrowding. The Council of Europe Prison Rules has no provisions for the minimum space in the EPR (as there is the risk that the minimum will become a norm (Smit and Snacken, 2008:131). The CPT has emphasized that the acceptable minimum space depends also on the quality of the space and the time to be spent in the cells. Nevertheless, according to the CPT, the absolute minimum would be 4 sq. meters in shared accommodation and 6 sq. meters in single cells, which is more than it can be found in several countries across the world.

Steinberg (2005) estimates that “with an overcapacity of more than 74 000 inmates in South African correctional facilities at the time, each inmate would be left with an average of only 2m² of floor space”. Brivika (2006:35) argued that the problem of overcrowding would worsen and that “the issues surrounding prison conditions are piercing the public consciousness, and once there is ignorance or denial, a new shift in thought is taking place and all courts that have been traditionally fearful of tackling sensitive issues, such as these have begun to sit up and act”. Notwithstanding the lack of control in local case law, there are international standards on accepted accommodation standards. The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Punishment (1999) established “4 m² per inmate as the minimum floor space in a communal cell and 6 m² for single cells”. Brivika (2006: 35) calculated “that the prescribed floor space for an inmate in 2008” cell should be 3.344 m², which has since been stipulated in regular 2008”. DCS created the Correctional Services Act No. 107 of 2008 to control this institution.

Judge Eberhard Bertelsmann in Brivika (2006) clearly narrates the challenges confronting prisoners housed in South African prisons. The beds are stacked one on top of the other, with only a few inches separating them, he claims. Offenders can die if there are not enough officials, the building may collapse, in addition to having sanitary facilities that are typically overcrowded and in poor condition, be closed up for the majority of the day. The same is true for the electricity, hot water, and other creature amenities. No exaggeration is intended when it is stated that, if an SPCA crammed as many animals as possible, the SPCA would face charges for animal cruelty if it were found to be confining animals in a cage while our correctional services are compelled to pack convicts into a single cell. There is an immediate need to overhaul our entire sentencing and jail regimes since the crisis in our correctional facilities has significant constitutional ramifications for the entire criminal justice system (Brivika, 2006: 36).

In the final days of March 2016, South Africa's prisons had only 119 134 beds available for its 161 984 inmates. Correctional centres in urban areas are worst affected by overcrowding rates. For instance, “in the 2015/16 financial year, Johannesburg Correctional Centre’s Medium B was 233% full, which translated into a shortage of 1 736 beds at the time. Pollsmoor Prison in Cape Town alone had a total shortage of 2 448 beds in the 2015/16 financial year”. According to Brivika (2006:35), “following a

court challenge by Sonke Gender Justice and Lawyers for A Critical Analysis of Overcrowding in Human Rights, the Western Cape High Court held that the conditions in Pollsmoor were unconstitutional, particularly as Leptospirosis, a disease spread by rats, had by then claimed two lives". However, Brivika (2006: 36) argues that "such poignant words by Judge Bertelsmann should not be seen to be limited to the South African experience alone, as numerous other countries experience similar challenges and are seeking solutions to the problem of maintaining inmates' rights with only inadequate resources at their disposal". Extensive and explicit legislation is found both in the South African Constitution and international conventions that aim to protect inmates against cruel, inhumane and degrading treatment. Regional instruments also highlight the serious problems posed by prison overcrowding, including its potential to undermine the rights of offenders, and provide for effective alternatives to imprisonment in policy and practice as a viable long-term solution to prison overcrowding (the Kampala Declaration on Prison Conditions in Africa) (Council Resolution, 1997). Ouagadougou Declaration and Plan of Action on Accelerating Correctional centres and Penal Reforms in Africa (2002) recommend that criminal justice agencies should work together more closely to make less use of imprisonment. The prison population can only be reduced by a concerted strategy that should be ongoing and target both sentenced and unsentenced offenders. Overcrowded prison conditions violate offenders' basic rights, undermine the safety of prison staff and that of the general public, and weaken the ability of the prison system to meet offenders' basic healthcare, food and accommodation needs and to provide rehabilitation programmes, education, training, and recreational activities, according to Griffiths and Murdoch (2009: 9).

- **2.5 The Deprivation Theory**

The Deprivation Theory suggests that misconduct reflects how inmates adapt and cope with the pain inflicted by the prison environment and whether, through participation in the social system, it will help them to reduce the sense of deprivation they experience (Sykes, 1958). This theory also posits that individual choices help to facilitate the satisfaction of needs, according to Goodstein and Wright (1989). Taking insight from Huey (2008: 13), the deprivation model is based on the work of Clemmer (1940), Sykes (1958) and Goffman (1961). The model holds that maladaptation to prison life e.g.,

experiencing violence, aggression, anxiety, depression, distress, and suicidal thoughts are products of the restrictive prison milieu. Therefore, according to this theory, the inmate society arises as a response to the prison environment and the painful conditions of confinement. Thus, when an inmate enters prison for the first time, he or she experiences a sense of 'prisonization' (Clemmer, 2010).

The Inmate Society theory posits that the longer inmates stay in prison, the more institutionalised they become and the more likely they are to return to crime after they are released. This process is enhanced by the manner in which an inmate becomes socialised into the customs and principles of the inmate society. Clemmer (2010) argues that this inmate society model is an alternative to and counteracts the deprivation model. The conditions of deprivation in correctional centres that are formed by overcrowding produce aggressive, self-destructive behaviour amongst inmates. Sykes (1958) coined these conditions as "the pains of imprisonment" and outlined five elements of deprivation as follows:

- **2.6 Deprivation of liberty**

This occurs when offenders have no power and fewer choices to make on a daily basis. The staff control their behaviour, and this leads to feelings of helplessness that culminate in hostility and aggression. Inmates are locked up for several hours in their cells for up to 23 hours a day and their movements are restricted. Offenders are unable to change the things they are unhappy about.

- **2.7 Deprivation of goods and services**

Occurs when offenders are deprived of many things that are automatically available in the outside world. These necessities (e.g., food, clothes, shelter, proper health care, medical care, and exercise) are often viewed by outsiders and inmates as 'rightful', according to Huey (2008).

The conditions in correctional centres are very crowded, thus leaving a number of inmates sleeping on the floor without any mattresses or blankets. Most inmates come from disadvantaged backgrounds where basic needs such as proper food and clothing

are not met, so they do not experience deprivation so acutely. However, those from privileged backgrounds may be aggravated by the living conditions in correctional centres. There is the perception that a lack of basic necessities and facilities hinders successful rehabilitation, suggests Clemmer (2010).

- **2.8 Deprivation of heterosexual relationships**

For heterosexual men, female companionship is an important part of their personal identity. Deprived of heterosexual relations, male inmates will develop irrepressible urges for sex and will engage in same-sex behaviour. This theory is in harmony with Fishman (1934), who contends that sexual predators were heterosexuals driven to sexual violence by sexual deprivation. Denial of such relationships can therefore lead to a reduction in self-worth.

- **2.9 Deprivation of autonomy**

This occurs when inmates arrive in correctional centres and lose the ability to make their own decision. Mnguni (2002:27) argues that “when a person is imprisoned, they are not only held in custody, but they are also subjected to extremely strict rules”. They also lose their sense of privacy; whatever occurs in the correctional centres usually occurs in the open view of other inmates. When and where they must eat, work and sleep is arranged for them in such a manner that they have little or nothing to say on the matter, according to Matshaba (2007). Mnguni (2002:28) states that this routine becomes unbearable for many of the offenders, with the result that smuggling and other activities become attractive to them to have some kind of influence on their daily existence.

- **2.10 Deprivation of security**

Deprivation of security occurs when offenders lack a sense of safety. Many offenders are aggressive, which leads to a heightened sense of physical threat in others (Sykes and Messinger, 1960). According to Shammass (2017), rape in correctional centres is a real threat and a significant proportion of inmates becomes victims of sexual abuse.

Drawing upon the five elements of the Deprivation Theory, it can be asserted that when a person is subjected to a restrictive environment such as that of a prison, certain basic needs may go unsatisfied. Thus, an offender may then adapt to the situation by satisfying his needs via maladaptive behaviour, according to Clemmer (1940) and Sykes (1958). Thus, environmental factors such as overcrowding, the ratio of security staff to inmates, gangsterism, sentence length, time to parole eligibility, custody status (i.e., security classification), and facility type play a role in the relative harshness of the imprisonment experience for any offender.

Overcrowding and Infectious diseases from the standpoint of Nkosi (2018) is that it is established that overcrowded correctional centres do not only provoke violence and aggression amongst inmates, but also serve as a melting pot for many viruses and diseases. Prison conditions in South Africa are particularly dire and exposure to disease and infection from other inmates cannot be avoided (Shabangu, 2006). Inmates and remanded detainees experience extreme overcrowding and inhumane living conditions, including poor ventilation, insufficient supervision and oversight, and inadequate healthcare provision (Safe Spaces, 2020). According to Kenan and Manda (2014), one issue of concern is the spread of HIV/AIDS in correctional centres as a result of non-consensual and consensual sex amongst men. These sexual activities are due to specific groups of inmates who form gangs that have considerable power over other inmates. South Africa is one of the leading countries in the world when it comes to the infection rate of HIV/AIDS. Correctional centres are institutions where people are at high risk of being infected with the virus.

According to the Ministry of Health, 6.5 million people infected with HIV were released from prison in July 2004, making South Africa one of the most profoundly affected countries of this virus in the world. According to Goyer and Gow (2002), it was uncovered that four out of every 1 000 South Africans are incarcerated and that inmates are primarily young, black men from impoverished communities which are already hardest hit by HIV/AIDS. The overcrowding of correctional centres only adds fuel to this perilous fire. The Department's 2015/16 annual report claimed that 1 239 of the 1 485 offenders infected with TB in that year were cured, which was a rate of 83.4%. However, 21 722 of the 22 142 offenders who tested positive for HIV were on antiretroviral therapy, which amounted to 98%. South Africa experiences an exchange range of diseases that have been associated with overcrowding, including tuberculosis, hospitalisation for influenza, pneumonia and other acute respiratory

infections, meningococcal disease, ear infections, skin infections and rheumatic fever (Nkosi, Haman, Naicker and Mathee, 2019).

Overcrowded correctional centres are likely to lack medical treatment and facilities for treating offenders who have been infected with tuberculosis, HIV or leptospirosis, a disease caused by rats (Guallar, Meiriño, Donat-Vargas, Corral, Jouvé and Soriano, 2020). Overcrowding leads to an increase in violence and spread of pandemic such as COVID-19 within correctional centres and this endangers the lives of offenders and officials who work within the correctional centres. The magnitude of issues and associated human rights violations stemming from over-imprisonment became clear in efforts to maintain physical distancing as well as to prevent and contain outbreaks of COVID-19 in correctional centres. Social distance is not a choice under these conditions.

A critical analysis of overcrowding in such conditions and it is impossible to quarantine a large number of infected offenders. Gangsterism in correctional centres historically, gangs in correctional centres were primarily formed as a means of self-protection against more dominant offenders and the authorities.

However, gangsterism in correctional centres have evolved into the desire to showcase power and resourcefulness in dealing with forbidden articles and commodities, according to Wood and Adler (2001: 169). Each gang has its own traditions and members display distinctive colourful insignia, tattoos, flags, and another military paraphernalia (Brotherton, 2004). Overcrowding has often been associated with an increase in prison gangs and violence across the globe, and it is often because correctional centres are overwhelmed by managing so many people. Albertse (2007: 30) argues that “overcrowding causes prison gangs to thrive, while outdated and inadequate architectural features of the majority of correctional centres and staff shortages also create opportunities for gangs to operate without much resistance”. Wilkinson and Delgado (2006: 36) state that “the common element that links traditional and loosely formed gangs is illegal activity. These activities include selling drugs, extortion, murder, prostitution, hijacking, corruption and money laundering”. According to Parker Lewis (2003:27) “the difference between the prison gangs in South Africa and prison gangs in other parts of the world is that, in South Africa, these gangs have created their own reality. Thus, a system exists in South African correctional centres

that has an idiosyncratic history, coded language, specific roles, rules, rituals, mythologies, and even invisible clothes which only the initiated can identify. To guarantee their longevity, most prison gangs require their members to make a lifetime commitment to the gang, according to Decker (2001). Smuggling of unauthorised items, such as drugs are generally smuggled into correctional centres by officials and visitors that enter the system via the sections. Smuggling involves a chain of command regardless of where it is conducted Morselli (2014:118; Williams (1959: 256). The latter authors articulate the definition of smuggling as the transportation of illegal goods or any item through a restricted area including, amongst others, international borders, correctional centres and any building or space. Sibisi and Olofinbiyi (2021) state that smuggling activities entail specialised tasks such as devising transportation, recruitment and procumbent plans, bribing security officials, and payment of collectors” (Mthembu, 2016: 16). Koshy (2008: 70) implicates correctional officials by maintaining that they “play a major role in smuggling drugs, weapons, alcohol and food into the correctional centre” while trying to avoid being caught and being exposed to disciplinary actions. Nevertheless, a reciprocal relationship develops in which guards gain financial advantage through drug and alcohol smuggling and gambling in exchange for turning a blind eye to any underground activities Mthembu (2016). However, Dietz (2003) argues that drug availability in correctional centres is limited and that the supply is less than the demand by a wide margin.

The most common unauthorised items that are smuggled into correctional centres range from weapons, drugs such as nyaope, mandrax and dagga, electronic gadgets such as cellular phones, chargers, earphones, SIM cards and money (Mthembu, 2016). All these items are smuggled by corrupt correctional officials, visitors, and even offenders who, for some inexplicable reason, manage to pass through the main gates of the centre. Telephone calls are mostly used for networking to arrange escapes and to plan crimes or ‘hits.

According to Mthembu (2016), cellular phones are used to communicate with gangsters on the outside or to establish connections and to intimidate officials and their families. These phones also provide gang members with the means of obtaining on the spot information to accomplish their plans. In fact, newly developed technology now allows internet access, which has opened new fields of crime in correctional centres.

Money is said to be the root of all evil, and this is true in correctional centres. On this account, offenders are not permitted to hold money as it is used for bullying inmates and bribing corrupt officials in return for favours that will weaken security and disrupt order within the correctional centre. According to Sykes (1958:63), “offenders’ perception of incarceration is that imprisonment comes with the pain of deprivation of liberty, goods, and services. It also encourages homosexual relationships and power imbalances”. Inmates are deliberately deprived of luxury items with the primary objective of correcting their behaviour and converting them into law abiding citizens. However, this is not achieved if incarceration encourages sustained and even escalating criminal activities. According to Mthembu (2016: 42), “smuggling is endemic in correctional centres and undermines the very purpose of incarceration A Critical Analysis of overcrowding not only in correctional centres around the world, but particularly in South Africa where overcrowding has not been addressed successfully yet”. For most inmates, smuggling is a way of survival in a correctional centre. Sparks, Bottoms and Hay (1996: 132) state that “correctional officials have lofty ideals upon their first arrival at a correctional centre as they have expectations of curbing violence and keeping offenders behind bars under strict security”. They wish to adhere to the principles expounded in the White Paper on Corrections and expect to play a pivotal role in the rehabilitation of offenders by converting them into law abiding citizens. However, these ideals are soon shattered in the face of reality.

The Jali Commission (2006: 825) found that some officials pursued the assistance of gangs for their own ends, and if this happens, correctional centres are rendered uncontrollable. According to King (2015), the correctional centre management style has a negative impact on maintaining order in South African correctional centres.

- **2.11 Prison Architectural Design**

A host of research inquiries have indicated that group cell housing of offenders contributes to interpersonal violence due to poor selection procedures and limited safeguards, according to Byrne and Hummer (2008). The way in which cells are designed also facilitates the formation and gang activities within correctional centres. Accommodating inmates in respective cells greatly reduces chances for offender-on-

offender victimisation and violence, with the exception of self-inflicted violence which is more likely to occur when offenders are housed in single cells or segregated from others (Muntingh, 2009). Several authors have also argued that the linear architectural design of most correctional facilities is a factor that contributes to violence as this architectural design, in alignment with the indirect staff supervision model that necessarily accompanies this kind of design, creates opportunities for both offender-on-offender and offender-on-staff violence (Martin, 2003). However, Peguese and Koppel (2003) argue that “when inmates are accommodated in communal cells, it is more difficult to identify those responsible for violent and disorderly acts and it also makes it difficult for staff to intervene in fights when they are outnumbered by offenders”.

Communal cells are also more likely to have ‘blind spots’ than single cells and this creates opportunities for illegal acts and handling of contraband. They state that results from correctional centres where such a design has been implemented are promising, but that caution should be exercised in interpreting these results as the architecture of a prison should be linked to management practices, staff skills and other situational factors.

It is, however, undeniable that the popular design of correctional centres facilitates active supervision and engagement between offenders and staff and that this is associated with lower levels of violence and disorder. Conversely, correctional centres in South Africa are understaffed, and this does not assist with the proper and active supervision of offenders, simply because it is not possible for a small number of warders to maintain adequate supervision over large numbers of offenders, particularly when they are accommodated in overcrowded communal cells, according to Muntingh (2009). This problem is further exacerbated by staff absenteeism (Office of the Inspecting Judge of Correctional centres, 2008). It is not feasible at this stage to replace all communal cells in South African correctional centres with single cells or to build newly designed facilities. Thus, other measures need to be devised to counteract the risks of disorder and violence associated with communal cells (Hemel Thompson, 2005).

It can be argued that current prison architecture is underscored by the deprivation model. Although this hypothesis has not been explored directly in empirical research, it has been “stated that certain architectural designs (or aspects of a design) may either

aggravate or mitigate against adjustment to prison life and this directly or indirectly influences inmate behaviour”, according to Muntingh (2009). For example, telephone-pole units may cause increased stress among inmates because of their monotone structure, lack of open space, and close confines. Increased privacy in telephone design accommodation may also provide opportunities for engagement in some forms of misconduct. Conversely, a campus-style unit may either increase or decrease the propensity for certain types of misconduct. For example, an open campus-style design may cause limited privacy, and thus more conflict and infractions may occur (Camp, Gaes, Langan and Saylor, 2003; Morris, Longmire, Buffington-Vollum and Vollum, 2010). Vulnerability to Violence Research has suggested that vulnerability to victimisation and violence in prison is associated with a number of factors such as a younger age, race, A Critical Analysis of Overcrowding homosexuality, transsexuality, and the level of the committed offence (Martin, 2003). However, Edgar, Donnell and Martin (2003) argue that, while victimisation is pervasive in correctional centres, there are many misconceptions about the nature of victimisation and that this phenomenon is often counter-intuitive. For example, victims and victimisers are not discrete groups and those who victimise others are often likely to be victims themselves, which renders in-depth understanding of the nature of conflict in correctional centres a matter of vital importance.

A matter of concern is that offenders rarely report victimisation to the staff (Edgar et al. 2003). However, it is an undeniable fact that convicts are vulnerable to both physical and sexual violence during incarceration. Although a great deal of resources and effort have been expended to address sexual violence in correctional centres through the Prison Rape Elimination Act of 2003, little is known about its implementation, or other acts of physical violence experienced by offenders (Wolff and Shi, 2009). Information about threats of violence or the consequences for victims after their return to the community is also insufficient, according to Stephan and Karberg (2003).

Various authors concur that the victimisation and sexual assault of released inmates within communities and jails are under-reported (Beck, Harrison, Adams, 2007; Wolff and Shi, 2009; Zweig, Naser, Blackmore and Schaffer, 2006). These studies explored inmates’ confidential reports of victimisation to criminological researchers and documented much higher rates of in-prison physical victimisation than were reflected in available statistics. For example, Wolff, Shi, Blitz, and Siegel (2007) examined the

victimisation experiences of both male and female inmates. All these inmates reported that they had experienced inmate-on-inmate physical victimisation in the form of threats, being harmed with a knife or shank, and/or being slapped, hit, kicked, or bitten. Both genders also reported staff-on-inmate physical assault. Insufficient staff, especially during breakfast or lunch hours, during unlock and lockup times and on commemoration days, can also contribute to gang-related activities in correctional centres. Insufficient staff also opens up a room for a lot of things from the outside world being smuggled into the correctional centres. These are critical times in correctional centres and study respondents reported that only a few officials were present, or they became less vigilant during these times Sibisi and Olofinbiyi (2021). Inmates thus used these opportunities for their own nefarious activities, according to O'Brien, Daffern, Chu and Thomas (2013). It was established that non-adherence to control measures with regard to placement in specific cells can lead to feelings of aggravation when inmates are allowed to change cells without the permission of unit managers.

The insufficient maintenance of intercom/alarm systems can also lead to the eruption of crises in cells, especially after dark. Gangsterism and planned assaults also escalate when managers do not give due attention to prior warnings by offenders (also referred to as whistle-blowers) (Weerman, Maxson, Esbensen, Aldridge, Medina and Gemert, 2009). Moreover, the officials' inadequate knowledge or experience of gang activities plays an important role in escalating instances of violence. When officials do not have the necessary skills to effectively handle interpersonal problems among offenders and when they cannot handle conflict situations effectively, violence and conflict escalate.

According to the Canadian Correctional Service (2000), the crime rate, types of crime and the degree to which offenders are sentenced to a period of incarceration are the main determining factors of prison admission rates. Sheldon and Brown (1991:347) found that "a major factor in overcrowding in US correctional centres is a rise in arrests for specific crimes such as impaired driving, domestic violence and the war on drugs". Mauer in Needham (1992:4) links a high crime rate to the patterns of policing as well as prosecuting and sentencing practices such as the "get-tough-on-crime laws" and the "war on drugs". The "get-tough-on-crime" attitude has made alternative sentencing practices and community-based supervision fewer appealing options for the judiciary,

correctional services, and parole boards. The “war on drugs”, on the other hand, led to an increase of drug arrests in the US from just over 471 000 in 1980 to 1.2 million in 1989 (Needham, 1992:4).

According to Borat, Lilenstein and Monnakhgotla (2012), South Africa has the highest crime statistics in the whole world and most researchers argue that economic deprivation is a prime determinant of crime. The latter scholars further assert that “in a traditional economic model of crime, criminal behaviour depends on, amongst other things, the payoff from committing a crime successfully, conditions for the likelihood of obtaining legitimate sources of income, together with this commensurate level of legal labour market income” (Bhorat, Lilenstein and Monnakhgotla, 2012:16). According to Budlender (2015), the crime rate can be linked to three major socio-economic issues: unemployment, income levels and the prevalent level of income inequality. South Africa has one of the highest unemployment rates in the world Statistics South Africa, (2016), and therefore the possibility that an individual will gain a reasonable source of income by legitimate means in an effort to sustain a family is low.

Bhorat and Mayet (2012:6) argue that inequality also influences crime levels in South Africa as “high levels of legal income simultaneously increase payoff from criminal activities as the benefits of crime in high income areas are high while the benefits of legitimate activities are simultaneously low.” This information correlates with the South African Police Services Crime Statistics of 2016/2017 which show that of the seven categories of crime, theft, and property crimes were the highest between 2007 and 2017.

- **2.12 Inmates awaiting trial**

Brunys (2007:35) suggests that some laws, coupled with the provision of non- bail able legislation, exacerbate the waiting period for trials in some countries, and that this situation deteriorates into overcrowding. For example, Swaziland passed a law that allows a 60-day detention period without trial Makhanya (2011). In South Africa, the Criminal Procedure Second Amendment Act No. 85 of 1997 allows magistrates and judges to use their discretion to grant bail in certain cases, according to Brunys (2007: 35), which sometimes alleviates the number of incarcerated inmates who await trial.

Swaziland passed the Act (the Non-Bailable Offences Act of 1998) which prevents Swaziland's courts from granting bail to persons arrested for rape, murder, robbery, and other serious crimes. The annual report of the South African Judicial Inspectorate of Correctional centres SAJIP (2006:28) implies that many trial-awaiting inmates "are detained unnecessarily". For example, the 2005 report revealed that 225 373 (about 18 000 per month) trial-awaiting inmates were taken to court and not returned to prison SAJIP (2006:28). Some of the offenders might have been found guilty and given non-custodial sentences whilst the remainder may have had their charges withdrawn. Most of the time, trial-awaiting accused are incarcerated even though their offences may be bail able because they cannot afford paying bail due to poverty or they are not offered bail due to restrictions in legislation (Brunys, 2007:36). According to the SAJIP (2006:28), on 6 February 2006 "there were almost 13 000 trial awaiting inmates in South African correctional centres because of their inability to pay their bail amounts. Non-bail able legislation and the slow delivery of justice exacerbate ongoing judicial problems such as the backlog of pending cases, lengthy pre-trial detention, and continual remands in custody by the courts". It was also noted that 11 464 offenders had been awaiting their trials for more than six months whilst 1 433 had waited more than two years SAJIP (2006:14). In South Africa, the average number of trial-awaiting inmates were 23 783 in 1995 and reached a high of 64 000 in 2000 (Brunys, 2007:37). The latter scholar further states that these numbers steadily declined to 46 327 in 2005 "and continuing to drop due to efforts made by the police and judiciary to reduce the number of those awaiting trials" (Brunys, 2007:37). According to Nxumalo (2016), spokesman for DCS, at the end of the 2015/2016 financial year a quarter of inmates who were incarcerated in South Africa in that period were detainees. Actions such as releasing trial-awaiting inmates on warning, affordable bail settlements and the proclamation of higher amounts for admission of guilt fines assisted in achieving this goal.

There is a widespread belief that correctional centres are necessary for crime control, but overcrowding is a serious problem in prison. Overcrowding is one of the most serious problems facing the prison system, according to the National Institute of Justice, with riots, and other destructive behaviour costing billions of dollars each year. There is no doubt that imprisonment and jails are ineffective at addressing South Africa's crime problem.

The country has to change the way it deals with crime, and prisons are not the solution.

- **2.13 Short-term Incarceration**

Brunys (2007:36) maintains that short-term inmates are usually offenders who are sentenced for a period of incarceration of less than two years. Moreover, short-term incarceration has the likelihood of destroying the community's support for an offender who may lose his/her job, residence and partner and become less employable, according to Brunys (2007:36). Smit, Goggin and Gendreau (2002) indicate that short sentences are not effective in reducing crime, and neither are they effective in containing population growth in correctional centres. These scholars further maintain that the abolition of sentences of less than six months has also been a subject of political and academic debate for many years in numerous countries. Tonry cited in McGinty (2002:27) also found that "short sentences are ineffective and are problematic in the context of recidivism". This scholar also found that a slight increase in courts imposing longer sentences occurs where short sentences have been obliterated. To further drive his point, Tonry (1991) said Western Australia as an example and added that this region in Australia had achieved an 11% decrease in its adult correctional centre population since October 2001 as it had, inter alia, legislated the abolition of correctional sentences of less than six months Daley, (2003:1-2). "Short-term inmates are in custody for a very short time frame, and this makes it difficult for vocationalist such as spiritual, social workers and psychologists to have a positive impact on these inmates' future likelihood of reoffending" (Brunys, 2007:40). The John Howard Society of Alberta (2002:3-4) also argues that there is no definite indication that correctional efforts will have any effect on the probability of future recidivism amongst short-term offenders.

The JHSA (2002:12) suggests that the following could positively impact recidivism among short-term offenders. Correctional services should collaborate to develop a uniform, centralised information gathering system to determine the risk factors for criminal involvement and recidivism among short-term offenders. Correctional services must critically evaluate the effectiveness of interventions that are seemingly intended to prevent recidivism. When intervening with serious and violent offenders, correctional services should make the most of the extended time that these offenders

are incarcerated.

Whenever possible, offenders who do not pose a threat to public safety should not be incarcerated.

- **2.14 Long-term incarceration**

Van Zyl Smit (cited in the Annual Report of the Judicial Inspectorate of Correctional centres, 2006:21) argues that overcrowding in South African correctional centres is caused by a number of factors. The first is that offenders are incarcerated for periods that are too long, and the second is that offenders are not released in good time.

According to Brunys (2007:40), South Africa introduced minimum sentences in the Criminal Law Amendment Act No. 105 of 1997 for crimes such as murder, rape, robbery, and drug related offences because it was believed that long sentences would deter criminals from committing further crimes; however, this move contributed to the overcrowding of correctional centres. Thus, even though reduced custodial sentences were imposed, the effect of minimum sentencing greatly increased the number of inmates serving life and long-term sentences. Brunys (2007:40) further maintains that “this legislation does not allow for the suspension of any part of the sentence or any deduction in sentence for the period the offender is in prison awaiting trial”. Many cases should also be referred to the High Court for sentencing as they fall beyond the jurisdiction of Magistrates’ courts. According to the SAJIP annual report (2006:23), this process can cause delays of more than one year between conviction and sentencing. Additionally, McGinty (2002) indicates that the effect of this legislation on the correctional centre population is enormous. This scholar further maintains that “the number of life sentences since the implementation of the minimum sentence legislation on 1 May 1998 has increased from 793 to an average of 6 214 in 2005”. The Minister of Justice and Correctional Services mentioned that, between 2005 and 2016, sentences for longer periods (10 to 15 years) rose by 77% while short-term sentences decreased in the same period. However, as many accused criminals received long-term sentences, this put enormous pressure on the correctional centres that were already overcrowded (Masutha, 2016).

Before the implementation of this legislation, “only 35 459 (35%) of the inmate population served a term of seven years or more” (McGinty, 2002:51) but by the year 2005, this increased to 70 435 (60%). The SAJIP annual report, (2006:23-25) maintains that, as a result of this, “the number of inmates classified as maximum security escalated from 14 229 in 1995 to 38 406 in 2005 – an increase of 270% in 10 years”. A member of the Economic Freedom Fighters political party maintained, at the presentation of the DCS budget in (2016), that long-term imprisonment led to thousands of offenders being incarcerated for years without any chance of parole. He further argued that long-term imprisonment led to overcrowding, making the rehabilitation of offenders impossible (Masutha, 2016).

- **2.15 Sentencing Practices**

Brunys (2007:40) argues that the insufficient use or lack of alternative procedures to incarceration is considered as a chief causal factor of overcrowding in correctional centres in many African countries. “The propensity in these countries is one where incarceration is applied by the courts as a first option before considering other non-custodial measures, while incarceration should be considered as a last resort” (Brunys, 2007:45).

Lengthy incarceration has been used as a traditional way of punishment in various countries and brings about negative effects on the wellbeing of inmates McGinty (2002). It was after the insinuation of the Correctional Supervision Parole Board under the Correctional Service Act No. 111 of 1998 that inmates were subjected to early release. McGinty indicates that early release measures such as probation, parole and remission have been put in place as alternative measures to incarceration and to address the problems related to overcrowding and the rehabilitation of offenders. Early release measures have the advantage of reducing the length that an inmate spends in a correctional centre and also limits the costs to the taxpayer, according to McGinty (2002). When early release is approved subject to good conduct, it also serves as an understated inducement for good behaviour in correctional centres, which is an essential requirement to effective control, care, and treatment (Brunys, 2007:45).

- **2.16 The legal framework**

Provisions in the Correctional Services ACT No. 111 of 1998 for the Rehabilitation of Offenders- Section 4: Approach to safe custody Section 4 of Act 111 of 1998 deals with the approach to safe custody of offenders and it is associated with the treatment of offenders. This section describes the offender as the responsibility of the Commissioner and all the officials of the Department; hence the offender should accept their authority at all times. While offenders have to submit to the authority of the Department, “the Department must ensure that the security and the safe custody of the offender are maintained at all times” (Muthaphuli, 2008:141). The treatment of offenders must be upheld in a manner that is lawful and does not encroach upon any of the rights which offenders have while they are in the correctional centre. Fagan (2004:8) argues that “if offenders are safe, they will be motivated to participate in rehabilitation programmes designed for them” but believes that this is unlikely if offenders are always concerned about their safety. It is also the duty of the Department to provide safe custody for offenders at all times without any discrimination. “By ensuring safe custody of all the offenders, the Department is guaranteed to have offenders who will not hesitate to participate in rehabilitation programmes that will change their lives for the better”.

- **2.17 Admission**

The Commissioner and his representatives are authorised to arrest an offender only if they are in possession of a warrant. Taking an offender into custody without a warrant constitutes an unlawful detention. When an offender has been detained, the personal belongings that the offender had with him/her during the arrest should be recorded, the nature of the offence should be indicated, and the date and time of admission and release should be noted Fagan (2004). This section also provides that while an offender/alleged offender is detained in the correctional centre, s/he has the right to consult a legal practitioner of his/her choice and if he or she is not able to afford a legal practitioner, the state must provide one. All the rights of the offender must be explained in a language which is understood, or an interpreter must be provided, according to Muthaphuli (2008). The offenders must be alerted of the official channels of communication through which they can raise their complaints or requests. After admission, offenders must be alerted of the official forms of communication they may

use if they have any complaints or requests.

Before being put in a cell, offenders must shower and submit to a general health examination to ensure that their health is maintained while being incarcerated. Failure to do so may result in the spread of infectious diseases, or the health of inmates who do not take proper medication may be compromised.

- **2.18 Accommodation**

According to Ramadikela (2008:5), “the accommodation of offenders must meet all the requirements which are adequate for offenders to be detained under conditions maintaining their human dignity”. As indicated in the Standard Minimum Rules for the Treatment of Offenders, the detention cell must have enough space, lighting, ventilation, and sanitary installations and must be in a condition that promotes the health and safety of the offender. As a means of ensuring the safety and security of offenders and safeguarding that offenders do not fall victim to immoral acts, this section of the Act stipulates that offenders must be separated into categories, for example sentenced and non-sentenced, male and female, adult and children (Ramadikela, 2008:5) proposes that a “failure to provide enough space for accommodation not only hampers the offender’s wellbeing, but it also has a significant impact on the implementation of rehabilitation programmes”.

This may occur when offenders who should be focusing on programmes that will work for them, rather tend to worry about their health and pay very little attention to their rehabilitation. Muthaphuli (2008:144) annotates that if offenders are provided with enough space to meet all their requirements, “there is no doubt that they will find it comfortable and focus on the positive aspects of their lives. To avoid such problems, the Department must ensure that the accommodation meets all offenders’ needs”.

- **2.19 Nutrition**

This section provides that offenders must be supplied with adequate, healthy food and those with specific nutritional requirements – such as children, sick, elderly and pregnant women – “must also be provided with whatever it is that they require”

(Masutha, 2016:23). Additionally, diets for religious and cultural reasons must be well prepared if possible. For example, Halaal food for Muslims and no hot food on Saturdays for Seventh-day Adventists and members of the Nazareth Baptist Church. This Act necessitates that inmates must be provided with nutritious food and clean water at all times. However, Winter (2011) found that these requirements were not met at a large centre in the Durban area. The study revealed that inmates had to settle for a portion of phuthu and a chicken wing or drumstick with soup for supper. If the food ran out which reportedly often happened, two slices of brown bread and soup were provided for supper. This scholar also mentions that inmates were given black tea and that no fresh milk was served as a beverage. Taking into consideration that supper would be served at 3 pm, the inmates were hungry, and some were starving at bedtime. Winter's study confirmed that providing inmates with a well-proportioned, nutritional diet plays a vital role in the rehabilitation of offenders. Muthaphuli (2008:144) notes that "failure to provide sufficient food will have a major impact on the rehabilitation process because no starving offender will be able to dedicate himself or herself to the programmes". Ramidikela (2008:5) also adds that to ensure the effective implementation of rehabilitation programmes, DCS should first meet, amongst others, the nutritional requirements of offenders".

- **2.20 Hygiene**

The Department of Correctional Services is tasked with the responsibility of ensuring that offenders' bodies as well as their clothing, bedding and cells are clean at all times and that personal hygiene must be encouraged amongst all inmates. Pang argues that in the process of rehabilitating offenders, "it is essential to provide them with the necessary products such as soap, towels and extra clothing in order to ensure that they are always clean" Pang (2014). It is undeniable that a lack of such products will present a barrier to any rehabilitation attempts that may be initiated. For example, the community will find it difficult to welcome an untidy person back into the fold even though he/she has been rehabilitated, but they will be more open to this idea when a former offender is tidy and clean.

- **2.21 Clothing and bedding**

Section 9 of the Act urges that “clean and tidy clothing and bedding must be made available to offenders whether sentenced or unsentenced and they should meet the hygienic and climatic conditions of the time”. The state of the clothing and bedding of offenders must reflect their dignity, as specified in the Standard Minimum Rules for the Treatment of Offenders (2010). It is thus the duty of all correctional officers to make sure that offenders are in good health and that they have been provided with clean clothes that are suitable for any climatic change, particularly in the winter. Pang (2014) mentions that the failure to provide warm clothes will result in inmates contracting colds and influenza which can lead to an unhealthy offender population which will in turn hamper any programmes aimed at rehabilitation.

To ensure the successful implementation of rehabilitation programmes, the Department must thus avoid providing inmates with clothing and bedding that compromise their dignity.

- **2.22 Exercise**

Section 11 of Act 111 of 1998 stipulates that each offender is allowed at least one hour of exercise per day to ensure they are healthy. According to Muthaphuli (2008:146), “all offenders must be given enough time to exercise because it gives them access to light and fresh air”. Through exercising, offenders stay in shape and are deterred from undesirable practices such as drug use or gangsterism and it is also an alternative way of dealing with stress. Exercise also improves the heart, lowers the blood sugar levels of diabetic offenders. Muthaphuli (2008:146) states that “offenders must be encouraged to take part in various activities such as sports, music and a wide range of physical exercise available to them to strengthen the rehabilitation opportunities for offenders”. Pang (2014) argues that “failure to provide offenders with enough exercise time will hamper the rehabilitation process because it is during this time that offenders come together and exchange ideas that can help one another”. Muthaphuli (2008:145) also argues that it is through exercise that offenders develop interpersonal relationships. The rapid increase in the number of older incarcerated adults along with their complex health and social service needs have become a challenge for both correctional and health systems (Hagos, 2023).

- **2.23 Health care**

Every offender has the right to adequate medical treatment, which will lead to a healthy life at the state's expense. Unless an offender requests the services of his or her preferred medical practitioner, only the certified medical practitioner of the institution may offer medical treatment when the need arises Masutha, 2016:2). The Minister of Justice and Correctional Services stated that, in order to maintain a healthy life, offenders should be encouraged to willingly undertake medical examinations and treatment (Masutha, 2016). However, Magubane (2017) argues that the reason correctional centres are a melting pot of many diseases is because DCS affirms that no inmate should be forced to undergo a medical examination, yet the majority of inmates are sick, and they may infect others. This in turn leads to an unhealthy inmate population which has a negative impact on rehabilitation. Masutha (2016) states that like any other patient, offenders have the right to be told when they need to undergo surgery and must give their permission, unless the offender is in no state to give his or her consent. In such an event, it is up to the practitioner to determine the impact of the surgery on the offender's health.

The Department is tasked with the responsibility of ensuring that all the medical requirements of offenders are met at all times, as this can aid in the prevention of infectious diseases such as Tuberculosis and HIV/AIDS. The inability to provide adequate medical care to offender's results in an unhealthy population with the potential to infect others with widespread dangerous diseases that can result in offenders losing their lives. Therefore, in order to avoid these problems and focus on the implementation of rehabilitation programmes, the department must meet all offenders' medical needs (Magubane, 2017:16).

- **2.24 Contact with the community**

According to Muthaphuli (2008:148), "contact with community members must be encouraged and enough opportunities must be provided for visits by family members, friends, religious leaders and authorised medical practitioners". In addition, an offender from a foreign country must be allowed to maintain contact with his or her country's embassy or any member of his or her country who has the responsibility to protect the

interests of that offender. When an offender is detained, it is the duty of the correctional officer to inform the next- of-kin or any other relative mentioned by the offender of his or her incarceration. If a child is detained, “the parents and even legal guardians as well as the Departments of Education and Welfare should be notified, and that child cannot refuse to allow notification” (Pang, 2014). Successful rehabilitation depends to a large extent on the support offenders receive from the community from which they come. Thus, strong relationships between the offender and the community “strengthen opportunities for successful reintegration into society” (Pang, 2014). If the community does not accept that the offender has been rehabilitated, he or she might resort to unlawful actions that will mostly likely get him/her arrested again.

- **2.25 Religion, beliefs and opinions**

An offender can practise his or her freedom of religion, conscience, thoughts, beliefs and opinions, and is allowed to attend religious services or meetings within the correctional centre without being bothered or even forced to do so by anyone. DCS is liable for establishing a place of worship for all religions in a correctional centre (Muthaphuli, 2008:152). Since religion is important to most human beings, offenders’ religious beliefs must be respected. Moreover, because of the positive influence that religion has on people, the Department may find it easier to maintain discipline and to focus on the implementation of rehabilitation programmes when religious practices by inmates is encouraged. In this context, Magubane (2017) mentions that religious offenders are disciplined and more likely to focus on their rehabilitation than those who are part of irreligious gangs. More disciplined inmates could also encourage other offenders to change their behaviour.

- **2.26 The White Paper on Corrections**

The 1994 White Paper was substituted with the 2005 White Paper on Corrections by parliament in November 2004. According to the Department of Correctional Services (2005b:13), the 1994 White Paper had the following inadequacies, amongst others:

- It did not focus on correction and rehabilitation in South Africa and, in particular, the role of the Department in these services.

- It lacked a positive approach to the erection and procurement of facilities to ensure alignment with the objectives of rehabilitation.
- It lacked a long-term vision on policy with regard to issues such as a public- private partnership policy.
- It did not address important issues relating to human resources that are critical to the implementation of the Department’s new rehabilitation centre system.
- It did not set out a clear departmental role in contemporary government initiatives, including corrections in the African Union, the Moral Regeneration Movement, sustained growth and development, and the National Crime Prevention Strategy.
- It lacked consistency in the use and understanding of key terminology and definitions in a way that is user-friendly and consistent with the philosophy of corrections.

In 2014, Makabetse Sekhonyane published an article entitled “First things first: Rehabilitation starts with alternatives to prison” in which he wrote: “The White Paper of 2005 focuses on the correction of offending behaviour, the development of the offenders, security (for both offenders and officials), care of offenders (health, physical and psychological needs), facilities and aftercare” (Sekhonyane, 2004). According to the South African Yearbook (2006/07: 415), the White Paper of 2005 addresses the notion of rehabilitation and the fact that rehabilitation as well as social reintegration remain the chief responsibilities of the authorities.

The White Paper is underpinned by the morals and rights that are rooted in South Africa’s Constitution of 1996 and in the Correctional Service Act 111 of 1998. Amongst other things, this legislation safe- guard offender against abuse and insist that they are treated in a compassionate manner that makes rehabilitation possible (White Paper on Corrections, 2005:8). The White Paper deals with the following rights of inmates in the respective sections:

- Section 9: equality
- Section 10: human dignity
- Section 35: the rights of detained persons
- Section 27: the right to health care services, food, water, etc.
- Section 12: the freedom and security of the person
- Section 28: the rights of children

- Section 29: religious freedom
- Section 41: intergovernmental relations
- Section 195: values and principles governing public administration.

Factors Aid that can be delivered:

- Education and training programmes can give offenders the skills needed to gain employment.
- Employment Opportunities are provided to gain valuable practical experience of paid work and to contact employers prior to release.
- Alcohol and drugs, the correctional centre can be an effective place to get drug treatment. Many who have had no help before are assisted in drug rehabilitation.
- Valuable links can be created to access community treatment programmes.
- Emotional and physical health
- Access is possible to proper diagnosis and treatment, often for first time offenders.
- Ex-offenders are able to take up opportunities such as employment and training on release.
- Self-control and attitude, opportunities to take part in programmes to improve thinking skills and anger management is offered, inmates may be guided to learn from past experiences while they are separated from negative peer pressures.

The families of the offenders are also extremely important in helping to rehabilitate the whole system, and the correctional system can give offenders' families the opportunity to have an input into an offender's rehabilitation needs. It can separate an offender from a criminal background or give a family respite from a difficult or dangerous family member.

Offenders with a drug problem also get free drug treatment in the centres. It is no secret that most of the opportunities that inmates get while incarcerated are not available to them in their communities. "One can conclude that sending an offender to a correctional centre is not only a way of eradicating him or her out of the community, but also of helping that offender to obtain skills that might not be easily available to him or her in the community".

The White Paper on Corrections (2005:11) argues that these programmes are there to

ensure that the offender returns home as a rehabilitated person and gets reintegrated into society. According to Bruyuns (2007), limited education and a lack of employment are the main causes of crime in South Africa. Therefore, a certain focus on the right and relevant education as well as varied chances of employment need to be constantly visited.

- **2.27 Conclusion**

The social environment in a prison is dictated by the types of offenders and their surroundings, and the prevailing atmosphere is undeniably influenced by the number of staff members, accommodation facilities and the nature of work. Overcrowding is a powerful driver of dissatisfaction, stress and crime, and it makes offenders more violent and irritated. Gangsters smuggle drugs more readily in such conditions of overcrowding because there is a relatively shortage of staff to monitor them. Hence, cells and inmates are not searched properly on a regular routine. Offenders who are not happy with their cell mates become stressed and many try to injure themselves, especially if a certain gang rules a cell or section and the offender does not want to become a gang member. Sexual violence has also become a norm in most correctional centres, particularly in overcrowded facilities where offenders are accommodated in communal cells. Inmates who are excluded from gangs are generally afraid of gang members.

This chapter was based on literature on the overcrowding pandemic experienced at the Pietermaritzburg correctional centres. A number of authors who were cited in this section can attest to the many problems created as a result of the overcrowding and exposed several flaws in the criminal justice system and the Department of Correctional Services. The next chapter allowed us to look into the methodology and techniques used

CHAPTER 3

Research Methodology

- **3.1 Introduction**

This chapter describes the technique employed to achieve the objectives of the thesis. It also describes the research location and design. This chapter is divided into three sections. The first section describes the research method and design, data collection, unity analysis, target population and sample of the study. The second section will discuss the research methods and sample techniques used for data collection, and the third section discusses the ethical considerations.

A general strategy for addressing a research question might be described as research. It assembles a number of elements, tactics and techniques to gather and analyse data as a systematic approach to conducting a scientific enquiry. The nature of the research, namely an investigation into the overcrowding of short-term offenders and remand detainees, is the principal determinant of the methods chosen by the researcher. The type of research method applied in the study is the qualitative method, which is non-numerical. Bless (2013: 16) asserts that qualitative data is a commitment to viewing the world from the perspective of the actor or participant. Creswell (2014) qualitative data provides a richer, more detailed understanding. As a result of this commitment to see through, close involvement is encouraged and an in-depth examination of the views, perceptions and insights of Department officials is encouraged. Some of these officials have served for a number of years across numerous administrations and policies. The qualitative method is appropriate for this type of study where the objective is to develop knowledge in a relatively new field (Saunders et al. 2016).

Interviews that follow an interview schedule with functionaries and professionals, such as magistrates and prosecutors of the two departments concerned, will be conducted. The researcher also plans to interpret and examine laws to come up with possible solutions to the problem of overcrowding.

- **3.2 Research Method and Design**

Exploratory research is research that looks at a problem that is not well-defined John W. Turkey (1977) The researcher used an exploratory research design for this study because it has the benefit of being detailed in rich qualitative information that offers insight for further research, as well as allowing the investigation of situations that would otherwise be impractical or unethical (Bless, 2013: 7).

A qualitative methodology will be used to conduct the study.

A division of the South African government is the Department of Correctional Services, which is in charge of the running of the South African prison system. The political head of the Department is the Minister of Correctional Services, who is supported by the Deputy Minister. Since July 2024, the Minister is Dr Pieter Groenewald and the deputy minister Ms Leonah Lindiwe Ntshalintshali. The department has about 34 000 staff and 240 correctional centres throughout South African, which accommodate approximately 189 748 offenders. These offenders are made up of different security categories such as minimum, medium and maximum, which include male, female and juvenile offenders. Currently at the Pietermaritzburg New Prison, the approved accommodation for the total number of offenders is 1493, but it has 1223 remand detainees and 1960 sentenced offenders, which leaves them with a current population of 3183 offenders and, at 194.90%, overcrowded. This information was obtained from the Pmb Management Area lock up totals on 28 June 2023. The second prison where data was obtained is Pietermaritzburg Medium B. As of 4 July 2023, they have 437 offenders with approved accommodation for only 316 offenders and are currently overcrowded by 38.29%.

This dissertation looked at a number of issues related to the prison overpopulation that the Department of Correctional Services is facing. The in-depth investigation into the different dynamics that directly and indirectly contribute to overcrowding in South African correctional facilities will highlight the complex interplay between socio-economic causes and how political will to solve issues will be examined. The qualitative metrics employed in this study assisted in grasping the complex phenomenon of overcrowding in South African correctional centres. The prison experiences of correctional services were closely scrutinised. That is, the constructs of rehabilitation

centre staff and offenders was used in engagement and motivation, successful acquisition of knowledge, and institutional support, which will drive the data collection processes.

Gay, Mills and Airasian (2006) offer a qualitative research project design where a qualitative approach will only be able to provide a complete knowledge of the underlying phenomena. Inductive reasoning or argument is used in qualitative research to create concepts, insights and knowledge from data patterns. It also employs an emic perspective of inquiry, which derives significance from the standpoint of the topic. Ideographic in nature, qualitative research seeks to comprehend the significance that individuals place on daily life. Once the researcher is absorbed in the facts, it catches and unearths a meaning. Theme, motif and category are three different types of concepts. Themes are extracted to analyse the data (Bless et al., 2013). The ability to make up for deficiencies in quantitative research is one of the benefits of a qualitative method study. Qualitative research makes up for the limitations on how people can talk or how their voices are not directly heard in quantitative research, which are disadvantages. Comparatively, qualitative research can be subject to bias due to the researcher's subjective interpretations and the difficulty of generalizing the findings over a large population due to the small sample size.

- **3.3 The four main forms of research designs**

- **The experimental research design:** This design involves manipulating one or more independent variables and measuring their effect on a dependant variable. It aims to establish the cause-and-effect relationships between variables.
- **The quasi-experimental design:** It is similar to experimental design but lacks random assignment of participants to groups. It's used when experimental design isn't feasible.
- **The survey research design:** it involves collecting data through self-report measures like questionnaires, interviews, or online surveys. It aims to describe attitudes, beliefs, or behaviours of population.
- **The Case study research design:** It involves in- depth analysis of a single case or AMII number of cases. It provides detailed insights into a particular context or phenomenon.

- **3.4 Data Collection**

One of the aims of qualitative research is to seek a deeper understanding of the human experience. Semi-structured interviews are one of the most common methods used to achieve this purpose, according to Bearman (2019).

The study utilized interview schedules which were administered by the researcher to the respective respondents in order to collect the required data from 15 respondents. An interview schedule refers to a list of structured questions which were prepared and presented to the respondents. It serves as a research tool to collect information from respondents. This study used the Medium A and Medium B cases from the Pietermaritzburg Correctional Centre as its exploratory cases. The research strategy was found to be effective in achieving the desired goals. The researcher met with each participant individually. Additionally, before the actual interview started, each participant was given a consent form and a letter of information in order "to abide by the ethical requirements of the professional institute"(Saunders, Phillip and Adrian, 2012).

- **3.5 Unit of Analysis**

According to Bless et al. (2013), an analytical unit is a person, an item or an event from which data is gathered, and conclusions can be made. The study's analysis is unified by the male and female employees of the Department of Justice and the Department of Correctional Services in the Pietermaritzburg region.

- **3.6 Target Population**

The respondents that the researcher concentrated on are referred to as the target population. The Pietermaritzburg area was chosen as the target area because it is one of the few places with two correctional facilities in the same city, housing both remand inmates as well as short-term offenders, the study is based in Pietermaritzburg, which is located south-east of KwaZulu Natal, which was founded in 1839. It is a local municipality led by Mayor Mr. Mzimkhulu Thebollahe, a political figure in the African National Congress, who has been in charge of the city since 2019. Pietermaritzburg boasts a rich history and tradition, as well as a number of interesting museums,

galleries and monuments. The City Hall, Macorie House, Natal Museum, Old Colonial Building, Old Government House and Voortrekker House are a few of the historic structures. The extreme congestion at the city's two correctional facilities is evidence that Pietermaritzburg's crime rate is rising rapidly. The data was specifically gathered from the two Pietermaritzburg correctional centres, specifically Pietermaritzburg Medium A and Pietermaritzburg Medium B and one branch of the Department of Justice, which is located in the capital city of Pietermaritzburg, also known as the second largest city in the province of KwaZulu Natal. In connection with the civil unrest that spread through KwaZulu Natal and Gauteng in July 2021, the South African Police Services made over 3 400 arrests, many of whom were from Pietermaritzburg. The arrest was for a number of crimes such as

- Theft
- Public violence
- Looting
- Destruction of infrastructure

The focus area included the Pietermaritzburg Department of Correctional Services, which comprises the following: Corrections, Security and other relevant officials who can offer insight into the study. Exclusions from the study were the finance staff and secretaries as they did not have the necessary knowledge of overcrowding and its challenges. Corrections is responsible for reporting, measuring and attempting to manage overcrowding, which is why this component was chosen above others (Department of Correctional Services, 2017: 118). Whether in the jail setting or escorting to various courts and hospitals, the security component is directly involved in the guarding of offenders.

The second target area included the Pietermaritzburg Department of Justice, focusing mainly on Magistrates and Prosecutors. Those excluded from the study are administrative staff as they are not directly affected by the challenges experienced at DOJ, which in turn contribute to the overcrowding experienced at the correctional centres. The reason why these specific groups were chosen is that the Magistrates and prosecutors are directly involved in the postponement and sentencing of cases. The target population of the study consisted of people who have sufficient information about overcrowding in the Pietermaritzburg correctional centres. The target population of the

study is the employees with more than 5 years' experience in the prison environment because they have reliable and mature information about the issue of overcrowding.

- **3.7 Interviews**

Semi-structured interviews were utilized to gather data for this study's qualitative methodology and to create the protocol for data gathering (Creswell, 2014). According to Patton (2015), using interviews is useful since they provide open-ended questions that let the respondents give detailed information on the research issue. The interviews were held in the respondents' offices, and a semi-formal approach was used with open-ended questions and a less casual interview setting. Respondents were able to expand on their answers as a result. Semi-structured interviews are adequate to achieve the goals of the study because the study attempted to obtain the opinions of various rehabilitation centre staff and stakeholders. The study included in-person interviews with open-ended questions. For Vaughn (2019), semi-structured, in-depth interviews are generally used in qualitative research and are the most common qualitative data source in a study. The researcher administered the interviews personally and each interview lasted 30 minutes. Interviews were recorded with the approval of the individual respondents for transcription purposes.

The advantage of this technique was that the interviewer could prepare questions beforehand to help guide the conversation and keep respondents on topic. The issues of overcrowding in the Pietermaritzburg rehabilitation centre can only be understood from a detailed perspective where research respondents are allowed to give their views, and it encourages two-way communication. The researcher obtained ethical clearance from the Durban University of Technology for the purpose of data collection in this study.

- **3.8 Sampling Techniques**

Cohen, Manion and Morrison (2011) assert that a sampling technique is the name or other designation of the precise procedure used to choose the sample's constituent entities. The two primary categories of sampling methods are as follows:

- **3.9 Probability Sampling**

When a sample is chosen from a population based on the randomization principle, often known as chance or random selection, this is referred to as probability sampling by Cohen, Manion and Morrison (2011: 1–5). Quantitative research frequently uses probability sampling, which is more difficult, time-consuming and typically more expensive than non-probability sampling.

- **3.10 Non- Probability Sampling**

Non-probability sampling is a sampling strategy whereby samples are chosen by the researcher based on their own assessment, as opposed to by chance. It is a looser approach, according to Bless (2013: 9). This sampling technique strongly relies on the researcher's knowledge. Researchers frequently utilize it for qualitative research because it is carried out through observation. The researcher ensured that there was no bias in the selection process and that each unit in the population had an equal probability of being chosen. Purposive sampling using non-Probability will be used by the researcher.

Purposive sampling, sometimes referred to as judgmental, selective or subjective sampling, is a non-probability sampling technique where the researcher uses their own judgment to select people of the population to take part in their study (Bless, 2013: 34). The study has to use a relevant sample strategy called purposeful sampling in order to get precise and pertinent data. Due to the substantial data that respondents are requested to provide; fifteen individuals are adequate for qualitative research.

Purposive or judgmental sampling, which falls under non-probability sampling, was utilized by the researcher. When the likelihood of including each component of the population in a sample is uncertain, Bless (2013) states that non-probability sampling is used. The likelihood of each representative component of the population being included in the sample cannot be calculated in this instance. Some components may even be completely impossible to incorporate. With regard to the jail staff members who will take part in the study, the researcher utilized her own judgment. This sampling strategy is based on the researcher's assessment of the qualities of the representative sample. The researcher selects a sample based on what they believe to be typical

units. The plan is to choose units that will be judged.

- **3.11 Sample Size**

Understanding the most efficient methods for gathering and quantifying data is becoming more and more crucial as the discussion over jail overcrowding develops. By enabling researchers to acquire insight into offenders' experiences and viewpoints, qualitative research in particular is a useful strategy for decreasing prison overpopulation. However, the effectiveness of any qualitative research depends heavily on the sample size because it ensures a representative and accurate image of the prison population. The significance of sample size in qualitative research on prison overcrowding and its ramifications for both inmates and prison authorities will be covered in this essay. The two prisons in Pietermaritzburg, as well as the Justice Department, will be used as the purposive selection sources for the respondents. Sample size, according to Bless (2013), is "the number of objects to be selected". Choosing the right sample size for qualitative research on prison overcrowding is important for the research to be valid and accurately convey trends and conclusions. The debate on the size of samples needed to make qualitative research meaningful has generated much discussion and debate. In this study, the researcher explored the factors that play a role in deciding on an appropriate sample size when conducting qualitative research on prison overcrowding. By the end of this study, the researcher would have provided insight into the different considerations that should be contemplated when deciding on a sample size. In this study, the population comprises the following stakeholders:

- 1 Magistrate from the Department of Justice.
- 1 Prosecutor from the Department of Justice.
- Senior Managers from the Department of Correctional Services.
- Heads of security relating to the study from the Department of Correctional Services; and
- 9 officials from DCS, which includes 5 supervisors, and 4 junior staff of components

directly affected by the overcrowding.

- **3.12 Data Analysis**

Bless (2013: 23) defines data analysis as the process of giving the mass of gathered data organization, order, and significance. There are four recognized categories of data analysis, namely: descriptive analysis, diagnostic analysis, predictive analysis and prescriptive analysis however, the study used descriptive data analysis, which is said to help describe, show or summarize data points in a helpful way so that patterns may emerge that satisfy all of the data's requirements.

Thematic analysis was used to analyse the data. According to Bless (2013: 36), organizing and preparing data for analysis, looking through the data, coding all of the data, and then creating and presenting the description and themes are all necessary processes in the thematic analysis process McLeod, (2018: 62). The analytical tools helped this procedure forward. Utilizing the Nvivo software, data was analysed. The software NVivo was used to accomplish this. Nvivo is a robust piece of software that aids qualitative researchers in gathering, managing, exploring and analysing data. While gathering and analysing some types of data using traditional paper and pencil methods is successful, qualitative data requires a more in-depth approach, which Nvivo can deliver. When it comes to qualitative research, Nvivo can benefit a researcher in a variety of ways. Some of these benefits—such as accelerating the research process, offering a better method of organizing the data, and making data analysis easier- are covered in this paper.

The tool's user-friendly attracted the researcher. This software programme enables the efficient coding, connecting, mapping and networking of huge amounts of data. The software can also analyse information from written notes, audio, text and video files, making it a crucial and pertinent tool for this study.

In order to analyse jail overcrowding, this study investigated how qualitative data analysis utilizing NVivo software may be employed. Prison overcrowding qualitative analysis has the capacity to provide an individualized and in-depth understanding of this complicated subject. NVivo software enables researchers to do a systematic analysis of qualitative data, making sense of massive amounts of data in order to identify meaningful patterns and relationships between various factors. The

methodologies for analysing qualitative data from overcrowded correctional facilities were examined in this study, as well as how this research may be useful in addressing the problem of prison overcrowding. A recent qualitative study conducted by Rania, Migliorini and Coppola (2020) sought to explore the organizational and psychosocial factors influencing burnout amongst Italian correctional officers. The study involved in-depth interviews with sixteen respondents, all of whom were experienced corrections officers. The study found that the respondents identified a number of organizational factors as contributing to their burnout, including heavy workloads, lack of support from superiors, and lack of resources. In addition, the respondents reported that psychosocial factors, such as stress and anxiety, were also significant contributors to their burnout. The study concluded that there is a need for more resources and support for correctional officers in order to address the high levels of burnout they experience. Furthermore, the study recommended that strategies to reduce stress and anxiety, such as mindfulness-based interventions, should be implemented in order to address the psychosocial factors contributing to burnout. By doing so, organizations can ensure that correctional officers are provided with the resources and support they need in order to effectively manage their work and mental health.

The interview conversations in the current study will be transcribed before the data analysis gets started. All of the participant responses are incorporated in the transcript. The resulting document will enable further analysis and create a permanent written record that will be sent to research stakeholders. The transcript will also include observations made by the researcher during the interviews (Stewart and Shamdasani, 1990). The summary of the transcript, notes and researchers will be carefully combined and organized into categories based on themes. Citations will be used to report the findings because the focus group transcript only identifies respondents by gender.

According to Creswell and Creswell (2018), organizing and preparing data for analysis, reading through the data, coding every piece of data, and creating and representing the description and themes are necessary steps in the process of analysing and interpreting data using NVivo's thematic analysis Dejonckheere & Vaughn (2019). This study's sample size was appropriate for a qualitative investigation with a substantial amount of data being gathered. This sample size would guarantee that the appropriate amount of data is gathered, preventing the data analysis process from becoming overburdened. By documenting, systematizing and exposing the analysis methods, the

study showed that the data analysis had been done in a precise, repeatable and thorough manner, which was necessary for the data to be considered reliable. The study employed precise protocols for the line of questioning throughout the data collection sessions and also made use of prior research to assure credibility and validity.

- **3.13 Ethical Consideration**

In South Africa, there is a significant issue with prison overpopulation. In fact, the situation has become so dire that, as of June 2022 (national prison administration), there were about 144 938 people detained in SA jails and correctional facilities (Department of Correctional Services, 2022). Since 1980, this number has climbed by about 700% (Department of Justice, 2019). States are finding it more and harder to uphold their standards for inmate security and health treatment when the prison population continues to expand at such a rapid rate. According to Bless (2013), there are ethical factors that should be considered when doing research. Research ethics aids in the prevention of research abuses and helps investigators comprehend their duties as moral scholars. The data will be stored in a locked safe for up to 5 years and disposed of in a manner which ensures confidentiality by coding the recordings or written notes. The recordings will be deleted, and the written notes will be disposed of by shredding those notes in order for the confidentiality of the respondents to never be exposed.

There are important ethical guidelines in research which include the following:

- **3.14 Non-Maleficence**

The most fundamental rule of research, according to Bless (2013), is that subjects cannot suffer damage as a result of taking part in it. It is crucial to remember that harm might happen during a research study, either purposefully or unintentionally. The researcher in this study was aware of the different potential unfavourable outcomes that could happen over the course of the investigation and beyond. However, no subjects were hurt or harmed, according to the researcher.

- **3.15 Beneficence**

Bless (2013) states that it is critical that research not only does not hurt anyone, but also has the ability to benefit others. This could occasionally put a researcher in a challenging situation. The researcher in this study made clear what the advantages of taking part in this project were. This study made sure that respondents received ethical treatment while having their opinions respected, being protected from harm, and having attempts taken to assure their wellbeing. The beneficence principle covers this type of treatment. It is common to use the word "beneficence" to describe acts of kindness or compassion that go above and beyond legal requirements. This study gives a stronger and more obligatory interpretation of beneficence. This study employed two main principles: (1) do no harm and (2) maximize prospective benefits and minimize potential drawbacks in order to express beneficent acts in this way.

- **3.16 Justice**

The idea that everyone should be treated equally forms the foundation of the justice concept, according to Bless (2013). In this study, there was no discrimination against respondents based on their ethnicity, gender, ability to pay, or any other factor. Justice requires an equitable distribution of the benefits and risks of research study participation. Fair and equitable recruitment and participant selection must take place. Justice prohibits putting one group of people through the risks of the research for the only purpose of helping others.

A fair selection of respondents was used in this study to guarantee that a balanced viewpoint is presented and that the findings are reliable and valid.

- **3.17 Respect for Respondents' Rights and Dignity**

All respondents have legitimate human rights because they are people. When recruiting subjects, no research endeavour should ever compromise their rights in any way. The respondents' dignity and self-respect must be protected despite the fact that this study focuses on correctional services. Understanding and upholding people's constitutional rights is a crucial component of preserving their dignity. For instance, it is frowned upon in many cultures to discuss certain subjects with anybody save one's closest confidantes (Bless, 2013).

The researcher considered the respondents' fundamental human rights.

- **3.18 Informed Consent and Voluntary Participation**

Respondents have a right to know what the research is about, how it will affect them, the risks, and rewards of participation, as well as the fact that they have the right to decline to participate or to discontinue their participation at any point during the process, if they so choose, according to Bless (2013). The participant should also be able to ask questions and express concerns about their care without feeling judged or embarrassed.

- **3.19 Anonymity**

According to Bertram (2014), confidentiality and anonymity are related concepts. Never should a participant's data be directly and obviously linked to his or her identity or another form of identification. In order to keep participant data anonymous, researchers typically give each participant's data a number. Anonymity is maintained throughout the whole study process, from the initial contact with a possible participant through the publication of reports and findings. To preserve confidentiality and fidelity, the researcher made sure that no respondents' names are recorded in this study. Instead, the respondents were identified by numbers.

- **3.20 Trustworthiness**

This is a fundamental ethical principal in research that refers to the degree to which a study is conducted. which must include:

- Credibility- the research must be conducted with rigor, attention to detail and findings supported by sufficient evidence.
- Transparency- This is a fundamental ethical principal in research that refers to the degree to which a study is conducted. which must include
- Honesty- The researcher must present the findings accurately without fabrication.
- Unbiased- The research findings must not be influenced by personal factors.
- Respect- The researcher ensured that the rights, dignity and privacy was upheld.

- **3.21 Conclusion**

The goal of this chapter was to describe the qualitative research methodology employed in the study. The researcher utilized open-ended questions during scheduled interviews to get useful information from respondents. The replies were then analysed and interpreted using the Nvivo software programme which was further discussed in the next chapter.

Chapter 4

Qualitative Analysis and Discussion

- **4.1 Introduction**

This chapter provides an overview of the analysis, and conclusions reached after utilizing Nvivo to analyse all the data gathered from the interviews. The main findings and conclusions will be discussed. After spending time gathering the raw data from the Department of Justice, Pietermaritzburg Medium A and Medium B correctional facilities, the Nvivo software was used to interpret and analyse the data. The impact of the overcrowding of short-term offenders and remand prisoners from Pietermaritzburg in KwaZulu Natal, South Africa, is the main topic of discussion.

The researcher's scheduled interviews with the respondents and actual observations made during those interviews were the sources of the data. Eight employees in total from PMB medium A, five at Pietermaritzburg medium B correctional facilities; and two at the Department of Justice which comprised of one magistrate and one prosecutor.

On the first day of collecting data at Pietermaritzburg Medium A, on 28 June 2023, the approved bed space was recorded at 1493, meaning that this is the actual number of offenders who can be accommodated for both sentenced and remand categories at the centre. Shockingly, the centre had an unlock of 3183 offenders on this day. Broken down, this means that there were 1960 sentenced offenders and 1223 remands. The centre was overcrowded by 113.19%. In the afternoon, the lock-up total had also increased, as they locked up with 1965 sentenced offenders and 1225 remands, and a further 2 offenders were admitted in outside hospitals, leaving them with a total of 3192 compared to the 3183 in the morning. Thus, by the afternoon, the percentage of overcrowding had increased from 113.19% in the morning to 113.79% by the afternoon.

On the first day of collecting data from Medium B Correctional centre, on 5 July 2023, there was an approved bed space of 316 offenders. The centre was, however, filled with 444 offenders, leaving them with a 40.51% overcrowding percentage.

The process of data collection revealed that the situation was far worse than expected.

- **4.2 Definitions of qualitative techniques used with diagrams**

4.2.1 Word clouds definition and diagram - The most used terms are displayed as word clouds. The font size indicates how frequently a word was used. This aids in locating important topics or areas.

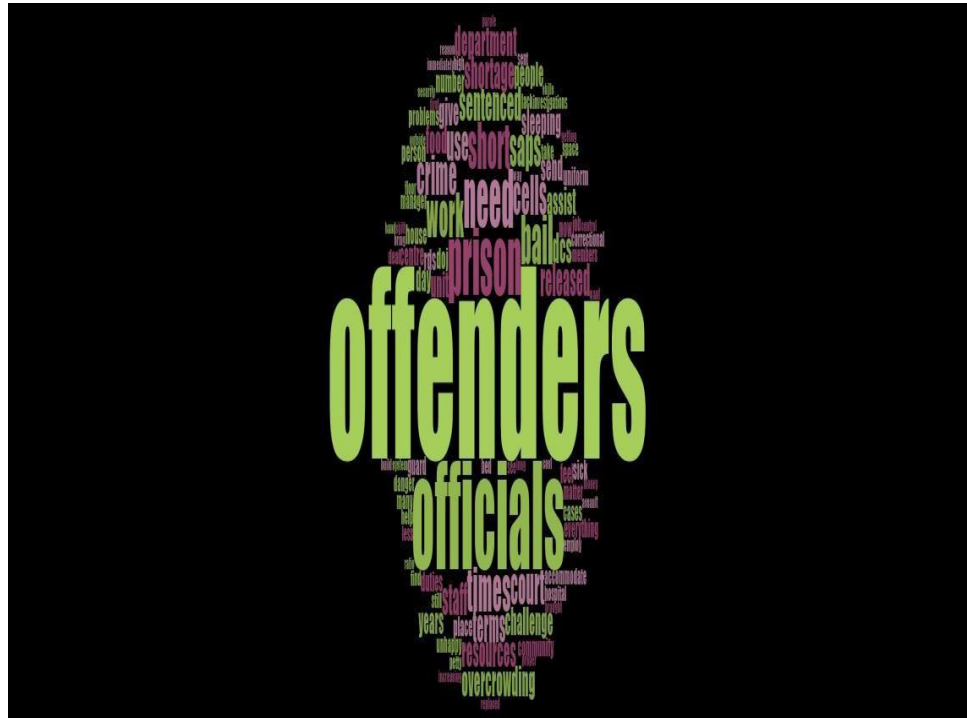


Figure 4.1: Word Cloud of all respondent interviews demonstrating the most frequent words identified in the study

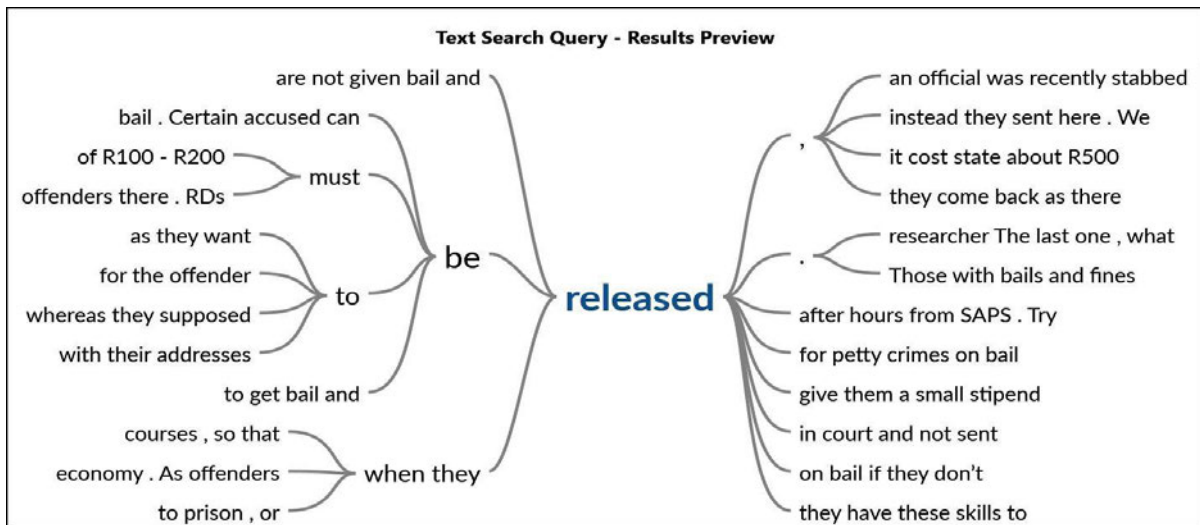


Figure 4.4.b

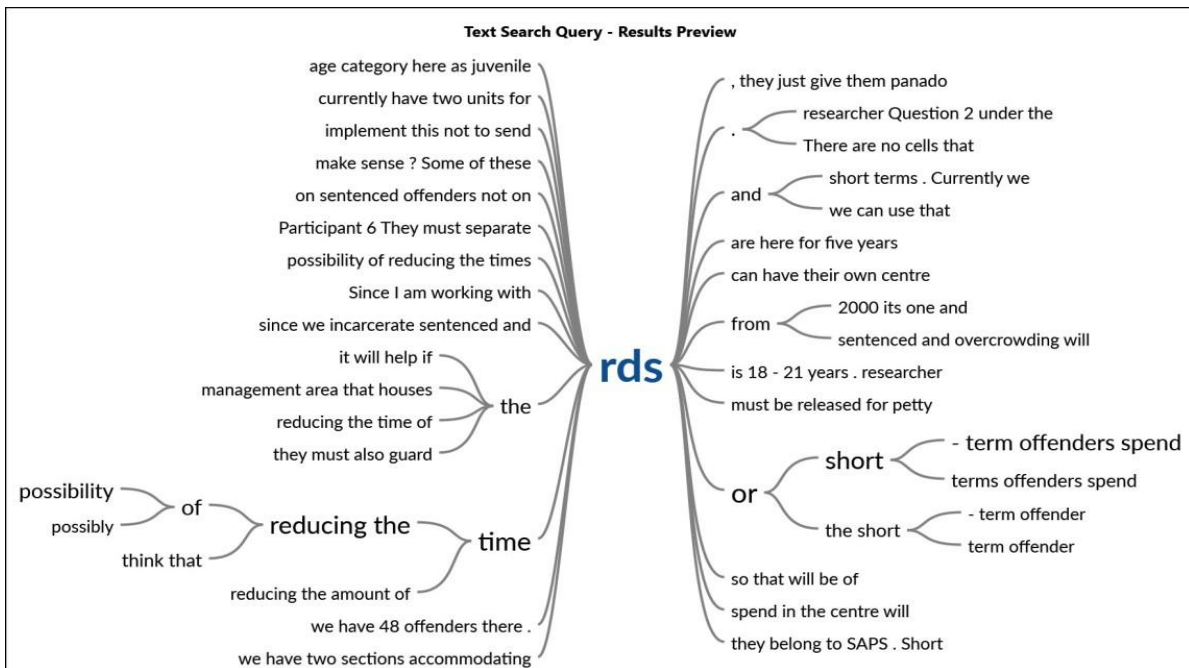


Figure 4.4.c



Figure 4.4.d

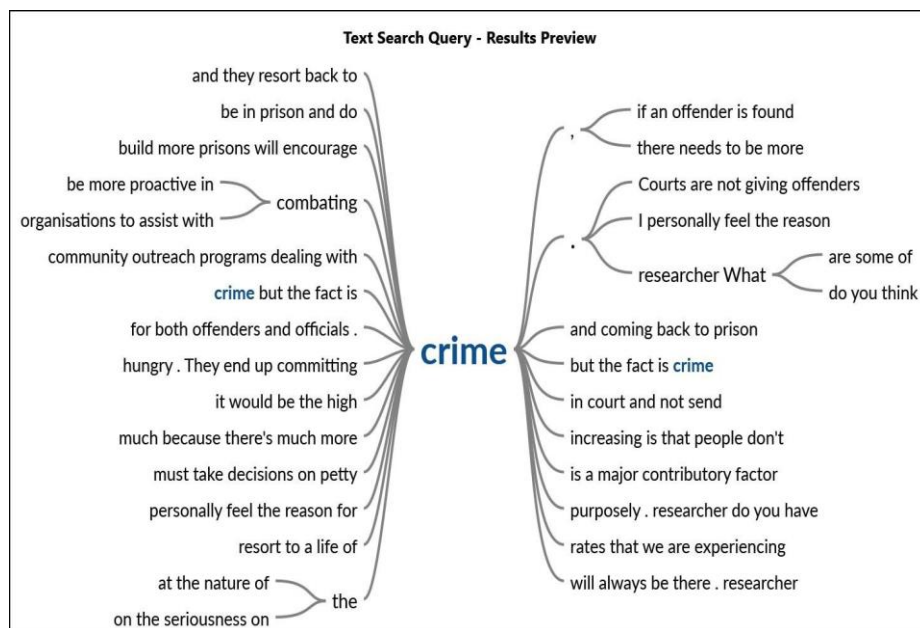


Figure 4.4.e

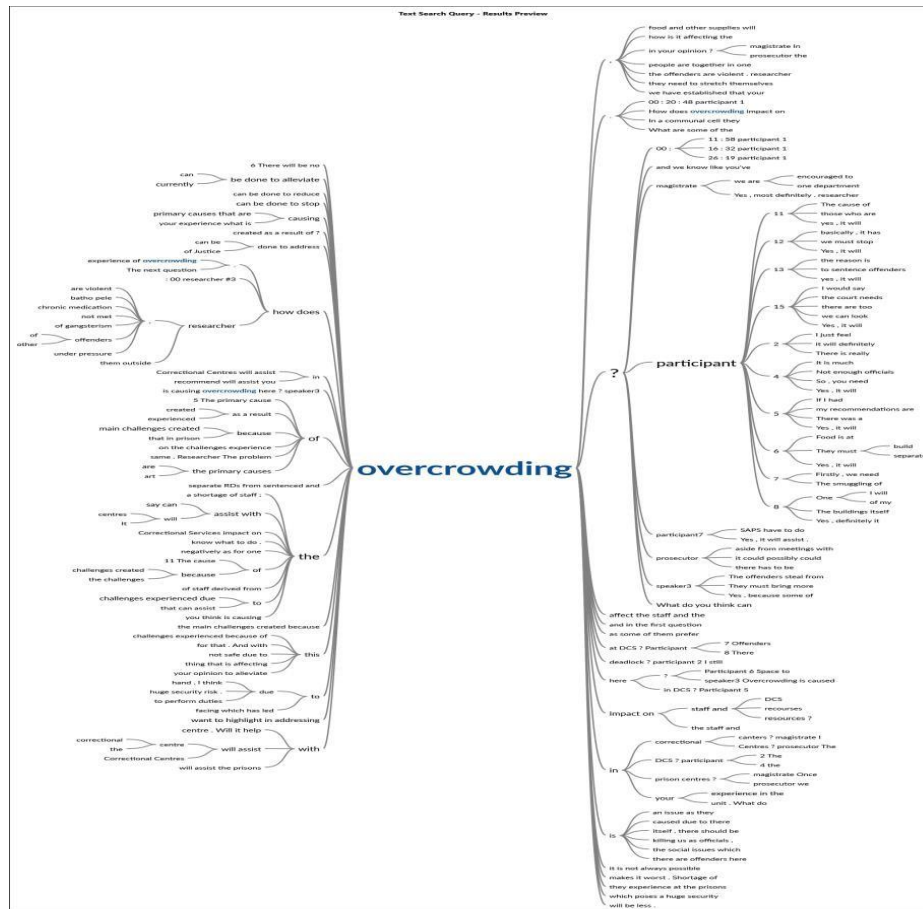


Figure 4.4.f

4.2.5 Hierarchy charts definition and diagram - Images depict the node sizes. Greater volumes or concentration of answers are implied by bigger sizes.

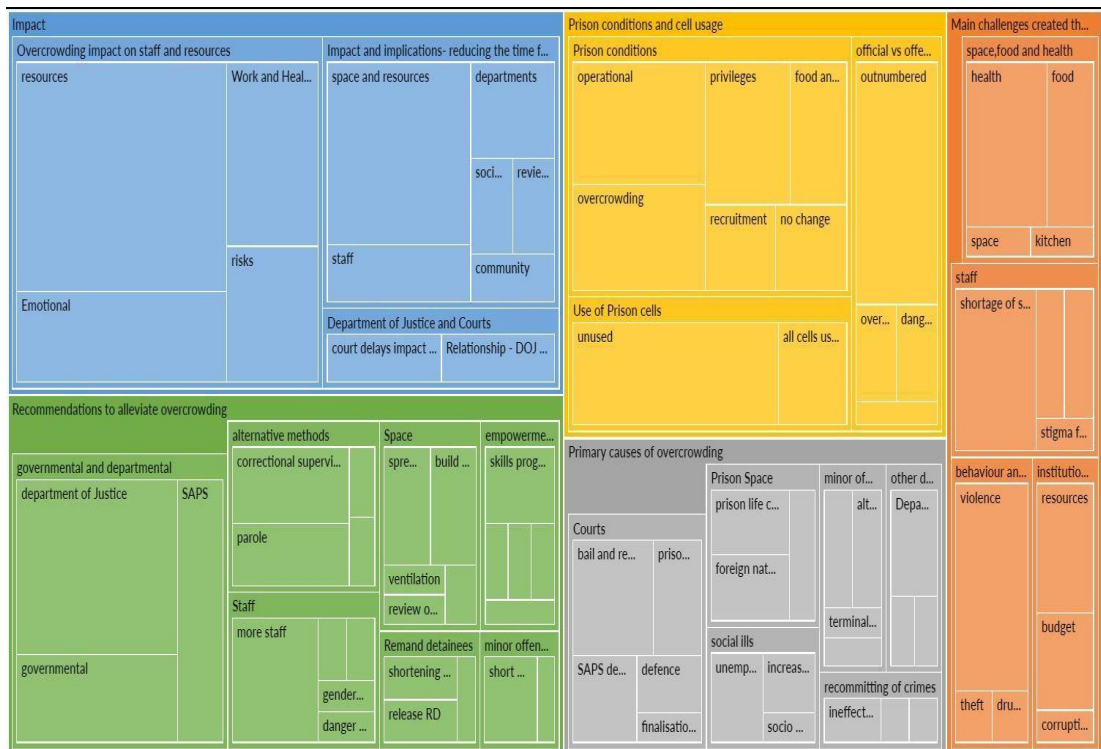


Figure 4.5: Hierarchy chart of all the respondents' interviews identified during the interviews

- **4.3 Themes of the study**
- **4.3.1.a Theme 1-Prison conditions and cell usage theme**

The circumstances and use of the cells in prison were explored in this primary theme. It was crucial to establish this before the other motifs started to emerge. The use of cells and jail circumstances will be covered in more detail below under related issues.

offenders	cells	prisoners	now	employed	time	duties	inside	need	shift	available	centre	come	confinem	cook	death
				job	unit	everything	kitchen	nepotism	shortage	differen	lights	like	lot	maintena	many
		years	overcrowde			fix	less	place	uniform	division	maximum	morning	nothing	outside	past
	used			number	bed				done		per	resign	right	see	sentence
officials		changed	ratio		board	food	lives	problem	way	floor	perform	short	therefore	today	together
				people		guard	manager	proper			prepare	single	toilets	120	1vs30000
	work	danger	sleeping	replaced	ceiling				accommod	got	remembes	solitary	well	316	8vs affect
					department	human	meals	security	anymore	jump	request	space	worst	441	allowedalw
														500	alone

Figure 4.6: Diagram illustrating the prison conditions and cell usage using tree maps

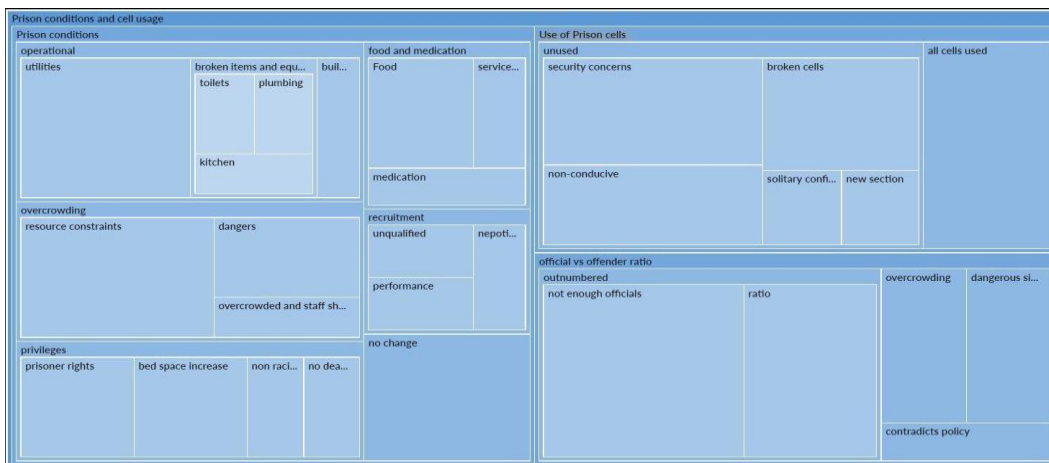


Figure 4.7: Prison conditions and cell usage using hierarchy charts

- **4.3.1.b Results of qualitative data on the prison conditions and cell usage theme**
 - **Prison condition**

This main sub-theme investigated how circumstances have changed through time in light of respondents' experiences. Overall, it was determined that jail conditions needed to be improved. The following factors provided context for this and contributed to the poor operational circumstances.

- **Broken items and equipment**

There were various broken items and equipment in the prisons. Overcrowding can lead to the deterioration of prison facilities due to overuse and a lack of maintenance. This can include issues such as broken plumbing, electrical problems, and structural damage. Overcrowding places a strain on the resources available to prisons, including food, water, and medical supplies. It can also lead to a lack of staff, which can make it difficult to manage and control the prison population. In such instances, overcrowding often leads to increased tensions amongst inmates, which can lead to violence and other forms of abuse (Muthaphuli, 2018). This results in a need for increased security measures, which can further strain the prison infrastructure.

- **Lack of access to rehabilitation programmes**

Overcrowding can make it difficult to provide prisoners with access to rehabilitation and educational programmes. This can hinder their ability to re-integrate into society upon release and can lead to higher rates of recidivism. The plumbing, inclusive of taps and drainages systems, was in poor working conditions. Water has also been wasted due to these plumbing problems. The kitchen appliances were also broken, and this made it uncondusive for the cooking of meals. Toilets were also not working, which presented health hazards. The overall building is in a dilapidated condition. Utilities such as water are being compromised due to faulty plumbing. In addition, there was no electricity in some of the cells due to fused globes not being attended to by maintenance. When the EST comes in to conduct searches, they also break fittings, including globes and other structures, making the situation even worse.

- **Overcrowding**

There was overcrowding in the prisons over the last few years, as mentioned in Chapter Two under section 2.3 on the Current State of Incarceration in South Africa. As this is the crux of the study, it will be discussed throughout the study. The result of the overcrowding leads to an uneven ratio, which poses a huge security risk. The correctional centres are overcrowded with less staff to manage offenders. Officials are

resigning, being promoted, or passing away and are not being replaced. There used to be 14 Officials per shift, but now officials claim to only be 5 per shift. With overcrowding came the resource constraints thereof. This included beds, blankets and uniforms. Offenders in most cases are sleeping on the floor due to the shortage of linen and sponges. There is no provision of resources, and everything is decentralised.

With overcrowding came various dangers that were presented to both staff and offenders, as mentioned in Chapter Two 2.6 Prison Architectural Design. Officials in one of the remand detainees' units mentioned: "We [are] here 6 am in the morning and we count and serve meals in the dark, putting our lives in danger but it is above our control, as we have reported it, and nothing has been done".

- **Recruitment**

The recruitment aspect has also changed in the following ways: One respondent mentioned that people are being employed without the proper qualifications and without meeting the criteria and are expected to perform and produce results. According to the Department of Correctional Services (2002:12), the limited skills and lack of appropriate training of staff to support the rehabilitation of offenders remain an obstacle to the delivery and transformation of the department. This implies that there is ineffective treatment of offenders. The increasing dissatisfaction with treatment and rehabilitation services available to offenders in South African prisons can result in an increase in recidivism. According to Matshaba (2019), the correctional officials' duties are no longer what they were in the past. They have gone far beyond merely guarding offenders, as their duties now require knowledge, training, good interpersonal communications, and sound decision-making. Bruyns (2017) is of the opinion that in order for the Department of Correctional Services to be effective in the rehabilitation of the offender, they must value the professional character of its staff, such as knowledge, skills, and attitude.

Correctional officials will then be professional and deal with offender rehabilitation effectively as an internal role player. Some people are being employed through nepotism rather than qualification and criteria. This in turn is making the work environment uncontrollable as one cannot control staff who are employed through

nepotism. The improper recruitment of staff leads to performance issues in their jobs. All staff employed through politics and nepotism are not performing.

- **Food and medication**

There were issues relating to the issuing of food and medication, as mentioned in Chapter Two under the Deprivation Theory, specifically the deprivation of goods and services. The standards of food have dropped considerably over the years, and at times is not of human consumption standards. The ration of food portions has, however, increased. Services providers were also not complying with requirements for food. Those prisoners that are on chronic medication are unable to acquire their medication on time. This in turn causes them to default.

- **Privileges**

Privileges have increased for prisoners, and this was seen as a positive change. Prisoners have more rights than what they used to have in the past and can even lodge complaints against officials. In the past, they had to do what they were told. They are also given the chance to lodge complaints and requests every morning. There are no longer racial segregations inside the centres and no separation of inmates based on race. There is no longer the death penalty, which is a positive impact for prisoners as they now have the right to live. However, three respondents mentioned that there was no change in prison conditions over the last few years.

- **All cells occupied**

Four respondents indicated that all cells were being used to their fullest capacity. Due to the overcrowding, there are no available cells for emergency situations or to accommodate any new offenders. One of the respondents highlighted how lack of space is a huge administrative nightmare for security offices. However, the majority of the respondents indicated that not all cells were being utilised. This was informed by various factors as outlined below.

- **Security concerns**

Some cells were not being used due to security concerns. This included missing doors and a lack of burglar bars. Some of these cells could house around 15 prisoners each, but they cannot be used for security reasons and are not being attended to by the maintenance. Some cells were non-conducive for human occupation. This was because they were not renovated and had unsafe plug points, amongst other concerns, such as the ceilings caving in.

Some cells required significant maintenance, but this was compromised due to poor service providers, a lack of manpower, and the lack of spares and equipment to fix them. Officials try to follow up, but maintenance will tell them about the lengthy logistics involved in obtaining spares. One respondent mentioned that some cells were not being used as they were primarily reserved for solitary confinement. Solitary confinement is based on specialised requests such as protection; high-profile cases; offenders who pose a danger to themselves; other offenders and officials; and offenders' own requests.

- **Official vs offender ratio**

This primary sub-theme established the Official to Offender ratio. Overall results imply a very uneven ratio of more offenders to officials. The majority of respondents (90%) were aware that the ratio of prison officials to offenders was very low. One reason for the low ratio of prison officials to offenders is due to the fact that in the Pietermaritzburg Correctional Centre there is a shortage of funding and resources. Limited budgets and inadequate staffing levels make it difficult to maintain the necessary number of officials to effectively manage and supervise the inmate population (Muthaphuli, 2018).

Additionally, high levels of staff turnover, low morale and poor working conditions can make it challenging to attract and retain qualified personnel. The result is an overburdened workforce that struggles to maintain order; provide adequate care and support services; and prevent incidents of violence and misconduct. The South African authorities are aware of these issues and are taking steps to address them, including

increasing funding for the correctional services sector, improving working conditions, and implementing new policies to reduce staff turnover. Outnumbered officials were severely outnumbered due to too many offenders and less staff. In one of the units, it was mentioned that there are 18 officials for the unit, who have to be split over 4 shifts between 2 divisions. This makes it 9 per division. On the day in question, there was only one official on duty and the unit manager. The shift patterns currently being used at this centre was noted not to be yielding any positive results. As a matter of urgency this needs to be re – examined.

- **Ratio**

The ratio was significantly uneven. There were sometimes up to 500 prisoners being guarded and managed by just 4 officials. Even in the kitchen, there were 57 offenders guarded by 3 officials. Almost every area had an uneven ratio. The said ratio is 1 official vs 30 offenders for inside guard duties, and 1 official vs 8 offenders for outside guard duties. The uneven ratio contradicts policy as policy outlines the number of officials needed to perform certain tasks with offenders, but it is not such a practical level. According to the standard operating procedure of the (Department of Correctional Services 2022) (SOP), two officials are needed to escort a maximum offender as he/she is a high-risk offender, but this is not always the case. The uneven ratio with officials being outnumbered leads to dangerous situations for officials where their lives are at risk.

- **4.3.2.a Theme 2- Primary causes of overcrowding**

This was an important theme to examine the primary causes of overcrowding. There was a plethora of causes thereof, each outlined below.

detainees; sometimes bail is not given due to the offenders being homeless or not having a fixed address; remands can sometimes go up to 7 years awaiting trial and not having their case finalised, as mentioned in Chapter Two Section 49(G) of the Correctional Services Act (Act No.111 of 1998). There was a high number of prisoners still awaiting trial, reaching up to 2000. Officials mentioned that some of the RD are not even being requisitioned to court anymore but are just in the centre waiting and wasting resources. Reference to this is also made in Chapter two under 2.7: "Prisoners awaiting trial".

- **SAPS delays**

There were considerable delays from the SAPS perspective. They were taking very long to finalise investigations and were not bringing dockets to court on time. It was very evident from the respondents that the SAPS plays a significant role in delaying the finalisation of the cases. There were also delays from the DOJ side in the matter. In their defence, a participant interviewed said that they try by all means to finalise matters as they also have a schedule to work with. They mentioned that it is easier when it is a legal-aid lawyer, as one knows their schedule, but if the accused has a private lawyer and they have other matters on proposed dates, there is nothing one can do. Other departments were part of the causes of overcrowding. Once such department was the Department of Justice and its lack of ability to deal with systemic challenges facing prisons. The fact that there was overcrowding at the prisons indicated that DOJ lacked capacitation.

- **Communication problems**

There were also communication problems between DOJ and DCS, which could lead to operational challenges. The existing disjuncture between DOJ, DCS and SAPS needs to be addressed for a more cohesive working approach. There needs to be a more hands-on approach between the two departments. There is a gap that needs to be bridged between DOJ, DCS and SAPS.

- **Officials**

Other officials such as Community Correctional Officials were limited, and this hindered

effective trace support systems; in a huge district you will find one official monitoring or confirming support systems. The SAPS and DOJ were using the DCS as a convenient dumping ground, as asserted by one respondent. DOJ have the authority to finalise some less serious matters at the police holding cells and issue bails as they always have a prosecutor on standby. Minor offences were seen as a key contributor to overcrowding. It is very important that when people are punished, the punishment should fit the crime, and one also needs to go beyond the crime to look at the socio-economic contexts which necessitated committing a crime. The fundamental goal of Correctional Services is too correct not to punish, hence there should be a case-by-case basis for short-term offenders in order to avoid putting the wrong people in already overcrowded prisons. Offenders for petty crimes were being sent to prison, whereas other methods could be employed.

- **Alternate penalties and bail**

Instead of being granted alternate penalties such as community service as well as bail for minor offenders, short-term offenders are instead sent to correctional centres, as mentioned in Chapter Two under 2.8, Short -term incarceration. Juveniles should be placed in a separate facility and not in a centre with adult offenders. Even the terminally ill are sent to correctional centres for petty crimes, instead of being placed in the care of family under house arrest. The correctional centre is not conducive for such an offender. The social ills in society remain rampant and lead to crime, and, hence overcrowding.

- **Increase in crime**

The offender rate has increased due to a general increase in crime holistically. SAPS are not dealing with the real problem at hand to curb the crime, and the government of the day is also not dealing with the issues leading to crime, such as poverty, unemployment, lack of education, lack of skills and homelessness, just to mention a few. Due to the current economic circumstances of the country, the unemployment rate is very high. This causes people to steal to support themselves and their families which leads to them becoming criminals. This is because of poverty and people committing crimes to live. In addition, offenders' parents are also criminals, and crime then

becomes that of a generational nature.

- **Recommitting of crimes**

The recommitting of crimes became a key concern for overcrowding. This was due to the following: the rehabilitation process and programmes were not effective enough or lacking; short-term offenders are not in the centre long enough to equip them with skills which can assist them upon release. They therefore they resort back to criminal activities; there seemed to be a high recidivism rate amongst short term prisoners, due to many social and economic factors. Even when released, they still had to steal to survive and hence return to prison.

- **Prison space**

Due to the factors mentioned above, the prison space was an ongoing challenge leading to overcrowding. The DCS is responsible for the administration of 239 correctional centres, which accommodates approximately 162 301 offenders. These include minimum, medium and maximum-security correctional centres (Muthaphuli, 2018). Against the actual accommodation capacity, this figure represents an overpopulation percentage of 41.66%. The correctional centres under the jurisdiction of DCS can be described as follows:

- 8 correctional facilities for female offenders only.
- 13 youth correctional facilities.
- 130 correctional facilities for male offenders.
- 86 correctional facilities accommodating both male and female offenders; and
- 2 correctional facilities that are temporarily closed down for renovations.

- **Lack of prison space**

Prison space was running out, leading to overcrowding, and more prisons needed to be built/established. The respondents highlighted that the availability of more Correctional Centres may be able to address overcrowding, but it is not a long-term solution to addressing crime. Some wanted to be in prison due to the comfort of prison

life of having free food, bed and shelter, whereas on the outside, one would have to pay for all these services. The question then is why the government is not creating halfway houses to assist a person until he can stand on his own two feet. There were a high number of foreign nationals occupying the prisons. This should not be the case as they should be deported immediately upon arrest and should not be given the opportunity to waste the taxpayers' money and government resources.

- **4.3.3.a Theme 3 - Main challenges created through overcrowding**

This primary theme detailed the main challenges created through overcrowding.

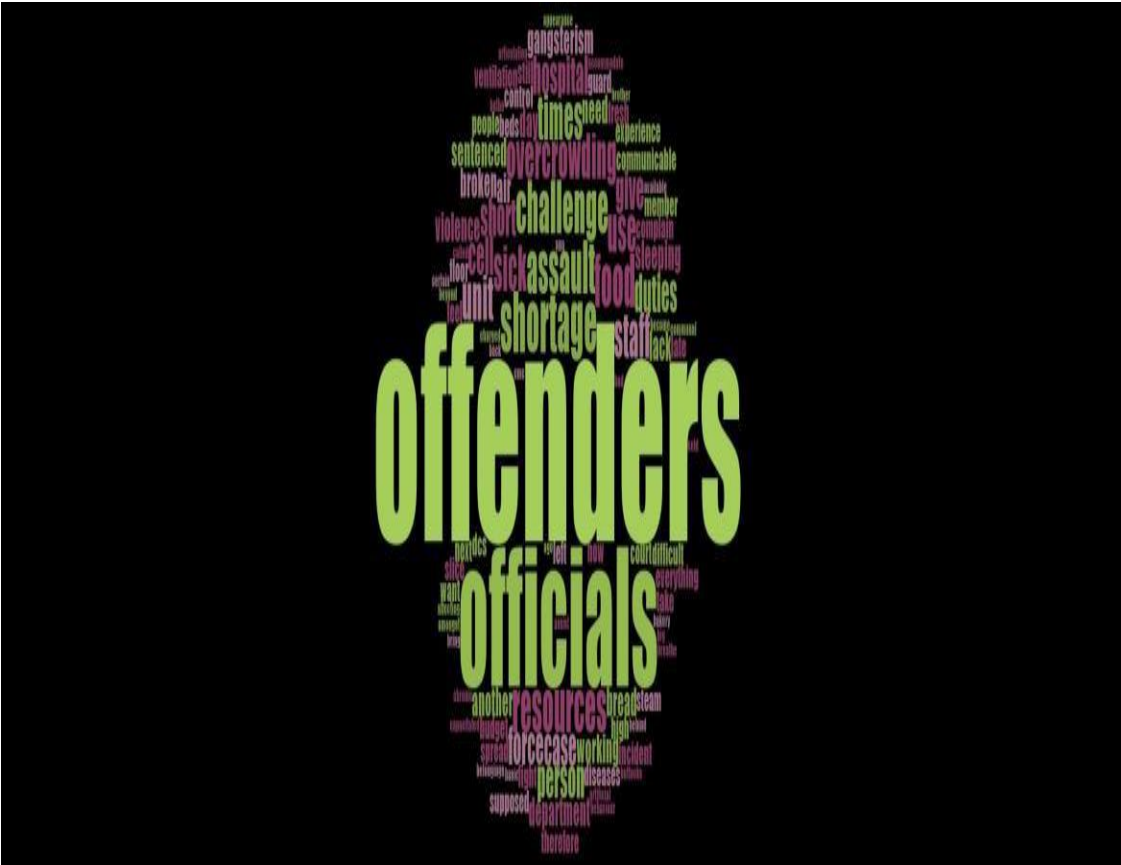


Figure 4.10: The main challenges through word clouds

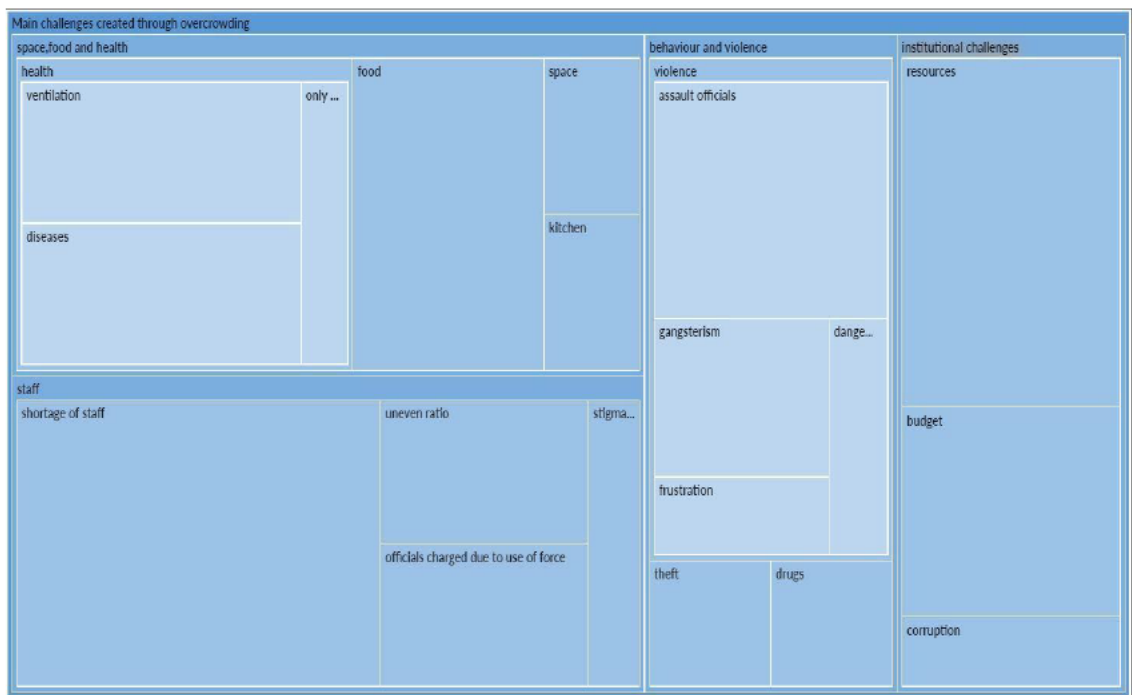


Figure 4.11: The main challenges through hierarchy charts

- **4.3.3.b Results of qualitative data on the main challenges created through overcrowding theme**

- **Institutional challenges**

It was first important to establish the institutional challenges. These entailed the following: due to an increase in offender numbers, there are ongoing financial constraints both at DOJ and DCS, and this impacts on resources. For example, as mentioned by a Prosecutor at the DOJ, offenders arrive late from DCS, forcing them to further remand the case. Relating to financial constraints, resources become wasted as it costs significant resources per prisoner. Eventually, resources run short due to overcrowding and pressure being put on the resources by offenders re-offending, causing the basic needs of offenders not to be met. Corruption amongst suppliers when it comes to service provision causes many operational challenges. Corruption is rife with suppliers who are supposed to render certain services are not doing so.

- **Behaviour and violence**

Behavioural issues tend to escalate and lead to violence due to overcrowding, as mentioned in Chapter two under 2.5 Deprivation of security. Violence becomes imminent and causes a significant risk and danger to all. Apart from prisoners assaulting each other, officials are also at risk and targets for assaults. There are high levels of gangsterism which are difficult to manage or eradicate due to the overcrowding and shortage of officials. Given the overcrowding of cells, prisoners become frustrated with the living arrangements and lack of resources which leads to conflict and violence. In a communal cell, there are supposed to be 32 prisoners, but there are in the region of 42, with some sleeping in between the beds on the floor. Officials' lives are in danger during violent incidents such as stabbings. According to an official who was a participant there was a stabbing incident in D unit a few days ago, and there were only two males and a female on duty. Prisoners also steal from each other due to lack of resources. This leads to added conflict and violence. Drug abuse is rife and sometimes prisoners are even assisted by officials in the smuggling of drugs.

Staff were impacted due to overcrowding, and it brought about the following: most respondents indicated a shortage of staff, and this meant that their performance in their duties were compromised. As mentioned in the previous themes, the uneven ratios led to not having enough officials to perform key tasks such as escorting prisoners to hospitals and other facilities. Official also become stigmatised when they take offenders to the hospitals and are treated with a lack of dignity because they are accompanying an offender. Furthermore, officials are sometimes forced to exercise maximum force during violent outbursts. However, this leads to them being charged by prisoners and having police cases opened against them. Officials also end up getting suspended due to investigations into such incidents and in some cases, they are imprisoned or fired.

- **Space, food and health**

The challenges related to space, food and health are ongoing and unavoidable due to overcrowding. Naturally, space become a key challenge, especially when there are 8-

14 prisoners per cell, when it is ideally meant for 2-3 prisoners. The DCS should be able to maintain the space allocated for offenders, as mentioned in Chapter Two, 2.4, Occupancy and overcrowding. As with any human being, prisoners needed food for sustainability. However, due to overcrowding, the budgeted food resources are not enough. In addition, the suppliers do not supply food on time. This impacts on prisoner health and rights. Health-related challenges abound, informed by the following: the ventilation aspect was a highly ranked health factor. There was no proper ventilation which led to breathing problems, causing various ailments for staff and offenders. Overcrowding can lead to a lack of access to basic necessities such as clean water, adequate nutrition and healthcare, which can weaken prisoners' immune systems and make them more susceptible to disease. This, coupled with the fact that many prisoners come from marginalized and vulnerable communities, means that they are already at a higher risk of developing diseases. More than 30% of prisoners in South Africa are held in pre-trial detention, meaning that they have not been convicted of any crime and are awaiting trial (Watson, 2018).

Due to overcrowding, communicable diseases were easily spread given the lack of proper spacing and distancing. This could also spread to officials, as referred to in Chapter Two, 2.17 Health care. Overcrowding makes it difficult to maintain proper sanitation and hygiene standards, which can lead to the spread of infectious diseases such as tuberculosis, HIV/AIDS and COVID-19. The lack of space can also make it difficult to isolate sick prisoners, which further increases the risk of disease transmission. Hospitals also only treated sentenced prisoners and not remand detainees, they just give them Panado, and one can see that the offender is sick. Relating to food, most of the kitchen equipment was broken, thereby impacting negatively on food and meals preparation.

As shown in the diagram, the words which come out so boldly and so closely next to each other when referring on the impact of overcrowding using cluster analysis highlight the relationship between those words.

- **4.3.4.b Results of qualitative data of the impact of overcrowding theme**
 - **Overcrowding impact on staff and resources**

Firstly, the impact of overcrowding on staff and resources was outlined and informed by the following: resources were primarily impacted due to overcrowding. There were not enough beds and offenders were sleeping on the floors and passages. This was not conducive, especially during winter. Offenders had to crawl over each other in order to use the toilets. There was also a shortage of uniforms for the prisoners. This was due to prisoner numbers going above budget, as well as supplier delays. Apart from offenders, there was a shortage of uniforms for staff. Blankets were also in short supply, which compromised offenders' health, especially during winter. Hygiene was further impacted due to washing machines being broken and therefore being unable to clean dirty bedding and linen. This can contribute to the spread of diseases.

- **Time and money**

Overcrowding impacted on both time and money. The department had to provide more money for resources, overtime and other prisoner needs. In addition, this was eventually impacting on the taxpayer themselves. Officials had to use their own resources such as their own cell phones, due to their radio not working and poor networks. There was a considerable impact on officials' work and health. Officials were getting overly tired, which was leading to burnout. Such burnout led to medical and emotional issues, and officials are then required to take sick leave. Staff have to multi-task due to staff shortages in dealing with overcrowding. This leads to further tiredness, frustration and risks. Staff were getting emotionally impacted dealing with the challenges of overcrowding. There were high levels of staff frustration due to their working conditions. They were overworking and doing the work of multiple staff members because of staff shortages. They also felt that their voices were unheard in

relation to the challenges faced. In relation to staff unhappiness, their morale was also low, which impacted on their performance. Staff were demotivated. Work frustrations were also negatively impacting on officials' personal life and their families. The risks faced by officials further contributed to their morale and job dissatisfaction. Females were more at risk, and they could not be left alone with offenders. This meant that more male officials were needed to guard both offenders and serve as added protection for female officials.

- **Addiction**

Offenders were also guilty of lying to get out of the prison cell to feed their addiction. This could add extra risk for officials. Communication devices such as two-way radios were lacking. In addition, Personal Protective Clothing for officials was not being supplied. There was ongoing danger as prisoners could attack staff and the lack of communication devices would limit the ability for staff to obtain help.

- **Department of Justice and Courts**

This primary sub-theme outlined the impact from the side of DOJ and the courts. Court delays did impact on prisoners awaiting trial in the following ways: the court delays inevitably contribute to overcrowding in cells, the relationship between DOJ and DCS does have an impact on the overcrowding due to poor communication and relations; and the departments seem to be working in silos. There seems to be insufficient communication between the two departments to address the problems at hand. A more unified culture was needed between the departments in order to promote cohesive working and a unified system which can be more efficient and effective in addressing issues.

- **Emotional and physical**

Prisoners do get affected emotionally and physically due to uncertainty. Those on chronic medication also get compromised. It becomes prejudicial on offenders as they have their freedom and liberties restricted while awaiting trial.

Impact and implications- reducing the time for remand and short-term

- **Offenders' vs overcrowding**

It was important to assess the impact and implications for reducing the time for remand and short-term offenders to alleviate overcrowding. Most respondents saw this as a positive approach. Space and resources can be positively impacted. This was informed by the following: it would alleviate the wasteful occupation of cells which become occupied by remand and short-term offenders. Such offenders should be given bail rather than occupying cells. There can be more space for the more serious crimes and there will be no overcrowding in this regard.

- **Decreased expenses**

Expenses will decrease as there will be an adequate budget for food and resources. There will also be no need for staff to work overtime. There will be more food and resources for existing long-term prisoners.

- **Community**

There can be other community methods as opposed to sending them to prison, as listed below. Short-term and remand detainees can be taken directly to community correctional facilities. They should be accommodated in other facilities in the community. Such facilities can be established as well.

- **Departments**

Other Departments can assist in this regard by reducing time for short-term offenders and remand detainees. The courts must take swift decisions on petty crimes and not send them to the prison unnecessarily. The SAPS should have their own centres to keep remand detainees, as argued by one respondent.

Some minor first-time offenders can be released on a warning. Backlogs and the time a person spend in custody must be reduced. Moreover, the courts must apply more discretion and must check the crimes of offenders before sending them to prisons. There should be more options for rehabilitation rather than prison sentences. In addition, even if a sentence is needed, it can be more of a custodial one.

- **Communication**

There must be more communication and collaboration between respective departments. This can be done via meetings and formal communications to address the issue, and not just to send short-term offenders to prisons. SAPS has a key role to play in the following ways: According to some respondents; the remand detainees should be the responsibility of the SAPS and not the prisons. They must also be efficient: they should not waste time unnecessarily during the remand process of confirming addresses when they already know the address. SAPS can also release certain offenders on a warning under Section 7: Release them under warning straight from the cells. Furthermore, SAPS must be proactive in combatting crimes as this can prevent crimes and mean less criminals in prisons.

- **Alternative methods**

Various alternative methods can also be employed rather than prison. House arrest, also known as electronic monitoring, is a form of alternative sentencing that allows offenders to serve their sentence at home while wearing an electronic tag that tracks their movements. This method is often used to address the issue of prison overcrowding. In South Africa, the use of electronic monitoring has been piloted and has shown promising results in reducing overcrowding in prisons. However, there are concerns about the effectiveness of this method, the cost of implementation, and the potential for offenders to re-offend while under house arrest.

- **Correctional supervision**

Many respondents argued that correctional supervision should be considered as an

effective alternative. Offenders can be monitored by SAPS. It was also a cheaper alternative, as opposed to being in prison at a cost of R1000 + per day. Parole must also be considered with strict conditions. Offenders can also be encouraged to attend relevant programmes to obtain parole. Community service is an added advantage rather than imprisonment. There should be specialised centres for both violent and non-violent crimes. Possibly, holding centres for violent and non-violent crimes can be introduced.

- **Staff**

There were various recommendations from a staffing perspective. Naturally, respondents asserted the need for more staff. The fact is that overcrowding was a current reality, and until alternatives could be sought, staff capacity needed to be increased to prevent the emotional and physical strain on existing staff. In addition, staff must be properly trained to carry out their duties. There should be more specialists employed at other centres in order to relieve the pressure of having a high concentration of offenders at one prison just because of the specialist that is based there. There should be a gender-based assigning of duties where female officials can be placed to guard female offenders, while the male officials are assigned to male offenders.

- **Special Danger allowances**

There should be special danger allowances for all staff due to the dangerous situations that they are faced with. This can provide an incentive for staff in this regard. A key recommendation revolved around the aspect of empowerment, which can serve as a proactive means to mitigate crime and offenders.

- **Skills programmes**

Skills programmes can be introduced for short-term offenders. This can allow them to build skills which lead to their employment and can prevent them from committing crime. Employment partnerships must be sought with relevant partners such as the

municipalities so that certain offenders can be used for employment rather than prison. Education should be made compulsory as most offenders do not have education. Monetary incentives can be given to minor offenders upon release so they can earn a living instead of stealing. There should also be increased community outreach programmes to prevent crime.

- **Space**

Recommendations for more space revolved around the following: due to the current overcrowding and the possibility that there may always be crime, more correctional centres should be built to accommodate prisoners. Apart from building more prisons, existing space can be reviewed and utilised effectively to accommodate overcrowding. Prison space can be extended for existing prisoners, but not with the aim of getting more prisoners. Offenders should also be spread across various centres. For example, life sentences must be sent to a specific centre where they can accept and come to terms with the sentence, as such prisoners can be aggressive and suicidal due to their emotional state.

- **Ventilation**

Ventilation must be improved for the welfare and well-being of both offenders and officials. This will prove to be a fruitful exercise as not much funds will be spent treating offenders for a number of diseases caused by poor ventilation..

- **Time Parameters and shortening long remands**

Time parameters should be set for trials, as well as shortening the time period of long remands. remand detainees must be separated from sentenced prisoners. A respondent argued that remand detainees should be released. As asserted in previous themes, short-term and minor crime offenders can be addressed differently. This can be read in conjunction with the prior theme (Impact and implications - reducing the time for remand and short-term offender's vs overcrowding).

- **Short-term**

Short-term offenders should be released on certain conditions, and those sentenced for less than a year should not be sent to prison. There should be a shorter prison sentence for short-term offenders such as 10 days rather than 30 days.

- **4.4 Conclusion**

The qualitative analysis and discussion which formed part of this study has highlighted the major discoveries made through the analysis of the data gathered. Various analytical techniques were used during the data analysis procedure. Overall, the data analysis chapter gave a thorough and in-depth study of the research data, adding to the body of information already known in the subject.

In conclusion the findings of this qualitative analysis have provided a rich and nuance understanding of the complex issues surrounding prison overcrowding.

Chapter 5

Conclusion and Recommendations

- **5.1 Introduction**

The researcher gathered information on two groups of offenders: those serving short sentences and those being held on remand. The study was conducted to highlight the true worrisome incidence of overcrowding in the Pietermaritzburg Management Area, which includes two correctional facilities. The Department of Justice was also included in the study because it is a significant cause of the overcrowding epidemic.

The Department of Justice and the Department of Correctional Services, the two primary stakeholders, were interviewed. A long-standing problem in the criminal justice system of South Africa is the overcrowding of facilities for short-term offenders and remand inmates, which has serious ramifications for the welfare of people impacted, as well as the larger society. Since the local jail system has failed to handle the recent increase of inmates, this issue has been a serious worry for law enforcement officials and lawmakers in the city of Pietermaritzburg. In this chapter, the study looks at the factors that contribute to Pietermaritzburg's prison overcrowding, analyses its effects, and offers solutions. The study aimed to discover significant solutions that can enhance the lives of people who are negatively impacted by overcrowding whilst also encouraging more effective and humane responses to crime and criminal justice in South Africa through a thorough investigation of the current status of the prison system.

- **5.2 Study Recommendations**

In Pietermaritzburg and other parts of South Africa, reducing jail congestion necessitates an all-encompassing strategy that takes care of the underlying causes of the issue. It has also come to light that SAPS also contributes significantly to the overcrowding faced at the prisons. Another researcher may use this to expand more on this topic.

Below are some suggestions.

- **Implement non-custodial measures**

Investigate alternative punishments for non-violent offenders, such as probation or community service. By so doing, overcrowding and the prison population can be reduced. Non-custodial techniques can be implemented to help decrease overcrowding in South African correctional facilities, including the prisons in Pietermaritzburg. Non-custodial measures are a variety of sentencing alternatives to imprisonment for non-violent offenders that does not entail incarceration.

Community service is a prime example of a non-custodial punishment. This calls for requiring condemned convicts to put in 16 hours of unpaid community service each month. Age and credentials can be considered to place an offender where they can best contribute to society. In addition to allowing criminals to stay linked to their families, communities and places of employment, and avoiding confinement in a correctional facility, community service can be an effective and meaningful punishment for offenders.

Probation, which permits offenders to remain in the community under supervision with specific limitations and conditions, is another non-custodial option. Offenders on probation may have access to support programmes including counselling, job training, and drug and alcohol treatment, which can assist in addressing the underlying causes of their criminal behaviour. Any criminal who receives this kind of sentence may realize that they will not be as lucky the next time and will end up in imprisoned.

Beyond merely lowering jail overcrowding, using non-custodial methods in Pietermaritzburg and throughout South Africa can have several advantages. These steps can aid in rehabilitation and re-integration, lower the social and financial burdens of incarceration and improve public safety by lowering the risk of recidivism. However, non-custodial sanctions in South Africa must be implemented with sufficient funds and resources, as well as support from the criminal justice system and the public. Developing a more efficient and compassionate judicial system that promotes rehabilitation, lowers recidivism, and respects the rights and dignity of prisoners will take cooperation and persistent effort from all parties.

- **Expand pre-trial diversion programmes**

By sending remand prisoners to community-based programmes that help rehabilitation

and monitoring, diversion programmes can help lower the number of remand prisoners in jail. Another efficient strategy for reducing overcrowding in South African prisons like Pietermaritzburg is to increase pre-trial diversion programmes. Pre-trial diversion programmes are neighbourhood-based efforts that help in the treatment and monitoring of people who are in custody for non-violent crimes while they await trial. By diverting eligible offenders away from the traditional criminal justice system and onto supportive and rehabilitation-based services, these programmes function well. Pre-trial diversion programme respondents have access to counselling, job training, housing support and other crucial services that can help address underlying problems, including addiction or mental health concerns that contribute to their criminal behaviour.

Pre-trial programme expansion can offer several advantages in Pietermaritzburg and throughout South Africa. Firstly, since pre-trial custody is a major contributor to prison overcrowding, diversion programmes can aid in lowering the number of prisoners imprisoned there. Diversion programmes can also aid in lowering the possibility of re-offending and raising the possibilities of effective rehabilitation and re-integration by offering support and rehabilitation to offenders.

However, expanding pre-trial diversion programmes in South Africa faces numerous challenges. One challenge is the lack of resources and adequate funding to support these programmes. Additionally, community support and engagement can be a key factor in the success of diversion programmes. Hence, it is important to establish partnerships with community organizations and leaders to help build trust between the criminal justice system and respondents in the programmes.

Overall, expanding pre-trial diversion programmes in Pietermaritzburg and throughout South Africa is a promising strategy to reduce prison overcrowding and support rehabilitation and re-integration. It will require collaboration, funding and strong community partnerships to build a more effective and humane criminal justice system. Correctional centres that accommodate short-term offenders should give short courses with certificates upon successful completion to assist them to gain employment and refrain from a life of crime once released. Government needs to provide housing and food relief to reduce crime. Stricter measures should also be implemented for heinous crimes in order to force the perpetrators not to commit such in the future.

Building new prisons or enlarging existing ones can create additional space for the

offenders already in the system, as mentioned by Zyl Smit and Snacken (2008 :131), to assist to ease overcrowding and enhance living circumstances. One of the approaches South Africa can take to deal with the issue of prison overpopulation is to build new jails or expand current facilities in Pietermaritzburg. This tactic entails creating fresh areas that can house the increasing number of convicts. To provide more space for people currently incarcerated, existing institutions might be expanded by adding new units or wings inside the jails or expand existing facilities.

This tactic has a few advantages, including the creation of new jobs; more security; and improved living circumstances for both officials and convicts. The burden on the current infrastructure can be reduced, and more room can be provided to accommodate the increasing number of inmates by the building of new prisons or the extension of existing ones. Additionally, enlarging current institutions can enable the separation of short-term offenders and remand detainees from long-term convicts, improving management and reducing the likelihood of violence.

However, it is expensive and requires a lot of money to construct new jails or expand current ones. Instead of solely depending on new development, it is imperative to engage in the upkeep of old facilities. In order to stop the cycle of recidivism and incarceration from continuing, new construction needs to also be supported by successful rehabilitation and re-integration measures.

Additionally, it is possible to view the construction of new prisons or the expansion of existing ones as a temporary solution to a longer-term issue. Instead of concentrating on building new prisons, South Africa might think about ways to lower crime rates and support local communities that are dealing with issues that lead to criminal activity. In conclusion, it is a viable alternative to build new prisons or expand current ones in Pietermaritzburg and other regions of South Africa, but it should not be the only remedy for the issue of jail overpopulation. A long-term strategy that addresses the causes of high incarceration rates, encourages alternatives to jail, and supports ex-offender's effective reintegration into society should go together with the building plan. For programmes to be successful and for staff morale to be high, both offenders and authorities need to be in a safe and healthy environment. Employee-led initiatives should be supported, and one must not undervalue the impact of simple acts of kindness. Regardless of rank, all the suggestions made by all employees must be

considered seriously. Moreover, the promotion of work-life balance is necessary.

- **Improve case management**

Reducing the length of pre-trial detention times and ensuring that prisoners are not held unnecessarily require the implementation of more efficient and effective case management procedures. One of the most effective ways to decrease jail overcrowding in Pietermaritzburg, and increase the effectiveness of the criminal justice system, is to improve case management. The length of pre-trial detention periods can be cut down and unnecessary detention can be avoided with effective case management. Below are some suggestions for enhancing case management in South African prisons like Pietermaritzburg:

- **Make use of technology:** Stakeholders in the justice system can collect, share and analyze data more effectively using technology. Systems for electronic case management can speed up procedures and shorten wait times in the legal system.
- **Increase staffing:** Having more people on hand can help the legal system operate more quickly and with fewer backlogs. The criminal justice system can be made more effective and expedited by hiring more judges, public defenders and prosecutors.
- **Strengthen communication:** Poor communication can result in unwarranted incarceration or extend pre-trial custody times. Enhancing communication amongst those involved in the court system and with those who are being detained, or their families, can assist to shorten wait times and avert needless detention.
- **Increase legal aid:** Giving those in need legal assistance can help shorten detention times and avoid unwarranted custody. Expanding access to legal assistance can hasten case processing and decrease the number of cases being held in overcrowded jails.
- **Address language hurdles:** As a multilingual nation in South Africa, language problems can slow down the legal process and result in mistakes. Reducing delays and avoiding unfair detentions can be achieved by addressing language obstacles by offering interpreters and language services.

To improve case management in Pietermaritzburg prisons in South Africa, a comprehensive strategy emphasizing judicial capacity development, courtroom efficiency and the abolition of pointless imprisonment is needed. Effective case management can support human rights, boost public safety, and decrease prison congestion. Making significant improvements in case management will involve cooperation between the government and various partners in the judicial system.

- **Increase funding for the criminal justice system.**

To aid in decreasing case backlogs and delays in the court system, the government needs to allocate funds for the hiring of additional judges, prosecutors and public defenders. A key tactic for enhancing Pietermaritzburg's justice system and lowering prison overcrowding is increasing financing for the criminal justice system. Lack of financing in South Africa has been a recurrent impediment to efficient criminal justice, resulting in a backlog of cases, delays in investigations, and sub-par conditions in jails. The Pietermaritzburg prison might be improved in the following ways with more funding:

- **Strengthening law enforcement:** More funds can contribute to better law enforcement, more police officers, and youth development initiatives. This guarantees that the legal system can quickly and effectively respond to criminal activity, thus lowering the number of criminals who end up in jail.
- **Hiring more staff:** With adequate financing, staffing levels can rise, thereby reducing caseload backlogs and accelerating court procedures. Additionally, it will make it possible for the government to employ additional psychologists, social workers and other experts who can help offenders with appropriate treatment and intervention.
- **Rehabilitation and training programmes:** Increasing funds will enable Pietermaritzburg prison to implement rehabilitation and training programmes that can assist offenders in successfully re-entering society. Such programmes will give offenders the necessary information and abilities to sustain a lawful way of life once they are released from jail, lowering the risk of recidivism as mentioned in Chapter Two by Clemmer (2010), that there is a perception that a lack of necessities and facilities hinder successful rehabilitation.

- Improving infrastructure: More money can be used to upgrade jail facilities and meet necessities, including those for food, clothes and medical attention. The absence of these facilities has a major influence on the prisoners' health and wellbeing, particularly in situations when infectious diseases are present. The humane treatment of prisoners increases their chances of recovery and re-integration into society.
- Improving technology: With enough money, the criminal justice system can deploy innovative technology. Consequently, paper-based systems that cause inefficiencies and delays can be reduced.

In Pietermaritzburg prison in South Africa, more money for the criminal justice system can give the necessary tools to enhance the efficacy, efficiency and speed of reacting to criminal activity. The backlog of legal cases, the length of pre-trial detention and jail overcrowding can all be decreased or avoided with a more effective and efficient criminal justice system.

- **Improve post-release support**

To lower recidivism rates and avoid re-offending, the country needs to implement programmes that assist returning inmates with housing, jobs, and other critical services. To ensure offenders successful rehabilitation and re-integration after leaving the Pietermaritzburg jail, post-release support must be improved. Without the right assistance, ex-offenders confront difficult obstacles like unemployment, homelessness, a lack of social support networks, and discrimination. The following are some suggestions for enhancing the prison's post-release assistance in Pietermaritzburg:

- Offer vocational training and education: By offering offenders the knowledge and skills they need to find employment once they are released from jail, vocational training and education programmes can help them by lowering their chances of resorting to a life of crime in the future.
- Re-integrate ex-offenders into their communities: By assisting ex-offenders in contacting their families and communities, one can help them feel a sense of belonging and re-establish their support systems after release.

- Offer housing assistance: Assist ex-offenders in locating and gaining access to acceptable housing. Accommodations that can help them while they try to re-integrate back into society, such as halfway homes. By offering housing assistance, one can lower their risk of becoming homeless and improve their chances of re-integrating successfully into society.
- Healthcare services accessibility: Healthcare services accessibility is essential for the well-being of ex-offenders. Access to services for those with chronic health conditions, such as treatment for addiction and mental health issues, is part of this.
- Offer work possibilities: Give former prisoners access to employment prospects and programmes for job training. This will provide them with the possibility to have a long-term career that will be steady and less likely to lead to crime.
- Create support groups: Creating support groups for ex-offenders will give them social support networks and chances to connect with one another for motivational purposes by sharing experiences, challenges and victories.
- For former prisoners to successfully recover and re-integrate into society, post-release support must be improved. These people will have a better chance of leading fruitful, law-abiding lives if help and resources are given to them, which will ultimately lower recidivism in Pietermaritzburg and all over South Africa.

These suggestions are just a small sample of the various actions that can be performed to alleviate the problem of overcrowding in Pietermaritzburg and all-over South Africa. To effect long-lasting change and advance a more efficient and compassionate judicial system, it will be necessary to work together, have political will, and exert consistent effort.

- **Bail Protocol**

As mentioned in Chapter Two, the bail protocol needs to be more effective to release those with no means of paying bail, or to reduce the bail to what is affordable. The Head of Correctional Centres need to be proactive to apply on behalf of those with low bail amounts or those who cannot afford the bail at all to DOJ in order for them to be released on free bail and not contribute to the overcrowding due to not being able to

afford bail. The halfway house can be used to house those with no support system in order to allow them to attend their cases from the outside.

- **Research Implications**

The study of short-term offenders and remand prisoners and overcrowding in South African prisons, particularly Pietermaritzburg, has important ramifications for theory development, future research and policy development. Possible research ramifications of the problem include the following:

- **The need for policy development:** The results of the study on the overcrowding of short-term offenders and remand prisoners in South African prisons can be used to guide the creation of policies that aim to improve conditions in jails throughout the city of Pietermaritzburg and the nation. Amongst other things, these policies could be used to introduce non-custodial measures, increase funding for justice systems, extend pre-trial detention programmes, decrease jail congestion, and improve prison infrastructure.
- **Potential Theoretical Perspectives:** Theoretical perspectives on crime and punishment can be informed by research on the overcrowding of short-term offenders and remand detainees in prisons. It can aid in the development of hypotheses regarding the effects of incarceration, the efficiency of the criminal justice system, and the contribution of social and economic factors to crime.
- **Identification of Future Research Areas:** The study can aid in the identification of potential areas for further study about South Africa's jail overcrowding. The effects of prison overcrowding on convicts' health, rehabilitation, recidivism, and the overall effects on society, require more in-depth study. The usefulness of alternative sentencing choices and pre-trial diversion programmes in alleviating prison overcrowding also needs additional empirical research.

The study of overcrowding of short-term offenders and remand detainees in South African prisons, specifically Pietermaritzburg, has many research implications. It can be used to inform policy decisions, theoretical perspectives, and future research areas. The findings of such research can help to inform the development of more effective and humane criminal justice systems that promote the rehabilitation and re-integration of offenders into society.

- **5.3 Future Studies**

It is emphasized that there are additional actors who have an impact on the overcrowding pandemic, including the government, communities, SAPS and the Department of Social Welfare, to name a few. SAPS was a department which was strongly mentioned by both the departments that participated in the study, and it is therefore recommended that other researchers further elaborate on this type of study and include SAPS. This could present a chance for other researchers to build on this study by including other role-players. There are 7 additional management areas in KwaZulu Natal, as well as management areas in other provinces, which other researchers may be able to further elaborate on. The epidemic in this study was restricted to the Pietermaritzburg Management Area. To give more thorough and reliable information on the problem of prison overcrowding in South Africa, future research should address its shortcomings further.

- **5.4 Limitations of the study**

There were several restrictions on the study on the overcrowding of short-term offenders and remand detainees in South African prisons, notably Pietermaritzburg. Amongst the restrictions were:

- **Small sample size:** The results of the study might only be applicable to the group of officials who took part in it. The population of prisoners in Pietermaritzburg and other locations of South Africa may not be well represented by the sample size.
- **Lack of generalizability:** Outside of Pietermaritzburg and South African correctional facilities, the study's findings might not be transferable to other situations. The findings might only be relevant to the socioeconomic situation, culture and criminal justice system of South Africa.
- **Difficulty in acquiring correct data:** The study's accuracy may be constrained by the challenge of locating precise statistics on the jail population, particularly in developing nations without adequate statistical databases.
- **Limited data gathering strategies:** The study may encounter issues with data collection strategies such self-report surveys, case file reviews, and other

strategies that are susceptible to biases and errors in reporting.

- Limited research scope: The study concentrated primarily on the short-term effects of overcrowding rather than its long-term effects on prisoners and the criminal justice system. The long-term implications of overcrowding on offenders' health, rehabilitation and re-integration into society require further study. When analyzing the study's results, researchers should take these limitations into account and keep generalizability concerns in mind.

- **5.5 Conclusion**

Short-term offenders and remand prisoners are overcrowded in South African jails, particularly in Pietermaritzburg, and this problem needs an urgent solution. Offenders in overcrowded prisons suffer grave repercussions, including poor living circumstances, higher violence risks, limited access to healthcare, and reduced involvement in rehabilitation and re-integration programmes. Despite initiatives to reduce congestion, including the construction of new facilities, the implementation of non-custodial procedures, and pre-trial diversion programmes, the issue still exists due to a lack of funding and resources. Increased funding for the criminal justice system, better case management, and better inmate post-release support are all urgently required to address the issue of overcrowding.

Additionally, it is critical that the government acts to alleviate the socioeconomic problems like unemployment, poverty and sub-standard housing that fuel criminal activity. By addressing these fundamental problems, the country can potentially reduce jail overcrowding; improve the effectiveness of the judicial system, and reduce the number of short-term offenders and remand detainees. Short-term offenders and remand prisoners are overcrowded in South African prisons, particularly Pietermaritzburg, and the problem is complicated and multifaceted. The study was able to respond to the research questions and achieve its goals through the analysis. The study's findings have offered fresh perspectives on the subject, which can be utilised to guide further study and real-world applications. The suggestions for additional study were also considered addressing the core causes of overcrowding and promoting the human rights, rehabilitation and re-integration of prisoners back into society requires a joint and ongoing effort from all parties.

Through this study I have successfully achieved the aim. The overall aim of the study was to acquire knowledge and seek alternatives to imprisonment which was fulfilled, by:

- Conducting a thorough literature review
- Consulted with experts in the field
- Collected and analysed data
- Potential alternatives were identified
- The effectiveness of the alternatives was assessed

The findings have provided a comprehensive understanding of the factors contributing to prison overcrowding.

The research successfully addressed the objectives of the study. The results supported the objectives by:

- Key factors were identified, such as the high crime rate
- Gangsterism and poor prison conditions were highlighted
- Data analyses on prison space
- Examination of the social and economic factors were identified
- Identification of areas to be improved
- Reducing bail amounts or giving free bail
- Harsh sentencing policies
- Recommendations were made as alternatives to imprisonment.

References

- Ahmad, K. 2009. The memories of imprisonment. Lahore: Manshurat Publications.
- Amnesty International, 2013. The state of world human rights. London: Peter Benenson House.
- Anderson, A. and Achipelago, C. 2018. The Pains of Imprisonment: A Historical Sociology of. Leicester: University of Leicester.
- Atabay, T. 2015. Handbook on strategies to reduce overcrowding in correctional centres. 3rd ed. Barcelona: Word Press.
- Aus, A. 2020. Handbook of International Law. Cambridge: Cambridge University.
- Baffour, F.D. 2021. Recidivism. Exploring why inmates re-offend in a prison facility in Ghana.
- Bartollas, C.F. 2021. Correctional Treatment: Theory and Practice. New Jersey: Prentice Hall.
- Bearman, M., 2019. Eliciting rich data: A practical approach to writing semi-structured interview schedules.
- Bertram, C. and Christiansen, I. 2014. Understanding research. Hatfield, Pretoria: Van Schaik.
- Bhorat, H., & Lilenstein, A. 2019 May 12. The socio-economic determinants of crime in SA: Development policy research unit. Retrieved from Google Scholar:
- Bless. C. 2013. Fundamentals of Social Statistics: An African Perspective (5th ed) Cape Town.
- Botha, A. 2015. Offender risk assessment: Guidelines for selection and use. Criminal Justice and Behaviour. Incomplete
- Brierly, J. L. 2015. The law of nations: An Introduction to the International law of peace. Glasgow: Oxford University Press.
- Bruyns, H. 2017. The impact of prison reform on the inmate population of South Africa - Doctoral thesis. Unisa.
- Carlie, I. 2020. Prisons around the world: Studies in International. Washington: Brown Publishers.
- Coetzee, W. and Loubser, C. 2018. Correctional Services in Focus Cape Town: Hodder & Stoughton.
- Creswell, J.W. 2014. Research design: Qualitative, quantitative, and mixed methods approaches. Sage Publications.

Creswell, J. W. and Creswell, J. D. 2018. Research design, qualitative, quantitative, and mixed methods approach (5th ed). California. SAGE.

Criminal Law Amendment Act No. 105 of 1997. Criminal Law Amendment Act. Pretoria: GCIS.

Currie, I. and De Waal, J. 2018. The Bill of Rights Handbook. Cape Town: Juta & Co.

Department of Correctional Services. 2005. White Paper on Corrections. Pretoria: GCIS.

Department of Correctional Services. 2006. Offender Development and Care Policy. Pretoria: GCIS.

Department of Correctional Services. 2013. Draft white paper on remand detention and management in South Africa. Pretoria: GCIS.

Department of Correctional Services. 2017. 2013/2014-2016/2017 Strategic Plan. Pretoria: GCIS.

Department of Correctional Services. 2021. Correctional Service Regulations. Pretoria: GCIS.

Department of Correctional Services. 2017. Department of Correctional Services 2016/2017 Annual Report. Pretoria: GCIS.

Department of Correctional Services. 2021. Annual Report on overcrowding in South African correctional centres. Pretoria: GCIS.

Department of Correctional Services. 2022. 1997 Annual Report. Pretoria: GCIS.

Department of Correctional Services. 2022. Standard Operating Procedures.

Devenish, G. 2015. A commentary on the South African Bill of Rights. Durban: Juta & Co.

Dugard, J. 2015. International law: A South African perspective. Cape Town: Juta & Co.

Giffard, C. and Muntingh, L. 2018. The effect of sentencing on the size of the South African prison population. Open Society Foundation for South Africa, 4-6.

Gleeson, K. 2017. March Worldwide Influence of the Universal Declaration of Human Rights and the International Bill of Rights. Retrieved from universal rights: <http://www.universalrights.net/main/main/world.htm>.

Hagos, A.K. 2023. Care and management for older adults in prison and those transitioning to community.

Heard, C. 2019. Toward remand detainees a health-informed approach to penal reform? Evidence from ten countries. 2 ed. Washington DC: Word Press.

John, W. Turkey. 1977. Exploratory data analysis,

Landman, C. 2016. The Incarcerated body: Judicial Inspections, human rights, and religions policy in South Africa. *Studia Historiae*.

Luyt, W. 2020. Unit Management and Legal principles in prisons. Pretoria: UNISA Press.

MacDonald, M. 2018. Overcrowding and its impact on prison conditions and health. (2nd ed). Birmingham: Emerald Publishing Limited.

Mansell, W. and Openshaw, K. 2013. International law: A critical Introduction. Oxford: Hart Publishing.

Matshaba, T. 2019. Imprisonment in South Africa under maximum security conditions - the new millennium. Unpublished MTech dissertation. Unisa, Pretoria.

Mays, L. 2015. Wadsworth, T. Essentials of corrections. Belmont:

McLeod, S. A. 2018. Questionnaire: Definition, examples, design and types. Simply Psychology. www.simplypsychology.org/questionnaires.html

Mills A. J. 2020. Encyclopaedia of case study research. Thousand Oaks. Sage Publications.

Minister Ronald Lamola. 2019. Remission of sentences to ease overcrowding in DCS facilities. Day of Reconciliation (pp. 1-3). Pretoria: GCIS.

Minister Ronald Lamola. 2020. Special Coronavirus COVID-19 parole dispensation statement. Pretoria: GCIS.

Ministry of Foreign Affairs and Trade. 2019. African Union Commission. New Zealand: African Union Handbook.

Mmutlane, KG. 2019. African adult sentenced male foreign offenders within the Northwest: University of South Africa

Murray, R. 2014. Human rights in Africa: From the OAU to the African Union. Cambridge: Cambridge Press.

Muthaphuli, P. 2018. Offenders' rights with regard to rehabilitation in South Africa. Unpublished dissertation. Unisa, Pretoria.

Muthaphuli, P. 2018. The prison Conditions in South African Correctional Service Centres. Pretoria: UNISA Press.

Rania, N. Migliorini, L. and Coppola, I. 2020. A Qualitative Study of Organizational and Psychosocial Factors in the Burnout of Italian Correctional Officers"

Nkosi, N. P. 2020. The impact of correctional centre overcrowding on rehabilitation of offenders: A case study of Durban Westville Correctional Centre. Durban: University

of KwaZulu Natal.

Republic of South Africa. Correctional Services Act 111 of 1998.

Republic of South Africa. The Criminal Procedure Act, 1977 Act 51 of 1977.

Rogers, C. 2019. Predictors of prison adjustment amongst male incarcerated offenders in a private maximum-security correctional centre: University of the Free State.

Schreuer, C. 2022. Sources of International Law: Scope and Application. Emirates lecture series 28. Abu Dhabi: Emirates Lecture Studies

Schrifter, R. 2015. Human Rights at the United Nations: The South African precedent. Washington: American University International Law

Shearer, I. 1994. Starke International Law. Butterworth: London.

Sibisi, NN and Olofinbiyi, SA, 2021. A critical analysis of overcrowding in South African Correctional Centres.

Siegel, L. 2015. Juvenile Delinquency; Theory, Practice and Law. St. Paul, Minnesota West.

South Africa. 1996. The Constitution of the Republic of South Africa as adopted by the Constitutional Assembly on the 8 May 1996 and amended on 11 October 1996. Pretoria: Government Printers.

South Africa. 1998. Correctional Services ACT No. 111 of 1998. Pretoria: GCIS.

South Africa. 2005. Commissioner of Correctional Services. White Paper on Corrections in South Africa. Pretoria: GCIS.

Stats SA. 2022. Crime rate in South Africa 2022. Pretoria: CSIR.

Stratton, J. 2019. An overview of legal instruments and other measures to aid in protection and valuation of Indigenous knowledge. Sydney: Legal information Centre.

United Nations. 2015. Charter of the United Nations and statute of the international court of Justice. San Francisco: United Nations Publications.

Van Hart, M.C and Mhlanga -Gunda, R., 2019. Prison health situations and health rights of young people incarcerated in sub-Saharan African Prisons and detention centres.

Van Heerden, M. 1996. The 1996 Constitution of the Republic of South Africa: Ultimately supreme without a number. Pretoria: GCIS.

Watson, 2018. Imprisonment today and tomorrow: International perspectives on prisoners' rights and prison conditions. Kluwer Law International.

Willemse, R. P. 2018. An investigation into the South African correctional officers' lived experiences of their work and the employee assistance programme and meaning thereof. Unpublished Doctor of Philosophy thesis. Unisa.

World Prison Population List. 2021. The institute for Crime and Justice.

Appendices

- **Appendix A- Letter of information**
- **Appendix B- Letter of Consent**
- **Appendix C- Application to collect data from DOJ**
- **Appendix D- Application to collect data from DCS**
- **Appendix E- IREC Approval**
- **Appendix F- Permission to collect data from DCS**
- **Appendix G- Permission to collect data from DOJ**
- **Appendix H-Interview schedule for DCS**
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- **Appendix N- Statistical Analysis Certificate**

Appendix A- Letter of Information



Title of the Research Study: Overcrowding of short-term offenders and remand detainees in South Africa. Evidence from Pietermaritzburg KwaZulu Natal.

Principal Investigator/s/researcher: Natasha Carries-Bachelor of Technology in Public Management

Co-Investigator/s/supervisor/s: Dr Siphso Lombo-PhD

Brief Introduction and Purpose of the Study:

Good morning and I trust this find you all well.

I, Natasha Alona Carries who is a student at Durban university of Technology doing research towards my master's degree in management science (student number 21854666) hereby request your assistance in carrying out a study on Overcrowding of short-term offenders and remand detainees in South Africa, Evidence from Pietermaritzburg, KwaZulu Natal.

The main aim of the study is to critically analyse the impact of overcrowding in the Department of Correctional Services Pietermaritzburg. This analysis intends to unearth how the overcrowding began and challenges experienced due to overcrowding at the prisons. It also intends to unearth various methods which can be of assistance in controlling prison overcrowding to achieve the intended outcome.

Invitation to the potential participant

I would like to invite you to participate voluntarily in the research.

What is research?

Research is a systematic search or enquiry for generalized new knowledge. You may ask question at any time for clarity on any aspect. You may seek the opinion of any of your family members before you commit to partake in the research, at the current moment you are under no obligation to commit in any way.

Outline of the Procedures:

If you voluntarily accept to participate in this study, you will be required to answer interview questions. Research is a systematic search or enquiry for generalized new knowledge. You may ask question at any time for clarity on any aspect. You may seek the opinion of any of your family members before you commit to partake in the research, at the current moment you are under no obligation to commit in any way.

Answers should be answered in an honest and truthful manner. The researcher will also make follow up questions in response to what the respondents highlight. This process should approximately take 20 minutes of their time and within their workplace setting. The approximate number of respondents who will take place in the study is +-23.

The aim is to prompt the insights of inmates and officials on the impact that overcrowding has on the rehabilitation of inmates.

Risks or Discomforts to the Participant:

No foreseeable risks or discomforts to/ for respondents envisaged.

Explain to the participant the reasons he/she may be withdraw from the Study:

You can withdraw from taking part in this study at any stage. There will be no adverse consequences for you should you choose to withdraw. The researcher may also request you to withdraw from participating in this study if you fail to comply with the instructions.

Benefits

The findings of this study will not only benefit the Department of Correctional Services but all other Justice stakeholders who are affected by these measures. It is important and justifiable to re-evaluate the existing methods in place to deal with overcrowding of prisons with the aim of offering new insights and ideas on how best they can improve.

Remuneration:

As a participant in this study, you will not receive any remuneration for participating in this study.

Costs of the Study:

You will not be expected to cover any costs towards detainees the study.

Confidentiality:

Your confidentiality will be highly maintained, and all necessary steps will be taken to ensure that your identity is protected.

Results:

With the findings from the proposed study, I am hoping to offer the DOJ and DCS policy makers new avenues they can persuade to assist in the overcrowding of prisons. I would like to present my finding locally to both departments in a workshop allowing them to critique it first-hand and to continue to use it as a training method for the future. I am going to publish my findings as a working paper.

Research-related Injury:

Participation in this study is voluntary and thus the researcher nor the Durban University of Technology will not be held liable for any injuries incurred during the research process.

Storage of all electronic and hard copies including tape recordings:

The data will be stored on a tape recorder hard drive, which will be kept in a lockable safe cupboard for which I will only have access too. There will also be hard copies of data in the form of written notes that will be locked away. After the analysing of the data is done after a 5-year period the data shall be destroyed by myself personally via shredding of hard copies and deleting of all electronic files.

Persons to contact in the Event of Any Problems or Queries: Please contact Natasha (Cell No: 071 105 9363), my supervisor: Dr Siphon Lombo (Tel no: 066 045 1714) Institutional Research Ethics Administrator on 031 373 2375. Complaints can be reported to the Acting Director: Research and postgraduate Support on TtiDirector@dut.ac.za.

Appendix B-Letter of Consent



CONSENT

Full Title of the Study:

Overcrowding of short-term offenders and remand detainees in South Africa, Evidence from Pietermaritzburg, KwaZulu Natal.

Names of Researcher/s:

Natasha Carries

Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher, Natasha Alona Carries about the nature, conduct, benefits, and risks of this study - Research Ethics Clearance Number: IREC 277/22.
- I have also received, read, and understood the above written information Participant Letter
- Of:
Information) regarding the study.
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during this research which may relate to my participation will be made available to me.

Full Name of Participant Date Time Signature / _____
Right Thumbprint

I, _____ (Name of researcher) herewith confirm that the above participant has been full
informed about the nature, conduct and risks of the above study.

Full Name of Researcher

Date

Signature

Full Name of Witness (If applicable)

Date

Signature

Full Name of Legal Guardian (If applicable)

Date

Signature

Appendix C- Application to collect data from DOJ

Dear Sir/Madam

22 March 2022

Application to seek approval to conduct research for master's in management science within the Department of Justice

I Natasha Carries, student number 21854666 who is currently registered at DUT as a student and studying towards my master's degree in management sciences. I would like to request permission to conduct research study within the Department of Justice in the Pietermaritzburg Management Area. The title of the study which has been sent to DUT pending approval is:

Addressing the overcrowding of short-term offenders and remand detainees in South Africa. Evidence from Pietermaritzburg, KwaZulu Natal.

I will practise research ethical consideration as follows:

- **Confidentiality:** The researcher will assure the respondents confidentiality is upheld.
- **Right to privacy:** The study will value the right to privacy of respondents.
- **Informed consent:** The researcher will ensure that all necessary permission is obtained from respondents.
- **Protection from harm:** Due to the type and subject matter of the questionnaire, no participant would be hurt consequently.
- **Honesty:** The researcher will ensure that the truth is reported.
- **Dignity:** The researcher will not humiliate and mock contributors.

If you require any further information or clarity on this my supervisor details for this programme are as follows:

Dr S Lombo:

Contact 066 045 1714

Yours Faithfully

Appendix D- Application to collect data from DCS

Dear Sir/Madam

22 March 2022

Application to seek approval to conduct research for master's in management sciences within the Department of Correctional Services

I Natasha Carries student no 21854666 who is currently registered at DUT as a student and studying towards my master's degree in management sciences. I would like to request permission to conduct research study within the Department of Correctional Services in the Pietermaritzburg Management Area. The title of the study which has been sent to DUT pending approval is:

Overcrowding of short-term offenders and remand detainees in South Africa: evidence from Pietermaritzburg KwaZulu Natal.

This research will be purely for academic purposes.

I will practise research ethical consideration as follows:

- **Confidentiality:** The researcher will assure the respondents confidentiality are upheld.
- **Right to privacy:** The study will value the right to privacy of respondents.
- **Informed consent:** The researcher will ensure that all necessary permission is obtained from respondents.
- **Protection from harm:** Due to the type and subject matter of the questionnaire, no participant would be hurt, therefore.
- **Honesty:** The researcher will ensure that the truth is reported.
- **Dignity:** The researcher will not humiliate and mock contributors.

If you require any further information and clarity my supervisor details for this programme are as follows:

Yours Faithfully

Dr S Lombo

Contact : 066 045 1714

Appendix E – IREC Approval



http://www.dut.ac.za/research/institutional_research_ethics

a

Research and Postgraduate Support Directorate
2nd Floor, Berwyn Court
Gate I, Steve Biko Campus
Durban University of Technology

P O Box 1334, Durban, South Africa, 4001

Tel: 031 373 2375 Email:
lavishad@dut.ac.za

www.dut.ac.za

13 June 2023

Ms N A Carries
08 Cinnamon Place
Eastwood
Pietermaritzburg
3201

Dear Ms Carries

Overcrowding of short-term offenders and remand detainees in South Africa. Evidence from Pietermaritzburg, KwaZulu Natal.
Ethical Clearance number IREC 277/22

The Institutional Research Ethics Committee acknowledges receipt of your gatekeeper permission letters.

Please note that FULL APPROVAL is granted to your research proposal. You may proceed with data collection.

Any adverse events [serious or minor] which occur in connection with this study and/or which may alter its ethical consideration must be reported to the DUT-IREC according to the DUT-IREC Standard Operating Procedures (SOP's).

Please note that any deviations from the approved proposal require the approval of the DUT-IREC as outlined in the DUT-IREC SOP's.

It is compulsory for a student or researcher to apply for recertification on an annual basis. The failure to do so will result in withdrawal of ethics clearance. It is the responsibility of the researcher and the supervisor to apply for recertification.

Please note that you are required to submit a Notification of Completion of Study form together with an abstract to the DUT-IREC office on completion of your study.

Yours Sincerely

Prof J K Adam
Chairperson: DUT-IREC



Appendix F- Permission to collect data from DCS

correctional services

Department: Correctional Services

REPUBLIC OF SOUTH AFRICA

Private Bag 36, PRETORIA, 0001 Poynton's Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA Tel (012) 307 2059 Fax 086 539 2693

Dear Ms NA Carries

RE: Overcrowding of short-term offenders and remand detainees in South Africa. Evidence from Pietermaritzburg, KwaZulu Natal.

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- This ethical approval is valid from 08/06/2023 to 08/06/2024.
- The relevant Regional and Area Commissioner where the research will be conducted will be informed of your proposed research project.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document/passport and this approval letter should be in your possession when visiting regional offices/Correctional Centres.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) and Correctional Services Act (No. 111 of 1998) e.g., "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc.) of the report.
- Should you have any enquiries regarding this process, please contact the REC Administration for assistance at telephone number (012) 307 2059.1 0723271937

Thank you for your application and interest to conduct research in the Department of

Correctional Services.

Yours faithfully

ND MBULI

DC: POLICY COORDINATION & RESEARCH DATE: 08/06/2023

Appendix G-Permission to collect data from DOJ

the doj& cd

Justice and Constitutional Development

REPUBLIC OF SOUTH AFRICA

BRANCH: MAGISTRATE PIETERMARITZBURG

Private Bag X 9011 PETERMARITZBURG, 3200, No cnr Church and Otto Street Pietermaritzburg 3201

Tee (033) 3555224t Fax (086) 4578293



Ref:

Enq: Mrs C. Hack

E-mail, CHack@justice.gov.za

20 February 2023

TO WHOM IT MAY CONCERN

RESEARCH: OVERCROWDING OF SHORT-TERM OFFENDERS AND REMAND

DETAINEES IN SOUTH AFRICA. EVIDENCE FROM PIETERMARITZBURG, KWAZULU NATAL.

This is to confirm that permission is granted for Carries, Identity number 8008060154080 to the abovementioned topic.

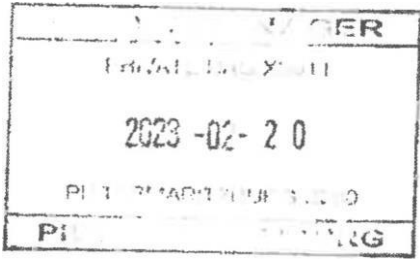
Kindly confirm dates to enable this office to

advise relevant stakeholders.

Yours sincerely C. HACK COURT MANAGER:

PIETERMARITZBURG

MAGISTRATE COURT



Ms N.A. collect data for inform the

Appendix H-Interview schedule for DCS

Instructions: Kindly tick the appropriate box or fill in the answer(s) in the space provided against each question.

Demographic information

- 1. Name (optional):
 - 2. Gender (optional) Male Female Non-disclosure []
 - 3. Age (optional) 25- 35[]
35- 45[] 45 and above []
 - 4. Job-Title
-

Section one: Background Information on the related study

1. Which year did you start working for the Department of Correctional Services?

2. Since you started working, how have conditions in this prison changed?

3. (A) Are there any cells currently available but not being used being used?

Yes [] No []

3. (B) If you answered yes to the above, please explain the reasons for them not being utilized

3. (C) Do you think that increasing the number of bed space can assist with overcrowding?

4. What is the ratio according to DCS policies on official vs. offender?

5. Would you say the number of offenders in the centre far exceeds or is below the officials available for guard duties? Explain

Section two: The challenges experienced as a result of overcrowding.

1. Do you think that reducing the time Remand detainees or short-term offenders spend in Correctional Centres will assist with overcrowding?

2. What implications do you think reducing jail time for short-term offenders would have for the department?

3. What are some of the challenges created because of overcrowding?

Section three: Recommendation

1. What alternatives can the department employ in a case where short-term offenders are released?

2. How well equipped is the DCS in making necessary provisions in a case where short-term offenders are released?

3. What role does/ can the staff play in deterring overcrowding.

4. Do you have any other recommendations you would want to highlight in addressing overcrowding?

Appendix I-Interview schedule for DOJ

Interview Schedule for Department of Justice

Instructions: Kindly tick the appropriate box or fill in the answer(s) in the space provided against each question.

Demographic information

- 1. Job Title:
- 2. Gender (optional) Male Female Non-disclosure
- 3. Age (optional) 18-25 25- 35 35- 45 45 and above
- 4. When did you start working for the Department of Justice?

.....

Section 1 DOJ role in overcrowding

- 4. Do you have any idea what the current population status of prisoners awaiting trial in the Pietermaritzburg is?
500-1000() 1000-2000() 2000 plus ()

- 5. Do you think the DOJ is well capacitated in dealing with systemic challenges facing prison centres?
Explain

- 6. What are the causes of court case delays for short term offenses?

7. How do the court delays impact prisoners who may be waiting for their day in court?

8. How has the department dealt with back-logs concerning remand detainees?

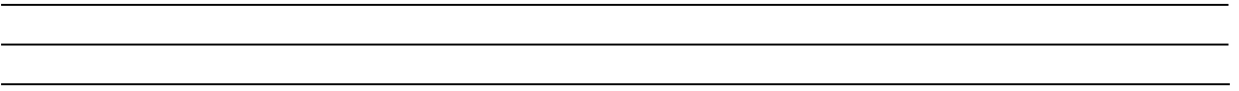
9. Do you think that reducing the time Remand detainees or short-term offenders spend in Correctional Centres will assist with overcrowding?

Section two: challenges because of overcrowding

1. What are some of the challenges created as a result of overcrowding?

2. What institutional challenges are the department facing which has led to overcrowding in prison centres?

3. Considering the capacity challenges in prisons, what has the department of Justice done to address overcrowding?



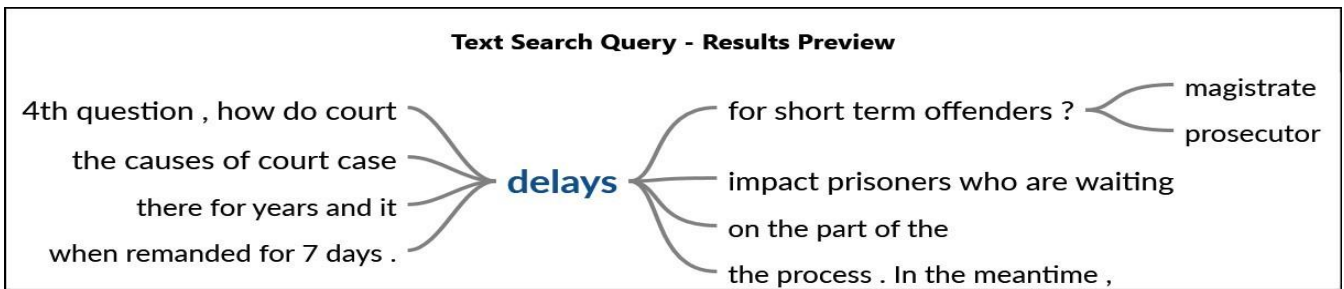
Section three: recommendations

1. What alternatives can the DOJ implement to ensure that short term prisoners are rehabilitated instead of imprisonment?

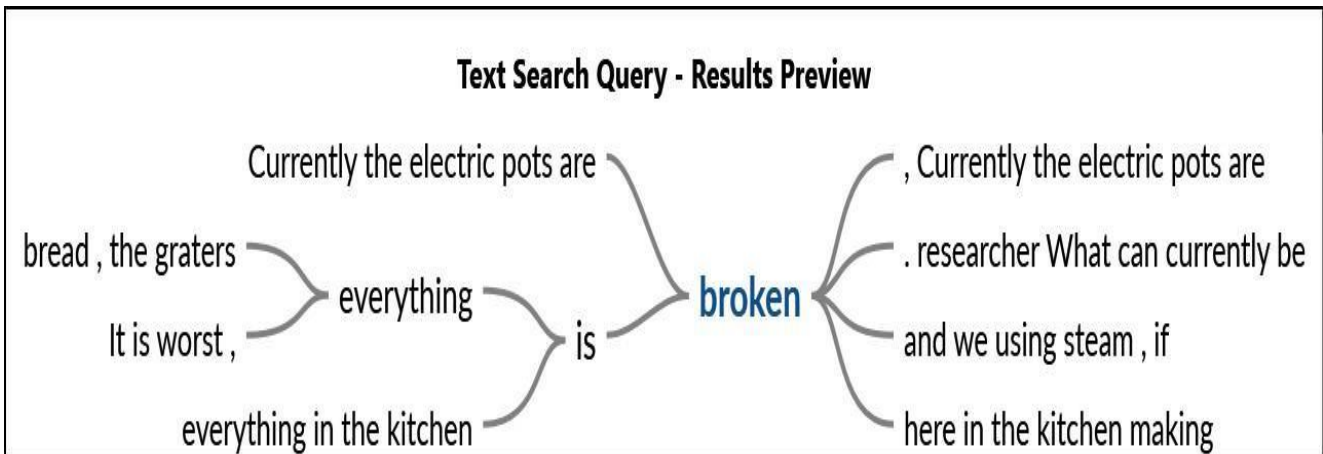
2. What do you think can be done to reduce overcrowding?

3. How does the relationship between the Department of Correctional Service and the Department of Justice have an impact on overcrowding?

Appendix J-Other word tree diagrams

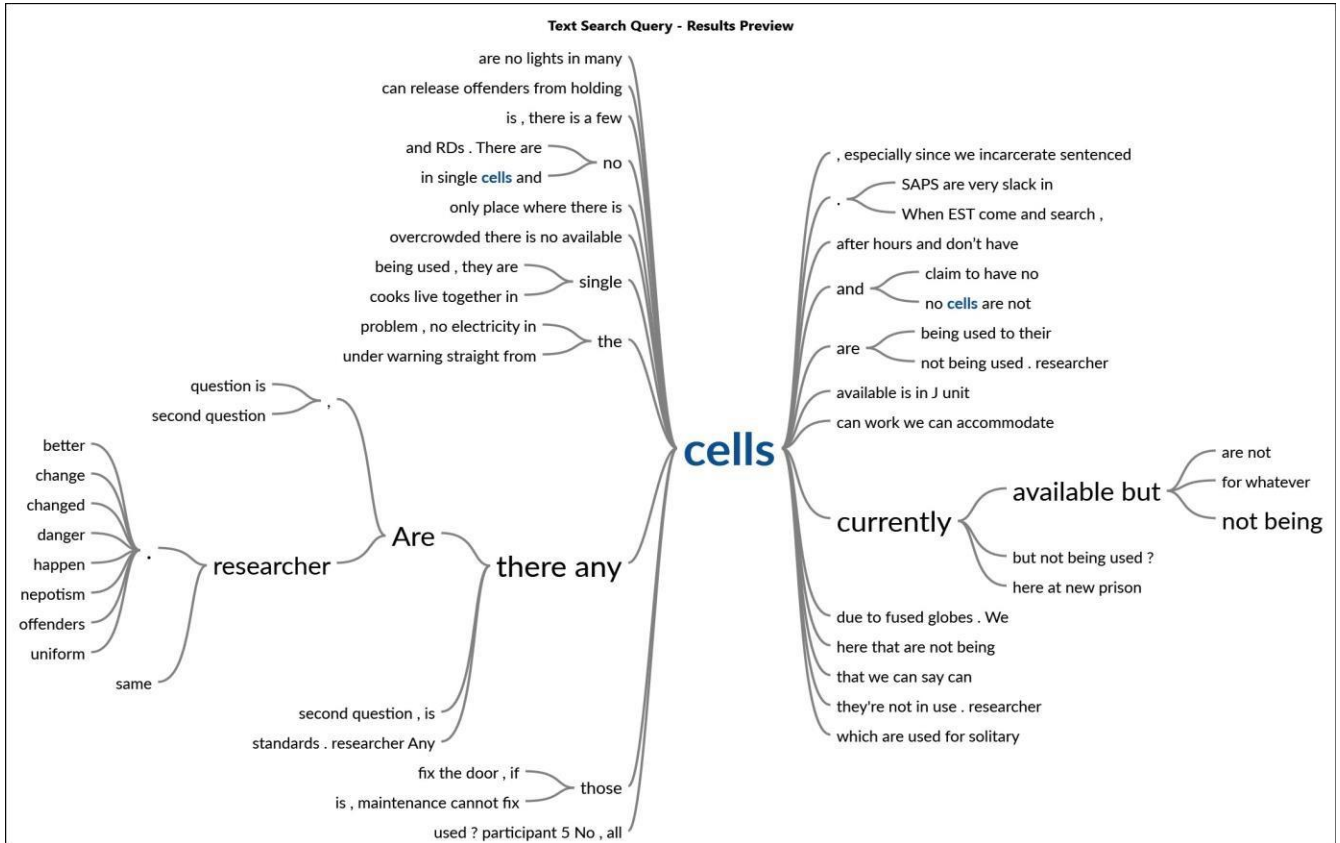


Word tree diagram for delays

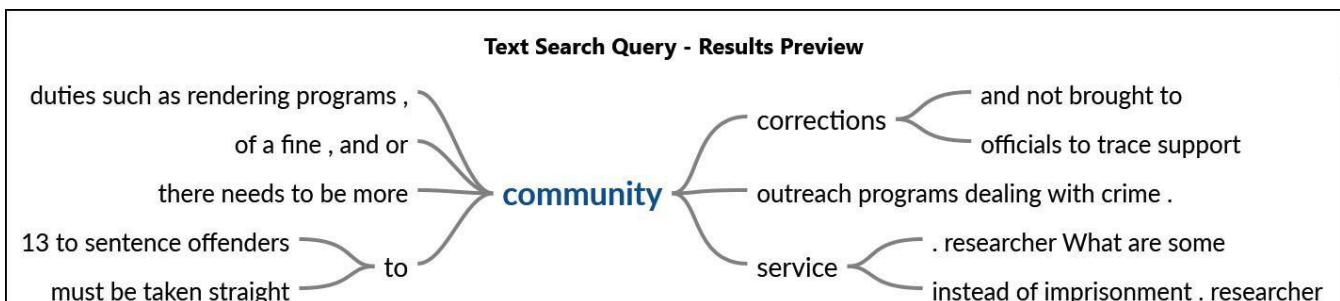


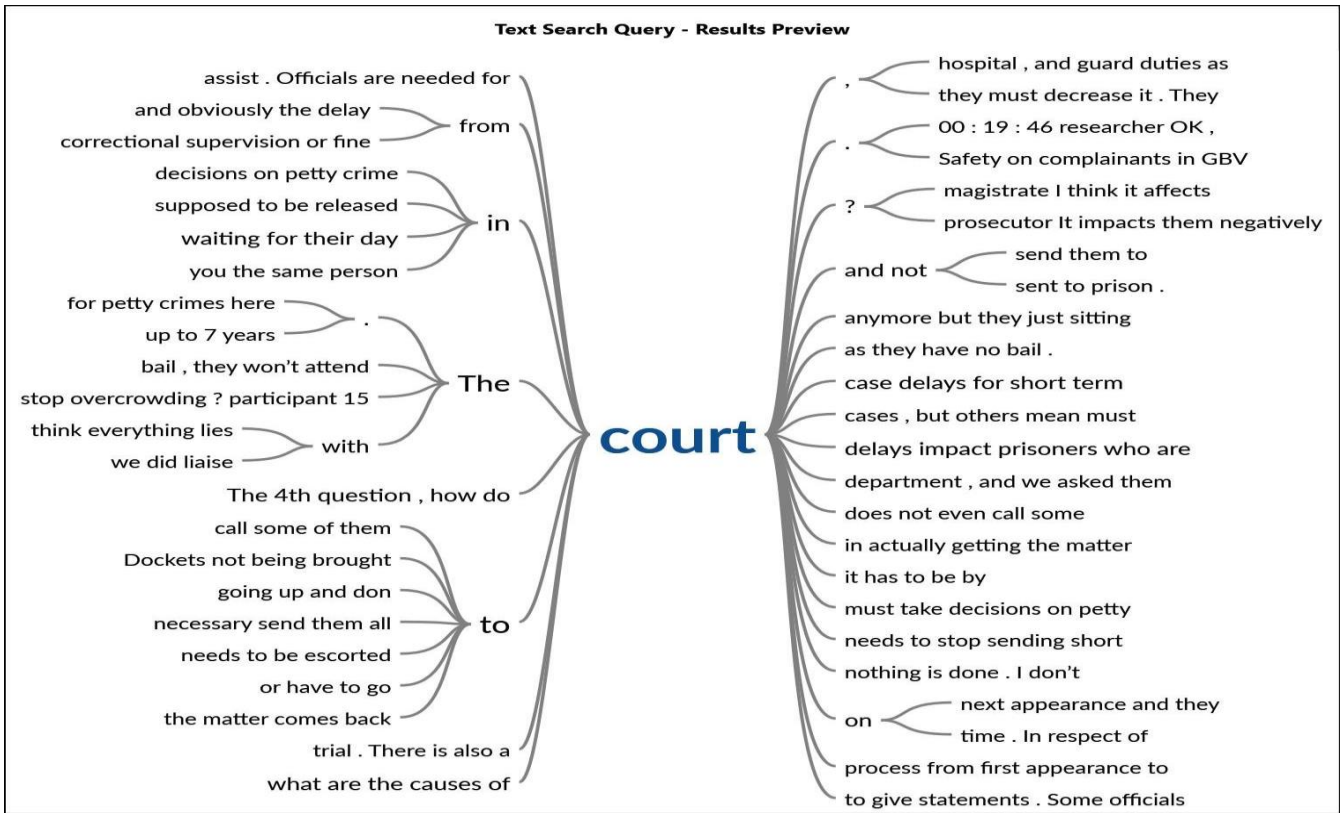
Word tree diagram for broken

Word tree diagram for cells

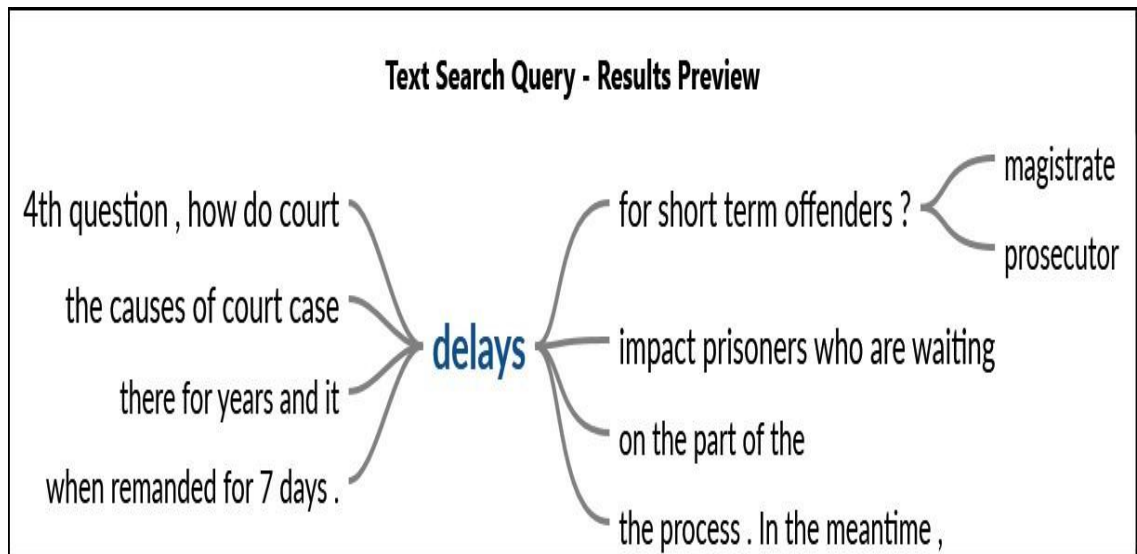


Word tree diagram for community



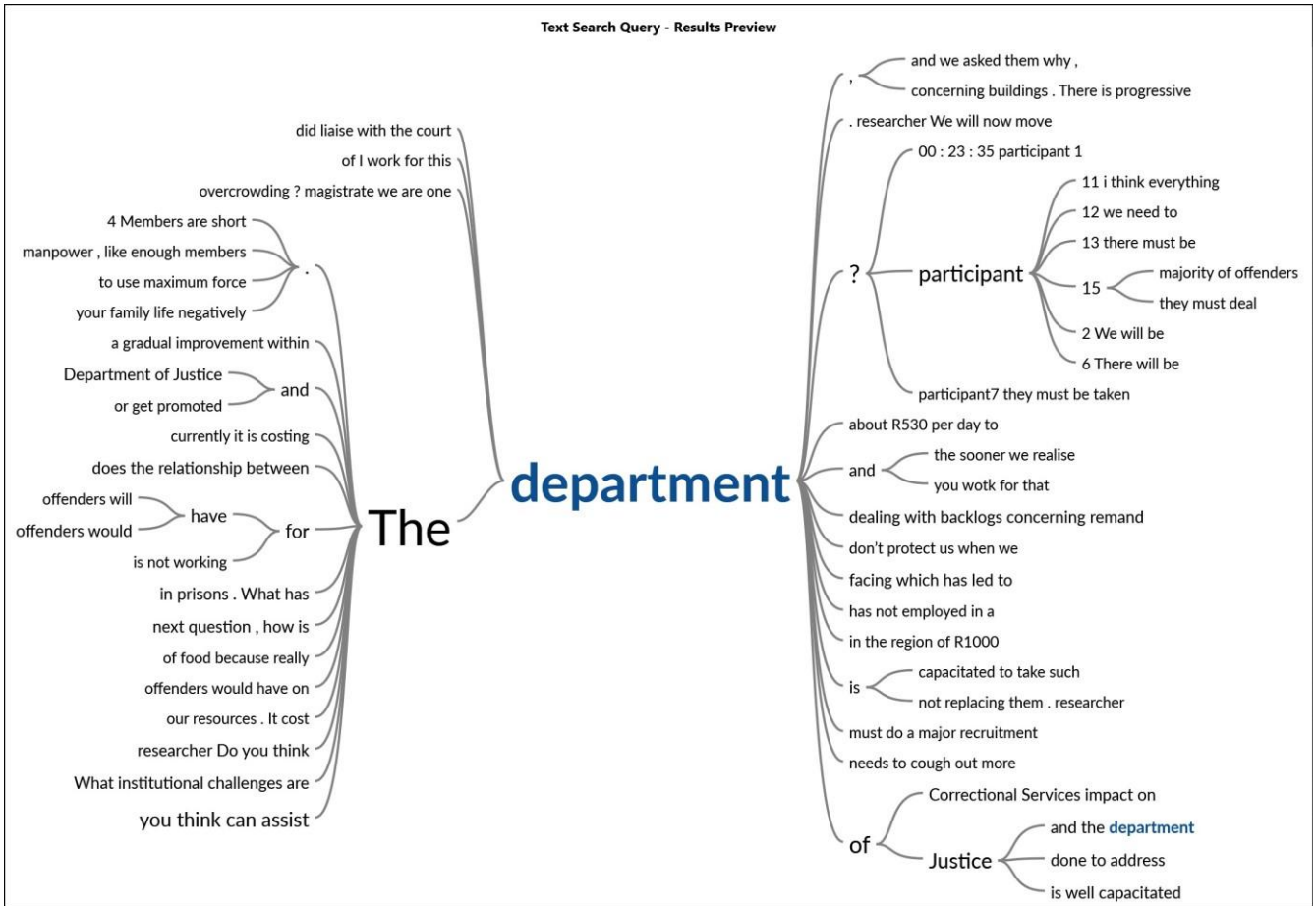


Word tree diagram for court

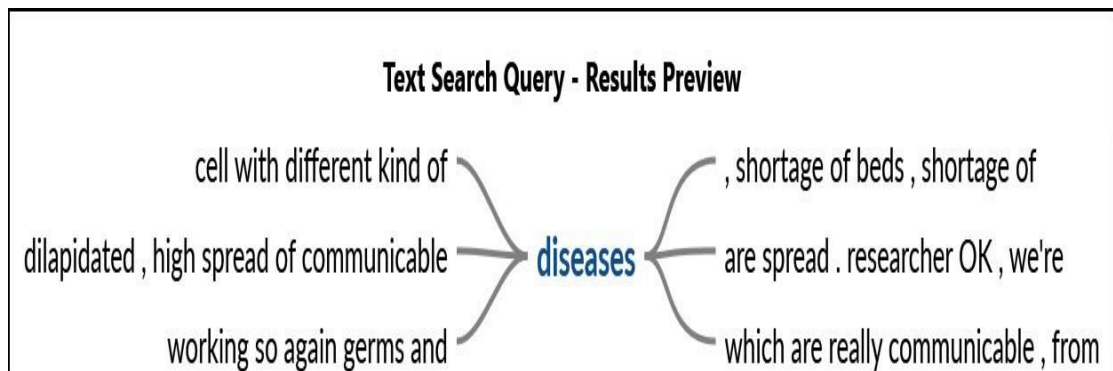


Word tree diagram for delays

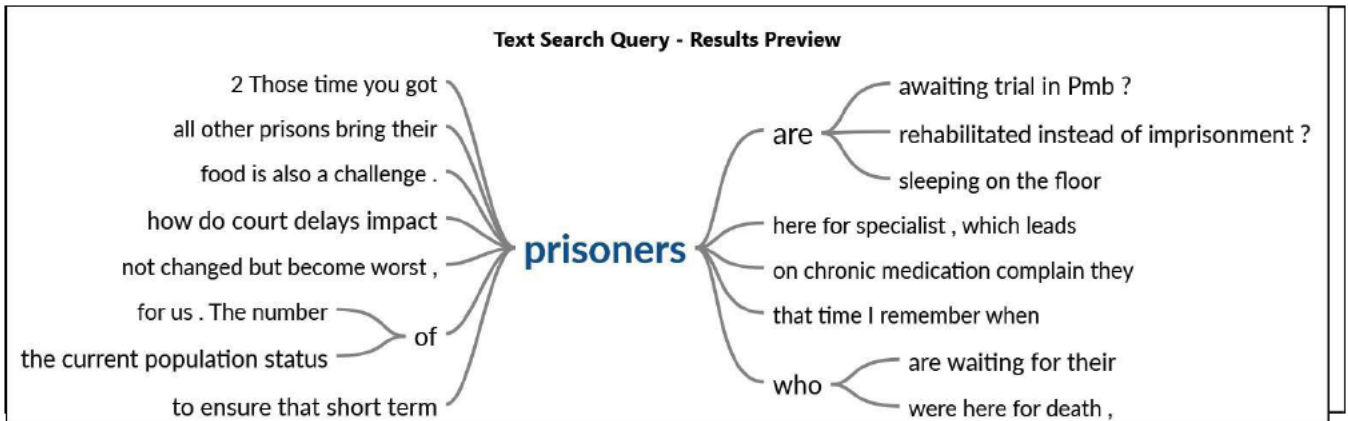
Word tree diagram for department



Word tree diagram for diseases



Word tree diagram for prisoners



Appendix K – Proof of submission

August turn it in 2024.docx

by Natasha Carries

Submission date: 23-Aug-2024 08:36PM (UTC+0200)

Submission ID: 2368901227

File name: August_turn_it_in_2024.docx
(2.99M)

Word count: 35135

Character count: 194367 overcrowding of short term and remand detainees. Evidence from natal

by Natasha Carries

Appendix L -Turn it in Summary

August turn it in 2024.docx

ORIGINALITY REPORT

15%

SIMILARITY INDEX
STUDENT PAPERS
PRIMARY SOURCES

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INTERNET SOURCES

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PUBLICATIONS

6%

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Appendix M- Editors certificate

EDITOR'S

Researchers -Borders LT
Umhlanga,
South
1 May

To whom it may

Editing of Masters Natasha Alona (Student number 201485466)

Title Overcrowding of short term offenders and remand detainees in South Africa:
Pietermaritzburg, ul-Nata

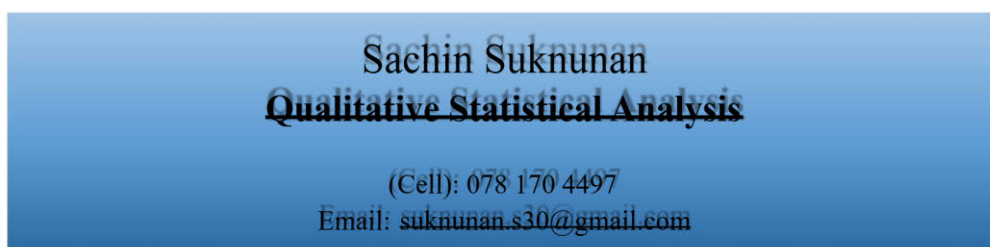
This letter serves as confirmation that the aforementioned dissertation has been language
Any queries may be directed to the author of this



Regards

Maleni
Researchers -Borders
consult@researchersbeyondborders.co
www.researchersbeyondborders.co

Appendix N- Statistical Analysis Report



TO WHOM IT MAY CONCERN

Date: 1 October 2023

This serves to confirm that I, Sachin Suknunan, have provided full qualitative analysis services to one Natasha Carries, on the qualitative data collected for her academic research study, in 2023.

Services rendered included:

- Reading of Interviews/Data
- Data cleansing and extraction
- Node development and Coding of data
- Cluster, Word Frequency, Tree Mapping, Word Trees and Hierarchy Charts
- Theme and subtheme formulation
- Output of analysed data (into MS Word format)
- Observation Report

Analysis was done using NVIVO 20.

Should you/anyone have any queries whatsoever regarding the analysis, don't hesitate to contact me directly.

Sincerely,

160

Dr. Sachin Suknunan

(Qualitative data analyst/ Research consultant)