

**THE PROFESSIONAL ROLE OF THE CORRECTIONAL  
OFFICER IN THE REHABILITATION OF OFFENDERS**

by

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Submitted in accordance with the requirements for the degree  
of

**DOCTOR OF LITERATURE AND PHILOSOPHY**

in the subject

**PENOLOGY**

AT THE UNIVERSITY OF SOUTH AFRICA

DECEMBER 2012

**PROMOTER: PROF CH CILLIERS**

## **DECLARATION**

I declare that ***The Professional Role of The Correctional Officer in The Rehabilitation of Offenders*** is my own work and that all sources I have used or quoted have been indicated and acknowledged by means of complete references.

Signature..... Date.....

*To my son, Kabelo Matetoa*

## **ACKNOWLEDGEMENT**

A would like to express my immense appreciation to the following persons and organisation for the excessive support and assistance they offered during my study:

Prof CH. Cilliers, my promoter and colleague for his guidance, support and academic expertise.

The Human Resource Development office at Johannesburg Correctional Services for giving me assistance in my study and bringing me up-to-date with the current trends of the Learnership in Corrections Science NQF Level 4

My friends and ex-colleagues at the Department of Correctional Services for making the study of Corrections effortless

My colleagues at the Department of Penology, UNISA for their endless encouragement

My family, particularly my brother, Stan Matetoa, deceased parents- father Thabang Matetoa and mother, Lieketseng Matetoa (*may their souls rest in peace*) and beloved son, Kabelo Matetoa for their love and never-ending support in my studies.

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## **SUMMARY**

Corrections has always been conventionally known as an occupational discipline and not a profession. The organization of corrections has been spoken of as a penitentiary, bearing in mind that the models of the buildings were meant for punishment; with correctional officers recognized as guards. The role of the guards was that of the *keeper of the keys and their duty was mainly custodial in nature*. The occupation was mainly attractive to white males with a record of unemployment and not much education. The occupation was stable, and did not require for any extra skill. Certain researchers believe that the selection methods for *prison warders* were extremely relaxed with a small amount of empirical validity. There was also thinking that a correctional officer needed a 20/20 vision and an IQ of an imbecile. Conversely, it has been perceived that a correctional officer can be the most significant individual in the offender's life, having an influence in refining or declining the success of the different treatment programs that an offender undergoes (Josi & Sechrest, 1998, p. 3).

*Corrections is a human service occupation.* Therefore, human service workers need to have knowledge of human behaviour and be able to assess their perspectives on any behaviour wisely and thus formulate reliable estimations. This will give them the opportunity to enjoy suitable decision making powers and formulate a trend on professional behaviour. Their knowledge of human behaviour will also strengthen

the capability to foresee behaviour and give special knowledge to prevent any hesitancy(Williamson, 1990, p. 43).

The role of the correctional officers (security staff) has intensely changed over the past few decades. The correctional officer is in today's corrections, expected to balance security and still be responsible for changing the behaviour of offenders constructively (Josi & Sechrest, 1998, p. 11). In order to have a comprehensive understanding of the distinctive and contradictory role of the correctional officer, it is very important to appreciate the changes that have transpired in penal philosophy all through the centuries. Throughout the research, the researcher will make an effort to capture the heritage of corrections and the evolving systems of punishment of Europe, the United States of America and South Africa and look at the applications of the rehabilitation concept and how the Correctional Officer has been utilised as a skilled and knowledgeable professional in the whole process. The aim of the research being to determine the effect that correctional and professional officers have on rehabilitation of offenders and determine the process by which the Correctional environment can be transformed to a true profession of highest integrity and competence.

Objectives for the study will be:

- To analyse the history and development of Corrections internationally and its philosophical background
- To examine the impact of the history of rehabilitation in the South African Corrections system, from the development of the first prisons in 1652 to the demilitarisation of prisons system in the 1990s, right through to the actualisation of the South African White Paper on Corrections, 2005
- To critically examine the professional status of the Corrections occupation against other existing professions. The issues on education, training, credentialing, autonomy, code of ethics and special expertise are some of the aspects that will be looked at as the primary criterion for professions
- To explain the conception of rehabilitation and its development and application both internationally and nationally

- To critically look at the importance of Corrections system while highlighting the mandated role of the Correctional officer and the duality of the role of balancing security and rehabilitation.

The study will contribute on the basis of knowledge in particular regard to Education and Training of Correctional Officers. A model will be developed for South African Correctional Services Systems and predominant focus will be on the performance and education and training of Correctional Officers in South Africa.

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# CHAPTER 1

## INTRODUCTION TO THE STUDY

---

It is a well-known fact that the Criminal Justice System in general and the Correctional System in particular is under great pressure internationally and nationally. Therefore there is a continuous debate amongst academics, politicians and Correctional functionaries about the exact role of the Correctional Officer in the Criminal Justice System. This thesis will focus on the professional role of the Correctional Officer in the rehabilitation of offenders. The question the researcher has to argue and answer, is why has so little being written about the role of the Correctional Officer? Taking the question further why is so little known about the person of the Correctional Officer? One could speculate about or answer the above mentioned questions in three ways. Firstly, the feeling is that writers concentrate more on the offender or the prison accepting the Correctional Officer as a given. The second viewpoint is that, the bureaucratic conditions prevailing within the prison has rendered the Correctional Officer untouchable to a certain degree. A third argument could be that man has an inherent fear of true power and authority and therefore avoids the subject.

In order to argue the scientific role of the Correctional Officer in the rehabilitation of offenders, the point of departure will be to evaluate the historical development of the role of the Correctional Officer in the Criminal Justice System. The evolution of the role of the Correctional Officer came along route from being a watchman, keeper, a military officer up to the current application of being a Correctional Officer. The reason for this change lies in the fact that with the advent of the more professional approach to the

management of the offender more emphasis had to be placed on scientific Correctional approaches.

To fulfil the demands and requirements of a true professional environment it is important to mirror the Correctional Officer against the demands of true professionalism. The opinion that offenders should be managed in a meaningful and scientific manner necessitated a multi-disciplinary approach. This approach implies the involvement of people from numerous disciplines in the management of offenders, and lead to the involvement of penologists, psychologists, social workers, religious workers, educators and technical workers. Only in the fulfilment of this multi-disciplinary approach can a profession of Corrections be a reality.

## **INTEREST IN THE STUDY**

The interest in the topic firstly: the researcher has had direct contribution in the education and training of Correctional officers since 1998- 2008. The researcher has trained correctional officers in their core curriculum (basic training), functional training and management training. She has contributed in the formulation of policies of the Department of Correctional Services that relate to the education and training of correctional officers.

During 2005, the researcher was appointed the Head Education and Training at Johannesburg Correctional Services and became involved with the first roll-out plan of the Learnership in Corrections Science NQF Level 4.

Secondly: this study is directly linked to the researcher's study of the topic Bursary Allocation Processes in the Public Sector (2004) which was critically evaluating the relevance of awarding bursaries to personnel working within the public sector with specific reference to the Department of Correctional Services. The focus of the study was amongst other reasons, to highlight the importance of education and training in the Public Service; which was based on the belief that any organisation is only as strong as the people who work in it. The view therefore in the research was that, when

employees in an organisation are awarded bursaries, they are given the opportunity to be empowered through education and training and thereby improve on their capacity and performance in their work. This will in the end motivate service delivery, customer care, and will enable an organisation to realise its strategic objectives.

## PROBLEM ANALYSIS

### Background

In the middle of the Correctional institution's *manager* and the *sentenced offenders*, are the correctional staff, individuals who, according to Gordon Hawkins are regarded as "*the other prisoners*". Their specific role and make-up are predominantly significant taking into consideration that they are front-line personnel, overseeing and managing offenders (Peak, 1995, p. 280). The question of what specific expertise and amount of education are required to carry out the work of a correctional officer has hardly been brought up. Due to this, it has therefore been assumed that the skills strength of a correctional officer is the same as that of a construction flagman, school bus monitor or even the funeral parlour employees (Peak, 1995, p. 281). The point at issue again of whether or not advanced education is essential for correctional officers is very significant (Peak, 1995, p. 282). According to Seiter (2012, pp. 99-100) correctional officers are required to be knowledgeable and thoroughly trained as they constantly encounter confusing and occasionally contradictory objectives. A number of commissions in the United States have conveyed strong suggestions for higher educational levels for correctional officers, however not any of them could give confirmation that improved and trained individuals automatically made better-quality officers(Peak, 1995, p. 282).

In chapter 4, a highlight is made that the corrections occupationis controlled by the state entity and therefore is on a constant basis affected by politics, economic influences, and the market and class system. A historical view of how politics and economics have

influenced the Corrections Occupation internationally and nationally has been justified in chapters 2 and 3. The occupation also functions within the criminal justice system and is thus interconnected with the police and the courts. The system of Corrections is regarded as the final link in the criminal justice system therefore this means that without the courts and the police, the system of Corrections will not be operational (Luyt, 2002, p. 44).

The correctional officer is required, to run with two conflicting goals which are intended to intensify the objectives of contemporary correctional institutions which are twofold; “*custody and treatment*”. The objective of custody described as the duty to society that assures that offenders are confined within appropriate behavioural procedures. Whereas the objective of treatment dictates that staffs should carry out treatment that is constructive and that will make sure that when offenders are released, there is an earnest chance for them to turn into productive members of the community (Josi & Sechrest, 1998, p. 133). The main duty of the correctional officer is to ensure that security and order are maintained at all times and that inmates do not escape from prison. The secondary duties, range from assisting inmates with their troubled lifestyle and dealing with the safety of the public. The correctional officer is required to deal with difficult tasks and *clientele* that are very complicated. These complications force the correctional officer to acquire additional training and education and necessities that the Corrections department positions further education and training as a compulsory requirement for all correctional centres. The changes in corrections have brought in new meanings and projections to the occupation and for the new correctional officer, specifically in the South African context. The new system requires that an officer have a general advancement in performance and incorporated to that a fundamental understanding of the behavioural sciences. It has been highlighted throughout research that the new correctional officer is the most important source in improving health, welfare, safety and security inside correctional institutions. As a result, *the professional correctional officer* has the capability through direct contact with offenders to change the course of corrections to *high-quality processes* or *weak unimportant processes* (Josi & Sechrest, 1998, p. 6).

## **Problem Statement**

### **A South African Application**

In order for the South African Correctional System to fulfil the role of being a world leader in Corrections certain scientific approaches should be developed to comply with the South African constitution. One of these approaches has to be centred on the role, leadership, education, and training of South African Correctional Officers. In order to comply with international correctional norms and standards, the South African correctional system in general, and the role of the Correctional Officer in particular will be evaluated against the international standards and norms. The outcome of this approach will be to develop a South African model on which the functioning and training of Correctional Officers in South Africa will be based.

The South African Department of Correctional Services is currently confronted with staffing challenges when it comes to specific careers. The highest vacancies within the department are health care workers, psychologists and social workers. These high vacancy rates disturb the facilitation process of rehabilitation and development of offenders and create an enormous challenge in actualising the need for the Department to gear all its activities to serve the rehabilitation mission.

According to the Department of Correctional Services Annual Report for the Financial Year 2010/ 2011(2011, p. 202), the employment vacancies for critical occupations are as follows:

**Table 1.1: Employment and Vacancies of Critical Occupations, 31 March 2011**

Critical Occupations	Number of posts	Number of posts filled	Vacancy rate
<b>Security officers</b>	<b>31 430</b>	<b>28 883</b>	<b>8.1</b>
<b>Custodian personnel</b>	<b>9 340</b>	<b>6 606</b>	<b>29.3</b>
<b>Professional nurse</b>	<b>1 138</b>	<b>842</b>	<b>26</b>
<b>Financial and related professionals</b>	<b>280</b>	<b>122</b>	<b>56.4</b>
<b>Social work and related professionals</b>	<b>788</b>	<b>488</b>	<b>38.1</b>
<b>Educationist</b>	<b>589</b>	<b>416</b>	<b>29.4</b>
<b>Senior Managers</b>	<b>201</b>	<b>165</b>	<b>17.9</b>
<b>Psychologists and vocational counsellors</b>	<b>113</b>	<b>55</b>	<b>51.3</b>
<b>Total</b>	<b>43 879</b>	<b>37 577</b>	<b>14.4</b>

**Table 1.2: Annual turnover rates of Critical Occupations for the period 1 April 2010 to 31 March 2011**

Critical Occupations	Number of employees per occupation as on 1 April 2010	Appointments and transfers into the department	Terminations and transfers into the department
Security officers	28 853	17	770
Custodian personnel	6 581	48	120
Professional nurse	840	27	28
Financial and related professionals	124	19	0
Social work and related professionals	486	14	20
Educationist	416	6	14
Senior Managers	162	7	24
Psychologists and vocational counsellors	54	10	11
Total	37 516	148	987

From the two tables it is clear that there is a huge vacancy rate for psychologists, social workers, educationists and professional nurses. The termination rate is also high for professional nurses, social workers, educationists and psychologists.

## **AIM OF THE RESEARCH**

The aim of the research is to determine the impact that Correctional and professional officers have on rehabilitation of offenders and determine the process by which the Correctional environment can be transformed to a true profession of highest integrity and competence.

## **Objectives**

In order to realize the aim of the study the following objectives have been drawn up:

- To analyse the history and development of Corrections internationally and its philosophical background
- To examine the impact of the history of rehabilitation in the South African Corrections system, from the development of the first prisons in 1652 to the demilitarisation of prisons system in the 1990s, right through to the actualisation of the South African White Paper on Corrections, 2005
- To critically examine the professional status of the Corrections occupation against other existing professions. The issues on education, training, credentialing, autonomy, code of ethics and special expertise are some of the aspects that will be looked at as the primary criterion for professions
- To explain the conception of rehabilitation and its development and application both internationally and locally
- To critically look at the importance of the Corrections system while highlighting the mandated role of the Correctional officer and the duality of the role of balancing security and rehabilitation.
- To develop a South African model on which the performance and education and training of Correctional Officers in South Africa will be based.

## **DEFINITION OF KEY CONCEPTS**

### **Rehabilitation**

Rehabilitation is defined as the outcome of any social or psychological involvement anticipated to cut down an offender's possible future criminal actions(Adler, Mueller, & Laufer, 1994, p. 423). Stevens & Cloete (1996) add that the fundamental principle of the rehabilitation of offenders is built on the notion that offenders are in control of their own behaviour and behavioural alteration. Offenders who are imprisoned for considerably long periods of time are therefore given the chance to alter their behaviour while incarcerated.

Rehabilitation in the Department of Correctional Services South Africa is defined as:

- “The creation of an enabling environment where a human rights culture is upheld, reconciliation, forgiveness and healing are facilitated; and offenders are encouraged and assisted to discard negative values, adopt and develop positive ones which are acceptable to society.
- The creation of opportunities for the acquisition of knowledge and skills, the development of an attitude of serving with excellence and the achievement of principled relations with others to prepare offenders to return to society with an improved chance of leading a crime-free life as productive and law-abiding citizens.
- A process that is aimed at helping the offender gain insight into his [her] offending behaviour and also understand that the crime has caused injury to other (including the primary victim/s and the broader community)”(Chief Directorate: Human Resource Development , 2007, p. 10).

## **Professionalism**

Professionalism is regarded as closely related to the subject of training. Corrections much like other disciplines has assumed laborious standards for training and certification of employees and necessitated the need to have expert knowledge, skills and training(Ross, 2008, p. 173). Professionalism is therefore founded on the skills and abilities of a person which are according to Williamson(1990, p. 71) built on the “*systematic bodies of knowledge and theory that validate*” a particular profession and the foundation for its practice.

## **Correctional Officer**

Plaatjies (2008, p. 34) cites that according to the White Paper on Corrections in South Africa, 2005a Correctional Officer is defined in viewof the skills and competencies that he [she] is required to possess. The skills and competencies range from him [her] being a rehabilitator, able to attend to others, able to work with people, is multi-functional and able to isolate themselves from dishonestyand corrupt activities.

According to Siter(2012, p. 98), “***correctional personnel are skilled professionals***”. The term *correctional officer* is more expressive and perfect to explain the compound role of staff that carries security tasks within a prison. *Correctional officer* instead of *guard* refers to the duties of custody and control which demand substantial relational skills, exceptional training, and education.

## **Prison**

Conklin (1995, p. 425) explains that for centuries prisons and jails were seen as “places to hold people before they were punished for their crimes”. Today they are regarded as places of keepingthe accused until they can be heard in court. The accused, which are found guilty in court are then sentenced and accommodated in a prison (correctional institution). Plaatjies (2008, p. 35) on the other hand describes the concept of prisons

as explained in the White Paper on Corrections in South Africa, 2005 as having the same meaning as Correctional Centres. The term correctional centre is much more “*user friendly*” and the Department of Correctional Services chooses to use the term correctional centre instead of prison.

## **Correctional Centre**

“Means any place established under the South African Correctional Services Act 111 of 1998, as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or to placement under protective custody, and all land, outbuildings and premises adjacent to any such place and used in connection therewith and all land and branches, outstations, camps, buildings, premises, or places to which any such persons have been sent for the purpose of incarceration, detention, protection, labour, treatment or otherwise, and all quarters of correctional officials used in connection with any such correctional centre, and for the purpose of section 115 and section 117 includes every place used as a police cell or lock-up” (Correctional Services Act 111 of 1998, 2008, p. 9)

## **RESEARCH METHODOLOGY**

Information for this study was obtained from written sources such as literature in the shape of books, articles, journals, newspaper articles, legislations, policies and the internet. The outlook of the topic has necessitated that the choice of data collection technique be constrained to literature study. The researcher has been conscious of the restrictions of a textual study and the circumstance that sources whether primary or secondary, ought to be verified and assessed. Secondary sources must be considered with great cautiousness, therefore their soundness and reputation must also be assessed and verified. In other words, the researcher has to be careful to make use of the text of writers’ whose reputation is respectable.

## **Qualitative Research**

The researcher explored the qualitative approach in the study as it focuses on non-numerical data. Terre Blance, Durrheim and Painter (2006, p. 272) explain that the “*qualitative research makes sense in situations where we know in advance what important variables are, and are able to device reasonable ways of controlling or measuring them*”. Qualitative researchers want to make logic of feelings, experiences, social situations, or phenomena as they happen in the actual world, and then needs to analyse them in their natural situations. Ideas such as actual world and natural situations are not always as forthright as one may perhaps think, but the belief of aspiring to study persons and groupings as they carry out their lives, instead of under exaggeratedly formed situations, should be well-defined. “A central axiom of qualitative research is therefore to work with data in context”.

## **DATA COLLECTION**

## **SOURCES, HEADINGS AND REFERENCES**

## **SOURCES AND LITERATURE SEARCH**

A literature search and review has been conducted to find out what work has already been done in this research area, and what type of data will need to be collected. Data from all possible resources has been collected and explored. The following sources are used in this research:

- Books
- Journals (National and International)
- Reports (produced from the Department of Correctional Services)
- Media (Television, radio and newspapers)
- Computer based materials (Websites, books, journals, encyclopaedia and dictionaries)
- Memos, internal reports, minutes of meetings (Department of Correctional Services)

## **HEADINGS**

The following headings are used in the research:

### **HEADING FOR CHAPTER**

#### **HEADINGS FOR CHAPTER**

##### **Sub headings**

###### **Sub-sub headings**

**Bullets are used in paragraphs to categorize issues or specifics, for example:**

**The research will focus on:**

- The history of Corrections internationally and nationally
- The philosophical underpinnings of rehabilitation and the
- The impact of the history of rehabilitation in the South African Corrections system

## **REFERENCING TECHNIQUE**

Sources used are listed at the end of each chapter under the heading:

### **BIBLIOGRAPHY**

#### **Referencing Technique**

Terre Blanche, Durrheim and Painter clarify (2006, p. 125) that there are variances in referencing formats throughout academic fields and journal publications. Research should end with a list of references that have been accessed and cited in your text. For the purposes of the research, the American Psychological Association (APA) format of referencing has been used throughout this research.

##### **Example:**

(Conklin, 1995, p. 18) emphasizes that:

Conklin = Author

1995 = Year of Publication

18 = Page number of publication where it was cited from

The page number can also be specified as follows 21-23. This means the reference was attained from the contents of pages 21 to 23 of the particular publication. At times the author's name is not cited as part of the reference, as it will only emerge at the end of the reference in brackets; with the year and page number of the publication specified.

**Example:**

The role of correctional staffs is to carry security inside a prison(Seiter, 2012, p. 34)

## **Chapter Division**

**The study will be organised in this manner:**

### **Chapter 1: Introduction to the study**

This chapter will cover aspects such as the background to the study; Problem statement; Aim of the research; Research methods and design and literature review.

### **Chapter 2: Historical Development of Prisons**

This chapter covers the theoretical and philosophical background for the study and focuses on the American Prison system and the purpose of Corrections.

### **Chapter 3: Transformation of Prisons in South Africa**

This chapter traces the prisons system in South Africa dating from the early 1900s. It will look critically at the demilitarization of the prison system and its meaning to rehabilitation.

### **Chapter 4: Corrections as a Profession**

The concept “Professionalism” is explained in this chapter and an analysis into Corrections as a profession will be engaged.

### **Chapter 5: Principles of Rehabilitation**

The Rehabilitation concept is explained in this chapter. The origins and history investigated and progress in the South African Correctional Services researched.

### **Chapter 6: The Role of the Correctional Officer in Rehabilitation**

This chapter will look at what a Correctional Officer is mandated to do, the training that he or she is subjected to and whether the training addresses the needs of the Corrections Occupation.

## **Chapter 7: Conclusions and Findings (Model for the education and training of Correctional Officers)**

Conclusions and findings on the study will be explained by the researcher.

A South African model on Education and Training of Correctional Officers will be developed for the research.

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## CHAPTER 2

# THE HISTORICAL DEVELOPMENT OF PRISONS AND PUNISHMENT

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### INTRODUCTION

The philosophical foundations of penology aids one to uncover how to deal with the institutionalisation of an offender, his behaviour modification and estimating his future behaviour. These foundations are insightful and can be used by those working in correctional systems as channels to determine the significance of those institutionalised; how to treat them and assist them in becoming valuable persons in society. To work successfully in a prison, one has to astutely analyse the role of the prison by learning its foundations and relating those with the current situations. It is the responsibility of those working in correctional systems to learn about criminal behaviour in order to protect society. The reason for this as Cilliers (2000, pp. 8-9) highlights links to the six important aims of the correctional system, which are: to add to the community's standards, norms and values that have an influence on daily life; to shield society against long and short-term threats created by offenders; to ensure a safe and stable working environment for correctional officers through management of offenders in a fruitful way; to protect the prison population; to include the victims of crime in the correctional world; and lastly, to develop all human resources to the benefit of the system. If a correctional officer understands the aims of the correctional system, then it will be easy for him [or her] to protect society. Corrections personnel tolerate a lot of unacceptable behaviours from offenders, and therefore it is essential that they strengthen their power by understanding the fundamentals of human behaviour on a general basis.

Whether one believes in rehabilitation or not, the main reason for working with those that are institutionalised is to ensure that they are protected against themselves and those incarcerated with them (*that is, other offenders*) (Craig & Rausch, 1994, p. 72). The role of the correctional officer has, throughout history been depicted as that of great supremacy and value even though in the researchers' view, it was cruel and brutal. As Bartollas (2004, p. 3) in his book, "*Becoming a Model Warden*" asserts;

*"From the birth of the penitentiary in Pennsylvania until the years following World War II, institutional wardens were sovereign. As long as they kept in favour with the governor's office, their word was law. Believing that no one else could run their organisations, these autocratic wardens took total responsibility for planning, controlling, and staffing the institution. The worst of these autocrats refused to accept either staff or inmate resistance and prisoners, like slaves were denied nearly every human right beyond survival. These wardens mixed terror, incentives and favouritism to keep their subjects fearful but not desperate, hopeful but always uncertain. Guards were subject to their absolute power and depended on their favour for their security and promotion".*

In this chapter the researcher will be looking at the philosophical foundations of penology. This will be done through an attempt to highlight the role of the correctional officer and his value to the corrections system. This review will be composed of the origins of prisons stemming from the Biblical era, the Middle Ages right through to the development of prisons in America. An outline study will be made on the great philosophers of penology and those that have contributed in the shaping of the corrections system; an emphasis on their role in the administration and facilitation of corrections throughout the ages will be looked at. The English influence on the development of prisons and the transportation of offenders to other states will in addition be discussed. The philosophy of punishment and its impact on shaping the penological ideologies will as well be looked at.

## **THE EVOLUTION OF PRISONS- A VIEW FROM THE BIBLICAL ERA**

Prisons and dungeons have been in existence for thousands of years, ‘but prior to the eighteenth century they were seldom used to incarcerate convicted offenders’. The word prison is widely used to signify ‘all places of restrain or detention of those either suspected or convicted of offenses contrary to law’(Barnes & Teeters, 1959, pp. 328-329).

The initial instance, for example, in the Bible-The Old Testament Genesis: 39, on which we read of a prison, is in the history of Joseph in Egypt. Joseph’s master, Potipher, who was one of the king’s officers, arrested Joseph for allegedly trying to rape his [Potipher’s] wife. Potipher became extremely enraged on hearing this and had Joseph put in a place where the king’s prisoners were bound(Good News Bible: Today's English Version, 2006, p. 44).

During his imprisonment, it is said that the Lord blessed him so that the jailer was pleased with him. The jailer (*today referred to as the Correctional Officer*) was indeed pleased, and to demonstrate his contentment he put Joseph to be responsible for everything that was done at the prison including being in charge of prisoners. This then led to the jailer not having any accountability for anything anymore as Joseph was answerable for everything at the prison (Genesis, 40: 45). In the past, correctional officers maintained control within prisons by manipulating inmate social systems.

The researcher is of the opinion that Joseph was liable for all the prison security (*that is guarding*) and administration. The administration at the time would have been limited to admission and release as well as ensuring that offenders paid their dues in accordance with their sentencing. As we know today, according to the South African Correctional Services Act 111 of 1998, and the International Standard Minimum Rules on the treatment of Prisoners, no prisoner is allowed to man any gate, handle the key or even handle administration of the prison. Even as early as 1865, The Prisons Act of 1865(*which was enacted in London, England*) was not in agreement with this kind of delegation of tasks.

It mentions in Schedule 1 (62):

- (62) *No prisoner shall be employed as turnkey, assistant regulator turnkey, wardsman, yardsman, overseer, monitor, or schoolmaster, or in the discipline of the prison, or in the service of any officer thereof.*

During this era(*that is, the Biblical era*), methods of punishment were varied and mostly brutal. Most punishments were reliant on how the king felt about a particular issue. In other instances however, the Bible depicts punishment as being reliant on what God commanded. These are cases where offenders “*...were thought to have violated the covenant with God*”, and they “*...were sentenced to exile or death through lapidation, burning decapitation and beating*”(Parlemo & White, 1998, p. 32). We read in Numbers 15: 32-36(2006, pp. 153-154), wherein the Lord commanded that a man should be put to death for breaking the Sabbath day. This man was to be stoned to death by the whole community outside their camp. An illustration of such a ruling is also seen in Leviticus 24: 10-15(2006, p. 130) about a *Just and Fair punishment*, where a man was accused of cursing God during a quarrel with another. This man was taken to Moses, who then put him under guard and waited for the Lord to tell them what to do with him. The Lord commanded that the whole community should stone him to death. The Lord then gave a further command, in the same chapter, Leviticus 24:16-21(2006, pp. 130-131) and said:

*“Then tell the people of Israel that anyone who curses God must suffer the consequences and be put to death. Any Israelite or any foreigner living in Israel who curses the Lord shall be stoned to death by the whole community. Anyone who commits murder shall be put to death, and anyone who kills an animal belonging to someone else must replace it. The principle is a life for a life. If anyone injures another person, whatever he has done shall be done to him. If he breaks a bone, one of his bones shall be broken, if he blinds him in one eye, one of his eyes shall be blinded, if he knocks out a tooth, one of his teeth shall be knocked out. Whatever injury he causes another person shall be done to him in return.”*

*Whoever kills an animal shall replace it, but whoever kills a human being shall be put to death".*

Retaliation was normally accepted following the *lex talionisrule*, also known as the principle of ‘an eye for an eye’(Silverman & Vega, 1996, p. 48). The laws of Moses (*the Ten Commandments*) including ‘*The Hammurabi Code*’ made famous by the king of Babylon captured this rule and this later on in the years controlled the level of revenge during the blood-feuds era. The *Code of Hammurabi* is said to have 282 clauses and 50 of those relate to crime and punishment (Mays & Winfree, 2005, p. 28).

Pritikin (2006, pp. 715-716) in his article “*Punishment, Prisons and the Bible*” highlights that one of the sources frequently cited to support the retributive ideology and harsher sentencing practices is the Hebrew Bible, also known by some as the Old Testament. The seemingly harsh criminal laws portrayed in the Torah (*the first five books of the Hebrew bible*) were never mostly applied literally by the society of its origin. Thus, “an eye for an eye”, as known ‘through the lens of the Oral Law, was never literally understood to mean the definite disfigurement of an offender. This rather meant that one will pay or give monetary compensation that will be of the same value as the victim’s eye.

In Jewish Law retribution was not seen as the primary purpose of punishment; instead restitution, rehabilitation and atonement (*something similar to spiritual rehabilitation in Jewish philosophy*) were seen as primary purposes for criminal punishment. In addition to that, prisons were practically never used as modes of punishment(Pritikin, 2006, pp. 716-717). Reid (1997, p. 542), points out that ‘confinement of offenders as a method of punishment is a relatively recent development’.

The Bible, just like any other historical source, says little about Correctional Officers and their primary role in prisons; instead it concentrates largely on punishment and imprisonment. The Correctional officer throughout the Bible is referred to as the jailer, the guard or military officer- as in Genesis 40: 3 (2006, p. 44) “... and put them in prison in the house of the captain of the guards” and, Leviticus 24:12 (2006, p. 130) “... he put him under guard, and waited for the Lord”. There is no mention of the guard’s primary

role or that of him participating in any significant role in the restitution, rehabilitation or atonement of offenders. His most noteworthy role is depicted as that of guarding only.

From what has been cited above, it is clear that prisons in the Biblical era concentrated highly on harsh punishment and imprisonment. The role of the guard in the imprisonment of offenders was limited to the locking and unlocking of prison cells. Therefore there was no involvement of the guard in the physical management of the offender whatsoever.

### **THE EARLY PRISONS AND METHODS OF PUNISHMENT (THE MIDDLE AGES)**

The Middle Ages of European history (*adjective for medieval*) are explained as an epoch in history which remained for approximately a millennium. This era universally began from the descend of the Western Roman Empire in the 5<sup>th</sup> century to the starting point of the Early Modern Period in the 16<sup>th</sup> century which is made distinct by the splitting up of the Reformation of Western Christianity, the Italian Renaissance and its emergence of humanism, and the infancy of European overseas development (Microsoft Wikipedia Free Encyclopedia). Mays and Winfree (2005, pp. 32-33) affirms the explanation and asserts that the Goths (*which was one of the main groups of ancient German*) had in 476 overthrown the last emperor of Rome, Romulus Augustulus. This fall of Rome marked the beginning of the Middle Ages which ended in the late fifteenth century with the re-unification of Spain, the discovery of the Americas, and the European Renaissance. But, Siegel (2006, p. 592) contends that the Middle Ages were said to have run from the fifth to the eleventh century.

For the duration of the Middle Ages, the law was drawn from two sources; namely the Roman Catholic church's canon law and tribal laws, such as the Germanic *lex salica*. Although most legal principles during the medieval times considered a mixture of canon law, tribal law, and even the old Roman codes, the *lex salica* was mainly used as the customary law of the ancient Germanic people. The Germanic law concerned itself mainly with penal sanctions and procedures. For the Germanic tribes, the law was

deemed to be a personal affair, therefore it was authorized that those ruled by the German tribe (*including Romans*), apply the Germanic system of laws(Mays & Winfree, 2005, p. 32).

According to Birzer and Robertson, (2004, p. 26) throughout this period, little law or governmental control existed- *individuals retaliated against one another and this was deeply supported*. The support as Mays and Winfree (2005, p. 33) points out came from the Germanic tribal laws- as the laws “*allowed for blood revenge*”. The people in Europe, particularly the Anglo-Saxons in the British Isles, had a tendency of combining the *lex salica* with their own cultural norms. This action later strongly led to blood ties- however, the Goths learned that blood revenge ultimately led to blood feuds. If anyone committed any wrong against a person or his property, the best solution to solve this problem was through personal retaliation against the offender (Birzer & Roberson, 2004, p. 26). Families of the offended battled to get justice and settled disputes by blood feuds. Sometimes, in an attempt to lessen on the bloodshed, opponents would apply the Roman custom to straighten out disagreements by paying for a fine or exchanging property(Siegel, 2006, p. 592).

*“Every sort of injury which one freeman could do to another was first of all atonable by bōt(a money compensation paid to the injured man or his relations). What this fine was depended firstly upon the nature and extent of the damage done, and secondly upon the rank and importance of the person injured. For every man had his class and value; and every form of aggression against a freeman, from a wound which killed him outright to a blow which deprived him of a single tooth, as well as the theft of anything he possessed, had its appointed fine according to his wer”*(Ives, 1970, p. 3).

The feudal period (*which was established in ninth-century Britain*) brought about changes in the ways of punishment; after the eleventh century those who violated the law or did not conform to feudal obligations were required to surrender their lands and property. This gave birth to the word felony in the twelfth century, coming from ‘*felonia*- referred to a breach of faith with one’s feudal lord’(Siegel, 2006, p. 592).

The main concentration of the criminal law and punishment during this time rested on maintaining public order. Siegel (2006, p. 592) states that “*If in the heat of passion or in*

*a state of intoxication a person severely injured or killed a neighbour, free men in the area would gather to pronounce judgement and make the culprit to penance or make payment to the injured party called the wergild. The purpose of the wergild was to pacify the injured party and ensure that the conflict would not develop into a blood feud and anarchy".*The judgement was not standard as, "the tariffs varied with the different tribes. In Mercia the wergild of a king was fixed at 7200 shillings or 120 Mercian pounds of silver"(Ives, 1970, p. 4). The concept of the fines went two ways though; as (Birzer & Roberson, 2004, p. 26)explains it; the punishment in the form of the *wergeld* was payment to the victim and was supplemented with *friedensgeld* which was payment to the church or the crown. In those times, many believed that the commission of crime was also a sin against the church and the state.

This consequently led to the failure for lower- class offenders to pay a fine and ultimately resulted in the development of corporal and capital punishment. Offenders were whipped, branded, executed, mutilated, flogged and banished as an alternative for the fine(Siegel, 2006, pp. 592-593).

### Goals

In 1166 Henry II (King of England) gave a directive that goals (pronounced *jails*) be constructed at the Assize in Claredon. This came about in the middle of the twelfth century when it was discovered that some countries were without public goals or prisoners cages. As a result of this directive, private prisons were built by prominent individuals who wanted to protect their political aspirations and personal desires. Brian Fitzcourt constructed a unique facility in 1128, called *Cloere Brien* to house William Martel. The same year, the Tower of London, originally built in 1066 by William the conqueror, as a fortress for the defence of London, saw its first prisoner by the name of Rennulf Flambard dying in this facility. More well-known private prisons were the Castle of Spielberg, the Conciergerie and Bastille in Paris, the pozzi or wells of the Ducal Palace in Venice, and the Seven Towers of Constantinople (Fox V. , 1985, pp. 11-12).

Henry II instructed that goals were to be constructed within the royal castle or established within towns which were walled. The kings were to provide timber or any other wood that was available. These goals were nothing but storage areas for prisoners. As stated by Cornelius (2001, p. 48) “*goals were locally operated by English ‘shire-reeves’ (now sheriffs) and were meant to be holding facilities to confine and detain persons accused of breaking the law*”. Bracton, who died in 1268, emphasised this notion greatly when he expressly wrote that prison was to confine and not to punish (Ives, 1970, p. 10).

A Bishop Britton from the thirteenth century was not against Bracton’s notion however, he opposed the unnecessary ill-treatment of prisoners. He believed that only those prisoners who were charged for felony were to be restrained in irons and that none of them were to be mistreated except in accordance with their sentence (Ives, 1970, p. 10).

Ives (1970, p. 11) asserts that it was a known fact that prisoners, having been imprisoned in goals were expected to wait for the next assize (*criminal court*) and that took months or even years before the king’s judges would sit for their sessions. The judges were extremely feared and if a prisoner could not get bail, the chances were that, that prisoner would die with anxiety or even disease before he is even tried.

The researcher is of the opinion that the treatment of prisoners at the courts has not changed at all. Even today in the South African judiciary system, prisoners wait for a long time in awaiting trial facilities waiting for the courts to convict them and this makes rehabilitation very hard to achieve as by the time they are sentenced they already know the ins and outs of the prison and therefore can manipulate the system. They are sometimes put in awaiting trial facilities for a period of three to five years. In the Judicial Inspectorate report for the Department of Correctional Services in South Africa(2011, p. 14), it was indicated that 47, 63% of all awaiting trial detainees are held in for a period exceeding 3 months and this is all in all a total of 23 032 detained for longer than 3 months.

Bishop Britton also voiced his perspective on the expenses prisoners paid whilst they were imprisoned. He mentioned that prisoners were to be kept in prison at their own expense, and that the gaoler was to charge them not more than four-pence. The gaoler was not to take anything from the prisoners as they were poor and would probably not have any valuable possessions. No prisoner was to be locked-up for not having money to pay prison fees (Ives, 1970, pp. 10-11).

Today when a prisoner is sent to prison in the United States of America, the taxpayer assumes all costs(1994, p. 72). Even in South Africa, each and every prisoner incarcerated is provided for by the state with the tax payers' money. The Judicial Inspectorate Report (Annual Report 2010/2011: Treatment of Inmates and conditions in Correctional Centres, 2011, p. 15) affirms that the Department of Correctional Services' "daily per capita cost of incarceration of inmates, whether sentenced offenders or remand detainees, is R 243.04. For 160 545 inmates the total cost (as at March 2011) to the tax payer has hence been some R 39 million per day. Although this is an all-inclusive cost relating to accommodation, clothing, meals, medical attention, rehabilitation programmes, staff salary and other overhead expenses". Craig (1994, p. 72) enquires if a prisoner should not assume any responsibility in this, as this was done in the medieval era? Well in South Africa, such an act would be deemed corrupt by government as it is the state, in the interest of the community that brings offenders to book. This is done because communities have to be safe and anyone who dares disturbs the peace within society must be removed and locked up somewhere.

Bishop Britton's concept of imprisonment was encouraged centuries later. We read in Cornelius(2001, p. 49) that during the 16<sup>th</sup> to 18<sup>th</sup> century there were more than 200 jails in function all over England. These jails were under the control of the local sheriff who was seen as the keeper and legal owner of the jails. The sheriff however was allowed to appoint a keeper even though he was not to be paid any salary. As it was mentioned earlier, prisons had a fee system, prisoners were kept in prison at their own expense and therefore were to pay for bedding and mattress and also housing. A prisoner had a choice between sleeping in a filthy place or a private room- this depended mostly on

what he could afford. This system bred corruption as jail keepers were allowed to sell goods to prisoners and use them for forced labour.

As it happened to a *John Bunyan*, during his twelve years' imprisonment; "*he was allowed to work for his family- for a large part of the time in tolerable surroundings, but while in the Gate House prison he was charged huge fees*"(Ives, 1970, p. 16).

But this privilege on the part of the prison officers changed as the years went by, as it was captured in the Prisons Act 1865, Schedule 1 (64):

*"(64). No officer of a prison shall sell or let to, nor shall any person in trust for or employed by him sell or let to, or derive any benefit from the selling or letting of any article to any prisoner"*

Schedule 1 (66):

*"(66). No officer of a prison shall at any time receive money, fee, or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, or any pretext whatever".*

The same notion is captured in the South African Correctional Services Act 111 of 1998 too, and it says in Section 118 (1) - Giving or receiving money or any other consideration

- "118 (1) No correctional or custody official or no other person acting for or employed by him or her may directly or indirectly-*
- (a) *Sell, supply or derive any benefit or advantage from the sale or supply of any article to or for the use of any prisoner or prison: or*

- (b) *Have an interest in any contractor agreement for the sale or supply of any such article*

"By the time of Edward I, we begin to arrive at sentences of imprisonment and read of such penalties as one year and then a fine, or two years in default of fine, in the statutes of Westminster"(Ives, 1970, p. 13). As the fines were highly beneficial to the King, and occasionally the aide administrator or official; prisons were used as a way to obtain those [fines] under duress. Imprisonment according to Pollock and Maitland in Ives (1970, p. 13) - "*was as a general rule, but preparatory to a fine. After a year or two the wrongdoer might make fine; if he had no money he was detained for a while longer. In the thirteenth century the king's justices wield a wide 'common law' power of ordering that an offender be kept in custody. They have an equally wide power of discharging him upon making a fine with the king*".

### The Work-houses

Conditions in the way of living changed in England and Europe around the fifteenth century; this was after the feudal system had ended. These conditions affected crime and punishment enormously as feudal moguls disbanded their money-grubbing soldiers. These soldiers, who had never had profitable employment before, started drifting at large around the cities. The population of the English and European countries was on the increase as everyone was flocking to the newly developing cities such as London and Paris. Some, on the other hand chose to take to the roads as highwaymen, paupers, beggars or vagabonds who did not work.

In London in 1557, a workhouse was established to "deal with wrongdoers by using them as cheap labour based on the Judeo-Christian belief that work benefits the soul and society"(Cornelius, 2001, p. 48).

The Bridewell as it was known functioned mainly to deal with the problem of caring for the ever increasing number of disreputable people who were raiding the cities and exploiting society. A plan had to be instituted to cope with this problem and it was based on a philosophy *“that those sent there would be deterred from leading a life of wantonness and idleness by being forced to work at hard and disagreeable tasks”* (Barnes & Teeters, 1959, p. 330).

By 1576, every country in England was instructed by the English Parliament to build a workhouse or house of correction. By 1579, twenty-five occupations were practiced in Bridewell. They ranged from working in the bakery, the spinning-room, the nail house to making silk, pins and tennis balls. The discipline was harsh and work was hard.

The establishment of Bridewells was not only to take care of beggars off the streets and giving them work, but had more of an economic motive. No one was allowed to receive food for free unless he worked for it. However, some good came out of this system; we read of Jean Jacques Phillippe Vilain at Ghent, Belgum who was very creative in the administration of prisons. He introduced the classification of prisoners and suggested that criminals should be separated from beggars, and that there should be a section for women and another for children. He further suggested that criminals should be sentenced for at least a year so as to receive training in any trade and be reformed. He opposed life imprisonment and preferred that prisoners should receive sufficient medical care, productive labour, individual cells and proper discipline without any semblance of cruelty (Barnes & Teeters, 1959, p. 331).

The irony of this is that, modern prisons are using most of the ideas that Jean Jacques Phillippe Vilain initiated. The White Paper on Corrections in South Africa, 2005 emphasises the need to classify prisoners according to their needs in order to ensure that basic rehabilitation interventions are embarked upon the same group (or classification) as far as possible.

Chapter 9(The White Paper on Corrections in South Africa, 2005, pp. 127-128), talks about the *needs-based intervention plan*- which in simple terms tries to look at

interventions specifically engineered at a particular offenders' profile and the causal factors of his offence.

Chapter 11(The White Paper on Corrections in South Africa, 2005, pp. 149-151) on the other hand concentrates on *Special Categories of Offenders*- for example offenders should be classified and treated in accordance with their categories and classifications. This system of classification ultimately assists one to ensure that offenders are rehabilitated. As much as the system today has changed from that of Bridewells, the idea still remains the same. To reduce the level of idleness of criminals within society one has to ensure that those that are released are totally rehabilitated and most importantly that they have a trade that they learned in prison. This trade will ensure their employability and curb them from committing any criminal offence.

## **THE TRANSPORTATION OF PRISONERS AS A WAY OF PUNISHMENT**

It was common knowledge during the medieval era that if a wrongdoer failed to pay a fine or at least follow the recommendations on such a payment, that he would be banished, exiled or outlawed from society.Banishment was a different type of punishment and was used as an alternative to the death penalty. As British sought different ways of punishment and treatment of offenders, it found the practice of banishment most suitable (Craig & Rausch, 1994, p. 95). The British used banishment as a way to get rid of *troublemakers* and at the same time a way for them to pay for their dues (*fines*). The practice became legalised under the Vagrancy Act of 1597 and allowed for offenders to be transported to penal colonies (Siegel, 2006, p. 593).

Transportation was introduced as a sophisticated form of banishment and philosophers at the time thought transportation would help alleviate crime. This practice was also encouraged by two most important factors: firstly, the work-houses and houses of correction that were initially established to curb idleness were overcrowded and

overflowing with vagrants; and secondly, the concept of colonialism demanded huge amounts of labour- and *cheap labour* in that regard (Mays & Winfree, 2005, p. 34).

Offenders were transported to faraway places - Russia sent criminals to Siberia, Spain and Portugal sent to Africa, France sent to South America and England to North America (Parlemo & White, 1998, p. 36). The prisoners that were sent to these colonies were those convicted of murder or other serious crimes, sometimes even those that were not convicted of serious crimes but were sentenced to death were also regarded as fitting for transportation. Therefore, transportation functioned as an "*intermediate to punishment between execution and lesser sanctions such as whipping or pillorying*" (Silverman & Vega, 1996, p. 59).

In 1617 a royal order was granted to judges to offer a pardon from any punishment, that included even the death penalty, but in return the offender had to be sent to an overseas colony to work. This made transportation popular as most convicts sentenced to three or more years of imprisonment could choose transportation as indentured servants (Mays & Winfree, 2005, p. 34). Indentured servitude meant that offenders could work as labourers for a fixed period of time, ranging from three to seven years on a contract in return for free transportation, food, boarding and any other requisite(Microsoft Wikipedia Free Encyclopedia). This system provided cheap labour for colonists and the offenders tended to be more reliable and trustworthy. However, indentured servants like all the other slaves were treated harshly by their masters. They were the private property of their masters therefore they could be whipped or placed in chains any time they became uncontrollable (Silverman & Vega, 1996, p. 60).

England sent these convicts to North American colonies from the beginning of 1630. In 1717 America was formally declared Britain's penal colony and by 1776 the American Revolution brought an end to transportation of convicts to America. Britain was forced to look for another penal colony as there was no other means of dealing with the convict population it had at the time. Australia became the answer to their problems as it became Britain's penal colony. However, this was not easily achievable. It took the British three years before they could resume transportation to another penal colony

(Jewkes, 2007, p. 27). After refusing numerous African locations, Australia was seen as the most suitable colony as it had a ‘healthy climate’, and the surroundings of the area were best suited for ‘agricultural development’ (Silverman & Vega, 1996, p. 61).

In the meantime though, as the British were waiting to find the most suitable colony they were experiencing an extreme overload of offenders in their care. Something had to be done; a lot of thought went into sending convicts to the gallows as this was seen as an effective deterrent for some serious offenders(Silverman & Vega, 1996, p. 61). However, as it was the case, convicts were sent to the hulks which were somehow the same as the gallows.

### The Hulks

From 1776 to 1858, the overflow of the convict population compelled the British authorities “*to house prisoners in old, abandoned transport ships anchored in harbours and rivers*”(Cornelius, 2001, pp. 50-51). Ives (1970, p. 124) states that the “*county authorities were told to prepare and enlarge goals to meet the new conditions*”, and that “*...the new acts passed from the year 1776, authorising that prisoners, failing the possibility of their being transported, should be kept upon hulks*”. The Hulks Act of 1776 stated precisely that offenders were to work at hard labour. The conditions of the hulks were terrible; they were poorly ventilated, extremely overcrowded and had no consideration for segregation. All offenders, young, old, male and female were housed together in those filthy conditions. The judges were required to look for alternative sentencing for those that were *sentenced to transportation and eventually housed in Hulks* in order to alleviate the overcrowding. The offenders were sent to goals and work-houses- and they too became overcrowded quickly as they were not structured to suit long-term imprisonment (Silverman & Vega, 1996, p. 61).

Ives (1970, p. 124) contends that; “*For some ten years the prisons and hulks had been filled up and overcrowded with prisoners. Lord Sydney, writing on August 18, 1786*

*complained that the goals were overflowing with captives who had accumulated since our loss of America”.*

The horrible conditions that were brought by excessive overcrowding and terrible treatment and harsh discipline urged convicts to use the phrase ‘*hell upon earth*’ to explain them in plain words. The Hulks, like all the other brutal punishments became fatal and had a downfall mostly because of the discovery of the new penal colony-Australia.

### **TRANSPORTATION TO AUSTRALIA**

In 1787, the first group of men and women were put on board on a journey to Australia. They were under the command of a brave and loyal officer, Captain Arthur Phillip of the Royal Navy. There were “*eleven vessels, two of them ships of war, with 16 officials, 197 marines, 45 wives and children of officers and men, 552 male and 190 female criminals, several of the latter with child*”(Barnes & Teeters, 1959, p. 298) . The convicts were escorted by the two army vessels and along with them were farm animals transported (*cattle and horses*) and tools for farming. The journey lasted about “*eight months*” and “*1030 persons arrived at what is now the great city of Sidney*”(Ives, 1970), named after the Home Secretary.

The treatment of convicts in Australia was not particularly good. The first shipment of convicts was conducted and controlled by government and private contractors. The private contractors’ role was to transport convicts and they were paid to do so. The contractors though were not paid to keep convicts healthy and since they were extremely overcrowded in the ships, most of them died. This was devastating, but forced the government to improve on the health conditions of convicts transported. They appointed medical doctors to monitor convicts in these ships for the duration of the voyage and this dropped the death rate to about 1% (Silverman & Vega, 1996, p. 62).

The dilemma in this mission was not only loosing potential slaves to death but was also the fact that not enough thinking and planning was put into this mission. As much as

government planned to get rid of convicts and send them to Australia to develop a penal colony, there was no proper planning as to who was going to supervise the whole operation. Most convicts were unskilled and therefore could not perform the tasks given. The military officers that were sent to guard them refused to supervise them and this left government with no choice but to appoint some convicts as overseers (Silverman & Vega, 1996, p. 61).

To some, appointing convicts as overseers (or supervisors) was the worst choice ever, but as it turned out, convicts in Australia were doing much better than those in other penal colonies. At first, convicts were employed and assigned on government projects. They participated in farming with free settlers and were responsible for the building of roads. Those that were serving their sentences on the hulks before they were shipped to Australia were entitled for release after a year.

Suddenly the conditions were much greater than before and they could serve a fixed term and then be free. Issues of trust were also elevated as convicts that were working in small farms were sometimes considered as partners, or even rewarded with a share of the crop. This ultimately gave convicts a chance of holding prominent positions in government and be trusted. The positions ranged from them qualifying as lawyers, magistrates and even teachers. As much as classifications between convicts and *free settlers* existed within the Australian community, it was agreed that the term *convict* should be done away with as it appeared degrading to some. It was agreed instead that *convicts* would be addressed as *government men* and *ex-convicts* as *emancipists*(Silverman & Vega, 1996, pp. 62-63).

### Alexander Maconochie (1787- 1860)

Throughout the research, a highlight has been made on the contributions of the keepers, warders and military officers that have worked with convicts from the biblical era right through to transportation. Transportation for instance helped with the clearing of convicts in most of the overcrowded prisons in Europe but did not clear the ill-treatment of convicts. As Ives(1970, p. 19) puts it; “*...transportation and the extreme penalty kept clearing prisons, but those within them were the while exploited, being entirely the prey and property of warders, keepers, and assistant gaolers, all of whom made the most of their positions...*”. Throughout the transportation era convicts were used, misused and abused mostly by government and the officials it appointed. Nowhere in the history of prisons is any military officer seen as a positive contributor towards the treatment of convicts until the era of Alexander Maconochie.

Alexander Maconochie, whilst working as a young naval officer was arrested by the French and became a prisoner of war between 1810 and 1814. While imprisoned he became especially aware of the brutalities of prisons and the system of convict transportation. Subsequent to his release, while serving at Damien's Island- prison colony of the South Coast of Australia, he was prompted to probe the process of transportation. His drive to humanise prisons made him develop an innovative plan for penal reform and he called it the *mark system*(Silverman & Vega, 1996, p. 84).

Maconochie saw it crucial that his system should have objectives in order for it to have meaning. He believed that an essential part of any penal system was pain and suffering. Offenders have to acknowledge that their actions were wrong and as a result be convicted for violating the law.In spite of all this, Maconochie believed that the most essential part of a penal system was reform; and that a penal system should prevent future transgressions instead of punishing past behaviours. Maconochie specified that a prison system should be divided into two components:

- “punishment for past behaviour and
- training to prepare offenders to return to society as useful, honest, and trustworthy members of the community”.

In order for offenders to return to society and be part of society, the main goal of imprisonment had to be reformation.

Maconochie highlighted that the most important factor in the effectiveness of this system was “*trained personnel*”. The system “required the formation of an organisational structure” and the prison service providing a *distinct status for prison administrators*. In this way, service as a prison administrator would be a career choice with “*promotion depending on their success in reforming offenders*”(Silverman & Vega, 1996, p. 84).

Unfortunately for Maconochie the plan for reformation could not be implemented as he was dismissed by his superior, Sir John Franklin the lieutenant governor of Van Diemen’s Land. Maconochie was then sent to another penal colony at Norfolk Island near Australia in 1840 as the “Colonial Office in London saw merit in his ideas and approved a trial program” (Mays & Winfree, 2005, p. 42). Maconochie developed a system of rewards; he believed that an offender could be reformed if rewarded for good behaviour. Offenders were to earn marks through labour and good behaviour; when marks get accumulated and reach a certain number, an offender would be given a ticket of leave(Livingston, 1996, p. 484). The quicker he earns marks the quicker his release from prison.

Maconochie acknowledged that for his theory to work five suggestions had to be thoroughly considered:

- Instead of offenders serving a certain number of years in prison, Maconochie felt it was important that offenders should serve indeterminate sentences. The idea was to give them useful activities that were to assist them in achieving their goals by collecting ‘marks’ for every activity they completed. The achievement of goals was for the offender to collect enough ‘marks’ that were eventually going to guarantee his release. In this

way an offender looks forward to completing a task allocated to him and this in the process shapes his behaviour and his outlook on life. Displaying an attitude of willingness to complete a particular task will be an added advantage towards his release

- The quantity of labour a prisoner must perform should be expressed in a number of marks which he must earn, by improvement of conduct, frugality of living, and habits of industry, before he can be released.
- Everything that a prisoner receives in the prison should be worked for, that includes all the provisions and extravagances. All these should be registered to his debit of marks.
- Once entitled to mixing with other prisoners due to being disciplined, a prisoner should form partnerships with a small group of prisoners composed of 6 or 7 members wherein the group will help each other in checking the conduct and labour of each and every member.
- In the last stage, although in spite of everything a prisoner is required to work for his every day marks, he must be put through a less harsh authority so as to make him ready for his release into the community (Barnes & Teeters, 1959, pp. 420-422).

The system was put into place but Maconochie did not get the desired results as he could not implement his program fully. There were challenges and limitations in his implementation but he was able to transform that penal colony into a “*modern open institution*”(Silverman & Vega, 1996, p. 85).

His achievements included eliminating the brutal punishments such as whipping and confinement in irons; he built two churches, established schools, obtained books for Jewish convicts and encouraged reading. He allowed convicts to use forks and knives for eating instead of using their hands. Most importantly, *he spoke to inmates openly and treated them with dignity*. He managed the institution by walking around.

Maconochie developed what is now known today in most countries, including South Africa as the parole system. This concept became popular amongst several reformers. It was adapted by Ireland and later by the American System.

Maconochie displayed the values that are highlighted in Chapter 8 of the White Paper on Corrections in South Africa, 2005 of an Ideal Correctional Officer. The White Paper(2005, p. 111) emphasizes that;

*“The Ideal Correctional Officer should embody the values that the DCS hopes to instil in the offender, as it is this official who is to assist and facilitate the rehabilitation process of the offender. An attitude of serving with excellence, a principled way of relating to others and above all a just and caring attitude are essential ingredients of the make-up of the correctional official”.*

Maconochie set a different trend in the management of prison; he accomplished what other keepers, warders or military officers could not accomplish in the management of the prison institution. For the first time in the history of penology was a military officer seen as a positive contributor in the treatment of prisoners. He fulfilled an important portion of what Cornelius (2005, pp. 34-35) brings to light in the ‘*Traits of a Good Correctional Officer*’; “he managed” the prison “through face-to face and had interpersonal interaction with inmates”.

However, it should be known at this stage that before Maconochie there were many other philosophers and theorists of note in the study of penology who contributed immensely in the treatment of prisoners. These philosophers were not military officers or even warders as such; though their interests in the management of prisons and the reformation of prisoners prompted them to work with inmates. They came up with innovative ways of managing prisoners and prisons, and their goal really, was to reduce the overwhelming crime rates at the time and ensure the reformation of criminals.

## **THE EARLY REFORMERS**

### **Cesare Beccaria (1738- 1794)**

Mays and Winfree (2005, p. 35) contends that “any list of Enlightenment philosophers would be incomplete without Cesare Bonenasa Marchese de Beccaria”, known to history as Cesare Beccaria- an Italian jurist and economist, born in Milan on 15 March 1738, influenced generations of legal and penal reformers. He graduated from the University of Pavia wherein he received his doctorate at the age of twenty (Craig & Rausch, 1994, p. 78). His book *Dei Delitti e Delle Pene* (published as Crime and Punishment) was translated into most European languages and many of his ideas were a combination of those already articulated by others (Reid, 1997, p. 75). Beccaria recommended essential principles and these brought about the “classical school of criminology”.

Cornelius (2001, p. 51) highlights them as follows:

- Sentencing can only be awarded through following the law, and can only be offered in accordance with the law. Once a person has been awarded a sentence no one will ever have authority to change that sentencing. The sentence should be protective towards society.
- The gravity of the sentence should be equated to the harm done to the social order. Punishment awarded for a rich man should be exactly the same as that for a poor man.
- Sentencing must be quick and definite; and to some extent taken into consideration a prisoner’s personality as well as characteristics.
- Laws must determine what acceptable behaviour is and what behaviour is punishable by law. It is of critical importance that crime must be avoided instead of initiating a punishment on an offender. The way that the punishment will be carried out should have an effect on society.
- All persons on trial should be regarded as innocent until they are confirmed guilty. They must be permitted to exhibit evidence and be handled in a civilized manner during trial.

- Criminal processes should not be composed of concealed allegations and distress; trials instead should run as quickly as possible.
- When it comes to punishment against property, sentencing should only be through payment of fines. If the offender is unable to pay the fine then imprisonment is adequate. As to crimes against the state, banishment is suitable.
- Capital punishment should not be awarded as punishment because it is irreversible; life imprisonment however is a preferred deterrent when compared to a death sentence.
- Imprisonment as a way of punishment should be encouraged. The manner of imprisoning offenders should be enhanced and a provision of better accommodation should be made included to that is a consideration of the separation and classification of inmates according to age, sex and the gravity of the crimes committed.

Beccaria also encouraged the segregation of offenders according to their age, gender, and offense; and further suggested that offenders should be treated humanely whether they were convicted or not. This system was adopted and widely used by many countries including South Africa. However, at the time his statements challenged the prison system and thereby made him unpopular and due to this, his book *Crime and Punishment* was published anonymously in 1764.

Beccaria contributed greatly in the determination of purposes of punishment. His original theory of free will, emphasised that punishment should be “severe enough for people to choose to avoid criminal acts”, in other words be deterred from committing crime (Reid, 1997, p. 75).

This theory is today used by criminal justice systems throughout the world. In South Africa, this theory is seen in the awarding of sentences. Offenders in the South African prisons receive life sentences beyond twenty five years; some if not most go as far as a hundred years. As it is affirmed in the Republic of South Africa’s Judicial Inspectorate for Correctional Services Annual Report(2011, p. 14) ; the bulk of offenders presently in incarceration comprise long-time offenders serving sentences alternating from 20 years

to life imprisonment, that is to say 52 050 in total. The problem with this kind of sentencing is that it compels the rehabilitation process to lose its meaning. Prisoners who get to be imprisoned for such a long time do not see the purpose of changing their lives as they will not be released from prison.

### Jeremy Bentham (1748- 1832)

Jeremy Bentham, born in London, England in 1748 into a prominent family graduated in law at the age of 16 from Queens College, Oxford. He valued the work of Cesare Beccaria and thought of him as being the principal source of penal theory. Bentham frequently attended Sir William Blackstone's lectures, whose Commentaries on the Laws of England was popular and highly distinguished. But, Bentham found Blackstone's teachings and interpretations rather confusing. He formulated ideas on a utilitarian principle a decade later and published '*A fragment of Government*' wherein he publicly criticised Blackstone's philosophical positions of the Constitutional Law. He found Blackstone's approach towards the English criminal law to be too mild and cautious(Craig & Rausch, 1994, p. 101).

Bentham's philosophy of utilitarianism is explained as "*the philosophy that makes the happiness of the individual or society*" the main goal or end and the criterion for determining what is morally good and right. In politics, this means that the greatest happiness of the greatest number is the sole end and criterion of all public action. Bentham believed that people acted rationally and that they preferred particular actions as they bring them pleasure and normally escapes from those that bring us pain(Reid, 1997, p. 76) .

Jeremy Bentham extended the utilitarian doctrine by developing a model prison and called it the Panopticon. The Panopticon was a "*circular prison with cells around the circumference, open to the centre*"(Craig & Rausch, 1994, p. 103).

At the centre of the building was a guard station; the keeper in this station was to guard all prisoners from one central point. The cells were to be constructed in such a way that

the prisoner would work, sleep, eat meals and receive devotion from the chaplain from the same point. Bentham's ideas to build prisons using his utility principle were approved by Parliament in 1799, but due to the war between the French and the British, the implementation was put on hold(Craig & Rausch, 1994, p. 105).

The Panopticon prisons were never built in England; however some of the American prisons were built using Bentham's design. These prisons were declared a failure and Bentham was ridiculed ever since.

The researcher is of the opinion that Bentham's ideas on reformation were extremely different from those of Maconochie. Bentham saw it fit that prisoners should be isolated from everyone else in order to understand what they have done and in the process become reformed and accepted by society. On the other hand Maconochie considered that when one interacts with an inmate, it makes him [the inmate] feel wanted and thereby allows for him to become easily reformed. However it is interesting to note the management processes in the corrections system today utilises both ideologies. The ideas for the Panopticon plan are used for security purposes, that is, isolating an inmate due to bad behaviour, whereas alternatively Maconochies ideas are used for rehabilitation, that is, the mark system and the system of parole.

Furthermore, chapter ten (10) of the White Paper in Corrections,(2005, p. 149) emphasises the need to have safety, security and human dignity as part of rehabilitation. As Bayse (1995, p. 16) contends, "*the primary responsibility of correctional facilities is to maintain security*" and ... "*a secondary function is to help inmates successfully re-enter family life and society on release*". The Panopticon plan may have failed and never used in the country of its origin however in the opinion of the researcher, this plan definitely set a trend on safety and security in prisons.

## John Howard (1726- 1790)

John Howard is one of the greatest prison reformers of all time. He is known today as the father of the penitentiary. He is credited for suggesting the penitentiary system (or penal treatment) and using the word *Penitentiary* to explain an institution designed to restrain convicted felons for a long period time (Barnes & Teeters, 1959, p. 329). He also believed a penitentiary meant “*an institution intended to isolate prisoners from society and from each other so that they may reflect on their past misdeeds, repent, and undergo reformation*”(Craig & Rausch, 1994, p. 92).

John Howard spent more than three years travelling throughout Europe inspecting prisons. He made the world aware of the despicable conditions that the jails, prisons and hulks in Europe were under. John Howard was unaware of the conditions inside the prisons until he was appointed the High Sheriff of Bedfordshire in 1773 (Craig & Rausch, 1994, p. 92). In his role he saw men and women abused in ways that he had never thought existed. Due to this John Howard attacked the government on the management of prisons, and his attacks led to two bills being passed by Parliament in 1774 wherein improvements on sanitary conditions and abuses in jails were corrected (Barnes & Teeters, 1959, p. 333).

In his travels, John Howard was impressed by the Maison de Force and their humane treatment of prisoners. He published an essay on the *State of Prisons in 1777* and this led to reforms in the European and American prison institutions (Cornelius, 2001, p. 52).

In 1778 John Howard, Sir William Blackstone and Sir William Eden drafted the Penitentiary Act and in 1779 the British Parliament passed the Act (Barnes & Teeters, 1959, p. 335). This act dictated the creation of prison institutions wherein prisoners would work at hard labour, be adequately fed, clothed, housed separately in sanitary isolated cells(Cornelius, 2001, p. 52).

John Howard was a well-respected man in government and he had dedicated his essay the “*State of the Prisons*”to the House of Commons for their endless encouragement in its design and for the honour that they have awarded him.

The first two sections of The State of Prisons talks of the General view of the distress in prisons and Bad Customs in Prisons. The third part on the other hand proposed improvements in the structure and management of the prisons, Howard suggested:

- That prisons be built near rivers or brooks with plenty of fresh air and with so many rooms that each criminal might sleep alone
- Men be separated from women, that the young offenders be separated from the more hardened offenders, and that debtors be separated from felons
- Each prison should have a bath, an infirmary, and an oven for purification of clothes
- A workshop be provided for the debtors so that, if they wished, they could employ themselves for the support of their families
- Concerning personnel, the first care must be to find a good jailer, one that is honest, active, and humane
- Jailers should have adequate salaries and that they should not be permitted to sell liquor or profit from fees
- All fees by jailers and their workers should be abolished
- A chaplain and surgeon should be selected for each jail
- Both spiritual healing and physical healing would be available to the prisoners
- Every room of the jail should be scraped and lime-washed twice every year and the inhabitants of the jail should sweep and wash all rooms daily. (Craig & Rausch, 1994, pp. 93-94)

The State of the Prisons caused a huge excitement in the British government circles and John Howard devoted himself in ensuring that these suggestions got implemented. He travelled throughout Europe in pursuit of change (Craig & Rausch, 1994, p. 94).

His contributions led to the construction of a goal in Wymondham, in Norfolk, England. At this goal prisoners were separated according to their gender and age. They worked and slept in different cells. Sir Thomas Beever (1786- 1814), who was the founder of the goal “believed this system was more effective than corporal punishment”. Judges

reported fewer offenders being committed to the goal, so it was believed that it was deterrent (Cornelius, 2001, pp. 53-54).

This system is in harmony with the aspirations of South Africa's rehabilitation ideology. The White Paper on Corrections in South Africa- *chapter 11*(2005, p. 167), in consequence, supports the notion of separating first time offenders with long term offenders (special categories), however overcrowding and other deficiencies in the system are crippling these ideas.

John Howard did not just suggest better conditions at the prisons, but he also suggested that officials working within the prisons should also be suitable enough for the new conditions. He was eager to have a prospective jailer, one who will be good, honest, active and humane. A jailer who will be suitable enough to work in the prisons' setting and he will be able to inspire the inmates to reform.

## **THE DEVELOPMENT OF PRISONS IN AMERICA**

### Pennsylvania system

Penal reform in the United States was first established in Pennsylvania under the guidance of William Penn. Penn revised Pennsylvania's criminal code and encouraged the replacement of harsher punishments such as mutilation and torture with imprisonment at hard labour. He suggested that houses of corrections be built so as to replace all types of punishment. His ideas stayed in effect until he died in 1718 and the system was repealed and reverted back to harsher punishments (Siegel, 2006, p. 594).

In 1783, after the Revolution, penal reform began again in Philadelphia. A group of Quakers led by Dr. Benjamin Rush planned a society (*the Philadelphia Society for alleviating the Miseries of Public Prisons*) to reform the harsh criminal code of 1718 that authorised whipping and punishments used in the English system (Silverman & Vega, 1996, p. 74).

Dr. Rush was a well-known physician, politician and signer of the Declaration of Independence (Cornelius, 2001, p. 59). The idea of the society was to have an orderly penal system with humane treatment of offenders. The Pennsylvania legislature was compelled to initiate the renovation of the prison system in 1790 due to the Quakers' influence. This then gave birth to the formation of the Walnut Street Jail in Philadelphia (Siegel, 2006, p. 594).

At this institution, prisoners were put under solitary confinement and labour. Dr. Rush believed that dangerous criminals should be put individually from the rest of the prison population and that prisoners must reform and be barred from committing further crimes. He initiated gardens for food and encouraged that prison should sell what it has manufactured in order to support itself financially (Siegel, 2006, p. 594).

All these ideas were incorporated into the Pennsylvania system at the Walnut street jail; however, inmates were housed in isolation cells with no work. The notion behind this was for a prisoner to reflect on the wrongs he has done and display some remorse (Cornelius, 2001, p. 59). As much as this system was praised for having tremendous success in crime reduction and nil escapes in the four to five years of its existence, it became a failure as overcrowding disturbed its objective of isolation of prisoners; within a short period of time prisoners were sharing cells(Siegel, 2006, pp. 594-595).

The Philadelphia reformers formally requested the legislature to construct a penal system where solitary confinement and hard labour could be fully accomplished. The legislature requested money for the construction of two penitentiaries – the Western State Penitentiary in Pittsburgh and the Eastern State Penitentiary in Philadelphia also known as the Cherry Hill (Barnes & Teeters, 1959, p. 338). “*These facilities*” were according to Mays and Winfree (2005, p. 37), “*examples of what penologists call the Pennsylvania system*”.

The Western Penitentiary system, designed by William Strickland, had an octagonal shape and was based on the cellular shape of the Walnut Street Jail. The inmates imprisoned here were under solitary confinement but were without work. On the other hand the Eastern Penitentiary system designed by John Haviland became the authentic

model for the Pennsylvania system. “*It had seven cell blocks radiating from the hub-like centre. This central structure had a rotunda equipped with an alarm bell and observation tower*”(Cornelius, 2001, p. 60).

Inmates in this prison lived in total seclusion from each other; they ate, slept, exercised and worked alone. The only contact they had of the outside world was through the visitors who were carefully selected for them by the officials and the Bible- which was the only reading material provided to them. Officials were adamant that if inmates were to speak to one another that they would poison each other’s thoughts (Cornelius, 2001, p. 60).

The objective of the system was to eliminate corruption and to deter inmates from committing further crime.

Livingston (1996, p. 482) asserts that this system was essential for rehabilitation. The solitude allowed for the prisoner to reflect on his sins, and this he did without any interruption. The system prevented any contamination from other prisoners- a prisoner could not learn any criminal technique or establish any criminal network that might help him escape. The system also allowed for staff to have easy control of prisoners. As Cilliers(2000, p. 5) articulates, the Pennsylvania system had advantages and “*the proponents of the system believed in its value*”, as it:

- Facilitated control of prisoners
- The individual needs of prisoners were met
- Prisoners could not exercise a negative influence on each other
- Offenders were given the opportunity of remorse or repentance about their transgressions
- Each prisoner’s identity was kept a secret

However, despite all these advantages, this system was regarded expensive. The cells were constructed in such a way that each individual prisoner would have his own supplies of handcraft material; whether it was a spinning or a weaving machine. Every cell had an exercise yard where a prisoner would reconcile his thinking and this he did twice daily, otherwise he was subjected to work.

The system was also considered a failure as it did not accomplish its goals. Cilliers (2000, p. 6) contends that “*no one could function under such abnormal circumstances*”, because of the total silence and total isolation, prisoners became mentally deranged. As time went on, the prison also became overcrowded and this made the Pennsylvania system lose its meaning of complete solitude. Prisoners began to share cells with one another and undoubtedly started to communicate with one another.

### Auburn system

The direct opposite of a separate system of Pennsylvania was the structure created by the New York Reformers in Auburn (Barnes & Teeters, 1959, p. 339). This new establishment was developed when the conditions at Newgate Prison depreciated. The Newgate Prison opened in 1797, accommodated adults (men and women) and juveniles, most of them imprisoned for minor offences. The overpopulation at the prison led to significant riots which ultimately led to the closure of the prison.

In 1816 the Auburn Prison was built with the view that it will alleviate the overcrowding at Newgate (Siegel, 2006, p. 594). The model of the prison was solitary confinement but allowed for prisoners to congregate during the day while they worked and ate, but slept in individual cells at night. There was enforced silence throughout the day. This was done purposely to prevent contamination and was considered an important tool to prison discipline. The system was commonly known as the ‘Congregate’ or ‘Silent’ system(Barnes & Teeters, 1959, p. 340).

Prison officials initiated a number of disciplinary measures towards prisoners. Prisoners marched in ‘lock step’ motion- “each man placed one hand on the shoulder of the person in front of him, and with downcast eyes or all facing the officer” (Barnes & Teeters, 1959, p. 341). They marched in an orderly fashion while they were going to the dining hall to eat and while they worked. For those that opposed discipline, corporal punishment was severely used; other states used cold showers too (Cornelius, 2001, p. 61). The discipline had such a positive impact that when prisoners were tasked to build the Sing-Sing prison in 1825 none of them attempted to escape (Siegel, 2006, p. 594).

Unlike the Pennsylvania system, this system was considered to be very economical. “*The Auburn system gained an international reputation for its construction of inside cells and multi-tiered cell blocks, its congregate silent day labour system, and its solitary lock-up at night*” (Craig & Rausch, 1994, p. 118). More prisons in the 1840s and 1850s adopted the Auburn system and eventually Pennsylvania abandoned solitary confinement (Livingston, 1996, p. 483).

### Elam Lynds

Auburn’s warden, Captain Elam Lyndswas a strict disciplinarian who considered flogging as the way of maintaining discipline. Captain Elam Lynds joined the staff at Auburn in 1821 as “*agent and principal keeper*”, simply known as warden (Bartollas, 2004, p. 4).

Lynds believed that all prisoners should be treated the same and should not be given any special treatment. He also believed that good behaviour should not be rewarded and that any pardon or clemency ridiculed the justice system(Bartollas, 2004, p. 4).

Lynds spent most of his time trying to find ways to humiliate prisoners. He did not support any rehabilitation method and asserted that “*reformation could not be effected until the spirit of the criminal was broken*”; thus the purposes of prison discipline (Barnes & Teeters, 1959, p. 341). Lynds and his staff made it their personal mission to strip prisoners of their self-respect and personality. Prisoners were only known by number, dressed in black and white striped uniform and had community members paying fees to look at them as if they were on exhibition (Bartollas, 2004, p. 4).

Elam Lynds’ prisoners were whipped to silence even those that were insane and had fits (Barnes & Teeters, 1959, p. 341). They were whipped with a rawhide as soon as they stepped out of line. Dangerous prisoners were placed in solitary confinement for longer periods than necessary and this led to some becoming mentally deranged, while others committed suicide (Reid, 1997, p. 544). During this era, rehabilitation was rarely

considered. Prisons concentrated more on their economic gains brought by prison labour and deliberately ignored reformation (Craig & Rausch, 1994, p. 118).

Elam Lynds' methods of discipline are still practiced even today. Even though the South African Correctional Services Act 111, of 1998 Section 32 (1) (2008, p. 35) prohibits officials from using maximum force when dealing with troublesome offenders, officials are still using as much force as they can to discipline offenders.

An example of this is seen with the incident that occurred on the 15<sup>th</sup> of April 2007 at Krugersdorp Prison, where correctional officials killed inmates violently at the prison (Mail and Guardian, 2007). According to the report, there was a gang related commotion at the prison and officials were in the process of controlling security and stabilising the prison. As this is what normally happens in a normal prison, officials intervened in the fight, using force with the effort of controlling the fight. In this instance however, more force was used than necessary. These officials, dubbed to be 'rehabilitators' according to the demands of the correctional system, used excessive violence to control the prison.

Even though the arguments pertaining to their actions contend that they did what they did to uphold security and stabilise the prison, as it would seem, they went on and on to ensure that their authority was felt by the prisoners. More like what Elam Lynds did almost two hundred years ago.

## **THE PHILOSOPHY OF PUNISHMENT**

Everything we do in life is to certain degree governed by law. When a child is born, a certificate declaring that child's existence should be obtained and the day a person passes away- an official document affirming this person's death should be acquired. From the food we eat, to the medication we take, where we can live and the way we should drive is determined by ordinances and regulations. A set of legal boundaries that exists in our everyday life is regarded as essential.

In the researcher's opinion, a lot of us understand the necessity for legal boundaries and regard them as individual sacrifices created with the intention of aiding an *orderly group life*, that is, we are prepared to sacrifice a certain amount of individual freedom in order to support the general welfare of society. The rules and regulations are what keeps our societies sane, and provide us with a particular structure.

Fox and Stinchcomb (1994, p. 39) in an illustration of the *Balancing of the individual rights and the public interests*, demonstrate that in order to uphold social order, laws should make an effort to balance individual rights and the public interests. Social order may possibly be more competently realized by tilting the balance in support of the interests of society, as it is the norm in dictatorial governments. However, in democratic governments, a high significance is placed on the right of the individual to be free from government interferences that may be uncalled for.

The ways of social control, of implementing the laws, and punishing those who defy the law have transformed with the times; that is to say, social structures were initially not controlled by prescribed laws(Fox & Stinchcomb, 1994, p. 40).

The most primitive behavioural practices were built-up as folkways and customs. As individuals formed new complicated civilizations, they attached emotional values to some customs and eventually customs became organized as '*right or wrong*' cultural behaviour. Through the growth of organised religion, creeds surfaced to have power over relations between individuals. In other words, it has taken the theory of law a long time to reach the level that it is at today. From the primitive people using customs as a management method, to the Middle ages where people lived by social institutions such

as the church only now do modern people live by the law(Fox & Stinchcomb, 1994, p. 41).

Magobotiti(2009, pp. 17-22) asserts that sentencing and punishment is as ancient as society. Seeing that the application of punishment in society is unavoidable, it is therefore suggested that the use of punishment should be correctly balanced so as to avoid inconsistent sentences. Punishment has therefore recently been seen as justifiable when it hits a balance between the rights of the criminal and the victims of societies with the application of the Bill of Rights. Chapter 2, of the Constitution of the Republic of South Africa, 1996 emphasises The Bill of Rights as the “*cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom*”(The Constitution of the Republic of South Africa, 1996).

In this view crime perpetrated by the criminal symbolizes a contradiction of the rights of the other people, and therefore punishment is required to verify the rights that have been infringed by balancing the scales.

History depicts that criminal law stems from the significance of retribution at a personal level- this is whereby an individual who has been infringed upon sees the need to retaliate against the other. However with the transformations in society on criminal law, the need for retaliation has been substituted by punishment, *instituted by the state*, against individuals who commit crime. The theoretical basis of punishment has therefore improved throughout the years so as to ensure that punishment can be viewed as less harsh in consideration of the past penological practices.

## **CLASSIFICATION OF THEORIES OF PUNISHMENT**

Pritikin (2006, p. 718) explains that the justifications for punishment are divided between two concepts which is “*deontological*”- inflicting pain for its own sake, that is, retribution and “*teleological*” or utilitarian- inflicting punishment to achieve some benefit, that is, deterrence, incapacitation and rehabilitation.

Snyman (1989, p. 17) sees the theories of punishment as having three components. First it is the *absolute theory* which is also regarded by other philosophers as “*deontological*”- inflicting pain for its own sake, that is, *retribution*, then the *relative theory* which is also referred to as “*teleological*” or utilitarian- inflicting punishment to achieve some benefit that is, deterrence, incapacitation and rehabilitation. The third one known as the *unitary theory*- is known to fuse all different theories in one when a punishment is inflicted.

Before one tackles the differences between the philosophies of punishment, it will be important to understand the classification of these theories. It is vital to thoroughly explain Snyman’s view of the three components prior to embarking upon the theories of punishment in isolation; this will enable us to bring in an understanding of how the theories are viewed in relation to corrections today.

It is easy to distinguish between the absolute theory and relative theory of punishment in that the absolute theory concentrates only on the *retributive ideology*, while the relative theory comprises of a variety of theories- ranging from *deterrence*, *incapacitation*, *prevention* and *rehabilitation*. If a distinction had to be made between the two theories it would be that the absolute theory sees “*punishment as an end in itself*”, while the relative theory sees “*punishment as the only means to a secondary end or purpose*”.

Furthermore, Snyman elaborates distinctively the theories which fall under the relative theory (that is *prevention*, *deterrence* and *rehabilitation*) and how they differ in their secondary purpose. He asserts that the *preventative theory* is purely prevention to crime, while the *deterrent theory* is aiming at deterring the individual or society from

committing a crime and the *reformative theory (or rehabilitative)*, is the alteration of a criminal.

The unitary theory conversely sees all the theories combined to punish a particular individual. This is done because some theories, if not all of them when applied on their own may reveal certain deficiencies. As Magobotiti (2009, p. 16) asserts, "*In judicial sentencing judgements, it is possible to extract elements of desert, rehabilitation, restoration and deterrence as combined sentencing theories*". This emphasises the idea that not all cases can be viewed the same, and not all accused are the same.

Parlemo and White (1998, p. 178) in the book titled *Letters from prison* cites that "*There are many theories that attempt to explain the rationale behind punishment*". These theories were established as far back as the Biblical era. Retribution and deterrence were applied phenomenon in the era of Moses. Although deterrence is not specifically highlighted during this era, but the researcher is of the opinion that the ideology behind retribution or the concept of an 'eye for an eye' was also meant to deter anyone else from committing similar crimes. Retribution is also seen again as retaliation or revenge by some theorists. This concept came into being or was more visible during the medieval era with the *blood feuds*. Some penologists though would argue the two theories being regarded as the same and rather explain retribution on the basis of the *just deserts* theory instead.

The other philosophy which became highly recognised during the middle ages is restitution. It was introduced as a way to end the blood feuds and to lessen the violence by compensating the injured party with a simple payment for the crime committed. As the research has highlighted previously, many offenders were unable to pay for fines and this led to the practice of banishment and transportation. Today this philosophy is highly used in civil cases in the judicial system of many countries including that of South Africa.

The philosophies of punishment are visible throughout the history of penal systems, even though in certain circumstances one cannot really justify the real reason for punishment. What is evident though is that punishment was instituted to serve the

needs of society, which was preventing crime, and “*even if the mechanism of prevention is fear rather than the reinforcement of moral inhibition*”(Parlemo & White, 1998, p. 178).

There are four popular theories that this research is going to concentrate on and these theories have been used throughout history to explain the reasons behind punishment. The theories are: *retribution, deterrence, incapacitation and rehabilitation.*

### Retribution

The theory of retribution is built on the argument that any crime that is committed interrupts the balance of the legal orderliness and that the balance can only be reinstated once the offender is punished for the crime committed. Retribution is thus regarded as the foremost rationale for criminal law and the law in general. Snyman (1989, pp. 17-18) contends that if a rule has been broken, then the balance of the scales of justice have been unbalanced and can only be brought back if the offender is punished. “*A crime is a negation of the law*”, therefore the idea behind punishing the offender is to erase all the wrongs that were created by the crime committed and consequently re-establish the balance.

Snyman(1989, p. 18) claims that it is occasionally thought that an offender through retribution can do something to show that they are sorry for what they have done in the past. This may be evident in certain exceptional situations where an offender really displays the feeling of repentance for his crimes; however in a majority of cases the offender does not in actuality display these kinds of feelings.

The idea of retribution is said to be the oldest of the purposes of punishment. Retribution “*means that punishment is imposed upon persons because they have committed crimes*”(Williamson, 1990, p. 106). If the crimes have upset the social order then punishment has to be inflicted on the offender to restore the balance. This is the concept of *lex talionis*- “an eye for an eye”.

Retribution is also based on the *just deserts* theory which implies that punishment must fit the crime (Birzer & Roberson, 2004, p. 35). This is often argued on the basis that

offenders deserve the punishment given since they had the benefit over others by the crimes they committed and therefore must be punished. This punishment is necessary and deserved but does not serve as revenge.

The retributive ideology concentrates on past behaviour and hardly focuses on future crimes or any preventative, treatment and deterrence belief (Craig & Rausch, 1994, pp. 73-74). An example of this can be seen in the institution of capital punishment and banishment.

Imprisonment can be regarded as retribution depending on how it is employed but *it is not the function of the corrections officials to exact retribution through the infliction of physical pain, mental pain, or excessively unpleasant conditions*. The gallows, the hulks and dungeons were used for warehousing prisoners and in them the retributive ideology was highly visible. The keepers at the time took it upon themselves to ensure that offenders suffered for their crimes and paid for their sins. The idea of retribution as Williamson (1990, p. 107) cites, *“assumes that the individuals have free will and must accept full responsibility for their actions; to impose retributory punishment upon persons who have no control over their actions is illogical”*.

The utilitarian view agrees that an offender has to be punished accordingly in order to appease society; however it should be acknowledged that in some instances offenders do not commit crimes out of free will but do so due to circumstantial constraints that may determine certain behavioural patterns or even actions. This then clearly highlights that the retributive doctrine is contrary to the utilitarian one.

## Deterrence

Snyman (1989, p. 21) contends that adjacent to the retributive theory, the theory of deterrence is believed to be one of the most significant theories as it is demonstrated by the pronouncements of our courts. This theory was explained by Beccaria in the eighteenth century and then Bentham in the nineteenth century. Reid (1997, p. 75) asserts that the theory is utilitarian in nature and is based on *hedonism*, “*the pleasure-pain principle; which asserts that human beings choose those actions that give pleasure and avoid those that bring pain*”. In other words, man chooses the painless to the painful, and is a realistic individual who will at all times consider the benefits and drawbacks of a probable action before he chooses to act.

There are two kinds of deterrence; there is specific and general deterrence. Specific deterrence concentrates on an individual offender and emphasise that the punishment imposed on him should discourage him from committing further crimes. General deterrence on the other hand refers to the community at large and points out that punishment that an individual offender receives should deter the community from committing such an act. Cornelius (2001, p. 5) expresses that, “*in order for crime to be deterred by punishment, the punishment must be swift and visible to people in the community. It must also be very closely linked to the crime so potential offenders can relate the offense to the punishment*”. The theory of deterrence advocates that certain punishment; if harsh enough can deter future crimes (Mays & Winfree, 2005, p. 5). Deterrence focuses on future results rather than past misdeeds. Snyman (1989, p. 20) puts an emphasis on this claim and stresses that the idea behind specific deterrence is mainly to provide the individual convicted of a crime an example which will deter him from committing crimes in the future. This does not essentially mean that he has to serve a sentence however; even a suspended sentence may have similar result.

With general deterrence conversely, the idea is that, the punishment that an individual offender receives should deter the community from committing such an act. An example of this may be the death penalty; the purposes thereof is to give the highest punishment there is for the type of crime committed but at the same time, it is to deter people from committing such an act. In South African courts for example, heavier sentences are

imposed on offenders, more than they have been usually imposed and this is done to warn the rest of the community not to commit such crimes. However, the high rates of recidivism place uncertainty on this theory. Snyman (1989, p. 21) highlights that deterring a person from committing a crime by imposing punishment upon others, can in all probability certainly not be proven. This cannot be empirically determined in that its substantiation would have to distinguish how many individuals would commit the crime if there was no criminal penalty.

Cavadino (1997, p. 34) stresses that “*catching and punishing offenders stigmatizes them as criminals*”. The labelling could be viewed as a possible deterrent effect but on the other hand might turn out as a detriment to deterrence. This means that prisons have been dubbed by many as ‘*Universities of Crime*’, meaning that offenders, especially those imprisoned for longer periods of time get to be exposed to subcultures inside prisons and in the process meet with other criminals who share their expertise on criminal techniques. Ironically, this is exactly what the Pennsylvania system was trying to avoid with their solitary confinement policy. The increase in knowledge as well as the stigmatisation can turn them into arrogant criminals who might not care about society and the law.

### Incapacitation

The idea behind incapacitation is to restrict an individual’s *movement*, either temporarily or permanently, and prohibit him from committing further crimes. History depicts that this *movement* in the past was restricted through incarceration or physically amputating offenders’ hands because they stole something or even castrating their genitals because they raped someone. Today, only incarceration is highly used. The idea behind this concept is to safe guard society by removing the one person who brings an imbalance in it (Reid, 1997, pp. 80-81). When offenders are incarcerated in prison they cannot commit crime anywhere in the community, however this ideology cannot stop them from committing crime inside the prison.

In today's penological systems, as it is seen in the United States of America the theory is not only restricted to just incarceration, but punishment such as the death penalty and long sentences can be used as incapacitation. Cornelius (2000, p. 5) speaks of a latest approach called *selective incapacitation* which is used mostly by those that support the ideology of incapacitation. *Selective incapacitation* means "*the restraint of select rather than all offenders*"(Reid, 1997, p. 80). More serious criminals can be incarcerated while the less serious ones are given less restrictive ways. An example of this in the South African prisons is the C-max in Pretoria, where you find criminals who are sentenced from one to three life sentence or *a hundred years* in prison. These criminals are separated from the normal offenders who might be serving six months to fifteen years of imprisonment.

Selective incapacitation can also be used to identify career criminals well in time. If they are identified as early as their teens then proper prosecution methods can be utilised; such as ensuring that they are brought to justice and are given a significant sentencing period (Mays & Winfree, 2005, p. 7).

The researcher considers that sometimes though, the system can be deliberately flawed; if a wrong career criminal is caught and convicted for a crime he did not commit, just on the assumption that he commits similar criminal acts and has been identified and given a certain profile. These kinds of assumptions can lead to wrong offenders being executed for crimes they did not commit.

The United States government recently introduced the '*three strikes you are out*' law. This law according to Cornelius(2001, p. 5) is the best way of incapacitating criminals. The system targets repeat offenders. The aim is to increase their sentences every time they offend; this will go on until they reach the third strike which will warrant them life imprisonment without parole. The system works well for the United States; however, research has shown that even a person that was caught for stealing pizza has been sentenced to life imprisonment without parole (Cavadino & Dignan, 1997, p. 39).

The researcher is of the opinion that; if this system was instituted in South Africa, then almost all offenders incarcerated presently would be sentenced to life or even

doubleslife sentences. With the challenges of crime in the country and the extreme overcrowding in the prisons, this system would be disastrous. As Birzier(2004, p. 35) stated; "*under this incapacitation viewpoint there is no hope for the individual as far as rehabilitation is concerned*", in fact what is more important is that incapacitation reduces crime rates. Jess Maghan in Parlemo(1998, p. 182) cites that "*the purpose of corrections*" is to ensure "*justice for all*". There should be justice for the offender, the victim and correctional officers, but if incapacitation concentrates on deterring offenders from criminal activities and disregarding rehabilitation, then there is no justice for the offender.

### Rehabilitation

Rehabilitation is one of the most important components in the punishment of prisoners. It is based on the medical model which became popular in the 1960s. The concept which is both utilitarian and humanitarian in nature asserts that individual offenders commit crime because of personal deficiencies they have. These may be social or personal skills which drive them to commit certain crimes (Williamson, 1990, p. 111).

The utilitarian view looks at punishment as a deterrent for potential crimes by criminals; if they are deterred from committing further crimes then it means there won't be potential victims. However, unlike deterrence, rehabilitation does not bring fear into the lives of criminals; instead it brings hope (Schmallegger, 1995, p. 369). It is a concept that reduces crime by curing the offender psychologically and otherwise through treatment thereby reducing his chances of future criminality. This type of punishment benefits both the offender and the victim in that the offender through treatment will cease with his offending behaviour and the victim will not be victimised further.

Rehabilitation believes that people can change, and therefore punishment should be focussed towards correcting the offending behaviour. Rehabilitation should restore the criminal to a law-abiding citizen. This will be enabled through the provision of psychological or educational assistance (Mays & Winfree, 2005, p. 6). Schmalager (1995, p. 370) contends that though rehabilitation can only help a person return to his

previous condition, therefore, in the case of criminals, rehabilitation helps them restore their '*youthful type of criminality*'. In other words, rehabilitation does not work as *nobody gets rehabilitated*.

## **SUMMARY**

From harsh punishments to the erection of the first prison, the history of punishment and development of prisons has shown the different developmental stages of corrections, each attempting to indicate the role that Correctional Officers had to play. Starting from the Biblical era, to the Middle Ages and up to the development of prisons in America a highlight has been made on the significance of the Correctional Officer in the system of Corrections. The study of the origins of prisons from all the periods also looked at the great philosophers of penology who contributed in the shaping of the corrections system. The philosophy of punishment and its impact on balancing the scales of justice and on shaping the penological ideologies were discussed.

In early prisons, correctional officers controlled offenders and kept prisons safe by dividing inmates and using vicious force. Correctional officers retained control within prisons by manipulating offenders and their social systems (Reid, 1997, p. 568).

Correctional officers are said to have the most contact with offenders and seemingly the most enormous influence on offenders, but little is known about them as they have hardly ever been the topic of thorough scrutiny. We have seen in the Biblical Era that not much was said about them and later with the subsequent stages in the development of prisons; their significance is not in actuality highlighted. Instead the depictions of the correctional officer throughout history were seen as brutal and cruel, and not really participating positively in the reformation, reconstruction and renovation of penological systems. Offenders were whipped, branded, executed, mutilated, flogged and banished as an alternative for a fine, and with these harsh punishments, correctional officers are not seen as influencing any overhaul in the system but instead they were carrying out their duties as instructed.

The assumption can be made that correctional officers did not care about the system seeing that they were not paid a salary, or maybe the penological system was on a mission to breed corrupt officers seeing that correctional officers were authorized to sell goods to offenders and use them for forced labour. Nevertheless, all these advantages of using offenders for forced labour and selling them goods ended for correctional officers later, and an emphasis on this change was even referred to in the Prisons Act 1865, Schedule 1 (64) and (66).

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## CHAPTER 3

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# THE DEVELOPMENT OF PRISONS IN SOUTH AFRICA

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## INTRODUCTION

It is important to acknowledge at this stage that the prison system in South Africa did not develop separately from the Western ways of punishment. In fact, the South African prison system has a European ancestry- even though segregation in Europe was not encouraged in the early 1600(Coetzee, Loubser, & Kruger, 1995, p. 4)

When Jan van Riebeeck established the first refreshment post for ships in April 1652, as an official of the East India Company, the company functioned under a '*charter*' approved by the States General of the Republic of United Netherlands. The legal system in use at the Cape was without hesitation, the Roman-Dutch law. (Snyman, 1989, p. 9)

The two councils came into existence during this period, namely the Political Council and the Judicial Council. The function of the Political Council was purely administrative in nature, and amongst its duties, was the propagation of newly formulated orders, which were approved by the authorities in Batavia (*known today as Jakarta*). The function of the Judicial Council, on the other hand, concentrated only on judicial functions.

Snyman(1989, p. 9) asserts that it was highly possible that the members of the Judicial Council were not trained jurists seeing that the prosecutor was *fiskaal*. This means that the *prosecuting attorney (fiscal)* worked for the government as a trial lawyer on criminal cases. He would *initiate and carry legal proceedings* against a person who has been accused of crime on behalf of the state. His job being contrary to the defence attorneys' job, as the defence attorney would work on behalf of the accused offender and help him (*the accused*) to avoid conviction (Google Dictionary, 2010).

Here the circumstances seemed to be different from the norm; the hearings of the council were according to Snyman (1989, p. 9), held behind closed doors and the final ground for decisions taken were never made public. There is no evidence that offenders

were represented accordingly. With the arrival of the English at the Cape in 1795, no visible changes in the '*development*' and application of the law had occurred. This was in relation to the propagation of laws and the approach taken by the Judicial Council on judgment taken around criminal cases.(Snyman, 1989, p. 9)

The approach on criminal procedure and punishment during this period (*of the Dutch occupation at the Cape*) mirrored that of the Netherlands. Ever since the occupation and the establishment of the first refreshment post, the prison system in South Africa has experienced considerable changes. The Republic of South Africa *consisted* of the two Boer Republics, namely the Free State and the Zuid- Afrikaanse Republiek (Transvaal), and the two English colonies namely the Cape of Good Hope and Natal before the establishment of the Union of South Africa in 1910. The Union of South Africa in 1910 granted these four areas the status of provinces, each with its own geographical area and each with its own provincial government.

South Africa became a republic in 1961 and the provincial status of the four areas was retained. The provinces were however controlled by central government, as was the case since 1910. It should be clear against this background that one must distinguish between the *origin and development of prisons in South Africa in the period before 1910*, and the *origin and development of the SA Prison Service since the implementation of the Prisons and Reformatories Act*, (Act 13 of 1911), as repealed by the Prisons Act (Act 8 of 1959). In this research, the researcher is going to unpack the growth of the penal system in South Africa by first going through the history of the first colonial settlement as it developed into a complete colony. The end of the Dutch occupation and its impact on the development of the penal system will be looked at, including the mining industry and how convict labour and the prison system were exploited in the 1800. The research will also focus on the development of prisons in South Africa from 1959, right through to the introduction of the White Paper on Corrections in 2005.

## **THE ORIGIN AND DEVELOPMENT OF PRISONS IN SOUTH AFRICA PRIOR 1910**

### **THE CAPE**

One would understand the growth of the penal system in South Africa better by going through the history of the first colonial settlement as it developed into a complete colony. The Cape which became the first colonial settlement in South Africa was initially occupied by the Dutch in 1652 under the control of the Dutch East India Company (as previously mentioned).

Although it is historically known that the first European to encircle the Cape was the Portuguese explorer Bartolomeu Dias in 1488, not much was developed during his era. The Cape then was only used as '*a pantry to feed sailors, as a post box for their letters and occasionally as a prison for miscreant sailors*'. (Deacon, 1996, p. 2)

Jan van Riebeeck was assigned (by the Dutch East India Company), to establish a refreshment post at the Cape of Good Hope. For the duration of the first century and a half of colonial rule in South Africa less concentration was given to local economic development as the colony had its mind set on the outpost(Deacon, 1996, p. 15). From the mid 17<sup>th</sup> to the end of the 18<sup>th</sup> century, the concentration was on punishment of the body of the offender, as emphasis was on inflicting physical pain. The idea of those in power was to intentionally present punishment that was a public spectacle and cruel (van Zyl Smit, 1997, pp. 476-477). There were even public crucifixions and in some instances the offender would even have their limbs broken or amputated and left to slowly die in the open (van Zyl Smit, 1992, p. 7).

All these modes of punishment were not unusual to the Cape. A variety of forms of punishment and principles were in force at the Cape at the time. For instance, the primary purpose of punishment during the 17<sup>th</sup> century was deterrence. Punishment was dealt out in public in order to accomplish that paramount effect. Nothing was done to lessen the pain of the prisoners who were '*condemned to death*'- when corporal punishment was carried out. It may possibly, sometimes, take days before the prisoner could finally die. The death sentence was usually performed in one of the following ways:

- **The gallows**- offenders were hanged at well-known places in public where members of the public were forced to witness the hanging

- **Crucifixion**- the body part used to commit crime, for instance, the hand for stealing, was chopped off and pinned above the offender's head with a nail.
- **Breaking of the limbs**- this demanded the actual breaking the offender's body by placing it on a *double cross or wheel* and crushing it with an iron
- **Impaling on an iron pole**- the most *considerate* method was to drive the iron through the offender's heart, while the other entailed stabbing the criminal's body on the iron pole from below.
- **Strangulation**- for this method a strangulation post was used. The criminal's neck was fastened to a post using wet animal hides; the skins would shrink as they dried causing them to strangle the offender in the process.

Imprisonment in itself was initially not recognised as a form of punishment, and it was only made possible once the '*fort*' and later the '*castle*' was built at the Cape.

Imprisonment was therefore still not the usual form of punishment and places of detention were used as methods of torture to extract confessions and additionally for pre-trail purposes (Neser, 1993, p. 65). Prisoners were indeed detained, but detention was mainly reserved for offenders who had received the death penalty, or were awaiting trial, or for debtors (Coetzee, Loubser, & Kruger, 1995, p. 28). "The pre-trail detention was governed by the notorious Ordinance on Criminal Procedure which had been proclaimed by *Phillip II* of Spain in his capacity as ruler of the Netherlands in 1570"(van Zyl Smit, 1992, p. 7).

Deportation was used as another form of punishment and was combined with other forms of cruel punishments. The Cape saw many prisoners deported to Robben Island in the late 1600. These prisoners were political leaders of Anti-Dutch governing in the East Indies; a variety of the incarcerated were rulers in their land before the Dutch came. "*Many brave and courageous men, kings, princes and religious leaders were convicted to Robben Island*"(Wikipedia). Offenders were deported to the Cape because society did not have any interest in their wellbeing. In fact, the colonial authority in the Cape had no systematic programme of development for those deported or any utilization for the colony and its inhabitants.

Offenders were from time to time held in chains in the Dutch East India Company's slave lodge and forced to labour in public works. The labour was however hardly ever carried out and usually badly planned. The reason could have been that the extraction of labour from convicts was of less importance at the time. An effort was made to obtain labour from offenders deported to Robben Island. However, it should be acknowledged that the work performed at the time was not designed to suit any rehabilitation objective (van Zyl Smit, 1997, p. 477).

## **THE END OF THE DUTCH OCCUPATION**

The end of the Dutch occupation at the Cape in 1795 brought many changes in the development of the penal system. This ending occurred in sync with the beginning of the decline of the penal system that was intended to enforce physical punishment. Seeing that deportation ceased to be a workable option for large numbers of people convicted to the Cape during the first half of the nineteenth century, a subsidiary method of punishment, *that is, "incarceration for a fixed period proportionate to the heinousness of the offence"* was an obvious option. This was evidently influenced by the writings of penal theorists of the European Enlightenment such as Beccaria and Howard, and probably the last writers of Roman-Dutch law, during the first British occupation (1795-1803) who expressed their disagreement to brutal punishments (van Zyl Smit, 1992, p. 8).

One of the significant changes in the development of the penal system was the eradication of slavery. This process began steadily at the Cape with the banning of the slave trade in 1807 and went on later in 1834 with the liberation of slaves. Slave owners turned over their power to punish their slaves to the magistrate. This meant that slaves were to be punished by the state in the form of whipping and be detained in stocks, thus the state functioned fully in the penalizing of the labour force (van Zyl Smit, 1997, p. 478).

As the economy of the Cape grew, a need for labour increased, however the provision of slave labour could not be increased owing to the eradication of slaves. A plan had to

be instituted to ensure a steady supply of labour. Authorities at the Cape had to come up with other ways of supplying labour and this had to happen on a continuous basis- hence the inclusion of the penal system. A proclamation was issued in 1809 making it illegal for the native Khoi-Khoi population to walk around without passes and in that way forcing them to work on farms. This strategy of '*criminalising job seekers*' was not successful(*little did they know at the time that this act of criminalising job seekers was going to change the face of South Africa in the future*).

Another attempt was calling upon the penal system to ensure that indentured labourers from England remained in the employ of their masters. There was resistance from the English workers on this matter and many of them just broke their contracts. As for the Khoi-Khoi population which was forced into prison and then to convict labour because they did not carry passes- resistance came from working with less dedication(van Zyl Smit, 1992, p. 9).

All the happenings at the Cape colony propelled the British authorities to initiate a Commission of Inquiry to investigate on the penal system and labour situation in the mid-1823. As Harriet Deacon (1996, p. 44) asserts; "*the colonial government began to intervene more actively in the administrative structure of the Cape during the 1820s. Faced with outdated and culturally distinct legal system based on the eighteenth century Dutch practice, it had appointed a commission in 1823 to advise on reform. The government was anxious to modernise the colonial prisons because as imprisonment became the most usual form of punishment, conditions within them increasingly came under the spotlight*".

A report from the commission which was published in 1828, noted that the system of passes was truly abused and that the control of labour was unsuccessful. The option was to get rid of specific penal restrictions on one part of the labouring population, that is the Khoi-Khoi and after that the slaves, and have a more broad, colour-blind control still functioning as a penal system(van Zyl Smit, 1992, p. 9).The commission also noted that in an attempt to close the gap left by the abolition of vicious punishments of the eighteenth century, the prison system found itself expanding and overflowing with civil offenders created by pass laws and other legislations. There were numerous abuses in

the system that the Commission had noted but no significant improvement mechanisms could be suggested. The Commission's main interest at the time, though short-term, was primarily focused on reducing expenditure of the colonial administration; hence the report from the Commission did not focus much on useful convict labour that would eventually result in the rehabilitation of an offender (van Zyl Smit, 1992, p. 10). The outcome of this report nonetheless brought in Ordinance 50 of 1828. This Ordinance abolished the system of passes for the Khoi-Khoi population in the colony and officially regarded them as equals with other colonists on legal matters (van Zyl Smit, 1992, p. 10).

The Commission's report of 1828 did not in any way pave the path towards any system of classification of offenders. There was no racial distinction drawn in the colony, no segregation between sexes required, offenders were not separated on the basis of offence committed, or even on how they responded to the prison regime at the time. The prison regime was extremely disorganised, even though it was no longer marked by the cruel punishments that were present in the eighteenth century. The regime was still not yet structured to practice rehabilitation, let alone regard it as an important attribute in prison administration. The Fact paper (68) on The South African Prison System that was prepared by Dr. Herman Venter (professor of Criminology at the University of Pretoria) in February 1959, emphasise the unsystematic approach of the prisons by the British. It is inscribed(Venter, 1959, p. 3):

*"But, irrespective of whether the prisons were under British or republic rule, conditions in them during the 19<sup>th</sup> century left much to be desired. Only a few examples need be given in this connection: the institutions were poor, dilapidated and unhygienic; the control exercised over them was inefficient and cases of maladministration were frequently encountered; classification- not even to mention proper separation of the sexes- was virtually non-existent; soul destroying penal servitude was the order of the day, while infringements of the regulations were punished by additional labour on the treadwheel, at the capstan or crank. In such a system, reform, as we know it today, simply had no place".*

The report on the commission of Inquiry did indeed intervene more on administration issues. As a way of curbing some of the legal irregularities around prison and the imprisoning of offenders, some propositions were made. The commission suggested firstly, that an '*Independent Higher Court*' be initiated; secondly they put forward the idea that a substitution of the Fiscal by an Attorney-General be put in place and lastly, that a Superintendent of Police be employed. The recommendations put forth by the commission according to the researcher were purely to standardize the legal system. The appointment of the Superintendent of Police for instance was done to normalize the colony's prison system and assisting in the control of convict labour. Because concentration at the Cape was primarily on commercial development, convict labour employed on road works was highly favoured. As Corry in his book, *Prison Labour in South Africa*(1977, p. 113)positions it; Lord Charles Somerset, Governor of the Cape colony put up a treadmill at a Cape Town goal, this treadmill was to be rented out to contractors for a fee. The contractor was for his payment given prisoners that were to labour at the mill to grind corn. This was however in contrast with what was being done by European reformist in relation to employment of prisoners (Deacon, 1996, p. 44). South Africa at this particular stage was not ready to implement any rehabilitative work for prisoners. In fact, South Africa was in contrast with European reformists in equity at this stage, as Deacon (1996, p. 45) asserts that, the stress on *hard labour* for prisoners did not necessarily imply equal hard conditions for prisoners. Prisoners coming from different social standing experienced harsh conditions differently. The system controlled black prisoners to perform hard manual labour while white prisoners performed *semi-skilled workshop* duties. This happened after the prison system was ready to experience the course of *Humanitarian Reform* after the 1820s.

## **JOHN MONTAGU (1797- 1852)**

John Montagu, the appointed Colonial Secretary of the Cape, was transferred to the Cape in 1843 and given the responsibility of controlling the local penal system. John Montagu was prior to his appointment located at Tasmania where he had come into contact with Captain Alexander Maconochie- the superintendent of the famous Norfolk Island prison (van Zyl Smit, 1992, p. 11). Captain Maconochie (*as elaborated in chapter 2 and 5 of this research*), a naval officer, geographer and penal reformer, was famously known for creating a penal theory called the *mark system* thereby changing the face of prison administration considerably. His creations included a variety of methods designed to rehabilitate prisoners- for example, instead of detaining an offender in solitary confinement as it was the norm in most North American and European prisons, an offender would be awarded points on the basis of his/her general behaviour or on meritorious grounds. Maconochie also introduced the system of classification, wherein offenders were segregated according to their behaviour as opposed to crimes they had committed. Montagu was well aware of Maconochie's techniques. He took part in the drafting of rules within which the system was to operate(van Zyl Smit, 1999, p. 212) .

Even though Montagu opposed some of Maconochie's theories on convict reform, as soon as he was settled at the Cape, he searched for ways that he could use to initiate change within the penal system by exercising the general approach applied by Maconochie.Montagu was at the time faced with the challenge of transformation within the existing penal system- seeing that when the system of vicious physical punishment was abolished there was no logical method put in place to support the changes(van Zyl Smit, 1997, p. 480). John Montagu leaped to action and implemented changes in compliance with the broad approach approved by Maconochie. A system of "*organised convict rehabilitation through hard labour on public works*" was initiated for the first time in the colony under the guise of John Montagu (Deacon, 1996, p. 46).Montagu saw that the work provided to convicts was not punishment enough so he decided that having convicts working in the construction of roads and passes was hard enough(Corry, 1977, p. 114).

Montagu's intentions were undoubtedly on the reformation of prisoners however he understood that punishment was a crucial part in any sentence. He asserted that "*All convicts are to be made to remember and to feel that they are undergoing punishment in order to deter them and others from crime... That they are subject to this severe discipline in consequence of crime, and that by good conduct alone and evident reform can they hope to escape from the severe course of restraint, discipline and labour on which they must enter*"(Corry, 1977, pp. 114-115).

The rehabilitative model that Montagu was looking to initiate was receiving approval from the authorities in the colony. The conditions for change seemed likely at this stage, as the agricultural part of the economy was beginning to show some increase.

These authorities now saw the positive goal of punishment and that rehabilitation could be achieved through constructive labour(van Zyl Smit, 1992, p. 11) - as opposed to what prisoners in Robben Island did during the era of Nelson Mandela.

A new legislative framework was put together by the enactment of Ordinance 7 of 1844. This legislation was mainly invented for purposes of discipline and safe detention of all convicts working in public works. Another (*legislative framework*) which spoke to the tightening of discipline in the local prisons, that is, Ordinance 24 of 1847, also made a distinction between sentenced and unsentenced prisoners. Montagu was bringing order in the convict stations through clear-cut regulations that were drafted by him (van Zyl Smit, 1992, p. 12).

He had all prisoners, sentenced to hard labour for a period longer than three months in scattered lockups merged into three major convict stations. These prisoners were used to build a variety of mountain passes and a hard road just on the side of the Cape Town flats. At Robben Island, he had the convict station reorganised and then shifted inmates to road camps (van Zyl Smit, 1992, pp. 10-11). In any case, Robben Island was at this stage transformed into a hospital for all those dangerous and incurable diseases which were congesting local goals and hospitals. The prison was closed in 1846. It took about ten years before the prison was re-opened to accommodate political prisoners (Deacon, 1996, p. 48).

Montagu introduced the system of classification in 1854. Prisoners were (*at first*) separated into two working groups; namely, the chain gang and the road party. The chain gang was bound in chains throughout the day, (*these were mostly prisoners with a poor reputation*). For them to be promoted to the road party gang, they had to prove themselves by behaving well, and ultimately they would be worthy of working alongside the road party and even share their sleeping quarters (Corry, 1977, p. 115).

Later, a system which was known as the *tripartite system of classification* composed of the following: the punishment class, probationary class and the good conduct class was initiated. With this system, prisoners could be elevated from one group to the other for *good behaviour* and earn small cash payments for their good deeds, gain privileges or even a slight reduction to their sentences(van Zyl Smit, 1999, p. 213). A long list of rewards and privileges that were graded were given to convicts as an encouragement measure. These included amongst others, the writing and receiving of letters, visitations from family and friends, and being locked up at 8, or 8:30 in the evening(Corry, 1977, p. 115). This system is effectively utilised currently in South African prisons even though there are challenges in the lock-up system. The new shift system that was introduced in 2009 (the 7 day establishment) encourages that prisoners should be locked up between after 17:00 every night, with the intention of serving them three meals a day and ensuring that they attend rehabilitation programmes throughout the day and be given ample flexibility(Department of Correctional Services, p. 12).

Montagu was extremely thorough in his thinking and practical too. He made sure that convicts received rewards that were significant and had meaning to them if they were to work even harder (Corry, 1977, p. 115).

The purpose of imprisonment was now different even though the conditions remained harsh. Authorities stopped to use physical punishment to control prisoners and instead decided to shape the attitudes and morals of prisoners through reformatory ideals that constituted a totally controlled prison environment.The authority of inflicting punishment on prisoners by overseers was in the regulations,although it was carefully stipulated. (van Zyl Smit, 1997, p. 482). Montagu gave firm directives to the superintendents of the convict stations; he stressed that *the process of reformatory discipline* relied on the

*efficient and successful* control of labourers that which is to be driven by the superintendents, as *moral trainers and religious instructors*(Corry, 1977, p. 116). The superintendents and warders of convict stations were advised to support prisoners in their journey towards rehabilitationand involve them-selves in this journey (van Zyl Smit, 1997, p. 481). The sentimentsare still the same even today. The South African White Paper on Corrections encourages the correctional official to be involved in the reforming of the inmate and to ensuring that a relationship is built between the two, as this relationship is crucial to corrections and rehabilitation. (2005, p. 110)

The regulations that were furthermore drafted made mention of literacy training for prisoners and religious instruction(van Zyl Smit, 1992, p. 12). Montagu supported the idea of education as a reformativeadvantage. He organised that prisoners be taught reading and writing every evening for an hour after work. Out of 464 prisoners that were convicted in 1844, 100% of them could read and write in a period of twelve months. Montagu encouraged reading during leisure time and even went to the extent of establishing libraries at all work camps(Corry, 1977, pp. 117-118).

A lot of benefit came from this system. III- treatment of prisoners by authorities decreased (*to a certain extent*), diet and levels of hygiene improved and the possibility for education increased. The conditions of imprisonment maintained their strictness although their focus hadchanged to reformation. Physical punishment was still authorized even though it appeared under the pretext of *penalties for disciplinary infringements in prison*. Montagu's reformed system was meticulously crafted to shield prisoners from random abuse of physical punishment, however it was not considered to protect the *mental-wellbeing* and *integrity* of prisoners. Montagu was in favour of the concept of isolating prisoners from society. This was to help him have total control on prisoners. The prisoners would have to work long hours in forced labour, and wait for rewards and privileges. The situation was such that prisoners had to spend their every waking moment controlled until they decided to change their attitude towards authority and labour(Just like the prisons in Europe). This was in contrast to the local lock-ups where prisoners were exposed to a more relaxed system of punishment which allowed

them to have access to friends and family (van Zyl Smit, 1992, p. 13). Today, in the Department of Correctional Services: South Africa, a visitation from family and friends is considered to be beneficial towards rehabilitation and to the mental well-being of prisoners. The sentiments are that; the more a prisoner is in touch with the outside world and his family, the easier it becomes for him to want to change his ways and become a better man.

Correctional Services Act 111 of 1998, Section 13:

- (1) "The Department must encourage inmates to maintain contact with the community and enable them to stay abreast of current affairs.
- (2) The Department must give inmates the opportunity, under such supervision as may be necessary, of communicating with and being visited by at least their spouses or partners, next of kin, chosen religious counsellors and chosen medical practitioners". (Department of Correctional Services , 2010, p. 21)

Montagu departed from the colony in 1852. His craftsmanship in the penal system was given less concentration. The sentencing of prisoners to hard labour however continued even though the control of prisons as a whole lost prominence and little effort was put on rehabilitation and penal policies that were implemented by Montagu. The employment of prisoners on public works shifted from mountain passes to harbours. By 1860, the work on harbours started in Cape Town and then moved to East London in 1872 (Corry, 1977, p. 119).

## **CONVICT LABOUR AFTER MONTAGU'S DEPARTURE AND THE IMPACT OF THE MINING INDUSTRY**

South Africa experienced huge transformations at an organizational level after Montagu's departure in 1852. For the most part of the 1870s, the practice of hiring out prisoners to private persons was commonly applied. It should be acknowledged however that this practice (*of hiring out prisoners*) was already in existence given that it was an accepted exercise in 1806 and thereby received by the Commission of Enquiry into the Penal System in 1828. This practice was in 1879, given further recognition by magistrates who were authorized to "*release prisoners in teams of six to work for private persons*". The practice was approved because it helped to alleviate the prison overcrowding (Corry, 1977, pp. 121-122). All these practices were ironically accepted at a time when the diamond mining industry was beginning to emerge.

The diamond industry pulled a huge number of colonists into the country after 1871(van Zyl Smit, 1999, p. 215). This was despite the fact that colonists had earlier in the years, just before Montagu's departure, prevented the transportation of convicts from other countries to the Cape. Even though Montagu was supporting their admission in the colony citing their importance on the existing labour force and useful 'colonizers' upon release (just as it was Australia), colonists did not have a buy in into this idea instead they campaigned to prevent the convicts from landing in South Africa. This campaign was the main attribute that led to the termination of Montagu's administrative authority (van Zyl Smit, 1992, p. 14).

The diamond mining industry on the other hand was experiencing some difficulties in the labour market. There was a huge need for labour at the mines and at the time none was freely obtainable. The demands for labour propelled the prison system to once again be exploited. The De Beers mining company was given authorisation to employ convicts (van Zyl Smit, 1999, pp. 215-216). The company was liable for the provision of lodging for these convicts and also expected to "*pay the state 2d (per man) per day for the first hundred prisoners*"(Corry, 1977, p. 122). The De Beers was the first non-state company to be awarded this opportunity. It employed prisoners from Kimberly prison. The government was pleased by this as they saw this (*act*) as a way of making money

for the country. The profits that De Beers was earning through this system were however not mentioned.

The exploitation of the penal system by the state was now evident. The state, in the 1880s continued to supply the mines with *unskilled black labour* through the penal system, seeing that the diamond mining industry was developing. The huge number of convict labour in the mines was sourced through a system of ‘*pass laws*’, and evidence relating to this considerable amount of the prison population produced in this manner was made available in 1888. The pass system was a social control scheme which required that *men*, mainly from indigenous populations, should carry passes displaying that they have employment and a fixed place of residence. If the pass was not produced, the consequences would be a sentence to imprisonment on forced labour (van Zyl Smit, 1997, pp. 484-485).

The nature of the ‘*pass laws*’ was according to Horrell(pp. 12-13) expressed in this manner:

*“In terms of the definition of the Native Labour Regulation Act (39), a work seeker is any African over the age of 15 years who is unemployed... or is mainly dependent upon employment for his means of subsistence. Where there is any doubt as to whether an African falls within this definition the burden of proof that he is not a work-seeker shall be upon him. This means that old people, Africans of 15 years of age and below, students and Africans who are physically incapable of working, if they live in urban or proclaimed areas, must be able to produce documentary proof on these things to safeguard themselves against arrest on allegations of being ‘idle’.”*

The Bureau of Census and statistics issued a report in 1957 showing the number of convictions of Africans through this system of *passes*. The statistics showed that a total number of 22,705 Africans were convicted under the category for *pass laws* while, 64,015 Africans were convicted for the offence against registration and productions of documents. All in all, figures for categories on the infringements of failure to produce documents, curfew offences, infringements on locations, mission stations and reserve

rules and regulations including unlawful entry into urban areas created a total of 365 911 convicts (Horrell M. , p. 26). Prior to this period, just before the employment of convicts on the mines was stopped, the pass convictions and employment rates at the mines was as follows(Hidson, 1983, pp. 330-333):

<b>Year</b>	<b>No. of Pass Convictions (Africans)</b>	<b>No. of Employed Africans (Mines)</b>
1925-1929	59799	266912 (only in 1925)
1930- 1934	94267	312123

The De Beers mining company took a further step in their employing of convicts. They built a prison which they staffed and controlled. By 1903, the De Beers convict station was receiving a huge number of prisoners which were convicted in the areas populated by black, unskilled, uneducated and unsophisticated labourers (van Zyl Smit, 1997, p. 484). The De Beers Company kept on with the employment of convicts at Kimberly until 1932, and by 1955, the employment of convicts at the mines finally ended. The colony reaped off huge rewards from hiring out prisoners. For starters, the state gained a lot of revenue from the mining companies; it saved money from accommodating and feeding prisoners and worked with less effort on the administration of prisoners. The mines were in desperate need for labour and the state was enthusiastic to increase their economic standing. With all these issues at hand it is highly likely that no one was advocating for any effective reform for convicts(Corry, 1977, pp. 122-123).

In fact no one was speaking reformation or better prison conditions, as it was done during Montagu's time. It is very clear at this stage that the state did not care at all about the well-being of the convicts placed at the mines, so long as they received money from the De Beers Mining Company, everything was kosher. It is evident that no initiative came from the states side to at least ensure that the staffs that was to guard the

prisoners was knowledgeable enough about constructive labour and reform initiatives that were initially introduced by Montagu.

The use of convict labour in the mines disrupted labour patterns in other sectors. As it was mentioned earlier, the practice of hiring out prisoners started in the early nineteenth century, but it was practically done informally. By 1887 however, the whole procedure was re-organised and given some sort of a system. The convict labour was set to be available to private individuals, farmers and even state organs at a fixed standard price. These entities (*farmers and private individuals*), were expected to provide equipments for their labourers and guards (*who were sworn in as special constables*) for purposes of security. For reasons of limiting abuse, an effort was made that convict labour for private use is restricted for government officials(van Zyl Smit, 1999, p. 217).

In the 1880s, a penal policy that made an effort to segregate prisoners on racial lines became known. Yet again the mining industry participated in this important historical milestone. The white workers in the mines were favourably treated as opposed to their black co-workers. They were allowed some flexibility and could campaign for better working conditions. Whereas when it came to black workers, conditions were tighter and a bit more controlled. The blacks were seen as *barbarous* labourers while the whites were regarded as *civilised* artisans. Because of this distinction, the black unskilled labourers were greatly taken advantage of. Montagu's principle of equal treatment was deserted at the time that a segregated labour force in Kimberly began to be launched (van Zyl Smit, 1999, pp. 217-218).

In 1888, a tripartite system of classification was brought in. This was the same system that Montagu had created and introduced earlier in the years with the categories of a penal, a probationary and good conduct class for longer sentenced prisoners. This system came back as a result of a Commission of Enquiry that was set up to investigate issues of convict systems in 1887. Their primary role as it seems was to look at a proposal that was put forward by "*Innes*" who had a grave concern about *European* convicts that endured degradation by being put in the same convict stations with the lowest of the lowest of prisoners (that is, *blacks*). The Committee came to the fore and satisfied the proposal by recommending that the system of classification should cater for

a full segregation of Europeans from Natives. The committee felt that incarcerating both races in one convict station or goal, does not just “*crush the little moral that may be left*” in the European prisoners but “*lowers the whole(European) race in the eyes of the Native*”. The findings of the Committee were without delay legislated and passed by the Cape Parliament. The new Act that was instituted in 1888 reintroduced Montagu’s tripartite system of classification. The Act allowed for a classification of sexes and went on further to arrange for a segregation of awaiting trial prisoners, juveniles and debtors (van Zyl Smit, 1992, pp. 16-17). It was suggesting all the ideas as stipulated in the White Paper on Corrections in South Africa, 2005 in relation to classification. The White paper classifies prisoners according to their needs and sentence planning including special categories.

Convict mines appeared to be the ideal system of hard labour and played a significant role even outside the Cape colony. The utilization of prison labour was comparatively slow in the Colonies of Natal and of the Republics of Orange Free State and Transvaal. The British occupation into the two republics had in spite of this brought a huge re-organisation of the penal system of both the territories by the mid-1900(van Zyl Smit, 1999, p. 218).

## **NATAL**

The first prison in Natal was constructed and built by the Voortrekkers in Pietermaritzburg, during the era of the Republic of Natal. This prison was it would seem, instituted without any specific legal framework. After the British occupation in 1842, a clay building with a thatched roof was inaugurated as a prison in Durban in 1847. Then in 1862, *seventeen years after the British occupation*, was the first legislation passed (van Zyl Smit, 1992, pp. 17-18). Control over the prisons in Natal initially also vested in the Colonial Secretary, but in 1894 control was transferred to the High Commissioner of Police (Neser, 1993, p. 66). The years that followed witnessed disputes on penal ideas that were practiced in the colony versus those dominant in the colonial state (motherland). The whole point of the dispute was to recommend to authorities of the

inexperienced colonies the introduction of strict penal labour and *separate prison accommodation system* into their prison facilities. *More like the Pennsylvania system of imprisonment.* The economic demands at the time propelled every labour activity to be as fruitful as possible(van Zyl Smit, 1992, p. 18). Just like in the Cape, prisoners were put through strict penal labour in public works, and experienced harsh punishments such as whipping. The black prisoners were likely to suffer from such harsh punishments.

The separate system of accommodation was never introduced. The challenge was that the local resources were not sufficient enough to employ such a task; moreover the British government was not in a position to support and fund such an initiative. Even though that was the case, the local penal politics brought up the issue of separation- the idea was segregation of races of both employees at work and prisoners within the cells. In actual fact, the system of classification that was introduced in 1887 separated prisoners in three ways, namely; *the Europeans, Indians and Africans.* Europeans included coloureds, while Indians included Madagascans and all other Asians and Africans was all the native people. This system which was based on diet was adopted in a government notice which decided on the diet scales; and it further shaped the base *for the segregation of prison accommodation.* The Prison Reform Commission of 1906 grieved over the broad definition of European and as a result advocated to fix the penal system in Natal. The Commission wanted amongst other things, to introduce the contracted racial categories which were best known. However, no recommendation was put into practice and Natal penal system did not have any key reforms prior to the Union in 1910 (van Zyl Smit, 1992, p. 18).

It should be noted however that in Natal prisoners were never at length utilized on road works as it was the case in the Cape. Corry(1977, p. 124) highlights that prisoners worked in municipal gardens in Durban and Pietermaritzburg; and *by the looks of things*, they completed their tasks in a less burdensome manner. The crank and treadmill were introduced in the 1870s; with this was an introduction of hard labour in Natal which was separated into two classes, as promulgated in Act 6 of 1870 and Act 39 of 1887. The first class work was composed of stone-breaking, work on the roads

and the building of the breakwater at the Durban Harbour. While the second class consisted of: prison maintenance, tailoring, shoe making, mat making and bookbinding. All these duties for the second class were performed inside prison and were seen as less severe as compared to the first class (Corry, 1977, p. 124).

The first class was primarily set for long term prisoners whose sentences were above 16 years. They were employed in hard labour for a certain period and may well graduate as a result of good behaviour. For those, males, whose sentences were less than 16 years, and females who were incarcerated for whatever years, could be employed in second class labour. Despite all the systems put in place at the colony, it would appear that labour was still disorganised, and this was shown in a report from the Pietermaritzburg Prison in 1907. The conditions remained the same until the Union in 1910 (Corry, 1977, p. 125).

### **ORANGE FREE STATE AND TRANSVAAL**

Not much is known about imprisonment in the Orange Free State and Transvaal (*Zuid-Afrikaanse Republiek* also known as *South African Republic*) as no sufficient research on the origins of prisons in these two areas was conducted. It seems that the two territories were not given ample priority on issues regarding the development of prison systems as well as the development of legislative frameworks (van Zyl Smit, 1992, p. 19). It is noted however that the first prison in the Orange Free State was established in Bloemfontein shortly after 1854. An additional thirteen institutions were already in use by 1873. After the British occupation in 1902, the prison system in force in the Cape and Natal was also implemented in the Orange Free State (Neser, 1993, p. 66).

The administration of prisoners in the *Zuid-Afrikaanse Republiek* was originally the responsibility of the State Attorney in Pretoria. The first prison in Pretoria was constructed in 1865 and by 1893 there were already 33 penal institutions in the Transvaal. A Head of Prisons was appointed at a later stage, due to the extent of the administration of prisons. The British system was also applied here after the occupation of 1902(Neser, 1993, p. 66). The first piece of legislation in the *Zuid-Afrikaanse*

*Republiek* was initiated in 1880 during the British occupation from 1877 to 1881 (van Zyl Smit, 1992, p. 19).

The penal system of the two territories was re-established immediately after the British occupation in the mid-1900. The Transvaal Republic for instance experienced a huge expansion in the prison population mainly due to a system of pass laws. There was also a huge chaos on the part of labour provision at the mines as there was a major disorganisation in the supply of labour. A solution in this regard was employed at the mines *in Boksburg (ERPM mine)* as it was done at the Cape. The solution was to permit mining Companies to build prisons to accommodate black prisoners and then paid the government one shilling per prisoner in order to be allowed to use *them* as labourers. The system in the Transvaal was found to be lacking by a Commission of Inquiry as it investigated conditions at the Fort in Johannesburg, and it was suggested that it needed to be revamped. Ordinance 6 of 1906, which closely followed the Cape Act of 1888, was used as the legal implement for this intention. The Orange Free State on the other hand introduced Ordinance 3 of 1903, even though the Cape Act was influential. The legal tool was used to restrict the penal system after the country was taken over (van Zyl Smit, 1992, pp. 19-20).

The conditions of labour in both the territories were somehow similar to conditions in Natal and the Cape in that convicts were sentenced to hard labour. Even though the hours put in and the concentration in the work area was not similar, but the situation seemed to be the same. The Orange Free State made convicts to labour in public with a pick and shovel from sunrise to sunset (*unconstructive labour*). This was, as it would seem, the only prison labour performed until 1902. By 1865, as a measure to alleviate overcrowding, parliament gave a ruling that a convict could be sentenced to five years to work with or without pay, for a private citizen. The ruling was however put to an end in 1895, due to the fact that private citizens took advantage of prisoners (Corry, 1977, p. 125).

The Orange Free State introduced a system of classification. The prisoners were separated, where possible, on grounds of race, sex and age. Prison labour consisted of hard labour-first class and hard labour-second class. The prisoners were hired to

Municipalities and Public Bodies for stone-breaking or other public works. Private companies and private persons could also hire out but were to seek authorisation from the Prisons Department (Corry, 1977, p. 126).

The two territories experienced their last stage of prison law reform with the introduction of indentured sentences. The Transvaal saw Jacob de Villiers Roos (who was appointed Director of Prisons in 1908) playing a significant role in bringing changes in the penological system. Roos understood the international penological ideas of his time and was closely linked to the Afrikaner political leaders in South Africa. He drafted a legislation (which became law in 1909) in the Transvaal. The legislation as set in Section 9 of the Criminal Law Amendment Act of 1909, 'stipulated that indeterminate detention as hard labour was confirmed by the court to be for habitual criminals'. The release of these prisoners could only be made effective once recommendations by a '*newly found*' statutory body or board of visitors to the Governor suggested so. Such a body also played a role in reporting all prisoners to the Governor that had completed their sentences of longer than two years for possible consideration of probation or unconditional release. This statutory body was to be appointed in every convict prison in the Transvaal. (van Zyl Smit, 1992, p. 20).

## **THE ORIGIN AND DEVELOPMENT OF THE SOUTH AFRICAN PRISON SERVICE SINCE THE IMPLEMENTATION OF THE PRISONS AND REFORMATORIES ACT, (ACT 13 OF 1911)**

### **THE ESTABLISHMENT OF A UNIFIED PRISON SYSTEM**

The Union of South Africa in May 31, 1910 brought many changes in the judicial approach in South Africa and this in turn influenced the administrative policies in penology. The Union of South Africa, as Coetzee, Loubser, & Kruger(1995, p. 28) explains, meant that all prisons in the *Union of South Africa* were brought under the main authority of the Government and all the functioning penal systems of provinces would be merged into one. The appointment of Mr. J. Roos as the Secretary of Justice and Director of Prisons led into the development of the Prisons and Reformatory Act 13 of 1911. The Act 13 of 1911 brought in many changes in the prison system through the changes in jurisprudence. For the first time, the prison system could be challenged by prisoners and prisoners were allowed or given a legal standing to approach the court.

All these transformations materialized prior to the launch of the *Act 13 of 1911*, when the courts in the Union of South Africa were brought in to clarify the Transvaal Ordinance 6 of 1906. The Transvaal courts, (later the Appellate Division) were asked to rule on the legality of detaining prisoners awaiting trial in conditions of solitary confinement. This was as van Zyl Smit (1992, p. 21) cites, a case involving alleged 'dynamitards', that is, Whittaker and Morant. The courts in the case between Whittaker v Governor of Johannesburg Goal took a stand that the Ordinance did not consent to the Prison Governor to discriminate against a prisoner even if an order came from the Director of Prisons. Judge J. Bristowe ruled that there is no regulation permitting for the type of treatment to be carried out on a person awaiting trial (*like Whittaker*). The treatment was deemed unlawful. A judgement was also taken by Judge J. Bristowe that a person who has been unlawfully treated in goal can address the court for possible relief. Another judgement *that was considered as a guideline in the formulation of prison law* was an issue regarding the powers of prison officials; Judge Bristowe pronounced

that the powers of prison officials to order solitary confinement should be restricted (van Zyl Smit, 1992, p. 21). All these laws sound more like contemporary ruling approaches. In order to ensure the legal rights of prisoners, the courts were propelled to carefully ponder the phrasing of the Ordinance and the regulations that went with it. All these happenings opened a way for the South African courts to participate effectively in the development of prison law. The Act 13 of 1906 launched its foundation on all these changes in jurisprudential rulings.

## **THE 1911 ACT AND THE PROCESS OF REFORM**

The changes in the treatment of prisoners came as a result of the approach the judges took in viewing the Transvaal Ordinance against the awaiting trial persons. The Act 13 of 1911 nonetheless did not influence or address the handling of prisoners, their treatment and possible rehabilitation. As Coetzee, Loubser, & Kruger (1995, p. 29) mention it, the discussing thereof was fairly vague. Coetzee, Loubser, & Kruger further on assert that much consideration was not given to the difficulties prisoners had. Instead, to ensure that there was a treatment of prisoners towards rehabilitation, a team of visitors was instituted to observe prisoners. Their task in this regard was to determine whether prisoners deserved a reduction in their sentences, and whether they were to be subjected to forced labour or strict disciplinary measures. These visitors were according to Venter (1959, p. 5) inspectors appointed under Section 4 of Act 13 of 1911. The Prison Regulations 6 of 16 stipulated their duties. One of their main tasks, it seems was reporting on the administration of prisons. Like Coetzee, Loubser, & Kruger had highlighted, control and administration at that time was emphasised. Venter (1959, p. 4) augments this statement when he states that:

*“In terms of Section 3 (1) of the Act 13 of 1911, provision is made for the appointment of a Director as the head of the Department of Prisons. As the senior executive officer he is directly responsible for the proper control of the Department whose policy he must also carry into effect. In this task he is aided by an Assistant Director as well as a number of administrative officers who are in*

*charge of the various prison commands in the union. These commands which were established about twenty years ago with a view to facilitating the general administration, represent a regional classification of penal institutions and generally consist of a central institution with several smaller goals and outposts in the area concerned".*

Regardless of the changes in approach and policy, punishment and not rehabilitation continued to be the most important quality of imprisonment (Venter, 1959, p. 4). Issues such as racial segregation and prison labour remained despite the changes. These two features were actually seen as important attributes towards possible rehabilitation. Roos was advocating for racial segregation as he saw it as an agent of positive development. Segregation was now deemed compulsory throughout the Union prison system.

When it comes to prison labour, provision was made in the Act 13 that all non-whites were to be sent to road camps. Roos established a policy of the *native for outside work and European for inside workshop work*(van Zyl Smit, 1992, p. 25). The coloured prisoners were to perform external labour while the white prisoners worked in workshops. The labour performed by the prisoners was mainly unskilled labour and no training was provided for it (Coetze, Loubser, & Kruger, 1995, p. 30). The researcher wonders whether any of the labour performed really assisted prisoners to change their criminal ways or whether it was just an activity to keep them busy. Another issue of concern that the researcher wants to point out is that the changes in jurisprudence did not have any impact on the segregation of races and later the ill-treatment of non-European prisoners.

In spite of everything, the use of pass offences and the failing of paying taxes by the non-European society continued and this suggested that non- Europeans will still work on road camps. As Corry (1977, p. 130) contends; "*Road Camps in particular were used for keeping petty offenders out of the prisons, and in 1910, approximately 17 000 Africans sentenced for trivial passes and master and servants' offences were dealt with in this manner*". The demand for prison labour increased in the agricultural sector and with the private contractors. The depression of the 1930s and 1934 hit the farming industry in a big way but a plan was set up that allowed the farmers to hire prisoners for

6d a day from the Prisons Department. These prisoners were to work for the farmers for the entire duration of their sentence, with no pay at all. If it happened that a prisoner misbehaved, he was sent back to the prison, otherwise the prison officials were certainly not going to see him again (Corry, 1977, p. 129). Similar to what happened in the mining industry, the farmers had to give the prisoners accommodation and detain them in their private goal(van Zyl Smit, 1992, p. 26).

### **REPORT ON THE PENAL AND PRISON REFORM COMMISSION**

As stated by the White Paper on Corrections in South Africa(2005, p. 43), the Act 13 of 1911 viewed the prison system as being accountable for the running of reformatories. The issue of penal reform has been existent in South Africa for many years (*dating as far back as the era of John Montagu*), and due to the concerns on the situation of the prison system, a proposal was passed in the Senate in April 1941 by Senator G. Hartog that: for the reasons behind the increase in recidivism, and the fact that serious crimes within the Union portray no possible decline, the Senate advised that an investigation by experts should be instituted in order to evaluate the results of the system of criminal punishment with a perspective of establishing reforms(Report of the Penal and Prison Reform Commission, 1947).

A Judicial Commission that is, the Lansdown Commission on Penal and Prison Reform was appointed to investigate on these matters. Their appointment was initiated by the South African Institute of Race Relations who had been studying the issues of penal reform. The Penal Reform Committee of that association recommended that the Lansdown Commission should investigate on the:

- “*causes of delinquency and crime in the Union,*
- *the laws of the Union which cause statutory offences (e.g. the Pass Laws an)* and,
- *alternative forms of penal treatment and prison conditions”* (Report of the Penal and Prison Reform Commission, 1947).

In order to have a greater understanding of the causes of crime and all the other issues that were to be investigated, the Commission in their report unpacked the meanings of issues such as crime, what causes crime and what are the preventative measures of crime. The researcher notices that in the Part II of the report, where causes of crime and preventative measures of crime are unpacked, the most outstanding feature in the causes of crime is all the *statutory laws* such as the '*Pass laws*' that were created by the system of Government to criminalise job seekers. For example, Part II (43) discusses the issue of *Heredity and Crime*. According to the report, "*Crime is a social, not a biological, condition and while there is a widespread belief that heredity plays an important part in personality and behaviour, there is not to be found in any literature on the subject or in the evidence obtained by this Commission, any proof that anyone ever inherits a tendency to crime*". The researcher is of the opinion that this statement may sound contrary to the beliefs of the medical model that was introduced in the 1960s which unpacked the philosophy of rehabilitation. However, one needs to highlight what the statement is really aiming to imply. If people do not engage into crime due to their inherent tendencies to commit crime(*just because it is in their blood*), then it means something within their social circumstances is driving them to commit crime. It could be that, when one analyses the situation of the prevailing '*Pass System*' at the time, an individual was forced by circumstances to, for instance, steal from others in order to make a living.

In support of the above opinion, there are other issues that give a certain implication about the real problems of the Penal Commission at the time, and they are: Part II (54) '*the defective home and crime*' (Delinquent behaviour in the young), Part II (55) '*Home influence and disruptive conditions*' and Part II (60) '*Causes of Poverty*'. The researcher is of the view that all these issues mentioned herewith were conditions that were somehow created by the *statutory laws* (such as *Native Taxation and Development Act*, *the Masters and Servants Act*, *the pass laws and the Native Urban Areas Act*) that were instituted at the time. For instance, '*Home influence and Disruptive Conditions*'. Part II (55) asserts that "*A decent home background, with a whole some family life, is the best guarantee against crime and delinquency*". The researcher is of the opinion that the disruption in families was created by the fact that parents, due to socio-economic

circumstances, had to leave home and seek for work in other areas where work was available. If they did not have their documents in order, then they were subjected to imprisonment which ultimately led them to work in a certain farm somewhere, and if they were good during their imprisonment, then they would work for that particular farmer for the rest of their sentences or even longer. This situation on its own created criminals, as the children and mothers were left without bread winners, the children less than the age of fifteen were not allowed to work or even allowed to apply for passes(Horrell M. , p. 12). If one had to survive it was going to be through doing crime. Hence the high rate of delinquent behaviour in the young. Even in the South African White Paper on Corrections(2005, pp. 104-105) it is acknowledged that a '*defective home*'is a contributing factor to crime in South Africa. The White Paper on Corrections in South Africa, 2005 has emphasized in chapter 7 that: "*the absence of appropriate role models for the youth, combined with substance abuse, gender violence and immorality amongst the youth have a significant impact on crime amongst our younger generation*".

Apart from the concerns highlighted above that the Commission had to investigate upon, Van Zyl Smit (1992, p. 26) brings to light the objectives of the Penal Reform Committee as including the following:

- Influencing the courts to use rehabilitation and remedial methods as an alternative to imprisonment
- Insisting on the eradication of racial discrimination, and
- Proposing the eradication of solitary confinement and corporal punishment and developments in prison regulations

Van Zyl Smit(1992, pp. 26-27) asserts that the Commission did not at first appear to be challenging to the authority of the state, so in order to make their point on issues of unfair treatment of prisoners and racial discrimination in prisons more clearly, a request had to be put out by the Institute of Race Relations in 1943 that Mrs. VML Ballinger and

Dr. HJ Simons should compile a memorandum on the need for Penal Reform in South Africa. In their report they explicitly stipulated that reform in South Africa was not actualised due to the fact that the majority of imprisoned convicts were non-European. They made mention that the prisons were overflowing with people who were not supposed to be there at all, that the non-Europeans were largely sent to prison for offences under statutory laws such as *Native Taxation and Development Act, the Masters and Servants Act, the pass laws and the Native Urban Areas Act*.

They came up with five important proposals;

- that the prison housing should be improved considerably. They felt that communal cells wherein all black prisoners were housed under should be closed down and substituted with single cells.
- that the Pass laws should be done away with. All the statutory laws controlling Africans and criminalising them and creating immense overcrowding in the prisons had to be stopped.
- that the hiring out of prisoners to private employers should be brought to an end.
- that the militarist autocratic control of prison management should be lessened or completely eradicated. This eradication will enhance rehabilitative efforts amongst inmates.
- that after-care programmes that are instituted should be of benefit to all prisoners, European and non-European.

Ballinger and Simons together with important public figures such as Judge Krause and Alan Paton gave the most meaningful reform proposal which materialised in the 1940s. The Commission, after receiving persuasive substantiation from these reformists-including *government officials and members of the white political parties represented in Parliament*, and representatives from the Communist Party and the African National Congress (ANC), agreed that prisoners should not be hired out to outsiders and that the 6d-a-day system should be ended. The Commission encouraged after-care programmes, and also saw a need to enhance rehabilitation efforts through heightening the literacy levels of black prisoners within the prison community (van Zyl Smit, 1992, pp. 27-28).

By 1944 all prisoners who had the possibility to be released to farmers for free, and were released on probation after serving half of their sentences. The arrangement was that prisoners were to serve what was left of their sentences working for the farmer, and the farmer would in return pay prisoners market related income (Corry, 1977, pp. 129-130). The issue of an autocratic militaristic approach to management of the Prison Service was also focused upon, as the reformist had a strong view that militarism should be done away with or at least lessened. Some views on this matter were made that in prisons, a required amount of discipline is necessary and this can be best achieved through initiating a comprehensive military system with military ranks awarded to the Directors and superintendents and placing them in uniform. The Commission made it clear that it was not in agreement with this arrangement. Today, although the system was declared demilitarised in 1996, it is carrying what looks like a semi-military structure with officers placed on ranks to determine their level of authority. Junior officers are as a result expected to display their respect to seniors by standing up when a senior enters a room- displaying etiquette it seems.

## **DEVELOPMENTS SINCE 1959**

The new developments in 1959 brought in transformations in the Prisons System yet again with the promulgation of the Act 8 of 1959. One would recall that the Act 13 of 1911 did not address the handling of prisoners, their treatment and possible rehabilitation. The new Act was however explicit on how the activities of the Department were to be carried out, and included in the activities were “*basic principles according to which policy*” was to be “*formulated and treatment and training methods*” were to be “*applied and implemented*”. The Act stipulated in chapter 1 Section 2(2) (a) and (b) – that “The functions of the Prisons Department shall be:

(b) *to ensure that every prisoner lawfully detained in any prison be kept therein in safe custody until lawfully discharged or removed therefrom”*

and that

*(c) "as far as practicable, to apply such treatment to convicted prisoners as may lead to their reformation and rehabilitation and to train them in habits of industry and labour"*

Coetzee, Loubser, & Kruger ((1995, p. 37) are of the view that the new Act signified an important transformation in the philosophy of Prisons given that the Department of Prisons was now focused on rehabilitation as opposed to the previous focus which was retribution. Coetzee, Loubser, & Kruger do not however make mention of the real issues that the Act 8 dealt with. An issue such as racial segregation of prisoners was still a prevailing issue and this time it was extended even more. The Act 8 stipulates explicitly in chapter 2 Section 23 (1) (b) and (c): that "The Minister shall determine-

*(b) as far as possible, white and non-white prisoners shall be detained in separate parts thereof and in such manner as to prevent white and non-white prisoners from being within view of each other; and*

*(c) wherever practicable, non-white prisoners of different races shall be separated"*

Section 23 (2) continues and stipulates that:

*(2) "Any prison or any portion thereof may be restricted to the detention, training or treatment therein of a specified race or class of prisoners".*

The new prison legislation that is the *Act 8 of 1959* came at a crucial time when the government was beginning to really enforce its apartheid laws and at the same time political organisations that were anti-apartheid were emerging much stronger than before. An organisation such as the African National Congress which was founded in 1912 became more and more rebellious in its resistance towards racism from the late

1940s and mainly in the 1950s. The status of the prisons and prisoners in South Africa changed considerably after the incident that took place on March 21, 1960, "where police fatally shot 69 residents of Sharpeville" while protesting against the pass laws,(Deacon, 1996, p. 93).

While Van Zyl Smit (1992, p. 31) saw the Act 8 as supporting the apartheid policy in that it encouraged separation of races and discrimination of black prisoners, one has to acknowledge that the Act was introduced right before the popular imprisonment of political prisoners. But even before then, the prison system in South Africa was always questionable hence the Act made provision that the review of prison conditions by outsiders be forbidden. The Act even made it a crime to make public any false information on the conditions of prisons and prisoners. Mr. Victor Verster, the Director of Prisons had at some point made it clear that the South African Prison System was meeting the requirements on the basic ideology of "*non-discrimination on the basis of race, colour, sex, language, religion, political outlook, national or social religion, birth or other status*". He was obviously referring to conforming to the International Standard Minimum Rules for the Treatment of Prisoners which was adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in August 1955(van Zyl Smit, 1992, p. 32). This was not factual on his side, as the Act 8 itself made it clear that white and non-white will be detained separately, and besides that, the political issues that were prevailing around that time do not bear evidence to his statement. What is difficult to understand at this point is that the South African government had been present at these international meetings where the International Standard Minimum Rules on the Treatment of Offenders were discussed, in fact, South African delegates were from time to time sent to attend "*major penological conferences*" during the period from 1910- 1947. On occasion Annual Reports to the Commissioner of Prisons made mention of the fact that the South African Penal System was in line with the modern penological methods (Corry, 1977, p. 132) and yet, it was far from being in line.

In the early 1960s, the imprisonment of political prisoners became an unending quality of the South African prison system. There was a huge increase in legislation to control

anyone who opposed apartheid. Because of their unending imprisonment, political prisoners began to question the authenticity of prisons and why they were imprisoned in the first place. They began to attack issues such as the use of prison labour on prison farms, *which were predominantly white farms* and the conditions of prisons(van Zyl Smit, 1992, p. 33). They wrote loads of communication, books and letters with which they tried to get the attention of outsiders on the conditions of prisons and the brutality they were enduring while incarcerated. Most of these correspondences were never reached by the outside world unless they were somehow smuggled out. The government on the other hand denied any allegation that came from these correspondences. As far as the government was concerned the only prisoners they had apart from your regular non-political prisoners, were security prisoners, that is, "*prisoners convicted of crimes against the security of the State*". These security prisoners caused a big uproar internationally with all the correspondences that managed to escape the prison. Organisations like the International Red Cross, the United Nations and Amnesty International were interested to know what was happening in South African prisons and because of their curiosity they were determined to visit South African prisons on a frequent basis. (van Zyl Smit, 1992, pp. 34-35)

In addition to the denial that the State had on the political prisoners and the horrifying conditions of the prisons, one of the reports that was compiled in 1969, titled; "*The Prison Administration in South Africa*" which was advocating on the conditions of prisons and it claimed that there were attempts that were made to discredit the South African Prison System. The document maintained that:

*"During recent years the South African prison system has been subjected to numerous attacks including sweeping allegations of 'ill-treatment' of prisoners especially those who are referred to as 'political prisoners'. Some of these accusations originated in South Africa in the form of newspaper articles based on statements made by ex-prisoners and warders. In many instances parts of these articles were published, out of context, in newspapers abroad, and were also seized upon by individuals, groups and organisations whose purpose it is to malign South Africa. In certain cases where false and inaccurate particulars had been published in South Africa by persons knowing them*

*to be false or without taking reasonable steps to verify them, legal proceedings were instituted. One such case was that of an ex- Head warden, J.A. Theron, who in an affidavit sworn to before an attorney, made various allegations of maltreatment and brutality meted out to prisoners. Needless to say, the facts and much of the evidence have emerged from such cases such as this are seldom mentioned by South African detractors. This is not surprising in view of the general political vendetta which is being waged against South Africa by certain organisations and groups inimical to the present order in South Africa and which is carried on in the United Nations and some of its organs”*(Department of Foreign Affairs, 1969, pp. 18-19).

The case of Theron was later presented in the truth and reconciliation process by Mr. Pogrund who was a newspaper journalist interviewing him at the time. It was proposed in the TRC report that his name and the names of his accomplices be ‘expunged’ and cleared of any wrong doing. (1997, p. 5)

In the same book “*The Prison Administration in South Africa*” it is mentioned that rehabilitation was practiced fully, prisoners were placed in proper prison buildings, their well-being and welfare was taken care of, there was discipline and order, prisoners were given time to sort out their familial problems through Social Work services and training in any trade was given to a prisoner for him to be able to have a productive life after imprisonment. All these were prescriptive to the International Standard Minimum Rules on the Treatment of Prisoners, and were captured in the book that was published by the Department of Foreign Affairs for the world to know the truth. (*Prison Administration in South Africa*, 1969)

While this was being published, elsewhere in South Africa political prisoners were complaining about prison conditions in the country. Van Zyl Smit (1992, p. 34) describes political prisoners as expressive and determined to attacking the South African State and its authenticity in everything they were doing. They captured all the versions of police cells and prison life in South Africa. Nelson Mandela in the book; *The Island*(Deacon, 1996, p. 97) was captured commenting on the prison conditions in Robben Island and said; “the conditions were mixed...there was bad and not so bad”.

The conditions it seems were mainly made bad by the authorities or warders that were put in charge. Fran Buntman who was one of the political prisoners(Deacon, 1996, p. 97) speaks of the Kleynhans brothers and how they made prison seem like hell. Every other prisoner in Robben Island has at least recognized prison warders as responsible for the horrifying conditions and the brutality they had to endure over the years. In 1962 Robben Island had coloured warders who softened some of the suffering and ill-treatment but by 1963, all coloured warders (including black warders according to Neville Alexander) were removed. Neville Alexander (1994, p. 11) maintains that prisoners were of the view that black warders were removed because it was assumed that they were offering political prisoners news, food, newspaper and radios. From 1963 onwards, warders were only white while prisoners were black or Indian and Coloured. In addition to the brutality from warders, non-political prisoners were assigned by warders to terrorise political prisoners.Moses Dlamini, (a political prisoner) advocates that non-political prisoners formed a huge part of the brutality in prison. They were brought in from other infamous maximum security prisons, *specially selected by the state*, their purpose being to disgrace political prisoners. The ultimate goal was for political prisoners to never ever challenge the authority of the state and its apartheid laws. What really won the war for political prisoners on the fierce conditions of the prison was a mass hunger strike that was held by almost all the prisoners at Robben Island. This war brought in lesser brutality, improvement on the provision of food, and prisoners could now organise cultural, academic and political activities(Deacon, 1996, pp. 97-98).

But food was also used by authorities to make their presence felt, for example, it was part of apartheid law to make sure that all races ate different food. One would think that this was an effort to try and allow different traditions to be catered for according to their cultural needs, just as it is practiced currently in the South African Correctional Centres, but this was not the case, the diet was based on racial discrimination. According to the South African Race Relations, white prisoners were served about four ounces of mealie meal or rice per day (which is about 0.5 cups) and with that they received seven ounces (1,375 cups) of meat or fish, at the same time coloureds and Indians were served fourteen ounces (1, 75 cups) of mealie meal and Africans twelve ounces (1, 5 cups) of

mealie meal with meat and fish only served four times a week; with Africans being served five ounces (0,625 cups) while Coloureds and Indians were served six ounces (0,75 cups) (Deacon, 1996, p. 101). The researcher is of the opinion that this kind of provision had nothing to do with culture or rehabilitation but was just a human rights issue. Every human being, irrespective of what they have done to society deserves to have a healthy balanced nutritious meal. Racial segregation for prison authorities was so important that issues of human rights were not thought of or let alone practiced.

## **PERSONNEL MATTERS**

Neville Alexander who was imprisoned at Robben Island from 1964- 1974, wrote a book on the prison conditions and the brutality that political prisoners had to undergo during their incarceration. Neville Alexander specifically experienced a huge problem with prison warders and the way they treated prisoners. He thought that they were ill-informed about a whole lot of issues; for instance, fundamentals on equal opportunities for human beings, basic etiquette, prison policy on the limit of their powers, and included to that, the real history of the country. Alexander strongly felt that prison warders needed to be taught or given proper information in this regard. He believed that the training that prison warders received somehow needed to be rectified, as the only thing that prison warders knew how to do was to be narrow-minded, fierce and merciless around black prisoners(Alexander, 1994, pp. 15-17).

Alexander was convinced that prison officials did not work within the prison because they wanted to but it was due to them being less ambitious about anything, less qualified and almost unemployable. His reasoning was supported by a realisation that prison administrations throughout the world had a huge difficulty in luring people to work in prisons since prisons were humiliating places to work at. Alexander felt that the white warders were no exception to this, as they got into prison warding because this was the kind of job that provided remuneration but required less effort. He claims that it was “tailor-made” for anyone who did not have any “motivation” and a “healthy ambition”. He made a remark that it was usually your lower ranking officers who were discriminatory

towards the black prisoners as opposed to the higher ranking officers. (Alexander, 1994, pp. 15-17)

Interesting as it was, prison warders were known to be trained properly and in accordance with the prescripts of the International Standard Minimum Rules on the Treatment of Prisoners (Venter, 1959, pp. 4-5). Venter makes it clear in the Fact Paper 68: The South African Prison System that the admission requirement for a prison warder to be employed in the Prisons Department was standard 8- Junior Certificate (Grade 10), but in some cases some officials were appointed with higher qualifications. It is important to note that around this time new approaches to the prisoner were already adopted. Right after the appointment of the Penal and Prison Reform Commission (in 1947), an introduction of a graduate course in Criminology at the University of Pretoria was attained. Its purpose according to Venter (1959, p. 4) was to carry understanding (amongst others) on issues of crime, penology and criminal psychology and deliver this knowledge through lectures, publications and research. Ironically Venter affirms that prison warders in their training received thorough tuition in “foot drill, musketry practice, and the art of self-defence, physical exercise and first-aid as well as instruction in the laws of regulations relating to prisons”. The irony in this is that this kind of instruction continued well until the late 1990s and early 2000s, with only a few not so important aspects of training taken out. However, the bulk of the training that concentrated highly on security issues was still there. What seems to be surprising though was the additional training that the new recruits seemed to have been exposed to; which was lectures in *practical psychology, criminology, sociology, Bantu Studies, personality development, human relations and military and civil etiquette*. If the prison system exposed its officials to this kind of training then there was no reason for prisoners like Neville Alexander to complain about the competency level of prison officials. There was not going to be degrading searching methods such as ‘Tauza’, where prisoners were expected to strip naked and then jump around with the intention that whatever item that was lodged right into their rectum would just fall off. Prisoners were not going to be missing their meal tickets as a way of punishment and forced to go without food for the day. Prisoners were not going to be subjected to less productive work as in working in the quarry, chopping wood or crushing lime stone (Deacon, 1996, pp. 101-103).

Prisoners were not going to be sent to solitary confinement without any hearing. Prisoners were not going to educate themselves and their fellow inmates in literacy training and were not going to be stopped to enrol in post-graduate studies if they wished to do so (Deacon, 1996, pp. 112-114). With a personnel corps that is well educated and knowledgeable in areas of criminology, psychology, sociology and human relations, then the issues mentioned here above were going to be non-existent.

Neser (1993, p. 177) on the other hand presents a detailed view of what basic training concentrated on. He reveals that focus was on:

- “orientation of the newcomer to broaden his general knowledge as to the way in which the department functions;
- increasing the newcomer’s knowledge of the line functions of the department (specifically dealing with prisoners) with the emphasis on activities on which the member will be involved after basic training, for example, post duty, team duty, hospital guarding, escort duty, section duty, gate duty and correctional supervision;
- development of the newcomer’s physical activities, physical preparedness and skills in respect of *military etiquette* and honorary medals, section drill, marksmanship and self-defence in order to increase the member’s military and physical preparedness; and
- developing a positive attitude and a sense of pride in the newcomer in respect of his task as correctional official”.

Neser asserts that basic training was only meant to provide the recruit with the much needed information on prison administration and with that *the recruit* would be assisted in increasing his proficiency in military systems and the burden of his career.

Neser’s explanation of what the aim of basic training was for is according to the researcher a clear justification of the actions of the prison warders during Neville Alexander’s era. The aim of basic training and the justification on the treatment of prisoners is also seen with prison warders even after the introduction of the new South African Correctional Services Act 111 of 1998, and the South African White Paper on

Corrections. The prison system in South Africa was always known to be militaristic in nature, and its concentration on training was always mainly on self-defence, fire-arm training, various duties such as post duty, team duty, hospital guarding, escort duty, section duty, gate duty and correctional supervision; and lastly regulations relating to prisons. This training was slightly changed in 2001 when approximately 400 trainers were retrained in what was famously known as Module 1 which was facilitated by the University of South Africa. The concentration of that training as Kriel in (Luyt W. , 2008, p. 181) explains was on eight learning fields which were: *criminal justice, correctional custody, inmate care and development, professionalism in corrections, correctional resources, applied law in corrections, community corrections and youth corrections*. This training was later changed in 2004 with the introduction of the new Learnership in Corrections Science.

It is important to remember at this stage that irrespective of the training prison officials received then, the breed of prisoners that was there during the 1960s was different; they were capable and resourceful and could challenge the authority of the prisons through the courts. They were determined to bring change in the legal system just as with the case of Whittaker, but they had little success (van Zyl Smit, 1992, p. 35). One should acknowledge that these actions of taking the prison's authority to court, though there was a minimal success rate, had a huge impact on the judicial system, in that the courts were beginning to convey their disbelief on some of the decisions that were taken by the prison authorities. They did not want to be too involved however; could not understand the reasoning behind prohibiting prisoners to study a course in law or even allow for prisoners to have access to news(van Zyl Smit, 1992, p. 35).Even though there was this kind of impact, the government could not think of any other thing but to increase the powers of the prison authorities.

Political prisoners continued with their fight on the authenticity of the prisons systems up until the 1980s. The use of Pass laws and prison labour continued to be the main features of disapproval of the South African government and specifically the prison system (van Zyl Smit, 1992, p. 38). The use of prisoners on farms was being reduced as International pressure was mounting. The General Agreement on Trade and Tariffs

could not allow supplies produced by prison labour to be exported to other countries. This resulted in prison outstations being completely closed. The pass laws system was finally abolished in 1984 (van Zyl Smit, 1992, p. 39).

### **TRANSFORMATION OF PRISONS IN THE 1990S**

The 1990s came in with a new era wherein prisoners' rights for the first time in South African history were recognised. This was after the key historical moment on February 2, 1990 where President FW de Klerk announced that various political organisations were to be unbanned and that political prisoners would be released. By late 1990 the state revealed that it was to introduce significant changes in the administration of the Prisons System. This period saw considerable changes in the Prisons service with a breakaway of the service from the Department of Justice and the renaming thereof into the Department of Correctional Services. Additional changes included the revision of the Prisons Act of 1959, and the changes in names specifically of the Commissioner of Prisons to The Commissioner of Correctional Services and the Prisons Act of 1959 to the Correctional Services Act of 1959(van Zyl Smit, 1992, pp. 40-42).

Another momentous occurrence was the release of 57 000 sentenced prisoners in 1991. This happened due to a grave concern that came from authorities that the prisons were extremely overcrowded and the Prisons system could not provide proper accommodation for all inmates. The intention was to release as many prisoners as possible before the introduction of the new prison legislation. This release, *specifically of political prisoners*, which included other releases that were gradually taking place from 1990, gave prison authorities the optimism of finally dissociating prison management from central political uncertainties brought in by apartheid. This was however not going to happen easy seeing that it was difficult to determine or distinguish between political prisoners and civil prisoners. The authorities experienced a lot of tension, protests and hunger strikes. The early 1990s also saw organisations such as SAPHOR and POPCRU emerging. SAPHOR (the South African Prisoners Human

Rights Organisation) led by Golden Miles Bhudhu, who spoke on behalf of non-political prisoners bearing in mind that the state was releasing a bulk of political prisoners; he felt that he had to advocate for the early release of non-political prisoners claiming that they too “*were victims of social injustices of apartheid*”. POPCRU (The Police and Prison Officers Civil Rights Union) on the other hand was established in 1989, even though its presence was highly felt in the early 1990s with the amendments of the Prisons Act in relation to the *unionisation of prison personnel*. It was initiated by Gregory Rockman with the intention of supporting the civil rights of all prisoners. The state did not welcome POPCRU very well and with all the amendments that were made in the Prisons Act, one included the prohibition of the trade union. (van Zyl Smit, 1998, pp. 408-409)

A further significant change that influenced the prisons system directly was the amendment in legislation. The Criminal Procedures Act in 1990 was amended to restrict the meting out of the death penalty. All the cases wherein the death sentence was imposed under the prior legislation and had not been carried out were to be reconsidered. (van Zyl Smit, 1998, p. 40). The removal of the death penalty brought significant changes in the prisons. It caused a huge overcrowding of the prisons and led to the establishment of the C-Max (Closed Maximum Security) prison in 1997.

Luyt (2008, p. 176) asserts that the “*arrival of the democratic winds of change at South African shores signalled the start of large processes of transformation*”. One should take into consideration that the reformation of Prisons was one of the primary issues to be talked about during the political renouncement. It was important to acknowledge prisoners’ rights, therefore the prisons law was amended in 1993 and matters such as solitary confinement, the punishment on a spare diet, as well as corporal punishment for prisoners were done away with. (Dissel & Ellis, 2002)

Dissel and Ellis (2002) are of the view that the first interim Constitution, *and later the permanent one*, combined the conception of prisoner’s rights. The Constitution was committed to ensuring *the protection of human dignity, liberty and equality of all people, and the general protection against cruel, inhuman and degrading treatment or punishment*. The Constitution was to provide for specific protections for those detained,

accused and arrested and even ensure the provision of adequate accommodation, nutrition, reading material and medical treatment.

The Constitution impacted a lot on the management of the prison. It changed the Department of Correctional Services from its military nature and began to advocate for the humane detention of prisoners. This meant amongst others, the changes in training of staff. Previously training was highly militarised and had its concentration on security, and now the focus was to be on human rights of prisoners, therefore the staff needed to be re-skilled and retrained. (Luyt W. , 2008, p. 177)

In 1995, the new minister of Correctional Services, Dr. Sipho Mzimela, announced that the Department was to be demilitarised (Dissel, 1997). Pressure to demilitarise was there as early as 1944, but with this advent change it was carried out to finally modify the security aspect of the Department of Correctional Services from *a punitive to a more humane and developmental approach*. The de-skilling and re-skilling of staff was recognised as one of the primary issues. Others included the new *performance management system, developing a new disciplinary system and visible new uniform to strengthen demilitarisation*. Demilitarisation meant the removal of all military ranks, insignia, etiquette, parades and symbols. Those that worked in administrative offices such as the Head Quarters and had no physical contact with inmates were to wear civilian clothing (Luyt W. , 2008, p. 180). A militarised system was seen as the one that used force in order to maintain power. Its method of communication was authoritarian in nature and there would be absolute respect and compliance to the rules. The reporting structure within the organisation confined communication between different levels of the organisation (Dissel, 1997). Clearly, this kind of management was not going to be conducive for what the Department of Correctional Services was aiming to achieve. For one to rehabilitate an offender, one needs to have a comfortable line of communication. There shouldn't be fear of authority but trust should be built. Military exists to protect the state against its invaders and prisons are there to protect the state against dangerous offenders and aims at reducing crime.

When one looks at a case such as the great escape of Makhanda (*usually spelt Makana*) at Robben Island back in 1820, and his actual imprisonment, one can sense a

clear indication of the military ruling. Makhanda was known to be a great warrior and leader to his people and that threatened the British soldiers, and after they conquered his Xhosa territory, they arrested him without any trial or sentencing. When he escaped from Robben Island with his accomplices, the escape was brutal as the prisoners were heavily armed (Wells, 2007, pp. 12-15). As a prison system, it is without doubt that when an escape is of a dangerous nature like that one, one needs to be heavily armed in order to protect society from harm. But the system was militarised at that time, and the British were on a mission of their own, so killing convicts that were a threat to them meant succeeding in their plans. The argument here is that with a military ruling one cannot really control their use of force appropriately as military would deem it necessary to shoot and kill whoever is a threat to the state or community. When a system is not militarised, the use of force would be used accordingly and one would consider capturing the escapees instead of killing them all.

Dissel(1997)asserts that there are considerable distinctions between military and correctional institutions. Military systems are there to protect the state and correctional institutions are there to protect society by incarcerating dangerous criminals and reducing crime through positive interventions. It should be highlighted at this point that demilitarisation in South African prisons brought disorder in the life of correctional officers. The ranks and insignia played a huge role in their professional lives. As much as they appreciated the new system of reform and even supported it through organisations such as POPCRU, there were huge worries about how they were going to function and what their responsibilities were going to be(Dissel & Ellis, 2002). Promises of retraining were announced but never really materialised. Instead the format of training new recruits was changed and aligned to the new system of education and training.

## **THE WHITE PAPER ON CORRECTIONS IN SOUTH AFRICA**

The White Paper on Corrections in South Africa, 2005 (third imprint:2011) is the major strategic document intended to guide the management and offering of services of the Department of Correctional Services for a period of more than twenty years. For the first time in the history of South Africa, the Department has a document that expands on the work of corrections and the necessity to understand corrections as a duty which is not exclusively that of the Department but also stands directly on the support of society. The document was thoroughly examined and confirmed by societal partners, business, labour unions, and an assortment of non-governmental organisations. In the White Paper the Department emphasises that all directorates are “geared towards putting rehabilitation at the centre of their activities” (2005, p. 14).

The White Paper was approved by Cabinet in November 2004 in replacement of the White Paper on Correctional Services, 1994. The third print was recently issued in 2011. The focus of this White Paper is the necessity to identify corrections as a societal responsibility and also to undertake all departmental tasks to achieve a rehabilitation mission. The main idea of this focus is to guarantee that services are provided to offenders in such a way that when they leave correctional institutions they will be having suitable viewpoints and proficiencies that will enable them to effectively fit in well into society(2005, pp. 14-15).

This new route is seen in the White Paper as the foremost responsibilities to both the Department of Correctional Services and society as a whole. For the entire society, the responsibility is the renewal of unity at both family and community levels; while the Department of Correctional Services has a duty of interpreting the concept of the White Paper on Corrections into working activities (2005, p. 15). The researcher is of the view that none of these focus areas will be understood unless the personnel working in Correctional Services understand what they mean. The correctional officer in the Department has to have thorough understanding of the concept of the White Paper in order to contribute effectively in the renewal of relations at societal level and even contribute effectively in all the departmental strategic plans that are geared towards rehabilitation.

The Department has initiated financial programmes to indicate its commitment to the carrying out of the White Paper on Corrections. The financial programmes are;

- Administration
- Security
- Corrections
- Care
- Development
- Social Reintegration
- Facilities

The programmes are there to ensure that the Department successfully controls its correctional officials and correctional centres, increases on management relationships with credible external stakeholders and oversight authorities and carries dedicated worthy services for the offender(2005, p. 15). The Department of Correctional Services is aware of the massive difficulty it has to deal with in relation to the changing identity of the correctional officer from that of a prison warder who was observed to be inclined to unethical motivations. The correctional officer is now expected to be **a “role model and a rehabilitator”**. The correctional officer is seen as best positioned to persuade offenders negatively or positively (2005, pp. 15-16). The financial programmes are further explained in Chapter 5.

The Department of Correctional Services is therefore of the conviction that **“every official is a potential rehabilitator”** and that every person handed over to the department's care is “corrigible” and may become a respectable citizen and a nation server by way of correction (2005, p. 16). The concept of what rehabilitation means in the South African context and in accordance with the White Paper on Corrections is well expatiated in chapter 5 of this research. In chapter 6 on the other hand, role of the correctional officer in the safety and security of the correctional institution and rehabilitation of offenders is clarified.

## **SUMMARY**

Efforts to transform prisons in South Africa were there before the Act 8 of 1959 was enacted; however, the proper implementation and improvements on prison conditions were hindered by the need to improve state resources and the economy. The South African government saw a chance of increasing their state resources by creating prisoners in order to have free labour on the mines and on the farms. South Africa already had ideas on how reforms and rehabilitation was to be practiced. From the era of Montagu to the introduction of the mines, which according to history, was just after Montagu's departure, concerns on the literacy level of convicts and allowing them to have time to study was always coming out. Documents were drafted and ideas were put down on how reforms were to be formed and the role that warders were going to play in reforms. Considering that reforms were *not* meant to serve the entire population of convicts, one can argue that the ideas were put down as '*a front*' to convince the International world that South Africa was complying with the penological expectations, but history has it that these ideas were there even before the International world started to have a significant interest in the South African prison's system.

What is worrying though is that, even with the amount of brilliant ideas that the state had on reforms, the system always reverted back to harsh punishment and inhumane conditions of detention. For example everything started from the harsh conditions during Jan van Riebeeck's reign. There were public crucifixions, deportation, imprisonment and the death penalty. The status was similar to the one in European Prisons in the early 1600. After many years of brutality and harsh treatment, the system changed first with the eradication of slavery and the adoption of a subsidiary method of punishment, *that is*, "incarceration for a fixed period proportionate to the heinousness of the offence" initiated by Beccaria and then the introduction of John Montagu and his ideas on reforms. Then, after Montagu's departure; the system reverted back to harsh punishments, with the introduction of the pass system yet again. The system produced prisoners and expected prisoners to labour in the mines and on road works for hours without end. Racial segregation took prominence, with whites working inside the prisons.

The state on a number of occasions instituted commissions of inquiry to investigate on the conditions of prisons. This according to the researcher indicates that uncertainties on the treatment of prisoners and conditions in prisons were always prevailing. The state had it in them that they were supposed to do the right thing, but maybe due to politics and socio-economic goals, this became impossible.

The researcher is of the opinion that what sparked the interest of wanting prisoners to reform mostly, were individuals more than the whole prison system. The history on European reforms mentions names such as Cessare Beccaria, Jeremy Bentham, John Howard and Alexander Maconochie as the advocates for reforms and humane conditions in prisons worldwide. John Montagu in South Africa would be an example of such an individual. With the Correctional System in South Africa being demilitarised, it would need individuals to take a stand in ensuring that reforms are realised accordingly and that prisoners are treated humanely.

It should be considered though that irrespective of the removal of an autocratic approach to the management of Correctional institutions, reforms still need a certain amount of discipline. The removal of ranks brought in a lot of confusion amongst correctional officials to the extent that it affected security inside prisons. Correctional officials, even those working in administrative offices were trained to be alert at all times and ensure that the prisons are safe and secured at all times. Demilitarisation on the other hand, might suggest that the administrative personnel are exempt from worrying about safety and security in the prisons. If there is an escape, they might not respond in a way that the corrections system would be expecting them to.

It is understandable that the new regime sought to do everything better than how they experienced it while being political prisoners. They put proper laws in place, made changes to some of the laws without really considering the impact it was going to have on the current situation. For them it looked like they were making changes to a system of apartheid that started in the 1940s, but in reality they were rectifying a system that had been existent in South Africa since the period of colonisation.

Reflecting on the history of prisons in South Africa assists one to have an understanding of the origin of prisons and thereby plan for the future. It is evident that the new prison laws were affected by history and some of the practices that were put in place or ideas that were suggested many years ago are being considered in the administration of Corrections in South Africa today.

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# CHAPTER 4

## CORRECTIONS AS A PROFESSION

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### INTRODUCTION

The word '*Profession*' is synonymous with '*Occupation*' as it relates to specific work whereby one makes a living through a trade economy. However, professionals do not perform just any kind of work; their work is normally incomprehensible and complicated in nature. It needs theoretical education, expertise and possesses skills to form an opinion when ordinary people cannot (Freidson, 1994, p. 200). A profession for an individual is a process of competencebuilding. This means that one is geared up for a particular kind of function and this includes a certain amount of knowledge linked to this job or profession. For those employed in government, values and attitudes such as "*working for the collective good or putting people first, commitment to development, particularly of the disadvantaged, honesty, integrity, cost-consciousness and accountability*" are considered to be important attributes and requirements in a profession. For this reason, in South Africa it is perceived as vital that employees working within the state know and understand the Batho Pele Principles. The Batho Pele White Paper is a National Governments' White Paper utilised for the transformation of public service delivery. The idea is to give good customer service to those who use government services by putting "*People First*". The Batho Pele idea can be best described by the saying: "*We belong, we care, and we serve*". This phrasing signifies that those working within the state are committed to good service delivery as they belong to the people, they care about the people and that they will serve the people(The White Paper on the Transformation of the Public Service-Batho Pele White Paper, 1997).

Additional abilities for a professional would include: "*Commitment to nation building, concern for the poor and the underprivileged, an understanding of the relationships between human resource development and economic development, and understanding*

*of the way government policies make a difference to the development of the country, and the relative role played by government policies, their links and interdependencies between sectors, and the need for strategies to manage these interdependencies".* It is essential in South Africa that professionals should have an understanding of where the government is leading them. In terms of the White Paper on Education and Training, Notice 196 of 1995, the government's Reconstruction and Development Programme (RDP) was designed as an integrated, coherent socio-economic policy framework. The main premise of the RDP's human resource development programme was the empowerment of people through education and training, including specific forms of capacity-building within organisations and communities, to participate effectively in all the processes of democratic society's economic activity, cultural expression and community life. All ministers in various departments were therefore expected to re-orient their programmes and budgets in accordance with RDP priorities(The White Paper on Education and Training Notice 196 of 1995). The African National Congress (ANC) as a ruling party in South Africa introduced initially the concept of RDP as a strategy for economic development. The concept was initially utilised as a manifesto for campaigning for the run-up to the elections in 1994 and later turned into a White Paper in November 1994.

Later, in 1996 a new strategy was introduced to take over the deficiencies of the RDP as its objectives were regarded as unclear and unrealistic. GEAR (Growth, employment and redistribution macro-economic strategy) was to introduce an economic policy that would attain higher economic growth and significant job creation(2003, pp. 96-97). It is essential that professionals participate in policy formulations that would enhance economic growth. They need to assess whatever the state is introducing as a policy and argue its relevance towards nation building. The Human Resource Development Strategy (2002, p. 13) emphasises governments' commitment to ensuring access of high quality public services for citizens of South Africa in line with the Batho Pele principles. The high quality service is dependent on the continued availability of highly skilled and competent staff at all levels in the public service.

Professionalism can be obtained through training of individuals however it is important to note that with other individuals, selection process plays a vital role. For one to deliver in a profession, one needs flexibility, leadership and a level of creativity- which will enable one to be encouraged to turn limitations into possibilities. When there is innovation, new methods and new establishments can be developed even when confronted with constraints(Rao, 1996, pp. 340-341).

In order to understand the professional status of the Corrections environment one must understand the body that this profession is operating under, which is the State.

All professions at some level rely on large organisations such as the state as their coaching support. Bureaucratization as a result affects all professions; therefore this implies that professions today should not be considered in a different light from the previous ones wherein more autonomy was enjoyed, but be seen in the same framework as having the same elements as the other professions do (Larson, 1977, p. 179). Sufficient comprehension into the corrections system demands a necessary insight of the ideology that a state such as the *United States of America* is built on. Therefore, more consideration on the organization of the “*United States*” criminal justice system will be an added requirement(Williamson, 1990, p. 15).

For the purposes of the study the researcher will look at the professional status of corrections internationally. This chapter will first unlock the meaning of professionalization from the sociological point of view, and then give a significant concentration on three occupations, namely Medicine, Nursing and Social Work- which are officially acknowledged as professions. The intention is to highlight the common denominators of these professions with that of the Corrections occupation and thereby try to find a criterion that can be best used in professionalising this occupation. The aim of the investigation will be to observe if the corrections occupation already has existing elements that can put it in a position to be declared a full profession, or whether this occupation requires a degree of advancement in certain areas in order to fully qualify as a profession.

## **PROFESSIONS DEFINED**

Although there is no fitting definition of a profession, many sociologists have attempted to come up with an appropriate explanation for the theory of professions. Rowan and Zinaich (2003, p. 56) point out that it is not necessary to describe professions by a set of required and acceptable features that are compulsory for all professions, as some features can be seen as somewhat necessary for an occupation to be regarded as a profession. It is important to acknowledge at this stage that from the era of the Anglo-Saxon world in the nineteenth century, professions that were well recognised and considered to be in practice were only three, and they were: the law, medicine and divinity (*including university teaching*) (Larson, 1977, p. 4). But then, one wonders how these were considered to be professions in the first place.

Morrall (1998, p. 8) asserts that “*altruism, a specialised and exclusive body of knowledge, lengthy vocational training, monopoly over practice, and self-regulation were perceived to be the trademarks of high prestige occupations such as law and medicine*”. This is why when one examines the history of occupations one learns that university education always presented four basic faculties, which were; theology, medicine, jurisprudence and philosophy- and their related occupations being; priest, doctor, lawyer and teacher (Burrage & Torsendahl, 1990, p. 101).

Theorists in the field of sociology have viewed professions as those occupations that are especially notable from others and respected as servants performing duties for the public need. They are set apart from other occupations because they possess a very rare and difficult knowledge of which they receive through training as well as complicated skill. Theorists such as Houle (1980, pp. 1-2), and Freidson (1994, pp. 13-14) bring to light that the 1960s signified the defining moment for professions as most sociologists began their writings on them. Scholars during that time had emphasised on the positive role and achievements of professions but later, most writers opted to be more on the critical side. According to Freidson (1994, pp. 13-14) the current literature on professions looks at how professions are affected by politics and economic influences as well as the “market and class system”. Most writers such as Cyril O. Houle, Michael Burrage, Rolf Torstendahl, John Rowan and Samuel Zinaich, however, agree

that the professions are distinguished by three important attributes. First, is the extensive training, second intellect and third, service to society. The researcher agrees with the statement as professions such as medicine and law are regarded as high-class professions because for one to be regarded as a lawyer or physician one needs to undergo substantial training, display a certain level of intelligence and be willing to serve society.

In addition to these features, Rao (1996, p. 337) adds the following as outstanding traits for a profession: the technicality of the job, professional norms and approval from peers. Rao explains that professions need to have some level of autonomy for it to be evaluated on its technical quality and that the profession should be committed to serving the client. Therefore this implies that for any occupation to be regarded as a profession it must display all features which are intellect, service to society, extensive training, technicality on the job, approval from peers and professional norms.

Professionals, according to Houle (1980, p. 1) are those individuals that are:

*"structurally shaped by the fact that they are deeply versed in advanced and subtle bodies of knowledge, which they apply with dedication in solving complex practical problems... they learn by study, apprenticeship and experience, both by expanding their comprehension of formal disciplines and by finding new ways to use them to achieve specific ends, constantly moving forward and backward from theory to practice so that each enshrines the other. Such people protect one another and are sometimes extended special protection by society far beyond that granted to other citizens. The price of protection is vigilance against poor performance and unethical behaviour, and that vigilance is exercised by the privileged person, by others of similar specialisation, and by society".*

The professional is highly knowledgeable and his [or her] work is normally incomprehensible and complicated in nature. Professionals by virtue of their status should be able to guide people with their knowledge and solve problems which may seem too complicated to solve. The knowledge is acquired through high quality training, application and through research. The professional constantly seeks to find new innovative ways of solving problems through research and endless study. By formulating

professional bodies, professionals intend to protect the profession and one another, by setting standards, rules and regulations that will be accepted and adhered by all stakeholders within the profession.

Houle further asserts that the leaders from different occupations in the nineteenth and twentieth century came up with admirable standards that would warrant each occupation to be regarded as a profession. Many people who performed scores of expert work wanted the status that went along with a particular occupation. This aspiration brought about a suggested criterion from both workers in the various occupations and the theorists of professionalism. The aim of the criteria was for an occupation to have a proper validation for being incorporated in the sphere of jobs that will be regarded as professions (Houle, 1980, pp. 1-2).

## **CRITERION FOR PROFESSIONS**

Rowan and Zinaich (2003, p. 71) have explained the criteria in this manner:

**“Special Expertise”**: A professional is someone with special expertise gained through a level of education incorporating a broad range of studies and exceeding some threshold of moral sophistication. What we seem to expect is comparable at least to the baccalaureate level of college education, but what is important is that there is sufficient ground for viewing the professional as a knowledgeable responsible party to the determining social arrangement.

**Significant Service**: Area of expertise must include the delivery of a significantly intellectual, consultative service rather than mere production of a practical good, which by itself would always lack sufficient social value.

**Critical Function**: The service must be of critical importance to the successful functioning of society as we know and desire it. That is, without the profession we could not have the society that we do now”.

Three additional features to this criterion that have been highlighted by other writers are; *credentialing, belonging to an organisation and autonomy.*

### Credentialing

This actually links to extensive training, *that is*, the training needed to obtain a position in the field. Credentialing also simply implies a course of certification or licensing. For example, for lawyers to be recognised as fully functioning attorneys they need to be certified by the bar council. But this does not mean that while a person is certified to do a particular job that they are automatically regarded as professionals. At the same breath, not having a licence does not suggest that an occupation cannot be regarded as a profession, for example, teachers and university professors do not receive licensing after graduation and they still fulfil their duties as teachers (Rowan & Zinaich, 2003, p. 57).

Professionalization theory is about using formal educational systems to create barriers for certain work. In cases such as medicine, a lot of countries do not legally permit one to practice medicine unless one is legally allowed to on the basis of formal education (Burrage & Torsendahl, 1990, pp. 118-119). Meaning, one has to be certified to function as a medical doctor.

The provision of university education is two- fold; first it is to control the number of people who enter into a particular occupation and secondly it is to ensure that the right kind of breed of people enter the occupation. This means that those that are not qualified to go into a *particular* kind of occupation will be barred from doing so(Burrage & Torsendahl, 1990, pp. 102-103). Hence you find that for one to be accepted into medical school or law school, one has to have a certain kind of intellect or credentials.

This procedure of controlling who can enter into a certain qualification and who can't has created a massive conflict in the provision of labour. One will find that other occupations have too much labour while others have a scarcity of workers. For instance, for one to qualify as a chartered accountant one has to take an examination in

economics and specialise in accountancy and bookkeeping, and at the same time have an accumulated experience of five years in the field. While in occupations such as teaching, social work and engineering, it is considered sufficient to have one examination that will declare your competence in practicing that particular career. No licensing or special certification required (Burrage & Torsendahl, 1990, pp. 102-103). This would automatically create a situation where most people would strive for an occupation that is not too demanding to enter into than the one which would make them feel incompetent.

### Belonging to an organisation

Almost all foremost professions belong to an organisation of members. These organisations claim to represent the profession and its members, for example, the bar council for lawyers, the American Nurses Association and the United Kingdom Central Council (UKCC) for nurses and National Association of Social Workers (NASW) and in South Africa; the South African Council for Social Service Professions (SACSSP) for social workers are some of the examples of the organisations. These organisations are meant to promote the goals of the profession, be it justice or health, and to also improve on the economic wellbeing of their members. These are not however trade unions representing all workers and ensuring that their economic interests are safeguarded. These organisations would fight for an improvement of conditions, for instance, *in a school*- the organisation would fight for something that would benefit learners instead of teachers or *in a hospital*- the organisation would fight for an upgrading of a hospital to ensure that those in the medical profession practice their expertise fully and thereby serve the community (Rowan & Zinaich, 2003, p. 58).

## Autonomy

Autonomy speaks to the freedom to act, and to self-govern an occupation. The real meaning of professionalism is to have members of a particular occupation having the freedom to control their worksurroundings. This freedom comes in actual fact with a level of responsibility and an assurance to the public that the expert knowledge will not harm society or be abused. Professionalism should in essence display accountability and the expert knowledge that it holds should be utilised in the formulation of public policy and at the same time conform to public needs. Therefore, professionals can influence policy making in the public sector and at the same time have the ultimate freedom of discretion in their jobs. (Laffin, 1998, p. 3)

Morall (1998, p. 17) asserts that "*the only true important and uniform criterion for distinguishing professions from other occupations is the fact of autonomy- a position of legitimate control over work*". Medical professions as a result hold a high prestige due to the great level of autonomy they have over the rest of the medical professions.

There are other occupations that do not require one to have formal training and wherein work is available in small autonomy or none at all - these are called the proletariat. This is contrary to professionalism wherein one is required to have a high level of formal training and enormous amount of autonomy at work. The proletariat according to *Marx's theory of the Proletariat- People* have "*little social autonomy on the work market, hired to do jobs requiring no particular skills, having nothing to bargain with but their capacity to offer time spent in manual activity*".(Burrage & Torsendahl, 1990, pp. 120-121).

The supporters of the proletarization thesis consider that in the long run most professions will opt for employment instead of self-employment, even though self-employment would seem to augment their level of autonomy. Professions such as medicine and law have over the years moved from self- employment to employment. The rule for professions, *in spite of these two traditional occupations*, has always been employment. The new emerging professions of modern day have also opted for employment instead of self-employment(Freidson, 1994, pp. 135-136).

So, for the purpose of this research, the study will look at the criterion mentioned here above and see how it fits in into the Corrections Profession. As Larson (1977, p.

208) highlights, the specifics of professions are- *professional associations, cognitive base, institutionalised training, licensing, work autonomy, colleague control, and code of ethics*. These elements are according to Larson structural elements which would come out in different arrangements in all contemporary professions. The study will focus on these specifics and their essential harmony and thus investigate and highlight the common denominators of different professions with the idea of finding out whether the Corrections Profession might have all of the characteristics in the criterion mentioned while other professions such as nursing and/or social work might have a selected few. For the study to distinguish these various assortments of characteristics, concentration should be placed on occupations that are already declared as professions and see how these characteristics have been amalgamated. The study will deliberate on the following professions: Medicine, nursing and social work. The aim for exploiting these specific occupations in the study is for the reason that, these exact occupations are recognised as fully functioning professions within the Corrections environment and they play a huge role in what the Corrections occupation strives to achieve, which is the rehabilitation of offenders.

## **THE MEDICAL PROFESSION**

The medical professional is seen by those who hold it in high regard as the profession that heals; saves lives and relieves human suffering. This professional is in actuality only making an effort to advance the quality of lives of those that are sick (Clarke & Lawry, 1988, p. 133). As Burrage and Torsendahl(1990, p. 35) allege, professions are a calling and not merely a job, so for one to become a physician it must be in one's inborn persona. Most physicians spend years of study in trying to improve their craftsmanship. They are able to dedicate around 13 to 14 years of study, beyond high school, and this shows great perseverance. It is of utmost importance for a physician to better his [or her] expertise during his medical school years right through to the years when he is a practicing professional. The physician has a responsibility towards his [or her] patients to improve on his knowledge and constantly accumulate knowledge.

The privilege of the medical profession is that a physician can even after retirement continue to contribute and participate in the profession through their chosen expertise (Clarke & Lawry, 1988, p. 134).

The medical profession can be identified with three different forms of autonomy. First, *economic autonomy*: this is where a profession is given a right to decide on what compensation its associates will acquire; Second is *political autonomy*: this speaks to a profession having the power to influence policy on health care matters; and Third is *clinical autonomy*: this refers to the right of the profession to regulate its own practice and decide on the content of its work (Morrall, 1998, p. 30). Most professions do not even need to have all three forms to be regarded as professions; this kind of autonomy is only seen in professions of this nature.

For one to practice as a medical doctor, one must be legally licensed to do so. It is normally regarded a criminal offence to practice medicine without a licence. This includes even the prescription and dispensing of medicine; this can only be legally done by licensed physicians or pharmacists (Rowan & Zinaich, 2003, p. 60).

The subject of ethics in health care has shaped a number of discussions and issues in relation to all ethics in professions. Matters such as physician assisted suicide or lack of serious healthcare services have formed part of the huge discussions. One of the most discussed subjects though has always been informed consent. The idea in question is whether informed consent needs to think autonomy, and the issue being patient autonomy and whether physician assisted suicides should be regarded as autonomy instead of unethical conduct. Those that support the idea of physician assisted suicides believe that this is ethically acceptable and that it promotes patient autonomy. They claim that the patient will be awarded the opportunity to decide when his [or her] life will end and also assists the hospital to minimise on unnecessary medical technological expenses (Rowan & Zinaich, 2003, p. 242). One should remember that autonomy comes with a level of responsibility and a guarantee to society that the professional knowledge will not be abused or harm society. Professions should acknowledge ethics at all times and recognize that they are there mainly to serve society. When one considers

physician assisted suicides one should remember to put society first and ensure that ethical conduct is practiced at all times.

## **THE NURSING PROFESSION**

Nurses provide a range of services to patients. The services include the maintenance and promotion of health, the restoration and support of health. As Florence Nightingale describes it, nurses are in control of other people's health and should concern themselves with a person's environment, for instance, the use of light, fresh air, quietness, the cleanliness and warmth of the environment, and the appropriate choice of diet (Clarke & Lawry, 1988, pp. 59-60). Nurses clearly concern themselves with the patient, his [or her] medical condition and not the diagnosis. This would mean that a nurse will look at how a patient responds to medicine, whether he [or she] is experiencing a loss of appetite due to medication or has problems sleeping (Clarke & Lawry, 1988, p. 61). Nurses are also responsible for empowering patients with information, which is ensuring that patients have the power to choose medicine or treatment with great agility and immense knowledge. Nurses prefer to have partnerships with patients and power sharing. For nurses instead of appearing as being the ones that know best and who are more knowledgeable, they would rather have a client that is also as knowledgeable and can take responsibility for their own health. This kind of partnership gives the patient autonomy and the liberty to make decisions around his [or her] own illness (Clarke & Lawry, 1988, p. 63).

The nursing profession stems from society. This is as a result of knowing that professions in their nature form part of society or belong to society as their origination, significance and acknowledgment is gained through serving the needs of that society. When it comes to autonomy, nurses are at liberty to employ expert opinion which will then allow them to apply actions such as; '*formulating a nursing diagnosis, maintenance and support the patient's health*' (Clarke & Lawry, 1988). However, it should be acknowledged at this stage that nurses are not regarded as having any autonomy, as they are said to have an *unclear position as professionals* considering that physicians

can easily exercise their authority over the nurses' decisions on particular matters. In fact as Payne (1992, p. 5) asserts, "*Nursing cannot be regarded as a profession*" since "*its body of knowledge is based on the medical professions one*". However, Payne contends that even if that were to be the case, there is more to the nursing profession than the "*administration of medicines*" and the "*provision of treatment as prescribed by the medical doctor*".

Rowan and Zinaich (2003, p. 58) argue that even though autonomy is a common feature for professions it is only to some extent an essential ingredient. The nurse has always been depicted as the devoted '*female*' whose job is that of *handmaiden* to the doctor the '*male*' in his delivery of exploratory healing (Morrall, 1998, p. 34). With this being the situation, nurses tend to offer doctor's advice in understated ways through referring to policies and treatments and at the same time appear to be submissive. The unwritten rule between the nurse and the doctor is that no open disagreement will be heard from both parties. Meaning a nurse can make her recommendations about a particular case and not appear as putting forward any proposal. At the same time, a doctor can ask for an opinion from a nurse without seeming to be requesting for it. The nurse thus attempts to influence the doctor's judgment without undermining his authority (Morrall, 1998, pp. 22-23). Nurses thus sacrifice their autonomy in order to restore the professionalization status of the medical profession.

Despite the fact that nurses can be known as not having any autonomy like other professions do, they normally get caught up in a lot of ethical issues. Seeing that they receive instructions from medical doctors all the time and are expected to carry certain duties given by authority and in particular cases *physicians*; nurses are often perceived as being indebted to the doctors and therefore need to display some loyalty towards them. With this being the case, it becomes very rare that a nurse would refuse to perform a certain task delegated by authority. The only time a nurse would refuse to perform a task would be if he [or she] is not permitted to do so or maybe circumstances are not allowing him [or her] to carry on the task. If a medical doctor for instance is new in the profession and shows a level of incompetence and then orders a nurse to administer wrong treatment to the patient, a nurse in her right mind would not permit that

to happen. Conduct of this nature would normally put pressure on the nurse, recalling that he [or she] does not have much autonomy as well as the authority over any situation(Rowan & Zinaich, 2003, p. 243).

The Code of Ethics for nurses urges them to be responsible, accountable, uphold competence, advance levels of nursing, ensure that the elevation of employment conditions and the institution of high quality care are preserved at all times. This would be ensured through fundamentals such as showing respect for persons. The Code of Conduct for Nurses specifically affirms that the "*dignity and uniqueness of the client are to be respected*", therefore the practice of telling the truth to clients and awarding them autonomy on informed choice are the elements which would confirm these fundamentals(Clarke & Lawry, 1988, pp. 62-63).

Professionals are recognised by their membership into organisations. Nurses, like all the other professions are registered to bodies such as the UKCC (United Kingdom Central Council) and continue to engage themselves in other professional bodies which present them with the possibility of contributing ideas through interaction with other nurses. The UKCC Code of Professional Conduct has always encouraged that nurses should improve on the level of competence and knowledge(Tschudin, 1995, pp. 67-72).

What is important to note at this stage is that nurses that are fully trained and well experienced need to have autonomy in order to care for the clients in full. They need the power to come to a proper decision promptly when they are needed to do so, they need the independence to decide how much information should be given to patients, and they need the self-determination to advice colleagues(Tschudin, 1995, p. 78).

## **SOCIAL WORK**

Laffin (1998, pp. 93-94) perceives a qualified social worker to be known to deal with a number of activities and these include: direct care of clients, concern with the environment within which the direct care is offered, assessment of the client and the environment, negotiation with others for development of services and association with other professionals. Included to the activities are the legal responsibilities-particularly in the fields which speak to matters concerning children, the youth and mental wellbeing. On the contrary- the links that social workers have on daily basis with clients contain a lot of ethical issues. The profession seeks to assist the most distressed and defenceless people in society; hence the profession came into being because society was concerned about morals. The profession aims to address personal needs of people and their problems carefully, and has developed a range of skills and methods to use with individuals, families and communities. However, the profession has been criticised for not being guided by "*clear and consistent moral values*". The issues of taking charge in relationships with clients, and the "*imbalances of power*" have contributed to abuses and caused problems for which there was not enough control(Clarke & Lawry, 1988, p. 1).

It should be acknowledged at this stage that much explanation is needed on the type of work that this profession does and direction must be given in relation to the proper use of power it has on humans. For many years social workers were known to assist with immigrants, give guidance, and empower the poor with behaviour essential for taking part in a growing society(Clarke & Lawry, 1988, p. 2).

Subsequent to World War I, the social work discipline wanted to be recognised as a profession and therefore they developed conditions into the profession. They chose as their basis of knowledge to imitate psychology and look for inward, invisible and unexplained rudiments that will help resolve social problems. In their quest to strengthen the fundamentals of this profession, a number of questions had to be responded to. For instance, what is it that the profession does? Does it assist the community to familiarize themselves to their social circumstances, or does it want to assist in the reshaping of the social environment in order to allow for improved individual

lives. A simple response would be that a number of people are convinced that a social worker provides services only with the intention of filling in a gap, for instance, assisting the disabled to maintain their income. From this view a social worker is seen as a modest and outstanding professional (Clarke & Lawry, 1988, p. 3).

Another question would be related to the power the profession has over clients and the responsibility of the social worker, for instance: Is the social worker a representative of society, controlling individuals with the idea of making them fit in with the social order that is already functioning or is the professional developing his [or her] own interests by means of trading his [or her] skilled services. A clear response would be that the social worker offers scientific knowledge to clients gaining control over their conditions and this means that clients can utilise this knowledge in any way that is suitable to them. It is important to highlight that the profession needs to shun from any kind of criticism when it comes to the choices that the client makes (Clarke & Lawry, 1988, pp. 3-4).

The Code of Ethics for social workers guides social workers to make every attempt to promote the autonomy of the client. The principles of the profession give client autonomy and its moral values precedence. The principles talk to the rights the client has in making a choice about their life goals and how they reach these goals. The social worker should respect the client's choices and assist him [or her] with tools that will ensure that he [or she] reaches his [or her] ultimate goal. The social worker should be there to give support even if the client decides to go ahead with the envisaged plan of goal reaching. Whatever choice the client makes, should be respected by the social worker (Clarke & Lawry, 1988, p. 4). Rowan and Zinaich (2003, p. 309) sees this approach as an empowerment strategy for clients. This strategy of empowerment helps the client to make his own discoveries and decide on his own. This strategy is dissimilar to the other likely intentions which social workers normally concentrate on, such as; "*modifying behaviour, developing self-analysis, dispensing advice, or concentrating on having clients arrive at specific answers to presenting problems*". Empowerment is regarded as vital and seen as a moral requirement for counsellors, so counsellors are required to protect the client's independence and control in making their own decisions.

The empowerment strategy helps clients to operate autonomously. An empowered client might be able to stand for her rights and say no when he [or she] feels like it. However client autonomy can be limited by internal and external conditions. Internal conditions would be issues like fear of rejection, avoidance behaviour, and uncontrollable anger, and the external conditions would be issues such as lack of money, work demands and parental pressure(Rowan & Zinaich, 2003, pp. 309-310). For a client to have full autonomy, he [or she] must determine ways where in the impact of these conditions will be lessened or not be restricted by them at all. While this is not possible, it is important to note that full autonomy is not really a possibility. The counsellor though is still faced with the task of ensuring that the client has some autonomy regardless of the circumstances and limitations he [or she] might be faced with(Rowan & Zinaich, 2003, p. 310).

The researcher is of the view that all three professions have in common most important attributes highlighted earlier that distinguish a profession from an occupation. These are *extensive training, intellect and service to society*. They also display to a certain extent, the technicality of the job, professional norms and approval from peers, including autonomy, registration with professional bodies and credentialing. The medical profession has for instance all the characteristics of a profession. It displays a high level of autonomy- as it has three levels of autonomy, that is, *economic autonomy, political autonomy* and *clinical autonomy*; high level of training- with training actually ranging from 6 years of normal medical training to more than 13 years depending on the kind of specialisation the physician is training for; a high level of service to society-the medical profession heals, saves lives and relieves human suffering and advances the quality of lives of those that are sick. The medical profession is registered with professional bodies and uses credentials which help determine who can enter the profession and who cannot. The credentialing process also allows only qualified doctors to practice medicine legally. The credentialing emphasises the fact that the work of a medical doctor is incomprehensible and complicated in nature. It requires theoretical education, expertise and possesses skills to pass judgment when normal individuals cannot.

All of this is contrary to the rest of the professions, *first* of all it is essential to note that the level of autonomy is much lesser in the nursing profession and social work than it is in the medical profession. In both nursing and social work most autonomy is given to clients to have a much more participatory role in their sicknesses and social circumstances. This is done observably with the intention of ensuring that clients ultimately take responsibility for their wellbeing and are in control of their state of affairs. In nursing however it was mentioned that the profession does not have autonomy at all, as the profession relies on the medical profession and its knowledge base for existence. The researcher is of the position that if nursing would exercise its full potential of total autonomy then the medical profession would lose its ranking in the hierarchy of professions. Both professions complement one another as one cannot do without the other. However, in spite of this, the nursing profession has earned its stripes and with no level of autonomy and managed to secure the status of professionalization.

With the social work profession, autonomy is there and is not shared with any other occupation. However, ethics in social work play a vital role and might suppress the level of autonomy if social workers do not practice caution when dealing with their clients or taking the necessary responsibility and accountability. Social workers must at all times respect their client's choices and how they want to reach their goals. Clients should be empowered with tools that will assist them in taking decisions and being in control of their own environment.

The *second* issue on nursing and social work that is contrary to medicine is the level training. Nurses can be trained for up to three years and social workers up to four years at a baccalaureate level. The training is not as demanding as the medical profession's one and therefore does not exclude a huge number of people from entering into the profession. However, the training is still high quality extensive training and demands intellect, technicality on the job and constant improvement on the job.

The *third* issue talks to service to society. Both nursing and social work are essential occupations in communities as they serve the needs of society. Without nurses most patients, especially those from less privileged communities would not have any knowledge of their medical conditions and how to take care of themselves when ill. Physicians with their incomprehensible and complicated nature tend to overlook the

certainty that not all patients have an understanding of their medical jargon. When it comes to nurses, appearing as being too knowledgeable can be regarded as not accommodating and detrimental to what the profession is aiming to accomplish. Nurses prefer to share their knowledge with clients so as they can take responsibility for their own health. A nurse would then in this regard act as an arbitrator and explain the patient's illness without causing any confusion. The nurse becomes a soothing agent and explains the incomprehensible diagnosis in laymen's terms thereby easing the patient's anxieties. The social worker on the other hand works for society and within society. Where there is an imbalance in behaviour that might directly affect society, a social worker will intervene. Social workers are normally placed to work with criminals, abused children, mentally disabled persons and juvenile delinquents. This is the kind of profession that one should enter knowingly as it demands more service to society in all regards.

It will be safe to formulate an analysis that all three professions have the specifics of professions as stipulated by Larson. The specifics being- *professional associations, cognitive base, institutionalised training, licensing, work autonomy, colleague control, and code of ethics*. These elements as it has been discovered are arranged in different ways. In some professions the one element is more dominant than the other while in another is not existent at all. However, even if that is the case, the three professions still hold the status of professionalization and are characterised differently. The only shared elements within these professions are extensive training, service to society, code of ethics and professional associations.

## **THE CORRECTIONS OCCUPATION**

Corrections has always been traditionally known as an occupational discipline and not a profession. The institution of corrections was then talked of as a penitentiary, seeing that the models of the buildings were meant for punishment; with correctional officers identified as guards. The role of the guards was that of the keeper of the keys and their duty was mainly custodial in nature. The occupation was primarily appealing to white males with a record of unemployment and not much education. The occupation was steady, and did not demand for any extra skill. Some researchers believe that the selection methods for prison warders were in the main very relaxed with a small amount of empirical validity. It was also believed that a correctional officer needed a 20/20 vision and an IQ of an imbecile. Conversely, it has been observed that a correctional officer can be the most significant individual in the inmate's life, having an influence in improving or lessening the success of the different treatment programs that an inmate undergoes (Josi & Sechrest, 1998, p. 3).

Punitive measures in the 18<sup>th</sup> century (*as discussed in chapter 2*) were predominantly torturous, with offenders sentenced to death, banished from society, imprisoned, awarded financial penalties and suffered social humiliation. Contemporary correctional facilities were introduced in 1776, with the opening of the Walnut Street in Philadelphia in the United States of America. Later, the Pennsylvania Prison in Cherry Hill was introduced in 1829. Both these prisons practiced the system of solitary confinement wherein prisoners were isolated from one another by use of architectural designs. Subsequent to Pennsylvania Prison was the Auburn Prison then later the Sing Sing prison. These two prisons introduced the architectural pattern that was utilised in almost all penitentiaries in the United States of America for decades, and this system was coined the silent system. The design had multilayered cell blocks with a general work and dining area. The prison maintained what was known as '*total silence*' among offenders and this was within an oppressive rule characterised by lockstep marching, and harsh punishment for anyone who violated the rules.

In the 19<sup>th</sup> century, conditions of imprisonment were reviewed and prison reformers were advocating for the improvement of conditions within the penitentiary structure.

Although this issue was not captured in history as a fact, but prison guards were displayed and known as disciplinarians who were brutal and unfeeling at all times. Scores of sociologists and writers in corrections were concerned with the relationship between the inmates and their keepers, and therefore disapproved of the way inmates were supervised. (Josi & Sechrest, 1998, p. 4).

The 1930s saw an increase in the prison population and this was at the time during the *Depression* and it was very vital for the prison administration to balance their budgets and return surplus funds to government. The 1940s conversely brought a decline in prison numbers and an increase in budgets. The prison administration was allowed to go beyond their budgets and even access additional funds. Through this increase in funds, the prison administration was able to introduce the “*interdisciplinary approach to corrections*”. This approach meant that prison officials were exclusively in charge of custodial duties whilst psychologists and psychiatrists were responsible for treatment and counselling programs for inmates. The introduction of the treatment staff brought in civil service classification and “*pay scale preference*”. Prison guards were not categorised as professionals as higher education was not a requirement for the occupation. At the same time, in-service training programs for guards were scarce and did not display any professional character.

As the decades went by, the environment in the penal system changed drastically. The 1950s saw a more humane correctional environment with reforms considered to decrease the agony brought in by imprisonment and a supply of inmate programs that were productive and none oppressive in nature. The rehabilitative ideal that dominated this period offered a *humanistic approach* and *corrective action* that was to change the lifestyle of offenders and lead them to becoming law-abiding citizens (Josi & Sechrest, 1998, pp. 4-5).

Before the 1960s, corrections was not influenced by external sources. Politicians, judges and society were comfortable in leaving correctional matters to prison administrators. The state of affairs changed however in the beginning of the 1960s, as this period brought in amongst other things, better “*social awareness, civil rights movement, judicial activity, public exposure of abuses in prisons*” and additional

changes that had a bearing on corrections. Systems were required to cooperate with the *social, political and legal environments* (Williamson, 1990, p. 29). In the *social environment*, Williamson (1990, p. 31) highlights that ; societal programs, civil rights movements, the war in Vietnam and court decisions brought changes in the criminal justice system, particularly in corrections. The rehabilitation of inmates was a crucial philosophy in corrections and this philosophy had its foundations on the medical model. The introduction of the new philosophy attracted various professionals in the corrections occupation. Teachers, social workers, academics, researchers, and more set out to apply more pressure on correctional programming. The general view was that offenders should be rehabilitated more willingly than be punished, as with rehabilitation both society and the offender “*would be far better served*”.

**The political environment**, conversely, saw correctional officials having a role change due to political interests. Politicians in the 1960s and prior to that were not concerned with corrections; however, because they were eager to win elections at all costs, they began to use crime, criminal justice and corrections as their stronghold. As a result, laws were passed that made prison terms compulsory. Sentence lengths increased and prisons became extremely overpopulated. Officials began to lose their old traditional ways of doing things and adopted new methods(Williamson, 1990, pp. 32-33).

**The legal environment**, had prior to the 1960s seen correctional administrators functioning with a lot of seclusion and liberation and were not at all concerned about the courts. Correctional personnel, like all other personnel in the criminal justice system; that is, the police and the courts, were expected to comply with the laws instituted in a particular country. In the United States, both state and federal law can be applied to hold corrections personnel legally responsible in civil proceedings, and in criminal proceedings. Therefore, it was important that corrections employees display appropriate organisational behaviour that would make them appear professional at all times(Williamson, 1990, pp. 38-39).

Because of these environments and influences, corrections experienced changes with the prison population and the staff. Employees became much more autonomous, the education level of the workforceimproved, the motivation to change jobs was greater than before and for the first time corrections was compelled by other issues to contest

for employees(Williamson, 1990, p. 30). “*The prison world was changing rapidly, and inevitably in response to the events outside and inside the prison walls*”(Pollock, 1997, p. 246).

All through these periods, the role of the correctional officer developed and changed. The progression of prisons systems into corrections departments and changing of prison guards to correctional officers raised curiosity in the “*Role of the Correctional Officer*”, as a sturdier, career focused professional(Josi & Sechrest, 1998, p. 5).

## **THE CRIMINAL JUSTICE SYSTEM**

As it was previously stipulated, the corrections occupationis a state entity and to some extent is affected by politics, economic influences, and the market and class system. The Corrections Occupation is internationally controlled by the state and the Constitution that governs a particular state. The occupation also operates within the criminal justice system and is thereby interrelated with the police and the courts. The system of Corrections is seen as the final link in the criminal justice system therefore this means that without the courts and the police, the system of Corrections will not be effective or may be deemednull and void. Before an offender is brought to a correctional centre he [or she] must have been convicted of a crime, *sentenced-* with the crime having been investigated and all the processes of the court dealt with(Luyt, 2002, p. 44).

All these processes of the police, the courts and corrections differ according to countries and the laws that govern those countries. For example, in the United States of America, the criminal justice system is made up of the police agencies, the courts and correctional agencies operating at national, state and local levels- with the police and corrections being regarded as the minor part of the executive government while the courts form a major part of the judicial government(Williamson, 1990, p. 18).

The United States government is a democratic country and uses the Constitution to have power over the laws of its country. The democratic system is based on two central ideologies, that is; *federalism* and the *separation of powers*. Federalism signifies the different jurisdictions, that is, the national, state and local levels that serve to offer rights, privileges and services to the people of their jurisdiction. While the separation of powers denote that government even at national, state and local level is further separated into three levels, namely, executive, legislative and judicial, which have detached powers when it comes to governmental matters and additional to that, acts as a system of “*checks and balances*”(Williamson, 1990, p. 16).

In the United Kingdom of Great Britain and Northern Ireland the system of government is controlled by a constitutional monarchy and is divided into *47 counties, seven metropolitan counties, 26 districts, nine regions and three island areas*(Luyt, 2002, p. 13). The United Kingdom has no written constitution and “*there are no basic laws or codes that can be altered only by a special amendment procedure*”(Luyt, 2002, p. 26). The English government and its legal system are however rooted on three major documents; which are: the Magna Carta, the Bill of Rights and the Act of Settlement. The Magna Carta, which was enforced by the “*King of English nobility and the upper classes*” in 1215, made a number of legal rights of British Citizens accused of crimes a certainty. These integrated the right to suitable processes of law and proper hearings. The English Bill of Rights instituted the two houses of Parliament, which were, the House of Lords and the House of Commons. The Bill also promised free elections and positioned the authority of Parliament in legislative matters over that of the supreme ruler. So, even though the royal family in England is expected to carry out ceremonial functions, the actual power to formulate laws and to lead the nation is the responsibility of the two houses of Parliament and the prime minister. The Act of settlement in 1700 strengthened the powers of Parliament and clarified the power of judges and other officials.

What can be concluded in the system between the British and American government is that there are three major differences in the administration of criminal justice. (1) In the British system, Acts of Parliament are the law of the land and cannot be overruled by

any court. The system does not offer for any judicial re-evaluation on any action by Parliament and this is contrary to the American system. (2) Britain, is symbolised by a '*unity of powers*', instead of a '*separation of branches*'. All levels of authority that is executive, legislative, and judicial authority remain in Parliament. (3) England is a unified country therefore there is no division of state legislatures or state governmental office. Parliamentary law is applicable equally at the national and local levels.(Schmalleger, 2001, p. 635)

In the United States of America, the criminal justice system is viewed as an elaborate network of jurisdictions that function at various levels and share authority with one another. The system is created in such a way that balance within the powers is maintained with regular inspections and assessments taking place. The system is planned such that no division of government can be permitted to have too much power over others. All the criminal justice practices in the United States are founded from the United States (U.S.) Constitution(Williamson, 1990, p. 16). The U.S. has 50 states and these are responsible to a national federal government, so this means the U.S. has 50 state criminal justice systems and the federal criminal justice system. The 10<sup>th</sup> Amendment to the constitution allows the states to have the authority and accountability to institute and run their own criminal justice system. This includes the authority to name and penalize criminal actions.The 10<sup>th</sup> Amendment of the Constitution, also prescribe that it is the responsibility of the state to organise and finance the criminal justice systems.The responsibility in addition to that, takes account of the institution of criminal laws and sentencing methods, preparing police organisations, systems of the court, local jails and state prisons, systems of public defence and processes for the selection and employment of prosecutors(Luyt, 2002, p. 54).

It is essential to emphasize that as much as the criminal justice system is comprised of three sections namely; police, the courts and corrections; within these sections, a further division of subsections exists. For instance, Correctionsconsist of the prisons and jails (in the USA), community based treatment programs such as halfway houses and programs for probation and parole. In addition to these subsections, the corrections system has more; *for example*, the prison is distinguished by custodial functions,

security procedures, inmate programs, and health care. Most prisons are long term detention institutions created to house hardened criminals who might be prone to return to the life crime when released quickly. Other prisons function as boot camps as they are utilised to distress offenders into '*quick rehabilitation*'. With all these elements in the corrections system emphasized it is important to acknowledge that it is normally believed that the criminal justice system and all its diverse divisions, are intended to work together for purposes of achieving the ultimate goal which is justice.

**The consensus model**, as Schmalleger(2001, p. 13) asserts, is a criminal justice viewpoint that supposes that the subcomponents of the criminal justice system work flawlessly together with the aim of achieving a common goal. This means that the "*movement of cases and people*" all the way through the system is efficient because of immense collaboration between the different sections of the system. However, the reality might be different; as the components of the system may work together or may be in *conflict* with one another.

**This conflict model** is another viewpoint in the study of American criminal justice system that believes the system's subcomponents serve their interests more than they serve the greater purpose, *which is justice*. Issues such as career progression and success, promotion, increase in salary and general responsibilities drive the hard-work of the system into further division resulting in a criminal justice *non-system*.

Both the *consensus* and *conflict* models have something to suggest to us. The diverse natures of the functions of all agencies (*police, courts and corrections*) at different levels (*federal, state and local*) are adequately related for the term *system* to be applied with great significance. Equally so, it is important to acknowledge the size of the criminal justice and how complicated it must be to provide a successful collaboration between the component agencies.

Schmalleger(2001, pp. 15-16) argues for example that; the police may be interested in seeing offenders be placed behind bars while on the other side, the prison officials may be finding it hard to function in the extremely overpopulated prison institution. The prison officials may be eager to ensure early-release programs for certain kinds of offenders, such as those who are perceived to be nonviolent. Whatever the case may be what is important is for all the agencies to work together towards the goal of

*justice* and try to work around their conflicts. Thus, the criminal justice system must process the cases which come before them. Schmalleger(2001, p. 17) illustrates the processing of criminal cases through the federal justice system, from the investigation of crimes to imprisonment in this manner: **Table 4.1**



## **THE SOUTH AFRICAN CRIMINAL JUSTICE SYSTEM**

In the USA the corrections occupation is an entity of the state and operates within the Criminal Justice System. The circumstances are the same in South Africa, the Department of Correctional services is interlinked to the police as well as the courts. The criminal justice system has been affected by politics and economic influences for many years. When one looks into the history of prisons in South Africa as elaborated in *chapter 3* one recognises that the organizational associations between correctional services, police and justice have undergone various backwards and forwards movements. The Union of South Africa in May 31, 1910 as a start off point brought many changes in the judicial approach in South Africa. The appointment of Mr. J. Roos as the Secretary of Justice and Director of Prisons led into the development of the Prisons and Reformatories Act 13 of 1911. Subsequent to the initiation of the Act 13 of 1911, the Department of Justice and Prisons saw a separation in the administration. Later in 1930, the two departments were again merged. This was due to economic measures and financial despair that was experienced at the time and this lasted until 1979 wherein the departments of Justice, Police and Prisons were united under one ministry. Later in 1979 Justice was moved to an independent Cabinet Portfolio which left the Prisons and Police falling under one ministry. By 1990, the Department of Correctional Services (which was finally an independent department) was recognized in terms of the Correctional Services Amendment Act 92 of 1990.

The Department of Correctional Services consists of 241 prisons which are spread out throughout the country. The Department of Correctional Services also has a Community Corrections branch which deals with programmes for probationers and parolees. Correctional centres (prisons), just like in the USA are distinguished by custodial functions and inmate programmes. Custodial functions relate to all security related duties including technician and maintenance functions while inmate programmes range from psychological assessments of the offender to health care treatment of the offender.

The criminal justice system in South Africa has been affected immensely by the political environment and economic environment. The *political environment* in South Africa has been under tremendous changes and transformed from an apartheid state to a

democratic state. While this was happening on the political front, the criminal justice too experienced a change. The criminal justice system was a vital tool in the enforcement of the laws of apartheid prior to 1994, but the democratic system of government compelled it to change its mission on law enforcement. The new Constitution of the country was established and further affected the operations of the criminal justice system, more especially those of the Correctional Services Department. For the first time in the history of South Africa were the rights of offenders recognised in the Bill of Rights, and this allowed for South Africa to gain international recognition in matters relating to corrections and the law. The changes also effected the abandonment of corporal punishment and capital punishment as sentences (Oliver, 2002, p. 157).

**The economic environment** on the other hand has always been characterised by two central issues which have been recognised as elements that trigger crime. The issues are poverty and economic stratification. Poverty is a distinguishing element of countless Third-World countries. Absolute poverty is experienced by those who do not have enough food to remain healthy. Poverty stricken communities often become the victims of crime in that they easily resort to crime because of their hopeless situations. The huge unemployment rate of certain sections of society can also lead to a life of crime, as those that do not work become easily tempted by crime. The second element is *economic stratification*. Economic stratification highlights the opinion of relative poverty, which is mainly experienced by those whose income falls considerably below the average of their particular society. Oliver (2002, p. 158) deems that some divisions of the citizens check the material wealth of others without having the ways to get hold of it in lawful ways and this ultimately leads to a circulation of crime.

The history of South Africa's economic and political development since 1910 can be outlined into seven periods:

- 1910- 1922: a racially segregated community was established and the British influence controlled the economy and politics.
- 1922- 1933: economic nationalism came into being whites in the mining and farming industry made an effort to establish a welfare state in South Africa

- 1933-1948: because of the dominance of the English in political power, industrialization in South Africa was conditioned to a lesser intervention from government
- 1948-1960: apartheid was institutionalised
- Between 1960 and 1973: black urbanisation turned out to be an important social force and apartheid was reinforced through the use of homeland policy
- Between 1973 and 1984: Industrialisation and a reduction in rapid growth, centred around the understanding that apartheid could not be economically maintained
- 1984-1994: sanctions were imposed heavily and the economic growth slowed down even more. This was a transitional period which was later followed by negotiations which led to the democratic elections in 1994(2003, pp. 64-65).

The White Paper on Corrections in South Africa (2005, p. 103) assert that all kinds of crime more often than not increase throughout the stages of political transition. South Africa experienced a quick change from apartheid to democracy and as a result the unlawful devices of social control that were existing at that stage were not working and an immediate replacement that was lawful was needed.

South Africa's history of violence has brought about an attitude of aggression which has played a part in the elevated levels of violence linked with criminal activity in South Africa. Issues such as poverty and underdevelopment have been historically marked as important aspects in considering the growing levels of crime. Poverty alone cannot stimulate the high levels of crime, however, an assortment of social, political and cultural issues and the social wealth disparities add to circumstances favourable for an increase of crime(2005, p. 104).

In inference it is important to underline that the Criminal Justice system in the United Statesdiffers from the one in South Africa. The Criminal Justice system in South Africa is very simple and has been affected a lot by the political and economic history of South Africa. While in the USA there is a complicated chain of agencies that carry out corresponding and intricate operations at three levels of government controlled by rules,

and processes. The corrections component of the USA criminal justice system is an important section of this whole arrangement. It provides work for approximately 400 000 professionals, paraprofessionals, and non-professionals to control more than 300 million sentenced adult and juvenile delinquents and misdemeanants in neighbourhoods and in correctional institutions. The practices in corrections are led by *organisations, professional associations and standards, political bodies, courts, and public opinion* (Williamson, 1990, p. 26). The corrections occupation appoints more than 225 000 employees at federal and state levels in a variety of roles. These roles range from job titles such as the newly recruited security officers in charge of the custody of offenders to the commissioner who is accountable for the whole running of a specific structure. Both jails and prisons make available the services of treatment staff that carry out duties associated to medicine, dentistry, social casework, education and counselling; on top of the security staff. Additional to these two groups are the technicians and maintenance staff. In smaller institutions you may find the treatment staff as well as the technicians and maintenance personnel being fairly low in number as opposed to security personnel. In larger institutions conversely the norm is different; one finds a fairly enlarged distribution of these varieties of occupations (Williamson, 1990, p. 24).

It is important to acknowledge that the courts and their general authority both at state and federal level have an impact on the corrections professionals in the decisions they take as they have power over the way in which processes in corrections are managed. Williamson (1990, pp. 20-21) cites an example of a case concerning inmates' rights which resulted in the filing of suits in the federal court under Title 42, United States code, Section 1983 (42 US 1983). With cases of this kind, the courts have managed to put pressure on corrections to standardise its procedures and provide suitable processes and equal protection for inmates. These decisions from the courts have in turn increased the bureaucratisation of corrections. Equally so, the courts managed to improve on the professionalization of the correctional staff of nearly all agencies by giving directives on educational requirements, staffing requirements and certification of correctional staff.

Williamson (1990, pp. 26-27) asserts that in the following century there will be transformation in the American society and this will have some bearing on the employees and professional growth of corrections. Society is getting older, more complicated and not eager to put up with the usual approaches of the correctional system. If corrections becomes more professionalised, it means that there will be an increase in the time, energy, and money spent on training as well as the educational period necessary for successful career development. People normally make better career choices when they are knowledgeable about the field. An in-depth understanding of the corrections profession and the choices one has when employed in the organisation need to be explored and outlined.

According to Josi and Sechrest (1998, p. 5), history dictates that policy makers as well as managers in the criminal justice system regard professionalization as a preferred way out to organisational problems that are increasing on daily basis. This is deemed as a universal remedy that will calm all infrequent resistance.

## **CORRECTIONS AS A HUMAN SERVICE PROFESSION**

The correctional officer is expected, similar to all the other correctional workers to run with conflicting goals. (***In view of what was mentioned in chapter 3, one has to critically analyse what is meant by conflicting roles and the training awarded to Correctional Officers to complement the roles. This critical analysis will be done in Chapters 6 and 7.***) The main duty of the correctional officer is to ensure that security and order are maintained at all times and that inmates do not escape from prison. The secondary duties, which are vast, range from assisting inmates with their troubled lifestyle and dealing with the safety of the public. The correctional officer of today is expected to deal with a more difficult mixture of supplementary tasks and *clientele* that is more complicated. This therefore propels the correctional officer to obtain additional training and education and demands that the Corrections department places further education and training as a compulsory requisite for all correctional agencies. The changes in correctional institutions have brought in new prospects and meaning to the

occupation and for the new correctional officer. The new system that has introduced a broad diversity of functions demands that an officer have a general upgrading in performance and included to that a basic knowledge of the behavioural sciences. It has been highlighted that the new correctional officer is the most important cause in advancing health, welfare, safety and security inside correctional institutions. Therefore, the professional correctional officer has the potential through direct contact with sentenced offenders to alter the course of corrections to high-quality processes or weak insignificant processes(Josi & Sechrest, 1998, p. 6).

Corrections is a human service occupation. Human service workers need to have an understanding of human behaviour and should evaluate their viewpoints on any behaviour carefully and formulate reliable opinions. In doing so, they will be able to enjoy suitable decision making powers and formulate a tendency on professional behaviour. Their understanding of human behaviour will also reinforce the capability to foresee behaviour and give special knowledge to prevent any uncertainty(Williamson, 1990, p. 43).

Human service workers are normally exposed to situations where those that they are working with are depressed and disagreeable. Correctional workers as an example work with incarcerated individuals who are being detained against their will in negative and horrible situations. Corrections personnel are exposed to a lot of unsuitable behaviours, and therefore it is vital that they empower themselves with basic understanding of human behaviour on a general basis, and inmate behaviour in particular circumstances(Williamson, 1990, p. 44).

Corrections personnel who are empowered with the ability to understand human behaviour will be able to compete fairly well and operate with less pressure. The corrections officer's job is filled with fright, risk, seclusion and working with unwilling clients (offenders). With all of these elements in place, the corrections officers are expected to create an authoritarian status over others. Because of the contrasting correctional goals of security and rehabilitation, they often go through conflicting role demands and uncertainty with their responsibility (Williamson, 1990, p. 45).

Bayse(1995, p. 19) believes that “*Knowledge prevents disaster*”, for instance if a particular client (offender) is known to be a potential escapee then a Correctional Officer will make necessary arrangements to put the client under constant supervision.

Williamson (1990, p. 43)in addition substantiates Bayse’s assertion that “*We all subscribe to theories of behaviour whether we recognise them or not*”. Theories are some sort of models; they bond relations and objects underinvestigations which would normally be found to be causal in nature. Schmallager(2001, pp. 80-81) gives an example of an old Roman theory of *Lunacy*. The theory is derived from an ancient study and it substantiates that a lot of crime and deviance appear to come about on the nights when there is a full moon. This implied that a type of momentary lapse in *sanity* might be brought about by the power in the moon- thus the phrase *lunacy*. As stated by the theory, human behaviour went along with the tempo of the lunar cycle. Nothing was “*just random*”. Therefore, because of this basis, crime and acting out of control could be directly linked to the influence of the moon. In addition to this, theorists believed that the moon itself had an influence on the thoughts, emotions and behaviourof humans. As a matter of fact, it was documented, by contemporary statisticians that there is a link between the moon and crime rates. However, no accurate response could be deduced as to how the moon influences the behaviours on human beings. Extensive theories of lunacy may perhaps propose that “*light from the full moon*” excites“*the reticular activating system (RAS) in the limbic portion of the human brain*”, causing simple exhilaration and extreme activity- and after that “*deviance and crime*”.Alternative theoriesput forward, very reasonably, that human beings carry out crimes more when the moon is full since it is simpler to see. Theories that were formerly formed need to be tested to find out whether they are true or not. (Schmallegger, 2001, pp. 80-81). This means that those working in human service occupations will be faced with a variety of theories on human behaviour and issues relating to crime causation, but their lack of understanding will drive them to believe in theories that have never been tested and may end up being untrue.

## **THE CORRECTIONAL CLIENT**

Theories in criminology should form the basis of criminal justice and correctional policies. The two central schools in criminology are the classical school and the positivist school. Theorists in the classical school have a belief, *among other things*, that individuals are accountable for their own behaviour. Many theories started in the Classical School and these (*theorists*) set a scene for criminological thinking and philosophies throughout the field of criminology. Cesare Beccaria and Jeremy Bentham, who were well known theorists in criminology in the eighteenth century, had agreed that punishment should be quick and firm. According to Schmallager (2001, p. 85) most classical theories of crime causation, both old and new believe:

- The causation of crime by the individual is simply free will,
- Human behaviour is fundamentally established on pain and pleasure.
- Crime is morally wrong as it ridicules the quality of relationship that is present between individuals and society.
- Necessary punishment is vital as it will deter those that will disobey the law and serve as an exemplar to those that will in future want to go against the law.
- Crime prevention is achievable through certain punishment that can make up for any gains that individuals will have through criminal behaviour.

Positivist theorists on the other hand share the same view that individuals are accountable for their own behaviour however consider that the responsibility of the individual towards his own behaviour is to a certain level. Their line of reasoning is that the circumstances and position that the individual might find themselves in can drive them to have a liking of a particular type of behaviour. The positivists also put some of the responsibility for criminal behaviour on society. The three basic explanations of crime which are positivist in nature are biological, sociological and psychological. These explanations of crime will be concisely discussed in this section and deliberated upon in depth in chapter 6.

### Biological

The biological theory on criminological thinking is a viewpoint that criminal behaviour has a psychological foundation. Williamson(1990, p. 47) contends that according to biological theories the source of behaviour is in the biological form of the person; that genetic abnormalities or any chemical imbalances such as tumours, endocrine imbalances in the body are drawn on to give reasons for criminal and other abnormal behaviour.

### Sociological

The sociological description of human behaviour tries to find the sources of behaviour in the make-up and practices of society. Sociological theories are of the view that human behaviour is learned during a socialisation process that an individual was involved in. Issues such as family background, education level, religious affiliation, marital status, socioeconomic status, race, and other more complicated social scope are utilised in describing patterns in behaviour (Williamson, 1990, p. 49).

### Psychological

Psychological views entertain the idea that crime could come out from at least three conditions- the existence of id, an ego and superego. The *id* is the basis of force, and regarded as mainly sexual. The *ego* is a sound mental body which maps the way the desires of *id* can be attained. The *superego* on the other hand is the leading principle- normally associated to conscience as it reviews the quality of the options given by the *ego*. These options are evaluated according to the values of wrong or right attained by the personality of which it forms part. A weak *superego* is seen as the first likely cause of criminal behaviour as it cannot control the force which comes from the *id*. Most crimes of passion are considered to be a result of a weak *superego* development(Schmallegger, 2001, p. 94)

Beliefs on issues of crime and crime causation go beyond the explanation of theories presented by classical theorists and positivist theorists. There are those that have a belief that crime is caused by the constant listening to rap music or the watching of violent movies(Schmallegger, 2001, p. 80). Others may entertain the issues surrounding personality traits. Examples of criminal personalities as researched by the renowned researchers such as Samuel Yochelson and Stanton Samenow in the field of Criminal Personalities includes amongst others; *the criminal mask, the narcissistic outlook on life, need for power, lifestyle of lying, antisocial behaviour, distorted ideas about love, lack of remorse, violence and anger, and lack of empathy*. Bayse(1995, p. 19) believes that inmates should be taught aspects of their criminal personality in order to help them to change. As Barnes and Teeters (1959, p. 82) asserts ininference; there is a huge number of individuals in the country who suffer from “*deep seated emotional disturbances*” and have been conventionally viewed as criminals. In reacting in an illegal manner, the law has responded especially severe towards these individuals without properly understanding what these particular individuals are all about.

The new correctional officer that is emerging is necessary for changing the mind-sets of offenders through their daily interaction. A knowledgeable, motivated, and highly skilled professional correctional officer is vital for the fulfilment of the goals of corrections(Josi & Sechrest, 1998, p. 19). To work inside the prison and not have an understanding of the criminal personality or theories on crime causation may breed devastation. Correctional workers need to understand the individuals they are dealing with in order to help them change.

Professionalism can however best be achieved through controlled programs of recruitment and ensuing that, improvement of the correctional officer’s *skills, knowledge, insight and understanding of the corrections process* (Josi & Sechrest, 1998, p. 19).

## **PREPARATIONS FOR THE CORRECTIONS OCCUPATION**

The correctional officer plays a role of overseer of a community within the prison with the primary duty of custody, security, and control. The occupation of corrections in the United States of America is controlled through strict paramilitary positions which are featured by command structures consisting of ranks of trainee officer, officer sergeant, lieutenant, captain, major, deputy for custody and the superintendent or warden. The newly hired officer (*the trainee*) while on probation, undergoes training that is supposed to equip him/her with the necessary skills of becoming a good correctional officer. Once absorbed in the correctional system as a full employee, the trainee will be required to be able to carry out any duty in the institution(Pollock, 1997, p. 310).

In addition to the paramilitary positioning, the occupation of corrections is inclusive of very many other people and professions '*other than the guard*'. The roles of staff comprise those of the warden, psychologist, counsellor, area supervisor, program director and correctional officer. The officers are normally regarded at the end of the staff chain of command and are normally placed to work as cell-block and tower guards, while others may be allocated to work in administrative offices to do clerical work. This then emphasises the point that, "*the scope of corrections is broad*", and that "*all types of professionals, semi-professionals and non-professionals are involved in many different activities*" (Williamson, 1990, p. 90). However, just like in the past, staff in prison is concerned about custody and control. Society requires, as a fundamental requirement for a great job performance, of correctional staff to hold inmates in custody. Custody is deemed more important than any other correctional activity such as instruction or counselling. Control is also seen as vital. An orderly prison with strict rules, body and cell searches, counts, unannounced shakedowns, control of dangerous items, materials, contraband and control of almost all aspects of inmate behaviour is amongst the most important aspects of the daily routine of the correctional officer(Schmallegger, 2001, p. 500).

Any profession requires three types of skills that will be satisfactory for great performance. The first is **technical skills**- controlling the things needed to carry out the job. The second is **human skills**- this includes, having a healthy relationship with others, gain knowledge of supervising and coordinating other people's work, and have knowledge on human nature. As previously highlighted, corrections is a human service occupation, and this means that supervising people comes as a fundamental activity, therefore human skills are extremely significant. The third is **conceptual skills**- the ability to recognize the big picture and to extend and apply programs planned to accomplish particular goals. Even though the corrections administration has supported the idea of recruiting college trained staff, primarily individuals who have completed bachelor's degrees, the trend in many agencies is that entry level positions for guards do not have a need for any college credits. Skills such as technical, human skills and conceptual skills require education and most importantly college education. As Williamson asserts(1990, p. 91), "*the most important product of college education is the development of conceptual skill*". Correctional officers need to have an understanding of the strategic direction the corrections occupation is taking. They must have an understanding of the environment within which the corrections occupation is operating, the social and economic changes, politics, the law of the country and the bureaucratic environment. All these knowledge systems can be best achieved at an institution of higher learning.

## **RECRUITMENT AND SELECTION**

The starting point for the corrections workforce is recruitment and selection. In the United States of America agencies will normally have different selection and screening processes which are guided by the governing statutes and regulations. Josi and Sechrest (1998, p. 7) agree with Henderson, Rauch and Phillips (1997, p. 3) in that "*baseline set of criteria*" for huge numbers of categories is offered as a guideline for state personnel regulations. The agency is then from this guideline given the opportunity to describe and develop on particular institutionoccupations. These rudimentary standards are there for the improvement of a useful, proficient and reasonable selection

process. They will in the end lead the agency in hiring individuals who have the skills, knowledge and abilities required for a successful correctional agency.

As Henderson, Rauch and Phillips (1997, p. 3) have already emphasised; a sensible recruitment program, begins with a structure of a hiring criteria. This will be done in accordance with the applicable civil service regulations. The principles for staff should include:

- *Minimum education level*- candidates should have received a General Equivalency Diploma or be high school graduates.
- *A minimum level of job experience*- candidates should have attained experience in the world of work; the institution job should not be an individual's first experience.
- *Personal and financial responsibility*- candidates should not display any weakness on demands put forth by inmates.
- *Maturity*- candidates must prove that they can work independently, carrying out good judgement and demonstrate understanding of humanbehaviour.

These qualities must be confirmed during the preliminary employment process. The confirmation of these qualities can be done through the utilisation of interviews and any other method available. Some agencies utilise the integrity interviewing procedure which assists them in detecting staff who may be predisposed to integrity problems. Other agencies request for, as part of their physical examination, urine samples from candidates to be tested for illegal drugs. A lot of agencies however, require that candidates be investigated by the law enforcement before they can be hired(Henderson, Rauch, & Phillips, 1997, p. 4).

Josi and Sechrest (1998, p. 19) believe that thriving careers in corrections need more dedication to professionalism than they did a few years ago. There is now a huge need for a professionally knowledgeable and stimulated employee. Instituting proper recruitment processes pitched at a level that will attract the right kind of candidates is essential. Hard-hitting recruitment efforts need to be taken on to attract staff from a wide

network of demographic groups. Applicants should represent different races, sexes, age groups, religion, physical restrictions, political affiliation or ethnic background.

Efficient and impartial recruitment process relies on a lot of technical application conditions. These include the announcement of correct vacancies that are built on full job analyses and the use of convenient decentralised locations for the processes of application and testing. There are four basic standards that are essential for all agencies in spite of the job vacancy circumstances, and they are: (1) an equal employment opportunity plan, (2) cooperative personnel recruitment agreements among correctional agencies, (3) an affirmative action plan, and (4) an American with disabilities plan (Josi & Sechrest, 1998, p. 23).

The selection process for correctional officers is mainly the screening of applicants to establish who the prison intends to hire. A proper screening process assesses the applicant in such a way that it foretells whether the applicant's abilities will be sustainable and be at the required level suitable for the complexity of the job. Suitable and compelling tests that determine the definite job needs are the basis for an unbiased screening process. Even though screening procedures differ from agency to agency, there are few of those that are familiar to the majority of selection processes. The first general step is the administration of a wide-ranging written exam. Tests that are written must meet the professional and legal requirements of validity (job-relatedness), utility (usefulness) and minimum adverse impact (fairness). Mays and Winfree (2002, p. 284) affirms that the written tests are wide-ranging aptitude tests mainly essential for determining the reading ability of the candidate. Correctional officers are expected throughout their careers to re-examine and reply to written commands, so it is important that they display the ability to read and comprehend. Subsequent to the written examination are the oral interviews wherein uniform questions, evaluation criteria and rating procedures are utilised. A written background investigation of a successful candidate is conducted. This will be a thorough check on any criminal record. The background investigation will also comprise of a proof of the candidate's credentials (e.g. university degree) and a confirmation from no less than three personal testimonials. A number of agencies could do with psychological examinations and polygraph or voice

stress examinations as accompanying investigative tools(Josi & Sechrest, 1998, p. 24). Polygraph examinations entail certifying of the applicant's employment fittingness. Criminal justice positions require thorough background checks, and the extent of some enquiry will include having lengthy investigations in to the applicant's family life, financial status, and work record(Mays & Winfree, 2002, p. 284).

Before the final offer of employment is granted, work-related qualifications such as "*general health, physical fitness, and agility, emotional stability and psychological fitness*" are considered and translated by trained persons, by means of procedures that are valid, useful, and non-discriminatory(Josi & Sechrest, 1998, pp. 23-24).

Mays and Winfree (2002, pp. 283-284) agree with the selection and screening process as clarified by Josi and Sechrest(1998, pp. 23-24). They assert that every law enforcement officer needs to meet specific physical requirements before being offered employment. As much as correctional officers may not be subjected to the same requests such as meeting a certain height, weight, and eyesight, correctional officer applicants may be compelled to run a mile within a selected limit of time or to pass a certain physical dexterity standard as obligatory of police officers.

Professional correctional personnel that are highly skilled, motivated and knowledgeable are crucial to accomplish the function of corrections. Advanced recruitment and selection criterion of entry level correctional officers can contribute positively to the general performance and function of the organisation. Minimum entry requirements for correctional officers, according to a study conducted in 1992 was less than a high school diploma in 13 states, a GED or high school diploma in 22 states, and a high school diploma or more is 16 states. Thus about 68, 6% of the states required a GED or high school diploma as a sufficient education level for correctional officers(Josi & Sechrest, 1998, p. 7).

Individuals with college degrees oppose the idea that they must start their careers as correctional officers. However it has been observed that levels of education have improved in modern corrections(Mays & Winfree, 2002, p. 280). Besides, correctional officer's educational requirements normally give reason for many college students not to

pursue corrections as a career of choice and this therefore cause students to feel overqualified for the job. More than ever, states and some local institutions are advertising jobs with a preference or a requirement of a college degree even for uniformed custodial positions (Mays & Winfree, 2002, pp. 281-282). The reason for requiring such qualifications is simply that corrections' needs "*is in the business of people*" and "*corrections is a very labour-intensive enterprise*"(Josi & Sechrest, 1998, p. 7).

The positions in the prisons need a person who has an understanding of human relations management skill than that of a mere correctional officer. Therefore the old ways of appointing at the lowest rank of qualifications for guards is not in harmony with the intricacies of modern corrections. Furthermore, greater emphasis should be put on training well-educated officers who will rise in the correctional institutional ranks and become supervisors, mid-level managers and executives in the organisation. Another crucial concern is the litigations that are placed on personnel that are not qualified and serving within the corrections institutions(Mays & Winfree, 2002, p. 282). Offenders usually file lawsuits for two reasons;

- to dispute the functioning of correctional officers, and
- to question policies on prison conditions.

Correctional officers should be acquainted with law related to corrections, policies and procedures including related directives as most litigation is due to medical services, use of force, conditions of confinement and failure to protect(Josi & Sechrest, 1998, p. 81).

The corrections field spends a lot of money on recruitment and selection of its corrections staff. The American Correctional Association has stated that nearly three-fourths of the standard functional budget is dedicated to personnel. It seems crucial then that the corrections field should be worried about the quality of this high-priced venture(Josi & Sechrest, 1998, p. 7).

## **TRAINING (PRE- AND IN-SERVICE)**

All newly confirmed officers are expected to complete the basic training academy program before being assigned to any routine task. The intention behind this requirement is to prevent placement of recruits without proper supervision and before completing basic training course (Josi & Sechrest, 1998, p. 37). The most important training in a correctional officers' life is Pre- and In-service training. Training is usually there to fulfil three purposes:

- To give correctional officers good training in order to become more resolute, ready and act properly in any situation;
- To bring through training, more output and usefulness;
- To promote harmony and teamwork(Josi & Sechrest, 1998, pp. 7-8)

Training programs for new recruits are important for establishing new standards in a career. A lot of new recruits enter the occupation with little education in corrections or sometimes none at all. This is one main reason why new recruits should be exposed to training right in the beginning of their careers. The training academy is there to lay a foundation by issuing correctional information that will set requirements and measures, and thereby teach the policies and guidelines that will channel new staff members throughout their careers(Henderson, Rauch, & Phillips, 1997, p. 5).

The first training should encompass both practical training and theory which will mainly be an insight into policy. Henderson, Rauch and Phillips (1997, p. 5) are of the idea that correctional officers that are new in the system should receive orientation and training of at least 40 hours and training before they are assigned to their individual responsibilities. The orientation and training should cover the following: induction to the purpose and goals of the institution and parent agency and their policies and procedures; regulations and working conditions; rights and responsibilities of inmates; and a general outline of corrections. Josi and Sechrest (1998, p. 33) agree with Henderson, Rauch and Phillips on the issue of training hours and the concentration of the orientation programme and training. In fact, according to Josi and Sechrest, in the late 1970s, the American Correctional Association Commission on Accreditation for Corrections made the primary

training standards for correctional officers detailed and precise and instituted the standards pinpointing necessary training themes and hours that should be set aside for pre-service orientation, academy, and in-service training. The standard was then set by the commission for new recruits to undergo 40 hours for pre-service orientation.

Another training aspect which is very crucial for new trainees is suicide intervention program; this may be managed through straight and regular supervision, including strong involvement of mental health workers in suicide cases. This is essential for line staff working with new inmates or in special housing units in that they will be able to recognise potential suicide cases(Henderson, Rauch, & Phillips, 1997, p. 5). New correctional officers should have as additional, 120 hours of training in the first year of their employment and extra 40 hours of training each year following that of employment. Josi and Sechrest (1998, p. 37) on the contrary assert that the number of hours put in recruit training may not produce better trained officers. The length of training and its concentration should be centred on a job-task analysis as calculated by competency-based testing. Experts are then of the view that a training course ordinarily requires a minimum of a 160 hours.

Henderson, Rauch and Phillips(1997, pp. 4-5) state that the training should include:

- Communication skills
- Crime scene prevention
- Cultural diversity
- Fire and emergency procedures, including disturbance indicators
- Firearms training
- First aid and Cardiopulmonary Resuscitation (CPR)
- Inmate rules and regulations
- Key control
- Interpersonal relations and crisis intervention
- Report writing
- Rights and responsibilities of inmates
- Safety procedures
- Self defence

- Signs of suicide risk and suicide precautions
- Use-of-force regulations and tactics

Josi and Sechrest(1998, p. 37) indicate that the curriculum for basic training academy should in the main be consisting of: law instruction preferably the law under which officer's function, institutional rules, policies and procedures, basic personality development, counselling methods, self-defence methods and the use of firearms, writing of reports, rules and regulationsfor inmates, rights and responsibilities for inmates, race relations, fundamentals in first aid and CPR techniques, radio communication, substance abuse awareness, and dealing with special inmate populations such as the mentally and physically challenged, those with communicable diseases, and religious variations. The training is scheduled in any sequence and recruits take part in the theoretical training which is inclusive of practical problems which are normally out of the academy surroundings.

Josi and Sechrest in their basic training curriculum have included *Basic Personality Development and Counselling methods* as additional training aspects that should be concentrated upon during basic training. The rest of the other aspects from both Henderson, Rauch and Phillips as well as Josi and Sechrest look approximately the same. The differences are in the names; for instance Cultural diversity could be regarded the same as Race relations. The training for new recruits should expose them to the general procedures utilised in different duty areas within the institution- the training on procedures should even incorporate issues such as; inmate's violation of institutional rules, and the ways and means of corrupting officers.

The recruits performance and reaction to training should be strongly assessed. There should be a way within the corrections system wherein trainees that may be deemed not fitting due to any conduct or due to unfavourable performance (Henderson, Rauch, & Phillips, 1997, p. 5).Therefore those that do not comply with the basic training requirements should be terminated. Officials with no previous experience and receive poor training may be a hazard to themselves and others. Without appropriate training, new recruits have no clue about the roles and responsibilities of jobs of correctional officers(Josi & Sechrest, 1998, p. 8).

It will be essential to provide psychological counselling to new recruits, as the stress that is related to the occupation coupled with the changes in lifestyle that may possibly be linked to stress brought in by family, could be immense. The agency should invest in the new recruit. On completion of the academy training the recruit will be offered on-the-job training which should be under supervision of a training officer. Utilising an officer who is trained as a mentor and who is well experienced may defeat many of the pressures of the job(Josi & Sechrest, 1998, p. 38).

The training that is received by new recruits in most jurisdictions should identify the significance of continuous staff development and require constant in-service training. Training that is planned annually should be relevant to a definite minimum number of hours of lectures, workshops, seminars, and programs presented on the job. Training programs should be in line with the training needs of an agency and be consistent with the goals and objectives of the agency. It is important to note that agencies are now held legally responsible for the performance of their officers and for lacking to offer preliminary training or counteractive training(Josi & Sechrest, 1998, p. 34).

## **EDUCATION**

There is possibly no matter in corrections that is regarded as important as the training, educating and recruiting of qualified staffs(Williamson, 1990, p. 91). The world within which a correctional officer functions is always at a constant change, because as society changes then the complexity of the profession and its knowledge base increases. Therefore this requires increased amounts of education and development of all skills, such as, technical, human and conceptual skills(Josi & Sechrest, 1998, pp. 8-9).

Josi and Sechrest(1998, p. 41) state that improvement in corrections will not be realized through higher education only however, correctional officers who have a wide-ranging education stand a chance of communicating more successfully with citizens as they have a better understanding of society. Correctional officers should increase their knowledge and be aware of their clients' population and social circumstances. Simple

knowledge in this regards is not sufficient. Correctional officers must be motivated to learn, read, write, and communicate with intelligence(Josi & Sechrest, 1998, pp. 41-42). With more education, the officer becomes "*more sophisticated and in touch with a variety of important social science issues*". This will sequentially create an officer who is willing to work enthusiastically towards developing into an exceptional professional in the field of corrections. The benefits of education are that an officer will have a personal gain on receiving a degree, and the education will advance the general correctional functions, that is, planning, management, and supervisory functions and programs (Josi & Sechrest, 1998, p. 42).

Probation and parole officers are known to be generally better educated institutional officers. By 1974, 83,1% of probation and parole officers entered employment with a college education(Williamson, 1990, p. 91). In the U.S. jurisdictions probation and parole officers are required to have a minimum of a bachelor's degree as an educational requirement before they are employed. Some of the most popular degree qualifications that are accepted by the agency when they advertise for positions include: counselling, criminal justice/ criminology, psychology, social work, and sociology. In some instances they may accept qualifications such as political science and business administration(Mays & Winfree, 2002, pp. 287-288).

Corrections has many other occupations that are regarded as professional merely because of the qualifications background and the nature of the work that gets to be done by the individual. Positions in institutional corrections include nurses, medical doctors, physician's assistants, emergency medical technicians, dentists, dental hygienists, and pharmacists. Recreational specialists and educators are also a necessity in correctional institutions(Mays & Winfree, 2002, p. 294). Positions such as psychologist necessitate some of the highest levels of education in a correctional setting. Psychologists are normally in possession of a doctoral degree in psychology, counselling or education. Because of the higher level of education and experience required, psychologists tend to have the highest salaries in corrections. Professions of this nature are normally relieved from the usual hiring and civil service testing practices which generally apply to correctional employees, merely because of their professional

status. For example, there would be no “*physical agility requirement*” for psychologists and “*no written examination*”. Just like the medical doctors, psychologists are assessed based on their credentials and licensing. However, psychologists are regularly expected to endure polygraph examinations and have their backgrounds checked and undergo general investigations that are mostly conducted for the majority of job applicants(Mays & Winfree, 2002, pp. 290-291).

The main function of education is to encourage individuals to have the yearning, potential, and capability to carry on with education all the way through life. (Josi & Sechrest, 1998, p. 8). Correctional officers who are involved in continuous learning have the chance to gain a more thorough understanding of society. This will enable them to effectively communicate with offenders and thereby assist in the reduction of physical incidents and improve the running of correctional institutions. Further education will assist officers in effecting change in the correctional institutions by bringing in new ideas and concepts within the institutions. The field of corrections in collaboration with institutions of higher learning should contribute in the improvement of the professional practice of corrections(Josi & Sechrest, 1998, p. 43).

## **PROFESSIONAL DEVELOPMENT IN CORRECTIONS**

### Theory or intellectual techniques

Professions are established on theory and organized bodies of knowledge that certify them and give a foundation for their operation. The knowledge can be scientific, non-scientific or even standardised in character. It is said that the basis for knowledge in a profession should not be too constricted or too extensive, but should instead be composed of *information and knowledge* acquired from *formal study*. Corrections is seen as an exclusive profession which contains theoretical features of many different disciplines such as psychology, sociology, public administration, and other policy and behavioural sciences. Since the mid-1960s a significant body of knowledge has been broadened. A lot of academic journals have published articles linked to corrections as early as the 1960s. Books published on corrections have also multiplied. Most of the

articles published including academic papers being presented originate from scientific research. It has been observed though that books and articles are normally theoretical in nature whereas most academic papers and to a certain extent journal articles are normative in character, meaning they explain how things should be done. They concentrate on the administration of corrections, how politics affect the system, knowledge on criminal behaviour and the managing of inmates(Williamson, 1990, p. 71).

On the contrary, studies have indicated that corrections lacks a unique body of knowledge, in that probation officers as an example have at times displayed some uncertainty on their professional state due to the lack of the foundation of scientific knowledge. The multidisciplinary make-up of corrections on the other hand gives rise to other knowledge bases and thereby makes them important. Professionalization therefore demands that corrections professionals be trained in the knowledge bases of other professions and disciplines in order to function fully in the corrections environment. Therefore this means knowledge from related fields such as psychology, sociology, political science, public administration and social work can be utilised(Williamson, 1990, p. 72).

### Training period

Nearly all agencies in corrections (in the USA) offer training for entry level students from 2 weeks to 24 weeks and classroom training going from 1 week to 16 weeks. This is as a result of court orders that have demanded that corrections should offer in-service training in accordance with the set standards and precise amount of hours in a year. The training provided at agency level concentrates mainly on the skill of correctional exercise wherein the relationship between inmates and correctional officers is highlighted. At academic institutions such as universities and colleges on the other hand concentration is on the advanced level of concepts that originated the theoretical foundation of the profession such as the criminological theories and so on. The increasing level of education including requirements for the job, and court orders

pertaining to performance have had a direct impact on the training that is required within corrections and its gradual rise(Williamson, 1990, p. 74).

### Relevance to basic social values

If an organisation is to offer a service for the public, then interest in the public as well as social values must be taken into account. There have been varying views on how corrections is to be run. This is as a result of normal citizens being concerned about crime. The 1970s are a classic example of the concerns of the public on crime as they saw an introduction of longer sentences for offenders and increased incarceration rates even more. On the contrary, issues such as overcrowding in correctional institutions propelled the administration of prisons to release offenders early and in some cases those that were released early were serious offenders. Obviously an action of this nature would spark concerns in society and create differences of opinion on the usefulness of corrections programs. In cases of this nature however, it may not be possible to permit both the public and the inmate to state the kind of service that should be offered by corrections programs. It will be crucial though to take into account the needs, and requests of both parties. A sense of balance should be provided for the conflicting *basic social values and professional requirements* to guarantee the provision of good service to the different clients(Williamson, 1990, pp. 72-73).

### Autonomy

Autonomy means that professionals and the profession can exercise total control of its environment. There are two elements of autonomy; *first-* professions have power over their members and affairs that link to their work; and *second-* is "*autonomy of the individual member*", each member controls his or her time and methods and is depended on professional criticism from his/ her peers. Corrections does not at this stage have professional control over its members. Members cannot control their time, conditions of work, and performance aspects that are directly linked to the profession.

On the contrary, professionals such as lawyers and physicians have a high level of professional autonomy in corrections even though their control is exercised within the constraints of bureaucracy.

Without a doubt, most correctional staff is controlled by the bureaucratic background that is distinctive of every correctional administration and characterised by the rules and procedures determined by the courts and legislation. The correctional profession in reality however, certainly does not accomplish the level of autonomy that other individual professions attain. When deprived of utilising their independent evaluation and persuade their professional surroundings, they become disappointed and discouraged(Williamson, 1990, pp. 77-78).

### Code of ethics

Each and every profession has a code of ethics. The intentions of a code of ethics are to compel professionals to ethical behaviour. Professions such as medicine and law have power to withdraw professional licenses or else enforce sanctions on individuals who disobey the code of ethics. Corrections specialists on the contrary are controlled by disciplinary measures of their agency as they are not licensed and therefore cannot be sanctioned by their professional bodies(Williamson, 1990, p. 83).

In inference, one can assert that prisons are the main reserve in the moral order of any society. They signify the final mechanism of punishment that the government can use against those who break their promise on the social agreements. At the same time, prisons are bureaucratic institutions that are disappointing and causing huge stress for correctional officials. This is why there are popular speculations that corruption in corrections is higher than in other governmental and private institutions. The speculations however have not been proven since it is quite difficult to research on such issues given the closed culture of correctional institutions(Souryal, 1992, p. 342).

## **PROFESSIONAL STATUS OF CORRECTIONS**

Professionalization of any occupation happens in grades. The grades in a profession are *established, emerging or marginal*. *Established* professions are professions such as medicine, law and the clergy. *Emerging* professions are the up-and-coming professions- they are slowly shifting from occupation to profession. *Marginal* professions are those that have shifted in the direction of professionalization but have for some reason paused midstream before developing into a full profession. Corrections was in 1964 identified as an emerging profession by Wilsenki H. L. (Williamson, 1990, p. 65).

The characteristics of Emerging professions are said to be the following:

- The degree of *knowledge and community orientation* is not evidently outlined or acknowledged by the profession itself.
- There are considerable disparities amongst members on issues relating to the *level of knowledge and orientation* towards the interest of community.
- Deficiencies of the profession are acknowledged by its leaders, but justifications are that the deficiencies are essential phases in the *development of the profession*.
- There is a published code of ethics.
- The development of a professional association that will assist in regulating the profession, educating its members, corresponding with the public, and overpowering those who would go against its right to legalize and carry out its purpose.
- Behaviour that adds up to professional behaviour is described.

Additional characteristics of emerging professions are said to be; a variety of different identities, values, and interests between members of the profession- who at the same time present varying views on appropriate methodologies and techniques to be utilised in corrections. Members of the profession do not correspond healthily and in consequence separate clients, and in this manner initiating more partitions within the profession.

Corrections agencies are said to be made up of three levels of professionalism which are: professionals, public service professionals and general public administration professionals. For those promoting professionalism in corrections, the public service professionals seem to be a concern. Public service professions are defined as occupations that are advanced and specialized and are primarily positioned exclusively in public agencies. The elements that make them differ from normal professionals are that:

- As much as they have characteristics of all professionals, they seem to achieve a lower mark on a range of scales than professionals.
- Autonomy and self-regulation desires, identification with fellow professionals, and expectations seem to be different or weaker than ordinary professionals.
- The bases of knowledge, service ethics, sense of calling and features for actualising self-regulation and autonomy are manipulated by the profession's link to government (Williamson, 1990, p. 67).

Even though corrections is not yet recognised as a completely developed profession, assortment and intricacy of roles and the large capacity of correctional activity has in the main found it essential for corrections to professionalise to a large degree, particularly in areas above entry level.

## **SUMMARY**

In inference the researcher can safely assert that the occupation of corrections does have the majority of the elements that are considered as specifics of professions. The occupation has a professional association, cognitive base, institutionalised training, work autonomy and code of ethics. What is lacking is licensing and colleague control as well as the high level of training. The basic requirements for entry are at a level lower than a baccalaureate degree. The Corrections occupation somewhat fits in into the criterion that was mentioned in the definition of professions. The level of the elements of the criterion however are fairly low and therefore cannot deem it an established profession. When it is compared to other professions such as medicine, the researcher is of the opinion that the occupation will take decades before it reaches this level of professionalism, as medicine sets the tone to what professions should look like. However, there are professions such as nursing that have been awarded the status of profession and yet they are not in the same rank as medicine.

The researcher views nursing more like corrections in that its basis of knowledge comes from other fields of knowledge, for instance, psychology, sociology, social work, political science and public administration. This basis of knowledge will assist officials in the profession to understand human relations and understand the environment within which the profession is operating. As a human service occupation, the profession takes similar responsibilities of the nursing profession of ensuring that the environment within which the client is kept is healthy enough for him or her to undergo rehabilitation programmes and ultimately recuperate. The other similarity is that of autonomy. It is said that nursing lacks autonomy as its basis of control is within the medical profession. The similarity is that corrections occupation is reliant on other fields of work in order to realise the bigger picture of corrections which is rehabilitation. If it gains full autonomy, the occupation might take over what other fields are doing and this might require that the multidisciplinary format of approaching rehabilitation should diminish. Conversely, awarding total autonomy for correctional professionals might be detrimental to the occupation itself, as a lot of corruption happens more in prisons than anywhere else.

Officials are prone to manipulation from prisoners, so if they have total control it might not be easy to manage the prisons and keep the community safe.

Corrections is there to ensure that sentences imposed by the courts are carried out and that society is kept safe from inmates. Custody and control are vital elements of the occupation. However, due to the level of training of the occupation, the courts are always demanding an improvement on the level of training of correctional professionals in order for them to provide high quality service to inmates and to society. For one to be effective in the profession, it will be essential for one to have skills such as technical, human and conceptual skills. These skills however can only be attained through high level training specifically college education. The positions in prison institutions require all staff to have an understanding of human relations and how to manage human beings. Experience in the prisons and in-service training alone will not empower the official with the necessary skills of understanding human beings. In the same breath, prisons need knowledgeable officials who will assume high level ranks and become supervisors. College education that concentrates on the aspects of the field of corrections will be an added value.

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# CHAPTER 5

## THE PRINCIPLES OF REHABILITATION

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### INTRODUCTION

Bartollas & Conrad (1992, pp. 50-51) believe that the majority of ideas that add up to the treatment of offenders can be traced down to three European philosophers: Baron de Montesquieu, Cesare Bonesana Beccaria, and Jeremy Bentham. Even though the three philosophers' writings were mainly on deterrence in the place of revenge, beliefs on how punishments were supposed to be meted out were somewhat different. Beccaria and Bentham understood that offenders were accountable for their behaviour and ought to be punished, and Montesquieu on the other hand believed in the utilization of reasonable punishment. Montesquieu was highly concerned with understanding the appropriate roles of government and their involvement in punishment and had contended that a high-quality official is more worried about inspiring respectable morals than to impose punishments.

A high honour on the contributions towards contemporary penology is also granted to John Howard, a great philosopher of note, who uncovered the dreadfulness of the jails that flawed England and the most European countries. In *chapter 2* of this research, the researcher captures his travels around Europe and his publication of the essay: *State of Prisons in 1777* which led to reforms in the European and American prison institutions. He is known today as the father of the penitentiary and given credit for proposing the penitentiary system (or *penal treatment*) and using the word *Penitentiary* to describe an institution designed to restrain convicted felons for a long period of time.

Pollock (1997, p. 13) highlights that even though the penitentiary may have been a suggestion built in Europe, its growth was entirely American. This implies that as the concept of penal philosophy developed in the United States, Europeans began to be dependent on American models of penal institutions. The principles of rehabilitation as a

result came from theories that developed from the building of the first prison in America to the materialization of current correctional systems. We have seen in *chapter 2 of this research-* on the '*History of punishment and development of prisons*' that corrections has progressed from one stage to another, constantly making an effort to employ a new viewpoint of treatment. Correctional treatment in America was regarded as insignificant up until the late eighteenth century because the colonists did not see much hope in removing crime from their circles. The colonists were hopeful and as a result understood that only through harsh punishments were they going to achieve the required outcome of obedience. The colonists frequently depended upon non-institutional ways of punishment, mainly because for them the likelihood of an offender being rehabilitated while confined in jail was not probable. This is why they did not hesitate to use stocks and the gallows as a means of punishment because they firmly believed in the use of harsh punishments (Bartollas, 1985, p. 3).

Sometime during the nineteenth century, the concept of imprisonment became seen as preferred to brutal corporal punishments. It was regarded as liberating and able to alter individuals within to develop into better people. Prior to the 1800s, punishment was still retributive and expiatory- "a religious term meaning that personal redemption comes through suffering". People were still not viewed as changeable; but as soon as the likelihood of individual change came to the fore, imprisonment advanced and reform was considered (Pollock, 1997, p. 13).

The treatment ideology as Cornelius (2001, p. 6) explains, sees the offender as one whose criminal behaviour is to some extent 'sick'. Treatment for an individual offender can be described as any step taken to modify character, habits, or behavioural patterns in order to lay off the individual's criminal tendencies. Therefore the main aim of treatment is to adjust the offender's attitude and behaviour with the intention that he [or she] will not be prone to committing crime all over again (Bartollas, 1985, p. 2).

In the American society, criminal behaviour has been seen as signifying a disorderly behaviour affecting the entire wellbeing of society and intimidating its safety. The first tactic to managing crime was punishment or isolation from the community. Now, with the rapidly increasing crime rates, the problem of criminal behaviour and of modifying

that behaviour has become a major focus. Correctional treatment in America occurs in a multiplicity of preventative, diversionary and correctional frameworks. Furthermore, several treatments are planned to recognize and intrude in the lives of individuals who are in criminal surroundings so as to minimize their possible involvement with the criminal justice system in future. Correctional treatments have certainly been tried and tested for many years, and as a result, method after method has been changed with the effort of remodelling, remaking, reshaping and rehabilitating juvenile and adult offenders. Therefore, treatment as a way of correcting offending behaviour has moved from penitence, to reform, to rehabilitation(Bartollas, 1985, p. 2).

The idea of penitentiary in conclusion, has therefore influenced thoughts about the main purpose of incarceration. It was contested by a proposal that started on an unknown penal colony situated off the coast of Australia. The idea was later altered in Ireland, and then passed on to New York in 1876 in the shape of Elmira reformatory. The reformatory in the United States was thought of at first, as an establishment for reforming younger criminal offenders. Its foundation can be tracked down to resolutions which were adopted in 1870 by the first congress of the National Prison Association. These resolutions influenced the ultimate development of reformatories and then later the therapeutic model of prisons(Courtless, 1998, p. 126). This study is going to look at the history of treatment from the idea of penitentiaries to reform and then rehabilitation. An exploration of the treatment models, including an attempt to explain the four doctrines that are used in the treatment ideology will be done. The four doctrines according to Cornelius are (2001, p. 6); The Quaker doctrine: Religion influences this doctrine; offenders are urged to put religion into their lives. The Educational doctrine: it supports the usage of educational, vocational and occupational skills programs in order to give the inmate basic skills to survive legally on the outside. The Medical doctrine: holds that the individual offender has problems that must be diagnosed. A treatment plan must be devised and implemented. Reintegration means that in order for the offender to effectively deal with problems, resources in the community must be utilised such as self-help groups, adult education programs, etc.

It should be noted at this stage that the philosophy and approach of rehabilitation is comprehensive. This chapter is simply going to give a synopsis of the fundamental approaches to offender treatment, what was done throughout history, what works and what does not work in reducing recidivism.

### **THE HISTORY OF OFFENDER TREATMENT – THE QUAKER INFLUENCE**

All the contentions that were made that prisons, if correctly coordinated, had the ability to attain considerable reform of their inmates were very frequent from an early period. It is believed that throughout the years before the Victorian era, reform was based on the Christian belief of spiritual restoration. The idea was to introduce the prisoner to the authenticity of God, save him from sin and its consequences through Christ. The first step into achieving this was to take up the respected work of John Howard. He had stated that even though magistrates had built many prisons according to his concept of sanitary, roomy, healthy institutions that were inspected by magistrates, reformation of morals of prisoners was still a less discussed issue(Forsythe, 1987, p. 16).

John Howard's ideas on the establishment of a significant reformist basis to prisons were echoed by other influential voices such as Sir William Blackstone and Jeremiah Fitzpatrick. Sir William Blackstone had advocated for the formation of penitentiaries which were planned to make prisoners attune to themselves through genuine self-reflection and at the same time be taught the values and moral duty of every Christian. While Jeremiah Fitzpatrick, the Inspector General of the Irish prisons had asserted that no penal responsibility was more valuable than establishing penitentiaries for the reform of the hard-hearted and wicked. These assertions relied mostly upon hopeful theories which fascinated the generation of evangelical and Quaker prison reformers which came after John Howard's death(Forsythe, 1987, pp. 16-17).

*A Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders*, composed mainly of a huge number of Evangelical societies created mainly

to fight certain social ills or support specific reforms, were well known for their enthusiasm when it came to prison debates. They had between 1815 and 1835, exerted pressure on the outlook of reformatories. Some of the members of the society who sat on the committee were eminent Quakers such as, Joseph Fry (*Elizabeth Fry's husband*), William Allen, Samuel Gurney, Thomas Hancock and Samuel Hoare. Other members came from the Church of England, and they were: Thomas Fowell Buxton, Lord Suffield, William Crawford, John and Walter Venning and Francis Cunningham. A number of these members were linked by marriage(Forsythe, 1987, p. 17).

Furthermore, there were several distinguished liberal parliamentary campaigners who included Stephen Lushington (*a capital punishment abolitionist and anti-slave-trader*); Henry Grey Bennet (*a parliamentarian who pressed for reform of London prisons*) and the renowned humanitarian, Edward Foster; the botanist and creator of the Linnean Society, who is also a Jewish investor and penal reformer J.L. Goldsmid(Forsythe, 1987, p. 17).

The society encouraged the appointment of the “*highest echelons*” of the general public. They had as their patron the Duke of Gloucester, who had in some occasions invited to his meetings prominent people such as Lord John Russell, Lord Calthorpe (*also an evangelical*) and the Earl of Derby. In the region of the early 1820s within a list of vice presidents that were ever involved was a Duke, a marquis, several earls, three bishops, a number of additional constituents of the Lords and sixteen affiliates of the Commons (Forsythe, 1987, p. 17). The society supported spiritual and moral reform as the basis of prison discipline. The support came from reports that were published by the society which contained comprehensive and extensive arguments(Forsythe, 1987, p. 17). From this list, the researcher is of the opinion that the Quaker doctrine was supported by the highest ranks of European the social order.

## **THE AMERICAN EXPERIENCE**

A penal reform began in America- Philadelphia, in 1783. A group of Quakers led by Dr. Benjamin Rush a well-known physician, politician and signer of the Declaration of Independence formed a society to reform the harsh criminal code of 1718 that authorised whipping and punishments used in the English system. The society was called *The Philadelphia Society for alleviating the Miseries of Public Prisons*(Silverman & Vega, 1996, p. 74).As highlighted in Chapter 2.

The intentionof the society was to have a systematic penal system with a humane treatment of offenders. The Pennsylvania legislature was obliged to set off the renewal of the prison system in 1790 due to the Quakers' influence, this then brought in the development of the Walnut Street Jail in Philadelphia (Siegel, 2006, p. 594).

At this institution Dr. Rush proposed a number ofplans. For instance, prisoners were to be put under solitary confinement and labour, dangerous criminals were to be placed individually and away from the rest of the prison population, and prisoners were to be reformed and controlled from committing further crimes. Dr. Rushalso encouraged gardens for food and persuaded prisonsto sell itsproduceso as to maintain it financially (Siegel, 2006, p. 594).

All of these plansthat Dr. Rush proposedwere later built-in into the Pennsylvania system at the Walnut street jail. The offenders were however, accommodated in isolation cells without any work(*however were encouraged to do minimal labour such as handicrafts*). The idea behind the isolation was to allow for an offender to think seriously about the wrongs he has done and show some remorse(Cornelius, 2001, p. 59). Isolation, compliance, and work were therefore the trinity which became popular with the administration of the penitentiary by officials. Offenders were to be trained to be obedient as part of their reformation. By adapting to training and the qualities reinforced through training, prison officials were able to strengthen the offender's worth within society. Therefore the penitentiaries revived the community of these qualities and encouraged a new value for order(Pollock, 1997, p. 14).

This system was commended for having great achievement in the reduction of crime and zero escapes in the four to five years of its being, however it became a failure as the overpopulation of prisoners spoiled the idea of isolating prisoners; as within a short space of time prisoners were compelled to sharing cells (Siegel, 2006, pp. 594-595). As Bartollas(1985, p. 4) contends, the *“reform effort collapsed due to overcrowding, idleness and incompetent staff”*.

With the approval from the legislature, two institutions were constructed and these brought into reality the Pennsylvania idea. The Western State Penitentiary in Pittsburgh was built in 1826 while the Eastern State Penitentiary in Philadelphia was built in 1829. Cornelius (2001, p. 59) contends that the Eastern Penitentiary became the model for the Pennsylvania separate system. This system was regarded as more prominent of the two institutions as great measures were taken to ensure prisoners were separated from each other and each prisoner given his own cell, work area and a yard for exercise(Bartollas, 1985, p. 5). In the meantime, a competing system of reforming prisoners was constructed in New York. The Auburn State Prison established in 1819, introduced the system of total solitary confinement with the influence from the Quaker beliefs. There was thorough discipline which saw prisoners working long hours without remuneration, enduring humiliating circumstances and being subjected to regular beatings. This severe discipline was created by Warden Elam Lynds who was of the opinion that reforming criminals meant breaking off their spirits. The perception of prison life being made distinct by intense severity, pitiable food and desolate surroundings with a construction of small cells built on huge multilayered cellblocks lived on well into the twentieth century and this was due to contributions brought in by the Auburn system(Bartollas, 1985, p. 5).

Many United States correctional facilities would not have been formed and activated in this way if it was not for the Quakers influence. The Quakers had controlled the architecture of the prisons, the supervision and the type of activities allowed for prisoners. The whole point was to isolate prisoners from the corrupting persuasion of other criminals and offer inmates with an opportunity for reform through the study of the Bible(Stohr, Walsh, & Hemmens, 2009, p. 26). In fact the history of corrections is

packed with occurrences of correctional institutions and systems being outlined by religious influences. Stohr, Walsh & Hemmens (2009, p. 26) emphasise that the Catholic Church built and managed a “*prison-like*” operation for offenders in monasteries. In fact, as Bartollas(1985, pp. 4-5)points out, that the Roman Catholic Church in the Middle Ages, developed prisons wherein offenders were required to show penitence. A theory developed at the time that offenders were to use labour along with isolation in order to accomplish moral reformation.

The early reformative ideals evolved into the rehabilitative era of the 1960s. The theme of reformation, which outlined the principles of corrections, was foremost in the 1870 Prison congress. The theme was later on certified in the 1970s Prison Congress nearly with no modification(Pollock, 1997, p. 14).

The Declaration of Principles, as it was known, brought transformation of American penology in 1870. The idea was to change old ways which were initiated by Captain Elam Lynds, and bring in humane methods. A flow of ideas from Australia to England to Ireland ultimately reached the Unites states, with “*a group ofreforming zealots*” assembling to attend to suggestions for transformation in prisons management(Bartollas & Conrad, 1992, pp. 80-81).

The meeting of *tough-minded* men- clergymen, wardens and keepers of American prisons, was cautiously planned. Spokespersons from overseas were called to present fresh and advancing ideas. Persuasive American reformers such as *Governor Rutherford Hayes*, who later became the nineteenth president of the United States, criticized oppression and recommended that prisoners have educational opportunities and religious teaching(Bartollas & Conrad, 1992, p. 81). The idea that corrections should be a subject of study, and that anyone appointed in correctional services should have professional training was initially not regarded as important. However, the 1870 Declaration of Principles called explicitly for training of prison personnel(Bartollas & Conrad, 1992, p. 9). These recommendations were later captured as part of the 37 principles which were developed from that meeting. Most of these principles have had an intense effect on the system of corrections.**See Annexure A: of 22 relevant**

**principles of criminal justice.**(Bartollas & Conrad, 1992, pp. 81-82). The researcher notices again the influence of the highest classes in society contributing in penological systems of the United States of America. In chapter 2, a highlight was made that philosophers such as Bentham, Beccaria and Howard took prominent stands in the repairing of prison systems, and defining the idea of penitentiaries, but as the prospects of reformation and rehabilitation came to the fore, a more united front was taken. Politicians, priests, superintendents of prisons and custodians of American prisons, came together to discuss bringing in humane methods of punishment that were contrary to Elam Lynds' methods. For the first time, the Correctional Officer was discussed, the idea that corrections should be a subject of study was considered and the appointment of correctional personnel who were professionally trained was also recommended.

## **THE REFORMATORY MODEL**

### Reforms from Australia, to Ireland and then Cincinnati

As it was highlighted earlier, the Declaration of Principles brought transformation of American penology in 1870 with a flow of ideas coming from Australia to England to Ireland and then ultimately reaching the United States of America. Reformers such as Enoch Wines, Franklin Sanborn, and Zebulun Brockway, were conscious of the brutality and abuses of the functioning penitentiaries and understood that a fresh invention was needed(Bartollas, 1985, p. 6). The list of reformers included also names such as *Governor Rutherford Hayes*, who was selected as the first president of the National Prison Association in Cincinnati known today as the American Correctional Association (ACA). Hayes was very instrumental in issues concerning indeterminate sentencing, better academic and vocational education for offenders, and the classification of offenders by age and also advocated for a jail for reform(Fox & Stinchcomb, 1994, p. 121). The National Congress of Penitentiary and Reformatory Discipline met at Cincinnati in 1870. According to Fox and Stinchcomb (1994, p. 121) this happened together with prominent citizens and reform minded prison administrators and the

intention was to develop the new reformatory model. The declaration was approved by those who participated and with these two new principles were presented by the organisation of the penitentiary. It was recommended that:

- “*prisoner self-respect should be cultivated to the utmost and every effort made to give back to him his manhood*” and
- that the inmate must decide his own future, meaning “*he must be able through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play*” (Bartollas, 1985, p. 6).

Many authors such as Cornelius(2001, pp. 62-63), Bartollas(1985, pp. 6-7), Bartollas and Conrad(1992, pp. 82-83), Jarvis (1978, pp. 29-31), and Fox and Stinchcomb(1994, pp. 121-123), have emphasized on a variety of levels that the reformatory type of prison was in actuality sparked by Captain Alexander Macanochie’s ‘*mark system*’ and Sir Walter Crofton’s ‘*Irish system*’. As Bartollas(1985, p. 6) underlines, the fundamental ideology of the reform model was obtained from penal experimentation of Captain Alexander Macanochie and Sir Walter Crofton. Even though the advocates for the idea of training inmates for freedom were Cesare Beccaria and Jeremy Bentham, Alexander Maconochie laid out their ideas and put them into practice at the Norfolk Island Penal Colony in Australia(Bartollas, 1985, p. 6).

Captain Alexander Macanochie, a British Naval officer, had in 1840 arrived at the Australian penal colony on Norfolk Island in the South Pacific Ocean. The conditions were cruel(Cornelius, 2001, p. 62) and so bad that most prisoners couldnot stay alive, exceptif they had rich, influential friends to buy them out(Jarvis, 1978, p. 29).

Sometimes the situation was so bad that men who found themselves acquitted from the death penalty wept instead of being thankful and on the contrary, those who were going to die thanked God. Even though Maconochie did not throw out the notion of punishment of one’s crimes entirely, he had advocated for an effort to reform inmates by offering incentives to give confidence to good behaviour and a certain degree of anticipation for early release(Fox & Stinchcomb, 1994, pp. 121-122).

Macconochie found that inmates were dedicated to determinate sentences or fixed terms (Jarvis, 1978, p. 30) and this practice according to him did not offer any chance of release until the full term was served (Fox & Stinchcomb, 1994, p. 122). Macconochie then positioned every inmate on an indeterminate or unfixed sentence. With this system the duration of the prison term was determined by the gravity of the crime and on the conduct of the inmate (Jarvis, 1978, p. 30).

Macconochie then put into practice the first structure of *indeterminate sentencing* and called it the “*mark system*”. With the *mark system*, one was expected to gain independence through hard work and appropriate behaviour. This intricate practice of gaining *marks* through work and good behaviour was formed and it saw a steady reduction in the discipline of inmates as they advanced through the system (Fox & Stinchcomb, 1994, p. 122). Inmates in McConochie’s control could find themselves discharged earlier by gaining *marks* for good behaviour and hard labour. McConochie’s strategies however were not accepted well by the British business enterprise as many of them were relying on convict labour and therefore were against his ideas. Consequently, this led to him being taken away from his post (Cornelius, 2001, pp. 62-63). Macconochie was very forward-thinking in his knowledge on corrections, and even though his knowledge was not accepted his efforts did not go to waste (Jarvis, 1978, p. 30), and his creative theories survived on (Fox & Stinchcomb, 1994, p. 122).

Soon after Macconochie was let off, an Irish prison reformer Sir Walter Crofton took Macconochie’s *mark system* and extended it into a reformatory system (Jarvis, 1978, pp. 30-31). Crofton formed the “*Irish System*” wherein the indeterminate sentence was utilized as an encouragement for offenders to progress through phases headed for release. The three stages as Cornelius (2001, p. 63) Jarvis (1978, p. 30), and Fox and Stinchcomb (1994, p. 123) delineate are as follows:

- The first stage, also known as the *entry stage* was based on solitary confinement, mixed with monotonous work. At this stage offenders were granted time to reflect on their crimes.

- The second stage, known as the *intermediate stage*, found offenders appointed to public works. During this period offenders stayed and worked as one on a particular public project and as a result earned marks towards release.
- The third stage, which was also the final stage, known as the *open-confinement stage*, saw offenders being allocated to an “*intermediate prison*”. At this stage, offenders were allowed to work without supervision and were given some freedom of movement within the community. If the offender obtained work and carried on with a good behaviour, he would be granted conditional release on a pardon or ticket of leave. If the conditions of this ticket were dishonoured, the ticket of leave could be withdrawn and the offender would be sent back to prison to complete the initial sentence. These concepts and the ticket of leave theory developed into what is known today as the parole system.

Crofton therefore inserted extra elements to Maconochie's plan. The Irish system set off two significant correctional programs, namely, “*the open community work program*”, which is considered today as the work release program, and “*sending prisoners home to complete their sentences*”, known simply as parole (Jarvis, 1978, p. 31).

In England the Maconochie-Crofton idea was intended for juvenile offenders with the aim of removing them from adult jails and prisons. Parliament therefore approved three Reformatory Acts, in the years 1854, 1857, and 1866. These Acts authorized juvenile offenders to be located in reformatories, designed in the Maconochie-Crofton form. These reformatories soon after turned into Industrial schools (Jarvis, 1978, p. 31).

In America consequently, the Irish Mark system appeared to be the exact thing that the prisons of their country required (Bartollas & Conrad, 1992, p. 83). The 1870 American Prison Congress examined prison conditions in the United States and proposed the activation of Maconochie-Crofton reformatory system. The first reformatory was then instituted in Elmira New York in 1876. Bartollas (1985, pp. 6-7) believes that this was the most determined effort to satisfy and comply with the Declaration of Principles. The idea behind the reformatory was to build up a correctional atmosphere that would reform prisoners. The administrators of the reformatory then offered healthier food, arranged recreation and athletics, gave cultural, religious, educational, and trade training

programs including military training and discipline. Uniforms for inmates were made with the intention of showing the level of improvement made by each prisoner (Jarvis, 1978, p. 31).

According to Bartollas (1985, pp. 6-7), and Fox and Stinchcomb (1994, p. 123) reformers thought that the establishment was suitable to reform youthful prisoners from the ages of 16 and 30. Zebulon Brockway, the superintendent of the Elmira Reformatory in New York, had the responsibility of determining when an inmate was set for release. Meaning anyone who did not do well during the programs set by the reformatory was to be held back. Brockway was the first in the United States who tried-out these progressive methods. Whilst upholding strong discipline at all times, he put into practice several reforms that were designed to develop the mind and body. High significance was put on reform of the inmate and getting ready for ultimate release. Education at Elmira was seen as the most important tool for reform and therefore because of this, industrial production and profit making became secondary issues- (*the Education Doctrine*). The approval to use indeterminate sentencing from the New York Legislature gave the Elmira reformatory the chance to use the modified version of the mark system which was combined with the Irish ticket-of-leave.

The next two decades that followed the establishment of Elmira saw additional reformatories being built in twelve states. The admirable standards of Elmira however failed in practice. Reformers quickly recognized that these reformatories were still brutal, multi-tiered fortresses, walled in stone and not valuable to reform just as the old Auburn-type penitentiaries (Bartollas, 1985, p. 7).

The American reformatories were built specifically for first time adult offenders. However, since programs were more essential for the young adults and older youths, the system was tailor-made to suit these particular groups. The American reformatory method applied the indeterminate sentence. Programs in the indeterminate sentence permitted offenders to work in order to get early release. The system turned out to be well accepted by younger prisoners, and by 1913 eighteen states had implemented it. (Jarvis, 1978, p. 31)

Disappointingly, as the years went by the reformatory model was a let-down and proved to be unsuccessful. There were great recidivism rates and many offenders were going back to the lives of crime. This brought the idea of reformation into question. The failure according to Schmalleger (2001, p. 449) was attributed to the constant worry on imprisonment and custody instead of worrying about reformation. The failure brought complications in the implementation of the standards at which the reformatory system was established.

Even if the reformatory was a disappointment, the standards that were created through it are still currently seen as significant as they were before (Schmalleger, 2001, p. 449).

### The Industrial era

Seeing that the reformatory approach of prison had been ineffective, huge worries emerged on matters regarding security and discipline in the prisons. The number of inmates in the prisons increased and the costs mounted, and due to this, states began to look at sensible alternatives that could bring expenses down. The most sensible alternative that prisons thought could bring possible productivity was prison labour, and this brought forth "*the era of the industrial prison in America*" (Schmalleger, 2001, p. 450).

The industrial prisons in the northern part of the United States comprised of high-level walls that were thick, constructions made out of either stone or brick and towers for guards. These prisons manufactured products such as cabinets and even liquefied steel and in the process took out a lot of additional supplies into the marketplace. The south parts of America on the other hand, had prisons concentrating more on farm labour and assignments in public works. The south which was in financial devastation after the Civil War (1861-1865) (Cornelius, 2001, p. 64), utilized prison labour for its agricultural undertaking to substitute slaves who were liberated in the war (Schmalleger, 2001, p. 450). The south saw inmates being let out by the state to contractors. Inmate labour was inexpensive and profitable.

The hiring out of inmates carried on until the 1920s, with conditions being very fierce. The means of transport for inmates when they were hired out was normally the “prison wagon”. These wagons could take in just about thirty inmates and even afford them with lodging(Cornelius, 2001, p. 64). There were six systems that were used in the early 1900s for inmate labour and they are as follows:

- *Contract system.* Here a rental for an inmate to do labour was carried out by a private business. The inmate was to do labour inside the prison however utilising raw material provided by the business person and then supervised until the production process was complete.
- *Piece-price system.* Here merchandise was manufactured for private businesses under the direction of the authorities of the prison. The payment for the services was determined by the number of merchandise the prison produced and the quality of the merchandise.
- *Lease system.* Here inmates were brought to the work site and handed over to private contractors, who provided work for them and retained order under the control of armed guards.
- *Public account system.* Here the utilization of private contractors was done away with. Prisons controlled industries, and as a result had their authorities responsible for handling the production flow from start to finish. Merchandise that was produced became put up for sale on the market.
- *State-use-system.* Here inmates offered their services in the aid of other state organizations or in other instances produced materials that could only be used by offices within the state.
- *Public works.* Here public works meant that inmates were to do maintenance labour on the roads and highways; ensure that they are kept in good order, tidy the recreation centres and community parks, and protect and refurbish all public structures and buildings(Schmallegger, 2001, p. 450).

During the industrial era, huge industrial prisons were constructed or sometimes transformed to industrialisation. Many prisons such as San Quentin (California), Sing Sing (New York), Auburn, and the Illinois State Penitentiary at Statesville were changed

into industrial prisons. A lot of these prisons made remarkable earnings and in so doing offered a considerable amount of money towards state treasuries(Schmaleger, 2001, p. 450).

As early as the 1830s though, workers were beginning to protest about being required to contend with low-cost prison labour. In New York in 1834, mechanics put an appeal with the state legislature requesting that prisons that were giving salaries that were too low beremoved. The early part of the twentieth century witnessed labour unions becoming very organised and powerful. At the same time, the Great Depression of the 1930s was a period where jobs were very scarce, and due to this scarcity, and the fight from the labour unions, prison industries were brought to an end(Schmallegger, 2001, p. 451).

### The rehabilitative era

The rehabilitative era according to Courtless (1998, p. 131), and Mays and Winfree (2002, p. 48) is marked by the beginning of the scientific study of crime, criminals and penology. The Italian physician and criminologist, Cesare Lombroso comes to mind in thisadvent, as in 1876 - six years after the adoption of the Declaration of Principles by the National Prison Association, Lombroso availed the results of the study he conducted which was based on the criminal men.

During his medical career Lombroso spotted criminals according to types. The first type he identified was the “four main types of criminals” and the second type was the “four subtypes within one of the main ones”. What he had recognised in this study was that within all the types of criminals, criminal inclination was mainly sourced from genetics, and this accordingly made it challenging to modify the criminals’ conduct. Lombroso focused mainly on the unchanging character of criminals and his approach was contrary to the work which was done by classical criminologists wherein high prominence was put on the deterrence of criminals, and the institution of punishments(Mays & Winfree, 2002, p. 48).

In addition to that, we see the reformation principles of Enoch Wines and Benjamin Rush which were well articulated in the Irish Mark System of Walter Crofton and the Elmira Reformatory by Zebulon Brockway being in conflict with Lombroso's method(Mays & Winfree, 2002, p. 48). For Lombroso, classical viewpoints, such as those of the reformation principles made popular by Wines and Rush, were unempirical deliberations. Lombroso points out that the viewpoints persistently connected crimes and punishment and neglected to consider the point that offenders were not similar in nature and due to this, their criminality and what leads to it can be seen afar from controlling their determination. The classical theories were therefore masked by intangible theoretical judicial methods, and because of this the institution of punishment was naturally unreasonable and of no use as a behaviour modificationinstrument for offenders. For Lombroso, what seemed like a workable solution towards curbing crime was to conduct an individual research on offenders and establish qualities and coercions that might lead one to act in a criminal manner. Once this kind of assessment was done, then the criminal justice system could appropriate suitable sanctions(Courtless, 1998, p. 131).

Lombroso's proposals were not really comprehensible with the U.S. prison officials in that they had in 1894 at a meeting of the National Prison Association thrown out these theories. Their outlook was that penological systems were capable to reform any man, and by so saying, a man is expected to be answerable for his behaviour and if out of control then the institution of these penological processes would be sufficient enough to rectify this out of control behaviour.

The researcher is of the opinion that it is notions such as these that have driven the system of corrections to neglect the education level and focus area of the training of correctional officials as their focus should be on recognising that their duty is a human service duty and not just a security maintenance duty. Even though in contemporary corrections in the United States and South Africa, the correctional officer is expected to serve a dual role of maintaining security while ensuring that offenders are rehabilitated, the focus on training seems to still be inclined more in the maintenance of security

Chapter 6.

By the same period, that is the late 1800s, the theory of reform had a significant influence in the philosophy of penology and its practice. Penologists believed that the understanding of crime does not just lie in deterrence or in the set biological forms of the criminal, but that science, specifically medicine, was the main source to comprehending the mind of the criminal (Mays & Winfree, 2002, pp. 48-49). Medicine was to offer modalities for the treatment of crime and models were introduced in the format of the rising social and behavioural sciences (Mays & Winfree, 2002, p. 49) which were psychology, social work and education. Because of this view, penologists slowly gravitated towards the theory of rehabilitation and the belief in the medical model.

The establishment of the rehabilitative era, as Greenberg (1977, p. 31) asserts brought with it a fresh technique in the reforming of a specific offender and as a result interest moved from the offence to the offender. This individual was seen as a special type of a person, a "*pathological type*" helpless without treatment. When one studies the causes and effects of a particular behaviour and identifying the differences in "*pathology*", it becomes evident that approaches that were to be devised for the changing offender were to be achieved through social science.

Penologists did not really understand Lombroso and his criminal mind approach, however the ideas that he had introduced had a remarkable impact on many criminologists that came after him (Mays & Winfree, 2002, p. 48).

It is important to mention that the rehabilitative era was also sparked by events that followed the Great Depression of the 1930s. During this period society struggled in ways that they had never struggled before. The financial blow that came with the period turned those that were financially stable into poverty stricken individuals. There was massive starvation which literally downgraded differences that had been there among social divisions (Fox & Stinchcomb, 1994, p. 129). The number of unemployed individuals increased tremendously, and the economic protection that everyone was sure of became ruined immediately. Some committed suicide while others resorted to crime. All these events were not influenced by any individual and therefore any crime commission could not be seen as an individual's personal weakness or that crime was a sin. It was at this time that society realised that individuals who are involved in any

crime commission are probably not really at any fault but that circumstances that are beyond their control force them to(Fox & Stinchcomb, 1994, p. 129).

All these happenings were in sync with the most important developments in the psychological and social work sciences. The science of social work began to pay attention on to the necessities of the unfortunate while in psychology, theories of Sigmund Freud of *psychoanalytic treatment* presented possibilities for healing criminal ways. The introduction of science in prisons gave more focus on corrections and a new role was therefore created for offenders as psychiatric and social work clients(Fox & Stinchcomb, 1994, p. 129). The treatment team was further expanded in the 1930s and the 1940s and the psychologists and psychiatric social workers were joined by educators and chaplains. Even though chaplains had been known to be connected with the rehabilitation process since the initiation of penitentiaries in the 1920s and educators engaged in the carrying out of the reform model at Elmira in the 1870s, the two positions were now considered as forming part of the crew that would make use of the medical model to heal inmates of the sickness of criminality(Bartollas, 1985, p. 10).

The researcher notices that the Correctional Officers were not considered as part of this team.

The changing viewpoints on crime and crime causation introduced an enlightened thinking of corrections, named the medical model(Fox & Stinchcomb, 1994, p. 129). In the early twentieth century, the medical model was seen as the leading methodology to the management of inmates. Treatments changed in keeping with what was seen as the most important social and behavioural sciences of a particular day. After some time, behaviour modification and group therapy became ideal treatments for many prisons. The administrators of prisons further put in education and the vocational training in the treatment program wishing to present the inmate with abilities that can be utilised later in society(Mays & Winfree, 2002, p. 49).

Prominence at this stage had slowly shifted from retribution to incapacitation and then to healing by way of rehabilitation. Chain gangs and lockstep marches with striped prison uniforms was substituted by psychological testing, group counselling and individual

therapy (Fox & Stinchcomb, 1994, p. 129). Prisons created their treatment programs with considerations of both the individual treatment methodology and group therapy techniques(Schmaleger, 2001, p. 453). Despite the high priority that was put on establishing needs of inmates above punishing their actions, the ill-treatment in prison did not just disappear. Even though the change in philosophy directed the discipline in a different pathway, but the past circumstances held on its growth. The prisons were still accused of having unsatisfactory physical conditions and prisoners were still being affected by de-humanizing administrative practices. Prisoners got attention through prison riots and the involvement of the courts(Fox & Stinchcomb, 1994, p. 130).

The prisoners were also not all the time content with the treatment model. On the whole treatment models believed that a prisoner had to be assisted to develop psychologically and also be assisted in taking charge of their lives(Schmaleger, 2001, p. 453). This was ensured through both individual and group therapy sessions. In individual treatment, which was mostly done face-to-face with a therapist, suggestions were that the offenders' psychological growth may have been disturbed by distressing occurrences early on in life and the therapist will attempt to unearth the distresses and construct valuable behaviour modification(Schmaleger, 2001 , p. 453). Group therapy on the other hand depended upon the involvement of members of a group by sharing their general understandings of a variety of issues. Some group approaches were however, confrontational in nature, wherein new group members were attacked verbally and morally to free them of old notions and criminal beliefs. The idea was that they could possibly agree to more constructive and useful descriptions of themselves. One of the most well-known group therapies was the Synanon, developed in the 1950s as a drug addiction treatment therapy group. The word Synanon was drawn from the word 'seminar' – after one of the group members' effort to pronounce the word. More group therapy models were developed similar to the Synanon program in the 1960s. The different forms of group therapy included chemotherapy, behaviour therapy, neurosurgery, sensory deprivation and aversion therapy(Schmaleger, 2001, p. 453). Other treatment groups which were meant to assist in drug addiction utilised tranquilizers to alter behaviour. Neurosurgery was applied on the particularly aggressive prisoners to manage their destructive impulses, while sensory deprivation was seeking

to quieten down distracting behaviour. Aversion therapy on the other hand made use of drugs or electric shocks with the intention of associating pain and unhappiness with an incitement that had in the past encouraged criminal behaviour(Schmaleger, 2001, p. 455).

A group of inmates at the Marion federal prison in Illinois in 1972; demanded the right to decline treatment. The group identifying itself as the Federal Prisoner's Coalition; maintained that prisoners had a fundamental right to oppose rehabilitation procedures invented to modify their personalities, attitudes or values. The coalition was supported by both the National Prison Project of the American Civil Liberties Union (ACLU) and later, the Law Enforcement Assistance Administration (LEAA). The Executive Director of the National Prison Project, Alvin J. Bronstein, was of the view that personality changing methodologies encompass an infringement of inmate's rights. While Donald E. Santarelli of the LEAA who was concerned about the possible legal responsibility, expelled the pay-out of LEAA resources in aid of any prison program making use of psychosurgery, chemotherapy, medical research and behaviour alteration(Schmaleger, 2001, p. 455).

The treatment era was for the first time criticized for relying so highly on the medical model. Scholars of law and academics insisted that there was no evidence pointing that the treatment model was assisting in the behaviour of an inmate(Schmaleger, 2001, p. 455). If an offender was showing improvement in treatment programs, then indeterminate sentences and the common exercise of parole presented the prospect of early release(Fox & Stinchcomb, 1994, p. 130). However this practice of indeterminate sentencing ruling created to incentivize inmates for progressive behaviour collapsed before punishment could be substituted with treatment(Schmaleger, 2001, p. 455). Any straightforward evaluation of the treatment era would deduce that, treatment was in reality, more of a belief than an actuality. Regrettably, the correctional system in America was by no means proficient in providing an extensive or somewhat reliable treatment since the greater part of its administrators and guards were predominantly inducted with the aim of custody and not taught to offer treatment(Schmaleger, 2001, p. 455).

### The Reintegration Model and Community-Based Corrections era

In the course of the 1870s and the 1950s the positioning of the rehabilitation progression shifted from prison and then to the reformatory and ultimately to the community. Reintegration, an idea made popular in the 1970s, supplied a link connecting the prison and the community. Supporters of the reintegration concept appreciated the value of lessening the troubles that prisoners ran into as they stepped from prison routine to the open social world(Mays & Winfree, 2002, p. 49).

Schmaleger (2001, p. 456) asserts that in the advent of the 1960s the facts on overcrowding in prisons which were mixed with the treatment era's faith in the prospects of behavioural change led to a development of reformation in local communities and swerved away from institutionalised corrections. Bartollas (1985, p. 11) on the other hand underlines that an anti-institutional group in American society, plus the progression of an attitude of openness to reform, steered the way to the growth of the reintegration model.

The change-over to community corrections, also known as de-institutionalisation, diversion and decarceration, was established on the assertion that rehabilitation could not be secluded from the free society as the inmates would ultimately go back. Supporters of community corrections have also described prisons as "de-humanising", and alleged, additionally, that prisons discriminated against inmates who were previously considered in the negative by the social order(Schmaleger, 2001, p. 456).

The fundamental stress of the reintegration model was on retaining inmates in the community and on assisting them to reintegrate themselves in the society. The 1967 President's Commission on Law Enforcement and Administration of Justice laid an emphasis that the duty of corrections was to form and reform concrete relations

between the inmate and society. This includes ensuring employment and education for the inmate, re-establishing family units, and most importantly, ensuring stability for the inmate in society and giving an assurance that the inmate will fully function in the societal customs. The commission also embraced that this kind of rehabilitative viewpoint was responsible for transforming both the offender, and the community(Bartollas, 1985, p. 11).

This viewpoint is according to the researcher also supported and highlighted in the White Paper on Corrections in South Africa, 2005. One of the focus areas of the White Paper on Corrections, besides gearing all departmental activities towards rehabilitation, is to identify corrections as a societal responsibility and renew unity at family and community levels. The South African Correctional Services takes this focus area as one of its prominent strategic goals.

One of the theoretical foundations of the reintegration model was that the difficulties that the inmate was facing, prior to incarceration, should be straightened out where they initially began, which is in the community. Another foundational theory evoke that the community has a duty and a legal responsibility for its particular complexities. This legal responsibility should then be to a certain extent used to ensure that those who infringe the law are able to reintegrate back to society. Consequently, the community will be obliged to present the inmate with prospects that will assist in shaping a respectable behaviour, and as a result be taught to exploit these prospects. A third theoretical foundation is that significant connections within the community are necessary for the realization of reintegration goals. Inmates should be given a chance to grow personally and a chance to take on everyday positions such as being employees of a particular corporation, functioning as part of the general public, and participating as members of the family (Bartollas, 1985, pp. 27-28). Community corrections employed a range of programs that were meant to ensure a continuous contact of inmates with the community. Some of the modes employed were the open institutions, work release programs and halfway houses. Open institutions for instance, allowed inmates to participate in community activities and thereby persuaded the community to also

contribute in the prison setting. Halfway houses were from time to time called halfway-in or halfway-out; this depended mostly on the circumstances surrounding the inmate's incarceration. The halfway-in conveyed that the inmate was awarded a second opportunity before being incarcerated and halfway-out conveyed that the inmates were on a path of slowly being released from prison(Schmaleger, 2001, p. 456). The work release was introduced across all correctional institutions which accommodated short and long-term inmates. Prisons, particularly minimum security institutions, presented an extensive choice of re-entry programs, and amongst those was the work release program(Bartollas, 1985, p. 11).

As stated by Mays and Winfree (2002, p. 49)and Bartollas (1985, pp. 11-12) a string of incidents in the mid-and-late 1970s spread uncertainty on the future of rehabilitation. Bartollas (1985, pp. 11-12) contends that the public's outlook experienced huge transformations and had to agree with a "get-tough-with-criminals"attitude. The public was no longer interested in setting up residential services in the community that were used as halfway houses or for work release programs. They had put demands on departments of corrections and legislatures to heighten the standard for the suitability of these programs. This then consequently brought the amount of suitable inmates to a large decrease (Bartollas, 1985, pp. 11-12).

### From the Rehabilitative ideal to the justice model

There were scores of explanations for the medical model to reach its popularity status from the 1930s through the 1960s. The reasons were that the rehabilitative treatment appeared to be a great deal humane than simply punishing inmates for the damage they caused on society. The medical model also came into view as contemporary and scientific; contradicting the philosophy of "an eye for an eye and a tooth for a tooth"- the source of retribution. The medical model guaranteed that by the use of professional intrusion it would reinstate the nonconformist of society into valuable and good enough human beings(Bartollas, 1985, p. 10).

The medical model arrived at its peak in the middle of the chaotic 1960s, an era made distinct by student uprisings, the Vietnam War and psychedelic drugs. In South Africa, at the time, offenders such as Nelson Mandela and other political prisoners were imprisoned in Robben Island and having a different experience on imprisonment. The same era was marked by wars on poverty and crime and civil rights protests. The public was very vocal against the current status in their society they were no longer going to tolerate the customary ways of doing things. Demands heightened for transformation and corrections was no exclusion to the social institutions that were compelled to change (Fox & Stinchcomb, 1994, p. 130).

The last part of the 1960s, saw the reputation of the medical model in American Corrections in the main being severely damaged. The main issue was that there were assertions that the treatment model failed to slow down recidivism(Bartollas, 1985, p. 10).

Bartollas & Conrad (1992, p. 120) posed an uncomplicated question; “what went wrong”? The information on recidivism persistently failed to realize what the medical model guaranteed. First of all, there were lots of reasonable explanations for this inconsistency. The system did not have adequately qualified professionals to execute the programs that inmates required. It was hard to attract psychiatrists and physicians in the treatment of inmates. Custodial officials anxiety on conventional prison practices meddled with educational and therapeutic procedures arranged for inmates. It was difficult to come across good quality work for ex-inmates.

The researcher acknowledges that much has not changed since then in terms of the attraction of qualified professionals in the employment of Corrections in South Africa. In the Department of Correctional Services Financial Year, 2011, Annual Report, it was highlighted that the total number of specific occupations was; Security Officers- **28 853**; Custodian personnel- **6 581**; Professional nurse- **840**; Social work and related professionals- **486**; Educationist- **416**; Psychologists and vocational counsellors- **54** and Senior managers- **162**. One notices from this inference that the psychologists are the

lowest number of employed professionals in the Department of Correctional Services (2011, p. 205).

No matter what the reason was, the figures on recidivism proved that inmates that were released and most likely rehabilitated, appeared to commit crime almost the same way as they did in the past- during the warehousing era. If the rehabilitative model was measured according to the percentages of recidivism, then rehabilitation was evidently not successful in defending people from criminals and the crimes they have committed. These were same criminals who were imprisoned and hardened by the system of imprisonment (Bartollas & Conrad, 1992, p. 120).

In 1974 Robert Martinson wrote an article for “The Public Interest”; this was a publication dedicated to essays on public policy(Bartollas & Conrad, 1992, p. 120). The report was extremely negative and was questioning whether rehabilitation was achievable in the modern system of corrections(Mays & Winfree, 2002, p. 49).

“What works?”- was the title of Martinson’s article. The interpretation of the public on this title was “nothing works”; the words that anti-reform supporters needed to hear. The understanding for many politicians on the other hand was that, if nothing worked then the only function of prisons was to operate as institutions for punishment, deterrence and incapacitation(Bartollas & Conrad, 1992, p. 120).

Martinson’s article was based on a survey that was done on treatment evaluations of 231 programs in corrections. The survey was meaning to be a wide-ranging analysis of rehabilitative projects that had been completely reviewed, and those included probation and parole, counselling, skills development, individual and group psychotherapy, and activities carried out during leisure time(Bartollas & Conrad, 1992, p. 120). The programs measured were on-going and assessed from 1945 through to 1967. Only some displayed encouraging outcomes; however Martinson and his colleagues warned that a great deal of research was required to verify these results(Bartollas & Conrad, 1992, pp. 120-121).

A number of critics verbally challenged the rehabilitation system’s capability to do the work(Mays & Winfree, 2002, p. 49). The first and generally outspoken reviewers of the

rehabilitation principles were von Hirsch (1976) and Fogel (1981). Even though their manner of approach in the critical analysis of prisons was dissimilar, they both concluded that prisons should be somewhat more than a determination of punishment(Mays & Winfree, 2002, p. 18).

David Fogel, in his piece, “We are the living Proof”, questioned the fundamentals of the rehabilitative model. He criticized the processing of the indeterminate sentence, contending that the rehabilitation of inmates or the unsuccessful achievement of it ought to be unrelated to the decision of sentencing. A large discrepancy of sentences for similar crimes was more reliant on individual ethics of judges than some deliberation of justice. Thus, Fogel suggested that criminal policies should be reviewed and bring in consistency in sentencing. This will then allow for mitigating or aggravating grounds to be drawn in, into the crime. This model, as he proposed will be put in place of the medical model, and will be known as the Justice Model(Bartollas & Conrad, 1992, p. 123). Fogel further acknowledged that justice was a great deal more of a workable objective for the criminal justice system than rehabilitation, as justice could be reached within honourable, rational, humane and lawful ways (Bartollas, 1985, p. 48).

The researcher, in agreement with this statement asserts that maybe it is because of the concept of rehabilitation that our correctional institutions in places such as South Africa are becoming fuller by the day with the total population rate of 160 545(2011, p. 205). Or the reason could be attributed to lack of knowledge of those working in the correctional institutions on how to manage these enormous numbers of imprisoned offenders utilizing any method, be it the rehabilitation method or the justice model.

Mays and Winfree (2002, p. 50) agree with Bartollas and Conrad (1992, p. 123) in the assumption of the justice model, and they emphasize that inmates are “volitional” and accountable individuals who are worthy of punishment if they defy the law. That is why the notion of *just desserts* is the essential theoretical underpinning of the justice model. This punishment confirms to inmates that they are accountable for their actions. Any ruling relating to inmates should be founded on the punishment fitting the

behaviour and not on their necessities. Punishment awarded should be equal to the social injury they have caused(Bartollas & Conrad, 1992, p. 123).

State legislatures, cheered by the public, began to reduce inmate benefits and augmented the agony of incarceration. Alabama for instance, was the first state in that period to re-establish the application of the chain gang. This system was re-introduced in 1995, and it saw “shotgun armed guards” supervising inmates who were shackled together on the ankles and tidying the state’s pavements, collecting rubbish and stuffing up trenches. Inmates worked approximately 90 days on chain gangs, for a 12 hour shift and stayed shackled in spite of their need to use toilet facilities. The idea here, as Commissioner Ron Jones- the former Georgia Prison asserts, was for inmates to consider their actions before committing any crime (Schmaleger, 2001, p. 461).

Fox & Stinchcomb (1994, p. 134) contend that the move from rehabilitation to retribution did not yield anticipated results. Soon it was discovered that the facilities necessary to imprison considerable amounts of offenders for significant amounts of time were not available. Institutions of corrections were not ready for the enormous arrival of offenders and the courts could not put up with the extreme overcrowding. The courts kept watch over the huge influx of offenders and muscled in when the numbers went beyond the design scope and insisted that corrections should maintain their numbers within the authorised population limit.

Correctional officials became anxious about their capability to control offenders in the nonexistence of the support of parole offered for good behaviour. Both control and crowding were worked out in the shape of “gain time”, where a precise amount of days gets subtracted from the offenders’ sentence for every month served without disciplinary infringement. The introduction of this system managed to reduce the correctional institutions population to a fairly controllable level. The “gain time” was however realised to be losing the whole idea of the justice model (Fox & Stinchcomb, 1994, pp. 134-135).

## **TREATMENT APPROACHES (1945- 1967)**

By the late 1940s as we have already gathered in the research, a new attention in corrections brought in an age of treatment. Offenders in this period were perceived as clients or patients and their brand name of inmateschanged. The treatment period (since it was previously emphasised), was founded on the medical model which saw offenders as sick and rehabilitation as the tool to curing the illness in criminality.

Therapeutic approaches at the time took manyshapes, “many of which are still in use today”. A lot of the therapeutic models utilised believed that the offender had to be assisted to grow psychologically and be trained to take on “responsibility” for their own lives(Schmaleger, 2001, p. 453).

Treatment in the early period of its implementation was regarded as an essential part in the correctional institutional procedures and is still is. It is the fundamental goal in the process of corrections. Treatment in correctional institutions has always been made up of programs that transmit persuasions of “socialisation” to the offenders. Therefore, treatment communicates measures that appear in the daily “socialisation” of people in the free community; for instance schools, religion, recreation, hospitals, and medical care, in addition to the psychological, psychiatric, and social work services that may be obtainable(Fox V. , 1985, p. 203).

The treatment can be embarked on using many methods. Firstly, during the phase of reception a diagnosis for an offender is analysed and the offender is put in a suitable program. Thereafter, while incarcerated, the offenders are allocated work assignments, exposed to school programs, and treatment programs that are offered for both individual and group therapy sessions. Then the final stage will be the release of the offender either on parole or discharge. The treatment staffs works with each other throughout the

whole period. Their work focuses on their areas of speciality; which can be classification of offenders, education, medical services including dental, psychological support or psychiatric, individual and group therapy counselling, or whichever assistance that comes under the banner of treatment(Fox V. , 1985, p. 204). This section of the research will look at the different approaches to treatment as highlighted in the beginning of the study. One will notice that all the treatment models were influenced by or each have an element of the four doctrines explored earlier in the research. The Quaker doctrine- which emphasises religion as having an influence into offenders lives; the Educational doctrine- which encourages the usage of educational, vocational and occupational skills programs in order to give the inmate basic skills to survive legally on the outside; the medical doctrine, holds that the individual offender has problems that must be diagnosed and the reintegration doctrinemeans that in order for the offender to effectively deal with problems, resources in the community must be utilised such as self-help groups, adult education programs, etc.

## **TREATMENT MODELS**

### **The Punishment Model**

We have seen throughout history that different models were used in the treatment of offenders. In chapter 2 of this research, a highlight was made with regard to the *punishment model* wherein harsher punishments are seen as a way to deter offenders from repeating crimes and the rest of the community being deterred from becoming possible criminals. Jarvis (1978, p. 168) draws attention to the treatment models in correctional institutions as underlined in the Code of Hammurabi which provided punishment in the form of whipping, bodily mutilation and forced labour or slavery as methods used to keep offenders from repeating their crimes and keep others from becoming offenders. The punishment model was deemed a failure as a treatment approach.

### The Monastic model

*The monastic model* followed immediately after the punishment model. Here punishment; hard labour and penance were the areas of focus. Offenders were placed in isolation and afforded the opportunity to do penance for their sins. The same old whippings and hard labour were used as an encouragement for offenders to change their ways and repent. The Hospice of San Michele, constructed in 1704 in Rome, was seen as an early effort at this sort of treatment(Jarvis, 1978, p. 168). This model also failed.

### The Vocational Rehabilitation Model

*The vocational rehabilitation model* is directly related to the work-ethic model, which maintains that working hard is useful for one's mind, body and soul. This reliance on hard work can be mapped out from the Hospice of San Michele through the reforms of the Bridewell workhouse in London, and is still noticed in corrections nowadays as a rehabilitative value (Jarvis, 1978, p. 168). This model was also appreciated in the Maconochie-Crofton reformatory system wherein vocational skills were taught to offenders. The idea behind this model was to simply reduce the idleness of individuals in society; because there was a strong certainty that idleness was the main source of crime; and offer "vocational training and experience" to offenders in a correctional institution(Jarvis, 1978, p. 169).

### The Social Work Model

The introduction of the *social work model* as part of the treatment staff in correctional institutions brought a sense of calmness for correctional administrators as for the first time they felt that they were finally doing something about rehabilitation. The social work model concentrated on a variety of issues that concerned a particular offender; such as the offender's backgrounds, economic status, educational situation, the nature of the offender's crime including his adjustment to the correctional institution and the impact of

the harshness of the sentence imposed (Jarvis, 1978, p. 170). The model brought a very comprehensive profile on each offender, packed with significant and remarkable specifics about the individual offender and his family. The social work model was however inadequate as a treatment program in that it failed in its ability to assess how a particular individual will act in response to a particular situation. There were great limitations in it in the rehabilitation of offenders. It was a great tool for gathering information about the offender's circumstances but it could not be utilised as a treatment program on its own. Apart from its shortcomings, the model could not succeed because there were few social workers to go around and fulfil the requirements all the way through the correctional system (Jarvis, 1978, p. 171).

### The Medical/ psychoanalytic model

The *medical model* of treatment can be traced as far back as the dawn of medicine and the *psychoanalytic model* on the other hand developed through the medical model as psychiatry is a unique type of medicine. A psychiatrist must be qualified first as a medical doctor and after that as a psychiatrist. Psychoanalytic theory perceives the divergence of humans as a result of a sickness of the mind, or mental illness, wherein a diagnosis can be made, and treatment offered like with any other disease. Criminal behaviour, being abnormal, can as a result be considered as a sick behaviour. A medical-psychiatric team can make a diagnosis, categorize and offer treatment to offenders with the aim of healing them(Jarvis, 1978, p. 171).

### The Clinical psychological/ psychometric model

The clinical psychological/ psychometric model plays two roles; firstly, it provides processes of clinical psychology and then secondly, it provides psychological assessment to corrections(Jarvis, 1978, p. 173).

The United States government wanted the scientific treatment programs that psychologists offered as the medical model deemed offenders as sick, however, the

expenses of such a treatment model were high. Psychologists were on the whole (that is in public and private clinics) paid large salaries, and as a result hardly any were found in correctional employment(Jarvis, 1978, p. 173). Steps were taken to increase the short supply of psychologists; for example there was a clinical psychologist with a PhD, a psychological specialist with a Master's Degree and completed psychology 1 and 2. There were testers made available to free psychologists of the testing duties. These did not necessarily have a college degree; however they formed part of the psychological technicians in corrections(Jarvis, 1978, p. 173).

### Boot Camps as a Correctional Option

One punishment, which has grown to be more and more common in the earlier period, is the boot campimprisonment(McShane & Williams III, 1997, p. 224). Boot camps are a correctional measure established on training that is developed in the same way as the "military basic training camp"(Mackenzie & Armstrong, 2004, p. 7). Boot camps initially came into being in 1983 in Georgia and Oklahoma. The first camps were undersized but by 1993 adult correctional centres had over 7 500 incarceration beds allocated to boot camp programs(McShane & Williams III, 1997, p. 224).

Previous forms of boot camps were popularly recognized as *shock incarceration*, but more current programs have changed in title from the common boot camp term to phrases such as "accountability programs" and "leadership camps".The main viewpoint of the initial shock incarceration programs was to traumatize inmates in their first phase of imprisonment in an effort to put a foundation for constructive modification in their behaviour. This traumatic event was to be done in the course of a stringent and well-organized treatment(Mackenzie & Armstrong, 2004, p. 7). Boot camp programs have however gone through serious changes from their primitive days. They went from focusing mostly on the drill righthrough to programs that make use of the military procedures mainly, in order to form a well thought-outatmosphereresuitable for the delivery of treatment and educational programmes. Boot camps were meant to be a

substitute punishment intended to serve as a less harsh penalty than a prison term, but harsher than a punishment of probation(Mackenzie & Armstrong, 2004, p. 7).

Politicians and policy makers in America have been in support of boot camps because through the program they have appeared to be dealing with crime and being tough on crime. They and the public had developed a view that boot camps attended to issues such as discipline and self-control which were features of young offenders. Correctional officials on the other hand have viewed boot camps as significant tools for rehabilitating offenders, offering drug education and cutting down recidivism rates(McShane & Williams III, 1997, p. 225).

In a study conducted by Toby and Pearson in 1992 into juvenile boot camps, it was confirmed that the program objectives that were rated as highly essential by staff were; ensuring safe custody for the youth in their care, making academic education available, and making an effort to rehabilitate, including reducing recidivism. Punishment was somewhat not emphasised upon and did not seem like a significant objective for most boot camps (Mackenzie & Armstrong, 2004, p. 11).

Boot camps were eventually disapproved of by their adversaries. According to their theory, because of the drill, the nature of the military tone and tough manual labour boot camps produced more aggressive, violent and disruptive offenders. They envisaged that offenders discharged from boot camps will not show any improvement once they went back to the community(Mackenzie & Armstrong, 2004, p. 12).

According to Mackenzie and Armstrong(2004, p. 12), many correctional departments encouraged boot camps as a way to lessen prison overcrowding. Boot camps had the capability to decrease the challenge for bed space and at the same time ease overcrowding. This they did by lessening the time an offender spent in prison.

## **REHABILITATION- CONTEMPORARY TRENDS**

Hippchen(1982, p. 3) argues that a lot of incompetence in corrections is as a result of the very inadequate approaches we are likely to use in our rehabilitation attempts. The

confidence that incarceration can have a rehabilitative value has begun to re-surface from the old belief that nothing works(Hollin, 2001, p. 17). Stohr, Walsh and Hemmens (2009, p. 284) point out that shifting from the medical to the justice model in corrections did not suggest the demise of the rehabilitation purpose, but incited descriptions such as ‘assessment’ and ‘programming’ in substitution of phrases such as ‘diagnosis’ and ‘treatment’. The 1980s caught sight of the collapse of the rehabilitative principle while the first part of 1990s observed the renaissance thereof. This rebirth of the principle of rehabilitation as a treatment option was brought about by meta-analytic studies that were conducted just before the end of the 1980s towards the beginning of the 1990s. The underlying implication of these studies was that offender treatment can have a trivial but substantial outcome in cutting back re-offending (Hollin, 2001, p. 10). Ward and Maruna (2007, p. 27) assert that the theory of rehabilitation is empirical in nature; and full of quasi-experimental assessments and meta-analyses. There is an on-going debate that rehabilitation is in need of further accurate testing. In criminology, rehabilitation is often explained in set phrases such as; treatment is: psychologically informed, clinically relevant or that treatment is appropriate. In many instances, none of us know what the in depth meaning of this is(p. 28); as criminologists we are familiar with the concept of rehabilitation but not so many of us can essentially explain how this concept is understood to work(p. 29). A few meta-analytic investigations, that were made public, were conducted on offender rehabilitation during the 1980s and these investigations managed to contest the nothing works opinion(Hollin, 2001, p. 18).

Hollin (2001, p. 20) concedes that “punishment-based approaches do not rehabilitate offenders”. He asserts that in criminal sanctions, punishment enforced was mainly for purposes of retribution, and to a certain extent deterrence, and partially rehabilitation. Re-assessments in meta-analyses have repeatedly shown in their deductions that punishment and the different ways of imposing criminal sanctions do not necessarily decrease the rates of recidivism in a way that is notable. Hollin cites a research that was conducted by Lipsey M.W. on meta-analyses. In this research it was noted that deterrence evaluations had a negative impression on recidivism. This was confirmed by related findings which were reported by Andrews D.A. and his colleagues where programmes containing various forms of judicial processing were classified under the

title of criminal sanctions. In Lipsey's meta-analyses punishment and deterrence measures were found to yield an ES of  $r = 0.12$  whereas in Andrews criminal sanctions were found to yield ES of  $r = 0.07$ . What this meant was that "meta-analyses calculated the effect size(ES)<sup>2</sup>" (Hollin, 2001, p. 19). The figures represent the general effect of a mediation or treatment. The break down value of an ES can be distinctly verified if it increased in value, after that the binomial effect size is put on view, in which the ES can be explained as the variation in percentages between the treated and the untreated category of offenders. Therefore, an ES of 0,10, for instance, may possibly mean an achievement scale of 45% in the treated category matched up to a 35% achievement scale in the untreated category (Hollin, 2001, p. 19).

The meta-analytic study in addition therefore indicates that the standard overall outcome of an offender treatment programme is a cutback in recidivism rates of between 10% and 12%. It was estimated (by Lösel F., in 1996 and 1998 correspondingly), that on the bedrock of a 10% ES an adult offender taking treatment in a therapeutic institution would be offered a reduction of one prison sentence over a certain period of their existence. The effect of this may not seem large but has an extensive monetary saving outcome. The savings are calculated as costs incurred for incarceration, crime investigation, court costs, legal fees, and medical treatment costs for those suffering physical harm including social welfare costs. For this reason, the decrease in recidivism rates of 10%- 12% can have a substantial cost return (Hollin, 2001, p. 19).

## **WHAT DOES WORK IN OFFENDER REHABILITATION?**

### Cognitive-behavioural treatment

Meta-analyses have held to an agreement that interventions of treatment centred on cognitive-behavioural methods have the largest accomplishments when it comes to reducing recidivism(Hollin, 2001, p. 21). Nearly all of the programming used nowadays, in spite of its definite purpose, is operated on cognitive-behavioural doctrines. It has been asserted that, the cognitive-behavioural method symbolize the most visibly

scientific of all main therapy programmes because of its intense stress on measurement, assessment, and experimentation(Stohr, Walsh, & Hemmens, 2009, pp. 284-285). Cognitive-behavioural therapy (CBT), according to Gideon and Sung (2011, p. 73) is an assortment of interventions of treatments, which are ingrained in the combination of *cognitive therapy*, *social learning theory*, and *behavioural modification*. Interventions in cognitive-behavioural approaches are founded on the psychological belief that cognitive methods have an effect on behaviour. By way of cultivating fresh behaviours, altering reasoning, attitudes, thoughts, and problem solving, it is practicable to have some bearing on the harshness and regularity of criminal actions(Hollin, 2001, p. 21).

Cognition can be presumed to signify a mixture of factors, and these may range from intelligence, perception and memory, right the way through to more interpersonal skills.In a study that was conducted by Ross and Fabiano (1985) a further distinction was made between impersonal cognition and interpersonal cognition due to the large scope of variables found in cognition. They defined impersonal cognition as the ability required to cope with the physical world, for example, visual perception and intelligence; and interpersonal cognition as describing the skill to be conscious of other people and work out problems in social circumstances, for instance, “means-end thinking and social perspective-taking”(Palmer, 2003, p. 17). Cognitive ability gives each individual the capacity to rise above the present-day and envision the future in addition to the past. Individuals with a lot of highly developed cognitive formations can react and evaluate behaviour and occurrences in more intricate ways than those with a few cognitive formations (Sun, 2008, p. 68).

Gideon and Sung(2011, p. 73), and Walsh(2001, p. 206) believe that: *behaviourism* is a concept that implies that human behaviour is validated by its end results.The end results of either specific behaviour can be rewarding or punishing at different levels, and are inclined to change through thorough processing of rewards and punishments. If a particular behaviour is rewarding, it is thought to have been supported and as a result it is possible to be done again. If a particular behaviour is punished on the other hand, the likelihood of it being repeated is less. Any potential behaviour therefore is reliant on the

granting of rewards to penalties an individual has been subjected to subsequent to a specific behaviour in the past.

On the other hand, *cognitive therapists* uphold that maladaptive behaviour has been influenced by past events, but they emphasize that self-crushing behaviours are as a consequence of fruitless thinking patterns that relate to these past encounters. In *social learning theory*, behaviour that is said to be learned can be unlearned not only by way of taming but also by means of “modelling and limitation”. Individuals, that is to say examine other people’s behaviour and then decide for themselves whether certain actions are proper or improper (Gideon & Sung, 2011, p. 73) and (Walsh, 2001, p. 206).

The combination of the three theories, (that is, behaviourism, cognitive theory, and social learning theory) as the constituent parts of cognitive-behavioural therapy (Walsh, 2001, p. 205), gives a specific insight that identifies cognition, shaped in social conditions during an individual’s upbringing as powerful background and influential outcomes of human behaviour (Gideon & Sung, 2011, p. 73).

Approaches of cognitive-behaviourism are said to have been around for long periods of time. Stohr, Walsh and Hemmens (2009, pp. 284-285) and Walsh (2001, p. 205) highlight a study conducted by Albert Ellis (1989) asserting that great religious leaders such as the Buddha and Jesus were on the whole cognitive behavioural therapists, in that they were making an effort to get individuals to transform their behaviour from “hedonism to prudence, from cruelty to compassion, from hate to love and immoral behaviour to moral behaviour” by captivating to their sensible self-interest; “do these things and you will only feel good about yourself”..., “you will go to heaven and attain Nirvana in the future”. Cognitive-behavioural therapy in a sense has always attempted to change the disruptive and self-destructive behaviour of offenders into productive and positive behaviour. By engaging into the offender’s welfare is the essence of correctional treatment. A cognitive-behavioural approach therefore seeks to alter a person’s unreasonable or defective thinking through educating the individual and highlighting positive experiences (Pitts, 2002, p. 121).

Yochelson and Samenow (1976) conducted a study of cognition and crime, with 240 male offenders transferred to a hospital for evaluation of their mental condition. Comprehensive interviews were carried out and out of them Yochelson and Samenow concluded that criminals think in a different way from all of us, in other words, they have a noticeable cognitive style and this they described as criminal thinking patterns. The patterns incorporated a lack of empathy, poor decision making, irresponsibility and an inclination to see themselves as victims(Palmer, 2003, p. 18).

Stohr, Walsh and Hemmens are of the view that different thinking patterns of criminals are the first lessons of cognitive-behaviourism. They assert that in order for us to change criminals, our duty is we need to acquire knowledge on how criminals see and assess themselves and their world (Stohr, Walsh, & Hemmens, 2009, p. 285).

The CBT programmes obtained within the criminal justice are aimed at individual responsibility and are essential in assisting offenders with their thinking process and choices that instantly led into their antisocial actions. Change is recognised when offenders become skilled at monitoring their thinking and identifying and altering the difficult cognitive behaviour (Gideon & Sung, 2011, p. 74). Cognitive-behavioural techniques in corrections are drawn on to attend to problems such as self-control, victim awareness, relapse, and prevention; and they also give guidance on critical reasoning and emotional control (Stohr, Walsh, & Hemmens, 2009, p. 286).

A lot of techniques of genuine behaviourism cannot be applied by correctional workers, in particular, community corrections workers as they are highly dependent on the skill of the therapist to mould behaviour by rewarding or punishing behaviour immediately after it is carried out. This ability, in any regard, would need the therapist to have some control on the environment in which the shaping is to take place, for instance, halfway houses or therapeutic communities(Walsh, 2001, p. 206).

### Programming in Cognitive Skills- The Reasoning and Rehabilitation Programme

The Reasoning and Rehabilitation programme, normally described as the R&R or Cognitive Skills, has turned out to be a well-accepted correctional treatment intervention

available in an array of surroundings within a number of countries. The programme has been implemented in countries such as Canada, the United States, England, Scotland, the Scandinavian countries, Spain, Germany, Australia and New Zealand (Hollin, 2001, p. 179). The programme is rendered in a sequence of 36 two-hour sessions which are intended to shape thinking or cognitive skills in a developmental approach. The plan is also aimed at shifting offenders from one stage to another that is, from acknowledging the existence of problems, making decisions in relation to choices, action taking, maintenance of new behaviours, monitoring new behaviours by avoiding relapse and correcting thinking in new circumstances. The programme is delivered by staff, commonly known as coaches or trainers. The coaches pass on essential skills to offenders (Hollin, 2001, p. 181). The comprehensive programme manual gives guidance to coaches through a range of sessions in a thoroughly structured order. The programme is not carried out exclusively by highly qualified professional therapists, but correctional officers, probation officers, and case management officers have been often brought in to act as coaches (Hollin, 2001, p. 183).

The main criterion in choosing coaches is having the cognitive skills comprised in the programme. Furthermore, coaches need to have a decent relationship with offenders, the skill to handle situations with groups, a reasonable level of discipline, flexibility, attentiveness, and exuberance. Many jurisdictions have intentionally brought into play the line rank correctional staff in the implementation phase. The advantage of this practice is that the intentions of the programme are supported by all staff within the correctional environment. The staff will have greater understanding and ownership of the programme ideologies. This will in turn encourage staff to start persuading other line staff to support and strengthen the improvement of offenders in obtaining the program skills (Hollin, 2001, p. 183).

## **THE RISK-NEED-RESPONSIVITY MODEL OF OFFENDER REHABILITATION**

This Risk-Need-Responsivity model of offender rehabilitation, which was coined the ‘what works’ system, established on the prominent work of Don Andrews and James

Bonta (Day, Casey, Ward, Howells, & Vess, 2010, p. 4), came into being in Canada in the 1980s in the days of the “nothing works” scepticism (Ward & Maruna, 2007). Hollin asserts (2001, p. 22) that programmes were deemed fitting if they linked three models: the risk, need, and responsivity model.

### The Risk Model

The risk model describes the possibility of a harmful consequence or occurrence. A risk assessment involves the use of procedures for verifying the probability of a harmful incidence that will occur within a particular time frame (Ward & Maruna, 2007, pp. 44-45). In the criminal justice system, risk assessment is the way of discovering the offender's ability of harmful behaviour towards himself or herself or others. The principle suggests that high levels of concentration should be set aside for higher-risk circumstances, that is, those offenders who have a large amount of descriptions that are linked to offending behaviour and that may show the likelihood of reoffending (Hollin, 2001, p. 22).

### The Need Model

The need model suggests that the services provided should be coordinated with the actual criminogenic requirements of offenders. Criminogenic needs are those features of an individual's performance that augment their antisocial and criminal behaviour. Previously, treatment programmes concentrated more on the mental health aspects of the offenders and not their criminogenic needs. In other words, the criminological text overlooked the views that criminogenic needs are important analysts of reoffending. Successful involvements are those involvements that aim at criminogenic needs (Hollin, 2001, p. 22). Ward and Maruna (2007, p. 46) are of the view that the concept of ‘risk’ is connected to the concept of ‘need’, in that individuals who have unmet needs may possibly be at risk of a harm of some kind. As Maslow has indicated in the hierarchy of

human needs, the four levels of deficiency needs consist of: psychological needs, safety needs, love/belonging, and status/esteem needs. Maslow claims that for purposes of healthy growth and development all of these deficiency needs must be faced and that behaviour is moulded by working at satisfying these needs (Ward & Maruna, 2007, p. 47).

### The Responsivity Model

The final model clarified by Andrews and his colleagues is the responsivity model (Hollin, 2001, p. 22). The responsivity model has to do with the way in which an individual interrelates with the treatment atmosphere, take in a variety of issues and circumstances. Basically, the responsivity model looks at the individual's inspiration to participate in therapy and the obligation to change (Ward & Maruna, 2007, p. 49). The concept of responsivity claim that programmes in corrections have to be in line to the offenders' style of learning, level of enthusiasm and personal and interpersonal situations. Responsivity is therefore understood as mainly involved with the therapist and therapy characteristics that are in essence related to the adjustment of treatment provision in a way that advances change (Ward & Maruna, 2007, p. 49).

Andrews and his colleagues verified that programmes that obeyed to the ideologies of risk, need and responsivity, generated the largest ESs. In their meta-analyses fitting treatments attained a mean phi of 0.30 (Hollin, 2001, p. 23).

Hollin (2001, p. 23) also highlights that programmes that were founded on cognitive-behavioural models, comprised multi-faceted programming, aimed at criminogenic needs, followed the responsivity principle, included employees who exhibited anti-criminal attitudes and behaviours, encompassed role-playing and lastly, counted in social cognitive skills education, were highly effective.

## **THE SOUTH AFRICAN CURRENT SYSTEM OF REHABILITATION**

Although, Edgardo Rotman has in an all-inclusive article contended that customary international law ascertains that the state which detains a person has a “*duty of rehabilitation*” and that from the very same statean individual offender can obtain a lawful right to rehabilitation (Bassiouni & Motala, 1995, p. 200) the situation of the penal system in South Africa was not in agreement with this notion for a very long time. The current system of Rehabilitation in South Africa however has evolved from the one of punishment and treatment to needs-based intervention. As it was captured in *chapter 3 of this research*; the system of prisons in South Africa did not develop separately from the Western ways of punishment therefore, the legal system utilised was the Roman-Dutch law and hence the approach to criminal procedure and punishment emulated that of the Netherlands. The focus on punishment from the mid 17<sup>th</sup> to the end of 18<sup>th</sup> century was primarily on inflicting physical pain on the body of the offender. The impression for those that were in authority at the time was to present punishment that was cruel and dealt out in public so as to reach that maximum effect. Deportation was in addition to this, used as a method of punishment and this was combined with other forms of cruel punishments. Offenders deported, were occasionally held in chains at the slave lodge and forced to labour in public works. This consequently changed when the Dutch ceased to occupy the Cape in 1795; and thereby brought about the decline in the enforcing of physical punishment. During this period reform was far away from anyone’s mind but the employment of John Montagu brought changes into the penal system as a system of organised convict rehabilitation through hard labour on public works was initiated for the first time in the colony. The thought that imprisonment could yield credible results in relation to rehabilitation was not thought of. John Montagu’s ideas were later thrown out and the focus was on initiating the pass laws as the economics or how to use convict labour and reduce expenditure of the colonial administration was of extreme vitality.

Later on, after the release of political prisoners, the South African penal system saw it fit to introduce rehabilitation into its prison programs. It saw the need as Bassiouni & Motala(1995, p. 200) assert to bring rehabilitation that is built on the appreciation of offenders as the holders of rights. As Bassiouni & Motala further contend, offenders are understood as having a variety of rights and ultimately having the right to rehabilitation.

The right to rehabilitation can take two shapes when applied. First, it can be protective in a way that an offender can oblige the state to arrange prison settings in such a way that he or she does not weaken physically or mentally or secondly, it can be constructive in a way that the offender can request key education and therapy be accessible.

Whichever way, in the South African constitution and the penal system it was recognised that the acknowledgement of prisoner's rights is of significance and putting rehabilitation at the hub of all correctional activities is of extreme vitality. In South Africa, as Singh(2004, p. 229) adds-on the notion of *Human Rights* in the past was not frequently expressed as offenders under the tyranny of the apartheid regime were exposed to dreadful infringements of human rights for instance; performing hard labour. The Constitution of the Republic of South Africa 1996, (Act 8 of 1996) acknowledges the rights of prisoners, as in Section 35 (2) of the Constitution precise rights for prisoners while imprisoned are warranted. Carlie & Minor(1992, p. 263) highlight that the identification of fundamental human rights by the world community and the moral commitments that governments are obliged to all civilians, including convicted offenders and political detainees is not an old phenomenon. Through the United Nations member states decided that irrespective of how dreadful and brutal the crime; the imprisoned maintain some unquestionable human rights. These rights include the right to nutritionally sufficient diet, the right to accommodation that is safe and is not congested, hygienic living surroundings, and the right to have visitation. They also settled that prisoners should not be physically abused, deprived of sufficient medical care, or required to work exceedingly long hours. South Africa, in an effort to fit in with the world community and at the same time do the right thing, adopted all these rights into their constitution and into their policies within the correctional systems. All the changes happened after 1994 when the new leadership of the ANC took over. Overpopulation though remained a problem. Various strategies were during the period between 2000 and 2003 put in place to try and curb overcrowding however the numbers kept increasing (White Paper).

In relation to wanting to fit in with the world community and address the upholding of the rights that prisoners had, the South African Correctional system decided to implement three strategies that work as one towards the rehabilitation of offenders. They

introduced the concept of Unit Management, Offender Rehabilitation Path and Sentence Planning as forming part of the new strategic direction of the Department of Correctional Services towards the rehabilitation of offenders. The White Paper on Corrections in South Africa(2005, p. 13) defines the new strategic direction of the Department as having rehabilitation at the core of all its activities and one wherein the Department will attempt to deeply influence corrections at the level of society. Corrections and rehabilitation are thus crucial ideas in the new strategic direction of the department(White Paper on Corrections in South Africa, 2005, p. 18).

The Department of Correctional Services interprets rehabilitation as a course with three essential purposes: *“the correcting of offending behaviour; human development and the promotion of social responsibility and positive social values”*, which it intends to realise by aiming on needs-based interventions. These interventions will focus on weighing up the familiar features of a crime against particular factors of a crime which are distinctive to the case of the specific offender. The idea behind the needs-based interventions is to motivate the offender to take on applicable constructive norms and value systems, opt for different social relations, improve on life-skills, social and occupational skills so as to be prepared *“holistically”* and as a result remove the habit of going back to crime (White Paper on Corrections in South Africa, 2005, p. 20).

Hippchen (1982, p. 7) explains the holistic theory as underlining *“the organic and functional inter-relationship between parts and wholes”*. In rehabilitation, a holistic system attempts to know offenders as individuals who are whole, have purpose and meaning in life the same way as the rest of the other people do. It examines the pieces of the individual and their behaviour against their over-all behaviour. The holistic approach attempts to detect signs of *maladjustment* in recent behaviour and tries to work-out all of the causative factors that may possibly have led to the change in the offender's behaviour- at the same time trying not to overlook the disruptive behaviour in any way.

These methods are crucial to the designing of a practical treatment strategy and in deciding the extent to which these disruptive behaviours may have developed from a sequence of aspects in part or completely outside the offender's power. This information

is then utilised for arranging with individual offenders a sequence of programs for treatment and rehabilitation. The objective of rehabilitation is then to combine the many pieces of the offender's being into a purposeful whole and try a consolidation en route for a more developed phase of humanfunctionality. The absolute goal is to groom the offender to go back to society with a reasonably elevated level of social and individual useful ability(Hippchen, 1982, p. 8).

### Offender Rehabilitation Path

The offender rehabilitation path (ORP) is understood to be an interpretation of the White Paper on Corrections in South Africa(Chief Directorate: Human Resource Development , 2007, p. 8). It is premised on the strengthening of corrections as a societal responsibility and the improvement of correctional centres into establishments of rehabilitation. This premise is rooted in the directive of the Department in terms of the Constitution of the Republic of South Africa and the South African Correctional Services Act 111 of 1998. The ORP explains what happens to an offender from the period of admission-when coming into a correctional centre, to the phase of reintegration into society. This process of ORP guarantees an organisation-wide approach to rehabilitation wherein every correctional officer is pronounced as a rehabilitator. This organisation-wide approach forms a support structure wherein the ideal correctional official is placed tosolidify the basics of the White Paper on Corrections and at the same breath build an atmosphere "*that is safe and secure for the correcting of offending behaviour, rehabilitation and the promotion of corrections as a societal responsibility*"(Chief Directorate: Human Resource Development , 2007, p. 9). The ORP takes in all representatives that will give value to the six delivery areas the Department has specified in relation to offenders; that is security, facility, correction, development, care and social reintegration. Participation in these services delivery fields are founded on detailed assessments of security/ risks and needs of offenders. The provision of services in these areas will be made practical in a correctional sentence plan and be offered to an offender in a structured day programme supported by the multi-disciplinary approach(Chief Directorate: Human Resource Development , 2007, p. 9); utilising the concept Unit Management .

A *correctional sentence plan* is used to facilitate and coordinate the key service delivery areas; which are:

- *Corrections*: speaks to all those services projected at the assessment of security risk and criminal profile of every specific offender developed on his or her personal history so as to aim for all the features linked with the offending behaviour.
- *Development*: speaks to those services pointed at the development of skills and abilities by providing social development and awareness, vocational and technical training, recreation, sports and prospects for education to heighten the reintegration of offenders into society.
- *Security*: speaks of those services offered by the Department of Correctional Services intended to certifying safe and healthy surroundings in an atmosphere that is in harmony with human dignity, at the same time offering safety of officials and offenders, security of the community.
- *Care*: speaks to the offering of needs-based services with the attention on the welfare of offenders that add in physical health, nutrition, social ties with families and the public, spiritual, moral and psychological welfare including health care. (Department of Correctional Services, p. 13)
- *Social reintegration*: speaks to all services concentrated on offenders in getting ready for the ending of their sentences, to simplify social approval and the successful reintegration into the societies (Department of Correctional Services, p. 14)

A *structured day programme* on the other hand is seen as a medium to make sure that all offered programmes are held out in a structured routine. A principal day programme for the correctional centre outlines the focus for the scheduling of events by the distinctive units so as to implement the correctional sentence plan of every offender (Unit Management Training Manual, p. 11). **See Annexure B.**

The *Unit Management* approach permits the provision of an extensive range of social, educational and vocational programmes meant to aid offenders to reintegrate effectively

into the community(Unit Management Training Manual, p. 14). Unit Management is defined as a plan to offender and correctional centre management intended to increase control and relationships by parting the bigger population of a correctional centre into reduced more controllable groups. This is done with the intention of increasing on service delivery related to corrections, care, development, security and after-care. In unit management a correctional centre is divided-up into specified units, each consisting of a certain amount of offenders. The unit will be under the direction of a unit manager who will have substantial accountability and authority and be aided by teams comprising of correctional officials. The participation of offenders in units in scheduled programmes and activities is done in accordance with the correctional sentence plan(Unit Management Training Manual, p. 6).

An outstanding quality of ORP is that it makes available a *framework* for monitoring and evaluation that will help in concluding whether an offender has profited from the intrusions brought in by the different representatives in the rehabilitation process. This framework is of prime significance as it can validate or disprove the Department of Correctional Service's assertion to "*correcting offending behaviour, rehabilitation and the promotion of corrections as a societal responsibility*" (Chief Directorate: Human Resource Development , 2007, p. 9).

The researcher notices that the framework for the Offender Rehabilitation Path in the South African Correctional Services institutions is not linked to any research or empirical data to prove whether it is a working system or not. Throughout this research, the researcher did not find any evidence suggesting that the new concept of rehabilitation is a working instrument for the Department of Correctional Services. There was also no data showing where the concept came from or which country has influenced its conception, however, one gets a distinct idea that the Risk, Need and Responsivity model has had a slight bearing on the theory of the needs-based intervention plan and the Offender Rehabilitation Path in general.

## **SUMMARY**

As it was highlighted in the beginning of the research, the philosophy and approach of rehabilitation is extremely comprehensive. In this chapter, the researcher has tried to simplify the concept of rehabilitation by giving a historical view of the foundations of reformations, from Australia to Ireland and then Cincinnati. A synopsis of the fundamental approaches to offender treatment, what was done throughout history, what works and what does not work in reducing recidivism has been looked at.

What is important to note at this stage according to the researcher is that when some of these aspects such as the Medical Model were introduced and reached their optimum status in the 1960s, the South African community was embroiled in a much more different focus when it comes to issues of imprisonment. One sees this also in the 1980s which caught sight of the downfall of the rehabilitative principle while the first part of 1990s witnessed the renewal thereof. This renewal of the principle of rehabilitation brought forth meta-analytic studies that were conducted just before the end of the 1980s towards the beginning of the 1990s. The underlying implication of these studies was that offender treatment can have a substantial outcome in cutting back re-offending.

The politics in South Africa were taking centre stage during these periods and no one, it seems, had time to prove whether the treatment options or meta-analytic studies were functioning theories for the ever increasing number of offenders in the South African corrections system. In fact, the researcher can safely assert that when it comes to the models that were mentioned throughout history, the South African Corrections system is almost 60 years behind. When the concepts were introduced, debated, tested out, failed

and became successful in some instances, in South Africa, the concentration was primarily on politics and trying to hide from the world community what was really happening in its prisons system. It would be unfair therefore to expect for them to have a smooth sailing concept that is functioning perfectly, at this present stage. However, one has to acknowledge that despite these facts, the South African Correctional Services still sees itself as the future world leader in providing corrections within a safe and secure environment. They still aspire to have every correctional official deemed as a rehabilitator and place rehabilitation at the centre of all correctional activities. Their concept has not been empirically tested therefore there is no evidence of its success or failure rate in reducing recidivism rates and in that way accomplishing its rehabilitation goal.

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# CHAPTER 6

## THE ROLE OF THE CORRECTIONAL OFFICER IN REHABILITATION

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### INTRODUCTION

When one takes a peek at how correctional centres operate these days, as opposed to the last few decades, one gets a sense that the role of the correctional officers (**security staff**) has intensely changed. During the 1800s and the early 1900s, many departments within the correctional system generally worked independently, if not in dispute with one another. This working independently was mainly seen between security or custody staff and the treatment staff. These areas of work meant isolated groups with two conflicting objectives. They displayed totally different mind-sets towards offenders and towards the particular group's viewpoints with respect to how labour was to be divided within a correctional centre. The uniformed security staff understood that it performed the genuine work of managing the institution and that the treatment staffs were altruists. Equally so, the treatment staff in many situations considered the security personnel in *low regard* because of them not having higher education and the nature of their jobs generally observed as routine work (Henderson, Rauch, & Phillips, 1997, p. 1). As time went on, the differences in opinion began to subside and the correctional staff started acknowledging the essence of working in a team and the constructive inputs that both sides were bringing about into the operations of an institution. According to

Henderson, Rauch and Phillips(1997, p. 1), there is proof that confirms that job supervisors and correctional officers have a higher positive influence in an offender's life as opposed to the case worker or social worker. The arrival of unit management in the 1970s in addition substantiated that the custody/treatment contradiction was misleading, and that staffs from all fields could bring in assistance to offenders as they served their sentencesand can bring in support in the general management of the institution (Henderson, Rauch, & Phillips, 1997, p. 2).

In this chapter the researcher is looking at the role of correctional officers which is meant to heighten the objectives of modern correctional institutions which are twofold; "*custody and treatment*". The custodial objective described as the duty to society that guarantees that offenders are confined within suitable, and repeatedly identified, behavioural procedures. While the treatment objective necessitates carrying out anything constructive to make sure that when offenders are released, there is a genuine opportunity for them to turn into fruitful members of the community (Josi & Sechrest, 1998, p. 133). The correctional officer is expected to balance security and still be responsible for changing the behaviour of offenders constructively (Josi & Sechrest, 1998, p. 11). In order to have a comprehensive understanding of the inimitable and contradictory role of the correctional officer, it is very important to appreciate the changes that have transpired in penal philosophy all through the centuries. Throughout this research, the researcher has attempted to capture the heritage of corrections and the evolving systems of punishment of Europe, the United States of America and South Africa. "*That is, what have we inherited from the past? Thus, the correctional system that we study today has been inherited from the past. We need to have a clear picture of the past in order to understand the present*"(Jarvis, 1978, p. 3)

The research captured themes of punishment from the biblical era, to the middle ages where retribution and deterrence prevailed, right through to the originators of modern correctional administrations in the United States when ideas of reformation and rehabilitation were beginning to manifest and the role that the correctional officer played as the system of corrections was transforming. In chapter 1 of this research, a highlight was made that the studies in corrections have practically ignored the correctional officer. Correctional officers have historically been depicted as guards, turnkey and

their duty mainly custodial (Josi & Sechrest, 1998, p. 3). They were undertrained, uneducated, had a rural background, racially and politically influenced and usually very brutal. As Greenberg (1977, p. 36) asserts: "*the second most prominent actor in the prison world-the-guard- has been almost totally neglected in studies of the prison*". A few studies have pointed out the conflicts in the role of the correctional officer, predominantly the conflicts between upholding security and carrying out rehabilitation. According to Cornelius (2001, p. 21) the public impression of a prison has typically concentrated on the correctional officer. Contrary to Greenberg's assertions which were based on the historic view, Cornelius points out that prisons and community corrections centres are manned by trained, skilled and hard-working men and women who must execute a challenging task- that is; "*keeping offenders safely and securely locked up against their will*". Cornelius further on asserts that correctional officers are the heart of a correctional institution. They are skilled law enforcement officers whose task is to supervise and manage offenders, carry out the laws of the jurisdiction, apply the regulations of the institution, keep the offenders in a safe and secure setting, and avert escapes(Cornelius G. F., 2001, p. 22).

Correctional institutions have been deemed as very intricate organisations. However, in the main they bring in security, safety, and control of men and women who have not been able to stay loyal to the code of conduct set by society. In higher and lower security institutions, these aspects of safety and security should not be considered lightly, as offenders always attempt to escape, to smuggle in and use various contraband and drugs, and to harm each other and the staff. Although it is the responsibility of every correctional worker to take cognizance of and to carry out the institution's safety and security regulations, the security or uniformed correctional workforce has these responsibilities as its prime undertaking(Henderson, Rauch, & Phillips, Guidelines for the Development of a Security Program Second Edition, 1997).

"*Front-line correctional officers*" are said to be the pillar of the whole correctional structure. They carry out work that is complicated and taxing, consisting of extensive physical and psychological processes along with a wide-ranging mixture of skills(Josi &

Sechrest, 1998, p. 11).

Correctional officers normally undertake many important and yet occasionally opposing roles, as they are expected to obtain a balance connecting them to their role of security and their duty to use their interactions with offenders positively in order to change their behaviour. They become counsellors, diplomats, caretakers, disciplinarians, supervisors, and crisis managers normally under nerve-racking and unsafe circumstances. The deviating and often unsuited objectives can appear to be challenging and may be hard if not impossible to escape. Complications related to attuning to the varied roles and pressures that are put on correction officers can totally weaken the obligations of the occupation. (Josi & Sechrest, 1998, p. 12).

There are many problems with corrections administration and with the management, treatment, and control of offenders (Jarvis, 1978, p. 3). For purposes of this research, the researcher is going to look at the role of the correctional officer in ensuring that the correctional institution runs smoothly, while balancing treatment and security. The study will begin by unpacking the philosophical underpinnings of rehabilitation and relate these to the current duties of the correctional officer. The South African Offender Rehabilitation Path and how the Correctional Officer is linked to rehabilitation will also be deliberated. The training of correctional officers at basic training level, with a primary focus on training provided in the United States of America will be compared to training offered in the South African Further Education and Training Colleges.

## **THE PHILOSOPHICAL UNDERPINNINGS OF REHABILITATION- WHAT THE CORRECTIONAL OFFICER NEEDS TO KNOW ABOUT THE OFFENDER**

Walsh (2001, p. 3) asserts that employees in any arena must have a sense of the “nature and phenomenon” under which they operate. As an individual hoping to work in a correctional environment, you must be familiar with the trends of crime and what

causes it, so as to deal more successfully with offenders under your management. Crime can be mentioned as a socially rejected behaviour, the degrees of which change with shifts occurring in social, political and economic circumstances over a period of time. This means anyone can act against the law and commit a crime given a variety of factors that has led to it(Walsh, 2001, p. 4).

A theory is described as an intellectual framework upon which is created a valuable structure of knowledge. Empirical evidences are elements of the structure, each one fitted into its correct space to create a comprehensible entity. Taking into consideration the many opposing theories of crime causation, one may wonder which ones are true(Walsh, 2001, p. 3). As correctional workers operating with people, it is important that you understand theories that talk about people's behaviour and their direct environments(Walsh, 2001, p. 4).

The treatment model or medical model, amongst other things is a theory that implies that a criminal is now looked at from a medical point of view. This theory suggests that whatever was turning a person into a criminal had to be explained in a variety of ways that required the use of medicine- be it mental, psychological, or even psychosocial. Due to this kind of thinking various other theories started to emerge and were therefore entertained as the causes of criminality. As we have observed throughout research, the Correctional Officer has not been mentioned much in the process of rehabilitation; from the inception of the Quaker theories, to reformation and then rehabilitation. Therefore this means his contributions towards rehabilitation are not as vital most specifically in the treatment process of the medical model. His presence is only seen in the return to retributivism where the system of rehabilitation is seen as a failure and a return to punishment is advocated. Despite the lack of mentioning him [her] throughout history, the researcher is of the opinion that the correctional officer should have a full understanding of the process of rehabilitation and understand who the correctional client is in the eye of the medical practitioner, social worker and psychologist.

Cesare Lombroso, as captured in chapter 5 of this research, is noted in the beginning of the scientific study of crime, criminals and penology, and because of his experience in

the medical profession as the developer of the biological theory. Other theories were sparked and developed afterwards; such as the psychological and sociological theory. As it is mentioned in chapter 5, Lombroso, saw the classical viewpoints, such as those of the reformation principles made widespread by Wines and Rush, as unempirical considerations. Lombroso pointed out that the viewpoints ignored to consider the point that offenders were not similar in nature and therefore, their criminality and what leads to it can be seen far from influencing their determination, instead they insistently connected crimes and punishment. The classical theories were therefore concealed by vague theoretical judicial methods, and because of this the institution of punishment was obviously unnecessary and of no use as a behaviour adjustment tool for offenders. The introduction of medicine into the penological systems brought forward the different approaches of treatment and the models were introduced in the setup of the growing social and behavioural sciences which were psychology, social work and education. Due to this, penologists gradually inclined towards the theory of rehabilitation and the confidence in the medical model. They began to believe that the main source to comprehending the mind of the criminal is through medicine. Medicine was to offer methods for the treatment of crime and models were introduced in the format of these rising social and behavioural sciences.

For the purpose of the research the researcher will elaborate on three theories of crime causation that were briefly mentioned in Chapter 4 as one of the critical areas that Correctional Officers need to be educated on. There are other theories though, that have been researched by criminologists for many years, however for the purpose of the research the concentration will only be on the biological theory, psychological theory and sociological theory. Other theories will be attached as **AnnexureC**.

## **BIOLOGICAL THEORY**

The biological theory on criminological thinking is a viewpoint that criminal behaviour has a psychological foundation. Factors that take part in shaping behaviour are elements such as genes, foods and food additives, hormones and inheritance

(Schmalleger, 2001, p. 86). Williamson (1990, p. 47) contends that according to biological theories the source of behaviour is in the biological form of the person; that genetic abnormalities or any chemical imbalances such as tumours, endocrine imbalances in the body are drawn on to give reasons for criminal and other abnormal behaviour. Schmallager (2001, p. 86) on the other hand believes that the primary point of view of the biological theories are that; the elementary assumptions of human behaviour are to a great extent, based on genetics, and that these basic assumptions of human behaviour, including criminal tendencies may be conveyed from generation to generation- meaning the liking for crime may be innate.

Cesare Lombroso (1835- 1909), the Italian physician was one of the first theorists to suggest biological justification of crime. Before him, there was Franz Joseph Gall (1758- 1852) who was one of the first thinkers to offer analytically the thought that bodily formation might reveal personality. Gall's theory was never thoroughly analysed in a manner that would meet modern scientific principles. He had suggested in his theory that what an individual did was determined more by the shape of his skull. This theory was known as *phrenology*- "*the study of the shape of the head to determine anatomical correlates of human behaviour*"(Schmalleger, 2001, pp. 86-87). On the other hand, Lombroso's theory had recommended that many criminals were without a doubt born criminals. Williamson (1990, p. 47) believes that Lombroso's description had reflected on sociological factors and appeared to be much more complicated than pointed out. Lombroso began his "*criminal anthropology*" by conducting post-mortems of famous criminals, such as Vilella. Vilella was interviewed by Lombroso on several occasions and after he died, Lombroso linked observations of personality traits that he had captured earlier with assessable physical abnormalities. As soon as he was done, Lombroso determined that criminals were *atavistic* human beings. The theory of *atavism* was "*a condition characterised by the existence of features thought to be common in earlier stages of human evolution*".

The speculations of biological theories did not end there. Schmallager (2001, pp. 90-91) and Williamson (1990, pp. 47-48) talk of the chromosome theory which became popular

in the 1960s and was used as a basis for explaining criminal behaviour. The connections between crime and chromosome patterns were explored during this period.

A female has a chromosome make-up normally illustrated as 'XX', and a male has a Y chromosome in place of the second X, so a typical male will have an 'XY' pattern because this is how the sex gene pair appears in an electron microscope. A normal male will in actuality have one chromosome donated by the female and one donated by the male. It happens at times during fertilisation that abnormalities of chromosomal donations occur. This is whereby there is an additional chromosome donated, for instance, XXX for females and XYY males, and XXYY double males (Schmalleger, 2001, pp. 90-91). In cases where there is an XYY donation in males- with one (X) female chromosome and two (Y) male chromosomes, it has been discovered that these individuals more often than not demonstrated physical characteristics that distinguished them from normal males. They were more violent than the rest of the males and carried with them a number of definite physical and psychological qualities, such as height, thinness, acne, a weakness towards homosexuality, a fairly low IQ, and a noticeable liking to carry out a sequence of what appeared as senseless property crimes. Patricia Jacobs, who had discovered super-males, revealed that there is a higher frequency of XYY males in prison than there is in the general population. Subsequent studies on the XYY chromosomal pattern disagreed with many of these deductions. The significance of the XYY pattern for estimating behaviour is now under scepticism.

## **PSYCHOLOGICAL THEORY**

The name that is generally linked with the field of psychological explanations of crime is Sigmund Freud (1856- 1939). Freud did not write much about crime however those who followed him had a belief that crime could come out from at least three conditions- the

existence of id, an ego and superego. His followers also formed the school of Freudian psychoanalysis. The *id* is the basis of force, and regarded as mainly sexual. The ego is a sound mental body which maps the way the desires of *id* can be attained. The superego on the other hand is the leading principle- normally associated to conscience as it reviews the quality of the options given by the ego. These options are evaluated according to the values of wrong or right attained by the personality of which it forms part. A weak superego is seen as the first likely cause of criminal behaviour as it cannot control the force which comes from the *id*. Most violent crimes such as murder, crimes of passion and sex crimes are considered to be a result of a weak superego development. Individuals who do not have completely developed superegos are normally called psychopaths or sociopaths, to demonstrate that they cannot grasp further than their own interests (Schmallegger, 2001, p. 94).

Psychiatrists are of the viewpoint that crime may take place because of a disordered personality that is situations which may jointly be described as psychopathy.

Psychiatrists established the model of a psychopathic personality. Psychopaths are regarded as defiantly brutal, normally without any thought or feeling for their victims. The main defining characteristic of a psychopath is lack of concern, or the failure to precisely picture how others think and feel. That is why it becomes easy for a psychopath to cause pain and involve themselves in cruel actions without any concern for the victim's pain. Psychopathic signs often appear early in life, mostly in teenage years. These will include lying, fighting, stealing and vandalism. Some other signs that may be found include bed-wetting, cruelty to animals, sleepwalking and fire setting (Schmallegger, 2001, p. 95).

Theories in psychology describe human behaviour in view of unevenness in thought processes. These theories try to find abnormal behaviour as a utility of neuroses, psychoses, personality disorder, retardation or learning disabilities. Neuroses are said to be impractical fears or behaviour that is seen as unusual that would at times cause serious trouble for the individual or society. If neuroses become severe it could create some unwanted behaviour (Williamson, 1990, p. 48).

Psychoses are regarded as greatly severe psychological illnesses that can badly harm a person and cause odd and occasionally peculiar behaviour. According to definitions in psychiatry, psychotic people do not have a grasp with reality. They may experience hallucinations, delusions, or other breakage with the real world. Psychoses may be classified as either organic- "*that is caused by physical damage to, or abnormalities in the brain*", or functional- "*that is with no known physical cause*". Psychotic individuals have also been put in the categories of schizophrenic or paranoid schizophrenic. Schizophrenics are symbolised by characteristics such as muddled thinking, wherein the style of rational relations they create are different from other people. Paranoid schizophrenics go through delusions and hallucinations (Schmalleger, 2001, p. 96).

Freud's followers also put a lot of significance on components of personality as the main reason in describing deviant behaviour. Policies in corrections that have been putting emphasis on rehabilitation have been mostly built on the idea that personality relates to behaviour (Williamson, 1990, p. 49).

## **SOCIOLOGICAL THEORY**

The sociological description of human behaviour tries to find the sources of behaviour in the make-up and practices of society. Sociological theories are of the view that human behaviour is learned during a socialisation process that an individual was involved in. Issues such as family background, education level, religious affiliation, marital status, socioeconomic status, race, and other more complicated social scope are utilised in describing patterns in behaviour (Williamson, 1990, p. 49).

The Anomie theory, which means a "*social pervasive condition of normlessness*", got into the literature as a sociological idea with the writings of Emile Durkheim (1858-1917). In 1938, Robert Merton used anomie in criminology when he made use of the term to explain a difference between socially acceptable goals and means in American society. Merton thought that even as the same goals and means were understood by society as attractive for everyone to partake in, they were not equally obtainable by all.

Socially accepted goals in American society are for instance, wealth, status and political power (Schmalleger, 2001, p. 98).

Social structure theory sees the basis crime being in the social structure itself. The nature of society is created in such a way that some will not gain any benefits from society. Those who do not have wealth, power and status will be disadvantaged both economically and educationally. They stay in poor housing areas, have only the essentials of life and will be incapable of influencing governmental agencies. The kind of lifestyle lived by the lower class often leads to criminal behaviour. It is normally those who are without opportunities and those who demonstrate commotion in their lives that end up turning into criminals(Williamson, 1990, p. 50).

Social processes show that we all have the potential to turn out to be criminals. These theories maintain that the conditions of life are the main formative factors. Social process has three basic types, which are: Social learning theories; Social control theories and Labelling theories. Social learning theories suggest that most behaviour, both criminal and non-criminal is learnt. The process of learning is captured differently by different theories. Learning can take place in a lot of different situations, in different places and from a variety of foundations. The familiar issues that a lot of theories talk of are that all persons learn how to carry out crime and how to make any criminal behaviour sound reasonable. Social control theories focus on the institutions of society that will instil a basic desire to avoid criminal behaviour. Institutions such as the church and schools including peer groups and individuals will take action in instilling ways through which the person can be kept from committing crime. Social labelling theories focus on the course by which people are labelled criminals. The submission is that if a person is dealt with as a potential criminal then the likelihood is that the person is highly likely to commit criminal acts or be involved in any deviant behaviour. Labelling puts the accountability for criminal behaviour both with the individual and the social processes which the person that is labelled a criminal will undergo (Williamson, 1990, p. 50).

Schmallager (2001, pp. 83-84) compiled an illustration of the types of Criminological theories. In this illustration he categorises the types of *Theory*, the *Theorists* responsible for the theories and their *Characteristics*. This illustration is attached as annexure A.

The Correctional Officers are expected to fulfil some of the following duties on an informal basis, that is, **Psychologist**: spotting signs of mental illness, **Parent**: becoming a strong and positive role model for young offenders and **Counsellor**: providing guidance to offenders on how to behave correctly. However, if theories such as these ones form part of their basic training or even formal university training then they will be guaranteed to carry out these duties in a professional manner.

## **THE DUTY OF THE CORRECTIONAL OFFICERS**

The main objective of a correctional officer in any correctional institution is to securely and safely detain offenders in their custody. A safe and secure atmosphere basically implies that the community is sheltered from escapes. Staff and anyone visiting the institution are shielded from violent actions by offenders, and the system protects offenders from themselves and each other(Cornelius G. F., 2001, p. 24). The objective of community safety can according to *Honorable Helen Corrothers, former president of the American Correctional Association and former Commissioner of the United States Sentencing Commission*, realised through the attainment of two goals:

- Avoiding escapes and humanely detaining offenders up until they are lawfully discharged; and
- Making available an appropriate safe surrounding for both offenders and staff which may motivate offenders to gain knowledge of and acquire constructive values (Cornelius G. F., 2001, p. 25) .

There are lots of repetitive and thorough works that must take place in the preservation of order and security. These works go along with the substantial strain that correctional officers have to go through in their jobs. The strain comes from offender requests and exploitation, danger of aggression and even difficulties with colleagues. The duties of today's correctional officers are extensive and thought-provoking. The provocation comes from the reality that the correctional officer has a duty to uphold order and obtain an agreement with offenders who are imprisoned against their wish and who have an inherent feeling to dislike those who try to restrain them (Seiter, 2012, p. 102). Certain

officials, who are uneducated about the procedures of correctional institutions, may find it problematic to work out why attaining compliance is not an effortless duty, because in their view offenders are imprisoned therefore must obey the rules. If correctional staffs have to make offenders abide by the rules by means of force on a frequent basis, or opting for a disciplinary charge, correctional institutions will become tensed, vicious and unsafe. Successful correctional officers acquire compliance by talking about their views, applying the rules in a reasonable way, and handling offenders with appreciation and decency (Seiter, 2012, p. 103).

Another duty that causes the work of correctional officers to be challenging is that of participating in the rehabilitation of offenders. The movement of corrections from the firm controlling management of correctional institutions to that of balancing punishment and treatment brought fears as to what appropriate involvement will correctional officers in the treatment features of offenders be. A lot of administrators agree that correctional officers have an active role in treatment of offenders however, cannot define how this role should be incorporated into the daily duties of officers. As a result, to come to a decision on this matter, some correctional agencies in the United States of America started off considering correctional officers as part of the treatment group and the expectation was for them to be aware of offender's treatment programs and at times be expected to do counselling for offenders. Then again, asking officers to move very far away from their traditional custody and security responsibilities was seen as a loss of control by some and as an unworkable conflict by others. To solve this concern, a small number of correctional agencies started to regard correctional officers as a feature in the treatment team. This meant that the correctional officers were required to be mindful of the offender's treatment programs, and on occasion even offer counselling for offenders. Nonetheless, requesting correctional officers to step away from their habitual custodial security duties, was perceived as impracticable (Seiter, 2012, pp. 103-104)

The Formal Duties of a Correctional Officer have therefore been explained as the following:

- Carry out usual inspections and headcounts on offenders in living units, and work spaces. These inspections are carried out at intervals, that is, every thirty

minutes, every fifteen minutes and so on. Some inspections such as admissions, bookings and offender segregation are usually recorded(Cornelius G. F., 2001, p. 25).

- Carry out searches on offenders' bodies, living units, and work spaces; the idea behind these searches is to find a number of things for instance, contraband or signs of unlawful or self-destructive actions such as needle marks as a result of the use drugs. Contraband can be explained as any object or thing, such as prohibited drugs, weapons, and so on, that is not approved by the institutional administration. Contraband can also relate to any approved item surplus to requirements such as more blankets, stored food, and so on (Cornelius G. F., 2001, pp. 25-26)
- Administer offenders into the institution. All correctional institutions have admission centres. Offenders must be accurately constrained, that is, legal book-keeping must be correct. Offenders must be searched, medically examined, have their possessions registered and stored, and then placed in custody.
- Monitor offender's behaviour and actions. The correctional officers must check offenders continuously in living units, segregation units, work projects, in recreation, and treatment programs. Correctional Officers must monitor offenders for violation of rules, behaviour that is strange, traces of depression, cleanliness, and performance at work.
- Take charge of offenders on work projects. Offenders, who do jobs for the institution, should be supervised by correctional officers. These officials must furthermore offer leadership as well as give out orders.
- Correctional Officers must put into effect laws and rules of the correctional institutions and community corrections centres. They must investigate and report infringements and also not show any discrimination. Offenders are expected to follow the laws of the correctional centre and may be criminally charged. For instance, if an offender attacks another offender with a knife wounds that offender; he/she can be charged with felonious assault and face criminal prosecution.

- Check the environment and security system of the institution. Correctional Officers must do a daily check-up on cells, cellblocks, recreation areas, offices, lock window/ door bars, gates, cameras, intercoms, radios and so on, for any defects. All spaces are checked for fire safety and/or any violation on hygiene. Received mail and parcels are examined for smuggled goods.
- Escort offenders as well as official visitors. Correctional Officers escort offenders to and from housing units, court, programs, recreation, visiting, sick bay, classification or other institutions. Correctional Officers also escort official visitors within the institution.
- Take part in disciplinary hearings/ administrative hearings.

These formal duties have always been carried out to support the objectives of safety and security in the corrections institutions as mentioned earlier that is: ***Avoiding escapes and humanely detaining offenders up until they are lawfully discharged; and Making available an appropriate safe surrounding for both offenders and staff which may motivate offenders to gain knowledge of and acquire constructive values.***

In consensus with Cornelius, Seiter (2012, pp. 101-102) affirms that correctional officers are in charge of supervising offenders in awaiting trial institutions as well as those already convicted of crimes and are serving sentences in correctional institutions. The correctional officers' main task is to ***uphold order and add to the security procedures of the institution.*** They are, inherently, designated to keep an eye on a number of units in an institution; for instance, the housing unit, the yard or facility, perimeter fence, or work area and program area for offenders.

All these duties mentioned above need documentation, or some sort of written information. Therefore, it is necessary to record or have a written report on all inspections, contraventions, checks and escorts(Cornelius G. F., 2001, p. 27).

While it is still expected of correctional officers to maintain order and security, control doors, and grills, lock and unlock cells to allow for permitted offender movement, search offenders for contraband and drugs and prevent escapes; the managers of correctional

centres require correctional officers to be professional in their dealings with offenders (Seiter, 2012, p. 102). Correctional officers are possibly, above all other staff, the ones that effect mostly on the “*tone and environment*” of a correctional institution.

Correctional officers have an impact on the over-all correctional institution scenery by thoroughly and constantly performing their security responsibilities, such as searches for contraband and drugs. In this way, offenders can lighten up and not be greatly distressed with their individual safety or even affiliate to a gang for purposes of protection. They can then be easily occupied with rehabilitative programs as staffs are in charge of the institution and in addition to that, they can use some time having conversation with staff (Seiter, 2012, p. 105).

Cornelius (2001, p. 28) therefore in support of the above contention, upholds that correctional officers have lots of other duties that they informally carry out in an institution. The informal duties of Correctional Officers consist of:

- **Psychologist:** spotting signs of mental illness and *referring* offenders to the correct mental health staff.
- **Legal advisor:** offering responses to offender's legal issues when requested; ranging from sentencing, court dates, and so on; or even standing on behalf of offenders in disciplinary hearings.
- **Parent:** becoming a strong and positive role model for young offenders. Teaching offenders about cleanliness, for instance, telling an offender how to clean himself up or how to clean his cell.
- **Information agent:** offering responses to offenders about institutional policies, rules and programs when requested. Correctional officers occasionally do orientations for newly admitted offenders.
- **Counsellor:** providing guidance to offenders on how to behave correctly, and how to manage an issue that is personal.
- **Diplomat:** interfering in and resolving offender differences, prior to verbal disputes intensifying into complete physical arguments.

The day to day handling of resistant individual offenders by correctional officers assists them to remain calm even when situations are not in their favour(Cornelius G. F., 2001, p. 28). The job description of correctional officers as Williamson(1990, pp. 124-125) emphasises, takes in a high level of responsibility for individuals, real intimidations to personal well-being, rotating shifts, and unfriendly physical and interpersonal backgrounds. The numerous role elements of correctional officers include; (also as identified in the Unit Management concept)

- **security officer**- observation and controlling offenders;
- **disciplinarian**- ensuring that institutional rules and regulations are followed;
- **link between inmates and staff**-communicate issues of policy implementation;
- **behavioural technologist**- encourage good behaviour ;
- **milieu setter**- creating a suitable environment for offenders;
- **educator**- setting an example and communicating appropriate attitudes and information;
- **administrative officer**- completing reports and adhering to the rules and policies of the institution;
- **blue-collar worker**-control keys, cell doors and other technical tasks related to institutional operations ; and
- **consultant to inmates and staff**- listening to offenders and staff and providing solutions to problems.

*The researcher is of the opinion that all the roles and informal duties that the Correctional Officer carries out on daily basis are not covered in the training offered at basic training level (as highlighted later). The correctional officer is however, expected to play a significant role in rehabilitation and yet is not taught how to play this role.*

The industry of corrections is based on dealing with people therefore the work cannot be accomplished by bars and fences, prison cells, or the use of electronic monitoring (Seiter, 2012, p. 94). The correctional officer is thus required to be perceptive and be able to assess behaviour correctly. The skill to obtain co-operation on a voluntary basis from offenders is also an added advantage. Correctional Officers that are regarded as

helpful usually make offenders get a sense that they are truly worried about their well-being and their difficulties. They are all in all very caring in addition to being dependable and reasonable (Williamson, 1990, p. 125). Lack of ability to resolve issues and contradiction will constantly cause constraints for correctional officers when overseeing offenders. It is essential therefore for officers to be skilled properly in evaluating human behaviour and interconnecting with all types of personalities. A lot of correctional officers are keen on increasing their security and order maintenance role and add in human services roles (Williamson, 1990, p. 126).

According to Seiter(2012, p. 98) the name “*correctional officer*” has intensified the difficult role of staff that performs security functions. It is no longer accurate to refer to them as merely custodial staff. The use of the name *correctional officer* instead of guard was supported back in 1993 by a resolution which was passed by the American Correctional Association to define the tasks of a correctional officer of custody and control, which necessitated broad interpersonal skills, distinct training and education and correctional staffs who are competent professionals.

Disappointingly, a lot of people who acquire a two or four year college degree do not necessarily think of positions of correctional officers. They still have the notion that correctional officers are not expending their education, that they are untrained and badly paid. They are not aware that the role of the correctional officer has intensely changed and that education and good decision making skills are vital. The salary has turned out to be more worthwhile and able to preserve valued staff and positions occupied (Seiter, 2012, p. 99).

## **CURRENT DUTIES OF THE CORRECTIONAL OFFICER IN THE SOUTH AFRICAN CORRECTIONAL CENTRES**

The purpose of the correctional system in South Africa is to add to upholding and defending a good, non-violent and safe community through:

- (a) *"Enforcing sentences of the courts in the manner prescribed by this Act (Correctional Services Act 111 of 1998);*
- (b) *Detaining all inmates in safe custody whilst ensuring their human dignity; and*
- (c) *Promoting the social responsibility and human development of all sentenced offenders".*

While the vision for the Department of Correctional Services (DCS) is:

- *"to be one of the best in the world in delivering correctional services with integrity and commitment to excellence".*

The mission statement is: *"Placing rehabilitation at the centre of all Departmental activities in partnership with external stakeholders, through:*

- *The integrated application and direction of all Departmental resources to focus on the correction of offending behaviour, the promotion of social responsibility and the overall development of the person under correction.*

- *The cost-effective provision of correctional facilities that will promote security, correction, care, and development services within an enabling human rights environment.*
- *Progressive ethical management and staff practices within which every correctional official performs an effective correcting and encouraging role”(2005, p. 73)*

In South Africa, just as is in the United States of America, the Correctional Officers are expected to maintain order and security, control doors, and grills, lock and unlock cells to allow for acceptable movement of offenders. Correctional Officers are in charge of overseeing offenders in awaiting trial correctional centres, including those that are in correctional facilities where sentenced offenders are kept. The correctional officers' foremost duty is to maintain order and enhance the security of the institution. They are there to keep an eye on a number of units in a centre; such as the housing unit, the perimeter fencing, or training centre and program area for offenders.

**See Annexure D.**

### **TRAINING OF CORRECTIONAL OFFICERS IN THE UNITED STATES OF AMERICA**

In chapter 4, we had already mentioned that the starting point for the corrections occupation is recruitment and selection. A sensible recruitment program begins with a structure of a hiring criterion which will be done in accordance with the applicable civil service regulations. The principles for staff should include:

- *Minimum education level-* candidates should have obtained a General Equivalency Diploma or be high school graduates.
- *A minimum level of job experience-* candidates should have acquired experience in the world of work

- *Personal and financial responsibility*- candidates should not show any feebleness on requests put forth by offenders.
- *Maturity*- candidates must demonstrate that they can work individualistically, executing good acumen and showing knowledge of human behaviour.

These principles must be checked during the initial employment procedure (*so as to ensure that suitable officials are recruited*). The way to verify these principles can be done through interviews, integrity interviewing procedure or any other technique accessible. Integrity interviewing procedures helps those that are in the selection committee to spot staff who may be inclined to integrity difficulties. Other techniques that may be utilized may require, as part of their physical check-up, urine samples from candidates to be examined for illegal drugs. At other times it may likewise be vital that candidates be probed by the law enforcement before they can be employed. In a study conducted in 1992, it was stated that minimum entry qualifications for correctional officers, was less than a high school diploma in 13 states, a GED or high school diploma in 22 states, and a high school diploma or more in 16 states. Therefore about 68, 6% of the states needed a GED or high school diploma as an adequate education level for correctional officers.

All newly recruited officers are estimated to finish their basic training academy program ahead of being allocated to any routine duty. Training is typically there to accomplish three reasons:

- to make correctional officers more purposeful, prepared and take proper actions in any situation;
- to bring about more productivity and usefulness;
- to stimulate co-ordination and co-operation.

Many new recruits enter the corrections occupation with insufficient education in corrections or at times none at all. This is why new recruits should be subjected to training right in the beginning of their careers. The training academy is there to lay a foundation on matters concerned with corrections and therefore issues information that

will set requirements and measures, and thereby communicate the policies and guidelines that will guide new staff all through their careers.

The first training should include both practical training and theory which will primarily be an understanding of policy. Newly recruited correctional officers are said to be in need of orientation and training of at least 40 hours and training prior to being assigned to their individual responsibilities. The orientation and training should cover the following: *induction to the purpose and goals of the institution and parent agency and their policies and procedures; regulations and working conditions; rights and responsibilities of offenders; and a general summary of corrections.* The length of training and its concentration should be centred on a job-task analysis as calculated by competency-based testing. Experts are then of the view that a training course ordinarily requires a minimum of a 160 hours.

The training should include:

- Communication skills
- Crime scene prevention
- Cultural diversity
- Fire and emergency procedures, including disturbance indicators
- Firearms training
- First aid and Cardiopulmonary Resuscitation (CPR)
- Inmate rules and regulations
- Key control
- Interpersonal relations and crisis intervention
- Report writing
- Rights and responsibilities of inmates
- Safety procedures
- Self defence
- Signs of suicide risk and suicide precautions
- Use-of-force regulations and tactics

Other views were that the basic training curriculum should include: *law instruction if possible the law under which officer's operate, rules of the institution, policies and procedures, basic personality development, counselling methods, self-defence methods and the use of firearms, writing of reports, rules and regulations for offenders, rights and responsibilities for offenders, race relations, fundamentals in first aid and Cardiopulmonary Resuscitation(CPR) techniques, radio communication, substance abuse awareness, and dealing with special offender populations such as the mentally and physically challenged, those with communicable diseases, and religious variations.* The training for new recruits should open up to them the common procedures applied in different work areas within the institution- the training on processes should even include matters such as; offender violations of institutional rules, and the techniques and methods of corrupting officers.

## **CORRECTIONAL OFFICERS IN SOUTH AFRICA: TRAINING, INDUCTION, SELECTION AND RECRUITMENT PROCEDURES**

As forming part of the translation of the Department of Correctional Services from the impenetrable paramilitary prisons system to a correctional service concentrating on rehabilitation in a “*secure, safe and humane environment*”, an applicable human resource approach is critical. The human resource approach will take account of human resource planning, provisioning, maintenance, and development as well as the establishment of a culture that will be deemed fitting for the organisation and to the carrying out of the fundamental business of the Department of Correctional Services. The development of corrections into a renowned and valued profession in South Africa will necessitate dedication to education and training of personnel merged with career-pathing (2005, p. 109). The history of corrections in South Africa depicts that correctional officials were not taught in the competencies and expertise significant for the contemporary rehabilitation- focused correctional structure. Due to this, the Department of Correctional Services is confronted with a huge challenge of reskilling the correctional officers in the latest concept of rehabilitation which focuses on correction and development of an offender in a safe, secure and humane

environment(2005, p. 110). The White Paper on Corrections in South Africa, 2005 emphasises that the link between staff and offenders is the solution to correction and rehabilitation, including the administration of corrections. An "*Ideal Correctional Official*" (as coined in the White Paper on Corrections in SA- both the 2005 and the 2011print), is therefore crucial in this linkage, and thus defined as one who has a distinctive mixture of particular: *personal qualities, experience, expertise, professional ethics, personal development and multi-skilling* (2005, pp. 110-111). The ideal correctional officer should symbolize the values that the Department of Correctional Services wants to infuse in the offender, seeing that this official is the one who will support and smooth the progress of the rehabilitation route of the offender. The correctional officer must have a sense of working with distinction, connect to others in a commendable way and have a fair and thoughtful approach. The thoughtful approach necessitates that the correctional officer should have traits such as: an honourable show of potentials that would include; nobility, truthfulness and sensible working habits; observance of the departmental code of conduct and overall detachment from all practices of corruption and immoral conduct. All these traits will afford the correctional officer with a chance to add to the rehabilitation objectives of the Department of Correctional Services by way of leading the offender by example(2005, pp. 111-112). The Department of Correctional Services has avowed that "*every member is a rehabilitator*". This means that the way in which every single one of the staff members carries out their daily responsibilities can in whichever way be seen as instrumental to the making of a *rehabilitation-encouraging environment* or work contrary to rehabilitation and the correction of offending behaviour.

The staff should ensure that:

- offenders are treated humanely, fairly and with courtesy;
- all offenders do not escape;
- order and control are maintained in correctional centres; and
- offenders are afforded the option to utilise the time they spend in a correctional centre effectively, helping them to successfully reintegrate back into society when released(The White Paper on Corrections in South Africa, 2005, pp. 112-113).

The prominence of correctional officers is commonly viewed as inferior to that of other criminal justice workers. The reality is the job of a correctional officer should be understood as needing a high level of professionalism, dedication to the job and personal righteousness. The way in which society views the work of the correctional officer should be altered so as to allow for the possible recruitment of persons who boast the skills and personal character fit for the Department of Correctional Services(The White Paper on Corrections in South Africa, 2005, pp. 113-114).

The notion that every member has a bearing on rehabilitation, and that *corrections is a multi-faceted profession*, necessitates that the link between correctional officials qualified in the social professions, for instance social work, psychology, nursing, pharmacology, health, and theology including the wide-ranging group of non-specialised correctional officials should be one of collaboration, encouragement and working as a team. Traditionally, the relationship between professional correctional officials and custodial correctional officials in the Department of Correctional Services has been burdened with complications, particularly owing to the scarcities of specific professional human resources in South Africa as a whole (2005, p. 114). The number of employees per occupational groups (specific human resources) as of 1 April 2010 is according to the Department of Correctional Services Annual Report for the 2010/2011 Financial Year (2011, p. 205) are as follows:

- Security Officers- 28 853
- Custodian personnel- 6 581
- Professional nurse- 840
- Social work and related professionals- 486
- Educationist- 416
- Psychologists and vocational counsellors- 54
- Senior managers- 162

All these professional and non-professional employees expected to promote the notion that *every member has a bearing on rehabilitation*; are at odds with an offender population rate of 160 545 offenders housed in 241 correctional centres throughout

South Africa; creating an overcrowding rate of 135, 87% (Republic of South Africa: Judicial Inspectorate for Correctional Services, 2011, p. 11).

## **TRAINING**

In chapter 3 of the research, a highlight was made that according to the *Fact Paper 68: The South African Prison System which was compiled by Herman Venter*, prison warders were understood to be trained properly and in conformity with the guidelines set by the International Standard Minimum Rules on the Treatment of Prisoners. This understanding was based on the admission requirements for a prison warder to gain employment in the Prisons Department as requiring a standard 8- Junior Certificate (Grade 10). However, this was not necessarily a standard requirement as in some instances some officials were employed with higher qualifications. The acknowledgement that prison warders were properly trained revealed that the training was focusing mainly on: foot drill, musketry practice, and the art of self-defence, physical exercise and first-aid as well as instruction in the laws of regulations relating to prisons. Apart from that, the training also seemed to pay attention on exposing new recruits in: *practical psychology, criminology, sociology, Bantu Studies, personality development, human relations and military and civil etiquette*.

Neser JJ.(1993, p. 177), contrary to Venter's assertion, presented a more comprehensive picture of what basic training really involved. He mentioned that the focus was on:

- induction of the recruit to extend his general knowledge as to the way in which the department operates;
- intensifying the recruit's knowledge of the core functions of the department with a highlight made on activities on which the official will be participating in subsequent to basic training, for example, post duty, team duty, hospital guarding, escort duty, section duty, gate duty and correctional supervision;
- expansion of the recruit's physical efforts, physical readiness and competences in relation to *military etiquette* and honorary medals, section drill, marksmanship

and self-defence so as to increase the official's military and physical preparedness; and

- encouraging a positive attitude and a feeling of pride in the recruit in relation to his duty as a correctional official.

Neser (1993, p. 177) emphasises that basic training was only intended to afford the recruit with the necessary competence on prison administration and with that *the recruit* would be supported to expand his knowledge on military techniques and on how to handle the complexities of his career.

Later, in 2004 with the introduction of the new Learnership in Corrections Science, the focus on basic training changed to accommodate the new rehabilitation centred approach of the Department of Correctional Services.

#### **LEARNSHIPS IN CORRECTIONS SCIENCE NQF LEVEL 4**

The main aim of the Learnership in Corrections Science is to produce well trained, competent and valuable rehabilitators who are encouraged and dedicated to service delivery while constantly taking pleasure to fulfil their jobs (Management of Learnership on Correctional Science NQF Level 4: Gauteng Region, 2004, p. 1). The provision of the learnership is intended to offer new entry officials with a profession through a co-ordinated learning programme that covers 30% theory and 70% experiential learning (Department of Correctional Services, p. 1). The 30% of theory which is conducted for a period of three (3) months will be scheduled at either Zonderwater College or Kroonstad College, while the experiential learning phase which will be conducted for a period of nine (9) months. The theoretical learning shall be determined by trainers by means of the outcomes-based approach. The aim is to offer theoretical information and aptitudes while instilling a conduct and values that an Ideal Correctional Officer must have so as to be effective and worthwhile in his [her] career (Department of Correctional Services, 2012, pp. 29-30). The learnership is entered through the Safety and Security Skills

Education Training Authorities (SASSETA). The Department of Correctional Services is involved as an employer and the training is provided through the Directorate Core Curriculum (Department of Correctional Services, p. 1). The SASSETA enters the learner with the Department of Labour and confirms that training is quality ensured and that the accomplishments are recorded in the National Qualifications Authority (NQF).

The learnership is envisioned to profit the Department of Correctional Services appointed officials. *The employer will benefit by receiving:* good trained and capable employees, and improved throughput and effectiveness. *The employee will get profit by:* gaining access to national qualifications, personal growth, improved self-esteem, career possibilities and market worth. *The nation will profit through gaining:* a skilled labour force, improved international competitiveness, economic development and expansion (Department of Correctional Services, p. 2). ***According to the researcher, it is only the newly appointed officials that are profiting at this stage.*** It is important to note that the experiential learning phase which is conducted for a period of nine (9) months focuses on security aspects such as, post duty, team duty, hospital guarding, escort duty, section duty, gate duty and correctional supervision. All the aspects that deal with rehabilitation are completed in the theoretical phase of the training. **See attached annexure E.**

The learnership focuses on the following Unit Standards:

- Demonstrate a basic understanding of offender rehabilitation
- Demonstrate an understanding of the human rights contained in the Bill of Rights
- Demonstrate understanding of the scope and operations within the field of Community Corrections
- Provide a caring environment and delivery of services to special categories of offenders
- Comply with organisational ethics
- Conduct internal security duties
- Conduct external security duties

- Utilise security equipment in corrections
- Promote personal care and environmental hygiene in corrections
- Promote elementary health care in corrections
- Demonstrate knowledge and understanding of HIV/AIDS
- Interpret basic financial statements
- Motivate a team
- Use of handgun
- Use of shotgun

According to the researcher the focus on training has not changed much since the 1990s as it was enlightened earlier by Neser. One will see in the annexure attached on the Learnership in Corrections Science, that the main focus is still in the growing the recruit's knowledge of the core functions of the department that is, *post duty, team duty, hospital guarding, escort duty, section duty, gate duty and correctional supervision*. The other training that seems to be focusing on issues of development and care, and rehabilitation duties is only done at the basic training college and dealt with theoretically.

## **INDUCTION**

All learners have to be inducted into their workplaces before they proceed with their training. Induction speaks to the practice of acquainting new employees to the Department of Correctional Services and particularly the management areas. Through induction the learners will be made aware of the department's goals, objectives, policies, procedures and values. The induction will also give them the opportunity to get to understand the environment of Correctional Services, know other employees, and familiarize themselves with the day-to-day events and responsibilities. The learners will also be clued-up about equipment and resources that may be available for them. It is recommended that the same induction programme be offered at all management areas to assure standardisation and sameness. Similar policy documents should be utilised at all management areas (Management of Learnership on Correctional Science NQF Level 4: Gauteng Region, 2004, p. 8). Learners are inducted in the following Human Resource

policies and procedures: dress code, leave, duty hours and reporting, personnel privileges, sports and recreation and personnel discipline. Learners are also inducted in the following: labour unions, personal finance, protocol and etiquette. Learners are inducted in the aim, purposes, relevant legislation and workplace policies(Management of Learnership on Correctional Science NQF Level 4: Gauteng Region, 2004, p. 10).

## **SELECTION AND RECRUITMENT PROCEDURES**

The Department of Correctional Services has an unrestricted power as to who to employ as a learner built on the selection criteria and employment procedure they have selected. Though, such selection criteria and employment processes will not be discriminatory, bias and prejudicial to specific groups of candidates. (Department of Correctional Services, 2012, p. 3)

As it is emphasised in the South African Correctional Services Act 111 of 1998; Chapter XII- Officials of the department

### 96. Powers, functions and duties of correctional officials

- (3) *Subject to the provisions of this Act and the provisions of the Labour Relations Act and having regard to the operational requirements of the Department, the National Commissioner shall determine the qualifications for appointment and promotion and decide on the appointment, promotion and transfer of correctional officials. (Department of Correctional Services, 2008, p. 83)*

Employment requisites for the candidates of the New Centre-Based recruit as learners are as follows:

Candidates who are suitable to submit an application for posts of the new centre-based recruits as learners to be trained in Correctional Service Learnership (NQF) Level 4 must be:

- “South Africans who are in possession of the Grade 12/ Standard 10 or
- South Africans who have successfully completed the National Certificate in Vocational Studies (NQF level 4)
- South Africans who have successfully completed a further Education and Training Certificate”

Extra qualifications such as a diploma or degree or occupationally based certificates will be an added benefit, however will not be considered as a prerequisite. This extra qualification will however not be accepted for stipend amendment or any potential salary conversion should the candidate be employed permanently in the DCS. (Department of Correctional Services, 2012, p. 7)

Moreover, the candidates must be South Africans who:

- “Are at least 18 years and above with requisite life experience
- Have strong character
- Have requisite life experience
- Are in satisfactory health condition
- Are prepared to allow their fingerprints to be taken to allow the background check-ups and enquiries be done
- Are law-abiding citizens who are without criminal records (particulars of the pending criminal cases must be provided). Should the applicant have a pending criminal case during the time of application for such new centre-based recruits as learners, shall be a must that it be raised during the process of recruitment
- Are prepared to avail themselves for medical evaluation
- Are prepared to subject themselves to interviews and selection
- Are prepared to voluntarily disclose information and provide the Department of Correctional Services to verify their submitted qualifications and citizenship
- Are prepared to be subjected to psychometric testing for selection purposes by the DCS”. (Department of Correctional Services, 2012, pp. 7-8)

The researcher agrees with the above criterion as the Corrections occupation requires persons who are young and yet mature, have a strong character as they will dealing with some of the most difficult personalities throughout their careers, must have a good health status and not be prone to any corrupt activities. One has to remember that the primary characteristics of a correctional officer in the South African concept should be one who “*embodies the values that the Department of Correctional Services hopes to instil in the offender*”, as this is the person who will “*assist and facilitate the rehabilitation process of the offender*”(The White Paper on Corrections in South Africa, 2005, p. 111).

A selection interview as well as supporting documentary evidence will be used in the selection process. The documentary evidence will include documents such as health documents and a criminal record. It may be deemed dubious for the Department of Correctional Services to make their final decision on a candidate based on their academic qualifications or their health questionnaire. However, the Department of Correctional Services will utilise one selection instrument which will have an integrated approach. The selection instrument will combine the following:

- The candidates' application form which is meant to gather applicable biographical data and exact questions linked to the necessities of the particular learnership post. The overall fitness of the candidate could be surmised from such data.
- Medical check-ups (meant to disclose the candidate's health condition)
- Reference check-ups where probable, (finding facts from the candidate's former employer(s) about his/ her work verification)
- Criminal/ security record enquiries (finding evidence about the candidate's criminal record)
- Interview (it involves a conversation between the candidate and the interviewer in an attempt of collecting information to be used to assess the fitness of the candidate)
- Use of psychometric assessment for all candidates (Department of Correctional Services, 2012, pp. 12-13)

Candidates will have the chance to submit an application based on the advertised positions. The process of selection will be overseen by the Area Coordinator in Corporate Services, in the Department of Correctional Services. The selection instruments mentioned above will be utilised to get to a short list of applicants who meet the requirements. The applicants chosen will be evaluated against the assessments stated in the qualification and unit standards of the learnership to verify their level of competence at that stage (Department of Correctional Services, p. 2). The researcher is of the opinion that the criterion has not changed much over the years. The only difference when one compares this selection process to the one mentioned earlier by Dr. Venter in the Fact Paper- (Chapter 4), is that the entrance requirements are now at Grade 12 level and not Grade 10 as was previously required.

### **THE SOUTH AFRICAN OFFENDER REHABILITATION PATH AND HOW THE CORRECTIONAL OFFICER IS LINKED TO THE REHABILITATION OF THE OFFENDER**

In chapter 5 the researcher explained the concept of the offender rehabilitation path (ORP) that it is identified to be an explanation of the White Paper on Corrections in South Africa. The ORP clarifies what happens to an offender from the stage of admission-when arriving into a correctional centre, to the stage of reintegration into society. The progression of ORP assures an organisation-wide approach to rehabilitation in which every correctional officer is well-defined as a rehabilitator. This organisation-wide method forms a sustenance structure in which the ideal correctional official is placed to set the essentials of the White Paper on Corrections and at the same time create an atmosphere "*that is safe and secure for the correcting of offending behaviour, rehabilitation and the promotion of corrections as a societal responsibility*". The ORP takes in all delegates that will give value to the six delivery areas the Department has specified in relation to offenders; that is security, facility, correction, development, care and social reintegration. Involvement in these services delivery

areas are initiated on thorough assessments of security/ risks and needs of offenders. The delivery of services in these fields will be made concrete in a correctional sentence plan and be presented to an offender in a structured day programme supported by the multi-disciplinary approach(Chief Directorate: Human Resource Development , 2007, p. 9); utilising the concept Unit Management .

The admission risk and needs assessment tool for instance is completed by the following representatives:

- Reception clerk (Case management administrator)- gives detailed personal particulars of an offender
- Unit Manager- gives assistance on matters relating to legal advice
- Educationist- assesses educational needs
- Social worker- assesses social needs
- Unit Manager- assesses security, escape risk

While the multi-disciplinary approach requires the assistance of social workers, psychologists, medical doctors, unit managers and Head of Correctional centres, or Heads of Community Corrections. The approach also necessitates teams such as the Case Review Team (CRT) or Case Intervention Team (CIT) to emphasise the multi-disciplinary processes as it will be required for professionals and non-professionals to form part of these teams. There are other role players in the concept of ORP, sentence planning and the structured day programme, and all these role players are an extension of the normal Correctional Officer, who is coined as the rehabilitator; and they are: the Head Correctional Centre, Head Community Corrections, case officer, correctional assessment official, court official, and reintegration case official. It is important to note that there are no specific academic requirements for these role players to be placed in the positions they hold, for instance, a Case assessment officer (CAO) is responsible for guiding the comprehensive assessment team (CAT) in evaluating the security and criminal history of an offender. ***The CAO is not expected to have a qualification in***

**security science or even be a criminologist. His expertise comes from his experience in the corrections environment and that the DCS trusts that he is a rehabilitator.**

Rehabilitation in South Africa is defined as:

- The construction of a supporting environment wherein the beliefs of human rights, reconciliation, forgiveness and healing are defended and assisted; and offenders are helped to abandon negative morals, embrace and cultivate positive ones which are tolerable by society.
- creating prospects for the gaining of knowledge and skills, and the development of the self-assurance of working with distinction
- A progression that is meant to assist the offender in obtaining consciousness into his/ her offending behaviour and understand that the crime caused has brought harm to others, add in the main victims and the larger community(Chief Directorate: Human Resource Development , 2007, p. 10).

Basically this implies that rehabilitation consist of education, skills training, sport, recreation, arts and culture, health care and psychological treatment, maintenance of family and community links, a safe and healthy confinement environment and post release assistance to guarantee that the offender is rehabilitated to avoid for him or her from going elsewhere harmful than he was when he/ she first came into custody(Chief Directorate: Human Resource Development , 2007, p. 10)

The Correctional Officer being a rehabilitator will automatically be involved in rehabilitation taking up one of the responsibilities as mentioned above; that is, skills trainer, recreation officer, case officer or even take up a more professional role which requires education and expertise, such as, health care worker, psychologist and social worker. Therefore the daily happenings of offenders as it is implied in the Unit Management Training Manual(p. 8), should not be understood as a tactic of changing correctional officers (**non-professional correctional officers**) into *social workers* nor should it be a system of transforming correctional officials to be “soft” in their connections with offenders. The idea that custodial officials should be included in all

parts of the offender's life is therefore founded on the *common-sense* intention that to be an operative manager, an officer must:

- Have information of the offender's daily comings and goings, obligations and connections;
- Be acquainted with the offender's upbringing, inspirations, difficulties, ambitions and requests;
- Be in a position, to supervise the offender with understanding and ability.

The training manual (p. 8) further asserts that a great level of participation in all areas of the offender's life increases the official's "power base" and offers a base for "authority".

The researcher is of the opinion that what the Department of Correctional Services is explaining above is just simply having a correctional officer playing a role in the rehabilitation of offenders- that is being an **enabler** and not a **rehabilitator**. An enabler ensures that the environment is suitable for rehabilitation to continue smoothly while a rehabilitator has knowledge and expertise on the concept of rehabilitation and takes a role in healing an offender using either one of the processes mentioned in the medical models of rehabilitation.

## **SUMMARY**

The research attempted to look at the role of the correctional officer in ensuring that the correctional institution runs smoothly, while balancing treatment and security. The philosophical underpinnings of rehabilitation and their relationship to the current duties of the correctional officer were considered. The study focused on the vision and mission statements of the Department of Correctional Services as the mandates for smooth running of the correctional institutions in South Africa and ensuring that safety and security were adhered to at all times. The South African Offender Rehabilitation Path and how the Correctional Officer is linked to rehabilitation was deliberated. The training of correctional officers at basic training level, and the primary focus on training provided in the United States of America was compared to training offered in the South African system.

From everything that was discussed so far in the chapter, one gets a sense that the role of the Correctional Officer in the Rehabilitation of Offenders- that is being an **enabler** and not a **rehabilitator**. The level of education and focus areas do not necessarily turn the Correctional Officer into a rehabilitator.

An enabler according to the researcher is one who ensures that the environment is suitable for rehabilitation to continue smoothly while a rehabilitator will use the healing processes as detailed in medical models of rehabilitation to rehabilitate the offender.

The rehabilitator will have extensive, superior knowledge and professional expertise as clarified in Chapter 4, and have their foundations of knowledge based on the principles of rehabilitation as deliberated in Chapter 5. At this point in time what we have is a simple correctional officer with a name that was changed to suit the changes in the new applications suitable for rehabilitation purposes.

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## CHAPTER 7

# RESEARCH CONCLUSIONS AND FINDINGS

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### INTRODUCTION

This chapter can be regarded as a conclusion and summary of findings from the chapters 4, 5, and 6 which focus on the ***Corrections as A Profession, Principles of Rehabilitation and the Role of the Correctional Officer in the Rehabilitation of the Offender***. The researcher will do an assessment and review whether the objectives of the study have been achieved. The study is aimed at making a contribution in the Education and Training of Correctional Officers in the Department of Correctional Services in South Africa. The objectives of the study are addressed in this chapter and a brief discussion on how they were achieved is as follows:

#### **Objective 1:**

- To analyse the history and development Corrections internationally and its philosophical background

In Chapter 2 the researcher summarized the literature which was conducted extensively through the use of books, journals, internet and legislations. The philosophical foundations of penology were uncovered as well as the institutionalisation of an

offender, his behaviour modification and the estimation of his future behaviour. The idea of these foundations was to bring insight into correctional systems as channels to determine the significance of those institutionalised; how to treat them and assist them in becoming valuable persons in society. In this chapter the researcher looked at the philosophical foundations of penology, and attempted to highlight the role of the correctional officer and his value to the corrections system was made. A review composed of the origins of prisons stemming from the Biblical era, the Middle Ages right through to the development of prisons in America was also conducted. A summary study on the great philosophers of penology and those that have contributed in the shaping of the corrections system with an emphasis on their role in the administration and facilitation of corrections throughout the ages was in addition discussed

## **Objective 2:**

- To examine the impact of the history of rehabilitation in the South Africa Corrections system, from the development of the first prisons in 1652 to the demilitarisation of prisons system in the 1990s, right through to the actualisation of the South African White Paper on Corrections, 2005

In Chapter 3 the researcher explored the growth of the penal system in South Africa by first going through the history of the first colonial settlement as it developed into a complete colony. The research focused on the development of prisons in South Africa from 1959, right through to the introduction of the White Paper on Corrections in 2005. The end of the Dutch occupation and its impact on the development of the penal system was discussed. The introduction of John Montagu into the penal systems of South Africa, his reform ideas influenced by Alexander Maconochie brought in fresh ideas on the South Africa prisons systems. He introduced a system of “*organised convict rehabilitation through hard labour on public works*” and this was initiated for the first time in the colony under his guidance (Deacon, 1996, p. 46).

Efforts to transform prisons in South Africa were there before the Act 8 of 1959 was enacted; however, the proper implementation and improvements on prison conditions were hindered by the need to improve state resources and the economy. The South African government saw a chance of increasing their state resources by creating prisoners in order to have free labour on the mines and on the farms. South Africa already had ideas on how reforms and rehabilitation was to be practiced. From the era of Montagu to the introduction of the mines, which according to history, was just after Montagu's departure, concerns on the literacy level of convicts and allowing them to have time to study was always coming out. Documents were drafted and ideas were put down on how reforms were to be formed and the role that warders were going to play in reforms. Considering that reforms were *not* meant to serve the entire population of convicts, one can argue that the ideas were put down as '*a front*' to convince the International world that South Africa was complying with the penological expectations, but history has it that these ideas were there even before the International world started to have a significant interest in the South African prison's system.

The South African prisons system has always had brilliant ideas on reforms the problem was the system always reverted back to harsh punishment and inhumane conditions of detention. The state on a number of occasions instituted commissions of inquiry to investigate on the conditions of prisons. This according to the researcher indicates that uncertainties on the treatment of prisoners and conditions in prisons were always prevailing. The state had it in them that they were supposed to do the right thing, but maybe due to politics and socio-economic goals, this became impossible.

It should be considered though that irrespective of the removal of an autocratic approach to the management of Correctional institutions, prisons, or correctional centres still need a certain amount of discipline. The demilitarisation of the Department of Correctional Services in South Africa in the 1990s meant, according the researcher, the removal of ranks and this brought in a lot of confusion amongst correctional officials to the extent that it affected security inside prisons. Correctional officials, even those working in administrative offices were trained to be alert at all times and ensure that the prisons were safe and secured continuously.

With the Correctional System in South Africa being demilitarised, it would need individuals (correctional officers) to take a stand in ensuring that rehabilitation objectives are realised accordingly and that prisoners are treated humanely. Reflecting on the history of prisons in South Africa has assisted one to have an understanding of the origin of prisons and thereby look forward to the future.

### **Objective 3:**

- To critically examine the professional status of the Corrections occupation against other existing professions. The issues on education, training, credentialing, autonomy, code of ethics and special expertise are some of the aspects that will be looked at as the primary criterion for professions

Chapter 4 focuses on the meaning of professionalization from the sociological point of view, and then gives a significant concentration on three occupations, namely Medicine, Nursing and Social Work- which are officially acknowledged as professions. The intention was to highlight the common denominators of these professions with that of the Corrections occupation and thereby try to find a criterion that can be best used in professionalising this occupation. The aim of the investigation was to observe if the corrections occupation already has existing elements that can put it in a position to be declared a full profession, or whether this occupation requires a degree of elevation in certain areas in order to fully qualify as a profession.

### **Professional status of corrections: theoretical techniques**

Corrections was defined as an occupational discipline and not a profession. It was described as a human service occupation wherein an understanding of human behaviour seen as is a standard requirement for the job. Corrections was in 1964 identified as an emerging profession by Wilsenki H. L. (Williamson, 1990, p. 65). Emerging professions are said to be; a variety of different identities, values, and interests between members of the profession- who at the same time present varying

views on appropriate methodologies and techniques to be utilized in corrections. Members of the profession do not correspond healthily and in consequence separate clients, and in this manner initiating more partitions within the profession.

### Theoretical techniques

Corrections is regarded as an exclusive profession which contains theoretical features of many different disciplines such as ***psychology, sociology, public administration, and other policy and behavioural sciences***. A lot of academic journals have published articles linked to corrections as early as the 1960s. Books published on corrections have also multiplied. Most of the articles published including academic papers being presented originate from scientific research. It has been observed though that books and articles are normally theoretical in nature whereas most academic papers and to a certain extent journal articles are normative in character, meaning they explain how things should be done. They concentrate on the administration of corrections, how politics affect the system, knowledge on criminal behaviour and the managing of inmates(Williamson, 1990, p. 71) .

### Duration of Training

In the United States of America corrections agencies offer training for entry level students from 2 weeks to 24 weeks and classroom training going from 1 week to 16 weeks. The training provided at agency level concentrates mainly on the skill of correctional exercise wherein the relationship between inmates and correctional officers is highlighted. At academic institutions such as universities and colleges on the other hand concentration is on the advanced level of concepts that originated the theoretical foundation of the profession such as the criminological theories and so on. The increasing level of education including requirements for the job, and court orders pertaining to performance have had a direct impact on the training that is required within corrections and its gradual rise(Williamson, 1990, p. 74)

The researcher views the occupation of corrections as having similar elements of professionalism as those appearing in the nursing profession. When corrections is compared to other professions such as medicine, the researcher is of the opinion that the occupation will take decades before it reaches this level of professionalism, as medicine sets the tone to what professions should look like. However, the nursing profession was awarded the status of "profession" even though they are not in the same rank as the medical profession.

The researcher views nursing more like corrections in that its basis of knowledge comes from other fields of knowledge, for instance, psychology, sociology, social work, political science and public administration. This basis of knowledge will assist officials in the profession to understand human relations and understand the environment within which the profession is operating. As a human service occupation, the profession takes similar responsibilities of the nursing profession of ensuring that the environment within which the client is kept is healthy enough for him or her to undergo rehabilitation programmes and ultimately recuperate. The other similarity is that of autonomy. It is said that nursing lacks autonomy as its basis of control is within the medical profession. The similarity is that corrections occupation is reliant on other fields of work in order to realise the bigger picture of corrections which is rehabilitation. If it gains full autonomy, the occupation might take over what other fields are doing and this might require that the multidisciplinary format of approaching rehabilitation should diminish.

Corrections is there to ensure that sentences imposed by the courts are carried out and that society is kept safe from inmates. Custody and control are vital elements of the occupation. However, due to the level of training of the occupation, the courts are always demanding an improvement on the level of training of correctional professionals in order for them to provide high quality service to inmates and to society. For one to be effective in the profession, it will be essential for one to have skills such as ***technical, human and conceptual skills***. These skills however can *only be attained through high level training specifically college (University) education*. The positions in prison institutions require all staff to have an understanding of human relations and how to

manage human beings. Experience in the prisons and in-service training alone will not empower the official with the necessary skills of understanding human beings. At the same breath, prisons need knowledgeable officials who will assume high level ranks and become supervisors. College (university) education that concentrates on the aspects of the field of corrections will be an added value.

#### **Objective 4:**

- To explain the conception of rehabilitation and its development and application both internationally and nationally

Chapter 5 looked at the history of treatment from the idea of penitentiaries to reform and then rehabilitation. An exploration of the treatment models, including an attempt to explain the four doctrines used in the treatment ideology was done. The four doctrines according to Cornelius are (2001, p. 6); The Quaker doctrine: Religion influences this doctrine; offenders are urged to put religion into their lives. The Educational doctrine: it supports the usage of educational, vocational and occupational skills programs in order to give the inmate basic skills to survive legally on the outside. The Medical doctrine: holds that the individual offender has problems that must be diagnosed. A treatment plan must be devised and implemented. Reintegration means that in order for the offender to effectively deal with problems, resources in the community must be utilised such as self-help groups, adult education programs, etc.

The philosophy and approach of rehabilitation is regarded as extremely comprehensive therefore, a synopsis of the fundamental approaches to offender treatment was discussed. An idea on what was done throughout history, what works and what does not work in reducing recidivism was explained. The South African Offender Rehabilitation Path Concept was highlighted with a focus on the Structured Day Programme, Unit Management and Sentence Planning.

The researcher is of the view that when some of the aspects such as the Medical Model were introduced internationally and reached their optimum status in the 1960s, the South African community was embroiled in a much more different focus when it comes to issues of imprisonment. This is also evident in the 1980s which caught sight of the downfall of the rehabilitative principle while the first part of 1990s witnessed its renewal. This renewal of the principle of rehabilitation brought forth meta-analytic studies that were conducted just before the end of the 1980s towards the beginning of the 1990s. The underlying implication of these studies was that offender treatment can have a substantial outcome in cutting back re-offending.

The politics in South Africa were taking centre stage during these periods. The researcher is of the opinion that the studies on treatment options or meta-analytic studies were not evaluated in South Africa, specifically around the 1990s, to see whether they were functioning theories for the ever increasing number of offenders in the corrections system or not. In fact, the researcher can safely assert that when it comes to the models that were mentioned throughout history, the South African Corrections system is almost 60 years behind. When the concepts were introduced, debated, tested out, failed and became successful in some instances, in South Africa, the concentration was primarily on politics and trying to hide from the world community what was really happening in its prisons system. It would be unfair therefore to expect for them to have a smooth sailing concept that is functioning perfectly, at this present stage. However, one has to acknowledge that despite these facts, the South African Correctional Services still sees itself as the future world leader in providing corrections within a safe and secure environment. They still aspire to have every correctional official deemed as a rehabilitator and place rehabilitation at the centre of all correctional activities. Their concept has not been empirically tested therefore there is no evidence of its success or failure rate in reducing recidivism rates and in that way accomplishing its rehabilitation goal.

### **Objective 5:**

- To critically look at the importance of Corrections system while highlighting the mandated role of the Correctional officer and the duality of the role of balancing security and rehabilitation.

Chapter 6, the researcher looked at the role of the correctional officer in ensuring that the correctional institution runs smoothly, while balancing treatment and security. The study began by unpacking the philosophical underpinnings of rehabilitation and related these to the current duties of the correctional officer. The South African Offender Rehabilitation Path and how the Correctional Officer is linked to rehabilitation was also deliberated. The training of correctional officers at basic training level, with a primary focus on training provided in the United States of America as compared to training offered in the South African Further Education and Training Colleges was discussed.

The research focused on the vision and mission statements of the Department of Correctional Services as the mandates for smooth running of the correctional institutions in South Africa and ensuring that safety and security were adhered to at all times. The South African Offender Rehabilitation Path and how the Correctional Officer is linked to rehabilitation was deliberated. The training of correctional officers at basic training level, and the primary focus on training provided in the United States of America was compared to training offered in the South African system.

From everything that was discussed so far in the chapter, one gets a sense that the role of the Correctional Officer in the Rehabilitation of Offenders- that is being an ***enabler*** and not a ***rehabilitator***. The level of education and focus areas do not necessarily turn the Correctional Officer into a rehabilitator. An ***enabler*** according to the researcher is one who ***ensures that the environment is suitable for rehabilitation*** to continue smoothly while a ***rehabilitator will use the healing processes as detailed in medical models of rehabilitation to rehabilitate the offender***. The ***rehabilitator will have extensive, superior knowledge and professional expertise as clarified in Chapter 4***, and have their foundations of knowledge based on the principles of

rehabilitation as deliberated in Chapter 5. At this point in time what we have is a simple correctional officer with a name that was changed to suit the changes in the new applications suitable for rehabilitation purposes.

### **THE MODEL-RECOMMENDATIONS OF WHAT TRAINING CORRECTIONAL OFFICERS SHOULD BE EXPOSED TO.**

Bearing in mind the research that has been done up to this stage, it is the view of the researcher that those working in correctional institutions should learn more about their work, the people under their care and components that affect their work and their circumstances. The researcher has highlighted that the corrections occupation has in the past been affected by the political environment, which saw correctional officials having a role change due to political interests; and the legal environment; which saw the correctional administrators functioning with a lot of seclusion and were not at all concerned about the courts. Correctional personnel are expected to comply with the laws instituted in a particular country.

Corrections has experienced changes with the prison population and the staff because of environments and influences, such as politics, social circumstances, the law, and even the economic status of a country. Karl Marx in (Bartollas & Conrad, Introduction to Corrections: Second Edition, 1992, p. 131) once commented about crime and he asserted that crime was one of the outcomes of the capitalist systems and that a lot of criminals originated from a class stuck in the lowest remnants of spare populations. Whether his opinion is correct or not, one will never know unless one has sufficient academic background to argue the points and come up with a more educated response. Any knowledgeable person who is empowered with the ability to understand human behaviour and other aspects that connect to it will be able to compete fairly well and operate with less pressure. As it was highlighted in chapter 4, human service workers need to have an understanding of human behaviour and should therefore be able to evaluate their viewpoints on any behaviour carefully and formulate reliable opinions. In

doing so, they will be able to enjoy suitable decision making powers and formulate a tendency on professional behaviour. Their understanding of human behaviour will also reinforce the capability to foresee behaviour and give special knowledge to prevent any uncertainty.

The researcher therefore suggests that in order for a correctional officer in the ***Department of Correctional Services in South Africa*** to function fruitfully in any role within the corrections environment they need to have formal training in a variety of areas. These areas can either be taken as a speciality with the aim of mapping ones career in a particular direction, or be taken as a combination of two or three speciality areas, with the aim of allowing a particular correctional officer to have knowledge in an assortment of areas and not be restricted to one area of knowledge. For example, a Unit Manager must have understanding of security principles and at the same time be a supervisor. This means he is not restricted to having knowledge only on how to identify when there's a security glitch, but he is able to administer and manage his unit without hesitation. The suggestion is that correctional officials in South Africa in general need therefore to have exposure in the following areas of knowledge in order to work effectively to support their main role of being rehabilitators while maintaining safety and security of a correctional centre.

They need to have knowledge of:

- Criminal Justice Systems
- Languages (predominantly spoken in a particular area)
- Sociology
- Psychology
- Politics and governmental studies
- Public Administration
- Criminology
- Philosophy
- Deviance and social control (Anthropology) and

- Security Management

The focus area for the studies will be:

1. Criminal Justice Systems

Course description: The Correctional officer will have an understanding of criminal justice systems both internationally and nationally. The idea is to have a basic understanding of the rule of law and how it cements the courts, police, corrections and all other social organisations together. Here criminological concepts such as the consensus and conflicting models will be emphasised so as to know how the different organizations affect one another.

The focus area for the studies will be:

- Introduction into the South African Criminal Justice System
- Introduction into the international concepts of Criminal Justice Systems
- Comparative Corrections
- Principles of Correctional Operations
- Correctional Administration

2. Deviance and Social Control

Course description: The correctional officer will have the basic understanding of deviance as a concept of dissimilarity and diversity within the background of cross-cultural research, and how deviance has been linked to significant social complications and institutional reactions to treat and control offenders.

The focus area for the studies will be:

- Anthropology (study of cultures, social control, family, ways of life etc)
- Culture and societies

- Cultural diversity
- Theories of social order
- Criminal deviance
- Race relations

### 3. Security Management

Course description: Concentrates on the exploration of security weaknesses and the administration of programs designed to reduce losses in public institutions.

The focus area for the studies will be:

- Security principles and practices
- The law for security personnel
- Principles of crime prevention reduction and control
- Security risk control
- Security technology and information security
- Security management

### 4. Public Administration

Course description: It focuses on the leadership and management of correctional institutions as public organisations and introduces the correctional officers in aspects such as public administration.

The focus area for the studies will be:

- Introduction to Human Resource Management
- Introduction to management accounting
- Public service delivery
- Project management
- The structuring and functioning of public services
- Public policy and supply chain management

- Public Human Resource Management
- Organisational studies in the Public Sector
- Ethics in Public Administration
- Public Financial Administration and Management

## 5. Philosophy

Course description: This links analytical evaluation of our most central beliefs around the facts and actualities. The correctional officers will be led to discover the moral and integrity issues which are key to modern legal and political, and public policy discussions. They will learn advanced methods of thinking and analysing text, and intensifying their understanding of basic human complications and potentials.

The focus area for the studies will be:

- Critical thinking and logic
- Philosophical methods
- Ethics in Corrections
- Political Philosophy
- History of Philosophy

## 6. Law

Course description: The focus is on the study of the law, legal institutions and their impact on society. How the law matters in people's lives, how the law can empower or constrain people and how the structures in social institutions shape the law.

- Introduction to Law
- Introduction to general principles of criminal law
- Origins of South African law
- Fundamental rights
- Administration of the Correctional Services Act 111 of 1998

## 7. Sociology/ Social Work

The focus area for the studies will be:

- Introduction to the social work and the helping process
  - Welfare policy
  - Welfare and social services
  - Culture and education
  - Counselling skills
8. Criminology

Course description: The focus is on the study of crimes, criminals and crime causations.

There will be theories explaining victims of crime, deviant behaviour, social reactions to crime and anti-crime policies.

The focus area for the studies will be:

- Introduction to criminology, crime, offenders and criminal behaviour
- Introduction to criminology: Victims and reduction of crime
- Psychological processes in the work context
- Child and youth misbehaviour
- Dealing with crime: alternative dispute resolutions

## 9. Corrections

Course description: The philosophical foundations of penology will assist correctional officers to learn about criminals and criminal behaviour in order to protect society.

The focus area for the studies will be:

- Fundamental Penology
- Special needs offenders
- Restorative justice in corrections
- Unit and Case Management in Correctional Services
- Youth Corrections
- Community Corrections
- Correctional Management and control

## **CONCLUSION**

It is therefore recommended that thorough research be conducted on the meta-analytic studies of rehabilitation in order to ensure that recidivism rates in the South African Correctional Services do decrease.

The researcher has noticed that the framework for the Offender Rehabilitation Path in the South African Correctional Services institutions is not linked to any research or empirical data to prove whether it is a working system or not. Throughout this research, the researcher did not find any evidence suggesting that the new concept of rehabilitation is a working instrument for the Department of Correctional Services.

Second recommendation is to support the professional role of the Correctional officer in the Department of Correctional Services, in the rehabilitation of the offender. The training of correctional officers at university level should be encouraged with the focus areas on, social sciences, psychology, anthropology, criminology, corrections and security science. The correctional officer should not just act as an enabler in the process of rehabilitation but act as a rehabilitator.

From the recommendations made in this chapter, it is clear that the study is aimed at the Professional Role of the Correctional Officer in the Rehabilitation of the Offender. The recommendations will have an exact influence on the: Rehabilitation process of the Department of Correctional Services as well as the training and up-skilling of Correctional Officers to heighten the objectives of the Department of Correctional Services and transform it into a world leader in “*delivering correctional services with*

*integrity and commitment to excellence*"(The White Paper on Corrections in South Africa, 2005, p. 73).

Different objectives have been attained throughout the study, that is:

- To analyse the history and development of Corrections internationally and its philosophical background
- To examine the impact of the history of rehabilitation in the South African Corrections system, from the development of the first prisons in 1652 to the demilitarisation of prisons system in the 1990s,right through to the actualisation of the South African White Paper on Corrections, 2005
- To critically examine the professional status of the Corrections occupation against other existing professions. The issues on education, training, credentialing, autonomy, code of ethics and special expertise are some of the aspects that will be looked at as the primary criterion for professions
- To explain the conception of rehabilitation and its development and application both internationally and nationally
- To critically look at the importance of Corrections system while highlighting the mandated role of the Correctional officer and the duality of the role of balancing security and rehabilitation.

Hereby, the aim of the study has been achieved, that is:

"To determine the impact Correctional and professional officers have on rehabilitation of offenders and determine the process by which the Correctional environment can be transformed to a true profession of highest integrity and competence".

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## **ANNEXURE A**

### **DECLARATION OF PRINCIPLES**

#### **22 RELEVANT PRINCIPLES OF CRIMINAL JUSTICE**

## DECLARATION OF PRINCIPLES ADOPTED AND PROMULGATED BY THE 1870 CONGRESS OF THE NATIONAL PRISON ASSOCIATION

- I. Crime is an intentional violation of duties imposed by law, which inflicts an injury upon others. Criminals are persons convicted of crime by competent courts. Punishment is suffering inflicted on the criminal for the wrong done by him, with a special view to secure his reformation.
- II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.
- III. The progressive classification of prisoners, based on character and worked on some well-adjusted mark system, should be established in all prisons above the common jail.
- IV. Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skillfully-applied system of rewards for good conduct, industry and attention to learning. Rewards, more than punishments, are essential to every good prison system.
- V. The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play, and made constantly operative.
- VI. The two master forces opposed to the reform of the prison systems of our several states are political appointments, and a consequent instability of administration. Until both are eliminated, the needed reforms are impossible.
- VII. Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits.
- VIII. Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.
- IX. Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life.

- X. Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Education is, therefore, a matter of primary importance in prisons, and should be carried to the utmost extent consistent with the other purposes of such institutions.
- XI. In order to [*sic*] the reformation of imprisoned criminals, there must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed, since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing.
- XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed, which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But, to this end, the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.
- XIII. The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and laws. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. It would be otherwise if criminals, on conviction, instead of being cast off, were rather made the objects of a generous parental care; that is, if they were trained to virtue, and not merely sentenced to suffering.
- XIV. The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy.
- XV. In prison administration, moral forces should be relied upon, with as littler admixture of physical force as possible, and organized persuasion be made to take the place of coercive restraint, the object being to make upright and industrious free men, rather than orderly and obedient prisoners. Brute force may make good prisoners; moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

- XVI. Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly given to it in our prisons. Work is no less an auxiliary to virtue, than it is a means of support. Steady, active, honorable labor is the basis of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard, "make men diligent, and they will be honest" – a maxim which his congress regards as eminently sound and practical.
- XVII. While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practiced in our country, as prejudicial alike to discipline, finance and the reformation of the prisoner, and sometimes injurious to the interest of the free laborer.
- XVIII. The most valuable parts of the Irish prison system – the more strictly penal stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of natural training – are believed to be as applicable to one country as another – to the United states as to Ireland.
- XIX. Prisons, as well as prisoners, should be classified or graded so that there shall be prisons for the untried, for the incorrigible and for other degrees of depraved character, as well as separate establishments for women, and for criminals of the younger class.
- XX. It is the judgment of this congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for reformatory processes to take effect.
- XXI. Preventive institutions, such as truant homes, industrial schools, etc., for the reception and treatment of children not yet criminal, but in danger of becoming so, constitute the true field of promise, in which to labor for the repression of crime.
- XXII. More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that state societies be formed, which shall co-operate with each other in this work.

XXIII. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well defined classes engaged in criminal operations, who may be called the capitalists and the operatives. It is worthy of inquiry, whether a more effective warfare may not be carried on against crime, by striking at the capitalists as a class, than at the operatives one by one. Certainly, this double warfare should be vigorously pushed, since from it the best results, as regards repressive justice, may be reasonably hoped for.

XXIV. Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the state which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment.

XXV. Criminal lunacy is a question of vital interest to society; and facts show that our laws regarding insanity, in its relation to crime, need revision, in order to bring them to a more complete conformity to the demands of reason, justice and humanity; so that, when insanity is pleaded in bar of conviction, the investigation may be conducted with greater knowledge, dignity and fairness; criminal responsibility be more satisfactorily determined; the punishment of the same criminal be made more sure, and the restraint of the insane be rendered at once more certain and more humane.

XXVI. While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practiced by the criminal classes. Does society take all the steps which it easily might, to change, or at least to improve, the circumstances in our social state that lead to crime; or, when crime has been committed, to cure the proclivity to it, generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offences, we are told by a high authority, must come; but a special woe is denounced against those through whom they come. Let us take heed that that woe fall not upon our head.

XXVII. The exercise of executive clemency in the pardon of criminals is a practical question of grave importance, and of great delicacy and difficulty. It is believed that the annual average of executive pardons from the prisons of the whole county reaches ten per cent of their population. The effect of the too free use of the pardoning power is to detract from the *certainty* of punishment for crimes, and to divert the mind of prisoners from the means supplied for their improvement. Pardons should issue for one or more of the following reasons, viz.: to release the innocent, to correct mistakes made in imposing the sentence, to relieve such suffering from ill-health as requires release from imprisonment, and to facilitate or reward the real reformation of the prisoner.

The exercise of this power should be by the executive, and should be guarded by careful examination as to the character of the prisoner and his conduct in prison. Furthermore, it is the opinion of this congress that governors of state should give to their respective legislatures the reasons, in each case, for their exercise of the pardoning power.

- XXVIII. The proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence. The present extraordinary inequality of sentences for the same or similar crimes is a source of constant irritation among prisoners, and the discipline of our prisons suffers in consequence. The evil is one for which some remedy should be devised.
- XXIX. Prison statistics, gathered from a wide field and skillfully digested, are essential to an exhibition of the true character and working of our prison systems. The collection, collation and reduction to tabulated forms of such statistics can best be effected through a national prison discipline society, with competent working committees in every state, or by the establishment of a national prison bureau, similar to the recently instituted national bureau of education.
- XXX. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. We are of the opinion that those of moderate size are best, as regards both industrial and reformatory ends.
- XXXI. The construction, organization, and management of all prisons should be by the state, and they should form a graduated series of reformatory establishments, being arranged with a view to the industrial employment, intellectual education and moral training of the inmates.
- XXXII. As a general rule, the maintenance of penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state; nevertheless, the true standard of merit in their management is the rapidity and thoroughness of reformatory effect accomplished thereby.
- XXXIII. A right application of the principles of sanitary science in the construction and arrangements of prisons is a point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, bed and bedding, including sheets and pillow cases, not costly but decent, and kept clean, well aired and free from vermin; the hospital accommodations, medical stores and surgical instruments should be all that humanity requires and

## **ANNEXURE B**

### **STRUCTURED DAY PROGRAMME**



The following may serve as an example of a master structured day programme:

### **A FRAMEWORK OF A STRUCTURED DAY**

Time	Sun.	Mo Tue Wed Thu Fri	Sat
6:00 – 7:00	Wake up/ Count/ Cleaning of Room/ Breakfast	Wake up/count/cleaning of room/breakfast/ Outgoing mail/drop off laundry bags/Pill Parade/Get ready for daily activities.	Wake up/ Count/ Cleaning of Room/ Breakfast
	Spiritual Care Programmes/essential services  Family Visits Count/Search/roll calls  Essential Services	Case Management Sessions e.g. assessment, correctional sentence planning, scheduling of programmes / services  <b>Correctional Programmes &amp;</b> Services e.g. sexual offender treatment, substance abuse treatment aggressive offender treatment programmes  <b>Development &amp; Care</b> <b>Programmes</b> e.g. Formal Education and Technical Skills Training Industries (Work teams) Social Work Programmes (Individual and Group Sessions) Psychological Services Programmes (Individual and Group Sessions) Health Care Services Programmes (Group) Count  Sports, Recreation & Arts activities & programmes  Spiritual Care Programmes	Leisure, sport/ recreational activities /essential services  Family Visits Count Search/roll calls Essential Services Development & Care programmes and services Correctional Programmes and services
12:00 – 13:00	Lunch	Friday prayers for Moslems where applicable	Spiritual Care Programmes (Seven Days Adventists & Others)/essential services
	Family Visits Outside Recreation Count	Case Management Sessions e.g. assessment, correctional sentence planning, scheduling of programmes / services  <b>Correctional Programmes &amp;</b> Services e.g. sexual offender	Family Visits Outdoor Sport & Recreation Count Search Essential



		treatment, substance abuse treatment aggressive offender treatment programmes <b>Development &amp; Care Programmes</b> e.g. Formal Education and Technical Skills Training Industries (Work teams) Social Work Programmes (Individual and Group Sessions) Psychological Services Programmes (Individual and Group Sessions) Health Care Services Programmes (Group) Count Sports, Recreation & Arts activities & programmes Spiritual Care Programmes	Services Development & Care programmes and services Correctional Programmes and services
	Leisure Time Chores	Leisure Time/Incoming mail/ Visit to Prison Shop/ Count/Search	Leisure time/ Chores
16:00 — 17:00		Supper	
	Leisure Time Study Time	Unit Meeting (Requests & Complaints)/ Leisure Time/Hobbies/Pre-release programmes (Community Involvement) Study Time	Leisure time/TV/ Movies
		Lock- up and Counts	

## 2.7. CASE MANAGEMENT

This refers to the process during which the progress of the offender in terms of an individual correctional sentence plan is monitored and amended, if necessary.

## 2.8. CLOSE SUPERVISION

Close supervision means that activities of offenders are observed on a continuous basis during the day and night.

## **ANNEXURE C**

### **CRIMINOLOGICAL THEORIES**

## Types of Criminological Theories

Type	Theorists	Characteristics
Free Will theories Hedonistic calculus	Beccaria Bentham	<p><u>Classical School</u></p> <p>Crime is caused by the individual in exercise of free will. Prevention is possible through swift and certain punishment that offsets any gains to be had through criminal behaviour.</p>
Phrenology Atavism Criminal families Somatotypes	Gall Lombroso Dugdale Godard Sheldon	<p><u>Biological</u></p> <p>Criminal genes cause deviant behaviour. Criminals are identifiable through physical characteristics or genetic makeup. Treatment is generally ineffective, but aggression may be usefully redirected.</p>
Chromosome theory Biochemical	Jacobs	<p><u>Psychobiological</u></p> <p>Human DNA, environmental contaminants, nutrition, hormones, physical trauma, and body chemistry play</p>

approaches		important and interwoven roles in producing human cognition, feeling, and behaviour- including crime.
Heredity	Mednick Wilson Hernstein	
		<u>Psychological</u>
Behavioural conditioning	Pavlov	Crime is the result of inappropriate behavioural conditioning or a diseased mind. Treatment necessitates extensive behavioural therapy.
Psychoanalysis	Skinner	
Psychopathology	Freud	
	Clecky	
		<u>Sociological</u>
Social disorganisation	Park	The structure of society and its relative degree of organisation pr disorganisation are important factors contributing to the prevalence of criminal behaviour. Group dynamics, group organisation, and subgroup relationships form the causal nexus out of which crime develops.
Anomie	Durkheim	
Subcultures	Merton	
Focal concerns	Cohen	
	Miller	Effective social policy may require basic changes in patterns of socialisation and an increase in accepted opportunities for success.
	McKay	
	Wolfgang	
	Ferracuti	
	Burgess	

Differential association Social learning Containment Social control Neutralisation	Sutherland Burgess and Akers Reckless Hirschi Sykes and Matza	<p><u>Social-Psychological</u></p> <p>Crime results from the failure of self-direction, inadequate social roles, or association with defective others. Social policy places responsibility for change upon the offender.</p>
Radical criminology Peacemaking criminology	Turk Vold Chamboliss Pepinsky Quinney	<p><u>Conflict</u></p> <p>Conflict is fundamental to social life. Crime is a natural consequence of social, political, and economic inequities. Fundamental changes to the structure of society are needed for crime to disappear.</p>
Symbolic interaction Labelling	Mead Becker	<p><u>Phenomenological</u></p> <p>The source of criminal behaviour is unknown, but an understanding of crime requires recognition that the definition of crime is imposed upon behaviour by the wider society. Individuals defined as</p>

		criminal may be excluded by society from normal opportunities. Therapy requires a total reorientation of the offender.
Feminist criminology	Adler Simon Daly Chesney-Lind	<u>Emergent</u>  Feminist criminology, which is representative of other new and emerging theories, emphasises the need for gender awareness in the criminological enterprise
Postmodern criminology	Henry Milovanovic	Deconstructionist approaches challenge existing theories in order to replace them with perspectives more relevant to the modern era.

## **ANNEXURE D**

### **DUTY SHEET**

## DEPARTMENT OF CORRECTIONAL SERVICES

<u>JOB DESCRIPTION</u>				
<u>Post detail</u>				
<u>Post</u>	Supervisor: External Custody			
<u>Purpose of post</u>	To supervise the work of staff tasked with external custodial duties			
<u>Type of post:</u>	New		Link to existing structure	Supervisor: External Custody
<u>Core objective supported</u>	<ul style="list-style-type: none"> <li>• Safe custody of offenders</li> </ul>			
<u>Organizational context</u>				

### Organizational context

The post is located on the structure for the component:	Operational Support \ Security
The incumbent will report to and be supervised by the:	Coordinator: Security External custodial staff Head: Dog Unit Head: Mounted Unit
The following sections will report to the incumbent:	

## Functions

Nr	Function	Activities
1	Supervision of access control to prison grounds	<ul style="list-style-type: none"> <li>Preventing access to/from the prison by unauthorized persons</li> <li>Preventing entry/removal of unauthorized items</li> <li>Prevention of unauthorized contact with prisoners and</li> <li>Ensure the safety of prisoners</li> <li>Ensure the safety of members and members of the public</li> <li>Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>Undertake night visits to prison to ensure adherence to security directives during the night</li> </ul>
2	Supervision of the patrol of prison grounds	<ul style="list-style-type: none"> <li>Detection and prevention of escapes,</li> <li>Prevention of the theft of government property,</li> <li>Prevention of unauthorized contact with prisoners and</li> <li>Ensure the safety of prisoners</li> <li>Ensure the safety of members and members of the public</li> <li>Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>Undertake night visits to prison to ensure adherence to security directives during the night</li> </ul>
2	Supervision of the manning of watch towers	<ul style="list-style-type: none"> <li>Standing guard to prevent the escape of prisoners,</li> <li>Prevention of the smuggling of unauthorized items,</li> <li>Prevention of unauthorized contact with prisoners and</li> <li>Ensure the safety of prisoners</li> <li>Ensure the safety of members and members of the public</li> <li>Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>Undertake night visits to prison to ensure adherence to security directives during the night</li> </ul>
3	Supervision of escort of prisoners to courts, doctors, hospitals	<ul style="list-style-type: none"> <li>Accompanying of prisoners to outside bodies in order to prevent escapes and the smuggling of unauthorized items,</li> <li>Prevention of unauthorized contact with prisoners and</li> <li>Ensure the safety of prisoners</li> <li>Ensure the safety of members and members of the public</li> <li>Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>Undertake day and night visits to prison and hospitals to ensure adherence to security directives</li> </ul>
4	Supervision of guarding of prisoners at work teams	<ul style="list-style-type: none"> <li>Prevention of unauthorized contact with prisoners outside the prison</li> <li>Ensure the safety of prisoners</li> <li>Ensure that prisoners do not escape from work teams</li> <li>Searching of working areas and routes to / from work areas</li> <li>Searching of prisoners</li> <li>Ensure the safety of members and members of the public</li> <li>Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>Ensure that prisoners do not have access to security</li> </ul>

Nr	Function	Activities
		equipment, vehicles or any other item that could assist in an escape or assault
5	Supervision of guarding of prisoners in external hospitals	<ul style="list-style-type: none"> <li>• Prevention of unauthorized contact with prisoners outside the prison</li> <li>• Ensure the safety of prisoners and members of the public</li> <li>• Ensure that prisoners are escorted during movements inside and outside external hospitals</li> <li>• Searching of areas to be accessed by prisoners</li> <li>• Searching of prisoners</li> <li>• Activation of emergency measures as per situation to prevent escapes, assaults and injuries</li> <li>• Ensure that prisoners do not have access to security equipment, vehicles or any other item that could assist in an escape or assault</li> <li>• Ensure that prisoners in external hospitals are under DCS supervision at all times</li> <li>• Undertake day and night visits to prison and hospitals to ensure adherence to security directives</li> </ul>
6	Supervision of visits to prisoners	<ul style="list-style-type: none"> <li>• Escort of prisoners/visitors</li> <li>• Supervision of contact visits</li> <li>• Searching of prisoners and visitors</li> <li>• Searching of visit areas</li> <li>• Searching of visitors vehicles and property</li> <li>• Ensure that visitors do not wander around prison grounds</li> </ul>
7	Control of security equipment	<ul style="list-style-type: none"> <li>• Issuing of equipment</li> <li>• Receiving of equipment</li> <li>• Maintenance of equipment</li> <li>• Inventory control of equipment (equipment = firearms, keys, teargas, bullet proof vests, batons, torches, radios, hand &amp; foot cuffs, metal detectors, gas bottles and emergency lights, ammunition, holsters)</li> <li>• Undertake night visits to prison to ensure adherence to security directives during the night</li> </ul>
8	Searching	<ul style="list-style-type: none"> <li>• Searching of cells, prisoners, other areas of prison and work areas, etc.</li> <li>• Ensure that sufficient staff are available for the searching prisoners and work areas</li> <li>• Ensure that contraband/dangerous objects are removed to safe storage</li> </ul>
9	Supervision of the dog unit	<ul style="list-style-type: none"> <li>• Supervision of dog handlers controlling access control to prison grounds</li> <li>• Supervision of dog handlers patrolling of prison grounds</li> <li>• Supervision of dog handlers patrolling of sections (general accommodation areas, single cells, kitchens, hospital and work sections)</li> <li>• Supervision of dog handlers at work details</li> <li>• Supervision of maintenance and further training of service dogs</li> <li>• Supervision of physical care of service dogs</li> <li>• Supervision of dog handlers on riot control</li> <li>• Supervision of dog handlers tracking escapees</li> <li>• Supervision of dog handlers apprehending escapees</li> <li>• Supervision of dog handlers protecting staff/prisoners/the public from other violent prisoners</li> <li>• Supervision of dog handlers detecting contraband (illegal substances/items)</li> <li>• Evaluation of dogs offered as donations</li> <li>• Placement of runner dogs</li> </ul>
10	Supervision of the mounted unit	<ul style="list-style-type: none"> <li>• Supervision of access control to prison grounds</li> <li>• Supervision of the patrol of prison grounds</li> <li>• Supervision of members at work details</li> <li>• Supervision of training of horses</li> <li>• Supervision of physical care of horses</li> <li>• Supervision of riot control by mounted members</li> <li>• Supervision of tracking of escapees by mounted members</li> <li>• Supervision of the apprehending of escapees by mounted members</li> <li>• Supervision of the protection of staff/prisoners/the public from other violent prisoners</li> <li>• Supervision of the detection of contraband (illegal substances/items) by mounted members</li> </ul>
11	Logistical administration	<ul style="list-style-type: none"> <li>• Responsible for the facilities and equipment of the section</li> </ul>
12	Personnel administration *	<ul style="list-style-type: none"> <li>• Determining of duty rosters/leave arrangements,</li> <li>• Allocation of staff to specific duties,</li> <li>• Merit assessment of staff,</li> <li>• Disciplinary action against offending staff</li> <li>• Personnel development/counseling of staff</li> </ul>
13	Financial administration	<ul style="list-style-type: none"> <li>• Budgeting for funds,</li> <li>• Accountable for expenditure in terms of the section</li> </ul>

### Responsibilities

Area	Facet	Description
Human resources	Number of staff managed directly?	Number of staff plus head handler and head of mounted unit
	Number of staff managed indirectly?	Night duty staff
	Number of prisoners managed directly?	None
	Number of prisoners managed indirectly?	All prisoners on work teams plus all escorts and hospital custodies
Financial resources	Size of budget managed directly?	Will vary from centre to centre and activity to activity
	Size of budget managed indirectly?	Will vary from centre to centre and activity to activity
Material resources	Value of equipment managed?	Will vary from centre to centre and activity to activity
	Value of livestock managed?	Value of horses and dogs

### Competencies

Area	Description
Functional tasks	Security supervisory and DCS training in internal/external security procedures, firearm skills, use of 2-way radios, interpersonal skills in dealing with requests by prisoners and with troublesome prisoners, counseling of agitated/suicidal prisoners, fire fighting and first aid
Scholastic	Std 8 (preferably matric)
Post school	National Diploma in Correctional Services Management or other RVQ13
Previous experience	Work as security member, supervisory experience
Language	English (read, write, speak), plus any one of the other official languages (read, write, speak)
Drivers license	Code 08
Other (specify)	Sound interpersonal relations

### Working conditions

Area	Description
Exposure to danger	Could be attacked, injured or taken hostage by hostile prisoners or by persons attempting to free prisoners. Could also be assaulted by negative/hostile members
Exposure to climatic extremes	Duties are performed 24 hours per day (shift system) and all year. Periods of climatic extremes are therefore to be expected
Exposure to hostile encounters	With hostile prisoners, their families or external persons. Also negotiations/confrontations with interest groups
Exposure to legal risk	Can be prosecuted for negligence resulting in escapes, placing the lives of other persons in danger or contravention of the DCS Disciplinary Code
Inconvenient working conditions	The member is expected to walk around in the execution of his/her duties and not to sit, lie down or sleep when tired. He/she must be alert at all times in order to ensure the safe custody of prisoners and the safety of his colleagues and of members of the public. The incumbent could be reassigned to other essential duties in the interest of service delivery without prior notice. The incumbent could also be relieved late from duty if the relief member does not arrive for work in time. The incumbent could also be called upon to work after-hours to address emergencies at the prison, as well as to work over weekends

## **ANNEXURE E**

### **LEARNERSHIP IN CORRECTIONS SCIENCE NQF 4**

SAQA

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## SOUTH AFRICAN QUALIFICATIONS AUTHORITY

### REGISTERED QUALIFICATION:

#### Further Education and Training Certificate: Corrections Services

SAQA QUAL ID	QUALIFICATION TITLE		
64389	Further Education and Training Certificate: Corrections Services		
ORIGINATOR	REGISTERING PROVIDER		
Task Team - Corrections Science			
QUALITY ASSURING ETQA			
-			
QUALIFICATION TYPE	FIELD	SUBFIELD	
Further Ed and Training Cert	Field 08 - Law, Military Science and Security	Safety in Society	
ABET BAND	MINIMUM CREDITS	NQF LEVEL	QUAL CLASS
Undefined	130	Level 4	Regular-Unit Stds Based
REGISTRATION STATUS	SAQA DECISION NUMBER	REGISTRATION START DATE	REGISTRATION END DATE
Registered	SAQA 0008/08	2009-02-18	2012-02-18
LAST DATE FOR ENROLMENT		LAST DATE FOR ACHIEVEMENT	
2013-02-18		2016-02-18	

This qualification replaces:

Qual ID	Qualification Title	NQF Level	Min Credits	Replacement Status
24197	National Certificate: Corrections Science	Level 4	120	Complete

### PURPOSE AND RATIONALE OF THE QUALIFICATION

Purpose:

Corrections Officials are responsible for the care, custody and control of individuals who have been arrested and are awaiting trial or have been convicted of a crime and sentenced,

both inside and outside the Corrections Centre. They are also responsible for the safety and security of the Corrections Centre. The competencies captured in this Qualification will ensure that the Corrections Officials are able to fulfil these responsibilities by providing them with skills to apply offender rehabilitation and rights, supervising offenders/inmates, use corrections equipment such as restraints, conduct searches and respond tactically to incidents while applying humane means.

This qualification will provide the qualifying learners with the required knowledge and skills to perform those duties in a South African Corrections Centre in compliance with the Correctional Services Act.

The qualifying learner will be capable of:

- Performing correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
- Providing corrections, care and developmental services for rehabilitation of offenders/inmates.
- Complying with governance requirements in the provision of security and corrections services for the rehabilitation of offenders/inmates.

Rationale:

The focus of the Correctional Services service has moved from punitive action to offender rehabilitation and humane treatment, and is characterised by growth in Community Corrections and the implementation of unit management principles in Corrections Centres. With this in mind this Qualification meets the needs of the Correctional Services Sector by providing training standards against which entry level Correctional Officials can be trained. This Qualification meets the needs of society by providing competent Corrections Officials who by securely supervising the day-to-day activities of offenders, contribute to a safe society for the citizens of South Africa.

This Qualification has been purpose-built for the Safety in Society sub-field, the Corrections Service Sector and Corrections Officials in their capacity as wardens. Further this Qualification contributes to an integrated National Qualifications Framework, provides for access, mobility and progression within the Correctional Services career path, enhances the quality of training within the Corrections Service, allows for the redress of the past and contributes to the development of the learner as a Correctional Officials within the Correctional Services.

Learners typically completing this Qualification would be young adult school/university leavers who would attend the learning program based on this Qualification at one of the various training providers situated throughout the country. This qualification is the first in the progressive development of Corrections Officials in Correctional Services. This Qualification will allow learners access to the National Diploma in Corrections Science, NQF Level 5 and further provider based Qualifications at NQF Level 6 and 7.

## **LEARNING ASSUMED TO BE IN PLACE AND RECOGNITION OF PRIOR LEARNING**

It is assumed that the learner has the following knowledge and skills:

- Communication at NQF Level 3.
- Mathematical Literacy at NQF Level 3.

Recognition of Prior Learning:

This Qualification makes the Recognition of Prior Learning possible, if the learner is able

to demonstrate competence in the knowledge, skills, values and attitudes implicit in this Qualification. Recognition of Prior Learning will be done by means of an Integrated Assessment as mentioned in the previous paragraph.

This Recognition of Prior Learning may allow:

- For accelerated access to further learning.
- Gaining of credits towards a unit standard.
- For full or partial recognition of the Qualification.

All recognition of Prior Learning is subject to quality assurance by the relevant accredited Education, Training, Quality, and Assurance Body and is conducted by a registered workplace assessor. Because the standards are only core and fundamental, these standards may have been acquired in a range of economic sectors and these will be recognized as appropriate.

Access to the Qualification:

There is an open access to this qualification for learners:

- Who have successfully completed the National Senior Certificate.
- Who have successfully completed the National Certificate: Vocational, NQF Level 4.
- Who have successfully completed a Further Education and Training Certificate.
- Who meet the psychological and physical requirements of a Corrections Official.

## **RECOGNISE PREVIOUS LEARNING?**

Y

## **QUALIFICATION RULES**

The Qualification consists of a Fundamental, a Core and an Elective Component.

To be awarded the Qualification learners are required to obtain a minimum of 130 credits as detailed below.

Fundamental Component:

The Fundamental Component consists of Unit Standards in:

- Mathematical Literacy at NQF Level 4 to the value of 16 credits.
- Communication at NQF Level 4 in a First South African Language to the value of 20 credits.
- Communication in a Second South African Language at NQF Level 3 to the value of 20 credits.

It is compulsory therefore for learners to do Communication in two different South African languages, one at NQF Level 4 and the other at NQF Level 3.

All Unit Standards in the Fundamental Component are compulsory.

Core Component:

The Core Component consists of Unit Standards to the value of 70 credits all of which are compulsory.

Elective Component:

The Elective Component consists of individual unit standards from Unit Standards must choose totalling a minimum of 4 credits.

### **EXIT LEVEL OUTCOMES**

1. Perform correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
2. Facilitate corrections, care and developmental services for rehabilitation of offenders/inmates.
3. Comply with governance requirements in the provision of security and corrections services for the rehabilitation of offenders/inmates.

Critical Cross-Field Outcomes:

This qualification promotes, in particular, the following Critical Cross-Field Outcomes:

Identifying and solving problems in which responses display that responsible decisions using critical and creative thinking have been made when:

- Performing correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
- Providing corrections, care and developmental services for rehabilitation of offenders/inmates.
- Complying with governance requirements in the provision of security and corrections services for the rehabilitation of offenders/inmates.

Working effectively with others as a member of a team, group, organisation, and community during:

- The performing of correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
- The provision of corrections, care and developmental services for rehabilitation of offenders/inmates.

Organising and managing oneself and one's activities responsibly and effectively when:

- Performing correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
- Providing corrections, care and developmental services for rehabilitation of offenders/inmates.

Communicate effectively using visual, mathematical and/or language in the modes of oral and/or written persuasion when:

- Performing correctional related services in order to contribute to a secure environment for the rehabilitation of offenders.
- Providing corrections, care and developmental services for rehabilitation of offenders/inmates.

Collecting, analysing, organising and critically evaluating information to better understand and explain:

- The governance requirements in the provision of security and corrections services for the rehabilitation of offenders/inmates.

Using science and technology effectively and critically, showing responsibility towards the environment and health of others when:

- Performing correctional related services.

Demonstrating an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation when:

- Complying with governance requirements in the provision of security and corrections services for the rehabilitation of offenders/inmates.

### **ASSOCIATED ASSESSMENT CRITERIA**

Associated Assessment Criteria for Exit Level Outcome 1:

- 1.1 Security equipment is used in accordance with manufacturer's instructions and organisational procedures.
- 1.2 Entry and exit is controlled at a correctional centre in accordance with organisational procedures.
- 1.3 Guarding, custodial and escort duties are performed both internally and externally in accordance with organisational policies and procedures.
- 1.4 Security related conflict is handled in accordance with organisational policies and procedures.

Associated Assessment Criteria for Exit Level Outcome 2:

- 2.1 Health and wellbeing programmes for offenders are provided according to the organisational policies and procedures.
- 2.2 Environment and personal hygiene of inmates is monitored and maintained according to organisational standards and procedures.
- 2.3 Implementation of the sentence plan is facilitated and monitored according to unit management principles of offender rehabilitation.
- 2.4 Participation in personal developmental programmes for offenders is promoted according to organisational policies.
- 2.5 Recording, reporting and referrals of offenders are executed within the Community Corrections Programme requirements of the rehabilitation process.

Associated Assessment Criteria for Exit Level Outcome 3:

- 3.1 Security and corrections duties are performed in a professional and ethical manner according to the Corrections Code of Conduct.
- 3.2 An explanation is given of the legal framework related to the provision of correctional services.
- 3.3 Security and Corrections duties are performed in a humane manner according to the lawful limitation provisions.
- 3.4 Administrative requirements related to the provision of security and corrections services are complied with according to organisational procedures.

Integrated Assessment:

Because assessment practices must be open, transparent, fair, valid, and reliable and ensure that no learner is disadvantaged in any way whatsoever, an integrated assessment approach is incorporated into the Qualification. Learning, teaching and assessment are inextricably linked. Whenever possible, the assessment of knowledge, skills, attitudes and values shown in the unit standards should be integrated.

Assessment of the communication, language, literacy and numeracy should be conducted in conjunction with other aspects and should use authentic Correctional Services sector contexts wherever possible.

A variety of methods must be used in assessment and tools and activities must be appropriate to the context in which the learner is working. Where it is not possible to assess the learner in the workplace or on-the-job, simulations, case studies, role-plays and other similar techniques should be used to provide a context appropriate to the assessment.

The term 'Integrated Assessment' implies that theoretical and practical components should be assessed together. During integrated assessments the assessor should make use of formative and summative assessment methods and assess combinations of practical, applied, foundational and reflective competencies.

Assessors and moderators should make use of a range of formative and summative assessment methods. Assessors should assess and give credit for the evidence of learning that has already been acquired through formal, informal and non-formal learning and work experience.

Assessment should ensure that all Specific Outcomes, Essential Embedded Knowledge and Critical Cross-Field Outcomes are assessed. The assessment of the Critical Cross-Field Outcomes should be integrated with the assessment of Specific Outcomes and Essential Embedded Knowledge.

## INTERNATIONAL COMPARABILITY

The approach to training and development of Corrections Officers varies across countries depending on the legislative powers of the Ministry of Justice and the prevalent socio-economic conditions. A wide spectrum of approaches are employed ranging from punitive to rehabilitative.

For the purpose of this comparison the following countries were chosen due to the fact that like South Africa they have a rehabilitative approach which is characterised by an emphasis on human rights:

- United States of America.
- United Kingdom.
- Canada.
- Australia.
- New Zealand.

United States of America:

In the United States of America due to the federal system the training of Correctional Officers vary from state to state and facility to facility. Training may be provided by external agencies but more often than not is provided at the facility itself.

Generally it was found that most providers or facilities programmes are based on the following areas of learning:

- Use of force and restraints.
- Self defence.
- Receiving, booking and releasing inmates.
- Report writing and record keeping.
- Escorting and transporting.
- Search and security.
- Verbal communication and testimony.
- Managing inmate hygiene, mail and commissary.
- Monitoring medical and psychological services.
- Handle emergencies.

- Diffusion of hostility.
- State/Criminal law.

#### Findings:

The depth of theoretical and practical training described in the FETC: Corrections Services exceeds the offerings in the USA. The focus here is only on the core competencies for entry level corrections officers who are closely supervised while the FETC: Corrections Services is designed to develop the whole individual to function independently in the corrections environment. In terms of the areas of learning, there are many similarities:

- Both the "Use of force and restraints" and "Self defence" is dealt with in the unit standards for internal and external security duties.
- "Report writing" is covered by the Unit Standard "Write security report and take statements" at NQF Level 4.
- "Diffusion of security" is dealt with in the Unit Standard "Identify, handle and defuse security related conflict" at NQF Level 4.
- "State/Criminal law" is contained in the three unit standards covering the relevant legislation on the SA Constitution, Human rights and the Correctional Services Act.
- "Escorting and transporting" relates to the specific outcome, "Perform escort duties", of the Unit Standard "Conduct external security duties" at NQF Level 4. Searching is also part of this unit standard.
- "Verbal communication" relates directly to the communication unit standards that form the Fundamental Component of the qualification.
- Hygiene, medical and psychological services relate directly to the Unit Standard "Promote development and well being of inmates" at NQF Level 4.

#### United Kingdom:

Prison Officers of the United Kingdom are required to complete an eight week introductory training course to begin a career as a prison officer called Prison Officer Entry Level Training. On graduation from Prison Officer Entry Level Training all wardens are required to successfully complete the Level 3 NVQ in Custodial Care, the aim of which is to provide an occupationally-related qualification for people employed in custodial environments with direct contact with prisoners. This qualification allows candidates to develop the competence, knowledge and understanding to perform their jobs effectively, and to enhance their career prospects.

Candidates must complete the five mandatory units in Group 1, plus five optional units from Group 2 (total ten units).

The following 5 mandatory units relate, at least in part, compare closely with Core Component Unit Standards in the FETC: Corrections Services in terms of human rights, internal security, external security and wellness:

- D/103/9138: Promote equality and value diversity.
- Y/103/9719: Maintain and develop your own knowledge, skills and competence.
- U1054020: Maintain Security and Order in the Custodial Environment.
- U1050647: Ensure Your Own Actions Reduce Risks to Health and Safety.
- J/103/9750: Contribute to the prevention and management of inappropriate behaviour.

Of the 43 available optional units, the following reflect some similarities with the South African unit standards:

- D/103/9737: Communicate effectively with people.
- U1054004: Maintain restrictions on individual's liberty whilst promoting and

protecting their rights.

- U1054007: Maintain security at entry and exit points.
- U1054021: Receive and discharge individuals and property into and out of the custodial environment.
- U1054022: Search individuals, accommodation and areas.
- U1054023: Search vehicles.
- U1054024: Contribute to the control of incidents and emergencies.
- U1054025: Control and restrain individuals.
- U1054027: Maintain security whilst escorting individuals to courts and other environments.
- U1054029: Contribute to planning how to meet individual's needs and rights in the custodial environment.
- U1054030: Encourage individuals to look after their own health and hygiene.
- U1054031: Support individuals in custody to take part in purposeful activities.
- U1054033: Prepare individuals for resettlement in the community.

**Findings:**

The duration, level of complexity and content of the combined Prison Officer Entry Level Training and the NVQ in Custodial Care is similar to the FETC: Corrections Services. Also, the Unit Standard "Understand the Corrections environment" at NQF Level 4 was generated with a view to providing an introduction to a new recruit, much like the formal induction that forms part of the POELT.

**Australia:**

The Victoria Department of Justice provides newly recruited Prison Officers with almost two months of pre-service training that includes time in the classroom and two weeks on-the-job in one of Corrections Victoria's prisons. This is followed by a period of close supervision combined with further self-paced, competency-based learning and on-the-job training to enable new officers to build on their skills in a graduated way. Typically, as new officers acquire more complex skills and training, they are given more challenging work roles.

A wide variety of topics are covered in the training. These include:

- Crime scene preservation.
- Hostage awareness: Trainees will be directed on how to respond to a hostage situation.
- Movement control and escorts: Training in safe and secure methods for transporting prisoners.
- Conducting searches.
- Writing reports for Corrections Victoria: This includes identifying the different types of reports to be prepared.
- Preventing suicide and self harm.
- Infection control: This includes raising awareness of common diseases and the process for cleaning bodily fluid spills.
- Security awareness: Includes the identification of posts within the prisons.
- Conflict management.
- Defensive tactics and tactical options.
- Prisoner rights and privileges: Understanding prisoner rights and privileges, plus prisoner requests and complaints procedures.
- Prison visits program: Explains the types of visits prisoners are allowed, and explains the procedures to ensure security is maintained during visits.
- Occupational health and safety, first aid, fire awareness.
- Victorian Public Service and Corrections Victoria Code of Conduct.

**Findings:**

While many of the learning areas comprising this Certificate III in Correctional Practice are similar to the units of learning in the FETC: Corrections Services. However, the FETC: Corrections Services does not cover crime scene preservation, hostage awareness, conflict management, defensive tactics and tactical options.

**Canada:**

The Holland College, Prince Edward Island, Canada offers a Certificate for 36 weeks, including 9 weeks on-the-job training to train newly recruited Correctional Officers. The Correctional Officer program instils the knowledge and skills needed for a career in federal and provincial correctional services.

**Findings:**

The qualification comprises the following areas of competency that are similar to competencies captured in the FETC: Corrections Services:

- Communicate effectively using a variety of techniques and different mediums of expression in a wide variety of settings.
- Maintain a safe and secure environment by the use of security practices, verbal interventions, control tactics and the use of various types of security equipment and safe handling and use of weapons.
- Practice techniques which prevent emergency situations from occurring.
- Respond to emergency situations such as inmate assaults, medical situations, self-mutilating behaviours, fire-setting behaviour, threats and intimidation and hostage taking situations.
- Understand the long-term impact of stress on staff and inmates and the means available to facilitate coping.
- Identify, select and operate tools and equipment for normal institutional operations.
- Familiarization with the case management and offender program process.
- Examine the role of an entry level Corrections Officer in the case management process and in program participation feedback.

**New Zealand:**

New Zealand has registered on the NZQF a National Certificate in Offender Management, Level 3. The purpose of the qualification indicates this similarity; "for those working or seeking to work as a corrections officer, whose role it is to provide safe, secure and humane containment of prisoners whilst working towards reducing re-offending." Further the Qualification states that the "award of the certificate signifies competence at the first level of Offender Management".

The unit standards related to the professional skills includes:

- Manage workplace hazards in a prison.
- Implement staff, visitor and prisoner safety in a prison.
- Manage personal safety in a prison.
- Apply safe and secure lock and unlock practices in a prison.
- Maintain security of physical containment environment in a prison.
- Conduct security searches in a prison.
- Manage workplace equipment in a prison.
- Establish and maintain effective working relationships in a prison environment.
- Utilise control and restraint methods in a prison.

- Escort prisoners.
- Conduct musters and report, record and observe prisoner activity and behaviour in a prison.
- Manage prisoner activity.
- Meet immediate and/or basic needs of prisoners.
- Model and reinforce positive behaviour in a prison.
- Demonstrate knowledge of prison legislation, policy and procedures.
- Manage prisoner work parties.
- Demonstrate understanding of the sentence planning and management process.
- Manage prisoner sentence plans.

#### Findings:

There very close similarities between the New Zealand qualification and FETC: Corrections Services. The similarities between the unit standards of both qualifications are not apparent from the titles, but the similarities become apparent when the specific outcomes and the assessment criteria of the FETC: Corrections Services' unit standards are analysed.

#### Conclusion:

It has been found that the FETC: Corrections Services compares very favourably with established world Correctional Services and that training content and approaches are very similar, if not identical.

### **ARTICULATION OPTIONS**

This Qualification lends itself to both vertical and horizontal articulation possibilities.

Horizontal articulation is possible with the following Qualifications:

- ID 61451: Further Education and Training Certificate: Criminology.
- ID 57938: Further Education and Training Certificate: Dog Handling.
- ID 50480: Further Education and Training Certificate: Firearm Training.

Vertical articulation is possible with the following qualifications:

- ID 48553: National Diploma: Corrections Science, NQF Level 5.
- ID 23593: National Certificate: Security Management, NQF Level 5.
- ID 58696: National Certificate: Close Protection, NQF Level 5.

### **MODERATION OPTIONS**

- Anyone assessing a learner or moderating the assessment of a learner against this Qualification must be registered as an assessor with the relevant Education, Training, Quality, and Assurance (ETQA) Body.
- Any institution offering learning that will enable the achievement of this Qualification must be accredited as a provider with the relevant ETQA.
- Assessment and moderation of assessment will be overseen by the relevant ETQA according to the ETQA's policies and guidelines for assessment and moderation; in terms of agreements reached around assessment and moderation between ETQA's (including professional bodies); and in terms of the moderation guideline detailed immediately below.
- Moderation must include both internal and external moderation of assessments at exit points of the Qualification, unless ETQA policies specify otherwise. Moderation should also encompass achievement of the competence described both in individual unit standards, the integrated competence described in the Qualification.

Anyone wishing to be assessed against this Qualification may apply to be assessed by any assessment agency, assessor or provider institution that is accredited by the relevant ETQA.

### **CRITERIA FOR THE REGISTRATION OF ASSESSORS**

For an applicant to register as an assessor, the applicant needs:

- A minimum of 2 (two) years practical, relevant occupational experience.
- A relevant Qualification at NQF Level 5 or higher.
- To be registered as an assessor with the relevant ETQA.

### **NOTES**

This qualification replaces qualification 24197, "National Certificate: Corrections Science", Level 4, 120 credits.

### **UNIT STANDARDS:**

	ID	UNIT STANDARD TITLE	LEVEL	CREDITS
Core	260138	Utilise security equipment in corrections	Level 3	8
Core	260136	Conduct external security duties in corrections	Level 4	4
Core	260135	Conduct internal security duties in corrections	Level 4	7
Core	260133	Demonstrate an understanding of the application of the offender rehabilitation path	Level 4	8
Core	260129	Demonstrate an understanding of the corrections environment	Level 4	4
Core	252510	Demonstrate knowledge and understanding of HIV and AIDS, other Sexually Transmitted Infections (STIs) and Tuberculosis (TB) for counselling purposes	Level 4	3
Core	11505	Identify, handle and defuse security related conflict	Level 4	12
Core	260126	Promote human rights in corrections	Level 4	6
Core	260124	Promote the development and wellbeing of offenders	Level 4	8
Core	11508	Write security reports and take statements	Level 4	10
Fundamental	119472	Accommodate audience and context needs in oral/signed communication	Level 3	5
Fundamental	119457	Interpret and use information from texts	Level 3	5
Fundamental	119467	Use language and communication in occupational learning programmes	Level 3	5
Fundamental	119465	Write/present/sign texts for a range of communicative contexts	Level 3	5
Fundamental	9015	Apply knowledge of statistics and probability to critically interrogate and effectively communicate findings on life related problems	Level 4	6

Fundamental	<u>119462</u>	Engage in sustained oral/signed communication and evaluate spoken/signed texts	Level 4	5
Fundamental	<u>119469</u>	Read/view, analyse and respond to a variety of texts	Level 4	5
Fundamental	<u>9016</u>	Represent analyse and calculate shape and motion in 2-and 3-dimensional space in different contexts	Level 4	4
Fundamental	<u>119471</u>	Use language and communication in occupational learning programmes	Level 4	5
Fundamental	<u>7468</u>	Use mathematics to investigate and monitor the financial aspects of personal, business, national and international issues	Level 4	6
Fundamental	<u>119459</u>	Write/present/sign for a wide range of contexts	Level 4	5
Elective	<u>244581</u>	Describe how to manage substance abuse and addiction in the workplace	Level 3	2
Elective	<u>244589</u>	Identify causes of stress and techniques to manage it in the workplace	Level 3	2
Elective	<u>114012</u>	Provide a caring environment for youth in conflict with the law	Level 4	6
Elective	<u>15234</u>	Apply efficient time management to the work of a department/division/section	Level 5	4

**LEARNING PROGRAMMES RECORDED AGAINST THIS QUALIFICATION:  
NONE**

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# Programme Roll-Out

**Programme: Learnership in Corrections Science - Phase 2: Experiential Learning**

FA SA

FORM ASS  
SUM ASS



61

## FORMATIVE ASSESSMENT UNIT STANDARD 14646

Learner's Surname and Initials:       

Persal number:        123456789

Date: 15/05/2023

Company and Floor:        3

Assessors' Surname and Initials:        J. M.

Outcome of Assessment: 87 %

<input checked="" type="checkbox"/> Competent	<input type="checkbox"/> Not yet competent
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### Units 2.1 and 2.2 Demonstration of knowledge and understanding of the Bill of Rights, Rights contained in the Bill of Rights

#### QUESTION 2.1.1

Match the correct answer for Column A with the correct description of the specific right in Column B (your answer for question 1 can be anything from A – J).

(10)

COLUMN A – Right		COLUMN B – Description of Right		ANSWER
1	Equality	A	Everyone has the right to freedom of association	D ✓
2	Human Dignity	B	Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with the Bill of Rights	C ✓
3	Life	C	No one may be subjected to slavery, servitude or forced labour	F ✓
4	Access to Information	D	Everyone is equal before the law and has the right to equal protection and benefit of the law	G ✓

5	Slavery, Servitude and Forced Labour	E	<p>Everyone has the right to freedom of expression:</p> <ul style="list-style-type: none"> <li>• Freedom of press</li> <li>• Freedom to receive, impart information or ideas</li> <li>• Artistic creativity</li> <li>• Academic freedom</li> <li>• Freedom of scientific research</li> </ul>	
6	Privacy	F	Everyone has the right to life	J ✓
7	Freedom of association	G	Everyone has the right to any information held by the state	A ✓
8	Freedom of Expression	H	Everyone has the inherent dignity and the right to have their dignity respected and protected	E ✓
9	Assembly, demonstration, picket and petition.	I	Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions	I ✓
10	Language and culture	J	<p>Everyone has the right to privacy which includes the right not to have</p> <ul style="list-style-type: none"> <li>• Person and home searched</li> <li>• Property searched</li> <li>• Possession seized</li> <li>• Privacy of communication infringed</li> </ul>	B ✓ G ✓ C ✓

### Unit 2.3

**Demonstration an understanding of the link between Human Rights and the Correctional Services Act**

#### QUESTION 2.3.1

Sentenced offenders still retain their human rights whilst being incarcerated. The Correctional Services Act (Act 111 of 1998) lists the rights of offenders. Discuss the following rights:

##### 2.3.1.1 Admission of offenders

(10)

- ~~Person who committed offence on his/her admission must have valid warrant.~~
- ~~- Every prison must have register; that is for identifying the person~~
- ~~- Day and hour of the admission and release~~
  - ~~- The communal offence.~~
- ~~- On admission the person must receive the written information and the regulations of the prison in the language that he/she understands.~~
- ~~- If the person is illiterate, the correctional official must read and explain all that to the offender.~~
- ~~- After the admission every offender must bathe and undergo health care examination.~~
- ~~- Prisoners must be classified.~~

#### 2.3.1.2

##### Nutrition

(6)

-It must be made in provision of diet.

-Diet that can suit every body like pregnant woman; children and others that use special diet.  
-Religious and cultural requirement must be taken into account.

-The diet that the medical officer prescribes for a prisoner must be considered or taken into account.

#### 2.3.1.3

##### Clothing and bedding

(2)

Department must provide the prisoners with more clothing and bedding, for different weather/climatic

#### 2.3.1.4

##### Reading material

(2)

Offender must be given access of reading material from library, but not reading material that will destroy the process of Rehabilitation; that will motivate them.

#### 2.3.1.5

##### Complaints and requests

(5)

On the admission offender has the opportunity to complain and request. The official must record the request and the complaints of offender and bring outcome.

If the offender is not satisfied with the respond, matter will go to Head of department. If still not satisfied the Head of department

will transfer the matter to the Area Manager, i.e. the respond with the satisfaction of the offender.

Lastly if not satisfied from the Area Manager it will go to independent prison visitor is where they will follow the procedures.

## Unit 2.4

### Display respect and a positive attitude towards human rights

#### QUESTION 2.4.1

The rights in the Bill of Rights may be limited in terms of the Law. What relevant factors must be taken into account when a right is limited? (5)

- ① Nature of the right.
- ② Importance of purpose of the limitation.
- ③ Relation between the limitation and its purpose.
- ④ Nature and extent of the limitation.
- ⑤ Means reality to achieve the purpose.

#### QUESTION 2.4.2

Name ways and / or methods of searching the person of an offender upon reasonable grounds. (5)

- ① By using X-ray in case if offender swallowed an object.
- ② Taking body tissue for analysis.
- ③ By visual inspection of the naked body.
- ④ By probing the body orifice.
- ⑤ By the discovery of the body excretion.

#### QUESTION 2.4.3

Answer only TRUE or FALSE in the space provided

- 2.4.3.1 The search must be conducted in a manner that invades the privacy and undermines the dignity of the offender. (1)  
TRUE
- 2.4.3.2 A Correctional Official of the same gender as the offender must conduct the search. (1)  
TRUE

2.4.3.3 The searching of an offender must be conducted in private. (1)

TRUE

2.4.3.4 A Correctional Official or person conducting the search in terms of Section 27 (3), may seize anything found.

TRUE

(1)

#### QUESTION 2.4.4

A Correctional Official may not use force against an offender, except when it is necessary. Name instances where the use of force is permitted. (4)

- ① For self-defence
- ② Defence of any other person.
- ③ Prevent the escape
- ④ Protecting the property or security of a prison

#### QUESTION 2.4.5

Firearms may only be used as a last resort. Name instances where the use of a firearm is permitted. (4)

- Use verbal warning.
- If there is no effect; you can use shot warning.
- No effect; shot the person but at the lower part of the body.

#### QUESTION 2.4.6

Discuss the procedures that must be followed before a firearm is fired. (3)

- ① Use verbal warning

② If there is no effect; you can use shot warning

- ③ If there is no effect again fire a person, but at the lower part of the body

### QUESTION 2.4.7

List any 10 (ten) infringements by an inmate that may lead to the limitations of his or her rights.

(10)

1. If <sup>he is</sup> making unnecessary noise.
2. If person <sup>is</sup> threatening leave the cell without permission.
3. If <sup>person</sup> using vulgar language.
4. Commits assault <sup>he</sup>.
5. If <sup>he</sup> is participating in a gang.
6. If the person is violent.
7. If she / he threatening others.
8. If she / he is stealing others property.
9. Not cooperating with other inmates.
10. If he / she is stubborn & to do the required duties.

TOTAL MARKS: 70



## FORMATIVE ASSESSMENT UNIT STANDARD 114022

Learner's Surname and Initials: J. J. J.

Persal number: 1085.53

Date: 27/07/17

Company and Floor: —

Assessors' Surname and Initials: \_\_\_\_\_

Outcome of Assessment: 100 %

Competent

Not yet  
competent

70 / 70

Excellent

### Unit 1.1

Demonstrate an understanding of offender rehabilitation

#### QUESTION 1.1.1

Name the important key features of the Correctional Services Act (Act 111 of 1998). (8)

- Entrenchment of fundamental rights of offenders
- Rights of women and children
- Safeguard for the use of segregation and force
- An refined community involved policy
- Extensive external monitoring mechanisms
- Provision of private and public partnership in building and operating correctional centres
- New disciplinary system for offenders
- Framework for the development, treatment and support service

### QUESTION 1.1.2

Understanding rehabilitation in the context of Corrections means, the creation of an enabling environment, the creation of opportunities and the process of helping offenders. Discuss in detail the content of the above statement. (6)

- Creation of an enabling environment, it's where the human right culture is upheld, reconciliation and healing is facilitated, in the sense that an offender is motivated to discard negative values and develop positive ones which is unacceptable in society. Develop positive atmosphere. The offender is equipped with knowledge and skills, develop attitude and achieve relation with others and provided with a chance to lead a crime free life and being a law abiding citizen. The whole process is also aimed at correcting an offenders behaviour in order to gain insight of his/her offending behaviour and making him/her understand that the injuries he caused to others.

### QUESTION 1.1.3

Corrections in the Department of Correctional Services is regarded as a societal co-responsibility. List 4 (four) of the role players in the process of rehabilitation. (4)

The family

Community including schools, and churches

Government departments

Organizations

### QUESTION 1.1.4

Discuss the role of a Correctional Official in the process of rehabilitation. (3)

Correctional official should motivate offenders directly or indirectly in order for them to develop and participate in voluntary correctional plan which will guide them from admission until release. Also need to support rehabilitation process of an offenders. Providing education skills to offenders.

### QUESTION 1.2.3

Name the 6 (six) key service delivery areas for rehabilitation with regard to the offender. (6)

- Development ✓
- Corrections ✓
- Care ✓
- After Care ✓
- Facilities ✓
- Security ✓

(5)

### QUESTION 1.2.4

In the process of rehabilitation, the Department of Correctional Services develops correctional sentence plans for each and every offender, which will be offender-specific. Such a sentence plan is based on the total needs of the specific offender. Name and discuss these needs. (12)

- Correctional plan is a needs based on correcting offending behaviour
- Security plan is taking account of human rights of an individual
- Care plan - can be needs based on physical and emotional well-being of an offender
- Facilities plan its a provision of physical accommodation of offenders
- After care plan its about the social integration of an offender
- Developmental plan deals with the education and training of an offender

(12)

## Unit 1.2

Demonstrate an understanding of offender rehabilitation and development programmes

### QUESTION 1.2.1

Correctional Services can make a significant contribution towards the rehabilitation of offenders through specific provisions. List any 5 (five) provisions. (5)

- Education and training
- a) Vocational training
  - b) Social education/ orientation
  - c) Psychiatric treatment
  - d) Building family links
  - e) Free Diagnosis and treatment problems such as substance abuse



### QUESTION 1.2.2

The aim of the Department of Correctional Services need-based rehabilitation is to influence the offender towards certain behaviour. List such behaviour. (4)

- Appropriate and positive norms and value system
- Alternative social interaction options
- Development of life
- Social and employment skills



### QUESTION 1.2.5

Discuss the aim of the after-care plan in preparation of offenders for social reintegration. (3)

If is aimed at preparing an offender into social acceptance and effective integration in the community in parole or community/correctional supervision. And in building and nurturing the relationship between offender and victim and community at large

(N)

### Unit 1.3

Demonstrate an understanding of the responsibilities of all custodial officials

#### QUESTION 1.3.1

Discuss the integrated support system under the following headings:

##### 1.3.1.1

##### Principles of the system

(7)

- All programmes should involve role players
- Community based non profit organisations and NGOs should be involved in reintegration process
- The system should jointly cater for development and rehabilitation process
- Offenders will be referred to various support services for rehabilitation in their residential areas by the community correctional officials
- Various support system should cater an individual needs of offenders.
- Accommodation will be arranged for destitute offenders
- Employment will be arranged in consultation with role players

(7)

D

1.3.1.2 Purpose of the system

(7)

- To attend rehabilitation programmes at their residential areas
- Being counseled by professionals in their residential areas
- To render community service in their own environment without paying transport fares
- Do referrals to agencies to assist in integration process
- Establishment of satellite offices in consultation with role players
- Developing helping an offender to develop further and attend rehabilitation programmes
- Assist in accommodation and employment by role players

QUESTION 1.3.2

List any 5 (five) competencies of an ideal Correctional Official.

(5)

- Personal qualities
- Experience
- Expertise
- Professional ethics
- Personal development

6  
5

TOTAL MARKS: 70



DEPARTMENT OF CORRECTIONAL SERVICES  
KROONSTAD TRAINING COLLEGE

Unit Standard 14615 Promote elementary health care in corrections

Initials & Surname  
Persal  
Company  
Assessor

Initials & Surname	
Persal	
Company	
Assessor	

100%

What is your duties if there is a death occurs in a correctional facility? (5)

Summon a nurse. Correctional officer must not tamper with the body and must ensure that nobody else does until the nurse arrives. Nurse must also carry out medical examination/assessment to determine any signs of life. The nurse must summon the Medical Practitioner and also inform the HCC in order for him/her to notify SAPS to collect fingerprints.

what can you do as CO to prevent offender suicides? (6)

- Report any strange behaviour to the supervisor ✓
- Prompt handling of such case is vital seeing that it might be necessary for an offender in an emotional crisis to timely receive help ✓
- Calm him down verbally and remove object with which he is attempting to commit suicide ✓
- Attempted suicide should be reported to the supervisor/nurse without delay ✓
- Offender must be placed under observation in case further suicide attempt has failed. ✓
- If an offender who is suffering from contagious disease or signs of mental illness, it must be reported to the supervisor or medic ✓

Discuss the handling of Medical equipment? (2)

Medical equipment is kept out of the reach of offenders ✓  
Alert medical staff in case where equipment is not secure ✓

7

D

Discuss how you keep the following clean

Courtyard (4)

- It should be kept clean and hygienic ✓	- Gutters and drains should be kept free from leaves and other materials which can cause rust and blockages
- Open drains to be cleaned weekly and disinfected	
- Rubbish bins should be provided with lids which close tightly ✓	

Cells (4 of the 5)

- Inner walls, floors, windowsills and windows should be washed weekly ✓	- Wardrobes to be cleaned and neat at all times
- Bathrooms and ablution facilities should be washed and disinfected daily ✓	- Sufficient rubbish bins with lids must be placed in cells.

Bathrooms/ Laundries (2)

- Floors must be drained properly and standing water should be avoided as far as possible and swept out ✓	available.
- Adequate drying facilities should be available ✓	

Total (40)



## DEPARTMENT OF CORRECTIONAL SERVICES KROONSTAD TRAINING COLLEGE

### Unit Standard 14619 Promote Personal Care and environmental hygiene in Corrections

Initials & Surname

Persal

Company

Facilitator

Date

1	—
—	5073X
C	—
1	—
!	—

100%

1. the Department has to cater for different dietary requirement religious amongst others  
Discuss the requirements of the following religious groups.

#### • The Church of Christ Scientist

- The Church of Christ Scientist fast
- They may not use tobacco , alcohol and drugs

Yes	No
Yes	No

#### Jehovah's witness

- The consuming of blood and unbled meat is prohibited

Yes	No
-----	----

#### • Seventh Day Adventist

- May eat pork and vegetarian diet

Yes	No
-----	----

#### • Roman Catholic

- Over the age of 18 and under the age of 59 fasting is required on Ash Wednesday and Good Friday .

Yes	No
-----	----

#### • Muslim (Islam)

Arte forbidden to consume the following

- Pork
- Aminal gord to death
- An animal that has died naturally

Yes	No
Yes	No
Yes	No

- Chicken
- an animal that has been strangled

Yes  No

Yes  No

#### • Judaism

- Meat and milk products are not to be eaten at the same meal
- Only Kosher animals are eaten , (must chew the cud and birds must not be bird of prey )

Yes  No

Yes  No

#### • Rastafarian

- Meat can be eaten
- Liquor can be used
- Vegetarian diet is accepted

Yes  No

Yes  No

Yes  No

#### • ZCC

No pork and pork byproducts are allowed

Yes  No

Discuss General Storerooms how must they be cleaned

(4)

- No cracks on floors and must be swept and scrubbed with warm water and soap daily
- Walls, windowsills windows and working areas should be kept clean
- stock must be orderly packed so that shelves can be cleaned daily
- official must be in possession of keys of storerooms and section stores

What particulars are to be submitted to the dietician when handling therapeutic diets ?

(10)

Number, registration number and name	Height ✓
Age ✓	Diagnosis ✓
Sex ✓	Type of medication
Race ✓	Type of work performed by an offender
Current Mass ✓	Results of laboratory test to confirm diagnosis