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Correctional Services Act: a survey of the latest amendments

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Introduction

The Correctional Services Amendment Bill (B32 of 2007) was adopted by the Portfolio Committee on Correctional Services (the Portfolio Committee) on 6 May 2008 and by Parliament on 15 May 2008.1 It awaits signature by the President before becoming law. The Department of Correctional Services (DCS) submitted the proposed amendments in 2007, purportedly to bring the legislation in line with the 2005 White Paper on Corrections. While on the first reading, the amendments deal mainly with changes in terminology and are fairly superficial, some of the amendments are also substantive and go to the heart of the philosophy and services offered by the DCS.

I will outline some of these changes, commenting on the submissions that were made by several NGO's and other stakeholders during the Portfolio Committee's public hearings on the draft Bill, as well as considering their broader implications for corrections. The call for submissions was well responded to and a total of at least nine written submissions were made; eight organisations made oral submissions. Deliberations by the Portfolio Committee on the Bill continued for nine meetings, indicating the level of engagement by the Committee on the Bill.2 It was eventually the sixth version of the Bill (version F) that was adopted, indicating the impact of public engagement on the final version presented. The deliberations on the Bill were marked by a tussle between the Portfolio Committee and the DCS, particularly regarding the powers of the Minister of Correctional Services in respect of several key issues.

Terminology

The most visible changes have been in relation to changes of terminology from 'prison' to 'correctional centre', and from 'prisoner' to 'inmate' (referring to persons sentenced and awaiting trial), and 'offender' when referring to convicted and/or sentenced incarcerated inmates, as well as to those serving their sentences in the community outside a correctional centre. While these appear to be superficial distinctions, they may have deeper consequences. Several submissions commented on the new terminology and cautioned against using the term 'offender', a term which is value-laden and associated with wrongdoing; it is also at odds with the DCS's own vision to see prisoners as human beings capable of change and rehabilitation.3

At the heart of these terminological changes is the notion that rehabilitation lies at the centre of all the DCS's activities. The Bill defines a 'correctional centre' as a place established for the 'reception, detention, confinement, training or treatment of persons liable to detention in custody'. The name itself implies that it is an institution to change offending behaviour through the provision of certain services and

programmes. Yet, while the Bill endeavours to ensure that this is the case in respect of convicted and sentenced offenders, it specifically excludes the DCS from this obligation in respect of un-convicted (and even convicted but as yet unsentenced) persons. Section 2, which sets out the purpose of the Act, has been amended so that the duty of 'promoting the social responsibility and human development, of **all** prisoners', now refers **only** to sentenced offenders (s 2(c))[my emphasis]. Despite this exclusion, the Department may still provide correction, development and care programmes and services to all inmates even when not required to do so by the Act (S16(1)), and where it does not offer the services itself, must inform inmates as to where they can request services from other agencies.

In keeping with the new strategy and structure of the DCS, the Act has now been structured as to include 'care', 'correctional' and 'development' services to sentenced offenders. Care refers to the provision of services and programmes aimed at the social, mental, spiritual, health and physical well being of inmates. Correction services and programmes are aimed at correcting the offending behaviour of sentenced offenders in order to rehabilitate them; and 'development' refers to those programmes and services aimed at developing and enhancing competencies and skills that will enable to sentenced offenders to reintegrate into society.

Other less significant changes of terminology in keeping with the shift from 'prison' to 'correctional centres', is that there is now a 'Head of Correctional Centre', and 'Independent Correctional Centre Visitor'. The Commissioner has become the 'National Commissioner', while the definitions of 'Area Manager', and 'Provincial Commissioner' have been deleted. It is not clear what is to take their place, particularly since the organisational clustering of correctional centres into 'management areas' that used to be managed by Area Managers, still exists.

Community organisations, non-governmental organisations and religious organisations

One of the new and very positive additions to the Act is s 13(7) which provides that the National Commissioner may allow CBOs, NGOs and FBOs to interact with sentenced offenders in order to facilitate the rehabilitation and integration of offenders into the community. This is again generally in keeping with the DCS vision that 'correction is a societal responsibly' and the encouragement of the community to become involved in corrections. In response to concerns by some of the Portfolio Committee members,[4] a clause was added to provide some regulation of their involvement, and the Bill now requires that the organisations must be registered with the Department and its members may be screened by the National Commissioner before the organisations may be allowed to interact with sentenced offenders. A proposal by CSPRI that a dispute about access to a correctional facility between the Department and an NGO be referred to the Office of the Inspecting Judge was, however, not adopted in the Bill.

It may be an oversight, but the above provision is applicable only in the case of sentenced offenders. As stated above, where the DCS does not provide services to prisoners, it may put them in contact with organisations which do (section 16(1)). But, in the case of unsentenced inmates, the Bill has failed to provide the legislative opening for these organisations to work with awaiting trial detainees. Although there are few service providers working with awaiting trial inmates, those that do, provide a necessary service to ameliorate the conditions and treatment that these inmates experience, as well as providing some educational and developmental opportunities.

Children held with their mothers

Infants and young children detained with their mothers often evoke strong (and emotional) reactions, and deliberations on the Bill in this regard were no exception. The principal Act permitted infants and young children to remain with their incarcerated mothers up to the age of five years (section 20), though in practice, most children only stayed with their mothers until they were two years old. The amendments proposed to lower this age.

Submissions reflected on the negative impact on children who are separated from their primary care givers, who are most often their mothers, and referred to the draft UN Guidelines for the Protection and Alternative Care of Children without Parental Care (2006).[5] The Guidelines provide that when the child's sole or main carer is deprived of his/her liberty, the best interests of the child should be the primary consideration. In respect of children younger than three years, the Guidelines recommend that the child

should not be removed, in principle, against the will of the parent. Importantly, 'best efforts should be made to ensure that a child remaining in custody with his/her parent benefits from adequate care and protection' (clause 46).[6]

Taking this into account, the amended s 20 of the Act now provides that a female inmate (sentenced and awaiting trial) may have her child with her until the child is two years of age, or 'until such time as the child can be appropriately placed taking into consideration the best interests of the child' (s 20(1)). But, also in response to some comments regarding preparation for the care of the child after removal from the mother, the Bill now provides that on admission, the DCS must, immediately, and in conjunction with the Department of Social Development, take steps to facilitate the process of proper placement of the child.

Discipline and control

The new amendments repeal the sanction of solitary confinement for a disciplinary offence committed by an inmate (s 25). Now, the most severe penalty that may be imposed on an inmate in the case of serious and repeated infringements would be 'segregation in order to undergo specific programmes aimed at correcting his or her behaviour, with a loss of gratuity and restriction of amenities' (for a period not exceeding 42 days) (s 24(5)(d)).

The reason for removing this sanction is not explicit, but would be in keeping with the general philosophy that offenders should be given an opportunity to correct their behaviour rather than be punished for it. The White Paper talks of introducing restorative justice approaches to discipline, and it also advocates for the use of alternative sentencing such as community service within the correctional centre (paragraph 10.4.4).[7] Prof Dirk Van Zyl Smit, in his written submission, opposed the removal of solitary confinement from the Act, arguing that for the purposes of protecting prisoners' rights it is important to retain the distinct description of 'solitary confinement' in the legislation as it sets it aside from other forms and purposes of segregation. He also cautioned against the misuse of so-called 'segregation' for punishment purposes, a problem that has been acknowledged in South African case law.[8] Moreover, 'solitary confinement' provides a precise definition of this punishment option that would then facilitate monitoring. Since the Committee against Torture has called on states to abolish the use of solitary confinement,[9] his caution is essentially against the euphemistic title 'segregation' for a punishment option that is generally regarded as cruel, inhuman and degrading treatment.

Will the repeal of solitary confinement make a significant change in the way that prisoners are treated and disciplined? The Judicial Inspectorate of Prisons' (JIOP) 2007/2008 annual report seems to suggest that where more stringent measures to protect prisoners' rights are in place, correctional officials will be likely use other ways of sanctioning them that are often no less severe. The JIOP reports that there is chronic under-reporting on the use of solitary confinement, with only 159 cases being reported to it by the DCS despite the fact that reporting to the JIOP is a statutory requirement.[10] In contrast, prisoners reported 1,528 cases of segregation in terms of the provisions of section 30(1)(d)[11] to Independent Prison Visitors.

The JIOP also suggests that there is chronic under-reporting in respect of prisoners being held in mechanical constraints, with only 69 reports having been received in 2007. Mechanical restraints may be used if it is deemed necessary for the safety of a prisoner or any other person or for the prevention of damage to property or if it is believed that a person may escape.[12] With the authorisation of the Head of Correctional Centre, mechanical restraints may be applied for a period of seven days when a person is in segregation. The amendment now also provides that all cases of mechanical restraints must be reported immediately by the Head of the Correctional Centre to the National Commissioner and to the Inspecting Judge (s 31(3)(d)). Close monitoring will be needed if this new amendment is to result in improved reporting.

The amendment now also requires that the Inspecting Judge is informed whenever force has been used against an inmate, where that force was not authorised by the Head of the Correctional Centre, but where the correctional official either attempted to obtain permission, or believed that such authorisation would have been given but that a delay in obtaining permission would defeat the purpose of obtaining it (s 32(6)).

Sentenced offenders

One of the interesting additions to the Act is s 37(1A) which sets out the character of the managerial regime that the Department must establish in order to furnish sentenced offenders with the opportunity to comply with the requirement to undergo assessment, participate in the design and implementation of a sentence plan, and to perform any labour which is related to this development plan.

Section 37(1A) states that, as far as possible, such a management regime should consist of:
a) good communication between correctional officials and inmates, which is understood by everyone;
b) team work;
c) direct, interactive supervision of inmates;
d) assessment of sentenced offenders;
e) needs-driven programmes for sentenced offenders in a structured day and correctional sentence plan;
f) the provision of multi-skilled staff in an enabling and resourced environment;
g) a restorative, developmental and human rights approach to sentenced offenders; and
h) delegated authority with clear lines of authority.

This amendment attracted harsh criticism from some of the NGOs.[13] It laudably tries to echo the vision of the White Paper and does so in terms which are ambitious but vague. Instead of setting out clear, enforceable responsibilities, it espouses managerial aspirations in language that is general and confusing. For example, what is meant by 'good communication' that is 'understood by everyone', and how does one measure or apply 'team work'? More importantly, what would constitute a breach of these provisions? Despite the criticism, the section was retained unaltered.

In contrast with the broad sweep of s 37, the new s 38(1A) sets out in minute detail the particulars to be contained in a correctional sentence plan. The sentence plan must now contain the proposed intervention aimed at addressing risks and needs; spell out what services and programmes are required to target offending behaviour and enable sentenced offenders to handle socio-economic conditions that led to criminality; services to enhance social functioning must be described; and the sentence plan must set out time fames and specify responsibilities. It may rightly be asked if such a level of detail is necessary in the legislation and whether the requirements would not be more appropriately contained in the Regulations.

The sentence plan requirement is now also only applicable for sentenced offenders serving a sentence of longer than 24 months (instead of those serving a sentence longer than 12 months, as was the case initially under the principal Act). This change is not without consequence, as CSPRI pointed out its submission. With reference to the sentence profile of released prisoners in 2005, it notes that 72.5% of sentenced prisoners released served a sentence a less than 24 months. In effect this would mean that nearly three quarters of prisoners being released would not have had the benefit of a sentence plan and the services that it should give rise to.

Community Corrections

The objectives of community corrections were expanded in the amended s 50 and are now:

- to afford sentenced offenders an opportunity to serve their sentence in a non-custodial manner;
- to enable them to lead a socially responsible and crime free life during the period of their sentence and in the future
- to enable such persons to be rehabilitated in a manner that best keeps them as an integral part of

society; and

- to enable such persons to be fully integrated into society when they have completed their sentences.[14]

This is substantially more detailed than the objective of implementation of a sentence of imprisonment, which remains unchanged. In terms of this, the deprivation of liberty serves the purpose of punishment, and the implementation of the sentence of imprisonment has the objective of enabling the sentenced offender to lead a socially responsible and crime-free life in the future (s 36).

Regarding s 52, which permits the court, Correctional Supervision and Parole Board (CSPB), the National Commissioner, or other body to stipulate the conditions for a person to be placed under community corrections, subsection 1(b) indicates that a person should do community service 'in order to facilitate restoration of the relationship between the sentenced offenders and the community'. Although this clause was criticised on the basis that there may be other reasons for requiring an offender to participate in community service, it has survived unscathed. A concern that the requirement that a person be under house detention while serving a sentence of community corrections, would limit the opportunity to seek employment, was not addressed in the final amendments. In s 52(k), the person serving community corrections may be required to refrain from 'using' alcohol or illegal drugs, whereas previously the wording 'using or abusing' was used. In the light of the Toni Yengeni parole saga, when photographs of him drinking beer at a party attracted much media attention, this issue took up a disproportionate amount of the Committee's deliberations.

The incarceration framework

One of the major changes to the legislation concerns the time period that a sentenced offender must serve in a correctional centre before being considered for release on parole or correctional supervision. The amendments delete all reference to minimum non-parole periods, instead indicating that these should be determined by the National Council on Correctional Services in terms of a new Section 73A. According to this provision, the National Council, in consultation with the National Commissioner, must determine the minimum periods for which sentenced offenders must be incarcerated before being considered for placement under community corrections. To this end an 'incarceration framework' must be developed which outlines the minimum non-parole periods. This procedure raises a number of questions since it is the National Council, an advisory body, that must develop this framework, but it is also this same body that advises the Minister on the release of prisoners serving life imprisonment. Further, an amendment to s 83 saw the deletion of the previous exclusion of Members of Parliament serving on the National Council.[15] The door is now open to possibly appoint as many as four Members of Parliament (e.g. members of the Portfolio Committee on Correctional Services) to serve on the National Council.[16] It is, however, the Portfolio Committee on Correctional Services and the Standing Committee on Security and Constitutional Affairs that will have to approve the incarceration framework. The functions have now indeed become very blurred between the executive and the legislature, and between elected functionaries and those appointed in an advisory capacity.

Previous versions of the Bill stated that the envisaged incarceration framework, or minimum non-parole periods, would be determined by the Minster in consultation with the National Council. The discretion of the Minister to determine the periods was criticised in several submissions as constituting a blurring of the separation of powers, and it was recommended instead that the National Council should make this determination. As it stands now, the incarceration framework should be developed by the National Council, it must be ratified by the Minister, and he/she must submit it to the Parliamentary Portfolio Committee on Correctional Services for approval (s 73A (4),(5)&(6)). Following approval from Parliament, the Minister must develop and gazette regulations. The step of ratification by the Minister prior to Parliament's approval is also strange and without precedent. The proposed amendments also came under criticism from several organisations, particularly in view of the fact that the prescribed non-parole periods have changed several times over the course of 15 years creating a great deal of uncertainty.[17] The amendments, while attempting to create a coherent framework, will introduce yet another change to an already complicated process whereby Heads of Centres, CSPBs, the Minister and courts *a quo* (in the case

of prisoners declared as dangerous persons) will have to make decisions in respect of placement on parole or under correctional supervision in accordance with the regime that was applicable at the time of sentencing the particular offender. In effect, the incarceration framework will create a fourth parole regime, in addition to the three already in existence in practice.

The new s 73A now states that the incarceration framework must:
? prescribe sufficient periods in custody to indicate the seriousness of the offence;
? apply to all sentenced offenders generally;
? provide for consistent application of its provisions; and
? may provide for different periods in relation to the same offence, depending on the measure of good behaviour or cooperation of a sentenced offender during incarceration.

Two other significant changes have been made to this chapter. In relation to offenders sentenced to life incarceration, they may be placed on parole on a date to be determined by the Minister (s 73(5)(a)(ii)), who is to be advised in this function by the National Council (s 78). No minimum non- parole period is set, however, as with other categories of imprisonment, this again being left to the incarceration framework. The principal act had provided that 'the court' (presumably the court a quo) should make this determination, but this option was never used as no life-serving prisoners sentenced after 1 October 2004 would have become eligible for consideration for parole between then and now. It is also not part of the courts' jurisdiction to make administrative decisions regarding release.[18]

The second change is that the CSPB only needs to consider a report of a sentenced offender serving a determinate sentence of more than 24 months, whereas previously this period was 12 months (s 75(a)). This change was effected presumably to ease the case load of the CSPBs. This provision also brings nearly 75% of releases under the control of the DCS without the involvement of civilians, such as those serving on CSPBs, in the decision-making process. It is not clear how the minimum time that offenders serving sentences of less than 24 months will be determined, thus raising a further area of uncertainty.

Judicial Inspectorate for Correctional Services

Previous versions of the proposed amendment had provided for the appointment of an Inspector General for Correctional Services to replace the Inspecting Judge, with rather severe curtailment of functions. A proposal that attracted much attention even prior to the public hearings was that the proposed Inspector General would not need to be Judge of the High Court, but could be a legal practitioner with at least 10 years experience appointed on the recommendation of the Minister. This veiled attack on the independence of the Office of the Inspecting Judge was seen for what it was and the DCS withdrew it by the time of the public hearings.[19]

In keeping with the general terminology, the Judicial Inspectorate has been given a new name of 'Judicial Inspectorate for Correctional Services' and the 'Office of the Inspecting Judge of Correctional Services'. A provision has also been added to allow the Inspecting Judge to appoint a Chief Executive Officer who is responsible for administrative, financial and clerical functions of the Judicial Inspectorate, and who will be accountable to the National Commissioner in respect of monies expended, although he/she is under the control and authority of the Inspecting Judge (s 88A). The Chief Executive Officer is now responsible for appointing all staff, as well as people with legal, medical, penological or other expertise as assistants when required (s 89(4)).

Compliance management

One of the ongoing discussions has been whether the Judicial Inspectorate should have the mandate to report on corrupt and dishonest practices in the DCS. While this responsibility was already removed in a 2001 amendment from the mandate of the Judicial Inspectorate, it was retained as part of the mandate of the Inspecting Judge in s 90. The first version of the current Bill proposed the removal of reporting on corrupt and dishonest practices from the mandate of the Inspecting Judge, but this did not find support from the Portfolio Committee. The fact remained, however, that the DCS has taken on board the need to strengthen its capacity in terms of dealing with internal corruption and maladministration. Previously called internal service evaluation, the DCS now has a function to look at 'compliance monitoring' (Chapter 11). In addition to its already outlined functions, compliance monitoring must also suggest measures to

combat theft, fraud, corruption and any other dishonest practices or irregularities and investigate any such practices (s 95(f) and (g)). The National Commissioner must also establish a Departmental Investigation Unit (DIU) to investigate theft, fraud, corruption and maladministration by correctional officials, and members of the unit must also initiate disciplinary procedures resulting from investigations. The unit has the power of entry and search of any departmental premises and may seize any departmental record (s 95(3A)). These sections are designed to deal with some of the concerns and recommendations raised by the Jali Commission regarding corruption. The National Commissioner is now also obliged to report on compliance monitoring, investigations and disciplinary proceedings in its annual report to Parliament and to the Inspecting Judge (s 95C). The DIU was, however, established by the DCS in 2004 and the amendment therefore does not introduce a new structure, but rather describes what is already in place. Whether this unit, established as it is within the Department, will be sufficiently independent to effectively deal with corruption requires further research.

Conclusion

Unlike the previous amendments to the Correctional Services Act in 2002, this Bill attracted significant participation from civil society in the form of written and oral submissions. The Portfolio Committee also spent substantial time on deliberating the amendments in contrast to the process in 2002. What emerged very clearly from this round was that the Portfolio Committee was asserting its independence from the executive and taking to heart its task of improving oversight. On a number of issues, the Portfolio Committee changed the Bill to ensure that oversight is improved and that the power of the executive is curtailed. The most significant of these are: the incarceration framework which needs the approval of Parliament; the discretion of the Minister in respect of the incarceration framework; the submission of the Judicial Inspectorate inspection reports and annual reports to both Parliament and the Minister; the submission of the results of compliance reporting to Parliament and the Inspecting Judge; forging a closer relationship between Parliament and the Judicial Inspectorate, and the composition of the National Council.

There were many other issues raised in the public hearings and written submissions by various parties that were ultimately not reflected in the adopted Bill, and many of the nuances concerning the wording of particular sections were also not addressed. However, the DCS has gone some way to addressing some of the key concerns and, at the same time, moving towards its objectives set out in the White Paper. However, it would be unrealistic to expect this all to be realised through legislation and the biggest challenge for the Department remains in developing procedures and policies that best fulfil its intentions.

Endnotes

1 No date has yet been fixed for when The Correctional Services Amendment Act, 2008 comes into effect. Sections 73 and 73A may only come into effect once the regulations contemplated in 73A have been published.
2 The submissions are available on the PMG website at http://www.pmg.org.za/minutes/20070903-correctional-services-amendment-bill-public-hearings Accessed 2 August 2008.
3 See the submissions of CSPRI, 27 August 2007, and Centre for the Study of Violence and Reconciliation, 31 August 2007. These are available on the website of the Parliamentary Monitoring Group (PMG), http://www.easimail.co.za/Home/link.asp?id=11104&hash=4be7b5 , Accessed 2 August 2008.
4 See the Correctional Services Portfolio Committee deliberations of 27 August 2007, http://www.pmg.org.za/node/9376 . Accessed 2 August 2008.
5 UNICEF (2006) *Draft UN Guidelines for the Protection and Alternative Care of Children without Parental Care* (DRAFT STATUS AT 12.05.06), Submitted by International Social Service and UNICEF in collaboration with the NGO Working Group on Children without Parental Care, http://www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/DraftGuidelinesMay06.pdf , Accessed 15 August 2008,
6 The most comprehensive argument in respect of children help with their mothers was made by the South African Human Rights Commission, 4 September 2007. See http://www.pmg.org.za/node/9414 .
7 Department of Correctional Services (2005), White Paper on Corrections in South Africa, Pretoria.
8 *Hassim v The Officer Commanding, Prison Command, Robben Island; Venkatrathnam v The Officer Commanding, Prison Command, Robben Island* (1973 3 SA 462 (C)).
9 See for example UN Committee against Torture (1997) *Concluding observations of the Committee against Torture: Sweden*. 06/05/97. A/52/44,paras.214-226. (Concluding Observations/Comments), para 225, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.52.44,paras.214-226.En?OpenDocument Accessed 2 August 2008.
10 Judicial Inspectorate of Prisons (2008) Annual Report 2007/2008: Prisoners and Prisons, p.28.
11 This allows for segregation of an inmate who displays violence or is threatened with violence.
12 The use of mechanical restraints should obviously be monitored closely as it may result in danger to the inmate. The death of Marilyn Syfers in Pollsmoor prison in 2006 highlighted this danger. She was shackled hand and foot and chained to her cell door, when she set herself alight. The subsequent enquiry found that the use of restraints in her case had not been authorized or reported to the head of prison. Terri-Liza Fortein (12 June 2006) "Six face charges over death in cell fire at Pollsmoor jail",

Cape Argus; Aziz Hartley (6 October 2006) "Warning given to warden not enough, say prisoner's kin", *Cape Times*
13 See the CSPRI and CSVR submissions.
14 The DCS took into account a recommendation from CSPRI to remove the italicized part of the wording of this clause. Clause (iv) initially read: '?to enable such persons to be fully integrated into society when they have completed their sentences or *when they are no longer pose a threat to society*'. See CSPRI submission.
15 Section 47(1)(a) of the Constitution excludes persons who is in the service of the state from being Members of Parliament with a number of exceptions, namely the President, Deputy President, ministers, Deputy Ministers and other office bearers whose functions are compatible with the functions of a member of the Assembly. It therefore follows that Members of Parliament are not persons in service of the state.
16 See also the PMG minutes of the Portfolio Committee on Correctional Services of 14 September 2007 on the composition of the National Council. http://www.pmg.org.za/minutes/20070913-correctional-services-amendment-bill-adoption . Accessed 2 August 2008.
17 See for example the submissions by CSPRI, CSVR and in particular the submission by the Law Faculty, University of the Western Cape, 31 August 2007. Available at http://www.pmg.org.za/docs/2007/070905sloth-nielsen.htm . Accessed 2 August 2008.
18 See the Community Law Centre submission.
19 See for instance the submission from the Aids Law Project and the Treatment Action Campaign. See also submission from CSPRI p.18.

SA Prisons at a glance

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Category	Jan '08	Jun '08	Incr/Decr %
Functioning prisons	237	237	0
Total prisoners	165,987	163,294	-1.62
Sentenced prisoners	112,552	113,873	1.17
Unsentenced prisoners	53,435	49,421	-7.51
Male prisoners	162,437	159,773	-1.64
Female prisoners	3,550	3,521	-0.82
Children in prison	2,049	1,692	-17.42
Sentenced children	870	867	-0.34
Unsentenced children	1,179	825	-30.03
Total capacity of prisons	114,559	114,573	0.01
Overcrowding	144.89%	145.52%	0.43
Most overcrowded			
Umtata Medium	429.48%	343.45%	
Least overcrowded			
Mapumulo	25.97%		
Pomeroy		2.22%	
Awaiting trial longer than 3 months	23,945	23,431	-2.15
Infants in prison with mothers	178	150	-15.73

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