



In Their Boots

Staff Perspectives on Violence Behind Bars
in Johannesburg

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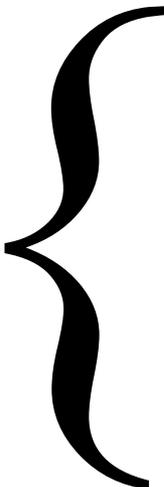
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In Their Boots:

Staff Perspectives on Violence
Behind Bars in Johannesburg

Just Detention International-South Africa

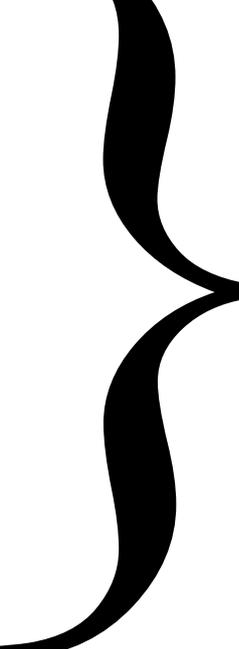
Sasha Gear

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II



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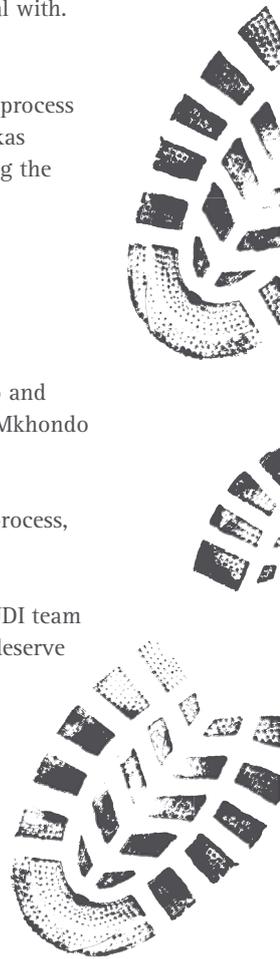
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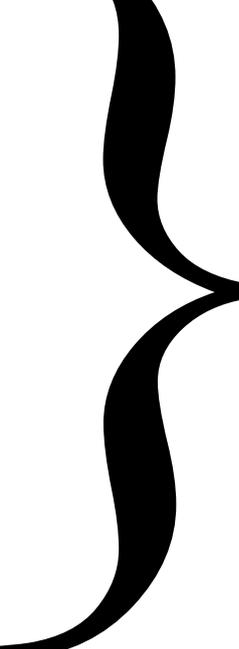
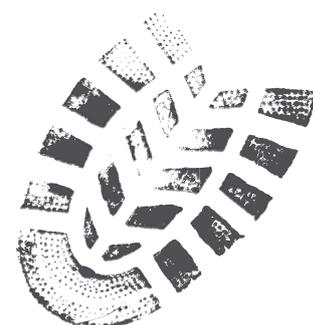
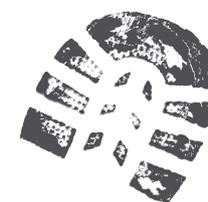
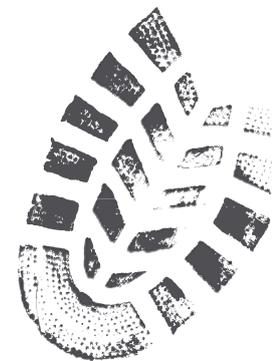
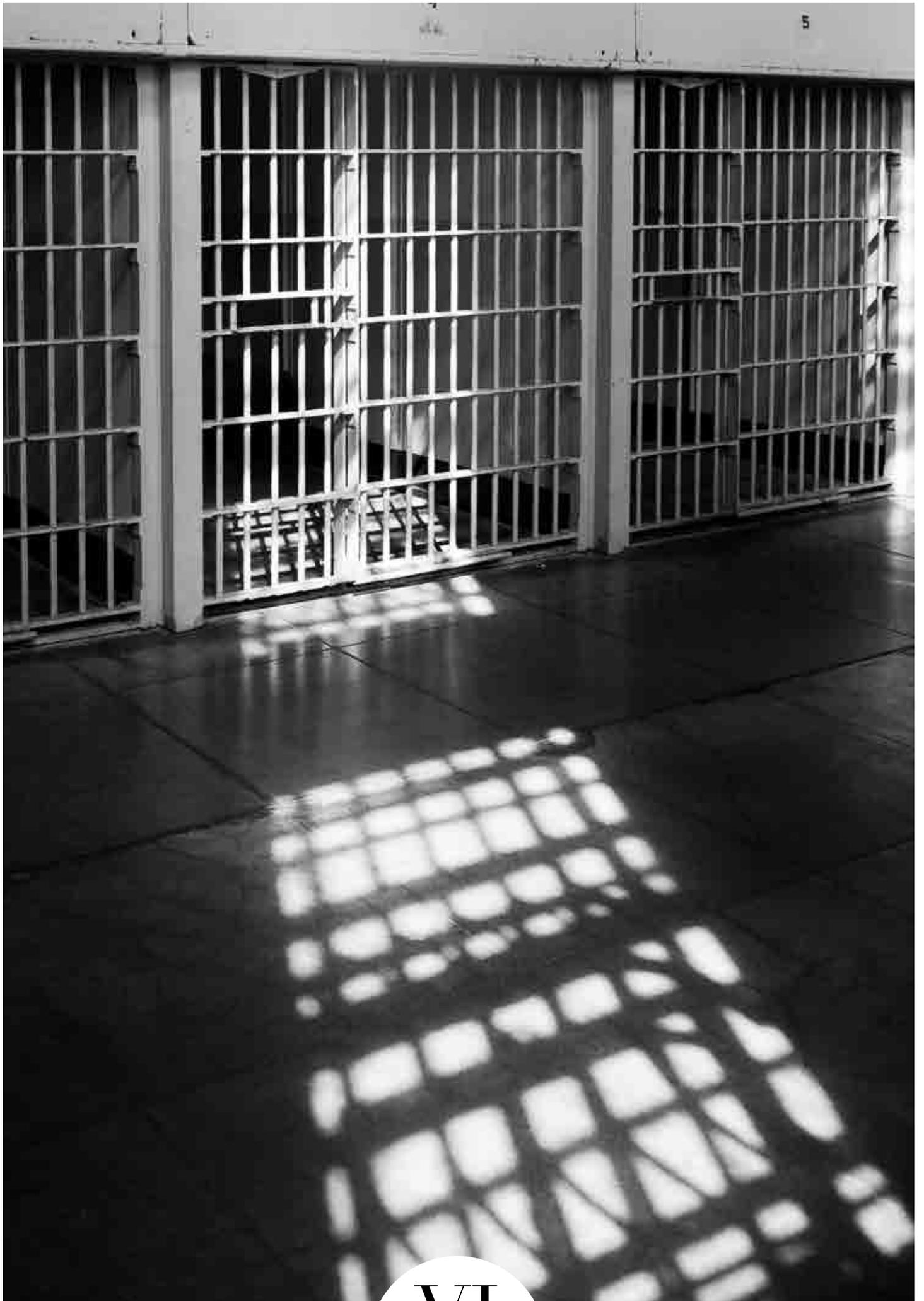


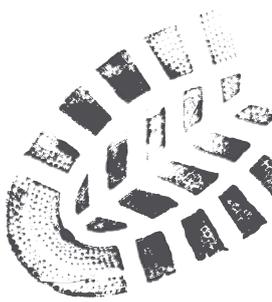
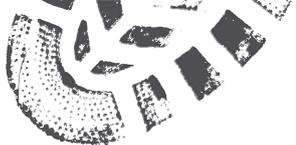
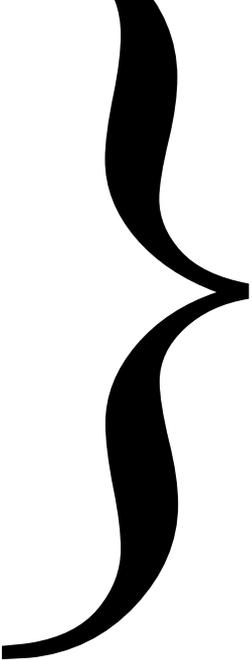
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Summary

This report aims to shed light on the strategies used by Department of Correctional Services (DCS) staff to prevent and address violence, and the factors that hinder officers' ability to respond to it.

The findings are based on fieldwork conducted at Johannesburg Management Area between July and September 2010. Researchers held group sessions with correctional officers, including night and day staff at an awaiting trial (AT) centre and medium-classified sentenced (S) centre, over a period of six weeks. In addition, individual interviews were held with local managers and selected inmates.

MAIN FINDINGS:

Need for Policy and Training

In group sessions, officers made it clear that many of the obstacles to stopping violence are rooted in DCS policies – or the lack thereof. Without clear guidance, staff are ill-equipped to deal with dangerous situations. Officers also report being unprepared to work with inmates who are mentally ill or are victims of sexual abuse. The lack of training was acutely felt regarding the use of force and staff highlighted that they need guidance on handling violent and explosive situations.

The Facility Environment

Overall, staff feel that systemic problems in the facilities, especially overcrowding and understaffing, have made it extremely difficult to address inmate violence. Reflecting on prior incidents, staff expressed a sense of resignation that there was little they could have done to prevent them. In addition to unsafe staff-to-inmate ratios, the condition of the centres themselves constrains the ability of staff to respond to violence. A state of serious disrepair inside facilities combined with persistent problems with equipment fuel the perception among staff that DCS management is not concerned about their work conditions. Staff also emphasised the negative consequences of the lack of programmes and services for awaiting trial inmates and severe staff shortages, during night-time “lockup” and the four-day “weekend” practiced at the centres.

Sources of Violence Behind Bars

In explaining the source of violence at the facilities, many officers spoke of the brutality and the “abnormality” of the detention system itself. The centres are environments that operate according to strict hierarchies that are largely enforced by gangs. The presence of an underground market for contraband fuels inmate violence; commonly found items include cell phones, weapons, and dagga. Inmate violence is often cyclical, with one incident setting off a series of reprisals.

Sexual Violence

Officers are keenly aware of the problem of rape in their centres, and expressed little reluctance in talking about the topic, which is often considered taboo. They spoke of how the trauma of rape is exacerbated in facilities by the isolation of inmates, the societal stigma of sexual assault, and victims' powerlessness to escape from perpetrators. There are numerous barriers to reporting sexual abuse inside the centres.

Further complicating matters, sexual violence encompasses many forms of abuse, ranging from physically violent attacks to situations in which inmates are coerced into having sex in exchange for commodities or protection. Staff also raised the problem of HIV, which is directly linked to sexual violence.

Maintaining Security

Management and officers alike highlighted numerous security challenges in the centres. Inmate monitoring is difficult in any setting, but it is especially so in facilities with dangerously low staff-to-inmate ratios. Staff consistently referred to their struggles keeping tabs on inmates, which hindered their ability to decipher subtle behaviours that might portend conflict. By searching inmates, visitors, and cells, and by collaborating with inmate informants, staff seek to reduce smuggling, which can be a trigger for inmate conflict, but emphasised that short-staffing and the numerous demands on their time mean that searches are not as consistent or thorough as they should be. At night, when staff numbers are far lower and opening a cell door is time consuming, officers are particularly constrained in their efforts to stop violence. In these circumstances, staff may try to deescalate explosive situations through mediation from outside the cell.

Discipline and the use of Force

Most officers seemed to support DCS's focus on rehabilitation. However, they pointed to a lack of disciplinary options available to them since the "military style" of disciplining inmates was phased out after the fall of apartheid. Awaiting trial officers especially struggle to manage abuse and disruptive inmates in the absence of a disciplinary policy. As a result, they tend to have to rely on cell transfers and segregation, which are often not very effective. Some officers spoke of using illegal force, which they felt was at times necessary. Overall, staff expressed deep ambivalence about their tonfas (batons) and the use of force against inmates more generally.

Psychological Burdens on Staff

Working at a DCS facility exacts a psychological toll on staff. Officers repeatedly referred to subpar working conditions; some argued that senior management cared more about personal gain than improving the facilities. Another point of emphasis was the need for staff to perform a range of tasks that fall well outside the scope of their formal duties, and that can be emotionally gruelling. The violence and unhappiness that staff regularly witness among inmates, and the constant fears for their own safety, exacerbate the daily pressure they face on the job.

Conclusion

In spite of these obstacles, many officers remained deeply committed to maintaining professional standards. While staff wished for more support from management, the fact of DCS's willingness to participate in this study is cause for optimism. We hope that these findings will help lead to increased engagement on the part of DCS leadership with key issues concerning the safety of both inmates and officers. ■■



1

Introduction

This study is focussed on the ways in which correctional officers¹ relate to violence in the facilities where they work. The project grew out of our concern about widespread abuse in the South African Department of Correctional Services' (DCS) facilities. Such violence – which takes numerous forms and may be perpetuated by staff or by inmates – represents a profound failure of the state to fulfil its obligation to ensure the safety of those it detains.

Violence in DCS facilities causes trauma, ill health, and further violence; it affects not only those directly involved, but staff and inmates more generally. Moreover, prison violence feeds and reinforces destructive ways of relating to and making sense of the world among those affected, such as notions of masculinity predicated on violence and the control of others. As such, this violence reaches far beyond prison walls.

One of our grounding assumptions was that DCS staff can influence the levels of violence behind bars. Indeed, they are obliged to do everything they can to keep inmates safe. If or when they are unable to maintain safety, they can still determine DCS's responses to violence, which, in turn, affect the likelihood of future incidents.

Through this study, we were especially interested in exploring the spaces between policy (defined obligations of officers) and practice (what officers actually do) related to violence. We also aimed to develop a more detailed understanding of factors that facilitate violence in detention and that jeopardise successful responses to it, in the hope of contributing to strategies that will make South Africa's facilities safer.

Little is generally known about what a typical South African correctional officer's job entails. The social scientists Liebling, Price, and Elliott,² in their study on British detention facilities in the 1990s, underscored the general lack of understanding of the skills and strategies employed by prison officers to maintain order and peace. Their analysis could easily be applied to South African facilities today:

Most of the time, prisons are relatively ordered and peaceful. This peace-making, line drawing, rule-enforcing aspect of prison officers' work with prisoners is under-valued, under-theorised and underestimated. We do not know enough about what prison officers do. This is especially true of the prison officer decision-making, the use of discretion and the 'peace-keeping' aspects of their work.

Even many senior DCS managers are largely unaware of their officers' daily work lives. As one manager at DCS head office told us at the outset of the project, "We throw stuff at staff expecting them to implement it. They ask us to come and stand in their shoes, telling us that it's not that easy, but we don't." The research presented here would be useful, he thought.

Accordingly, this project sought to uncover daily experiences and strategies of correctional officers. We have relied heavily on the cooperation of DCS and the overall support and assistance we have received from the Department has been remarkable. Indeed, DCS's patience and support was all the more noteworthy given the unexpected changes and delays of the project.

1 The terms "officers", "correctional officials", "members", and "staff" are used interchangeably in this report.

2 Liebling, A., Price, D., and Elliott, C. (1999) "Appreciative inquiry and relationships in prison". *Punishment & Society*, 1(1): 71–98.

Initially, this research was envisaged as a two-year process. We planned to conduct fieldwork in the first year in one Gauteng DCS area (the most apparently violent), and in the second year, funding permitting, would focus on another (the least apparently violent). In addition, we planned for a third year where we would work with DCS on strategy development, which would be informed by the research findings. However, due to the delays resulting from the project changing homes – from CSVr to JDI – we decided to write up and make available existing data rather than conduct a second phase of fieldwork.

As a result, this study focuses on only one DCS area, Johannesburg Correctional Management Area (colloquially known as “Sun City”), and two centres within that area: one for sentenced inmates and one for awaiting trial inmates. We worked with both day-duty and night-duty officers at the centres. This approach enabled us to explore differences between staff experiences in the two types of facilities and between night shift and day shift.

Our primary interest was in section-level officers, whom we engaged in group processes to analyse incidents of violence in their sections so as to learn of their daily experiences, strategies, and challenges in relation to this violence. In addition, we conducted interviews with a small sample of local management staff and inmates from each centre.

While the study was limited to one area, it is our sense that many of our findings are pertinent to the broader DCS context and to centres around the country – despite differences between institutional cultures and norms that may feature in different facilities. At the same time, and beyond a narrow focus on violence, this research revealed concerns among officers of additional work-related issues, such as understaffing, high levels of stress, and management shortcomings. Their views speak to broader, challenging questions facing DCS, as well as South Africa’s criminal justice system more generally.

We would like to acknowledge DCS for the access it provided us for this project and for its willingness to engage with our research findings even when parts are likely to be uncomfortable. We hope that this report can be of use to the Department, while also raising awareness among other stakeholders on the pressing need to improve the working and living conditions in South Africa’s detention facilities. ■■■



A lunch-time stabbing

(Awaiting trial, day officers, Session 1: 4 August 2010)

It is lunchtime on a Monday in July 2010 when one inmate stabs another with a piece of broken glass in the awaiting trial centre.

The attack happens as inmates are moving out of their cells to the courtyard, where they queue to receive food. They won't eat in the "dining room" as there are no tables and chairs nor enough officers to oversee a seated meal. Instead, the inmates typically take their food back to their cells. To make the process more manageable, staff stagger the meal, serving four cells at a time (roughly 400 inmates).

The perpetrator, Sbu, is a young man who has spent six years in the juvenile section of the centre. Officers do not know whether Sbu has been in and out of the centre or held there continuously over that time period. He is a senior ranking and feared gang member – he previously stabbed another inmate – and a psychiatric patient. Staff regard Sbu as "troublesome".

Sbu was transferred from the juvenile section into the adult section only 30 minutes prior to the incident. He is very unhappy about the move, which puzzles the officers because Sbu previously had sneaked into the section. Sbu had explained to officers then that he no longer wanted to be housed with young people.

As the inmates move out of the cells and down a poorly lit stairway to the lunch area, Sbu stabs another inmate. He uses a piece of glass from a window that has been broken for quite a while. The victim is a young inmate who, based on his accent, staff think is a foreigner. He approaches an officer for help, lifting his shirt to show his wound. It is deep and he is losing blood at a rapid rate.

The officer immediately leaves his post to accompany the victim to the centre hospital. Because there are no stretchers or wheelchairs, nor enough staff to carry the victim, the injured young man has to walk up "the spiral" – a long corridor that is on an incline – to the hospital area. The walk aggravates the blood loss and "the spiral" is "full of blood".

STORY 1

Meanwhile, Sbu makes a scratch on the side of his head, in an attempt to implicate the victim. However, witnesses tell the officers that Sbu's wound is self-inflicted. Sbu is taken to the centre's hospital, but after 20 minutes he is released into the care of officers in the section, who want him to participate in the roll call that is about to take place.

After Sbu is released from the hospital, he is put back in his communal cell – not a single cell. Officers think this placement is due to the medical staff's decision that, as a psychiatric patient, Sbu would be a suicide risk if housed on his own. Sbu is brought back to the cell with blood still on his clothes, which makes the other inmates uncomfortable. Because he is awaiting trial, staff do not have clean clothes for him.

The victim is taken to Chris Hani Baragwanath Hospital, a public hospital outside the management area, where he is admitted to the intensive care unit.

Officials view the attack as a random act of violence, explaining that if it were gang-related, Sbu would have ordered another inmate to carry it out. They think Sbu probably committed the assault because he was angry about his transfer. He also might have wanted to intimidate his fellow inmates.

The following day, officers move Sbu to another unit. This transfer is the only action taken against Sbu for stabbing another inmate.

Two weeks later, Sbu stabs a staff member who is trying to get him to return to his cell. While staff initially explained that as a psychiatric patient, Sbu could not be housed in a single cell, at this point he is moved to one.

Following his hospital stay, the inmate who was stabbed is returned to the section. He is given an opportunity to open a case against Sbu, but declines.



2

Notes for Reading this Report

- For ease of reference S is used to indicate when the centre referred to is the one for sentenced inmates, and AT when the centre referred to is the one for awaiting trial inmates.
- Quotes from the group sessions with officers are identified by the name of the centre, whether it was a day shift or night shift group, and the session number. Examples: A Day 1 refers to the awaiting trial centre (Medium A), day staff (Day), session one (1). B Night 3 refers to the sentenced centre (Medium B), night staff (Night), session three (3).
- Respondents are not distinguished, meaning that two speakers from the same group and session will be referenced in the same way. A Night 2, for example, is used to refer to all participants in that group and session.
- When conversations between group respondents are cited, respondents are distinguished with R or R1, R2, etc. However, different respondents were not traced in the transcripts, so R1, for instance, does not refer consistently to the same respondent. Rather, these labels simply distinguish different voices in a given interchange.
- Management interviewees are not distinguished from each other, to protect anonymity. They are simply referred to as AT interviewee (for management interviewee from the awaiting trial centre) or S interviewee (for management interviewee from the sentenced centre).
- I refers to the interviewer-facilitator; when interviewer-facilitators words are used, these are bolded.
- At the time of the fieldwork, pre-trial inmates were commonly known as “awaiting trial inmates” – the main terminology used in this report. However, following 2011 legislative amendments,³ these inmates became known as “remand detainees” and the facilities that house them “remand detention facilities”. ■■

3 Correctional Matters Amendment Act 5 of 2011.





3

Methodology



Prison research is usually complex and sensitive. The research team dedicated significant time and energy to developing a rigorous methodology for the project – and paid special attention to the safety of respondents. Correctional environments can be dangerous to officers and inmates alike, especially to anyone perceived as betraying the trust of colleagues or fellow inmates. Correctional officers and inmates thus have many reasons to be cautious about speaking openly with outsiders who wish to study their work and their lives. This section summarises the methodologies we used, the sampling process, our ethical considerations, and how we went about analysing our findings.

1. Methodologies and Access

Anyone who wishes to conduct research inside DCS facilities must first secure permission from DCS's Research Directorate. We submitted our application to the Directorate in November 2008. One year later, after making some adjustments to the proposal and the project funders meeting with the Directorate, we were given the go-ahead to begin the work. We were also assigned an "internal guide" – a DCS official responsible for liaising with civilians on their research projects.

To develop the methodology for this study one of the first steps was the creation of a quality control reference group.⁴ This group's lively and stimulating discussions were invaluable to the formulation of the methodology. As we grappled with how best to shed light on correctional officers' experiences in detecting, preventing, and responding to violence, the methodology went through several changes.

The development of our methodology benefitted from the publication of a review by group member Lukas Muntingh, *Reducing Prison Violence: Implications from the literature for South Africa*.⁵ Published during the reference group process, Muntingh's review helped crystallise the group's views and facilitated its discussions. A key reference group assumption, drawn from his review and the literature it analyses, was that prison violence is both multifaceted and dynamic. As Muntingh puts it, "It appears to be the interaction of structural features, situational context and individuals themselves that lead, in some instances, to violence ... [It is important to] see prison violence ... not as a linear consequence of a set of variables, but rather as a result of complex interactions of individual psycho-social experiences (and responses) in particular situational contexts."⁶

Another assumption gleaned from the literature is that prison management has a profound impact on levels of violence behind bars. Specifically, there is increasing evidence "that poor prison management and control is the most significant factor in contributing to and even promoting both individual and collective prison violence"⁷ In a similar vein, staff and management fairness – regarding inmate complaints, disciplinary procedures, etc. – is identified as a critical component of legitimisation of a prison system and counters

4 Amanda Dissel, Lukas Muntingh, and Garth Stevens served on the reference group.

5 Muntingh, L. (2009) *Reducing Prison Violence: Implications from the literature for South Africa*. CSPRI Research Report No 17, 12.

6 *Ibid.*

7 Homel, R. & Thomson, C. (2005). Causes and prevention of violence in prisons. In Sean O'Toole & Simon Eyland (Eds.), *Corrections Criminology* (101–108). Sydney: Hawkins Press.

the likelihood of violence in prisons.⁸ The literature also emphasises the importance of a facility’s physical environment, the interpersonal relationships among and between inmates and staff, and the “minutiae of the average prison day”⁹ to understanding violence in prisons. Indeed, our interest in the “minutiae” of the work of correctional officials, their negotiations with violence, and its context informed our choice of methodology.

Three key social science models shaped our method of data collection:

- 1) **Wortley’s model of situational prison control:**¹⁰ This model provided a useful starting point for thinking about different components of the social and physical context that shape life in DCS facilities. It breaks prison control into a two-phase model that includes cues that prompt inmate misbehaviour (“situational precipitators”) and the features that regulate such misbehaviour (“situational regulators”). Each of these phases is broken down further into subcategories that are meant to assist examinations of prison violence. For example, situational precipitators include: reminders such as posters highlighting consequences of transgressions and notices of expected behaviour; rule setting, which considers inmate views on whether officers are legitimate authority figures; and reduction of frustration, which looks at measures to reduce inmate boredom. This model helped us to conceptualise the many factors that can influence prison violence; it also provided a framework for developing questions for officer research participants.
- 2) **Haddon’s matrix for analysing injury prevention:**¹¹ This model was designed as a tool to analyse the nature of incidents of injury over time by examining the factors at play prior to, during, and after an event. The model also accounts for the many variables that might influence an incident, like personal attributes of those involved in the incident and factors of the social and physical environment, thereby providing for holistic intervention. We drew on this model to develop an instrument to assist correctional officers – via group discussions – in analysing incidents of violence in their centres.
- 3) **Alison Liebling’s use of appreciative enquiry in prison:** This approach seeks to shift the typical focus of prison research away from “neglect or negative stereo-type[s]” of prison officers and their “over-use of power”.¹² Liebling instead recommends an empathic approach to supplement “problem-orientated knowledge” – to focus research to understand, in new ways, what they do.¹³ The approach seeks to uncover what works best and how officers derive satisfaction from their jobs. While this project focuses on violence, and the struggles of correctional officers in trying to stop it, and therefore can be seen as falling broadly into the “problem-orientated” category, its methodology is framed by an approach that seeks to develop an understanding of and appreciation for officers’ experience and to identify good practices.

Our main data collection methodology, adapting elements from each of the models outlined above, included the following steps:

8 Bottoms, A. (1999) cited in *ibid*.

9 Bottoms, A. (1999) cited in *ibid*

10 Wortely, R. (2002). *Situational Prison Control: Crime prevention in correctional institutions*. Cambridge: Cambridge University Press.

11 See, for example, Runyan C.W. (December 1998). “Using the Haddon matrix: Introducing the third dimension”. *Injury Prevention*, 4(4): 302–7.

12 Liebling, A., Price, D., and Elliott, C. (1999) “Appreciative inquiry and relationships in prison.” *Punishment & Society*, 1(1): 71–98 (72).

13 *Ibid*. 75.

Facilitators led sessions with four groups of section-level correctional officers. We met with each group for three sessions of two to three hours over six weeks. In each session, the group analysed a recent incident of violence in their section.

Facilitators led this incident analysis with the use of an Incident Chart adapted from Haddon's matrix. The process of unpacking each incident onto the chart applied elements of Wortley's model of situational prison control, which was used by facilitators to formulate questions to officers about the incidents.

Following the recruitment of a fieldwork team – consisting of four additional experienced facilitator-researchers – we worked together on honing the Incident Chart and testing it with actual incidents of violence, which resulted in some tweaks to the model.

The fieldwork team also finalised the process and session structure:

- Each group would be facilitated by two researchers (though, due to availability issues, one group was ultimately run by only one facilitator). Although the facilitator pairs were sometimes composed differently at different sessions, for each group there was one constant facilitator who was present at all of that group's sessions.
- Facilitators took notes from every session, and wrote details of each violent episode on Incident Charts. In addition, sessions were voice recorded and transcribed.
- The nature of the incident under review changed from session to session (see below).
- Before the initial session, facilitators were given a tour of the relevant section.

The group sessions were structured as follows:

Session 1:

Facilitators introduced the project and the work of CSVR, discussed and clarified ethical issues, gained consent from participants, and had participants complete a short questionnaire. Following these steps, the facilitators introduced a discussion called "Exploring Violence", which focussed on, among other issues, the many forms that violence behind bars can take. Facilitators were encouraged to probe participants on sexual violence if this was not revealed spontaneously, but such probing turned out not to be necessary.

Next, facilitators asked participants to identify a recent incident that met two criteria:

- It involved violence (that didn't need to have been reported nor be very serious), and preferably more than one of the group members had been involved or witnessed the incident.
- Group members felt the incident was well managed by officers and/or by themselves.

We envisaged that asking the groups to discuss a well-managed incident would be a good place to begin, especially as participants were still relatively unfamiliar with the research team and the process. Once an incident was identified, the facilitators asked participants to explain how the incident had unfolded; facilitators, keeping in mind Wortley's and Haddon's models, asked follow-up questions, teasing out details related to timing, location, interpersonal relationships among those involved, how it was handled, etc. These points were captured on the Incident Chart, which was fixed to the wall for participants to view.

Before the conclusion of the session, facilitators asked participants to reflect on the incident as a whole, including whether it resembled other incidents, the nature of the staff response, and whether the act of analysing the incident in this way had altered their perceptions of it.

Session 2:

At the second session, facilitators first followed up on the incident discussed in the first session, asking additional questions that had arisen during the facilitators' meetings held between the group sessions. Next, they asked participants whether there had been further developments on the incident since the previous session.

Participants were then asked to describe a second incident, but one that, unlike the first, they thought had not been handled very well. This incident was then analysed and captured on the Incident Chart in the same manner as the first.

Session 3:

The third and final group session followed the same format as the first two, but its focus was on an incident of sexual violence. (One group, however, closed after its second session because participants had analysed an incident of sexual violence in previous sessions and facilitators believed that they would not be able to learn much more than had already emerged from the group.)

We engaged in some additional data collection. To supplement the information gathered during the group sessions, we conducted interviews with six local management officials and six inmates. The questionnaire completed by the groups also provided some data on officer demographics and culture. Lastly, at the start of the fieldwork, we were granted a tour of the sections that had been selected for the research, which allowed first-hand observation of their physical layout and the conditions facing inmates and staff. In addition, most of the group sessions and several interviews were conducted inside the sections themselves, providing further opportunities for observation.

2. Logistics and Sampling

The main component of the sample consisted of four separate groups of section-level officers that we would meet with three times each to analyse incidents of violence. We wanted the different groups to represent different types of staff working with male inmates – officers working with sentenced inmates, and others working in awaiting trial facilities, as well as those who work days and those who work nights.

The first stage of sampling involved selecting the DCS institution, a task that was completed with the assistance of the DCS national head office.

Because most male inmates in Gauteng are kept in medium-security facilities, we decided to sample institutions classified as such. Our objective was to identify correctional centres that, according to DCS data, are registered as the most and least violent. These also had to be areas housing awaiting trial as well as sentenced male inmates.

The process of obtaining these data took more than two months. Moreover, as DCS officials worked to compile the data, they discovered that some of the information was not, in fact, in their possession. System crashes and a series of glitches further delayed the process. As a result, despite the best efforts of our internal DCS guide and his colleagues, the data we eventually received turned out to be of little use. Similarly, statistics from the Judicial Inspectorate for Correctional Services (JICS) were difficult to obtain and ultimately of little use.

In discussion with our internal guide, we agreed that we would need to select the centres on the basis of his “educated guess”. While doing so was not ideal, nor the sampling method we’d envisaged, we were confident that his experience, position in the Department, and genuine interest in the project put him in a favourable position to propose a meaningful site. He subsequently selected Johannesburg Management Area. As he explained, Sun City (as this management area is commonly known) holds several different categories of inmates, is overcrowded and short-staffed, and has rapid turnover. He added that he regularly receives reports of violence from there while also suspecting that many incidents go unreported.

Having selected Sun City, we could not, however, go ahead immediately because the World Cup Soccer tournament was about to begin; for the duration of that event, all DCS centres were closed to outsiders. Following the World Cup, when we were able to approach the prison, our first point of contact was the Area Commissioner’s office, and later, the management team of each of the sampled centres. We were struck by the cooperative spirit and support of the staff with whom we dealt. Management worked hard to accommodate our requests and were generous with their time, ensuring that project researchers were equipped with the knowledge and access necessary to make a selection of officers and sections to feature in the project. We selected one section in each of two centres: the Medium B centre (for sentenced inmates) and the Medium A centre (for awaiting trial inmates).

Medium B (sentenced) section sampling and process: We were looking for a medium-security section that housed male inmates and was considered more violent than other similar sections. However, the section that best fitted these criteria was, over the coming weeks, going to be converted into a female section and its staff being distributed in other sections. This development left us with the remaining medium-security section in the centre.

Medium A (awaiting trial) section sampling and process: According to our AT liaison, the most violent AT section in Medium A is the one for juveniles. However, we had decided not to focus on juvenile inmates because they had already been the subject of significantly more research than adults. Our DCS liaison explained that no single adult section in Medium A was clearly more violent than others but identified the most overcrowded, which we subsequently selected.

The process of selecting officers in the S and AT sections who could participate in the group sessions was complicated by short-staffing and by DCS’s shift cycle, combined with our intention of working with a constant group over three sessions. Unit managers selected day shift staff. Their selection process appeared rather informal, as they seemed to ask whichever officers whose path they first crossed if they’d attend a meeting with us, whilst ensuring that some officers would remain to supervise inmates.¹⁴

Staff shortages meant that our sessions needed to be held in the section offices, enabling a swift staff response in the event of an emergency. Low staffing levels prevented us from always having seven-person groups, which was our goal – a necessary limitation that was made clear to us at the outset by our AT liaison.

Concerning the night shift groups, it became clear that many staff work both days and nights, while some work only nights. The head of the S centre organised a group consisting of those working nights exclusively, but it was not possible to have night officers from the same section, as we had initially planned. Rather, the night group needed to be pulled from across several sections because only one member was on duty per section per night. For the same reason, our AT night group was made up of officers from several sections.

¹⁴ DCS may have been using a more deliberate approach in selecting participants, of which we were unaware.

The table below represents the four groups of section-level officers and the sessions they participated in.

GROUP SESSIONS		Session 1 INCIDENT HANDLED WELL	Session 2 INCIDENT HANDLED NOT SO WELL	Session 3 INCIDENT OF SEXUAL VIOLENCE
GROUP 1, Section 1 Awaiting Trial (most violent, not juvenile)	Day Shift AT	Session 1 AT DAY 4 Aug 2010	Session 2 AT DAY 11 Aug 2010	Session 3 AT DAY 24 Aug 2010
GROUP 2, From several sections Awaiting Trial	Night Shift AT	Session 1 AT NIGHT 11 Aug 2010	Session 2 AT NIGHT 24 Aug 2010	Session 3 AT NIGHT 8 Sept 2010
GROUP 3, Section 2 Sentenced (medium security, most violent, not juvenile)	Day Shift S	Session 1 S DAY 3 Aug 2010	Session 2 S DAY 12 Aug 2010	Session 3 S DAY 18 Aug 2010
GROUP 4, Sentenced From several sections (medium security, not juvenile)	Night Shift S	Session 1 S NIGHT 3 Aug 2010	Session 2 S NIGHT 11 Aug 2010	We closed this group after the second session, as the topic of sexual violence already had been covered.

Due to other staff commitments and leave, most groups had fewer than seven members. Sometimes members excused themselves in advance, other times not.¹⁵ All group participants were male.

DCS's ten-day shift cycle means that only half the intended staff work Friday to Monday (inclusive). Therefore, we could not meet with officers on those days, nor on Thursdays, which are visiting days in the AT centre. This left us with Tuesdays and Wednesdays for fieldwork; but Tuesday, we were warned, is a day when many staff take leave. These constraints made it difficult to ensure that every group member could attend every meeting. Ultimately, we were advised that the simplest approach would be to decide, at the end of each meeting, on a date for the next gathering.¹⁶

For various reasons, a number of sessions had to be rescheduled at the last minute. Because of rapidly changing circumstances at the centres, it was often touch and go as to whether we'd be able to have our sessions at all. Despite prior arrangements with management and respondents, and as we came to expect in facility contexts, all groups started late – mostly very late. We were kept waiting for liaison people who had been called elsewhere, for unrelated meetings to finish, and for respondents to be called and gathered. The shortest time we had to wait was between 40 and 45 minutes, while most sessions were delayed between 1 and 2 hours.

The sessions generally took about two and a half hours, with a short break midway.

¹⁵ Attendance was generally weaker on one day, due to a public service strike.

¹⁶ The researcher's efforts to compile a detailed timetable of staff groups on the basis of the shift cycles and lists of staff came to naught due to absenteeism and frequently changing situations inside the centres.

We gave group participants a lunch bag or voucher at the close of each session as a way to thank them for their participation.¹⁷ Before agreeing to take part, the participants had not known that they would receive lunch. After the first session, however, they probably expected to receive something at subsequent sessions. We also provided tea, coffee, biscuits, and fruit during the sessions.

We found that the methodology worked excellently, providing us with data and insights that we very likely would not have obtained otherwise. Our process enabled us to carefully organise the information we gathered and to probe into less-obvious places.

Participants seemed to enjoy and gain from the incident analyses, with members of one group saying they wished they could have had more sessions. At the start of one of the final night groups, facilitators did note that participants were low energy and seemed relieved that it was the last session. Before the session closed, however, participants had perked up and facilitators were only able to stop the session after three attempts.

All sessions were conducted in English, a consequence of the language limitations of most of the research team. Nevertheless, discussions were animated and lively for the most part, with respondents occasionally translating phrases for each other. Although they did not appear to mind that the sessions were held in English, it is possible that some were less vocal as a result.

The method's success was due largely to the work of the fieldwork team. The method-development process had grown our appreciation of the challenges of understanding daily officer practices and led to our decision to use only highly experienced facilitator-researchers.¹⁸ They possessed both the conceptual agility and content expertise required to run the process, which was far more dynamic than focus groups or interviews that are run according to a schedule of predetermined questions. While the facilitators had a structure within which they worked, they were also required to probe participants on a broad range of issues that were influenced by the nature of the incident they chose to analyse. In addition, during the sessions, facilitators had to keep in mind Wortley's model, capture information from the session on the Incident Chart, and manage the group.

A day or two after each session, the research team would meet to discuss the process and emerging findings. Facilitators would present their Incident Charts to the team, along with other observations and reflections, including on the process itself (such as length of wait, direct observations, and events at the centre). During these meetings, we captured additional questions flowing from the incident to be asked at the next session. These meetings also provided for the ongoing learning of the team of norms and practices in the facilities. Moreover, questions and ideas raised in relation to one group often informed those of others. The meetings also gave us a much-needed debriefing space and opportunity to provide each other support.

After the closure of the group processes, the research team and transcriber gathered for a day of debriefing. This meeting was facilitated by a clinical psychologist with experience in DCS contexts and was aimed at providing a space for the team to offload in a supportive environment some of the more difficult parts of the process – such as the struggles and pain they had heard about and witnessed – and to reflect on it more generally. This step seemed to be appreciated and also provided us with closure to that part of the process.

17 After Session 1, they received a lunch bag; Session 2, a Steers voucher for R50; and Session 3, a Pick n Pay voucher for R50.

18 Three of the facilitators are also trauma professionals.

In addition to the group sessions, we conducted six individual interviews with management staff. Two were staff from the AT centre, and four were from the S centre. These included a unit manager, members of the Case Management Committees (CMC) and the Internal Security Units (ISU), as well as, in the S centre, a member of the Disciplinary Committee. Several of the management interviewees performed other roles within their centres as well.

Five of the individual interviewees were male, and one was female. They were selected on the basis of their job portfolios and their availability and were asked questions based on the issues that emerged from the group processes. All interviews were conducted in English.

We also conducted individual interviews with six inmates – three from each section. The research team had much debate regarding how inmates should be selected, given that we didn't have the resources or time for more than one meeting with each person. We concluded that inmates with substantial power within the prison were the least likely to be placed in danger by participating in an external research study. During conversations with officers, we agreed to focus on so-called "cell cleaners" – inmates who are also known as cell monitors and tasked with leadership roles in communal cells.

Inmate respondents were identified via a random selection of cells in the section; we then chose the cell cleaner responsible for each of the selected cells. Most of the interviews were done one-on-one, which was the intended format, but in a few cases we met with inmates in pairs or small groups because of logistical challenges.¹⁹ Inmate interviews were conducted in isiZulu, Sesotho, and English.

3. Ethical Considerations

The chief ethical consideration was the safety of respondents. A number of methodology options were discarded because we felt that they might put inmates or officers at risk. For example, there were concerns that processes with staff might implicate officers or expose details with which others would not be comfortable. The incident analysis method, to some extent, also posed these risks, but less so because it centres not on individuals' stories but on collective ones, and offers ways for individual participants to control their input in relation to other group members. This method was very different from, for example, following one particular member and his experiences and negotiations with violence and other members through time – one of the methodologies we initially considered. The latter technique could have generated suspicion and intrigue about what that person was revealing in private meetings with researchers.

Developing our inmate sample also raised numerous safety concerns; the risk of retaliation at the hands of other inmates or staff was foremost in our minds. Given the layout of the sections, it was impossible to move inmates into interviews discreetly. Also, the small size of the interview sample would make interviewees more conspicuous, thereby increasing their vulnerability. Using focus groups would have allowed us to reach more inmates, but we were concerned about the risks involved. Specifically, with that approach, when everyone knows what everyone else is saying, it is impossible to maintain confidentiality.

¹⁹ While we planned the interviews to be strictly one-on-one, holding only such meetings was not possible due to difficulties for staff to escort inmates back and forth. When three inmates from one section unexpectedly arrived to see us together, we agreed with them that we would brief them on the project as a group; if they agreed to participate, we would then meet with them individually. Although this was not ideal, they assured us that they were comfortable with this process. Another pair requested to be interviewed together as they were friends and were eager to get back to the cell to watch a soccer match on television. We agreed to this arrangement. Given the nature of the interviews, the apparent comfort of the interviewees with the process, and the lack of any sense of threat or danger related to their participation, we were satisfied with the process.

Because our main interest was the dynamics around violence, the ideal inmates to engage with were the most vulnerable – the ones who, we had learnt in our sessions with officers, are forced to sleep on the floor of the small ablutions area of each cell. As noted above, however, we concluded that interviewing them likely would make them more vulnerable still and shifted our attention to the other end of the inmate power spectrum – to those referred to as cleaners, who run the cells during “lockup” (from afternoon to early morning), when supervision by officials is at a stark minimum. Some cleaners maintain their power by gaining genuine respect of other inmates; others do so through their involvement in exploitative networks and by generating fear. Either way, we learned that staff tend to rely on cleaners for maintaining order. This power dynamic made cleaners a pertinent focus for us, as well as an ethical one, given their protected status relative to other inmates.²⁰

The principles of informed consent, including the right to withdraw from the process at any time, were explained to each respondent. In addition, the officer groups agreed on ground rules for the sessions, including to keep confidential what transpired during the discussions.

Regarding the incident analyses themselves, respondents changed the names of the protagonists so that researchers were not provided with these at all.

4. Data Processing and Analysis

Following each batch of group sessions, the Incident Charts and the session recordings were used to complete narratives on each incident, together with typed-up and refined versions of the Incident Charts. Because of additional incidents provided in two sessions, we ended up with 13 incidents from the 11 sessions. All sessions and interviews were transcribed, and fieldwork notes and research-meeting notes reviewed for key data points.

Following the completion of the fieldwork, the lead researcher presented the main themes emerging from the fieldwork process to the reference group. The group then agreed on a broad framework for the analysis of these themes.

Processing the data was complex and labour intensive. For example, in subsequent reviews of the transcripts of the group sessions, ambiguities emerged, requiring multiple reviews of the incident overviews. Transcripts of group sessions were coded with the use of Atlas TI research software. Following the coding process, a thematic analysis of these transcripts was conducted, and then supplemented by insights from the interviews with managers and cell cleaners.

In addition, features of the incidents were captured in a new grid, the “Incident Table”, which was designed to assist with analysis of different aspects of the incidents (time and place; sequence of events; staff complement on duty; precursors; response, consequences, follow-up; aggravates; and possible opportunities for prevention and improvement of response).

Five incidents were then selected on the basis of their potential to illuminate as many aspects of the context in which the violence occurred as possible and how officers managed the incident. These were then summarised again for publication in this report, with the goal of conveying more vividly how violent situations may unfold in the DCS facility setting.

²⁰ Additionally, no related research had previously been conducted with cell cleaners.

The data collection methodology allowed for findings to emerge organically from officers' accounts of incidents. This organic approach was developed from the content basis of Wortley's model of factors influencing prison violence and responses to it, but was more open-ended, which led to greater divergence between groups than if, for example, we had asked each group the same set of narrow questions. In other words, each group discussion was unique and moved in different directions. In some respects, these differences were a limitation, as key points emerged during the discussions on which we did not collect perspectives from all groups. However, there was a great deal of overlap of themes and insights among the different groups, while post-session debriefings allowed the research team to pick up on questions emerging from one group and put those to others as they analysed their own incidents. The lack of uniformity of the content we requested of respondents also meant that we were able to gather a broader range of experiences. So, although we might have lost some depth in relation to specific issues, we gained a more nuanced understanding of the realities facing correctional officers. ■■

This is the Haddon-influenced Incident Chart used to capture the incidents.

	1 WHO was involved? WHAT happened? (This will probably need to be largest column)	2 PHYSICAL CONTEXT What is the physical environment?	3 SOCIAL CONTEXT What of relevance was happening at: ...communal / local level (cell, unit / correctional centre generally) ...the societal level (e.g. outside events, legal situation, norms, outside society)
PRE-EVENT			
EVENT	(Discussion will often start here)		
POST EVENT - SHORT TERM (What has already been done / happened?)			
POST EVENT - IN PROGRESS, ONGOING (Processes that are still happening, or to be done in the future as well as subsequent developments related to the incident.)			





Hair clippers trigger a gang fight

(Sentenced, day officers, Session 1: 3 August 2010)

James, Fagas, and Tapelo are inmates in their late twenties and early thirties, serving time in the sentenced centre. They are all members of the 26s gang.

One afternoon in June 2010, just before lockup, James and Tapelo get into an argument. James had loaned his hair clippers to Tapelo; when Tapelo returns the clippers, they are broken.

James and Tapelo go to the office together to report what happened. Their decision to bring the dispute to a staff member may have been influenced by the fact that Tapelo is a cell monitor, or “cell cleaner”, a leadership role that requires him to communicate with staff about conflicts.

The officers tell them that it is late and it is lockup time, so the matter will have to be dealt with the next day.

Shortly after leaving the office, James and Tapelo start fighting in the corridor. Tapelo hits James twice on the head with the hair clippers. James breaks a window for a glass shard and chases Tapelo with it. The officers start running after them but before they get close, Fagas, a friend of Tapelo’s, intervenes to stop James.

Fagas’s intervention causes an injury to James – an injury that James must avenge as gang lore requires members to retaliate when their blood has been spilt.

James is bleeding and is taken to the centre hospital. The officers warn their colleagues arriving for the night shift that James probably will return to the section that evening. Tapelo is moved to another section.

STORY 2

The next day Fagas, after learning that James plans to attack him for protecting Tapelo, confronts James in the courtyard. They are both armed: Fagas with a sharpened spoon and James with a small pair of scissors.

The ensuing fight is witnessed by other inmates in the courtyard who are waiting for their lunch. They alert the officers on duty (one is supervising the lunch queue, and two others are monitoring the dishing up inside the "dining room"). One of the officers rushes to the scene to try to break up the fight.

Fagas gives up his sharpened spoon to the officer, but James refuses to hand over the scissors, and runs off towards the cells. The officer runs after him while calling for another officer to bring tonfas (batons). By the time the officers reach James, he is emerging from a cell, having already hidden the scissors. Using their tonfas, the officers try to make him give up the scissors. (The officers recounting the story, however, do not explain how they use their tonfas.)

The officers escort James and Fagas to the office and charge them both with fighting. The Case Management Committee (CMC) will later call them to a disciplinary hearing and may remove some of their privileges. Afterwards, Fagas is taken to the centre hospital, where he receives seven stitches. James is moved to the F section, which has only communal cells.

The cell where James hid the scissors is searched but nothing is found. Officers do not know the outcome of the disciplinary hearing.



4

Need for Policy and Training

In the group sessions, it was immediately evident that the officers' day-to-day challenges at work were rooted in issues at the national level. DCS policies and management strategies – or the lack thereof – curtail the ability of local-level officers to prevent and manage violence effectively. In addition to gaps in DCS policy that leave officers without guidance, staff described feeling hampered by a lack of knowledge on how to handle sensitive and potentially dangerous situations, including those involving mentally ill inmates, consensual sex, sexual violence, and where officers have to use force to put an end to violence. Being a correctional officer is a complex and demanding job that requires a broad range of skills.

A common complaint among respondents was that they had not been adequately trained – or not trained at all – on how to deal with situations that arise on a regular basis.²¹

1. Policy Gaps at Awaiting Trial Centres

The most significant difference between the experiences of officers working at the centre for sentenced inmates (S) and those working in the centre for awaiting trial (AT) inmates is the lack of an overall DCS policy governing the incarceration of AT inmates. This policy gap has critical implications for the management of violence in the centre and is a constant source of frustration among AT officers, who raised it repeatedly. As one staff member explained:

We are just officers with no direction. So we need our policy because at the college ... we were taught how to handle inmates. They didn't say, "This group is for sentenced inmates ... [and] this group is for trial" ... We need direction to control these inmates. (A Night 3)

Correctional Services does not have a policy for awaiting trials. So, we are using our own discretion to control them. (A Night 3)

The impact of the absence of relevant AT policies was illustrated in the analyses of violent incidents. For example, AT officers have few options at their disposal when it comes to disciplining inmates for misconduct, a limitation that has profound consequences for their daily management of inmates. Some AT staff also highlighted the tension created by holding inmates who are still innocent in the eyes of the law. These inmates, technically speaking, are not the sole responsibility of DCS but the shared responsibility of the South African Police Service (SAPS), the Department of Social Development, the Department of Health, and DCS.

An AT manager summarised the situation:

We don't ... have ... legislation ... giving us guidance in terms [of] how to manage them when they transgress ... Only when he becomes violent ... there is provision for us maybe to take him to segregation ... When you find him with a cell phone or ... with a bit of dagga ... you need to report it to the police but ... the police, you know for a bit of dagga, they take time to come ... [But] you must report, you cannot just leave [it] ... I would really appreciate it if they can come up with ... how to discipline them when they misbehave because that is one of the things that is giving us hell ...

²¹ Several training needs identified by staff are touched upon in more detail at other points in this report.



[Only when he's] sentenced ... can [we] use the necessary forms of discipline ... We are trying our utmost ... to manage these people ... Here and there we use our discretion but you ... need to be very careful because once you use your discretion in a wrong way ... you will be in for it ... It's a very big problem because that person really is regarded as a person who is not yet found guilty and then there is no way that you can really put him ... under any ... punishment ... [If] you suspend his visits, his lawyer want[s] to see him [and] what then? The case is ... going to court (laughing). (AT Interviewee)

While those working in the S centre also struggle to discipline inmates effectively, AT officers are at a distinct disadvantage. As some officers put it:

The main thing is discipline. We can't discipline them because we were trained under the sentenced prisoners not the awaiting trial prisoners ... Even if they ... fight ... the only thing that we do is we bring them to order: "Stop this!" But at the end of the day they keep on fighting. (A Night 1)

When you are sentenced, if you do a misconduct there is a penalty ... Maybe ... they will add six months [to your sentence] ... Here, there is nothing ... You do whatever [and]... no one will tell you anything. So if there can be a policy for the fact that you are in the correctional service[s facility] ... because [in] each and every house ... there are rules. (A Night 3)

Prisoners fight [and] you really don't know what to do because these guys are ... still awaiting trials. (A Day 1)

Frustration combined with a sense of powerlessness among AT staff was one of the most often and strongly communicated emotions emerging from the data. In large part, respondents linked these feelings to inadequate policy and services in the AT centre:

Violence ... will continue as long as we don't have the resources to say, "If this happens, 1, 2, 3 must be done." We don't have any act or policy governing the unsentenced [prisoners] ... [An inmate] will come and ask me a question, "Chief, 1,2,3 has happened." How am I going to answer that person? I'm tool-less, I am helpless, I am powerless... (A Day 1)

By contrast, there were S officers who said they felt more able to address violence:

R1: Most of the violence that happens here we can curb ... We are going to deal with them thoroughly. If we have to change them in[to] [o]the[r] cells, if we have to transfer them ... to other centres.

R4: But we make sure we engage policemen ... the SAPS.

R: We open a case from outside. (B Day 1)

While some S respondents expressed a greater sense of control, they shared many of the concerns, frustrations, and feelings of powerlessness expressed by their AT counterparts. Nevertheless, the considerably more deprived conditions in the AT centre, coupled with the absence of a solid policy guiding the staff, appeared to have resulted in a lower overall level of morale among AT respondents.

2. Tension between Policy and Practice

While the absence of formal policy was the most frequently cited concern among AT officers, both S and AT staff members were troubled by tensions between existing policy and day-to-day practice related to the management and prevention of violence. Several S staff underscored disparities between how the system is supposed to work on paper and what actually happens in the facility. Officers explained that to some degree the realities in the centres require them regularly to breach DCS rules. They describe a culture where doing so is accepted in order to “get the job done”.²²

One incident that illustrates this tension involved a maximum security inmate who was being accommodated in a cell for medium security inmates. The practice of mixing security levels, despite it being against the rules, is apparently fairly common. Lacking other suitable disciplinary options, officers may shift inmates between cells to punish them.²³ In this case, according to respondents, the inmate had previously been moved to other maximum sections as punishment for bad behaviour. The Internal Security office,²⁴ having exhausted all other options, placed him in a medium security section – a decision that respondents said was influenced by the inmate being “bisexual”²⁵ (although reasons for members’ concerns about his sexuality were not clear). Aware of the problems the transfer could cause, respondents were unhappy about the decision, even though they understood the difficulty of making a disciplinary transfer as they had had their own requests for similar transfers denied by sections and centres on several occasions. As the group discussion went:

R6: I think it also comes back to ... the Department ... breach[ing] its own rules – a matter of how we work. I don’t want to say “complacency” ... but you become used to the system in which we work – that “let’s just get the job done” ... We’ve gotten used to that ... that if you’re [a] troublesome [offender] they don’t want you here, they don’t want you there, [so] ... they will take him to this section even though they know it’s wrong, but you come to accept that.

I: So that happens quite often?

R6: Yes, that’s how we work and [with] the conditions we are working under that’s how we get things done.

R4: In drawing up the structure on paper it works but physically it doesn’t work.

R1: Because sometimes we will try to take him to Leeuwkop and they don’t want him.

I: Ok, so this thing of putting maximum offenders in medium security still happens?

R1: Yes (others agreeing, sounding quite deflated). (B Day 2)

Respondents also pointed to conflicting DCS policies for housing sentenced inmates. For example, while all inmates who are co-accused must be housed separately, all inmates facing “further charges” are supposed to be held in the same unit. Officers said they are unclear about what to do in cases where both apply.²⁶

²² B Day 2

²³ See section 9.3. *Cell Shifting as Discipline* for more on how accommodation changes are used by staff as punishment.

²⁴ The Internal Security Unit manages overall security in the centre. Some AT respondents were however dismissive of the unit’s effectiveness, complaining that while it should provide leadership on security issues, its members are themselves at a loss for what to do. This criticism could be related to the broader absence of policy for managing AT inmates.

²⁵ Members described the inmate alternately as gay and bisexual, saying that “if he is with men he becomes a woman; if he is with women, he becomes a man.” With probing, it emerged that “with women” meant with male inmates who are (often forcibly) identified in the prison context as women.

²⁶ B Night 1.

Also speaking to gaps between policy and practice, an AT manager lamented that DCS's White Paper²⁷ had not been supported by the necessary planning or finances to implement it:

Like now if you can take our White Paper: in writing, [o]n paper, there [are] a lot of things that we are supposed to be doing but really because ... we don't plan correctly, strategically ... we are put[ting] things into place but we cannot even finance them. (AT interviewee)

3. Lack of Clarity on Sex Behind Bars

Officers agreed that they urgently needed more clarity on how to handle consensual sex and sexual abuse – including understanding the difference between the two in the DCS context. They considered improved knowledge in these areas essential to staff's ability to do their jobs, as rape and other forms of sexual violence is a widespread problem in DCS facilities. While several manager interviewees said that they make clear that “sodomy” is prohibited, the following contrasting testimonies show that staff confusion remains around DCS policy on sexual activity:

R: My colleagues, I stand to be corrected ... [but] the policy of the Department is saying if ... two males engaging in sexual activity ... [if there's] an agreement between them and it doesn't disturb another prisoner, there is no problem. (AT Day 1)

R1: Sexual assault, I don't know how to deal with that. All that I know is that offenders are not allowed to engage in sexual behaviour but like my colleague has just said ... the policy says if two offenders are engaging in sexual act, they are not disturbing the peace of the other offenders, then it's fine. But [then] again ... it says ... for as long as you're incarcerated you are not allowed to engage in sexual act[s] ... It's contradictory. I am not equipped to deal with that ... We are trained to lock, hit, unlock, hit, and then solve these minor cases. (A Day 1)

R1's words revealed that although officers knew that sexual violence was not allowed, they were uncertain about consensual sex; notably, they did not feel sufficiently prepared to address either. His comments also underscored an emphasis on “hard” security in DCS's staff training.

As the following exchange suggested, officers were at times unclear on which DCS policies or documents they should be following, and they highlighted that conflicts may also exist between policies. In this case, one officer was confident that the correct policies were outlined in a booklet on inmate rights²⁸, whereas others were clearly confused and frustrated:

R3: [In] the previous session, we talked about our contradictory rules and policies. Did someone mention sodomy today? ... That, “Nobody is going to sodomise any other person; you leave your gay life outside” ... Things like that. (Exasperated) And then, in one of the policies ... it states, “When sex is consensual, then there is no problem with it!” But ... it start[s] by saying, “No sexual behaviour or actions here” ... It is in the new White Paper ... that says when sex is consensual [then it is okay ... But] when you go to [the] B Orders it says, “No sodomy, no sexual behaviour amongst offenders.”

27 Department of Correctional Services (2005). White Paper on Correctional Services in South Africa.

28 We assume that this is a booklet that was distributed by the Department, but were not able to verify that.

R1: Without interrupting him I think the B order ... [i]s an old one ... I remember we did [get] this Bill of Rights ... [i]n the book that was given to us. [It says] that if the inmates agreed to engage in sexual activity, as long as they don't disturb other inmates or there is no complaint, ... then it is allowed. (A Day 2)

No doubt related to officers' need for more policy clarity, S and AT respondents both referred to cases of consensual sex between inmates during discussions about violence. Some inmates, they explained, have sex during unlock times when their cellmates are in the courtyards and some form loving, committed relationships. Respondents also highlighted incidents of consensual sex among juveniles, which they perceived often to be linked to playfulness, adolescent curiosity, experimentation, and boredom. Officers expressed concerns about the transmission of HIV among youngsters who might not be aware of the risks, and raised the need for HIV awareness programmes.

Officers' discussions highlighted how the lack of clear policies governing sex in DCS facilities exacerbates officers' own confusion about the difference between consensual sex and sexual violence. This confusion, in turn, tends to jeopardise their treatment of victims of sexual violence in the aftermath of an assault. Sexual violence is discussed further in section 7. *Sexual Violence*.

4. Management of Inmates in Crisis

Respondents emphasised the stresses they face in handling inmates with psychiatric illnesses. It is not unusual for mentally ill inmates to be accommodated in the communal cells, but officers are not trained or given guidelines on working with this population. Several of the violent incidents discussed in the group sessions involved mentally ill inmates²⁹:

We have psychiatric inmates ... We were never taught how to deal with those particular inmates. Some of them are very violent. Each and every day we are experiencing violence from those particular prisoners and nothing is being done to address that particular issue. Over the weekend one prisoner was assaulted by one psychiatric prisoner [who] was taken back into our section for us to see how to deal with him. But ... we don't know how to deal with him. (A Day 1)

We are expected to handle ... psychiatric prisoners, aggressive prisoners ... without guidelines ... [It's] "just work with those prisoners" ... There are no functional courses that are actually directed ... [to] dealing with prisoners. We just train at college for six months and it's done. (A Day 1)

Some AT respondents noted that in addition to being ill-prepared to handle situations involving mentally ill inmates, they felt particularly uninformed about how best to support victims of rape and other forms of sexual abuse:

Obed feels like his manhood has been taken away from him ... What is it that we are going to say to Obed that will make him feel like man again? I am not trained to do that. (A Day 3)

²⁹ The perpetrator in one incident was known to be a psychiatric patient and also a gang leader with a history of violence (A Day 1).

This respondent showed tremendous sympathy for such victims, but also explained that he was afraid that his lack of knowledge about how to support victims of sexual abuse could lead him unintentionally to cause them more harm. Staff expressed that being ill-equipped for such challenges has especially dramatic ramifications in AT facilities, where psychological and social work services are virtually non-existent. In these facilities, the burden of supporting victims falls on officers and hospital staff.

Inmate suicide, while not a major focus, was also mentioned in many of the group discussions and yet another topic plagued by a lack of clarity among respondents. Several staff members shared their experiences dealing with suicidal inmates, noting that those with mental illnesses often are an increased risk to themselves. Several of the suicidal inmates mentioned by officers appeared to suffer from trauma that was at least partly brought on by sexual abuse.

Officers spoke about ways to mitigate the risk of inmate suicides, including closer monitoring through more frequent patrols, and not housing inmates in acute crisis in single cells. AT officers debated among themselves whether single or communal accommodation was more appropriate for suicidal inmates. Some argued that single cells were preferable because inmates could be handcuffed without being taken advantage of by their cellmates and because it is easier for staff to remove potentially dangerous items from a single cell. Conversely, other officers were of the opinion that the presence of cellmates, who could prevent a suicide, makes communal cells safer for suicidal inmates while also noting that it is impossible for staff to monitor single cells full time. In communal cells, they argued, other inmates will tend to keep an eye on suicidal cellmates.

Apparently, AT inmates regarded as suicide risks are quite often housed in single cells, although respondents were of the impression that such housing decisions were made at the discretion of managers rather than as the result of departmental policy.

5. When to Use Force, and How Much

Respondents reported a lack of procedures and training on how to manage violence, explaining that they usually find themselves relying on their own judgement and discretion. Several officers spoke at length about inadequate training on how to use security equipment. Many respondents highlighted a general lack of practical training on how to address and successfully deescalate tense situations. As one staff member noted:

You know like theory, it's not that good. You can give me theoretical examples of violence ... but put me in that situation practically, I am going to run because I am not expecting that to happen in reality ... We need to be trained. (A Day 2)

Officers were frustrated with the lack of guidance on how to use their batons – called “tonfas” – emphasizing the difficulties they face in distinguishing between maximum and minimum force:

How do you use [a tonfa] minimally? There is no way of using it minimally. So what my friend is trying to say and what I am adding on is if we were to be well trained – I am not saying we are not well trained, but we are not that well trained. (A Day 2)

I can assure you, you can phone the Commissioner and ask him the difference between maximum and minimum force, he can't tell you. Even our own minister can't tell you. But tomorrow when I use maximum force I will be in court. I use minimum force, I'm in court. When the prisoners fight and I just look, I am also in court because the question will be, “What did you do?” (A Day 1)

We are not proud that prisoners must be assaulted. But help us also, equip us ... [Where] there is an attack on a prisoner or there is an attack on a member we need to act. Don't tell us we must use minimum force while you cannot define minimum force. (A Day 1)

Consequently, officers often fear having charges pressed against them for unlawful use of force. Some managers expressed similar concerns regarding prosecution. One viewed inadequate training as reflecting a broader tendency of DCS not to give its officers sufficient support and protection. See section 9. *Discipline and Use of Force* for more information about use of force and tonfas. Another manager echoed officers' complaints, saying:

Our new staff need to go for retraining to work with the offenders ... They are trained to work with offenders but if you look at ... what they have learnt [at] college and what they need to practice [it's] two different things ... They don't know how to handle a violent prisoner ... We weren't trained [for that] ... The way I was taught at the college, I was trained the militant way ... [Prisoners] never had rights like now ... the human rights and all this to protect them. Because they say you must use force. But you must use this thing [with] medium [force]. Now how do you distinguish between medium and maximum force? ... If you don't carry [a baton] if something arises they say, "Why aren't you carry[ing] it?" If you use it, "Why did you use it?"... Quite a lot of contradictions, honestly speaking.

In sum, many officers clearly do not believe they have the skills to use the equipment they are provided with, leaving them frustrated and vulnerable.

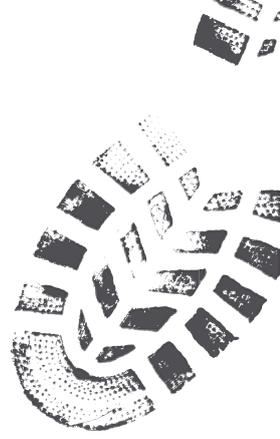
Correctional Services Amendment Act of 2011

At the time of writing, and since the fieldwork, there have been significant legislative changes in relation to awaiting trial inmates – now to be known as “remand detainees” – with the passage of the Correctional Services Amendment Act of 2011. These amendments signal a growing concern for the needs and rights of remand detainees. Among other things, the Act imposes a maximum two-year period of uninterrupted detention for awaiting trial inmates. This time limit is an important step towards responding to long delays in criminal trials, and may have some positive impact on overcrowding in remand centres. The special needs of disabled and mentally ill remand detainees are also recognised in the Act. However, it does not go far enough in responding to many other challenges (highlighted throughout this report) facing awaiting trial inmates and the correctional officers that care for them. DCS is still not obliged to provide social work and psychological services to awaiting trial inmates, nor other programmes to ensure their development and well-being. The Act also does not pay specific attention to their safety needs. While it does state that remand detainees’ “amenities” may be restricted for purposes of discipline, in the current context where awaiting trial inmates are not receiving even the basic amenities to which they’re entitled, this provision would be largely meaningless. ■■■



5

The Facility Environment



At times during the research the research team noticed a feeling of hopelessness among the staff. Many officers did not think they had much chance of preventing violent incidents; even with the benefit of hindsight, many felt there was little they could have done differently to better address the violence. They emphasised the key obstacles they faced, including overcrowding, dangerous staff-to-inmate ratios, and a dysfunctional shift structure. They spoke about the state of disrepair of their facilities and equipment, highlighting how such neglect fosters frustrations and further constrains officers in their responses to violence. These misgivings were heightened by the perception of many officers that the DCS management care little about their working conditions. In addition, staff spoke again and again of the negative impact of there being no programmes for awaiting trial inmates, and the dramatic consequences for everyone of DCS's largely unstaffed night-time "lockup" of its centres. This section explores some features of the centre environments – features that are essential to understanding the broader context of prison violence.

1. Overcrowding

In both the AT and S centres, inmates in the communal cells must share a single ablutions area, which is located opposite the entrance of each cell. This area – which often serves 70 to 90 inmates – has one toilet and one shower, neither of which have doors. Inmates use blankets or pieces of plastic to gain some privacy when using the toilet or showering.

In mid-July 2010 (at the start of fieldwork), there were 5 605 inmates housed in the AT centre, which was built for 2 630 inmates – meaning that its housing levels were at 213 percent capacity. The individual AT sections varied in size from 37 inmates (in the two sections of single cells) to 1 400 inmates in the sections of communal cells. Overcrowding in the AT centre was dramatic, with cells meant to accommodate 50 inmates typically housing 80 to 100. The majority of single cells held three inmates.

The S centre was also extremely overcrowded, with 3 344 inmates housed in an area built to accommodate 1 300 (i.e. 257 percent capacity). Its communal cells, which are generally a bit smaller than those in the AT centre, were meant to accommodate 34 people but in some sections housed 44 to 48, and more than 70 in others.³⁰ Officers explained that while these cells had been holding as many as 80 to 90 inmates over the last few months, levels had been reduced due to some recent transfers. The S centre also had three sections of single cells.

In the S section of communal cells where the research was based, a total of 458 inmates were present on one of the fieldwork days and 478 at the close of fieldwork. The section was approved to accommodate a maximum of 289 inmates. Cells with 50 beds were generally holding 80 to 85 inmates.³¹

³⁰ S interviewees.

³¹ S interviewees.

2. Geography of Centres

The AT and S sections – also known as units – are the accommodation areas in the centres. Centres vary in size and the number of sections they contain; individual sections too vary in size. Larger sections generally have two floors of cells and an open courtyard.

Due to its high level of inmate movement to and from court, the AT centre has different housing practices from the S centre. Inmates are accommodated according to the location of the court in which the charges against them are being brought. These courts, in turn, are often located in the areas in which the defendant resides. So, for instance, inmates who are from Soweto tend to be tried in a Soweto court, and will be housed together. This housing policy means that each section largely reflects the demographics of a specific area – and the types of crimes commonly committed there. Respondents said that, as a result, sections for inmates being tried in more violent areas will generally hold more violent inmates. One staff member explained:

[The Soweto section] is totally different from ... like the High Court and Westgate courts. [With] Soweto courts ... there is a lot of violence there ... those regions [are] strongly about violence, high-jacking, robbery, raping. (A Night 1)

The Reception in each centre is a central area serving all sections of that centre and this is where arriving inmates are processed; basic information is captured and inmates are searched and must hand in all unauthorised items.

There are also housing cells allocated for newcomers (known as “reception cells”), but sometimes new inmates are moved into other cells to fill them where there are spaces³² – a process that can be manipulated by inmates already in the system to ensure that newcomers are moved into their cells. They may do this for various – sometimes abusive – reasons. See also section 6.6. “Cell Cleaner” Abuse of Power for more information.

Single cells were built for one person but often accommodate two, sometimes three inmates. In both the AT and S centres, the primary purpose of single cells is to house inmates who are deemed to be at risk in the communal cells (e.g. gay, bisexual, and transgendered inmates). High-profile inmates and former SAPS or DCS members are also housed singly – some respondents explained that these inmates are vulnerable, while others explained their separation as a courtesy. Respondents also mentioned that those awaiting trial for fraud and those considered high escape risks were held in the single cells. Officers explained that instructions to segregate at-risk inmates may come from investigating officers, or that, as is the case when considering many gay inmates, they may make the decision themselves.

If they are police officers ... they will assault them ... so now they decide to take them to the single cells ... And sometimes they are gays ... If you take the gay inmate to the section you will cause conflict there because each and every inmate will want to sleep with this one, so they will fight. So that's one of the ways we minimise violence in the cells. If we see that you are gay we must have an interview with you and if you are a gay we must take you up to the single cells. (A Night 1)

Officers also noted however, that overcrowding means that they can't always separate inmates who are vulnerable to violence.

Single cells may also be used to house aggressive inmates as part of a punishment or to prevent them from harming others. Segregation is discussed further in section 9.4 Segregation as Punishment.

32 The concept of available spaces is likely not an actual available bed, but in relation to a now-assumed level of overcrowding, where if one inmate moves out another will fill his place even if no bed is available.

3. Housing Young People

Both South African law and the Constitution prohibit the housing of children with adults, and further require that inmates between 18 and 21 years are separated from older inmates.³³ Respondents explained that children are sometimes held briefly, usually overnight on their way back from court, at the Johannesburg Management Area (which is not a facility for children), before being transferred to a youth centre.

Both AT and S centres have “juvenile” sections or cells for inmates between 18 and 21 or 25 years. While the policy requires a 21 year cut-off, several respondents said that 18-to-25-year-olds were housed in juvenile cells but the reasons for this practice were not clear. Moreover, while respondents clearly recognised the importance of separating older inmates from younger ones, some AT respondents said that overcrowding sometimes made doing so impossible.

Both AT and S officers spoke at length about the difficulty ascertaining the correct age of an inmate, which can lead to juveniles being placed in adult cells or vice versa. Older inmates may lie about their age in order to be housed in youth sections, where they expect better conditions or lighter sentences. Officers explained that they usually have no way of confirming the age of an inmate because the warrant and other vital information are kept by the court or police. It may not be until a family member brings an inmate’s identity document that they learn if the inmate is, in fact, a juvenile.

AT respondents said that incorrect inmate categorisations sometimes resulted from a lack of staff vigilance and failures in inter-section communications. We heard reports, for example, of some section members simply judging by an inmate’s appearance that he was wrongly placed in an adult section. While obviously inadequate, such judgements suggest that officers understand the potential dangers faced by inmates who look young, thus the impulse to keep them out of the adult section.

Incorrect categorisations of inmates are especially likely to occur in the AT centre due to the constant movement of inmates to and from courts and the requirement that inmates be kept according to the geographical location of the court they attend. Inmate movement combined with short-staffing often mean that staff do not have sufficient time to conduct proper housing assessments. In these circumstances, a juvenile inmate may be ushered to the cell catering to his court area, rather than a cell housing other juveniles. As one officer explained:

Where the confusion comes in as well ... I am dealing with Soweto courts. Now that juvenile falls under Soweto. He is in fact needed at C1 [for] juveniles but when he comes from court ... he will go with the other Soweto people to B2 or C2 where I am working. And when you see his card you see it's Soweto court, "Let me take him in." And instead he is supposed to go to the juveniles section. But the time frame is so little. When they come in, you just accept the people, you take them in. (A Night 1)

In the following exchange, the same officer and one of his colleagues emphasise the lack of time and of staff:

R1: To enquire every day, now you get four or five juveniles [and] you don't know who is [a juvenile] coming from court. Now you need to enquire. Your timeframe is too little, you can't do that. It's impossible.

³³ Correctional Services Act 111 of 1998 s 7(2)(a), and Reg. 3(2)(h).

R2: And we are understaffed. If you sit there at the phone, what about the other things that you have to do?

R: It's a problem. (A Night 1)

One officer pointed out that even when housing a juvenile according to policy, staff are not able to eliminate all risks to that inmate's wellbeing:

They say ... until 25 the person is still under juvenile[s]. So they are housed correctly but whether or not they are safe inside is a whole different scenario. (B Day 3)

Importantly, at the time of the fieldwork, the S centre was breaching security classification policy³⁴ by housing at least one maximum classified young inmate with others of medium security classification. Officers underscored their discomfort with this situation and their knowledge that it should not be happening. According to a management interviewee this housing assignment was a consequence of the severe overcrowding in the centre.

4. Understaffing and Troubling Shift System

Among all respondents, the most often cited obstacle to ensuring safe prisons was staff shortages. The staff ratios in both the AT and S centres were sobering. In July 2010, when we were conducting fieldwork, actual staff levels were far lower than the approved number. Of 726 approved positions, the S centre had 463 filled; the AT centre had 384 of its 751 approved positions filled.³⁵ As managers pointed out, these total numbers of staff included those in the transport unit as well as administrators, who do not work directly with inmates. At night, it was typical to have only one staff member cover an entire section (and in some cases, two sections).

Officers told us that during any given day there were between 4 and 14 members on duty in sections holding 1 200 to 1 400 inmates. For four days every week (Friday through to Monday, "the weekend"), sections were only 50 percent staffed. During these periods, AT respondents said it was common to have only five officers on duty.

However, even if there are 14 members on duty – rarely the case according to respondents – the number of people actually monitoring inmates inside the section is, in fact, much lower. On-duty officers may be called to perform other tasks outside the sections, or they may be escorting inmates to other parts of the centre. These duties, coupled with staff absences, meant that the full team was rarely if ever in the section at the same time. In fact, AT officers said that there were usually between five and seven members on duty, while S staff said that there might be only two or three.

Officers described one occasion when a single member was overseeing approximately 300 inmates in the courtyard of the S section. The circumstances in this case were not exceptional; it was during the week (so not on the half-staff weekend). When asked how many members would have been on duty in the section at the time, the respondents explained:

³⁴ Correctional Services Act 111 of 1998 S 7(2)(d); Correctional Services Regulations reg 3(2)(g) Government Gazette No 26626 R No 914, 30 July 2004.

³⁵ S and AT interviewees, respectively.

R1: Sometimes it can be nine but out of the nine maybe five have gone out as escorts, and leave four behind (or five) and then we have some movement inside here: we have to take them to social workers, parole board [so] maybe we will end up having (interrupted)

R2: Five or four.

I: So everybody was here but there were still only two members?

R3: There was three of us here on top.

I: Three upstairs?

R: But I went out because I was escorting inmates somewhere. (B Day 2)

So, on a weekday with no staff absent, a section with nine staff may have only three or four officers physically present at any given time. It is because of these staffing pressures that day officers rarely take lunch breaks, according to respondents.

AT members also told how during roll call – which occurs monthly – roughly 15 officers have to manage 4 000 to 5 000 inmates. Respondents said that they are often anxious that things may get out of hand, noting that “if the gangs go for each other, there’s nothing we can do.” (A Day 1)

DCS’s relatively new shift system has exacerbated staffing shortages. From Friday to Monday every week, only half the usual staff is on duty. This new system has resulted in dramatic reductions in staff coverage.³⁶ In addition, as explained above, all staff on duty are typically not present, further stretching staff capacity. As officers remarked:

The system has been changed ... Half of ... [the] 14 [staff are] off duty till Tuesday. So seven [are] left being responsible for the unit on Friday, Saturday, Sunday, Monday. Of the seven, two can report sick but nobody cares. The situation is like [that] on a daily basis ... You open the unit being four of you. (A Day 1)

R: In my section, on weekends we can work ... [as] three members with 740 offenders and it’s not easy ... You must take their complaints, you must make sure these offenders enjoy their meal – breakfast, lunch, and then we count them and it’s [a] job.

R2: We must also get to their one-hour exercise and they must also clean the prison! And we are three! (A Day 2)

³⁶ In 2009, the DCS introduced a new shift system (“7-Day Establishment”) aimed at fully staffing centres throughout the week while avoiding the payment of overtime for after hours and weekends. DCS then agreed that regions could adapt it to their circumstances on the condition that they still met certain principles. (See discussion of the Portfolio Committee on Correctional Services, 18 November 2009. Department of Correctional Services (DCS) Quarterly Report, 7-day establishment and Occupational Specific Dispensation & Health Care issues progress reports. Available online on <http://www.pmg.org.za/report/20091118-meeting-department-correctional-service-dcs-office-auditor-general-dc>, accessed 15 March 2011; Submission by the Public Servants’ Association to the Portfolio Committee on Correctional Services: Department of Correctional Services 2011/12 Strategic Plan and Budget, 16 March 2011, available online on <http://www.pmg.org.za/report/20110315-department-correctional-services-201112-strategic-plan-budget>, accessed on 18 March 2011.)

Typically, only one staff member works the night shift in each section; in some cases, that officer is tasked with guarding two sections for the entire night. However, as one staff member explained, night duty is not as demanding because all the inmates are locked up.³⁷

Night duty is divided into two shifts: the First Watch runs from approximately 14:00 or 15:00 to 23:00 or midnight, and the Second Watch from 23:00 or midnight to 07:00 or 08:00. The First Watch overlaps for two to three hours with the day shift to ensure maximum support during the time-consuming lockup process.

According to respondents, it is increasingly common for those working the night shift to continue working through the following shift. This is due, they said, to both staff shortages and lack of public transport late at night. Officers told us that the DCS used to provide staff with after-hour transportation, but stopped doing so. Moreover, night staff may be unable to go home, because those due to relieve them do not show up. The result is that some officers end up working 18-hour shifts.

R3: [For] each and every shift there is supposed to be one member, at 3 o'clock, knock off at 11 o'clock, somebody comes and relieve[s] at 11 o'clock and knock off in the morning. But because of shortage of members we have one member working 3 o'clock [in the afternoon] until the following morning.

R: To 7 am. Seven am, one member, you are locked inside. The prison gates are locked so that you are also locked inside here, so that you cannot move around or leave your units alone. (A Day 1)

Many staff members alternate between working the night and day shifts, or do a few nights every month. However, for some staff, like those who are also students, it is reportedly more desirable to work nights only.

Staff shortages have far-reaching and serious consequences. Because it is easier to monitor inmates who are locked up, some AT respondents explained that they keep inmates in their cells almost constantly, not providing them with their required hour of exercise time. Staff explained that they use their own discretion to balance many competing priorities:

R: Especially on weekends ... maybe we are three on the section and ... we are guarding more than 700 offenders.

R3: [The] ratio issue of members to inmates, that's a big problem ... You need to use your own discretion ... What we usually do is ... we restrict them from moving around. We lock them up all the time ... If they finish eating I lock them up because of the shortage of manpower ... For your own safety's sake ... So that is the way we control our own safety, isn't it guys? (Others agreeing) ... I don't take in consideration you need one hour exercise because with the awaiting trials they are not privileged like the sentenced prisoners ... So after they eat maybe I give them half an hour ... to go and see this, to go and see that ... just to break the frustration. (A Night 1)

Respondents spoke of other security concerns that flow from very low staffing levels. A lack of adequate supervision means that fighting and smuggling flourish (See section 8.3 *Searches and Smuggling*).

³⁷ Officers sometimes make arrangements to leave early on the weekend (e.g. when there's a big Bafana Bafana match). In these cases, the First Watch – as the first night shift is known – will take over earlier than usual.

The predictability of staff schedules also poses risks as inmates know when supervision levels are low and can plan illicit activity accordingly. One interviewee explained how this works, using lunch time when inmates queue for their food as an example:

One member ... is busy, the other one is carrying the keys, the other one is controlling the lines, nobody is controlling in the kitchen. So they're going to smuggle food, [and] if they're going to fight they're going to fight easily. (A Day 1)

Understaffing also makes it impossible to conduct proper assessments of new inmates, explained an S management interviewee. Assessments of arriving sentenced inmates, which are required by law,³⁸ are vital for determining an inmate's security classification, sentence plan, and health needs. Without being assessed, inmates are at greater risk of being inappropriately housed – leaving them vulnerable to violence – and of not receiving adequate care.

Officer shortages are acutely felt on the night shift. Because only one officer covers an entire section at night, that person must find a replacement if he or she falls ill. In some cases, it may not be possible to find a colleague who has experience working in that section. Unfamiliarity with the section can, according to respondents, put members at risk. In one case, staff linked the stabbing of an officer by an inmate to the fact that the inmate did not know the staff member.

As an AT manager pointed out, staff shortages also have a negative impact on morale, which in turn damages service delivery:

The shortage of staff, somehow, somehow, it changes the attitude of a person. Because if you are too much under pressure you tend to be short tempered ... An offender will come to you and say, "I am asking" [for such and such], and you say, "I have given you everything; I cannot rest."

This manager further explained that shortages in administrative staff exacerbate prison overcrowding. Unable to handle the often-substantial paperwork required to process sentence conversions or the granting of parole, many such cases are delayed, meaning that people who should be leaving the centre are still inside.

Perhaps the most alarming consequence of short-staffing shared with the research team was the closure of entire sections of single cells in the AT centre. These closures increased overcrowding and, as we shall see, had a negative impact on the occurrence and management of violence.

5. Broken Equipment, Lights, and More

Most of the electronic security equipment (electric fences, revolving gates, and fingerprinting and x-ray machines) at the centres was not working during our fieldwork, reportedly because contracts with service providers had expired.

All DCS officers rely extensively on their radios to stay in touch with one another, especially in sections without functioning office telephones. One respondent explained that this reliance on radios, coupled with short-staffing, contributes to staff's sense of vulnerability:

³⁸ The Correctional Services Act 111 of 1998 [S 38].

But now the problem is ... if the inmates are intending to escape they know that we are using the radio ... so once they take the radio away from you, then you are alone in the unit and then you are helpless. (B Night 1)

An AT management interviewee exclaimed that it can take months for faulty radios and other equipment, like torches, to be repaired – even if it's simply a case of replacing batteries:

We have enough [two-way radios] but almost half of them are not functioning. They need to be repaired. And when you send them in for repairs it takes almost six [months] to one year before you can receive them back. I: What happens that it takes so long? Nobody knows what's happening ... Our torches here also have problems because you buy batteries and they run out and you then have to wait another two, three months before you can get other batteries. We don't know what the reason is ... because most of the time they will tell you, "There is no stock, we are still ordering, the order is delayed." So ... again, I cannot say exactly why. (AT interviewee)

Some respondents complained of torch and radio batteries being flat, while others suggested that the state of their equipment largely depended on how diligent officers were about keeping radios and torches – and spare batteries – charged.

However, torches, even when fully charged, simply are not powerful enough to be effective, said officers. This is particularly problematic given the overall poor lighting in the facilities, a point made repeatedly by AT staff. Some sections have floodlights, but others do not, which, according to officers, makes their jobs more difficult:

Like maybe twice, thrice a month I work night shift. It's difficult. Security lights are not working ... these big ones outside ... the flood lights are not working. [In] this long passage ... I think it's luck that the lights are working today ... If they ... go off now, I am telling you ... come back in six months time, it will still be dark ... We even talked about this in the meeting today, that we are working under very, very dangerous conditions. It's dark; the torches are dead. (A Day 1)

Indeed, it was striking to the research team just how dark some areas of the section were, even during the late morning.

AT respondents believed that lack of light was a factor in one violent incident that occurred in a stairwell where the light had been broken for approximately eight months. Officers noted that it's not unusual for whole sections to be in darkness as a result of disrepair. In these circumstances, they are reluctant to conduct patrols:

You can't see anything [when the lights are broken] – like last time ... I made a report in my section ... I even said to them, "I am not going to patrol because it's too dark and now I can't see anything outside" and also the torch, you find ... when you are using it, it's not that strong. (A Night 3)

While officers repeatedly noted that it can take months for things like windows and lights to be repaired, the AT respondent cited above went on to announce that his report had actually been addressed and the lighting repaired.

Managers also emphasised the problems with lighting, lengthy delays in getting things fixed, and the poor state of the facilities more generally:

We have a serious, serious lighting problem here ... It takes a lot of time to repair and if it's repaired, in a week or two they are back to the same very situation. I: How do the lights get broken? Not exactly get broken but you just see them not working anymore ... Water it's running from the hose, you never know from where. It's also reported but ... nothing happens. And if it happens it will be a bit, a part of it, then ... not very long [after] you are back to the same situation. So ... maybe the repair was not done correctly, we don't know ... Maintenance of the structures – eish, ja – that is the worst. (AT interviewee)

Broken windows were a much-mentioned aspect of disrepair. Inmates themselves shatter windows for the shards – which are used as weapons in fights – or sometimes simply collect shards from windows that are already broken. AT staff explained that windows are often left unfixed for very long periods:

I: And how long will it take to replace those glasses, the broken ones?

R: Yo, it's a nice a question, there are a lot of them. It's a procedure. (All agreeing, laughing)

R3: It can take maybe a year or two years, a lot of windows are broken. (A Night 2)

According to S officers, windows were generally repaired more promptly in their centre than in the AT centre but, owing to recent understaffing in the workshop, there are now delays. One AT manager explained that, to his dismay, the facility workshop, formerly run by DCS, was contracted out.³⁹ Since then, he said, the workshop has not been meeting the maintenance needs of the centres:

Before, we had a workshop at the maintenance unit ... where prisoners were used, even members provided training for offenders ... to do things for the ... management area. Then it was easy [to get things fixed] ... But then they [did] away with that and ... [insisted that a] contract must take place. But now you find ... [there's] pinching [of the resources and equipment there].

The manager also suggested that the process for selecting subcontractors was corrupt:

[Someone will say] “now how can I make ... this ... state money ... [come] back to my pocket”? I will then come to you, knowing that really you don't have the skills that I need but I just want to give this money to you so that you can bring it back to me ... In that way we are losing direction in terms of achieving because that money that was [meant] to do something is not doing that thing; it's going somewhere else. (AT interviewee)

An S management interviewee explained that bigger repair jobs must go through the Department of Public Works, which is typically a very lengthy process:

You cannot just go and repair because the building belongs to the Department of Public Works. We have to notify them, we have to put in a works order ... and ... how long is it going to take them to come and fix? ... We had a permanent workshop ... but now things have been outsourced, subcontracted.

³⁹ He explained that in addition to conducting repairs the workshop was also used for training and employing inmates.

An S management interviewee made clear that the lack of proper maintenance and equipment aggravate inmate frustration:

He gets frustrated [with the] lack of lighting, [that the] toilet doesn't flush. Because every day you complain to the official, the official complains to the workshop, our workshop does nothing. At the end of the day [the officials'] hands are also tied up.

Indeed, the acute lack of resources in the AT centre has profound implications for the way officers deal with violence. In one incident, a badly injured inmate had to be walked to the hospital by a single member, losing a lot of blood in the process. The walk from the section to the hospital is via a long, upward-sloping spiral corridor that connects the different sections of the centre. There was no wheelchair or stretcher, but as respondents pointed out, even if they had had access to a stretcher, it would not have been of much use because there was only one member available to assist the inmate:

R1: By law if an inmate is injured and ... is bleeding like that there should be some stretchers. We must put him on a stretcher and wheel them to the hospital, but we don't have! (exasperated)

R2: Even a wheel chair.

R1: So we have to walk. (A Day 1)

6. Activities for Some, Nothing for Others

In addition to deteriorating facilities, a constant thread running through the group sessions with AT officers was the poor conditions of awaiting trial facilities relative to sentenced facilities, and how such conditions negatively affected both inmates and staff. Of major concern were the lack of activities and services available to AT inmates:

The situation here ... is difficult when you compare with the sentenced inmates because there are a lot of things that are not being done ... like rehabilitation programmes. We don't have them here. And with the sentenced inmates ... there are social workers, there are ... psychologists ... but with these un-sentenced [ones] ... they never attend those courses for ... rehabilitation. (A Night 2)

The only formal, regular activities available to AT inmates are religious meetings. In addition, AT inmates are not always provided with their constitutionally protected right to an hour of daily exercise – again, apparently because of short-staffing and staff's concern for their own safety:

We open them in the morning just to go and get breakfast ... [then] they go back again. Then when it's lunch time we open them again, they take lunch and go back again and we lock up. (A Night 3)

AT cleaners, who are inmates with leadership responsibilities, cited the lack of exercise time as the most serious problem in their section, and one they view as contributing to violence. Apart from visits and meals, the only time many inmates are released from their cells is to use the telephone. However, with so few phones inside sections, many of which are broken, the chances of actually being able to make a call are slim.

The lack of telephones has troubling consequences. One AT inmate said that many inmates who have been granted bail are stuck in the AT centre because they cannot communicate with relatives on the outside to arrange payment of the bail.

An AT officer explained that in an attempt to alleviate the problem of extended periods of lockup, officers in his section rotated the times at which they opened each floor of cells, which allowed inmates longer breaks. Even under this system, officers monitored hundreds of inmates at any one time, because each floor consists of several cells of 80 to 90 inmates.

R: But what is happening to my section ... today ground floor is open for the whole day just to phone ... we have got only one public phone. The other day we open on top, maybe one line, the other day, other side. So not every day they are locked.

R1: It's nice there. In our unit we keep them locked ... It's for our own security. (A Night 3)

Staff also stagger the opening of cells during lunch time as a way to control the large numbers of inmates. They noted that unlock periods are more likely to lead to certain types of violence (such as stabbings) because inmates have access to people with whom they do not share a cell, and because it is extremely difficult for officers to detect suspicious behaviour in large groups when there is also much movement (See section 8.1 *Keeping Track of Inmates*). In both the AT and S sections, inmates collect their lunch – and some bread intended for supper – in a “dining room⁴⁰” and then take the food back to their cells. Muslim prisoners receive their food separately.

One AT respondent expressed great frustration not only about the lack of services and activities for AT inmates, but about staff's reluctance to organise activities for inmates for fear that they would get into trouble if something went wrong. This reluctance is linked to a general sense among officers that they are not supported by senior management. As the officer pointed out, the lack of activities for AT inmates contributes to violence:

R3: When I came here, I asked some of my colleagues ... Can't we find a way of keeping these guys busy? ... What if we create a certain sport like seven aside soccer? ... [The] Zulu guys like their own traditional music so why can't we let them sing – that kind of thing? ... Awaiting trial offenders don't have activities – it's not in the policy for them ... And then if you come and ... use your own discretion and create an environment where they can play around ... where they can entertain ... when it works, it's good [but] the moment it fails, it's your own baby. Let's say they are playing soccer ... and someone breaks his leg ... [it's] “Who gave you permission to let them play soccer?” ... So if provision was made for them to have activities, I have seen it tame some of the [most] violent sentenced offenders, I have seen it tame ... the most influential gang leaders, especially soccer and music and drama ... It takes away some of the stress. You know, like when you are good at something even if you don't have ... family support the guys that you entertain are going to give you ... moral support ... You[re] going to have pride [and] dignity back, feel like a man again. You're going to feel important ... [But] if your self esteem is low you will do anything, even if it's negative, to feel good about yourself ... If ... these guys can have activities, it will curb all these violent things. (A Day 2)

⁴⁰ Despite its name, there are no chairs or tables in the dining room. Inmates must eat in their cells where there are also no tables or chairs.

Sentenced inmates in the sampled section, by contrast, can participate in recreational activities and are allotted two to four hours each day outside their cells. Officers estimated, however, that only about ten percent of S inmates were involved in organised recreational activities. The activities mentioned by staff were soccer, weightlifting, and pool, though the latter tends not to be available for long periods because the equipment gets broken. S inmates also have access to educational courses and can go to church.

S officers sometimes punish inmates for fighting by denying them access to recreational facilities or by reducing their un-lock time to the minimum one hour. One staff member explained:

We used to give them one hour exercise for the day, and then we'd lock them, that's why they would get frustrated, but now because we are moving away from that military thing they know very well that ... if they fight we will lock them. (B Day 2)

S management interviewees echoed staff views on the positive effect of activities for inmates, and specifically highlighted how activities can prevent violence. One S manager spoke of the salutary impact of the Recreation Committee in their section, which is made up of both officers and inmates:

[The Recreation Committee] do[es] a lot to reduce violence ... Like we have ... soccer ... they [do] not have time to think about gangsterism or other things; they will be enjoying the soccer because we have got some serious leagues here ... We've also got [a] gym ... Sports and discipline, to me, I think it goes hand in hand ... [and there's] chess [and] other activities where they will be busy the whole day. (S interviewee)

7. Night Lockup for All

All inmates are locked up for an inmate count, which is carried out by day staff every afternoon at around 14:00. On occasion, like if there is a memorial service happening that day, explained an S management interviewee, officers will lock inmates up even earlier and give them their last meal at noon.⁴¹

During the count, inmates are ordered to line up in two rows inside their cell. It can take several recounts to get the totals to tally with the number “in the computer”. Tallies between the lockup and opening totals may be thrown out with arrivals after lockup time, transfers early in the morning, or inmates being taken to hospital. Respondents also referred to gaps in computer totals.

Following the count, officers lock the grill gates of each cell.⁴² Once officers are notified that the “master key” is ready, a member is sent to fetch and sign for it at the control room. Using this key, officers then “master” the cells, meaning that the solid steel door of the cell is locked. With both the steel door and grill secured, the master key is returned to the control room and then taken out of the building for safekeeping by a member on standby.

During handover from the day to night shift, officers check equipment and ensure that all cells are properly locked and that no inmate is outside. Upon signing in, night officers are briefed by the day staff on any

41 The Correctional Services Act 111 of 1998 S8 (4) stipulates no more than a 14-hour gap between the evening and breakfast meals. In this case there would be a 19-hour gap between meals, although the bread provided at lunchtime is intended for later in the evening.

42 Inmates who are cell cleaners are, however, allowed to remain in corridors and communal spaces for a while longer during the lockup period.

notable incidents that occurred on their shift – like fights or attempted escapes – and are told whether any inmates are due to return from the hospital, for example. The handover process may differ depending on what manager is on duty, explained one officer:

Some of them don't even bother because they think you are only working night shift and don't worry about those kind[s] of problems. (B Night 2)

With the handover completed, the night shift officer is usually locked into the section. The officer must then patrol the section at least once every hour, but for the rest of the duty period mostly sits in the office, explained respondents. Members are required to run patrols every 30 minutes in special cases – like if an inmate in a single cell is a suicide risk. In the event that the officer needs to get out of the section, he must call for the officer patrolling the “spiral” corridor, which links the section to the rest of the centre.⁴³

Any incident that occurs during the night shift must be recorded in the incident book along with the findings of each patrol – that “all is well [or] all is not well”, as one member put it.⁴⁴ The night officer is also expected to submit verbal reports over the radio. Sometimes the member in charge visits the section and inspects the incident book, but according to respondents, this is not done as a matter of routine.

When there are two shifts working the night (as opposed to officers doing a double shift), first shift staff are joined by the second shift staff at around 22:30 and leave at 23:00.

8. “Cell Cleaners” in Charge

Cell monitors, usually referred to as “cleaners”, play a vital role in upholding inmate routines and in violence management. Officers rely on cleaners to run cells, to deal with conflicts between inmates, to prevent and report illegalities (possession of illegal items, dealing drugs, etc.), and to inform officers of any problems. Cleaners are, in the words of one officer, members’ “eyes in the cell”.⁴⁵ They are also responsible for overseeing everyday affairs in the cell, including the allocation of beds and cell cleanliness:

Their duties [are] to make sure that there [are] no fights inside the cells. For us to get the truth we first interview these two who were fighting and then we go back to the cleaners and hear what happened, who started the fight, what was the cause ... And the cleaners will give us ... details. (A Night 2)

We tell the cell cleaner we don't want trouble, because when we appoint [them] we are trying to avoid this thing of smuggling inside. (A Night 2)

⁴³ This system was changed in the S centre following one of the incidents because it was viewed as dangerous for staff members. See section 10.4 *Little Time for Communication*.

⁴⁴ B Night 2.

⁴⁵ A Night 2.

Because many inmates fear retaliation if they speak up about violence, officers rely on cleaners for information about assaults. As staff respondents explained:

R: Other inmates in the cell] are scared that maybe at a later stage ... they will beat him ... [if he gets involved].

R2: Ja, now that's why we rely on the cell cleaners ... Only the cell cleaners will give you the right ... feedback [about] what happened. (A Night 2)

Cell cleaners may themselves get attacked by other inmates for “selling out” or for threatening gang activities, for example, but such attacks do not seem to be very common. Many cleaners, according to respondents, are respected as authority figures.

Some cleaners abuse their power, or are themselves involved in illicit activities, and if a gang is powerful in a cell it will attempt to influence the cell cleaner to work with them. Officers explained that if a cleaner is suspected of being part of a gang, he will immediately be demoted and replaced:

If you suspect him then you have to make sure you change him because they are the ones who are sometimes transporting all these other things to these other cells, so you have to be very careful about them. (A Night 2)

S respondents also said that they regularly receive complaints that beds are being sold in the cells. The allocation of beds is the prerogative of the cleaners.

In addition to having these responsibilities, cell cleaners are allowed more time outside the cell than their fellow inmates, including during locking-up time. Extra food is also more readily accessible to cleaners, procured either from the kitchen, where many work, or from meal leftovers. Because food is a prized commodity behind bars, cleaners can trade it to other inmates, who, in return, do their chores, such as washing their clothes or takkies, or provide them with sexual favours. Officials are aware of benefits enjoyed by cleaners and use them as leverage to keep the cleaners in line:

[If there's] any mistake ... [we will] give them punishment, maybe ... stop him [from being] a cleaner ... They like to be cell cleaners because ... [they] are not locked all the time ... [and] you get extra food. (A Night 2)

Respondents explained that cell cleaners are appointed by a mixture of election by other inmates and selection by staff. Cleaners usually operate as part of a committee, with committees typically having a main cleaner who is supported by the others on his committee. The period in the position varies from unit to unit, and may be lengthened or cut short on the basis of the cleaners' behaviour. One officer described the cleaner's role and his relationship with staff:

We normally ... tell them that the cell monitor is our representative in the cell so if you're disrespecting him it's like you are disrespecting the officers ... [and] we give them that responsibility to select or to nominate people who can be the cell monitors ... If somebody has transgressed, that somebody [is] brought ... to the committee and they try to solve the problem. If not, they bring it to the officers and that's when we intervene. (B Day 2)

Cleaners are responsible for implementing the rules laid down by officers, though they may also add their own. One of their chief roles is to settle conflicts among inmates. While serious physical assaults and sexual assaults are always supposed to be reported to officers, cleaners are required to sort out less-serious problems and conflicts in the cell and to oversee certain punishments for breaking cell rules. For example, they may make transgressors clean the cell, or, as a more severe punishment, cleaners can expel or “bomb” rule-breaking inmates from the cell. When an inmate is bombed, he is pushed out of the cell and into another. This is generally very undesirable because it means the inmate has to start at the bottom of the cell hierarchy. Inmates who are new to the cell are given the worst places to sleep and additional chores. New cells are also less safe, simply by virtue of their unfamiliarity.

Because of the minimal staff presence, especially at night, cell cleaners sometimes have to handle serious incidents, including acts of violence, until officers can be alerted.⁴⁶ As every cell cleaner interviewee emphasised, keeping peace and order in the cells is an immensely difficult task. ■■

⁴⁶ This was the case in several of the incidents analysed with respondents (A Night 2, B Night 2).



A pool game gone wrong

(Sentenced, day officers, Session 2 : 12 August 2010)

It is a weekday, about midday, and approximately 300 inmates are in the courtyard of the sentenced centre, with one officer supervising them. The other two officers on duty in the unit are upstairs.

Two inmates, Thulas and Kalse, are among a group of prisoners playing a game of pool. The two men start fighting over whose turn it is. Kalse hits Thulas with a pool cue over the head, causing him to bleed.

Another inmate calls the officer, who starts questioning the fighting inmates, trying to resolve the problem. Thulas is making threats. While the officer could charge him for these threats, he is aware that, as a member of the 26s, Thulas is honour-bound to avenge his injury.

Thulas gets a rock, which the officer confiscates, but Thulas hits Kalse anyway. Another officer joins the scene and together they take both inmates to the office. Kalse is apologetic, saying he did not hit Thulas with the pool cue intentionally, but Thulas continues to make threats against him.

The officers are anxious because Thulas is classified as a maximum security inmate and as such should not be in the unit. He had been placed in the medium security centre as a temporary measure. Officers don't know why he was placed there, but assume that he was removed from his previous section for misconduct. They figure that the medium security centre may be the only section where Thulas hasn't yet been housed, due to having been moved around for multiple disciplinary violations. It is an undesirable situation to have him there, but they feel they have no other option.

Further complicating matters for the officers, Thulas is saying that he is "gay or bisexual". The staff are confused and feel out of their depth, describing the issue as a "tricky" one that they don't know how to handle. They are also mindful of the ramifications should anything untoward transpire, given that Thulas is a maximum classified inmate who they do not have the authority to house elsewhere.

STORY 3

The officers decide that their best option is to take Thulas to the Internal Security (IS) office, which was responsible for placing him in their section and has the authority to deal with such housing matters.

An officer escorts Thulas to the IS and leaves him outside of the office after explaining to the IS member what happened. But the IS officer is busy meeting with a man “from Standard Bank”. Unattended, Thulas sneaks away and about 20 minutes later he slips, unnoticed, back into the section.

Reflecting back on the incident, officers speculate that either the officer on gate duty at the section had not been informed of Thulas’s situation or Thulas had invented a reason for returning to the section – such as to collect his clothes.

Having made his way back to the section, Thulas gets hold of a fist-size rock. After slipping it inside of a sock, Thulas finds Kalse, who is queuing for his Halaal lunch, and hits him on the back of the head with the rock, despite the efforts of other inmates to stop the attack.

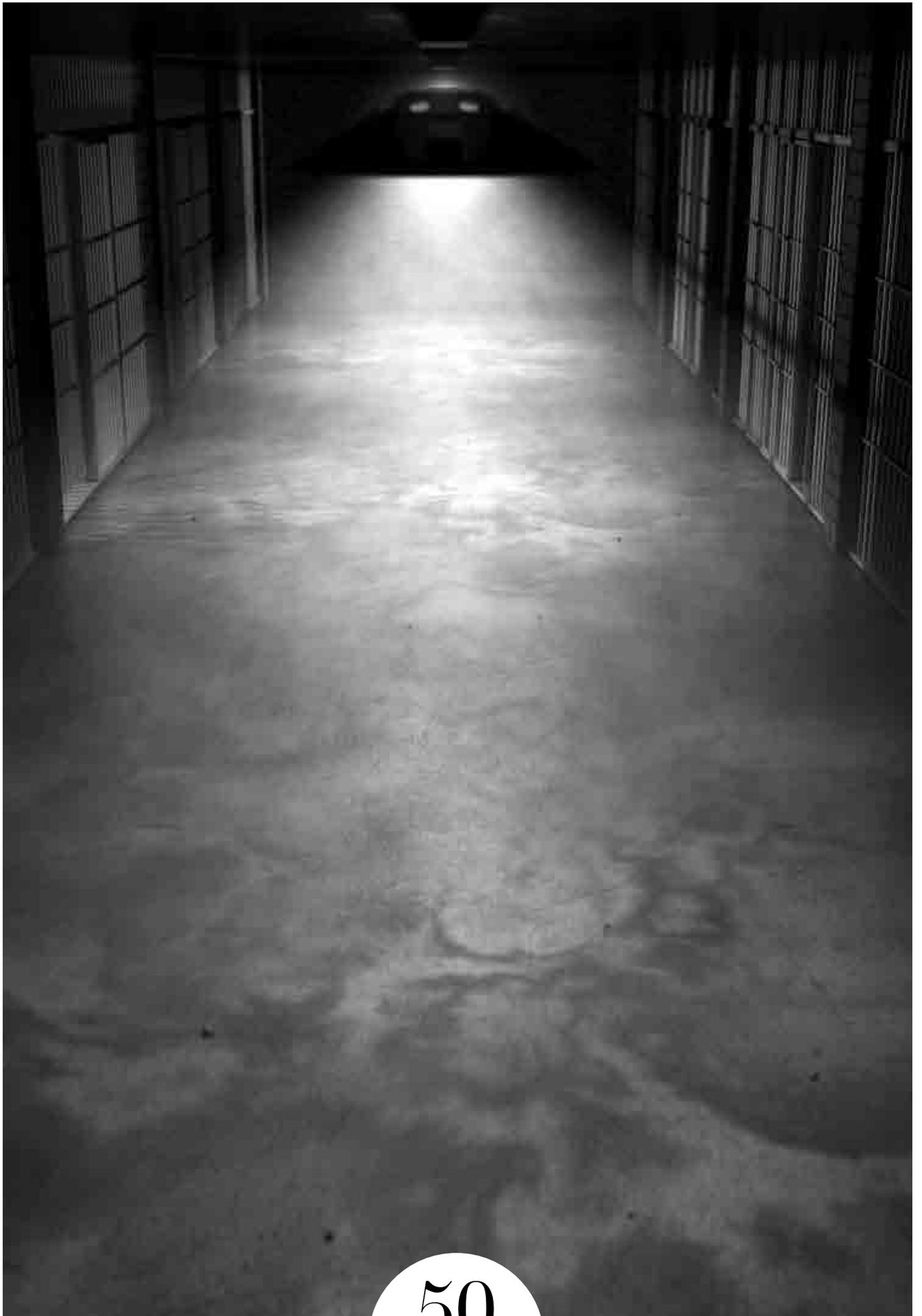
Hearing the commotion, two officers rush to the scene, tonfas in hand. They manage to stop Thulas, who is still trying to lash at Kalse. One of the officers hits Thulas on the hand to prevent further attacks on Kalse, and then tries to take the rock away.

The officers force Thulas into the office to get him away from the other inmates. They are concerned that if gang members see Thulas, a fellow gang member, they will get involved. Thulas still refuses to hand over the rock.

A short while later, the officers take Thulas back to IS and open a charge against him. IS moves him to another section. The officers involved never find out what comes of the charges against Thulas. Kalse is taken for medical attention, but is not seriously hurt.

Officers punish the whole unit by taking away the pool cues.

The member telling the story is angry with IS, complaining that it was their responsibility to place Thulas, a maximum inmate, in an appropriate unit and address his sexual orientation. In addition, the officer is angry that Thulas managed to sneak back to the section due to not being properly monitored when he was left at IS.



6

Sources of Violence Behind Bars



When officers described violence and its sources at the centres, it was often the brutality and the “abnormality” of the prison system itself that they highlighted. Prisons, rife with frustration and anger, governed through their own internal – and often illicit – economies, strict hierarchies, and power-wielding gangs, are stressful environments for staff and inmates alike. In this context, violence begets violence, and victims often become perpetrators, who, in turn may themselves be victims. This section outlines some of the key sources of violence in DCS facilities, as identified by respondents, ranging from cell phones, weapons, and dagga to inmate gangs and corrupt staff.

1. Frustrations of Imprisonment

In any detention setting, the stress of being imprisoned can lead to a great deal of frustration among inmates. Respondents made clear that such frustration contributes significantly to the levels of violence. AT cell cleaners, for example, cited the lack of time outside the cell as a chief cause of inmate violence. Officers elaborated that in some AT sections inmates are not getting their required hour of exercise each day, but are only allowed to leave the cell for short periods to collect meals, use the telephone, and receive visitors.

AT respondents emphasised the unique frustrations associated with being a remand inmate, notably the lengthy period of incarceration many endure while awaiting trial, coupled with a profound lack of services in AT centres:

The problem is being on trial for a long time ... You may be staying ... for more than six months ... and then they keep on remanding you and I think that ... cause[s] the offenders [to] end up fighting. (A Night 3)

The provision of certain services for AT inmates could assist in preventing violence, explained one staff member:

Again we don't have any resources that can make these offenders to change, for example ... a social worker for the awaiting trials ... [or] to attend like anger management. Because ... [crime] is caused by anger and stress, you see. So if they can go for these courses ... when they are here, because most of the awaiting trials are kept for more than three years.⁴⁷ (A Night 3)

Beyond the general conditions, a range of disappointments – caused by, for example, visitors not showing up, bad news from home, or a delayed court date – can manifest in aggression among S and AT inmates alike.

⁴⁷ This is an exaggerated figure but it correctly emphasises that many remand detainees are incarcerated for lengthy periods. We do not currently have access to statistics regarding those held for more than three years, but in 2011, the Judicial Inspectorate of Correctional Services noted that 47.63 percent of remand detainees are held for longer than three months (Judicial Inspectorate of Correctional Services, Annual Report, 2010/2011). In addition, according to a presentation given by the Justice, Crime Prevention, and Security Cluster Departments to the Parliamentary Portfolio Committee on Correctional Services in 2010, there were 2 080 remand detainees in detention for 2 years or more. Available at <http://www.pmg.org.za/files/docs/101103jcps.ppt> (accessed 29 April 2012).

Every offender is dying to have a visit, just to have people from home to come and see him, bring him some stuff. (B Day 2)

They are all sometimes also frustrated. You'll find ... this guy waiting in the shower line and the other one ... jumped the line and this one assaulted him for that. And then you find out this person is not always ... violent ... It's just on that day ... he's on the wrong foot ... sometimes you ... ask the guy "Why didn't you do 1, 2, 3?" And he will tell you ... It was a bad week for me. Grandmother passed away," and he had this and he had that problem, you see. (S interviewee)

The unpredictable nature of AT detention, where inmates await court times and case information, and often spend lengthy periods in pre-trial detention, also heightens frustration and volatility, said respondents:

It's a much better situation when we are dealing with sentenced offenders. How? Because ... each and every day is a minus day on the sentence; they are working towards going home. These guys here are waiting towards getting sentences and they are fighting tooth and nail not to be sentenced and somehow they become aggressive when they know they are losing their cases ... Some are already found guilty and are sitting among us. And then, someone is waiting to be sentenced ... let's say in eight month's time ... sitting here waiting ... At the end of the day, he knows, "I am going for life" [or]... "I'll be going for more than twenty years [so] what is it that makes me cooperate? I've got nothing to lose ... Nothing!" (A Day 1)

Other dynamics that are magnified in AT facilities include the pressure and threats that arriving inmates often experience at the hands of other inmates, which can provoke retaliation, sometimes violent. As AT officers explained:

There are so many things ... that we don't see. Like each and every day we receive new prisoners and the[y] ... are put under so much threat, they are so intimidated that they don't even come to us. And then for them to settle, it's for them to retaliate. (A Day 1)

It's like the culture here, if you are new ... you must feel it, unless you have got money ... If you have got money, maybe they'll leave you. (A Night 3)

Arriving inmates, especially those who have never been incarcerated previously, are extremely vulnerable and put under pressure to prove themselves. Coming across as confident, powerful, and wealthy – along with an ability to fight – can help a new inmate stave off trouble.

R1: If you look desperate you are in trouble.

R: [If you are well known] from outside they won't touch you ... If you come ... and say, "Holla magents, Hoozit Heita," (mimicking strong confident voice) they will listen.

R1: But they will make sure that you are strong enough.

R: They will attack you, they will test you, they will say, "[He] doesn't have a cigarette this one."

R1: But at least you have to [be like] "Hey!" to do whatever you can to protect yourself.

R: But if you have money everything is okay for you. (A Night 3)

Another factor contributing to violence is a lack of familial support, said respondents. They explained that inmates who do not enjoy strong support from their families are more likely to feel pessimistic about their prospects after their release. As a result, they can feel like they have less to lose if they act out or get involved in violence.

I blame their families because ... their families don't support them. Immediately, [when] this person [is] inside prison, they don't come and encourage him that, "You still have a life outside." He must prepare himself – even if he is here, it's not the end of his life here. That's why, most of the time, I blame their families. They don't get that support from their fathers and their mothers. (A Night 1)

The other form of violence that we[ve] got is we have offenders who are here who don't have families, whose families have abandoned [them]. They don't come visit them, no one pays their bails, they don't have family background or family support. (A Day 1)

On the other hand, inmates' relationships with people outside may provoke envy. In some cases, fights or grudges that originated outside continue behind bars. Officers gave examples of inmates who learned that their girlfriends had been unfaithful with other inmates. In one case, an inmate set up a fellow inmate with his sister in exchange for his protection, but fought with him to end the relationship when he discovered that he was incarcerated for killing his wife.

A commonly cited feature in violence inside – and one that is linked with numerous other causes of it – is that it often has its roots in verbal abuse or quarrels over trivial issues. One violent fight between inmates was the result of an argument over whose turn it was to play pool. Two officers explained how verbal challenges can quickly become violent:⁴⁸

R3: Even the manner of the approach.

R4: Yes the manner of the approach, that is the problem ... because the other one would say "Eh man, you F. I told you to give me my things man!" So the other one will say "Don't talk to me like that, you shhhhh!" ... and then the fight will start. (A Night 1)

2. Cell Phones, Dagga, and the Prison Economy

Officers repeatedly highlighted how social structures among inmates are deeply stratified. One element of this hierarchy is the central role that relative wealth plays in the everyday lives of inmates. Poorer inmates may get opportunities to perform tasks for better-off inmates (like cleaning or washing) in exchange for basic items. However, disparities in wealth and access to commodities also tend to play out in violent ways.

Much of the violence revolves around "stuff" that is brought in – both legally and illegally. Fights may start over inmates stealing each others' things, such as dagga, cigarettes, clothing, and cell phones. An officer explained:

When they go out ... and come back [from court] they come with different things like dagga and then later on they fight [over] that dagga and cell phones. We will try hard to search them and we can't find them but later on, we will get them when there is a fight inside the section. (A Night 1)

⁴⁸ Staff suggested that providing inmates with anger management skills would assist staff in managing the centre.

Visiting family members and friends often provide inmates with items of value. Indeed, visitors are the key source of such prison commodities, according to staff. As officers explained, inmates who rarely or never get visits are at a distinct disadvantage,⁴⁹ and may steal or rob from others individually or as a group:

When the offender is not getting visits, eh! That offender becomes a problem. (B Day2)

I have attended most cases and you will find out that this one doesn't have a visit and he is coming from Maputo or wherever, so he was stealing from this one and this one got angry and then.

(A Night 1)

What happens is I go to my visit and come back with ... all this nice stuff – cigarettes and everything. Since ten of the people in my cell don't get visits [it's], "Why don't we gang up and rob this guy?" ... and then it won't happen when you are not there ... because it will be locked in your cupboard. They must take it when you are there and they use force. (A Day 1)

AT officers noted the existence of some inmate gangs that form around a shared home area and whose primary objective seems to be to rob other inmates.

In short, having possessions can make an inmate a target. Respondents described a tendency towards violence among inmates who lack goods. These inmates, having in many cases been robbed or assaulted themselves, may in turn bully others to secure resources (like toiletries, money, cigarettes, phone cards, dagga, etc.). At the same time, not having a source of basic necessities – either because they can't afford them or are rarely visited by friends or family – can make inmates vulnerable to abuse. See also section 7.2 *Exchange Rapes and Protective Pairing*.

Lending among inmates can also result in violence. Many fights break out over a borrowed cell phone, for example. A common provocation is reportedly the refusal of an inmate to pay back airtime owed to another inmate. The illegality of many items, including cell phones, complicates staff's attempts to intervene in fights as inmates may lie about the cause of the conflicts in an attempt not to have their illegal items confiscated.

Violence is also often sparked in relation to items to which all inmates are entitled, but which have become commodified. Sleeping spaces, for example, often have to be purchased. However, it is not guaranteed that an inmate who pays for a place to sleep will be given one. As one officer explained, when the terms of an agreed transaction are violated, violence can result:

That inmate took the money ... saying that he has got a place [for the other one to sleep] but they dodge him [and] don't give him [a] sleeping place. That starts the violence. (B Night 1)

Marijuana ("dagga") is a fundamental part of the prison economy, and dagga-related fights are reportedly "the order of the day" in the centres:⁵⁰

I am going to explain slowly ... I give [an inmate] dagga to sell [for me], the inmate sells the dagga ... The next inmate comes to me then, "How much did you get for that dagga? That man he is robbing you, he doesn't give you the right money. Bring me the dagga, I will show you, you can get R5 000, R10 000 a day." You see, it starts the violence. (B Night 1)

49 One respondent mentioned that incarcerated foreigners to South Africa are particularly disadvantaged when it comes to visits.

50 B Night 1.

A few respondents mentioned that some of their colleagues are themselves involved in the dagga trade. In the following example, an officer explains how turf conflicts involving staff members may play out.

It's a competition mam because most of the inmates are smoking dagga ... There are those who have been selling dagga for a long time [and] there are those who are starting, so always there is confrontation because this one has been selling dagga maybe meaning I won't get the profit that I am supposed to get ... So you will find that sometimes they will not fight but they will use some tactics to say they'll report [staff member] Modise,⁵¹ that he is bringing dagga, so that Modise is being investigated, probably suspended. Then this one, his dagga is busy coming in so meaning that they're stopping Modise ... so that this one can proceed. (B Night 1)

3. The Making of Weapons

Respondents stressed that everything is a potential weapon in the centres. While the smuggling of dangerous items like knives is a significant problem, inmates can fashion weapons out of a host of items that are available in the facilities: padlocks (typically put in socks), toothbrushes, window panes, and pots of boiling water. Pills used to treat psychosis were also mentioned, which, staff said, inmates may use to drug other inmates, especially those who are targets of sexual abuse:

People who don't work in the prison, if you say [that] the prisoner was stabbed [they will say], "Why allow knives? ... How can it be possible that an inmate stabs another one?" But anything in prison is a weapon. Even the locks ... they use the padlocks – somebody just [puts] it inside his socks ... and they call it your helicopter. When [he's] about to hit you, he swings it in the air: it's a helicopter. Then it will land on the head or in the eye, or maybe they ... go straight for the eye. So ... everything in prison is a weapon ... Even the tooth brush ... They sharpen it, then they can stab. (A Day 1)

Officers complained that as soon as they confiscate a weapon, a new one is made. One member explained that this was especially true for gang leaders, who are required always to be in possession of a weapon:

R1: Each and every leader of the gang must have a weapon whether you like it or not. We might search them and have it confiscated but tomorrow you must have [another] one ... There is always a weapon that he is hiding ... It can be a broken window pane.

R: It can be even a wire. (B Day 1)

A relatively common practice among inmates is to break a window to use its shards as weapons:

You are sitting among dangerous weapons that you don't even know are weapons. Like that boy, he just knocked out a window pane. Voila – he is having a nice weapon. (A Day 1)

As discussed in section 5.5. *Broken Equipment, Lights, and More*, the overall state of disrepair inside correctional centres makes it easy for inmates to find weapons. A facility where, for example, shards of glass may be removed, unnoticed, from an already broken window is likely to be rife with homemade weapons.

⁵¹ Name used by the respondent merely as an example.

Security lapses also occur. Respondents said these are sometimes the result of unclear instructions, where members responsible for monitoring inmates as they arrive are unsure of which items are authorised and which are not. This lack of clarity emerged in one of the incidents where an inmate was allowed to enter prison with a pair of metal scissors, which he later used as a weapon. According to officers, only S inmates who fulfil tailor roles (altering overalls for fellow inmates) are permitted to have scissors, and even then they must be plastic ones. Respondents explained that in this instance it was likely that the officer did not intercept the scissors because he had not received the communication that these should always be made of plastic. It may have also been the case that the staff member, using his discretion, allowed this particular inmate to have metal scissors, or that he did not conduct a sufficiently rigorous search.

Officers also explained that some items may be used to intimidate inmates, even though they are not weapons per se. In an incident at the AT section, for example, the perpetrator did not remove his bloodied shirt when returning to his cell from the hospital. While respondents pointed out that replacement clothes are not made available to AT inmates by DCS⁵² they had the impression that the inmate preferred wearing the blood-soaked shirt in order to instil fear in his cellmates.

4. Inmate Hierarchies

Establishing respect from others is important for inmates because of the way the inmate hierarchy mediates so much of inmates' lives. In men's detention settings, notions of what it means to be respected are regularly equated with particular notions of masculinity predicated on one's ability to use and withstand certain forms of violence. Thus, in a setting where tensions are already high, egos brittle, and fellow inmates constantly on the lookout for opportunities to belittle others and gain the upper hand, the desire to command respect feeds violence. One officer explained the ramifications of this unending competition for status among inmates:

And then it's a daily thing – for you to get a nice sleeping place or whatever, you must be somebody, and to be somebody you must be violent, you must be known. (A Day 1)

Respondents also noted that gang members who have been demoted in rank are expected to stab another inmate to regain their "dignity".⁵³

Under this social system, inmates who are incarcerated for violent acts are generally respected, whereas those incarcerated for less serious or petty crimes are likely to be undermined and targeted by other inmates. AT officers spoke about the ways in which the severity of the crime committed by an inmate in part determines where that inmate fits in the prison hierarchy:

Some of these inmates ... will tell each other, "Hey don't tell me [anything], I am here for murder you are here for stealing what-what." (A Night 2)

It is apparently relatively easy for an inmate to learn of the crime committed by a fellow inmate. This information is written on each inmate's prison card, which he must have with him at all times. Also, often inmates simply ask new arrivals directly. In one incident, an inmate stabbed another for teasing him about being arrested for a minor crime:

52 Recent legislation requires that facilities provide remand detainees with uniforms, though this law is yet to be implemented (Correctional Matters Amendment Act 5 of 2011, S48).

53 B Day 1.

So this one said to this one, “You are in prison because you were arrested for stealing 2kg of chicken.” So this one got cross ... because the other inmates laughed at him. He was so cross and said to this one, “You will never sleep today, I will stab [you].” (A Night 2)

These two inmates apparently knew each other well, and engaged regularly in light-hearted banter. Yet in this instance, the teasing happened in front of other inmates, and so was experienced as much more humiliating for the one being teased. Such humiliation could conceivably also have serious consequences for the inmate’s reputation and, as a result, for his safety.

Separating inmates according to the severity of their crimes could reduce levels of violence. Officers noted, however, that overcrowding makes doing so incredibly difficult. While AT officers emphasised the need for a better classification system to prevent violence, they similarly pointed out that housing inmates according to the seriousness of the offense would not eradicate the problem. Even within those categories, competition and power wrangling among inmates would occur.

Certainly, using crime categories is but one method of classification, and not necessarily the most appropriate. One S management interviewee stressed that housing inmates based on their offence alone is inadequate and should only be considered alongside other factors, such as experience in the DCS system, temperament, and circumstances of the crime. He added that S unit managers are supposed to make housing assessments using these criteria. The Case Management Committee may also make housing recommendations on the basis of their initial assessments of arriving inmates and separate violent and non-violent inmates.

Hyper-masculine attitudes are woven through inmate hierarchies. More powerful inmates – like those who are respected for having committed violence crimes – are considered manly; conversely, those who are perceived to be weak are labelled “women”. Officers explained that being called a woman is a supreme insult among inmates and the cause of many fights:

R: Because, if you hear when they start fighting, these offenders, they say, “You, you’re a woman – speak blah, blah.”

R1: Because if you say to me I am a woman, I will fight you for that. (A Night 3)

Other factors mentioned by staff that can earn an inmate respect include wealth, physical strength, and having a high public profile. For example, officers were of the opinion that Jackie Selebi⁵⁴ would be respected inside because “they know who he is” and because he supposedly has money.⁵⁵ Physically strong inmates may also gain status and authority even without belonging to a gang, explained respondents. Physical strength and a capacity for violence are clearly linked to a perception of manliness in DCS facilities.

5. Gangs Fuel Violence

Officers explained how gangsterism fuels violence, including when inmates are coerced into joining gangs. Some are raped as part of their initiation and regularly thereafter as part of a sex-slave role in the gang. Or they may be raped as part of turf fights within the gang itself. Some officers also mentioned that racial divisions within gangs at times develop into violent conflict:

⁵⁴ Selebi is a former police commissioner who was found guilty of corruption in 2010.

⁵⁵ B Day 1.

You find that in ... let's say [the] 26 gang – there are two camps, coloured camps and black camps. So now sometimes it will be difficult to identify the exact problem only to find ... that they are fighting over territory – who should be the boss. The coloured guys saying they don't take orders from the black guys, so ... the group [is] fighting among themselves. (B Day 1)

Inter-gang violence also occurs. Officers referred to revenge attacks, highlighting that gang lore requires that if the blood of a gang member is spilt, he is obligated to spill more blood in revenge. Gang leaders may instruct members to carry out attacks on behalf of the gang. In some cases, as in the one described below, a gang member might not feel any hostility towards his victim but will be pressured to perform the deed for his gang:

There was this guy ... a 26 ... he sent another youngster to go and stab someone ... We punish[ed] this youngster [and] he just told us straight that ... "I was instructed by this 26 guy to do 1, 2, 3." Just imagine to [have to] go and stab someone: he didn't fight with him, [he] doesn't know him [R: It's just instructions.] Just an instruction. (B Day 1)

Leaving a gang is very difficult, even for senior gang members. Some officers told of instances where gang members, in an effort to end their involvement in the gang, had asked for a transfer to a new section. As a respondent explained in relation to a high-ranking gang member:

He felt uncomfortable, he came to us and said, "Can you take me somewhere [else] because now I am the top dog of this gang but ... the soldiers will start mobilising even if I don't say anything" ... He said ... "I'm under pressure because they want me to say something [but] now I'm trying to do away with this thing of gangsterism." (B Day 2)

According to staff, beyond the Numbers gangs – as the oldest and most known collection of South African prison gangs are known – and those based on a shared geographical home area, gangs of inmates who share similar criminal background sometimes emerge. AT respondents also noted the high numbers of foreigners in their facility, who may group together in nationalities as support communities. Some officers described non-South African inmates as often sharing characteristics depending on their native country; for example, Zimbabwean inmates tend to be vulnerable owing to their poverty and absence of visitors. Other staff said that foreign inmates in general are “bolshie”⁵⁶ and more aggressive than South Africans, although others said that non-South African inmates had become so assimilated that they could not necessarily tell them apart from native South Africans. In addition, some respondents mentioned fights developing over ethnic, national, or rural-urban identities and divisions.

6. “Cell Cleaner” Abuse of Power

Another source of violence is the abuse of power on the part of cell cleaners. According to staff, in addition to some cleaners allowing the smuggling of cell phones or dagga, among other items, they may turn a blind eye to inmate sexual abuse – or perpetrate such abuse themselves:

Sometimes you need to be very vigilant with the cell monitors because sometimes they elect somebody who they know is corrupt so he will protect the corruption in the cell. So in that cell the cell monitor ... was also corrupt. He did many things like sleeping with those young boys. (B Day 3)

56 AT interviewee

In one AT case, the cell cleaner raped and threatened to kill a new inmate who couldn't pay him for a bed. Some cell cleaners work with gangs to intimidate inmates or steal their possessions. Staff also spoke of cleaners who helped gangs get access to inmates to demand sexual favours. In these cases, gangs tend to identify new arrivals who they wish to target and then pay the cleaners to place those inmates in their cell:⁵⁷

When there are new people coming in we take them to cell 1 and 2 [those are for newcomers] but then if some of the cells are like short in total we take those new ones and put them in to fill in the gap in the other cell – to balance the total. What they will do is they will send their cell cleaners ... and say ... “Pick that particular guy” ... Prisoners ... have their way ... of doing things and ... you will never notice ... Let's say for instance ... the upper floor is ... short of 15 offenders and we've got 23 new ones ... They will pick 15 and in that 15 there is that particular offender that is being targeted and then somewhere, somehow he is going to end up in that particular cell. (A Day 3)

Officers emphasised that there are some cell cleaners who can give the impression of being highly competent at their leadership role, meeting many of their responsibilities, but may also accept bribes or commit abuses behind the scenes:

They don't want anybody to die in their cell so they make sure you get medical attention – that's one thing they are good at and ... in keeping the cell clean, they are good, but it's face value. Behind all that there are so many things ... happening when the lights are off (whistles) ... You see how this place is shining? No one is telling them to keep it shining like that. They want ... you [to] say, “Yo, these guys are doing good!” They are giving you something to praise them [about] ... They are very clean, that's true, but behind that, there are so many things that you will never know. (A Night 2)

Officers added too, that inmates can manipulate cell cleaners into supporting illegal activity without the cell cleaner necessarily being aware that he's being used in this way:

Let's say you are the cell monitor ... [This other inmate] is never noisy, he never disturbs other offenders, he gives respect to the authorities [and] he will keep everything good to cover up his motives, and then he won't mention to the cleaners that, “Listen, I need that particular guy because of 1, 2, 3.” He will say, “[Bring] that particular guy because he is from the same street” or “he is my relative... [and] doesn't have anything so ... I can give him cigarettes, food. I can give him something to phone [with] and I will be able to protect him if the need arises” ... [The cleaners] are manipulated and then [this inmate] will make sure that the same target follows the rules of the cell ... He makes sure he behaves so that the ... spotlight is taken away from them.” (A Day 3)

These abuses highlight the inherent problem in DCS's current practice of allowing cell cleaners, or indeed any inmates, to be involved in decisions of where to house other inmates.

⁵⁷ Cell cleaners are involved in the decision-making around the housing of new arrivals.

7. Staff Corruption

Officers did not emphasise the role of staff corruption in fuelling violence. However, some did refer to the problem, like in the following officer's account of how staff may be involved in the drug trade, smuggling knives to inmates to use in turf battles:

Like say there is a business man [staff member] that sells stuff inside and there is also another [staff] member that sells stuff inside, so there is a competition between us. So, what I do, I get a knife from outside, put it underneath my shoe, and give it to the inmate so that the inmate will scare the [staff member who owns the business] not to sell or even [to scare] the other inmate who is selling the stuff. (B Night 1)

Some respondents described corrupt officers as victims of inmates who are cleverer and richer than the staff and highlighted low wages as a reason that some might engage in illicit activity. In the following exchanges, officers highlight corruption linked to the need for money:

Ja, we need to be motivated as officials. And we are not motivated ... in terms of the salary that we are getting ... If you are not strong enough, the offender[s] will show you a lot of things and you can even see ... that this one is from a rich family or the money that he [made] before he got arrested was a lot of money. (B Day 3)

R3: We [members] are not having the same thinking capacity [as prisoners], sometimes they manipulate you and then you fall into their trap and you end up selling dagga because they promise you heaven and earth.

R: Because you are always crying about the salary. [R3: We are starving] ... Sometimes they ask you, "How much are you earning?" and you tell them, "I am earning nothing, peanuts."

R2: They approach you, they make you to confide in them before they ... see that this one... likes money. (B Night 1)

R1: If the inmate says, "Ok, there is one million. You are starving ... open the cell." You see, because we are starving, you understand.

R: Because maybe I am starving ... It is easy to be tempted, you see. (B Night 2)

Management interviewees (from AT and S) noted that staff corruption represents a grave problem. One S manager pointed out that illicit trading partnerships often begin with officers performing a small favour for an inmate, such as buying him a packet of cigarettes. Staff may also be tempted when they see colleagues becoming richer before their eyes. Much corruption goes undiscovered, or is dismissed due to a lack of evidence. Respondents explained that, if staff are caught and found guilty, however, they are likely to be suspended or dismissed, a fate they had seen happen to colleagues.

Corruption has a profound impact on a facility's resources. As an AT interviewee described, corruption can lead to funds not being available for the activities or processes they're intended for, affecting the daily running of the centre and harming staff morale:

Corruption is a challenge ... because ... I have finance[s] [supposed] to be allocated ... [to] some of our day-to-day activities and maybe they are not channelled to the right place and [that's] putting us under pressure ... The official is expecting me to provide [him] with something and I cannot provide ... Then he will ask me, "What do you think I must do because I asked for this [and] you don't have?" ... It also makes people to be negative.

An S management interviewee described another form of staff abuse that also can contribute to violence. In his example, staff members abused their power, and acted on their negative feelings about an inmate, to undermine him and extend his incarceration.⁵⁸

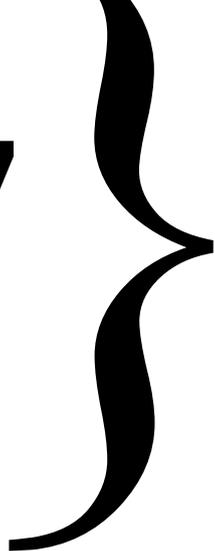
We had one prisoner here, ey, he was very problematic. He broke the computer, we charged him, we disciplined him. When we go to the root of the problem, this inmate's date has come for him to go out but the policy says before you go out you need to undergo programmes. So he was under[going] programmes [but] somewhere along the line some of the officials saw him there and they wanted to punish him more and take him out [of the programme] and [that] provoked him. So that's when he grabbed the computer and threw it down. ■■

⁵⁸ The example also reveals deep-seated problems in the system, where inmates who should already be released are not necessarily getting access to the programmes that they're required to complete prior to their release.





7



Sexual Violence

The research team's initial assumption that staff would resist talking about rape and other forms of sexual violence was quickly proven wrong. Sexual abuse was raised spontaneously and early on without prompts from the facilitators. Overall, officers were keenly aware of the problem of rape behind bars. One officer said that, "It's something that you expect can happen at any time. We know it's a normal thing – it might have happened ten times in my unit". Respondents spoke of how the trauma of rape in detention is intensified by the isolation of inmates, their inability to get away from the perpetrator(s), and the acute sense of shame and humiliation among victims. This section highlights barriers to reporting sexual violence, the link between HIV and sex in prisons, and the broad range of sexual activity encompassed by the term sexual violence – including physically violent assaults and situations where inmates are coerced into having sex in exchange for commodities or protection.

1. Violent Assaults

According to respondents, rapes by multiple perpetrators are less common than rapes committed by a single person. But when such rapes do occur – as part of a gang initiation, for example – they leave a greater impression on officers than other assaults:

But there was another incident ... two years back or – I don't remember. Nine inmates they raped one inmate. That one was a shock. (A Night 3)

Sometimes they do it in groups, it's like an initiation. "You want to belong to us, then give us something. You don't have cigarettes ... the only thing that you have got is your two legs, and can we use them." (A Day 1)

He was a new inmate, he was only two days [inside] so they took advantage of him ... According to what I have heard ... they switched off the lights and then they gang raped that guy. (A Night 3)

Respondents spoke of a practice whereby inmates are drugged and then raped while they sleep, only to learn what has occurred when they "wake up in the morning and find that there is something wrong". (A Day 1)

Respondents generally understood sexual violence to be self-perpetuating. They noted how inmate rape begets further violence, not only behind bars but in the broader community:

Some of the guys, when they get out of here, they get out of here changed people and they are changed to the worst. Reason being, "I don't care anymore [because of the] things that happened to me." That's why we have young men nowadays raping boys. He was raped in here and then he wins his case, he goes outside, he still has that anger with him. (A Day 1)

He was raped by the gang and then he worked his way up into the gang so that he could eventually be the one doing the sodomising ... At the end of the day ... I concluded ... he made a conscious decision that, "I am going to do it to hurt." You know like it was sort of revenge ... to hurt his victims because he was hurt. (A Day 3)

Inmates who have been victims of sexual and other forms of assault may be labelled “sissies”. In an effort to shed this label and protect themselves from further attacks, victims may become aggressive themselves:

The other thing ... for him ... to be aggressive is because the other inmates [are] maybe ... saying to him, “Hey, you are a sissy man, you should have kicked that guy ...” So he wants to show them, “I am not a sissy so I will prove that to others.” (A Night 2)

It was noteworthy to the research team that several officers expressed sympathy for the perpetrators mentioned in their discussions. Some respondents linked the actions of abusive inmates directly to having themselves been abused in the system and to conditions inside facilities:

You feel sympathetic even if what he is doing is wrong, but you feel sympathetic because he did that because the system failed him ... The 50-to-65-year-old who was gang raped when he was 19 or 17 – the system turned him into that. (A Day 3)

2. Exchange Rapes and Protective Pairing

Officers emphasised that many sexual predators do not rely on brute force to commit rape. Rather, they use food, other items of value, and apparent gestures of friendliness to “lure” and “groom” their targets, who may or may not be aware that they are expected to provide sex in return. Inmates who are preyed upon in this way are reportedly often poor, of small stature, mentally ill, and/or recent arrivals. Officers described how inmates are tricked and become entrapped in these sexually exploitative relationships:

R: Maybe he took advantage [of the fact] that he is a small one and doesn't know anything about prison.

R1: Especially when you are new, you are so scared and they can see that ... Everyone will take advantage of you. Everyone will say, “I will take care of you, don't worry” and he will take care of you ... You don't know that someone wants to rape you, he wants something from you ... you don't know what he is planning ... And then at night it's ... “You ate my food, come here!” (A Night 3)

You are in prison for the first time ... and people become friendly to you and then at the end of the day they want something else from you. But they won't tell you. And this happens mostly to young boys. (B Day 3)

Whenever he goes to the shower [the other inmate] will go inside the shower and try to touch him and when this one refuses he will say, “Remember, I gave you my cigarette.” (B Day 1)

When they are new they need to use [the] telephone to inform their relatives that they are in prison ... Most of them ... don't have means to do those kind of things, to phone their relatives, clothes to change [into], food to eat not from Correctional Services. So [a perpetrator] ... has all these kind of things ... He has got lots of cigarettes – and that is the big one in prison: cigarette is the most important ... thing ... So he uses those kinds of things ... to entice them to be closer to [him]. They might not be aware ... that he has got ... other motives ... He will do that very, very intelligently so that we can't realise ... because he knows exactly that if ... we notice it, we will intervene. (A Day 3)

Officers also gave examples of inmates who apparently understood that receiving such items from other inmates came at the price of sex:

Yes, especially those offenders who don't have anything. Someone will lure him to his bed saying, "I will give you the cigarette and I will give you clothes, takkies, I will give you toiletries. If you sleep with me then I will give you these things." They lure them. (B Day 1)

These new ones, for a nice place for them to sleep they must give something in return ... The cigarettes will be provided ... but they must give something in exchange ... Sodomising, ja. You sleep with somebody and then he is giving you something in return. That is one very big problem. (A Night 1)

At the same time, several staff members emphasised that, given the pressures of the environment and the unequal power dynamics between inmates, such sexual encounters cannot be seen as consensual:

Eh, "willingly" it's a nice word but I am forced because of the situation and circumstances ... I mean the environment itself influences me into giving something that I am not. (A Day 3)

One officer talked about how the stresses of incarceration compound vulnerability. Smoking dagga or cigarettes are, in part, strategies to cope with this stress but simultaneously make some inmates vulnerable to sexual coercion:

But the problem is they are smoking and if you are smoking ... it's a real problem because you have to smoke because it's stressful, and they will give him cigarettes and they will do whatever they want [to] him. (B Day 1)

With regards to exchanges involving sex, the line between consent and coercion can be difficult to pinpoint. While some officers believed that some of these interactions could be considered consensual – such as in cases where inmates report rape only after they were not given the items promised to them – they mostly agreed that such incidents were coercive.

Noting the vulnerability of economically marginalised inmates to sexual abuse, several respondents called for measures to alleviate inmate poverty. One AT respondent recalled that a non-governmental organisation (NGO) had once stepped in to provide supplies for an inmate who was very poor and never visited by his family – although such an intervention was apparently a unique case.

Coerced sexual relationships (which can also be described as protective pairings) are regularly brought about with an initial rape disguised as payback for an exchange. The perpetrator will then take control over the movement of his "girlfriend", "ntwana", or "wife", as victims are known. Victims are not, for example, allowed to fetch their own food. Instead, they receive meals and other items from their perpetrator – commonly known as the "husband" or "boss" – who is expected to "take care of" his "wife". According to officers, these arrangements reduce the risk of other inmates stealing a perpetrator's "wife", while also making it harder for officials to detect the sexual violence that is occurring:

4. Sexual Violence and HIV

The grave problem of HIV at the centres, and the link between the spread of HIV and sexual violence, was discussed at several points during the group discussions. Respondents noted that existing HIV-awareness programmes for inmates generally don't address sex between inmates, coerced or consensual. Officers also expressed concern about the transmission of HIV among inmates, noting that many inmates arrive healthy but become sick – a risk whether the sex is forced or consensual:

The problem that we have, even if they didn't rape him, and he has done it ... because they are giving him something, it's HIV. These guys ... come here and ... they are not sick, truly speaking ... At the end of the day this guy is HIV positive because of these things of sleeping [together]. (B Day 1)

The link between HIV and sexual violence was powerfully illustrated in the following case, related by an officer, where the victim tried to commit suicide upon learning that he had contracted HIV:

I was working at single cells ... So this boy was humble but sometimes he bec[a]me aggressive ... I didn't know what was the problem and then ... I found out that the guy was gang raped when he entered the prison, only later to find out that he was HIV positive. So [he] was stressed to such [an] extent [that] ... he locked himself in the cell ... and he tried to commit suicide ... I was helped by other ... offenders ... to break [the door] loose so that we can help him. He was nearly suffocated ... I: And did you know that he had been raped before that? That is when I got this information ... after he tried this ... I tried to counsel [him] ... He said ... he has his girlfriend at home, he's having a child with this lady so he doesn't know what to say to this lady because she may think ... he was doing these things of sodomising in prison because he was not sick when he entered in prison. (B Day 1)⁵⁹

5. Barriers to Reporting Sexual Violence

While officers expressed some frustration that inmates do not report sexual violence more readily, they acknowledged the immense obstacles facing those who might wish to do so. Furthermore, they pointed out that the lack of reports of sexual violence did not mean that the problem did not exist. On the contrary, respondents cited a number of factors that might prevent reporting, including the threat of retaliation:

I think these things are happening you know, but maybe they are afraid to come forward ... Maybe it is this things of gangs. Maybe they threaten him, "If you go there ... we will do this and that to you"... Because we do get [such things], they do happen. (B Day 3)

If you hear when they start fighting these offenders they say, "You, you're a woman" ... that's where you see, okay this thing is not reported, it's happening most of the time. (A Night 3)

⁵⁹ This case is an example of how officers who are inadequately equipped to handle such crisis situations find themselves in a position where they are counselling inmates on extremely demanding issues, such as rape.

Respondents noted that inmates sometimes are told that they will be killed if they report:

They recruit them ... and then they give them the rules. "No matter what happens, you don't report anything. Once you report then you must know that you are dead." (B Day 3)

As well as fear of retaliation, victims often experience profound shame, as they are stigmatised, humiliated, and regarded as "women" by other inmates as a result of the abuse. Such humiliation makes it harder still for them to come forward about what has happened to them. One officer noted that reluctance among male inmates to report sexual abuse also has its roots in broader society, and norms associated with manhood:

I think also ... on a social level ... outside, seldom [do] you see ... a man going to the police station, opening a case of abuse. So on a social level, how you were brought up, has something to do with that ... If people find out you were raped, the stigma is not what you are looking for. The stigma attached to it is negative. (B Day 3)

The shame felt by victims can be so strong, explained officers, that even inmates with obvious anal wounds sometimes refuse to tell the nurses attending to them that they've been raped. In cases where a third party reports rape, some respondents said that victims deny that it happened and refuse to cooperate with investigators.

Respondents also pointed out that news travels fast behind bars and that inmates who are discovered to have been sexually abused are likely to be targeted sexually for the remainder of their time inside.

Officers acknowledged that staff corruption, or a perception of staff as corrupt, is also a factor preventing reporting of sexual abuse. One member explained how even in situations where corruption is not at play, perpetrators may manipulate victims into thinking that it is, and so prevent them from talking:

They do not constantly report mam, because some are scared. Because someone will say, "Even if you report, I am working with this Mr Dlamini⁶⁰" ... so that he can scare the new guy ... So probably when I [Mr Dlamini] come in ... I know this one because he has been here for a long time and then I ... communicate with him ... not knowing I am creating a situation where, at night, they will boast about me saying, "This is my friend and he will do nothing against me. Even if you can go and report, he will do nothing." So that one who doesn't know me will not report because that [other] one just lied, saying ... I am his friend. (B Day 3)

Some officers pointed to their own lack of capacity to assist victims as a barrier to reporting. They were concerned that by being ill-equipped to deal with cases of sexual violence, their attempts at support might exacerbate a victim's trauma:

And some of the sodomy cases are not reported ... because I am not well-equipped to deal with that. There are going to be discrepancies on my path, and then maybe ... [I'll] make the victim lose his self- esteem ... Some of the words I am going to use are not appropriate ...

60 Not his real name.

He will feel that I am also victimising him, and then at the end of the day [for him] it's like ... If I ... go and report, the same people who are supposed to be protecting me make me feel like a piece of garbage I: In what way? Like you are a psychologist for example, there are words that you use in particular situations ... to comfort me, to calm me down. There are words that you are going to be using. There are ways you use to talk to me. You are well trained in that ... I don't know how to deal with sodomy. (A Day 1)

One respondent related an incident where he simply refused to speak with an inmate, saying, "Can't you see I am busy?"⁶¹ Shortly thereafter, the inmate, who was a juvenile, tried to commit suicide. It was only then that the officer, who was involved in the boy's rescue, found out that he had been raped.

In contrast, other respondents spoke of having learnt to pick up on certain dynamics and language that makes them suspect that sexual abuse is occurring. In one incident, for example, officers noted a suspected perpetrator when he said that he had been "operating" with a certain young inmate:

Then Albert said it openly to the officials that he has been living with Obed ... Actually, if I can quote him rightly ... he said he has been "operating" with Obed since he came here ... Immediately [when] they utter [those] kind of words, we can tell that something is not right. (A Day 3)

An inmate's constant pleading to move to another section or tendency to isolate himself may also signal sexual abuse, explained respondents:

R1: We find the guy being assaulted is always isolated ... Ja, then you will call him and try and interrogate him even though you are not having the proof – but you can pick up that there is something wrong happening there.

R2: And I think another point is when the offender is insisting [on] taking drugs or moving to another section. When he is insisting, "Please Chief, take me out to another section, to another cell." Then when you ask him ... nicely, "What is it?" He will never tell you but then you can figure out for yourself ... there is something wrong. When he is always insisting, "Chief, please." (B Day 3)

In one AT case, a new inmate who had arrived the day before reported that he had been raped during the night to the officers doing the morning routine (of opening the cells, counting, and noting complaints). Staff emphasised the rarity of such cases, explaining that an inmate with a longer tenure, aware of the risks of reporting, would likely have kept quiet. Victims who come forward, they explained, tend to do so in a roundabout way. For example, rather than report being raped, an inmate might tell an officer that another inmate is "trying to rape me". Or, he might request a transfer or report something entirely different, like "he stole my clothes" – which was the case in one of the incidents:

He wouldn't say it straight, [he] won't say, "This is what has been happening to me," because if he says it through his mouth ... he is going to be a victim ... [right through] awaiting trial [un]til he serves his sentence [and] until he goes out ... You will never know how this information [travels] from awaiting trial to sentenced offenders but it reaches [there] ... It's a cry out [for help] when he says, "Albert wants to rob me of my clothes, bla, bla." He knows it's not his clothes. (A Day 3)

61 B Day 3.

In most cases ... he won't actually say he has been sodomised. He will try to say [it], he is trying to. (A Day 3)

Some respondents also referred to how the limitations on victims' movements – they are generally stuck in the cell, controlled by their perpetrators, and under the watch of fellow cellmates – make it enormously difficult for them to report without being noticed by perpetrators or other inmates tasked by perpetrators or gangs with guarding them. In AT, for example, the times when inmates are let out to have their turn to use the phones or to be taken to court may constitute their only chances to leave the cell.⁶² Officers explained that on those rare occasions when a victim manages to leave the cell, he may seek out an inmate who is equally or more powerful than the perpetrator, and whom he knows to be opposed to rape in the hopes of finding some help:

In the cell he has got guards [inmate "guards"] around him so that he can't spill the beans. The only chance that he can tell [is] when maybe he goes to the phone or ... out to court and then he finds a particular person to confide in ... In most instances it's not the authorities who will intervene first ... Like [he] will go to someone he notices ... has got more power than [the perpetrator] or somebody who is financially strong, because those are the most influential people. He will go ... and tell him, "Listen this is what is happening to me: I joined a gang and I didn't know what was going to happen to me." And then this guy who has got plenty of money, who gets plenty visits, who ... hate[s] these kinds of things ... will come forward. (A Day 3)

AT officers also explained that bonds of trust may develop between inmates who arrived together, and these relationships may be the one place where victims dare speak of what has happened to them.

Sometimes an inmate will tell a staff member about an assault a while after the fact, so as to avoid doing so in front of the perpetrator and other inmates.

Typically, inmates who witness sexual abuse deny that they've seen anything, said respondents – especially, it seems, when an attack takes place inside a cell. Staff stated that the occurrence of a sexual assault rarely tangibly alters a cell's overall mood, because, according to respondents, other inmates "are used to it".⁶³ However, officers explained that many witnesses are simply too terrified to say anything, a fear that is heightened by the absence of staff during the night:

[It's] "bhek' izindaba zakho"⁶⁴ ... They don't want to be involved themselves ... They feel like they are not safe ... because when they sleep we don't guard them inside the cells, and they also threaten each other, "I will get you, when you are outside." So even the other inmate wants to protect his life. (A Night 3)

62 The already very limited opportunities for AT inmates to leave their cells are reportedly reduced further for such victims, who are prevented by perpetrators from even collecting their own meals.

63 A Night 3.

64 Translation: mind your own business.

They switched off the lights and then they gang raped that guy and anyone who wanted to switch on the lights – they said, “Hey we will kill you. Don’t switch on the lights!” And they continued what they were doing. (A Night 3)

S staff members recommended awareness-raising campaigns on sexual violence to help inmates feel more comfortable reporting. Others suggested incorporating sexual violence prevention in the orientation of new inmates. AT members said that while some orientation information is provided to new inmates at reception, staff shortages mean that section-level orientation usually is left in the hands of other inmates, and that these informal sessions may or may not address risks of being “lured” into a sexually exploitative relationship. One S respondent said that he makes an effort to talk to new inmates about these risks. Doing so, he explained, helps to build trust, thereby making it more likely that inmates will come forward if they are abused. ■■



Obed's cries for help

(Awaiting trial, day officers, Session 3 : 24 August 2010)

Albert is a high-ranking member of the 28s gang who has been locked up many times. He is currently in the awaiting trial centre, regularly travelling back and forth to court for his case, which is taking a long time to reach its conclusion.

Obed, a much younger inmate who has arrived at the centre only recently, complains to officials that Albert wants to rob him of his clothes. When the officers investigate they learn that, in fact, Obed's clothes belong to Albert, a finding that is substantiated by the cell monitor. Obed also has an MP3 player that belongs to Albert, though he claims it is his. When officials question Albert about these items, he mentions that he has been "operating" with Obed since his arrival at the centre. The officers immediately become suspicious and press Albert for an explanation. Albert, upset and frustrated by the questioning, admits that he has been having sex with Obed.

Officers realise that Obed's false allegations are a cry for help; it is simply too risky for him to tell them directly that he is being sexually abused. Obed knows that his lies will be found out, but hopes that Albert's crimes will be uncovered in the process.

Staff take Obed for a medical examination, which confirms that he has been penetrated. He receives medical treatment and is sent back to the same cell. (Officials explain that, as a rule, they provide victims of sexual violence the option of opening a case with the police, but can't recall what happened in this incident.)

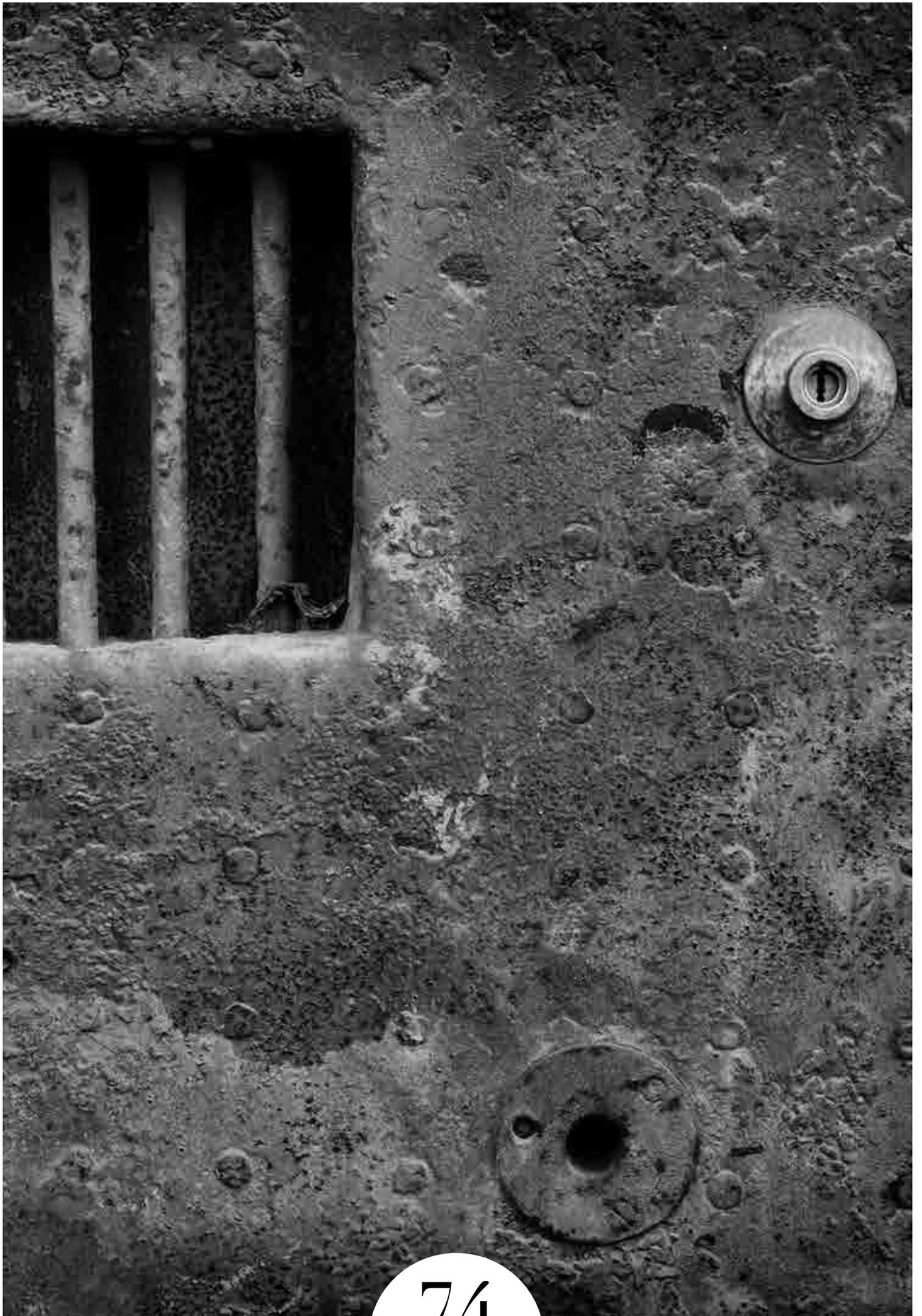
Albert is transferred to another section in the awaiting trial section, but officers stress that such a move is not a solution. They call Albert's behaviour a "merry-go-round": whenever Albert is placed in a new cell, he commits the same crime. With few options left, they would like to put him in a single cell, but all of them are full.

STORY 4

Following his assaults on Obed, Albert is not punished apart from being transferred, at least not that the officers are aware of.

The officers would like to see Albert get psychological treatment. Though he may have received some counselling previously, it doesn't seem to have helped, and they feel he is desperately in need of more intensive attention.

The officers do not know how Obed came to be targeted by Albert, but say that it is common for newer inmates to be manipulated and "groomed" by older inmates who have spent more time behind bars. Such coerced sexual pairings are difficult to escape, and it is extremely risky even to try to do so. Indeed, officers speculate that Albert could have been abusing Obed for as long as six months.



8

Maintaining Security

In group sessions as well as management interviews, respondents spoke of the challenges they face in maintaining security inside the centres. The monitoring of inmates is a difficult task in any detention setting, and especially so in facilities with very few staff watching over large numbers of inmates. Staff talked at length about their struggles even to keep tabs on inmates, let alone reading subtle signals and behaviours that may indicate that a conflict is brewing. By searching inmates, visitors, and cells, and by collaborating with inmate informants, staff seek to stem the flow of drugs and commodities that often trigger conflict among inmates. However, at night, as staff numbers are dramatically reduced, the cell door locked, and the master key removed from each centre, officers are rendered largely ineffective. According to respondents, in order to maintain security under these circumstances staff must play the role of mediator, seeking to deescalate explosive situations and prevent the violent chain-reactions that can be triggered by minor provocations – especially if gang members are involved.

1. Keeping Track of Inmates

In all facilities, but especially in AT, officials struggle to keep track of inmates in their sections. This difficulty stems in part from the large number of inmates and from the fact that the awaiting trial population is in a state of near constant flux. Our analysis found that the unauthorised movement of inmates within the centres, especially at AT, seriously and frequently jeopardises security. Inmates find ways to slip between sections, often during times of the day when prisoners are expected to move around for legitimate reasons – such as during visiting times or when the rubbish is being taken out.

Some AT inmates move between sections by swapping prison cards, which are used by officers to identify them. These card exchanges typically occur when inmates return from court, said respondents, and officers may only realise that an inmate is not in the correct section when, for example, he is called for a visitor or if he gets into a fight.

Problems monitoring the movement of inmates is also an issue in the S section, though apparently not as acute as it is in the AT section. In one incident, a sentenced inmate was transferred out of his section for violent behaviour but managed to sneak back in shortly thereafter. Respondents explained that the officer working at the gate might not have been briefed on the incident that led to the inmate's transfer, or he might have been standing in temporarily for the gate-duty member. In either case, the officers who were on duty were unlikely to expect the inmate's return and so would not have briefed their colleagues of such a possibility. S respondents also mentioned that although inmates are not allowed to visit inmates in other sections, staff sometimes permit such visits at their discretion during unlock periods.

In both the S and AT sections, where cells often accommodate twice (or more) the number of inmates for which they were built, keeping tabs on inmates is very difficult, and especially so when there aren't enough staff present. In these circumstances, staff often will not notice goings-on in the cells or dangerous dynamics between inmates.

Staff described how they have adopted various strategies to cope with the deeply challenging officer-to-inmate ratios, such as releasing several cells at once during meal collection times and ensuring that inmates queue single file, and quietly, when they collect their food:



He was controlling the line so that they can't just go [to get lunch], they must go in order ... [There's] no talking, no noise so that [if] anything happens ... you can see quicker than if they are making noise. (B Day 1)

During one incident of violence, hundreds of inmates were being monitored by two staff members – one outside controlling the line, the other inside keeping watch over the dishing-up area. Not surprisingly, officers stressed they are often unaware of potentially dangerous dynamics between inmates. Similarly, they are often in the dark about gang activity:

I believe prisoners are more clever than any educated person; these people are very dangerous ... Some of the things that they are doing [are] very difficult to notice. The only time you notice [is] when there is a quarrel between maybe the cell cleaner and the perpetrator or the perpetrator and somebody inside the cell, that's when ... it is brought to our attention. (A Day 3)

As previously mentioned, monitoring is more difficult when large numbers of inmates are moving around the section and centre. Officers said that inmates tend to plan to commit violence during these periods, which are ideal for avoiding detection. Moreover, the target of an attack may not be housed in the perpetrator's cell, meaning that the attack has to wait until periods of unlock and movement. Attacks committed inside cells are also more likely to be found out:

During lunch time, there [are] a whole lot of prisoners moving the same direction ... So it's easy for one prisoner not to notice [another coming at him] if [there] are a whole lot of prisoners. (A Day 1)

The person you want to attack is not in the cell so the appropriate time to attack him is ... when the food is being served. So [they] just ... cause ... mayhem [and] you end up not knowing exactly who is the perpetrator. (A Day 1)

They wait for that kind of situation when there is a lot of movement outside. They know that will cause pandemonium; people will be running to different directions. (A Day 1)

Another hindrance to monitoring is the common practice among inmates of hanging sheets around their bunk beds for privacy – or, according to officers, often to veil abuses. Respondents explained that they are in a constant battle to remove these sheets, taking them down regularly, but that as soon as they leave, the inmates hang them again.

Night staff noted that their difficulties detecting incidents of abuse is often the result of not being able to see inside the cells at night once lights are off. These visibility problems are exacerbated in sections with broken lights and by staff's weakly lit torches. Making matters worse, most of the beds are not visible to staff even with the cell lights on. One night officer summarised the challenges:

It's dark in the cell. Even if you switch on the light there is nothing you can see ... You can't see all those beds because there are those underneath so you can't see what is happening down there ... You are just outside looking at the window ... You can't see anything because some of them they just hide with their sheets ... on the sides [of their beds]. (A Night 3)

2. Inmate Signals and Informants

While staff repeatedly noted that proper monitoring of inmates is nearly impossible in the centres, some officers described how they have learned to pick up on inmate behaviours and signals that are often precursors to violence. S respondents said that one violence prevention strategy that they employ is to warn inmates suspected of planning an attack that they are being monitored. In these cases, officers may decide to move the suspected plotters to a different section:

But believe me ... we also keep the pace with them. We [are] always on our toes ... Overcrowding makes it difficult for us ... [but] even though they are clever and do their stuff underground, we know that ... we are dealing with prisoners so we are always alerted that some kind of activities might happen. So we are looking for those kinds of things on a daily basis. (A Day 3)

Officers pointed out that awareness of how a gang operates – and who its members are – can itself be a preventative measure. They offered the following scenario as an example: an inmate had upset a gang member by not paying back a debt. The gang member went to the gang boss who confronted the inmate with the debt. But because this inmate was unfamiliar with the gangs, and was unaware that the inmate he owed money was a gang member, he shrugged it off, thus provoking the gang. As soon as officers became aware of it, they took pre-emptive action and approached the gang boss. As one explained:

We as officials we know that Mr X is the boss of the gangsters ... and we will tell him, "We know [you are] the boss of the 26s and you will do something." He'll say, "No Chief I won't do anything." Then we know deep down that something will happen so what we did, we decide[d] to take Mr X out of the unit ... Then someone from the gang ... comes and confesses that, "Hey Chief, you have done a wonderful job because I was given an instruction to stab him tomorrow." (B Day 1)

Like their S counterparts, AT officers may inform suspicious inmates – in this case a sexual predator named Albert – that they are being closely watched:

If maybe Albert is running around in the section, sometimes we sense that he is looking for someone and we will warn him ... "Albert we are watching you." (A Day 3)

Respondents explained that there are other inmate behaviours that officers also keep an eye out for. Certain behaviours may, they said, indicate that an inmate is sexually abusive, for example, extreme helpfulness towards staff and repeated requests for extra food. They also raised the point, however, that some inmates are hard to read, or behave in contradictory ways; friendly and cooperative in some contexts and very troublesome in others:

When you see him playing soccer ... this one is a star. He is a top goal scorer and he can do anything but he is involved in any mischief that happens in prison: gangsterism, drugs, and all these things ... He is a likeable guy ... [and] at soccer he is the hope of the centre ... a hero.

But jurr! eish, that guy, I don't know how to describe him ... He is involved in a lot of problems ... And he is very quiet. But he is involved in a lot of nonsense.⁶⁵ (B Day 1)

Officers may be alerted to threats or the presence of contraband by inmates serving as informants. Staff emphasised the importance of taking all information with which they are provided seriously and of acting on it briskly, no matter how insignificant it might seem:

You can take that information slightly and it is serious and it can cause danger so you need to react quickly. It doesn't matter how small it is ... Like last time, one came to me and said one inmate wants to stab the other from cell 7. And then I went to cell 7 and came across an inmate and he said, "Please Chief, lock me in this cell, I want to sleep." When I was about to open the cell, the other one cried inside and said, "Chief don't open for this one – he wants to stab me," and then I searched the inmate and found a [piece off] window glass. If I didn't react there, maybe one official could have opened the cell for that one ... unaware. So those small [bits off] information, you need to quickly react on them. (A Night 3)

The members of one gang, the "Big 5", are known for feeding information to staff in exchange for extra food or cigarettes. Responding to a question as to whether such deals put inmates at risk, officers said that identifying an informant out of the numerous Big 5 members would be very difficult, and that most inmates would avoid targeting a Big 5 out of fear of the staff. Other officers, however, underscored the risks faced by informants, stating that such risks deter many from accepting this role.

3. Searches and Smuggling

All sorts of illegal items are smuggled into the centres – from money to cell phones to dagga to weapons – and inmate searches are a critically important tool in staff's efforts to maintain security. Respondents explained that these items often are transported via food or toiletry items (toothpaste, roll-on deodorant, etc.) brought by visitors. Sometimes items are hidden on an inmate or visitor's person, concealed under the bandage of a real or fake wound or inserted inside a person's anus or mouth – typically a weapon, phone, or money wrapped in plastic. Officers and management interviewees highlighted cell phones as being a particular headache for staff.

Staff sometimes conduct unannounced searches of cells, but respondents exclaimed at the speed with which inmates shift the location of contraband items, rendering many searches unsuccessful. They also emphasised the ingenuity of some of the smuggling methods, pointing out that even when inmates have not been tipped off, cell and body searches often don't reveal smuggled items:

Having money is illegal inside ... We search everywhere but you won't find it. That's the problem. I don't know where they hide it, but there are many ways. (A Night 3)

⁶⁵ During the sessions, officers had interesting arguments among themselves about how to handle troublesome inmates. These discussions reflected different approaches and staff were generally divided between a "give him a chance to change" attitude and a "you'll be sorry for giving him a chance, he's a manipulator of note" attitude.

They hide it and you try to search, but you can't find it. There are a lot of illegal things inside. (A Night 3)

As they come out of the unit, they are being searched. As they enter the other unit they are being searched. As they come out, they are being searched but smuggl[ing] is always there. (S interviewee)

Judging from respondents' accounts, while the bringing of weapons into the centres is a grave problem, the concerns related to smuggling are not primarily focussed on dangerous items. Rather, the presence of a broad range of illegal products contributes to prison violence because it fuels an illicit economy over which inmates fight for turf and control,⁶⁶ and through which poor, weak inmates are exploited. See also section 6.2. *Cell Phones, Dagga, and the Prison Economy.*

Some respondents spoke of dagga as an inevitable part of life inside:

R: All members will tell you [that] even in 1976 there was ... dagga inside the prison ... So they will tell you, "No one will stop it." And it seems that it's true.

R3: You can't say it is accepted because they try to fight it, but it is there. (B Night 2)

In the S facility, dagga is reportedly smuggled by inmates working in the garden, inmates who have ingested it, or via food deliveries to the kitchen. Despite the somewhat resigned approach to the presence of dagga suggested by some respondents – who describe it as impossible to eradicate – they had seen colleagues lose their jobs over smuggling the drug.

Smuggling in the AT facility is made easier by the constant movement of inmates in and out of the centre. While some officers play a role in smuggling – either through negligence or active participation – the issue of inadequate staff numbers apparently contributes to the problem. AT respondents gave graphic explanations of their lack of time to deal with a host of competing priorities. Reception staff, who are supposed to confiscate all illegal items, also struggle with capacity issues:

You find that Monday to Friday more than 500 inmates are coming in and going out and only, say ... six members are there ... And if you're going to really search a person, it takes a long time. (A Night 3)

So if you[re] really going to search somebody, you have to spend 30 minutes minimum with that person and we only have a few members there. We can't really manage. (A Night 3)

Officers spoke repeatedly of trade-offs they are forced to make. Spending the requisite amount of time conducting thorough searches would mean less time for taking complaints, serving food, and managing phone use and access to visitors, among other tasks. Often, large numbers of inmates arrive at the same time, needing to be processed at once – and frequently quite late in the day, when there are still fewer members on duty. It is because of these many competing priorities that some officers described their jobs as a delicate balancing act:

66 Thanks to Craig Higson-Smith for highlighting this dynamic.

R: We are short of staff ... so there are a lot of things that we must do ... because you will find ... 120 inmates [who] you need to search ... and time is running. We have to dish food for them also. We have to make sure the section is clean and we have to make sure the complaints are taken – and [that] they are solved properly ... because you can't take long in solving an inmate's problem. You have to solve it now or else it's a problem.

R1: I remember last time in our section we were 2 of us and we received more than 50 offenders. And that day we didn't search them, we said, "pass" ... Just count[ed] them ... because we have to go and dish for them and we have more than 700 offenders in my section. You see ... sometimes we search them well, sometimes we don't because of the shortage. (A Night 3)

A further shortcoming identified by AT respondents was police escorting inmates to and from court. They described SAPS as being lax on security and searches, which means extra work and increased risk for correctional officers:

When they go to court ... they are ... escorted by SAPS. When they come back from the court the SAPS are supposed to search them – to make sure that they don't have anything ... [but] the police are not searching them. We don't have enough members in the evening when they are coming back late ... [it's] maybe only one or two [members] at the reception. (A Night 2)

[SAPS] don't do searching like us ... They were with those inmates the whole day at court, in the court cells and then they loaded them again from the court to the reception ... when you search them they have got dangerous things with them. (A Night 2)

[SAPS] are so careless, man. Sorry to say that. (A Night 2)

Yes, on many occasions I will say we find dagga ... when they come in from the [SAPS] van ... How do[es it] get into the van? Only the police know. (A interviewee)

An S manager in the Internal Security Unit also relayed how staff shortages hinder searching activities, describing the shortage as his greatest hindrance:

My biggest challenge is staff ... You want to have ... a massive search. Due to the amount of people working here you cannot do ... many cells and you cannot do what you actually want to do ... We used to do [surprise searches] on a weekly basis. But now ... we do not have enough staff ... We still do the searches but ... I will go maybe with a team of four and search a specific place. Not ... the whole cell ... maybe ... four or five beds then we leave ... It's not sufficient. (S interviewee)

Both S and AT respondents complained about family and friends of inmates smuggling illegal items such as cell phones, airtime, drugs, and money. The rules regarding phones state that inmates are allowed to have only a Telkom card for use in the public telephones in the sections, but many have access to cell phones that have been smuggled by visitors and others.⁶⁷ AT respondents even spoke of forbidding inmates from informing their families of court dates and hospital appointments in an attempt to cut down on smuggling. One S manager explained that it is impossible to monitor contact visits properly. There is a shortage of

⁶⁷ In the AT centre, many inmates do not get the phone access to which they are entitled because of the shortage of working telephones and the longer lockup periods implemented in response to overcrowding and short-staffing.

searching cubicles for visitors. In addition, the visiting area is crowded, and inmates are often visited by several people at once:

It's not one on one ... You find it's four [visitors] on one [inmate] and our infrastructure, our place is very small ... You cannot actually move around the place and see because it's already overcrowded. [So if they're smuggling] you cannot see. (S interviewee)

The searching of inmates' food was a topic of discussion among respondents – a practice that several respondents raised concerns about, feeling that it violates inmate dignity. Some officers said they were reluctant to search an inmate's food only to find nothing:

It's inhumane ... to open someone's bread ... to check what is inside ... it's being disrespectful ... [and would] maybe ... violate his right. So you just see his bread, you just pass it, not knowing maybe [if] there is a cell phone inside. (A Night 2)

Given these challenges, suitable x-ray equipment could go a long way towards eliminating smuggling. Some centres have x-ray equipment, explained management interviewees, but it's not very effective, often failing to detect items (like those that are swallowed). AT and S managers emphasised the need for scanning machinery that provides visuals rather than merely signalling the presence of metal and, if possible, that picks up on items carried inside a person's body.

AT officers discussed the use of body searches, and the fact that inmates often use anal cavities for hiding illegal items. One respondent spoke of officers in his section making use of a strong, small torch to inspect inmates' anuses when smuggling is suspected. When questioned again on the topic at a subsequent session, the group stated that such searches are conducted only in the privacy of one of the offices, out of view of other inmates:

One of the guys said, "Even the knife we can put it inside [the anus]." What they do [is] they use sellotape... [to] cover [it] with plastic. So ... what we do is ... we ask them to squat like this (imitating) and then that thing come[s] out. They don't want to squat because they know we will catch them. (A Night 2)

Actually we don't have a specific place where we search them; we normally take them to our office – maybe ... the top one or down one – but it must be private. Normally the member ... and the offender but there must be no other offenders to see what is actually happening ... We normally do that when we are sure that this one is hiding illegal items. (A Night 3)

Managers emphasised that strip searches should only be carried out in private, with utmost professionalism, and by a person of the same gender as the inmate being searched.

Staff members themselves are also searched upon entering the centres, said respondents, but far less thoroughly than inmates and, on the basis of the following exchange, apparently with much scope for improvement.

R1: We can't search [a staff member] like you are an inmate, you see, because an inmate is a different thing.

I: So what do you do? You just do a quick pat down search?

R1: No, we search, you see, accordingly.

I2: So you could put something in your sock and that would be fine?

R2: Ja.

One S manager commented that corrupt officials, well aware of the monitoring processes, are able to sneak through detection devices at times when they are not manned.

Overall, our findings suggest that smuggling can be reduced through a few basic measures, such as improved staff capacity for searches, increased use of x-ray equipment, clarified rules regarding what items inmates are allowed, use of alternative materials for windows, and by generally addressing facility disrepair.

4. Night-Time Emergencies

At night, staff numbers are dramatically reduced in the centres, and officers face critical challenges when responding to problems occurring in the cells. Respondents spoke of the stark absence of staff during the night and how it rendered those present relatively ineffective. At night, officers must patrol one, if not two, poorly lit sections by themselves:

During the day you can still handle things but when you work night duty, sometimes it's beyond your control. (A Night 1)

If an officer does detect trouble inside a cell, he faces additional and often intractable obstacles to stopping it – especially the cumbersome process of obtaining the key to the cell. Indeed, the most striking and disturbing feature of night shift, and the one emphasised the most by night officers, is the multiple steps required to get the “master” key that opens the cell doors, together with the backup staff required to open a cell.

No officer on duty in the centre has the master key. It is held by a standby staff member, who is typically in his quarters on the grounds of the management area but not at the centre itself. For an on-duty officer to get the key, he must contact his supervising officer (the “member in charge”) either by radio or telephone. That officer, who is based in an office at the front of the centre, calls the standby member responsible for the key, as well as backup support. The process is lengthy and poorly suited to explosive situations that demand an immediate response. Staff from both the AT and S centres described their frustrations with this system:

R1: You sit in your office and every hour you have to go and patrol ... Sometimes they'll [be] waiting for you so when you pass they will call you, “Chief ...” Sometimes ... they bang the door ... [to] alert you that there's something ... happening and then you'll go right away and they will tell you, “Chief, people are fighting each other!” But sometimes ... the prison system is very slow in reacting to this violence. [R3: Ja.] You ... have to report to the member in charge; the member in charge has to phone the person who is having the standby key and then the person who has the standby key come[s] – and then you call the officer who is also on standby, and then – you see it's

a process! Before we can go and open we have to ... mobilise ourselves ... [to] go there, so we take something like more than an hour before we can open. (Animated to emphasise that it takes very long; others chipping in to support him.)

R5: Even two [hours]. (B Night 1)

R5: So when there is a problem you need to report to your member in charge at the control room and then he will phone ... Now just think how long it will take ... He will phone the member that's on standby plus the other officer [on] standby to come out and then if ... someone ... has been hurt in the conflict, we need to open the section and the medical staff that's on standby need to come as well.

R1: One stay[s] this direction, one stays this direction ... Sometimes ... when I phone you as a medical officer, your phone is off ... but you are on standby. Then I have to get EST [Emergency Support Team] night-duty standby official to phone you in order to make you aware that I am still looking for you.

R3: Or to go to his house physically. [R1: Ja, physically.] If the member doesn't have a car you have ... to walk. (A Night 1)

In this case, the backup may consist of members on duty in other sections – who have to leave their posts if there is an emergency – or members who are not on the shift but on standby and must be called to come from their quarters (on the property of the management area but a way off from the centres). The member in charge is responsible for deciding the composition of the backup team; in extreme cases, he may call on the Head of Centre or the Dog Unit, according to respondents.

Officers explained that this slow, unwieldy response process is the by-product of a system that was developed to prevent inmates from escaping. That system is aimed at cutting down opportunities for inmates to bribe officers in exchange for letting them slip away. Though it may have led to a decrease in the number of successful escapes, the multiple steps required to open a cell at night is deeply problematic. Respondents provided two vivid accounts of cell fires that resulted in inmate deaths – either on the way to the hospital or in the cell itself – which might have been prevented if staff had been able to open the cells quickly. The following description of one such fire (at a centre where the officer worked previously) captures the ways in which night officers are limited in what they can do in an emergency:

I was working night shift and ... was guarding two sections. And then ... [the] offenders were knocking, I heard the noise from [the] other section ... I went to that section and found the cell burning and ... I couldn't do anything. I just rush[ed] ... to phone the member in charge ... And then the member in charge took some time to come because ... he is supposed to phone the standby member, and the standby member is not on duty and he must go and be fetched at his place. He took ... more than 30 minutes to come. When they [came] it was already burnt ... They were three [offenders] ... inside ... They rushed them to hospital and before they took [them] to hospital, they must also organise the driver ... because you cannot just have anyone drive the state car, you must have the authority for that and now it was a process ... One of the offenders ... died on the road while they were going to the hospital ... I was not happy because I was alone and guarding two sections and each section's got more than five hundred offenders. And it's a big section, it's a double- storey ... you go up and down ... I responded late because I was in the other section. (A Night 2)

In the case of fights between inmates at night, our incident analyses revealed that when officers are able to reach the cell, it may be possible for them to diffuse the conflict without entering the cell. This was the case in two incidents: one in the AT juvenile section, and the other in the S adult section. Both involved fights between two inmates, and the officer on duty was able to calm the situation by talking and shouting to the inmates.⁶⁸ In the incident in the juvenile section, backup arrived after 45 minutes. Many times, however, officers on the scene are unable to calm the situation from outside the cell, especially where more than two inmates are fighting, “You are nothing to them. You can scream [from outside the cell] 10 to 20 times. You are nothing to them until you open.”⁶⁹

Officers on night duty are also hampered by the absence of medical staff. Nurses on standby have to be called to the facility, underscoring the extent to which current DCS staffing regimes do not fulfil the needs of institutions that operate 24 hours a day:

R3: The nurses don't like to be woken up ... The attitude. [R4: You see the attitude, ja, they are angry] Yes [they are angry] that you are waking me up at this time ... because when you wake her at 2:00 am ... she should come again to report for duty [a bit later]. (A Night 2)

Officers who work by themselves are not only less able to protect inmates, they are also less able to discipline them:

R: At night because it's locked we just stare at them [R1: Observe.] seeing them smoking dagga and doing everything that they wish to do, you can just say “Hey you, I am going to charge you!” but tomorrow you have no proof ... So you are alone in a unit, you can't tell ... that you saw the inmate smoking dagga [because] they will say, “No Chief, you didn't see us.” (B Night 1)

The usual way for inmates to alert (or try to alert) night officers to a problem is to yell or bang on the cell bars or doors. S officers estimated that they open cells to deal with emergencies once or twice a week on average. According to officers, the most common reason to open cells at night is because an inmate is sick. They did point out that inmates often care for sick cellmates, sometimes supporting them through the night if they are unable to alert staff.⁷⁰

Some S officers said that fewer fights occur at night because inmates know staff struggle to open the cells quickly and they recognise the risks of night time fights spiralling out of control. Officers added that when fighting does occur in the evenings, it is often the cell monitors who calm the situation and then report to staff the next morning:

These inmates at night ... hardly fight because they know that to open any cell is quite a procedure ... If they have a fight, they actually solve it maybe through the night and then they sleep. And then in the morning that's when they go to the officials and report what was happening. (B Night 2)

68 The AT respondent who was involved in the juvenile incident maintained that breaking up the fight would not have been possible in the AT adult section. Indeed, several officers felt that they have greater impact managing younger inmates, who are perceived as more receptive to disciplinary and other interventions. They are also able to use strategies of discipline – like imposing additional chores – with juveniles, which are not possible with adult inmates.

69 A Night 1.

70 Such care-giving among inmates is one of the reasons given by some respondents against housing inmates in single cells. (A Day 2)

At night you hardly see it because they know it's not easy to open up a cell ... These fights and incidents where they ... hit each other with padlocks and stab each other, it happens during the day. (B Night 2)

Conversely, some AT officers were of the impression that the majority of fights occur at night, precisely because of a lack of staff supervision. These respondents explained that inmates sometimes plan their assaults for the night shift, which includes a large part of the afternoon, and is predictable:

R1: They can stay with their plan from morning ... From 3:30 to 4:00 pm they know very well everything is quiet. No one is outside.

R2: Most fights break out during the night shift.

R1: Ja, during the night shifts.

R2: Most of them, even all of them. (A Night 1)

Night officers do not initiate disciplinary processes against inmates who fight. They record violent incidents in the log book and brief the incoming day staff. Night staff respondents also said that inmates typically report problems to the day staff, unless night staff have to intervene directly, in which case it is usually the responding officer who receives the report. These reporting patterns are no doubt linked to the minimal staff presence at night and the lack of confidentiality for inmates who might want to report, given that they are in communal cells where others are likely to witness the report.

A point of concern for the research team was learning that despite staffing shortages and problems of violence in the cells, many of those who work nights apparently spend much of their shifts in the office; we were told that night shift can be a good time to study. References to "study time" highlight the important question of how to keep officers alert and motivated in a context that is often characterised by boredom, but which requires constant engagement.

5. Staff as Mediators and Adjudicators

Officers' accounts highlighted how their work often demands that they attempt to resolve inmate conflicts, both physical and verbal, through mediation. S respondents provided a hypothetical scenario to illustrate their role as mediators:

R4: We first find out what was the main cause of the fight and ... take it from there because you can't try to solve a problem if you don't know where it started ... And then we intervene and ask questions ... and we try to show them how important it is not to fight. "If you've got a problem, talk to each other." We try [to see] how best we can ... solve it.

R1: Ja, if this one says, "I don't have a problem with this one," this one will also say, "I also don't have a problem." Then they can shake hands, but we [will] involve cell monitors again. That, "Okay, they said this, so we don't expect it to start again." But if they did it under pretence and this one still has issues, then it's easy again to pick up with the help of cell monitors. (B Day 2)

Sometimes, after officers have intervened to diffuse a conflict, inmates update staff on how the situation turned out:

Sometimes, let's say they've been brought to us and ... they were fighting or it was just a misunderstanding and then you punish them – you will find that maybe after one or two days or [the] same day, he will come to you ... [and] say, “No, we sat down and we talked, we tried to solve their problem with each other” ... Some of them do that. (B Day 2)

However, most inmate conflicts are not resolved so easily. Officers explained how many fights stem from longstanding feuds, which makes handling them very difficult:

You take ... both of them, you try to understand both sides of the story ... What is going on? And ... you won't believe, he can even range the story from February. What happened from February until today [when] they fight ... It's not a problem of today, of yesterday, it's [from] long [ago]. (A Night 1)

It is difficult because you have to get to the root of the problem – where it started. Now if the problem occurred five months back, to solve it, it's very difficult. (A Night 1)

Officers gave numerous examples of complex trades between inmates that had gone wrong. They noted that in these cases it can be nearly impossible to apportion responsibility in a way that is fair – and perceived to be fair. Leaving the issue unaddressed, or inadequately addressed, poses further dangers:

If you solve the problem both parties must be satisfied. But now if this one is not satisfied and this one is satisfied, ey, it's a problem because that's where the fights break out. (A Day 2)

Respondents explained that there are cases where inmates who they had believed to be victims of a fight turned out to be its instigators, although there are also times where inmates are both instigators and victims. Victims may choose not to open a case for fear that their role in starting the conflict will be discovered. It is also not uncommon, officers said, for inmates to pretend that the conflict is resolved so as to deflect attention from themselves, when they are actually planning to take revenge:

And sometimes it can be because he wants to revenge ... We had a case in our section. We asked the gentleman if he wanted to open a case and he said no. Twenty minutes later he stabbed the very same guy who stabbed him. (A Day 2)

Officers and managers alike acknowledged that inadequate staff responses to inmate complaints and conflicts increase the risk for violence:

I have to check the complaints book because you know if you don't deal with complaints it sometimes leads to other things ... You find ... the offender ... had his name written in the complaints book. “I need to see Internal Security.” You don't deal with the problem, then he gets frustrated ... he burns himself inside the cell or ... he trie[s] to commit suicide and ... some of these complaints they are not big to solve. (S interviewee)

They added that violence becomes more likely when officers are unable to offer a solution to a conflict – or are unwilling to try to do so. Similarly, when officers take sides, the prospects for diffusing tension between inmates are greatly diminished. Even an act as seemingly insignificant as putting off an issue until the following morning can prompt violence.

Assessing the risks of conflict can be difficult for officers. They receive many complaints and requests during lockup time, and respondents explained that it is hard to decide which issues can wait until morning and which cannot. As with so many other problems related to the monitoring of inmates, officers linked the challenges of doing proper risk assessments to staff shortages.

Respondents were aware that they were not able to provide many of the required services – or good enough services – to inmates. In general, officers maintained that they do their best under immensely difficult circumstances:

R: You know like we are so overworked that sometimes we don't even listen to a genuine problem. Someone in the morning will come and say "Chief I have got headache" ... and then someone comes after 13 people who has got a genuine problem. You are tired ... You've been listening to nothing the whole day and now it's time for you to have your lunch [and] someone comes with a genuine problem. ... [You] don't want to talk about it, you are tired of listening to nonsense, [you assume] he is bringing nonsense too, you don't even give him a chance. Now he meets his family at the visit room [and] he will tell them, "I was trying to explain to Mr so-and-so [so] that he can help me. He didn't even listen to me."

R3: And it's true, you didn't listen. (A Day 3)

6. When Violence is Gang-Related

Although many respondents agreed that gang violence in the AT and S centres is less prevalent today than in the past, officers were mindful of the threat gangs pose. A scuffle between two inmates can quickly escalate if one of the inmates belongs to a gang, setting off a chain-reaction of revenge attacks. Therefore, officers work hard to contain fights and to pre-empt potential gang involvement in conflicts.

At play here is powerful gang lore, which stipulates that if a gang member's blood has been spilt, the gang is required to avenge this by spilling the blood of the enemy. In addition, a gang member who surrenders his weapon is deemed to be a coward. As a result, members of gangs will strongly resist officers who try to disarm them, said respondents. Officers make an effort to know whether an inmate involved in a fight is a gang member, recognising the increased threat of revenge attacks if this is the case. As already mentioned, inmates may claim that their fight is resolved although they intend on taking revenge, or the gang may take revenge on behalf of its slighted member:

But the problem is you cannot say it is solved, especially if it[s] ... gang related, because they can agree and say ... "The matter is solved, it's fine," and then later they use someone else who is still new, they will say, "We have a job for you. So you need to stab that guy." (B Day 1)

When gang members were involved in incidents, staff took specific measures to prevent the violence from spreading. These included immediately removing the gang member from the view of other inmates prior to questioning or even disarming him, transferring that inmate to another section, or calling for the Internal Security Unit. An S manager noted that with most fights – even those not involving gang members – it is advisable to separate fighting inmates from the rest of the population to pre-empt the conflict from escalating:

If offenders have a crowd, it's more difficult to deal with them ... It's the same when two people are fighting ... You get ... people who like attention. They will see these people looking and they will continue but once people move away ... they will stop ... But once you [try to] deal with the situation while the others are [watching] ... you can even escalate that thing. (S interviewee)

As noted earlier, in addition to the so-called Numbers gangs, inmates may organise into gangs based on the area from which they come. As the following respondent explained, fights involving members of these types of gangs also often snowball, making staff intervention difficult:

R2: They group themselves together ... They call themselves "umkhaya" ... And then it leads to more gangs, it leads to more uncontrollable situations because someone will be robbed, he will call witnesses, and the robber will call his own witnesses. So there will be five witnesses defending the robber, then ... five representing the victim, so at the end of the day you will never find the truth.

R1: Some will want revenge.

R2: They want revenge. We are using our own discretion to investigate cases. But not all the time we are right, some of the time we are wrong and we will deal with someone who is the victim ... Because we are not well equipped to investigate ... Or sometimes he was robbed but because he doesn't have anyone to protect him ... the robbers will come and report that they were robbed. (A Day 1)

7. Victim Support in the Aftermath of Violence

Inmates who are injured in fights or attacks are treated in the hospital section or, if necessary, are taken to the local hospital. Victims of an attack are supposed to be given the option of opening a criminal case with SAPS against the perpetrator – a process handled by the Internal Security Unit. Victims, however, don't always want to do so. According to respondents, reluctance to report can stem from fear of retaliation, a feeling that the offence is not serious enough, an attempt to hide their own illegal activity, or a desire to carry out a revenge attack. This study's incident analysis also showed that sometimes victims are not given an opportunity to proceed with criminal charges.

Officers said that they usually did not learn the outcome of disciplinary and criminal investigations into assaults and other cases, nor what happened to inmates involved in incidents once they were transferred.

AT staff underscored that there is no DCS policy governing the punishment of awaiting trial inmates who assault other inmates. Consequently, giving victims of violence the opportunity to open a SAPS case is the only path toward justice staff can offer. In addition, victimised remand inmates usually have no access to psychological treatment or social worker services. As two officers explained:

The only [thing] that we can do ... [for] one who is injured, we advise him to open up a case because there is nothing we can do because the policy doesn't allow us to do anything to these offenders. (A Night 2)

Other than being taken to Bara,⁷¹ there is no ... counselling for him, nothing. He's just asked like "You want to open a criminal case against the perpetrator?"... We don't have social workers. We don't have that support. (A Day 1)

According to staff, most victims are given the opportunity to open a case against their perpetrator, although in one of the analysed incidents involving an attempted rape, it seemed that the victim was not given this opportunity. If this was indeed the case, this failure may have stemmed from officers not considering an attempted rape severe enough to warrant notifying the police. In another incident, officers prohibited a victim who had been hit with a belt buckle from reporting to the police because it was lockup time, but said that he would be able to do so the following day. Officers apparently never followed up with the inmate.

Some S respondents explained that when two inmates fight, it can be difficult to determine which inmate is responsible for instigating the violence. In many of these cases, it sounded like officers would not involve SAPS, but instead rely on the internal disciplinary procedure, which must be implemented for any serious incident, regardless of whether a SAPS case is opened.

In cases where an inmate is victimised by a cellmate, he or the perpetrator, or both, may be moved out of the cell. In one AT case where a cell cleaner tried to rape another inmate, the cleaner was demoted, but apparently only the victimised inmate was moved. It was not clear what motivated decisions in some cases to move victims in the aftermath of an assault, while returning perpetrators to their original cells.

Officers explained that when transferring inmates after a violent incident they also need to consider gang membership and dynamics, taking care not to strengthen the gang:

When they were fighting, we ha[d] to stop them, charge them and then separate them. And the Coloured guy we took ... to the other section so that he doesn't get to meet with the 26 guys who are still there. (B Day 1)

Respondents also reported that sometimes both the victim and perpetrator were returned to the same cell after briefly being separated, but only when officers are confident that there is no danger of further attacks.

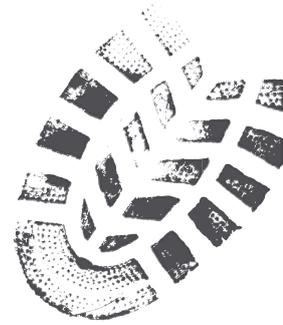
Evidently, many victimised inmates receive medical treatment, including anti-retroviral drugs, when appropriate. However, in some cases of sexual violence, respondents described victims being taken for medical attention to see whether "it was true" that a rape had occurred⁷² rather than to ensure that the victim received appropriate care. The research team was not able to discern how such situations actually are handled by medical staff, but respondents' reports suggested that DCS has much work to do in creating a victim-centred approach to its medical care in the aftermath of rape. ■■

⁷¹ Bara is a colloquial abbreviation for the Chris Hani Baragwanath Hospital in Soweto.

⁷² A Day 3.



Dicipline and Use of Force



The South African prison system has gone through profound changes since the end of apartheid, most notably transitioning from a militarised approach to incarceration to one seeking to focus on rehabilitation. Respondents made clear that this shift in DCS’s mission, however, has not been paired with sufficient training and clarity. Indeed, staff spoke of their struggles to discipline inmates in ways that were both effective and legal. In the AT centre, especially, the lack of a formal policy for handling those who break the rules was painfully felt. In the absence of a disciplinary policy, staff resort to using cell shifting and segregation as core disciplinary tools, with mixed results. Some officers admitted to sometimes using illegal force, particularly in situations where they wanted to send a clear signal to other inmates not to misbehave. And then there was the issue of the tonfa – the baton that officers are expected to carry and which remains both controversial and disliked by many staff members. This section also touches on the Emergency Support Team.

1. Rehabilitation or Security?

Respondents engaged in many discussions about whether their primary role is to ensure security or to rehabilitate inmates. Some complained that the “military style” prison system that was done away with after the fall of apartheid was replaced by a “rehabilitative” system that does not ensure security and discipline. Officers made clear that they were not opposed to rehabilitating inmates, and acknowledged that building rapport with inmates – part of what they understand the rehabilitative system to require – can be helpful in picking up security risks and make prisons safer. At the same time, they emphasised that they felt ill-equipped to practice rehabilitation – in part because they had not been trained or given a firm enough grasp of the concept and in part because they were confused about how to impose discipline within a rehabilitative system. Some respondents expressed doubts as to whether DCS’s stated goal of rehabilitating inmates was realistic:

[Rehabilitation] is a good model on paper but I was training for six months. I was trained about how to handle a key, how to escort an offender; I was never trained on how to handle problems of this sort. (B Day 2)

Officers emphasised again and again that DCS’s current mission cannot be realised without first addressing the problem of staff shortages, which leaves officers consumed by security concerns. In a similar vein, some officers debated where they should place their focus on the rehabilitation of inmates or on providing security. As one said:

Security comes first and rehabilitation comes second because our primary duty is to guard – to make sure those guys stay here, [that] they don’t go out until they finish their sentence. (B Day 2)

One AT management interviewee noted the particular need for ongoing training in key areas where there has been a departmental change in ethos:

We need to do something like intense training because there [are] always changes ... Maybe we were doing things this way and then here comes the Human Rights Commission. They say, “No, but you cannot do this because of 1, 2, 3.” Then we will need those interventions ... in terms of how must we deal with certain constitutional rights and all that.

2. Disciplinary Policy

At the S centre, officers are required to refer to a disciplinary code that spells out procedures for hearing and charging inmates who commit offenses. To initiate the process, staff must complete a charge sheet, which is then given to the Case Management Committee (CMC), which conducts the hearings. Possible punishments include a demotion from privilege group A to B or C. Demotion from A to B reduces the number of phone calls and number and nature (contact or non-contact) of visits to which an inmate is entitled. According to one S manager, visitation-related sanctions are effective deterrents because visits are so important to inmates. Inmates who are demoted to the C category must be transferred to another centre – one that caters to maximum security inmates, as being categorised as C comes with an automatic maximum security classification. According to one S manager, these more dramatic demotions happen approximately ten times a year at the centre. However, respondents said they were usually unaware of CMC decisions on inmate punishment.

The S centre's disciplinary system gives staff much more to work with than their AT counterparts. AT respondents emphasised that the absence of a policy – and practical guidance – for disciplining AT inmates makes them feel powerless and frustrated. These gaps in policy, they stressed, made them unable to do their jobs and respond appropriately to incidents of violence and abuse. One AT officer, who received a report of a rape, illustrated their frustration:

[He] say[s], "Chief I was sodomised." Now ok, you have been sodomised, what can I do? There is nothing I can do. What we have to do is to separate them ... one to one side, the other one to the other side. You must understand the victim is not happy. Now the victim will say, "No, the members are not helping me ... at least I must go for revenge"... Now my question will be, "do I have the resources to solve that kind of a problem?" I don't have ... like ... Tuesday, in the morning, when I opened ... [a] prisoner had sexualised another prisoner. The very same prisoner [who had perpetrated the rape] went to court. I can't stop him from going to court, because ... I will be called to come and answer, so I have to wait for him to come back and find out what happened. And if he says, "Yes Chief, I have done it," then what's next? There is no policy. There is nothing I can do! I have to separate them, or I have to report it and call in ... the police station which is going to take time (very agitated). Maybe the ... prisoner will get outside for bail and maybe the case will be discharged. Now where are my efforts? I need to take action now! ... That's not happening ... Other prisoners ... say, "These people do nothing, they open and close doors" ... We open and close but at the end of the day his life is in my hands, but ... I can't do anything. (A Day 1)

In addition, our analysis revealed how having social work and other services at the S centre sometimes assisted officers in getting to the bottom of disciplinary matters – services that are not available in AT centres.

Inmates who have been victimised have the opportunity to pursue a case through SAPS, although one S manager raised the limited effectiveness of doing so. He explained that SAPS generally are responsive when inmates seek to open a case, but that, owing to a lack of SAPS manpower, the follow-up usually is subject to lengthy delays. The manager also explained that cases are frequently thrown out of court due to lack of evidence or are withdrawn because an investigation has stalled. Other reasons he cited for the limited effectiveness of filing reports with SAPS included a lack of capacity of SAPS to investigate DCS cases, a lack of equipment to process evidence, and courts' frequent decisions to forego sentencing when defendants already are serving lengthy sentences:

Mostly our dagga cases and even some of our rape cases ... have been taken from the SAPS based on the lack of evidence ... I can say 80 percent of our cases we lose ... in court based on technicalities from the SAPS side ... Either the investigating officer is not there or the scale where we weigh the dagga ... is not a digital scale [and] they want one with a printout. We use our normal scale ... The magistrate or prosecutor capitalises on those things ... and we lose the case ... [Also] it takes a long time [and] at the end of the day ... [it's] been too long and the case has been thrown out of court. We had an incident where ... one guy burnt another ... While [he] was sleeping he poured ... boiling water on top of him and he sustained ... second degree burns ... [We] reported the matter to SAPS ... He wasn't convicted ... The reason ... [the magistrate ruled that] he is serving life plus ... [so] what more sentence are you going to pass on the person already doing life plus? ... It ties our hands. It really ties our hands ... You end up not going to court ... because it seems like you are the problem at the end of the day ... Also remember we have got two police detectives ... allocated [to] Johannesburg prison. Look how big is the prison ... Two or three police detectives that have to do the cases ... It's a lot. (S interviewee)

3. Cell Shifting as Discipline

AT officers described relying on shifting inmates between cells as a response to abuse and disciplinary infractions. While S section officers have more disciplinary options at their disposal they also tend to depend largely on cell shifting as a disciplinary mechanism. Based on staff accounts, and as previously mentioned, moving inmates as punishment for fighting appeared to be a fairly effective strategy. Inmates do not want to be moved, primarily because arriving at a new cell means being placed at the bottom of the cell hierarchy, which, among other things, involves sleeping on the floor in the cell ablutions area:

R: Fight in a cell we remove you out ... And the disadvantages are ... once you go to the other cell you are going to start afresh.

R1: Sleep on the floor, the toilet and then [only] you move inside [into the main accommodation part of] the cell. (B Day 1)

In cases of major cell fights where officers are unclear about who triggered and participated in the conflict, officers sometimes disperse an entire cell. The threat of such mass moves serve as a powerful incentive for inmates to keep their cell calm and deters much violence, according to respondents. Some argued, however, that the impetus to keep cells calm simply displaces violence to outside the cells during unlock times, when movement of inmates makes detection more difficult. During one discussion, an S respondent stated that the most effective method for addressing violence is to have fellow inmates control troublemakers:

The guys that are violent, the guys that sodomise, we kept them inside the community cells and we had a measure of controlling them ... The groups [of other inmates] will talk to him ... and [if he] makes an offence ... they will try to communicate to him [that he's] doing the wrong doings. (A Day 2)

While it remains the primary disciplinary option available in AT, shifting inmates between cells in these centres is not unproblematic. AT inmates have to be kept in specific cells allocated to their court districts and at times officers find themselves in situations where they have exhausted every possible housing option for inmates who repeatedly commit acts of violence. One officer told of a case where he had only two housing options for a known sexual predator:

We are housing ... offenders in the sections according to the courts. Those who go to Johannesburg court and high court ... are housed in one section so ... it's very difficult for us to move Albert⁷³ to the other sections. We can only move him between two sections ... because they are going to the same court. Now if we are going to take Albert let's say to C2 ... they go to Soweto court or Randburg court, it's going to be very inconvenient and a hassle for us. In fact it's going to be a logistical problem for us to have Albert [at] court on time every time. (A Day 3)

Inmate transfers between centres can also be problematic. Officers in the S section acknowledged that other centres may refuse to take these inmates, who are known to cause major trouble. Or, some centres will accept them and then simply pass them on to yet another centre, resulting in them ultimately returning to Johannesburg. An S manager illustrated this problem with an example:

Other prisons send gang-related inmates here and when you look in the system you find out this prisoner was also here [before] ... and he was sent to Pretoria. But Pretoria sent him to Durban and you find that Durban sent him back to Johannesburg. That's happening. It's very difficult, to be honest. (S interviewee)

Officers acknowledged that cell shifting as punishment loses its value as a deterrent when used against senior gang members, who are virtually assured of maintaining their status – and getting a bed – if their new cell has other of their gang's members.

In AT, beyond being moved, there typically will be no other sanction for perpetrators of violence and abuse as long as the victim decides not to open a charge with SAPS. Even when charges are laid, AT officers rarely see them through, because of the transitory nature of the inmate population:⁷⁴

Even if the offenders are fighting with each other you can't discipline them. What we do, we just say [to the victim], "Open up a case. If you want to, open up a case." There is nothing better that we can do to show that what he did was not right. (A Night 2)

Moreover, while shifting inmates is used as punishment, it is not always a deterrent to further violence. The limited impact of this disciplinary method was illustrated by respondents describing an incident where a serial sexual abuser had been moved after coercing an inmate into sex. He simply continued abusing inmates in his new section. Officers were not sure whether the victims had pressed charges.

73 Not his real name.

74 In the AT centre, there is no written record of inmate behaviour, while such record keeping is required for S inmates.

4. Segregation as Punishment

A question that came up again and again was whether it is desirable to isolate inmates in a single cell as punishment for aggressive behaviour.⁷⁵ Segregation may only be used as temporary punishment in order for inmates to undergo programmes aimed at addressing the offending behaviour. The current lack of programmes and amenities for AT inmates excludes this possibility. As one respondent put it:

They are still innocent so we cannot punish him before trial by putting in single cells ... because we [would be] punishing somebody who is still waiting for punishment. (A Night 3)

Many AT respondents believed that sending inmates to single cells would serve as a powerful deterrent, and bemoaned the fact that they are unable to use this form of punishment except in extreme cases:

If they found an offender [with a cell phone] they used to take [him] to [a] single cell but they no longer do that. (A Night 2)

The manage[ment] ... say single cells [aren't] meant for punishment but for safety and high risk offenders. And ... you've got the Judicial Inspectorate, so you have to be very careful. (A Night 2)

This officer's mention of the Judicial Inspectorate for Correctional Services (the DCS's oversight body) suggests an awareness among staff of inmates' right to refer segregation decisions to the Inspectorate's Inspecting Judge, and of the fact that what was previously known as solitary confinement is no longer permitted. However, as an AT manager clarified, when an inmate has shown that he is a risk to others, they do have the authority to segregate him.

Respondents also noted that there are limited numbers of segregation cells, and that these fill up quickly. In one AT incident a perpetrator of sexual abuse was moved to a single cell. In another, officers wanted to do so – both to punish the perpetrator and to prevent him from abusing other inmates – but were unable to because all single cells were full.

S managers explained that, in addition to opening a case with SAPS, they will place inmates who have caused serious harm to others in single cells – usually for a period of seven days – but only if a medical assessment has found the inmate fit for isolation.⁷⁶ If officers deem that they need to use restraints, they must inform the Judicial Inspectorate.⁷⁷ The law further requires the use of restraints on inmates in segregation to be reported immediately to the Head of Centre and to the National Commissioner, as well as to the Inspecting Judge.

In the S centre, the CMC can transfer an aggressive or dangerous inmate to a single cell as a safety measure even if a disciplinary hearing has not come to its conclusion. In the analyses of specific incidents, S respondents tended not to know the outcomes of disciplinary hearings for inmates charged with acts of violence. Although these respondents indicated that perpetrators were often moved, they did not believe that they had been moved to single cells.

⁷⁵ Correctional Services Amendment Act 25, 2008 S24; Correctional Services Act 111, 1998. The Act suggests that more disciplinary options will be available to staff in AT facilities, but can only be meaningful if remand detainees have access to amenities.

⁷⁶ An AT manager added that inmates subjected to mechanical restraints would still get their hour outside of the cells to which all inmates are entitled, and that if they had been shackled, they would be unshackled during that time.

⁷⁷ Correctional Services Amendment Act 25 of 2008 S25.

Both AT and S respondents underscored that inmates with psychiatric illnesses never are supposed to be placed in isolation, as they are considered suicide risks.

5. Legal Use of Force

Officers are allowed by law to use a minimum level of force under certain circumstances. Respondents' accounts of how they did use force, however, pulled in different directions. Staff revealed an understanding that the law forbids the use of force except in cases where it is "necessary to prevent greater harm" (often where weapons are involved). They noted that today's policy departs dramatically from the apartheid era, when corporal punishment was a standard part of the system of discipline and control used in South African prisons:

Before ... when an offender ha[d] transgressed, the solution ... was a tonfa. We used to do a lot of discipline. (Others agreeing) But not anymore because now when you hit the offender – maybe you injure the offender – the offender has the right to open a case against you for an assault. (B Day 2)

R: We use force when it's necessary.

R1: Yah when it's necessary ... especially when they have weapons. But if they are fighting with fists then we [can] break them [apart without tonfas], we can call them to the office, we talk to them and we charge them accordingly. (B Day 1)

R: If there is a weapon, maybe there are knives, and maybe you try first verbally warning them ... and they continue, [then] you call the manpower and then you can use [the tonfa] ... You must differentiate between the danger and one that is not dangerous. (A Day 1)

Despite such statements of clarity about when and to what extent to use force, officers also repeatedly referred to not knowing what constitutes "necessary" or "minimum" force under the law. They were perplexed about these concepts and attributed their own gap in knowledge to a lack of training:

There is no clear line between which one is correct. You cannot distinguish between a minimum and a maximum line. Our members, most of them are in the dark. (A Day 1)

One officer pointed out that the level of force that is necessary to quell a violent situation – or one that has the potential to become violent – could depend on something as basic as the size and strength of the officer. Others highlighted their general uncertainty:

So sometimes we are not clear when it's minimum, when it's maximum ... We are struggling. We use only our own discretion because my minimum force as compared to this tiny guy, it won't be the same ... So between minimum and maximum force, I am lost myself. (A Day 1)

Many officers said they are afraid of getting into trouble if they do use force. The following comments from one staff member reflect the fear and feeling of vulnerability felt by many:

You use that tonfa which was designed by Correctional Services for sentenced offenders ... and then tomorrow ... you'll be taken to court for assault ... Immediately ... a tonfa [is] a weapon. So now it's no longer only assault, it's an assault with intention to do grievous bodily harm ... We are ... sitting here very much confused, not knowing exactly what procedure to follow ... because most of these guys, especially in our unit, we are dealing with very, very dangerous people. On [a] daily basis, when you put on uniform you don't know whether you will be going back home or you will be taken to the hospital ... It's luck that we are surviving every day. (A Day 1)

In the following discussion (among 5 officers), respondents expressed their dissatisfaction with the lack of clarity on what it means to apply minimum force. They were concerned that this confusion leaves them exposed to having charges laid against themselves. The discussion also highlighted their keen awareness that assaulting inmates is no longer allowed. They also, however, referred to a tendency to become "emotional" when intervening to protect a colleague, which, they said, sometimes leads them to use more force than necessary. That acknowledgement suggested some awareness of what constitutes excessive force:

R2: For a member, when he has been assaulted, it is difficult for him to lay a charge. There can be only an internal charge which does not mean anything to a person who is doing a life sentence. But when you assault a prisoner then they lay outside charges ... eas[ily]. But for you as a member it's very difficult ... because now you are alone, you don't get any assistance in management, you are alone ... They take you to hospital and that's the only help you'll get ... meaning there is a lack of disciplining of the offender.

I: But now say [one of you] is being beaten by these prisoners, do other correctional officials come in and help him or?

R: Yhhh we do.

R2: Sometimes ... [but] the consequences, if we go there ... we know you are putting your job at risk. That's why most of the time we do not do that.

R: We are not supposed anymore to assault the offenders.

R4: Yhhhhh.

I: You are not supposed to but you say sometimes it happens that you go and help him?

R1: Yhhh we go and help, just to get him safe.

R4: But sometimes you get emotional.

R2: Ja we get emotional (all talking at once) but if you use more force, it's where they open ... a case from outside.

R5: But then we cannot differentiate between the minimum force and maximum force. (All agreeing)

R: Because they are saying it will be determined by a court of law, the court will decide whether you used a minimum or maximum force. (B Night 1)

One officer complained that courts tend not to understand the DCS environment, implying that staff are more likely to be found guilty of assaulting an inmate as a result.

One S manager echoed these views, and suggested that his staff do not use force against inmates, even in cases when doing so would be appropriate, for fear of being charged:

I don't say you must treat violence with violence but there are some times that you need to also use force in our department ... Sometimes the complaints of the offenders are taken better than the members. Our members are really working under difficult circumstances, this stress ... If one offender attacks a member that member should use everything in his power to ... protect his life also. When an offender attacks another offender ... we should also have [the ability] to stop that attack ... to grab the guy ... [but] he throws a member down to the ground because members knows, "If I do 1, 2, 3, I will be in court." You understand what I am saying? (S interviewee)

While extreme caution with regard to using force against inmates is desirable, the research team was concerned about the level of confusion among officers regarding what constitutes appropriate force. Respondents made clear that this lack of clarity contributed to staff demoralisation and disenchantment with DCS leadership.

6. Illegal Use of Force

A few AT respondents admitted that at times they assault perpetrators themselves, in view of other inmates, in an attempt to show that violence will not go unpunished. These officers understood that assaulting inmates is prohibited, but said that they sometimes saw no other option for disciplining inmates, especially those who commit rape.

While it is likely that many factors influence staffs' illegal use of force, AT respondents made clear that the absence of a disciplinary policy and of approved options for handling violent inmates are contributing factors.:

And to be honest, when maybe you get a case of rape or something, we somehow threaten them by assaulting the perpetrator in front of everyone though we know that we are not supposed to assault this inmate. But we do, just to show how we don't like this thing to happen. (A Night 3)

The following AT officer linked his own violence against inmates to his feelings of being overstretched and unsupported while working in unsafe conditions. He expressed a sense of impotence and feeling "useless," and like he is being "used as a shield" by DCS:

If our government will understand that these people were not caught in church then they probably will understand that we are dealing with ... people who are so aggressive ... Sometimes when you try to approach them, you just worry, "What about my security?" Sometimes I am alone here ... with ... plus or minus 300 prisoners ... I am alone. I need to attend to each and every complaint, I mean, I am a human being, I get impatient. Sometimes I get violent towards them because I feel that there is no one who is helping me. I feel like I am useless, I feel like I am just there to help somebody get his accolades. I mean I am used as a shield, the Department uses us as a shield, like my colleagues have said. (A Day 1)

7. The Tonfa – a Tool and a Burden

Tonfas are the main security equipment available to officers. They are batons and are meant to be used in cases where force is necessary. As such, the tonfa is at the centre of the question on minimum versus maximum force – and the cause of great frustration and confusion among staff.

Tonfas are a relatively new type of equipment and apparently not much liked by officers. Respondents said that they had received some training on how to use the tonfa, but only as a means to assault. Although clear on the tonfa's purpose – “not to assault but to minimise assault and stop violence”⁷⁸ – they stressed that they have no clue how to apply minimum force using a tonfa. Some went as far as stating that it simply is not possible to do so:

We get trained to use this equipment but then we are trained to assault ... they don't train you how to use it minimally ... They show [you] how to use it ... but not minimally. It doesn't have limits in [the] training manual. (A Day 1)

Interestingly, AT officers spoke about how the tonfa is harder and more dangerous than the “hose pipe” – a whip-like piece of equipment also known as “donkey piels” – that it replaced:

R: This equipment that we have been equipped with by the Department ... is between plastic and iron so [it's] very much dangerous.

R1: Especially those who attempted to escape, we have [had] some deaths caused by this [tonfa]. When I was working [with] the sentenced people ... not one but three [deaths were] reported with this one.

R3: It's equipment authorised by the Department.

R: Ja, using this kind of security equipment on inmates can be dangerous, you can kill him. Like he already explained, it's so painful, so ... strong. (A Day 1)

Officers said they would prefer to use the old equipment because it is less likely to injure inmates and it minimises the risk of being prosecuted for using excessive force. However, respondents pointed out that using a donkey piels to break up a fight can also lead to a criminal charge because it is no longer authorised equipment:

So if maybe during investigation they found out that we use the unauthorised equipment, obviously you will be answerable. Some of the cases will end up in court. (A Day 1)

Noting that the donkey piels is easier to control and less dangerous than the tonfa, they recommended that DCS reintroduce it. Indeed, some officers apparently still use a donkey piels for punishing inmates, as illustrated by the following case involving a staff member beating an inmate who had raped another inmate:

⁷⁸ A Day 1.

R: The one who started to interfere with the sleeping inmate, yes, we do have a good hose pipe that we use on their behind[s].

I: So you use it on the perpetrator?

R1: The perpetrator, yes. Spare the rod and then spoil the child. (A Day 1)

Like their AT counterparts, S respondents said they were reluctant to carry tonfas on their shifts, preferring instead to keep them in the section offices. They noted that, by contrast, during the apartheid era they would not have been allowed to be in the sections without carrying their required equipment. Different reasons were given for their current reluctance to carry their tonfas. Some officers thought that it could be attributed to a feeling among staff that centres are safer now than they were in the apartheid era. Others, however, were of the opinion that carrying a tonfa would lead to inmate suspicion, thereby increasing tension in the section. And, as some members pointed out, even armed with a tonfa, there is little one can do when confronted with a large group of inmates.

Officers' discomfort with tonfas was clearly related to their sense of being unprepared to handle scenarios that are likely to occur, such as being alone in a section and responsible for hundreds of inmates when conflicts threaten or escalate, without staff support. Those are not the situations that are covered in tonfa training, but they represent the reality for DCS staff. According to one officer, in such situations, "sometimes you forget that you have got a tonfa" and "the only thing you think of is just to run away."⁷⁹ Other respondents said they are afraid that inmates will seize their equipment and use it against staff.

However, in certain high-risk situations – like an imminent gang conflict – officers said they make sure that they are armed with their tonfas:

We saw every day, in the morning there was this caucus [of inmates] and then we called some of [them] and [said], "We are aware, we are watching what you guys do every day in the morning. Stop it." And then they didn't want to stop. It was then that we were carrying tonfas every day. (B Day 2)

8. The Emergency Support Team

The Emergency Support Team (EST) is a response unit within DCS that barely came up in our discussions and interviews with staff. On the rare occasions when it did, officers tended to be dismissive of its effectiveness:

Some of the prisons ... have got shields ... [and] helmets ... But it's for a specific group of people. You have got this reaction unit – they are not always available. You have to call them via the phone, via the radio and then some of the times ... they are already off duty. Like, let's say it happens [at] ... 4:30, they are already gone. When they come ... the situation is already over. (A Day 2)

79 B Night 2.

Management respondents explained that the EST falls under the purview of the Area Commissioner's office, and is called in to diffuse particularly serious and explosive incidents. It is supposed to be available to all the centres in the management area, but, according to several managers, it is often overstretched and short of manpower. One reason for the unit's minimal presence in the sections is that it is mainly consumed with escorting dangerous inmates to court or hospital. S managers reported, however, that in some circumstances, such as large-scale searches in a section, they may call the EST for backup. EST members have access to additional security equipment, including pepper spray, shields, and battery-powered batons that give electric shocks, according to one manager.⁸⁰

An AT manager voiced a reluctance to call in the EST, explaining that, in his experience, they have a heavy-handed approach that tends to exacerbate situations:

If we need to call them we have to go via the Head of Prison because it can happen that I can call them only to find that really, that incident doesn't necessitate them to come here. Or maybe, you see those people sometimes ... are sort of rough. Sometimes you find that ... they can come here and ... make the situation worse [with] the way they are approach[ing] because their approach is very rough ... I think mostly they come across very dangerous situations ... and now that make[s] them to be harsh in terms of approaching things. (A Interviewee)

One management interviewee mentioned that there is also a Dog Unit – but was vague on how, if at all, it differs from the EST: “They are almost like the same because we use them for basically the same things.”⁸¹ ■■

⁸⁰ S Interviewee.

⁸¹ S Interviewee.



Tripped electricity and fortuitous standby

(Awaiting trial, night officers, Session 2 : 24 August 2010)

On a cold night in June in an awaiting trial section, the electricity keeps tripping. The officer on duty has been up and down the double-storey section numerous times responding to inmates' calls to restore the electricity. The inmates want to boil water for tea in their make-shift kettles. After hearing for the fifth time an inmate banging on the cell bars – which is how inmates get the attention of night staff who tend to be stationed in an office when not patrolling – the officer assumes it is yet another request for him to fix the electricity. Exhausted and needing to fill in his log book, the officer ignores the banging, which eventually stops.

When the officer sets off on his patrol about an hour later, he hears that the banging has resumed. He is feeling exasperated and wondering what the inmates could possibly want from him now. It soon becomes clear that there has been a fight in the communal cell, and that an inmate is injured. Other inmates in the cell explain that one inmate stabbed another with a pair of scissors. The officer sees the stabbed inmate shivering with cold. He has a bandage on his swelling hand.

The officer asks the inmate who apparently is responsible for the attack to explain what happened. The inmate claims that the inmate he stabbed had taken his hot water from the kettle. The injured inmate disputes this, saying that he had been asleep when he was attacked.

Without a working radio, the officer rushes to the office to telephone his supervisor and call for backup. Fortunately, the supervising officer is able to call on officers who are working in other sections as backup, allowing help to arrive quickly. If the supervising officer had had to rely on standby staff for support – as is normally the case – it might have taken more than an hour. However, the call for backup leads to other sections having no staff coverage.

Fortunately, the officer responsible for the master key happens to be visiting the supervising officer when the call is made. Again, under normal circumstances the process of alerting the standby officer with the master key takes much more time.

With their tonfas at the ready and supported by backup, the officers prepare to open the cell – a process that must be managed carefully. They instruct

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the inmates to go to the back of the cell, but tell the injured inmate to come forward. Once safely out of the cell, the stabbed inmate is taken to the centre hospital, where he receives three stitches and a painkiller.

The nurse administering the treatment is grumpy. Officers think it's because she has been woken up in the middle of the night for duty, and will need to report to work early in the morning.

The scissors are confiscated, and the night officer is instructed to hand them over to day staff when they come on duty. The perpetrator claims that the injured inmate had in fact been assaulting him, and that he wasn't strong enough to fight back without a weapon. The scissors, he explains, were given to him during a visit from his parents. (Scissors are prohibited although inmates who take on a "tailor" role are permitted plastic pairs to do alterations on overalls. However, sometimes metal scissors are smuggled into the centres, or even allowed in by staff on the understanding that they will be used for tailoring.)

Officers ask the injured inmate if he would like to open a case, but he declines. They later learn from the cell monitor that, in fact, the fight was not over hot water but a cell phone and air time. Officers think ethnicity may also have played a role in the conflict.

According to the cell monitor, the stabbing occurred after an argument between the two inmates had seemingly been diffused. Both the perpetrator and victim lied about the cause of the fight because cell phones are illegal – which is also the reason the victim does not open a case. He fears that his own illegal dealings will be discovered.

The officer who was on duty during the attack tells the incoming day shift about the incident, which results in a search and confiscation of other cell phones. But inmates found to have cell phones are not punished. Awaiting trial facilities lack a policy for disciplining inmates, seriously constraining officers' ability to respond. This absence of policy means that there are no consequences for the perpetrator of the stabbing once the victim decides not to open a case.

The cell monitor, however, is removed from his position for not immediately reporting the cell phone: the officers feel they can no longer trust him.

The two inmates remain housed together in the same cell and assure staff that they are on good terms. There have been no further fights between them.



10

Psychological Burdens on Staff

The psychological burdens on DCS staff became clear as soon as the research field work began. Several respondents were very critical of DCS's senior management, suggesting that some DCS leaders are motivated by greed and political gain rather than by a desire to improve working conditions for staff and conditions of confinement for inmates. Some said government at the highest level is at least partly to blame for appointing what they perceive as poor DCS management. One respondent noted that, "You know, sometimes it's good for us to have people like you talking to us. It's good because none of the managers come to us to ask what the problem is." In the group sessions, staff emphasised the diverse set of tasks they must carry out on a daily basis, whether it's solving electrical problems, serving as informal counsellors, or trying to help an inmate get in touch with his family without such assistance becoming misinterpreted as a sign of corruption. Staff spoke of the constant pressures of their jobs, the pain they felt when witnessing violence and trauma, and the fear for their own safety that accompanies them every day.

1. Out of Touch Managers

Respondents described how effective leaders had been quickly transferred out of DCS – another source of staff disillusionment. One example they gave was the case of the late Mr Vernie Petersen, who served as Commissioner from May 2007 to October 2008. Officers said that they respected Petersen as a leader and were disappointed when he was redeployed because, they say, he challenged DCS on dubious tender processes and sought to address the realities of living and working in DCS facilities:⁸²

Correctional Services ... have been given Ministers who are like, "Yes Mam" and "Yes Sir" kind of people We are not given people who are mentally independent and strong ... You know ... we had this one national commissioner, ... Mr Petersen ... He came with positive changes ... He said "We have prisoners and we have got people who are working there who are ... understaffed. We have people holding positions in the system whom are not supposed to be holding positions, we have got a Minister who is failing the system himself" ... Mr Petersen ... was trying to fix all these things ... [and] he was moved lightning fast – chuuuuuuuu! ... When you are effective, you are redeployed ... like if they feel you are gaining support ... from the people on the ground, you are a threat politically [and] ... they move you. (A Day 3)

Respondents maintained that the national DCS leadership has poor knowledge of daily life inside a correctional centre. They lamented that the very people who are out of touch with the realities of prison work are making decisions that have an enormous impact on officers and inmates:

⁸² Indeed, several reports linked his redeployment to his questioning of the then Minister's tendering and contract processes: Chris Barron, "Vernie Petersen: Corruption-Busting Bureaucrat", in Times Live, 5 March 2011. Sourced at <http://www.timeslive.co.za/local/article950883.ece/Vernie-Petersen--Corruption-busting-bureaucrat>; Staff Reporter, "DG of Sport, Vernie Peterson, dies", in Mail & Guardian, 28 Feb 2011. Sourced at <http://mg.co.za/article/2011-02-28-dg-of-sport-vernie-petersen-dies>.



As long as this Department does not employ people who have got service within the Department ... violence will never stop in prison ... It will be better if [they] take [someone] ... with forty years [experience] who knows what's on the ground. That person ... knows prison in and out ... knows what is expected from us, what is expected from the prison, what needs to get done. (A Day 1)

People who are in managerial positions ... don't understand the system itself ... Put [the] right people in key positions. That will solve the problem. (A Day 1)

2. Lack of Political Will

Some respondents complained of a lack of political will and courage on the part of DCS's leadership to address the critical challenges facing the Department. Again, respondents highlighted the urgent need for clear policies governing awaiting trial facilities. Notably, it was overwhelmingly the AT respondents who expressed disenchantment with DCS leaders, apparently a consequence of especially poor working conditions in the AT centre and lack of direction as far as the treatment of AT inmates is concerned. One AT officer explained:

The challenges that we experience here, I think they are political. Why I'm saying this is I think we need leaders ... who have courage ... to challenge policies ... Our leaders will tell you, ... "We don't have policy, there is nothing we can do"... We need ... people who can manage to challenge that. (A Day 1)

Respondents argued that a lack of political will on the part of DCS leaders is dramatically exemplified in the ongoing staff shortages at the centre level. They also stated that high-level administrators tend to downplay conditions inside facilities until problems are forced into the public spotlight, at which point they often place the blame on local-level staff. One respondent noted an incident in which the then Minister publicly implied staff culpability for a recent hostage drama. That incident was indicative of a wider tendency to pin blame on staff, the respondent said, rather than appreciate the difficult and dangerous conditions they face:

Top officials, managers and politicians ... would want to say, "This is lies, there are no gangs in prison today in SA"... (agreement from others). For instance ... there was a hostage drama ... and our Minister on ... TV said, "There is going to be an investigation as to whether officials were ... involved." ... Her intention is to downplay ... that there is a shortage of personnel. Prisoners take advantage of that, so now [she] change[s] the focus ... The shortage of personnel is big, it's huge! ... If politicians stop downplay[ing] the realities in here maybe we can manage to ... achieve the objective. (A Day 3)

3. Undervaluing Officers

A belief that top-level DCS leadership has no sympathy for officers' circumstances was common among respondents. They felt that local-level officers being blamed for serious problems tarnishes their reputation on the outside and that people in their communities consider them "bad" and "pass remarks in the taxi". (A Day 3)

Reductions in employment benefits also contributed to staff feeling underappreciated. One respondent spoke at length about how free medical aid was removed in 2003, and that the new medical plan – which they must pay for themselves – provides significantly less coverage. The same respondent emphasised that officers are in contact with thousands of potentially sick inmates each day. These cuts in benefits may be related to changes to medical aid policies at the national level, but whatever the reason, officers clearly perceived them as yet another example of the DCS management not valuing their work.

Officers also thought that too often they bear the brunt of inmate dissatisfaction, even when they have nothing to do with the problem at hand. A respondent described how inmates regularly complain to them about the prison food, while the contractor that supplies the food is not held accountable:

Every time you experience food problem[s] ... prisoners ... fight with us or they fight amongst themselves. Where is Busasa? ... It's [a] tender. They are sitting there and getting billions. I have to face the problem and when I tell the very same complaint to them, they don't attend to it. (A Day 1)

In contrast to their dissatisfaction with DCS leadership, however, many officers praised their local-level managers. Several local management interviewees echoed local-level staff grievances regarding upper-level leadership and its lack of support for local-level officers. One S manager, for example, referred to a deficiency in clear and visionary leadership. He acknowledged problems with some local staff members, but expressed concern that officers who are committed and working hard are not getting the support and direction they deserve and need:

Sometimes you just need to feel like you belong ... Ok, we have your other people ... [but] we have committed members and maybe it will change if people can see we have backup [from] senior management. I don't say backup for the wrong things but backup to say, "Guys, now we know where we are going." (S interviewee)

4. Little Time for Communication

Generally, officers said that they have very little time to meet to discuss problems and to share information about what is happening in their sections. At the same time, staff said that they do hold occasional meetings, although their descriptions of these varied; some said there have formal discussions every month, others said these are occasional only, take place perhaps every two to four months, and are usually designed for managers to bring new instructions from leadership to staff. More often, communication takes the form of quick informal briefings. Here, two officers describe typical scenarios:

R: Let's say one of us down there hears something ... So in the morning before we open up the cells we greet each other, we say "Listen, I've heard of something like this so just be careful, everyone be careful ... you never know there might be problems the whole day in the section."

R1: Sometime after the incident has happened we have a caucus meeting, looking at possibilities especially when it involves members of the gang ... What will they do, the other gang ... like in this case [where] this guy was hit? (B Day 2)

Managers, in contrast, said that they hold regular meetings at centre level. In these meetings, which happen twice weekly at the parade, members are informed of particular requirements, are briefed on what transpired over the (four-day) weekend,⁸³ and told what they should be on the lookout for. They also mentioned monthly personnel meetings and fortnightly meetings at the unit level – unless there is a need for more frequent ones.

One management member of the Internal Security Unit explained that instructions incorporating lessons learned from incidents will be fed to staff through meetings:

Like maybe ... [a] guy [was] moved from one section to another section with a knife and he stabbed another offender, it means the security [was] breach[ed] or searching was not done. So then we go back to the members. "This could be prevented" ... We do go back to the members ... "This happened because [of this] so in the future you should prevent doing 1, 2, 3 and do 1, 2, 3."

In the S centre, officers are given a schedule of disciplinary hearings (as they are responsible for making inmates available for these hearings), but they are usually not told of the hearing results, or only learn of them indirectly. When asked why they are not privy to this information, they explained that it is because they are not considered in need of it. For example, sanctions given to sentenced inmates are tied to the privilege system that governs the number and type of visits to which inmates are entitled. Demotion from one privilege level to a lower one will reduce an inmate's visits. Officers are provided with the lists of inmates they need to escort to the visiting area, which already takes into account each inmates' privilege status. For sanctions to be implemented, therefore, officers do not need to be aware of the sanction. However, one S management interviewee and member of the Disciplinary Committee did say that unit managers are always informed of the outcome of these cases.

While AT respondents do not have access to these disciplinary procedures, they similarly noted that once a case is with SAPS, "it's their case", and that staff generally don't hear further about it.

The lack of feedback to section level staff can become a hindrance to preventing further violence and ensuring that appropriate incident follow-up is completed. Some respondents appeared to be less bothered by these gaps in communication than others, but there was a general sense among respondents of not being given sufficient or appropriate attention and respect by management.

A few officers said they made it a point to conduct their own follow-up on incidents of violence. Doing so did not appear to be a norm, however. AT members noted that follow-up was made more complicated by the rapid turnover of inmates and general lack of staff time and capacity:

Our members ... are very committed ... Very committed. So I think there are follow ups, but now ... your tasks for the day, sometimes you can't get to all the things that you need to do because of the ... shortage ... So with three [members] you need to take the complaints and requests. Maybe you get fifty complaints and you are three. How will you handle that? It's impossible, you can't. And the next day there's more complaints that come to you. So it's impossible, you can't do that. (A Night 1)

83 We were not able to verify if these meetings happen on a Tuesday, as this explanation implies.

When officers are unable to keep tabs on inmates, it can lead to troubling consequences. An incident reported by AT respondents is a case in a point. After encountering one inmate assaulting another, an officer and his colleagues quickly intervened to stop the attack. Because it was lockup time, however, they did not take statements or give the victim the opportunity to open a case, but postponed these steps to the following day. The next day the perpetrator was taken to court for his original charges and on his return he was placed in a different unit. This change was not relayed to the officers who witnessed the assault, so they had no idea what had happened to him. A few weeks later, the victim was released after his original charges were dropped. It was only a month later when DCS investigators arrived to look into the assault, which they had read about in the log book.⁸⁴ Their investigation went nowhere because, as the AT officer explained, “No one knew where the perpetrator was, and no one knew where the victim was.”⁸⁵

Respondents also mentioned staff communication failures linked to the movement of inmates between sections. Apparently, when an inmate is moved into a section, the supervisor is supposed to be briefed on the inmate’s arrival – especially if the inmate is deemed troublesome. This information does not necessarily get transmitted, however, and if it does, is not always shared with all staff members who need it.

Respondents said that they often are not debriefed in the aftermath of an incident – apparently because of time and capacity constraints. Sometimes staff do have informal debriefings, but, according to some respondents, these do not cover how things might be done better in the future. Indeed, several officers commented that they appreciated the research group sessions for providing a space to think and talk about how they do their work.

That being said, one incident did lead the S centre to make a concrete change to its practices. In this case, the gate between the section and the rest of the centre was left unlocked overnight, a mistake that, as it turned out, might have saved the life of a member who was stabbed by an inmate. Following the attack, a decision was made always to leave these gates unlocked, thereby eliminating the need for officers who needed to get out to undertake the time-consuming task of radioing or telephoning someone on the other side of the gate to have it unlocked.

5. Problem-Solving that Breaches Policy

Discussions revealed a number of tasks and roles that officers tend to perform that are not strictly part of their jobs as correctional officers. Some staff take on these roles willingly and may derive satisfaction from them. Others have concerns about getting into trouble for doing something out of the ambit of their responsibilities, or simply not having the skills to perform non-job-related tasks. In other situations, they feel stuck between wanting to do the right thing but not wanting to flout existing policies and procedures, or they battle with a lack of guidance in relation to scenarios they face. In the words of one interviewee:

There is no clause within the rules and regulations of the Department of Correctional Services where they talk about using own discretion ... But if you are in a situation, you are forced by the circumstances ... to take your discretion. (AT interviewee)

⁸⁴ Several respondents spoke of problems with the DCS Investigations Unit. They doubted that its members received training on investigation, and regarded the unit as largely ineffective.

⁸⁵ A Day 2.

In one example, an officer who works the night shift explained that he sometimes is running back and forth through the section to turn on electricity for plug points that have tripped. Without electricity, inmates are unable to boil water and watch television in their cells. However, should anything go wrong, he said he would be in trouble for performing a task that is not part of his job:

R1: That's why most [of] the time the electricity trips and now ... it's not my duty to lift up the electricity, I am not an electrician. [If] anything happens [and] ... I ... [am] hurt there, the Department will ask me ... "Who said go there? ... You are not an electrician, we never trained you for that."

I: So why do you do it?

R: It's a favour for them, you understand.

R1: Because they are human beings and you can do that thing but you are doing [it] at your own risk. (A Night 2)

His explanation also points to the empathy officers may feel for inmates and their awareness of the extent to which inmates depend on them:

You know ... like in our unit we have got a specialist cell ... where sick prisoners are staying. You find out most of them want to drink tea because of these tablets that they are getting ... They must eat a lot and they will say, "Chief, please I am begging you ... I am drinking my tablets" ... [So] you have to go and lift [the electricity switch] up there. (A Night 2)

Respondents explained that sometimes following policy is not a viable option. One officer gave an example of an incident on the night shift that powerfully illustrates the role of discretion in the work of correctional officers. In this incident, one inmate, "Bob", was furious with another, "Jack", for stealing and then selling his dagga. When the officer arrived on the scene, Bob was breaking windows, throwing things, and shouting. The officer did not have access to the cell, but yelled at Jack through the bars, demanding that he return to Bob the dagga and money – which Jack did. Adhering to the correct procedure would have meant calling for backup and for the key to open the cell – a very lengthy process. But there was a need for urgent intervention to prevent the violence from escalating. In a sense then, he explained, he was colluding in inmates' possession and smuggling of an illegal substance, but he judged that doing so would be the best response:

R1: I asked him, "Where is the money?" ... and I told him ... "Go and [get] that dagga and give it to Bob" ... I know it was illegal [for them to have dagga and money but] it was the only ... way to solve that problem.

I: You say that was the only way? ... If you had not done that, what would have happened?

R1: Bob could have injured someone or maybe killed someone.

I: What would have been another option?

R2: Oh, another option ... he is supposed maybe to call the backup and make a report ... to the member in charge so that we separate them, we go there and open the cells ... because dagga is not allowed inside the prison and even money is not allowed. (B Night 2)

6. When Compassion Looks Like Corruption

Many officers are confronted with grave ethical dilemmas. An AT member gave a pained account of how rules prevented him from helping an inmate to access a phone card, and that he felt awful knowing that the inmate would be unable to contact his family members at a time when he needed to do so urgently.

Respondents explained that if officers are seen as being overly accommodating to inmates, inmates and staff alike assume that the staff member is corrupt and receiving something in return. According to respondents, liaising with an inmate's family members on behalf of the inmate, or providing an inmate with something of monetary value (like a phone card), falls into this category.

Pressure to assist inmates is presumably more common in the AT centre, where there are no social workers or other inmate services, and where many inmates are newly arrived in the system. At the same time, one S manager described sometimes calling inmates' families to urge them to visit, precisely because of the increased vulnerability to abuse of inmates who are isolated from support networks.

The above AT scenario, where an inmate needed a phone card and the officer felt unable to provide one, raises challenging questions about how to reconcile the need among correctional officers to follow policy while at the same time do what they can to promote inmate safety and well-being. In the aforementioned situation, requirements established to address corruption inadvertently contributed to an inmate becoming isolated and vulnerable to abuse:

Maybe to even take a letter from the prisoner to give it to his family or a letter from the family to the prisoner, they are saying ... that it means that the prisoner is doing something for you. You cannot do him a favour for nothing – that means you are benefitting from the prisoner. (A Day 3)

A prisoner that I ... notice ... has got nothing, I can buy him a phone card ... [but] that in itself is not allowed because of the suspicion [of]... what are you benefitting as an official? (A Day 3)

7. Correctional Officers as Counsellors

Some respondents spoke about being placed in a role of inmate counsellor and support person. An S officer described how he was called on to help a victim of rape:

I got this information [that he'd been gang raped] after he tried [to commit suicide] ... I tried to counsel, I played that parental guidance to him ... He said ... he has his girlfriend at home, he's having a child with this lady so he doesn't know what to say to [her] because she may think maybe he was doing these things of sodomising in prison, because he was not sick when he entered in prison ... But I tried to convince him; then he brought the lady there ... I tried to speak to them with the girlfriend and he was alright until he was released. (B Day 1)

Other officers showed concern for the difficult personal and family circumstances facing some inmates. An S officer summarised the kind of guidance inmates ask of him and his colleagues:

Some of them have problems outside, family problems. Some of them will trust you and will come to you and tell you about their problems outside. Maybe, he's got a family outside, a wife, kids, mother

or whatever – they will come to you and say, “Hey, Chief, eish you see I am stressed, I am really stressed,” and they will tell you their story from A to Z ... and it’s then that you try to advise him ... If you think that you cannot help him more, then you refer him to the relevant person. (B Day 2)

An AT staff member spoke of his giving counselling to a mentally ill inmate who was suicidal:

R4: He was hearing those voices inside his head. He wanted to take a glass and cut himself ... He said, “I want to take out this voice.” So you know I had to sit down with the inmate and do some little bit of counselling, although I am not a professional [at] that, but I had to try my best ... I always encourage him ... “Go and take the pills that you are getting from the hospital so that this thing will go away. It will take time but it will go away.” So now the inmate is flexible. He no longer wants to kill himself, he is interacting with other inmates.

R5: Can you believe that the awaiting trials ... don’t have a social worker? If ever there was a problem and the inmates request for a social worker, you have to go via the Head of the Prison to request permission. (A Night 1)

Officers at the S centre can refer inmates to counselling professionals when they feel out of their depth. At the time of the fieldwork, the S centre had four social workers according to a management interviewee, and one psychologist:

But our psychologist[s] don’t last. We cannot blame them; we blame the system ... [They last] not for long – until there [are] green[er] pastures. Then [the psychologist] is gone again for a couple of months. (S interviewee)

While psychological and social work services in the S centre were considered vastly inadequate, the AT centres did not have psychologists or social workers at all, and AT officers have markedly less to work with when they encounter situations they feel unable to handle. While some AT respondents, like their S counterparts, described attempts to support and counsel inmates themselves, they tended to emphasise their feelings of being ill-equipped to do so, how very troubled and unwell inmates sometimes are, and the acute absence of necessary services:

We are not social workers but ... the problems that we meet every day – [they] need social workers. We are supposed to be social workers to these guys. (A Day 3)

As one AT member, talking about an inmate (Obed) who had been raped, asked, “What is it that we are going to say to Obed that will make him feel like man again? I am not trained to do that.”⁸⁶ In addition, officers spoke of the particular difficulties of handling mentally ill inmates when they display volatile and aggressive behaviour.

In a positive development, legislation⁸⁷ passed since the fieldwork was conducted requires that a facility must, “within its resources”, provide adequate health care and social and psychological services to mentally

86 A Day 3.

87 Correctional Matters Amendment Act 5 of 2011, S49D.

ill awaiting trial detainees. However, whether the law has yet had an impact at centre level is uncertain, and full implementation is likely to be hindered by the lack of resources and DCS's difficulties in attracting and retaining appropriate staff. Furthermore, the legislation does not apply to inmates who are in distress unless they have been diagnosed as mentally ill. On the basis of our analysis, Obed, for example, would not have been eligible to receive help under this law.

8. Pain and Heaviness of the Job

A theme that emerged repeatedly during the group discussions was the heavy psychological burdens of the job as a correctional officer. These included: officers' fear of being harmed; their compassion for the problems and stresses faced by inmates; frustrations at not being adequately trained and equipped with the skills needed to do the work; the risks and pressures associated with staff shortages; the deterioration of the physical facilities; a sense of powerlessness because of staff's limited ability to assist inmates in crisis (even as they watch the crisis unfold); and exasperation at the impossible ethical choices they sometimes face:

R3: People don't understand you know ... We will elaborate but you wouldn't understand the baggage that we carry each and every day ... There is this violence that nobody notices – the psychological [damage] that has been done by the system, the Department, to their own ... officials.

R1: And to the prisoners.

R3: Prisoners, you know, somehow have got us. Who do we have? (Pause) I am feeling sad now. (A Day 3)

One officer, mentioned above, spoke about the pain he was experiencing after not being able to assist an impoverished inmate because of DCS's policy targeting corruption that prohibits staff from helping inmates in need. By not providing even basic assistance, the staff member felt that he was unwittingly making the inmate vulnerable to abuse by other inmates. Indeed, economically needy inmates face a markedly heightened risk of sexual abuse:

The baggage we carry – you feel sometimes like crying ... This morning one of the prisoners came to me ... he has got a problem with his family and he came to confide to me in my office ... He wanted to phone and I said to him, "These phones can't go out, they are only for local [calls]" ... I nearly cried because he said since he has been here none of his family came to visit him and I asked myself, how am I going to help him because ... if I say, "Give me your address and I can go and see your family," the ... Department will say I am smuggling with the prisoner but in fact I am trying to help the prisoner ... trying [my] best to bring communication between the prisoner ... [and] the family. And you get into trouble ... The prisoners will feel you don't want to help them, they don't understand the policy of this Department ... I felt sorry for him but I told him, "My hands are tied. There is absolutely nothing [I can do]." Now those Alberts, they will take advantage of him.⁸⁸ (A Day 3)

Officers expressed their desire to be provided with the skills to address sexual violence. The need for such training was most keenly felt in the AT centre. The following respondent spoke of the burden of knowing that sexual violence is prevalent in the centre but neither being able to prevent it from happening nor to

⁸⁸ "Albert" was the name respondents gave to a perpetrator of coerced sex in one of the incidents discussed by the group.

provide badly needed counselling to victimised inmates. Without social workers, officers are the victims' only support system, but they are not equipped for this role:

We are not social workers but ... the problems that we meet every day ... need social workers. We are supposed to be social workers to these guys ... Someone has been raped ... He has been raped ... for eight months. He comes back to us in the section; he is supposed to be made to feel better ... [He] feels like his manhood has been taken away from him. Now, what is it that a member with a mere grade ten [education can do for him]? (A Day 3)

S respondents also spoke of the heaviness that comes with knowing, or suspecting, that inmates who are living with HIV are having sex with other inmates:

You know these guys, man, some of them are taking ... ARVs. And now you find that they want to sleep with these guys and [the] ones that they want to sleep with ... are not aware that those guys ... are sick. And then ... as an official, when you think of those guys, ey. (B Day 3)

Both S and AT management interviewees underscored the need for staff to receive assistance to deal with and manage their own stress, including counselling support.

R: Like [we should get] this thing – psychological ... thing, counselling. That's why you get most of our officials ... drinking and if a guy does excessive drinking, then you start charging him. But you don't ... see ... the bottom of the problem.

I: Ok, do you think people would go if they could?

R: I will go.

I: You would go?

R: I will go.

I: Do you feel like you need counselling?

R: Ja.

9. Officers' Vulnerability to Violence

Respondents said that attacks on officers are rare. Nevertheless, some of them emphasised their feelings of insecurity, simply because they are understaffed and vastly outnumbered by inmates. The following officer spoke of the psychological toll of his constant awareness of his own vulnerability:

[H]ere we are dealing with one member ... two hundred [prisoners] ... We shouldn't be looking at violence in a physical way only ... When you see it daily, it affects you psychologically ... Do I really feel comfortable wearing my uniform? Do I feel happy coming to work? The answer is a definite no – the reason being, you are not guaranteed of your safety ... They know that we are short each and every day ... And then, it's a matter of time. And nobody knows when. (A Day 1)

Officers from both sections, but particularly AT staff, said that they view management as being largely unconcerned with their safety – a perception that contributes to their broader disillusionment with DCS's leadership. The following respondent spoke about the threat to staff posed by violent or aggressive inmates:

No one cares about the safety of us who are working here ... because they are sitting ... with nice chairs, air conditioners and staff ... But we are expected to handle ... psychiatric prisoners, aggressive prisoners who are ... [not] yet found guilty ... [Then] when he comes back here [from court], he is very aggressive. And we have to deal with that prisoner without guidelines. (A Day1)

One S respondent, however, stated that all officers know that the job is dangerous when they sign up for it and that they are, in fact, taught how to deal with violent situations:

We cannot say we don't feel safe because it's part of our job. It's like the way it is. Because the moment you join the Department you just know ... that [these] kind of things you are going to come across ... It's a part of the training, ... "You must act like this in the future when you face that kind of situation." (B Night 2)

These contrasting accounts may be attributable to the different working conditions in the AT and S centres.⁸⁹ It could be that given the awaiting trial nature of their population, AT staff deal with a greater number of mentally ill inmates while also suffering from an absence of services and a lack of policy and guidance.

Several respondents had been assaulted by inmates. One had hot porridge thrown on him during his morning rounds. Another was hit in the face with a padlock as he was opening a cell door, an attack that the officer believed was fuelled by the inmate's anger that he had not yet seen a social worker as he had requested. Another officer said that he saw an inmate stab one of his colleagues to death, and that during the attack a group of inmates used fire extinguishers to hose down those who tried to help the victim. Several officers also explained that staff may be targets of gang ritual attacks, where senior gang members are required to stab an officer as part of establishing or enacting their seniority.

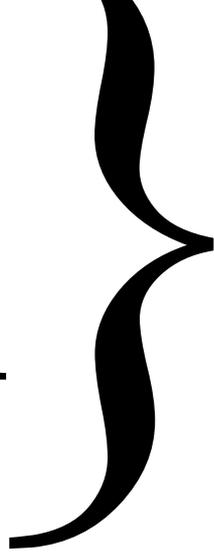
Corruption fuels violence against staff as well, jeopardising the safety of officers regardless of whether they are themselves involved in corrupt activities. In the following account, an officer describes how he was assaulted by inmates who assumed, mistakenly, that they had been denied visits with a social worker because they lacked the money to pay a bribe:

Here in the office I am doing complaints and requests, so I am helping offenders – requesting assistance from the CMC [Case Management Committee], requesting [to know] when are they going out, booking appointments for a social worker ... So when they [are] not called, they get very furious about that. They fight with me as if I am not helping them ... thinking ... to themselves that the people I am helping ... are the ones who pay me ... or [that] because they don't have money I am not going to help them, [but] I am helping everybody ... I think it was last year ... when I was opening up in the morning, as soon as I opened the giant door ... he hit me with a padlock. I got four stitches on the lower lip. So sometimes we get violence like that. (B Day 1) ■■

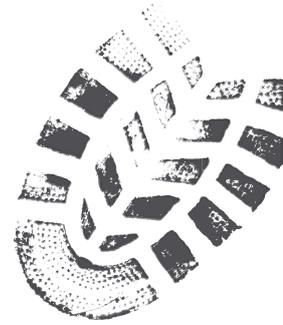
⁸⁹ This comparison is based on statements volunteered from different respondents and was not the focus of questions that would have revealed more of the respondents' views on the matter.



11



Conclusion



In Their Boots explores the relationship between staff practices and violence in Department of Correctional Services' (DCS) facilities. The report seeks to shed light on the challenges officers face on the job and their strategies for overcoming them. In addition, the report aims to provide a better understanding of why, how, and where violence occurs in DCS's facilities.

Many of the obstacles to preventing violence faced by section-level officers are rooted in shortcomings of DCS policies and management strategies at the national level and in South Africa's criminal justice system as a whole. The most dramatic consequences of these problems are the widespread staff shortages inside facilities and the absence of certain critical policies, especially in the awaiting trial setting. These deficiencies constrain staff's ability to assist victims of violence and to discipline perpetrators, which in turn increases the likelihood of violence. The result is low morale among officers, and unsafe conditions for inmates and staff alike.

Both awaiting trial officers and officers in the centre for sentenced inmates highlighted issues that they encounter regularly but have not received training on how to handle – such as working with inmates who are mentally ill or who are victims of sexual violence. Overall, staff reported having insufficient guidance to prepare them for violent and explosive situations, and stressed that they therefore have to rely greatly on their own discretion. Despite often feeling powerless in the face of inmate violence, officers tend to work hard to resolve complex disputes and to detect conflicts before they escalate. Even on the night shift, which is chronically short-staffed and under-resourced, their accounts pointed to substantial skill among staff in diffusing dangerous situations.

To compensate for the lack of resources, some officers feel pressured to take on responsibilities that are not formally part of their job. Officers spoke of serving as the de facto electrician or social worker in their section; some have become valued members of an inmate's support network. Yet having so many roles – and receiving inadequate and sometimes contradictory policy guidance – means that officers must make difficult decisions, often under duress, limiting their ability to protect inmates in their care. As staff pointed out, sometimes these decisions turn out to be the right ones, other times they do not.

The officers highlighted several sources of violence at DCS facilities, among them the inflated value of inmate possessions and presence of illegal items; a rigid inmate hierarchy that fuels inmate insecurity over status; and the prevalence of gangs. Violence is self-perpetuating, with a single incident often setting off a cycle of retaliation. Making matters worse, there are few mechanisms that staff can use to hold perpetrators to account, especially in the awaiting trial facility. In some cases, attacks are pre-emptive, committed by inmates solely to discourage future attacks on themselves.

Overall, the researchers found that many staff who participated in the study were deeply committed to their profession. At the same time, officers' own admissions pointed to significant harm they had caused and cases of brutality in staff interactions with inmates – incidents they linked to the stress of their jobs and their lack of institutional support. A common appeal among interviewed staff was for their senior managers to become more familiar with the day-to-day realities in the sections, which would place them in a better position to support facility-level staff.

The authors of this report hope that its findings contribute to an increased awareness among DCS leadership and its stakeholders of strategies needed to prevent inmate and staff violence. Through greater engagement on this issue, DCS and the broader government can improve the well-being and safety of inmates, and of the officials entrusted with their care. ■■



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Recommendations



As JDI-SA's research demonstrates, violence is pervasive in DCS facilities, with negative consequences for staff and inmates. JDI-SA hopes to work with DCS to develop solutions to the issues raised in this report.

Based on the report's findings, we urge DCS to take action on the following recommendations:

- Address policy gaps that allow violence to thrive, such as the lack of a disciplinary system and basic services for awaiting trial inmates.
- Establish clear guidelines on managing inmates in crisis, including those with mental illnesses, suicidal inmates, and inmates who have been sexually abused.
- Create unambiguous parameters for officers on when and how to use force, including proper use of the tonfa and clear guidance on what constitutes minimum or necessary force.
- Develop and implement a plan for significantly improving staff training. Key training needs identified by staff include: ensuring that staff fully understand DCS's policies, especially those that appear inconsistent or contradictory; preparing staff for handling explosive and violent situations; and providing the tools officers need to assist inmates in distress.
- Prioritise the nationwide implementation of the recently approved Policy to Address Sexual Abuse of Inmates in DCS Facilities.
- Develop and implement a plan for ending night-time lockup and ensuring that all facilities are fully operational and adequately staffed 24 hours a day, 7 days a week.
- Acknowledge and address the extreme staff shortages at DCS facilities; analyse these shortages to determine whether the lack of adequate staff is the result of poor management of existing staff or actual scarcity of personnel.
- Ensure that DCS officials alone make housing decisions, and that such decisions are based on classification protocols that prioritise inmate safety; ensure that all inmates receive adequate exercise time outside their cells.
- Improve channels for inmates to report abuse privately to staff, and ensure that staff have the knowledge and skills to respond appropriately to such reports.
- Provide adequate basic equipment for staff, such as lights and radios, and emergency equipment, such as wheelchairs and stretchers; ensure the swift repair or replacement of faulty equipment.
- Investigate the sources of widespread infrastructure maintenance problems at facility level, including whether the phased-out DCS workshop system is worth reintroducing. In addition, analyse all building materials from a security perspective, especially the use of glass in windows, shards of which are commonly used as weapons.

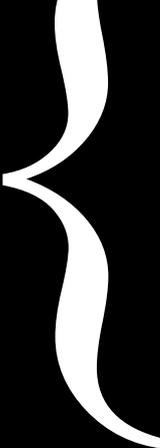
RECOMMENDATIONS

- Add capacity and consistency to all searches – of inmates, visitors, and staff – including through the use of appropriate x-ray equipment and develop more effective collaboration with SAPS to prevent smuggling into DCS facilities.
- Develop and implement basic educational and support services for awaiting trial inmates and improve HIV education and prevention programmes for all inmates.
- Acknowledge, at a management level, the severe problem of low staff morale within facilities and work with facility-level staff to develop a plan for addressing it meaningfully.
- Work with the broader criminal justice system to put in place short-term, medium-term, and long-term plans to address severe overcrowding inside DCS facilities nationwide, beginning with managing the current crisis and setting goals for ending it.
- Ensure that DCS staff at all levels fully understand and acknowledge their absolute responsibility to maintain professional standards and to keep inmates safe. ■■

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In Their Boots: Staff Perspectives on Violence Behind Bars in Johannesburg

Very little is known about what officers working in South Africa's prisons actually do, including how they relate to the pressing issue of violence. Shocking reports of abuses behind bars intermittently grab the headlines, reminding us that torture remains a feature of our landscape, and in need of urgent attention. But we know little of the broader picture. What fuels prison violence? What does this violence look like? What strategies do officers use in their efforts to address it, and to what extent do they draw on personal discretion to do so? What obstacles do officers face in preventing and managing violence, and how does all this relate to fundamental concerns like staff shortages, corruption, sexual abuse, and torture?

On the basis of an innovative methodology, "In Their Boots" provides rare insight in tackling these questions – critical to making the Department of Correctional Services' facilities safer for inmates and officials.

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