

Institutional Arrangements and Rehabilitation of Young Offenders: A Case Study of the
Leeuwkop Correctional Service Facility.

Mesuli Macozoma

A research report submitted in partial fulfilment of the requirements for the
Degree of Master of Management in the Field of Public Policy at the
Faculty of Commerce, Law and Management

University of the Witwatersrand
School of Governance

Supervisor: Dr Ruth Murambadoro

2021

Declaration

I, Mesuli Macozoma, declare that this research report is my own unaided work. It is submitted in partial fulfilment of the requirements for the degree of Master of Management in the field of Public Policy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

A handwritten signature in black ink, consisting of a stylized 'M' inside a circle followed by a long, sweeping horizontal line.

Mesuli Macozoma
09 June 2022

Abstract

The 1994 democratic transition in South Africa marked a break away from its repressive past, which included the creation of new institutions to exercise the rule of law in a democratic dispensation. Transforming the prison system to correctional services through policy, changed the outlook of the state in exercising punitive measures against those charged with breaking the rule of law. A key question that has emerged is the need to understand how the established correctional services system facilitates the rehabilitation of young offenders, who make the majority of people incarcerated in correctional facilities in South Africa today. The study employed a qualitative case study approach to establish interactions between institutionalised young offenders at Leeuwkop Correctional Service Facility which serves as a medium for rehabilitation. The objective of the study was to determine whether the institutional arrangements at this facility support the institutionalisation of rehabilitation as articulated in the 2005 White Paper on Corrections.

Primary data was gathered using semi-structured interviews from a sample of 16 participants, inclusive of three first-time offenders, three repeat offenders, and two former offenders from the Leeuwkop Correctional Service Facility between the ages 21 – 35 years old. In addition, eight institutional actors associated with Leeuwkop Correctional Service Facility were interviewed to understand their perspectives on the administrative processes involved in services offered by the facility. Thematic analysis was employed to analyse the data sets which generated four key themes around the issue of order and discipline, factors contributing to offending, rehabilitation of offenders in a correctional environment, and the allocation and expenditure of financial resources.

Research findings indicate that a lack of transformation and misalignment of the current institutional arrangements is obscuring effective rehabilitation of young offenders at Leeuwkop Correctional Service Facility. A significant finding that emerged was that the primary objective of the Leeuwkop Correctional Service Facility is the incarceration of young offenders, and rehabilitation is a secondary function; hence the institutional and structural arrangements emphasize achieving the primary goal.

Conditions at Leeuwkop Correctional Service Facility, reveal that institutions established with contradicting mandates tend to systematically resist change. Arguably, the institution has struggled to transform its secondary role into an actionable goal that aligns with the policy framework, rendering this space a constitutive element in engendering a vicious cycle of violence among those who interact with the institution. The research concludes that more work is needed at both institutional and administrative level to foster a culture of rehabilitation within correctional service facilities.

Dedication

This is dedicated to uMtungwa

Acknowledgements

I wish to express gratitude to Dr Ruth Murambadoro for her guidance and invaluable assistance during the study. Your inspiration and words of encouragement are appreciated as the reason there is a product to be proud of.

I further wish to extend appreciation to the Department of Correctional Services and the Leeuwkop Management Area authorities and officials who availed themselves, as well as all the young offenders that were part of the study. Your involvement has contributed to the creation of knowledge and to the greater development of the discipline.

A special word of gratitude to my family, friends, colleagues and confidants who have been the sounding board with every iteration, development and constant sharpening of ideas- your contribution is highly appreciated and eternally recorded. I am especially indebted to uGogo who has constantly kept me in her prayers.

I hope this contribution will alter the reality of the correctional service system of South Africa, specifically the Leeuwkop Correctional Service Facility, and consequently transform the lives of young offenders for the better, in a society underpinned by humanity, dignity and reformation.

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Chapter 1: Introduction and Background

1.1 Introduction

Prior to the democratic transition of South Africa in 1994, several reforms were made to transform the structural systems of oppression in society, including the prison system. Throughout the colonial and apartheid era, prisons were used as instruments for punishment, retribution, alienation, isolation, exclusion, suppression and subjugation. This was an expression of the ideological philosophy of the then government and their respective agendas. The prison was an environment where social behaviour was re-engineered in a way that arguably perpetuated violence, as prisoners were often stripped of their identity, individualism, and freedom (Crawford, 2019:224).

Transforming the prison system was crucial for the new democratic regime to ensure a break away from the past, and this was evidenced by the formation of the Department of Correctional Services, the revision of the Prisons Act No 8 of 1959, as well as the Correctional Services and Supervision Matters Amendment Act No 122 of 1991, among other reforms (Singh, 2005:29). Arguably, various statutory frameworks, policies, departments and the terminology of the colonial and apartheid regimes have changed; however, the remnants of the institutional arrangements in the form of the underlying characteristics, conditions and structural framework of the original prison system, its culture and social history remain.

Institutional arrangements, which some scholars refer to as structural arrangements, refer to the relationship between policies, practices and systems that enable effective functioning of an organisation, group or institution (Dowding, 2008:24; UNDP, 2009:13). Therefore, this study interrogates the constitutive interactions between young offenders and Correctional Service institution as a space for rehabilitation post-1994, and what the institutional arrangements contribute in rehabilitating young offenders, particularly at the Leeuwkop Correctional Services Facility, and whether the institutional arrangements fulfil the function of the Leeuwkop Correctional Service Facility to rehabilitate young offenders, in accordance with the White Paper on Corrections.

Roux (2007:1) asserts that the South African prison should be approached “not as a monolithic, uniform structure, but formation inherited from Enlightenment Europe that was fractured and transformed under the auspices of the colonial and apartheid administrations”. Insofar as the

institutional and structural arrangements embedded in the Correctional Service system remain, the idea of a correcting facility seems will not be attained, rather the notion of a punitive prison will seemingly persist (Africa, 2009:62). Foucault's (1977) writings already alluded that prisons are not ideal for rehabilitation but are avenues for reinforcing punishment. Here, punishment is understood as a form of imposition of the undesirable to reinforce the rule of law and silence dissent (Parry, 1999:434) and is an ancient concept administered in various ways under different names, which evolved to be institutionalised through the prison system.

The discourse around punishment predates modern society, dating back to Egyptian, Roman and ancient Greek civilisation as documented and discussed by Plato and Aristotle (Scott and Flynn, 2014:9). As times changed, punishment became less physical and more ethereal and represented by detention and incarceration (Foucault, 1977:76). When prisons were established, the prison system did not accommodate the idea of rehabilitation but instead the institutionalisation of punishment (Lakritz, 2018). Thus, the concept of punishment in its pristine form is hard to divorce from the exercise of power and authority, particularly administered through the prison system.

Jeremy Bentham (1843), in Steadman (2007:1), championed the structural conception of prison, known as the panopticon, an institutional structure that would be used to incarcerate and surveil prisoners as a form of punishment. Bentham's panopticon conception is widely viewed "...as the original model for a new kind of supervisory power relation across a whole range of nineteenth-century types of institutions" (Steadman, 2007:3). The panopticon's underlying principles as a measure for enforcing authority have evolved with time but maintained its ideological premise and institutional arrangement that reinforces discipline, not only physically but psychologically, through state institutions (Foucault, 1977:195). Here, the state has maintained a monopoly of power through institutions and legislation that legitimises its role to maintain law and order in society. The prison institution reflects the often antagonistic relations between the state and citizenry, which Mamdani (1996) covers in *Citizens and Subjects*.

As indicated earlier, a key moment in South Africa's political transition was the redefining and removal of the terminology that carried the oppressive and punitive narrative in the legislation of the preceding regime. For example, the Reconstruction and Development Programme (RDP) emphasised that "the prison service must play its part, not simply in restraining convicted

persons, but in rehabilitating and training them; [and that] disciplinary codes within prison must be changed, and forms of punishment which infringe [on] basic human rights must be ended” (African National Congress, 1994:123). This process was further complemented by the White Paper on Corrections in 2005 by the Department of Correctional Services to accentuate the system’s prioritisation of human rights and correctional elements and objectives. In 2008, then President, Mr Jacob Zuma, amended the Correctional Service Act (No 25 of 2008), which saw the insertion of the words “Correction”; “Correctional Centre”; “Inmate”, and effectively removing “Prison”; and “Prisoner”, and the substitution of “Un/Sentenced Prisoner” with “Un/Sentenced Offender” from the discourse. Moreover, the term “juvenile” was also removed as it is was viewed to carry a negative connotation, especially in the South African context. Accordingly, this research endeavours to align with the paradigm shift in its usage of the contemporary lexicon.

These changes could be viewed as an appreciation that the institutional arrangement, which may be visible or invisible, and the terminology apportioned to phenomena, creates its social reality. For instance, retaining the terms ‘prison’ or ‘prisoner’ would make it difficult to imagine the facility as having any other function but to detain and punish prisoners who, historically, would be viewed as less than human. Instead, a correctional facility is regarded as an environment meant to facilitate one’s conduct and not a space of condemnation. In a way, the change to ‘offender’ recognises that an offender commits an offensive act but should not be defined by it. This philosophy is consistent with the modernist linguistic constructivism school of thought, which emphasises the role of discourse and its influence to construct social reality through language and rules (Alder, 2002:5).

This research focused solely on the Leeuwkop Correctional Service Facility, particularly Medium A, as a space and how it interacts with young offenders concerning rehabilitation efforts, particularly at an institutional level. This is of interest as one of the main approaches to dealing with crime is the rehabilitation of young offenders in correctional facilities. The research employed a qualitative case study approach because it is a key rehabilitation facility for young offenders in South Africa.

The Leeuwkop Correctional Service Facility is located in Ward 132 in the northern suburbs of Johannesburg. Its geopolitical location is in a predominantly urban area where it is one of the 12 Management Areas in the Gauteng province with four (4) facilities: Leeuwkop Medium A,

Leeuwkop Medium B, Leeuwkop Medium C, and Leeuwkop Maximum. The Leeuwkop Correctional Service Facility is located in a farming area secluded from the township and business areas of Johannesburg, making it ideal for the rehabilitation of young offenders. As opposed to other city facilities, the benefit is that a farm facility such as Leeuwkop Correctional Service Facility has unique amenities and programmes incorporated into the rehabilitation process such as farming, diary making, and meat farming, amongst others. These programmes are considered an advantage that the facility has and beneficial for the rehabilitation of young offenders.

The Leeuwkop Correctional Service Facility is dedicated to offenders from the age of 21 years old. Young offenders incarcerated at Leeuwkop Medium A make up a total of 366 offenders out of a total population of 762 offenders, which translates to 48%.

Keeping with the provisions of the National Youth Development Agency Act, 2008, youth are persons between the ages of 14 and 35 (Presidency, 2008:5), the research focused particularly on young offenders between 21 - 35 years. Although the correctional service system regards persons above 18 years old to be adults, according to the Child Justice Act 75 of 2008, a person under the age of 21 may be considered a child (Presidency, 2008:6). Therefore, it is permissible to consider those between 21 – 35 years old to be young person's falling within the youth category in the South African legislative context.

The importance of youth development at an early age is critical to reducing crime outcomes and the level of recidivism¹, noting that the youth group makes up at least 69% of the offender population in South Africa's correctional facilities (Motale, 2016). Reports of the NPA suggest that correctional services provide an opportunity to have meaningful effect and change for young offenders by creating a conducive and supportive environment. However, scholars such as Dowding (2008), Singh (2005) and Wacquant (2009) have raised criticism against purported successes of correctional service facilities in rehabilitating offenders, an area this study sought to explore looking at institutional arrangements of the Leeuwkop Correctional Service Facility. Young offenders, because of their developmental nature, are more susceptible to change than adult offenders. The rehabilitation of young offenders, as opposed to punishment, is generally supported in comparison to adult offenders (Clarke, 2005). Even the Swedish prison system

¹ Reoffending

makes consideration for the youthfulness of an offender (Von Hofer, 2001:303). However, other scholars believe that young offenders are as culpable as adult offenders and thus should be treated the same (Dodson & Whitehead, 2014:350).

1.2 Problem Statement

The growing population of young offenders and re-offenders in Correctional Services facilities in South Africa (Cassim, 1998; Motale, 2016) raises questions on whether such institutions offer any transformative opportunities for young people that exit the system. This is on the backdrop that most young offenders who exit the system re-offend² and return to the system, thereby raising questions around the institution's efficacy in rehabilitating young offenders and whether the prevailing institutional arrangements support the envisioned rehabilitation (Muteti, 2008:xii). Arguably, time spent in a correctional facility plays a crucial role in determining the offender's future relationship with the criminal justice system and society.

Criminal activity is amongst the most significant cause that results in young people becoming offenders and is as a result of a number of reasons such as unemployment, poverty, peer pressure and other structural social factors (Cheteni *et al.*, 2018:1). In understanding the correctional system as an evolving institution, it is essential to locate its significance within the criminal justice system. The criminal justice system embodies three core functions: retributive function, which acts as a deterrent for criminal activity through punitive measures; restorative justice, which seeks to return what was lost by victims and repair harms committed (including reparations); and rehabilitation, which seeks to correct behaviour in a more developmental approach (Skelton and Batley, 2008:37). This research focuses particularly on the function of the Leeuwkop Correctional Service Facility to fulfil the third component of the criminal justice system.

This research explored the correctional service system institutional arrangements' contribution to transforming and reforming young offenders at the Leeuwkop Correctional Service Facility. It focused on the interactions between institutionalised young offenders, the correctional services facility and the intersecting realities forged in this space as a medium for rehabilitation. The study considered the policy interventions and developments in the correctional system of South Africa and the shift towards meaningful reform and rehabilitation of offenders, framed

² Recidivate

within the *White Paper on Corrections in South Africa* (Department of Correctional Services, 2005). This discourse is broadly framed on the global and national objective of creating safe and secure communities.

Various scholars' findings on this subject point that correctional service facilities have not contributed to the meaningful reform and rehabilitation of young offenders envisaged in the White Paper. A study conducted by Gxubane (2006:315) of criminal histories and activities of young people in South Africa revealed that 20 of respondents aged between 10 – 18 years old had at least two previous crimes and arrests as well as 77 previous crimes and arrests in total amongst them. Furthermore, the rates for re-offending among young people in South Africa range between 55% and 95% (Murhula and Singh, 2019:22). This raises criticisms that the correctional facilities as institutions with their accompanying institutional arrangements are probably not effective in forging new paths for young offenders. Thus, this research adds to this discourse by offering an understanding of the effect of prevailing institutional arrangements at the Leeuwkop Correctional Service Facility in supporting the rehabilitation efforts of the institution for young offenders.

1.3 Research Question

The institutional and structural reform within South Africa's correctional service has raised debates among scholars regarding the state's provision of a conducive environment for rehabilitating young offenders. There are currently 243 correctional service facilities in the country (Department of Correctional Services, 2014:5). However, growing numbers of repeat offenders are increasingly emerging from young offenders (Gxubane, 2006:307), some of whom have gone through rehabilitation, which raises questions around the efficacy of such institutions. This study feeds into this discourse exploring the question: How do the existing institutional arrangements at the Leeuwkop Correction Service Facility support the rehabilitation of young offenders?

1.4 Research Purpose and Delineation

The primary purpose of this study was to examine the interactions between institutionalised young offenders, correctional service facilities, and the intersecting realities forged in this space as a medium for rehabilitation. This entailed exploring the state's ability to shape social behaviour by exercising authority through its institutions. The study explored the institutional and structural elements of correctional services, making use of the Leeuwkop Correction

Service facility, an essential facility rendering rehabilitation services to young offenders in Johannesburg, as a case.

The study focused mainly on young offenders between the ages of 21 – 35 years old incarcerated at Leeuwkop Correctional Service Facility, specifically Medium A. Leeuwkop Correctional Service Facility only accommodates male offenders; therefore, the offender participants were young males across racial demographics- African and Coloured, in particular. Medium A functions as a facility for offenders nearing the end of their sentences, thus meaning they have been through all rehabilitation aspects that the facility has to offer before reintegrating into society. Perspectives from first-time and repeat offenders, including former offenders who were incarcerated at Leeuwkop Correctional Service Facility during their youth years, were gathered as part of the data collection process to aid analysis and synthesis. This was further complemented with perspectives from institutional actors in the form of staff working and associated with the young offenders at Leeuwkop Correctional Service Facility, Medium A.

1.5 Research Objectives

The specific research objectives of this study were:

- To establish the contribution of institutional and structural arrangements at the Leeuwkop Correctional Services facility in rehabilitating young offenders.
- To explore the interactions between institutionalised young offenders and the Leeuwkop Correctional Services facility as a space and medium for rehabilitation.
- To explore the policy interventions and developments in the correctional system of South Africa post-1994 and their impact on rehabilitation of young offenders at the Leeuwkop Correctional Services facility.

1.6 Rationale for the Study Site

This study aims to create knowledge in an under-researched area of understanding how the correctional service system functions as an overbearing institution on its occupants, what effect this has and if institutions can change. The Leeuwkop Correctional Service Facility, located in Ward 132 in the north of Johannesburg, Gauteng province, is a dedicated facility for young male offenders from the age of 21 years old. In 2018, the Leeuwkop Correctional Service

Facility's regional communications officer, Mocheta Monama (Seemela, 2018), averred that during the 2017/2018 financial year, the department managed to place 82% of inmates in various correctional programmes. It then becomes compelling to interrogate the institution's rehabilitation efficacy. The study examined the notion of rehabilitation of young offenders at the Leeuwkop Correctional Service Facility, looking into the interplay of space and agency of structure and agent within this environment in creating varying encounters, experiences and outcomes.

Furthermore, its location makes it the best-suited facility for the researcher to access young offenders who are institutionalised. This study offers a lens to understand the institutional processes that foster rehabilitation, what it means and the mitigating factors prevailing in the present institutional arrangements at Leeuwkop Correctional Services Facility. A case study was conducted because it is relevant and appropriate to illustrate social theories and concepts being tested, such as the evolution and adaptation of institutions.

1.7 Defining Key Concepts

The following provides operational definitions for key concepts in the discipline that dominate the study for consistent interpretation and understanding.

1.7.1 Rehabilitation and/or Correction

The Correctional Services Act, as amended in 2008, actively defines what it means to rehabilitate or systematically correct offenders by stating that "correction means the provision of services and programmes aimed at correcting the offending behaviour of sentenced offenders in order to rehabilitate them" (Correctional Services Amendment Act, 2008). This follows from the White Paper on Corrections, which indicates that the process of correcting offending behaviour is based on social responsibility, accountability and acceptance of the impact of one's actions in society through developmental programmes (Department of Correctional Services, 2005:69).

The notion of corrections and rehabilitation is generally understood in the same or similar vein; however, these are fundamentally different, albeit intertwined. Key to note is that rehabilitation is envisioned as an expansive process of the Correctional Service system beyond correctional programmes.

1.7.2 Institutionalisation

Institutionalisation refers to a holistic process which encompasses the embedding of new norms, cultures and behaviours into offenders during incarceration in preparation for integration into society. It is the process of re-engineering the young offender in a dedicated facility for the incarceration and rehabilitation under custodial services (Correctional Services Amendment Act, 2008).

1.7.3 Correctional Services

The Correctional Services is an arm of the criminal justice system of South Africa, among the South African Police Services (SAPS), the National Prosecuting Authority (NPA), the Judiciary, the Department of Justice, and the Department of Social Development (Department of Social Development, 2020). Although it is the last step in the criminal justice system, it has the critical function of administering the outcomes of the courts through protective custody and rehabilitation of convicted offenders.

1.7.4 Characterising the Offender

The judiciary determines the offender's fate in a criminal justice system comprising courts where matters are heard. The court process is an opportunity for the dissenter to appeal to society and the sovereign for their actions. In the African context, matters were generally heard in a *Lekgotla/Inkundla*, which is a meeting place for assemblies conducted by village leaders. There are varying explanations and justifications as to why the law of society has been violated, and if determined to be guilty, it is then that the dissenter's offence against the natural order is recognised and thus becomes an offender and is charged by society through the Sovereign. It is violators of the social compact that have been taken through this process that are regarded as offenders.

1.7.5 Characterising the Young Offender

For this research, it is essential to distinguish between child offenders, young offenders, and adult offenders in the Correctional Service context, to fully understand this research's focus. The Correctional Services Act 1998 defines a child as a person under the age of 18 years old, which is consistent with the definition contained in the Child Justice Act No 75 of 2008 and Section 28 (3) of the Constitution of the Republic of South Africa.

The Correctional Service Act 8 of 1959 had a separate classification for young offenders under the age of 21 and defined them as juveniles. Since its repeal, there has been no definition of a juvenile or youth offender. In its definition of a child, the Child Justice Act recognises a distinction between groupings of persons under the age of 18 years old and those over 18 years but under the age of 21 (Presidency, 2008:6). It makes an effort to separate the two categories. However, what is unavoidable is that there is a distinction between these groupings and between them and adults, albeit in the Correctional Service system. The Correctional Services Act proposes no definition of an adult.

For the purpose of the research, in line with the above legislative parameters and to avoid any unintended confusion, this research, keeping with the provisions of the National Youth Development Agency Act, 2008, where youth is defined as persons between the ages of 14 and 35 (Presidency, 2008:5), refers to persons who are younger than 21 as child offenders; persons between 21 and 35 as being in the young offenders category, which is consistent with the national definition of youth; and persons older than 35 to be adult offenders.

1.8 Outline of the Research Report

The research report is divided into six chapters, as discussed below.

Chapter 1 highlights the background of the study focusing on changes that have emerged in South Africa's transition from a prison to a correctional system and why it is significant for research to be conducted to understand how, if at all, the existing institutional arrangements at the Leeuwkop Correction Service Facility support the rehabilitation of young offenders. The chapter outlines the contending issues in the policy framework, i.e. White Paper on Correction and implementation thereof, as well as fractures emerging in institutional facilities in realising intentions of the policy. This background paved the way to outline operational concepts used, such as young offenders and corrections and the purpose, objectives, and significance of the research in identifying Leeuwkop Correctional Services Facility as a case to study.

Chapter 2 unpacks debates on the subject from varying literature to position the study within the global discourse. It discusses the reality and conceptualisation of African systems insofar as prison systems prior to western influence and how punishment permeated, in this system. It further discussed the institutionalisation of punishment in the prison system to inculcate and (re)engineer social behaviours and its evolution into a correctional service system that aims to

institutionalise rehabilitation. It raises a critical discussion on whether the prison system can evolve, as an institution, devoid of its original function of punishment to rehabilitate. In the absence of change, it examined the structural, institutional, and systematic inhibitors and how these can be repaired. Lastly, it examined whether it is feasible to administer rehabilitation, as a clinical and psychological function, in a correctional setting that is highly securitised and the impact of limitations.

Chapter 3 engaged the theoretical and conceptual lenses through which the study is viewed and its outcomes tested. This chapter sought to understand young offenders through the prism of various theorists to unpack how institutions operate and space influences the agency of actors within a correctional setting and rehabilitation thereof, how power and authority affect and shape social reality. It explored how the structure and agency symbiotically influence and affect each other. How those who experience the space create it and how, in turn, it creates culture and behaviour. Simultaneously, the institution's tacit material and symbolic power and authority, determine, beyond proactively implemented policy, the punitive or rehabilitative experience and outcomes thereof. This interweaves directly with whether the correctional system is able to evolve and adapt to its new imagining outlined by the White Paper on Corrections. It provides an analytical exploration on whether the institutional features are embedded and persisting or are transformative to affect the desired mandate against its own conception.

Chapter 4 covers the study design and how research at Leeuwpkop Correctional Service Facility was conducted. The research process which includes the sampling strategy, data collection, data analysis, and ethical considerations for the study are outlined. A qualitative case study was conducted focusing on young offenders between the ages 21 – 35 years old incarcerated at Leeuwpkop Correctional Service Facility Medium A. Perspectives from first-time and repeat offenders, including former offenders who were incarcerated at Leeuwpkop Correctional Service Facility during their youth years, were gathered using semi-structured interviews to aid thematic codified analysis. These were supplemented with interviews with institutional actor participants associated with the Leeuwpkop Correctional Service Facility. Given the vulnerability of the participations, ethical considerations had to be prioritised to account for risk, permission and data protection, the process and details thereof are addressed in this chapter.

Chapter 5 reflects the data collected from the engagement with the participants reflecting on the research questions and research objective. The data demonstrates the direct perspectives and deliberations by the participants on the institutional arrangements and rehabilitation of young offenders at the Leeuwkop Correctional Service Facility in pursuance of the research objective.

Chapter 6 covers the analysis and synthesis of the collected data through thematic coding and employing an inductive approach. The data is interpreted and discussed during the analysis to uncover knowledge variegated along thematic and theoretical lines. It builds on the analytical presentation of the data in accordance with the research question synthesised through the conceptual underpinnings and theoretical lens of institutionalism and the role of power. Different themes emerged, such as (i) the establishment of order and discipline, (ii) factors contributing to offending, (iii) the rehabilitation of offenders, and (iv) the allocation and expenditure of financial resources, as key determinants to understanding if existing institutional and structural arrangements at the Leeuwkop Correction Service facility support the rehabilitation of young offenders. Their inadequacy to effectively support the rehabilitation of young offenders is further discussed.

Chapter 7 recapitulates the research purpose, process and outcome. It outlines the central debates in the discipline and thematic findings that have been uncovered through the analysis of data. Subsequent to revealing the role that existing institutional and structural arrangements at the Leeuwkop Correction Service Facility play in supporting the rehabilitation of young offenders, this chapter provides potential recommendations that will assist to cure any policy impasse. These recommendations directly respond to the research objectives of the study. Given the study's limited scope, further areas for research are recommended to close the knowledge gap.

1.9 Conclusion

This chapter has outlined the background relating to the evolution of South Africa's prison system into a correctional system and the underpinning changes envisaged in the White Paper on Correction regarding the rehabilitation of young offenders. It has provided the critical path to unpack the policy implementation problem of how the existing institutional and structural arrangements at the Leeuwkop Correction Service Facility appear not to be congruent to the

policy intention as articulated in their prescripts. The following chapter unpacks the context and background of the research in relation to literary and scholarly discussions in the discipline. It locates the discussion of the rehabilitation of young offenders and the institutional arrangements of correctional facilities within the context of historical African and South African correctional systems. The following chapter unpacks literature on the discipline in order to ventilate conceptual underpinnings to understand the role of institutions broadly- correctional facilities in particular, in the global and South African context, their historical function vis-à-vis their contemporary imagining. It outlines the debates for the institutionalisation of punishment and rehabilitation through incarceration and discusses the present institutional arrangements and their influence on outcomes on the rehabilitation of young offenders.

Chapter 2: Historical and Conceptual Underpinnings of the Correctional System

2.1 Introduction

In this chapter, the historical foundation of imprisonment in the world and specifically in the South African context during the colonial and post-colonial eras are highlighted. This chapter discusses the reality and conceptualisation of African systems in the context of prison systems prior to western influence and how punishment permeated in this system. Historical texts point out that the incarceration of criminal offenders is a practice that has roots in colonial rule. This chapter seeks to unearth debate on whether western practices and systems align with African principles since, historically, resolution in African societies was restorative and not punitive as a mechanism of ensuring public order in society. It further discussed the institutionalisation of punishment in the prison system to inculcate and re-engineer social behaviour and its evolution into a correctional service system that aims to institutionalise rehabilitation. It contrasts the traditional 'prison' function to the contemporary permeation of systems that expressly prioritise rehabilitation such as the Nordic experience as observed in Sweden. It raises a critical discussion on whether the 'prison' system is able to evolve, as an institution, out of its original function of punishment to rehabilitate. Accordingly, the questions this section endeavours to answer is how is the prison as an institution established, maintained and changed? Can it evolve from its traditional function to function relevantly in a human rights setting and is this observable in the South African and global context? In answering these questions, the philosophical relation between state and citizen in the realm of public order and how it justifies for the emergence of 'prisons' is explored. This is followed by the unpacking of the development of institutions and their function, feeding into the genealogy of the 'prison' as an institution and system, its different epochs in the South African context contrasted and compared with contemporary experiences and global cases. This then lays foundation for the understanding of how punishment and rehabilitation have been institutionalised in this institution and what determining role institutional arrangements have on desired outcomes.

2.2 Public Order and the Rationale for Prisons

Citizens exist in context to other citizens in a particular jurisdiction, and the interaction between them and the world is regulated by a state. Societies exist as a culmination of individuals united through social order in their difference to form communities along with a common identity. In the absence of a state as a regulator, society would not be able to hold together, and citizens would descend into chaos and anarchy. As the whole character of society, the state, through a

social contract, exercises control over the individual because its role is to preserve and uphold society's very existence (MacIver, 1911:39).

The social contract is formalised into compulsory law executed and supervised by the state, representing society's will and interest (Tărchilă, 2015:3). Laskar (2013:1) submits that society sought protection from hardship and oppression as a natural desire for security and order and thus entered into an agreement for protection in exchange for part of their freedoms. Relations between beings are negotiated within the state, bringing about a particular code of conduct that makes the society orderly. Laski (1954:13) notes that individuals in society are compelled to conform to a determined way of life. As sociable beings within a community, discipline and order become crucial to ensure that individuals exist in harmony within a society. Bleiker (2019:1) argues that there is no society without order, and therefore there can be no civilisation. Social order brings about predictability and stability in the pursuit of common interests. Social order is desirable and crucial in bringing individuals to work together towards a common objective.

Laskar (2013:3) presents John Locke's divergent perspective in that the state of nature is not chaotic but harmonious, and persons are equal and free. In order to secure and formalise the harmonious relationship, society entered into a social contract with the state to maintain order and enforce the law of nature (Laskar, 2013:4). Therefore, people surrender power to protect themselves and punish transgressors. Either way, there is acknowledgement of this relationship between society and the state for protection.

The normative function of the law thus determines what and how society should be. The state functions to ensure that the law is sufficiently observed. Deviation from the law, which is deemed to be sacrosanct, is thus regarded as disobedience to the social contract and the normative will of society and must be corrected to ensure the defiant actor is realigned with the set norms and rules of society. Primitively, infringement of the interests of group members was treated with hostility by all the injured group members who sought compensation and took revenge. This revenge was known as a blood feud and differed from one group to another (Stephens, 2018:55). Contemporarily, the behaviour of dissenters is corrected through institutionalisation in correctional facilities. As such, society relies on the state to correct the undesirable deviation from the set rule of law in order for all people to co-exist in harmony.

The correction of behaviour by the state must be such that it ensures that there is no future disobedience and deviation.

Those who commit what is regarded as a criminal activity have thus violated the social contract to uphold the safety and security of persons and property. Cesare Beccaria argued that “punishment is justified to defend the social contract and ensure that citizens will be motivated to abide by it” (Stephens, 2018:75). Criminal acts by young offenders are a violation of the social contract. In exercising its prerogative of protection, the state, through its institutions-contemporary correctional facilities, has to ensure that young offenders' correction is rehabilitative and restorative and not punitive. It is essential to also understand the establishment, role and function of institutions broadly and the prison specifically as an institution for inculcating societal behaviour, expectation and sanction for dissent.

2.3 The Establishment and Functioning of Institutions

Leftwich (2006:1) acknowledges that all human societies are characterised by complex and overlapping networks of regular social interactions and practices which constitute formal or informal institutions. Formal institutions are established and constituted by binding laws while informal institutions are conventions of norms and values of a society (Leftwich, 2006:1). Whether economic, political or cultural, such repeated interactions require agreed and predictable ways of doing things such as institutions. They matter as systems of social interactions that construct the social realm and expectations of behaviour (Hodgson, 2006:2). Hodgson (2006:2) indicates that social institutions not only “enable ordered thought, expectation, and action by imposing form and consistency on human activities”, but have the ability to change agents and their preferences.

Institutions are central to the well-functioning of any country and its development as they express a particular will. Therefore, states create institutions that are able to impose a particular will that shapes behaviour of society to create a desired social reality. A correctional facility, as an institution, is an explicit expression of this particular function as inmates are meant to be influenced and changed by it. It is crucial to then understand its role in the broader sense of what institutions are, how they function as constraining and enabling structures with the power to mould the behaviour of inmates. Should the character of the institution be one that embodies a punitive disposition, this will reflect in those who inhabit it. According to Hodgson (2006:7),

the will of the institution will simultaneously self-reinforce and self-perpetuate through individual actions.

Institutions can change slowly as different interests and ideas compete for expression (Leftwich, 2006:1). This change should assist to improve the capacity and will of the state. Well-functioning institutions that execute the will of the state are regarded as strong institutions. Kumasa and Mbeche (2004:852) stress the importance of effective institutions, because without them it is challenging to accomplish good governance and sustainable development.

The establishment of prisons was thus an institutional response and an “attempt by a postmodern state to impose a sense of authority over seemingly intractable social disorder” (Mauer, 2005:607) and the need to inculcate the will of society by shaping the behaviour of the offender. The prison setting is an interaction of formal and informal melting pot that has been used overtime to achieve various ends by the state. Its objectives have transformed influenced by the interests and ideas of the time. As ideas change, and institutions evolve, it is important to assess and unpack how the ‘prison’ is established as an institution with a particular function and has evolved over time in the South African context, and if the present configuration of the institution is reflective of the current ideological dispensation.

2.4 Genealogy and the Epochs of the South African Prison System

Prison as an institution for incarceration locates its foundations in European and American society. However, Stephens (2018:102) posits that incarceration, despite not foreign to African society, prior to colonisation, was different to imprisonment which was imported into African societies and used as a form of punishment during colonisation. Scholars such as Nwoli (2010), Pete (2008), and Davis (2003:42) further argue that imprisonment was rare and that the prison system was introduced by the colonial administration in colonial African societies.

Previously, disagreements, offences and disputes were generally heard in a *Lekgotla/Inkundla*, which is a traditional court. Gade (2013) points that a *Lekgotla/Inkundla* served as a platform for mediating and fostering reconciliation. Murithi (2006:31) describes that this platform embodied a communal element where the society collectively sought to remedy a problem. Justice was often reconciliatory and restorative, which informed the sanctions and penalties. Therefore, the underpinning philosophy in these societies was not to punish but to restore

humanity. This is predominantly in accordance with the principle of Ubuntu- the interconnectedness of people, that whatever sanction and penalty is imposed on the one person affects the next person; therefore, it should not be harmful. Archbishop Desmond Tutu further expressed this idea of an African justice system when elaborating on the non-punishment of perpetrators for human rights violations they committed.

“Retributive justice – in which an impersonal state hands down punishment with little consideration for victims and hardly any for perpetrators – is not the only form of justice. I contend that there is another kind of justice, restorative justice, which was characteristic of traditional African jurisprudence. Here, the central concern is not retribution or punishment but, in the spirit of [U]buntu, the healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offence. This is a far more personal approach, which sees the offence as something that has happened to people and whose consequence is a rupture in relationships. Thus we should claim that justice, restorative justice, is being served when efforts are being made to work for healing, for forgiveness and for reconciliation” (Tutu 1999: 51).

The expectation that the pursuit of justice should offer humane conditions for both the offender and wronged party raised questions on how the state justice system in post-colonial Africa fairs in maintaining the dignity of offenders. Bah (2003), in an analysis of Bernault’s assessment of the prison system and the colonial project, reveals that there is a relationship between the establishment of prisons in Africa and the colonial project. Stephens (2018:98) further outlines that imprisonment is a European import designed to further the colonisation project. The South African criminal justice system borrows its foundation from European law and has adopted and integrated different facets as a direct result of the Dutch Settlers and Britain’s occupation of the Cape (Stephens, 2018:36; Du Toit, 2014:278).

The different epochs of the South African experience, namely, colonisation, apartheid, and democracy, are reflected in the respective prison institutions. The rationale shifted from incapacitation to reformation and rehabilitation, which was also evident in the name change to ‘correctional institution’ (Pollock, 2005:11).

The Prisons and Reformatories Act 13 of 1911 was introduced in 1911 in South Africa (Muthaphuli, 2008:118). The Act was premised on the moral and religious belief that every person is able to change (Plaatjies, 2008:53). One of the fundamental tenets which constituted the incarceration system was that offenders had to be disciplined by deprivation of privileges,

reclassification, additional labour, corporal punishment, reduced rations and solitary confinement in an isolated cell (Cilliers et al., 2008:10).

The Lansdowne Commission of 1941 was appointed to consider and review the earlier harsh and unjust prison system set up by the 1911 Act (South African Department of Correctional Services, 2005b). The Lansdowne Commission propagated for the respect of human dignity of both Black and White offenders and their ethical correction through rehabilitation. It advocated for the reconfiguration, reorganisation and demilitarisation of the system as such a system would be ideal to foster modern rehabilitative influences (Labane, 2012:214).

The Prisons Act repealed the Prison and Reformatories Act 13 of 1911 in 1959. The Prisons Act 8 of 1959 contained progressive elements aligned with the provisions of the standard minimum rules as developed by the United Nations in 1955 on the treatment of offenders (Muthaphuli, 2008:120). As a result of the shift in the philosophy of the service, the Prisons Act was later renamed the Correctional Services Act 8 of 1959. The new Correctional Services Act 111 of 1998 reflected the philosophy of the democratic era.

The transition to a democratic dispensation marked a different era for the South African prison system. In 2005 a White Paper on Corrections in South Africa was devised, which reconfigured the philosophy of the correctional environment. The transformation of the prison system towards correction and rehabilitation permeated predominantly as influenced by the globalisation of democratic principles and the respect for humanity.

Stephens (2018:36) maintains that the criminal justice system in South Africa has not transformed from its colonialism origins reflecting the criminal justice demands of the post-colonial era. It is important to note the shifts in the function of the prison system based on the country's political dispensation at a particular period to the correctional service system, because these shifts have informed the configuration of prevailing institutional arrangements. However, even with the democratic shift, the current institutional arrangements have not aligned with the ethos of the White Paper on Corrections pertaining to being rehabilitative in function. Akih and Dreyer (2017:1), argue that the correctional system's colonial legal framework still prevail in South Africa.

It is important to explore whether the South Africa experience is reflective of the global contemporary attitude and moral philosophy of rehabilitation, within the context of constitutionalism, democracy and human rights. The advent of democracy, constitutionalism and human rights shifted the philosophy of incarceration globally and it is crucial to reflect the contemporary shifts, juxtapose the global experiences and contrast the South African experience to other international cases. It is an attempt to answer the questions “whether a system that was intimately related to a particular set of historical circumstances that prevailed during the eighteenth and nineteenth centuries can lay absolute claim on the twenty-first century” Davies (2003:43).

2.5 Global Contemporary Prison Approaches in the Context of Human Rights

Developmental states that adhere to constitutionalism generally recognise the principle that when the state deprives a person’s liberty, they are obliged to ensure that the prisoners are treated humanely (Petersson, 2018:4). The global recognition of human rights changed the functioning of the prison system internationally with the adoption of the Nelson Mandela Rules and the Bangkok Rules. The Mandela Rules serve as a basis for the prison and correctional affairs globally. They stand out as an ultimate objective for good prison services. The Bangkok Rules are a supplement to the Mandela Rules focusing on special needs of women offenders (Petersson, 2018:30). The Kyoto Declaration was adopted at the 14th UN Congress on Crime Prevention and Criminal Justice in Japan in March 2021 to build rehabilitation-centric justice systems (Penal Reform International, 2021:3).

2.5.1 The Nordic Experience and the United States Experience

The perception that incarceration is itself harmful and thus should be practically avoided greatly influenced Nordic countries such as Sweden, unlike many other European countries like the United Kingdom (UK) (Von Hofer, 2001:290). Data from a survey by the International Crime Victims Survey (ICVS) indicates that citizens in Nordic (Scandinavian) countries such as Sweden, Finland, Denmark and Norway, advocate more for fines and community service as a sanction rather than for prison sentences, “with the exception of the English speaking nations where prison sentences are advocated to a greater extent” (Von Hofer, 2001:289). This is important to note for the South African institutional context as a former colony of the UK and how the ideology that informs its institutional was inherited. It is common cause that South Africa inherited, through a process of colonisation, British institutional systems even as basic

as the arbitrary traffic convention to drive on the left of the road (Hodgson, 2006:2). It follows that South Africa's outlook is more towards incarceration.

The underlying moral philosophy of Swedish prison is one that champions for a prison experience that promotes rehabilitation and the adjustment to the community as well as counteract the detrimental effects of imprisonment (Von Hofer, 2001:297). Prisons in Sweden, similar to others internationally, have four different classifications- categories I – IV, where category I is highly securitised, category II is partially securitised, category III is minimally securitised and category IV is an open prison. However, the level of securitisation in category II and III follow the rehabilitation ethos in that they do not prevent release attempts but only discourage impulse escapes, while category IV has no physical barriers or technological inhibitors (Von Hofer, 2001:296). This ethos is also reflected in fact that other sanctions, other than imprisonment, are used most often in Sweden. Von Hofer (2001:290) indicates that as a rule, prisons in Sweden are small, modern, highly staffed with professionals, well-resourced, and the security levels are kept to a minimal and that the management style in Swedish prisons is not than militaristic (Von Hofer, 2001:296).

As a result, the number of Swedish prisoners has dropped from 5722 to 4500, a number of prisons have been closed and the recidivism rate dropped to 40% (Aleem, 2015). It is reasonable to infer that these statistics indicate that the institutionalised rehabilitation process, and thus the Nordic experience exhibits signs of success in institutionalising rehabilitation. However, it could be said that the model is only successful in Nordic countries given their racial homogeneity, low levels of class inequality, low poverty rates and high social expenditure (Von Hofer, 2001:284; Aleem, 2015). This is contrary in the African experience as indicated by Sarkin (2009:40) in an article on *Prisons in Africa: An Evaluation from a Human Rights Perspective*, that there is poor management, undesirable living conditions and poor treatment of offenders, in African prisons and they need reform with more dedication to human rights.

Sweden has over time developed a highly professional and highly humane prison and probation system, which globally is desirable within the area of corrections (Petersson, 2018:5). The Swedish Prison and Probation Service (SPPS) on the request from UN agencies have seconded personnel to Somalia to assist with the replication of good practices in security training, educational training, management education, harmonisation with the Mandela Rules and

Bangkok Rules regulations and how to lead prisons with regards to human rights (Petersson, 2018:29).

Ironically, the American experience which is premised on the philosophy of penitence (enforcement of solitude, penitence and cleanliness) is significantly different from the Nordic model. In the United States (US), the philosophy is one that institutionalises punishment. This is particularly observable post the September 11, 2001 (9/11) attacks. The ‘war on terror’, as a response to 9/11, exacerbated a series of events that lowered the bar for human rights (Tayler and Epstein, 2022:6). This was particularly observable under the Rendition, Detention and Interrogation (RDI) programme which, as an employed technique, would abduct people, detain them in undisclosed prisons known as ‘black sites’, particularly Guantanamo, for torturing, keep them in cruel, inhuman and degrading conditions out of reach of U.S. and international law without access to legal representation or being charged (Tayler and Epstein, 2022:7; Blakeley, Black and Raphael, 2019). So pervasive in their quest to disregard human rights that they request for exemption from prosecution the Justice Department for torturing prisoners and violating the Geneva Convention (Tayler and Epstein, 2022:7; Pitter and Haskell, 2015:12).

The pervasive culture of a punitive institution and system is still observable in the US context. This is not only exhibited by the continued existence of prisons such as Guantanamo which former President Obama failed to close after he had committed, former President Trump refused to close and now President Biden committed to review and close it before his term ends (Tayler and Epstein, 2022); but is demonstrated by the widespread institutionalised punitive ideology, reminiscent of Jeremy Bentham’s panopticon, present in other contemporary prisons which deviates from rehabilitation or the championing of human right. For instance, Davies (2003:50) notes that:

“The new generation of super-maximum security facilities also rely on state-of-the-art technology for monitoring and controlling prisoner conduct and movement, utilizing, for example, video monitors and remote-controlled electronic doors. These prisons represent the application of sophisticated, modern technology dedicated to the task of social control, and they isolate, regulate and surveil more effectively than anything that has preceded them” (Davies, 2003:50).

This attitude reflects the repressive nature of some US facilities of this era which are a reminder of history. It is clear to see that the South African experience is different and in contrast with the Nordic model of rehabilitation and corrections. The institutional arrangements of the prison

system in Nordic countries, particularly Sweden, support the ethos of rehabilitation which manifests in the positive outcomes they have sought to replicate and incubate in Somalia. The South African institution, albeit not as expressly punitive and repressive as the American experience particularly post-9/11, bear some of its restrictive permutations. South Africa talks of a rehabilitation-centric model but have not fully walked the talk.

Having reflected on the global contemporary correctional system approaches and the location of the South African experience therein, it becomes important to then unpack how retribution and rehabilitation are institutionalised in the correctional service system, and whether rehabilitation can indeed be feasible in a correctional setting.

2.6 Conceptualising the Function of the Correctional Service System as Retribution or Rehabilitation

Early philosophers such as Plato and early reformers such as John Howard and Benjamin Rush (Davis, 2003:41) were convinced that punishment was an effective measure to rectify behaviour. St Anthony Thomas also shared the view that punishment has a medicinal value because it cures society and the offender from sins of the past and also prevents future offence (Bean 1982:54). According to Plato in Bean (1982:55), punishment is permissible and desirable when inflicted lawfully because it can make the offender better or make them less bad than they would have been without it, and not just inflicted for the sake of harm.

The Hammurabi of Babylon is referenced as one of the earliest existence of prison punishment. According to Stephen (2018:59), in Babylon, there were four types of punishment applicable to offenders: the death penalty, mutilation, branding, and banishment. During the Mosaic period, punishment was purely corporal (Stephen, 2018:60). Punishments evolved and worsened with each epoch. The arrival of reformers such as Jeremy Bentham witnessed the abolition of slavery, the death penalty and physical punishment. Bentham proposed a Panopticon, which would be for the imprisonment and incarceration of offenders.

When prisons were established, the prison system did not accommodate the idea of rehabilitation but instead the institutionalisation of punishment (Lakritz, 2018). Thus, the concept of punishment in its pristine form cannot be divorced from the exercise of power and authority of the correctional system.

Jeremy Sarkin (2008:24) avers that the prison is not indigenous to the continent but is a colonial import designed to administer capital and corporal punishment like many South African institutions. Sarkin (2008:24) further indicates that, prior to this, incarceration in South Africa focused on restitution. Pre-colonial South African society governed itself by traditional rules and customs, which were victim-centric (Maudsley, 1970:197).

It is only with the advent of colonial rule, the importation of European bureaucratic design, and the decline of customary law that punitive elements were introduced and permeated in the South African prison system. Newman (1978:6) defines punishment as an unpleasant consequence resulting from actions or offences that oppose established rules. Primoratz (1989:1) posits that punishment is a legal evil that is deliberately inflicted by an authority whose laws have been contradicted by an offender. Punishment in the form of imprisonment is legitimate as it is authorised by and sanctioned by the state. Legitimate punishment is the retributive rationale as the right for society to punish lawfully and proportionally (Pollock, 2005:4). Emile Durkheim endorses the perspective that punishment, when dispensed by the state, is elevated into something noble rather than base (Burkhardt and Connor, 2015:26). Philosophers such as Cesare Beccaria believed that punishment is necessary to deter future offence either by the offender or others (Beccaria, 1963:14).

Through imprisonment, the state seemingly adopts offender punishment as the best means for ensuring abidance to law and order (Tărchilă, 2015:5). Hence, though state punishment may seemingly have evolved from antiqued measures to more contemporary means, incarceration arguably demonstrates the coercive hand of the state in enforcing and engineering norms, values and social order.

However, there is a perspective that advocates for rehabilitative efforts to correct offender behaviour. Scholars such as Pollock (2005:8) define rehabilitation as internalising one's negative behaviour. Generally, rehabilitation is administered in a developmental manner that considers the psycho-social wellbeing of the offender. It is the acknowledgement that to prevent a future offence, the offender needs to be rehabilitated to be able to co-exist with society once again. The Correctional Service system in South Africa is mandated with the function to promote and support rehabilitative efforts.

The fundamental purpose of rehabilitation is change. It is a recognition and respect for the core principle of human rights that offenders are able to reform and change their disposition, attitude, and behaviour through a development manner. Various forms of treatment can be used to change offenders. Snyman (1995:25) points out that young offenders benefit significantly from treatment programmes. The National Congress on Penitentiary and Reformatory Discipline in 1870 laid the foundation for the move towards rehabilitation as an ideology of prisons (Silverman, 2001:126). The ideology of rehabilitation as an acceptable function of correctional institutions permeated through the 1900s, well into the 21st century.

The Kampala Declaration on prison conditions in Africa (1996), United Nations Standard Minimum Rules for the Treatment of Prisoners (1977), the Declaration on the Basic Rights of Prisoners (1990) and the United Nations Standard Minimum Rules for non-custodial measures (1990) are all measures that recognise that human rights are inalienable even for offenders. It is the promotion of a global rehabilitation-centric system where offenders are equipped with the potential to change and become law-abiding persons. However, rehabilitation remains elusive in the South African context, as the conditions for its effectiveness are infrequent. Scholars cite overcrowding, lack of resources, poor governance, shortage of well-trained staff and inadequate health care as inhibitors to the creation of a conducive environment for rehabilitation.

As demonstrated, there are scholars that concur on the central tenets of retribution and that punishment is necessary for offenders because it is to protect society, and it must be sanctioned by a legitimate authority such as the state in a lawful manner in accordance with the social contract. It is not only good for society but for the offender themselves. However, other perspectives argue that retributive sanctions are malicious and should only be explored if the good that arises from enforcing such sanctions outweighs its negative implications. Contrasting views advocate for rehabilitation as a more progressive way of correcting offenders- for the betterment of the individual and society, particularly within the framework of human right, democracy and constitutionalism.

Drawing on the above perspectives, this study examines what contributions has the correctional system- manifested as the Leeuwkop Correctional Service Facility, offered to young offenders at Leeuwkop Correctional Service Facility in the context of rehabilitation. The particular exploration is whether the Leeuwkop Correctional Service Facility has institutional

arrangements that institutionalise punishment or promote rehabilitation for young offenders as mandated by the democratic instrument embodied by the White Paper on Corrections.

2.6.1 Institutionalisation of Punishment through Incarceration

The global discourse around the incarceration of perpetrators has continuously been evolving, primarily influenced by the introduction of democracy and the championing of human rights, which is based on a normative principle that recognises people's, including offenders, innate dignity, humanity and rights (Scott and Flynn, 2014:6).

Historically, the prevailing ideology around the notion of incarceration was designed as an instrument to discipline social dissent, the face of punishment has changed to become more humane. According to Foucault, this presented a problem of measuring humanity in punishment, given that prior to these considerations, punishment was simpler to administer (Foucault, 1977). The punitive element of the correctional system can be seen to be a microcosm of the disciplinarian nature of a society or of a penal state as discussed by Bourdieu (1994), importantly recognising that punishment does not begin in prison but is instead a function within broader society (Scott and Flynn, 2014:8). It is argued that the increasing and persisting culture of crime, becoming intensely violent, has also contributed to the lobbying for severe punishment in response to this danger (Singh, 2016:1).

The delicate balance of the system in fulfilling its rational purpose of incarceration while helping offenders change their behaviour and return to the community (Nguyen, 2017) is a central theme emerging from the literature on correctional services as a medium for punishment. The White Paper on Corrections in South Africa emphasises that the purpose of the correctional system is not punishment, but it is to “protect the public, promote social responsibility and enhance human development in order to prevent repeat offending or the return to crime” (Department of Correctional Services, 2005:39). The Correctional Service Act, 111 of 1998, envisions a system predicated on the principles of the 1996 South African Constitution; however, the correctional service system is designed on a pre-Constitution structure which contributes to the misalignment. This reflects a shift in thought on the treatment of offenders; however, there has not been an effective systematic institutional shift to match.

Evidence demonstrates that the correctional service system has not been entirely efficient in fulfilling its rehabilitation mandate. An analysis of offender rehabilitation in South Africa by

Murhula and Singh (2019:22) indicates that offenders who have been incarcerated are more susceptible to committing other crimes, which suggests that the treatment efforts received in the facility are inadequate and insufficient. Mallett (2013:2) elucidates further that detention increases the chance for young offenders to continue engaging in delinquent behaviour, hence the need to evaluate the efficacy of these institutions, notably the Leeuwkop Correctional Service Facility. This further entrenches the notion that the primitive notion of a punitive system remains institutional and inherent regardless of the policy shift.

2.6.2 Institutionalisation of Rehabilitation through Incarceration

The shift towards rehabilitating offenders is considered a break away from the prison system's traditional functions, but the institution's efficacy in curbing recidivism remains challenged. A study revealed that that 68% of released offenders in the US are likely to reoffend with a new crime in the three years after release (Nguyen, 2017). In 2017 the South African Correctional Services managed to place 77% of its inmates under correctional programmes (Department of Correctional Services, 2017:60). However, Murhula and Singh (2019) argue that 55-95% of young offenders are often incarcerated after completing their previous sentence. The high recidivism rates bring into question the effectiveness of correctional service as an environment and tool for meaningful rehabilitation, even with the high uptake of correctional programmes. There is a sharp contrast between the output, which is generally measured by the number of participants in correctional programmes, compared to the outcome of the rehabilitation and development effect (Murhula and Singh, 2019: 22).

While there are various confounding factors for recidivism, some scholars consider the design of the programmes to have shortcomings. Sutherland, Cressey and Luckenbill (1992:502) argue that the correctional programmes are seemingly designed as activities to keep inmates occupied and do not have any extended contributions to the wellbeing of offenders outside the confines of the facility. As such, they consider these activities as control measures for policing inmates while incarcerated instead of being rehabilitative methods (Sutherland, Cressey and Luckenbill, 1992:502).

Psychologically, rehabilitation is a process of introspection and learning to be recognised as a conscious and unique person (McAree, 2011:8). A more operational definition suggests that rehabilitation should target the offender individually and intimately in order to reduce the probability of re-offending (Muntingh, 2005:6). Rehabilitation is a holistic process that

considers factors inside, outside, and around the offender and puts measures to address offending factors (Murhula and Singh, 2019:22). Thus, for rehabilitation to occur, offenders must be placed within a system, a facility, and through programmes that will benefit their cognitive needs and abilities in order to have a significant effect (Miceli, 2009:5). This is predicated on the notion discussed by Dowding (2008:22) that the rules of an institution contribute to determining the approaches of the agents. A deliberate distinction should be made between rehabilitative measures and mandatory work as part of correctional efforts (United Nations Office for Project Services, 2016:28).

Research also suggests that some efforts towards rehabilitation in this manner have been effective. For instance, a study conducted by Doris MacKenzie (2006:331) shows that correctional programmes within correctional facilities, especially those focusing on academic education, vocational education, moral recognition therapy, and cognitive restructuring, have proven to be effective. Miceli (2009:1) conducted a programmatic assessment of three correctional programmes in the State of Michigan to ascertain the degree to which the programmes offered to offenders at the Rhode Island's Adult Correctional Institute had a positive effect. The evaluation of the three correctional programmes focusing on Domestic Violence, Sex Offender Treatment and Substance Abuse proved that those programs were effective methods of rehabilitating offenders because they attended to various needs of the offenders (Miceli, 2009:33). The Nordic model is also regarded as a prime example of successful institutionalisation of rehabilitation in the correctional service system, characterised by low population small, highly modernised, highly staffed with professionals, well-resourced, alignment to international regulatory framework, and minimal security.

In the South African context, rehabilitation is generally codified in correctional programmes which are voluntary, resulting in a large number of offenders not participating and thus not benefiting from the service (Singh, 2016:4). In accordance with the South African legal framework, offenders serving sentences less than two years do not get enrolled in correctional programmes (Singh, 2016:3). Similarly, offenders awaiting trial, who make up about 40 % of the total inmate population, are not exposed to corrective programmes (Singh, 2016:3). Since rehabilitation is individualistic and not prescribed or mandatory, it essentially suggests that there is a possibility for one to leave the system without any reform. This brings into question the effectiveness in institutionalising rehabilitation through structural arrangements in the

Correctional Service System. Singh (2016:2) argues that, though rehabilitation may seem to be less effective, it should still be pursued and not abandoned.

Correction and rehabilitation in the South African context is complex; in other instances, much of the reason offenders are seemingly in correctional facilities is predominantly as a result of generational inflicted trauma of oppression and poverty that cannot simply be remedied by development programmes (Murhula and Singh, 2019:22). Maruna (2001:73) suggests that offenders that re-offend are often condemned to a life of crime due to circumstances.

This section sought to establish the practice of institutionalising punishment and rehabilitation through incarceration. It sought to lay a foundation and explore whether the Leeuwkop Correctional Service Facility institutionalises punishment or rehabilitation for young offenders, through the use of its institutional arrangements. Considering that the desired output is to institutionalise rehabilitation, it becomes important to explore whether rehabilitation is feasible in a correctional setting.

2.6.3 Rehabilitation in a Correctional Setting

It becomes essential to ascertain whether rehabilitation is practical and attainable in a correctional setting. This is further stretched to understand whether a correctional setting can divorce itself from its original function of condemnation and punishment and genuinely institutionalise rehabilitation.

The notion of rehabilitation, particularly in the correctional service environment, may be fundamentally different from that of the profession of psychology. For instance, the preconditions that are essential for an environment to be effective at rehabilitation are generally not fulfilled in a correctional setting. Sara Hofmann (2017:2) notes that psychologists practising with young offenders are often confronted with issues around confidentiality, dual relationships, developmental accommodations, the scope of competency, and the limits of the psychologist's role, all of which may hinder effective rehabilitation of young offenders.

The correctional service environment may often contradict the ethical requirements of the Health Professions Council of South Africa (HPCSA), which governs the conduct of professionals responsible for the provision of psych-social services in the correctional service facility. For instance, the correctional service environment does not allow for total

confidentiality, strict privacy, and autonomous informed consent of young offenders primarily due to the inherently coercive nature of the institution for security reasons (West v. Atkins, 1988). Hofmann (2017:3) accedes that there is a significant difference between the relationship of psychologists and clients within a correctional environment and that between psychologists and clients outside the correctional environment. The main disparity is that offenders in a correctional environment have an obligation to undergo a rehabilitation treatment programs, in order to satisfy parole consideration, and there is limited privacy and confidentiality.

Moreover, a dilemma is presented for those who are entrusted with the responsibility to regularise and institutionalise rehabilitation for young offenders, as they are required to function consistently within the strict confines of the correctional service institution and contend with the dual role of being a psychologist/social worker and a correctional service employee at the same time (Schopp, 2009:834). Consequently, they become both a symbol of punishment and rehabilitation.

Given the principles and preconditions required for rehabilitation- rehabilitation understood from the psychological discipline, it can be argued that effective rehabilitation cannot *effectively* occur in the correctional service environment. This is not to say it cannot entirely occur. It may be appropriate to indicate that rehabilitation is the intentional, purposeful and informed cognitive appreciation and change that influences and inspires change in ones behavioural psychology. It may even be more suitable to distinguish between correction and rehabilitation and regard the correctional service system and the environment as correctional. In this instance, correction may be regarded as the incentivised changing of one's behaviour without necessarily understanding the fundamental cognitive value.

2.7 Configuration of Institutional Arrangements and Influence on Policy

The strategic responsibility to correct and rehabilitate offenders is a legal mandate of the correctional services. However, by function, it seems as though this obligation has been minimised to correctional programmes. Correctional programmes are but an aspect of the rehabilitation function, which should include several factors and institutional arrangements such as the overall governing ideology, budget allocations, human resource capacity, rules and procedures, culture and values, infrastructure, amongst others, all of which should be geared towards that objective (Department of Correctional Services, 2017:2). All these factors contribute to creating a conducive environment and accelerating efforts towards the greater

goal of transforming the institution from its punitive nature to a rehabilitative centre. Rehabilitation is meant to be the innate and automatic function of the correctional service system, suggesting it is a critical component of institutional culture.

However, in the South African context, low budget allocations for activities set for the Department of Correctional Services render the institution's rehabilitation efforts rudimentary. For example, in the 2016/2017 financial year, the annual estimated cost of accommodating an offender at a correctional facility was valued as R133, 805.35 per inmate (Minister of Justice and Correctional Services, 2017: PQ1615). Despite this cost, the budget allocation and expenditure on incarceration for the period 2016/2017 was R13, 423, 945 000 a slight increase from R12, 463,955 000 in 2015/2016, yet rehabilitation and social integration only received R2,041,533, 000 an amount that is 600% less than the existing demand (Department of Correctional Services, 2017:15).

Overcrowding, insufficient staffing capacity, and inadequate and limiting infrastructure, amongst others, do not contribute to creating a conducive environment for correction in South Africa (Department of Correctional Services, 2017). Effects of overpopulation in correctional facilities result in adverse health conditions, higher threat of violence and victimisation of offenders, which, among others, inhibits the creation of a conducive environment for rehabilitation (Singh, 2016: 04). In the 2015/2016 period, following a court order, the government managed to reduce overcrowding from 233% to 150% in a Johannesburg Correctional Centre (Makou, Skosana and Hopkins, 2017), which is still relatively high.

According to research, understaffing, especially in relation to the rehabilitation of offenders, is concerning, with an overwhelming “208 offenders for every social worker, 1565 offenders for every psychologist and 227 offenders for every educator within correctional facilities” (Singh, 2016:8). This significant imbalance demonstrates the burden on correctional service facilities. For example, the ratio of offenders to staff (correctional officers) at the Leeuwkop facility was 1:7- meaning that there was one correctional officer for every seven offenders, and the entire facility had only 13 social workers and two psychologists (Parliamentary Monitoring Group, 1999). Even at the macro-level, these imbalances between incarceration and rehabilitation are glaring. The correctional services' employment structure has a total of 28 222 job posts for incarceration and only 6 674 for rehabilitation, care and social reintegration programmes combined (Department of Correctional Services, 2017:88).

The ‘prison’ culture of gangsterism, peer pressure, corruption, poor living conditions and exertion of adverse authority plays a defining role in the institution's outcomes on offenders. Betsky (2018) points out that ‘prison’ culture shapes the environment that perpetuates more violence and worsens the problem than the conditions that warranted an offender’s incarceration in the first instance. Even more, offenders may be deterred by other offenders from participating in rehabilitation. The culture of power and influence amongst gangs often acts as a derailment for offenders to transform to suit the outside world, where their social positioning is seen to be less and inferior to what they experience inside the correctional facilities.

Research has also shown that Judicial Inspectorate for Correctional Services (JICS) received an estimated 6,000 cases of complaints regarding the assault of inmates by correctional officers and the Independent Police Investigative Directorate (IPID) received 1,778 complaints of assault and 89 of torture (Makou, Skosana and Hopkins, 2017). The power dynamics of the ruler and ruled- i.e. officials and offenders-, arguably plays a significant role in the encounters an offender has whilst in a correctional facility. This relationship has the power to influence the experience of rehabilitation by an offender. Moreover, it may even suggest supporting the notion of the institutionalisation of punishment by the system and its agents beyond the established objective of rehabilitation.

On infrastructure, the United Nations (UN) recognises that careful consideration needs to make when designing correctional infrastructure (United Nations Office for Project Services, 2016:28). From a panopticon perspective, this shows an acknowledgement of the instrumental role of infrastructure on development and rehabilitation, especially given the historical symbolism and function of the prison’s structural arrangement. An argument suggests that the challenges experienced by the correctional services, especially in determining punishment or rehabilitation, relate primarily to the structural arrangements. Slade succinctly captures the earliest infrastructure design and its desired function on its occupants:

“Facilities are usually built like fortresses- monoliths in rural locations ringed with razor wire and high walls. Interiors are detailed to withstand tremendous abuse, made with hard material like concrete, linoleum, steel, and concrete block which mercilessly reflect the endless noise inside prisons, raising stress levels of both inmates and those who work with them. There’s generally either

too much or too little light- most of it fluorescent, and switched on 24/7 – which scrambles everyone’s circadian rhythms” (Slade, 2018).

This is raised as not a conducive environment in which to meaningfully rehabilitate offenders. It is argued that the current infrastructure still resembles these features as it mainly supports and prioritises securitisation and expediency rather than humanity and rehabilitation- wherein rehabilitation is treated as a secondary function. For this purpose, the UN developed a technical guide for correctional facility planning, which considers a facility's technical and operational aspects (United Nations Office for Project Services, 2016).

Presumably, policy intentions and regulations alone will not successfully yield the desired results without the corresponding efforts from institutional elements. A glaring example of this is with the introduction of the Prevention and Combating of Torture of Person’s Act in 2013, which is set to criminalise torture; however, the torture of offenders still occurs because the environment and culture enables it (Makou, Skosana and Hopkins, 2017). Seemingly, the institutional arrangements remain unreformed and prioritise the incarceration of offenders rather than offering an environment for reform and transformation. Given the prevailing institutional arrangements, it would be improper to regard these institutions as correctional service facilities as they still reflect and resemble features of previous eras based on their arrangements, operational medium and management.

2.8 The Phenomenon of Young Offenders in South Africa’s Correctional Setting

Young offenders are a particular category of people that have specific challenges relating particularly to them, which may be a contributing factor as to why there is an increased number of incarcerated young people in South Africa. The number of young people between 14 – 34 years old not in employment, education or training (NEET) has increased by 1, 7 percentage points from 40,1% to 41,8% (out of 20,5 million) in the fourth quarter (Q4) of 2020 (Statistics South Africa, 2020:14). More males than females were recorded for NEET young people (Statistics South Africa, 2020:14). Furthermore, the majority of the unemployed persons are those without any grade 12 qualification or any training. This demonstrates that, largely due to a lack of formal education or training, which could be a manifestation of inequality and poverty, the majority of young people find themselves without employment. Thus, the prevailing material conditions compel others to a life of crime as they struggle to survive in a capitalist society.

Factors such as high unemployment, weakened family and social structures resulting from many years of apartheid policies have also significantly contributed to drug abuse amongst young people, which are manifestly responsible for some offending behaviour. For instance, the United Nations Office for Drug Control and Crime Prevention (UNODCCP) found a high abuse of cannabis and methaqualone in incarcerated male offenders in South Africa (UNODCCP, 1999:27). According to David Deitch, Igor Koutsenok and Amanda Ruiz (2000:392), there is a scientific correlation between the availability of alcohol and the levels of crime in different cities. Deitch, Koutsenok and Ruiz (2000:392) further aver that statistics suggest that drug and alcohol users are likely to recidivate and recidivate faster than non-drug users.

This suggests that it is highly probable that high levels of youth unemployment underscored by persisting low levels of education can create conditions of criminal behaviour amongst young people. Criminal activity is further encouraged by the prevalence and ease of access to substances such as drugs and alcohol. Deitch, Koutsenok and Ruiz (2000:392) reveal that out of the 50% of young people, 25% become invested in criminal activities to support drug addiction, whilst the other 25% are addicted to crime as much as they are to taking drugs.

2.8.1 The Classification of Young Offenders

Given that different criminogenic conditions and factors contribute to making an offender, it is understandable that offenders are different and thus should be classified and categorised accordingly. The profiling of criminal behaviour is necessary to understand the offender and thus be able to provide the necessary care and rehabilitation. Offenders are often categorised according to the type of crime and the length of sentence, which often determines their level of risk. The different facilities within the Management Area are reserved for offenders of different risk levels.

The classification of offenders is determined according to analogous offender characteristics to promote homogeneity in order to minimise resources, minimise risk, and promote change (Matshaba, 2007:28). The security classification is based on the risk that an inmate presents and thus determines part of the facility which an offender is detained (Department of Correctional Service, 1998). For instance, According to international practice, correctional

facilities are often divided into three categories: maximum security facilities, medium-security facilities, and minimum-security facilities.

The maximum-security facilities contain offenders notorious for negative behaviour that pose a serious risk to officials, other offenders and the community. The movement, association and privileges of offenders in maximum-security facilities is restricted, and there is a well-defined, highly secured and controlled perimeter (Matshaba, 2007:29). Offenders who pose a medium risk are incarcerated in medium-security facilities which are generally more flexible, have more resources and more privileges (Matshaba, 2007:29). Offenders in minimum-security facilities have minimal security and restrictive features. Leeuwkop Correctional Service Facility has maximum and medium facilities. Accordingly, this research focused on young offenders incarcerated at a medium-security facility since those facilities have more facilities and amenities dedicated to rehabilitating young offenders, and offenders at medium facilities are at a stage where they are being prepared for community reintegration.

2.9 Conclusion

This chapter has offered insight into the historical rationale for an incarceration institution, as an instrument by the state on behalf of society, to enforce social order. It further unpacked the genealogy of the prison system and how the institutionalisation of punishment has changed with the epochs and the change of ideologies. This chapter has further revealed that, according to literature, the institutionalisation of rehabilitation has been a less than effective project as the original ideology of the prison is pervasive and embedded in the manner in which the structure and the institutional arrangements are ordered, and legislative review has been insufficient in dismantling this. It has demonstrated how contemporary consideration for democratic principles and how the championing of human rights has influenced the moral philosophy of global practices in this regard. The Nordic experience proves to be the most progressive articulation of this reality compared particularly with the post-9/11 American experience. Having discussed these, it laid the basis to successfully explore how punishment and rehabilitation are institutionalised, and whether it is conceivable to have meaningful rehabilitation in a correctional environment and how the institutional arrangements are currently configured to achieve this end. This chapter further characterised young offenders in order to create a profile and classification of offenders that Leeuwkop Correctional Service Facility is meant rehabilitate. The chapter that follows engages the theoretical and conceptual lenses through which the study is to be viewed, analysed and its outcomes tested. It provides

perspective on the institutional arrangements and the rehabilitation of young offenders through the prism of various theorists to unpack how space influences the agency of actors within a correctional setting, how power and authority pervasively act through institutions to affect and shape social reality. It explores how the structure and agency symbiotically influence and affect each other.

Chapter 3: Understanding the Rehabilitation of Young Offenders and Institutional Arrangements through the Prism of Correctional Services in South Africa

3.1 Introduction

Considering the traditional function of the correctional service system and its evolution into the democratic dispensation in South Africa, the institutionalisation of rehabilitation as a function of the institution remains a question. Although rehabilitation is the mandate of the correctional system, it appears that it may not be a natural fit function mainly due to the unrelenting nature of primitive institutional arrangements. This chapter sought to understand and unpack the conceptual phenomena surrounding the rehabilitation of young offenders in South Africa through the theoretical and analytical understanding of why there are systematic chokes in the correctional service system in aligning with the current vision of having institutional arrangements that support the effective rehabilitation. Accordingly, the research borrows its theoretical foundation and analytical tools of power and institutionalism from scholars such as Karl Marx, Mahmood Mamdani, Max Weber, Pierre Bourdieu, and Douglas North. The central question which this chapter pursues is what analytical and theoretical tools can be applied to assist to comprehensively unpack and understand the phenomena under consideration?

3.2 Conceptual Framework and Theoretical lens

A theoretical framework provides the structure and assists in defining the study philosophically, epistemologically, conceptually and theoretically (Grant and Osanloo, 2014). It is important to locate the research and base certain phenomena on theoretical explanations. It is crucial to use theory to understand whether, and how, the historical bounds of the correctional environment, its commitments, beliefs, values, methods, and outlooks have transformed. The evolution of the correctional service system has a constructed social reality that is created and reproduced through daily practice by young offenders and institutional actors as they interact with it as a space. Therefore, the reformation and rehabilitation that is expected to take place is directly informed by the constructed social reality between offenders and officials as they interact within this space, which, as literature has demonstrated, is not always consistent with the expectations of policy.

Structure and agency, power and authority, and to a large extent institutionalism, are some of the concepts that express and reveal the research problem's understanding. In discussing

structure and agency, the research sought to understand what shapes the social reality between the structure and agent and how the relationship is maintained as a result of the interaction. Power and authority and institutionalism denote the dynamics and fabric of institutions, which is used to influence and achieve goals in evolving institutions.

3.2.1 The Pervasive Nature of the Structure or Agent

Theoretical debates in literature range around whether the space and its corresponding institutional arrangements affect the behaviour of offenders or whether the offenders and officials as agents have the power to influence the emergent culture and institutional arrangements. Structure and agent sought to unpack which, between the structure and the agent, has more pervasive power to influence the correctional space as a setting for rehabilitation. The relations and arrangement of the structure, in the case of the correctional service, being the rules and procedures, law, governance, values and culture, amongst others, give rise to the influence the structure, which in this case would be the rehabilitation or punitive discourse which in turn defines the social consciousness in reality. The structure exerts its influence on the agents that inhabit it, which is why if the institutional arrangements are not aligned to the new policy directive, they will pervasively influence the offenders in an unintended manner (Adler, 1997:339). Marx brings to the fore the notion that the consciousness of men is determined by their social being, which is influenced by their relationship with the social reality (Harman, 1986:3).

Given that if the unreformed structure influences the agents, their interaction with that same space further maintains and reproduces the old order at the expense of the new mandate to rehabilitate. This symbiotic relationship is explained through the concept of structuration that posits that social structures create social action in the same way that social action creates those social structures (Giddens, 1979:1984). Agents respond to the influence of the social reality created by structure, thereby reinforcing the structure. This process is cyclical as the actions reproduce the objective structure (Bourdieu and Passeron, 1977:203). This elucidates why it is difficult to dismantle the adverse and punitive function of the correctional system in favour of institutionalising rehabilitation because it is embedded in the institutional arrangements with which young offenders interact. The only way meaningful reform can be instituted is if the system, in this case, through the manifestation of institutional arrangements, is redefined and transformed to suit the new order of creating a space geared to rehabilitate young offenders. The institutional arrangements- budgets, human resources, culture, rules and infrastructure- are

among the key features that influence actors' agency within the correctional setting and whether rehabilitation is realizable within the Leeuwkop Correctional Service Facility.

3.2.2 The Influence of Power and Authority

This theoretical perspective is linked to the use of power and authority in institutions which pervasively influences how institutions realise their goals. Interactions and social relationships are an exercise and expression of power and authority. Power is a mere factual relation; however, authority is a legitimate exercise of that power (Coleman, 1997:31). All relationships are characterised by an exercise of power, whether overt or covert, and institutions wield institutional power that can be material and symbolic (Bierstedt, 1964:79). This understanding of power and authority closely resembles Bourdieu's notion of how the state monopolises the legitimate use of material violence and symbolic violence and how this, in turn, conditions social space and strategies (Wacquant, 2009:115). The punitive nature of the noted institutional arrangements of the correctional service system is institutionalised through the exercise of tacit and covert authority, and they influence the space and the agents despite their resistance and the directive of legislation in maintaining the status quo. Actors within the space that are concerned with institutionalising the agenda of rehabilitation are unable to compete with the pervasive institutional power of institutional arrangements that reject this influence.

Mbembe and Meintjies (2003:12) further discuss the theory of biopower which is a manifestation of power that takes control over life. Mbembe and Meintjies (2003:21) view this through the prism of the slave and master where it is determined that as a political-juridical structure, the plantation is a space where the slave belongs to the master. Gilroy (1993:57) states that the institution of the plantation determines the patterns of communication, thus demonstrating the power at work in shaping communicative acts. This power is able to dissolve one's humanity that the life of the slave is possessed by the master (Mbembe and Meintjies, 2003:22). This is important in illustrating the power of institutions to take-over and control one's life. Similar to how the correctional service system can be seen to dissolve and take over an offenders life; where the life of the offender is owned by the system which has the power to control and influence behaviour.

In fact, it is inevitable that the Leeuwkop Correctional Service Facility, as defined by its institutional arrangements, as the bearer of institutional power, imposes its values on the offenders and officials through violence and power (Dowding, 2008:29). In discussing power,

Mamdani (Gencoglu, 2018:178) recognises a direct and indirect use of power, which he terms as centralised despotism and decentralised despotism, respectively. In relation to the institutional arrangements at Leeuwkop Correctional Service Facility, there is a soft power relation that may not always be visible. The study interrogated the causal relationship between the institutional arrangement at Leeuwkop Correctional Service Facility and their effects on either retribution or rehabilitation. Wacquant (2009:124) describes the correctional environment as an institutional canopy of punishment through state authority and violence; it can be said that the only way to transform it into an institutional canopy of reform is through affecting positive state authority and material or symbolic violence on its institutional arrangements.

3.2.3 Institutionalism and Structuralism: The Evolvement of Institutions

Institutional theory focuses on how the institutions are arranged- their legal powers, rules and procedures (Hassan and Gil-Garcia, 2008:351). It acknowledges the role that institutions play in shaping social and political realities. This relates to actors, processes, values and principles, among others, that drive and order society. Institutions are often formed as an expression and exertion of power to influence, shape, control and maintain a particular social reality. Institutions are structural features and representations of society, meaning that what they do is what the collective society wishes for them to do and represent our will (Peter, 1999:18). This indicates that actors set the norms and rules which constitute the institution and become embedded in it, and in turn, the institution upholds. Hence the correctional services treated as an institution with various actors offers a medium to explore the interplay of power, authority and influence of actors involved.

The central view of institutions is that they have four definitive features: structural features of society that have formal and informal arrangements, stable and predictable, constrain or enable individual behaviour, and have shared values and meaning (Peter, 1999:18). Institutions have the potential to be transformative and reformative. Hodgson (2006:7) maintains that “by structuring, constraining, and enabling individual behaviors, institutions have the power to mold [sic] the capacities and behavior of agents in fundamental ways: they have a capacity to change aspirations instead of merely enabling or constraining”.

Hodgson (2006:8) argues that that institutions “are the outcomes of human interactions and aspirations, without being consciously designed in every detail by any individual or group,

while historically given institutions precede any one individual”. In sustaining this line of thought that it is individuals who have the agency to act and ultimately create institutions and structures, Dowding (2008:25) notes that even at an agent's purest form, they are determined by the social environment; thus, structuralism is embedded deep inside the agent, and this he calls '*deep structuralism*'. This is highlighted to support the notion that even though the correctional service system and Leeuwkop Correctional Service Facility, in particular, is able to evolve, it cannot entirely divorce itself of its true nature of violence on its occupants, being young offenders, regardless of how noble its intentions are now are. The correctional service system is thus an expression of a particular *deep* social structure. As a deep structuralist, Bourdieu further elaborates that the “objective structure thus enters into the subjective awareness of the agent who then processes that structure into her interpretation of the expectation of her role” (Dowding, 2009:28). This would elucidate how the punitive elements of the institution are preserved in the institutional arrangements and enter through the subjective awareness of the offenders and officials who then reproduce the effects thereof into the current reality. The institutional reproduction of this is further evidenced by the fact that the correctional facilities that are in operation today were built centuries ago, and were not intended to administer rehabilitation. Their sole prerogative was to transfer punishment which has, to a considerable extent, remained captive of its legal and social history (Singh, 2005:16).

Thus, there is a conceptual link between the correctional systems understood through the prism of institutionalism as an ever-evolving institution, with the corresponding institutional arrangements to assist it in fulfilling its rehabilitation objective. It is evident that the Leeuwkop Correctional Service Facility, in particular, has been unable to effectively evolve and transform beyond its original conceptualisation due to institutional arrangements that are unable to change as a result of historical and institutional power existing on the structure and pervasively influencing the agents to perpetuate and reproduce the adverse reality. This is further noted by Hodgson (2006:7) who notes the dual role on institutions to depend on the actions of individuals as well having the ability to mould them, through this feedback loop they have strong self-reinforcing and self-perpetuating characteristics.

3.3 Conclusion

As the prison system is an evolutionary expression of the actions, values, and objectives of the state, it then becomes critical to use the pervasive nature of power through institutionalism as a theoretical lens to understand whether the institution has successfully evolved and adapted

itself to its vision of correction even though it was traditionally conceptualised and established for a different objective. This chapter has unpacked the phenomenon of the rehabilitation of young offenders in South Africa and how the correctional setting as a space influences actors' agency. Theories such as structure and agent, power and authority, and institutionalism were used to unpack and understand this phenomenon and how this will be applied to analyse the situation at the Leeuwkop Correctional Service Facility. The theoretical lens reveals that it would be difficult for the correctional service system to evolve beyond its initial function regardless of the legislative transformation towards rehabilitation. It appears that the aboriginal values and culture have been maintained and exerted on the current institutional and structural arrangement through tacit and material power. The following chapter, thus, sought to discuss the research method and process employed in collecting and analysing data for this exploration to ascertain whether the permeating reality of institutional arrangements at Leeuwkop Correctional Service Facility supports the rehabilitation of young offenders, through literary and theoretical analysis.

Chapter 4: Conducting Research at Leeuwkop Correctional Service Facility.

4.1 Introduction

This qualitative study explored the institutional arrangements of the Leeuwkop Correctional Service Facility in respect to the rehabilitation of young offenders. Qualitative research provides deeper understandings of the processes and social and cultural context that shape various behavioural patterns (Nieuwenhuis and Smit, 2012:126). It sought to understand the relationship from the perspective of those who are and have been incarcerated at the Leeuwkop Correctional Service Facility as well as the institutional actors who are associated with the facility as employees. As such, what informed the research was the need to understand the role of institutions and how their related elements play a role in shaping realities for young offenders, as well as the relationship between policy intention in terms of rehabilitation and experienced outcomes. This chapter covers the study design and how research at Leeuwkop Correctional Service Facility was conducted. Leeuwkop Correctional Service Facility was identified and selected as the suitable site for the case study given its geopolitical location in the northern suburbs of Johannesburg. This chapter further describes the research process, sampling strategy, data collection instruments, data analysis, and ethical considerations considered for the study. A qualitative case study focusing on young offenders between the ages of 21 and 35 years old incarcerated at Leeuwkop Correctional Service Facility Medium A was conducted. Essentially, this chapter responds to the question of how does the study go about in practically examining the tenets of literature and theory in a practical setting?

4.2 Research Design

A case study design was employed for this study to explore and analyse a specific matter to identify distinctive features that relate to it (Starman, 2013:31). The case for this research was on the Leeuwkop Correctional Service Facility and exploring the prevailing institutional arrangements related to the rehabilitation of young offenders. This entailed exploring whether the Leeuwkop Correctional Service Facility offers a conducive environment for rehabilitating young offenders and whether the institutional arrangements are aligned to the intentions of the White Paper on Corrections to institutionalise rehabilitation.

4.3 Study Setting

Leeuwkop Correctional Service Facility is located in Ward 132 in the northern suburbs of Johannesburg in Bryanston, surrounded by Lonehill, Glenferness, Beverley and Kyalami. It is

one of the 12 Management Areas in the Gauteng province with four units: Leeuwkop Medium A, Leeuwkop Medium B, Leeuwkop Medium C, and Leeuwkop Maximum. There are 3504 offenders currently institutionalised across all four units in the Leeuwkop Management Area, which is approved to accommodate 3078 offenders. The post-establishment for the entire Leeuwkop Management Area is structured to have 993 personnel. The Leeuwkop Management Area has a total of 530 security officers and security managers combined. Under the rehabilitation and development programmes, the Leeuwkop Management Area has 76 officials including managers, which is comprised of one educationist, six psychologists, 11 education staff, 13 social workers, and 45 nursing staff.

The Correctional Services has several categories of offenders in its care, including women, youths, elderly persons, foreign nationals, persons with disabilities, offenders with mental illnesses, and offenders from different races. Key to note is that the Leeuwkop Correctional Service Facility, in particular, only retains male offenders, thus limiting the study to males. The majority of offenders are Black offenders, followed by Coloured offenders, in terms of racial demographics.

The focus of the study was limited to low risk young male offenders incarcerated at Leeuwkop Medium A. The study did not expressly discriminate against participants with disabilities or mental illnesses; however, participants from these categories were not actively sought.

4.3.1 Leeuwkop Medium A

Young offenders were traditionally incarcerated at Leeuwkop Medium B as a dedicated facility for young offenders; however, these offenders are now distributed throughout the four facilities depending on their risk profile. The study focused mainly on offenders accommodated at Leeuwkop Medium A. Leeuwkop Medium A mainly accommodates offenders who are low risk and are nearing release. These offenders, by and large, have access to significantly more rehabilitation resources than offenders in other facilities, given their risk profile. Moreover, offenders in Leeuwkop Medium A often have been in the other units, and thus there is a probability for offenders from the various units to mix in Leeuwkop Medium A as they near release.

The offender population at Leeuwkop Medium A stands at 762 offenders in the approved space for 886 offenders, thereby occupying 86% of available accommodation. The specific

population of young offenders was 366 at Leeuwkop Medium A out of 1810 young offenders in the Leeuwkop Management Area, making 20% of young offenders in the Leeuwkop Management Area to be concentrated in Medium A. Almost half of the population in Medium A are young offenders (48%). Leeuwkop Medium A has a dedicated 219 personnel, which is 22% of the available capacity in the entire Leeuwkop Management Area. There is one psychologist, three social workers, six nurses, and 209 correctional officers at Leeuwkop Medium A. The ratio of social worker to offender is 1:254, nurses to offender 1:127, psychologists to offender 1:762 and correctional officers to offender 1:3, 6.

4.4 Primary Data Collection Process

A combination of semi-structured interview guides (**see Appendix 1**) were used in the collection of data from various participants for the study, which were categorised into two groups- offenders and institutional actors, and stratified accordingly. The offender group was stratified into first-time offenders, repeat offenders and former offenders. Institutional actors were key subject matter officials of correctional affairs as well as officials from the Leeuwkop Correctional Service Facility.

A schedule of interviews was developed jointly with a Leeuwkop Correctional Service Facility official assigned by the Area Manager for the Leeuwkop Management Area. The week of 15 – 19 February 2021 was reserved for on-site interviews and fieldwork at Leeuwkop Management Area. Further interviews with former offenders were conducted off-site during March 2021 with the assistance of the Randburg Community Corrections centre. Interviews scheduled to last for approximately 45 minutes were conducted with all interviewees.

These participants were regarded as relevant and critical for the study as they are key players in the i) policy implementation process, are ii) operational and institutional custodians of the correctional service system and its processes, in the Leeuwkop Management Area in particular, and iii) have a lived experience of incarceration at the Leeuwkop Correctional Service Facility.

4.4.1 The Sampling Process

Participants in the study were drawn from persons who are associated or have experience of Leeuwkop Correctional Service Facility, Medium A in particular. A sample was drawn from young offenders at the Leeuwkop Correctional Service Facility Medium A, supplemented by former offenders who were previously incarcerated at the same facility during their youth. A

further sample was drawn from administrators and employees that interact with offenders and the institutional arrangements at Leeuwkop Correctional Service Facility Medium A.

Due to limitations in time, a non-probability sampling method was employed (Laher and Botha, 2012:92). Participants relevant to the research were identified using purposive sampling and snowball sampling which led to other vital informants who would contribute meaningful information. Purposive sampling identifies and selects participants using specified criteria to identify the most suitable participants (Ogletree, and Kawulich, 2012:93). Given that consideration was made for the variable mix in age, race, and offence, the purposive sampling method was the most appropriate for the study.

Given that qualitative research prioritises in-depth and comprehensive unearthing of information, sample sizes tend to be small (Laher and Botha, 2012:88). Therefore, the appropriate sample size for the study was limited to 16 participants, inclusive of both categories of participants. Due to this, this research endeavoured not to make general and broad conclusions regarding the overall performance of the correctional service system, but limit itself to those that reflect the perspectives of the sample size within the Leeuwkop Correctional Service Facility environment.

4.4.1.1 Identification and Selection of Offenders

For this study, the sample group of young offenders was persons between 21 - 35 years old. It should be noted that offenders between 18 - 21 years old are not incarcerated at the Leeuwkop Correctional Service Facility. Therefore, young offenders under the age of 21 years old did not feature in this study.

A computer-generated database of young offenders in Leeuwkop Medium A was provided by the Leeuwkop Correctional Services unit responsible for Corrections. From the provided list of 366 young offenders, three first-time offenders and three repeat offenders were randomly selected, taking into consideration age variation, type of offence, as well as a racial grouping. Two of the first-time offenders were coloured individuals, and one was a Black individual, whereas all three repeat offenders were Black individuals.

The Randburg Community Corrections centre assisted in identifying two former offenders who were purposively selected from those who were available and around the Gauteng province.

The former offenders were incarcerated at Leeuwpkop Correctional Service Facility during their youth. The interviews were conducted with a total group of eight current and former offenders.

Offenders were identified to participate in the study as they provide a first-hand experience as recipients of the system's corrective and rehabilitation function. The different groups of offenders provide a different experience of the system depending on whether it was their first time being incarcerated, are returning even after having gone through the correctional service system, and those who are now successfully out of the custodial system of correctional services.

4.4.1.2 Identification and Selection of Institutional actors

Institutional actors were included as participants in order to comprehensively understand the relationship between policy intention, execution and experience. Supplementary interviews were conducted with eight institutional actors directly involved with the Leeuwpkop Correctional Services Facility administration and management. These participants were purposively identified and selected as individuals who have direct knowledge of the operations and functioning of the centre and would provide relevant information to address the research objectives. The research is interested in the experiences of these participants as institutional actors within the Leeuwpkop Correctional Services Facility environment, rather than as actors in the broader system of correctional governance. Participants ranged from a psychologist, social worker, correctional officer, a representative from security and facilities, a representative from the Correctional Supervision and Parole Board (CSPB), a representative from the Centre Management Committee (CMC) and a representative from the Centre Management Administration (CMA). This sample group was crucial in providing insider and contextual information on the execution of policy and the functioning of the Leeuwpkop Correctional Services Facility, and whether the institution is effectively achieving its mandate of rehabilitation.

4.4.2 Saturation of Data

Data saturation is predominantly applied to purposive non-probability samples to determine when the generated data has reached a state that allows the study to develop a robust and valid understanding of the studied phenomenon (Hennink and Kaiser, 2019). The research reached a point when no new information was being presented by participants for data collection. The thematic areas addressed by participants indicated a level of redundancy in the information, which informed that data collection has ceased. A pattern on the data generated began to form

around information on discipline and punishment, the contributory social factors of offending, the distribution and allocation of financial resources, the understanding of correction and rehabilitation. No new patterns or themes were developing, and no significant information was generated.

4.5 Secondary Data

A qualitative desktop research exploration of institutional arrangement and their effect on offenders' social behaviour and culture during and post-correction was undertaken. Documented resources from Leeuwkop Correctional Service Facility were considered and used to provide valuable insights on the configuration and capacity of the service. This formed part of the research data analysed to understand phenomena in relation to the institution and its role in being a place that administers rehabilitation. The study relied significantly on Annual Performance Plans, Annual Reports of the Department of Correctional Services and the White Paper on Corrections in South Africa. Further supplementary information such as budget speeches, legislation and regulations, journal articles, reports, and other research material from credible scholars and authoritative institutions on the subject formed part of the secondary research data.

4.6 The Process of Analysing Data

The process of analysing data, synthesises collected information to make sense of the data and reveal particular connections (Manaf *et al.*, 2011:173). The process of analysing data from interviews entailed transcribing the interview to written data, and consolidating and reading through the interview transcripts, and making notes regarding first impressions. This process focused predominantly on key phrases, words, sentences and themes through labelling and coding, which allowed data categorisation. In coding the data, NVivo 10 Pro, a qualitative data analysis computer software, was used for this study. Various themes and sub-themes emerged, such as correction and rehabilitation disparities, establishment of order, factors contributing to incarceration and repeat offending, general facility challenges, lack of rehabilitation, rehabilitation barriers and parole considerations. The themes were further synthesised and stratified according to thematic areas, resulting in four major themes that sought to respond to the research objectives in data analysis. The four key themes that emerged are namely, (i) establishment of order and discipline, (ii) social factors contributing to offending, (iii) the rehabilitation of offenders, (iv) and the allocation and expenditure of related financial resources.

These were then interpreted and discussed to understand the institutional arrangements at Leeuwpkop Correctional Service Facility in relation to the rehabilitation of young offenders. Conclusively, the results of this process were drafted in an inductive thematic analysis which reflects the collected data. This formed the case study outcome based on data analysed and related to literature grounded on theory.

4.7 Ensuring Ethical Considerations

Ethical considerations were prioritised as they are an essential part of social research, ensuring that the participants are not harmed physically or emotionally. Pursuant to informing the participants about the study, ethical considerations and the handling of information, informed consent was acquired (Ogletree and Kawulich, 2012).

4.7.1 Informed Participant Consent

As part of acquiring informed consent, separate Participant Information Sheets (**see Appendix 2**) were developed for the different participant groups with information regarding the purpose of the research, methods to be employed, risks and benefits, recording of the process, confidentiality and the right to withdraw, outlined. The appropriate language and terms were used to ensure that participants fully understood the nature of the study. This was conducted in line with Section 13 of the Protection of Personal Information Act No. 4 of 2013, which states that data subjects should be aware of the purpose of collecting information. The researcher's and supervisor's contact details were provided on the Participant Information Sheet in case the participants sought further information, clarity, or to contribute more information.

Subsequent to verifying that the participants understood the provided information, a voluntary autonomous decision to participate was sought through a Consent Letter (**see Appendix 3**). For this process, consideration was made of the nature of the participant group as a vulnerable group (offenders, with the exception of former offenders)- their autonomy may be limited as incarcerated persons. Incarcerated offenders are less likely to have autonomy or withhold their consent if their participation has been recommended/sanctioned by a Correctional Service authority. The inherent power dynamics between offenders and correctional service authorities was noted during the study. Moreover, an expectation that the study may contribute to the offender receiving favourable treatment was mitigated by clarifying to participants that there was no intended incentive, direct or indirect, for participating in the study. Written consent by

completing the Consent Letter was preferred instead of verbal consent. The language of the study was predominantly English; however, some questions were translated into other vernacular languages during interviews for ease of understanding and comprehension by participants.

4.7.2 Confidentiality and Anonymity of Participants

Given that the offender group of participants is considered a vulnerable group and that participants' identities were not essential for the study, confidentiality and anonymity of participants could be guaranteed in data analysis. Non-identifiable data was collected to ensure that confidentiality is guaranteed; however, where direct quotations were required, a pseudonym is attached to the participant for referencing. The participants' privacy and personal information were ensured and guaranteed throughout the process regarding the Protection of Personal Information Act No. 4 of 2013 and the 2015 Ethics in research guidelines by the Department of Health.

The interviews were conducted in a setting that adhered to both the safety and comfort of the participants and researcher. It was ensured that sufficient privacy is guaranteed to give the participant confidence and credibility to the principle of confidentiality. Subsequent to completing the research, measures were employed to guarantee that the information shared with the Department of Correctional Service is not identifiable to specific individual participants, thereby subjecting them to indirect and unintended harm.

4.7.3 Professional Compliance and Permission

In order to ensure that the study complied with the University's research procedure and the necessary ethical considerations of the Leeuwkop Correctional Services Facility, given that the study involved interaction with a vulnerable community of participants, permission was sought from the Department of Correctional Services and the from the University of the Witwatersrand's ethics committee (Human Research Ethics Committee non-medical) to conduct the study. The Department of Correctional Services was requested for access to current young offenders incarcerated at Leeuwkop correctional services facility as well as institutional actors (employees). The Research Ethics Committee granted permission in September 2020 (see **Appendix 4**), classifying the study as low risk, and approval by the Department of Correctional Services was granted in December 2020 (see **Appendix 5**).

Pursuant to receiving permission from the appropriate authorities, the researcher was assisted by an official designated by the Area Commissioner of the Leeuwkop Management Area with access to the relevant areas in the facility, information, as well as arranging interviews with participants. The assigned official from the facility assisted the researcher with negotiating entry to various managers responsible for sections and personnel.

4.7.4 Protection of Research Data

The Protection of Personal Information Act No. 4 of 2013 sets the regulatory framework for handling personal information. Section 14 (2) provides that personal information may only be retained for research purposes if reasonable safeguards have been put in place to guard the use of for any other purposes (The Presidency, 2013:26). Therefore, in line with this provision, the data has been securely stored for future referencing. In the form of interview recordings and transcripts, the data is securely stored in a dedicated external drive that is password protected in order to ensure the research's integrity and to reflect that the collected data informed the research analysis. The data is stored for a period of five years, after which it will be deleted and destroyed in accordance with the provisions of Section 5(c) and Section 24 of the Protection of Personal Information Act No. 4 of 2013.

4.7.5 Potential Risks of the Study

Given that the study was a low-risk study involving a vulnerable group of participants, specific measures had to be employed to ensure that participants were protected from any potential harm. There was a potential risk of psychological trauma arising from the subject matter under inquiry and the participant's background and experiences, particularly for the offender group. In order to mitigate against this direct or indirect risk, access to psycho-social services at the Leeuwkop Correctional Services Facility, in the event that participants, both offenders and institutional actors, may require psychology services as a result of participating in the study, were requested from the Department of Correctional Services. The information and the relevant details were provided to the participants in the Participant Information Sheet to access these services even after the research process has concluded.

In the case of former offenders, community support systems were identified for the participants to access when necessary. Information of Non-Governmental Organisations (NGOs) working with former offenders in the area closest to the participants was provided for ease of access when required to assist with any emotional, mental, and psychological trauma that may have

arisen. Furthermore, these services could be accessed virtually through social media platforms and through a toll-free telephone service. It was ensured that these services were provided freely at no cost to the participant, the researcher, the Department of Correctional Services or the University of the Witwatersrand.

A risk table (**see Appendix 6**) of foreseeable risks, detailing their magnitude and probability and how they would be mitigated against, was provided in anticipation of any eventuality. Moreover, to mitigate against an emergency situation that may have occurred during the interview process, an emergency response process and procedure that would have been immediately followed for the various participants was outlined in the distress protocol (**see Appendix 7**).

The anticipated benefits of the study were the uncovering of information regarding the alignment of the institutional arrangements at the Leeuwkop Correctional Service Facility and whether they support the vision of rehabilitation, and rehabilitation being an institutional feature of the facility which would assist policymakers in better implementing policy and understanding the disparities between policy intention and practice. This would invariably positively affect inmates who undergo institutionalisation and rehabilitation at the Leeuwkop Correctional Service Facility. The benefits of the study, thus, significantly outweighed the foreseeable risks of conducting the study.

4.8 Limitations and Challenges

During the study, a few limitations presented challenges to the research process. Research had to be conducted in a unique context of the COVID-19 pandemic. However, the research methodology was adapted accordingly to consider the shortcomings brought on by the limitations in order to achieve its objectives.

4.8.1 Research During the COVID-19 Pandemic

During the research process, the country was in a state of national disaster due to the COVID-19 pandemic. Subsequent regulations resulted in national lockdowns, which restricted access to correctional facilities. In December 2020, the country was placed on adjusted lockdown level 3. Section 41(a) of the Adjusted Alert level 3 COVID-19 lockdown regulations prohibited visits by members of the public to correctional centres (Department of Co-Operative Governance, 2020:12). Furthermore, directions provided by the Minister of Justice and Correctional

Services in Section 11 (3) further suspended visits by members of the public to correctional centres (Department of Correctional Services, 2021:11). This inevitably delayed the data collection process.

Pursuant to the decrease of new positive COVID-19 cases, the country was moved to Alert Level 1 of the COVID-19 lockdown regulations in February 2021. During this level, access to correctional facilities was permitted as per Section 77(a) of the regulations, read together with Section 5(3) of the Directions issued by the Minister of Justice and Correctional Services.

The COVID-19 pandemic played a significant role in the availability of participants in that, for instance, Medium B was considered a COVID-19 hotspot; therefore, access to offenders in this unit could not be granted thus limiting the study to Medium A. Furthermore, considering the limitations of COVID-19 regulations around human interaction and social distancing, the study limited the number of participants to eight offenders and eight institutional actors. This small sample provided a manageable number of participants with relevant experience and encounters to provide the research with rich data to unpack the research problem. Data collection was further conducted in line with COVID-19 safety protocols.

This affected the rigour of the study in that access to a varied mix of young offenders was limited. This included offenders serving a sentence of less than two years that could not be accessed. According to research, offenders who are serving a sentence of less than two years are not exposed to rehabilitation and reintegration programmes (Singh, 2016:3). The study, thus, only considered offenders serving a sentence longer than two years, notwithstanding that that category of the offender would have been valuable for the rigour of the study.

4.8.2 Access to under 21-year-old Offenders

The study focused primarily on young offenders from 21 years old. The Leeuwkop Correctional Services Facility does not incarcerate offenders younger than 21 years old, thereby limiting the study sample to young offenders older than 21 years old. Offenders younger than 21 years old are incarcerated at the Baviaanspoort Correctional Service Facility.

The inclusion of offenders younger than 21 years old would have added a varied experience, mainly because these would be young persons who are largely of basic schooling age. There could be unique factors contributing to offending behaviour for this age of young offenders,

and their reception of rehabilitation and experience of the correctional environment would be peculiar.

4.8.3 Language of Study and Conceptual Discipline

The study's language, nomenclature and lexicon presented a brief challenge in that some offender participants found it challenging to comprehend some questions. However, this was mitigated by elaborating certain concepts that the participants could relate to and understand while maintaining the question's essence. Although English was the language of the study and participants were largely comfortable in responding in English, some questions had to be explained in a vernacular language for clarity.

Additionally, an effort was made to be sensitive in the language discourse used in the research and intentionally used particular terms in order to represent and reflect meanings as conveyed in the context of the study. The usage of terms, particularly such as 'jail', 'prison', 'prisoner', 'detention', 'juvenile', and 'imprisonment' were employed to reflect a particular context, specific attitude or a specific period in time. Moreover, general scholarship uses 'prison', 'prisoner', and 'imprisonment' in literature.

4.8.4 Leeuwkop Correctional Service Facility as a Research Setting

The research was conducted on-site at the Leeuwkop Correctional Service Facility, which meant that the researcher had to, not only, interact with the participants but with the correctional facility as a space. The complexity of the space in the research field is that the researcher enters as a foreigner and may be treated differently by occupants.

Correctional service officials are all recognisable because they wear the same uniform for structure. As an outsider who is not in the same uniform, one expressly becomes a foreigner in the space. The reception from officials and offenders is materially different because one is already denied authority.

Interaction with outsiders conducting research is generally associated with officials from the Correctional Services head office, which affects the type of information the researcher may collect. The information is either skewed to highlight challenges the occupiers of the space experience or to disguise them. This causes participants to be reactive during the study.

Reactivity in research poses a risk of influencing participants to react differently given the fact that they are aware that they are being observed for a study. This can adversely affect the validity of the research when participants can tailor their reactions and information for the study. Reactivity alters the social reality that it should merely observe.

In this instance, the researcher guided the interviews and research process in line with the research objectives and interview schedule to limit reactivity and obtain relevant research information.

4.9 Conclusion

This Chapter unpacked the research process undertaken by the study in exploring the institutional arrangements of the Leeuwkop Correctional Service Facility in respect to young offenders. The research employed a qualitative case study design and purposively sampled two groups of participants, particularly eight offenders stratified into first-time offenders, repeat offenders and former offenders, and eight institutional actors at the Leeuwkop Correctional Service Facility. Semi-structured interviews were conducted through which data was collected from the participants, transcribed and systematically analysed in an inductive approach through NVivo 10 Pro for in-depth perspectives. Notwithstanding the limitations and challenges presented during the research process, measures were put in place to ensure that they do not significantly affect the study's outcome. The following chapter, thus, reflects the data collected from the engagement with the participants reflecting on the research questions and research objective. The data demonstrates the direct perspectives and deliberations by the participants on the institutional arrangements at the Leeuwkop Correctional Service Facility and their relationship institutionalising rehabilitation for young offenders.

Chapter 5: Perspectives on Institutional Arrangements and Rehabilitation of Young Offenders at the Leeuwkop Correctional Service Facility

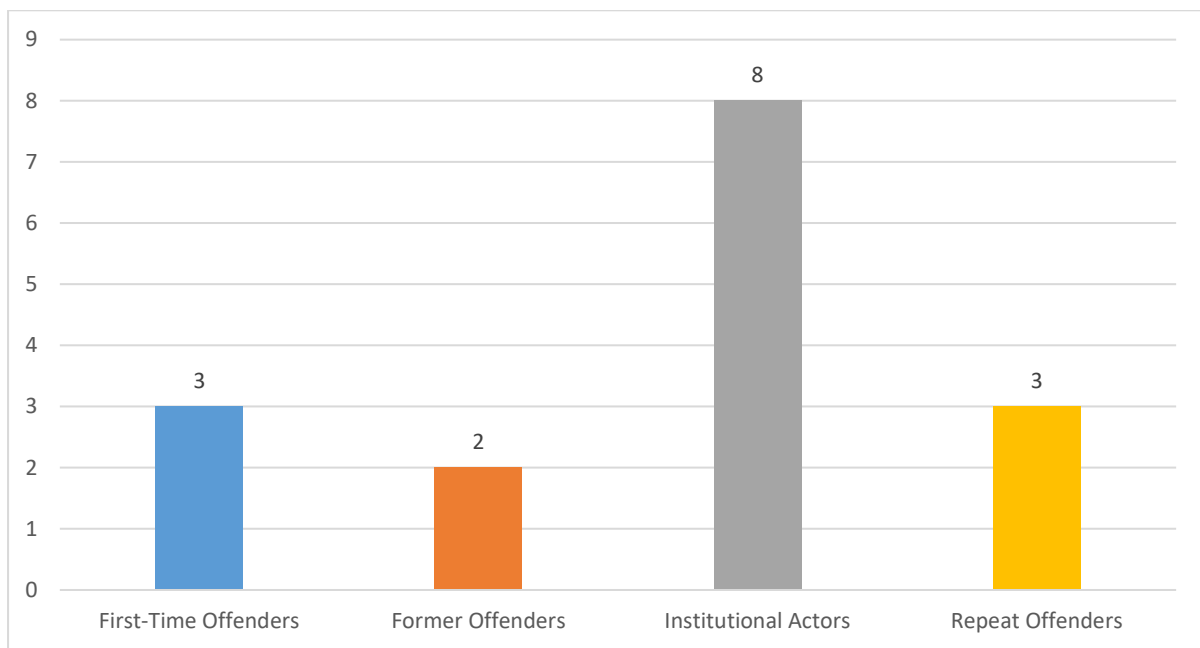
5.1 Introduction

This chapter presents the data collected for the study. As discussed in the previous chapter, primary data was gathered through interviews with current and former offenders as well as institutional actors. The data collection process was guided by both the research questions and objectives, and the data presented in this chapter provides insights into the views of various participants on the subject matter. Furthermore, this chapter covers the demographics of the participants as well as the different types of participants included in the study.

5.2 Participant Demographics

As part of a systematic means of collecting data, demographic information was collected to create a profile of the various types of offenders and institutional actors. This information was collected to create variables to determine any correlation between various kinds of offenders and the resultant experiences of the Leeuwkop Correctional Service Facility. Two groups of participants participated in the study, namely young offenders and institutional actors. For this study, only male offenders were considered as Leeuwkop Correctional Service Facility is only for male offenders. Therefore, it should be noted that the findings reflect the attitudes and experiences of young offenders and institutional actors in differing capacities.

5.2.1 Type of Participant

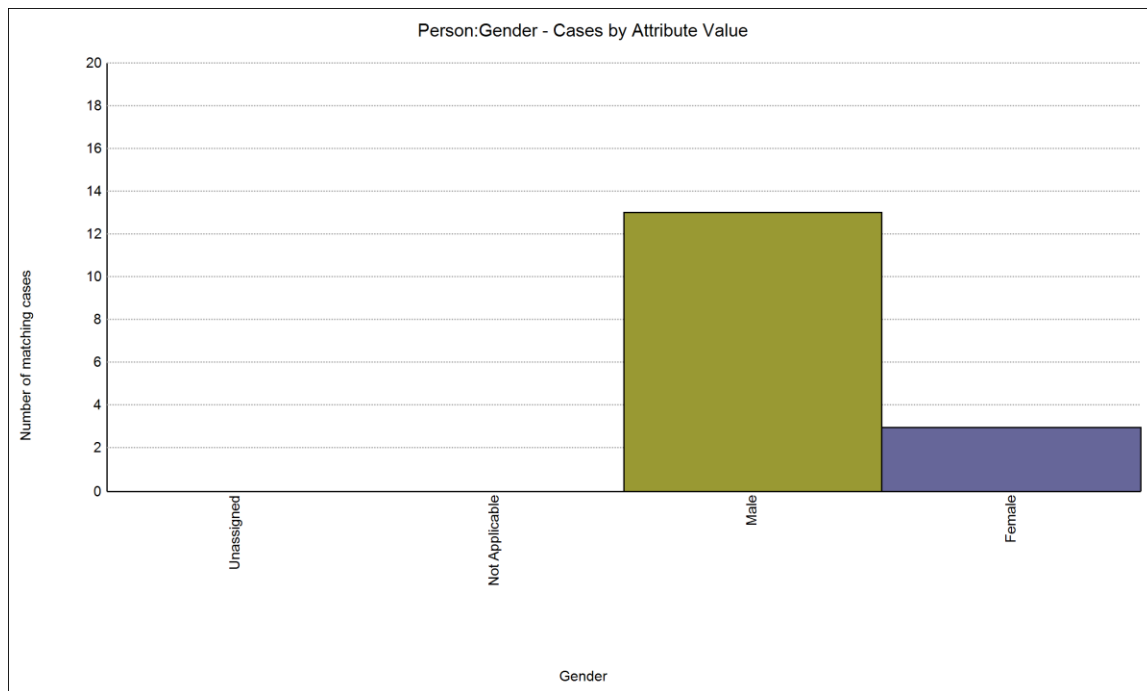


Graph 1: Person~Category - Cases by Attribute Value

Graph 1 reflects the four types of participants, grouped into two categories, which took part in the study. As reflected, eight offenders, consisting of three first-time offenders, three repeat offenders and two former offenders, formed the offender group; and a total of eight institutional actors also participated in the study. A significant sample reflecting the predominance of each kind of participant was considered, and a quantitative balance between offenders and institutional actors was considered.

The variance between the types of offenders was informed by the insights and experience each category offered to the study. First-time offenders have not experienced being incarcerated; therefore, their expectations are different as the experience is novel. Repeat offenders are returning to the institution even though it is expected that they have been rehabilitated and, therefore, should not be repeat offending if rehabilitation is effective. Thus, their experience is valuable in ascertaining the conditions that have led to further incarceration. Former offenders have successfully remained outside the correctional service system, which signals that the rehabilitation process has positive effects. Institutional actors have intimate knowledge and experience of the correctional service system, its configuration, function and intended effect.

5.2.1.1 Gender Breakdown



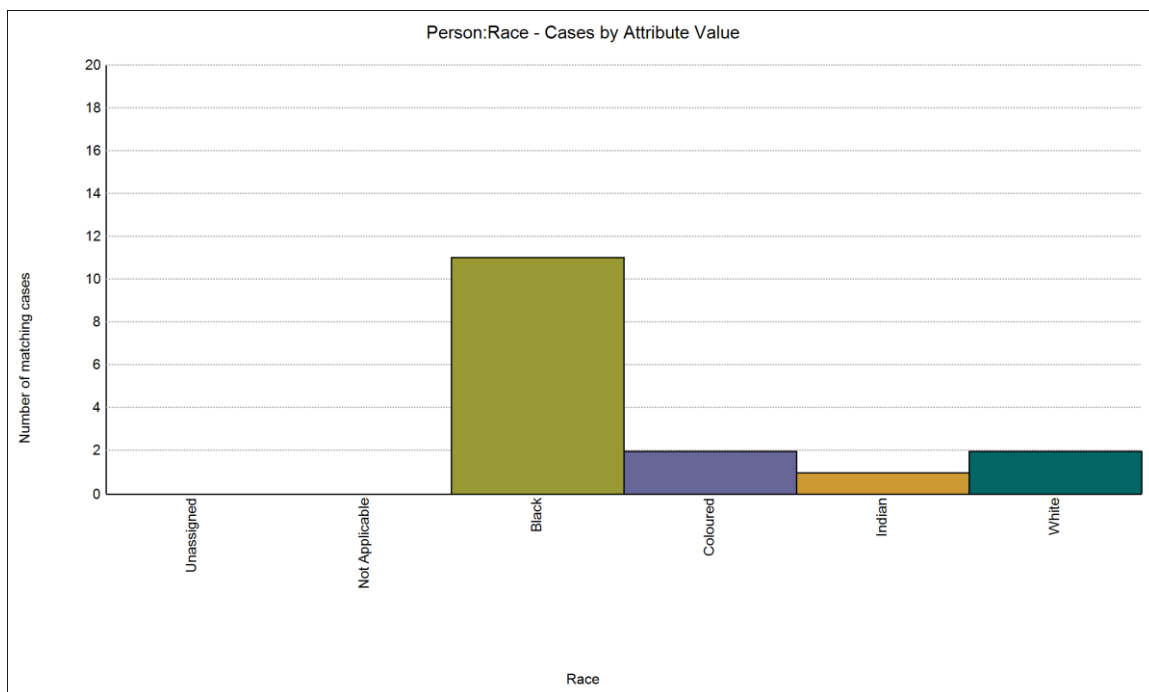
Graph 2: *Person~Gender - Cases by Attribute Value*

Graph 2 reflects that 13 of the participants from the sample were male, and three were female. Among the participants selected from the offenders' group, they were all male participants as the correctional facility only incarcerates men. The exclusion of women offenders in the study was informed by the targeted facility, which has a predetermined gender group.

The second group of participants was drawn from professionals working in the correctional service system, and during the research, it emerged that men were predominant in this institution. As such only three women from among professionals could take part in the study as the majority of the actors in this field were men. Thus there is a gender skew in the research results pointing to the structural inequalities that have permitted the security and justice sector in South Africa to be dominated by men. This observation confirms the work of Lambert, Paoline, Hogan and Baker (2007) who, over a decade ago, found that the majority of correctional services staff are men.

5.2.1.2 Race Breakdown

Race was considered as a variable in the study to examine the experience of different race young groups in their interactions with the institutional arrangements at Leeuwkop Correctional Service Facility. Though race is a contested matter in identifying persons, it is a crucial phenomenon to note in the South African context as it has a historical legacy that has embedded varying realities in people's lives. Statistics South Africa (Stats SA) (2020) recognises Black, Coloured, White and Indian/Asians as the racial classifications in South Africa. These classifications inform the identities that were identified by the study among the participants. Eleven out of the 16 participants are racially classified as Black, two are Coloured, two are White, and one is Indian, as reflected in Graph 3.

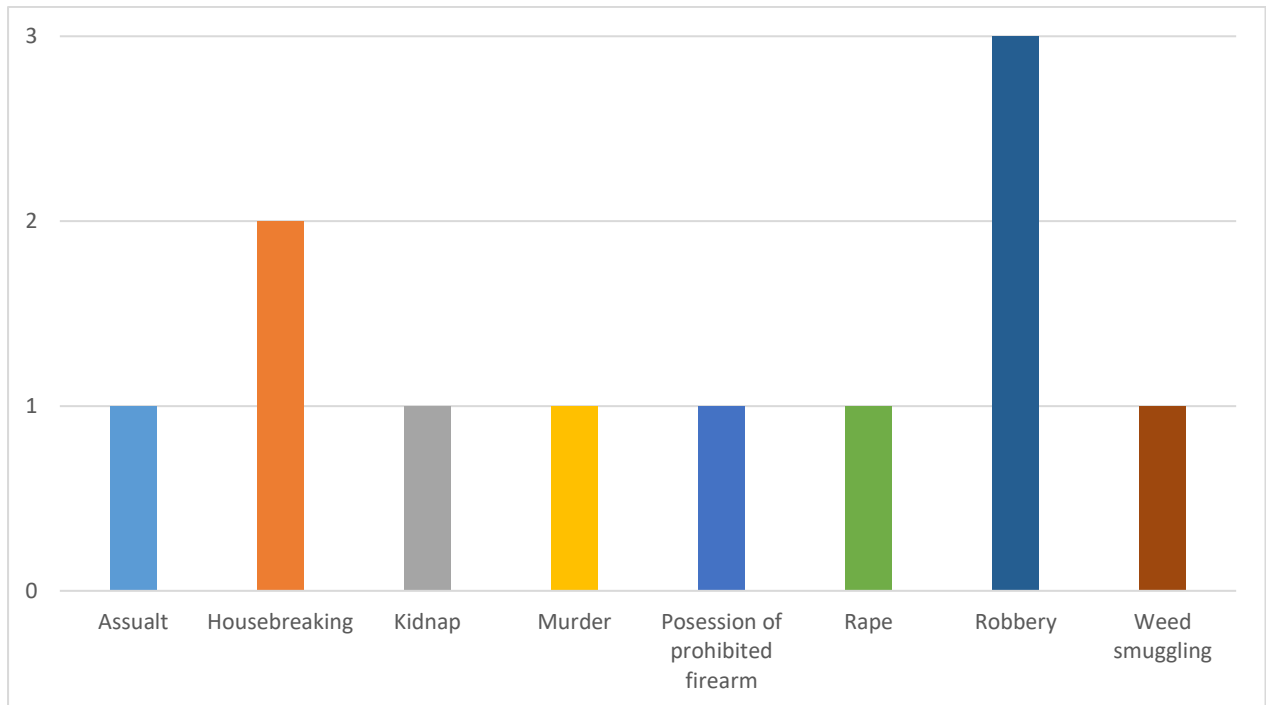


Graph 3: Person~Race - Cases by Attribute Value

Understandably, a majority of the participants were Black as it is the most populous racial group in the country. According to Stats SA (Government Communication Information Systems, 2020:3), the population of SA in 2020 was estimated at 59, 62 million, with Black Africans constituting the majority at 48, 2 million, which is 81%. The Coloured population constitutes 8, 7%, followed by the White population at 7, 9% and Indians and Asians at 2,5% (Government Communication Information Systems, 2020:3).

5.2.1.3 Type of Offence

The majority of offender participants- six out of eight, are incarcerated for crimes related to offences that can be associated with deprivation, as indicated in Graph 4.



Graph 4: Type of Offence – Offences by Attribute Value

Error! Reference source not found. indicates that, cumulatively, housebreaking, robbery, and weed smuggling, which can be regarded as poverty crimes, accounted for more than half of the offences for which the young offenders were incarcerated.

5.3 Participant Pseudonyms

The following tables detail the participants who took part in the interview process to collect primary data and their allocated pseudonyms. The pseudonyms are used for confidentiality and privacy of participants. In order to provide an easier way to follow whether a participant is a first-time offender, repeat offender, former offender, or an institutional actor, the pseudonyms are coded according to the first letters of the groups; namely, names with ‘Fi’ represent First-Time Offenders; names with ‘Re’ represent Repeat Offenders; names with ‘Fo’ represent Former Offenders; and names with ‘In’ represent Institutional Actors.

Label	Pseudonym	Type of Offence	Rationale for participants
First-Time Offender 1	Fi_1	Rape	First-time offenders have not experienced being incarcerated; therefore, their expectations of the rehabilitation process and experience is new as first-time offenders.
First-Time Offender 2	Fi_2	Robbery	
First-Time Offender 3	Fi_3	Housebreaking	

Table 1:First Time Offender Participants

Label	Pseudonym	Type of Offence	Rationale for participants
Repeat Offender 1	Re_1	Possession of a prohibited firearm	Repeat offenders are returning to the institution even though it is expected that they have been rehabilitated; therefore, should not be repeat offending if rehabilitation is effective. Thus, their experience is valuable in ascertaining the conditions that have led to repeated incarceration.
Repeat Offender 2	Re_2	Rape Kidnap Assault	
Repeat Offender 3	Re_3	Robbery	

Table 2:Repeat Offender Participants

Label	Pseudonym	Type of Offence	Rationale for participants
Former Offender 1	Fo_1	Smuggling weed	Former offenders have successfully remained outside the correctional service system, signals a propensity for rehabilitation efforts to be effective.
Former Offender 2	Fo_2	Robbery (Armed) Murder	

Table 3:Former Offender Participants

Label	Pseudonym	Designation	Rationale for participants
Institutional actor 1	In_1	Psychologist	Institutional actors have intimate knowledge and experience of the correctional service system, its configuration, function and intended effect. This sample group was crucial in providing insider and contextual information on the execution of policy and the functioning of the Leeuwkoop Correctional Services Facility, and whether the institution is effectively achieving its mandate of correction. The research is was interested in the experiences of these participants as an institutional actors within the Leeuwkoop Correctional Service Facility environment, rather than an actors in the broader system of correctional governance.
Institutional actor 2	In_2	Correctional Supervision and Parole Board (CSPB)	
Institutional actor 3	In_3	Security and Facilities	
Institutional actor 4	In_4	Social Worker	
Institutional actor 5	In_5	Centre Management Committee (CMC)	
Institutional actor 6	In_6	Centre Management Administration (CMA)	
Institutional actor 7	In_7	Official	
Institutional actor 8	In_8	Correctional Officer	

Table 4: Institutional actor Participants

5.4 Overview of Collected Data

The volume of data generated from the 16 participants amounted to nine hours and 14 minutes of recorded data, which, when transcribed, translated to 168 pages. The objective of collecting the data was to aid the process of answering the research question through normative enquiry. The following provides an overview of the critical responses collected in relation to the research question and objectives of the study.

5.4.1 Research Objective 1

The contribution of institutional and structural arrangements at the Leeuwkop Correctional Services Facility in rehabilitating young offenders.

The semi-structured interview guide included questions that sought to probe whether Leeuwkop Correctional Service Facility, as a setting, paves the way for the institutionalisation of rehabilitation of young offenders. The general response from the participants was that, although there is an effort to ensure that the institutional arrangements contribute to rehabilitation, they are currently insufficient to achieve the desirable mandate effectively due to the reality of a correctional environment. In_4 stated:

“It depends from person to person you know, some officials are trying to work towards rehabilitation and they will act in a positive way you know and help towards the rehabilitation process and others sometimes still have the mentality of punishment. Also, I think it depends on the situation inside, in some cases rehabilitation would like you to treat offenders in a certain way and when gangsterism and other things happen where it becomes a security problem and risk, you will obviously get a different form of how they deal with the situation, so that also plays a role”

This further extends to institutional culture as identified by some participants that some officials use derogatory language that does not reflect the ethos of rehabilitation and is not suited in an environment dedicated to rehabilitation. In_1 pointed out:

“When I say you do find officials treating offenders in an unfair manner, not physically, maybe verbally. Where maybe an official would call an offender with certain names we are not supposed to call them for example, prisoner, those kind of names. At the same time, you do find officials who are really supportive, who you can actually see that they are here to rehabilitate offenders”

The above sentiments were echoed by Re_1, who expanded that there are also pockets of racial discrimination, which manifests in the differential treatment of offenders. He expressed that: *“White people rule the Coloureds you see and Black officials and Coloured officials don’t get along you see. Now the Coloured officials and White officials they tell the White offenders to discriminate against us and those Black ones like those Coloureds”*.

Participants were of the view that the environment is not conducive for incarcerated young offenders’ mental health and their development. In particular, In_1 highlighted that

“There’s no privacy which is one of the things that also contribute to your mental health. Being in a cell with other 30 - 40 others, there is no independence and there is no liberty. Somehow it might

affect you psychologically, every time you wake up there's like a group of people in your face.

Policy, I'm not sure what it says but for me, living with 30 -40 people in one cell, I wouldn't recommend it. At the same time, all the prisons are like this, even living on [and] sleeping on top of each other. Most of the cells have bunk beds, I don't think it's a healthy environment but that's how prison is designed"

Furthermore, participants such as In_3 averred that the available resources for a facility such as the Leeuwkop Correctional Service Facility are insufficient to fulfil its mandate effectively. The participant expressed that: *"a facility like Leeuwkop where presently [there are] over 300 housing units for officials and with three qualified artisans, plumbers and electricians, three each. It is not possible to deal with the breakages and whatever officials and offenders will be requiring, even inside the cells"*.

Although other participants believe the facilities are better compared to other facilities, the sentiment of poor maintenance was also shared by In_6, who indicated that:

"...we have a problem with overcrowding, we have a problem with the maintenance of the facility. For example, you find that windows are broken for a very, very long time and that means offenders are exposed to different weather conditions. You find due to wear and tear structures are no longer safe to keep them safe..."

5.4.2 Research Objective 2

The interactions between institutionalised young offenders and the Leeuwkop Correctional Services facility as a space and medium for rehabilitation.

Participants expressed an optimistic outlook regarding the Leeuwkop Correctional Services Facility as a space and medium for rehabilitation. For instance, Re_1 expressed that the recreational and life skill activities and learning opportunities provided at Leeuwkop are an opportunity to reform one's life from substance abuse and gangsterism, and expressed that:

"They already assisted me, that's why now I can decide what's wrong and what's right and what I want in life, it helped me. Most important is crossroads because when you go out crossroads, you decide whether you go back to the old life or the new life but you know the river stream is going that way"

Another perspective is that the Leeuwkop Correctional Service Facility facilitates rehabilitation for offenders who are interested and actively making a difference to change themselves. Regardless of the environment, facilities, resources and available programmes, if an offender

is not interested in reforming themselves, Leeuwkop Correctional Service Facility will not be a medium for rehabilitation for young offenders. Re_2 shared that: *“what I can tell you is that change is within a person, if you don’t want to change then you will not change actually”*.

However, other participants believe that Leeuwkop is a ‘prison’ in the traditional sense. It is not an environment for young offenders which can rehabilitate them. The central function is to punish and it is not a space and medium for rehabilitation. Fo_1 argued that: *“first and foremost, prison is not a place for a person. You see that [statement] is a [statement] around all prisons and not just Leeuwkop only. Jail is not something that you can recommend, when someone mugs someone”*.

In_8 reiterated the lack of appropriate infrastructure by highlighting the inadequate and inappropriate functional space that is fit for purpose, and that *“if you go to Maximum you will see on the east and west side, it’s new buildings that was [sic] built, but there’s still no chairs and dining area there, and it’s there for 12 years. You cannot use it because the actual purpose of what it was built for was so that offenders can go and eat there”*.

However, reflecting on the structural arrangements and their contribution in making the Leeuwkop Correctional Services Facility a meaningful space for rehabilitating young offenders, participants such as Fi_3 hold a different view that the place is not bad; it’s the inmates that make it bad. Fi_2 further affirmed that at *“the [Johannesburg Correctional Service Facility] there’s walls, you don’t even see outside. Your mind is closed there but for me to come here, I’m relieved from Sun City because I don’t see movement. I don’t see anything, so here I experience many things as if I’m outside. I’m relieved with everything. That’s all I can say”*.

5.4.3 Research Objective 3

The policy interventions and developments in the correctional system of South Africa post-1994 and their impact on rehabilitation of young offenders at the Leeuwkop Correctional Services facility.

This research objective aimed to ascertain whether there have been material and practical changes to the correctional service system for young offenders beyond the theoretical vision of the White Paper on Correction, as experienced by those incarcerated and associated with Leeuwkop Correctional Service Facility. Furthermore, the objective sought to determine

whether the White Paper on Corrections has had a material impact on transforming and entrenching rehabilitation in the democratic environment.

Participants such as Fo_2, who have experienced incarceration at Leeuwkop Correctional Service Facility during the apartheid and democratic era, indicated a material difference because of the respect for human rights and “it’s whereby the Bill of Rights comes into place”. In_3 reaffirms this perspective by highlighting the disparities between the pre-1994 and post-1994 correctional environment at Leeuwkop Correctional Service Facility:

“Look, if we were to compare the two, obviously it is better now specifically taking into consideration that human rights are fundamental to everyone to understand them. Previously they were not even called offenders, they were called prisoners, they were called bandits. No one cared about them as human beings, they were never seen as human beings. So, since 1994 even though there is no improvement as such in terms of rehabilitation programs that are being rendered because it’s a repeat of what one did last year. There are no new innovative measures for rehabilitation but in terms of you know considering them as human beings and treating them as human beings that really has changed a lot”

The changes are further complemented by a wide variety of structured correctional programs, which are now available, with social work taking more priority than before. In addition, offenders are evaluated, and offender reports have become a bigger priority than they were.

Officials also indicated that Leeuwkop Correctional Service Facility is better capacitated and has been professionalised as highlighted by In_8 that: *“we’ve got more members, we’ve got more qualified members especially with regards to degrees and things like that”*. However, most professionals are misplaced and disappointed.

According to In_5, who is part of the rehabilitation officials, officials who have been in the system pre-1994 do not understand the new ways of working in a rehabilitation-centric facility. In_5 expressed as follows:

“You know what, in my experience ne, when I started to work here...I’m part of the rehabilitation officials but when you arrive here you will find an old official and when you do rehabilitation they will ask ‘what you are doing, we don’t work like that’ you see. What they do previously, they will just open [for] offenders, count them, give them food and lock them in. So us with rehabilitation, we open, we count, we give food and now we take complaints and requests. They were not doing that before... from there we take those case files and we do a CSP and we check whether the offender does do research to

do the particular program that is related to his crime. Those things were not there before; those officials, some of them are still here and they don't understand these programs"

Furthermore, participants such as In_8 surmise that Leeuwkop Correctional Service Facility, compared to the pre-1994 institution, lacks discipline. This view was also shared by In_7, who expressed that *"if you look at...before 1994 things worked according to discipline. When we got demilitarised everything fell apart in terms of discipline and accountability"*.

5.5 Conclusion

Overall, there were balanced views reflecting on the state of the correctional service system, specifically at Leeuwkop Correctional Service Facility, regarding the institutional arrangements and their contribution to rehabilitation. There was fair opinion and experience between those who believe that the current system is rehabilitating young offenders and those who believe that, in its current configuration, the system is not geared to rehabilitate offenders; instead, it has punitive elements. The data collected aligns with the study's objectives, with the broader strategic objective to answer the research question. The following chapter analyses and synthesises the collected data through thematic coding by employing an inductive approach. It further employs concepts and theories in order to answer the question if the phenomena at Leeuwkop Correctional Service Facility, viewed through the prism of institutionalism and power, concurs with literature on the role of the democratic era institutional arrangements as a medium for the institutionalisation of rehabilitation for young offenders? Considering the reviewed literature and the presented perspectives, it signals that the analysis will potentially discover that even though Leeuwkop Correctional Service Facility endeavours to rehabilitate young offenders, the institutionalisation of rehabilitation through the prevailing institutional arrangements do not effectively support this undertaking given the pervasiveness rigid nature of institutions to evolve beyond their original function.

Chapter 6: Understanding Institutional Arrangements and Rehabilitation of Young Offenders at Leeuwkop Correctional Service Facility

6.1 Introduction

The previous chapter has presented the key ideas shared by various participants in relation to the research questions and objectives. This chapter covers the analysis and synthesis of the collected data by employing thematic coding through an inductive approach. The data and findings are interpreted and discussed to uncover knowledge variegated along thematic and theoretical lines. It builds on the analytical presentation of the data to answer the research question dependent on the conceptual underpinnings and theoretical lens of institutionalism and power and provides an understanding of how the existing institutional arrangements at the Leeuwkop Correction Service Facility support the rehabilitation of young offenders. The primary purpose is to examine the interactions between institutionalised young offenders, the correctional service system, and the intersecting realities forged in this space as a medium for rehabilitation.

Thematic analysis was employed in reviewing the varying standpoints offered by the participants, contrasted and corroborated with secondary data to develop key themes that capture patterns of ideas, experiences and practices that have shaped their encounter within this space. Thematic analysis was employed because it assists in consolidating interesting patterns in the data that capture vital information around the phenomenon (Braun and Clarke, 2006:10). Different themes emerged during analysis, such as the (i) establishment of order and discipline, (ii) factors contributing to offending, (iii) the rehabilitation of offenders, and (iv) the allocation and expenditure of financial resources. These themes point out that, institutionally, the correctional environment cannot be separated from its traditional function of enforcing discipline and order. Any other function becomes additional and non-contradictory to the primary function. Therefore, the role of the Leeuwkop Correctional Service Facility as a space for rehabilitation for young offenders becomes questionable, mainly regarding the meaningful achievement of rehabilitation principles in a correctional setting. This undermines the process of rehabilitation of young offenders, which invariably perpetuates the pre-1994 punitive effects of the institution and heightens the role of the institution to shape social behaviour by exercising authority.

Furthermore, the lack of allocating appropriate institutional resources, limits the Leeuwkop Correctional Service Facility from meaningfully addressing the factors contributing to offending, which invariably will cause young people to re-offend. It was not the intention of the study to conduct a scientific data assessment of the rehabilitation of young offenders. Therefore, the study does not offer precise estimates of program effects; rather, it uses the non-offending of former offenders and the recidivism rate, as a quantitative measures, purely as a means primarily to portray preliminary successes towards rehabilitation. It is in this regard that the inclusion and analysis of former offender perspectives are viewed to provide valuable insights and perspectives for the study, in contrast to first-time and repeat offenders. This is done to preliminary point to a potential before-and-after result of the impact of the rehabilitation. In order to assess the effectiveness of institutions and their impact on individuals, the role is used as a potential framework. Essentially, this chapter sought to answer the question- given the perspectives, experience and knowledge of the participants and the reviewed literature, do the institutional arrangements at Leeuwkop Correctional Services Facility support the rehabilitation of young offenders and can this be understood through institutional theory? It begins by unpacking the establishment of order through discipline, then explores whether rehabilitation is feasible and whether the institutional arrangements (rules, culture, infrastructure, personnel, correctional programmes and financial resources) are enablers. It concludes by exploring the factors that cause young people to offend/re-offend and the role of institutional arrangements in this regard.

6.2 Establishment of Order and Discipline as a Correctional Function

The issue that emerged during the study is that the institutional arrangements at Leeuwkop Correctional Service Facility are characterised to establish order and discipline. What becomes apparent and unequivocal is that the facility is primarily an institution for incarceration as its function and natural mandate- it is agreed that that is the natural function of the facility. The natural responsibility of an incarceration facility is to deprive one of their liberty, and institutionally discipline and correct, anything beyond that is not natural. It, thus, emerged that what is envisioned by the White Paper on Corrections to convert the institution into idealistic rehabilitation facilities for young offenders is not conceptually realistic. It is further not institutionally achievable given that Leeuwkop Correctional Service Facility structurally rejects what is not aligned to its original mandate, regardless of how well-intending the efforts of the White Paper. The issue is that there is an attempt to make Leeuwkop Correctional Service

Facility perform a function that it is not supposed. Ultimately, as succinctly expressed by In_1- “it’s not a hotel, it’s [a] prison”. This is contrasted with the establishment of new facilities which, even in their design, account for the practice of rehabilitation.

It is also agreed that the inmates have committed offences in society and should be incarcerated and isolated for society's protection. The relationship and contract between the state and society in creating and maintaining social order is one of the critical functions of the state. The social contract primarily aims to establish order and that all parts of society should work harmoniously to coexist. Accordingly, states have established measures to ensure that order is maintained and that there are consequences when it is interrupted.

The relationship between the Leeuwkop Correctional Service Facility and the young offenders is, therefore, one that is characterised by the enforcement of order and discipline at the expense of rehabilitation. This is further demonstrated by the limitation of the offenders’ rights through incarceration. Although justifiable and reasonable, the genuine limitation of offenders' rights is an intrinsically punitive measure employed to encourage behaviour change and protect social order. Consequently, it can be further argued that correctional facilities as administrators of incarceration can be viewed, to some extent, as symbols of the punitive sanction of the state, albeit for a just cause. Mills (1825:8) reiterates this sentiment by stating that “want of liberty is, in almost all cases, a source of uneasiness; want of liberty, added to the denial of all pleasures of sense, can hardly ever fail to be a source of great uneasiness. Long imprisonment, therefore [...], must be a severe punishment”. This is further demonstrated through discussions on whether Leeuwkop Correctional Service Facility is suitable for rehabilitation, where Fo_1 averred that it is a prison in all sense of the word and is not a place fit for a person because of the punitive limitation of rights in the correctional environment in general. Based on this logic, it can be argued that even the Nordic experience does not genuinely rehabilitate because of the denial of liberties through incarceration; an argument which proponents of de-carceration agree with. However, for the purpose and limitations of this study, a quantitative parameter for rehabilitation through re-offending is the determinant framework.

The general sentiment is that incarceration is the harshest form of punishment as it isolates one from their loved ones and strips them of the right even to bury their loved ones. This is a result of the coercive nature of the confinement experience (Steiner and Wooldredge, 2018:5). The

UN recognises the intrinsic punitive nature of incarceration and the correctional system as it avers in the *United Nations Standard Minimum Rules for the Treatment of Prisoners* that:

“Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation”
(General Assembly; 2016:9).

It is without question that the act of incarceration is punitive because that is the intrinsic role of the correctional environment; everything else such as rehabilitation has to be intentionally performed but not discipline and punishment. The democratic dispensation attempts to instil rehabilitation as a function of the correctional process as opposed to the pre-democratic era. Although still present, the punitive elements of the incarceration and correctional process have been eased and mitigated by institutional arrangements that seem to diminish punishment and actively introduce rehabilitation features. Even the Nordic model as implemented in Sweden acknowledges that “when states deprive a person’s liberty, they are obliged to ensure that the prisoners are treated humanely, with suitable accommodation, water, health care, food and access to legal presentation [sic]” (Petersson, 2018:4). It is worth interrogating whether the function of the Leeuwkop Correctional Service Facility has evolved from order and discipline of the pre-democracy era to rehabilitation of the democratic era.

6.2.1 Pre-Democracy and Current Correctional Environment

Weiss and South (1998:2) argue that the dismantling of apartheid was a significant turning point in the development of incarceration in South Africa as the transition from an authoritarian apartheid state to ushering in transformation and a new culture of human rights grounded in the principles of democracy (Scott and Flynn, 2014:86). In the pre-democracy era, the conditions for incarcerated young offenders were less than desirable as they were informed by an inferior-based punishment system. The pre-democracy environment was predicated strictly on imprisonment, discipline and punishment, whereas the current democratic environment is predicated on rehabilitation and human rights. Assessing whether the correctional environment has changed at the practical level is crucial. It is crucial in ascertaining the implementability of the White Paper on Corrections and understanding the evolution of institutions if they can change from what they are designed for. Mills (1825:4) also questioned whether the current

institutions are able to transform beyond attaining the ends of imprisonment that they were devised for.

The general view amongst participants was that the correctional environment, especially related to the Leeuwkop Correctional Service Facility, has transformed in the democratic era. Offenders who have been incarcerated and officials who have worked at the Leeuwkop Correctional Service Facility during both periods, intimate that the change is significant. The human rights and rehabilitation-centric dispensation permeate the expedients of a barbarous age. For instance, offenders now have rights, more activities have been introduced, and there are now more professionals, including psychologists. It is unequivocal that the correctional environment post-1994 in South Africa has transformed with the introduction of more offender-based privileges in terms of rehabilitation-centric elements. This is evident in how the Correctional Sentence Plans (CSPs) for offenders are compiled on an individual needs-basis of each offender to facilitate rehabilitation. Interventions and services are now provided for offenders' rehabilitation and personal development as opposed to previously where correctional facilities were expedient dungeons of punishment.

It emerged that there are interventions in place to transform Leeuwkop Correctional Service Facility from being an institution of order and discipline to perform a function of rehabilitation as its primary objective, as intimated by In_5 meaningfully:

“... What they do [sic] previously, they will just open offenders, count them, give them food and lock them in. So us with rehabilitation, we open, we count, we give food and now we take complaints and requests. They were not doing that before, so we take complaints and requests, from there we take those case files and we do a CSP and we check whether the offender does do research to do the particular program that is related to his crime. Those things were not there before, those officials some of them are still here and they don't understand these programs”

The general sentiment and experience from participants, even those who have not personally experienced the pre-democracy Leeuwkop correctional environment, was that they are able to recognise the change and transformation that has permeated through the system, now making correctional facilities centres of rehabilitation. In_2 averred that *“there was no administration that time, you were just admitted, keys thrown and you sleep till whenever... There were no correction programmes that targets your specific offending behaviour... So there is a huge, huge difference”*. This correlates with literature that avers that good administrations are

essential for well-functioning institutions (Petersson, 2018:9). Therefore, even if institutions can transform, they have to be accompanied by good administrations as expressions of relevant institutional arrangements. Rehabilitation cannot be said to be successful because of the high rates of recidivism. The biggest inhibitor to effective and meaningful rehabilitation function of the Leeuwkop Correctional Service Facility is ‘bad’ institutions and ‘bad’ management as a manifestation of poor institutional arrangements adding to the severity of simple imprisonment (Mills, 1825:8). According to this perspective, bad management, and by extension, poor institutional arrangements, hinder the effective and meaningful rehabilitation of young offenders.

These disparities demonstrate the degree of change in dismantling a predominantly punitive and disabling environment in support of a more reformatory one expected to function to rehabilitate young offenders.

However, albeit low, some remnants of the pre-democracy elements still permeate in the current environment. Katzenstein (Thelen, 1999:371) provides a political analysis that norms are institutionalised in institutions through power. Pierson (1996:126) succinctly states that many contemporary implications of temporal processes are embedded in institutions, whether formal rules, policy structures, or norms. According to historical institutionalism, the original elements of the pre-democracy correctional formulation are embedded in the current correctional architecture. This is further evidenced by participants who indicated that informal and tacit fundamentals in the current correctional environment at Leeuwkop Correctional Service Facility are not consistent with the ethos of a democratic project related to the vision of the White Paper on Corrections. For instance, it emerged that apartheid-esque elements manifesting in the unequal treatment of offenders and officials along racial lines, which is reminiscent of the pre-democracy correctional environment, prevail.

The same environment is experienced differently by offenders because of the differential treatment received from correctional officials. This further manifests itself in which offender receives certain privileges such as working in the kitchen and having their complaints acknowledged and attended to. However, what emerged was that this is not the deliberate intention of the correctional service system in general or that of Leeuwkop Correctional Service Facility in particular. As scholars of institutionalism have purported, it results from the

historical institutional remnants embedded in the correctional service that reveal themselves even in this changing environment.

Whilst other participants acknowledge that there is a semblance of the pre-democracy components that still imbue the system, and others recognise the positive transformation that the democratic dispensation has introduced, there are participants that disfavoured the transformation. The process of transforming to rehabilitation is received as the erosion of discipline and order- the original function of a 'prison'. The role of the 'prison', as was before, must be to discipline offenders into order. Once it is removed, it is believed that the correctional system loses its underpinning maxim. There is no correctional system without discipline. It is stated that discipline and accountability were eroded with the demilitarisation of the correctional system post-1994. In_7 and In_8 further reiterated this notion that although many positive changes have been introduced due to the transformation, the central tenet has been lost.

What is significant to note is that this view was predominant amongst institutional actors who have been associated with the Leeuwkop Correctional Service Facility during both dispensations- pre democracy and during democracy. Thus, their perspective become vital to understanding how they view the function of the correctional service to be and how its objective can be achieved, according to them, through discipline. The Nordic model demonstrates that in order to institutionalise rehabilitation, the management style has to be demilitarised and the pervasive culture of discipline and order reformed (Von Hofer, 2001:296).

Additional to the erosion of discipline, the introduction of the new dispensation of human rights is also indicted with the emasculation of the service and its officials. The authority to command and control offenders effectively has been eroded. Correctional officials play a vital role in managing offender/inmate populations and executing correctional policy. Steiner and Wooldredge (2018:2) note that the exercise of power by officials over offenders influences perceptions regarding the legitimacy of their authority on inmates and the legitimacy of prison rules which ultimately affects prison order. The prioritisation of human rights for offenders, which came with the democratic dispensation, undermines the institution's function and contributes to the erosion of discipline and order. The legitimacy of the Leeuwkop Correctional Service Facility function is linked to how well the facility maintains social order traditionally through coercion.

The disparities between the pre-democracy and current correctional environment are unequivocal. The Leeuwkop correctional environment has transformed to prioritise the rehabilitation, development and humanness of offenders; however, the characteristic of the pre-democratic era that permeates have been due to the institutional nature of values and norms embedded in the institution and carried by the institution, inmates and officials, as structure and agents. Although the current correctional environment intends to create a conducive environment for rehabilitation when contrasted with the pre-democratic correctional environment, the pervasiveness of pre-democratic era institutional arrangements maintains the status-quo of a punitive system, predominantly through institutional rules and institutional culture, that rejects the effective and meaningful implementation of the vision of the White Paper on Corrections on rehabilitation for young offenders at the Leeuwkop Correctional Service Facility.

6.2.2 Institutional Rules and Institutional Culture

Rules within the correctional environment form the basis of authority and are a key component in shaping social reality. The relationship with power and authority plays a determining factor between structure and agency. As a manifestation of power and authority, rules are institutional arrangements that determine an environment's likely output and outcome. Steiner and Wooldredge (2018:2) reinforce that rule violations are disruptive to social order in the correctional environment and that undermines good order. It emerged that the disciplinary code is designed to promote order because the very nature of the correctional system requires a strict code of behaviour (Department of Correctional Services, 2005:58).

According to Berthod (2016:1), informal beliefs, rules and norms shape the creation and spreading of organisational forms, design features, and practices. Contrary to legislative and regulatory rules, informal and tacit institutional values, cultures, and norms shape institutions and social reality. Therefore, it was essential to analyse institutional culture in the Leeuwkop Correctional Service Facility environment as it manifests itself through daily relationships and interactions. Institutional rules and culture are symbolic drivers capable of defending or affecting organisational change. Institutional culture is emergent, created and transferred during the interaction between offenders, officials and the space beyond what is dictated by law and policy.

It emerged that there are two levels of reality at the Leeuwkop Correctional Service Facility- the formal (official) and informal (unofficial). In_5 and In_6's sentiments supported the statement by In_3 that because the policies of Leeuwkop Correctional Service Facility are in accordance with national legislation and policy, the rules and treatment of offenders will always be enabling and in consideration of human dignity and rehabilitation. Rules are established primarily to protect the young offenders as well as the officials.

Although the formal rules at Leeuwkop Correctional Service Facility are lenient and developmental, it is inevitable for punitive components to permeate because of the inherent function of the institution carried through by informal culture. The efficient and effective management of the correctional facility, as Mills (1825:3) elaborated, seems to require the necessary exercise of strictness and prioritisation of discipline. A good correctional facility cannot be managed without discipline and order. Other scholars have also intimated that consistent discipline throughout a correctional facility serves as a positive force to encourage inmates to behave orderly (Ayres, 1988:2).

However, it was revealed that, beyond the formal institutional rules and culture aimed to promote an ethos of rehabilitation, the informal rules and culture within the cells are determined by the occupiers of the space (officials and offenders), and not necessarily by law or Leeuwkop Correctional Service Facility policies. There is a level of self-governing and organising, and this is demonstrated by In_4 when intimating that "offenders, [] always tell you [that] when the doors are locked it's a different world that we don't know". Fo_1 averred to this that "the warders don't apply the Bill of Rights".

As a manifestation of institutional culture, some officials use derogatory language that does not reflect the ethos of rehabilitation and is not suited in an environment dedicated to rehabilitation. In_1 and Re_1 shared the sentiment of informal racialised punishment. Re_1 expanded that there pockets of racial discrimination, which manifests in the differential treatment of offenders. He elaborated: "*White people rule the Coloureds you see and Black officials and Coloured officials don't get along you see. Now the Coloured officials and White officials they tell the White offenders to discriminate against us and those Black ones like those Coloureds*". The UN has drawn attention to people of African descent being disproportionately harassed and treated differently (Penal Reform International, 2021:25). In the US, black men are imprisoned six times more than white men (Penal Reform International, 2021:25). This is

consistent with Davies (2003:112) that imprisonment is associated with the racialisation of those most likely to be punished. Adorning the cloak of pre-1994 of a punitive ethos.

The delicate balance between formal and informal culture permeates the relationship between offenders and officials. Participants averred that correctional officials at Leeuwkop Correctional Service Facility have a good relationship with offenders. The relationship is characterised by mutual respect, maintenance of order and harmonious co-existence as imagined by the White Paper on Corrections. It remains undeniable that correctional facilities where officials treat offenders with fairness and are less coercive have fewer problems and better order in terms of riots and violence (Wooldredge, 2018:3). The legitimacy of the officials' authority and, in turn, offenders' compliance is precipitated by the quality of the relationships between officials and offenders. This is observable in the Swedish experience where correctional service workers have seen positive results in fulfilling a dual role of enforcer and social worker (Aleem, 2015).

However, this is not always the case because as a result of the informal institutional culture, officials still refer to offenders as 'prisoners' and the correctional facility as a 'prison'. This shows the permeation of tacit institutional culture, which may affect the social reality of how officials and offenders behave and treat each other. Officials still refer to offenders as prisoners as a form of reclaiming authority. Given that correctional officials and the correctional environment are accustomed to physical coercion, which has been removed by way of international conventions and national legislation, it has now been substituted with verbal abuse and name-calling as punishment. Again, the institution draws itself to being disciplinarian.

Any good relationship between offender and official undermines order as a function of the correctional environment. The institutional culture of familiarity creates inconsistencies and informal disparities in the treatment of offenders by officials, which is the cause of problems. It was elaborated by In_8 that:

"...Between the members and offenders, I think the members can be strict because you know the culture is like I know you from my village or whatever or wherever I was and then it's like a brother/sister situation. That correctional official is not always strict to that specific inmate, so you do get your problems and then they start to smuggle and bring in things that they are not supposed to, contrabands and things like that. At the end of the day it creates problems for us because the official

can make money out of say for instance bringing in a cell phone... So I would say the discipline of officials is not up to standard the way they are supposed to be.”

In as much as there is an effort to reform the environment and encourage more of a developmental approach, culture and relationship, it still appears that the institutional culture and informal reality act as a time capsule to seize and reinforce the function of the Leeuwpkop Correctional Service Facility to one that prioritises discipline and order over rehabilitation. Although referent and expert power are desirable, it emerges that coercive power will always have a role in a correctional environment. This is also demonstrative of the American experience where “abhorrent detention and brutal interrogation and flouted international legal standards and institutions was practiced long before 9/11. [The]institutionalizing these practices over three successive presidencies, [in] the U.S. has signalled to the rest of the world and to its own security and intelligence services that the universal rights it purports to champion are dispensable” (Tayler and Epstein, 2022:40).

The power relationship between the institution and offenders is what creates the social dynamics. Leeuwpkop Correctional Service Facility, as the institutional structure of power, authority, discipline and order, instils its will and influence on offenders as agents to be shaped by the structure. This can be further understood in Dowding’s analysis of power as predicated on the structure that enables and constrains an agent's options. The relational factors between the structure and the agent determine the outcomes (Dowding, 2008:24).

6.3 Rehabilitation of Offenders at Leeuwpkop Correctional Service Facility

The central issues that emerged were the contestation of whether the correctional environment can execute rehabilitation as a clinical intervention and whether there is an ideological difference between correction and rehabilitation; if so, then which of these would it administer. Although there are a number of measures to ensure that the best care is offered to offenders to ensure that the space is a conduit for change, it has significant limitations. The current ethos of the Leeuwpkop Correctional Service Facility is to rehabilitate offenders through self-development programmes and activities. However, the Leeuwpkop Correctional Service Facility, as a space for both incarceration and now rehabilitation, is unable to effectively be a medium for rehabilitation because of structural and institutional limitations.

6.3.1 Does it is Correct or Rehabilitate?

The Correctional Services Act defines correction as the “provision of services and programmes aimed at correcting the offending behaviour of sentenced offenders in order to rehabilitate them”. A close reading of the definition reveals that correction is a pathway towards rehabilitation and that these are separate phenomena. The literature review explored whether the correctional environment can rehabilitate or if it can only correct. It emerged that rehabilitation as a clinical process requires certain elements to be present for it to be executed, which effectively are not present in a correctional environment.

There are links between correction and rehabilitation. Rehabilitation is a psychological process involving acknowledgement, accountability, willingness to change, behavioural change, skills development, and help in psychotherapy and social work services. Fi_3 corroborated this understanding that rehabilitation is a personal project and involves introspection. Whereas, on the other hand, correction is a disciplinary process to enforce change and development.

In_1 succinctly demonstrated the interface between correction and rehabilitation at Leeuwkop Correctional Service Facility by stating that “... *[when talking] about correction, an offender stabs an official- as part of correction, maybe that offenders [sic] gets put in isolation. Which is more of a punishment indirectly but still it's not physical punishment. As part of rehabilitation, that offender maybe stabbed an official maybe out of anger. They put him in isolation, I'd say that's a correction but still gets referred to a psychologist or anger management programmes as part of rehabilitation*”. It emerges that retributive and reformative means are employed in conjunction; punishment and development are closely associated in a correctional environment. Thus the only way to encourage and enforce rehabilitation is to steer it through corrective measures.

Mills (1825:3) concurs with the notion that correctional services must punish and reform simultaneously as part of administering justice. In the absence of one, justice would not be carried out for both the victim and the young offender. Without corrective measures, such as confinement, isolation, and limitation of liberties, it is difficult to administer and encourage effective rehabilitation of young offenders. Leeuwkop Correctional Service Facility strives to be a medium for rehabilitation; however, the institutional design of incarceration creates structural impediments for offenders' effective rehabilitation

Rehabilitation is a loaded process that requires several elements to be in place for it to be successful. A rehabilitative environment requires a progressive and transformative ethos that guides the institution and the enabling personnel, culture, and infrastructure. Correction is an activity enforceable on an individual. It is unequivocal that Leeuwkop Correctional Service Facility is focused on reintegrating offenders, correcting the behaviour, and changing offenders' mindset through imparting knowledge and skills to prevent re-offending. Correction is conceivable; however, genuine rehabilitation is not necessarily effectively achievable in a correctional setting. This is evidenced by even the 40% recidivism rate level in Sweden where the SPPS is regarded as the best in the world. One inhibitor to genuine institutionalisation of rehabilitation of young offenders in a correctional environment is infrastructure.

6.3.2 Infrastructure and Space: An Enabler or Disabler for Rehabilitation?

The prevailing infrastructure at Leeuwkop Correctional Service Facility determines the type of rehabilitation that can be administered and the resultant behaviour. Infrastructure refers to the organisational and institutional structures and facilities required for operation such as buildings. The availability and structure of these determine the type of output Leeuwkop Correctional Service Facility will deliver. It emerged that, as sufficient as they may be for liveable standards for inmates, the Leeuwkop Correctional Service Facility facilities are not conducive to institutionalise effective and meaningful rehabilitation efforts.

The Department of Correctional Services' facilities consists of a range of facilities built over an extended period of time, many of which were not designed to fulfil the objective of rehabilitation (Department of Correctional Services, 2005:84). Offenders and officials have to manage with what is there and make the most of it as the facilities are not fit for purpose.

The current structure of the Leeuwkop Correctional Service Facility is an old structure that has not been changed. However, parts of it have been redeployed to function as libraries, churches and classrooms. Although redeployed, most of the structure has not been designed and built for that function; thus, it cannot be dispensed effectively. It is not that the intent and will are lacking, but the current arrangement does not make for its effective execution. The establishment has tried to make the environment more conducive for rehabilitation, and there are opportunities for school and workshops. However, there are no school buildings, there are no program rooms; offices, cells, and visiting rooms are adapted for these functions. The predominance of the old infrastructure and facilities affects its inhibitors directly and indirectly.

Firstly, a healthy environment builds a healthy mind. For instance, when a library is established, it has to be accompanied by the appropriate facilities to fit the library environment. Admittedly, the current infrastructure does not support the White Paper on Corrections; however, there are efforts from parts of the establishment, including officials, to make the best of the current situation.

The importance of factoring rehabilitation as a function of the facility was demonstrated by the United Nations Office on Drugs and Crime (UNODC) presence when a correctional facility was being built in Garowe in 2014 to ensure that it is an enabling environment which will be able to deliver on the objects of rehabilitation. (Petersson, 2018:33). Furthermore, recipients of Swedish assistance in Somalia expressly note that, generally, “when building a prison for example, the focus is on creating the building, but the essential details are missing. The projects should be within the framework of a systematic construction of institutions with a long-term approach which will decrease the risks of failed project” (Petersson, 2018:40).

The structures, in the South African context, were built at the beginning of the 1900’s up until 1980, during a period when it was initially meant just for punishment. Charles Dickens’ observation of the infrastructure illustrates the importance of space as a medium for influence and impact on individuals. The intentions of the Leeuwkop Correctional Service Facility as a space for rehabilitation are good but the prevailing experience and effects are adverse. Dickens’ agreeingly observed that:

“In its intention I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is that they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony that this dreadful punishment, prolonged for years, inflicts upon the sufferers . . . I am only the more convinced that there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow-creature. I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body . . . because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay” (Dickens, 1900).

A conducive environment for rehabilitation is associated with facilities and infrastructure that are fit for purpose. In_4 shared that “if you keep the environment clean, if you repair windows, if you have the buildings, I mean painted properly, if you maintain what you have it will be more conducive for rehabilitation because a person’s image and how he sees themselves.”. All

the cogs of the system need to work effectively to create an environment that supports rehabilitation. This mirrors the perverted American experience, particularly as observable in Guantanamo, of highly securitised prisons involving caging and dehumanising prisoners held in filthy, insect-infested, windowless cells (Aleem, 2015; Tayler and Epstein, 2022:25). This is in contrast to Nordic approach where Swedish prisons have an overall clean environment with access to water, toilets, and common areas that include painted walls in soft colours (Aleem, 2015; Petersson, 2018:33).

Leeuwpkop Correctional Service Facility is characterised by poor infrastructure that is poorly maintained. Out of a capacity of close to 4000 offenders, just over 800 officials and more than 300 units, it is a challenge to maintain the facilities to the required standard. The limited standard of facilities, it emerged, is reminiscent of the pre-democracy dispensation where there were no proper facilities as a means of punishing offenders, which is a disabler to rehabilitation. Even participants whose only reference is the democratic dispensation correctional environment expressed that not a lot has changed structurally in how the infrastructure is configured. The environment is the same, using bunk beds and housing many offenders in one cell. At the core of the issue is that the current infrastructure configuration at Leeuwpkop Correctional Service Facility is not designed in line with the vision expressed in the White Paper on Corrections. For instance, although there is currently no overcrowding at Medium A due to measures that have been introduced as a result of COVID-19, there is a general overcrowding in the entire Leeuwpkop Management Area which is approved to accommodate 3078 offenders but currently has a total of 3504 offenders.

Although there is no overcrowding at Leeuwpkop Correctional Service Facility, Medium A, it should be noted that the space itself is not conducive to rehabilitation due to a lack of privacy and freedom. As per the psychology profession, one of the critical tenets of rehabilitation is having privacy. Privacy contributes to improved mental health outcomes, which correctional life significantly impairs (Kupers, 2005:714). This notion was further expressed by In_1, who averred that:

“There’s no privacy which is one of the things that also contribute to your mental health. Being in a cell with other 30-40 others, there is no independence and there is no liberty. Somehow it might affect you psychologically, every time you wake up there’s like a group of people in your face...

Policy, I’m not sure what it says but for me, living with 30-40 people in one cell, I wouldn’t recommend it. At the same time, all the prisons are like this, even living on [sic] sleeping on top of

each other. Most of the cells have bunk beds, I don't think it's a healthy environment but that's how prison is [sic] designed"

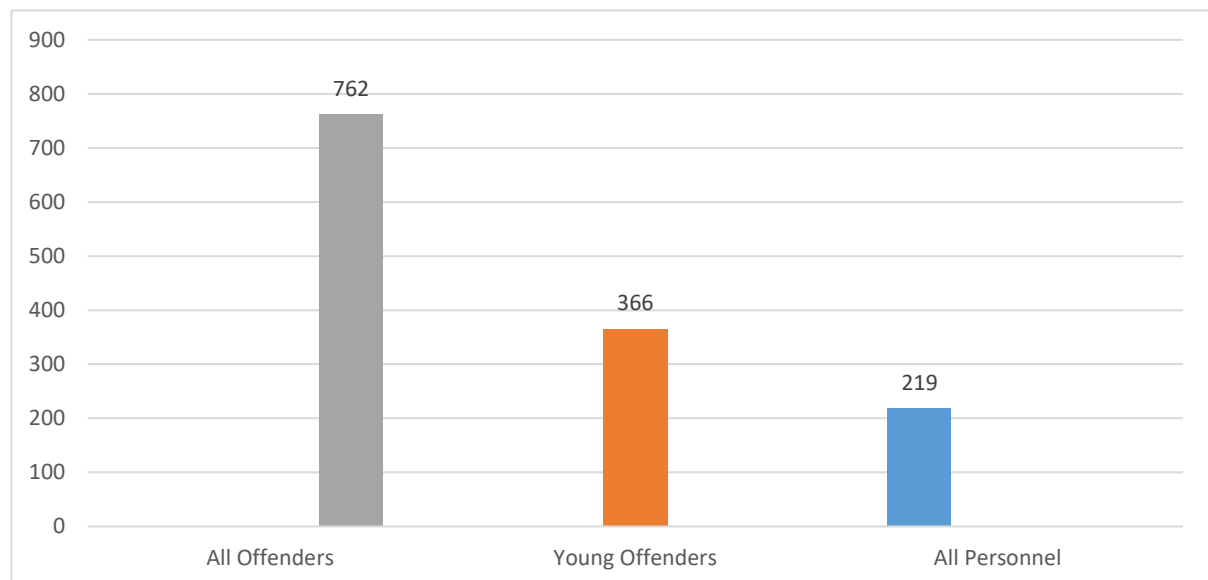
The White Paper on Corrections envisions a unit management system- the approach of dividing offenders into smaller, more manageable units with direct supervision, which is regarded as a measure to facilitate restorative rehabilitation (Department of Corrections, 2005:43). However, the facilities and infrastructure at Leeuwkop Correctional Service Facility do not allow for the effective implementation of unit management. Presently, unit management is not practised because the infrastructure does not permit it. There is a significant difference between correctional facilities that are being built now compared to Leeuwkop Correctional Service Facility because the current ones are being built with consideration of the new philosophy in mind, which would make the unit management systems feasible relating to, inter alia, the divisions and the manageable number of offenders.

This is a testament to the pervasive nature of how institutions are unable to easily transform and evolve from their fundamental objective and design; the institutional arrangements, have been designed for a particular outcome that cannot be changed easily or instantaneously (Diogo, Carvalho and Amaral, 2015:114). Diogo, Carvalho and Amaral (2015:118) maintain that “institutions tend to resist change because they embed actors’ interests and also because institutions are implicated in actors’ cognitive frames and habits”. Therefore, insofar as, institutionally, Leeuwkop Correctional Service Facility, is a manifestation of traditional conceptualisation and its institutional arrangements are characterised by the corresponding moral philosophy, the outcome will not be successfully aligned with institutionalising rehabilitation of young offenders.

6.3.3 Personnel and Professionalisation for Rehabilitation

The Swedish experience has demonstrated that investment in professional and well-trained personnel is crucial in turning towards a critical path of institutionalised and effective rehabilitation. Sweden has over time developed a highly professional prison and probation system (Petersson, 2018:5). This is a key component in transmitting rehabilitation and the absence thereof acts as an institutional barrier. Contrastingly, one of the key elements that emerged at the Leeuwkop Correctional Service Facility is the limited personnel and deficiency in their professionalisation. Although the personnel is qualified, the misplacement and misappointment in areas of non-specialty counteracts the efforts. The level of

professionalisation of the personnel at the Leeuwkop Correctional Service Facility is crucial as officials are the instrument through which the policy directive of the White Paper on Corrections is effected and transmitted to young offenders. Thus, the facility must be capacitated with highly professionalised personnel that understand the new agenda.

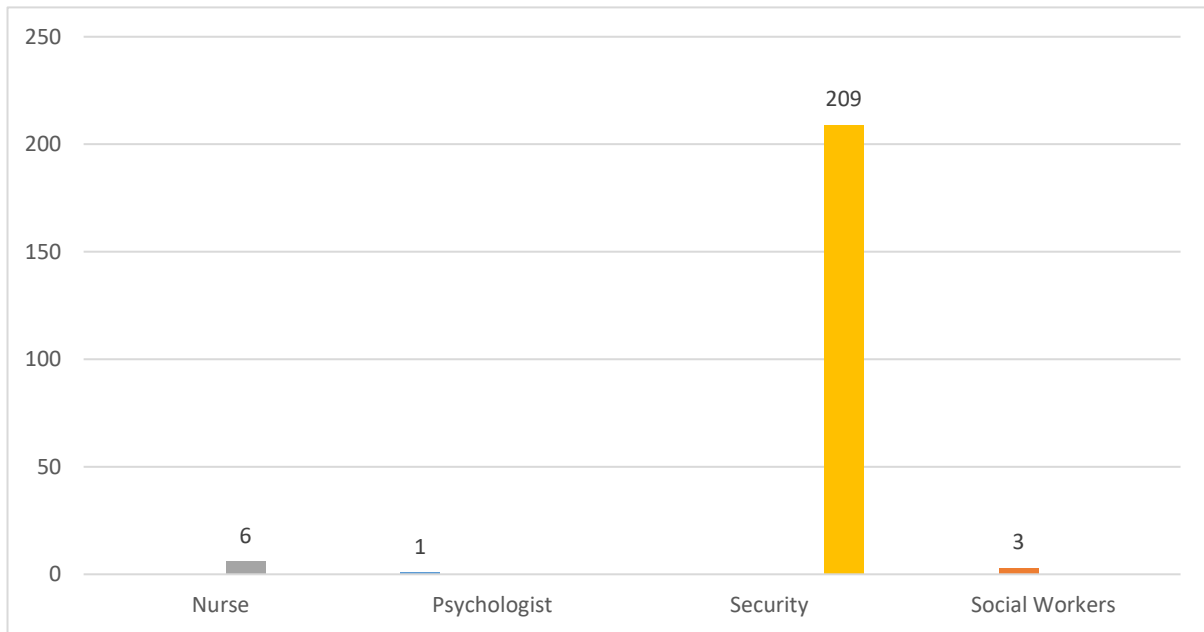


Graph 5: Offender~Personnel – Number of Offenders & Personnel by Attribute Value

Graph 5 highlights the number of personnel dedicated to Medium A's young offenders, let alone the entire offender population at Medium A, is not congruent. Out of the 219 available personnel, there is one psychologist, three social workers, six nurses, and 209 correctional officers at Leeuwkop Medium A. The ratio of social worker to offender is 1:254, nurses to offender 1:127, psychologists to offender 1:762 and correctional officers to offender 1:3,6. It is thus not surprising that the officials, especially rehabilitation-focussed personnel, are overwhelmed with the number of offenders they have to service.

It is evident that the Leeuwkop Correctional Service Facility is under-capacitated to deal with the number of offenders currently incarcerated at the facility. The correctional service system and Leeuwkop Correctional Service Facility are overwhelmed, and the limited capacity and resources are overstretched.

Substantiating further that Leeuwkop Correctional Service Facility is not geared effectively towards rehabilitation is the partitioning of personnel, as illustrated by Graph 6.



Graph 6: Type of Personnel & Count by Attribute Value

Graph 6 demonstrates that most personnel at Medium A are the staff responsible for incarceration, accounting for 209 out of 219 personnel. It is alarming that an institution that regards itself as a centre for rehabilitating young offenders has only ten officials responsible for psycho-social service for Medium A, a microcosm of the entire Management Area wherein only 8% of the personnel are specialised rehabilitation personnel. This reflects the entire Management Area, wherein 57% of the staff are security officials (incarceration personnel).

Out of the 924 personnel in the Leeuwkop Management Area, including contracted officials, 530 are directly responsible for incarceration, and only 78 are directly responsible for rehabilitation. It emerges that in practice, the securitisation of the facility and confinement offenders is far more important than rehabilitation. The disparity in the capacitation of Leeuwkop Correctional Service Facility is not indicative of an ethos of a rehabilitation agenda. In fact, it mirrors the pre-1994 dispensation when the ethos was hyper-securitisation of the institution.

There is a significant shortage of professionals such as social workers and psychologists. For instance, at Leeuwkop Medium A, only one psychologist is responsible for 366 young offenders, and 762 offenders in general, which means that everyone who needs psychological services will have to be seen by one psychologist; invariably, not all offenders will receive psychological support services. Employing more professionals would align with rehabilitation.

Although the correctional environment has changed from when there were no psychologists in most correctional centres, now almost every correctional centre or Management Area has a psychologist, but it is still not enough to cater to the entire centre's needs. In addition, the current rehabilitation professionals cannot cope in administering rehabilitation due to the high number of offenders within the centre.

This acts as a barrier to rehabilitation for various reasons, including limiting access to correctional programmes for young offenders. The shortage of rehabilitation professionals affects the access that young offenders have to correctional programmes, resulting in offenders being unable to participate or exposed too late because only one psychologist must service 366 young offenders. A study by Penal Reform International on Global Prison Trends (2021:40), concurs that the lack of professionals in healthcare, education or social support results in inmates having difficulty in accessing basic social and rehabilitation support.

This is a microcosm of the entire Management Area, which has a total of 865 permanent personnel and an additional 59 contracted personnel responsible for 3504 offenders, accounting for a 1:3, 7 staff/inmate ratio. Whereas, in Sweden, the SPPS employed about 7800 persons where 4487 of staff were employed in prisons amounting to a staff/inmate ratio of 1:09 (Von Hofer, 2001:295).

In the Leeuwkop Correctional Service Facility case, there is not enough personnel to deal with the number of offenders, thus not providing the necessary rehabilitation required. In order for the environment to be conducive to rehabilitation, it is essential for all young offenders to have access to specialised and dedicated care from qualified personnel in all aspects. However, it is difficult to comprehend that young offenders will receive the care envisioned by the White Paper on Corrections if this is compromised. In_6 aptly stated that:

“If you look at capacity requirements, we are still at a good level in terms of offenders but when it comes to officials, then we have less staff. With less staff that means the effort must be doubled or tripled and it can be exhausting sometimes. The culture, for example, I’m appointed as CMA [Case Management Administrator] that means I deal with admission and release of offenders but because of shortage of staff I will be required to do security, I’ll be required to go help with this. So sometimes it’s exhausting and it interferes with programs, your daily structured programs, so somehow I think there is an imbalance in terms of the ratio of official to offender. You would know even in our education system; it is believed that the lesser the students, the better the quality of education because you know that you have a small number of people to pay attention to”.

The rationale for success factors in low numbers of incarcerated offenders and thereby adequate number of personnel in the Nordic countries could be based on the fact that they have small populations- Finland, Denmark, Norway and Sweden have a total population of around 24 million (Von Hofer, 2001:289), compared to South Africa with a population of 59 million (Government Communication Information Systems, 2020:3); as well as their prioritisation of other sanctions over incarceration (Von Hofer, 2001:289).

The issue of under capacitation is not only limited to professional rehabilitation personnel but cuts across the Leeuwkop Correctional Service Facility. Personnel responsible for infrastructure maintenance to ensure that Leeuwkop is conducive and inhabitable are significantly limited. There are only three qualified artisans, three plumbers and three electricians responsible for maintaining the entire Management Area, including facilities within the cells. The repair and replacement of facilities is often delayed in perpetuity due to these capacity constraints, which translates to poor infrastructure for young offenders.

It emerged that further to the limited professionals at Leeuwkop Correctional Service Facility, there is also a challenge of specialisation, misplacement, appropriate skilling and training, which means that the available capacity is further diminished. In Sweden, additional to general education requirements, prospective correctional officials are required to have training in social sciences (Von Hofer, 2001:296). Although the South African correctional system is modelled against international correctional systems, it does not mirror it in terms of personnel and training. African correctional systems show that some African countries have benchmarked and legislated hopefully without having the staff to put the plan into effect (Maudsley, 1970:198).

Low personnel rates can generally be attributed to low salaries and poor working conditions acting as a disincentive for most professionals. For instance, the Department of Correctional Services noted in a 2019/2020 report that new recruits did not compensate for staff leaving because of decreasing budgets for salaries (Department of Correctional Services, 2020:102). The same is observed in Uganda where the entry salary for prison warders in 2016/2017 was below the median monthly wage of public employees (Uganda Bureau of Statistics, 2018:54), and in Georgia where a survey showed prison jobs to be unattractive because of the incongruent salary to the responsibilities (Penal Reform International, 2021:40).

6.3.4 Programmatic and individualised Correctional Programmes

Correctional and development programmes are intervention measures used to impart rehabilitation on offenders. Traditionally, prior to development programmes, inmate labour was viewed as an invaluable instrument for the reformation of offenders (Mills, 1825:9). However, with the transformation of the correctional system, more developmental programmes have been introduced as instruments of instilling and encouraging behavioural change and societal reintegration readiness.

What emerged at Leeuwkop Correctional Service Facility is that correctional programmes do not achieve what is intended. It emerged that rehabilitation is strictly located as a function of correctional programmes and not a holistic function of the facility and its institutional arrangements. Notwithstanding the programmatic nature of rehabilitation, the delivery of the individualised and voluntary nature of the correctional programmes appear to compromise the institutionalisation of rehabilitation for young offenders at Leeuwkop Correctional Service Facility.

Rehabilitation is structured in various aspects; for instance, within Leeuwkop Correctional Service Facility, professionals focus more on psychological aspects of rehabilitation, including psychotherapy to develop offenders. There are workshops where artisanal and agricultural skills are provided to the young offenders. Developmental life skill programmes are also available to offenders as determined in their sentence plan depending on which of their behavioural aspects need attention, such as substance abuse, aggression, stress management, and mental health-related issues. Offenders interested in school and sports are afforded the respective opportunities. Similarly with the SPPS experience, the work programmes comprise 47%, education forms 20%, service and maintenance programmes comprise 15%, specialised rehabilitation and treatment programmes comprise six percent, and other activities forms 12 % of all programmes activities (Von Hofer, 2001:299).

Rehabilitation is not viewed as a holistic function of the Leeuwkop Correctional Service Facility but is limited to the offered correctional programmes. Holistic and institutionalised rehabilitation transcends the offered programmes and is ingrained and institutional in all aspects of the facility- how it is structured, the number of professionals and personnel available, the available resources and infrastructure that can support and encourage effective and

meaningful rehabilitation. However, the current configuration of the Leeuwkop Correctional Service Facility suggests that the rehabilitation of young offenders is programmatic and individualised, which means that there is no rehabilitation without the correctional programmes. This is contrary to the ethos of having the facility as a centre and medium for rehabilitation.

For instance, although the attendance of correctional programmes is encouraged and is beneficial to an offender's record, particularly for parole considerations, they are not compulsory, and offenders are not obligated to attend them. Offenders are able to opt out of attending correctional programmes. Although the system does attempt to ensure that all offenders attend correctional programmes by seeking to intervene on the root causes of why an offender is disinterested, it still does not force rehabilitation. The reluctance to participate does seem pervasive as, according to the percentage of sentenced offenders with correctional sentence plans who complete correctional programmes per year, it is expected that only 50% of offenders will complete correctional programmes in the 2021/2022 financial year, a significant drop from a range of 82% - 99% from previous years (National Treasury, 2021:376).

As evidence, the lack of attendance supposes that, even though an offender spends their entire sentence inside Leeuwkop Correctional Service Facility, it is possible that they may still not be rehabilitated. The incentive for attending correctional programmes is the possibility of parole; however, if an offender is not interested and serves a complete sentence, there is nothing that can be done but to release the offender without being meaningfully exposed to rehabilitation because the environment alone is demonstrably not enough for one to be rehabilitated.

Non-participation is further exacerbated by the fact that other young offenders are, not because of their doing, not exposed to correctional programmes. Some programmes are only offered to a certain group of offenders due to crime and sentence categorisation. For instance, only offenders at Medium A are exposed to work allocation and related skill opportunities. In addition, access to certain programmes is only available either after an offender has served a number of years of their sentence or after reclassification from one Medium to another given the reduced risk. For instance, given their crimes, offenders at the Maximum facility might have to serve between eight and 15 years of their sentence before being introduced to correctional programmes. Furthermore, foreign national offenders are not eligible for some

correctional programmes. This is different in the Swedish prison system where all inmates are compelled to participate in correctional programmes (Von Hofer, 2001:298).

Moreover, the high workload for officials means that a large number of offenders need to go through certain programmes and processes in a very short space of time which creates a backlog and puts pressure on the system and the few professionals. Penal Reform International (2021:40) notes that “where staff shortages occur, prison officials have to supervise larger groups with less resources, often for longer shifts. The delay or lack of access may be detrimental to the rehabilitation process as an offender might be further corrupted when they get access. This approach, it appears, is by consequence of stretched resources and continued under-capacitation.

Correctional programmes and their efficacy are also not measured; thus, it is even more challenging to ascertain whether the programmes are effective or if rehabilitation is occurring. The emphasis of rehabilitation is based on what has been provided to the offender and the programmes they have attended, and not what it has done to them. As long as the officials are satisfied with an offender’s profile's contents, it is believed that rehabilitation has taken place. It thus cannot be categorically proven that an offender is rehabilitated. This further exacerbates malicious compliance and reduces rehabilitation to a box-ticking exercise in that it is not scientific but relies significantly on the assumption that those who attend correctional programmes will be rehabilitated.

In this way, rehabilitation is limited to individual will, availability, and access and is not institutionalised. Leeuwkop Correctional Service Facility is just an environment; the actual rehabilitation is an individual's choice whether they want to change or not. The individualised and incentivised rehabilitation has made the rehabilitation process susceptible to abuse, exploitation and malicious compliance. Young offenders are aware of the prerequisite programmes requirement for parole consideration, and they disingenuously participate in programmes only to fulfil the criteria for early release. When administered appropriately, the programmes help keep offenders busy and away from trouble; they contribute significantly to rehabilitation by positively impacting an offender’s life, in and out of the correctional environment.

6.4 The Allocation and Expenditure of Financial Resources

The effective functioning of the correctional facility, and correctional system in general, is contingent on the availability and allocation of financial resources. The will to execute the vision and plans of the Department are reflected in the areas of their investment. According to the vision expressed in the White Paper on Corrections, rehabilitation should be more prioritised and more resources allocated for its effective execution as the mandate of the Leeuwkop Correctional Service Facility. In the absence of appropriate resource allocation, the plans outlined in the White Paper on Corrections become futile.

It emerged that at the core of the issue is that limited resources are the leading cause preventing the meaningful implementation of the White paper on Corrections and the effective alignment of the institutional arrangements to support the ethos of rehabilitation for young offenders at Leeuwkop Correctional Service Facility. Limited budget allocation hinders the recruitment of appropriate professional personnel, the establishment of proper facilities and amenities, and the facilitation of effective change management of the correctional service system and environment.

Leeuwkop Correctional Service Facility does not have its own budget vote as it falls within the ambit of the national Department of Correctional Services. The budget vote is reflective of the priorities of the department. The overall budget of the Department of Correctional Services for 2021/2022, comparing it to the 2020/2021 financial year, has slightly decreased from R26 800 000 000 to R25 218 100 000 (National Treasury, 2020:335; National Treasury, 2021:375). What is significant to note is that the reductions in budget have been on Administration (compensation of employees) and Incarceration programmes, whilst the Rehabilitation, Care, and Social Reintegration programmes noted increases. This is a positive indication that, even with crosscutting reductions, rehabilitation and associated aspects (care and social reintegration) budget allocations have increased, which is a testament to the commitment to the ethos of rehabilitation.

In Sweden, the total budget, including expenditure for requirements such as non-institutional care, for the 1998 fiscal year was 4,150 million Swedish Kronor (SEK) (about R7 060 494 000) (Von Hofer, 2001:296). According to a 2019 investigation by The New York Times (Rosenberg, 2019), the U.S. was spending \$540 million (R8 280 997 200) a year just to detain

prisoners at Guantánamo, which comes to nearly \$13 million (R199 485 520) annually per prisoner. Although quantitatively it appears that South Africa invests more, proportionally compared to Sweden and the U.S, the net expenditure is less because of the number of offenders being serviced. Furthermore, analytically it reveals that it costs more to have an institution that prioritises incarceration over the rehabilitation of offenders. This is further demonstrated by the fact that Sweden spends only R3 063, 89 daily per inmate in open prisons compared to R4 594, 61 for maximum security facilities.

Although there has been an average growth rate in budget allocation for rehabilitation more than for incarceration programmes, the average expenditure is significantly lower at less than 10%, whereas the average expenditure for incarceration is over 50% of the budget (National Treasury, 2021:377). It is crucial to note the disparities in allocation and expenditure between incarceration and rehabilitation. Whilst incarceration received a total of R14 961 100 000 allocations for the 2021/2022 financial year; rehabilitation does not even amount to half the budget allocated for incarcerations at only R5 864 300 000 (National Treasury, 2021:375). An estimated 58,4% (R44,7 Billion) of the department's spending over the MTEF period is in the Incarceration programme, whilst an estimated 34,8% (R1,8 Billion) of planned expenditure is in the Rehabilitation programme (National Treasury, 2021:376). It is evident that rehabilitation remains a secondary function for the correctional service system. This is concurrent with the notion shared by participants that there is under-resourcing at Leeuwkop Correctional Service Facility that support actual rehabilitation.

The budget for infrastructure falls under the incarceration programme's responsibility, which certifies why the structure is not supportive of rehabilitation efforts as revealed. The structural outlook of the Leeuwkop Correctional Service Facility will thus always be from the perspective of the 'imprisonment' of young offenders and not the prioritisation of their rehabilitation. Moreover, the budget allocation for infrastructure has been significantly reduced by -29% since 2017/2018 (National Treasury, 2021:377). This is evidence of the manifestation of overall overcrowding, dilapidation and inappropriateness of infrastructure function. Given the ongoing reduction in the infrastructure budget, it should not be expected that the Leeuwkop Correctional Service Facility will be transformed into a capsule and environment conducive to the meaningful rehabilitation of young offenders.

The disproportionate resource allocation for rehabilitation as a function of the Leeuwpkop Correctional Service Facility demonstrates that policy intentions are not enough; they must be supported with enabling resources. In this case, the resource allocation for rehabilitation to be a priority for the Leeuwpkop Correctional Service Facility, as a centre for rehabilitating young offenders, is incongruent to the objective.

6.5 Factors Contributing to Offending and Re-Offending

The majority of young offenders offend and re-offend as a means of survival. The majority of the young offender participants were incarcerated for theft, robbery and other petty crimes. It was revealed that factors such as poverty and unemployment accompanied by peer pressure and substance abuse influence young people into a life of perpetual crime. Although there are correctional programmes to assist one in dealing with substance abuse, skills training, amongst others, given the ineffective institutionalisation of processes, Leeuwpkop Correctional Service Facility cannot effectively address the causal factors of offending.

In order to ascertain whether it and its corresponding institutional arrangements are suited to rehabilitate offenders, it is crucial to understand what the determinants for offending are. Understanding the root causes of offending behaviour, it thus becomes more apparent what the suitable institutional arrangements that should pervade to encourage and instil a structural culture of rehabilitation should be.

It emerged, consistent with the literature, that most young offenders commit crimes that result in their incarceration at Leeuwpkop Correctional Service Facility due to poverty, unemployment, substance abuse and peer pressure. This is further evidenced by the reality that most young offenders come from low-income backgrounds, and a disproportionate number are Black Africans (Kupers, 2005:713).

6.5.1 Substance Abuse and Peer Pressure

Substance abuse is one of the key drivers contributing to offending behaviour as most young offenders have to fund and finance their habits and addictions through petty crime activities such as housebreaking. The interplay between substance abuse and criminality is intertwined-substances offer an escape and a coping mechanism to deal with the prevailing social challenges as well as the courage to commit a crime; in turn, the outcomes of the crime fund

the addiction. This was evidenced by offenders such as Fi_3, despite being well educated, but because of a drug addiction problem, was later forced into crime to fund and maintain the addiction.

The White Paper on Corrections also notes that the absence of appropriate role models for the youth, combined with substance abuse, have a significant impact on crime (Department of Correctional Services, 2005:52). The addiction to substances and the perpetration of criminal activities are further exacerbated by peer pressure amongst young people and the desire to belong amongst peers and for social acceptance. Some young people feel forced to engage in unlawful acts because of the fear of losing friends (Bazon and Estevao, 2012:1163). This was consistent with what the data from participants revealed. It was indicated that most offenders experienced the need to impress their peers during adolescence, which often drove them to substances and bad decisions. The pervasive culture of hegemonic masculinity causes young people to want to prove that they are 'real men' and thereby leading to experimenting and abusing substances, which can lead to offending behaviour.

6.5.2 Unemployment and the Lack of Education

Given the disproportionate number of offenders being young people from low-income backgrounds, it is unsurprising that the study concurred that unemployment is one of the key determinants contributing to offending. The latest official unemployment rate among youth is recorded at 46, 3% in the first quarter of 2021 (Stats SA, 2021:1). Furthermore, the majority of the unemployed young people do not have grade 12 qualifications or any training.

Although some offender participants have a basic education, most do not have grade 12 qualifications. Consequently, the resultant lack of financial support, driven by low educational backgrounds and low employment levels, pressures young people towards criminality. Consistent with the literature, most crimes are committed because young people are not employed; thus, turning to criminal activities becomes a means of survival due to passive subjection by circumstances and less of a choice. The pressure of finding employment is high, even more so for people with low formal educational levels.

Furthermore, incarceration has a cannibalistic effect as it further reduces the possibilities of employment once a person has a criminal record. For instance, various companies and

government policies are not receptive to employing persons with criminal records, which demoralises offenders. Even though offenders have up-skilled themselves with various trades during incarceration and rehabilitation, when released, there are minimal professional employment opportunities for former offenders. In fact, it can be argued that the government itself does not demonstrate confidence in its own rehabilitation process as it is also not receptive to employing persons with criminal records. For instance, according to the Constitution of South Africa, a person who has been incarcerated for more than 12 months without the option of a fine is ineligible to be a Member of Parliament, albeit until five years after the sentence has been completed (Constitution of the Republic of South Africa, 1996:47 (1) (e)), regardless of whether they have been rehabilitated.

In addition to the country's general limited employment opportunities and low educational outcomes, the existence of a criminal record adds to the frustration of former offenders, thus forcing them to re-offend and return to Leeuwkop Correctional Service Facility. Leeuwkop Correctional Service Facility's function is to ensure that once one has been incarcerated, the environment should affect them positively into changed behaviour instead of perpetuating offending behaviour. Accordingly, incarceration, as punitive as it is, should not further corrupt and deteriorate the individual on whom it is inflicted (Mills, 1825:8). However, as demonstrated, it can contribute to the further deterioration of one's life.

6.5.3 Societal Poverty and Inequality

Poverty and inequality compound incarceration by creating employment barriers, reducing earnings, and decreasing economic security (Centre for Community Change, 2020:1). The majority of offenders, intrinsically linked to unemployment, and low educational levels, come from a background of poverty and inequality with significantly low support systems. It is common cause that the environment and the conditions in which a person is socialised have a significant role in determining their behaviour. A healthy environment contributes in creating a healthy individual, in the same manner in which a less healthy environment will produce a problematic society (Arifin *et al.*, 2018:981).

Primarily due to lesser opportunities, young offenders are structurally driven to criminal activities as a means to provide. The majority of offender participants, six out of eight, were

Black Africans who are, and were, incarcerated for crimes related to offences that can be associated with deprivation and poverty, as indicated in Graph 4.

Graph 4 further indicates that, cumulatively, housebreaking, robbery, and weed smuggling, which can be regarded as poverty crimes, accounted for more than half of the offences for which the young offenders were incarcerated.

The inability of the rehabilitation process at Leeuwkop Correctional Service Facility to effectively deal with the poverty problem does not end the cycle and a marriage between poverty and incarceration. Scholars have also indicated that young people, through criminal activities, contribute significantly to their households (Mumola, 2000). Therefore, through incarceration, removing these breadwinners inevitably increases poverty rates (DeFina and Hannon, 2009:3). The relationship of poverty and pre-and-post incarceration is inevitable as long as the material conditions prevail. The White Paper on Corrections (2005:51) also notes that historically, factors like poverty and underdevelopment, together with a range of other social, political and cultural factors, are key factors in understanding increasing crime levels.

It is acknowledged that poverty and inequality have a far-reaching domino effect that spill-over to other facets of life, such as family life. There is a significant correlation between poverty and dysfunctional family structures with limited to no support structure. This actively illustrates that offenders seek solace in peer groups which, at times, lead to bad influence. Additionally, the lack of a family structure means that even after one is released from Leeuwkop Correctional Service Facility, they do not have a supportive family or community to return to; thus majority end up back in the cycle of criminality and return to what they know as a family in the correctional environment. Some offenders, once released, are forced to be homeless because their families and communities have disowned them; therefore, they must commit crimes for survival. It is not necessarily because they are career criminals or un-rehabilitated, but because it is better to be in the facility than outside where one has to fend for themselves, limited job opportunities, and one has low social capital and acceptance. In order to illustrate this further, In_7 shared the same view with In_2 and stated that: *“some of the guys cannot make it outside because in prison they are either a general or a soldier. You find that they have been robbing other inmates and things like that; they have come up with a lifestyle where they are the bosses so when they go outside it becomes so difficult that they commit other crimes and they come back to prison”*.

It is revealed that the correctional environment, as a response to the contributory factors that lead to incarceration, provides skills and training to offenders to be self-sufficient in escaping poverty and devising means of employment. However, society's disciplinarian character do not easily allow young offenders and former offenders to thrive as it institutionally excludes them from participating positively in society. This experience is further confirmed by the stigma associated with incarceration, which severely limits prospects for offenders (Western, 2006).

6.6 Conclusion

This chapter covered the analysis and synthesis of the collected data through thematic coding and employing an inductive approach. It emerged that the Leeuwkop Correctional Service Facility, at the end of the day, is an institution for the incarceration of young offenders. Its role is to ensure the enforcement of order, and rehabilitation is but a secondary function. Incarceration is an important and necessary pillar to the process, which without, the basis of what a correctional system is about ceases to be. The relationship between incarceration and rehabilitation can be compared to that of toddler discipline wherein the timeout or naughty corner technique is used to remove the child from a temper tantrum event so that they may calm down and introspect regarding their behaviour and how they can do better in future. Penal reformist John Howard conceptualised this in 1977 as disciplined self-reflection (Davies, 2003:46). Incarceration, order, and discipline work concomitantly with rehabilitation. In this regard, Leeuwkop Correctional Service Facility aims to provide minimal punitive measures as practically possible; however, these still permeate.

Leeuwkop Correctional Service Facility cannot evolve as an institution to effectively and meaningfully institutionalise rehabilitation given its structural and institutional limitations, primarily due to resource constraints. The allocated resources are disproportional to the new rehabilitation agenda outlined in the White Paper on Corrections compared to resources dedicated for strict incarceration. Thus, it is difficult for Leeuwkop Correctional Service Facility to address the factors that contribute to offending behaviour meaningfully. Even worse, the disciplinarian nature of reality, in terms of prevailing socio-economic conditions, pressures other young offenders to re-offend as a means of survival.

The objects of the White Paper on Corrections, although desirable, are not entirely feasible within the current framework of Leeuwkop Correctional Service Facility, given the structure of the institutional arrangements and resources to support the intention.

Chapter 7: Conclusion

7.1 Introduction

The study focused on institutionalised young offenders at Leeuwkop Correctional Service Facility and the intersecting realities forged in this space as a medium for rehabilitation. The objective was to determine whether the institutional arrangements support the institutionalisation of rehabilitation. This entailed exploring whether institutions are able to evolve and transform beyond their initial objective. The study uncovered significant findings through a semi-structured interview data collection process with various offenders and institutional actors associated with Leeuwkop Correctional Service Facility. One such major finding and debate that emerged was that it is important to acknowledge that, first-and-foremost, Leeuwkop Correctional Service Facility is an institution for the incarceration of offenders. Therefore, its primary objective is to ensure the secure custody of offenders. Consequently, this renders the rehabilitation process inferior because the institutional and structural arrangements are geared towards the fundamental objective.

Currently, the rehabilitation of young offenders at the Leeuwkop Correctional Service Facility is programmatic, individualised and incentivised. Ideally, the rehabilitation process should be holistic, ingrained and institutionalised, taking all aspects of Leeuwkop Correctional Service Facility as a correctional facility into consideration. The institution, comprised of the culture, rules, infrastructure, facilities, budgets, correctional programmes, and personnel, should be reoriented and reconfigured to support rehabilitation. Rehabilitation should be a natural and primary function of the facility. This is achieved by reimagining rehabilitation as a function of the facility and not only as a provided service. As expressed in the White Paper on Corrections, the current policy shift is not followed by the practical operational shift to allow for rehabilitation to flourish, thus enabling the permeation and perpetuation of punitive correctional environment elements.

This is consistent with literature on the subject, which posits that the conceptualisation of the correctional service system is an imported punitive tool to ensure and enforce public order in society. Scholars also aver that institutions retain the power to influence agents to act in a desired manner regardless of policy intention through culture and value. There exists a duality of formal and informal reality at Leeuwkop Correctional Service Facility. The pervasiveness

of the informal reinforces the punitive nature of the traditional correctional environment. This study, thus, exposed the disparity between policy intention and policy implementation at a practical level and that the transformation of institutions is primarily influenced, not only through policy but by the configuration of resultant institutional arrangements.

7.2 Study Recap

The legal mandate of the Leeuwkop Correctional Service Facility, as part of the correctional service system, is to correct offending behaviour in a secure, safe and humane environment to facilitate the achievement of rehabilitation and avoidance of recidivism. The White Paper on Corrections outlines the strategic direction with rehabilitation at the centre, which Leeuwkop Correctional Service Facility strives to make a fundamental function. The White Paper presents a new Vision and an updated Mission for the Department in which the rehabilitation is pivotal.

The purpose of the study was to examine the interactions between institutionalised young offenders and Leeuwkop Correctional Service Facility as a medium for rehabilitation through its institutional arrangements. This entailed exploring the role of institutions to shape social behaviour by exercising authority. The study explored the institutional elements of correctional services, making use of the Leeuwkop Correctional Service Facility, an essential facility performing a rehabilitation function for young offenders in Johannesburg, as a case. The study aimed to uncover whether the current configuration of institutional arrangements at Leeuwkop Correction Facility supports the correctional environment's ideological shift to be rehabilitation centres. This was conducted in pursuance of determining alignment and synergy between policy intention and policy implementation.

The appropriate qualitative research tools were employed during the research process by collecting data from a sample of 16 participants using semi-structured interviews. Participants were inclusive of first-time offenders, repeat offenders between 21 – 35 years old, former offenders and institutional actors associated with Leeuwkop Correctional Service Facility, specifically from the Medium A section. Variance such as age range, race, and type of offence within the young offender's category was considered amongst the offender participants. The data collected was transcribed and analysed through an inductive thematic analysis where four themes were revealed- the establishment of order and discipline; factors contributing to offending; rehabilitation of offenders; and the allocation and expenditure of resources.

The data revealed that the Department of Correctional Services' legislation and policy as expressed in the Correctional Services Act 1998, the Criminal Procedure Act 1977, and the 2005 White Paper on Corrections, and the 2014 White Paper on Corrections on Remand Detention Management in South Africa, provides an enabling framework for a transformative correctional environment that elevates and accentuates the rehabilitation of offenders; however, other institutional factors are impeding and not supporting rehabilitation. The institutional arrangements that impede and do not support rehabilitation as the core function of the Leeuwkop Correctional Service Facility emerged as inadequate infrastructure, personnel shortages, adverse institutional culture, insufficient correctional programmes, disabling rules, and disproportionate and limited resources allocation.

The current infrastructure arrangement at the Leeuwkop Correctional Service Facility is not fit to support the number of offenders it accommodates. As the population of offenders has increased due to the minimum sentence and repealing of the death penalty, the facility has remained the same resulting in incidents of overcrowding leading to an unhealthy environment for rehabilitation. The significant number of offenders means that offenders do not have independence, liberty, and privacy which are essential components of the rehabilitation process. Moreover, the inadequate infrastructure that is purely designed for isolation, and without renovating, redesigning and realignment will continue to impede rehabilitation.

The incongruous ratio of offenders and availability of rehabilitation professional personnel is a significant factor that impedes rehabilitation efforts at Leeuwkop Correctional Service Facility. The rate at which officials are recruited and replaced following natural attrition and retirement does not match the high rate of offender increase and creates a challenge for Leeuwkop Correctional Service Facility and a risk for the officials who have to attend to a significant number of offenders. Furthermore, the shortage of personnel and professionals means offenders are sometimes systematically denied access to particular services. There are not enough professionals at Leeuwkop Correctional Service Facility and services are provided only on specified conditions, days and times. Consequently, not all offenders have the opportunity to be exposed to certain programmes before serving their minimum sentence as expected due to these systematic challenges. The delay and disappointment that ensues hinders progress and perpetuate further criminal behaviour.

Furthermore, officials as the transmitters of policy and culture creators are important rehabilitation instruments at Leeuwkop Correctional Service Facility. It emerged that some unprofessional officials understand the role of the correctional system as being coercive and punitive linked with mistreatment and abuse, albeit verbal. Moreover, officials are misplaced and mis-appointed in areas of non-speciality and thus have no knowledge of how to execute the required tasks appropriately. The lack of, or limited, measures for sanctions for officials further entrenches the culture of verbal abuse and mistreatment as a response to provocation by offenders. Nonprofessional personnel and adverse culture are detrimental to the efforts and ethos of rehabilitation sought at Leeuwkop Correctional Service Facility.

It is an accepted fact that the pre-democratic era correctional environment did not provide a range of needs-based correctional programmes aimed at rehabilitating offender behaviour. However, despite limitations, the current dispensation correctional environment provides various correctional programmes aimed at developing life skills, personal development, and improving health and emotional well-being. However, the present rules impede their effective application. As a product of a human rights-based system, the lenient rules give offenders the autonomy to choose whether or not they wish to attend correctional programmes. That choice results in offenders not attending correctional programmes and thus not receiving rehabilitation during incarceration.

As a result, the correctional programmes provided at Leeuwkop Correctional Service Facility are sometimes rendered ineffective in achieving their purpose. Foremost, rehabilitation is limited to correctional programmes and related activities, suggesting that the correctional environment itself is insufficient to ensure rehabilitation. The lack of institutionalisation of rehabilitation means that the process is left to individual will of an offender to decide whether they wish to be rehabilitated or not. Furthermore, programmatic and incentivised rehabilitation suggests that offenders are able to opt out of rehabilitation or maliciously comply as a means of satisfying the criteria for early release. Moreover, the unequal access to correctional programmes based on crime categorisation, sentence categorisation and nationality indicates that not all offenders will have access to rehabilitation. The fact that rehabilitation is provided by correctional officials, who are in the same uniform as officers, appears to create a subconscious resistance as correctional officers symbolically represent incarceration. In fact, it

further emerged that the correctional programmes are not measured nor evaluated; thus, it is difficult to know if an offender is genuinely rehabilitated.

At the core of the shortcomings for the institutional arrangements to meaningfully support the institutionalisation for the rehabilitation of young offenders at Leeuwkop Correctional Service Facility is the resource disparity between incarceration and rehabilitation programmes. This is further reflected in the difference in personnel, with rehabilitation personnel being very minimal, even more so at Leeuwkop Correctional Service Facility Medium A, which only has one psychologist for over 300 young offenders. The overall resources are limited, making implementing aspects of the White Paper on Corrections, such as the unit management system, unfeasible. The limited space, antiquated infrastructure, and limited facilities are a testament to how inadequate resources impede a rehabilitation-centric agenda's full and effective roll-out.

The factors contributing to offending and the characterisation of the offender revealed that the social environment creates conditions for young persons to turn to criminal behaviour. As a result, the offending conditions remain unresolved in society even though an offender may be reformed.

Given the identified deficiencies that hinder the role of institutional arrangements in supporting the institutionalisation of rehabilitation of young offenders at Leeuwkop Correctional Service Facility, recommendations are presented to answer the research objectives and address the main thematic issues that emerged.

7.3 Recommendations

Human behaviour is regarded as the product of causes in individuals and in their environment; if it is accepted that some young offenders transgress because of harmful experiences or as adaptation inevitable, then it must also be accepted that change can be brought about intervention in the offender's lives (Stephen, 2018:86). The recommendations for the institutionalisation of rehabilitation through the institutional arrangements in pursuance of institutional reform for effectively rehabilitating young offenders at Leeuwkop Correctional Service Facility are presented as follows:

7.3.1 Alignment of Institutional Arrangements through Resource Investment

In order to effectively realise and achieve the objectives of the White Paper on Corrections in revolutionising the Leeuwpkop Correctional Service Facility into a rehabilitation facility for young offenders, there has to be an intentional realignment of the institutional arrangements to support the ethos of rehabilitation. Policymakers and administrators must ensure a deliberate action to invest in the transformation of the Leeuwpkop Correctional Service Facility.

The flourishing of rehabilitation as a function of the Leeuwpkop Correctional Service Facility is closely linked with the investment and allocation of financial resources. It is one thing to make policy pronouncements and legislate; it is another to invest in it. The current finance allocation is biasly skewed against rehabilitation by 600% compared to incarceration. Therefore, there should be a significant reallocation and reprioritisation of the annual budget towards the correctional programme, which will see the capacitation of rehabilitation in terms of personnel, infrastructure, facilities and programmes.

This should be further supplemented with sponsorships from private and public partnerships. Sponsorships from the private sector should not only be in monetary terms but through the provision of related services such as psycho-social services, and educational specialists, amongst others. Learning from the SPPS assistance of prison development programme, the SPPS are unique in that they never provide cash contributions, instead they second personnel to assist with training, mentoring and management (Petersson, 2018:29).

7.3.2 Infrastructure Improvement as a Space for Rehabilitation

A correctional system that is suited to meet and address society's problems needs to be designed after deep and thorough research into the criminological background of that society (Maudsley, 1970:197). Leeuwpkop Correctional Service Facility, as a space and medium for rehabilitating young offenders, should be structurally designed and configured with the desired rehabilitation outcomes. The current infrastructure configuration of the Leeuwpkop Correctional Service Facility does not effectively support the rehabilitation objectives of the facility. The current infrastructural form unintentionally espouses a punitive reality for its occupants.

This is expected as, when it was designed and constructed, the objective was different. The renovation and changing of the infrastructure will ensure that the design institutionalises and

ingrains rehabilitation elements. For instance, learning from the Nordic experience to prioritise elements such as more space, lighting, colour, and privacy, amongst others, to make Leeuwkop Correctional Service Facility fit for purpose. Similar to new correctional facilities, infrastructure improvement will ensure appropriate facilities such as libraries, psychotherapy rooms, classrooms, and ample offices, instead of the current makeshift arrangements. The current infrastructure arrangement is not fit for purpose and does not support elements such as the unit management system envisioned in the White Paper on Corrections.

Infrastructure improvement for Leeuwkop Correctional Service Facility is feasible, adapting from the new generation correctional facilities unveiled in Tzaneen as part of the infrastructure rollout programme. It is indicated that the new generation Tzaneen Correctional Centre is a modern facility built in line with the current standards and norms, equipped with sophisticated technologies to enhance and facilitate skills transfer to inmates to enable their effective rehabilitation (Department of Correctional Services, 2021). Previously, the old Tzaneen Correctional Facility was made up of corrugated iron and accommodated only 68 inmates; the infrastructure improvement has resulted in increased bed space of about 433, reducing overcrowding which has a negative impact on rehabilitation, from 68% to only 15% (Department of Correctional Services, 2021).

The appropriateness of the design and configuration of the infrastructure of the Leeuwkop Correctional Service Facility and its impact on rehabilitation acknowledged by the Department of Correctional Services' Chief Operations Commissioner, Mr Mandla Mkabela, who stated that the Department of Correctional Services needs to be involved from the planning phase of infrastructure development with Department of Public Works to factor in appropriate specifications suitable for the desired correctional structures (Department of Correctional Services, 2020).

7.3.3 Restructuring of Correctional Programmes to Shape Social Behaviour of Young Offenders

Rehabilitation should be a natural and primary function of the Leeuwkop Correctional Service Facility which should not only require the attendance of correctional programmes by young offenders. There should be better integration of the correctional programmes into the overall functioning of the Leeuwkop Correctional Service Facility. Accordingly, the correctional programmes should be adequately evaluated to ascertain their efficacy so that appropriate

interventions and adjustments can be made to increase their effectiveness for the Leeuwkop Correctional Service Facility to achieve its mandate of affecting positive change in the social behaviour of young offenders.

Furthermore, the attendance of correctional programmes should not be used as an incentive because this reframes them as just a qualification for early release rather than an instrument to help change, improve and develop young offenders. Therefore, the attendance of correctional programmes should be consistent and mandatory as part of the rehabilitation process.

Finally, consideration should be made for young offenders to be trained by external service providers or NGOs. This would assist because young offenders view officials and officers as transmits of force and not agents of development. The perception of rehabilitation by offenders may change if correctional training and programmes are administered outside the Leeuwkop Correctional Service Facility, by outside professionals or by personnel who are not viewed as symbols of incarceration. The White Paper on Corrections acknowledges that it is essential to have a clear approach to uniform, insignia, command and control, and the role of all members as 'rehabilitators' and not symbols of discipline (Department of Correctional Services 2005:61).

7.3.4 Exploring other forms of Rehabilitating Young Offenders in a Democratic Era Correctional Environment

The primary objective of the Leeuwkop Correctional Service Facility is to incarcerate offenders. As revealed, this objective coincides with the contemporary mandate to prioritise the rehabilitation ethos as per the democratic dispensation vision of the correctional environment. Custodial incarceration is not the ideal environment for institutional arrangements that institutionalise rehabilitation and for the effective actualisation of the objects of the White Paper on Corrections. Thus, it is crucial for better rehabilitation-centric alternatives to be explored. The Nordic experience of relying more on other sanctions (fines and community service) and open prisons acts to counteract the detrimental effects of incarceration for young offenders (Von Hofer, 2001). A confined correctional environment is mentally limiting to young offenders' meaningful and effective rehabilitation. Therefore, the exploration of other forms of measures to rehabilitate young offenders outside of custodial incarceration is ideal.

7.4 Areas for Further Study

The opportunity for further study presents a chance for areas not covered by this research to be explored. These are generally because the scope of the study was limited to exploring specific phenomena. This research sought to explore whether the institutional arrangements at Leeuwkop Correctional Service Facility support the rehabilitation of young offenders as envisioned in the White Paper on Corrections.

It would be valuable for knowledge generation and academic contribution for further research to be conducted on the institutional arrangements present in the new generation correctional facilities to determine whether they are aligned and support the vision of the White Paper on Corrections on the institutionalisation of rehabilitation for young offenders. The comparative analysis would be significant to determine the nature of new institutions in institutionalising the ethos they have been created for. The recent development and construction of modern correctional facilities are anticipated to be a significantly better environment to inculcate the values of the White Paper on Corrections because the objects of rehabilitation are considered from inception.

7.5 Conclusion

The research revealed and affirmed the argument that the current configuration and structuring of institutional arrangements at the Leeuwkop Correctional Service Facility do not effectively institutionalise and support the rehabilitation of young offenders. In the absence of a transformed system, a system that maintains the institutional functions of the pre-democratic arrangements perpetrates punishment.

Institutionalism as theory was an appropriate tool of analysis in order to arrive at these findings and conclusion as it explained how Leeuwkop Correctional Service Facility, as an institution established for a particular purpose, will systematically resist any change and reformation against its defining ideology. Incarceration will always be the primary objective upon which any other function is built on (Mills, 1825:3). It is difficult for Leeuwkop Correctional Service Facility to imagine itself providing any other function other than incarceration and discipline. This ideology is engrained in the institutional and structural arrangements and pervasively finds expression through its agents. In turn, the agents simultaneously sustain, maintain and reinforce the objects of the structure.

The White Paper on Corrections emphasises that the transformation to a democratic dispensation was not merely cosmetic; it reflected the beginning of a paradigm shift. The elements that support this paradigm shift are based on the principles of restoration, corrections, unit management, and secure, safe and humane custody and supervision. The restoration and corrections of offenders are elevated as the first function. Part of the research objectives was to ascertain whether this paradigm shift is reflected in practice and if it is *the* primary objective of the correctional service system.

The experience, operations, and configuration of the current institutional arrangements are not entirely synched with, or supportive of, the White Paper's aims in reconditioning the correctional environment to prioritise and elevate rehabilitation as a function of the correctional services. Furthermore, the lack of resources poses a challenge to the achievement of the objects of the White Paper on Corrections within the current environment. Leeuwkop Correctional Service Facility is the state's institution in implementing the objects of the White Paper. In order for the White Paper on Corrections to be effectively achievable in the current environment, it is crucial for the officials, as transmitters of policy, to be consulted on its implementability vis-à-vis the available resources and the operational environment.

The research contributes to knowledge creation by providing an understanding of the misalignment of policy intention and implementation regarding the Leeuwkop Correctional Service Facility being an effective medium that institutionalises rehabilitation for young offenders. It further elucidates that it is not the lack of political will or enabling legislative framework. However, as an expression of policy, the lack of transformation and alignment of the institutional and structural arrangements hinders the effective rehabilitation of young offenders at Leeuwkop Correctional Service Facility. This revelation assists policymakers to understand that policy alone is not enough, but it must be supported by the corresponding institutional arrangements as instruments of implementation.

The Leeuwkop Correctional Service Facility must be conceptualised as performing a socio-security function with its main objective being to bring people back into society much better than they were prior to offending. The focus on rehabilitation as the desired outcome of service delivery by Leeuwkop Correctional Service Facility should not negate the mandate to provide security to the public, other inmates and the enforcement of compliance with security

provisions (Department of Correctional Services, 2005:75). However, it means that security should not be to constrict offenders but viewed as a management tool that supports rehabilitation and not compete with or impede it.

Society should have confidence that the correctional environment will perform this function effectively. Young people are essential participants in the community; ensuring that they are rehabilitated ensures their own development and the safety and development of society. The most appropriate means to address the institutional arrangements for the rehabilitation of young offenders at Leeuwkop Correctional Service Facility is by addressing the systematic impediments that hinder the effective implementation of the White Paper on Corrections. Responsive structures that understand the context, condition, and community they service should be created. Systems that are not in conflict with the guiding ethos (Hadden, 1970:342). Thus, the recommendations that are presented address the alignment of institutional arrangements through appropriate resource investment and allocation; improvement of infrastructure to enable the Leeuwkop Correctional Service Facility to be a meaningful space for rehabilitation; the restructuring correctional programmes to effectively and positively influence social behaviour; as well as the need to explore other methods of rehabilitating young offenders in a democratic-era correctional environment.

The study focused mainly on the workings of the elements of the system in supporting policy to foster rehabilitation. The positioning and understanding of the Leeuwkop Correctional Service Facility by society as a centre of rehabilitation of offenders is crucial to the rehabilitation process. Society is an important element and partner in the rehabilitation process of young offenders.

Further research should be conducted on the institutional arrangements present in the new generation correctional facilities to determine whether they are aligned and support the White Paper on Corrections' vision on rehabilitating young offenders. The research will contribute to knowledge generation by determining the nature of institutions in institutionalising rehabilitation given that they have a contemporary establishment and imagination. The recent development and construction of modern correctional facilities is anticipated to be a significantly better environment to inculcate the values of the White Paper on Corrections because the objects of rehabilitation are conceptualised considered from inception.

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9. Appendixes

Appendix 1: Interview Guides

First-Time Offenders

Semi-Structure Interview Guide
1. How old are you? 2. Which race do you belong to? 3. What offence did you commit? 4. In your opinion, what is the purpose of the Leeuwkop Correctional Service facility? 5. How do facilities (staffing, population, infrastructure) support/not support the purpose of the facility? 6. Why do you think you are in the Leeuwkop Correctional Service facility? 7. What has been your experience of the Leeuwkop Correctional Service facility? 8. How would you describe the institutional culture at the Leeuwkop Correctional Service facility? 9. What is your understanding of rehabilitation? 10. What is the difference between corrections and rehabilitation? 11. Describe some of your daily activities at the Leeuwkop Correctional Service facility a. How do you think they contribute to rehabilitation? 12. In what ways has being an inmate at Leeuwkop Correctional Service facility contributed to your self-development? 13. How have other inmates and officials contributed to your self-development, if any? 14. What is your view on the population density at the Leeuwkop Correctional Service facility? 15. What is your view on the infrastructure at the Leeuwkop Correctional Service facility? 16. What is your view of correctional officers? How do you understand their role in relation to inmates? 17. What, in your opinion, is the purpose of the programmes offered for the rehabilitation of inmates? a. To what extent do they achieve their objective?

18. In what way do you think access to correctional programmes assists in your self-development?
19. Beyond correctional programmes, what other measures are in place to ensure your rehabilitation and self-development?
20. In what way do other inmates and the institution contribute to your life as an inmate?
21. What are your thoughts on the relations between inmates and officials within the facility?
22. What do you think about some of the different rules and procedures in the Leeuwkop facility?
23. In your opinion, what other ways can be used to ensure for effective rehabilitation of young offenders?
24. What have you learnt during your time at Leeuwkop?
 - a. How do you think it will ensure that you do not return/repeat offend once you have been released?
25. What would you change about the Leeuwkop correctional service facility?
 - a. How will it make it a more conducive environment for young offenders?
26. Would you recommend Leeuwkop correctional service facility as an effective facility to other offenders?

Repeat Offenders

Semi-Structure Interview Guide

1. How old are you?
2. Which race do you belong to?
3. What offence did you commit?
4. In your opinion, what is the purpose of the Leeuwkop Correctional Service facility?
5. How do facilities (staffing, population, infrastructure) support/not support the purpose of the facility?
6. Why do you think you are in the Leeuwkop Correctional Service facility?
7. What has been your experience of the Leeuwkop Correctional Service facility?
8. How would you describe the institutional culture at the Leeuwkop Correctional Service facility?
9. What is your understanding of rehabilitation?
10. What is the difference between corrections and rehabilitation?
11. Describe some of your daily activities at the Leeuwkop Correctional Service facility
 - a. How do you think they contribute to rehabilitation?
12. In what ways has being an inmate at Leeuwkop Correctional Service facility contributed to your self-development?
13. How have other inmates and officials contributed to your self-development, if any?
14. What is your view on the population density at the Leeuwkop Correctional Service facility?
15. What is your view on the infrastructure at the Leeuwkop Correctional Service facility?
16. What is your view of correctional officers? How do you understand their role in relation to inmates?
17. What, in your opinion, is the purpose of the programmes offered for the rehabilitation of inmates?
 - a. To what extent do they achieve their objective?
18. In what way do you think access to correctional programmes assists in your self-development?

19. Beyond correctional programmes, what other measures are in place to ensure your rehabilitation and self-development?
20. In what way do other inmates and the institution contribute to your life as an inmate?
21. What are your thoughts on the relations between inmates and officials within the facility?
22. What do you think about some of the different rules and procedures in the Leeuwkop facility?
23. In your opinion, what other ways can be used to ensure for effective rehabilitation of young offenders?
24. What do you think was not effective in your previous rehabilitation/correctional process?
25. What is different between your first correctional process and the current one?
26. In what way, if at all, is the rehabilitation received at the Leeuwkop correctional service adaptable and useable in the outside environment?
27. What have you learnt during your time at Leeuwkop?
 - a. How do you think it will ensure that you do not return/repeat offend again once you have been released?
28. What would you change about the Leeuwkop correctional service facility?
 - a. Will it make it a more conducive environment for young offenders?
29. Would you recommend Leeuwkop correctional service facility as an effective facility to other offenders?

Former Offenders

Semi-Structure Interview Guide

1. How old are you?
2. Which race do you belong to?
3. What offence did you commit?
4. In your opinion, what is the purpose of the Leeuwkop Correctional Service facility?
5. How do facilities (staffing, population, infrastructure) support/not support the purpose of the facility?
6. Why do you think you were in the Leeuwkop Correctional Service facility?
7. What was your experience of the Leeuwkop Correctional Service facility?
8. How would you describe the institutional culture at the Leeuwkop Correctional Service facility?
9. What is your understanding of rehabilitation?
10. What is the difference between corrections and rehabilitation?
11. Describe some of your daily activities at the Leeuwkop Correctional Service facility
 - a. How do you think they contribute to rehabilitation?
12. In what ways has being an inmate at Leeuwkop Correctional Service facility contributed to your self-development?
13. How have other inmates and officials contributed to your self-development, if any?
14. What is your view on the population density at the Leeuwkop Correctional Service facility?
15. What is your view on the infrastructure at the Leeuwkop Correctional Service facility?
16. What is your view of correctional officers? How do you understand their role in relation to inmates?
17. What, in your opinion, is the purpose of the programmes offered for the rehabilitation of inmates? And to what extent do they achieve their objective?
18. In what way do you think access to correctional programmes assisted in your self-development?
19. Beyond correctional programmes, what other measures are in place to ensure your rehabilitation and self-development?

20. In what way do other inmates and the institution contribute to your life as an inmate?
21. What are your thoughts on the relations between inmates and officials within the facility?
22. What do you think about some of the different rules and procedures in the Leeuwkop facility?
23. In your opinion, what other ways can be used to ensure for effective rehabilitation of young offenders?
24. What do you think was not effective in your rehabilitation/correctional process?
25. In what way, if at all, is the rehabilitation received at the Leeuwkop correctional service adaptable and useable in the outside environment?
26. What have you learnt during your time at Leeuwkop?
 - a. How do you think that it will ensure that you do not return/repeat offend?
27. What would you change about the Leeuwkop correctional service facility?
 - a. How will it make it a more conducive environment for young offenders?
28. Would you recommend Leeuwkop correctional service facility as an effective facility to other offenders?

Institutional Actors

Semi-Structure Interview Guide

1. What is your designation at the Leeuwkop Correctional Service facility?
2. In your opinion, what is the purpose of the Leeuwkop Correctional Service facility?
3. What are your thoughts on the functioning of the Leeuwkop Correctional Service facility?
4. How would you describe the institutional culture at the Leeuwkop Correctional Service facility?
5. How do facilities (staffing, population, infrastructure) support/not support the purpose of the facility?
6. What would you change about the correctional service system, particularly as it relates to the Leeuwkop Correctional Service facility?
7. Is the current South African correctional service system different from the other dispensations of the South African correctional service system?
8. What about the Leeuwkop Correctional Facility do you think makes it a meaningful rehabilitation facility?
9. In what way does being at the Leeuwkop Correctional Service facility contribute to the development of offenders?
10. What, in your opinion, is the purpose of the programmes offered for rehabilitation?
 - a. To what extent do they achieve their objective?
11. What is the difference between corrections and rehabilitation?
12. What can be changed to enhance the functioning of the Leeuwkop Correctional Services facility?
13. What are some of the different rules and procedures at the Leeuwkop Correctional Service facility?
 - a. Do they enable the effective detention of inmates or for their correction?
14. What are your thoughts about the population density of the Leeuwkop Correctional Service facility?
 - a. Does it prohibit or enable effective rehabilitation?
15. What is your view on the population density at the Leeuwkop Correctional Service facility?
16. What is your view on the infrastructure at the Leeuwkop Correctional Service facility?

17. In what way does the staff complement of Leeuwkop Correctional Service facility contribute or hinder effective rehabilitation of inmates?
18. What is your view of correctional officers? How do you understand their role in relation to inmates?
19. In your view, what factors contribute to inmates reoffending, even after they have been through the Leeuwkop Correctional Service process?
20. What type of resources are allocated to support the physical and mental well-being and development of inmates at the Leeuwkop Correctional Service facility?
21. What measures are in place, besides correctional programmes, to support and assist the correction of inmates at the Leeuwkop Correctional Service facility?
22. To what extent are the broad objectives of the White Paper on Corrections to institutionalise rehabilitation in Correctional facilities in South Africa feasibly achievable in the current environment at Leeuwkop Correctional Service facility?
23. Are there enough resources to achieve the objectives of the White Paper?
 - a. Do you think the absence of effective rehabilitation in the environment perpetrates punishment of inmates?
24. In your opinion, what other ways can be used to ensure that inmates are meaningfully rehabilitated at the Leeuwkop Correctional Service facility?
25. What do you think was not effective in your rehabilitation/correctional process?
26. What would you change about the Leeuwkop correctional service facility?
 - a. How will that make it a more conducive environment for young offenders?
27. Would you recommend Leeuwkop correctional service facility as an effective facility to other offenders?

Appendix 2: Participant Information Sheets

First-Time Offenders



Enquiries: Dr Ruth Murambadoro
Wits School of Governance Masters Lecturer (Supervisor)
Tel: +27 (0)11 717 3527
Email: ruth.murambadoro@wits.ac.za

Dear Sir

My name is Mesuli Macozoma, I am a Masters Student in Public Policy at the Wits School of Governance. Part of the requirements in fulfilment of the Masters qualification includes undertaking a research project. My research focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. For this task, I am using the Leeuwkop Correctional Services Facility as a case study. The title of my study is *“Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility”*. As part of the research, I would like to invite you to take part in an interview process as a first time young offender currently incarcerated at the Leeuwkop Correctional Services facility.

Participation in this research is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. You may withdraw at any time or not answer any question, should you wish to do so. The interview is scheduled to last for 45 minutes. If you experience distress or discomfort at any point during the process, we will stop the interview or resume at another time. If you need some support or counselling services following the interview, sessions will be facilitated by the Leeuwkop Correctional Service personnel as arranged.

The restrictions and regulations put in place in the form of the *Disaster Management Act: Regulations: Adjusted Alert Level 3 during Coronavirus COVID-19 Lockdown* govern the interactions between people to ensure safety and limit the spread of the virus. During Adjusted Alert level 3 it is mandatory for a person to wear a mask at all times when in public. Thus, the

researcher and participants, will, at all times, be expected to wear a mask to ensure both their safety. Moreover, health protocols, as directed by the World health Organisation (WHO) and the Department of Health, as such social distancing and sanitising will be adhered to during the interview.

The responses will be completely confidential, and any information you provide during this process will not be used for any purpose other than the intended research. If you have any questions during or afterwards about the research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you. The data collected from this research project will be stored in a dedicated password secured external hard drive for a period of five years, and deleted in accordance with the Protection of Personal Information (POPI) Act guidelines. If you have concerns or complaints regarding the ethical procedures followed for this study, you are welcome to contact the University Human Research Ethics Committee (non-Medical), telephone 011 717 1408, email hrecnon-medical@wits.ac.za

Your cooperation and participation is greatly appreciated.

Yours sincerely,

Mr. Mesuli Macozoma

Researcher

Cel: 083 391 5494

417595@students.wits.ac.za

Dr. Ruth Murambadoro

Supervisor

Tel: +27 (0)11 717 3527

ruth.murambadoro@wits.ac.za

Repeat Offenders

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



Enquiries: Dr Ruth Murambadoro
Wits School of Governance Masters Lecturer (Supervisor)
Tel: +27 (0)11 717 3527
Email: ruth.murambadoro@wits.ac.za

Dear Sir

My name is Mesuli Macozoma, I am a Masters Student in Public Policy at the Wits School of Governance. Part of the requirements in fulfilment of the Masters qualification includes undertaking a research project. My research focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. For this task, I am using the Leeuwkop Correctional Services Facility as a case study. The title of my study is *“Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility”*. As part of the research, I would like to invite you to take part in an interview process as a young offender currently incarcerated at the Leeuwkop Correctional Services facility for repeat offending.

Participation in this research is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. You may withdraw at any time or not answer any question, should you wish to do so. The interview is scheduled to last for 45 minutes. If you experience distress or discomfort at any point during the process, we will stop the interview or resume at another time. If you need some support or counselling services following the interview, sessions will be facilitated by the Leeuwkop Correctional Service facility personnel as arranged.

The restrictions and regulations put in place in the form of the *Disaster Management Act: Regulations: Adjusted Alert Level 3 during Coronavirus COVID-19 Lockdown* govern the interactions between people to ensure safety and limit the spread of the virus. During Adjusted Alert level 3 it is mandatory for a person to wear a mask at all times when in public. Thus, the researcher and participants, will, at all times, be expected to wear a mask to ensure both their safety. Moreover, health protocols, as directed by the World health Organisation (WHO) and

the Department of Health, as such social distancing and sanitising will be adhered to during the interview.

The responses will be completely confidential, and any information you provide during this process will not be used for any purpose other than the intended research. If you have any questions during or afterwards about the research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you. The data collected from this research project will be stored in a dedicated password secured external hard drive for a period of five years, and deleted in accordance with the Protection of Personal Information (POPI) Act guidelines. If you have concerns or complaints regarding the ethical procedures followed for this study, you are welcome to contact the University Human Research Ethics Committee (non-Medical), telephone 011 717 1408, email hrecnon-medical@wits.ac.za

Your cooperation and participation is greatly appreciated.

Yours sincerely,

Mr. Mesuli Macozoma

Researcher

Cell: 083 391 5494

417595@students.wits.ac.za

Dr. Ruth Murambadoro

Supervisor

Tel: +27 (0)11 717 3527

ruth.murambadoro@wits.ac.za

Former Offenders

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



Enquiries: Dr Ruth Murambadoro
Wits School of Governance Masters Lecturer (Supervisor)
Tel: +27 (0)11 717 3527
Email: ruth.murambadoro@wits.ac.za

Dear Sir

My name is Mesuli Macozoma, I am a Masters Student in Public Policy at the Wits School of Governance. Part of the requirements in fulfilment of the Masters qualification includes undertaking a research project. My research focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. For this task, I am using the Leeuwkop Correctional Services Facility as a case study. The title of my study is *“Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility”*. As part of the research, I would like to invite you to take part in an interview process as a young former offender previously incarcerated at the Leeuwkop Correctional Services facility

Participation in this research is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. You may withdraw at any time or not answer any question, should you wish to do so. The interview is scheduled to last for 45 minutes. If you experience distress or discomfort at any point during the process, we will stop the interview or resume at another time. If you need some support or counselling services following the interview, 24 hour free counselling is available from LifeLine. LifeLine is a non-profit organisation (NPO) that offers free 24-hour telephonic and face-to-face confidential counselling for all ages and issues. LifeLine also has centres in Norwood, Soweto, and Alexandra. The contact details are as follows as provided by Ms Clara, the contact person at LifeLine: 24/7 National toll free counselling: 0861 322 322; 24/7 Crisis line: 011 728 1347; WhatsApp counselling: 065 989 9238; Alexandra office: 011 443 3555; Soweto office: 067 019 0845/074 129 6960; website: www.lifelinejhb.org.za.

The restrictions and regulations put in place in the form of the *Disaster Management Act: Regulations: Adjusted Alert Level 3 during Coronavirus COVID-19 Lockdown* govern the interactions between people to ensure safety and limit the spread of the virus. During Adjusted Alert level 3 it is mandatory for a person to wear a mask at all times when in public. Thus, the researcher and participants, will, at all times, be expected to wear a mask to ensure both their safety. Moreover, health protocols, as directed by the World health Organisation (WHO) and the Department of Health, as such social distancing and sanitising will be adhered to during the interview.

The responses will be completely confidential, and any information you provide during this process will not be used for any purpose other than the intended research. If you have any questions during or afterwards about the research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you. The data collected from this research project will be stored in a dedicated password secured external hard drive for a period of five years, and deleted in accordance with the Protection of Personal Information (POPI) Act guidelines. If you have concerns or complaints regarding the ethical procedures followed for this study, you are welcome to contact the University Human Research Ethics Committee (non-Medical), telephone 011 717 1408, email hrecnon-medical@wits.ac.za

Your cooperation and participation is greatly appreciated.

Yours sincerely,

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Dr. Ruth Murambadoro

Supervisor

Tel: +27 (0)11 717 3527

ruth.murambadoro@wits.ac.za

Institutional Actors

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



Enquiries: Dr Ruth Murambadoro
Wits School of Governance Masters Lecturer (Supervisor)
Tel: +27 (0)11 717 3527
Email: ruth.murambadoro@wits.ac.za

Dear Sir/Madam

My name is Mesuli Macozoma, I am a Masters Student in Public Policy at the Wits School of Governance. Part of the requirements in fulfilment of the Masters qualification includes undertaking a research project. My research focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. For this task, I am using the Leeuwkop Correctional Services Facility as a case study. The title of my study is *“Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility”*. As part of the research, I would like to invite you to take part in an interview process as an institutional actor associated with the Leeuwkop Correctional Services facility

Participation in this research is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. You may withdraw at any time or not answer any question, should you wish to do so. The interview is scheduled to last for 45 minutes. If you experience distress or discomfort at any point during the process, we will stop the interview or resume at another time. If you need some support or counselling services following the interview, sessions will be facilitated by the Department of Correctional Services personnel as arranged. Alternatively, 24 hour free counselling is available from LifeLine. LifeLine is a non-profit organisation (NPO) that offers free 24-hour telephonic and face-to-face confidential counselling for all ages and issues. LifeLine also has centres in Norwood, Soweto, and Alexandra. The contact details are as follows as provided by Ms Clara, the contact person at LifeLine: 24/7 National toll free counselling: 0861 322 322; 24/7 Crisis line: 011 728 1347; WhatsApp counselling: 065 989 9238; Alexandra office: 011 443 3555; Soweto office: 067 019 0845/074 129 6960; website: www.lifelinejhb.org.za.

The restrictions and regulations put in place in the form of the *Disaster Management Act: Regulations: Adjusted Alert Level 3 during Coronavirus COVID-19 Lockdown* govern the interactions between people to ensure safety and limit the spread of the virus. During Adjusted Alert level 3 it is mandatory for a person to wear a mask at all times when in public. Thus, the researcher and participants, will, at all times, be expected to wear a mask to ensure both their safety. Moreover, health protocols, as directed by the World health Organisation (WHO) and the Department of Health, as such social distancing and sanitising will be adhered to during the interview.

The responses will be completely confidential, and any information you provide during this process will not be used for any purpose other than the intended research. If you have any questions during or afterwards about the research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you. The data collected from this research project will be stored in a dedicated password secured external hard drive for a period of five years, and deleted in accordance with the Protection of Personal Information (POPI) Act guidelines. If you have concerns or complaints regarding the ethical procedures followed for this study, you are welcome to contact the University Human Research Ethics Committee (non-Medical), telephone 011 717 1408, email hrecnon-medical@wits.ac.za

Your cooperation and participation is greatly appreciated.

Yours sincerely,

Mr. Mesuli Macozoma

Researcher

Cell: 083 391 5494

417595@students.wits.ac.za

Dr. Ruth Murambadoro

Supervisor

Tel: +27 (0)11 717 3527

ruth.murambadoro@wits.ac.za

Appendix 3: Consent Letters

First-Time Offenders



Consent Form

Name: Mesuli Macozoma

Research Topic: Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility.

I Agree to participate in this research project. The research has been explained to me and I understand what is expected of me.

I have been informed that this research is part of the requirements in fulfilment of the researchers Masters qualification, and that the focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. It has been explained to me that the researcher is using the Leeuwkop Correctional Services Facility as a case study and the title of the study is "*Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility*". My participation in the study is to share information, my perspective, and experience as a first time young offender currently incarcerated at the Leeuwkop Correctional Services facility.

I have been informed that my participation is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. I am able to withdraw at any time or not answer any question, should I wish to do so. It has been explained to me that should I experience distress or discomfort at any point

during the process, the interview will be stopped or resume at another time. Information for counselling services has been provided to me.

The COVID-19 restrictions, regulations, and protocols to be followed during the interview have been explained to me.

Confidentiality of responses during data processing, analysis, and presentation have been explained to me, as well as information handling and data storage measures. I have also been provided with the details of the Supervisor and the University Human Research Ethics Committee (non-Medical), should I have further inquiries or concerns regarding ethical procedures, respectively.

Thus the interview is conducted with my consent, where I am comfortable, and in the language of my understanding.

(Please circle the relevant option)

I agree that the interview be recorded for the collection of data, transcription, and future referencing purposes

YES NO

I agree that my participation will remain confidential

YES NO

I agree that the researcher may use anonymous quotes
In his research report

YES NO

Signature.....

Name.....

Date.....

Researcher

Signature.....

Name.....

Date.....

Repeat Offenders



Consent Form

Name: Mesuli Macozoma

Research Topic: Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility.

I Agree to participate in this research project. The research has been explained to me and I understand what is expected of me.

I have been informed that this research is part of the requirements in fulfilment of the researchers Masters qualification, and that the focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. It has been explained to me that the researcher is using the Leeuwkop Correctional Services Facility as a case study and the title of the study is “*Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility*”. My participation in the study is to share information, my perspective, and experience as a young offender currently incarcerated at the Leeuwkop Correctional Services facility for repeat offending.

I have been informed that my participation is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. I am able to withdraw at any time or not answer any question, should I wish to do so. It has been explained to me that should I experience distress or discomfort at any point during the process, the interview will be stopped or resume at another time. Information for counselling services has been provided to me.

The COVID-19 restrictions, regulations, and protocols to be followed during the interview have been explained to me.

Confidentiality of responses during data processing, analysis, and presentation have been explained to me, as well as information handling and data storage measures. I have also been provided with the details of the Supervisor and the University Human Research Ethics Committee (non-Medical), should I have further inquiries or concerns regarding ethical procedures, respectively.

Thus the interview is conducted with my consent, where I am comfortable, and in the language of my understanding.

(Please circle the relevant option)

I agree that the interview be recorded for the collection of data, transcription, and future referencing purposes

YES NO

I agree that my participation will remain confidential

YES NO

I agree that the researcher may use anonymous quotes
In his research report

YES NO

Signature.....

Name.....

Date.....

Researcher

Signature.....

Name.....

Date.....

Former Offenders



Consent Form

Name: Mesuli Macozoma

Research Topic: Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility.

I Agree to participate in this research project. The research has been explained to me and I understand what is expected of me.

I have been informed that this research is part of the requirements in fulfilment of the researchers Masters qualification, and that the focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. It has been explained to me that the researcher is using the Leeuwkop Correctional Services Facility as a case study and the title of the study is “*Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility*”. My participation in the study is to share information, my perspective, and experience as a young offender previously incarcerated at the Leeuwkop Correctional Services facility.

I have been informed that my participation is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. I am able to withdraw at any time or not answer any question, should I wish to do so. It has been explained to me that should I experience distress or discomfort at any point during the process, the interview will be stopped or resume at another time. Information for counselling services has been provided to me.

The COVID-19 restrictions, regulations, and protocols to be followed during the interview have been explained to me.

Confidentiality of responses during data processing, analysis, and presentation have been explained to me, as well as information handling and data storage measures. I have also been provided with the details of the Supervisor and the University Human Research Ethics Committee (non-Medical), should I have further inquiries or concerns regarding ethical procedures, respectively.

Thus the interview is conducted with my consent, where I am comfortable, and in the language of my understanding.

(Please circle the relevant option)

I agree that the interview be recorded for the collection of data, transcription, and future referencing purposes

YES NO

I agree that my participation will remain confidential

YES NO

I agree that the researcher may use anonymous quotes
In his research report

YES NO

Signature.....

Name.....

Date.....

Researcher

Signature.....

Name.....

Date.....

Institutional Actors



Consent Form

Name: Mesuli Macozoma

Research Topic: Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility.

I Agree to participate in this research project. The research has been explained to me and I understand what is expected of me.

I have been informed that this research is part of the requirements in fulfilment of the researchers Masters qualification, and that the focus area is on Correctional Services in South Africa and whether they contribute to the rehabilitation of inmates. It has been explained to me that the researcher is using the Leeuwkop Correctional Services Facility as a case study and the title of the study is “*Institutional arrangements and rehabilitation of young offenders: A Case Study of the Leeuwkop Correctional Service Facility*”. My participation in the study is to share information, my perspective, and experience as an institutional actor associated with the Leeuwkop Correctional Services facility.

I have been informed that my participation is voluntary and will not include any remuneration or direct benefit. Correspondingly, there will be no disadvantages or penalties for not participating. I am able to withdraw at any time or not answer any question, should I wish to do so. It has been explained to me that should I experience distress or discomfort at any point during the process, the interview will be stopped or resume at another time. Information for counselling services has been provided to me.

The COVID-19 restrictions, regulations, and protocols to be followed during the interview have been explained to me.

Confidentiality of responses during data processing, analysis, and presentation have been explained to me, as well as information handling and data storage measures. I have also been provided with the details of the Supervisor and the University Human Research Ethics Committee (non-Medical), should I have further inquiries or concerns regarding ethical procedures, respectively.

Thus the interview is conducted with my consent, where I am comfortable, and in the language of my understanding.

(Please circle the relevant option)

I agree that the interview be recorded for the collection of data, transcription, and future referencing purposes

YES NO

I agree that my participation will remain confidential

YES NO

I agree that the researcher may use anonymous quotes
In his research report

YES NO

Signature.....

Name.....

Date.....

Researcher

Signature.....

Name.....

Date.....

Appendix 4: Ethics Clearance



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Macozoma

CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H20/08/16

PROJECT TITLE

Institutional arrangements and rehabilitation of young offenders:
A Case Study of the Leeuwkop Correctional Service Facility

INVESTIGATOR(S)

Mr M Macozoma

SCHOOL/DEPARTMENT

Wits School of Governance/

DATE CONSIDERED

21 August 2020

DECISION OF THE COMMITTEE

Approved
Risk Level: Low

EXPIRY DATE

17 September 2023

DATE 18 September 2020

CHAIRPERSON


(Professor J Knight)

cc: Supervisor : Dr R Murambadoro

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10004, 10th Floor, Senate House, University. Unreported changes to the application may invalidate the clearance given by the HREC (Non-Medical)

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature _____

Date _____/_____/_____

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

Appendix 5: Permission Letter



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA
Tel (012) 307 2770, Fax 086 539 2693

Dear Mr Macozoma

RE: INSTITUTIONAL ARRANGEMENTS AND REHABILITATION OF YOUNG OFFENDERS: A CASE STUDY OF THE LEEUWKOP CORRECTIONAL SERVICE FACILITY

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- This ethical approval is valid from 9th December 2020 to 9th September 2023.
- The relevant Regional and Area Commissioner where the research will be conducted will be informed of your proposed research project.
- You are requested to contact the Area Commissioner of Leeuwkop, before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your statistical information, on young offenders, is 1999 statistics which is outdated (page 7 of your problem statement) kindly check updated statistics on the population of young offenders
- Your identity document/passport and this approval letter should be in your possession when visiting regional offices/correctional centres.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) and Correctional Services Act (No.111 of 1998) e.g. "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You must comply with Covid 19 safety and hygiene procedures during data collection processes
- You must ensure that all participants have been duly screened for Covid 19 according to the Department screening protocols
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) of the report.
- Should you have any enquiries regarding this process, please contact the REC Administration for assistance at telephone number (012) 307 2894/95.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

ND MBULI
DC: POLICY COORDINATION & RESEARCH
DATE: 09/12/2020

Appendix 6: Risk Table

	Magnitude of harm				
		None	Low	Medium	High
Probability of harm	None			Physical safety of the researcher The visit to Leeuwkop Correctional Service facility will be guided by the relevant authorities therefore there will be no direct threat to the safety of the researcher.	Spread and contraction of coronavirus during the interview process. COVID-19 protocols by the WHO, NICD, and the Department of Health will be adhered to and the necessary Personal Protective Equipment will be deployed for both the participants and researcher. Alternatively, virtual meetings will be conducted to limit the spread of the virus.
	Low	Expectation for incentive by the participants. The participants will be informed in the Participant Information Sheet that there is no incentive and	Expectation for favourable treatment for participating. The participants will be informed that the study is purely for academic purposes and	Triggered psychological trauma for offenders. The questions pursued are less likely to re-traumatise participants. Information for	

		participation is voluntary.	does not intend to directly contribute to their record.	psychosocial services will be provided to participants should they be distressed and need access to counselling either during or after the researcher project is concluded.	
	Medium				
	High				

Appendix 7: Distress Protocols

First-Time Offenders



The following distress protocol outlines the proposed process and procedure to be followed in an emergency situation:

1. When/If a participant appears to be distressed during the interview process, the researcher will immediately stop the interview and ask the participant if he is well.
2. The researcher will recommend that the participant have a glass of water and get fresh air for a few minutes to restore calm.
3. The researcher will contact the reserved social worker/psychologist/counsellor to assist, initially over the phone, with steps to de-escalate the situation and restore calm.
4. The participant will be asked by the researcher which questions/subject made/make them uncomfortable.
5. The participant will be asked if they prefer to talk to a professional, which will be a free service offered by the Leeuwkop Correctional service facility.
 - a. If so, the meeting will be facilitated by the researcher at a time and venue most suitable to the participant; or
 - b. If not, the participant will be asked if they wish to terminate the interview; postpone for another time; or proceed with amendments to questions which induce trauma. Contact details to counselling will be provided to the participant
6. Participants who are currently inmates at the Leeuwkop Correctional Service facility, social workers/psychologists will be made available on the days of the interviews and after should there be a need.

Repeat Offenders



The following distress protocol outlines the proposed process and procedure to be followed in an emergency situation:

1. When/If a participant appears to be distressed during the interview process, the researcher will immediately stop the interview and ask the participant if he is well.
2. The researcher will recommend that the participant have a glass of water and get fresh air for a few minutes to restore calm.
3. The researcher will contact the reserved social worker/psychologist/counsellor to assist, initially over the phone, with steps to de-escalate the situation and restore calm.
4. The participant will be asked by the researcher which questions/subject made/make them uncomfortable.
5. The participant will be asked if they prefer to talk to a professional, which will be a free service offered by the Leeuwkop Correctional service facility.
 - a. If so, the meeting will be facilitated by the researcher at a time and venue most suitable to the participant; or
 - b. If not, the participant will be asked if they wish to terminate the interview; postpone for another time; or proceed with amendments to questions which induce trauma. Contact details to counselling will be provided to the participant
6. Participants who are currently inmates at the Leeuwkop Correctional Service facility, social workers/psychologists will be made available on the days of the interviews and after should there be a need.

Former Offenders



The following distress protocol outlines the proposed process and procedure to be followed in an emergency situation:

1. When/If a participant appears to be distressed during the interview process, the researcher will immediately stop the interview and ask the participant if he is well.
2. The researcher will recommend that the participant have a glass of water and get fresh air for a few minutes to restore calm.
3. The researcher will contact Ms Clara at LifeLine Counselling on the 24-hour toll-free number 0861 322 322 to assist, initially over the phone, with steps to de-escalate the situation and restore calm.
4. The participant will be asked by the researcher which questions/subject made/make them uncomfortable.
5. The participants will be asked if they prefer to talk to a professional from LifeLine which is a Non-Profit Organisation (NPO) providing free telephonic or face-to-face counselling to persons of all ages.
 - a. If so, the meeting will be facilitated by the researcher at a time and venue most suitable to the participant; or
 - b. If not, the participant will be asked if they wish to terminate the interview; postpone for another time; or proceed with amendments to questions which induce trauma.
6. Former offender participants will be referred to Ms Clara at LifeLine. LifeLine is a non-profit organisation (NPO) that offers free 24-hour telephonic and face-to-face confidential counselling for all ages and issues. LifeLine also has centres in Norwood, Soweto, and Alexandra. The contact details are as follows as provided by Ms Clara, the contact person at LifeLine: 24/7 National toll free counselling: 0861 322 322; 24/7 Crisis line: 011 728 1347; WhatsApp counselling: 065 989 9238; Alexandra office: 011 443 3555; Soweto office: 067 019 0845/074 129 6960; website: www.lifelinejhb.org.za.

Institutional Actors



The following distress protocol outlines the proposed process and procedure to be followed in an emergency situation:

1. When/If a participant appears to be distressed during the interview process, the researcher will immediately stop the interview and ask the participant if he is well.
2. The researcher will recommend that the participant have a glass of water and get fresh air for a few minutes to restore calm.
3. The researcher will contact Ms Clara at LifeLine Counselling on the 24-hour toll-free number 0861 322 322 to assist, initially over the phone, with steps to de-escalate the situation and restore calm.
4. The participant will be asked by the researcher which questions/subject made/make them uncomfortable.
5. The participants will be asked if they prefer to talk to a professional from LifeLine which is a Non-Profit Organisation (NPO) providing free telephonic or face-to-face counselling to persons of all ages.
 - a. If so, the meeting will be facilitated by the researcher at a time and venue most suitable to the participant; or
 - b. If not, the participant will be asked if they wish to terminate the interview; postpone for another time; or proceed with amendments to questions which induce trauma.
6. Institutional actor participants who are currently associated with the Leeuwkop Correctional Service facility, will be referred to the internal social workers/psychologists which will be made available should there be a need.
7. Alternatively, institutional actor participants will be referred to Ms Clara at LifeLine. LifeLine is a non-profit organisation (NPO) that offers free 24-hour telephonic and face-to-face confidential counselling for all ages and issues. LifeLine also has centres in Norwood, Soweto, and Alexandra. The contact details are as follows as provided by Ms Clara, the contact person at LifeLine: 24/7 National toll free counselling: 0861

322 322; 24/7 Crisis line: 011 728 1347; WhatsApp counselling: 065 989 9238; Alexandra office: 011 443 3555; Soweto office: 067 019 0845/074 129 6960; website: www.lifelinejhb.org.za.

Researcher



The following distress protocol outlines the proposed process and procedure to be followed in an emergency situation:

In the case where distress is experienced by the researcher, the following process and procedure will be followed in an emergency situation

1. The researcher will immediately stop the interview process.
2. The researcher will inform the participant that they are not feeling well and if they could please take a short break.
3. The researcher will immediately contact the supervisor: Dr Ruth Murambadoro, to express/discuss the areas which have triggered any trauma or feelings of unsafety.
4. The researcher will
 - a. Kindly request to be excused with an explanation as to why the interview is being terminated; or
 - b. Kindly request to be excused with an explanation as to why the interview is being postponed to another time; or
 - c. Continue with the interview with an explanation as to why certain questions/subjects are rephrased/omitted for the interview process.
5. The research will seek medical referral, at own cost, to a psychologist from his family doctor: Dr Motjuwadi from FirstCare Medical Centre who is contactable on 011 938 7922.