

## **SOUTH AFRICA'S CORRECTIONAL INSTITUTIONS, SHORT-TERM OFFENDING, AND ENTREPRENEURSHIP**

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### **ABSTRACT**

*Crime prevention, offender rehabilitation, and social reintegration are fundamentally important to South Africa's criminal justice system. A critical strategy deployed to ensure these is entrepreneurship education with the purpose to capacitate offenders with entrepreneurial skills, creativity, and innovation, prepare them for self-supporting life after release, and forestall repeat offending. This approach to ensuring self-reliance and discouraging recidivism – as it would seem - appears to be skewed more in favour of long-term offenders than short offenders whose sentences are likely to terminate before they are able to benefit from this intervention. This paper thus foregrounds the necessity of doing justice to the coverage of entrepreneurship education by the South Africa's correctional institutions to short-term offenders to avoid the inadvertent alienation from the benefits inherent in entrepreneurial education. The shortness of short-term sentences must, however, be factored into the reform sought such that the entrepreneurial training does not necessarily have to be confined to the correctional institutions or limited to sentence duration.*

**Keywords:** Crime, Economic Autonomy, Resourcing, Restorative Justice, Society.

### **1. INTRODUCTION**

Globally, the imperatives of low recidivism and post-release employment for criminal offenders remain topical issues for researchers, policymakers, and civil society groups (Powell, 2017). The intersection between these has also been widely studied (see Grace, McNary, & Murphy, 2022; Kolbeck, Bellair, & Lopez, 2022). Low reoffending and post-incarceration employment portend fewer cases of criminal behaviour, safer communities, improved public safety, cost saving - for individuals and the criminal justice system -, and improved personal outcomes. It is however believed that, after release, offenders with low and declining stability are more likely to reoffend than the ones with high stability (Kolbeck, 2022). One of the key constituents for high stability for ex-offenders is employment and, even more so, constant employment (Grace et al., 2022; Kolbeck, 2020). However, the social stigma associated with felony convictions and short-term sentences has been found to lessen the opportunities, including employment, that may be available to offenders after their release (Lindsay, 2022; Shoham, Sha'ar-Efodi, Cojocar, & Nicotra, 2022). Social stigma could lead to long-term unemployment, which may, in return, decrease the possibility of future employment, exhaust short-term financial resources (Cantor & Land, 1985), exacerbate frustration and social upheavals and may contribute to reducing the individual's moral values which may result in a turn to crime and delinquency (Box, 1987). Entrepreneurship thus becomes a reentry strategy for these offenders when securing formal employment is unfeasible (Nguyen, Gavel, & Delgado-Medrano, 2023). This perhaps explains why South Africa's correctional institutions have adopted entrepreneurship education for inmates. This is part of the correctional education, and is in compliance with the United Nations' declarations, standards and conventions (Universal Declaration of Human Rights, 1948; The Mandela Rules, 2015; United Nations' Standard Minimum Rules for Treatment of Prisoners, 1955).

The issue however is that the programme is not broad in coverage. A vast majority of short-term offenders are unable to benefit from this initiative because, as a rule rather than exception, they are released before they can be significantly capacitated for economic empowerment and autonomy. This paper thus foregrounds the need to expand the coverage of entrepreneurship education to cover all categories of offenders, thereby strengthening the capacity and stability of offenders after their release.

In what follows, we describe in further detail the concept of short-term offending and how it impacts life chances, after which we historicise South Africa's Department of Correctional Services. Next, we consider the nexus between entrepreneurship education and the offenders' need for achievement. We then

situate our contribution by describing the policy actions that the South Africa's Department of Correctional Services should consider, which may engender low recidivism, cut cost on the budgets of its institutions, and lead to desirable personal outcomes for short-term offenders. Lastly, we conclude by reflecting on the possible future directions related studies can take.

## **2. SHORT-TERM OFFENDING AND LIFE CHANCES**

The concept of short-term offending is not universally standardised and its definitions largely depend on social contexts and suasion of its definers. Short-term offending, otherwise known as misdemeanour, refers to acts in conflict with the law - but relatively minor in nature - that result in shorter custodial sentences or other forms of punishment (Legal Information Institute, 2023). In South Africa, short-term offences do not involve serious violence, substantial material or financial loss, or significant threat to public safety. While the classification of criminal behaviours is often dynamic, short-term offences in South Africa include petty theft – shoplifting, pickpocketing, and stealing items of relatively low value -, minor public disturbances, damage to property, physical altercations that result in minor injuries, traffic offences, possession of small amounts of illegal drug for personal use, and trespassing (Hoctor, 2019; Davis, 2012). Although these offences may not be classified as serious crimes, the applicable punishment depends on a few factors, including legal interpretation, circumstances of the crime, history of the offender, and the discretion of the court (Legal Information Institute, 2023). There is a plethora of punitive sanctions – including fines, community service, probation, parole – for short-term offences (Dimond, Kaplan & Rothstein, 2023), but we, for analytical purpose, delimit its consideration to those minor crimes that attract short custodial sentences in South Africa. The major difference between felony crimes and short-term offending is that felony crimes attract custodial sentences in excess of one year (Terblanche, 2003). It must be noted that while there is lacking an accurate data on the reoffending rate in South Africa, the country ranks as one of the highest globally (Lötter, 2020; Chikadzi, 2017; Herbig & Hesselink, 2013). and, specifically, there is a high number of short-term high rate (STHR) offenders (Lötter, 2020).

The philosophy of the South Africa's Department of Correctional Services about incarceration is rehabilitative, restorative, and correctional (Department of Correctional Services, 2023), and the presupposition is that when an offender has served a custodial sentence and has been rehabilitated, he is prepared to re-join society and make productive contributions. The Department has made relatively acclaimed efforts to ensure that offenders in its institutions are treated with dignity and has given tailored support to the different levels of offenders in their institutions. The purpose of these is to prepare them for social reintegration upon release. However, the societal attitudes towards ex-offenders, often negative, impede their ability to properly reintegrate into society as law-abiding and productive citizens (Ike, Jidong, Ike & Ayobi, 2023; Sandbukt, 2023). They find reintegration difficult because of the prejudice from communities and formal sectors. The society often finds it difficult to dissociate one or two acts at variance with the law from criminal personality, and the upshots of this are the avoidance, suspicion, dispassion, and discrimination issues that ex-offenders grapple with (Chikadzi, Chanakira & Mbululu, 2022; Burchfield & Mingus, 2014).

It has been found that post-release support and economic opportunities are risk factors that may influence a short-term offender's attitude to crime (Armstrong, 2022; Gormley, 2022). Hence, economic autonomy – inherent in entrepreneurship – may help ex-offenders navigate the prevalent multidimensional prejudice and discrimination in the society. It is noteworthy however that, apart from the stigma, the offenders are released into a society beleaguered by acute unemployment problem. The unemployment rate in South Africa stands at 32.9% (Statistics South Africa, 2023), which is one of the highest in the world. This may deepen the ex-offenders' frustration as securing employment is already a complex problem, much less with criminal records. Also, a sizable number of offenders come from inner-city neighbourhoods, often populated by the underclass, with a thriving criminal culture and they return to these crime-vibrant neighbourhoods upon release. Consequently, blocked opportunities, poor living standards, social repulse, and environmental conditions in these neighbourhoods could trigger a return to deviant and criminal behaviours. It is thus imperative that, beyond the rehabilitation within correctional institutions, the post-release conditions of ex-offenders require keener attention.

## **3. SOUTH AFRICA'S DEPARTMENT OF CORRECTIONAL SERVICES: PAST AND PRESENT**

The South Africa's Department of Correctional Services was established in 1990 as part of the country's efforts at reforming the criminal justice architecture (Singh, 2005). It is the culmination of historical developments spanning the penal reorganisation by the British occupation of the <sup>1</sup>Transvaal and Orange Free State Republics in the 1990s, Prison and Reformation Act of 1911, the 1945 Landsdowne Commission<sup>2</sup> on Penal and Prison Reform, and Prison Department reforms in the 1980s (Singh, 2005). The Department of Correctional Services was an appendage of the Department of Justice prior to 1990, and the delinking was done to pave way for extensive reforms (South Africa, 2005). The Department currently runs 243 correctional centres and has the 9th largest prison population in the world (Safer Spaces, 2023). This ranking may not be unconnected with the intermingling of high crime rate and high rate of reoffending in South Africa. This petrifying disequilibrium thus presents an existential conundrum to the country, hence, the importunity of a proactive criminal correction system. The task of the Department, therefore, is to provide custodial and community corrections for lawbreakers. For custodial sentences, the purpose of incarceration is to establish in incarcerated offenders the will to lead law-abiding and self-supporting lives after their release (Cilliers & Smit, 2007).

The cardinal goal of the Department of Correctional Services is to rehabilitate criminal offenders and foster their reintegration into the society. The Department has pursued this goal through its own efforts and inter-departmental collaborations (Internet Archive, 2023). For the beneficiary inmates, the focus of the educational offerings is on diverse education and training opportunities that are directed at the needs of the offenders, while also being market related (Cilliers & Smit, 2007). The needs-based programmes and interventions provided by the Department include, but are not limited to, formal, vocational, and entrepreneurship education (PMG, 2023).

While this paper focuses on the Department's entrepreneurship capacitation for short-term offenders, it is notable that the state of education in South Africa's correctional institutions has been, generally, commendable (Cilliers & Smit, 2007). However, this has been fraught with overcrowding, which hampers rehabilitation. The Department of Correctional Services manages 243 prison facilities and faces serious problems of overcrowding as well as a shortage of professional staff (Van Hout & Wessels, 2022). According to Cilliers and Smit (2007), the staff establishment for educators, for instance, is 536 positions for the fiscal year 2005, which reflects a ratio of 1:221 educators to sentenced offenders. They claim that while there are variations in this ratio across the country's Provinces, KwaZulu-Natal had the lowest ratio and Gauteng had the highest, at 1:161 and 1:393 respectively. Only 87 percent of all sentenced offenders can take part in educational programmes. Comparatively, there are 1:52 educators for every 100 youth or juvenile offenders that are jailed. This is an equivalence of the ratio of teachers in a public school (Morris, 2005; Mathee, 2005). The overcrowding problem could significantly constrain the capacitation of entrepreneurship education in these institutions, and short-term offenders may not be prioritised because of the shortness of their sentences.

#### **4. ENTREPRENEURSHIP EDUCATION AND NEED FOR ACHIEVEMENT**

Entrepreneurship is, without a doubt, a mainstay in any economy today. It is an important contributor to employment, innovation, sustained economic growth and development (Meyer & Meyer, 2017; Aparicio, Urbano & Audretsch, 2016). Entrepreneurship came to the fore and gained wider recognition in the 1980's period of global stagflation and high unemployment rates (Toma, Grigore & Marinescu, 2014). While large corporations make significant economic contributions to global economies, research has shown that the main contributors to economies are small and medium scale enterprises (SMSEs), and this explains why some large companies are transforming into smaller business models (Toma et al., 2014; EIM, 1997).

The primal effects of entrepreneurship in the economy and the accruing benefits to entrepreneurs and society necessitate the need for entrepreneurship education, and it is particularly a useful tool for individuals with marginal employment opportunities such as ex-offenders. Entrepreneurship education encourages the founding of new businesses and equips learners with critical decision-making skills that enhance market success (Grecu & Denes, 2017). It aims to upscale entrepreneurial mindset – innovation, creativity, risk-taking, and problem-solving -, helps one to identify business opportunities, and build resilience towards challenging situations (Colombelli et al., 2022; Saadat et al., 2022). It also inculcates business and management skills that enable an individual with practical skills required to start, manage, and grow a business. There have been debates about whether entrepreneurs are made or born (see Saadat et al., 2022;

Morh, Fourie & Associates, 2009; Botha, 2006; Henry, Hill & Leitch, 2005). However, overwhelming empirical evidence suggests that entrepreneurship can be taught, and that education can significantly benefit entrepreneurship (Kunene, 2008; Henry et al., 2005; Kantor, 1988).

The introduction of entrepreneurship education by South Africa's Department of Correctional Services was a watershed in the Department's history of offender rehabilitation. By capacitating offenders with entrepreneurial skills and knowledge, the correctional system thus becomes a space for reconstituting offenders' motivation from criminal motives to need for achievement. As argued by American psychologist, David McClelland in his 1961 book – *The Achieving Society*, one of the three dominant needs that underlie human motivation is *need for achievement*. Studies have shown that young children's career choices do not include career offender (Adecco Children's Career Survey, 2015), however, criminogenic triggers in their environments may however derail the motivations of some of them and lead them to a life of crime and deviance. Entrepreneurship education as a rehabilitative intervention - arguably - or at least potentially, could occasion volte-face from criminal behaviours, refocus offenders' motivations, and make them desire achievement. Entrepreneurship education may also strengthen the offenders' resolve to explore their innate abilities and personality traits that may be deployed for economic purposes (Biswa & Verma, 2022; Tripathi et al., 2022).

## **5. POLICY PROPOSALS FOR EXPANDING THE COVERAGE OF ENTREPRENEURSHIP EDUCATION IN SOUTH AFRICA'S CORRECTIONAL INSTITUTIONS**

In upscaling entrepreneurship in any society, from public policy perspective, Gibb (2002) has argued for enterprise culture, which means: the rise of more small businesses, higher rates of small business creation that go along with it, an increase in fast-growing companies and technology-based businesses, social entrepreneurship, business ventures in government organisations., and an increasing foundation for addressing social exclusion. The work of imbuing enterprise culture in and fostering small-scale or medium-scale businesses among criminal offenders is not simple because of the constraints such as overcrowding, paucity of resources, and the possibility of a number of enrollees, particularly the ones serving long custodial sentences seeing their participation in entrepreneurial training programmes merely as a possible method to influence the parole board (Dewey et al., 2020; Cilliers & Smit, 2007).

These constraints notwithstanding, entrepreneurship education is a veritable pathway to self-autonomy for offenders (Cooney, 2012). It is therefore important that, in coverage, no offender - except by choice - should be excluded from the capacitation of entrepreneurial knowledge and skills. How, then, can South African correctional institutions accommodate short-term offenders in entrepreneurship capacitation that takes longer duration than most short-term sentences? While there may be numerous approaches, we highlight three: 1) blended learning; 2) scheduling efficiency; and 3) resourcing. In what follows, we flesh out the conceptual nature of these proposals.

### **5.1 Blended learning**

The combination of synchronous and asynchronous modes<sup>3</sup> of teaching and learning may hold the key to expanding the coverage of entrepreneurship education for the previously alienated short-term offenders. The shortness of short custodial sentences requires a mechanism that ensures that inmates who start their entrepreneurial training while in the correctional institutions can complete it even when such sentences terminate before the training does. Similarly, there should be a system that ensures that offenders whose sentences are too short to accommodate the entrepreneurship training are able to do it offsite. Accordingly, blended learning will thus require a suite of interventions including, but not limited to, introduction of e-learning infrastructure for offsite training and collaboration with socially responsible organisations with interest in entrepreneurship development.

### **5.2 Scheduling efficiency**

Scheduling efficiency is the ability of a scheduling system or process to be successful and productive in a way that maximises time, resources, and staff to produce the greatest amount of output with the least amount of waste or delays (see Srinivas & Salah, 2021; Mirshekarian & Šormaz, 2016). To be able to accommodate short-term offenders in entrepreneurial training programmes, the Department of Correctional Services needs to plan out the correctional centres' training activities in a manner that considers the brevity of short-term offenders' sentences, thus fast-tracking their training – yet without compromising the quality. There will be a need to improve upon the ratio of instructors to learners, thus lessening the impacts of

overcrowding and reducing or eliminating unnecessary pauses. Scheduling efficiency in these correctional centres may also entail the capacity to adjust to changes, unforeseen circumstances, or emergencies without seriously impeding on the inmates' entrepreneurial training. Another critical component of this proposal is the need for measuring and optimisation. Recurring measuring and analysis of performance metrics of the entrepreneurial skills capacitation can help identify areas needing improvement and optimisation in the scheduling process.

### 5.3 Resourcing

Resource mobilisation is critical to the success of offender rehabilitation and state of education in the country's correctional centres. The expansion of coverage of entrepreneurship training portends, at least, the need for more educators – who need to be paid – and logistics, for both the synchronous and asynchronous modes of knowledge transmission. It is noteworthy that the South Africa's Department of Correctional services operates already constricted correctional budgets (Jang et al., 2022), and by implication, the expansion of entrepreneurship education to all categories of offenders will furtherly strain the quandary. It thus becomes expedient to look beyond government funding for the state of education in the country's correctional centres. It is axiomatic that government alone cannot provide all the resources required for human capital development in correctional centres.

Because of crime prevalence in South Africa, it is imperative for individuals and the organised private sector to collaborate with the government in its efforts to combat crime through offender rehabilitation. This could be done through the establishment of correctional services fund, with companies committing a small percentage of their net profits annually. This finance model has been deployed in many countries to develop critical sectors lacking the needed resources (see Onyeike & Eseyin, 2014; Riley, 1992). The net gain of this collaboration will be a safer and economically viable South Africa.

## 6. CONCLUSION

South Africa's crime statistics points to a moment of existential emergency. The high crime rate coupled with an even high rate of reoffending diminish social equilibrium, thus placing enormous strains on public safety and costs to individuals, businesses, and government. As argued by Grosholz et al. (2020), entrepreneurship education facilitates criminal desistance and promotes behavioural and cognitive transformation of incarcerated individuals. Those whose work intersects with the criminal justice system in South Africa, community leaders, and the corporate leaders cannot afford to ignore the reconstructive potency of entrepreneurship education – for the offenders - and the intrinsic benefits to the collective whole. In this paper, we have attempted to foreground the desirability of entrepreneurship education vis-à-vis an offenders' need for achievement. We have thus argued that the erstwhile alienated short-term offenders need to be covered so that the benefits inherent in entrepreneurial knowledge and skills can be widened. This, potentially, can lead to crime reduction, low reoffending rate, and public safety. It has however been posited in this article that the expansion of entrepreneurship education, because of the concomitant structural and budget implications, requires the receptivity and support of individuals and the organised private sector.

There are different directions that work of this kind can take policy-wise and otherwise. It is our optimism that future work will engage critically with the policy actions that we have proposed in this article, adding to them, challenging them and, ultimately, helping with developing sustainable possibilities for a thoroughly rehabilitative correctional system in South Africa.

## 7. END NOTES

<sup>1</sup> Transvaal and Orange Free State Republics were independent countries in Southern Africa in the 19th century established largely by Dutch/Afrikaans-speaking settlers known as the Boers. They occupied areas in what is today South Africa.

<sup>2</sup> This commission brought to the fore the harsh and inequitable prison system that preceded it. It is reckoned as a landmark effort to reform the prison system, especially in terms of offender rehabilitation.

<sup>3</sup> Synchronous learning is a mode of learning that takes place in real-time, where learners and instructors are present and engage in learning activities simultaneously. Conversely, asynchronous learning allows learners to access learning materials and complete activities at their own pace and schedule.

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