

**A DESCRIPTIVE STUDY OF OFFENDER ON OFFENDER
ASSAULTS
IN POLLSMOOR MEDIUM B CORRECTIONAL CENTRE**

By

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DEDICATION

This research is dedicated to all those who work with violence. To my colleagues in the Department of Correctional Services who submit themselves to this world every day and to my family for keeping me afloat when my work gets to me.

Tronk

In koue yster, klip en Concrete
Sit Orange skepsels in komberse gevou
Hul wik en weeg die lewens kou
En bid tot God, mag Hy genade bied.

Agter koue yster, klip en tralies
Wonder selfs die Engele oor verlies
Verdink die duiwel sy hart
En vertreur sy kinders se smart

Tussen koue yster, klip en duister
Is dit net die wind wat [f]luister
Want in hierdie plek
Sal net die skaduwees jou vergewe as jy
Sou
Wou
Vrek

Hannes Koekemoer

ABSTRACT

Assaults, Correctional Centre Violence, Dark networks, Offenders, Importational Factors, Situational Factors.

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In recent years, Correctional Centre violence has been much debated. Although the literature on violence is well developed, little is known about the nature and extent of violence in South African Correctional Centres, despite widespread concern and speculation. Furthermore, it is unclear whether this particular context of violence is due to the often hostile environment of Correctional Centres, or due to violent nature of inmates held in custody. This research study aims to investigate Correctional Centre violence in a South African Correctional Centre, looking specifically at offender-on-offender assaults that occurred in Pollsmoor Medium B Correctional Centre, by looking at assault incident reports and investigations. Discourse and thematic analysis was applied to single out the nature and contexts of the assaults reported. It was found that the assaults usually took place in certain spaces and times, but also that perpetrators and victims of violence often shared various common features. Additionally, certain units seemed more prone to violence than others, related to the finding that there were definite indications of spaces controlled by inmates and spaces controlled by correctional Officers. The study concludes that violence in South African Correctional Centres cannot be seen isolated from the offender, the outside world and their backgrounds.

Key Terms:

Assaults, Correctional Centre Violence, Dark networks, Offenders, Importational Factors, Situational Factors.

List of Abbreviations

AC	:	Area Commissioner
A/C	:	Area Coordinator
APP	:	Annual Performance Plan
DCS	:	Department of Correctional Services
CC	:	Correctional Centre
C/C	:	Centre Coordinator
CC OPS	:	Centre Coordinator Operations
CC Corr	:	Centre Coordinator Corrections
CO	:	Correctional Officer
CSP	:	Correctional Sentence Plan
HoCC	:	Head of the Correctional Centre
JICS	:	Judicial Inspectorate for Correctional Services
SAPS	:	South African Police Services
V	:	Victim
V/P	:	Victim and Perpetrator
P	:	Perpetrator

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Chapter 1: Introduction

1.1. Background to the study

Violence in Correctional Centres¹ has been a central concern for both researchers and the Department of Correctional Services (DCS). Correctional Centre violence is a complex phenomenon, which is affected by the people involved and their reactions to the environment. Homel and Thompson (2005, p. 1) state that Correctional Centres “...bring troubled human beings, often with a long history of violence as victim or offender, into confined spaces against their wills.” Gatotoh, Omulema and Nassiuma (2011, p. 264) as quoted Makan (2000) note that “...[Correctional Centres] in South Africa have become the breeding ground for further violence...” Offenders in Correctional Centres experience a substantial threat of violence from Correctional Officers and other offenders (Muntingh, 2009) Thus it can be argued that Correctional Centre violence is a naturally occurring phenomenon in an enclosed environment. Newly admitted offenders enter a place where violence is institutionalised (Homel & Thompson, 2005). Offender² hierarchies are built on power and violence. Gang culture, aggressive offenders, frustration and violent tendencies are regarded as the main offender specific contributors to violence (DeLisi, berg & Hochstetler, 2004). Limitations on both space and

¹ The CSA, Act 111 of 1998, as amended in 2011, defines a Correctional Centre as “any place established under this Act as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or to placement under protective custody...” The Act expands the definition to include all forms of properties and buildings related to, or adjacent to, “to which any such persons have been sent for the purpose of incarceration, detention, protection, labour, treatment or otherwise...” For the context of this paper, the following terms will be standardised to conform to the wording of the White Paper on Corrections (2005). Correctional Centre(s) to name any facility or institution that houses sentenced offenders.

² The CSA, Act 111 of 1998, adapted the definition of an offender as the legal climate changed in South Africa. The CSA, as published in 1998 defined “Prisoner” and “Sentence Prisoner” separately. These terms were later removed and replaced with the term “inmate” to include both sentenced and unsentenced offenders in its definition. An inmate means any “any person, whether convicted or not, who is detained in custody” including the person being transferred or relocated, regardless whether such a person is sentenced or is a remand detainee. Muntingh (2010, p. 10) defined a “sentenced offender” as any person who is lawfully detained in a Correctional Centre, and who has been convicted and sentenced to incarceration or correctional supervision. For the context of this study “Prisoner”, “sentenced Inmate”, or “sentenced Prisoner” will be standardised as “offender”. The offender is thus defined as any person, who is lawfully detained in a Correctional Centre that has been charged and convicted of a criminal act.

movement, as well as the proximity of offenders and the Correctional Centre architecture, are regarded as the main institutional specific contributors to violence (Fleisher, 2006).

This study uses assault incident reports and investigations into assault incidents to explore the scale and nature of offender-on-offender assault in one particular correctional centre, namely Pollsmoor Medium B. The reports and the investigations, give a broad understanding of when, where and how assaults occur and the parties involved in such altercations. The study uses both descriptive data analysis and discourse analysis to explore the phenomenon of offender-on-offender assaults in Pollsmoor Medium B with the view to identifying identify patterns of assaults.

The literature on Correctional Centre violence is well developed. The study delves into the 'dark world' of South African Correctional Centres. Chapters two and four are added for the contextual understanding of Safe Custody, and Pollsmoor Medium B serves as a case study. The aim of these chapters is to expand the reader's view of the context in which Correctional Centre Violence occurs. The literature review aims to highlight the main themes of relevance to the topic of inquiry. The existing literature on violence in Correctional Centre stems from two major approaches. The 'importational' model and the 'situational' model. The literature review looks at the main ideas underlying each model, followed by a discussion of the key factors identified. Two additional literature discussions are reviewed, on Investigations and Impunity, and the Policing of dark networks.

1.2. Problem statement

The 2013/2014 Annual Report released by the Department of Correctional Services (DCS) set the target for alleged assaults at 2% (3117/155836) of the offender population. The set target emphasises the reality of assaults in Correctional Centre. The target reflects the optimistic expectation that no more than 2% of the offender population will be assaulted. The actual percentage of inmates assaulted for the same financial year was much higher, namely 4.67% (7370/1573969). In 2010/2011, the baseline of assault of offenders in correctional and remand detention centres was set at 3.17% of the entire offender population. The baseline was used to develop a strategic plan to lower the assault rate from 3.17% (in 2010/2011) to 2% (in 2013/2014). Despite these strategic efforts, assaults still increased. The DCS strategic plan of

2015/2016 to 2019/2020 establishes the baseline for assaults at 4.67%, and the [desired] strategic outcome at 3.5%.

In respect of the annual reports, two kinds exist, the annual report by DCS and another by the Judicial Inspectorate on Correctional Services (JICS). The JICS' sole mandate is to regulate and inspect the core operations of DCS. The DCS and JICS annual reports raise the same issue regarding assaults. The two documents cannot be compared statistically because their mandates differ, the reports do not cover the same 12-month³ window, and both lack a definition of assault. The DCS annual report highlights the Annual Performance Plan statistics and outline achievements versus targets. The JICS annual reports highlight the concerns raised by offenders to the Independent Correctional Centre Visitor (ICCV). Not all assaults are reported to DCS officials while some may be reported to the ICCV and vice versa. The DCS annual reports focus on a financial year (Apr – Mar) while the JICS annual reports focus on the calendar year (Jan – Dec). The annual reports emphasise assaults as a concern but the documents do not explicitly explain what is considered as an assault.

The annual reports assume that the reader knows what constitutes an 'assault' and the environment in which it takes place. The major factors blamed for assaults are overcrowding, an increase of aggressive offenders (an increase of incarcerations for aggressive crimes) and the architectural design of old correctional centres (DCS Annual reports 2011/2012 – 2013/2014). The reports provide information on the volume of assaults and the strategy to manage assaults but it is less than clear how such information has been collated.

1.3. Research questions

Pollsmoor Management Area, Tokai, Western Cape is labelled as one of the most violent Correctional Centres in South Africa and is known as one of the big five⁴ management areas. According to the National Commissioner's report in the DCS Annual report of 2013/2014, the

³ DCS's reporting calendar runs from April until March the next year. JICS's reporting calendar runs from January to December. The two calendars have overlapping months but comparison would not be possible.

⁴ The big five are: Johannesburg Central, Kgosi Mampuru II Central, Westville, Groenpunt and Pollsmoor

major contributing factors to assaults are an increase of violent offenders (55% of offenders sentenced for aggressive crimes), the influx of street gangs into Correctional Centres, staff corruption, negligence and involvement in assault incidents. Despite all the concerns the DCS and JICS annual reports raise, there is no documentation that describes when, where and how assaults take place within Correctional Centres. The question remains: What is the description of an offender-on-offender assault in South African Correctional Centres?

The question arises as to how offender-on-offender assaults are defined. Are there any commonalities between the assaults? Do assaults follow certain interactional patterns? Are there any non-violent areas within Correctional Centres? Are there variations in the violence involved in assaults? To answer these questions, assaults cannot be viewed as detached from the context and system in which they occur.

The study explores the view of Correctional Centre violence with particular reference to the formal responses (Investigations - Sanctions) from DCS against assaults. The study explores the space and environment of a Correctional Centre (Pollsmoor Medium B), the processes involved during investigations, the documentation of violence and the use of internal (matters handled at the Centre level) or external responses (remedies).

In relation to violent and non-violent areas in Correctional Centres, the research will look at the distribution of violent incidents that occur within the Correctional Centre. All incidents will be mapped and their locality marked. To understand what Correctional Centre violence entails, it is also necessary to look at the spaces in which it occurs (and subsequently does not occur).

1.4. Purpose and need for the study

In the departmental strategic plan for 2015/2016 – 2019/2020, the minister of Justice and Correctional Services, Adv. T.M Masutha states that Correctional centres as a security environment are “comprised of inherent risks, which include violent assaults, deaths, escapes, corruption and the smuggling of contraband.” (Department of Correctional Services, 2015, p. 6). He continues by highlighting the challenges faced by correctional services, the residual risk of

violence is named as one of the main challenges. According to the minister the aim of the strategic plan for the department is to stabilise assaults at 3.4% of the unlock total⁵ by 2020 (DCS, 2015, p. 38).

The phenomenon of assaults has not been widely researched within South African correctional centres. Our understanding of assault incidents is limited, but what researchers and the annual reports have noted is that these incidents are violent and have become increasingly more and more of a concern. There exists a great need to expand our knowledge of assaults in South African correctional centres.

The research study focused on one specific Correctional Centre, Pollsmoor Medium B, as a case study. The research study is styled as a descriptive exploration of offender on offender assault trends in Correctional Centres. The project has the potential to be replicated and such replication will expand the scale and scope of the data. When more data on assault trends are collected, it would be possible to expand the understanding of when, where and how assaults take place in South African Correctional Centres. More data is required to capitalise on the opportunities for policy interventions aimed at managing and reducing assaults in future.

1.5. Objectives

The research study aims to describe the phenomenon of offender-on-offender assaults within the context of Correctional Centres violence. There have not been a lot of research studies that focus on assault trends in South African Correctional Centres. The research on a South African perspective on Correctional Centres violence does not describe the specific trends in assaults but rather the violence in Correctional centres (Muntingh, 2009; Gear, 2012). The understanding of assault trends is of great importance as assault trends can be used to identify certain hotspots. The trends can widen our understanding of the flow of events from one incident to another. Assault trends provide a backdrop from which preventative measures can be formulated and implemented. As Steinke (1991) argued, if the when, where and who else

⁵ The unlock inmate total, refers to the total number of offenders physically counted that are housed within the facility, during the morning unlocking and counting procedure.

was involved is known, the risks and violence in Correctional Centres could be managed more effectively. The establishment of assault trends will provide DCS and South African researchers with a clearer description of what is regarded as offender-on-offender assaults.

Chapter 2: Literature review on correctional centre violence

The purpose of this chapter is to introduce the reader to some key concepts relevant to a study of assault in the Correctional Centre environment. The chapter brings some theoretical ideas into the discussion of violence in Correctional Centres. Internal investigations into assaults are also explored and the legal framework that underpins the department's mandate of safe custody is also outlined. The chapter ends with briefly discussing correctional centre gangs as dark networks.

Violence in Correctional Centres has been a topic of much debate. The debate is mainly argued from two theoretical perspectives the situational model and the importational model. The situational model should be understood as a dynamic process of interaction between the offender and his environment. The situational model focuses on the event (assault) specific factors e.g. the when, where, type of facility, security classification and who was involved in the assault (Steinke, 1991; Homel & Thomson, 2005; Wolff & Shi, 2009; de Andrade, 2012). Other situational factors may include management style (Homel & Thomson, 2005), the competence of staff (Dhami, Ayton & Loewenstein, 2007; Hochstetler & DeLisi, 2005), service history of staff (Steinke, 1991; Wolff & Shi, 2009) and temperature (Anderson, 2001). The key situational factors (what happens inside the Correctional Centre) identified are offender dynamics; correctional centre dynamics and incident logistics.

The importational model focuses on the individual, seeking to understand events through the characteristics of the individual and his origins. The importational model focuses on the offender specific factors e.g. demographics of the offender as well as psychosocial features (Young, et al., 2004; Hochstetler & DeLisi, 2005; Dhami, et al., 2007; de Andrade, 2012) like the type of offence committed (Young, Justice & Erdberg, 2004) and the length of sentence (Hochstetler & DeLisi, 2005; Dhami, et al., 2007). Other importational factors may include previous convictions and incarcerations, a history of violence (Young, et al., 2004; Hochstetler & DeLisi, 2005), socioeconomic background factors and family relationship (Hochstetler & DeLisi, 2005; Dhami, et al., 2007). The key importational (what happened outside of the Correctional Centre) factors identified are demographics, pre-Correctional Centre factors (offender socioeconomic and inter/intrapersonal factors) previous convictions and incarcerations, type of crimes committed, security classification and environmental factors.

These two models used in synergy best explain the phenomenon of violence and assault in Correctional Centres. In recent research done by Sasha Gear (2015), seven sources of Correctional Centre violence were pointed out namely frustration, wealth, weapons, offender hierarchy, gangs, cell cleaners and staff involvement. These seven sources of violence highlight the importance of both situational and importational factors when researching violence in Correctional Centres.

2.1. Situational factors

The situational factors can be divided into three main streams: offender dynamics, Correctional Centre dynamics, and incident logistics. Steinke (1991, p. 120 - 121) argued that the major situational factors are location, offender population, staff experience and involvement, and management styles. In the correctional context, four main environmental cues can be identified; i) Cues that prompt antisocial behaviour; ii) Cues that exert pressure to misbehave; iii) Cues that reduce self-control; iv) Cues that provoke offenders to act violently (Homel & Thompson, 2005, p. 4). These cues are fluid and can take many forms. For the purpose of this study, the cues will be regarded as offender dynamics (how offenders interact with each other); Correctional Centre Dynamics (how individuals interact with the Correctional centre) and finally the logistics surrounding the incident.

2.1.1. Offender dynamics

The way in which offenders interact with each other greatly influences the potential tension, frustration and violence within the Correctional Centre. Offender hierarchical systems and gang affiliation are some of the greatest contributors to Correctional Centre violence. Correctional Centre gangs fuel the violence in Correctional Centres through the coercion of other offenders to join the gang, to increase their ranking in the gang, and to undertake retaliations (Gear, 2015). DeLisi and Colleagues (2004, p. 371 – 372) noted that the main goal of Correctional Centre gangs are to control the situational environment of Correctional Centres by using intimidation and violence against other offenders (other gang and non-members “franse”).

Offender hierarchical systems are built on gang structures (higher-ranking gang members have greater power than lower and non-gang members) and sentence (longer more serious sentences give offenders more ‘right’ to space) (Muntingh, 2009; Gear, 2015). The relationship between

the perpetrator and the victim, specifically the victims' vulnerability and offender impunity plays a role in these dynamics (Wolfgang, 1957; Edgar & O'Donnell, 1998; Gear, 2015). DeLisi and Colleagues (2004) and Fleisher (2006) argued that gangs believed that they 'owned' the Correctional Centre and the offenders. Offender dynamics highlight an important part of Correctional Centres, that offenders are bound to interact with one another. Offender hierarchies are an ever-continuing fight for power and control. These interactions can have volatile results. It is worthy to note that each Correctional Centre will have its own dynamics and social cues. These cues greatly interact with the situational environment of the Correctional Centre.

2.1.2. Correctional centre dynamics

Offenders are not free from the structural and environmental pressure that Correctional Centres exert upon them. Such pressure comes from the physical design of, construction of, management and staff involved in Correctional Centres. The way in which a Correctional Centre is designed and built (Steinke, 1991; Homel & Thompson, 2005; Gear, 2015); the security classification (Hochstetler & DeLisi, 2005; Fleisher, 2006); Correctional Centre population and overcrowding (Muntingh, 2009; Gear, 2015); and management and staff (Steinke, 1991; Homel & Thompson, 2005; de Andrade, 2012; Gear, 2015) effect the way in which offenders interact with their environment. Correctional Centre conditions are key in explaining the variation of Correctional Centre violence from one Correctional Centre to the next; the argument is that overcrowding, the number of juveniles, maximum classified offenders, the ratio of staff to offender population, and the number of offenders in special custody explained these variations.

Structural components of a Correctional Centre entail the physical architecture, the maintenance and structural integrity of the building. In South Africa, two types of Correctional Centres exist namely old generation and new generation. The old generation Correctional Centres account for most of the Correctional Centres in South Africa. These Correctional Centres house offenders in communal cells which make violence and offender control very difficult. Muntingh (2009, p. 14) explained that 'new generation' Correctional Centres are designed to limit unprotected spaces and increase supervision of offenders. For Gear (2015) the maintenance of a

Correctional Centre plays a role in the environment, broken lights, equipment and repairing of broken windows create both space and means for violence to occur. Although there is no causal link between architecture and Correctional Centre violence, the architecture can affect offender behaviour and social dynamics (Morris & Worrall, 2010). Architecture and design should not be considered in isolation from other situational factors like management, staffing and overcrowding (Homel & Thompson, 2005; Muntingh, 2009).

The Annual Reports (DCS, 2011, 2012, 2013, 2014a; JICS, 2011, 2012, 2013, 2014) of the Department of Correctional Services (DCS) and the Judicial Inspectorate for Correctional Services (JICS) refer to overcrowding as the number of beds available (space) versus the total number of offenders housed within correctional and remand centres (how much space is used). The overcrowding in Correctional Centre increases frustration among offenders, lowers offender social control, and managerial control which creates an environment that becomes conducive for violent behaviours (Homel & Thompson, 2005; Muntingh, 2009; Gear, 2015). DeLisi and Colleagues (2004) noted that such factors become conducive towards gang operations and gang violence. Homel and Thompson (2005, p. 5) noted that the size of the Correctional Centre was not a valid predictor and that both overcrowding and Correctional Centre size should be regarded as contributing factors.

The factors (or cues) discussed as Correctional Centre dynamics cannot be seen in isolation. Although such factors do not directly cause Correctional Centre violence they can contribute to or mitigate violence. Staff involvement and corruption do not directly cause violence in the Correctional Centres, the smuggling and distribution of contraband results in unequal or unfair conditions. In Correctional Centres, the gangs fight over the control and supply of any contraband. If a 'new supply chain' is in place it will change the current flow of resources, resulting in the gangs fighting to acquire the 'new supply chain' to their 'enterprise'. Gear (2015), DeLisi and colleagues (2010) and, Homel and Thompson (2005) discussed staff involvement, staff corruption, staff inexperience and training, management style as contributing factors to violence in Correctional Centres. These factors influence the push and pull of power in Correctional Centres. Staff corruption may promote one set of offenders increasing their power within the Correctional Centre. Staff inexperience and staff involvement may create the space that is conducive for conflict. All of these factors disrupt the 'good order' of a

Correctional Centre. Offenders and Staff may tolerate a certain level of corruption and impunity, overstepping that level may have volatile results.

Just as offender and centre dynamics are a continuous interactive process between offender, environment and staff, these factors can either be favourable for the development of Correctional Centre violence or they can act as a deterrent. Just as a broken window provides the means to make a weapon, strict unfair management can ignite unrest and violence.

Incident logistics

To understand an incident of violence (assault) the physicality and logistics of the incident should be understood. Incident logistics for the purpose of this discussion are set in two main spheres, the security level of the Correctional Centre and the specific location within that Correctional Centre (Steinke, 1991; Hochstetler & DeLisi, 2005; Dhimi, et al., 2007; Wolff & Shi, 2009; de Andrade, 2012). Situational factors should be seen as an interactional pattern between individuals inside the Correctional Centre and the building itself. The overcrowding of a communal cell alone would not necessarily ignite violence, but add offender and gang dynamics to unfair custodial practices and you are bound to have a reaction. It is more the sum of all the factors that can cause a violent phenomenon like an assault. The literature indicates that cells, corridors, dorms and bathrooms were the major areas of concern, mainly due to lack of visibility. Prolonged exposure to high-security custody offenders and controls could result in offenders becoming more violent (Steinke, 1991; Hochstetler & DeLisi, 2005; Dhimi, et al., 2007). The same structure and protocol that is meant to stabilise offender population can also act as conducive factors towards violence.

Situational factors only explain one side of the coin that is Correctional Centre violence and assaults in Correctional Centres, Importational factors explain the other side. Correctional centres are semi-closed environments because their boundaries are permeable for influences. This leads us to our next discussion point, the importational factors involved.

2.2. Importational factors

Importational factors can be seen as those factors that originate from outside of the Correctional Centre and that migrate into the Correctional Centre environment. The importational model

explains offender behaviour from the viewpoint that deviance and anti-social behaviour has its origin within the community. Per this view, Correctional Centre violence should be viewed as a continuation of external factors rather than an existing Correctional Centre factor (Cheeseman, 2003; DeLisi et al., 2004; Dhami et al. 2007). Importational factors include offender demographics (Young, et al., 2004; Homel & Thompson, 2005; de Andrade, 2012), date and time of incident (de Andrade, 2012), previous convictions and incarceration history (Young, et al., 2004; Homel & Thompson, 2005; Hochstetler & DeLisi, 2005), security classification, criminal association and current offence (Steinke, 1991; Homel & Thompson, 2005; Muntingh, 2009). Environmental factors such as weather and temperature can have an effect. The increase of temperature is associated with an increase in frustration and agitation which increases the probability of violence (Steinke, 1991; Anderson, 2001).

2.2.1. Demographics and personality traits

Steinke (1991) explained that an incident comprises of three aspects: Where, When and Who else? He further noted that offender demographics as a predictor of violent behaviours have been challenged. Some scholars argue that the influence of demographics and personality traits may increase victim vulnerability (Homel & Thompson, 2005; Wolff & Shi, 2009). Age and mental health status were found to be predictors of physical assaults (Young, et al., 2004, Wolff & Shi, 2009).

In research done, it was found that youth offenders (below the age of 25) were more likely to become involved in Correctional Centre violence (Young, et al., 2004; de Andrade, 2012). The vulnerability of the victim and dominance of the perpetrator was argued from both racial and age standpoints (Young, et al., 2004; Wolff & Shi, 2009). Muntingh (2009, p. 15) argued that an individual's ability to defend himself was a greater predictor of vulnerability and probability of victimhood. The link between race and Correctional Centre violence is complex. The research has conflicting opinions about the role that race plays in misconduct and violence, but all highlight that it is a complex relationship that needs deeper examination (Lahm , 2008). In Correctional Centres, an offender's willingness to commit violence is a greater indicator of power and dominance than racial or physical attributes.

Research done in London (Young, et al., 2004) and Sydney (Homel & Thompson, 2005) showed that a history of violence is a great predictor of Correctional Centre violence. The

nature of criminal history, involvement in deviant subcultures in the Correctional Centre, and previous incarceration history are also good predictors of Correctional Centre violence (Heitfield, 2003). Previous incarceration history is linked to the history of violence (de Andrade, 2012). De Andrade (2012) explained that offenders who display aggressive to violent behaviour towards other offenders are most likely to have done so on multiple occasions. There was no research that supported cultural background as an influence to Correctional Centre violence.

2.2.2. Security classification, criminal association and incarceration record

Just as criminal history, race, age and physicality make someone more dominant or vulnerable, so too can his security classification and criminal association make him more aggressive. Offenders 'bring' their history into the Correctional Centre, which affects their interactions towards other offenders. It can be imagined that a high-security class offender, with gang association and a long 'rap-sheet', brings more 'power' into the Correctional Centre than a first-time drug-abuse offender.

Security classification is influenced by sentence typology, previous convictions, current sentence and criminal/gang associations (DeLisi, et al., 2004; Dhimi, et al., 2007; DeLisi, et al., 2010). Lahm (2009) supported the claim of security-level and crime typology as contributing factors to violent assaults. Lahm (2009, p. 123) found that offenders who served more than five years were less likely to be involved in deviant behaviour while offenders who were serving less showed higher rates of deviant and violent behaviour. Dhimi and colleagues (2007) found adaptations to Correctional Centre environment to be vastly different from first-time offenders as compared to 'seasoned'-offenders. Short sentenced, history of violence, incarceration history, and past-run-ins with law enforcement can be seen as major predictors of violent offender behaviour inside of a Correctional Centre (Hochstetler & DeLisi, 2005; de Andrade, 2012).

2.2.3. External environmental factors

Research conducted by Steinke (1991) revealed that there was a relation between time of day and assault so for example, offender-on-offender assaults clustered during day time shifts. Research by Wolff and Shi (2010) using four time periods (6 a.m. to noon, noon to 6 p.m., 6 p.m. to midnight and midnight to 6 a.m.) to measure time as a predictor; found that 43.7% of physical assault occurred from noon to 6 a.m. The lowest percentage (5.7%) of assaults

happened between midnight and 6 a.m. There is no research that supports the time within the month as a predictor.

High temperatures resulted in high aggression levels and possible violence (Steinke, 1991; Anderson, 2001). Correctional Centres and especially cells and corridors do not have air conditioning and cooling depends on natural air flows (which can be restricted due to design) (Steinke, 1991). The research supports a positive correlation between heat and violence in Correctional Centres, and suggests that as temperatures fluctuate between seasons so do assault levels. The main conclusion is that heat makes offenders more irritable and more likely to get agitated and involved in altercations (Steinke, 1991; Anderson, 2001).

Offenders and Correctional Centre violence should not be seen in isolation from the outside world. The boundaries set by Correctional Centre authorities are not as rigid as they hope. As the individual enters the Correctional Centre, they bring who they are and where they come from with them into this 'new society'. When an incident of assault takes place inside the Correctional Centre, its origin might stem from events that happened outside of Correctional Centre.

To describe the phenomenon of offender-on-offender assaults, it is important to look at all the factors involved. The literature highlights that Correctional Centres are an environment that can be conducive to violence, by the mere architect of its design. Each Correctional Centre will manifest its own dynamics and offender-culture. But the building itself is not the only factor in the phenomenon of Correctional Centre violence, especially assaults. We know that as an individual, offenders have their own culture and history. History and culture are not left at the gates.

2.3. Investigations and impunity in correctional centres

Violence and assaults are prominent in most Correctional Centres around the world. The investigations into these incidents of violence are essential. Muntingh (2009) expressed the concern of the lack of information on violence in Correctional Centres. He continued (2009, p.

32) to state that more information and accurate data is required. Muntingh and Dereymaeker (2013) argued that a culture of impunity exists under law enforcement agencies, their research found that many incidents⁶ [assaults] occur and go unpunished [prosecuted] in Correctional Centres. For the context of this study, an understanding of the UN declarations on Standard Minimum Rules for the Treatment of Prisoners and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be reviewed to highlight the importance of proper investigation and management of assault incidents. In reviewing the UN declarations, a recent protocol written to ensure compliance and efficacy in dealing with crimes committed in Correctional Centres will be discussed (Protocol for the Appropriate Handling of Crimes in [Correctional Centres]). A link will be drawn to the South African context of investigations and possible negligence, accountability and impunity.

2.3.1. Investigations practices in the correctional environment

Looking towards global initiatives in the investigating of violence in Correctional Centres, the UN Standard Minimum Rules for the Treatment of Prisoners (SMR), “The Nelson Mandela Rules⁷”, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) are the main international policy frameworks that guide the process. The reviewed SMR includes a specific section on investigations.

“The Nelson Mandela Rules” and the Convention against Torture express the role that Correctional Centre Authorities play in the investigation of incidents of death and serious injury. Rule 71(1) of the Nelson Mandela Rules sets the standard that Correctional centre authorities should cooperate with Police and judicial systems in terms of investigations:

- “1. Notwithstanding the initiation of an internal investigation, the [Correctional Centre] director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the [Correctional Centre] administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The [Correctional Centre]

⁶ Incidents can refer to any form but not limited to crime, human rights violation, and contravention of institutional rules by offenders or officials.

⁷ The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) was reviewed and adopted as “the Nelson Mandela Rules” in 2015 (UN General Assembly, 2015)

administration shall fully cooperate with that authority and ensure that all evidence is preserved.

Rule 71(2) continues to emphasise the obligations of the Correctional Centre:

2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in [Correctional Centre], irrespective of whether a formal complaint has been received”

Rule 71(1) assumes that an internal investigation will take place, as in accordance with articles 12 and 13 of the Convention against Torture:

“Article 12. Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13. Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given”.

The UN declarations both argued on the hand of death and serious injury, although this responsibility can be transferred to all incidences of violence, especially when looked at from a human rights perspective.

Britain recently established (2015) a protocol for all Correctional Centres as a guideline. The protocol establishes a communication line between Correctional Centre investigations and police criminal investigations (Ministry of Justice, 2015). The Crown Prosecution Services (CPS), The National Offender Management Service (NOMS) and Association of Chief Police Officers (ACPO) are all linked to the appropriate handling of crimes in the Correctional Centres protocol⁸. The protocol aims to ensure that all acts of criminality that occur in Correctional Centres are duly processed and prosecuted. The protocol suggests that many of the incidents of assaults may be handled by internal disciplinary systems and go unreported to the police. The protocol argues

⁸ The appropriate handling of crimes in prisons protocol will only be referred to as “the protocol”

that if a crime in a Correctional Centre goes unpunished it undermines the safety and security⁹ of a centre (Ministry of Justice, 2015).

One of the important assumption made by the Protocol is that the Correctional Centre's "adjudication system exists primarily to assist with control and order within the [Correctional Centres]. It is not a replacement for the Criminal Justice System (Ministry of Justice, 2015, p. 5)". The Adjudication system is a means for Correctional Centre authorities to lodge an inquiry [investigation] into an alleged offence committed by an offender, the system also provides the means to determine the offender's guilt or innocence and appropriate punishment when found guilty (Ministry of Justice, 2015).

In the South African context, the CSA sets out in Part B the area of discipline, section 22 highlights the core principles of the South African adjudication system:

22. General. — (1) Discipline and order must be maintained with firmness but in no greater measure than is necessary for security purposes and good order in Correctional Centres.

(2) In case of any conviction in a court of law for an offence committed by a person whilst an inmate, the Department, on the strength of such conviction, may without any further inquiry take disciplinary action in terms of this Act.

(3) Disciplinary action may be taken against any inmate, even though criminal proceedings may be pending or in progress against such inmate.

(4) No inmate must in any way be involved in the implementation of any disciplinary measures.

Section 23 highlights the infringements and section 24 the procedures and penalties that should be applied in cases of contravention of section 23.

2.3.2. B-Order of correctional services on investigations

In South African Correctional Centres, investigations are guided by the B-order. The B-Order, sub-order-1, Chapter 12, specifically deals with investigations. It provides a standardised mode of operation for all investigations and mandates that all incidences of assault must be reported to

⁹ Rule 36 of the Mandela rules: Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life.

SAPS. The Chapter 12 of suborder 1 of the B-order highlights the standardised operations and principles that underline all investigations conducted by the department of correctional service

[1.2] “Investigations in the Department of Correctional Services mainly include the following:” [1.2.3] “Investigations instituted regarding injuries sustained by [offenders]”

The technical indicator descriptions (TID) published on the DCS website for 2012/2013 highlighted this mandate. The TID for assaults that are expressed under the short definition: activity “Register and report all assaults incidents. Investigate incident. Analyse incident. Implement interventions.” But this was later removed from the TID. In the latest Operational Plan (2015/2016), Annual Report (2015-16), Strategic Plan (2016/2017) of DCS there is no mention that assaults are or should be investigated.

Paragraph 1.1 clearly outlines the differences between a criminal investigation and the departmental investigation, the latter is aimed at exposing deficiencies and possible negligence of departmental staff or correctional system in whole. The intention of the investigation is not to determine guilt as with criminal proceedings or SAPS investigations. This creates a culture that could be a detriment to the system. Investigators of assaults only aim to determine staff involvement and then probable negligence – it does not seek to fully determine the guilt of perpetrator or innocence of the victim. This is possibly assumed.

Paragraph 1.4 provides basic guidelines on the completion of a departmental investigation. The guidelines suggest that the legitimacy and quality of an investigation is tied to its structure and evidence. Sub-paragraph 1.4.7, outlines the collection of evidence:

- 1.4.7 Evidence should also be obtained regarding the following, where applicable:
- (a) **Who** is responsible for the fulfilment of the directives related to particular aspects of the matter under investigation?
 - (b) Whether the person responsible was **in possession of/acquainted with** the directives/his/her duties or not, and if not, **why not**.
 - (c) What the involvement of the **Supervisor/Division Head** was to ensure that directives were indeed being complied with, and
 - (d) What was the **oversight/negligence** regarding the execution of directive

1.4.8 supports the claim of legitimacy that all facets of the investigation should be accompanied by supporting evidence. The B-order in many instances assumes the quality of the evidence.

2.3.3. Negligence, accountability, and impunity

Through the literature, it can be argued that each investigation has a level of accountability and responsibility. In South African Correctional Centres, this responsibility and accountability stem from a constitutional mandate of safe custody (DCS, 2014b). Investigations together with the disciplinary processes act as the department's formal responses to crimes/infringements that occur in custody. The principles of safe custody enshrine the responsibility to ensure that offenders are free from all forms of assault (CSA Sec 23).

Chapter 11, Section 95 (1) (CSA, as amended 2008) stipulates that the National Commissioner must monitor compliance with internal regulations, policies and prescriptions, the National Commissioner may do so by "means of internal auditing, performance auditing, inspections and investigations". The Act continues to argue that the National Commissioner must do so to promote "economical and efficient operation" The CSA 95(2) stipulates that monitoring of compliance must be assessed at regular intervals and this assessment includes internal control measures at individual-centre (including public-private partnerships and community corrections offices), provincial and national levels. 95(2) (a) stipulates that the National Commissioner must assess if departmental operations are conducted effectively.

The Correctional Services Regulations¹⁰ (DCS, 2004), Chapter 7, Section 30 stipulate the regulation of 95 of the CSA. 30(1) (a) mandates the National Commissioner to appoint internal investigators, inspectors and auditors. Regulation 30(2) grants an appointed investigator, inspector or auditor entrance to any departmental building, access, search and seizure to any departmental record of the document in order fulfil his/her duties as in line with Section 95 of the CSA.

¹⁰ The Minister of Correctional Services has under section 134 of the Correctional Services Act, 1998 (Act No. 111 of 1998) made the regulations in the Schedule to commence on 31 July 2004 (Department of Correctional Services, 2004)

The B-order, sub-order 1, Chapter 22, paragraph 2.2(b) stipulates that all reported complaints or requests of offenders must be investigated. The B-order argues further that the investigation must be done properly by an appointed person [member]. It can be argued that the Department is thus mandated under the CSA to investigate assaults through Section 21 which stipulates that complaints must be dealt with, and Section 95 that stipulates that the national commissioner [or a delegate, i.e. the Head of the Correctional Centre (HoCC)] must manage compliance. The department thus has a responsibility to investigate all reported cases of assaults, even if there are no signs of injury.

In **Judd vs Nelson Mandela Bay Municipality**, it was argued that two forms of negligence exist [direct] negligence and negligent omission. Negligence where the act itself causes harm or injury is presumed to be unlawful, while negligent omission is only regarded as unlawful if “it occurs in circumstances that the law regards as sufficient to give rise to a legal duty to avoid negligently causing harm” The B-order suggests that the main aim of an investigation is to expose internal deficiencies and negligence, but by doing so and not seeking guilt – it can be argued that the department omits its own responsibility towards offenders. Does this equate to Negligence and/or Impunity? Or does this suggest a gap between policy and practice? If DCS seeks only to ensure that no negligence has occurred (on their part), how proper or complete is such investigation versus an investigation that seeks truth and guilt?

Muntingh and Dereymaeker (2013) argued that even in cases where DCS staff were found to be negligent no prosecution occurred. Their research suggests that a culture of impunity exists in DCS. Impunity as defined by United Nations Commission on Human Rights is “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims” (quoted in Muntingh & Dereymaeker (2013), p. 7) Muntingh and Dereymaeker (2013, p 8) argued that “Impunity, therefore, implies a political and social context in which laws against human rights violations are either ignored or perpetrators inadequately punished by the state”. For the purpose of this paper, Impunity will be regarded as an action, or the lack of action, to prevent prosecution or to inadequately prosecute any individual transgressor, and restrict the punishment or the enforcement of sanctions, in accordance with the rule of law.

The Jali Commission¹¹ highlighted many cases in which negligence and crimes occurred in DCS and staff [and the formal response system] faced minimal to no repercussions. Muntingh and Dereymaeker (2013) mentioned that during the Jali commission, sufficient evidence was found to implicate corruption, maladministration and human rights violations within DCS. The Jali Commission led to the establishment of a Special Investigations Unit, and together with the Departmental Investigations Unit it is responsible for investigating allegations of, corruption, maladministration and human rights violations within DCS. It has become a common belief by DCS Management that these two Units will “manage internal discipline” – the units do not replace the duty of managers to enforce and promote internal disciplinary measures (Muntingh & Dereymaeker, 2013). Muntingh and Dereymaeker (2013, p. 36) argued for the importance of management's involvement in support of the disciplinary systems:

Enforcement of the disciplinary code by every operational manager also lends sustainability to the achievements of the investigations in addressing corruption, maladministration and rights violations by making compliance with prescripts and codes part of organisational culture.

It can be argued that the culture of Impunity that exists in the department (especially within Correctional Centres) has become entrenched into its daily operations. The Jali commission, in respect to assaults, predominantly focused on Official on Offender assaults and not offender on offender assaults. We have to assume that the same entrenched impunity in dealing with official transgressions may apply to offender transgressions. The Jali Commission found that impunity exists in the formal systems of staff discipline, so it could be assumed that impunity expands to the internal systems of offender discipline.

With the insufficiencies in formal responses and the culture of impunity, offenders would seek to find other means to address their ‘complaints and requests’ – the gangs or offender sub-culture that exist in the unseen space in a Correctional Centre become a viable option. The Offender subculture can be seen as a hidden society [dark network] within Correctional Centres.

¹¹ “In August 2001, the State President [Mr Mbeki] appointed a Commission of Inquiry to investigate and report on corruption, maladministration, violence, and intimidation in the Department of Correctional Services (DCS). With Mr Justice T.S.B. Jali, of the KwaZulu-Natal Division, serving as the Chairperson of the Commission, the inquiry became known as the “Jali Commission” (van der Berg, 2007, p. 5)

2.4. Policy framework for safe custody

The discussion now turns to a consideration of the policy framework which guides Safe Custody in South African Correctional Centres. The Core ideas of Safe Custody are tied to the Constitution, The Correctional Services Act, the white paper on Corrections, the B-order of DCS and the Strategic plan of DCS. The Strategic objective is to manage and limit assaults in Correctional Centres highlighted in the legal mandate of the DCS:

“Provide for a safe and secure Correctional Centre environment through supervision and the implementation of security strategies to support humane incarcerations and contribute to the aspiration of the country” (programme 2: Incarcerations; DCS Strategic Plan 2015/2016 – 2019/20).

2.4.1. The Constitution

The Bill of rights, Chapter 2, enshrines the inherent rights that all individuals within the borders of South Africa have, and upholds the democratic values of human dignity, equality and freedom. The Constitutional mandates of the department are:

- Section 9 – Equality
- Section 10 – Human dignity
- Section 12 – Freedom and security of the person
- Section 27 – Right to health care services
- Section 28 – Children’s rights
- Section 29 – Right to education
- Section 31 – Freedom of religion
- Section 35 – Rights to humane treatment and to communicate and be visited by family, next of kin etc. (Department of Correctional Services, 2015).

Section 35 of the Constitution highlights the inherent rights of all detained individuals, section 36 express the limitations of rights; “The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom”. The Constitution continues to express that although [some] human rights may be limited, others are non-derogable. In relation to Assaults and the Correctional Centre environment the following non-derogable

rights play a vital role in understanding safe custody and the management of assaults, the Right to Human dignity (chapter 10, entirely), the Right to Life (Chapter 11, entirely), and the Right to safety and security (Chapter 12, with respect to 1(d), (e) and 2(c)).

12.1) Everyone has the right to freedom and security of the person, which includes the right—

(d) not to be tortured in any way; and

(e) not to be treated or punished in a cruel, inhuman or degrading way.

2) Everyone has the right to bodily and psychological integrity, which includes the right—

(c) not to be subjected to medical or scientific experiments without their informed consent.

The Constitution is clear in Chapter 35 (2) (e):

(2) Everyone who is detained, including every sentenced prisoner, has the right —

(e) to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment;

It can be implied that every offender (sentence and remand detainee) has the right to be free from all forms of violence, assault and cruel treatment by officials or other offenders. The Onus of protecting this right lies upon the shoulders of the Department of Correctional Services.

2.4.2. The Correctional Services Act 111 of 1998

The Correctional Services Act¹² (CSA), explains the principles of safe custody under section 26

26. (1) The right of every prisoner to personal integrity and privacy is subject to the limitations reasonably necessary to ensure the security of the community, the safety of correctional officials and the safe custody of all prisoners.

(2) In order to achieve these objectives and subject to the limitations outlined in sections 27 to 35, a correctional official may –

(a) search the person of a prisoner, his or her property and the place where he or she is in custody and seize any object or substance which may pose a threat to the security of the prison or of any person, or which could be used as evidence in a criminal trial or disciplinary proceedings;

(b) take steps to identify the prisoner;

¹² Act 111 of 1998

- (c) classify prisoners and allocate segregated accommodation, including single cells;
- (d) apply mechanical means of restraint; and
- (e) use reasonable force.

Muntingh (2010) argued in a guide to understanding offender rights as per the CSA, that DCS must ensure the safety of all offenders while incarcerated. He continued to suggest that this responsibility of safe custody extends to the maintaining of security and good order inside a Correctional Centre. The department thus has an intrinsic responsibility to protect all offenders from harm (internal or external of the Correctional Centre)

The CSA mentions assaults under two sections, section 21 (Complaint and requests) and 23 (Disciplinary Infringements). Complaints and requests refer to a process in which offenders are provided with the opportunity to raise any complaint or request on admission or daily. Subsection 21 (2) (c) states:

[I]f the complaint concerns an alleged assault, ensure that the inmate undergoes an immediate medical examination and receives the treatment prescribed by the correctional medical practitioner.

Section 23, lists the Disciplinary Infringements and in specific paragraph (h) notes that an offender who commits an assault is guilty of an infringement. Section 22 explains the disciplinary actions that may be taken against any offender. If an offender commits any infringement, his amenities may be restricted as per the CSA (section 134).

The CSA does not provide any definition for an assault. The CSA provides that assaults should [must] be reported to the correctional officials in the units, and that any offender that commits an assault may face disciplinary actions, and these actions may result in the restrictions of amenities.

2.4.3. White Paper on corrections

Chapter 10 of the White paper on Corrections deals with Safety, security and order as a part of rehabilitation. The Chapter expands on the Department of Correctional Services role in providing a safe and secure environment. The White paper acknowledges that incarceration can be a damaging experience that affects both body and mind. It continues to enforce DCS as the

provider of safe custody and ensure the well-being of offenders in its care. The white paper acknowledges that Correctional Centre environment poses various forms of health and safety risks (Department of Correctional Services, 2005c). Gangs have been a regular fixture in Correctional Centres for the past century, and form part of Correctional Centre violence. The White paper highlights the various ways in which Correctional Centre violence can manifest; “gang supported fights; assault and murder; forced sexual activity or rape; intimidation and coerced favours; and complicity of or the turning of a blind eye by correctional officials in relation to these activities” (2005c, p. 76) The White paper, however, fails to define an assault or elaborate on investigating incidences of violence.

2.4.4. B-Order of correctional services

The B-Order is an operation manual that spells out the policy framework and interpretations into a series of functional orders. The B-order is designed as a process manual that ensures uniform procedures at all Correctional Centres in South Africa. The complete B-order exists out of five orders, each order dealing with a specific functional area of a Correctional Centre. In respects to safe custody and assaults, sub-order-2 (safety and security) and sub-order-3 (Physical Care) directs standard procedures to be followed.

Sub-Order-2 directs all correctional officials on standard practices on safety, security, and secure custody. The sub-order focusses on all areas that are related to the duties and responsibilities of officials and includes the use of various security measures and procedures. As per Sub-Order-2, Chapter 6 (unit duties), subsection 17, paragraph 1, the philosophy that needs to be borne in mind when attending to complaints and requests, if the build of frustration is managed effectively it could limit the possible escalation to assaults.

“One of the elements whereby a calm and satisfied prison population can be accomplished is the existence of a well-established and effective complaint and request procedure”

Sub-Section 18.1, adds directions to the management of Gangs, it mandates that all incidents of assaults must be reported to the South African Police Services (SAPS), regardless of whether it is gang related or not.

Sub-order-3 relates to the physical care of all offenders, and the respective procedures. Chapter 4 specifically deals with Assaults and injuries. The chapter outlines the formal response to

alleged/reported assaults or injuries. The chapter explains what information is required in the reporting of the various forms of injuries and/or assaults and what steps should follow afterwards. It connects the security/corrections response to the medical staff interventions and further medical referral if the need arises. The chapter makes a distinction between injury, minor assault and serious assault but does not, however, provide any definition or criteria to support the distinctions. The chapter mentions that:

“If an [offender] alleges during admission or thereafter, that he/she is injured/assaulted, he/she must be referred for a medical examination without delay in order that his/her injury/assault may be evaluated and his/her welfare attended to” (Department of Correctional Services, 2005b, p. 363).

“[A] Medical Officer/Practitioner must determine the seriousness of the incident (taking into consideration the extent of injury) whether [the] injury is minor or major and record as such on the medical report” (Department of Correctional Services, 2005b).

2.5. Policing [dark] networks in unseen spaces

Correctional Centres can easily be divided into a seen and unseen world. The structural design and the level of overcrowding create areas that are not easily ‘policed’. The visibility of space within communal and single cells is limited, and once the doors are locked the correctional officers have no ‘direct’ control of what happens. Bearing in mind the long history of Correctional Centre gangs, the existence of a dark network inside of Correctional Centres is easily affirmed. This hidden society has its own rules, power structures and social contracts that embed the dark network into the Correctional Centre space.

2.5.1. Defining dark networks as a problem

Raab and Milward (2003), and Morselli, Giguère and Petit (2007) argue that the objective of a dark network sets it apart from a licit network. The objectives of such networks can be to commit, promote and further any illicit action using multiple criminal activities. Raab and Milward (2003) argued that dark networks have the same structure, and follow the same properties like some legitimate networks. They argued that organisations or groups align themselves to deal with specific problems, the bigger the said problem the wider the skills needed to address the problem (Raab & Milward, 2003). O’Toole (1997) quoted in Raab and Milward defined networks as:

“Networks are structures of independence involving multiple organisations or part thereof, where one unit is not merely the formal subordinate of the other in some larger hierarchical arrangement (...).” The notion of networks exhibits some structural stability but extends beyond formal established linkages and policy legitimated ties.”

Raab and Milward (2003, p. 418) argued [from a public service point of view] that networks are a way of effectively providing public goods and services, especially in areas where little to no governance exists. Services delivery then falls upon the organisation that exists [licit or illicit]. Morselli, Giguère and Petit (2007) suggested that those who participate in criminal networks [dark networks] have a constant negotiation between efficiency and security. Their study highlighted that not all criminal [dark] networks have the resources to find loopholes in the legal systems, and thus are not able to trade efficiency for security.

Raab and Milward (2003) made four proposition on dark networks:

1. Covert networks like overt networks come in all forms and shapes. Dark networks must have a very flexible structure that enables them to react quickly to changing pressures from nation-states and other opponents in order to survive. (Raab & Milward, 2003, p. 431)
2. Dark networks need a territorial base to be effective. These bases are usually in regions torn apart by civil war dominated by current or former warlords and where no state legitimate monopoly of coercive power exists. (Raab & Milward, 2003, p. 432)
3. Overt and Covert Networks face similar challenges in terms of differentiation and integration. However, Covert ones have to find different answers to these challenges, on the one hand, their activity is under constant risk of detection and institutionalisation is rather weak but on the other hand, they tend to revert to physical force and coercion to compel adherence to their goals. (Raab & Milward, 2003, p. 433)
4. The strategy of Western Countries to fight criminal organisation and networks should be twofold. First, the west should increase the pressure on illicit networks in as many countries as possible through internationally coordinated action and should sanction states that voluntarily provide a base for these activities. Second, Western nations should help countries avoid becoming failed states by encouraging and assisting them to build stable reasonably representative state structures with a legitimate monopoly of power in order to deter illegal, covert networks from using them as bases (Raab & Milward, 2003, p. 434).

2.5.2. Correctional centre gangs: the number gangs

In South African Correctional Centres offender dynamics, prison subculture and a classist system constitute the foundation to understanding gangs as dark networks. In this network, offenders are divided along the lines of gang affiliation “Ndota” and non-gang affiliation “Franse”. Research done by DeLisi and Colleagues (2004) argued that gangs believe that they have a right to the space of Correctional Centres, and anyone who enters. This belief is supported and ingrained in the culture of gang “law and order” (Steinberg, 2004).

Gangs are extremely prevalent in South African Correctional Centres. The most dominating is the number gangs (Skywalker, 2014). Much has been written about the history and mythologies tied to Correctional Centres gangs in South Africa. The gang’s history in South Africa stretches a vast period, Johnny Steinberg (2004) in his research “Nongoloza's Children”, suggests that the origin of the gang started in 19th-Century. The number gangs are divided into three main gangs: the 26’s, 27’s, and the 28’s. Although the numbers gangs share the same historical mythologies of their origins, each gang differs on some points in the myth (Steinberg, 2004).

In the present day, the three gangs are separate criminal organisations with each gang having its own objectives and rules to maintain and achieve those objectives. In a Human Rights Watch (HRW) report (HRW, 1994) on prison conditions in South Africa, the report highlighted the link between gangs and violence:

[Correctional Centre] life in South Africa is characterised by an elaborate system of gangs, through which much [offender-on-offender] violence is mediated. While gang activity is common to many [Correctional Centre] systems, South African [Correctional Centre] gangs are distinctive. Most importantly, gangs in South African [Correctional Centres] have a national organisation, and a gang member who is transferred from one prison to another, or even released and re-imprisoned, will keep his membership and gang rank in the new prison.

The HRW (1994) report highlights the use of coercion, violence and dominance of non-gang members in Correctional Centres. The ‘implied’ rules of Correctional centres believes that gangs ‘may’ and have the ‘right’ to deprive all non-gang members of all their belongings and restrict access to privileges (set out in the CSA).

The HRW (1994), Steinberg (2004) and Skywalker (2014) all suggest that the gangs are not antagonistic towards each other, however, they compete for the same resource pool. The literature supports the claim that gangs in Correctional Centres are pseudo-militaristic and mimic

the old military structures of the Department of Prisons. Even after the demilitarisation, the gangs kept the hierarchical structure as it had proven too beneficial. Skywalker (2014, p. 25) explains the various objective of each gang and that each gang had specific duties assigned to each of their ranks. The gangs can predominantly be distinguished by their main objectives¹³:

“The 28s protect, pamper, and organise sexual partners (wives) or ‘wyfies’, the 27s kill to protect and enforce the codes of the 26s and 27s, and the 26s-employ patience and cunning tactics to steal and rob inmates.”

The number gangs are bound by their own “laws and rules” to respect each other. The code ensures a mutual and peaceful co-existence in Correctional Centres. This co-habitation is essential for the numbers gang to continue their “work”. The understanding and commitment extend even to an operational and “law enforcement” function:

“Whenever a gang (or any of its individual members) or prison staff impinges upon the work ethic of another gang, conflict results e.g. when the 26s are found to keep wyfies (catamites) they will come into conflict with the 28s.”

2.5.3. The number gangs as dark networks

If we review the organisational structure of gangs and overlay it over Raab and Milward’s (2003) four propositions of Dark Networks, it gives us a clear indication that Correctional Centre Gangs as an organisation can be regarded as a dark network.

1. Covert networks like overt networks come in all forms and shapes: The Numbers Gang have three distinct forms, but with a uniform hierarchical structure. This Pseudo-Militaristic structure mimic the Correctional Services’ old Apartheid structure. The Inter-gang politics and the co-enforcement rules system allow the numbers gang to easily adapt to the environmental pressures. It is the argument of the researcher that Dark Network in Correctional Centres is a collectively interwoven web between all gangs.

¹³ In context of the study and Pollsmoor Medium B Correctional Centre, the other gangs will not be reviewed, due to the proven dominance of the numbers gangs in Pollsmoor.

2. Dark networks need a territorial base to be effective. The numbers gang have established a fair monopoly inside Correctional Centres, Correctional Centres in South Africa are categorised as violent spaces (HRW, 1994). It can be assumed that a ‘hidden’ war occurs for dominance and rule of Correctional Centre, between gangs for resources and officials for control. Steinberg (2004) argued that gang culture perpetuates the culture of violence in its own initiation rites. The Correctional Centre management [officials] may in many cases as pointed out by HRW (1994) and Skywalker (2014) co-opt with the gangs to ensure “Law and Order”. The unseen spaces of Correctional Centres are the territorial ‘safe haven’ for many of the illicit dealings and gang activities. These spaces make for optimal grounds to commit violence with impunity.
3. Overt and Covert Networks face similar challenges in terms of differentiation and integration. The offender proximity and overcrowding of Correctional Centres have forced both Gangs and Officials to face challenges. DCS (2015) requires new recruits to bulk up its manpower to maintain “Law and Order”. The process is long, and shortcuts can lead to employing individuals that may infringe security. The Numbers gangs face similar problems in keeping differentiation between ‘factions’ (26, 27, and 28) and new recruits.
4. The final proposition is in respect to the management of Gangs in Correctional Centres. The Department has established a Gang Management Unit that seeks to increase identification of gangs, restriction of gang practices and connecting relevant discipline staff and offender care staff (DCS, 2015). The formulation of the Prevention of Organised Crimes Act (POCA¹⁴) and the recent conviction of George “Geweld” Thomas¹⁵, have given the public a fighting chance to combat organised crimes and gangs outside of Correctional Centres and inside.

The four propositions clearly outline the argument that the Numbers Gang have always been a dark network inside of Correctional Centres.

¹⁴ The Prevention of Organised Crimes Act (Act 121 of 1998) as amended 2007

¹⁵ As reported by Eyewitness News South Africa (EWN, 2016)

2.6. Conclusion

The literature has shown that Correctional Centre violence is a complex phenomenon, where there is no short answer to. The level of violence is highly dependent on the individual but also the space in which the offender finds himself. The literature points out that both the importational and situation factors involved in an incident can be used to explain the violence. In some ways, the factors may promote violence. The literature discussed the fact that poor investigations, and inconsistent application of disciplinary hearings can build frustration. It also discussed the level of impunity in which offenders' assaults are treated, and the 'refusal' to treat invisible (no physical indication of assault or violence) injuries. Impunity has a tremendous effect on the principles of safe custody, security and the human rights of an offender. The offender-subculture justly seek to bridge the gap between the seen and unseen worlds of Correctional Centres. The gangs (predominantly the numbers gang) fill this gap and offenders are forced to bargain privileges and rights, for safety and security.

The discussed framework mandates that the Department of Correctional Services must ensure safe custody. Safe Custody is achieved through the promotion of the constitution, adherence to the Correctional Services Act, compliance with safety and security procedures as outlined by the white paper and B-Order of Correctional Services. These documents enshrine the responsibility of the department of correctional service to reduce the number of assaults (of offenders). The DCS Strategic Plan of 2015/2016 – 2019/2020 (2015, p. 38) highlights this responsibility; the strategic plan states that the current baseline for 'percentage of offenders injured due to assaults' is 4.67%¹⁶. The objective aims to reduce the percentage of assaults to 3.4%.

The policy and legal frameworks highlight clearly the level of concern regarding assaults, but none, however, establishes a definition. The DCS (2015) Strategic plan's section on technical indicator descriptions of the strategic performance indicators, provides a short definition of the indicator relating assaults:

¹⁶ The percentage is calculated by taking the number of reported assaults divided by the Correctional Centre population size.

The indicator measures the actual recorded number of [offender] injuries as result of any reported assaults by fellow [offenders] or officials; against the total number of [offender] population as an indicator of safe, secure and humane conditions. (Department of Correctional Services, 2015, p. 71)

This definition assumes that all forms of assault [or violence] result in injuries – the legitimacy of an alleged assault is thus tied to the visibility of the Assault. The TID specifically states that the indicator excludes cases where the medical practitioner clearly indicates that there are no injuries. No provision for cases of non-visible injuries, possible internal injuries or invisible forms of violence. The DCS nowhere accounts for the possibility of a shadow-figure.

Chapter 3: Pollsmoor, Medium B, SA Correctional Centre

The grounds on which Pollsmoor Correctional Services were established have a long history. The Correctional Centres are only ‘recent’ fixtures in this timeline. Pollsmoor Management Area was established in 1949 when the population of the offenders in Roeland Street in Cape Town was relocated due to overcrowding. The Management Area is regarded as one of the ‘big five’ Correctional Centres and is labelled as the second most violent Correctional Centre management area in South Africa. Pollsmoor Medium B grants a unique case study for Correctional Centre research in that it houses only sentenced male offenders. The offender population profile includes almost all variants of offenders, short term (< 2yrs) and long-term (> 2yrs) offenders, Low and Medium Classification offenders¹⁷, further charges and working teams. During my Site visit to Pollsmoor on the 25th of June 2016, I made a series of observations. The observations will be discussed in three main topics. Layout and structure, to discuss the physical building of Pollsmoor Medium B. Overcrowding, to stress the level of human proximity and potential aggressive interaction that it can lead to. Finally, Staff and availability of guardians, to discuss the shortfalls and the effects that it has on the system.

3.1. South African correctional centres

The conditions prevailing in South African Correctional Centres have long been a subject of debate and research. Muntingh (2012, p. 431) quoted Judge Fagan when he described the conditions in South African Correctional Centres as “most awful” and “horrendous”. Muntingh’s research expressed the overbearing effects that overcrowding has had on the system. Singh (2005) briefly explained the history of Correctional Centres in South Africa and highlighted the human rights violations that occurred along the way. Singh (2005, p. 38) expressed in conclusion that:

¹⁷ Maximum classified offenders should under normal circumstances transferred to the closet or most appropriate Maximum facility.

“Over the decades, regardless of the changes and improvements in the prison systems of most countries, imprisonment has remained an instrument of retaliatory punishment rather than an instrument of rehabilitation”

The JICS Annual report of 2012/2013 explains that the ratio between inmate population and available bed spaces in South African Correctional Centres has long been as intolerable, this ratio has resulted in overcrowding in both Sentenced Correctional Centres and Remand Detainee Centres (Judicial Inspectorate for Correctional Services, 2013). Overcrowding is not the only problem concerning the conditions of Correctional Centres in South Africa, some Correctional Centres are dilapidated and require major renovations (Judicial Inspectorate for Correctional Services, 2014). Zonke Gender Justice released a report in which they mention the challenges that Correctional Centres face, overcrowding, poor living conditions and poor ventilation are some of the conditions highlighted by the report (Keehn, Nyembe & Sukhija, 2013). The report suggests that inmates face many violence, coercion, victimisation, oppression and other human rights abuses on a regular basis:

“Much of the violence, corruption, drug use, and sexual violence that takes place in Correctional Centres is attributable to gangs. As other problems, such as overcrowding worsen, gangs become more powerful and hamper the protection of inmates’ human rights (Keehn, et al., 2013)”

Minister Masutha agrees that overcrowding is a country wide challenge for the Department of Correctional Service (Department of Correctional Services, 2014a). The National Commissioner, Zach Modise, labels overcrowding “as the single most pressing matter”. He continues to state in the Annual Report 2014/2015 that the average level of overcrowding in South African Correctional Centres is at 32% (above the prescribed accommodation capacity).

3.2. Site visit observations on layout and structure

Pollsmoor Medium B Correctional Centre was originally designed to house ‘white’ sentenced males during the apartheid years (Filippi, 2016). The centre was designed to house working teams, ‘Spanne’, further charges and medium term offenders (>2 - <15yrs). Medium B is divided into five units and shares close quarters with the Female Correctional Centre at Pollsmoor.



Figure 1: Pollsmoor Medium B-CC

The structure and design of Medium B indicates that the centre was never designed to have an increase in population, nor planned for the possibility of overcrowding. Medium B cells layout suggests that the Correctional Centre was designed to suppress and control its ‘inhabitants’. The units are connected by long passageways with lowered ceilings (2 – 2.2m). The units are built in a rectangle. Each rectangle consists of two units divided vertically, each side contains a series of communal cells and single cells. The Cell has limited space and visibility, it is nearly impossible to see inside a cell, and the current overcrowding worsens this invisibility of the inside. The Cells open to the passageway and do not have contact with direct sunlight. The outside windows of the Cells are barred off with corrugated iron to prevent smuggling. The courtyards are on the inside of the rectangle, the courtyard is divided into two by a concrete slab wall. The two units do not share the courtyard. Despite design obstacles, communication and contact between the two units still take place. The barriers and divisions made with gates, doors, concrete walls and narrow passages are not as watertight as Correctional Officers hope to believe. The system’s barriers are permeable. The units are not isolated from one another but they act as different organs in a larger organism – interconnected.

3.3. Site visit observations on overcrowding

The Annual DCS Report (DCS, 2014) highlights that the management of overcrowding is directly linked to offender management and ensuring a safe, supportive and rehabilitative environment for all offenders. In interviews with the Head of Correctional Centres, the Inspecting Judge's annual report for 2014 highlighted that overcrowding is one of the most widespread problems (JICS, 2014). In research done by Shabangu (2006) overcrowding at Pollsmoor Medium B was found to be 155%.¹⁸ During my Site visit to Pollsmoor Medium B the average unlock inmate population was 1473, with an approved accommodation level at 534¹⁹. This places the overcrowding level of Pollsmoor Medium B at 276%. In most Correctional Centres, overcrowding is largely 'confined' to communal cells, while in some Correctional Centres, like Pollsmoor Medium B, singles cells are 'double-up' or even 'triple-up' (Judicial Inspectorate for Correctional Services, 2013, p. 36).

During my site visit to Pollsmoor Medium B, the stark reality of overcrowding was inescapable. The corridors were flooded with offenders. Some were wearing the prescribed orange uniform²⁰, some private clothes, some did not even bother to properly dress. When I asked if I could look into one of the cells, I was barely able to see the other side of the wall. Each cell has two toilets and two showers, that are designed to be used by 20 offenders, but currently, each cell contains at least 30 to 40 offenders. The centre capitalises on the double volume ceilings in the Cells (3m+ high) by adding bunk beds to the cells. The single cells are occupied by three offenders (on observation) which are intended for one offender.

The level of overcrowding together with the design and structure of the centre easily creates unseen spaces and areas that direct supervision of offenders is not feasible. Even the large

¹⁸ Overcrowding is calculated by dividing the unlock inmate population by the approved accommodation. (833/534)

¹⁹ Approved accommodation as per the G 309

²⁰ The CSA (Act 111 of 1998) indicates that all offenders must be provided with bedding and clothing (sec. 10), to meet hygiene requirements, an offender is expected to keep his bedding and clothing clean, and must be worn by offenders (sec. 134(f))

courtyards seem to lack space when half the unit is out for exercise. With an influx of individuals into a small/limited space, there are multiple consequences, besides health and airflow restrictions. The current stance at Pollsmoor decreases individual/free/breathing space, increases insufferable circumstance, which increases frustration and agitation levels, which in the end may lead to aggression and interpersonal violence.

3.4. Site visit observations on staff and available guardians

The Annual JICS report (JICS, 2014) documents the concerns raised by heads of Correctional Centres regarding staff shortages. The inspecting judge however noted that whilst these concerns were real, effective management of staff was still required.

During the site visit, I asked the head of the Correctional Centre regarding staff shortage, and how they manage such shortages. The staff is divided into two divisions (A and B). Most of the security staff work ten days on and are given four days off. Creating a three-day overlap from Tuesday to Thursday leaves the weekends to be manned by a single division. The centre has three shifts per day; the day shift (07h00 – 17h00), the First watch (15h00 – 23h00) and Second watch (23h00 – 08h00). The day of my site visit, the 25th of June 2016, it was one division's turn to work. The inmates greatly outnumbered the officials on that particular day.

During the site visit, the effects of the staff shortage (or shift pattern, or poor staff management) was greatly felt. In total I counted ten officials that were in the units. The only unit I did not visit was unit B-5. I doubt the situation would have been better there. The lack of staff could be seen in the 'free movement' of offenders and the feeling of disorder that prevailed. The inmates were completely aware that from Friday through to Monday they have the upper hand. Without the manpower that is required, the formation of unseen, dark and criminal networks is inevitable. The lack of direct supervision means lack of guardians to protect the 'good order' of Correctional Centres.

3.5. Conclusion

Although the grounds that Pollsmoor was built on have seen multiple changes, they have adapted to fit the need of its surroundings. Rehabilitated to the ever-changing society, the centre itself remains an archaic building, a remnant of the apartheid era. The centre remains overcrowded, understaffed and its very structure is a catalyst for violence. Pollsmoor Medium B signifies the kinds of problems faced by other Correctional Centres. The centre has had a long history of violence and the Pollsmoor Management area remains notorious for assaults, gangsterism and violence.

Chapter 4: Research Methods

Denver and Frankel (2000), and Mulhall (2003) discussed research methodology in health sciences but focussed on the issues concerned with researching within institutions. Mulhall (2003, p. 310) argued that access to any institutionalised spaces can be very problematic. Access requires lengthy negotiations with managers and various levels of staff. Research in Correctional Centres mimics the same hierarchical structure of authority and power. Denver and Frankel (2000, pp. 265-267) argued that negotiating access involves access to both the site and the individuals located within the site. Denver and Frankel (2000) continued to state four points of access that a researcher must bear in mind; research site, social networks, understanding of the field and requesting of information. With respects to the current study all four points of access had to be negotiated. As Mulhall (2003) put it, negotiating access is not a straightforward process.

It usually involves considerable time and effort and a constant endeavour to strive for ‘cultural acceptability’ with the gatekeepers and participants in research sites (Mulhall, 2003, p. 310).

4.1.Negotiating access

Access in simple terms is having a key to a lock. In research the same principle can be applied. In research, it is a series of locks with a series of keys. In this research study, I faced multiple doors, and instead of having a uniformed key, access was negotiated (and navigated). Some doors required applications and documents while others required conversation and open discussion. My negotiation of access can be divided into formal and informal means. There had been different leagues in my journey into the heart of a Correctional Centre.

The negotiations started at DCS Head office for research and ethical clearance and ended up in a lengthy debate of having access to the documents but not the room it was kept in. During this expedition, I wore two hats, one as researcher and one as a Correctional Officer.

4.1.1. The application for research clearance

The initial phase of negotiations started with my application for research clearance at DCS Head office’s research directorate. To pass the door, my research proposal had to fulfil the standards of UCT and DCS. The Application process required the following pieces:

- Application Form
- Agreement Form
- Research Proposal
- Motivational Letter from my research supervisor
- Letter of Research Clearance from UCT
- The open door of Correctional Centres
- Proof of registration
- Copy of ID and Student Card

This parcel of documents became my ‘bargaining chip’ in the process, even after submitting all the documentation – there were some corrections and clarifications needed – so it became clear that even the formal applications required negotiations. DCS had several queries and alterations.

The Application was made on the 15th of April 2016. It took two months for the approval to be granted, approval was given on the 7th of June 2016.

4.1.2. Cascade down the bureaucracy

The approval was from head offices cascaded down the bureaucracy channels. Head office wrote a series of letters and memos; one was given to me (my approval letter). Another memo to the Regional commissioner of the Western Cape. A letter to the Area Commissioner of Pollsmoor Management Area. A Letter to my internal guide at the regional office. Approval was given, the nodal offices informed, and access assumed but this was not the case.

I still had to negotiate access to visit Pollsmoor and carry out the collection of data. The process took longer than expected. The approval was granted, I had a bargaining chip, but it was still required of me to negotiate my access into Pollsmoor.

On the 16th of June 2016, I contacted my internal guide seeking a meeting to decide the date and time for my site visit. On the 23rd of June 2016, I was contacted by Pollsmoor Management Area, in regards to my site visit. A meeting was arranged. The date was set for the 24th of June 2016. I was to meet the Head of the Correctional Centre (HoCC) and The Area Coordinator: Corrections

(A/C: Corrections). The meeting was scheduled for 09h00. The meeting with the HoCC was another door. Another step into negotiating access. After the meeting, the HoCC agreed to a site visit, a Senior Correctional Officer (SCO) escorted me through the centre.

With the site visit done I hoped that arranging the data collection would be just as easy.

On the 2nd of July 2016, I had a meeting with the Centre Coordinator: Operations (CC: Ops). It was an introductory meeting. It was a platform in which I could explain what the scope of the research was, what data I needed from the centre, and what the possible outcomes of the research could be. The CC Ops arranged that I view the Incident reports. The projected number of reported incidents of assaults and the actual number differed immensely. I decided that the timeframe of two years might not be enough. An extension would have to be requested from Head office. The CC: Ops informed that he would request his officials to gather all the incident reports from 2012/2013 – 2014/2015 financial years.

On the 3rd of July 2016, the CC: Ops contacted me to inform me that the incident reports were ready, I could come and collect the data.

On the 4th of July 2016, I contacted Head Office to request an extension to include the 2014/2015 financial year. Alterations to the proposal were needed.

Each level of management dealt with ‘granting’ access differently, top management level saw my approval letters as just another document from Head Office – it required inquisition. The centre level believed, Head Office gave the approval, the AC was informed, the HoCC was informed that they should assist me. Arranging the data collection required far more negotiations (and far more attempts to open doors). Multiple communications were sent to request data and time. In the end, I took a series of emails and a letter from my internal guide to arrange two weeks for Data Collection. Approval easily cascaded down the bureaucracy channels, but it was slow and difficult to follow the same channels back up. It became a negotiation of power, authorisation and approvals, and who could grant, and what kind of access.

4.1.3. Encountering red tape

At the management area level, it became clear that ‘they’ were more particular as to who enters their space, and through which door. So far, all the communications were through the channels of Corrections (A/C: Corrections; Manager: Corrections; HoCC), when I arrived at Pollsmoor Administrations’ Offices (ADM offices) to follow-up on accessing the archives as requested and communicated, a strange thing happened.

At Centre level, my correctional officer ‘hat’ granted me greater access than my researcher hat, “assist him, he is one of us”, while at the ADM offices my hat as a researcher was preferred. The officials at centre level did not see me as a complete outsider, while the ADM offices saw me as a possible ‘threat’ to their ‘system’.

The negotiations started. The Area Commissioner gave an instruction to officials at the Corrections offices that I should be assisted. The Corrections office understood that I am a Correctional Official and that it should not be a problem to assist me.

On the 12th of August 2016, I had a meeting with the Manager: Corrections, we had a discussion on the proposed research. The Manager: Corrections contacted the officials from Archives to assist me. I explained that I wanted to see the investigations and make copies of them so that I could do my document analysis. And the wall started to build itself.

According to the archives office, no one can enter the archives, remove files or make copies of the files from there without approval. An application to legal services, an application to public access to information, is required.

The great concern was not whether my research approval gave me access to the archives but whether there was someone who could take responsibility for my access. The Area Coordinator: Corporate Services was not there that day and had the level authority to resolve the matter.

The requested access to the archives was a policy grey area. Who has legitimacy in granting me access? I contacted DCS research division to provide clarity and direction. They said that they will discuss and deliberate on the matter and provide me with feedback. I should contact them after the 15th of August 2016. I spoke to the A/C: Corrections about the matter but it seemed that

every door in “the red tape wall” required specific keys, and authorisation to use those keys. I came to realise that negotiating access into the world of correctional services was a process of understanding who provides what keys for which door. Each key was tied to the authority to use them and legitimacy of the authorised personnel.

On August 15, 2016, I emailed DCS Head Office research division in response to the policy grey area on access to archives. I followed up on August 16, 2016 and phoned DCS Head office regarding the feedback. Feedback will be available on the next day, August 17, 2016. The DCS head office feedback gave me permission to access the archive, but I would not be allowed to make copies or remove any documentation from the archives.

After confirming the dates set in September 2016 with my internal guide and on arrival at Pollsmoor Management Area, I realised that the process of negotiations was not yet done, each document became an additional key to my ‘bargaining chip’. I found that each level of access had its own watchdog – weary of who enters its space.

On September 5, 2016, on arrival, it was supposed to be the first day of proposed research at Pollsmoor Management Area. I went in and came to realise that all my “keys” were in vain. No one knew of the planned visit. The red tape wall entered. I was passed on from one office to another – a shift of responsibility, whose problem was I to become? Corrections, Human Resources, Security or Archives?

The offices of Corporate Services informed me that they had no knowledge of my research and they would not allow me to continue without following the proper channels. After finding out that the wrong channels were informed, the red tape wall slowly emerged. I consulted with HR, Archives and Legal services. Everyone provided me with different “hoops” to jump through. It became apparent that although Head Office gave approval, there was no written policy or agreement to support my claims to it. The internal negotiations included a memo, a Public Access to Information Act (PAIA) application, a meeting with the Area Coordinator: Corporate Services, and additional communications with head office.

I requested for the time being while the access and Management Area internal negotiations were underway, that I might go to Medium B, to see whether they can assist me. ‘Access’ was granted

to continue at Medium B. The Correctional Centre and management area offices were two separate worlds.

4.1.4. Accessing two worlds

The two main differences between the management area offices and the Correctional Centre were both tied to the purpose of the space. Primarily Correctional Centres manage the risks and needs associated to maintain offenders and safe custody²¹, while the management area offices manage the risks and needs required to maintain professional identity and resources²². Secondly, the level of authority and the delegation of that authority differs greatly. The Correctional Centre is Managed by the Head of Centre, Centre Coordinator: Corrections and Centre Coordinator: Operations; if the Head is unavailable the Centre Coordinators assume the responsibility and authority associated. The CC: Ops, by the delegation of the HoCC, had the “powers” and authority to assist me. While at the Management Area Offices delegation of authority and “powers” are not easily done, due to the various offices, each office requires to be negotiated with.

At Centre level, the CC: Ops directed me to the investigator's office, who had copies of the finalised investigations. When asked about the access to the documents and if copies could be made where possible, the reply was simply, “it would take too long to remove all the staples”. It was agreed that it would be time-consuming. However, I could take the investigations to a designated office to work – but for safety’s sake, the investigations should return to the investigations office at the end of the day. The office that I was using was not able to lock. Safe custody extended to documentations.

²¹ See chapter 2, subsection 2.5 on Policy Framework Safe Custody

²² Chapter 38 of the Public Finance Management Act Stipulates. **General responsibilities of accounting officers.**—(1) The accounting officer for a department, trading entity or constitutional institution [Management Area] — (a) must ensure that that department, trading entity or constitutional institution has and maintains— (i) effective, efficient and transparent systems of financial and risk management and internal control; (b) is responsible for the effective, efficient, economical and transparent use of the resources of the department, trading entity or constitutional institution;

Medium B knew that I was a Correctional Officer and that I understood ‘their space’, this mutual understanding and respect made access/entrance easier than at the Management Area offices. The centre staff was delegated by the HoCC or CC: Ops to assist and they did so. When I needed guidance on areas in the investigations I was unsure of, the staff were willing to assist.

At the Management Area Offices, the main concerns with access to the archives were who signs off. Who allows me access? The Management Area Offices regarded me as an outsider regardless of my own employment at the Department of Correctional Services. I posed a level of risk to their “system”. There was a need to negotiate access, but also to reassure them of compliance and limited risk.

The ‘watchdogs’ were assessing the legitimacy of my request to access, making sure that I understood who controls this ‘space’. In this regard, my dual hats became a weakness, I was a researcher, an outsider to Pollsmoor, but still a correctional officer, subordinate to the rules and regulation that govern DCS.

Each space also had its own set of rules that I had to follow. At Centre level, I could enter with my notes, stationary and lunch bag, but no cell phone or electronics were allowed. I had to ensure that my research approval letters and positive ID were with me at all times. I had to sign in and inform the HoCC (or Acting HoCC) of my movements, the gate official kept track of my movement. At the Management area offices, the rules were completely different. I had to sign in, I only had to inform the archive staff that I was leaving for a while. I was allowed my cell phone but I was not allowed to take any pictures of any documents. I was not allowed to eat in the archives.

The first week of data collection and coding at the centre was done, all the investigations that were available were coded. Access to the archives was still being finalised. It occurred to me that approval was given to access the documents, I could view the documents and code them. The problem was that I did not have access to the room they were kept in. Access and ‘space’ are deeply tied to who’s the watchdog of that space, and who has the power to grant access.

The physical access to space at Pollsmoor was easy, I entered, I signed, no one questioned my purpose. But the moment I had a query about their workplace – I needed to firmly explain who I

was and why I was asking such questions – and to what extent did I have approval for such intrusion.

4.1.5. Access to the documents but not the room

When the second week of data collection started, my negotiations to access the archives had proven successful. The negotiations took regular visits to the legal services office, a PAIA application, and a mind-set of persistence. The PAIA application was said to be approved by the Regional Commissioner, but I received no physical copy in return. The RC gave approval and I was allowed access. Although the doors to the archive were now ‘open’, the negotiations were not final. I had to negotiate social access – the help and assistance of the archive staff were still required.

Out of these negotiations, it became clear that access is further tied to those who occupy the space. During the week at Medium B, I was given my own “office” to work in, I only had to enter someone else’s workspace if I needed clarity. I never became ‘a part’ of their working space. At the archives, I had to sit at a small table in the archive and I was not allowed to remove the archive files from the shelves. I could only peruse them under supervision, someone had to be present. An archives official had to hand me files, and I had to return them specifically to him to place them back on the shelf. The negotiations at this level were informal, it was sharing stories, discussing my research, and their work environment.

It was an ongoing process. It was a door that had to be opened daily. The moment I entered Pollsmoor’s offices, an informal negotiation process was needed. Although I had all the right keys (approval) to all the doors (‘physical’ access), having access required navigation of human interaction (‘social’ access).

4.2. Source documents

The research relied on two main sources of documents, namely an incident report and an investigations report. The incident report is a structured document with specific headings under which information needs to be recorded. In contrast the investigations reports are completed according to a set of guidelines, there is no specific template for these reports. The quality of

these source documents are heavily reliant on the individual that fills them. The information gathered on the offenders is checked against the Admissions and Releases (A&R) system. A&R is an internal database that keeps a record of all individuals that enter the custody of DCS.

4.2.1. Incident reports

The incident reports have two distinct versions, the first is a written report and the second is a typed report. The versions differ in origin, designated reporter, final signatory and intended recipient. Both the written and typed incident reports have respective templates. The information contained is similar, the written report feeds into the typed incident report. The written report is completed at coalface level, signed by the reporting Correctional Officer (CO). It is also signed by the medical practitioner who ascertained the injuries and the Unit Manager who signs as a supervisor (responsible authority) of the unit. An investigator signs as a receipt of a copy of the written report. The final signatory on the written report is the Correctional Centre Coordinator: Operations (CC: Ops).

The written report on the other hand starts at the office of the Investigators. Completed by the administrative support person, the typed report is sent to the office of the HoCC, as a control measure. The office of the HoCC forwards the document to the Management office of the A/C: Corr. The A/C: Corr office checks and controls the document, for quality assurance. The typed incident report is finally forwarded to the Regional Office of the Regional Head Corrections.

The written report includes date and time; who were involved; where the incident occurred; a brief description of the incident; the injuries ascertained by a medical practitioner; security measures implemented at the time of the event as well as some recommendations for prevention.

The typed incident report is divided into main sections, general information and incident specific information. The general information includes when (date and time), what (type of incident), where (unit), who is involved (perpetrator/victim details), was it reported to SAPS, and what were the immediate precautions taken. The incident-specific information includes more detailed information on the type of incident that occurred. The fields are specific to incidents of escapes, violence, unnatural deaths, alleged assaults, use of force, segregation and gang related. The final field contains the details of the HoCC, and the investigations officer (reporter).

4.2.2. Investigations

The investigation report is the final written account of what transpired during the reported incident. The report is generally divided into a series of sections, although no ‘fixed’ template exists, the following is a general structure of the report. The report is an expanded memorandum to the HoCC or the AC depending on the seriousness of the incidents. The first section is a brief overview of the investigation. It includes the date the investigation was mandated, who was mandated and by whom, and the date it was completed²³. The rest of the report is divided into, methodology, the background of the incident, annexure index, deliberation of facts, findings and recommendations, and annexures (A – C).

The investigations report first gives a brief background of the incident, then it continues with a chronological deliberation of facts collected from the statements and evidence. The level of information contained in these sections depends on the sworn statements received and the investigator's willingness to question the individuals (offender and officials) involved for more information. The final part of the typed document is the findings and recommendations. The investigator reflects his findings and presents his recommendations on disciplinary steps, preventative measures and if any Departmental negligence was made. In most cases, the investigator includes in their findings and recommendations, a clause that indemnifies DCS and its members from any negligence.

4.2.3. Admissions and releases system

The Admissions and Releases system (A&R) is an internal database of the Department of Correctional Services. The system records all demographic, crime and sentencing information, and tracks the offender’s details and movement in Correctional Services. The A&R is designed to capture all the needed information of an offender²⁴. The system has great strengths in

²³ If there was any delay in the completion of the document, the investigator must provide reasons for the delay.

²⁴ The A&R system records information on Remand Detainees, Sentenced Offenders and Offender under Correctional Supervision.

providing offender specific information, but the comprehensiveness of the systems is reliant on the officers who capture the details on admissions. The investigations report should include a detailed report, from the A&R system, of each offender involved in the incident. There are cases where the details captured are only the bare minimum.

4.3. Data coding and thematic analysis

Hagan (2005, p. 322) explained Coding as the process of assigning numerical values to information gathered in research. Coding is used to convert information [raw data] into numerical [cleaner] data, this makes the management of information and research findings easier. For each set of data, a coding strategy should be developed. Braun and Clarke (2006, p. 83) defined thematic analysis as:

“...identifying, analysing and reporting patterns (themes) within data. It minimally organises and describes your data set in (rich) detail...”

Terre Blanche and colleagues (2006, p. 333) suggested a Foucauldian view that “discourse is the practice that systematically forms the objects of which they speak”. In relation to thematic analysis, it would be to identify the process within Correctional Centre violence, the analysis of the context of the Correctional Centre and reporting of the patterns of violence that exist in Correctional Centres.

4.3.1. Building a descriptive lens

Descriptive analysis is done to allow the researcher to gain an initial impression of the data. The analysis involves looking at the scores and distributions of each variable (Terre Blanche, et al., 2006, p. 193). Terre Blanche and colleagues (2006, p. 194) mention three main methods of descriptive analysis, frequency distribution, a measure of central tendency and a measure of variability. A frequency distribution is a representation of the values of one variable against their frequency of occurrence, the graphical or tabular representation give the researcher a rough idea about the distribution of the specific variable (Terre Blanche, et al., 2006). The frequency distribution analysis in the current study showed what trend are more likely to occur. Who is more likely to be involved, which units are more prone to violence and which actors are most likely to fall victim to violence. It would be possible to determine hotspots within the

Correctional Centre. The most prominent trends were identified. This form of analysis guided the study to look at each case in relation to one another. The frequency distribution analysis was used to create profiles of the most probable perpetrator and victim. The profiles revealed that there is a constant overlap. It's more an 'us versus us' situation than 'us versus them'.

The second phase involved document analysis of the assault reports and investigations. The assault incident reports contain short descriptions of the assault incident. These short descriptions are loaded with qualitative information about how the incidents happen. What words are used to describe the incident, what is said and what is left out? The incident reports have a limitation that they only provide a description of the assault in question and not the events leading up to the assault. The investigations ranged from short to comprehensive descriptions. Some investigations were only a few pages, while others contain reports, statements and location maps. Analysing these investigations and looking at the main themes that arise included looking at the words and constructs that are used. The document analysis provided a more in-depth understanding. It allowed that a general description of an assault incident could be made while expanding the researchers understanding of the world that these assaults occur in.

The questions that guide this process included; what is being said about the incident? Are there commonalities in reporting? Is every incident recorded in the same manner? The document analysis led to the expansion of the study to look at the context in which assaults occur. It was discovered that it would be inadequate to explain assaults without establishing an understanding of the formal responses to assaults, and the systems that govern the space of prison. The effectiveness of formal responses was tied to the investigations, the quality of investigations, and the extent to which sanctions were applied. Impunity played a large role in establishing 'control' in the systems. The main themes and key phrases sourced from the document analysis would be coded as an overlay to the existing data.

The final phase sought to find the rules and exclusions in the system. To complete the process of document analysis and thematic analysis it was important to explore the rules and process that govern the system. In the phenomenon of Correctional Centre violence, it became prominent that systems of responses were restricted to space. Correctional officers controlled

the seen space of the unit and the formal responses of DCS. While the informal systems of offender control occurred in the unseen space and could 'fill the gaps'. The main themes and processes discovered will be explained against the existing body of literature and data. The results provided not just a description of what offender on offender assaults look like but also the system that it occurs in.

4.3.2. Coding strategy

The incident reports and investigations are the main sources of data. Due to the size and extent of information to be coded, the initial data collection coding required that as much information as possible needed to be recorded, bearing in mind the limitations that none of the investigations could be removed from the archive. The coding strategies for the report and investigation differed from the onset. The report uses more quantified data (survey type questions) and the investigation more qualified data (statements, recommendations and medical reports).

The Coding strategy was designed on expected information that could be found in an incident report. It was designed to direct the researcher. The suggested coding values were a framework and additional values were added after the descriptive analysis was done. The coding assisted the researcher to gather understanding of the incident and its position within the larger context of Correctional Centre violence. The incidents of assault should be understood within the context and narrative that it occurs in. It would be impossible to remove and isolate an assault from the space in which it occurs and the environment of Correctional Centres.

The coding strategy: Incident Reports

- Each incident was assigned a unique number [PMB – for Pollsmoor Medium B] [Date][Count], e.g. PMB_20120408_001
- Each incident report was assigned an Assault seriousness identifier [Minor, Medium, Serious], but was later removed due to lack of evidence to support identifier
- Each incident report was subsequently coded per:
 - Perpetrator: Age, Race, Gang Affiliation, total number involved
 - Victim: Age, Race, Gang Affiliation, Vulnerable grouping, total number of injuries
 - Location: Unit, Cell, Corridor, outside work teams

- Date and time
- Staff involvement
- Each incident was coded further to include flow of events
 - Events leading up to the reported assault
 - Events of the reported assaults
 - Events emanating from reported assaults (retaliation)

The coding strategy: Investigations

- Each Investigation was assigned a unique number [PMB – for Pollsmoor Medium B] [Date][Count], corresponding with the relevant Incident Report e.g. PMB_20120408_001
- Each Investigation was coded to include the structure and details of the investigations
 - The route list – who signs the document, who declares it finalised
 - The process of completion – what is the standard template
 - The metadata – the language usage, the completeness of the statements, what is not included and not being said.
- Each Investigation was subsequently coded to include perpetrator/victim data:
 - Perpetrator/Victim: age, race, religion, gang affiliation, sentence typology, sentence length, days spent incarcerated, previous incarcerations, further charges, place of residence outside of prison, vulnerable grouping,
 - Location: Unit, Cell, Corridor, outside work teams
 - Date and time
 - Staff involvement
- Each Investigation was coded further to include flow of events
 - Events leading up to the reported assault
 - Events of the reported assaults
 - Events emanating from reported assaults (retaliation)
- Each investigation was further coded to reflect the flow of events over various ‘space’ and to include the formal responses
 - Cell, Unit, Correctional Centre (Medium B), Management Area (Pollsmoor), External Involvement/Responses (External Remedies)

- Finally, the logistical data (time and place of assaults), was plotted against the various timelines and processes that exist in Medium B Correctional Centre
 - Daily Operations: Shift Pattern of Officials, Lunch times, shift overlap
 - Structured Day Plan: Unlock, breakfast, exercise time, lunch, dinner, lock-up

To clarify some points on the method of coding and document analysis, document analysis looked at what language was being used consistently from one incident report to the next. It sought to understand the narrative that is being used to explain assaults. Understanding the narrative will allow the researcher to determine the intentions in each event. Why did the assault take place? The incident reports in design should have reflected the following details, demographics of both the perpetrator and victim, location, date and time of the incident and gang affiliation of offenders involved. However, this was not always the case, especially in relation to gang affiliation²⁵. Through determining the intention of the assault (why it took place), a distinction can be made between gang and non-gang related assaults.

4.3.3. Notes on coding and results

During the coding of the incident reports, investigations, and descriptive analysis certain concerns arose from the coding of individuals and characteristics. During the coding of incidents and investigations, perpetrators and victims were coded as (P) and (V) respectively. In some cases, the role of victim and perpetrator were not clear cut, in these incidents (VP) was used to code such an individual.

In respects to Race, Culture and Religion, it was found that these concepts could not be removed from one another. These three characteristics were coded together to form one ethnic identity. Religion could be standardised to Christian, Islam, Rastafarian and NC²⁶; in the 24 case studies,

²⁵ Note: Not all assault incidents that involve offenders with gang affiliation can be regarded as gang related. Gang related incidents should be regarded as incidents that support, promote and further the “cause” of the gang.

²⁶ Note: Not captured (NC) – The information was not captured on the Admissions and Releases (A&R) system, and thus the detail reports do not reflect the information.

none of the offender's detail reports indicated other. Marital status was removed due to the lack of information, not every detailed report contained complete information.

4.4. Conclusion

The study's methodology sought to navigate an institutional space with the needed sensitivity and respect for security, safe custody while remaining impartial and objective. The negotiation of access proved that research into an institutionalised space, like Pollsmoor Medium B, is complicated and power-loaded. Negotiating access requires the research to develop an understanding of the institutional orders and systems that govern the space. It proved that there are multiple levels of access, and each level has its own gatekeeper, restricted space and access point. The negotiation of access reflects the complexities of qualitative research. The chapter outlined the collection, coding and analysis of qualitative data. Discourse and thematic analysis requires a researcher to continuously check and control the data collected or coded against the context or space. Qualitative data collected must be seen and explained against the larger context of Correctional Centres.

Chapter 5: Research findings

The data collection provided large amounts of raw qualitative information although through coding the data was transformed into both quantitative and qualitative results. Using the synergies between the importational model and the situational model, the research findings are divided into four main themes. The first and the second theme review the physical factors of the assault incident and the characteristics of those involved. The third and the fourth theme reflect the meta-analysis of the situational data and the construction of events in various spaces and internal process. The first theme; victim/perpetrator profiles, reflects the demographical characteristics and factors of the 64 offenders that were involved in the 24 reported cases. The second theme; logistical factors of assaults, reviews the situational variables and event logistics of the assault. The third theme; the seen and unseen worlds, adjusts the scope of the data to observe the incident in the special context they occur - with a focus on the divisions between the offender's [unseen] world and the Correctional Officials' world [seen]. The final stream; the systematic responses, outlines the flow of events and the available responses both formal and informal.

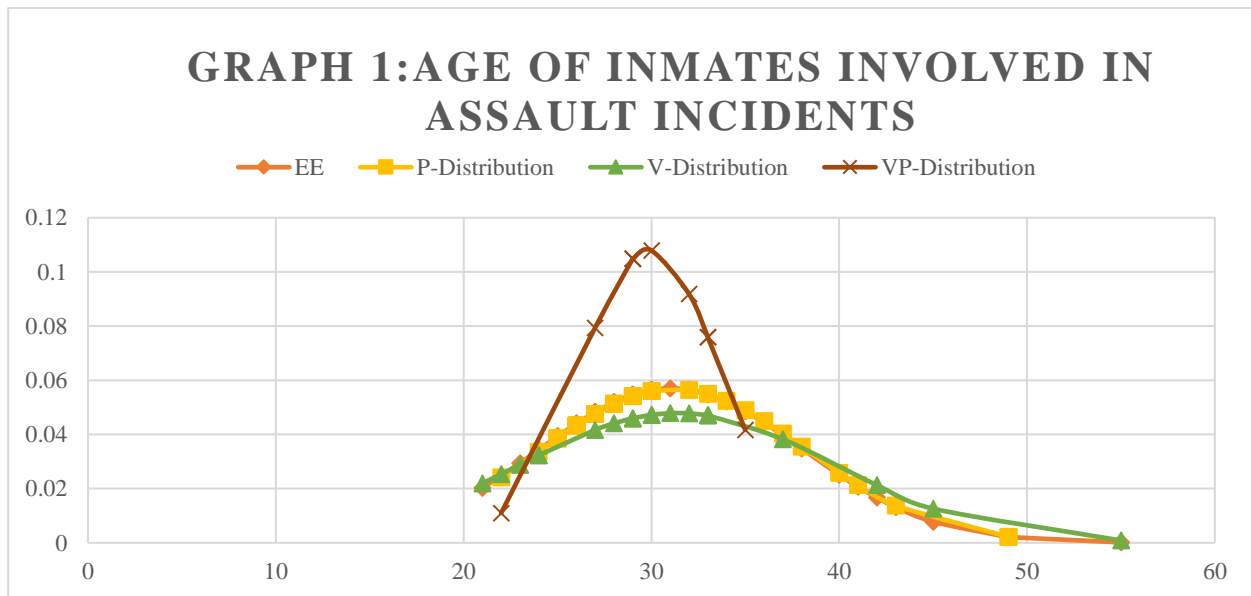
5.1. Victims / perpetrators profiles

John von Hentig's (1948) research was the first to explore the overlap between offenders and victims. The premise of the argument held that there is an entanglement between offenders and their victims, they stem from the demographical profiles and in many cases, suffer the same forms of violence (Williams, 2002). Research done by Berg, Stewart, Schreck and Ronald (2012) suggested a strong relationship between offender-victim-overlap and the subculture. Their research found several aspects that explain the connection between violence and offender-victim-overlap. First, the overlap is governed by the socially constructed rules within a subculture. Second, the overlap occurs [more frequent] in areas with a strong 'street-culture' [subculture] that is an honour [respect] based. Third, a subculture with a strong honour code increases the likelihood of risks towards victimisation regardless of involvement in the subculture (Berg, et al., 2012). Finally, they concluded:

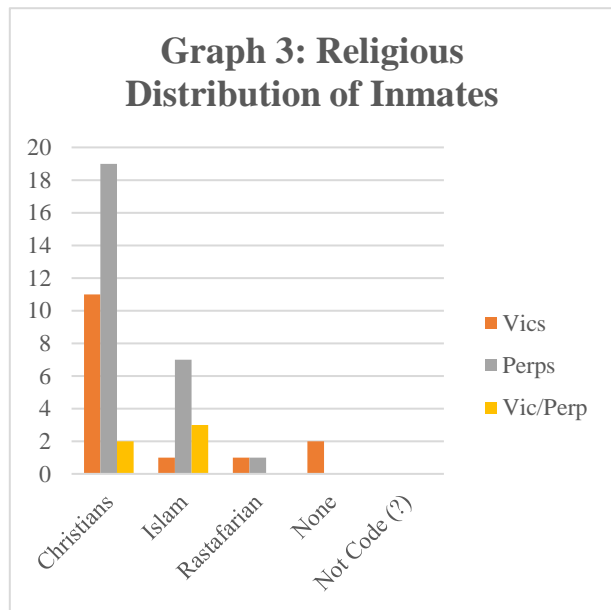
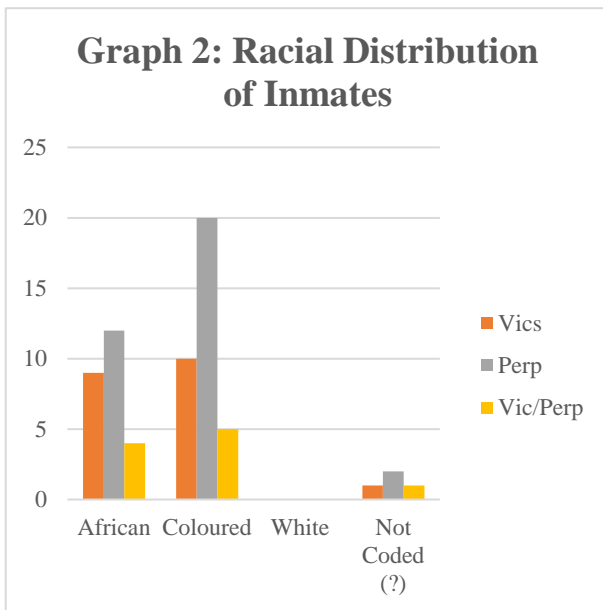
“this study supports the notion that neighbourhood street culture contributes to the aetiology of the victim–offender overlap.” (Berg, et al., 2012, p. 26)

5.1.1. Demographical profiles

The demographic profile statistics collected in this enquiry look at age, race, culture, religion, residential address and socio-economic status. There is no evidence to support race-on-race, culture-on-culture or religion-on-religion dynamics. The findings present parallels between the perpetrator and victim’s age and socio-economical background. The findings paint a clear picture of ‘who’ is present in the space of Correctional Centres.

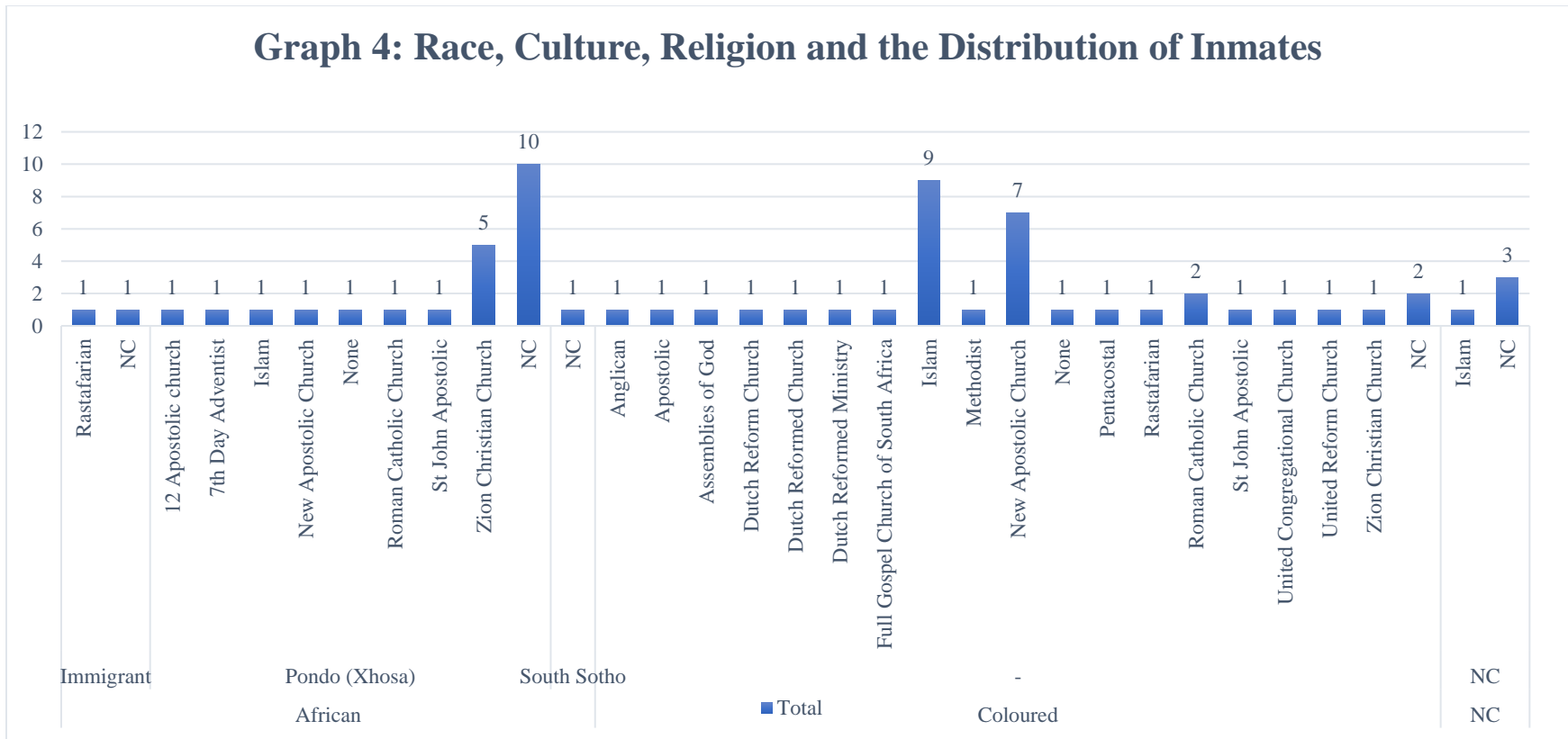


The findings in graph 1, revealed that the average age of the inmates involved in an assault incident was 31 years old, with a standard deviation of 6 years. In relation to victims (V), perpetrators (P) and vic/perp (VP), there was no significant deviation from the norm of 31 years old. There was no significant difference between the ages of the inmates involved. The statistical data collected in this study revealed that offenders face the greatest risk of becoming involved in assault incidents at 30 (as either victim or perpetrator) and gradually decreases with age. Although the probability of becoming involved still exists.



Graphs 2 – 4, depict the racial, religious and cultural distributions of inmates involved. In the context of racial distributions, Graph 1 reveals that no ‘whites’ were involved. There was no evidence to support a reason for the lack of involvement. This disproportion could be a matter of probability (National statistics) and availability (Incarceration Statistics). Jules-Macquet (2014) discussed the disproportionate reality when comparing racial statistics. White inmates make up 2% of the sentenced population while [Africans] and coloureds make up 79% and 18% of this population. Asians account for 1%. In relation to the national racial statistics of South Africa, Africans (80.5%), Coloureds (8.8%), Whites (8.3%) and Asians (2.5%) (Statistics South Africa, 2015).

Graph 4: Race, Culture, Religion and the Distribution of Inmates



The 64 offenders involved in the 23 investigated assault cases support Von Hentig’s claim that victims and perpetrators are often from the same areas with similar socio-economic status. The demographics and offender specific factors establish a clear picture of the type of offender, that is housed at PMB. Berg et al. (2012) argued that a subculture (like Correctional Centre- and gang subcultures) play a significant role in the relationship and interactive modules between victims and perpetrators. Graph 4, illustrates the racial, cultural and religious backgrounds of each of the inmates involved. The statistical data revealed that no specific groups were more prone to violence. Race, culture and religion were not found to be a predictor of involvement. The data does, however, portray the great variation of cultural and religious backgrounds that exists under inmates of the same race. The graph 5, below displays the distribution

of offenders per their residential address. No significant variation was found between perpetrators, victims and vic/perp in respects to residential address, however, similarities regarding the social-economic status of this residential area could be drawn.

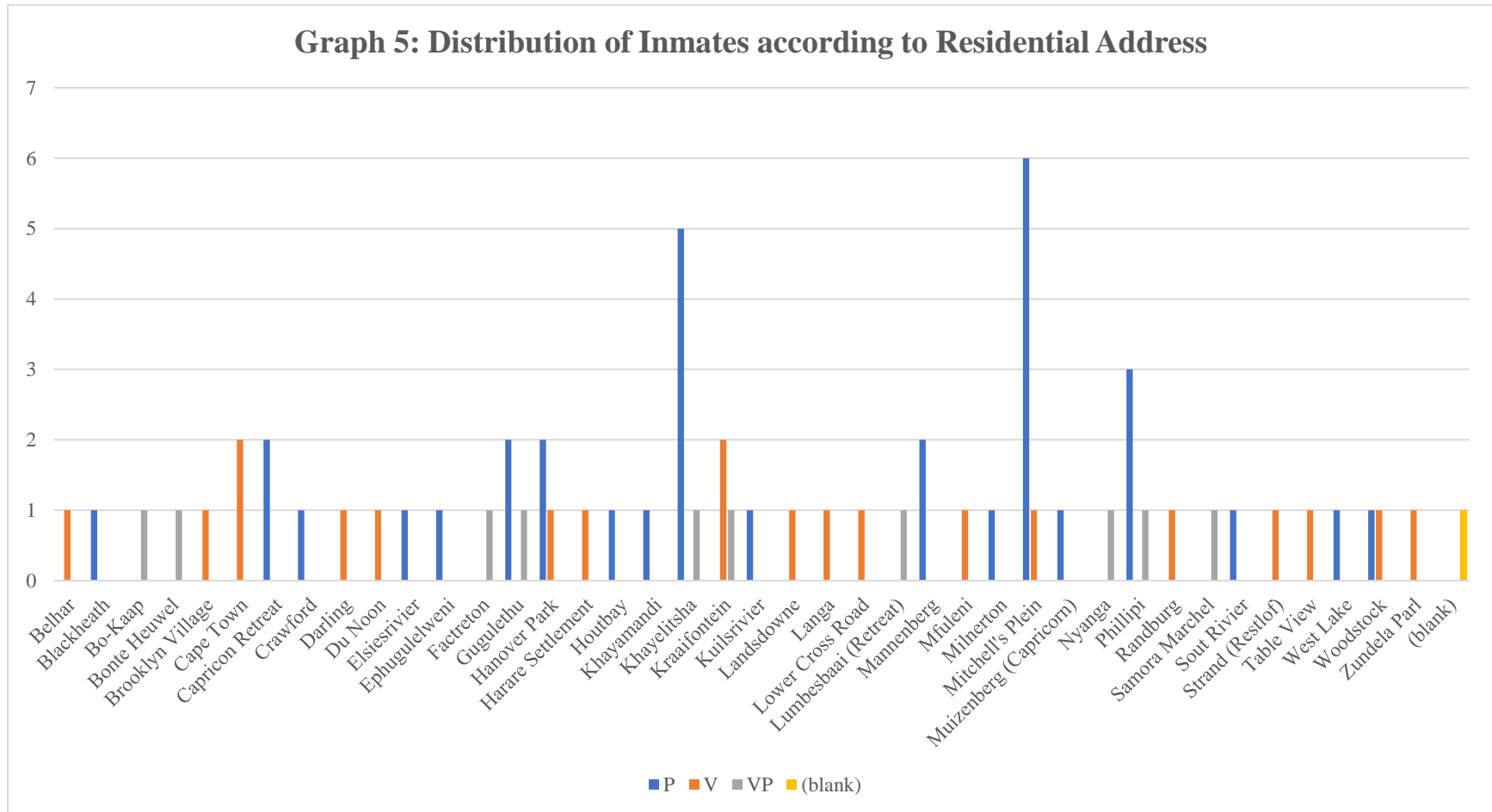
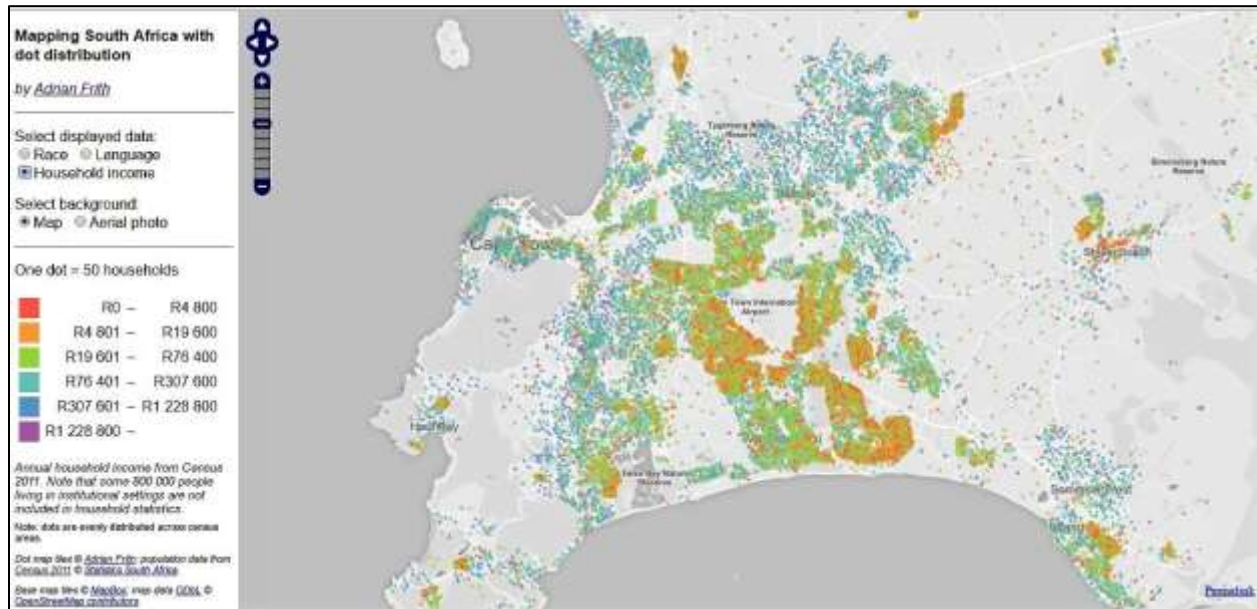


Image 3: Annual Household income of residents in Cape Town



Graph 5, should be viewed in conjunction with Images 1 to 3. The inmate residential distribution coincides with racial and household income distribution.

5.1.2. Offender specific factor profiles

The offender specific statistics reflect the variations and commonalities between victims and perpetrators. The offender specific factors reflect privilege grouping, Security classification, sentence length, Sentence typology (Act of sentencing), crime category and the number of days an offender has spent in custody before becoming involved in an Assault incident. Pollsmoor Medium B is traditionally regarded as a medium classified centre that usually houses inmates with sentences for 0 – 15 years with minimum or medium security classification. The statistical data presented in Table 1 and 2, is in line with this assumption.

The privilege group²⁷ data supports the overlapping of victim and perpetrator profiles. 65% of the perpetrators were B-group, while only 32% were A-Group. While the victims A-Group/B-group, differ with 10% and 85% respectively. The overlap exists that victims and perpetrators are predominantly B-Groups. Similar tendencies are found in respect to security classification and length of sentence. The inmate who perpetrates violence and the victim of violence mirror matching profiles.

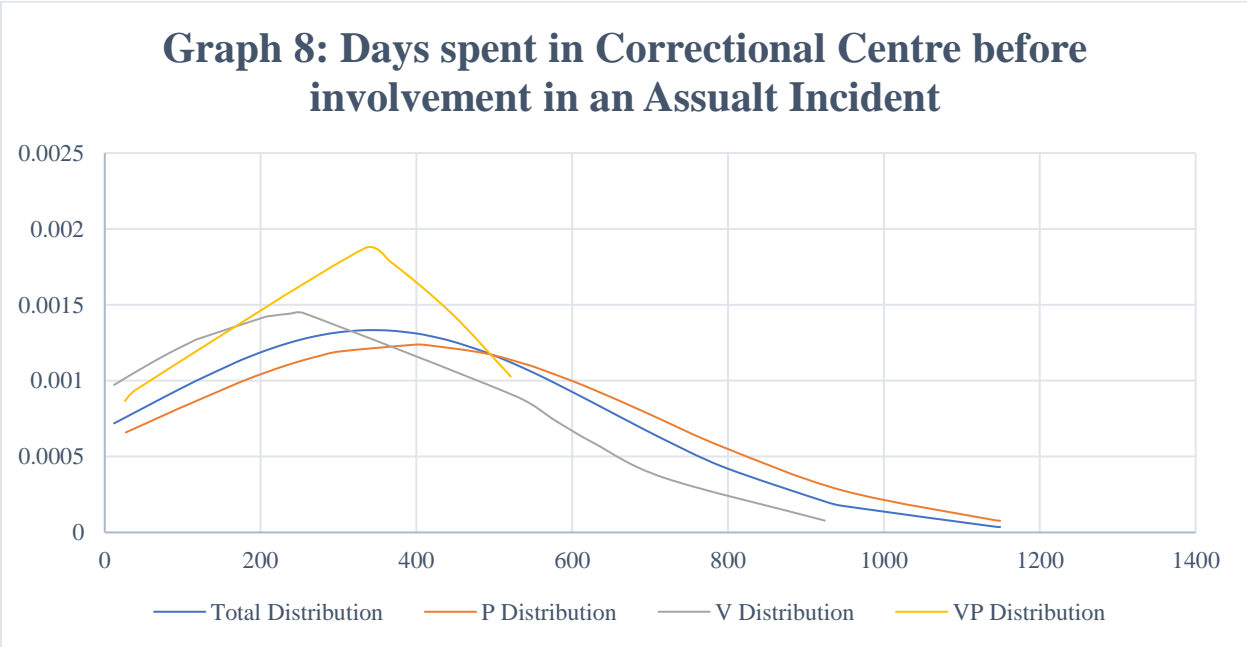
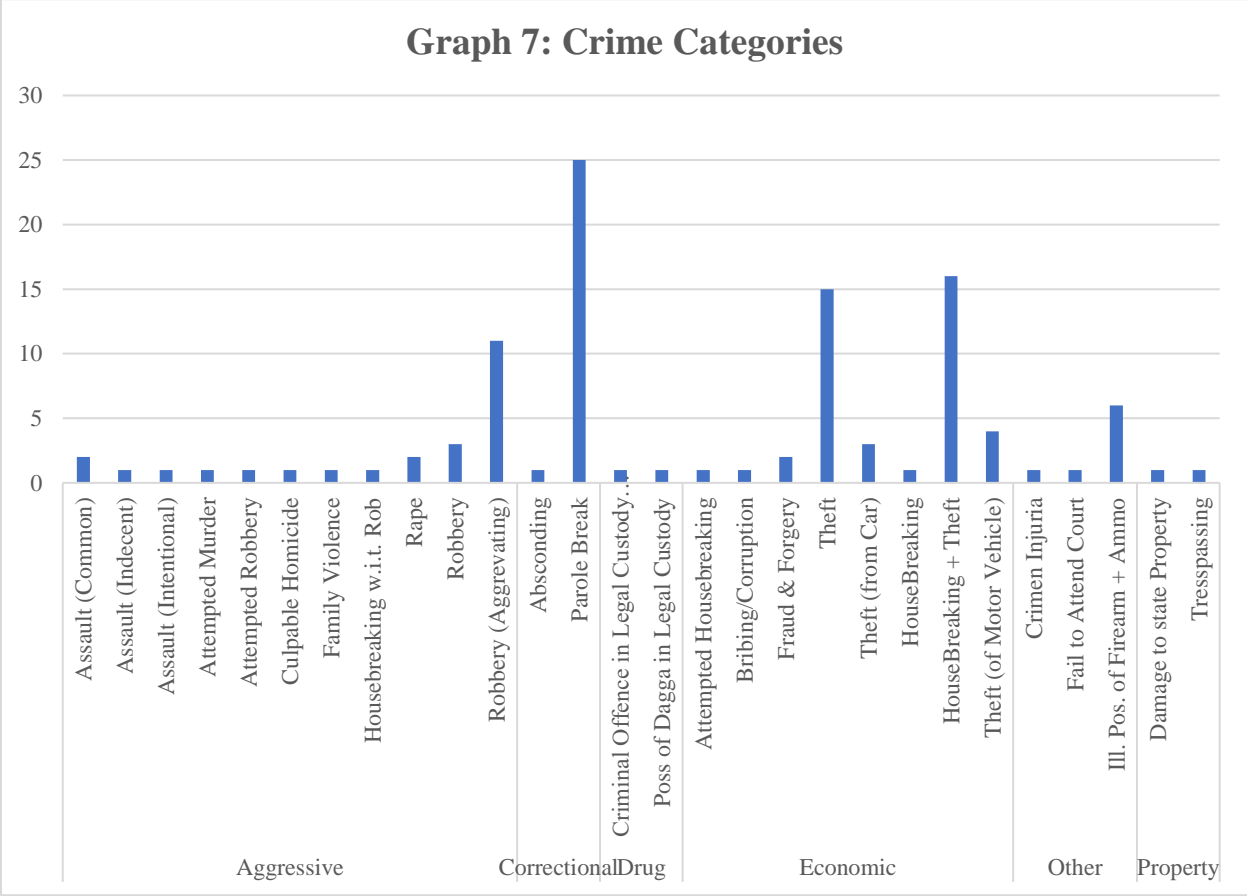
Table 1: Inmate Privilege and Security Classification

Privilege group and Security classification	Perpetrator	Victim	Victim/Perpetrator	Grand Total
Privilege Group was Not Coded	1	1	0	2
Medium	1	1	0	2
A - Group	11	2	2	15
Maximum	1	0	0	1
Medium	8	2	2	12
Minimum	2	0	0	2
B - Group	22	17	8	47
Maximum	1	1	1	3
Medium	20	16	7	43
Minimum	1	0	0	1
C - Group	0	0	0	0
Maximum	0	0	0	0
Medium	0	0	0	0
Minimum	0	0	0	0
Grand Total	34	20	10	64

Table 2: Inmate Sentence Length

Sentence length as imposed by court	Perpetrator	Victim	Victim/Perpetrator	Grand Total
> 20 Yrs.	0	1	0	1
> 15 - 20 Yrs.	1	0	0	1
> 10 - 15 Yrs.	3	1	3	7
> 7 - 10 Yrs.	2	2	1	5
> 5 - 7 Yrs.	4	2	2	8
> 3 - 5 Yrs.	10	6	2	18
> 2 - 3 Yrs.	11	3	1	15
2 Yrs.	0	2	1	3
> 12 - < 24 Mths.	1	2	0	3
0 - 6 Mths.	2	1	0	3
Grand Total	34	20	10	64

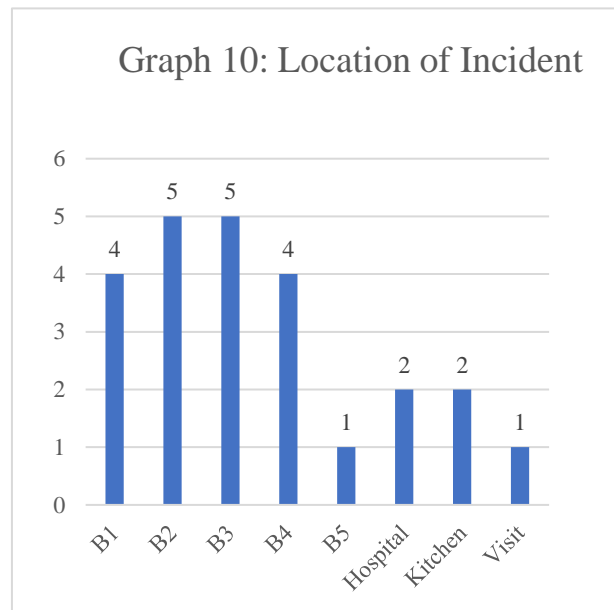
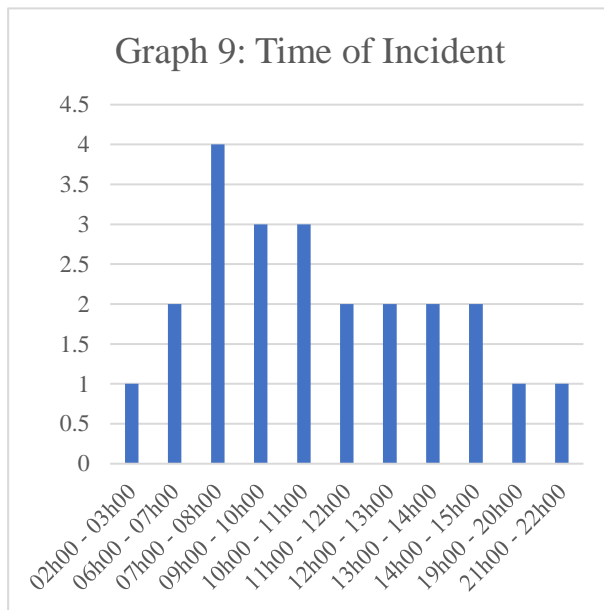
²⁷ The HRW (1994) explained the ““privileges” allocated per a classification group are, most notably, the conditions regulating visits and telephone calls.” Other “privileges” include: the right to sharing a meal during relatives’ visits (only group A, since this is the one category of prisoner allowed any physical contact with visitors); purchases (the amount a prisoner is allowed to spend and the type of goods he or she may purchase vary according to classification); possession of musical instruments (group A only); writing of poetry (only groups A and B); hobbies (only groups A and B); possession of pets (group A only); television sets and cassette players in the cell (group A only); reading matter (group D is not allowed to purchase any); library (group D one book a month, the other groups have unrestricted access and can borrow two books per occasion).”



Graph 7, presents the distribution of the crimes that the inmates were sentenced for. Out of the 64 inmates involved, 25, were sentenced for parole break²⁸. The largest bulk of the crimes are labelled as economic crimes. Besides parole break, most of the offenders were sentenced for contact crimes with House breaking and theft (16), theft (15) and robbery (aggravating) (11) were in the highest frequency. Graph 8 displays the distribution of inmates involved and the number of days spent incarcerated before involvement in an assault incident, the importance of this distribution is discussed under Chapter 6.

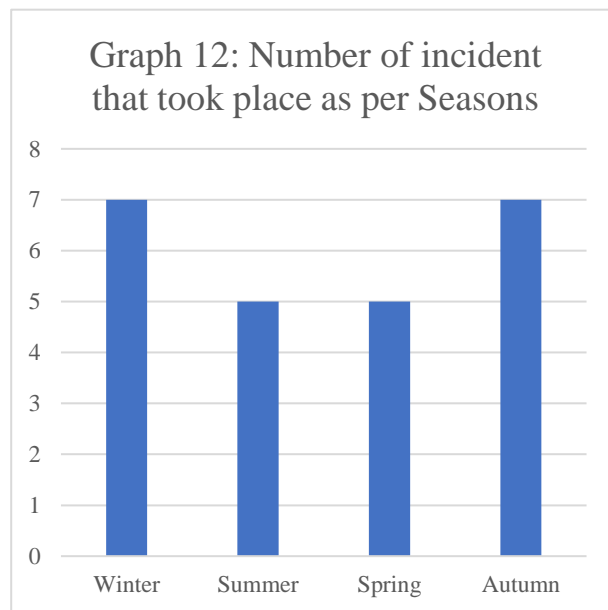
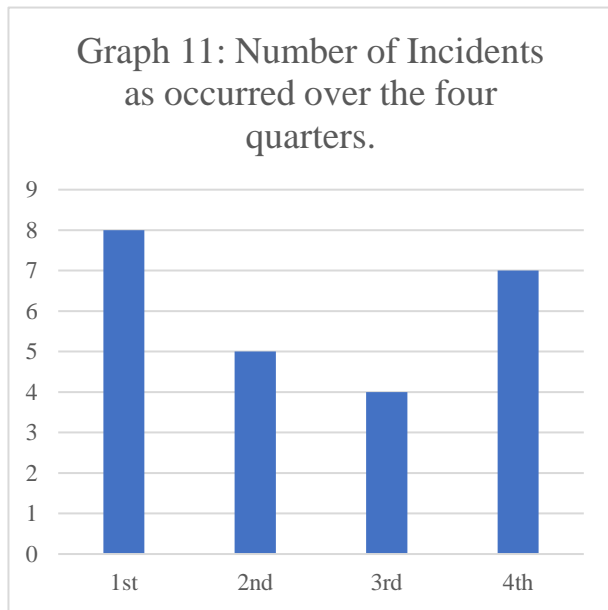
5.2. Logistical factors of assaults

The logistical factors registered in the investigation reports viewed include time, place of event; season and quarter when the incident took place; the type of weapons used and Gang relations.



²⁸ The information on the Correctional Supervision and Parole Board (CSPB) as per the DCS website explains parole as "...an offender is released from prison prior to the expiry of his or her entire sentence of imprisonment to serve the remainder of the sentence outside of prison subject to specific conditions..." (DCS, 2017). Parole break refers to an offender who have been conditionally released on parole, and has subsequently violated the conditions set out in section 52 of the Correctional Services Act (CSA). Section 70 of the CSA outlines the procedure if non-compliance to the parole conditions. An offender who violates his parole conditions "...could be arrested and imprisoned to serve his full sentence..." (Mujuzi, 2011, p. 207). Section 70(2)(b) states "...A person detained in terms of paragraph (a) must be brought before a court within 48 hours after arrest, which court must make an order as to the further detention and referral of the person to the authority responsible to deal with the matter..." The new warrant of detention (J7) is categorised as a crime (parole break) by the A&R system.

The research findings present the physical and spatial dynamic of each incident. The event logistics findings indicate that certain areas are more prone to violence (units that are particularly overcrowded, or house high-risk offenders). The findings allude that certain times are more favourable, but could be related to opportunity (cells are opened for purpose of counting inmates, serving of food or exercise) and proximity (offenders in the courtyard or corridors). The logistical findings will be represented in relation to the operational timelines of the Correctional Centre.



Graphs 11 and 12 present the time of the year the incidents took place. Incidents were separated per season and quarter. Graph 11 suggests that most of the incidents took place during the first and fourth quarter. First quarter (April, May June) and fourth quarter (January, February, March) coincides with the changing of seasons. It could suggest that Correctional Centres violence spike in the winter months. The seasonal and quarter statistics should also be seen in conjunction with every day and annual events, like festive seasons.

Table 3: Type of weapons used in Assaults

	Type of weapon(s) used during incident							
	Blunt Object	Sharpened Object	Piece of Glass	Knives	Belts	Fists	Boiling Water	Broom stick/ Stick
PMB_20120626_001		x				x		
PMB_20120629_002		x					x	
PMB_20130102_003	x	x						
PMB_20130111_004						x		
PMB_20130215_005		x						
PMB_20130502_006		x						
PMB_20130728_007		x						
PMB_20130809_008	x							
PMB_20130825_009	x							x
PMB_20131102_010								x
PMB_20140308_011	x							
PMB_20140806_012						x		
PMB_20141001_013						x		
PMB_20141103_014								
PMB_20141128_015						x		x
PMB_20150124_016	x		x					
PMB_20150204_017	x					x		
PMB_20150317_018							x	
PMB_20140814_019	x			x		x		x
PMB_20130421_020			x					
PMB_20130417_021	x	x						
PMB_20130606_022			x					
PMB_20130415_023		x				x		
PMB_20120925_024	x							
Total	9	8	3	1	0	8	2	4

The type of weapons used (Table 3) suggests that offenders use what resources are available to them. The most common means of assault are blunt objects (e.g. a padlock in a sock), sharpened object (e.g. a spoon flattened and sharpened against cement) and fists. This suggests the readiness to commit violence is so entrenched that any item should be quick to weaponization.

The findings on Gang involvement and relation (see Table 4) suggest that determining whether an incident is gang related is not a straightforward Yes/No answer. In the analysis of a possible gang-related incident, the intent of perpetrator and the willingness of other offenders to intervene in the incident should be determined. The findings suggest that gang-related incidents can be divided into Intra-gang, Inter-gang, Extra-gang and Non-gang related events. Intra-gang related is defined as events between members of the same gang. Inter-gang related events are defined as events between members of different gangs. Extra-gang related events are defined as events that involve a gang member and a non-gang member, but the intent of the event is still gang related.

Non-gang related events are defined as an event that involves gang members or non-gang members where the intent of the event is non-gang related. Determining intent in gang-related incidents is difficult. The process requires sufficient information about the event, the offenders involved, their gang affiliation (if any) and an understanding of gang/Correctional Centre subcultures. In this study, ‘intent’ was determined by questioning the motive and involvement of other offenders.

The following modes²⁹ of gang involvement were coded as displayed in table 4 below:

- Gang affiliated offenders
- Non-gang affiliated offenders
- Offender intervention: To stop Assault
- Offender intervention: To aid Assault
- Assault due to “Gang based rules” broken – breaking the social contract
- Assault due to personal issues – acted without consent.
- Category of Gang event.

The modes were combined to determine whether an offender acted out of his own volition or on grounds of gang structures. The offender intervention mode added the dimension to see whether other offenders were for or against the incident of assault. E.g. PMB_20130111_004

+ Gang affiliated offenders:	Y	Offenders belong to the same gang
+ Non-gang affiliated offenders:	N	No non-gang offender was involved
+ Offender intervention: To stop Assault:	N	No-offender Intervened
+ Offender intervention: To aid Assault:	Y	Multiple offenders assisted
+ Assault due to “Gang based rules” broken:	Y	Vic wanted to leave the gang
+ Assault due to personal issues:	N	Perpetrators acted in
<hr/>		
= Gang-related incident	Y	Deduced from evidence
<hr/>		

²⁹ Modes in the context of this paper is defines as set of preferred actions.

Table 5 presents the incidents of assault against the operations of the Correctional Centre, the various shifts that occur daily. It clearly presents the findings in Table 9 and 10, in context of the Correctional Centre.

Table 4: Gang involvement and Gang Relation in Assault Incidents³⁰

REF	Gang Related (Reported)	Gang Affiliated Offenders	Non-Gang Affiliated Offenders	Offender Intervention: To Stop Assault	Offender Intervention: To Aid Assault	Assault due to "GANG" rule breaking	Assault due to Personal Issues	Gang Related (Deduced)	Intra-Gang related	Inter-Gang Related	Non-gang Related	Gang versus Non-Gang
PMB_20120626_001	N	Y	Y	Y	N	N	Y	N	N	N	Y	Y
PMB_20120629_002	Y	Y	N	N	Y	Y	N	Y	Y	N	N	N
PMB_20130102_003	Y	X	Y	Y	N	N	Y	N	N	N	Y	Y
PMB_20130111_004	N	Y	N	N	Y	Y	N	Y	Y	N	N	N
PMB_20130215_005	N	Y	Y	N	N	Y	Y	Y	N	N	N	Y
PMB_20130502_006	N	Y	N	N	N	Y	Y	Y	Y	N	N	N
PMB_20130728_007	N	X	X	N	N	N	Y	N	N	N	Y	X
PMB_20130809_008	Y	Y	Y	N	N	Y	N	Y	N	N	N	Y
PMB_20130825_009	Y	Y	N	N	N	Y	N	Y	N	Y	N	N
PMB_20131102_010	N	Y	Y	N	Y	Y	Y	Y	N	N	N	Y
PMB_20140308_011	N	Y	Y	N	N	Y	Y	Y	N	N	N	Y
PMB_20140806_012	N	X	X	Y	N	N	Y	N	N	N	Y	N
PMB_20141001_013	Y	Y	N	N	Y	X	X	Y	Y	N	N	N
PMB_20141103_014	-	-	-	-	-	-	-	-	-	-	-	-
PMB_20141128_015	N	X	N	N	N	N	Y	N	N	N	Y	N
PMB_20150124_016	N	Y	Y	N	N	Y	Y	N	N	N	Y	Y
PMB_20150204_017	N	X	X	Y	N	N	Y	N	N	N	Y	X
PMB_20150317_018	N	Y	N	Y	N	N	Y	N	N	N	Y	N
PMB_20140814_019	N	Y	Y	N	Y	Y	N	Y	N	N	N	Y
PMB_20130421_020	N	Y	N	Y	N	N	Y	N	N	N	N	Y
PMB_20130417_021	N	Y	N	N	N	Y	N	Y	Y	N	N	N
PMB_20130606_022	N	X	X	N	Y	N	Y	N	N	N	Y	N
PMB_20130415_023	N	Y	N	N	Y	Y	N	X	N	N	N	Y
PMB_20120925_024	N	Y	Y	N	N	X	X	X	N	N	N	Y

³⁰ Note: In most cases gang affiliation was not captured on the A&R system. Gang affiliation was determined with the sworn statements and information in the internal investigations. Yes (Y), No (N) and Unknown (X). (X) indicates that the mode could not be determined.

Table 5: Time and Place of Assaults

		A Day-to-day timeline, with time and place of Assault incident																										
Operations of Medium B				When and where the Incidents of Assaults Occurred																								
Time	Day Shift	1 st Watch	2 nd Watch	Operations	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024
00h00																												
01h00				Offenders are housed in their cells; an offender can only be removed from a cell after it has been master with the direct approval and in the presence of the Member in Charge																								
02h00							K																					
03h00																												
04h00																												
05h00																												
06h00																												
07h00				Parade						B3																		
07h30				Unlock											B4													
08h00				Offender Breakfast																								
08h30																												
09h00							B3			B3																		
09h30																												
10h00				Exercise Time; Medical Parade, Daily structure																								
10h30																												
11h00																												
11h30																												
12h00																												
12h30				Offender Lunch																								
13h00																												
13h30																												
14h00				Officials Lunch																								
14h30							B5																					
15h00				Lock-up																								
15h30				Master & Test																								
16h00																												
16h30																												
17h00																												
18h00				Offenders are housed in their cells; an offender can only be removed from a cell after it has been master with the direct approval and in the presence of the Member in Charge																								
19h00																												
20h00																												
21h00																												
22h00																												
23h00																												
00h00																												

No record could be found of an investigation could be found, but an incident report was found

5.3. The seen and unseen worlds

During the thematic analysis of the investigations, it became apparent that the assault incidents took place within a specific space. The findings revealed that the reported incident and the origin event (the first event in the series) did not always occur in the same space. The origin event is regarded as the first incident of contact. In the investigation reports, under the deliberation of facts, the investigator would establish a chronological timeline of events. The origin event is discussed as a precursor event to the assault incident. The findings alluded that the first event was not always the reported event. In most of the cases, the deliberation of facts described multiple events that occurred between the origin event and the reported (investigated) event. Most of these events occur within the Cell. An analysis of these events, the space in which they occur and when, where and to whom they were reported to suggest that the Cell can be regarded as an “Unseen Space”.

Table 6: Primary/Origin Event

SPACE LEVEL	PRIMARY/ORIGIN EVENT																								TOTALS
	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024	
Cell		X		X	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X	X	X		19
Unit	X		X																					X	3
CC																		X							1
MA																									0
EXT																									0

Table 6, indicates the space in which the first event in the series of events that occurred [the primary/origin event in the incident] [Not Necessarily the space in which the reported incident occurred] [PMB_014 was not coded]

Table 7: Secondary Event

SPACE LEVEL	SECONDARY EVENT																								TOTALS	
	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024		
Cell		X	X	X	X	X	X		X			X	X		X	X	X	X		X						14
Unit										X	X										X	X	X			5
CC																										0
MA																										0
EXT																										0

Table 7, indicates (X) the space in which the secondary³¹ event in the incident took place [blank blocks indicate no secondary event took place]

Table 8: Additional/Tertiary Events

SPACE LEVEL	ADDITIONAL/TERTIARY EVENT																								TOTALS	
	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024		
Cell		X	X		X	X			X								X	X								7
Unit																X										1
CC										X																1
MA																										0
EXT																										0

Table 8, reflects the incidents where there were more than two events in the series. X indicates the space in which the event took place

³¹ Regards an event that occurred in the same series of events that construct the incident of assault but is separate from primary and/or tertiary events – by means of time elapsed.

Table 9: Point of Reporting

SPACE LEVEL	POINT OF REPORTING																								TOTALS	
	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024		
Cell					X										X											2
Unit	X	X	X	X	X		X	X	X	X	X	X	X			X	X	X		X	X	X	X	X		20
CC										X									X							2
MA																										0
EXT																										0

Table 9, reflects the space in which the reporting took place³². Records the space in which an offender informed a correction official of the event/assault

Table 10: Reported Event

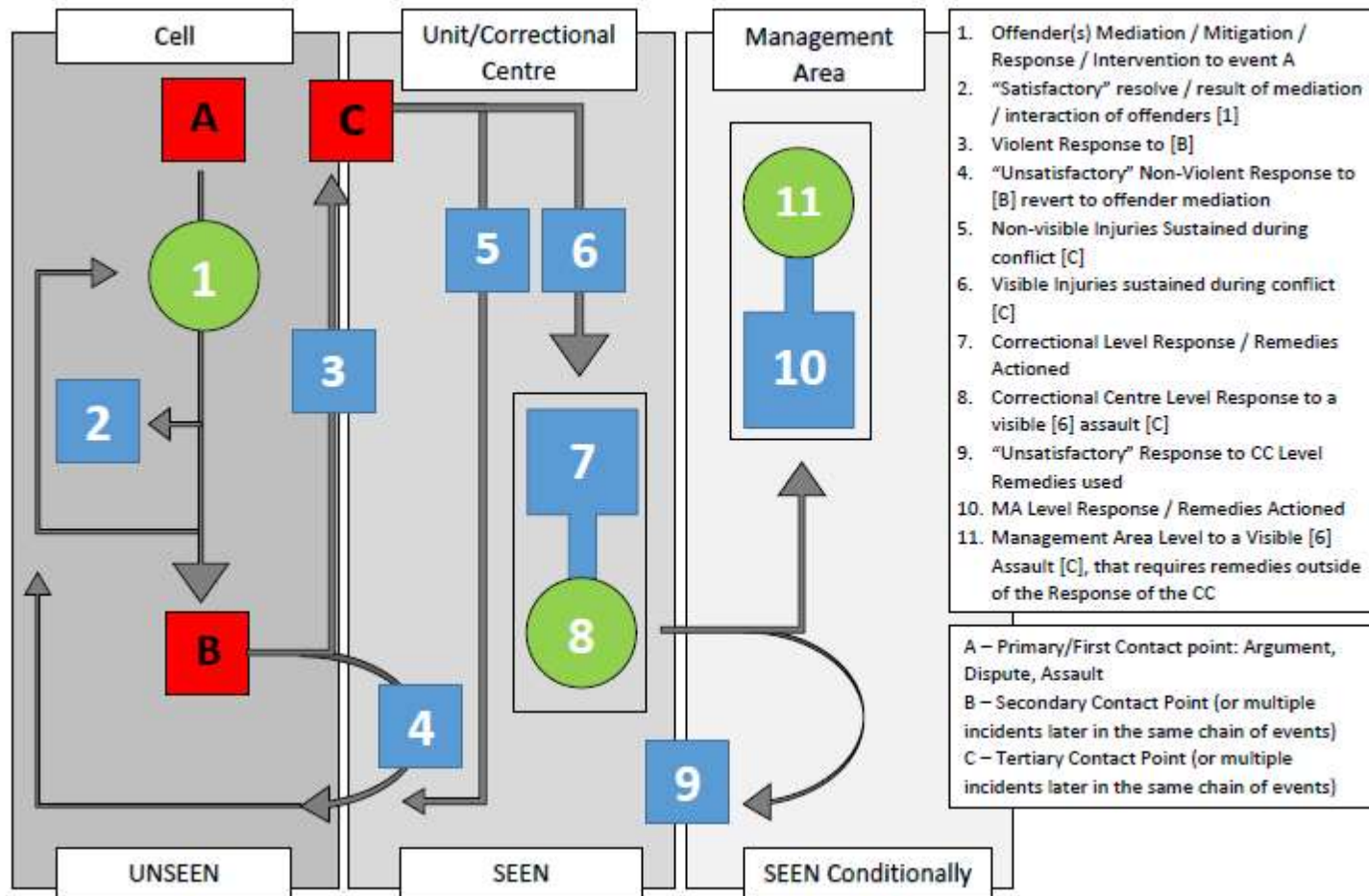
SPACE LEVEL	WHICH EVENT WAS REPORTED																								TOTALS	
	PMB_001	PMB_002	PMB_003	PMB_004	PMB_005	PMB_006	PMB_007	PMB_008	PMB_009	PMB_010	PMB_011	PMB_012	PMB_013	PMB_014	PMB_015	PMB_016	PMB_017	PMB_018	PMB_019	PMB_020	PMB_021	PMB_022	PMB_023	PMB_024		
1ST						X	X					X												X		4
2ND	X			X							X		X		X					X	X	X	X			9
3RD		X	X		X	X									X	X	X									7
4TH									X																	1
5TH										X																1

Table 10, Reflect which event was reported to the Correctional Officers

³² Coding Note: Incidents PMB_006 and PMB_007 took place in the Cell, and was reported by alerting an Official. Incident PMB_010, took place in the Kitchen work area (Unit), and the Hallway (CC).

5.4. Responses to assault incidents: formal and informal

Figure 2: Flow diagram of incidents and responses



The research study suggests that each incident has commonalities in relation to the flow of events. The research results of the logistical factors and the commonalities between each event were transformed into the above flow diagram (Figure 3). Figure 3 visually presents the findings together and the flow of events from one space to another. It reflects the three different spaces and their visibility. The Cell, as an unseen space; the Unit/Correctional Centre, as a seen space; and the Management Area (and external world) as seen conditionally³³. The flow diagram starts [A] – an incident of conflict (dispute, argument, fight or violence). (1) indicates inmate (usually by ‘huisbaas’³⁴, or gang-leader) intervention – the matter is ‘handled’ internally in the cell. The complainant (victim) or respondent (perpetrator) can agree or disagree with the intervention. (2) indicates a satisfactory resolve both parties are ‘in accordance’ with the intervention. Unsatisfactory resolve could either return to the inmate intervention (1) or a secondary point of conflict [B]. The conflict in [B] can either lead to violent (3) or a non-violent (4) response. A violent response leads to a more visible incident [C] while non-violent response reverts inward back to the cell. [C] on the other hand can either stem into visible (6) or non-visible³⁵ (5) injuries.

Until this point, all interventions were dealt with by the offenders (informal) and had no intervention from the Correctional Officials (formal). Points (7) and (10) indicates formal remedies actioned from Correctional Centre and Management Area level respectively. (8) and (11) indicates Correctional centre and Management Area level respectively. The level of formal response depends on the type of the incident, the seriousness of the incident, whether external remedies were required and if there were any financial implications.

³³ The Management Area and the external world only *see* incident on certain conditions, it depends of the type of the incident, seriousness of the incident, whether external remedies were required and if there were any financial implications. Although the HoCC informs the AC of all incident, the reports and investigations are ‘cleaned-up’ – the AC does not directly deal with the messiness involved at Correctional Centre level.

³⁴ *Huisbaas* – Literally translates to house boss, he manages and controls the order in the room. This is specifically prevalent in non-gang rooms.

³⁵ *Visible* and *non-visible* – in this case refers to whether the officials have become aware of the incident.

5.5. Limitations

The general research limitations are closely linked to the set parameters of the study. The main limitations are the timeframe of the sample and its non-generalisability. The study may not have accounted for all possible variables and the scope of assaults. The research findings suggest that four additional limitations exist within the research of Correctional Centre Violence.

5.5.1. General limitations

The study's general limitations are the type of sampling that was conducted and the availability of the full sample. The study is not fully generalisable to all Correctional Centres in South Africa. The study focused on the reported assaults and excluded other forms of security related incidents that occurred.

The sample selection was limited over three financial years. A concrete assault trends analysis may require a sample that stretches over a longer period. The final sample included only offender on offender assaults from Pollsmoor Medium B, from 2012/2013 until 2014/2015. The second limitation is that the study is not generalisable to all Correctional Centres in South Africa. The study was specific to Pollsmoor Medium B and assumptions drawn from the research findings can only be transferable to another sentenced male Correctional Centres. The description of an assault explored in Chapter 6.1 is limited to the specific context of Pollsmoor Medium B Correctional Centre.

The third limitation is the countless combination of variables and factors that constitute the phenomenon of Correctional Centre violence. There is a possibility of an unknown factor that may affect the trends in Pollsmoor Medium B. The final limitation is the scope of assaults selected, the study only looks at sentenced offender on offender assaults. This excludes all other forms of assaults (sexual, staff-on-offender, offender-on-offender, offender-on-service-provider and service-provider-on-offender). The trends describe can only be used to describe the offender-on-offender of assaults.

5.2.2. Investigations as source documents

The one main contextual limitation is the source documents used during the data collection. The investigations reports found and received during data collection came with their own challenges. The three main limitations when using investigation reports are the availability, quality and accuracy of each document. The limitations did not affect the outcome of the research, its findings or the interpretations. The limitations did, however, question the functionality of investigation reports as source documents and as an official legal/security document.

During data collection, many challenges were faced with respect to the availability of documents, some related to negotiating access and others related to actual availability. In the first phase of data collection: Annexure A's. A total of 18 reported cases of assaults were received from Pollsmoor Medium B. During the Second phase of data collection: Investigations into assault. Additional investigations were found two cases at the Correctional Centre level and four at archives level.

The quality and consistency of investigations were found to be linked to the individual investigators. An analysis of the grammar and sentence structure suggest that in most cases there exists a language barrier between the investigator and the investigation. The main concern regarding a language barrier is that they constrain the investigator to properly articulate his/her findings. It could lead to cases where the investigator struggles to coherently word the facts and flow of events. The investigators at Pollsmoor Medium B are normal security based Correctional Official, who have been appointed by the HoCC or AC as an investigator. Many do not undergo formal or internal training to become an investigator. The investigators' knowledge of their duties stem from their work experience.

The accuracy of the methods used to complete an investigation is sufficient and effective. Although the same standard headings and structures are used from one investigation to the next, there is no structured template as in the case of the incident reports. There are similarities

between the investigation reports that indicates a standard guideline exists³⁶. It should be added that most of the written and sworn statements were of high quality, the mandate of the department/internal investigations to only seek negligence does, however, limit the investigator's willingness to continue after DCS has been cleared of all negligence. According to the prescribed policy guidelines, investigations must be completed within 30 days from the date the investigator was mandated. This was not always the case, it was found that centre operation was often mentioned as reasons for the delay.

5.5.2. The shadow figures

Hagan (2005, p. 387) defined a “dark figure” or a shadow figure as a criminal event that is unmeasured [unseen] by official statistics and is yet to be discovered. The research findings suggested that one incident of assault could have multiple events in the series. Some of the cases were reported as a singular event but after the examining, the investigation reports found that the same reported case had multiple additional events (before and after).

How big is the problem of Correctional Centre violence at Pollsmoor Medium B? The research findings suggest that out of the 24 cases, 23 were investigated. Out of the 23 coded investigations, 19 had a secondary event in the same series, and of those 8 had a tertiary event in the same continues series. The research findings highlight the reality of a shadow figure. The findings suggest that there could have been 27 additional events of violence. This estimated the shadow figure rate at 50%.

5.6. Conclusion

The research findings reflect the offender demographics, they reveal the similarities and overlaps between victims and perpetrators of assault. The findings point out the stark reality that offenders in PMB, all originate from lower socio-economic areas that are severely overpopulated. The same areas are renowned for violence, gang activities and propensity to become a haven for criminals. The 64 offenders involved in the 23 investigated assault cases support Von Hentig's

³⁶ See section 4.2 on Source Documents

claim the victims and perpetrators are often from the same social strata. The demographics and offender specific factors establish a clear picture of the type of offender that is housed at PMB. Berg and Colleagues' (2012) argued that a subculture (like Correctional Centre- and gang subcultures) plays a significant role in the relationship and interactive modules between victims and perpetrators. The research findings support the claims.

The event logistics findings suggest that certain areas are more prone to violence (units that are overcrowded, or house high-risk offenders or further charges). The findings allude that certain times are more favourable, but could be related to opportunity (cells are opened for counting, serving of food exercise) and proximity (offenders in the courtyard or corridors). The logistical findings will be represented in relation to the operational timelines of the Correctional Centre.

The research findings strongly suggest that some areas within the Correctional Centre can be seen and controlled by the officials, while some areas can be regarded as unseen spaces. The unseen spaces are the areas that cannot directly be policed by the correctional officials. The space within a cell, is for all intended purposes closed-up, "unseen" and inaccessible for a correctional official to police. The cell is unlocked for a minimum of one hour a day, during exercise, thus for 23 hours, the offenders govern the space within a cell.

The research findings examined the flow of events and, the formal and informal process of response. The findings suggest that incidents can occur within an unseen space and instead of following formal response systems, which could easily be met with impunity and negligence. The offenders will approach the "gangs" which provide an informal response. The process suggests that an intra-cell/inter-offender social contract exists [reinforced by the subculture]. The Correctional Centre gangs have monopolised on this need for an informal system of response. Most of the rules in this *social contract* stem from an overemphasis of honour, respect and discipline.

Chapter 6: Interpretation of findings

Chapter five explained the methodology of how the data was collected, coded and delivered into the findings presented in Chapter six. To effectively interpret qualitative findings, the researcher must explain the context and extent of those findings. Chapter six gives a view into the research findings and the reality they construct. Chapter seven will aim to elaborate on these findings by interpreting them within the larger spheres of Correctional Centres, the construction of an unseen world, the governance and policing of these unseen worlds and finally exploring the effects of the correctional service system, specifically the ways in which the department reports violence (or the lack thereof).

6.1. The anatomy of an assault incident

Steinke (1991) argued that each incident of assault could be divided into three main questions. When did it occur? Where did it occur? And who else was involved? Using these topics, this section will explore the standard assault incident.

Section 6.1 explores the victim/perpetrator profiles. It looks at who was involved with in an assault. The findings show no significant distinction between race, culture and religion as a predictor for likelihood of criminal involvement. The findings do, however, reveal that there is still a clear division between those who enter Correctional Centres and those who do not. The findings reveal that all the offenders come from impoverished and crime rich communities, all of which are traditionally non-white areas. There were no white offenders involved in the reported cases, this could be an indication of disproportionate offender populous – but there was not sufficient evidence to support such claim.

The privilege grouping, security classification and length of sentence breakdown show most of the offenders are B-group, Medium security classification and most of the offenders serving a sentence between > 2 – 3yrs [15], and > 3 – 5yrs [18]. Which can be regarded as ‘normal’ for a medium security prison. The crime typology and sentence typology do not indicate any specific predictors for violence. Although it can be assumed that those sentenced for aggressive crimes and contact crimes have a higher likelihood of becoming involved in assaults. The number of days spent incarcerated was, however, a predictor of involvement in an assault incident. Between

0 – 200 days of incarceration the likelihood to be victimised is significantly higher, reaching peak probability at 255 days of incarceration. While after 400 days of incarceration, the likelihood of victimisation declines, but an offender who has been incarcerated for longer than 400 days becomes more likely to act as a perpetrator in the system. This finding indicates that a form of social learning and the assimilation of the subculture exist. In the process, the offender internalises the social contract and forms strong bonds with the Correctional Centre environment. As a consequence, offenders who have been incarcerated end up assimilating the subculture of violence.

The incidents at Pollsmoor Medium B were (almost) equally distributed and the time at which these events occurred, clustered during unlocking of inmates, exercise and serving of food. The units that showed the most cases of assaults were B2 and B3 with five cases each, B1 and B4 with four cases each. B3 and B4, house the Further Charges and Maximum risk offenders. Further charged offenders are regarded as high-risk individuals. Such offenders are more likely to enact violence. B1 houses the work teams and B2 houses the long-term offenders. B5 houses short-term offenders (0 – 24 months) the unit is separate from the larger general population of Pollsmoor Medium B. This support the claim suggesting that the number of days spent incarcerated is a strong predictor of involvement in violence. The hospital and kitchen show a relatively low number of cases of assault. The findings do however raise a concern that there is no clear non-violent space or “white-zone” in Pollsmoor Medium B. Cases PMB_20131102_010 and PMB_20140514_019 originated in an unseen space and flowed over into a “seen” space. Both incidents occurred outside the units and suggest that the Correctional Centre violence between the units are not isolated by the Unit.

The final factor that plays a role in the construction of assaults in Pollsmoor Medium B is the idea of an unseen world, the effectiveness of formal responses versus informal responses and the rules that govern space. Out of the 23-investigated cases, 11 of which were deduced to Gang-related. All deduced Gang-related cases involved a scenario in which the “social contract” of the Correctional Centre was broken. The gang-related cases suggested that the gangs are the watchdogs of this social contract. It could suggest that the gangs have the power to enforce and punish “the rules”, thus earning legitimacy and authority in Correctional Centres. It could be argued that the Correctional Centre gangs do not just enforce their own internal rules (intra-gang),

and their ‘brothers’ rules (inter-gang) but also the larger social contract (extra-gang). The gangs have ‘assumed’ control over the unseen world due to the limitations that formal responses have in these spaces.

6.2. Correctional centre’s response

In the event of an assault, the victim is required by procedure (complaints and request) to report to the correctional officer. The correctional officer then completes an incident report form (annexure C) and submits it to the investigators. The investigator is then mandated by policy and procedures to start the investigation, investigations should be completed within 30 days. However, in practice this does not occur, some are completed within the prescribed 30 days while others are only finalised 12 months later.

Correctional Centres only have formal means of responses available in ‘dealing’ with assaults. These include investigations, disciplinary hearings, degrading, declassification and restriction of amenities. The concern with formal responses is that they are only as ‘legitimate’, and ‘effective’ as those who enforce them and sanction them. The possible disciplinary measures used as “punishment”, outlined in the CSA do not have the desired discouragement to transgress. If a formal response (disciplinary) is weighed against informal response (Gang involvement/enforcement) an offender would most likely choose the assistance of his “fellow offenders” to assist him.

Since the Jali Commission, researchers like Muntingh and Dereymaeker (2013) sought to explore the culture of impunity in South African law enforcement. Their research suggests that there is a strong culture of impunity in law enforcement agencies in South Africa (SAPS and DCS) – it can, however, be argued that the same level of impunity has flowed over into other forms of internal investigations. The B-Order guidelines on investigations highlight that departmental investigations are solely conducted with the focus on determining staff negligence and not guilt (see Chapter 3.3). The promise of the gang subculture, with an over emphasis on honour, respect and discipline, to ‘solve’ and ‘help’ comes with a cost. The fundamental restriction of state organisations is the formal process. Gangs require no formal contract or rule to act as an informal remedy/response. As a victim, an offender will seek out those who will assist him.

Within the parameter of this study, the unseen world of Pollsmoor Medium B was constructed through discourse analysis. The physicality of the unseen world is any space that the Correctional officers have no direct or indirect control. The order in these spaces is sustained by a 'social contract'. It was found that in most cases assaults originated in a hidden space, the events only flowed over into the seen space post facto or in cases where the 'gang' required visible confirmation of an assault. This space is not static, it adapts along with the presence (or lack) of correctional officers (willing guardians).

The formal rules of Correctional Centres are only as strong as the 'gatekeepers' and 'lawmakers' who maintain them. The formal rules exist only in the 'seen' spaces of the Correctional Centre. A space with no willing guardian generates a "rule" gap. Most of the Correctional Centre gangs have origin stories tracing back to the early 19th and 20th century, over the years they have become 'masters' in 'ruling the dark of the prison'.

6.3. Non-reporting of non-visible assaults

The Department of correctional service measures its mandate of safe custody through strategic objectives. One of these objectives is to "ensure that offenders are held in secure, safe and humane conditions, by reducing the number of escapes and injuries as result of reported assaults". The short description of the technical indicator explains that "the indicator measures the actual recorded number of [offender] injuries as result of any reported assaults by fellow [offenders] or officials" (Department of Correctional Services, 2015, p. 71).

The TID does not explicitly define what is included (or excluded) in its definition, only that it requires an offender that sustained an injury by means of an assault by his fellow offender. The TID acts as an indicator for the safe, secure and humane custody conditions of offenders in correctional services. The source/collection of data names the G336, injury register as one of the main pieces of documentary evidence. To deconstruct the statement there are several crucial building blocks. The blocks define the department's aetiology of assaults, but these blocks create a gap which assaults, violence and oppression can occur. The blocks are:

- [injuries sustained] – assumes that all injuries are visible and can be seen or measured. This also suggests that cases or events where offenders are assaulted but show no physical (visible) evidence – such claim is rejected, regardless of the situation.
- [as result of] – assumes that all forms of violence are serial and physically quantifiable to prove the results, alludes to the concern that only hospital or medical staff can determine the visibility of an assault.
- [a reported] – assumes that the reported event is a ‘seen’ event, it does not account for possible shadow figures or assault events that occurred in ‘unseen’ spaces.
- [assault] – assumes that only physical violence occurs in Correctional Centre.

In the process of focussing only on visible injuries, DCS creates an environment where an offender’s victimhood can be questioned. It expands the “unseen” world of Correctional Centres. Offenders shift the recipient of their complaints and requests from Correctional Officials to Gang members. The research findings suggest that the current process will only force assaults to be dealt with at the intra-cell level. The visibility and level of reporting will decrease, and increase the shadow-figure. These blocks raise a concern relating to non-visible injuries. How are these injuries or assaults reported? If there is no formal process for an offender to report non-visible injuries, what options are available? The reporting of any incident can be a daunting task for the victim of Correctional Centre violence. E.g. If an offender wishes to report a case of assault – the offender must establish medical evidence of such claim (proof). If no physical signs of injury can be determined the offender will have no claim to his victimhood. An offender who requires a response will source the ‘party’ who can provide the most effective “means of response”. The gap in the system will only reinforce the gangs’ claim to legitimacy and power in Correctional Centres.

6.4. Conclusion

Three main conclusions can be drawn from the research findings. The chapter sought to explain the anatomy of an assault incident, building on the research findings, it was concluded that victims and perpetrators share both demographic and offending commonalities. It supported the claim that Correctional Centre violence is more an ‘us-versus-us’ dynamic than an ‘us-versus-them’ dynamic. The only differences between victims and perpetrators were in regards to the

number of days in custody until involvement into assaults incident. Assaults in Pollsmoor Medium B followed various patterns in respects to time and location. Most of the assault events clustered around times when cells were opened, unlocking for the serving of food or for allowing inmates to exercise. The gang-related intent of an assault was determined through coding the event over multiple modes of gang operations.

The final discussion focussed on the possible effects that the Department's reporting strategy of assaults may have in future. The effects may increase a Correctional Centre's likelihood for assaults. Currently the Department of Correctional Services only reports on the number of inmates that have sustained injuries by an assault. The indicator assumes that all assaults lead to 'visible' injuries. The process renders a category of assaulted-but-not-injured inmates completely 'invisible'. The non-reporting of non-visible forms of assault could 'force' offenders either to take matters into their own hands or negotiate with the Correctional Centre gangs as a means to an end. In both scenarios, the control is shifted away from the formal system.

Chapter 7: Conclusion

The research study was conducted with the aim of describing the context and factors surrounding offender on offender assaults inside the Correctional Centre. Pollsmoor Medium B was used as a case study to examine and explore the phenomenon. Correctional Centre violence has been analysed through two models: the situational model and the importational model. These theories act as conceptual frameworks in the analysis of the investigations reports. However, in isolation, these theories do not fully account for the complexities involved. Combined, these models can be used to extract vital information on Correctional Centre violence and its parameters. The study revealed that some factors are predictive of violence.

The study reveals that there is an intrinsic relationship between offender dynamics and Correctional Centre dynamics. Each event of violence occurs in discreet spaces, these areas are the cell, the unit, the Correctional Centre at large, the management area and outside the management area. Each of these reflects a “seen/unseen” space. The research findings suggest that the cell is the innermost part of the correctional centre, an “Unseen”, the unit and the Correctional Centre spaces are more visible and can be regarded as “Seen”. The seen world is regulated and controlled by the Correctional officials while the unseen world creates the space for ‘dark’ criminal network to govern and police.

Correctional officials have a limited formal arsenal to respond and deter assault incidents. The limited effectiveness of investigations, disciplinary hearings and individual posed a difficult challenge within providing a “punishment” that fits the transgression. The physical structure and outline of Pollsmoor medium B make it harder to ‘safe’ guard inmates. The archaic structure and design assist, and further promote the existence of the “unseen” world. The dark or criminal network inside a Correctional Centre is predominately “run by gang affiliated leaders”.

The research findings suggest that further exploration should be done into the dark networks of Correctional Centres. The purpose of the study was to address the lack of information and evidence relating to Correctional Centre violence. The research findings made various conclusions about the context in which offender on offender assaults in Pollsmoor Medium B occurred.

The research findings yield insight into offender-on-offender assaults in Pollsmoor medium B. There are three main conclusions that can be made regarding the offender-on-offender assaults in Pollsmoor Medium B. The first conclusion is that there are specific victim/perpetrator/offender dynamics that establish an ‘us-versus-us’ context. All the offenders that were involved came from the same type of area, poor-densely-populated-non-white-suburbs. These offenders due to “circumstance” in their community end up in crime and become incarcerated. Cheeseman (2003) concluded that the community violence will naturally flow over into the Correctional Centre environment. In the Correctional Centre, all these offenders now establish an offender-dynamic based on a hyper-masculinity, with an overemphasis on honour, respect and discipline. The social contract that exists between inmates in the Correctional Centre become a law that favours the gangs above ‘true’ honour, respect and discipline. Gangs due to their long existing history in Correctional Centres now have the desired monopoly to control the ‘contract’.

Secondly, there is a link between restriction of formal responses and the power-relations of gang subculture. The research conducted by Steinberg (2004), and Skywalker (2014) confirm that gangs are power-based and exercise hierarchical control over inmates. Correctional centre gangs do not act in isolation. The research findings suggest that gangs like the “number-gang” do not just enforce their own rules (intra-gang related) but also the rules of their ‘brothers’ (inter-gang related). Due to the strong militaristic basis of Correctional Centre gangs have organisational modes of operations. Ways of doing and ways of being. Through the understanding and coding of these modes, the ‘gang-intent’ of assaults can be deduced. These modes of operation play a dominant role in the construction of offender-on-offender assaults in Pollsmoor Medium B

The final aspect that builds the stage in which the phenomenon of offender-on-offender assaults occur is the probability of the non-reporting of incidents. As argued previously in this paper the Department of Correctional Services has a binding mandate to prevent assaults and to ensure the safe custody for all offenders. The motive behind departmental investigations suggests that even if the investigator is of admirable quality the policy framework still dictates that determining departmental negligence above determination of truth. The technical indicators and operational plans motions that only those injuries that can be captured on the G336 – injury register are suitable for “assault” label. If victimhood is tied to the visible confirmation of assault, what happens to those offenders who have no visible injuries? The TID of Strategic Objective 8, under

collection of data and source documents clearly state that only cases of injuries registered in the G336 should be counted, and should exclude cases where “the medical practitioner clearly indicate that there are no injuries”

The Correctional Centre is space in flux. The people, the events, the rules and those who govern it are constantly changing and adapting for power and control. Correctional Centre violence is not marginal to the institution but rather an integral feature thereof. Offender on offender assaults constitute one part of a much bigger phenomenon of Correctional Centre violence. Understanding the form, content and impact of such assaults (as was attempted here) can hopefully contribute to our grasp of institutional violence more broadly.

~END~

Wordcount : 26618

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