

PRIVATIZATION OF PRISONS

by

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SUMMARY

Private prisons in South Africa are still premature but it will be increased because negotiations are on the track. The government should take a more serious look at private prisons as an alternative to public production of correctional service due to its efficiency.

It is clear that the privatization of correctional facilities is a viable option for the future of correctional facilities. The expansion of privatization in this country will depend upon public and political confidence that private prisons will as effectively and accountable as public prisons.

Private prisons have also demonstrated to have other advantages such as continuous audits on site. The aim of this study is to provide some insight into the privatization of prisons.

TITLE OF DISSERTATION: PRIVATIZATION OF PRISONS

Key Terms

Contracting, Privatization, Policy, Accountability, Deprivation, Treatment, Control Measure, Administration, Finance, Legal, Programs, Prison, Inmates, Service, Economic

CHAPTER 1

ORIENTATION

1. INTRODUCTION

In this chapter the choice of the subject, aims and purpose of the study and definition of the main concepts, factors that lead to privatization, prison overcrowding, implication as well as why privatization will be discussed.

The chapter is also intended to indicate that the researcher worked closely with the public and private institutions. In this way the researcher obtained a great deal of insight into the nature, characteristics and modus operandi of prison privatization. Such exposure enabled the researcher to have a clear understanding of the aspirations as well as problems pertaining to the prison privatization.

In South Africa privatization of prison facilities is a new concept. The privatization of public service is a matter of interest to private and public sector managers, analysts and theorist. There is interest on the part of both proponents and opponents of privatization in both sector of determining the impact and cost of privatization on service provider and suppliers.

In the corrections industry a handful of private companies believe that economy profit exist in the production or correctional services, not just contracting of specific service but in the production of the entire array of service available to a prison population.

As a result many jurisdictions have begun to examine new directions for ways to finance, design and build correctional facilities.

Inevitable, that examination has included a study of the private sector, ofcourse, government has almost always turned to private business for contracts construction projects. Architectural firms, construction companies, and parts suppliers and manufacturers have routinely been involved in correctional construction. But many jurisdictions have given private firms unprecedented involvement in the planning and construction process in order to meet quickly the demand for new federal and state prison and local jail beds.

Privatization can take many forms: it might mean that a private company builds, staffs and then runs a prison, receiving its clients, as it were from the courts or indirectly from elsewhere in the penal system, or it could mean that a private company or some other entity builds a prison and then rents it to the government of the day which then operates it with its own staff in the usual way. As government are deeply concerned about the running costs of existing prisons, privatization might also take the form of constructing out to private sector companies certain services, perhaps the provision of food or medicine.

The chapter is also intend to indicate that the researcher will give reasons why privatization, and also indicate problems encoutered in public instintution. In chapter one, the methodological account is provided and such basic issues as what is to be researched, the desirability of such research and how the research is undertaken are dealt with.

Chapter 2 focuses on the historical overview of privatization, the goals of privatization, methodology, contracting for services, policy concerning privatization and the view of commissioner of correctional services on privatization.

The purpose of chapter 3 is to discuss the prison community and how artificial environment impacts on inmates. Chapter 4 gives an exposition of the nature and essence of institutional treatment and to examine the effects on prison inmates.

Chapter 5 outlines the comparison of private and public prison as well as arguments for and against, discussion of American and Australia privatization. Chapter 6 deals with prison privatization and public policy. Chapter 7 focuses on clasification system of inmates.

Chapter 8 discuss Personnel Management in public and private institutions. Chapter 9 focuses on the role and functions of community corrections in both public and private institutions.

1.1 **THE CHOICE OF THE SUBJECT**

The selection of an appropriate topic for investigation is important (Johnson, 1981:15) one of the most important decision a researcher must make, is the choice of the research design a plan of how to conduct research and collect data (Sullivan, et al 1980:46). The researcher has been influenced by the following important considerations in choosing the present research.

- * The basic premise of choosing this subject is to make a contribution to the scientific understanding of the dynamic of privatization of correctional facility in South Africa.
- * The researcher has been influenced by the new trend of privatization of correctional facility and the manner in which this private prisons are going to be administered and control thereof.
- * There is also very little published material on privatization of prison in South Africa, the only published material are that of overseas, example, A.L James, A.K Bottomely (1997).

- * The privatization of state-run institutions has become a dominant political issue in South Africa and the State is concerned with critically evaluating the issues in the debate around privatizing prisons, to move behind the rhetoric and explore the reality of privatization.

1.2 AIMS AND PURPOSE OF THE STUDY

The aim and purpose of this study is to make public aware of involvement of private sector in the operation of correctional facilities, and also to present a systematic analysis of those concepts which are an essential part of the researchers intellectual equipment.

Emphasis is placed on fundamental methodological concepts which underlie decisions made in the research process, rather than on the methods and techniques themselves, the researcher hopes to encourage a more critical attitude on the part of the researcher.

By means of an analysis of basic concepts, the researcher have attempted to provide the researcher with a good general frame of reference which may be employed to systematize and organize the variety of methods and concepts which are used in research.

The private sector should be seen as an additional resource, as a stimulus to change and as a way of responding quickly and flexibly to the urgent need for an expanded prison capacity.

With aims of improvising conditions, controlling costs, facilitating innovation and improving quality of state.

It is thought to be capable of delivering higher quality service in a more efficient and accountable fashion. The private sector will not replace government's responsibility of controlling prisons.

1.3 DEMARCATION OF THE STUDY

The purpose of this step in the research process is to make a clear statement of the issue to be investigated . Pienaar (1980:154) states that for the researcher the problem arises from interest, experience, literature study, novelty, availability of data, training, necessity topicality or from commissioned research.

The first step in defining the problem is to "unpack" it. Most research problems suggest numerous different ways in which they can be researched. In order to clarify the problem, we must list the issues involved in the problem.

From this list we can then select a question which focuses the research attention on a specific problem area. Questions which may be asked to analyse the hypothesis can include: what are the main concepts? what is happening here? what are the major issues? is one causing, affecting or changing another? why does this happen? such questions help one to formulate the problem precisely.

The literature search is undertaken in order to determine what has already been written on the subject. This is the next logical step to facilitate the unpacking of the investigate a particular field.

By means of the literature search, one may encounter issues which have not been considered as well as suggestions on how to approach the problem, which had not occurred to the researcher. The extent to which literature is reviewed will depend on the time available to the researcher. A full- scale literature research is very time consuming because it involves finding and reviewing appropriate sources. The literature search starts at the library catalogue. The subject catalogue is most helpful when the authorities in the research field are not known.

For more thorough literature search, relevant scientific journals which contain articles on the subject may be consulted. Literature search is a very helpful and indispensable research skill essential to penological research.

The present research was never done in South Africa. This research is limited to the study of the following: Orientation, Why privatization, historical overview, the prison community and its impact on inmates, the nature and essence of institutional treatment, comparison of private and public prison, argument against and for and discussion of privatization in America and Australia, prison privatization and public policy, safe custody, personnel management in public and private prison and the function of community correction in both institutions.

1.4 APPROACH TO THE STUDY

The researcher collects and records data in a manner consistent with the chosen research design. Although the methods are distinguished from one another, they do work as complementary methods.

The term method includes the ways in which research work is done in a given field of investigation. (Van der walt, et al 1977:158)

The researcher made use of documentary studies as well as interview techniques in order to collect data about the privatization. Research is essentially a decision-making process in which the researcher is continuously involved, among other things, in making decision about what ought to be investigated and how this ought to be done (Mouton, et al 1988:29).

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combined relevance to the research purpose, with economy in procedure. A research design implies that research is planned (Mouton, et al 1988:32). Permissin was duly obtained from the correctional services.

Authorities to peruse official documents pertaining to Apops as well as interview of selected members working in that sections. Research data was therefore collected by a process of going through records, observation and interviewing the questionnaire. A brief discussion of these procedures and techniques follows.

1.4.1 DOCUMENTARY METHODS

Documentary study is the major source of data collection by study of the literature on a specific phenomenon. The written data is an essential requirements for any research. For any subject and at any stage in a research project, the analysis of documentary written data is important, (Van der walt et al 1977:22).

These documents vary greatly , some are primary documents, or eyewitness accounts written by people who experienced the particular event or behavior. Others are secondary documents by people who were not present on the scene but who received the information necessary to compile the documents by interviewing eyewitnesses or by reading primary documents.

The data for the present research was collected by a process of going through records, observation, questionnaire as well as interviewing of members of correctional services. There may be distinction to the primary - secondary documents, example, an autobiography is clear a primary document while a biography is a secondary document.

Documents study have the following advantages: inaccessible subject, nonreactivity, longitudinal analysis, samplesize spontaneity, confession, relatively lowcost and high quality.

Disavantages of document study are: bias, selective survival, incompleteness, lack of availability, sampling bias, limited to verbal behavior, lack of standard format, coding difficulties and data must be adjusted for comparability over time (Bailey, 1983:293)

1.4.2 OBSERVATIONAL METHOD

The observational method is the primary technique for collecting data on non verbal behavior. Although observation most commonly involves sight or visual data collection, it could also include data collection via the other senses, such as hearing, touch, or smell.

Observations are often conducted as a preliminary to surveys, and may also be conducted jointly with document study or experimentation. It is a two-part process:

- (1) someone is observing, and
- (2) there is something to observe.

In observation it is usually assumed that data are collected by some means other than asking people questions. The interview technique involves some observation also, but the verbal response is the focus of attention.

Even the experimental technique involves observation, but basically observation means collecting all the data through occurrences that can be observed visually. Observation is one of the oldest forms of gathering data.

It is through the observation of events that hypotheses are suggested. Observation technique are relatively inexpensive to use. It is an important technique for studying behaviour.

The observation technique is most open to using recording devices such a tape recorders and camera, and is also allows the researcher to view the complete situation first-hand as it develops andalso afford the inclusion of sequent of events.

The disadvantages in using observation technique is that time and duration of an event cannot be usually predicted. Result may be unreliable because different observers may not see and record a particular event in the same manner. The observers may lose their objectivity by becoming personally involved in the situation.

The reseacher cannot observe the subject nonverbal cues, some items may be misunderstood, a special effort must be made to test for reliability and validity, subjects who do return their questionnaires may not be a representative sample of the total population, the instrument is unable to probe a topic in depth without become lengthy and the printing maybe costly in the questionnaire is lengthy and is printed on high-quality paper.

Advantages of observation are nonverbal behavior, natural enviroment and longitudinal analysis.

1.4.3 INTERVIEWING TECHNIQUE

The personal conversation by which research information is obtained is knowm as an interview (Van der walt, et al 1977:198).The interview refers to a specialized patterns of verbal interaction between on the one hand, the questioner and, on the other, the respondent, with a specific area content with the subsequent elimination of errelevant data.

Goode and Hatt (1952:184), state that the interview has many facets. There are many types of interviews, and their purpose are many. In general an interview must be very thouroughly thought out before embarking on interviews, therefore, the present researcher went through a long thinking process.

It is possible to plan it before hand, to keep its purpose flexible and receptive to new development and change even when conducting interviews with the members of correctional services (Van der walt, et al 1977:179).

The researcher should therefore be engaged in the following aspects during the interview, namely:

- (i) protecting the respondents and collaborators in the study; and
- (ii) providing accurate and complete information when confidentiality is promised to the respondents by the researcher. The researcher should make sure that such a confidentiality is maintained. The interviewees were informed that matters discussed with them will be treated confidentially

The interview have the following advantages such as: data from each interview are usable, whereas this may not be true for each questionnaire returned, no items are overlooked by the interview method, a higher proportion of responses are obtained from potential respondent.

The interview offers an opportunity to appraise the validity of the report, because the interviewer is present to observe what is taking place, the interview procedure may save time for the interviewee, an interview can be used to elicit information from a broader group of individuals than can the questionnaire, and the interviewing is flexible.

There are some few disadvantages such as: it may be difficult to make a comparison of one interviewer's data with another interviewer's data unless a rigid procedure is adhered to at all times, the cost of interviews depends on the number and length of the interviews, and the interviewee usually has little or no choice in the date or the place of the interview.

Interviews are often lengthy and may require the interviewee to travel miles, no opportunity to consult records, Less standardized question wording and lack of accessibility to respondents.

1.4.4 RECORDS

Records are a valuable and lucrative source of research data. Records are found everywhere, in homes, offices and places of leisure. Record have certain advantages such as unbiased, records quite often cover a long period of time, records are inexpensive, records are convenient and time saving, records have already been collected; the researcher can not bias the subjects, and the existence of a large quantity of records often allows the researcher a considerable choice of data.

The disadvantage of records is that the amount of information is limited to what is available, no one can be sure of conditions under which the records were collected, there is no assurance of the accuracy of the records, the people who preserved the original records had no idea that they would be used for research, therefore the researcher is forced to admit any error into the study that was build into the original records, there may be some serious drawbacks in the materials of which the researcher is not aware.

1.4.5 THE QUESTIONNAIRE

The questionnaire is the most common research instrument. It comprises a series of questions that are filled in by all the participants in a sample. Questionnaire may be distributed directly to the respondents in the street, section or campus, in the dormitory or at home, or at work.

Advantages of the questionnaire are: it is relatively simple method of obtaining data, it is a rapid and efficient method of gathering information, the researcher is able to gather data from a widely scattered sample, respondents can remain anonymous, they are inexpensive to distribute, it is simple procedure for exploring a new topic and it can be flexible concerning the type of item. There are disadvantage of questionnaire such as the researcher does not have the opportunity interact with the subject.

1.5 DESCRIPTION OF CONCEPTS

The main key concepts used in this study are indicated and define hereunder:

1.5.1 PRIVATIZATION

Privatization is a process whereby a private company builds, finance and control a prison, receiving its clients from the courts or indirectly from else where in the penal system, or private company builds a prison and rent it to the state/government of the day which operate with its own members (Ryn, and Ward, 1989:4).

1.6 FACTORS WHICH LEAD TO PRIVATIZATION

1.6.1 PRISON OVERCROWDING

The new "get tough on crime" policy immediately led to an escalation in the number of offenders in all types of correctional programs and facilities. In the quarter century from 1968 through 1993 the prison populations in this country increased 400 percent.

By 1990, prisons nationwide were overcrowded by an average of 30 percent, and many prison were as much as 150 percent over capacity. This resulted because many states drafted new sentencing guideline which established longer sentences for many crimes and/ or established mandatory minimum sentences which substantially increased the minimum time that offenders must spend in custody. This include South Africa.

To meet this problem, states begun shifting funds from treatment to finance massive expansion of existing buildings and construction of new building but their efforts have fallen woefully short of keeping up with the prison population explosion.

Generally, institutions that suffer overcrowding have had difficulty trying to ensure the safety of their inmates and staff.

This means that correctional counselors often find themselves in much more dangerous and volatile situation than counselors in most often settings, and the inmates with whom correctional counselors work have a greater preoccupation with personal safety and security issues than in the case in most other setting. In overcrowding institution there is no commitment to treatment or institutional support.

The following services suffer most as a result of over crowding:

- * Physical care : This include the provision of food medical care and bedding .
- * Safe custody : This refers to the maintenance of healthy discipline and control over prisoners .
- * Treatment programmes:This covers work opportunities, leisure activities, recreation, training, religious programmes, social, educational and psychological services.
- * Manpower : The staff-member /prisoner ratio changes so unfavourably that an effective control and administration system no longer exists.
- * Buildings :Cells and kitchen, hospital and visiting facilities are overutilised.

When the occupancy rate rises above this capacity the quality of institutional life suffer in these ways:

- * Longer periods of imprisonment in cells and courtyard.
- * Less time for leisure activities and recreation.
- * Lower level of participation in programmes, and
- * Increasing stress level as a result of higher social and spatial density.
- * Overcrowding cause violence when the rate of transiency is high.

1.6.2 IMPLICATION

The effect of prison over-population are: the incidence of physical and mental complaints such as tuberculosis, Aids, high blood pressure, psychiatric disturbances and psychological problems.

Prison over-population lead to higher cell temperatures and noise level, poorer ventilation in cells, idleness, disagreements and irritation among the prisoners. It undermines internal social control, creates a high potential for conflict among prisoners and can negatively influence the relationship between staff and prisoners.

Clear and Cole(1990:29) indicate that overpopulation results in an unfavourably staff prisoner ratio which puts staff under constant pressure and causes them to feel threatened more easily.

Problems are also experienced in controlling prisoners in over-populated section, the development of healthy morals is inhibited and high staff turnover and particular management problems may occur.

1.7 WHY PRIVATIZATION

In 1947 South Africa launched a reform programs with the appoint of a commission of inquiry into the penal system of the Republic of South Africa. During 1981 the Departmental working group:over population of prisons was appointed. Despite these endeavours, there is a world wide increase in the prison population. It appears that a vicious circle's contributing to the problem. To counter over crowding selected prisoners are released earlier than they would otherwise have been but these does not help. In Oregon in the USA, the average length of sentences for a particular category of crimes rose from 18 months in 1977 to 28 months in 1983.

South Africa is experiencing a similar tendency and there is a definite increase in number of prisoners serving sentences of two years and longer.

The accommodation rate for South African prisons has, however, been established in terms of a generous norm and prison over population is a relative concept.

Overcrowding is not regarded as an unmanageable phenomenon, although it is a focus of constant attention and concern. While sentences are growing in length, the nature of prison population is also changing. South Africa is experiencing an increase in crimes against the person, and this leads to private sectors getting in to assist the state with this problem. (Neser, 1993:270).

Privatization makes the true costs of a service highly visible, allowing them to be analyzed, compared and minimized.

Contracting provides competitive price and product information that the state can use to compare and evaluate its own operation. It reduces the tendency toward bureaucratic self-perpetuation and helps limit the size of government. Contracting increases accountability because market mechanisms of control are added to those of the political process.

Privatization promotes the development and use of objective performance measures. Privatization encourages comparative evaluation, this raises standards for the government as well as for the private sector. It also promotes experimentation and other changes in a program including expansion, contraction and termination.

It is pointed out that where the invisible hand of the market fails to produce good and services of adequate quality or insufficient quality, or at an appropriate price, the "iron fist" of the state must take action.

Conversely, privatization is often seen as a remedy for government in these matter. The prison crisis described above has cause state managers to see the urgent need for privatization.

Privatization enables legislators and taxpayers to see where money is going and to decide more rationally whether a program ought to be continued, expanded, revamped or discarded. What makes private sector to involve with correctional services is because of better quality of services, more efficient operations, low cost, reduce training requirement, decrease agency liability and better accountability.

The sudden revival of interest and major drive towards private sector involvement in prison in the 1980's and 1990's with the ostensible aim of improving conditions, controlling cost, facilitating innovation and improving the quality of regimes should be seen in the broader context of a political, social and economic climate of declining faith in the state to manage public prisons. The private sector was thought to be capable delivering higher quality of services in a more efficient and accountable fashion. Privatization was seen as additional resource, as a stimulus to change, and as a way of responding quickly and flexibly to the urgent need for an expanded prison capacity. The "Great confinement" stimulates the enthusiastic pursuit of private sector financing and management of prisons.

Contracting may enable new prisons to be financed, sited, and constructed more quickly and cheaply than is possible under customary procedures for state construction. While this process typically takes government two to five years, it has generally required just six months to a year for private prisons.

Further, private firms are more apt to design for efficient operation, carrying these savings forward into future year. As Sparks has urged: Both the " need " for prison places and the viability of alternatives of governments sympathetic to privatization and their high demand for prison places are more than accidentally related (Sparks:1994:25) The private operations face challenges of authority, legitimacy, procedural justice, accountability, liability, cost, security, safety and corruptibility. In contracting, competitive bidders are motivated to supply relevant information to a small number of politically accountable decision-makers.

Private prisons will tend to be highly visible, in contrast to state prisons which, at least historically have been ignored by the public and given "hands-off" treatment by the courts. In contrast, it is in the nature of a contract to specify service requirements, and to some extent broader goals as well. Where reform is greatly needed, but public management has become entrenched and resistant to change, privatization can provide a surgical solution. It is certainly easier to replace a bad contractor with a better one than to replace entire government, agency or operation with another governmental one.

Where it becomes necessary or desirable to thoroughly reform a particular prison, or even a small system, contracting can produce wholesale and sudden change. The best case for private prisons rests simple a plea for open-minded comparison, and for evaluation against real alternative rather than against absolute and ideal standards.

The privatization does not encourage the measurement of performance.

The private prison should be allowed to compete with government agencies so that we can discover how best to run prisons that are safe, secure, humane, efficient and just.

Private prison offer a way out of this dilemma at an affordable price. As a result, they are likely to be viewed as a viable option by increasing number of state and local government.

The privatization will be able to respond more rapidly to the changing conditions and need of corrections and act more quickly to correct mistakes resulting from inaccurate prediction or faulty policies.

They will add new expertise and specialized skills, and promote creativity and enthusiasm by bringing in "new blood" and new idea more often than is possible under civil service. The privatization will also be able to deal with high security prison and corruption which is a problem in public prisons. There has always been plenty of criticism of government performance in running prisons. There has not, however, been very effective public pressure for reform. Most criticism of government corrections has been based on absolute rather than relative standard.

1.7 SUMMARY

In this chapter; the researcher has orientated the reader regarding the research. The study is based on privatization of prisons. The most important aspects discussed, includes interalia, the choice of the subject; aims and purpose of the study; the demarcation of the study; the methods and procedures used as well as the definition of the main concepts, and the factors which lead to privatization has been discussed, namely overcrowding in prisons as well as implication thereof and the reason for privatization. It has become clear from the foregoing exposition that privatization encourages greater flexibility and promote innovation, use of objective performance measures as well as provides new expertise and specialised skill.

Privatization make the true costs a service highly visible, allowing them to be analyzed, compared, and minimized. It is clear that the private players ask only for a chance to prove themselves in the competition on a level field. It is clear that when the state spends taxpayers money to provide services, it has little natural incentive to measure objectively the quality of its own performance.

All correctional contracts include provisions for monitoring and have language that at least implies the need for some measurement of performance. It is clear that at this rate of growth, it is estimated that the prison population will reach one million mark in the year two thousand.

In chapter 2 the historical overview of privatization will be examines.

CHAPTER 2

HISTORICAL OVERVIEW OF PRIVATIZATION

2. INTRODUCTION

In this chapter the historical overview of privatization, the goals of privatization, methodology, political issues, administrative issues, financial issues, legal or constitutional issues, contracting for services, barriers to entry to private prison market, policy of Republic of South Africa concerning privatization and the view of commissioner of prisons concerning privatization of correctional facility will be discussed.

2.1 HISTORICAL OVERVIEW OF PRIVATIZATION

The privatization of public services, is a matter of interest to private and public sector manager's analysts and theorists. It is also reported that almost all depatures in modern corrections, and historically, has originated outside the "official" circle of the public sector. It is pointed out that privatization started in 1802, when the Newgate Prison in New York, accrued a surplus of funds by contracting with outside manufactures to use prison labour to produce various goods. The California legislature passed the prison Act of 1851, which allowed inmates to be turned over to contractors who would clothe, feed and detain them in return for their labour.

There is interest on the part of both proponents and opponents of privatization in both sectors for determining the impact and costs of privatization on service providers and suppliers. In the corrective industry is handful to private sectors which believes that economic profit exist in the production of correctional services, not just in contracting of specific services but in the production of the entire array of services available to a prison population, i.e. contracting the management of entire facilities including all services and programs provided therein.

Historically the private sector had a major role and responsibility in operation of prisons. It has been a primary source of change in corrections. A private prison refers to a place of confinement that is managed or controlled by a private company (Logan, 1990: 13). The strongest argument in contracting would be in success or failure to the private contracting of other public service (Logan, 1985) Although not all contracted services have been more efficiently or effectively provided by the private sector. According to (Seller, 1993:13) correctional services can be as efficiently produced by the private sector with no discernible difference in the level of services, then pitfalls associated with public sector production of prison services can be avoided. Competition would be free to affectuate cost reductions, and implicit costs attributable to public production could be circumvented.

The aim of this study is to provide some insight into the privatization of prisons and to test hypotheses that suggest that privatization of prisons is beneficial to the public, especially the arguments that private prisons are managed more efficiently. The question here is why is there a strong appeal for having the private sector provide goods and services that the public sector is now providing?

According to economic theory, the market system, by depending upon the rationing function of price and the self-interest of competition, efficiently allocates scarce resources so that society can maximize satisfaction. Society has come to depend upon private industry to advance this country's economic position by relying on competition to induce innovation, research, technological change, and managerial and entrepreneurial advances. Society has appealed to the ideal of self-interest, which assumes that when every individual pursues his own interests, society will improve and advance.

This implies the efficient allocations of resources and the equitable distribution of income as a result of competition sustained by open and free movement of buyers and seller in and out of markets. The view presented in this study is that public sector production of goods and services does not benefit from the ideal of economic self-interest. The main aim of interest and major drive toward involvement of private sector in prison is to improve conditions controlling costs, facilitating innovation and improving the quality of regimes should be seen in the broader context of a political, social and economic climate of declining faith in the state to manage traditionally public sector's services.

The private sector was thought to be capable of delivering higher quality services in a more efficient and accountable fashion. Privatization was seen as an additional resource, as a stimulus to change, and as a way of responding quickly and flexibly to the urgent need for an expanded prison capacity. It is pointed out that both the need for prison places and the viability of an alternatives are matter of political decision and ideological preference and in any case the free market preference of governments sympathetic to privatization and their high demand for prison places are more than accidentally related (Adrian, et al 1997:1).

The intention of this study is to build on these models assumption that prisons render a service that can be measured in dollars and that can be competed for in the private sector. If this is so, a private company should be able to produce the same scope, level, and consistency of services at the same cost or less when compared to the public prison management contracts while private sector companies would.

Private prisons are not only claimed by some to be more efficient economically, but are in political debate as well.

Current literature and models present only limited political perspective and fail to analyze aspects of the privatization of prisons that would prove useful to political officials, administrators, legislators, and political scientists who attempt to make substantive judgements based on empirical evidence.

The overall of prisons continues to be feasible and beneficial to the private sector. If this is so, government could meet the growing demand for better and more plentiful incarceration facilities at a lower cost to the public. Because of the somewhat limited amount of research information available on the privatization of corrections, neither government nor private industry has collected enough evidence of historical data to determine whether privatization of prisons is a viable strategy.

Charles Logan pointed out in his article on prisons and competition, that it is one thing to believe that only the state has the right to imprison in a fair, humane, effective and economical fashion. The first believe is a matter of political philosophy, the second is an empirical proposition (Logan, 1985:469).

2.2 THE GOALS OF PRIVATIZATION

The goals of privatization is to determine whether:

Private sectors prisons are more efficiently run than public sector prisons at a comparable level of services. Barriers other than costs are inhibiting the growth of the private prison system. Public prison officials believe that a wider scope and variety of barriers to privatization exist than is actually the case.

To determine what real barrier exist and how to overcome them. And give the same level and scope of services, private sector companies can produce the needed cell space and manage correction facilities at the same or lower cost than the public sector. The other goal is to determine whether the privatization can save tax payers money and still provide the same level of service (Seller,1993:18). The first goal regarding costs requires examination of public and private facility budgets, an analysis of the programs and program service levels, and a comparison of expenditures through a cost efficiency analysis.

The aim in this study is to find out if private sector prisons can save taxpayers money and still provide the same level of services. The remaining goals seek to determine what barrier to entry into the private prison market exist and how many of these barriers are already in the market.

In most cases private sectors have not been able to operate in many state or within certain specific levels of corrections, such a high security prisons, because certain perceived barriers to entry exist, including the notion that private guards should not be place in a position of having to make life and death decision using deadly force against prison inmates.

A government's concern is that once a contract is awarded to a private company the perceived difficulties in changing vendors places them at the mercy of the vendor who will in the longer run raise per diem rates sharply, eliminating the possibility of servings resulting from competition.

The opinions of private and public prison officials gathered during this study should prove useful in directing interested parties towards further research into the subject of private prison market "entrance barriers" (Seller,1993:18).

2.3 METHODOLOGY

A cost benefit analysis is an analytical method for evaluating the desirability of some prospective change.

It comprises the determination of all necessary cost and benefits in respective of when they exist or whom they accrue. It is not the aim of this study to search for cheaper method to provide a particular service, or trying to compare the benefits of two different services.

This study is trying to show that the service provided by public service can also be provided by private sector with lower costs. This study is not concerned with determining how effective a program is or measuring thereof. This study make an awareness of operational activities, programs and services, input and enviromental factors which can be privatized in order to save state fund (Seller,1993:19).

A cost effectiveness analysis is not appropriate for this study and also is not aimed to measure the effectiveness of the out put of programs in some meaningful way and in manner useful for comparing with the effectiveness of the out put of programs or a single program overtime. This study try to identifying a procedure for the least-cost means of achieving a given objective, as well as to measure costs and costs alone for comparison purpose. The traditional approach use in an efficiency study is to divide total operating costs by the number of prisoners/clients. It is important that the prison being compared be analyzed to determine their differences for example levels of service and quantity of programs, so that cost comparisons can take on real meaning.

Enviromental factors impacting on the level of services rendered such as differences in location, resources availability local laws and policies, and extra or hidden costs, must be identified.

One time fixed and implicit costs must be identified and measured, using estimation techniques if real cost figures are not available. In recent years, efficiency studies have been used by state to identify less efficient services and programs, to hold managers accountable overtime for producing more efficiently, and for setting program standards, targets and goals. Contracting was found by the state to be the most common and fruitful method of privatization of the delivery of federal good and services.

2.4 POLITICAL ISSUES

The criminal justice system may use the experience of organized business involvement in prison to feather their next. Opponents contend that private prison operators will exert an untoward influence on criminal justice policy and contribute to the imprisonment of more inmates under worse condition. The private sector building of prisons could be used to circumvent the voter when bond referenda fails, which translates to less democratic control and less accountable government body. The state is responsible for providing service in many areas, to protect the public from prices gauging to prevent wasteful duplication of effort (Fitzgerald 1988,88).

2.5 ADMINISTRATIVE ISSUE

The issue here is whether the public would continue to have access to prisons and prison records, or would be closed meeting and record-hiding as private industry today (Reis 1987, Robbins 1986). To answer the above question, the secrecy that sorrounds private sector records and plans would be an intolerable interference for state contracting for prison management. The next issue is whether the cost effectiveness of prison privatization is a form of union busting and exploitation of labour, with lower wages, lower pensions, and less employee benefits.

The government employee groups and their manager has resistance in private operations because they believe that private sector hire fewer people, decrease employee forces, and reduce training time. According to Moore (1987,69) few or none public employees had lost their job as a result of privatization. The issue is whether private entrepreneurs would engage in uncontrollable cost cutting activities, design shortcuts, a reduction in safety standards and an increase in corner-cutting methods. According to seller (1993:52) all nationwide shows that the individual cities with the lowest cost of service delivery also achieve among the highest level of services quality.

The questions is that in attempt to save, private companies may attempt to " Skim the cream" of prison by constructing for housing only the security, problem free inmates leaving the higher cost hardcore criminal for state to house.

The issue here is what will happen in case of strikes, bankruptcy, or emergency situation. The answer is that contingency plan would have to be developed and reach of emergency develop, plan would be available for a temporary government takeover. It is important for the government to persue that financial soundness of a company before considering the privatization of state services as well as ensuring delivery of the service by the private sector. Legal council should be well advised to spell out the financial requirement, review of financial statement and balance sheets and requiring guarantees before the government contract services to private sector (Finley 1989,144).

2.6 FINANCIAL ISSUES

The most important financial issue is whether private companies operating prisons would be more efficient. The point is that the profit and loss incentives of private companies differ greatly from budget-building incentives of bureaucracy.

The other financial issue is whether private prison operating costs may be lower in the short run but eventually increase to the same level or more than public sector operations. Supporters of prison privatization pointed-out that costs to a contractor should be fixed, and also stresses that private companies which are unable to maintain cost levels or unable to produce profit through efficiency and accountability would go out of business (Logan 1985).

2.7 LEGAL OR CONSTITUTIONAL ISSUE

The legal issue is whether the delegation of function of state private sector companies to operate prison is constitutional. Due to social complexities, changes, advances, and administrative realities the constitution of South Africa do allowing the development and oversight of many policies and regulations to be other entities/ private sector (Robins 1986). In Florida, Michigan, new Mexico and Texas have enacted specific legislation for the private operation of prisons.

The issue here is whether the acts of private prison operators constitute "State" acts in term of liability, that is whether all alleged infringement of rights would be fairly attributed to the state. It is pointed out that the state action has been generally determined by three tests: the public function test, the closen nexus test, and the state compulsion test.

The state action exists when state delegates to private parties power traditionally. A constitutional issue has to do with the trade-off private vendors must make between efficiency. Private sector would have to provide benefits, programs, and activities enough to ensure that prisoners have adequate living conditions, medical care, and the necessities of life. The legal issue is whether the issue of restraints, force and deadly force can be delegated by the state to the private sector.

Connie Mayer (1986) argues that "the power is inherent in the state to prescribe, within limits of state and federal constitutions, reasonable regulation necessary to preserve the public order, health, safety and moral. The other legal issue is who is liable for improper treatment or abuse of inmates? Opponents of prison privatization argue that the government cannot void its responsibility for liability by contracting with a private company.

Whereas supporters of privatization argue that state liability now shared with the private company would decrease overall state liability costs. The other issue is that of parole hearing and development of prison rules. Parole decision making, prison rules as well as discipline hearing cannot be delegated to private prison management (Geis 1987, Mayer 1986).

2.8 BARRIERS TO ENTRY TO PRIVATE PRISON MARKET

The first barrier is that liability insurance rates would be very high. Although the state may not be able to void its responsibility of liability, its sharing of liability responsibility with private operator would add a substantial cost to private prisons operation.

A major barrier to the development of private prisons has to do with local governing officials' fears that contracting with a private company to build and operate a facility will be construed as circumvention of public decision-making by referenda.

The other barrier to the use of private prison is the question of the constitutionality of delegating the state function of imprisonment to private individual or companies. The barrier is the propriety of a state delegating the police power of using deadly force and restraint to the private companies.

- The other barrier is the overcoming of concern for the management of parole and discipline decision.
- Barrier is that no standards exist for the operation and management of a prisoner for the training of prison personnel.

2.9 CONTRACTING FOR SERVICES

The privatization method is determined as most effective and relevant to prisons. In South Africa contracting of service within the structure of corrections is still premature, but a good option for the government. Negotiation still have to take place concerning privatization.

Emthojeni juvenile facility near Pretoria East is the first of its kind in South Africa. This study encourages contracting of services because costs are less and same or better quality of services is rendered. Seller pointed out that the government that contract for service's benefit in number of ways.

Government experiences lower personnel costs due to lower pensions and benefits. The state also avoids the bureaucratic red tape associated with the delivery of services, as well as construction delays.

The state can explore new technologies that are open to private sector and not yet available in public sector. Contracting out still allow state to continue to provide a service by financing, regulating, evaluating and controlling it without producing the service (Pirie 1985). In respect of the argument for or against privatization, contracting out is the best option and have produced substantial saving over state delivery of services Steven Moore pointed out that many cities cite contracting out as the reason for multi-million-dollar savings in tax expenditures or government expenses (Moore 1987,63).

Information collected in this study indicates that the privatization method determined as most efficient by the state and most relevant to prisons is contracting. Prisons at all level currently contract for many services within their structure, and their area have already a number of fully privately contracted correction facilities in many countries especially juvenile facilities and maximum security jails.

Seller pointed out some of the argument made against contracting, that contracting out allows less direct control over service by a public provider, and contracting may be objectionable on the ground that contracts are very susceptible to labour disputes and corporate financial failures. Thirdly, private production is said to be more costly due to the added cost of normal profits. Regardless of cost studies that report contracting out as having produced substantial savings over municipal or state delivery of services.

2.10 POLICY OF RSA CONCERNING PRIVATIZATION

Privatization involves a Government Unit contracting with a private company for the performance of a Traditional Government Service, the government unit enter into a contract directly with a private company.

The term of the contract is negotiated between the government unit, and the private company as any legally binding obligation would be.

In most contracting situations, the government unit will pay the private sector directly for the services performed out of its tax revenues. This method allows the government unit control over the purse string to ensure compliance by the private company.

2.11 THE VIEW OF COMMISSIONER ON PRIVATIZATION OF CORRECTIONAL FACILITY

The commissioner view contracting out of services as the only option, and an effective method for the management and operation of prisons and jails at any level of government. By privatization the state delegates some of its executive or administrative responsibility. The state does not relinquish its authority or abdicate its ultimate responsibility. He pointed out that correction facility remain subject to the supervision and regulation of the government and cannot be delegated. The Commissioner believes that the case for contracting is strong enough to justify further, experimentation to learn more about the feasibility of contracting. He also believes that contracting could effect savings in financing and constructing as well as in operating new facility.

Private companies are more likely to design for efficient operation, they can build faster at more quickly that the state can. The flexibility offered by the private sector can assist the state adjust the size of its prison system more rapidly and at less cost (Linowes, 1988:146-155).

2.12 SUMMARY

Privatization is a technique for transferring some state activities to the private companies. Where similar functions are readily available in the private sector, and where services show genuine likelihood of being improved by private providers. The political, administrative, financial, legal or constitutional issues has been discussed as well as barriers to entry to private prison market and the view of commissioner of prisons on privatization of correctional facility.

The commissioner has reaffirmed that policy has considered contracting as means of achieving privatization goals under the topic reviewed. The decision that will transform long standing policy into effective practise rest with managers who are responsible for the administration of government programs.

CHAPTER 3

PRISON COMMUNITY AND ITS IMPACT TO INMATES IN A PRIVATE PRISON

3. INTRODUCTION

This chapter focuses on the private prison community and how this artificial environment impacts on inmates. The influence of the prison community on the inmates although important, cannot tell the whole story, since every individual inmate makes his own selection from what the prison community offers him, accepting certain aspects while rejecting others. Imprisonment means ejecting from the sound whole and implies that one can remain part of regular society and must leave for a place of segregation where contact with the larger society is held down to the minimum (Vedder and Kay, 1969:11).

When someone is imprisoned he usually leaves an intimate primary group behind. People may live in undesirable or poor residential areas but they are kept there by economic considerations and not by walls and bars. The individual is part of a social system which both suppresses and satisfies desires, but at least he has self-regulation, a free will, self-control and often self-respect.

In discussing the private prison community and its impact on the prisoners, attention will be given to the origin and development of prison subculture, deprivation, description of prison codes, group formation includes various types of groups, role division, and influence of the prison subculture, development of a prison personality and interaction.

3.1 ORIGIN AND DEVELOPMENT OF A PRISON SUBCULTURE IN PRIVATE PRISON

The origin and development of prison subcultures can best be explained more fully on the basis of this models, namely: the deprivation model and the important models (Neser, 1993:189).

Advocates of the deprivation model have taken the origin of the prison subculture as being the hardships accompanying imprisonment and the social circumstances to which the inmate is expected to adjust. Inmates endeavour to resist the problem of deprivation by implementing and maintaining subcultural normative system.

A subcultural normative system implies to a set of norm and values that differentiate a group from the larger society. The argument behind the importation models is that the make-up of the prison subculture is imported into the prison from the lower class and the criminal world in the free community (Neser,1993:189). In order to obtain insight into the prison subculture, a number of important aspects must be emphasized. This, thereof, implies that the subcultural orientation of a group cannot be ignored as an important influence on the behaviour of a group (Short and Strodtbeck,1965:207).

Each phase of the inmates daily life takes place in the company of others who are subject to the same treatment. Daily activities are programmed with the entire sequence prescribed by a legal authority through a formal decision (Vedder and Wright,1974:518). According to (Neser,1993:189), values, norms and idea are brought in by inmates and find stature in three types of prison subcultures, namely:

A thief subculture which is maintained by professional criminals who are not interested in leadership positions in prison perse but only owe allegiance to more experienced professional thieves,

A prison subculture also known as a bandit subculture has prisoners who manipulate their companions and strive for power and status in the prison,

A legitimate sub-culture which is subscribed to by inmates the so called square Johns, who are more inclined toward cooperation with prison officials (Neser,1993:190).

3.2 THE INFLUENCE OF DEPRIVATION IN PRIVATE PRISON

Deprivation of freedom, autonomy, security and heterosexual emphasizes each of the foregoing impacts on prison gang formation. Such deprivation spell out clearly how the different form of deprivation influence inmates as well as to encourage the phenomenon of ganging in prisons. Muncie and Sparks (1991:182-3) described the deprivation circumstances as "pains of imprisonment" and include the loss of freedom, goods and services, autonomy, security and exclusion from heterosexual relationships.

Reid (1981:174) pointed out that imprisonment is a series of status degradation ceremonies that serve two functions, namely: to destroy their identities and to assign their new identities of a lower order.

3.2.1 DEPRIVATION OF FREEDOM IN PRIVATE PRISON

Johnston et al, (1970:447) pointed out that the loss of freedom is the greatest single deprivation experienced by the offender in prison. In the first place, the offender must live within a restricted area and within this area his movements are further limited by various control and security measures. An important view of imprisonment involves deprivation of freedom on the part of the inmate. It is much more than a period of isolation from the community (Neser, 1989:130). The inmate is never allowed to forget that by committing a crime, the prisoner has foregone his claim to the status of a fully pledge trusted member of society.

The wall which seals off the criminal, the contaminated man, is a constant threat to the prisoner's self image. The threat is continually repeated in constant reminders, that the inmate must be kept from decent men (Petersen and Thomas, 1980:71).

The inmate is therefore actually subjected to a double loss of freedom. The inmate is restricted to a specific area and within this area there are further restrictions on his freedom of movement, namely: high walls, security gates and fences

(Neser,1993:190).This isolation of inmate is not the voluntary action of a recluse but isolation against his will among a community of criminals. This isolation is painful and frustrating in the light of loss of emotional relationships, loneliness and boredom.

Imprisonment represents a significant moral rejection by the community.

Klare (1973:53) Barkley etal (1976:389), Sykes (1958:65) Vedder and Kay (1969:11) mention the following aspects of deprivation of freedom to the prisoner, namely:

- Disturbing aspects - cut the offender from the outside world
- Loss of freedom
- Isolation - painful
- Loss emotional relationships, loneliness, and boredom and means ejecting by the free community.

In order that the inmate should not fell totally rejected in prison, family members pay the inmate visits in prison, such visits and letter from the family members and friends partially relieve the inmate's isolation. Courts have held that the visitation right of inmates may be regulated by prison officials (Reid,1981:451) Neser (1993:190) pointed out that loss of status, civil rights and privileges can affect the individual strongly the most important loss is that the trust of those around him and this can heavily damage the offender's ego.

3.1.2 DEPRIVATION OF GOODS AND SERVICES IN PRIVATE PRISON

Deprivation of goods and services resulting from the individual's misconduct represents a charge against his basic intrinsic values.

Upon admission in the prison, offenders undergo what Goffman in Ekstedt and Griffiths (1988:231) has labelled a process of "mortification" during which they are transformed from "free" citizens into inmates.

This psychological and material stripping of the individual, which involves a series of "status degradation ceremonies", includes the issuing of prison clothing, assignment of an identification number, the loss of certain personal possessions, and the end of unhindered communication with the outside community. Prisoners are examined, inspected, weighed and documented, to them these act present deprivation of their personal identities.

The deprivation of goods and services in society places a high emphasis on material possession. The way inmates are treated when they enter the prison exemplified society's rejection (Reid, 1981:174-175).

Neser (1989:131) pointed out that the individual by the act of imprisonment, is suddenly reduced from whatever status which the individual might have had, to the following status, namely:

- * The status of subordinates,
- * Slave - like character,
- * A minimum of legal rights:
- * Limited by a large number of rules and regulations,
- * The individual is divested of civilian clothing which is an important indicator of his previous status - to the status of subordinate.

In Africa, the inmate is given the uniform prison garb, which is the significant symbol of the inmate's "slave status". A prisoner has, as a result of committing crime with its accompanying imprisonment, not only forfeited liberty, but all personal rights except those which the law in its humanity accords to a prisoner. The prosecuted prisoner has right to be informed of the charge and sign a form with the details of the charge. It is difficult for any human being leading a normal life to imagine what it feels like to be restricted and circumscribed every step of the way not to be able to go for a walk, not to be able to open your own door, or not to be allowed to use a telephone (Gross,1966:97 and Mathiesen,1984:128). The rules and regulations in prison, encourage the enforcement of discipline (Ekstedt and Griffiths,1988:194).

The task of safe custody rests heavily on the physical custody measures in a prison. A variety of secondary measures can contribute to preventing escapes and generally attempting to direct the prisoner's behaviour and adjustment in the prison (Neser,1993:262). The prisoner's basic material needs are met in prison in the same sense that the prisoner does not go hungry, cold or wet (Petersen and Thomas,1980:72).

3.2.3 DEPRIVATION OF HETEROSEXUAL RELATIONSHIPS

In the free community, people have an opportunity for sexual intercourse, but not behind bars. Prison provide a situation to which prior conventional sexual and social style and motives must be adapted and shaped in view of the fact that the prisoner is deprived contact with the opposite sex (Scacco, 1975:4).

Social deprivation is a major concern of inmates with sex yearning being the most painful phase of incarceration.

Isolation from the opposite sex implies being excluded from the satisfaction of heterosexual relationships at a time when for many inmates, sex drives are quite strong.

Many male prisoners may therefore turn to homosexual behaviour, not because of a preference but because of physiological drives beyond their control (Bowker, 1977:195). The prisoner's access to mass communication and pornography (contraband) that circulate amongst the prisoners as well as their similar stimuli, constantly activate their sexual impulses (Neser, 1993:191).

An experienced inmate will give cigarettes, sedatives or extra food pilfered from the kitchen, and other presents to an uninitiated inmate and after a few days, the veteran will demand sexual repayment in turn (Peterson and Thomas, 1980:108, and Cohen, 1990:3-4). Sex is often used to force a "debtor" to repay an obligation which the inmate cannot pay for in kind. The inmate is therefore subjected to humiliation in the presence of other inmates (Scacco, 1977:43). The lack of heterosexual intercourse is a frustrating experience for the imprisoned criminal and is a frustrating which weighs heavily and painfully in the mind during inmate's prolonged confinement (Peterson and Thomas, 1980:119 , and Rhymes, 1988:2)

The inmate has come from a segment of society where sexuality is the claim of masculinity. Once inside the walls the inmate is deprived of the opposite sex upon whom a lot of emphasis is placed, a pathological situation results. In fact at a more conscious level, inmates may feel that their masculinity is threatened because the inmate can see himself as a man - in the full sense - only in a world that contains women as an essential component of his self- conception.

The inmate status as a male is therefore called into questions. Eventually the overly aggressive inmate will enter into homosexual activity in which the individual can fulfil his masculine prowess since the inmate will seek to control a partner which for the inmate and other males in the system validate continued claims to masculine status (Scacco, 1975:6).

The relationship of male is usually highly stylized both socially and sexually. The aggressor provides protection a measure of affection and perhaps gifts and the passive inmate provides sexual access, affection and other pseudo - feminine service (Petersen and Thomas, 1980:119).

Those who are lovers and therefore do not participate in homosexuality , usually engage in masturbation which is also probably the most common release for sexual tension within a correctional institution (Scacco, 1975:36). This is accepted on the basis that it relieves tensions and gives them satisfaction during their time inside (Klare, 1973:66).

In private prison, the forms of sexual behaviour usually available to inmates are nocturnal sex dreams, and sexual contacts with other inmates of the same sex (Johnson, 1978:398).

For the adult male in the free community, masturbation is an abnormal act, but men in prison are inclined to masturbate occasionally and explain their behaviour biologically. Their masturbatory act is accompanied by heterosexual ideation. At first they worry about the act which they do not find satisfying, but as the months pass it become acceptable as a means of relieving tension (Clemmer, 1958:258).

As important as frustration in the sexual sphere may in physiological terms, the psychological problems created by the lack of heterosexual relationships, can be even more serious (Inciardi and Haas, 1979:324). The prison rules and regulations strongly disapprove of all these abnormal sexual practices (Vedder and Kay, 1968:81). The issue of enviromental impact is close to the core concerns of long - term inmates- closer than it is to the concerns of traditional inmates. This is the case, because the long - term inmate is not "tourist" in prison, but lives there for a fair portion of live. Other things being equal there is an increase potential for impact on such an inmate, either on mental health or on subsequent fate (Ward and Schoen, 1981:40).

3.2.4 DEPRIVATION OF SECURITY IN PRIVATE PRISON

The deprivation of security in an inmate population is where the inmate faces threats to his safety and sometimes to his health and life (Reid, 1981:175). An important aspect of this disturbingly problematical word is the fact that the inmate is acutely aware that sooner or later the inmate will be pushed around, weighed and considered. The inmate must be prepared to fight for his safety as well as for those under his protection in this respect. Petersen and Thomas (1980:79) confirm the foregoing when they state that the prisoner's loss of security arouses acute anxiety, not just because violent acts of aggression and exploitation occur, but an individual's ability to cope with it, in terms of his inner resources, courage and nerve.

The community limits the criminality of the offender by placing him with other criminals for longer or shorter periods, some of whom already have a life of violence and crime behind them (Caldwell and Nardini, 1977:293).

The fact however, strange it may appear that has chosen to reduce the criminality of the offender, by incarceration made the inmate to associate with more than a thousand other criminals for a long time.

The obvious meaning of this involuntary union is that the individual prisoner is thrown into a prolonged intimacy with other men, who in many cases, have a long history of violent and aggressive behaviour (Sykes, 1958:76 - 7).

3.2.5 DEPRIVATION OF AUTONOMY IN PRIVATE PRISON

It is an acknowledge fact that institutionalisation deprives a prisoner a sense of responsibility, initiative, drive, self - discipline and generally depressing (Viljoen Commission, 1976:76 and Nesor, 1993:193).

The important point, however, is that the frustration of prisoner's ability to make a choice and the frequent refusal to provide an explanation for the regulations and commands, descending from the bureaucratic staff, involve a profound threat to the prisoner's self - images because they reduce the prisoners to the weak, helpless and dependent status of childhood (Nesor, 1993:326).

A prisoner may be viewed as a "passenger" - in this respect therefore a man is floating along passively (Nesor, 1993:193).

3.3

THE ROLE AND INFLUENCE OF THE PRISON SUBCULTURE ON THE INMATE

The group forming is the natural result of the various deprivation and losses that prisoners endure during imprisonment (Neser, 1989:133).

The concept subculture arose from differential patterns of culture found in different societies, norms and behaviour as well as characteristics of specific groups. Subcultures may also vary considerably in scope and in the extent to which they differ from its broader culture and include, for example ethnic groups or small elements of these groups, classes in a given community and other groupings (Van der Westhuizen, 1982:58).

These prison codes eventually become traditional among certain groups (Short, 1968:12).

The inmate subculture initiates against the implementation of treatment program. Although the remarks made by Smit (1979:33) do not refer specifically to a prison culture and subculture, they are extremely elucidating. The author comments as follows: "Subkultuur kan beskou word as 'n kultuur binne 'n kultuur 'n ondergeskikte kultuur, 'n parasitiese kultuur, 'n beperkende en onderliggende kultuur of 'n laer orde kultuur, 'n subkultuur is die eiesoortige kultuurgebruike gehandhaaf word, eienskappe het wat nie normaalweg in die samelewing as geheel aangetref word nie. Alhoewel 'n onderskeid getref word tussen die begrippe kultuur en subkultuur, is dit onafskeibaar aangesien laasgenoemde die waardes van die groter kultuur bevat. Die voorvoegsel "sub" dui inderdaad op 'n subkategorie van kultuur 'n gedeelte van die geheel."

Smit (1979:34) states that "'n subkultuur hou nie alleen verband met die doelwitte, gebruike, opvattinge en oortuigings van 'n groep nie, maar ook met gedeelde ervarings en gepaardgaande houdings. Die waardes van die meeste subkulture kom in 'n mate in konflik met sommige waardes van die oorkoepelende kultuur". It becomes clear from the foregoing discussion by Smit that a culture is man - made and it in turn, makes man.

This applies also to prison subculture which is described as a social system with a strong class system a strict code of behaviour and a value system that disagrees with the value of the prison establishment (Neser, 1993:193). The social system of the prison is unique because the social circumstances to which the prisoner must adapt are unique. A prior subculture therefore embraces customs, behavioural patterns, traditions, codes, laws and regulations which, to a large extent influence the attitudes and behaviour of prisoners (Neser, 1993:193 - 4). Subcultural groups, sub - society and social segment have been used to designate those social groups within a large society that are distinguished by background, status or other common characteristics and yet share certain features with other sound segments (Valentine, 1968:109).

In this respect the prison social system rests on the premise, including the initiation of pro - social changes. The greater the extent to which the inmate accept the goals and norms of the inmate culture the lower the chances are that correctional treatment programs will be successful (Ekstedt and Griffiths, 1988:232). The above practices of inmates results in the creation of prison codes working against the conventionally accepted prison culture.

3.3.1 PRIVATE PRISON CODES

The prison codes mentioned above , enable the prisoners to adjust to the unemotional physical and psychological environment of the prison, prisoners establish their own norms that are known as prison codes. The prison codes and social control whereby an individual is able to adjust to the prison, while at the same time maintaining a measure of status and respect (Silver,1981:213).

The groups build up techniques and methods to block each other in everything they do, a kind of refered devil - inspired game of conflict in prison parlance as a code (Barnes and Teeters,1959:361). The opinion exists that behaviour regarded as problematic in prisons can be traced directly to the prison code. This code is largely responsible for the negative attitudes of prisoners towards the correctional services members and authorities. The behavioural patterns of prisoners should therefore be understood against the background of the prison code.

Conforming with or deviating from the prison code forms the basis for classification and description of the interpersonal relations of prisoners (Johnson,et al, 1970:401). Prison codes influence relations between prisoners as well as relations between prisoners and the institution. This is confirmed by Naser (1993:194 - 95). The code result from an attitudinal configuration that a minority groups must have cohesiveness and be within itself (Clemmer,1958:152).

3.3.2

GROUP FORMATION

According to Stark, et al (1973:129) the word group describes a collection of people who are involved in some organized and recurrent pattern of interaction. The term group means a set of individuals who share a common fate, that is , who are interdependent in the sense that an event which affects one member is likely to affect all (Shaw, 1981:6). The obvious of most group formation is goal achievement. Most groups are formed for some specific purpose, namely to enable people to achieve some goal they value. Groups, by definition require considerable interaction among members. Stark, et al (1973:134) and Cartel (1951:167) also emphasized that groups are formed by persons who happen to be close to one another.

The prison subculture has a strong influence on the prison community, which results in prisoners figuring as highly intergrated groups with a strong unit, morality and feeling. Group attainment also clearly comes to the fore during conflict situations, such as riots and escapes. The prisoners join the gang in prison due to frustration and deprivations. Prison is complex artificial environment and for prisoners to adjust or control the situation they have to join gang in order to have fellow prisoners who could help them to adjust to the unfeeling physical and psychological environment of the prison. Prisoners codes roles display the same basic characteristics from prison to prison and play an important role in group solidarity.

The frustration of imprisonment often contribute to prisoners being receptive to ideologies which do not enjoy official sanction. Imprisonment thus serves as a binding factor as a result of the general experiences and interests of prisoners.

Isolation from the free community results in feeling of sound rejection serving as a basic theme for motivation. By accepting prisoner codes and norms the prisoner is able to protect himself from the dismantling effect of rejection by the community. Imprisonment threatens the masculinity of the prisoner by diminishing his role as the economic provider of his dependants.

Over compensation takes place in the form of passive opposition against denomination by the prison service members. Prisoners exposed to the influence of other prisoners with long criminal histories and often object, because they have no choice but to live along with these inferior types of people. This state of affairs creates feelings of fear and uncertainty in respect of each personal security.

The acceptance by other prisoners can thus serve as a security measure against physical aggression. Some prisoners become members of groups in an attempt to escape humiliation that imprisonment brings. The value and meaning of group formation for prisoners are that the group offers protection and support to its members and simultaneously, non-members are excluded by the group unity. By becoming a member of the group, a prisoner obtains access to the informal communication network of the institution. The prisoner obtains satisfaction from the group and feels welcome among other prisoners that understand him, are interested in his problem who listen to his complaint (Neser, 1989:136-7). Cartwright, et al (1975:93) listed four variables affecting the individual's attraction to the group:

- * The individual's own needs - his needs for affiliation for material values, recognition, or to other value that the inmate believes the group can offer. The group offers protection and support its members and non-members are excluded by the group unity.
- * The group's benefits its particular programs, goals, members characteristics, style of operation, prestige or other properties that attract him. By becoming a member of a group a prisoner gains access to the informal communication network of the institution.
- * His expectations of gain - his feeling that membership will probably have beneficial or detrimental consequences to him the prisoner obtains satisfaction from the group and feels welcome among other prisoners who understand him, are interested in prisoner's problem and listen to inmate's complaints.
- * His alternatives - his comparisons of what this group offers in contrast to other groups or choice. The formal organisation in prison furthers the reinforcement of the feelings of solidarity. The primary group is made up of those inmate who are more intimate to other offenders (Jarvis, 1978:156-7). Such a primary group is characterized by inmate face-to-face association and co-operation.

The basic primary group qualities are most likely to emerge when small group members and relationships among members persist for a long period of time (Nixon 11,1979:14).

In this respect Cooley in Athens (1989:28) state that groups are primary in the sense that they give the individual his earliest and complete experience of social unity. They are primary in several senses, but mainly because they are fundamental in forming the social nature and ideas of the individual. The result of intimate association, psychologically, is a certain fusion of individualities in common whole, "so that one's very self" for many purposes at least, is the common life and purpose of the group (Athens, 1989:27). In the gang, gangsters are offered protection and support from fellow gang members and the non-members are excluded by the gang unity. Prisoners endeavour to transcend the painful existence brought about by deprivations in prison by joining gangs. They share luxuries and secrets with one another. The group is reasonably permanent and the behaviour of group members is influenced by the group (Neser, 1989:137-8).

The gangsters are permanent in the gang, because they are not allowed to resign and they are suppose to continue with the gang activities in prison. Stark, et al (1973:131) stressed the role of face-to-face interaction in defining and maintaining, primary groups.

Perhaps the simplest way of describing this wholeness is by saying that it is "we" feeling. It involves the sort of sympathy and mutual identification for which "we" is the natural expression.

It is not to be supposed that the unity of primary group is one of mere harmony and love.

It is always a differentiated and usually a competitive unity admitting of self-assertion and various appropriate passions, but these passions are socialized by sympathy and come or tend to come under the discipline of the common spirit.

The semi-primary group prisoner is friendly towards a certain small group of prisoners, but does not subject himself completely to the wishes and behaviour of the group. In this group provisions and some secrets are shared, but not in the same intimate way as in the primary group. Members of the group are also friendly towards others (Neser, 1989:138). Strangers are also found among affiliate with them. The inmate is involved in the process, but does not participate.

The prisoner-stranger deals with all persons in the same way (Clemmer, 1958:132). The ungrouped prisoner is polite towards others, but does not become intimately involved with any group. The inmate readily shares his thoughts with them, apart from superficial communication (Neser, 1989:138). The reference groups helps therefore in the satisfactory relationships that motivate people to strive differ and maintain membership. When the basis for behaviour has been established in a social relationship which is important to the individual will be motivated to conform to the norms associated with that relationship (Neser, 1989:138-9).

The above implies that a norm is an agreement among the members of a group concerning their behaviour. Equally important is the fact that the norms are often applied differently to various group members (Siegel and Lane, 1982:305-6). According to prison Journal (1991:5) the development of prison gangs involves a five stage process, namely to following stages:

*Stage 1: In this stage an offender is sentenced to serve time in prison. The prisoner will quickly learn the skills of dealing with prison guards and other inmates. Equally important, the prisoner must learn the skills of anticipating and coping with violence a brutal but ever-present aspect of daily prison life. to overcome these feeling of isolation, fear and danger the prison moves into stage 2.

*Stage 2: An inmate socializes with certain inmate with whom the offender feels comfortable and shares some common interests that is cell mate, class mate, members of a counselling group, homeboys, friends of friends and so on. In this stage the relationships among members of the clique are substained by the need to belong and need for survival. As the members do not consider themselves a group they are free to join or leave the clique anytime they please. There are no formal rules regulating member's conduct, nor are there leader-follower relationships. Criminal activity is rarely promoted.

*Stage 3: Self-protection group. Although the primary purpose of self-protection group is still survival, its presence is clearly noticed by other inmates as well as prison staff when provoked, group members will protect each other from attack by outside groups.

However, group members are not required to abide by a strict code of conduct. Leadership in the group is informal and based on the charisma of the individuals. As a matter of practice, self-protection groups do not participate in illegal activities. Prison Journals (1991:8), states further that the members of the self-protection group enjoy increased recognition, certain members begin to exert stronger influence over other members and over events of the group.

3.4

THE CHARACTERISTICS OF A GROUP IN PRIVATE PRISON

A group is a collection of individuals who have relations to one another. These relations make them interdependent to some significant degree. In this respect, the term group refers to a class of social entities having in common the property of interdependence among their constituent members (Cartwright and Zander, 1968:46).

Knox (1991:179), states that all definitions of gangs agree that gangs are a group of persons. Knox contends further that the group is defined in terms of one or more of the following characteristics, namely:

- * perceptions and cognitions of group members,
- * motivation and need satisfaction,
- * group goals,
- * interdependency of group members, and
- * interaction.

3.4.1

PERCEPTIONS

Definitions of group in terms of the perceptions group members are based upon the reasonable assumption that such members should be aware of their relationship to others (Shaw, 1976:6). The inmate actions depend on their perceptions and interpretations of the particular stimulus while interacting with others (Mandaraka Sheppard, 1986:96). Equally important is the motivation leading to group life.

3.4.2

MOTIVATION

It is a common observation that individuals join a group because they believe that it will satisfy some need (Shaw, 1978:7).

Gang life is a natural mechanism for the fulfilment of human needs. Particularly when avenues to more legitimate sources of fulfilment are either blocked or found wanting such as obtaining dagga in prison (Knox, 1991:140-1) - relate to motivations are goals.

3.4.3

GOALS

Defintion of group in terms of group goals are closely related to those based on motivation. Presumably, goal achievement is rewarding and to extent that this is so, definitions in terms of goals and terms of motivation are quite similar (Shaw, 1976:8).

Cohesion shows in mobilization and in attaining group goals and in accomplishing group objectives (Knox, 1991:19).

3.4.4

ORGANISATION

Definition in terms of organisation seems to limit consideration of structural properties to status, roles and norms, although it is evident that many other structural elements are involved in group structure (Shaw, 1976:8-9).

The group clearly provides social and psychic rewards in the way of rules, status, recognition and identity (Knox, 1991:318). There must be a certain level of sophistication regarding internal organisation. This means a hierarchy of authority a chain of command, and the division of labour.

3.4.5

INTERDEPENDENCY

The term interdependency can mean a variety of things in the sense that members can be interdependent with respect to one or more dimensions (Shaw, 1976:9). In many cases interdependence is essentially the same as interacting, since interaction is one form of interdependence (Shaw, 1981:7). In 3.4.6 the relationship between interaction and interdependency will become clear.

3.4.6

INTERACTION

Communication examines how people are influenced by information from within themselves and their environment and how they communicate or exchange information, thus influencing each other (Turner, 1986:219). Interaction describes a process in which entities are connected in a sequence of action is a by-product of affiliation and is influenced by cohesiveness (Shaw, 1976:216).

People who interact influence each other through the information they exchange. Communication between people conveys only its obvious content but also implicit or explicit message attempting to define the nature of the participant's relationship (Turner, 1986:223).

The group members in the institution influence each other through interaction. People's non-verbal communication through such means as facial expressions gesture and posture can be considered as a context within which verbal messages are offered and interpreted as well as being a potent form of communication in itself (Turner, 1986:226).

Communication is an effect of mutual perception. Communication through the eyes is a unique form of interaction, since the eyes are the only organs that can both send and receive simultaneously (Shaw and Constanzo, 1970:142).

All behaviour occurring when one person is in the presence of another carries some sort of message. Communication do not just give information, but also define the relationships between those who are communicating (Barker, 1986:46).

The downward communication involves the flow of messages and information from supervisors to their subordinates and upward communication involves the transmission of information from lower levels of the organisation to higher ones (Baron, 1986:318).

In a group situation, where the junior members cannot solve a problem they channel it to the senior group members for their solution.

The effective use of the upward communication channels in gang life depends on two primary conditions, namely:

- *The information should be be able to follow all the way up to its intended destination: and

When the treatment of prisoners (with special reference to gangs) is an issue, reference is also made to communication. A sense of trust must be developed between the personnel and the prisoner by establishing an effective channel of communication. Individual conversations with prisoners, rather than always communicating with a group are also recommended (Neser, 1993:213). Communication within the gang takes place through the following structures, namely:

- *Formal communication: This is embodied in the officially prescribed channels of communication.
- *Informal communication: This includes the incidental everyday conversation between personnel and prisoner without specific orders being given.

It is impossible for the personnel to be in close contact with the prisoner constantly and to know exactly what the gang members are occupying themselves with.

- *Outside communication: The therapeutic value of the maintenance of family ties and contact must not be underestimated, because people influence each other (Neser, 1993:213).

3.4.5

INFLUENCE OF THE PRISON SUBCULTURE: DEVELOPMENT OF A PRISON PERSONALITY

Just as a child learns the norms of adult society, so are new prisoners socialised into the institution. In order to integrate successfully, prisoners must forget inapplicable behavioural patterns and overcome their initial feelings of resistance towards other prisoners. Prisoners quickly learn the anonymity of a prison for example the same clothing and hairstyle for all and the replacement of a person's name with a number.

This first step in the process is the replacement of the prisoner's name which is a symbol of his individuality by a number. The process is further developed when after having been searched the prisoner is issued with an unattractive set of clothing. The feeling of depersonalisation reaches a climax when the door of the cell shuts behind the prisoner for the first time and the inmate is alone (Neser, 1993:205). Prisonisation describes the influence of imprisonment of prisoners. For the prisoner, socialization involves learning attitudes, behavioural patterns and criminal aptitudes. All prisoners experience initial and general adjustment problems relating to food, sexual needs, use of time and health (Neser, 1993:206).

The monotony of the food, adequate it may as far as calories are concerned is another very cause for grievance among prisoners (Gross, 1966:97).

The problem of sex is one of the most urgent and challenging that confronts the administrators of prisons. Where large numbers of the same sex (males) are thrown together for a lengthy period of time under conditions pertaining in prisons, sex aberrations is bound to result (Gross, 1966:98).

In modern Western culture, material possessions are so large a part of the prisoner's conception that to be stripped of them is to be attacked at the deepest layers of personality (Mathiesen, 1984:129). The susceptibility of prisoners to the negative influence of socialization in a prison differs from case to case. Factors that amongst others can influence the development of a prison personality are the following:

- *The composition of the prisoner's personality. The rate at which the socialization takes place is influenced by the prisoner's personality the crime the inmate committed, age original environment and prisoner's intelligence (Neser, 1993:207).
- *The nature and essence of socialization that preceded imprisonment. Ames in Westermann and Burfeind (1991:40) reports that many of the gang recruits come from the ranks of delinquents who have been rejected by the society. The gang become surrogates for the groups that delinquents have left and have their own codes of behaviour and expectations.

- *The nature and intensity of the prisoner's relationships with persons outside the prison. The socialisation process is hastened when the prisoner becomes a member of a primary group that follows the prison codes enters into relationships with prisoners with strong criminal tendencies and at the same time does not concern himself with persons who display law-abiding behaviour (Neser, 1993:207).

- *The extent of the prisoner's involvement with primary groups in the community, the prisoners initially retain their own values and norms after imprisonment (Neser, 1993:207).

- *The possibility of incidents connected to the prisoner's placement in prison for instance the cell where the inmate sleeps and prisoners who figure in their immediate environment. When prisoners have been exposed to the prison subculture for a while, their value judgements reflect those of the group (Neser, 1993:207).

- *The term of imprisonment. The critical phase develops when prisoners become aware of their approaching release. In the preparatory process, the prisoner starts to distance himself from his reference group and inmate's attention shifts to new interest groups in the free community (Neser, 1993:207).

*The extent of which the prisoner internalizes the prisoner codes and norms. The end result of the socialization process is the internalization of criminal view, making the prisoner relatively immune to the influence of a normal value system (Neser, 1993:207).

*Criminality and environmental conditioning as well as future expectations. When the prisoner reaches a degree of institutionalisation, the prison personality that develops can stand in the way of successful integration into the community (Neser, 1993:207).

3.6

SUMMARY

It has become clear from the foregoing discussion that private prison life differs from free community life. Free community life, has an environment which permits certain freedom of action. This is not the case in prison life. Although people outside prisons are also bound by certain rules of society and confined to a given life within their material means.

The prisoners in the prison community are deprived of freedom, goods and services, heterosexual relationships, security and autonomy which contribute towards frustration. One of the best ways of dealing with the heterosexual deprivation in prison, is to engage in homosexual behaviour.

The prisoner's loss of security arouses acute anxiety not just because such behaviour constantly calls into question the individual's ability to cope with it, in terms of his own inner resources his courage and his nerve.

All these problems encourage the prisoners to join gangs. The prison subculture examines the dimensions of culture such as values, norms and beliefs and the elements of structure such as roles, social status, positions and groups.

The prison subculture has a strong influence on the prison community. This results in prisoners figuring as highly integrated groups with a sponge unity, morality and feeling. Some prisoners become members of a group in an attempt to escape the humiliation that imprisonment brings. The primary groups are primary in the sense that they give the individual his earliest and complete experience of social unity. In semi-primary groups, the prisoner is friendly towards a certain small group of prisoners, but does not subject himself completely to the wishes and behaviour of the group.

The ungrouped prisoner is polite towards others, but does not become intimately involved with them. The reference groups are those groups that the person wants to be a member of, because members' opinions have meaning for him and because the standards and objects of the group correspond to his. The next chapter focuses on the nature and essence of institutional treatment.

CHAPTER 4

THE NATURE AND ESSENCE OF INSTITUTIONAL TREATMENT

4. INTRODUCTION

The purpose of this chapter is to discuss the nature and essence of institutional treatment in private prison and to examine their effects on prison inmates. For inmates to be rehabilitated, they need to be treated by specialists in their institution. Important aspects to be analyzed in this chapter are therefore the following:

- privileges, rights and obligations:
- classification of prisoners, horizontal and vertical:
- treatment and growth of humanitarianism in institution:
- the role of specialized fields in the treatment of prisoners, namely: caseworkers, psychologists, educationists, spiritual workers, and the role of the institutional committee.

The chapter, therefore emphasizes that treatment in private prison consists of some explicit activity designed to deter or remove conditions which have a deleterious effect on inmates, and contribute to their criminal behaviour. If offenders are to be made law-abiding, certain aspects of their self-images, attitudes and beliefs must be modified (Gibbons, 1973:507).

Treatment in the private prison includes all those programs or approaches, which are aimed at the reformation or rehabilitation of the inmate. (Reid, 1981:256).

At all time the treatment of inmates should be such as to encourage a sense of self-respect and personal responsibility (Xenia Field, 1963:142). Furthermore it will be made clear in this chapter that inmates have different aspirations and expectations.

These must be considered in the individualized treatment plan. Inmates have different and unique personalities and therefore differ also in their treatment needs.

In private prison individualized treatment program should therefore developed and implemented according to the needs of the inmates. This is important for the reason that treatment programmes endeavour to help inmates resolve their problems, especially those which have a bearing on their involvement in crime (Robin, 1987:377). The emphasis will be made on the following models of the institutional treatment and control measures, namely:

- 1) The classification models in private institution,
- 2) Models of behaviour modification through influencing,
- 3) The interest of the community and the individual.

4.1 RIGHTS, OBLIGATIONS, PRIVILEGES AND AMENITIES

Treatment refers to any organized and deliberate intervention intended to change behaviour, with the ultimate interests of the client as the central purpose. It is important that inmates should be oriented about their rights, obligations, privileges and amenities. The inmates are well-versed about their right and privileges as well as the amenities available in the institution. Whether they are equally clear about their obligations is not easy to say.

4.1.1 RIGHTS

The term inmate's rights connotes what are in fact the most morally valid claims. Rights means legally enforceable claims against the states, its officers or any other person. This implies that something be done, given or not given to a person in custody (Barkett, McNeill and Yellowless, 1988:104).

Rights may be conferred by the common law, by the correctional services Acts (Act no. 111 of 1998) and regulation under the prison Act. One of the most interesting rights to be litigated recently by the court is the right by the inmate to be protected from injury (Reid, 1981:446).

The inmates are not supposed to be assaulted either by the officials or fellow inmates. Should this happen, appropriate steps should be taken against assailants. Inmate's right are facilities or amenities that they are entitled to as a matter of right and are essential to the maintenance of minimum standards of living.

According to standard minimum rules for the treatment of inmates the following aspects may presumably be regarded as rights of sentenced inmates in the spirit of the SMR.

- Suitable accommodation, with due consideration of climatic conditions, floor space, light and ventilation,
- adequate facilities for personal hygiene,
- suitable clothing and bedding,
- sufficient nourishing food and drinking water,

- the opportunity of at least an hours outdoor exircise, weather permitting, in the case of inmates who do not work out-of-doors,
- adequate medical care,
- daily opportunity to make complaints to or requests of the head of the prison or his representatives,
- visits from friends and relations, as also correspondence with them,
- access to a well-equipped library,
- freedom to practise religion (Neser, 1994:294).

4.1.2 OBLIGATION

The inmate's obligation could be interpreted as including submissions to medical treatment, the surrender of all private property held, submission to searches, keeping the cell and utensils clean, stating as necessary, his religious denomination, not destroying the equipment of the cell or damaging the building and in general conforming to Correctional Services Act (Act no. 111 of 1998) and Regulations

4.1.3 PRIVILEGES

Inmates have privileges granted by the state, in an unilateral and standardized fashion in accordance with the degree of their conforming behaviour.

In the same manner, these privileges may be taken away (Duffee, 1980:90). Privileges include the use of the telephone, access to writing materials, postage of free letters (Clifford, 1982:15).

The crucial feature of the privileges is that it can be withdrawn without necessarily giving rise to legal action (Backett, McNeill and Yellowlees, 1988:104-5).

The privileges embrace aspects such as visits, correspondence, music, television and video, training in the art of writing poetry and keeping pets (Neser, 1989:209).

The privileges of inmates are facilities or amenities to which they are not entitled, but which are granted as mark of favour according to the discretion of the Commission of Prisons in terms of the authority granted by section 22 of the Correctional Services Act (Act No. 111 of 1998). This neutralizes the behaviour of the inmates and will become clear in the present study.

4.1.4 AMENITIES

Amenities give provisions of sports fields and equipment, tennis courts, indoor games, television and so on (Clifford, 1982:15). The judicious application of leisure-time also contributes to the discipline and rehabilitation of the inmates, in general and to the prevention of violence and aggression resulting from idleness. For example, some prisons are equipped with soccer fields, volley-ball courts, snooker tables, table-tennis facilities and so on, where inmates may relax on Saturdays under supervision (Van der Westhuizen, 1982:185). This serves as a treatment to the prison gangs. The recreation program should be directed by a qualified supervisor supported by a sufficient number of assistants to carry on a broad program of activities (Richmond, 1965:76).

4.2 TREATMENT AND THE GROWTH OF HUMANITARIANISM IN PRIVATE INSTITUTIONS

Treatment and the growth of humanitarianism in institution is broadly considered to include all those programs or approaches which aim at the reformation of the inmates (Reid, 1981:256). Reform is simply the substitution of the will to do right for the will to do wrong (Gamberg and Thompson, 1984:31). It should be noted that the universal treatment does not presuppose that the criminal is ill from either a medical or a psychiatric viewpoint. Treatment in the sense used here is based on techniques of re-educating, conditioning, counselling and reinforcing aimed at the changing the criminal into a conforming member of society. If treatment is paramount, then more attention should be paid to the criminal rather than to the crime (Smith and Berlin, 1988:57).

The medical model of treatment in correction was first used as an analogy to promote human treatment of offenders. Later it gained prominence because crime was considered as a symptom of an organic or mental disease. Apparently its acceptance has continued partly because of the prestige of the medical profession (Peoples, 1975:47).

Non-medical correctional administrators had difficulty in accepting the concept that crime was a disease, and believe that the application of medical model to a basically moral problem provided little guidance for changing their inmates into constructive citizens (Peoples, 1975:51-2). The medical concept of rehabilitation derived more directly from the liberal tradition which postulated the existence of "sick" subcultures. It is based on an explicit medical model of criminal behaviour which defines criminal action to be a form of psychological illness (Gamberg and Thompson, 1984:32).

The medical model of rehabilitation stresses the possibility and desirability of individual reformation based on a process of intervention in the inmate's psyche to overcome specific deficiencies which are assumed to be causally related with criminality (Gamberg and Thompson, 1984:136).

In rejecting the medical model, Osborne in Peoples (1975:52) saw treatment as education for a better outlook upon life. Osborne tried to give his inmates educational experiences and to develop in them a feeling of self-worth by permitting them to participate in prison government. The rise of the spirit of humanitarianism has often been confused with the belief that people in general and inmates in particular, should be treated humanely.

The result has been that the efforts to make prisons more human have led some to believe that staff involved in treating inmates. In fact, there is no evidence that attempts to make prisons more human places in which to serve time have resulted in rehabilitation of inmates. Humanitarian reform designates those changes that have been introduced into corrections in recent decades which serve to lessen the harshness or severity of punishment. In essence, the humanitarian movement with regard to prisons is based on the early philosophy that deprivation of liberty is punishment (Reid, 1981:225-6).

4.3 PUNISHMENT AND INSTITUTIONAL TREATMENT

Penal and reformatory treatment has an important objective. Prison labour is the essence and ultimate justification of imprisonment as a legal punishment. The personal approach to the prisoner is an indispensable element in the process of social readjustment (Grunhut, 1948:229). Behaviour can also be changed through the systematic use of punishment. This is confirmed by Peoples (1975:239).

Reformers contend that punishment should concentrate on the criminal not the crime and should be individualized to effect the particular criminal's reformation (Pillsbury, 1989:743, and The Prison journal, 1987:16).

Punishment follows an offence against discipline (Xenia Field, 1963:146). A penitentiary regime should respect the prisoner's fundamental rights and should aim at making him more aware of his social duties. The training of qualified personnel is therefore important and should give the assurance that prison environment is so devised that it does not become a contradiction. This is a particularly the case when the inmate is released . The social milieu in which the offender will find himself when is free, has numerous problems.

For this reason therefore, the constitution of a minimum set of rules for the treatment of inmates by the first United Nation Congress and the prevention of crime and the treatment of offenders; on the 30th August 1955, encourages a systematic conception of the rights and duties which should motivate the inmates life in penitentiary establishment. Respect of these rights and duties is indispensable in order to understand and to achieve the objective of the penitentiary system (European meeting for heads of prison administration, 1989:1).

The prison staff is the most appropriate to for bringing about change in inmate's lifes. In other words , there is presumed to be something inherent in staffing patterns, training and concepts that uniquely equip correctional personnel with the right, wisdom, expertise and motivation to rehabilitate their inmates (Murton, 1976: 55-6).

The correctional worker, because of the nature of his task, must see to it that offenders make certain changes in their behaviour so that they are no longer a threat to society. Certain kinds of antisocial behaviour must be altered without damaging the more positive traits when the individuals might possess. This places the correctional worker in the role and agent of change (Peoples, 1975:85-6). As Maslow in Peoples (1975: 88) has observed, man is not a perfect being. By and large, therefore, the need for change by an individual will be felt when the individual recognizes that a current behaviour is no longer adequate for satisfying his wants. The matter of such recognition is of importance to the change agent for ultimately the decision to change or not to change rests with the change agent. For correctional worker, the issue of motivation constitutes one of the pivotal elements of change which can significantly affect the success or failure of his change indulging strategies (Peoples, 1975: 88-9).

A correctional authority should have affirmative and enforceable duty to provide programs appropriate to the purpose for which a person was sentenced (National Advisory Commission on Criminal Justice Standard and Goals, 1973:43). The primary objective of exposure of inmates to educational and training is to help equip them with good citizenship upon release (Roberts, 1973:88). Education in prison is generally recognized to be a good, human and personally beneficial activity (Morin, 1981:43). In academic education programs, the emphasis is on the acquisition of basic knowledge and communication skills (Inciardi, 1987:559).

The educational programs usually consists of classes in the elementary grade subjects, but the method of textbooks are those commonly used for children in public schools (Tappan, 1951:91).

Equally relevant in this regard, is the uplifting morals through bible study, hard work and discipline which although the earliest form of reformation still exist as a rationale for educational activities in prison (Seashore, Haberfield and Baker, 1976:20).

In the application of religious education each correctional agency should develop and implement policies and procedures that will fulfil the right of offenders to exercise their own religious beliefs (National advisory Commission on Criminal Justice Standards and Goals, 1973:63).

To this end Richmond (1965:65) has listed the following as essential elements of an adequate religious program in the correctional institutions, namely:

- * Functions of the chaplain should be clearly defined as to pastoral care and administrative responsibilities:
- * Fully defined relationships between chaplain and institution staff should be established:
- * Chaplains should be appointed solely on the basis of accepted education, experience and qualifications:
- * Each major institution should have adequate facilities for worship services and chaplain's administrative functions: and
- * The role of the chaplain should extend beyond the institution into the community. These will become clear in the present study.

It becomes clear from the foregoing that the private prison also has a function to train prisoners in habits of diligence and labour. The training of the inmate in one or other vocation, so that inmate may take an independent and honourable living after release, is therefore regarded as being primary importance.

Making due allowance for an inmate's previous experience, training, attitudes and interest, there are a large number of training possibilities and work opportunities in South Africa within the Department of Correctional Services. The existence of an internal building section, entails that inmates can receive training in any section of the building industry. Many are trained as bricklayers, plasterers, carpenters, plumbers, painters and electricians. The boy-wives prefer light labour in the institution.

In addition, the private prisons has a large number of well-equipped workshops in which a wide variety of trades are practised. After attains the required standard of proficiency in a particular trade, the inmate is subjected to a trade test by the Department of Labour. Successful candidates are awarded artisan status once the certificates issued to them are the same as those obtained in private life.

The Department of Correctional Services also owns prison farms, situated in various climatic areas. These farms consequently offer possibilities in a large variety of agricultural pursuits, such as vegetable production, viticulture, dairy farming, grain, fodder and fruit production, as well as stock and poultry farming.

Training is also provided for cooks, waiter and wine stewards, caterers and tractor drives, while recently a start was made with the training of limited number of inmates as programmers for computers. Inmates are also paid a gratuity in accordance with the nature and quality of their work (Midgley, et al, 1973:257).

The academic deficiencies reflected in the prison population project are characteristics of inmate population in general. Some cannot read at all of those who can, most can do so only with considerable difficulty. Most of the inmates can read and write with considerable difficulty (Ayllon and Millan, 1979:165).

There are basically four reasons why inmates should work, namely:

- 1) Suitable employment is the most important factor for the physical and moral regeneration of the inmate. In other words, work is good for him.
- 2) Suitable work, if properly organised, is part of the inmate's training for life on release from prison. To establish in the inmates the will to lead a good and useful life on discharge and to fit him to do so.
- 3) So that the inmate may take an actual contribution to the community and not to be a burden to it.
- 4) Because inmates represent a considerable labour force which ought not to be wasted (Wolff, 1976:199).

The foregoing reasons are intended for the treatment of the individual inmates, which alleviate serious behaviour disorder and prevent them from being work-shy (New York City Youth Board, 1960:176).

The number and variety of treatment techniques in use with individual clients is great, though somewhat less than the variety of theoretical orientations they reflect. Therapeutic techniques may vary according to individuals and training requirements. The following are the most important aspects:

- The extent to which the therapist intervenes in the client's activities or environment:
- The extent to which the therapist actively participates in the treatment interaction:
- The technical procedures comprising the treatment method: and
- The average length of time required for the course of treatment.

Casework is particularly relevant and beneficial. It involve a willingness to work primarily with individuals rather than groups and though the medium of relationship (Monger, 1967:8). The interaction with therapists and supervisors promotes the resolution of underlying problems (Andrews, et al, 1980:38). Mangram in Smith and Berlin (1988:47) contend that social casework is a process by which the individual is helped to more effectively function within his social environment.

The emphasis is on the individual in the recognition that no matter how similar one's situation may be with that of another, each problem and each attempt and method to resolve it, has its own unique meaning for each individual.

The method that works for one person may not work with another. In general, the philosophy of the program seems to be that the counsellor, who work most closely with the inmate are supposed to be authority figures who are also models and provide a supportive environment conducive to growth and change (MacKenzie, et al, 1990:34).

This is particularly useful in treating individual inmate. The casework relationship is the dynamic interaction of attitudes and emotions between the caseworker and the client, with the purpose of helping the client achieve a better adjustment between himself and his environment.

Casework is the creation and utilisation for the benefit of and individual who needs help with personal problems, of a relationship between himself and a trained social worker (Monger, 1967:27). Anti-social gangs benefit tremendously from such treatment programmes. This is known as a program which incorporate anti-criminal modelling or problem-solving two principles that appear to be associated with successful correction programs, should be more successful than one which does not incorporate these elements.

Some of the other elements which have been identified as components of successful correctional rehabilitation programs and useful in the treatment of inmates are: formal rules, anti-criminal modelling resources, quality of interpersonal relationships, relapse prevention and self-efficacy and therapeutic integrity (MacKenzie, et al, 1990:28-9).

The quality of interpersonal relationships is another factor which has been associated with successful rehabilitation (MacKenzie, et al, 1990 : 38). Victims as well as aggressors, need attention because they very frequently have to built up psychologically, not only to cope with the prison world (in which they hopefully will not spend the rest of their lives), but also with life in general (Ward and Schoen, 1981 : 44). The correctional psychologists are playing the helping roles and are more therapeutic. The correctional psychologists, spend more time in counselling and psychotherapy (Smith and Sabatino, 1990 : 168).

The worker has an informal teaching role as an adult in which the worker focuses on specific and immediately needed skills (New York City Youth Board, 1969 : 214). One of the basic and most important task of the caseworker is to fit his treatment method and techniques to the unique needs of his client (People, 1975 : 115). Clearly therefore, the ultimate goal of client centred therapy is the actualization of self into a realistic adjustment to life. Implicit in this approach, is the re-enforcing behaviour by a systematic rewarding of punishment.

The behaviour changes which the counsellors seek in the counselling relationship may be minor or major in scope. The emphasis is placed on helping the client to replace a faulty habits with more efficient ones. The client is helped to explore the assumption that guide his behaviour and in the process, become aware of them. Learning to express hostility by expressing it freely with the counsellor, for example, may help him to do this in more socially acceptable ways. The entire process of behaviour change focuses on new learning, re-educating the client emotionally (Hatcher, 1978 :81-2). A person's success in coping with both common and extraordinary problems of life depends to a greater extent upon this abilities to:

- make the best of his intellectual resources in learning, solving problems and making decisions:
- direct, control and find meaningful expression of his emotional resources: and
- establish and maintain satisfying relationships with other people.

The caseworker has the goal of helping his client achieve a balanced pattern of mental health. The client learns to accept responsibility because the counsellor allows him to make decision rather than making them for him. In this manner the client is able to explore alternatives, the ultimate decision remains in the hands of the client, so that eventually becomes independent of his caseworker.

The goal is for the client to achieve a level of independent problem-solving and decision-making capabilities that prevent him from making irresponsible choices. No counselling theory approves the caseworker's giving ready solutions to problem of his client. If that is the case would deprive the client of the sight to explore the dimensions and possible alternatives of his problem.

Given approximately the same situation later on, the client would again have to depend upon the counsellor to resolve the problem. The goal of the counsellor in regard to problem-solving is to structure a process by which the offender learns to resolve the conflict situation himself. This may be accomplished by helping him to explore possible alternatives and probable consequences of each. The responsibility of resolution of the problem itself remains his (Hatcher, 1978:82). The custodial staff is made up of the guards and their supervisors, whose function falls into the areas of intimate security, movement and discipline (Inciardi, 1987:549).

Discipline as the order and conduct enforced on inmates under the prevailing law has three objects. It is expected to prevent escapes, to maintain a decent institutional life and to train the inmates in good habits (Grunhut, 1948:203).

Discipline, when properly used can be one of our most useful tools toward rehabilitation. If however, it is misused or improperly used, it can be the most destructive tool (The Committee of Classification and Treatment, 1975:294). In the interest of the common life in the institution other rules require personal cleanliness, keeping of clothes in good order and silence in the cell.

Inmates may be punished for lying or using foul language, loitering and quarrelling. Rule books contain lists of the principal offences. This includes also measures meted out to inmate (Grunhut, 1948:266-7). Instructions and orders are traditionally treated as internal management instruments (Plotnikoff, 1986:9).

An officer in dealing with a prisoner, shall not use force unnecessarily and when the application of force to a prisoner is necessary, no more than necessary shall be used. No officer shall act deliberately in a manner calculated to provoke a prisoner (Plotnikoff, 1986:78). Backett, McNeill and Yellowlees (1988:130), explain that staff should be helped to acquire new skills which would increase their ability to maintain control in an open regime. Encouraging a sense of teamwork at all levels is important. The guard occupies a pivotal and strategic position in the prison.

The safety and morale of the inmate depend to a very large extent on the guard's competence, loyalty, resourcefulness and skill. The guard is the first line of the attack in case of escapes and the most immediate instrument for the proper handling of the prisoners. The guard must enforce the rules and regulations. The guard must be on the alert to detect signs of uprising and to prevent the introduction of contraband into the prison and its circulation among inmates.

The guard must patrol and periodically inspect the cell. The guard must administer to the inmate's needs and make reports regarding their condition and behaviour. During the day, guards must supervise the prisoners while they march from place to place. At night, the guard must lock them in, see that the lights are out and make certain that all is secured (Inciardi, 1987:550).

Good food is the biggest morale booster a prison can have, bad food can be the most formidable depressant (Wolff, 1967:154). The relevant prison rules lay down that the food provided, should be wholesome, nutritious, and well prepared and served, seasonably varied and sufficient in quantity (Wolff, 1967:156). Inmates revolt when the food is not well prepared or when it is not sufficient in quantity. Special diets for medical or religious reasons are catered for in prison (Wolff, 1967:158).

4.4 VARIOUS APPROACHES TO INSTITUTIONAL TREATMENT

The institutional treatment includes horizontal and vertical treatment. The following considerations must be included in applying the new philosophy treatment, namely:

- The diagnosis and classification process must evaluate all factors in the offender's backgrounds to bring about their successful re-socialization. This individualized approach to classification and diagnosis must result in a total treatment plan for each offender.
- In assigning offenders to a facility, staff must consider such characteristics or qualities, such as age, sex, seriousness of offence, length of commitment, number of previous commitments, personal interests and goals and the availability of services.

- The goals of all rehabilitative plans, programs and services must be to bring about the greatest degree of socialization possible for each offender assigned to the correctional system is a person.

Everyone is born with a basic capacity to do good or evil. People are changing creatures, not fixed creatures. All persons at all times are in the process of change (Jarvis, 1978:162-3). It is normal to place people who commit the same types of crimes in common classification. Each violation however, has varying degrees of mitigating circumstances and each offender has a different and separate personality pattern. These factors necessitate differential treatment in the correctional continuum (Hatcher, 1978:85). Hatcher (1978:85) further contends that the use of imprisonment, in this country (that is Pennsylvania), believed that incarceration was not only an appropriate form of punishment, but that it would also have a reforming effect on offenders. The Pennsylvania system was based on the assumption that, if offenders had time to think and reflect to read and study the Bible, they would repent and be reformed.

The order believe that inmate's spirit had to be broken before reformation would take place. Later reformers argued that hard work would have a reformatory effect on inmates. Others emphasized vocational training as a prerequisite for changing the offender. In this century reformation of offenders has been viewed through a medical model. The principles of diagnosis and treatment have been utilized, with the hope of an eventual cure of the patient. Various forms of treatment programs have been developed to aid in this process (Reid, 1981:236, and Mergagee and Bohn, 1979:21).

4.4.1 HORIZONTAL TREATMENT

The aim of horizontal treatment is to provide for the primary needs of the offender.

It includes provision of sufficient and nutritious food, decent clothing, medical services and the like (Midgley, et al, 1973:254). Classification is important in horizontal treatment, though classification of prisoners is to assign them to different categories. If such differences obtain from the beginning throughout the whole prison term, one may speak of horizontal classification of the prison population. The leading principles of most classification is distinction between offenders committing crimes from strong motives or lack of counter-motives and those whose offences seem an almost-inevitable expression of deep rooted antisocial tendencies (Grunhut, 1948:179, and Nesor, 1993:260). Classification takes place as soon as possible after a prisoner with a sentence of two years or longer is admitted in prison (Nesor, 1993:261)

Classification is a means to an end. Its success depends on the variety of treatment methods available (Grunhut, 1948:192). Certain rules must be obtained with regard to the conditions of promotion and retardation and the main characteristics of each stage. Such general standards put before the prisoner certain well-defined forms of behaviour as targets at which the prisoner must aim and for which the inmate can hope. Most systems have three consecutive stages. Certain minimum periods or portions of the sentence must have expired before promotion can be considered. Conditions of promotion should require strenuous efforts, but they must be adequate to the particular type of prisoner and the specific method of routine (Grunhut, 1948:190, and Nesor, 1993:261). The horizontal classification system is in the direction of the consensus model, in practice it rested on purely subjective principles - using the particulars at his disposal an observer exercised a vague judgment and recommended the classification of a prisoner to a particular horizontal group (Nesor, 1989:200-201).

4.4.2 VERTICAL TREATMENT

Diagnosis is largely based upon reports of the individual and others in terms of subjectively felt and displayed emotions and behaviour, experience moods, failures and interpersonal problems (Ayllon and Millan, 1979:20). Satisfying prisoner's physical needs alone is not sufficient for the eventual rehabilitation of the prisoner. It is also necessary to apply treatment vertically or in depth.

Depth treatment is aimed at the individual with his particular personality, temperamental make-up, emotional level, intellectual functioning, value system and general outlook of life.

Therefore, one of the most important problems in the establishment of a well-organised programme system is the development of objective screening instruments. With these instruments, specialized personnel including psychologists, social workers, educationists and spiritual workers are able to determine the relative needs of prisoners on the basis of standardised criteria, applied uniformly to each prisoner (Neser, 1993:316).

A psychologist forms a team of specialized personnel who are involved in a treatment of inmates. It is therefore directed at each individual as a human being and determines the particular treatment required by a person for his eventual recovery and reformation. For this purpose a therapeutic team consisting of clinical psychologists, social workers, educationists and spiritual workers is employed (Midgley, et al, 1973:225). The offenders are classified on vertical or depth basis, where aspects such as intellectual ability, personality make-up, emotional maturity, temperament and rehabilitation prospects are thoroughly evaluated (Midgley, et al, 1973:255-6).

In South Africa, a depth classification system was adopted at the beginning of 1971 in addition to horizontal classification system. The aim was to establish an approach to the individualized treatment of inmates in South African prisons (Neser, 1989:200). The main goal of diagnosis is the development and administration of an integrated and realistic program of treatment for the individual.

The keys to diagnosis are:

- Evaluating newly sentenced prisoners:
- Developing treatment programs for them: and
- Assigning them to facilities where they can benefit from treatment.

This process, like all of classification, must be reviewed and adjusted to fit changing patterns and needs.

The goal of diagnosis is to provide an individualized program for the rehabilitation of offenders (Jarvis, 1978:141). In order to justify the depth training of offenders to its fullest extent, a division called specialized treatment services, was established. This division consists of four sections, namely: social services, psychological services, educational services and spiritual services (Midgley, et al, 1973:257). The specialized treatment services in prison are offered to all inmates.

The role of social work in prison is extremely important. It is a continuous process from the day of admission to the day of release. In order to fulfil his task the Department employs qualified social workers.

They are assisted by a number of auxiliary workers, specially selected for this purpose from members who have undergone intensive training in casework, group work and counselling. These auxiliary workers are under the direct supervision of a qualified social worker and they render valuable services. Social work in private prison is conducted by way of case-and group work methods, where prisoners are involved individually and in groups (Midgley, et al, 1973:258). Group therapy helps to reduce feelings of isolation offers support and education as well (Brown, 1991:42).

Social casework fits easily into the correction environment and can offer the following services:

- Sociological study of offender's backgrounds, including their economic, family, occupational and educational situations, along with information from the home community.
- A review of the conditions and nature of an offender's crime.
- Evaluation of the length and harshness of an offender's sentence.
- Regular interviews to determine the offender's adjustment within the institution, home problems and personal concerns.
- Interviews and orientation sessions for offenders soon to be released (Jarvis, 1978:170).

The case studies cover the background of the inmate life as will be illustrated underneath:

In the caseworker model, presentence investigation identified causes of the offender's behaviour and recommended interventions necessary to deal with those causes. This rehabilitative approach assumed that most clients could be changed into well-adjusted, law-abiding citizens (Lawrence, 1991:449). Casework includes professional services in:

- Obtaining case histories and descriptions:
- Solving immediate problems involving family and personal relationships:
- Exploring long-range problems of social adjustment:
- Providing supportive guidance and professional assistance (Chamelin, Fox and Whisenand, 1979:392).

Psychological treatment includes various forms of individual and group psychotherapy, art therapy, relaxation therapy and other therapies (Midgley, et al, 1973:258). Psychological treatment is applied to all inmates. Psychological and psychiatric services provide more intensive diagnosis and treatment at:

- Discovering the underlying causes of individual maladjustments:
- Applying psychiatric techniques to effect improved behaviour: and
- Providing consultation to other staff members (Inciardi, 1987:561).

Over and above social work and psychological treatment, there are educational services. The primary function of the educational services division is the education of the prisoner to enable them to lead a mature, healthy and responsible life

Lastly, it is also this section's task to provide a full and balanced library service in every institution (Midgley, et al, 1973:258). The educational program is broad in scope and in the more progressive institutions, strives to:

- Offer the inmate improved academic education to enable him to face the demands of life as a better equipped person:
- Provide vocational training so that the offender may take an acceptable place in society and be economically self-supporting :and
- Social education, which deals with behaviour and interpersonal relationships, to teach him how to live in a socially acceptable manner (Richmond, 1965:29, and Nesor, 1993:324).

A library service with a regular provision of suitable books is indispensable to prison education (Grunhut, 1948:242). The institution library occupies a unique position. In many respects it should be regarded as the centre of educational program (Tappan, 1951:235, and Nesor, 1993:325). The value of an improvement of qualifications is emphasized and guidance is given regarding study facilities and study possibilities at the disposal of the offender.

Where possible, prisoners are allowed to enrol for correspondence courses to improve their scholastic, technical or academic qualifications. In addition, students are allowed special study privileges through special single cells and late nights.

In some cases financial assistance for study purpose is provided by the Department, because many prisoners are illiterate. The courses are drawn up in co-operation with the Department of National Education and the Bureau of literacy and Literature. Tuition is given in the home language of the student concerned and in order to simplify speed up training selected fellow prisoners are trained as tutors. Training is given to groups of prisoners during the evenings and for the purpose special cells are put aside. The full course can be completed in the course of twelve months (Midgley, et al, 1973:256-257).

An attempt is made to persuade prisoners to develop a sense of responsibility, see that they should initiate respect for life and the property and the needs of others as well as to develop a moral sense of responsibility (Van der Westhuizen, 1982:184). Prisoners are also given the opportunity to qualify themselves in approved directions and for this purpose well equipped libraries are provided where both academic and light reading matters are available (Van der Westhuizen, 1982:185-186).

Institutional libraries are now accepted by most correctional administrators as a valuable in promoting many practical and cultural aspects of social living for inmates (Richmond, 1965:85). The books in the library are available for all the inmates to developed themselves. The researcher has noticed that most inmates lack interest in reading books. Few inmates read about cultural aspects. Well stocked libraries also exist in most of larger prison institutions while arrangements for the supply of suitable books are made with local libraries at small institutions (Midgley, et al, 1973:259). Religious ministrations and care of offender is regarded as a very important facet of the rehabilitation.

Prisoners are therefore allowed to be ministered by the spiritual workers who are ordained ministers, as well as voluntary religious worker of their own church or religious associations. For this reason the spiritual workers are in deliberation with the various churches and association appointed in a full-time or part-time basis with a view to the collective spiritual ministration of their respective members, as well as the individual ministration to each prisoner (Midgley, et al, 1973:258).

In South Africa Correctional Services Regulation 108(a) provides for the appointment to a prison of an adequate number of ministers or spiritual workers proportionate to the number of denominations at that prison so as to meet the spiritual needs of prisoners on a denominational basis.

In terms of article 7(1) of the Correctional Services Act (Act No.111 of 1998), the Minister may in addition to officers permanently employed as chaplains by the Prison Service, appoint ministers of religion or other suitable people to render service to a prisoner or group of prisoners and to conduct such activities as may be permitted. Various christian denominations and other religious organisations have devoted their time to the spiritual needs of the inmates and many have provided ongoing programs of religious instruction (Inciardi, 1987:557).

The necessary facilities should be made available to spiritual workers to conduct religious services and to perform individual spiritual ministration. Silence should be maintained in the service hall and adjoining rooms and the member himself should show all the necessary respect. Spiritual workers should conduct church services regularly and minister to prisoners individually (Correctional Services Order B23-7:1-2).

During the Ramadan (Holy month of Fasting) for example, it is expected of every devout Moslem to fast from sunrise to sunset for 28 days commencing from the appearance of the following new moon (Correctional Services Order B23:12.4.1). At all prison institutions facilities for recreation are provided and in most institutions, facilities for indoor and outdoor sport exist (Midgley, et al, 1973:258).

4.5 CLASSICAL MODELS OF APPROACH

The classical models of approach include pure punishment, work-ethos and vocational rehabilitation model.

4.5.1 THE PURE PUNISHMENT MODEL

Inmates want to avoid the pains of punitive segregation, the loss of preferred cell block and work assignment, the cancellation of sentence reductions previously earned, and the withdrawal of canteen and visiting privileges (Johnson, 1978:385).

Pure punishment model can minimize bad behaviour, because prisoners fear to loss their remissions and privileges in prison. The code of Hammurabi provided for punishment in the forms of whipping, bodily mutilation, and forced labour. These methods were used to keep offenders from repeating their crimes and to keep others from becoming offenders (Jarvis, 1978:168).

Reform begins with the proposal of a scheme for penal imprisonment. The second major influence upon reform is what may be termed society's need for order. Punishment serves not only the needs of justice, but also society's need to suppress crime and maintain order (Pillsbury, 1989:726-272).

The reform model regards the prison as an organisation that administers punishment in the expectation that their blanketing effects are sufficient to other future offenses and to produce compliance, without the need to engage in careful diagnosis of the inmate or of individual reactions to punishment (Johnson, 1978:443).

Experience has shown that it may be urged, that punishment ordinarily does not reform. On the contrary, it is more often degrading and brutal. Men commonly come out of prison worse of than when they went in. Many thinkers who speak of the State's duty to reform by punishing really mean duty to reform as well as to punish (Moberley, 1968:122-123).

Be that as it there are the conditions in which punishment may reform are, namely:

- * It must meet with a response from the person punished. If the process stopped short at the infliction, there would be no reform. It can only succeed in its aim if it rouses wrongdoer's dormant conscience and so enlists his own co-operation.
- * Not only must the wrongdoer who is to be reformed have some conscience which can be reached, the wrongdoer must see, or must come to see, that the particular act or omission for which the individual is punished was a blameworthy act to which in his own mind the wrongdoer must be guilty: and
- * The punishment must be imposed by respected authority which the individual respects and to which the person pays allegiance and therefore regards as having a title to judge and to punish him. Officers in the institution are vested with the authority to punish the wrongdoers with the aim of reforming them (Moberley, 1968:133-4).

A prison is a place for work for staff as well as a home for prisoners. Most prisoners seem to have a sense of housekeeping in respect of the institution. They want to keep things tidy so that they can effectively stay out of trouble, predict when and where problems will arise, and have an easy time with a minimum number of disruptions (Bowker, 1983:27). Another view of punishment will be examined, namely the monastic model.

4.5.2 THE MONASTIC MODEL

In contrast to the pure punishment model discussed in the foregoing paragraph is the monastic model which also has relevance to this research. The monastic model used punishment and hard labour, along with penance.

Solitary confinement was used to give offenders the opportunity to do penance for their sins (Jarvis, 1978:168). Bartollas (1985:48) is of the opinion that, as volitional and responsible human beings, offenders deserve to be punished if the violated the law.

4.5.3 THE WORK-ETHOS MODEL

A number of researchers have investigated the relevance and usefulness of the work-ethos model on the field of rehabilitation. In this respect Rubin (1987:368) contends that one of the most positive sides to the conditions of incarceration are various programs intended to occupy the inmate's time constructively with vocational training that may be useful upon release.

By the same token, Jarvis (1978:168) has emphasized that prison labour has an effect towards inmate, because it enable inmates to develop its activities in prison, when fully occupied. Idle hands are the devil's workshop, it is but one of many proverbs that portray hard work as the way to success and salvation. Grunhut (1948:1986-197) is of the opinion that useful work is indispensable for any reformative programme, but enforced labour is not an infallible method of achieving a lasting social readjustment. Rehabilitation programs that involve study or other forms of work rather than labour per se, are increasing, but most states rely on industrial or agricultural work to keep their inmate population occupied (Murton, 1976:13).

All countries regulations do not use work as punishment. It is interesting however, to note that while prison rules have done away with work as punishment the criminal procedure laws still keep it in the statute book, in some system in the form of "imprison with hard labour (Seminar for Heads of Penitentiary administrations of the African Countries, 1988:9)". Prisoner eligible for minimum security camps and farms would mostly work outside prison cell walls (Grunhut, 1948:206). Constructive labour outside the prison wall is one of the most important therapeutic measures with which to combat violence in prison. This research is confirmed by Van der Westhuizen (1982:185).

Regular work is the foundation of a proper prison system. Every prisoner should be gradually accustomed to independence and responsibility (Grunhut, 1948:209). A labour policy is aimed at self-development and the cultivation of healthy working habits. It also counteracts idleness - a causative factor particularly in case of violence (Van der Westhuizen, 1982:184), the principle aim of prison labour is generally considered to be the reformation of the offender.

This desirable, but exclusive goal is sought in a variety of ways and must vary from prisoner to prisoner. Thus for one prisoner emphasis may be on the teaching of a trade to fit him for employment on release and develop in him a feeling of self-reliance and respects. Another inmate may be an artisan for whom the maintenance of his work skill is essential, while a third may have little aptitude for training and for him the reformative aim of prison labour may be to attempt to nurture in him the work habit and to accustom him to work in harmony with other prisoners. This research is confirmed by Corry (1977:36).

The standard minimum rules with regard to prison work are set out as follows:

- 1) Prison labour must not be an afflictive nature.
- 2) All inmates under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.
- 3) Sufficient work of useful nature shall be provided to keep inmates actively employed for a normal working day.
- 4) So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn an honest living after release: and
- 5) Vocational training in useful trades shall be provided for inmates able to profit thereby and especially for young prisoners and gang members (Corry, 1977:37-38). "Die gevangenes moet werk. Die publiek, aan die een kant, glo dat die gevangene moet werk en hard ook, want dit is sy verdiende loon (Steyn, 1958:87)".

"Ongeag die standpunt of houding van die gemeenskap ten aansien van gevangenisarbeid, word die volgende algemene doelstellings daarmee beoog:

- 1) Werk verlig die eentonigheid van die gevangenis-lewe:
- 2) Dit verskaf vakopleiding aan ongeskoolde arbeiders:
- 3) Arbeid in die gevangenis help om misdaad te voorkom:
- 4) Gevangenisarbeid help om die onderhoudskoste van die gevangene te verminder:
- 5) Deur die gevangene met 'n werkstake te belas, word die dissipline in die strafinrigting bevorder:
- 6) Gevangenisarbeid het 'n heilsame uitwerking op die geestelike, sowel as die liggaamlike welsyn van die gevangene: en
- 7) Deur middel van die arbeid word jaarliks 'n groot aantal artikels in die gevangenis vervaardig, soos meubelstukke, skoene ensovoorts (Steyn, 1958:89)".

One of the basic aims of rehabilitation must be to change a prisoner's anti-social attitudes and to help him to accept the necessity of earning a living. The willingness to work and the acceptance that work is part of everyday life is initially more important than the acquisition of trade skills (Corry, 1977:40).

4.5.4 THE REHABILITATION MODEL IN PRIVATE PRISONS

Rehabilitation implies that the inmate needs to be changed. The task of a system of rehabilitation is to reform an offender by developing in him the skills and dispositions necessary for one who is to act in accord with those social practices recognised as just by the members of the community at large. For an individual to act in accord with these social practices, the individual must be able to do at least three things, namely:

- First, the prisoner must be able to recognise a class of actions as characteristics of a specific practice.
- Second, the offender must be capable of recognizing as relevant those features of a situation that make consideration of a specific act appropriate.
- Third, the inmate must be able to understand at least in an intuitive way, the meaning and content of the principle of justice and their application to particular situations.

In other words, the individual must have the ability to reason and consequently, to decide upon a course of action that is generally compatible with the institutions and practices of the community. Most importantly, the anticipated course of action must be one which avoids violating the principles of justice. By the phrase "principle of justice" refers to a general moral attitude of man which regards each person as being an object of ultimate value, and consequently the ultimate value of each person necessitates that people treat those who are similar similarly and those who are dissimilar, dissimilarly. Equally important, this is also applicable to individual inmates. This research is confirmed by Wagner (1978:37).

4.5.5 THE VOCATIONAL REHABILITATION MODEL IN PRIVATE PRISONS

A prisoner is not one who lacks ability, or cannot be trained, but one who has interrupted the process of acquiring education and vocational skills in order to become a criminal. The offender ordinarily arrives in prison without adequate education and without advanced job skills. The prison should be equipped to fill this need of its inmates (Carney, 1979:153). Closely related to the employment element, vocational training is in some cases an entry to a job providing skill development (Carter Glaser and Wilkins, 1984:309). The basic purpose of vocational training is to prepare inmates for jobs in the community. Most inmates are educable and trainable, but lack any regular experience of work or any demonstrable skill at a trade (Bartollas, 1985:143). Closely related to the work-ethic philosophy is the idea of vocational rehabilitation since employment is a social necessity and since idleness was believed to breed crime. Vocational training and experience became an early ideal in the Correctional System (Jarvis, 1978:169). One of the oldest ideas in prison programming is to give the prisoner a skill that can help to make him a competitor in the social marketplace (Clear and Cole, 1990:345).

The aim of private prisons is to instill constructive habits to offenders. Typically, offenders are expected to follow a rigid and conforming routine and to acquire a vocational skill which they gather from (Duffee, 1980:90). Vocational training programs focus on preparing inmates for meaningful post-release employment (Inciardi, 1987:559).

Vocational programs for male prisoners include printing, welding, machine shop, electronics barbering, carpentry, automotive design, sheet metal work, plumbing, painting, furniture repair, baking, and emergency medical training. The ultimate aim of vocational programs is to give offenders specific skills that will enhance their ability to compete in the job market (Clear and Cole, 1990:347).

4.6 MODELS OF BEHAVIOUR MODIFICATION THROUGH INFLUENCE

The correctional staff, should motivate all inmates , towards good behaviour in prison. Models of behaviour modification through influencing can be classified into the correctional compliance model, the correctional identification model and correctional internalisation model. The course of desired behaviour is relatively specific, delimited in rules, orders, or the constraints of the environment and the change is required to adopt it (Duffee, 1980:83). This is equally important to all individual inmates.

4.6.1 THE CORRECTIONAL COMPLIANCE MODEL IN PRIVATE PRISONS

Advocates of correctional compliance argue that their task is to induce law-abiding behaviour by requiring the observance of community standards and that the most effective means of getting that observance is a system of rewards and punishment. The same token is equally important to all inmates. Offender attitudes in and of themselves are irrelevant, it is assumed that if an offender evidences a certain behaviour long enough, he will develop the appropriate attitudes to sustain it. The central problem under this influence style are:

- The maintenance of surveillance over the offender: and

- The development of legally and socially acceptable rewards and punishment techniques that will encompass a substantial portion of the offender's behaviour. Under this influence strategy, control is typically authoritarian.

The agents and the organization as a whole impinge actively and directly on the offender. Concomitantly, the organisation makes severe behavioural demands on staff, agents and their superiors having demanding schedules to meet and a great deal of surveillance work to engage in (Duffee, 1980:83).

Only infrequently does one encounter critical considerations of what is meant by those who accept Hart's premise that punishment to be true punishment must be imposed and administered by an authority constituted by a legal system. The process by means of which punishment is administered are controlled by state officials, the possible role of private parties in the punishment process generally has been brushed to the side if not ignored altogether (Thomas, 1991:5).

A motivation to avoid punishment or gain rewards which results in overt change, is based on the motivation to the process of compliance, which is designed to gain a specific social effect. Under compliance, the power of the influencing agent must be higher than that of the change and some means of surveillance must exist for the behaviour of the change to be maintained (Peoples, 1975:80).

The same token is applied to all inmates. Sanctioning actively by staff is frequent and pervades the atmosphere of the organization and for the organisation and the relationship of the staff and offenders.

Various rules are set to govern a wide range of behaviour, and these rules are to be followed rigidly. When an offender does not conform the offender is punished, when the offender conforms, the offender is rewarded.

Punishment takes the form of deprivation of privileges and the exercise of more stringent controls punishment is imposed not only for a failure to change - such as the commission of a new crime - but also for breaking regulations during the change process. Freedom is reduced to a degree suggested by the seriousness of the break in conformity (Duffee, 1980:84-5).

Change cannot come about through force, although compliance can be compelled, a real change can be accomplished only when the offender is motivated to change through his own volition and desires (Hatcher, 1978:85-6). Equally important to compliance model, is the identification model to inmates.

4.6.2 THE CORRECTIONAL IDENTIFICATION MODEL IN PRIVATE PRISONS

Identification requires a fairly high amount of power on the part of the change agents, but in this instance, power accrues primarily from the salience of the relationship in the mind of the change (Peoples, 1975:90).

This type of correctional strategy is manifested by programs that minimize the directness and explicitness of demands to observe community or organizational standards. The emphasis is on helping the offender to understand himself more fully and to develop more mature social relations on the assumption that such social and psychological influences will result in favourable changes in the offender's behaviour.

Often, there is great concern with the offender's early life experience the effects of which must be identified and analyzed if the offender's core attitudes are to be altered. The primary instrument of change in identification strategies is the relationship of staff to the offender.

In an extreme form, staff may attempt to avoid any reference to standards external the relationship, relying on the power of trust, support, and acceptance to give direction to the offender's behaviour. Although these common psychotherapeutic techniques have been widely emulated in correctional counselling the climate necessary for identification is very limited in correctional settings. Most typically, desired community values are transmitted through carefully nurtured relationships with staff or offender groups. The chief problems with this strategy in correctional settings are:

- The extent of choice actually permitted the offender (who has been coerced into the relationship): and
- The dependency on the relationship as a basis for maintaining desired behaviour (when the staff responsible for the offender frequently change during the correctional process).

Under the identification strategy, punishment is also frequent, but is masked by differences in presentation and by delays between undesirable behaviour and the sanction (Duffee, 1980:85). Punishment is not an inevitable consequence of a break in regulations, it is mediated by an assessment of the change's attitude, typically a change agent may talk over a behavioural mistake with the change, who, if his explanation is satisfactory will probably receive another chance.

Punishment is likely to be imposed when the offender shows that he does not care that he has deviated from the program or broken from the norms supporting the relationship to staff. Punishment is presented as part of the treatment or change program (Duffee, 1980:85-6).

4.6.3 THE CORRECTIONAL INTERNALISATION MODEL IN PRIVATE PRISONS

Internalization occurs as a result of the credibility of the content of the influence of attempt (Peoples, 1975:90).

Correctional agencies that stress internalization attempt to cope simultaneously with community standards and offender's attitudes. The offender makes choices among various options that are based on his prior experience and new experiences are provided to the offender by which he gains a chance to test the viability of his new choices within the community. The motivation for change arises from the offender's perception of new and viable behaviours available to him. Activities directed toward the community include not only creating for the offender greater access to social institutions and resources, but also developing within the community a greater tolerance for the lifestyles represented by various groups of offenders including gang members. The chief dilemmas inherent in this strategy, are:

- * The degree of tolerance that can be reasonably expected in the community:
- * The ability of correctional staff actually to make resources more readily available:
and

- * The readiness of an offender to engage in various degrees of alternative testing without again breaking community standards and thereby reducing community tolerance during the change process. Under this approach, control is more democratic than is true of compliance or identification. Control rests on the belief that offenders will conform most completely to those programs to which they are committed, and that commitment increases when those governed by the program or plan had a stake in its formulation. Decision making is shared by various staff and offenders. On the one hand, control is neither exercised autocratically nor subversively under the guise of treatment. On the other hand, control is not abdicated, both staff and offenders are controlled by the inherent demands of the activity in which they are engage (Duffee, 1980:86).

Although used less frequently than in other strategies, punishment is used in internalisation programs. Rules are few but explicit, and they are specifically linked to clear and important security measures and the observance of legal behaviour. Typically, staff and offenders have clear opportunities to influence the shape of the rules and methods of enforcement (Duffee, 1980:86-7). Punishment of the offender is part of the reality-testing exercise. The approach is not simply a matter of following rules and accepting a specific set of societal values, instead, staff and offenders decide what kind of behaviour would avoid other legal or social negative consequences. The whole organisation operates to clarify situations and alternative action so that punishment is no longer an external imposition for breaking rules or displeasing staff, instead punishment is perceived as the negative consequence of ineffective behaviour, and more attention is devoted to how to make behaviour more effective (or goal achieving) in future (Duffee, 1980:87).

4.7 MODELS BASED ON THE INTERESTS OF THE INDIVIDUAL AND COMMUNITY

Community follows the lead of the community sub-system approach to the administration of criminal justice (Johnson, 1978:444).

4.7.1 THE RESTRAINT MODEL IN PRIVATE PRISONS

In this model it is believed that inmates, as well as gang members change only if they want to. Therefore no member of the staff is actively responsible for trying to change anyone. This model merely accepts the people the court sends and tries to make supervision of offenders as routine and trouble-free as possible for both offenders and staff. Punishment is not prescribed to change the offender, but only to control the offender or clam him down.

The appearance of efficiency is important in helping the organisation to survive and perhaps to prosper. Restraint staff observe and control offenders (Duffee, 1980:92-3). Restraints equipment should only be used as a precaution against escape during transfer, for medical reasons by direction of medical officer and to prevent inmate self-injury to other or property damage. Restraint should not be applied for more time than is absolutely necessary (American Correctional Association Publications Board, 1983:73).

Prisoners may only be placed in mechanical coercive restraint, that is hand and foot cuffs, chains within a mass of not more than 5 kilogram and a strait jacket if urgently and absolutely necessary (Neser, 1989:211). Restraint carries the idea of holding in check, controlling, and curbing.

By coercive casework, then we mean the use of restraining and constraining legal authority in the process of helping the offender to function in his social environment without resorting to illegal or anti-social behaviour (Peoples, 1975:115).

4.7.2 THE REFORM MODEL IN PRIVATE PRISONS

The reform model is based on behaviour change, or perhaps more accurately, on behaviour moulding (Duffee, 1980:90). The reform model of prison organisation moves further to contend that deliberate management of the prison's penalty reward system is an additional force (Johnson, 1978:385).

Correctional officers rely on a system of rewards and punishment to induce co-operation. In an effort to maintain security and order among a large population living in a confined space, they impose extensive rules of conduct (Clear and Cole, 1990:312).

4.7.3 THE REHABILITATION MODEL IN PRIVATE PRISONS

Rehabilitation of criminals and protection of the public go hand in hand. If reformation or rehabilitation is achieved, then the public is protected (Carney, 1979:64). Criminals are regarded as individuals suffering physical, mental, or social handicaps that require medical style intervention. Diagnosis is supposed to identify the handicap precisely so that appropriate treatment regimen can be chosen. The interest of the rehabilitation model in changing individuals in the direction of self-responsibility respects the movement towards recognizing that inmates are human beings whose dignity, desire to be respected, and capacity for altruistic motives should be acknowledged (Johnson, 1978:386-7).

In the correctional institutions, intervention involves the directing of some action toward the prisoners as individuals or as members of groups, with the intention of reducing the likelihood of future crimes (Johnson, 1978:443). Social work in prison should not be undertaken exclusively by the professionally qualified social worker, but it is an activity to which other members of staff can make a contribution.

The more all the staff can speak with the same voice, the better it will be for the inmate. The welfare officer needs other members of staff, not only to assist and support him, but also to take the weight of some of the work from his shoulders (Foren, 1991:11). Ganging in prison should be the work of all the correctional services members. This will help to decrease its incidence. A prisoner is considered emotionally disturbed, morally disturbed, subcultural disturbed, as well as motivational disturbed. This research is confirmed by Carney (1979:144).

A caseworker or counsellor whose primary responsibility is to help and change the client through rehabilitative means, through his given authority to use coercive means when necessary to involve the offender in rehabilitative programs. Efforts are made to provide resources programs and services within the agency and the community so as to facilitate the change process (Lawrence, 1991:449).

Social casework is process of professional services that:

- * develop the prisoner-client's case history:
- * deals with immediate problems involving personal and familial relationships:\

- * explore long-range issues of social adjustment: and
- * provides supportive guidance for any anticipated plans or activities (Inciardi, 1987:561).

Sellin in Gamberg and Thomson (1984:134), traced the concept of individual treatment to the "moral insanity" viewpoint of Benjamin Rush and his followers who concluded that criminality was a form of "mental illness", and therefore ought to be "treated" rather than "punished", the social group work like individual interview is conducted to achieve the general purpose of restoring, maintaining, or enhancing social functioning (Kadushin, 1972:290-1).

Bad behaviour in prison can be minimized by including all inmates individual treatment in social group work. Each social worker must decide what his purpose and relationships be in working with all the various people the social worker encounters. The social worker needs to be clear about who will benefit from his change efforts, who has given him sanction to work for change, who will need to be changed or influenced, and who the social worker will need to work with in order to achieve different goals in his change efforts (Pincus and Minaham, 1973:54).

The agency utilizes psychologist consultants for local offices for the amount of time needed to provide consultation and guidance in relation to all psychological aspects of the vocational rehabilitation program. It is the particular responsibility of a psychologist consultant:

- 1) To review case files, at the request of the counsellor, to assesses the psychological needs of the client which may have a bearing on the client's functioning in the program:

- 2) To review especially the case information provided by psychologists and other mental health services personnel and interpret its implications for subsequent casework.
- 3) To recommend additional specialist or consultant-examinations as needed:
- 4) To recommend suitable types of treatment services and to advise counsellors as to qualified persons and facilities provide for such treatment:
- 5) To review treatment progress reports and indicate whether continued treatment is warranted:
- 6) To help plan for client post-employment services:
- 7) To certify whether a mentally or emotionally disabled clients meet federal criteria for classification as severely disabled:
- 8) To render consultation findings and recommendation in writing in the client's case file: and
- 9) To coordinate the case review with the medical consultant, where appropriate (Rubin, et al, 1979:47).

Other services that may be provided by the psychologist consultant include:

- * Interviewing clients and joining with client and counsellor in developing the individual's rehabilitation plan of services: and
- * Training staff on mental and emotional disorders, treatment methods and counselling techniques, and so on (Rubin, et al, 1979:47).

The attitude toward prison labour reflects a belief that work is an important element in the program of rehabilitation which society likes to think takes place in prisons. It probably also reflects the belief that prisoners should work and help support themselves (Reid, 1981:249).

The group of rehabilitative philosophy is to change an offender's character, attitudes, or behaviour patterns so as to diminish his criminal propensities (Bartollas, 1985:21).

The attitudes of prison staff members may be very important in determining the effect a program will have on the rehabilitation of the inmate (Reid, 1981:223). Rehabilitative programs have as their aim, the reformation of the offender's behaviour (Clear and Cole, 1990:338).

Custodial personnel are charged merely with maintaining a peaceful atmosphere and supervising inmates between the active phases of treatment programs (Duffee, 1980:92). There is an agreement among many clinicians, legislators, and members of the general public that in addition to confinement, one purpose of imprisonment is rehabilitation (Inciardi, 1987:597).

The notion of prisoner rehabilitation implies that the inmate needs to be changed. From this notion, it follows that the prison is an ideal place for this change to take place. It is assumed that intensive techniques that will reconstitute the offender so he will live responsibly in the free world can be imposed on the inmate in a highly structured situation (Murton, 1976:60).

Other factors that have been associated with successful rehabilitation programs are anti-criminal modelling and reinforcement.

Problem-solving is another component that has been associated with rehabilitation (MacKenzie, Gould, Richers, and Shaw, 1990:37).

4.7.4 THE REINTEGRATION MODEL IN PRIVATE PRISONS

In order to complete the total treatment program and limit possible recidivism, the private prisons emphasises the successful reintegration of released prisoners into the community (S.A. Prisons Service Report 1 July 1989 to 30 June 1990:9).

A more rational correctional policy is one directed at both community protection and offender change, involving both the offender and the community in the correctional process (Lawrence, 1991:458). This model attempts to reduce the stigma attached to criminality that acts as a blockade to reintegration in the community. In this model confinement has specific objectives and is used as infrequently as possible. The preferred program is community supervision. Ideally the institutions are close to the community of return.

Custodial staff are expected to participate as actively in the task of change as are professional staff (Duffee, 1980:94-5). A basic assumption of the reintegration model is that problems must be solved in the community where they began.

This model also assumes that society has a responsibility for helping all inmates, to reintegrate themselves back into community life. This research is confirmed by Bartollas (1990:353-354). Another basic assumption is that society has a responsibility for its own problems and that it can partly fulfil this responsibility by helping law violators reintegrate themselves back into the social order.

Another assumption is that meaningful community contacts are required to achieve the objectives of reintegration (Bartollas, 1985:27-8). The burden of supporting released prisoners, typically falls on the family (Sandhu, Dodder, and Davis, 1990:144-5).

In private prison the main treatment implication of reintegration concepts is the value of diagnosis, classification, counselling and the application of necessary controls and sanctions (Hatcher, 1978:80).

4.8 SUMMARY

It has become clear from the foregoing exposition that the newly admitted prisoners are taught about their rights, privileges, amenities and obligations. All prisoners sentenced to two years and upwards after they are admitted in the institution, are assessed by the institutional members before they are referred to the allocation committee. The sound workers, psychologists, educationalists, and religious workers are responsible for the assessment of the newly admitted prisoners in private prison.

Typically the institutional member may talk over a behavioural mistake with the inmate, who, if his explanation is satisfactory will probably receive another chance. In the correctional internalisation model, punishment is perceived as the negative consequence of ineffective behaviour and more attention is devoted to how to make behaviour more effective in future. The restrain model carries the idea of holding in check, controlling and curbing. The reform model is based on behaviour change or on behaviour moulding.

Rehabilitaation of the offenders and the protection of public go hand in hand. If the rehabilitation is achieved, then the public is protected.

The reintegration model assumes that society has a responsibility, for helping prisoners to reintegrate themselves back into community life.

The prisoners in the institution, they are not left on their own, but they are controlled by the members of the correctional services. Much of these success of the members of correctional services depends on the manner used to convey orders or instructions to the inmates.

In the control of inmates, members of private prisons seek to influence inmates through their own example and leadership, and to enlist their willing to co-operate. In chapter 5 the comparison of public and private institution as well as American and Australian will be discussed.

CHAPTER 5

COMPARISON OF PRIVATE AND PUBLIC PRISONS

5. INTRODUCTION

Empirical data will never refute ideological objection to privatization of the sort identified and discussed in chapter 1. The proponents are arguing from a different premise. However, there are other critics of privatization who are at the same time profoundly uncomfortable at the waste, squalor, brutality and demoralization of much of the public system. Sensible and rigorous evaluations of the comparative performance of the two systems could sway their judgement.

By the same token, there are some protagonists of privatization who could never be dissuaded by data, whilst the continuing support of others may influenced by the cogency of the research evidence. During the last decade or so, as privatization has spread, evaluation studies have become more numerous. One of the first related to the operation in Florida by a private, not-for-profit organization of a secure facility for adjudicated delinquents. This dissertation, as was emphasized earlier, is not directly concerned with either the juvenile private sector or nongovernmental organization/volunteer/not-for-profit participation in any level of corrections. However, the methodological problems of evaluation in these areas are common to those relevant to adult imprisonment. The studies themselves in fact overlap, for one part of the literature feeds off the other parts. Accordingly reference will be made, where appropriate, to the whole gamut of such studies. In fact, several more years went by before evaluation relating principally to adult private prisons began to appear (Logan 1992, Bottmley et al 1996). It is not proposed to set out here the findings of these studies. At least three conscientious and comprehensive meta-studies are now available (Thomas and Logan 1993).

However, the point for present aims is that, valuable as such evaluations can be, they may proceed on a shaky premise—namely, that the issue of whether or not privatizations should go ahead can be decided by lining up examples of the two systems side by side and somehow measuring their respective performances.

The hypothesis of this dissertation is that public and private prison are merely two alternative forms of service delivery within a single system, two components of a total system, and that it is the performance of that total system which, of at all, will justify the adoption and retention of the private sector component.

It is important to pursue the logic of this position. It follows that if the performance of the public sector component comes to exceed that of the private sector component either across the board or in particular ways, the justification for the private sector component does not automatically fall away. The key question would remain whether the performance of the total system continues to be enhanced by the involvement of the private sector: the notion of cross-fertilization.

It is pointed out that various studies of the privatization of service indicate real and substantial cost saving when state opts to contract out. Contracting out of public services reduces state expenditure, and to contracting out the entire operation of a public prison could be ever more cost effective.

In the previous discussion, it was warned that a cost formula which eventually squeezes out the private sector would almost certainly be counter-productive, the cost of the public sector would inexorably drift upwards once the competitive discipline was removed.

The same is likely to be true of qualitative factors, such as programme delivery, health regimes and general penal environment. To pursue this point even further, neither would it follow that the public sector component should be phased out if it could be demonstrated that it was uniformly inferior to the private sector component.

Learmont's (1995:106) report grasped this point when it stated:

The inquiry concluded that the continued existence of a substantial public sector is vital for the stability of the prison service as a whole, however, there were lessons to be learned from private prison which should be applied across the service. Coming back, then, to evaluative studies, their value does not reside primarily in their ability to resolve the question whether or not to privatize. Rather, they should enable strong and weak aspects of the two components to emerge and areas for productive cross-fertilization to be identified. This is so whether the studies relate to cost, programmes, environment or attitudes, and whether they are processual, quantitative or qualitative in their approach.

The privatization of state-run institutions has become a dominant political issue in the 1980's. In the UK, the conservative government has privatized a number of state-controlled industries including British Gas, Telecom, Steel and Airways. It has actively supported this denationalization with the privatization and contracting out of public services such as refuse collecting, hospital cleaning and transport provision. In addition, Ministers have introduced legislation which allows private companies and individuals to be involved in determining policies around public housing, state schools and institutions of higher education, while simultaneously individual citizens are encouraged to obtain private health insurance for themselves, education for their children and nursing care for their parents.

From the cradle to the grave, individuals are being pushed towards the private sector rather than relying on the "Nanny" state built on the ideology of post-war social reconstruction which it has been argued, encouraged a culture of dependency and apathy. This first wave of privatization has been followed by similar proposals for the future denationalization of other institutions in state and civil society. In this discussion, it is concern with critically evaluating the issues in the debate around privatizing prisons, to move behind the rhetoric and explore the reality of privatization.

5.1 COMPARISON OF PRIVATE AND PUBLIC PRISONS

The cost and associated problems of imprisonment is a major problem throughout the world. The national council of state legislatures recently reported that appropriations for construction and maintenance of prisons grew faster than any other major program during the 1980's. The near doubling of the prison population during the decade and court orders against overcrowding have forced many state to boost spending for correctional facilities. One of many options to alleviate this overcrowding, one that has had major national attention, has been for state to contract to the private sector for the management and operation of correctional facilities.

Various studies of the privatization of service indicate real and substantial cost savings when government opts to contract out, contracting out of public service reduce government expenditure, and to contracting out the entire operation of a public prison could be even more cost effective. Personally I think private prison will not necessarily be less expensive than those owned and run directly by the state. A very safe generalization from the broader literature on contracting for public service is often save money, but sometimes it does not.

It is too soon to say much more than that for prisons, but there are many theoretical reasons, and the beginning of some empirical evidence to support the proposition that private prison can offer to government at least the potential for gain in efficiency. Whether or not private prisons are less expensive than those run by government, their greater economic benefit may be that they make more visible the true costs of correctional facilities.

The issue of whether or not privatization should go ahead can be decided by lining up examples of the two systems side by side and somehow measuring their respective performances. The hypothesis of this discussion is that public and private prisons are merely two alternative forms of service delivery within a single system, two components of a total system, and that it is the performance of that total system which, if at all, will justify the adoption and retention of the private sector component.

It is important to pursue the logic of this position. It follows that if the performance of the public sector component come to exceed that of the private sector component either across the board or in particular ways, the justification for the private sector component does not automatically fall away.

The key question would remain whether the performance of the total system continues to be enhanced by the involvement of the private sector: the notion of cross-fertilization. This chapter addresses the question of costs, programs, and service quality/effectiveness, thus far, has been conceptual. Very few studies have obtained empirical data to examine the cost and quality of private sector operation of correctional facilities and compare them to the cost of public facilities. Thus far, few such data have been forth coming to aid state and local governments in making their choices.

5.2 CONSTITUTIONAL AND PARLIAMENTARY MECHANISM

It is pointed out that with regard to constitutional aspects, the eighth amendment of the US constitution, prescribing "cruel and unusual punishment", is relevant. The provision underpinned an enormous volume of litigation as to the functioning of federal state and local prison systems. It is also pointed out that there is absolutely no way in which the device of privatization could circumvent this aspect of accountability. As for parliamentary scrutiny, this may be one of the grand self-decisions of democracy, but at least with prisons it is something more than a rhetorical flourish.

The standard of debate may not always be very well informed, but debate there is, for example, the initial introduction of the law authorizing privatization was at least debated in parliament and in that formal sense is beyond constitutional criticism (Richardson 1993:73). As far as legislative input into accountability is concerned, the terms in which statutes are drafted crucially after litigation-based accountability. In other words, this aspect is inextricably linked with judicial mechanisms of accountability.

The group with the keenest incentive to see that custodial standards are maintained, the one which would be the natural guardian for keeping the bureaucrats on their toes is, of course, inmates. Yet the legalistic view, and the legislative starting-point, has historically been that on becoming inmates, criminal forfeit virtually all their rights. Traditionally, in all of the jurisdictions under consideration, prison laws have accordingly denied inmates standing to activate accountability mechanisms directly, for the attainment of their own objectives. Prison laws were predominantly a deal between the state and itself.

5.3 COST ANALYSIS

A good comparative cost-efficiency analysis should make use of the same cost elements and include all costs in maintaining prisoners. Costs that are considered "hidden" or invisible regardless of what sector is operating the facility should be identified. It is pointed out that efficiency occurs when the quality or quantity of services provided improves with no increase in cost. This implies a need to measure effectiveness in some sense.

To compare the efficiency of prisons will mean ensuring to some degree that the same programs or benefits are available to both prison populations being compared. Most cost analyses of prisons depend upon the use of a "cost-per prisoner" figure. It is imperative that cost-per prisoner figures be accurate and inclusive.

In order to compare two prisons, they should have the same programs, quantity, type and level of prison services is operating at lower cost than the second one. This will be considered as operating on the lower cost than the second. The figures used to determine cost per prisoner are the average annual inmate population and the facility's expenditure for given fiscal years. Most of the correctional facilities do not report all their costs in their reports total annual expenditure.

Some expenditure expended on the treatment of inmates is reported by the sister agencies. It is also pointed out that prison institution does not usually include the costs of contraction in the expenditure totals. Camps in their analysis of prison costs pointed out that the highest of prisons which they ignore in their annual report (Seller, 1993:70). However, since this study compares very similar facilities that are operating within like levels of state jurisdictions, we will assume unreported costs are similar if not the same for each comparison combination.

5.4 COST ANALYSIS FINDINGS

It was found that the publicly operated facility cost was approximately one percent lower than that of the privately operated facilities. It was also found that line employees of the public facilities were unionized than the private facilities. Salaries and fringe benefits were some what higher for public than for private employees.

These high public employees salaries can partly explained by longer years of public employees tenure, where as on average private sector employees were younger and had fewer years.

5.5 SERVICE QUALITY AND EFFECTIVENESS

Using survey information, physical observation, interviews, and agency record data, we examined a large number of service quality and effectiveness element including physical condition, escape rates, information on security and control information relating to physical and mental health of the inmates, adequacy of the facility's programs e.g education, counseling, training and recreation, particularly as perceived by inmates and staff. And indicators of rehabilitation such as reincarceration.

It was found that here is better services and programs at the privately operated facilities. Escape rates at privately operated were lower than publicly operated facilities, in privately operated facility there fewer disturbances by inmate, and in general, staff and offenders felt more comfortable.

The officials in the privately operated appeared to be more enthusiastic about their work, more involved in their work, and more interested in working with the inmates that their public counterpart.

Management-wise the privately operated facilities appeared to be more flexible and less regimented, with staff subject to less stringent controls. These elements seems to have made life in the privately operated correctional facilities more pleasant for both inmates and officials (Bowman, 1992:199).

5.6 COSTS AND PROGRAMS COMPARED

During the data gathering phase of this study, one privately operated correctional facility namely Emthonjeni near Banivaanspoort East of Pretoria has been visited and three publicly operated correctional facilities were also visited.

The criteria used to select similar public facilities includes size, location, structure, facility, age and type, inmate-rated capacity, average daily occupancy and management style. Size includes the building dimensions, number of floors, security components and general layout. Each of the above criteria may have an impact on cost. Any difference in structure or size may have a cost advantage of one facility over the other. Capacity and occupancy figures all this study to examine the impact of overcrowding. The operator's management style as well as the prevailing prisons philosophy may impact on cost decisions and program effectiveness. The three public correctional services facilities visited were Baviaanspoort medium prison, Pretoria Maximum and Boksburg. The on site visit consisted of structured interview with warders and managers' chaplains, administrative specialists, and nurses, and a tour of facility.

The structure interview based on questions of privatization, barriers to privatization, programs available, programs goals, cost elements and other important information. It has been pointed out that the largest programmatic cost expenditures for prison have been for healthcare and education.

It has been pointed out that a survey completed by the NIC indicates that health care and educational programs were there most frequently contracted for a major of state facilities (Camp and camp 1984).

Health care and education programs were included in comparison for each facility. Overall cost information was gathered by contacting the appropriate contractors or funding agent and obtaining copies of contracts and budgets. What follows as a comparison of our findings at the Emthonjeni youth centre not yet operated fully. The structure is surrounded by eight-foot fences, topped with straight and scroll barbed wire. All entrance ways and hallway doors are kept locked. New technology is used in this facility. There is only one centre where all gates, doors are controlled and each and every section consists of camera in which the officials in the control room can view any movement in any section.

The condition of the private operated Emthonjeni facility is good. The general impression one receives while at the facility is that it is well worn. The number of inmates the facility is built to house is six hundred and seventy. The contractor told us that they are going to utilize a progressive point system to motivate inmates toward better behaviour. In private facility the basic inmate treatment philosophy is rehabilitative rather than punitive.

The teacher to inmate ratio is five to twenty six, which is very difficult in public facilities. The Health care plan available to inmates is extensive. The local professionals including physicians, eye doctors dentists and hospital staffs will utilize on an as need bases. In the privately operated Northampton facility in USA, all health insurance system, the premiums for which are included as a contracted cost.

In case of emergency conditions such as hepatitis out break or measles, the state will pay for medial care under a miscellaneous encumbrance clause in the original contract. Education classes are provided by, and are the responsibility of the Emthonjeni officials, and they provide remedial training and vocational education in fields such as plumbing, bricklaying and small engine repair. General education diploma classes are emphasized and computer or electronic training will be given at Mthonjeni youth centre. The private facility just edges out the public facility in number of services being provided.

The privately operated facility has less per diem costs per person than the publicly operated facility. Privately operated facility has a better administrator to inmate ratio. And operation with a more democratic style of management in publicly operated building where old prisoners are housed in big cells which houses fifth inmates, whereas in private facility building look better than publicly prison and inmates are houses in two or single. In private facility inmates leave cell blocks periodically for out door recreation, use of the library meeting with visitors, and meals are monitored by the use of commercial and the control room, whereas in public facility are heavily guarded by officials. There are many windows near each block allowing for daylight and view of the outside than the public prison.

The privately operated prison is clean, painted and well kept, and overcrowding is not a problem as compared with public prison. The private manager pointed out that they utilize a democratic Management style of facilitating supervision, guard and inmate problem solving when possibly which is very difficult in publicly facility.

Private sector try to give democratic management style, to assist rehabilitation by allowing religious and other groups on premises to provide service and counseling to the inmates.

Baviaanspoort prison just next to Emthonjeni is a state operated medium security prison. The building is secured to such a degree that windows cannot be opened to let in air or provide inmates with an outside view. There are no security cameras. Security officers making rounds perform all surveillance. No enough space for recreation areas as well as the gymnasium, because all this areas turned into a cellblock due to overcrowding. In general the condition of the publicly operated prisons are poor by any standards, it is unkept, in need of pain and repair.

Publicly operated prison houses inmate in open bay block with virtually no privacy or place for relaxation. The leadership style in publicly operated prison is laissez fair, monthly practices begin, neglect with respect to the needs of the prisoners as a result the state refusal to increase space or money for the care of the inmates. Publicly operated prison philosophy pervasive is punitive with no attempt at rehabilitation.

The administration to inmate ratio is 1 staff to 150 inmates. The health care services are comprehensive but no mental health care. A full time nurse is on duty five days a week. The education programs available are minimal, not many inmates take advantage of the limited educational opportunities, given the tight quarters and lack of study space. Personnel hiring in privately operated facility is very economic. Whereas in publicly facility hiring of officials are on bulk without identifying their custodial staff.

5.7 THE SERVICES THAT EXIST IN EACH FACILITIES

The following services are rendered to both facilities, that is private and state

- Transportation

- Vocation programs
- Education programs
- Religious programming
- After Care
- Drug Treatment
- Health Service
- Psychological services
- Work release programs
- Inmate compator e.g. Juvenile section
- Sex offender therapy
- Counseling
- Maintenance

5.8 BARRIERS TO ENTRY OVERCOME BY PRIVATE CONTRACTORS

This study has identified over five issues that, according to the available literature and discussions with prison officials and officials within the criminal justice system, have surfaced as points of contention between supporters and opponents of privatization. Those issues were earlier discussed separately. They are Political, Administrative, Financial, Legal and Social issues.

The first of these issues is the political issue of whether democracy is circumvented by contracting out the operation of prison.

A second important issue is the administrative argument that private operation hires fewer and less qualified personnel in order to reap profits. Each private operator addressed this issue differently. The legal issue was the delegation of prison operation to a private company and its constitutionality. These are the only few issues shown in this study.

In the privately operated facilities the training, hiring criteria, and types and number of administrative component such as nurses, cooks, and counselor are stated explicitly in the contract. When comparing public and private personnel hiring practices is that private operators are not constrained by civil service requirements and therefore employees must fulfill their job duties or be replaced. It is pointed out that in private prison there is absence of standards or guidelines for the operation of a private prison and for the training of officials especially guards. In both private and publicly operators there are indications of strict state standards exist that they must adhere to.

In the publicly operated facilities there are proper guidelines that ensuring that guard or officials are properly trained and as well as manual of standard and guidance of Management of facilities. This manual of standards has entire section dedicated to section outlining prison operation.

For instance, the section titled "Reception Orientation, release and property control" sets forth procedure to be followed in case of new admission, including gathering personal information, storage of personnel belonging, and arranging for accommodation. It is pointed out that liability can be claimed against both the state and private company, which reduce the state direct liability claim totals (Seller:1993.88).

All private operators are extremely attentive to the possibility of liability claims and implement preventative operators. The delegation of the managerial and operational function by a government body through legal contract to a private entrepreneur is constitutional.

Both private or public facilities maintained ammunition and armo cabinets, and ensured that all of the official were trained in use of weapons and riot control.

It is pointed out that private prisons maintain government approved procedure for decreasing good time, involving disciplinary sanctions, and paroling convicts: Reduction of good time occurs as a sanction in both public and private facilities e.g. loss of privileges, loss of visitation rights, or detention in isolation.

In private prison there are many outsiders such as lawyers, family members, probation and parole officials, courts, and the press, watching disciplinary proceedings that no private company could supplant the proper criminal justice decision making process to further its own profit goals without notice. This is one issue area that would need careful monitoring should privatization expand in this country (Seller:1993.89).

Private operators claim to be more conscious of insurance liability claims thus public operation. It is pointed out that staff to inmate ratio favour the privately operated facilities and employee can easily fired in private than in public operated facilities. Health care at the private facilities of equal to health care available at public facilities. In private facilities raises are given by merits whereas in public institution raises are automatic.

5.9 ARGUMENTS FOR AND AGAINST PRIVATIZATION

Introduction

This chapter gives a concise overview of arguments on both side of the controversy over private prison. It identifies the issues and lists in summary form a series of claims and counter claim that will be examine in detail.

5.9.1 Arguments for contracting

5.9.1.1 Propriety

Contracting enhances justice by making prison supply more responsive to change in demand, both upward and downward.

Contractual wardens have and incentive to govern inmates fairly in order to enhance their legimation, induce co-operation, lower cost and ensure renewal of contracts.

Contracting can held clarify the purposes of imprisonment and the rules and procedures that define the process. Contracting does not jeopardize due process, private and public wardens are equally subject to the rule of law and accountable to the same constitutional standards.

Contracting for operating prisons is compatible with federal law and laws of many states, specific enabling legislation has been passed in some state.

Contracting promotes creativity and enthusiasm by bringing in "new blood" and new ideas more than is possible under civil service.

Contracting promote quality and high standards by forcing officials and the public to evaluate expenditures carefully, rather than making costs through over crowding and substandard conditions.

5.9.1.2 Quality

Many of the people who are opposed to private prisons take this stance because they are opposed to prisons generally. They fear that cheaper and more efficient prison will mean more imprisonment. Few of these critics object to the privately administered, profit-making community correctional programs which serve as alternatives to prison. Rather, they are concerned that private prisons will distract attention from these and other alternative. Miller pointed out that there is nothing wrong with privately contracting out, as long it is the aim of the private to exercise state authority to carry out correctional practices, but only the aim to provide treatment rather than increase the prison population. It is urged that capacity drives use would be a better argument against government ownership of prison than against privatization. It is also pointed out that those who object to private prisons speak of "the solid evidence which supports the position that the criminal justice system in exorably operates to fill every available cell regardless of the need or wisdom of their use.

The supporters of privatization, who tend also to ascribe to supply-side theories of economics, ought not to dismiss completely the warning that private production of public services can increase the demand for those services. Advocates of privatization generally want to see total government spending go down. Contracting, however, even if it reduces unit costs, does not necessarily reduce total spending (Logan, 1990:150). Contracting will create special interests where none existed before, and when they exaggerate the power, influence, and supposedly purely self serving character of private businesses.

The private sector has an enormous investment in stimulating demand. Private correction can be expected to put for higher correctional budgets for rehabilitation, education, job training, work programs, medical service, conjugal visiting facilities, better food, and any number of other improvements in prison environments and programs. Contractors may lobby for capital outlays to renovate deteriorating facilities, then bid for the work if it is authorized.

Contractors can help alleviate today's capacity crisis by building new prisons faster than government can. Contracting will allow quicker response in the future to meet changing needs or to correct mistakes resulting from inaccurate predictions or faulty policies. Contracting helps limit the size of government.

5.9.1.3 Flexibility

A major promise of private prison is that they will bring with them the flexibility, experimentation, innovation other change and in program, typical of entrepreneurial activity and commonly found among small businesses. They will have less of the bureaucracy that tends to preserve the status quo in government and other large organizations. Private sector will be more free to engage in cratic regulations that are needed to control government spending.

They will be able to respond more rapidly to the changing conditions and needs of corrections, and act more quickly to correct mistakes resulting from inaccurate predictions or faulty policies. They will add new expertise and specialized skills and promote creativity and enthusiasm by bringing in "new blood" and new ideas more often than is possible under civil service.

Privatization of correction sees enhanced flexibility as an even greater potential benefit than cost containment. The greatest promise of the private sector may instead lie in its capacity to satisfy objectives that might be difficult if not impossible to achieve in the public sector. One of the major strengths claimed for private prisons is that their greater management flexibility and more rapid speed of response will promote both minor innovations and more rapid speed of response will promote both minor innovations and major program changes, whether through initiation, expansion, contraction, or termination.

The flexibility of private prison contracts may also enhance justice, at least according to a "just deserts" model. Flexibility at the margins will tend to maximize the supply and minimize the cost of imprisonment. Commercial prisons, with efficient management, multiple vendors, and renewable, adjustable contracts, offer an increased prospect of achieving this marginal flexibility. Flexibility is important in the administration of public policy, where the concentration of decision-making magnifies the consequences of ignorance, uncertainty, and error.

It can avoid capital budget limit through leasing, or spread capital cost overtime through purchasing. Contracting reduces the level of bureaucracy involved in management decisions.

Contracting reduces some of the political pressures that interfere with good management.

Contracting reduce the tendency toward bureaucratic self-perpetuation.

It avoids civil service and other government restrictions that interfere with efficient personnel management.

5.9.1.4 Cost

Contracting across jurisdictions permit economies of scale.

Contracting may reduce overly generous public employee pensions and benefits.

Contracting discourages waste because prodigality cuts into profit.

Contracting counteracts the motivation of budget-based government agencies to continually grow in size and to maximize their budget.

Contracting makes true costs highly visibly, allowing them to be analyzed, compared and adjusted.

Contracting avoids cumbersome and rigid state procurement procedures, vendors can purchase more quickly, maintain lower inventories, and negotiate better prices and value.

Contracting through more effective personnel management, better working conditions, and less over crowding, may increase employee morale and productivity while lowering absenteeism and turnover.

5.9.1.5 Quantity

Contracting provides an alternative yardstick against which to measure state Service, it allows for comparison.

Contracting motivates both governmental and private prisons to compete on quality as well as cost.

Contracting raises standards for the government as well as for private vendors.

Contracting adds new expertise and specialized skills.

Contracting promotes specialization to deal with special-needs of prisoners.

Contracting relieves public administrators of daily hassles, allowing them to plan, set policy and supervise.

5.9.1.6 Security

Contracting may enhance public and inmate safety through increased staff training and professionalism.

Contracted Corrections officers are less to go on strike because they are more vulnerable to termination.

5.9.1.7 Liability

Contracting may decrease the risks for which state remains liable, through higher quality performance and through indemnification and insurance.

5.9.1.8 Accountability

Contracting increases accountability because market mechanisms of control are added to those of the political process.

Contracting will encourage much broader interest, involvement, and participation in corrections by people outside of government.

Contracting increases accountability because it is easier for the state to monitor and control a contractor than to monitor and control it.

Contracting can help enforce adherence to procedures and limit or control discretion in the discipline of inmates.

Contracted prisons will be highly visible and accountable, in contrast to state prisons which at least historically, have been ignored by the public and given "hand off" treatment by the court.

Contracting promotes the development and use of objective performance measures.

Contracting can require prisons to be certified as meeting the standards of the South African Correctional Services.

5.9.1.9 Corruption

Contracting gives managers more of a vested interest in the reputation of their institution.

Contracting pits the profit motive against other less benign motives that can operate among those job it is to punish criminals.

5.9.1.10 Dependence

Contracting can increase the number of suppliers, thus reducing dependence and vulnerability to strikes, slowdowns, or bad management.

5.9.2 ARGUMENTS AGAINST CONTRACTING

5.9.2.1 Propriety

Contracting for imprisonment involves an improper delegation to private hands of coercive power and authority.

Contracting may put profit motives ahead of the public interest, inmate interest, or the purposes of imprisonment.

Contracting prison raises legal questions about the potential use of deadly force.

Contracting create conflicts of interest that can interfere with due process for inmates.

Contracting may face legal obstacles in some jurisdictions.

Contracting threatens the job and benefits of public employees, it is antilabor.

Contracting may threaten correction officer sense of authority and status, both inside and outside the prison.

5.9.2.2 Cost

Contracting is more expensive because it adds a profit margin to all other cost.

Contracting creates the special costs of contracting initiating, negotiating and managing contract, and monitoring contractor performance.

5.9.2.3 Quality

Contracting may reduce quality through the pressure to cut corners economically.

Contracting may skim the cream by removing the best prisoners and leaving the Government prisons with the "work" which will spuriously make the private prisons look better by comparison.

Contracting will decrease the professionalism of rank and file prison employees because they will be under paid and insecure and then not able to develop a career orientation.

5.9.2.4 Quantity

Opponents of private prison apparently believe that contractors will be able to manipulate legislatures and public opinion in order to ensure more imprisonment and longer sentences. They speak of the ability of contractors to "buy unlimited television and newspaper time and space, reach the highest political levels and convince the public to lock up more and more people for longer periods, carefully concealing that their motive is profit.

Harmon Wray warns that the most critical flaw in the privatization movement is that it is inherently expansionist. Private operators whose growth depends upon an expanding prison population may push for ever harsher sentences. And the taxpayer will finance the profit-makers while double locking their door at night.

Contracting creates incentives to lobby for laws and public policies that serve special interest rather than the public interest, in particular, private prison companies may lobby for more imprisonment.

Contracting, simply by expanding capacity and making imprisonment more feasible and efficient, may unduly expand the use of imprisonment and weaken the search for alternatives.

Contracting on a per prisoner per diem basis gives private wardens an incentive to hold prisoners as long as possible.

Contracting creates a kind of under-group government, this adding to total government size.

5.9.2.5 Flexibility

Critics of contracting argue that it is impossible to write a contract that is as broad and flexible as mission of a public agency needs to be.

Contractors may be unwilling to go beyond the provisions of their contracts. Renegotiating and changing contracts is time consuming and terminating a contract is often very difficult. Thus, contracts produce their own form of rigidity and it will be harder for the state, under contracting to order and control marginal changes.

Contracting may limit flexibility by refusal to go beyond the term of contract without re-negotiation.

Contracting may be stopped in advance, or suddenly reversed in midstream by adverse public reaction, legal challenges, partisan politics, or organized opposition by interest groups, including public employee unions.

Contracting reduces ability to co-ordinate with other public agencies e.g. probation/parole.

Contracting may cost more in the long run as a result of "low balling" initial low bids followed by unjustifiable price raises in subsequent contracts.

Contracting may cost more in the long run if high capital costs inhibit market entry and restrict competition.

Contracting lacks effective competition in "follow on" contracts, which are common place.

Contracting cost the state extra for the termination unemployment, and retraining of displaced state workers.

Contract with cost - plus - fixed - fee provisions provide no incentive for efficiency.

Contracting may have a higher initial marginal cost than would expand government service.

5.9.2.6 Security

Contracting may jeopardize public and inmate safety through inadequate staff levels or training.

Contracting may limit the ability of the government to respond to emergencies, such as strikes, riots, fires, or escapes.

Contracting increases the risk of strikers, which may not be illegal for contractor personnel.

Contracting may cause high employee turn over at transition.

5.9.2.7 Liability

Contracting will not allow the state to escape liability.

Contracting may cost the state more by increasing its liability exposure.

Contracting shift risk away from the government, which is the party best able to bear it.

5.9.2.8 Accountability

Contracting reduces accountability because private actors are insulated from the public and not subject to the same political control as are state actors.

Contracting diffuses responsibility, government and private actors can each blame the other.

Contracting may encourage the state to neglect or avoid its ultimate responsibility for prisons supervision may slacken.

Contracting reduces accountability because contracts are difficult to write and enforce.

5.9.2.9 Corruption

Contracting brings new opportunities for corruption (i.e. political, spoil, conflict of interest, bribe, kickbacks etc).

5.9.2.10 Dependence

Contracting lowers the state's own capacity to provide services, which makes it dependent on contractors.

Contracting carries the risk of bankruptcy by the vendor.

Contracting may involve exclusive franchise that simply replaces public monopolies with private monopolies.

5.10 DISCUSSION OF AMERICAN AND AUSTRALIAN PRISONS PRIVATIZATION

Through most of the first three-quarters of this century, the situation in American prisons was remarkably stable. Prison populations were sufficiently stable so that they stimulated a theory of the stability of prison population (Bumstein and Cohen, 1973), published in 1973. Public interest in correction's ability to reform offenders, was strong during the latter part of the late nineteenth century. Over the past several decades, American local correctional authorities have lost much of their autonomy. The conservative political climate of the 1980's, coupled with state's concerns for constructing and managing rapidly expanding correctional system, has led to another recent development discussed by two authors- initiatives to reduce prison cost.

Several directions have been pursued, with the two most significant being privatization and a new interest in prison industry and labour. Hard data on private prisons, however, are scarce, and Logan cautions that conclusions about the relative costs of private versus public prisons must wait until the necessary research is performed.

The concept of hiring private contractors to manage prison can be traced back at least as far as Jeremy Bentham (Roper, 1986:85-88). The notion that punishing criminals is the exclusive prerogative of the state is an invention of the state. That is, its origins are not ancient but coincident with the development of modern nation-states.

Private involvement in punishment, however, continued even after the rise of the state. In the early years of this nation, many functions that are now widely regarded as public responsibilities were then provided by private agencies and organizations, both communal and proprietary. Examples would include education, highways, police and fire protection, dispute resolution, and at least some kinds of punishment.

Also, the nineteenth-century practice, more common in Southern states, of contracting out the labour of inmates to private employers, is often cited as historical precedent for the contemporary privatization of corrections. More currently, private, low-security facilities have served the juvenile justice system in America throughout this century, and in some jurisdictions private contractors now provide the majority of adult community correctional programs, including all those for the federal prison system. All the individual components of American corrections such as food services, medical services and counseling, educational and vocational training recreation, maintenance, security, industrial programs, have been provided separately by private sectors. However, all such claims of historical continuity and contemporary parallels notwithstanding, something new has emerged in the field of correction in the 1980's.

Modern prisons are very different from early English and American prisons, and managing an entire institution has little in common with the leasing of convict labour or the contractual provision of particular services. Private entrepreneurs now manage, under contract to government, total institutions of penal or correctional confinement.

5.10.1 THE EARLY CONTRACTS AND RECENT INTEREST IN PRIVATIZATION

As of 1987, private companies in at least nine states including American and Australia were running confinement institutions-such as detention centres, training schools, ranches and prison-under contract to federal, state, or local levels of government.

In American private prisons, guns are not allowed/carried in any of these institutions. Some have guns available outside, with employees who are authorized to carry them. All private facilities are required to adhere to local, state, and federal standard of the American correctional association. Contracts generally include provisions for monitoring by the relevant government agency. Often, the monitor's duties include either making or reviewing disciplinary decisions that affect the date of release such as allocation of "good time" or "gain time".

No contract can absolve the government of responsibility for imprisonment or make it immune to law-suits. State remains liable. However, contractors generally carry large insurance policies, and contracts may include indemnification clauses requiring the company to protect the government against litigation costs and legal damage.

One will ask why are privatizations developing now? The usual explanations emphasize rising crime, tougher responses to crime, increased prison crowding, spiraling costs, and disillusionment with the government's ability to run its own prisons effectively and efficiently. However, the movement in corrections is part of a much broader trend toward privatization and reflects a rather general disenchantment with government. According to (Savas, 1982:1) from the late 1950's to the mid-1970's, trust in government declined from almost 80% to about 33%. This was part of a general lowering of public confidence in American and Australian institutions and leadership. Much of that decline could be accounted for by adverse economic conditions. However, rising employment and declining inflation in the early 1980's were "accompanied by the largest increase in confidence in any two-year period since the polls began to query Americans on the subject. This was also the period of Reagan's popular emphasis of "getting the government off our backs" and the time during which privatization became a prevalent if somewhat awkward, buzzword (Lipset, 1985:9).

Private correctional institutions were not a direct result of any specific Reagan administration policies. The earliest facility described here preceded his administration by a number of years, though most have been established after his election. The emergence of private prison and, even more, their identification as potential solution to a problem, were aided by popular support from Reagan's ideological commitment to strengthening the private sector and weakening the government one. Americans and Australians tend to distrust big business as well as big government and to favor competition and free enterprise. If and when private prison becomes identified as big business, some of their current supporters may rethink their position. Logan and Rausch (1985) see private sector as innovative and competitive responses to problems created under government monopoly.

5.10.2 FUTURE POTENTIAL OF CORRECTIONAL PRIVATIZATION IN AMERICA AND AUSTRILIA.

The history of American and Austrilian corrections during the twentieth century is almost entirely a history of state correctional agencies pursuing such diverse and often contradictory purposes as deterrence, incapacitation rehabilitation, and retribution. Although for-profit and nonprofit firms have played a major role in management of correctional facilities housing juveniles for many years until fairly recently the role of the private sector in adult correction was incosequential (Logan 1990). Even in recent decades private sector involvements have been limited to the delivery of specialized services in such areas as food preparation, education, medical treatment, some prison industry programs, vocational training, and the management of small, nonsecure facilities like work release and restitution centre.

Since the mid-1980's, however, a growing correctional crisis closely linked to an explosion in size of our inmate population gave rise to a belief that the private sector could and should play a greater role in the operation of the nation's jails and prisons. Slowly at first but later with rapidly growing momentum, jurisdictions all across the country enacted legislation authorizing full-scale privatization of local, state, and federal correctional facilities. A private corrections industry quickly grew to a point at which some of them operated facilities housing a larger number of inmates than did the correctional departments of corrections. In this analyses our purpose will be to examine the emergence, the present status, and the future potential of the private sector as a provider of correctional management services.

5.10.3 A HISTORICAL REVIEW OF THE GROWING CRISIS IN CORRECTIONS

Regardless of where one travels in the United state of America and of whether owe's attention focuses on the status of local, states or federal correctional facilities, one finds abundant evidence that the nation's correctional systems are in the midst of deeping crisis. The crisis was created by a fairly broad array of influences whose presence began to become abvious by no later than the mid-1970's. Legislative bodies across the nation moved to toughen their sentencing philosophies and practices (Gross and Von Hirsch 1981). Police and prosecutors began to adopt a more aggressive stance towards offenders. Support for various rehabilitative strategies began to diminish in the face of evidence that few if any change-oriented initiative had been shown to be propriety of coercive involvement in rehabilitative programs and closely correlated increase in the perceived value of such retributive objectives as just deserts and such utilitarian goals as incapacitation (Fogel, 1975:413).

The effect of the above and other causal variables on the nation's corectional system became apparent almost immediately. They are most easily illustrated by a period of unprecedented growth in the nation's prison population that began around 1975 and that persists today. It is pointed out that in 1975 the number of state and federal inmates stood at 204,211 and the confinement rate- the number of state and federal inmates per 100,000 persons in the nation's population- stood at 113. They are most easily illustrated by a period of unprecedented growth in the nations prison population that began around 1975 the persists today.

Stable inmate populations and incarceration rate, however, swiftly became relics of our penological past. Within five years after the trend that began in 1975 materialize, the inmate population rose by 25,50 percent to 301,470 and the incarceration rate rose by 20,35 percent to 136. Even if legislative bodies and state agencies had anticipated and planned for this explosive growth in our inmate population-and the evidence shows that their projections and plans were substantrally less than exemplary-the burden it placed on our correctional system almost certainly would have been more than they could reasonably have been expected to shoulder. Between the end of 1989 and the beginning of 1990 the inmate populations increased by 82,466 inmates (Bureau of Justice statistics 1990), and we estimate that the nation's local jail population increased by 37,105 pretrial detainees and sentenced offenders.

Ignoring altogether the pressing need for new prisons that existed at the end of 1988 as a consequences of facility overcrowding, this one year growth created the need for the construction and opening of more new institutions since 1989 the correctional crisis has only become more acute. Numerous illustrations of these are as obvious as they are ominous, but the following are a few that immediately come to mind.

- * Roughly two-third of states are operating under court orders or consert decrees associated with conditions of confinement suits brought by that are closely linked to facility overcrowding (Camp and Camp, 1989:3).
- * The federal inmate population is now at roughly 170 percent of its rated capacity.
- * Nine state systems are operating at more than 150 percent of their design capacities.

- * Fifteen state are operating at between 125 and 150 percent of their design capacities.
- * Only six states-report inmate populations at or below their design capacities.
- * Thousands of sentenced offenders are receiving early releases from terms of confinement long before they otherwise would be release only as a means of alleviating this overcrowding (Camp and Camp, 1989:25).
- * Many thousands of other sentenced felons are being housed in local jails that were never designed to deal with long-term inmates purely because there is no space for them in state institutions (Bureau of justice statistics 1990b,6). Because the nation's jails are confronting overcrowding problems which are nearly as acute as those of state and federal agencies, the un anticipated pressures this places on local correctional facilities has itself become a major concern.

5.10.4 PRIVATE CORRECTIONS INDUSTRY IN AMERICA AND AUSTRALIA

Bowman and Hakim (1992:217) pointed out that warning signs flashing as early as the 1970's made it altogether abvious that a "business as usual" approach would be entirely insufficient to meet the growing correctional crisis. It was readily apparent that innovative strategies in a broad array of areas had to be identified a pursued aggressively. This necessity-based pressure for change produced diverse results.

Efforts were made, to cite only a few obvious illustration, to foster a higher degree of integration among the component parts of the criminal justice, to improve the quality of new as well as existing sentencing policies to devise pretrial diversion programs capable of reducing population pressure on local correctional facilities, to identify and implement such alternative to imprisonment as intensive probation, "house arrest" and electronic monitoring, to assign a higher priority to the capital outlay needs of correctional systems that had pressing needs for an expanded population capacity, and to create early release programs capable of serving as a pressure relief mechanism when inmate population sizes rose to impossible levels or, quite often, to levels above court-imposed population "caps".

5.10.5 THE INFLUENCE OF THE LARGER ECONOMIC AND POLITICAL CONTEXT

The pressure mounting within the context of the criminal justice system, however, were not the only forces that were urging change in the ways state approached the delivery of essential services as we entered the 1980's. Indeed, years before the inmate population explosion begin in the mid-1970's, units of local, state, and federal state were encountering increasingly strident public demand for, on the one hand, a "downsizing" of government and of the resources made available to government agencies and for, on the other hand, increases in the number and quality of public services government provided.

Obvious, illustrations of this some what paradoxical set pressure and its consequences were soon to be provided by the referendum on proposition 13 in California, the referendum on proposition 21/2 in massachusetts in 1979, and the tax reductions productions produced by the economic recovery act of 1981.

State, in short, was being told to do more with less. As far back as the early 1970's this "do more with less" mandate prompted growing numbers of elected officials to challenge the notion that government had the responsibility for both identifying the range of public services that were to be provided to the public and devising means by which state would provide those services through its own agencies. Instead, policy makers began turning to the private sector as a means for providing mandate services of the high quality at the lowest possible cost.

The effect was a rapid growth in the number and the diversity of private sector firms whose future depended on the appeal of privatization-especially on a rather simple form of privatization that involves state contracting with the private sector for services government traditionally has provided through the efforts of its own agencies and employees.

The success of the privatization movement is now a matter of historical record. Private firms began providing contract-based services in such dissimilar areas as building maintenance, day-care services, public transportation, and vehicle maintenance.

This rapid growth in the involvement of the private sector as a provider of essential public services persists today in large measure as a result of compelling evidence that the private sector is able to provide those services at a cost below that attributable to government agencies and at a quality level equal to or better than that of those agencies (President's Commission on Privatization 1988).

5.11 THE BIRTH OF THE CORRECTIONAL PRIVATIZATION MOVEMENT IN AMERICA AND AUSTRILIA

As we entered the 1980's pressures for changes in traditional methods of delivering correctional services were growing both within and beyond the limits of the nation's correctional system. The only missing ingredients were, entrepreneurs who had access to the capital required to cover construction and start-up costs, experienced correctional administrators who were willing to exchange the relative security of public sector careers for the potential benefits of becoming a part of a new industry a willingness on the part of government to experiment with a novel method of delivering correctional services, and, in the vast majority of American jurisdictions, enabling legislative which expressly authorized contracting for correctional management services. Precisely when and where these missing ingredients materialized in such a way as to give birth to the correctional privatization movement is not altogether clear. A few small contracts were awarded by federal agencies and by at least one state agency to such firms as eclectic communications.

Important as these early contract awards may have been in setting the state for what was soon to follow it would be inaccurate to suggest that the true beginnings of the private corrections industry are traceable to these efforts. It is pointed out that private facility management had been successful, support for enabling legislation already had begun to mount, and the inmate population explosion had reached crisis proportions.

It had been able to obtain substantial working capital, to persuade a number of experienced and highly regarded correctional administrators to move from the public to the private sector, it is also pointed out that under the terms of an agreement with the U.S. Marshals services, the Corrections Corporation of America is moving forward with its plan to construct and then manage private facilities.

5.11.1 EVALUATING THE PERFORMANCE OF THE PRIVATE SECTOR

Our review of the "renaissance" of private prison in the final quarter of the twentieth century has illustrated the many different factors that have contributed to their introduction and development, especially in the USA and Australia. The major influences have ranged from the highly political and ideological to the more mundanely pragmatic and instrumental, typically in a context of serious penal-fiscal crisis, which is becoming increasingly common world-wide. Similarly, the accompanying and often heated debate about the merits of privatized prisons has been conducted across a wide spectrum of arguments that are raised to the practical consequences and future implication/potential of the contracting-out of the management of prisons (Clare, 1997:23).

The successes of the private corrections industry have been dramatic. A decade ago the industry simply did not exist. Today private firms are managing minimum, medium, and maximum security adult facilities housing female as well as male inmates in jurisdictions all across the nation. Questions remains, however, regarding whether private corrections industry has overcome the obstacles it confronted when it began to take form and whether the promise the industry made from the beginning have been kept.

The elected official repeated the same question whether the delegation of facility management responsibilities to a private firm constitution? How will the legal liability exposure of government be affected by decisions to private? Will privatization have an adverse effects on the legal rights of confined persons? Will cost savings only be possible because of decreases in the quality of correctional services that are provided? Will the accountability of a private corrections firms be lower than that of a government agency?

No effort to evaluate the potential value of correctional privatization can or should ignore these common and pressing concerns. Although our responses to each question necessarily will be abbreviated, in what follows we will provide answers that are supported by the best available evidence.

The constitutional question:
Very early in the privatization debate critics contended that the debate would have no practical significance. They were persuaded that any effort by state to delegate full-scale facility management responsibilities to the private sector would be defined by the courts as being unconstitutional.

The management and operation of correctional facilities, they argued, involves the exercise of the police powers of the state, powers that must be seen as being nondelegable (Field 1987, Robbins 1988a). Any effort to evaluate privatization on this constitutional level poses major difficulties for at least two reasons. One of these reasons is that the nondelegation doctrine upon which this challenge to privatization is based must be assessed in terms specific to each American jurisdiction.

Some jurisdictions define the power of branches of government to delegate their power rather broadly. In the federal jurisdiction, for example, the courts have not invalidated any delegation of power to the private sector on federal constitutional grounds since the 1936 United States Supreme Court case of *Carter v. Carter Company*. It is pointed out that their courts demand that any delegations of power be based both on explicit expressions of legislative intent and similarly explicit legislative limitations on the exercise of delegated powers.

The constitution pertains to definitions of what powers government may and may not delegate to a private corrections firm. To be sure, a theoretical position can be advanced in support of the thesis that few powers of the state are immune from delegation to a private party on constitutional grounds (Logan, 1990). Existing statutes bolstered by language contained in all privatization contracts prohibit private corrections firms and their employees from making final determinations that could have an adverse effect on the liberty interest of inmates.

Thus, for example, private firms have no power to determine who will or who will not be committed to their facilities, to shape determination of when those who are committed to their facilities will be released, or to control disciplinary processes whose outcome could alter significantly the conditions of confinement.

The inmate's right question. Another significant and entirely appropriate question requiring careful evaluation by those considering correctional privatization involves how privatization might affect the legal rights of confined persons. The source of this concern will be obvious.

Profit motives could encourage an unscrupulous private firm to disregard the rights of inmates to proper food, medical services, and so on. Such a firm might be "more interested in doing well than in doing good". Because many if not most of those who have followed the correctional privatization movement have some special expertise in the legal aspects of privatization, this question is remarkable if for no reason other than the fact that it has received so little systematic attention.

Thomas pointed out how limitations apply when government agencies and their employees operate correctional facilities and, more importantly, how they do not apply in privatized facilities. For example when inmates housed in traditional state correctional facilities bring section 1983 actions in federal courts, judicial interpretation of the Eleventh Amendment prevent them from seeking compensation or punitive damages from the state agencies that may have been responsible for deprivations.

Private corrections firms do not enjoy Eleventh Amendment immunity from damage suits brought under section 1983. Thus, while inmates confined in both traditional and privatized state correctional facilities can rely on section 1983 when they seek prospective injunctive relief, only those confined in privatized correctional facilities are in a position to seek compensatory and, when appropriate, punitive damage awards.

This, of course, does not mean that private facilities will necessarily be managed in a more satisfactory fashion than public facilities. However, it does mean that those who suffer constitutional deprivations while confined in a effective means of responding to those deprivations. This, in turn, means that private corrections firms have a greater incentive to meet constitutional requirements and they will be held to a higher standard of accountability if they fail to do so.

The accountability question
Critics of correctional privatization often hypothesize that contracting decisions will undermine the accountability of and government control over correctional facilities.

The core contention appears to be that traditional methods of delivering correctional services place the ultimate responsibility for those services on the shoulder of elected representatives and thus permit the electorate to remove from office those who discharge their responsibilities in an inefficient or ineffective fashion.

The implication is that contracting somehow undermines an important chain of accountability and control. It is pointed out that one of the most obvious advantages of contracting is that it significantly enhances accountability and control. The most obvious illustration of how this happens is provided by the terms of contract linking the public and private sectors.

5.12

SUMMARY

It is clear from above discussion that private prisons will not necessarily be less expensive than those owned and run directly by the state. A very safe generalization from the broader literature on contracting for public services is that often it saves money, but sometimes it does not. It is too soon to say much more than that for prisons, but there are many theoretical reasons, and the beginning of some empirical evidence, to support the proposition that private prisons can offer to government at least the potential for gains in efficiency.

Whether or not private prisons are less expensive may be that they make more visible the true costs of correctional facilities. Correctional authorities should welcome the chance to reveal the true costs of uncrowded, properly run prisons and jails. Voters and legislator can then make realistic choice to get this information, however, as well as to provide the maximum range of choice, there must be competition and information from the private market. It is clear that there has been almost no systematic empirical research comparing private and government-run prison in terms of quality.

Until such studies are available, we must rely on the type of anecdotal evidence that has been considered in this chapter. Evidence of this nature should be evaluated with caution. It is also clear that the government prison system has survived numerous scandals, also with endless and scathing denouncements, basically because it is the only system we've got.

Private prisons have never had advantage of monopoly, and thus will be much more vulnerably to negative publicity. My own conclusion so far is simply that private prisons will fall variously within the same range of quality as do those run by government employees. Some private prisons will be better than some public prisons, and vice versa. It is clear from above discussion that the flexibility of private prison contracts may also enhance justice. The prison system must be able to expand and contract in accordance with the shifting demands of justice. Flexibility at the margins will tend to maximize the supply and minimize the cost of imprisonment.

It is also clear that privatization provides an opportunity to deal with the problem of strikes in a fashion more realistic than simply outlawing them. Briefly, privatization does not offer government any easy escape from its responsibility and liability for imprisonment of offenders. What it does offer is the prospect of sharing that liability, buffering the government through indemnification, and possibly reducing the number of lawsuits through improved management. In this chapter it is clear that private prisons are secure confinement facilities that are managed by privately owned companies, under contract to government.

The past two decades have seen major growth in American prison population, largely as a result of the confluence of important demographic shift associated with the post war baby boom and important political shifts that have politicized the decisions regarding who should go to prison and for how long, leading to an increase in general sanction policies.

It is clear that competition can be good for government agencies just as it is for private businesses. When government must compete with private sector in the provision of a public service, that competition provides a powerful mechanism of evaluation, accountability and control.

Based on this evidence, we conclude that use of privately operated correctional facilities for minimum-security adult males and for difficult youth offenders is an appropriate option for state governments. It has proved to be more efficiently operated than their public operated counter part. It seems to be an important option, particularly if additional capacity is needed by the state. Privately operated prison has ability in better control over resources, flexible manpower usage, economies, control over expenditure, and less bureaucracy and union problems.

These findings do not indicate that private operation should be substituted for existing public facilities, they, do indicate that the use of the private sector, in appropriate situation, can be good for both inmates and public. In the next chapter prison privatization and public policy will be discussed.

CHAPTER 6

PRISON PRIVATIZATION AND PUBLIC POLICY

6. INTRODUCTION

In recent years, tougher sentencing practice combined with public resistance to new prison construction-have let to overcrowded corrections facilities, worsening prison conditions and a wave of inmate's rights lawsuits. Sensing business opportunities, new firms have formed an embryonic incarceration industry, advertising an ability to run correctional facilities more efficiently than public institutions.

The bid is often appealing to hard-pressed officials, eager for ways to solve managerial and political problems while lightening the burden on taxpayers. Many people, however, both in and outside of government, have objected to allowing the profit motive to become the guiding motivation for such important government function.

It is pointed out that there are serious structural barriers to genuine competition for prison management contracts, not only are incumbent contractors likely to become entrenched, but the quality of performance may be so difficult to monitor and evaluate that quality-based competition is unlikely to develop.

In general, the enterprise of incarcerating people has relatively little scope for technical progress in trimming costs, once the decision to imprison a criminal has been made, the task does not allow much room for innovation.

Even if private-prison corporations succeed in cutting costs, there is unlikely to be sufficient competition in any given community to ensure that the saving result in diminished government budgets for corrections. There is a substantial likelihood that government contracts with prison corporation will fully protect neither the interests of the public nor the prison inmates.

It is pointed out that private prison might not be as unaccountable or inhumane as some critics have predicted, neither do they offer anywhere near the advantages which their advocates agents promote. Incarceration today remains a symbolically potent public function, dismissing widespread uneasiness among policy makers about introducing profits into punishment and corrections requires far more compelling practical advantages than private prison are likely to deliver.

Few role in our South African society seem more inherently "public" than those of the police, the judges and the prisons. Yet despite the long tradition of assigning the justice system as the exclusive province of government. Our towns and cities, for instance, now feature more private security guards than public police officers.

Criminal court today remain the responsibility of the public sector, plaintiffs and defendants in many civil cases have abandoned crowded public courtroom in favour of a variety of private arbitration and mediation services-many of them operated for profit. The expansion of the private sector's role into prisons and corrections began to generate considerable interest and controversy by the mid-1990's. Corrections departments in South Africa have already contracted with private sectors to construct prisons or provide various support services.

One of the nation's facilities for juvenile offenders had become privately run (Enthonjeni near Baviansport Prison). In the past few years, however, several substantial corporations have launched aggressive marketing campaigns to persuade corrections officials and legislators to privatize the job of incarcerating adult criminals.

Private prison promise lower costs and superior performance, opponents warn of unaccountability and challenge the legitimacy of delegating so central a societal function. Private sectors pointed out that they will make the true cost of a service highly visible, allowing them to be analyzed, compared and minimized contracting provides competitive price and product information that the state can use to compare and evaluate its own operation of specialized skills.

It also reduces the tendency towards bureaucratic self-perpetuation and assists limit the size of government. Private sectors increase accountability because market mechanism of control and added to those of the political process. It promote the development and use of objective performance measures.

Private sector encourages comparative evaluation, this raises standard for the government as well as for private sector. It also encourages greater flexibility and promotes innovation, experimentation and other changes in a programme. As the overcrowding in South African prisons continues, it is prudent to appraise the still-limited data on prison privatization and to assess the soundness of proposals for an expansion of prison-for profit.

6.1 PRIVATIZATION

Private prison refers to a place of confinement that is control by a private sector. Private prison are those that are privately owned, operated, or managed, under contract to government. In South Africa no prison is completely private in the sense of being independent of government authority, control and revenue.

Several recent developments have made the general public and their elected officials increasingly receptive to proposals for transferring what traditionally have been considered public function to the private sector. A contemporaneous erosion of public confidence in government's ability to deliver services in a lost effective manner has made privatization one of the favoured alternative.

Quick to capitalize on new opportunities, private diverse field as solid waste collection street repair, ambulance services, ticket collections, legal services for indigent clients, hospital management, public health programs, drug and alcohol programs and numerous other activities.

The result of transferring various activities formerly performed by state agencies to profit-making enterprises have been mixed. But there have been sufficient successes to encourage the trend, and most likely, private providers will continue to assume an event greater role in government operation in the foreseeable future.

6.2 PRISONS AND THE PRIVATE SECTOR

Private sector involvement in state and local penal system is extensive and of long standing. During the 19th century, inmates were often hired out to private companies and some prisons were financed solely from the fee delivered from contract prison labour.

Cross abuses of such arrangements and lobbying by prison reform groups led to the strict curtailment or outright prohibition of such practices. As a result, private sector involvement, evolved from exploiting inmate workers to providing various ancillary services to prison operation. According to a recent national institution of corrections study, correctional system in 39 state contract with private providers for at least one services or programs. The ten most frequently contracted services are medical and mental health, community treatment, staff training, vocational training and counseling,

Correctional administrators were generally pleased with their contracting experiences and reported several advantages including staff savings, better quality of services, more efficient operations, lower cost, reduced training requirements, decrease agency liability, and better accountability.

They also noted several problems, however, such as difficulties supervising other people's employees poor quality of services, failure to provide promised services, services not being provided on time, difficulty regulating services, conflicts with labour unions, and lack of cost effective.

The state has the ultimate authority and responsibility for corrections. For its most effective operation, corrections should use all appropriate resources, both public and private. When states consider the use of profit and non profit private sectors correctional services such programs must meet professional standards, provide necessary public safety, provide service equal to or better than government, and be cost effective compare to well managed government operation.

Government retains the ultimate responsibility, authority, and accountability for actions of private agencies and individuals under contract, it is consistent with good correctional policy and practice to:

- * Use in an advisory and voluntary role expertise and resources available from profit and non profit organisation in the development and implementation of correctional programs and policies.
- * Ensure the appropriate level of service delivery and compliance with recognized standards through professional contract preparation and vendor selection as well as effective evaluation and monitoring by the responsible government agency private prison will supplement rather than displace publicly operated institutions.

Contracting for the private operation of a single correctional facility will not need any reduction in the number of public correctional employees. Indeed, many states prisons are currently so overcrowded that several private operated facilities could be opened without any loss of jobs in the public sector.

- * The real choice confronting state in this position is not whether to replace public employees with private workers, but whether to hire private provider instead of additional public employees. Ring (1987:9) pointed out that as future construction established a balance between inmate populations and prison capacity, private and public facilities will some extend compete with each other. If private institutions are successful in rendering effective services, this competition could encourage reductions in the number of publicly operated prisons.

- * Judging by the limited experience to date, employees of public facilities that are converted to private operations could continue in their jobs under private management. Private prisons will not, in any event, ever totally replace public institutions. There is near unanimous agreement that private operators should never be relied upon as the sole source of correctional services. The aim of privatization is not to replace public correction functions with their private equivalents, but to develop a system that uses both sectors to their best advantages.

6.3 THE TERMS OF THE DEBATE

One of the founders of the corrections corporation of America has posed an argument for private prisons as essentially a managerial issue: "Public entities" he wrote, "are not managing the prison system effectively-Private entities can manage correctional facilities more economically and efficiently than the government entities" through effecting "personnel economies, "buying supplies in bulk, and bypassing cumbersome purchasing regulation. Beyond promising to deliver the same service more efficiently, corrections entrepreneurs argued that, free of bureaucratic red tape and restrictions, they also could deliver a better, more innovative service. The private sector promised that they could out perform governmental competitor on rehabilitation-that once -central but currently distant goal of corrections policy.

The American Correctional Association, a quasi-official organization, has cautiously endorsed the "use of profit and nonprofit organizations to develop, fund, build, operate and/or provide correctional services, programs, and facilities-and throughout the mid-1980's, a small but growing number of corrections officials tacitly signalled their own views on the issue as they signed contracts with private firms to run institutions and detention centres.

The opponents of private corrections, meanwhile, are many and vocal. The national sheriffs association adopted a resolution strenuously opposing for-profit prisons. While three-fourths of the correctional agencies polled by the national institute of corrections that same year responded that they would not consider contracting out the management of correctional services.

The American Federation of state and municipal employee, whose members work in prisons issued a statement that "for the public, for correctional personnel, even for the inmates, contracting out is a terrible idea-it's bad policy, and it's bad government. A number of observers with not material stake in the issue have expressed profound misgivings about prison privatization.

The American Bar Association adopted a resolution urging that jurisdictions that are considering the privatization of prisons and jails not proceed to so contract until the complex constitutional, statutory, and contractual issues are satisfactorily developed and resolved.

It is also pointed out that the American civil liberties union also opposes for-profit corrections, in part because it fears private facilities would fall short of even the lamentable standard set for inmate's rights by public prisons, the legal director testifying before the state legislature, charged that "private prison by their very nature are time-bombs waiting to inflict injury on those detained".

6.4 AN OVERVIEW OF GOVERNMENT'S ROLE

The government is an institutional device, a complex set of relationship whereby a community defines the public business and arranges for its accomplishment.

Public acts are carried out by individual men and women who agree, through various types of organizational and contractual arrangements, to serve their fellow citizens.

Bureaucracy and contracting-out are two different ways of organizing the people who ultimately do the work. The question, task by task, is what form of relationship between the public and its agents best harnesses the agents energies to the common purpose, whether that be tending to the community's dependent members or confining its delinquent members.

What we need, ideally, is evidence. The debate over what form of organization work for the public task of corrections would be much tidier if we could assign a tenth or even one-half of the prisons in South Africa to private control, ensure that public and private operations receive comparable burdens and resources, devise clear criteria for evaluating performance, and compare the results.

A senior analyst who appraised private corrections for the South Africa legislature argues that the claims of proponents and the charges of crisis will remain sterile and inconclusive until the issue get "the vigorous examination by disinterested parties that is necessary to produce unbiased assessment".

It is hard to argue with a call for more data. But while facts are indisputably more convincing than hypotheses, they are generally much more expensive. The wisdom of an experimental approach to private prisons proposals depends, first, on how costly-in financial and ethical terms-the experiment is likely to be and, second, how conclusive will be the evidence produced.

Experiments with private corrections carry the risk of heavy costs. Transfers of control may be difficult to reverse, and, in the meantime, the consequences could be severe. The evidence provided by initiatives now underway or envisioned, moreover, is unlikely to settle the issue. It is pointed out that in America, every state prison system already contracted-out for some services-most frequently medical care, food services, maintenance, or transportation.

Some officials report that outside suppliers offer higher quality, cost savings, and better accountability. Others, however report poor quality, inflated costs, and trouble controlling contractors without careful studies that control for factors other than public versus private organization, the available evidence allows scant conclusive judgement about contracting out prison service, and even less about the private management of entire prison (Donahue, 1988:9). It is pointed out that cost comparisons may be yet more off the mark if private prisons differ systematically in the characteristics of their inmate populations.

Finally, early experiences with contracting-out for prisons may not be representative of the final form a full-developed private corrections industry would take. Costs could fall and performance could improve over time as firms gain experience and new entrants heighten competition. Costs could rise and performance decay as a few dominant firms become entrenched and public corrections departments are dismantled, leaving governments with no alternative to private prisons. The ongoing debate surrounding for-profit hospitals counsels against any expectation that evidence about the pioneers performance will soon settle the private prison issue. For now account for more than 10 percent of all hospitals.

Several major statistical studies have attempted to weigh the effect of a hospital organizational form on costs, service to the poor, and other dimensions of performance. But consensus remains elusive because there is so much room for variation in selecting samples to compare, choosing, methodologies, and defining the dimensions of quality and efficiency.

Incarceration is perhaps a subtle, complex, and difficult an undertaking to evaluate as hospitalization, and it seems we could experiment for decades with private prisons without conclusive evidence of efficiency, cost, or quality. Thus any practical analysis of the private prison question must supplement the available data with reasoning, informed conjecture, and judgement about the public task of incarceration and the suitability of profit-seeking agent for carrying out that task.

Donahue (1988:11) pointed out that the main advantages of using bureaucracies to carry out public tasks are control over the means agents employ and flexibility-the right to amend mandate without the awkwardness and vulnerability of recontracting. The chief virtue of assigning public task to profit-seeking agents are the cost discipline inspired by competition, and the benefits of innovation by agents motivated to discover better ways to deliver value.

It is pointed out that the potential benefit of contracting-out depends upon the precision and durability of the contractual link between creating value and collecting profits. The quality of this link depends on the existence of lively and realistic competition, on how carefully and completely the product can be specified and lastly, on the degree to which quality can be monitored, and finally on the government's ability and inclination to reward, penalize, or replace contractors on the basis of performance.

Accordingly, when we are assessing the wisdom of investing in greater private involvement in corrections and incarceration, we must consider whether incarceration is the kind of enterprise which can be made substantially more efficient through innovation and tighter management, or can our government assess the quality of private prison operation, and force accountability, or can contracting manipulate the community's perception of its need for prison services (Donahue, 1988:11).

6.5 POLICY FORMULATION AND ADOPTION

A policy is a course of action that involves mainly actors including all of the institutions of state and a different of entities from public. It is a direction, which is taken by the state and followed by lawmakers, and public officials who have consensus with the policy and its direction.

Policy making is a process of developing laws, policies, procedures, acts and regulations and include preceptors (Hendo 1978). It is pointed out that the issue of network that exists that processes information and perception about private prison includes agents such as state agencies, media, private vendors, senate and house of congress and of each state, researcher and academic. There are models that have been developed for use in analyzing public policy making namely, the judiciary, legislature, presidency and bureaucracy.

The process models views politics as a process that is unfolding overtime and review voting behaviour, interest group pressure upon individual political actors and other process event. One have to use this process to try and to understand policy by determining why and how goals are being pursued in line with the economic principle of maximum sound gain and the organization pressure of comprehensive decision making.

There are two models that are useful in analyzing opponents and supporters of privatization of prisons, this models are the rational model and the political system model. The rational model are used to support the private sector, claims of lower costs, efficiency and responsiveness. Whereas public officials in correction and opposing groups basing their claims of profiteering, risk, and upon the political system model. The private sector has proven itself capable in the social service arena.

To inspire the public sector to allow private agent access, requires that the policy formulation and adoption process is understood by the private market managers. Formulation of policy consist of three element namely: defining the problem, getting the problem on the agenda and creating a workable policy. Limiting of the development of private prison policy is the fact that the issue has not moved from the systemic agenda to the government agenda.

What is necessary in our policy making process for a triggering mechanism to have an affect is credibility. Prison privatization in South Africa has not gained credibility, because there are too few research efforts or comparison studies providing the public and the state with solid, factual emperical information. If in future the prison privatization movement gains momentum and credibility, the policy adoption will take place through bargaining mechanisms, persuasion or command (Anderson 1984).

Bargains might be struck with public employee unions to ensure the union members are the first to be hired by private companies. Private prison official would begin lobbying. Interest group influence would develop.

Share-holders would make their preference known to law makers. The state may take the lead in opening up a major prison to privatization, or a legislator might make use of privatization as a useful policy alternative.

6.5.1 POLITICS OF PRIVATE PRISONS

The criminal justice system may use the experience of organized business involvement in prison to feather their next opponent to contend that private prison operators will exert an untoward influence on criminal justice policy and contribute to the imprisonment of more inmates under worse conditions. The private sector building of prisons could be used to circumvent the voter when bond referenda fails, which translates to less democratic control and a less accountable government body.

The state is responsible for providing service in many areas, to protect the public from price gouging and to prevent wasteful duplication of effort (Fitzgerald, 1988:88). Carl Van Horn uses the terms board room politics, cloak room politics, chief executive politics, courtroom politics, living room politics and bureaucratic politics to describe how different groups and actors influence policy making. This viewpoint affects the credibility of the prison privatization movement (Seller, 1993:98).

It is pointed out that bureaucracy is effected by budget, the media, regulations, administrative discretion and clientele groups and also leaders can influence bureaucracy. Bureaucracy is involved in policy making, developing bills and laws, moulding adopted laws and developing and fine tuning regulations and procedure. Cloak room politics consists of debate, discussion, compromise and appeals for relief.

6.5.2 ADMINISTRATIVE ISSUES

The issue here is whether the public would continue to have access to prisons and prison record, or would be closed meeting and record-hiding as private industry today. To answer the above question, the secrecy that surrounds private sector records and plan would be an intolerable interference for state contracting for prison management. The next issue is whether the cost effectiveness of prison privatization is a form of union busting and exploitation of labour, with lower wages, lower pensions, and less employee benefits.

The government employee groups and their manager has resistance in private operations because they believe that private sector hire fewer people, decrease employee forces, and reduce training time. According to Moore (1987:69) few or none public employees had lost their job as a result of privatization. The issue whether private entrepreneurs would engage in uncontrollable cost cutting activities, design shortcuts, a reduction in safety standards and an increase in corner-cutting methods, which would result in humane and unsafe condition. According to Seller (1993:52) all nation-wide shows that the individual cities with the lowest cost of services delivery also achieve among the highest level of services quality.

The questions is that in attempt to save money, private companies may attempt to "skim the cream" of prison by contracting for housing only the security, problem free inmates leaving the higher cost hard core criminal for state to house. The issue here is what will happen in case of strikes, bankruptcy, or emergency situation. The answer is that contingency plan would have to be developed and reach consensus before a contract is approved. In case of state of emergency develop, plan would be available for a temporary government takeover.

Connie Mayer (1986) argues that the power is inherent in the state to prescribe, within limits of state and federal constitutions, reasonable regulation necessary to preserve the public order, health, safety and moral. The other legal issue is who is liable for improper treatment or abuse of inmates? Opponents of prison privatization argue that the government cannot void its responsibility for liability by contracting with private company.

Whereas supporters of privatization argue that state liability now shared with the private company would decrease overall state liability costs. The other issue is that of parole hearing and development of prison rules. Parole decision making, prison rules as well as discipline hearing cannot be delegated to private prison management (Geis 1987). It is important for the government to peruse that financial soundness of a company before considering the privatization of state services as well as ensuring delivery of the service by the private sector. Legal counsel should be well advised to spell out the financial requirement, requirement, review of financial statement and balance sheets and requiring guaratees before the government contract service to private sector (Finley, 1989:144).

6.5.3 FINANCIAL ISSUES

The most important financial issue is whether private companies operating prisons would be more efficient. The point is that the profit and loss incentives of private companies differ greatly from budget-building incentives of bureaucracy. The other financial issue is whether private prison operating costs may be lower in the same short run but eventually increase to the same level or more than public sector operations.

Supporters of prison privatization pointed out that costs to a contractor should be fixed, and also stresses that private companies which are unable to maintain cost levels or unable to produce profit through efficiency and accountability would go out of business (Logan:1985).

6.5.4 LEGAL OR CONSTITUTIONAL ISSUES

The legal issue is whether the delegation of function of state private sector companies to operate prison is constitutional. Due to social complexities, changes, advances, and administrative realities the constitution of South Africa do allowing the development and oversight of many policies and regulations to be delegated to other entities/private sector (Robins 1986). In Florida, michigan new Mexico and Texas have enacted specific legislation for the private operation of prisons.

6.5.5 BARRIERS TO ENTRY TO PRIVATE PRISON MARKET

The first barrier is that liability insurance rates would be very high. Although the state may not be able to void its responsibility of liability, its sharing of liability responsibility with private operator would add a substantial cost to private prison operation. A major barrier to the development of private prisons has to do with local governing officials fears that contracting with a private company to build and operate a facility will be construed as circumvention of public decision-making by referenda. The other barrier to the use of private prison is the question of the constitutionality of delegating the state function of imprisonment to private individual or companies. The barrier is the propriety of state delegating the police power of using deadly force and restraint. The other barrier is the overcoming of concern for the management of parole and discipline decision.

Barrier is that no standards exist for the operation and management of a prisoner for the training of prison personnel.

6.6 RESPONSE OF SURVEY REGARDING POLICY FORMULATION

During the survey and interview process of the comparison of private and public prisons many questions were asked about private and public managers and their members about their perceptions concerning policy making in general and certain aspect of policy making in particular. The remainder of the chapter is a discussion about those questions and their responses. Private managers were asked whether they would be able to meet the need for increased cell space quickly. The answer was yes. The private sectors are in the ball game of improvement.

" They do it every day " said a private operator. A second question was whether state or authorities should delegate authority to manage prisons to the private sector. Private and public managers agreed that enabling legislation is crucial. Legislators lend credibility to the movement if they debate and pass law supporting prison privatization.

Private managers were asked about liability claims and who would be responsible. They felt that the private company can shield the state through insurance against most medical and physical risks but the state would certainly remain ultimately responsible for claim of unconstitutional treatment and infringement of individual rights. The private sectors believe that the prison is run according to state standards, unless the contractor changes the standard their responsibility is to meet them, not be responsible for their constitutionality (Seller, 1993:98). Private managers were asked whether the police power can be privatized. The private manager pointed out that in many countries such as United state police are contracted as private police.

Private managers argue that the burden is on government to prove why private police should not be allowed to carry arms, given proper training and testing.

Private managers were asked if they thought about prisons in their facilities to receive better or different justice than inmates located in the public prisons. The consensus was that justice is given out by the court and that a prison public or private merely carries out the order of detaining the convict (Seller, 1993, 40).

However, if justice is thought of as a function of treatment while in prison, because private prisons must meet contract requirements or lose the contract, they are actually under more pressure to ensure good treatment according to the requirement of that contract. Private managers were also asked whether they thought that they could do anything better to treat HIV/AIDS carriers, handicapped, or mentally ill prisoners. Private sector believe that private company to be more flexible more able to implement innovation and new treatment without bidding procedures, should avoid testing requirements or lengthy and complicated procurement measures.

Public managers believed individual with special needs would be too costly and that private prisons would want to skim the cream of the less cost prisoners, leaving the state with a burden of difficult prisoners. In response, private sector pointed out that whoever the contract state is to be housed and managed, that is who they will take into facility. No prisoners are less dangerous, or to be treated more leniently than another.

They all need bars, guards and food. Can state ensure against private companies under bidding contract in order to get on board and then later raise the price or require more money once they are locked in? Private managers again look to the contract as the best mechanism to receive government of that risk and uncertainty. Prison managers were asked about the possibility suggested by Justice Warren Burger in the 1970's.

Public managers were quickly to point out the illegality in most states of prisons producing goods that would compete on the "open" market. Private manager pointed out that since most prison companies had parent firms, they could more easily acquire raw materials and link production to a market because they are already in the market place and are bottom-line oriented(Logan, 1990:41).

Question is that whether cost as likely to be reduced with the privatization of correction as it has been with some other public service? The answer is that contracting allows prisons to be financed sited and contracted more quickly and cheaply than government prisons, also private firms are more apt to design for efficiency operation (Logan, 1990:41).

6.7 THE GROWTH OF PRIVATIZATION IN SOUTH AFRICA

The expansion of privatization in this country will depend upon public and political confidence that private prison will be effectively accountable. A model for accountability is thus not merely ethically essential in itself but programatically important because it will have a bearing upon future growth. If private prisons are to remain a respectable part of the total prison system in the South Africa, their operators must not allow themselves to become part of the apparatus of unjust oppression elsewhere.

The future of privatization depend on actors such as continuing increase in prison populations, consequential shortage of accommodation, overcrowding and the risks it create, state reluctance or inability to put up capital funds for the construction of new prisons, a belief that running cost can be reduced or at least provide better value for money, and a belief that privatization might be a catalyst for compelling the state to confront the question whether the prison system must irrevocably remain a standing reproach to decency in public affair and a permanent barrier to optimism in correctional practice (Harding, 1997:156). The future of the correctional privatization movement can remedy all that now avails the field of adult corrections.

Growth of privatization is nothing more and nothing less than an alternative means by which government can provide an essential public service. The best available evidence reveals that existing privatization effort have confronted no consequential constitutional barriers, have reduced the legal liability costs contracting units of government previously confronted, expanded the scope of legal remedies made available to inmates, have decreased correctional costs in the area of both construction and facility operation, result in quality improvements in correctional service provided, and control and to be accountable for its correctional facilities.

These are important and impressive achievements by the private sector, that have enable correctional privatization to experiment to a point at which it is an accepted way of delivering correctional services in may jurisdiction (Bowman, et al, 1992:235).

6.7.1 GOAL REVISITED

The first goal of this study was to determine whether the privatization of correctional facilities is a viable option for the future of institutions corrections. Three important considerations have been identified: first, private facility operators indicated that in order to contract for the operation of other correctional facilities they will be seeking out state and jurisdiction that look favourably upon privatization in general and the privatization of several states already have in the last five years, enacted enabling legislation to help foster the growth of private sector operation of correctional facilities.

Enabling legislation can better reflect a state's intention of support for the idea of prison privatization and its willingness to participate in the movement. As more states enact supportive legislation, the future of prison privatization will become an optimistic one. Another consideration for future private prison planning is cost efficiency, where the state at all level will looking even more closely at viable ways to reduce spending (Logan, 1990:52).

The government should take a more serious look at private prison as an alternative to public production of correctional services due to its efficiency. The other planners future of private prison is a clear contract requirements and the guidance of agreed up on standards so that a great deal of uncertain should not exist in the private prison industry. Private prison have more immediate reason to reduce litigation where public operated prison do not contract monitoring is essential if a clear and comprehensive contract is to remain a reliable, viable tool for ensuring production and effectiveness.

With the proper contracts, standards, supportive legislation, and the efficient operational techniques of private enterprise, the future of prison privatization could be one of growth and competition with the publicly operated facilities future may give support to the argument that private operation of prison facilities is a efficient than public prison operation.

The barriers that inhibit the entrance of private companies into the private prison market is the high cost or unavailability of liability insurance. Motivation to continue the prison privatization movement would be savings of tax revenues through more efficiently operated private prisons. Private operators have an implicit motivation to defend themselves against liability claims.

Other motivation is to support privatization, and by doing so the public sector increases its scope of options and alternatives for doing business and also allows the criminals justice system to evaluate itself through comparative analyses and ongoing monitoring private prison companies will bring to the prisons the benefit of innovations, new ideas and the techniques that will all inmate rehabilitation to once again be a reality and not just a dread (Geis 1987, Robbins 1986).

6.8 SUMMARY

It is clear from the above discussion that the evidence on potential cost saving is too weak and too questionable to warrant so radical and risky experiment. There seems to be little room for major technical innovations in locking people up, while meeting the standards of humane incarceration which the public endorses and the judiciary firmly enforces. It is clear that the cost of labour, moreover, which comprises about three fifths of total prison budgets, probably cannot be reduced much without lowering the quality of the workforce.

Even if corrections entrepreneurs somehow succeed in cutting incarceration costs through improved management, there is unlikely to be enough competition, in any given community to ensure that cost savings are passed on to the taxpayers, particularly after private contractors become entrenched. Indeed, private prison operator insist on long term contracts which buffer them from competition.

Writing contracts that fairly and efficiently regulate relationship between government and contractors is a delicate task that may well exceed the capacity of many local governments. Our experience with managing profit seeking firms providing defense equipment, health care, and other public good warns against the expectation that contracts will be fully specified, competitively bid, and vigorously monitored and enforced.

It is also clear that the worst fear of the opponents of private corrections-widespread deprivation of constitutional right, systematically worsened condition, even a return to the chain gang-will probably not be realized. But the risk remains, that the worse case will happen after all. The cost and trouble of guarding against such grim eventualities, moreover, must be counted as an important part of the case against privatization.

It is clear that corrections is a traditionally public and symbolically potent function. In the discussion private managers believe that special pressure groups and state do not want prison privatized public union fear-full of change or job loss undermine the production of legislation enabling prison change. Private manager believe that unwillingness to allow the movement to grow stems from the fear the public company managers and employees would not be competent in carrying out their responsibilities or that undesirable or neglectful practice might become the norm.

It is clear that the more prison that go private the greater the number of requests of visit, look at and analyze their operation. Private sector believe that policy making or private prison will continue to be staked as long as policy making is based on traditional and incrementalism rather than efficiency productivity and rationality. In South Africa privatization of prison is still premature but it will be increased because negotiation are on the track.

In South Africa, private companies are known as APOPS. In the discussion it is clear that the management of a large maximum security prison has not yet been contracted out to a private company, only juvenile and medium prison can be contracted out. There are significant cultural and political reasons which lead on to think that expansion of private prison into new markets will be slow and fragmented. There are also some natural barriers beyond which privatization is unlikely to proceed, steady growth can be anticipated.

It is also concluded that the days has come when our prisons will be managed by whoever can handle the task most efficiently and most effectively. The modern correctional era encourages competition, demands accountability, stimulates creativity reward success and creates choices. However, gross failures or system-wide malfeasance could force government to reopen the whole question of the legitimacy and propriety of privatizing prisons. Sometimes the winner will be private sector or public sector. Always the winner will be the public interest. In chapter 7 the classification system of inmate will be discussed.

CHAPTER 7

CLASSIFICATION SYSTEM OF INMATES IN PRIVATE PRISONS

7. INTRODUCTION

The safe custody of inmates is the primary responsibility of the Department of Correctional Services. Safe custody is not normally regarded as a debatable aspect (Fox, 1977:181). Safe custody encompasses a broad range of aspects that embrace much more than the mere removal of the offender from the community. The long term objective of safe custody is basically to establish external control measures for persons who do not remain with the framework of the community's normal control measures.

This phenomenon of control measures is encountered throughout the community, for example, in the family, school, and church, as well as in organised and unorganised recreation. These are better organised in the prison environment, as they concern people whose behaviour necessitates better control in order to prevent either them or the community from being further disadvantaged.

In a penological context the term classification is used to refer to the process by which inmates are systematically divided into groups on the grounds of variables that justify differences in their handling (Duckitt and Du Toit, 1986:1).

According to Flori (1977:15) classification of inmates is the process by which inmates are divided into groups that can be fitted conveniently into existing prisons with the minimum of disruption to those prison, and ideally with the minimum of harm be caused to the inmate because of the particular classification assigned to him.

The classification of inmates is inextricably interwoven with the classification of prisons, and accordingly this chapter examines both topics.

The classification of inmates may involve one or two stages of segregation which is purely mechanical, and classification proper which attempts to respect the interests and personality of the inmate to the extent that this is permitted by available accommodation. The classification and diagnosis of offenders is often lumped together as one process. In practice, diagnosis is the first step in a larger and ongoing classification procedure, but it comes after simple classification. The offenders become involved in their own classification process. In the past, classification was based on the medical model, offenders were assumed to be sick and needed treatment (Jarvis, 1978:134).

The purposes of classification are accomplished by the following aspects:

- * By analyzing the problems presented by the individual through social investigation, medical, psychiatric, psychological examinations, educational and vocational, religious and recreational studies:
- * By deciding in staff conference upon a program of treatment and training based upon these analysis:
- * By assuming that the program decided upon, is placed into operations: and
- * By observing that the progress of the inmate under this program and by changing it when indicated (Sullivan, 1990:62) offenders are individuals and should be handled as individuals.

Rehabilitation of offenders should be so planned that the offender will get along well in society when and if released. (The committee of classification and treatment, 1978:13) classification is supposed to determine precisely what deficits this inmate presents, to formulate a treatment plan concentrating on specialized skills on those deficits, to carry out each treatment so that the given inmate leaves the correctional institution ready for a socially responsible and personally satisfying life (Johnson, 1978:443).

Principles of classification for rehabilitation described new particular classes of discretionary service work so that effectiveness of service is enhanced. Effectiveness has to do with achieving reductions in recidivism and discretionary refers to direct correctional service such as supervision, counselling, training and treatment.

Classification can function effectively only when the necessary staff has been made available and ample authority has been delegated to enable decision-making and taking relevant action (Richmond, 1955:20). Classification is conceptualized as a system or process by which a correctional agency, unit or component determines differential care and handling of offenders. (National Advisory Commission on Criminal Justice Standards and Goals, 1973:175). The assessment process is the first stage of management flow and it is during this stage that residents, (inmates) are exposed to the classification process (Bartollas and Miller, 1978:91).

7.1 AN OVERVIEW OF OFFENDER CLASSIFICATION SYSTEMS IN PUBLIC AND PRIVATE INSTITUTIONS

The first classification system which was implemented from 1910 to 1957 in South African prisons was in essence a disciplinary measure. A more individualised system was implemented on 1 January 1958, namely: the horizontal classification system.

The system was closely related to the consensus model, while in practice it rested on purely subjective principles. A systematic procedure with values and specific cut-off points was therefore absent. The system in fact had dual implications. On the one hand, it provided for the degree of safe custody that was considered necessary in the case of an individual inmate, and on the other hand, it provided for the quantity privileges a prisoner could enjoy. A depth classification system was adopted at the beginning of 1971, in addition to the horizontal classification system. The aim was to establish an approach to the individualised treatment of inmates in South African prisons.

This classification system was a traditional subjective model because information was collected from the subjective judgement of experts and then placed in specific groups (Jonkes, December, 1985:29). In 1984 it was decided that safe custody circumstances should be separated from inmates privileges. In contrast to the provision of the horizontal classification system, it was agreed that it should be possible for inmates in maximum security prisons to enjoy maximum privileges, depending on the facilities available in the particular institution, if they displayed qualities, such as good behaviour, co-operation as well as discipline.

Greater flexibility could be accomplished with this classification. It was moreover accepted that the classification of inmates extended over three basic levels, namely: Safe custody, prognoses and job allocation. Due to the importance of the safe custody function, it was decided to devote attention to the safe custody classification system.

The above discussion discussed the need to identify or diagnose mentally ill offenders in the time to appropriately provide for their supervision within the correctional environment.

In cases where mental illness or mental retardation is suspected, inmates are referred to psychologists or psychiatrists or to a mental health unit for a highly specialized assessment. To understand the need for assessment, we must first appreciate that correctional clients are a highly heterogeneous group, with diverse treatment needs and security considerations. The task of classifying offenders according to risk factors, treatment needs, and other special consideration such as mental and physical health, begins as soon as the inmate begins to serve his sentence. Correctional classification has been greatly aided by systematic assessment and testing procedure (Neser, 1993:259).

Prior to the advent of agency-wide or program-wide classification, correctional classification was primarily a clinical process, in which decision-makers based decisions upon their professional judgement of an inmate's dangerousness, treatment needs, treatment amenability, or likelihood of escaping or absconding.

In contrast, structured tests and procedures for classifying adult and juvenile inmates offer an alternative to his more subjective and open-ended model. A variety of correctional classification systems are available for security, custody, and treatment purposes. The administrative procedures and formats for each system are equally varied, ranging from behavioural checklists which staff complete after a brief period of observation, to semi-structured interviews, to paper-and pencil test complete by the inmate, and to assessment sheets which characterize the inmate's social, demographics and criminal history.

Thus, inmates are classified into subgroup on a typology and each subgroup is relatively homogeneous, whereas the institution or program population was heterogeneous.

With the population now classified into homogeneous subgroups, correctional practitioners have a much needed tool to assist them in predicting future behaviours, identifying needs, and planning treatment.

7.1.1 PURPOSES AND PRINCIPLES OF EFFECTIVE CLASSIFICATION

The systems were designed for a variety of organizational needs, and the purposes met each classification system differs somewhat from system to system. Recent research shows us, however, that careful attention to the principles of affective classification and treatment will allow us to use correctional classification system in a way that greatly increases the effectiveness of our programs.

The risk principle, speaks to a fundamental purpose of corrections: to protect society and to manage safe correctional population. This, of course, is achieved by separating the dangerous from the vulnerable elements of a correctional population or assigning inmates to minimum, medium, or maximum security institutions or supervision levels on the basis of their predicted likelihood of recidivism, escape, or disciplinary infraction (Clear, 1988).

Because few persons will cause more concern for the criminal justice system than the inmate who escapes, the parolee who commits a new offense, or the arrestee who fails to show for trial, we have a clear need to identify high-risk offenders. Thus, correctional classification systems have traditionally addressed correctional goals of security and custody. In more recent years, however, the risk principle has come to have important implications for correctional rehabilitation efforts.

It has been pointed out that intensive correctional treatment programs are more successful with high-risk offenders. The risk principle also notes that low-risk inmates tend to do more poorly as a group on intensive treatment than if they had not been assigned to an intensive correctional intervention.

* The needs principle: in an institution setting we have a moral and an ethical responsibility to meet the basic needs of inmates. In most correctional agencies, we view addressing a broader array of needs to be a routine task of case management. That is, most counsellors or case managers will seek to determine what services an inmate should receive:

- substance abuse counseling:
- job development:
- education:
- family/relationship counseling:
- medical assistance, and others.
- The resposivity principle:the purpose of this principle is to use classification to help allocation resources such as staff, treatment options, and bed space in a rational manner (Neser, 1993:255).

Classification helps us to make decisions in an equitable manner because a classification model essentially applies the same test or classification criteria to all who come through the door. For purpose of correctional treatment and counseling however, the three principles discussed above are the most important. As we review different types of commonly used classification systems, we will revisit these principles frequently in a effort to portray each type of system.

7.1.2 TYPES OF COMMONLY USED CLASSIFICATION SYSTEMS IN PRIVATE PRISONS

The choice of classification system depends upon the purpose for which it is being chosen. Generally, the myriad array of correctional classification system available can be grouped into either:

- risk assessment system which assign offenders to institution or community based correction option on the basis of security criteria:
- needs assessment system which identify offenders according to important treatment needs such as educational, employment, family, mental health and economic:and
- psychological system which assign individual to treatment option or living units on the basis of personality or behavioural criteria.

According to Clear (1988) risk assessment systems are the most popular system for classifying inmates. These systems assign individuals to institutional settings or community based supervision levels on the basis of their predicted likelihood of such behaviours as escaping, absconding, and committing a new offense. The psychological and needs assessment system are designed to supplement the risk assessment systems as a second tier to the classification process.

Thus, once population has been assigned to a given institution or level fo supervision on the basis of security criteria, the psychological system or the needs assessment system is recommended as a means of further classifying the group into such area as living units or treatment groups.

Feeley and Simon (1992) pointed out that a number of social, political, and administrative influences have converged to promote the prolific development and adoption of risk assessment system in institutional and community corrections. Most risk assessment instrument can be completed quickly if the probation officer has a complete pre-sentence report and can briefly interview the probationer. Risk assessment classification system were designed for parole agencies and used for institutional management, and bail decision making. Risk assessment system appear to be more suitable for security and custody needs than they are for treatment needs.

- * Needs assessment used to record staff assessments of the offender's problems as well as the magnitude of those problems. These models were originally developed as a supplement to the risk assessment models, and were administered subsequent to the determination of risk. Institutional needs assessment including needs related to prison adjustment, such as social adjustment, hygiene, use of leisure time, and level of family support or other social supports.
- * Psychological classification system has been used in offender settings. As indicated earlier, development and application of these systems began in juvenile facilities. They are now being developed and studied in setting for adults.

7.2 FUNCTION OF INMATES CLASSIFICATION IN PRIVATE PRISONS

Classification as a treatment function: The extent to which the treatment function is emphasised depends on the objectives and philosophy of a particular institution system. Most private prison systems do make provision for the treatment function.

Most classification systems developed around the phenomenon of treatability. In the application of such a system, it must be decided which inmate needs a particular treatment, what types of treatment programmes should be established and which inmate should be selected to take part in each treatment programme. It is also important to be able to establish whether a particular inmate would benefit from a specific programme or not, in order to ensure that the expensive programme and personnel are used effectively.

Classification as a management function: The management function of inmates classification largely concern the establishment of an orderly, rational and cost-effective prison system. Safe custody play an important role in this, for example, an attempt is made to detain dangerous inmates, as well as those with a high escape, risk, in maximum institutions. Due to cost-effectiveness inmates who do not fall into the previously mentioned categories are detained in the most cost-effective manner. The allocation of accommodation and work to inmates is geared to limiting interpersonal conflict (Neser, 1993:254).

Classification as a planning function: The systematic and accurate classification of inmates has significant value for planning. Future projections on needs regarding the building of institutions, the use of personnel and the establishment of programmes are made possible. Planning based on this can prevent too much money being spend maximum institutions when the need actually lies in less expensive alternative.

7.2.1 REQUIREMENTS FOR A GOOD CLASSIFICATION SYSTEM

- It should be so comprehensive:
- It must be clearly define so that everybody can be placed in a particular category with the minimum of doubt.

The system should be so dependable that different adjudicators would come to the same conclusion regarding a given individual.

The system should be valid, so that an individual does possess the qualities ascribed to the particular category under which he is classified.

The system should be dynamic so that changes that occur in the individual, for example, improvement due to correctional treatment, can be reflected in a reclassifications.

Each classification action should lead to clear treatment implications.

It should be economical so that a large number of inmates can be classified with the minimum of expenditure and personnel (Megargee, 1977:108).

A classification system should be understandable so that the rationales are obvious and understood by all inmates and personnel.

The system should be seen to be reasonable impartial and fair by both inmates and members.

7.3 SUBJECTIVE CLASSIFICATION SYSTEM IN PRIVATE PRISONS

Subjective classification system originated mainly because of the rise in popularity of the treatment ideal in institutions. Because of the predominant treatment objective, decision-making mainly rests on the subjective expertise and clinical views of vocational personnel. This system usually manifests itself in a prisoner being admitted to an observation centre where he can be exposed to a variety of social, psychological and medical tests, as well as extensive social investigation.

In this way, an attempt is made to determine the cause of his criminality, with the aim of compiling a specific treatment programme. The first mechanical step in classification occurs immediately upon reception-the inmate's sex determines whether he will be held in a prison for male or females. The second mechanical step is to determine whether the inmate has or has not been sentenced to imprisonment. If the inmate has been sentenced to undergo a short term of imprisonment he is immediately booked into a prison reserved for short term inmates, usually the most run down hardware in the prison system with the least amenities. After the completion of this initial observation process an inmate is transferred to a specific institution. At this institution, accommodation, work and treatment programmes are allocated by a committee consisting of mainly of personnel with a safe custody background.

Subjective classification have also some short-comings, namely:

- Subjective classification system are expensive and often rest upon an unnecessary amount of data.

- Despite the large amount of information that is collected, the eventual decision on the classification category of a specific inmate rests exclusively on the experience, judgement and prejudice of the classification personnel.
- Subjective classification system tend to lead to inconsistent, arbitrary and unfair decision. With the same data at their disposal different classification committees will reach different decision in respect of the same inmate. Classification personnel also differ over which factors are important. Consequently, inmates cannot be given clear and reasonable explanations with regard to decision taken concerning them (Neser,1993:255-257).

7.4 OBJECTIVE CLASSIFICATION SYSTEM IN PRIVATE PRISONS

Objective classification system are based on a set of fixed and clearly defined factors to which standardised values are allocated. The systems therefore have an inherently fair and consistent base. Objective classification systems can be divided into three main groups, namely:

- Actuarial models: These are characterised by the application of statistical tables for formulae on the data regarding individuals, in order to predict future behaviour. Actuarial techniques are employed for the particular aim of predicting parole results and the risk of future criminal behaviour. Any set of variables that can be regarded as reasonably valid for the purpose, can be employed to construct an actuarial model. Examples of these variables are psychological test results and life histories. Despite the high level of validity of these systems, a problem is experience in predicting behaviour that occurs infrequently, such as violence or escape.

Even the best of these systems will, in such cases tend towards over-prediction. Nevertheless, much more accurate predictions are obtained in this way than by means of subjective system.

- Consensus models: These models make consistent, reasonable and fair decision-making possible. They use criteria or factors which authorities agree are in fact predictors of the particular categories of classification. The contribution of each factor is given value, which is determined by statistical methods. Once the values of all the variables have been considered the best cut-off point is determined. However, there is still doubt as to the value of the system as a predictor of risk and its validity must still be practically proven.
- Typological models: These are not based on specific criteria, but more general. Individuals are placed in categories on the basis of corresponding profiles or a corresponding group of variables. In terms of the typological model, prisons are classified on grounds of the reconcilability of their interpersonal needs (Neser, 1993: 255-256).

In this way, interpersonal conflict is prevented. However the models are reasonably complex and, because they have little value for predictions regarding institutional behaviour or behaviour after release from prison, they have not received much attention until now.

These decisions are therefore regarded as arbitrary, unfair and inconsistent and lead to dissatisfaction and frustration among inmates. This defeats the whole aim of the classification system, namely affective treatment.

Research has raised doubts about the validity of subjective classification. However, because the criteria for decision-making are so vague and variable, scientific testing is relatively and difficult. The greatest drawback of a subjective classification system in private prison has tendency to over-classify. This results in over-utilisation of expensive maximum security custody facilities with more inmates being allocated to maximum institution than is necessary. Because maximum institutions are expensive, this has serious economic implications. This state of affairs probably results from a protective attitude of the classification personnel who attempt to guard themselves against unnecessary criticism.

7.4.1 ADVANTAGES OF OBJECTIVE CLASSIFICATION IN PRIVATE INSTITUTIONS

Objective classification systems provide consistent and reliable results. Decisions are generally experienced as fair and the incidence of dissatisfaction among inmates is reduced accordingly. Classification usually takes place by means of a short and simple weighted questionnaire, which any member can complete by using information that is available in legal documentation. It is therefore also inexpensive.

These types of systems are cost effective. In practice it was found that less than 10% of sentenced inmates were classified for custody in maximum security conditions, while in the case of traditional systems it was between 40% and 50%. This means that less expensive facilities are necessary. The value of prediction and validity, especially in the actuarial models, is much higher than in the case of the traditional system.

7.4.2

DISADVANTAGES OF OBJECTIVE CLASSIFICATION SYSTEM IN PRIVATE PRISONS

Objective classification sometimes elicits a degree of resistance from personnel because it reduces discretion and decision-making power. However, this can be over come by training and orienting the members.

Full and accurate data is relied on. Incomplete or incorrect data can give rise to incorrect classification.

Because of the mathematical basis of this system, the human factor is raised when making calculations. Even slight errors of calculation can lead to incorrect classification.

The determination of a specific cut-off point that distinguishes the various custodial categories, involves a pure policy decision based on practical considerations. If the cut-off point between maximum and medium custody is too high, it leads to a great number of false negatives (Neser,1993:257-258).

7.5

THE SAFE CUSTODY CLASSIFICATION IN PRIVATE PRISONS

From research that was done into the variables that play role in the safe custody classification of an inmate, it was pointed out that the present crime, the effective sentence and the previous criminal record were regarded as the prime variables. The was consensus that the effective sentence was the biggest single predictor of the degree of safe custody to which inmate should be subjected.

The longer the effective sentence, the higher the initial degree of safe custody ought to be.

Present crimes were regarded as the second most important determinant of the degree of safe custody. On the grounds of the research, crimes were placed in the following sequence of priority:

- * murder:
- * culpable homicide:
- * armed robbery:
- * robbery:
- * escape:
- * serious assault:
- * rape:
- * assault:
- * other aggressive crimes:
- * other sexual crimes:
- * crimes where dishonesty is an element:
- * illegal financial or economic transactions or actions:
- * drunken driving: and
- * other crimes.

Insofar as previous criminal history is concerned, the following factors contribute significantly to predicting the degree of safe custody:

- * the number of sentences of less than two years imprisonment, including fines:
- * the number of sentences of two years imprisonment and long:
- * the number of previous convictions for violence:
- * the use of a dangerous weapon with the latest offence.

Standard values are awarded to all the above variables and a standard form was designed for this purpose. The values are added up and the total is counterbalanced against the fixed cut-off point of 420. If the count is 420 or higher, it indicates maximum safe custody circumstances and a lower count indicates medium safe custody circumstances. This classification takes place as soon as possible after inmate with a sentence of two years or longer is admitted to the prison. A suitable prison in which the prisoner is to serve his sentence is determined by means of this classification. The transfer to the detention centre must place as soon as possible.

At the detention centre the initial classification is reviewed by the institution committee and if they are in agreement with it, it is approved. Should the institution committee not agree with the classification, a motivated alternative recommendation is submitted to the head of the prison for a decision.

As a prisoner's custody risk increases or decreases, the institution committee can reconsider his safe custody. Classification factors taken into account for this include the following:

- remaining portion of the sentence
- participation in gang activities
- escape risk
- danger risk:and
- general adjustment in the prison

Reclassification may result in a prisoner being transferred to another prison. A prisoner is interviewed at least twice a year by the institutional committee (Neser,1993:263).

7.6

INSTITUTIONAL COMMITTEE IN PRIVATE PRISONS

Correctional Services Order B.11(2) (b) (ee) authorises the Commander to appoint the chairman and vice-chairman of the institutional committee. Specialized personnel, that is, social workers, psychologists, educationists and religious workers, should attend the institutional committee in an advisory capacity. Most correctional institutions have a committee whose function is the classification of inmates.

Usually inmate classifications are related to a program based on assumptions about why the inmate is in the institution and the ability of the institution to change his behaviour. The client receives services through a delivery system that contains the following ordered components: intake, assessment, services and outcomes.

The client's entry into the service delivery system begins with intake procedure. Here, administrative decisions are made regarding the client's eligibility for services based on predetermined criteria.

Once eligibility is determined, the client moves to the assessment component. Once engaged in assessment, the client enters the first subsystem, formulating the goal(s) of assessment. Orientation on the assessment system is undertaken here to facilitate maximum client participation. Where feasible, the responsibility of being the decision-maker is placed on the client (Rubin, et al, 1979:49). The professional and administrative personnel are involved in program planning (Tappan, 1951:93).

This is the case in the U.S.A and everywhere. The size and composition of classification committee should be determined by the availability of personnel best qualified to assume responsibility for its primary function (Richmond, 1965:20). The classification committee is composed of professional and administrative personnel to work together in determining inmate needs and at the same time it allows each group to gain some understanding of the problems the other faces (Inciardi, 1987:553).

The institutional classification committee studies the individual case records and collectively makes judgements as to the disposition of inmates in the institution.

Professional personnel on the classification committee help to develop the diagnostic evaluation and have a direct responsibility for translating his material into recommendations for inmates programs (National Advisory Commission on Criminal Justice Standards and Goals, 1973:197). The classification committee is usually a key element in the assessment process (Bartollas and Miller, 1978:192). A creative classification approach tries to involve offenders in setting their treatment goals.

To be most effective, the goals must consider both the period of confinement and the period immediately after release (Jarvis, 1978:135). A comprehensive classification system must take into account many aspects of the offender and his situation. The nature of the offence, the individual's age, sex, educational and ability level, medical condition, family and community resources and responsibilities and past criminal record should all be considered.

An important element in any classification system is the personality and behaviour pattern of the individual offender (Mergagee and Bohn, 1979:22). Classification also provides a basis for more adequate custodial supervision and control. Classification results in better discipline (Tappan, 1951:102).

All offenders sentenced to 2 years and longer, are sent directly to an observation centre. This is applicable to all offenders, that is non-gang members and gang members. During the observation period a complete psycho-diagnostic and case analysis is made of every individual offender.

The latter includes obtaining a complete social background history, conducting and analyzing personality, intelligence and aptitude tests, as well as the clinical evaluation of the personal, social, educational and religious background of the offender.

The purpose of the observation process, which normally lasts six to eight weeks, is to try and determine as far as possible in every case, the reasons for the individual's case on the basis thereof, help to determine a suitable treatment program for the individual. All the members of the therapeutic team, that is, clinical, psychologists, social workers, educationists and spiritual workers are, to a greater or lesser extent, involved in this process. At the end of the observation period, all the members of the therapeutic team, together with members of the prison board, meet to form an allocation committee.

Each case is discussed individually and a program of treatment is determined with the co-operation of the prisoner depending on the particular needs of the individual, the treatment generally constitutes educational and vocational training, social and spiritual care and, if necessary, also a psychological treatment (Midgley, et al, 1973:253). The majority of long-term prisoners, that is, those serving over 4 years and generally conducive to inmate training and treatment. These provisions range from maximum, medium and minimum security (The Prison Journal, Vol, LXXX, No.1:1990:121).

Caseworkers who are assigned to admit diagnostic classification centres co-ordinate and direct several important intake services. They prepare the initial social case study, or what could be called a pastoral investigation report. This study, along with other relevant information, is used by the classification team in such decision as custody, grade and program assignment.

The caseworkers often co-ordinate the activities of other staff members, psychologists, interviewers, educational and training specialists and psychiatrists are few of the staff members whose specialities help to make up the final diagnostic case study (Hatcher, 1978:30).

Allocation categories are classified by sex, nationality, penalty, age, and kinds and terms of sentence. The most important factor in allocation is the degree of criminal tendency, and this is specified by frequency of imprisonment, degree of association with organized gangs, mode of committing an offence and social attitudes. All prisoners are classified as those with less advanced criminality (Class A) or those with advanced criminality (Class B).

In order to achieve the objectives of effective treatment programs for prisoners, each prison is instructed to detain prisoners in specified categories and to meet standards for institutional treatment programs. Effective correctional treatment will be achieved by the sophisticated use of the classification categories of allocation and treatment.

CLASSIFICATION BY THE INSTITUTIONAL COMMITTEE

Prisoners are classified on the basis of age, physical and mental health, length of sentence, degree of criminality and character (Datir, 1978:197). The main purpose of security classification is to manage and control offenders. Security classification has been based on such factors as the nature of offender's crimes, social case histories and the actual number of offenders in correctional units (Jarvis, 1978:139).

"Op grond van die gevangene se misdadige verlede behoort die Komitee in staat te wees om te besluit of hy aan 'n minimum, medium of maksimum veiligheidsinrigting toegewys moet word" (Steyn, 1958:83 en SA Gevangenis verslag 1 Julie 1989 tot 30 Junie, 1990:15).

Maximum security prisons hold the most aggressive and incorrigible offenders (Inciardi, 1987:542). The inmates placed in medium security institutions are those who are considered less dangerous and escape-prone than those in the more security oriented institutions. Correctional institutions of minimum security design operate without armed guards, without walls and sometimes even without perimeter fences (Inciardi, 1987:544).

RECLASSIFICATION

Reclassification meetings are held at regular intervals and whenever a major change in an inmate's program is effected. Such reviews of all individual's case help insure continuity in the treatment program and expedite necessary program revisions to meet the needs of the inmate (Hatcher, 1978:29).

Classification for the purpose of exposing the offender to needed programs and services should be geared to adjustment progress, changing requirements for supervision and control and other circumstances within the framework of established treatment goal. Treatment goals themselves, are subjected to change (Richmond, 1965:22-23).

It is imperative that, if classification is to be effective, it must change as the needs of the individual change (Reid, 1981:240). Classification implies not only a thorough analysis of the individual and the factors in his background and environment, which influenced his personal development, but also a procedure by which his information can be utilized as the basis for a well-rounded, integrated program for him, working toward his improvement as a social being. Classification includes not only diagnosis, but all the machinery by which a program fitted to and offender's needs is developed, placed in operation and modified as conditions require.

Reclassification guarantees that these will be neither forgotten men in prison nor dead end placements. Goals are established and attained. The inmate is provided an incentive to make progress, knowing that his efforts are officially recognised. This will be brought to the attention of the institutional committee and that consideration will be given to changes in his program so that the offender may gain the most from his period of confinement (Barnes and Teeters, 1959:469-470).

The process of discovering the exact disease from which an individual is suffering, is called diagnosis. Diagnosis is however, not the only prerequisite to treatment. Having discovered the nature of the disease, one must know what caused it (Wines, 1975:266). The case of every prisoner is placed before the classification committee at least once in six months for review of progress (Datir, 1978:198).

" Ten gevolge van die feit dat die menslike persoonlikheid en gedrag gedurig aan verandering onderhewig is, is dit noodsaaklik dat voorsiening vir die wysiging van behandelingsprogram gemaak sal word ten einde by die behoefte van die individu te kan aanpas" (Steyn, 1958:86).

The institutional ideal towards which the conception of individual treatment points is a system of specialized prisons forgiving appropriate care to each definable class of law-breakers. Separate provisions ought to be made for every group that requires a particular kind of treatment (Wines, 1975:326).

7.9

SUMMARY

It has become clear from the foregoing exposition that the newly admitted inmates are taught about rights, privileges, amenities and obligations. All inmates admitted in the institution, are assessed by the institutional members before they are referred to the allocation committee. The social workers, psychologists, educationalists, and religious worker are responsible for the assessment of the newly admitted inmates.

The allocation committee consists of a chairman, secretary, institutional members and the specialized institutional members. The allocation committee determines differential care and handling of the inmates. The function of the institutional committee is the classification of the inmates. The institutional committee takes into consideration the length of the sentence of the inmates, his present crime, age and his previous offence and sentence before the offender is classified.

Classification means a method of assigning certain types of inmates to different forms of custody and treatment. The aim of horizontal treatment is to provide for the primary needs of the offenders such as nutritious food decent clothing and medical services. A prisoner can be classified into one of the following categories, namely: A,B,C or D group. Certain rules must be adhered to with regard to the conditions of promotion and retardation and the main characteristics of each stage.

Such general standards put before the prisoner certain well-defined forms of behaviour as targets at which the inmate must aim and for which an inmate can hope for. Certain minimum periods or portions of the sentence must have expired before promotion can be considered. The institutional members are responsible for the security and safety of the prisoners in the institutions.

The aim of vertical treatment is to establish an approach to the individualized treatment of prisoners. In order to justify the depth training of inmates to its fullest extent, a division called specialized treatment services was established which includes social workers, psychologists, educationists and spiritual workers.

The classification must be reviewed and adjusted to fit changing patterns and needs of the offenders. Reclassification meetings are held at regular intervals and whenever a major change in an inmate's program appears indicated. Such views of an individual's case help to insure continuity in the treatment program and expedite necessary program revisions to meet the needs of the inmate.

It is imperative that, if classification is to be affective, it must change as the needs of the individual change. It has become clear from the foregoing discussion that the community expects that the inmate in the institution should be rehabilitated by the institution and in order that the institution can fulfil its role, certain models of approach and control measures are to be applied to the prisoners.

These models of approach to institutional treatment include, classical models of approach, models of behaviour modification through influence, models based on the interest of the individual and the community and the control measures.

The pure punishment model is used to keep offenders from repeating their disciplinary offences and to deter others from committing disciplinary offences. According to the monastic model, solitary confinement gives the offender an opportunity to think about his sins in order to repent. The work-ethos model stresses that idle hands are the devil's workshop, is but one of many proverbs that portray hard work as the way to success.

Closely related to the employment elements, vocational training is in some cases, an entry to a job providing skill development. The basic purpose of vocational training is to prepare inmates for job in the community.

Models of behaviour modification through influencing consist of the compliance model, the correctional identification model and the correctional internalisation model. A motivated offender to avoid punishment or gain rewards which results in change is based on the motivation to the process of compliance, which is designed to gain a specific social effect. In the correctional identification model, the emphasis is on helping the offender to understand himself more fully and to develop more mature social relations. This can only be achieved through treatment in the institution.

The primary instrument to change in identification strategies is the relationship of the staff to the offender. Under the identification strategy, punishment is also frequent, but it is masked by differences in presentation and by delays between the undesirable and the sanction.

Typically the institutional member may talk over a behavioural mistakes with the inmate, who, if his explanation is satisfactory, will probably receive another chance. In the correctional internalisation model, punishment is perceived as the negative consequence of ineffective behaviour, more attention is devoted to how to make behaviour more effective in future.

The restrain model carries the idea of holding in check, controlling and curbing. The reform model is based on behaviour change or on behaviour moulding. It is also clear that the treatment function depends on the objectives and philosophy of a particular prison system.

The management functions of inmate classification largely concern the establishment of an orderly, rational and cost-effective prison system. It is also clear that the systematic and accurate classification of inmates has significant value for planning.

It is clear from the above discussion that good classification system should be comprehensive, clearly defined, dependable, valid, dynamic, and should also be economical, understandable, reasonable, impartial, fair and understand lead to clear treatment implication. The subjective and objective classification have been discussed as well as advantage and disadvantages of subjective and objective.

It is clear that rehabilitation of the inmates and the protection of public go hand in hand. If the rehabilitation is achieved, then the public is protected. The reintegration model assumes that the society has a responsibility, for helping inmates to reintegrate themselves back into community life.

The inmates in the institution they are not left on their own, but they are controlled by the member of the correctional services. Much of the success of the members of correctional services depends on the manner used to convey orders or instruction to inmates.

In the control of inmates, members of correctional services seek to influence inmates through their own example and leadership, and to enlist their willing to co-operation.

Chapter 8 examines personnel management in public and private institution.

Chapter 8

PERSONNEL MANAGEMENT IN PUBLIC AND PRIVATE PRISONS

8. INTRODUCTION

Personnel management is a group of activities that influence the effectiveness of people as a resource. Marx (1978) describes human resources management in terms of optimising the effectiveness of personnel members, improving work achievements and increasing productivity. Managing personnel includes the basic functions of management, namely planning, organisation, control and guidance of subordinates. Personnel management includes the functions to be executed to make personnel available for optimal use to achieve the organisation's objectives and aspirations as set out in the mission statement.

Personnel planning is describes as an aspiration to have the correct number of personnel members and the correct type of personnel in the correct place at the correct time, who are busy with those things that have long term advantages for the organisation as well as the individual. The personnel plan of Department of Correctional Services therefore outlines the short, medium, and long term personnel needs as deduced from the departmental mission statement after considering the post requirement and available personnel.

The personnel plan is a structure that offers every section the opportunity to identify manpower surpluses or shortages in a section, complex, vocational group or management group in good time. The personnel plan then offers managers the opportunity to deal with this surplus or shortage. Personnel management help link the long term purpose, goals and objectives of the personnel function department or plans with organizational plans (Neser, 1993:161-162).

It also examine what people are presently doing in their jobs in the organization and what kind of people are doing the work at present analyze the personnel department and/or practices in the organization to identify present strengths and weaknesses.

Identify future trends, the likely impact of those trends, and the desired impact of those trends. Personnel management estimate number of people and jobs needed by an organization to achieve its objectives and realize its plans. Compare present and future jobs, people and human resource department practice areas. Implement his grand strategy, a long term direction for all personnel efforts in the organization. Monitor whether HR grand strategy will work, is working, and has worked. Personnel management is concerned with the development and application of the Policies namely:

Human resources planning, recruitment, selection, placement and termination of services, education, training and career development, conditions of service and remuneration standards, formal and informal communication and consultation by the representatives of employers and employees at all levels of the organization. Negotiations and the application of agreements regarding wages and working conditions(Neser,1993:168).

The rationate for personnel placement is as follows:

- Restricted development: Personnel who have outgrown the post must be transferred or replaced so that they can develop further. Personnel who cannot cope and whose work load cannot be lightened by means of work simplification, should also be transferred to a simple post, where they can provide the highest possible productivity. The transfer of personnel for the development of the individual should therefore be aimed at the broadening of the individual's abilities, skills and knowledge and must be regarded as a suitable method of development.

- Critical posts: Post of Area Managers, heads of prisons, directors, deputy-directors and other semi-specialised posts at headquarters are regarded as critical and are filled as soon as possible after being vacated.
- Lack of interest: People are dynamic and change continuously as they are influenced by their environment.

A member of personnel's interests can therefore change to such an extent that it become necessary to replace him. He should be placed in a position in which he shows interest and this move will be beneficial to both him and the organization. Before a person is replaced aspects such as enrichment or work broadening should also be considered (Neser, 1993:116).

- Security and health: Members of personnel who are threatened by external environmental factors, for example, medical factors, riots or threats can be transferred to posts or places where their health may improve or where their lives would not be threatened.

Procedures for the prevention and avoidance of disputes. Personnel management is concerned with the human and social implications of internal changes in the activities of organizations, as well as the social and economic implications of change within the community of the organization. Personnel management is practical, useful and instrumental policy. It is both reactive and diagnostic in nature. Thus, for example, it reacts to changes in labour legislation, labour market conditions, trade union actions and environmental influences. Personnel management has short-term perspectives and attempts to integrate all human aspects of the organization into a coherent whole, thus encouraging individual employees to have an attitude to strive for high performance.

In this chapter the traditional contemporary prison management, the characteristics of both institutions, principles of the bureaucracy, as well as the implication of bureaucracy, new management trends, personnel management, recruitment, personnel provision, function and basic training of personnel, selection, placement of personnel, service benefit and conditions as well as personnel discipline will be thoroughly discussed (Neser,1993:166).

8.1 TRADITIONAL AND CONTEMPORARY PRISON MANAGEMENT

According to Bartollas and Miller (1978:51) prison officials have over the past 75 years developed a traditional management style which is founded on the principles of militarism and classical bureaucracy. Supporters of this traditional management approach believe that the establishment of rules, procedures and policy ensures the attainment of the objective of the organization and serves as a basic whereby managers control their subordinates and inmates.

New perspectives and finding of researchers have proved that salary increases do necessarily result in increased productivity and that it is also necessary to satisfy employees second needs, for example, recognition for good work. It is pointed out that productivity is not only ensured by downward communication from management to the subordinates, but the chances for upward communication must also be created.

An institution can strive for conflict objectives where a healthy balance is maintained between these objectives, and an institution can be managed successfully in different ways and that a single ideal management approach does not exist, as well as the fact that short comings do exist in the traditional management approach. According to Duffee (1980:11) the field of organization development demands on correctional services managers have increased.

The change in prisons during the past 150 years has seldom been initiated by prison authorities, and has come about mainly as a result of new approaches to punishment from outside the prison environment. It is pointed out that the implementation of new objectives and methods were disorganised and without any plan for evaluating between process and outcome. The main objective of change was merely to satisfy the various external pressure groups. The various new school of thought and increasingly pressure for change since the 1960's, increased the involvement of prison managers in change.

In this way a new era was entered where tradition prison management had to make way for new management approaches. In recent years, prisons have experienced renewed interest in inmate labor. This shift resulted partially from the questioning of the validity of the medical model of rehabilitation. If offenders were no longer considered "abnormal" and in need of psychological treatment, then they possibly could benefit from work experience.

Furthermore, increasing incarceration rates sent prison officials searching for ways and means to reduce costs and keep inmates busy. And, finally, renewed interest in the prison labor among the private sector has led to many new joint ventures. These changes have created the chances for prison leaders to be more entrepreneurial in their approach to prison labor. To be entrepreneurial in this case means to be more aggressive and competitive in developing prison industries. It means modeling the business like practice of free enterprise—developing new products, pursuing new markets, and working more efficiently.

A manager should recognize that the move to be more entrepreneurial will compete with traditional practices of running as efficient and safe prison. Movement of prisoners within the institution, access to the tools and materials to produce weapons, and congregations of large groups of inmates in industrial areas, threaten institution security.

The conversion of an inmates status from prison to worker violates the traditional principle of prison administration that says that all inmates should be treated the same. This is because the essence of private sector call for differential reward-pay and other non-wage incentives-to promote productivity. Control movement, courts, look down the limit of productivity.

Industry demands more productive inmates, but security needs the most recalcitrant to be occupied. A prison leader who becomes more entrepreneurial also risks external resistance, political and legal. Free-world entrepreneurs, especially small business owners, and labor unions will resist prison industries, regarding them as unfair competition. They will lobby legislators to restrict prison industries and may bring civil lawsuits against the state, the system, and the institution. In moving towards business-like operations, prison administrators will want to consider employing manage an entrepreneurial enterprise.

They may wish to consider other corporate business practices: up-to-date accounting methods an 8-hour workday, shop-level hiring and firing authority, productivity standards, and an employee incentive system. Many state have found private partnerships to be an effective way to bring together the institutions labor with modern industrial practices and needs. A sound staff development program will ensure awareness of good security practice. Cross-training of security officers and industry supervisors is critical to an understanding of the demands of both functions. Clearly written, current, and often reviewed policy and procedures regarding proper security operations provide the fundamental basis for safe and secure industries.

Constant monitoring is essential to assure that staff do not short-cut or compromise practices. Drugs, money, weapons and messages flow in and out of prisons through industry shipments.

To be successful, the prison administrators must understand the requirement for running a business operation as well as be able to negotiate difficult political situation within and outside the organization.

8.2 THE CHARACTERISTICS OF BOTH PUBLIC AND PRIVATE PRISON MANAGEMENT

As a result of the unique functions and objectives of prison institutions, prison management differs in many ways from the management of other institution. The first difference is that public institutions do not have a profit motive as objective, but rather the protection of the community by the safe custody, treatment, correction and eventually the successful re-integration of the inmate into society after realease. The raw material of prison institution people whereas private institution have both objectives (Seller,1993:70).

Institutions working with people, such as prisons, require a different kind of process of decision-making to those institutions that do not work with people. The difference between the prison and other institutions is the division of authority. It is pointed out that all authority within correctional institution rests with personnel and that the cooperation and compliancy of inmates is forced. This monopoly of authority by prison personnel is labelled as exaggerated. During the 1970's many views were heard against forced authority and one sided decision-making in prisons.

It is pointed out that national advisory commission on criminal justice standards and goals, rejected one-sided authority and proposed a management strategy for correctional institutions which was founded on negotiation, settlement and division of authority with inmate. According to Sykes (1971:40-62) this supports the view point and regards it as the best option which can make co-operation between personnel and inmates. This state of affairs gave rise to the general principle that participative management is not applicable to institutions.

Even if it is accepted that inmates should be involved in the decision-making process, their contribution will be limited to decisions which will not increase the security risk of the prison. It is also pointed out that the contribution by inmates will therefore have to be evaluated by personnel so that problem area can be identified and eliminated. The final difference in the management of prison and other institutions is found in the distribution of management responsibilities to personnel. Management responsibilities at most other institutions are limited at most other institutions are limited mainly to a selected management corps.

According to Duffee (1980:20), all correctional services personnel have a significant responsibility concerning the management of inmates. As opposed to institutions where workers are entrusted with handling objects or products, and their management responsibilities are limited to a minimum, the control that correctional officials must exercise over inmates makes high management demands on them.

8.3 TRADITIONAL PRISON MANAGEMENT BOTH IN PRIVATE AND PUBLIC PRISONS

Bureaucracy is a characteristic of traditional prison management. It signifies the division between the legal authority and power of the managers and the use thereof to achieve objectives. This implies that managers are empowered with legal sanction to enforce productivity and attainment of objectives by subordinates, even by means of punishment. The division of authority takes place according to need, from the highest to the lowest level in the institution. Functionaries are compelled to carry out their tasks within the limits of their allocated powers.

It is pointed out that there is no room for personal initiative and creativity as the activities surrounding each task are described in details and functionaries may only follow the prescribed steps to fulfil the task. Weber (1958:230) believed that a prescribed work procedure ensures that crises will not arise in the work situation as personnel know exactly what is required of them.

8.4 PRINCIPLES OF THE BUREAUCRATIC MANAGEMENT MODEL

Each legal authority of the organization have the legal authority to determine areas of responsibility with which personnel fulfill their duties in accordance with their authority. Delegation of authority must be divided according to the hierarchical structure of the organization so that control can be exercised from the highest to the lowest levels of functioning. The management of subordinates must take place by means of written instructions and warnings.

Through training by experts is a prerequisite for efficient management. Management is a full-time job and must be executed by persons who can devote themselves fully to it, and organization must be managed by the enforcement of established rules and all recruits must be compelled to study them.

Related tasks are grouped together to promote special section and to accomplish greater efficiency. Delegation of authority—each member of the institution must have sufficient authority to execute tasks properly.

Discipline:prescribed rules and regulations are essential for consistent discipline. These rules and regulations must be available to all in the institution. Unity of command:A subordinate must be responsible to one supervisor for the task delegated to him. Accordingly, each one will know exactly to whom he reports and what to do.

Span of control:Each supervisor controls a limited number of subordinates. The number of personnel must not exceed the number the supervisor can effectively control and accountable for. Levels of supervision:An institution that is production-orientated has fewer levels of supervision than an institution where management plays an important role. There are also more levels of supervision in an institution where rank structure occur. It is also pointed out that the activities of the personnel must be entirely directed towards the pursuit of the objectives of the institution.

In order for an institution to be run effectively, the individual interests of personnel must never be placed higher than the interests of the institution. Workers must receive sufficient remuneration and compensation for their services.

It is pointed out that decisions that affect the policy of the institution must be taken from a central point of authority, and conveyed from there through standardised channels of communication to decentralised components. Order must be maintained in respect of procedures, actions and the appearance of personnel. All the members of the institution must have equal benefits and be treated alike.

Personnel provision, training and utilisation: To run an institution effectively it is essential that sufficient personnel be recruited. Personnel should also be given the necessary training and be placed in position where their skills can be used to the full. It is pointed out that management must motivate workers to use their own initiative within the rules. In this way co-operation is achieved and the self-image of workers is developed. The success of any institution depends on the team spirit that exists among workers.

8.5 BUREAUCRACY IN PUBLIC AND PRIVATE PRISONS

The private prison is seen as a punishment-orientated bureaucracy. This is because control is exercised according to bureaucratic principles to create an environment where coercive dominates, inmates are degraded and regarded with contempt and it is the conviction that punishment should be imposed liberally to deter, prevent and control crime. It is pointed out that the correctional facility is an example of a coercive organization, power and force must be used to guarantee compliance (Logan, 1993:41).

The principle of bureaucracy comes strongly to the fore in the attainment of objectives, which within the prison set-up, are enforced by means of compliance to prescriptions.

The maintenance of safety and control are regarded as the most important objectives with retribution serving as the basis for the administration of punishment. To ensure that these missions are obtained, personnel and inmates are forced to act according to the prescriptions established in respect of each situation that might arise in the institution. No room is left for familiarity between personnel and inmates, and personnel are expected to act firmly when inmates transgress. The punishment imposed on inmates for their offence is prescribed fully.

Punishment is imposed for transgressing the rules, as these offences are regarded as a threat to the attainment of the objectives. It is pointed out that this bureaucratic management approach ensures control and permits fewer personnel to be employed in the guarding of large groups of inmates. According to Burns (1975:339) the organizational structures in prisons have a strong military character and that level of rank such as major, captain, lieutenant and sergeant are often encountered. This state of affair in turn increases the bureaucratic authority of personnel at the various level of management.

On the lowest level of the authority hierarchy, discretion is limited to the minimum while powers are set out in the prescriptions. On this level, personnel are subjugated to strict discipline and the way in which they must perform their task is described in minute details. Besides this, their decision-making authority is limited out that because of the bureaucratic tendency in prison, the habits develop of consulting superiors when decision need to be taken.

The flow of work is also controlled by the supervisors from the highest to the lowest levels. Information is given to subordinates and only relevant feedback is expected.

Henning (1976:257-267) differentiates three types of managers found in the bureaucratic environment of the prison set-up, namely bureaucrats, idiosyncrats and technocrats. Bureaucratic managers believe in the principles of classical bureaucracy and have a militaristic management style. Their relationship with subordinates is impersonal while recognition is given only to functionaries on higher levels.

Punishment is exercised regularly. Therapy and rehabilitation programmes are prescribed and not for the benefit of inmates. This implies that programmes are forced on inmates. Idiosyncratic managers give preference to work areas with which they are familiar and even bend the rules to achieve their objectives. The official channels are obviated as there is direct negotiation with functionaries who must perform the task or who must make the decision, while only making decision themselves that affect their own fields of interest. The problems broadly affecting the institution are ignored so that subordinates become frustrated because as indecision related to work areas for which they are responsible.

Technocratic managers are regarded as all knowing experts as a result of their broad knowledge of the activities of the institution. Their knowledge put them in a position to give direction in nearly all situation and this way they succeed in enforcing the respect of their subordinates. In this way they build up a position of power that often manifests itself in one-man supremacy. Subordinates of this type of manager often develop a feeling of incompetence and unwillingness to make decisions by themselves.

8.6 THE IMPLICATION OF BUREAUCRACY

Bureaucracy within the prison gives rise to stigmatism, inhumane action towards inmates and malpractices between inmates and personnel. It is also detrimental effect on the attitude and performance of personnel.

According to Goffman (1961:45-48) all new inmates should be introduced to prison procedures as soon as possible after admission. This introduction, which is none other than a process of humiliation, involves the inmates being deprived of all his possessions, having his hair cut, being provided with prison clothes and having his attention drawn to the fact that he is only another number in the prison. As the application of bureaucratic principles requires that birds of a feather be dealt within the same way, the individuality of the inmates is disregarded.

The process of prison stigmatism is further entrenched by the physical isolation from the outside world in which the inmate find himself. Influence by fellow inmates and the routine to which he is subjected all assist the new inmates to identify quickly with the customs and practices within the prison set-up. Because of stigmatism and experience in prison, many inmates lose hope that they will ever be accepted as fully-fledged citizens by the community after release.

When one considers the relatively low escape figure of inmates it is clear that the application of bureaucratic principles definitely contributes to the safe custody of inmates. It is pointed out that bureaucratic approach destroys inmates entirely, and offers them nothing on which a successful existence can be build after release.

During imprisonment the principle of autonomy is not acknowledged as the inmate is deprived of all decision-making powers, his activities are determined for him and his conduct is organised by means of prescriptions. After release the ex-prisoner undergoes adjustment problems, as he has developed an inability during imprisonment to accept responsibility for himself and his fellow inmates.

Brutality towards inmates often develops from the way personnel are expected to act towards inmates, namely to regard them as objects without right, who can even physically be forced to follow the rules.

Personnel realise, however, that the co-operation of most of the inmates who outnumber them by far, is not obtained by the enforcement of rules, and additional privileges are granted to certain inmates in an effort to maintain order. Personnel build up a relationship with certain inmates and help them in obtaining the knowledge which the favours will be repaid in full.

It is pointed out that there can be no opportunity for total co-operation between inmates and personnel. The distrust and division that exists between the two groups is reflected in their perceptions of one another. Staff often see inmates as bitter, secretive and untrustworthy, while inmates often see personnel as condescending, high handed and mean. Because of the supervision required to ensure that personnel attain the objective of safety, prison officials often feel that all their actions are placed under a magnifying glass. When personnel transgress, supervisors usually react by making more rules.

These actions break down the morale and loyalty of personnel and it is not long before their performance is characterised by indifference, habitual absenteeism and stuggishness.

Under these circumstances, personnel are inclined to do the minimum amount of work required and become involve with activities of inmates. This is not only detrimental to the safety of the prison, but also interferes with the well-being of the inmates. In addition, personnel tend to express their frustrations by aggressive action towards inmates.

8.7 NEW MANAGEMENT TRENDS IN BOTH PRIVATE AND PUBLIC PRISONS

New management trends in prisons have originated largely from management approaches which were initially developed in the private sector and adjusted for the public sector at a later stage.

The most important management approaches that had a direct influence on management trends in prison were: scientific management, humanitarian bureaucracy, the system theories, the organizational development theories and unit management. It is pointed out that the use of scientific principles in management practices and worker activities could eventually lead increased productivity. This was, for the first time, a move away from management based merely on authority.

Taylor pointed out that workers should be utilised according to their abilities and aptitudes to promote specialisation. Workers had further to be remunerated according to their productivity. Workers could received guidance from different specialists whereby quality of work could be increased. This views are making more and more inroads in modern management. Humanitarian bureaucracy which develop in the 1990's had its origin in the discovery of people in organizations. According to Behling (1969:40) people are regarded as just as important as the objectives of the institution they work for.

Workers must therefore be provided with rewarding and satisfying work and working conditions within which they can develop their individual capabilities to the maximum. Research has shown that increased productivity and quality of work can be achieved by taking the needs of the workers into account. These findings have resulted in the development of various innovations in management techniques such as conflict-handling groups, sensitivity training courses in human relations, group therapy, role playing, as well as participation in decision-making by workers.

The humanitarian management approach was not, however, received with open arms by all, especially those of the old school who were taught the classical bureaucratic management principles.

In addition, it was soon clear that a purely humanitarian approach would cause problems such as familiarity and carelessness would develop amongst workers. Accordingly, bureaucratic control is still exercised to ensure effective management. The management approach underlying the system theories implies that each institution consists of various interdependent components that must be co-ordinated and directed to attain objectives that have been set.

The management process of state institutions were especially influenced by the system theories during the 1950's and the 1960's. It is pointed out that the worker in the organization must know exactly where they fit, and must know the purpose of their tasks. The methods used to carry out the task must be demonstrated to workers so that they know precisely how the task must be performed, and also be informed about the people and things, such as the prison and the rules, that they will be involved with. Organizational development theories exercised a great influence on management trends within public sectors, especially during the 1970's.

It is required that institutions be structured around the processes of human interaction in order to attain the stated objectives most efficiently. Organizational development is directed at creating conditions whereby individuals can best attain their own objectives by concentrating their energies on the objectives of the institution.

Organizational development further requires that the training of personnel be directed at the knowledge and abilities necessary to attain the aim of the institution. The prison institution that work with people is refer as raw materials and whose products are the conduct of those release. The development of inter-personnel abilities therefore plays a very important role during the training of members. In this way, personnel are enable to build a personnel-inmate relationship which is regarded as a prerequisite for influencing positive conduct.

During the turbulent 1970's many prison organizations were compelled to review their management style. On the basis of previous experiment, prisons began to implement the unit management approach in the early 1970's. Since then this approach has been implemented by several state in the USA as well as by the Canadian, Dutch, German and Swedish correctional services. The management of division or sections in prison as independent units is based on the principles of decentralised management.

Every inmate unit is managed by permanent team of personnel. This offers the personnel the chances to improve living conditions of inmates by the establishment of a safe and humane environment, as well as the provision of opportunities for consultation, education, training and personal development programmes.

This is accomplished by regular personnel-inmate contact, improved communication, individualised programmes, review of procedures, the early identification of problems, the setting of common objectives and greater personnel-inmate responsibility. As every unit functions semi-independently of the other units in the prison each can control its own services. This provides room for variation and specialisation within the framework of the greater prison environment. According to Coffie of corrections, 1990:37), the following principles underline the approach of unit management.

- The prison population should be divided into manageable groups, either physically or administratively.
- Personnel must be allocated permanently to a specific group of inmates.
- Power must be delegated to every team to execute their own activities in support of the objectives in the prison.
- Predetermined times for meeting must be scheduled, during which representation by inmates can be made.
- Personnel and inmates are held responsible for their own duties obligations and the operation of their unit.
- It is expected of personnel to perform functions over a wide spectrum, for example, safe custody, individual management planning and the carrying out of programmes.
- Personnel must create an environment which reflects the variety, demands and expectations of everyday community life.
- A system for direct decision-making authority and compensation for inmates must be devised, administered and control.

- Every team must determine its own objective, strategies and aims which should be reviewed annually and revised when necessary.

The following are the advantages of unit management in public and private prisons

- Senior management may delegate decision-making powers to identified teams, which will enable them to apply direct and immediate control.
- The work of personnel is enhanced through exposure to work sessions, decision-making, the development and operation of programmes, direct decision-making regarding how to deal with inmates, the preparation of progress reports, and the furnishing of observation concerning inmates.
- Personnel work on a more personal basis with inmates, enabling them to identify and deal with problems quickly and to defuse conflict situations timeously.
- Team building between personnel and specialists is developed, as well as a better personnel-inmate relationship.
- More applicable and meaningful planning is possible.

8.8 PERSONNEL MANAGEMENT IN BOTH PUBLIC AND PRIVATE PRISONS.

The role of career planning and personnel management are difficult to overestimate the importance of career planning and management in implementing personnel management grand strategy.

The emphasis on personnel management planning from the standpoint of the organization, is important to realize that no personnel management planning will be successful unless it makes into account individual career goals and aspiration. Employees at present are increasingly career oriented, preferring self-allegiance to organizational loyalty.

Career development is the process of improving an individual's abilities in anticipation of future opportunities for achieving career objectives. It is an individual's lifelong process of establishing personal career objectives and acting in a manner intended to bring them about. Career management is the process of deciding what work opportunities to accept or reject, depending on their perceived value in helping achieve career objectives. It includes not only decision made by an individual but also those made about the individual by managers in both public and private institutions who control, what work opportunities can be made available. Career planning is a continuous process and consist of the organized structure and sequence of patterns in an individual's work life (Neser, 1993:173).

Career management has enormous implications for an organization future. It influences the willingness of people to allow themselves to be recruited, promoted, or transferred. An individual's readiness to learn in training. Indeed, motivation to learn may be influenced by an individual's perception which instructional contributes towards the outcomes in not to achieving career objectives. The willingness of members in a work group to interact. Is there competition for desire duties? Promotion? There issues can have a bearing on organization development efforts. Job design considerations, especially when there is broad latitude in how to go about doing the work.

Individuals personalized their jobs, adapting what they do to their abilities. Many organizations offer formal career planning programs for their employees, and they are becoming more popular. Career management efforts are one way to ensure that employees are being offered opportunities to develop themselves while, at the same time, the organization is creating a pool of internal talent for managers to choose from promotions, transfers and responsibility of the individual, but career management is a responsibility shared by individuals and organizations.

Individuals decide what they want to do. Managers, in an organizational context, decide what opportunities to offer and what development activities are necessary prerequisites to qualify for them. Career management improve morale by giving employees information about opportunities available in the organization, encourage employees to establish and work towards achieving career objectives, motivate employees to seek out career development, opportunities, like training, education, and developmental job assignments, and provide the organization with a means to trace relationships between jobs and thus identify candidates for recruitment to, or advancement toward, other jobs.

8.8.1 BASIC TRAINING OF PERSONNEL IN PRIVATE PRISONS

The aim of basic training is to equip the new comer with the necessary knowledge, attitudes and skills. This will enable him to cope with the demands of his only career and to develop expertise in military practice. It is pointed out that basic training focuses on:

- knowledge as to the way in which the institution functions;

- increasing the newcomer's with the emphasis on activities in 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 etiquette and honourary medals, section drill, marks manship and self-defence in order to increase the members physical preparedness; and
- developing a positive attitude and a sense of pride in new comer in respect of his task as correctional official.

The basic training takes place in accordance with the standard minimum rule, section B, paragraph xvl which reads as follows: Before reporting for duty, staff should be given a course training in their general duties, with a view particularly to social problems and their specific duties and be required to pass theoretical and practical examinations: The department requires that inmates should be detained safely and dealt with in terms of departmental directives. Basic training focuses on the achievement of this objective and serves as the first step in the training plan for personnel.

8.8.2 FUNCTION AND BASIC TRAINING OF PERSONNEL IN PUBLIC AND PRIVATE INSTITUTIONS

Training consists of organized learning activities capable of improving individual performance through changes in knowledge, skills, or attitude.

In a broad sense, it includes experiences intended to evoke new insight, update skills, prepare people for career movement of any kind, and rectify knowledge or skill deficiencies. Training is an important tool for changing individuals by giving them new knowledge and skills. Training is the responsibility of public and private institutions (Neser, 1993:175).

Training has a potential tool for creating a supply of talent within the organization. Through structured but flexible long-term learning plans, individuals are prepared for promotions, transfer, or even substantive change in existing jobs. In short, training—especially when paired with job rotations and individual learning activities, creates a pool of qualified applicants for higher-level job in the right number and with the right skills from inside an organization.

It is a tool for equipping individuals with the knowledge, skills, and attitudes they need to implement organizational strategy. In this sense, it is a short-term instrument for change, geared to existing strategy.

Training of this kind is aimed at helping managers see why the changes implied by strategic plans are necessary, what those changes imply, and how the changes require a particular different focus on their part. The issue discussed in such training sessions are current and are perhaps controversial. Exercises are designed around real problem so that, when the training program is over, the solution are real practical value on the job.

One added dividend is that managers who are given the training, the need are much more likely to buy-in to the new strategy, which is a major factor in moving a firm towards its chosen objectives.

Training is a potential tool for simulating conditions that may be experienced as the organization moves toward implementing a new strategy in a changing environment. As a consequence of pressures inside and outside an organization, individuals face new problems and forces for change. These pressures may call for new skills from job holders and may change expectations about desirable job performance. While anticipating future change is no simple matter and is fraught with problems-not the least of which is in accurate prediction-training conserve as a medium for simulating artificial experience in anticipation of future events. One benefit of this approach is that it helps people understand what knowledge and skills they need in the future, thereby motivating them to learn for future rather than past needs. Training is a potential tool for giving individuals skills they need to think strategically. One implication of a rapidly changing environment is that everybody must think strategically, especially when decision making is highly decentralized.

Successful implementation of long term organizational strategy is not the sole responsibility of top managers, though formulation might be what employees and managers do on a daily basis can does affect successful implementation. Training can serve any or all of these purposes. Hence, it is a powerful tool of great potential value in personnel management grand strategy implementation. Training conducted by an organization has enormous implications for the future. It is a potential alternative to recruitment, and vice versa. Needed skills can be acquired from outside through recruitment or cultivated from inside through training. Training can be integrated with the selection process so that an employee learning time on a new job is reduced.

The result, increased efficiency. It can admittedly increase the risk of turnover, especially when it build skills transferable from one job to another jobs in organization. Training is a vehicle for career progress that can help move people in a way consistent with their career plans and/or career management programs of the organization. Tends to build expectations for change and thereby helps foster new attitudes. It thus influences organization development efforts, can be used as a tool in such efforts. Builds skills and can thus influence-and be depend on the range of skills possessed by job incumbents (Neser,1993:175). It can convey information about how to deal with personal problems. It thus serves to change the behaviour of supervisors when they encounter problem employees. In this way training can influence employee assistance programs. It can increase individual productivity by giving employees skills they did not have before. Such productivity improvement efforts are generally opposed by unions unless accompanied by corresponding increases in pay and job security. On the other hand, unions typically supports skill upgrading intended to keep people current and occupationally mobile.

It can create the expectation for increasing compensation and benefits as employees improve their productivity and knowledge. The role of training is to develop members of personnel to optimal achievement, according to objectives, within the shortest possible time, to promote work satisfaction, and to achieve a lower labour turnover. It is pointed out that management development improve the current functioning of managers, also develop manager's hidden skills and potential in order to prepare them for the future needs of the organization, to ensure that management does not stagnate which can occur as a result of:falling behind new development, and to improve the level of manager's work satisfaction in their current managing posts.

The following aspects should receive special attention in a management development programme:

- Organizational aspects, for example, labour relations, liaison with the community and policy;
- Management principles and techniques, for example, management information systems, strategic planning, cost analysis and manpower management;
- Human relationships, for example, motivation, dealing with conflict, communication and supervision;
- Economic, social and political issues, for example, economic systems, social or public responsibility, political influences and events, improvement in productivity; and
- Personal skills such as report writing, meeting procedures, public appearances, team building and problem solving
(Neser,1993:176).

Manager development in the Correctional Services includes:A management orientation course for first level supervisors:This course concentrates mainly on the management of subordinates, personal communication skills and the principles of management. A candidate officers course before admission to the officer's corps: This course focuses on the development of officers in order to prepare them for higher post at middle management level, for example, heads of prisons and area managers. According to Dessler (1984) managing personnel includes the basic functions of management, namely planning, organizing, control and guidance of subordinates. Personnel management in private and public institution includes the functions to be executed to make personnel available for optimal use to achieve the organization's objectives and aspirations as set out in the mission statement.

The personnel plan of the department of Correctional Services therefore outline the short, medium and long-term personnel needs as deduced from the departmental mission statement after considering the post requirements and available personnel. The personnel plan is a structure that offers every section the opportunity to identify manpower surpluses or shortages in a section, complex, vocational group or management group in good time. The personnel plan then offers managers the opportunity to deal with this surplus or shortage. Training usually focuses on the acquisition of knowledge and skills, with the departments maintenance programme, members of personnel receive maximum training for the posts they occupy. In this manner, particular emphasis is place on duty sheets task descriptions and functional courses, for example, prosecutor's courses, caterer, courses and disposal courses (for reception and record personnel). It is therefore on both the individual's as well as the organization's interest that every employee-especially at production level and first level supervision, is trained to do his own work efficiently (Bruyns,1997:79).

It is the policy of the both institution to periodically test the personnel members at the production and first line supervision level on their knowledge of their work and related policy. This is done to determine whether they are abreast of the policy and directives involving their work field in all respect. It is pointed out that staff supervision and staff training are the primary management tools that determine the quality of individual performance and, ultimately, the quality of organizational performance. The quality of supervision in both institution depends upon training. Supervision is a hit or miss matter unless supervisors have been systematically trained to apply specific skills. Too often the quality of supervision is based on trial and error, as supervisors try to figure out what works on their own.

It is effective at lower level position that they should be equally proficient in a supervisory position. They are often promoted, without training, to such a position. From this perspective staff training emerges as the major tool available to management to promote the quality of work behaviour essential to overall organizational effectiveness. This chapter strongly asserts that staff training in corrections as a fundamental management tool that must be used to structure work behaviour and promote organizational effectiveness. Staff training is not a "nice to have, non-essential function". Quite the contrary staff training is an essential function, that the organization must maintain and actively support. In the absence of staff training to develop and improve the performance of all personnel, the organization must either hire winners who can do everything adequately from the out set or pray that the people they have hired will somehow figure out what they are to do actually be able to do it.

The organizational importance and power of staff training and orientation within correctional agencies is clearly evident from the preceding comments. It is also evident from the emerging case law relating the nature and quality of staff training to supervisory and managerial liability originally established under the old tort law concept of "Respondeat Superior" that holds the master responsible for the actions of subordinates. The legal rationale for this concept is that the employer has opportunity to select, training, and control employees. The employer is in the best position to ensure that they do not harm other on hand, holding the employer responsible ensuring that the employees do a better job and not hurt others in the process. Finally, it asserts that if someone should be harmed by the employee, the employer is the one best able to pay for their damage (Neser, 1993:96).

It is pointed out that personnel training is clearly essential to effective correctional management as seen by the courts, it is also essential at a more fundamental level-individual and organizational performance. Recent research shows that those organizations that actively and sincerely invest in the professional development of the people they employ tend to generate employees who are more productive on the job, make fewer errors, feel better about themselves and their careers and more satisfied with their employment.

Consequently, from a basic management perspective personnel training is an essential function and can be ignored or denigrated only at the manager's risk since his or her performance depends on the organization. The organization is unlikely to perform well unless employees at all levels know what they are supposed to do, know what good performance looks like, and receive feedback on the quality of their performance. Personnel training is the only systematic means of bringing this about. A manager who does not provide personnel training is making the precarious assumption that somehow employees will learn on their own to function effectively and in a manner consistent with management philosophy and policy procedure.

The formal aspects of organization culture are transmitted through staff training programs, particularly during entry level pre-service training offered to correctional officer employees. The organizational culture represents the formal and informal values, beliefs and expectations that guide the working behaviour of employees. In the absence of personnel training these expectations are communicated through the informal organizational network, which may or not be consistent with what management desires. When organizational culture is consistent with the requirements for individual and collective performance it can be a powerful contributor to organizational excellence.

Training offer the opportunity for management to systematically insert its values, beliefs and expectation into the overall organization practices. While the necessity, strength and power of personnel training have been clearly establish for the modern practice of corrections, there are many correctional agencies that still conduct staff training as a marginal management function. In some, these may be due to the immediacy of problems dealing with ever expanding inmates populations in an era of reduced overall funding for housing, supervision, and programs of this offenders. In other it is simple due to a management choice to place resources in areas other than staff training. In either case, the typical results are that staff training:

- is not taken seriously as management function;
- is seen primarily as a means to defuse potential litigation;
- is isolated from top management and the organizational policy process with a separate and distinct budget that provides adequate funds to meet the training needs.

8.8.3 PERSONNEL PROVISION IN PRIVATE PRISONS

It is pointed out that before any member in both institution can be promoted or any appointment made, it must be determined whether a vacant post is available for appointment or promotion. Establishment control in both institution ensures that a needs-directed establishment can be maintained in the most cost-effective manner. Establishment control changes or expands through planning establishment funds to satisfy both institution's manpower needs. A complex record system (PERSAL) is maintained in order to ensure that the whole establishment is maintained (Neser, 1993:162).

8.8.4 RECRUITMENT, SELECTION AND APPOINTMENT

Employee recruitment is the process of seeking out and engaging people for work or service. It is a process that requires that the employer take some action to notify interested people of the employment opportunity, identify those truly interested in these opportunities, screen the candidates for employment, and ultimately select those candidates that are considered to be the most qualified for the available options. It is also a process that has historically been used to actively discriminate against specific classes of people. Recruitment has today been recognized as one of the features on providing equal employment opportunity and affirmative action correct these historical pattern of discrimination. As a result, the recruitment practices of all employers have become sensitive of personnel practices that is largely controlled or structured by current federal and state laws, regulations and policies that are designed to ensure that historical abuses of the past are not perpetuated today.

Correctional agencies are not exempt from these law, regulation and policies. Even today both public and private correctional agencies straggle to cope with the sexual integration of the work force in adult male prisons, as they try to balance the right of women to equal employment opportunity and the privacy interest of male offenders. The extent to which woman and other protected classes of people are utilized in correctinal institutions provides an incentive or a disincentive for other qualified applicants, in those protected classes, to apply for employment. If the perception is that those who are employed were hired and promoted for non-merit reasons it will probably act as a disincentives, however, if the perception is that employees are hired and promoted for legitimate merit reasons it will probably serve as an incentive to apply for employment.

The recruiting process directly affects the status of equal employment opportunity to the agency by ensuring that the pool of eligible candidates includes representative sample of people in protected classes. It is, in turn, affected by both the actual and perceived status of equal employment in the organization. If the organization has a reputation for being discriminatory in its practices, or of presenting difficult working conditions for minorities women, handicapped, or other protected classes of people, it will be difficult to recruit personnel from those groups. According to Nesor (1993:162) recruitment is describe as a process by which favourable contacts are developed with people who are expected to provide the organization with quantitative and quantative needs.

As a result of the departments military environment and distinctive activities, strict appointment requirements must be met. As the department continuously experiences loss of personnel members and new prisons are commissioned, vacancies have to be filled by appropriate appointment in order to ensure the effective functioning of the departments. It is also pointed out that the main aim of recruitment is to recruit sufficient and suitable applicants at the lowest possible cost. Sufficient implies that there should be an over-supply of applicants. The more applicants, the greater the possibility that good quality applicants will be appointed.

Suitable applicants are interested persons who comply with all the prescribed requirements for appointment. Various methods exists for contacts to be established with potential applicants, for example, school visit, vocational guidance, personnel at school and universities, visit in school magazines and in the media.

The job description, remuneration package, working conditions, demands made by the work and promotion possibilities must be clearly and realistically presented to the applicant. Before recruitment, applicants must be screened by giving them the correct vocational information so that only those applicants who actually wish to make a success of their careers in the department will be appointed.

8.8.5 THE SELECTION PROCESS

Candidates who comply with the minimum appointment requirements must undergo the selection process. Various methods are employed to obtain sufficient information about the candidates, to determine whether they comply with the requirements of the relevant cost and those of the department. There is no fixed procedure or sequence of the steps in the selection process, but it should usually include the following:

- preliminary interview;
- completed application form are received;
- sifting take place on the basis of the application forms;
- psychological evaluation;
- interview with personnel official or recruiting clerk;
- medical examination; and
- feedback to candidates.

In the case of management level applicants, personality and interest questionnaires play an important role. Used is also made of assessment centres and related evaluation methods, as managerial ability is mostly evident in the field of decision-making and human relationships. Personality tests and assessment centres are sophisticated and require great expertise and good training by specialised instructors and interpreters. In the department psychometric tests are not used during the candidate officer's and staff courses.

8.8.6 PERSONNEL PLACEMENT

According to Gerber et al (1987:70) personnel placement is describe as a process whereby individuals are placed in posts in the organization. Selection focuses on the selection of person in the external labour market, while placement focuses on the internal selection. Selection occurs on the basis of a pre-estimate of the candidate's expected achievement in the future.

Placement is based on the employee's achievement since being employed, his preference for career development, the grading of his post and opportunities for promotion. The rationale for personnel placement is as follows:

- Restricted development: Personnel who have outgrown the post must be transferred or replacement so that they can develop further. Personnel who cannot cope and whose work load cannot be lightened by means of means of work load cannot be lightened by means of work simplification, should also be transferred to a simple post, where they can provide the highest possible productivity. The transfer of personnel for the development of the individual should therefore be aimed at the broadening of the individual's abilities, skills and knowledge and must be regarded as a suitable method of development.
- Lack of interest: People are dynamic and change continuously as they are influence by their enviroment . A member of personnel's interests can thefore change to such an extent that it become necessary to replace him . He should be placed in a position in which he shows interest and his move will be beneficial to both him and organisation . Before a person is replaced aspects such as enrichment or work broadening should also be considered (Nesper1993: 166).

The use of personnel in posts in which they have no aptitude or interest, invariably leads to frustration, boredom and fatigue. It is therefore important that personnel be employed in posts where they will experience job satisfaction. It is pointed out that a satisfied worker will be productive and therefore cost-effective.

- Advertising posts is: Posts are advertised internally by circulars in order to provide personnel with opportunities as much as possible in their placement and career development. This raises the morale of personnel and the most interested candidate can be considered for the post.

8.9 SERVICE CONDITIONS

Service conditions is described as a position in religious practice or activity conducted by public institutions, and it is also described as those stipulations or restrictions required by the applicant or the organisation. The applicant accepts the position on these conditions. An applicant can, for example, negotiate for the best possible salary and state it as a condition of this appointment while the organisation could state that applicant is required to be available for duty 24 hours per day. In the public institution, service conditions are described as bargaining for personnel rights, privileges, facilities and remuneration to serve best the personnel corps and the interests of the organisation.

8.10 SERVICE BENEFITS

Beach (1980: 660) pointed out that many organisations compensate workers with some type of service benefit as part of their total remuneration package. This benefit could be financial, for example, pay during illness, unemployment, and after retirement or it could be in the form of better working conditions and extra time for recreation (Neser, 1993:166).

According to Andrews (1985:282) the following benefits are usually found in the market:

- pension annuity;
- disability insurance;
- unemployment insurance;
- accident insurance;
- medical insurance; and
- group insurance

The department is subjected to the service benefits which are applicable to all other state departments and are run by the commission for administration. While the private institution have its own benefits. Personnel privileges are benefits that are offered to personnel in terms of statutory directives, such as medical, pension, and voluntary termination of service. Other privileges that are offered to personnel voluntarily or by means of collective bargaining or negotiation are departmental housing, housing scheme and home-owner's allowance scheme, owner allowance scheme, study bursaries and loans, leave, and remuneration. This type of benefits are not available in private institutions.

8.11 DISCIPLINE OF PERSONNEL

Discipline and the maintenance of discipline refer to the action of supervisors and of the specific organisation when a personnel member's misconduct is evident. Andrews (1985:225) defines misconduct as an action by an official or member of personnel that is prohibit by laws or regulations or evident negligence to perform particular task.

It is also pointed out that disciplinary measure should always be useful, so that they prevent and minimise misconduct. Every organisation both public and private institution has specific rules of conduct which have to be meticulously complied with by its employees so that the organisation can be run successfully. The correctional services act and the prison regulations promulgated as a result of it, determine the rules of conduct within the department. This is applicable to all personnel. Disciplinary measures can be prevented to a great extent by:

- restricting rules and regulations to a minimum;
- always keeping rules and regulation fair in the interests of efficiency;
- delegation work load in accordance with training and expertise of the member; and
- promoting trouble-free communication between supervisor and subordinates (Andrews, 1984::226).

Disciplinary rules should be applied in such a manner that workers will be encouraged to use maximum self-discipline. Discipline is negative if it involves threats of punishment and actions against the offender in order to change their behaviour. Offences which justify disciplinary action in both institutions are mainly the following:

- Absence from work without valid reason;
- Unpermitted action during working hours, for example, being drunk on duty;
- Dishonesty, for example, theft, and
- External activities, for example, criminal offences or provision of confidential information(Neser,1993:168-169).

The action of formal disciplinary could be in one of the following forms:

- verbal warning
- written warning
- final written warning
- dismissal

8.12 SERVICE FACILITIES IN BOTH PUBLIC AND PRIVATE INSTITUTIONS

Both institutions provides various facilities for their members, for example:

- sports and recreational facilities;
- club facilities;
- mess facilities;
- shops for service members, and
- an amenities fund

In both institutions the state provides only minimum sport, club, recreation and mess facilities and the local clubs of the various complexes must maintain them further. Other facilities made available to members are provided by the amenities fund. The purpose of the amenities is to provide allowance or loans:

- to correctional service clubs for the promotion of, or in the interests of, sports and recreation;
- for the establishment or maintenance of holiday resorts;
- for any other purpose which, according to the opinion of the board of trustees, is deserving and in the interest of the department.

By means of the amenities fund the following fringe benefits at special rates, group life insurance scheme and holiday homes at prison complex.

8.13 SPORT IN BOTH PUBLIC AND PRIVATE INSTITUTIONS

Sport forms an important component of the total activities in both institutions in which members are involved. Organized sport improve the preparedness programme of the institutions which has the following specific aims:

- to improve the general preparedness and fitness of members of both institution, specifically of persons who form part of security;
- to establish co-operation and relationships between all personnel in an official and social context;
- to develop a positive image of both institutions by means of performance and behaviour;
- to provide a contribution in respect of the general state of health to members in both institutions which leads indirectly to less expenditure on medical costs;
- to increase the productivity of members; and
- to provide a safety valve for stress.

It is pointed out that short as physical activity has many advantages for individual and organization. Investigations show that activities that involves a person emotionally and physically are essential to ensure that:

- productivity and concentration increases;
- the quality of life increases;
- absence from work as a result of illness caused by insufficient physical activity is lessened.

In the correctional service competitive sports are managed and run on national, regional and club levels, by local management teams and sub-club committees (Neser,1993:172).

8.14 PERSONNEL EVALUATION

According to Invancevich and Glueck (1986:277) personnel evaluation can be described as a method used to determine to what extent the employee performs his work effectively. This department promotion system rests on merit and efficiency. In other words, no post reservation takes place and every employees is evaluated and promoted with due consideration of the following aspects:

- relative merit or ability;
- rank seniority;
- available vacancies; and
- qualifications

Purpose of personnel evaluation, serves as an aid when decisions are to be taken about the following aspects of employees:

- determination of capacity for promotion;
- achievement awards, along other means than promotion;
- transfer and correct placing of personnel;
- identification of managerial potential;
- training and development needs; and
- remedial actions

8.15 SUMMARY

In this chapter the aspects of personnel management in both institutions were discussed briefly in order to provide a review of the purpose, definition and broad application basis of every function and the impact thereof on the management of the institutions.

Personnel management, however is a discipline in itself and should be studied as such to understand the integration of the various functions. It is also clear in this discussion that training is the process which coheres when personnel are helping in accomplishing effectivity in the present and future posts by developing their ability, their habits of thought, proficiency, knowledge and attitude.

It is therefore clear that training of personnel has clearly defined aims but is also a process of learning. Without both learning and teaching, no training could have taken place. It is clear that training can only be effective when the formal is supported by the informal. It is also clear that the main aim of training is to develop personnel purposefully, within the shortest possible time-taking principles of taking into account to optimal achievement.

Training however, mainly creates the potential for increased opportunity which the realization still remains in the result of personality functioning and knowledge. It is also clear that the system to which a person returns after training may obstruct productivity. The latter occurs when the necessary flexibility lacks and the old proven principles are clung onto.

It is clear that in order to demonstrate that effective training was actually delivered, the content must be fully documented, attendance must be taken, and the agency must be prepared to show that the quality of training was sufficient to warrant the judgement that the training was presented in an effective and meaningful manner. In this regard, the instructional strategies used must be sufficient to promote behavioural, as well as intellectual knowledge. In the next chapter the role of community corrections in both public and private institutions will be discussed.

CHAPTER 9

ROLE OF COMMUNITY CORRECTIONS IN BOTH PUBLIC AND PRIVATE INSTITUTIONS

9. INTRODUCTION

Crime is everywhere in all nations great and small, in this nation crime is a violation of criminal statutes passed by elected representatives. The statutes are enforced by a variety of social control agencies specifically designed to fulfill some desire social function. The agencies include law enforcement, prosecution, court and post-adjudication components that include, among other major units, the probation and parole system. These varied agencies and actions, along with their philosophical bases and objectives are usually called the "criminal justice system.

One fact about the South African criminal justice system is that it is rapidly evolving and changing as a result of the volume of crime, emerging national priorities, available funding, and changing political ideologies. The great experiment of prohibition attempted to protect our national character and youth, increase productivity, lessen collateral problems or idleness and wastrel-like behaviour, and improve the moral fiber of those using alcohol but is no longer a national crusade(Reid,1981:384).

As a result, earlier twentieth century law enforcement effort lapsed into a phase of tax-collection, and controlled-substance, concerned only in large part with keeping alcohol out of the hands of youthful consumers. One component of the criminal justice system is corrections. The concept of community corrections has existed for centuries, but the organized approach in the form of handling offenders is very recent.

In the United States this approach can be traced from the first halfway house in 1887 in New York City, to a highly complex array of programs today. The major impetus for the movement, however, was given by the Federal prisoners rehabilitation Act of 1965 and the president's crime commission which, in its 1967 report, stated that the new direction in corrections recognizes that crime and delinquency are failures of the community as well as of the individual offenders.

The commission saw the task of corrections as one of reintegrating the inmate into the community, restoring family ties, getting the person an education or employment, and general, securing for the offender a place in the normal functioning of society. In this chapter community correction refers to numerous and diverse type of supervision, treatment, reintegration, control and supportive programs for criminal law violators(Bartollas,1985:120).

Community corrections programs are venile and criminal justice system. Community programs are found in the pre-adjudication level of the justice system and include diversion and pretrial release program, as well as treatment programs provided by private sector agencies, particularly for juveniles. Community correction programs have been developed and designed to minimise their further processing and penetration into the justice system.

These pre-imprisonment programs include restitution, community services, active probation, intensive supervised probation, house arrest and residential community facilities, such as halfway houses.

One assumption underlying the effort to minimise offender penetration into the justice system is that incarceration is less effective in reintegrating offenders and is unnecessarily expensive for the good attained. Another assumption is that community corrections is more humane, although there is some contemporary debate over whether corrections ought to be humane rather than harsh.

Community correction continues after incarceration and among the many programs found at this level are split sentences, shock incarceration and shock probation, prison furlough programs, work and educational release, shock parole and parole programs and services. Some of these programs will be discussed in details in this chapter. The characteristics of community correct will also be discussed(Bartollas,1978:54).

The Department of correctional service is responsible for the control over offender/person who have been sentenced to correctional supervision as well as those persons whose sentence of imprisonment has been converted into correctional supervision. Correctional supervision is served within the community and the probationer is subject to monitoring and compliance with the set conditions with a view to protect the community and prevent relapse into further crime perpetration whilst the person is under correctional supervision.

Correctional supervision has certain advantages to the extent that in this way offenders are kept away from prison or other places of detention and at the same time they are enable to remain self-sufficient and be still engaged in treatment-oriented programmes.

In order to facilitate the execution of the system of correctional supervision, it is of the almost importance that the conditions of supervision should be set discerningly and in accordance with the risk or need of the offender(Carlson,1986:140).

A supervision committee, consisting of the correctional supervision officials, monitoring officials, vocational experts, is responsible for the continuous evaluation of the probationer and making recommendations concerning the setting or the adjustment of conditions and submitting these to the head: community corrections with a view taking immediate remedial actions for the protection of the community and/or in the interest of the offender(Reid,1981:390).

In this chapter the early development in community service sentence in south africa;as well as defination;community corrections acts;the philosophy of community corrections;overview of community corrections;characteristics and the role of community corrections in both private and public institutions will be discussed.The evaluation; policy and setting ;political and economical problems of community corrections ;as well as the future of community based treatment will be fully discussed.

9.1 EARLY DEVELOPMENTS IN COMMUNITY SERVICE SENTENCES IN SOUTH AFRICA

According to Van den'Berg the prisons and Reformatories Act (No 13 of 1911) was the first South African law to make provision for the appointment of probation officers.

The criminal justice Act authorized to imposition of suspended and deferred sentences on certain conditions, which include the payment of damages to the victims of crimes. Important guidelines for the extension of alternatives to imprisonment were laid down in the 1947 report of the penal and prison reform commission (Carney, 1979:80).

The commission criticized the destructiveness of imprisonment and advocated community services as an alternative to short-term prison sentences, particularly where an offender kicked the menus to pay a fine. The commission suggested that a state labour bureau be established to place offenders in jobs as an alternative to imprisonment. By this means or large number of persons who would otherwise be compelled to serve short terms of imprisonment might be drafted into useful and profitable service.

While the scheme should be worked under the administration and control of the department of native affairs, the department of justice, the department of prisons and the department of social welfare (Cartwright, 1968:130).

Arrangements would have to be made with employers for deductions from wages due, of amounts for the payment of the deferred fine, but the deductions in this respect should have regard to the man's own necessities and such sums as may be necessary for support of dependants.

This would entail a certain amount of accounting work, but it is not thought that this would render the working of the scheme unduly difficult, and in any case, the saving of expense to the state in imprisoning a man, and other benefits derived from his being kept out of goal, would make this well worth while (Lansdown Report, 1947:81-82).

9.2 THE ROLE OF THE VILJOEN COMMISSION AND THE PERMANENT COMMITTEE ON PENAL PERFORMANCE

Community service sentences were seldom imposed in South Africa prior to the appearance of the report of the penal and prison reform commission of the republic of South Africa. Van Gass (1981:103) ascribes this various factors, which the following are the most important:

- The lack of a well-developed probation service which could, inter alia, undertake the selection of offenders for community service.
- The lack of organised structures in the community responsible for making community service jobs available and for supervision and control of offenders sentenced to community service.
- The use of this type of sentence is a recent development which has not yet found great acceptance among those imposing sentences.
- A lack of clarity as to the legal implications of a sentence to community service should for example problems arise from the negligence of offenders performing community service task (Durham, 1989:52-60).

The Viljoen commission received various suggestions during its investigation. An example of these is the suggestion by NICRO. Rather than incarceration and offender, particularly one whose offence is minor, in a prison, can be sentenced to provide a specific service to the community. Thus a young offender who has, for example, assaulted and robbed an elderly person, can be sentenced to serve in an old-age home for a specific period, while he is under the supervision of a probation officer.

Placing an offender in a situation where he must serve the physically or mentally handicapped may develop in him a sense of remorse and sympathy with the handicapped, and at the same time a sense of responsibility.

9.2.1 LEGISLATION ON COMMUNITY SERVICE SYSTEM IN South Africa

- Courts should have the jurisdiction to sentence any offender over the age of 16 to some or other form of community service.
- Before a community service order is issued, the court must be convinced that facilities for rendering such a service exist, that a specific body or bodies are prepared to accept the offender for community service and that there will actually be effective supervision and control.
- An offender should be supplied with a copy of the court order and should bind himself to this by a written agreement.
- Actions must follow if an offender deliberately neglects to fulfill the conditions of a community service order.
- The court order must clearly stipulate the duration of the community service. This will prevent exploitation of an offender.
- It is essential that community service order be preceded by a pre-sentence investigation and a probation officer's report. Because of the shortage of probation officer, provision should be made for the submission of reports by associated workers and others who are trained in the human science and in penology (Durham, 1988:50).
- Finality must be reached on the legal position of an offender while rendering service to the community.

9.3 WHAT IS COMMUNITY CORRECTIONS

Community corrections is difficult to define. One reason is that the concept is viewed differently from various positions in our society. Generally, however, community corrections refers in lieu of incarceration, either by city, country, or state, that provides various services to client/offenders, that monitors and furthers client/offenders behaviours related to sentencing conditions that heightens client/offender responsibility regarding payments of fines, victim compensation, community service and restitution orders, and that provides for a continuation of punishment through more controlled supervision and greater accountability.

Community correction alternatives include programs like intensive probation or parole supervision, home confinement, electronic surveillance or monitoring, narcotics and drugs deterrence, work furlough programs or work release, study release, day reporting centers, and probationer violation and restitution residential centres. Also include under the community corrections umbrella are programs like diversion, pretrial release and preparole (Jarvis, 1978:72) .

Community corrections programs can also be distinguished by the controlling authority. They categorize programs as community-run (programs that are locally operated, but lacking state funding and other external support), community-placed (programs that are located in communities but do not network with any community agency), and community-based programs that are locally from outside sources and that network with other community agencies and criminal justice system (Latessa, 1993:345).

It is pointed out that there is considerable interstate. Variation in community based correctional programs. However, there have been efforts in recent years among different jurisdictions to network with one another as a means of sharing information regarding particular community corrections programs. A community corrections is often used in a general way to refer to a range of punishments known as intermediate punishment. The term may refer to any of several different programs designed to closely control or monitor offender behaviours. Since there are several possible meanings of intermediate punishments, the term is widely applied, correctly or incorrectly, to a variety of community based offender programs involving non incarcerative sanctions. Intermediate punishment are distinguished by the high degree of offender monitoring and control of offender behaviours by programs staff. Other characteristics of intermediate punishments include curfews and frequent monitoring and control with program officials. The amount and type of frequent monitoring or contact varies with the program, although daily visits by probation officers at an offender's work place or home are not unusual, one problem is that the "intensive" supervision may include different levels of monitoring or officer-offender contact, depending on the jurisdiction (Murton, 1976:76).

Intermediate punishments are intended for prison or jail-bound offenders. Offenders who are probably going to receive probation anyway are the least likely candidates for more intensively supervised programs. However, judge often assign low-risk offender bound for probation to these programs anyway. The tender to defeat the goals of such programs, because they are intended for offenders who would otherwise occupy valuable prison or jail space unnecessarily. Filling intensive supervision programs with offenders who don't need close supervision is a waste of money, time, and personnel. When this occurs, it is referred to as net-widening (Neser, 1993:327).

Offenders in intermediate punishment programs are given considerable free of movement within their communities, as it is believed that such intensive monitoring and control foster a high degree of compliance with programs requirements. It is also suspected that this intensive supervision deters offenders from committing new crime.

9.3.1 COMMUNITY CORRECTIONS ACTS

A community corrections acts is the enabling medium by which jurisdiction establish local community corrections agencies, facilities and programs. A generic definition of a community correction act is "a statewide mechanism through which funds are granted to local units of government to plan, develop and deliver correctional sanctions and sentencing options in lieu of imprisonment in state institution".

The main goal of community correction acts in various states is to make it possible to divert certain prison-bound offenders into local, city, or county level programs where they can receive treatment and assistance rather than imprisonment. The offenders who are legible for community correction programs are low-risk, non-violent, non-dangerous offenders.

Community correction acts also target those incarcerated offenders who pose little or no risk to the public if released into the community under close parole supervision. Thus, community corrections acts function to alleviate prison and jail overcrowding by diverting certain offenders to community programs (Mergargee, 1979:65).

The goals of several state community corrections acts help us to see what these acts encompass. According to (Townsend, 1991:26-27) Kansas implemented a community corrections acts in 1978 designed to provide alternatives to incarceration and new prison construction by encouraging local communities to provide appropriate community sanctions for adult and juvenile offenders. Kansas currently utilize a variety of programs as a part of its community corrections, including home confinement, day reporting centres, halfway houses, electronic monitoring, and intensive supervised probation and parole.

9.3.2 THE PHILOSOPHY OF COMMUNITY CORRECTIONS

As outlined by many missions statement of community corrections programs, the philosophy of community corrections is to provide certain types of offenders with a rehabilitative and reintegrative milieu in which their personnel abilities and skills are improved and their chances for recidivism are minimized. Community-based programs established through community corrections acts include halfway houses, outreach centers, furlough monitoring facilities for parolees, and halfway houses. The primary purpose of community-based correctional programs is to assist probationers in becoming reintegrated into their communities, although parolees are helped by such programs as well.

Community-based corrections programs afford probationers with the opportunity of avoiding confinement and remaining within their communities to perform productive work to support themselves and others and to repay victims for losses suffered. Community-based programs are also designed to alleviate prison overcrowding by supervising offenders who are not considered dangerous and in need of incarceration.

It is difficult to predict which offenders are more or less dangerous than others. On measures of predicted risk or dangerousness are not infallible, and often, persons predicted to be dangerous may never commit future violent offenses or harm others. By the same token, those same instruments may forecast an offender to be nonviolent and not dangerous, and the offender may turn out to be quite dangerous. Community correction acts recognize that state should continue to house violent offenders in secure facilities, judge and prosecutors need a variety of punishment and local communities cannot develop these programs without additional funding from such legislatures. Eight common elements essential to the success of community correction acts namely:

- Prison-or jail-bound offenders are targeted, rather than adding additional punishments to those who would have otherwise remained in the community.
- Financial subsidies are provided to local government and community agencies.
- A performance factor is implemented to ensure that funds are used for the specific goals.
- Local advisory boards in each local community assess local needs, propose improvements in the local criminal justice system, and educate the general public about the benefits of alternative punishments.
- Advisory boards submit annual criminal justice plans to the local government.
- There is a formula for allocating funds.
- Local communities participate voluntarily and may withdraw at any time.

- There are restrictions on funding high-cost capital projects as well as straight probation service.

Huskey believes that community corrections acts appear to be working, because they offer a mechanism to provide safe and cost-effective community based programs. It has been amply demonstrated that community based programs are safer and less costly than incarceration, especially when the right eligible nonviolent clients are targeted. Other professionals share Huskey's optimism about the effectiveness of community corrections (Harding, 1987:70).

9.4 AN OVERVIEW OF COMMUNITY-BASED CORRECTIONS IN BOTH PUBLIC AND PRIVATE INSTITUTIONS

California was one of the first states to implement a community corrections program. This program provided local communities with supplemental resources to manage larger numbers of probationers more closely. A part of this subsidization provided for community residential centres where probationers could check in and receive counseling, employment assistance, and other forms of guidance supervision (Henderson, 1991:15).

The beginning of community-based correction were probably as long as 2,000 B.C. when a court scene was depicted on the shield of Achilles in Homer's Iliad. Ancient people had no jails, prisons, or correctional institutions as we know them. Their places of detention were dungeons in castles and towers, or even animal cages. The development of prisons in the late eighteenth century became a substitute for punishment and was designed to be just as secure and effective. Any recent change have been the result of relaxation of security and the developing philosophy of reintegration of the offender back into his community.

The idea of community based correction goes back for centuries, but its organization has been fairly recent. Efforts have been traditionally private and at first focused on people who were mentally incapacitated. The mentally ill, the retarded, the aged, the orphaned, and the poor have historically been not only tolerated, but cured for with compassion within the community in primitive, ancient, mediaval, and modern societies. Prisoners' aid association are among the oldest group of organization concerned with offenders and ex-offenders. In 1787 the Quakers started the Philadelphia society for alleviating the miseries of the public prison the name was changed to Pennsylvania Prison society in 1887 (Ring, 1987:55).

The halfway houses was established in the early 1800s. Although a massachusetts commission recommended the establishment of such facilities in 1820, the primary movement came from private groups. Early halfway houses were self-contained, relatively isolated from correctional staff, and assisted in the reintegration of prisoners back into the community. They were not considered to be part of the correctional system; however, and most did not flourish (Fox, 1977:4).

The importance of reintegrating the offender into the community has been emphasized by Paul C. Friday and Jerald Hage. After a brief look at the approaches generally used by sociologists to explain delinquent behaviour. Friday and Hage use those approaches to develop an integrated perspective.

"The objective is to indicate what factors influence youth reliance of group supporting delinquent values by considering the patterns of role relationships". They base their approach on the social integration theory of Durkheim, especially in his work on suicide.

Noting the importance of role relationships, they point out that for adolescents in our society, the development of an integrated role pattern is greatly hindered by the social structure of society, which often isolates them from the basic social institutions. "When adolescents have meaningful kin, educational, work, and community relationships, they are more likely to become socialized to the dominant norms of society. Integration is facilitated by interaction across all role patterns". When these do not exist, a young person is more likely to move into deviant behaviour, with the young group being "the only meaningful role relationship" (Roberts, 1973:88).

Reintegration of the offender into the community is not, however, a one-way process. Reid, emphasized the need for the community to take an active role in the process of treating the offender, a strategy which they call advocacy, which goes beyond reintegration. They maintain that it might not be sufficient to try to reintegrate the offender into the community, the latter may need to change more than the offender, for example, if resources for reintegration are not available, they must be developed. The advocacy approach involves getting the community to provide the resources for offenders (Neser, 1993:351).

Private community-based corrections programs preceded those supported by tax funds. These informal services were generally provided by private individuals or religious groups. In England, the lay visitors became popular in prisons in the late eighteenth and early nineteenth centuries. But his main function was to obtain jobs and provide counseling and some informal supervision after the inmate's release (Fox, 1977:8).

9.4.1 THE CHARACTERISTICS OF COMMUNITY CORRECTIONS

1. Community corrections is innovative.
2. Service provision to offenders in community corrections programs will reduce crime.
3. Community corrections programs can change the relationship between the offender and the community.
4. Community corrections requires local effort and the development of a local constituency for corrections.
5. Community corrections avoids the use of institutions, with a rare and uncomfortable acknowledgement that prisons are paid for by communities.
6. More recently, community correction endeavors have significant sanction value, or are compatible with the demand for retribution, and may be quite useful if we are concerned with restitution.
7. Community corrections programs provide us with greater diversity in correctional options than is possible in "non-community" settings, and that part of this diversity is brought about the increased competition observed in community corrections.
8. Community-based program administrators have the authority to oversee offender behaviour and enforce compliance with probation conditions.
9. Community-based programs have job referral and placement services in which paraprofessionals or others act as liaisons with various community agencies and organizations to facilitate offender job placement.

10. Administrator of community-based programs are available on the premises on or 24hour basis for emergency situations and spontaneous assistance for offenders who may need help.
11. Community-based program facilities typically consist of one large home or buildings located within the residential section of the community (Robbins, 1986:52-60).
12. Community-based programs have a system in place for heightening staff accountability to the court concerning offender progress.

9.4.2 DISCUSSION OF THE CHARACTERISTICS OF COMMUNITY CORRECTIONS

Innovation may be the most ambiguous characteristic of those claimed for community correction. It is simply not clear how to determine if an agency is innovative. However, a typology dealing with the degree of social change introduced by a program may enable us to make a preliminary assessment of the extent to which community corrections represents anything new. Another good example of secondary change in community corrections is the relatively new focus on community resources in probation and parole work. One form of change, called "behavioural objectives", which involves the specification of particular client problems, the development of planned actions to be completed by both the offender and the correctional supervisor and the development of community resources better achieve through client objectives (Neser, 1993:355).

Behavioural objectives has become a new form of probation and parole organization, couple with a new information system, which makes probation and parole activity more accountable, if not more effective.

Among its objectives are to evaluate officer behaviours and the community human resource supply. This change in organization does not alter the objectives of probation and parole supervision. One could argue that the same kind of service are supplied as would be the case in traditional probation and parole organization.

However, behavioural objectives aim to improve the quality and quantity of service rendered. As such, it may be a significant improvement in the existing system, or a secondary change. The third level of innovation, is primary change. By this, these researchers mean alterations in the paradigm by which social problems are defined and service are rendered. One could argue that there are three paradigms in regard to corrections. (1) The sickness paradigm argues that criminals are psychologically or socially inadequate to function in society and that crime is a symptom of individual pathology (Shaw, 1976:36).

Actions implied are usually some kind of therapy. The sinfulness paradigm argues that criminals and non-criminals alike are rational, but that criminals have chosen to be bad. The action taken is punishment, to make the criminal pay the consequences of the wicked choice. (2) Another paradigm, arguably, sees crime as coping behaviour. Persons commit crime in order to solve problems. The action suggested is the provision of service or resources which make criminal behaviour less attractive than the legal alternatives for solving problems.

This actions may require changing the situation or the groups around the offender, or altering the opportunities available, or the offender's skills and knowledge so that he can take advantage of the existing opportunities (Cartwright, 1968:40).

(3) Finally, some would argue that much crime is evidence of class conflict. Laws are written to protect the properly interest of the powerful and to defuse the political aspirations of the less powerful by describing their behaviour and criminal. The action implied is revolution, to do away with the economic hierarchy of the present society. The action would, presumably, do away with the need for large correctional agencies.

There are only a few studies which examine whether community correctional programs actually provide more, or more effective, services than the offender would have received in prison, or on his own. There are also some studies of varying quality which attempt to investigate whether community corrections programs have an impact on recidivism. But it is rare indeed to find studies directly examining the claim that service provision reduces recidivism. However, that is precisely the claim made for many community programs (Bartollas, 1985:60).

With our state of knowledge about services in the infancy, the claim that community corrections reduces recidivism by providing services can only be rhetoric or wishful thinking. In a large measure, the emphasis on specific service and concern for changing the relationship between the offender and the community are the same. The claim that community corrections changes the relationship of the offender to the community is an overgeneralization, or overly vague (Towsend, 1991:50).

We must know more about what aspects of the community vis-a-vis the offender are to be changed, and we also need to pay special attention to the kind of supervision technology which the correctional program employs before asserting that changes are taking place. Lastly, it is important to remember that not all part of community have advantages, for offenders or other citizens (Duffee,1990:15).

The claim that use of community correctional programs avoid use of institution is perhaps the most common and sensible claim made for such programs. It is pointed out that no program is an alternative to prison, unless its use includes direct limitations on the use of incarceration. One recent influential criticism of community corrections in general is that it depreciates the value of the crime committed. One theme in this attack is that community sanction have not provided a sufficient specific or general deterrence effect:because community sentences are perceived as easy time, more crime are committed(Ayllon, 1979:33).

The claim that increasing sanction value can be accommodated in community corrections is debatable, and whether sanction severity can be augmented without reducing services is questionable. Third characteristics often claimed as a benefit of community corrections is that these programs offer more diversity than is available in institutions and that they increase competition among the organizations providing service or implementing punishment. The characteristics of diversity and competition would appear to be of concern across all correctional settings. Researchers and practitioners would do well to need the advice that "gold is where you find it"(Duffee,1990:35).

Most proponent of community corrections declare that one particular advantage of such programs is their involvement "of the community". The involvement is seen as a correctional benefit because it is assumed that crime is largely explained by variables associated with the community in which crime was committed and that, consequently, the best chance of correcting the behaviour of the individual criminal is also in the community of residence.

The claim that community is involved in community corrections often turns out upon closer inspection to be an urgent plea for communities to be supportive of probation, parole, work release, halfway houses and the like, when apparently they are not. Crucial to our thinking is the relationship between "community" and "correction". Corrections is not something that happens in the community or something that is done for the community, and it is certainly not meant as something the community should do (Brown, 1991:76).

Corrections is like business or education. It simply exist as one aspect or function of community where there is no community, there can be no corrections. Without some minimal performance of a complex set of functions that provide a geographically based group of people the means to survive, there will be little correctional activity. The limiting case of this situation would be the completely anomic, disorganized area. If there are no norms enforced, there can be no offences, and no group response to correct the situation (Duffee, 1990:26).

9.5 THE ROLE OF COMMUNITY CORRECTIONS IN BOTH PRIVATE AND PUBLIC INSTITUTIONS

The main function of community corrections is monitoring and supervision of offenders to ensure program compliance. When offenders are sentenced to a community corrections program, it is expected that they will comply with all program conditions. The nature of their supervision is more or less intense in order to ensure program compliance. Victim compensation, restitution and/or community service are often crucial program components geared to heighten offender accountability and program effectiveness.

Mechanisms were also established to ensure that each offender was able to meet financial obligations associated with restitution and other forms of victim compensation. Offenders must have a minimum of 28 supervisory contacts per month.

Supervising officers have case loads of between 20 and 25 offenders. Offenders are regularly screened to ensure payment of victim compensation, restitution and community service (Ellison, 1987:29).

9.5.1 ENSURING PUBLIC SAFETY

An obvious concern of community residents is for their safety in view of the fact that recently convicted felons live in their neighborhood in relatively large number. But most, if not all, community corrections agencies can cite substantial evidence that for the most part, their offender-clients pose little or no risk to community residents. The supervisory safe guards, curfew, and drug/alcohol abuse check are fairly intense. Offender-clients are usually selected on the basis of their low-risk profile and prospects for completing their programs successfully.

Community corrections agencies can provide a variety of outpatient therapies, including self-help methods, skills training, coping skill training, stress reduction training, counseling, marital and family therapy. Agencies can ensure continued abstinence from substance abuse by frequent monitoring and regular counseling. Public safety is a key community corrections program feature in both private and public institution. In this program offenders were assigned to work release or study release (Neser, 1993:327).

They received employment assistance, financial planning and budget assistance, and group or individual counseling. They participated in educational programs and received other forms of vocational/educational training from nearby schools. This program was regarded as highly successful, in large part because of the careful screening process used to include these offender initially.

9.5.2 EMPLOYMENT ASSISTANCE

An important objective of community correction is to provide offender-clients with job assistance. Many clients do not know how to fill out a job application forms, and some do not know how to interview properly with prospective employers. Minimal assistance from staff of community-base corrections agencies can do much to aid offender in securing employment and avoiding further trouble with the law (Duffee, 1980:22-30).

Training centres were eventually created and operated by different countries on a nonprofit basis. Training centre offering have included remedial math instruction, English instruction, and clerical classes such as word processing, data entry, and telecommunications skill training.

9.5.3 INDIVIDUAL AND GROUP COUNSELING

Many offender-clients who become involved in community corrections programs have drug or alcohol dependencies and many of these persons are maladjusted, in the sense that they have difficulty getting along with other or coping with lifes everyday problems. These offenders have certain social, psychological, and physical needs that must be treated, either through individual or group counseling.

Community corrections had service available that provided alcohol and drug testing, substance abuse counseling and treatment referrals, employment and education assistance, budgeting training and evaluation. The intent of such programs is to motivate clients to engage in activities and treatment programs that promote the development and maintenance of productive lifestyles within the community. The probation officers also use telemonitoring devices to supervise offenders at risk who have psychological and social adjustment problems (Durham, 1989:50).

9.5.4 EDUCATIONAL TRAINING AND LITERACY SERVICE

Community corrections agencies help offender-clients in many useful ways.

Many of these agencies provide education services for offender with language or education deficiencies. It is pointed out that offender-clients may participate in study release through local schools.

9.5.5 NETWORKING WITH OTHER COMMUNITY AGENCIES AND BUSINESSES

An important function of community corrections is to network with various community agencies and businesses to match offender-clients with treatments and service.

Cooperative endeavors are necessary of certain offenders who are to receive the type of treatment they need most. Sometimes, the networking performed by community corrections enables offender-clients to obtain vocational and educational training, or perhaps group or individual counseling. Networking with businesses enables community corrections personnel to determine job availability.

Thus, community corrections offers a valuable job placement service for those offenders who have difficulty in finding work. Ronald Corbett regards community correction as customer-driven enterprises, in which the needs of offender-clients are paramount. The activities of community corrections agencies are intended to accommodate and serve offender-clients in diverse ways. Community correction is also mission-driven and result-oriented. He contends that community correction also satisfies the function of offender management and monitoring, helping to ensure public safety and provide community protection. Offender assistance is also directed toward helping clients achieve and maintain law-abiding lifestyle (Fox, 1977:90).

9.5.6 ALLEVIATING PRISON OVERCROWDING

There is certainly no shortage of literature to document the fact that community based corrections functions in large part to alleviate prison overcrowding. There are both short and long-term benefits that accrue as the result of establishing community corrections programs. Reducing prison population by diverting a substantial number of offenders to community based supervision is a short-term benefit (Reid, 1981:167).

A long-term benefit is that offenders in community-based programs tend to have lower rates of recidivism compared with paroled offenders who have served some prison terms. It may be that "creaming" or selecting the most eligible and least dangerous offenders for community-based correction programs, account for these recidivism differences. In any case, community-based programs have an ameliorative effect on offender-clients.

9.6 EVALUATION OF COMMUNITY CORRECTIONS IN PRIVATE AND PUBLIC INSTITUTIONS

This study is an evaluation of the implementation of community corrections in both institutions. The goal of this study is to discover which factors contribute to the process of putting in place a program of community corrections which works. One strand of the literature on implementation focuses on how faithfully statutory goals are adopted or on the intensity of efforts to achieve these goals. A second strand of implementation research presumes that implementing also requires adapting intentions and actions to new and local situation. The guiding theory of this study is that successful implementation of policies, like community corrections, requires a delicate balance between the essential but somewhat contradictory process of faithful adoption and constructive adaptation (Reid, 1981:406).

We do agree that where policy goals are clear, conflict is not aroused, the social technology for achieving consensus goals is available, and relatively few administrative decision points have to be overcome, successful implementation can be achieved with little modification or adaptation to local conditions. However, seldom do these political and organizational conditions exist for social policies and clearly, they are not present with regard to community corrections in the states we observed.

At the same time, adaptation can lead to gross distortion of policy. For example, when community corrections is reduced to placing offenders in local jails instead of state prison, the policy is unfulfilled or bled empty through maladaptive practice. According to (Reid, 1981:406) the most effective service which can be rendered to an offender, consequently resulting in the best protection of society, and probably also offering society the greatest economy, is community based service provided by the local level of government or private sector (Durham, 1988:53).

It is also claimed that community treatment is built on a foundation of sand. The contention that treatment in the community is more effective than institutionalization is an empty one. The claim that leaving deviants at large "cures" or "rehabilitates" them is just that—a claim. Little or no solid evidence can be offered in its support. It is pointed out that the movement toward community treatment does not reflect a concern with the offender, but rather, with saving money, and that it victimizes not only the offender but the poor who live in the neighborhoods which usually house community treatment facilities.

Throughout our discussion in this chapter we have looked at evaluations of programs. Some conclude that recidivism is down, costs are down, offenders are better adjusted if they participate in community based programs as compared to traditionally institutional programs. Other studies concluded that in the long run there is no significant difference between the two approaches. Still others conclude the access to victims increased and the danger to society is therefore greater.

The National Institute of Mental Health has concluded that those in community based programs do at least as well as those at prison. Others have argued that no conclusions can be made because the methodology of the evaluation studies is primitive, with control groups nonexistent or not equivalent to the experimental sample. Paul Lerman concludes, however, that although the evidence does not indicate that community corrections is more effective in treatment than traditional institutionalization, the case should be decided on the basis of humanitarian grounds.

After conduction of the extensive evaluation of deinstitutionalization in both institutions, the conclusion was that no single treatment modality by itself significantly reduces the rate of client recidivism. This is true whether one considers individual counseling, guided group interaction, behaviour modification, vocational training, education, intensive probation, field hockey. When we compare the results of experimental groups with results from control or comparison groups, we seldom find successful, durable effects, regardless of the treatment setting-whether a closed institution or an open community setting.

They warn, however, that one of the reasons evaluation studies do not reveal greater success with community treatment as compared to institutionalization, is that community treatment is defined in terms of location, not quality, frequency, and duration of community relationships. Community programs may coerce some into community services who have not been adjudicated second, the emphasis may be on what we are diverting from and not what we are diverting to and we thus miss the fact that we are not offering any better services in the process of diversion(Reid,1981:382).

Another problem with evaluation of community treatment is the use of recidivism to measure success. That measure is not sufficient for staff, who want to know what in the program is related to success or failure. Unfortunately, there is no consensus on what the criteria should be, but all community based programs seem to have some common goals: to change the self-concept, values, and attitudes of the offenders, to provide a humane environment that does not alienate the offenders, to establish positive ties in the community and with families, teachers, and to maintain control over the young people during the program (Reid, 1981, 390).

Not all of these may always be achieved and some may have to be sacrificed for others. Some conflict. For example, in their evaluation of programs, the investigators found a conflict between education and group-treatment orientation. Conflict also existed between the goals of allowing the juveniles freedom of choice and association in programs and the goal of changing their values. One must therefore look at a whole system of programs, one individual program cannot accomplish all goals. "Our data does not allow us to conclude precisely which changes will have the greatest impact on the achievement of a particular goal. Nevertheless, the data does identify important sets of variables that might be manipulated to achieve particular result with youth". Needs, however, are data that indicate which type of youth will benefit greatest from which type of program.

9.6.1 POLICY AND SETTINGS

Like many social policies directed at human services delivery community corrections normative premises are sufficiently ambiguous so as to attract a broad range of political support and a host of program applications.

For some, community corrections is an extension of positivist reform principles which presume that the cause of criminality can be isolated treated, but only in humane settings where clients are gradually reintegrated into pattern of everyday life. Others view community corrections as a policy departure from positivist premises of criminality and locate it within a larger trend of the 1960s to engage the community in humane services decision making and delivery (Neser, 1993:351).

The "community control" movement sought to reduce the influence of large-scale governmental bureaucracies on human service and to increase the participation and influence of community residents and service clients. A "new criminology" emerged from this large movement and was applied to correction by members of President Johnson's 1967 commission on Law Enforcement and the Administration of Justice.

The general underlying premise for the new direction in corrections is the crime and delinquency are symptoms of failures and disorganization of the community as well as of individual offenders. The task of corrections, therefore, includes building solid ties between offenders and the community, integrating and reintagrating the offenders into community life-restoring family ties, obtaining employment and education, security in the larger sense a place for the offender in the routine functioning of society.

Most recently, fiscal conservatives have been drawn to the utility principles of community corretions which claim that this policy provides a cost effective sentencing alternative to prisons including no additional "costs" to community safety. While the utility; community involvement and treatment claims of community corrections have been challenged.

A number of states have adopted community corrections policies based on one or more of these normative premises. Focusing largely on non-violent offenders; these policies provide funding for pretrial release programs; sentencing alternative to state prisons; and transitional programs for those within a year old release from prison. The service provided through these programs are human service in that action of the street-level employees of these programs represent the core resource delivered through this policy (Fulton, 1989:25).

These services include vocational training; job skills, drug and alcohol treatment and family counseling. In many countries, the states community corrections act has allowed officials to further rationalize the organization of correctional services in place prior to its passage. Countries have increased "professional supervision" over referral and volunteer services providers displacing part-time and voluntary workers. District court judges are granted authority to sentence non-violent offenders to community corrections rather than state or private correctional facilities.

In most of provinces, the private agencies are non-profit, multiservices agencies which offer residential and non residential services for a variety of clients. These multiservices agencies are staffed by volunteers and paraprofessionals; including ex-convicts. The advisory boards play the critical role of coordinating the community corrections services of contracted agencies. Consisting of elected officials, criminal justice administrators and line personnel and influential citizens, these boards serve also as local advocates of community corrections (Donahue, 1988:63).

While probation officers serve on local boards and have supervisory authority over certain clients of the community agencies, many of the direct service providers are employees of the nonprofit agencies. These agencies, usually small collectives, invest ultimate authority in committees.

The policy provides for public information services or what is formally called "constituency building"-developing a political constituency in the private sector of improving criminal justice policies, establishing public support for community service relevant to corrections and improving coordination among public and private agencies involved on correctional service delivery.

Community corrections contracts with a network of private agencies to provide transitional services for inmates, offer support services for families of inmates and executes the mandate of constituency building. The principal proposition of this study is that community corrections becomes more embedded in its larger sociopolitical environment and impacts society more favourably as it:

- Enjoys greater commitment among those engaged in its diffusion,
- Invokes greater agreement among implementors as to what policy should accomplish,
- Maximizes adaptation at the local level,
- Expands access to decision-making among participants. and
- Gains support among critical professional and community groups. The implementation, environmental, embeddedness, and impact factors were operationalized through the construction, administration and analysis of close-ended questionnaires. However, the research began in Pretoria correctional services with unstructured, open-ended interviews.

9.6.2 POLITICAL AND ECONOMIC PROBLEMS OF COMMUNITY BASED TREATMENT

One of the most serious political problems faced by community corrections is that the community rejects the facility on account of its location. In our earlier discussion of prison construction we noted that because of such opposition, some facilities could not be located where planned. Similar situations have occurred with attempts to locate community based corrections. In the past, such facilities have successfully been located in the central city, long a decaying part of the city, in which alcoholics, mental patients, and ex-offenders lived.

It is pointed out that the plans for community based corrections can also be thwarted or abolished by a change in administration. The economic factor can also impede the development of community based programs whether in the long run such facilities are more or less expensive than institutionalization is a matter of debate, as we have seen. On the other hand, some communities have been able to minimize cost by using existing facilities or by contracting with private organizations for some services and facilities (Reid, 1981:408).

Our research suggests that such an organizational style of implementation has potential to maximize commitment among the full range of participants engaged in the diffusion of a social program and expand access to decision-making to include street-level workers.

Private, nonprofit agencies have long been involved in providing community and transitional services for nonviolent adult and juvenile offenders. Our research and that of others indicate that private service providers have achieved mixed results, at best, in seeking broad, community support for their activities (Fox, 1977:30).

9.7 THE FUTURE OF COMMUNITY-BASED CORRECTIONS IN PUBLIC AND PRIVATE INSTITUTIONS

Although the future of community-based corrections remains tenuous, the trend of correctional programming in this direction is steady and clear. The National Council on Crime and Delinquency has recommended that no new prisons be built until all other alternatives have been examined. In this chapter, we have taken the position that community corrections can be productively understood as an aspect of community, rather than as a particular form of correctional activity. That is, we have proposed that many significant community corrections policy issues and research questions and particularly those related to the formulation and implementation of programs—can be framed within a knowledge of community structure and dynamics.

Simultaneously, although of less immediate concern in this volume, was the related assumption that attempts to set off community corrections as distinct from other types of corrections can set up misleading policy and research activity. We are not claiming that the framework is new, but only that the attention to the community as an interactional field has been underemphasized relative to its impact on certain correctional outcomes.

We are not proposing that the community field offers comprehensiveness. It certainly does not. The employment of community variables in the examination of corrections is essentially a political, economic and administrative approach to correctional issues. There are many correctional problems fruitfully investigated without reference to such variables. But we do think that the routine addition of variables of concern here to the normal correctional lexicon would indeed increase our understanding of correctional problems (Duffee, 1990:153).

We suspect that the employment of community field variables in the study of correctional organizations and programs would highlight powerful forces that always have been of great influence on, correctional administrators. An evaluation of some of the phases of community-based corrections might be appropriate, together with a look at some of the factors that been upon the future of these programs (Fox, 1977:270).

It is pointed out that the dissatisfaction with prisons has been a primary theme of professional criminologists and correctional administrators in recent years. The bad effects of institutionalization have been central concerns of persons involved in correctional treatment programs. Closing large institutions stimulates new thinking with regard to community-centered programs for helping people who cannot benefit from conventional community structures or traditional prisons. It is the thesis of this chapter that deinstitutionalization of the correctional process holds greater promise for success in the protection of society through the rehabilitation of the offender than traditional institutional procedure.

Institutions are financially and socially expensive. Professionals in youth services, health, and correction have arrived at the conclusion that society can be served by alternatives incarceration within the society to which the offenders ultimately return. On the other hand, prison populations are more sensitive to unemployment rate than they are to crime rates. There is no point of placing people on probation, parole, or community-based, work-oriented programs when they have no visible means of support.

For prison populations and community-based corrections, crime rates are less important than unemployment rates. Closing prison is believed to be beneficial to the correctional effort because it reduces the damage done to some people. Sociological criminologists have in recent years become concerned with the "labeling process" by which a person is stigmatized as a prisoner. Moreover, research in several prisons indicates that socialization within the prison community supports deviants norms, making the inmates less amendable to socialization than they were before the prison experience (Fox, 1977:80).

9.8 PRIVATIZATION OF COMMUNITY CORRECTIONS

The final change in the community field which we will note here is an apparent trend toward privatization of some correctional services. There are numerous explanations of why privatization is occurring, including the great flexibility and variety provided by private contractors and the reduced start-up time and lesser cost. Most of these claims are assertions rather than empirical finding. It is difficult to make comparisons between private-public network and pure public network in operation, cost and outcome.

It is likely that the impact of the increased utilization of private and contractors will be highly variable, depending in part upon the emerging position of the private organizations in the vertical and horizontal community matrix. The crucial variables influencing start-up had to do with how agency leaders approached community leaders about the rationable and operations of the proposed programs. Such observation indicate that privatization is a variegated phenomenon. Private organizations vary in their placement in community fields, just as state organization do. Hence, we need to ask what advantages and disadvantages different types of public and private agencies provide in different types of community field (Duffee, 1990:309).

9.9 SUMMARY AND CONCLUSION

The thrust towards community based corrections supports the most significant philosophical trend correction has experience in years. In this chapter we have examined that trend, beginning with a brief discussion of the historic concept of community based corrections. We noted that although the concept has been around for centuries, the organization and systematization of community based corrections in this country is relatively recent phenomenon, gaining its greatest impetus from the 1947 report of the Penal and Prison Reform Commission.

The major emphasis then became reintegration of the offender, replacing the emphasis on rehabilitation, which in turn, had suspended the philosophies of revenge restrain, and reformation.

A growing awareness that traditional insitutionalization of offenders was not institutionalization was extremely costly, along with the increasing evidence of the harmful effect of imprisonment, fueled the movement. The development of community service sentences in South Africa has been discussed, as well as the role of the Viljoen commission and the permanent committee on penal reform.

The meaning of community based corrections were examine, and we have looked at the data, cost and financing of such programs. The community corrections acts were also discussed as well as the philosophy of community correction the characteristics of community corrections were discussed as well as the role of community based corrections.

It is clear in the discussion that some offenders need more supervision than can be provided in the types of programs discussed above. We therefore looked at institutional programs of community treatment, beginning with foster and group homes. In discussing evaluation of community based treatment, it became obvious that our basic problem is a lack of knowledge. We simply do not know which programs are effective. Adequate control groups have usually not been a part of evaluation, many programs have not even, been evaluated.

Isolation of relevant variables is also a problem. It is also clear that political and economic problems perse. In the last section of the chapter we looked at some of the political and economic problems of community based corrections.

The movement toward community corrections may represent a desperate attempt to do something even without knowledge of what the results will be. Disillusionment with attempts at rehabilitation through institutionalized treatment have led to the current trend toward harsher sentencing for serious offenders, decriminalization of juvenile status offenders- and the increased use of community based treatment.

The major problem, however, is that when we adopt a new approach we burden that approach with the responsibility of reducing the crime rate. Consequently, we rush to evaluate the approach in terms of recidivism, and if those rate are not reduced we conclude that the programs have failed. It may be that the burden of reducing recidivism is too great for any treatment method or approach to handle and that we should look to other measures of success or failure.

It is clear that effective control and supervision of offender performing community service tasks as well as proper selection of offender for community service is needed. In this chapter is clear that considerable success has already been achieved overseas with the use of community service sentences as an alternative to imprisonment for petty offenders. There are indications of an interest in this system here, and we look forward with great anticipation to further developments in this regard. It is clear that society will not continue to tolerate the ever-increasing costs of imprisonment in support of a system utilizing mass custody without effective treatment as its primary focus.

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