

Overcrowding of Short – Term Offenders and Remand Detained. Evidence from Pietermaritzburg-KwaZulu Natal

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Abstract: This article seeks to bring to light effects of prison overcrowding in Pietermaritzburg Management Area in KwaZulu-Natal. The aim is to explore innovative approaches to rehabilitation and restorative justice, which can provide valuable insights into effective ways to address the needs of the two distinct group of offenders in this study, to implement and redress congested prison conditions. It will present a complete evaluation of research on the causes and consequences, draw conclusions, and propose solutions. It is unfortunate that the correctional system is unable to keep up with the influx of new offenders, leading to a number of other challenges within the system. Overall, the article argues for the need to put into effect innovative options to address the circumstances which lead to overcrowding, such as providing access to redirection programs, and multiplying public protection while promoting restorative justice.

Prison overcrowding is a significant problem in South Africa, which has the uppermost numbers of incarceration in the world. This is not a new problem in South Africa as it has been recurring for several decades. In this article, overcrowding is when the entire numerical figures of offenders in a correctional centre exceeds the capability to conveniently accommodate prisoners, while ensuring their security at the same time.

Keywords: *Correctional Centres, Offenders, Officials, Overcrowding.*

➤ Definitions

- **Offender:** a sentenced offender or convicted person sentenced to incarceration.
- **Overcrowding:** an environment where the number of inmates incarcerated exceeds the functional or usable bed space capacity.
- **Prison:** an international concept which is universally applied in the Justice system to refer to facilities for detention of unsentenced and sentenced persons.
- **Probationer:** an individual who has been handed a prison sentence but has had their penalty commuted to correctional supervision; also, those who receive a sentence of correctional supervision directly from the court.
- **Parolee:** a criminal who has been released conditionally from a centre to complete the remaining segment of their punishment outside of prison.
- **Remand detainee:** a person who is detained whilst awaiting the outcome of their trial.
- **Reoffending or recidivism** is the behavioural pattern whereby an offender, parolee or probationer who is convicted of a crime and given a punishment by a judge
- **Special Remission:** a decrease of the sentences of incarcerated criminals, probationers and parolees with a period as determined by the President of South Africa
- **Short Term Offenders:** any offenders sentenced to a period of 24 months or less imprisonment.
- **Awaiting-trial person:** an accused person placed in a correctional centre awaiting the finalisation of his/her trial.
- **Bed space /Accommodation:** the figure which represents the maximum allowable number of prisoners that can potentially be held in a particular centre.
- **Design bed space:** the number of bed spaces that can be utilized for housing inmates and may be equivalent to or less than the design bed spaces.
- **Inmate:** any individual in a prison or detention centre who is being held, regardless of whether they have been found guilty or not.
- **Revocation:** when a parolee/probationer violator breaks their parole conditions, and such person is brought back to the correctional centre to complete their incarceration; their parole is therefore revoked by CSPB.

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I. INTRODUCTION

The correctional system seeks to assist in the promotion and protection of a fair serene, and safe community by implementing court orders pursuant to the requirements of the Correctional Services Act 111 of 1998. In doing so, it ensures that all inmates are in a controlled and secure setting while assuring their personal integrity as an individual is being always upheld, encouraging public accountability and universal improvement of human conditions of all offenders is crucial. Challenges of overcrowding in the Department of Correctional Services has been in existence for more than fifty years and affects the delivery of services throughout the entire chain.

The Correctional system in South Africa has been left with a huge problem of prison overcrowding due to the growing crime rate. Correctional centres are required by law to offer a healthy atmosphere for all offenders, allowing them to reflect on their crimes, repent, and rejuvenate oneself in preparation for their release into the free world Anderson & Achipelago, (2018). Adopting the rehabilitation idea in correctional facilities has existed for a considerable period; it dates back to the nineteenth century. Overcrowding, on the other hand, has been an obstacle in implementing this idea for many years and it continues to be a scourge to this huge problem.

The Department of Correctional Services (DCS) and the Department of Justice (DOJ) located in the scenic Msunduzi River, the city of Pietermaritzburg, which serves as the capital of KwaZulu Natal, has been grappling with a significant surge in criminal activity. As reported by Stats SA in their 2022 publication (12-14), the prevailing crime rate has reached unprecedented levels, with a mean average of 86.08% prison capacity filled in all prisons of the Republic of South Africa. This is the reason that the Pietermaritzburg (Pmb) area been chosen. According to the Amnesty International (2013:45) the challenges of overcrowding, the high conviction rate of short-term offenders and the unnecessary detaining of remand detainees is a serious concern globally.

➤ Background

Overcrowding in correctional institutions occurs when the population of the inmates surpasses the maximum occupancy limit which is a major problem worldwide. It remains one of the most pressing issues globally, with 27 nations running at 150 percent to 200 percent capacity Anderson & Achipelago, (2018: 23-25). Despite repeated calls to reduce prison populations since the outbreak of the COVID-19 four years ago, the prison population in the world has increased significantly. Global Prison Trends 2022 reveals that, rather than reducing prison numbers, many governments are increasing prison capacity, with the global prison estate expanding significantly in the last year. According to the report, there are 11.5 million people

currently in prison globally. Since 2000, correctional centres saw a surge in the numbers of incarcerations by 24%. In South Africa, overcrowding is an issue for many other stakeholders, including communities, the Department of Social Development, SAPS, and the DOJ.

The findings will assist in providing current and relevant solutions for the DCS regarding jail reforms.

II. EXPLORING THE CAUSES OF OVERCROWDING IN PIETERMARITZBURG

Overcrowding in correctional centres has both direct and indirect effects on the entire society, as convict rehabilitation appears unsuccessful and criminal inclinations are intensified. correctional centres are overcrowded in almost every country in the world, and South Africa is no different. As stated in the white paper on remand detention, congestion in South African (2014:20) detention facilities are a long- standing issue, and as outlined in the White Paper on Corrections, the roots of the current prison system can be traced back to the early 1900s, wen presented by Commissioner of Correctional Services (2005) it can be traced back to the early 1900s when the prison system was regulated mainly by various Provincial Ordinances.

The cost of an offender in the country is high. The government spends R52 000 per year on offenders, which is more than three times the amount spent on a child in school. It costs more to go to prison than to live because there are so many offenders in overcrowded correctional centres and a high staff-to-offender ratio. A total of 161 050 inmates are currently housed in 243 correctional facilities. According to the South African Prison Service, there are 38 459 people working in the prison, almost one in every five offenders is concerned with their psychological well-being on a daily basis. Each offender eats three meals per day.

Inmates in South Africa do not have adequate medical care and cannot eat whenever they feel like but are restricted to three meals a day at specific times which must be in line with the three-meal system. As a result of these conditions, many inmates suffer from mental and physical disorders. However, there are programmes which are aimed at breaking the cycle of re-offense and re- incarceration, use offender education to combat the oppressive mental power dynamic that drives offenders to re-offend and re-incarceration. If South African offenders can share their experiences with confinement in the United States, they may be able to provide insight into how other countries deal with confinement issues. It can provide them with a psychological understanding of how society and the prison environment have a psychological impact on them. A person's ability to learn has an impact on his or her future and the minds of those imprisoned.

One of the main causes of subpar jail conditions worldwide is prison overpopulation. In addition to being

likely the largest issue facing prison systems, it can have potentially fatal implications and hinder correctional facilities from carrying out their assigned duties. Eleven national jail systems are operating at more than double their capacity, while correctional facilities in more than 118 countries have surpassed their maximum occupancy rate. Prison systems' capacity to provide basic necessities like food, shelter, and medical treatment is weakened by overcrowding, which is a result of criminal justice policies rather than an increase in crime rates. Additionally, it jeopardizes the availability and efficacy of recreational activities, educational and vocational training, and rehabilitation programs. Pretrial detention's overuse, as well as the high jail population rates are largely caused by the usage of prisoners for little, petty offenses. In addition to increasing rates of violence, self-harm, and suicide, overcrowding and other associated issues including invasion of privacy can also create or worsen mental health issues.

➤ *Current State Of Incarceration In South Africa*

The current state of incarceration in South Africa is a matter of great concern. The imprisonment system in South Africa is overcrowded, underfunded, and understaffed. More than half of all offenders are awaiting trial, and many have been in prison for years without being convicted of a crime. The conditions in South African correctional centres are often deplorable, and offenders are subject to violence, sexual assault, and extortion. In addition, the prison system is plagued by corruption, and offenders are often forced to pay bribes to guards in order to obtain basic necessities. There are approximately 161 050 inmates housed in 243 jails in South Africa. Inmates and offenders are subjected to harsh living conditions, which are extremely overcrowded and inhumane. Correctional centres, in addition to these conditions, can be breeding grounds for sexual violence. In a constitutional democracy, offenders' rights to dignity, bodily integrity, and protection from cruel, inhuman, and degrading treatment must be respected. Despite the high rate of sexual violence in South African correctional centres, a large portion of this abuse is rarely reported. Prison overcrowding, poor sanitation, inadequate nutrition, inadequate medical care, and a toxic culture is some of the factors that contribute to the spread of HIV among offenders.

The issue of prison overcrowding must be addressed in a multi-pronged manner. Prison issues can be addressed with education and awareness campaigns. It is critical to pursue legal recourse to protect the rights of vulnerable and marginalised individuals. The proper oversight of a prison system is critical to ensuring that inmates' human rights are protected. Inmates' rights are not an isolated issue, they can have a direct and indirect impact on all of us. It is critical to activists and policymakers to strengthen JICS and encourage parliamentarians and judges to visit prison at least once a year. To effectively protect inmates, the Policy to Address Sexual Abuse of inmates must be properly resourced and implemented within the national prison system.

➤ *Consequences on Prison Overcrowding*

The consequences of prison overcrowding can be severe and far – fetching reaching, affecting not only the prisoners but also the correctional system. Communities and society. Some of the consequences will be discussed below:

- **Poor living conditions:** Overcrowding can lead to poor living conditions including inadequate availability to a number of basic human rights.
- **Risk of disease transmission:** It can act as an agent for the increasing of contagious or transmittable diseases such as tuberculosis and HIV.
- **Mental health:** It can increase mental health problems, such as depressions and anxiety.
- **Strain on state resources:** it can put a strain on the staff, facilities and the equipment
- **Low moral amongst staff:** It can decrease the moral amongst staff, such as burnout, stress and job satisfaction.

➤ *Prison Occupancy Vs Overcrowding*

The increase in the use of imprisonment has resulted in severe overcrowding. Overcrowding is caused by the justice system sending more people to prison and for longer periods of time than is permitted. Overcrowding has no immediate cause, but it can be caused by either overuse of imprisonment or an inadequate prison population.

Overcrowding means the number of inmates exceeds the official capacity of the prison (over 100% occupancy). Currently, this is the only metric available for broader comparisons across countries. The main problem with this measure is that the degree of overload in this sense depends heavily on national/local standards norms and standards.

While nations where single-cell housing is the norm may record congestion with significantly less "objective" overcrowding, those that let four offenders in a single cell may report "free space" if some cells are filled by just three criminals. This measure does not account for variations in jail conditions, including space. This indicates that the following overcrowding statistics are often the very lowest possible numbers. Ratings for prison overcrowding would most likely appear significantly worse if more stringent criteria were used, such as those set by the CPT. For instance, privacy, social density, and spatial density are examples of more substantial criteria. Feelings of stress and powerlessness are also subjective indicators of overcrowding. Nevertheless, there is currently no data on these efforts in order to make comparisons. Additionally, there is no global consensus on what defines overcrowding in prisons.

The minimal space in the EPR is not covered by the Council of Europe Prison Rules because there is a chance that it will become the standard (Smit and Snacken 2008:131). The CPT has underlined that the quality of the space and the amount of time spent in the cells also affect the minimal amount of space that is acceptable. However, the CPT states that the bare minimum would be 4 square meters for shared housing and 6 square meters for solitary

cells, which is larger than what is found in many nations worldwide.

According to Steinberg (2005), "each inmate would have an average of only 2m² of floor space due to the overcapacity of more than 74 000 inmates in South African correctional facilities at the time." In addition to arguing that "the issues surrounding prison conditions are piercing the public consciousness, and once there is ignorance or denial, a new shift in thought is taking place and all courts that have been traditionally fearful of tackling sensitive issues, such as these have begun to sit up and act," Brivika (2006:35) predicted that the overcrowding problem would get worse and that "the issues surrounding prison conditions are piercing the public consciousness, and once there is ignorance or denial, a new shift in thought is taking place and all courts that have been traditionally fearful of tackling sensitive issues, such as these have begun to sit up and act". Notwithstanding the lack of control in local case law, there are international standards on accepted accommodation standards "A minimum floor space of 4 m² per inmate in a communal cell and 6 m² for single cells" was established by the Council of Europe & Committee for the Prevention of Torture and Inhuman or Degrading Punishment (1999). According to Brivika (2006: 35), "the prescribed floor space for an inmate in 2008" should be 3.344 m², which is what was normal since 2008.

To regulate this institution, DCS drafted the Correctional Services Act No. 107 of 2008 DCS (2008). Brivika (2006), Judge Eberhard Bertelsmann eloquently describes the difficulties faced by inmates incarcerated in South Africa. According to him, the mattresses are piled one on top of the other, with just a few inches between them. Offenders can die If there aren't enough officials, the building may collapse, in addition to having sanitary facilities that are typically overcrowded and in poor condition, cells are closed up for the majority of the day. The same is true for the electricity, hot water, and other creature amenities. No exaggeration is intended when it is stated that, if an SPCA crammed as many animals, the SPCA would face charges for animal cruelty if it were found to be confining animals in a cage while our correctional services are compelled to pack convicts into a single cell. There is an immediate need to overhaul our entire sentencing and jail regimes since the crisis in our correctional facilities has significant constitutional ramifications for the entire criminal justice system Brivika (2006: 36).

"Offender accommodations must meet all requirements which are adequate for offenders to be detained under conditions maintaining their human dignity," states Ramadikela (2008:5). According to the Standard Minimum Rules for the Treatment of offenders, the detention cell must be in a state that supports the offender's health and safety and have adequate room, lighting, ventilation, and sanitary facilities. This provision of the Act mandates that offenders be divided into groups, such as those who have been sentenced and those who have not, males and females, adults and children, in order to protect their safety and

security and prevent them from being victims of immoral activities. In addition to negatively affecting the offender's well-being, Ramadikela (2008:5) asserts that "not providing enough space for accommodation has a significant impact on the implementation of rehabilitation programs."

This might happen when criminals who need to be concentrating on programs that can benefit them instead worry about their health and give their rehabilitation very little thought. According to Muthaphuli (2008:144), "there is no doubt that they will find it comfortable and focus on the positive aspects of their lives" if offenders are given adequate space to meet all of their needs. The Department must make sure that the accommodations satisfy the needs of all offenders in order to prevent such issues.

➤ *Offenders Awaiting Trial*

According to Brunys (2007:35), in certain nations, the waiting time for trials is made worse by certain regulations combined with the existence of non-bailable legislation, which leads to overcrowding. For instance, a rule that permits a 60-day detention period without trial was passed in Swaziland (Makhanya, 2011). According to Brunys (2007: 35), the Criminal Procedure Second Amendment Act No. 85 of 1997 in South Africa gives magistrates and judges the authority to issue bail in specific situations, which occasionally reduces the number of prisoners awaiting trial.

The non-bailable Offences Act of 1998, which was passed in Swaziland, forbids Swaziland's courts from giving bail to anyone who have been arrested for serious offenses including robbery, murder, or rape. Many prisoners awaiting trial "are detained unnecessarily," according to the South African Judicial Inspectorate of Correctional Centers' annual report (SAJIP 2006:28). For instance, according to the 2005 report, 225 373 trial awaiting inmates roughly 18,000 per month were taken to court but were never sent back to prison SAJIP (2006:28). While some offenders may have had their charges dropped, others may have been found guilty and received non-custodial sentences.

Trial awaiting defendants are frequently imprisoned despite the fact that their offenses may be subject to bail because they are either unable to pay it because of financial hardship or are denied it because of legal limitations (Brunys, 2007:36). According to the SAJIP (2006:28), on 6 February 2006 "there were almost 13 000 trial awaiting inmates in South African correctional centres because of their inability to pay their bail amounts. Non-bailable legislation and the slow delivery of justice exacerbate ongoing judicial problems such as the backlog of pending cases, lengthy pre-trial detention, and continual remands in custody by the courts". It was also noted that 11 464 offenders had been awaiting their trials for more than six months whilst 1 433 had waited more than two years SAJIP (2006:14). In South Africa, the average number of trial-awaiting inmates were 23 783 in 1995 and reached a high of 64 000 in 2000 Brunys (2007:37). The latter scholar further states that these numbers steadily declined to 46 327 in 2005 "and continuing to drop due to efforts made by the police

and judiciary to reduce the number of those awaiting trials” Brunys (2007:37).

According to Nxumalo (2016), spokesman for the DCS, at the end of the 2015/2016 financial year a quarter of inmates who were incarcerated in South Africa in that period were detainees. Actions such as releasing trial-awaiting inmates on warning, affordable bail settlements and the proclamation of higher amounts for admission of guilt fines assisted in achieving this goal.

Many people think that correctional facilities are essential for reducing crime, however jail overpopulation is a major issue. According to the National Institute of Justice, riots and other violent behavior cost the jail system billions of dollars annually, making overcrowding one of its most critical issues. Without a doubt, jails and incarceration are insufficient to solve South Africa's crime issue. Prisons are not the answer; we need to rethink how we can handle criminal activity.

➤ *Short-Term Incarceration*

Brunys (2007:36) maintains that short-term inmates are usually offenders who are sentenced for a period of incarceration of less than two years. Moreover, short-term incarceration has the likelihood of destroying the community's support for an offender who may lose his/her job, residence and partner and become less employable Brunys (2007:36). Smit, Goggin and Gendreau (2002) indicate that short sentences are not effective in reducing crime, and neither are they effective in containing population growth in correctional centres. These academics also assert that the elimination of sentences less than six months has been a topic of political and scholarly discussion for many years in many nations. According to Tonry, who was quoted by McGinty (2002:27), "short sentences are ineffective and problematic in the context of recidivism." Additionally, this researcher discovered that in cases where short sentences have been abolished, courts are slightly more likely to impose longer sentences.

To support his argument, Tonry (Ibid) cited Western Australia as an example, noting that since October 2001, the population of adult correctional centers in this region of Australia has decreased by 11% due to legislation that, among other things, abolished correctional sentences shorter than six months (Daley, 2003:1-2). Because short-term offenders are only detained for a brief period of time, it is challenging for vocationalists like psychologists, social workers, and spiritual counselors to positively influence these inmates' likelihood of reoffending in the future (Brunys 2007:40).

The John Howard Society of Alberta (2002:3-4) also argues that there is no definite indication that correctional efforts will have any effect on the probability of future recidivism amongst short-term offenders.

According to the JHSA (2002:12), the following may have a beneficial effect on short-term offenders' recidivism rates. To identify the risk factors for criminal activity and

recidivism among short-term offenders, correctional agencies should work together to create a standardized, centralized information collection system. The efficacy of treatments that appear to be meant to prevent recidivism must be closely assessed by correctional services. Correctional services should maximize the length of time that violent and dangerous offenders are confined when working with them. Offenders who do not represent a risk to public safety should, whenever feasible, not be imprisoned.

➤ *The White Paper on Corrections*

The 1994 White Paper was substituted with the 2005 White Paper on Corrections by parliament in November 2004. According to the Department of Correctional Services (2005b:13), the 1994 White Paper had the following inadequacies, amid others:

- It did not focus on correction and rehabilitation in South Africa and, in particular, the role of the Department in these services.
- It lacked a positive approach to the erection and procurement of facilities to ensure alignment with the objectives of rehabilitation.
- It lacked a long-term vision on policy with regard to issues such as a public-private partnership policy.
- It did not address important issues relating to human resources that are critical to the implementation of the Department's new rehabilitation center system.
- It did not set out a clear departmental role in contemporary government initiatives, including corrections in the African Union, the Moral Regeneration Movement, sustained growth and development, and the National Crime Prevention Strategy.
- It lacked consistency in the use and understanding of key terminology and definitions in a way that is user-friendly and consistent with the philosophy of corrections.

➤ *In 2014, Makabetse Sekhonyane published an article entitled "First things first:*

Rehabilitation starts with alternatives to prison" in which he wrote: "The White Paper of 2005 focuses on the correction of offending behaviour, the development of the offenders, security (for both offenders and officials), care of offenders (health, physical and psychological needs), facilities and aftercare" Sekhonyane (2004). According to the South African Yearbook (2006/07: 415), the White Paper of 2005 addresses the notion of rehabilitation and the fact that rehabilitation as well as social reintegration remain the chief responsibilities of the authorities.

➤ *Role of Officials*

Officials are to ensure that rehabilitation of offenders is taking place according to the nature of their crimes they incarcerated for. The main focus being on correcting of offender behaviour and the development of offenders both internally and once released externally. They also need to ensure the physical safety, health, hygiene, accommodation, nutritional, clothing and bedding, exercise and psychological needs are catered for. Most importantly they are to ensure

offenders maintain and build relationships with their family and communities. Officials are unable to perform their duties well when there is a shortage of officials, this compromises safety for both officials and offenders. The Department is then to ensure steps are taken to avoid such.

Officials are to refrain from doing favours for offenders or smuggling with them as this in turn can cripple the whole rehabilitation system. They are also to avoid building personal relationships with offenders as this can compromise security.

Rehabilitation and social reintegration remain the sole responsibility of officials.

➤ *The Role of Offenders*

Offenders are to ensure they abide by the prison rules and regulations, this in turn will assist them to positively partake in the rehabilitation programs offered at the centre. They are to refrain from becoming involved in gangsterism, smuggling and any type of assaults on other offenders or the people who are there to render rehabilitation services to them the officials.

Offenders must take full advantage to the services offered by Correctional Services to assist them to change what is wrong in their behaviour to that which is right, in turn this will enable them to be released safely back into their communities of origin and becoming model citizens of the community and the country at large.

➤ *The Importance of Prison Overcrowding*

Overcrowding is a powerful driver of dissatisfaction, stress, and crime; it makes offenders more violent and irritated. Gangsters smuggle drugs more readily in such conditions of overcrowding because there is a relatively shortage of staff to monitor them. Hence, cells and inmates are not searched properly on a regular routine. Offenders who are not happy with their cell mates become stressed and many try to injure themselves, especially if a certain gang rules a cell or section and the offender does not want to become a gang member. Sexual violence has also become a norm in most correctional centres, particularly in overcrowded facilities where offenders are accommodated in communal cells. Inmates who are excluded from gangs are generally afraid of gang members.

The families of the offenders are also extremely important in helping to rehabilitate the whole system, the correctional system can give offenders' families the opportunity to have an input into an offender's rehabilitation needs. It can separate an offender from a criminal background or give a family respite from a difficult or dangerous family member.

The prison population in the world continues to increase. There are many countries with no official statistics in the world, the World Prisons Brief show that are over 11.5 million people are incarcerated worldwide. Of these, at least 1.69 million are in China, 811 000 are in Brazil, and over 2 million are in the US. The United States continues to have

the greatest prevalence of incarceration (629 per 100,000), followed by Rwanda (580), Turkmenistan (576), El Salvador (564), and Cuba (510). To put this into perspective, on any given day, there are 140 prisoners for every 100,000 people worldwide. In certain locations, enormous numbers have been reported. Over the past two years, the number of inmates in 24 of India's 28 states which account for about 84% of the country's total jail population has surged by 14% as a result of more arrests, court delays for applications, and suspension of regular court proceedings. Turkey's prison population has grown 130% in the last ten years, from 128 000 in 2010 to 295 000 at the end of 2021. Restrictions in contrast, data from 2021 revealed that Switzerland had the lowest rate of incarceration in a decade, with an 8.4% drop between 2020 and 2021, maybe as a result of pandemic-related.

The COVID-19 pandemic has undoubtedly contributed to some of the fluctuations in prison population numbers over the past two years, either directly through extensive exceptional release policies aimed at decluttering correctional facilities or indirectly through shifts in the types of offenses being committed or a slowdown in the legal system and the ensuing attempts to clear court backlogs.

It is now evident that COVID-19 has not led to a general decrease in the number of people incarcerated worldwide, over four years after the pandemic began. Due to courts which were not functioning normally during the epidemic, fewer people were admitted to correctional facilities, which led to lower incarceration rates in various countries. The criminal justice system is greatly impacted by the massive backlog of cases that many nations' courts continue to handle.

Court delays have been exacerbated in Ireland, for instance, where correctional facilities dealing with active lockdowns are not taking in new inmates because staff members are unable to escort inmates to court. Due to COVID-19-related constraints, about 20,000 court appointments in New Zealand have been delayed.

The populations of 83% of the jails sampled in May 2020 and February 2021 grew, and by December 2021, 28% of them had larger populations than they had before due to the pandemic. Early changes to alleviate COVID-19 have been largely abandoned, and data indicates that the majority of the population declined during the pandemic are attributable to fewer jail admissions rather than targeted decongestion initiatives.

Additionally, South Africa is having difficulty reducing the congestion in its correctional facilities, where some facilities are up to 248% overcrowded. In a parliamentary response, Ronald Lamola, the ex-Minister of Justice and Correctional Services, said that the overcrowded capacity of the nation's correctional facilities is 33%. Correctional facilities in the Eastern Cape lead the pack with 63%, followed by those in the Western Cape with 49%, and those in Gauteng with 45% overcrowding. According to the Judicial Inspectorate for Correctional Services (JICS),

overcrowding has long been an issue in South African correctional facilities.

III. THE CASE OF OVERCROWDING IN SOUTH AFRICA

➤ *Research Methods*

Exploratory research is research that looks at a problem that isn't well-defined. The researcher used an exploratory research design for this study because it has the benefit of being detailed in rich qualitative information that offers insight for further research as well as allowing investigation of situations that would otherwise be impractical or unethical Bless (2013: 7). A division of the South African government is the Department of Correctional Services. It is in charge of the running of the South African prison system. The political head of the Department is the Minister of correctional services Dr Groenewald, who is supported by the Deputy Minister. Since July 2024. The department has about 34 000 staff, and 240 correctional centres throughout South Africa which accommodate approximately 189 748 offenders. These offenders are made up of different security categories such as minimum, medium, and maximum which include male, female, and juvenile offenders. Currently at the Pietermaritzburg New Prison the approved accommodation for the total number of offenders is 1493, currently they have 1223 remand detainees and 1960 sentenced offenders which leaves them with a current population of 3183 offenders and at 194.90% overcrowded, this information was obtained from the Pmb management area lock up totals on 28 June 2023. The second prison where data was obtained is Pietermaritzburg Medium B, as of 4 July 2023 they have 437 offenders with approved accommodation of only 316 offenders, they are currently overcrowded by 38.29%.

This study looked at a number of issues related to prison overpopulation that the Department of Correctional Services is facing. The in-depth investigation into the different dynamics that directly and indirectly contribute to overcrowding in South African correctional facilities will highlight the complex interplay between socioeconomic causes and how politicians will solve issues will be examined. The qualitative metrics employed in this study assisted in grasping the complex phenomenon of overcrowding in South African correctional centres. The prison experiences of correctional services were closely scrutinised. That is, the constructs of the rehabilitation centre staff and offenders were used in the engagement and motivation, successful acquisition of knowledge, and institutional support will drive the data collection processes.

Gay, Mills, and Airasian (2006) offer a qualitative research project design where a qualitative approach can only be able to provide a complete knowledge of the underlying phenomena. Inductive reasoning or argument is used in qualitative research to create concepts, insights, and knowledge from data patterns. It also employs an emic perspective of inquiry, which derives significance from the standpoint of the topic. Ideographic in nature, qualitative research seeks to comprehend the significance that

individuals place on daily life. Qualitative research makes up for the limitations on how people can talk or how their voices are not directly heard in quantitative research, which are disadvantages.

The study made use of interview schedules which were administered by the researcher to the respective participants, to collect the required data, that was given to 15 participants. An interview schedule referring to a list of structured questions which was prepared was given to the participants. It serves as a research tool to collect information from respondents. This study used the Medium A and Medium B cases from the Pietermaritzburg Correctional Centre as its exploratory cases. The research strategy was found to be effective in achieving the desired goals. The researcher met with each participant individually. Additionally, before the actual interview started, each participant was given a consent form and a letter of information in order "to abide by the ethical requirements of the professional institute" Saunders, Phillip, and Adrian (2012).

➤ *Analysis of Data and the Interpretation Thereof*

This section provides an overview of the analysis and conclusions reached after utilizing NVivo to analyse all the data gathered from the interviews. The main findings and conclusions were discussed. After spending time gathering the raw data from the Department of Justice, Pietermaritzburg Medium A, and Medium B correctional facilities, the NVivo software was used to interpret and analyse the data. The impact of the overcrowding of short-term offenders and remand prisoners from Pietermaritzburg, KwaZulu-Natal, South Africa, is the main topic of discussion.

On the first day collecting data at Pietermaritzburg Medium A, on 28 June 2023, the approved bed space was recorded at 1493, meaning that this is the actual number of offenders who can be accommodated for both sentenced and remand categories at the centre. Shockingly, the centre had an unlock of 3183 on this day. Broken down, this means that there were 1960 sentenced offenders and 1223 remands. The centre was overcrowded by 113.19%. In the afternoon, the lock-up total had also increased; they locked up with 1965 sentenced offenders, and 1225 remands, and a further 2 offenders were admitted in outside hospitals, leaving them with a total of 3192 compared to the 3183 in the morning. Thus, by the afternoon, the percentage of overcrowding had increased from 113.19% to 113.79%.

On the first day of collecting data from Medium B Correctional centre, on 5 July 2023, there was an approved bed space of 316 offenders. The centre was, however, filled with 444 offenders, leaving them with a 40.51% overcrowding percentage.

The process of data collection revealed that the situation was far worse than expected.

IV. DEFINITIONS OF QUALITATIVE TECHNIQUES USED WITH DIAGRAMS

➤ *Word Clouds Definition and Diagram*

The most commonly used terms are displayed as word clouds. The font size indicates how frequently a word was used. This aids in locating important topics or areas.

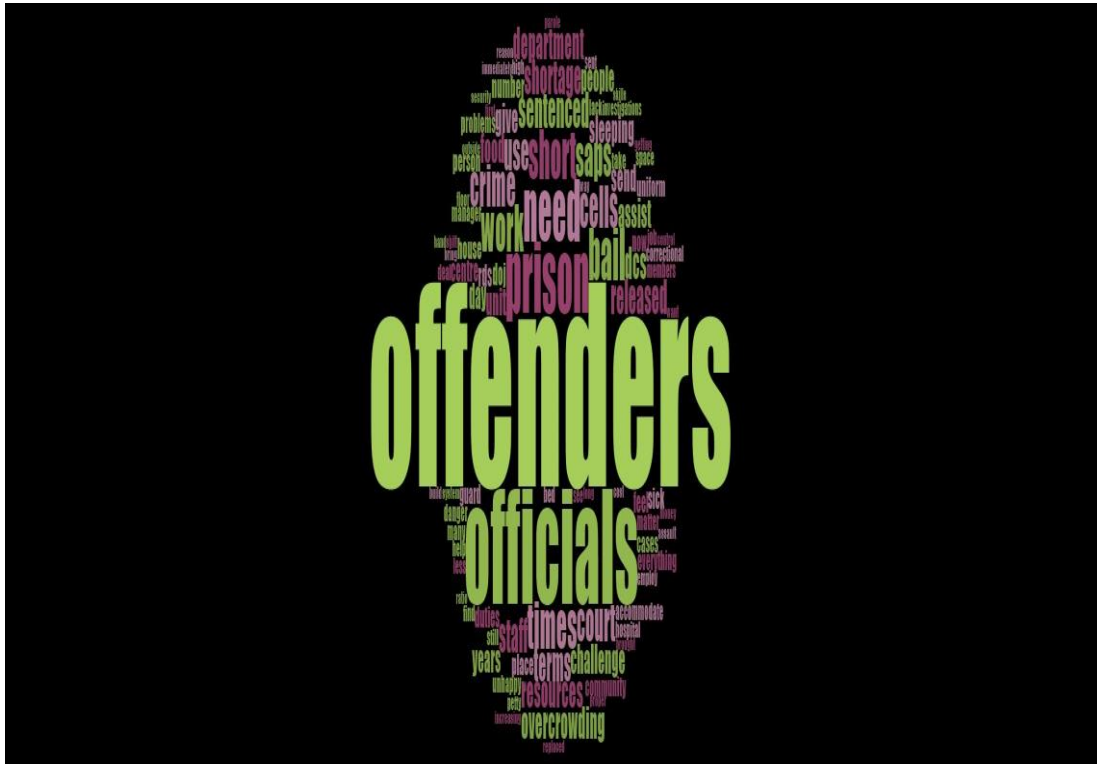
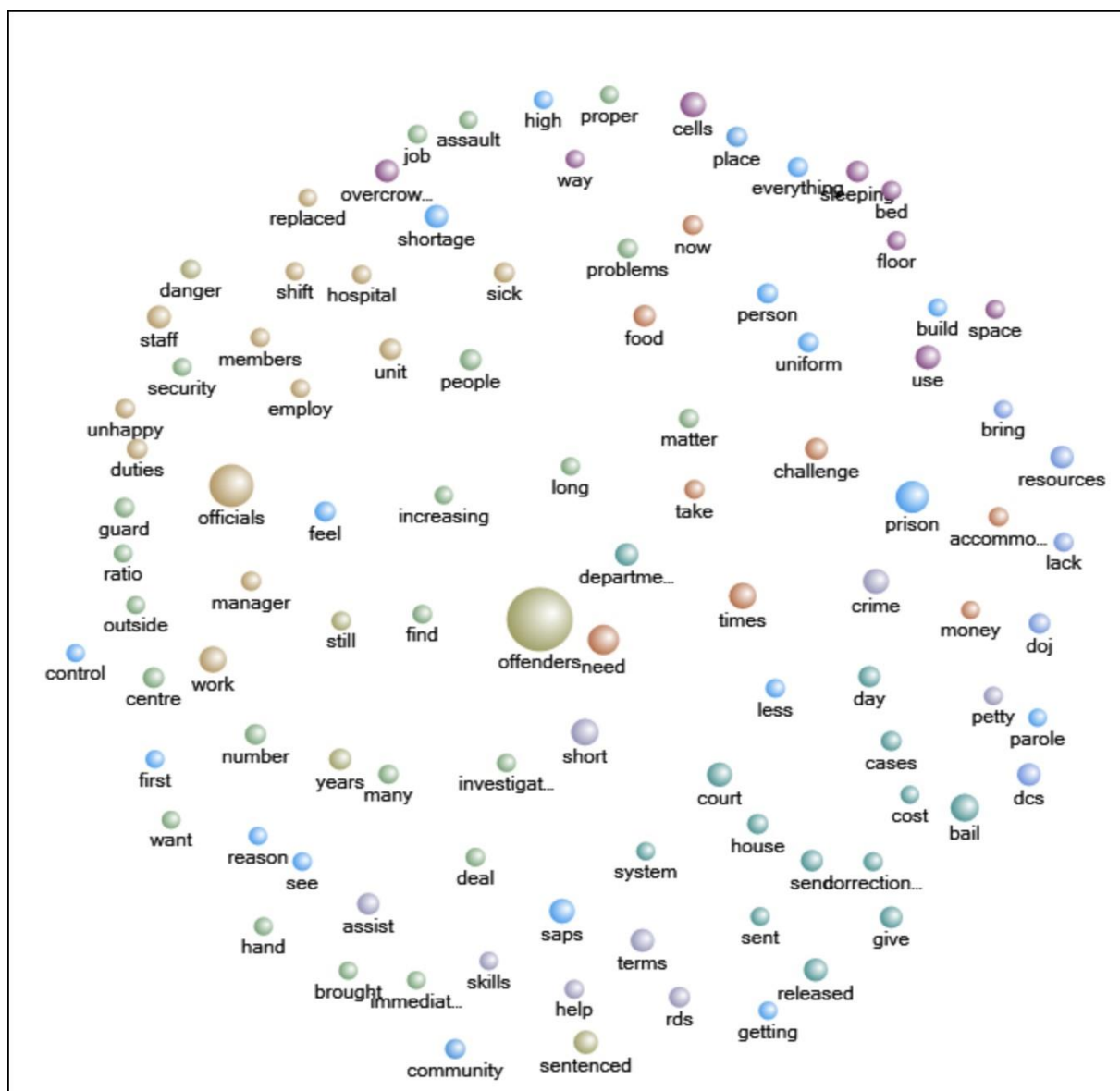


Fig 1: Word Cloud Diagram of all Respondent Interviews Demonstrating the Most Frequent Words Identified in the Study

➤ *Cluster Analysis Definition and Diagram*

Bubble charts were employed. These diagrams use "bubbles" to represent the data (keywords). The frequency of words and references increases as the bubble size increases. Additionally, the proximity of the bubbles indicates a link between those terms.



➤ *Word Trees Definition and Diagram*

These serve to illustrate significant words and the phrases or sentences that go along with them. You may then observe how these words relate to other words, sentences, and viewpoints. There are a number of word trees that came out during the analysis; a few were selected.

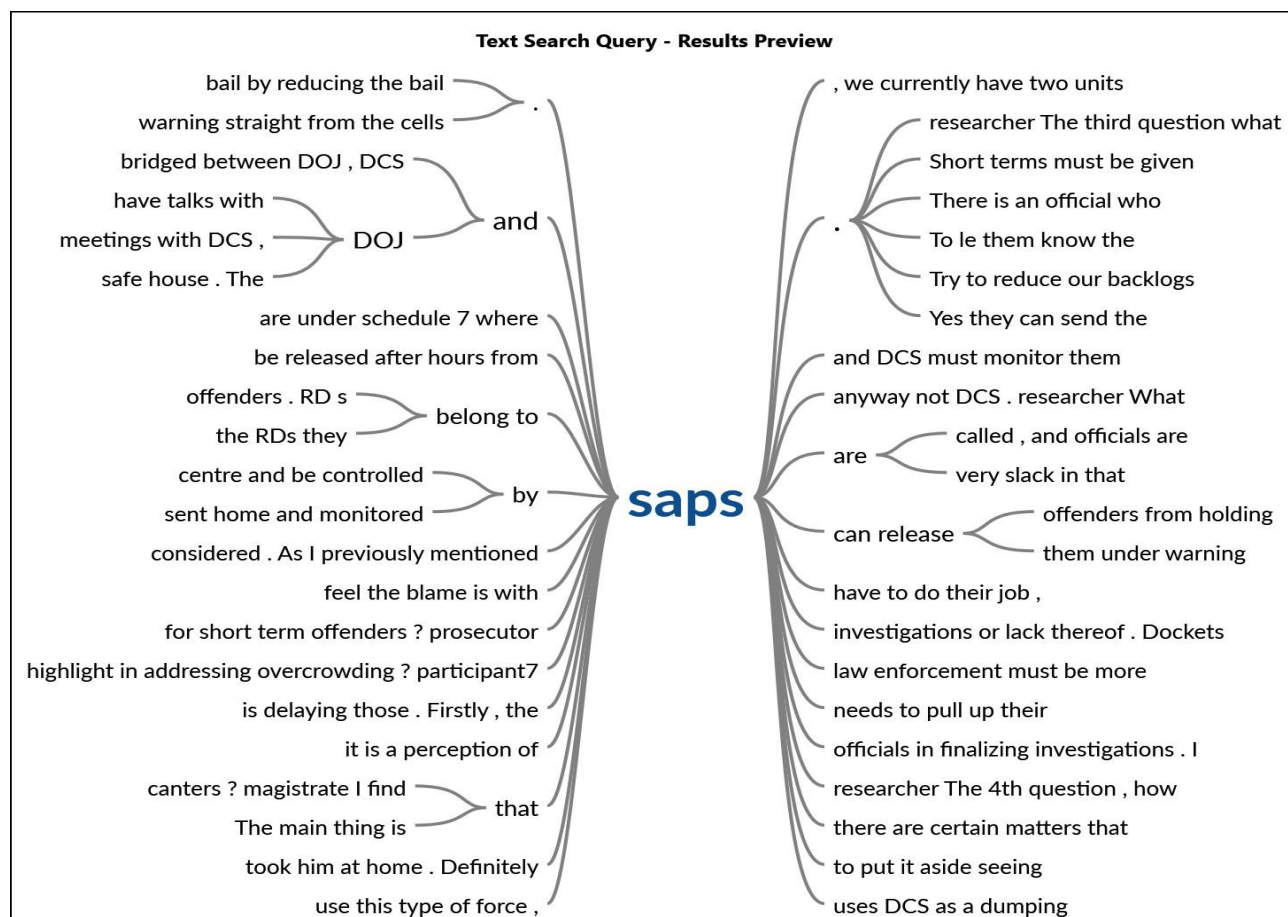


Fig 3: Word Trees Diagrams of all the Respondents' Interviews Identified During the Study

V. DELIBERATIONS AND SUGGESTIONS

The qualitative analysis and discussion of this study has highlighted the major discoveries made through analysis of the data gathered. Various analytical techniques were used during the data analysis procedure. The study was able to respond to the research questions and achieve its goals through the analysis. The study's findings have offered fresh perspectives on the subject, which can be utilised to guide further study and real-world applications. The suggestions for additional study were also considered.

VI. FORCES AND RESTRICTIONS

➤ Forces

There are a number of forces which can be linked to a study on prison overcrowding and its consequences in the Pietermaritzburg area, which include but are not limited to the following:

- **Raise Awareness:** It can raise awareness about the issue and its consequences, which can lead to increased public understanding.
- **Human Impact is highlighted:** Human impact and the effects on prisoners, their families and communities.
- **Encourages critical thinking:** It encourages critical thinking on the issue, including its root causes and potential solutions.

- **Contributes to public opinion:** It can contribute to public disclosure which can assist to shape public opinion and inform policy decisions.
- **Promotion of social justice:** it can promote social justice by highlighting the need for fair and equitable treatment of prisoners and their families.

➤ Restrictions

There are several restrictions on the study on the overcrowding and its consequences in South African prisons, notably Pietermaritzburg. Among the restrictions are:

- **Small sample size:** The results of the study might only be applicable to the group of officials who took part in it. The population of prisoners in Pietermaritzburg and other locations of South Africa may not be well represented by the sample size.
- **Lack of generalizability:** Outside of Pietermaritzburg and South African correctional facilities, the study's findings might not be transferable to other situations. The findings might only be relevant to the socioeconomic situation, culture, and criminal justice system of South Africa.
- **Difficulty in acquiring correct data:** The study's accuracy may be constrained by the challenge of locating precise statistics on the jail population, particularly in developing nations without adequate statistical databases.

- Limited data gathering strategies: The study may encounter issues with data collection strategies such self-report surveys, case file reviews, and other strategies that are susceptible to biases and errors in reporting.
- Limited research scope: The study concentrated primarily on the short-term effects of overcrowding rather than its long-term effects on prisoners and the criminal justice system. The long-term implications of overcrowding on offenders' health, rehabilitation, and reintegration into society require further study. When analyzing the study's results, researchers should take these limitations into account and keep generalizability concerns in mind.

The article was only conducted in one management area in KwaZulu-Natal (KZN) Province, the Pietermaritzburg management area. KZN consists of a total of 7 management areas in the Correctional Services context, which have a number of correctional centres falling under each management area. There are also 6 provinces in Correctional services and the article is based on one of them.

VII. CONCLUSION

The researcher gathered information on two groups of offenders: those serving short sentences and those being held on remand. The study was conducted to highlight the true worrisome incidence of overcrowding in the Pietermaritzburg Management Area, which includes two correctional facilities. The department of justice was also included in the study because it is a significant cause of the overcrowding epidemic.

The Department of Justice and the Department of Correctional Services, the two primary stakeholders, were questioned. A long-standing problem in the criminal justice system of South Africa is the overcrowding of short-term offenders and remand inmates, which has serious ramifications for the welfare of people impacted, as well as the larger society. Since the local jail system has failed to handle the recent increase of inmates, this issue has been a serious worry for law enforcement officials and lawmakers in the city of Pietermaritzburg. In this chapter, the study looks at the factors that contribute to Pietermaritzburg's prison overcrowding, analyses its effects, and offers solutions. The study aimed to discover significant solutions that can enhance the lives of people who are negatively impacted by overcrowding while also encouraging more effective and humane responses to crime and criminal justice in South Africa, through a thorough investigation of the current status of the prison system.

Short-term offenders and remand prisoners are overcrowding South African jails, particularly in Pietermaritzburg, and this problem needs urgent solution. Inmates who are overcrowded in prisons suffer grave repercussions, including poor living circumstances, higher violence risks, limited access to healthcare, and reduced involvement in rehabilitation and reintegration programs. Despite initiatives to reduce congestion, including the construction of new facilities, the implementation of non-

custodial procedures, and pre-trial diversion programs, the issue still exists due to a lack of funding and resources. Increased funding for the criminal justice system, better case management, and better inmate post-release support are all urgently required to address the issue of overcrowding.

Additionally, it is critical that the government acts to alleviate the socioeconomic problems like unemployment, poverty, and substandard housing that fuel criminal activity. By addressing these fundamental problems, we can potentially reduce jail overcrowding, improve the effectiveness of the judicial system, and reduce the number of short-term offenders and remand detainees. Short-term offenders and remand prisoners are overcrowded in South African prisons, particularly Pietermaritzburg, and the problem is complicated and multifaceted. Addressing the core causes of overcrowding and promoting human rights, rehabilitation, and reintegration of prisoners back into society requires a joint and ongoing effort from all parties.

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