

INDEX

VOLUME I

CRIME AND IMPRISONMENT IN SOUTH AFRICA
WITH PARTICULAR REFERENCE TO PRISON LABOUR

VOLUME II

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I N D E XVOLUME I

- CHAPTER I : HISTORICAL REVIEW OF THE SOUTH AFRICAN PRISON SYSTEM WITH REGARD TO THE UNDERLYING IDEOLOGIES
- CHAPTER II : THE COST OF CRIME IN SOUTH AFRICA
- CHAPTER III : CRIME IN SOUTH AFRICA - SOME SPECIAL ASPECTS
- CHAPTER IV : A BRIEF HISTORICAL REVIEW OF PRISON LABOUR IN NORTHERN EUROPE AND AMERICA
- CHAPTER V : MODERN PRINCIPLES OF PRISON LABOUR
- CHAPTER VI : PROBLEMS OF PRISON LABOUR

VOLUME II

	<u>Page No.</u>
<u>CHAPTER VII</u> : <u>PRISON LABOUR - SURVEY OF CURRENT INTERNATIONAL PRACTICE</u>	343
<u>PART I</u> : <u>BRIEF SUMMARY OF RESEARCH FINDINGS</u> ...	345
A. <u>SYSTEMS OF ORGANISING PRISON LABOUR</u>	347
A.1 Systems in Which Private Interests Play a Role	348
(a) Lease System	348
(b) Contract System	348
(c) Piece-Price	348

Continued

<u>CHAPTER VII</u> (continued)	<u>Page No.</u>
A.2 Systems in Which Private Interests Play No Role	348
(a) Public or State Account 	348
(b) State Use 	348
(c) Public Works and Ways 	348
(d) Private Pre-Release 	352
A.3 Public Works and Ways 	353
B. <u>PRISONER CLASSIFICATION FOR WORK</u>	354
B.1 Industries 	354
B.2 Handicrafts 	358
B.3 Agriculture 	358
B.4 Construction and Conservation 	358
B.5 Maintenance 	359
B.6 Vocational Training 	359
C. <u>SHORT TERM OFFENDERS</u>	360
D. <u>COMPETITION</u>	361
E. <u>REMUNERATION</u>	366
F. <u>PRODUCTIVITY - PROFIT ORIENTATION</u>	373
G. PRE-RELEASE 	374
<u>PART II : INTERNATIONAL SURVEY OF PRISON LABOUR</u>	374
<u>SUBJECT INDEX TO INTERNATIONAL SURVEY ON</u>	
<u>PRISON LABOUR</u>	376
<u>PRISON LABOUR: COUNTRIES SURVEYED 1973/1974</u>	377
<u>Europe</u>	
Austria 	379
Belgium 	385
England and Wales 	398a
France 	464

Continued

CHAPTER VII (continued)Page No.

Italy	...	...	...	...	...	...	...	472
Luxembourg	...	...	...	...	...	...	...	474
Netherlands	...	...	...	...	...	...	...	475
Sweden	...	...	...	...	...	...	...	480
Switzerland	...	...	...	...	...	...	...	501
West Germany	...	...	...	...	...	...	...	505
<u>North America</u>	...	...	...	...	...	...	...	509
California	...	...	...	...	...	...	...	513
Canada	...	...	...	...	...	...	...	525
Colorado	...	...	...	...	...	...	...	529
New Jersey	...	...	...	...	...	...	...	532
U.S.A. Federal	...	...	...	...	...	...	...	535
<u>Middle East</u>								
Israel	...	...	...	...	...	...	...	540
Turkey	...	...	...	...	...	...	...	545
<u>Far East</u>								
Japan	...	...	...	...	...	...	...	549
<u>Australasia</u>								
New South Wales	...	...	...	...	...	...	...	560
Queensland	...	...	...	...	...	...	...	563
South Australia	...	...	...	...	...	...	...	566
Tasmania	...	...	...	...	...	...	...	568
New Zealand	...	...	...	...	...	...	...	572

Continued

	<u>Page No.</u>
<u>CHAPTER VIII : PRISON LABOUR IN SOUTH AFRICA</u> ...	575
A. <u>1652 TO 1910</u>	577
A.1 The Cape Colony	577
(a) 1652 to 1800	577
(b) 1800 to 1910	580
(i) Montagu's system of convict labour	580
(a) Punishment and discipline ...	580
(b) Progressive stage system ...	580
(c) Convict wages and discipline ...	581
(d) Reformative treatment - education	583
(e) Value of convict labour ...	586
(f) Employment on release	586
(ii) Penal labour	587
(iii) The hiring out of prison labour ...	591
(iv) Prison industries	594
A.2 Natal	595
A.3 The Orange Free State	597
A.4 The South African Republic	598
B. <u>PRISON LABOUR IN SOUTH AFRICA 1910-1947</u>	601
B.1 Prison Industries	601
B.2 The Leasing of Prisoners	604
B.3 Farm Labour	604
(a) Prison Farms	604
(b) Release to Private Farmers	605
(i) 6d per day scheme	
(ii) Release of first offenders to farmers	606

Continued

CHAPTER VIII (continued)Page No.

(iii)	Release of farm colony prisoners to farmers	...	...	...	...	606
(iv)	Public works and road camps	...	...	...	...	607
(v)	Trade training	...	...	...	...	608
(vi)	Semi-penal work	...	...	...	...	609

CHAPTER IX : PRISON LABOUR IN SOUTH AFRICA

	<u>1948 - PRESENT DAY</u>	611
--	---------------------------	-----	-----	-----	-----	-----

PART I : THE EMPLOYMENT OF PRISONERS CIRCA 1947 ... 617A. THE EMPLOYMENT OF PRISONERS BY THE PRISONS

	<u>DEPARTMENT CIRCA 1947</u>	617
--	------------------------------	-----	-----	-----	-----	-----

A.1	Prison Labour and Trade Training 1947	617
-----	---------------------------------------	-----	-----	-----	-----	-----

A.2	Hours of Work	619
-----	---------------	-----	-----	-----	-----	-----

B. EMPLOYMENT OF PRISONERS OTHER THAN BY THE

	<u>PRISONS DEPARTMENT 1947</u>	619
--	--------------------------------	-----	-----	-----	-----	-----

(a)	South African Railways and Harbours Administration	621
-----	---	-----	-----	-----	-----	-----

(b)	Provincial Authorities	622
-----	------------------------	-----	-----	-----	-----	-----

(c)	Municipal and Divisional Councils	622
-----	-----------------------------------	-----	-----	-----	-----	-----

(d)	Gold Mining Companies	623
-----	-----------------------	-----	-----	-----	-----	-----

(e)	Private Business Concerns	624
-----	---------------------------	-----	-----	-----	-----	-----

(f)	Farmers Under Contract	624
-----	------------------------	-----	-----	-----	-----	-----

(g)	Six Constantia Farmers	625
-----	------------------------	-----	-----	-----	-----	-----

(h)	6d per Day Scheme	625
-----	-------------------	-----	-----	-----	-----	-----

(i)	Hiring of Short Sentence Prisoners to Private Persons	627
-----	--	-----	-----	-----	-----	-----

Continued

CHAPTER IX (continued)

Page No.

<u>PART II: SOUTH AFRICAN PRISONS TODAY (1974) WITH PARTICULAR ATTENTION TO PRISON LABOUR</u>				629
A.	<u>COUNTRY: SOUTH AFRICA</u>	...	...	630
B.	<u>YEAR UNDER REVIEW: 1972-73</u>	...	...	630
C.	<u>POPULATION OF SOUTH AFRICA</u>	...	...	630
D.	<u>ANALYSIS OF PRISON POPULATION</u>	...	...	630
D.1	Total Persons Admitted to Prison	...	...	630
D.2	International Comparison of Prison Populations per 100 000 of Total Population - 1971 and 1972-73	...	...	...
	(A) Prison Population per 100 000 Inhabitants Compared with Other Countries as at 1st January 1971	...	...	630
	(b) International Comparison of Prison Population 1972-73	...	...	631
	(C) Prisoners Remanded in Custody on 1.1.1971 and Numbers of Prisoners Awaiting Trial per 100 000 of Population	...	...	632
D.3	Short Sentences	...	...	633
D.4	Distribution of Sentences - 1972-73	...	...	634
D.5	Sentences of Persons in Custody on 30th June 1973	...	...	635
D.6	Summary of Crime Statistics 1972-73	...	...	637
D.7	Conviction Rate by Race and Type of Offence 1969-70	...	...	638
D.8	Daily Prison Average 1910-1973	...	...	639
E.	<u>AIMS OF PRISON LABOUR AND ORGANISATIONAL SYSTEMS IN SOUTH AFRICA</u>	...	...	640
E.1	Aims	...	...	640
E.2	Systems of Organising Prison Labour in South Africa	...	...	641

Continued

CHAPTER IX (continued)Page No.

F.	<u>WORK ASSIGNMENTS OF PERSONS SENTENCED TO</u>						
	<u>INCARCERATION</u>	...	...	...	...	...	641
F.1	Employment of Prisoners by the Department of Prisons 1947-1973	...	...	...	...	...	645
	(a) Industries	...	...	...	...	...	645
	(i) Numbers employed in prison industries						647
	(ii) Value of work - raw material purchases	...	...	...	...	...	648
	(iii) Costing of prison made articles	...					650
	(iv) Productivity	...	...	...	...	...	652
	(b) Building Section	...	...	...	...	...	652
	(c) Prison Farms	...	...	...	...	...	656
	(d) Maintenance Duties	...	...	...	...	...	660
F.2	Employment of Prisoners by Other than the Department of Prisons	...	...	...	...	...	661
	(a) Employment by Government, Quasi-Government Departments and Private Persons	...	...				662
	(b) Gold Mines	...	...	...	...	...	669
	(c) Private Business Concerns	...	...	...	...	...	669
	(d) Prison Farm Outstations	...	...	...	...	...	670
	(e) 9d per Day Scheme	...	...	...	...	...	678
	(f) Parole	...	...	...	...	...	679
G.	<u>TRADE TRAINING AND EDUCATION</u>						684
G.1	Trade Training	...	...	...	...	...	684
G.2	Education	...	...	...	...	...	693
H.	<u>SHORT TERM OFFENDERS</u>	...	...	...	...	...	701
I.	<u>COMPETITION</u>	...	...	...	...	...	704

Continued

<u>CHAPTER IX</u> (continued)	<u>Page No.</u>
J. MOTIVATION OF PRISONERS TO WORK	708
J.1 Pay (Gratuities)	708
J.2 Privileges and Concessions	714
J.3 Remission of Sentence	718
J.4 Prison Discipline	719
K. <u>PRODUCTIVITY</u>	724
L. <u>TRADE UNIONS</u>	729
M. <u>CLASSIFICATION AND PRISON BOARDS</u>	729
M.1 Observation Centres	731
M.2 Allocation Committees	732
M.3 Institutional Committees	733
M.4 Prison Boards	734
N. <u>POST RELEASE FOLLOW UP</u>	737
O. <u>PRIVATE PRE-RELEASE</u>	737
O.1 Half Way House	738
O.2 Post Release Hostels	738
P. <u>PROBATION, PERIODIC IMPRISONMENT, PAROLE</u>	739
Q. <u>PRISON FINANCE AND COST OF PRISONS</u>	746
R. <u>RECIDIVISM</u>	746
S. <u>PRISON PERSONNEL</u>	746
T. <u>MISCELLANEOUS</u>	748
T.1 Public Relations	748
T.2 Research	749

Continued

	<u>Page No.</u>
<u>CHAPTER X : THE PROPOSED FUTURE DEVELOPMENT OF</u> <u>PRISON LABOUR IN SOUTH AFRICA</u>	753
A. <u>THE PRISON BUILDING SECTION</u>	762
A.1 Economic Aspects of Building Subsidised Townships with Prison Labour	762
A.2 Penological Aspects of Building Subsidised Townships with Prison Labour	763
(a) Training	763
(b) Future Employment	766
(c) The Progressive Stage System	768
A.3 Administrative Advantages of a Prison Building System	770
(a) Scope for Employment of Persons of Differing Aptitudes	770
(b) Elasticity of Labour	771
(c) Economic Advantages of the Elasticity of Labour in the Building Section	771
(d) Persons to be Employed by the Building Section	772
(i) Persons other than parolees	772
(ii) Parolees, pass offenders and persons unable to pay fines	773
A.4 Certain Problems of the Employment of Prisoners in the Building Section	775
(a) Competition with Free Labour	775
(b) Accommodation of Building Section Employed Outside the Prisons	776
(i) Township construction projects	776
(c) Motivation of Prisoners in the Building Section	777

Continued

<u>CHAPTER X (continued)</u>	<u>Page No.</u>
A.5 The Prison Building Section and Social Defence	777
A.6 The Prison Building Section and Public Works	778
B. <u>PRISON INDUSTRIES</u>	779
B.1 Aims of Prison Industries	780
B.2 Workshop Organisation	782
B.3 Proposed Management Organisation Structure ...	787
B.4 Rationalisation of Prison Industries	789
B.5 Prisoners' Occupational Background, Prison Labour and Post-Release Employment Opportunities	791
(a) Work Skills	792
(b) Research into Work Skills of Prisoners ...	794
B.6 Location of Prison Workshops	795
B.7 Prison Industries: The Advisability and Practicability of Developing Prison Industries in South Africa Simulating Private Industry ...	802
C. <u>PRISON MAINTENANCE AND DOMESTIC DUTIES; PUBLIC WORKS AND PRISON FARMS</u>	806
C.1 Prison Maintenance and Domestic Duties ...	806
C.2 Public Works	808
C.3 Prison Farms	812
D. <u>THE EMPLOYMENT OF PRISON LABOUR BY PRIVATE PERSONS</u>	818
D.1 Parolees - Farm and Construction Work	818
D.2 The Employment of Prisoners by Private Industry - The Contract System	821
E. <u>PRISON LABOUR AND REHABILITATION</u>	825
E.1 Rehabilitation: Finding the Balance Between Employment and Other Forms of Rehabilitative Treatment	828
E.2 Rehabilitation: Work and the Progressive Stage System	829

Continued

CHAPTER X (continued)Page No.

F.	<u>REHABILITATION: WORK AND REHABILITATIVE TREATMENT</u> <u>RELATED TO LENGTH OF SENTENCE</u>	...	...	...	836
F.1	Classification, Central Recording of Data, Supervision	...	...	...	836
F.2	Short Term Sentences	...	...	...	840
F.3	Medium and Long Term Sentences	...	...	...	843
	(a) Classification	...	...	...	843
	(b) Work and Progressive Stage System	...	...	...	844
G.	<u>REHABILITATION: THE NEED FOR PRISONER</u> <u>CO-OPERATION</u>	...	...	...	852
G.1	Prisoner Consultation and Involvement in Goal Setting	...	...	...	852
G.2	Motivating Prisoners to Work	...	...	...	854
	(a) Wages	...	...	...	854
	(b) Weekend Home Leave	...	...	...	862
	(c) Annual Leave	...	...	...	866
	(d) Remission of Sentences	...	...	...	867
	(e) The Progressive Stage System and Pre-Release Treatment Including Work Release	...	...	...	871
G.3	Breaking Down the Prison Culture	...	...	...	876
H.	<u>REHABILITATION: THE ROLE OF PRISON STAFF</u>	...	...	...	884
H.1	Recruitment and Training	...	...	...	886
H.2	Limitations on the Influence of Prison Officers	...	...	...	888
H.3	Custody or Rehabilitation	...	...	...	890
H.4	Finance	...	...	...	892
I.	<u>PUBLIC PARTICIPATION IN THE PREVENTION OF CRIME</u> <u>AND TREATMENT OF OFFENDERS</u>	...	...	...	892
I.1	Community Responsibility for Crime	...	...	...	892

Continued

CHAPTER X (continued)Page No.

I.2	Public Participation in the Criminal Justice System	894
(a)	Crime Prevention and the Apprehension of Offenders	895
(b)	Prison Visitors	896
(c)	Probation - Use of Volunteer Probation Officers	897
(d)	The Role of Commerce, Industry and the Trade Unions	900
(e)	The Role of Educational and Research Bodies	903
(f)	The Role of the Department of Prisons	904
(g)	Planning Bodies	905
(h)	Community Participation on Parole Boards	907
(i)	Short Term Return Centres	909
(j)	The Reintegration of Released Prisoners with Society	910
	<u>CONCLUSION</u>	912
	<u>APPENDICES</u>	915
	<u>BIBLIOGRAPHY</u>	958

LIST OF TABLES

	<u>Page No.</u>
<u>CHAPTER VII</u>	
Table 1A	Distribution of Prison Labour Systems by Country 1953 349
1B	Distribution of Prison Labour Systems by Country/State 1972-73 351
2A	Work Assignments of Persons Sentenced to Incarceration, By State 1953 355
2B	Work Assignments of Persons Sentenced to Incarceration, By State 1972-73 356
3A	Policies Followed to Minimise Competition Between Prison Labour and Free Labour and Industry 1953 362
3B	Policies Followed to Minimise Competition Between Prison Labour and Free Labour and Industry 1972-73 364
4A	Prisoner Remuneration and Free Wages, by State 1953 369
4B	Prisoner Remuneration and Free Wages, by State 1972-73 371
<u>CHAPTER IX</u>	
Table 1	International Comparison of Prison Population per 100 000 of Population 1 January 1971 630
2	International Comparison of Prison Population per 100 000 of Population 1972-73 631
3	International Comparison of Prisoners Awaiting Trial per 100 000 of Population January 1971 632
4	Distribution of Sentences 1972-73 634
5	Sentences of Persons in Custody on 30th June 1973 635
6	Prisoners Serving Sentences of Two Years or Over on 30th June 1973 636

Continued

CHAPTER IX (continued)Page No.

Table 7	Survey on Crime Statistics 1972-73	637
7A	Conviction Rates by Race and Type of Offence 1969-70	638
8	Daily Prison Average 1910-1973	639
9	Work Assignments of Persons Sentenced to Incarceration 1953 and 1973	642
10	Prisoners Employed in Prison Industries 1953-1973	647
11	Raw Material Purchases	648
12	Value of New Machinery	650
13	Sums Allocated for Building Work	654
14	Farming Activities 1966	657
15	Prison Farms: Numbers Employed, Prison Staff, Area of Farms	658
16	Trade Tests 1972-73	687
17	Trade Tests 1971-72 and 1972-73	688
18	Prisoners Serving Sentences of Two Years or Longer 1971 to 1973	689
19	25 Per Cent of Male Prisoners Serving Two Years or Longer 1971 to 1973	689
20	Number of Prisoners Entering School, Technical and Academic Examinations 1968 to 1973	694
21	Passes in Various Scholastic and Technical Examinations 1968-73	694
22	Passes in Miscellaneous Courses 1968-73	695
23	Comparison of Successes as per Table 21 with the Number of Prisoners Serving Sentences of Two Years or Longer 1968-1973	696
24	Prisoners Completing Literacy Course	699

Continued

CHAPTER IX (continued)Page No.

Table 25	Persons Sentenced to Two Years or Less in Custody on 30th June 1973	702
26	Gratuity Scale European Prisoners, August 1974	710
27	Gratuity Scale Non-European Prisoners, August 1974	711
28	Prisoners' Letters	715
29	Prison Visits	715
30	Disciplinary Offences 1968 to 1973	721
31	Deaths in Prison 1969-73	722
32	Convictions for Assaults in Prison 1966-68	722
33	Escapes from Prison 1968 to 1973	723
34	Analysis of Prison Industries 1968-73	725
35	Analysis of Prison Industries, Sweden, U.S.A. and England 1971-73	726
36	Persons Supervised by Prison Boards	735

CHAPTER X

Table 1	Short Term Offenders	841
2	Work and Progressive Stage System	844
3	Prisoner:Staff Ratio in South African Prison Labour Sections	889

LIST OF APPENDICES

		<u>Page No.</u>
APPENDIX I	Psychological Testing and Classification	917
II	Public Works by Convict Labour	923
III	Work Suitable for Prisoners in South Africa	924
IV	Review of Prison Labour at Victor Verster Training Prison	936
V	Trade Tests 1972-73	952
VI	Statistics on Prison Employment	954

C H A P T E R V I IPRISON LABOUR - SURVEY OF
CURRENT INTERNATIONAL PRACTICEPART I : BRIEF SUMMARY OF RESEARCH FINDINGS

- A. SYSTEMS OF ORGANISING PRISON LABOUR
 - A.1 Systems in Which Private Interests Play a Role
 - (a) Lease System
 - (b) Contract System
 - (c) Piece-Price
 - A.2 Systems in Which Private Interests Play No Role
 - (a) Public or State Account
 - (b) State Use
 - (c) Public Works and Ways
 - (d) Private Pre-Release
 - A.3 Public Works and Ways
- B. PRISONER CLASSIFICATION FOR WORK
 - B.1 Industries
 - B.2 Handicrafts
 - B.3 Agriculture
 - B.4 Construction and Conservation
 - B.5 Maintenance
 - B.6 Vocational Training
- C. SHORT

- C. SHORT TERM OFFENDERS
- D. COMPETITION
- E. REMUNERATION
- F. PRODUCTIVITY - PROFIT ORIENTATION
- G. PRE-RELEASE

PART II : INTERNATIONAL SURVEY OF PRISON LABOUR

SUBJECT INDEX TO INTERNATIONAL SURVEY

PRISON LABOUR - COUNTRIES SURVEYED 1973/74

C H A P T E R V I IPRISON LABOUR - SURVEY OF
CURRENT INTERNATIONAL PRACTICEPART I : BRIEF SUMMARY OF RESEARCH FINDINGS

In 1955 the United Nations Secretariat prepared a detailed international survey on prison labour.¹ Since then there has been no international survey although the Council of Europe has recently commissioned Mr. Neale - Head of the United Kingdom Directorate of Prison Industries and Supplies - to review current European practice for a meeting of the Council of Europe in May 1975, to discuss prison labour.² The report below is based on a brief questionnaire prepared in 1974 and sent to those countries who had taken part in the U.N. 1955 Survey - in addition questionnaires were sent to certain American States - as the total population and prison population of some American States are greater than the corresponding population in some countries, and certain States are more willing to experiment with correctional treatment.

The U.N. Survey of 1955 presented its report under the following headings:

¹U.N. Prison Labour 1955, ST/SDA/SD/5. The information was usually based on the position in the various countries during 1953 although the Report was not published until 1955.

²See p. 401 infra.

- Chapter 1 The Legal and Administrative Bases of Prison Labour.
- 2 Systems of Organising Prison Labour
- 3 The Organisation of Prison Labour for Public Works.
- 4 Competition with Free Labour and Industry.
- 5 Remuneration of Prisoners; Regulations Governing the Expenditure of Income; Aid to Dependents.
- 6 Prisoner's Occupational Background, Prison Labour and Post-Release Employment Opportunities.
- 7 The Prisoner and Measures of Social Protection.

In this way different aspects of Prison Labour were highlighted for discussion purposes at the U.N. Conference in 1955. The advantages of following the U.N. format in this survey would be primarily the comparability with the 1955 survey and the greater emphasis which subject headings give on different aspects of prison labour. However, the author considers it more useful to review each country separately. In this report a compromise has been adopted - the U.N. format has been followed in the preparation of the Tables but otherwise the survey is presented under the heading of each of the countries who replied.

The author's questionnaire is somewhat similar to the 1955 questionnaire save for the omission of the "legal and administrative bases of prison labour" and "the prisoner and measures of social protection" - in addition certain further matters are highlighted:

- (a) Trade Training
- (b) Short Term Offenders
- (c) Productivity
- (d) Classification - particularly Skill/Employment Aptitudes
- (e) Pre-Release

The purpose of such a survey is to learn how different countries treat the various aspects of the employment of prisoners so that broad trends and the reasons for them can be analysed, and where applicable compared with the situation in South Africa.

Certain of the countries are surveyed in far greater detail than others. This is either because the author has visited penal institutions in these countries or has been able to obtain detailed information about them. Many countries went to considerable trouble in answering the questionnaire, and, that the majority of countries written to actually replied, is proof of the willingness of countries to share their knowledge and co-operate in penological matters. One of the problems of any survey of this nature is that unless the compiler actually visits each of the countries being surveyed he is unable to check his data, or to ask for clarification on matters which can be interpreted in more ways than one.

A. SYSTEMS OF ORGANISING PRISON LABOUR

The systems of organising prison labour can be divided into two main groups.¹

¹A more detailed description of the different systems of organising prison labour is to be found in Chapter IV, pp. 250-260.

A.1 Systems in Which Private Interests Play a Role

(a) Lease System

The lease of prisoners to private persons, either under the control of the State or that of private persons.

(b) Contract System

Under this system all the inmates of an institution are hired out to a private entrepreneur who furnishes - within prison confines - tools, machinery and raw materials, and who supervises the work of the prisoners through his own foremen.¹

(c) Piece-price

The State executes orders for private contractors who agree to pay a fixed price for each article produced.²

A.2 Systems in Which Private Interests Play No Role

(a) Public or State Account - the production of goods by the State for sale on the open market.

(b) State Use - the production of goods for use by the State or State-aided bodies.

(c) Public Works and Ways - the employment of prisoners under State supervision on State projects such as road

¹U.N. Report on Prison Labour 1955, op cit., p. 11.

²Ibid.

T A B L E 1A¹
DISTRIBUTION OF PRISON LABOUR SYSTEMS,
BY COUNTRY

<u>Country</u>	<u>Prison Labour System</u>						
	<u>Lease</u>	<u>Contract</u>	<u>Piece Price</u>	<u>Public Account</u>	<u>State Use</u>	<u>Public Works</u>	<u>Private Pre-Release</u>
Austria	x ^a			x	x		
Belgium		x	x		x		
Denmark	x ^c			x	x	x	x
Finland		x	x		x	x	
France	x	x	x	x	x		x
Greece ²				x	x		
Ireland					x		
Italy				x	x	x	
Luxembourg ¹					x		
Netherlands ²	x ^b				x		x
Norway ²		x		x	x		x
Sweden				x	x	x	x
Switzerland				x	x		
United Kingdom	x		x		x	x	x
Yugoslavia ¹				x			
<u>North America</u>							
Canada					x		
U.S.A.					x	x	
<u>Latin America</u>							
Argentina				x	x		
Chile	x				x	x	
Costa Rica					x	x	
Cuba				x	x		
Haiti					x		
Mexico ³				x	x		
Uruguay				x			
<u>Middle East</u>							
Lebanon ⁴							
Israel			x	x	x		
Syria ⁵						x ^c	
Turkey						x	

Continued

¹Tables 1A, 2A, 3A and 4A relate to 1953 and have been extracted from the U.N. Report on Prison Labour 1955.

TABLE 1A (continued)

	<u>Lease</u>	<u>Contract</u>	<u>Piece Price</u>	<u>Public Account</u>	<u>State Use</u>	<u>Public Works</u>	<u>Private Pre- Release</u>
<u>Africa</u>							
Union of South Africa	x				x	x	
<u>Asia and Far East</u>							
Burma ⁵				x	x		
India ⁵						x	
Indonesia					x		
Japan	x	x				x	
<u>Oceania</u>							
Australia:							
New South Wales					x	x	
Queensland					x		
Tasmania					x		
Victoria					x	x	
Western Australia				x	x		
<u>New Zealand</u>	x ^a				x	x	

¹Prisoners used in public works only under exceptional circumstances.

²Either contract or piece-price is also used.

³Public Account is used in Uruguay, but information on other systems is not available.

⁴Either contract or piece-price used; prisoners are employed on public works only on special order of Ministry of Interior.

⁵Prisoners are used in public works, but information not available on other systems.

^aAgricultural gang-work on daily basis.

^bPolitical prisoners working in coal mines.

^cRarely used.

T A B L E 18
DISTRIBUTION OF PRISON LABOUR SYSTEMS,
BY COUNTRY/STATE 1972-73

<u>Country</u>	<u>Prison Labour System</u>						<u>Private Pre- Release</u>
	<u>Lease</u>	<u>Contract</u>	<u>Piece Price</u>	<u>Public Account</u>	<u>State Use</u>	<u>Public Works</u>	
<u>Europe</u>							
Austria	x			x	x		
Belgium	x	x			x		x
France	x	x	x	x	x		x
Italy		x			x		
Luxembourg					x		
Netherlands		x			x		x
Sweden				x	x		x
Switzerland				x	x		x
United Kingdom	x	x	x	x	x	x	x
West Germany	x	x			x	x	x
<u>North America</u>							
California					x	x	x
Canada					x		x
Colorado					x	x	x
New Jersey					x	x	x
U.S. Federal					x		x
<u>Middle East</u>							
Israel			x	x	x		x
Turkey					x	x	x
<u>Africa</u>							
Republic of South Africa	x				x	x	x
<u>Asia</u>							
Japan		x	x	x	x		
<u>Oceania</u>							
New South Wales					x		
New Zealand					x		x
Queensland					x		
South Australia					x		
Tasmania					x		

building and maintenance, building construction, forestry, land reclamation etc.

- (d) Private Pre-Release - prisoners nearing the end of their sentences are released daily to work for private entrepreneurs under normal conditions of freedom. Prisoners return to the prison - usually a separate hostel section - every evening after work.

As can be seen from Tables 1A and 1B (see overleaf) the most common of these different systems throughout the work are those where the prisoners are kept totally under State control - such as Public Account, State Use and Public Works and Ways. This has developed as a result of exploitation of prison labour by private persons, and objections to the competition of prison labour by organised labour and private industry. However the author believes that a trend is developing back to the private employment of prison labour, particularly under the contract system. This trend is the result of increased prosperity and education so that workers feel less threatened by the possibility of unemployment as a result of prison made articles undercutting their market, while employers are being made increasingly aware that prison production, if sufficiently diversified, will have little effect on their markets.

The author welcomes this trend but feels that great care should be taken to limit the private employment of prisoners to those industries which are least affected by economic recessions.

A.3 Public Works and Ways

In 1955 the U.N. Report on Prison Labour stated that the participation of prisoners in public works was very limited "Despite the wide opportunity for such utilization of prisoners, especially in less-developed countries where wide-spread idleness among convicts is prevalent."¹

Unfortunately the 1953 Report had insufficient data to separate those States which were using prison labour for general public works and those who were using them solely for prison construction.²

In order to avoid this difficulty the author's questionnaire specifically asked for the numbers of persons employed in public works. As can be seen from Table 1B in Europe, of the countries who answered the questionnaire, only the United Kingdom and West Germany employed prisoners in this way. However, the author understands that in addition, Italy, Finland and Denmark should be included. In America a large number of States employ prisoners on Public Works but such work is almost invariably restricted to forestry and fire fighting. In South Africa over 10 per cent of the prison population is employed by different State departments, usually in some form of simple manual labour.³

¹U.N. Report on Prison Labour, op cit., p. 37.

²Only Denmark (280 prisoners), Finland (580 prisoners), Costa Rica (100 prisoners) and Japan (3 599 prisoners) gave details of extra mural public works.

³See Chapter IX, p. 662.

The author believes there is scope for a far greater use of prison labour on public works in South Africa.¹ In the United Arab Republic some prisoners are employed in reclaiming the desert. Particularly industrious prisoners are given land grants in these areas after their release.²

B. PRISONER CLASSIFICATION FOR WORK

In the majority of countries only long term prisoners are carefully classified as to their work aptitudes and ability. The role of work in the reformation/rehabilitation of offenders is rarely clearly defined, and virtually no research has been done either into the work skills and habits of prisoners prior to imprisonment or after release.³

B.1 Industries

Since the U.N. Conference on Prison Labour in 1955 there has clearly been a swing towards greater employment of prisoners in prison industries as shown by a comparison of Tables 2A and 2B.⁴ From these tables it can be seen that all but three states were employing a higher percentage of prisoners in industry in 1973 than they were in 1953. The exceptions are The Netherlands, The Republic of South Africa, and the Australian States.

¹See Chapter X, particularly the section on the construction of State housing.

²U.N. "The Integration of Prison Labour with the National Economy" J. Carlos Basalo 1960. A/Conf/17/1, p. 28.

³In England research has recently been conducted into the work skills of Medium Term prisoners. See p. 460 infra.

⁴See overleaf.

TABLE 2A

WORK ASSIGNMENTS OF PERSONS
SENTENCED TO INCARCERATION, BY STATE

Country	Industries	Handicrafts	Agriculture	Construction and Conservation	Maintenance	Other Employment	Not Employed	Total
<u>Europe</u>								
Belgium ¹	689	50	239	----- 1 427 ^a -----		1 574	1 283	5 262
Denmark ²	950	333	443	280	656	242	224	3 128
Finland ³	1 086	941	1 077	1 069	1 121	354	1 055	6 703
France ⁴	1 570	1 500	187	330	2 100	520	972	7 179
	90	2 480	123	180	1 650	415	1 831	6 769
Greece ⁵	150	306	1 060	123	-	836	2 234	4 809
Ireland ⁶	-	218	42	30	36	85	47	458
Italy ⁷	1 960	2 280	2 175	646	5 026	1 934	15 831	29 852
Luxembourg ⁸	54	23	19	7	29	8	9	149
Netherlands ⁶	1 058	399	276	-	1 062	95	455	3 345
Norway ⁹	-	463	151	75	232	87	565	1 573
Sweden ¹⁰	808	-	234	464	523	380	841 ^b	3 250
Switzerland ¹¹	303	312	574	69	144	128	96	1 626
United Kingdom ¹²	11 133	1 405	1 250	2 590	5 312	63	2 413 ^b	24 166
<u>North America</u>								
Canada ⁷ (Dominion)	647	797	381	744	920	923	522	4 934
Provinces:								
Alberta ¹	60	31	157	54	95	91	167	655
Manitoba ⁷	-	50	175	-	216	10	69	520
Newfoundland ⁶	3	3	14	33	28	2	16	99
Ontario ⁷	448	40	306	247	968	383	345 ^c	2 737
Saskatchewan	-	27	75	10	48	35	58	253
United States of America (Federal) ²	3 803	-	1 160	1 170	3 741	3 785	3 602	17 261
New Jersey (USA) ⁷	955	94	232	161	1 341	206	632	3 712
<u>Latin America</u>								
Argentina ⁷	851	375	515	231	447	247	225	2 891
Uruguay ⁶	113	-	-	-	65	64	163	405
<u>Middle East</u>								
Israel ¹³	109	160	95	126	328	45	201	1 064
<u>Africa</u>								
Union of South Africa ⁶	1 349	1 552	4 982	2 395	9 361	4 579	7 353	31 571
<u>Asia and the Far East</u>								
Burma ⁶	347	1 549	635	-	1 363	1 091	106	5 091
Indonesia ⁷	5 358	6 195	5 790	-	-	-	-	17 343
Japan ⁶	20 756	12 293	2 208	3 599	10 134	10 917	6 361	66 268
<u>Oceania</u>								
Australian States:								
New South Wales ⁷	746	-	338	223	595	-	348	2 250
Queensland ⁷	106	157	173	35	76	63	23	633
Victoria ¹⁴	400	-	300	-	400	-	100	1 200
West Australia ⁶	64	96	20	-	64	57	24	325
New Zealand ⁶	23	77	304	148	321	124	123	1 120

¹Daily average, 1952²Daily Average, 1951³Average of 2 February 1953 and 3 August 1953⁴1 January 1954. First row: maisons centrales; second row: maisons d'arrêt.⁵1 February 1954. In addition there were 4 226 Communist prisoners not compelled to work.⁶Daily average, 1953⁷Daily average, period not stated⁸Daily average, November 1953 to February 1954⁹Daily average, 1 July 1950 to 30 June 1951¹⁰1 February 1954¹¹1 March 1954; seven institutions¹²Daily average, 1 April to 31 March 1952¹³1 January 1954; six institutions¹⁴Daily average, period not stated. All figures approximate^aConstruction, conservation and maintenance are combined^bIncludes prisoners awaiting trial^cIncludes 286 prisoners assigned to academic and vocational training

T A B L E 28

WORK ASSIGNMENTS OF PERSONS

SENTENCED TO INCARCERATION, BY STATE 1972-73

<u>State or Country</u>	<u>Year</u>	<u>Industries</u>	<u>Handicrafts</u>	<u>Agriculture</u>	<u>Construction and Conservation</u>	<u>Maintenance</u>	<u>Vocational Training</u>	<u>Day Release</u>	<u>Other Employment</u>	<u>Not Employed</u>	<u>Total Daily Average Population</u>
Belgium	1972	2 562	-	191	217	1 128	28	131	36	1 631 ¹	5 849
France	1972	11 293 ²	-	180	818	4 360	538	644	-	12 652	30 306
Netherlands	1973	349	882	169	22	416	66	63	-	554	2 455
Sweden	1973	2 096	994	714	70	575	300	-	651 ³	-	4 971
Switzerland (Berne)	1973	40	54	108	14	27	-	-	27	-	270
United Kingdom	1972	15 581 ⁴	-	2 378	3 479	9 045	1 766	292	460	5 320	38 581
Canada	1973	1 800	100	400	-	2 000	1 000	-	3 600 ⁵	1 000	9 100
Republic of South Africa	1972	2 600	-	15 689 ⁶	3 000	15 500	394 ⁷	-	20 000 ⁸	38 224 ⁹	95 015
Turkey	1973	2 078	3 238	2 602	312	964	5 085	355	1 904 ¹⁰	-	34 978
Japan	1973	21 641	6 912	691	553	11 520	1 844	-	2 300	2 300	46 083
Australia:											
New South Wales	1972-73	510	-	140	-	-	-	-	-	-	4 155
Queensland	1973-74	250	10	400	-	20	-	-	-	-	1 497
South Australia	30.6.74	453	10	180	20	45	-	-	55	-	763
Tasmania	1972-73	204	18	93	-	18	-	36	-	-	371
New Zealand	1973	400	-	800	-	250	-	130	850	-	2 500

356.

General Notes and Footnotes to this Table are given on the following page.

NOTES TO TABLE 28General Notes

1. The daily average prison populations and the numbers of prisoners assigned to different occupations are rarely exactly the same for obvious reasons.
2. Prison Population: Few countries differentiated between sentenced and unsentenced prisoners.
3. Industries and Handicrafts: The distinction between industries and handicrafts is somewhat vague, and some countries, such as France, include under industries, work which other countries might call handicrafts.
4. Trade Training: In most cases the number of persons receiving trade training in an entire year have been given. The numbers being trained on a daily basis will be smaller.

Footnotes

1. Belgium: Unemployed 1 631, including pre-trial 991 and sick 439.
2. France: This includes approximately 10 000 engaged in what is really handicraft work.
3. Sweden: Mainly studies.
4. United Kingdom: 30th June 1972.
5. Canada: 40 per cent of all detainees are engaged in technical, academic or trade training.
6. South Africa: In practice far more prisoners were employed in agriculture, for this figure only includes the 6 200 prisoners employed on State farms and the 9 489 prisoners held in prison farm outstations. For further detail see note 8.
7. South Africa: During 1972-73 394 prisoners took trade tests, no figures are available for the numbers undergoing proper trade training.
8. South Africa: These 20 000 prisoners were released on a daily basis to work for Government Departments, Provincial Local Authorities, and private persons - the latter were usually farmers.
9. South Africa: This includes 18 879 persons awaiting trial. Some of the remaining 19 345 unemployed prisoners should be placed under 'handicrafts' or 'other employment' but the Department of Prisons was unable to state how many.

B.2 Handicrafts

The author has considerable reservations as to how different states classify handicrafts. It would seem that all countries are employing fewer people in handicrafts with the exception of The Netherlands. The author is quite certain that this is merely a question of definition, for the handicrafts in which prisoners in Holland are employed are for private firms and in most countries this work would be classified under industry.

B.3 Agriculture

All countries with the exception of France, Canada, Japan and New South Wales, have increased the percentage of prisoners employed in agriculture. Presumably these prisoners are employed in open or semi-open conditions and the increased numbers of prisoners employed in this way are a result of the recent trends towards open prisons.¹

B.4 Construction and Conservation

The percentage of prisoners employed in construction and conservation are slightly down in most of the countries reviewed. Unfortunately no distinction has been drawn between construction work and conservation work. Certainly in England the percentage of prisoners employed in construction work has increased.

¹See U.N. Report on Short Term Imprisonment, in particular pp. 47-52 on the use of Open Prisons. U.N. A/Conf/17/5, 1960, pp. 47-52.

B.5 Maintenance

Maintenance work is another vague area which requires more careful definition if comparisons between different countries are to be meaningful. By maintenance the author means institutional maintenance "the work of day to day housekeeping, including food preparation and sanitation."¹ Maintenance in the majority of countries is between 15 per cent and 20 per cent of all prisoners. The only significant changes since 1953 in the various countries reviewed is that a lower percentage of prisoners are employed in this way in The Netherlands, South Africa² and New Zealand. The only countries employing a higher percentage of prisoners in this way were Japan and England - the two countries with the most industrialised prison systems. Once again the author feels that further research would explain this anomaly for both Japan and England are extremely conscious that maintenance duties are of extremely limited training value.³

B.6 Vocational Training

No figures were given in the 1953 Review of Prison Labour of the numbers receiving vocational training. With the exceptions of the United Kingdom, America and the various

¹U.N. Report on Prison Labour, op cit., para 350, p. 94.

²The change in South Africa has been from approximately 30 per cent to approximately 15 per cent.

³With the possible exception of training as a cook. The author has reservations about the value of training as a steward or waiter for the opportunities for petty theft in this type of work are considerable.

American States,¹ Canada, Turkey and Japan the percentage of prisoners receiving trade or vocational training is extremely limited. It is significant that it is those countries who are most concerned with the efficient, productive and profitable use of prison labour who have also the best record for vocational training.²

C. SHORT TERM OFFENDERS

The problems of short periods of imprisonment were the subject matter of a substantial part of the 2nd United Nations Congress on The Prevention of Crime and the Treatment of Offenders,³ and more recently the Council of Europe Report in 1974.⁴ The author has little to add to the conclusion of the latter report that:

In principle, there is no difficulty in implementing programmes of treatment during short terms of imprisonment. However, these programmes must be defined in different terms from those employed hitherto, which have been geared to long sentence and time-tabling as much as to the treatment.⁵

However, finance, more than anything else, will dictate the provision of short term training courses. As will be seen from Chapter X

¹As insufficient details of prisoners' work assignments were received from the U.S.A. they have been excluded from Table 2B. However, it can be seen from the reviews of the Federal Prison System and that of the other States that vocational training plays a major part in the treatment process.

²In Sweden and the Netherlands the emphasis has been on reducing the length of prison sentences, as a result only a small percentage of prisoners have sentences of sufficient length for full training.

³See in particular the Report prepared by the U.N. Secretariat in 1960, A/Conf/17/5.

⁴More recent (1974) Report of the Council of Europe - Report of the European Committee on Crime Problems on Short-Term Treatment of Adult Offenders (Strasbourg: E.C.C.P., 1974)

⁵Ibid., p. 25.

the author believes that short term prisoners can be usefully employed in both prison industries and prison building sections.¹ This already is the case in both Sweden and the United Kingdom.²

D. COMPETITION

A comparison of Table 3A "Policies followed to Minimise Competition Between Prison Labour and Free Labour and Industry," which was prepared by the U.N. Secretariat in 1953, and Table 3B prepared in 1974 by the author, shows that while "state consumption" is still the most common means of preventing competition there has been a significant development in the sale of prison made goods at market prices. In 1955, of those countries reviewed by both the U.N. Report and the 1974, Report only Sweden, Switzerland, the United Kingdom and Japan sold goods at open market prices. By 1974 Austria, Belgium, France, Canada and certain American States were also selling goods at market prices. However certain of these States were selling their goods to tax aided or State controlled bodies³ so it must not be thought that sale at open market prices automatically means the sale of goods on the open market.

Non-competitive work locales are still rare, while only Sweden can be added to the list of States paying market wages.⁴

(Text continued on p. 366)

¹See Chapter X, p. 772.

²See Report on Sweden and the United Kingdom, infra, p. 480 and 414.

³The author has incomplete data as to which countries sell prison made goods on the open market and those which do not. Of the countries which have adopted this policy since 1953 Belgium, France and Canada certainly sell goods on the open market, while in the United States this is done by the States of Indiana, Maine and Minnesota.

⁴Prison wages are dealt with in more detail, infra, p. 366.

POLICIES FOLLOWED TO MINIMISE COMPETITION
BETWEEN PRISON LABOUR AND FREE LABOUR AND INDUSTRY

	State Consumption	Market Prices	Regulative Body	Non- Competitive		Market Wages	Preferential Order of Sale	Concentration on Goods Not Made by Free Labour	
				Work Locales	Other			Labour	Other
Austria	x		x					x	
Belgium	x								
Denmark			x						
Finland				x		6 x			1 x
France	x	x							
Greece	x								
Ireland	x								
Italy									
Luxembourg	x					7 x6 x		x	3 x
Netherlands	x								
Norway		x							
Sweden	x	x		x					4 x
Switzerland	x	x							
United Kingdom	x	x							
Yugoslavia	x	x				x			5 x2 x
Canada	x								
U.S.A.	x		x						
Argentina							x		
Costa Rica	x						x		
Cuba									
Mexico	x								
Israel	x								
Union of South Africa	x								
Burma									
Indonisea	x								
Japan		x							
Australia	x			x					
New Zealand	x								x

362.

FOOTNOTES TO TABLE 3A

1. (a) Production of goods already produced in volume in free society.
(b) Avoidance of concentration on single product.
2. Prisoner hours and working conditions identical with those of free workers.
3. In industries where competition might be an issue, no orders are accepted by prisons except through the agency of regularly established local businesses.
4. (a) Prison-made goods are not advertised.
(b) No competitive bidding.
5. Diversification.
6. To forestry camp workers only.
7. Only to political prisoners employed in mines.

POLICIES FOLLOWED TO MINIMISE COMPETITION
BETWEEN PRISON LABOUR AND FREE LABOUR AND INDUSTRY

1972-73

	<u>State Consumption</u>	<u>Market Prices</u>	<u>Regulative Body</u>	<u>Non- Competitive Work Locales</u>	<u>Market Wages</u>	<u>Preferential Order of Sale</u>	<u>Concentration on Goods Not Made by Free Labour</u>
Austria	x	x					
Belgium	x	x ¹					
France	x	x					
Italy	x						
Netherlands	x						
Sweden	x	x			x ⁵		x
Switzerland	x	x					
United Kingdom	x	x	x ⁴				
West Germany	x	x			x ²		
California ³	x	x	x				
Canada	x	x					
Colorado	x	x					
New Jersey	x	x					
U.S. Federal	x	x	x				x
Israel	x						
Turkey	x	x					
South Africa	x						
Japan	x						
New South Wales	x	x		x			x
New Zealand	x						
Queensland	x			x			
South Australia	x						
Tasmania	x						

364.

FOOTNOTES TO TABLE 3B

1. Concentrated on goods made in large numbers by private industry.
2. Private persons hiring prison labour must pay market wages.
3. The size of individual industries are carefully limited and a wide range of products are made to prevent concentration on a few items.
4. In the United Kingdom a formal regulative body as such does not exist, but there are regular meetings every two months between the Directorate of Prison Industries and representatives of the Trade Unions and the Federation of British Industries.
5. In Sweden certain prisoners are paid full market wages and it is hoped to extend the practice if increased productivity justifies such wages.

¹ See...

² See...

³ See...

Similarly few countries have adopted the "preferential order of sale" and "concentration on goods not made by free labour" methods of minimising competition. It is to be hoped that wider public understanding of the role of prison labour in the rehabilitation of offenders, and the realisation that its economic impact is extremely small, will eventually lead to the acceptance and integration of prison labour as part of the national labour force.

E. REMUNERATION

Table 4A¹ sets out prison wages as paid in the different countries reviewed in 1953, and compares these wages with free market wages. Table 4B serves the same purpose for 1973. The comparison with free market wages is of limited value as the base rate supplied varies with the type of work being done.

Payment to prisoners is usually on a per diem basis although increasing use is being made of piece rate payments. This latter is preferred by most prisoners but can lead to friction between them and prison staff over the setting of quotas and quality control.²

In 1960 the 2nd U.N. Congress on the Prevention of Crime and the Treatment of Offenders discussed prison wages at some length. A report³ had been prepared by a consultant,

¹See pp. 369 and 371 for Tables 4A and 4B.

²See in particular the description of prisoner remuneration in England, pp. 427-433.

³J. Carlos Garcíá Basalo, The Integration of Prison Labour with The National Economy, Including the Remuneration of Prisoners A/CONF/17/1. In particular see pp. 32-47.

Mr. J. Carlos Garcíá Basalo, who reviewed the different attitudes to prisoner remuneration varying from no remuneration on the one hand to equal pay for equal work. In 1950 the Twelfth International Penal and Penitentiary Congress held at The Hague had adopted the following resolution:

Prisoners should receive a wage. The Congress is aware of the practical difficulties inherent in a system of paying wages calculated according to the same norms that obtain outside the prison. Nevertheless the Congress recommends that such a system be applied to the greatest possible extent.¹

In 1955 the Standard Minimum Rules² had laid down that prisoners should receive remuneration for their work.³ At the 1960 U.N. Congress on the Prevention of Crime and the Treatment of Offenders the section of national delegates dealing with the remuneration of prison labour declared:

- (i) The principle of remuneration for prison labour was affirmed in rule 76 of the Standard Minimum Rules for the Treatment of Prisoners.
- (ii) The payment of token remuneration to prisoners doing productive work is incompatible with current theories on prison treatment.
- (iii) The payment of a minimum wage amounting, for example to one-third of the wages of a free worker, would be a step in the right direction.
- (iv) The final aim should be the payment of normal remuneration equivalent to that of a free worker, provided output is the same both in quantity and quality. For this purpose prison work must be organized in an economic and rational way.

¹Ibid., p. 38.

²See Chapter V, p. 266.

³Standard Minimum Rule No. 76.

- (v) Normal remuneration must henceforward be demanded from private employers for whom prisoners work.
- (vi) Such a system of remuneration must be applied to all prisoners doing productive work, including those employed in domestic work whose remuneration should be regarded as a charge on the regular budget of the Prison Administration.
- (vii) The payment of normal remuneration does not mean that the total remuneration is paid to the prisoner; deductions can be made by the Administration to cover part of the cost of maintenance, the indemnification of the victim, the support of the family and the constitution of a savings fund against his release. These deductions should, however, not prevent the prisoner from retaining a portion of his wages for his personal use.

In the light of this declaration it is interesting to note that since 1960 only Sweden has started to pay full market wages¹ to a few prisoners - prior to 1960 Yugoslavia was paying full market wages. Furthermore, the suggestion that a minimum wage of one-third of normal wages has not been adopted. This is disappointing, however, the present trend towards greater industrialisation and profit orientated prison industries, as discussed below, usually entails the payment of incentive wages. Certainly in England and Belgium, who have both developed profitable prison industries in recent years, the payment of significant wages is considered essential,² although in England wages are still very low largely due to the intransigence of the Treasury.

¹See p. 488 *infra*. Particularly the description of work at Tillberga Prison.

²In Japan the Prisons Department is seemingly less convinced of the need for paying wages greater than those sums necessary for a prisoner to buy tobacco, toiletries etc., as he has nothing to spend the money on. This belief is discussed further on p.492.

TABLE 4A

PRISONER REMUNERATION AND FREE WAGES, BY STATE

<u>State</u>	<u>Prisoner Remuneration</u>	<u>Free Wages</u> [*]
<u>Europe</u>		
Austria	40-60s monthly	-----
Denmark	75-200 Øre daily	364 Øre hourly ^j
Finland	15-100 Fmks. monthly	163,53 Fmks. hourly ^k
Luxembourg	50-200 Fr. monthly	26,74 Fr. hourly ^l
Netherlands	,15-1,10 Fl. daily	8,26 Fl. daily ^m
Norway	max. 2,75 Kr. daily ^a max. 30,00 Kr. daily ^b max. 8,00 Kr. daily ^c	4,09 Kr. hourly ^k
Sweden	0,75-1,60 Kr. daily	3,45 Kr. hourly ⁿ
Switzerland	,20-1,45 Fr. daily	2,34 Fr. hourly ^j
United Kingdom	max. 4s weekly max. 5s weekly ^e	3s 8,9d hourly
<u>North America</u>		
Canada (Dom.)	,10-,20 ¢ daily	52,13 ¢ weekly ^o
British Columbia	,10 ¢ daily	
<u>Latin America</u>		
Chile	max. 30 pesos daily ^f	143,45 pesos daily ^{k m}
<u>Middle East</u>		
Israel	0,110-0,500 Il daily ^g 50 piastres daily	4,37 Il daily ^{k o} -----
<u>Africa</u>		
Union of South Africa	max. 6d daily	-----
<u>Asia and Far East</u>		
India	1 Rp 8 An daily ^h	80,4 Rps. monthly ^{k p}
Indonesia	3 Rps. daily	-----
Pakistan	1 Rp 4 An monthly ⁱ	-----
<u>Australasia</u>		
Queensland	3-4d daily	
Tasmania	,50-4,50d daily	
Victoria	max. 4s daily	6s 6 1/2d hourly
West Australia	3-5s weekly	(all states)

Footnotes on following page.

FOOTNOTES TO TABLE 4A

*Source: International Labour Office Statistical Supplement, Vol. LXVII, No. 6 (December 1953) pp. 107-116. Unless otherwise indicated, these data are for 1952 and pertain to male workers only.

- a. Regular prisoners.
- b. Extra-mural work for private employers.
- c. "Occasional" building trades work.
- d. Average for piece-work only, 1951-1952.
- e. Piece-work.
- f. Carpentry shop, Santiago Penitentiary.
- g. Proposed payments.
- h. Currently on dam construction project only.
- i. Convict officers only (Baluchistan).
- j. Unskilled workers.
- k. Manufacturing industries only.
- l. Both sexes, 1949.
- m. Both sexes, 1951.
- n. 1951.
- o. Both sexes.
- p. Both sexes, 1950.

T A B L E 48PRISONER REMUNERATION AND FREE WAGES BY STATE1972-73

<u>State</u>	<u>Prisoner Remuneration</u>	<u>Free Wages*</u>
<u>Europe</u>		
Austria	1 sh 50 pf-2 sh 30 pf daily	-----
Belgium	250-8 425 Belgian Francs monthly	-----
France	Av. 319 Francs monthly	Av. 792 Francs monthly
Netherlands	1-2,80 Fl. daily	(1975) 1 000 Guilders monthly
Sweden	1,5-3,5 Swedish Crowns hourly	16-20 Swedish Crowns hourly
Switzerland	10 Swiss Francs daily	100 Swiss Francs daily
United Kingdom	0-1,89 £ weekly	£25 weekly
West Germany	1,20-2,40 D. Marks daily	Construction Work 1975 350 D. Marks weekly
<u>North America</u>		
California	5-35 U.S. cents hourly	-----
Canada	0,60-0,90 Can. \$ daily	2,20-8 Can. \$ hourly
Colorado	Av. U.S.\$1 daily	-----
New Jersey	0,46-1 U.S. \$ daily	-----
<u>Middle East</u>		
Israel	Token payment	-----
<u>Africa</u>		
Republic of South Africa	0 to R10 monthly	Whites R1 500 annually upwards; Non-Whites R30 monthly upwards
<u>Asia and Far East</u>		
Japan	Yen to value of R2-R10 monthly	-----

Continued

TABLE 4B (continued)

<u>State</u>	<u>Prisoner Remuneration</u>	<u>Free Wages</u>
<u>Oceania</u>		
New South Wales		A.\$100 per week
Queensland	32,5 cents to A.\$2,10 weekly	A.\$100 per week
New Zealand	80 cents to A.\$3,60 weekly	A.\$52,76 per week

*Source: Largely based on replies to the author's questionnaire, but where no details were given enquiries have been made with the relevant Consuls. Unless otherwise stated these wages are for 1972-73 and refer to male workers only.

F. PRODUCTIVITY - PROFIT ORIENTATION

In almost all the countries reviewed productivity in industrial workshops was significantly below that of free labour.¹ In farm and forestry work the gap is narrowed, as it is in building work. Clearly a great deal depends on the ability and co-operation of the prison work force.

A particularly significant trend that has developed since 1955 is the emphasis being placed on efficient organisation of work with the aim of simulating normal working conditions. As was seen in Chapter V, Standard Minimum Rule Number 72(1) stated:

The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

In the last six years prisoner employment has been developed along these lines in the United Kingdom,² while Canada is currently embarking on a similar programme, and the Council of Europe are considering a recommendation from Mr. K. Neale, that all prison labour should be organised in this manner.³

G. Pre-Release

¹There are certain exceptions such as the printing workshop at Louvain Prison in Belgium. See infra, p. 393.

²See infra, pp. 410-411.

³Prison labour in Japan has been organised in this way for decades. See infra, p. 552.

G. PRE-RELEASE

From the 1955 U.N. Report Table 1A one can see that only six of the countries reviewed had systems of pre-release, or day work release.¹ Today this practice is so universal that of the countries reviewed in Table 1B only five countries were still without it.² Although day release is now extremely common in that most countries have such a system its use is still extremely limited. An examination of the surveys of the different countries, particularly under F: "Work Assignments of Persons Sentenced to Incarceration" will show that no country has a large number of prisoners on work release. England, for example, had only 292 prisoners employed in this way on the 30th June 1972 out of a total prison population of 38 581.³ The author believes that the use of pre-release employment should be considerably expanded.⁴

The most significant conclusions that can be made from a comparison of the 1955 U.N. Survey and the author's 1974 survey of prison labour is that prison industries are being developed by a number of countries, in some cases along business lines, and in many countries with the goods being sold on the open market at market prices. Secondly increased use is being made of open prisons, usually with prisoners engaged in agriculture, and finally, increased use is being made of pre-release.

¹Denmark, France, The Netherlands, Norway, Sweden and the United Kingdom.

²Austria, Italy, Luxembourg, Japan and the Australian States. It is possible that work release does exist in some of these countries but replies to the author's questionnaire were not always complete in every detail.

³Includes Borstals. Prison Report for England and Wales 1972, p. 88.

⁴See Chapter X, p. 871.

P A R T I I

INTERNATIONAL SURVEY OF PRISON LABOUR

SUBJECT INDEX TO INTERNATIONAL SURVEY
ON PRISON LABOUR

- A Country
- B Year
- C Country's Population
- D Daily Prison Average
- E Systems of Organising Prison Labour
- F Work Assignments of Persons Sentenced to Incarceration
- G Trade Training. Education
- H Short Term Offenders
- I Competition
- J Prison Pay
- K Productivity
- L Trade Unions
- M Classification
- N Post Release Follow-up
- O Private Pre-Release
- P Probation, Periodical Detention, Parole
- Q Prison Finance. Cost of Prisons
- R Recidivism
- S Staff
- T Miscellaneous

PRISON LABOUR: COUNTRIES SURVEYED 1973/1974Europe

Austria

Belgium

England and Wales

France

Italy

Luxembourg

Netherlands

Sweden

Switzerland

West Germany

North America

California

Canada

Colorado

New Jersey

U.S.A. Federal

Middle East

Israel

Turkey

Africa

Republic of South Africa, see Chapters VIII and IX

A. COUNTRY - Multiple 378.

B. YEAR UNDER REVIEW - 1950

Far East

C. POPULATION OF AREA

Japan

D. PRISON POPULATION - 1,000,000

Australasia

E. SYSTEMS OF CORRECTION - 1950

Australia

New South Wales

Queensland

South Australia

Tasmania

New Zealand

Public Approval

The prison Department can set up industries inside of prisons with the permission of the authorities. They are not subject to the same laws as those of the outside world.

Cell size

See page 10

F. WORK ASSIGNMENTS TO PERSONS SENTENCED TO INCARCERATION

No details given.

¹Sources of Information:

The questionnaire was not answered. The only information available is from the German press. The information was very meager.

1. Summary of the German Press, July 1950.
2. Das Strafvollzug in Deutschland. (Prison Administration)

- A. COUNTRY: Austria¹
- B. YEAR UNDER REVIEW: 1973
- C. POPULATION OF AUSTRIA: 7 530 000
- D. PRISON POPULATION ON 31 DECEMBER 1973: 8 398
- E. SYSTEMS OF ORGANISING PRISON LABOUR: Lease, Public Account, State Use.

Lease:

1. Agricultural gang work on a daily basis.
2. Certain prisoners are permitted to work outside in private industry - permission is required from the bureau of labour to prevent competition.

Public Account:

The Prisons Department can set up industries inside the prisons with the permission of the authorities. Goods are sold both on the open market and to the State.

Cell Work:

Cell work is permitted in free time.

- F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:

No detail given.

¹Sources of Information

The questionnaire was not answered by the Austrian Department of Corrections, instead they sent two documents from which this information has been extracted:

1. Summa - Wirtschafts Berichte July 1973.
2. Der Strafvollzug in Österreich. Prisons Department, 1973.

G. TRADE TRAINING:

Vocational training is encouraged for those with suitable ability.

H. SHORT TERM OFFENDERS:

No data.

I. COMPETITION:

1. Permission is required from the Government before the Department of Prisons can set up an industry.

2. Goods must be sold at market prices.

J. PAY (R1 = 24 Austrian shillings)J.1 Labourer

For light work basic pay	1 shilling 50 pfennig per hr	(R0,06)
For heavy work basic pay	1 shilling 70 pfennig per hr	(R0,07)
Artisan	2 shilling per hr	(R0,08)
Skilled Craftsmen	2 shilling 20 pfennig per hr	(R0,09)
Prisoner Foremen	2 shilling 30 pfennig per hr	(R0,095)

J.2 Incentive Pay

(a) If a prisoner is particularly efficient machinery exists for paying up to market wages - however no prisoner is permitted to earn more than double the tariff pay over a 12 month period.

(b) Private firms employing prisoners are not permitted to supplement these wages.

(c) Pay can be reduced for bad behaviour.

J.3 Distribution of Pay

1. 50 per cent of pay is available for pocket money, the remainder is kept for their release.
2. Bonus - prisoners who have earned a bonus (incentive pay) are entitled to receive the entire sum, the 50 per cent of their basic pay being retained for their release.
3. Provision exists for advancing the retained money should circumstances require it.

J.4 Unemployment

If no work is available for a prisoner he receives 25 per cent of his normal tariff - paid monthly in arrear.

Apparently this is not uncommon as there is a shortage of work being supplied by private firms as the public are prejudiced against prisoners (see p. 29 of Summa, July 1973).

K. PRODUCTIVITY

No data given.

L. TRADE UNIONS

No data given.

M. CLASSIFICATION

Long term prisoners undergo aptitude tests for work skills and training potential.

N. POST RELEASE FOLLOW UP

Some follow-up work studies have been conducted. One study was based on Oberfucha Prison which has a capacity of 80 prisoners.

Regime: The Oberfucha regime aimed at

1. Stricter discipline
2. Greater work targets than those normal in prison.

Sample Size: (660 persons) Between 1960 to 1970 660 persons were released from Oberfucha. By 1970 173 or 26 per cent had offended again - of these 173 more than half (94) had only committed minor infringements.

O. PRIVATE PRE-RELEASE

No detail.

P. PROBATION, PERIODICAL DETENTION, PAROLE

No details received.

Q. PRISON FINANCET A B L E ACOST OF PRISON SYSTEM: PER PRISONER PER DAY

1971	95 A. shillings per day	(R4,00 per day)
1972	112 A. shillings per day	(R4,66 per day)
1973	130 A. shillings per day	(R5,42 per day)

T A B L E B

TOTAL COSTS OF PRISON IN MILLIONS OF AUSTRIAN
SHILLINGS (24 = R1)

	<u>Salaries</u>	<u>Balance</u>	<u>Total</u>	<u>R Millions</u>
1971	208,9	103,9	312,8	13,0
1972	240,2	126,9	367,1	15,3
1973	288,3	135,0	423,3	17,6
1974	365,4	145,6	511,0	21,3

T A B L E C

COST OF PROBATION: IN MILLIONS OF AUSTRIAN
SHILLINGS¹

	<u>Salaries</u>	<u>Balance</u>	<u>Total</u>	<u>R Millions</u>
1971	4,1	8,5	12,6	0,52
1972	5,6	11,7	17,3	0,72
1973	9,6	13,7	23,3	0,97

¹Unfortunately no detail of the numbers of persons on probation or the number of probation officials has been given.

T A B L E DWORK INSTITUTIONS (PRISON FARMS,
PRISON FACTORIES, ETC.)

	<u>Salaries</u>	<u>Balance</u>	<u>Total</u>	<u>Income</u>	<u>R Millions</u>
1971	7,5	36,2	43,7	57,8	2,40
1972	8,1	46,1	54,2	66,4	2,76
1973	13,0	47,7	60,7	61,1	2,55
1974	15,5	55,6	70,1	73,0	3,04

From Table D it can be seen that prison work has been increasing while the percentage profit has been decreasing - but at least the income exceeds the costs involved.

- A. COUNTRY: Belgium¹
- B. YEAR: 1972
- C. POPULATION OF BELGIUM: Approximately 10 million people
- D. PRISON POPULATION: 5 849 (on 19th July 1974). Of these 5 849 a total of 1 095 or 20 per cent were not Belgian citizens.
- E. SYSTEMS OF ORGANISATION OF PRISON LABOUR: Lease, Contract, Piece Price, State Use, Private Pre-Release
- F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:
On 28th June 1974
1. Industry: Total: 2 562
State Workshops 561; Private Industry Workshops (usually inside the prison) 1 851 men, 142 women; Maintenance: 8 employed in the Ministry of Justice.
 2. General Maintenance in Prison: 1 128
 3. Building Maintenance: 217
(Prison authorities would like to expand this section substantially).
 4. Farms: 191

¹Sources of Information

1. Annual Prison Report on Prison Labour 1972
2. Answers to Author's Questionnaire
3. A number of lengthy interviews during October 1974 with leading Belgian officials concerned with the Administration of Prisons including M. Deridder - Director General of the Administration of Penal Establishments, and the Director of Prison Labour.

5.	Social Welfare	36
6.	Trade Training:	28
7.	Unoccupied	
	(a) Pre-trial	991
	(b) No work	49
	(c) Sick or Invalid	439
	Semi liberty	52
	Semi detention	<u>131</u>
	Total on 29.6.1974	<u>5 824</u>

New Factory

During 1975 a new prison workshop will be built at Ghent to manufacture fireproof doors of which the State needs 12 000 to 15 000 per annum.

Technical Staff

There is currently one trained technician to every 20 prisoners in industry. The Director of Prison Labour believes that productivity could be greatly improved if the ratio was 1 trained staff to 10 prisoners.

Building Section

Senior officials would like a proper prison building section rather than their present maintenance section. Not only would this be of considerable training/rehabilitational value but the Department of Prisons could then extend or build new workshops, recreation halls etc.

without the considerable delays experienced by waiting for the Public Works Department.

Use of Private Industry

Approximately two fifths of all sentenced prisoners are employed in workshops inside the prisons but fitted out and supervised by private industry. This differs from the French system where most of the private industry prison labour is employed in their own cells.

There are administrative and economic advantages of involving private industry as well as various penological advantages. Administratively the Department enters a contract with a private employer for a year to supply to that entrepreneur labour, a place of work and custodial supervision. The entrepreneur has to supply machinery, raw materials, work training and supervision etc. As a result of this arrangement the Department is saved the considerable problems of organising these prisoners during the day and in addition receives a substantial sum of money to defray their expenses. Penologically the prisoner receives a training which will vary in value depending on the work which in turn will depend on the length of the prisoner's sentence and his work/trade aptitude. Payment is made by the Department but on piece rates or time bases agreed with the private employer. In the work situation, the supervisors (all non prison department) train and manage the workshops - prison warders usually stay outside the workshops. It is felt

that the contact with non-prison personnel is beneficial to the prisoner in making the work atmosphere as similar as possible to that outside the prison.

The advantage of prison labour to a private entrepreneur in Belgium is that he can obtain his labour at below market rates - mainly because it is less efficient than free labour. Being profit orientated the entrepreneur will want to maximise on his labour rate advantage and consequently will manufacture articles which have a high labour value and comparatively low raw materials value. This tends to mean that the work is repetitive and unchallenging - consequently its training value either as a skill or for teaching the work habit is somewhat limited.

This is not true of all privately organised prison labour, and possibly a detailed survey would show that only those prisoners of low work/skill aptitude are being used for simple tasks in Belgian prisons.

G.1 Trade Training

On 28.6.1974 28 prisoners were involved in full time trade training.

G.2 Education

The importance of education is recognised, but except for juvenile offenders, formal education is conducted outside working hours. About 50 per cent of all prisoners are

engaged in some educational activity. For example, at Louvain Central Prison on the 18th September 1974 there were 146 persons engaged in a total of 418 courses taught by both inmates and outside lecturers and teachers. The subjects were as follows:

<u>Subject</u>	<u>Number of Prisoners</u>	<u>Subject</u>	<u>Number of Prisoners</u>
French	30	Social Problems	58
Dutch	10	Typewriting	24
German	34	Physics	21
English	45	Music Reading and Study	49
Spanish	15	Choir	21
Italian	46	Orchestra	14
Literacy (foreigners usually)	8	Drama	<u>21</u>
		Total	<u>418</u>

H. SHORT TERM OFFENDERS

Mainly employed on domestic duties and work requiring little skill - unless they have a previous skill which can be used.

I. COMPETITION

During periods of full employment, as has been the case for a number of years, there have been no complaints of unfair competition from labour organisations or private business.

Articles made by State organised prison industries must be sold to State Departments,¹ but, as there is no compulsion on the State to buy, the quality and price must be competitive. Prices may not be below market prices.

Articles made by private industry in prison may be sold on the open market and exported, for example prison made tennis racquets are exported to America.

J. PRISONER MOTIVATION (During October 1974)

- (a) Pay
- (b) Disposal of Wages
- (c) Social Security
- (d) Remission of Sentence

Where possible pay is related to both skill and productivity, and in general is approximately 3 500 Belgian Francs per month (R66,66 per month). R1 = 52,5 Belgian Francs. This is approximately one third of wages in free industry.

J(A) Pay

1. Printing (33-35 hour week)

	<u>Belgian Francs</u>	<u>Rand</u>
Machine Operator	6 600 per month	R125
Lay Out	8 060 per month	R153
Cutting Paper	8 425 per month	R160

¹Exceptionally bricks may be sold on the open market.

2. Private Industry

Prisoners make fishing baskets, sports equipment, wooden pallets etc. They are paid on a piece rate. Factories are rarely larger than 60 to 70 prisoners.

Clothing: Experienced workers receive 4 000 to 5 000 Belgian Francs per month (R76,95 per month) while beginners receive 3 000 to 3 500 Belgian Francs per month (R57,66 per month).

3. Minimum Pay

Minimum pay is given by the State of 250 Belgian Francs per month (R4,76) for all prisoners who have not earned this sum (i.e. sick persons).

4. Training

Trade trainees receive 15 Belgian Francs per hour (R0,27).

5. Maintenance Workers

Maintenance workers are paid 15 Belgian Francs per hour, with a minimum of 150 Belgian Francs per day (R2,86 per day), even if there is insufficient work to keep them occupied. Maintenance workers include Cooks and Laundry operatives.

6. Work in Free Time

Prisoners can augment their pay by working in their free time in their cells, or doing overtime in the workshops. For example a number of prisoners do copy typing for

students at 9 Belgian Francs per 30 line page (approximately 10 English pennies or 16 South African cents).

Other work done in cells includes: assembly work for Phillips; braille copying; the making of paper bags.

J(B) Controls over Disposal of Wages

1. 50 per cent of wages earned can be spent by the prisoner with a maximum of 250 Francs on food, and 50 per cent is blocked pending release, or can be remitted to the prisoner's family.
2. There is no compulsory payment by the prisoner to his victim.
3. Inmates working outside who receive normal free wages pay 80 Belgian Francs per week for board and lodging.
4. There is no compulsion on a prisoner to send money to his family, even if the family is receiving State assistance. However he is encouraged to do so and the possibilities of his receiving remission of sentence are enhanced thereby.

J(C) Social Security

1. Legislation has recently been introduced so that imprisonment will no longer mean a break in a person's social security contributions and benefits.

2. Injury Compensation - prisoners receive the same compensation as free persons.

K. PRODUCTIVITY

1. Generally lower (approximately 60 per cent to 70 per cent) of free industry. Exceptionally the printing shop at Louvain has both a higher standard and higher productivity than that in the printing industry outside. This occupation is reserved for long term prisoners with the relevant skills and aptitude. Most government printing is now done by the Department of Prisons with a considerable saving to the State. The high productivity is due to skilled workmen with good pay and work conditions, using modern machinery.
2. Hours worked in prison are lower than those worked outside for the usual reasons of security, and interruptions for penological reasons (such as seeing the social workers etc.)

They are usually 30 to 35 hours per week as against 40 to 44 hours per week.
3. During 1972 the work section made a profit of 18,7 million Belgian Francs (R356 190).
4. Sale on Open Market and Productivity
 1. At present only bricks - some 12 million annually produced by approximately 50 prisoners - can be sold on

the open market by Prison Department controlled industry. If the prohibition of selling on the open market could be removed then labour could be used more productively and the numbers of unemployed prisoners (or those employed on unchallenging work such as some of that supplied by private industry) could be reduced.

2. Work Interruptions

Work interruptions are kept to a minimum, but unfortunately lawyers, doctors, psychologists etc. are unwilling to see prisoners outside normal consulting hours, nor will they agree to see prisoners at a specific time - such as between 11 a.m. and 12 noon.

3. Incentives

The Department would like to be free to pay higher wages to prisoners, but more important, they would like to develop a system of incentives based on home leaves and remission of sentence. The present rates of pay are sufficient to satisfy most prisoners' requirements from the canteen, and more pay as such would probably not act as a positive incentive unless some outlet worthwhile to the prisoner was available. If such money could be saved for weekend visits home then it is thought that both morale and productivity would rise.

L. TRADE UNIONS

There are tentative links with the Trade Unions, mainly concerned with artisan training. The prison officials would like to develop better relations. No prisoner trade unions exist.

M. CLASSIFICATION FOR WORK

All prisoners are classified and do the Minnesota Multifacet Personality Test - as developed and adapted for use in Belgian prisons. In addition all prisoners do a trade aptitude test. Prisoners are always consulted about their choice of work and if possible are given the work requested. A prisoner can change his work if he wants to, and this is reasonably common.

N. POST RELEASE FOLLOW-UP

Research by both the Prison Department and various universities are in progress. The reconviction rate is low, being approximately 25 per cent.

O. PRIVATE PRE-RELEASEO.1 Training

During the last few years suitable prisoners in the last period of their sentences can be permitted to work full time at outside training establishments. Such prisoners are paid 90 Belgian Francs per day by the Ministry of Labour. In July 1974 there were 10 such prisoners.

0.2 Semi-Liberty

Currently 82 prisoners are permitted to work outside and return at night. They are selected by the prison governors recommending their pre-release to the Deputy Commissioner of Prisons who takes the decision.

P. PERIODICAL DETENTION, SEMI-DETENTION: Weekend Leaves

P.1 Periodical Detention (weekend imprisonment)

On the 6th October 1974 there were 20 prisoners serving sentences of weekend imprisonment - usually a 60 day sentence - or 30 weekends. M. De Ridder - the Director General of Prisons, is very opposed to this scheme as he sees it as punitive and of little rehabilitative value. It is anticipated that the system will be phased out shortly.

M. De Ridder far prefers:

P.2 Semi-Detention (Prisoners serving sentences of up to 6 months)

On the 6th October 1974 there were 139 persons serving sentences of semi-detention. These people keep their outside jobs but live inside prison. They leave for work early in the morning (about 7 a.m.) and return to the prison by 8 p.m.. Thus they have some two to three hours after work to be with their families and lead a normal life - within the time constraints. At present semi-detention is only available for those serving sentences up to 6 months, but it will shortly be available for sentences up to 12 months.

P.3 Weekend Leaves (Furlough)

The system of weekend home furloughs (as in Sweden) are currently being studied, and some form of it will be introduced shortly. It is anticipated that it will be awarded for good conduct and good work, and will be for 1 to 3 days every 3 months.

P.4 Conditional Release (Parole)

Since 1888 Belgium has had a form of parole or conditional release. Prisoners are released conditional on their good conduct. The process is initiated by the Prison Governor writing to the "Review Board" which consists of 10 to 12 persons. This Board, which is formed of non-prison personnel, receives full reports and can visit the prisoner in his cell without any supervision. If the Review Board recommends release, then the final decision rests with the Attorney-General.

A similar system exists for remission of sentences - save that the Review Board makes its recommendations to the Minister of Justice.

Q. PRISON FINANCE

Q.1 Value of Prison Work: 1972

1. Prison Departments Revenue from:

(a) Private Industry: 48 million Belgian Francs
(R914 285)

(b) Prison Department controlled industry: 52 million
(R1 million)

Overall Profit: 18,6 million Belgian Francs (R354 285).

R. RECIDIVISM

25 per cent.

S. PRISON PERSONNEL

1 Staff : 2 Prisoners, includes administration
(England 1 : 2; South Africa 1 : 8).

Qualified Trade Staff 1 : 20.

F.4 Building ENGLAND AND WALESSURVEY OF PRISON LABOUR EMPLOYMENT PRACTICE

- (a) Wholesale Employment in Domestic Goods
as at 31st Dec 1970
- (i) Inmates
(ii) Supervisors
(iii) Senior Staff
1. Area Farmed
2. Inmates Employed
3. Aims of Farming
4. Management by Objectives
5. Training on Prison Farms
6. Aims of Prison Work in England and Wales
7. Organisation of Prison Farms
8. Trade Training
9. Vocational Training
- (a) General
(b) Construction Industry
(c) Extent of Vocational Training
10. Capacity
- (a) Place Rate
(b) Flat Rate
- A. COUNTRY
- B. YEAR
- C. POPULATION OF ENGLAND AND WALES
- D. DAILY AVERAGE PRISON POPULATION
- E. SYSTEMS OF ORGANISING PRISON LABOUR
- F.1 Assignments of Persons Sentenced to Incarceration and a Brief Description of Certain Aspects of the Directorate of Industry and Supply
- F.2 Aims of Prison Work in England and Wales
- F.3 Organisation of DIS
1. Planning
 2. Budgetting
 3. Variety of Industries
 4. Quality of Products
 5. Sale of Products
 6. Market Research
- F.4 Building Section
- (a) Main Areas of Activity
- (i) Maintenance and improvement
 - (ii) Conversion
 - (iii) Reclamation
 - (iv) New buildings (prisons etc.) and future programmes

Continued

J. F.4 Building Section (continued)

(c) (b) Value of Work

(c) (c) Numbers Employed in Building Section
as at 30th September 1974

(i) Inmates

(ii) Supervisors

(iii) Senior Staff

F.5 Farms and Gardens

1. Area Farmed

2. Inmates Employed

3. Staff Employed

4. Aims of Farming

5. Productivity

6. Management by Objectives

7. Training on Prison Farms

G. TRADE TRAINING

G.1 Vocational Training

(a) General

(b) Construction Industry

(c) Extent of Vocational Training

H. SHORT TERM OFFENDERS

I. COMPETITION

J. PAY

(a) Piece Rate

(b) Flat Rate

Continued

J. PAY (continued)

(c) Incentive Pay

(d) Regulations Governing the Expenditure of Income

K. PRODUCTIVITY

Industrial Profitability

Prison Industries Productivity Compared with Outside Industry

Labour Turnover

Motivation

L. TRADE UNIONS

M. CLASSIFICATION

1. Long Term Offenders and Short Term Offenders

2. Aims of Assessment Process

3. Security Classification

4. Work Allocation

N. POST RELEASE FOLLOW UP

N.1 Adult Offenders Reconviction Rates

N.2 Employment of Ex-Offenders

O. PRIVATE PRE-RELEASE

P. PAROLE AND REMISSION

Q. COST OF PRISON IN ENGLAND AND WALES

Continued

R. RECIVIDISM

S. STAFF

T. MISCELLANEOUS

T.1 Coldingley Industrial Training Prison

Workshops at Coldingley

Work Conditions

Is Coldingley a Success?

T.2 Recent Research into Prison Industries

(a) Research into Prison Industry, by Stephen Brodie

(b) Medium Term Prisoners: A Survey of Work Done
In and Outside Prison, by Susan Fairhead and
Dr. Charlotte Banks

(c) Industrial Work in a Prison Context - Problems
and Potential, by Sandra J.N. Dawson

(d) Power and Influence in Prison Workshops, by
Sandra J.N. Dawson

SUMMARY OF PRISON EMPLOYMENT IN ENGLAND AND WALES

ENGLAND AND WALES: INTRODUCTION

This survey is based on a number of visits to British prisons over the last ten years, interviews with senior prison officials and a mass of documentation, the most recently studied being listed below. During September and October 1974 the author visited prisons in Britain and discussed prison labour at some length with officials of the Home Office Prison Department, the Home Office Research Unit, and a number of academics who had carried out research into different aspects of the English prison system.

Among those who were most helpful were:

- A. Home Office Research Unit: Dr. Charlotte Banks Ph.D.,
Senior Research Officer -

Dr. Banks planned and either supervised or carried out a great deal of the research carried out by the HORU over a number of years. Some of this research has been published, while some is awaiting the approval of Home Office officials before it can be officially released. In particular the author has either studied the reports or discussed with Dr. Banks the following research projects:

1. "Prison Industry" (Research Period 1969-1973) by Stephen Brodie(HORU) -

A small exploratory investigation was carried out into the relation between results of tests of general and special aptitudes and successful performance in a prison tailors' shop. A

report on the distribution of abilities among men in an open prison has been prepared.

(Summary of Research within the HORU and of Research supported by Grant. June 1974, p. 16.)

2. "Survey of the Prison Population" (Research period 1971-1974) -

Dr. Banks and three research colleagues are currently conducting "a survey of men in the south-east region ... to provide systematic descriptions of a representative sample of the prison population, ..."

3. "Medium Term Prisoners: A Survey of work done in and Outside Prison" (Report dated July 1974. Research carried out by Susan Fairhead and Dr. Banks)
4. "Draft Report on Research in the Prison System" (1967, Dr. Banks)
5. "Parole Prediction" - C.P. Nuttall

Chris Nuttall has developed a system for predicting the likelihood of reconviction after release of men eligible for parole. This system has proved remarkably accurate - considerably more so than the judgement of experienced prison officials in their awarding or refusing parole. Unfortunately none of this research has been published although the following reports have been prepared by Mr. Nuttall:

(a) "Prediction for Parole"

(b) "Evaluation of Parole"

(c) "Failure on Parole"

(d) "Local Review Committees"

A preliminary examination of the role and influences of the local review committee in the selection process was completed

B. Prison Department Officials

K. Neale, Director of Directorate of Industry and Supplies (DIS)

Some four or five years ago Mr. Neale was appointed to this post with instructions to develop his department broadly in line with the recommendations of the Advisory Council on the Employment of Prisoners.¹ Since his appointment prison industries have assumed a major role in the rehabilitation of offenders in England and Wales. During 1973 the Council of Europe commissioned Mr. Neale to review current European practice on the employment of prisoners and to make recommendations for discussion by the Council. When the author saw Mr. Neale in September he had completed his survey which was based on the prison system of England, France, Belgium, Holland and Sweden. Unfortunately the author was unable to read the report as it would have been a discourtesy to permit an outsider to do so before it had been presented to the European Council in April of 1975. However in the course of discussing prison labour with Mr. Neale it became clear that he believes that the economic and penological aims of

¹See infra p. 409.

prison labour¹ need not be in conflict.

Mr. Hewitt: Production Services Manager of the Directorate of Industries and Supplies.

Area of Responsibility:

1. Work Study
2. Quality Control
3. Production Training
4. Safety and Health at Work

Mr. Stevens: Director of Farms and Gardens in Penal Establishments.

W. Welsh: Senior Vocational Training Officer.

Particularly responsible for the training of inmates in the skills of the building trades.

Brian Eames: P2 Department

Responsibilities:

1. Development of the treatment and training of prisoners, both long and short term.
2. Co-ordination of research in connection with the Department of Prisons - both by the Home Office Research Unit and other research bodies.

¹See Chapters VI and VII.

3. Prisoners' Welfare - Letters, visits, liaison with official and volunteer bodies.

Below:

Dr. Twisteron: Chief Psychologist - Department of Prisons

Prison Commission

Dr. Ager: Chief Psychologist - Coldingley Industrial Prison

WAGO

C. Academics

Virtually no research has been carried out in Britain by academics into prison labour. The author has read and discussed with Sandra J.N. Dawson - Senior Research Officer, Industrial Sociology Unit, Imperial College of Science and Technology - her two unpublished papers:

1. Industrial Work in a Prison Context - Problems and Potential, 1972.
2. Power and Influence in Prison Workshops, 1974.

M.H. Cooper and R.D. King - the joint authors of "Social and Economic Problems of Prisoner Work", Sociological Review Monograph No. 9 of 1965 were both contacted - but neither has continued his research in this field.

Directorate of Works - Trade Training: "Industry Construction Industry" 1973

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Report of the Departmental Committee on the Employment of Prisoners 1933. Cmmd. 4462

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Work for Prisoners 1961;

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Organization of Work for Prisoners 1964

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Directorate of Industries and Stores: "Organisation Study Main Proposals" October 1970

A. COLDINGLEY (continued)Home Office Prison Department (continued)

B. Reply to author's questionnaire

C. Undated short paper "Pre-Release Employment Scheme" - sent to the author in December 1974 so presumably the paper reflects practice at that date.

D. DAILY AVERAGE PRISON POPULATIONH.M. Prison Coldingley

Coldingley Prison Industries - Roneod Paper on Coldingley 1974.

Coldingley Report - The main Coldingley Report is still a confidential document (December 1974) but the author has been permitted to read material prepared for an oral report to the Prison Board in March 1974.

The Evaluation of Coldingley - A Table given to the British Society of Criminology, 13th November 1973, by Dr. Eger, the Resident Psychologist at Coldingley and a key member of the team who developed Coldingley.

Prison (including Home Central)	AVERAGE POPULATION					
	Males			Females		
	1971	1972	Percentage Change	1971	1972	Percentage Change
Working total (all persons)	4 304	4 482	+ 2.7	232	214	- 7.8
Sanctioned (adults)	24 861	23 993	- 3.5	541	548	+ 1.3
Non-sanctioned prisoners	1 337	1 313	- 1.8	38	36	- 5.3
Arrested	5 852	6 329	+ 8.9	215	181	- 15.8
Detention Centres	1 730	1 738	+ 0.5	10	10	0
TOTAL	38 673	38 863	+ 0.5	836	809	- 3.2

See Appendix for details of the sources of the data.

When comparing England's daily average prison population with that of South Africa it must be remembered that England's population is 40 million and that of South Africa is 10 million.

Annual Prison Report, 1973.

A. COUNTRY: England and Wales¹

B. YEAR: 1972

C. POPULATION OF ENGLAND AND WALES: 48 749 000 (1971 Census)

D. DAILY AVERAGE PRISON POPULATION: 38 328²

Males: 37 348

Females: 980

The average prison population in 1972 was 1 380 lower than in 1971. This was the first fall since 1945, and was due to the increasing use by the courts of non-custodial sentences.

T A B L E 1

COMPARISON OF POPULATION BETWEEN 1971-72³

<u>Prison (including Remand Centre)</u>	<u>AVERAGE POPULATION</u>					
	<u>Males</u>			<u>Females</u>		
	<u>1971</u>	<u>1972</u>	<u>Percentage Change</u>	<u>1971</u>	<u>1972</u>	<u>Percentage Change</u>
Awaiting trial or sentence	4 364	4 482	+ 2.7	232	214	- 7.8
Sentenced (adult)	24 861	23 993	- 3.5	541	542	+ 0.2
Non-criminal prisoners	1 337	1 313	- 1.8	36	40	-
Borstal	5 852	5 329	- 8.9	219	180	- 17.8
Detention Centre	1 730	1 738	+ 0.5	-	-	-
TOTAL	38 673		- 3.4			- 5.3

¹See Appendix for details of the sources of this survey

²When comparing England's Daily Average Prison Population with that of South Africa it must be realised that England's figures include borstal and detention centres - whereas South Africa's figures do not

³Annual Prison Report, 1972

Changes in Length of Sentence

1. According to the 1972 Report of the Prison Department:

the movement of the index of length of sentence in recent years does not support the suggestion that courts have been imposing longer sentences on those sent into custody.¹

2. However

on average during 1972 the prison service had to deal with 578 men serving determinate sentences of 10 years or over, and 857 men serving life.²

E. SYSTEMS OF ORGANISING PRISON LABOUR

Piece Price, State Use, Public Work, Private Prerelease.

F.1 ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION
AND A BRIEF DESCRIPTION OF CERTAIN ASPECTS OF
THE DIRECTORATE OF INDUSTRY AND SUPPLY

Table 2 gives full details of the employment of persons in prison service establishments on the 30th June 1972.³

See Table 2 overleaf.

¹Annual Prison Report 1972, para 7 p. 4

²Annual Prison Report 1972, para 10 p. 5

³Annual Prison Report 1972, pp. 88-89

TABLE 2

EMPLOYMENT OF PERSONS IN PRISON SERVICE ESTABLISHMENTS ON 30 JUNE 1972

Employment	MALE						FEMALE		Total Persons
	Open Prisons	Closed Prisons		Remand Centres	Open Borstals	Closed Borstals	Detention Centres	All Establishments	
		Local	Training						
Industries:									
Laundry	114	409	289	46	36	99	28	40	1 061
Metal recovery	157	490	207	276	-	140	12	-	1 482
Metal work (Blacksmithing, engineering, tin-smithing, sign-making)	-	36	432	-	10	139	-	-	617
Printing and binding	27	89	148	-	-	-	-	-	264
Private firm work	321	1 678	1 070	133	19	198	181	101	3 701
Shoes and leatherwork	63	136	26	-	-	-	-	-	225
Tailoring	111	929	821	-	3	27	-	39	1 930
Textiles, heavy	-	196	122	-	-	-	-	-	318
Textiles, light	91	555	212	-	-	67	-	21	946
Textiles, miscellaneous	-	232	33	1	3	-	-	46	315
Textiles, mailbags	-	1 861	270	-	-	-	29	-	2 160
Weaving and knitting	85	128	358	-	-	-	16	-	587
Woodwork	106	150	221	-	43	114	11	-	645
Miscellaneous industries	112	567	400	30	16	188	206	71	1 590
Total	1 187	7 456	4 809	486	130	972	483	318	15 841
Farms:									
Livestock and arable husbandry	256	53	198	-	196	128	117	15	963
Gardens and sports fields	313	141	333	11	110	141	309	57	1 415
Total	569	194	531	11	306	269	426	72	2 378
Works:									
Skilled	404	353	465	-	138	178	6	4	1 548
Unskilled	207	478	566	36	231	213	187	13	1 931
Total	611	831	1 031	36	369	391	193	17	3 479
Domestic Service:									
Cleaners, etc.	558	2 266	1 792	724	271	681	371	170	6 833
Cooks, etc.	246	628	440	82	134	155	133	80	1 898
Hospital orderlies	10	92	61	14	8	33	19	15	252
Stokers	9	30	26	2	4	9	-	2	62
Total	823	2 996	2 319	822	417	878	523	267	9 045
Outside work:									
For farmers, etc.	149	42	26	-	20	16	-	-	253
For other Government Departments	50	8	65	-	-	17	-	2	142
For voluntary bodies	13	13	9	-	10	16	4	-	65
Total	212	63	100	-	30	49	4	2	460
Vocational training and trade training (works)									
Pre-release employment scheme	112	207	480	-	436	384	68	79	1 766
	28	113	103	-	14	10	-	24	292
Total	140	320	583	-	450	394	68	103	2 058
Total effectives	3 542	11 860	9 373	1 355	1 702	2 953	1 697	779	33 261
Non-effectives:									
Untried prisoners	20	1 515	11	63	-	-	-	2	1 611
Unfit	10	561	109	137	13	45	10	91	976
Punishment	1	108	76	24	18	66	4	8	305
Others*	91	1 074	253	369	151	289	121	80	2 428
Total	122	3 258	449	593	182	400	135	181	5 320
Grand Total	3 664	15 118	9 822	1 948	1 884	3 353	1 832	960	38 581

*Includes inmates who are:
 Non-effective as a working unit on day of discharge
 Attending court
 Travelling between establishments
 At summer camp

From this table the following broad employment groups can be extracted:

<u>Type of Work</u>	<u>Numbers Employed</u>
Industries	15 581
Farms and Gardens	2 378
Building Works	3 479
Domestic Duties	9 045
Outside Work	460
Vocational Training	1 766
Pre-Release	<u>292</u>
Effectively Employed	<u>33 261</u>
Unemployed	<u>5 320</u>
Total	<u>38 581</u>

F.2 AIMS OF PRISON WORK IN ENGLAND AND WALES

During the late 1960's there was a rapid growth in prison industries - largely as a result of the three reports by the Advisory Council on the Employment of Prisoners.

In 1965 the value of prison work (goods produced and labour supplied to persons other than the Department of Prisons) was £4 million.¹ By 1971-72 the production of prison industries was valued at £9,7 million,² or two and a half times as great as in 1965.

¹People in Prison, op cit., p. 28.

²Annual Prison Report 1972, para 162, p. 48.

In 1970 a brochure¹ was published by the Directorate of Industries and Supply (DIS) of the Prison Department, setting out certain major proposals regarding the functions and organisation of DIS. The proposals were prepared following studies made by a joint team composed of: Associated Industrial Consultants² (a private management consulting group), the 'Home Office Organisation and Methods Unit' and staff from DIS.

Aims and Objectives

All who work in the penal system are only too well aware of the constraints within which its aims must be pursued. But it is nonetheless important to identify these aims as clearly and realistically as possible. A lot of thought was thus given to defining the aims of prison industries in the following terms:

1. To keep occupied all those allocated (having due regard to the needs of other requirements and services) to industrial work.
2. To train those who can benefit from it in the habit of doing useful work under conditions and at a tempo comparable to outside industry, so that they may be better able to get and keep jobs on discharge.
3. To allow prisoners and trainees to earn money as motivation for work, for use in improving their own conditions or to dispose of in any other agreed ways.
4. To supply as much of prison needs from internal resources as can be done economically and consistently with the other aims.

¹"Organisation Study - Main Proposals", October 1970

²The use of independent management consultancy groups working jointly with the Home Office is to be encouraged.

5. To obtain from prisoners and trainees a contribution to the community by the creation of goods and services.
6. To make economic use of the considerable labour force which the prison population represents and which ought not to be wasted.
7. Consistently with these aims to make prison industrial activities as profitable as possible (measured in terms comparable with those of outside industry).¹

F.3 ORGANISATION OF DIS

In England and Wales the

Prison Board formulates overall policy and decides the emphasis to be laid on various forms of treatment in the different categories of penal establishment. Within these limits the line of responsibility for action and accountability for decisions runs from the Controller through the Regional Directors to individual Governors, ...²

However the investigating team found that authority, responsibility and accountability were seldom found in any one person. Consequently an organisation structure was proposed for DIS similar to that found in many business organisations.

The Directorate is organised in five main groups to provide the services needed to operate four main areas of the Prison Department's activities: Industries (2 groups); Farms and Gardens; Supply and Catering. There is a personnel and secretariat section and an accounts section which serve the Directorate as a whole. The groups are strongly inter-related (see Chart I).³

¹"Organisation Study - Main Proposals", October 1970, p. 1

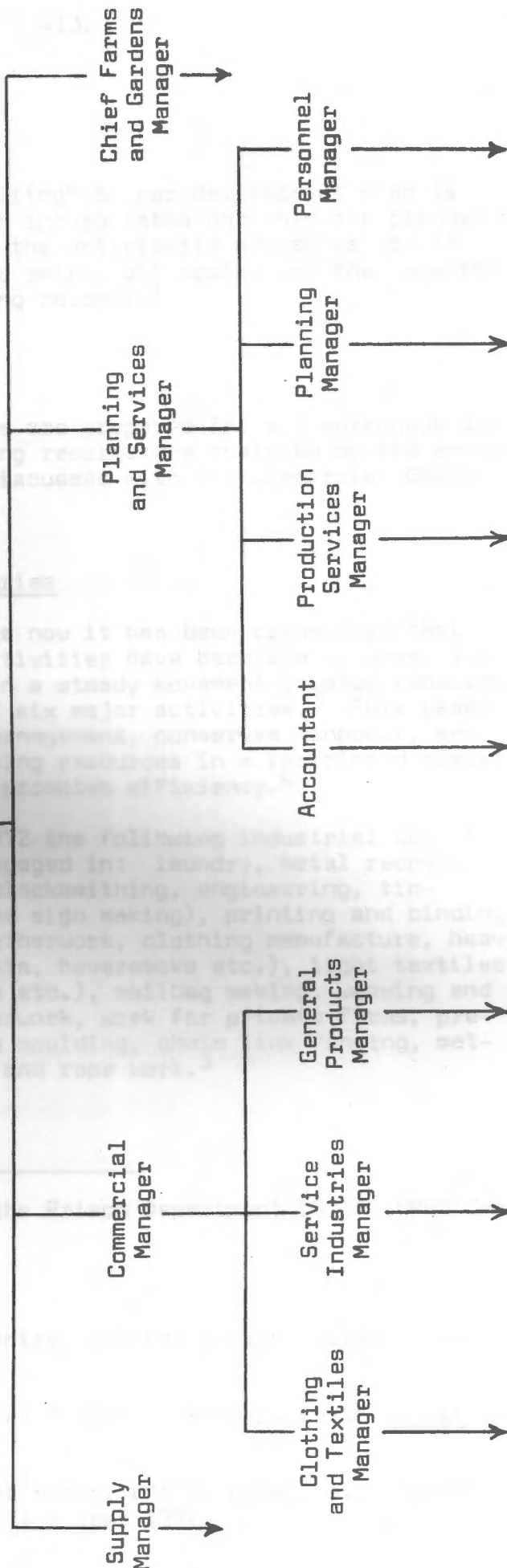
²Ibid., p. 2

³"Report on the Work of the Prison Department" (1971, HMSO Cmmd. 5037 para 185, p. 46)

C H A R T I

PROPOSED TOP MANAGEMENT STRUCTURE

Director of Industries and Supply



F.3.1 Planning

An annual "rolling" 5-year development plan is produced which incorporates not only the planned resources but the anticipated annual values of production and sales, all costs, and the expected overall trading balance.¹

F.3.2 Budgeting

Annual budgets are prepared for all workshops and monthly trading results are analysed by the accounts section and discussed with the Commercial Group managers.²

F.3.3 Variety of Industries

For some years now it has been recognised that industrial activities have been too diverse, and there has been a steady movement towards reducing them to about six major activities.³ This eases the task of management, conserves manpower, and, by concentrating resources in a restricted number of channels, promotes efficiency.⁴

However in 1972 the following industrial activities were still engaged in: laundry, metal recovery, metal work (blacksmithing, engineering, tin-smithing, road sign making), printing and binding, shoes and leatherwork, clothing manufacture, heavy textiles (tents, haversacks etc.), light textiles (bags, aprons etc.), mailbag making, weaving and knitting, woodwork, work for private firms, pre-cast concrete moulding, chain link fencing, mat-making, nets and rope work.⁵

¹"Report on the Work of the Prison Department 1971" (HMSO Cmmd. 5037 para 193, p. 48)

²Ibid., p. 48

³Light engineering, carpentry, garment making, metal recovery, weaving and laundering

⁴"Report on the Work of the Prison Department 1971" op cit., para 196, p. 48

⁵Questions relating to the employment in penal establishments in England and Wales during the year 1972

F.3.4 Quality of Products

For both penological and commercial reasons, an increasing emphasis is being given to the quality of the products of prison industries, and the planned increase in the working space per operative facilitates the process.

F.3.5 Sale of Products

The sale of all goods is organised by DIS head office, who are also responsible for the seeking of orders.

F.3.6 Market Research

The 1971 Prison Department Report stated that two market research projects had been carried out on their behalf by private consultants. The first piece of research was into the woodworking industry, and the second into the electro-mechanical field. As a result of this latter survey a five year development plan has been drawn up with potential employment for 1 000 men.²

F.4 BUILDING SECTION

The Building Section of the Department of Prisons has been extensively developed since 1965. For decades there has been training in building trades within the correctional system - mainly for juveniles - but since 1965 the Department has developed this from prison maintenance work to the building of new prisons and ancillary buildings. Since 1968 special intensive trade

¹"Report on the Work of the Prison Department 1971" op cit., para 195, p. 48

²Ibid., paras. 204, 205, p. 50

training courses have been introduced with considerable success.¹

A. Main Areas of Activity²

1. Maintenance and Improvement

Early in 1970 an extensive programme of rebuilding and redecorating some 85 prison establishments was started at an anticipated cost of £2,5 million. An inmate incentive pay scheme has been developed to work in conjunction with the increased activity of the Building Section.

2. Conversion

Conversion of old armed services establishments.

3. Reclamation (North Sea Camp Lincolnshire)

Reclamation of land - previously this was done by hand in fulfilment of the original brief of 1943 for "a scheme of national importance which would provide continuous and strenuous work for a considerable number of inmates."

Nowadays efficiency has been increased enormously by the use of mechanical earthmoving equipment.

¹The training section aims at producing a workman capable of good quality work at a reasonable pace, in fact their workmanship is often better than that to be found amongst outside workmen. Prison bricklaying speed approximately 650 bricks per day. Free labour rate 800-1 000 bricks per day - accepted rate in Cape Town for qualified bricklayer approximately 650 bricks per day.

²Based on DIS Publication "Construction Work by Prison Inmates" August 1972

4. New Buildings (Prisons etc.) and
Future Programmes

The current capital building programme including those on which work has already commenced and on which it is planned to employ inmates on an incentive earnings basis over the next five years involves 35 establishments. The total cost is estimated at £40 million

An approximate assessment has been made of the number of inmates required to carry out the work, including the maintenance and refurbishing projects. It is estimated that during the next five years about 5 000 inmates, including those requiring training will be employed, representing about 12 per cent of the present total male (prison) population.¹

B. Value of Work

The Building Section always instructs independent quantity surveyors to value the cost of building, and to set completion date targets in accordance with normal commercial practice. In all cases buildings have been completed for substantially less than the cost would have been if they had been built by an outside construction company.²

C. Numbers Employed in Building Section
as at 30th September 1974³

1. Inmates

Inmates under workshop training	1 022
Inmates on Works Service	<u>3 531</u>
Total Inmates	4 553

¹ Ibid.

² Savings vary from approximately 30 per cent to 10 per cent.

³ Figures obtained by the author on September 30th 1974 whilst interviewing Mr. Welsh, the Senior Vocational Training Officer of the Building Section.

2. Supervisors

Trade Officers	976
Civilian Artisans	1 200
Stokers and Plant Attendants	<u>404</u>
Total	2 580

3. Senior Staff

Senior Foremen of Works	21
Foremen of Works	41
Engineer I	65
Engineer II	<u>197</u>
Total	324

F.5 FARMS AND GARDENS¹F.5.1 Area Farmed

11 000 acres farmed - 716 acres maintained for recreational facilities, and 773 acres of ornamental gardens.

F.5.2 Inmates Employed

1938 - 500
 1947 - 1 000
 1974 - 2 000 (1972-73 1 857 persons)

F.5.3 Staff Employed

Supervisory Staff 1972-73

Total = 320 - of whom 250 are civilians

¹Based on "Farms and Gardens in Penal Establishments", Policy Statement 1974, published by the Prison Department and on an interview with the Head of the farm section, Mr. Stevens, in September 1974

F.5.4 Aims of Farming

Farming, like certain industries, is not a type of work of which many prisoners and trainees have experience or which they will be likely to follow as an occupation after release. On these grounds its validity as a training and rehabilitatory resource has been questioned, but the object of the Directorate's farming and industrial work is of a more general nature. It is aimed at helping offenders to acquire the habit of regular and useful work, to enhance self-respect, and to contribute something to the quality of life in penal institutions. If in the process some skills are acquired, that is an advantage; but the expected benefits are more broadly conceived. Farming especially has environmental merit which is valuable to all who live and work in penal establishments, whether in custody or as members of staff. It is also well suited to operational circumstances in which the population is subject to fluctuations in numbers and turnover of labour.¹

The author is less sanguine than the Prisons Department as to the extent that farming teaches the work habit for industry, or enhances self-respect. Although one would think that working in the open air was preferable to working inside, especially for prisoners who would otherwise have little contact with nature, many prisoners far prefer to work in workshops for a variety of reasons not least to shelter from the vagaries of the British climate. Unfortunately no research has been conducted in England comparing the reconviction records of those who have worked on prison farms with those who have worked in prison workshops or the building section.²

¹"Report on the Work of the Prison Department", HMSO 1971 Cmmd. 5037 para 220, p. 53

²A study along these lines in Finland by Paavo Uusitalo was inconclusive. P. Uusitalo, "Recidivism After Release from Closed and Open Institutions," British Journal of Criminology, Vol. 12 No. 3, July 1972.

However ancillary farming activities such as machine handling, and vehicle maintenance, are undoubtedly valuable skills.

F.5.5 Productivity

Until the late 1960's the prison farms were highly diversified, the aim being to give the inmates experience in a wide range of farming activities. However the current practice is to sell off small units and to concentrate on fewer, larger and more efficient farms. This has resulted in better training and greater productivity. Usually only adult prisoners with at least one year to serve are sent to farm prisons, however some long term offenders serve the last six months of their sentences on farms.

During 1969/70 a new method of farm accounting was introduced enabling a trading account to be constructed on much the same lines as that in prison industries. Initially this showed that the farms were running at a slight loss but by "continued improvement" the farms were showing the following profits:

1970-71	£62 749
1972-73	£432 760
1973-74	£666 000

Value of produce was over £2,25 million

These profits take account of full overheads - i.e. supervisory staff, replacement of plant etc. but the wages of farm employed prisoners are lower than in prison industries, being an average of 53 p. for a 40 hour week.

F.5.6 Management by Objectives

DIS has introduced a system of management by objectives into the farms and gardens section. Production targets are set by headquarters in co-operation with the farm managers who are answerable for the targets achieved. Initially there were objections from Prison Governors who considered this was an unwarranted interference into the management of their prisons - however the Governors now see the benefits of the system both in regard to greater productivity and improved staff/prisoner relations as both groups are striving for a common production target.

F.5.7 Training on Prison Farms

Of the 2 000 inmates employed in farms and gardens only 1 000 are involved in farming. Approximately 30 per cent of those farming pass a farm test entitling them to a certificate. The certificate entitles them to increased pay of 10 per cent.

The success at Kirkham Prison of farming training which is aimed at the City and Guilds Certificate in horticulture has been such that it has been extended to 20 further establishments. Prisoners receive both theoretical and

practical training. Currently 114 prisoners are involved in such training courses in the Northern Region.¹

G. TRADE TRAINING

Industries

"Within Prison Industries most instruction is restricted to job training in order to enable the operative to carry out a specific process."²

1. Vocational Training

(a) General

Vocational training during 1972 was given to 420 prison detainees in the following subjects: drawing office practice, mechanical engineering craft, radio and television engineering, welding, cabinet making, sheet metal work, upholstery and soft furnishing, and men's bespoke tailoring.

(b) Construction Industry

On September 30th 1974 there were 1 022 detainees undergoing training in building trades: Bricklaying 329; Carpentry 113; Painting 384; Plumbing 24; Skilled Operatives 201; Electricians 20. There were 161 qualified trade instructors.

¹30th September 1974. This includes borstal boys. The Northern Region has 500 inmates engaged in farming being 50 per cent of the entire complement of the farming section

²Reply to Questionnaire relating to the employment in penal establishments in England and Wales during the year 1972.

There are two types of training courses in the Building Section:

1. Short Course:

(a) Workshop Training

Trainees do a 16 week intensive training course of 40 hours per week. There are 12 trainees to 1 instructor.

(b) Site Practice

Trainees do site practice which involves employment on one of the Department's building projects with a further four hours of evening classes per week.

2. Long Courses

If there is a shortage of actual construction work then the short 16 week course is lengthened by 10 weeks and at the end the trainees do the London City and Guilds Trade Tests. Although the training course is far shorter than that for normal building trades trainees it is recognised by the "National Joint Council for the Building Industry".¹ The Trade Unions are prepared to accept into their Unions, subject to an interview, those prisoners

¹Normal outside training has been reduced to 2 years for most trades in the construction industry. Negotiations are taking place with the Trade Unions to get the training periods officially reduced.

who have completed the 16 week course.

Selection Criteria

Considerable care is taken in selecting prisoners for building trade training and the selection board's meetings are attended by the "Senior Works Officer", and a representative of the training course instructors. Preferential consideration is given to inmates who prior to sentence were employed in the building trade in some skilled or semi-skilled capacity. Other inmates must have at least 12 months to serve when starting the course with a maximum of a 2 year sentence. It is believed that the low morale of long term offenders would curb the enthusiasm of those serving under 2 years and consequently they are not chosen for the section.

Training Films

The Building Section has prepared two films describing its work, and showing how a prisoner can be taught the basics of a skill such as plastering or bricklaying in only a few weeks.

Quality of Training

The author checked independently with training officers for several large construction groups and verified the Prison Department's claim that prison trained construction workers were in demand because they had been well

trained. Most companies found that after only a short period of working for a private contractor the ex-prisoner's pace of work was on a par with their other workers.

Since these courses started in 1968 the Department has trained approximately 35 000 prisoners (as at 30th September 1974).

(c) Extent of Vocational Training

Vocational training courses in England are restricted to those who are thought most likely to benefit from them and who will probably continue in that trade after release. The majority of courses are in the borstals. During 1969 the Department ran about 100 such courses spread over 19 trades, and a total of 897 people entered for public examinations of whom 675 were successful.¹

H. SHORT TERM OFFENDERS

Since the Second World War progressively fewer people have been sent to prison to serve short sentences. Instead of imprisonment such offenders are treated whenever possible extra custodially.

¹"People in Prison", HMSO 1969 Cmmd. 4214, para 84, p. 38

TABLE 3¹ANALYSIS OF LENGTH OF PRISON SENTENCEEXPRESSED AS PERCENTAGES²

	<u>1913</u>	<u>1938</u>	<u>1958</u>	<u>1968</u>
Up to 2 weeks	58,6	28,7	8,9	8,1
Over 2 weeks up to 5 weeks	21,9	24,4	14,5	10,5
Over 5 weeks up to 3 months	12,2	23,0	24,7	19,2
Over 3 months up to 6 months	3,7	12,9	19,7	21,6
Over 6 months up to 12 months	2,1	6,1	14,2	16,2
Over 12 months up to 18 months	0,7	2,3	6,3	8,8
Over 18 months up to 3 years	0,5	1,9	8,5	11,3
Over 3 years up to 5 years	0,2	0,5	2,1	3,0
Over 5 years	0,1	0,2	1,0	1,0
Life	-	-	0,1	0,3

As can be seen from Table 3 during 1968 thirty-eight per cent of all sentences were for periods of under three months, this compares with over 80 per cent in South Africa.³ Short term offenders are held in local prisons and employed in whatever work is available at the individual prison, but this tends to be simple repetitious work. Initially DIS have concentrated on developing efficient industries in the training prisons where the work force remains for longer periods, but modernisation is progressing rapidly in the local prisons.

¹People in Prison, op cit., para 25v, p. 16.

²Including periods imposed in cases of fine default.

³During 1972-73 approximately 80% of all prison sentences in South Africa were for periods up to 4 months. However they represented only 13% of those persons in custody on the 30th June 1973.

I. COMPETITION

In the past, fear of complaints from organised labour and private enterprise was one of the inhibiting factors in developing efficient prison industries. The 1961 Report "Work for Prisoners" stated

although 20 000 prisoners constitute a considerable labour force if considered as a single unit, they represent only about 0,1 per cent of the working population of this country, and it should not be difficult to provide such work for prisoners as would have no appreciable effect on the interests of employers or workers outside prisons.¹

By 1973 there were only 16 000 prisoners² engaged in industrial work so their percentage was still under the 0,1 per cent mentioned above.

Policies Followed to Minimise Competition Between Prison Labour and Free Labour and Industry

1. State Consumption

During 1974 the produce of the Prison Department was sold as follows:³

45% to Prison Department

30% to Other Government Departments, Nationalised Industries etc.

25% to Private Sector

2. Market Prices

All goods are sold at market prices - even those sold to the various government departments. Prices are established by

¹"Work for Prisoners". Report of the Advisory Council on the Employment of Offenders. HMSO 1961, para. 40, p. 11

²Figure supplied by Mr. K. Neale - Director of DIS, September 1974

³Ibid.

regular consultation with free industry. All prison made goods carry the DIS trademark Prindus.

3. Regulative Body

Mr. Neale, the current Director of DIS, has developed an excellent working relationship between his department and outside industry. Regularly every quarter he has a meeting with representatives of the Confederation of British Industry and representatives of the Trade Union Council. These occasions are used for full disclosure of the future plans of DIS in order to prevent any misunderstandings and to obtain the guidance and co-operation of free industry. In this way the old suspicions of prison industry are being gradually removed and in time the prison labour force may become recognised as an integral part of the national economy. The present recession in England with rising unemployment will be a severe test of this new understanding.

J. PAY

For the operative, although job satisfaction and conditions of employment to some degree motivate work, the main inducement to greater productivity is the opportunity for higher earnings. Almost all prison workshops have incentive earnings schemes in one form or another, usually based on piecework.¹

¹Report on the Work of the Prison Department 1971, op cit., para. 201, p. 49

(a) Piece Rate

In September 1974¹ approximately 8 000 or 50 per cent of the total industrial work force were on a piece rate basis earning from Op. to 94 p. per week. The main problems with the current piece rate basis are as follows:

1. No job grading: Owing to the shortage of trained supervisory staff² the Department has been unable to grade the different tasks being done by prisoners and to set proper production targets. Thus skilled and unskilled men are on the same pay scale. Naturally this makes the skilled workers bitter, and in some cases is a disincentive to work. The Prison's Department would like to correct the matter, but claims that the staff shortage makes it impossible.
2. No link between hours worked and pay received: Once again due to the shortage of prison staff not all workshops are able to work for the same length of time. In September 1974 the average hours worked were approximately 25 hours per week, but some workshops worked 40 hours and others only 10 hours. Targets are set in each case - those working 40 hours must produce 40 hours output, and those working 10 hours must produce 10 hours output. If the targets are achieved then both the 40

¹Author's meeting with Mr. Hewitt of DIS who is responsible for prison earnings, in addition his responsibilities include work study, quality control, production training, safety and health at work.

²See infra under J, p. 431.

hour shop and the 10 hour shop receive identical pay. The reasoning being that it is not the fault of the prisoners that they can only be employed for 10 hours per week. The system is manifestly unfair and could be made more equitable by those working 10 hours receiving normal pay for the hours worked with unemployment pay, at a lower rate, for the hours not worked. The lower sum being received would probably make the prisoners agitate for longer working hours so as to increase their pay. Since the troubles in 1972-73 occasioned by the Prison Officers Association (POA) when prison officers organised a work to rule, the hours worked have fallen in a number of workshops. Naturally neither the prison officers nor the prisoners - who receive the same pay for fewer hours worked - have any wish to increase the hours being worked.

3. Finally the wage rate of 94 p. per week is of limited incentive value. The Treasury have agreed to increase prisoners wage rates if productivity increases - but the inmates are unwilling to work harder without more pay, and wider opportunities of spending it. An increase of 10 p. per week per inmate would cost the country approximately £200 000 per annum - a sum which seems large but is in fact totally insignificant in an economy the size of Great Britain's.

4. Experienced prison officers and certain of those responsible for administering the piece rate scheme in British prisons seriously question how real an inducement the present pay structure is to greater productivity. Their plans to correct this situation are hampered by the Treasury on one side who are reluctant to grant larger sums of money and the POA who resent their decline in status and job satisfaction caused by the introduction of civilian works instructors and supervisors.¹

(b) Flat Rate

1. Approximately 13 000 prisoners were employed on a Flat Rate basis in September 1974. The rate varied from a minimum of 35 p. per week to a maximum of 78 p. (In real terms wages have not risen in English Prisons since 1961.²)

Eligibility for Flat Rate: All those not engaged in industrial work earn flat rate pay - this includes the farming and building construction group and the sick and unconvicted prisoners. Thus a qualified carpenter or electrician in the building group can be earning less than an unskilled worker in industry.

¹See infra under T, p. 461. Research by Sandra Dawson.

²According to Mr. Hewitt, op cit.

Work Grades and Averaging: A sum of money is allocated to each work supervisor for the men in his employ. Thus should the work be farming the average wage for farming is 53 p. per week. A farm manager with 100 men will be granted £53 which he must share between his 100 men depending on his assessment - and that of his colleagues - of their individual contribution. (However as no proper system of job timing has been introduced for flat rate workers any attempt at work assessment is open to dispute.) In practice the supervisors nearly always divide the money equally for it causes less conflict and bitterness. Thus it is left up to the harder working inmates to encourage their more idle fellows with the result that the whole tempo of work is slowed down.

(c) Incentive Pay

A total of approximately 3 500 prisoners are on high incentive pay which varies between £1,89 to £1,81 per week. DIS had hoped that by 1972 all work orientated prisons would be on this scheme but this has proved impossible due to the shortage of prison staff.

Grade A : £1,89

Grade B : £1,86

Grade C : £1,84 (the majority of incentive paid inmates)

Grade D : £1,81

Payment Scale: Payment is based on pay grades which have been set by standard job evaluation techniques. Theoretically pay is related to skill, responsibility and output. Output is rated on the British Standard System¹ and a standard performance rate is set which prisoners must achieve to earn their basic pay.

In practice this scheme has proved too sophisticated for use in the prisons, particularly with the shortage of staff to implement it. The inmates expect a certain rate of pay every week and this is what they receive with little regard to their output, provided it is not blatantly out of line.

Overtime: Overtime pay can be earned in addition to the basic wage rates given above.

(d) Regulations Governing the Expenditure of Income

The money earned is available for buying an enlarging range of foodstuffs and personal items from the canteen, and for other purposes such as saving for home leave, contributing to a general purpose fund which finances various recreational facilities and so on.²

Only those prisoners on the higher rates of pay (incentive pay) are able to save money for their release or send money

¹ Glossary of Terms Used in Work Study British Standard 3138 1969 defines 'Standard Performance' as "The rate of output which qualified workers will naturally achieve without over-exertion as an average over the working day or shift provided they adhere to the specified method and provided they are motivated to apply themselves to their work." Standard Performance is recommended as being 100

² 1971 Prison Report, op cit., para 201, p. 49

home for their families - this latter is very much the exception as prisoners rely on the State to provide for their families.

Payment of Compensation to Victims: The 1972 Criminal Justice Act extended the payment of compensation to victims. However following the recommendations of the Widgery Committee¹ persons given a custodial sentence are not ordered to pay compensation - unless the sentence is short or the offender can clearly afford to pay - for there is little prospect of the prisoner being able to comply with a compensation order from his prison earnings.

Tobacco: The purchase of tobacco is still the largest single item bought by prisoners, accounting for about £1 per week or 50 per cent of wages at Coldingley.²

K. PRODUCTIVITY

Since the reassessment of the importance of efficiently organised inmate labour productivity has increased very considerably. Industrial Production has risen from £3,4 million in 1962³ to £10,7 million in 1972/73.⁴

¹Currently Lord Chief Justice Widgery

²Coldingley Industrial Prison is described under T, p. 454.

³People in Prison 1969, op cit., p. 28

⁴Annual Prison Report 1972, para. 162, p. 48

Industrial Profitability¹

In the past prison industries always made a loss but this trend has been reversed.

1966	£650 000	(Loss)
1969	£350 000	(Loss)
1970-71	£211 000	(Loss)
1971-72	£513 511	Profit
1972-73	£318 689	Profit

The profit during 1972-73 dropped due to adverse trading conditions, escalating costs and overheads, and reduced hours worked due to the dispute with the POA.

See Table 4 overleaf

Prison Industries Productivity Compared with Outside Industry

DIS has its own work study team which helps to set the production targets in different prisons, draws up production flow plans and quality control checking procedures.

Productivity varies from industry to industry and can be broken down into various sections such as total output per man, output per man per hour etc. As a broad generalisation it is

¹Annual Prison Report 1972, para 162, p. 48

Continued on p. 437.

PRISON INDUSTRIES TRADING RESULTS FOR 1972/73

(Estimated)

	<u>Industrial Workshops</u>		<u>Occupation Workshops</u>		<u>Total</u>	
	£	%	£	%	£	%
Value of Production for:						
Prison Department	4 819 085	47	93 208	20	4 977 390	51
Other Government Departments	2 472 769	24	43 681	10	1 965 640	20
Outside Purchasers	2 915 654	29	321 144	70	2 760 612	29
Total	10 207 508	100	458 033	100	9 703 642	100
Expenses:						
Materials	4 358 917	43	189 530	41	4 548 447	43
Prisoners' Savings	363 204	3	59 182	13	422 386	4
Supervision	1 849 252	19	300 497	66	2 200 249	21
Overheads	1 631 138	16	122 163	27	1 253 301	16
Local Administration	618 501	6	90 329	15	688 830	6
Central Administration	-	-	-	-	733 639	7
Total	8 871 512	87	741 701	162	10 346 857	97
Profit/Loss	1 335 996	13	(283 668)	(62)	318 689	3

435.

¹Annual Prison Report 1972, op cit., para 162, p. 48

Notes to Table 4:Overheads include the following:

1. Buildings at market rents prevailing in the area.
2. All running costs - power, heating, lighting etc.
3. Machinery - all depreciated straight line at 10 per cent per annum.

Further Notes

1. Staff pay includes pension contributions etc.
2. No cost of capital figure is included. Assuming that the working capital had to be borrowed at market rates during 1972-73 it is probable that the profit of £318 000 would in fact have been a loss.
3. The numbers employed in the occupational workshops, which always run at a loss, are steadily being reduced as industrial shops are expanded.

estimated that productivity in prison industries is approximately 25 per cent of that in outside industry.¹

There are many reasons for this, the most important being the number of hours worked - an average of 25 hours per week as against 40 in industry, - the high turnover of labour and the poor motivation for prisoners to work.

Labour Turnover

The 1969 Report "People in Prison" stated there is about a 400 per cent turnover each year in the labour force of the average prison workshop. This is partly because of the number of offenders serving short sentences and partly because of the transfers that are necessary from one establishment, or part of an establishment, to another. It is a situation that might face a business with over 100 branches each of which changed its labour force every 3 months.²

Motivation

In 1967 new piece rate incentive schemes were started in the workshops at Kirkham Prison which resulted in an increase in productivity approaching 40 per cent.³ However considerable doubts have been expressed as to whether increasing pay rates any further will significantly affect productivity. Once inmates have satisfied their basic requirements of tobacco and extra food, stationery, books etc. their need for money becomes more remote

¹Official of DIS

²People in Prison, op cit., para 47, p. 26

³Ibid., para 64, p. 33

and consequently less attractive.

On the negative side - against greater productivity - is the feeling that pay is so low that labour is being exploited. Herzberg¹ lists unfairness in pay as being one of the most important sources of dissatisfaction in the work environment.² In most prison centres the inmate who works hard is seen as being on the side of the prison staff and consequently will probably be shunned by his fellow prisoners. The aim of many prisoners could be said to be to work just hard enough to receive full pay, but no harder. Most prison works supervisors are more interested in a peaceful life than continually chivying the prisoners to step up productivity.³ If this is a true picture, and it is consistent with the opinions of prison labour administrators throughout the world, then a system must be devised which gives the prisoner a real incentive to work hard and hopefully to benefit from his labours both economically and penologically. Mr. Neale, the Director of DIS

¹Frederick Herzberg, Work and the Nature of Man (4th Printing, The World Publishing Company, April 1971), p. 126

²In English prisons the unfairness relates more to the lack of variation in wage scales than to the actual sum of money received - although the maximum of 95 p. per week for piece rate workers and 78 p. per week for flat rate workers is scarcely an inspiring return for a week's labour. See J. supra, pp. 428-431.

³On several separate occasions prison officials in discussing productivity with the author made the point that a great deal of the increased productivity of both prison industries and farms and gardens was due to better machinery, better production control and management rather than to increased effort on the part of prisoners. Between 1966 to 1969 £750 000 was invested in new machinery for the workshops - this compares with the R248 800 spent in South Africa between 1969 and 1973

is in favour of a closer correlation between a good work record and rewards such as home leave, parole and remission of sentence. This is his private opinion and he believes it will be many years before such developments are introduced in Great Britain.

L. TRADE UNIONS

Prisoner Trade Unions in Britain do not really exist - despite the efforts of PROP.¹ The most important exception to this is the staff/prisoner committee at Coldingley. However, even at Coldingley the meetings are not particularly constructive.² If the outside workshop atmosphere is to be reproduced then inmates must be given the opportunity to meet regularly with senior works officials to discuss matters as in outside industry.³ One of the problems with prison industry, as opposed to free industry, is that workshop instructors have very little authority and all meaningful decisions are taken at head office level. This may mean considerable delays in replying to the 'inmate representative body' - with resultant frustration. Unless such 'representative bodies' are composed of long term prisoners it is likely that there will be very limited continuity making it a simple matter for the prison representatives to control the body.

¹ An organisation for the Protection of Rights of Prisoners.

² See Description of Coldingley, infra under T, p. 454-457.

³ The 1972 Annual Prison Report stated that the Prisons Department were in favour of improved prison management structures and staff training "to ensure effective communication within prisons and to enable a move towards increasing the involvement of prisoners, with staff, in decisions about their treatment ..." para 53, p. 16. However the Report stated that "experience had shown that it is difficult to draw a line, acceptable to both staff and prisoners, between discussion on a formal committee and confrontation about matters which must in the end be for management to decide. If such consultation is not handled well it can be counter-productive, widening the gap between staff and prisoners and harming relationships built up between individuals." Para 52, p. 16

M. CLASSIFICATION

In recent years the system of classifying and centrally recording information about prisoners has been greatly improved.

1. Long Term Offenders and Short Term Offenders

All long term offenders are sent to a Regional Allocation Centre for a period of assessment after conviction - while those sentenced to 3 months or more are assessed in their local prison.

2. Aims of Assessment Process

The four aims of the assessment process are as follows:

- (a) to obtain and record basic information such as personal history and family background;
- (b) to attempt to identify the offender's needs and if possible the factors that may have led to his/her criminal behaviour, in order to try and deal with them;
- (c) to establish his "security" category; (see infra, p. 441)
- (d) in the light of this information and of resources available, to recommend where the sentence should begin.¹

3. Security Classification

In 1967, as a result of Lord Mountbatten's investigation into prison escapes, security classification was introduced.

¹People in Prison, op cit., para 167, pp. 68-69

Inmates are graded from A to D, Grade A being the most dangerous "prisoners whose escape would be highly dangerous to the public or to the police or to the security of the state."¹

4. Work Allocation

Theoretically inmates are allocated to the work most suitable for their skills, aptitudes and future employment. In addition other factors can carry more weight such as the offender's security rating, the availability of work, and proximity to the inmate's home.

In 1972 research was carried out in ten prison workshops, involving three prisons (Stafford, Nottingham and Gartree). This research showed that trade instructors in charge of the workshops had very little power over the allocation of men either into or out of the different workshops. In fact Nottingham was the only prison where the instructors in charge of each shop were members of the allocation board.²

If efficient prison work is to be considered one of the most potent rehabilitatory factors in the correctional system then it seems only reasonable that workshop instructors should have a considerable say in the allocation of prisoners to different workshops.

¹Ibid., para 168, p. 69

²Sandra J. Dawson, "Industrial Work in a Prison Context", unpublished research, August 1972

N. POST RELEASE FOLLOW UP

N.1 Adult Offenders Reconviction Rates

The 1969 Report "People in Prison"¹ stated that of those adult offenders released between 1965 to 1968:

1. Over 50 per cent of those who had served sentences of 18 months or more were reconvicted within 2 years of release.
2. Only 10 per cent of first offenders sentenced to imprisonment are reconvicted within 2 years of release.
3. Over two-thirds of persistent offenders - who have served sentences of 4 years or more - are reconvicted within 2 years of release.

N.2 Employment of Ex-Offenders²

In the mid-1960's Dr. Soothill started research into the effectiveness in preventing a relapse into crime of placing an ex-prisoner in employment. At that time he believed that

it would be the exception rather than the rule for anyone to fail to benefit significantly from such a service. For this reason it seemed appropriate to set forth the hypothesis that such a placing service would reduce the reconviction rate of a group we tried to help compared with a control group who were not helped in this way. In fact,

¹"People in Prison", op cit., para 124, p. 53

²Dr. Keith Soothill, The Prisoner's Release - A Study of the Employment of Ex-Prisoners (Published by George Allen & Unwin Limited, 1974). Dr. Soothill's sample consisted of 439 prisoners randomly selected from two London prisons and offered the services of Apex to find them employment, and a control group of 324 men randomly selected from the same prisons.

in reconviction terms there is virtually nothing to suggest that the placing service had any overall beneficial effect at all.¹

As Dr. Soothill hastens to point out one should not consider employment on release as irrelevant, but solely that placing in employment does not significantly prevent reconviction.

... if there is employment on release, this certainly does not mean that there will be no subsequent reconviction - the high proportion of men who are employed at the time of committing their offence empirically answers that suggestion, similarly, if there is no criminality after release, one cannot reasonably suggest that these men would inevitably be in employment after release. On the other hand, one suspects that this latter viewpoint of employment after release being a necessary condition of rehabilitation comes much nearer to what many regard as the role of employment in after-care.²

One of the positive results of Dr. Soothill's research is the compilation of information which helps to predict which offenders will not be helped by the employment placement.

What this study means in a wider framework is that one should abandon a belief in a single or simple solution for the after-care of prisoners. Placing men into employment is admittedly only one type of 'single solution' but it may serve as a 'demonstration' to indicate the poverty of this type of approach.³

He concludes by stressing the importance of further research and the use of computer techniques in prediction forecasting.

¹Ibid., p. 24

²Ibid., p. 293

³Ibid., p. 29

D. PRIVATE PRE-RELEASE

On the 30th June 1972 there were 272 persons working outside the prisons during the day on private pre-release. Any prisoner serving a sentence of four years or longer is considered for day release during the last 6 months of his sentence. The main purpose of the scheme is for aiding the readjustment to the outside world of people who may have spent long periods of their life in penal institutions.

In 1969 about 1 000 persons per year were eligible for consideration for selection for pre-release, however the numbers so released are restricted.¹

Selection for pre-release is made by a Board consisting of the Governor of the Prison (Chairman), Member of the Board of Visitors, the Wing Assistant Governor, the Chaplain, the Senior Medical Officer, the Senior Prison Welfare Officer and a Representative of the Department of Employment.

One of the largest pre-release wings in England is Pentonville 'R' Wing which was opened in 1968 and usually accommodates about 80 men. This wing has a full-time staff of seven consisting of an Assistant Governor, a Principal Officer, four

¹A number of prisoners are deemed unsuitable for pre-release owing to the nature of their crime or their behaviour in prison.

basic grade officers, and a Welfare Officer.¹

The men on pre-release are usually completing the last 26 weeks of their sentences. At Pentonville the first two weeks prior to pre-release are spent in interviews with the Welfare Officer and prison staff so that the inmate is helped to face his release, and in finding suitable employment for him.

After the first four weeks of employment have been successfully completed prisoners are permitted a full weekend at their homes, and after thirteen weeks they are eligible for parole every weekend. Wages are paid into the prison, from which sums are deducted as follows: for any payments being made for family maintenance by the State, for board and lodging, for the entertainments common fund, and £1 per week is saved pending release. At Pentonville the remainder of the wages are returned to the prisoner as it is believed that the prisoner must learn how to spend money properly - rather than be faced with a large nest-egg on release which may be dissipated on a spree with unfortunate results.

In brief Mr. Whitlock showed that of those persons who successfully completed their pre-release period only 29 per cent were reconvicted within eighteen months of release (20 per cent imprisoned), whereas of those who failed on their pre-release

¹Z.L. Whitlock, "A Study of the Inmates of the Pentonville Pre-Release Employment Scheme June 1969 - June 1970" Unpublished Home Office Report.

period 62 per cent were reconvicted within 18 months (50 per cent imprisoned).¹ This supplied him with the basic data for a comparison of the failures with the successes, but "little was found to differentiate the two groups, although the variables used have previously been found to have a bearing on reconviction."² The one factor which did help inmates to succeed on the scheme was having a permanent relationship with a woman.³ Mr. Whitlock concludes

To sum up, the finding most relevant to adjustment and successes are concerned with domestic relationships, critical periods of failure (the first and last few weeks of the 26 week period) and work behaviour. It is proposed that success on the scheme is as dependent on the present social relationships of inmates and the policies of wing administration, as on quantitative measures of criminal history.

Stephen Twinn - the Assistant Governor responsible for pre-release at Pentonville - has written a brief paper entitled "A Policy for R-Wing".⁴ In this Mr. Twinn stresses the importance of the prison staff helping the prisoner:

What was necessary was caring, support, guidance and encouragement in dealing with the problems that come up day by day i.e. helping to correct behavioural maladjustments as they presented themselves in the working and living at home situations.

¹ Interestingly 38 per cent of those who failed the pre-release scheme and who then completed their sentence in prison, were not reconvicted within 18 months of release.

² Z.L. Whitlock, op cit., p. 27

³ This is in line with Dr. D.J. West's findings concerning recidivists in "The Habitual Prisoner", MacMillan 1963

⁴ Stephen Twinn, "A Policy for R-Wing", being Appendix A to the paper by Z.L. Whitlock already cited

The prison staff's efforts at helping the prisoner were directed in three basic directions: employment, finance and de-institutionalisation.

Many prisoners felt themselves capable of finding their own pre-release employment rather than accepting the "rotten old job" that had been acquired for them by the prison staff - Mr.

Twinn comments

I felt it extremely important that this fantasy should be tested out, where the consequences could be faced, in the event of its proving untrue, whilst individuals were still in a situation offering support.¹

Finance

Mr. Twinn encouraged spending, rather than saving for release - especially for those prisoners with large family commitments who were never likely to have much opportunity to save.

De-Institutionalisation

This is a critical area, one which in my opinion required the most support, encouragement and advice. It is one in which I felt the least information was available.²

To help the prisoner readjust Mr. Twinn organised private counselling and small group meetings to discuss the problems facing them, such as how to deal with work colleagues,

¹Ibid., p. 34

²Ibid., p. 35

neighbours and friends while one carried the stigma of being an ex-prisoner. One of the greatest problems in helping the individuals was the prison sub-culture:

The prison sub-culture militates against this (staff helping inmates with their difficulties), and it is necessary to increase the amount of information exchanged between prisoners and staff, so that the real difficulties can come out and positive support can be given.¹

The prison sub-culture works both ways, not only are prisoners suspicious of staff but staff brought up in the traditional custodial pattern initially found it difficult to adjust to the "R-Wing" helpful attitude.

Mr. Twinn found that his compulsory staff/prisoner meetings helped understanding between both parties, while his regular staff meetings gave staff the opportunity to air their difficulties about functioning in this way.² However despite finding that staff understanding was improved

through these weekly meetings it was possible to effect changes in staff attitudes, increase staff awareness of what was happening in the Wing, increase their involvement in the aims of the Wing and also increase knowledge of the sort of techniques needed to operate the Wing

Mr. Twinn concluded:

There remained an area in which I felt I had not succeeded in making an impression, namely in the attempt to break down or at least modify the traditional prison sub-culture into a more positive one.³

¹Ibid., p. 35

²Ibid., p. 36

³Ibid., p. 36

This paper of Mr. Twinn's has been quoted at some length for as he says there has been very little research done on de-institutionalisation, and very little is done in England or South Africa to break down the prison sub-culture. This may be impossible as indicated by John McVicar.¹

In all the institutions I have been in the most important factor, and the lowest common denominator in the prisoners' attitude, has been the resentment and hatred of the jailers, their personal dislike of the people who administer the system. This may be regrettable, unfortunate or unjustified, but nevertheless it is a fact. It creates an insurmountable obstacle to any efforts by the staff to exercise a reformatory influence, even if they wish to and are equipped to do so.²

Any initiative towards better prisoner/staff relationships must be guided from the Head Office of the Prisons Department. At present there is too great a gap between the Prison Officers actually running the prisons and Head Office - this lack of communication makes the introduction of changes more difficult than is necessary. Thus any moves to improve the life of prisoners are liable to be condemned by Prison Officers before they have been properly considered. As J.E. Thomas has put it:

If the uniformed staff feel secure, then they will not immediately feel threatened or aggrieved if resources³ are deployed to develop inmate training and treatment.

¹ John McVicar - currently serving a sentence of 23 years in prison in England for a variety of property offences, assault, and escaping from prison

² "McVicar By Himself" (London: Hutchinson & Company (Publishers) Limited, 1974) p. 166

³ J.E. Thomas, "The English Prison Officer since 1850 - A Study in Conflict (Published by Routledge and Kegan Paul Limited, 1972) p. 221

P. PAROLE AND REMISSION

Since 1967¹ every prisoner serving a sentence of over 18 months is eligible for consideration for parole when he has served one-third of his sentence, or 12 months, whichever is the longer. Once eligible all prisoners are first considered by a local review committee where the prisoner is detained, the committee makes its recommendation to the Home Office, and if the report is favourable² the Parole Board reviews the case on behalf of the Home Office. Parole is finally granted by the Home Secretary, and the prisoner is released on various conditions.

Between 1st April 1968 and the 30th September 1969 some 2 500 prisoners were released on parole, of whom only 91 had to be recalled to prison during this period.³ One of the most important results of parole has been the centralising of information about prisoners, the recognition of the need to know more about offenders, their past records, the circumstances of their offence, their social and family background, their general attitude and response to prison, and the likely outcome of their release.

¹S.60 of Criminal Justice Act of 1967

²As a check on the local committees the Parole Board also investigates a number of refusals by local committees. Since the introduction of Mr. Nutall's "Prediction Test for Parole" the Parole Board have made more frequent checks on local committees

³People in Prison, op cit., para 115, p. 48

The introduction of the parole scheme has made more apparent than ever the need for a continuity of approach and treatment ... Even more important, it has reminded all those who deal with the prisoner of the need to look outward towards his return to the community and not to see a spell in custody as a self-contained episode.¹

Remission

All prisoners are eligible for the remission of one-third of their sentences, provided that a sentence is not thereby reduced to an actual term of less than 31 days.

Q. COST OF PRISON IN ENGLAND AND WALES

For the year ended the 31st March 1972 the total cost of prisons and remand centres, borstals and detention centres was £84,1 million less receipts of £5,9 million - being a net cost of £78,2 million.² This was for the custody of approximately 38 000 persons per day.³

Certain financial details are given below in Table 5 as they are valuable for comparison with other prison systems.

¹People in Prison, op cit., para 115, p. 48.
The lack of detailed analysis of the individual prisoners in their Prison Files came as a considerable shock to those prisoners in the Durham Security Wing who took part in the Durham Prison Lock-in of 1968 and who obtained access to their prison files.
See McVicar by Himself (Hutchinson and Company 1974), pp. 191-193
Also Stanley Cohen and Laurie Taylor "Psychological Survival" 1972, pp. 24-29.

²Annual Prison Report 1972, op cit., pp. 86-87.

³For the same period South African prisons cost R36,6 million for the custody of approximately 91 253 persons per day. R.P. 2 1972 Vote 27, p. 167.

T A B L E 5¹

EXPENDITURE: 31st MARCH 1972

Daily Average Number of Inmates	<u>Prison and Remand Centres</u>	<u>Borstals</u>	<u>Detention Centres</u>	<u>Totals</u>
	32 469	5 253	1 559	39 281
	£	£	£	£
<u>Current Expenditure</u>				
1. Pay and Allowances	33 526 523	6 473 434	1 844 659	41 844 616
2. Totals	41 209 000	7 927 214	2 269 802	51 406 080
Inmate Maintenance (Food)	-	-	-	2 404 960
<u>Miscellaneous</u>				
Education and Prevention	854 098	445 463	174 259	1 473 820
Inmates Earnings	762 267	112 404	13 817	888 488
Welfare and Aid on Discharge	849 473	65 894	54 351	969 718

452.

¹Annual Prison Report 1972, op cit., pp. 86-87

Department of Prisons Extracts of Financial DetailsYear Ended 31st March 1972¹Receipts from Prisons

1. Receipts from Farms, Industries etc.	£5,2 m
2. Other Receipts (hire of inmate labour, sale of old stores etc.)	£0,535 m

<u>Average Annual Cost per Inmate</u>	£1 627
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Maintenance of Establishments, Rates etc.	£3,6 m
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Capital Expenditure

1. New Buildings, Alterations etc.	£9,6 m
2. Plant, Machinery and Vehicles	£1,1 m

The amortized annual costs of providing one new place in each of the following types of establishment including staff housing is:

Closed Prison	£968
Medium and Long Term Prison	£683
Short Term Prison (Open)	£573
Young Offender Establishment (i.e. for use as a closed borstal or young prisoner centre)	£834

R. RECIDIVISM

In recent years of those persons sentenced to imprisonment on any one year approximately 10 per cent have been first offenders, while approximately 60 per cent have been in prison before.

S. STAFF

Approximately 1 Staff to 2 Prisoners.

¹Annual Prison Report year ended 31 March 1972, op cit., pp. 86-87.

T. MISCELLANEOUS

T.1 Coldingley Industrial Training Prison

In May 1969 Coldingley, England's new industrial prison, was opened. It is a closed, category B prison, with accommodation for 296 inmates.

Considerable care went into the planning of Coldingley, for it is an experimental prison to try out the following hypothesis:

For a certain type of prisoner the most important part of his training is to learn to work in an efficient well-managed industrial organisation; to have to work under supervision and against the clock in achieving economic levels of output and quality; to earn more or less money according to how hard he works, and his own abilities will allow; and finally to enjoy the rewards of his own actions. This means that work forms the prime form of treatment at Coldingley, and a well-managed, efficient, industrial activity enables the prison system to make a positive, economic contribution to society.¹

Workshops at Coldingley

1. Laundry - the laundry is the largest and most viable industry at Coldingley. It cleans linen for the Oxford Hospital Board.
2. Light Engineering - producing Steel Shelving.
3. Sign Making - Road signs etc.
4. Building Maintenance.
5. Domestic Duties.

¹"Coldingley Prison", Roneod Paper produced by Staff of Coldingley, July 1974.

Work Conditions

In setting up Coldingley the Prisons Department aimed at simulating normal outside industrial conditions. Thus unlike most prisons a full forty hour week is worked without the usual prison interruptions. Machinery is fully up to date, and the workshops are modern in design.

On arrival at Coldingley inmates are told what work is available and they are free to choose between the different jobs. Should they wish to change jobs they can do so, subject to 7 days' notice to the workshop they are leaving. If their choice of work is unavailable they can go "unassigned" - which means unemployed, and receive only 25 p. per week until a vacancy they would like becomes available. They must then apply for the vacancy and must compete with other prisoners also applying for that job - the choice of employment rests with the workshop manager. The individual work has been evaluated by work study experts, and workers are paid on an incentive basis. The maximum wage is £1,75 per week and the average wage is £1,25. Wages are paid in cash and can be spent in the canteen which is open six days per week and has a wider range of goods than other prison canteens. Inmates are encouraged to save for their release and to send money home to their families.

Inmates for Coldingley are selected at the Allocation Centres. To some extent those prisoners most likely to benefit from the Coldingley regime have been sent there,

and certainly obvious troublemakers have been excluded, consequently the standard of inmates is probably slightly better than in other prisons. Similarly work instructors and custodial staff were carefully chosen in the initial stages of Coldingley and the aims of Coldingley carefully explained so that they would give the experiment their full co-operation.

Residentially inmates are as well accommodated as in the best prisons - with recreational facilities such as radio and television, and opportunities to attend educational classes etc.

Is Coldingley a Success?

Results of a comparative reconviction rate study indicate

that there are no absolute differences either in speed of reconviction or reconviction rates between Coldingley men and their controls. There is evidence which suggests there might be a relative delaying effect in those cases where both Coldingley men and his control have been reconvicted; but this still has to be confirmed, and even if it is, the effect is very short-lived.¹

The author is concerned lest these results showing no significant difference in reconviction rates between Coldingley inmates and inmates from other prisons should be over-emphasised. Although Coldingley is the most work orientated prison in England there is much more that can

¹Extract from Coldingley Presentation to the Prison Board, 18.3.1974.

be done to simulate outside working conditions.¹ Productivity in the workshops is substantially below that of normal industry (with the possible exception of the laundry). There are many likely reasons for low productivity - not least the lack of motivation of the workers. The wage differential, with a maximum of £1,75 per week and an average of £1,25 per week is insignificant. Secondly, there is little incentive to work hard for an inmate can earn sufficient to buy his tobacco and basic requirements and thereafter there is little need for money. Perhaps if a man was working to earn a weekend's home furlough he would apply himself to a greater extent, and an increased wage would then be meaningful. Similarly if remission were linked to work effort.

There is virtually no scope for promotion within the workshops, nor is the work particularly challenging, or of any significant training value for release - save in the possible, although not very likely, inculcation of the work habit.

However the quality of life for prisoners is probably higher at Coldingley than at most other prisons, and this allied to its potential for rehabilitation justifies its continuance.

¹The author spent a day at Coldingley during 1972 and had a meeting in September 1974 with officials from Coldingley in addition to meetings with officials of DIS.

T.2 Recent Research Into Prison Industries

- (a) Research into Prison Industry - Stephen Brodie on behalf of Home Office Research Unit (HORU).

During 1968 in discussion with DIS it was decided that the HORU could assist DIS by

an examination of the attitudes of prisoners to the work they have done in prison, might expect to do or would like to do. The main aim of the research was to discover if there was anything about the prisoners themselves which encouraged or inhibited productive work. As a subsidiary aim we (HORU) wanted to describe a sample of prisoners employed in prison workshops and their attitudes to work in general. This may sound trivial, but in fact no-one has asked such questions before.¹

Research was carried out in the Tailors Shops at Wormwood Scrubs, Albany and Eastchurch. The final sample being 84 'direct' workers (so called because they are paid according to how much they produce).

The basic conclusions to this research were as follows:

1. The majority of prisoners found tailoring satisfactory so far as prison work went - but they would have liked to do "more congenial, interesting or useful work."²

¹Research into Prison Industry - Stephen Brodie. Unpublished Home Office Research Unit Report 1973. In my discussions and correspondence with prison departments in many different countries I have found very little detailed research into prison industries. Regrettably I have not been given the opportunity of carrying out such research in South African prisons.

²Ibid., p. 22

2. Approximately 50 per cent of the inmates said that they would work harder for increased pay - and when wages were raised they did in fact work harder. The idea of remission being linked to good work appealed to most prisoners.
3. Tailoring work is only suitable for those who can spend at least six months in the workshops for otherwise productivity is too low.
4. There was a considerable need for more careful aptitude testing of inmates before allocation to different jobs. Some men are not capable of performing adequately their work tasks, but for others

the range of abilities (possessed by inmates) may be wider than is generally believed, and probably wider than the range of skills demanded by present prison industries.¹

Rehabilitative Role

Most of the men saw work primarily as a way of passing the time - only 28 of the 84 found that their work held any interest or pleasure for them, or thought it was of any value.

It was impossible for us to estimate how many men might have benefitted later from the experience of working reasonably hard for regular daily periods. In any case, over half of them had been fairly steady workers out of prison

¹Ibid., p. 23.

(we could check their own accounts from their prison files), and most of them intended either to go back to the same job, or the same sort of employment that they had had before, when they came out of prison.¹

(b) Medium Term Prisoners: A Survey of Work Done
In and Outside Prison

Unpublished Report prepared by Susan Fairhead and Dr. Charlotte Banks of the Home Office Research Unit, July 1974.

"The investigation was undertaken in order to provide the Directorate of Industries and Supplies with information about prisoners' employment requirements."² DIS were unhappy with the proposed policy of rationalising prison industries so that inmates would only be given a choice of two industrial employments at new establishments where 70 per cent or 80 per cent of the population would be given jobs in workshops.

DIS was concerned that this would not provide sufficient choice of employment. They suggested that descriptions of the trades that prisoners followed when at liberty should be of value in this context.

The investigation was confined to a sample of 50 men serving medium term sentences. The researchers concluded:

The results presented here suggest that more such men are experienced in, and able to perform satisfactorily, clerical and skilled manual work than are provided with suitable jobs of that nature in prison. 34 per cent of the

ibid., p. 21.

²"Medium Term Prisoners" - A Survey of Work Done In and Outside Prison. Unpublished Report prepared by Dr. Charlotte Banks and Susan Fairhead of HORU, July 1974, p. 1.

sample appeared to have useful experience in skilled clerical or manual jobs outside and two-thirds of these men, 22 per cent of the sample, were doing jobs in prison that did not require their abilities.

It is suggested that a policy to rationalise prison industry could have the effect of providing for a more efficient use of abilities acquired outside prison if it introduced more jobs needing skills in engineering and clerical work and if, at the same time maximum use was made of inmate labour in the building programme.

The great majority of medium term prisoners appears to have had experience in semi-skilled jobs at least and to have commensurate intelligence. Such men would probably be able to undertake any semi-skilled work. It may not be as important in planning future prison industry to cater for the particular jobs these men have done outside as to take account of the proportion of prisoners able to work at this level.¹

- (c) Industrial Work in a Prison Context - Problems and Potential - Sandra J.N. Dawson, unpublished paper August 1972.
- (d) Power and Influence in Prison Workshops - Sandra J.N. Dawson, unpublished paper, August 1974.

These papers represent the only detailed recent research known to the author that has been conducted into prison labour in England and Wales by somebody other than a government employee. Although the author has read both papers they have only rarely been referred to in this thesis as it is Sandra Dawson's intention to publish her research.

¹Ibid., pp. 1-2.

SUMMARY OF PRISON EMPLOYMENT IN ENGLAND AND WALES

How successful has the Prison Department been in its new policy of developing prison employment and in achieving their proposed goals for prison labour?

The rapid industrialisation of English prisons during the last five years is remarkable when one considers the conservatism and resistance to change which is so much part of all prison systems. The aim of using prison labour to defray the costs of the Prison Department has been realised, and prisoners are more usefully and probably contentedly employed than ever before.

Secondly the quality of life in prison has been improved by the elimination of monotonous work such as mailbag sewing.¹ For most prisoners work is seen as a means for passing the time, earning some spending money and little more.² This is likely to persist while work is seen only as "prison work" and not as part of the rehabilitation programme. This negative attitude is strengthened by the weak position of workshop instructors, both in their own workshops and in the prison hierarchy.³ In the workshops they have very limited powers of hiring and firing prisoners, differentiating in their rewards to prisoners, or even inspiring or coercing their employees to work - certainly far less power than

¹It is anticipated that mailbag sewing will soon be no longer part of prison employment.

²See T. supra, p. 461. Research by Sandra Dawson.

³Sandra Dawson, "Power and Influence in Prison Workshops," unpublished paper written mid 1974.

in an outside workshop even with active trade unions. In the prison hierarchy industrial staff are far fewer in numbers than the custodial staff who naturally resent them, for the existence of workshop instructors reduces the custodial staff's rehabilitative function and thus diminishes their own conception and the public image of their role to that of a turnkey - a somewhat unsatisfactory image as shown by the Prison Officer's Memorandum to the Home Office 1963. Until Prison Governors are made directly responsible for industrial output, in addition to their other duties, there is little likelihood of the workshop instructors receiving the administrative and authoritarian backup which they require.

It is too soon to know whether the rehabilitative aim of prison work has been realised or not. Indications from Coldingley are that they have not. However this does not necessarily mean that the emphasis on efficient work is entirely wrong - but just as there is no single cause of crime so efficient work alone will not bring about rehabilitation/reform.

¹The author is in favour of the "therapeutic community" approach to rehabilitation such as exists at Grendon Prison near Oxford. The aim is to help prisoners to recognise their faults and weaknesses, and to teach them how best to conform to a more socially acceptable code of conduct. However, such an approach to rehabilitation requires specially trained staff and a high staff to prisoner ratio, consequently it is expensive.

A. COUNTRY: France¹

B. YEAR: 1972

C. POPULATION OF FRANCE: Approximately 52 million

D. DAILY AVERAGE PRISON POPULATION: On 1st January 1973 30 306

Total Admission - 1972: 78 121 (Males 29 451, Females 855)

E. SYSTEMS OF PRISON WORK:

Lease, contract, piece price, public account, state use,
private pre-release

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:

1st January 1973: Total 30 305

1. Unoccupied: Men 12 353 Women 299

2. <u>Employed</u> :	<u>Men</u>	<u>Women</u>	<u>Total</u>
1. By the State (en régie)	841	62	903
2. By Private Entrepreneurs (on concession)	10 097	293	10 390
3. General Service (Domestic)	4 203	157	4 360
4. Building group (Maintenance)	818	-	818
5. Workshops in Freedom	62	-	62
6. Semi Liberty	575	7	582
7. Vocational Training	<u>502</u>	<u>36</u>	<u>538</u>
Total Workers	17 098	555	17 653

¹Sources of Information:

1. Annual Prison Report 1972 - a very detailed document of some 345 pages.
2. Report of Prison Farm on Corsica 1971.
3. Interviews during October 1974 with M. Jean Talbert - Head of the Prison Labour Section (Gestion Économique) of the French Ministry of Justice, M. Timouis - Head of State Organised Prison Industries and various officials including the director of the French prison farm on Corsica.
4. Various miscellaneous documents supplied by M. Talbert.

State Organised Prison Industry (Numbers Employed: 903)

Although small in numbers the state organised prison industry - mainly for long term prisoners - offers good training facilities for prisoners and employment in efficient workshops. The usual prison trades are represented: e.g. metal work; carpentry; clothing manufacture; painting etc.

During 1972 this section made a profit of 3 million francs (R1 = 6,46 French francs). (R464 396). There are plans to expand state organised prison industries in order to employ more prisoners.

State Prison Farm

The State Prison Farm in Corsica is the only open prison in the entire French prison system. It covers an area of 1 800 hectares and provides employment for approximately 180 prisoners, serving sentences from 15 months to 10 years.

1. Aim

The aim of the farm prison is to rehabilitate prisoners by fully employing them in a more congenial atmosphere than the normal prison. The emphasis is on efficient farming, and the average working week is 44 hours compared to 25 hours in industrial work. Produce is supplied to the State and sold on the open market at market prices.

2. Success

The report published in 1971 on this farm claimed that the reconviction rate was 64 per cent less than that in normal

French prisons. Unfortunately no further detail was given as to the size of the sample, length of study etc.

3. Free Conditions

Each year prisoners at the Corsica Farm Prison can earn a two week vacation during which their families are free to live with them in special holiday cottages on the island.

G. TRADE TRAINING

1st January 1973	Men	502
	Women	<u>36</u>
	Total	538

The same trade tests are taken as in free society.

G.1 Education

France has a well developed educational programme for prisoners. During 1972 a total of 22 243 prisoners received instruction in one form or another while 5 634 prisoners were engaged in correspondence courses.¹

Teachers 1972	- Full Time	73
	Part Time	217
	Voluntary	29

G.2 Examination Results

A total of 1 711 diplomas were gained out of a total of 2 113 candidates.

¹1972 Annual Prison Report, p. 259.

G.3 Social Education

On 31st December 1973 there were a total of 1 428 social workers and prison visitors engaged in helping prisoners and their families.

H. SHORT TERM OFFENDERS

End of 1972:

1. Up to 1 year imprisonment: 7 853 prisoners being approximately 45 per cent of the total prison population.
2. Under 3 months: 1972, only 8,5 per cent of prison population.¹ They are usually employed on maintenance duties or doing simple work in their cells such as making rush seats for chairs, paper bags, toys etc.

I COMPETITION

France minimises competition by

1. State Use
2. Manufacture of goods (or farming) already produced in large quantities by free labour, and sale at market prices.

J. PAY

J.1 Prison Earnings: 1973

¹1972 Annual Prison Report, p. 220.

1. Average

± 319 French francs per month (± R50). Daily earnings
 ± 12,77 French francs (R2). This sum has doubled since
 1968.

2. Long Term Prisoners

Average monthly earnings French francs 434,614 (R67,95).

3. State Industry (Travail en régie)

French francs 478 (R74) per month.

4. Work in Semi Liberty

French francs 1 117,80 (R173) per month.

There are attempts currently being made to raise prisoners wages to the same level as free wages. It is significant that the "Travail en régie" pays a monthly average salary of French francs 478 (R74 per month) and yet still earned a profit of 3 million francs (R464 396).

G.2 Control over Prisoners' Earnings

- (a) 30 per cent is paid to the State for board and lodging.
- (b) The remaining 70 per cent is for the prisoner's own use once a sum of 500 francs (approximately R78) has been saved for the prisoner's release.

K. PRODUCTIVITY

On the whole substantially lower than in free society - only 25 hours work per week, with the exception of the State Farm and the State Organised Industrial Section.

L. TRADE UNION

No prisoners' trade union exists nor would it be encouraged.

M. CLASSIFICATION

Prison Assignment: The vast majority of prisoners serve their sentences in their local prison (maison d'arret), only long term prisoners undergo detailed classification.

N. POST RELEASE FOLLOW UP

No detailed research has been recently carried out.

O. PRIVATE PRE-RELEASE

Encouraged by the Department of Prisons.

P. PROBATION, PERIODICAL DETENTION, PAROLE

No details received.

Q. PRISON FINANCE

Q.1 Cost of Prison System

1972 348,5 million francs (R54 million) - being 29,71 per cent of the total budget of the Minister of Justice. This sum was spent in the following proportion:

	%
Personnel (salaries etc.)	67,8
Upkeep of Prisons	18,4
Services (Electricity, Water etc.)	10,9
Buildings	2,5
Miscellaneous	<u>0,4</u>
	100,0

M. Talbert and M. Timouis - the two senior officials interviewed by the author - were both in favour of setting up efficient prison industries comparable with those outside. This would not only usefully occupy the prisoners, and possibly rehabilitate them, but also provide the funds for educational training.

A. COUNTRY: Italy¹

B. YEAR: 1973

C. POPULATION OF ITALY: 55 million

D. DAILY PRISON AVERAGE: 28 000²

E. SYSTEMS OF ORGANISING PRISON LABOUR:

Concentration of work for the State, some 10 per cent work for private industry under State control.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:

Approximately 14 000 persons work each day - mainly employed in minor industry, handicrafts, agriculture and maintenance.

G. TRADE TRAINING:

Approximately 1 200 prisoners per annum take training courses.

H. SHORT TERM OFFENDERS:

No answer.

¹Source of Information:

Reply to Author's questionnaire by the Director General of Prisons - dated September 3, 1974.

²"Approximately half of the prison population is in detention awaiting trial. We consider in that situation an inmate even if he has been convicted twice, by the Court of first degree and by the Court of Appeal, when he is awaiting for the Supreme Court to give the final decision (in our country most of the cases reach the Supreme Court)."

I. COMPETITION

"A bigger request for prison work by private and public firms would be welcomed, but the reality of our country shows that sometimes there is a shortage of jobs also for the free people. This element produces big difficulties for the re-socialization of ex-prisoners."

J. PAY

1 000 to 2 000 liras per day (960 lira = R1, November 20th 1974). "According to the new penitentiary law, which is under the examination of parliament, the remuneration should not be less than two-thirds of that paid outside the prisons."

K. PRODUCTIVITY

No answer.

L. TRADE UNIONS

No prisoners' trade union.

M. CLASSIFICATION

"There is not a real classification of prisoners, but their attitudes and desires are considered in choosing their job."

N. POST RELEASE FOLLOW UP

No proper answer - "In many cases prisoners after release go on working in the same field in which they worked before."

- A. COUNTRY: Luxembourg
- B. YEAR: 1973
- C. POPULATION OF LUXEMBOURG: 330 000
- D. DAILY PRISON AVERAGE: 129

I must inform you that in our country, where the whole population is about 330 000 inhabitants, we only have 129 inmates, including women, in the two institutions (a central prison at Luxembourg City and an open prison at Givenich).

So our means, especially regarding the employment of prisoners, are very limited and a factory prison system as such does not exist.¹

¹Alphonse Spielmann (Attorney General). Letter dated 18th October, 1974.

- A. COUNTRY: The Netherlands¹
- B. YEAR: 1973
- C. POPULATION OF THE NETHERLANDS: Approximately 13,5 million
- D. DAILY PRISON AVERAGE: 2 455 (May 1974. This excludes the asylum for criminal psychopaths.) 18 Prison Inmates per 100 000 of population. (This is the lowest rate in Europe.)

Sentences of Prison Population: (Figures for 1971 only, being from Report of Central Bureau of Statistics.) The percentage shown came to over 100 per cent due to overlapping in the periods.

Less than 1 month	57,2%
1 to 3 months	16,9%
3 to 6 months	32,2%
6 months to 1 year	7,5%
1 year and over	2,7%

i.e. Virtually 90 per cent of the prison population are serving sentences of 6 months or less.

E. SYSTEMS OF ORGANISING PRISON LABOUR:

55 per cent State Use. 45 per cent Contracts with private firms - prices governed by common market regulations.

Private Pre-Release.

¹Sources of information:

1. Replies to Questionnaire sent by the author, July 1974.
2. Replies to Questionnaire on Prison Labour, July 1973. (This is probably the questionnaire prepared for the Council of Europe survey of Prison Labour which is to be published in mid 1975.)
3. Paper "Work in Penal Institutions" 1974, Department of Corrections.
4. Paper "Scheme of Organisation of Labour Department of Prison Administration.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:

(May 1974).

Industries	349
Handicrafts	882 (mainly for private firms)
Agriculture	169
Construction	22
Maintenance	416 (Household services mainly pre-sentence)
Other Employment	63 (Private Pre-Release)
Unemployment	<u>554</u> (Illness, Refusal etc.)
Total	2 455

Of this total approximately 400 work in their cells principally with the assembly and packing of clothpins, and light paperwork.

F.1 Type of Work

Principal types of work are: metalwork; clothing; woodwork (furniture); concrete works; printing, bookbinding and boarding; textiles; assembly of various articles.

G. TRADE TRAINING

During 1973 66 prisoners received trade training of whom 38 passed trade exams. Courses in: Woodworking; Metalworking; Printing; Bricklaying and Car Repair.

H. SHORT TERM OFFENDERS:

Some 90 per cent of offenders are serving sentences of six months or less. This inhibits the work programme.

I. COMPETITION

The type and quality of goods produced are such that private industry has no fear of competition. There is regular consultation about prices with the workshops for socially handicapped persons.

J. PAY (R1 = 3,6 Guilders)

Prison pay is based on three grades dependent on the length of stay in prison and good behaviour.

	R
Grade A	Florins 1 - 1,90 per day (28 - 53 cents)
Grade B	Florins 1 - 1,40 per day (28 - 39 cents)
Grade C	Florins 1 - per day (28 cents)

Bonuses: By doing extra work inmates can receive a bonus of between 0,40 florins and 0,90 florins per day. In prisons the bonus is granted by the foreman; it is not per se linked to productivity.

Use of Earnings: Four-fifths can be spent in the canteen. One-fifth is saved for release. (No contributions sent to families.)

K. PRODUCTIVITY

Generally 20 to 25 per cent of that in outside industry.

The printing industry works at 75 per cent of outside industry.

The making of profits is no official goal. Because of the essential aim of the rehabilitation of detainees, the Prison Administration must accept to make costs, which from a managerial point of view should be avoided. In the general context of the rehabilitation of offenders and their preparation for employment on release

an economically responsible and efficient method of work is to be pursued. The detainee must learn to earn his daily bread.¹

The future aim is ... to come to well organised and simple work that is easy to learn. One of the main purposes will be to get the detainees accustomed to work at a good tempo.²

It should be noted that the real time for labour is four to five hours per day. The work process is discontinuous because of numerous interruptions for other activities.³

L. TRADE UNIONS

No detail received.

M. CLASSIFICATION

With special regard to work assignment: "In each institution there is a work assignment commission, which integrates work with the interests of treatment."

N. POST RELEASE FOLLOW UP

There has been no official research in this field. It is thought that in general the former skills learnt in prison are not applied outside.

O. PRIVATE PRE-RELEASE

63 persons (May 1974) were employed on pre-release by private businesses and received normal wages.

¹"Work in Penal Institutions", op cit., p. 2.

²Ibid., p. 1.

³Answer to Author's questionnaire.

Semi-Open Institutions

Detainees in semi-open institutions receive the normal prison wage but in addition receive 40 per cent of the comparable wage in free industry.

P. PROBATION, PERIODICAL DETENTION, PAROLE

No details received.

Q. PRISON FINANCE

No details received.

R. RECIDIVISM

No details received.

S. STAFF

Ratio of Staff to Inmates 1 : 4 (as at January 1973).

T. MISCELLANEOUS

1. Orders are obtained by Head Office.
2. Apparently there is always sufficient work available.

SWEDEN

This report on Sweden is fuller than reports on most other countries both because the author knows more about the Swedish Correctional System and because he feels there is much many countries can learn from Sweden in this field.

Research Data

- (a) Annual Reports of Royal Swedish Department of Corrections - English summaries 1967-73.
- (b) Visits to various prison institutions in Sweden in July 1972. Interview with Mr. Norman Bishop - Head of Research and Development Unit. Various letters from Mr. Bishop since that date.
- (c) Prison Labour questionnaire answered with detailed letters from Torbjörn Ström, First Section Secretary Department for Work and Education, Planning Unit, National Swedish Correctional Administration.
- (d) Report of the tour in April 1971 of Swedish Prison Institutions arranged by the Oxford University Penal Research Unit.
- (e) Government Committee Report of the Swedish Penal System, 1971. SOU 1971-74.
- (f) "Prison Democracy in Sweden." Bo Martinsson - Director General Swedish National Correctional Administration, 16th April, 1971.
- (g) "Labour Market Wages for Prisoners." Carl-Henrik Ericsson. Head of Department for Work and Education, National Swedish Correctional Administration. December 1972.
- (h) "Comments to the Incomes and Costs of the Employment Programme." National Correctional Administration. 8th February 1973.
- (i) "Work Remuneration for Inmates Who Participate in the Experiment with Rates of Payment Adjusted to Open Market Rates." (Appendix to Circular 4 of 1972). National Correctional Administration. 9th February 1973.
- (j) "Regulations for the experiment on paying work earnings adjusted to open market rates to inmates at Tillberga Prison." Circular No. 4, 13th September 1972. National Correctional Administration.

- (k) "Regulations for the Remuneration of Inmates." Circular No. 1/1973. National Correctional Administration, 15th June 1973.
- (l) "Report on an Experiment with the Payment of Work Earnings Adjusted to Open Market Rates at Tillberga Open Prison," by Gunnel Källgren, Work and Education Department. National Correctional Administration.
- (m) "Ulricksfors: a Follow-up study of clients taking vocational training courses," Nils Wickberg, 1972. Brief summary in English by Norman Bishop.

Principal Officers of ...
Report

The Daily ...
country of ...

Quoted from ...
The stated ...
been the increase

A. COUNTRY: Sweden

B. YEAR: 1973

C. POPULATION OF SWEDEN: Approximately 8 million

D. DAILY PRISON AVERAGE:

1. 4 559¹ (4 971 includes people remanded in custody).

2. Short Sentences

68 per cent of the prison population have sentences of 3 months or less.

Length of Sentence (1972 Annual Report)

Sentence Under 4 months	69%
Sentence 4 to 12 months	22%
Over 12 months	9%

Principal Offences of Those Admitted to Prison (1972 Annual Report)

Drunken Driving	39%
Larceny	20%
Violence	14%

¹The Daily Prison Average decreased markedly in 1974. (In custody as at 1st January:

1970	6 426
1971	6 456
1972	6 505
1973	5 880

Quoted from Annual Report for 1972).

The stated reason for the decline in the prison population has been the increased use of non-institutional sentences.

Refusing Military Service	7%
Fraud	6%
Drugs	4%
Other	10%

During 1973 a total of 9 963 prisoners were jailed: of these 5 815 were for sentences of under 3 months. "Nearly 40 per cent of all imprisoned in a year are drunken drivers. Beyond the 9 963 sentenced to imprisonment, you have about 500 internments and 400 youth prisoners where the length of the sentences are not fixed."

E. SYSTEMS OF ORGANISING PRISON LABOUR

Public Account, State Use, Private Pre-Release.

1. Mainly State Use - 80 per cent of industrial production is sold to government authorities such as the Army, the Railways, the County Councils etc.
2. Agricultural produce is sold to the private farmers distribution and selling association.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

Industries	2 096	
Handicrafts	994	
Agriculture	714	
Construction and Conservation	70	
Maintenance	575	
Other Employment	<u>651</u>	(Studies)
Total	5 100	

G. TRADE TRAINING

Approximately 300 prisoners receive trade training annually of whom approximately 60 pass trade exams. Trade Training is mainly for young prisoners with little or no previous work experience.

Due to the relatively short terms full trade training can seldom be carried out in prison. Much of the work should best be considered as giving the inmates a meaningful occupation and training in regular habits.

H. SHORT TERM OFFENDERS

69 per cent of the prison population have sentences of 4 months or less. This results in a very rapid turnover of prisoners in the workshops where the average stay is under two months.¹ There are however very few work tasks which cannot be learnt in three weeks.

I. COMPETITION

Factory products are sold by a central administrative and selling organisation (Department of Work and Education of the National Correctional Administration) competing on the open market under the same conditions as private firms. Prison goods cannot be dumped at low prices, and the quality must be in line with that of the free market. 80 per cent of goods are bought by State related bodies.

¹"Comments to the Incomes and Costs of the Employment Programme" - paper issued 2nd August 1973 by the Swedish National Correctional Administration, p. 2.

J. PAY (R1 = 6 Swedish Crowns; 1 Swedish Crown = 100 Öre)

J.1 Prison Remuneration

1,5 to 3,5 Swedish Crowns per hour (25 to 58 ^R cents per hour).

J.2 Free Wages

16 to 20 Swedish Crowns per hour.

J.3 Further Details of Prison Remuneration

Activities Remunerated:

Current regulations governing the remuneration of inmates are contained in Circular No. 1/1973 of the National Correctional Administration dated 15.6.1973 and as recently amended by a 5 per cent increase in all wages on 1st July 1974. Inmates are remunerated if they take part in any of the following activities during working hours:

(a) Practical Work

'By practical work is meant building and construction, factory work, farming and forestry, work in the cells and kitchen and maintenance duty.'

(b) Education

'By education it is here meant organised theoretical education on the level of primary or secondary school, or higher levels, courses within the framework of the folk high schools, organized vocational training and other instructed courses.'

(c) Special Activities

'By special activities it is here meant aptitude-testing work tests, group therapy, presence at Treatment Boards, Supervision Boards or Central Boards, meetings with NAFF, NIBB, Joint Councils or Inmate Councils and participation in "Great Forum". (Great Forum unexplained.)

Since 1st July 1974 inmates receive pay for time spent at talks with the prison director or his assistants.

"Inmates are not remunerated when they go to physicians, psychiatrists or doctors."

J.4 Travelling Time

If the journey to work takes ten minutes or longer the inmate is paid on a fixed time rate basis for his travelling time.¹

J.5 Unemployment Compensation

Unemployment compensation is paid on a fixed daily rate in the case of unemployment due to shortage of work.² Similarly compensation is paid on a time rate basis in the case of a temporary stoppage of work of at least thirty minutes duration, in the case of stoppage caused by power failure, mechanical breakdown, unsuitable weather etc.³

¹"Regulations for the Remuneration of Inmates." The Swedish National Correctional Administration Circular No. 1/1973, 15th June 1973. S.2.1.3.

²Ibid., S.2.1.4.

³Ibid., S.2.1.5.

In both unemployment compensation and work stoppage, compensation payment is only made if no other occupation is offered to the inmate.

3.6 Overtime Rate

An overtime rate is paid for work which an inmate is requested to do outside normal working hours. If the work is done on a day when the inmate would otherwise be free from work, then normal remuneration is paid with an addition of 100 per cent. In other cases the addition is 50 per cent.¹

Piece Rate

"Where possible salaries are paid according to performance, either as piecework, group or individual, or by contract.

Pay Scales²

1. Piece Rate: Differs according to nature of work.
2. Time Rate: 140 to 170 öre per hour
3. Travelling Time: 140 öre per hour
4. Unemployment Compensation: 565 öre per working day
5. Temporary Stoppage Rate: 140 öre per hour
6. Remuneration for Studies: 140 öre per hour
7. Illness and Accidents: 565 öre per working day³

¹Ibid., S.2.1.6.

²Ibid., S.2.3.1.

³Ibid., S.2.3.2.

J.7 Payment of Normal Market Wages¹ - Tillberga Experiment

In a Swedish study made in 1959, the goals of an experiment in paying open market wages were, inter alia, stated to be:

improvement of the work output of inmates, of their financial circumstances and possibilities for social adjustment together with a decrease in costs for social welfare and the financial support of the correctional authorities.²

In November 1972 the experiment in paying open market wage rates started at Tillberga Open Prison. This has been described in some detail for the controversy, as to whether paying proper wages or not significantly affects either productivity or reconviction rates, has been notably short of factual information.

(a) Selection for Tillberga

In order to obtain inmates for Tillberga the prisoners themselves fill in an application form to be transferred there. This form, with the inmate's file, is forwarded to the Tillberga selection committee - two representatives from the prison and a psychologist - who then decide on each application. Less than 50

¹Based on

- (a) "Report on an experiment with the payment of work earnings adjusted to open market rates at Tillberga Open Prison" by Gunnel Källgren, 15th November 1973 and issued by the National Swedish Correctional Administration.
- (b) Interview in July 1972 with Mr. Norman Bishop, Head of the Research and Development Unit of the Swedish Correctional Administration, and several letters from him.
- (c) Letter from Torbjörn Ström - First Section Secretary Department for Work and Education, Planning Unit, National Swedish Correctional Administration, 12th September 1974.

²SOU. 1959 : 18 "Fanges arbetsersättning".

per cent of applicants had been accepted by the end of the first year of operation.¹

The general opinion among the prison staff is that the choice has given a notably better clientèle in the prison ... this elite clientèle may have a significant influence on the good results of the experiment.²

(b) Aims of Tillberga

The aims of Tillberga are as set out above in the 1959 study, and in particular "an important goal is to get the prisoner to clarify his present financial situation and to learn to plan his economy with an eye to the future."³ This is done by both individual and group counselling.

(c) Prisoner Motivation

75 per cent of Tillberga's 120 inmates are employed in the construction of timber frame houses and are paid at the normal rates applicable in the open market.

(d) Tax

How best to calculate and deduct tax caused considerable controversy. One school of thought held that the inmates pay slip should reflect normal earnings and that tax should be deducted on the "Pay As You Earn"

¹ Ibid., 9.i. supra at p.3.

² Ibid., p. 3.

³ Carl-Henrik Ericsson - Head of the Department for Work and Education, National Swedish Correctional Administration - "Labour Market Wages for Prisoners," published by Information Service of Royal Swedish Ministry for Foreign Affairs.

basis, the rate of tax varying with the income earned - in this way the prisoner would grow used to receiving a regular pay packet and seeing his tax deducted. The school of thought which prevailed advocated a flat deduction of 31,38 per cent tax no matter what sum was earned. In practice no tax is deducted and the prisoners just receive their earnings less 31,38 per cent - in this way much unnecessary administration is saved.

(e) Social Security

As no income is formally reported and no fees are paid to the social insurance, the inmates receive no benefit in case of illness or accident. Instead, the prison pays a compensation calculated on the average income during the two weeks preceding the illness.¹

(f) Use of Earnings

The Correctional Administration has given special attention to the rules regulating the use of earnings. These matters are considered to be of great importance for the possibility of improving the financial and social situation of the inmates during their imprisonment.²

The prisoner can retain 25 per cent for his personal expenditure, the balance is to be used for paying for his meals, paying creditors (voluntary), paying the rent on a flat or house and generally contributing to his family's upkeep, having sufficient funds for his

¹ Ibid., p. 2.

² Ibid., p. 2.

home furloughs and setting aside money for release. (Most inmates have saved some 600 Swedish crowns on release - R100.)'

(g) Home Furloughs

A significant feature of the Tillberga experiment has been the introduction of a fortnightly home furlough. In Sweden, brief home furloughs in the course of long institutional sentences have been part of the corrections system for many years. An initial period of imprisonment is served and when the authorities deem an inmate fit for a home furlough he is granted leave for 48 hours, this is later extended to 72 hours.

During 1972 a total of 19 432 furloughs were approved. Of these 1 446 (7 per cent) were abused in the sense that the inmate did not return to the institution within the prescribed time and 577 (3 per cent) due to other misconduct e.g. intoxication by alcohol or narcotics, or criminal activity.¹

At Tillberga, from the second month onwards inmates get a special long furlough every month. The leave period starts after work on Friday afternoon and ends on Sunday evening. Between June and November 1973² 873 furloughs had been granted and only 12 (1,4 per cent) had been abused.

¹Annual Report of the Correctional System 1972, p. 10.

²Dates based on date of "Report of Tillberga", 15th November 1973, op cit., supra.

The generous furloughs have considerably improved the spirit at the institution as well as the inmate's contacts with the outside world. The system has now been further extended and instead of regular furloughs, special 'Tillberga Leave' is granted every second week.¹

One of the objections raised by prison authorities to paying significant wages which the author has met in those countries in which he has visited prison institutions has been that extra money is of little significance to prisoners as they have such limited means of spending it in prison. The idea of saving one's income for release, or sending part to one's creditors, or for the support of one's family, soon palls unless one can see some direct benefit. Mr. Norman Bishop² believes that the special home furloughs at Tillberga have proved a more powerful motivating factor to improve good behaviour and morale, with increased productivity, than has the payment of market wages. However, the wages are necessary for Tillberga's broader goal of teaching offenders greater economic responsibility.

(h) Results of Tillberga Experiment

(i) Productivity -

In the engineering industry there has been an increase in productivity of 26 per cent. In the

¹ Ibid., p. 3.

² Norman Bishop - Head of the Planning and Development Unit - Swedish Correctional Administration.

manufacture of pre-fabricated houses no direct comparison with former production rates can be made as the system has been altered. However, the factory foremen claim that there has been a production increase.

(ii) Reconviction Rates -

"It must be stressed that the material is too small and the period of time too short to allow for any far-reaching conclusion."¹ Extensive follow up is being done and some contact maintained with released prisoners. In post release interviews inmates have complained that too much emphasis is placed on money and financial planning and too little time is spent on psychological treatment.

(iii) Staff Attitudes -

Initially the correctional staff at Tillberga were sceptical of the experiment, but this has been replaced by growing enthusiasm which has contributed considerably to its success.

(iv) Conclusion -

The experience gained during the first ten months of the experiment cannot yet form the basis for any conclusion as to whether market wages can be introduced on a larger scale. The Tillberga system places high demands on the participants. Realistically, only a limited number of inmates can stand up to these demands. But for those

¹Tillberga Report, op cit., p. 4.

who can manage a normal work output and the relative freedom of the Tillberga system, this probably offers the best alternative for carrying out a prison sentence at present.¹

K. PRODUCTIVITY

When judging the incomes and costs of the Employment Programme, it should be taken into consideration that the goal of the programme is not to give the biggest profit possible, but to promote the chances of the inmate to adjust to working life and to facilitate their possibilities of a safe support after their imprisonment. The goal will be realised in interaction with other measures of treatment by giving the inmate an opportunity of factory work, vocational training, work therapy and studies as closely related as possible with those prevailing outside the institution.²

Average productivity is lower than under outside conditions, mainly due to the rapid labour turnover - inmates rarely remaining in the workshops for more than two months.

K.1 Costs³

During 1972 the work section made a loss of 28,6 million Crowns.

	<u>Rand</u>	<u>Crowns</u>
Total Value of Goods Produced	11,0m	65,4m
Total Costs (Fixed Costs: 37,7m) (Variable Costs: 56,5m)	15,6m	94,0m
<u>Variable Costs:</u> 80% Materials 13% Remunerations	9,4m	56,5m

Conclusion: Production covered total variable costs and contributed 8,9 million crowns to fixed costs.

¹Ibid., p. 5.

²"Comments to the Incomes and Costs of the Employment Programme," 8th February 1973, published by the National Correctional Administration.

³Ibid.

To fully appreciate these figures more detail is required - for example, under fixed costs general duties and administrative costs are included, and under variable costs some educational expenses are included.

L. TRADE UNIONS AND PRISON DEMOCRACY

1. Inmate Councils

Prisoners' interests are represented by their own elected inmates' councils for each institution. These councils must meet regularly with the senior staff of institutions and representatives of the Correctional Administration.¹

2. Inmate Work Foremen

Since 1971, as an experiment, prisoners at the closed prison of Norrtälje have been given considerable responsibility over the organisation of their work. The prisoners were divided into three production groups who elected their own group leader. The group leader is responsible for seeing that the necessary raw material is always available, organising the allocation of work within the group, and ensuring the use of safety equipment. This experiment has resulted in increased interest by the prisoners in their work as manifested by the trebling of production and the lack of friction in the workshops.²

¹Annual Report of Correctional System 1972, p. 12. See also infra Chapter VII. See also Prison Democracy in Sweden, by Bo Martinsson, Director General of Swedish Correctional Administration, 1971.

²"Labour Market Wages for Prisoners" - December 1972, p. 4, op cit. Note 2, p. 127 supra.

3. External Trade Unions

'For many years there has been close co-operation between the Correctional Administration and the Swedish Confederation of Trade Unions. During the 1970's special work councils have been set up at a number of institutions to act in an advisory capacity on all matters concerning work. These councils consist of the prison governor, a foreman, a prisoner, a representative of the Labour Market Administration and a trade union representative. These councils have proved very successful for giving prisoners an opportunity to air work grievances before an impartial representative of the working life, and in maintaining contact between the trade unions and prisoners both for release employment and the removal of any fears of competition from prison work.'¹

M. CLASSIFICATION

1. Short Termers -

By definition they do not undergo treatment investigation. They are usually sent to an institution to serve their sentence - if possible close to their place of residence.

2. Long Termers -

Usually investigated at a central institution. Work suitability and skills are certainly one of the factors considered in deciding on the course and place of treatment.

¹Ibid., p. 4.

N. POST RELEASE FOLLOW UP

No follow up into post-release employment has been carried out by the Correctional Administration - the importance of such information is recognised and it is planned to carry out such a follow up.

O. PRIVATE PRE-RELEASE

Approximately 1 per cent of the total prison population are released on a private pre-release basis.

P. PAROLE

Persons being treated in the community have risen from 19 115 persons on 1st January 1966 to 23 188 persons on 1st January 1973. Of these 23 000 persons, about 19 500 are on probation, (9 000 persons sentenced to probation during 1972), the remainder being parolees.

R. It is a distinctive feature of probation and parole work that it is undertaken by only a small number of full time professional workers (about 275). They are supported by nearly 12 000 voluntary private auxilliary workers who take on much of the personal contact with the clients. Case loads are therefore relatively low, most workers having only 1 to 5 cases. The professional workers are primarily organisers and counsellors of the voluntary workers.¹

Q. PRISON FINANCE

¹Annual Prison Report 1972, pp. 12-13.

Q.1 Cost of Department of Corrections

1965-66	169 million Crowns	(R28 million)
1973-74	419 million Crowns	(R70 million)

The cost in 1969-70 was 265 million Crowns (R44 million).

This represented approximately 0,7 per cent of the Government's total budget for 1969-70. (Health was 8 per cent, National Defence was 14 per cent of the National Budget.)

Q.2 Prison Work

Value of Produce

Early 1950's	6 million Crowns ¹	R1 million
1960-61	33 million Crowns ²	R5,5 million
1966-67	69 million Crowns ³	R11,5 million
1972	65,4 million Crowns ⁴	R10,9 million

R. RECIDIVISM

During 1973 the National Central Bureau of Statistics carried out a follow up study of prisoners sentenced during 1967. They defined recidivism as a relapse into crime carrying more serious penalties than fines alone. Their findings were as follows:

¹ 1967 Annual Prison Report

² Ibid.

³ Ibid.

⁴ In supra.

<u>Sentences in 1967</u>	<u>Relapse Rate</u>	
	<u>Without Previous Convictions</u>	<u>With Previous Convictions</u>
1 to 4 months	13%	44%
5 months or over	24%	69%
Youth treatment of some form	99%	81%
Sentenced to probation without imprisonment	30%	47%

S. STAFF

1972 4 657 Staff of whom 422 are in Head Office. Ratio 1 : 1.

T. MISCELLANEOUS

T.1 Conflict: Work Aims v Penological Aims¹

Mr. Ericsson, Head of the Department of Work and Education in the Swedish Correctional Administration, does not believe that work goals and penological goals are necessarily in conflict, so long as the economic goals do not become decisive.

T.2 Size of Prison

Swedish prisons tend to be small - the most common size being 40 to 60 persons. Certain closed prisons are rather larger, the largest being Kumla for over 400 inmates. The Corrections Administration prefer smaller more intimate prisons where the prisoners are known to the staff.

¹From "Labour Market Wages for Prisoners" by C.H. Ericsson, December 1972, op cit.

Work conditions in those Swedish prisons which the author has visited are comparable or better than conditions in outside industry. The modern recently constructed workshops give a greater area per inmate than is normal in outside industry. These excellent physical working conditions are considered very important by the prison work supervisors. In normal industry the worker leaves the factory at night and enters a different world with innumerable distractions. The prisoner has fewer such distractions, consequently good work conditions assume a greater importance.

- A. COUNTRY: Canton of Berne (Switzerland)¹
- B. YEAR: 1 November 1973 to 31 October 1974
- C. POPULATION: 1 016 000
- D. DAILY PRISON AVERAGE: 270 (30 per cent of inmates are serving sentences of 1 to 4 months).

E. SYSTEMS OF ORGANISING PRISON LABOUR:

Public Account, State Use, Private Pre-Release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION:

<u>Industries</u>	<u>Handicrafts</u>	<u>Agriculture</u>	<u>Construction and Conservation</u>
15%	20%	40%	5%
<u>Maintenance</u>	<u>Other Employment</u>	<u>Unemployed</u>	<u>Total</u>
10%	10%	None	100%

Other employment includes: kitchenwork, butchery, bakery, cleaning, administration etc.

¹Sources of Information:

In Switzerland each Canton is responsible for its own Department of Prisons. A detailed reply was received from the Canton of Berne.

1. Reply to author's questionnaire including a detailed letter dated 9 December 1974 from H. Schäfli, the Director of Police for the Canton of Berne.
2. Certain articles in the April-June 1974 edition of "Informations Pénitentiaires Suisses".

G. TRADE TRAINING

Trade training is restricted to institutions for juveniles and young adults.

Training for appropriate working performance is considered a medium for rehabilitating and reforming the offenders - besides therapy, sports, discussions etc.

The emphasis is on good work being good training.

H. SHORT TERM OFFENDERS

30 per cent of the total inmate population is serving sentences of 1 to 4 months. The duration of imprisonment is only of minor importance in selecting the inmate's work.

I. COMPETITION

I.1 State Use

I.2 Market Prices

About 30 per cent of the industrial and handicrafts work is done by contract for private industry "in accordance with market conditions." (Reply to questionnaire.) Production for own use or consumption is debited to the public account at market prices.

J. PAY (R1 = 3,66 Swiss Francs)

Prisoners receive pay - average 10 Swiss Francs per day (R2,73) - which is approximately 10 per cent of free wages. Pay is based on work productivity, and good behaviour.

K. PRODUCTIVITY

Prisoners are occupied according to their capabilities and education. Productivity is not the aim nor the purpose of the penal system of Berne. Therefore, a comparison with other productivity is hardly possible.

L. PRISONERS' TRADE UNIONS

No prisoners' trade unions as such exist - however there are various bodies looking after the interests of prisoners. The most important being the "Swiss Society for Prison Administration and Probation on Parole" which has both private and public representative members.

M. CLASSIFICATION

All prisoners undergo classification specifically for work assignment but such assignment is dominated by what work is available.

N. POST RELEASE FOLLOW UP

On release prisoners immediately go to work found for them by the authorities. No other detail has been received.

O. PRIVATE PRE-RELEASE

Private pre-release exists but is not very common.

P. PAROLE

During 1973 275 convicts (male and female) were released on parole of whom 270 were immediately absorbed by the labour market. During the same period the "Schutzaufsichtamt" or Probation Service

took care of 769 persons on probation of whom 78 had to be reconvicted.

Q. PRISON FINANCE

No details received.

R. RECIDIVISM

No details received.

T. MISCELLANEOUS

Private Enterprise and Prison Labour

On Release:

The employment of released prisoners meets general understanding and co-operation. There is hardly an employer who refuses to occupy a released prisoner in his enterprise, unless he has had bad experience of ex-prisoners.

With the exception of some deliberate experiments all prisoners have until today been occupied inside the penitentiaries. However the possibility of occupying the prisoners outside the institutions (in private or public enterprises in the vicinity) will be used to a greater extent in the future. This method is still in a preliminary stage and depends greatly on the political and economic conditions of the future.

A. COUNTRY: Federal Republic of West Germany¹

B. YEAR: 1972

C. POPULATION: 61 809 400

D. DAILY AVERAGE PRISON POPULATION: 51 179

E. SYSTEMS OF ORGANISING PRISON LABOUR:

Lease, contract, state use, public works and ways, pre-release (unsentenced prisoners have the right to work).

E.1 Production in State and Private Workshops

(a) Factories are owned by the State and leased to private persons who must provide all supervision, raw materials, machinery etc. Among other products parts are made for the motor industry.

(b) The Department of Prisons also runs factories and prison farms for State use.

(c) Domestic Duties - only 10 per cent of all prisoners are engaged in domestic duties.

¹Sources of Information:

1. Partially answered questionnaire.
2. An article issued by the Department of Justice, Bonn, 10th May 1973 "Die Arbeit der Strafgefangenen in der Bundesrepublik Deutschland."
3. Details of employment in different prisons, issued by the Ministry of Justice, 1973.

On the 1st January 1974 new regulations came into effect overhauling the prison system with particular regard to prison labour and training for rehabilitation. Between 1974-82 a sum of approximately 300 million Deutschmark (R845 million) will be spent on capital improvements and the annual running costs will increase by D. Mark 40 to 50 million. R1 = 3,55 Deutschmarks.

E.2 Work Outside the Prison Institutions

(a) Apprenticeship - some prisoners are released daily - without supervision - to do their apprenticeships in outside industry.

(b) Farm Labour - labour is released to farmers.

(c) Industry - labour is released to private industry on a regular basis with or without supervision.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

No details supplied.

G. TRADE TRAINING

There is trade training for suitable prisoners with facilities for training up to artisan certificate level. The goods made at the trade training workshops can be bought by the general public e.g. furniture. Prisoners undergoing trade training are paid a basic wage.

H. SHORT TERM OFFENDERS

No data supplied.

I. COMPETITION

(a) Market Prices: Goods made by prison labour must be sold at market prices.

(b) Wages: Payment made to the Department of Prisons for the use of prison labour, whether in industry or on the farms,

must be in line with market wages.

J. PAY

1. There are different pay scales depending on the nature of the work, the skill and productivity of the worker.

Base Rates: D. Mark 1,20 to 2,40 per day (34 to 60 cents
R
per day)

Productivity Bonus: Maximum of D.Mark 40 per month (R11 to
R26 per month).

2. Distribution of Pay

(a) Basic Pay: Prisoners can have 50 per cent of their basic pay with their full productivity bonus. The balance is retained pending release.

(b) Prisoners in Closed Institutions: Can have two-thirds of their basic pay and their full productivity bonus. Balance is retained pending release.

(c) Prisoners Contracted to Private Employers: Such prisoners earn full wages which they hand in to the Department of Prisons. From this sum is deducted an amount for board and lodging and some of the balance is retained pending release.

K. PRODUCTIVITY

No details received.

L. TRADE UNIONS

No prisoners' trade union exists.

M. CLASSIFICATION

Prisoners are classified for their work and vocational training potential.

N. POST RELEASE FOLLOW UP

No details received.

O. PRIVATE PRE-RELEASE

As shown above release to private employers without supervision both for artisan training and normal work is an important aspect of the German correctional system, where prisoners progress from an initial custodial period of imprisonment to more open conditions with greater responsibility and less supervision.

PRISON LABOUR IN THE UNITED STATES OF AMERICA

As discussed in Chapter IV America had a highly developed prison industries programme in the first quarter of this century which was virtually ended by the anti-competition Hawes Cooper Act of 1929. Since then all States have had to be more circumspect in the organisation of prison labour, consequently they work in close co-operation with private industry and organised labour.

A questionnaire was sent to Federal Prison Industries Incorporated to obtain the national picture of prison labour. In addition questionnaires were sent to California, Colorado and New Jersey. California was chosen because it has the largest prison population of any State (a population which has fallen 30 per cent in four years) and a progressive correctional programme. New Jersey was chosen for similar reasons, and Colorado was chosen as an example of a State with a smaller prison population.

For a brief overview of all State prison industry programmes one should see the Annual Directory of State and Federal Industries prepared and printed by the Canadian Penitentiary Industries for the Correctional Industries Association. This gives details for each American State of the inmate population, the industries being conducted, to whom products are sold, whether and how much inmates are paid, and other related matters.

1. Most Common Industries Found in American Prisons

The most common industries found in American Prisons are given below, they are listed alphabetically and not in order of size or importance: clothing manufacture, farming, manufacture of licence plates and road signs, metal work and woodworking.

Other Common Prison Industries

Brush making; bookbinding; clothing (all types but most commonly skirts, trousers, socks, work overalls and hospital gowns); concrete blocks; construction; cannery; canvas products; cardboard boxes; electric motor repair; furniture manufacture; forestry; farming (mainly dairy, pigs, poultry, vegetable and crops); feed mills; knitting; laundry and dry cleaning; metal work (metal furniture); licence plates; road signs; sheet metal work; motor vehicle repair; mattresses; nursery; plant manufacture; printing; sheet and pillowcase manufacture; soap; shoes; tobacco; upholstery; weaving and woodwork.

Computer Work

Eight states have one or more of the following:

data processing; keypunch; computer programming.

2. Work Release

All but three States were operating work release programmes during 1973-74. (Mississippi, Missouri and Delaware no information given in Correctional Industries Schedule cited above.) Two of the three states without work release had comparatively small inmate populations: West Virginia 680; Wyoming 450; Kentucky was larger with 2 984 inmates.

3. Sale of Products

In almost all cases the sale of products was to tax supported institutions.

4. Private Industry in Prison

During 1972 discussions took place among a number of leading State prison administrators as to the advisability of private industry being permitted to build and operate factories within state and federal prisons, the produce to be for sale on the open market. The aims of such a development were anticipated as being:

- (a) Better training as the privately organised industries would be more comparable with outside industry.
- (b) Increased productivity.
- (c) Full market pay for employees with which the inmates could help to pay for their keep, save for release etc.

On August 15th 1972 a Bill proposing these changes was presented to the Senate of the United States - the recommendations were referred to a sub-committee for further investigation and no report back has been recorded.¹ It is feared that the present economic recession in the United States will significantly hinder any extension of prison industries in the next few years, but the importance of a return to private industries' involvement with prison labour can not be overemphasised. It is generally agreed that one of the most depressing features of many State penal institutions is the lack of constructive employment for prisoners.

Sources

The questions were referred to:

1. "Herald" 1972
2. "Daily Mail" 1972
3. "Proposals for Prison Industry" by Garry 1971
4. "Daily Mail" 1971
5. "Daily Mail" 1971
6. "Parole" 1971
7. "TAC" 1971
8. "How to..." 1971
9. "The..." 1971
10. "Programme..." 1971

¹ Letter received from American Information Service, March 1975.

- A. COUNTRY: State of California¹
- B. YEAR: 1st July 1973 to 30th June 1974
- C. POPULATION OF CALIFORNIA: 19 953 134²
- D. DAILY AVERAGE PRISON POPULATION: 24 223
- E. SYSTEMS OF ORGANISING PRISON LABOUR
 Concentration on State Use and Public Works (Conservation Projects).

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

Of the total inmate population of 24 223, only 2 358 were available for assignment to "Correctional Industries" - in practice on 30th June 1974 only 1 885 inmates were working in industries (including farming).

¹Sources of Information:

The questionnaire was not completed but the following documents were received.

1. "Highlights of Correctional Industries Operations", June 1974.
2. "California Correctional Industries." Paper dated 16th July 1973.
3. "Preparing Men for Industry." Brochure issued by California's Correctional Industries Commission.
4. California Department of Corrections, "Institutions", published 1971.
5. "California Conserves", 1971.
6. Parole - Public Protection, 1971.
7. TAC (Trade Advisory Committees), 1971.
8. How Parole Advisory Committees Help Parolees, 1971.
9. The Work and Training Furlough Programme, 1969.
10. Progress Report, 1967-68.

Various other articles on the Californian Correctional Programme.

This survey of the Californian corrections system has been done in some detail as California is generally considered to have one of the most advanced correctional programmes in America.

²Census 1970.

<u>Factory Operations</u>	<u>Numbers Employed</u>	<u>Percentage of Total</u>
1. <u>Woodworking</u>	304	16%
2. <u>Metal Working</u>		
Licence Plate Manufacturing	112	
Metal Fabrication	160	
Total Metalworking	<u>272</u>	14%
3. <u>Textiles</u>		
Clothing Factory	360	
Knitting Mill	108	
Mattress Factory	16	
Total Textiles	<u>484</u>	26%
4. <u>Laundries</u>	144	8%
5. <u>Other Factory Operations</u>		
Bookbinding	65	3%
Detergent Plant	19	1%
Dry Cleaning Plant	5	-
Printing Plant	78	4%
Shoe Factory	114	7%
Tobacco Factory	16	1%
Total Other Factory Operations	<u>297</u>	16%
Total Factory Operations	<u>1 501</u>	80%
<u>Farm Operations</u>	<u>216</u>	11%
<u>Service Functions</u>		
Clerical	64	
Warehouse and Maintenance	104	
Total Service Functions	<u>168</u>	9%

Conservation Projects

In 1968 California had approximately 2 500 inmates housed in 34 permanent and seasonal 80 man camps, located throughout the State. During 1968 these men put in some 6,5 million man hours in forestry work and ,5 million man hours in fire fighting and flood control. The average length of stay is approximately 12 months before release on parole. A further 3 000 inmates are housed in "community centres" which provide training for inmates prior to camp assignment.

G. TRADE TRAINING AND EDUCATION

G.1. Trade Training

Approximately 4 000 inmates are enrolled in forty-five different vocational training courses. Usually there is on-the-spot job training during the day with classroom instruction after work. Diplomas are awarded on completion of training courses and some inmates are formally indentured as trade apprentices.

G.2 Education

Illiteracy

In 1970 nearly 10 per cent of inmates in state correctional institutions were rated as illiterate. The 1967-68 Report of the Corrections Department stated that about 7 500 (approximately one-third) inmates were enrolled in some form of academic course at any given time during the year. Of these approximately 1 400 earned elementary school

certificates while 800 were awarded high school diplomas. The State employed 175 qualified teachers.

G.3 Counselling

The 1967-68 Report stated that approximately 20 000 inmates (four-fifths of total prison population) were taking part in some form of regular counselling.

H. SHORT TERM OFFENDERS

No details received.

I. COMPETITION

Great care is taken to avoid competition.

1. State Consumption: Goods can only be sold to State or State aided institutions.
2. Market Prices: Penal Code Section 2871 requires that the price of prison products "shall be as near the prevailing market price as possible."
3. Regulative Body: The "Correctional Industries Commission," established in 1947, serves to balance the interests of private industry and organised labour with the needs of the Corrections Department. The Commission consists of the "Director of Corrections for California" and six other persons appointed by the Governor, being two representatives of organised labour, two of industry, one of agriculture and one representing the general public.

The duties of the Regulative Body are:

- (a) To advise on the introduction of new enterprises after having held a public hearing on any such proposal.
- (b) To determine the advisability of establishing, expanding, diminishing or discontinuing any industrial or agricultural enterprise involving a gross annual production of more than \$25 000 per annum.
- (c) To set annually the maximum production limit for each of the Correctional Industries enterprises.

4. Consultative Body: In addition to the "Correctional Industries Commission" which safeguards private industry and organised labour there are "Trade Advisory Committees." These committees are composed of representatives of management and labour who periodically review the operations of a given enterprise, advise on work procedures and training, and assist in the placement of men released on parole. There are currently some 1 200 members of these committees.

5. Size of Correctional Industries:

- (a) The total output of correctional industries is approximately \$11,6 million (year ended 30th June 1974), which is less than one-tenth of 1 per cent of all manufacturing and wholesale output in California.
- (b) Actual factories are smaller than in normal industry, thus losing the benefits of scale. Secondly, a wide

range of products are produced to prevent competition with any one item and thus production runs are far less than in industry.

J. PAY

Inmate pay varies between 5 cents and 19 cents per hour, depending on the skill level of the particular job. The maximum pay allowed is 35 cents per hour.

Total Inmate Payroll is \pm \$500 000 per annum.

K. PRODUCTIVITY

1. Training Orientated

"Correctional Industries is primarily a training operation wherein 90 per cent of the workers are unskilled with little or no work experience and thus without good work habits."

2. Production Runs

As stated above under "competition", Correctional Industries "tend to produce a greater variety of items which mitigate against the economic benefits enjoyed from long production runs and specialisation."

3. Administrative Costs

Administrative and supervisory costs are greater than in normal industry because of the greater need for training and the additional custodial costs.

4. Conclusion: Profitable

Productivity is lower than in outside industry BUT despite everything correctional industries made a profit for the year ended 30th June 1974 of \$393 000. Since Correctional Industries started, they have accumulated a surplus of over \$10 million despite having paid full operating costs including rent, inmates' wages, salaries of training, administrative and custodial staff, and the replacement and amortization of machinery, etc.

L. TRADE UNIONS

1. Do inmate trade unions exist? No reply.
2. Outside Trade Unions - Close links are maintained with external Trade Unions through the "Correctional Industries Commission" and the "Trade Advisory Committees."

M. CLASSIFICATION

All newly committed offenders undergo an initial processing period of about six weeks at "reception-guidance centres." These handle up to 700 men at one time. The reception centre process provides a diagnostic evaluation and background review for newly received inmates, and administers personality, aptitude and intelligence tests.

N. POST RELEASE FOLLOW UP

"Five year follow up studies indicate that about half the inmates released from Californian correctional institutions

do not return."¹

0. PRIVATE PRE-RELEASE²

In America private pre-release was first proposed by Senator Huber of Wisconsin in 1913. It was first put into operation in America by Wisconsin in 1943, and by 1967 some twenty states were operating private pre-release or as they are called in America "work/training furlough programmes." California first adopted "work furlough" in 1957.

(a) Demographic Characteristics of Furloughees 1968-69

1. Numbers: July 1st 1968 to June 30th 1969 679 furloughees (by 1970 this had increased to 1 400).
2. Average Age: 30 per cent of furloughees were in their late 20's; 21 per cent of furloughees were in their early 30's.
3. Offence Pattern: 90 per cent were property offenders.
4. Ethnic Background: 51 per cent Caucasian; 26 per cent Negro; 11 per cent Mexican.
5. Employment: Where possible furloughees are placed in jobs where they will remain when placed on parole.

¹"California Corrections" A Programme Summary 1971. California Department of Corrections.

²Based on "The Work and Training Furlough Programme". California Department of Corrections 1969.

Unskilled	46%
Skilled and Semi-skilled	54% made up as follows:
Transport	11%
Construction	15%
Service Trades	11%
Factory Production	5%

Remainder: Professional, Managerial or clerical positions.

6. Parole Record: July 1st 1968 to 30th June 1969 - Released on work furlough 679 persons. Only 25 of these 679 were classified as escapees for failing to return to their institutions after work. But a total of approximately 20 per cent were returned to correctional institutions for various reasons.

(b) Prison Term Served

Prior to work furlough the inmates had served an average of 26 months' imprisonment.

(c) Aims of Work Furlough

1. A transitional period preparing inmate for release.
2. The anticipation of work furlough is good for morale in prison, and the prisoner's behaviour on furlough indicates whether the inmate is ready for release on parole.
3. Strengthening of family ties.

4. Inmate saves earnings which helps smooth over initial release period.
5. Savings to the State: Work furloughees pay for their board and lodging at the prison, contribute to the prison's administrative costs, pay off fines and debts and they are encouraged to help support their families.

(d) Success of Work Furlough

Follow up based on 2 year period after release: unfortunately very small sample of only 57 persons. Of these 57 persons, 11 or approximately 20 per cent have been returned to prison - this is below the normal reconviction rate but the work furloughees are specially selected.

Future Follow Up: There is an ongoing research project analysing work furlough failures to determine the causes of failure and offer suggestions as to criteria for improving the furlough programme.

P. PROBATION - PAROLE

1. Extra Custodial Treatment

The number of persons held in Californian prisons fell by 30 per cent from 1969 to 1973 due to the increased use of extra custodial corrections, work furlough and parole. As Mr. Procunier, Head of the California Department of Correction, stresses, the costs of holding an offender in a correctional institution are not just the costs of the institution but

include the likely cost of maintaining the offender's family and the lost tax revenue. A system has been developed where the central State authorities rather than imprison certain offenders pay a sum to the offender's home county administration to treat him ex-custodially.

2. Parole

Approximately 90 per cent of men and women released from correctional institutions are required to undergo a period of parole supervision. There are approximately 1 500 parolees served by 700 professional parole officers aided by a large number of private citizens. (Over 2 000 private citizens are involved in institution and parole programmes and the State is actively seeking more volunteers.) The average case load is under 40 parolees per supervisor. The 1967-68 Progress Report of the California Department of Corrections stated that it operated

the nation's most extensive programme of supervision and assistance for parolees. It includes more than 50 local, district and regional offices, plus out-patient psychiatric clinics, an anti-narcotics testing centre, three halfway houses, and a wide range of co-operative programmes with community agencies, citizen groups and private employers.

These community programmes cost a fraction of imprisonment - as the "U.S. News and World Report" of August 24th 1970 said

At a time when soaring crime in the U.S.A. is pushing the nation's prison population past the 200 000 mark, many see the California experiment as vital in curbing the costs of crime to the nation.

3. "Short Term Return Units"

Parole supervisors frequently observe that certain parolees are behaving badly and are liable to be returned to prison. In 1966 a 120 bed Short Term Return Unit was opened to which parolees could be sent as a sharp reminder of prison life. This experiment proved successful in that after the short period (average 4 months) in the S.T.R.U. the parolees' behaviour record was comparable with normal parolees. The annual cost savings of this system were dramatically outlined in a report to the State legislature:

In terms of cost savings, if we conservatively estimate a six-month saving for each man re-paroled so far (180 men), we have a saving of 90 man years.

R. REGIDIVISM

Approximately 50 per cent.

T. MISCELLANEOUSFamily Relationships

- (a) In 1968 California introduced a system of 72 hour home leaves for inmates within 3 months of release. Less than 1 per cent of prisoners abused this privilege.
- (b) Family visits of two days duration were introduced in 1968. Wives, children and parents of inmates are permitted to visit for up to two days in the privacy of small apartments which had once served as staff quarters. By 1970 some 300 families had participated and the Corrections Department has since extended this privilege.

- A. COUNTRY: Canada¹
- B. YEAR: 1973
- C. POPULATION OF CANADA: Approximately 23 million
- D. DAILY PRISON AVERAGE: 9 100
- E. SYSTEM OF ORGANISING PRISON LABOUR:

Concentration on State Use. Private enterprise is only concerned with those prisoners on pre-release, being some 200 to 220 persons.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

Industries	1 800
Handicrafts	100
Agriculture	400
Maintenance	2 000
Other Employment ²	3 600
Unemployed	<u>1 000</u>
Total	<u>9 100</u>

¹Sources of Information:

This report, based on information received from Mr. R.J. Thompson - Director of Industries - Federal Canadian Penitentiary Service, is in respect of the Service which deals with detainees sentenced to two years or longer.

The ten Provincial systems have a daily prison population of between 20 000 to 25 000 persons serving sentences of under two years.

²3 600 persons, or some 40 per cent of all detainees, are involved in technical, academic, trade or other special training.

G. TRADE TRAINING

900 to 1 000 prisoners receive trade training annually, of these 500 to 600 pass trade exams.

The separate aims of "trade training" and "instilling the work habit" are given equal credit.

There are 10 to 15 detainees to each supervisor.

H. SHORT TERM OFFENDERS

(a) Under 4 months

1. Approximately 10 per cent of total prison population.
2. Employment: Chiefly on community based commercial work.

(b) 4 months to 2 years

1. Employment: Approximately 25 per cent on Community based projects. Approximately 75 per cent on agricultural and other minimum security assignments.

I. COMPETITION

To minimise competition the following policies are followed: State consumption; market prices; concentration on goods not made by free labour; production for publicly supported institutions.

J. PAY (R1 = 1,2 Canadian Dollars)

R

Prison Remuneration: \$0,60 to \$0,90 per day (50 to 75 cents per day)

Free Wages: \$2,20 to \$8,00 per hour.

K. PRODUCTIVITY

Comparison of prisoner productivity with that of free labour:

(a) Industry	20 to 30%
(b) Public Works (Construction etc.)	20 to 30%
(c) Agriculture	30 to 40%

The emphasis is both on training for work and efficient work being good training.

L. TRADE UNIONS

There is no prisoners' trade union nor is such a union viewed as essential to good staff-inmate relations.

M. CLASSIFICATION

All prisoners undergo classification as to their intellectual ability, their personality make-up and their rehabilitation potential as a first step to work assignment in prison.

N. POST RELEASE FOLLOW UP

1. A recently introduced system of mandatory supervision of

all released prisoners will permit better follow-up.

2. Have prisoners used the skill taught in prison? Yes, in 40 to 50 per cent of cases.
3. What is the average number of jobs held by a prisoner in his first year of release? Two or three.
4. What is the reconviction rate? 40 to 50 per cent.

O. PRIVATE PRE-RELEASE

200 to 220.

R. RECIDIVISM

40 to 50 per cent.

T. MISCELLANEOUS

In the Federal system (Canadian Penitentiary Service) we are currently in the process of embarking on a fairly aggressive, high production industrial factory system in which inmates will be employed in conditions which will closely simulate commercial factory conditions and in which inmates will be paid on a graded wage scale having a minimum rate of \$0,60 per hour and a maximum of \$2,20 per hour (50 South African cents to R1,83 per hour). It will take two years plus to get this programme fully under way.

A. COUNTRY: State of Colorado¹

B. YEAR: 1973

C. POPULATION OF COLORADO: 2 207 259

D. DAILY AVERAGE PRISON POPULATION: 1 400 (further 800 to 900 in Colorado State Reformatory).

E. SYSTEMS OF ORGANISING PRISON LABOUR

Industrial production for tax supported, tax aided, non-profit, religious and/or fraternal organisations only. Also public works; private pre-release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

One third of prisoners are employed in agriculture or industry. The remaining two-thirds are either part of the education programme or doing menial labour (maintenance work etc.)

G. TRADE TRAINING

Believed important - but possibly more important is the inculcation of good work habits. Training consists of on-the-job training combined with classroom training.

¹Sources of Information:

1. Information based on letter dated 20th August 1974 from Mr. Urie - Superintendent of Colorado's Correctional Industries and a Paper "Correctional Industries", Colorado Corrections Department, 1973.

H. SHORT TERM OFFENDERS

The vast majority of offenders are serving prison terms of four years or longer.

I. COMPETITION

Avoided by State Use; good relations with private industry and organised labour.

J. PAY (R1 = U.S. \$1,45)

Average pay \$1 per day.

K. PRODUCTIVITY

Below that of outside industry, but this has improved considerably during the last five years.

L. PRISONER TRADE UNIONS

"There are no prisoner unions. I would be opposed to this because of the demands that would come from inmates who would not be knowledgeable of standard limitations."¹

M. CLASSIFICATION

Prisoners undergo a classification process and are required to fulfil contractual obligations concerning their progress while in the institution. This contract would include work assignments in addition to education, psychiatric sessions, or other problematical areas.²

¹Albert A. Urie - Superintendent of Correctional Industries, Colorado, in a letter to the author, August 20th 1974.

²Ibid.

N. POST RELEASE FOLLOW UP

Done by Parole Authorities - no details given.

O. PRIVATE WORK RELEASE

An important part of the rehabilitation programme -
no details given.

Q. PRISON FINANCE

In 1965 the organisation of prison labour in Colorado was so poor that the General Assembly of the State of Colorado passed the "Correctional Industry Act of 1965".

Since the Act Colorado has developed its industrial and farming ventures to such an extent that not only have all working costs been covered, but also the State has been saved a substantial sum of money over the last five years.¹

¹Albert A. Urie, op cit.

A. COUNTRY: State of New Jersey¹

B. YEAR: 1973-74

C. POPULATION OF NEW JERSEY: (1973) 7 168 164

D. DAILY AVERAGE PRISON POPULATION: 6 088

E. SYSTEMS OF ORGANISING PRISON LABOUR

State Use and Public Works. Private Pre-release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

Industries: 527. Details of other inmate occupations not given.

Products and Employment: Animal feeds; auto tags; beds; brushes; clothing; furniture; insecticides; knitwear; mattresses; mops; polishes; printing; road signs; screens; sheet metal; shoes; snow fence; soap; steel shelving; textiles; waxes.

G. TRADE TRAINING

Approximately 1 500 inmates per annum. No trade exams.

Teacher student ratio is 12 : 1.

¹Sources of Information:

- (a) Author's questionnaire answered in detail.
- (b) Letters from the Director of Correction and Parole, from the Chief of State Industries, from the Superintendent of Planning Programme.
- (c) Information on Education, 1973.
- (d) Statistical survey of State Corrections, July 1974.

At present trade training courses are established on the basis of a six month cycle; shorter 3 month courses are being introduced.

H. SHORT TERM OFFENDERS

No details supplied.

I. COMPETITION

Goods sold to tax supported institutions only; also Public Works projects. Good relations with outside labour and industry.

J. PAY

<u>Prison Wages:</u> On 3 Scales	<u>R per day</u>
Maximum Scale A \$1,15 per day	0,80 cents
Maximum Scale B \$1,00 per day	0,69 cents
Maximum Scale C \$0,85 per day	0,59 cents

Free Wages:

Minimum [†]	\$2,00 per hour	1,38 cents per hour
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K. PRODUCTIVITY

Lower than in outside employment.

L. TRADE UNION

No prisoners' trade union.

M. CLASSIFICATION

"The inmates are classified on the basis of their conviction, room available, custodial potential, and demonstrated educational/vocational aptitude and need."

N. POST RELEASE FOLLOW UP

No specific information given on work records of inmates post release.

O. PRIVATE PRE-RELEASE

Yes.

R. RECIDIVISM

75 per cent.

3 Sources

(a) 1st
(b) 2nd

- A. COUNTRY: America¹ - Federal Offenders Only
- B. YEAR: 1973
- C. POPULATION: Irrelevant
- D. DAILY AVERAGE PRISON POPULATION: 23 366

The Inmate Population has increased from 19 822 on 30th June 1967 to 23 336 on 30th June 1973. This is largely due to longer sentences being imposed - average length of sentence in 1967 was 74 months and is now 88 months.

Most Common Offences

The percentage of violent offenders has risen from 15 per cent in 1967 to 25 per cent in 1973.

Most Common Offences of Sentenced Prisoners:

(a) Robbery	20,7%
(b) Drugs	15,8%
(c) Auto Theft	10,7%
(d) Larceny	7,3%
(e) Counterfeit and Forgery	6,8%

E. SYSTEMS OF ORGANISING PRISON LABOUR

State Use, Private Pre-Release.

¹Sources of Information:

- (a) Federal Prison Industries, Incorporated, Annual Report 1973.
 (b) Answers to Author's questionnaire.

F. WORK ASSIGNMENTS FOR PERSONS SENTENCED TO INCARCERATION

Average of 4 973 inmates employed in prison industries.

No detail supplied of numbers employed in different work.

G. TRADE TRAINING AND EDUCATION

G.1 Trade Training

During 1973, 8 213 inmates completed training in 52 different skills.

G.2 Education

Education and work skills are the two areas in which Federal offenders most frequently need help to become productive, law-abiding citizens. While their intelligence is comparable to the average of the national population, their educational achievements lag several years behind - 15 to 20 per cent are unable to read at sixth grade level. A large majority of inmates, especially young offenders, ¹ have no work skills at the time they are admitted.

Some 27 schools are operated with 446 full-time staff and a daily student load averaging more than 8 300 (one third of total). Over 3 000 inmates (12,5 per cent of total) were enrolled in college.

H. SHORT TERM OFFENDERS

No information received.

I. COMPETITION

Congress established Federal Prison Industries Incorporated (FPI) in 1934 and required then as now that FPI:

¹Federal Prison Industries Incorporated Annual Report, 1973.

Operate a diversified programme of industrial production which would offer the least possible competition to industry and labour;

Restrict sales of goods to departments and agencies of the U.S. Government.

J. PAY

Full details were not received. "Wages paid to industrial inmates \$3,95 million dollars." (R1 = \$1,45)

K. PRODUCTIVITY AND FINANCIAL DETAILS

No detail received of productivity compared with free industry. 49 factories in 21 institutions.

1973 Highlights of Work Programme

Sales to Government Agencies	\$53 992 031	(R37,0m)
Net Industrial Profit	6 610 151	(R4,5m)
Accident compensation	98 504	
Vocational training	5 226 660	(R3,6m)
Meritorious compensation to inmates	900 948	
Net profit to retained income	384 039	
Wages paid to industrial inmates	3 947 350	
Cash on Hand	4 638 255	
Number of Inmates completing vocational courses	8 213	
Inmates receiving meritorious pay	21 030	
Average number of inmates employed	4 973	

Largest Industrial Operations

Atlanta	Production Value \$15,6 million of textile and related products
Leavenworth	Sales \$11 million. Mainly furniture clothing and shoes
McNeil Island	Sales \$5 million. Electronics, metal and wood products
Terre Haute	Sales \$3,7 million. Mainly woollen mills

Accounting

Unfortunately the accounts do not give full details of Income and Expenditure, so one cannot say whether custodial costs etc. are included in the overall production expenses.

L. TRADE UNIONS

No detail received.

M. CLASSIFICATION

Prisoners are carefully classified before allocation.

N. POST RELEASE FOLLOW UP

No details received.

O. PRIVATE PRE-RELEASE

1. Work release is encouraged. Numbers unknown.

2. Pre-Release Centres:

- (i) 15 such centres to help inmates in their last 3 to 4 months prepare for release by "re-establishing community ties, obtaining jobs and resolving personal problems." During 1973 nearly 1 800 offenders were treated in such centres.
- (ii) If no Federal centre exists, where the inmate plans to work, then the inmate is transferred to a similar type of centre in one of the States - 1 700 inmates were helped in this way during 1973.
- (iii) Where possible offenders are treated in the community rather than in prison.

P. PROBATION, PAROLE

Undoubtedly exists but no details received.

Q. PRISON FINANCE

No details received other than that Federal Prison Industries made a profit in 1973 of \$4,5 million as shown under "K".

R. RECIDIVISM

No details received.

- A. COUNTRY: Israel¹
- B. YEAR: 1972-73
- C. POPULATION OF ISRAEL: 3 124 000
- D. DAILY AVERAGE PRISON POPULATION: 4 105

Of these 1 888 are Israeli citizens (Jews and Arabs), the remaining 2 217 are residents of the territories under Israeli administration and hostile countries, 40 per cent of whom have been convicted of offences against national security.

E. SYSTEMS OF ORGANISING PRISON LABOUR

Piece Price, Public Account and State Use, Private Pre-Release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

F.1 Aim of Work

'Gradual formation of work habits, professional training, appreciation of skill and trade as the future source of income.'

F.2 Type of Work

- (a) Production Work includes: carpentry, box making, shoemaking, sewing, weaving, printing, bookbinding, manufacture of plastic bags, assemblage of electric parts - both for government offices and private firms.

¹Source of Information:

English Summary of 1972-73 Annual Report of Israel Prison Service.

- (b) Construction and renovation.
- (c) Farming and gardening.
- (d) Hobbies such as wood-carving, etching, engraving etc. are allowed as employment and therapy.
- (e) Braille - copying of books into braille.
- (f) Domestic Duties - carried out by short term prisoners.

Work for Women

Serving courses; Hairdressing courses, Production unit produces office folders, telephone notebooks, paper bags etc.; Copying of Braille; Gardening and domestic work; Education - 4 full-time teachers; Knitting, embroidery and weaving.

F.3 Income from Work

During 1972-73 Income from Work 607 400 (R1 = Israeli
IL 8,75)

We are planning to concentrate the small workshops in large, more efficient production centers and introduce modern machinery and equipment. Moreover, we encourage the inmates to raise the standard and output of their work, as the increased income of the Service will automatically raise their wages and benefits.¹

G. TRADE TRAINING

Diverse vocational courses are conducted with the co-operation of the Ministry of Labour, which provides instructors to direct the courses and

¹Annual Report of 1972-73, p. 23.

supervise the work. Examinations are held at the completion of each course and successful inmates receive an official certificate, authorising them to work as qualified tradesmen after their release.¹

H. SHORT TERM OFFENDERS

Such offenders are usually employed on domestic duties.

I. COMPETITION

No detail given.

J. PAY

"The inmates receive a token payment for their work, which they may spend in the local canteen or save for their discharge."

K. PRODUCTIVITY

No detail given.

L. TRADE UNION

No detail given.

M. CLASSIFICATION

"Every new prisoners undergoes observation and tests at the Classification Center, from which he is transferred to his assigned prison." Usually classification takes 2 weeks but more serious offenders spend longer at the center.

¹In most countries such instructors are members of the prison staff with specialist qualifications. There are definite advantages in using non-prison personnel for improved trainee instructor relations.

N. POST RELEASE FOLLOW UP

A survey has been conducted among 500 out of 1 500 prisoners who have been pardoned according to the July 1967 Amnesty Law, in order to check the number and type of convictions before and after their release ... The survey shows clearly that the amnesty did not bring any positive results, as some 80 per cent of the pardoned prisoners did not change their habits and returned repeatedly to their habitual offences.

O. PRIVATE PRE-RELEASE

1. Pre-release is permitted under Regulations 54-64 of the Prison Code, increasing use is being made of it.

2. Special Leave

Special leave can be granted to prisoners for a maximum period of 96 hours. During 1972 there was a total of 2 422 applications for special leave made by prisoners, and in 1 877 cases special leave was granted.

Q. FINANCE

Maintenance Budget 1971-72	31 689 500	IL (R3,52 million)
Capital Development Budget 1971-72	<u>1 571 000</u>	IL (R174 555)
Total	<u>33 260 500</u>	IL

The Upkeep of Prisons accounts for:

In Israel	15,3 million IL
On Western Bank	7,7 million IL
In Gaza and Sinai	8,1 million IL

S. PRISON STAFF

1 580 (5 per cent at headquarters and 95 per cent in the various prisons). The Department is short of 120 staff - despite this shortage the ratio of staff to prisoners 1 : 3 is high.

D. _____

E. _____

prison

F. _____

¹Source of information

This report is based on information received from the Director of Prisons and the Director of the Department of Prisons and Correctional Institutions, Guyana.

²Prison labour is the major source of the Department's income. It is used for the maintenance of the prison system and for the occupation of the prisoners of an inmate.

A. COUNTRY: Turkey¹

B. YEAR: 1973

C. POPULATION OF TURKEY: 38 094 000

D. DAILY PRISON AVERAGE POPULATION: 34 978

Convicted	19 633
Provisionally Detained	15 345
Sentenced to Under 4 Months	3 195

E. SYSTEMS OF ORGANISING PRISON LABOUR²

State Use; Public Works; Private Pre-Release (355 prisoners).

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

Industries	2 075
Handicrafts	3 238
Agriculture	2 602
Construction and Conservation	317
Maintenance	964
Other Employment	1 059
Public Works	845
Pre-Release	355

No total given

¹Source of Information:

This survey is based on the reply to the Author's questionnaire and a detailed letter received from Kemel Tekerek, General Director of Prisons and Detention Houses, Turkey, September 1974.

²"Prison labour is the basic element in the Turkish prisons. By work is meant constructive and useful work and not maintenance occupation or similar kinds of employment."

G. TRADE TRAINING

5 085 prisoners received trade training. No exams.

Ratio of detainees to supervisory staff 1 : 7.

H. SHORT TERM OFFENDERS

Under 4 months:	3 195 prisoners) Receive educational) and trade training
4 months to 2 years:	No figure given	

I. COMPETITION

State consumption and market prices. "The prison administration has six shops located in the different parts of Turkey where shoes, clothing, furniture, products of husbandry etc. are sold at normal prices."

J. PAY

Prisoners are paid but no details have been given.

K. PRODUCTIVITY

Productivity in industry and public works are "good", while in agriculture productivity is "very good". The emphasis is on efficient work being good training, rather than on training itself.

L. TRADE UNIONS (Prisoners')

None.

M. CLASSIFICATION

Full classification for prisoners serving six months or more.

N. POST RELEASE FOLLOW UP

1. Prisoners tend to use their prison taught skills outside prison.
2. No information available regarding number of jobs taken during first year after release.
3. Reconviction rate: 11,8%. This is surprisingly low.

O. PRIVATE PRE-RELEASE

355 prisoners.

T. MISCELLANEOUS1. Employment of Ex-Offenders:

Under the Labour Law, No. 1475, employers are obliged to employ a certain percentage of ex-offenders. Thus the law has brought about a compulsory system of employment:

where the number of employees is up to 100, one ex-offender for every fifty employees; if the said number is more than 100, two ex-offenders for every 100 workers are to be given a job.

2. Law on the Execution of Punishments No. 647

The Ministry of Justice may form work teams of those convicts who have served one fourth of their sentence with good behaviour or those sent to open institutions (Total of 112 institutions of which 8 are open) to be employed in agriculture, sea fishing, road construction, mining and forestry work.

3. Financing of Prison Labour

'This is based on the "capital roulant" system where the State initially makes a loan to the Prison Administration, who is then responsible for running prison industry with the capital, ploughing back profits for the replacement of machinery, etc.'
(This system presupposes that the Prison Labour will make a profit.)

A. COUNTRY: Japan¹

B. YEAR ENDED: 31st December 1973

C. POPULATION OF JAPAN: 101 million

D. DAILY AVERAGE PRISON POPULATION

Convicted	38 854
Unconvicted	<u>7 229</u>
Total	46 083

E. SYSTEMS OF ORGANISING PRISON LABOUR

Convicted Prisoners Only

<u>Contract</u>	<u>Piece Price</u>	<u>Public Account</u>	<u>State Use</u> [*]
40%	21%	14%	25%
	<u>Other Employment</u>	<u>Unemployed</u>	<u>Total</u>
	5%	5%	100%

^{*}This includes prison maintenance

¹Sources of Information:

- Detailed answers to author's questionnaire by Masaharu Yanagimoto - Director General of Japanese Bureau of Corrections.
- "Correctional Institutions in Japan," published 1973 by the Japanese Ministry of Justice.
- "Some Features of the Japanese Prison System," British Journal of Criminology, Volume 10, July 1970, pp. 216-219.
- Criminal Justice in Japan 1973, published by Ministry of Justice, Japan.
- Bulletin of the Criminological Research Department - The Research and Training Institute - the Ministry of Justice, Japan, 1973.
- Summary of the White Paper on Crime 1973, The Research and Training Institute of the Ministry of Justice.

F. WORK ASSIGNMENTS OF PRISONERS SENTENCED TO INCARCERATION

<u>Contract</u>	<u>Handicrafts</u>	<u>Agriculture</u>	<u>Construction and Conservation</u>
40%	15%	1,5%	1,2%
	<u>Maintenance</u>	<u>Other</u>	<u>Unemployed</u>
	25%	5%	5%

The prison industries in Japan employ 38 000 prisoners on daily average,¹ their annual input amounting to 3 000 million yen, and output, 7 715 million yen (R1 = 431 yen). There are 24 kinds of work, including woodcrafts, printing, tailoring, moulding, shoe-making, outside construction works, etc.

The prison industry consists of the following three types of operation:

- (a) 'Manufacturing and selling of goods: All raw materials and facilities necessary for work are provided by the State and the products therefrom are sold in the open market.
- (b) Processing and repairing on contract: Parts of raw materials and facilities necessary for work are provided by the contractor, who pays the State the cost for labour and parts of material on piece-rate basis. Repairing of commodities follows essentially the same procedure.
- (c) Provision of labour: All raw materials and facilities for work are provided by contractors, who pay the State for the labour on daily wage basis.'

¹Figures for 1969. Since 1970 the prison population has been reduced considerably.

1. Outline of Operation(a) Employment of Prisoners

'At the end of 1972, a total of 37 313 prisoners were employed in prison industries. The number comprised 77,4 per cent of the total prison population on that day. An analysis of the percentage by categories of prisoners reveals that 91,5 per cent of prisoners sentenced to imprisonment with forced labour were employed; rates for those sentenced to imprisonment without forced labour and those awaiting trial were 93,3 per cent and 2,2 per cent respectively.'

(b) Employment and Revenue (R1 = Yen 431)

Breakdown of the prisoners employed by category of industry and the annual revenue for 1969 are given below:

<u>Category of Industry</u>	<u>Prisoners Employed</u>	<u>Percentage of Total</u>	<u>Annual Revenue</u>		<u>Percentage of Total</u>
			(m. yen)	R000's	
Woodcraft	2 941	8,1	1 876	435	24,3
Printing	2 431	6,8	1 184	275	15,3
Tailoring	3 439	9,4	783	182	10,2
Moulding	6 692	18,4	2 039	473	26,5
Vocational Training	1 270	3,5	84	20	1,1
Others	10 824	29,6	1 746	405	22,6
Maintenance Works	8 821	24,2	-	-	-

An analysis of the annual revenue for 1971 by source of order reveals that 9,5 per cent was on orders from government offices, 89,0 per cent from general public, and 1,5 per cent was for the maintenance of prisons.

Aim of Prison Industries

The purpose of the industry is to give inmates systematic training in vocational skill and will-to-work which are indispensable for their rehabilitation, and at the same time, to contribute to the national economy by redeeming the cost of prisons.

Prison work can be instrumental in the rehabilitation of the prisoners by the inculcation or reactivation of attitudes, skills, and habit patterns, which are essential to their rehabilitating themselves. It is in this context that the Japanese Correction Bureau has taken as a principle in prison labour that vocational training should be emphasised for the youthful offenders and first offenders, while economy and productivity should be taken into consideration in the prisons for recidivists.

G. TRADE TRAINING

Unemployment is one of the important factors of criminality. Surveys reveal that about 35,2 per cent of all prisoners admitted from 1967 to 1971 had no occupation. In this circumstance, it is most necessary to give vocational knowledge and occupational skill to such prisoners.

At the end of 1973 1 195 prisoners were undergoing vocational training with a view to taking artisan trade tests. During the year a total of 1 305 prisoners passed trade tests.

Vocational Courses 1971

<u>Category of Work</u>	<u>Prisons Running a Course</u>	<u>Total Number of Trainees</u>
Wood-craft	12	108
Wood-carving	1	4
Architecture	7	74
Plastering	10	112
Printing	9	84
Mimeographing	7	91
Western-style tailoring	1	7
Knitting	1	8
Electricity wiring	6	64
Auto driving	3	297
Auto repairing	10	102
Moulding	1	7
Sheet metal work	2	14
Welding	15	248
Machinery	8	102
Paper-making	1	21
Shoe-making	1	2
Cooking	3	10
Boiler-operation	9	106
Hair-dressing	6	59
Cosmetology	3	12
Operation of wireless telegraph	1	11
Accounting	1	9
Laundry	4	34
Mat making	3	16
Farming	5	45
Gardening	1	5
Seamanship	1	11
Others		<u>181</u>
Total		<u><u>1 844</u></u>

"Through the vocational training, prisoners are encouraged to obtain a licence or certification, which is of much help for their rehabilitation. The numbers of prisoners who took public examinations and who were qualified in various fields of work during 1971 are given below:

<u>Kind of Licence</u>	<u>Prisoners Who Took Exam.</u>	<u>Prisoners Qualified</u>
Boiler-operator	142	123
Auto Driver	125	110
Auto Repairer	144	132
Welder	351	330
Barber	69	69
Cosmetologist	13	13
Cook	58	51
Laundryman	38	34
Ship Captain	6	6
Maritime Engineer	4	4
Telephone Operator	21	16
Electric Wirer	78	73
 <u>Certification of Skill</u>		
Wood-craft	6	6
Metal Fitting	1	0
Sheet Metal Work	1	1
Plumbing	3	2
Plastering	1	1
Miscellaneous Others	3 204	2 013
Total	4 265	2 985

G.2 Education

- (a) There is no formal education for adults during working hours - except for those prisoners "whose academic ability is so poor that special training is necessary."
- (b) During 1971 some 4 006 adults and 664 juveniles were engaged in correspondence courses.
- (c) Juvenile prisoners receive 4 hours school work per day.

G.3 Social Education

"All correctional programmes in a prison involve social education, which embodies practical guidance in normal daily life."

H. SHORT TERM OFFENDERS

There are very few short term prisoners in Japan:

Under 3 months	138
3 to 6 months	1 245

They are employed in similar work as long term prisoners.

I. COMPETITION

Competition is avoided by the sale of goods at market prices. The Japanese Department of Prisons has had no trouble with private businessmen or organised labour, consequently prison industries have been geared to full production orientated employment for decades.

¹Correctional Institutions in Japan 1973, p. 18.

J. PAY

The money paid to prisoners is looked on as a gratuity and varies from U.S. \$3 to \$15 per month (R2 to R10). The prisoners may spend a proportion as pocket money but

In principle the money is paid to the prisoners at the time of release, but they can be allowed to use a portion of it for justifiable purposes, such as assisting the family, restitution for the victim, and purchasing books. The amount of the reward money on the average is determined by the standard that prisoners should be given upon discharge, an amount of money that is equal to one and a half month's allowance provided by the Livelihood Protection Law.

Compensation is paid for accidental death or injury while engaged in prison work.

K. PRODUCTIVITY

In 1966 the Japanese Correction Bureau made a contract with the Japanese Productivity Headquarters to assess the productivity of prison industry, using the same measuring standards as its outside counterparts. It was reported that the productivity of prison to outside labour was about 20 : 100.

The reasons for this are:

1. Short working hours (6,3 hours against 8,4 hours per day); prisoners are on the work assignment eight hours per day (four on Saturdays), but actual work is interrupted by prison programmes, or prisoner's hidden sabotage;
2. Work rate (speed is about 65 per cent of that in private enterprises);
3. Frequent rejection of products as not meeting qualifying standards, because of deficiencies in skill and willingness on the part of inmates;
4. A smaller production scale in prison.¹

¹"Some Features of the Japanese Prison System," op cit., p. 217.

Since 1966 there has been a considerable improvement in productivity, largely due to the reorganisation of production flow.

The total value of the products of prison industries including agricultural production for the fiscal year 1971 was approximately 8 100 million yen (R18,2 million, ¥26,4 million) while the operational cost was approximately 2 600 million yen (R5,8 million, ¥8,4 million.)¹

L. TRADE UNIONS

There are no prisoners' trade unions.

M. CLASSIFICATION

Prisoners are classified according to their personality, security risk and work skills and aptitude.

N. POST RELEASE FOLLOW UP

Prisoners have had little difficulty in finding work due to full employment. However this will probably alter during the next year or so in line with the unemployment being occasioned by the recession. No research data has been supplied to the author on follow up of prisoners' post prison work/recidivism records.

O. PRIVATE PRE-RELEASE

Does not exist.

¹"Summary of the White Paper on Crime 1973." Japanese Ministry of Justice, p. 22.

P.1 Parole

In Japan the majority of prisoners are released on parole before the expiry of their sentences.

	<u>Total Releases</u>	<u>Parole Releases</u>	<u>Parole Releases as a Percentage of Total</u>
1969	32 183	19 173	59,5%
1970	29 831	17 866	59,8%
1971	29 021	17 462	60,1%

These parolees are supervised by a highly organised probation service making use of approximately 750 professionally trained officers and some 50 000 volunteers.

A convicted person is eligible to be released on parole if he has served one third of his sentence, or after ten years' imprisonment in the case of those sentenced to life imprisonment.

P.2 Admission Orientation and Pre-Release Orientation

All prisoners receive instruction on admission as to how to lead a purposeful life in prison. Before release prisoners are helped to adjust to freedom by detailed counselling on

- (i) Current social situations,
- (ii) functions of parole and rehabilitation aid systems,
- (iii) mental and physical adjustment, and

(iv) formalities of release procedure, in relation to prisoner's belongings including money and their duty of reporting to the Parole Officer.¹

Q. PRISON FINANCE

No detailed figures of the costs of the Japanese Prison System have been received, but prison industries make a substantial profit every year. (The 1973 profit was over R1 million.)

¹"Correctional Institutions in Japan," 1973, p. 18.

- A. COUNTRY: Australia - State of New South Wales¹
- B. YEAR: 1972-73
- C. POPULATION: 4 702 500
- D. DAILY PRISON AVERAGE POPULATION: 4 155
- E. SYSTEMS OF ORGANISING PRISON LABOUR: State Use
- F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION
- | | |
|---|-----|
| 1. Industries (excluding primary industry) | 510 |
| 2. Agriculture (including primary industry) | 140 |

G. TRADE TRAINING

1972-73 - 334 prisoners were actively engaged in Trade Training - 255 passed trade exams.

For the majority of trade trainees training is specifically to fit them for work on release, for the remainder it is a means of teaching or re-establishing the work habit. Ratio of Staff to Industrial Employees: 1 : 12.

H. SHORT TERM OFFENDERS

- | | |
|--|-------|
| 1. Percentage of Prisoners with Sentences of less than 3 months: | 5,7% |
| 2. Percentage of Prisoners with Sentences of less than 6 months: | 12,5% |

No details received of any special employment or training.

¹Source of Information:

Based on reply to Author's questionnaire.

I. COMPETITION

1. State Consumption
2. Non-competitive work locales
3. Concentration on markets not strongly contested by free labour.

J. PRISON PAY

Prisoners are paid on bonus and/or piece rates. Free Wages: Average approximately \$Australian 100 per week (+ R92 per week). (R1 = \$1,08)

K. PRODUCTIVITY

"Prisoner productivity is considered equal to free labour once trained."

L. TRADE UNIONS

There are no prisoner trade unions.

M. CLASSIFICATION OF PRISONERS FOR WORK

Question: Do all prisoners undergo classification as to their intellectual ability, their personality make-up and their rehabilitation potential as a first step to work assignment in prison?

Prisoners Sentenced to Over 12 months: Yes

Prisoners Sentenced to Under 12 months: General observation and assessment.

N. POST RELEASE FOLLOW UP

No formal follow up has been done.

O. PRIVATE PRE-RELEASE

No reply.

P. PROBATION, PERIODICAL DETENTION AND PAROLE

No data received.

Q. RECIDIVISM

No data available.

- A. COUNTRY: Australia - State of Queensland¹
- B. YEAR: 1973-74
- C. POPULATION OF QUEENSLAND: 1 869 000 (30th June 1972)
- D. DAILY PRISON AVERAGE POPULATION: 1 497
- E. SYSTEMS OF ORGANISING PRISON LABOUR
680 prisoners employed in State Use.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

<u>Industries</u>	<u>Handicrafts</u>	<u>Agriculture</u>	<u>Maintenance</u>	<u>Total</u>
250	10	400	20	680 ²

G. TRADE TRAINING

During 1973-74 a total of 134 prisoners were receiving trade training. The Staff to Prisoners Ratio is 1 : 15.

H. SHORT TERM OFFENDERS

Serving sentences of 6 months or less: 77,68 per cent.

Work: Those serving sentences of under 4 months are usually employed in service work such as laundering and kitchen work.

¹Source of Information:
Reply to Author's questionnaire.

²Figures supplied by Queensland's officials.

I. COMPETITION

Competition is avoided by concentrating on State Use, and non-competitive work locales.

J. PRISON PAY

7 cents to 45 cents per day (6,5 to 42 South African cents per day). Free Wages: † \$100 per week (R92).

K. PRODUCTIVITY

In industry productivity is approximately 50 per cent of free labour but the quality of work is high.

In agriculture productivity is 80 per cent of free labour.

L. PRISONER TRADE UNIONS

Do not exist.

M. CLASSIFICATION

All prisoners receive classification as to their intellectual ability, their personality make-up and their rehabilitation potential as a first step to work assignment in prison.

N. POST RELEASE FOLLOW UP

No research has been done.

O. PRIVATE PRE-RELEASE

No reply.

P. PROBATION, PERIODICAL DETENTION, PAROLE

No reply.

Q. RECIDIVISM

No details available.

A. COUNTRY: Australia - State of South Australia¹

B. YEAR: Position on 30th June 1974

C. POPULATION OF SOUTH AUSTRALIA: 1 175 000

D. DAILY PRISON AVERAGE POPULATION: 763

E. SYSTEM OF ORGANISING PRISON LABOUR

All 763 employed in State Use.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

<u>Industries</u>	<u>Handicrafts</u>	<u>Agriculture</u>	<u>Construction and Conservation</u>
453	10	180	20
	<u>Maintenance</u>	<u>Other</u>	<u>Total</u>
	45	55 (kitchens)	763

Staff to Prisoner Ratio: 1 : 2; in the workshops
1 : 8.

H. SHORT TERM OFFENDERS

No specific details received.

I. COMPETITION

State Consumption.

¹Source of Information:
Reply to Author's questionnaire.

K. PRODUCTIVITY

Prisoners work a 5 and a half hour day and their productivity is described as being "satisfactory". The emphasis is on efficient work being good training rather than on training for work.

L. PRISONER TRADE UNION

None exists.

M. CLASSIFICATION

Only those serving sentences of 12 months or over are interviewed in depth for the purpose of work allocation.

N. POST RELEASE FOLLOW UP

Very little official research has been done in this field.

R. RECIDIVISM

No details were received.

S. STAFF

1 : 2.

- A. COUNTRY: Australia - State of Tasmania¹
- B. YEAR: 1972-73
- C. POPULATION OF TASMANIA: 396 000
- D. DAILY PRISON AVERAGE POPULATION: 371²
- E. SYSTEMS OF ORGANISING PRISON LABOUR: State Use
- F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

<u>Industries</u>	<u>Construction</u>	<u>Agriculture</u>	<u>Maintenance</u>	<u>Unemployable</u>
55%	5%	25%	5%	10%

G. TRADE TRAINING

Because of the ratio of workshop instructors to inmates (1 : 15) trade registering authorities are reluctant to give formal acknowledgement to prison training. There are some exceptions where prisoners can take correspondence courses, as for example in welding, where the practical experience gained in prison is accepted for formal qualification. Trade training at the moment is subordinate to instilling the work habit.

H. SHORT TERM OFFENDERS

Sentences under 4 months: Approximately 45 per cent.

All prisoners have the same employment opportunities.

I. COMPETITION

"Direct competition with private enterprise or conflict with union labour is strongly avoided." Exclusively State Use.

¹Source of Information:

Survey based on reply to author's questionnaire and the Report of the Controller of Prisons for the year ended 30th June 1973.

²The numbers in prison have declined very slightly over the last three years.

J. PRISONER PAY

"Prisoners' remuneration is a nominal sum only 5 to 12 cents per day (4,5 to 11 South African cents per day). However inmates are provided with all necessities of life including what might in some places be regarded as luxury items."

K. PRODUCTIVITY

There are many reasons why productivity will not compare with free labour. For instance most inmates received are completely unskilled. Emphasis is placed on training to do a job correctly rather than maintaining high output.

1. Industry

During 1972-73 a surplus of \$40 850 was paid into the Consolidated Revenue. "This is no true indication of the value of these industries as most services performed for other Government departments and instrumentalities are charged out at cost only."

2. Agriculture

A balance of \$42 670 was paid into Consolidated Revenue.

It has been assumed that these sums represent the profits of these enterprises but no details have been given of what expenses are taken into account.

L. PRISONER TRADE UNIONS

None exist.

M. CLASSIFICATION

Since 1972 all prisoners sentenced to 6 months and over undergo detailed intelligence, psychological and aptitude tests.

N. POST RELEASE FOLLOW UP

No official follow up has been carried out. "It is known however that few inmates pursue training commenced in prison after release even where recognised qualifications have been obtained."

O. PRIVATE PRE-RELEASE

No details received.

P. PROBATION

A Probation Service exists and makes use of volunteer help.

Q. COST OF PRISONS

Total Expenditure 1972-73 £1 216 312 (R1 126 000) - which worked out at approximately £9 per prisoner per day (R8,33).

R. RECIDIVISM

Estimated by prisons department at 20 per cent, statistics in the 1972-73 Annual Report indicate that of the 997 prisoners received into prison during 1972-73 a total of 709 had had previous convictions, and of these 542 had been convicted on three or more previous occasions.

T. MISCELLANEOUS

Most Common Offences for which prisoners were sentenced to imprisonment 1972-73:

	<u>Percentage of all Offences</u>
Stealing	23%
False Pretences	11%
Breaking (other than a dwelling house)	10%
Unlawful use of a Motor Vehicle	8%
Common Assault	5%
Failure to pay fines	4%
Other offences	29%

A. COUNTRY: New Zealand¹

B. YEAR: 1973

C. POPULATION OF NEW ZEALAND: 3 100 000

D. DAILY PRISON AVERAGE POPULATION: 2 500²

Staff to Prisoner Ratio 1 : 2,5.

E. SYSTEMS OF ORGANISING PRISON LABOUR

Concentration on State Use. Private enterprise is not permitted except for pre-release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION³

Prison Industries	400
Agriculture and Forestry	800
Building Maintenance	250
Other Employment	850
Not Employed	<u>200</u>
Total	2 500

¹Source of Information:

Detailed reply to Author's questionnaire by G.S. Orr - Secretary for Justice.

²"This figure includes prisoners on remand and young persons serving Borstal and Detention Centre Training."

³Prisoners' work includes: Cabinet-making, steel furniture, metal products, engineering, printing, bootmaking, canvas goods, tailoring, multiwall paper bags, polythene and PVC products, farms, forests and timber milling, poultry units, orchards, gardens, laundries and dry cleaning.

G. TRADE TRAINING

Only applies to the 60 Borstal inmates who receive training in the building trades. As the average period in Borstal is only 10 months, there is insufficient time for the trainees to take trade exams.

H. SHORT TERM OFFENDERS

The length of sentence has a bearing on how a prisoner is employed to the extent that it is one of the factors that determines the type of institution (and the industry available in that institution) to which an inmate is sent.

I. COMPETITION

Sale of goods only to Government Departments or to organisations financed wholly or in part from Government funds.

J. PAY (R1 = 1,09 New Zealand dollars)

1. Prison Remuneration: 16 to 72 cents a day depending on conduct and industry of the inmate. The majority of inmates working a 5 day week in the workshops or trades receive 62 to 72 cents per day (R0,57 to R0,66 per day).
2. Free Wages: Minimum legal wage \$52 to \$76 per week (R47,70 to R69,72).
3. Prisoner Spending:

Inmates may spend up to 40 per cent of their earnings in the canteen and the remaining 60 per cent is retained in their earnings account subject to deductions made from this at the request of the inmate and with the approval of the prison administration. The balance is paid in full on discharge.

K. PRODUCTIVITY

In forestry work on a par with free workers, otherwise lower.

L. TRADE UNION

No official prisoners' trade union.

M. CLASSIFICATION

Normally only prisoners sentenced to 6 months or over appear before a classification committee which recommends the treatment programme, including prison labour.

N. POST RELEASE FOLLOW UP

No detailed records are kept.

O. PRIVATE PRE-RELEASE

130 inmates currently on pre-release. Pre-release is available for those prisoners considered suitable:

Either (a) Offenders in an institution for the first time who are within 12 months of release;

or (b) Other offenders serving 12 months or more who are within 6 months of release.

They are paid the laid down government award rate for their work and from this is deducted:

1. Prison board
2. Amounts paid for family maintenance
3. Debts incurred prior to sentence

The balance is paid on release.

CHAPTER VIIIPRISON LABOUR IN SOUTH AFRICAA. 1652 TO 1910

A.1 The Cape Colony

(a) 1652 to 1800

(b) 1800 to 1910

(i) Montagu's System of Convict Labour

(a) Punishment and Discipline

(b) Progressive Stage System

(c) Convict Wages and Discipline

(d) Reformative Treatment - Education

(e) Value of Convict Labour

(f) Employment on Release

(ii) Penal Labour

(iii) The Hiring Out of Prison Labour

(iv) Prison Industries

A.2 Natal

A.3 The Orange Free State

A.4 The South African Republic

Continued

B. PRISON LABOUR IN SOUTH AFRICA 1910-1947**B.1 Prison Industries****B.2 The Leasing of Prisoners****B.3 Farm Labour****(a) Prison Farms****(b) Release to Private Farmers****(i) 6d per day Scheme****(ii) Release of First Offenders to Farmers****(iii) Release of Farm Colony Prisoners
to Farmers****(iv) Public Works and Road Camps****(v) Trade Training****(vi) Semi-Penal Work**

¹ See 1910-1911

² W. ...

Rec. ...

Trans. ...

³ Table ...

Encl. ...

Uncl. ...

C H A P T E R V I I I

PRISON LABOUR IN SOUTH AFRICA

A. 1652 TO 1910

A.1 The Cape Colony

(a) 1652 to 1800

From 1652 to the beginning of the nineteenth century prisons in South Africa were primarily for the safe custody of offenders.¹ Prison labour as such was virtually unknown before 1800, except on Robben Island. In Cape Town, at the turn of the century, prisoners were employed in cleaning the streets and keeping them in good repair, and in working in the Government Gardens.² In the country districts prisoners were hired out to work for farmers from 1806 onwards. The Commission of Enquiry of 1827-28 approved of "this practice, as tending to relieve the public expenditure and to encourage industrious habits."³ Other prisoners were employed as convict overseers and assistant policemen - a system which had been first introduced by the Dutch and continued by the British.

¹See Chapter I supra.

²M. van Wyk, "Die Ontwikkeling van die Gevangeniswese in die Kaapkolonie Vanaf 1806 Tot en Met Unifikasie 1910," Doctoral Thesis, University of South Africa 1964, pp. 155-156.

³Ibid., p. 156, quoting: C.O. 414 "Commissioners of Eastern Enquiry 1828," Cape of Good Hope Blue and Trade Reports. Unpublished, pp. 147-148.

In 1823 Lord Charles Somerset, Governor of the Cape Colony, had a treadmill erected in Cape Town gaol. This was hired out to a contractor for a fee and in return the contractor was supplied with convicts to work the mill and grind corn. This innovation fortunately proved a failure as the machine kept breaking and eventually no contractor could be found to hire it from the government.¹

The first work house, modelled on the lines of the English Bridewells, was established in Cape Town in 1827, mainly for the care of women offenders.² Initially these women were employed in making coconut matting, but in 1845 it was decided to switch to laundering which provided a better source of income. In effect this became the first women's prison in South Africa.³

Organised prison labour in the Cape Colony only began with the appointment of John Montagu as Colonial Secretary in 1843. Montagu's previous experience had been in Tasmania where he had first been greatly impressed by the penal system devised by Captain Maconochie on Norfolk Island.⁴

¹Van Wyk, op cit., p. 157 and p. 219.

²See Chapter I. The first work house was housed in that beautiful building at the Caledon Square end of Buitenkant Street, which now is occupied by the Department of Public Works.

³Van Wyk, op cit., pp. 203-204.

⁴See J.V. Barry, Alexander Maconochie of Norfolk Island, Melbourne (London: Oxford University Press, 1958).

Montagu perceived that the employment of prisoners in and around the towns was of little punishment value to the offenders and he determined to employ them in the construction of roads and passes. His primary aim was the reformation of offenders, and, if his figures are to be accepted, he was remarkably successful. In a detailed report to the Colonial Office in 1849¹ he claimed that between 1844 and 1848 an average of 1 089 persons were sentenced annually to hard labour in the Cape Colony - of these only 64 or 5,75 per cent had been reconvicted by 1849. By modern standards this success rate is almost unbelievable, and even assuming that the statistics were not entirely reliable,² his achievements deserve careful attention.

His system of employing convict labour will be described in some detail for in many ways it was preferable to the present system in South Africa both in terms of the work achieved and the reformation of offenders.³

¹W.A. Newman, Biographical Memoir of John Montagu (London: Harrison, 59 Pall Mall. Cape Town: A.S. Robertson, Adderley Street; W.L. Sammons, Plein Street, 1855), pp. 123-149.

²Montagu was fully aware of how statistics could be manipulated and went to considerable lengths to provide against distortions. See Newman, op cit., pp. 123-149.

³See Chapter IX.

(b) 1800 to 1910

(1) Montagu's System of Convict Labour

(a) Punishment and Discipline

Although Montagu's aim was the protection of the public and the reformation of offenders he believed that punishment was an essential part of any sentence.

All convicts are to be made to remember and to feel that they are undergoing punishment in order to deter them and others from crime. That their punishment consists not only in constant labour, but in the constant restraint of every selfish propensity and unruly passion; the most implicit obedience to those in authority over them, and the laws to which they have become subject; and a total isolation from former associates and friends. That they are subject to this severe discipline in consequence of crime, and that by good conduct alone and evident reform can they hope to escape from the severe course of restraint, discipline and labour on which they must first enter¹

(b) Progressive Stage System

Montagu divided convicts into two separate classes, the chain gang which worked in chains and the road party which worked without this restraint.

Criminals of bad reputation or those whose sentences required it were placed in chains, these amounted to approximately 10 per cent of the total. Those in the chain gang could, by good conduct, be

¹W.A. Newman, op cit., p. 127.

promoted to the road party from whom they had been kept apart both at work and in the barracks.

A series of graded rewards and privileges for good conduct were laid down to encourage the convicts. These included among others permission to write and receive letters, subject to the inspection of the superintendent of the convict station; to be visited by relatives and friends and to receive presents of fruit; to receive a weekly allowance of 2 ozs. of tobacco; to be locked up at 8 or 8.30 p.m. rather than at sundown as with the chain gang; to receive "monthly pecuniary deposits in the savings bank, for willingness, industry, and perseverance in their daily labour, or improvement under instruction, or attention and assiduity in school;" finally they were entitled to one-fifth remission of sentence for good conduct while the chain gang were only granted one-eighth remission of sentence.¹

(c) Convict Wages and Discipline

Montagu was a thoroughly practical man and he realised that his workers needed a meaningful reward if they were going to try hard. Consequently in 1844 he ordered that out of every one

¹W.A. Newman, op cit., p. 127.

hundred men, the eight men who had tried the hardest at their daily labour should receive six shillings per month, to be paid on completion of sentence and meanwhile lodged in a savings bank so as to accumulate interest:

... the merits of each individual case not being decided by the amount of labour performed, which depends mainly on the physical strength of the party, but by the willingness evinced to become useful and industrious¹

In addition an

allowance of 3d per diem is paid to those convicts who became proficient as masons, miners, etc. so long as their good conduct entitles them to that indulgence.²

Montagu found that his six shilling reward system was conducive to good discipline. If a convict committed a major breach of the rules then any deposit in his savings account was forfeit. During the five year period 1844 to 1848 over fifty per cent of prisoners earned a "reward" and of these only one person lost his deposit. Good discipline was essential for the smooth running of a convict road camp where men lived and worked without the freedom and distractions of normal life and therefore could be expected to react violently unless carefully treated. Montagu himself said:

¹W.A. Newman, op cit., p. 135.

²Ibid., p. 136.

it is as gratifying as it is remarkable that only one instance has occurred of such a forfeiture during a period of five years, among a body of 803 individuals, under the strictest discipline and restraint, and the most scrutinizing supervision and control.¹

(d) Reformative Treatment - Education

Montagu gave strict instructions to the superintendents of the convict stations stressing that:

On the efficiency and success of his (the superintendents) labours as a moral trainer and religious instructor depended the issue of the process of reformatory discipline, by which it was sought to protect society from future outrage and injury on the part of the discharged convict, the great aim being to counteract, through moral influences, motives and propensities which had previously led to an immoral life and the commission of crime.

Montagu continued:

In order more effectively to secure this important end, I obtained from the gaols and districts in which they were convicted every information respecting the previous manner of life, occupation, or pursuit of every convict sent to the stations; on receipt of which, it devolved on the superintendent to procure such additional information from the convicts personally, or their associates, as their daily and confidential intercourse with them might supply ...²

In this way Montagu developed records on every prisoner which would be welcomed by social welfare officers today. This was only possible owing to the small numbers involved, each convict station

¹Ibid., p. 137.

²Ibid., p. 126.

having about 100 prisoners. In 1847 and 1848 the number of convict stations was reduced from four to two and the additional administrative work made it impossible for the superintendents to continue with their reformatory work. Consequently resident chaplains were appointed to each of the stations.

In addition to the individual attention given to the moral reform of each prisoner it was the duty of the superintendents to prepare monthly reports on the industry and conduct of every convict.

This was done by

a prescribed system of notation, formed of conventional numbers and other arbitrary symbols, is so devised as to indicate precisely and minutely the incidents and facts on which the reward of general good or bad conduct for the month is based.¹

Every year a comprehensive report on each convict was prepared by the superintendents. The visiting magistrates and medical officers and the resident chaplains were also required to submit reports to Montagu in Cape Town, who was thus able to maintain extremely close supervision over the whole convict labour system.

¹W.A. Newman, op cit., p. 129.

Education:

Montagu was convinced of the reformatory value of education. He gave instructions¹ that school should be held every evening for one hour after the convicts had returned from work.² The success of this education, particularly the teaching of reading and writing, was described as follows in 1844 by one of the staff of the Governor, Sir Peregrine Maitland:

One afternoon in every week is appointed for secular instruction, and the result is certainly surprising. Out of the 464 who were sent to the stations, only eighteen could either spell or read on arrival ... so that the readers and spellers, combined in nearly equal proportions, have increased from 18 to 380, in a total of 464 convicts, in twelve months.³

The figures speak for themselves. To encourage self improvement every month four persons in every hundred were awarded six shillings

who in the opinion of the superintendent, had evinced the greatest desire to benefit by the instruction imparted in the school and chapel, by their progress, good conduct and attention under the same conditions as are mentioned in regard to labour.⁴

To encourage reading and the beneficial use of leisure time Montagu established small libraries

¹Regulation 66 Governing Convict Stations, Newman, op cit., p. 506.

²Work was for ten hours per day in Summer and nine per day in Winter. Regulation 65, Newman, op cit., p. 506.

³W.A. Newman, op cit., pp. 142-143.

⁴Ibid., pp. 135-136.

at all work camps and reported that they were much used.

(e) Value of Convict Labour

Under Montagu's direction convict labour built a number of roads and passes in the Cape Colony which were of considerable value in improving communications and opening up the interior. He was particularly cost conscious and after carefully comparing the total cost of maintaining the convict stations with the value of the work performed by the convicts costs of the system were practically recovered.

(f) Employment on Release

Montagu was concerned lest prisoners on release should fall into bad habits through lack of employment so he made arrangements with the Board of Road Commissioners to employ good conduct prisoners on their release. However this agreement fell into abeyance because the demand for released convicts who had had their sentences abridged for good conduct was such that they were able to obtain wages above the market rate.¹

From this brief description of Montagu's convict labour system it can be seen how similar his ideas are to those of today's penologists. He was of course

¹W.A. Newman, op cit., p. 147.

fortunate in that the number of prisoners with which he was dealing made it possible for him to keep close control over it, but this in no way detracts from his achievement. As Lord Grey, the Colonial Secretary, wrote to the Governor, Sir Harry Smith, in 1850:

I am bound to say that it is extremely rare to read of anything approaching the success of this experiment.¹

Newman acknowledges the achievements of his contemporary, Montagu, in these modest phrases:

... and it will undoubtedly remain the highest glory to the name of Montagu, as long as these mountain passes shall remain, on which utility has been extracted from punishment, and where the records of decreasing crime may be read in the stupendous achievements of improvement.²

After Montagu's death in 1852 his system of convict stations continued and in 1860 work started on the harbours in Cape Town and Kowie, and that of East London in 1872.

(ii) Penal Labour

In 1865 a circular was sent to all Colonial Governors requesting information on the state of prisons in the Colonies. This was a result of various parliamentary

¹G.H. 1/41 "Despatches Received from Secretary of State 1850" No. 445(a).

²W.A. Newman, op cit., pp. 109-110.

select committees investigating the English prison system. These committees had made various recommendations, particularly advocating the careful classification of offenders, where possible their separation one from another and their employment in penal labour (i.e. shot drill, the crank, treadwheel etc.) To this circular the Governor of the Cape of Good Hope, Sir P. Wodehouse, had replied in somewhat less detail than required rejecting both separation and penal labour.

No attempt is made at separation of classification. With the existing buildings it is simply impracticable, and it would be worse than useless for me ... to construct prisons which would admit both of separation, and of, as it would be called, unprofitable deterrent employment. This distribution of convict labour is jealously watched, and the several districts look eagerly to the time when they may hope to obtain the benefit of it.¹

Since Montagu's day prisoners had been very profitably employed in the Cape on "public works and ways", the whole emphasis of the penal system being on employing the convicts, as Sir P. Wodehouse described it,

Under the system now in force in this colony, prisoners (males)² under sentence for less than six months are detained in the local gaols in all parts of the country, under the supervision of paid local magistrates, and are by them employed in repairing and keeping clean the streets and roads, and on such other public services as may from time to time present themselves. All other prisoners (males) are

¹Letter from Sir P. Wodehouse, Governor of Cape of Good Hope to the Duke of Buckingham. Annexure E, Parliament Prison Discipline, 1867-68.

²Female prisoners sentenced to under 6 months were employed inside the local gaols, usually in sewing and laundry work.

removed immediately after the close of each circuit court to one of four principal convict stations.¹

The Governor goes on to describe how in 1863 approximately 400 convicts were employed daily on Cape Town's breakwater, two gangs of 200 each were employed on building mountain passes, while

a fourth gang of rather more than 100 was employed in the harbour works at Kowie, in the Eastern Province, under a parliamentary arrangement of some years standing.²

The attitudes prevalent to convicts were far harsher in England in the 1860's than in South Africa. In 1868 the Duke of Buckingham wrote to the Governor of Natal, Sir Robert Keate

It would appear from this summary³ that the gaols of Natal are wanting in the most essential elements of prison discipline - separation and strictly penal labour - that the hours of sleep allowed in them are too many, and the diet too high.⁴

At this time there was no penal labour in Natal -

Hard labour prisoners are as a general rule put to labour on the penal works; but at Durban some of the prisoners are employed at the gaol in cooking and washing, and others of them are despatched about the town to fetch articles for the use of the prison ...⁵

¹Extract from letter from Sir P. Wodehouse. See note 1, p. 588.

²Ibid.

³Summary prepared commenting on information supplied by Governor Keate.

⁴Despatch from Duke of Buckingham to Lt. Governor Keate (Natal) July 24th, 1868 from "Annexures to Parliament Prison Discipline 1867-68."

⁵Ibid.

Despite the lack of penal labour (or perhaps for other reasons) the recommittals to Pietermaritzburg were only 10,2 per cent of the committals, a far better record than in England.

Today the Duke of Buckingham's instructions to introduce penal labour and reduce diet

until you have good grounds to believe that you have reached a point beyond which actual injury to health might reasonably be apprehended¹

would be totally unacceptable to any responsible government. Yet the Duke was only following the recommendations of the Select Committee of the House of Lords on "prison discipline" 1867, the footnote to these recommendations, Note VI² on hard labour stated:

That the mild forms of labour generally in use in Colonial prisons have no considerable deterrent effect is an objection commonly raised and even enforced by the Colonial authorities themselves. The form of labour perhaps most in favour ... is that of gang labour in the open air on roads or other 'public works', not of a laborious kind.

According to the Governor of Granada such labour

is rather looked upon by the prisoners as a pleasant alleviation of their incarceration as it affords an opportunity of seeing and hearing what is passing outside of the prison.

¹Duke of Buckingham to Governor Keate of Natal, July 24th 1868.

²Prison Discipline 1867-68. Report of Select Committee of House of Lords 1867, p. 69.

The Select Committee concluded

They (the committee members)¹ think it essential that every prisoner sentenced to hard labour should be employed upon the crank or treadwheel for a minimum period, and that in no case should the regular enforcement of this system be relinquished or impaired for the sake of making the labour remunerative.

Fortunately the wishes of the Select Committee were largely ignored in South Africa.

(iii) The Hiring Out of Prison Labour

The hiring out of civil prisoners to labour for private persons became an accepted practice in 1806,² and had been accepted by the Commission of Enquiry into the Penal System in 1828.³ It was not until the 1870's that the hiring out of criminal prisoners became common practice. In 1879, in order to alleviate the overcrowding in the prisons, magistrates were empowered to release prisoners in teams of six to work for private persons provided they were under the control of a special constable.

In 1884 this system of lending out prisoners free of charge was altered, and employers were required to pay between 9d and one shilling per prisoner per day.⁴

¹Prison Discipline 1867-68. Report of Select Committee of House of Lords 1867, p. 69.

²M. van Wyk, op cit., p. 156

³See p. 577 supra.

⁴M. van Wyk, op cit., p. 491.

The largest single private employer was De Beers for their diamond mines at Kimberley:

Tot 1888 in die maatskappy van 300 gevangenis en daarna van 600 gevangenes per dag voorsien maar teen 1903 het die aantal al op 1 100 daaglike te staan gegom.¹

De Beers was responsible for the accommodation of these prisoners and in addition paid the State 2d per day for the first three hundred prisoners and thereafter 3d per day. De Beers continued employing convicts at Kimberley until 1932.²

It is surprising that contract labour flourished for so long in South Africa considering the objections raised against the practice in England and America. In 1867 the Select Committee of the House of Lords included in their notes and recommendations an extract from a contemporary report of the Prison Association of New York which condemned contract labour in the following terms:

The method of utilizing the labour of convicts by farming it out to the highest bidder is objectionable on many grounds. It is liable to a variety of grave and pernicious abuses ... It is in its very nature cruel and relentless in its exactions upon the time and toil of convicts ... It is so avaricious of the time of the convicts that it opposes all measures for their mental culture, their moral

¹M. van Wyk, op cit., p. 459. In 1903 the daily average of persons held in convict stations was 3 029.

²In 1955 employment on the mines ended with the transfer of 900 long term prisoners away from working for the East Rand Proprietary Mine.

reformation, and their preparation for civil life by a suitable industrial training.¹

For South Africa there were several definite advantages in the hiring out of prisoners, for not only did it bring in revenue to the State, ease administration and save the State providing accommodation, but it also provided badly needed labour. Consequently there was little likelihood of an internal reform group lobbying effectively to put an end to prison labour.

The Prison Reports of the time show that the prison administrators were well aware of the dangers of private persons abusing their right to employ prisoners, and consequently they encouraged the hire of prisoners to Government Departments. Thus in 1907 the Director of Convict Stations and Prisons for the Cape Colony reported:

The idea of extending the utilization of convict labour on public works of various kinds in preference to hiring them out, as it is so largely the case at present, to private employers, has also my full sympathy, and I hope, with Mr. Dreyer's assistance, to be able, by degrees to effect this important reform.²

As will be shown in the ensuing chapters the hire of prisoners to government departments was extended, but during the last 30 years there has been an increasing use made of the hire of prisoners to private persons.

¹Select Committee of the House of Lords, "Prison Discipline" 1867. Notes on p. 72.

²Annexures to the Votes and Proceedings of the House of Assembly, Cape of Good Hope 1912, Vol. VI. Report on the Management and Discipline of Convict Stations and Prisons for the Year 1909, p.11.

(iv) Prison Industries

In 1888 the Committee of Enquiry into Convict Stations and Prisons recommended the training of prisoners in industrial skills:

The time has, it is apprehended, now arrived for a new departure in the employment of convict labour. The system hitherto adopted of forming gangs in different parts of the country for road purposes and outdoor work generally was no doubt the best means of utilizing the mass of raw unskilled native labour of which the convicts, until a recent period, consisted; but it would be miserable economy to neglect to avail ourselves of the skilled material which is now at our disposal, or to suffer the intellectual deterioration which must of necessity follow the enforced disuse of a trade for heavy manual labour for a considerable time. Steps are therefore being taken to effect a change which will enable us to turn trained material to account by establishing centres at which certain industries, which are necessary in connection with penal institutions, can be carried on. ... For unskilled labour there will, it is believed, be work for some years to come at various public works.¹

In 1890 and 1891 the Breakwater Prison, which held the majority of European prisoners (67), became the industrial centre of the Prisons Department of the Cape. European prisoners were employed in tailoring, shoemaking, and some woodworking. However the country prisons did not fare so well, and by 1910 only Cradock had any industrial employment for prisoners other than oakum picking.²

¹Annexures to the Votes and Proceedings of the House of Assembly. Cape of Good Hope 1890, Vol. III. Report on the Management and Discipline of Convict Stations and Prisons for the year 1889. G.38-70, p. 5.

²Annexures to the Votes and Proceedings of the House of Assembly. Cape of Good Hope 1912, Vol. VI. Report on the Management and Discipline of Convict Stations and Prisons for the Year 1909, p. 11.

Thus, at the date of unification in 1910 the majority of European prisoners were employed in industrial work of some form or another inside prison out of the sight of the public, while Non-Europeans were employed in manual work both for the government and private persons.

The following sections describe somewhat briefly the development of prison labour in the remaining provinces of South Africa. Regrettably very little is known prior to Union in 1910, and with the exception of the harbour work in Durban the inference is that little work of any value was done by prisoners.

A.2 Natal

In Natal, unlike the Cape Province, prisoners were never extensively employed on road works. In the 1850's in Durban and Pietermaritzburg prisoners were employed in the municipal gardens, and judging by the report of Governor Keate referred to earlier their work was not particularly onerous.

In the 1870's, on the instructions of the Duke of Buckingham, the crank and treadmill were introduced into the prisons of Durban and Pietermaritzburg.

Act 6 of 1870 and Act 39 of 1887 separated hard labour in Natal into two classes.

Work at the treadwheel, shot drill, crank, capstan, stonebreaking or such other description of bodily hard labour ... which work shall be deemed hard labour of the first class; secondly of such other description of bodily labour as may be appointed by the Governor with the advice of the Executive Council, which shall be deemed hard labour of the second class.¹

In terms of the Gaol Rules of the Colony of Natal, 1891, work of the first class consisted mainly of stonebreaking, and work on the roads and building the breakwater in Durban Harbour; while work of the second class was less severe, being prison maintenance, and skilled work inside the prison such as tailoring, shoe making, mat making and bookbinding. All long term prisoners over 16 years of age were employed for a period in hard labour of the first class from which they could graduate by good behaviour. Women, and males under 16 were employed in labour of the second class.

The State received six pence per day for prisoners hired out to the harbour work, while in terms of the Gaol Rules of 1891, prisoners, after serving six months of their sentence, were paid as follows:

After six months, and not exceeding 12 months:
 1d per day
 One year and not exceeding two years:
 1,5d per day
 Two years and upwards:
 2d per day.²

¹H.J. Venter, op cit., p. 73.

²Ibid., p. 74.

However despite these regulations it would seem that prison labour in Natal was still badly organised as recently as 1907 as shown by this report from Pietermaritzburg Prison of convicts:

stonebreaking within wired partitions, presents a distressing spectacle of caged and misapplied energy, crude and archaic methods, and a disregard of the economic value of even prison labour.¹

This remained the position until the Act of Union in 1910.

A.3 The Orange Free State

By Article I of Chapter 12 of the Constitution of the Orange Free State a convict could be sentenced to hard labour with a pick and shovel in public from sunrise to sunset, with an hour off for breakfast and another for lunch.² Seemingly until 1902 this was the only prison labour performed under the control of the prison department. However due to overcrowding in the prisons parliament decreed in 1865 that a man could be sentenced to work for a burgher for a maximum of five years with or without pay.³ But by 1895 this sentence was virtually abolished, seemingly because the burghers had taken unfair advantage of the system, as has happened everywhere else in the world that this system has been tried.

¹Report of an Official Enquiry into the Prison System of Natal with Recommendations touching the Sentencing, Punishment and Treatment of Prisoners, 1907, p. 18.

²O.V.S. Wetboek 1854-1894.

³Notulen der Verrichtingen van den Hoogedelen Volksraad 1865, p. 142.

After the Boer War the English administered the O.F.S. from 1902 to 1910. They introduced the separation, where possible, of European and Non-European prisoners, males and females, young and old. Prison labour was divided into "hard labour of the first class, (and) hard labour of the second class." Just how hard the work actually was is open to question. Prison was described as

a government hotel ... and they (prisoners) don't mind getting it very often ...; they are supplied with food of the best quality ... well cooked; they have no trouble whatever, and the amount of work which they perform, is certainly infinitesimal - certainly not the amount that the ordinary man paid as a labourer would be expected to do for his day's wage.¹

Just prior to Union S.38 of Act 17 of 1909 provided that prisoners sentenced to hard labour could be hired to Municipal and Public Bodies for stonebreaking or other public works, and to companies and private persons for other forms of labour subject to the authorisation from the prisons department. After 1910 the majority of prisoners were employed in this way.

A.4 The South African Republic

Prison work in the South African Republic was governed by Article 4 of the Prison Regulations of 1868 which decreed that prisoners were to labour from sunup to half-an-hour before sunset. These hours were reduced in 1880 and 1892

¹Orange River Colony. Debates in the Legislative Council during the Fourth Session 1904, pp. 56-57.

until they were only from 6.30 in the morning until 5 at night, with an hour off for lunch.

In the country districts prisoners were employed for making the roads and keeping them in good repair, ditching and brickmaking. Certain major roads were constructed including those to Johannesburg from Potchefstroom, Krugersdorp and Boksburg. In addition a particularly active building section was responsible for the construction of the prisons at Wolmaranstad, at Barberton, the Fort Prison in Johannesburg, and a dam at Wolmaranstad.

The hiring out of prisoners was never an established practice in the Republic unlike in other parts of the country. In 1895 legislation was passed permitting the hire of White prisoners at 5 shillings per day and Non-Whites at 2 shillings per day.¹ However objections were raised in parliament on the grounds that prisoners should only be employed by the State and in 1895 the hiring out to private persons was stopped.

In 1895 it was decided that better economic use could be made of prison labour and for this purpose sewing machines were acquired for The Fort in Johannesburg. These were used for the manufacture and repair of mail bags and the

¹In real terms this is very substantially greater than today's hire charges of 64 cents per day in urban areas, 56 cents per day in larger towns and 39 cents per day in rural areas. See p. 666 for increased hire charges prevailing in March 1975.

making of canvas clothes for prisoners. No monetary wages were received but prisoners employed in this fashion were given an allowance of tobacco and coffee or tea. Within a few years industrial work was extended to the manufacture of mattresses and wooden furniture. The success of these experiments led to the establishment of workshops at Pretoria Prison in 1897.

In 1902 the English became responsible for the administration of the South African Republic and in 1905 to relieve the overcrowding in the prisons they reintroduced the hiring out of Non-European prisoners, particularly for employment on the mines.¹ All European prisoners were employed in industrial work inside the prisons, and this work expanded steadily until the Union of South Africa in 1910.

As a result of the Union the four different prison systems of South Africa were reorganised and brought under a single central control for the first time. The ensuing section describes the development of prison labour from 1910 until the Lansdown Commission Report in 1947.

¹Prisoners were hired out from Cinderella Prison, Boksburg to work for the East Rand Proprietary Mines.

B. PRISON LABOUR IN SOUTH AFRICA 1910-1947

The Prisons Act of 1911 consolidated the existing penal system of the four provinces and brought them under the central authority of a Prisons Department based in Pretoria. For the first time detailed provisions were made, and to some extent carried out, for the proper separation and classification of prisoners.¹

B.1 Prison Industries

During the last twenty years prior to the date of Union it had become accepted practice that Europeans were to be employed in industrial work inside the prisons. Initially the development of prison industries was slow but in the South African Year Book for 1910-1916 Mr. Roos stated:

Profitless labour such as oakum picking is now unknown, and its place has been taken by creative arts and trades. At the prisons excellent mats are now made from the discarded sheath leaf of the mealicob, replacing the coir mat imported from India. Manilla rope of sisal fibre grown on the prison farms has been turned out by the thousand yards. Prison building on a large scale is being undertaken. Blankets are woven from South African wool, and felt hats are made from the same material. Buttons are turned by machinery out of discarded bone and the remnants ground into bone dust fertilizer by the prisoners. Baskets and basket chairs are made from prison-grown osier and prison rush. Uniforms and boots are made in large quantities, and all brushes and brooms required by Government departments in the Union are produced by the prisoners. Prison labour also is responsible for furniture of South African hardwood for Government offices.²

¹See Chapter I for a fuller description of the different types of penal establishments introduced by the Act.

²Lansdown Commission Report 1947, op cit., para 959, p. 93.

Europeans were responsible for virtually all the industrial work, while Non-Europeans were employed in the building section and in the various handicrafts such as mat and brush making.

The purpose of prison labour, particularly prison industries, in terms of the 1911 Prison Act was to produce articles for the use of government departments, and to train men for employment on their release. To some extent the first objective was attained but, according to the Lansdown Commission Report:

The second object of prison training, viz. fitting the prisoner for employment on release has not been achieved. The failure has not been entirely due to internal causes, but largely to the difficulty an ex-prisoner finds in obtaining employment if he discloses his past, and in obtaining admission to a trade union.¹

However, earlier in its report the Commission had commented on the lack of industrial training facilities throughout the country.² For the first ten years or so after Union the Prison Reports were in considerable detail and contained individual reports from each of the larger penal institutions throughout the country. From these

¹Lansdown Commission Report 1947, op cit., para 595, p. 93.

²Ibid., para 835, p. 124. See Chapter IX, p. 618.

reports¹ one gains the impression that prisoners were kept hard at work, although the reports constantly refer to inadequate or outdated machinery. Certain prisons give details of the numbers of convicts employed in different tasks and their production so one can form some idea of their efficiency. For example at Pretoria Central in 1919 details are given of the output from all the different sections - apart from the usual list of articles produced by the tailoring shop and the more common prison industries, we learn that four convicts boiled 83 164 lbs. of soap (a common prison industry in America today), while four more baked nearly 300 000 lbs. of bread and made 1 906 lbs of jam, and fifteen convicts employed in the bookbinding shop bound 12 000 books and made 88 000 envelopes and boxes, no mean feat. However in the 1930's and 1940's the Reports are in far less detail and it is impossible to judge whether prison work was either productive or of good training value.

It seems probable that the existing industrial training facilities were inadequate to deal with the rapidly growing prison population and insufficient funds were allocated for the provision of new machinery and workshops.

¹The Reports prior to the 1920's are full of interesting snippets of information which fill out one's picture of life in prison some sixty years ago. Thus in the 1919 Report one learns that the privilege of allowing prisoners to play draughts had been much appreciated and had "proved an unqualified success in keeping convicts out of mischief." (p. 42) Not all convicts for "it is regretted that an indeterminate convict who was employed in the machine shop escaped (from Pretoria Central). He mysteriously disappeared on the afternoon of the 11th September, but how he got away remains a puzzle."

B.2 The Leasing of Prisoners

Throughout the period 1910 to 1947 extensive use was made of the hiring of prisoners to private employers. In 1911 the Annual Prison Report states that approximately £57 000 was earned in this manner during the year, of this sum £25 000 came from the Department of Railways and Harbours for labour supplied by the George, East London and Durban Prisons. A further £9 000 was earned by the Cinderella Prison, Boksburg, for the hire of labour to the mines in that vicinity, while De Beers paid over £3 000 a year for prison labour in Kimberley.

By the end of this period the practice had been re-introduced of supplying labour free to government departments, then by far the largest employer being the Department of Railways and Harbours.

B.3 Farm Labour

(a) Prison Farms

Shortly after Union the Prisons Department's most famous prison farm, Leeuwkop, was established. This was mainly for long term African prisoners. A second prison farm at Grootvlei was established a few years later. On these farms prisoners received experience of farm work through their daily labour but no specific training was given.

(b) Release to Private Farmers

(i) 6d per day Scheme

In 1931 what became known as the '6d per day scheme' was introduced. Prisoners with sentences of a maximum of one month were contracted out into the total control of the hirer. In 1932¹ this was extended to Non-White first offenders with sentences of three months or less. The stated intention was to reduce the overcrowding in the prisons and remove first offenders from harmful contact with more experienced offenders, and from the evil influence of prison life. This good intention coincided admirably with the acute shortage of farm labour brought about by the sudden industrial expansion after the devaluation of 1932.²

The conditions of hire were that the farmer paid six pence per day to the Prisons Department for the unexpired portion of the sentence,³ and was responsible for the prisoner's food, clothing, housing, and transport home after the expiry of his sentence. Unless the prisoner misbehaved and was brought back to Prison by the farmer the prison authorities did not see him again. In practice

¹Annual Prison Report 1952, U.G. 37/1953, p. 9.

²See Dr. Francis Wilson, Volume II of The Oxford History of South Africa (Oxford), pp. 145-149

³The prisoner received no pay.

a number of farmers took advantage of their control over these prisoners and for this reason and others the Lansdown Commission Report recommended its abolition.¹

(ii) Release of First Offenders to Farmers

In 1944 the categories of prisoners who could be released to farmers were extended further by the release on probation of first offenders who had served half their sentences. The prisoners were to serve out the remainder of their sentences working for the farmers who were to pay them market wages. No farmer was permitted to have more than two such prisoners at any one time.²

(iii) Release of Farm Colony Prisoners to Farmers

An identical practice had been in existence for some years for the release to farmers of African prisoners who had been committed to Farm Colonies. Good conduct Farm Colony prisoners could be released on licence to farmers on the recommendations of the Farm Colony Boards. The prisoners served out the balance of their sentences and were supposed to receive market wages. In 1944 over 500 prisoners were released in this fashion.³

¹See following section, pp. infra.

²Annual Prison Report 1944, op cit., U.G. 45/1944, p. 16.

³Ibid.

(iv) Public Works and Road Camps

The Prison Report of 1910 was strongly in favour of a greater use of prison labour on Public Works and Ways, and quoted Mr. Dreyer, The Cape Inspector of Prisons:

Prior to 1890 convicts were largely employed on Government works, such as road construction, forestry, etc., unskilled convict labour being then considered superior to free labour, and by its substitution large sums of money, which would otherwise have been paid out in wages to free labourers, were retained in the Treasury and thus saved ... This method of utilizing convict labour is in my opinion infinitely preferable, more suitable, and from an economical point of view, more advantageous than hiring out convicts to private individuals.¹

Road camps in particular were used for keeping petty offenders out of the prisons, and in 1910 approximately 17 000 Africans sentenced for trivial pass and master and servants offences were dealt with in this manner.² Two years later nearly 20 000 Africans passed through the three main road camps.³

In addition to the three main road camps there were a large number of labour outstations attached to the various gaols. Thus in 1912 there was a large outstation at Roodebloem, a few miles from Cape Town

¹ Annual Prison Report 1910, op cit., U.G. 30/1911, p. 108.

² Ibid., p. 113. During this period convict labour was responsible for building the main Pretoria to Johannesburg Road, sections of the Main Reef Road, the Grasskop Road, the gardens and site works at the Government Sanatorium at the Warmbaths, and preparing the site of the Agricultural College and that of the Union Buildings.

³ Annual Prison Report 1912, op cit., U.G. 44/1913, p. 268

which provided labour for the Groote Schuur Road, another at Volksrust where convicts were employed in connection with the municipal water supply, and a third large outstation involved in forestry work.¹

In 1943 there remained three road camps, all in the Transvaal, but the numbers committed to these camps had fallen to approximately 11 000 due to the increasing use of hiring short term offenders to private persons. The last road camp in the country was closed in 1951, four years after the Lansdown Commission Report.

(v) Trade Training

To some extent trade training has been considered in the section on prison industries. In addition to training as tailors or shoemakers a number of prisoners received training in the various different building trades. However this tended to be confined to the larger prisons and was only for Europeans.

Trade training for Non-Europeans, who formed approximately 90 per cent of the prison population during this period, hardly existed, with the exception of stone dressing at Leeuwkop and Barberton.² Women

¹ Annual Prison Report 1912, op cit., U.G. 44/1913, p. 268

² Lansdown Commission Report 1947, op cit., para 839, p. 124.

received no training at all, unless one can call laundry work trade training.

It seems probable that only a small percentage of prisoners received training that was really meaningful and could help them to find employment on their release.

(vi) Semi-Penal Work

Lest it be thought that all European prisoners were employed to the optimum advantage it must be remembered that this was the era of sewing mail bags in English prisons and South African prisons were still largely influenced by English prison practices. Thus European hard labour prisoners were frequently to be found repairing mail bags, while some were employed in quarrying and stonebreaking with picks and sledgehammers rather than with stone crushers and other mechanical equipment which was available at the time.¹ There is no doubt that the Prisons Department had difficulty in finding sufficient suitable work that could be carried out inside the prisons, and which would not antagonise the private industrial sector,

¹"The difficulties of providing suitable employment for some prisoners is the cause of the uninspiring sight to be seen in some prisons and gaols of men sitting with hammers on piles of stone reducing them to smaller size. The product is profitably disposed of, but the employment of prisoners on a type of labour wearisome in the extreme, and of no educative value to the performer and which could with infinitely less expense, be performed by machine, is depressing." Lansdown Commission Report, op cit., para 653, p. 98.

but all too often administrative lethargy has sheltered behind the insubstantial spectre of unjust competition.

The most significant trend in the employment of prison labour from 1910 to 1947 was the increasing use made of leasing prisoners to private employers - particularly farmers. Such a system has distinct advantages and disadvantages as will be discussed in the next section which traces the development of prison labour practices in South Africa from 1947 to the present day.

PART II: SOUTH AFRICA

ATTENTION IS DRAWN TO THE

A. COUNTRY: SOUTH AFRICA

B. YEAR UNDER REVIEW: 1947

C H A P T E R IX

PRISON LABOUR IN SOUTH AFRICA

1948 - PRESENT DAY

PART I: THE EMPLOYMENT OF PRISONERS CIRCA 1947

A. THE EMPLOYMENT OF PRISONERS BY THE PRISONS DEPARTMENT
CIRCA 1947

A.1 Prison Labour and Trade Training 1947

A.2 Hours of Work

B. EMPLOYMENT OF PRISONERS OTHER THAN BY THE
PRISONS DEPARTMENT 1947

- (a) South African Railways and Harbours
Administration
- (b) Provincial Authorities
- (c) Municipal and Divisional Councils
- (d) Gold Mining Companies
- (e) Private Business Concerns
- (f) Farmers Under Contract
- (g) Six Constantia Farmers
- (h) 6d per Day Scheme
- (i) Hiring of Short Sentence Prisoners
to Private Persons

PART II: SOUTH AFRICAN PRISONS TODAY (1974) WITH PARTICULAR
ATTENTION TO PRISON LABOUR

A. COUNTRY: SOUTH AFRICA

B. YEAR UNDER REVIEW: 1972-73

Continued

C. POPULATION OF SOUTH AFRICAD. ANALYSIS OF PRISON POPULATION

- D.1 Total Persons Admitted to Prison
- D.2 International Comparison of Prison Populations per 100 000 of Total Population - 1971 and 1972-73
 - (A) Prison Population per 100 000 Inhabitants Compared with Other Countries as at 1st January 1971
 - (B) International Comparison of Prison Population 1972-73
 - (C) Prisoners Remanded in Custody on 1.1.1971 and Numbers of Prisoners Awaiting Trial per 100 000 of Population
- D.3 Short Sentences
- D.4 Distribution of Sentences - 1972-73
- D.5 Sentences of Persons in Custody on 30th June 1973
- D.6 Prisoners Serving Sentences of 2 Years or Over on 30th June 1973
- D.7 Summary of Crime Statistics 1972-73
- D.8 Conviction Rate by Race and Type of Offence 1969-70
- D.9 Daily Prison Average 1910-1973

E. AIMS OF PRISON LABOUR AND ORGANISATIONAL SYSTEMS IN SOUTH AFRICA

- E.1 Aims
- E.2 Systems of Organising Prison Labour in South Africa

Continued

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

F.1 Employment of Prisoners by the Department of Prisons 1947-1973

(a) Industries

(i) Numbers Employed in Prison Industries

(ii) Value of Work - Raw Material Purchases

(iii) Costing of Prison Made Articles

(iv) Productivity

(b) Building Section

(c) Prison Farms

(d) Maintenance Duties

F.2 Employment of Prisoners by Other than the Department of Prisons

(a) Employment by Government, Quasi-Government Departments and Private Persons

(b) Gold Mines

(c) Private Business Concerns

(d) Prison Farm Outstations

(e) 9d per Day Scheme

(f) Parole

G. TRADE TRAINING AND EDUCATION

G.1 Trade Training

G.2 Education

H. SHORT TERM OFFENDERS

I. COMPETITION

Continued

- J. MOTIVATION OF PRISONERS TO WORK
 - J.1 Pay (Gratuities)
 - J.2 Privileges and Concessions
 - J.3 Remission of Sentence
 - J.4 Prison Discipline

- K. PRODUCTIVITY

- L. TRADE UNIONS

- M. CLASSIFICATION AND PRISON BOARDS
 - M.1 Observation Centres
 - M.2 Allocation Committees
 - M.3 Institutional Committees
 - M.4 Prison Board

- N. POST RELEASE FOLLOW UP

- O. PRIVATE PRE-RELEASE
 - O.1 Half Way House
 - O.2 Post Release Hostels

- P. PROBATION, PERIODIC IMPRISONMENT, PAROLE

- Q. PRISON FINANCE AND COST OF PRISONS

- R. RECIDIVISM

- S. PRISON PERSONNEL

Continued

T. MISCELLANEOUS

T.1 Public Relations

T.2 Research

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² Ibid., para 31, 2.

CHAPTER IXPRISON LABOUR IN SOUTH AFRICA1948 - PRESENT DAY

The development of the employment of prisoners in South Africa over the last twenty-five years must be related to prevailing international penological aims and standards. South African representatives were present at all the major penological conferences during this period and on frequent occasions the Annual Reports of the Commissioner of Prisons have stated that the South African penal system is in line with modern penological thought.

In 1947 the Lansdown Commission stated that the aim of imprisonment was the reformation/rehabilitation of the offender to be achieved through the medium of training for work so that he would be capable, upon release, to earn an honest living.¹ The Report advocated education, vocational training and useful employment, as essential parts of the correctional process.² In 1952 the Commissioner of Prisons, Mr. Verster, reiterated these principles

Generally, the Department is aiming at a better standard of living in prisons; more enlightened occupational programmes; more vocational and educational training; and the proper training of its personnel. This is indeed a formidable list, and, having regard to the country's multi-racial problems and the vast decentralised system

¹Lansdown Commission Report, op cit., para 652, p. 98

²Ibid., para 821, p. 123.

of penal institutions scattered throughout the Union, the administrative difficulties greatly exceed those encountered in small, compact countries with their (usually) homogeneous populations.¹

In order to appreciate the very considerable improvements that have been made in regard to the employment, training and education of prisoners since 1947, and to see what remains to be done, and to understand some of the problems which have faced the Department of Prisons, the following chapter reviews the progress since 1947.

PART I: THE EMPLOYMENT OF PRISONERS CIRCA 1947

A. THE EMPLOYMENT OF PRISONERS BY THE PRISONS DEPARTMENT CIRCA 1947

A.1 Prison Labour and Trade Training 1947

In 1945 the Daily Average Prison Population was 22 929 persons. Only 808 of the 23 000 persons were Europeans and since 1911² European prisoners have tended to be employed inside the prison buildings, either in the workshops, at building,³ maintenance or gardening work, and occasionally as monitors.⁴ Trade training as such scarcely existed at

¹Annual Prison Report 1952, U.G. 37/1953, p. 7.

²Prison Act No. 13 of 1911, S.93.

³The Building Section was not officialy extant until 1952 but prisoners had been employed in building work prior to that date.

⁴Monitors - Trusty prisoners used for locking and unlocking prison doors etc.

all. According to the Lansdown Commission:

No trade training exists in the Union penal institutions for women. For men its availability is extremely limited and in the institutions visited by the Commission, its utility in providing a training for employment after release is, with one exception, quite inadequate.¹ The exception is the Central Prison, Pretoria.

"For Non-European men little exists,"² in practice mainly farming, some stone dressing at Leeuwkop and Barberton, and sisal farming and rope manufacture at Barberton.

The overall conclusion is that apart from at Pretoria Central, virtually no significant trade training of prisoners existed in 1947. Similarly industrial production was very limited - goods only being produced for the use of the State.³

The Prisons Department endeavours to produce as much as possible of its requirements by prison labour. Though much more could be done, it already produces all the tinware, furniture, and printed forms required, the boots, uniforms and equipment for the prisons and gaols, both for officers' and prisoners' use and many other essentials.⁴

One of the stated reasons for the poor state of prison vocational training and industrial production was the fear of competition with free industry⁵ and the opposition of trade unions to admitting ex-prisoners.⁶

¹Lansdown Commission Report, op cit., para 835., p. 124.

²Ibid., para 839, p. 124.

³Production was for State Use in terms of Section 93(2) of the Prisons Act 1911.

⁴Lansdown Commission, op cit., para 836, p. 124.

⁵Ibid., para 833, p. 124.

⁶Ibid., para 837, p. 124.

A.2 Hours of Work

The majority of prisoners in 1947 were employed in manual labour. Most Non-Europeans employed by the Department of Prisons were engaged in agriculture¹ and much of this involved the clearing of bush and preparation of ground that had never been farmed before. However the hours worked, ten per day, were considered to be too long by the Lansdown Commission for prisoners were too tired after work to spend any time on reading or education. The Commission recommended that working hours be reduced. Today prisoners employed by the Department work an eight hour day while those employed by private persons normally work ten hours per day.² It is appreciated that farmers, who employ the majority of the prisoners and parolees, require their own labour to work at least ten hours per day but this does not detract from the fact that the purpose of imprisonment is to rehabilitate offenders and by working long hours the opportunities for reformative treatment other than work are considerably diminished.

B. EMPLOYMENT OF PRISONERS OTHER THAN BY THE PRISONS DEPARTMENT 1947

Prior to and since 1945, South Africa, in common with most countries in the world, has had difficulty in accommodating and usefully employing her steadily increasing prison population.

¹The Prisons gardening and agricultural sections supplied nearly all the food required by the Department of Prisons.

²Parolee prisoners work 10 hours per day, but prisoners leased from prison outstations work less as they must be transported back to prison by 5 p.m.

The construction of prisons, particularly if work facilities are provided, is enormously expensive. Consequently South Africa has made extensive use of the hiring out of prison labour, some of whom return to their prison at night, and others who remain on farms. The statutory authority of such hiring out of prisoners was contained in S.93 of the Prisons and Reformatories Act No. 13 of 1911 which provided, inter alia:

Subject to the employment upon public works as far as possible, the Director of Prisons, may contact any authorities, public bodies or persons for the employment of prisoners who are under sentence of hard labour, upon such terms as may be agreed and that any place of employment shall be deemed to be a convict prison or gaol for the purposes of offences committed by prisoners, officers in charge of them or any other persons.¹

The Director of Prisons issued standing instructions covering the use of prison labour, among others that,

- (a) the ordinary minimum charge for Non-European prison labour shall be 2/- per convict per day, subject to a reduction of 9d per unit per day where the employer supplies the guard;
- (b) that no female prisoner could be employed outside prison, and that no European prisoner could be employed where he could be constantly seen by the public;
- (c) that no prisoner could be employed in hazardous work without supervision;
- (d) that labour hired out shall be approximated as much as possible, as to hours and conditions to free labour conditions, provided that the safeguarding of prisoners is never lost sight of.²

¹See Lansdown Commission Report 1947, op cit., para 882, p. 130.

²Ibid.

The Lansdown Report listed the employers of prison labour as follows:¹

- (a) The South African Railways and Harbours Administration (S.A.R. and H.);
- (b) Provincial Authorities;
- (c) some Divisional and Municipal Councils;
- (d) a few gold mining companies;
- (e) private business concerns;
- (f) farmers under contract;
- (g) certain six Constantia farmers under special agreement;
- (h) farmers at 6d per prisoner per day; and
- (i) Private persons.

(a) S.A.R. and H.

The first employer, the S.A.R. and H. employed some 2 600 Non-European prisoners, mainly those serving long sentences, at the time of the Lansdown Report in 1947. The 1953-54 Director of Prisons Report showed that this figure had fallen to 2 000 supplied "for quarrying at Bellville and East London, for general labour purposes at Durban harbour, and in the Railways stores at Pietermaritzburg and Bloemfontein."³ This labour was supplied under an agreement of 1934 by which the S.A.R. and H. had defrayed the cost of erecting and maintaining the Fort Glamorgan Prison (East London) and the

¹See Lansdown Commission Report 1947, op cit., para 882, p. 130

²Ibid., para 885, p. 130

³Annual Prison Report, op cit., U.G. 24/1955, p. 13.

Bellville Prison, and supplied free transport. However the value of labour supplied by the Prisons Department "far exceeded the expenditure incurred by the Administration under its obligations."¹ The Lansdown Commission were in favour of the continuance of the hire of prisoners to the S.A.R. and H.,² who employed mainly long term prisoners. These prisoners should have received some form of training to encourage their reformation/rehabilitation, but the Lansdown Report makes no mention of any training being provided for them, nor can any detail be found in the Director of Prisons Reports or other documents.

(b) Provincial Authorities

The Provincial Authorities, used the majority of prison labour supplied to them on public works and ways. Road Camps had been established under S.13(2) of Act No. 13 of 1911, for the purpose of keeping male petty offenders out of prison away from contact with more experienced criminals. Road Camps had been used extensively in the past, and had proved, under Montagu, an excellent means of both rehabilitating offenders and defraying the costs of their captivity. The last camp was closed in 1951.

(c) Municipal and Divisional Councils

Municipal and Divisional Councils, mainly used prison labour for road repair work and maintenance. The prisoners,

¹Annual Prisons Report 1953-54, op cit., U.G. 24/1955, p. 13.

²Lansdown Commission Report, op cit., para 903, p. 132.

exclusively Non-Europeans, as always with employment outside the prisons, had the advantage of working in the open air, but they received no training whatsoever.

(d) Gold Mines

The fourth major employer was the gold mines. The Lansdown Report¹ stated that 1 400 long term Non-European prisoners were supplied daily to the gold mining companies in 1945. The mines paid between 1/9d and 2/- per unit per day and contributed to other costs.

The prisoners are employed exclusively on surface work, and the conditions under which they labour are satisfactory. The gold mining companies meet the requirements of the Prisons Department and are co-operative in observing the Prisons Regulations.²

The convicts were under the charge of the Prisons Department and were housed in prisons or gaols at night - consequently one of the standard complaints against the private use of labour - the exploitation of prison labour - was prevented. As a general rule the Commission concluded that

the use of convict labour by private business concerns should be discontinued as soon as suitable Government work can be substituted,³

but they felt there was rather less urgency regarding the

¹Lansdown Commission Report, op cit., para 891, p. 131.

²Ibid., para 893, p. 131.

³Ibid., para 918, p. 133.

cessation of employment on the mines.¹ The 1953-54 Director of Prisons Report stated that the number of prisoners employed by the gold mines would be gradually reduced to be terminated by the 1st March, 1955.

(e) Private Business Concerns

In 1945 'private business concerns' employed some sixty prisoners. This form of employment was rapidly phased out as recommended by the Lansdown Report.

(f) Farmers Under Contract

Another group of employers were farmers to whom

Non-European first offender prisoners serving sentences from one to two years, who are selected as suitable, are invited after completion of half their sentence to volunteer to take service with farmers, and if they elect to do so, they are released on licence on entering into a contract, approved by the magistrate of the district, to work for the remaining portion of the sentence as employees of the farmers at the locally prevailing rate of wages.²

The Lansdown Commission approved of this licenced release with certain reservations, among them that such prisoners should receive the normal remission to which they would be entitled for good behaviour, and that the tardy release of prisoners after the expiry of their sentences was to be guarded against. It was however abolished in 1959.

¹Lansdown Commission Report, op cit., para 904, p. 132.

²Ibid., para 896, p. 131.

(g) Six Constantia Farmers¹

In the Cape a number of Non-European offenders were released during the week to six Constantia farmers, housed on their farms under the control of prison officials, and returned to Cape Town Gaol for the weekends. The Commission recommended the termination of this scheme as the prisoners were inadequately housed, no training for their reform/rehabilitation was provided, their supervision at work by temporary untrained warders was deemed undesirable, and finally it was considered that these six farmers were receiving preferential treatment over other farmers in being allocated the prisoners.² This system was terminated some years ago, and today the Constantia farmers have to transport their prisoners to and from Pollsmoor every day.

(h) 6d Per Day Scheme

One of the most controversial prison labour system in South Africa was known as the 6d per day scheme. This scheme, which involved the hire of short term prisoners to private persons,³ attracted the disapproval of the Lansdown Commission:

The Commission considers very undesirable and recommends the termination forthwith of the practice under which Non-European first offender prisoners serving sentences of under three months are hired to farmers at 6d per day for the unexpired portion of the sentence.⁴

¹In 1945 some 150 prisoners were employed on Constantia farms.

²To facilitate efficient farm work temporary warders were sworn in as it was impracticable for one prison employee to supervise the prisoners' discipline and welfare during working hours.

³See Chapter VIII, p. 605.

⁴Lansdown Commission Report, op cit., para 908, p. 132.

The Commission's main objections were that the prisoner was sent to a farmer without being consulted and yet he automatically lost his rights to remission of sentence. The farms were often many miles from the nearest prison and consequently there was little effective control over the treatment of the prisoners. The Commission reported:

Evidence has shown that not infrequently such prisoners desert and, on return to gaol, report unfavourable conditions of employment and treatment.¹

In 1947 the scheme was abolished but almost immediately reintroduced after representations by the farmers to the Minister of Justice. At this time there was a shortage of farm labour.

The shortage was due firstly to the country's industrial expansion which had drawn much labour, both Black and White, to the cities. Secondly, farm wages, as always, lagged far behind. In 1952 the value of the average African farm labourer's income (including food and clothing) was just over £3 a month whilst average mine wages (including the value of food), which had not risen in real terms since the time of Union, were exactly double farm earnings.²

The scheme was reintroduced in a revised form correcting most of the matters to which the Lansdown Commission had objected. Prisoners were now consulted and their consent was a prerequisite to their being transferred. The daily wage was increased to 9d per day and was payable to the prisoner on completion of his sentence. Remission of sentence was granted to those eligible for it.

¹Lansdown Commission Report, op cit., para 908, p. 132.

²Quoted from Dr. F. Wilson, Volume II, Oxford History of South Africa, op cit., p. 146. Edited by Monica Wilson and Leonard Thompson (Oxford: Clarendon Press 1969-71).

Although the wages were very small they meant that the prisoner had some money on his release to help him until he found new employment. Secondly his employment in virtually open conditions on a farm were in line with international thinking for the employment of short term offenders. From a practical point of view useful labour was supplied to the farmers, probably too cheaply, and the Prisons Department was saved the very considerable cost of maintaining such persons. During 1952 some 40 553 prisoners were dealt with in this manner. The Lansdown Commission approved the re-introduction of the scheme but with reservations:

The Commission, therefore, while recognising that the ninepenny scheme is an improvement on the sixpenny one hitherto in vogue, is of the opinion that it is not one which should be used save for such an emergency in the shortage of farm labour as was represented to the Minister.¹

(i) Hiring of Short Sentence Prisoners to Private Persons

Finally the Lansdown Commission reported unfavourably on "the widespread practice throughout the Union of hiring out of Non-European hard labour prisoners to private persons by the day."² They concluded,

it is undesirable that prisoners should be employed in and about the grounds of private residences, or if so employed as a matter of expediency in default of more suitable employment, that they should be placed in the charge of private persons sworn in as temporary or special warders, who, for the most part, are totally untrained in the approved methods of handling prisoners.³

¹Lansdown Commission Report, op cit., para 1105, p. 159.

²Ibid., para 902, p. 132.

³Ibid., para 911, p. 133.

As has been shown the vast majority of prisoners in 1945 were employed outside the prisons by private persons and by authorities other than the Prisons Department. This is still the position today although it is the stated intention of the Department of Prisons to eventually employ all prisoners themselves.¹

Part II

¹Letter from Commissioner of Prisons to the Author, September, 1974.

PART II : SOUTH AFRICAN PRISONS TODAY (1974) WITH
PARTICULAR ATTENTION TO PRISON LABOUR

Since the Lansdown Commission Report of 1947 there have been many important and beneficial changes in the treatment of offenders in South African penal institutions. This is a considerable achievement considering the administrative difficulties of dealing with a prison population whose daily average has risen from 22 929 persons in 1945¹ to over 100 000 in 1975.²

The emphasis in this survey is on those aspects of the correctional programme which are designed to promote the rehabilitation of offenders, with particular attention to prison labour, vocational training and the various facets of education. The design of the survey using the alphabet for subject headings - e.g. G: Trade Training, H: Short Term Offenders, I: Competition, is for comparison purposes with the prison labour policies of other countries as reviewed in Chapter VII. Some of the headings are followed by brief outlines of the aims and relevance of the subject matter; these do not pretend to be comprehensive reviews of their subjects but merely introductions for the better appreciation of the whole survey.³

¹1945 was the date of compilation of the Lansdown Commission Report.

²Figure given to the author by Senior Prison Officer, February 1975. The official figure for the year 1973-74 was a daily average of 98 851 as stated by the Minister of Prisons in the Senate on 23rd August 1974. Hansard 2, Col. 694.

³In some cases the introductions may seem to be repeating earlier sections of this thesis - particularly those matter covered by Chapter V on the 'Modern Principles of Prison Labour' - however the author believes that this repetition is necessary.

A. SOUTH AFRICAB. YEAR: 1st July 1972 to 30th June 1973.C. POPULATION OF SOUTH AFRICA: Approximately 23 millionD. DAILY PRISON AVERAGE: 95 015¹D.1 Total Persons Admitted to Prison:

Sentenced 364 200

Unsentenced 268 487

Of the 268 487 unsentenced persons 84 034 were readmitted as sentenced prisoners.²

D.2(A) Prison Population per 100 000 inhabitants Compared with other Countries as at 1st January 1971³T A B L E 1

	<u>Number of prisoners per 100 000 inhabitants</u>	<u>Total number of prisoners on 1.1.1971</u>	<u>Total population on 1.1.1971</u>
Netherlands	22,4	2 919	13 119 000
Norway	37,1	1 432	3 866 500
France	59,9	29 553	51 004 000
Belgium	60,2	5 815	9 660 000
Sweden	61,4	4 977	8 092 700
Luxembourg	64,1	218	343 300
Denmark	69,8	3 350	4 800 000
England and Wales	72,4	40 178	55 534 000
West-Germany	83,6	51 175	61 194 600
Finland	94,0	4 500	4 700 000
South Africa(Total)	417,0	88 766	21 300 000

¹Annual Prison Report 1972-73, op cit., RP 91/1973, p. 9.

²Ibid., p. 6.

³Prison Population data extracted from Swedish Department of Corrections Annual Report 1972. Table 1, p. 11 and South African data extracted from Annual Prison Report 1972. The South African figures refer to prisoners in custody on 30th June 1970. Annual Prison Report 1969-70, RP 102/1970, pp. 5-6.

D.2(B) International Comparison of Prison
Population 1972-73

(Prepared from
replies to author's
questionnaire)

T A B L E 2

<u>Country</u>	<u>Year</u>	<u>Number of prisoners per 100 000 inhabitants</u>	<u>Total Number of prisoners</u>	<u>Population</u>
Netherlands	1972	18	2 455 ¹	13 500 000
Switzerland (Berne)	1973-74	27	270	1 000 000
Luxembourg	1973	40	129	330 000
Japan	1973	46	46 083	101 000 000
Italy	1973	51	28 000	55 000 000
Belgium	1972	58	5 849	10 000 000
France	1972	58	30 306	52 000 000
Sweden	1973	62	4 971	8 000 000
United Kingdom ²	1972	65	31 502	48 249 000
New Zealand	1973	81	2 500	3 100 000
Israel ³	1972-73	82	4 105 ⁴	3 124 000
West-Germany	1972	83	51 179	61 800 000
New South Wales	1972-73	88	4 155	4 702 000
Turkey	1973	92	34 978	38 100 000
South Africa	1972-73	413	95 015	23 000 000
Whites	1972-73	94	3 958	3 958 000
Coloureds	1972-73	814	17 466	2 144 000
Africans	1972-73	452	73 313	16 217 000
Asians	1972-73	80	534	668 000

¹Excludes persons held in the asylum for criminal psychopaths.

²Prison population on 30th June 1972 excludes males in borstals and detention centres.

³Excluding those persons imprisoned for offences against national security, being 40 per cent of the total.

⁴1 600 terrorists.

D.2(C) Prisoners Remanded in Custody on 1.1.1971
and Numbers of Prisoners Awaiting Trial
per 100 000 of population¹

T A B L E 3

	<u>Number of prisoners awaiting trial per 100 000 inhabitants</u>	<u>Total number of prisoners awaiting trial</u>
Sweden	6,9	562
England and Wales	9,5	5 279
Netherlands	10,4	1 363
Luxembourg	12,6	43
Belgium	13,2	1 277
Norway	13,7	519
West-Germany	18,2	11 139
France	21,3	10 875
Denmark	22,0	1 056
South Africa	75,2	15 804

The 1972-73 figure for South Africa of 82 persons per 100 000 of population is extremely high, largely due to the inability of the Non-European race groups to find the necessary money for bail. Detained persons are permitted² to contact friends and employers to help them with their bail although in practice they are frequently not given a chance to write or to telephone. It is not uncommon for a minor offence to involve between four and six remand dates over a period of two to three months. Considering that it costs approximately R1,54 per day to keep one prisoner in prison it would seem economically advisable

¹Extracted from Swedish Department of Corrections Annual Report 1972.

²In terms of the Prison Regulations.

to give prisoners every opportunity to arrange for their bail, not to mention the probable ill effects of incarceration in the extremely criminogenic conditions of the pre-trial prisons.¹

D.3 Short Sentences

During 1972-73 a total of 293 121 persons were imprisoned for 1 to 4 months. These represent 81 per cent of the total. Of these 124 648 were released on parole within 24 hours of admission. Parole in South Africa is rather different to what is understood by 'parole' elsewhere, for in South Africa it usually involves no supervision.

See D.4 overleaf

¹See Chapter X.

D.4 Distribution of Sentences 1972-73¹

T A B L E 4

Category	White		Bantu		Asiatic		Coloured		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Death Penalty	-	-	52	1	-	-	26	-	79
Life Imprisonment (life)	-	-	13	-	-	-	2	-	15
Indeterminate Sentence (minimum 9 years)	91	-	793	12	3	-	179	4	1 082
Prevention of Crime (5-8 yrs.)	122	-	1 179	34	9	-	392	11	1 747
Corrective training (2-4 yrs.)	196	6	2 038	95	12	-	849	33	3 229
2 years and over	403	7	6 667	423	38	2	2 007	78	9 625
Over 6 months - under 2 years	866	15	15 850	1 626	91	3	3 754	200	22 405
Over 4 months - under 6 months	942	23	21 723	3 810	118	7	5 038	409	32 070
Over 1 month - under 4 months	1 586	124	78 002	16 024	328	43	9 930	2 501	108 538
Up to and including 1 month	3 004	297	117 148	36 507	756	88	20 729	6 054	184 583
Periodical Imprisonment	238	2	88	2	20	-	70	1	421
Corporal punishment only (cane)	7	-	360	-	-	-	39	-	406
T O T A L	7 455	474	243 913	58 534	1 375	143	43 015	9 291	364 200

¹Annual Prison Report 1972-73, op cit., AP 91/1973, p. 6.

D.5 Sentences of Persons in Custody on 30th June 1973¹

T A B L E 5

Category	White		Bantu		Asiatic		Coloured		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Death Penalty	-	-	22	-	-	-	18	-	40
Life Imprisonment	18	1	241	4	2	-	58	-	324
Indeterminate Sentence	614	6	6 027	68	51	-	2 225	33	9 024
Prevention of Crime (5-8 yrs.)	416	5	5 795	154	42	-	2 191	62	8 665
Corrective Training (2-4 yrs.)	369	11	4 531	182	36	-	1 673	64	6 866
2 years and over	900	15	17 184	721	145	5	3 957	124	23 051
Over 6 months - under 2 years	398	9	7 845	649	48	1	1 706	83	10 739
Over 4 months - under 6 months	238	4	4 003	554	45	1	1 151	102	6 098
Over 1 month - under 4 months	95	3	4 157	869	25	5	905	115	6 174
Up to and including 1 month	69	12	2 918	766	18	1	299	173	4 256
Periodical imprisonment	30	-	10	-	3	-	13	4	60
Corporal punishment only	-	-	8	-	-	-	1	-	9
SUB TOTAL	3 147	66	52 741	3 967	415	13	14 197	760	75 306
<u>Other Categories</u>									
Awaiting trial	554	26	14 076	1 204	66	5	2 717	221	18 869
Judgements Debtors	10	-	23	-	4	-	25	7	69
State President Patent	1	-	-	-	-	-	-	-	1
SUB TOTAL	565	26	14 099	1 204	70	5	2 742	228	18 939
T O T A L	3 712	92	66 840	5 171	485	18	16 939	988	94 245

¹Ibid, p. 8

From Table 5 it can be seen that on the 30th June 1973 there were 46 475 men and 1 451 women serving sentences which would involve a stay in prison of over two years.¹

These persons classified racially are as follows:

T A B L E 6

PRISONERS SERVING SENTENCES OF 2 YEARS AND OVER

ON 30th JUNE 1973

<u>Whites</u>	
Male	2 317
Female	38
<u>Bantu</u>	
Male	33 778
Female	1 125
<u>Asiatic</u>	
Male	276
Female	5
<u>Coloured</u>	
Male	10 104
Female	283
<u>Total</u>	47 926

See Table 7 overleaf.

¹No allowance has been made for possible remission of sentence which is usually one third, save in the case of sentences with no fixed release date where remission does not apply.

D.6 SUMMARY OF CRIME STATISTICS 1972-73¹

T A B L E 7

Cases reported and referred for trial under the various classifications:

<u>Classification</u>	<u>Offences</u>		<u>Infringements of the law</u>	
	<u>Cases reported</u>	<u>Cases referred for trial</u>	<u>Cases reported</u>	<u>Cases referred for trial</u>
Cases against the good order and public peace	42 382	39 108	890 817	884 308
Community life, such as family life, care of children, liquor and drugs	60 104	52 094	223 188	222 370
Personal relations such as murders, assaults etc.	267 297	162 974	-	-
Property, i.e. burglaries, thefts, falsitas, etc.	461 982	162 435	-	-
Economic matters, i.e. insolvency, contraventions of the Companies Act, Gold and Diamond laws, etc.	1 622	1 162	41 791	39 923
Social matters, such as road traffic offences, health services, etc.	<u>105 261</u>	<u>45 365</u>	<u>994 893</u>	<u>982 358</u>
Total	<u>938 648</u>	<u>463 138</u>	<u>2 150 689</u>	<u>2 128 959</u>

637.

¹Report of the Commissioner of South African Police, Year Ended 30th June 1973, RP 50/1974, p. 16.

D.7 CONVICTION RATES BY RACE AND TYPE OF OFFENCE 1969-70¹

T A B L E 7A

	<u>Whites</u> 1 495 Convictions per 100 000 of population	<u>Coloureds</u> 8 189 Convictions per 100 000 of population	<u>Asians</u> 2 024 Convictions per 100 000 of population	<u>Bantu</u> 2 281 Convictions per 100 000 of population
Other Offences	13,8%	11,3%	8,0%	11,1%
Income Tax	6,3%	0,2%	7,2%	-
Road Traffic	40,3%	6,7%	26,1%	13,2%
Dagga	3,1%	6,1%	13,8%	8,5%
Gambling	0,3%	0,8%	11,0%	2,1%
Theft	8,1%	10,8%	8,1%	22,9%
Assault	8,7%	12,9%	14,5%	27,0%
Drunkenness	19,4%	51,2%	11,3%	15,2%

638.

¹Statistics of Offences and Penal Institutions 1969-70. Report No. 08-01-06, p. G XI.
These are the most recent statistics available.

D.8 Daily Prison Average 1910-1973¹T A B L E 8

1910	15 000
1920	16 304
1925	16 308
1935	20 309
1945	22 929
1950	28 266
1955	37 318
1960-61	55 762
1961-62	62 769
1962-63	66 575
1963-64	70 351
1964-65	72 627
1965-66	74 033
1966-67	73 040
1967-68	80 534
1968-69	88 079
1969-70	90 555
1970-71	91 108
1971-72	91 253
1972-73	95 015

¹Prepared from Annual Reports of the Commissioners of Prisons.

E. AIMS OF PRISON LABOUR AND ORGANISATIONAL SYSTEMS IN SOUTH AFRICA

E.1 Aims

The internationally accepted aims of prison labour have been dealt with in some detail in Chapter V. The position in South Africa was described as follows by Mr. Verster:

Having due regard to the fact that the generally accepted modern penological view of prison labour is that work must be considered as the prisoner's right, as well as an obligation imposed upon him by the Court, and that, in the Union, the law requires the prison administration to interpret the sentence in such a way as will lead to the prisoner's reformation and rehabilitation, it is essential that he be fully employed in as constructive a manner as possible for the whole term of the sentence. Work is in fact the basis of the existing prison system. Consequently, the training of the prisoners is organized in relation to the development of the country and to the personal and social conditions in which they will normally work after release.¹

This statement² of Mr. Verster's has been quoted at length because, although written some twenty years ago, it still contains the basic principles upon which the Department of Prisons models its reformatory/rehabilitative treatment. The only significant change has been the greater emphasis than before on psychological treatment.³

¹Annual Prison Report 1955-56, op cit., U.G. 56/1956, p. 34. Underlining by the author.

²See also Chapter IX, p. 684 infra.

³However the Psychological Services Section of the Department of Prisons is still extremely short of staff and only a small percentage even of long term prisoners receive comprehensive psychological treatment.

E.2 Systems of Organising Prison Labour
in South Africa

The following systems of organising prison labour apply in South Africa: the lease system; state use; public works and ways; work release.

F. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION

In describing how prisoners were employed during this period and are employed today the author has followed the practice developed in Chapter VII of listing the different types of work. However, of possibly greater significance in South Africa are whether these persons are employed by the State or not, and the large numbers of parolees who do not fall into the normal employment figures because they are parolees. Thus the different work assignments are tabulated for comparison purposes with other countries and then the different types of work are discussed in some detail.

In 1953 the Department of Prisons gave a detailed reply to the U.N. Questionnaire on Prison Labour.¹ Table 9 compares the employment of prisoners in South Africa in 1953 with their employment in 1972-73.

See Table 9 overleaf.

¹U.N. Report on Prison Labour 1955, ST/SDA/SD/5, p. 97.

WORK ASSIGNMENTS OF PERSONS SENTENCED TO

INCARCERATION 1953 and 1973¹

Year: 1953	Total Population	14,1 million	Year: 1972-73	Total Population	23 million
Daily Average Prison Population		35 280 ²	Daily Average Prison Population		95 015
<u>Nature of Work</u>					
Workshops	1 349		Workshops		2 600
Handicrafts	1 552		Building Groups		3 000
Construction and Conservation	2 395		Maintenance		15 500
Maintenance	9 361		Prison Farms		6 200
Agriculture	4 982		Prison Farm Outstations		9 489
Other Employment	4 579		Prisoners Leased Out		20 000
Unemployed	7 553		Unemployed		19 345
			Awaiting trial (unemployed)		18 879
Total		<u>31 571</u>	Total		<u>95 013</u>

642.

¹Details supplied by Department of Prisons March 1975.

²This daily average was found in the Annual Prison Report for 1953 and 1954. There is a discrepancy between the Daily Average of 35 279 prisoners and the total of 31 571 prisoners shown in the U.N. Report. One explanation could be that prisoners awaiting trial were excluded from the report to the U.N. - regrettably this can not be established from the Annual Prison Reports as details of all persons in custody on any particular date were not reported at that time.

Unless one is in possession of all the facts it is always dangerous making comparisons between two sets of statistics. In comparing the data in Table 9 a number of uncertainties have arisen, some of which the author has been unable to clarify. However these uncertainties¹ do not obscure the general trend which is that a far higher proportion of prisoners are now either unemployed or are employed in manual labour than was the case in 1953. The basic reason for this is that the prison population has grown so rapidly that the Department of Prisons has been unable to build sufficient workshops or to organise work other than manual labour. However the fact that the Department has been overtaken by the administrative problems of dealing with a prison population that has risen from approximately 23 000 in 1945 to over 100 000 in 1975 does not detract from the considerable improvements that have been made in the housing, training and employment of prisoners. It will be recalled that the Lansdown Report stated that in 1945 the only prison workshops with adequate training facilities were those at Pretoria Central, this is no longer the case and modern workshops exist at a number of prisons - albeit not nearly sufficient to deal with the present prison population.

Lack of finance has been the Department's greatest hindrance. Few Treasury Departments are noted for their generosity towards Prison Departments and South Africa has been

¹The uncertainties include a different system of classification between prison industries and handicrafts. In 1953 many of those listed under industries would today be classified as handicrafts or unemployed. No separate figure is available for handicrafts today.

no exception. Prison finance is looked upon more in the light of how money can be saved, with the emphasis on economy rather than how the purpose of imprisonment - the reformation/rehabilitation of offenders - can be achieved. Such finance as has been made available has been spent on building prisons rather than on developing a highly trained treatment orientated staff.¹ The official attitude was explained by Mr. Verster in the 1952 Annual Report:²

In some countries efforts appear to have been made to attain professional standards in guards and other officers and to employ teams of psychologists, social workers, education and vocational officers. There the cost of maintaining a prisoner is reported to range from £600 a year in ordinary institutions to £1 500 a year in special institutions per individual, but in spite of such lavish expenditure, no marked decrease in recidivism has apparently been achieved. In England the unit cost per annum of maintenance of prisoners is reported to range between £160 and £200, in comparison with the amount of £70 per unit per year for the Union during 1951. Admittedly, the Union has to maintain a greater proportion of Non-Europeans, whose normal standard of living is considerably lower than that of Europeans, but the fact remains that the Department cannot afford to use steamhammers to crack nuts.³

Although Mr. Verster was specifically referring to prison staff the same parsimonious attitude applies to the provision of workshop and training facilities. To some extent the author agrees with Mr. Verster's beliefs because the character

¹In fact the training of prison staff has improved considerably over the last thirty years - see p. 746 infra.

²Annual Prison Report 1952, op cit., U.G. 37/1953, p. 7.

³In 1972 it cost approximately £5 per unit per day to keep a person in prison in England while in South Africa it cost R1,11 cents per unit per day - a differentiation of about 8 to 1. English figures extracted from English Annual Prison Report 1972, pp. 86-87. South African figure from Estimates of the Expenditure to be defrayed from Revenue Account, year ending March 1973, RP 2/1972, p. 170.

of the prison population in South Africa is very different to that of England. As explained in Chapter III South African prisons contain a large number of persons who are not moral offenders (i.e. pass law offenders), and contain a far lower percentage of inadequate persons than are to be found in British prisons. This being the case money ought to be spent on providing proper employment facilities for these persons, rather than saving money by employing them in manual labour, either for the State or for private persons.¹ The outlay of capital in providing these facilities would have been recouped in a few years as has been demonstrated in other countries.²

F.1 Employment of Prisoners by the Department of Prisons 1947 to 1973

(a) Industries

In 1945 only Pretoria Central had adequate workshop facilities for the employment and training of prisoners; by 1953³ a total of 1 349 persons were employed daily in prison workshops. According to the 1953 Annual Prison Report: there were well equipped workshops at the Central Prison, Pretoria, also at Baviaanspoort, Zonderwater and Leeuwkop

where prisoners are continually performing useful work for the State, and where those who had previously received no definite training are

¹This theme is developed further in Chapter X.

²See Chapter VII - particularly the profitability of prison industries in Belgium, England, America and Japan.

³Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 17.

trained for the day when they will have to stand on their own two feet again.¹

Unfortunately no details are given of the value of raw materials processed or goods produced, nor of the expenditure on machinery. There is no way of judging whether the machinery was adequate or not, whether productivity was good or bad, bearing in mind the nature of the workforce, or whether the trade training being given was sufficient for prisoners to complete trade tests,² as no details of trade tests were given in the Annual Reports until 1968-69, although a wide variety of training was available.³

Continued overleaf.

¹Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 17.

²Surprisingly by 1963 the numbers employed in the workshops had been reduced to only 878, and they processed raw materials valued at approximately R540 000. Annual Prison Report 1962-63, op cit., 1962-63, RP/1964, p. 10.

³Annual Prison Report 1963-66, op cit., RP 71/1967, p. 19. By 1963-66 training was available in the following skills: Bookbinding; electrical wiring; crotcheting and needlework; tailoring; needlework; sheetmetal work; sailmaking and coir processing; painting; carpentry; upholstery; moulding; knitting; blacksmithing; beadwork; motor mechanics; fitter and turner; cane work; sisal processing; bootworking and leatherwork; steel window and door making; welding; laundry.

(i) Numbers Employed in Prison IndustriesT A B L E 10PRISONERS EMPLOYED IN PRISON INDUSTRIES 1953-73¹

<u>Year</u>	<u>Numbers Employed Daily Average</u>
1953	1 349
1968-69	1 978
1969-70	2 058
1970-71	2 167
1972-73	2 600

When one considers that the prison population has risen from 35 280² in 1953 to 95 015³ in 1972-73 it is disappointing that prison industries have only doubled. In fact the growth between 1953 and 1969-70 of only 700 places is particularly poor for the daily average prison population rose by approximately 55 000. The expansion of workshop facilities in the last few years has been more rapid but is still far behind the growth rate of the prison population.

The present practice of the Department of Prisons is to employ mainly Europeans in the workshops and to train them to be artisans. On the 30th June 1973 there were 2 317 White males in prison serving sentences

¹Figure for 1953 extracted from U.N. Report on Prison Labour, 1968-69, op cit., pp. 96-99. Figures for 1968 to 1971 taken from Annual Prison Report for 1970-71, p. 16. The figures for 1972-73 supplied to the author by the Department of Prisons, April 1975.

²Annual Prison Report 1953 and 1954, op cit., p. 12.

³Annual Prison Report 1972-73, op cit., p. 9.

of two years or longer.¹ One can not assume that all these long term prisoners were employed in the workshops, for some will have been employed in the building sector, while others will have had a variety of other work. The fact remains that it is Prison Department policy to concentrate on the employment of Europeans in the workshops rather than the other race groups.²

(ii) Value of Work - Raw Material Purchases

T A B L E 11
RAW MATERIAL PURCHASES

1968-69	R1 647 823
1969-70	R1 705 335
1970-71	R1 741 999
1971-72	R1 695 489
1972-73	R1 816 337

As can be seen the value of raw material purchases increased approximately 10 per cent between 1968-69 and 1972-73. During this period the numbers employed in prison industries increased by over 600 persons or about 25 per cent and yet in real terms the materials supplied to the workshops probably decreased for inflation during this five year period was more than the 10 per cent increase in value of raw material

¹See Table 6, p. 636.

²In 1972 the Minister of Prisons stated that there were 750 Non-White male prisoners receiving training in the Department's workshops. See: Coloured Persons Representative Council Chairman's Progress Report 1972, pp. 34-38.

purchases. The Department of Prisons explained this by saying that in 1970 and 1971 their budget was cut by the Treasury.¹

The 1970-71 Annual Prison Report stated that at that time there were

seven large production workshops for the training of male prisoners. Five reasonably equipped workshops for the training of female prisoners and twenty-one maintenance workshops at commands where no workshops exist.²

The report commented that as the need for better training facilities was increasing the Department was continually expanding and improving existing workshop facilities and planning to develop new ones, and an ambitious workshop development programme was outlined. However, the report stated that these developments were dependent on the availability of funds.³

By modern industrial standards the sums spent annually on machinery for the Department's workshops are extremely modest as shown by Table 12.

¹Department of Prisons, March 1975.

²Annual Prison Report 1970-71, op cit., RP 101/1971, p. 16. The Report listed the following fields of activities in which prisoners were receiving training: "carpentry, sheetmetal work, fitting and turning, manufacturing of steel windows and door frames, as well as grill gates, welding, tailoring, shoemaking, leatherwork, upholstery, mailbag manufacturing, cane work, machining (clothing), art needlework, sisal work, blacksmith's work, brickmaking, moulding, spray painting and polishing, electrician's work, book-binding etc."

³Ibid., pp. 16-17.

T A B L E 12
VALUE OF NEW MACHINERY¹

1968-69	R113 000 (R80 000 went to Victor Verster Prison)
1969-70	R32 800
1970-71	R114 000
1971-72	R51 000
1972-73	R51 000

Industry as diversified as the Department of Prisons and employing 2 600 persons can not hope to remain efficient either as a training unit or a production unit if insufficient funds are invested in new machinery.

(iii) Costing of Prison Made Articles

The goods produced by the prisoners are sold to various government departments. An attempt is made to cost the articles produced, usually on the following basis:²

1. Materials at cost
2. Labour of Prisoners - Non-Whites at 84 cents per day, Whites at R1,10 per day
- Labour of Staff - not included
3. Overheads - no overheads included, nor basic running costs such as power, light etc.
4. Handling - 5 per cent handling charge on value of materials
5. Transport - transport is paid by the customer receiving the goods.

¹ Relevant Annual Prison Reports.

² Author's interview with senior trades officer of Victor Verster Prison, July 1974.

Clearly this does not give a realistic cost of production. This is not considered important as the emphasis is on training and not on production. In addition certain of the goods produced, such as heavy wooden desks, are not normally made by private industry because of the limited demand for these items.

Materials Purchasing and Stock Control

The majority of materials are bought by the State Tender Board. Individual workshop managers have a small budget and are permitted to buy materials up to a limited value without requiring permission from Pretoria. Large stocks are deliberately not held by the Prisons Department, consequently money is not tied up in stock but equally there is little economy of scale from bulk buying, nor can the Department stockpile when rapid price rises are expected.¹

Stocks are entered on stock cards much as in private industry, and stock control is carried out by the prison staff.

¹As has happened in the last two years with the price of timber and most building materials.

(iv) Productivity

At present the workshops of the Department of Prisons are training orientated rather than organised for optimum productivity. As will be seen from the description of trade training in South Africa surprisingly few prisoners pass trade tests. In many countries there has been an overemphasis on trade training with the result that funds have not been available for less advanced training courses which are more applicable to a greater number of prisoners. One form of training/work in which there is considerable scope for expansion in most correctional systems is that of building construction.¹

(b) Building Section (Daily Average employed 1972-73: 3 000)

In November 1951 a "Building Group" was established and charged "with the duty of carrying out all Departmental building services, both major and minor, wherever possible."² Initially there were some objections from private interests that this was taking employment away from the private sector, but these objections were dropped once it had been pointed out by the Department that the amount of construction work carried out by them was insignificant in relation to the total construction industry.

¹ Building construction work has been considerably expanded in England and Sweden during the last few years.

² Annual Prison Report 1952, op cit., U.G. 37/1953, p. 4.

The building section has the advantage of not only saving the Department large sums of money but also provides excellent training for White and Non-White offenders.

In South Africa, unlike in most of the Western world, the construction industry is predominantly labour intensive, and there is a shortage of both skilled tradesmen and trained labour.

In 1971 the Building Section was employing 2 800 prisoners¹ (3,5 per cent of the Daily Prison Population) and a further 878 prison staff (of whom 80 per cent were artisans), and was allocated about R3,5 million for building work.

Table 13 gives some indication of the amount of building work carried out by the Building Section in comparison with outside contractors. It must be remembered that as the Department of Prison labour is virtually free their building costs (excluding lost interest on land and buildings) are substantially lower than those of an independent contractor. Thus the value of work produced by the Department will probably in all cases have been greater than that of the contractors although one could not tell this from Table 13.

¹According to the 1970-71 Annual Prison Report, p. 16, "On 30th June 1971, approximately 570 White and 2 230 Non-White prisoners in various stages of training were employed in building operations."

T A B L E 13SUMS ALLOCATED FOR BUILDING WORK

	<u>Department</u>	<u>Contractors</u>
	R	R
1968-69	2 721 303	787 000
1969-70	2 147 411	1 958 200
1970-71	3 440 109	2 487 100
1971-72	2 400 000	3 955 150
1972-73	2 950 000	3 705 250

The explanation given by the Department of Prisons for the reduction in building work by the Department from 1969 was that the Treasury had cut their budget. This would seem to have been rather short sighted of the Treasury for everybody in the Building Industry knew that the cost of materials were rising rapidly and that with this inflation it was sensible to complete essential projects rapidly.

Building trade training is provided for all races and trade tests have been taken as described infra under G.¹ The numbers employed in the Building Section rose by 400 between 1971 and 1973 and it is to be hoped that this upward trend will be continued for building work is ideally

¹See G. on p. 684. The 1970-71 Prison Report stated on p. 16 that "since 1968 240 White prisoners have completed trade tests at Olifantsfontein (all trade tests in South Africa are taken at Olifantsfontein), 125 of these were successful. Out of 65 Coloureds who completed trade tests 22 passed. Since January 1969, 963 Bantu prisoners have also done trade tests and 563 have so far been successful.

suited for the employment of prisoners. Those capable of benefitting from trade training can receive such training either on or off the job, and, in a very few weeks,¹ they can be productive members of a building team. Short term offenders and offenders with little capacity for trade training can be trained as building workers and labourers. The recent increase in labour costs in the construction industry in South Africa has made site foremen and managers conscious that every labourer should have some specialist training. Consequently labourers in major construction firms² receive training in the digging of foundations, and pipe laying or some other skill that can be taught in a few days.

Financially construction work by prisoners can be a great deal cheaper than employing outside contractors. In South Africa no details have been published as to the savings occasioned by the use of prison labour in this manner although such savings are presumed to be considerable. It is possible that such a survey if carried out by a qualified quantity surveyor and property economist would indicate that the savings are rather less than currently supposed by the Department of Prisons. This is

¹See description of training for the building industry in the section on prison labour in England, Chapter VII, pp. 421-424.

²Murray and Roberts, L.T.A. and Dura Construction have all introduced short courses during the last three years for the training of labourers.

because the pace of work by prisoners is so much slower than free workers, that if the interest lost on the capital cost of the building materials during construction and the interest lost on the purchase price of the land is taken into account, then the time taken to complete the project is seen to be of considerable significance.¹ Certainly outside contractors are convinced that financial savings by the use of prison labour on buildings in South Africa are overestimated,² and that there is considerable scope for improving the pace of work on prison construction sites. This would result in prisoners being more readily employable on their release.

In England all members of the building section receive intensive training which results in productivity almost on a par with free labour. This has resulted in the saving of millions of pounds, as calculated by independent quantity surveyors taking account of lost interest, and has created a demand for prison trained artisans.³

(c) Prison Farms

The first prison farm in South Africa, Leeuwkop in the Transvaal, was reserved for prison purposes shortly after Union. Since then the Department of Prisons has been

¹The author is of the opinion that lost interest calculations on public works which will have no direct commercial significance are of little importance. However in periods of inflation delays can result in significantly more expensive building materials.

²Interviews with directors of Murray and Stewart, L.T.A. and Dura Construction.

³See Chapter VII - Survey of English Prison Labour, p. 423.

gradually acquiring more farms with the intention of eventually doing away with the lease of prisoners to private persons and employing them on prison farms.

The main farms and their principal activities as at the 30th June 1966 are shown in Table 14. At this time these farms covered an area of 21 066 morgen (44 473 acres) and a total of 6 000 persons were employed on these farms and in the gardens of the smaller institutions.¹

T A B L E 14
FARMING ACTIVITIES 1966

Farm	Agriculture	Apiculture	Vegetable Farming	Nursery	Dairy Farming	Parks and Ornamental Gardens	Sheep Farming	Horses/Mules - Breeding	Piggery	Beef Farming
Barberton	o	o	o		o	o			o	o
Baviaanspoort	o		o		o	o			o	
Brandvlei	o		o		o	o			o	
Goedemoed	o	o	o		o	o	o	o	o	o
Grootvlei	o	o	o			o	o		o	o
Kandaspunt	o	o	o		o	o			o	
Leeuwkop	o	o	o	o	o	o			o	
Nigel	o		o			o			o	
Victor Verster	o		o			o			o	
Waterval	o	o	o		o	o			o	o
Zonderwater	o				o	o			o	o

¹The author is informed by the Department of Prisons that the reference on page 25 of the 1966 Annual Prison Report to 13 000 persons being employed on prison farms is an error.

Productivity and Management of Prison Farms

In most years the Annual Prison Reports give details of produce and livestock. From these it can be seen that the annual produce has been steadily rising - as one would anticipate with the regular purchase of more farms. In the early 1950's it was realised that the prison farms were not being farmed on modern principles and that supervision was inadequate. Consequently certain prison officers were sent on agricultural courses, and an Agricultural Section was established containing officers with farming knowledge to co-ordinate and supervise the various prison farms. The aim was that the prison farms should as far as possible supply all food requirements for the entire prison population and prison staff. To a large extent this has been achieved despite the vast increase in the prison population over the last twenty years.

T A B L E 15

PRISON FARMS¹

<u>Year</u>	<u>Prisoners Employed</u> <u>Daily Average</u>	<u>Prison Staff</u>	<u>Acreage</u>
1966	6 000		44 473
1970-71	6 000 ¹	213	68 445 (16 farms)
1972-73	6 200	216	95 205 (20 farms)

¹Annual Report 1970-71, p. 17. "At present 213 agricultural members are employed on these farms and approximately 3 000 prisoners receive intensive training daily in agriculture or animal husbandry. A further 3 000 prisoners are employed daily on related ancillary services."

It is claimed that productivity (work output per man) on the farms is only slightly lower than that in normal farming.¹ Although the emphasis is on the training of prisoners rather than production, the very nature of farming in South Africa - being highly intensive of unskilled labour - lends itself more readily to greater work productivity than is the case in either prison industry or construction work.

An examination of the annual produce of these farms from 1970 to 1973 indicates that there has been a considerable increase in the emphasis on vegetable farming and livestock farming during the last few years.

In terms of prisoners employed on prison owned farms there has been virtually no change over the last ten years. On the other hand, the number of persons employed by private farmers, particularly from the prison farm outstations, has risen from approximately 6 000 in 1966 to 9 489 in 1972-73. This rise has taken place to alleviate overcrowding in the prisons.

¹Various talks between the author and members of the farming section of the Department of Prisons - the author has no experience of farming (unlike building construction and industry) so can pass no comment. During 1972-73 agricultural products to the value of R2 592 701 were produced on prison farms for consumption in prison. This is an increase of R430 000 on 1971-72. Prison Reports 1971-72, p. 1; 1972-73, p. 1.

(d) Maintenance Duties (Daily Average Employed 1972-73:
15 500)

By maintenance duties are meant domestic duties such as keeping the prison buildings and grounds tidy, preparing and serving food, working as servants for the prison staff and other such duties. The Netherlands Correctional Administration commented on domestic work as follows:

The domestic duties are from an organisational point of view, not considered to be work. One of the problems of this type of work is that it is inadequate to train the detainee to work regularly with a certain speed.¹

In 1953 a total of 9 361 prisoners were employed in maintenance duties in South African prisons, this was approximately 30 per cent of the total prison population and consequently was considerably higher than the 20 per cent average indicated by the U.N. Report.² In 1973 a total of 15 500 prisoners being approximately 16 per cent of the total prison population were engaged in maintenance duties. This is a much better percentage than twenty years ago - assuming that the figures were correct in both years.

¹Work in Penal Institutions, Royal Netherlands Department of Corrections, 1973, p. 2.

²U.N. Report on Prison Labour 1955, op cit., pp. 96-97.

F.2 Employment of Prisoners by Other than the Department of Prisons

In South Africa all persons employed other than by the Department of Prisons are leased out either to other government or quasi-government bodies or to private persons. In some cases prisoners so hired out remain under the control of the Department of Prisons but this is not always practicable, particularly with prisoners hired to farmers.

Although the Department has frequently stated that it would like all prisoners to be employed by the State this has proved impossible due to the rapid increase of the prison population and the political influence of the farming community. At present approximately 60 per cent of all prisoners who are working are employed by bodies and persons other than the Department of Prisons. This figure takes no account of the 124 648 short term prisoners released on 'parole' to serve their sentences by working for a private person (usually a farmer).

The author is not per se opposed to the employment of prisoners by private persons, and considers that such a system has considerable merits provided that the interests of the prisoners are suitably safeguarded and the employers pay normal market wages. However, prisoners are particularly vulnerable to exploitation as shown by the abuses of the past, consequently great care must be taken in this regard.

(a) Employment of Prisoners by Government,
Quasi-Government and Private Persons

(Number so employed 1972-73: 20 000 per day.)

During 1953-54 the Cabinet decided that "prison labour should, as far as possible be used for the services of the State ..."¹ The Annual Report of the Director of Prisons for that year stated that

some 1 000 units of free prison labour are supplied to the Department of Public Works daily for cleaning and maintaining the grounds of government buildings at various centres. Other Departments of State at present enjoying extensive use of free prison labour are Defence, Police, Agriculture, Forestry, Education, Arts and Sciences and the Provincial Administrations, which are jointly receiving approximately 5 500 units of such labour daily. In addition a further 1 000 prisoners were used in the Department of Irrigation for the construction of dams.²

If one includes the 2 000 prisoners leased to the S.A.R. and H. there were 9 500 units of labour hired daily to government and quasi-government departments other than the Department of Prisons. This amounted to over 25 per cent of the daily average prison population in 1953-54. (1953 Prison Population Daily Average: 35 280; 1954 Prison Population Daily Average: 36 113.)

¹Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 13.

²Ibid.

In May 1973 the Minister of Prisons stated in Parliament

Approximately 24 000 prisoners are made available daily to organisations such as other government departments, provincial and local governments, as well as private persons.¹

It was uncertain from the Minister's statement whether the 24 000 persons hired daily included the 9 489 held in the prison farm outstations. On further enquiry the author was informed that the daily average of persons so employed, excluding the farm outstations, was 20 000.²

Revenue for Hired Labour:

The Annual Report for 1972-73 in its financial section stated that:

1. Cash Receipts (i.e. labour supplied to Private Persons or Farm Outstations)	R2,54 million
2. Prison labour supplied to Government Departments (free)	<u>R2,98 million</u>
Total	R6,52 million

Six and a half million rands is a considerable sum but in practice only R2,54 million were received, for labour supplied to all government and quasi-government bodies, including provincial councils, is supplied free. The

¹Hansard No. 15, Friday 25th May 1973, Col. 933 in reply to question No. 404 by J.O. Newton-Thompson.

²Correspondence between the author and the Commissioner of Prisons February and April 1975.

hire of such labour free is a mistake for the true value of the labour is not appreciated by the hirers and is liable to be squandered. On the other hand if the sum requested is set too high the hirers will prefer to employ persons other than convicts, if such persons are available. The basic fact remains that if other workers are available then hiring our prison labour at low rates automatically depresses free market wages. This is particularly serious with regard to farm labour where there is no minimum wage stipulated by law.

The hire of prison labour to private persons is discussed in some detail in Chapter X. However, before leaving the subject, the author wishes to stress the potential financial value of prison labour.

If one calculated the value of prison labour as being R15 per week, being slightly less than the average weekly wage paid by the central government to African workers in mid-1973,¹ then the value of the 30 000

¹Average Monthly African Earnings as prepared by the Department of Statistics. Supplement to Cape Town Chamber of Commerce Publication 1/C of 1.5.1974.

	<u>Manufacturing</u>	<u>Construction</u>	<u>Central Government</u>
Mid-1973	R69,19	R69,28	R62,19
		<u>Local Authority</u>	<u>Provincial Administration</u>
Mid-1973		R57,19	R49,99

prisoners¹ hired out by the Department would be R22,5 million per annum.² This is 9 times the sum earned in 1972-73 by the Department.

These 30 000 prisoners represent less than one-third of the total prison population in 1972-73.³ Not only is a potential source of revenue not being fully realised by the present hiring out of prisoners, but, more important, the majority of prisoners are being employed in manual labour which can not be said to have any special training value save for the possible inculcation of the work habit. Secondly, when labour is either very cheap or free, management grows extremely careless about the use of such labour. But if that labour costs 60 cents per hour (the present 1974 rate for labourers in the Building Industry in the Western Cape) then 30 000 persons idle for only one hour would cost R18 000, and if idle for one 8 hour day would cost R144 000.⁴

In practice the prison labour hired to government and quasi-government bodies is usually organised into large

¹ Approximately 20 000 to various bodies, 9 489 to farmers from outstations.

² 30 000 persons for 50 weeks per annum at R15 per week.

³ It is appreciated that in such a case the Department of Prisons would have to build the prisons whereas the outstations were built by the farmers and handed over to the Department of Prisons.

⁴ It can be argued that it is pointless for one government department to pay another for the hire of prison labour but unless this is done the opportunity cost of the labour will be forgotten.

work squads controlled by a few supervisors. These supervisors have little interest in the opportunity cost or efficient use of their labour and as a result the pace of work tends to be slow. This can be positively harmful in that prisoners become accustomed to a slower pace than is acceptable in normal life. Work squads should be organised into smaller, more manageable units. The present system of using larger work squads to save the cost of extra supervisors is false economy, both in terms of work productivity and training.

The author believes that prison labour should be hired out at the market rate for labour in the area where it is being hired.¹ Government and quasi-government

¹Hire Charges for Prison Labour Applicable in March 1975

<u>Grade A: Cities</u>		<u>Rate per day per unit</u>	
With Prison Staff Member	Weekdays	R1	Hours: 7am-5pm
With sworn in person	Weekdays	70 cents	
With Prison Staff Member	Saturday	56 cents	Hours: 7am-12 noon
With sworn in person	Saturday	40 cents	
<u>Grade B: Towns</u>			
With Prison Staff Member	Weekdays	90 cents	
With Sworn in Person	Weekdays	60 cents	
With Prison Staff Member	Saturdays	46 cents	
With Sworn in Person	Saturdays	30 cents	
<u>Grade C: Country Areas</u>			
With Prison Staff Member	Weekdays	60 cents	
With Sworn in Person	Weekdays	42 cents	
With Prison Staff Member	Saturdays	34 cents	
With Sworn in Person	Saturdays	24 cents	

Hire charges supplied by Department of Prisons March 1975.

departments should be compelled to hire a certain minimum ratio of prisoners to non-prisoners in their maintenance squads.¹ By increasing the rate there is a danger that private employers will no longer want unenthusiastic prison labour, but if the prisoners receive realistic payment (perhaps one-third of the sum being paid by the hirer) then they would be motivated to work at a better pace or forfeit their pay.² Such an arrangement would result in greater earnings from prison labour to offset the rapidly increasing costs of the Department of Prisons and more meaningful employment for prisoners. The importance of properly organised prison labour - even menial labour with a low training content - was clearly stressed by Mr. Verster, the Director of Prisons, in his Annual Report for 1955-56:

No matter whether prison labour is regarded merely as a means of preventing idleness or of maintaining order, work will always remain the fundamental basis of any modern prison system. It can be expected from the proper implementation of modern concepts of the organisation of prison labour that they will make prisoners realise the intrinsic value of work and, by appropriate training, will create, preserve or increase their occupational skills and accustom them to the conditions of free industry. Thus, they will be prepared for the tasks they will have to perform when they again become free workers. Factually, all other aspects of individual treatment will often depend on prison labour. During the greater part of the day the prisoner does

¹In Turkey companies employing more than 100 persons can be compelled by law to employ one ex-offender. See Chapter VII - Survey of Prison Labour in Turkey.

²At present they are paid nothing for their labour.

the work assigned to him and if he sees no positive value in his work he cannot be expected to be receptive to the methods of treatment used outside working hours. This aspect of the problem must never be overlooked. It is not only as a worker that the prisoner will have to regain his place in society after release and prison treatment must, therefore, also aim at changing the prisoner's personal outlook. To obtain this result, it is essential to adopt appropriate principles and to organise prison labour on the right lines. Viewed in this light, work is more important than vocational training alone, and becomes a decisive factor in moral training. The deficiencies flowing from badly organised or ill-chosen prison labour can never be made good by other elements of a system of treatment, however perfect. Consequently, if it is desired that prison sentences should be rationally served, the absolute necessity of providing sufficient, suitable and well-organised work for all prisoners cannot be too strongly stressed.¹

In South Africa at present more than 90 per cent of all prisoners are employed in manual labour. Work of this type can be beneficial but it is submitted that it is of little training content to help a man find employment on his release from prison. There are certain prisoners who, because of the shortness of their sentences or their lack of aptitude for other types of work, will have to be employed in unskilled work. These are the prisoners who should be hired out to the various bodies, and it is essential that their work be properly organised if it is to be of any rehabilitative value.

¹Annual Prison Report 1955-56, op cit., 56/1956, p. 34. The importance of well organised work is discussed further in Chapter X.

(b) Gold Mines: Post 1947

The employment of prisoners by certain gold mines came to an end in 1955.

In Belgium after the Second World War political prisoners were given the choice of working in prison industries at the prevailing low rate of pay or working in the coal mines for the same wages as free workers. A large number of these prisoners took the latter alternative as it gave them the opportunity to live better and to contribute to the upkeep of their families. There seems to be no reason why certain prisoners in South Africa should not be employed on the mines at proper rates of pay, with adequate safeguards for their interests and similar training, educational and social care facilities as exist, or should exist, at other prisons.¹

(c) Private Business Concerns

Since the Lansdown Commission Report of 1947 the employment of prisoners by private business concerns has been stopped. The author considers that such employment, if suitably organised, can be beneficial to both the Prisons Department and the prisoner, with of course safeguards to prevent the exploitation of prisoners.²

¹See Chapter X, p. 824-825.

²See Chapter X, p. 825.

(d) Prison Farm Outstations (Daily Average Employed
1972-73: 9 489)

In 1947, after the compilation of the Lansdown Report, it was decided to extend the hire of Non-European prisoners to White farmers to include long term prisoners. The rationale was to keep down the rapidly rising costs of the Prisons Department and to meet the demand for farm labour. If prisoners were to be adequately housed then an immense programme of prison construction would have had to be undertaken. The cost of erecting a prison for 300 persons in 1953-54 was estimated at £250 000.¹ As discussed in the chapter on the cost of crime,² the expenditure of millions of rands on prison construction is not necessarily the optimum use of funds. Thus the Prisons Department shifted some of the cost of building and maintaining prisons onto the farmers with the system of "prison farm outstations."

Bonafide Farmers' Associations construct, at their own cost, buildings which are in accordance with the plans and specifications drawn up by the Department to accommodate the prisoners and staff. On completion of the buildings, they are handed over to the Department, which then places its own officers in charge, and the Farmers' Associations concerned have no say whatever in the administration of the out-station.³

¹Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 17.

²See Chapter II.

³Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 16.

Each farmer who has contributed capital to the erection of the building is entitled to a pro rata number of prisoners to work on the farm. In 1953-54 the farmers paid 1/9 to 2/- per day per man. The more expensive rate was when the Prison Department had to supply the guard.¹

According to the 1953-54 Prisons Report there were sixteen prison outstations situated in the Bethal, Middelburg (Transvaal), Witbank, Kroonstad, Paarl and Worcester magisterial districts,² which accommodated some 4 500 prisoners daily. Thus on the 1953-54 building costs the erection of outstations by farmers' associations saved the State approximately R2,5 to R4 million in capital expenditure.

During the early 1950's the "outstation system" was severely criticised by the press and private persons as being a source of cheap labour for farmers and of little training value to the prisoners. The 1952 and 1953-54 Prison Reports cleared up certain misconceptions and argued that the system achieved three objects:

1. The employment of Non-European prisoners in a congenial occupation.
2. The relief of the congestion in the large urban prisons and gaols; and

¹The Lansdown Commission Report had specifically objected to the use of non-prison personnel guards, para 911, p. 133.

²Annual Prison Report 1953-54, op cit., U.G. 24/1955, p. 16.

3. the removal of the Native from the environment which leads to his downfall.

The Department argued that useful work on a farm was infinitely better for a prisoner's morale than doing nothing in prison; a sentiment which most penologists would support. However one wonders how much actual training, as opposed to learning by doing, and what educational guidance was or is actively promoted at these outstations.

South Africa, in her answer to the U.N. Questionnaire for the 1955 U.N. Congress stated that the "outstation system" had been developed to reduce the overcrowding in prisons, and that this result had been achieved: "Recently the situation has changed and there is no longer serious overcrowding. No further outstations are, therefore, being established."¹ However overcrowding presumably made more outstations essential for according to the 1956-57 Director of Prisons Report there were 25 prison outstations as against 16 in 1954.² Ten years later in 1966 there were still 23 prison outstations with accommodation for 6 000 long term prisoners. According to information received from the Commissioner of Prisons in October 1974, during 1972-73 there were twenty-two outstations with a daily

¹U.N. Report on Prison Labour 1955, ST/SDA/SD/5, p. 21.

²Annual Prison Report 1956, op cit., p. 9.

average population of 9 489 prisoners. The majority of these outstations have been modernised during the past years in order to bring them up to more modern standards.

No change in regard to the policy in connection with outstations is envisaged. It has been decided not to erect new outstations. Adjustments of tariffs for prison labour from outstations are being considered at the moment.¹

One of the major objections to the lease of prisoners to private persons, and in particular the development of prison farm outstations, is that it benefits the employers of such labour as against other employers, and forces down the wages of free workers.² There seems little doubt that the right to convict labour has enhanced the value of farms. In 1952 a shareholder of an Orange Free State Farm Prison Outstation stated that the right to draw convict labour had raised the value of certain farms by £2 to £3 per morgen.³ More recently in 1965 the right to employ prison labour in the Western Cape was valued at R1 000 per convict.⁴

In 1971 the Coloured Persons Representative Council (C.R.C.) vigorously attacked the use of prison labour

¹Letter to the author from the Commissioner of Prisons, September 1974.

²This latter clearly depends on the numbers of prison labourers hired out in any one area and the availability of free labour.

³Reported in The Star, Johannesburg, 5th August 1952.

⁴Reported in The Star, Johannesburg, 11th November 1965 and confirmed by the personal research of Dr. Wilson in 1969. See Vol. II of the Oxford History of South Africa, pp. 145-150. See also "South African Outlook," March 1972.

on farms, claiming that prison labour was giving certain farmers a vested interest in crime, for without convict labour some of the wine farms in the Western Cape would be without labour. Although this may have been overstating the case, the importance of convict labour to certain farmers can not be denied. With regard to the cost of convict labour to the farmers the Minister of Prisons replied to the C.R.C.¹ that if the following factors were taken into consideration:

1. the farmers' costs in transporting the prisoners to and from the outstation,
2. the costs of watchmen,
3. the short hours worked (6 to 7 hours per day depending on travelling time. Prisoners are collected at 7 a.m. and returned by 5 p.m. on weekdays and 12 noon on Saturdays),
4. maintenance of outstation buildings and grounds,
5. amortization of cost of outstation land and buildings,
6. unwillingness of prisoners to work

then the tariffs for convict labour could not be considered low. "As a matter of fact it compares

¹Progress Report of Coloured Persons Representative Council 1972, p. 34, et seq.

favourably with the wages laid down for unskilled private labour."¹ The Institute of Race Relations in 1972 estimated the total cost to the farmer of a convict as being 40 cents per day.² This compared with the 60 cents to 90 cents per day being paid for farm labourers in the Western Cape at that time.³

These outstations have attracted unfavourable criticism outside South Africa, and in the late 1960's the outstation at De Doorns in the Western Cape was closed for fear that America would place a ban on imports of table grapes from this area. The main objection was that the use of convict labour receiving no wages was a "violation on the fair competition spirit of the General Agreement of Tariffs and Trade" (G.A.T.T.). To replace the convict labourers the farmers were given permission to

¹Minister of Prisons 1972 in C.R.C. Progress Report 1972.

²Prison Labour on Farms in South Africa, 5th December 1972, South African Institute of Race Relations.

³Wages vary considerably from district to district. Estimate based on author's enquiries.
 "Tot system". In addition the majority of labourers on the wine farms receive wine every day, up to 2,5 l per day from their early teens, and in some cases basic rations such as a bag of mealie meal and some dried fish. This results in a very high incidence of alcoholism among the Cape Coloured farm labourers with all the attendant ills of social deprivation. This dependence on alcohol leads to extremely inefficient labour with the result that the farmers do not consider it worth paying the higher wages which are inevitably turned into alcohol. The circle can only be broken by a combination of social education and by replacing getting drunk which is the labourer's main relaxation, with other entertainment, such as organised football, and a Saturday night film show for the family on the farm.

contract Africans from the Transkei on a migrant labour basis, their families remaining behind. Whether migrant labour is preferable to convict labour is questionable -

the emerging pattern which breaks up families is clearly immoral and a far cry from the minimum ideal of farm labourers - apart from seasonal harvest workers - living with their families either on the farms or in nearby villages.¹

Clearly the use of prison farm outstations as they exist today seem to be supplying farmers with cheap labour and there seems little in the way of positive training or education for the prisoners. The replacement of these outstations with prison farms with proper training in agriculture, and the increased time for education and leisure activities by cutting out the daily travel to and from the employer's farm, would be a considerable improvement on the present system.

Until such time as prison farm outstations are replaced by Prison Department owned farms as proposed by that Department, or by an industrial factory system as proposed in the next chapter, there are certain improvements which can be made. Firstly, farmers must be charged market wage rates for the use of the labour for only in this way can the possibility be removed of free wage rates being depressed. The shortage of farm labour in these areas is unlikely to prevent the farmers

¹Dr. Francis Wilson, "South African Outlook" March 1972, p. 46.

refusing to hire prison labour, especially if they are not given permits to recruit African labour.¹

Secondly, whenever possible only prisoners from rural areas should be sent to these outstations, and where possible offenders should be sent to outstations near their homes. While recognising that employment in agriculture is better than no employment at all its suitability as a training for employment on release is questionable particularly for prisoners who will return to an urban environment. The physical location of these outstations many miles from the cities from which the majority of prisoners have been sent make it both difficult and expensive for prisoners' families to visit them.² Bearing in mind that outstations only contain long term prisoners it is very important that family contact be maintained.³ Consequently the State should provide travel warrants or financial assistance to enable visits to take place.

¹Economists may argue that if there is a shortage of free farm labour the labourers should be able to force up the market level of wages to a point where labourers attracted from other areas will counteract the shortage. In this way the market farm wages in these areas should be above those in other areas. In fact farm wages in the Western Cape are substantially below wages in industry, while farm wages in the Bethal and Middelburg Districts of the Eastern Transvaal are among the lowest in the country.

²In the Western Cape the prison farm outstations are situated as follows: three in the Paarl district, two in the Stellenbosch area, and one each in Worcester, Tulbagh, Wolseley, Riebeeck West, Ceres, Fransch Hoek.

³See Chapter X.

Thirdly, prisoners employed on outstations should receive wages, as should all prisoners in employment, or unemployed through no fault of their own.¹

Finally proper educational and work training facilities should be provided for all prisoners. At the very least all illiterate prisoners² should be taught to read and write, and prisoners with the necessary aptitude should be given proper training in farming techniques in addition to the "learning by doing" which takes place at present.

(e) 9d per Day Scheme

The 9d per Day Scheme,³ the hire of short term prisoners on parole to private persons for a wage of 9d per day receivable on release, was of great significance in preventing the overcrowding of prisons during the 1940's and 1950's. During 1957-58 a total of 188 312 prisoners were hired out to farmers at 9d per day - this was out of a total of 386 933 persons admitted to penal institutions during the period.⁴

During 1959 a number of habeas corpus applications led

¹See Chapter X, p. 857.

²With regard to the author's question as to whether reading and writing were taught at the outstations the Department of Prisons replied: "Where numbers allow it and the need exists, the reading and writing project is implemented." Letter from Commissioner of Prisons, 11th September 1974.

³See supra, pp. 625-627.

⁴Annual Prison Report 1957-58, op cit., p. 4.

to a public outcry that this scheme was being abused¹ and as a result it was abolished.

(f) Parole²

The 9d per Day Scheme was replaced by parole as described by the Minister of Prisons

If a prisoner qualifies for release on parole and he is prepared to work for the employer a written undertaking is drawn up under the supervision of the Department wherein agreement is reached in matters such as wages and boarding arrangements. Inspections are carried out periodically by members of the Department to ensure that parolees receive proper treatment.³

The official purpose of the present parole scheme is the same as the 9d per Day Scheme and that is to keep short term offenders out of the prisons. The essence of the scheme is that immediately after being sentenced prisoners are asked if they would rather serve their sentences in prison or be released on parole to work

¹Investigations showed that although the scheme was theoretically voluntary and a prisoner could opt either to work on a farm or go to jail (applicable to those sentenced to 3 months or less) a great deal of evidence came to light of men being compelled to volunteer. Dr. Francis Wilson, Oxford History of South Africa, op cit., p. 149.

²Parole as described below is really release to serve the balance of the prison sentence outside prison by working for a private person - usually a farmer. No element of supervision or guidance is envisaged in this type of parole. Parole as it is more normally understood being conditional release with supervision is discussed in Chapter IX, p. 744.

³Minister of Prisons - Progress Report by Chairman of the Executive of the Coloured Persons Representative Council 1972.

for a private person at market wages. The majority of prisoners opt for parole. A standard contract is entered into between the employer and the parolee which states that the employer must be responsible for the food, clothing and shelter of the prisoner and on expiry of the parole period the prisoner must be returned to the prison. In addition the employer must pay the parolee the current market wages in his particular district.¹ The maximum hours of work are stipulated as being ten per day. The employer has no right of restraint over the parolee who can leave the employment and return to prison if he wants to do so.

The two main objections to this system of parole are that it is a source of cheap labour to employers (almost invariably farmers) and is liable to abuse. In the past it was not uncommon for prisoners to theoretically receive 20 to 30 cents per day for their work but this sum would never be paid as it would be deducted from the sum owing to the farmer for purchases from his farm shop. It is not impossible that certain farmers deliberately inflated the amount owing to them so that the parolee would receive nothing. The parolee would be hesitant to report such a matter or any other abuses without extremely clear cut evidence as he might consider, rightly or wrongly, that the authorities might be more

¹The author is informed by the Prisons Department that these wages must be paid for a seven-day week, not the usual farm six-day week.

inclined to believe the employer. The author is informed that the Department of Prisons are insisting on farmers paying higher wages than in the past, and in the Western Cape parolees are released at a wage rate of between 80 cents and R1,20 per day.¹ If these wages are actually being paid by the employers then the charge of cheap labour is somewhat less justified than before.² The author has no evidence as to whether certain employers are still abusing their position in regard to their parolees.

In 1971 the degree of supervision exercised by the Department over those receiving paroled prisoners was severely criticised as a result of a paroled prisoner being beaten to death by his employer - who was sentenced to six years' imprisonment. Evidence showed that in some cases prisoners were released on parole to farmers to whom the Prison Department had refused labour under the 9d per Day Scheme because of their poor employment conditions. In addition the judge is reported to have criticised the employment contract used by the Department of Prisons as being so full of errors that some phrases

¹Information given to the author by the officers at Pollsmoor Prison Cape Town who are responsible for the release of parolees. However in September 1974 the Commissioner informed the author that where no prescribed wage applied the parolees received a minimum of 40 cents per day. Letter from Commissioner of Prisons September 1974.

²The author holds strong views regarding the payment of "living wages", and R1,20 per day even with board and lodging in return for 10 hours labour does not constitute a living wage. However a discussion of the relative merits of paying several men bad wages rather than a few men good wages on the grounds that in this way you are supporting more families who might otherwise go without is beyond the scope of this thesis.

did not make sense.¹ As a result of this criticism the Department of Prisons increased its supervision and during 1972 357 inspections were carried out into the housing, feeding, and working conditions of prisoners hired out as farm labourers.² During 1972-73 a total of 124 648 prisoners serving sentences of four months or less were released on parole, the majority within twenty four hours after admission.³ A total of 357 visits to supervise the conditions of so many prisoners is insufficient - particularly as standard regulations concerning the housing of farm labourers are only now being introduced.

Before an employer is permitted to hire a parolee he should first obtain a certificate from the local magistrate that he is a suitable person to be entrusted with paroled persons. In addition his accommodation should be inspected and enquiries made into working conditions by an officer of the prison responsible for releasing the parolee. If a hire fee of only R5 was charged for each parolee released this would have released over R620 000 during 1972-73. This sum would have been sufficient to cover the costs of 100 White inspectors (based on the pay scale for White lieutenants) and left

¹Rand Daily Mail, 9.12.1971.

²House of Assembly Debates 1973. Hansard 17, Col. 955.

³Annual Prison Report 1972-73, op cit., R.P. 91/1973, p. 6.

a sum of over R200 000 which could be used for establishing or expanding existing night school facilities in the farming districts. At present no educational facilities are available to parolees and yet there is no reason why persons sentenced to three months or longer should not be taught to read and write.¹

The worst feature of parole at the present is that with so few inspections the possibilities for abuse are considerable. As a means of keeping persons out of the prisons it is to be welcomed only if the wages of free labourers are not thereby depressed and the parolees are not exploited.²

G. Trade

¹If the R5 is doubled to R10 then about R1 million per annum will be available for educational purposes and a network of farm night schools with full time night school inspectors/supervisors could be developed. A condition of hire of illiterate parolees would be that they should be taught to read and write.

²Infinitely preferable would be a system of supervision in the community rather than a short term sentence, but a probation service on this scale will take many years to develop.

G. TRADE TRAINING AND EDUCATION

G.1 Trade Training

The 1953-54 Annual Prison Report stated:

In the past the emphasis has been on the manufacture of useful articles for the State, but more and more the Department has realised that if it is to contribute its share in order to afford the prisoner an opportunity of obtaining permanent employment after release, the prisoner will have to receive proper training while undergoing his sentence which will be given formal recognition by Trade Unions.¹

During the period covered by the Prison Report for 1953-54 the Department of Prisons formed a committee to

investigate in consultation with the apprenticeship committees of the industries concerned, the training facilities available in certain prison workshops and to determine to what extent the provisions by the Apprenticeship Act, the Training of Artisans Act or the Native Building Workers' Act, as the case may be, can be applied in order to obtain legal recognition of the training which prisoners receive in certain artisan callings.²

As a result of this committee's work training programmes were developed in prisons which were recognised by many of the relevant unions and prisoners were given the opportunity of taking the same trade tests as those in free society and obtaining trade certificates which gave no indication that the training had been received in prison. When the prisoners start their training in prison their previous trade experience is recognised and they can continue with their training from the stage they had reached before imprisonment, similarly on release recognition is given by the Trade Unions

¹1953-54 Annual Prison Report, op cit., U.G. 24/1955, p. 17.

²Ibid., p. 17.

of the number of courses passed while in prison and where possible a prisoner continues with his trade training after his release.

For any trade training to be of value to a prisoner he must first have some interest in and application for the trade. Secondly, it is preferable that the trade is one which he will want to continue on his release and for which there is a demand. During 1953-54 the Department of Prisons set up a Selection Board at Pretoria Central Prison specifically to interview those White prisoners who had previous artisan training and all White prisoners whose sentences were of sufficiently long duration and who appeared to have the necessary aptitude for trade training.¹ Today, long term White prisoners are classified for trade training potential at Pretoria Central, Coloured prisoners at Allendale, Paarl, and African prisoners at Leeuwkop.

Clearly it is of less value to teach a man a trade that he will never practice than one at which he can earn his living. The classic example is the manufacture of shirts in American penitentiaries during the nineteenth and early twentieth centuries. The men were employed in a task which was reserved for women outside prison, consequently its training value was limited.² Similarly the manufacture of

¹Annual Prison Report 1953-54, op cit., U.G.24/1955, p. 18.

²Today such a designation as "women's work" is ceasing to be applicable with the adoption of equal pay for women in equal jobs.

mail bags in England or sisal mats in South Africa has little commercial application in normal society.

Since official recognition of prison trade training was granted by the Trade Unions in the mid 1950's there has been a greater concentration by the Department of Prisons on vocational training. Prison workshops have been enlarged and more modern machinery has been purchased. However in South Africa, as is usually the case in prisons departments throughout the world, the pace of change is somewhat slow for many reasons, not least the lack of finance and suitable staff to implement the desired improvements. As can be seen from the brief review given below the number of prisoners successfully obtaining trade certificates is very low. It is appreciated that full trade training and apprenticeships can take between three and five years. In September 1974 in reply to the question "What percentage of prisoners undergo trade training and how many pass trade exams?" the Commissioner for Prisons stated:

Training periods for White and Non-White tradesmen are determined by various Government Departments. To be allocated to a certain trade, the periods (sentences) are considered, but the value of training for each period and not the period is the decisive factor. Generally speaking though inmates serving sentences of less than 2 years cannot be trained effectively in the trades.¹

¹Reply by the Commissioner of Prisons dated 11th September 1974 to the author's questionnaire.

The Commissioner continued

Vocational allocation is done according to two basic principles; i.e.

- (a) Insight into the prisoner's own abilities (here, inter alia, attention is given to previous experience, age, mental ability, aptitude, interest, skill etc.), and
- (b) work possibilities (here consideration is given to work possibilities inside and outside the institution, demand, remuneration etc.)

The following details of Trade Tests were given by the Commissioner¹ for 1972-73:

T A B L E 16
TRADE TESTS 1972-73²

<u>Race</u>	<u>Passed Trade Test</u>	<u>Failed Trade Test</u>	<u>Total</u>
Whites	40	42	82
Coloureds	8	26	34
Bantu	<u>197</u>	<u>81</u>	<u>278</u>
Totals:	245	149	394

The Whites were spread through sixteen different trades, the most common being bricklaying with 6 passes and 6 fails, and carpentry with 5 passes and 7 fails. The 8 Coloureds who passed trade tests out of the 30 that tried were 3 bricklayers, 2 plasterers and 3 painters.

¹Reply by the Commissioner of Prisons dated 11th September 1974 to the author's questionnaire.

²For full details of the different trade tests with passes and fails see Appendix. Table on p. 952.

The Bantu, out of a total of 278 prisoners taking trade tests had 197 passes or a success rate of 71 per cent - as compared with 49 per cent success rate of the Whites and 24 per cent success rate of the Coloureds.¹ Of the successful Bantu 24 were plumbers, 66 bricklayers, 48 plasterers, 20 painters and 30 carpenters.

T A B L E 17
TRADE TESTS
1971-72 and 1972-73

	<u>Number of Tests Taken</u>	<u>Pass</u>	<u>Fail</u>
1971-72	318	200	118
1972-73	394	245	149

Prisoners serving sentences of 2 years
or longer

The following males were in prison serving sentences of two years or longer during the last three years:

See Table 18 overleaf.

¹ Unfortunately no further details were given such as how long these persons had been undergoing trade training and whether they had experienced trade training before going to prison.

T A B L E 18
PRISONERS SERVING SENTENCES OF
TWO YEARS OR LONGER

	<u>Total</u>	<u>Whites</u>	<u>Bantu</u>	<u>Asiatics</u>	<u>Coloureds</u>
1971	40 276	1 898	20 236	220	8 922
1972	43 134	2 069	31 536	245	9 284
1973	46 475	2 317	33 778	276	10 104

It is appreciated that not all persons sentenced to imprisonment for two years or longer are suitable for trade training. Experience in other countries (England and Wales, Belgium, Holland, Sweden and others)¹ has indicated that about 30 to 40 per cent of prisoners sentenced to terms of imprisonment of two years or longer are suitable for trade training. Assuming that the rate in South Africa is only 25 per cent, then the following male inmates should have been suitable for trade training.²

T A B L E 19
25 PER CENT OF MALE PERSONS SENTENCED TO
2 YEARS' IMPRISONMENT OR LONGER

	<u>Whites</u>	<u>Bantu</u>	<u>Asiatics</u>	<u>Coloureds</u>	<u>Total at 25 per cent</u>
1971	474	7 309	55	2 230	10 068
1972	517	7 884	61	2 321	10 783
1973	579	8 444	69	2 526	11 618

¹Based on standard work aptitude classification carried out in these countries.

²In fact there is no reason why South Africa should apply a lower rate than these other countries. If anything the percentage should be higher than the 30-40% in these countries as it is probable that the South African prison population has a lower percentage of inadequates than these countries - see p. 645 supra.

In 1971 the Commissioner of Prisons in replying to the Coloured People's Representative Council on Prison Labour stated:

At present 950 Non-White male prisoners are being trained in the Departmental Workshops in various trades, approximately 2 600 in the building industry and approximately 400 as chefs and stewards. On prison farms (State Institutions) the Department trains several thousand Non-White prisoners in various farming activities carried on there.¹

In all during 1971 there were a total of 38 738 Non-White male prisoners serving sentences of two years or longer. At the very most only 6 750 were receiving trade training (750 Workshop, 2 600 Building Industry, 3 000 Farming, 400 Chefs and Stewards), in practice the number being effectively trained will be far smaller as shown by the numbers taking and passing trade tests.

During 1972-73 trade tests were passed by only 205 Non-Europeans, and in 1971-72 only 200 trade tests were passed by all race groups.

These results should be contrasted with other countries to see how South Africa compares. In England the official attitude is that only a minority of prisoners can benefit from a vocational training course, for the majority a shorter course such as one in some aspect of building work

¹Chairman's Progress Report, C.R.C. Session 1972, pp. 34-38. Regarding farm training, the 1972 Annual Report by the Commissioner of Prisons stated on p. 17 that 3 000 prisoners were receiving intensive training in agriculture. This 3 000 is all races and is not restricted to persons serving sentences of two years or longer.

is considered to be more suitable.¹

Nevertheless for a minority of offenders a vocational training course which leads to an acknowledged qualification, such as that of the City and Guilds of London Institute, is valuable and appropriate. The Prison Department runs about 100 such courses a year. Most are in borstals. They are spread over 19 trades, including plumbing, welding, and electrical installation. In the financial year 1967-68, 897 people entered for public examinations at the end of these courses; 675 were successful.²

In 1967-68 England had a daily average prison population of 25 230 while that of South Africa was 80 534 and yet more than three times as many passed trade tests in England than were passed in South Africa in 1971-72.³

The standard of trade training in those South African prisons which the author has visited is good. In particular the ratio of qualified artisan staff to inmates at Victor Verster Prison in Paarl (workshops 1 staff to 5 inmates; building section 1 to 10) is excellent by international standards. In the period 1970-71 the staff/inmate ratio in South African prison industries was 1 : 7, and in the building section one qualified artisan staff to four inmates. This compares with a ratio of 1 : 17 in France,⁴ 1 : 16 in Belgium during 1973-74.⁵ The fact that so few inmates pass

¹See Chapter VII - description of Prison Work, England and Wales.

²People in Prison. 4214 HSMO 1969, para 84, p. 38.

³The author is informed by Tradesmen that the City and Guild standards compare very favourably with the trade test standards in South Africa.

⁴Interview with M. Jean Talbert and M. Timouis, Chef de la Régie Industriel, October 1974.

⁵Interview with M. De Ridder - Commissioner of Belgian Department of Prisons, October 1974.

These comparisons are not entirely fair as in Belgium and France there is a greater concentration on production than on trade training.

trade exams in South Africa may be due to the emphasis on on-the-job training and the total lack of formal classroom training. Certainly in England and Wales an inmate artisan trainee receives even more attention and training than does his counterpart in the outside world.

From this analysis of vocational training in South Africa a few basic conclusions can be drawn.

Firstly, the number of persons being successfully trained in that they pass trade tests is extremely small, and it is clear that the vast majority of prisoners receive no vocational training whatsoever - unless one can interpret manual labour as being vocational training.

Secondly, the ratio of qualified staff to prisoners receiving training is such that more prisoners could be given training without the necessity of increasing the artisan staff. This is particularly true of the building section.

Thirdly, there is an urgent need for more concentrated vocational training courses of shorter duration with specific tests at the completion of these courses. The author contends that the present system of on the job training with no classroom training, and supervision is less efficient and more costly in the long run than a training course combining theoretical and practical training.

G.2 Education

The Report of the Commissioner of Prisons for the period 1st July 1963 to 30th June 1966 stated regarding education:

A cardinal component of corrective training is the positive conditioning of the transgressor of the law by means of everything that can be included under the term 'guidance'. Education and guidance have in the past received careful attention, but their importance and possibilities are so great that it has become essential to plan and apply education and guidance systematically on a broader base. Effective implementation is possible only by means of centralised programming and the regular supply of necessary material.

In the past facilities were made available and prisoners were encouraged to apply themselves to formal scholastic and academic studies, especially by means of correspondence courses. A disturbing phenomenon, is, however, that a large percentage of those who with good intentions enroll for further studies, soon lose interest and drop out. This shows that we are dealing with a community which in general lacks experience and quality of character for the fulfilment of a good intention. In view of this, urgent steps are at present being taken to formulate a system of more effective supervision, periodical control and progress reward.

In the nature of things there are actually a small percentage of the prisoners who qualify for advanced scholastic and academic studies. Present planning is, therefore, being focussed on the most effective manner in which the masses can be reached with guidance and education in citizenship.¹

In the light of this forthright and eminently sensible comment on prison education it is interesting to review the success of the "urgent steps being taken to formulate a system of more effective supervision, periodical control and progress reward."

¹Annual Prison Report 1963-1966, op cit., RP 71/1967, p. 22.

T A B L E 20

NUMBER OF PRISONERS ENTERING SCHOOL,
TECHNICAL AND ACADEMIC EXAMINATIONS 1968 TO 1973

<u>Year</u>	<u>Passes</u>	<u>Fails</u>	<u>Total</u>
1968-69	277	162	439
1969-70	205	140	345
1970-71	No details given		249
1971-72	No details given		247
1972-73	No details given		293

From 1970 to 1973 no details were given of the number of passes or failures in examinations save to mention that the percentage of passes increased each year.

T A B L E 21

PASSES IN VARIOUS SCHOLASTIC AND TECHNICAL
EXAMINATIONS 1968 TO 1973¹

	<u>1968-69</u>	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>	<u>1972-73</u>
Degrees	5	2	No detail in Annual Report	2	
Standard 6 Certificate	1	2		1	1
National Junior Certificate (Standard 8)	13	6			3
National Senior Certificate (Standard 10)	7	12		12	11
TOTAL	26	22		15	15
National Technical Certificates			Annual Report		
Part I	2	8		4	7
Part II	1	5		2	3
Part III	4	3		2	2
Part IV		2		1	1
Part V	1	4	5	1	
TOTAL	8	22		14	14

¹ Standard 6 Usual age of examinee: 14
 Standard 8 Usual age of examinee: 16
 Standard 10 Usual age of examinee: 17-18
 The academic level of Standard 10 is considered to be one year above the English 'O' Levels which are taken in England at 15-16.

T A B L E 22PASSES IN MISCELLANEOUS COURSES

	<u>1968-69</u>	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>	<u>1972-73</u>
Diploma in Music	1				
National Council Certificate		1			
National Council Diploma		1			
S.A. Taalbond Examination		2			
Certificate in Motor Mechanics		1			
Diploma in Farm Management		1			
Production Control Diploma				2	
Advanced Nursing Certificate					1
Diploma in Marketing Research					1
Agricultural Diploma					1

These details have been extracted from the relevant Annual Reports of the Commissioner of Prisons. Table 23 compares the total of successes in Table 21 excluding the miscellaneous subjects with the number of persons in prison during each year serving a sentence of two years or longer.

Table 23

T A B L E 23

COMPARISON OF TOTAL SUCCESSES IN TABLE 21
WITH THE NUMBER OF PRISONERS SERVING
SENTENCES OF TWO YEARS OR LONGER

	<u>Population on 30th June</u> <u>serving a sentence of</u> <u>2 years or longer</u>	<u>Total Successes from</u> <u>Table 21</u>
1968-69		34
1969-70		44
1970-71	40 276	-
1971-72	43 134	29
1972-73	46 475	29

Seemingly as the long term population is increasing so the number of successes in these subjects is decreasing. The same pattern is true of all tests with the exception of 1972-73 where there has been an improvement which is still significantly below the level of 1968-69.¹

It is interesting to compare South Africa's education for prisoners with that of other countries.

¹The author has been unable to ascertain from the Department of Prisons why the success rate in technical and scholastic examinations has fallen since 1969-70. A likely explanation is that the sudden rise in the prison population from 80 079 persons in 1968-69 to 90 055 the following year and 95 015 two years later resulted in overcrowding in the prisons and a shortage of staff. This in turn would result in artisan staff being required for custodial duties. However, the Department of Prisons have denied that there was any staff shortage, but they have given no other explanation.

In America on 30th June 1973 there were 23 336 inmates in Federal Prisons (South Africa 30th June 1973 - 94 245 inmates of whom 43 134 were serving sentences of over 2 years). To educate these inmates the Federal Bureau was operating 27 schools employing a full-time staff of 446 qualified teachers and having a daily student load averaging more than 8 300.¹

In any comparison with America it must be remembered that America has far greater financial resources than South Africa and consequently can spend greater sums on education. What is significant is the importance attached to education in prison.

In France on the 1st January 1973 there were 30 306 persons in prison.² During 1972 22 243 inmates benefitted from educational assistance.³ During 1972 there were 1 711 passes out of a total of 2 113 candidates for various exams.⁴ The teaching staff consisted of 73 full-time appointments and 250 part-time and/or volunteer teachers.

¹A Look at the Federal Prison System, published by U.S. Department of Justice, 1973.

²Rapport Général sur l'exercice de l'Administration Pénitentiaire 1972, p. 213.

³Ibid., p. 135

⁴Ibid., p. 136.

In England and Wales education for adults is on a voluntary basis and takes place after work,¹ unlike in Sweden where education takes place in lieu of work and where prisoners receive payment for time spent in classes. In England in 1968-69 over 200 000 classes were held, and a sum of £600 000 was allocated for educational purposes.² Since 1969 greater emphasis has been placed on education and more full-time teachers have been appointed, however it is still viewed as secondary to both industrial work and vocational training in the daily prison programme.³

Literacy

In recent years the Prison Department has been extending its literacy programme. This was following the success of teaching literacy by modern techniques at the Leeuwkop Farm Prison (Transvaal) in 1965. In recent years the following numbers of prisoners have completed literacy courses in prison (figures from relevant Prison Reports).

¹"Daytime education is provided for those who lack the basic skills of reading and writing, and normal working hours have been used for promising aspirants in general education for a few selected offenders, especially those capable of advanced academic work." "People in Prison," Cmmd 4214 HMSO 1969, para 80, p. 37.

²Ibid., para 80, p. 37. Unfortunately no details were given of the number of examinations taken and passed. At this time 1968-69 the prison population was 35 000.

³In comparing education in England with that in South Africa it should be remembered that there has been compulsory education in England for nearly a century - whereas in South Africa not only are there still insufficient schools or places for people but the literacy rate is only 60 per cent. This shows a great improvements since 1952 when the rate was only 22 per cent. (Dr. Diederichs, S.A.B.C. News, 15.5.1974.)

T A B L E 24PRISONERS COMPLETING LITERACY COURSE

<u>Year</u>	<u>Number Completing Literacy Course</u>	<u>Total of Completions Since Course Inception</u>
1969-70	363	1 118
1970-71	766	1 884
1971-72	464	2 348
1972-73	351 ¹	2 699

The fact that the numbers of illiterates completing literacy courses has halved over the last three years is a matter for concern. On the 30th June 1973 there were 58 669 persons in South African prisons serving sentences of six months or longer. It is common cause that prison populations throughout the work are less well educated than those in normal society. If one applies Dr. Diederichs' percentage of 40 per cent of all persons in South Africa being illiterate, then 40 per cent of those serving sentences of six months or longer makes a total of 23 467 illiterate prisoners.

¹Courses established in 24 prisons.

²Dr. Diederichs was referring to all race groups. One can reasonably assume that White literacy is substantially higher than Non-White literacy. However, the prison population is more than 90 per cent Non-European. Various other factors confuse the situation, for illiteracy is higher in rural than in urban areas while the majority of longer term prisoners are urban dwellers. (i.e. Longer term excludes pass offenders.) It is probable that the percentage of illiterate prisoners is at least 50 per cent.

It is perhaps significant to compare today's record in the teaching of reading and writing with that existing under Montagu in the 1840's.

That in regard to the moral and intellectual conditions of those received at the station during the year, on their conviction - 102 in number - fifteen could read, seven spell, and eighty or 78,4 per cent could neither spell, read nor write ... That of the ninety-two liberated during the year, and who may be regarded as having been in an exactly similar state of ignorance when first received, fifty-two could read, and forty spell; while of the 219 remaining on the 31st December, 1848, 76 could read, 113 spell, and the remainder, being chiefly Kaffirs, could neither spell nor read.¹

Montagu's contemporaries were clearly impressed by him as shown by this extract from "Kaatje Kekkelbek," one of the earliest poems in Afrikaans, written in 1838 by Andrew Geddes Bain:

Daar is ook een Montakee die sectaris, die net zoo goed als Gov'neur in de Kaapstad Tegenswoordig. Nieman kan de kerl vern....k. Hy laat al de Hot'nots work op de Hard Way which is a very hard way of dealing met de poor Hot'nots.²

Clearly a great deal more emphasis should be placed on the teaching of literacy in South African Prisons.³

¹W.A. Newman, Memoir of John Montagu (London: Harrison, 59 Pall Mall; Cape Town: A.S. Robertson, Adderley Street; W.L. Sammons, Plein Street, 1855), p. 140.

Montagu not only encouraged reading and writing but had the distinction of appearing by name in the poem "Kaatje Kekkelbek", which was one of the earliest poems in Afrikaans.

²The somewhat original spelling is that of Mr. Bain's and not of the author.

³See Chapter X, p. 841

H. SHORT TERM OFFENDERS

The problem of short term offenders has been dealt with in Chapter VI. The inmate population serving sentences of under two years on the 30th June 1973 is given in Table 25 on the following page.

H.1 Sentences up to 4 Months

At present the Department of Prisons has partially dealt with the problems of short-term prisoners by releasing them on parole - usually to work for farmers:

Of the 291 121 prisoners with sentences up to and including four months admitted during the year under review, 124 648 were released on parole. Although these are reflected in the statistics as admissions, the great majority were thus released within 24 hours after admission.¹

This leaves 166 473 prisoners who were not released on parole. As a period of under four months is generally accepted as being too short for most forms of training, the majority of these persons were either employed in manual labour, released to outside bodies on a daily basis for use as labourers, or were unemployed.

Whites are not permitted to work outside prisons, and as can be seen from Table 6 on the 30th June 1973 there were 432 White males and 19 White females serving sentences of under six months. The majority of these White male inmates were occupied either in the workshops or the building industry.

¹Annual Prison Report 1972-73, op cit., RP 91/1973, p. 6.
See Parole, p. 679 supra.

T A B L E 25

PERSONS SENTENCED TO TWO YEARS OR LESS
IN CUSTODY ON 30th JUNE 1973

	White		Bantu		Asiatics		Coloureds		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
6 months - 2 years	398	9	7 845	649	48	1	1 706	83	10 739
4 months - 6 months	238	4	4 003	554	45	1	1 151	102	6 098
1 month - 4 months	95	3	4 157	869	25	5	905	115	6 174
Up to 1 month	69	12	2 918	766	18	1	299	173	4 256
Periodical Imprisonment	30	-	10	-	3	-	13	4	60
TOTAL	830	28	18 933	2 838	139	8	4 074	477	27 327
Awaiting trial	554	26	14 076	1 204	66	5	2 717	221	18 869

H.2 Sentences 4 Months to 6 Months

No specific details have been supplied as to how prisoners sentenced to these terms of imprisonment are employed or educated. With a sentence of four to six months there is some scope for realistic employment, education and treatment.¹

H.3 Sentences 6 Months to 2 Years

Once again no details are available as to how these prisoners are occupied. Most White prisoners are employed in the workshops, agriculture or the building section. However, generally speaking, prisoners sentenced to under two years imprisonment are not given vocational training. This is in contrast to Britain, France, Sweden and other countries where shortened intensive training courses are standard practice. In England these courses are well organised particularly in the Building Trades with the result that prison inmates trained in these trades have little difficulty in obtaining employment on release.

In South Africa the average labour turnover in industry is generally thought to be higher than in most parts of the world.² This partially explains South Africa's low productivity rate per worker. In Sweden the turnover of employees in prison industries is six times per annum or once every two

¹See Chapter X, pp. 840-843.

²No comprehensive data on labour turnover in South Africa exists.

months. Despite this, during 1972-73 the Swedish prison industries covered their variable costs and made a contribution of 8,9 million crowns to their fixed costs, including nearly 3,5 million (R1 = 6 Crowns) crowns for education and vocational training.¹

The feasibility and practicability of developing factory prisons in South Africa is discussed in Chapter X.

I. COMPETITION

In the Annual Report of 1955-56 the Commissioner of Prisons quoted at length from the U.N. Report on Prison Labour, particularly from the section entitled "The Measures Adapted to Minimise Competition." With regard to South Africa the Commissioner stated:

... the question of competition is governed by subsections (2) and (3) of Section 93 of Act No. 13 of 1911, (The Prisons Act, prior to the Prisons Act of 1959), as amended vide paragraph 1 of Section 8. In any event, as articles manufactured by prison labour are at present restricted to bare necessities which can be, and are in fact, used either by the Prisons Department itself or disposed of to other Departments of State to meet official requirements, there is no apparent competition with free labour and industry. Similarly the products of the departmental agricultural, dairying, animal husbandry and gardening operations, in which the annual yields are very considerable, are consumed in the prison institutions, thus enabling them to become more and more self-supporting and at the same time providing suitable avenues for full employment of the prisoners in constructive, congenial and healthy outdoor occupations to which they are normally accustomed as free workers. Relative to the prison administration's expanded building operations, which, by administrative practice are

¹Comments on the Incomes and Costs of the Employment Program, Swedish National Correctional Administration, 1973, p. 2.

confined to prisons and ancillary premises in State-owned grounds, complaints of unfair competition were made by members of the Master Builders Association shortly after the scheme was introduced in 1952. It was, however, proved to the satisfaction of the Association that the administration's building activities by prison labour were being undertaken on such a limited scale in comparison with the large amount of ordinary building work offering for private enterprise, that fears of competition had no factual basis.¹

The position today is virtually unchanged. In September 1974 the Commissioner of Prisons wrote:

Steps are still being taken to limit competition regarding the private sector to a minimum. In this way prisoners are not provided to industries where minimum wages are prescribed. Labour is only made available to private instances to perform unskilled work. Further prisoners are only used to perform skilled work in the Department, such as the erection of buildings. Articles are manufactured in the workshops, solely for use by the State.²

The author believes that this emphasis of deliberately avoiding competition has been taken too far, for as the Department proved to the Builders Association in the 1950's, the volume of prison labour production is such that it is no danger to free labour or private enterprise.³ In England the Advisory Council on the Employment of Prisoners pointed out that the 20 000 persons then in prison (today 38 000) represented only 0,1 per cent⁴ of the working population of the country and that their total production

¹Annual Prison Report 1955-56, op cit., U.G. 56/1956, p. 29.

²Commissioner of Prisons in reply to the author, 11th September 1974.

³This is not so with regard to prison labour hired to the farmers either on a daily basis or through the outstations. It seems probable that this form of labour depresses farm earnings. See supra, pp. 673-678.

⁴Work for Prisoners, HMSO, 1961, p. 11.

would not significantly affect private industry - unless it were concentrated in some small specialist industry where it could affect that industry, or if it were concentrated in some specific district with high unemployment.

Similarly in California:

It should be noted that the total industrial output of Correctional Industries (\$11,6 million) is less than one-tenth of 1 per cent of all manufacturing and wholesale sales in California, thus the impact on the State economy is negligible. It is true that in certain specific areas the impact percentage is greater, but still so small comparatively as to constitute little actual threat to private industry. Where elements of private industry do express concern, it usually develops that presentation of factual data about Correctional Industries allays their concern.¹

The international trend is towards acceptance of prison industries as part of the national economy, and so long as control is exercised there is little fear of competition. The fact that America should be considering the use of prison labour by private industry² is a very considerable change from only a few years ago.

In South Africa the concentration is on minimising competition but there is no published evidence of the extent of this competition. Currently the competition is clearly

¹California Correctional Industries, issued by California Department of Corrections, July 16th, 1973, p. 5.

²Bill introduced to 92nd Congress 2nd Session, August 11th, 1972. See Chapter VII - Survey of Prison Labour in America.

insignificant - except as regards farm labour.¹ During 1972-73 the production of the Department was as follows:²

Building and Construction Work	R2 950 000
Workshops (Raw Materials Utilised)	R1 816 337
Agricultural Production (at Average Market Prices)	<u>R2 592 701</u>
Total	<u>R7 359 038</u>

In addition labour was hired out as previously described.

Not only is current prison labour production insignificant in comparison with that of industry and agriculture but no comprehensive attempt has been made by the Government to canvas the attitudes of the relevant Trade Unions regarding prison labour. On the whole the various Trade Unions have no objection to the development of prison industries.³ This being the case it must be questioned whether prison labour employed exclusively by the State for State Use purposes is necessarily in

¹Commissioner of Prisons to the author 11th September 1974. "The Department does not view the private employment of prison labour as the ideal solution to the problem. It is the declared policy of the Department to eventually employ the total prison labour force. The acquisition and development of prison farms should be viewed as a significant step towards the realization of this policy."

²Annual Prison Report 1972-73, op cit., RP 91/1973.

³During 1974 the author had meetings with many Trade Union leaders to establish their attitudes to prison labour. Almost without exception they have no objection to the establishment of factories in prisons to produce articles for sale both to State Departments and on the open market. The shortage of skilled and semi-skilled labour in South Africa is such that they saw no dangers to their Union members - provided of course that there were the usual safeguards of market prices, no over concentration on one product, no exploitation of labour etc. Similarly the various Trade Unions of the Building Trade had no objection to the extension of the Department's building activities. See Appendix, p. 933-935.

the best interests of the prisoners or of the State. The author is convinced that it is not in the best interests of either.¹

J. MOTIVATION OF PRISONERS TO WORK

The rehabilitation of offenders in South Africa is based on the progressive system. As described in Section M on Classification each prisoner is initially subdivided by sex, race, age and other criteria, then, for prison allocation purposes, offenders are classified into four categories A, B, C, and D, according to the type of institution to which they will be sent. Each step carries with it progressively increased privileges and indulgences.² The theory is that hopefully the offender will strive for the rewards which are dependent on good behaviour and that the rewards will be an incentive to greater responsibility and good conduct.³

Similarly the system of pay is more related to good behaviour than to work skills and productivity, although only skilled work is remunerated.

J.1 Pay (Gratuities)

In 1966 the Commissioner of Prisons stated:

Any authorised activity in which there is an element of training and which contributes to the rehabilitation of the prisoner, is classified as work. As soon as the standard of work reaches a certain level of proficiency, the prisoner is awarded a gratuity.

¹See Chapter X.

²Such as greater freedom, the right to more visits and letters. In Grade A prisoners are given 2 oz. of tobacco per week.

³Annual Prison Report 1954, op cit., U.G. 24/1955, p. 26

The object hereof is to stimulate good behaviour, adaption, diligence to studies and to enable prisoners to contribute to the maintenance of their dependants, to purchase material for study purposes and other approved articles, as well as to provide a nest egg for the day of release.

Gratuity scales have recently been revised and considerably improved and extended.¹

Although written seven years ago this is substantially the basis on which gratuities are paid today. The word gratuity is significant, the money is in the nature of a reward earned for good behaviour rather than payment as of right for services rendered. In this way the earning of the gratuity, although the amount is small, is considered by the Prisons Department to be a positive incentive.

Only a minority of prisoners receive gratuities - this is particularly true of Non-Europeans who are only infrequently employed in work of a sufficient skill to be entitled to earn a gratuity. Thus long-term Non-European prisoners may have to show evidence of good behaviour and work diligence over a number of years before they are promoted to semi-skilled work.² The Prison Boards are responsible for deciding whether a prisoner, either long or short term, is entitled to a gratuity. The Board makes its recommendations concerning the payment of gratuities to the Commissioner in Pretoria and he must give his consent before any gratuity is paid.

¹Annual Prison Report, 1963-66, op cit., RP 71/1967, p. 21.

²Author's discussion with Senior Trades Officers of the Department of Prisons, 1974 and 1975.

Similarly if it should be decided to change a prisoner's pay scale then approval from Pretoria must be obtained. Every six months the progress of long term prisoners is reviewed by the relevant Prison Board, and particular attention is paid to the gratuities.

T A B L E 26

GRATUITY SCALE EUROPEAN PRISONERS -

AUGUST 1974¹

<u>Earnings per month</u>	<u>Scale</u>	<u>Notches</u>	<u>Allowed to spend</u>
R1,00	I	i	50c
R1,50	I	ii	75c
R2,00	I	iii	R1,00
R4,00	II	ii	R2,00
R6,00	II	iii	R2,50
R8,00	III	ii	R4,00
R10,00	III	iii	R4,00

On release if a long term European prisoner has earned no gratuity he receives R2.

¹Data supplied to author by Department of Prisons in August 1974.

T A B L E 27

GRATUITY SCALE NON-EUROPEAN PRISONERS - AUGUST 1974¹

<u>Earnings per month</u>	<u>Scale</u>	<u>Notches</u>	<u>Allowed to spend</u>
50c	I	i	,30c
R1,00	I	ii	,50c
R1,50	I	iii	,75c
R2,00	II	ii	R1,00
R3,00	II	iii	R1,50
R4,00	II	iv	R1,50
R5,00	III	ii	R2,50
R6,00	III	iii	R2,50

On release if a long term Non-European prisoner has earned no gratuity he receives R1.

Disposal of Gratuities1. Spending by the Prisoner

The prisoner is limited in spending his gratuity as shown above. This allowance can be varied for the purchases of books, etc. with the consent of the commanding officer of the institution. Realistically little is available save for tobacco, sweets and toilet articles. Prisoners group together to purchase newspapers and magazines.

¹Data supplied to author by Department of Prisons in August 1974.

2. Investment of the Gratuity

The authorities do not invest the prisoner's compulsory savings on his behalf - no interest is paid on the money retained. In Montagu's day in the 1840's interest was paid on prisoners' savings, and although their savings are rarely very great, prisoners should receive interest on them, both as a matter of principle and for the possible training value of owning a savings account.

3. Prisoner's Contribution for Board and Lodging

Prisoners pay no such contribution.

4. Prisoner's Dependants

Prisoners can send part of their gratuities home to their dependants, and in exceptional cases they can be compelled to do so. However the gratuities are so small that even the top grade earners - Whites R10 per month and Non-Whites R6 per month - can make little material contribution to their families' wellbeing.

5. Release

Few prisoners, unless very long term, can save a sum which will realistically tide them over their first week's release prior to their first pay packet - assuming that they find employment immediately.

From this saving, they will have to pay for their

board and lodging, travel¹ and other unavoidable expenses. The R1 paid to Non-Europeans and the R2 paid to Europeans on release who have earned no gratuity is virtually useless. Lack of money during this very vulnerable period for a released prisoner makes his adjustment to freedom all the more difficult. The whole subject of prison pay and the provision of money on release as related to South Africa is dealt with in greater detail in Chapter X.

6. Gratuities as an Incentive

Whether gratuities as paid in South Africa are an incentive to work hard or not is open to doubt. It is equally uncertain that prisoners would necessarily work harder if the gratuities were increased. Experiments in prisons in other countries have shown that if remuneration is related to productivity then productivity will increase to a certain point² - the amount of the increase will be dependent on a whole series of variables, not least of which is the initial productivity of the labour and the initial payment. However money is only one of the factors regarded by behavioural scientists as a motivating force. Once a

¹Released long term prisoners are given a ticket to their homes, or to wherever they plan to settle in South Africa.

²Based on numerous discussions with prison officers, prison psychologists and industrial psychologists with knowledge of prisons in England, Ireland, France, Belgium, Sweden, Norway and South Africa.

man's basic human needs have been catered for then other wants assume a greater importance.¹ In prison the man's basic needs of clothing, food and shelter are catered for leaving supplementary needs such as extra food, tobacco, writing materials to be paid for by the prisoner. When the prisoner has earned sufficient money to cover these extra needs then the motivation to earn more money will decline unless there is some other use for that money which is meaningful to the prisoner.

J.2 Privileges and Concessions

In South Africa considerable importance is placed by the Prison Authorities on the withholding and granting of privileges. On reception a prisoner has minimal privileges. As the prison term is served so privileges are increased subject to good behaviour - the emphasis is quite clearly on the prisoner having to earn the privileges and not being his of right. This power to vary privileges effectively resides in the Commissioner of Prisons advised by the Institutional Committees of the various prisons, who are guided by the prison officers who are in daily contact with the prisoner.

¹See Herzberg, Work and the Nature of Man (4th Printing; Ohio: World Publishing Company Limited, 1971). It can be argued that freedom is a basic need and that Herzberg's theories are therefore less applicable to prison work than to work under normal conditions. There is no doubt that most prisoners will work extremely hard if they can thereby attain freedom more rapidly. See infra, p. 867.

T A B L E 28
PRISONERS' LETTERS¹

	<u>Write Letter</u>	<u>Receive Letter</u>
1. Unsentenced	1 per day	1 per day
2. Sentenced Under 2 years	1 per month	1 per month
3. Unclassified 2 years and longer	1 per month	1 per month
4. Classified C and D Groups	1 per month	1 per month
5. Classified B Group	2 per month	2 per month
6. Classified A Group	3 per month	3 per month

Visiting Regulations²

Visits take place in the presence of the prison staff and are of thirty minutes duration. Children between the ages of 1 to 16 are only allowed in exceptional cases. One letter may be sent and received in lieu of a visit. Special visits can be permitted in exceptional circumstances by the Commanding Officer of the prison.

T A B L E 29
PRISON VISITS

Unsentenced	2 visits per week by 2 persons only at any one time
Less than 2 years	1 visit by 1 person once per month
Unclassified 2 years and over	1 visit by 1 person once per month
Classified C and D	1 visit by 1 person once per month
Classified B	1 visit by 2 persons once per month
Classified A	2 visits by 2 persons per month

¹Based on Prison Regulations dated 23.9.1971 - S.18.
Maximum possible length of any letter 500 words.

²Ibid.

Once again administrative problems place restrictions on the number and length of visits. In England the prison authorities consider one visit of only 30 minutes per month as insufficient,¹ where possible visits are permitted every fortnight, and frequently a visit lasts several hours.

In South Africa in 1957 the Commissioner stated:

The currently held and applied point of view is that contact with family connections and reputable friends provides the prisoner with sound moral support which can contribute considerably towards his ultimate rehabilitation.²

There is clearly scope for an increase in the number and degree of visits in South Africa, in the light of the statement cited above of the Commissioner of Prisons. The author favours the system applied in Israel where all prisoners are granted wide visiting and letter writing rights. If these privileges are abused they are reduced as a punishment.

Home Leave

Home leave during sentences does not exist in South Africa.³

In many countries, for example Britain, America and Sweden, home leaves are permitted usually on a 72 hour leave basis, during the last part of the sentence so that the

¹People in Prison, op cit., para 92. In both Belgium and Sweden visits are encouraged on a weekly basis.

²Commissioner of Prisons 1957, "Developments in the Prevention of Crime and Treatment of Offenders," p. 17.

³Save in exceptional circumstances such as family illness, funerals etc.

prisoner can maintain family relationships and make arrangements for his release.

Conjugal Visits

Conjugal visits do not exist in South Africa. In England the 1969 Home Office Report "People in Prison" said

The Government believes that the granting of home leaves in suitable cases is the most promising way of assisting people in custody to maintain their family relationships. It believes this is a preferable alternative to allowing what are called 'conjugal visits' by wives. There are manifest difficulties in providing acceptable conditions for such visits and a real risk that their artificiality would, on balance, do more harm than good to the marital relationship.¹

In South Africa the practical difficulties of conjugal visiting are enormous, and the author favours a development of the "home leave" system.²

Parcels

No parcels or goods may be received on behalf of prisoners with the exception of books and magazines which can be sent direct from the publishers. The Commanding Officer can receive money on behalf of a prisoner.³

¹People in Prison, op cit., para 96.

²See Chapter X, p. 862.

³Prison Regulation S.20 dated 23.9.1971.

J.3 Remission of Sentence

Theoretically, remission of sentence is earned for good behaviour, although in most countries, in practice, the prisoner automatically is granted remission and this remission can be removed for bad behaviour. Thus it has become a disciplinary tool, a negative incentive, rather than a positive incentive to good behaviour.¹

In South Africa remission of sentence is considered a privilege. Prisoners serving sentences of up to two years' imprisonment may earn remission from 28 days to one-third of the total sentence. Those with sentences of more than two years earn remission subject to the annual review of the Prison Board and their report to the Commissioner of Prisons and his report to the Minister of Justice.²

The power to affect the likelihood of remission is one of the most powerful disciplinary measures effectively controlled by prison officers, this is especially true with the various indeterminate sentences.

In South Africa it is extremely easy to confuse remission and parole. Certain offenders are released unconditionally

¹In England all prisoners upon reception are granted one-third remission of sentence.

²Consolidated Prisons Act No. 8 of 1959 Articles 61-63. In practice prisoners with determinate sentences automatically earn one-third remission and from this remission days are deducted for bad behaviour.

on parole with no supervision orders and no means of recall to prison other than a fresh prison sentence. This is discussed further under probation.

J.4 Prison Discipline: Escapes

The disciplinary measures for the control of prisons in South Africa are little different from those in other western countries.

The general principles of discipline and control in South African penal institutions are contained in S.98(i) of the Amendment dated 31st December 1965 to the Prisons Act (No. 8 of 1959)¹ and have been described in Chapter I. Generally discipline is to be firm but prison staff are to lead by good example rather than the threat of punishment.

Minor disciplinary infringements are dealt with by the commanding officer of a prison by one of the following punishments:

1. Reprimand
2. Forfeiture of all concessions
3. Spare diet for one day²

¹Government Gazette Extraordinary No. 1326 (Pretoria: 31st December 1965).

²S.54 of Prison Act 1959 - See S.9985(a) of Amendment as noted in the footnote - supra. Prison Regulation 101(b)(i) "Spare diet which shall consist of 200 grams of maize meal boiled in water without salt, twice daily, and 15 grams of protone soup power boiled in 590 millilitres of water once a day." Prison Regulation 101(b)(ii): Reduced diet consists of half the prescribed daily diet.

For a more serious offence, or if the prisoner objects to the minor punishment mentioned above on the grounds that it is excessive, then the offender is tried by a prison court¹ with review by the Commissioner of Prisons at his discretion. If found guilty the prisoner can be sentenced by the prison court to:

1. Forfeiture of all privileges, gratuities or concessions for a maximum of one month
2. Forfeiture of a maximum of 3 meals in any one day²
3. Corporal punishment - only for offenders under 50 years of age, maximum of 6 lashes
5. Forfeiture of a maximum of 30 days' remission.

"Complete segregation is not recommended as a punishment for the purposes of the Prisons Act."³

Discipline in South African prisons, bearing in mind the heterogeneity of the prison population and the large number of violent offenders, is claimed by the authorities to be remarkably good. In recent years there have been none of the strikes or prison riots which have been so prevalent in other parts of the world. However assaults by prisoners on other prisoners, and occasionally on prison staff are not uncommon.

¹S.54 as Amended 31st December 1965. S.99 1-5.

²Recent limits have been introduced on the use of spare diet so that it can not be imposed for more than 2 consecutive days.

³Prison Regulation 13(b).

The Annual Prison Reports give the following facts regarding disciplinary offences by prisoners:

T A B L E 30

DISCIPLINARY OFFENCES 1968 TO 1973¹

<u>Disciplinary Offences</u>	<u>No. of Offenders</u>	<u>Percentage of Prison Population</u>	<u>No. of Offences</u>
1968-69	46 838	53	59 909
1969-70	44 800	49	55 290
1970-71	45 325	50	55 592
1971-72	50 878	56	61 322
1972-73	53 421	56	64 924

Quite a large number of persons die in prison every year, whether by assault by fellow prisoners, suicide, accident (without negligence), while escaping or from natural causes. By far the highest incidence is from natural causes, but a surprising number are killed by their fellow prisoners showing that prison in South Africa can be extremely violent.

¹In Swedish prisons during 1972 there was a total of 2 666 disciplinary offences, and in 1973 1 850 disciplinary offences. Daily Average Prison Population 1973 - 4 971.

T A B L E 31DEATHS IN PRISON 1969 TO 1973

	<u>1968-69</u>	<u>1969-70</u>	<u>1970-71</u> ¹	<u>1971-72</u>	<u>1972-73</u>
Assault by Fellow Prisoners	12	22	N	19	17
Suicide	5	7	O	5	4
Accidents (no negligence)	14	15	D	16	21
While escaping	5	9	A	7	4
Natural causes	304	303	T	265	275
			A		
Total	340	356		312	321
Total Prison Population (Daily Average)	88 079	90 555	91 108	91 253	95 015

Regarding assault in prison the Annual Survey of South African Law for 1969² gave the following statistics of prisoners found guilty of assault in prison:

T A B L E 32CONVICTIONS FOR ASSAULT IN PRISON

- a = Assault on a prisoner
b = Assault on prison staff

		<u>1966</u>	<u>1967</u>	<u>1968</u>
<u>Bantu</u>	(a)	572	552	593
	(b)	82	96	97
<u>Coloureds</u>	(a)	525	233	269
	(b)	13	22	21
<u>White</u>	(a)	17	13	25
	(b)	4	1	3

¹1970-71 - no data in Annual Prison Report

²D. Rosenthal, "The Administration of Justice, Law Reform and Jurisprudence," Annual Survey of South African Law 1969, pp. 441-475.

Considering that most assaults in prison get 'hushed up' for fear of further violence and retaliation these figures are high.

Custody

Despite official protestation to the contrary the penal systems of most countries are custodially orientated. In most cases more energy, time and money is spent on retaining offenders than in attempting to reform/rehabilitate or resocialise them. South Africa is no exception, although the tendency is towards a greater use of open (farm) prisons.

Details of escapes from custody in recent years are as follows:

T A B L E 33

ESCAPES FROM PRISON

	<u>1968-69</u>	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>	<u>1972-73</u>
Escape from Prison	225	186	230	291	231
Escape from Outside the Prison	1 579	1 515	1 413	1 947	1 605
Total	1 804	1 701	1 643	2 238	1 836
Recaptured by 30th June in year concerned	1 184	1 010	983	1 327	1 070

Approximately 80 per cent of escaping prisoners are recaptured. The vast majority of escapes are from outside prison, and presumably these offenders are less dangerous to society than those held in prison.

K. PRODUCTIVITY

In South African prisons far greater emphasis is placed on training than on production for economic purposes. As seen under Section G "Vocational Training" only a limited number of prisoners receive training, partly due to the very high incidence of persons serving sentences of under six months. The pace of work in the workshops and in the building section is only a fraction of that in free society.¹ Little attempt is made to create the atmosphere of industry and seemingly little emphasis is placed on this part of training. In the past this has resulted in prisoners finding themselves unable to cope with the pace of normal industry. At a time when their self-confidence and resolve is being tested in adjusting to release from prison this inadequacy at work can be material in whether they adjust to freedom or relapse into crime.

Workshops

In recent years there has been considerable emphasis in the Annual Prison Reports on the building of new workshops, the renovation of old, and the purchase of new machinery.² The value of raw materials processed will be examined to indicate if there has been a significant increase in productivity.

¹Probably 15 per cent to 20 per cent according to the officers in charge of the workshops at Victor Verster Prison - visited July 1974.

²See Table 34 on following page.

T A B L E 34ANALYSIS OF PRISON INDUSTRIES 1968 TO 1973

	<u>Raw Materials Processed</u>	<u>New Machinery Purchases</u>	<u>Numbers Employed (Inmates)</u>	<u>Industrial Employees as Percentage of Prison Population</u>
1968-69	R1 647 823	R113 000 ¹	1 978	2,2
1969-70	R1 705 335	R32 800	2 058	2,2
1970-71	R1 741 999	R114 000	2 167	2,3
1971-72	R1 695 489	R51 000	No data	
1972-73	R1 816 337	R51 000	2 600	2,7

As can be seen the value of raw materials used annually by the workshops section has risen approximately 10 per cent during the last five years, a smaller rise than the inflation rate in these materials, consequently there has been no obvious rise in production.

To calculate productivity on the value of raw materials processed is clearly unsatisfactory but unfortunately no market or sales value has been placed on this output. Consequently one must be wary when comparing production with that of other countries where the sales value of goods produced is known but the raw material value is not known. Despite this caveat a few instances will be cited to help place the South African figures in perspective - the value of production has been changed into Rands at exchange rates prevailing in November 1974.

¹Victor Verster Prison R80 000.

PRISON INDUSTRIES

			<u>Number Employed 1973</u>	<u>Industrial Employees as percentage of Prison Population¹</u>
<u>Sweden</u> ²				
1971-72	Factory Work	45,5m Crowns (R7,6m)	2 096	+ 46%
<u>America:</u>	<u>Federal Prison Industries</u> ³			
1972	Sales to Government Agencies	Ø51,3m (R35,4m)	5 005	-
1973	Sales to Government Agencies	Ø54,0m (R37,2m)	4 973	21%
<u>California</u> ⁴				
1972-73	Sales to Customers	Ø10,1m (R7,0m)	1 952	-
1973-74	Sales to Customers	Ø11,6m (R8,0m)	1 885	8%
<u>England</u> ⁵				
1971-72	Cost of Materials	£4,16m (R7,6m)	15 500	47%
	Value of Industrial Produce	£9,25m (R14,8m)		

¹The difficulty in providing such a percentage is the uncertainty as to what the percentage of unsentenced persons may be. In Sweden in 1973 approximately 10 per cent were unsentenced.

²Factory Production Figure from "Employment Program and Costs 1971-72", Swedish National Correctional Administration 8th February 1973. The numbers employed were given for 1973 to the author's questionnaire.

³Federal Prison Industries Annual Report 1973.

⁴Correctional Industries - California Department of Correction, June 1974.

⁵England Annual Report of the Prison Department 1972, p. 48.

12.00 : Lunch. Work stops some 10 minutes before lunch so that prisoners can be escorted to the dining hall.

13.00 - 16.30 : Work starts and continues until 4.30 with a 10 minute tea break

16.50 : Supper starts

17.05 - 18.00 : Lock up

20.00 : Lights out

Exceptions

1. "A" Group prisoners are permitted free movement between dormitories until 10 p.m.
2. European inmates who are studying are grouped together and lights out is at 23,00 hours.

In practice most prisoners employed in the workshops, the building section, or on the prison farms work a forty-four hour week. This is substantially longer than the hours worked in many other countries. Those employed in maintenance work and domestic duties tend not to work such long hours.

Work Instruction

Work interruptions are permitted in South Africa for visits to the social workers.¹ However as the number of social

¹ Similarly visits for medical reasons, and interviews with the Institutional Committee or senior prison officers all take place during the working day.

workers is limited the effect of such interruptions on productivity is minimal.

L. TRADE UNIONS

L.1 Prisoner Trade Unions are not encouraged in South Africa.

L.2 In the 1950's there was liaison between the Department of Prisons and certain Trade Unions with regard to the recognition by the Unions of trade training in prison. Since then there has been regular contact in that the Unions help with the employment placement of offenders when asked to do so. However this happens on a very limited scale and closer co-operation with the Unions should be developed both in the interests of prisoners' future employment and to prevent misunderstandings with regard to the possible expansion of the Department of Prisons industrial programme.¹

M. CLASSIFICATION AND PRISON BOARDS

The application in South Africa of modern penological concepts in the treatment of offenders has resulted in an increased emphasis on reforming and rehabilitating offenders, as the principal means of preventing crime and reducing recidivism.

Bearing in mind the ultimate aim of rehabilitation, the South African prison authorities lay stress on a system of classification and individualisation.²

¹See Chapters IX and X.

²Prison Administration in South Africa. Published by the Department of Foreign Affairs, 1969, p. 10.

Once admitted prisoners are divided into various categories. Whites are separated from Blacks; men are separated from women; convicted are separated from unconvicted; young persons in their respective categories are separated from adults. Criteria for allocation to a particular prison are the degree of security of custody required, the training and work availability at a particular prison as related to the prisoner's needs, and where possible prisoners are imprisoned near their homes unless other factors predominate.

The rehabilitation system of the South African Prisons Department is based on individualised classification and is implemented in the following manner:

(a) Vertical

Prisoners are classified into Groups A to D taking into consideration past record, personality, conduct, general progress and security requirements. Privileges are extended accordingly (i.e. number of letters, visits, gratuity etc.).

(b) Horizontal

According to aptitude, qualifications and personal preference for the purpose of training.¹

The classification of prisoners as at the 30th June 1973 was as follows:²

	<u>Percentage</u>
Minimum Security : Group A	35,1
Minimum Security : Group B	49,5
Maximum Security : Groups C and D	9,9
Not yet classified	5,5

¹Ibid., p. 12

²Annual Prison Report 1972/73, op cit., RP 91/1973, p. 11.

The classifications A to D are initially made at the Observation Centre for long term prisoners, and at the Local Institution for short term prisoners¹ by the Institutional Prison Committee.

In July 1971 a start was made to

classify prisoners according to their intellectual ability, their personality make up and their prognosis, i.e. their rehabilitation potential, as a first step towards eventually providing separate institutions for different categories of prisoners, and introducing a specific treatment programme for each category.²

As no details of this new classification process have been published in South Africa the Commissioner of Prisons reply (September 1974) to the author's question concerning this classification is given in full in the appendix.

M.1 Observation Centres

Prisoners sentenced to periods of imprisonment are (where possible) sent to Observation Centres³ for full investigation and case study to determine the overall treatment programme. The studies made of prisoners at the Observation Centres are extremely thorough and take several months. Where possible the prisoner's background is investigated and detailed psychological tests are done.

¹On arrival at their training prison from the Observation Prison the long term prisoners initially lose their A to D grading until their good conduct shows that the grade was justified. In this way the prisoner is effectively reminded that good discipline is an integral part of the rehabilitation programme.

²Annual Prison Report 1970-71, op cit., RP 101/1971, p. 13.

³Whites go to Pretoria Central, Coloureds to Allendale near Paarl, and Africans to Leeuwkop. However observation centers for Africans have not been fully introduced due to the numbers involved and the difficulty involved in obtaining the necessary background information. For fuller detail see Department of Prisons Newsletter on "Classification" - this is undated but was produced in 1968/1969.

M.2 Allocation Committees

Since 1967 (Amendment Slip No. 5 of 3rd March 1967) Allocation Committees have been set up at all prisons to consider the comprehensive report submitted by the Observation Section, discuss it with the prisoner and draw up recommendations concerning the programme of treatment for approval by the Commissioner of Prisons.

These Allocation Committees consist of the following persons:

1. Chairman - Commanding Officer of the Prison (or an officer appointed by the Commanding Officer and approved by the Commissioner.)
2. Observation Centre member - if available.
3. A member in charge or suitable representative of the Building, Trade and Agricultural sections, if available.
4. A member who has been appointed as a social worker, if available.
5. Medical Officer - if deemed necessary.

In practice the employment officers are always present but not necessarily any of the others save the Chairman.

Ideally the social care officer should always be present.

M.3 Institutional Committees

As soon as the recommendation of the Allocation Committee has been approved by the Commissioner, the prisoner is designated to the specific institution recommended for his treatment.

To ensure that the individual programme of treatment is successfully applied, there must be continuity of observation. This function is undertaken by the Institutional Committee.

Progress reports on each prisoner are submitted to the institutional committee at each prison every six months, by the officer in charge of his work, the accommodation officer, the Chaplain, the social worker, and the medical officer if felt necessary. The prisoner himself appears before the committee and has the opportunity of speaking. Depending on the reports the committee can increase¹ or decrease the prisoner's gratuity, privileges etc. If the progress of the prisoner is unsatisfactory then recommendation for reclassification has to be submitted to the Commissioner, as deviation from the approved treatment programme is not allowed without prior consent.

Institutional Committees in practice have the closest knowledge of individual prisoners and very considerable powers over their welfare. There is of course the very real danger that the Institutional Committee can be dominated by the Commanding Officer who is senior to all other members of the Institutional Committee.

¹Gratuities are based on 3 Scales, each subdivided into 3 notches. To move a prisoner from one scale to another either up or down requires the authority of the Commissioner of Prisons. See pp. 710 supra.

Composition of Institutional Committees¹

Chairman	Commanding Officer of the Prison (or officer appointed by him)
Observation Centre Member	If available
Employment Officer	The officer in charge of the section in which the prisoner is employed
Accommodation Officer	The officer in charge of the section in which the prisoner is housed
Head of the Prison Hospital	If deemed necessary
Social Worker	If such an officer is stationed at the prison
Medical Officer or Social Worker	In an advisory capacity if deemed in the interests of the prisoner

M.4 Prison Boards

In terms of the 1959 Prison Act the Minister of Justice may constitute one or more prison boards² and declare the name and seat of a prison board, and define, extend or reduce the area of jurisdiction of a prison board.³ There are currently 38 Prison Boards. Their main functions are to hear reports and to reinterview long term prisoners every six months and to make recommendations to the Commissioner.

¹For long term prisoners most of the work allocated to the Institutional Committee is done by the Prison Boards. In addition the Prison Boards are responsible for allocating gratuities to both long term and short term prisoners.

²1959 Prison Act, Chapter VI.

³Prison Boards are sometimes known as Parole Boards.

regarding the prisoner's release. Such recommendations for release can be for release on parole, on probation or unconditional release. Similarly all recommendations for remission of sentence are made by the Prison Boards to the Commissioner who has the ultimate power in this matter.

By law the Prison Boards must report annually in writing to the Commissioner on the progress of those prisoners on whom the following sentences have been imposed:¹

T A B L E 36

PERSONS SUPERVISED BY PRISON BOARDS

	<u>Period</u>	<u>Numbers on 30th June 1973</u>
(a) Imprisonment for Corrective Training	2-4 yrs	6 866
(b) Imprisonment for the prevention of crime	5-8 yrs	8 665
(c) Imprisonment of two years or more	2 yrs +	23 051
(d) Life imprisonment; and in respect of each prisoner -	Life unless reduced	
(e) who has been declared to be habitually unemployed in terms of the Native (Urban Areas) Consolidation Act, (Act No. 25 of 1945);		
(f) Indeterminate Sentence	Minimum of 9 years	9 024
(g) with regard to whom a special report is required by the Commissioner of Prisons		
Total		<u>47 830</u>

¹Government Gazette Extraordinary Vol. 18 No. 1326, Pretoria, 31st December 1965, para 126(i), p. 78.

As at the 30th June 1973 there were 47 830 persons serving sentences which required detailed reports by the Prison Boards to the Commissioner of Prisons. It is clearly very difficult for the 38 Prison Boards to make realistic independent assessments of the various prisoners' progress, consequently they must rely on the reports of the prison officers to a very large extent.

In addition to their advisory functions on release the Prison Boards are responsible for helping prisoners find employment on release, and for the provision of aftercare. At present it is possible only to help White prisoners to find employment, and aftercare as understood elsewhere in the world hardly exists.

Composition of Prison (Parole) Boards:

Chairman	appointed by Minister of Justice on recommendation of the Commissioner of Prisons
Vice Chairman	appointed by the Commissioner
Other members	not always required
Quorum	2
Decision	by majority vote - Chairman has casting vote

In practice the majority of the members of Prison Boards are retired senior prison officers. The former practice of having Prison Board members from the community,

such as lawyers and doctors, has virtually died out.

Commissioner of Prisons

All major decisions in the South African Department of Prisons are made by the Commissioner of Prisons or the Minister of Justice. For example his consent must be obtained for all training programmes for long term prisoners, for the payment of gratuities, and for all matters concerning release.¹ These are very considerable powers to be vested in one man, especially when there is no right of appeal against his decisions.

N. POST RELEASE FOLLOW UP

No detailed post release study has ever been published in South Africa. One of the problems facing prison administrators and the legislature in South Africa is the almost total lack of research into virtually all the different aspects of crime, its causation, prevention, control and correction.

O. PRIVATE PRE-RELEASE

Private pre-release as understood internationally exists in South Africa on a very small scale. By pre-release is meant the release of the prisoner from custody during the day - without any supervision - so that he can work in normal society and receive normal pay.

¹This latter power he has delegated for release on parole for prisoners serving sentences of under four months. For the release of long term prisoners the Commissioner must obtain the Minister's consent, and in some cases that of the State President.

The desirability of developing private pre-release in South Africa is discussed in Chapter X.

0.1 Halfway House

In 1947 the Lansdown Commission recommended that an institution be established to accommodate and prepare prisoners, who have served a large part of their sentences at a normal prison, for release and absorption into society by gradual stages, in order to avoid abrupt release from the strict discipline of the normal prison, which, in many cases, simply resulted in an almost immediate relapse into crime.¹

Consequently a halfway house prison was established at Zonderwater with accommodation for 400 Europeans and 500 Non-Europeans.

Zonderwater is an open farm prison with better training and educational facilities than at most other prisons. However little attempt is made to actively prepare prisoners to help them to deal with the problems they will meet on release. Certainly nothing exists of the type described by Z.L. Whitlock in the Survey of English Prison Labour.²

0.2 Post Release Hostels

NICRO runs the only post release hostels for ex-prisoners in South Africa. There are four hostels with accommodation

¹Annual Prison Report, 1952, op cit., U.G. 37/1953, p. 13

²See Chapter VII, p. 444.

for approximately 60 prisoners.¹ The difficulty² with these hostels is that ex-prisoners tend to see them as an extension of prison. For many people they fulfil a vital function in helping them over the difficult early days of release. There is considerable scope for more such hostels, particularly for the less adequate recidivists.

P. PROBATION, PERIODIC IMPRISONMENT AND PAROLE

P.1 Probation

The author has been unable to obtain any worthwhile data on the present probation service in South Africa. For Europeans probation is organised by the Department of Social Welfare and Pensions, while the Department of Coloured Affairs is responsible for Coloured Probation, the Department of Bantu Affairs for Africans and the Department of Indian Affairs for Asians. In practice there is such a shortage of trained probation officers that effective Probation as understood in other parts of the world does not exist.³

In 1974 Mr. Justice Steyn commenting on the considerable although declining use of corporal punishment for juveniles

¹Information supplied by NICRO: 2 hostels in Cape Town; 1 in Johannesburg; 1 in Port Elizabeth. The hostel in Pretoria closed down but it is hoped to reopen it again shortly.

²In 1972 the author had a number of discussions with persons responsible for such hostels in London, from which it became clear that more must be done to improve the image of such hostels so that they are not looked upon by ex-prisoners as an extension of prison - for this naturally puts many prisoners off with the result that English hostels are rarely fully occupied.

³Probation for juveniles has existed in South Africa for many years.

said

... the belief and faith the judicial officer has in punishment as a necessary antidote for anti-social behaviour leads to the infrequent imposition of non-punitive measures such as probation, postponement of sentence or suspended sentences with compensation or community service as a condition of suspension.^{1,2}

However, in fairness to the judiciary, Judge Steyn comments

the problem the judicial officer has, is the absence of a realistic alternative (to corporal punishment for juveniles). Probation is in its infancy and Black probation officers are as yet a novelty. Administrative machinery such as a strong probation service has to be created before any real reform, particularly in respect of the juvenile, can be anticipated.³

In 1972 the Chief Justice of South Africa, Mr. Justice N. Ogilvie Thompson, commented that probation was relatively seldom used in South Africa in relation to adults. "In this latter respect our current practice differs considerably from that of many Western countries ..."⁴ The Chief Justice, while recognising that South Africa had special problems of race and culture suggested that it was of interest that Japan had greatly reduced her prison population by the use of probation, particularly voluntary probation officers working in close collaboration with

¹These forms of sentencing are available - see Sections 352 and 357 of the Criminal Procedure Act, No. 56 of 1955.

²Mr. Justice J.H. Steyn, Essays in Honour of Sir Leon Radzinowicz: The Punishment Scene in South Africa - Developments over the Past Decade and the Prospects for Reform (London, Heinemann, 1975), No page references given as the book is unavailable.

³Ibid., p. 38.

⁴Mr. Justice N. Ogilvie Thompson addressing the A.G.M. of NICRO 1972 and reported in March 1973 edition of NICRO Journal, pp. 10-11.

trained probation officers. In Holland probation and aftercare are to a large extent undertaken by non-governmental bodies which receive financial assistance from the State - Holland has only 18,3 persons in prison per 100 000 population compared with South Africa's 413 persons per 100 000 population.¹ To a large extent this small prison population is due to the non-custodial treatment of offenders.

The standard explanation in South Africa for the lack of trained probation officers² is that those persons with the correct basic training find employment in industry and commerce, both better paid and more congenial. The shortage of non-European officers is largely due to the inadequacy of educational facilities for Non-Europeans, and the need for Non-Europeans to contribute to the family income at an earlier age. There is clearly scope for developing a programme, in conjunction with the Social Science faculties of the Universities, to train social workers and probation officers in far greater numbers. The courses could be of various standards - a major course for professional probation officers, and lesser courses for voluntary officers to work under the guidance of professionals.

The savings in costs of dealing with prisoners extra custodially are very considerable. The whole matter is

¹See Table 2 supra, p. 631.

²The 1972-73 Annual Report of the Commissioner of Prisons on p. 11 states that there were 379 probation officers during this period.

discussed in more detail in the following chapter.¹

P.2 Periodical Imprisonment

Periodical imprisonment - sometimes known as weekend imprisonment - was introduced in 1959.² There has been an increasing use of the sentence over the last five years, but in practice it is still a minute percentage of all sentences passed.³ Mr. Justice Steyn, in an unpublished article, stated that he had some doubts whether it was a form of punishment really supported by the Prison Authorities.

It places additional administrative burdens upon them and in practice one finds that offenders sentenced to this type of punishment are often permitted - with attractive incentives - to serve a sentence of periodical imprisonment as one unbroken sentence.⁴

Experience in Belgium, where weekend imprisonment has been extensively used over the last ten years, is that it is a particularly severe form of punishment which few experienced prison officials support. According to the Belgian Director of Prisons, M. De Ridder, weekend

¹Chapter X, p. 897-900.

²Prison Act 1959, S.329 and S.334 (bis) of the Code.

³Use of periodical detention 1967-1973:

1.7.67 - 30.6.68	217
1.7.68 - 30.6.69	201
1.7.69 - 30.6.70	224
1.7.70 - 30.6.71	388
1.7.71 - 30.6.72	388
1.7.72 - 30.6.73	421

⁴Mr. Justice J.H. Steyn, Essays in Honour of Sir Leon Radzincowicz, op cit.

imprisonment seems to be in the interests of the prisoner and his family, and many persons given the option of a semi-detention¹ prison sentence or weekend imprisonment choose the latter. However after a few weekends the prisoner dreads his return to prison with its 48 hours of boredom relieved only by a brief period for exercise.² By being absent every weekend for perhaps six months he sees even less of his family, particularly young children, than if he had accepted a two month sentence. Finally M. De Ridder sees the sentence as entirely punitive and deterrent with no rehabilitative value whatsoever. Far preferable in his opinion is the system of semi-detention which has been in operation in Belgium for the last 10 years. Semi-detention, the release of prisoners at 6 a.m. and their return at 8 p.m. is available for suitable prisoners serving sentences of six months or less.³

In the light of Belgian experience semi-detention would seem preferable to weekend imprisonment, although weekend imprisonment is probably preferable to normal imprisonment.

¹See supra, p. 396 for description of semi-detention prison sentence.

²In Belgium the workshops do not work at the weekend.

³This system is being extended to those sentenced to 12 months imprisonment with the possibility of conditional release after six months. Interview with M. De Ridder, October 1974.

P.3 Parole

It is internationally accepted that an effective parole system is an essential corollary to a rehabilitation programme.¹ Parole has been described by the United Nations Department of Social Affairs as:

... the conditional release of a selected convicted person before completion of the term of imprisonment to which he has been sentenced. It implies that the person in question continues in the custody of the State or its agent and that he may be re-incarcerated in the event of misbehaviour.²

The purpose of parole is to help the released prisoner over the difficult transition from the regimentation of institutional life to the freedom of normal life.

It is based on the principle that training and treatment in the prison are only part of the correctional process which must be followed by a period of guidance and supervision in a normal community.³

Certain of the advantages of parole as described by leading penologists are that it encourages the prisoner to take a positive attitude to the institutional reformation programme, for only by good conduct will the prisoner be released on parole. Once granted, the possibility of parole revocation is a considerable deterrent. The assistance offered by the parole officer helps the prisoner to adjust to freedom and the regular meetings with the officer provides opportunity for follow-up research into the

¹American Correctional Association: "Manual of Correctional Standards, p. 606-607; Also U.N. "Parole and Aftercare," ST/SOA/S74, New York 1954, pp.2-4.

²U.N. "Parole and Aftercare", op cit., p. 1.

³Paul Tappan, Contemporary Correction (New York: McGraw Hill Book Company, 1951), p. 365.

efficiency of the treatment programme.¹

Financially parole is substantially cheaper than imprisonment. The actual cost obviously varies depending on the degree of supervision by the parole officer, and the nature of the prison system - whether it be orientated to treatment or custody.

In 1967 E.M. Rhoodie described parole in South Africa as follows:

A prisoner released under supervision is usually placed under the care of a probation officer and must observe restrictions and requirements with respect to reporting to the supervising officer, accommodation, alcoholic beverages, associates, types of employment, wages etc. In actual practice parole supervision exists largely in theory only. Probation officers of the Department of Social Welfare have their hands full with juvenile delinquents and other departmental duties so that little attention can be paid to the needs of the adult male parolees.²

This is substantially the position today. The need for more probation officers is discussed in some detail in the following chapter.

In South Africa certain diverse offences render prisoners ineligible for parole, among others these include the

¹See Max Grünhut, Penal Reform (Oxford: The Clarendon Press 1948), pp. 312-314; Donald Taft, Criminology, op cit., see Bibliography, p. 604; H.E. Barnes and N.K. Teeters, New Horizons in Criminology, (New York: Prentice Hall Inc., 1949), pp. 998-999; Paul Tappan, Contemporary Correction, see Bibliography, pp. 365-367

²E.M. Rhoodie, Penal Systems of the Commonwealth (Pretoria: H. & R. Academica, 1967), pp. 167-168.

following: offences against the Drugs Act, political offenders, offences involving weapons, assault, drunken driving, stock theft, illicit diamond buying, and sex offences. The author believes that release on parole should be based on the readiness of the prisoner to re-enter society and not on his offences.

Q. PRISON FINANCE - COST OF PRISONS

See Chapter I, pp. 138-152.

R. RECIDIVISM

Of the 364 200 sentenced persons admitted to custody during 1972-73 approximately 57 per cent were recidivists. However there is little point in comparing this percentage with that of other countries for a large number of sentences were for offences peculiar to South Africa.¹

S. PRISON PERSONNEL²

In 1972-73 the prison personnel were as follows:

Male	:	11 824	
			Total: 12 782
Female	:	958	

for a total daily average of 95 015 prisoners.³ In 1968 in England there were 15 000 men and women in the prisons department responsible for 35 000 prisoners in custody.⁴ Furthermore the

¹Recidivism has been dealt with in more detail in Chapter I, p. 92.

²Prison staff are discussed in more detail in Chapter X, pp. 884-892.

³Annual Prison Report 1972-73, op cit., RP 91/1973, pp. 2 and 9.

⁴People in Prison, Cmmd. 4214 1969, para 12, p. 7.

English prison authorities consider that they are very short of staff.

In March 1975 the Department of Prisons stated that the staff to prisoner ratio which they considered necessary was 1 White and 1 Non-White staff member for every 20 Non-White prisoners, and 1 White staff member for every 10 White prisoners.

On the whole employment conditions on the South African Department of Prisons are attractive by British standards when salary scales, adjusted to tax and the cost of living, are compared. So, although there is currently a shortage of 1 208 prison staff, the Department states that it experiences little difficulty in recruitment.

The importance of personnel adequate in numbers and quality can not be overemphasised. The First United Nations Congress on the Prevention of Crime and Treatment of Offenders said regarding the selection and training of personnel for correctional institutions:

Attention must be drawn to the change in the nature of prison staffs which results from the development in the concept of their duty from that of guards to that of members of an important social service demanding ability, appropriate training and good team work.¹

¹First United Nations Congress Report on Prevention of Crime and the Treatment of Offenders, A/Conf/6/1, New York 1956, p. 73.

T, MISCELLANEOUST.1 Public Relations

With the possible exception of Sweden one of the greatest obstacles to correctional reform and the rehabilitation of offenders is the antagonistic attitude of the community. This attitude is often the result of ignorance and a too hasty reaction to sensational reporting by the media. Thus the Blake escape in England gave rise to the Mountbatten Enquiry and Report, which resulted in greater security in English prisons.¹ In South Africa Mr. Justice Steyn sees little likelihood of change through the parliamentary process as

there is little demand from the voter or any group of voters for measures of this kind. In fact, such pressures as emanate from within the South African political framework would tend to consolidate the emphasis upon punishment as the principal means of controlling all anti-social conduct.²

In South Africa in recent years the importance of good public relations for the Prisons Department has been receiving increasing attention. In 1970 the Annual Report by the Director of Prisons commented on the ignorance of the general public regarding the activities of the Department, and stated that a film "Stigma" dealing with the after-care

¹Thus setting back the movement towards a greater emphasis on normal living conditions and reform rather than an over reliance on safe custody.

²Mr. Justice J.H. Steyn, Essays in Honour of Sir Leon Radzincowz, op cit.

of released prisoners had recently been completed for release to the general public.¹

In 1969 the Department of Foreign Affairs published a booklet "Prison Administration in South Africa" aimed at educating interested persons and refuting allegations of ill treatment. Apart from this booklet, and the Annual Prisons Reports, the main source of comment and information on South African crime and correction is from NICRO.

Lack of information, particularly about prisons, usually makes people suspicious that all is not as it ought to be. This is particularly so in South Africa where very little information is published by the Department of Prisons and where there has been no investigation into the Penal System since 1945.² The Annual Prison Reports are far shorter and less informative than they were 20 years ago, with less comment on the Department's policies. Compared with the reports of other countries they are particularly uninformative.³

¹This is the fourth such film completed in recent years. The author wonders how vigorously they have been distributed, for, although a regular cinema visitor, he has seen no mention of these films outside the prison reports during the last six years.

²A Commission of Enquiry into the Penal System was appointed in October 1974.

³Length of Annual Prison Reports:

1955-56	35 pages	Excluding Statistics all in one language
1968-69	14 pages	In two languages (i.e. only 7 pages)
1972-73	17 pages	In two languages (i.e. only 8 pages)

In contrast the English Annual Prison Report is always over 100 pages long. In 1972 the French Annual Report was 345 pages, the Belgian Annual Report was 45 pages, the Swedish Report was 95 pages, and the Israeli Report 1972-73 was 80 pages.

This is regrettable for "from the State's point of view, the question of public relations in the correctional field should get infinitely more attention."¹

The public must be brought to see that its own security depends not only on the development of a well implemented correctional system, but equally upon a sufficient measure of trust in, and aid to, released offenders whether under probation or parole. Since one twentieth to one tenth of a modern state's income is devoted to the struggle against crime without success, it is a source of perpetual amazement that politicians, statisticians, the public and the taxpayer do not rise up in protest at such a state of affairs.²

T.2 Research

In 1967 Mr. Rhoodie wrote

There is no doubt whatsoever that we lack essential data in every aspect of correctional work, whether in crime causation, judicial processes, treatment programmes, results or crime predictions.

He was referring to penological research in general, but nowhere is this more true than in South Africa. Time and again a line of enquiry is halted by lack of information and the inability to obtain such information without the active co-operation of the authorities.

The American Correctional Association states in its Manual of Correctional Standards:

Ever since the modern treatment of criminals and efforts to prevent crime began to replace the old primitive attempts at control, the need for more

¹E.M. Rhoodie (South Africa's Information Officer to the United Nations) in his book Penal Systems of the Commonwealth (Pretoria and Cape Town: H. & R. Academica, 1967), p. 47.

²Ibid., p. 48

knowledge of the processes leading to man's criminal behaviour and of the means of eliminating these processes came to be of paramount importance for the handling of the crime problem. Thus the availability and existence of scientific knowledge about crime has been termed a pre-requisite or pre-condition for effective crime control and prevention.¹

Without proper research and detailed information crime control can be little more than informed guesswork.²

In South Africa there is no institute of criminology, although one is about to be established at Cape Town University. Furthermore in recent years the Department of Prisons has discouraged all researchers who are not members of the Prisons Department from conducting research inside the prisons.³ This is in direct contrast to the official attitude in other parts of the world where such research is actively encouraged - in Belgium a whole wing of Louvain Prison is given over to the Department of Criminology of the University of Louvain. It is to be hoped that there will be close co-operation between the

¹American Correctional Association - Manual of Correctional Standards, p. 95.

²See Chapters IX and X.

³The author knows of nobody who has been premitted to conduct such research. He himself has been treated with unfailing courtesy by all members of the Department of Prisons from the Commissioner down to the junior warders. All questions have been fully and willingly answered - when the information has been available. Moreover all the institutions that have been visited have compared favourably with those visited in other countries. However, detailed research, involving regular visits to institutions and interviews with prisoners, has not been permitted.

proposed Institute of Criminology and the Department of Prisons with full opportunities for research by independent persons.¹

This survey of certain aspects of imprisonment in South Africa today is somewhat disjointed owing to the necessity of adhering to the format used in describing prison labour in those countries reviewed in Chapter VII. The next and final chapter contains further comments on prison labour in South Africa and the author's proposals for the development of prison labour so that it can become a meaningful part of the treatment programme.

¹By their very nature Prison Departments are usually organised with a command structure similar to that in the armed forces or the police. This is particularly so where government bodies tend to be authoritarian as in South Africa. This makes it very difficult for a member of the Department of Prisons to carry out objective research, for there cannot but be the thought that trenchant criticism may impair future prospects.

CHAPTER XTHE PROPOSED FUTURE DEVELOPMENT
OF PRISON LABOUR IN SOUTH AFRICAA. THE PRISON BUILDING SECTION

- A.1 Economic Aspects of Building Subsidised Townships with Prison Labour
- A.2 Penological Aspects of Building Subsidised Townships with Prison Labour
 - (a) Training
 - (b) Future Employment
 - (c) The Progressive Stage System
- A.3 Administrative Advantages of a Prison Building System
 - (a) Scope for Employment of Persons of Differing Aptitudes
 - (b) Elasticity of Labour
 - (c) Economic Advantages of the Elasticity of Labour in the Building Section
 - (d) Persons to be Employed by the Building Section
 - (i) Persons other than parolees
 - (ii) Parolees, pass offenders and persons unable to pay fines
- A.4 Certain Problems of the Employment of Prisoners in the Building Section
 - (a) Competition with Free Labour
 - (b) Accommodation of Building Section Employed Outside the Prisons
 - (i) Township construction projects
 - (c) Motivation of Prisoners in the Building Section
- A.5

- A.5 The Prison Building Section and Social Defence
- A.6 The Prison Building Section and Public Works

B. PRISON INDUSTRIES

- B.1 Aims of Prison Industries
- B.2 Workshop Organisation
- B.3 Proposed Management Organisation Structure
- B.4 Rationalisation of Prison Industries
- B.5 Prisoners' Occupational Background, Prison Labour and Post-Release Employment Opportunities
 - (a) Work Skills
 - (b) Research into Work Skills of Prisoners
- B.6 Location of Prison Workshops
- B.7 Prison Industries: The Advisability and Practicability of Developing Prison Industries in South Africa Simulating Private Industry

C. PRISON MAINTENANCE AND DOMESTIC DUTIES; PUBLIC WORKS AND PRISON FARMS

- C.1 Prison Maintenance and Domestic Duties
- C.2 Public Works
- C.3 Prison Farms

D. THE EMPLOYMENT OF PRISON LABOUR BY PRIVATE PERSONS

- D.1 Parolees - Farm and Construction Work
- D.2 The Employment of Prisoners by Private Industry - The Contract System

E. PRISON

E. PRISON LABOUR AND REHABILITATION

- E.1 Rehabilitation: Finding the Balance Between Employment and Other Forms of Rehabilitative Treatment
- E.2 Rehabilitation: Work and the Progressive Stage System

F. REHABILITATION: WORK AND REHABILITATIVE TREATMENT RELATED TO THE LENGTH OF SENTENCE

- F.1 Classification, Central Recording of Data, Supervision
- F.2 Short Term Sentences
- F.3 Medium and Long Term Sentences
 - (a) Classification
 - (b) Work and Progressive Stage System

G. REHABILITATION: THE NEED FOR PRISONER CO-OPERATION

- G.1 Prisoner Consultation and Involvement in Goal Setting
- G.2 Motivating Prisoners to Work
 - (a) Wages
 - (b) Weekend Home Leave
 - (c) Annual Leave
 - (d) Remission of Sentences
 - (e) The Progressive System and Pre-Release Treatment Including Work Release
- G.3 Breaking Down the Prison Culture

H. REHABILITATION: THE ROLE OF PRISON STAFF

- H.1 Recruitment and Training
- H.2 Limitations on the Influence of Prison Officers
- H.3 Custody or Rehabilitation
- H.4 Finance

I. PUBLIC PARTICIPATION IN THE PREVENTION OF CRIME
AND TREATMENT OF OFFENDERS

- I.1 Community Responsibility for Crime
- I.2 Public Participation in the Criminal Justice System
 - (a) Crime Prevention and the Apprehension of Offenders
 - (b) Prison Visitors
 - (c) Probation - Use of Volunteer Probation Officers
 - (d) The Role of Commerce, Industry and the Trade Unions
 - (e) The Role of Educational and Research Bodies
 - (f) The Role of the Department of Prisons
 - (g) Planning Bodies
 - (h) Community Participation on Parole Boards
 - (i) Short Term Return Centres
 - (j) The Reintegration of Released Prisoners with Society

CHAPTER XTHE PROPOSED FUTURE DEVELOPMENT
OF PRISON LABOUR IN SOUTH AFRICA

Section 2(2) of the Prisons Act of 1959 states:

The functions of the Prisons Department shall be as far as practicable to apply such treatment to convicted prisoners as may lead to their reformation and rehabilitation and to train them in habits of industry and labour.

As has been shown in Chapter IX there are today some 100 000 prisoners in South African prisons at any one time of whom approximately 48 000¹ are serving sentences of over two years. During 1972-73 out of the total of 95 000 prisoners probably less than 5 per cent were employed in anything other than the simplest manual labour.²

It seems probable that a large number of the remaining 50 000 persons are capable of more than physical labour and that properly organised they could be employed where their efforts would be of greater training value to themselves and of greater economic

¹Annual Prison Report 1972-73, op cit., RP 91/1973, p. 8 showed that 47 930 persons were serving sentences of 2 years or over on 30th June 1973.

²It will be recalled from p. 642 that prisoners were employed as follows:

Industries: 2 600; Building Section: 3 000; Prison Farms: 6 200; Prison Farm Outstations: 9 489; Prisoners Leased Daily to Various Bodies: 20 000; Maintenance: 15 500; Unemployed: 19 345; Unemployed Awaiting Trial: 18 879; Total: 95 015.

value to the State. In less than twenty years the daily prison population has risen from 30 000 persons to 100 000 persons, so it is hardly surprising that the Department of Prisons has found difficulty in finding satisfactory employment for these numbers. They have adopted what is probably the best short term solution, being the employment of prisoners on farms and their employment outside the prison environs working for the State and other bodies. However, those policies which are best suited to solving immediate problems are not necessarily the optimum long term solutions. This is appreciated by the Department and it is their stated intention to gradually do away with the private employment of prisoners and to replace it with employment on farms owned by the State. The pace of such change will be influenced by two conflicting pressures. The internal political influences of private persons (particularly farmers) to retain prison labour, and external international political pressure to abandon all leasing of prisoners to private employers.¹

The policy of the Department of Prisons is to develop more prison farms. This is in line with international penological thinking that constructive work in the open air, particularly in farming, can be of rehabilitative value. However there has been virtually no research either in South Africa or elsewhere comparing the training and rehabilitative effect of farm work with other forms

¹The author is in favour of the private employment of prisoners but not as currently practised in South Africa. See *infra*, pp. 821-825.

of training.¹ Doubts have been expressed as to the value of farm work for people, the great majority of whom come from, and will return to, urban backgrounds. In England the Prisons Department referring to such objections during 1974 said:

The purpose of the industrial and farming programme is directed less to training a man to do the job he might get in the outside world, than to helping him to acquire the habit of regular work and the self-respect that comes from useful work.²

This statement refers to farming in the context of only one of various types of employment, and sees its particular advantages as being for the occupation of those prisoners who are likely to take up or return to farming on release, or whose sentences are too short to permit of formal training in such work as the prisoner may take up on release, or finally, as a reservoir for the fluctuating prison population - farming being more adaptable than industry to accommodate labour.³

In South Africa there has been no detailed research into the work backgrounds of prisoners and nobody knows how many prisoners are from rural and how many from urban backgrounds. Significantly the vast majority of the prison staff in South Africa have come from farming backgrounds, very few have had any experience in industry or construction or any commercial undertaking.

¹The author has been unable to discover any such research. The closest is the labour colony research by Paavo Uusitalo in Finland. "Recidivism After Release From Closed and Open Institutions," The British Journal of Criminology, Vol. 12 No. 3 July 1972.

²Farms and Gardens in Penal Establishments". Policy Statement No. 4, Home Office Prison Department 1974, p. 6.

³Ibid., pp. 6-7.

As a result of this experience and knowledge of farms, even if only at second hand or as children, South African prison administrators have an unshakeable belief in the value of hard physical work in the fields, and point to the comparatively low rural crime rate as justification of their belief. But life in the cities is very different from life in the country, and it is the inability to adjust to the city life which so often leads to crime. Physical work on a farm may teach habits of industry and enhance trust, responsibility and self respect, but it is not necessarily the best training for a man who has to spend his life in a workshop on a production line. In fact it is quite possibly detrimental in that the man will enjoy the variety of farm work in the open air and find it more difficult to settle down to urban employment - yet for practical reasons he must live his life in a town.¹

Prison farms have an important role to play in the employment and rehabilitation of prisoners but they must not be developed out of proportion to other forms of employment until they can be shown to be of greater rehabilitative value.²

¹Undoubtedly some people may move to rural employment but in South Africa the attraction of the towns is very strong for Non-Europeans - better pay, better education, better recreational facilities, in short the opportunity to improve yourself and your family.

²An interesting experiment is being tried in Brazil where certain prisoners from rural backgrounds are accommodated on a large prison farm. Each prisoner is given 6 acres to cultivate and is supplied with basic tools, and fertiliser. The produce is bought by the institution and on completion of the sentence the prisoner is paid for any improvements made to the land. Married men live in separate houses with their families while single men live in hostels. Medical facilities and schooling are provided. This scheme has many advantages but in South Africa the funds available can be better spent in building townships and reducing the causes of crime. See U.N. Report The Integration of Prison Labour with the National Economy. 1960, A/Conf/17, pp. 26-27.

The current international trend in countries where the prison population is predominantly from the towns is for the employment of prison labour in efficient, profit orientated prison industries. Problems of competition with private employers and organised labour are being overcome as people become aware that prison labour is only a small part of the national labour force,¹ and aware of society's responsibility towards the rehabilitation of offenders.

In the last three years the cost of the South African Department of Prisons has risen from R30 to R55 million per annum.² Yet there is little likelihood of the revenue from prison labour significantly increasing to meet these costs. In Japan the Prison Department has been self-supporting for many years,³ and in France, Belgium, England and Sweden to mention only a few,⁴ prison labour is being used to an increasing extent to contribute towards the costs of the correction departments. Not only are attempts being made to make prison work as efficient as possible but it is argued that it is good reformatory training to do so, nor has there been any suggestion that prison labour is being exploited in these countries. In South Africa there is considerable scope for the development of prison labour, and if properly organised

¹In Britain prison labour is less than 0,1 per cent of the total national labour force. See survey on English Prison Labour, Chapter VII, p. 426.

²See Cost of Crime, *supra*, p. 142.

³Masaharu Yamagimoto, "Some Features of the Japanese Prison System," *British Journal of Criminology*, Vol. 10, July 1970.

⁴See Chapter VII.

this can be of value economically, penologically and socially in the removal of certain criminogenic social conditions.

A. THE PRISON BUILDING SECTION

One of the most important contributory causes to the high crime rate in South Africa is the inadequate housing, particularly for Non-Europeans in the urban areas.¹ This is particularly true of the Coloured community of the Cape Peninsula where there is a shortage of approximately 50 000 dwelling units.² At present the Department of Prisons Building Section employs some 3 000 prisoners who are engaged in building work specifically for the Department of Prisons. The author proposes that the Building Section be increased substantially so that prisoners can be employed in State projects such as the construction of low cost housing. In addition the Building Section should be used in the construction of State buildings other than for the Department of Prisons.³

A.1 Economic Aspects of the Building of Subsidised Townships with Prison Labour⁴

Low cost housing can be built in either of two ways. The cheaper of the two methods depends on the comparative

¹The author has first hand knowledge and experience of housing in the Cape Peninsula, and a broad understanding of the building trade throughout South Africa.

²See Chapter III, p. 203-210.

³See Section A.6 infra.

⁴The author has discussed this proposal with various directors of the major construction companies in the Cape - Murray and Stewart, LTA, and Dura Construction, and is satisfied that the scheme is both practicable and economically viable.

costs of building materials and labour. Either the houses can be built of precast units where the labour cost is low but the materials cost is comparatively high, or the houses can be built of concrete blocks where the materials are less but the labour content is higher. Under today's labour costs¹ the first system is the cheaper provided that the contract is for a sufficiently large number of similar units so that the cost of setting up the plant is justified. However with the use of prison labour, assuming that it is paid at below market wages, the second system will be the more economic.

A.2 Penological Aspects of Building Subsidised Townships with Prison Labour

(a) Training

It is an accepted fact that men with a trade skill form a very small proportion of most prison populations. This is particularly true of the building trade. Furthermore construction work is a form of employment which appeals to a large number of prisoners. They see it as a manly occupation, challenging their physical and manual skills with the added advantage of taking place in the open air. The end product is there to stay as proof of their efforts, and, as anybody who has done any building work will know, this is very rewarding.

¹61 cents per hour for a building industry labourer in the Western Cape. January 1975.

²This has been confirmed in England by the recent detailed survey of the prisoners of the South East Region carried out by the Home Office Research Unit.

In the past in South Africa training in the building section has usually been reserved for those prisoners serving sentences of over two years, or for those who have had previous experience in this field. The normal apprenticeship period in South Africa for the building trade is 5 years. As described in the survey of English prison labour the British Prisons Department have had considerable success with short intensive sixteen week courses in the different building trades followed by practical work on specific jobs.¹ These courses, which consist of 40 hours instruction per week, have been formulated with the help of all sectors of the construction industry and the course syllabi are recognised by the Construction Industry Training Board.

In practice it means that prospective employers of inmates who have completed a course can be assured:

- (a) About the standard of training given, and
- (b) That it fits the pattern of outside training.²

The trainee receives a certificate that he has completed the 16 or 26 week course³ and arrangements have been made with all the construction industry trade unions for trained inmates to be considered for membership of a union

¹See English Prison Labour Survey, Chapter VII, p. 421-424.

²"Construction Work by Prison Inmates," produced by Home Office Prisons Department, 1972, p. 9.

³If there is insufficient practical work available trainees can be given a further 10 weeks workshop training after completion of the 16 week course.

on their discharge. The normal building trades apprenticeship in Britain is being reduced to two years, and the prison training can give exemption to a maximum of one year, and entitlement to 90 per cent of the pay of a qualified man. One of the key features of the English training scheme is the high morale which is developed in the trainees. Only volunteers are considered and these are carefully interviewed and tested before acceptance to see that they have the necessary mental and physical aptitudes for the particular trade selected by them. Of even greater importance is the selection of the trade instructors:

Experience has shown that the success of courses depends almost wholly on the skill and personality of the instructor. It is desirable that he has many years of practical site experience preferably at all levels from craftsman to site manager. The importance of selecting the right man as instructor cannot be overemphasised, for without him the course will fail to reach the required standards.¹

The usual complaint of outside building contractors who employ prison trained men is that their pace of work is too slow.² The trades foremen in Britain are particularly aware of this danger and they aim at turning out a bricklayer who can lay an average of 650 bricks per day, and for other trades they estimate their productivity at

¹"Construction Work by Prison Inmates," op cit., p. 10

²The author heard this complaint from nearly every building contractor in South Africa with whom he discussed prison labour.

between 65 and 75 per cent of the normal outside rate.¹

Traditionally in most countries there has been understandable reluctance by private employers to hire ex-prisoners. One of the side effects of increased co-operation between the Prisons Department in England and the private sector has been the increased willingness on the part of employers to give prisoners a chance. This is particularly true of the Prison's Building Section whose 'graduates' are actually sought after.

(b) Future Employment

In South Africa there is a shortage of skilled construction workers, both artisans and skilled operatives. The extent of the shortage varies depending on the national economy and the amount of construction work being undertaken by the public sector. Any determined attempt to remove the shortage of houses for Non-Europeans will be governed by the availability of materials and manpower. In the Greater Cape Town area, where some 50 000 dwelling units are currently needed with an additional annual requirement of 6 000 houses, it is probable that even to build 6 000 extra houses annually would severely strain the current supply of trained manpower.

¹The author made enquiries in the construction industry in England and learnt that prison trained men were in demand by the large construction companies. Since 1968 some 35 000 persons have been trained as artisans or skilled operatives by the Prison Department's Building Section. Approximately 2 000 trainee artisans complete courses every year.

Ideally, inmates should receive training in such work as they will take up on their release from prison. One of the dangers of rapidly expanding the prison's building section is that this may result in a glut of trained construction workers once the housing shortage has been removed. On the other hand unless radical steps are taken to train more men there is little likelihood of sufficient houses being built fast enough to keep pace with the demand for housing. This in turn will cause more overcrowding and slum conditions with more crime. How real is the danger of causing unemployment in the construction industry? According to the Council of the Building Industry there is currently a shortage of several thousand trained artisans¹ throughout the country.

Even if the Department of Prisons develops a Building Section of 20 000 persons it will only form 5 per cent of the total building industry.² The authorities must be aware of the dangers of causing unemployment but this fear must not be exaggerated through a lack of knowledge. What is required is detailed research into the future anticipated requirements of the construction industry for artisans, skilled operatives and labourers. Such research must be carried out with the full co-operation of the

¹Particularly in the trades - bricklayers, plasterers and tilers.

²In April 1974 there were 403 700 persons employed in the construction industry according to the Department of Statistics. Quoted from A Survey of Race Relations in South Africa for 1974, Johannesburg: South African Institute of Race Relations, January 1975).

National Council of the Building Industry.¹ In this way the dangers of unemployment can be obviated and the understanding and active support of the construction industry be obtained, as is the case in Britain today. The importance of the support of the private sector cannot be overemphasised for without their goodwill the Prison Department's efforts will be largely wasted.

(c) The Progressive Stage System

The Building Section is ideally suited for the progressive advancement of a prisoner towards final release. Initially after reception, a prisoner with the necessary aptitude and length of sentence could be given a 16 week training course in some trade and thereafter could join one of the building groups working inside the prison confines. Once he had proved himself capable of good work and provided he was not considered a danger to society, he could be transferred to work in the semi-open conditions of the township housing projects.

The township housing projects could themselves be divided into different grades of security, pay and privilege. In the first grade one could work under the direction of trades qualified prison personnel. From this grade one could advance to the state of "Day

¹The author has discussed this suggestion of employing prison labour to build houses in the Non-European areas with representatives of the various Building Trades Unions and found them broadly in favour of the idea. See p. 933 supra.

Release" where you would leave the prison hostel in the morning, work all day in conditions of freedom and return to the hostel by 8 p.m. in the evening. In this grade the prisoner would receive market wages which he would pay in to his supervisor on his return to the hostel. From these wages would be deducted a sum for his board and lodging, a sum for the maintenance of any dependents, and a sum to be saved for his eventual release - the remainder could be spent as the prisoner wanted.

As an additional incentive to good behaviour and as a reward for good work a prisoner could become eligible for weekend leave. The details of such a scheme would require careful consideration and enquiry as to the problems encountered by other countries (such as Sweden) who have experienced weekend leave. The great advantage of such leave is that it helps to keep together a man and his family, and a stable family life helps to prevent crime.¹

¹The problem of weekend leave is complicated by the person who has no family or friends with whom to spend the weekend. In South Africa migrant workers in particular may have families hundreds of miles away, far too far for a weekend release. In addition the criminogenic conditions of the Non-European townships are such that weekend leave could result in certain prisoners committing offences while on leave, and former gang members might be intimidated into resuming criminal activities. On the other hand the very brevity of the leave period might help certain prisoners to break away from their former associates.

A.3 Administrative Advantages of a Prison
Building Section

The construction industry has many of the advantages of farming for the employment of prison inmates with the added advantage that it is predominantly an urban occupation and therefore suitable for the majority of prisoners.

(a) Scope for Employment of Persons of
Differing Aptitudes

Only a limited number of persons have the necessary aptitudes to benefit from trade training. However the scope of the construction industry is such that less able persons can receive useful training. The increasing wages being paid to labour has necessitated a more careful use of manpower in South Africa. Thus the major building contractors are developing brief courses to train labour to do specific tasks. For example a man can be trained in excavation work, the preparation of foundations and the laying of pipes. Such training will take approximately a fortnight and thereafter the man's value to a contractor is considerably enhanced. Such training can be of value to prisoners serving short sentences. In addition to acquiring a skill they gain experience of the building industry which may encourage them to seek employment in construction work when they are released.

(b) Elasticity of Labour

One of the advantages of farming which is to some extent shared by the building industry is its ability to absorb and employ varying numbers of people. Most industries are relatively inelastic in that the work pace is largely governed by machines, consequently an extra employee often has nothing to do. In the building industry, unless it is highly mechanised, and we are here primarily considering house building which is labour intensive, an increased number of workers means that the work proceeds faster provided that it is properly supervised. This elasticity of labour is of considerable advantage when one is dealing with an uncertain labour supply such as exists in prison.

(c) Economic Advantages of the Elasticity of Labour in the Building Section

In industry if one wants to increase the number of employees one has to increase both plant and machinery. Not only is this expensive but it takes considerable time and planning to expand an industrial operation. This is less true of the building industry, particularly house building, where no factory is required as materials can be stored on site, and where little is required in the way of machinery. Thus a building section can be expanded and contracted remarkably easily and with very little capital cost. In the short term the Department

of Prisons could expand their building section to help with the construction of subsidised housing in the townships. Once the present backlog has been reduced and the normal productive capacity of the building industry is capable of keeping pace with the annual housing requirements then the Department's building section could be reduced. The actual financial cost of decreasing the size of a building firm specialising in simple housing is virtually negligible for very little capital need be tied up in equipment.

(d) Persons to be Employed by the Building Section

(i) Persons other than Parolees

Construction work is suitable for the employment of persons with a wide variety of sentences. As discussed¹ above it is equally suitable for the employment of prisoners with custodial sentences, and those on day release. Equally it can be used for certain of the prisoners who are currently released on parole² or as an alternative sentence other than imprisonment with the offender's work being forfeit to the State.

¹The Building Section and the Progressive Stage System, p. 768.

²During 1972-73 124 648 prisoners with sentences of under 4 months were released within 24 hours of sentence on parole to work for private employers. Annual Prison Report 1972-73, op cit., RP 91/1973, p. 6.

(ii) Parolees, Pass Offenders and Persons
Unable to Pay Fines

As described earlier¹ parole is used in South Africa as an administrative measure to prevent overcrowding in the prisons and to keep minor offenders away from the bad effects of prison life. An offender is released on parole to work for a private employer (usually a farmer) for a period of under four months. The employer is responsible for his care during this period. The prisoner receives wages for his work and theoretically these are equivalent to market wages less the additional expenditure occasioned by him.²

It would be a mistake to generalise about parole as understood in South Africa. For those persons who have no regular homes or employment work on parole can be a steadying influence. For others it can mean an unfortunate break from their work and families. For pass offenders unable to pay their fines it can only be a punishment. The system of parole could be adapted to incorporate working for the Department of Prisons Building Section - particularly in township construction.

¹See Chapter IX, p.679.

²Board and lodging, clothing and transport costs.

Parolees with no regular employment could readily be employed by the Building Section. Where possible they could live with their families or friends but failing such accommodation they could be housed in hostels and the costs of board and lodging deducted from their pay.

Pass offenders could be employed by the building section, and housed in special hostels under the control of a non-governmental body such as NICRO.

All too frequently people are sent to prison because they are unable to pay their fines.¹ No work section wants these prisoners as usually their period of imprisonment is too short to justify training in anything other than the most basic work. These persons could be employed by the Building Section and given the opportunity to pay off their fines. So instead of a sentence of 10 days or R10 the offender could earn sufficient while employed by the Building Section to pay his fine after a few days.

¹This can be avoided if the person has employment by permitting the payment of fines in stages. Usually the fines are for small amounts, frequently less than the cost of imprisonment.

A.4 Certain Problems of the Employment of Prisoners in the Building Section

(a) Competition with Free Labour

In 1952, when the Building Section of the Department of Prisons was first started, there were objections from labour and employers organisations that this was unfair competition. However the Department was able to convince them that their fears were groundless. Similarly today, before any major expansion of the Building Section can take place, there must be frank discussions with these bodies to obtain their co-operation. During 1974 the author discussed with major contractors and representatives of the Building Trades Unions of the Cape Province the suggestion of employing prison labour to build houses. Neither party felt that this would cause unjust competition, nor did they object to the suggestion that full market wages would not be paid to the workers. This latter point they accepted on the understanding that prisoners would not be exploited and that they would only be employed on State subsidised work. Should they work for a private employer, as might happen on a pre-release scheme or on parole, then the Unions insist that the men should receive the market wages commensurate with their skill and experience.

The author found the trade union officials most helpful and willing to co-operate with the Department of Prisons should that help be asked for. Certain officials were

regularly approached by either the Department or NICRO to help with the employment placing of a released man, but such officials were very much the exception and the majority of union officials were only very rarely asked to help. There is considerable scope for increased co-operation between the Department and the Trade Unions.

If it should be decided to expand the Building Section on the lines proposed then a consultative committee must be formed with representatives from the Prisons Department, the employers and the Trade Unions. Such a body will be invaluable in minimising friction between the different groups, in providing technical experience and in stimulating the interest of employers in the fate of prisoners so that on their release there will be less reluctance to employ them.

(b) Accommodation of Building Section
Employed Outside the Prisons

(i) Township Construction Projects

It is envisaged that a number of different categories of prisoners would be employed on the housing projects, including parolees and day release prisoners. However prisoners requiring strict confinement would be employed in normal security prisons.

Those prisoners to be employed in building the townships could be accommodated close to their work in hostels which could be readily adapted for other uses once they were no longer required by the Department of Prisons. No buildings in the townships are ever wasted. These hostels could be behind a guarded perimeter fence if this were thought necessary.

(c) Motivation of Prisoners in the Building Section

The whole subject of the motivation of prisoners is dealt with later. Suffice it to say that the author does not consider it practicable in South Africa today to pay full market wages to prisoners in the Building Industry - unless wages are adjusted to output.¹

A.5 The Prison Building Section and Social Defence

The elimination of the Non-European housing shortage by the construction of new townships and the renovation of old buildings in existing townships would be a significant step towards reducing the crime rate in these areas. The fact that prisoners themselves might one day live in one of the houses which they had built would help to create a greater feeling of responsibility and interest in the building work. In some cases one might have a group of houses being built

¹See infra, pp. 860-862.

by prisoners and a group being built by free workers and the spirit of competition might be engendered between the two groups. The fact that they would be working for the benefit of their own communities, rather than the State or some private person, could enhance the value of the work in their eyes.¹

A.6 The Prison Building Section and Public Works

In the past in South Africa prison labour has been used to help with the construction of major public buildings. The best known example is the Union Building in Pretoria where convicts were used to clear the site.² There seems no valid reason why the Prison's Building Section should not be employed in government building work other than for the Department of Prisons, provided that the work was comparable in quality and cost with that of outside contractors.

In Spain and Portugal prisoners are employed in all manner of building work for the State. In 1958 a modern

¹Some people will argue that by allowing prisoners to mix freely in this fashion the whole character of a prison sentence alters and loses its punishment aspect. The author would like to stress that the ultimate aim is to help offenders to lead normal lives and to adopt socially acceptable standards of behaviour. Society's insistence on punishment makes such a change of attitude the more difficult.

²The prisoners who worked on the Union Building project were members of a roadcamp - the Annual Prison Report for 1910-1911 commented further on such camps: "The fact that these natives (employed on road camps) are not given prison clothes has benefitted the Treasury, both directly and indirectly - directly in saving the cost and indirectly in securing a far larger payment of fines through the native strenuously objecting to working for the government in his own clothes." p. 113.

5 storey office block was built in Lisbon almost exclusively by prisoners.¹

B. PRISON INDUSTRIES

At present in South Africa prison workshops employ approximately 2 600 persons daily, these are usually European prisoners serving sentences of two years or longer. The pace of work is slow being geared to the training of the prisoner rather than to productivity,^{1,2} and in practice no proper attempt is made to analyse the costs of production. As described in Chapter IX all prison made goods are solely for the use of government departments.

Even if the training in South African prison workshops is good, only a very small proportion of the total prison population can benefit from such training. The majority of prisoners are employed in menial tasks. The author believes that this underutilisation of manpower is an unjustifiable economic waste and an inadequate attempt at the reformation of offenders through the medium of constructive work. The author proposes that prison industries should be expanded considerably so that very many more prisoners can be given training and experience in industrial work. This work should be similar to that which prisoners are likely to

¹See U.N. Report prepared for the Second U.N. Congress on the Prevention of Crime and the Treatment of Offenders 1960 "The Integration of Prison Labour with the National Economy, including the Remuneration of Prisoners", A/Conf/17, pp. 28-29.

²Despite this emphasis on training very few prisoners pass trade exams as discussed earlier. See Chapter IX, G - pp. 684-692.

encounter outside, as the English Advisory Council on the Employment of Prisoners stated:

Swedish experience has confirmed the view that the most suitable work is that which is generally known in industry as unskilled or semi-skilled repetitive work.¹

The basic aim of employment should remain the rehabilitation of the offender but this goal is seen as being best achieved by way of the development of profit orientated industries, selling their products to government departments and on the open market at market prices.

B.1 Aims of Prison Industries

In England the aims of Prison Industries were defined as follows:²

1. To keep occupied all those allocated (having due regard to the needs of other requirements and services) to industrial work.
2. To train those who can benefit from it in the habit of doing useful work under conditions and at a tempo comparable to outside industry, so that they may be better able to get and keep jobs on discharge.
3. To allow prisoners and trainees to earn money as motivation for work, for use in improving their own conditions or to dispose of in any other agreed ways.
4. To supply as much of prison needs from internal resources as can be done economically and consistently with the other aims.

¹"The Organisation of Work for Prisoners," Third Report of the Advisory Council on the Employment of Prisoners. HMSO 1964, para 7, p. 4.

²Although these aims have already been quoted in the survey of English Prison Labour, p. 410 they are set out here as the author considers them equally applicable to South Africa.

5. To obtain from prisoners and trainees a contribution to the community by the creation of goods and services.
6. To make economic use of the considerable labour force which the prison population represents and which ought not to be wasted.
7. Consistently with these aims to make prison industrial activities as profitable as possible (measured in terms comparable with those of outside industry).

It is significant that the penological aims are stated first and that the aim of profitability should be stated last. This is in line with the Standard Minimum Rules for the Treatment of Prisoners.¹

- Rule 71(1) Prison labour must not be of an afflictive nature.
- Rule 72(1) The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.
- Rule 72(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

Those who favour profit orientated industry argue that the work itself constitutes training for the men engaged therein, and only by simulating the pace of private industry can real benefit be obtained. Those persons who have the aptitude and length of sentence to justify full vocational

¹See Chapter V, pp. 264 for a full statement of the Standard Minimum Rules with regard to prison labour.

training should be given such training. This can be done by theoretical training followed by practical experience in the workshops. Such treatment is not applicable to the majority of offenders.

B.2 Workshop Organisation

The English Advisory Council on the Employment of Prisoners in their Third Report "The Organisation of Work for Prisoners" considered it necessary to set out the basic "essentials for well run prison workshops as a preliminary to considering how central management be organised to achieve efficiency."¹ For anybody with experience of industry these requirements are patently obvious yet they are far from common practice in prison workshops although the need for them is recognised by most prison administrators. They are:

- (a) "A constant flow of orders.
- (b) A constant flow of raw materials and adequate storage space for working stock.
- (c) Efficient storage, stock control and disposal arrangements for finished goods.
- (d) Workshop buildings which are well suited in design and construction to the industries they contain and which provide good working conditions."²

¹"The Organisation of Work for Prisoners," op cit., p. 6.

²Ibid., p. 7.

Working conditions in prison should be better than in outside industry with more space being allocated per prisoner. Although prison factories will initially cost more to build, the cost of even doubling each prisoner's floor area will be negligible when offset over the life of the building and the number of prisoners who will work there. Prisoners have fewer of the mental distractions of outside workers. They can not leave at night free to do what they wish until the following morning, instead they must spend their leisure hours with their work associates. South Africa is relatively fortunate in that many of the prison workshops have been built in recent years, although there are a number of old fashioned workshops redolent of the Victorian era. Industrial psychology and management has become increasingly aware of the need to humanise the workplace, both in the interests of productivity and to retain employees. Thus for example many workshops play "canned" music all day, while some have painted the walls bright colours rather than white or a dull grey. Research in England has shown that prisoners would far rather work than remain idle in their cells, for work breaks the monotony of the day and gives opportunities for talking to people.¹ These rather negative attitudes should be

¹Sandra Dawson, "Industrial Work in a Prison Context - Problems and Potential," unpublished research August 1972, p. 32. Sandra Wilson is a senior lecturer at the Imperial College, London.

strengthened by the work being as constructive as possible and the workplace being reasonably bright and attractive.¹

- (e) "Workshops should be planned for maximum efficiency.
- (f) Suitable, well maintained and up-to-date machinery (this is necessary not only in the interests of efficiency, but also to simplify job training, so that released prisoners will not find their training out-dated.)
- (g) The most efficient production methods.
- (h) Maintenance of a good tempo of work.
- (i) Efficient job training separated from production."

All too frequently the organisers of prison industries deliberately break up a task done by one man so that it is done by several men. In this way virtually no training is required and the prisoner learns by watching his colleagues. This has the further advantage of making jobs easy to interchange so that if a man is absent from the shop for some reason his work can be carried on by somebody else. In prison workshops

¹The author was particularly impressed by the prison workshops he visited in Sweden. These were clean and bright and gave the impression of being "airy." The work area per prisoner was approximately double that of normal industry. Animal behaviour studies on overcrowding have shown dramatically how overcrowding leads to a rapid build up of tension with a marked increase in anti-social behaviour.

where interruptions to the work flow are taking place all the time - as for example in English local prisons - it is essential that production is not held up by the absence of a few men. However as a general rule it is far better that training should take place separately so that the prisoner joins the production line when he is deemed capable of working at a satisfactory pace.

- (j) "Normal industrial working hours with interruptions for prison purposes eliminated as far as possible."
- (k) Minimum changes of labour.
- (l) A real industrial work atmosphere."

Although this can never be fully achieved much can be done to normalise prison labour. Where possible non-industrial staff should not be present in the workshops - English experience has shown that their presence is resented by prisoners. In South Africa the prison trade instructors do the same custodial training course as ordinary workers. This has the advantage that they do not feel inadequately trained to deal with custodial problems,¹ but has the disadvantage that the prisoners know they are dealing with prison personnel - 'Authority' - and this possibly puts some restraints on them which are counter-productive to the goal of rehabilitation.

¹In England this is a common complaint of trade instructors - Sandra Dawson, op cit., p. 15.

There is no reason why industrial practices such as clocking in, changing into work clothes, regular tea breaks and so on should not take place.

As can be seen from the above, the English Advisory Council's report excludes from its essentials of workshop organisation any mention of "prisoner motivation" or a discussion of instructor/worker relations with prisoners being part of the organisational hierarchy.¹ However, prisoners' pay merits a chapter to itself - although significantly the report concentrates exclusively on pay with no consideration of other methods of motivation.²

The "essentials" given above do not pretend to be exhaustive, nor has there been any attempt to distinguish between workshop organisation and the role of management. For example no mention has been made of quality control unless this be considered part of (g) "The most efficient production methods." The Council did not set out to design a blueprint for the introduction of any specific industry but merely to highlight the importance of organisation along normal business lines, both for production and rehabilitation purposes.

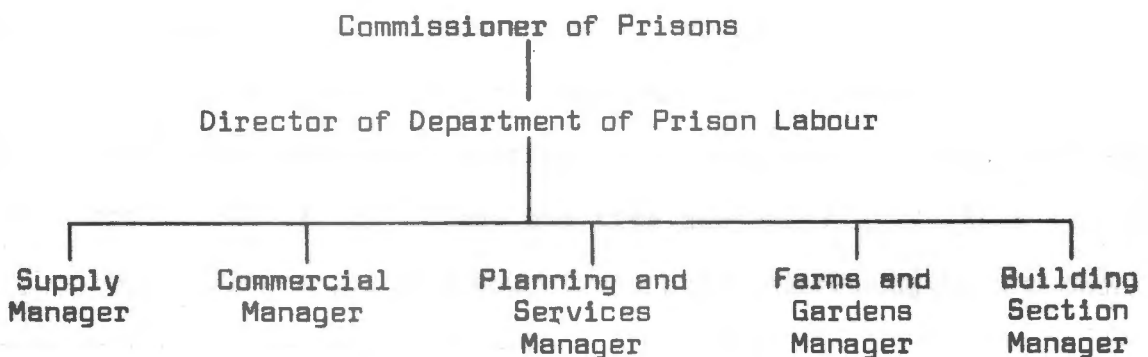
¹See pp. 794 infra.

²For worker motivation, see pp. 854 infra.

B.3 Proposed Management Organisation Structure

Before prison work and prison industries in particular can be expanded along the lines suggested a new Department of Prison Labour must be set up under the Commissioner of Prisons. This new Department would be responsible for all decisions regarding the organisation of prison labour, subject to the policy guidelines laid down by the government. Directly beneath the Director of Prison Labour would be the managers of the main areas of prisoner employment. Directly beneath these managers would be further managers responsible for different aspects of the organisation. The whole management structure would be organised along modern business lines with clearly defined areas of authority, responsibility and accountability.

C H A R T I



The Director of Prison Labour must be a man with wide experience of top business management. Such a man will probably have to be found outside the existing prison service.¹ Similarly the heads of the different industries must be men with experience in these industries,² rather than men with experience of prisons. Beneath these men must be a trained industrial staff capable of organising and managing the different sections. Care must be taken not to create a division between industrial prison personnel and custodial personnel. To some extent this can be avoided by making the prison governors responsible for achieving the industrial targets set for their prisons,³ for they will then give industrial work the importance that has been assigned to it rather than treating it as a means of occupying prisoners and maintaining discipline.

There is no reason why prison industries should not be organised along similar lines to private industry. It is appreciated that prison industry can never be the same as free industry but many of the dissimilarities can be removed.⁴ Thus the Director of each industry will know how many prisoners he can employ at any one time and their productive capacity. Orders will be sought and production budgets and targets

¹Surprisingly Mr. Neale - the present Director of DIS in Britain was transferred from the Foreign Office.

²Equally the head of the Building Section should be an experienced contractor.

³See "Personnel" infra, p. 802.

⁴"Simulation of Free Industry," infra, p. 802.

set for each factory in co-operation with the Governor and industrial staff of each prison. Production systems and quality controls will be set up in each factory under the guidance of production controllers from head office.

Accounting controls will be organised and all other aspects of a modern industrial organisation will be simulated as far as is possible in the prison environment. Strict control will be exercised from head office by means of regular report systems and periodic inspections. In the past, too much emphasis has been placed on custodial efficiency as this is easy to measure¹ whereas no attempt has been made in South Africa to judge the rehabilitatory success of any prison. Since employment in efficient industry is itself considered to be of prime rehabilitatory² value it is essential that the employment programme should have the full support of the prison staff and this will only be achieved if the Prison Governor is ultimately responsible.

8.4 Rationalisation of Prison Industries

If prison industries are to be run on efficient profit orientated lines there must be a rationalisation of existing prison industries. Some of the present prison employment in South Africa is of little economic value and will

¹J.E. Thomas, The English Prison Officer Since 1850. A Study in Conflict (London: Routledge and Kegan Paul, 1972) shows how the prison officers' role has always been one of control and that his success or failure as an officer is measured against his ability to control.

²The author does not believe that efficient work alone is sufficient to reform/rehabilitate the majority of offenders. See infra, p. 828.

be of limited value for earning a living on release - for example sisal work and mat making. However, it may be necessary to retain certain occupational work (such as mat making) for those who for one reason or another are incapable of working at the tempo of the other workshops.

The number of different industries should be kept small for with fewer industries the problems of management will be minimised and the benefits of scale - particularly in production - will be enjoyed. However there is a danger that by too vigorous rationalisation the choice of work for prisoners will become too limited.

The British Home Office Research Unit has just concluded research on how prisoners were employed prior to their conviction.¹ This was undertaken at the request of the Directorate of Industry and Supply (DIS) who were concerned that the proposed rationalisation of prison industry would give insufficient scope for the use and maintenance of prisoners' legitimate work skills. As described in the Survey of English Prison Labour² the researchers concluded that the majority of medium term prisoners were capable of semi-skilled work, and they recommended their employment in the building trades, light engineering and clerical work.

¹"Medium Term Prisoners: A Survey of Work Done In and Outside Prison." February 1974. Prepared by Dr. Charlotte Banks and Susan Fairhead. Report unpublished (January 1975).

²See Chapter VII, p. 460-461.

What is required in South Africa is a detailed examination of existing prison industries by a works study team consisting of members of the Department of Prisons and independent management consultants.

This team should determine which prison industries not only provide suitable work for prisoners but have the potential for being run at a profit, either solely producing goods for government departments or by increasing production for sale on the open market. The open market demand for certain goods must be studied by a market research team and reports made to the Department of Prison Labour as to how prison industries can be viably expanded.

B.5 Prisoners' Occupational Background, Prison Labour and Post-Release Employment Opportunities

In 1955 the U.N. Report on Prison Labour¹ devoted a chapter to "Prisoners' Occupational Background, Prison Labour and Post-Release Employment Opportunities." The Report concluded:

1. There is today widespread acceptance of the idea that prison work assignments should be relevant to previous skills of inmates. In some countries, however, there is either
 - (a) an explicit feeling that classification requirements should be a primary consideration (Belgium, Finland, France, Norway), or

¹U.N. Report on Prison Labour 1955, ST/SDA/SD/5, Chapter 6, pp. 71-81.

(b) a feeling that the goal of relevancy is difficult if not impossible of achievement, with the implication that a realistic acceptance of the limitations inherent in the prison system itself would modify enthusiasm for that aim (Sweden, Switzerland, United Kingdom.)¹

2. There is likewise considerable feeling that prison work and training should be related to post-release employment opportunities, but there are few indications that work and training programmes are actually organised with this goal foremost. No state is reported as explicitly planning institutional training with the aim of relieving skill shortages in free society.²

In South Africa the problem is not so much that prisoners do not use their work skills as that so many prisoners have no work skills to use. There is a chronic shortage of skilled and semi-skilled workers in industry and it seems sensible that the prisons should be used "with the aim of relieving skill shortages in free society." This must be done within the context of efficient profit orientated industry.

(a) Work Skills

To discover what these skill shortages are will involve close co-operation with both employers and the Trade Unions. The Department of Prison Labour must frankly explain its intentions and ask for the help of both sides of industry. In other countries where this has

¹U.N. Report on Prison Labour 1955, op cit., para 299, p. 81.

²Ibid., para 300, p. 81.

been done, for example in England, Sweden and Belgium, the assistance of the private sector has been of considerable help in the establishment of viable prison industries.

In Britain the Department of Prisons has concentrated on expanding the following prison industries: laundry; woodwork, particularly furniture manufacture, doors and windows; light metalwork, mainly office furniture; and clothing and textiles. In South Africa there would seem to be scope for the expansion of prison industries in all these separate fields.¹

Research by the Home Office Research Unit has shown that prison industries in Britain are not making adequate use of prisoners' skills - according to this research "Only 34 per cent of the men were in jobs of the same grade as their outside work and that 58 per cent were in less demanding jobs."² This is one of the dangers of reducing the different types of industry for in prison the importance of having a choice of work is vitally important for in free society a man can change his job but this is far more difficult in prison.

This research was concentrated on "medium term" offenders, as it is not always possible to fit short term

¹See Appendix - for brief details of interviews with various trade union representatives and some suggestions as to those industries that are suitable for the employment of prisoners, pp. 924-936.

²"Medium Term Prisoners: A Survey of Work Done In and Outside Prisons," op cit., p. 14.

offenders into satisfactory employment because of the length of sentence, but no such explanation is acceptable for medium term prisoners. The limitations on prison employment make it impossible to occupy all prisoners in their normal work skills but where possible they should be given work requiring similar abilities and intelligence.

This is usually considered particularly difficult for white collar workers. Fortunately medium and long term white collar worker prisoners form a very small proportion of the South African population. If prison employment is expanded as suggested there will be scope for employing these people in responsible positions in the various industries. It should not be necessary for prison staff to do all the clerical work of prison industries, much of the bookkeeping, supplies control and quality control could be done by competent prisoners.¹ There may even be scope for setting up exclusively white collar activities, such as data processing, in certain of the institutions.

(b) Research into Work Skills of Prisoners

If the Department of Prisons is to fulfil its declared role of prisoner rehabilitation through the efficient

¹This is done in certain American institutions and to some extent in various European prisons.

training and employment of prisoners it will need greater detail of the work skills of the prison population, particularly of medium and long term prisoners. Such research should be carried out without delay and the information collated on computer punch cards.¹ Similarly such information should be obtained on reception from all future medium and long term offenders. From this information the Department will learn whether prisoners are being given employment commensurate with their skills, aptitude and intelligence. In addition the prisoner's work record and any training given can be punched onto the card and this can be of considerable value in the assessment of the prisoner's suitability for release on parole.²

8.6 Location of Prison Workshops

(a) Maximum Security Prisons

Only a minority of prisoners in South Africa - approximately 10 per cent - are confined under conditions of maximum security. These prisoners, the majority of whom are serving long sentences have to be employed inside the prisons. Fortunately, many of the maximum security prisons in South Africa are situated

¹See F.1 below, p. 836.

²Parole is referred to here in its normal international meaning of conditional release from prison before due date under the supervision of a parole/probation officer.

either in or near to major towns, so from the viewpoint of running an efficient industry they are not necessarily at a great disadvantage as regards the transport of raw materials to the prison and of completed articles away again. However some training prisons, such as Victor Verster Paarl,¹ are some distance from a large industrial complex which makes competitive production more difficult not least because trade instructors may be unwilling to live away from an urban environment.

(b) Medium Security and Open Prisons

The Twelfth International Penal and Penitentiary Congress held in The Hague (1950) adopted a resolution stressing the advantages of "open prisons" and recommending their extension to the largest possible number of prisoners.²

A logical continuation of this principle is to employ prisoners in open conditions in factories built in normal industrial areas, and to transport prisoners to these factories every morning. The obvious disadvantage of such a system would be the cost of transport and the time lost while travelling, so it would not be suitable if the prison was situated more than fifteen or twenty miles from the industrial area. In some cases hostels

¹Industry in Paarl is somewhat limited being largely confined to fruit canning and the textile industry.

²Proceedings of the Twelfth International Penal and Penitentiary Congress - The Hague, August 14-19 1950, Vol. 3, pp. 586-588.

to accommodate prisoners could be built near to the factories.

The advantages of having some prison factories situated in normal industrial areas are worth enumerating. The most important economic advantage is that by being situated in a normal industrial area they will enjoy the facilities of such an area. These will presumably include good motor vehicular and possibly railway access, in addition to proximity to various other industries and persons complementary to the particular industry. A second economic advantage is that if at any time it should be decided by the Department of Prisons to close down the workshop it will be comparatively simple to sell the building, or to use it for some other purpose such as an industrial training centre. Whereas if the factory were situated inside a prison it would be of little commercial value.¹

A third economic advantage is that the production managers would be able to organise matters with less fear of work interruptions or labour shortages due to other prison demands on the prisoners such as a meeting with the social workers, or prison board. Matters

¹The optimum factory size in the garment industry to employ 200 people as efficiently as possible with the minimum supervisory staff is approximately 22 000 sq. feet including lavatories and rest room facilities. This would cost approximately R110 000 to build in the Greater Cape Town Area (in January 1975).

unrelated to employment would have to wait until the prisoner returned from his day's work. To make this practicable from a staff point of view it is suggested that work could start and finish one hour earlier than normal factory hours with only 30 minutes for lunch. In this way travelling delays due to peak traffic would be avoided and prisoners could be back at their prisons between 4 p.m. and 4 30 p.m. and could then be available for other purposes.¹

The interruption of work is clearly detrimental economically, and is also bad in that prisoners grow accustomed to a disturbed work pattern, and work is seen as being of lesser importance than those matters causing the interruptions.

By being situated in a normal industrial area and therefore presumably close to residential areas the recruitment of specialist industrial staff will be made easier. Similarly should private entrepreneurs be given the right to organise factories using prison labour they will be using civilian instructors and supervisors.²

¹One of the greatest problems in organising an interrupted work day is caused by the unwillingness of the "treatment" staff (social workers, teachers, psychologists etc.) to work in the evening.

²As in France, Belgium and a number of other countries.

Finally the presence of an industrial prison in an industrial area will play an important role in educating the public that prisoners are part of the country's work force and should not be viewed separately. This in turn may lead to a greater willingness to employ ex-prisoners.

Experienced prison administrators in England and Sweden believe that there are considerable penological advantages in separating the workplace from the prison.¹ By having to actually travel to work, even if only a mile or so, the factory can be made to seem distinct from the prison environment and closer to normal everyday life. As previously stated the aim is to simulate free industry so far as is practicable. To help with this aim factories could be of varying degrees of security, and prisoners could graduate from work inside the prison until they were working side by side with civilian workers. This last stage could be of very real value in helping prisoners to adjust to free work conditions, at the pace of normal industry, without the additional strain of pre-release.² Work in prison has the disadvantage that the inmates' work colleagues are the same people as he must associate with at all times. Thus if these people have anti-social attitudes, one of which may be an antipathy to work, these attitudes are likely

¹Various interviews between the author and prison administrators in England and Sweden.

²For discussion of pre-release see p. 871 infra.

to be reinforced by the lack of any alternative viewpoint from an independent source.¹ A philosophy rapidly develops of only doing the minimum work necessary to earn the optimum pay, it being considered both stupid, and damaging to "inmate solidarity" to work harder than the accepted norm. If work is to be of real rehabilitative value such an anti-social, irresponsible work attitude must be destroyed. The former glorification of the value of work is going - the protestant work ethic is breaking down as a result of increasing education and affluence.² But society still demands that a man ought to work if he wishes to share in the benefits of that society. Regular contact with men and women who go to work everyday of their own volition to earn their living can help prisoners realise that crime does not necessarily pay or lead to happiness. Daniel Glaser, the American sociologist/penologist, in discussing the rehabilitative value of employment concluded:³

¹Prison staff can not be "independent".

²With regard to the White population this will happen more slowly in South Africa than elsewhere due to the predominance of capitalism and the lack of a welfare state. The influence of calvinism and the rural ancestry should not be discounted. Work for the sake of work is completely foreign to the African's history and background. It is only by association with the White man, and the failure of African agriculture to support their rapidly increasing numbers that the White man's philosophy of work is having to be assimilated.

³Daniel Glaser, "Prison Work and Subsequent Employment" - article in The Sociology of Punishment and Correction, edited by N. Johnston, L. Savitz and M. Wolfgang. Published by John Wiley and Sons Inc., New York, London, Sidney and Toronto 1970, p. 516.

Not training in vocational skills, but rather, habituation of inmates to regularity in constructive and rewarding employment, and anti-criminal personal influences of work supervisors on inmates are - at present - the major contribution of work in prison to inmate rehabilitation.

Considering the difficult relationship that exists between work supervisors and inmates, being on opposite sides of the prison culture, it seems probable that the influence of civilians working together with prisoners would be of even greater effect.

As an experimental step a few prison factories could be set up in industrial areas on the lines discussed above. As always with any innovation of this nature this would have to be in close consultation with employers, trade unions, representatives of the other factories located in the areas selected, as well as the general public. The importance of intelligent public relations can not be overemphasised, nor need it be expensive. The press in South Africa is particularly interested in prison welfare,¹ and would willingly lend its support in helping to educate people as to the advantages for the prisoner of the reforms suggested in this chapter.

¹The press is looked on somewhat askance by the Authorities because of its sensational handling of certain prison scandals in the past. However it must not be forgotten that the press has given more money to NICRO in the last few years than has been given by the government, so they should not be dismissed as irresponsible by the Department. Their active co-operation in educating the public as to its responsibilities towards prisoners and crime could be of inestimable value, as it has been in Sweden.

B.7 Prison Industries: The Advisability and Practicability of Developing Prison Industries in South Africa Simulating Private Industry

The overriding aim of developing prison industries with the same profit orientation as private industry is to fit prisoners for employment on their release. At present only comparatively few prisoners receive training in work which they are likely to take up outside. Work training can only be part of a rehabilitation programme but for it to have any real training value it must be organised efficiently. Prison factories, where the tempo of work is a fraction of normal industry, can be positively harmful in that prisoners grow accustomed to a style and pace of work which is totally unacceptable in normal industry.

Prison industries, if properly organised can play a vital role in the rehabilitation of offenders. Firstly they can provide a suitable atmosphere for prisoners to acquire "the work habit", or more realistically for prisoners to learn to accept that work is a normal part of everyday life. This will be helped by prisoners working under the direction of foremen and trade instructors who are non-prison personnel and who will have earned their living in private industry for a number of years.¹ Where possible prisoners will acquire skills that will help them find satisfactory employment on their release.

¹See prison staff and trade instructors, pp. 884-892.

Secondly by earning substantial revenue for the Department of Prisons, for there is no reason why Prison Industries should not earn good profits as in other countries,¹ additional funds can be released for a substantially expanded programme of vocational and educational training. Although no research has been done to verify this contention, common sense suggests that it is probable that the South African prison population has a large percentage of prisoners² who have committed crimes because adverse social conditions such as inadequate housing, education and job opportunities, have predisposed them to crime. Many of these prisoners, if persuaded of the futility of a criminal career, will have the ability to benefit from work training and basic education. At present the training programme in South Africa, particularly for Non-Whites only deals with those prisoners with a high prognosis for successful rehabilitation. The vast majority of prisoners receive virtually no work training other than such habituation to work as manual labour provides.

Finally if prison industries and work training are to be expanded along the lines suggested it will be essential to inform the public of the aims of these innovations and obtain their co-operation. Employers and representatives of organised labour should be invited to give of their time

¹For example see revenue earned by England, Belgium, Sweden and Japan, Chapter II, Table 6, p. 146.

²Excluding technical offenders who would not be imprisoned in other countries.

and experience in helping the Department plan and establish these industries and training programmes to the best advantage of society. Councils could be formed for this purpose representing private employers, private labour and the Department of Prisons, and these Councils could help find employment for prisoners on their release. In this way the community could be involved in the treatment of offenders, thus alleviating the Department of Prisons of some of the burden, and fitting prisoners to lead a useful life on their release.¹

One of the more difficult practical problems in setting up prison industries on a profit orientated basis will be the recruitment of top management and trained workshop supervisors and instructors. People in industry are far better paid than those in the civil service.² Certainly top business management of the calibre required for the different industrial sections will be able to command salaries on a par with the R16 800 per annum earned by the Commissioner of Prisons. However, the civil service offers other advantages not necessarily enjoyed by industry, such as security, pensions, and subsidised housing loans. This in itself can be a danger for in England it is clear that a number of the new recruits to the industrial and construction sections

¹See Section, Public Participation in the Prevention of Crime and Treatment of Offenders, p. 894 for a more detailed appraisal of the urgent necessity of greater community participation in this field.

²This is a favourite theme of the civil service in many countries, but in practice working for the State offers other advantages as discussed below, not least is the job satisfaction.

of the Prisons Department are seeking a softer life than that existing in outside industry, whereas the Department needs men willing and able to motivate and train a difficult and possibly unwilling workforce.

However other countries have found sufficient personnel of the right calibre to develop prison industries along the lines suggested. There will be many more practical difficulties in a venture of this magnitude but they can all be overcome if those in authority are sufficiently committed to the scheme. Once the decision to proceed has been taken a joint planning team of businessmen and prison personnel must be established, for without sound planning the venture will not achieve the desired goals. If organised properly prison employment will succeed in achieving its two main aims, the training of prisoners to obtain and keep desirable jobs on their release, and the optimum economic use of prison labour. With the development of light industries requiring semi-skilled work both these aims can be achieved simultaneously. Those prisoners with the necessary aptitude to benefit from training in a skilled trade will be given the opportunity to do so, but the majority of prisoners will be employed in semi-skilled work such as is common in outside industry. It must be stressed that work experience and training are unlikely to reform criminals, but profitable prison industry will supply a financial platform for other treatment.¹

¹See E - Prison Labour and Rehabilitation, p. 825-829.

C. PRISON MAINTENANCE AND DOMESTIC DUTIES,
PUBLIC WORKS AND PRISON FARMS

C.1 Prison Maintenance and Domestic Duties

Prison maintenance and domestic duties cover a variety of different occupations requiring different levels of skills, training and supervision. Maintenance can include the physical maintenance of the prison buildings as opposed to the domestic function of keeping the buildings clean. However structural maintenance is normally the responsibility of the Building Section. Most prisons that one visits in the western world are scrupulously clean with the grounds carefully maintained. This gives an excellent impression to the visitor until he starts to consider how many men are involved in these duties and what is the training value of their work. As the Netherlands Department of Prisons stated:¹

One of the problems of this type of work (domestic duties) is that it is inadequate to train the detainee to work regularly with a certain speed.

In practice most prisons tend to have too many prisoners engaged in domestic duties. This is because much of the work requires little training and is therefore suitable for employing short term prisoners and longer term prisoners who have little aptitude for other types of work. Routine domestic work such as cleaning or gardening must be distinguished from more skilled occupations such as cooking or

¹Undated paper produced during 1972 by the Dutch Prison Department entitled "Work in Penal Institutions", pp. 3-4.

waiting at table. There is a shortage of hotel staff in South Africa so such training may be of value, although in many countries domestic work, particularly in the kitchens, is sought after by prisoners for the privilege of working irregular hours, the opportunity of supplementing one's diet, and the regular contact with senior prison staff giving prisoners the feeling of being part of the hierarchy, with the possibility of more favourable treatment as regards early release, in addition to the enhanced prestige among their peers due to their assumed influence with their employers.

Domestic work should be carefully analysed and costed by trained personnel - if necessary by independent works study organisations - so that as few persons as possible are employed in such tasks.¹ Similarly more care must be taken over the organisation of labour hired to government departments and other bodies. As discussed in Chapter IX some 20 000 prisoners are hired out in this way every day. By raising the hire charges for this labour it is to be expected that the hirers will go to more trouble in setting work targets and providing and ensuring that prisoners are productively employed at a normal work pace.

¹In Germany the Department of Prisons aims at a maximum of 10 per cent of prisoners being engaged in domestic work. See Chapter VII, p. 505.

C.2 Public Works

Prison labour in the past on Public Works has been of very considerable value in South Africa, particularly in the days of Montagu with the construction of roads in the Cape Province.¹ The author is unaware of any valid reason why prison labour should not be used in all manner of public work so long as it is organised efficiently and the training of prisoners does not suffer thereby. Such work can be suitable for both short-term and long-term prisoners, nor need it be solely manual labour. Prison Administrators have an understandable prejudice against employing prisoners where they will be very obviously in the public eye, as for example on the construction of roads. Some administrators believe that employment on public works is too akin to the penal labour of former times - as for example the "road gangs" in the Southern States of America, and that there is a danger that the training and rehabilitative needs of prisoners will be overlooked. In most of Europe the use of prison labour on public works has declined.² The 1955 U.N. Report on Prison Labour³ reported that only five countries in Europe were employing prisoners in this way.

Today Finland is the only European country using the system extensively. In that country the principal activity

¹See Chapter VIII p. 586 and Appendix II.

²In certain countries, such as England, this is due to the difficulties in organising prison labour on public works in a highly mechanised society. This problem does not arise in Finland and certain American States where prisoners are employed in forestry work.

³Denmark, Finland, Sweden, Italy and the United Kingdom. U.N. Report on Prison Labour 1955, op cit., Table II, p. 35.

is lumbering although there is a road building section, and one section occupied exclusively on construction work at Helsinki airport. Only first offenders¹ with sentences of under 2 years or less are eligible for employment in the labour colonies.² Prisoners work alongside civilian labour and free market wages are paid; from these prisoners must pay for their own food and supply their own clothing. Little attempt is made at rehabilitation, "rather the aim is to treat them as normal people in a nearly normal work environment."³ This policy, sometimes known as "minimal criminalisation" is very different to one based on a "treatment philosophy".⁴ Research has shown that these colonies are no less effective at preventing recidivism than ordinary imprisonment and that they are substantially cheaper than closed prisons.⁵ L.G. Mosely concludes his review:

On grounds of logic, penological theory, humanitarianism, cost, and effectiveness, the Finnish open system is far from perfect, but it seems better than most currently available alternatives.⁶

¹First offenders includes recidivists who have not been reconvicted within five years of their previous sentence. See L.G. Mosely, "Finnish Labour Colonies," Howard Journal of Criminology, Vol. XIII No. 4, pp. 317-330.

²The average length of sentence served in a labour colony during 1969 was approximately 3 months. Ibid., p. 319.

³Normality includes a completely open prison with a minimal staff presence; the wearing of civilian clothes and no restrictions on letters, telephones, reading matter etc. At weekends visiting is between 1200 and 1600 hours and is completely unsupervised.

⁴L.G. Mosely, op cit., pp. 324-325.

⁵Paavo Uusitalo, Recidivism After Release from Closed and Open Institutions, op cit.

⁶L.G. Mosely, op cit., p. 330.

The author would like to see the development of labour colonies in South Africa along similar lines to those in Finland¹ with the important difference that those inmates requiring basic education would receive it in the evenings after work, and on one afternoon per week.

This education, being minimally the teaching of reading and writing, could be taught by a variety of persons. It would have to be under the supervision of education officers of the Department of Prisons, but considerable use could be made of part time and volunteer teachers. Students, if recommended by their professors as being suitable, could be permitted to teach. In particular African students, with a knowledge of the official languages and an African language could be of very real value in this way. At present the Department of Prisons encourages educated prisoners to teach reading and writing in their free time but there is no additional pay, as of right, for this work. Instead such prisoners can be raised a notch or two on the pay scale and their remission prospects possibly improved. If these prisoners received realistic additional wages, with a bonus for every prisoner who learnt to read and write, it is probable that the "reading and "writing" project of the Department would receive a considerable boost at little additional

¹In 1968 these colonies were handling some 36 per cent of Finland's total prison population. L.G. Mosely, op cit., p. 324.

cost, in addition to the possible benefits to the teachers themselves.¹

The use of public works for the employment of prisoners is declining in Europe for a number of reasons. Basically prison administrators are concerned with the very real danger that prisoners will receive inadequate training for their future employment. As a general rule, prisoners are only employed in manual labour as a last resort should there be an overflow from prison industries, and these prisoners are usually absorbed by the prison farms. Public works have tended to be manual labour orientated, with prisoners being employed in forestry, land reclamation and other such projects.

Prison building work can be classified as "Public Works", although for some reason it is not so classified in England. It seems probable that building construction work will continue to be of considerable importance in the employment of prisoners, and that it will not be confined solely to building for the Department of Prisons.

South Africa has a particularly large number of short term prisoners, and although these numbers will undoubtedly be reduced as various laws are repealed, it is likely that

¹Such a scheme used to exist at Pollsmoor Prison but was stopped apparently because there were some administrative problems. Giving prisoners the opportunity to teach can be of considerable value in raising their morale and showing them that they can be of value to society.

there will still be a very large number of short term prisoners for some considerable time.¹ These persons particularly those serving sentences of up to and including one month, are of limited value in industry and can be best employed in manual labour, either on the farms or in Public Works.

C.3 Prison Farms

It is the Department's stated intention to acquire more farms and to employ substantially more prisoners in this manner. At present of the approximately 400 000² persons sentenced to imprisonment every year approximately half are employed in farm work, of this number the majority are employed by private farmers, either on parole or released daily from the prison farm outstations.

As discussed above³ little research has been done either into the employment backgrounds of prisoners or into the rehabilitative value of farm work, particularly for those persons who will live in towns once they have been released. The author accepts that farm work is infinitely preferable to idleness, but believes that whenever possible prisoners

¹ e.g. For non-payment of fines, pass law offenders etc. For the year 1st July 1972 to 30th June 1973 there were 184 583 persons sentenced to imprisonment for up to and including one month. Annual Prison Report 1972/73, op cit., RP 91/1973, p. 6. See Chapter IX, p. 630.

² During 1972/73 the total number of persons sentenced to imprisonment was 364 200. Annual Prison Report, op cit., RP 91/1973. See Chapter IX, Section D.1

³ See p. 758.

should be employed in the same type of work as they are likely to find on their release. Thus farm work should be reserved for those persons who will work on farms, and only as a last resort as an overspill for other prisoners.

In England Prison Farms are run along strict business lines.¹ Each farm is analysed as to how it can be most profitably farmed, not with a view to feeding the prison population or training prisoners, but to the maximum financial return that can be earned.² Thus there has been a rationalisation of farming activities. Production targets are set for each farm and the governors are responsible for seeing that these targets are achieved. All costs of production are carefully analysed to prevent any waste, particularly by the oversupply of labour. In this way prison farms have turned a small loss in 1969-70 into a profit of £666 000³ in four years. However the profit motive does not obscure the aim of all prison work - the rehabilitation of offenders. Of the 500 offenders employed in farming in the Northern Region approximately 20 per cent are engaged in formal city and guilds training courses.⁴

¹See Survey of English Prison Labour, Chapter VII, pp. 417-420.

²Farm Produce is both sold on the open market at market prices and used to supply the needs of the Prisons Department. Food supplied to the Prisons Department is valued at market prices.

³Profit figures for 1973-74 given to the author by the Director of Prison Farms and Gardens in Great Britain, September 1974.

⁴Interview with the Director of Prison Farms and Gardens, September 1974.

It is believed by the Prisons Department of England and Wales that efficiently organised hard work is in itself of rehabilitative value.

The author proposes that prison farms in South Africa should be profit orientated and organised along similar lines to those in England.

The productive and economic potential of all prison owned farms should be assessed by farming experts, and targets set for future output. Prison governors should be responsible for achieving these targets. Where necessary rationalisation should take place so that farms can concentrate on the most profitable activities in each area. The Department should continue to produce food for consumption by the prisons, but, if any commodity can be bought more cheaply on the open market than it can be produced, then the Department should concentrate its energies in some other line. In some cases it may be decided to sell certain farms, particularly those requiring substantial development and financial outlay in terms of labour. Farm managers must appreciate that labour is the most expensive daily cost on any farm, and must not be squandered. The produce of prison farms should be sold on the open market at market prices and the income earned therefrom used to defray the costs of the Prison Department. The training value of farm work is somewhat intangible, particularly for those engaged in manual labour. However, a few prisoners can be employed using and maintaining

agricultural machinery, while others can be trained in livestock and poultry care.¹ Perhaps the greatest advantage of farm work is that it is outside in the open air and prisoners can be employed in useful work away from the prison atmosphere. In the past prison labour in England and South Africa has been used for land reclamation, but without any real consideration as to whether the cost of reclamation in terms of opportunity cost is justified. Land reclamation in South Africa, particularly on farms, must be related to the opportunity cost of such reclamation, both in economic terms and in the training value of the manual work required for reclamation.

For many years the Government of South Africa has spent large sums of money attempting to teach modern methods of cultivation and farming techniques to Africans. African farming is traditionally subsistence and extremely wasteful of land, little or no attention being paid to crop rotation, the prevention of soil erosion, selective stock breeding and control, or so many of the practices essential for good farming. These efforts have met with very limited success for many reasons, not least the uncertain tenure of land which is usually leased from the local tribal chief rather

¹The poultry and pigs section at Victor Verster Prison, Paarl, are considered to be models of good farming practice.

than held on a freehold basis.¹ The Department of Prisons helps in this educative role by its strict adherence to good farming practice.²

There is however scope for the further development of training, particularly in farming techniques that will be useful in the African homelands. Basic farming courses could be taught with tests and certificates for those who pass. This training would be additional to the basic education in reading and writing which all illiterate prisoners should receive.

The author questions the wisdom of expanding the prison farms section as is happening in South Africa today. The training and rehabilitatory value of this type of work should be compared with that of employment in industry or building work. Ideally a research programme should be set up immediately to make such a study. This would involve follow-up of prisoner employment practices for a number of

¹In many African tribal societies all tribal lands belong to the Chief who has the right to lease such land to other members of his tribe. In many cases the length of lease is only for a year or even cancellable at the wish of the chief, thus few people are willing to spend money and energy in improving their land. Furthermore cattle represent wealth in the tribal context, and in the past it has been the numbers of cattle rather than their quality which has been of importance. This has led to tribal grazing lands being denuded, causing erosion and a decline in the standard of cattle.

²The author is informed by independent farmers that the standard of farming in South African prisons is high, although somewhat wasteful of labour.

years after their release. The easiest and cheapest way to do such a follow-up is by way of probation officers, but the probation service in South Africa is totally inadequate for such a task. Until there is an adequate probation service in South Africa it will be extremely difficult to conduct research of this type. What can be done comparatively easily is to centralise all prison information and use modern computer techniques for record purposes.¹ Fortunately Prison Departments usually move slowly in introducing changes,² and there should be time for much research to be carried out before there has been a major capital investment in the acquisition of farms. As suggested earlier the Building Section could be substantially increased at far less cost than the Farms Section, and the prisoners employed on building subsidised housing - a matter of far greater importance and urgency³ in the prevention of crime.

D. THE

¹See p. 836 infra.

²In fact the Department of Prisons has bought a number of farms during the last few years.

³The urgency is not confined to the social consequences of inadequate housing. Building costs are rising so rapidly - approximately 30 to 40 per cent in the last three years that every year's delay adds many millions of rand to the final cost. In 1973 the Mitchell's Plain (Cape Town) housing scheme was estimated at R80 million, current estimates are almost double that figure (January 1975).

D. THE EMPLOYMENT OF PRISON LABOUR BY PRIVATE PERSONS

D.1 Parolees - Farm and Construction Work

In South Africa the majority of prisoners at any one time are employed by persons other than the Department of Prisons.¹ Almost without exception they are engaged in farming activities or manual labour - work with a limited training value.

The major employer of such labour is private farmers who account for virtually all the short term offenders released on parole, of whom there were 124 648 during 1972-73. Assuming that it is necessary to imprison these offenders, and this may not be so necessary once a proper probation service has been introduced,² then it is certainly better to release them on parole than to keep them in prison. These parolees must be paid a proper wage from which they can pay for their board and lodging rather than the present system where they are paid a reduced wage to take these and other expenses into account. Government inspectors could fix a standard sum for lodging to prevent exploitation. The present weakness of parole for short term offenders is that they receive little or no training, the system of inspections is totally inadequate,³ and the wages paid are usually below market rates thus probably holding down the

¹See Chapter IX, p. 642.

²Probation may be inappropriate in many cases - e.g. Pass offenders.

³See Chapter IX, p. 681-682.

market rates which are already extremely low in comparison with other wages.¹ The author is not opposed in principle to the release of prisoners to private persons but it is absolutely essential that these matters be immediately attended to, and a system of inspections and safeguards against abuse be introduced.

Some farmers have come to rely on prison labour because it is a great deal cheaper than normal labour. The author would like to see other private employers, such as construction contractors² employing paroled prisoners, for they could then be employed in work more closely resembling that which they might do on release and they could earn better wages. Private employers will not employ short term parolees at market wages when there is an adequate³ supply of ordinary labour which they can train into an efficient team. Normally, unless they are permitted to pay below market wages⁴ or are compelled by law to employ a certain number of parolees, private

¹See Chapter IX, p. 680.

²Buildings, roads, harbour works, bridges etc.

³This supply varies from time to time and place to place depending on how generous the authorities are being in granting work permits to migrant African workers, and on how strictly they are enforcing the "Pass laws".

⁴Based on the author's own research 1974. Farm wages in the Cape are above those elsewhere in the country. "On 12 November 1974 the Star carried a brief report on the preliminary results of the 1972/73 agricultural census. This indicated that the average monthly cash wage paid to the country's 1 468 105 farm workers was about R11,50 per month in August 1973 compared with R9,92 the previous year." 1974 Survey of Race Relations, (Johannesburg: South African Institute of Race Relations, January 1975), p. 278.

employers will not want short term prisoners potentially disrupting their labour force. However wages in the construction industry are very substantially above wages on farms, building labourers in the Cape Peninsula receiving a minimum of 60 cents per hour while the majority of farm labourers in the Western Cape are earning approximately 15 cents per hour if wages in kind are taken into account. So even if they were paid 45 cents per hour by building contractors parolees would be financially better off than being employed on a farm.¹

One of the advantages of employing parolees on farms is that they live away from the atmosphere of the towns which may have led to their crime. This may be a mixed advantage if they are employed on a farm where the workers are given regular "tots" of wine or brandy by the employers. If they are not hardened drinkers when they arrive, they may well be when they leave. Those parolees who have regular employment in the towns should be encouraged to keep their jobs. In order that some measure of control be exercised over them they could be housed in hostels to which they would have to return by a certain time every evening. These hostels could be run by private bodies such as NICRO, and supported out of the parolee's pay. In this way parolees could work in the community by day, see their families at the weekends but

¹It is probable that the Trade Unions will object to parolees being paid substantially less than free labour if employed by private persons for this may keep down the wages of free workers and help employers to benefit from cheap labour. The author prefers the suggestion of developing work colonies on similar lines to those in Finland, where parolees can work for the State, possibly in building low cost housing, and can live in specially provided hostels.

still be under responsible control. If they behaved in an unacceptable manner either at work or in the hostel they could be immediately returned to prison to complete their sentences.

Where possible the parolee would retain his normal work and receive his normal wages, his punishment being to live in the hostel away from his normal environment, and his treatment to be conformity with the hostel regulations and counselling with the social worker.

D.2 The Employment of Prisoners by Private Industry - The Contract System

The contract system of employing prisoners does not exist in South Africa. It will be recalled from Chapter VII that under this system a private entrepreneur contracts to hire a number of prisoners and to employ them either inside the prison confines or in a special factory built for this purpose.¹ The entrepreneur furnishes all the tools, equipment, and raw materials and supervises the prisoner's work through his own foremen. At all times the prisoners remain under the physical control of the prison staff.

There are benefits in this system to all three parties, the prisoners, prison authorities and the entrepreneur. For

¹Normally prisoners are employed in workshops inside the prisons, but occasionally an entrepreneur will build a special factory for this purpose to which prisoners are transported every day.

short term prisoners the advantages are somewhat limited as the private employer will be unwilling to expend time and money in training prisoners who will soon be released.

However the work atmosphere may be more akin to that of a normal factory and the presence of civilian instructors and foremen helps towards this goal. In practice short term prisoners are given very simple and rather boring work with payment on a piece rate basis.

Longer term prisoners, or those with some industrial work skill, can be given more challenging and better paid work. Private firms will be willing to run training courses on similar lines to those in their own factories¹ for longer term prisoners, and those qualifying in such courses will have a better opportunity of finding employment on their release and may be employed by their former prison employer.

The advantage to the prisons department of "contract prison labour" is that they receive monetary payment for the labour without having to bear the costs and risks of setting up and managing the enterprise on their own. In addition their prisoners receive a substantial part of their training without any involvement of the prison department.

The advantage to the entrepreneur is that he obtains a cheap source of labour and can be saved the cost of hiring

¹This can be made a condition of hire. See Chapter VI, p. 309.

a factory. Contracts with prison departments vary in length and can be as short as three months, so the entrepreneur is saved the expense of a long term agreement, or the risks of entering into a long lease.¹

There is no reason why such a system should not be developed in South Africa. In the short term it could be more rapidly and cheaply introduced than a full scale industrial programme. In the long term it could complement the Prison Department's own industrial enterprises. Any innovation of this nature would require careful co-operation with both private business and labour representatives. The Prisons Department would have to take care to enter into contract agreements with persons they believed capable of training and of employing prisoners in a suitable manner.² Legal agreements would have to be prepared and signed to prevent either party from terminating the contract and leaving the other party disorganised. Wage rates would have to be fixed bearing in mind the restraints of prison labour but acceptable to the relevant trade unions.

As can be seen from the international survey of prison labour³ employment of prison labour under the contract system is relatively common, the largest single user being

¹Leases of under one year could result in prisoners being unemployed and should not be entered into.

²The French system whereby the majority of prisoners "contracted" to private entrepreneurs are engaged in simple work in their cells is to be deplored.

³See Chapter VII, p. 351.

Japan where 40 per cent of all prison labour is employed in this way.¹ It is significant that America is considering reintroducing this system after having banned it nearly 50 years ago by the Hawes Cooper Act. It is to be hoped that the South African Prison Authorities will introduce this system particularly for longer term prisoners (over one year), on the basis that private enterprise is made responsible for all aspects of work training and employment in co-operation with the Department of Prisons and the proposed Prison Labour Council.²

In the first decade of this century the gold mines were one of the largest employers of prison labour, but the numbers were gradually reduced until such employment was stopped some twenty years ago. The author sees no reason why employment on the mines should be treated any differently to other forms of the employment of prisoners by private persons. Prisoners could receive market wages and the usual deduction made from their pay packets. The progressive stage system could be applied so that initially prisoners would work in a prison gang and later qualify for day release when they would work alongside free labour. The same educational treatment and recreational facilities would be available as for other prisoners. In Holland after the Second World War a number of political offenders who were given the choice of working

¹Chapter VII, p. 550.

²See p. 901 infra.

in prison workshops at prison pay or working in the coal mines at market wages chose to work in the coal mines.¹ However South Africa, because of her political policies must be extremely sensitive to world opinion. For some, the employment of prisoners in the mines would be an excellent opportunity for criticising South Africa and possibly accusing her of slave labour with reference to the old Roman punishment of employment in the mines, or the more recent employment of prisoners in the Siberian salt mines. This being the case it may well be wiser to restrict the private employment of prison labour to farm, industrial and construction work.

E. PRISON LABOUR AND REHABILITATION

To what extent does regular work while a prisoner, contribute to the reform/rehabilitation of an offender? Considering the increasing concentration by prison departments throughout the world on the employment of prisoners one would automatically assume that this matter had been thoroughly researched. In fact there has been very little research,² and administrators have based their decision to expand the importance of work by relying on their own experience. This is typified by the Report of the Advisory Council on the Employment of Offenders:³

¹U.N. Report on Prison Labour 1955, ST/SOA/SD/5, p. 18.

²For Post Release Employment in America see Daniel Glaser "Prison Work and Subsequent Employment" from The Sociology of Punishment and Correction, op cit., pp. 509-516.

³Report of the Advisory Council on the Employment of Prisoners - "Work for Prisoners" (HMSO 1961), para 26, pp. 7-8.

We hold the view most strongly that good work, that is, work of good quality, is good training. We are not penologists and do not pretend to have any special insight into the causes of crime or ways of preventing it. We are confident, however, that if a criminal, a man who perhaps, ever since leaving school, has done little more than a few days' casual work, can be shown during his prison sentence how to do a typical industrial job and be required to work at it for a normal working week under normal industrial conditions, there is a much better chance of his being able and willing to get and keep an honest job on discharge than if he had not been given such work while in prison. We do not say this would invariably turn criminals into honest citizens, but no other kind of prison training that has so far been devised has proved wholly successful. It is well known that the few weeks following a prisoner's discharge is a critical period during which even a small thing may determine whether he reverts to crime or not. Much may depend on his ability - and on his confidence in his ability - to do a job in industry as an alternative to trying to make his living by crime. Much also depends on whether he is already accustomed to doing a good day's work.

This is sound practical common sense and so far as it goes quite acceptable. It refers to the "unemployed" offender, but at this time nobody knew what percentage of offenders were employed when they committed their offence, whether they were satisfied with their work or not, and if so why they committed their crime.¹ In Britain the vast majority of persons in prison have committed some form of property offence - this is true for South Africa but to a lesser extent, there being a far greater number of violent offenders not to mention the technical offenders against the Pass laws. Secondly assuming that the offender has been a layabout for a number of years it will need a considerable change of outlook to convince him of the desirability of

¹The recent research "Medium Term Prisoners: A Survey of Work Done In and Outside Prisons," op cit., touches on this problem.

regular work unless he can see tangible rewards for such work. Several factors must be considered, his success as a criminal, which will depend on his ability to earn a living as a criminal and to escape detection. His satisfaction with this life, not just in terms of material rewards, but also its excitement, the esteem in which he holds himself and his status among his criminal colleagues. Finally his assessment of his future prospects with increased attention from the police and the progressively longer prison sentences should he be caught, weighed up against the more secure if boring life of "going straight". It is unlikely that many prisoners are sufficiently objective to analyse their future in this manner, particularly while in prison surrounded by other prisoners all maintaining their egos, and their status in the prisoner social hierarchy by bragging about past "jobs", dreaming of future coups, and denigrating the value of normal work.

There is a great need for more individualised attention to be given to prisoners. Frequently classification of prisoners and their assignment to a particular prison or training programme is based on very inadequate factual information as to the offender's background, his aptitude or his needs. In South Africa the classification process has been considerably improved in recent years, particularly as regards those prisoners sentenced to imprisonment for two years or longer,¹ but for shorter term

¹See "Prison Administration in South Africa" published by the Department of Foreign Affairs of the Republic of South Africa, 1969, pp. 10-12. At present the Department of Prisons considers that the observation and classification process for White and Coloured prisoners is considerably superior to that available for long term African prisoners. This is due to the vast numbers of African prisoners (70% of the prison population) the lack of trained staff, and the difficulty in obtaining reliable background detail of African prisoners.

prisoners there is scope for improvement. Unfortunately the excellent classification of longer term White and Coloured prisoners is far superior to the treatment accorded to them. This is largely due to the lack of funds allocated for treatment, whether that treatment be vocational trade training, education, or guidance from the prison social workers or psychologists.

E.1 Rehabilitation: Finding the Balance Between Employment and Other Forms of Rehabilitative Treatment¹

One of the most difficult theoretical problems facing a prison administrator is to decide how much time and money shall be spent on different aspects of a prisoner's training for release.² Where should the balance lie between work on the one hand, hopefully profitable work of good work training value, and vocational training, education and guidance on the other hand? Various different practices exist to some extent dependent on the wealth of a country, and the importance that country attaches to the rehabilitation of offenders.³

Unfortunately there are no available comparable statistics for recidivism rates in different countries, so it is

¹See Chapter VI, p. 293 where the problem is discussed in more detail.

²In practice the treatment resources of education, vocational training, psychological guidance and so on are usually so limited that the administrator has little room for choice.

³In Sweden the ratio of staff to inmates is virtually 1 : 1 (1973 Personnel 4 811 with a prison population of 4 559); in America the ratio is approximately 1 : 5, while in South Africa it is 1 : 7,7 (estimate for 1974-75). Consequently the cost of maintaining a person in prison for one year in Sweden is many times the cost in either America or South Africa.

virtually impossible to claim that one system is more effective than another, particularly on a cost benefit basis.¹

In some countries, such as England, work is of paramount importance in the training of a prisoner to fit him for release. In England comparatively few prisoners do trade training, and academic study usually takes place during the inmate's free time. In Sweden the efficient employment of prisoners is considered good training, but more emphasis than in England is given to vocational training² (approximately 7,5 per cent of the total annual prison population) and to full time school education, with prisoners receiving payment for attending educational courses.³

Some people believe that prisoners should earn the right to receive vocational and/or academic training by showing by their behaviour that they are likely to benefit from such training. This is an extension of the progressive stage system where a prisoner gradually earns greater privileges through his good behaviour and the passage of time.

E.2 Rehabilitation - "Work and the Progressive Stage System"

The author proposes that sentences be split into different stages, each stage having a different short term objective.

¹The compilation of such figures would be a fascinatingly complex task.

²Swedish Annual Prison Report 1973. Published August 1974, p. 8.

³See Survey of Swedish Prison Systems. Chapter VII, p. 485.

After reception all prisoners should spend a period of four weeks engaged in simple work. Prisoners from rural areas who intend to return to agricultural work should be employed in farming while all other prisoners should be employed in routine industrial work. The purpose of this initial four weeks would be to assess each prisoner's willingness to work, and whether the workshop prisoners had the necessary aptitude and temperament for such work. Such prisoners as showed themselves to be unwilling to work in the initial four week period should be warned by the Institutional Prison Board that their lack of co-operation will result in their failure to graduate to Stage I, and instead their allocation to manual labour at minimal pay rates for at least three months before further review. They should then be given a further four week period, and at the end of this period either allocated to Stage I or employed in manual labour. Those prisoners who are found suitable for industrial work will then graduate to Stage I which, for urban prisoners, will be employment in routine industrial work requiring little training or skill but where the work is financially profitable to the Department of Prisons, and where it is hoped that the prisoner will acquire or retain the "habit of work", and will benefit from an industrial situation modelled on normal business lines.

During this period the prisoner would receive pay substantially below the value of his work but sufficient for pocket money, and for realistically differentiating between

different work skills and outputs. A pay scale of between nothing and fifty cents per day would be sufficient for this purpose. On the expiry of the requisite period the prisoner's progress would be considered by a Prison Board with particular emphasis on his work record, and if satisfactory he would graduate to Stage II.

Stage II is aimed at training prisoners in such work as they may wish to do on release. The majority of prisoners will not have the necessary aptitude for full vocational training, but many will be capable of semi-skilled work. A reasonably wide selection of different training programmes would be provided so that prisoners could select that work which they, after consultation with their work supervisor, thought most suitable for them on their release.¹ In many cases this will be additional training for the work the prisoner had prior to imprisonment. Those prisoners capable of benefitting from vocational training or full time academic study will be given the opportunity to do so. All prisoners engaged in training will receive pocket money, being slightly more than that paid in Stage I.

A number of prisoners may prefer to remain in the same type of work as they did in Stage I. In Stage II they will receive payment based on their productivity but more in line

¹Recent English and American research has shown that in practice few prisoners use the work skills learnt in prison. They usually return to the same employment as they had prior to imprisonment. This failure to make use of trades taught in prison is frequently due to insufficient consultation with prisoners prior to their training.

with free market rates.¹ Stage I and Stage II prisoners could work in the same workshops, provided that separate work divorced from the profit orientated workshops was found for those prisoners who either required disciplining or were incapable of working at the tempo required by the workshops.

After successfully completing his training a prisoner would remain in Stage II but would work in his chosen field, assuming that such work was available inside the prison. He would receive market orientated wages geared to his productivity and adjusted for tax, with the same deductions as mentioned before.

A problem would be created by those prisoners who were trained in some work that was clearly unsuitable for organising inside the prisons, but who could not be released on a daily basis to work for a private employer. This would only apply to long term prisoners or those with a high security grading. Possibly the best solution would be to permit such prisoners to receive only such training as could be used inside the prisons, and at a later date when nearing the end of their sentences they could be given the training of their choice and gradually reintroduced to society by way of day release.

¹From this pay deductions would be made for items such as board and lodging, tax, maintenance of dependants, retention of a sum for release and so on.

Stage III would be release on a daily basis to work outside the prison and to return to the prison in the evenings. A number of varieties of "work release" exist in different countries, but on the whole they are reserved for longer term prisoners to reintroduce them gradually to normal civilian life. They are seldom for periods of over six months, as for some prisoners the emotional strain of having to return to prison every night is considerable, and they are tempted to break the trust reposed in them. Administratively daily "work release" already takes place on a very large scale in South Africa but not on the lines where the prisoner is released from supervision.

In Stage III prisoner would receive normal wages and the same deductions would be made from their earnings as described before. During this period prisoners should receive considerable help from their supervisors and the social care officer with the various problems that will face them.¹ Financial guidance, as given at Coldingley in England, will be only one of the areas for concern. Family relationships, and how to make new friends distinct from their former anti-social colleagues will be of prime importance in helping them to lead a new life. For prisoners to be prepared to accept meaningful guidance of this type from "Authority" there will have to be a complete change in

¹See "The reintegration of released prisoners with society", infra p. 910.

the current conflict between the two sides.¹ In practice such guidance can probably best be given by civilian psychologists and civilian volunteer probation officers working under the supervision of fully qualified probation officers.

The advantages of the proposed three stage system would be that the prisoner would be set definite goals with meaningful rewards should these goals be achieved. A balance would be achieved between the philosophy that prisoners should contribute to their keep and the rehabilitation of offenders. Prison staff would no longer be confused as to what emphasis to give to the conflicting goals of productivity and training, for clearly Stage I would be profit orientated while Stage II would be for training. In practice there would be a number of disadvantages mainly related to the cost of such a system and its practicability. The range of training courses available would be limited, although in suitable cases prisoners could be released for study at a technical college.² Having received training it is essential that the prisoners should have the opportunity of putting it into practice, preferably on a day release or parole basis. However the ability to work efficiently is only one of the selection criteria for work release. The prisoner must be ready and prepared to

¹The inevitable conflict between Prisoners and the Prison Authorities is discussed briefly *infra* at p. 876. See also the description of work release in England, Chapter VII, p. 444 with the attempts at breaking down the inmate prison culture.

²This happens in a number of countries including Sweden, England and America.

re-enter society. In Stage II prisoners would receive guidance in different aspects of normal social relations and behaviour. This could include an explanation of a worker's rights and obligations, showing how there must be two way communication and understanding between employees and employers if a modern business enterprise is to be successful. Such education could be extended to cover the rights and obligations of a citizen with regard to society in general.¹ In addition during this stage prisoners could receive guidance in understanding and adjusting their own personality problems or anti-social attitudes and behaviour, and be helped to face the social strains caused by release from prison. During Stage III prisoners on day release could be encouraged to discuss any difficulties with their work supervisor and probation officer.²

The author believes that there is scope for the development of prison training along these lines. It is an attempt at designing a treatment process which will combine employment and future employment training with other forms of rehabilitative treatment, without being impracticable on the grounds of cost.

¹In South Africa there are so many restrictions on a Non-European's rights, and his ability to influence matters are so limited that such education might be undesirable in that it could cause greater polarisation between White and Black.

²It is contemplated that a comprehensive Probation Service would be developed employing large numbers of volunteer probation officers under the direct supervision of the professional officers. See p. 897 infra.

In the following sections this progressive stage system is developed to a greater extent, and it will be seen that there are some instances, particularly in regard to short term offenders, where it is only partially applicable. One of the dangers of imprisonment is that an individual's needs and treatment tend to be overlooked or disregarded in the interests of administrative simplicity. Ideally each prisoner should as far as practicable be given that treatment best suited to fit him to lead a non-criminal life - this goal is neither impossible nor need it be enormously expensive. To a large extent the need for training will vary from individual to individual, and will be governed by the length of sentence.

F. REHABILITATION: WORK AND REHABILITATIVE TREATMENT RELATED TO THE LENGTH OF SENTENCE

F.1 Classification, Central Recording of Data, Supervision

After reception all prisoners serving sentences of four months or longer should be interviewed by an officer trained in such work. All relevant details of the prisoner's background, family life, educational attainments and employment history should be recorded. Intelligence tests and work aptitude tests should be given, and other psychological tests should these be thought necessary by the interviewing officer.

The details of the interview would be recorded in a standard format and a copy sent to the Headquarters of the Department of Prisons for recording on a punch card relaying onto computer tape and then filed for future reference.

In this way a full record of every prisoner could be centrally stored, each major stage of his training could be added so that when he becomes eligible for parole a complete record of his time and training in prison would be readily available for study. These central records would be of great value for research purposes.¹ For example it might be decided to do a follow up study on the value of training in the farm sections, and as the probation system is totally inadequate in numbers to carry out such research it could only be done by way of interviews with reconvicted offenders. On readmission to prison all prisoners would be reinterviewed and the details of their employment while released could be entered on their computerised records. It would then be a comparatively simple matter for a team of trained researchers to extract from the records such information as they required.

After conducting the initial interviews and tests the interviewing officer would allocate each prisoner to a particular officer who would be responsible for arranging

¹The centralised records department in England has been invaluable both in aiding research and in parole prediction as described on p. 450.

and supervising all aspects of that prisoner's treatment whilst in prison. The supervising officer¹ would interview the prisoner and find out what sort of employment he would like to do and if possible allocate him to such work after liaising with the relevant workshop supervisor. However, before starting his chosen work or short training programme, each offender² would be required to spend a period of four weeks in an "induction" workshop engaged in some production line task. Only if his behaviour and work attitude was found satisfactory would he graduate to his selected work or training.

The supervising officer's responsibilities would include designing a programme to treat the whole man and not just to train him for future employment. Thus he would circulate copies of the initial reception interview to the relevant treatment officers - the education officer, the prison psychologist and the social care officer - and in co-operation with them make arrangements for his prisoner's future treatment. By concentrating responsibility for each prisoner's care in one officer it will be easier to ensure that no aspect of a prisoner's treatment is overlooked. The relationship between the prisoner and his supervisor would be of vital importance, for the supervisor would be in an extremely

¹The supervisory officers would be specially trained for this purpose - see p. 890 infra.

²This should include all prisoners, even those with considerable work experience, for the "induction" work period would constitute a period of adjustment to prison life and discipline.

powerful position to influence the prisoner and to make his prison life either purposeful or unbearable. One safeguard would be to appoint two supervisors to each prisoner, but this would be duplicating a great deal of work. Another safeguard would be to have a system whereby each supervisor/prisoner relationship was examined automatically after a month or so by the institution's Prison Board and thereafter at regular intervals. In this way partners could be changed at the application of either party subject to the Board's approval. Neither prisoner nor supervisor should be informed that the other has applied for a change for this would cause greater conflict.

Both prisoners and prison staff could benefit from this system of "officer supervision". For the prisoner his sentence could become more meaningful if divided into a number of goals which he must achieve before passing on to the next stage. The greater individualisation of treatment, if properly organised, would mean that his specific requirements were receiving attention rather than his being just another prisoner. A frequent complaint of prison officers, particularly in Britain, is that they have insufficient opportunity for rehabilitating prisoners. Most penologists would agree with J.E. Thomas's conclusion that despite assertions to the contrary the success or failure of a prison officer is measured against his custodial ability.¹ This supervisory

¹J.E. Thomas, The English Prison Officer Since 1850: A Study in Conflict (London: Routledge and Kegan Paul, 1972).

function would give a number of officers the opportunity of helping prisoners in a constructive manner, and might aid recruitment to the Department of Prisons of those persons who might otherwise be deterred by the turnkey public image of the prison officer.

F.2 Short Term Sentences

(a) Work Training

As discussed in Chapter VI in South Africa the majority of offenders are given sentences of six months or under, and quite clearly the proposed three stage system is inappropriate for such short sentences. Short term prisoners can either be employed for their full sentences in profit orientated employment as per Step I, or they can be given training as per Stage II if they have the necessary aptitude. However it is probable that a combination of the two will be possible, assuming that the sentence is for four months or over. Clearly in a short sentence vocational training may not be practicable, however, shorter training courses of a few weeks may well be justified, and could be integrated with the running of profitable industries.¹

¹For more details of suitable prison employment see Appendix which consists of reports on a number of interviews mainly with Trade Union Officials. It is clear that there are many semi-skilled tasks which can be taught in a few weeks and where there is a shortage of qualified persons in South Africa.

For example in the furniture industry certain of the uses of a machine such as a spindle can be taught in a few weeks. Assuming that the prisoner was to spend a total period of six months in prison this could be spent as follows:

T A B L E 1
SHORT TERM OFFENDERS

Classification and Work in Induction Workshop	4 weeks
Spindle Instruction	2 weeks
Work in Prison Furniture Factory	18 weeks

The period of training must not be too great in relation to the prisoner's sentence, for a reasonable period must elapse after completion of the training period so that the prisoner can gain confidence and acquire skill in his new work.

(b) Other Forms of Training

In order to have time for the various different aspects of training short term offenders could have one afternoon per week off from work, in addition to their weekends. As a first step all prisoners should be taught how to read and write, and thereafter encouraged to take part in evening classes until Standard 6 has been achieved.

However education must mean more than academic training and prisoners should attend courses on health and hygiene, personal financial planning, the use of leisure time and other such matters.

The ability to read and write must be a pre-requisite before taking part in other forms of education. This education need not require very much staff time, particularly if use is made of programmed learning techniques, volunteer help from the community and other prisoners.

In recent years leisure time has increased considerably particularly for blue collar workers. In South Africa many people have little idea of how to spend this time other than by getting drunk. Prisoners' interest may be stimulated in recreational activities, such as sports, hobbies, reading, amateur dramatics, singing and many other socially acceptable pursuits. They should be encouraged to form their own sports clubs and debating societies and generally to learn how to organise their free time.¹

Social Care

In South Africa the shortage² of qualified social workers

¹The importance of constructive leisure activities is recognised by the Department of Prisons. Prison Administration in South Africa, op cit., p. 9.

²In September 1974 there were a total of 110 persons employed by the Social Welfare Section of the Department of Prisons. Information received from the Department of Prisons.

in the Department of Prisons means that only a minority of prisoners can receive worthwhile rehabilitative treatment.

A discussion on social care and rehabilitative treatment by social workers is outside the scope of this thesis. However, unless prisoners are able to talk to somebody they respect and trust¹ as to why they have committed their crime, and unless that person is able to help them to face and overcome their problems so that they are willing and able to lead a normal life on their release, a great deal of time effort and money will be wasted.

F.3 Medium and Long Term Sentences

(a) Classification

Prisoners sentenced to periods of imprisonment of over six months but under two years would be interviewed in essentially the same depth as prisoners serving sentences of over 4 months would be, and allocated to a "supervisory officer". With a sentence of over six months there is much more scope for constructive training but at the same time the period out of society is that much greater and can give rise to new problems.

¹It is regrettable that so many of the social workers in the Department of Prisons are young girls. Not only are many prisoners unwilling to discuss their problems openly with a woman, but often the social worker's youth and inexperience of life make them unsuitable for counselling work of this nature.

(b) Work and Progressive Stage SystemT A B L E 2WORK AND PROGRESSIVE STAGE SYSTEM

	<u>Period</u>	<u>Pay per Day</u>
A. <u>Short Term Prisoners</u> (<u>under 6 months</u>)		
1. <u>Sentences of 8 weeks or under</u>	8 weeks	
Such prisoners should be employed in work requiring virtually no training unless they have a previous skill which can be used in prison		
		0 to 50 cents
2. <u>Sentences of 8 weeks to 6 months</u>		
Induction period	4 weeks	0 to 50 cents
Training period	2 weeks	40 cents
Productive Work	Balance of sentence	0 to 50 cents
B. <u>Medium Term Prisoners</u> (<u>6 months to 2 years</u>)		
Induction Period	4 weeks	0 to 50 cents
Stage I Productive Work: one-third of sentence	Minimum 3 months	0 to 50 cents
Stage II (a) Training	Maximum ¹ 16 weeks	40 cents
(b) Productive work in prison using newly acquired skill	Minimum 8 weeks	Adjusted ² Market Wage
Stage III Day Release	Minimum ³ 12 weeks	Market Wage

Continued

¹16 week course only available for prisoners serving 12 months or longer, otherwise training courses to be from 2 to 6 weeks.²Means market wages adjusted to the productivity of the worker.³Day release will only be available for prisoners serving 12 months or longer.

TABLE 2 (continued)

		<u>Period</u>	<u>Pay per Day</u>
C. Long Term Prisoners (Over 2 years)			
Induction Period		4 weeks	0 to 50 cents
Stage I	Productive Work: one-third of sentence	Maximum 12 months	0 to 50 cents
Stage II	(a) Training	Maximum ¹ 6 months	40 cents
	(b) Balance of Stage II	Minimum 12 weeks	Adjusted Market Wage
Stage III	Day Release	Minimum 12 weeks Maximum 8 months	Market wage

¹Where possible all courses should be concentrated into six months with a test, preferably a trade test, at the end of the course. Where the training period is of necessity longer than 6 months, as for example with training for an electrician, the prisoner should be encouraged to complete his training by means of evening classes and correspondence courses.

The three stage system as outlined above in Table 2 is more applicable to medium and long term prisoners than to those serving short terms of imprisonment. Stage I would be for one-third of the sentence, or a maximum of twelve months whichever were the longer. The range of employment in Stage I could require a variety of skills and need not be simple unskilled work. The criteria would be whether it was suitable work for the employment of prisoners and whether the industry could be run at a profit. After his month in the "Induction Workshop" a prisoner could be allocated to the employment of his choice within the range of prison industries, subject to being accepted by the workshop manager. If no position were available in his chosen industry the prisoner could do some other work until a vacancy became available. He could then apply for the vacancy and compete for it with any other applicants.¹ This would not only simulate employment practice in the outside world but would teach prisoners that things of value, particularly good jobs, must be earned.

Once employed in his chosen work the prisoner could serve his one-third of sentence or 12 month period for low wages. It might be argued that it is unjust for these prisoners to have to work for up to 12 months on unskilled work while short term offenders receive work

¹This system of applying for work vacancies is used at Coldingley Industrial Prison in England and is said to be of considerable value.

training almost immediately. One answer might be that longer term prisoners have a debt which they must pay to society, and this debt is being paid with their labour. Another possibility would be to permit longer term prisoners to take their training courses almost immediately (subject to a limitation of perhaps 16 weeks full time training).¹ After completion of the course they would work in their relevant field (subject to availability) but with payment on the pocket money scale until the Stage I period was over. If at any time the prisoner should behave badly he could be demoted to more boring repetitive work, and if still recalcitrant he could be put on manual labour of the type reserved for very short term prisoners and those with little training potential.

After completion of the one-third of sentence or 12 months in the profit orientated workshop (or building section, or farm section) the prisoner would be given his opportunity to decide whether he would like to receive further training, or schooling, or to continue working in his present job or another one but at a far better wage. Lest the wage should tempt people unduly, perhaps with the thought of an adequate sum for release, those prisoners who opt for training in Stage II, and

¹16 weeks has been chosen because it is the training period set by the English Prisons Department for the construction industry today.

consequently receive only pocket money, could be credited weekly with an additional sum to be retained for their release. Some prisoners may decide to continue working in order to earn reasonable wages, and then regret their decision at a later date. To provide for this any prisoner who has successfully completed Stage I could be eligible for future training save only that the training course must end at least a few months before the due date of release, so that some practical experience of the new work can be completed while still a prisoner.

Before being permitted to start a training course prisoners must be very carefully interviewed to make certain that they have the necessary aptitudes and perseverance for the course selected. If they have not worked in their selected field before they should spend a week as an observer so that they are under fewer illusions as to what their future work will involve. Unless it is patently wrong for a prisoner to be allowed to start a course he should be permitted to do so.

The training should be related to that work which the prisoner will do on his release and private business concerns could be encouraged to take an active interest in individual prisoners with a view to their possible employment. Firms could sponsor particular prisoners, or training courses, but it would have to be clearly

understood that there was no obligation on the part of any prisoner to work for their sponsors.

A number of prisoners are bound to fail their courses, and if after a supplementary course they still fail, they should be transferred to some other work of their choice which requires a lesser degree of skill.¹ Other prisoners may find that they have selected the wrong course and will want to switch to something else. If after careful consideration by their supervising officer and the employment/training officer it is felt that such a switch is justified then such prisoners will be permitted to do so after completing a further period in the profit orientated workshops² on low pay. The purpose of returning prisoners to the workshops would be to teach them that training is expensive and mistakes have to be paid for. As a general rule prisoners should perhaps work three weeks for every week spent in full time training, however this must be tempered by administrative expediency. If the new training course only starts twice a year and is due to start in a week then the prisoner should be permitted to go on the course with the proviso that after completing the course he

¹The ability to accept failure and adjust to doing something else is an important lesson to be learnt for many prisoners. On the other hand the morale and self respect of some prisoners requires very careful nurturing, and the likelihood and probable effect of failure on them must be carefully considered before they are permitted to start a particular training course.

²OR Building Section, or Farming Section ... wherever he had been formerly employed or can be most profitably employed.

will remain on low wages for the period he should have served in the workshops.

Stage II will vary in length depending on a number of factors, and it should not be strictly confined to one-third of the prisoner's sentence, although this could be used as a guideline. After successfully completing his training, a prisoner should be employed where he can use this skill. For some prisoners, for security reasons, this will have to be within the prison confines. However prisoners requiring strict security confinement represented only 10 per cent of the total South African prison population¹ on the 30th June 1973. At least the first two months after completing a training course should be spent using that skill inside the prison and only when the prisoner is considered fit to work outside the prison should he move on to Stage III.

During Stage III - work outside the prison - inmates must receive considerable guidance with the various problems of settling down into civilian life.² This will be particularly necessary for those prisoners who have served long sentences and have lost contact with the outside world, and who may understandably be

¹Annual Prison Report 1972-73, op cit., RP 91/1973, p. 11. This still represented some 9 500 prisoners. However this number would be reduced if the author's Stage I prisoners were deducted.

²See infra, p. 910 "The reintegration of released prisoners with society".

apprehensive of re-entering society. In Finland there are work camps run by the Ministry of Public Works¹ which employ prisoners alongside civilians with no prison experience. A prisoner can spend his last few months of imprisonment working in such a colony and on the date of his release he can retain his employment but merely change his accommodation to a nearby hostel distinct from the day release hostel which he will have been occupying. In this way many of the fears of release can be circumvented, and with good aftercare facilities the ex-offender could gain sufficient confidence to attempt to break away from the prison environment.

The emphasis in this section has been on the employment of the offender and his preparation for employment on release rather than on other forms of rehabilitative treatment, although these form an essential part of any effective rehabilitative programme. The last century has seen a change of emphasis from punishment to reform but this has not been sufficient to break down the conflict between prisoners and authority.² Whether such conflict can be totally eliminated is extremely unlikely, but if time spent in prison is to be used constructively

¹L.G. Moseley, "Finnish Work Colonies," Howard Journal of Criminology, Vol. XIII, No. 4, pp. 318-319.

²In Sweden the conflict is minimal compared with that existing in England, America and South Africa. See Professor D.A. Ward "Prison Reform in Sweden and Denmark," NICRO Criminological Journal No. 2, June 1974, pp. 55-75. Reprinted from Journal of Criminal Law, Criminology and Police Science 1972, Vol. 63, No. 2.

for the rehabilitation of offenders there must be more co-operation between the two sides.

G. REHABILITATION: THE NEED FOR PRISONER CO-OPERATION

It is an accepted norm of modern teaching practice for optimum learning to be achieved there should be sympathetic communication between teacher and pupil. Similarly in industry, for management to achieve its production goals, there must be good communication and co-operation between employers and employees. Prison administrators accept that this principle is applicable to training and rehabilitation in prison, but in practice there is invariably some degree of conflict between prison staff and inmates. In this section will be examined ways in which such conflict can be reduced without the goals of prisoner rehabilitation being affected by a lack of discipline.¹

G.1 Prisoner Consultation and Involvement in Goal Setting

As described above it is recommended that the present system of interview on reception at prison should be developed further and should include the appointment of a "supervising officer" for each prisoner. This officer would prepare a programme for the prisoner's training, either in line with recommendations from headquarters as in the case of a long

¹The author has yet to meet a prison officer in South Africa who did not extol the virtues of discipline - regrettably discipline of the "Do it because I tell you to" type, rather than the essential good order variety of discipline for the efficient achievement of the prison's goals.

term prisoner, or in co-operation with the relevant treatment officers in the case of shorter term prisoners. The more the prisoner is consulted and feels he has contributed to formulating this training programme the more he will identify with its aims and objectives. The supervisory officer is in a key position to win the confidence of his charge, and without that confidence his chances of influencing the prisoner for the better will be significantly diminished.

As work is of prime rehabilitative importance in the South African prison regime, the supervisory officer must plan with the prisoner how he can be best employed in prison, with a view to possible training in work of the prisoner's choice and the prospects of employment in this field on his release. Wherever possible, prisoners should be employed in work of their own choice, provided that they have the necessary aptitude and that the work will be beneficial to the prisoner and the Department of Prisons. The three stage progressive system as outlined above should be carefully explained to him so that he appreciates the importance of trying hard in each stage and graduating to the next. While the prisoner is employed under Stage I the supervising officer should keep careful note of his ward's progress and productive output in relation to the norm expected for such work, and give him regular encouragement. Similarly he should interest himself in all aspects of the prisoner's education, therapy and recreational activities so that the

prisoner knows that his supervisor is keeping a friendly eye on him. It cannot be too strongly stressed that the supervisor is there to help rather than to coerce, and that to help he must win the confidence of his ward.

G.2 Motivating Prisoners to Work

Prisoners can be motivated to work by either negative or positive sanctions, and a combination of the two are to be found in most penal systems. The negative sanctions usually include a reprimand by the work supervisor, followed if necessary by withholding or reducing pay, and at worst by transferring the malefactor to more arduous and less interesting work, with a combination of reduced pay and removal of certain privileges such as letters and visits. Where possible it is preferable to rely on positive inducements to work with some form of reward system, for coercion immediately destroys those feelings of participation which are essential for effective prisoner co-operation.

(a) Wages

The aims and objectives of paying prisoners wages and the methods of such payment have been discussed in Chapters V and VI. The present basis for the remuneration of prisoners in South Africa is that only prisoners involved in work requiring a certain degree of skill are paid any wages.¹ This is in violation of the

¹See Survey of Prison Labour in South Africa 1948 to Present Day, p. 708.

Standard Minimum Rules for the Treatment of Prisoners, Rule 76(1)(g) which states: "There shall be a system of equitable remuneration of the work of prisoners."

It is scarcely surprising that the productivity of prisoners in South Africa is so low¹ for Herzberg lists the belief that one's pay is equitable as being one of the most potent causes of dissatisfaction² with one's work. The author considers it imperative that prisoners' wages in South Africa be increased so that at least some of the various aims of paying prisoners more normal wages³ become capable of achievement. These aims can be summarised as follows:

1. Increased pay may lead to increased productivity.
2. By paying equitable wages a greater respect for the value of work will be developed.
3. By earning more normal wages prisoners' morale and self respect will be improved, particularly if they can earn sufficient to support their dependants.

¹See Survey of Prison Labour in South Africa 1948 to Present Day, pp. 724-729.

²F. Herzberg, Work and the Nature of Man (4th edition; Ohio: World Publishing Company Limited, 1971). It is arguable that Herzberg's theories are inapplicable to prison labour for the status of a prisoner is so different from that of a free person.

³By "more normal" is meant wages akin to market wages but subject to the productive value of that work.

4. The money earned can be used for a variety of purposes as discussed in Chapter VI.¹

Unless the first aim is achieved and increased pay actually leads to greater productivity it is unlikely that any government will continue to pay higher wages. In fact the problem is circular as demonstrated in England where the Treasury have agreed to pay higher wages to prisoners only if productivity first increases to cover the extra expenditure. Fortunately in England the government committed themselves to pay higher wages to prisoners and the Treasury had to find the money, otherwise the wages might have remained static.² Many prison administrators argue that once a prisoner can satisfy his needs the increased wages will cease to be an inducement to work harder. This is probably so if one thinks only in terms of what can be bought in the prison canteen or ordered from outside the prison, but it ignores the whole concept of weekend home leaves and the prisoner's needs of money for this purpose.

It is manifestly unjust that wages/gratuities should only be paid to prisoners employed in work requiring some degree of skill. There can be no enthusiasm for

¹See Chapter VI, pp. 321-327.

²In real terms wages have remained static in England since 1961 according to Mr. Hewitt - the official of DIS responsible for wages.

work for which no reward is received, and without enthusiasm the work will be of very little training value. As a first step all prisoners in custody should receive a wage unless they have refused to work or wages are being withheld for punitive reasons. This means that even unemployed persons, for they are unemployed because the Department has failed to organise any work for them, and the sick should receive a basic wage. This basic wage should be sufficient to buy minimal requirements in the prison canteen and could be as low as 50 cents per week. The additional revenue to pay for these wages could easily be earned if prison work were organised on a more businesslike basis. The present system is neither good for the prisoners nor profitable to the Department of Prisons.

Even assuming that it is decided to follow modern international practice and to develop efficient employment practices inside the prisons it will take several years before this can be fully implemented.

The present emphasis in South African prisons is on the retraining of prisoners, but the extent and value of this training has been questioned.¹ Where possible the work being undertaken by prisoners should be analysed by work study and productivity experts and daily and weekly

¹See Chapter IX, p. 697.

production targets set for the particular work. Similarly with maintenance and farm, work schedules should be prepared showing the number of persons required and the time they should need to complete different tasks. Only when this has been done will it be possible to compare prisoner output with normal civilian output. It is appreciated that it is more difficult to assess the work output of manual labourers than that of industrial or construction workers, which is one of the reasons why such unskilled work is of less training value. Another reason why industrial work is to be preferred is that experience has shown that prisoners prefer piece rate pay to flat rate. Their incentive to work hard is greatly enhanced assuming that the production targets are achievable. Piece rate pay can be set for group work such as in maintenance, farming and the construction industry, or even on a production line, but piece rate is never very satisfactory on a group basis. One positive advantage is that group pressure may be exerted on a trouble maker or lazy worker to make him conform to the group goal. This is somewhat akin to the Russian collective work philosophy where the individual must conform to the group's aims.¹ However in practice it is preferable to pay group work on a flat rate basis.

¹See J.P. Conrad, Crime and Its Correction: An International Survey on Attitudes and Practices (London: Tavistock, 1965), in particular the section on prison industry in Russia, pp. 158-165.

Ideally there should be careful correlation between the setting of production targets and rates of pay. If a target is too easily achieved, and the maximum pay scale is thus achieved, there will be no incentive for the prisoner to try hard. Similarly if there is too little differentiation between the pay scales, either variations of skill or output, dissatisfaction will be aroused.¹ Finally piece rate pay places a strain on the supervisor responsible for accepting or rejecting finished goods and calculating the prisoner's pay. However such disadvantages can be overcome, and by receiving a direct reward for increased production prisoners can be motivated to work harder. One of the disadvantages of the progressive stage system is that prisoners' pay is often increased regularly every month or quarter, not for any increased productivity but merely for length of sentence served and good behaviour. This is the practice in South Africa. Such a system is not contemplated in the author's proposed three stage progressive system.

Research in many countries has shown that increased wages normally lead to increased productivity, but this is only one way in which prisoners can be motivated to work hard.

¹See the description of Prisoners' Pay in the Survey of English Prison Labour, p.427 where many of the problems of prisoners' pay are discussed.

Wages and the Author's Progressive Stage System

In Stage I of the author's proposed progressive stage system the prisoner would receive wages substantially below free market wages and below the value of his work. However for this wage to have any incentive value it still must be capable of being differentiated in regard to work skills and output. Either the wage can be differentiated or the prisoner can be rewarded by a more rapid progression to Stage II, or a combination of the two could be arranged. For simplicity it will probably prove advantageous to differentiate between wage rates. These differentiations must be meaningful, with perhaps a top rate of R2,50 per week and a bottom of 50 cents.¹ From these sums no compulsory deductions should be made, not even for savings purposes, and the prisoner should be free to dispose of the money as he wishes.² To achieve the top rate the prisoner will be employed in some form of skilled or semi-skilled work and be achieving an output on a par with civilian labour.

In Stage II the prisoner is given the opportunity of learning a skill, or spending all or part of his working day in educational study, or continuing to work fulltime. Those who opt for training or education should receive

¹The "unassigned" or unemployed rate at Coldingley Prison, England is 25 pence per week. The author is aware that by suggesting a specific wage rate he is inviting criticism. The sums are merely a guide as to what the author considers the minimum necessary to effect some degree of co-operation from prisoners.

²The Department should withhold 50 cents per week from the wages of short term prisoners for a savings fund.

pocket money during their training period. A sum of 40 cents per day might be suitable. Those who continue in fulltime employment should receive wages adjusted to their skill and productivity but based on free market wages. Assuming that prison employment was as well organised as private employment, work targets could be set on a par with civilian targets. A pay scale could be prepared based on net civilian rates (i.e. civilian pay after the deduction of tax) and prisoners would earn pay based on their productivity against this scale.

e.g. Assume a civilian carpenter makes 100 windows per week and earns 40 cents per window (after tax), or R40 per week

A prisoner who makes 40 windows per week will earn 40×40 cents or R16 per week.

In practice it is unlikely that prison organised industry will be as efficient as private industry. Consequently some adjustments may have to be made on prisoner wages. However, care must be taken to prevent bad management being subsidised by reduced wages. A works study team could be set up by the central management of the Department of Prisons and employed to investigate the organisation of prison labour so that high management standards could be retained. In addition private

firms of management consultants should also be employed from time to time to make independent assessments for direct report to the Head of the Department of Prisons.

Certain deductions should be made from the wages of those prisoners who are fully employed. A variety of deductions are possible as discussed earlier, but care must be taken not to leave the prisoner with so little money that his incentive to work is removed. At Tillberga in Sweden, where full market wages are paid, prisoners are permitted to retain 25 per cent of their weekly earnings for their personal expenditure.¹

In Stage III, assuming that the prisoner is working on daily work release, the prisoner will earn open market wages. From this sum the same deductions (including tax) would be made as under Stage II.

(b) Weekend Home Leave

For some years in various countries prisoners nearing the end of their sentences have been permitted to visit their families for 48 to 72 hours in order to make arrangements for their release. A completely different understanding of home leave has been developed in

¹Gunnel Källgren, "Report on an Experiment with the Payment of Work Earnings Adjusted to Open Market Rates at Tillberga Open Prison," National Swedish Correctional Administration, 1st November 1972, at p. 2.

Sweden where certain prisoners,¹ after serving a portion of their sentence, are permitted to go home for the weekend every month or so. This system has been extended at Tillberga Prison² where prisoners can earn home leave every fortnight subject to good work output and behaviour. This experiment has fulfilled most of the desired aims³ of its initiator, C.H. Ericsson. Production has increased significantly and prisoner morale is high with good co-operation between the staff and inmates. As the scheme only started in November 1972 it is too soon to draw realistic conclusions about its rehabilitational effectiveness. However the Swedes are so satisfied with the good effect of paying market wages that it is being extended to a closed prison outside Gothenburg.⁴

It is rare for prisoners to fail to return from weekend leave (at Tillberga only 1,4 per cent of all furloughs were abused in the first seven months - 12 abuses out of 873 furloughs). Seemingly the prisoners react favourably to the trust placed in them and realise that they will be prejudicing the future continuation of the

¹Prisoners who are potentially dangerous are excluded.

²At Tillberga prisoners are paid market wages but Norman Bishop, the Head of the Research and Development Unit of the Swedish Department of Corrections wrote to the author on 4th June 1974 that the inmates found the extra home leave a greater positive inducement to work hard and behave well than the opportunity to earn market wages.

³See Survey of Swedish Prison Labour, Chapter VII, p. 491-492.

⁴Letter received by the author January 1975 from Torbjörn Ström, of the Planning Unit of the Department for Work and Education of the Swedish Department of Corrections.

leave system should they do so. Contact with family, friends and even employers can be maintained, greatly improving the prisoner's chances for managing in freedom.¹

Interviews with inmates both prior to and after release have shown that too little attention has been paid to the "social care" aspects of rehabilitation.

The inmates do however criticise the parole system and complain of lack of support of the supervisors and the probation officers. In many cases, they have received no visits from representatives of the probation authorities before their release. Inmates also assert that there is a lack of individual psychological treatment, probably because their contacts with the assistants in the prison mostly are centred on financial matters.²

This bears out the author's contention that every prisoner should have a supervisor who will take a very real interest in his training and future welfare, not just in matters of employment but in helping the prisoner to overcome those problems or anti-social attitudes which have led to his imprisonment. The supervisor can only be responsible for the in-prison care of his charge and must have the active support of a probation officer. Ideally the probation officer should be assigned to the prisoner well before his release so that he can help in

¹Gunnel Källgren, "Report on an experiment with the payment of work earnings adjusted to open market rates at Tillberga Open Prison," National Swedish Correctional Administration, 15th November 1973 at p. 4. It should be noted that Tillberga has prisoners serving both long term and short term sentences.

²Ibid.

maintaining contact with the prisoner's family and ease the release situation, as well as earning the prisoner's confidence by his interest and positive assistance.¹

There is no reason why a form of weekend home leave should not be introduced in South Africa.² Those prisoners with no homes to go to could either visit a State camp or be cared for by welfare organisations or even stay with their future probation officer.³ The prisoners should pay for these leaves themselves and to be able to do so they will have to have the opportunity of earning higher wages. These wages can only be paid if the whole system of prison work in South Africa is reorganised on a profit orientated basis.

(c) Annual

¹ Probation and Aftercare are discussed on p. 897 infra.

² The dangers of releasing prisoners for a weekend into the criminogenic atmosphere of the townships has already been mentioned. Rather than dismissing the suggestion outright as being certain to lead to more crime the author believes it should be tried experimentally on a small scale and extended if it proves a success.

³ The logical development of this system is conjugal visiting for long term prisoners. This is a topic on which experienced prison administrators hold widely differing views. Not having studied the subject in any depth the author is unwilling to express any opinion on the matter.

(c) Annual Leave in South Africa

At present prisoners in South Africa are expected to work all year round without any annual holidays. No-body can work hard and productively without a proper break, least of all prisoners whose daily lives are devoid of normal distractions. This need for annual leave for prisoners was stressed at the First Meeting of Heads of Prison Administrations in 1964¹ by Mr. Eriksson (Sweden), M. Rubi (Switzerland) and M. Dupreel (Belgium) who said:²

At a time when the importance attached to recreations formed one of the characteristic features of civilisations, that phenomenon could not be entirely neglected in prison. A general programme of employment in modern conditions should therefore provide for an equivalent of what, in the outside world, was represented by annual periods of leave, with the change, recreation and rest that they implied.

A prisoner who usually worked in an industrial prison might thus be sent for a certain time to a more open or better situated establishment, where he would enjoy more restful conditions to restore his physical and psychological balance.³

In France prisoners employed at the open prison farm colony on Corsica are permitted annual periods of leave and they can live with their families in holiday houses

¹This meeting was attended by General J.C. Steyn, Commissioner of the South African Department of Prisons.

²Mr. Torsten Eriksson, Director General of the National Swedish Correctional Administration; Professor Jean Dupreel, Directeur général de L'Administration Penitentiaire, Belgique, Mr. Walter Rubi, Chef de la Division pénale et pénitentiare du Canton de Berne, Switzerland.

³M. Dupreel, "Proceedings of the First Meeting of Heads of Prison Administrations," October 1964, pp. 42-43.

away from the main prison complex.¹ In Switzerland the Canton of Berne has a holiday camp for prisoners high in the Alps, while in Northern Ireland all but the most dangerous prisoners are paroled every Christmas for a week with their families.²

(d) Remission of Sentence

There is nothing new about suggesting the remission of sentences in return for good work. In England during the early nineteenth century Maconochie introduced remission for good behaviour based on his famous mark system.

As everybody with any experience of prisoners will know the date of release is never far from a prisoner's mind,³ and any way in which that date can be brought nearer is eagerly discussed. Recent research in England on prisoner work incentives reported that some prisoners would work "eight days a week" for time off their sentences; most prisoners agreed that it (remission) would be a good idea.⁴

¹ Author's meeting October 1974 with the Director of the Corsica Farm Prison.

² This does not apply to political prisoners.

³ Unless he is a particularly long term prisoner in which case for his own peace of mind he may deliberately try not thinking about his release. See Stanley Cohen and Laurie Taylor, Psychological Survival (England: Penguin Books 1972).

⁴ Stephen Brodie, "Research into Prison Industry," Home Office Research Unit, unpublished Report 1973, p. 20.

From an administrator's point of view the value of remission for good work would be that prisoners could be motivated to work hard at no cost. The training advantages of hard efficient work over lackadaisical work have been extolled at some length. In some countries remission is automatic, usually of one-third of the sentence, and this remission can be whittled away as a disciplinary measure, a negative sanction to encourage good behaviour. However workshop staff, particularly in England,¹ are extremely reluctant to cause ill feeling in their workshops by invoking such sanctions. It is all too easy for the prisoners to retaliate by accidentally damaging machines and ruining stock. Consequently the fear of loss of remission for bad work is not a real concern of prisoners in England and Wales. If remission had to be earned by good work, then, depending on whether such remission was really earned or became automatic, it could be a positive incentive to work.

The author has discussed remission of sentence for good work with prison administrators and directors of prison labour in a number of countries and all have been in favour of such an idea but have hesitated in introducing it in their countries because of the difficulties that will inevitably arise. The first problem is that it

¹Author's discussion with Mr. Hewitt of DIS - responsible for prisoner work motivation. September 1974.

will cause conflict between the work supervisor responsible for remission and the prisoners should the work supervisor refuse remission. This can be circumvented by setting work targets, and the achievement of a particular target will qualify the prisoners for a fixed amount of remission. However, this can give rise to slipshod work as prisoners deliberately cut corners in order to improve their output. Prisoners will object to quality control that is too rigid, but without this control it will become more difficult to sell prison goods or win orders.

A second problem is the old one that unscrupulous work supervisors will abuse the system and only those "whose face fits" will earn remission. The present system in South Africa is that the work supervisor makes a six monthly report to the Prison Board in order to review the prisoner's progress. Under this system there is the danger that the reporting officer may be either too harsh or lenient on his charge, and experienced Prison Board members are keenly aware of this possibility. However, under the author's proposed system, every week the prisoner's pay sheet, on which remission earned will be entered, will come before each prisoner's supervisory officer. If a prisoner is ostensibly behaving or working badly this will be immediately apparent and his supervisory officer can investigate the matter long before his prisoner comes before the Prison Board.

A third problem of remission for good work is that a prisoner could become due for release before the prison authorities consider him fit to re-enter society. If work remission is additional to normal remission the authorities will still have the power not to grant normal remission.

In Greece¹ remission for work is said to be a very real inducement to hard work according to Mr. Triantaphyllidis, the Director General of Prisons:

In Greece, he said, prisoners asked to be allowed to work even on Sundays and public holidays, because the regulations prescribed that each day's work should be counted as the equivalent of a day and a half or two days of sentence served. That reduction of sentence was granted optionally by a committee which was presided over by a magistrate and whose membership included the governor of the establishment.

The arrangement as described by Mr. Triantaphyllidis has the advantage that the decision to grant remission is to some extent out of the power of the Prison Department. This at least gives the prisoner some protection against unjust reporting by the works supervisor, particularly if the prisoner can appeal in person to the committee. Equally the works supervisor can blame the committee for refusing or reducing the remission and thus to some extent avoid confrontation with a disgruntled prisoner. However, the author

¹Mr. Triantaphyllidis, Director General of the Greek Prison Department, "Proceedings of the First Meeting of Heads of Prison Administrations," p. 43.

prefers a system linked to work targets, although he appreciates that this favours the more skilled workers.

With the present organisation of prison labour in South Africa it would be extremely difficult to introduce remission for good work, for without work targets the decision as to whether a prisoner was working hard or not would be entirely the decision of the work supervisor, and this would inevitably result in conflict and unrest. However, if the employment of prison labour is reorganised as suggested by the author, work remission could play a very real part in motivating prisoners to work hard thus enhancing the possibilities of effective rehabilitation.¹

(e) The Progressive System and Pre-Release Treatment including Work Release

Both the author's progressive stage system and work release have already been described in some detail.² No more need be said regarding the proposed progressive stage system save to stress how it can be a very potent motivational force. Instead of prisoners slowly earning privileges and concessions by their not misbehaving over a period of time, they will be actively encouraged

¹Remission for work would have to be designed to cover those prisoners involved in work training and education so that they too would be rewarded for their efforts.

²Author's progressive stage system, pp. 844-852.

by their supervisors throughout each stage of their training. Before being permitted to start a work training course they must satisfy their supervisor, and the training officer of the particular work, that they have the aptitude and attitude of mind to benefit from the training. The experience of the Prisons Department in England and Wales in this regard is similar to that in South Africa.

Offenders are prone to believe that the difficulties that got them into prison will not recur on release if only they can be given a vocational training course. Often, therefore, they plead for inclusion in such a course without realising what is involved. A vocational training course will in the long run help an offender only if

- (a) it is within his capacities,
- (b) it provides a skill which will assist him in obtaining better employment on his release, and
- (c) he will have the opportunity, ability and determination to find and retain such employment.

For many offenders, the shorter periods of training, for example in building work are more suitable.¹

Thus the training course should be selected with a view to employment on release, or sooner if the offender qualified for "pre-release" in Stage III.

¹"Work for Prisoners," op cit., para 84, p. 38.

Pre-Release

(1) Aims of Pre-Release Employment

The advantages of pre-release employment have been outlined in descriptions of pre-release as it applies in different countries.¹ The principal aims of leave for work are:

to accustom the selected prisoner to life in freedom; to reduce the traditional isolation from society which so far has been inevitable for offenders subjected to imprisonment; to create a natural transition from life in the institution to the inmate's life in freedom after release; and to expose the inmate to the routines and conditions of normal work without ignoring the persistent demand of society that offenders must be placed under bodily restraint.²

(ii) Importance of Inmate Counselling and Support

If pre-release work is to achieve these aims it must be preceded by careful treatment prior to release to prepare the prisoner for the problems that he will face. This can be done by individual and group counselling. For such counselling to be successful there must be far better relations between staff and inmates than currently exists in South Africa.³

¹See Pre-Release particularly at Pentonville in England, Chapter VII, p. 444-449.

²Report prepared for the Second U.N. Congress on the Prevention of Crime and Treatment of Offenders, London 1960, entitled "Pre-Release Treatment and After-care as Well as Assistance to Dependents of Prisoners." A/Conf. 17/8, p. 22.

³See p. 876 infra.

The probation officer assigned to the prisoner must take an active part in preparing him for release and helping him over the difficult period. In this way he can earn the respect of the prisoner which is so essential if he is to be an effective support once the prisoner has been discharged from prison.

(iii) Pre-Release as Practised in England

The author is in favour of the form of pre-release practised in England¹ but believes it should be considerably extended. Pre-release should become a standard part of most² prison sentences of one year or longer³ to be served prior to release on parole.

(iv) Selection for Pre-Release

Selection for pre-release should initially be by the Institutional Prison Board which in addition to the existing members should include the prisoner's supervisory officer, the works training officer

¹For description of Pre-Release in England see pp. 444-449.

²Pre-Release is unsuitable for some prisoners who find the strain of returning to prison every night too traumatic.

³Under one year most prisoners can be released on parole into the care of a probation officer. At present extremely few prisoners in England get the opportunity of pre-release. On the 30th June 1972 292 prisoners were on pre-release out of a total prison population of 38 581. Figure supplied to the author by the English Department of Prisons.

responsible for his training, and should be presided over by a judicial officer.¹ This Board shall make its recommendation to the Commissioner of Prisons who will be responsible for the final decision.

Every application for pre-release by the Institutional Board should be accompanied by a "prediction report"² prepared by the computer staff at headquarters. As discussed earlier regular stages of the prisoner's sentence and training will have been recorded on punch cards and sent to headquarters for coding and transferring to computer tape.

By means of this report the Commissioner will be aided in deciding whether the prisoner is ready for pre-release, and potential trouble areas will be highlighted to which special attention should be given.³ The Commissioner in recording his decision should draw the attention of the Institutional Board to any aspect of the prisoner's training which he considers requires further attention.

¹These three additional members shall all have votes.

²Predicting the likelihood of reconviction after release - see description of the use of prediction forecasting on p. 400 as developed in England by Christopher Nutall.

³Clearly "Prediction Forecasting" must first be used on an experimental basis as in England where the computer prepared predictions have proved more accurate in their forecasts than the combined experience of the local prison boards.

G.3 Breaking Down the Prison Culture

The reformers' refrain that prisons are schools for crime needs no elaboration. If they are to cease being schools for crime and to become schools for retraining and resocialisation there must first be a change in the attitudes of the two protagonists, the prison staff and the inmates. In some countries, such as Sweden, inmate/staff relations are comparatively good and there is little antagonism between the two. Regrettably the opposite is true of both England and South Africa where the prison regimes are considerably more authoritarian.² This makes communicating and helping prisoners extremely difficult as Mr. Twinn, the officer in charge of pre-release at Pentonville commented:

I think that the most important way in which the (pre-release) scheme needs to develop in order to deal with these areas of difficulty (re-entry to society) is to encourage prisoners to accept that they are part of the community of the Wing, together with the Staff, and that the object of the whole community is a positive one i.e. to help people with their difficulties rather than to catch and punish them when they are in trouble. The prison sub-culture militates against this and continues to do so, and it is necessary to break down the negative, antagonistic, anti-staff prison sub-culture and to increase the amount of information exchanged between prisoners and staff, so that the real difficulties can come out and positive support can be given.³

¹For inmate/staff relations in England see p. 448.

²Some prisons in Sweden (e.g. Kumla) employ students to open and shut prison doors while normal prison guards are on vacation. Such an innovation in England or South Africa would be considered ludicrous.

³Stephen Twinn. Appendix to Z.L. Whitlock "A Study of the Inmates of Pentonville Pre-Release Employment Scheme." Unpublished paper written in early 1970's - pp. 34-35.

For there to be any improvement in relations between prison inmates and staff both parties will have to reconsider their roles and the purpose of imprisonment. The initiative must come directly from the Commissioner of Prisons, for without unambiguous instructions from him the senior prison officers and non-commissioned officers will reject any attempt at detente as being bad for discipline. In South Africa the racial and cultural differences, between the White authorities on the one hand and the Non-European prisoners on the other, make it both easier and more difficult for there to be mutual understanding. The subservient position of the Non-European in South Africa makes it far easier for such prisoners to listen to and accept the advice of the White prison officer.¹ Whether either party really understands the other is uncertain. The cultural differences are very considerable, particularly between Whites and Africans, and it is arguable that no White man can fully understand what it means to be a Black man in South Africa.

At present the ratio of White prison staff to Black prison staff is totally out of proportion to the racial split of the prison population.

¹It is unlikely that this situation will remain for many more years as resentment is rapidly growing against the Whites, particularly with the realisation by the Blacks of the bargaining power of their labour.

Prison Establishment 1974-75¹ Compared
with Prisoners²

White Staff	:	7 302
White Prisoners	:	3 974
Coloured Staff	:	1 003
Coloured Prisoners	:	18 632
African Staff	:	4 603
African Prisoners	:	75 692
Asian Prisoners	:	553

Ratio of Prison Staff to Prisoners

<u>Whites</u>	<u>Coloured</u>	<u>African</u>
1,8 : 1	1 : 18,6	1 : 17

This imbalance is partly due to the shortage of suitably qualified Non-Europeans particularly those who would be capable of acting in a supervisory capacity.

The introduction of supervisors would be a first step to improving relations and communications between the two sides. Although it would be preferable to have a supervisor of the same race and culture as the prisoner this will not be possible for some years. The supervisor's prime aim will be the rehabilitation of the offender, and it will be his success

¹Estimates of Expenditure, Vote 46, p. 337.

²Prisoners as at 30th June 1974. Figures given by the Minister of Prisons in the Senate on the 23rd August 1974. Senate Hansard 2 Col. 694.

in this role which will be the measure of his success as a prison officer rather than his disciplinary and custodial abilities. Some warders will be required for purely custodial duties but these will be those unsuitable for promotion to act as supervisors. From the prisoner's side the emphasis will be on his training, and the setting of short term targets which he must achieve before proceeding to the next stage of his imprisonment. No longer will it be clever to outwit the authorities by working at half pace, for half pace work will earn low wages and delay advancement to the training stage, and possibly mean no remission. The more constructively the prisoner uses his sentence the sooner he will be released, hopefully to lead a better life.

Many prison officers will find it difficult to change from the old authoritarian attitude to prisoners to one where they are expected to help them, particularly having regard to the racial differences. Special staff training courses will have to be arranged, and all prison officers will have to go on such courses. These could be supplemented by regular staff meetings where problems could be discussed, and a lead given by senior officers in stressing the importance of leading by force of personality and rewards rather than by power and coercion.

Finally there must be more contact between staff and inmates. Possibly the most useful contact is where the staff are in the role of teachers - either in work training or education.

The position of the social worker conducting a "group session" is more ambiguous, and his is a particularly difficult task.¹

Inmate Councils

In September 1973 the Fourth Conference of Heads of Prison Administrations met in Oxford and discussed "Communication and Democratisation in the Penitentiary Field." This subject was chosen as a result of the rash of prisoner trade unions, and prisoner pressure groups which had first started in Scandinavia in 1970-71 and then spread to England and America. Initially in Sweden institutional councils consisting of six inmates and six prison staff in each central prison were formed to discuss matters of common interest to both groups. It was presumed that²

participation in institutional councils or other forms of consultation could bolster the inmate's self-respect and responsibility to the benefit of their treatment. Likewise it could give employees a feeling of their importance in the work of rehabilitation.

These councils have worked with varying success, sometimes deteriorating into direct confrontation between both parties but most of the time reaching acceptable compromises. One of the best results of these councils has been the improved atmosphere inside prison institutions. In the past such grievances often gave rise to unrest, but now prisoners take these to their advisory council. If the council finds the

¹Especially in dealing with prisoners of another race.

²See article by B.O. Martinsson, Director General of the Swedish Correctional Administration, "Prison Democracy in Sweden, April 1971" released by the Swedish Information Service, New York 1971, p. 2.

inmate's cause justified the matter is referred to the prison administration for their attention. This channel for effective communication with the central authority has resulted in the settlement of many disputes which might otherwise have caused considerable conflict between the parties.

At the Oxford Conference the general consensus of opinion was that "inmate/staff consultative councils" could be valuable but had to be treated with some caution. The two main dangers are that such councils can lead to confrontation where neither party is prepared to stand down, and secondly in those cases where grievances genuinely require redress there may be some delay on the part of the prison administration in taking the necessary action. Such delay may be seen by inmates as being deliberate, and in the past delays in executive action have frequently contributed to the collapse of "consultative councils", as inmates have considered them a confidence trick by the authorities to secure their good behaviour.

One must be wary of introducing European ideas into other continents, particularly one like South Africa with its different levels of cultural advancement. In Europe democracy has been evolving for centuries, while for the Africans of South Africa it is a comparatively new concept and in practice their democratic rights are extremely limited outside their "homelands". Thus Africans are forbidden by law from exercising the right of all free men to strike. African

Trade Unions have extremely limited powers and they are little more than a medium through which the authorities can explain new conditions of employment. Consequently it is certain that the South African Prison Authorities will not encourage the formation of councils as organised in Sweden. If prison councils were set up, albeit closely controlled by the authorities, they might well be of value in improving communications in South African prisons. There are some matters where inmates' lack of experience will be such that they can not be consulted, but this should not prevent councils from being established. One of the findings of the enquiries into both the recent French and American prison riots has been that if formal lines of communication and negotiation between inmates and staff had existed these riots need not have taken place. Finally if Councils are to be effective participants they must feel free to express themselves without fear of reprisal. Recent research in Sweden¹ has shown that:

If there is a desire to democratise the institution environment then the repressive measures which constitute a part of the authoritarian system must be discarded. Removal to another institution, solitary confinement because of misdemeanours and many other coercions conflict with frankness in communication between inmates and staff; these coercions in fact make democratisation impossible.²

¹Ann-Charlotte Landerholm Ek; quoted by K.J. Lång (Director General of Finnish Prison Administration) in "Communications between members of staff and groups of staff with prisoners and groups of prisoners," paper read at Oxford 1973. See Report of 4th Conference of Heads of Prison Administrations, September 23-28 1973, p. 16.

²Ibid., p. 18.

This may be true of "full" democratisation, but the existence of coercive measures should not prevent some communication taking place. It is inconceivable that the South African Prison Department either will or should dispose of their disciplinary powers. However, there is no doubt that an over reliance on discipline makes communication difficult, and prevents the development of the therapeutic atmosphere which is necessary for rehabilitation.

It will be many years before such time as the so called "prison culture" is diminished to such an extent that staff and inmates can trust each other sufficiently for prisoners to automatically seek the help of prison officers in dealing with their problems. A little effort by both sides could bring a substantial improvement to the present prison atmosphere in South Africa making it more conducive to rehabilitative change. In recent years South African prisons have become less rather than more open to the public. This is an unfortunate trend as it makes it more difficult for prisoners to adjust to everyday life on their release,¹ and by making prison more remote it reinforces the general public's lack of sympathy for prisoners.

¹This is true for Whites, but for Black people the high incidence of imprisonment has definitely reduced the social stigma of this punishment.

H. REHABILITATION - THE ROLE OF THE PRISON STAFF

In the past in many countries prison staff have not been paid particularly well - nor has their work been very challenging. In 1963 the English Prison Officers' Association in their memorandum to the Home Office said that members of the prison service

should play a responsible part in what should be the main aim of any penal system, the rehabilitation of the prisoner. Today however people who join the service full of high ideals of doing something to help others soon become disillusioned and even bitter and cynical ... The day's chore of unlocking the men and locking them up again differs very little from the work of the turnkey of the last century, and the present administration of the service does nothing to help eradicate the feeling of frustration which pervades the working life of the prison officer.¹

If the Prison Service is to attract the "right sort" of person who will actively interest himself in the inmates' welfare, then his role in the rehabilitative programme must be clearly defined. Except for a minority of offenders the custodial function can be substantially reduced and the prison officer - if sufficiently trained - can play a leading role in the prisoners' working day as a trade instructor or foreman.

The prison officer's task is a difficult one, for to be an effective agent for beneficial change he must have the confidence of his charges. He must attempt to balance his authoritarian role with an ability to get on with his charges, as Mathiesen said

¹Lopez-Rey, "Administrative Penology" (England and Wales), British Journal of Criminology 1964, p. 17.

in "The Defences of the Weak" -

The regular guards, in direct and intimate contact with inmates, dependent on inmate co-operation, are under strong pressure to compromise with their captives, and to get enmeshed in social relationships that from the standpoint of the prison are examples of corruption.¹

Unless the prison staff have meaningful powers of reward and the right to withdraw these rewards as punishment their ability to motivate and influence offenders will be considerably limited.

In South Africa virtually the entire responsibility for the rehabilitation of offenders rests on the prison staff. This is because the prisons are effectively cut off from the outside world and little attempt is made to involve the community in the treatment of offenders. Once a man has been imprisoned his contact with free society, including the prison staff, is limited to his one or two 30 minute visits per month,² his 2 to 4 letters per month, and the newspapers and radio. In the past prisoners were allowed visits from private social workers but nowadays virtually all social care inside the prisons has been taken over by the Social Care Section of the Department of Prisons.³ As the probation service in South Africa is totally inadequate for dealing with any but a very few released prisoners the whole effort at rehabilitation must take place within the prison confines, and the example and influence of prison officers is therefore of paramount importance.

¹Thomas Mathiesen, The Defences of the Weak (Social Science Paperbacks, first published 1965), p. 10.

²In the presence of prison staff.

³See supra, p. 70.

H.1 Recruitment and Training

To join the prison service a White man or woman must be between the ages of 16 and 35 and have passed standard 8.¹ Exceptionally recruits can be accepted of a lower educational standard but they must pass a special departmental entrance exam. Basic training takes six months and is very similar to army training save for a course on prison rules and regulations. Those who have had training in one of the services spend only six weeks training. At the end of the training period some tests are given but these are seldom failed. The emphasis in the training programme is on the routine custodial duties of a prison officer and no attempt is made to teach social care or basic psychology, this being the role of the Social Care and Psychological Services sections of the Department of Prisons.

After training a man spends three years as a Warder before becoming eligible to take the departmental exams for Head Warder. Those with Senior Certificate² can obtain exemption from these exams. After three years' experience as a Head Warder the next stage is to take departmental exams to qualify as a Warrant Officer, and after a further three years one can go on an officer training course and qualify as a lieutenant. The training to become an officer contains some basic sociology but is still far less treatment orientated

¹Standard 8 is usually done by persons aged 15 and is equivalent to one year below the British 'O' Level standard.

²Standard 10, considered to be one year above British 'O' Level.

than the training suggested by the Lansdown Commission.¹ This is the last formal training that a prison officer ever receives. Thereafter promotion is on ability and length of service, and there are no refresher courses for senior officers to keep them abreast with developments in the treatment of offenders. This being the case it is not surprising that senior prison officers view the work of their younger colleagues in the Social Care and Psychological Sections with some scepticism. Not only have they been brought up to believe that strict discipline is good training, but their experience has taught them that very few prisoners are reformed no matter how much training they are given.²

Prison officers have very considerable power to influence prisoners, and it is vitally important that this influence should be good. The majority of offenders on being sent to prison for the first time are young and impressionable³ and their future lives may well depend on those officers with whom they come into contact. As long ago as 1589 Spiegel,⁴ the man responsible for the introduction of the Tuchhuis in Amsterdam laid stress on the role of workers and trade

¹Lansdown Commission Report, op cit., para 718, p. 107.

²Recidivism - see Chapter I, pp. 91-92.

³This information is based on meetings with officials of the Department of Prisons, as the statistics published annually by the Department do not include the ages of first offenders.

⁴Spiegel, "Memorandum on the Foundation of the Tuchhuis," quoted from Thorsten Sellin, Pioneering in Penology: The Amsterdam Houses of Correction in the Sixteenth and Seventeenth Centuries (University of Pennsylvania Press, 1944), pp. 20-30.

instructors in achieving the aims of the Tuchthuis. These aims are worth repeating for comparison with South Africa nearly four centuries later: Work and work training was to be "not sore punishment but the improvement and correction of those who do not realize its usefulness to them and would try to avoid it."

In some ways the old Amsterdam trade instructors had an easier task than their counterparts in South Africa today for they could reward the prisoners for good work by distributing between one-quarter and one-eighth of the profit of the work-house between the prisoners.¹

H.2 Limitations on the Influence of Prison Officers

The size of the prisons in South Africa and the low ratio of prison staff² to prisoners reduces the personal contact between staff and prisoners, and consequently diminishes their influence. The ratio of staff to prisoners for 1974-75 is 1 : 7,7³ but this includes all prison personnel including the administrative staff at headquarters. Above all it is the warders and instructors responsible for the day to day employment of prisoners who have the closest relationship with them. In 1970-71 the ratio of staff to prisoners in the different forms of employment were as follows:⁴

¹ Spiegel, op cit. See Chapter IV, supra, p. 230.

² See Chapter IX, p. 746-747.

³ In Sweden the ratio is approximately 1 : 1, and in England it is approximately 1 : 2,5.

⁴ These figures are the most recently published. In addition during 1970-71 there were a further 80 000 prisoners and a further 10 518 staff.

T A B L E 3

	<u>Prison Industries</u>	<u>Building Section</u>	<u>Prison Farms</u>	<u>Total</u>
Prisoners Employed	2 167	3 800	6 000	10 967
Staff	310	878	213	1 401
Ratio	1 : 7	1 : 3,2	1 : 28	

The ratio in prison industries is good by international standards, while that of the building section is very substantially above normal requirements suggesting that this section has considerable potential for expansion without the necessity of employing extra staff. The ratio in the farm section shows that contact between prisoners and staff is very limited. A total of just over 1 400 staff were involved in the employment/training of approximately 11 000 prisoners. In addition to these prison officers who have some measure of training and experience over and above their prison training, there are 110 trained social workers.

If the Department of Prisons is to give adequate rehabilitative training to a significant number of prisoners the numbers and standard of training of prison officers will have to be raised considerably. Not only should the numbers of staff be increased but the Department should employ civilian instructors to help with the organisation of prison work of all types. The advantages of using non-prison personnel in the workshops and generally inviting the community to

participate in the treatment of offenders is discussed in the next section.

H.3 Custody or Rehabilitation

In South Africa the prison system is quite clearly orientated to the safe custody of prisoners rather than to their rehabilitation. There are always some prisoners who must be kept securely for the safety of the general public but these are in the minority, for the rest of the prison population the more open the prisons the less will be the dangers of prisonisation. By an "open" prison is not just meant no security fence, but open in that restrictions of all types are removed provided that the good order of the prison is not thereby endangered. Community participation should be welcomed, family visits encouraged rather than limited,¹ and day release become the norm rather than the exception.

The author's suggestion of a "supervisory officer" to co-ordinate the training/treatment programme of each offender sentenced to 6 months or longer will only be of real value once the number of prison staff with basic training in the social sciences is considerably increased. Until such time the system should only be tried on an experimental basis with those officers considered to have the requisite experience

¹It is appreciated that the limitations on visits are officially due to the cost of keeping staff on duty to supervise these visits. Many other countries have not found such supervision necessary save for top security prisoners.

and personality. Basic training in the social sciences should be essential before a man can qualify as a commissioned officer.¹ Every five years, or on promotion to a higher rank, officers should be sent to the Prison Training College to be kept up to date with penological thinking. There is always the danger in Prison Departments that the older staff, who effectively control the prisons, are out of sympathy and understanding with what young prison recruits are being taught. This can be seen in South Africa with the conflict between the Social Care Officers and the custodial officers,² and in Britain between the old style Prison Governors and those who have been trained at Wakefield in the last 10 to 15 years. If reform orientated Commissioners of Prisons such as Mr. Verster and General J.C. Steyn³ are to succeed in their aims of developing a rehabilitation orientated prison system they must have the support of their senior prison officers. They will only win this support by educating prison officers so that they can understand the Commissioner's goals and the reasons for them.⁴

¹Special intensive training courses of approximately 6 to 8 weeks could be designed by the Social Science faculties of the universities in co-operation with the Department of Prisons.

²Some of the best officers of the Social Care Section of the Department of Prisons have left the Prison Service during the last few years to join the army or private industry where pay is better and where there is less uninformed opposition to their ideas.

³Mr. Verster, Commissioner of South African Prisons Department 1952-1963; General J.C. Steyn, Commissioner of South African Prisons Department, 1963 -

⁴It is not suggested that the Commissioner does not have the support of his officers but that his understanding of penology is in many cases far greater than theirs and that this makes it difficult for those less well informed to sympathise with his views.

H.4 Finance

By far the most expensive section of any prison budget is that for salaries and allowances. By increasing the ratio of staff to prisoners, particularly those qualified as work instructors or in social care, the annual cost of the Department will inevitably rise. This can be offset both by developing profit orientated employment, and by developing the probation service so that the numbers in prison are reduced as the sentencing officers gain confidence in the supervision given to offenders sentenced to non-custodial treatment. The initial cost of a treatment orientated corrections system may be very considerable, but if it succeeds in reducing the numbers held in prison, as has happened in England, Holland and Japan, then these costs will be economically and socially justifiable.

I. PUBLIC PARTICIPATION IN THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

I.1 Community Responsibility for Crime

Perhaps the most significant trend in penology during the last fifteen years has been the increasing emphasis placed on community involvement and responsibility to help the authorities deal with crime. The 4th U.N. Congress on the Prevention of Crime and Treatment of Offenders¹ held at

¹See in particular the excellent report by E.A. Missen (New Zealand) "Social Defence Policies in Relation to Development Planning," U.N. A/Conf/43/5, 1970.

Kyoto, stressed the importance of a co-ordinated State and community policy to deal with each aspect of the social defence and the Criminal Justice System - prevention of crime, detection, arrest, trial and sentence, imprisonment, employment and training in prison, resocialisation and reintegration into the community. Unfortunately South Africa has no planned policy of co-operation with the community in this way. In fact involvement by private citizens in virtually any aspect of the criminal justice system is discouraged by the authorities as unwarranted interference.¹ The Prisons can only be visited by other than those authorised by law² by obtaining specific permission from the Commissioner of Prisons, such permission is only granted when the Commissioner is satisfied with the visitor's bona fides. In addition the 1959 Prison Act prohibits publication of virtually anything to do with the Prisons unless permission is first granted by the Commissioner. In this way the Commissioner protects his prisoners and staff from the idly curious but also effectively restricts the beneficial advantages of independent research.

¹One notable exception is the encouragement given to owners of private vehicles with two way radio to report suspicious activities to the police.

²e.g. Magistrates and Judges.

White persons represent only 5 per cent of the prison population, although being approximately 17 per cent of the total population. Thus in South Africa the natural antipathy to criminals is reinforced in the White community by their fear of the Black community, its vastly greater numbers and manifestly less respect for law and order. Yet effective power is in the control of the White community and only that community has the financial resources to initiate a change of attitude towards criminals and a greater understanding of the causes of crime. As Mr. Justice Steyn stated at Cape Town University in 1971:

One of the primary targets the reformer must set himself is to secure a change in the prevailing attitude of the public toward anti-social conduct. I would emphasize that this does not mean that he should be sentimental about crime. What it does mean, however, is that whilst recognizing the stark and often frightening reality of crime, the citizen must become sufficiently enlightened to appreciate the complexity of the problems associated with anti-social behaviour. We must use our material resources and in particular our media of communication to tell the public not only of the violence and brutality of criminals but also of how and to what extent social conditions bring about crime.¹

I.2 Public Participation in the Criminal Justice System

In his address to the University of Cape Town Summer School² in 1971 Mr. Justice Steyn discussed various aspects of public participation particularly with regard to the

¹Mr. Justice J.H. Steyn, Judge of the Supreme Court, "Public Participation in the Prevention of Crime," 88 South African Law Journal 1971, p. 211. First given as an address to the U.C.T. Summer School.

²Ibid.

administration of justice. Among other recommendations he urged the development of an effective probation service making use of volunteer probation officers under the supervision of qualified probation officers.

Rather than repeat that which Mr. Justice Steyn has already said with so much more authority the author will confine himself to public participation particularly in regard to prison labour, work training and post release employment. Other aspects of public participation will only be mentioned in passing, they should not be thought necessarily less important for any lack of depth in this dissertation.

(a) Crime Prevention and the Apprehension
of Offenders

Crime is a community problem, and a high crime rate is a reflection of that community. In South Africa the majority of people see crime prevention as the responsibility of the "Authorities" and feel that there is little that they as individuals or organisations can do. Assuming a modicum of State encouragement and approval, this need not be the case. The need for the improvement of social conditions has been discussed, and much of this is largely outside the private sphere, save in the payment of adequate wages and the provision

of good working conditions.¹

Citizens can directly help in preventing crime either by reporting criminal activities² or by joining the police reservists. Mr. Justice Steyn commented in this regard:

(The extension of police reservist activities) has the additional advantage of tending to spread the responsibility for police activity and to place it partially in the hands of the community rather than consolidating current attitudes, particularly prevalent amongst Non-Whites, who are inclined to view all policing as synonymous with an authority divorced from their community structure. It is therefore imperative that police reservist enlistment and training should proceed apace, particularly amongst our Non-White communities.³

(b) Prison Visitors

Traditionally public participation in the treatment of offenders has been the role of the public as "prison visitors" and more recently as volunteer probation officers. The system of "prison visitors" as

¹A detailed review of wages and the importance of paying a living wage is beyond the scope of this thesis. The fundamental importance of adequate wages in preventing crime is so obvious that it has not been dealt with in detail.

²The difficulty and fear of reporting crime in South Africa could be improved by increasing the number of telephones and by use of a "safe" number as is done in Northern Ireland. A "safe" number is one which is answered by a tape recording machine, the message is typed and the tape recording destroyed to prevent identification of the informer by his voice. The police carefully investigate such reports before taking any action so as to minimise the possibility of "framing".

³Mr. Justice J.H. Steyn, op cit., p. 216.

organised in Britain¹ and other countries does not exist in South Africa.² The idea is that a prisoner should have somebody totally unconnected with the correctional or welfare authorities to visit him and to take an interest in his future welfare. The visitor, if he so wishes, can be an additional link between the prisoner and his family, and he can have a very positive influence on the prisoner's possible rehabilitation.

(c) Volunteer Probation Officers

The vital importance of an effective probation system in helping with the non-institutional treatment of offenders has been mentioned on several occasions in this thesis.³ Mr. Justice Steyn in his paper "Public Participation in the Prevention of Crime"⁴ stressed the need for probation in South Africa and cited the extensive use of volunteer probation officers in Sweden and Japan.⁵ In Japan in particular the judicial confidence in the probation system has been largely responsible for the swing away from custodial sentences which

¹People in Prison 1969, op cit., para 94, p. 42.

²This function used to be carried out by NICRO, but they are now being restricted in their prison visiting as the Social Care Section of the Department of Prisons is expanded. This is regrettable.

³Particularly with reference to aftercare.

⁴Mr. Justice J.H. Steyn, op cit., p. 223.

⁵Japan has approximately 50 000 volunteer probation officers and a prison population of 46 000. See Survey of Prison Labour in Japan, Chapter VII, p. 558.

has resulted in the rapid decline of the prison population.

A well organised probation system using volunteers is the best way of involving the community in participating with the treatment of offenders. The volunteer officer, after a short period of training, can specifically help parolees and probationers released to him and can be the initiator and organiser of community action in crime prevention. This aspect of their work as practised in Japan was described as follows by Yasuyoshi Shiono:¹

In the promotion of crime prevention, volunteers carry out many forms of activity subsumed under the concept of community organisation. Among others, they collaborate with public and private organisations in exploring and co-ordinating social resources in the community; they interpret rehabilitative philosophy and efforts to individual neighbours, or to the public as a whole, and they attempt to eradicate crime - precipitating conditions in co-operation with the community residents.²

In the progressive stage system as outlined above³ it is essential that there is adequate aftercare. The Tillberga experiment in Sweden⁴ has shown that the

¹Director of the Rehabilitative Bureau of the Ministry of Justice, Japan.

²Yasuyoshi Shiono, "Use of Volunteers in the Non-Institutional Treatment of Offenders in Japan" 1969, 27th International Review of Criminal Policy, p. 26, quoted from Mr. Justice Steyn's paper "Public Participation in the Prevention of Crime," op cit., p. 223.

³p. 844-845.

⁴p. 488-494.

officer must get to know his client before release from prison if he is to be of any real assistance in the first few weeks after release. This applies equally to pre-release where the probation officer, particularly if a volunteer, will be better able than a prison officer to prepare his client for pre-release and act as a go-between with the future employer, for the prisoner will have fewer inhibitions in talking to a volunteer who is not part of the prison system.

As 95 per cent of the prison population are Non-Whites it would be advisable to have Non-White probation officers. Initially they would have to work under White qualified probation officers until sufficient Non-Whites could be trained for this work. According to Dr. T.O. Elias, the Nigerian Commissioner for Justice:

... the new methods of treatment of offenders, such as probation, parole, and aftercare, lend themselves admirably to easy adoption in the societies in Africa today. This is in view of the fact that there is going on apace a process of partial break-up of the traditional patterns of the family or the extended family.¹

Whether Dr. Elias' experience in West Africa is applicable to the rather less evolved African societies in Southern Africa can only be discovered by experiment, but it is thought that such an experiment could prove successful.²

¹Dr. T.O. Elias, Attorney-General of the Federation and Commissioner for Justice, Nigeria in "Traditional Forms of Public Participation in Social Defence" (1969), 27th International Review of Criminal Policy, 21-22, quoted from Mr. Justice Steyn's paper, "Public Participation in the Prevention of Crime," op cit.

²See Chapter II, Probation, p. 154.

In 1974 the South African State President in his address at the opening session of parliament announced that it was the intention of the State to investigate the possible extension of the existing probation system. It is to be hoped that such investigations will not be so lengthy that they result in a lack of constructive action.

(d) Commerce, Industry and Trade Unions

Commerce and industry have the finance and administrative experience to play a significant role in the criminal justice system. If non-government organisations are to remain identifiable as being comparatively free of government control they must have a significant measure of financial independence. The importance of such independence has been shown with regard to volunteer probation officers.¹ Business organisations can directly help organisations such as NICRO by giving them financial aid.² In some cases commerce and industry will prefer to make available their experience, possibly in some aspect of work training. In America, IBM trains key punch operators, programmers and systems analysts, hiring some itself while others are employed by other firms on their release. Similarly the International

¹In Holland the Probation Service is organised and largely financed by the private sector.

²Such donations should be "tax free".

Ladies' Garment Workers Union has established a programme to train sewing machine repairmen and grants a certificate to graduates enabling them to find employment on their release.¹

The majority of prisoners on their release require employment and one of their problems will be to find firms prepared to accept ex-prisoners.² The private sector should be encouraged to set up employment bureaux in the major cities specifically to help ex-offenders find employment. As far as possible these should be run on similar lines to normal employment agencies for it is considered important that ex-prisoners should fend for themselves. These bureaux could be only one branch of a larger Prison Labour Council, which would operate on a national and local basis. These Councils would consist of representatives of the Department of Prisons, private enterprise and the trade unions. Their purpose would be to co-operate on all aspects of the training and employment of prisoners both in prison and on their release. The National Council would be concerned with policy decisions and would serve to balance the interests of private industry and organised labour with the needs of the Department of Prisons. The local councils could help with specific advice on the various

¹"The Challenge of Crime in a Free Society", op cit., p. 289.

²See "The reintegration of released prisoners with society", infra p. 910.

different aspects of industry, including the training of prisoners. Ideally all prisoners reaching Stage II of their sentence, the work training stage, could be interviewed by the local Council and suitable training organised which could lead to employment on release by a particular firm. These local councils could also be used for hearing disputes between prisoners and the local prison authorities on aspects of their employment, and their decisions could be relayed to the Commissioner of Prisons for the appropriate action to be taken. In this way prisoners could obtain a more independent hearing of their work grievances than anything which currently exists, and the Council could act as a buffer between the two parties.

Finally the Local Prison Labour Councils could be represented on the local parole and pre-release boards. They will be able to judge whether a prisoner's work standard¹ is sufficiently high for him to retain employment on his release, and can help with the finding of such employment by way of their labour bureaux.

Whether South Africa is to follow the pattern being set by the Prison Departments in other countries in establishing profit orientated employment practices or to

¹In Russia at the Kryukobo Prison Work Colony an essential prerequisite for release was qualification in some trade skill. J.P. Conrad, "Crime and Its Correction," op cit., p. 160.

continue with her present system there must be far closer co-operation with the different work organisations.

(e) The Role of Educational and Research Bodies

At present there is too little contact between the universities and the Department of Prisons in South Africa. The Department of Prisons has discouraged research by the universities, and in fact very little research of any type has been published in regard to the South African Prisons.¹

It is possible that two Institutes of Criminology will be established in the near future, one at the University of Cape Town and another under the auspices of the University of South Africa. It is to be hoped that the Department of Prisons will not only permit but will actively encourage independent research into all aspects of corrections. For without objective research and critical analysis of research findings it is impossible to scientifically compare the benefits or otherwise of different aspects of the correctional programme.

In addition to their research the universities should be asked to design training courses for probation and prison officers. These could be short and intensive for

¹The author knows of no published research that has been conducted into any aspect of the treatment of offenders during the last twenty years, with the exception of E.M. Rhoodie's Penal Systems of the Commonwealth (Pretoria: Academica, 1967).

initial training, and more detailed for full time probation officers, or prison officers planning to qualify as "supervisory officers". In addition to staff training the universities could supply both part time and volunteer teachers for the education of prisoners.

(f) The Role of the Department of Prisons

The individual prison governors and staff could encourage community interest in their institutions. Prison concerts and plays could be opened to the public,¹ teams of prisoners could compete in various sports against local teams,² and "open days" could be arranged when the public could visit the institution and learn of the work of the prison authorities.

In England the

Government believes that such links with the local community help the staff to see themselves as members of that community and enable the public to take a more informed interest in what is being done in their name. ... this is why facilities are now freely given to research workers and others to study the work of the prison service, and why reporters and cameramen from press, radio and television are given more access than hitherto.³

¹Certain of the Central Prisons - such as Victor Verster Prison Paarl have a regular annual concert.

²As a schoolboy in Scotland the author played several games of football against the local prison team, and on one occasion helped to fight a minor forest fire side by side with prisoners released for the purpose.

³People in Prison, op cit., para 257, p. 109.

England's "open doors" policy is slowly breaking down the unthinking prejudice against criminals and helping people to understand that custody on its own is insufficient to rehabilitate any but a tiny minority. This greater understanding has been of enormous help in preventing uninformed biased objections to the development of prison industry and the concentration on extra custodial sentences in preference to imprisonment. If the South African authorities want the community to play its role in the resocialisation and reintegration of offenders into society then they must adopt a more open policy and encourage interest in their work.

(g) Planning Bodies

In 1967 the U.S. President's Commission on Law Enforcement and the Administration of Justice recommended that planning agencies or officials should be set up in every State and city to be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation.¹ In South Africa such an agency or official could develop a formal planning body having representatives from or contact with all major aspects of community life. In this way a co-ordinated policy to deal with crime could

¹"The Challenge of Crime in a Free Society," op cit., p. 280.

be developed, and the community resources could be effectively channelled for this purpose. As the Commission said,

Concerted and systematic planning is not only a necessary prelude to action. It is a spur to action. The best way to interest the community in the problems of crime is to engage members of it in planning. The best way to mobilize the community against crime is to lay before it a set of practical and coherent plans.¹

Municipalities could set the lead in this field by inviting community participation in an anti-crime campaign. During 1974 many major stores co-operated with the national "anti-shoplifting" drive in South Africa.

Of far greater importance than the anti-shoplifting campaign would be to channel local resources into providing facilities for the underprivileged such as schools,² community centres, crechés, and many others. Far more attention and money must be spent on training Non-Europeans as youth and community leaders so that they can learn to organise themselves rather than be dependent on Whites to initiate action on their behalf. Unless a community pride³ can be developed in the new

¹"The Challenge of Crime in a Free Society," op cit., p. 280.

²Owing to the tardiness of the government in providing sufficient schools for Non-Whites a charity called "Teach" has built a number of schools in the major cities during the last few years.

³By permitting people to buy their own houses, if necessary on extended terms at subsidised interest rates, the goal of a stable community would be infinitely easier to achieve.

Non-European townships they will rapidly be turned into slums with all the ingredients for fostering crime.

(h) Community Participation on Parole Boards

The role of the Prison (Parole) Boards with regard to the release of prisoners was discussed in the last chapter. When first developed in South Africa these Boards were to be comprised of both Prisons Department and civilian members, and were to consist of "at least one representative of the magistracy, one representative of the prison administration, and one representative of medical science."¹ Initially the three Prison Boards set up in accordance with the 1911 Act had all three professions represented upon them. However, over a period of years this ceased to be the case and the Boards came to consist of senior ex-government officials with occasionally a doctor or legal practitioner. Today the Prison Boards almost invariably consist of ex-government officials, sometimes ex-magistrates, and frequently retired members of the Department of Prisons. The author, while not in any way questioning the integrity of the Prison Boards, believes that there should be a return to the original intentions regarding the composition of these Boards. In addition to the representative of the prisons administration every Prison Board

¹Annual Prison Report 1910, op cit., U.G. 30/1911, p. 196.

sitting for parole or remission purposes should consist of a practising judicial officer, a practising psychologist or psychiatrist, the supervising officer responsible for the prisoner's treatment, the social care officer responsible for the prisoner, and a respected member of the local community. In this way a wider common body of experience would be available for considering a prisoner's future.

It is particularly important that practising judicial officers should be represented on Prison (Parole) Boards for too frequently in the past there has been little contact between the sentencing officer and the offender once sentence has been passed. This is all the more important in those cases where the sentencing officer has no discretion as to the minimum sentence he can impose, or in the case of an indeterminate sentence.

On the 30th June 1973 there were approximately 47 930 cases requiring detailed written progress reports to be made by the Prison Boards to the Commissioner of Prisons. As discussed earlier¹ it is questionable whether the present parole boards can consider these cases in any detail.² What is required is a proliferation of

¹Chapter IX, p.736.

²There are today (1975) approximately 38 Prison Boards which means a case load of over 1 200 prisoners per Board.

Prison (Parole) Boards with greater community participation so that each Board will have time to consider every case in detail. Although this will initially be more expensive both of manpower and financially, if it results in a significant number of persons being released earlier from prison, hopefully having been successfully rehabilitated, the overall costs of the Prison Department will be reduced. In addition many persons may be released at the optimum moment who might otherwise deteriorate by spending a longer period in prison.

(1) Short Term Return Centres

One of the problems facing parole supervisors is how to deal with prisoners who are behaving badly. In South Africa parolees can not be imprisoned unless a fresh offence is committed, consequently the parole officer has virtually no authority with which to control the parolee. In California the Department of Corrections helped to solve this problem by instituting "Short Term Return Centres," special centres (or wings of a prison) to which such prisoners can be returned for a brief reminder of prison life perhaps of 6 to 8 weeks. This short period in prison is far less than the completion of the original sentence, or such a sentence as would be imposed should the parolee have committed a fresh offence. An innovation of this nature would be of very real value in South Africa once the probation service has been adequately organised.

(j) The Reintegration of Released Prisoners
With Society

Most prisoners, especially long term prisoners, are apprehensive about their release. The more fortunate will have friends and family to return to, and in some cases employment may have been arranged for them. Despite this, they will wonder how their former friends will treat them, and whether they will be capable of retaining their jobs. Others, less fortunate, may have no friends outside apart from released prisoners, and their fear of the loneliness of release may be justified. Undoubtedly a probation officer can be of great assistance both in preparing prisoners for release and being available after release to give support and understanding.

The significance of educating the public with regard to the treatment of crime has been discussed throughout this chapter but possibly insufficient emphasis has been placed on the attitude of society to released criminals.¹ The author, in discussing prison labour with major employers in South Africa, has been disappointed at the reluctance to give ex-prisoners employment, unless the prisoners have received a training in prison. The

¹As Mr. Justice Warren Burger said in 1970 at the Centenary Celebrations of the New York Bar Association "If we want prisoners to change, public attitudes towards prisoners and ex-prisoners must change," NICRO Journal, Vol. 4 No. 1, 1975, p. 57.

importance of work training in this context can not be overemphasised for unless the ex-prisoner has some skill to offer he will usually have difficulty in finding satisfactory work. Furthermore, employment in more skilled work than he had before being imprisoned may give an ex-prisoner the opportunity of making new friends away from his former colleagues and their anti-social ways.

We would be wise to heed these words of Winston Churchill, spoken in the House of Commons in 1910 when he was Home Secretary:¹

The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm, dispassionate recognition of the rights of the accused, and even of the convicted, criminal against the State - a constant heart searching by all charged with the duty of punishment - a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the coinage of punishment: tireless efforts towards the discovery of curative and regenerative processes: unfailing faith that there is a treasure, if you can only find it in the heart of every man.

¹Giles Playfair, *The Punitive Obsession* (London: Victor Gollancz Limited, 1971), pp. 20-21.

C O N C L U S I O N

In 1956 Mr. Verster wrote:

No matter whether prison labour is regarded merely as a means of preventing idleness or of maintaining order, work will always remain the fundamental basis of any modern prison system. It can be expected from the proper implementation of modern concepts of the organization of prison labour that they will make prisoners realise the intrinsic value of work and, by appropriate training, will create, preserve or increase their occupational skills and accustom them to the conditions of free industry. Thus, they will be prepared for the tasks they will have to perform when they again become free workers. Factually, all other aspects of individual treatment will often depend on prison labour. During the greater part of the day the prisoner does the work assigned to him and if he sees no positive value in his work he cannot be expected to be receptive to the methods of treatment used outside working hours..... The deficiencies flowing from badly organised or ill-chosen prison labour can never be made good by other elements of a system of treatment, however perfect. Consequently, if it is desired that prison sentences should be rationally served, the absolute necessity of providing sufficient suitable and well-organized work cannot be too strongly stressed.¹

The author has developed Mr. Verster's hypothesis by proposing that efficiently organised prison labour should not only be the basis of the treatment programme for the majority of prisoners but should generate the finance necessary to help pay for other forms of rehabilitative training.

The enormous growth in the prison population over the last twenty years has made it impossible for the Department of Prisons to train and profitably employ as many prisoners as they

¹Annual Prison Report 1956, op cit., p. 34.

might have wished. The available finance has of necessity been absorbed in basic essentials such as accommodation rather than in the provision of workshops and training facilities. However, the authorities must appreciate that it is false economy not to develop more productive employment practices. For if prison labour continues to be almost exclusively manual labour, of little training value, as it is today, then nobody should be surprised if the prison population continues to grow and the number of long term prisoners continues to increase. Not only will this be financially expensive but the risk to the long term stability of this country must not be ignored. During 1972-73 just under 600 000 persons were admitted to South African prisons.¹ South Africa would be well advised to learn from the recent experience of the United States where the prisons have been the cultural, political and ideological training ground for Black discontent. Prison is seen by certain offenders as:

A microcosm of wider society, a concentrated form of the repressive power of the State. The prisoners are (in various versions) slaves, victims of racism, or rejects of capitalism.²

'The most eloquent statement of this ideology is provided by George Jackson whose prison letters have become the bible of the movement'³ he writes:

¹Annual Prison Report 1972-73, RP 91/1973, p. 6 - This was a reduction of 100 000 on the previous year; but the numbers of long term prisoners increased by 8 per cent.

²Stanley Cohen and Laurie Taylor, Psychological Survival (Pelican Books 1972), pp. 165-166.

³Ibid.

There are still some Blacks here who consider themselves criminal but not many. Believe me, my friend, you will find no class or category more aware, more cultured, desperate or dedicated to the ultimate remedy - revolution.¹

If South Africa is to avoid a far more serious situation than exists in America then the White minority must recognise the potential dangers of the present emphasis on imprisonment, while those who must be imprisoned should be given such training and employment as will enable them to become useful members of society.

¹George Jackson, Soledad Brother (Penguin Books, 1971), p. 31.

A P P E N D I C E S

APPENDIX I: PSYCHOLOGICAL TESTING AND CLASSIFICATION

- A. Introduction
- B. Psychological Tests
- C. Classification

APPENDIX II: PUBLIC WORKS BY CONVICT LABOUR

APPENDIX III: WORK SUITABLE FOR PRISONERS IN SOUTH AFRICA

- A. Clothing Manufacture
- B. Textile Industry
- C. Leather Industry
- D. Electrical Work
- E. Laundry Work
- F. Furniture Industry - Wood
- G. Building Industry
- H. Motor Mechanics
- I. Printing Industry

APPENDIX IV: REVIEW OF PRISON LABOUR AT VICTOR VERSTER
TRAINING PRISON

- A. Character of Inmate Population
- B. Prisoner Employment
 - B.1 European Prisoners: Total 226
 - B.2 Coloured Prisoners - Medium Security: Total 434
 - B.3 Coloured Prisoners - Maximum Security: 624 Prisoners

- C. Physical Conditions of Workshops
- D. Trade Training
 - D.1 Staff
 - D.2 Length of Sentence
 - D.3 Standard of Workmanship and Successes in Trade Tests
- E. Agricultural Section
 - E.1 Poultry Section
 - E.2 Pigs Section
 - E.3 Vegetables
 - E.4 Farm Machinery and Equipment
- F. Building Section (August 1974)
- G. Education of Prisoners
- H. Leisure Activities
- I. Social Care
 - I.1 Staff
 - I.2 Nature of Work
 - (a) Private Counselling
 - (b) Group Sessions
 - (c) Case Load
- J. Conclusion
 - J.1 Prisoner Employment
 - J.2 Training
 - J.3 Education

APPENDIX V: TRADE TESTS 1972-73

APPENDIX VI: STATISTICS ON PRISON EMPLOYMENT

A P P E N D I X IPSYCHOLOGICAL TESTING AND CLASSIFICATIONA. INTRODUCTION

The author is unaware of any published information on the new classification system introduced in 1971 by which prisoners are classified according to their intellectual ability, personality structure and their prognosis for rehabilitative training. In September 1974 the following replies were received from the Commissioner of Prisons in answer to various questions on this matter.

The new classification system, which was mentioned in the 1970-71 annual report, was inaugurated in July 1971. Previously prisoners were classified in terms of age, length of sentence (etc.) and in the new classification system intellectual ability, personality structure and prognosis play a major role in the classification of a prisoner.

Question 1: What length of sentence must a prisoner be serving before he is classified as described in the 1970-71 Annual Prison Report?

Answer: Any person serving a sentence of two years and longer has to undergo a period of observation. The observation is conducted in Pretoria Central Prison where a special section of the prison is allocated to prisoners undergoing observation. Usually these cases are referred to as Board Cases, because they are dealt with by the Prison Board.

It is of no avail to have prisoners with a sentence limited to less than two years undergoing observation, as many of them are released before any form of investigation can be conducted and secondly, the time available does not allow meaningful treatment.

Question 2: Is such classification available for both European and Non-European prisoners?

Answer: The classification system operates on the same basis for both White and the Coloured prison population. The same system is also applied to Bantu prisoners, but with limited success. The problem here is that intelligence and personality assessment is very difficult to evaluate. It is also difficult to gain any background information from outside sources, except from the prisoner himself.

B. PSYCHOLOGICAL TESTS¹

The psychological tests which are usually employed, include the

- | | | |
|---|---|--------------------------|
| (1) Wechsler Intelligence Test for Adults |) | |
| (2) Thematic Apperception Test |) | |
| (3) Rorschach |) | Projective
Techniques |
| (4) Draw a Person |) | |
| (5) Lüscher Colour Test |) | |

¹The remainder of Appendix I is a direct quotation from the Commissioner of Prisons letter.

- (6) Grassi
- (7) Bender Gestalt
- (8) 19 Field Inventory (in some cases)
- (9) Form Series Test (for Non-Whites)

When any form of neurological abnormality or brain damage is suspected, an E.E.G. is recorded. The Psychological services section has at its disposal an E.E.G. unit. References to psychiatrist or neurologists are made when necessary.

C. CLASSIFICATION

The following classification system is employed:

Group I

Prisoners with a good prognosis are placed in this group. With treatment in some cases, and without treatment in others, their prognoses are good. They are detained in a particular prison, as all the specialized treatment facilities are available there.

Group II

Those prisoners with a low intelligence (below 85), and/or very inadequate personality, belong to this group. In the case of the inadequate personality, the I.Q. could be higher than 85. These prisoners are sent to a prison where the emphasis is placed on technical training. Very little can be done for this group from a psychological point of view,

as they are unskilled and commit crimes in order to make a living. With the aid of technical training, they stand a better chance of making a living once they are released.

Group III

These are the psychopaths, and a considerable portion of the White and Coloured prison population (Board Cases) appears to reveal psychopathic tendencies. There is no effective way of treatment for psychopaths known as yet and methods of treatment are at present still in an experimental stage. It is, however, of primary importance that this group should be separated from other prisoners, because they are inclined to manipulate and exploit others to their own benefit. In a group, methods of treatment could be adjusted to their needs.

The psychopaths are subdivided into three groups:

Group 3A: The manipulating, imposing psychopaths.

Group 3B: The aggressive, rebellious psychopaths.

Group 3C: The inadequate, dependent psychopaths.

Considerable success has been gained in treating the aggressive, rebellious type of psychopath with a medication known as Leponex - a new drug on the market. The psychopathic offenders will be detained where extensive facilities will be available for their treatment when the new Mental Health Act has been promulgated.

Group IV

Prisoners who do not fit into any of the abovementioned groups are placed in this group. The criteria for this group is:

- (a) The prognosis is poor or there is ambiguity about the prisoner's prognosis. Treatment would be of no avail.
- (b) The prisoner does not have a low intelligence, neither is he a psychopath.

The new classification system came into operation in July 1971 and the percentages of each group (Board Cases) vary according to the table shown below:

WHITES

<u>Group</u>	<u>16.7.71-23.11.72</u>	<u>Book Year 1973/1974</u>
Group 1	18%	6,79%
Group 2	8,3%	11,69%
Group 3A	9,6%)	8,53%)
Group 3B	14,8%) 46%	8,53%) 40,46%
Group 3C	21,3%)	21,90%)
Group 4	23,1	42,99%

COLOUREDS

	<u>Book Year 1973/1974</u>
Group 1A (City Coloureds)	4,61%
Group 1B (Country Coloureds)	3,75%
Group 2	,38%
Group 3A	,48%)
Group 3B	38,46%) 69,90%
Group 3C	31,73%)
Group 4	21,35%

No difference is made between the "groups" and the type of work performed by the prisoner, but the prisoner's aptitude, interests, previous experience, etc., is taken into consideration. Training is provided in a variety of directions, of which the building group, artisan group, agriculture and animal husbandry, messes, kitchens, shoe factory, clothing factory and maintenance works are the most important.

Speaking in general terms, and bearing the demands of prison security in mind, there is no correlation between the classification or grouping of a prisoner and the employment of his labour.

A P P E N D I X I IPUBLIC WORKS BY CONVICT LABOUR

This extract from the 1910 Annual Prison Report gives some indication of the work carried out by the convict road gangs. Anybody who knows the difficulty of the terrain in this area cannot but be impressed by the size of these undertakings.

From the days of the remodelling of the Cape prison system by John Montagu in the eighteen-forties, convict labour has been used in that Province to great effect on public undertakings. To convict labour the Cape Province owes such monuments as the Zwartberg Mountain Pass, between Prince Albert and Oudtshoorn, Mitchell's Pass at Ceres; Montagu Pass, between Mossel Bay and Oudtshoorn; Prince Alfred's Pass, Knysna, mainly through dense forest, about fifty-six miles long; Garcia's Pass, over the Langebergen to Ladismith; Pakhuisberg Pass, Clanwilliam; Southey's Pass, from Swellendam to Barrydale. Then there are the big roads starting with the first hard road through the Sandflats from Cape Town to Stellenbosch, the George-Humansdorp road, via Knysna and Plettenberg Bay, running for miles through virgin forest and many deep and rocky kloofs. The total length of this road was 150 miles approximately. Then there is the Victoria road from Cape Town to Hout Bay and then to Constantia Nek, forming one of the finest drives in the world. Cogman's Kloof road in Montagu, Meiring's Poort road in Oudtshoorn, and the Seven Weeks Poort road between Ladismith and Prince Albert, are fine pieces of engineering work. The convicts are also responsible for the execution of the Cape Town breakwater, the Knysna Harbour works, the Heidelberg flood-water canal, and various plantations in the Province of which not the least effective is that relating to the afforestation of Table Mountain and Devil's Peak.

A P P E N D I X IIIWORK SUITABLE FOR PRISONERS IN SOUTH AFRICA

The author wanted to find out the attitudes of trade union leaders and major employers to prison labour in general, and to sound out the possibility of the Department of Prisons expanding its activities on the lines proposed in this thesis. However to conduct a survey in depth would have required research assistants. Not only has the author no such assistants but he is extremely conscious of the danger of antagonising both trade unions and employers and possibly damaging the prospects of prison labour in South Africa being developed as the author suggests. Consequently, rather than writing to all the trade unions throughout the country and writing to selected employers, the author decided to interview the officials of the relevant unions and a number of the directors of large companies involved in work that the author considers suitable for prisoners. These interviews were confined to the Western Cape and it is possible that different results would be obtained elsewhere, for in the Cape the majority of prisoners are Coloureds and not Africans¹.

The interviews usually lasted one to two hours and the subjects discussed covered the employers' or trade union officials' attitudes to released prisoners, the possibility of developing

¹The public of the Cape are possibly more aware of the problems of crime and rehabilitation due to the efforts of NICRO.

prison labour in a particular trade or industry, the demand for workers in that field, and the prospects of employment for ex-prisoners, the cost of machinery and the length of time needed to train a person to be reasonably proficient. Finally, whether they thought their type of work was suitable for the employment of prisoners.

On the whole, employers had no objection to the expansion of prison industries in their field, or the use of prisoners to build subsidised housing, provided that the prisoners received payment for their work, that goods sold on the open market were sold at market prices, and that the goods produced were sufficiently diversified both to be of training value and to prevent the market being saturated.

Employers were hesitant about setting up factories inside prisons - possibly the idea was too novel for them as none of the people spoken to had ever heard of such a practice. The author has included no record of his interviews with employers as they tended to result in expressions of opinion rather than facts or quantifiable information about the various industries.

Brief details of interviews with certain trade union officials are given below. Only those industries which the author considers suitable for prison labour have been included. On no account should it be thought that these are the only industries or types of work suitable for prisoners, but they are probably the most important in terms of numbers employable.

A. CLOTHING MANUFACTURE

Trade Union: Garment Workers Union

Numbers in Cape Province: 45 000 (2 000 White, 43 000 Non-White)

± 50% female

<u>Skills in Garment Trade</u>	<u>Minimum Period in which Basis of Skill can be Taught</u>
Cutting	6 months
Machining (mainly women)	6 weeks (usually spend 6 weeks in the training school)
Designing	
Pattern Grading (men and women)	6 months
Pressing (men only)	3 months
Ironing (women)	Virtually no training

According to the Secretary of the Garment Workers Union, Mr. Petersen, there is usually a shortage of machinists and cutters, while during 1974 there has also been a shortage of pressers and ironers.

The garment trade is ideally suited for prison labour, particularly for female prisoners¹. The annual demand for new machinists is approximately 4 000, and as machining can be taught in 6 weeks, it is of value to reasonably short term prisoners. Even if the inmate does not enter the garment industry after release, the knowledge of how to use a sewing machine will always

¹At present female inmates at Worcester Prison make clothes for both inmates and staff.

be of value.

The Secretary of the Garment Workers Union felt that his Union would have no objection to the Department of Prisons expanding its present machining section and selling its output on the open market provided that prisoners were given adequate training, some remuneration and that the goods were sold at market prices. Equally, he had no objection to the Department of Prisons permitting private entrepreneurs to set up factories inside the prisons.

Finally the cost of machinery in the garment industry is low in comparison to the number of persons who can be employed. If this industry is expanded in South African Prisons it is important that clothes are made for the open market in addition to for the various government departments. Research into "tailoring" in English prisons stated:

A not infrequent complaint was that the shops did not make 'proper' clothes, that is, ordinary suits, and so on, but instead unattractive garments for the Ministry of Defence or the Prison Services.¹

B. TEXTILE INDUSTRY

The Textile Industry employs approximately 100 000 people, the majority being in Natal. 30% of employees are male and 70% female. This industry is possibly unsuitable for prison

¹Stephen Brody, Research Into Prison Industry, unpublished Report by Home Office Research Unit, 1973 or early 1974, pp. 21-22.

labour as it is becoming increasingly capital intensive and the numbers employed will diminish.

C. LEATHER INDUSTRY

Trade Union: Leather Workers Union

Membership: Approximately 25 000

Western Cape Union Membership: 7 664

<u>Trade</u>	<u>White Males</u>	<u>White Females</u>	<u>Coloured Males</u>	<u>Coloured Females</u>	<u>Total</u>
Tanning	4		324	7	335
Handbags	1		130	333	464
General Goods	6	6	547	1 249	1 808
Footwear	<u>28</u>	<u>14</u>	<u>2 087</u>	<u>2 928</u>	<u>5 057</u>
	<u>39</u>	<u>20</u>	<u>3 088</u>	<u>4 517</u>	<u>7 664</u>

Training Periods:

	<u>Basic Training</u>	<u>Full Training</u>
Tanning	6-8 weeks	18 months
Handbags	"	"
General Goods	"	"
Footwear	"	"

Suitability for Prison Labour

At present the Department of Prisons bootmakers manufacture all shoes required by the Department - both for personnel and inmates. This provides a number of prisoners (Non-White) with useful training. The Secretary of the Leather Workers Union mentioned

that he was regularly approached by the Department of Prisons to find employment for released prisoners, and he believes that his Union would have no objection to an expansion of the Department's leather industry.

In June 1974 there was a shortage of trained leather workers in South Africa. The cost of machinery in the leather industry - particularly the footwear side - need not be high. Thus the leather industry is suitable for the expansion of prison labour subject to market research as to the type and quality of goods to be produced.

D. ELECTRICAL WORK

Trade Union: Electrical Workers Association

Area Official for Western Cape: Mr. C. Shield

Training in electrical work is only suitable for a few intelligent long term prisoners. There is a shortage of qualified electricians, particularly in the contracting industry, but the total numbers in this occupation are small. However, electrical assembly work is suitable for prison labour, as are certain other labour intensive tasks connected with electrical appliances or machines. This work requires little training and virtually no machinery.

Fluorescent Light Fittings

There is a shortage of fluorescent light fitting assembly plants in South Africa. The assembly of fluorescent light tubes is time consuming work and could give useful occupation to a few hundred prisoners. The training period would be about 2 weeks. The government annual requirement for fluorescent light tubes must be considerable if all institutions are considered, including schools and hospitals.

Assembly Work - Electrical Appliances

1. Electric Irons - Prisoners could be employed in the placing of elements into irons, the closing, testing and packing of irons.
2. Radio Work, etc. - Assembly and soldering. In Holland and Belgium, Phillips Limited employs prison labour on assembly work.
3. Winding of Elements and Armature Winding - Probably only suitable for a few prisoners as the scope for employment is very limited. Training period 6 - 8 weeks. It is unlikely that this could be organised profitably inside prison.

Conclusion

More research is required into the suitability and scope for prison labour in connection with electrical work. The Secretary of the Electrical Workers Association stated that he believed that his Association would have no objection to the

Department of Prisons expanding its activities in this field. He mentioned that over the last seven years he had helped the Department in finding work for 8 prison trained electricians. All these had been well trained and had proved successful both at work and in leading useful lives.

E. LAUNDRY WORK

Trade Union: Laundry Workers Union

Interviewed: Mr. Varkel, President of National Union of Laundry Workers

The laundry industry in South Africa is comparatively small, there being approximately 2 500 persons employed in the Cape Province and some 3 000 in the Transvaal.

In the Cape the main employees are Coloured women as they can be paid less than men, in the Transvaal over 90% of employees are African males.

<u>Trade Skills</u>	<u>Min. Basic Training Period</u>	<u>Supply of Workers</u>
Manglers	No training needed	-
Pressers	12 - 18 weeks	Shortage
Finishers	"	No shortage
Cleaners	"	No shortage
Dyers	12 months	Shortage, limited demand
Invisible Menders		Shortage, limited demand
Machine Operators (Dry Cleaning)	1 - 2 years	Shortage, limited demand
Machine Operators (Laundry)	1 week	Shortage but mainly because its unpleasant work.

In Britain the Department of Prisons has found laundry work profitable and it is the main industry at Coldingley.

The author sees scope for the expansion of laundry work in South Africa by the Department of Prisons, although on a limited scale for the annual demand for new workers in this occupation is limited.

F. FURNITURE INDUSTRY - WOOD

Employs approximately 15 000 persons in the Western Cape (1 000 Whites, 7 000 Coloured and Indian, 7 000 African).

All the Whites are either artisans or are employed in some form of managerial capacity. Approximately half the Coloureds and Indians are qualified or trainee artisans.

<u>Skill</u>	<u>Coloureds and Indians</u>	<u>Whites</u>
Machinists	Approx. 1 600	Approx. 200
Cabinet Makers	" 900	" 200
Polishers	" 400	
Chair and Frame Makers	Numbers not ascertained	
Saw Doctors) Carvers)	Very few	Number not known
Foremen		400

Training

The apprenticeship period in these trades is four years but a man can be usefully employed after a few weeks training, particularly machinists and cabinet makers who can learn how to

perform certain limited tasks in a short time.

Suitability for Prison Labour

In South Africa woodworking is one of the most important prison industries, and furniture is manufactured for various State Departments. The training value of woodworking is excellent and qualified men have little trouble in finding employment.

At present (February 1975) the furniture industry is having a difficult time due to the current or impending economic recession and tight money conditions. The importance of the Non-European market is growing rapidly and is the new growth point in the industry. Detailed research is needed to ascertain whether there is sufficient demand for new furniture to justify the Prisons Department expanding its operations. A senior Director of Afcol indicated that he believed that there was scope for the Department to expand into this field, both for wooden and metal furniture.

G. BUILDING INDUSTRY

G.1 Trade Union: Western Province Building Workers Union

Interviewed: The Secretary, Mr. Simmonds

Numbers employed in Western Cape: Approximately 12 000

artisans (plus 15 000 labourers). The majority are bricklayers, plasterers and painters.

Artisan Training

To become an artisan an apprentice must pass three trade tests, usually at twelve month intervals. On passing, one receives a certificate and can proceed to the next stage - they are known as National Technical Certificates (N.T.C.) Part I, Part II, Part III (final). Usually an apprentice is released for three months per annum to receive training from a technical college.

Suitability of Construction Work for Prison Labour

The author considers construction work ideally suited for prison labour and believes that there is considerable room for expansion¹. The Secretary, Mr. Simmonds, welcomed the proposal to use prison labour to speed up subsidised housing construction.

G.2 Trade Union: S.A. Woodworkers Trade Union

Interviewed: Mr. A. Stanley

Restricted to Coloured People

Numbers employed in Western Cape: Approximately 5 000

persons are employed in woodworking in the building industry. Of these, some 3 000 are members of this Union.

There is a shortage of qualified artisans and Mr. Stanley would welcome increased training by the Department of Prisons and has no objection to the use of prison labour for building subsidised housing. There has been

¹See Chapter X, p. 762.

little contact between him and the Department of Prisons with regard to the employment of released prisoners but he has had dealings with NICRO.

Training

Formal apprenticeship is four years, but the basics of the trade can be taught in 16 weeks as described in the survey of English prison labour.

H. MOTOR MECHANICS

Training as motor mechanics would only be suitable for medium and long term prisoners with the necessary aptitudes. Prisoners could be employed in maintaining the Department of Prisons fleet of vehicles and those of other government departments. This would be both excellent training for the prisoners¹ in work which research in England² has shown to be of interest to prisoners, and financially beneficial to the State.

I. PRINTING INDUSTRY

There is clearly scope for the further development of printing work by prisoners. This work is good training for long term prisoners and could be of financial value to the State in the printing of the innumerable government publications.

¹There is a shortage of trained motor mechanics in South Africa.

²See Chapter VII, p. 461.

A P P E N D I X IVREVIEW OF PRISON LABOUR AT
VICTOR VERSTER TRAINING PRISON¹

As details are somewhat lacking on the total picture of prison labour in South Africa, it is of value to consider how prisoners are employed at Victor Verster Training Prison, which is one of the most modern prisons in South Africa and which can be treated as a model of what the Department of Prisons would like their prisoner employment and training practices to be throughout the country. This survey is merely an outline of employment and training practice and is not intended to be more than that. However, as far as the author is aware, this is the only description of how prisoners are employed in any prison in South Africa. The author is grateful to the commanding officer of Victor Verster Prison, Colonel van Rooyen, and his officers for being so helpful and courteous in answering questions and replying to the author's letters.

Victor Verster is situated in beautiful countryside some forty miles from Cape Town. The first section of the complex was opened in 1965 and the remainder in 1968 although building work with prison labour is still taking place on various sections of the institution. The complex consists of three main sections:

¹See Prisons Department undated brochure "Victor Verster Prison Complex," published by the Government Printer in Pretoria.

In Custody on August 19th, 1974

1.	Medium Security Prison for White Prisoners	226 Prisoners
2.	Medium Security Prison for Coloured Prisoners	434 Prisoners
3.	Maximum Security Prison for Coloured Prisoners	<u>624 Prisoners</u>
	Total Number of Prisoners	1 284

There is a total of 308 staff, of whom 220 are Europeans and the remaining 88 are Coloured¹.

A. CHARACTER OF INMATE POPULATION

The European section of the complex contains all the European prisoners in the Western Cape who are serving sentences of under two years. In addition there are a large number of longer term European prisoners who have been transferred to Victor Verster from Pretoria for general treatment and training.

The Non-European sections are almost exclusively for prisoners serving terms of two years or over.

B. PRISONER EMPLOYMENT

On the 19th August 1974 prisoners were employed as follows:

¹Staff Prisoner Ratio of 1:4,1 which is very high by South African levels, where the average is approximately 1:8.

T A B L E 1EUROPEAN PRISONEMPLOYMENT OF PRISONERS AS ON 19TH AUGUST, 1974

Cooks	3
Stewards	9
Cleaners	10
Barber	1
Clerical	2
Shoe repairs	1
Storeman	1
Radio operator	1
Building group	25
Electricians	2
Cabinet makers	3
Fitter and Turner and Welders	67
Plumbers	3
Sheetmetal workers	39
Orange-grove	24
Vegetable store	2
Social worker	9
Sick in hospital	9
Sick (not in hospital)	7
Punishment	2 (spare diet)
Doctor	<u>6</u>
TOTAL	<u>226</u>

B.1 European Prisoners: Total 226 (Table 1)

As can be seen, the majority of European prisoners were receiving some form of employment training with the exception of the ten cleaners, and the 24 prisoners working in the orange grove. Prisoners in the largest group were employed as fitters, turners and welders, being some 67 persons or 25% of the total number of European prisoners. The second largest number were sheet metal workers (39) and the third largest were employed in the building group (25). Thus over half the European prisoners were employed in work which English research has shown to be of interest to prisoners.¹

B.2 Coloured Prisoners - Medium Security: Total 434 (Table 2)

The training position regarding the 434 medium term Coloured prisoners is not nearly so good. Only the following prisoners were receiving any form of training:

Shoemakers Repairs	3
Cooks and Stewards	20
Carpenters	<u>63</u>
TOTAL	<u>86</u>

Only just over 20% of the medium term prisoners were receiving training, of these 75% were carpenter trainees.

¹"Medium Term Prisoners", A Survey of Work done In and Outside Prisons, Unpublished Report prepared by Susan Fairhead and Dr. C. Banks of the Home Office Research Unit, July 1974.

T A B L E 2MEDIUM SECURITY PRISON - COLOUREDALLOCATION OF WORK AS ON 19TH AUGUST, 1974

Cleaners - Prison cells	17
Cleaners - European Mess (members))	26
Cleaners - Non-European Mess (members))	
Shoemakers repairs	3
Hospital cleaners	6
Yard Store	1
Cooks and Stewards - European Mess	8
Cooks and Stewards - Non-European Mess	12
Meat Project	77
Agriculture	17
Transport	23
Carpenters	63
Building Group	5
Zoo	3
Pumphouse	1
Prison reserve (European)	21
Prison reserve - Non-European	33
Dog run	1
Main Store (Cleaner)	1
Building Group Store (Cleaner)	1
Private Farmers	67
Laundry	6
Monitors (members)	21
Sick	11
Punishment (spare diet)	7
Doctor	2
Admission	<u>1</u>
TOTAL	<u>434</u>

Carpentry work is eminently suitable for prisoners and the current shortage of carpenters means that there would be no problem in finding employment on release. The author is dubious as to the training value of learning to be a steward (cooks, if competent, are always in demand), for although there is a shortage of trained hotel and restaurant stewards in South Africa, the opportunities in this type of work for petty pilfering are very considerable. However, in the absence of any more suitable training, training as a steward is probably of more value than labouring in the fields.

The remaining 80% of the medium term coloured prisoners were employed in different types of simple manual work as follows: 20% in agriculture, of whom the majority (67 out of 84) were employed by private farmers on a daily basis¹. Just under 20% were employed as cleaners (this includes the 21 monitors, who are in practise servants of the prison staff), and the majority of the remaining 40% were employed as manual labourers, the largest section being occupied in the meat project - which means they were connected with the farming section, particularly the butchering and packing of meat.

B.3 Coloured Prisoners - Maximum Security: 624 Prisoners (Table 3)

The maximum security section of Victor Verster holds

¹The farmers paid 60 cents per day per prisoner, if the farmer provided the guard. Prisoners leave at 7 a.m. and return at 5 p.m.

T A B L E 3MAXIMUM SECURITY PRISON (NON-WHITES)ALLOCATION OF WORK AS ON 19TH AUGUST, 1974

Cooks - Prison Kitchen	15
Cooks Main Kitchen	13
Shoemakers (repairs)	6
Firewood (chop)	25
Reserve (cleaning and decorating)	30
Building Group	73
Poultry	78
Painters	16
Roads	7
Electricians	6
Watch dogs (care)	7
Carpenters	6
Horses stores and stables	19
Nurseries	16
Vegetable Store	8
Gardening	69
Compost	18
Vineyard	18
Drainage gutters	30
Orange grove	18
General work	36
Cleaners offices	5
Cleaning cells and yards	29
Sick	17
Punishment (spare diet)	24
Further charges	15
Social worker	10
For discharge	1
Doctor	<u>9</u>
TOTAL	<u>624</u>

almost as many prisoners as the other two sections combined. On the 19th August 1974 approximately 135 or only 20% of the long term prisoners were employed in work with a definite training content. A further 25% were employed in agricultural work of some type. Only a few of the prisoners engaged in agricultural work were receiving worthwhile training,¹ while the majority were engaged in simple manual labour, as were the remaining 55% of long term Coloured prisoners. At best only 35% of the long term prisoners were receiving worthwhile training (including 10% of the farm employed prisoners). This is disappointingly few.

C. PHYSICAL CONDITIONS OF WORKSHOPS

The workshops at Victor Verster compare very favourably with modern workshops in private industry. Not only are they well lighted and in good condition but the floor area per prisoner is more generous than that prevailing in outside workshops.

D. TRADE TRAINING

D.1 Staff

Generally the ratio of workshop staff to prisoners is good, particularly as most of the workshop staff are

¹The training in the poultry section is recognised as being excellent but it is only for a few prisoners.

qualified artisans. Thus when the author visited Victor Verster in August 1974, the staff to prisoner ratios in the different workshops were as follows:

Woodworking	1 staff to 4 prisoners
Metalwork	1 staff to 5 prisoners
Sheetmetal work	1 staff to 9 prisoners

D.2 Length of Sentence

Usually only long term prisoners are chosen for trade training¹, although prisoners with experience of a particular trade are usually permitted to practise their trade or continue their training.

D.3 Standard of Workmanship and Successes in Trade Tests

The standard of workmanship in the different workshops was high, and the staff clearly took a pride in the standard of the completed products - particularly in the woodwork section. The emphasis was clearly on training and the pace of work was substantially below that of free industry.

During 1973 seven prisoners passed trade tests and ten failed. Of the failures, 8 failed the written examinations - the prison gives no instruction in the theoretical side of the various trades, consequently prisoners must rely on correspondence courses.

¹i.e. Those serving sentences of at least 2 years and usually 4 years and longer.

E. AGRICULTURAL SECTION

There are three main sections to the farming operations: poultry, pigs and vegetables.

E.1 Poultry Section

Victor Verster has the first prison controlled poultry section in South Africa and it has proved a considerable success both in financial terms and in the training of prisoners.

There are 12 chicken houses each containing some 2 600 birds. Each chicken house is the responsibility of a coloured prisoner who receives thorough training in all aspects of poultry care. The training is such that no difficulty is experienced in placing inmates in employment on their release.

The majority of prisoners in the poultry section are employed in the slaughtering and packing of the chickens. At eight weeks of age the birds are slaughtered, prepared and then placed in polythene bags to be deep frozen and distributed to other prisons in the Western Cape.

E.2 Pigs Section

In August 1974 there were some 1 000 pigs but the section was being expanded to 4 000 pigs. The pigs are farmed under the best modern conditions - affording good

training for the prisoners and food for the Department of Prisons.

E.3 Vegetables

There is extensive vegetable farming at Victor Verster.

E.4 Farm Machinery and Equipment

Prisoners with the necessary aptitude are taught basic maintenance in the prison's motor workshops.

F. BUILDING SECTION (AUGUST 1974)

Most of the buildings at Victor Verster have been built with prison labour.

Prisoners Employed:	White 34	Coloured 222
Staff:	White 22	Coloured 8

	<u>White Prisoners</u>	<u>Coloured Prisoners</u>
Carpenters	17	24
Plumbers	5	10
Brick Layers	6	97
Painters	3	25
Electricians	1	8
Labourers	2	35
Store Keepers	-	12
Plasterers	-	<u>11</u>
	<u>34</u>	<u>222</u>

Staff: Of the White staff 24 were artisans and the remaining three were apprentices, only one of the Coloured staff was an artisan.

Artisan Staff to Prisoners: 1:10

G. EDUCATION OF PRISONERS

Approximately 20 prisoners were engaged in correspondence courses¹, the majority on trade subjects. Reading and writing courses for illiterate prisoners are provided by both trained teaching staff and prisoners trained for this purpose. During 1973 eighty one prisoners took part in a reading and writing project.

H. LEISURE ACTIVITIES

Prisoners are encouraged to take part in both indoor and outdoor leisure activities. Good sporting facilities exist and equipment is supplied both by the Department and from the profits of the annual concert given by the prisoners to the public.

A good library exists and there are no restrictions on the number of books a prisoner can borrow in any one month. Certain magazines are stocked and prisoners are permitted to have newspapers sent to them. One radio per dormitory or bungalow is

¹Nearly all White prisoners, apparently Coloured prisoners find it difficult to study in the evenings due to the noise and interruptions of their fellow prisoners.

permitted, the restriction is to prevent undue noise. A prison shop stocks sweets, tobacco, writing materials etc. which are sold at prices only 5% above wholesale prices. Prisoners are permitted to spend up to R7 per month in this shop.

I. SOCIAL CARE

I.1 Staff

- 5 Europeans all University trained (1 man and 4 women)
- 3 Coloured assistants who do 2 months basic training.

I.2 Nature of Work

(a) Private Counselling

Victor Verster accommodates all short term European prisoners in the Western Cape. As these prisoners do not go to Pretoria for observation and classification, this work is done by the social care officers with the help of the prison psychologist. As a general rule short term prisoners do not undergo psychological or aptitude testing.

All prisoners, both short and long term, can make appointments to see a welfare officer. These interviews take place during normal working hours.

(b) Group Sessions

During his sentence a prisoner is usually a member of three separate groups engaged in group counselling. The first such course of meetings takes place shortly after reception and lasts for four weeks. The second session is during his sentence and lasts for eight weeks. The third session is prior to release and lasts for four weeks. There are usually eight to ten prisoners in each group and sessions last from one to one and a half hours. Groups of short term prisoners usually meet twice a week while groups of long term prisoners meet once a week.

(c) Case Load

In addition to their responsibility for leading group sessions each social worker has a case load of sixty five inmates. During a seven and a half hour working day each social worker aims to see at least 7 or 8 prisoners.

In 1974 there were a total of 110 persons employed in the Social Welfare Section of the Department of Prisons, of these 8 or approximately 7% were employed at Victor Verster. On August 19th 1974 Victor Verster had 1 384 prisoners or approximately 1,4% of the total prison population, so clearly Victor Verster's status as a training prison entitled it to an exceptionally high level, in the South African context, of trained staff.

J. CONCLUSION

Despite the author's reservations regarding the training of prisoners,¹ the overall impression is that the South African Department of Prisons can be justifiably proud of Victor Verster Prison. It would be presumptuous to draw any detailed conclusions from such a brief review, and the suggestions made below are almost certainly applicable to all prisons in South Africa.

J.1 Prisoner Employment

The author saw no idleness whatsoever and the majority of prisoners were working at a steady pace.

J.2 Training

All trade training was taking place on the job and there was no attempt at classroom training. This partly explains the disappointingly low pass rate in trade tests.

As the ratio of artisan staff to prisoners is high, particularly in the workshop sections, it might well be both better training and more conducive to productivity if special training courses were instituted.

¹It is realised that a number of the medium and long term prisoners at Victor Verster could be described as "very tough customers" and for some work training is considered a waste of time.

J.3 Education

In 1973 only 82 prisoners took part in the reading and writing project. If one assumes that all the European prisoners were literate this represents slightly over 10% of all Coloured prisoners, and there is little doubt that a higher percentage than this will have been illiterate. However, according to the annual prison report during 1972-73 a total of 351 prisoners completed the literacy course in that year in all prisons, so Victor Verster will have been responsible for approximately 20% of the total. There seems little doubt that there is scope for developing the literacy project throughout South African Prisons.

APPENDIX V¹TRADE TESTS 1972-73

<u>Whites</u>	<u>Pass</u>	<u>Fail</u>	<u>% Pass</u>
Electricians	0	3	-
Wood Machinists	0	1	-
Cabinet Makers	3	2	60
Plumbers	3	7	30
Bricklayers	6	6	50
Fitters and Turners	2	1	67
Plasterers	4	3	57
Painters	3	3	50
Joiners	3	3	50
Welders	7	0	100
Carpenters	5	7	42
Upholsterers	2	1	67
Furniture Polishers	2	1	67
Sheetmetal Workers	0	1	-
Tile layers	0	2	-
Motor Mechanics	0	1	-
	<u>40</u>	<u>42</u>	<u>49</u>
 <u>Coloureds</u>			
Wood machinists	0	1	-
Plumbers	0	1	-
Bricklayers	3	11	21
Plasterers	2	4	33
Joiners	0	4	-
Painters	<u>3</u>	<u>5</u>	<u>38</u>
	8	26	24

Continued

¹Supplied by Commissioner of Prisons, September 1974.

Appendix V (continued)

<u>Bantu</u>	<u>Pass</u>	<u>Fail</u>	<u>% Pass</u>
Plumbers	24	16	60
Bricklayers	66	31	68
Plasterers	48	3	94
Painters	29	10	74
Carpenters	30	21	59
	197	81	71

A P P E N D I X VISTATISTICS ON PRISON EMPLOYMENT¹

The 1955 U.N. Report on Prison Labour contained the following caveat on the statistics given in their report and applies to their tables shown in Chapter 7 of this thesis. This caveat is equally applicable to the author's Survey of Prison Labour.

Considered broadly, there are five major categories of types of prison labour:

- (a) industrial activities on a more or less mechanised, unskilled or semi-skilled mass production basis (e.g. soap making, weaving cloth);
- (b) handicraft work in skilled or semi-skilled production (e.g. shoe repairing, cabinet making);
- (c) agricultural work, including animal husbandry, but excluding forestry work;
- (d) public works (see note 1, para. 106);
- (e) Institutional maintenance - the work of day to day house-keeping, including food preparation and sanitation.

Continued

¹U.N. Report on Prison Labour, op cit., pp. 94-95.

Information was obtained on the distribution of working inmates under sentence, as well as those in "other employment" and "not employed". The data presented below are presumably based on assignments of "fully employed"¹ prisoners, i.e. inmates engaged for a normal working week on a particular task.

Limitations of the statistical data. Criminological statistics of certain types are generally viewed by experts as being of limited value. With this in mind, some specific difficulties pertaining to the statistical data included in the present report should be mentioned.

First, it was clear that the stipulation regarding "full employment" was not always heeded; variations in the lengths of prison work-days and work-weeks thus cannot be allowed for.

Second, without detailed knowledge of the manner in which work programmes are administered, mere data on work assigned give no clues to the degrees of industriousness required of prisoners. Hence, for example, 80 per cent of an inmate population may be assigned to "full-time employment", and may indeed spend eight or ten hours each day in a locale where labour is ostensibly performed, but the availability of work or the indifference of overseers may be such that only two or three hours of work are done. On the other hand, only 50 per cent of another

¹The last category presumably includes sick or otherwise incapacitated prisoners as well as those assigned to formal educational programmes of a full-time basis.

prison population may be assigned to work, but with a full day's work being elicited from each inmate. Consequently, comparisons between countries with respect to the extent to which employment is provided may be misleading and unwarranted.

Third, there are indications that the five work categories were by no means commonly defined, so that "industrial work" in one country denoted all shop work done in common, whether machines were used or not, while "handicrafts" meant any work suited to the restricted space of cellular confinement. The meaning of "construction and conservation", moreover, was frequently misinterpreted. Data on this point were sought with the aim of learning the extent to which prisoners were engaged in extra-mural public improvement work of direct benefit to general society, with particular interest in the role of prison labour in the economy of the less-developed States. Unfortunately, prisoners assigned to certain kinds of prison maintenance work were sometimes classified under "construction and conservation".

Fourth, the statistics from the several countries are not chronologically comparable; in some instances data supplied were daily averages for calendar years or fiscal years; in others, they represent a single "typical" workday; in still others information was entirely lacking with reference to the chronological basis upon which the figures were selected.

Fifth, respective coverages of data from the countries differ; some States submitted figures covering all prisoners

under sentence while others limited the data to persons serving long terms in prisons or penitentiaries. Even among the latter, data sometimes pertained only to certain institutions within a State and hence did not represent the total of those serving long sentences.

In view of these limitations, then, the statistical materials must be interpreted with great caution. Viewing them conservatively, they are of value mainly in giving some indications of general trends or directions taken in planning work programmes, rather than in representing uniformly reliable indices to existing conditions of employment and unemployment.

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