

**IMPRISONMENT IN SOUTH AFRICA UNDER MAXIMUM SECURITY
CONDITIONS IN THE NEW MILLENIUM**

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SUMMARY

The main aim of this study is to obtain the Master of Technologiae degree. Secondly, this study gives more clarity on the conditions of detention in maximum security prisons in South Africa and selected countries, namely the United States of America and Australia. Inmates detained in maximum security prisons are those who were sentenced to serve long terms in prison, including those who show violent behavior at lower security prisons. The development and treatment programs offered for inmates detained at maximum security prisons are taken into consideration, while certain negative aspects unique to maximum security prisons are examined as well. This study is important for the South African correctional system, due to the increase in the number of inmates detained in these facilities.

KEY TERMS

Imprisonment; prison; inmate; maximum security prison; Department of Correctional Services; corrections; punishment; security; privatisation and case management.

I, **Matshaba Thabiso Donald** declare that **Imprisonment in South Africa under maximum security conditions in the new millennium** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

SIGNATURE

(Mr. T.D Matshaba)

DATE

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CHAPTER 1

THE RESEARCH

1.1 Introduction

Since 1994, after the general elections, several changes have become evident in the ways in which the criminal justice system deals with crime. The announcement of the former Minister of the Department of Correctional Services, Dr Sipho Mzimela, in July 1995 about the demilitarisation of the department was an indication that the department had had to shift away from the previous apartheid era approach to the management and treatment of prisoners. Currently there are 240 prisons in South Africa, ranging in size and capacity from 31 prisoners to 3 000 prisoners. These prisons are spread over the country in various regions as follows: Northern Cape and Free State 47; Eastern Cape 43; KwaZulu-Natal 42; Limpopo, Mpumalanga, and North West 38; and Gauteng 26. The prisons consist of 132 male, 87 male and female, eight female and 13 youth facilities. The above facilities include 20 farm prisons and two privately operated prisons, with the total population of 5 928 prisoners. Accommodation varies from one to over 100 prisoners per cell (Judicial Inspectorate of Prisons, 2005:12).

The profile of the offender in South Africa has also changed since 1994. Some of the changes in the composition of the offender population include:

- an increase in the aggressive and sexual crimes categories;
- an increase in the number of offenders that serve long sentences;
- an increase in the number of children sentenced to custody in correctional centres; with the transgressions showing an increasingly violent nature;
- an increase in the number of inmates sentenced to life;
- the introduction of a system of minimum sentencing by courts and;
- an increase in the prosecution of serious aggressive crimes (Department of Correctional Services, 2005:105).

1.2 Rationale of the research

As indicated by Gerber and Alberts (1984:27), the term “rationale” refers to the logical statement of reasons on which an investigation is based. Champion (1993:10) argues that people are interested in simply knowing about things, while some practitioners seek answers to practical questions. This study seeks to answer questions that have arisen following the changes in the South African correctional system since the general elections of 1994.

One of these changes was the introduction of the new Correctional Services Act 111 of 1998. The birth of the Constitution of South Africa in 1996 as our country’s highest law was the most important factor in necessitating a new Correctional Services Act. The increase of violent and aggressive crimes has also led to the introduction of mandatory minimum sentence legislation. After the introduction of this legislation there was an increase in the number of prisoners detained in maximum security prisons. Currently there are nine maximum security prisons in South Africa. Two of these prisons are managed by private companies. Most of these prisons are severely overcrowded.

This study, “Imprisonment in South Africa under maximum security conditions in the new millennium”, can be linked to the changes in Correctional Services legislation and the introduction of mandatory minimum sentence legislation in South Africa in that it seeks to determine the conditions that currently exist in maximum security prisons in the country and the development of the inmates of these institutions following these legislative changes.

1.3 Method and techniques

Data for this study was derived from a review of current literatures, and from unstructured interviews and observation carried out by the researcher. These methods are discussed in details in the sections that follow.

1.3.1 Literature review

The literature review is an important tool for providing a context for the research. It is also a fundamental part of the methodology. Bless and Higson-Smith (1995:23) argue that one of the main purposes of the literature review is to familiarise the researcher with the latest developments in the area of the research, to identify gaps in knowledge or weaknesses of previous studies, and to sharpen the theoretical framework of the research. Ary, Jacobs and Razariel (1985:369) state that the review of literature has the following purposes:

- It demonstrates that the researcher of the study has mastered the available literature;
- It demonstrates similarities between the proposed study and past research findings of similar studies;
- It discusses “how” the proposed investigation will contribute to the knowledge of the penology profession;
- It supports and interacts with the conceptual work and;
- It demonstrates the reasons for selecting a particular method.

The sources used in this research include international as well as South African sources applicable to maximum security prisons.

1.3.2 Unstructured interviews

Unstructured interviews were conducted with both correctional officials and inmates at Leeuwkop and Mangaung maximum security prisons. This type of interview was chosen because it facilitates the requirements of exploratory research methodology. Exploratory research methodology is used to explore a relatively unknown research area that leads to insight and comprehensive view rather than the collection of accurate and replicable data (Mouton and Marais, 1991:43). As the researcher’s aim was to gain practical insight into the handling of inmates and the conditions in maximum security prisons, this technique was relevant to this study.

1.3.3 Observation

Finally, the researcher used the observation technique as a further way of collecting data. “Observation” can be defined as a qualitative, non-numerical data-collection technique used widely in various areas of research. This technique involves all human senses, where reliability rests on the researcher rather than on other external sources (Fox, 1998:11). Observation was essential in working with prison inmates as they do not trust anyone working in the correctional setting.

1.4 Choice of subject matter

According to Neser (1980:4), research is influenced by the following factors:

- The necessity and desirability of the research;
- The availability of data; and,
- The interest of the researcher.

1.4.1 Necessity and desirability of research

As already stated, there are nine maximum security prisons in South Africa. After the promulgation of the Correctional Services Act 111 of 1998, two private companies received contracts to run two maximum security prisons. Most of the nine prisons are massively overcrowded. Since the introduction of mandatory minimum sentence legislation on 1 May 1998 the number of prisoners detained in these facilities has escalated from 14 229 in 1999 to 29 596 in 2007, an increase of 107.9 per cent in eight years (Judicial Inspectorate of Prisons, 2006:25). Maximum security prisons are designed to detain prisoners serving long sentences and those who would pose a threat to the lives of other prisoners and correctional officials in minimum and medium security prisons. Considering the physical and mental environment that a prisoner has to cope with in these facilities, little is known about the effects of these facilities on prisoners: whether, for example, they have the opportunity to participate in rehabilitation programmes, and what

security measures are implemented to prevent the prisoners from escaping. The study will provide a better understanding of the conditions of imprisonment in maximum security prisons in the new millennium.

1.4.2 Availability of data

The researcher extensively consulted the available sources on the subject, including both South African as well as international sources. The sources include periodicals, books, reports, journals and Internet sites. Official documents of the South African government departments, specifically those of Correctional Services and the Judicial Inspectorate of Prisons, as well as relevant legislation, have also been used.

1.4.3 Reliability of data

"Reliability" means the extent to which other researchers will produce the same results that the researcher and participants agree on concerning the description of the phenomena being researched (Merriam, 1998:206). In this research, reliability was influenced by the relationships and the rapport set up between the researcher and the participants, which encouraged them to express their opinions openly. The researcher also consulted the educationalist at Leeuwkop maximum correctional centre and unit managers at Mangaung maximum correctional centre to verify the information gained from prisoners during the unstructured interviews.

1.4.4 Interest of the researcher

Previously, the researcher had been appointed by the Judicial Inspectorate of Prisons for two years as an Independent Prison Visitor at two prisons in the Free State Province. One of the main functions of this position was to make regular visits to these prisons in order to evaluate the overall condition of detention of prisoners. Through several visits to maximum security prisons, the researcher developed an interest in the type of intervention made in the treatment of these prisoners and in what can be done to improve

the conditions of detention in these prisons. Arising out of this interest, this research attempts to touch on these conditions and make recommendations on their improvement, which might be helpful for the Department of Correctional Services in their management of these facilities.

1.5 Delimitation of the study

The period of time and geographical boundaries reflect the delimitation of this study. These are described in more detail below.

1.5.1 Period of the study

The literature study was carried out from February 2006 to October 2007. Observation of correctional officials and prisoners at Leeuwkop maximum correctional centre was done from 29 June 2006 to 4 July 2006. At Mangaung maximum correctional centre the observation was done from 30 November 2006 to 4 December 2006.

1.5.2 Geographical delimitation

In terms of the literature review, the researcher conducted a documentary study on maximum security prisons of the United States of America and Australian correctional systems. The main reason for this selection was to familiarise the researcher with the current developments of these prisons in other countries.

In terms of the geographical delimitation of the sample of prisons, the researcher based his selection on three factors. Firstly, as Mangaung maximum security prison was the first private maximum security prison to be established in South Africa it was advisable for this research to be conducted in this prison. Another reason for selection of this prison was that the researcher was familiar with it as a result of previous visits to this prison while he was Independent Prison Visitor. Finally, Leeuwkop prison was selected because

of its closeness to the researcher's place of residence. It is also one of the largest maximum security prisons in Gauteng and indeed in South Africa.

1.6 Objectives of the research project

The primary objective of this research is to understand the conditions of detention and the development of prisoners detained in maximum security prisons. The secondary objectives of the study include the following:

- To evaluate the impact of mandatory minimum sentencing legislation on the increase of prisoners serving long sentences;
- To investigate the privilege system, amenities and the contact with the outside world for inmates in maximum security prisons;
- To look at the operation of private maximum security prisons;
- To understand the operation and activities of gangs in maximum security prisons;
- To evaluate the current security measures implemented in maximum security prisons and;
- To draw conclusions and make recommendations regarding conditions in maximum security prisons.

1.7 Concept clarification

The terms that are frequently used in this study need to be defined and discussed in order to clarify their meaning. These terms, imprisonment, prison, inmate, maximum security prison, Department of Correctional Services, corrections, punishment, security, privatisation, and case management, are defined below.

1.7.1 Imprisonment

Imprisonment is a term that refers to the duration of stay inside prison. Imprisonment must be imposed by a court of law on a person who is guilty of an offence. Neser

(1993:27) states that imprisonment in the South African context means the admitting and locking up of a person in prison.

1.7.2 Prison

A prison is an institution in which all people who are found guilty by the court are kept and locked up until they serve all their sentences (Hornby, 1974:664). As stipulated in the Correctional Services Act (Republic of South Africa, 1998:2) prison means:

"Any place established under this Act as a place for the reception, detention, confinement, training or treatment of person liable to detention in custody or detention in placement under protective custody, and all land, outbuildings and premises adjacent to any such place and used in connection therewith and all land, branches, outstations, camps, buildings, premises or places to which any such person have been sent for the purpose of imprisonment, detention, protection, labour, treatment or otherwise, and all quarters of correctional officials used in connections with any such prison, and for the purpose of section 115 and 117 of this Act includes every place used as a police cell or lock up".

1.7.3 Inmate

According to Sykes (1999:3), an inmate is a person imprisoned for a crime committed who is awaiting trial or who has been tried in a court of law and found guilty and sentenced for a specific period or for life. This word is used for both genders (male and female), young and adult of all race groups whether they are in South Africa or of foreign origin. An inmate also means any person, whether convicted or not, who is detained in custody in any prison or who is being transferred in custody or is en route from one prison to another prison (Republic of South Africa, 1998:5).

1.7.4 Maximum security prisons

“Maximum security prisons” can be defined as the secure prisons assigned for prisoners serving long sentences and those who show violent behaviour and escape risk in minimum and medium security prisons. The prisoners detained in these prisons require more extreme control and supervision to prevent escapes and violent behaviour (Silverman, 2001:151).

1.7.5 Department of Correctional Services

This is the South African government department responsible to incarcerate sentenced inmates and awaiting trial detainees. The responsibility of the department includes safe custody, rehabilitation and reintegration of prisoners into the community (Republic of South Africa, 1998:14).

1.7.6 Corrections

According to Fox (1985:1), corrections means the attempts by correctional systems to rehabilitate prisoners by providing educational, industrial and social skills to sentenced prisoners in order for them to become law-abiding citizens after their release. In terms of Department of Correctional Services (2005:131) corrections means all services aimed at the assessment of the security risk and criminal profile of offenders based on their social background and developing of sentence plan, targeting all elements associated with the offending behaviour.

1.7.7 Punishment

Terblanche (1999:3) describes punishment as a penalty or a sentence imposed by the court of law on a person who commits a criminal offence. Neser (1993:18) defines the concept “punishment” as the disadvantageous action imposed on the convicted guilty person by the court of law with the purpose of deterring the person from committing

further crime. The sentence imposed on a person as a punishment is also executed with the purpose of deterring general community members from committing crime.

1.7.8 Security

Security implies a stable, relative predictable environment in which an individual or group may pursue its ends without disruption and without fear of disturbance (Robert and Fischer, 1998:3). According to Department of Correctional Services (2005:131) security refers to service rendered by the Department aimed at ensuring the provision of safe and healthy conditions consistent with human dignity for all persons under its care, while providing protection for its personnel, security for the public, as well as ensuring the safety of persons under its care.

1.7.9 Privatisation

According to Schmallenger and Smykla (2005:222), privatisation can be defined as a contracting of government functions and responsibilities to the private sector.

1.7.10 Case management

Case management in corrections can be described as a process in which the need of each offender are identified in order to ensure that they match with the selected rehabilitation programmes offered by the prison authority (Enos and Southern, 1996:1). Luyt (1999:127) defines “case management” as a way of organising the progress of the offender through the correctional system during the period that he or she is incarcerated.

1.8 Composition of the study

The study is composed of eight chapters, which are outlined as follows:

Chapter 1 has covered the research problem, objectives, methodology, definition of concepts, and the structure of the dissertation.

Chapter 2 explains the theories and philosophies that underpin the concept of maximum imprisonment. In this chapter, the concept of total institutions and the criminal justice system of South Africa are discussed. Particular focus is given to different types of maximum security prisons, including private maximum prisons in South Africa. The chapter concludes with various international instruments applicable to maximum security prisons.

Chapter 3 provides a background on the correctional systems of Australia and the United States of America. Aspects of these systems, such as offender population, offender categories, management and organisational structure, are discussed. This chapter also covers the admission, classification, discipline and rehabilitation programmes offered to prisoners in maximum prisons in both countries.

Chapter 4 explains the practical handling of maximum security inmates in South Africa. The conditions of detention in Mangaung and Leeuwkop maximum security prisons are discussed in detail in this chapter.

Chapter 5 highlights problems associated with imprisonment in maximum security prisons. The factors leading to the formation and development of prison gangs are discussed. The modus operandi of selected prison gangs is also discussed.

Chapter 6 discusses aspects of security in maximum security prisons including key security elements such as searching of prisoners, cells, and work areas. A discussion of the use of force, firearms, and non-lethal incapacitating devices by correctional officers working in maximum security prisons also forms part of this chapter.

Chapter 7 covers the concept of case management for inmates, the role of the case management committee in the process of case management, and the advantages and case management process.

In **Chapter 8** the researcher draws conclusions from the findings of the study and makes various recommendations.

1.9 Summary

This chapter introduces the reader to the topic “Imprisonment in South Africa under maximum security conditions in the new millennium”. The chapter dealt with the rationale of the research and the aims and objective of the research. The different concepts that are regularly used in the research were explained. The methods, techniques and structure of dissertation were also presented.

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CHAPTER 2

PHILOSOPHY AND THEORY RELATING TO MAXIMUM SECURITY CONDITIONS AND IMPRISONMENT

2.1 Introduction

“Imprisonment is the ultimate tool of society’s reaction against considerably deviating, socially behaviour” (Huber, 1988:5). The steady stream of academic literature on imprisonment which has emerged on the Second World War periods has fundamentally changed by the way which the process of imprisonment is capitalised (Matthews, 1999:1). Pioneer writers such as Donald Clemmer (1940) and Gresham Sykes (1958) explored the way subcultural modes of adoption contributed to realization of order in prison. It was not however, until late 1960s and 1970s that major watershed penological thinking took place. The work of Irving Goffman provided a powerful analysis of total institutions and his critique of rehabilitative potential of incarceration was extended and developed by other writers such as Novel Morris (1974), who questioned the validity of developing rehabilitative programmes within the coercive framework of prisons (Matthews, 1999:1).

Imprisonment is regarded as last resort in any criminal justice system. According to Coyle (1994:2) imprisonment as a form of punishment in its own right has developed over the last two hundred years. As a punitive measure, the use of imprisonment has gained popularity during the 20th century. The use of alternatives to imprisonment, also called non-custodial punishment, has become a serious consideration amongst sentence reformers over the last two decades. The fact of the matter is, however, that imprisonment is still largely taken as the paradigm of punishment (Luyt, 1999:25). Canadivo and Dignan (1992:42) added that imprisonment is seen as the appropriate punishment for most offences. The use of imprisonment has been perceived as a ‘penal crises’ in both United Kingdom and the United State of America (Duff, 1994:8). This was

also the case in France (Wicks & Cooper, 1979:61) and Australia (Grand, 1991: vi). Duff (1994:8) added that imprisonment is the most drastically sentence typically imposed by the state.

According to Section 2 of the Correctional Services Act of 111 of 1998 the purpose of the Correctional system is to contribute towards maintaining and protecting a just, peaceful and safe society by:

- Enforcing sentences of the court in the manner prescribed by this Act;
- Detaining all prisoners in safe custody whilst ensuring human dignity ; and,
- Promoting the social responsibility and the human development of all prisoners and persons subjected to community corrections.

2.2 The philosophy of punishment

Every society or country develops justification to impose sanctions on criminals. These justifications have changed over time. There are several philosophies of reduction of crime and criminal activities, namely determinism and indeterminism, deterrence, incapacitation, retribution and rehabilitation. Silverman (2001:21) feels that these philosophies are all important, because they all involve some of offender suffering. We will now discuss each philosophy separately:

2.2.1 Determinism and Indeterminism

Backward-looking theories of the moral justification of punishment argue that all offenders were in some way and in some degree free to commit their offences, and should in some way and degree be morally responsible for them (Honderich, 2006:130). Honderich (2006:131) further added that no inquiry can be completed without examining determinism, the family of theories taken by some philosophers to deny that we are free of our choices or decisions and our ensuing actions, thus to be responsible for them or credited with responsibility for them. According to William (2002:7) the term

determinism may be described as a philosophical proposition that every event, including human cognition and behaviour, decision and action, is causally determined by an unbroken chain of prior occurrences. Bishop (2004:17) finds that the negation of determinism is sometimes called indeterminism. According to William (2002:7) **indeterminism** can be described as an event that does not have any causes, many proponents of free will believed that acts of choice are capable of not being determined by any physiological or physiological cause.

2.2.2 Deterrence

The work of Cesare Beccaria and Jeremy Bentham 200 years ago gave birth to the concept of deterrence as a way of controlling crime (Silverman and Vega, 1996:20). The followers of this concept believe that punishment of an offender can prevent future criminal behaviour and that the effects of punishment will serve as a deterrent to other criminals.

There are two types of deterrence:

- Specific deterrence

According to Seigel (2005:87) the theory of specific deterrence suggests that strong action should be taken the first time an offence is committed to make the offender obey a law in future. That is why imprisonment serves as a purpose of deterring offenders from future criminal activities. Data on recidivism do not give much cause for believing that prison is a good specific deterrence (Livingston, 1996:502).

- General deterrence

General deterrence is the effect that the threat of punishment has in preventing citizens in general from becoming involved in criminal activities. A citizen who refrains from criminal activity for fear of incarceration or other punishment is said to have been deterred (Snarr, 1996:502).

2.2.3 Incapacitation

During early years in American colonies physical restrains like stocks and pillory were used on criminals and other wrongdoers for the purpose of temporary restraint. Less serious offenders could be dealt with most effectively by means of corporal punishment which included whipping, branding and even mutilation. A small number of criminals were controlled through permanent forms of incapacitation, like death and banishment (Miethe and Hong Lu, 2005:90). Currently, the most widespread form of punishment inspired by incapacitation is imprisonment. Its supporters believe that as long as offenders are in confinement, they are not free to commit further crimes (Silverman and Vega, 1996:22). In addition to imprisonment other incapacitation techniques like intensive supervision and chemical modifiers can be used (Duffee, 1989:12).

2.2.4 Rehabilitation

The use of rehabilitation has always been promoted as a key correctional goal. According to Clear and Cole (2000:77) the term “rehabilitation” can be described as the process of changing the current criminal behaviour of an offender through some form of vocational, educational, or therapeutic treatment. Seiter (2002:86) argues that rehabilitation can also mean “returning someone to a prior state” and is a concept that can be traced back to early European history. Currently, rehabilitation has become an important function of correctional services throughout the world. According to Cavadino and Dignan (1997:159) prisoner rehabilitation programmes comprise different types of interventions. These interventions are generally intended to provide purposeful activities for prisoners, challenge the “offending” behaviour of criminals, provide basic education for prisoners, and equip prisoners with the necessary life, social and work skills which they can use once they are released from prison and back into society.

2.2.5 Retribution

Another component of the philosophy of punishment is retribution and it is one of the oldest aims of justice. According to Champion (2001:15) retribution is the desire to elicit revenge for an act of harm or wrongdoing perpetrated against one individual by another, or one community against another. The justification for retribution was usually based on the following three elements:

- The punishment should be imposed on a person who has committed a crime;
- The severity of punishment should match the seriousness of crime; and,
- The degree of punishment specified is independent of the actual or predicted consequences of the punitive act. Because the social order suffers when crime occurs, society is also a victim (Duffee, 1989:15).

2.3 The purpose of imprisonment

According to Terblanche (1999:240) the purpose of imprisonment is to punish, prevent further crime and rehabilitate the prisoner. Furthermore, it is hoped that imprisonment prevents further crime by incarcerating the offender. Violent offenders are separated from the general prison population by being detained in maximum security prisons, the principal aim of which is to protect society from hardened criminals (Stinchcomb, 2005:172). However, imprisonment as a form of punishment has its own advantages and disadvantages and it is to a brief discussion of these that this chapter now turns.

2.3.1 The advantages and disadvantages of imprisonment

The main advantage of imprisonment is to remove the offender from the community. The result of this detention is the apparent protection of society from that offender for the duration of their incarceration. Moreover, imprisonment is the last stage of justice where the decision of a court of law is carried out and the offenders are punished for their crime.

However, imprisonment also has many notable disadvantages. Although imprisonment has a serious financial implication for any society and it is a very expensive form of social control, it is debatable whether the effects of imprisonment will achieve the desired goal of rehabilitating prisoners and allowing them to play a meaningful and responsible role once they are set free. Jamieson and Grounds (2005:58) argue that long-term imprisonment leads to demonstrable psychological harm that extends beyond mere custody. In their sociological study of a maximum security prison in Trenton, for example, the following five main psychological effects of imprisonment were identified: The loss of liberty can result in:

- Lost emotional relationships, loneliness and boredom;
- Sexual frustration;
- The deprivation of autonomy (regime routine, work, activities, trivial and apparently meaningless restriction) and;
- The deprivation of security (enforced association with other unpredictable prisoners, causing fear and anxiety (Liebling and Maruna, 2005:6).

Prisoners are removed from normal society and placed in an abnormal situation which operates under strict rules and principles very different to those which exist in “normal” society. It is difficult in prison to rehabilitate or teach a person how to become a useful member of society, as it is impossible to practice these skills in prison. In the process of imprisonment, prisoners became bored and become more used to life inside prison. They also don’t make their own decisions in most cases and many may lose ability to cope in normal society where they have to make their own decisions (Terblanche, 1999:244).

2.4 The criminal justice system

A person enters into the criminal justice system after committing a crime. According to Van Oosten & Louw (1997:128) crime can be defined as an "intentional or negligent unlawful act committed by someone who is criminally capable and which is punishable

by the state". Crime can also be defined as an intentional act in violation of the criminal law, committed without defence or excuse and penalised by the state (Bartol, 1995:17).

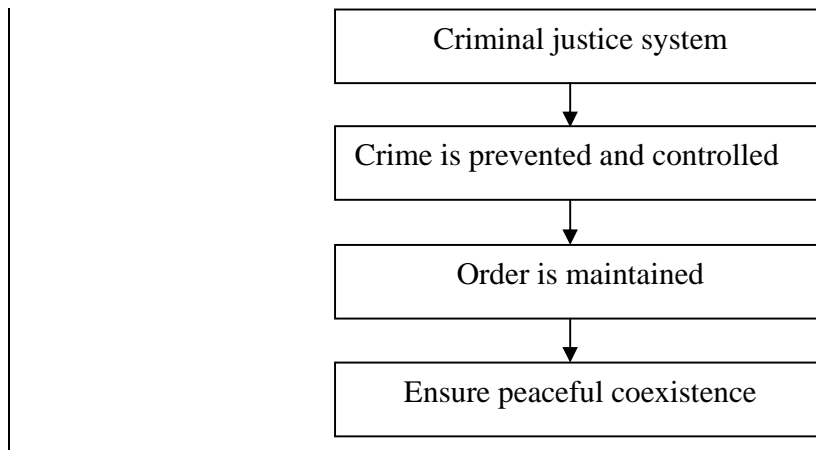
Fox and Stichcomb (1994:44) argue that crime is unauthorised social behaviour against criminal laws passed by the government. Such social behaviour is subject to punishment administered by the criminal justice system. The following factors should always be present in order for someone to be criminally responsible:

- **Legality:** An act needs to be defined as a punishable crime in terms of statutory or common law before it is committed.
- **A deed:** This may be an act or a consequence.
- **Unlawfulness:** A criminal prohibition must be contravened or there must be non-compliance with criminal injunction.
- **Criminal capacity:** The person must have the ability to appreciate the nature and the quality of deeds, as well as its wrongfulness. He/She must be able to act in accordance with an appreciation of the nature, quality and wrongfulness of deeds.
- **Fault:** The accused must have had the intention to commit a crime, or acted negligent. To establish negligence the question would be whether the reasonable person, when placed in position of the accused, would have foreseen the possibility of acting unlawfully (Van Oosten & Louw, 1997:128).

2.4.1 The aim of the criminal justice system

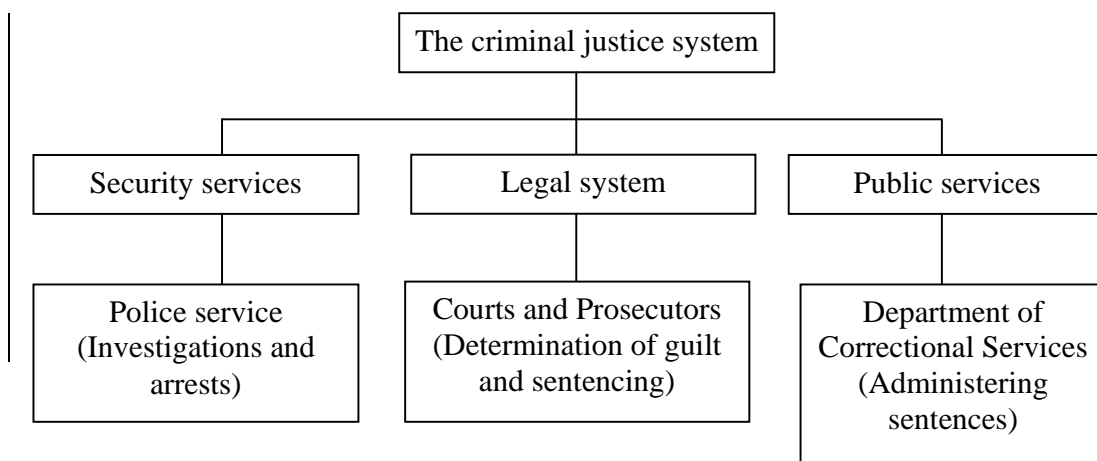
According to Neser (1993:45) the aim of the criminal justice system is the maintenance of order by preventing and controlling crime. Order must be created to ensure peaceful coexistence in society, which means that a person who commits crime must be punished. The latter is illustrated in Figure 1.

Figure 1: Aim of criminal justice system



The criminal justice system of South Africa consists of five role-players who ensure the integration of the management and cases and offenders (Burger, 2002:502). The integrated justice system in South Africa can be illustrated as follows:

Figure 2: The South African criminal justice system

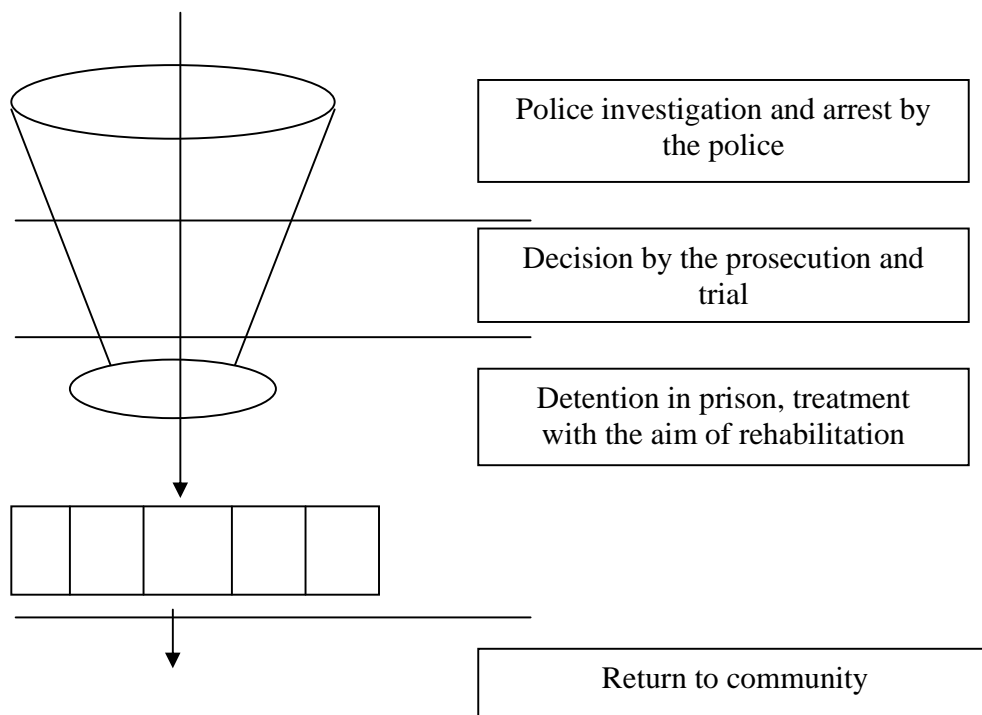


These role-players work together with the community in the arrest of the suspects of a crime. Firstly the *public* reports the crime to the police. Secondly, the *police* arrest the suspect and investigate the crime. Thirdly, the *prosecutors* are responsible for charging the alleged suspect, and ensuring that the case goes to courts. Fourthly, when found

guilty, the *court* passes sentence over the suspect. The fifth role player involved in the detention and the treatment of offenders is *Department of Correctional Services* who detain awaiting trial prisoners until their cases are finalised, but whose main responsibility revolves around sentenced offenders. This department forms part of the public service (Luyt, 2000:46).

The suspected offender can leave the criminal justice system at any stage for a number of reasons, for example, the suspect offender is found not guilty by a court or the police do not have sufficient evidence to charge him or her and then let him/her go. If the suspected offender were found guilty, he/she would leave the system only after serving his/her sentence. According to Reid (1981:7) this route (also known as the administration of justice) is illustrated as follows;

Figure 3: Administration of justice



2.5 Minimum sentencing in South Africa

Violent crime is major problem in South Africa. During recent years there has been an increase in aggressive and violent crimes such as murder, rape, hijackings, and robberies. In response to this increase, the government of South Africa has passed legislation to deal specifically with the most serious crimes. Mandatory minimum sentence legislation came into effect on 1 May 1998. Furthermore, this legislation has provided for the attachment of property in cases where reasonable suspicion exists that this property was acquired through the process of crime. The most important legislation dealing with minimum sentences is section 51 of the Criminal Law Amendment Act, No 105 of 1997 and this Act makes provision for the imposition of mandatory minimum sentences. (Neser, 2001:1).

After the implementation of mandatory minimum sentence legislation the number of prisoners serving long sentences increased (Judicial Inspectorate of Prisons, 2006:1) Giffard and Muntingh (2006:60) argue that this increase in the number of prisoners serving long sentences had serious consequences on the number of prisoners detained in maximum security prisons. The security classification system used by the Department of Correctional Services is designed to evaluate the security risk of sentenced prisoners. The criteria used include the nature of the offence, the number of previous convictions, escape and sentence length (Judicial Inspectorate of Prisons, 2006:22). Giffard and Muntingh (2006:61) points out that this resulted in a sharp increase in the number of maximum security prisoners, from 14 229 in 1995 to 29 596 in 2007.

2.5.1 Structure of minimum sentence legislation contained in Act 105 of 1997

The Criminal Law Amendment Act 105 of 1997 applies to offences committed after the date on which it came into operation: 1 May 1998. The list of the some of the above-mentioned serious offences committed through to render the perpetrator especially blameworthy and attracting particular public concern at the time as those which would qualify for the prescribed minimum sentence. Murder, rape and sexual assault are some

of the offences to which the legislation applies. According to Isaacs (2004:5) life imprisonment must be imposed in a case of murder where it was planned or premeditated, the victim was a law enforcement officer performing his or her functions, the death of the victim was caused by the accused in committing or attempting to commit rape or robbery with aggravating circumstances and the offence was committed by a persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

Imprisonment of 10 years, 15 years and 20 years must be imposed for a first, second, third or subsequent offender in a case of indecent assault on a child under the age of 16 years, involving the infliction of body harm and assault with intention to do grievous bodily harm on a child under the age of sixteen years (Isaacs, 2004:9). Imprisonment of five, seven and ten years can be imposed for a first, second, third or subsequent offender where a fire-arm was used to commit one the following type of offences: treason, sedition, public violence, murder, culpable homicide, rape, indecent assault, sodomy, bestiality, robbery, kidnapping, child stealing, assault when dangerous wounds are inflicted, arson, malicious damage to property, house breaking, theft, receiving stolen property, fraud, escaping from lawful custody and negligent discharge of fire-arm (Isaacs, 2004:9).

2.6 Total institutions

According to Goffman (Matthews, 1999:3) a total institution may be defined as a “place of residence and work where a large number of like-situated individuals, cut off from a wider society for an appreciable period of time, together lead an enclosed, formally administered round of life”. Prisons serve as a clear example of total institutions.

The total institutions of our society can be grouped. **Firstly** there are institutions established to care for people felt to be both incapacitated and harmless; these are the homes for the blind, the aged, the orphan and the indigent. **Secondly** there are places established to care for persons felt to be both incapable of looking after themselves and a

threat to the community, like ones for tuberculosis, mental hospitals and leprosaria. **Thirdly** another type of total institution is organized to protect community against what are felt to be both intentional dangers to it, with the welfare of the persons thus sequestered not the immediate issues: jails, penitentiaries, prisoners of war camps, and concentration camps. **Fourthly** we find institutions established to pursue some work-like task and justifying themselves only on the instrumental grounds: army barracks, ships, boarding school, work camps, colonial compounds, and large mansions from the point of view of those who live in the servants quarters. **Finally** the institutions that are established and designed as a retreat from the world even while often serving also as training station for the religious; examples are abbeys, monasteries, convents, and other cloisters (Goffman: 1961:16). From the above it is clear that maximum security prisons qualify as total institutions.

2.7 Classification of prisons

According to Stinchcomb (2005:255) classification refer to the grouping of inmates according to characteristics that they share in common and this promotes homogeneous grouping of offender for the purpose on minimizing resources, minimizing risk and promoting change. On the other hand, prison classification is a method of assessing inmate risks that balance security requirements with program needs. According to the Correctional Services Act 111 of 1998 security classification is determined by the extent to which the prisoner present a security risk and so as to determine the prison or part of a prison in which he or she is to be detained. Malan (Neser, 1993:252) found that modern prison practice has brought the creation of various degrees of physical security.

Neser (1993:253) feels that the categorization of South African prisons as maximum, medium or minimum security prisons was not the result of purposeful planning and building of prisons for the specific group or groups of prisoners who were detained there. The degree of security was largely established in procedures. This causes prisons with similar structures to differ in security grading. Prisons often play a multi-purpose role with prisoners awaiting trial, sentenced prisoners who require medium security and

sentenced prisoners who require maximum security being found in different divisions of the same prison (Neser, 1993:253). According to modern-day international practice, prisons are often divided into three categories, namely:

- Maximum security prisons;
- Medium security prisons and;
- Minimum security prisons.

2.7.1 Maximum security prisons

The maximum security institution contains the negative behaviour of those inmates who pose serious risk to staff, inmates and the community by restricting movement, association and privileges. The behaviour of the inmate should demonstrate a willingness to interact effectively, individually and in highly structured groups. Inmates should be expected to demonstrate, through participation, their acceptance of a program plan designed to meet their needs, particularly those would lead to a placement in a less structured environment (Neser, 1993:253).

The perimeter of a maximum security institution will be well defined, highly secure and controlled. Inmates' movement and association will be strictly regulated and directly supervised. Arms will be retained in the institution and may be deployed within perimeters. The same approach is largely applicable to South African maximum security prisons. In many cases, however, it was experienced that inmates would spend long hours without any meaningful activities.

2.7.2 Medium security prisons

The medium security institution contains those inmates who pose a risk to the safety of the community in an environment which promotes and tests the responsible, socially-acceptable behaviour through moderately restricted freedom of movement, association and privileges. It facilitates the delivery of programmes and activities designed to

motivate inmates to adopt continued responsible behaviour within the limits of closed environment (Neser, 1993:253-254).

The perimeters of medium security institution will be well-defined, secure and controlled. Inmates' movement and association will be regulated and generally supervised. Although arms will be retained in the institution, they will not normally be deployed in the perimeter. Medium security institutions form the bulk of South African prisons.

2.7.3 Minimum security prisons

The minimum security institutions contain those inmates who pose limited risk to the safety of the community by minimally restricting their freedom of movement, association and privileges. Programmes and activities are designed to motivate inmates to maintain continued responsible behaviour in an open, community-oriented environment. The behaviour of the inmates should demonstrate the desire and ability to interact effectively and responsibly with others with little or no supervision. (Correctional Services Canada, 2000:10).

The perimeter of minimum security institution will be defined but not directly controlled. Inmate movement and association will be regulated with little or no staff supervision. Arms will not be retained in the institution (Correctional Services Canada, 2004:10). There are very few minimum security institutions in South Africa.

2.7.4 Special handling units

Special handling units contains those inmates who pose a serious and persistent risk to the safety of staff or inmates in a maximum security environment by restricting all movement and association to the level deemed necessary for each inmate (Correctional Services Canada, 2004:11)

The perimeters of a special handling unit will be well-defined and highly and strictly controlled. Inmates' movement and association will be strictly regulated and rigidly controlled. Arms may be deployed within the perimeters. Two South African prisons, both known as super maximum prisons may be described as the local version of special handling units.

2.8 The origin of maximum security prisons

According to Sullivan (1999:1) "prison reform has had a long and unhappy history. It is a history of such fundamental human problems as the nature of evil, sin, guilt, redemption and expiation". Colditz Castle was the first maximum security prison in Germany. It was situated over three hundred kilometres from the nearest safe border and housed those allied officers who had persistently escaped from other prisons within occupied Europe during the second world war (Calvin, 1998:2). The walls were three meters thick, built on solid rock and had a death drop should anyone get past the wire.

In United States of America Alcatraz was the first maximum security prison. It was located in the middle of San Francisco Bay. In 1850, the President of United States of America set aside the Island for possible use as a United States military camp. The United States army used the island for more than eighty years from 1850 until 1933. The Island was then transferred to the United States Department of Justice for use by the Federal Bureau of Prisons. The Federal Bureau decided to open a maximum security, minimum privilege penitentiary to deal with the most incorrigible, escape risk and violent inmates in federal prisons, and to show the law-abiding public that the Federal government was serious about stopping the rampant crime of the 1920s and 1930s. Alcatraz was eventually shut down in 1963. The main reason being that it was simply too expensive compared to other prisons (Joseph, 2004:5-6).

The history of maximum imprisonment in South Africa is dated back from the arrival of Jan van Riebeeck in 1652. According to Evans (2005:1) Jan van Riebeeck established the first permanent settlement by Europeans in Cape Town, South Africa. Five years later, in

1657, he decided to use Robben Island as a place of banishment, sending exiles and slaves to dig out the white stone found there. The various governors of the Cape found that the Island very useful for getting rid of people they didn't want around. In 1846 the prison was converted into a leper hospital. During the Second World War (1939 to 1945) defences were build on the island to protect South Africa against Germany. These were later used as a navy training centre. The island was also used as a station to refuel ships travelling around the Cape. In 1959 the island officially became a maximum security prison. Between 1961 and 1991 over three thousand men were incarcerated there, including political prisoners (Evans, 2005:1).

2.9 Definition of maximum security prisons

According to Schmalleger and Smykla (2005:274) a maximum security prison is a prison designed, organized, and staffed to confine the most dangerous offenders for long periods. It has highly secure perimeters, barred cells, and high staff to inmate ratios. It imposes strict controls on the movement of inmates and visitors, and offers few programs, amenities, or privileges. Clear and Cole (2000:236) added that the maximum security prison is designed and organized to minimize the possibility of escapes and violence, imposing strict limitations on the freedom of inmates and visitors. Maximum security prisons can also be described as the most restrictive form of residential living for prisoners with little opportunity for movement even within the institution (Mays, 1998:26).

2.10 Types of maximum security prisons

2.10.1 Super maximum prisons

The super maximum prisons, also called Maxi-Maxi or closed security prisons can be defined as a free-standing facility, or a distinct unit within a facility, that provide for the management and secure control of inmates who have been officially designated exhibit violent or seriously disruptive behaviour while incarcerated (Silverman, 2001:161-162).

According to Champion (2001:191) these facilities are characterized by heavy fences, walls, perimeters armed towers, electronic devices, alarms and high security measures. Most countries introduce these types of facilities for uncontrollable inmates and inmates with high security risk. Internal and external securities are tight, the movements of inmates are restricted and inmates spent most of their time inside their cells. In most facilities inmates are not offered the opportunity to participate in programmes and other recreational activities.

According to Riverland (1999:15) prisoners in super maximum prisons are kept in lockdown status (confined in single cells) for twenty-two to twenty-three hours per day. Isolation and control are achieved through securely designated cells in which the prisoner eats, sleeps and participates in severely restricted activities that might include listening to the radio or completing correspondence courses. Communication is often through microphone and speakers and inmate movement is monitored by video cameras (Riverland, 1999:16).

2.10.2 Maximum security prisons

A maximum security prison is designed, organized, and staffed to confine the most violent and dangerous offenders for long periods of time (Schmaller and Smykla, 2005:247). Champion (2001:186) added that these facilities detain offenders with prior record of escape and those who are violent. Recidivists often are sentenced to maximum security institutions. According to Farmer (Champion, 2001:186) maximum security prisons are characterized by many stringent rules and restrictions. Inmates are isolated from one another for long periods in single cell accommodation.

Stinchcomb (2005:172) indicate that external and internal security in maximum security prisons is tight. Visits are limited and carefully controlled. Inmate's counts are conducted frequently. Because surveillance is so continuous, privacy is essentially eliminated. The inmates in maximum security prisons are often confined in single cells and only removed for authorized activities to which they are escorted by staff. When they leave the prison

perimeter, they are escorted by two armed correctional officials and placed in full physical restraints (handcuffs, leg irons, and waist chains).

Supervision requirements entail the following restrictions: **Firstly** involvement only in programs conducted in their cells, cell blocks, or in secure adjacent areas; **secondly** eating of meals in their cells; **lastly, non-contact visits only or well controlled** contact visit (Silverman and Vega, 1996:366). According to Stinchcomb and Fox (1999:223) inmates in some maximum security prisons are not allowed to take classes, do not work, and cannot earn time off for good behaviour. No smoking is allowed. Every object that enters the building is searched by hand and X rayed.

2.10.3 Maximum security prisons managed by private companies in South Africa

Private maximum security prison may be regarded as an agreement between the government and the private company for rendering the services on behalf of the government. Privatization of prisons in South Africa is a new thing; the first two private prisons are in the Free State and Limpopo. The Correctional Services Act 111 of 1998 contained a section which specifically authorized the government to contract out prison services to the private sector. Joint venture prisons may have any security classification; however in South Africa there are only two, which are maximum security prisons.

Section 103(1) of the said Act provides for the Minister to, subject to any law governing the awards by the state, with the concurrence of the Minister of Finance and the Public Works, enter into a contract with any party to design, construct, and finance and operate any prison or part of a prison established or to be established. It also lists specific conditions and requirements for private prison and stated that:

- Contracts cannot exceed 25 years;
- The contractor to contribute to maintain and protecting a just, peaceful, and safe society;

- The contractor to be responsible for enforcing the sentence of the courts, detaining prisoners in safe custody, ensuring the prisoners' human dignity, and promoting the human dignity, and promoting development of all prisoners and;
- The contractor is explicitly prohibited from taking disciplinary action against prisoners or from involvement in determining the computation of sentences, deciding at which prison any prisoner will be detained; deciding on placement or release of prisoner, or grand temporary leave.

Section 109 of Correctional Services act 111 of 1998 provides for a controller to be appointed. The general duties of the controller and the performance standards are set and this standard assist the controller with his monitoring duties. They are also used by the audit team which periodically visit the prison. These standards include seven basic goals which the prison is expected, namely to keep prisoners in custody, maintain order, control, discipline and a safe environment, provide for decent conditions and prisoner's needs, provide structured programmes, prepare prisoners for their return to the community and delivery of prison services.

2.11 Classification of prisoners

According to Duckitt and Du Toit (Neser, 1993:253-254) the term classification is used to refer to the process by which prisoners are systematically divided into groups on the grounds of variables that justify differences in their handling. Stinchcomb (2005:255) added that through classification inmates risk and needs are identified. Classification became the basis for assigning inmates to participate in programs and the institution to meet their requirements. Austin and Irwin (2001: 14) stated that classification helps to minimize the potential for prison violence, escape and institutional misconduct.

According to Luyt (1996:149-150), the classification of prisoners is aimed at allocating prisoners to treatment programs and for planning for future projects such as the erection of new prisons and utilization of personnel. The main objective of the classification of prisoners is seen as the determining of risks related to the custody of prisoners as well as

their security. A prisoner's progress as indicated by his/her reclassification serves as a measure for the recommendation of placement. Effective classification makes provision for the implementation of treatment programs.

Smith and Berlin (1988:42) states that classification may enhance decision-making and help in the allocation of resources and meeting the needs of clients. According to the Department of Correctional Services (2005:76) the security classification for inmates is aimed at facilitating a needs-driven rehabilitation approach to secure accommodation of inmates, as well as needs-driven rehabilitation strategy. It is designed to ensure that the correctional system can balance the provision of secure and safe custody with correction, promotion of social responsibility and human development. The aim of the new proposed security classification instrument is to develop an offender profile reflecting the personal particulars, crime category, nature of the crime, nature of relationship of offender to victim (s), circumstances under which crime was committed, effective length of sentence, number and nature of previous convicted and time lapsed since the last previous conviction.

The objectives of the classification system are:

Risk assessment covers the areas of employment, alcohol and drugs abuse, attitude and present and past criminal behaviour. The assessment of the client helps to determine the level of supervision required. Once the risk and needs assessment have been determined, the levels of supervision are decided upon are maximum, medium and/or minimum level. Hlongwane (1994:71), states that the purpose of classification are accomplished by the following aspects:

- Analyzing the problems of the individual offender through social investigation, psychiatric, psychological examination, educational and religious studies.
- Deciding during personnel meetings the programmes of treatment and training.
- Putting the programme into operation.

- Observing the progress of the inmates under this programme and by changing it when indicated.

2.11.1 Requirements for a good classification system

Duffee (1989:332) outlines the following guidelines for good classification systems:

- The system should be able to accurately classify most offenders. It should use clear categories without overlapping.
- *It should be reliable*- the same procedures should attain the same result.
- *It should be valid*- the predictions made about the future behaviour must be accurate.
- *It must have implication* for the treatment of management of offenders in reclassification.
- *It should be economical*- inmates should be classified at minimum cost.

Duckitt and Du Toit (1986:5) outline the following additional aspects: The system must be understandable so that the rationale behind it could be obvious to all parties. Classification should be reasonable, impartial and fair to all parties (inmates and personnel). The most important determinant of a classification system's effectiveness is its validity which can reflect change in the attributes predicted to be diagnosed. The validity criterion implies that offenders should be able respond differently in predictable ways to different treatment or environmental characteristics (Duckitt and Du Toit, 1986:5-6).

According to Duckitt and Du Toit (1986:7-8) classification systems for offenders may be divided into two systems, namely: **subjective** and **objective systems**. The characteristics of these systems are as follows:

Subjective classification systems tend to be expensive and wasteful and rest upon an unnecessary amount of data. It lends itself to inconsistency, arbitrary and unfair decisions. Classification personnel may differ on important factors. Inmates can thus not

be given clear and reasonable explanations concerning decision that are taken. This system is regarded as subjective because each specialist bases his/her personal experience, judgment and preconception. Different specialists can thus possibly reach different conclusions about the inmate (Neser, 1993:255:6).

According to Neser (1993:256) **objective classification system** are based on a set of fixed and clearly defined factors to which standardized values are allocated. The characteristics of these systems are validity, consistency, fairness, and intelligibility for effective and acceptable classification (Duckitt and Du Toit, 1986:13-6). The classification category is determined by a fixed set of clearly, specified factors. It can be distinguished by three developmental strategies, namely:

- **The Actuarial Models**

These models are characterized by the application of statistically derived tables using individual data to predict future behaviour. This approach is used extensively in many fields. It has been used to predict parole and probation outcomes and risks of future criminal behaviour.

- **The Consensus Models**

These models determine the criteria for decision-making. They are consistent, fair and equitable by establishing the criteria which are used by classification experts. These models are, however, not based on prediction of risks and their validity remains an issue requiring empirical resolutions.

- **The typological model**

These models are general and constructed without reference to particular criteria. Individuals are sorted into categories according to their similarities on a particular profile of variables. Individuals are sorted into categories according to their similarities on the

particular profile or variables. The variables employed may be those empirically available for the purposes which are derived from a theory. These models can be based on any set of data about individuals. They tend to be based on personality-motivational behaviour to criminal history data. They have multiple predictive implications and use.

It is clear that objective classification systems are more scientific and relevant. They work more reliably because of their consistency, intelligibility, fairness and clarity. These systems are not expensive and wasteful. Objective classification systems provide consistent and reliable outcomes. Decisions are generally experienced as fair and the incidence of dissatisfaction among prisoners is reduced drastically. A short simple questionnaire which can be completed by any staff member is used as a means for the classification. The staff members obtain information from legal documentation such as warrant of detention. These systems are cost effective (Neser, 1993:257-8).

Inciardi (1987:552) states that the inmate gains the knowledge about prison activities during the classification process where educational, vocational, and custodial and treatment needs of an individual inmate are determined. These systems of classification, no matter how good they may be, have, however, **disadvantages**. These are inter alia:

- These systems sometimes experience a degree of resistance from staff members because they deprive the members of their discretion and decision-making powers.
- These systems depend upon accurate and complete data in their functioning and as such incorrect data can lead to incorrect classification with destructive outcomes.
- These systems have been mathematically formulated and their correct usage depends on avoidance of human error.
- The determination of a cut-off point that can differentiate the various custodial categories, is based purely on practical police decisions of practical considerations. When the cut-off point between maximum and medium custody is too high, it can lead to incorrect classification where the inmates who are in fact maximum categories end up in medium security facilities and medium categories end up in maximum security facilities.

2.11.2 Classification of prisoners to maximum security prisons

The security classification used by Department of Correctional Services is designed to evaluate the security risk of all sentenced prisoners depending on the nature of their offence, the number of previous convictions, escapes and length of sentence. According to the Judicial Inspectorate of Prisons (2006:25) every prisoner is graded at the time of first admission with scores being automatically allocated. The length of the sentence has a big impact on the scoring (Judicial Inspectorate of Prisons, 2006:25). As a result of this classification system prisoners are classified on admission to the maximum security category.

2.12 Security

Security may be described as a process that implies a relative predictable environment in which an individual or group may pursue its ends without disruption and without fearing disturbance (Robert and Fischer, 1998:3). According to Philip (2001:83) security procedures in maximum prisons are designed to control the prisoner's behaviour for the overall well-being of the institution. The immediate operational objectives of security are to prevent escapes, maintain order and promote efficient functioning of the facilities. Correctional Services Act 111 of 1998 provide different methods used in maximum security prisons to ensure the security of the community, the safety of correctional officials and the safe custody of all prisoners, these methods include:

- Searches;
- Identification;
- Security classification;
- Segregation;
- Mechanical restraints;
- Use of force;
- Use of non-lethal incapacitating devices;

- Fire arms and;
- Other weapons.

As their name implies, maximum security prisons are typically the most secure institutions within their respective correctional systems (American Correctional Association, 1999:3). According to the Department of Correctional Services (2004:8) a fence is provided to delay and deter the movement through and/or over the fence. Sufficient security lighting is provided at the security fence to cover all areas of the fence. Tower posts equipped with ablution facilities are erected at security fences.

During visitation each visitor is searched in searching cubicles to ensure privacy. The minimum official-offender ratio for the performance of direct custodial services inside maximum facilities is one to thirty. The minimum official-offender ratio for the performance of direct custodial services outside a maximum facility is 1 to 6. (Department of Correctional Services, 2004:5). Cells in maximum security facilities are equipped with steel doors. Cell windows are secured with manganese steel bars. Narcotic and explosive dogs are sometimes utilized to detect narcotics, fire-arms, explosives and ammunition. Patrol dogs are also utilized inside as well as outside correctional centres to assist officials in their guarding functions. All offenders are searched on admission and on return from court or any other outside activities. Close circuit television coverage with recording facilities is provided at the following areas:

- Access control at perimeter fence around the secure area of correctional centre (video motion detection)
- All access control at correctional centre.
- Security control room.
- Passages, court yards, open areas, dining halls and day rooms in living units.
- Inter locking gates passages linking different units.
- Security fence around the secure area of correctional centre.

- All entrances where officials, visitors, offenders, services providers and contractors enter of leave Correctional Centre. (Department of Correctional Services, 2004:18-19).

According to the American Correctional Association (1999:4) the control centre is the heart of any maximum security institution. Staff can safely monitor inmate movement and behaviour, and manage almost all aspects of each inmate's environment. However, all South African maximum security prisons are not equipped with all these modern facilities.

2.13 Care

Care is one of the most important factors in the detention of offenders. Once the court finds a person guilty and sentences him, it is the responsibility of prison authorities to take care of offender including security care, health care and personal care.

2.13.1 Physical and health care in prisons

According to Philip (2001:38) physical care of the offender is regarded as an important responsibility of each correctional system, including health care, nutrition and accommodation. According to Department of Correctional Services (2005:78) their objectives is to maintain high standard of person hygiene by ensuring that toilet and bathing amenities with warm water are available. Suitable clothing and comfortable shoes, bedding, clean and healthy environment, a safer water-supply and promotion of a smoke-free prison environment are provided to offenders. According to the Standard Minimum rules for treatment of prisoners (1955:3) every prisoner shall be provided by the administration at the usual hours with food of nutritional value, adequate for health and strength, of wholesome quality and well prepared and served.

According to section 12 of Correctional Services Act 111 of 1998 the Department of Correctional Services must provide, within its available resources, adequate health care

services, based on the principle of primary health care, in order to allow every prisoner to lead a healthy life. This Act also determines that:

- Every prisoner has the right to adequate medical treatment.
- Medical treatment must be provided by a medical officer, medical practitioners or by specialist of health care institution.
- Every prisoner may be visited and examined by medical practitioners of his or her choice.
- Every prisoner should be encouraged to undergo medical treatment necessary for the maintenance or recovery of his or her health.
- No prisoner should be compelled to undergo medical intervention or treatment without informed consent unless failure to submit to such medical intervention or treatment will pose threat to the health of other person.

2.14 Rehabilitation

Rehabilitation is a philosophy of corrections that promotes educational and vocational training for prisoners to bring about prisoner reform or change (Champion, 2001:16). According to Department of Correctional Services (2005:38) rehabilitation can be described as the results that combine the correction of offending behaviour, human development, promotions of social responsibility and values.

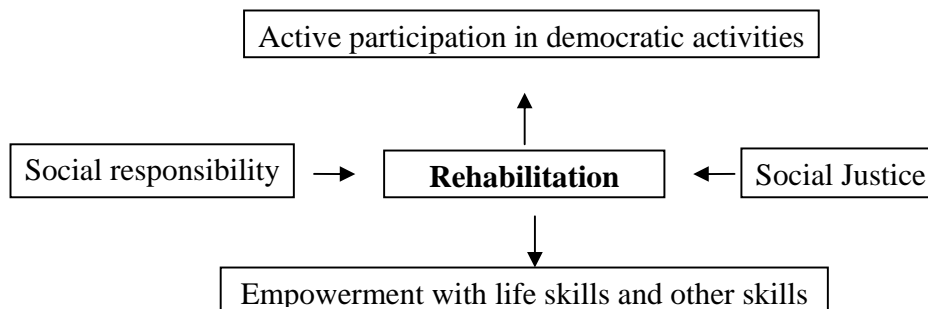
Clear and Cole (1997:48) states that rehabilitation is the third utilitarian justification of punishment and it has been the most criticized justification. Different mechanisms are implemented to bring positive attitude to prisoners during their incarceration. Prisoners are subjected to various treatment and developmental programs, such as psychological, social work, educational, and vocational training. Since rehabilitation literally means to restore to good condition some would maintain that the term is more properly habilitation as the condition of many offenders is not one to which corrections would wish to restore them. Regardless, the objectives are to help offenders to change their behaviour so that

they can return to the society as contributing citizens, or at least, not dangerous ones (Stinchcomb, 2005:46).

According to Champion (1998:22) rehabilitation can be achieved by implementing a proper sentence planning process that engage the offenders at all levels, social moral, spiritual, physical, work, educational, intellectual and mental. Champion (1998:22) added that although rehabilitation as a method of justification of punishment was previously criticized, but it can be regarded as the right tool to offender development.

According to Department of Correctional Services (2005:38) rehabilitation is the result of a holistic process that combines the correction of offending human behaviour, human development and the promotion of social responsibility and values. Rehabilitation is best facilitated through a holistic phenomenon and sentence planning process that engages the offender's at all levels-social, moral, spiritual, physical, work, educational/intellectual and mental. Rehabilitation as a holistic phenomenon is illustrated below.

Figure 4: Rehabilitation as a holistic phenomenon



2.15 International instruments and maximum security

The different countries around the world hold hands to the protection of basic human rights, including the rights of offenders, and this also emphasizes that the interaction with

offenders must not be approached in a degrading and inhuman manner (Hlongwane, 1994:71).

2.15.1 The standard minimum rules for treatment of offenders

The Standard Minimum Rules for the Treatment of Offenders were compiled in Geneva during 1955 (United Nations, 1955:95). These rules have become the most comprehensive soft laws in the history of imprisonment and have laid the foundation for positive interaction with inmates. Today, the Standard Minimum Rules for the treatment of offenders are still important (Luyt, 2000:367). These rules were approved by the economic and Social Council, 31 July 1957 (resolution 633 C I (XXIV) on the recommendation of the first congress).

Although all the rules are more or less applicable to all prisons throughout the world, we will focus more directly on some of those rules applicable in maximum security prisons. The following rules are highlighted in this regard:

- **Rule 10** could be linked to the conditions of accommodation in maximum security prison. It reads as follows: *All accommodation provided for the use of prisoners and particular all sleeping accommodation shall meet all requirement of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lightning, heating and ventilation.*
- **Rule 15** could be linked to personal hygiene for prisoners detained in maximum security prisons. It reads as follows: *Every prisoner shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for heath and cleanliness.*
- **Rule 20** could be linked to nutrition for prisoners detained in maximum security prisons. It reads as follows: *Every prisoner shall be provided by administration at the*

usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

- **Rule 20 (2)** reads as follows: *Drinking water shall be available to every prisoner whenever he needs it.*
- **Rule 21 (1)** could be linked with physical exercise for prisoners detained in maximum security prisons. It reads as follows: *Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.*
- **Rule 22 (1)** could be linked with medical service for prisoners detained in maximum security prison. It reads as follows: *At every institution there shall be available services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical service should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.*
- **Rule 27** could be linked to discipline and punishment for prisoners detained in maximum security prison. It reads as follows: *Discipline and order shall be maintained with fairness, but with no restriction than is necessary for safe custody and well-ordered community life.*
- **Rule 33** could be linked with the use of mechanical restraints in maximum security prisons. It reads as follows: *Instruments of restraints such as handcuffs, chains, irons, straits-jackets, shall never be applied as a punishment. Furthermore, chains and irons shall not be used as restraints.*
- **Rule 35 (1)** could be linked with the procedure for handling of complaints of prisoners in maximum security prisons. It reads as follows: *Every prisoner on*

admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, all such other matters as are necessary to enable him to understand both his rights and his obligation and to adapt himself to the life of the institution.

- **Rule 37** could be linked with the contact of prisoners detained in maximum security prison with the outside world. It reads as follows: *Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and receiving visits.*
- **Rule 41** could be linked with the religion of the prisoners detained in maximum security prisons. It reads as follows: *If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangements should be on full-time basis.*
- **Rule 70** could be linked to the privilege of prisoners detained in maximum security prisons. It reads as follows: *Systems of privileges for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.*
- **Rule 77 (1)** could be linked to education and recreation in maximum security prisons. It reads as follows: *Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and illiterates of young prisoners shall be compulsory and special attention shall be paid to it by the administration.*

2.15.2 The Kampala Declaration

From 19-21 September 1996, 133 delegates from 47 countries, including 40 African countries, met in Kampala, Uganda, at the Pan African Seminar on Prison Conditions in Africa. Participants at the seminar made recommendations to improve conditions inside African Prisons. These recommendations were accepted by the United Nations and have become known as the Kampala Declarations. According to Luyt (2000:382) the findings made at the seminar form part of the Kampala Declaration on Prison conditions in Africa. The following recommendations made can also be linked to prisoners detained in maximum security prisons. They read as follows:

The human rights of all prisoners including those in maximum security prisons should be safeguarded at all times. Prisoners should retain all rights which are not expressly taken away by the fact of their detention. Living conditions of prisoners must be compatible with human dignity. The conditions in which prisoners are held and the prison regulation should not aggravate the suffering caused by the loss of liberty. The detrimental effect of imprisonment should be minimized so that prisoners do not lose their self respect and sense of their personal responsibility. Prisoners should also be given the opportunity to maintain and develop link with their families and the outside world. Prisoners should be given access to education and skills training in order for them to reintegrate into the society after their release (Luyt, 2000:383-384).

2.15.3 The Arusha Declaration on Good Prison Practice

The Fourth Conference of the Central, Eastern and Southern African Heads of Correctional Services took place at Arusha, Tanzania, from 23-27 February 1999 (Luyt, 2000:386). At this conference the heads of correctional institutions in a number of African countries agreed that conditions in most African prisons fall short of certain principles for the treatment of offenders and, once adopted by the United Nations, these resolutions have become known as the Arusha Declaration. The following principles applicable to maximum security prisons were recommended:

Firstly, to promote and implement good prison practice, in conformity with the international standards mentioned in Kampala Declaration, Kadoma Declaration, African Charter on human rights and the standard Minimum Rules and the Beijing rules and if need be, to adjust domestic laws to those standards. **Secondly**, to improve management practices in individual prisons and in penitentiary system as a whole in order to increase transparency and efficiency within prison service. **Thirdly**, to respect and protect the rights and dignity of prisoners, as well as to ensure compliance with national and international standards. **Lastly**, to establish criminal justice mechanism comprising all the components of criminal justice system that would co-ordinate activities and co-operate in solution of common problems (Luyt, 2000:387).

2.16 Summary

This chapter gives an overview on the history of maximum security prisons, as well as the philosophy of imprisonment as applicable to these settings. The aim of the criminal justice system in South Africa was discussed with the purpose of giving the reader clarity on how an offender ends up in maximum security prisons. Minimum sentence legislation was also highlighted, and the consequences of this legislation on the increased number of offenders serving long sentences received some attention. The concept of total institutions was defined including the classification of prisons and prisoners. Finally, different international instruments on good prison practice were discussed, as well as their relevancy to maximum security prisons.

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CHAPTER 3

IMPRISONMENT UNDER MAXIMUM SECURITY CONDITIONS IN THE INTERNATIONAL ARENA

3.1 Introduction

To gain a proper understanding of the operation of maximum security prisons, one needs to study the practices of these prisons internationally. From a theoretical point of view, discussion in this chapter will focus on the type of offences and offenders detained in maximum security prisons in the United States of America and Australia. Emphasis will be placed on the prison population, organisational structures, conditions in maximum and super maximum prisons, the classification of prisoners and rehabilitation programmes in maximum security prisons.

3.2 The United States of America

The first American penitentiary, the Walnut Street jail, was built in Philadelphia in 1790. The widespread construction of penitentiaries was not considered at first, but from 1820 to 1830 most of the states started to consider these facilities. From the outset, penitentiaries were meant to be experiments in providing rational, disciplined living that combined punishment and personal reform (Pollock, 1997:29). At that time a penitentiary was a prison where the inmates were given the opportunity to repent for their crimes committed for extended periods of time.

According to Champion (2001:52) two prison models came to the forefront during the 1820's in the United States, namely the Pennsylvania system and the Auburn system. The Auburn system, better known as the congregate system, was a harsh programme where inmates were kept in solitary confinement during the evening but worked together during the day. Throughout all activities, inmates were expected to maintain total silence. This

program was implemented at New York State prisons at Auburn and Ossining, better known as Sing Sing (Champion, 2001:52). On October 25 1829, Charles William, an 18-year-old African American from Delaware County, Pennsylvania, began serving a two year sentence for housebreaking at the Eastern Penitentiary, located at Cherry Hill outside Philadelphia. The newly constructed facility was described at the time as the most imposing in the United States (Champion, 2005:35).

According to Matthews (1999:39) prisons in the United State of America began experiencing major problems in the mid-1820s. Overcrowding, poor management, and insufficient funding lead to spearheaded. The Federal Bureau of Prisons was introduced in 1930 a significant decision that affected the correctional service in many ways. The new agency led by Sanford Bates, pursued innovative programmes and operations that were eventually adopted by state and local governments. The Bureau of Prisons developed a diagnostic and classification system that required the use of professional personnel, including psychiatrists and psychologists. New institutions were built for all security classifications, including a supermax prison for hard-core gangsters at the United State Penitentiary and Alcatraz Island. Identified by professional classification procedures, the most hardened and dangerous convicts were sent to this remote island prison in San Francisco (Matthews, 1999:40). Significantly, the Bureau of Prisons also sought more humane treatment of prisoners and argued for better living conditions in clean, well managed institutions. Professionalism was a new goal established by many state and Federal prison administrators.

According to Clear and Cole (1994:240) the United States of America has three correctional systems namely: local and country jails, state prisons, and federal prisons. These systems will therefore be discussed in detail.

3.2.1 Jails and local facilities

According to Stinchcomb (2005:126) jails can be described as locally-operated correctional facilities that confine prisoners before or after adjudication. Silverman and

Vega (1996:476) further added that a jail is a confinement facility usually administered by a local law enforcement agency, intended for adults but sometimes also containing juveniles and other detainees awaiting adjudication. Jails are usually supported by local tax revenue and as such, are particularly used to reduced resources. Additional categories of jail inmates include mentally ill prisoners for whom there are no other facilities, parolees and probationers awaiting hearing, federal prisoners awaiting pickup by marshals, and offenders sentenced to state prisons for whom there is no space, but who cannot be release (Harry, Clifford and Simonsen, 1992:79). In most cases prisoners detained in jails and local facilities are transferred to maximum security prisons after the adjudication of their cases.

3.2.2 The state prison system

Due to the nature of the political system of the United States of America, American prisons are independently run at state level. Each state has a system according to the laws of that state. Although the state system differs from each other, there are still many similarities in the way these prisons are managed. According to Seiter (2002:215) the correctional institutions contained in the state prison system is divided into four different levels of security prisons. These institutions form the core of most state correctional programmes are the combination of punishment and reform. Most of the state prisons are short of money and personnel, but they are still expected to change the behaviour of prisoners to prevent them from committing crime again.

3.2.3 The federal prison system

The Federal Bureau of Prisons was established in 1930 with the responsibility of taking care of all people charged and convicted of offences under United States of America law or federal law (American correctional association, 1997:547). The Federal Bureau in the Department of Justice provides correctional services and offender development at the federal level. According to Mays and Winfree (2005:133) maximum security prisons have highly secure perimeters, usually consisting of walls or strong reinforced fences.

United States penitentiaries or maximum security prisons in America were introduced during 1970's after the failure of administrative units to restore order in prisons (Austin and Irwin, 1994:99). Inmates in maximum security prisons are housed in multiple and single occupant cells. Currently there are thirteen maximum security prisons in the Federal prison system.

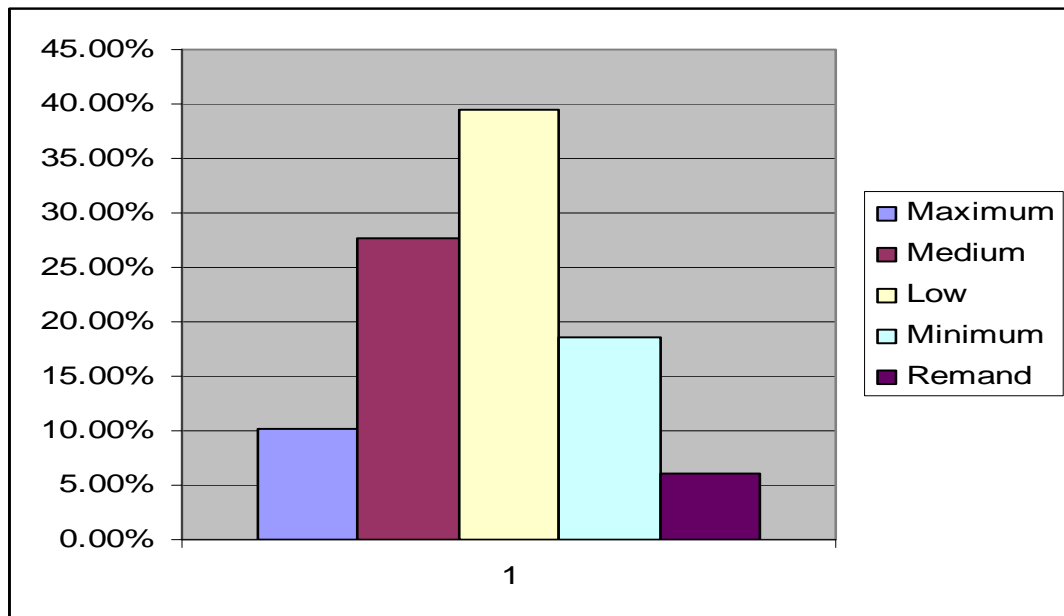
3.2.4 Prison population

The following table indicates the number of inmates detained at Federal Bureau of Prisons in 2006:

Table 1: Number of prisoners detained at Federal Bureau of Prisons in 2006.

Sentence period	Number of people
Less than 1 year	3,758
1-3 years	23,778
3-5 years	27,275
5-10 years	49,371
10-15 years	30,705
15-20 years	14,393
More than 20 years	15,598
Life sentence	5,382
Death	34

Figure 5: Inmate security Classification (United States of America 2006).

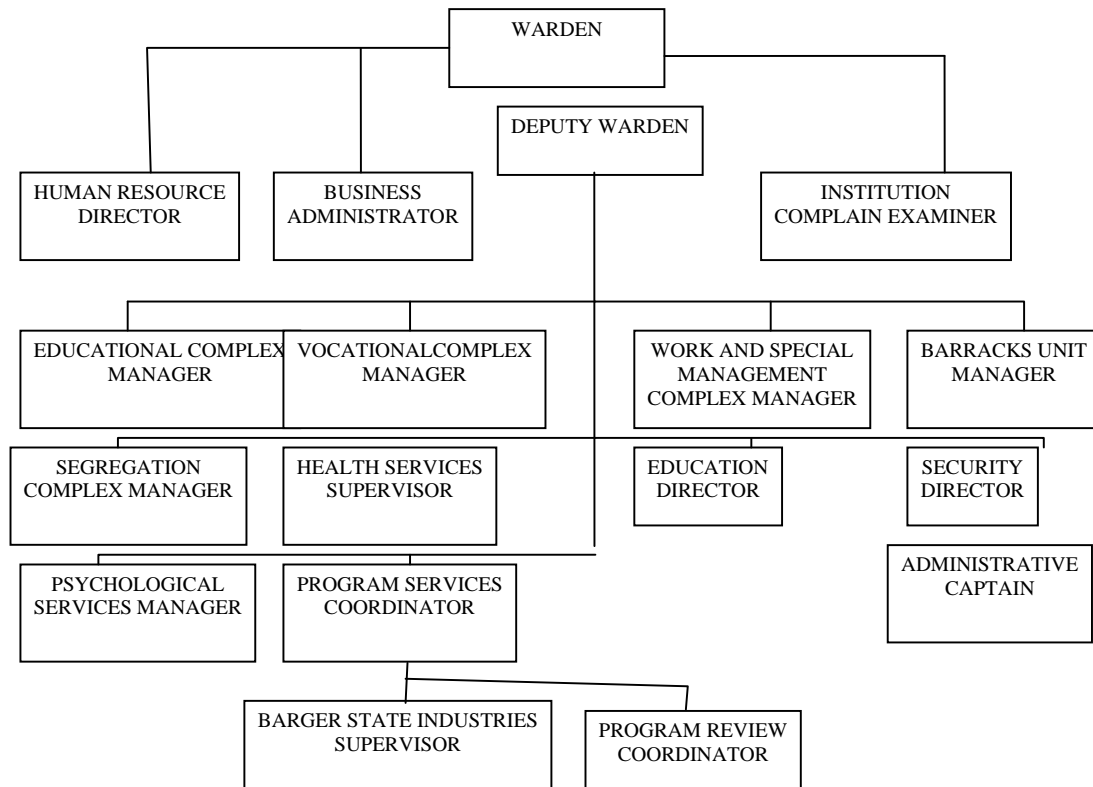


The total number of offenders sentenced to Federal prisons was 170 56 in 2006. Male prisoners represent 93.3 per cent and the female prisoners represent 6.7% of this number. Minimum custody level represents 18.6%, low security level 39.4%, medium security level 25.7%, maximum security level 10.2% and unclassified (Remand) 6.0% (Federal Bureau of Prison, 2005:89).

3.2.5 Organisational structure

Individual maximum security prisons in the United States of America have their own formal organisation. Wardens are responsible for the operation of the prison, but each position in the administrative hierarchy has its own duties and responsibilities. The deputy warden oversees the functional running of the prison by heading certain divisions. The following figure indicates how maximum prisons are structured (Clear and Cole 1994:240).

Figure 6: Organisational structure of United States of America.



3.2.6 Maximum security conditions in America

According to Elser (2002:232) evidence shows that in the 1990's many states in America started to pay more attention to maximum security prisons as the criminal population grew and the crimes that some committed were more violent. Silverman and Vega (1996:363) stated that prisoners housed in maximum security prisons required secure housing in the most secure perimeters, and separate management for activities such as work, exercise and food service. Inmates are assigned to work in areas that need strict supervision and where security is tighter and includes metal detectors when they exit from work areas. These facilities are smaller with inmates numbering around 500. According to Champion (2001:35) 19 per cent of all American prisons are maximum prisons. Offenders sentenced to serve time in maximum security facilities are considered

among the most dangerous, those with prior records of escape and who are violent offenders and recidivists.

According to Farmer (1994:21) maximum security prisons in America are characterised by many stringent rules and restrictions. Inmates are isolated from one another for a long period of time in single cells. Close-circuit television monitors permits correctional officers to observe prisoners in their cells or in working areas. Visitation privileges are minimal. Champion (2001:263) also found that these institutions are strictly custodial and make little or no effort to rehabilitate inmates. Inmates are not allowed to take classes, some time do not work and they cannot earn time off for good behaviour. No smoking and matches are allowed. Prisoners are permitted to ten magazines, but all staples are removed and every object that enters the building is searched by hand and X-rayed. The ground is surrounded by a double 14 meters fence, wired with alarms and topped with coils of razor wire.

3.2.7 Super maximum conditions in America

Many versions of high-custody and high-control prisons have existed in the United States of America over the years. Prisons dating back to the earlier settlers operated a variety of isolation cells or units commonly referred to as the hole and generally used as a form of extra punishment for those who violated prison rules (Riverland 1999:5).

Commonly recognised as the forerunner of America's current super-maximum facilities, Alcatraz became the highest security penitentiary for "habitual" and "intractable" federal prisoners in 1934. Until its closure in 1963, Alcatraz housed the most dangerous offenders. Alcatraz was closed in an era in which rehabilitation had become the primary rationale for penal confinement (Austin and Irwin 1994:91). According to Elsner (2004:141) there are 30 states in the United States America with supermax prisons which house nearly 20 000 prisoners, nearly two percent of the entire prison population. These facilities are designed to hold the most violent and disruptive inmates in single-cell confinement for 23 hours per day.

According to Davis (Mears, 2006:26) the average length of time spent in a super maximum prison is 2 years six months. Super maximum prisoners spend 23 hours each day in a single-bed cell and, for at least five days out of the week, with one hour for recreation and showers (Mears, 2006:26). When out of their cells, supermax prisoners are kept in full restraints and escorted by two correctional officers and they are strip searched. Elmsner (2004:157) also explains that supermax prisoners receive programmes through a closed-circuit television located in each cell. All visits are non-contact. Visits are limited to two weekdays during working hours, which contrasts with the visiting hours of the state's maximum security prisons for male prisoners. Within the supermaximum prison, inmates can move to lower security levels that allow them greater access to publishing materials, recreation, shower opportunities, phone calls and commissary expenditure limits (Mears, 2006:26).

3.2.8 Classification of prisoners

According to Clear and Cole (2000:320) classification is a process by which prisoners are assigned to a type of custody. Schmalleger and Smykla (2005:254) added that classification is the process of subdividing the inmate population into meaningful categories to match offender needs with correctional action. Classification, however, has to take into account the following:

- Inmate safety;
- Protection of inmates rights;
- Equity, consistency and fairness;
- Staff safety;
- Order and discipline and;
- Public safety.

According to Leech, (1997:255) after admission, all prisoners are classified and placed into one of the following four security categories:

- **Category A:** These are prisoners who are extremely dangerous to the public and who may threaten national security.
- **Category B:** These include prisoners who don't require the highest security classification but who might still pose a threat to the public if they escape.
- **Category C:** These are prisoners who cannot be trusted in complete free conditions but who do not have the will or resources to make determined escape attempt.
- **Category D.** Prisoners who can be trusted to serve their sentence in the community.

3.2.9 Admission and release criteria

According to Mays and Winfree (2005:127) prisoners who are detained in maximum security facilities are those who demonstrated that they are chronically violent. Inmates who present a serious escape risk and those who cause disturbances or threaten the stability of prisons are also detained in these facilities. In defining the inmate population for maximum security internment, the housing and placement criteria for inmates to whom lesser levels of security and custody may be appropriate, includes:

- Those who are uncontrollable due to mental illness;
- The violent prisoners who are subjected to frequent disciplinary segregation;
- Those in need of protective custody;
- Those in need of administrative confinement for reasons that may require separation but not extended control and;
- Those requiring observation because of unacceptable or problematic adjustment (Riveland, 1999:6).

According to Riveland (1999:7) attempting to use predictive criteria based on subjective information has led historically to unsatisfied and possibly indefensive results. Most

agencies base their criteria on objective behaviour information, although behaviour may include only the threat to commit or incite violence or to escape.

Riveland (1999:7) also found that release criteria is also given a serious thought by the agencies operating all maximum security prisons. This depends on whether the release will be based on an explicit timeframe, behavioural expectation or the combination of both. Riveland (1999:8) added that it is also important that all inmates detained in these facilities to be informed as to conditions under which they may be released. With the goal of safely transferring inmates to lower custody as soon as feasible, facility and central administration staff conduct regular reviews of each inmate to assess the necessity of retaining them in the extended control environment. This become even more essential as a sentence nears its end and the inmate may be released into the community (Riveland, 1999:8).

3.2.10 Programmes in maximum security prisons

Rehabilitation programmes play an important role for the development of inmates. Obviously the more programmes available to the inmates the less vulnerable the facility will become challenge, and more likely the possibility that an inmate's negative reaction to isolation will be ameliorated. Programming for this purpose includes education, work, exercise and various other programmes aimed at improving the inmate's behaviour, knowledge and skills. According to Mears (2006:27) education is provided in different ways in maximum and super maximum prisons around the United States. Some agencies allow television in the cells and provide education and self help programmes through intra-institution cables. Some agencies supplement this with instructors providing assistance through cell visits. Other agencies allow small classes in day rooms or special rooms in close proximity to the housing units. Some provide no educational programmes at all. Most of these agencies do not allow work opportunities, although they might provide some work programs in transition programmes for inmates being prepared to leave in maximum conditions.

According to Riveland (1999:17) exercise in most maximum and super-maximum is limited to between three and seven hours (in one-hour intervals) per week, generally in an indoor space or small, secure attached outdoor space. Usually exercise is provided to one inmate at a time and the inmate is escorted by two or more correctional officers to and from exercise space. Riveland (1999:18) added that most other type of programming offered in these facilities includes the following programmes, substance abuse treatment, anger management, vocational training provided through television, correspondence, or written materials. Several agencies operating transitional units offer congregate programming, generally concentrating on education, substance abuse treatment, and behavioural control such as anger management. Mays and Winfree (2006:136) states that religious programmes are also provided through cell-front visit by staff chaplains approved clergy or in some cases approved religious volunteer. Several agencies provide religious services and information through closed-circuit television available in the cell. Few allow small groups of inmates to participate in congregate services, normally in or immediately adjacent to the housing unit.

3.2.11 Disciplinary programmes in maximum security prisons

One of the most important purposes of disciplinary programmes is to ensure that inmates live in a safe and orderly environment and it is necessary for authorities to impose discipline on those inmates whose behaviour is not in compliance with the rules (Federal Bureau of Prisons, 1999: 509). The provision of the rules applies to all inmates.

According to the Federal Bureau of Prisons (1999:510) the following general principles apply in every disciplinary action taken:

- Only institutional staff may take disciplinary action.
- Staff will take disciplinary action at such times and to the degree necessary to regulate an inmate's behaviour within the rules and institutional guidelines to promote a safe and orderly institutional environment.
- Staff will control inmate's behaviour in a completely impartial and consistent manner.

- Disciplinary action may not be impulsive or retaliatory.
- Staff may not impose corporal punishment of any kind and;
- If during the disciplinary process it seems as if the inmate is mentally ill, staff will refer the inmate to the mental health professional assessment. Staff may take no disciplinary action against an inmate whom mental health staff determines to be incompetent or not responsible for their conduct.

The restricted housing programmes are designed for the safety and security of the institution against inmates who commit serious and frequent disciplinary violations. This is based on the seriousness and repetitiveness of the disruptive behaviour and is reviewed by the director of offender classification. Most of the inmates placed in the programmes after they have completed punitive segregation sanctions and otherwise could be referred to administrative segregation or returned to the general population. Inmates may also be placed in the first level of the programme as a punitive segregation sanction. This disciplinary programme operates on the assumption that inmates who repeatedly violate institutional rules need a structured environment and structured programming to alter their behaviour so that they can return to general population. The programme consists of two intervals and each inmate is initially assigned to interval I. After meeting all established requirements, completing all required programming, and maintains an acceptable level of behaviour; the inmate is reviewed by the Unit Classification Review Committee for possible advancement to interval II. The inmates can be approved for the return to the general population by the director of offender classification. The programme policy manual indicates that those who fail to complete the program within six months will be removed from the unit and recommended for administrative segregation (Federal Bureau of Prisons, 1999:511).

Interval I. This stage of the programme is designed to isolate and confine inmates who has committed multiple and repetitive disciplinary violation within the institution setting. Inmates assigned to the programme are initially move in full restraints and are escorted by staff at all times when outside of the cell. After one week in the units, the level of restraints can be modified, and removing all restraints becomes option after an additional

week. Inmates must complete a minimum of 30 days in interval I before they can be considered for promotion to interval II (Federal Bureau of Prisons, 1999:512).

The privileges and programming in the interval I are similar to those found in typical administrative segregation setting. All inmates receive their meals in their cells. Out of cell time for recreational privilege is restricted to one hour per day, 5 days per week, and only two 30 minute noncontact visits per week is allowed. Phone calls are also limited as is access to personal property. Work assignments are not permitted, and inmates have no access to radio and television (Federal Bureau of Prisons, 1999:512-513).

Interval II. Fewer security restrictions are imposed on inmates promoted to interval II. For example, no restraints are used and inmates move in a group as large as 48 within the unit. They may be given work assignments within the units and are paid according to the established pay plan.

In interval II inmates are required to participate in training developed for the unit, which include orientation and communication, anger management, relapse prevention, problem solving/resolution, and transition planning. The curriculum is designed to address the causes of disciplinary problems and to prepare the inmates for the successful transition back to the general inmate population (Federal Bureau of Prisons, 1999:513).

3.3 Australia

Australia is the only continent in the world with a colonial population initially established through the creation of a penal colony (Luyt, 1999:54). The historical heritage must have had influence on the final structure of the Australian criminal justice system. As for corrections, in a sense, the kept are now the keepers. Each of the six states in Australia is responsible for its own criminal law and criminal justice system. According to Reichel (Luyt, 1999:54) the correctional services system is entirely the responsibility of six states and there is limited involvement in the criminal justice system at federal level. There are nearly 92 prisons in Australia. The most (42) are in New South Wales and the least

(three) are on the Island State of Tasmania. It is difficult to describe an “Australian” correctional system, the reason being the decentralisation to state level and the amount of autonomy each state has. To place the organisational structure of the penal system in Australia in perspective, the system operated and conditions of maximum imprisonment in New South Wales will be discussed in this chapter.

3.3.1 National guidelines for correctional services in Australia

The following guiding principles are intended to show the spirit in which correctional programmes should be administered and the goals towards which administrators should aim. These principles cover the programmes that should be implemented and the management of prisoners in Australia, including maximum security prisons (Australian Institute of Criminology, 2006:1).

3.3.1.1 Principle 1: Range of correctional disposition

A principle of correctional disposition should be developed based on the concept of graduated restriction of freedom. The intention is to make a complete range of sentence options available to the courts enabling them to satisfy the sentence principle of Justice (Australian Institute of Criminology, 2006:1).

3.3.1.2 Principle 2: Punishment means being deprived freedom

Because of the different degrees of freedom, correctional disposition in them represent punishment. When enforcing courts orders, therefore, correctional services must not further increase the suffering inherent in such situation, except when it is unavoidable in order to maintain discipline or in the case of justifiable isolation.

3.3.1.3 Principle 3: Programmes must address the offender

Correctional programmes must be aimed at the needs and problems of offenders in the light of the specific circumstances of their offences. They should also satisfy the expectations communities have in regard to reparation, deterrence and protection from criminal behaviour, as reflected in the decision of courts and releasing authorities. All suitable educational, welfare and recreational opportunities and means of support should be made available and used in accordance with the individual needs of offenders (Australian Institute of Criminology, 2006:1).

3.3.1.4 Principle 4: Community involvement in correctional matters

The supervision of offenders should not result in them being excluded from the community, but should emphasise their position in that community. Every effort should therefore be made to involve the community at large supporting correctional institutions when it comes to the development and maintenance of programmes. In the case of prisons, programmes must be developed which will prepare offenders for release.

All programmes should aim at reinforcing, on the one hand, the community's understanding of its responsibility with regard to crime prevention, and the understanding of offenders and their responsibility to community. This ensure that the prison environment reflect the diversity and expectation of normal community life. Community involvement is of a vital importance. Not only should the service be constructed out to community organization with the necessary expertise, but the use of trained volunteers should be increased and the role of community correctional services should be strengthened. (Australian Institute of Criminology, 2006:4).

3.3.1.5 Principle 5: Individualised management of offenders

Services, facilities, activities and programmes should be based on the concept of individualised management and they should be designed to meet individual needs of

offenders. Particular attention should be given to the needs of specific group of offenders. Individualized management is intended to provide offenders with opportunities to earn parole and to develop skills, which will facilitate their effective reintegration into the community. “Specific groups” refers to the mentally retarded, young adult offenders and women including aboriginals and the mentally ill. This opinion of individualized management also increases security and it also gives the personnel members the opportunity to be proactive in the management and control of offenders (Australian Institute of Criminology, 2006:6).

3.3.1.6 Principle 6: Reintegration of offenders into the community

Correctional programmes which enable offenders to integrate into the community after their release must be developed. There should be continuity between prisoners and community corrections. The service of government and private organizations, which could facilitate community reintegration, should be available to offenders before their release (Australian Institute of Criminology, 2006:6).

3.3.1.7 Principle 7: Anti discrimination

There must be no discrimination on the grounds of race, colour, gender, marital status, physical handicap, religion, political affiliation or nationality as far as programmes are concerned, except where it is necessary to meet the needs of a disadvantage individual or group (Australian Institute of Criminology, 2006:7).

3.3.1.8 Principle 8: Correctional personnel

All personnel working in correctional programmes must demonstrate a commitment to working productively, effectively and according to the code of conduct in order to satisfy the aims and objectives of correctional services. The primary aim of the organization and management must be to create a work environment, which will encourage the personnel to work as a team. All such personnel must be provided with training necessary to carry

out their duties. Furthermore, persistent dedication to the pursuit of excellent must be demonstrated by the provision of suitable training and development opportunities for all correctional personnel. This principle recognises that training, and the dedication of personnel to the aims and the objectives of the organization are vital importance. The code of conduct of correction personnel must be complied with because of the sensitivity and complexity of the correctional environment. Management must encourage personnel to be dedicated to carrying out their duties according to government policy and correctional services standards (Australian Institute of Criminology, 2006:8).

According to the above-mentioned principles, each inmate detained in maximum security prisons must be assigned to programmes. These programmes must address the individual offender's needs. Each inmate must be treated fairly without being discriminated against. Correctional personnel working in maximum security prisons must demonstrate the commitment and respect the code of conduct in order to satisfy the aim and correctional services.

3.3.2 The correctional system in New South Wales

New South Wales is responsible for managing the largest correctional system in Australia. The Department of Corrective Services provides custodial and community based supervision. The Department provides programmes and services directed at reducing re-offending. Currently the Department is responsible for 26 correctional centres, seven maximum security facilities, eight medium security facilities, 11 minimum security facilities, 11 periodical detention centres and two transitional centres for female inmates (New South Wales Department of Corrective Services, 2006:40).

3.3.3 Prison population

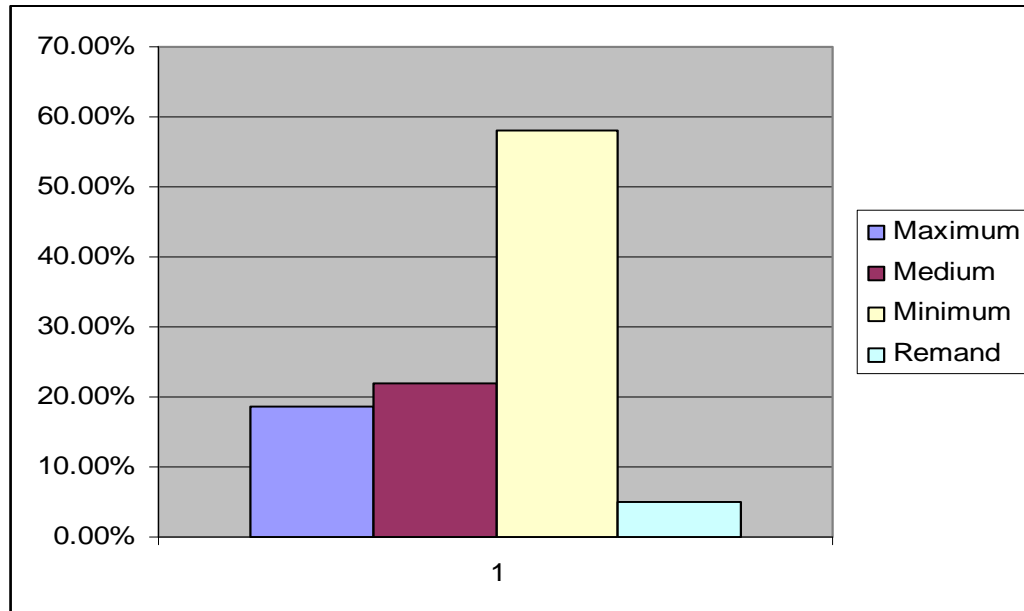
The role of the New South Wales Department of Corrective Services is to carry out the orders of the courts by managing inmates in custody and under the supervision in the community. The length of sentences in New South Wales is provided in table 2 below.

Table 2: Sentence imposed at New South Wales Department of Corrective Services 2006.

Sentence period	Number of people
1-2 years	2381
2-5 years	1716
5-20 years	2115
20 years +	238
Life sentence	221

In entering custody all inmates are assessed as to their security rating, which is incorporated into their initial case plan, classification and placement. The classification instrument incorporates numerically weighted custody classification criteria and a scored objective rating to achieve the appropriate custody level (New South Wales Department of Corrective Services 2006:29). As can be seen in Figure 7, nearly 20% of all inmates in New South Wales belong to the maximum security category.

Figure 7: Inmate Security Classifications (New South Wales 2006)

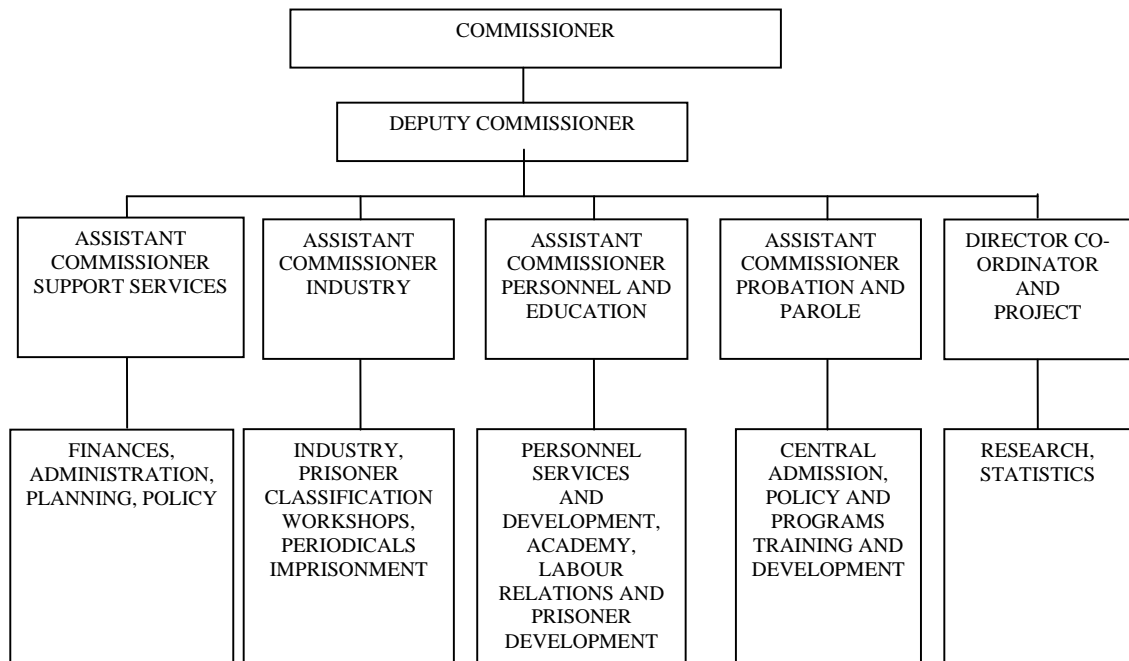


The average number of people in full time custody in New South Wales Corrective Services during 2006 was 8 498. The total number of prisoners detained in maximum security prisons was 1 549; in medium security prisons, 1 828, in minimum security 4 769, and the number of unclassified or prisoners in remand, totalled 352 (New South Wales Department of Corrective Services, 2006:29).

3.3.4 Organisational structure

According to Luyt (1999:55) the organizational structure of New South Wales prison system was introduced in August 1995. The following figure represents the current organisational structure of New South Wale's prisons:

Figure 8: Organisational structure of New South Wales



Prisons are managed by governors who have management teams with authority to make decisions in connection with the safety and efficiency of the prison.

3.3.5 Super maximum conditions in New South Wales

According to O'Toole (2006:149) an early form of supermax-style prison unit appeared in Australia in 1975, when "Katingal" was built inside the Long Bay Correctional Centre in Sydney. "Katingal" was a super-maximum prison block designed for sensory deprivation, with its 40 prison cells having electronically-operated doors, surveillance cameras, and no windows. It was closed down in 2004 over human rights concerns, and it was finally demolished in early 2006. Recently Australia has opened a facility in the Goulburn Correctional Centre to the supermax standard. The Goulburn Correctional Centre is an Australian maximum security male prison located in Goulburn, New South Wales.

This prison is regarded by many as the most secure prison in Australia. In this prison, prisoners are generally allowed out of their cell for only an hour a day; often they are kept in solitary confinement. They receive their meals through “food ports” in the doors of their cells. Prisoners are given no work and very little access to leisure activities, though some categories of prisoners are allowed to have a television set. When inmates are allowed to exercise, this may take place in a small, enclosed area where the prisoner will exercise alone. Prisoners are under constant surveillance, usually with closed circuit television cameras. Cell doors are usually not transparent, while the cells are windowless. Cells are soundproofed to prevent communication between inmates (O’Toole, 2006:155).

3.3.6 Classification of prisoners

Classification of prisoners is the process whereby inmates are given a security rating that determines the custodial environment in which they should be placed and managed (New South Wales Department of Corrective Services: 2006:6). Classification of prisoners is the most important process for ensuring the security of the correctional system. Clause 10 of the New South Wales Procedure Manual states that, each inmate must, for the purpose of security developmental programmes, be classified by the Commissioner in one of the following categories:

- **Category A1:** Those who, in the opinion of the Commissioner, represent a special risk to good order and security. They should at all times be confined in special facilities within a secure physical barrier that include towers or electronic surveillance equipment. (These lists have more than one sentence in some cases so use them as full sentences with a full stop at the end of each category.)
- **Category A2:** Those who, in the opinion of the Commissioner, should all the time are confined by a secure physical barrier that includes towers, other highly secure perimeter structures and electronic surveillance equipment;

- **Category B:** Those who in the opinion of the Commissioner, should at all times be confined by secure physical barrier;
- **Category C1:** Those who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of an officer;
- **Category C2:** Those who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised;
- **Category E1:** Those who, in the opinion of the Commissioner, represent a special risk to security and should at all times be confined in prison specified by the Minister as being a high security prison for the purpose of this category;
- **Category E2:** Those who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier in prison specified by the Minister for the purpose of this category (New South Wales Department of Corrective Services 2000:7).

There is no inmates classified to category D in New South Wales.

The determination of security classification must be done by Case Management Committee. The Case Management Committee must bear in mind the severity of an offence as indicated by the length of the minimum term imposed by the court (New South Wales Department of Corrective Services 2000:8).

3.3.7 Programmes in maximum security prisons

The Department of New South Wales Corrective Services offers a range of programmes and services to offenders detained in maximum security prisons in order to improve offender motivation to participate in offence related, transitional and resettlement programmes (New South Wales Department of Corrective, 2006:2). These programmes

are based on evidence of effective intervention and are primarily targeted at high-risk offenders. Targeting high-risk offenders is enhanced by additional programmes for identified offenders, which address specific problems in motivation, living skills and personal and social programs. These programmes are delivered by external agencies such as Alcoholics Anonymous and those agencies funded through the Department's community Funding Programme.

3.3.7.1 Adult education and vocational training institute (AEVTI)

The Adult education and vocational training institute is a registered organisation within the New South Wales Department of Corrective Services. (New South Wales Corrective Services 2006:4). Courses provided to maximum security prison offenders are accredited and qualifications gained by offenders who successfully complete modules or certificates are nationally recognised. The aim of adult education and vocational training institute is to improve the literacy, language and numeric skills of offenders in custody to a level equivalent to the school year 10 standard at school. Recommendations to participate in AEVTI programs are referred to the Case Management Team for inclusion into the inmate's initial case plan or case review (New South Wales Department of Corrective Services, 2006:4). An AEVTI core curriculum includes:

- Certificate I,II & III in General Education for adults;
- Certificate II in communication;
- Certificate I, II and III in spoken and written English;
- Certificate I, II & III in information technology;
- Certificate I & II in Koorie Education;
- Training and Employment;
- Certificate I in Vocational and Education and Training;
- Course in workforce re-entry skills;
- Certificate in Horticulture (Parks & Gardens);
- Certificate II in music industry (Foundation) and;
- Certificate IV in Business (Small Business Management).

3.4 Summary

This chapter gave an overview of some international practices on maximum security prisons, specifically those of the United States of America and Australia. The prison population and the sentences imposed by the courts in each country was discussed with the aim of giving the reader clarity on the type of offences committed in each country. Organisational structures, classification and programmes offered to maximum security prisoners were also discussed with the aim of indicating the way these countries deals with prisoners detained in maximum security prisons.

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CHAPTER 4

CONDITIONS OF DETENTION IN SOUTH AFRICAN MAXIMUM SECURITY PRISONS

4.1 Introduction

Maximum security imprisonment is regarded as the highest level of detention of offenders in different correctional systems around the world. Offenders detained in these facilities are those who have been sentenced to serve long periods of time in prison and those who pose a threat to security in lower security prisons. Currently there are nine maximum security prisons in South Africa. Two of these prisons are managed by private companies. The total number of inmates in maximum security prisons represents 37 per cent of the offender population in South Africa. In this chapter the conditions of detention in Leeuwkop and Mangaung maximum security prisons will be discussed. The point of departure in the discussion will be the Correctional Services Act 111 of 1998, Correctional Services Regulations and relevant Service Orders.

4.2 Admission procedure of inmates in maximum security prisons

During admission to a prison it is imperative to ensure that the incarceration of inmates is legal or legitimate. Legitimacy of any incarceration of an inmate is provided through a warrant. According to Section 6 of the Correctional Services Act (1998:3), the head of the prison may not admit any person to a prison if a warrant or written instruction from the court or other authorised person was not issued. Warrants must comply with the following requirements:

- It must be made out to the relevant head of prison;
- It must be signed by a competent person;

- The inmate's name must be provided in all cases and their thumbprints must also be affixed to the warrant in all cases;
- The date on which the warrant was issued must appear on it;
- The offence or reason for detention must be furnished;
- The name of the issuing office must appear on the warrant;
- The warrant for detention of young offenders must indicate that no other suitable place of safety was available and;
- Amendments must be confirmed by a signature (Correctional Services Order B, Chapter 1, Service Order 17:24).

The warrant is an important document without which the inmate cannot be identified and may not be admitted. A warrant can only be issued to an individual inmate. This means that under no circumstances may two inmates have the same warrant. With warrants, more than one person's particulars can appear on body the receipt that accompanies individual warrants. There are two types of body receipts, one is for release and the other for admission of inmates transferred from other prisons to Leeuwkop or Mangaung maximum security prisons, as well as the South African Police Services. According to Luyt (1994:35) all inmates admitted to prison should be accompanied by a body receipt. The purpose of body receipt is to transfer the inmate's information from one prison to another. After admission, the inmate must be given a prison number at the first admission after they have been positively identified. During transfer from these prisons, all inmate particulars are transferred to the prisons where they are being transferred to.

Mangaung maximum security prison only admits inmates from the Department of Correctional Services, and not from courts or police. Inmates at Mangaung maximum security prison have two prison numbers, one number is reflected on the Department of Correctional Service computer systems and the other is for internal use by the prison. The prison number that is issued during admission serves as registration number. Identification of inmates takes place by both thumbprints and it is compared with the original prints on the warrant. After admission of an inmate is finalised, an identification card with registration number, name, crime, sentence and thumbprint is issued to each

inmate. This identification card must be in their possession at all times (Du Preez, 2002:23).

Upon admission, every inmate is examined by a medical officer. An inmate who suffers from a chronic disease must continually receive treatment (Correctional Services Order B, Chapter I, Service Order 2:7). Inmates are also afforded the opportunity to inform their next of kin the name of the prison where they are being detained. If they do not wish to inform them, the reason for not doing this is recorded on the reverse side of the warrant. The prisoner must sign alongside this entry. Where an inmate is not in the possession of any stationery, he is be provided with these. (Correctional Services Order B, Chapter 1, Service Order 2:7). The head of the prison or their delegate must immediately upon admission address prisoners on the following aspects of prison life:

- Prison rules concerning daily routine, medical treatment, legal representation, complaints and any requests prisoners may have;
- Positive conduct;
- Privileges and disciplinary procedures;
- The consequences of attempted escape and gangsterism;
- The dangers of sodomy, HIV & AIDS, tattooing and hunger strike and;
- The consequences of damaging state property.

4.3 The rights of inmates

Inmates are entitled to basic human rights as stipulated in chapter two of the Constitution of South Africa. According to Masina (2004:192) the Department of Correctional Services subscribes to the treatment of inmates as human beings and this is insured in their policy to protecting their rights. The departmental policy contains, amongst others, the following provisions:

- All inmates have the right to respect and protection of their dignity;
- The principle of acknowledging personal privacy is recognised;

- All inmates have the right to freedom of conscience, freedom of religion, freedom of thought;
- All inmates have the right to all information held by the state or any body of the state at any level of the government, if such information requires for the right and protection of any of their rights and;
- All inmates have the right to basic education in the language of their choice. This includes the right to prepare themselves for an economically viable occupation on release by means of structured labour practices and training.

To protect the above-mentioned rights, the Judicial Inspectorate of Prisons appoints one Independent Prison Visitor at Leeuwkop maximum security prison and three at Mangaung maximum security prison to deal with the complains and request of inmates. Independent Prison Visitors provide an important independent channel for an inmate's grievances to be heard and their rights to be respected. According to the Correctional Services Act (Republic of South Africa, 1998:58), the functions of Independent Prison Visitors include dealing with complaints of inmates through:

- Regular visits to prisoners and private interviews with them;
- Recording prisoner complaints in an official diary and by monitoring the manner in which they have been dealt with by prison authorities and by;
- Discussing prisoner complaints with the head of the prison or any of their subordinates, with a view to resolving the issue internally.

4.4 Case management committee

According section 42 of the Correctional Services Act (Republic of South Africa, 1998:17) the case management committee are instituted at all prisons where sentenced inmates are incarcerated. The case management committee's primary responsibility is to decide upon the safety classification of inmates, their integration into individual and group programs, rewarding good conduct of prisoners and punishing bad behaviour. Case management committees communicate with individual inmates at least every six months.

Furthermore, the case management committee also has the authority to regulate behaviour to positively motivate inmates (Correctional Services Order B. Chapter V: Services Order 2:13).

4.4.1 Duties of case management committees

As stipulated in the Correctional Services Act (Republic of South Africa, 1998:19), the duties of case management committees are to insure that each inmate has been assessed. These assessments include the inmate's needs and sentence plan. Furthermore, case management committees interview the inmate at regular intervals. Their main functions include dealing with transfer requests of inmates, conditional work classification, work classification and reclassification, privileges and segregation, placement or release also on medical grounds. Each of these functions are discussed in more detail below.

4.4.1.1 Transfer of inmates

If the inmate requests a transfer the case management committee deals with this request. Issues such as the competencies of inmates in certain employment categories and their training are taken into consideration before the inmate is transferred to a suitable work centre. In most cases, transfers are carried out on an exchange basis to curb overcrowding in certain prison sectors.

4.4.1.2 Work classification, conditional work classification and reclassification

If the inmate is classified for specific labour purposes, this must be recorded on the inmate's identification card. Professional qualifications which the inmate possesses are also taken into account as are physical ability or disability, and any special interests. Inmates assigned to working in the kitchen must be examined and declared medically fit before they are classified to execute such tasks. Qualified inmates must, as far as possible, be utilised according to trade orientation. Within a week after admission, an inmate must be assigned to a specific work area. If an inmate is classified to a specific

work team, but cannot start working with this team, they must be conditionally classified as an ordinary labourer (Correctional Services Order B. Chapter V:25).

4.4.1.3 Privileges, segregation and placement or release on medical grounds

The amendment of privilege group is handled by the case management committee. The committee has the authority to repeal an inmate's privileges during a disciplinary sitting. In the case where an inmate is placed in solitary confinement by the head of the prison, the case management committee can also take steps against the inmate by repealing privileges. In the case where an inmate is terminally ill, the case management committee make necessary recommendations to the parole board where placement or release on medical grounds is considered (Correctional Services Order B. Chapter V:26).

4.5 Custody

Ellis (Neser, 1993:202) is of opinion that safe custody is a multi faceted concept that doesn't just mean the removal the perpetrator of crime from the community. According to Fox (Neser, 1993:202) the long term goal of safe custody is the creation of external control measures for prisoners who do not keep themselves within the confines of the community. Although these control measures exist in, amongst others, the school, the family, and the church, it is better organised in prisons to prevent that people who cannot control their behaviour don't cause injustice to themselves in the community. The purpose of safe custody is to create an orderly prison community and to prevent escape. Fox (Neser 1993:203) is of the opinion that a great challenge exist to create an ideal balance between safe custody and implementation of programmes.

Safe custody includes physical security and control measures. Inmates detained at maximum security prisons require a higher degree of physical security; therefore the custody must suite the need of both security and treatment of inmates. Nowadays, maximum security prisons consist of all of modern resources, but manpower still plays and important role in the security of these prisons. Due to the old structure that was built

in 1957, Leeuwkop maximum security prison depends heavily on manpower in order to give effect to safe custody. The concept requires that gates are managed by manpower and no aspects are managed electronically. Leeuwkop maximum security prison has an approved post establishment that looks as follows in January 2007:

- 58 Students;
- 78 Correctional Official Grade III;
- 98 Correctional Official Grade II;
- 102 Correctional Official Grade I;
- 15 Senior Correctional Officers;
- Assistant Directors and;
- 1 Deputy Director.

Out of the total of 259 officials, 55 correctional officials held office responsibility and are not physically involved in safe custody. Leeuwkop maximum security prison has a daily average prison population of 1 454 inmates that are managed by 127 officials. The member/inmate ratio in this instance is 1:17. This ratio is influenced by factors such as overcrowding, absenteeism of officials due to sick leave as well as other functional aspects such as meetings, courses and admission of inmates. The mentioned situation ensures that the member/inmate ration escalates as high as 1:16. The above-mentioned number of officials excludes night duty officials, which means that the ratio can rise higher to 1:25. Available manpower is distributed in such a way that sufficient personnel are available for day duty, first watch and second watch. Fewer members are utilised during the night for safe custody, because inmates are locked up.

Unlike Leeuwkop, the total number of inmates detained at Mangaung maximum security is 2 298. This number is equal to approved design capacity. Mangaung maximum security prison also operates differently as they use a unit management approach. According to Luyt (2000:2) unit management is a decentralised approach of inmate management dividing a prison population into small and manageable groups. Mangaung maximum security prison is divided into two campus (Campus A and B). Campus A

consists of three units (A, B and C) and campus B also consists of three units (D, E and F). Each unit has eight streets under the supervision of the following staff members:

- Three direct supervision officials each responsible for 60 inmates;
- Three supervisors per shift;
- One programme direct supervision official who is responsible for programmes in the unit;
- One unit manager;
- Two social workers and;
- One psychologist.

The total number of officials who work directly with inmates at Mangaung maximum security prison is 18 direct supervision officials, eighteen supervisors, six unit managers, six program direct supervision officials, twelve social workers and six psychologists. Other members are utilized for administration and other external security. The total ratio in this instance is 1:8,5.

4.6 Treatment programmes

The development of treatment ideals started as early as 1870 in American prisons. This principle has been practiced in the Elmira prison in the state of New York in 1876. This practice includes rewarding of good conduct, education and skills training, military drill and release on parole. (Neser, 1993: 225). Further progress regarding treatment was done on the medical model (1920) and the re-integration model (1965). In the mid-seventies the conservatives criticised the treatment ideal and the community required stricter control over criminals. Van Hirsch (Neser, 1993: 243) introduced the modern rehabilitation philosophy namely observable behaviour as the ideal approach that enjoyed widespread support. Fogel (Neser, 1993: 244) introduced the righteous model in the early seventies, while Wilson van den Haag introduced the neo-utilized punishment model. On 6 May 1986 the management of the Department of Correctional Services in South Africa decided to adopt a program approach for the treatment of offenders (Neser, 1993: 251).

According to Section 41 of the Correctional Services Act (Republic of South Africa, 1998:26) the department is obliged according to law to provide access to a full a range of programmes and activities as is practicable to meet the educational and training needs of a sentenced inmate.

The aim of developing a treatment of offender's policy is to cultivate the desire to live an honest and industrious life after they are released from prison, to equip the inmate for an honest and industrious life after release and to assist offenders in developing a sense of self dignity and responsibility. Stinchcomb (2005:134) explains that institutional treatment is a continuous process which commenced during admission of the offender to the prison until their release. It is not a magic formula that leads to the transformation of a prisoner into a law abiding citizen but it must also not be a sequence of sporadic attempts. Naser (1993:16) is of the opinion that those who present the treatment programmes must have the right attitude towards inmates and individual treatment needs must be emphasised. It must also be aimed at the re-integration into the community. The inmate must play an active role during his treatment. Despite of first and third world realities, coupled with economic and manpower factors, the Department of Correctional Services developed their own programme-orientated design that is managed on principles of cognitive development in 1987. These programmes can be divided according to the following table:

Table 3: Rehabilitation programmes in maximum security prisons.

Incarceration programmes	Development programmes
The privilege system	The psychological programmes
The disciplinary programme	The education programmes
The gratuity and financial standby programme	Sports and recreational programmes
The labour programmes	Life skills programme

4.6.1 Incarceration programmes

Incarceration programmes provide the inmates with the opportunity to improve their behavioural skills. These programmes are offered to inmates at Mangaung and Leeuwkop maximum security prisons. Each programme under incarceration will be discussed in detail and comparison will be made on the type of programmes offered to inmates at Leeuwkop and Mangaung maximum security prisons.

4.6.1.1 The privilege systems

According to Coetzee, Kruger and Loubser (1995:158) the main aim of the privilege systems is to motivate inmates to have good conduct, to create a sense of responsibility in them and to promote their involvement in treatment programmes. The type and number of privileges which inmates may receive are determined by the prisoner's privilege group which in turn, is determined by their behaviour and willingness to adapt to prison discipline. Mangaung maximum security prison has an incentives privilege system arranged in three levels: basic, standard and enhanced levels. At Leeuwkop maximum security prison privileges are divided into individual and group privileges. Individual privileges consists of A, B, C and group privileges compromise of music and radio programmes from a master set, musical instruments, showing of movies, television, sports and games, recreational events, concerts and choirs. The following table will show the difference in different privilege systems offered in these prisons.

Table 4: Privileges of inmates at Leeuwkop and Mangaung maximum security prisons.

Leeuwkop maximum security prison	Mangaung maximum security prison
<p>Group C</p> <p>One hour visit per month</p> <p>One telephone call on weekends, ten minutes per call</p> <p>Letters, no restriction</p> <p>Buying groceries to the value of R50.00</p> <p>No radio</p> <p>No hobbies</p> <p>No reading material</p> <p>Group B</p> <p>Two hours visits per month</p> <p>One telephone call on weekends, ten minutes per call</p> <p>Letters, no restrictions</p> <p>Buying groceries with the value of R100.00</p> <p>No radio</p> <p>No hobbies</p> <p>Reading materials</p>	<p>Basic level</p> <p>Two visits per month, sixteen minutes each.</p> <p>Ten telephones calls, ten minute each call</p> <p>Letters, no restriction.</p> <p>No groceries</p> <p>Radio</p> <p>No hobbies</p> <p>No reading material</p> <p>Standard level</p> <p>Three visits per month, sixteen minutes each</p> <p>Telephone, unlimited calls, ten minute each</p> <p>Letters, no restriction</p> <p>Buying groceries to the value of R220.00</p> <p>Radio</p> <p>Hobbies: after working hours</p> <p>Reading materials</p> <p>Electronic games</p>

Group A	Advanced level
Contact visits (subjected to facilities)	No contact visits
Three hours visitation per month	Four visits per month, sixteen minutes each
One telephone call on weekends	Telephone, unlimited calls, ten minute each
Letters, no restriction	Letters, no restriction
Buying groceries to the value of R150.00	Buying groceries to the value of R300.00
Radio with music CD's and five cassettes	Radio with music CD's and cassettes
Hobbies: after working hours under or without supervision.	Hobbies: after working hours
Reading materials	Reading materials
Participation in choirs	Participation in choirs

4.6.1.2 The disciplinary programmes

Imprisonment leads to the restriction of personal freedom within a close and unnatural environment. According to Coetzee (1995:159) a policy of “strict, but fair” is followed in respect of inmates detained at maximum security prisons. The execution of sound discipline is the cornerstone on which order is built in prisons. Once an inmate commits a disciplinary infringement, a hearing is conducted before the head of the prison, a disciplinary official or any authorised personnel. Section 24 of the Correctional Services Act (Republic of South Africa, 1998:26) makes provision that penalties should be imposed on inmates who violate certain prison rules. These penalties include the following:

- A reprimand;
- The loss of gratuity for a period not exceeding one month and;
- The restriction of amenities for a period not exceeding seven days.

In the case of serious and repeated offences, solitary confinement may be used as way of disciplining an inmate. The inmate is segregated from the general prison population and detained in the single cells. The maximum time in solitary confinement is 30 days. As stipulated in section 26 of the Correctional Services Act (Republic of South Africa, 1998:27) this penalty should be referred to the Office of the Inspecting Judge for review before it is implemented (Jonker, 1997:93).

4.6.1.3 The gratuity and financial standby programme

The gratuity and financial standby programme allows the payment of a monetary reward to inmates to motivate them to maintain positive behaviour. It also aims to improve the inmate's sense of responsibility and to develop their dignity. A total of 40 inmates receive gratuity for work done at Leeuwkop maximum security prison. An amount of R122.00 is generally paid to working inmates per month. At Mangaung maximum security prison the inmates participating in labour work receive an amount of R170.00 each month.

4.6.1.4 The labour programme

It is well known that idleness of inmates leads to malpractices and unauthorised behaviour in prison. To prevent idleness various labour programmes are available for inmates at Leeuwkop and Mangaung maximum security prisons. These labour activities include terrain spans, cleaners and chefs. The following labour activities are available for the development of inmates at Leeuwkop maximum security prisons.

Cleaners and Cooks: The preparation of food and cleaning prison facilities is done by an average of 30 inmates each day. All of these tasks are executed by specially trained and selected inmates.

Span duty: A minimum number of inmates are taken out to perform work outside the prison. This limited number is because of staff shortages combined with the fact that

these are maximum security prisoners. The environment in which they work also poses an escape risk due to the prison's situation near a river.

The number of inmates who are engaged in span duty programmes at Leeuwkop maximum security prison was 78 and the majority are actively involved in other programmes such as recreational programmes.

At Mangaung maximum security prison one hundred and sixty six inmates are employed in various labour activities. These activities include cooking of inmate's food, baking, candle making, horticulture and gardening, woodwork, cleaning services inside prison, leather work and welding. Most of the products produced from the above activities are sold to the nearest businesses while the remainder is utilised in prison.

4.6.2 Development programmes

The main aim of developmental programmes in prisons is to provide the opportunity to all inmates to improve their quality of life. Development programmes in prisons include amongst others, psychology, social work, religious, library and educational programs. Each of these programs will be discussed in details below.

4.6.2.1 The psychological programme

A psychological programme in prisons is necessary to improve and to sustain the mental health of inmates. At Mangaung maximum security prison a psychologist is appointed at each unit. Leeuwkop maximum security prison does not have the service of a full time, trained psychologist. In the case where an inmate is in need of psychological counselling, an arrangement is made for the inmate to meet a private psychologist.

4.6.2.2 Social work programme

Leeuwkop and Mangaung maximum security prisons are serviced by qualified social workers. The task of social workers stretches from admission to release. Social work services are provided to the inmate and his family if they have a need for it. In most cases social workers are required by the inmate or his family to provide special services.

4.6.2.3 Religious programme

According to Bartollas (1985:146) religious workers were the first agents to provide religion as a rehabilitation programmes in prisons until the twentieth century. A religious programme in correctional services plays an important part in trying to bring about the behavioural change in prisoners. Inmates at both prisons belong to various religions. The religious programme ensures that every religious group is visited by a religious worker. There are currently 13 religious denominations represented at Leeuwkop and 25 at Mangaung maximum security prisons.

4.6.2.4 Library services programme

Library services are at the disposal of inmates. Books are provided by the provincial library whereas departmental books are also available. Inmates have the access to the library on weekly basis.

4.6.2.5 Education programme

The purpose of education and training in prisons is to develop and enhance the educational level and improve an inmate's skills to enable them to be reintegrated into the community once they are released. As stipulated in Section 29 of the Constitution (Republic of South Africa, 1996:27) all people including sentenced offenders are entitled to basic education. At both Leeuwkop and Mangaung maximum security prisons inmates have access to general education and training, and higher education and training. These

programs can therefore be divided into two categories namely, formal and informal training.

- **Formal basic education and training**

This programme is offered to all interested inmates. Adult Basic Education and training goes beyond reading and writing skills as it also include communications, numeracy, practical skills and the understanding of the world.

- **Mainstream Educational Programmes**

This course or programme is conducted together with Adult Basic Education and Training. This programme is offered in co-operation in accordance with the curricular of the national and provincial department of education (Department of Correctional Services, 2006: 4-6).

- **Distance Education**

All distance education courses in these prisons are provided by institutions which provide distance learning or correspondence study such as, for example, the University of South Africa, Intec College and Damelin College. The following table indicates the number of inmates enrolled for the above-mentioned programmes at Leeuwkop and Mangaung maximum security prisons:

Table 5: Number of inmates enrolled in educational and training programmes.

Program	Leeuwkop maximum security prison	Mangaung maximum security prison
Adult Basic Education and Training	193	285
Mainstream Education Programmes (Grade 10-12)	113	150
Distance Education	185	76

The overall number of inmates participates in educational programme at Leeuwkop maximum security prison is 456 and 521 at Mangaung maximum security prison.

4.6.2.6 Informal education programmes

The informal education programmes include life skills and training programs. Organised recreation-educational programmes provide a safety valve for the release of excess energy and it also promotes physical health. The main aim of recreational-education programmes is to train inmates on various sports codes. Opportunity is provided for cultural activities such as choirs, traditional dance, music and drama.

Life skills programme equip inmates with specific social skills. The main focus of this program is to re-educate inmates with the norms and socially acceptable behaviour patterns of society. The modules offered in this programme include family affairs, economic aspects, hygiene, communication skills and job hunting skills. The last programme offered under informal educational programme is the training programme. The main purpose of this training is to develop the market related labour potentials of sentenced inmates who do not have necessary level of training to be productively utilised during imprisonment and after the prisoner's release. As soon as possible after admission

the case management committee interviews the inmate in order to determine the field in which they should receive training (Department of Correctional Services, 2007:4).

4.6.3 Accommodation

Living conditions in prisons are among the major factors determining the inmate's sense of self esteem and dignity. The accommodation where inmates are detained must reflect human dignity. Section 7 (1) of the Correctional Services Act (Republic of South Africa, 1998:12) makes provision for accommodation of inmates detained in prison and states that the inmates must be held in cells which meet the requirements prescribed by regulations in respect of floor space, cubic capacity, lighting, ventilation, sanitary installation and general health conditions. These requirements must be adequate for detention under conditions of human dignity.

According to services Order-B the minimum permissible cell area per each inmate is as follows:

- Ordinary communal cells 3,344 m²
- Ordinary single cell 5.5m²
- Hospital communal cells 4,645m²

The minimum permissible air space per inmate in habitable rooms is 4, 25 m³ per person under 10 years and 8.5m³ for a person who is 10 years and older (Correctional Services Order B. Chapter V, Service Order II: 25). In practise inmates at Mangaung maximum security prison one unit contained 64 inmates. This unit consist of 22 cells containing four or two inmates per each cell. At Leeuwkop maximum security prison inmates are housed in communal cells. Each communal cell originally intended for 40 inmates and is crammed with an average number of 80 inmates.

4.6.4 Hygiene and nutrition

As Section 9 of the Correctional Services Act (Republic of South Africa, 1998:12) stipulates that every inmate must keep their clothing, bedding and cell clean and tidy. In promoting good hygiene in prisons the head of the prison must ensure that water, washing and sanitary facilities are available for each inmate. At both Leeuwkop and Mangaung maximum security prisons inmates are given the opportunity to wash themselves each morning. Those inmates who are housed in single cells without washing and sanitary facilities are given the opportunity to wash themselves at a central bathroom. Each inmate is provided with a comb, razor blade, shaving brush, and soap for general use, toothpaste, a toothbrush and toilet paper (Correctional Services Order B, Chapter 17, Service Order II:37).

Inmates are also given the opportunity to shave all the time and they are permitted to wear their hair in any style consistent with health, security and safety. Washing soap is provided twice a month so that the inmate washes his clothes all the time to promote good personal hygiene.

In the case of nutrition, prison kitchens are inspected at least once a week by a registered nurse appointed in these prisons. Cooks are inspected on a daily by officials appointed in the kitchen basis with regard to prescribed dress and hygiene. The ration scale and the applicable therapeutic diet manual are compiled in co-operation with dieticians of the Department of Health. Complaints about insufficient or poorly prepared food are reported to the official responsible at the kitchen. Inmates in these prisons are fed three times a day. At breakfast, they receive porridge with three teaspoons of sugar, four slices of bread and tea. The mid-afternoon meal consists of samp or porridge and meat or fish. In the afternoon they receive five slices of bread and liquid to drink.

4.6.5 Clothing and bedding

According to the Penal Reform International (2001:63) clothing of inmates must have both protective and psychological functions. The protective function of clothing must take the specific weather and special working conditions in which inmates find themselves. On the other hand, the psychological function of clothing focuses more on the improvement of inmate morale. According to Section 10 of the Correctional Services Act (Republic of South Africa, 1998:12) the Department of Correctional Services must provide every inmate with clothing and bedding sufficient to meet the requirements of hygiene and climatic conditions. In support of Section 10 of the Correctional Services Act 111 of 1998 the following prescribed prison clothes are issued to inmates detained in maximum security prison as soon as possible after admission:

- Shirts;
- Long pants;
- Jersey (according to climatic conditions);
- Vests;
- Underpants;
- Socks and;
- Shoes.

A separate bed is provided to each inmate and the blankets are issued according to weather conditions at the discretion of the head of the prison. In addition to the blankets, pillows, sheet, pillowcases and two felt mats are issued (Correctional Services Order B, Chapter 17, and Service Order II:4). At Mangaung maximum security prison the following items are provided; 1 jacket, 2 pairs of socks, 2 trousers, 1 pair of shoes, 1 T-shirt, 1 jersey, 2 sets of pajama's, 2 shorts, 5 sets of underwear and 2 blankets.

4.6.6 Health care

Large numbers of inmates are detained together in a prison. This naturally increases the danger of epidemics and the spreading of communicable diseases. For this reason medical care of inmates, the maintenance of a high degree of hygienic standards and preventative action is of extreme importance (Neser, 1993:269).

The health care of inmates is regarded as an important responsibility of the Department of Correctional Services. In order to ensure the physical health of inmates they are informed properly about procedures and these procedures are available on inmate's request. Section 11 of the Correctional Services Act (Republic of South Africa, 1998:20) makes provision that the Department must provide within its available resources, adequate health care services, based on the principle of primary health care, in order to allow every inmate to lead to healthy life. Medical practitioners registered with the Health Professions Council of South Africa and who are employed by the Department of Correctional Services at Leeuwkop maximum security prison. If an inmate requires specialist medical attention a general doctor after consultation refers that inmate to a specialist. Inmates can also apply to make use of the services of their own private medical practitioners at their own expense. In addition to a medical practitioner, a registered nurse is appointed by the department to provide health care services to the inmates on a daily basis.

At Mangaung maximum security prison a medical practitioner from the Free State Department of health provides medical services to inmates. In addition to the service rendered by a medical practitioner one registered nurse is appointed at each unit to take care of medical problems of inmates.

4.6.7 Summary

In this chapter the conditions of detention at Leeuwkop and Mangaung maximum security prisons were discussed. The admission of inmates and their rights were also discussed in order to shed light on certain policy issues of maximum security prisons in

South Africa. To provide a framework for the discussion of Leeuwkop and Mangaung the privilege system, the nature of custody, the policy which sets out how prisoners should be treated and the various educational programmes were highlighted. The implementation of these policies was explored and the differences between Leeuwkop and Mangaung were shown.

The number of inmates detained at Mangaung maximum security prison is 2 998, which is equal to the approved inmate's population; this gives the officials working with inmates the opportunity to manage them effectively. Unlike Mangaung maximum security prison, Leeuwkop maximum security prison is meant to house 746 inmates but currently there are 1 449 inmates. This massive case of overcrowding often prevents prison officials from implementing correctional service guidelines and hampers the rehabilitation of prisoners. Due to the age of Leeuwkop facilities the prison does not have advanced security features or modern technological devices to monitor prisoner activities at all times. Unlike Leeuwkop, Mangaung maximum security prison is equipped with more advanced security devices and together with a higher number of prison officials, the task of rehabilitating prisoners has a higher degree of success.

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CHAPTER 5

SELECTED PHENOMENA IN MAXIMUM SECURITY PRISONS AS TOTAL INSTITUTIONS

5.1 Introduction

The prison environment, unlike any normal environment, is bound by strict rules and regulations. The prison environment is characterized by diverse activities, both negative and positive. Most of the negative activities are caused by the formation of prison codes and prison subculture. Different authors in the field of corrections give different definitions of prison subculture. According to Smit (1979:33), a subculture can be regarded as a culture within a culture. Carney (1974:99) defines prison subculture as a social system with a strong class system, a strict code of behaviour and a value system that differs from the code of behaviour of the prison authorities. Different prison subcultures are imported into prison by criminals in the lower class and the criminal world in the free community. According to Naser (1993:189-190), the prison subculture can be differentiated into three types: **a thief subculture**, “which is maintained by professional criminals who are not interested in leadership positions in the prison and who are only loyal towards other professional thieves”; **a bandit subculture**, which “has as members prisoners who manipulate their companions and who strive for power and status in the prison”; and **a legitimate subculture**, which “is subscribed to by prisoners who are more inclined toward co-operation with prison officials”.

5.2 Unrest and riots in maximum security prisons

According to Coetzee et al, (1995:192) unrest and riots in South African prisons were relatively infrequent in the past, but the recent spate of serious unrest and riots in various prisons, which caused much damage to buildings and structures, indicates that in future it will be phenomenon to be reckoned with. According to Coetzee and Gericke (1997:131)

unrest and riots in maximum security prisons may take different forms. There is a distinction between *active* and *passive* actions by prisoners. The former are accompanied by violence, while the latter take place without violence. Coetzee et al. (1995:192) describe them this way: “Passive actions by prisoners include hunger strikes and sit-down strikes. Active actions are accompanied by violent aggression and include self-injury, injury to fellow-prisoners, assault of staff, damage to buildings and equipment, and escapes.”

5.3 The causes of unrest and riots in maximum security prison

According to Coetzee et al. (1995:192-193), the causes of unrest and riots in maximum prison include unnatural environmental conditions, inadequate institutional management, inadequate facilities.

5.3.1 Unnatural environmental conditions

Coetzee and Gericke (1997:132) write that the prison environment differs from normal environmental conditions; it may be regarded as an unnatural environment. It often contributes to increased emotional tension as a result of restricted personal freedom, frustration, a sense of helplessness and injustice, boredom, sexual depression, fear, the absence of empathy, and anxiety about family and friends. When these factors have pushed the prisoner's tension to breaking point, it can contribute to revolt against disciplinary measures, damage of equipment, and violent behaviour towards staff and fellow prisoners.

According to Coetzee et al. (1995:193), the peculiarity of the prison environment leads to a feeling of comradeship among prisoners and a desire to stand together against the oppression of the authorities. They elaborate as follows (Coetzee et al, 1995:193): the feeling of comradeship often degenerates into the formation of gangs within the prison framework. The leaders of gangs are usually the aggressive, violent criminals who have the ability to manipulate their gang members at will. Gang activities are usually

accompanied by violence and take the form of the agitation and intimidation of fellow-prisoners, assault on personnel and fellow-prisoners, arson, riots and escapes.

5.3.2 Inadequate institutional management

According to Coetzee and Gericke (1997:132), inadequate institutional management can be described as a condition in a prison where the management and staff members “cannot maintain the necessary order and control. This can be attributed mainly to unclear guidelines, absence of easily understood rules and, above all, a lack of communication. This in turn leads to dissatisfaction among prisoners who incite (encourage) each other and riots are not excluded.

5.3.3 Inadequate facilities

Coetzee and Gericke (1997:133) write as follows about inadequate facilities in prisons. "Their observations apply equally to the situation in maximum security prisons: Inadequate facilities refer to a lack of adequate recreation and leisure time facilities, eating and sleeping facilities, training opportunities and accommodation. This in turn affects the dignity of inmates in a prison. Overcrowding in maximum security prisons also increases the lack of adequate facilities, which in turn leads to increased tension between staff and prisoners. This increased tension often results in resistance to these conditions which can easily lead to unrest and riots".

5.3.4 Non-institutional causes

According to Coetzee and Gericke (1997:133), "influences from outside the prison can play an important role in the development of unrest and riots in prisons."

Coetzee et al, (1995:195) comment as follows on the non-institutional causes of unrest and riots:

"On the whole, the community is apathetic towards the treatment function of the Department of Correctional Services and seems to appreciate only the function of safe guarding. This apathetic attitude can be attributed mainly to the overwhelming desire of the general public for retribution and the fact that the success of rehabilitation is clearly determined only upon the death of the ex-prisoner".

The apathetic attitude of the community has a determining effect on personnel and prisoners, to such an extent that it is a tiring and challenging process to keep up the morale of personnel and prisoners and to implement new treatment programmes. Therefore when prisoners become rebellious against attempts at treatment, their actions may easily degenerate into riots and unrest.

Coetzee et al. (1995:196) add that the media and the probationers who are taken into custody again as they breached their parole conditions might also be the causal factors of unrest and riots.

5.4 Gangsterism in maximum security prisons

The gang can be defined as a social group, distinguished from other social groups on the basis of three characteristics, namely antisocial, engagement in conflict (Ndabandaba, 1990:335). According to Sonder (1996:11) the gangs differ from a group of friends because they are partly involved in illegal or antisocial acts. Gangs also differ widely in their size, group goals, rules and habits. Lyman (Decker, 2001:38) defines a prison gang as an organisation which operates within the prison system itself as a self perpetuating criminally oriented entity, consisting of a select group of inmates who have their own particular code of conduct. Neser (1993:211) feels that the prison gangs fulfil an important financial and emotional function. Prison gangs serve as a buffer against poverty, because when a gang member scores he is expected to share with others.

According to Haysom (1981:2) prison gangs are not unique to South African prisons. What makes them so distinctive in South Africa, however, is firstly their form of

operation, and secondly, they are a national organisation. The third defining feature is their historical roots. The origin of the South African prison gangs elaborated by an oral history, from the late nineteenth century. Gangs can be traced to the all-mate compounds occupied by migrant labourers working in the mines on the Witwatersrand, near Johannesburg. One man by the name of Nongoloza Mathebula (1867-1948) is credited with the establishment of the basics of the gang system. Gang members spread from the mining compounds to the prisons.

5.5 The development of prison gangs in maximum security prisons

According to Decker (2001:10-11) the development of prison gangs involves a five stage process, namely to following stages:

- **Stage 1: The initial stage.** In the initial stage the 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 feelings of isolation fear and danger.
- **Stage 2: Socialising stage.** In this stage inmates socialise with certain inmates with whom the offender feels comfortable and shares some common interest. In this stage the relationships among members of the clique are sustained by the need to belong and the need for survival.
- **Stage 3: The 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 the prison staff when provoked. Group members will help each other from the attack by outside groups. Leadership in the group is informal and based on the charisma of the individual. As a matter of practice, self-protection groups do not participate in illegal activities. Members of self protection groups enjoy increased recognition. Certain

members begin to exert stronger influence over other members and over the events of the group. These individuals then emerge as the leaders of the group.

- **Stage 4: The predator group.** Several changes occur in stage 4. First members begin to discuss the necessity for formal rules and conduct. Members are expected to hold viewpoints similar to those of other members. Individuals who are considered weak are excluded from the group. The predator groups are willing to participate in any criminal activities such as extortion, gambling, theft, and violence against other inmates. Although they may vary in size, predator groups may have branches on more than one unit level. The loyalty of group members is to themselves and to other members of their immediate unit. Members of a predator group receive more protection from other gang members. They also enjoy their new power that enables them to profit from criminal activities. In time, some predator group emerges as stronger and more fearful groups than others. This paves the way for stage 5 of the gang development process.
- **Stage 5: Prison gangs.** As a part of a prison gang, members see themselves as belonging to an organised crime syndicate. Involvement in contract murder, gambling, and homosexuality is required of gang members. In addition, members are required to abide by all rules of conduct. Failure to do so could result in the death of members or other form of punishment. Members are also expected to wear tattoos which signify their pride in being members of the gang. Tattoos also serve as warning signals to other members. To prevent internal anarchy, prison gangs adopt a formal and para-military organisational structure. Each rank in the structure has a defined authority and responsibility. Every member knows their place in the gang. To guarantee their longevity, most prison gangs require their members to make a lifetime commitment to the gang.

5.6 Factors which lead to the formation of gangs in maximum security prisons

Although prison gangs originated outside the prison, there are tendencies in prison which make an important contribution to the continued existence and even expansion of gangs. According to Reid (Neser, 1993:189) the origin and development of prison subcultures can be explained more fully according to two models, namely the deprivation model and the importation model. Advocates of the deprivation model see the origin of the prison subculture as being emerging from the hardships accompanying imprisonment and the social circumstances the prisoner must adjust to. Neser (1993:189), however, supports the importation model which sees the make-up of the prison subculture as a culture that is imported into the prison from the lower working class and the criminal world in the free community. Some factors which contribute to the origin and development of gangs in prisons will now be discussed.

5.6.1 The deprivation of freedom

Imprisonment involves much more than merely a period of isolation from the community during which a prisoner is deprived of freedom (Neser, 1993:190). The deprivation of freedom creates a feeling of separation in the prisoner and the prisoners are isolated from all their families, friends and people who are dear to them. Because of imprisonment some prisoners lose touch with family and friends and they start to establish new relationships inside prison. It is usually this type of prisoner, needing to relieve their feelings of isolation that becomes the prey of gangs searching for new recruits. A gang therefore offers a more substantial home to prisoners looking for new ties of friendship.

5.6.2 The deprivation of heterosexual relationship

According to Mnguni (2002:27) in both sexes, the loss of heterosexual relationships is experienced as a punishment. This loss can be bridged by unnatural methods like having sex with the person of the same sex. In the case of men, the gang and particularly the 28 gang (which encourages it) will provide opportunities for homosexual activities to relieve

the loss of heterosexual relationships. Naser (1993:190) argues that the lack of heterosexual intercourse is a frustrating experience that is accepted with difficulty during the period of imprisonment. Homosexual prisoners are usually willing victims of, or serve as a release for dominating prisoners who temporarily turn to this kind of practice to alleviate personal frustrations and to express sexual needs. Lack of normal heterosexual relationship holds threats to the self esteem of the prisoner (Naser, 1993:192).

5.6.3 The deprivation of autonomy

According to Coetzee et al, (1995:183) the deprivation of autonomy plays an important role in prisoners participating in gang activities. Mnguni (2002:27) argues that when a person is imprisoned, they are not only held in custody, but they are also subjected to extremely strict rules. These rules direct every moment of their daily existence. When and where they must eat, work, sleep all arranged for them in such a manner that they have little or nothing to say on the matter. Mnguni (2002:28) writes that this routine becomes unbearable for many of the prisoners, with the result that smuggling and other activities became attractive to them to have some kind of influence on their daily existence. The prison gangs provide this kind of prisoner with the opportunity and the means for “adventure” and self-determination.

5.6.4 The deprivation of security

Many prisoners are admitted as first offenders. The gangs know this and exploit the situation. They also use the media and film representation of gangsterism where prisoners are assaulted and raped by hardened criminals, as a means to scare new prisoners into submission. Prisoners experience insecurity against the onslaught of such prison elements. In these cases, gangs offer security against any exploiters. Those who belong to the gangs are the actual targets of the gang, and often the only way to avoid victimisation seems to be to join the gang themselves (Coetzee et al, 1995:184).

5.6.5 Lower class influence

According to Mnguni (2002:28), most prisoners are from lower classes, and he argues that poverty, unemployment, alcohol abuse, broken homes and foster parents are often their way of life. Their youth is characterised by irregular school attendance, early school-leaving and irregular working patterns. This way of life does not correspond with the accepted norm. In this type of environment, certain characteristic behavior patterns or actions are regarded as important if the individual wishes to win the esteem of the community. The characteristics which contribute most to inmates joining prison gangs are the following:

- Trouble as a means of achievement;
- Callousness as a sign of masculinity;
- Shrewdness as a method of outwitting others;
- Excitement as a way of experiencing sensation;
- A belief in fate as the determining factor in a person's destination and;
- Excessive dislike of hard work (Coetzee et al, 1995:184).

These values are also built into the structure of the prison gangs so that the values of these gangs are easily acceptable to people of the lower class (Mnguni, 2002:28).

5.6.6 The influence of the street gang

According to Mnguni (2002:29), research into the influence that street gangs have on the establishment of gangs in prison has yet to be carried out for South Africa as a whole. Research done in the Cape (Lotter & Schurink, 1984:53) does, however, indicate that a large percentage of the male prisoners previously belonged to street gangs. The reasons why they joined street gangs can also be ascribed largely to lower class influences.

5.7 The functioning and kind of gangs in maximum security prison

5.7.1 The 28 gang

The directives of the 28 gang state that they must be involved with “blood” and “poison”. They are also fighters, keep “boy wives” (“wyfies”) and have to “fix the jail” (correct the prison) when conditions are unsatisfactory in terms of their standards. They are also concerned with the quality of food and actively participate in activities such as unrest and riots that are aimed at making prison unmanageable.

5.7.1.1 Modus operandi

Typical activities of the 28 gang include the following:

- According to Coetzee and Gericke (1997:122) when the 28 gang believes that there are “wrongs” in a prison, they will try to correct them by assaulting the correctional officials to draw attention of their problems.
- From time to time the 28 gang has fights with opposing gangs, usually the big five who co-operate with institutional staff and wants to take over the “boy wives” of the 28 gang.
- Members of the 28 gang do not communicate with staff, except when they want to report complaints and make requests. The reason for this is that the gang is concerned that the gang member who speaks to correctional official might reveal their secrets.
- The most important modes operandi of the 28 gang is to commit sodomy with “boy” wives” (usually younger member of the gang) which usually takes place at night. This is largely why this gang is so concerned with food because their “boy wives” must be well fed to win their favour and to be strong and healthy.
- They participate in unrest riots in prison. This corresponds with their goal of making the prison unmanageable.

- Escapes are not a priority for this gang. “Boy wives” may escape and when they are re-imprisoned, they automatically become members of the Air Force gang whose main objective is to escape and who work closely with the 28 gang.
- Victimisation of non-gang members is common. For example, they get non-gang members in their power and then use them to do their smuggling for them, take their food away from them and force them to commit sodomy with gang members (Hlongwane, 1994:173).

According to Hlongwane (1994:174) the 28 gang have the following codes for their members:

- You have nothing of your own. Everything you have belonged to the camp.
- You must never be tired of your blood brother.
- You will respect the gang code.
- You should die where your brother dies.
- Do not give up your brother.
- You should not point fingers at your brother.
- Do not be a crook to your brother as he is your mother’s child.
- You should not insult your brother, because if you insulted him, you have insulted the whole camp.
- You should love your brother as you love yourself.
- You should not sell your own brother.

5.7.2 The 26 gang

The 26 gang is involved with “kroon” (comfort and convince). They obtain goods money and dagga through clever ideas such as theft; robbery and smuggling, which enables them to lead a life of luxury (protect their “kroon”). This gang also has strict code of conduct and they act strictly against gang members who break this code (Coetzee & Gericke, 1997:124).

5.7.2.1 Modus operandi

Typical activities of the 26 gang include the following:

- The 26 gang will do any thing to protect their “kroon” because they want to obtain “luxury” and protect their lives at all cost. To create this lifestyle, they rob other prisoners of their possessions.
- Communication with the staff is forbidden and takes place only with the approval of the gang, and then only when the communication is related to complaints and requests, particularly requests that can contribute to the overall welfare of the gang. As is the case of the 28 gang, gang members are afraid that their secrets will be revealed. The punishment for revealing the secrets of the 26 gang is death.
- Promotion in the hierarchy of the 26 gang is usually associated with acts of violence. Depending on the “rank” to which the gang member must be promoted, he must stab a fellow prisoner or correctional officer with a sharpened object. Gang members, who must be punished for an offence within the gang, can also be instructed to stab prisoners or staff members. In this way, the gang kills two birds with one stone. The staff member who is identified as the person to be stabbed is usually someone they do not like and at the same time, the gang member is punished by the gang for the act that he committed.
- The 26 gang is concerned with the manufacturing of weapons which they use to commit violent acts. The general (leader of the gang) of the 26 gang is particularly concerned with the manufacturing and hiding of weapons. These are made from sharpened spoons, toothbrushes, parts of toilet bowls, showers and any other object that can be sharpened for stabbing purposes. The general also issues these manufactured weapons and gives instructions on how weapons must be used.
- The so-called “UP” operations when violence is committed “bloedvat” or bloody actions, these actions usually took place early in the morning during unlocking and during mealtimes.

- The 26 sometimes commits violent crimes at night when there is not many staff members on duty. A feature of their violence committed at night is that the 26 gang uses various cunning methods to hide their share in this act.
- The 26 gang meets regularly by sitting in a semi-circle. This is commonly known as “kringsit”. During “Kringsit” decisions are made and instructions are given on actions which usually includes violence
- Escapes and sexual practices are not part of the code of conduct of the 26 gang.

According to Hlongwane (1994:175) the following are the gang code of the 26 gang namely:

- Everything which you obtained, should be handed to the 26 gang.
- You should respect the 26 gang.
- There is only one gate at the camp.
- You must never live your brother unprotected.
- You must die where your brother dies.
- You must be honest to your brother.
- You are not supposed to fight your brother.
- You should not cheat your brother.
- You are not supposed to insult your brother, because by insulting your brother, you have insulted the whole 26 gang.
- Do not pretend towards your brother.
- You should not suspect your own brother.
- Do not testify against your brother without any exhibit.
- Do not tell lies to your brother.
- Do not trust members of the Department of Correctional Services.
- Do not mess with other prisoners.
- Show loyalty towards other prisoners.

5.7.3 The Big Five gang

The main goal of this gang is to operate with the “boere” (authorities) to protect themselves or fellow prisoners and they are also concerned with sodomy and smuggling (Coetzee and Gericke, 1997:128).

5.7.3.1 Modus operandi

Typical activities of the Big Five gang include the following

- Because the aim is to “piemp” (Gossip about any unauthorised activities of other prisoners) they are constantly in conflict with other gangs.
- Gang members usually come from the so called “agterryers” (“outriders”- cleaners and orderlies) and use their position of trust to mobilise and disguise their smuggling activities.
- Sodomy is an important part of this gang’s code of conduct.
- The Big Five uses "book" for their codes and these rules are not written down (Hlongwane, 1994:190). The first book of the big five gang was called a khakhi book which was used from 1957 until the end of 1960. The Big 5 then use spade book form 1960 until the end of 1966. The end of 1966 a third book of their code was released which was called a clap book. This clap book is in operation until today. The khakhi book and the spade book included the following codes:
 - Do not provoke other prisoners.
 - Do not join any gang in prison.
 - If a prisoner of other gang or not affiliated to any gang provoke you, report to the big five gang.
 - A gang member is not supposed to resign from the gang.
 - Do not expose the secrets of the gang to the other gang members or prisoners not affiliated to any gang.
 - The gang members are not supposed to go gossiping about other gang members of the big five or members of other gangs or non-members.

- When a prisoner is in the possession of a weapon, it must be taken from them by the Big five gang or the said prisoner should be reported to the members of Correctional Services.
- The orders or instructional of the gang must be carried out.
- No homosexual relationship.
- A member of Big 5 should not ask for tobacco form other gang member or non-gang members.

The clap book amended the code which prohibited homosexual among the gang members namely:

- The boy wife of the Big 5 is not supposed to force a boy-wife in order to co-habit with him.
- The boy-wives of the Big 5 gang should not associate with members of the other gangs;
- A boy-wife of the big five gang can, by agreement with the Big 5 gang associate with a non-gang member, but not with a member of other gang; and
- The Big 5 gang members from Cat 11 up to professor are allowed to have boy-wives (Hlongwane, 1994:191)

5.7.4 The Air Force gang

According to Coetzee et al (1995:186), the declared goal of the Air Force gang, which is also known as, Royal Air Force or Air Force gang, is to escape. Their “goods” are in Africa (outside the prisons) and must be protected. This is only done if they are outside the prison once they have escaped.

5.7.4.1 Modus operandi

Typical activities of the Air Force gang include the following:

- During “kringsit” they mainly plan escapes.
- Gang members try continually to smuggle articles into prisons that can be used to effect escapes.
- Violence in this gang is aimed mainly at staff, thereby facilitating escapes.
- The gang usually works with the 28 gang when they want to escape. For example the 28 gang will attract the attention of officials, while they escape.

5.8 Behaviour of gangs in maximum security prisons

According to Coetzee et al (1995:186) prison gangs act collectively. In so doing, they are in a favourable position to intimidate other prisoners. Violence is used in prisons for various reasons. The following are examples:

- **“Bloedvat”** (drawing blood): When gang members have to “correct the wrong” (which they themselves have committed) they have to “draw blood” this means that they must assault a non-gang member in the presence of other prisoners and officials. Their punishment is that the officials have to use the necessary force to restrain them.
- **Violence as a means of admission to the gang:** Nearly all gangs lay down the requirement that a prisoner who wishes to join a gang first has to, as an initiation act, assault another prisoner in order to prove that he is a man.
- **Violence for promotion:** Certain promotions to higher ranks within the gang hierarchy are made possible only through assault or even murder.
- **Collective violence:** Mass riots are example of this. At some prisons such occurrences are unknown. At other prisons collective violence is so intense and widespread that they often get reported in the media.

- **Murder:** Approximately 250 prisoners died at the hands of fellow prisoners in the period of 1984 to 1994. There is no doubt that at least 70 per cent of these deaths were in relation with gangs and gang activities (Coetzee et al, 1995:188).
- **Robbery:** Robbery may be distinguished from theft by the fact that in the former, the attacker takes the victims belongings by force. Prisoners suffer injuries of varying degrees when they robbed by gang members. Robbery is also used to take the possessions of prisoners who are not otherwise intimidated.
- **Theft:** Obtaining goods is one of the goals of the gangs especially the 26 gang. When a non gang-member has items which the gang members need, they are simply stolen, or the non gang member is so intimidated that they simply share these items with gang members.
- **Escape:** The declared goal of the Air Force gang is to escape and to help each other to escape. For this purpose, gang members smuggle items into the prison which they require for their escape. Although Air Force gang is a gang from the so called fourth camp, they will often obtain the co-operation of a number of gangs in their smuggling activities. Gang members do not hesitate to resort to violence, if it means the difference between success and failure of an escape.
- **Smuggling:** All categories of prisoners are involved in smuggling and gangs have the infrastructure which places them in the ideal position to smuggle goods in and out of prison successfully. Gangs not only smuggle forbidden items, but also dangerous items such as drugs, weapons and aids for escape
- **Sex:** Sodomy and the keeping of “females” is manifest in nearly all gang, codes. Juvenile offenders are often misled by “ring heads” (experienced members in the gang structure) and then kept in submission by intimidation. Sometimes juvenile prisoners first have to serve as a “female” for a period time before they became “men”.
- **Defeating the ends of justice:** Serious and widespread methods of defeating the ends of justice occur. All gangs expect the Big 5 gang to forbid co-operation with the authorities (“piemp”). It is therefore extremely difficult to obtain information from gang members about crimes inside and outside the prison. Gang members even resort to murder to force informants to remain silent (Hlongwane, 1994:192).

5.9 Sexuality in maximum security prisons

Sexuality is probably one of the strongest urges present in people which cannot simply be ignored (Coetzee and Gericke, 1997:135). According to Naser (1993:406) sexual desire does not disappear when an offender is sent to prison. The result of this desire can easily shift from a “normal” heterosexual relationship to the “abnormal” homosexual relationship. People’s experiences of their life relate to their bodies, they know each other love, hate and remember each other on their bodies. The act of sexual intercourse is shown by means of contact and the feeling of the body (Coetzee et al, 1995:199).

The emphasis here is on the abnormal circumstances in the prison environment which can lead to sexual malpractices. Many assaults, emotional outbursts, damage to government property, suicide, murder (particularly among gangs) and sexually transmitted diseases such as HIV/Aids can also be attributed to homosexual relationships.

According to Coetzee and Gericke (1997:135) the scope of sexual malpractices in prisons is not just an easy thing to be determined because the people who practice this do not easily talk about it. Like any normal sexual relationship it is practiced in private and it is therefore the matter of intimacy for those who indulge in these acts. Homosexuality is forbidden in South African Prisons and is regarded as a punishable offence which further hinders openness about it. Ex-prisoners who have engaged in homosexual practices while in prison also fear that their families and spouses will find about it. When researching these issues, the researcher also has to take cognisance of the fact that many prisoners were not involved in homosexual relationships before going to prison. Many ex-prisoners also terminate their homosexual activities after their release. It is particularly this group who prefer not to co-operate in any research related to the widespread practices of homosexuality in South African prisons and hence, it is difficult to ascertain just how widespread this phenomenon really is. (Naser, 1995:406). The only thing that can be reasonably established, however, is that homosexuality does take place in South African prisons and is increasing in scope as a result of the influence and particularly intimidation by gangs (Coetzee et al, 1995:200).

5.10 Summary

Prison as a total institution is characterised by violence. This violence is mainly caused by the development of prison subculture. Prison subculture involves customs, behavioural patterns, traditional codes, rules and regulations that influence the attitudes of prisoners. The prison subculture also has a strong influence on the prison community. The most important consequence of prison subculture is the establishment of gangs, whose main aim is to make the lives of staff and non-gang members difficult. The prison subculture not only influences the socialisation process and the development of a prisoner's personality, but also the attitudes and values of prisoners, their participation in and responses to violence, the extremely stressful life in prison, their participation in gangs and the desire to escape.

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CHAPTER 6

ASPECTS OF SECURITY UNDER CONDITIONS OF MAXIMUM SECURITY

6.1 Introduction

Unlike airports, harbours and other private and public premises which need security to keep criminals out; prisons require security measures to keep criminals in. For this reason prisons employ different security measures which include inner and outer perimeter fences, interior man traps, group cell blocks and individuals barred cells-measured designed to be built upon each other trap succeeding in the event if one fails. In this chapter different security aspects in maximum security prisons will be discussed. The main focus for this discussion will be centered on the Correctional Services Act 111 of 1998, official regulations and Service Orders.

6.2 Searching

One of the most important requirements for maintaining order and control in prisons is to implement necessary steps to prevent contraband articles. According to Stinchcomb (2005:222) contraband consists of items that are not authorised within the prison. Searching of inmates, their personal property, cells, and courtyard, workplace, and visitors and staff members for contraband is an integral part of institutional security.

6.2.1 Inmate searches

Searching the person of an inmate always takes place with respect, without harming the self respect or dignity of an inmate. Searching is compulsory for all inmates who enter and leave the prison for any reason. All inmates moving from and to other areas of the prison are searched before entering these areas (Correctional Services Order B, Chapter

10, Service Order II:17). The searching of inmates must be thorough enough to detect any article that could be used for any unauthorised purpose. In most cases correctional officials of the same sex as the inmate conduct the searching process. In the case of an assault, escape, any correctional official who is near the incident may search the inmate. According to Henderson, Rauch and Phillips (1997:114) inmate searches falls into the following four categories which will be discussed in more detail in this chapter. These four categories are:

- The frisk or pat search;
- The strip or visual search;
- The cavity search and;
- The remote instrument search.

6.2.1.1 The frisk or pat search

This searching method involves a manual search by a correctional official who runs their hands over the clothing of the inmate. This search can be conducted on either a routine or random basis in any part of the prison. The inmate must always be informed about the search (Correctional Services Order B, Chapter 17, Service Order II:19). Any item found during the search is itself investigated and is only returned to the inmate, once it has been verified that it does not fall within the ambit of contraband or illegal goods.

6.2.1.2 Strip and visual search

Unlike the pat search, strip search requires moving inmates to a private area where they have to remove all clothing and submit to a visual inspection of their body (Henderson et al, 1997:115). In most cases this type of search is carried out if there is a reasonable belief that an inmate might have contraband material. The following categories of inmate are also stripped, or visually searched to ensure adequate security:

- Newly admitted inmates;

- Inmates transferred from other facilities and;
- Inmates returning from court or from outside of the prison.

6.2.1.3 Cavity search

Before a cavity search, a visual search is carried out. A cavity search includes the manual search or inspection with the use of specialised instruments of oral, anal or vaginal cavities carried out by medical staff to detect the presence of contraband. Cavity searching is always meant to be carried out in privacy and must uphold the dignity of the person being searched. (Henderson et al, 1997:116).

6.2.1.4 Instrumental search

In the presence of reasonable grounds that an inmate is suspected of swallowing a contraband article or illegal item, they are taken to an emergency room of the nearest public hospital for a radiological investigation as soon as possible to determine the presence of the article. Only qualified medical officials are allowed to carry out this searching method on the inmate and cannot be performed without the approval of the head of the prison. After the search is completed, official documentation is completed citing in full, the reasons justifying this search, stating whether with the inmate's consent was given, the name of the official who authorised this search, any witnesses and the findings of this inspection or surgical procedure (Correctional Services Order B, Chapter 17, Service Order II).

6.3 Searching of cells, courtyard and workplace

The searching of the prison courtyards, cells and prisoner workplace is performed without warning and irregularly. According to Coetzee, Kruger and Loubser (1995:72), cells in which inmates are detained must be thoroughly searched with specific attention given to the structure and walls of the cell. Although it is possible to check every place

for hidden contraband the following are obvious places that are always searched or inspected;

- The window bars and window frames;
- Bedclothes, pillows, mattresses, and blankets and;
- Lighting, wall fixtures and any item mounted on the walls.

Prison courtyards are searched on a daily basis and checked if there is any lack of security. Attention has to be given to the walls, security fences, security lighting, manholes and sewers. Ladders and other articles that might be used to assist a prisoner escape are always locked away after use (Correctional Services Order B, Chapter 17, Services Order II:20-21). Places where prisoners work are always regularly searched to prevent unlawful articles and goods from being smuggled out of the workplace and placed elsewhere. Before leaving the work area, all the tools that have been used are to be checked properly. Spot checking is used in addition to the above searching actions. Although the value of these searches depends on the element of surprise the decision to carry out any searches is left to the discretion of the head of the prison (Coetzee et al, 1995:74). Segregation units and the courtyards they have been confined to, is searched on a regular basis. Correctional officials have to be alert for bombs, traps and hidden needles used by inmates for drug injection. Since these needles can carry the Aids virus, the official should take great caution if they discover any needles or syringes during a search (American Correctional Association, 1997:45). In every section, a search register is used each time a search is conducted. This register is checked by the section head and their supervisors.

6.4 Searching of visitors and correctional officials

Visitors are searched before being allowed to enter the prison. This search has visitors pass through metal detector devices and they have to deposit all packages, bags, purses, and other items in lockers located in a specifically designed storage area (American Correctional Association 1997:45). This practise is in place at the Mangaung maximum

security prison. In addition to the body search is also undertaken by the prison staff. Institutional policies for all visitors should be displayed prominently and read by visitors. Inmates are searched before and after the visit, in order to prevent them from bringing contraband into the visiting room or taking anything obtained from a visitor back to their cells.

In terms of section 101 (2) (a) of the Correctional Services Act (Republic of South Africa, 1998:54), a correctional official in duty at any access point to the prison is obliged to search any correctional official and their property when entering the prison. The head of the prison is tasked with carrying out various policy procedures regarding the search of officials in their employ and searching prison official's forms part of correctional policy procedures (Correctional Services Order B, Chapter 17, Services Order II:15).

However, in most correctional centres, like Leeuwkop maximum security prison, for example, staff members are not searched on a regular basis before and while leaving the prison. The reason is because this approach is seen as demoralising officials and conveys a feeling that fellow employees cannot be trusted. Since the Correctional Services Act 111 of 1998 permits searches of everyone (including correctional officials) in a view of the fact that most cases and searchers are developed from either inmate or outside informants –regular staff searches are not always recommended except when evidence exists that employee is suspected of being involved in the trafficking of contraband or other illegal activities.

6.5 Physical security

Maximum security prisons represent the highest security in various correctional systems around the world. These facilities provide highly secure housing within the most secure of perimeters. The difference in security measures applied to maximum security prisons and those applied to other security prisons can be illustrated according to the following table:

Table 6: Facilities security features in different security prisons.

Security Levels	Minimum Security Prisons	Medium Security Prisons	Maximum Security Prisons
Perimeter	Single fence	Single fence	Double fences
Towers	None	None	Tower and patrol surveillance
External patrol	None	None	Yes
Detection devices	None	Optional	Yes, more than one type
Housing	Communal cells	Communal cells	Single cells
Lighting	Some lights on perimeter and interior	Some lights on perimeter and interior	High-intensity illumination of all perimeter and interior areas

6.5.1 Perimeter security and towers

According to Henderson et al, (1997:59) fences and walls in most correctional institutions are the last major line of defence against escape. All maximum security prisons in South Africa have a fence surrounding the prison made up of wire and heights not lower than 2.4 meters (Department of Correctional Services, 2004:8). The purpose of these fences is to provide a maximum delay time before penetration by extra means for example, where cutting, hand carried tools and some explosives are used. Leeuwkop and Mangaung maximum security prisons have 24 hour surveillance and on the outside perimeter fence, towers are provided for more ease of detection.

These towers provide a good view of anything inside the courtyard and outside the prison. They are located at each corner of the fence. Each tower is manned by five correctional officials. The tower windows are installed with ballistic-resistant glazing to protect the correctional officials assigned in these towers from attack inside or outside prison. Searchlights and storage space for weapons and ammunition are included in the towers. A small refrigerator is provided for food storage in the case where meals are not brought to correctional officials. Toilet facilities are included and are designed in such a way so that the official using the facility can still see outside and along the fence line.

6.5.2 External patrols

Mobile patrol in maximum security prisons is one of the growing primary alternative perimeter surveillance systems. At Mangaung maximum security prison one vehicle is used to patrol the prison during nights and active rehabilitation programme hours. At night, this patrol vehicle operates with its lights off. This vehicle is equipped with a two way radio, to allow patrol officials to stay in constant contact with the control centre and foot patrols. According to Henderson et al, (1997:62) this vehicle is equipped with an annunciation panel which indicates the entire perimeter detection zone. This means that if one of the detection zones is violated by any means the official at the control centre and the patrol officials will be notified by audible tone or visual signal.

The visual alarm, displayed on the car and control centre monitors, indicates in which area activity is occurring. Then the mobile patrol officials will respond to the alarm and investigate the activated zone, and take appropriate action. This type of security measure is not in use at Leeuwkop maximum security prison. Here, officials on horseback patrol the prison perimeters. Leeuwkop maximum security prison does not have a vehicle patrolling the perimeter on a regular basis.

6.6 Technology security measures

The use of close circuit television has become a large part of the security of prisons. The basic purpose of these camera systems is to prevent unauthorised behaviour of inmates and smuggling contraband goods in prison (Matchett, 2003:6). Various areas at Mangaung maximum security prison are provided with close circuit television coverage with continual recording facilities located in security control rooms and which monitor visitation areas, passages linking units, security fences, kitchens and workshops. At Leeuwkop maximum security there is no close circuit television coverage.

6.7 Security classification

According to Stinchcomb (2005:255) through the security classification process the needs of inmates and the risks they might pose to security are identified. Naser (1993:259) adds that a previous research shows that the effective sentencing and identification of previous criminal offences by prisoners were primary variables which influence safe custody classification. Generally speaking, the classification of prisoners incorporates three aspects namely, the determination of the risk involved with regards to the custody of the prisoner; the degree of security required to ensure safe custody; and the allocation of an appropriate privilege group to the prisoner and the classification/ assignment of the prisoner to a specific group and/or individual program (Correctional Services Order B, Chapter 15, Services Order II:39).

According to Mnguni (2002:111) experience has shown that numerous prisoners who should not be assigned to a maximum security category are nevertheless classified as such. To counter the overpopulation in maximum security prisons, prisoners in this category with a favourable prognosis should be subjected to reclassification each time they appear before the case management committee. The case management committee must reconsider the security classification of and escapee as soon as possible after they have been recaptured and/or given an additional sentence. This procedure must also be followed in the case of prisoners who persist with misconduct and who will not submit to

prison discipline. The same principle applies with regard to the commuting of prisoner's sentences, which may lead to their positive rehabilitation. In cases of regrading to the minimum or medium security category and the associated removal to a maximum security prison, the head of the prison makes interim arrangements for the safe custody of the prisoner, pending the decision on the removal by the delegate.

6.8 Use of force

According to Hemmens and Atherton (1999:7) arguments between correctional officials and inmates is part of daily prison life. Correctional officials have to monitor the behaviour of each inmate and ensure that they respect the rules and regulations of prison. Due to unauthorised behaviour of certain inmates, correctional officials are obliged to use force in order to control the situation. The use of force against the inmate is necessary but it must always be reasonable. This means that only reasonable force is authorised. From the above discussion it is clear that there is a difference between the “use of force” and the “use of reasonable force”. Jonker (1997:38) differentiates between the use of reasonable force and the use of force stating that, the use of reasonable force is linked to the conditions, whereas the use of force is without limits or boundaries. The use of force should be used only as a last resort under the following circumstances:

- To prevent the escape from custody by the inmate;
- To defend other correctional official, inmate and other person;
- To prevent serious property damage and;
- To achieve the objective of safe custody.

Inmates detained in Mangaung and Leeuwkop maximum security prisons are also subjected to the use of force. In terms of Section 32 of the Correctional Services Act (Republic of South Africa, 1998:36) South African correctional officials are authorised to use force but they are subject to certain restrictions. The use of force is further authorised in sections 33, 34 and 35 of the Correctional Services Act by making provision for the use of non-lethal incapacitating devices, firearms and other weapons. Troublesome

inmates at Mangaung maximum security prison are separated from other inmates and are detained in a segregation unit. These inmates are escorted with electric shields, while also cuffed at the wrists and ankles. When a Mangaung maximum security inmate leaves the prison for whatever reason, he will be cuffed to another official, escorted and subjected to a belly-chain and kidney belt.

6.9 Firearms

The use of fire arms is the highest level of force in maximum security prisons, but they can only be used after all other alternative action has been considered and are found to be ineffective. According to Hemmens and Atherton (1999:68), firearms may be both lethal and non-lethal charges. Non-lethal ammunition is in the form of gas and smoke delivery rounds and they are used during a mass escape by prisoners and situations of violence. Lethal ammunition includes high-profile rifle slugs, buckshot and pistols. In term of the Correctional Services Act (Republic of South Africa, 1998:36) fire arms may only be issued to correctional service officials on the authority of the head of the prison for self defence or in the case of escape. Fire arms are not allowed to be carried by officials while moving among the prison population. In the case where an inmate attends a court case, correctional officials may never put their fire arm down, but they must have them ready even during rest period.

In the case of an escape, the reason that the escape cannot be prevented in any other manner except the use of fire arm will not be enough reason. There must be a reason to believe that the escapee will cause serious harm or death to other inmates or correctional officials. If a firearm is used in the case of escape the following procedure needs to be followed:

- An inmate must be given a verbal warning;
- If there is no effect, a warning shot in the air must be given and;
- If these warnings have no effect, the line of the fire must be directed to the lower part of the person escaping.

6.10 Non-lethal incapacitating devices

The only non-lethal incapacitating devices that are used by correctional officials in maximum security prisons are chemical agents, electronically activated devices and rubber missiles (Correctional Services Order B, Chapter 17, Service Order II:4). As stipulated in Correctional Services Act (Republic of South Africa, 1998:18) the use of these devices have to be authorised by the head of the prison and only in circumstances where the inmates cannot be approached without danger to staff or if a delay in restoring official control will lead to damage of property.

Teargas is one of the non-lethal incapacitating devices used in prison by officials during gang fights, prisoner attacks, mass escapes and any attacks from outside the prison. Teargas must be used judiciously and responsibly, particularly when used in a limited space. Only a sufficient quantity needed to prevent the incident must be used all the time (Mnguni 2002:30). Teargas grenades are only used outdoors, due to the density and quantity of teargas released. In most cases teargas cartridges are used in cells and small courtyards.

Unlike teargas guns, hand-held stun devices are mainly used for self-defence by both male and female prison officials. Hand-held stun devices are also used by social workers, psychologists, nurses and educational staff during their consultations with inmates. This device is also used by female correctional officials working in male maximum security prisons and while escorting high risk inmates inside and outside prison premises (Correctional Services Order B, Chapter 17, Service Order II:8).

Electronically-activated security stun transport belts are used during the transfer or escorting of high-risk inmates inside and outside maximum security prisons. When this belt is used on an inmate, they must be under the supervision of the official in possession of the activating device. Electrified shield and rubber-type ammunition devices are mainly used by emergency support teams during unrest or riots in prison. Rubber-type ammunition is not used at a distance of less than thirty metres. Fire always has to be

aimed at the legs of inmates. Medical staff need be consulted prior to the use of non-lethal incapacitating devices unless the circumstances are of such an immediate danger its use is necessary. Measures must be taken immediately after the use of these devices to provide help to injured inmates. A proper record of the incident has to be kept so that evidence about every aspect of the circumstances during which arms were used, can be given (Correctional Services Order B, Chapter 17, Services Order II:9-10).

6.11 Summary

Security is an important part of the safety of a society, prisoners and correctional officials. In this chapter the different security aspects applicable to maximum security prisons was explored. The process of searching prisoners to detect contraband and other illegal items was highlighted as was the different methods used by prison officials to carry out effective searches of prisoners. Here, as with other features of correctional services policy, the nature of and procedures to be followed when searches are conducted on prisoners, is enshrined in legislation and directives which provides the framework for searching by all prison officials. The fact that all searches of prisoners has to ensure that the human dignity of prisoners is also protected during these searches was also emphasised. Finally, this chapter also examined the circumstances in which force by correctional services officials working in maximum security prisons may be used (also set out in the Correctional Services Act 111 of 1998) particularly in severe prison riots or in cases when there is a mass escape from prison by inmates deemed dangerous to prison officials and to members of society as whole.

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CHAPTER 7

CASE MANAGEMENT IN MAXIMUM SECURITY PRISONS

7.1 Introduction

Prisons, in general, are warehouses in which offenders stagnate and are rendered less and less capable of coping with the community outside. Even worse, prisons can be cruel and dangerous places where offenders are injured and suffer severely (Austin, 2001:247). In this kind of environment the treatment of an offender can be less than human, denying them dignity, basic human rights and the necessities of life. The idea behind introducing case management is to bring back humanity to the offender. This chapter discusses the process of case management in maximum security prisons.

Enos and Southern (1996:1) describe case management as a systematic process which identifies the needs and strengths of offenders to ensure they are selected according to available services and resources in corrections. Luyt (1999:127) adds that case management organises the advancement of offenders through the correctional system during the period of incarceration. The main purpose of case management is to direct all activities related to managing offender's sentences. The objective of case management is to ensure that focus is placed on the individual offender to develop a more effective security system.

7.2 Advantages of case management

According to Luyt (1999:128) case management offers advantages to prisoners to make them to co-operate with the system. Advantages for prisoners include the following:

- Encouragement and support to obtain maximum benefit out of their sentence;

- Contact with somebody who knows their background, with whom they can discuss long-term and crisis situation and with whom they have developed programs and rapport and;
- A safer environment and regular contact with officials.

Case management is also important for correctional officials because of the following reasons:

- It makes the career of the correctional official challenging, interesting and fulfilling;
- It offers correctional officials more control over prisoners and over the normal prison environment in comparison with the situation ;and,
- It creates opportunities for officials to become multi-skilled.

Luyt (1999:129) is of the opinion that case management can also have advantages in terms of daily control and security. The following are examples of this:

- **Building trust**

Every prisoner has at least one case manager or official with whom a measure of trust can be developed and with whom problems can be discussed. There will be less need for protection and fewer suicides and assault.

- **Reduction of security risk**

Correctional officials have the opportunity to manage aspects which could develop into security risks. The conduct of a number of aggressive prisoners, for example, can be redirected by the running of appropriate programmes.

- **Dynamic security**

Recording and utilising information on specific prisoners allows correctional officials to intercept problems before they can escalate into uncontrollable situations. It allows for

security that prevents incidents before they occur. This is called dynamic security (Department of Correctional Services undated: 33).

7.3 The case management committee

According Du Preez (2003:170), the case management committee is the central body responsible for the management of offenders. The case management committee consists of officials representing practitioners of various disciplines such as social workers, educationists and permanent correctional officials. The case management committee is primarily responsible for co-ordinating the management of all offenders in the prison from admission to release. Offenders should appear before the case management committee at least once every three months (Du Preez, 2003:170).

The role of the Case Management Committee can be found in section 42 (1) and 42 (2) (d) of the Correctional Services Act 111 of 1998. This section reads as follows:

- (1) *“At each prison there must be a Case Management Committee composed of correctional officials as prescribed by regulation.*
- (2) *The Case Management Committee must-*
 - (d) submit a report, together with the relevant documents, to the Correctional Supervision and Parole Board regarding-*
 - (v) the offence or offences for which the sentence prisoner is serving a term of imprisonment together with the judgement on the merits and any remarks made by the court in question at the time of the imposition of sentence if made available to the Department;*
 - (vi) the previous offence of such prisoner;*
 - (vii) the conduct, disciplinary record, adaptation, training, aptitude, industry, physical and mental state of such prisoner;*
 - (viii) the likelihood of relapse into crime, the risk posed to the community and the manner in which this risk can be reduced”* (Republic of South Africa 1998: 76).

Du Preez (2003:184) states that the case management committee is responsible for decision-making concerning the safe detention of offenders, their integration into individual and sub-group programs, and the prompt reward of positive behaviour and discouragement of negative behaviour. The committee also has the function of making recommendations regarding the placement of sentenced offenders. The case management committee has certain decision-making competencies and is, called upon to communicate with offenders individually on at least a six monthly basis with a view to guidance, evaluation and support. The case management committee is also involved with every individual offender as far as scheduling and re-scheduling of programs according to the offender's sentence plan, in order to insure the successful re-integration of offenders into the community.

The offender must appear individually before the committee. The committee is responsible for the correctional official-ordination of goal-oriented strategies with set objectives within a multi-disciplinary team context which must be attained by every individual offender within specific periods. The case management committee reviews and approves or revises the placement and classification recommendation of the case management team. They make sure that sentence plans have been developed for offenders. Each offender must have their own security classification reviewed at least once every six month (Du Preez, 2003:184).

7.4 The case management process

After classified as a maximum security risk, inmates may be transferred to one of the maximum security prisons. In the case of Mangaung maximum security prison, after admission to state prisons by order of the court, inmates are transferred to this prison. At Mangaung maximum security prison case management is delivered by six case management co-ordinators. According to Du Preez and Luyt (2006:205) the case management programme provides each inmate with a case management co-ordinator for guidance, assistance and advice. After the inmates arrive at Mangaung maximum security

prison, they are assigned to specific unit. The responsible case manager meets with each inmate and makes the assessment on the following details:

- Inmate physical appearance;
- Previous criminal record; and,
- Aliases and family commitments (Du Preez and Luyt, 2006:206).

The inmate outcome is closely linked to his data base. Aspects like inmate data base, programme planning and development, programme evaluation and revision serves to determine the offender outcome. Each of the above mentioned aspects will be discussed in details below:

7.4.1 Inmate data base

The information that has been collected regarding an inmate will form part of the data base on that inmate. The case manager can make informed decision regarding the sentence management of the inmate. This is done by using the information contained on the data base. Inmate's case file is the source of data base (Du Preez, 2003:70). Case file of each inmate is updated on regular bases. When decisions are made regarding the planning of programmes for inmates, the case manager should refer to the data base.

7.4.2 Programme planning and development

Service delivery to the inmate includes all the services that are provided by the prison. These services include educational, vocational training and development programmes. Service delivery is directly linked to inmate outcome, as the outcome of an inmate will determine the sequence in which services are to be delivered. According to Du Preez (2003:71) each inmate has individual needs and programmes are planned around those particular needs.

7.4.3 Programme evaluation and revision

Following the completion of a programme by an inmate the next action is revision and evaluation of the outcomes. This procedure assists the case manager to determine whether the programme has been effective and has served its purpose. Further remedies and additional steps are decided upon (Du Preez, 2003:71). Data collection is a very important activity in the process of case management. According to Du Preez and Luyt (2006:206-207) decision that are made concerning the inmate are influenced by the information received through data collection. During all forms of interaction with an inmate, including assessment and screening, all such information needs to be documented in the case file. The collection data becomes the core of the case file of the inmate. The information in the case file is used for potential reference, influencing the need for specific services to be provided to the inmate (Du Preez, 2003:72).

7.5 Summary

Case management plays an important role on the rehabilitation of offenders in maximum security prisons. South African prison authorities of today placed rehabilitation of offenders in forefront on the development of offenders. This chapter explains the advantages of case management to prisoners, correctional officials and security in maximum security prisons. According to Du Preez (2003:87) the idea to introduce case management is to bring back the humanity to the offender, to make the offender part of a team which is working towards mutual goal and to promote well being of the offender. Topics addressed in this chapter included case management committee and the case management process.

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CHAPTER 8

FINDINGS AND RECOMMENDATIONS

8.1 Introduction

The aim of this chapter is to discuss the findings of this study and make recommendations based on these findings. According to Silverman (2000:215) the final chapter discusses why the theory that started a study is now different as a result of the research. The recommendations that will be made will be based on the deterministic approach. This means that science rests on the point of departure that the world is orderly and it can be made orderly through human interference (Van der Westhuizen, 1982:180). This study is an attempt to contribute towards the study of maximum security prison and it is hoped that the recommendations will contribute towards efforts being made to improve the conditions of prisoners in maximum security prisons in South Africa.

8.2 Findings

8.2.1 Mandatory minimum sentence legislation increases the number of offenders serving long sentences

Mandatory minimum sentence legislation was introduced in South Africa with the purpose of trying to deter individuals from committing violent offences. The effect of this legislation has been to greatly increase the number of inmates serving long sentences. Since the introduction of this legislation on 1 May 1998, the number of inmates detained in maximum security prisons increased from 14 229 in 1998 to 29 596 in 2007, an increase of 107.9 per cent in eight years. All seven public maximum security prisons in South Africa are severely overcrowded. Overcrowding in these facilities has profoundly negative effects on inmates housed in these facilities.

8.2.2 Classification of inmates in the South African correctional system

The security classification system used by the Department of Correctional Services is designed to evaluate the security risk of all sentenced inmates. Under this system the nature of the offence committed, the number of previous convictions, any attempts at or actual escapes and the length of the sentence imposed by the courts, are considered before an inmate is classified. These factors determine the custody level in which an inmate has to be placed. Once an inmate is sentenced for any violent crime as stipulated in section 51 of the Criminal Law Amendment Act 105 (Republic of South Africa, 1977:18) or are sentenced to serve seven years or more in prison, offenders are classified to serve their sentence under maximum security conditions.

8.2.3 Private maximum security prisons in South Africa

The operation of private maximum security prisons is totally different from public maximum security prisons. The number of inmates detained in Mangaung maximum security prison is equal to the design capacity of 2 998 inmates. At Mangaung maximum security prison inmates are involved in structured daily programmes which make provision for religious practices, education and training and psychological services rendered on an interactive basis.

8.2.4 The privileges of inmates

Contact of inmates with the outside world at Leeuwkop and Mangaung maximum security prisons are determined by the privilege system. Inmates classified to C-group at Leeuwkop maximum security prison receive a one hour visit per month and one telephone call on weekends. B-group inmates are allowed two hour visits per month and one telephone call at weekends, A group contact visits amount to a three hour visit per month. At Mangaung maximum security prison inmates classified to the basic level receive two visits of 16 minutes each per month, and unlimited telephone calls of ten minutes each. Standard level three visit of 16 minutes each and unlimited of telephone

calls of sixteen minutes, advanced level four visits of 16 minute per month and unlimited of telephone calls of sixteen minutes each.

8.2.5 Treatment and programmes offered to inmates in maximum security prisons

Out of a total inmates population of 1 446, inmates who are actively involved in incarceration and development programmes are 456 at Leeuwkop maximum security prison. At Mangaung maximum security prison the total population of inmates is 2 998, inmates who are actively involved in incarceration and development programs are 591. From the above number of inmates participating in these programs, it is clear that the majority of inmates are not involved in these programs.

8.2.6 Gang activities in maximum security prisons

Gangsterism is a common feature of all prisons in South Africa. Research has shown that there are a number of reasons why prisoners join gangs. Factors such as the deprivation of freedom, the absence of personal relationships, the lack of autonomy and personal security, and gangster activity outside of prison, all contribute to the formation of prison gangs. These gangs differ in operation and codes. Once an inmate becomes a gang member they have to obey the set of codes established by the gang.

8.2.7 Searching of correctional officials

Searching of Correctional officials at Leeuwkop maximum security prisons is not always compulsory. Officials are not properly searched when entering and leaving the prison. In the case of Mangaung maximum security prison searching of correctional official is compulsory.

8.2.8 Technological security devices

Due to the old structure at Leeuwkop maximum security prison that was completed in 1957, this prison depends heavily on manpower not on technological security devices. At Mangaung maximum security prison various technological devices are installed at the entrance, the perimeters of the prison and inside each unit and cells.

8.3 Recommendations

8.3.1 Mandatory minimum sentence legislation increases the number of offenders serving long sentences

Due to the increasing number of violent offences in South Africa it is clear that mandatory minimum sentence legislation fails to deter individuals from committing serious offences. It is therefore recommended that this legislation be revised and further research be conducted on the impact of this legislation on growing prison overcrowding, particularly in the maximum security section of the prison population.

8.3.2 Classification of inmates in South African Correctional system

It is recommended that the current classification system of inmates be reviewed. Proper assessment should be done irrespective of the type of offence that the inmate commits. Detention of non-maximum profiled inmates in maximum security prisons must be avoided at all costs.

8.3.3 Private maximum security prison in South Africa

It is recommended that the approach used at Mangaung maximum security prison on the treatment and rehabilitation of inmates be implemented at other maximum security prisons. This approach will address the idleness of inmates and contribute to better

rehabilitation of offenders. Not only should the approach be followed in maximum security prisons only, but also in prisons with lower security classification.

8.3.4 The privileges of inmates

In the case of privileges of inmates the researcher recommends that the contact of inmates with the outside world be separated from the privilege system. Inmates at lower privilege groups don't receive enough time during family visits due to the limited time given in the case of visits and telephone calls. It is also recommended that the number of telephone calls and visits be the same to all inmates irrespective to what privilege group the inmate is in. The maintenance of family ties should be more important than inmate behaviour efforts.

8.3.5 Treatment and programs offered to inmates in maximum security prisons

The researcher recommends that the number of inmates participating in incarceration and treatment programmes be increased and that more prisoners are encouraged to participate in these programmes. It is further recommended that community members be approached by the Department of Correctional Services to provide rehabilitation programs to inmates in maximum security prisons on more active basis. It will also be advisable that no maximum security prison should exceed design capacity, this will help for control, programmes and in combating gang activity.

8.3.6 Gang activities in maximum security prisons

It is recommended that active gang members and leaders be transferred to super maximum security prisons or be separated from the general prison population. Newly admitted inmates should be monitored more closely and advised intensively on the effect of gangs on individual inmate. Inmates involved in gang activities should also be encouraged to participate in treatment and rehabilitation programmes. Finally the researcher recommends that the family of the inmate be informed about the involvement

of inmate in gang activities. This will give the inmate's family the opportunity to communicate with the inmate on such behaviour.

8.3.7 Searching of correctional officials

Searching correctional officials should always be compulsory. It is recommended that the head of prison implement relevant operational policies in connection with searching of correctional officials.

8.3.8 The use of technological security devices

Even though the structure of Leeuwkop maximum security prison is old, it is recommended that cameras be installed at the key areas like courtyards, communal cells and single cells to give the officials the opportunity to observe the movements of inmates.

8.3.9 Recommendations for further research

It is recommended that research be conducted on the psychological effect of long term imprisonment on inmates in South Africa. The researcher also recommended that further research on the effectiveness of private maximum security prisons on the rehabilitation and development of inmates be conducted.

8.4 Summary

From the recommendations made in this chapter the study may ensure that proper interventions is placed into operation to address the problems facing maximum security prisons in South Africa in the new millennium. The recommendations may have a direct impact on areas such as mandatory minimum sentence legislation in South Africa, classification of inmates in the South African correctional system, private security prisons in South Africa, the privileges of inmates, gang activities in maximum security prisons, searching of correctional officials and technological security devices.

8.5 References

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