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FOREWORD

On the criminal justice agency, research and the future direction of Criminological Sciences

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"Law must never be taken as gospel - today's law may become tomorrow's crime, today's crime may become tomorrow's law."
- Abhijit Naskar.

The past three years have seen a sea of changes in how we view and interact with the world. The COVID-19 pandemic and its societal effects will be studied for the remainder of this century. The pandemic's effects severely restricted how we conduct research and how we as academics, researchers and criminologists interact in our science. Fundamental criminological questions remain, but the way researchers approach these questions have changed. However, we as researchers did not lose our agency, COVID-19 accelerated us to adapt and adopt new tools to strengthen our agency as researchers and criminologists.

Furthermore, reactions to the pandemic have shown us that all societal reactions are socially constructed (Mauss, 1975) and these constructs lead to conflicts. As Christie (1977) rightly indicates, we should use these conflicts and not let these conflicts erode. Questions regarding the criminalisation of products, behaviour and acts during the pandemic were hotly debated and these actions, reactions and effects must be studied by those who are the custodians of these properties, such as criminologists.

Questions pertaining to the measures/criminalisation and restriction in relation to the current political culture and the extent to which the country's citizens adhere to the rule of law remain. Research also need to look at how the Criminal Justice System (CJS) adapted to the global pandemic and how well criminal justice agencies are prepared for future pandemics and/or insurrections. Furthermore, research needs to be conducted to explore whether our current CJS truly reflects the values and ethos as envisioned by Beccaria (2016).

In terms of criminological theory, the new interconnectiveness of the world brings with it the possibility to test criminology, criminal justice as well as victimological theories in ways that were previously thought to be impossible. This exploration and questioning of power, as it relates to our field, cannot be done only by those who are already established in the science. Emerging scholars and academics should be given the space and resources to battle these weighty questions and problems. It is up to the new generation - a generation that "grew up" academically during the pandemic and its social effects - to study how we can improve, educate and find solutions.

In this edition of JUST AFRICA, emerging and established scholars are grappling with weighty research issues. The topics in this edition focuses on all aspects of criminology and criminal justice with some of the authors themselves emerging in a field that needs young dynamic researchers.

I hope that more emerging scholars and academics take up the clarion call of the above to make contributions to not only enrich our journal, but also criminological science as a whole.

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UPCOMING ISSUES

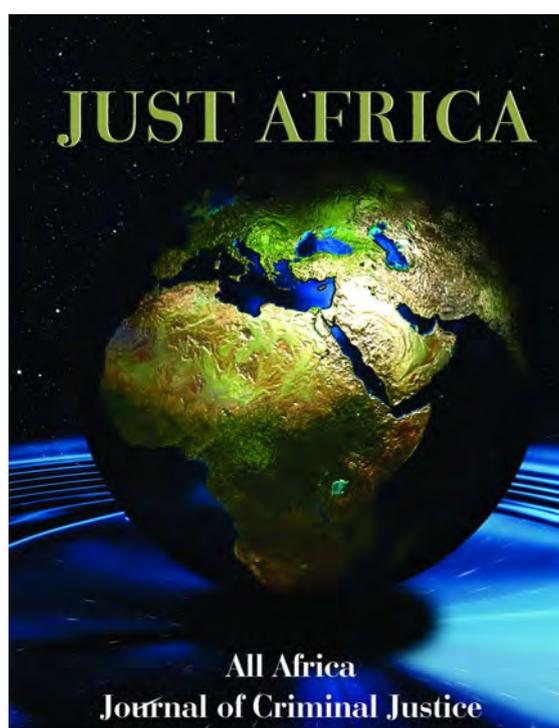
The editorial team of the **JUST AFRICA** Journal invites submissions for articles for the publication in its upcoming issues.

The details are as follows:

Issue	Theme	Submission date	Publication date
ISSUE 1/2022	EVIDENCE-BASED POLICING	15 MAY 2022	30 JULY 2022
ISSUE 2/2022	POLICING AND LAW ENFORCEMENT IN TIMES OF COVID-19 (OR OTHER PANDEMICS)	15 AUGUST 2022	30 NOVEMBER 2021

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Where changes are deemed necessary, articles will be referred back to authors for finalisation.
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- At least one article will be reserved for upcoming researchers including students in Criminal Justice, Corrections and Traffic Management, who are busy with their Masters.
- Submissions for academic book reviews may also be forwarded to the Editorial Manager.



LEGAL TALK

Legislative Developments

Dr. (Brig.) Marga van Rooyen

Legal Services, South African Police Service

THE CYBERCRIMES ACT 19 OF 2020

The influence of the Internet and cyberspace on our daily lives has many benefits. It has expanded opportunities to interact and communicate in a wider world, produced e-commerce and has transformed the world of business. However, cyberspace also provides a platform for abuse. It may be used to disrupt, interfere in and threaten our daily existence, in a virtual world of anonymity that transcends geographical borders.

The law has not kept up with technological developments. The Cybercrimes Act 19 of 2020 ("the Act") is critical in addressing criminal activities committed in cyberspace. On 1 December 2021, some sections of this long-awaited Act came into operation. These include the following chapters:

- Chapter 1 (definitions and interpretation)
- Chapter 2, with the exclusion of Part VI
- Chapter 3
- Chapter 4, with the exclusion of section 38(1)(d), (e) and (f); 40(3) and (4), 41, 42, 43 and 44
- Chapter 7
- Chapter 8, with the exclusion of section 54
- Chapter 9, which inserts new offences in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 ("SORMA").

The Act introduces new terminology relating to data, computers and computer systems that are technical in nature and require a proper understanding to effectively implement and enforce. Although the Act focuses on cybercrimes, the term is not defined in the Act. Instead, the Act creates a number of new offences, some of which are categorised as "cybercrimes". These offences mainly focus on the protection of devices (such as computers and computer data storage media) and systems (computer programs and computer systems). The Act prohibits unlawful access or altering of a computer system or computer data storage medium (such as a hard drive), the unlawful interception of data and the unlawful interference with data or a computer program or system or a computer data storage medium. Provision is further made to protect access to computers and systems by criminalising the unlawful acquisition, possession and use of a password, access code or similar data for use in the commission of an offence.

The Act also creates specific offences relating to cyber fraud, cyber forgery and uttering and cyber extortion. Although similar offences already exist as common law offences, the legislature deemed it necessary to create specific statutory offences where computer programs or systems are used as a medium to commit such actions. Instances where a computer system is "hacked" and payment of a ransom is demanded (often by means of payment in cryptocurrency) have surged dramatically. This ranges from cases where an individual or a business, industry or even the state may be targeted.

Another new category of offences in the Act are "malicious communications". Once again, no definition is provided to explain the terminology. However, sections 14 to 16 of the Act set out these offences. These include the disclosure of data messages to incite a person, groups of persons or the general public to cause violence or damage to the property of a person or group of persons (for example, persons with a particular characteristic such as race, gender, ethnic origin, religion or nationality). Furthermore, it includes threats of damage to property or violence conveyed by means of electronic communications to a person or group. The offences clearly recognise the impact that the Internet, especially social media platforms, has to influence and even mobilise others into action, even to commit criminal activities. These offences ensure that the perpetrator can be held criminally liable for actions committed on social media sites, even if he or she has no physical contact or proximity to the group that he or she incited or to the intended target. Considering the increasing reports of cyberbullying, where a social media user threatens another user with violence or damage to his or her property, and the apparent role that social media played to fuel the unrest of July 2021, the insertion of these offences is to be welcomed.

Another offence viewed as malicious communication relates to the unlawful disclosure, by means of a data message, of an intimate image of a person without his or her consent. This practice is commonly referred to as "revenge porn". It often takes place when intimate images that had been taken during a consensual sexual relationship are published after the relationship has ended, without the consent of the victim. The sharing

of such images is humiliating, causes emotional harm and constitutes an infringement of the victim's privacy. The offence is an indication of the seriousness with which the legislature views the privacy of complainants and acknowledges the potential harm that may be caused to them as a result of the disclosure of such data messages.

The Act places far-reaching obligations on the SAPS. These include the development of directives regarding the investigation of offences committed outside the Republic of South Africa and the issuing of Standard Operating Procedures on the investigation of cybercrimes and malicious communications.

The Act re-affirms the powers conferred upon police officials by the Criminal Procedure Act 51 of 1977 in respect of conducting searches, seizure of articles and even arrest. In this regard, the Act supplements existing policing powers and should not be regarded as limiting the exercise of any existing power conferred upon a police official by other legislation such as the Criminal Procedure Act 51 of 1977.

Certain powers are conferred upon a "specifically designated police official". This is a new term and is defined as a member of the SAPS holding the rank of captain or higher, and who has been designated in writing by the National Commissioner or the National Head of the Directorate for Priority Crime Investigation (DPCI). These officials are empowered to apply orally for a search warrant or an amendment of a warrant in exceptional circumstances where the urgency of the matter negates an application in writing.

Specific offences are also created to regulate the conduct of police officials and to prevent the abuse of their powers. These include offences where police officials intentionally and unlawfully act contrary to a search warrant or search, access or even seize data or a computer system without any legal authority. Furthermore, specific offences are created to ensure the authenticity and integrity of data, computer systems and programs and to protect information obtained during the conducting of an investigation.

Furthermore, the Act inserts new offences in SORMA which also came into operation on 1 December 2021.

The harmful disclosure of pornography without the consent of the person ("the victim") who appears or is described in the pornography is now criminalised in terms of section 11A(1) of SORMA. The offence appears to be similar to the offence in the Act that criminalises the unlawful disclosure of an intimate image of a person without his or her consent (referred to earlier in the discussion). While the Act requires the disclosure to be done by means of a data message and places no limit on the age of the victim, the offence in SORMA requires that the victim must be 18 years or older and includes the disclosure of analogue photos and videos which contain pornography. The harmful disclosure of pornography requires that the disclosure

must have caused the victim "harm". This may include mental, psychological, physical, social or economic harm to the victim, any member of his or her family or any other person in a close relationship with the victim. No definition is provided to clarify what may be considered as a "close relationship" with the victim.

In addition, section 11A of SORMA criminalises other forms of conduct relating to harmful disclosure of pornography such as the threat to disclose such pornography and the harmful disclosure of pornography-related extortion. This offence will be committed if the perpetrator threatens to disclose pornographic material of the victim, unless he or she pays money to the perpetrator.

The definition of "disclose" in the context of the harmful disclosure of pornography is very broad. For example, a perpetrator cannot use the excuse that he or she sent the pornographic image accidentally to someone else than the intended recipient or that he or she did not actually send the pornography (for example, an image), but only a link. The sending of a link that will enable another person to view or download the image is sufficient for the commission of the offence.

While child pornography was previously regulated by section 24B of the Films and Publications Act 65 of 1996, this is no longer the position. The Cybercrimes Act repeals section 24B of the Films and Publications Act and inserts section 19A of SORMA. The section provides for various offences relating to child pornography, such as the unlawful and intentional -

- creation or production of child pornography in any manner, other than by using a child for child pornography or assisting or facilitation such conduct;
- possession of child pornography; and
- distribution, making available, transmission, offering for sale, selling, offering to procure, procuring, accessing, downloading or viewing child pornography or assisting or facilitation such conduct.

The implication of this amendment is that the particulars of a person convicted of any of these offences will also be included in the National Register of Sex Offenders.

The Cybercrimes Act signals a new era in the combating of cybercrime, yet it is important to note that specialised resources will be required to ensure the effective enforcement of the Act. In this regard, the Act allows for the staggered implementation by providing that different sections may come into operation on different dates (see *supra*). This approach will enable the SAPS to develop procedures and measures to ensure the effective implementation of the Act. It will therefore take some time before the Act is fully implemented and to assess the impact of the legislation in the fight against cybercrimes.

LEGAL TALK

Case Law

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Legal Services, South African Police Service

Public discussions on the state of policing often include comments relating to the need to professionalise policing in South Africa. This principle is also contained in the National Development Plan that aspires to have, by 2030, a police service that is a well-resourced professional institution staffed by highly-skilled officials who value their work and serve the community.

The professionalisation of the police service requires that every police official must act lawfully and execute his or her powers in a responsible, diligent and rational manner. Failure by police officials to comply with the law during the execution of their powers has far-reaching consequences. It undermines public trust and confidence in the police, negatively affects investigations and prosecutions and often results in substantial civil claims against the Minister of Police ("the Minister"). This is demonstrated in the following two cases:

In *Mahlangu v Minister of Police (2021 (7) BCLR 698 (CC))*, police officials arrested Mr Mahlangu ("Mahlangu") in connection with the brutal murder of a family despite the fact that there was no evidence linking him to the crime. Mahlangu was repeatedly tortured during interrogation. He eventually confessed to the crimes, even though he wrongly guessed the method used to kill the victims. He also implicated Mr Mtsweni ("Mtsweni"), his neighbour, after the police officials insisted that he could not have acted alone. Mtsweni was subsequently also arrested.

The investigating officer included the false confession in the police docket during the bail application, which was central to the decision of the prosecutor to oppose bail. The investigating officer misled the prosecutor and did not disclose that the confession was false or that it had been obtained unlawfully by means of torture. The investigating officer also failed to mention to the prosecutor that there was no evidence to link either Mahlangu or Mtsweni to the crimes. Both men remained in detention and were only released when the real perpetrators were arrested months later.

Mahlangu and Mtsweni instituted a civil claim against the police. The matter was eventually heard in the Constitutional

Court to determine the extent of the liability due to the conduct of the police officials involved.

The court referred to the right not to be arbitrarily deprived of freedom and security of the person and the right to human dignity that are entrenched in the Constitution of the Republic of South Africa, 1996. The court pointed to the responsibility of the state to respect, protect, promote and fulfil these rights. The police, like other government officials, may not exercise any power or perform any function beyond the ambit of the law. The court further recognised the importance of liberty, as a fundamental right, in a free society and the need for courts to protect that right, especially in cases of unlawful arrest and detention.

The court held that the police officials arrested Mahlangu and Mtsweni unlawfully and orchestrated a false confession from Mahlangu. This information was withheld from the court and resulted in the detention of two innocent men. The investigating officer was required to be honest with the prosecutor and should have informed the prosecutor that the arrest had been unlawful and that the confession was false and obtained in an unlawful manner. The investigating officer had known that there was no evidence to support a successful prosecution of the accused.

The court explained that the police officials were responsible for informing the prosecutor of all relevant facts relating to the continuation of the detention of the accused, even if the facts did not support or justify further detention of the accused. Police officials have a duty to protect the constitutional rights of the community.

The court warned that the police could not be allowed to deprive people of their freedom by devious means and keep quiet about it. The court held that the Minister was liable for damages for the entire detention period (about eight months), from the arrest until the release of both accused. While the liability of the Minister for unlawful detention would normally cease once the court refuses a bail application, the court made a distinction in this matter, based on the deceitful conduct of the police officials and specifically the fact that the (false)

confession was included in the docket to oppose bail. The dishonesty of the investigating officer caused the extended detention of the accused and resulted in the court awarding compensation in excess of R1 million to the accused jointly.

In *Morwanqana v Minister of Police (18693/2017) [2021] ZAG-PIHC 474* (5 October 2021), two women ("the plaintiffs") who were complete strangers, met at the bus terminus at Park Station in Johannesburg on their way to the Eastern Cape. One of the plaintiffs took pity on the other because of the heavy bags that she was carrying and offered to help her. This act of kindness resulted in the plaintiffs spending time together while they waited for the bus.

Another passenger ("the complainant"), who was waiting for the same bus, had been the victim of a robbery, committed by two female perpetrators, some eight months earlier. The complainant was convinced that the plaintiffs whom she now saw at the bus terminus were the robbers as they appeared to fit their description (in build and size). The complainant saw them in each other's company and assumed that they were travelling together. She reported this to police officials at the terminus.

The police officials confronted the plaintiffs with the allegations made by the complainant. The plaintiffs denied the allegations and explained that they had only just met at the station. The police officials applied a basic investigation technique where one of the plaintiffs had to phone the other's cell number. Since the number did not register a name on the phone of the recipient, the police officials accepted that the plaintiffs did not know each other and allowed them to board the bus.

The complainant was not satisfied with the outcome and alerted the station where the robbery had been reported earlier. This resulted in the interception of the bus by police officials en route to the Eastern Cape. Despite protesting their innocence, the complainant persisted with the claim that the plaintiffs were the robbers and repeatedly confirmed this to the police official who had stopped the bus.

The police official subsequently arrested the plaintiffs on the charge of robbery. The plaintiffs were detained over a weekend, awaiting their first appearance in court. The case was withdrawn against both plaintiffs in court and they instituted a civil claim against the Minister on the basis of their unlawful arrest and detention.

Counsel for the Minister argued that the arrest of the plaintiffs was lawful. In terms of section 40(1)(a) of the Criminal Procedure Act 51 of 1977 ("the CPA") a peace officer (which includes a police official) may arrest any person whom he or she reasonably suspects of having committed an offence referred to in Schedule 1, which includes robbery. However, section 40(1)(a) clearly requires that the peace officer had to have a suspicion that the plaintiffs had committed the robbery and that the suspicion had to be based on reasonable grounds.

The court explained that "suspicion" implies an absence of certainty or adequate proof. Therefore, a suspicion might be reasonable even if there is insufficient evidence for a *prima facie* case against the arrestee.

The court held that the suspicion of the police official in the circumstances was not reasonable since he had to consider all the facts and circumstances at his disposal. This included not only the claims of the complainant, but also the denials of the plaintiffs. The police official only relied on the fact that the complainant had steadfastly insisted that the plaintiffs were the robbers. The identification of the plaintiffs at a bus terminus took place some eight months after the robbery. No consideration was given to the fact that the complainant may have mistakenly identified the plaintiffs after such a prolonged period of time. No attention was paid to the exculpatory explanation of the plaintiffs that they did not know each other and could not have committed the crime. This explanation could easily have been confirmed, as the officials at the Park Station so effortlessly did.

The court further explained that the police official should have acted reasonably to accept the explanation by the plaintiffs that they could not have committed the robbery. All that he had to do was to obtain their particulars and contact details. This would have enabled the investigating officer to confirm and verify their story with their employers. These actions could have been taken without arresting the plaintiffs. The conduct of the police official resulted in the awarding of compensation to the plaintiffs jointly in the amount of R540 000.

Both cases emphasise the necessity for professional conduct by police officials in the execution of their functions. Their conduct cost the police more than R1.5 million in compensation as a result of unlawful arrest and detention. These cases are not isolated and illustrate the far-reaching impact of decisions taken by police officials. Society expects police officials to respect the law and the rights of every person at all times. Unprofessional conduct by police officials weakens public confidence in, and respect for, the police. The Police Service cannot afford this, as it aspires to serve and protect our communities effectively and professionally.

ARTICLE

The impact of security risk classifications on the safety and security of inmates in South African Correctional Centres

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ABSTRACT

Security incidents in correctional centres are inevitable, given the nature of the environment and the varying offences for which people are incarcerated. Corrections departments use a security risk management system to control the inmates' behaviour in correctional centres to minimise these incidents. However, the risk management system is threatened by a significant increase in security incidents, making it increasingly difficult for the Department of Correctional Services in South Africa to protect vulnerable inmates from victimisation and intimidation by violent inmates. This study examines the various operational risk factors used by correctional managers to ensure safe and secure correctional facilities.

Based on primary and administrative data analysis, the findings indicate that administrative controls and operant conditioning principles are instrumental in maintaining social order in a correctional environment. The management of inmates' risk levels during their incarceration period remains a challenge for correctional centres. Correctional centres with inadequate risk indicators in their risk classification and ineffective control measures (both coercive and remunerative) to support risk outcomes experience significantly more security incidents than other correctional centres. The effective integration of the amenity programme and the code of conduct in the security risk classification system is crucial for the smooth running of a correctional centre. Implications and recommendations are discussed.

KEYWORDS/PHRASES

Security risk classification, consequent management, prison administration, amenities, inmate misconduct, prison violence.

INTRODUCTION

Correctional departments and the respective oversight bodies are responsible for ensuring that all individuals who are incarcerated in correctional centres are detained in a safe and secure environment (Department of Correctional Services, 1998:18). This responsibility is threatened by the significant number of assault-related cases which is reported annually by the South African Department of Correctional Services (DCS). In its 2018/2019 annual report, the Deputy Minister of Correctional Services at the time, Mr Holomisa, announced that 4.11% (6701 reported assaults out of the total of

162 875 inmate population) assault incidents were recorded. Interpreted differently, one in every 24 inmates was the victim of aggravated assaults during the 2018/2019 financial year (DCS, 2019:69). There are also frequent reports in written and electronic media discrediting DCS for the elevated levels of violence and gang-related activities in South African correctional centres. A report issued by the Ministerial Task Team on Correctional Services (Maqhina, 2020) has revealed 939 unresolved civil claims, 342 assault-related claims and 66 for damages (harm suffered), in which the DCS has failed to protect inmates (Maqhina, 2020). This

phenomenon shows that the DCS is struggling to protect vulnerable inmates from victimisation and intimidation by violent inmates.

Assault-related cases which are associated with security incidents in correctional centres are inevitable, given the nature of the environment (DCS, 2005:78) and the varying nature of offences for which people are incarcerated in these facilities. It is, therefore, incumbent upon correctional centres to put an effective risk mitigation plan in place to ensure that inmates with a high probability of infringing rules (high-risk inmates) are separated from vulnerable inmates. The scourge of these violent tendencies and the vast number of pending litigations against the DCS is an indication that there might be some operational shortcomings in the day-to-day running of correctional centres. It is evident that inmates are sometimes unnecessarily exposed to victimisation and intimidation by staff members and fellow inmates. Vulnerable or first-time offenders might be accommodated with hardened criminals, which can increase their risk of being victimised as they are not familiar with the environment.

The South African correctional system uses an actuarial risk assessment instrument to determine an inmate's security risk level and the possible threats that an inmate poses to the correctional centre and the inmate community (United Nations, 2016:12). This risk assessment, which is based on Andrew and Bonta's Level of Service Inventory-Revised (LSI-R) assessment instrument (Andrew & Bonta, 2006), is not a once-off exercise; it is rather a continuous process that is highly dependent on the inmate's adaptation and behaviour during his or her period of incarceration (DCS, 2005:76). The LSI-R is one of the most common risk assessment instruments used by correctional agencies across the world to establish an inmate's security risk factors (Carr, Baker & Cassidy, 2020:14). The LSI-R is an actuarial instrument that classifies inmates by their risk of recidivism and their danger levels (Bonta & Andrews, 2016:335).

An inmate's behaviour and adaptation are highly dependent on how the inmate conforms to the institutional rules. Inmates who are constantly guilty of rule violation will remain a threat to the correctional centres, while inmates who conform and subject themselves to the rehabilitation process will pose less risk. To control inmate behaviour and adaptation on the correctional centres, correctional authorities use a disciplinary system to correct inappropriate behaviour and an amenity programme to incentivise inmates who display good behaviour (DCS, 2005:78). If these processes are ineffective, it could compromise the risk assessment process and provide incorrect risk outcomes. It is therefore crucial for correctional centres to have an integrated risk assessment process where risk outcomes are in line with the behaviour and adaptation of the inmate.

PURPOSE OF THE STUDY

Given the level of assault and the high number of litigations against the DCS, this study examines the effectiveness of the security risk processes used as an administrative control mechanism to manage inmate behaviour. The research explicitly focuses on the impact coercive (disciplinary system) and remunerative measures (amenity programmes) has on the outcomes of an inmate's risk

level. The study further evaluates whether inmates are classified according to their respective risk levels and whether high-risk inmates are separated from vulnerable inmates.

THE THEORETICAL FRAMEWORK OF THE STUDY

Correctional managers are responsible for ensuring safety and order in a correctional centre (Dilulio, 1987:164-189). As such, they seek to implement operational policies and practices that can reduce levels of violence and anti-social tendencies in the correctional environment. To assist them, academia has developed extensive literature on the dynamics that influence the safety of the correctional environment. The literature provides an in-depth understanding of both individual and aggregate institutional factors that contribute to disorder levels in correctional centres (Gonçalves, Gonçalves, Martins & Dirkzwager, 2014:940; Steiner, Butler & Ellison, 2014:468).

The most notable research findings suggest that inmates act defiantly in correctional centres either because of their personal characteristics (the importation model) or the correctional centres' social and cultural dynamics (deprivation and prison management models). Researchers favouring the former perspective are of the view that inmates import their social values and experiences into correctional centres, entering with anti-social tendencies formed by subculture ideologies, lifelong economic deprivation and race-specific experiences and discrimination (Irwin & Cressey, 1962:142-155). According to this perspective, social demographic indicators are primarily used to gauge an inmate's likelihood of committing disciplinary infractions since such infractions may have deeper social meaning for the inmate (Irwin & Cressey, 1962). Some of the most commonly considered demographic characteristics are age (Day, Brauer & Butler, 2015:146; Steiner, Butler & Ellison, 2014:485; Valentine, Mears & Bales, 2015:425), race/ethnicity (Gonçalves, Dirkzwager, Martins, Gonçalves & Van der Laan, 2016:477; Kolivoski & Shook, 2016:1255), education (Benning & Lahm, 2016:200; Ruddell & Gottschall, 2014:354), marital status (Dâmboeanu & Nieuwbeerta, 2016:343) and employment (Kigerl & Hamilton, 2016:244).

The deprivation model holds the view that individuals are removed from societies and forcefully placed in institutions characterised by uncongenial conditions, also referred to as "the pains of imprisonment" (Sykes, 1958:64). This perspective takes the view that institutional culture is transforming individuals into fully fledged criminals because they are subjected to various depriving and humiliating conditions that severely affect their psyche (Sykes, 1958:64). During their incarceration period, inmates are denied their autonomy, their movements are restricted and they have limited access to goods and services. These restrictive conditions thereafter force inmates to adopt an inmate subculture that is formed in direct opposition to prison administrators and staff members (Clemmer, 1940:152; Sykes, 1958:64). The pains of imprisonment and the adversarial inmate subculture have a strong influence on an inmate's institutional behaviour to such an extent that they either conform or become deviant (Berg & DeLisi, 2006:638). The most notable variables of deprivation are the length of sentence for the inmate (Day, Brauer & Butler, 2015:146; DeLisi, Trulson, Marquart,

Drury & Kosloski, 2011:1206; Labrecque & Mears, 2019:217; Reidy, Cihan & Sorensen, 2017:49; Ruddell & Gottschall, 2014:353), overcrowding in correctional centres (Kuanliang, Sorensen & Cunningham, 2008:1198; Kuo, Cuvelier & Huang, 2014:255; Steiner et al., 2014:468) and the security custody level of the inmate (Day et al., 2015:146; Ruddell & Gottschall, 2014:353).

As a remedial action to counter the formation of a negative inmate subculture, Dilulio (1987:164-189) introduces an administrative model which tries to address conditions highlighted in the deprivation model. The administrative approach hinges on an in-depth understanding of how a correctional centre's administration may contribute to or alleviate institutional misconduct. In his study, Dilulio (1987:164-189) found that correctional centres with effective management structures, effective line management (i.e. communication), proper disciplinary systems and sound cultural dynamics experienced fewer institutional misconduct incidents than those that were poorly administered. The administrative model proposed two control mechanisms, namely coercive and remunerative controls. Coercive controls are measures that discourage deviant behaviour through a code of conduct and disciplinary system (segregation, restriction of amenities) and restrictions of freedom of movement and liberties (high-security classification, strict surveillance). Remunerative controls encourage socially desirable behaviour by providing rewards and resources (amenities) for conformity with the code of conduct, such as rehabilitation programmes (Lai, 2019:1264; Pierce, Freiburger, Chapin, Epling & Madden, 2018:18; Stacer & Solinas-Saunders, 2018:218).

The theoretical framework that guides this study is based on the administrative model of Dilulio (1987:164-189), specifically the coercive and remunerative controls used to mitigate risk in correctional centres. The existing risk mitigation plan in South African correctional centres revolves around three systems, namely the security classification system, the amenity programme and the disciplinary system. These systems were designed to encourage inmates to conform with the social order by rewarding them for good behaviour and discouraging deviant behaviour through the implementation of restrictive controls against inmates who violate the good order of the correctional centre.

Security classifications

The security classification and assessment process in the correctional system is the procedure of grouping or classifying inmates at different custody levels (i.e. minimum, medium and maximum) and aligning the classification with various correctional resources (e.g. the type of facility, amenities and level of supervision needed) (United Nations, 2016:12). The classification system is used as a management tool to differentiate between inmates who pose a security threat or risk to the centre and those who are vulnerable or at risk of being intimidated, manipulated and victimised by hard-core and high-risk inmates (Kerryn & Dale, 2015:12). The safety of inmates in correctional centres is one of the primary responsibilities of the DCS. They must ensure that inmates are not unnecessarily exposed to victimisation and intimidation by other inmates. In some instances, vulnerable or first-time offenders might be accommodated with hardened criminals, which can increase their risk of being victimised as they are not familiar with the environment.

The placement or separation of inmates must always be justified (United Nations, 2016:12). A proper security risk assessment instrument is essential for determining the respective classification status of each inmate. An incorrect risk placement might expose inmates to averse conditions that are not suitable. Security risk assessment is done to determine the risk an inmate poses to the correctional centre's safety, using their sentencing details as a measurement tool (United Nations, 2016:12). The risk level is established based on factors such as criminal history, current convictions (e.g. violent and sexual crimes) and social factors (age, marital status, employment history, substance abuse and gang affiliation) (Coyle, 2003:79; Wooldredge & Smith, 2018:365). Other risk factors considered after incarceration (re-evaluation) include the inmate's escape risk, the risks they would pose to the public (recidivism or relapse in crime) and the risk they pose to good order and discipline in the correctional centre. Once all the risk factors are considered, inmates are categorised into three groups, namely minimum, moderate or high-risk (Coyle, 2003:80).

To ensure sufficient oversight and the consistent application of risk management in correctional centres, the United Nations (2016:12) has developed three components of risk management:

- Prevention: security measures taken to minimise risk, e.g. restrictions and the separation of violent inmates from vulnerable groups;
- monitoring: inmates should be continuously monitored and their risk profile be re-evaluated to determine their risk status;
- interventions: these include restrictive measures taken to minimise risk in the short-term, e.g. activities and programmes that aim to eliminate or reduce the underlying causes of the risks to achieve long-term positive outcomes. Underlying causes include social, economic, educational and criminogenic factors that contribute to criminal behaviour.

Careful consideration should be taken in the application of these risk components. Each of these components must be informed and justified by the findings of the risk and needs assessment. The LSI-R assessment instrument is one of the most common risk assessment instruments used by correctional agencies across the world to establish inmates' risk factors (Carr, Baker & Cassidy, 2020:14). The LSI-R classifies inmates by their risk of recidivism and their danger level, sets the level and type of appropriate interventions, improves resource utilisation and eliminates bias through an objective criterion (Bonta & Andrews, 2016:335). Actuarial instruments ensure a fair and consistent assessment and neutralise or eliminate the human error (bias) driven by subjective decision-making (Picard, Watkins, Rempel & Kerodal, 2019:11).

The literature on risk classification through an actuarial instrument in correctional centres is limited. Contemporary research mostly focuses on personal characteristics that contribute to deviant behaviour in correctional centres and not on the risk implications they have for the centre. The most notable features that directly influence an inmate's behaviour are factors such as their criminal history (Benning & Lahm, 2016:200; Dâmboeanu & Nieuwbeerta, 2016:343; Gonçalves et al., 2016:447; Kolivoski & Shook, 2016:1255; Reidy et al., 2017:49; Walters, 2020:18); current conviction (e.g. violent or sexual crimes) (Gonçalves et al., 2016:447;

Kolivoski & Shook, 2016:1255; Reidy et al., 2017:49); social factors such as age (Kolivoski & Shook, 2016:1255; Valentine et al., 2015:425), marital status (Tewksbury, 2014:216), employment history (Kigerl & Hamilton, 2016:244), substance abuse (Klatt, Hagl, Bergman & Baier, 2016:741; Walters & Crawford, 2013:411) and gang affiliation before arrest (Day et al., 2015:146; DeLisi, Spruill, Peters, Caudill & Trulson 2013:613; Ruddell & Gottschall, 2014:353).

Several studies were also conducted on institutional factors such as architectural designs, custody level, overcrowding and administrative operations (privileges and code of conduct), but none of these was related to the implication they have on the inmate's security risk classification. Most of the literature presented in these studies also lack consistency in their prediction rates - some studies found correlations between the different variables, others did not (Bosma, Van Ginneken, Sentse & Palmen, 2019:24; Steiner et al., 2014:466). An earlier review conducted by Steiner (2014:466) found that there was no significant indication that overcrowding can be related to institutional misconduct. A more direct and in-depth approach of the different variables that cause deviant and delinquent behaviour in correctional centres might give a different perspective and a more consistent outcome.

Amenity programme

The amenity programme in correctional centres is directly linked to Dilulio's remunerative controls. Inmates who conform to the code of conduct are rewarded for their desirable behaviour. The amenity programme aims to encourage inmates to behave appropriately, instil a sense of responsibility and promote their cooperation and interest in treatment programmes. In terms of the amenity concept, the reasonable, fair and consistent operation of the amenities programme is an essential aid in the hands of the head of the centre, enabling him or her to regulate the inmate's behaviour and ensure a satisfied and orderly prison population (DCS, 1996). It is also essential to ensure that the maximum strengthening of conduct is established - consequences must occur immediately after the offence or deserving action (Steiner & Wooldredge, 2009:453; Taylor, Lee & Taxman, 2019:23). Inmates must immediately feel the impact of the behaviour: if they behave appropriately they should be rewarded and discouraged should they behave in an inappropriate manner. The correct administration or application of the amenity programme must also have a direct impact on the security risk classification of inmates. Their behavioural implication must either increase or decrease their security risk level. Inmates who display improper behaviour should be placed in a more secure detention facility and those who conform will be held in a less secure facility.

The amenity programme is divided into three main groups, namely A, B and C. Each group has different privileges: A-group inmates have access to more recreational activities than their counterparts in the B- and C-groups, with C-group inmates having least privileges (DCS, 1996). The privileges for inmates are granted based on the behavioural tendencies of the inmate: inmates who conform have more privileges than those who display deviant behaviour in the correctional centre (Cochran, Toman, Mears & Bales, 2018:409).

The application of the amenity programme can be linked to the behaviour modification concept of Skinner (1938 and 1953) and operant conditioning theory (Watson, 1913) (as cited in Gendreau & Listwan, 2018:37). Operant conditioning, also referred to as instrumental conditioning, is a method of learning that uses rewards and punishment for good and bad behaviour. Through operant conditioning, an association is made between a behaviour and the consequence of that behaviour. Skinner (1938 and 1953) uses the term "operant" to refer to any active behaviour that operates upon the environment to generate consequences. Operant conditioning relies on a simple premise: "good" actions that are followed by reinforcement will be strengthened and will be more likely to occur in the future. Conversely, actions that result in punishment or undesirable consequences will be weakened and less likely to happen in the future. The practical implementation of the operant conditioning principles in a correctional centre can contribute to inmates' good behaviour (Yao, 2021:219). The timeous implementation of consequent management in a correctional centre will reduce incidents of undesirable behaviour (disciplinary infractions) and encourage desirable behaviour (compliance with code of conduct).

Although the research on the effectiveness of the amenity programmes in correctional centres is limited, several studies have examined the inmates' involvement in rehabilitation programmes and their institutional misconduct. A study conducted by Taylor, Lee and Taxman (2019:22) on drug treatment programmes in Texas's north-eastern districts found that inmates who attend rehabilitation programmes mostly accept and conform to the centre's code of conduct and are not interested in anti-social behaviour committed by those who choose to disrespect the code of conduct. They found that inmates who were involved in therapeutic intervention and therapy were associated with a reduced likelihood of misconduct.

Disciplinary infringements

Correctional centres are viewed as total institutions "closed social systems separated from the outside" (Goffman, 1968:22). Correctional centres have a closed social system or culture which is influenced by two opposing parties, namely the correctional official who is responsible for enforcing rules and ensuring compliance from inmates and the inmates who are incarcerated against their will and not always in agreement with the administration of the correctional centres (Fitz, Barkhuizen & Petrus, 2018:115). Under these circumstances inmates are usually stripped of their individuality, which can directly influence their attitudes and actions. Inmates can either conform or become resistant to the rules which are enforced upon them. Maintaining discipline in correctional facilities has always been regarded as challenging, but necessary. Most correctional departments use a code of conduct and a disciplinary system to ensure that compliance is instilled in inmates. The code of conduct is regarded as an essential part of inmates' rehabilitation, as they regulate inmate behaviour within predetermined and socially approved parameters of behaviour (Brant, 1972:13). They are designed not only to ensure the security, control and orderly administration of the institution but also to assist with the inmate's rehabilitation and eventual return to society.

The effective application of administrative practices (coercive and remunerative controls) will help correctional managers to encourage adherence to the code of conduct among inmates and instil an institutional culture. A study conducted by Day et al. (2015:148) indicates that sound coercive controls were positively related with institutional compliance. In other words, correctional centres with sound coercive control measures are likely to have fewer disciplinary infringements than those with less effective control measures (Day et al., 2015:148). They found that inmates who experienced fair impartial treatment from correctional officers felt safer in the correctional setting and were less interested in rule violation, while those who did not perceive the authority being exercised as legitimate are unlikely to follow the rules.

The literature presented in this study shows that an inmate's likelihood of engaging in misbehaviour is highly dependent on their characteristics and the social aspects of the environment. It was also evident that these measurements were mostly conducted to establish the inmate's likelihood of engaging in misconduct and not the impact their conduct has on the safety of the correctional environment. There is a lack of sufficient literature to illustrate what effect the inmate's behavioural tendencies had on their security risk classification. The security risk classification of inmates cannot be a once-off exercise because the behavioural tendencies of inmates are constantly changing, which requires frequent re-evaluation. The individual inmate's practice of compliance in the correctional centre directly affects his or her security classification; inmates who periodically violate the code of conduct pose a severe risk to the correctional centre and other inmates. Similarly, inmates who display good or acceptable behaviour pose less risk to the correctional centre and should be rewarded accordingly.

METHODOLOGY

This study uses 12 months of administrative data collected from three correctional centres in the Eastern Cape province of South Africa to examine the impact inmates' institutional behaviour has on their security risk classification. Specifically, the study examines the application of the risk management tools used in correctional centres to control inmate behaviour. It rates the impact the coercive and remunerative measures have on the outcome of an inmate's security risk classification.

The methodological approach is based on a qualitative (document analysis) data analysis used by correctional authorities to measure an inmate's security risk assessment in the correctional centre. The document analysis includes administrative data such as inmates' sentence details and personal particulars, their disciplinary records and gang affiliation collected from the different centres on the inmates. The sample is restricted to male inmates, as security incidents were more prevalent among them.

Research setting

South Africa operates a centralised corrections system. The DCS has 242 active correctional centres in six regions across South Africa. Each region is divided into different management areas that control several correctional centres in their respective jurisdiction. Each region also has five different types of correctional centre, namely medium, remand, maximum, juvenile and female. The

latter three groups are centralised per region because of capacity, meaning that each region has only a few of these centres to accommodate this category of inmates.

This study's data was obtained from three different correctional centres in the Eastern Cape province, namely the East London Maximum Security Correctional Centre, Cradock Correctional Centre and St Albans Medium Security Correctional Centre. East London Correctional Centre is a centralised maximum classified centre that accommodates maximum-security inmates from 28 different medium-ranked centres in the region. If an inmate is found to be a maximum classified inmate in a medium centre, that inmate will be transferred to the maximum centre. Cradock Correctional Centre is one of two correctional centres in the region that accommodate juvenile offenders (14-20 years) and young offenders (21-25). St Albans Correctional Centre is a medium classified centre that admits new inmates from the court. The centre serves approximately 46 courts within the Nelson Mandela Metropolitan district and accommodates mainly medium classified adult offenders (aged 26 and older) and maximum young offenders (22-25 years).

Sample and data collection

The sample includes newly admitted inmates who had recently started serving their sentences in three different correctional centres over a 12-month period (December 2015 to November 2016). To be included in the sample, inmates must have served 12 months of their sentence and must have been subjected to a security risk classification at their respective correctional centre. A total of 413 inmates were identified through a computerised electronic correctional system.

The sample was narrowed down to 221 newly admitted sentenced inmates based on the inclusion criteria. Inmates excluded from the selection were those who left the centre temporarily, transferred inmates whose security classification was beyond 12 months and inmates who left for court appearances. Semi-structured questionnaires were then administered to the group of 221 inmates, which included 65 from Cradock, 71 from East London and 85 from St Albans. Administrative data for each selected inmate was also collected from their institutional files held by the DCS. During the data analysis, the sample was further reduced to 151 inmates (Cradock, 49; East London, 51 and St Albans, 51) due to corrupt files and insufficient information. For comparison purposes, the final sample was grouped according to their security classification status and disciplinary infringements during their incarceration period.

Measurement

Data in this study was derived from computerised administrative records and personal information, which were retrieved from the inmates' files. The data was then categorised according to three distinct risk categories, namely the inmate's criminal history, social background and institutional behaviour. The risk categories include both static and dynamic risk factors that affect inmate risk assessment outcomes. The inmate's criminal history included his or her current criminal act, type of crime and previous criminal record, while their social background included the age, marital status and

employment status before the arrest. The inmates' institutional behaviour was measured according to their disciplinary infringements, privilege group status, gang membership and gang type.

Measuring the type of crime, the inmates were grouped according to the type of crime for which they were incarcerated, with 1 = violent (aggressive), 2 = sexual, 3 = economic and 4 = substance abuse. In the length of sentence, respondents were grouped according to their different sentence length, where 1 = 0 to less than two years, 2 = two to less than five years, 3 = five to less than ten years, 4 = ten to less than 15 years, 5 = 15 to less than 20 years, 6 = 20 years and more, and 7 = life sentence. The crime and sentence categories were listed according to the criminal categories specified in the Criminal Procedure Act 51 of 1977, namely aggressive, sexual, economic and substance abuse. The aggressive type included capital offences which involved violence, such as murder, assault, culpable homicide, arson and robbery with aggravating circumstances. The sexual offence category included all sexually-related crimes, such as rape, sexual assault and attempted rape. The economic crimes category included theft, fraud and house-breaking, while the substance abuse category included all crimes related to drugs, such as possession of dagga or dealing in drugs. For previous convictions, respondents were grouped according to the number of previous convictions they had on a binary scale (1 = No prior convictions, 2 = 1 to 3, and 3 = 4 and more convictions).

The age of the inmate was measured in years and recorded as it appears on the inmate's record sheet. In correctional centres, inmates are grouped or classified according to their age groups; those under 18 years are classified as children, under-21s are classified as juveniles, under-25s are classified as young adults, under-65s are classified as adults, and those 65 or older are classified as elderly or senior citizens (Department of Correctional Services: B Order). In the marital status of inmates, respondents were requested to indicate whether they were 1 = single, 2 = married,

3 = cohabiting, 4 = widowed or 5 = divorced. For employment, respondents were asked to indicate on a binary scale (1 = yes, 0 = no) whether they had been employed before their arrest.

In the disciplinary infringements category, the inmate's administrative records were used to establish the number of disciplinary infringements they had against them during their incarceration period. Data was recorded on a binary scale (1 = yes, 2 = no) to establish whether or not they had infringed and if they had, the number of infringements was recorded on a nominal scale of 1 to 5. For gang affiliation, the inmate's current gang status was registered, and if they belonged to a gang, the type of gang was recorded accordingly, with 1 = 26 gang, 2 = 27 gang, 3 = 28 gang, 4 = Air Force gang, 5 = Big Five gang member. The privilege groups for inmates were retrieved from the Admission and Release system with 1 = A-group, 2 = B-group, and 3 = C-group.

FINDINGS

All analyses were performed in SPSS (Statistical Package for the Social Sciences). The study performed two sets of statistical analysis, namely the inmate's security classification (Table 1) and the number of disciplinary infringements (Table 2), to draw comparisons on the different indicators or variables. The variables emanated from the inmate's social background, criminal history and institutional behavioural tendencies, which correlate with institutional misconduct in previous literature. A cross-tabulation was computed for each data set to establish the statistical relationship between the dependant variables (security classification and disciplinary infringements) and the independent variables (inmate's criminal history, social background and institutional behaviour).

The computed data indicates several significant relationships between the inmates' security classifications and their disciplinary records at the respective detention centres.

TABLE 1: SECURITY RISK CLASSIFICATIONS

Security classification					
Description	Medium		Maximum		Sign
	Total	%	Total	%	
Centre					
Cradock	49	100.0	0	0.0	.000
East London	0	0.0	51	100.0	
St Albans	0	0.0	51	100.0	
Total	49	32.5	102	67.5	
Age categories					
Juvenile (0-21 years)	24	49.0	1	1.0	.000
Young adult (22-24 years)	25	51.0	79	77.5	
Older adult (25-60 years)	0	0.0	20	19.6	
Senior citizen	0	0.0	2	2.0	
Employment status before arrest					
Yes	20	40.8	81	79.4	.000
No	29	59.2	21	20.6	

Marital status

Single	49	100	83	81.4	.034
Married	0	0.0	10	9.8	
Cohabiting	0	0.0	4	3.9	
Widower	0	0.0	3	2.9	
Divorced	0	0.0	2	2.0	

Crime category

Aggressive (violent)	26	53.1	59	57.8	.689
Economical	4	8.2	5	4.9	
Sexual	19	38.8	38	37.3	
Other	0	0.0	0	0.0	

Sentence category

0-2 years	1	2.0	0	0.0	.000
2-5 years	4	8.2	0	0.0	
5-10 years	17	34.7	1	1.0	
10-15 years	23	46.9	10	9.8	
15-20 years	4	8.2	40	39.2	
20 and more years	0	0.0	31	30.4	
Life	0	0.0	20	18.6	

Previous convictions

First offender	10	20.4	55	53.9	.005
1-3 offences	36	73.5	41	40.2	
4 and more	3	6.1	6	5.9	

Number of disciplinary infringements

None	7	14.3	47	46.1	.003
1	26	53.1	39	38.2	
2	8	16.3	8	7.8	
3	6	12.2	5	4.9	
4 and more	2	0.0	3	2.9	

Privileges group

A-group	35	71.4	37	36.3	.000
B-group	13	26.5	65	63.7	
C-group	1	2.0	0	0.0	

Gang member

Yes	12	24.5	47	46.4	.011
No	37	75.5	55	53.9	

Type of prison gang

26 gang	22	59.5	33	60.0	.959
28 gang	15	40.5	22	40.0	

TABLE 2: DISCIPLINARY INFRINGEMENTS

Number of disciplinary infringements					
Description	No infringement		One or more infringements		Sign
	Total	%	Total	%	
Centre					
Craddock	7	14.3	42	85.7	.000
East London	26	51.0	25	49.0	
St Albans	21	41.2	30	58.8	
Total	54	32.5	97	64.2	
Employment status before arrest					
Yes	44	81.5	57	58.8	.000
No	10	18.5	40	41.2	

Age categories

Juvenile (0-21 years)	7	13.0	18	18.6	.007
Young adult (22-24 years)	32	59.3	72	74.2	
Older adult (25-60 years)	14	25.9	6	6.2	
Senior citizen	1	1.9	1	1.0	

Marital status

Single	39	72.2	93	95.9	.000
Married	8	14.8	2	2.1	
Cohabiting	4	7.4	0	0.0	
Widower	3	5.6	0	0.0	
Divorced	0	0.0	2	2.1	

Crime category

Aggressive (violent)	32	59.3	53	54.6	.650
Economical	4	7.4	5	5.2	
Sexual	18	18	39	40.2	
Other	0	0.0	0	0.0	

Sentence category

0-2 years	0	0.0	1	1.0	.031
2-5 years	0	0.0	4	4.1	
5-10 years	1	1.9	17	17.5	
10-15 years	13	24.1	20	20.6	
15-20 years	16	29.6	28	28.9	
20 and more years	13	24.1	18	18.6	
Life	11	20.4	9	9.3	

Previous convictions

First offender	42	77.8	23	23.7	.000
1-3 offences	12	22.2	65	67.0	
4 and more	0	0.0	9	9.3	

Security classification

Medium	7	13.0	42	43.3	.000
Maximum	47	87.0	55	56.7	

Privileges group

A-group	22	40.7	50	51.5	.000
B-group	32	59.3	46	47.4	
C-group	0	0.0	1	1.0	

Gang member

No	27	50.0	32	33.0	.040
Yes	27	50.0	65	67.0	

Type of prison gang

26 gang	20	74.1	35	53.8	.072
28 gang	7	25.9	30	46.2	

Measuring the inmate's social factors

The study found a significant relationship ($\chi^2 (4, N = 151) = 11.67, p = .007$) between inmates' ages, the number of their disciplinary infringements and their security classification. Inmates classified as young adults (age 21 to 24) had more disciplinary violations than other age groups. Inmates classified as young adults were also more likely to be high-risk inmates that needed to be incarcerated in maximum-classified correctional centres. Inmates in this age category (age 21 to 24) portrayed more deviant tendencies, especially gang activities. There are more active gang members in this age group and they tend to commit serious disciplinary infringements to acquire status in the gang hierarchy.

Results also found a significant relationship ($\chi^2 (5, N = 151) = 26.66, p = .000$) in both an inmate's security classification group and their disciplinary infringements for their marital status. Single inmates had significantly more disciplinary violations than those who were married, cohabiting, divorced or widowers. They are more likely to be high-risk inmates requiring a more secure detention centre. There was also a significant relationship ($\chi^2 (2, N = 151) = 8.53, p = .004$) between an inmate's security classification and their number of disciplinary infringements for their employment status before the arrest. Inmates who were employed before their arrest had disciplinary infringements and were more prevalent in maximum-classified correctional centres than those who were unemployed.

Measuring the inmate's criminal history

In the different crime categories, the study found no significant relationship between inmates' crime categories, the number of their disciplinary infringements and their security classification. However, significant relationships were found between the sentence category ($\chi^2 (7, N = 151) = 17.56, p = .031$) and previous convictions ($\chi^2 (3, N = 151) = 45.88, p = .000$) for both disciplinary infringements and security classifications. Inmates who were serving longer sentences (ten years and more) had a higher likelihood of committing disciplinary infringements and were more prevalent in the high risk (maximum) category than those serving shorter sentences. Inmates who had previous convictions were also more likely to have committed disciplinary infringements during their current incarceration period. For the different crime categories, the inmates were almost equally distributed across the different groups.

Measuring the inmate's institutional behavioural after incarceration

In the privileged groups, the results indicated a significant relationship ($\chi^2 (4, N = 151) = 15.87, p = .003$) between inmates' privilege group categories and their security classifications. However, no significance was found for the inmates' privilege groups and their disciplinary infringements. Inmates with fewer privileges (B-group) were more prevalent in the maximum-classified group than those in the medium-classified group. The absence of inmates with C-group benefits in the maximum-classified group was of great concern. One would expect that inmates in the C-group would pose a severe risk to correctional centres' security and therefore need more secure detention facilities. Given the high number of disciplinary infringements and the prevalence of gang activities presented in this study, more inmates would be expected in the C-group (with the least privileges) category.

A significant relationship was also found between the inmate's security classification ($\chi^2 (4, N = 151) = 15.87, p = .003$) and the number of disciplinary infringements ($\chi^2 (1, N = 151) = 15.94, p = .000$), in both data sets. Inmates without disciplinary infringements were more prevalent in maximum correctional centres than in medium correctional centres, which are somewhat controversial. One would expect that inmates without disciplinary infringements would pose less risk to the centre and would be more prevalent in the medium-classified centre than those with disciplinary infringements. It was also found that inmates in the maximum-classified group were more likely to have committed disciplinary infringements than inmates in the medium-classified group. The findings revealed that only 14.3% of the medium-classified group inmates had no disciplinary infringements compared to 87% in the maximum-classified group.

For the inmate's gang affiliation, the results indicated that there was a significant relationship in both the security classification ($\chi^2 (1, N = 151) = 4.18, p = .011$) and the number of inmates' disciplinary infringements ($\chi^2 (1, N = 151) = 4.18, p = .040$). Inmates who belonged to prison gangs were more likely to have committed disciplinary infringements and classed as high-risk inmates (maximum) than those who were not gang members. Gang members also recorded significantly more disciplinary infringements than

non-gang members. The gang type indicated no significant relationship between inmates' gang affiliations and the number of their disciplinary infringements, and their security classification. Inmates in all disciplinary infringement groups were almost equally distributed among the different gangs. Another distinct finding from the study was that the most prevalent gang groups were the 26 and 28 gangs - no other gang types were present in the sample.

DISCUSSION

Results presented in this study complement a well-established body of literature on inmates' behaviour in the correctional environment. This study expands on existing scholarship by adding value to data on institutional risk factors associated with the high levels of prison misconduct and inmate victimisation. The study further provides valuable input on how an inmate's institutional behaviour can influence their security risk assessment in a correctional centre during their incarceration period.

Results on the demographic factors of inmates - indicated by age, marital and employment status before arrest - and their record of institutional misconduct were mostly consistent with previous literature (DeLisi et al., 2010:119; Morris & Worrall, 2014; Tewksbury, Connor & Denney, 2014:216; Valentine et al., 2015). Young, single and unemployed inmates were more likely to engage in institutional misconduct than their older, married or employed counterparts in a correctional setting. Significance was also found in these inmates' security classifications. Inmates under 25 years of age, single and unemployed, were more likely to be high-risk offenders requiring incarceration in maximum-classified correctional centres than other inmates' categories.

Measuring inmates in their security classification and disciplinary infringement tendencies also revealed the inmates' behavioural trends at various stages of their life and the potential risks they might pose to correctional centres' security. Young inmates (juvenile and youth) engaged in more disciplinary infringements than other age groups (Valentine et al., 2015). Those who were unmarried were particularly prone to violations, as they were more active gang members and committed serious disciplinary infringements to acquire status in the gang hierarchy. When analysing these variables (age, marital status and employment before arrest) in the context of the risk assessment instruments used by correctional departments, it is evident that young offenders, especially juvenile inmates, are not regarded as high-risk inmates; they are considered vulnerable groups that require special attention. However this study, along with several others (Kolivoski & Shook, 2016; Valentine et al., 2015), reveals that they are the most dangerous inmates in correctional centres. Including these variables (age, marital status and employment history) in the security risk tool is necessary and relevant. It can assist in effectively determining an inmate's future behaviour upon admission.

The inmate's criminal history was measured against their previous convictions, current criminal offence and sentence length. Previous literature indicates that inmates who serve longer sentences, have prior convictions and have committed violent criminal acts were more likely to engage in institutional misconduct than other groups in the correctional setting (Benning & Lahm,

2016:200; Gonçalves et al., 2016; Kolivoski & Shook, 2016; Reidy et al., 2017). However, this study only found a significant relationship between sentence length and previous convictions. No significant association was found between the type of offence, the inmate's risk classification and their disciplinary infringements. Inmates with prior convictions and those serving longer sentences (ten years and more) were more likely to have had one or more disciplinary violations. The findings presented on disciplinary infractions also coincide with the security classification. The inmates who have previous convictions and serve longer sentences were more prevalent in high-risk correctional centres (maximum) than those with shorter sentences and no prior convictions. Consideration of the inmate's previous conviction and sentence length into the inmate's security risk classification upon admission is valuable. It can successfully determine future behaviour in the correctional centre.

The inmate's institutional behaviour was measured against the inmate's disciplinary infringements, risk classification, privilege category and gang affiliation. Results have indicated a significant relationship between inmates' disciplinary violations, privileges groups, gang membership and security classifications. Inmates who had fewer privileges (B-group) and belonged to gangs were more prevalent in maximum security groups (DeLisi et al., 2013:613). It was also found that gang members recorded significantly more disciplinary infringements than non-gang members, which finding coincides with other literature (Day et al., 2015; DeLisi et al., 2013).

There were also some contentious findings in the results presented in this study. The absence of inmates with C-group privileges in the maximum-classified group is a significant concern. One would expect that inmates in the C-group would pose a severe risk to correctional centres' security and therefore need more secure detention facilities. The study also found that irrespective of the high number of disciplinary infringements and the prevalence of gang activities recorded in this study, only one case was reported in the C-group category. One would expect more inmates in the C-group (with the least privileges) category since this type of inmate poses more risk to the correctional centre. The study found that inmates without disciplinary infringements were more prevalent in maximum correctional centres than in medium correctional centres, which is eccentric because one would expect inmates without disciplinary violations to be more prevalent in the medium-classified centres and those with disciplinary infringements in the maximum-classified correctional centres since they are regarded as high-risk inmates.

LIMITATIONS OF THE STUDY

This study was not without limitations. The first limitation involves methodology; the investigation only relied on administrative data that could have been misleading and incorrect because, in some instances, the authorities do not have a complete profile of the inmates. Secondly, the study's sample was relatively small and only covered a small group of the prison population. A more comprehensive and in-depth analysis is needed to confirm the validity of the study. Empirical research on the correctional centres' social and cultural aspects is rare in the South African context and more

research is required to explain why deviant behaviour is so common in correctional centres.

CONCLUSION

The security risk classification of inmates happens continuously at predetermined intervals. The first classification occurs upon admission where the inmate's social background and criminal history play a crucial role in establishing the potential or future risk the inmate might pose to a correctional centre. The second and other follow-up security assessments, which are done afterwards, include additional behavioural risk factors of the inmate observed during their incarceration period. The results presented in this study indicate that the risk factors that are outlined in the risk assessment tool were mostly consistent with previous research findings and correctional policies except for some behavioural characteristics.

First, when comparing the findings presented in this study with the risk classification tool and previous literature, it was noted that the type of crime for which an inmate was convicted, in some instances, has no direct impact on their deviant and future behaviour in correctional centres. This finding is congruent with the literature (Reidy et al., 2017; Trulson, Haerle, Caudill & DeLisi, 2016) indicating that the type of crime is not always related to institutional misconduct. The generalisation to assume that the type of crime impacts inmate behaviour might expose inmates to adverse risk conditions in a correctional centre, especially when they are first offenders classified as high-risk offenders due to their type of offence and sentence. Therefore, it is essential to realise that the assessment tool cannot be applied rigidly; assessment practitioners must have discretionary power to amend the outcome of the inmates' security risk classification.

Second, as discussed earlier, the privileges and the security classification tools are there to reward inmates who conform to the social order and punish those who violate it. A logical assumption would be that an inmate's privilege group and security classification status would fluctuate according to the behaviour they pose inside the centre. This study's results show the contrary; inmates' privilege groups and security classifications were unaffected by whether or not they behaved contrary to the code of conduct. Almost 50% of the inmates who had committed disciplinary infringements enjoyed optimal privileges (access to maximum amenities) and were detained in medium-security centres. The absence of inmates with C-group benefits indicates that consequent management is ineffective; inmates with disciplinary infractions and gang affiliation were incarcerated in the medium-classified centre and not in maximum centres as they pose a severe risk to the centre. The implementation of contingency management principles (Gendreau & Listwan, 2018:37) and behavioural modification concepts (Skinner, 1938 and 1953; Watson, 1913) can improve consequent management in correctional centres and reduce the exposure of vulnerable inmates to hardcore criminals.

Last, the study also observed no negative consequences for inmates who belonged to gangs. Prison gangs are a prominent feature in South African correctional centres that pose a severe threat to the centre's safety and security (Day et al., 2015; DeLisi et al.,

2013:613). Results presented in this study indicated that almost 80% of the inmates in both medium- and maximum-classified centres belonged to gangs and that the majority had disciplinary infractions, which is a clear indication that the centres are unsafe and insecure. The effective implementation of consequent management will ensure that inmates who belong to gangs are appropriately classified and subsequently provide safer correctional centres. Management can also assist in the correct profiling of gang members; a lack of knowledge about inmates' gang affiliations can have severe negative implications for correctional officials and other inmates' safety and security.

Evidently, from the deliberation provided in this study, there must be an integrated amenity programme, disciplinary system and security classification programme that can help correctional managers to control inmate behaviour in correctional centres successfully. Advocates of the administrative model and the operant conditioning theory argue that correctional officials' capacity to manage centre populations is instrumental in determining misconduct levels (Reisig, 2002). Failure to do so might compromise the centre's safety and expose vulnerable inmates to all forms of manipulation and victimisation by hardcore criminals and gang members.

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ARTICLE

Rethinking pre-trial detention in Namibia

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ABSTRACT

Namibia's population of unconvicted inmates in police custody has been on the rise, not only since the report by the Ombudsman to the National Assembly in 2006. Although the Namibian government made efforts thereafter to improve the conditions of detention, interim gains made by virtue of capital investments into the expansion and refurbishment of physical infrastructure have been cancelled out by the growing remand population. The reason could be a growing population and the commensurate increase of the number of younger people who theoretically contribute to a higher incidence of crime. Yet something is amiss, because notwithstanding demographic dynamics, over the last 20 to 30 years or so, the police's arrest statistics have not changed much. A plausible alternative explanation could be a continuous shift of the Namibian criminal justice system towards crime control. However, due to the pervasive dearth of justice data, especially criminal justice data, it is difficult to explain the situation. Equally, due to missing field data, there is no evidence from which to make recommendations for policy and practice. Receptiveness among Namibian criminal justice stakeholders to a broad and deep analysis into the reality of pre-trial detention in Namibia varies considerably. This article makes the case for a complex study of pre-trial detention in Namibia.

KEYWORDS/PHRASES

Pre-trial detention, last resort, human dignity, lack of data, evidence-based policy, system-theory, baseline study.

INTRODUCTION

In July 2021, the authors invited various Namibian criminal justice sub-systems, including the police, corrections, judiciary and prosecution, to support and cooperate in a baseline study on pre-trial detention (PTD) in Namibia. The responses could not have been more divergent and varied from enthusiastic (police) to holding out (judiciary, prosecution). Since then, a pilot study informed by Workplan 1 (Bruyns & Schulz, 2021) has been carried out testing the data collection tools at the six police stations in the Khomas region (the region centred on the capital city Windhoek), where pre-trial detainees are held in custody. Workplan 1, which requires data about custodial facilities, inmates and officers with assigned roles in PTD, will be executed throughout Namibia in 2022. The research interest, and especially the country's research need

pertaining to PTD, is however much broader and goes far deeper than providing a picture of custody in police facilities.

POLICY AND PRACTICE: PRE-TRIAL DETENTION WITHOUT DATA

According to many reports, PTD facilities worldwide are overcrowded (ICPR, n.d.). It is apparent that people who are detained in these facilities struggle to maintain their self-respect and emotional stability. Violence, exploitation, extortion and lack of privacy are contributors. Furthermore, pre-trial detainees are more likely to starve, be denied access to medical care or exercise facilities and be exposed to diseases and infections (Csete, 2010:4f), issues which have been exacerbated by the COVID-19 pandemic since early 2020 (Carroll, 2020:59). Overcrowding is a social condition

characterised by a demand for more space than the available capacity (UN Office on Drugs and Crime (UNODC), 2013:8). This condition often reflects the problems of an underfunded criminal justice system (CJS) (Open Society Foundations (OSF), 2014:62), a phenomenon that mostly affects developing countries, which battle with the consequences of transition from a traditional to a modern society (Schönteich, 2018:45; UNODC, 2005:10)¹.

These problems also plague Namibia². During 2006, the Ombudsman³ visited police cells throughout the country, which culminated in a Special Report submitted to Parliament in November 2006 (Walters, 2006). The visits were prompted, inter alia, by the constitutional and statutory duty to investigate matters in which the Ombudsman had reason to suspect that fundamental rights and liberties were diminished or violated, which constitutes a contravention of the spirit of the Namibian Constitution. The Ombudsman expressed the view that conditions in more than 80% of the police stations visited were unacceptable. Poor sanitary conditions, overcrowding, insufficient food supplies, unsafe infrastructure, stagnant water, lack of access to medical care facilities and potable water and insufficient bathroom and shower facilities were prevailing issues at police cells throughout the country (also see Ruppel & Groenewaldt, n.d.:16). The Special Report came as a wake-up call for the Namibian government and shortly thereafter vast improvements were reported in the Ombudsman's Namibia Annual Report (2008). However, problems generally remained unchanged at the 20 police stations identified as the worst cases in the 2006 report (Ombudsman, 2008:27). Notwithstanding the refurbishment of a number of police holding facilities (such as in the Seeis, Dordabis and Khomas regions), conditions in police holding cells remained poor and many were deemed unsuitable for human habitation (Namibia Human Rights Reports 2014, 2020; Ombudsman Namibia Annual Report, 2019:43-48). Notwithstanding visible efforts by the Ministry of Safety and Security over the last 15 years, which include the commissioning of (additional) new stations such as Otjomuise (Khomas region) and Omuthyia (Oshikoto region) in 2017 and 2018 respectively, the situation in bigger police stations such as Windhoek, Wanaheda (Khomas region), Swakopmund (Erongo region) and Katima Mulilo (Zambesi region), to mention a few, has effectively not changed; these stations constantly experience substantial overcrowding⁴.

The reasons for this phenomenon could be the growing Namibian population (National Planning Commission, 2006; Namibia Statistical Agency, 2014), and the commensurate increase of the number of younger people who theoretically contribute to the incidence of crime (Moffitt, 1993:677). But there is something amiss, because notwithstanding demographic dynamics, over the last 20 years or so police arrest statistics have not changed much. In 2009, the police recorded 99 128 arrests, just short of 100 000, whereas the number given in 2019 was 98 170 (Namibian Police, n.d.). Also, although there may have been an increase in the number of adolescent offenders, this could not have contributed to the rising remand population. This is because ever since the early Namibian child justice movement around the turn of the millennium, in line with the United Nations Convention on the Rights of the Child (UNCRC), children are only remanded to custody in exceptional cases (Schulz, 2013:45)⁵. Alternatively, the

phenomenon could be considered the unfortunate but unavoidable consequence of a CJS in action. However, two considerations lead us to believe that the Namibian CJS is less than neutral and that the status of pre-trial custody is not immutable. The first consideration hinges on the concept, first submitted by Packer (1964), which posits - implicitly - that any CJS can be located on a continuum which connects at its extremes a criminal justice model with a focus on crime control and a model of criminal justice with an emphasis on due process. In this picture the due process model focus on the interests of the individual suspect who is confronted by the mighty power of the state, whereas the crime control model reflects the prioritisation of the efficient suppression of criminal activity in the interests of public order. According to Packer (1964:6-23), in the due process model the defendant is entitled to a presumption of innocence and should not be found guilty of an offence other than by way of clearly defined and formal decision-making processes, because the criminal process sets legitimate demands on the state that must be fulfilled if a conviction is to be secured. The crime control model involves speedy, informal and routinised processes which are administered by criminal justice agents such as police officials and prosecutors with the expertise to make sound judgments under those conditions.

Since independence, Namibia has clearly changed its CJS to reflect a higher emphasis on crime control. This development started with the adoption of the Criminal Procedure Amendment Act 5 of 1991 (CPAA). Following independence, in line with the provisions of the Criminal Procedure Act 51 of 1977 (CPA), which was inherited from South Africa, Namibian courts' approach was merely to determine whether an accused, if released on bail, would stand trial and nothing else. However, the CPAA amended section 61 of the CPA to include refusal of bail based on public interest and interest of the administration of justice. These procedural law changes were later mirrored by changes in the substantial criminal law, with the introduction of minimum sentences⁶. Parallel with the repositioning of the Namibian CJS on the abovementioned continuum, the number of accused in pre-trial custody increased steadily, although the number of arrests recorded by the police stayed between 90 000 and 100 000 per annum (Namibian Police Force, n.d.). The figures may thus very well be understood as a consequence of the modification of guarantees accorded to the defendant, but equally as a phenomenon which indicates a general shift towards punitiveness. Currently, there are approximately 4800 pre-trial detainees in the holding cells of police stations throughout the country. The population of pre-trial detainees is thus about 1000 inmates higher than the offender population in correctional facilities. Over the last five years, the numbers seem to have risen. In 2016, it was estimated that approximately 3650 unconvicted persons were detained in Namibian police holding cells compared to 3750 sentenced offenders detained in correctional facilities (World Prison Brief Data, n.d.). If these numbers were approximately correct, it would mean that the already disproportionately high use of incarceration, with a rate of about 300/100 000⁷ citizens then, climbed to the current rate of 330/100 000. Namibia's contemporary figures for PTD show a staggering 185/100 000 of the general population, which, as Table 1 reveals, exceeds not only the African average of 33.7 but even the much more extreme reality of the Americas.

TABLE 1: NUMBER OF PRE-TRIAL DETAINEES PER 100 000 OF THE GENERAL POPULATION, BY REGION, 2012

Oceania	Africa	Europe	Asia	Americas	World
28	33.7	38.6	43.1	107.4	50.7

Reference: World Prison Brief (n.d.).

However, Namibia not only shows a comparatively high rate of pre-trial detainees, it outpaces other African countries in the number

of pre-trial detainees as a proportion of the total prison population, as displayed in Table 2.

TABLE 2: PRE-TRIAL DETAINEES AS PERCENTAGE OF THE TOTAL PRISON POPULATION, BY REGION, 2012

Oceania	Africa	Europe	Asia	Americas	World
22.3%	34.7%	18.8%	40.6%	27.9%	30.0%

Reference: World Prison Brief (n.d.).

Where CJSs face high rates of pre-trial detainees, an important question raises its ugly head, namely whether arrest as a method of securing the presence of the suspect in court is indeed used as the last resort - an (implicit) requirement in the constitutions of most democratically constituted countries, including Namibia (Mapaure, Ndeunyema, Masake, Weyulu & Shaparara, 2014:168; Martufi, 2020:153). The answer to the question is important, because if pre-trial custody is not justifiable as a measure of last resort, this implies a violation of constitutional rights; in the Namibian context, the right to liberty (Art. 7 of the Namibian Constitution).

In this regard, the shift towards crime control shortly after independence may have played a role. The boundaries of the law on PTD have been fairly well-delineated by the Namibian superior courts⁸, with *S v Acheson (1991(2) SA 805 (NM))* being the earliest case in point. However, this judgment had only a short-lived effect. The progress regarding CPA Schedule 2 Part IV offences that had been made soon came to naught. With the adoption of the CCPA, section 61 of the CPA was amended and henceforth courts would refuse bail if it was in the "interest of the public or the administration of justice that the accused be retained in custody pending his or her trial." The amendment was confirmed more recently by the High Court in the bail application ruling in *Awaseb v State (CC 8/2017) [2018] NAHCMD 128* (16 May 2018) at paras 14-16, where the court considered the seriousness of the offence in denying bail to the applicant. The court stated that a completed investigation, fixed address and deteriorating health do not address the issue of public interest or the interest of the administration of justice, and bail can still be denied on the basis that it is not in the public interest.

While the number of arrests for serious crime, such as those listed in Schedule 2, Part IV, is generally smaller than for non-serious crime, the question of whether even in the latter case the Namibian courts are using PTD as a last resort has not been investigated. The fact remains that the quality of decisions on PTD is not known, and there is a real possibility that a marginal adjustment of decision-making on pre-trial release and detention could lead to a significant reduction of detention rates in Namibia.

On one hand, this appears to be a technical point as it refers to the appropriate application of the law only. Simultaneously, however, each decision on custody, before or during criminal proceedings at court, involves real people who need to live with the dire consequences of these decisions. Due to a lack of research into this question, there is only limited data available for Namibia. Admittedly, beginning with the report of the Special Rapporteur of the African Commission on Human and Peoples' Rights (ACHPR) (see footnote 2), Namibia has seen several reports on the deplorable situation of PTD in the country, among them various reports by the Ombudsman. The message of these reports has been clear: some policy intervention must happen to recalibrate the system to reduce not only technical violations of legal principles, but also the unimaginable suffering of those who are affected by the situation. This includes the detainee and his or her family, but equally the staff tasked with executing custodial decisions. However, the question remains; why have all these reports fallen on deaf ears among policy-makers?

The answer may have to do with the quality of previous reports. Although they raise burning contemporary issues, they are far from providing data that could be used as a baseline study⁹ to identify the starting points for a programmatic intervention in the future. Also, scientifically these reports are explorative at best as they do not describe quantitatively or qualitatively the experience of those who must cope with the consequences of pre-trial custody. These studies also do not systematically cover the consequences for the state, families and communities, the individual detainee and eventually police officials and other staff with assigned roles in PTD.

The Ombudsman's Special Report (2006), as invaluable as it is for raising consciousness as a technical report, is not without limitations. It points out problems with human rights compliance at PTD facilities (Ombudsman's Special Report, 2006:2008) and highlights, for instance, the discrepancy between conditions of PTD in police custody and the UN Standard Minimum Rules for the Treatment of Prisoners (SMR, 1955/1957)¹⁰. This set of minimum standards has merely been applied cosmetically, without technically subsuming facts under the elements of specific entitlements. The reports did

not provide an inspection framework underlying the reported data, and therefore no normative analysis of the observations at the inspected police stations or a quantitative or qualitative measure of the data obtained for these reports. Accordingly, they view the lived experience of pre-trial detainees from a distance and with a degree of sterility, which can only be overcome by the subjective accounts of pre-trial detainees. There is a need to describe the reality of PTD and its social consequences in Namibia.

SYSTEM-THEORETICAL PERSPECTIVE

The quest for data to redress the very limited knowledge about PTD is not an end in itself. Comprehensive data will allow assessing the status of PTD in relation to the CJS in terms of efficiency and effectiveness, two concepts which are informed by the various relationships reflected in Figure 1. The horizontal axis shows the link between the architecture and resources of the organisation (efficiency domain); the vertical axis shows the link between the environment (ecosystem) and the desired outcomes (effectiveness domain) as put forth by Veldsman (2002:24). Effectiveness (doing the right things - see Figure 2) and efficiency (doing things right -

see Figure 3) are the hallmarks of a thriving organisation. The proper alignment between organisational architecture and resources on the horizontal axis, mediated by the strategic intent of the organisation, contributes to the outcomes, including the service delivered to stakeholders.

Other than in non-governmental and business organisations, the choice of strategic intent of the CJS is not made autonomously. As a concept, strategic intent comprises "the sum total of the mission, vision, philosophy, strategic thrust and goals of an organisation" (Veldsman, 2002:25). The CJS consists of the legislature, the judiciary and a set of government agencies, including the police, corrections and the prosecution. As such the CJS is bound in terms of Article 5 of the Constitution to respect and uphold the fundamental rights and freedoms (FR & FR) guaranteed in its Chapter 3, which is part of the mission the CJS must pursue. How the strategic intent is realised can be measured against the criteria-based experience of citizens, i.e. in terms of qualitative and quantitative fulfilment of legal entitlements, including protection from harm such as crime victimisation or custody in undignified circumstances.

FIGURE 1: THE ORGANISATION AS A HOLOGRAPHIC NETWORK

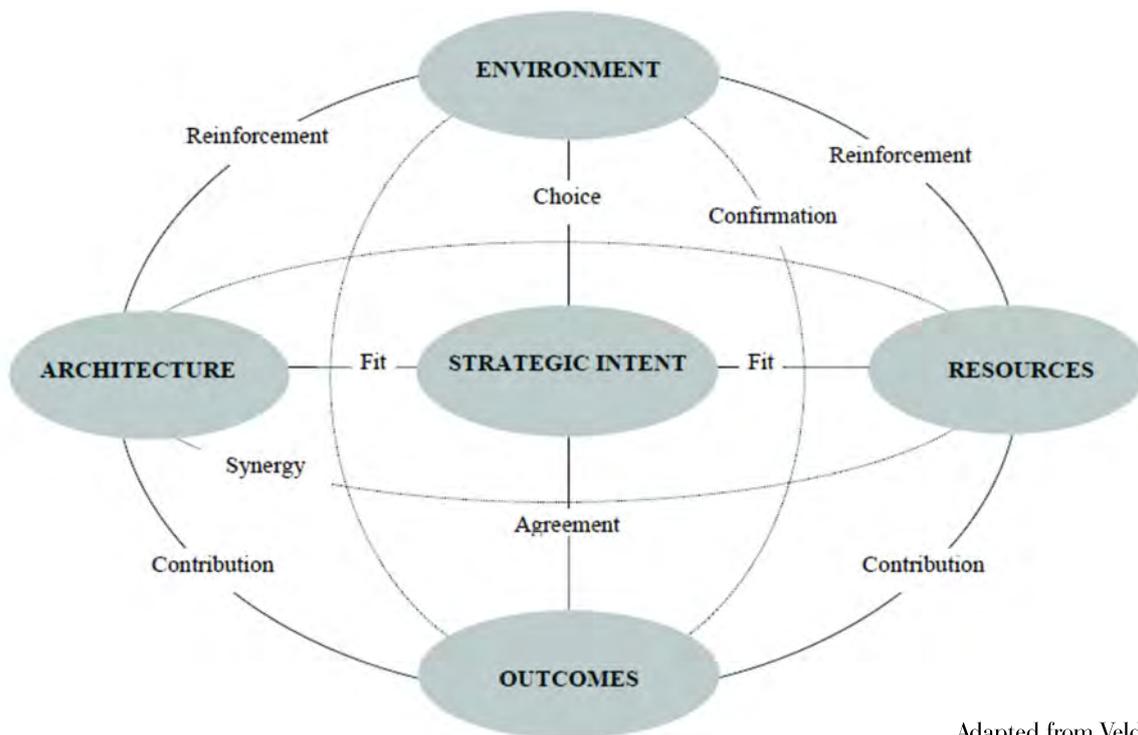


Figure 1:
Adapted from Veldsman, 2002

In dealing with the phenomenon of criminal behaviour, the Constitution implicitly and explicitly provides several concepts and notions such as deterrence and retribution. Bound to the requirements of due process, they are associated with terms found in the Constitution such as arrest; detention; criminal charge; accused; criminal case; juvenile persons; innocent until proven guilty; cross-examination; defence; convicted; acquitted; criminal offence; penalty (Article 12). Many of these concepts and, importantly, the practices behind them, the notions and their inter-relations existed before they were translated into positive constitutional law (Schulz, 2009:290). These concepts are complemented by the procedural aspects of arrest, detention and pre-trial release and detention decisions found in the law of criminal procedure.

Importantly, it is the relation of the elements on the vertical axis which determines the effectiveness of the organisation, i.e. whether the organisation is doing the right things. More precisely, the effectiveness of an organisation is a function of the agreement of the three elements illustrated in Figure 2. The effectiveness of the CJS thus depends on the degree to which the organisation, the environment in which it operates and the desired outcomes are in sync (Beer, 1979).

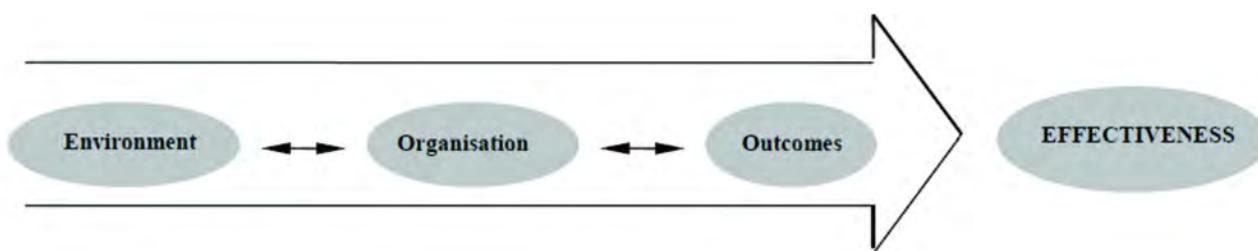
The reference to Article 5 of the Constitution is important here, because commensurate with the nature of human rights, the corresponding constitutional guarantees apply to all persons at all times. However, this raises a conundrum, because the state, as

depicted in Figure 1, must uphold both the accused's right to dignity and liberty and the fundamental rights and freedoms of community members. To the extent that pre-trial release and detention decisions represent a choice between the two concepts, this creates an either-or situation, with opportunity costs calculated by the degree to which one concept can only be upheld at the expense of the other.

To some extent discourse about constitutional entitlements as rules and principles sheds light on the scene here (Alexy, 2014). The idea that such entitlements should be explicated as principles

could be understood as pitting the constitutional position of community members against that of the accused person, playing out to the detriment of the latter¹¹. But the horizontal application of fundamental rights and freedoms according to Article 5 of the Namibian Constitution does not necessarily weaken the rights of the accused against the state, which emanate from the vertical application of rights and freedoms in Chapter 3 of the Constitution. Rights such as liberty and human dignity are held in relation to the state, represented by the CJS in all pre-trial release and detention decisions.

FIGURE 2: ORGANISATIONAL EFFECTIVENESS



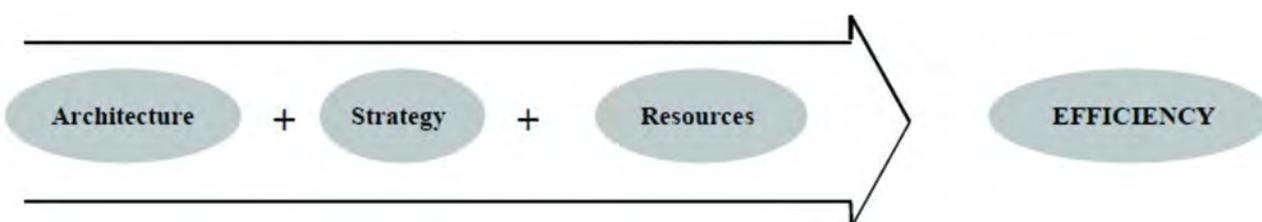
The realisation of these rights in practice requires translating abstract normative concepts into specific outcomes. In respect of the deprivation of liberty, this goes beyond the imposition of remand custody as a last resort only, because the deprivation of liberty carries significant risks of violations of human dignity. Regarding human dignity, this translates into the right to custodial conditions that are commensurate with notions of respect and being treated like a human being (equal worth), the easing of feelings of helplessness, participation in decision-making (autonomy) and satisfactory material conditions (public decency). The entitlements arising from the constitutional guarantees should not be negotiable, and if - *ceteris paribus* - the means that have been allocated are not sufficient to ensure a dignified custodial regime, these means must either be improved or a commensurate number of detainees must be released.

In many of its judgments, the European Court of Human Rights (ECHR) has placed the focus on failures to maintain dignity as revealed by the practices of actors in prison and police custody. In these judgments, linked largely to Article 3.1 of the European Convention on Human Rights, besides excessive coercion and threatened coercion, poor material conditions and inadequate access to health or mental health care featured as the third broad theme. The effective dialogue between the ECHR and the French judiciary on the advent of the COVID-19 pandemic and its impact on accused rights to dignified pre-trial custody may be instructive. Initially, the highest French Court of Appeal (Cour de Cassation)

held that undignified custodial conditions called for the government to provide remedies, but should not justify release by order of the judiciary (Raschel, 2020). Following a damning critique of French law, which then did not provide an effective legal remedy for detainees held in undignified custodial conditions (ECHR 30 Jan. 2020, J.M.B et autres c. France, req. no. 9671/15), the French court made a U-turn (Criminal Chamber of the Cour de Cassation, 8 juill. 2020, FS-D, no. 20-81.739) and recognised that such conditions should indeed allow the judiciary to order the release of inmates so affected (Margaine, 2020)¹². Considering that the concepts of inherent dignity (Preamble) and human dignity (Article 8) were entered into Namibian constitutional law in the context of the United Nations Declaration of Human Rights (UNDHR) and later international human rights documents such as the International Covenant on Civil and Political Rights (ICCPR), it is reasonable to take note of the actions of foreign and international courts in similar matters.

The relationship between the elements on the horizontal axis, that is strategic intent, the architecture and the resources, determines the efficiency of the organisation in pursuing its strategic intent (Veldsman, 2002) as indicated in Figure 1. Architecture (structure, legislation, policies, systems) and resources (people and fiscal) can only contribute to the desired outcomes to the extent that they are adequate in terms of functionality and volume, or fit in better with the strategic intent.

FIGURE 3: ORGANISATIONAL EFFICIENCY



The authors have highlighted conceptual abstractions and their relationships and dynamic interactions against the background of organisational effectiveness and efficiency. Each of these concepts integrate with other concepts. They are theoretically and/or normatively related and defined, and therefore come with an empirical correlation which - provided it has been established - can be analysed and interpreted. Accordingly, mapping the model onto the extant CJS calls for data on how magistracy and prosecution, in fulfilling their roles (adjudicator, *dominus litis*) and following procedures regarding pre-trial release and detention decisions, succeed in upholding the right to dignity and liberty of the accused and the safety of community members, i.e. their fundamental rights and freedoms. Other important data relates to the question of synergy between architecture and resources, or more specifically whether current fiscal and human resources are sufficient for magistracy and prosecution to achieve the desired outcomes. Also significant is the reality of remand custody: whether the police - to a limited extent also the correctional system - are able to uphold or maintain dignity, as revealed by the practices of actors in prison and police custody.

PHENOMENAL ENQUIRY AND EMPIRICAL PERSPECTIVE

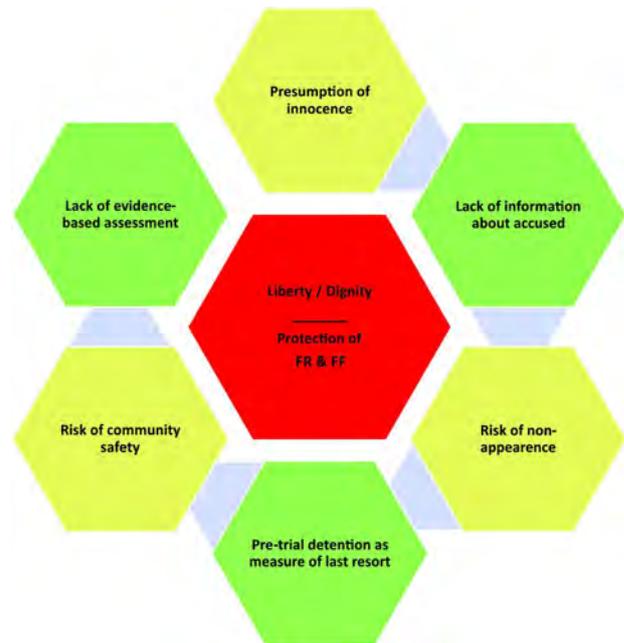
Conceptually speaking, how does the transition from "nominal" (legal) and "theoretical" correlate with empirical representation? In other words, what are the phenomenal aspects of the corresponding reality of PTD in Namibia?

Legal Facts (I): decision-making on pre-trial release and detention

The *habeas corpus* provision of Article 7 of the Namibian Constitution has a bearing on any order of remand custody in criminal proceedings. On the face of it, this may not mean more than that remand orders must be in accordance with procedures established by law. However, this is a myopic view ignoring the fact that procedures, part of which are contained in Articles 11 and 12 of the Constitution with the remainder held by sub-constitutional law such as the CPA, must be in sync with the spirit and tenor of the Constitution¹³. Previous research has enhanced our understanding of magisterial decision-making on pre-trial release and detention (Allan, Allan, Giles, Drake & Froyland, 2005). The research material that provided this data is bail studies (De Ruiter & Hardy, 2018; Bechtel, Holsinger, Lowenkamp & Warren, 2016; Matshoba, 2012; Paschke, 1998). These studies are interested in three aspects of enquiry: first, the structure of the normative view of reality, second, whether and to what extent legal decision-making on PTD and release corresponds to this structure; and last, whether empirical knowledge of the legal facts available at the time of policy-making and of decision-making in individual cases, stands the test of contemporary empirical evidence and scientific knowledge.

For the Namibian jurisdiction, the case *S v Acheson* (see footnote 19) lays out the structure of the constitutional and legal view of reality before the adoption of the CPA. Konga (2019) has analysed the law after the amendment. The central claim of Konga's Master's dissertation is that, according to judicial authority, Namibian law does not afford the defendant the right to bail (Konga, 2019:1-2). Regarding the second point above, there are no

FIGURE 4: RELEASE/DETENTION - A BALANCING ACT



local studies that assess the sufficiency of the empirical basis for policy on PTD and other issues pertaining to the deprivation of liberty in connection with being a suspect in a criminal investigation. Awaiting the results of an enquiry into this point, Namibian law does not provide for service delivery systems which have options for release under supervision in the community, especially for "frequent fliers." Neither does the policy provide evidence-based risk assessment instruments for detention and release decision-making. Last, there are no studies on the Namibian situation that deal with the correctness, even probity, of PTD and release decision-making.

The latter is not a wanton point. Bail is a concept that assumes that the defendant is a rational actor. The loss of the bail amount in the event of failing to appear should deter the accused from absconding. However, in view of preliminary evidence that often accused persons simply cannot afford the determined bail amount, it stands to reason that magisterial discretion in respect of the bail amount is not often used with an eye to using PTD as a last resort. At the same time, the (possible) insufficiency of the policy framework may increase pressure on magistrates and prosecutors to opt for bail instead of alternatives to ensure the return of the accused to court; they then determine an amount which the accused probably cannot afford. This suggests that pre-trial decision-making is characterised by uncertainties on the side of both the magistracy and the prosecution. These uncertainties are the result of the already highlighted "triple lack" (see Figure 4), i.e. a lack of information about the accused, about evidence-based risk assessment instruments and of options for release under supervision in the community, especially for "frequent fliers," which relates to the requirement that detention shall be a measure of last resort. Together with these factors, there is the known overload of magisterial portfolios in Namibia (Links, 2018), which limits the time a judicial officer can spend on each case. The authors hold that docket management pressure offsets the value of magistrates giving more attention to information about the accused and considering specific risks of release and possible supervisory options,

as all these factors would probably slow down the process and lead to longer court days. There is practical experience from other jurisdictions (Dressel & Mahoney, 2013:7) that the inability of the accused to afford the bail amount is sometimes followed by a "quick" disposition; accused persons often plead guilty to escape poor confinement conditions, keep their job or hold their family together, especially in a case involving a relatively minor offence. This increases the utility of such bail amounts. Considering that the Constitution and the CPA do not afford a right to bail, the authors hold that the order of remand custody does not come with a high probability of public or legal censure. On the contrary, an order for remand detention avoids the risk of public criticism of the magistracy and prosecution that can result if a released accused person commits a serious offence, or even repeated non-serious offences. All things being equal, the order for remand custody is commensurate with the duty of all government agencies arising under Article 5 of the Constitution to "uphold" the fundamental rights and freedoms because they protect the safety of the community. The fact that with this the rights of the defendant are jeopardised simply underlines the limes of society (Diedrich, Meyer & Rössner, 1999), which de facto places the accused outside the protection of the law. Ironically, the accused re-enters the sphere of society only once he or she has been adjudicated - either as a free person who regains his or her rank in society (albeit often debilitated economically and socially), or as one still under the supervision of the correctional service, but with the right to participation in rehabilitation programmes and receive at a minimum reasonable preparation for reintegration into society in terms of section 3 of the Correctional Service Act 12 of 2009.

Legal Facts (II): experiential world of pre-trial detention and remand custody

The consequences of PTD and remand custody cover a wide range of experiences. These experiences are relevant beyond the *habeas corpus* principle, which is concerned with whether the deprivation of liberty can be justified. Many of the consequences affect the constitutionally guaranteed protection of human dignity. As mentioned above, the ECHR has repeatedly focused on failures to maintain dignity revealed by the practices of actors in prison and police custody (Bedford, 2019). With specific reference to dignity in police detention, Skinnis, Sorsby and Rice (2020) highlight the experience of detainees under the custodial system under three broad themes: excessive coercion and threatened coercion, poor material conditions and inadequate access to health or mental health care. Although human dignity is the lodestar (Ackerman, 2012) for rights and freedoms under the Namibian Constitution, remand custody touches on various freedoms accorded in Chapter 3 of the Constitution. Fundamental rights come with specific scope and limits; the limitation of freedoms listed in Article 21(1)(a)-(j) of the Constitution must be in line with the limitation clause of Article 21(2). Restrictions must be reasonable. Although not specified in sub-article 2, there must be a relationship between the limitation and the purpose, and the least restrictive means to achieve the purpose must be chosen. We question whether, considering the systemic cross-impact of decisions in the CJS, the strict requirements or grounds for limiting rights are usually observed. Of particular note is the oft-observed phenomenon that after a certain time the case is withdrawn and can even end with the acquittal of

the accused (De Ruiter & Hardy, 2018). This raises doubts about the implicit assumption that these limitations are reasonable and/or proportionate.

Over-reliance on incarceration creates a demand for space in police holding cells and correctional facilities in excess of the available capacity. Overcrowding in police remand facilities was a pervasive problem at the time of the first Special Report (Walters, 2006). Since then, on the face of it, much has improved. At the time of writing, the overall nominal holding capacity and the actual number of pre-trial detainees accommodated are well in sync. As of 25 June 2021, the total PTD capacity across all Namibian regions was reported as 4791 and the actual inmate population as 4804 (Office of the Inspector General of the Namibian Police, July 2021). It is obvious that a sizeable number of PTD facilities have been added. However, the match between the official capacity and the aggregate number of remand detainees cannot hide the fact that there is a troubling mismatch at station level. Bigger stations in particular, such as Swakopmund and Katima Mulilo, have many more inmates in custody than their official holding capacity suggests¹⁴.

Directly related to the protection of inmates' dignity are violations of privacy. Where inmates are detained in a dormitory or communal cell, privacy is significantly limited. Especially if there is no separate space for dressing, undressing, showering and using toilet facilities, this right is virtually lost. Yet, in the absence of comprehensive reporting, virtually nothing is publicly known about these conditions. Irrespective of investment in capital projects, the fact that such a high number of accused are in remand, limits the available resources. Poor health care (Massoglia & Remster, 2019) is already an underlying challenge in many developing countries and its consequences are exacerbated in custodial systems. The economic downturn induced by the COVID-19 pandemic (UN, 2020:13), has a bearing on the amount and type of food pre-trial detainees may receive. For convicted inmates food rights are meticulously prescribed in terms of quantity, quality and nutritional value; but where such regulations exist for detainees in police custody, they were not being observed at the time of the first Ombudsman report (2006). Disease (Tomasini-Joshi, 2014) spreads more easily in custody, as indicated by the increased instances of communicable diseases such as tuberculosis, HIV-Aids and lately also COVID-19 (UNS, 2020:14) which can be observed there. Not surprisingly, there is also a documented increase in mental health issues (Porter & DeMarco, 2019). Like the latter issue, violence and other safety-related issues affect inmates and staff (Brower, 2013; Goulette & Wooldrege, 2018). Staff stress and reduced well-being (Qureshi, Lambert & Frank, 2019) conclude the set of negative consequences that deserve the attention of the researchers/authors.

Research objectives

The various concerns revealed by research on the excessive use of PTD worldwide are not separate issues with remedies for each in isolation. On the contrary, the ailments in and deficiencies of the system are interconnected and probably require large-scale change, involving not only providing resources but also changing skills, mindsets etc. (Keller & Schaninger, 2019). The challenge for

developing countries such as Namibia is the dearth of empirical data on criminal justice, the analysis and interpretation of which could assist in pinpointing substantial and procedural shortcoming for enhancement of policy and practice. The consequences of the

lack of viable data have been highlighted elsewhere, and against this backdrop the authors highlight the merits of a set of objectives for research into the realities of PTD in Namibia (see Table 3).

TABLE 3: OBJECTIVES FOR A BASELINE STUDY ON PRE-TRIAL DETENTION (PTD) IN NAMIBIA

S/N	Objective/Name	Description	Variables of interest/measures
1	Bail analysis	Assess magisterial decisions on release and detention	Due process; remand custody as last resort; bail amounts; bail amounts in relation to severity of the crime; bail amounts in relation to perceived risk of failure to return to court; affordability of bail; failure to return by method of securing attendance of accused in magistrate's court
2	PTD-population	Describe the population of pre-trial detainees	Demographic, socio-economic, ethnic and other criteria
3	PTD-reality	Objective measures of PTD	Human rights; international standards in terms of safety, security as well as physical and psychological well-being (e.g. Nelson Mandela Rules) and entitlements according to national policy
4	PTD-reality	Subjective measures/lived experience	Fairness; respect; feelings of helplessness; participating as citizens in decision-making; quality of material conditions
5	PTD in legal culture	Understanding of meanings and behaviours associated with magisterial decisions leading to remand custody	Philosophical and partisan differences among magistrates and others (prosecutors) in respect of PTD; resistance to change

Specific significance

The specific merits of a broad and deep inquiry lie in the future adjustment of policy, arguments and actions based on empirical evidence. This evidence, i.e. meaningful data on the CJS pertaining to PTD, is currently lacking.

Pre-trial release and detention decisions (bail analysis)

The analysis and assessment of magisterial decisions on release and detention is first and foremost to discover whether remand custody is used effectively as a last resort. Apart from bail, are alternative measures to secure the return of the accused to the court being used? A further question is how bail amounts, whether police bail (section 59(1)(a) of the CPA) or court bail (section 60(1) of the CPA), are arrived at. Remand detention is not conceived as a punishment; the amount of bail set should secure the attendance of an accused at court. Unlike the South African CPA, the Namibian CPA does not allow preventive detention other than for Schedule 2 Part IV offences (refer to section 61). Therefore, outside the application of section 61 of the CPA, the orientation should be not the severity of the crime but rather an assessment of whether the prospect of forfeiting the bail amount is sufficiently severe to ensure that the accused returns to court. If bail amounts are frequently unaffordable, and are not adjusted from one court appearance to another, this could mean that excessive bail amounts are being used to impose preventive detention.

Remand population (risks and needs)

Remand detainees will often move from pre-trial custody to correctional custody after conviction. Risks of recidivism must be addressed to reduce the probability of relapse and this should be managed by the Namibian Correctional Service. In fact, the re-insertion of offenders under correctional custody into the community is usually well-planned. On the other hand, accused who are acquitted, convicted and ordered to pay a fine, committed to correction in the community (e.g. community service in terms of section 297(1)(4) of the CPA) or released upon withdrawal of the charges by the prosecution (CPA), find themselves at liberty without prior notification.

Detention is a disruptive experience with its own criminogenic potential. The longer the period of remand, exacerbated because accused with pro-criminal attitudes are not segregated from other accused (Bonta & Andrews, 2017:45), the higher the risk of committing a crime after release. Being in remand involves associating with pro-criminal people. Overcrowding and the suspension of family and other visits during the COVID-19 pandemic prevent privacy and limit association with pro-social people. There is evidence that this can lead to the formation of future offenders. However, whereas those aspects are covered by data on the objective reality of PTD, knowledge is needed about the distribution of inmates in the social structure, demographic and individual factors to allow some (approximate) quantification of services that can influence after-release crime. Such services would be related to a number of major criminogenic risk/need factors (Bonta & Andrews,

2017:151), i.e. pro-criminal associates, substance abuse, family relationships, performance at work/school and eventually the degree of involvement in pro-social recreational and/or leisure activities.

Physical infrastructure and human services (objective measures of PTD)

Although Namibia has legal obligations to uphold human rights standards in remand detention, violations thereof have been reported repeatedly in the past (Ombudsman, 2006). In the first place, the Namibian Constitution obliges all organs of the state and its agencies to uphold the fundamental rights and freedoms enshrined in its Chapter 3. Added to this are the rights standards which emanate from international treaties such as the ICCPR and the Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners), which in conjunction with the decisions by the UN Human Rights Council (UNHRC), place Namibia under moral expectations. The Nelson Mandela Rules in particular have been adopted by the UN General Assembly. They address mainly, but not exclusively (refer to Rules 111-120), adjudicated offenders. However, there is no reasonable ground to uphold lower standards in respect of accused persons who are presumed to be innocent until proven guilty. At the domestic level these standards translate into rights under the Namibian Constitution by virtue of Articles 18 and 25. They refer to demands on the physical infrastructure as well as the availability of human services and can be measured objectively against checklists (observation/questionnaires). Knowing the status of compliance with legal standards across Namibia would allow a quantification of deficits, as it were, in terms of physical infrastructure and human services, to be rectified by the Namibian government.

METHODOLOGY AND DESIGN

The focus of a study to achieve the above objectives is multiple and hinges on a post-positive approach. This approach avoids the finer details of the philosophical question about the nature of reality, assuming that whatever the focus of research attention it is intended to make sense of human behaviour via ongoing and intersubjective production of knowledge (Hay, 2002:63)¹⁵. The realist position rooted in Berger and Luckmann's (1966/1991) phenomenological position, where social reality has a dual character, allows switching from a focus on findings as the outcomes of intersubjective achievements to a focus on common sense reality, with layers of institutionalisation, tradition and socialisation (Fox, 2008:7) and an appearance of objective reality, which - within specific life-worlds - limits the meanings that can be attributed to its objects. The latter focus is most suited to objectives 1, 2 and 3, whereas the former is commensurate with objectives 4 and 5, because those are less concerned with the continuities within the social order than with the fluidity of meanings held by the targeted social actors and the context-specificity of their knowledge. If research design is a plan laying out how best to address and achieve the research objectives, including setting out specific details of the enquiry (Babbie & Mouton, 2012), a comprehensive enquiry into the realities of PTD suggests plotting exploratory, evaluative, explanatory, descriptive, correlational and participatory action. A mixed methods approach is suitable for this study as it enables it to transcend statistical mechanics to include data on

subjective assessments of the attitudes and opinions of the respondents (Flick, 2009:128). Approaching from a quantitative angle and from an ontological viewpoint would help improve the objective, material and structural aspects of the study, whereas a qualitative angle would underscore the subjective, mental and personal construction of the research objectives/questions. The other reason for adopting the mixed method lies in an enriched epistemological perspective in which relativism and realism converge (Tashakkori & Teddlie, 2003).

CONCLUSION

The dearth of readily available reliable data on the administration of criminal justice is a major impediment to any planning by the Namibian government. Strategies to overcome this challenge could be partial (incremental/piecemeal) or total (whole/through-out). To all intents and purposes, a holistic approach is required. Only a baseline which cuts across the domains of PTD would enable the government to estimate cross impacts from one domain to the other. This seems necessary because of the aforementioned conundrum that places the state under the obligation to uphold both the accused's right to dignity and liberty and the fundamental rights and freedoms of community members. A holistic data set would place government in a position to cost the situation. To the extent that government leans towards a crime control model that increasingly imposes preventive detention, upholding the right of the accused to dignity and liberty will require commensurate investment. Conversely, if government leans towards a due process model with an effective reduction of the use of remand detention, protecting the fundamental rights and freedoms of community members will require at least a pre-trial service delivery system for individualised interventions. This would address the criminogenic risks and needs of the accused. If the Namibian government wishes to fulfil its duties under the Constitution, it cannot shy away from this analysis. It must take the bull by the horns not only for the benefit of the people who are currently in PTD, their families and their communities, but also for the safety, health and welfare of staff responsible for supervising or managing PTD facilities, and finally members of society as a whole.

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FOOTNOTES

1. Namibia reportedly began grappling with these consequences shortly after independence in 1990. Rapidly increasing crime rates led the President to appoint a Commission of Inquiry into Legislation for the more effective Combating of Crime (*Government Gazette* No. 1285 of 2 April 1996); see also Menges (2008).
2. In the wake of increasing crime rates, Namibia witnessed soaring arrest figures that early on overwhelmed the existing infrastructure for pre-trial detention. Significantly, in 1999 the Special Rapporteur of the African Commission on Human and Peoples' Rights (ACHPR) had already called for "a general re-examination of the conditions of detention in the national police establishments ... with the objective of establishing detailed and up-to-date standards for these places of detention" and "improvement of conditions of detention in police stations without delay" (ACHPR, 1999:48).
3. The Ombudsman was established in terms of Article 89 of the Namibian Constitution.
4. Nominal capacity/actual population on 3 and 6 September 2021 (communication from the Namibian Police), respectively: Windhoek 150/123, Wanaheda 150/150 (both stations: Khomas region), Tsumeb 45/116, Omuthiya 140/248 (both stations: Otjokoto region), Swakopmund (Erongo region) 56/116 and Katima Mulilo (Zambesi region) 80/208; Opuwo (Kunene) 30/100.
5. Namibia is a signatory of the UNCRC, which defines children as persons under the age of 18 years.
6. Stock Theft Amendment Act 19 of 2004; Combating of Rape Act 8 of 2000.
7. The imprisonment rate is calculated as prison population/general population x 100 000. In 2020, the total population estimate for Namibia was about 2.6 million, of whom 1.15 million were children, i.e. persons below the age of 18 (Worldometer, nd.). A rate of 330/100 000 compares unfavourably with other countries, e.g. the rates for Belgium, Germany, Lithuania, Ireland, Austria, Rumania and the Netherlands range from 12.5 for Ireland to 49.9 for Lithuania, with the remaining countries somewhere in between (Hammerschick & Reidinger, 2017).
8. Supreme Court in terms of Art. 79 and High Court in terms of Art. 80 NC of the Namibian Constitution.
9. A baseline is the starting point against which future progress can be assessed or comparisons made. One definition of a baseline study is "An analysis of the current situation to identify the starting points for a programme or project" ([https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Baseline study](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Baseline_study)).
10. The Ombudsman reports referred to the initial version of the SMR; the latest version of the UN Standard Minimum Rules for the Treatment of Prisoners, which is a leap from the 1955 (1957) rules, was only adopted by the UN General Assembly on 17 December 2015.
11. The Report of the Commission of Inquiry into Legislation for the more effective Combating of Crime in Namibia reportedly holds that the emphasis should be placed on the rights of victims of crime and law-abiding citizens of Namibia, as opposed to the rights that people accused of crimes are afforded under Namibia's laws (Menges, 2008). If the report was ever released it is currently unattainable in any repository, neither the National Archives of Namibia nor in any public library (Romy Noeske, Legal Assistance Centre, e-mail communication, 3 November 2021).
12. Of interest here is a similar discourse which has unfolded since the 1960s in the US State courts, and especially the US Supreme Court, upholding the principles (1) that the totality of conditions in prison - including crowding - must not amount to cruel and unusual punishment and (2) that jail crowding cannot be permitted to impose genuine privations over an extended period of time, have ordered the situation remedied if they found prisons and jails overcrowded (e.g. Ruiz v. Estelle, 503 F. Supp. 1265, 1391 (S.D. Tex. 1980), Rhem v. Malcolm, 371 F. Supp. 594 (S.D.N.Y. 1974), 377 F. Supp. 995 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974). In a recent split decision (5 to 4) the US Supreme Court (Brown v. Plata, 563 U.S. 493 (2011)), held that a court-mandated population limit was necessary to remedy a violation of prisoners' Eighth Amendment constitutional rights, affirming a decision by a three-judge panel of the United States District Court for the Eastern and Northern Districts of California, which had ordered California to reduce its prison population to 137.5% of design capacity within two years.
13. Compare regarding the tenets of constitutional interpretation: *S v Acheson 1991 (2) SA 805 (NM)* at 821G-H.
14. See footnote 5.
15. Accordingly, ontology, epistemology and methodology stand in a directional relation, where "ontology logically precedes epistemology which logically precedes methodology" (Hay, 2002:63).

ARTICLE

Talent management in the Airspace Security Management environment: A demographic analysis

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ABSTRACT

Background

In order to retain talent, it is important to acknowledge possible differences regarding talent management of demographic groups such as gender and age groups.

Motivation

The motivation for this research was triggered by the fact that little is known about how employees from different gender groups and age groups view talent management in the Airspace Security Management environment of the South African Air Force (SAAF).

Purpose

The purpose of this study was to determine whether employees of different genders and age groups in the Airspace Security Management environment of the SAAF view talent management differently.

Methodology

This research was mainly based on the positivist paradigm (worldview to research), used a survey research design and was cross-sectional in nature. An existing questionnaire was used to gather the data.

Results

By conducting a t-test and an ANOVA it was established that there were no significant differences in how the different genders and age groups viewed talent management.

Managerial implication

It is important for management to realise that they can make an impact in the Airspace Security Management environment of the SAAF by managing talent management in an effective and appropriate manner.

Contribution

The views of SAAF employees on talent management were obtained and this study therefore contributed to their being an open workforce. Gender and age groups' views of talent management within the Airspace Security Management were investigated in order to contribute to the body of knowledge about talent management in a sensitive and secure environment.

KEYWORDS/PHRASES

Talent management, demographic differences, Airspace Security Management, South African Air Force.

INTRODUCTION

In the SAAF it is pivotal that talented people should be developed and retained because they are valuable contributors to the mission (Andrews & Stitt, 2017:113). Talent management for the air force should include work-life balance, resiliency, training, education and individualised development (Mullin, 2021:1). Talent management transformation cannot be derived from the sum of individual initiatives. It requires a holistic, systems approach. The required system must optimise talent management through workforce planning and the acquisition, employment, development and retention of military staff (Department of the Army, 2015:2).

The realities in defence forces globally regarding talent management failures

Geluk, Schlueter, Thomas and Erkens (2020:1) state that there are talent management failures within defence militaries globally. Some examples are:

- The US Army missed its recruitment target in 2018, despite spending tens of millions of dollars on a marketing campaign, as did militaries in Denmark and Australia.
- The Royal Canadian Air Force did not meet its North American Air Defence Command and NATO requirements in 2019 because of a shortfall of both pilots and maintenance personnel.
- The German military recently opened a new cyber defence facility, but it has struggled to reach full staffing levels.
- The British military has contracted in size for the past nine years, with the Army falling 7000 troops short of its target of 82 000.
- The Dutch military has considered filling troop shortfalls with soldiers from other countries that have ties to the Netherlands, including South Africa. The militaries in Britain, France and Belgium already include non-citizens among their ranks.

Contribution of the study

The future of military work demands an open and agile workforce. An open workforce will connect the military to the widest possible talent pool, while an agile workforce helps to ensure that the military can then make the best use of those skills, talents and experiences that individuals offer (Garcia, Mariani & Lane, 2019:1). The views of SAAF employees about talent management were obtained and this study therefore contributes to their being an open workforce. Gender and age groups' views of talent management within Airspace Security Management were investigated in order to contribute to the body of knowledge on talent management in a sensitive and secure environment.

STATEMENT OF THE PROBLEM

A major Human Resource Management (HRM) challenge is to ensure a high-quality workforce by recruiting and retaining talented individuals who are crucial to the success of an organisation (Robbins & Coulter, 2012:34). An underlying challenge is that many militaries do not have the human resource capabilities to effectively compete in the talent marketplace (Geluk et al.,

2020:1). Anand and Sharma (2015:84) state that organisations are faced with perceptual barriers from employees about talent management and this segregation of employees may then lead to demoralisation and further reduce the level of motivation to perform. In order to retain talent, it is important to acknowledge possible differences regarding talent management of demographic groups such as genders and age groups. Demographics are important factors taken into consideration in most human resource and management decisions because they influence the work behaviour and productivity of the employees (Marcus & Gopinath, 2017:509).

It is unclear whether there are demographic differences in the views of employees about talent management in the Airspace Security Management of the SAAF. This article aims to assist with closing this research gap by investigating whether there are significant differences in how genders and age groups view talent management.

PURPOSE OF THE STUDY

For the purpose of this article, a demographic analysis of only gender and age was investigated due to the sensitive nature of the Airspace Security Management environment.

LITERATURE REVIEW

Underpinning theory

The underpinning theory for this study is the human capital theory. This theory focuses on the premise that investing in people leads to economic growth through increased productivity, social stability and healthier lifestyles (Minzer, 1974:3). According to Olanyan and Okemakinde (2008:480), the logic behind investing in human capital is built on three points: the first is that the new generation must be provided with the knowledge that previous generations had. Second, the new generation should be trained in ways in which existing knowledge can be used to develop and invent different products or social services. Third, the new generation should be encouraged to discover entirely new approaches to fulfilling the community's needs. The use of talent management will make it easier for organisations to identify which employees are best suited for the job. Identifying talented people and investing in them as human capital will assist management in driving the success of the organisation.

Talent management

Barkhuizen (2015:3) states that the concept of "talent" originated from the Macedonian (Greek) era before the Classical Age, representing a "unit of weight or money". Many scholars state that talent can be classified as aptitude, giftedness, natural ability to be good at something, strength, skills, high performance, high potential, competence, experience, character, willingness, expertise, intelligence, self-belief, ability to learn and grow, knowledge and drive (Collings & Mellahi, 2013:323; Barkhuizen, 2015:3; Michaels, Handfield-Jones & Axelrod, 2001:3; Conaty, Charan & Walter, 2010:5). Talent can be innate, acquired or a combination of the two (Michaels et al., 2001:3). Merlevede (2014:93) defines talent

management as the hiring, retaining and the growth of both talent and knowledge held by the employees. The critical factors for this definition were to "hire for attitude, train for competence, coach for performance and manage to retain" (Merlevede, 2014:11).

Lewis and Heckman (2006:140) mention that there are three distinct perspectives regarding talent management. The first defines talent management as a collection of typical human resource department practices, functions, activities or specialist areas such as recruiting, selection, development and career and succession management (Mercer, 2005:17). The second focuses primarily on the concept of talent pools by focusing on the internal workforce (Schweyer, 2004:30). Employees who experience a talent management system that is based on an inclusive or stable philosophy are likely to feel supported and valued by their organisation because they work in surroundings that are generally appreciative of their talents (Meyers & Van Woerkom, 2014:195). A third perspective on talent management focuses on high-performing talent (Axelrod Handfield-Jones & Michaels, 2002:82) on one hand and generic talent (Walker & Larocco, 2002:13) on the other.

Oehley (2007:231) is of the opinion that talent management consists of a talent management mindset, attracting and recruiting talent, identifying and differentiating talented employees, developing others, building and maintaining positive relationships, providing meaningful and challenging work, remunerating and rewarding in a fair manner and managing work-life balance.

Previous studies on demographic differences regarding talent management

Anand and Sharma (2015:91) found that there was a significant difference in how Indian employees from different age groups perceived talent management, where employees of 30 to 40 years old viewed talent management more positively than employees in the age groups of 20 to 30 years and 40 to 50 years. Dzimbiri and Molefakgotla (2021:436) found that significant differences exist in Malawian nurses' perceptions of talent management based on their demographic characteristics such as gender and age. Barkhuizen, Roodt and Schutte (2014:2033) found that there were differences between how older and younger South African academics perceived talent management. Anand and Sharma (2015:91) found that there was not a significant difference in the perception of talent management between male and female employees.

RESEARCH METHODOLOGY

Research design and method

This research was mainly based on the positivist paradigm (world-view to research), used a survey research design and was cross-sectional in nature (Kivunja & Kuyini, 2017:16). Leedy and Ormrod (2016:21) highlight that descriptive quantitative research entails the identification and exploration of characteristics of the phenomenon and possible correlations among the multiple phenomena.

Sample

Purposive sampling was used to choose a division within the SAAF which is not revealed. From the population size of 473 employees within this division, 170 completed questionnaires were returned.

Measuring instrument

A self-administered questionnaire survey design was utilised for data collection purposes. The talent management questionnaire of Oehley (2007:231) was used in this study. According to this questionnaire, talent management consists of the following eight theoretical subscales:

- Displays a talent management mindset (TMC 1)
- Attracts and recruits talent (TMC 2)
- Identifies and differentiates talented employees (TMC 3)
- Develops others (TMC 4)
- Builds and maintains positive relationships (TMC 5)
- Provides meaningful and challenging work (TMC 6)
- Remunerates and rewards fairly (TMC 7)
- Manages work-life balance (TMC 8)

Data collection

The questionnaire was manually distributed to the respondents. A Likert scale was used with the following point allocation: "5 = never", "4 = rarely", "3 = sometimes", "2 = often" and "1 = always".

Data analysis

Frequency analysis was used to determine the demographic details of the respondents. Cronbach's alpha was used to determine the reliability of the questionnaire. Analysis of Variance (ANOVA) and a t-test were used to determine the demographic differences. Minitab (2019) highlights five steps for the ANOVA test. The first is to determine the statistical significance of the difference in means between groups. The second is to scrutinise the means of the groups and then compare them in step three. The next step is important to determine whether the model fits the data that was gathered. If the means between group variation are close to each other (and therefore the Grand Mean) this will be small. The degrees of freedom (df) between the groups indicate the number of groups, minus one (1) that were used for the ANOVA test. The F-value (depicted as "F" in for example Table 7) is calculated by dividing the variation between groups by the variation within a group. The larger the F-value compared with the different TMC applicable to the different age groups the more significant the results. The P-value labelled as "P" is the same as "Sig." which indicates the significance. The results are listed from the most to the least significant for both the F and the P-value.

Ethical considerations

Permission from the SAAF and ethical clearance from Stadio (formerly Southern Business School) were obtained.

RESULTS

The descriptive statistics are presented in Table 1.

TABLE 1: DEMOGRAPHIC DETAILS OF RESPONDENTS

Item	Category	Frequency	Value percentage	Cumulative percentage
Gender	Female	37	21.76	21.76
	Male	133	78.24	100.0
Total		170	100.0	
Age	55 and above	15	8.82	8.82
	45 to 54	41	24.12	32.94
	35 to 44	59	34.71	67.65
	Less than 35	55	32.35	100.0
Total		170	100.0	

Due to the sensitive nature of the Airspace Security Management environment, only gender and age are reported upon. Table 1 shows that the majority of male respondents (78.24%) participated in the study. The age group 35 to 44 seems to be the

majority (34.71%) of respondents.

The reliability of the questionnaire is presented in Table 2.

TABLE 2: RELIABILITY OF THE TALENT MANAGEMENT COMPETENCIES

Talent Management	Cronbach's alpha	1/3 on standardised items	N of items
Displays a talent management mindset (TMC 1)	0.903	0.905	6
Attracts and recruits talent (TMC 2)	0.882	0.881	6
Identifies and differentiates talented employees (TMC 3)	0.882	0.882	8
Develops others (TMC 4)	0.951	0.952	11
Builds and maintains positive relationships (TMC 5)	0.911	0.911	7
Provides meaningful and challenging work (TMC 6)	0.890	0.890	6
Remunerates and rewards fairly (TMC 7)	0.871	0.872	6
Manages work-life balance (TMC 8)	0.910	0.911	9
Average	0.900	0.900	-

If the calculation of the Cronbach's alpha is 0.9 or above, the reliability is excellent and if it is between 0.8 and 0.9, reliability is acceptable (Nunnally, 1978:226). Thus the reliabilities of four of the talent management competencies were excellent, while the other four were good. Overall, the reliability of the scales was excellent. The scale with the lowest Cronbach's alpha was related to the organisation's effort to be aware of personal and family

circumstances of members that might impact on their performances. The scale with the highest Cronbach's alpha was the organisation's ability to create opportunities for tertiary studies and foreign learning opportunities.

The gender group differences are presented in Table 3.

TABLE 3: RELIABILITY OF THE TALENT MANAGEMENT COMPETENCIES

TMC	Gender Group	N	Mean	Std. Deviation	Std. Error Mean
TMC 1	Female	37	3.1847	0.87205	0.14336
	Male	133	3.1266	0.97618	0.08465
TMC 2	Female	37	3.1532	0.92076	0.15137
	Male	133	3.3145	0.92538	0.08024
TMC 3	Female	37	3.1520	0.78458	0.12898
	Male	133	3.0291	0.89120	0.07728

TABLE 3: RELIABILITY OF THE TALENT MANAGEMENT COMPETENCIES (CONTINUED)

TMC	Gender Group	N	Mean	Std. Deviation	Std. Error Mean
TMC 4	Female	37	3.2703	0.80588	0.13249
	Male	133	3.2174	1.01762	0.08824
TMC 5	Female	37	3.2934	0.89084	0.14645
	Male	133	3.1160	0.96349	0.08354
TMC 6	Female	37	3.1622	0.78615	0.12924
	Male	133	3.0238	0.92595	0.08029
TMC 7	Female	37	3.5826	0.86954	0.14295
	Male	133	3.4403	0.92229	0.07997
TMC 8	Female	37	3.0315	0.74311	0.12217
	Male	133	2.8521	0.89345	0.07747

Table 3 shows that females and males viewed work-life balance in a negative manner. Males perceived the identification and differentiation of talented employees and providing meaningful and challenging work in a negative manner.

Table 4 illustrates the t-test for equality of means between males and females by using Levene's test for equality of variances. Levene's test is conducted to test whether variances are equal for all groups. The null hypothesis is calculated where the variances are assumed to be equal (this represents "A" in Table 4). The alternate hypothesis does not assume that the variances are equal (this represents "N" in Table 4). Levene's test uses an F-test

(represented as the "F" in Table 4) to test the null hypothesis to evaluate whether the two variances are approximately equal. A significant value that is greater than 0.05 indicates that the variability between the two variances is the same and the "A" row is used for analysis. Thus, if the significant value is less than or equal to 0.05, the two variances are not the same and the "N" row should be used for analysis. The purpose of the t-test is to evaluate the equality of the means between groups. The t-value labelled as "t" is the difference (Diff) of the means between male and female from Table 3. If the probability of the t-test depicted in the "Sig. (2-tailed)" column below is greater than .05, there was no significant difference in the applicable TMC between males and females.

TABLE 4: LEVENE'S TEST AND THE T-TEST BETWEEN MALES AND FEMALES

TMC	A & N	Levene's test for equality		t-test for equality of means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean diff	Std. error diff	95% confidence interval of the diff	
									Lower	Upper
TMC 1	A	1.355	0.246	0.327	168	0.744	0.0581	0.1775	-0.2922	0.4085
	N			0.349	63.374	0.728	0.0581	0.1665	-0.2745	0.3908
TMC 2	A	0.728	0.395	-0.939	168	0.349	-0.1614	0.1718	-0.5006	0.1778
	N			-0.942	57.829	0.350	-0.1614	0.1713	-0.5043	0.1816
TMC 3	A	2.076	0.151	0.760	168	0.448	0.1229	0.1616	-0.1961	0.4419
	N			0.817	64.226	0.417	0.1229	0.1504	-0.1775	0.4233
TMC 4	A	5.154	0.024	0.292	168	0.771	0.0529	0.1814	-0.3053	0.4111
	N			0.332	71.201	0.741	0.0529	0.1592	-0.2645	0.3703
TMC 5	A	1.190	0.277	1.007	168	0.316	0.1774	0.1763	-1.1706	0.5254
	N			1.052	61.467	0.297	0.1774	0.1686	-0.1597	0.5145
TMC 6	A	2.178	0.142	0.829	168	0.408	0.1384	0.1669	-0.1911	0.4678
	N			0.909	66.450	0.366	0.1384	0.1522	-0.1654	0.4421
TMC 7	A	0.354	0.553	0.840	168	0.402	0.1423	0.1694	-0.1920	0.4767
	N			0.869	60.445	0.388	0.1423	0.1638	-0.1853	0.4699
TMC 8	A	1.132	0.289	1.118	168	0.265	0.1794	0.1605	-0.1374	0.4962
	N			1.240	67.786	0.219	0.1794	0.1447	-0.1093	0.4681

The only Sig. results of Levene's test that were less than 0.05 was the "develop others" competency (TMC 4). The result of 0.024 indicates that the detail in the "N" row of TMC 4 should be used. The Sig. results of all the other competencies indicate that the "A" row should be used. All the Sig. (2-tailed) results are above 0.05. Thus, the calculations indicate no statistically significant difference between female and male participants on any of the competencies. The differences between the means of males and females are likely due to chance.

Table 5 indicates the effect sizes of the differences between males and females. Effect size indicates the practical significance of a finding. The most common effect size for the difference between means is Cohen's D (Cohen, 1988:25). Cohen's D is used for a larger sample size between the pooled standard deviation. A sample effect size of one indicates that the two groups differ by one standard deviation and two indicates that a sample effect size differs by two standard deviations. A small effect is equal to 0.2, a medium is equal to 0.5 and a large effect is equal to 0.8.

TABLE 5: GENDER GROUP EFFECT SIZES

TMC	Method	Standardise	Point Estimate	95% confidence interval of the diff	
				Lower	Upper
TMC 1	Cohen's D	0.95482	0.061	-0.304	0.425
TMC 2	Cohen's D	0.92440	-0.175	-0.539	0.190
TMC 3	Cohen's D	0.86946	0.141	-0.223	0.506
TMC 4	Cohen's D	0.97612	0.054	-0.310	0.418
TMC 5	Cohen's D	0.94839	0.187	-0.178	0.552
TMC 6	Cohen's D	0.89783	0.154	-0.211	0.519
TMC 7	Cohen's D	0.91124	0.156	-0.209	0.521
TMC 8	Cohen's D	0.86344	0.208	-0.157	0.572

The non-significant results indicate that all effect sizes were negligible, while TMC 8 reached a small effect size. However, if the difference is not statistically significant, it is not worth reporting such an effect size.

The age group differences are presented in Table 6.

TABLE 6: DESCRIPTIVE STATISTICS OF THE DIFFERENT AGE GROUPS

TMC	Age group	N	Mean	Std. Deviation	Std. Error	95% confidence interval of the diff		Min	Max
						Lower	Upper		
TMC 1	25-34	55	3.3364	1.0023	0.1352	3.0654	3.6073	1.33	5.00
	35-44	59	3.0847	0.9235	0.1202	2.8441	3.3254	1.17	5.00
	45-54	41	3.1016	0.9021	0.1409	2.8169	3.3864	1.17	5.00
	55+	15	2.7333	0.9318	0.2406	2.2173	3.2493	1.33	4.33
	Total	170	3.1392	0.9523	0.0730	2.9950	3.2834	1.17	5.00
TMC 2	25-34	55	3.3606	1.0223	0.1376	3.0842	3.6370	1.17	5.00
	35-44	59	3.2994	0.8570	0.1116	3.0761	3.5228	1.50	5.00
	45-54	41	3.2480	0.9061	0.1415	2.9620	3.5340	1.50	5.00
	55+	15	2.9889	0.8762	0.2262	2.5037	3.4741	1.67	4.50
	Total	170	3.2794	0.9241	0.0709	3.1395	3.4193	1.17	5.00
TMC 3	25-34	55	3.2250	0.9293	0.1253	2.9738	3.4762	1.25	4.75
	35-44	59	2.9640	0.7744	0.1008	2.7622	3.1658	1.38	5.00
	45-54	41	3.0701	0.8866	0.1385	2.7903	3.3500	1.25	5.00
	55+	15	2.7583	0.8933	0.2306	2.2637	3.2530	1.25	4.13
	Total	170	3.0559	0.8684	0.0666	2.9244	3.1874	1.25	5.00

TMC	Age group	N	Mean	Std. Deviation	Std. Error	95% confidence interval of the diff		Min	Max
						Lower	Upper		
TMC 1	25-34	55	3.3364	1.0023	0.1352	3.0654	3.6073	1.33	5.00
	35-44	59	3.0847	0.9235	0.1202	2.8441	3.3254	1.17	5.00
	45-54	41	3.1016	0.9021	0.1409	2.8169	3.3864	1.17	5.00
	55+	15	2.7333	0.9318	0.2406	2.2173	3.2493	1.33	4.33
	Total	170	3.1392	0.9523	0.0730	2.9950	3.2834	1.17	5.00
TMC 2	25-34	55	3.3606	1.0223	0.1376	3.0842	3.6370	1.17	5.00
	35-44	59	3.2994	0.8570	0.1116	3.0761	3.5228	1.50	5.00
	45-54	41	3.2480	0.9061	0.1415	2.9620	3.5340	1.50	5.00
	55+	15	2.9889	0.8762	0.2262	2.5037	3.4741	1.67	4.50
	Total	170	3.2794	0.9241	0.0709	3.1395	3.4193	1.17	5.00
TMC 3	25-34	55	3.2250	0.9293	0.1253	2.9738	3.4762	1.25	4.75
	35-44	59	2.9640	0.7744	0.1008	2.7622	3.1658	1.38	5.00
	45-54	41	3.0701	0.8866	0.1385	2.7903	3.3500	1.25	5.00
	55+	15	2.7583	0.8933	0.2306	2.2637	3.2530	1.25	4.13
	Total	170	3.0559	0.8684	0.0666	2.9244	3.1874	1.25	5.00
TMC 4	25-34	55	3.4298	1.0663	0.1438	3.1415	3.7180	1.09	5.00
	35-44	59	3.1525	0.8620	0.1122	2.9279	3.3772	1.18	5.00
	45-54	41	3.1818	0.9556	0.1492	2.8802	3.4835	1.36	5.00
	55+	15	2.9212	1.0370	0.2678	2.3469	3.4955	1.27	4.33
	Total	170	3.2289	0.9735	0.0747	3.0815	3.3763	1.09	5.00
TMC 5	25-34	55	3.4078	1.0277	0.1386	3.1300	3.6856	1.14	5.00
	35-44	59	3.1235	0.8247	0.1074	2.9086	3.3384	1.43	5.00
	45-54	41	2.9826	0.9439	0.1474	2.6846	3.2805	1.29	5.00
	55+	15	2.8190	0.9786	0.2527	2.2771	3.3610	1.43	4.43
	Total	170	3.1546	0.9484	0.2727	3.0110	3.2982	1.14	5.00
TMC 6	25-34	55	3.1970	0.9146	0.1233	2.9497	3.4442	1.17	4.67
	35-44	59	3.0904	0.8461	0.1101	2.8699	3.3109	1.33	5.00
	45-54	41	2.9675	0.8985	0.1403	2.6839	3.2511	1.17	5.00
	55+	15	2.6222	0.9522	0.24858	2.0949	3.1495	1.33	4.13
	Total	170	3.0539	0.8970	0.0688	2.9181	3.1897	1.17	5.00
TMC 7	25-34	55	3.6162	0.9794	0.1321	3.3514	3.8809	1.11	5.00
	35-44	59	3.4068	0.8262	0.1076	3.1915	3.6221	1.33	5.00
	45-54	41	3.4282	0.9228	0.1441	3.1369	3.7195	1.33	5.00
	55+	15	3.3111	0.9551	0.2446	2.7822	3.8400	1.67	4.56
	Total	170	3.4712	0.9105	0.0698	3.3334	3.6091	1.11	5.00
TMC 8	25-34	55	3.1091	0.8685	0.1171	2.8743	3.3439	1.50	4.67
	35-44	59	2.7486	0.7558	0.0984	2.5516	2.9456	1.17	5.00
	45-54	41	2.8862	0.9505	0.1484	2.5862	3.1862	1.00	5.00
	55+	15	2.6667	0.9107	0.2351	2.1623	3.1710	1.33	4.33
	Total	170	2.8912	0.8641	0.0663	2.7603	3.0220	1.00	5.00

Table 6 shows that the age group 55+ viewed attracting employees, developing others, building and maintaining positive and recruiting talent, identifying and differentiating talented relationships, providing meaningful and challenging work as well

as managing work-life balance in a negative light. The age group 35 to 44 viewed identifying and differentiating talented employees and managing work-life balance in a negative manner. The age

group 45 to 55 viewed building and maintaining positive relationships, providing meaningful and challenging work and managing work-life balance in a negative manner.

TABLE 7: ANOVA TEST FOR THE DIFFERENT AGE GROUPS

TMC	Correlation	Sum of squares	df	Mean square	F	P
TMC 1	Between groups	4.842	3	1.614	1.805	0.148
	Within groups	148.419	166	0.894		
	Total	153.261	169			
TMC 2	Between groups	1.693	3	0.564	0.657	0.580
	Within groups	142.618	166	0.859		
	Total	144.311	169			
TMC 3	Between groups	3.408	3	1.136	1.520	0.211
	Within groups	124.030	166	0.747		
	Total	127.438	169			
TMC 4	Between groups	4.074	3	1.358	1.444	0.232
	Within groups	156.079	166	0.940		
	Total	160.152	169			
TMC 5	Between groups	6.485	3	2.162	2.466	0.064
	Within groups	145.532	166	0.877		
	Total	152.017	169			
TMC 6	Between groups	4.306	3	1.435	1.809	0.147
	Within groups	131.672	166	0.793		
	Total	135.978	169			
TMC 7	Between groups	1.861	3	0.620	0.745	0.527
	Within groups	138.227	166	0.833		
	Total	140.088	169			
TMC 8	Between groups	4.566	3	1.523	2.079	0.105
	Within groups	121.613	166	0.733		
	Total	126.181	169			

There were no significant differences between age groups, as all "P" values were >0.05. Table 8 indicates the ANOVA's effect size for the different age groups. The reason for the effect size is to distinguish between statistical significance and practical significance. Statistical significance is a function of the sample size and as the number of the participants increases concerning the entire research population become more significant. If the differences were unlikely to occur, the null hypothesis is true. But if the differences are true, the probability of the research significance is not likely to occur by chance. Practical significance is the standardised measurements of the differences between the sample and the null. It removes the influence of the sample size that gives clinical real-world significance. The highest F-value was the TCM that

focuses on building and maintaining positive relationships (2.466), followed the work-life balance (2.079). The lowest F-values were "attracts and recruits talent" and "remunerates and rewards fairly" TMCs. The inverse of the P-value revealed the same analysis. There is a clear indication on the focus to attract pivotal talent and to remunerate fairly.

TABLE 8: ANOVA EFFECT SIZE FOR THE DIFFERENT AGE GROUPS

TMC	Method	Point estimate	95% confidence interval	
			Lower	Upper
TMC 1	Eta-squared	0.032	0.000	0.085
	Epsilon-squared	0.014	-0.018	0.068
	Omega-squared fixed-effect	0.014	-0.018	0.068
	Omega-squared random-effect	0.005	-0.006	0.024
TMC 2	Eta-squared	0.012	0.000	0.046
	Epsilon-squared	-0.006	-0.018	0.028
	Omega-squared fixed-effect	-0.006	-0.018	0.028
	Omega-squared random-effect	-0.002	-0.006	0.010
TMC 3	Eta-squared	0.027	0.000	0.076
	Epsilon-squared	0.009	-0.018	0.060
	Omega-squared fixed-effect	0.009	-0.018	0.059
	Omega-squared random-effect	0.003	-0.006	0.021
TMC 4	Eta-squared	0.025	0.000	0.074
	Epsilon-squared	0.008	-0.018	0.057
	Omega-squared fixed-effect	0.008	-0.018	0.057
	Omega-squared random-effect	0.003	-0.006	0.020
TMC 5	Eta-squared	0.043	0.000	0.103
	Epsilon-squared	0.025	-0.018	0.086
	Omega-squared fixed-effect	0.025	-0.018	0.086
	Omega-squared random-effect	0.009	-0.006	0.030
TMC 6	Eta-squared	0.032	0.000	0.085
	Epsilon-squared	0.014	-0.018	0.068
	Omega-squared fixed-effect	0.014	-0.018	0.068
	Omega-squared random-effect	0.005	-0.006	0.024
TMC 7	Eta-squared	0.013	0.000	0.049
	Epsilon-squared	-0.005	-0.018	0.032
	Omega-squared fixed-effect	-0.005	-0.018	0.032
	Omega-squared random-effect	-0.002	-0.006	0.011
TMC 8	Eta-squared	0.036	76	0.092
	Epsilon-squared	0.019	-0.018	0.076
	Omega-squared fixed-effect	0.019	-0.018	0.076
	Omega-squared random-effect	0.006	-0.006	0.027

DISCUSSION

The purpose of this study was to determine whether employees in different gender and age groups in the Airspace Security Management environment of the SAAF view talent management differently.

The results showed no significant differences in how males and females viewed talent management. Dzimbiri and Molefakgotla (2021:436) found a significant difference in gender groups and this deviates from the findings of this study. Anand and Sharma (2015:91) found that no significant difference in the perception of

talent management between male and female employees and this concurs with the finding of this study.

It was evident from the findings of this study that management need not deal with talent management differentially in the Airspace Security Management environment of the SAAF due to the fact that the employees from different gender and age groups did not view talent management in a statistically significant different manner.

Managerial implication

The staffing shortages in many armed forces have become so acute that they threaten operational readiness. No external factors are likely to change that situation; instead, it is up to government and military leaders to ensure that they have the right talent in place to execute their missions (Geluk et al., 2020). Management should be aware of the fact that talent management is viewed similarly by all employees in the Airspace Security Management environment of the SAAF. In a sense, this makes it somewhat easier for management to manage and ensure successful talent management interventions. It is important for management to realise that they can make an impact in the Airspace Security Management environment of the SAAF by managing talent management in an effective and appropriate manner.

LIMITATIONS

This study was cross-sectional in nature and cannot be generalised to other environments in the SAAF or other organisations.

RECOMMENDATIONS

Women should be recruited and appointed in the Airspace Security Management environment as it is currently male-dominated. Management should engage with both men and women to discover why they view work-life balance in a negative manner. Engagement sessions with men should also be conducted to obtain reasons for their negative views of the identification and differentiation of talented employees as well as providing meaningful and challenging work. Management should also engage with the age group 55+ due to the fact that they viewed most of the talent management scales in a negative light. Talent management strategies and interventions should be developed and executed in order to improve proper talent management.

For future research, a talent management framework for the Airspace Security Management can be developed. Such a framework will assist HR managers and line managers to properly implement talent management. A qualitative study could be conducted to obtain rich data about talent management from high potential employees in the Airspace Security Management environment. In an increasingly globalised economy, talent management and retention of quality employees is a global issue and therefore the Airspace Security Management environments of other countries should be studied.

CONCLUSION

In order to retain talent, it is important to acknowledge possible differences regarding talent management of demographic groups such as gender and age. The purpose of this study was to determine whether employees from different gender and age groups in the Airspace Security Management environment of the SAAF view talent management differently. It was established that there were no significant differences in how the different gender and age groups viewed talent management. It is important for management to realise that they can make an impact in the Airspace Security Management environment of the SAAF by managing talent management in an effective and appropriate manner.

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ARTICLE

Homicide-suicide¹: Identifying demographic, social and cultural factors within the South African Police Service

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ABSTRACT

The H-S¹ phenomenon appears to be increasing among members of the South African Police Service (SAPS).

Although research on H-S is sparse, several South African studies have implicated the SAPS as a high-risk occupational group for such killings. However, no systematic research that focuses on police H-S has ever been conducted within South Africa. The aim of this article is to identify the factors underlying police H-S killings.

The study includes 38 police H-S cases over a two-year period (2012-2013). Information on H-S was collected via document analysis. The data obtained from the documents was coded on the SAPS "Homicide-Suicide Incidence Coding Form" and the results of this analysis are presented graphically.

The SAPS displayed an H-S incidence rate of 24.27 per 100 000 police officials. A typical police H-S perpetrator is likely to be a Black African male, 35 years old and holding the rank of constable. His victim is usually an intimate partner of the same racial group who is younger than him. A service pistol is used to commit both H-S killings.

KEYWORDS/PHRASES

Homicide-suicide, murder-suicide, femicide-suicide, dyadic deaths, South African Police Service.

INTRODUCTION

It is not clear why Sergeant Thamasanqa Tsolo, 40 years of age, gunned down his 39 year-old wife, Ntswaki, but police said the circumstances surrounding the apparent H-S were being investigated (Makhetha, 2015:1). With this case study in mind, this study explores the demographical factors associated with H-S within the South African Police Service (SAPS).

The work of Marzuk, Tardiff and Hirsch (1992) is considered groundbreaking and forms the basis of all H-S literature, despite being published 30 years ago. As no other recent operational

definition of H-S has been formulated, the one provided by Marzuk, Tardiff and Hirsch (1992:3179) is used, namely "a dramatic, violent event in which an individual commits homicide and shortly thereafter commits suicide". Intimate partner H-S (especially femicide-suicide) is considered the most common subtype of H-S, which usually involves a male killing his intimate female partner and subsequently taking his own life (Rouchy, Germanaud, Garcia & Michel, 2020:7; Pa Thor, 2020:1; Bossarte, Simon & Barker, 2006:35; Koziol-McLain, Webster, McFarlane, Block, Ulrich, Glass & Campbell, 2006:8; Saleva, Putkonen, Kiviruusu & Lönnqvist, 2007:206; Mathews, Abrahams, Jewkes, Martin,

Lombard, & Vetten, 2008:553; Roberts, Wassenaar, Canetto & Pillay, 2010:886). In limited cases, females were the perpetrators and males the victims in these types of killing (Gartner & McCarthy, 2009:283; Panczak, Zwahlen, Spoerri, Killias & Egger, 2013:5).

H-S killings are not limited to civilians but are also perpetrated by members of the law enforcement sector. In a recent study, Valencia (2021) found that American police officials tend to commit H-S killings at a much higher rate than the general public. According to Violanti (2007:97), the H-S phenomenon in the United States appears to be increasing among members of the policing sector. In the South African context, Rossouw (1998:1) also found an increasing tendency among members of the SAPS to wound or even kill others before committing suicide. (The most recent SAPS annual report to cover the H-S phenomenon was published in 1998.) H-S attacks are usually committed with a firearm (Rouchy et al., 2020:10; Zimmerman & Fridel, 2019:2; Campanelli & Gilson, 2002:249; Logan, Hill, Black, Crosby, Karch, Barnes & Lubell, 2008:1059; Oliffe, Han, Drummond, Maria & Bottorff, 2014:4-7) which is considered important, especially in South Africa. In the SAPS, members are considered to be on duty 24 hours of the day even after their "regular" shifts have ended. In practical terms, this means that police officials take their service pistols home to protect not only the community where they reside, but also themselves from armed and dangerous criminals (SAPS, 2015:2). Unfortunately, this easy access to a firearm increases the likelihood not only of a suicide, but also a homicide. Statistically, if a firearm is kept at home, it increases the possibility of someone committing suicide by 3.4 times, and in the case of homicide, the likelihood is increased to 1.4 times (Banks, Crandall, Sklar & Bauer, 2008:1066).

Research on the H-S phenomenon is sparse and was mostly conducted within the United States on their civilian population (Roma, Pazzelli, Pompili, Lester, Girardi & Ferracuti, 2012:462), while only three international studies specifically focused on police H-S killings to date (Valencia, 2021:1-40; Klinoff, Van Hasselt & Black 2014:101-116; Violanti, 2007:97-104). In South Africa, several studies have implicated the SAPS as a high-risk occupation for such killings, although their focus was on H-S in general and not limited to the law enforcement sector (Jena, Mountany & Muller, 2009:2; Mathews et al., 2008:553; Roberts et al., 2010:888; Skead, 2010:62). The aim of this article is to shed light on this family tragedy in South Africa and to provide an H-S incidence rate in the SAPS to compare with other international policing agencies.

LITERATURE REVIEW

Gender and H-S

As discussed above, most researchers have focused on H-S killings within the general population. Therefore, the majority of the literature available focuses on civilian H-S, although three police H-S studies are included. The majority of H-S cases involve a male killing a female, usually a wife, girlfriend or ex-wife/girlfriend (Rouchy et al., 2020:7; Pa Thor, 2020:1; Marzuk et al., 1992:3182; Bossarte et al., 2006:36; Banks et al., 2008:1070; Eliason, 2009:372). Five South African studies that focus on civilian H-S reached the same conclusion as their international counterparts

(Osborne, 2001 as cited in Skead, 2010:78; Mathews et al., 2008:554; Jena et al., 2009:2; Roberts et al., 2010:886; Skead, 2010:51). More specifically, the two media report studies conducted by Osborne (2001 as cited in Roberts et al., 2010:880) and Skead (2010:51) found that men were the most common perpetrators in 88% and 90.8% of the cases respectively. The Durban regional study conducted by Roberts et al. (2010:886) found that 95% of perpetrators were male and that 75% of couples were either married or had current or past intimate relationships. In the cross-sectional study conducted by Mathews et al. (2008:555), 40.4% of H-S killings were committed by the cohabitating partner, secondly by the husband (30.8%) and thirdly by the victim's boyfriend (28.8%). Jena et al. (2009:2) identify 45 male perpetrators in their Pretoria regional study and found that 36% of the victims were married, 4% divorced and 54% single.

In a limited number of cases, females were identified as the perpetrators and males the victims in H-S killings. In a recent study conducted in the United States, Fridel and Zimmerman (2019:1187) found that only 7% women killed their male intimate partners compared to 93% of male perpetrators. The North American study undertaken by Gartner and McCarthy (2009:284) which spanned 90 years (1900-1990), found that 20% of the female offenders committed suicide after killing their intimate male victims. The Swiss national cohort study of Panczak et al. (2013:3), reports that only 4.1% of female perpetrators killed their husbands compared to 75.3% cases in which male spouses killed their wives. In the South African context, Jena et al. (2009:2) identify only one female perpetrator, while Skead (2010:78) reports that female offenders mainly targeted their male children rather than their male consorts or spouses. The dated apartheid era study carried out by Roos, Beyers and Visser (1992:27) found that 59% of the perpetrators were male compared to their female (41%) counterparts.

Methods used in H-S

According to the literature, the most preferred method to commit civilian H-S killings was using a firearm (Rouchy et al., 2020:10; Salari, LeFevre & Allen, 2020:230; Zimmerman & Fridel, 2019:2; Bourget, Gagne & Moamai, 2000:181; Campanelli & Gilson 2002:249; Logan et al., 2008:1059; Oliffe et al., 2014:4-7). Campanelli and Gilson (2002:249) found that firearms were used in 69% of homicides and 75% of suicides. Bossarte et al. (2006:37) found that a firearm was used to inflict injury in 82.7% of homicides and in 80.4% of suicides. Three other studies also showed a strong association between firearms and an increased risk for civilian H-S (Zimmerman & Fridel, 2019:17; Lund & Smorodinsky, 2001:457; Koziol-McLain et al., 2006:14). According to Liem, Barber, Markwalder, Killias and Nieuwebeerta (2011:74), it is much easier to commit H-S using firearms than by any other means. Other studies even found that H-S offenders were eight times more likely to commit suicide using a firearm than in single-handed suicides (Zimmerman & Fridel, 2019:2; Felthous & Hempel, 1995:852).

Similarly, in South Africa the majority of H-S killings are perpetrated using a firearm. Jena et al. (2009:2) report that perpetrators used firearms in 95.7% of cases to commit suicide and in 96% of

homicides. Handguns were used in 93.1% of the case load, followed by rifles (4.5%) and unknown gun types (2.3%). Consistent with these findings, Osborne (2001 as cited in Roberts et al., 2010:883) and Skead (2010:67) also found that shooting was the method of choice in H-S killings. The first media study showed that firearms were used in 78% of cases while the latter study reported results of 70.94% for perpetrators and 70.65% for victims. Roberts et al. (2010:886) also showed that the most common method used was firearms in 84% of their cases. A similar conclusion was reached by Mathews et al. (2008:555), who reported that the firearm was the main mechanism of death in 82.7% of intimate femicide-suicides.

In the only three policing studies available, Violanti (2007:100) found a service pistol was used in 90% of all H-S cases. A similar conclusion was reached by Klinoff et al. (2014:108) who found that the police official's service firearm was the preferred choice for both homicide (89%) and suicide (98%) acts. Unfortunately, Valencia (2021:1-40) does not indicate the method of death used by the law enforcement perpetrators involved.

International and national H-S incidence rates

Although H-S is considered a rare occurrence, these events are widely publicised in the news (Cynkier, 2020:1). In a recent study, Pa Thor (2020:1) reports that H-S occurred at a rate of between 1000 and 1500 each year within the US. After reviewing 17 studies ranging from 1900 to 1979, involving ten nations, Coid (1983:856) concludes that the H-S phenomenon occurs at a relatively constant rate of 0.2 to 0.3 per 100 000. Marzuk et al. (1992:3179) also estimate an incidence of H-S between 0.2 and 0.3 per 100 000 per year in the United States. Other American studies also found incidences of 0.2 to 0.3 per 100 000. Campanelli and Gilson (2002:249) found similar incidences for the period 1995 to 2000 in New Hampshire. Comstock, Mallonee, Kruger, Rayno, Vance and Jordan (2005:229) report a similar incidence rate (1994 to 2001) in Oklahoma, while Bossarte et al. (2006:33) also found such an incidence rate for the period 2003-2004 in multiple states in the United States.

Australia showed an incidence rate of 0.16 per 100 000 for a three-year period (1989-1991), while England and Wales showed instances of 0.07 per 100 000 (1980-1990) compared to Scotland's lower rate of 0.05 per 100 000 for 1986-1990 (Byard, Knight, James & Gilbert, 1999:324). Switzerland reported H-S rates of 0.09 and 0.10 per 100 000 for two different periods, 1991 and 2001 respectively (Panczak et al., 2013:3). In non-Western countries, researchers found that the incidence of H-S was 0.22 per 100 000 in Hong Kong (Chan, Beh & Broadhurst, 2004:261) over a ten-year period (1989 to 1998), while Gupta and Singh (2008:252) found a low incidence rate of 0.06 per 100 000 in India (2000-2004).

In the American policing sector, Violanti (2007:97-104) conducted a study involving 29 H-S cases that had occurred between January 2003 and February 2007. This study reported one H-S case in 2003, but this increased to seven events in 2005 and peaked with 15 cases in 2006. The author concludes that police H-S cases were increasing. Another police H-S study conducted by Klinoff et al. (2014:104) included 43 cases between June 2007 and February

2014. In contrast to the study by Violanti (2007:97), Klinoff and her colleagues (2014:111) could not determine whether police H-S was increasing annually. In the third and final policing study available, Valencia (2021:1-40) included 2429 cases from 2003 to 2017. However, it should be emphasised that the latter study included not only H-S cases from the law enforcement sector, but also from the military, other occupations that are exposed to high levels of trauma and even cases from the general occupations category. Findings indicated that police officials commit H-S at a higher rate than their civilian counterparts, with an incidence rate of 0.7-0.8 per 100 000 calculated for the law enforcement sector.

In South Africa, the civilian study by Jena and her colleagues (2009:3) analysed 46 H-S events in the Pretoria area over a five-year period (1997 to 2001). These researchers found estimated annual instances of H-S between 0.8 and 1.3 per 100 000 compared to the total South African population, which is significantly higher than the international rates of 0.2 to 0.3 per 100 000 (Coid, 1983:856; Bossarte et al., 2006:33).

The Durban regional study included 21 cases and found H-S instances of 0.89 per 100 000 over a two-year period (2000 and 2001), which also exceeds the international rates (Roberts et al. 2010:886). The results revealed that 30% of the perpetrators and only one victim (4%) were employed in the police service or security sector.

In the third South African study, researchers used a cross-sectional design which included 1349 perpetrators of intimate femicide on a national level (Mathews et al., 2008:554). According to these researchers, the estimated H-S rate in South Africa amounts to 1.7 per 100 000, indicating a civilian H-S rate which greatly exceeds the reported incidences in developed countries.

The media surveillance study conducted by Skead (2010:50) which studied 328 H-S cases from 2002 to 2009, found an average incidence rate of 0.09 per 100 000 for the eight-year period. This incidence rate is significantly lower than most international H-S rates of 0.2 to 0.3 per 100 000 (Coid, 1983:856; Bossarte et al., 2006:33) and national (between 0.8 and 1.3 per 100 000) (Jena et al., 2009:3); 1.7 per 100 000 (Mathews et al., 2008:554) H-S rates.

RESEARCH METHOD

This study of H-S is descriptive and uses a quantitative methodology. It focuses on a two-year period (2012-2013) and includes eight of the nine provinces. The Northern Cape is not represented because no police H-S incidents were recorded for that province during the research period. Convenience sampling was adopted, and the following inclusion criteria were employed: SAPS members who killed their spouses, life partners, girl- or boyfriends (known as intimate partners), children (filicide), all the family members which also included extended relatives (familicide) and lastly, roommates, friends, acquaintances or neighbours (extra familial) and committed suicide afterwards. Moreover, all suicides had to be committed either directly after the killings or within a maximum period of three months thereafter.

As mentioned previously, this study only focused on the 2012 and 2013 calendar years, because of the legal aspect of homicides and suicides within South Africa. All homicide and suicide cases involving police officials must be investigated not only by the SAPS, but also by the Independent Police Investigative Directorate (IPID). According to the Independent Police Investigative Directorate Act 1 of 2011, after completing these investigations, a report containing the findings of these cases must be sent to the state prosecutor for adjudication. Therefore, authorisation was only granted by the SAPS senior management to conduct the study for the 2012-2013 period, after the lengthy legal proceedings were finalised.

Information on police H-S was collected by analysing documents such as police dockets including post-mortem reports and suicide notes (if available) and the SAPS "Suicide follow-up questionnaire" which registers H-S details within this organisation. The questionnaire contains not only the biographical information of the perpetrator, but also the geographical area where the act was

committed, details of the event and the underlying stressors. The SAPS Homicide-Suicide Incidence Coding Form was used to code the information obtained from both documents, in specific categories. Any information that was missing from these two documents was coded as such. After coding the data, the information was computed in order to obtain descriptive statistics of police H-S attacks.

FINDINGS

Thirty-eight police H-S cases qualified for inclusion in the study. A total of 77 individuals lost their lives in H-S killings during the 2012-2013 research period. More specifically, 50.64% of the victims were killed compared to 49.35% of the perpetrators who committed suicide afterwards. The majority of H-S cases involved only two individuals, a perpetrator and a single victim (81.57%), while in other instances more than one victim were killed. In two of these latter H-S cases (5.26%), each perpetrator killed two victims. The greatest number who were killed during a single incident were four victims and one perpetrator.

TABLE 1: CHARACTERISTICS OF PERPETRATORS AND VICTIMS

Perpetrators (n=38)			Victims (n=39)		
Age: victims	1-18	19-29	30-39	40-49	Unknown
	3	16	9	7	4
Age: perpetrators	1-18	19-29	30-39	40-49	50-59
	0	7	21	8	2
Gender: victims	Male	Female			
	6	33			
Gender: perpetrators	Male	Female			
	37	1			

Table 1 illustrates that the perpetrators of a police H-S attack were older than their victims with a mean age of 35 years for the former and 30 years for the latter. Most perpetrators were male (97.36%), while only one female (2.63%) perpetrated this act. In the case of

the victims, the youngest was eight years old while the oldest was 46 years of age. Moreover, 33 (84.61%) female victims were killed compared to only six males (15.38%) who lost their lives in an H-S attack.

TABLE 2: CULTURAL DISTRIBUTION OF THE PERPETRATORS

Perpetrators (n=38)						
Culture	Sepedi	Zulu	Venda	N Sotho	S Sotho	Afrikaans
	1	8	2	5	3	2
	Setswana	Tsonga	Tswana	Ndebele	Xhosa	Unknown
	1	2	3	2	5	4

As indicated in Table 2, most H-S killings involved individuals of Black African descent. In particular, 36 (94.73%) H-S attacks were perpetrated by Black police officials followed by only 5.26% Coloured officials (or two perpetrators). In the case of victims, the majority (97.43%) belonged to the Black African population group (38 victims) and one victim was Coloured (2.56%). Only one interracial relationship was recorded between a Coloured male and a

Black African female. Thus, 74 Black (96.10%) and three Coloured (3.89%) individuals died in police H-S killings and no other population groups were involved in these attacks during the 2012-2013 period.

FIGURE 1: RANK OF THE PERPETRATOR

Lieutenant-colonel	Captain	Lieutenant	Warrant Officer	Sergeant	Constable	Student Constable
1	1	1	6	3	25	1

In Figure 1, the H-S phenomenon appears to be more common among SAPS non-commissioned officers than officers. More specifically, most perpetrators held the non-commissioned officer rank of constable (65.79% or 25 individuals), followed by six

warrant officers (15.79%) and three sergeants (7.89%), while only one student constable (2.63%) committed a H-S attack. Only three commissioned officers, including a lieutenant, captain and lieutenant-colonel (7.89%), committed H-S.

TABLE 3: FREQUENCY OF METHOD OF DEATH FOR BOTH VICTIMS AND PERPETRATORS

Method of death	Frequency	Percentage
Hanging	1	1.29
Shooting	76	98.70
Total	77	100

As indicated in Table 3, the method of choice for committing both homicides (victims) and suicides (perpetrators) was the firearm (98.70%). More specifically, the official service pistol was used in the majority of H-S cases, although there was an exception to this rule on two occasions. In the first instance, the perpetrator used his service pistol to kill the victim, but later used his private firearm to commit suicide. In the second instance, a perpetrator hanged himself (1.29%) in prison after he had been convicted of murder for killing his ex-girlfriend.

The calculated incidence rate of H-S killings for the SAPS was 24.27 per 100 000 police members over a two-year period. In order to determine this H-S incidence rate, the total number of perpetrators (N=38) was divided by the SAPS average geographical distribution total (N=156 556) (SAPS Human Resources Utilisation, Col. B. Visagie, personal communication, 2016).

DISCUSSION

In the following section, the study's findings are discussed in more detail.

Gender

In the study the majority of H-S police killings were perpetrated by males (97.36%) against female victims (84.61%). This result is echoed by numerous international studies on civilian H-S which also found that the majority of H-S cases involved a male killing a female (Valencia, 2021:14; Salari et al., 2020:230; Marzuk et al., 1992:3180; Bossarte et al., 2006:35; Banks et al., 2008:1040; Eliason, 2009:372). In the South African context, five local studies reached the same conclusion as their international counterparts (Osborne, 2001 as cited in Skead, 2010:78; Mathews et al., 2008:554; Jena et al., 2009:3; Roberts et al., 2010:886; Skead, 2010:51). Another important finding of the study was that only one female offender (2.63%) committed these attacks compared to 37 male perpetrators (97.36%). The limited number of females who perpetrated this type of killing is evident in the study by Panczak et al. (2013:3), who report that only three female perpetrators (4.1%) killed their male victims compared to the 55 male

perpetrators (75.3%) who killed females. Moreover, the international study of Gartner and McCarthy (2009:284) found that only 20% of female perpetrators committed suicide after killing their male victims. The local newspaper surveillance study carried out by Skead (2010:63) reports that female offenders mainly targeted their male children instead of adult males, while Jena et al. (2009:3) could identify only one female perpetrator compared to 45 male perpetrators in her Pretoria regional study. It should be clear from the earlier discussion that males usually perpetrate H-S killings, while only a small portion of females are guilty of committing such killings.

In this study, more female victims (84.61%) were killed, while only 15.38% male victims lost their lives in a police H-S attack. A similar finding was reported by the local study carried out by Skead (2010:51) with ratios of 72.9% and 20.4% respectively for the male and female genders involved.

Age of the parties involved in H-S killings

In this study a mean age of 35 years was found for the perpetrators and 30 years for their victims. As previously discussed, most perpetrators were male and their ages ranged from 24 to 50 years, while only one female perpetrated an H-S act; she was 30 years old. In the case of the victims, the youngest was eight years old while the oldest victim was 46 years of age. Thus, the mean age of the police perpetrators was five years older than their victims.

Various international studies have also found that the perpetrators of civilian H-S attacks are usually older than their victims (Rouchy et al., 2020:10; Campanelli & Gilson, 2002:250; Eliason, 2009:373; Flynn, Swinson, While, Hunt, Roscoe, Rodway & Shaw, 2009:310; Adinkrah, 2014:1086). Currently, it is not clear how this can be theoretically interpreted; it remains an issue that must be resolved. Even the two law enforcement studies reported similar results to those of their civilian counterparts (Violanti, 2007:97-104; Klinoff et al., 2014:101-116). In the first of these two police studies, Violanti (2007:100) found that the perpetrators had a mean age of 39 years while their victims had a mean age of 33

years. This finding is more or less consistent with the mean ages of 35 and 30 years respectively in this study.

The other police study reported mean ages of 46 for the perpetrators and 35 for their victims (Klinoff et al., 2014:106), which is inconsistent with our results. The last policing study by Valencia (2021:36) reported a mean age of 41 for perpetrators within the policing sector, which is inconsistent with this study's findings; unfortunately, no mean age was provided for their victims. Most local studies on H-S also report that the perpetrators of these attacks tended to be older than their victims (Skead, 2010:54; Roberts et al., 2009:886; Jena et al., 2009:4; Mathews et al., 2008:556). More specifically, the perpetrators were either four or five years older than their respective victims (Roberts et al., 2009:886; Jena et al., 2009:4; Mathews et al., 2008:556), which is consistent with this research. In contrast, Skead (2010:80) found a mean age difference of 12 years between the parties involved.

In other instances, the victims were found to be older than their respective attackers. This study found that in only eight victim-perpetrator pairs, the victims were older than the perpetrators (10.38%). This finding is consistent with the local study of Townsend (2003:92) who reports that in only four of the 21 cases, the victims were older than their attackers. In contrast to these findings, Adinkrah (2014:1086) reports that all the perpetrators in his Ghana study were older than their respective victims.

In conclusion, a mean age of 35 years was found for the perpetrators of police H-S killings. This finding is inconsistent with most other international studies, which reported that the mean age of perpetrators is usually between 40-50 years (Fridel & Zimmerman, 2019:1187; Logan et al., 2008:1058; Flynn et al., 2009:310; Eliason, 2009:373; Galta, Olsen & Wik, 2010:400) and the two law enforcement studies of Klinoff et al. (2014:106) and Valencia (2021:36). However, the third law enforcement sector study of Violanti (2007) reports a mean age of 39 years for US police officials, which is almost consistent with this study's findings. Various South African civilian studies that focused on intimate partner H-S killings report that the mean age of the perpetrators was between 32 and 37 years (Roos et al., 1992:27; Mathews et al., 2008:556; Roberts et al., 2009:886; Skead, 2010:80), which tends to be consistent with the finding of this study. Therefore, it appears that most perpetrators of both civilian and police H-S killings are likely to be in their early to late 30s in the South African context.

Racial groups in H-S attacks

The majority of police H-S killings involved individuals of Black African descent. More specifically, 94.73% attacks were perpetrated by Black police officials, while only two Coloured officials committed such killings (5.26%). It should be noted that after the fall of apartheid, the SAPS racial composition changed dramatically from consisting predominantly of White police officials to predominantly Black police officials in order to be representative of the different population groups of South Africa (Employment Equity Act 55 of 1998). Therefore, if the majority of the police officials are Black, it could be expected that a large percentage of the perpetrators who committed H-S would fall into this population group.

In strong contrast to the former finding, one civilian international study implicated White male perpetrators in H-S killings (Logan et al., 2008:1058), while the law enforcement study conducted by Klinoff et al. (2014:108) also found that this phenomenon was mainly perpetrated by the non-Hispanic White ethnic group. The other study that also focused on police H-S reported that most perpetrators were male (80%) and most belonged to the White population group (71%) followed by the African American group (19%) (Valencia, 2021:36). The third international study which focused on H-S within the policing sector did not report on racial distribution (Violanti, 2007:97-104).

The local regional study of Jena et al. (2009:4) implicates both White and Black male perpetrators, with each race being influenced by its own variables (such as age and employment status), while the other regional study carried out in Durban identified mostly Black African males as being responsible for this type of killing (Roberts et al., 2010:886). Mixed results were reported by three of the other national studies. Mathews et al. (2008:554) found that the majority of the perpetrators were White, with Coloured people being the least likely to commit these killings. In contrast, the two newspaper surveillance studies reported that the majority of H-S attacks in South Africa were perpetrated by Black African citizens, followed by the White and Indian population groups (Skead, 2010:58; Osborne, 2001 as cited in Roberts et al., 2010:881).

In this study, the majority of victims (97.43%) belonged to the Black African population group, while only one victim was found to be Coloured (2.56%). One inter-racial relationship was recorded between a Coloured male and a Black African female. Not all the international studies have reported on the racial background of the parties involved in H-S killings (Bourget et al., 2000:179-182; Malphurs & Cohen, 2002:142-148; Violanti, 2007:97-104; Eliason, 2009:371-376; Panczak et al., 2013:1-9). Other international studies that distinguished between the different racial groups found that the victims usually belonged to the same racial group as their respective attackers (Fridel & Zimmerman, 2019:1187; Campanelli & Gilson, 2002:250; Bossarte et al., 2006:35; Harper & Voigt, 2007:303; Logan et al., 2008:1059). In the latter studies, the majority of the victims belonged to the White majority group. In contrast, Hanzlick and Koponen (1994:170) found that 83% of H-S events involved couples of African American descent compared to the inter-racial 17% (such as Asian and White), while Harper and Voigt (2007:304) found only one inter-racial relationship in their study (African American and Hispanic). In the only international policing study that reported on race, the victims were from a non-Hispanic White ethnic group (Klinoff et al., 2014:107). The findings regarding the victims of police H-S killings in this study differ significantly from those of most international studies, especially the policing study conducted by Klinoff et al. (2014:107). However, it should be kept in mind that the discrepancies between the different international studies and this study could be attributed to the different racial majorities found in that particular region or country.

In the South African context, the victims were usually of Black African descent (Roberts et al., 2010:886; Skead, 2010:58; Osborne, 2001 as cited in Skead, 2010:81), followed by individuals

from the White and Indian population groups (Roberts et al., 2010:886; Skead, 2010:58). Coloured individuals were the least represented in most local H-S studies (Roos et al., 1992:27; Osborne, 2001 as cited in Roberts et al., 2010:881; Mathews et al., 2008:556; Skead, 2010:58), or even not at all (Jena et al., 2009: 1-5; Roberts et al., 2010:886). It appears that the Coloured population is less likely to be involved in H-S events compared to other population groups.

Lastly, no other racial groups (victims, perpetrators or survivors) were represented in this law enforcement study probably due to the small sample size used and short research period (2012-2013).

Ranking structures in police H-S killings

Most perpetrators in this study held the rank of constable (65.79%), followed by 15.79% warrant officers, 7.89% sergeants and only one student constable (2.63%). Therefore, it appears that the police H-S phenomenon is more common among non-commissioned than commissioned officers in the law enforcement sector. Although it is not clear why only non-commissioned officers perpetrate this act compared to officers, the difference in their level of remuneration may be a factor. Commissioned officers within the SAPS are on a higher salary level than their non-commissioned counterparts. In the literature, it is reported that financial difficulties play a significant role as stressor within an intimate relationship, which may trigger a civilian H-S killing (Sun, Zhou, Guo, Gou, Lin, Huang, Guo & Wang, 2021:5; Fridel & Zimmerman, 2019:1188; McPhedran, Eriksson, Mazerolle, De Leo, Johnson & Wortley, 2018:1818). Another possible explanation why only non-commissioned officers tend to commit these types of killing may be due to their exposure to traumatic events in their line of duty. Two international law enforcement studies indicate that a traumatic event may trigger an H-S killing (Valencia, 2021:3; Violanti, 2007:102). More specifically, non-commissioned officers are considered to be the "foot soldiers" who deal with criminals on a daily basis (Van den Heever, 2013:73). Therefore, it appears that trauma to a non-commissioned officer in their line of duty may be a contributing factor in police H-S.

The two international law enforcement studies conducted by Violanti (2007:100) and Klinoff et al. (2014:108) report that the majority of police perpetrators held the rank of patrol officer, which is consistent with the findings of this study. The third law enforcement study did not indicate any ranking structure (Valencia, 2021:1-40). Although local studies investigated H-S from a civilian perspective, the police service was nonetheless implicated as a high-risk occupational group for this phenomenon (Jena et al., 2009:2; Mathews et al., 2008:556; Roberts et al., 2010:887; Skead, 2010:62).

Method of death: The prevalence of firearms

The results of this study indicate that the method of choice for committing homicide and suicide was a firearm (98.70%). This finding was expected since police members are issued with a service pistol. However, there were two exceptions to this rule. In one of the police H-S cases, the perpetrator killed his ex-girlfriend and wounded two other individuals (a child and another relative) during the same attack using his service weapon. After being

convicted of these crimes, he used another method by hanging himself in prison (1.29%). In another case, the perpetrator first used his service pistol to commit the homicide, but later used his private firearm to commit suicide. In this particular case, the SAPS had confiscated the service firearm that had been issued to the perpetrator pending the murder investigation.

Internationally, most civilian H-S cases were committed using a firearm (Zimmerman & Fridel, 2019:17; Bourget et al., 2000:181; Campanelli & Gilson, 2002:250; Logan et al., 2008:1059; Oliffe et al., 2014:4-7). Campanelli and Gilson (2002:250) report that firearms were used in 69% of homicides and 75% of suicides, while Bossarte et al. (2006:37) found that the firearm was used in 82.7% of homicides and in 80.4% of suicides. In the law enforcement sector, Violanti (2007:100) found the service pistol to be used in 90% of all H-S killings, while Klinoff et al. (2014:108) echo this finding by indicating that the official firearm was the number one choice in both homicides (89%) and suicides (98%). The only other policing study by Valencia (2021:1-40) did not report on the method used to commit these killings. Therefore, it can be concluded that there is a strong association between firearms and an increased risk of H-S (Zimmerman & Fridel, 2019:17; Lund & Smorodinsky, 2001:457; Koziol-McLain et al., 2006:14). Thus, the results of this study are consistent with those of numerous international studies, especially the two studies on police H-S killings.

In the South African context, all the local civilian studies drew a similar conclusion to their international counterparts (Roos et al., 1992:27; Osborne, 2001 as cited in Skead, 2010:88; Mathews et al., 2008:557; Jena et al., 2009:4; Skead, 2010:88; Roberts et al., 2010:886). In this regard, Jena et al. (2009:2) report that perpetrators used firearms to commit both homicides (96%) and suicides (95.7%), while handguns were used in 93% of these cases. Osborne (2001) (as cited in Roberts et al., 2010:883) found that firearms were used in 78% of the cases, while Skead (2010:88) reports that guns were used in 71% of the suicides (perpetrators) and also in 71% of the homicides (victims). The regional study of Roberts et al. (2010:886) also found that firearms were used in the majority of cases (84%). Similarly, Mathews et al. (2008:556) report that the firearm was the main instrument used in femicide-suicide killings (83%), while Roos et al. (1992:27) report that the most common method used was shooting (35%). It can be concluded that having access to either private guns (civilian H-S) or the service firearm (police H-S) can be regarded as a significant risk factor to commit such killings.

H-S incidence rates

The SAPS displayed an H-S incidence rate of 24.27 per 100 000 police members over a two-year period (2012-2013). This rate was calculated by using the following formula: (total number of perpetrators/total population group) X 100 000. This internationally accepted method of calculation is widely used to calculate H-S incidence rates (Felthous & Hempel, 1995:849; Rosenbaum, 1990:1038). (It should be noted that no more recent sources were found, as contemporary studies only calculate the rate using this formula without referring to the original source. These two sources can be considered the original source documents for the formula used by the researchers.)

How does this local law enforcement incidence rate compare with other international H-S rates? Unfortunately, the two international studies carried out by Violanti (2007:97-104) and Klinoff et al. (2014:101-116), which exclusively focused on H-S within the policing sector, did not calculate an H-S incidence rate for the US law enforcement sector. Thus, the incidence rate of 24.27 per 100 000 police officials in this study cannot be compared with these two international police studies. However, the third international law enforcement study by Valencia (2021:12) did calculate an incidence rate of 0.7-0.8 per 100 000 American police officials, which is significantly lower than the South African incidence rate. The next step is to compare the results of this study with the rates found in other national studies on civilian H-S killings.

The limited number of South African studies which have investigated the H-S phenomenon found different incidence rates, depending on the type of study (regional or national). Unfortunately, the incidence rates reported by the different regional studies (Jena et al., 2009:1-5; Roberts et al., 2010:877-898) do not represent the national H-S incidence rate of South Africa, making comparisons difficult. Nonetheless, two other local studies provided national incidence rates for the country, thus making comparisons possible. The national study conducted by Mathews et al. (2008:554) estimates that the H-S rate in South Africa amounts to 1.7 per 100 000, while the other national study by Skead (2010:50) found a much lower incident rate of 0.09 per 100 000 South African citizens. When comparing the SAPS H-S incidence rate with these two local studies, it should be clear that the rate found in this study greatly exceeded the rates found in both the aforementioned studies.

However, this finding should be interpreted with caution owing to the short period (2012-2013) that was covered. International "civilian" studies on H-S investigated this phenomenon over different lengths of time, ranging from five (Campanelli & Gilson, 2002:248), ten (Chan et al., 2004:261) and even as long as 79 years (Coid, 1983:855-860), while some of the South Africa studies used either a two-, five- or eight-year period respectively (Roberts et al., 2010:877; Jena et al., 2009:1; Skead, 2010:1-103). A longer period is necessary to generate a more accurate H-S incidence rate for the SAPS. In this regard, Loo (2003:322) argues that studies which examine police suicides should use longer periods to examine suicide rates in this occupational sector. A short timeline such as a two- or three-year period can easily distort the actual suicide rates, because there could be a high suicide rate in one year followed by a lower one or even complete absence of suicides the following year. This is especially true for H-S, which is generally regarded as a rare phenomenon (Sun et al., 2021:1; Zimmerman & Fridel, 2019: 1; Eliason, 2009:371).

CONCLUSION

H-S is considered a rare occurrence (Fridel & Zimmerman, 2019:1200) and exerts a catastrophic impact on both the families of the perpetrators and the victims as well as their communities (McPhedran et al., 2018:1806; Liem, 2009:26). Unfortunately, this phenomenon is still under-researched in developing countries due to the lack of a reliable H-S database and the rarity of the occurrence (Osborne, 2001 as cited in Skead, 2010:1-100; Mathews et

al., 2008:552-558; Jena, Mountany & Muller, 2009:261-265; Roberts et al., 2010:877-899, Skead, 2010:1-100; Sun et al., 2021:1).

The study set out to identify the demographic, social and cultural factors in police H-S killings on the African continent. This national study spanned a two-year period (2012-2013) and included 38 police H-S cases. The results were compared to both international and national results on mostly civilian H-S. It is noteworthy that all of the local studies on H-S implicated the SAPS as a high-risk occupational group for these type of killings (Osborne, 2001 as cited in Roberts et al., 2010:883; Mathews et al., 2008:556; Jena et al., 2009:2; Roberts et al., 2010:887; Skead, 2010:62).

A profile was developed not only for the perpetrators of police H-S killings, but also for the victims of these attacks. The typical perpetrator is likely to be a 35-year-old Black African male who holds the rank of a constable. His victim is usually a girlfriend from the same population group who is usually 30 years of age. The perpetrator uses his official service pistol to commit the H-S killings.

In this study, an incident rate of 24.27 per 100 000 police members is reported, which is significantly higher than the two South African national studies on civilian H-S killings. Mathews et al. (2008:554) report an incidence rate of 1.7 per 100 000, while Skead (2010:50) reports a lower rate of 0.09 per 100 000 South African citizens (2010).

LIMITATIONS OF THE STUDY AND RECOMMENDATIONS

As discussed, only two population groups were included in this study, namely Black and Coloured. The extent to which the sample in this study represents this population group can be criticised. Although the research did not compare the characteristics of H-S perpetrators with perpetrators who committed only homicide or only suicide, it is recommended that future studies should attempt to draw such a comparison. This will not only increase understanding of this rare phenomenon, but also lead to the development of better prevention efforts for such a family tragedy (Logan et al., 2008:1063; Flynn et al., 2009:319). The small sample used to develop a profile of a typical perpetrator and victim are also considered to be a limitation.

Another limitation of the study is the short research period used (2012-2013) to calculate the SAPS H-S incidence rate. In order to record a more accurate incidence rate for this occupational sector, Loo (2003:322) suggests that this phenomenon should be examined over a period of ten years. By covering only two or three years, this short timeline could distort the actual H-S rates, because there can be a high H-S rate in one year followed by a much lower or even an absence of such attacks the following year. It is therefore recommended that the H-S incidence rate of the law enforcement sector should be calculated over a minimum period of ten years.

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FOOTNOTE

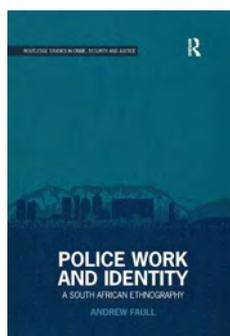
1. Homicide-Suicide (H-S) is considered the most appropriate term in the literature, whereas murder-suicide implies that the perpetrator (murderer) can still be convicted in a court of law although he or she is deceased. For this reason, this term is used throughout the article rather than murder-suicide, although homicide is not the term used by the South African justice system.

BOOK REVIEW

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Police work and identity: A South African ethnography



Author: Andrew Faull
Published: 2018, Routledge
ISBN: 978-1-138-23329-4

Police work and identity: a South African ethnography is highly recommended for scholars of police and policing in South Africa, especially those with an interest in the development of a South African policing epistemology.

This is a review of Andrew Faull's impressive engagement with the realities of South African policing. It is an original ethnographic study during which Faull accompanied South African police officials on site in four police precincts in the Eastern and Western Cape provinces of South Africa where he observed first-hand the lived experiences of the participants.

I grew up academically, so to speak, with academic policing literature from the Global North. Most of the books that I studied were written in (and about) the policing situation of the United States, Europe and the United Kingdom. Police and policing research from South Africa at higher education level (the early eighties) was sparse. Consequently, the epistemology of the Global North found its way into academic thinking about police and policing in South Africa, shaping the academic thinking at the time from Anglophone, Francophone and Germanic perspectives. As time progressed, the amount of academic work on policing in South Africa grew to the point that Van der Spuy and Banchani (2013) could publish a bibliography of local work. Local work was also being used in learning programmes in other countries on the African continent (see, for instance, Botha (2019)) and a discourse on a southern/African continental/South African policing epistemology has become visible (see, for instance, Botha (2020)).

Faull's book has already been reviewed. Some pertinent sources in this regard are: The publisher's book description¹ with reviews by Professors Jonny Steinberg (University of Oxford, United Kingdom); Monique Marks (Durban University of Technology, Durban); Steffen Jensen (Aalborg University, Denmark) and Ben Bradford (University of Oxford, United Kingdom); Dr Johan Burger² (Institute for Security Studies, South Africa); Professor Bill Dixon³ (University of Nottingham, United Kingdom) and Kamau Wairuri⁴ (University of Edinburgh, Scotland).

The reviewers explain key issues in the book, including engaging personal stories rather than examining cases through the lens of the police occupational culture. Topics include ontological security under conditions of precarity; the importance of ethnocentrism; policing is only a job, not an idealistic calling; rule-bending (and often blatant disregard for the law); and deception and the pretence that the police are actually able to prevent crime. Against this background one of the reviewers (see footnote 3) remarks: "While the SAPS tries to present itself as a rational, rule-governed bureaucracy taking the lead in the 'war on crime', Faull's research reveals it to be an often anarchic, anomic collection of mutually suspicious individuals making their own way in life under conditions of radical uncertainty."

Faull paints a bleak picture indeed of the police and the work of policing in South Africa. Yet, my question is quite simple: what contribution does he make in terms of a southern/African continental/South African police and policing epistemology?

In my opinion, Faull gives us an excellent foundation from which to plan further research on the police and policing environment of South Africa. As I see it, we now have first-hand new knowledge on the individual in policing, relationships in policing (internal as well as external) and on the working environment of policing as a mandated role in society with terrifying powers at its disposal. The book therefore adds to the South African police and policing body of knowledge (the POLBoK).

Since it was conceived, executed and described in South Africa, with South African police officials as subjects, and under South African conditions (of constant precarity, as it were), this book is a welcome cornerstone in the development of a South African police and policing epistemology. From here on we can further

explore the intrapersonal aspects of the individual identity, the interpersonal relational issues in the community/police interaction and the dysfunctions of the current police and policing working environment, with the emphasis on the ubiquitous toxic leadership issue.

In fact, Faull's attitude can already serve as a lesson to so many of our fellow citizens: despite the bleak picture, he writes with critical sympathy, pathos, understanding and in a spirit of generosity. He is aware of the imperatives of police officials living in the townships and the resultant danger, as well as the obligation of rerouting some of one's police salary to the extended family structure in the city as well as in the rural Eastern Cape. Caritas, in the true sense of the word.

RECOMMENDATION

Police work and identity: a South African ethnography is highly recommended for scholars of police and policing in South Africa, especially those with an interest in the development of a South African policing epistemology.

LIST OF REFERENCES

- Botha, C.J. (2019). Knowledge leadership in policing: Towards an African epistemological conversation with policing teaching and learning professionals. Paper presented at the Dialogue on Evidence-based Policing, Institute for Security Studies, Pretoria. 4 April.
- Botha, C.J. (2020). Alternative thinking about policing in South Africa: Arguing a case for a Southern Policing Epistemology from a historical perspective. *Just Africa*, 5(1): 6-13.
- Van der Spuy, E. & Banchani, J-P. (2013). *A bibliography on police and policing research in South Africa, 2000-2012*. Cape Town: Centre of Criminology, University of Cape Town.

FOOTNOTES

1. Available from: <https://www.routledge.com/Police-Work-and-Identity-A-South-African-Ethnography/Faull/p/book/9780367227302>. Accessed on: 26 February 2022. One could be forgiven for applying the cautionary rule when consulting publisher-induced reviews given the publisher's remit to promote the book. However, the reputations of these reviewers make this precaution unnecessary.
2. *Policing and Society*. (2018). August: 1123-1125.
3. *SA Crime Quarterly*. (2018). June: 55-59
4. *Africa*. (2020). 90(4): 799-800.