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AN ANALYSIS OF COSTS OF PRIVATE PRISONS AGAINST PUBLIC PRISONS IN SOUTH AFRICA

ABSTRACT

This paper examines the costs, benefits, accountability, and human rights implications of private against public prisons in South Africa. The rationale is to determine which investment model between the two (public and private) is most economically viable as expressed in quantitative and financial terms. As such, the positive gains of the cost-benefit analysis should provide guidance in maintaining any prison model. The methodology that the study followed is Qualitative Systematic Archival Article Review. Data was collected through global and local archives, coded and analysed through triangulation, thematic and content analysis. This process was followed to establish robust themes and insights regarding the subject matter thereby enhancing rigor, reliability, and validity of the results. Consequently, the study noted that public prisons provide more value than private prisons in South Africa at this moment because of astronomical costs and human rights abuses associated with private prisons compared to public prisons. However, private prisons exhibit better maintenance as they provide improved living conditions for their smaller inmates' population unlike public prisons. The study recommends that there should be robust training, strict monitoring, phased and gradual implementation of private prisons in South Africa. There should also be continuous evaluation of private prisons to ensure that they comply with government regulations.

Keywords
Accountability; Corruption; Human rights; Private prisons.

1. Introduction

This paper builds upon a foundational study conducted in 2005 titled "Privatization of Prisons and Prison Services in South Africa (Ntsobi, 2005), undertaken at a critical juncture when South Africa had recently introduced its first two Public-Private Partnerships (PPPs) in the correctional services sector. At the time, the government had initially approved five PPP projects, yet only two were implemented. Empirical evidence concerning the advantages and disadvantages of PPPs in South African correctional services was limited, as the privatization of prisons was a relatively new concept (Wright, 2024).

The findings of the initial study revealed no clear evidence suggesting that private prisons were more cost-effective than their public counterparts (Cordelli, 2020). However, within the South African context, it appears that private partners have exercised significant control over the management of prisons, with the government primarily relegated to a monitoring role, focused on ensuring contractual compliance (Yost, 2022).

This paper is particularly significant as it provides a longitudinal analysis of the cost-benefit dynamics of public-private prison partnerships in South Africa, accounting for 22 and 21 years of operation, respectively, since the establishment of the country's first two private prisons.

The relevance of this study is further underscored by the fact that, in developed economies such as the United States, the United Kingdom, France, Germany, Australia, and Switzerland, the privatization of prisons has become increasingly prevalent, often yielding favorable outcomes in terms of prison management and operational efficiency (Wright, 2024). Thus, this research aims to examine the costs, benefits, and underlying rationale for investing in private prisons as opposed to public ones, specifically within the context of emerging economies like South Africa. By doing so, the study contributes to a broader understanding of prison privatization and its implications for correctional services management in developing regions.

2. Contributions of the study

The study contributes to the body of knowledge in numerous ways. Firstly, it reviews the costs and benefits associated with the privatization of prisons against the public prisons. Also, most studies in the past focused on developed economies such as the UK, USA, and Germany with limited account for emerging economies' context (Wright, 2024). The qualitative systematic archival article review enables facts and emerging themes concerning the subject matter to be reviewed longitudinally hence providing reliable and synthesized arguments to justify data from the cost-benefit analysis. Secondly, the comparative analysis reveals insights and policy best practices that enable future nations that opt to privatize their prisons to have policy insights and references to aid their decision-making towards which framework is best suitable for their unique case (Yost, 2022).

This is so because the thematic and content analysis approach used in the study also takes into account issues concerning governance, economic impact, cost, social value as well as the best framework that ensures effective and efficient inmate rehabilitation and public safety.

3. Problem Statement

The study addresses the issue of whether investing in private prisons in South Africa is a financially viable and ethical decision, considering the high operational costs, compliance challenges, accountability issues, and human rights abuses that private prisons often face.

The debate centers on whether public or private prisons offer a better return on investment while ensuring human rights and rehabilitation. Though private prisons were introduced to ease overcrowding, they face issues like high costs, poor oversight, and reduced accountability. This stems from the privatization model's focus on profit, which leads to cost-cutting measures that affect service quality, transparency, and accountability. Additionally, private prisons often operate with limited government oversight, enabling conditions for human rights abuses to thrive (Kim, 2019).

This issue impacts not only the South African government and taxpayers, who bear the financial burden but also the prison population, who may suffer from substandard conditions and reduced rehabilitation opportunities. This problem occurs in the South African corrections system, particularly where private prisons have been implemented and their operations are being compared with public facilities (Khwela, 2014). The problem manifests through contractual arrangements between the government and private entities that lack transparency and effective oversight. Without adequate government involvement, private prisons often prioritize profit over prisoner welfare, leading to operational inefficiencies and ethical violations. If the issue is not addressed, private prisons may continue to consume significant public funds without delivering better outcomes than public prisons, exacerbating human rights violations and reducing the potential for effective rehabilitation. This could lead to long-term socioeconomic consequences, including increased recidivism and ongoing mistrust in the correctional system.

4. Objectives of the study

The objectives of the study are:

a) To investigate the key cost and benefit factors that influence investment decisions between public and private prisons in South Africa.

b) To analyze the impact of operational costs, accountability mechanisms, and human rights considerations on the functioning of public versus private prisons in South Africa.

c) To develop policy recommendations regarding the financial, operational, and maintenance aspects of prison construction and management, whether under public or private ownership.

5. Research Questions

The research questions of the study are:

a) What are the key cost and benefit factors that influence investment decisions between public and private prisons in South Africa?

b) How do operational costs, accountability mechanisms, and human rights considerations affect the functioning of public versus private prisons in South Africa?

c) What policy recommendations can be made regarding the financial, operational, and maintenance aspects of prison construction and management in both public and private sectors?

6. Literature Review

The concept of investing in public prisons against the traditional public prisons is still new in emerging economies like South Africa, Brazil, and Türkiye, unlike in developed economies such as the USA and Germany (Wright, 2024). Moreover, developing nations like South Africa ought to allocate more resources towards gaining a comprehensive grasp of the cost-benefit analysis of public-private prison investments, so they can fully capitalize on its potential before adopting it as the developed world does (Burkhardt, 2018). Therefore, this section of the literature review discusses those insights to date.

Cost-benefit analysis is a systematic process of appraising the project's cost and benefits, thereby determining whether it is economically viable to invest in it or not (Carlen, 2020). Phrased contextually, for the project to be deemed worthwhile to invest in, the benefits of investing in either private or public prisons should outweigh the costs or limitations associated with investing in that project (Burkhardt, 2018). Consequently, the debate between public and private prison investment in an emerging economy such as South Africa is complex and dynamic (Osterlund, 2023). The evaluation of the best option between the two types of prisons needs careful consideration when evaluating the cost-benefit analysis between them.

These factors include operational and capital costs, quality of service, staffing levels, training, and qualifications required for both public and private prisons, as well as transparency and accountability in operational and financial reporting (Burkhardt, 2018).

7. Theoretical framework

This paper draws upon Institutional Theory, Public Choice Theory, and Human Rights Theory to establish a theoretical framework that thoroughly comprehends the privatization of prisons in South Africa. Institutional Theory elucidates the influence of wider social, political, and legal factors on the selection of private prison models, with a specific emphasis on legitimacy and accountability (Scott, 2008). Public Choice Theory analyses the economic justification for privatization, focusing on the tensions that occur when the profit-driven objectives of private prisons clash with public values such as rehabilitation and social welfare (Buchanan & Tullock, 1065).Finally, Human Rights Theory guarantees that ethical concerns, such as the well-being of inmates and the openness of information, are of utmost importance in assessing private prisons, which frequently undermine human rights in the quest for financial gain (Woodall.J.;Freeman, C, 2020).

Collectively, these theories offer a comprehensive methodology for comprehending the economic, institutional, and ethical aspects of jail privatization in South Africa. The proposed approach to Data-Driven Theory Decision-Making is grounded in the capability's framework, which emphasizes five critical variables in the decision-making process: data governance, data analytics, insights exploitation, performance management, and data integration (Ntsobi, 2022).

7.1 Operational Costs, Accountability and Human Rights In South African Public and Private Prisons

The introduction of public-private partnerships (PPPs) in South Africa's correctional services has sparked debate over their effects on operational costs, accountability, and human rights. While private prisons are seen to reduce state expenses, they raise concerns about governance, transparency, and ethical management.

A key issue is the lack of transparency in contracts between the government and private entities, hindering stakeholders' ability to assess private operators' performance. This opacity limits accountability and erodes public trust, as private prisons may prioritize profit over justice (Johnson, 2017).

Private prisons, driven by profit, often prioritize cost-cutting over rehabilitation. This can lead to lower service quality, such as inadequate healthcare and education, as well as overcrowding and understaffing, which increase safety risks and neglect rehabilitative goals (Smith, 2020). Unlike public prisons, private prisons face less regulatory oversight and public accountability, reducing community involvement in inmate welfare and human rights (Steiner, 2015). Critics argue that the profit motive compromises inmate rights, leading to poor living conditions and treatment.

Operational costs in private prisons may not provide significant savings for the government.

International studies suggest that long-term costs can increase due to hidden contractual clauses, legal disputes, and the need for greater oversight, offsetting any perceived financial benefits (Cordelli, 2020).

7.2 Methodology: Qualitative Systematic Archival Article Review

7.2.1 Qualitative systematic archival article review technique

This study utilized the qualitative systematic archival article review technique to collect, analyze, and present data. This approach systematically examines and synthesizes existing qualitative data from archival sources, including records, letters, reports, journals, primary and secondary documents, and numerous forms of qualitative data previously collected and archived, with the primary goal of deriving patterns and generating insights towards a specific research question or topic (Steiner, 2015). This is because these archival sources possess relevant information and insights that enable the analysis to be rich, contextual, and appropriate, allowing the researcher to establish key themes, patterns, concepts, and findings using a thematic or content analysis approach to analyses data from those records (Johnson, 2017). Following this, the researchers synthesized their findings, drawing conclusions and implications that aligned with the study's problem statement and objectives (Wright, 2024).

Furthermore, the researchers consulted both local and global archives through a strict process that looked at archival relevance, context, and quality to the subject matter under study; data extraction was done through content analysis to identify patterns and insights, and then synthesized to establish conclusions and findings contextual to the study research question and objectives (Nicmanis, 2024). To name a few, the following sources were consulted: Parliamentary Monitoring Group (PMG), Department of Correctional Services Policy Documents, South African Treasury, National Archives of South Africa, University Archives, Western Cape Archives and Records Service, UK National Archives, and The Prison Museum of the USA. The study also used information from NGOs such as UNHCR and Prison Fellowship International regarding the state of public-private cost-benefit analysis among South African and international prisons. This data was vital because it provided easy and clear contextual insights that enhanced the understanding of historical or contextual phenomena, thereby strengthening the findings and recommendations of the study (Yost, 2022). However, obtaining some of the data was costly, as access to these archives required the researchers to pay an access fee.

7.2.2 Data Coding

Furthermore, the researcher performed data coding on the analyzed archival records and documents to ensure the appropriate capture of identical themes, meanings, and insights, thereby enabling them to derive sense and meaning from the analyzed reports (Wright, 2024).

The data analysis for this study was conducted using the COSTAQDA software, incorporating various coding techniques and the Inter-Coder Reliability (ICR) test to ensure the accuracy and consistency of the themes identified (Mfolo, 2024). Researchers followed a structured approach to code the analyzed archival records and documents, allowing for the clear identification of themes, meanings, and insights. This process facilitated the derivation of sense and meaning from the analyzed reports.

The coding dimensions applied in the study were guided by the COSTAQDA framework, incorporating the following phases (Mfolo, 2024):

Open Coding: In this initial phase, the researchers broke down the data into discrete parts or themes, without categorizing them, to capture as many codes as possible.

Axial Coding: After open coding, the researchers reassembled the data to establish relationships among the codes, using COSTAQDA's ability to organize and cluster them based on their connections, allowing for the creation of meaningful categories.

Selective Coding: The final stage involved determining the main categories that emerged from the data, enabling a deeper analysis and interpretation of the subject matter.

Additionally, COSTAQDA supported the researchers in applying the following coding types, influenced by the work of Poama (2021:7394):

Descriptive Codes: COSTAQDA helped assign simple labels that summarized the content of the analyzed data, capturing the key points for ease of understanding.

In Vivo Codes: COSTAQDA used the interviewees' or report participants' own words as codes, allowing for authentic representation of the participants' perspectives within the analysis.

Process Codes: The software captured the dynamic processes reflected in the data by coding the actions or interactions related to the research context.

Emotion Codes: COSTAQDA also enabled the recording of participants' emotions, particularly concerning debates around sensitive issues like private prisons in South Africa.

Pattern Codes: High-level codes were applied to identify patterns among data points, allowing the researchers to synthesize their findings more effectively.

To ensure the reliability of the coding process, COSTAQDA's Inter-Coder Reliability (ICR) test was employed on five key themes that emerged from the data (Costa, 2020) . The ICR test, using Cohen's Kappa, produced an agreement rate of 82%, indicating a high level of consistency among the coders. This robust level of agreement provided confidence in the accuracy of the themes and patterns derived from the analysis, further enhancing the study's credibility and trustworthiness.

7.2.3 Advantages of Data Coding in the Study

Data coding enabled the researchers to understand the subject matter easily and to break it into smaller, easy-to-interpret particles that also enabled meaning and themes to be established (Dorfman, 2021). This resulted in better interpretation and synthesis of results that also made the cause and effect of phenomenon and theory development inevitable (Yost, 2022).

7.2.4 Disadvantages of Data Coding in the study

However, data coding is subjective due to the researcher's interpretation; hence, it needs to be done by an experienced researcher who is not biased. Also, data coding is time-consuming, hence it wastes valuable time to interpret and analyze large volumes of data sets (Volokh, 2021).

Overall, to a great extent, the study used this robust methodology to collect, analyze, and report on the data analysis because it enabled the researchers to comprehensively enrich the study results (Wright, 2024).

8. Discussion

This section presents and discusses numerous insights from the articles, reports or documents used during the data analysis of the qualitative systematic archival articles review.

8.1 Past concerns with PPP in South African prisons

The Parliamentary Monitoring Group (PMG) briefing in October 2009 raised concerns about PPP prisons, including violence outbreaks, cost-effectiveness of life-sentenced prisoner rehabilitation, inmate reclassification, drug smuggling, rape, gang activities, security, inmate population composition, vocational training, support for local agriculture, alternative energy, water supply, and preventing escapes (Carlen, 2020). PMG members were dissatisfied with the responses, particularly on financial and governance matters, demanding transparency and copies of contracts, including shareholder names, for review (Wood, 2017). They also requested a cost-benefit analysis and an explanation for DCS officials joining private companies.

8.2 Recent controversies in private prisons in South Africa

In recent years, there have been controversies surrounding PPP prisons. One notable incident was the daring escape of an inmate named Thabo Bester from the Mangaung Correctional Centre (MCC) in May 2022. It was later revealed that MCC officials had colluded with Bester, and a burnt body was left in his cell to create the impression that he had died in a fire.

The incident received significant attention, leading to scrutiny of G4S and Bloemfontein Correctional Contracts (Steyn, 2023). Another controversy involved the Kutama Sinthumule Correctional Centre (KSCC).

Inmates at the KSCC revolted and set fire to the facility on the 7th of August 2023. This came after their memorandum, submitted on July 27, which contained allegations of assault, torture, rape, lack of nutritional food, and dysfunctional healthcare, was ignored by prison management and the DCS. The inmates claimed that they had to buy their own food despite it being the responsibility of South African Custodial Management (SACM), the private company operating the prison. The lack of nutritious food led to desperation among the inmates, with some resorting to engaging in transactional sex to obtain money for better food.

These recent examples of controversies highlight the ongoing challenges and concerns surrounding prison privatization. It is clear that the South African prison system, particularly the PPP private prisons, still faces significant challenges. These controversies highlight the need for improved transparency, accountability, and oversight in the operation of private prisons. The government, along with relevant stakeholders, must address these concerns to ensure the safety and wellbeing and rehabilitation of inmates within the correctional system (Parliamentary Monitoring Group, South Africa, 2019).

8.3 Cost per prisoner - Public versus Private Prison

The Department of Correctional Services (DCS) argued that each prisoner in DCS operated prisons costs taxpayers R10,890 per month, which amounts to an estimate of R363 per prisoner per day. Out of this amount, they allocated only R475 for food. Overcrowding is also a significant challenge within the correctional services system in South Africa (DCS, 2022). Public prisons operate at over 100% occupancy, leading to problems such as staff shortages, security concerns, limited access to facilities, and restricted rehabilitation programs. The lack of access to mental health services and medication due to overcrowding is also considered a human rights violation (Line E, 2024). Therefore, some argue that private maximum security correctional centers operate differently from their public counterparts, offering meticulous training for correctional staff, effective management supervision procedures, better control over correctional services, and no overcrowding. Inmates in private centers follow structured day programs that include various interventions and developmental programs (Gardner, 2016).

Overall, the lack of transparency and the human rights costs associated with inmates' wellbeing raise concerns about the true effectiveness and justification of private prisons, despite their initial perceived cost effectiveness. The financial costs alone do not capture the full picture of the impact on inmates and the correctional system as a whole (Hirschberger, 2020).

9. Conclusion

The thematic analysis of all the archival reports and documents in the study have noted that it is not worthwhile for South Africa to rapidly invest in the private prisons model against the traditional public prisons approach.

Moreover, it is evident from the study that the best cost-benefit analysis between a private and public prison should primarily consider a well-balanced, monitored public prison system that supports good inmates moral and physical wellbeing, good rehabilitation, food, training programs, education, health, and low recidivism rates. Furthermore, the best model between private or public prison services should also consider financial and qualitative factors that incorporate the explicit challenges and needs experienced by most South African prisons. Consequently, the study concluded that public prisons offer greater equity, effective inmate rehabilitation and transformation, a sense of retribution in accordance with the justice system and add value to South African society. In contrast, private prisons, primarily driven by profitmaking goals, fail to provide adequate justice and transformation for potential inmates.

10. Recommendations

Many emerging economies similar to South Africa ought to learn from the South African case. Consequently, the following recommendations are made:

- The Department of Correctional Services should periodically conduct cost-benefit analysis studies on prison privatisation and determine the feasibility of privatising noncore functions by prison authorities.
- Comparative analysis reveals that private prisons, with their higher budget per capita and better maintenance, theoretically provide better living conditions for the smaller population they accommodate. A phased and gradual implementation of private prisons in South Africa, along with constant training on governance, ethics, and universal human rights for prison wardens and management in both public and private prisons is recommended.
- It is essential to consider the overall impact, including the potential human rights costs and the implications of profit-orientated management. This will help inform policy decisions and ensure that the correctional system prioritises of rehabilitation, accountability, and the protection of human rights are observed.

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