

# **“Doing time for crime”: The historical development of the different models (approaches) of treatment for incarcerated offenders at the Westville Correctional<sup>1</sup> Centre, Durban, South Africa**

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## ***Abstract***

The increase in the number of correctional facilities as institutes for punishing convicted offenders was a purposeful and gradual process which developed over many centuries, from basic beginnings in the early sixteenth century to contemporary approaches in the 21<sup>st</sup> Century. Over the centuries a range of models or approaches to the treatment of criminals were attempted. New buildings emerged with different designs in order to keep offenders away from society. New approaches were tried, but the situation in penal institutions worsened in terms of the conditions due to overcrowding. Merton in Cilliers states that, “we shape our buildings and afterwards our buildings shape us<sup>2</sup>.” In keeping with Merton’s words that buildings shape us to fit in with the specific design, South African correctional facilities were designed and built according to international standards to accommodate criminals, and in order to ‘satisfy’ the objectives of punishment, namely, retribution, rehabilitation, deterrence and protection of society. In this article the aim is to discuss the progression of the treatment approaches (models) over the centuries and during different periods of incarceration will be analysed with specific reference to the Westville Correctional Facility which is located in Durban, KwaZulu-Natal, South Africa. A historical perusal into the development of treatment ideals for inmates “doing time for crime” will be discussed, both from an international perspective to the South African context in the 21<sup>st</sup> century due to the fact that South Africa has drawn from the American and European systems of incarceration. The method in which these models/ approaches to treatment of inmates have been implemented by South African Correctional facilities is explored. This paper will contribute to the study on the treatment of incarcerated inmates within correctional facilities in South African prisons especially in light of an enormous gap between correctional

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- 1 The term Corrections in South Africa was previously referred to as Prisons. For the purpose of this research paper, which deals with the historical development of treatment models (approaches) within correctional institutions, the terminology prisons/corrections will be used synonymously.
  - 2 CH Cilliers, “Historical development of prison architecture”, *Open Learning Group*, 1998 (available at: [www.openlearninggroup.co.za](http://www.openlearninggroup.co.za), as accessed on 15 August 2003), p. 5.

policy and practice which needs to be addressed by the National Department of Correctional Services.

**Keywords:** Westville; Prison; Crime; Durban; Treatment; Offenders.

## **Introduction**

A discernible feature of the earliest prisons is the lack of a systematic policy concerning imprisonment of convicted criminals. For decades, a huge variety of buildings were used as prisons, for example, cellars beneath public buildings. These buildings as a rule were not fit for habitation or the incarceration of offenders. Individuals who the community wanted to isolate were imprisoned in these “prisons”. The physical situation was appalling and “... felons, debtors, petty offenders and sometimes the insane with little attempt to separate them by sex or age or by any criterion, except perhaps by the capacity to pay for preferential treatment. No regard was paid to sanitary or moral welfare. There was no separation whatsoever, and the herding of men and women together into dayrooms made promiscuity inevitable. The sale of liquor by the warders guaranteed licentious behaviour, and Goal fever was practically endemic”.<sup>3</sup>

Treatment as a means of correcting criminal behaviour has moved on the continuum of being punitive to reform to rehabilitation. The correctional panaceas of one generation all too frequently have been seen as disasters by the next. For approximately two hundred and sixty years, various approaches have been implemented to improve, change or rehabilitate offenders. Although this has been done through the years, researchers cannot assert that they have established an approach or model for the treatment of offenders that indisputably works. Although some research has been conducted in this area, South African correctional facilities’ treatment approaches can only be understood from a backdrop of apartheid and post-apartheid eras. During the apartheid period, policy makers and correctional officials associated themselves with the norms and values of the Western World. These norms and values were also put into practice within correctional facilities which impacted on the incarceration of inmates.

This paper will highlight the various approaches/ models of treatment gleaned from international approaches which have been implemented in South African correctional facilities. The specific purpose is to try and ascertain how these

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3 CH Cilliers, “Historical development of prison architecture”, *Open Learning Group*, 1998..., p. 2.

approaches of the past have been tried and tested, changed over the decades and impacted on incarcerated inmates within South African correctional facilities, with specific reference to the Westville Correctional Centre (WCC). Due to the fact that this publication is a special issue which looks at regional issues, the Westville Correctional Facility (WCC) in Durban, South Africa will be discussed in detail. The data for this article was derived through three methods: firstly a detailed literature review was conducted; secondly, observations, interviews and focus group discussions were conducted with inmates and ex-inmates on several occasions with the correctional officials since 2005-2010 and lastly; in 2012 interviews were conducted with offenders who were still serving their sentences at the WCC and ex-offenders who had been released from prisons and were currently attending the Tough Enough Programme (TEP) at the National Institute for Crime Prevention and Reintegration of Offenders (NICRO). NICRO is a Non-Governmental Organization that was established in 1910 to provide crime reduction and prevention services. Their objectives include offender reintegration programmes, community victim support programmes, diversion and youth development programmes as well as economic opportunities programmes. These programmes begin while the offender is still within corrections and continues once the offender is released. In order to contextualise the treatment models that evolved over time, the historical contextualisation of the development of correctional systems over the centuries will first have to be analysed.

### **Historical contextualisation of the development of the prison (correctional) system as a means of punishment for offenders over the decades**

Currently correctional facilities are an important establishment in society and it is difficult to fathom that correction as a place of punishment only dates back approximately two hundred and sixty years. It emerged first in the United States and soon after in Europe, and its early phase of development was that of 1789-1848, conforming to what historian Eric Hobsbawm has termed The Age of Revolution.

Some of the most important information and practices, which led to the establishment of prisons, were associated with the American Quakers<sup>4</sup>,

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<sup>4</sup> Quaker concept of penitentiary was a place where prisoners could reflect on their crimes and become penitent and thus undergo reformation. Inmates were classified by their offenses. Serious offenders were placed in solitary confinement without labor, while other offenders worked during the day together in silence and were confined separately at night.

around the year 1787, but there were also early European strivings in this regard. The Quakers were astounded by the cruel physical punishments of that era, especially the shedding of blood, and their revulsion led to the substitution of imprisonment for corporal punishment in those American colonial areas which they dominated for a considerable period, i.e. West Jersey and Pennsylvania. The Philadelphia Society for Alleviating the Miseries of Public Prisons was formed in 1787. They petitioned the legislature for changes in law and in the treatment of offenders, which eventually led to the first penitentiary at Walnut Street Jail, Philadelphia. The ideas inspiring humanitarian reforms were in accordance with Quaker theology, which held that “the light of God” lives in everyone.<sup>5</sup>

The treatment of criminals improved greatly in the United States after 1776, especially in Pennsylvania under the guidance of the Quakers.<sup>6</sup> It was here that prisoners had the opportunity to meditate upon their sins and repent, while being given moral instruction by a group of friendly visitors. Eastern State Penitentiaries in America embodied Quaker ideas about the nature of man and the redemptive powers of solitary reflection and penitence. These humanitarian ideals were complicated to implement in practice. Problems with crowding, discipline, and abuses of power corrupted the system from the start.<sup>7</sup>

By the mid-1800s reformers had become disappointed with the prison model. Neither the Pennsylvania system nor the Auburn in America achieved the expected objective of rehabilitation and deterrence. Thus, penitentiaries soon became overcrowded, understaffed, and brutality was most extensive.

In 1831 a French delegation visited the USA with the intention of making an independent assessment of the Pennsylvania and Auburn systems. Various European visitors followed the French delegation, and by 1850 solitary confinement in terms of the Pennsylvania system were introduced to Belgium, England, Netherlands, Norway, and Sweden. In Belgium, for example, solitary confinement was carried through to exercise yards with the wearing of masks for prisoners and the use of numbers instead of names. The purpose hereof was to negate all reference to the prisoner as a human being.<sup>8</sup>

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5 C Bowditch, “Teaching guide to Eastern State penitentiary”, *Forged Images Productions*, 1998, p. 5.

6 ST Reid, *The Correctional system. An Introduction* (New York, Holt, Rinehard and Winston, 1981), p. 28.

7 C Bowditch, “Teaching guide to Eastern State penitentiary”, *Forged Images Productions*, 1998, p. 10.

8 CH Cilliers, “Historical development of prison architecture”, *Open Learning Group*, 1998..., p. 15.

Europe followed the Pennsylvania system slavishly, with few amendments. Only persons who were guilty of serious or dangerous crimes were kept in solitary confinement. Prisoners were compelled to wear masks if they were in each other's company. Although both systems showed deficiencies, they nevertheless served as models for later development.<sup>9</sup> Similarly Cilliers asserts that not only were very few prisons constructed, but those that were, were designed according to the Auburn system if they were built in America, or the Pennsylvania system if they were constructed in Europe. The physical surroundings of the prisoners did not keep up with developments in the field of penology. Barnes and Teeters<sup>10</sup> assert that:

If it is to have any prospect of success in practice, an enlightened program for treating convicted delinquents must have an appropriate and fitting physical setting... it is generally agreed by enlightened students of the problem that most of the rehabilitative programs worked out over the last two or three generations have failed to live up to the expectations of their sponsors. No single item has played a greater part in this failure than the fact that the physical setting of convict life has almost everywhere been in conflict with the ideals underlying the reform programs.

In keeping with Barnes and Teeters' statement above, a number of strategies have been embarked upon to deal with the key challenge of overcrowding, (which is considered to be a world-wide phenomenon) in corrections. The persistence of brutality, the damage to inmates and their families, the lack of useful purpose, and the great amounts of time wasted behind bars all suggest that the problems are inherent in the institution. "No one has been able to run a decent prison - not the Quakers, not the Soviets, not the conservatives or liberals, and not the counties".<sup>11</sup>

### **Historical development of corrections in South Africa**

Historically, the distinguishing feature of the development of South African corrections (prisons) was its similarity to the mine compound. Such compounds housed mine workers, of whom many were convicts supplied by the prison system. Even today these remnants of the past are discernible in the large communal cells filled with rows of metal bunk beds in which prisoners

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9 JJ Nesor, *Pentitentiary penology* (Isando, Lexicon Publishers., 1993), p. 65.

10 HE Barnes and NK Teeters, *New horizons in criminology* (New Jersey, Prentice-Hall, Inc, Englewood Cliffs 1959), p. 482.

11 R Sommer, *The end of imprisonment* (New York, Oxford University Press, 1976), p. 88.

are housed.<sup>12</sup>

When the Dutch occupied the Cape in 1652, physical punishment was meted out to offenders and also public executions and crucifixions were the norm. When the British occupied the Cape (1795-1803), physical punishment was replaced by imprisonment. When slavery was abolished in South Africa in 1807, a penal policy was introduced in the Cape. Due to the abolishment of slavery a great shortage of labour was experienced in the Cape. In order to control this, an elementary pass system was introduced and violation of this pass system resulted in incarceration.

In 1859, the Breakwater Prison was built in the Cape and it was the first prison to initiate racial segregation. These prisoners were used as unskilled labour to build roads and to work in the harbours. This trend continued until the 20<sup>th</sup> century. The British occupation of the Transvaal and Orange Free State Republics in 1900 led to a major re-organisation of the penal systems in these provinces. This era will most likely be remembered most for an already inflated inmate population, mostly due to transgressions of the pass laws, and the fact that mining companies used prison labour at very low rates.<sup>13</sup> After the Union in 1910, the Prisons and Reformatories Act 13 of 1911 was introduced. The result was that the courts began to play an instrumental function in the improvement of penal law and the treatment of prisoners inside the prison system. There was a great deal of talk about rehabilitation but very little really materialised. Punishment for transgressions within correctional centres was cruel and it included whippings, solitary incarceration, nutritional punishment and extra labour. Racial separation within correctional centres was set by legislation and it was strongly enforced throughout the state.

In 1945 a development of particular significance was made with the appointment of the Penal and Prison Reform Commission - the Lansdown Commission. The compelling reason for its implementation originated from the Penal Reform Committee of the South African Institute of Race Relations (SAIRP). The main aim of the Penal Reform Committee included:<sup>14</sup>

- Urging greater use by the courts of remedial and rehabilitative measures in place of imprisonment;

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12 Institute for Security Studies (ISS), "The problem of prisons - correcting corrections, prospects for South Africa's prisons", Monograph, 29, October 1998 (available at: [http://www.iss.co.za/Pubs/Monographs/No\\_29/Prison.html](http://www.iss.co.za/Pubs/Monographs/No_29/Prison.html), as accessed on 14 January. 2003), p. 1.

13 "White paper on corrections", 2005 (available at: [www.gov.za](http://www.gov.za), as accessed on 21 September 2012), p. 24.

14 D van Zyl Smit, *South African prison law and practice* (Durban, Butterworths, 1992), p. 26.

- Demanding the abolition of racial discrimination resulting in unequal sentences;
- Suggesting improvements in prison regulations and the abolition of spare diet, solitary confinement, and corporal punishment.

The Commission warned against militarisation. The Lansdown Commission found that the Prisons and Reformatories Act No 13 of 1911 had not introduced an innovative period in South African Prisons but that it had in fact been a means for maintaining the cruel and unjust prison system that preceded.<sup>15</sup> Africans continued to be unrelentingly incarcerated for failure to pay their taxes and for pass offences, which implied that incarcerated men were still available for work.

The Nationalist Government, which came into power in 1948, had great hostility to the general approach of the Commission. Simultaneously the fragile social consensus around prisons was breaking down in other aspects. Defiance of the pass laws, of the kind that the Lansdown Commission had warned against, increased which impacted directly on prisons.<sup>16</sup> Lansdown recommended that rehabilitation of prisoners should be the focus of the Prisons Department, which would be enhanced by the civilian accoutrements, and administration of senior officials. On the question of statutory offences applicable only to Africans, the Commission was more evasive. It acknowledged that these offences led to many short sentences of imprisonment being imposed and agreed that such sentences not only caused overcrowding, but also held the danger of criminalizing a large section of the population.<sup>17</sup>

With the introduction of the Prisons Act, No 8 of 1959, the former South African government introduced legislation, which effectively provided for the application of the policy of apartheid in the then Prisons Service. On 1 September 1959 the new Prisons Act 8 of 1959 was amended and this resulted in a completely new dispensation. The department's responsibilities were described in section 2(2) of the above act as follows:

- Safe custody of prisoners;
- Treatment and rehabilitation of sentenced prisoners;
- Efficient management of prisoners; and
- *Other duties charged from time to time.*

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15 Department of Correctional Services, *Draft green paper* (Pretoria, Government Printers, 2003).

16 D van Zyl Smit, *South African prison law and practice...*, p. 30.

17 D van Zyl Smit, *South African prison law and practice...*, p. 28.

New laws were introduced which were based on the guiding principles of apartheid and entrenched the racial segregation of prisons. The consequence of this was not only the segregation of whites and blacks, but also the ethnic separation of black prisoners. The Act not only implemented a two-stream correctional policy for Bantu and European offenders, but also (so far to a lesser extent), special arrangements for members of different Bantu nations in one institution. Placing the Bantu offender in a correctional institution for people of his own group and race not only recognises existing ethnological differences but in addition is in accordance with the national policy of differential developments.<sup>18</sup>

Prior to the establishment of the new Prisons Act No 8 of 1959, the department's most important function was the safe custody of prisoners. In the light of the important social services, which were expected of prison, personnel, recruiting and training methods had to be considerably changed.<sup>19</sup> In addition, all prisons became closed institutions, i.e. all media and outside inspections were prohibited as well as the reporting and publishing of photographs. The consequence of this was the entrenchment of a relatively closed institutional culture within the prison service and as a consequence the norms of prison law were relatively remote from everyday practice.<sup>20</sup>

There were also attempts to gain international acceptance for the South African prison system. At the centre of this was the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Geneva from 22 August to 2 September 1955. The Director of Prisons, Mr VR Verster, who was also a member of the International Penal and Penitentiary Foundation, represented the Union of South Africa. Mr Verster, in 1958, produced a booklet in which he made an analysis of the existing system in relation to international standards. He claimed that:<sup>21</sup>

The prison system of the Union of South Africa is conducted in conformity with the basic principle of non-discrimination on grounds of race, colour, sex, language, religion, political outlook, national or social religion, birth or other status. All laws, regulations, etc, pertaining to penal institutions and the manner in which prisoners confined therein are to be treated, refer specifically

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18 Institute for Security Studies (ISS), "The Problem of prisons- correcting corrections, prospects for South Africa's prisons", p. 1.

19 JJ Naser, *Penitentiary penology...*, p. 69.

20 Department of Correctional Services, *Draft green paper...*

21 D van Zyl Smit, *South African prison law and practice...*, p. 32.

to ‘prisoners’ in the widest sense of that word without any discrimination whatsoever”.

Post 1959, prisons were managed under the rules of apartheid and the militaristic approach increased. At first, prisons were not used on a large-scale to control political unrest. However, this quickly changed in the post-Sharpsville period of the early 1960s, when the incarceration of political detainees and sentenced political prisoners became a feature of South African prisons.<sup>22</sup> Consequently from the 1960s a greater number of political prisoners were added to the South African prison population. The written documentation and legal protests to the authorities contributed to an international condemnation of the prison conditions. This led to an increasing attack on the legitimacy of the prison system. The incarceration of high profile prisoners raised immense concern amongst international organisations such as the Red Cross, Amnesty International and the United Nations. The response of the government at the time was to grant more powers to prison authorities.

The Viljoen Commission proposed another important “agent of legislative change” in 1976. This Commission had some impact on the evolution of prisons. The Viljoen Commission was appointed to inquire into the penal system of the Republic of South Africa and to make recommendations for its improvement, provided that the enquiry as to whether the death penalty should be retained shall not be inquired into.

The authenticity of the prison system was further questioned in the 1980s. On 1 November 1980 the Department of Prisons once again became part of the Department of Justice. In South Africa by 1981 the state acknowledged that drastic steps were necessary in order to limit the prison population figures, which had also grown disproportionately world-wide.<sup>23</sup> The Krugel Committee was appointed to examine the overcrowding problem, yet it took 10 years before correctional supervision could be legally implemented. There were amendments to the law for the imposition and implementation of correctional supervision in the Criminal Procedure Act, Act 51 of 1977, and the Prisons Act 8 of 1959 which were approved during the 1991 parliamentary session. The amended Correctional Services and Supervision Matters Amendment Act 122 of 1991, which made provision for the treatment of

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22 Institute for Security Studies, “The problem of prisons-correcting corrections, prospects for South Africa’s prisons”, p. 1.

23 Institute for Security Studies, “The problem of prisons-correcting corrections, prospects for South Africa’s prisons, p. 41.

sentenced and unsentenced offenders was approved by the State President in August 1991.<sup>24</sup>

During the early 1990s there were extensive reforms in the prison system. The political changes, which began in 1990, had a direct impact on the prison system in South Africa. Reference to race was removed and prisons were desegregated. The gradual release of political prisoners during the course of 1990 and 1991 meant that the prison authorities could look forward to a period in which prison management would not necessarily be linked to major national political questions.<sup>25</sup>

Subsequent to the release of Nelson Mandela and the unbanning of the African National Congress in the early 1990s, measures were taken to reorganize and improve the Department. The Criminal Procedure Act was amended in 1990 in order to limit the imposition of the death penalty. There was also the lifting of the State of Emergency in 1990 and the Internal Security Act No 74 of 1982 in 1991, was modified. Amendments to the Prisons Act No 8 of 1959 to the (Prisons Amendment Act 92 of 1990) addressed the abolition of apartheid in the prison system. Fundamental in this respect was the elimination of the condition that “white” and “non-white” prisoners had to be housed separately.<sup>26</sup>

In 1990, apartheid in the prison system was formally abolished, with the withdrawal of the section requiring black and white prisoners to be housed separately. The Prison Service was separated from the Department of Justice and renamed the Department of Correctional Services and on the 21 September it was re-instituted as a fully-fledged state department. The Prisons Act No8 of 1959 and the Criminal Procedure Act No 51 of 1977 were amended during 1991 to provide for the imposition and implementation of correctional supervision. The Prisons Act was renamed the Correctional Services Act No 8 1959 in 1991.<sup>27</sup>

In October 1994, the Department released the White Paper on the Policy of the Department of Correctional Services in the New South Africa. Its plan was to stimulate debate on correctional matters and redefine priorities that will eventually lead to where it should be, so that it comes to grips with a

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24 JJ Neser, AE van der Hoven, A Marce & DN Swart, *Contemporary crime issues and reaction to crime* (Pretoria, UNISA, 2001), p. 5.

25 D van Zyl Smit, *South African prison law and practice...*, p. 40.

26 D van Zyl Smit, *South African prison law and practice...*, p. 32.

27 JJ Neser, *Penitentiary penology...*, pp. 74-75.

correctional model for a new South Africa. On 21 October 1994, a White Paper on the Policy of the Department of Correctional Services recognised the fact that the legislative framework of the Department should provide the foundation for a correctional system appropriate to a constitutional state, based on the principles of freedom and equality.<sup>28</sup>

On 1 April 1996 the correctional system was demilitarised, a step that was necessary for the department to be able to carry out its responsibilities with regard to the development and treatment of offenders. The National Crime Prevention Strategy (NCPS) accepted by Cabinet in 1996 adopted an Integrated Justice System (IJS) approach that aimed through Pillar 1 of the NCPS at making “the criminal justice system more efficient and effective”. It aimed at providing a sure and clear deterrent for criminals and reduce the risks of re-offending”.<sup>29</sup> A milestone in the history of the Department was the promulgation of new legislation in the form of the Correctional Services Act, Act 111 of 1998. According to this legislation, there had to be a total departure from the 1959 Act and it embarked on a modern, internationally acceptable prison system, designed within the framework of the 1996 Constitution. The overcrowding of corrections continued to be a predicament. Throughout the period between 2000 and 2003 there was incessant engagement with the Strategic Direction of the Department. Various role players have tried to interpret the purpose of the correctional system and decide on the policy direction, which was essential for successful delivery on rehabilitation and the prevention of recidivism.

### **The Correctional System of Natal<sup>30</sup>**

For a substantial period there was no prison in Natal in the true sense. In 1849 a brick building was established with the provision for ten communal cells. By 1907 due to the increasing offender population this had increased to 260 cells. Proper accommodation was a problem in Pietermaritzburg for a considerable period, but a prison was completed in 1863. The initial number of 25 cells had expanded to 158 by 1907. By this stage there were already 40 prisons in Natal.<sup>31</sup>

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28 Department of Correctional Services, *Draft green paper...*

29 Department of Correctional Services, *Draft green paper.*

30 Natal is now referred to as KwaZulu-Natal (KZN), and Durban is a city within KZN.

31 CH Cilliers and J Cole, *Penology PNL 199-C* (Pretoria, UNISA, 1997), p. 112.

The correctional conditions were harmful and unhygienic. Corrections were overcrowded and there were basic shortcomings in the system. A recurrent problem was that of escapes and attempted escapes. Due to the overcrowded conditions in prisons, there was no classification of inmates. Corporal punishment was common and included the use of the whip. Objections were raised against the use of this device; however, the whip was replaced by the cane. There was no question of reform at this point in time because of the lack of scientific knowledge of crime causation and insufficient facilities in the existing institutions.<sup>32</sup> In 1887 a tripartite classification system of “Europeans”, “Indian” and “Native” (African) was adopted in a government notice. In 1888 this classification system was applied to labourers. This had a ripple effect in terms of segregation of accommodation for prisoners. Thus there was no major penal reform in Natal before the Union in 1910.<sup>33</sup>

Much has changed in Natal over the past decades and since the last century. Firstly corporal punishment, in South Africa, has been abolished for it goes against the constitutional rights of the individual. Secondly, there is adequate knowledge about crime causation and facilities are being upgraded in prisons so that programmes for the rehabilitation and prevention of recidivism (namely the rate at which offenders re-offend after completion of sentence) could be implemented. Notwithstanding the slow progress, the overcrowding and appalling conditions in prisons hamper the efforts that are instituted for transformation.

### **The establishment of the Westville Correctional facility in Durban**

Westville is a residential suburb close to Durban in KwaZulu-Natal, South Africa, which is situated 20 km inland from the Durban city centre. Previously an autonomous metropolitan area governed by a Town Council, it currently forms part of the eThekweni Metropolitan Municipality, which also includes Durban. The Westville Correctional Centre (WCC) is one of the largest correctional facilities in the country and the only prison located in the Durban, Westville area. There are thirty nine (39) correctional centres in KwaZulu-Natal and the Westville Correctional Centre is the largest.

Durban Westville Correctional Centre was opened in 1985 but was preceded by two small prisons, named Central prison and the Point Prison, which were

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32 CH Cilliers and J Cole, *Penology PNL 199-C...*, p. 112.

33 D van Zyl Smit, *South African prison law and practice...*, p. 18.

situated in the city centre. These prisons were very similar to Robben Island prison, as they were situated close to the old harbour. Overcrowding was then already a huge problem. The Point prison accommodated only maximum security inmates, (which means inmates who were detained there were sentenced), whereas Central prison accommodated a combination of sentenced and remand prisoners. The reason why Central prison accommodated a combination of inmates was because it was situated nearer the magistrate courts, from where offenders were admitted.

Even prior to the two said centres there was another prison in the North Coast of Durban, named Verulam prison; this is where the late honourable Mahatma Gandhi was detained due to pass laws. The then styled prisons were attached to either a police station, or to a hospital, from where assistance was easily received when necessary.

However, the first prisoners started to fill the Westville prison in June/ July of 1985 but by then gang related problems were already a challenge to authorities. As an attempt to handle the prevalent gang related activities among prisoners the 28” prison gang members were detained in the B – side and the 26” members in the C-side of the prison.

The B-side was a maximum security classified prison and inmates detained there were mostly transferred from Point prison. So the gradual amalgamation into the Westville prison, of the said two small Durban prisons occurred in 1985.

Currently the Durban Westville Correctional Centre consists of a total of five(5) sections/Correctional Centres namely:

- Durban Correctional Centre A (which houses awaiting trial offenders-unsentenced);
- Durban Correctional Centre B (which houses sentenced male maximum security inmates);
- Durban Correctional Centre C (which houses sentenced short-to-medium security inmates);
- Durban Youth Correctional Centre (which houses youth who are in conflict with the law and have been sentenced); and
- Durban Female Correctional Centre (which houses female sentenced inmates).

The WCC has approximately ± 12 500 inmates, including sections for males, females, juveniles and remand (awaiting-trial) offenders. Each centre has a medical facility available to it, but only Medium B has beds that serve as an internally-based hospital. The WCC was initially built to accommodate 6023 prisoners. The centre also accommodates inmates with very long sentences and awaiting trial detainees who are incarcerated for long periods of time

The Westville Correctional facility is one of the largest centres in South Africa and has experienced changes in direction to the detention and treatment of inmates within the system (different approaches) and the challenges facing the Department of Correctional Services over the past few decades; especially those of overcrowding and related problems as in most South African corrections.

Image 1: Durban Westville Correctional Centre<sup>34</sup>



### **The historical development of the models of approach to institutional treatment**

The history of correctional thought and practice has been marked by enthusiasm for new approaches for the treatment of incarcerated offenders, disillusionment when these approaches do not work, and then substitution of these approaches with yet other approaches or models of treatment. For approximately two hundred and sixty years, various methods have been

<sup>34</sup> This photo appeared on the website of the Department of Correctional Services (available at: [www.dcs.gov.za](http://www.dcs.gov.za), as accessed on 11 November 2014), p. 1.

implemented to improve, change or rehabilitate offenders. Throughout the decades, researchers cannot maintain to have established a single system for the treatment of offenders that unquestionably works. There has been a shift of focus from the punishment to the rehabilitation of offenders. During the contemporary period the correctional treatment and planning have progressed through the various stages of which the following will be discussed:

- The medical model;
- The re-integration model;
- The warehousing/overcrowding era;
- The restorative justice model;
- Rehabilitation.

Each model was designed differently based on its overriding goal, and this affected the physical design, policies, and programs that were implemented within each of the models. The development of the treatment systems (often referred to as models or approaches) over the different periods will be analysed and an explanation of each of these models will be given with the emphasis of rehabilitation in South Africa being discussed in detail.

### **The medical model**

This model was used extensively during the 1920s in America. The medical model provides for the offender to be viewed as a diseased person. According to this model, his crime is merely a symptom of his disease.<sup>35</sup> Due to his illness the offender was unable to control his behaviour, and the best place to “treat” him was in prison. The development of rehabilitation programmes began in the 1930s and 1940s when the skills of psychologists, social workers, educators and ministers of religion were used by the treatment team. Although they could make diagnoses, psychiatrists found it difficult to design a treatment programme for prisoners.<sup>36</sup>

The medical model was based on determinism, which held that the offenders behaviour is determined by circumstances beyond his control-offenders are thought not to be able to exercise free will, thus they cannot be held

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35 CH Cilliers, “Historical development of prison architecture...”, p. 25.

36 CH Cilliers and J Cole, *Penology PNL 199-C...*, p. 128.

responsible for their actions.<sup>37</sup> The popularity of this model declined in the late 1960s in America. Institutional treatment did not succeed in reducing recidivism. The community began to doubt whether treatment could lead to change. During the 1970s there were other changes to the prison legislation, which were not linked with the political changes. Within the South African context corrections in their evolutionary history experimented with such a model

### **The re-integration model**

Beginning in the 1960s the realities of prison crowding, combined with a renewed faith in humanity and the treatment era's belief in the possibility of behavioural change inspired a movement away from institutionalised corrections towards the creation of opportunities for reformation within local communities.<sup>38</sup> The re-integration model is founded on the principles that the offender's problems emanated in the community; therefore they have to be solved within the community. The community therefore is also responsible for affording the offender the possibility for becoming a law-abiding citizen and continuous, adequate contact with society is necessary to achieve re-integration.<sup>39</sup> Within the framework of the reintegration model change comes about by means of internalising.

In South Africa the present standpoint being adopted by the Department of Correctional Services is that the relationships between the offender, the victims, both the individual and the victim community, the community of origin, and society at large need to be nurtured and rebuilt throughout the period to which the offender has been sentenced.<sup>40</sup> Thus social re-integration is an essential component of rehabilitation and success cannot be achieved in isolation with the Department. Involvement of the community at large is crucial for the reduction of the recidivism rate. According to the Department of Correctional Services Draft Green Paper 2003,<sup>41</sup> the rate of recidivism in South Africa, is widely acknowledged as being unacceptably high. The lack of a proper infrastructure to handle released offenders contributes extensively to the overcrowding of corrections. The emphasis has been on transforming

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37 C Bartollas, *Correctional treatment: Theory and practice* (New Jersey, Prentice-Hall Inc, 1985), p. 26.

38 F Schmallegger, *Criminal justice today - An introduction text for the 21<sup>st</sup> century* (New Jersey, Prentice-Hall, Inc. 1997), p. 448.

39 CH Cilliers, "Historical development of prison architecture..." , p. 27.

40 Department of Correctional Services, *Draft green paper...*

41 Department of Correctional Services, *Draft green paper...*

the South African prisons from being so-called “universities of crime” into effective rehabilitation centres that produce individuals who are trained in market-related skills and who are capable of successful reintegration into their community as law-abiding citizens.

### **The warehousing: Overcrowding era**

During the late 1970s and the 1980s, public disappointment, bred on high recidivism rates coupled with dramatic news stories of inmates who committed gruesome crimes while in the community, led many legislatures to restrict the most liberal aspects of educational and work release programs<sup>42</sup>. Recidivism rates were widely quoted in support of the drive to warehouse offenders: that is, an imprisonment strategy based upon the desire to prevent recurrent crime, but which has abandoned any hope of rehabilitation.

Although many of these measures are currently being enforced in countries such as America, Britain and South Africa, and various others throughout the world, overcrowding is very much a reality today. Thus overcrowding is the legacy of the warehousing era. Warehousing, a strategy, which continues to be advocated by many, has produced record correctional populations and possesses the potential to expand the number of people in corrections still farther.<sup>43</sup>

### **The restorative justice model**

Restorative justice, as opposed to retributive justice, requires synergy across the integrated justice system as to the rationale of sentencing an individual, the process of incarceration, and the role of correction.<sup>44</sup> Restorative justice endeavors to restore the balance within the community after offences have been committed. The current justice system in South Africa focuses on the relationship between the perpetrator and the state; the victim, however, is marginalized. Restorative justice reverts victims into the spotlight of the justice process. Restorative justice brings victims and offenders together in an attempt to promote community reintegration of the offender, rather than the

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42 F Schmallegger, *Criminal justice today...*, p. 450.

43 F Schmallegger, *Criminal justice today...*, p. 453.

44 Department of Correctional Services, *Draft green paper...*

exclusion resulting from punitive prison sentences.<sup>45</sup>

Thus Restorative Justice can be defined as a systematic response to wrongdoing that emphasizes healing the wounds of victims, offenders and communities generated by crime. The principles that underlie the approach to restorative justice shape the Department's approach to corrections namely:

- Crime is a violation of one person by another;
- All human beings have dignity and worth;
- The focus is on problem solving, healing and restoration of harmony and relationships; and
- Dialogue/Mediation and process negotiations are normative.

According to Zehr<sup>46</sup> viewed through a restorative justice perspective, crime is regarded as a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions, which promote repair, reconciliation, and reassurance, for example, the Truth and Reconciliation Commission in South Africa where reconciliation, restoration and harmony became the fundamental basis of adjudication in the country.<sup>47</sup>

By the same token Giffard<sup>48</sup> maintains that a restorative justice approach in South African corrections can assist correctional authorities to help develop the offender's sense of responsibility. A correctional based restorative justice approach has as its central principle a confrontation between offender and victim. Rather than removing all decision-making from offenders, correctional authorities using this approach can support the offender in preparing for the responsibilities of a life in the community while he is still in the correctional facility. Restorative justice can provide the structure within which correctional authorities can develop transformation strategies, which are still underdeveloped in South African corrections.

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45 C Giffard, "Restorative justice in prisons – An option for South Africa?" Track Two, 2002, 11(2) (available at : [http://ccrweb.ccr.uct.ac.za/two/11\\_2/restorative.html](http://ccrweb.ccr.uct.ac.za/two/11_2/restorative.html)), as accessed on 14 January 2003), p. 1.

46 DH Zehr, *Changing lenses: A new focus for crime and justice* (Scottle. Ontario, Herald Press, 1990), p. 1.

47 A Skelton, "Juvenile justice reform: Children's rights and responsibilities versus crime control" (Paper prepared for the conference on children's rights in a transitional society centre of child law, University of Pretoria, 1998), p. 4.

48 C Giffard, "Restorative justice in prisons...", p. 15.

## Rehabilitative model in South Africa and specifically at the Westville Correctional Centre

In line with DCS’s strategic principles and policy on rehabilitation and reintegration of offenders, the Judicial Inspectorate for Correctional Services (JICS) was established in 1998 with the mission to ensure that all prisoners are detained in humane conditions and treated with human dignity which would prepare them for a dignified reintegration into their communities. Furthermore, the Act 111 of 1998 which established this Inspectorate states that it is an independent office with the object to facilitate the inspection of correctional centres in order that the treatment and conditions of inmates in correctional centres are reported to relevant authorities (Correctional Services Act 111 of 1998).

The Mission Statement of the Department of Correctional Services developed in 2002 regarded: “Placing rehabilitation at the centre of all Departmental activities in partnerships with external stakeholders, through:<sup>49</sup>

- The integrated application and direction of all Departmental resources to focus on the correction of offending behaviour, the promotion of social responsibility and the overall development of the person under correction.
- The cost-effective provision of correctional facilities that will promote security, correction, care and development services within an enabling human rights environment.
- Progressive and ethical management and staff practices within which every correctional official performs an effective correcting and encouraging role.”

In partnership with the Department of Correctional Services in Durban, non-governmental organizations such as Khulisa and NICRO and The President’s Award for Youth Empowerment have contributed tremendously in fighting and eradicating crime from its grass roots through offender rehabilitation and reintegration programs which attempt to break the cycle of crime and violence in South Africa. *My path*,<sup>50</sup> rehabilitation and reintegration programs for offenders who have a minimum of two years (remaining) to serve at time of programme registration is facilitated by Khulisa and includes a number of processes that promote behavioural change and skills development.

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49 White Paper on Corrections, 2005 (available at: [www.gov.za](http://www.gov.za), as accessed on 21 September 2012), p. 37.

50 My Path is a rehabilitation programme offered to offenders the Westville Correctional Centre.

Furthermore, Khulisa place offenders on a path to prepare them for re-entry into a positive, productive and meaningful lifestyle by building partnerships with potential employers to make jobs available upon their release and try to employ ex-offenders whenever possible. On the other hand, *Tough Enough Program (TEP)* facilitated by NICRO starts in prison and targets prisoners remaining with six or less months to serve and lasts between nine and twelve months. This programme assists offenders and their families to explore the opportunities and possibilities in assisting them to reintegrate into their community.<sup>51</sup>

During the period between 2000 and 2003 there has been continuous engagement with the Strategic Direction of the Department. Various role players have tried to interpret the purpose of the correctional system and decide on the policy direction, which was essential for successful delivery on rehabilitation and the prevention of recidivism. The Mvelaphanda Strategic Plan for 2002-2005, adopted by the Department in October 2001, put rehabilitation at the centre of all DCS activities. The Department continues to refine the Strategic Plan by further developments of concepts and components of the strategy.<sup>52</sup>

Successful reintegration should be the main aim of the correctional system. In his study on the role of civil society, organisations in prisoner support, rehabilitation and reintegration, Muntingh<sup>53</sup> found that some ex-offenders were not satisfied with the manner in which they were prepared for release. One participant described the pre-release programme used by the DCS as follows:

The pre-release programme from DCS does not really help. They tell how traffic lights work; green means go and red stop. But we know these things, this is not useful. How do you really prepare a person for release? You are really just dumped outside. We need a proper reintegration programme. DCS must at least try to have a reintegration programme. There are different options but they need to try harder to make it work, like learnerships.

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51 K Mpuang, "The case for effective offender reintegration", Document compiled for the National Symposium on Correctional Services, 1-2 August 2000, Florida, Technicon SA.

52 K Mpuang, "The case for effective offender reintegration", ...

53 L Muntingh, *A societal responsibility: The role of civil society organisations in prisoner support, rehabilitation and reintegration* (University of the Western Cape, Institute for Security Studies and the Community Law Centre, 2008).

## **Challenges facing some programmes offered at Westville Correctional Centre**

There are various rehabilitation programmes available at WCC; for example; life skills, education, diversion, sports and recreation, court readiness, sexual offences programme, aggressive offences programmes, drug and alcohol abuse; pre- release programmes, social work services, psychological services, religious care, education and training and work programs are offered.

For the purposes of this research and due to the restrictions on the page limit, the *Tough Enough Programme* (TEP) will be discussed. Currently the emphasis is placed on transforming South African prisons from being so-called universities of crime into effective rehabilitation centers that produce individuals who are capable of successful reintegration into their communities as law-abiding citizens.<sup>54</sup> It is in line with this reasoning that the National Institute for Crime Prevention and Reintegration of Offenders (NICRO), instituted the Offender Reintegration Programme which assists pre- and post-release prisoners with skills development, building and improving relationships, developing potential and motivation for action. *Tough Enough Programme* (TEP) is based on the assumption that change can be brought about in people by creating opportunities for them that will stimulate responsibility. This intensive programme challenges offenders to take full responsibility for their actions and hold themselves accountable for their future and their families. After being released, the prisoner and his/her family are supported for a period of six to nine months, after which the service is terminated depending on the prisoner’s progress at the time.<sup>55</sup>

In a study conducted in Durban, South Africa, 2012, interviews with offenders were conducted within the Medium C Westville Correctional Centre. Interviews with ex-offenders were conducted at the Correctional Services’ satellite Office in Durban City Centre whereas interviews with NICRO staff were conducted at NICRO’s offices situated in the Durban Central Business District. Interviews with ex-offenders were also conducted at NICRO’s Office and the DCS satellite office in Durban.

Participants raised concerns about offenders, who upon release have nowhere to go and end up committing more crimes so that they can go back to a

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54 Department of Correctional Services, (2004) Strategic Plan 2005/2006 –2009/2010, Government of South Africa.

55 K Mpuang, “The case for effective offender reintegration”, ...

correctional institution where they will get their basic needs such as shelter, food, water and clothing free of charge. They suggested that the same way there are orphanages for children who do not have parents or old age homes for older people, relevant stakeholders in government and non-governmental organizations should think about providing such homeless offenders homes, otherwise corrections may be the only place they can call home.

At this stage their theory is ok but what about those people who are in prison and they don't have homes where they go after finishing their sentences? That's another challenge

Our Government must build something like old age homes, like places where they keep orphans, just to keep people who have been released because they can come out and commit another crime because at least in prison they don't have to worry about accommodation or food.

Participants who implemented the programme also cited that sometimes they encounter problems of offenders who do not open up easily fearing that they may be exposed if they disclose sensitive information about themselves.

Our sessions involve discussing with offenders their crimes and try to see what their shortcomings were, but some offenders are not ready to open up probably fearing that it may affect their chances of being considered for parole

During the course of this study, through the interaction with offenders, it has emerged that they have unhealthy attitudes toward DCS service providers compared with NGO service providers which may influence the outcome of services offered to them. When asked why they behave differently towards their services providers they said they feel more comfortable around outside service providers because as they argue, they treat them with respect and care and are not negative about them compared to DCS staff whom they spend most of their time with in their everyday correctional institution life. It is evident that offenders choose when and with whom they open up to, depending on how they perceive them, yet offenders who participated in this study claim that they are more comfortable with outside service providers when internal service providers believe they do not open up enough. Rehabilitation is achieved through interventions to change attitudes, behaviour and social circumstances.

Others expressed concerns about offenders, who attend the programme with high and sometimes unrealistic expectations that upon their release NICRO will find them employment, shelter or funds to start their own businesses.

Some offenders join our program hoping that we will provide them with money, tools or material things. We used to provide these in the past but due to financial constraints and finding out that they would sell tools we give them to get money; we no longer provide financial assistance or tool kits.

At the Westville Female Section the Journey Outreach programs for correctional facilities were first initiated in 2006 and are currently ongoing in South Africa. This project was initiated in 2006 to provide Journeywork to female inmates at Westville Prison and has grown to include centres in Durban and KwaZulu-Natal. The main aim of this programme is to present offenders with an intensive rehabilitation program so that the rate of recidivism is reduced and that offenders are equipped with the essential self-empowerment mechanisms to reintegrate into their families and society upon their release.

Although these are offered, the implementations of these programmes are often hindered due to the lack of human and financial resources and the large offender profile at the centre. Furthermore, prison overcrowding causes administrative problems and harmful consequences to prisoners' morale. The influx of prisoners and the high level of overcrowding it produces, badly compromise the evaluation and classification of incoming prisoners, consequently, assigning prisoners to facilities depends largely on whether and where there is available bed space rather than any matching of individual prisoner's need with available programming resources.

## **Conclusion**

Imprisonment began in the eighteenth century by the Pennsylvania Quakers as a humane way to treat lawbreakers. Instead of being subjected to public humiliation, being mutilated or flogged. Offenders were given the Bible to read and placed in solitary confinement to do penance. Over the decades, despite the changes and improvements in the correctional systems of most countries, imprisonment has still remained an instrument of retaliatory punishment rather than an instrument of rehabilitation. History has indicated that prisons that are focused on punishment to the exclusion of everything else fail miserably in their attempts to reform and rehabilitate offenders. The same applies to correctional institutions where discipline and control are absent.<sup>56</sup>

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<sup>56</sup> Cilliers, “Historical development of prison architecture”, p.31.

Historically, confinement of an individual in a small cell behind a huge wall segregated from the rest of society for the supposed benefit of society was rationalized and condoned because it fulfilled a public retributive urge, forced compliance to “social norms”, deterred other potential law violators, and allowed preventative imprisonment of dangerous persons. The philosophical trend then turned away from each of these rationales, and thoughtful and humane scholars, administrators, and clinicians justified incarcerating facilities solely on their rehabilitative potential. Over the decades different models or approaches for the treatment of incarcerated offenders emerged and changed as the years progressed.

The purpose of the correctional system in South Africa is not punishment, but the protection of the public, promotion of social responsibility and enhancing human development in order to prevent recidivism. Sentences do provide a deterrent to repeat offending if justice is seen to be swift, effective and consistent, but the essence of deterrence is rehabilitation, buy-in that crime does not pay and that good citizenship is the duty of all. It is rehabilitation and not punishment that breaks the cycle of crime leading to a reduction of crime-hence a reduction in the prison population.<sup>57</sup>

Two contrasting views are held concerning the possibility of reforming the offender within the framework of imprisonment within the South African context. On the one hand, there is the view that rehabilitation or reform is applicable only to offenders who have been sentenced to imprisonment.<sup>58</sup> On the other, the idea is propagated that prison is not the most suitable place for the rehabilitation of offenders, and this does not imply that rehabilitation in the prison set up is impossible-just that due to conditions of overcrowding it becomes very difficult. In the past, when a greater belief in the rehabilitative value of imprisonment existed, it was alleged that rehabilitation is not possible with short-term imprisonment, because reform work (which is supposed to take some time) is not possible during a short sentence.<sup>59</sup> These often-contradictory historical fluctuations make it difficult to forecast just where corrections will be tomorrow, as society again re-evaluates its priorities. In the meantime, the challenge is to adapt to more punitive sanctions without abandoning more positive solutions.<sup>60</sup>

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57 Department of Correctional Services, *Draft green paper...*

58 MA Rabie and SA Strauss, *Punishment, an introduction to principles* (Cape Town and Johannesburg, LexPatria Publishers, 1981), p. 14.

59 SS Terblanche, *The guide to sentencing in South Africa* (Durban, Butterworth Publishers (Pty) Ltd. 1999), p. 242.

60 JB Stinchcomb and VB Fox, *Introduction to Corrections* (New Jersey, Prentice-Hall, 1999), p. 120.