

Rethinking pre-trial detention in Namibia

Summary Report: 2021 – 2024



Stefan Schulz

Photo on cover page:

Visiting cubicle with physical barrier between inmate and visitor, Otjomuise Police Station (Windhoek, Khomas)

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 0000-0002-8335-073X, tel: 061 207 2318, m: 081 2560820, e-mail: sschulz@nust.na

Dr Stefan Schulz, Deputy Director (Criminal Justice)

Department of Social Sciences

Namibia University of Science and Technology

Acknowledgement

As I began wrapping up this Summary Report (2021–2024), it struck me that four years had passed since I co-authored the baseline study proposal *Rethinking Pre-trial Detention in Namibia*. At the end of 2020, a long-time colleague resigned. And with fewer human resources available to supervise the 2021 Criminal Justice Honours cohort, we began exploring ways to enhance the supervision performance of our criminal justice section, particularly in relation to project students. Some years earlier, I had proposed the idea of launching a research project that could attract multiple student participants. This would allow for a team of supervisors to co-supervise a group of ten or more students, who would simultaneously serve as research assistants. In February 2021, Dr Hennie Bruyns and I drafted two proposal sketches. One focused on pre-trial detention—and it immediately resonated with our students. Upon further exploration, we realized that pre-trial detention in Namibia was a multifaceted subject with numerous potential research angles. This realization led to the aforementioned baseline study proposal, *Rethinking Pre-trial Detention in Namibia*¹. Since mid-2021, we conducted a different project each academic year under the baseline study's work plan. Every year, a group of students joined the annual project, contributed to data collection, and simultaneously developed their Honours mini-theses (MNT812S) using the very data they had helped gather under our supervision. Most of these students benefited immensely from the team approach. Although each was required to submit an individual proposal and report, the regular research meetings and collaborative feedback allowed them to grow into confident researchers. Many have since gone on to pursue higher degrees. At the end of 2022, my co-researcher and co-supervisor, then Prof. Hennie Bruyns, stepped back from the project to focus on another initiative—this time dedicated not to empirical research but to the development of an Africanised curriculum in Correctional Management. From 2023 onwards, the projects have continued under my leadership, consistently supported by members of the Research Desk of the Namibian Police. They provided essential logistical assistance for field data collection and facilitated liaison with management at the participating police stations in the Khomas Region. In light of the above, I would like to express my sincere gratitude to all the student researchers who participated in one or more of the annual projects; to the members of the Namibian Police's Research Desk; and to the dear colleague mentioned earlier.

Student Research Assistants

JS Kamati, OB Amushila, S Shipandeni, M Karukua, VU Hindjou, F Andiya, L Ndeukoko, M Muthoko, F Zinaka, J Ndombo, C Sibolile, D Koa, D Mundia, F Apollus, J Ndengu, M Kaffer, S Kafupi, L Dumeni, A Mungunga, S Hanghuwo, NH Nengushe, M Wangolo, H Nekamba, A Namwiha, C Kustaa

Members of the Research Desk (NamPol)

Chief Inspector P Mwetulundila, Inspector J Marungu, WO G Mateus

Colleague (present)

Prof. Hennie Bruyns

¹ Ounongo: <http://ir.nust.na:8080/jspui/handle/10628/785>.

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Prologue

Pretrial detention facilities worldwide are overcrowded. In Namibia the number of inmates in remand detention has been on the increase latest since Independence in 1990, and the same problems which can be observed elsewhere plague Namibia. People who are detained in overcrowded facilities struggle to maintain their self-respect and emotional stability. Violence, exploitation, extortion and lack of privacy are generally contributors. In July 2021 we laid down a baseline study proposal under the title Rethinking pre-trial detention in Namibia (Schulz and Bruyns, 2021) with the intention to investigate the reality of pre-trial detention on the ground, i.e., in the remand facilities throughout Namibia.¹

This proposal came about on the back of various reports by the Ombudsman. These reports, among them the 2006 report to Parliament, which highlighted the understanding that at the time about 80% of the remand facilities in police stations throughout the country had been unacceptable, were followed by vast improvements and visible efforts by the Ministry of Safety and Security, including the commissioning of (additional) new police stations with remand facilities, such as in Otjomuise (Khomas Region) and in Omuthiya (Oshikoto Region) and the refurbishment of police holding facilities in Seeis and Dordabis (Khomas Region). Notwithstanding additions and refurbishments, the conditions in police remand facilities remained poor, many deemed unsuitable for human habitation by the Ombudsman (2019, 43 - 48). The situation in bigger police stations, e.g., in Windhoek, Wanaheda (Khomas Region), Swakopmund (Erongo) and Katimo Mulilo (Zambesi) to mention few, has effectively not changed; these stations continuously and constantly experience substantial overcrowding.² Since then, various sub-projects under the baseline study proposal have been conducted:

- Remand inmates' criminogenic risks and needs (2022),³
- Remand inmates' rights and entitlements (2022),³
- Stress (organizational and occupational) on duty: Police Officers in Khomas (2023),
- Prosecutors' attitudes towards, perception and understanding of pre-trial detention and release decisions (2023),

¹ The baseline study proposal Rethinking Pre-trial Detention in Namibia obtained a research licence from the National Commission on Research, Science and Technology (NCRST). Before the execution of each individual research project under the baseline study proposal, the written approval to conduct research with empirical data collection was received from the Inspector General of the Namibian Police Force (NamPol); likewise, written approvals from the Commissioner General of the Namibian Correctional Service (NCS) were received in respect of Windhoek Correctional Facility (WCF). Due to financial and time constraints, the projects were only conducted in Khomas Region. Mostly the six regional police stations with holding facilities, i.e., Windhoek Central, Wanaheda, Otjomuise, Klein Windhoek, Seeis, Dordabis, were covered.

² The pre-trial detention section of Katutura Police Station was effectively closed down in 2020 because by then it had become uninhabitable for humans.

³ Pilot studies, the first on remand inmates' criminogenic risks and needs, the second on rights and entitlements in custody were conducted in 2021 at the Police Stations Windhoek Central, Wanaheda, Otjomuise, Klein Windhoek, Seeis, and Dordabis, and at Windhoek Correctional Facility (WCF).

- Unjustified/unlawful and unwarranted/avoidable pre-trial detention: Prosecutorial data from Windhoek (Mungunda Street) (2024).

Except for the inmate perspective of the study Remand inmates' rights and entitlements (2022) the outcomes of the above listed studies have been reported on hereafter.

Section A highlights Namibia's pre-trial detention figures in regional and international comparison. The Namibian figures, which were obtained from the Namibian Police look unfavourable in comparison with regional and international figures. Both, the number of pre-trial detainees per 100 000 of the general population, and pre-trial detainees as percentage of the total prison population exceed regional and global values by far. **Section B** deals with the reality of pre-trial detainees' rights and entitlements in remand custody. Here, observations and management information provided the picture, which highlights that privacy and human dignity are quasi suspended and grossly violated, respectively. The section briefly deals with the difficulty for law enforcement to make substantial changes in policy and practice because existing standards, such as the UN NMR, are so-called international soft law, not binding on Namibia, and rules which could derive from the right to dignity (Article 8 (1) Namibian Constitution), lacks specific judicial explication. **Section C** addresses the consequences of being exposed to organisational and operational stressors on police officers in police stations with remand facilities in Khomas Region. The data which have been obtained through officers self-reporting suggest that the entire workforce is under chronic stress, and not just select individuals or subgroups. **Section D** addresses the contribution of unjustified (unlawful) and unwarranted (avoidable) detentions to the absolute number of pre-trial detainees. Based on prosecutorial data the report highlights that a small but significant number of errors add to the constant overcrowding of the remand facilities at Windhoek, Wanaheda and Otjomuise police stations. Further implications have been discussed. **Section E** analyses the criminogenic risks and needs data obtained for remand inmates in custody of the participating police stations. In comparison with convicted inmates, the remand inmates' risks and needs profile is in many regards similar, which suggests that without reintegration efforts there is a high probability that such individuals be re-apprehended after release. **Section F** addresses the factors which inform the prosecutorial stance regarding remand-related decisions, the openness of the prosecution to non-custodial alternatives and systemic reform. **Section G** investigates systemic/cybernetic avenues of change and highlights the system effects which demonstrate how deeply entangled operational, normative, and institutional elements are. **Section H**, finally, calls for a multi- stakeholder workshop structured around the principles and methodology of Vester's Sensitivity Model.

A. Pre-trial detention in Namibia - regional/intl. comparison (update)

Summary:

In 2021 there were approximately 4800 pre-trial detainees in the holding cells of police stations throughout the country. By the time of writing this text, the number could very well be 5000 or more. The population of pre-trial detainees was about 1000 inmates higher than the offender population in correctional facilities. Over the last ten years, the numbers seem to have steadily 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

n.d.). Schulz and Bruyns wrote: "If it would mean that the already with a rate of about 300/100 of 330/100 000" (2021, p.24).

a staggering 160/100 000 of the exceeds not only the African



Figure 1: Archive, Police Station Windhoek Central

correctional facilities (World Prison Brief Data, these numbers were approximately correct, it disproportionately high use of incarceration, 0007 citizens then, climbed to the current rate Namibia's contemporary figures for PTD show

general population, which, as **Table 1** reveals, average of 33.7 but even the otherwise much more extreme reality of the Americas. 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**. Where CJS face high rates of pre-trial detainees, an important question raises its 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, p.168; Martufi, 2020, p.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).

Table 1: Number of Pre-Trial Detainees per 100 000 of the general population, by region

Oceania	Africa	Europe	Asia	Americas	World	Namibia ¹
35.5	33.7	38.6	43.1	107.4	50.7	160

World Prison Brief (n.d.)

Table 2: Pre-Trial Detainees as percentage of the total prison population, by region

Oceania	Africa	Europe	Asia	Americas	World	Namibia ¹
22.3	34.7	18.8	40.6	27.9	30.0	54

World Prison Brief (n.d.)

Table 3: imprisonment, pre-trial, incarceration (Namibia)

Imprisonment (corrections) / 100 000	Pre-trial custody (remand) / 100 000	Incarceration / 100 000
137	160	297

Retrieved from <https://www.prisonstudies.org/> on 17 February 2025

¹ Retrieved from <https://www.prisonstudies.org/> on 17 February 2025

B. Objective measures & mgt. information in respect of pre-trial detainees' rights in police custody (Khomas)

Summary:

In 2022 the material conditions of pre-trial detention at the six police stations in Khomas Region (Khomas Namibia) with police holding cells and remand inmates were mostly, and except for Dordabis and Seeis Police Stations (Dordabis, Seeis), not suitable for human accommodation. Excluding Dordabis and Seeis, the actual cell space available per inmate varied between 0.67m² and 1.1m² per inmate (Table 5). Under these conditions, the mattresses in the cells have to be put upright during the day, and during night, mattresses would overlap, and privacy (Art. 13 Namibian Constitution [NC]) is entirely suspended. Concomitant with this finding, the right to dignity (Art. 8 NC) of the person is grossly diminished, even denied, because a human person living under imposed/coerced conditions without privacy, due to the extremely confined cell space, faces severe infringements on personal space and solitude, and autonomy, or respect and inherently suffers a profound loss of personal integrity and self-worth. This level of overcrowding not only breaches basic human rights but also degrades an individual's sense of self and humanity, essentially nullifying the concept of personal dignity in such constrained environments. On

other grounds, to mention Standard Minimum Rules were revised and adopted and named in honour of Rules (NMR), the reality of Khomas does not live up to been conceived against a the person, and been General Assembly, due to



Figure 2 : Holding Cell, Police Station, Windhoek Central

specifically the United Nations for the Treatment of Prisoners, which by the UN General Assembly in 2015 Nelson Mandela, Nelson Mandela pre-trial detention in police custody in expectations. Whereas the NMR have specific conception of the dignity of unanimously adopted by the UN their nature as international soft law,

they are not binding on Namibia, as they fall outside the purview of Art. 144 NC. To the extent that the scope of the NMR overlap with the scope of application of the fundamental rights and freedoms (Chapter 3 of the Namibian Constitution), they could become normatively effective as unexpressed constitutional rights. However, for this to happen judicial authority in this regard would be required. So far, and in the absence of such judicial authority, projecting the NMR on our fundamental rights and freedoms, none of the state organs (Executive and / or Legislature) feel obliged to subject themselves under a normative command, which is only hypothetical at this point, and engender large scale policy changes.¹

¹ Importantly so, during the collection of the management information of the police, I often had the impression of an acute awareness of staff about the discrepancy between the soft law of the NMR and reality (Tables 6 – 13, below).

Data + Analysis

The project Pre-trial Detention in Namibia came about against the backdrop of the above figures of pre-trial detention (PTD), as well as various reports on the situation in police holding cells. When we talk about objective measures, we refer in the first place to human dignity (Article 8 NC). As an international benchmark, the United Nations Minimum Rules for the Treatment of Prisoners (The



Figure 3 Dimensions of dignity (adapted from Skinns et al., 2020)

Nelson Mandela Rules [NMR]), which, unanimously adopted by the UN General Assembly, is hinged on dignified and humane treatment in custody; see: Figure 3. Our understanding of the above measures as benchmark for Namibia has guided our data collection. The data collection methods included **surveys, observations, and existing record** reviews. Data were collected in August, September, and October

2022. **Observations** and **Survey data** were collected from **custody managers** in five police stations in Khomas region, namely **Klein Windhoek, Seeis, Dordabis, Otjomuise, Windhoek, and Windhoek Correctional Facility**, respectively.² **Observations** were made and recorded by the members of the research team during the visits of the research sites. As a complementary measure, the research team also inspected records.

Table 4: Data collection tools

Observations (Research-team: Facilities)	ANNEX-PTD-7	Various criteria of interest (26 items)
Police Human Rights Standards: Checklist (Facilities Survey)	ANNEX PTD-03.2	(1) Detainees' safety (17 items); (2) Detainees' accommodation (18 items); (3) detainees' medical/mental health (16 items); (4) Food (6 items); (5) Detainees' psychological well-being (16 items); (6) Detainees' discipline and restraint (9 items); (7) Treatment of children and young people (5 items); (8) Safety and security related aspects, including training (22 items)

² A survey (questionnaires) was conducted among pre-trial detainees, which has not been addressed here.

PTD-7 (Research-Team: Facilities) was used to record observations and impressions which covered various criteria of interest (26 items). The recordings were made during the visits of the facilities and consist for instance of measurements of size of the various units, number of inmates at the day of visits, but also photos taken for visualisation of information. The space was measured with a digital laser beam to ensure correctness. Team members, though not systematically, shared their impressions/observation in a post visit site-report.

Table 5: Material Conditions of Pre-Trial Detention (PTD-03.2 Facilities)

	A	C	D	1a	1b	1c	2	3	4	5	6	7	8	9	10	11	12
S/N	Region	Pol. Station/ Correctional Facility	Date of data collection	Lock-up units			Anteroom used as cell space	Official holding capacity	Actual of inmates	of inmates, mentally unstable	Male inmates	Female inmates	Cell space (m²/station)	Cell space (m²/inmate)	Lock-up unit space (m²/inmate)	Yard time (daily)	Dedicated Visiting Area
				Comm. Cells (in use)	Anteroom(porta)	Single Cells (in use)											
1	Khomas	Klein Windhoek	08.08.2022	2	Yes	Nil	Yes	8 (4 +4)	24	1	Nil	24	25.8	1.1	2.24	Nil	Nil
2		Seeis	09.08.2022	6	Yes	Nil	Yes	36 (6 x 6)	25	Nil	25	Nil	76.2	3.05	6.8	Nil	Nil
3		Dordabis	22.08.2022	5	Yes	Nil	Nil	60	22	Nil	21	1	106.8	4.9	4.9	Nil	Nil
4		Windhoek Central	05.09.2023	10	Nil	Nil	n.a.	120	143	Nil	143	Nil	160	0.82 - 1.54	0.82 - 1.54	Yes	Nil
5		Wanaheda	13.09.2022	7	Yes	Nil	Yes	120	207	1	207	Nil	140	0.67	1.3	Nil	Yes
6		Otjomuise	21.09.2023	8	Yes	Nil	yes	120	119	Nil	119	Nil	109	0.9	1.75	Nil	Yes
7		Windhoek Corr. Facility	03.10.2022	4	Nil	Nil	n.a.	120	42	Nil	42	Nil	189	4.5	4.5	Yes	Yes
8		Windhoek Corr. Facility	03.10.2022	Missing Data													
	A	C	D	13	14	15	16	17	18	19	20	21	22	23	24	25	
S/N	Region	Pol. Station/ Correctional Facility	Date of Data Collection	Shower/Toilets per Cell	Shower Cold/ Warm	Maintenance & Repair Status	Provision of toiletries for all inmates	Fire Extinguishers (serviced)	Safety & Security Contingency Plans	First Aid Kit	Library (inmates)	Exercise Area (dedicated)	Cell Guards (dedicated) Day/night	Social Worker	Health Worker	Mental Health Service	
1	Khomas	Klein Windhoek	08.08.2022	1/1	Cold	See: ANNEX X (Cell Reports)	Limited	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
2		Seeis	09.08.2022	1/1	Cold		Limited	Nil	Nil	Nil	Nil	Nil	Nil	Day/Night	Nil	Nil	Nil
3		Dordabis	22.08.2022	1/1	Cold		Limited	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4		Windhoek Central	05.09.2023	1/1	Cold		Limited	Nil	Nil	Nil	Nil	Nil	Nil	Day/Night	Nil	Nil	Nil
5		Wanaheda	13.09.2022	1/1	Cold		No	Nil	Nil	Nil	Nil	Nil	Nil	Day/Night	Nil	Nil	Nil
6		Otjomuise	21.09.2023	1/1	Cold		Limited	Nil	Nil	Nil	Nil	Nil	Nil	Day/Night	Nil	Nil	Nil
7		Windhoek Corr. Facility	03.10.2022	1/1	Cold		Yes	Nil	Nil	Nil	Nil	Nil	Yes	Day/Night	Nil	Yes	Nil
8		Windhoek Corr. Facility	03.10.2022	1/1	Cold	Missing Data								Day/Night	Missing Data		

PTD-03.2 (Police Human Rights Standards: Checklist [Facilities Survey]) was used to record management information station by station. The target data of the Police and Human Rights Standards Checklist (ANNEX PTD-03.2) were obtained as **management information** at the level of the remand facilities. Upon arrival at the facilities, the research team met with the station commander of each police facility, and the officer in charge of Windhoek Correctional Facility, where the correctional remand facility was located, respectively. Upon request for a self-assessment an officer knowledgeable about the affairs of pre-trial detention at the facility was pointed out to the research team member, who would provide the topical information in response to the question items in the checklist. A member of the research team conducted an interview with the designated officer, and recorded the oral information received in the checklist. Where questions were not immediately clear to the respondent or answers not immediately selected, the team member clarified, and/or asked additional information. During the Altogether 109 items in the checklist, distributed across eight categories as follows: (1) Inmates' safety, (2) Inmates' accommodation, (3) Inmates' medical health, (4) Food, (5) Inmates' psychological well-being, (6) inmates' discipline and restraint, (7) Treatment of Juvenile and Young people, (8) Safety & Security, (staff training), were covered. Hereafter, only capita selecta from the extensive checklist will be presented.

The recorded information is in some instances probably incorrect, in some instances outright wrong. An example in point is the response YES to question 3: "clear visual line-of-sight" at Klein Windhoek. The office building is distanced from the remand building, and if everything is calm, one might be able to hear voices from the remand building in the station. But this is only correct under best circumstances and if a person shouts from the cells. There is clearly no sight of line, though. The information has however been recorded as given and has been taken as an expression of intention to paint the facility in a better light. In some instances it was obvious that the respondent was at pain not to ignore deficits or faults.

The remand facilities are indicated in the tables hereafter as follows: Klein Windhoek Police Station = **Klein Whk**; Seeis Police Station = **Seeis**; Dordabis Police Station = **Dordabis**; Windhoek Central Police Station = **Windhoek**; Wanaheda PoliceStation = **Wanaheda**; Otjomuise Police Station = **Otjomuise**; Windhoek Correctional Facility = **WCF**. Five answers were available as follows: **YES**; **NO**; **NS (Not Sure)**; **P (Partially)**; **N/A (Not Applicable)**. In the full report there will be additional information assisting in the interpretation of the notes (YES, NO, NS, P, N/A).

Table 6: Detainees' safety

	Detainees' safety	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Before admission into a police cell, remands/awaiting trials are assessed regarding current intoxication (drugs and/or alcohol) and about risks such as mental health, suicide, criminal history and potential for sexual violence, and vulnerability to victimisation.	NO	YES	YES	YES	YES	YES	YES
2	Security and wellness checks of inmates are conducted regularly.	YES	YES	YES	YES	YES	YES	YES
3	A surveillance arrangement of inmates (guarding, inspecting, clear visual line-of-sight, etc.) is in place, and police officers are regularly checked to ensure duties are done correctly.	YES	YES	YES	NO	YES	YES	YES
4	Cells in which audio and video recordings are made are marked on a cell wall with the following warning, "YOU ARE BEING AUDIO AND VIDEO RECORDED."	NO	NO	NO	NO	NO	NO	NO
5	Inmates who intend suicide are closely monitored, and medical staff, psychologists, etc., are available on short notice should their services be required.	NO	YES	N/A	NO	YES	NO	YES
6	There are adequate cells to separate inmates for their safety.	NO	NO	NO	NO	NO	YES	YES
7	The holding facilities are equipped with functional fire suppression equipment (fire hydrants, hosepipes, fire extinguishers) approved by local authorities.	NO	YES	NO	NO	NO	YES	YES
8	Emergency evacuation route signs that comply with the Fire Safety Regulations are posted and visible in the lockup facilities.	NO	NO	NO	NO	NO	YES	NO
9	A system for inmates to alert custodial/cell guards / officers of an emergency is available.	YES	NO	NO	NO	YES	YES	YES
10	Before admission to a lockup facility or cell, an attempt is made to determine if a person is under any prescribed medication and to ensure sufficient medicines are available to cover the anticipated time in the lockup.	YES	YES	YES	YES	YES	YES	YES

Table 7: Accommodation and ancillary information

	Accommodation of Detainees	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Holding cells are clean, kept at a comfortable temperature and well ventilated.	YES	YES	YES	NO	NO	YES	YES
2	All multiple-occupancy cells have at least 4m ² (2 x 2 meters) of living space per inmate and at least 2.5 meters between the floor and the ceiling.	NO	NO	NS	NO	NO	NO	YES
3	Inmates have access to natural light during the day and access to artificial lighting at night.	YES	YES	YES	NO	NO	YES	P
4	Cells are clean and free from dangerous objects to commit wrongdoings such as assaults, sexual activities, self-harm, or hanging points to commit suicide.	YES	YES	YES	NO	N/S	N/S	YES
5	Inmates have access to drinking water and a toilet during the day, which are in working order.	YES	YES	YES	YES	P	YES	YES
6	Inmates who need a shower for decency and good hygiene reasons can take daily warm showers in clean conditions that allow for privacy .	YES	YES	YES	YES	NO	YES	YES
7	The state provides items to meet inmates' basic needs, such as toilet paper, soap, toothpaste, bath towels and other sanitary products.	P	P	P	P	NO	NO	NO
8	Female inmates are routinely provided with suitable sanitary items.	NO	N/A	NO	N/A	N/A	N/A	N/A
9	Inmates held for more than 24 hours can receive visits in a welcoming and spacious area (comfortable environment).	YES	YES	YES	NO	NO	NO	YES
10	Suitable reading material, including newspapers, magazines, books, and religious texts/material in relevant languages, is available to inmates.	NO	NO	YES	NO	NO	NO	YES
11	Inmates are issued a mattress and clean blankets for comfort, considering the weather conditions.	YES	NO	NO	NO	NO	P	YES
12	Inmates with no family or local support who need clothing are provided basic clothes, including a change of underwear.	NO	NO	NO	NO	NO	NO	YES
13	Efforts are made to ensure that no inmate is transferred from a police station to a court or elsewhere without decent clothes.	NO	NO	NO	NO	NO	NO	YES

Table 8: Medical Health

	Medical Health	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Written policies and procedures for emergency medical and health care services are developed and implemented.	N/S	NO	NO	NO	NO	NO	YES
2	The lockup facilities comply with sanitation and health regulations.	N/S	N/S	NO	NO	NO	N/S	YES
3	When occupied, the lockup facilities are cleaned daily following routines and procedures established by the management of the police station.	YES	NO	YES	NO	NO	NO	YES
4	Any condition conducive to harbouring or breeding rats, flies, mosquitos, or other pests is eliminated immediately.	YES	YES	YES	NO	NO	YES	YES
5	Inspections are conducted periodically to identify any conditions that are unsanitary or conducive to infestation, and timeframes are provided for correction or improvements to rectify problems.	YES	YES	YES	NO	NO	NO	YES
6	All inmates are asked if they want to see a doctor on admission.	YES	YES	NO	YES	YES	YES	YES
7	A health officer (doctor, nurse) examines every inmate who appears to have used drugs or alcohol during detention.	NO	NO	NO	NO	NO	NO	NO
8	Inmates can continue receiving prescribed medical services for drug dependency while in custody.	NO	YES	YES	N/A	YES	YES	YES
9	Psychiatric inmates are transported immediately to the appropriate medical facility with supportive documentation.	YES	YES	N/S	NO	NO	YES	YES
10	Inmates held for more than 24 hours have access, for at least one hour a day, to an outdoor exercise yard that provides shelter from the weather?	NO	NO	NO	P	NO	NO	P
11	A first aid kit is available within the holding facilities necessary for emergency medical treatment.	NO	NO	NO	NO	NO	NO	N/S
12	Qualified health practitioners examine an inmate in need of medical attention.	YES	YES	YES	NO	NO	YES	YES
13	When essential, efforts are made to ensure medical treatment for an inmate at the nearest emergency medical facility.	YES	YES	YES	YES	YES	YES	YES



Figure 4: Shower Cubicle, Police Station, Windhoek Central



Figure 5: Shower Cubicle, Police Station, Windhoek Central



Figure 6: Handwash Basin, Police Station, Windhoek Central



Figure 7: Toilet, Police Station, Windhoek Central

Table 9: Food

	Food	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Each inmate is provided at least three (3) meals every 24 hours.	YES	YES	YES	YES	YES	YES	YES
2	Meals provided meet the recommended basic nutrition requirements.	YES	NO	NO	NO	NO	YES	YES
3	There are not more than 14 hours between the evening meals and breakfast.	YES	YES	NO	YES	NO	YES	NO
4	Inmates' food is palatable (tasty and edible), of good nutritional value and supplied in sufficient quantities.	YES	YES	NO	NO	YES	NO	YES
5	Other food available on reasonable request.	NO	NO	NO	NO	NO	NO	NO
6	Inmates are provided with drinks between meals at least three times a day.	YES	YES	NO	YES	YES	YES	NO
7	Special dietary requirements are catered for, including religious, cultural or health.	NO	NO	NO	NO	NO	NO	NO
8	Food is not used as a reward or punitive action, nor is the menu varied for the same reason.	CORRECT	CORRECT	CORRECT	CORRECT	CORRECT	CORRECT	CORRECT



Figure 8: Kitchen Plumbing (blocked), Police Station Windhoek Central



Figure 9: Kitchen Appliances (faulty), Police Station Windhoek Central

Table 10: Psychological Wellbeing of Inmates

	Psychological Wellbeing	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Inmates are treated with dignity and respect.	YES	YES	YES	YES	YES	YES	YES
2	Inmates are protected from torture and cruel, inhuman treatment.	YES	YES	YES	YES	YES	YES	YES
3	At all times, custodial officers act professionally and with integrity to maintain and uphold the human rights of inmates.	YES	YES	YES	YES	YES	YES	YES
4	Female inmates are separated by sight, sound, and touch from male inmates, and a female or other qualified person is called whenever a female inmate is to be searched.	YES	YES	YES	N/A	YES	N/S	N/A
5	On admission, inmates are given written information about details of visits, fire safety procedures, meals, how to make requests or complaints and other basic entitlements and amenities.	NO	NO	NO	NO	NO	NO	NO
6	Inmates have access to legal counselling; they have access to their lawyers without restriction on the number or length of visits.	YES	YES	YES	YES	YES	YES	YES
7	An inmate can consult with his legal advisor in a secured area, within sight of but not within hearing of an officer assigned for that purpose.	YES	YES	YES	YES	YES	YES	YES
8	Each inmate has reasonable access to telephones and letter-writing facilities to contact legal representatives and family.	YES	YES	YES	NO	NO	NO	YES
9	Soon after being admitted, each inmate can communicate with their family or friends about their whereabouts, arrange for release on bail, or engage an attorney's services.	YES	YES	YES	YES	YES	YES	YES
10	Clean rooms are available for visitors to meet privately with inmates.	NO	NO	NO	NO	NO	NO	YES
11	Officers conducting bodily searches respect the privacy and dignity of the inmates.	YES	YES	YES	YES	YES	YES	YES
12	Inmates who do not read or speak the language in use, or those who are deaf or hearing impaired, have access to translated information or an interpreter and receive information about the reason for their detention and the lockup rules in a format they understand.	YES	YES	YES	N/S	YES	YES	YES
13	At night, police officers try not to wake inmates sleeping and refrain from turning on lights and loudly opening or closing doors.	YES	YES	YES	YES	YES	YES	YES
14	Inmates who want to make a formal complaint about their arrest or treatment are allowed to do so while in custody, and police officers will enable them to do so.	YES	YES	YES	N/S	YES	YES	YES
15	When possible, inmates in detention for more than a day are allowed access to fresh air for one hour per day, particularly where cells have no access to fresh air and/or natural light.	NO	YES	NO	NO	NO	YES	YES

Table 11: (Discipline & Restraint)

	Discipline & Restraint	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Efforts are made to ensure that all inmates detained in police cells know the rules and the consequences of breaching them.	NO	NO	YES	NO	YES	YES	YES
2	Standard information about the police cell rules is displayed in reception areas of the lockup facilities or cells and is visible to inmates.	NO	NO	NO	NO	NO	NO	NO
3	All rules or procedures allegedly breached by an inmate are investigated, and if required, an enquiry is instituted where inmates have the right to be heard.	NO	NO	NO	NO	YES	NO	YES
4	Any restriction on an inmate's rights or freedom is only made after the officer in charge has decided such a restriction is necessary for the safety of the individual or others or the orderly behaviour	NO	YES	YES	No Data	YES	YES	YES
5	An inmate is only subject to physical restraint (handcuffs, chains, etc.) if the officer in charge authorises the restraint and, if necessary, to secure the safe transfer of the inmate; or restraint is required to prevent an assault or injury to any person or substantial property damage.	YES	YES	YES	NO	YES	NO	NO
6	Only restraints authorised for use are applied.	YES	YES	YES	YES	NO	YES	YES
7	Policies and directives are complied with where restraints are applied to an inmate, including appropriate recording and documentation.	NO	YES	NO	NO	N/S	YES	YES
8	Police officers do not beat or lay hands on an inmate unless it is in self-defence, to prevent escape or severe injury to a person or property, or to effect detention.	YES	YES	YES	YES	YES	YES	YES
9	Inmates intoxicated or under the influence of a controlled substance are housed separately from other inmates.	NO	YES	YES	YES	YES	YES	YES

Table 12: Treatment of Children in Detention

	Treatment of Children in Detention	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	Juveniles and young people, if detained, are detained in police custody as a last resort and for the shortest possible time.	YES	YES	YES	YES	YES	YES	YES
2	An effort is made to contact a responsible family member or lawful guardian of the juvenile or young person and facilitate the attendance at the police station of the family member or guardian.	YES	YES	YES	N/A	YES	YES	YES
3	Juveniles and young people in police custody are segregated by sight, sound, and touch from adult inmates.	NO	YES	YES	N/A	YES	YES	YES
4	Young people under 18 are held in appropriate well-supervised accommodation and dealt with, considering their legal status and vulnerabilities as children, including an awareness of child protection issues.	NO	NO	NO	N/A	NO	NO	YES
5	Treating juveniles and young people go beyond procedural compliance and more fully addresses the distinctive needs of young people in custody.	NO	NO	NO	N/A	NO	NO	YES

Table 13: Safety & Security Aspect (including training)

	Safety & Security Aspect (including training)	Klein Whk	Seeis	Dordabis	Whk Central	Wanaheda	Otjomiuse	WCF
1	All officers working in remand cells received formal training in safety and security procedures, holding cell operations, supervision and physical restraint of inmates, and other necessary responsibilities.	NO	NO	NO	NO	NO	YES	YES
2	All officers who guard inmates in holding cells are retrained (refresher courses) in the above duties every three years.	NO	NO	NO	NO	NO	NO	YES
3	All officers working in remand cells are adequately trained in the operation of lockup facilities.	NO	NO	NO	NO	NO	YES	YES
4	All officers assigned to remand cells (full- or part-time) are appropriately trained to prevent inmate suicides, unrest, violence, sexual activities, substance abuse and the like in the lockup	NO	NO	NO	NO	NO	YES	NO
5	All officers assigned to holding cells (full- or part-time) are appropriately trained in disaster management (e.g., floods, fire, health epidemics such as COVID-19).	NO	NO	NO	NO	NO	NO	NO
6	Officers are familiar with procedures for contacting appropriate health care professionals.	YES	YES	YES	YES	YES	YES	N/A
7	Inmates who become unconscious are referred for immediate medical attention.	YES	YES	YES	YES	YES	YES	YES
8	Inmates, considered at high risk of harming themselves or others, are immediately transferred to (where applicable) a correctional facility, secure health facility or other appropriate health care facility.	NO	NO	YES	NO	YES	YES	N/A
9	Inmates who require less urgent medical attention and are waiting for a health examination are monitored at least every 15 minutes or as prescribed by a health care professional.	NO	YES	NO	NO	NO	YES	YES
10	Inmates suffering severe medical or mental health conditions are transferred to an appropriate health care facility.	YES	YES	YES	YES	NO	YES	YES
11	Inmates assessed as suffering from a severe medical condition are not held in remand cells overnight.	YES	YES	YES	YES	YES	YES	YES
12	Inmates with pre-existing medical conditions have access to their prescribed medication.	YES	YES	YES	YES	YES	YES	YES
13	Inmates with pre-existing medical conditions have access to their current treating medical practitioner.	YES	YES	YES	NO	YES	NO	YES
14	Inmates requiring medication must have access to prescribed, dispensed and administered medication by a medical practitioner, pharmacist, or nurse.	YES	YES	YES	YES	YES	YES	YES

15	Inmates undergoing any special drug treatment continue to receive treatment administered by an appropriate health care professional.	YES	YES	YES	YES	N/A	YES	N/A
16	Medical advice is obtained for inmates appearing to withdraw from drug or alcohol addiction.	NO	NO	NO	NO	NO	NO	NO
17	Drug or alcohol-addicted or affected persons are monitored by their physical condition and conscious state.	NO	YES	YES	YES	YES	YES	NO
18	In-cell contact with an intoxicated person or a person withdrawing from drugs or alcohol takes place at least every half hour until the person responds to verbal prompting and is appropriately oriented in time and place.	NO	YES	YES	YES	NO	YES	N/A
19	Under no circumstances will officers whose primary goal was to proceed with the investigation of their case take advantage of drug or substance users' vulnerable state during withdrawal while in detention.	YES	YES	YES	YES	YES	YES	N/A
20	Reasonable accommodations are made for any disabled inmates.	NO	NO	NO	NO	NO	NO	YES
21	Any inmate who appears to be mentally ill is frequently monitored until they have been examined by a doctor or qualified mental health practitioner.	YES	YES	YES	YES	NO	YES	YES
22	In-cell contact is recorded in a register regarding the time and duration of the communication, the custodial officers involved, and the results of observations about the condition of any person who appears to be mentally ill or intoxicated.	NO	YES	NO	NO	YES	YES	YES
23	Inmates with mental health issues are transferred as a matter of urgency to an appropriate health care facility.	YES	YES	YES	YES	N/S	YES	YES

C. Organizational & Operational Stressors in Namibian Police, Khomas (2023)

Summary:

The 2023 investigation examined the impact of organizational and operational stressors on police officers stationed at pre-trial detention facilities in Khomas, Namibia. Much as the other studies (A, B, C, E) It builds on the baseline study "Rethinking Pre-trial Detention in Namibia" (Schulz & Bruyns, 2021), highlighting significant stress-related challenges that adversely affect the mental and physical well-being of officers.

Organizational Stressors: These are primarily driven by the structural and environmental aspects of the police organization. **Officers frequently reported severe stress** due to:

- Inadequate resources and equipment, causing operational inefficiencies.
- Staff shortages leading to excessive workload and heightened responsibilities.
- Poor workplace management, marked by inconsistent leadership and bureaucratic challenges.
- Lack of control over work situations, including excessive administrative duties and constant changes in policies.

Operational Stressors: These pertain to the day-to-day activities that **police officers reported** to endure, which include:

- High-risk of injury on duty due to inadequate protective measures.
- Psychological impact from exposure to traumatic events such as violence and severe accidents.
- The demand to maintain a high professional image amidst public scrutiny and negative feedback.
- Challenges in balancing work with personal life, exacerbated by shift work and overtime demands.

Data was collected using validated tools (PSQ-Org & PSQ-Op by McCreary & Thompson, 2006) from officers across multiple stations in Khomas, with varying response rates impacted by shift schedules. The findings reveal that both organizational and operational stressors contribute significantly to job dissatisfaction, potential burnout, and adverse health outcomes.

The most critical stressors identified in the study, all with mean scores above 5, highlight severe systemic issues within the police force that have significant implications for the mental health of officers. These stressors include lack of resources, staff shortages, inadequate equipment, risk of injury on duty, and exposure to traumatic events.

1. **Lack of Resources (Mean: 6.21):** This stressor, indicating an acute shortage of necessary materials and facilities, suggests that officers are frequently unable to perform their duties effectively and safely. The constant struggle to manage with insufficient resources can lead to a chronic sense of frustration and helplessness, which are potent triggers for anxiety and depression.
2. **Staff Shortages (Mean: 5.73):** The high stress levels associated with this issue reflect the overwhelming workload and increased responsibilities shouldered by the officers. Overburdened with tasks, officers have little time to recuperate, leading to exhaustion, burnout, and a higher risk of making critical mistakes that could have severe repercussions on their professional and personal lives.
3. **Inadequate Equipment (Mean: 5.56):** Working with outdated or insufficient tools not only hampers the effectiveness of police work but also heightens the risk of injury. Officers relying on inadequate equipment are likely to experience increased stress levels, particularly in dangerous situations, which can escalate to long-term anxiety disorders.
4. **Risk of Injury on Duty (Mean: 5.54):** This stressor is particularly concerning as it directly impacts the officers' physical safety. Constantly operating in environments where physical harm is a real possibility can lead to persistent fear and hyper-vigilance, symptoms commonly associated with PTSD.
5. **Traumatic Event Exposure (Mean: 5.10):** Regular exposure to traumatic situations such as severe accidents, violence, or death can have a profound and lasting impact on mental health. Officers dealing with such events are at a high risk of developing PTSD, which can manifest as detachment, increased irritability, and difficulty in managing personal relationships.

The cumulative effect of these high-level stressors can severely deteriorate the mental health of police officers, making it imperative for the force to implement targeted mental health support and intervention strategies. Addressing these stressors proactively through adequate staffing, proper equipment, and comprehensive mental health resources will not only improve the operational effectiveness of the police force but also enhance the overall well-being of the officers.

The implications of these findings are critical for policy makers and senior police officials. Effective interventions, including improving resource allocation, optimizing workloads, enhancing leadership

consistency, and providing robust support systems for mental health are essential. The overarching goal should be to enhance the working conditions and thereby the effectiveness of the police force in Khomas, ensuring their capacity to serve and protect the community while maintaining their own health and well-being.

Data + Analysis

The study of stress on the job, under the perspective of organisational and operational stressor having a bearing on police officers in Khomas (Namibia) emanated, as much as the other studies under discussion, from the baseline study “Rethinking Pre-trial Detention in Namibia” (Schulz & Bruyns, 2021).

The variety of organizational and operational pressures that police officers working in pre-trial detention institutions are frequently exposed to, can have a significant influence on their mental and physical health. Organizational stressors are described as elements of a **company's environment** or **structure** that can cause stress in workers (Dollard & Winefield, 2002, p. 56). On other hand, operational stressors are **elements within a difficult living and work environment** (O'Hara et al., 2014, p. 66). On the work overload, a lack of control over one's job, strained relationships with co-workers or bosses, and conflicting job demands are a few examples of these stressors (McGrath & Hollingshead, 1994, p. 7). Police personnel stationed in pre-trial detention facilities have been found to be particularly **susceptible to organizational pressures**, according to research. For instance, a 2011 study by Hartley et al. indicated that significant levels of workplace stress were experienced by correctional officers working in pre-trial detention facilities as a result of issues like overcrowding, a lack of staff, and aggression from inmates. Police officers working in pre-trial detention facilities reported high levels of job expectations, low levels of workplace management, and poor relationships with co-workers and superiors, according to research by Parkes et al. (2014, p. 107). Police officers stationed in pre-trial detention centres may experience considerable organizational stressors. Being exposed to organizational stressors can lead to a variety of detrimental effects, such as job unhappiness, burnout, and issues with one's physical and mental health (Schaufeli & Bakker, 2004, p. 298). Over and above organizational pressures can also result in increased absenteeism, high employee turnover, and subpar job performance (Kompier & Cooper, 1999, p 9).

Therefore, it is crucial to determine how organizational and organisational stressors affect police officers in general, but also those officers who work pre-dominantly in pre-trial detention facilities to develop measures for reducing those stressors negative consequences. In the Namibian context, which is haunted

by extreme under-resourcing and understaffing, an evaluation of the current situation can help with the creation of actions and policies that will better the working conditions and general wellbeing of police officers in these demanding workplaces.

Data Collection Tool, Data Collection and Analysis

The data presented hereafter, have been collected directly from the participating police stations during August and September 2023. The study made use of a total population sample, that is, all members of the population, in this case all officers deployed in one of the remand facilities in Khomas, had been invited to participate in the study. The response rate varied between 34.6 and 2.6%, which was also informed by the shift work of the sample members, of whom only a small part of the total staff complement could be addressed by the researchers directly.

Most respondents were from Windhoek central police stations, accounting for 47.4%. Wanaheda police station followed with 21.1%, Katutura police station with 17.5%. In all instances, the researchers had left a locked box with the respective admin. officer of each station, for those respondents who were not at the station when the research team was there. The research team met in all instances with the officers who were present and discussed the relevance of the data collection. In most stations there were some objections to leaving locked boxes for keeping questionnaires of those who could not complete their questionnaire while the researchers were around. In some stations there was open mistrust regarding the security of the data, irrespective whether they could be directly handed to a member of the research team or not.

Police Station

Table 14: Respondent's police station attached

Police stations	Population	Frequency	Return Rate (%)	Percent (%)	Valid Percent	Cumulative Percent
Klein Windhoek	70	7	10	6.1	6.1	6.1
Seeis	56	3	5.4	2.6	2.6	8.8
Windhoek (central)	156	54	34.6	47.4	47.4	56.1
Wanaheda	130	24	18.4	21.1	21.1	77.2
Otjomuise	110	6	5.4	5.3	5.3	82.5
Katutura	78	20	25.6	17.5	17.5	100.0
Total	600	114	19%	100.0	100.0	

For the collection of the data a survey was conducted among the members of the target population. Respondents completed the self-administered questionnaire (PTD- X), which has been attached at the end. The Operational Stress Questionnaire (PSQ-Op) and the Organisational Stress Questionnaire (PSQ-Org) had been developed and validated by Donald R. McCreary and Megan M Thompson in an extended validation process, and has been used with permission from the authors, in order to ensure comparability of results. The Police Stress Questionnaires (PSQ-Org & PSQ-Op) by McCreary & Thompson (2006) were specifically designed for police stress research. Using McCreary & Thompson's 7-Point Likert Scale is advantageous, as it is widely validated in police and high-stress professions, covers both organizational and operational stressors, and captures individual perception of stress over time.¹

¹ The limitations in self-reporting are social desirability bias, i.e., employees may underreport stress to avoid appearing weak or incapable, response anchoring, as some respondents avoid extreme values (1 or 7), leading to clustering around mid-range scores, as well as memory and recall bias, which means that perceived stress is influenced by recent experiences rather than long-term trends.

Table 15: Organizational Police Stress

Organizational police stress	N	Min	Max	Mean	Std.Dev.	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
Dealing with co-workers	110	1	7	3.90	1.963	3.852	.105	.230	-.868	.457
The feeling that different rules apply to different people (e.g. favouritism)	110	1	7	4.87	2.138	4.571	-.543	.230	-1.049	.457
Feeling like you always have to prove yourself to the organization	110	1	7	4.54	2.353	5.535	-.400	.230	-1.365	.457
Excessive administrative duties	109	1	7	4.10	2.317	5.369	-.066	.231	-1.442	.459
Constant changes in policy / legislation	107	1	7	4.70	2.250	5.061	-.469	.234	-1.290	.463
Staff shortages	111	1	7	5.73	1.897	3.599	-1.433	.229	.892	.455
Bureaucratic red tape	105	1	7	4.61	2.064	4.260	-.303	.236	-1.048	.467
Too much computer work	109	1	7	3.15	2.210	4.886	.602	.231	-1.079	.459
Lack of training on new equipment	110	1	7	4.65	2.157	4.653	-.367	.230	-1.211	.457
Perceived pressure to volunteer free time	109	1	7	4.33	2.139	4.575	-.175	.231	-1.205	.459
Dealing with supervisors	110	1	7	4.27	2.184	4.769	-.152	.230	-1.294	.457
Inconsistent leadership style	110	1	7	5.03	2.070	4.284	-.676	.230	-.830	.457
Lack of resources	111	1	7	6.21	1.382	1.911	-1.915	.229	3.355	.455
Unequal sharing of work responsibilities	109	1	7	5.08	1.920	3.688	-.703	.231	-.533	.459
If you are sick or injured your co-workers seem to look down on you	109	1	7	4.01	2.355	5.546	.036	.231	-1.540	.459
Leaders over-emphasise the negatives (e.g. supervisor evaluations, public complaints)	107	1	7	4.57	1.991	3.964	-.255	.234	-1.086	.463
Internal investigations	109	1	7	4.03	2.188	4.786	.007	.231	-1.286	.459
Dealing the court system	107	1	7	3.97	2.121	4.499	-.029	.234	-1.274	.463
The need to be accountable for doing your job	112	1	7	4.29	2.304	5.309	-.251	.228	-1.402	.453
Inadequate equipment	112	1	7	5.56	1.839	3.383	-1.136	.228	.310	.453
Valid N (listwise)	74									
Composite mean	4.58									

Table 16: Operational Police Stress

Operational stress	N	Minimum	Maximum	Mean	Std. Dev.	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
Shift work	92	1	7	3.45	2.383	5.678	.425	.251	-1.389	.498
Working alone at night	89	1	7	4.19	2.522	6.361	-.094	.255	-1.712	.506
Over-time demands	89	1	7	4.67	2.485	6.177	-.458	.255	-1.481	.506
Risk of being injured on the job	93	1	7	5.54	1.909	3.643	-1.075	.250	-.019	.495
Work related activities on days off (e.g. court, community events)	91	1	7	4.89	2.121	4.499	-.589	.253	-.904	.500
Traumatic events (e.g. MVA, domestics, death, injury)	93	1	7	5.10	2.111	4.458	-.725	.250	-.816	.495
Managing your social life outside of work	91	1	7	3.70	2.214	4.900	.191	.253	-1.316	.500
Not enough time available to spend with friends and family	93	1	7	4.46	2.334	5.447	-.358	.250	-1.408	.495
Paperwork	94	1	9	4.29	2.412	5.820	-.125	.249	-1.427	.493
Eating healthy at work	95	1	11	4.17	2.504	6.269	.075	.247	-1.132	.490
Finding time to stay in good physical condition	95	1	7	4.14	2.162	4.673	-.096	.247	-1.268	.490
Fatigue (e.g. shift work, over-time)	90	1	7	4.96	2.120	4.492	-.694	.254	-.871	.503
Occupation-related health issues (e.g. back pain)	93	1	7	4.90	2.137	4.567	-.677	.250	-.924	.495
Lack of understanding from family and friends about your work	92	1	7	4.27	2.273	5.167	-.172	.251	-1.410	.498
Making friends outside the job	95	1	7	3.99	2.363	5.585	.042	.247	-1.511	.490
Upholding a "higher image" in public	91	1	7	4.09	2.360	5.570	-.102	.253	-1.567	.500
Negative comments from the public	93	1	7	4.98	2.187	4.782	-.667	.250	-.987	.495
Limitations to your social life (e.g. who your friends are, where you socialize)	94	1	7	4.40	2.226	4.953	-.280	.249	-1.278	.493
Feeling like you are always on the job	95	1	7	4.41	2.281	5.202	-.330	.247	-1.364	.490
Friends / family feel the effects of the stigma associated with your job	95	1	7	4.73	2.101	4.414	-.501	.247	-1.026	.490
Valid N (list wise)	65									
Composite mean	4.47									

Table 17: Organisational and operational police stress at the participating police stations

	<i>N</i>	<i>Composite Mean</i>	<i>SD</i>	<i>t-test</i>
<i>Organizational police stress</i>	114	4.58	1.99	.030
<i>Operational police stress</i>	114	4.47	2.14	.010

$P \leq 0.05$

Summary of Organisational and Operational Stressors Among Namibian Police in Khomas Region (2023)

1. Organisational Stress

- Composite Mean: 4.58 (Indicates a high level of stress)
- **Key Stressors (Highest Rated):**
 - Lack of resources (6.21)
 - Inadequate equipment (5.56)
 - Staff shortages (5.73)
 - Unequal sharing of work responsibilities (5.08)
 - Inconsistent leadership style (5.03)
- Other Notable Stressors (Mean 4.00 – 4.99):
 - Favouritism in the workplace
 - Constant policy/legislation changes
 - Bureaucratic red tape
 - Leaders over-emphasizing negatives (e.g., evaluations, public complaints)
 - Pressure to volunteer free time
 - Dealing with supervisors and excessive administrative duties
 - Feeling the need to always prove oneself
- Moderate Stressors (Mean 3.00 – 3.39):
 - Dealing with the court system
 - Working with co-workers
 - Too much computer work

2. Operational Stress

- Composite Mean: 4.47 (Also indicating high stress, but slightly lower than organisational stress)
- **Key Stressors (Highest Rated, Mean 5.00+):**
 - Risk of being injured on the job (5.54)

- Traumatic events (5.10) (Motor vehicle accidents, domestic incidents, death/injury)
- Work-related activities on days off (4.89) (Court appearances, community events)
- Fatigue due to shift work/overtime (4.96)
- Occupation-related health issues (4.90)
- Other Significant Stressors (Mean 4.00 – 4.90):
 - Overtime demands
 - Lack of time for family/social life
 - Constantly feeling "on the job"
 - Negative public perception/comments
 - Lack of understanding from family about their work
 - Working alone at night
 - Struggles with healthy eating and physical fitness
- Moderate Stressors (Mean 3.00 – 3.39):
 - Making friends outside of work
 - Managing social life outside of work
 - Dealing with shift work

3. Comparison Between Organisational and Operational Stress

- Organisational stress (M=4.58, SD=1.99) was found to be slightly higher than operational stress (M=4.47, SD=2.14).
- Statistical significance:
 - Organisational stress ($p = 0.030$) → Statistically significant
 - Operational stress ($p = 0.010$) → Statistically significant
 - Conclusion: Organisational stress is perceived as a slightly bigger issue among police officers in the Khomas region than operational stress.

Statistical Implications (Interpretation) of High-Value Key Stressors (5.54–6.21) with SD

1. Key Observations on Stressor Distribution

Table 18: Key Observations on Stressor Distribution

Key Stressor	Mean (M)	SD	Range for $\pm 68\%$ of Sample (M $\pm$ SD)	Interpretation [meaning for the workforce]
Lack of Resources	6.21	1.38	4.83 – 7.00	The majority of officers (about 2/3 of the sample) experience this stressor at a high to extreme level. The narrow SD indicates that most officers cluster near the high mean, confirming a widespread, near-universal problem. Near universal issue: officers operate in severe shortage of equipment, facilities, and materials needed for basic policing.
Staff Shortages	5.73	1.89	3.84 – 7.00	A significant portion (1/2 of the sample) rates this stressor 5.73 or above, confirming that a large proportion of officers feel the effects of staff shortages intensely. Compounded: enormous staffing gap of 50% and above
Inadequate Equipment	5.56	1.83	3.73 – 7.00	Similar to staff shortages, about half the sample is at the upper range (5.56+), meaning that resource constraints are felt force-wide, not just by isolated officers. Force is ill-equipped for the job: reduces ability to respond effectively and increases operational risks
Risk of Injury on Duty	5.54	1.90	3.64 – 7.00	This suggests that for at least half of the workforce, operational risks (dangerous situations, lack of protective measures) are at severe levels: fatigue from overwork increases the likelihood of accidents, misjudgements and physical harm.
Traumatic Event Exposure (MVA, Death, Domestic Violence, Injury Cases)	5.10	2.11	2.99 – 7.00	Officer face continuous exposure to trauma with insufficient psychological support: leads to PTSD, emotional detachment, and long-term health consequences
Unequal Work Distribution	5.08	1.92	3.16 - 7.00	Overburdened officers take on disproportionate workloads: leading to burnout, resentment, and operational inefficiencies.

2. What These Statistics Mean for the Entire Workforce

- **High mean values** (5.54–6.21) and moderate SDs (1.3–1.9) → **indicate systemic stress**.
 - The upper half of the workforce (above $M = 5.5$) experiences these stressors at extreme levels (6-7), while the lower half still reports significant stress (4-5 range).
 - **Narrower SD** (Lack of Resources: 1.38) → Indicates a uniform, **widespread problem**. Almost no officer is rating this stressor as low.
 - Broader SDs (~1.8–1.9 for other stressors) → Indicates some variation, but still serious stress affecting a **majority** of officers.
- ◆ **Key Takeaway:**
- Since half or more of the workforce is at or above the mean for these key stressors, **it is fair to describe the entire workforce as being under chronic stress, not just select individuals or subgroups**.
- ◆ **Conclusion:**
- The entire police force in Khomas Region's remand facilities is experiencing chronic, extreme stress levels.
 - The most extreme stressors (lack of resources, staff shortages, inadequate equipment) affect at least 50% of officers at severe levels.
 - The **high mean** and **relatively tight distribution (SD ~1.8)** suggest that extreme **stress** is not just present—it is **persistent, uniform, and systemic**.

Policy Brief: The Impact of Chronic Structural Stress on the Namibian Police Force

Note: The figures put forth in the summary were obtained on the calculation of baseline rates from policing and occupational stress research. For the nominal standard reality, it has been assumed well-managed police forces (staffing >85%, adequate resources, and functional leadership). The actual strength of NAMPOL operational officers, excluding National Headquarters, and Regional Headquarters, has been taken as approx. **14 000** officers on the ground.

The Namibian Police Force (NAMPOL) is facing an unprecedented crisis due to chronic structural stress caused by severe staffing shortages, inadequate resources, and overwhelming operational demands. This policy brief highlights the measurable consequences of this crisis, including increased absenteeism, high turnover rates, declining performance, and rising suicide risks. Urgent intervention is required from Headquarters, the Ministry, and Parliament to prevent further operational collapse and safeguard national security.

Key Findings

1. Lost Workdays Due to Absenteeism

- **Estimated annual loss of 140,000 extra workdays** due to chronic stress.
- Equivalent to losing **383 officers per year** to non-attendance.
- Staff shortages force officers to work excessive hours, further escalating exhaustion and absenteeism.

2. Increased Turnover (Resignations & Early Retirements)

- **700 additional officers resigning annually** due to extreme working conditions.
- Current turnover rate is **8% compared to an ideal 3%**, exacerbating the workforce crisis.
- Replacement and training costs for new officers significantly burden the budget.

3. Decline in Performance & Increase in Critical Mistakes

- **840 additional major policing errors per year** (e.g., wrongful arrests, excessive force, procedural errors).
- Mistakes lead to **legal consequences, public mistrust, and compromised crime control**.
- Overworked and fatigued officers make more errors in high-risk situations.

4. Rising Suicide Rate Among Officers

- Suicide rate projected to increase from **2 to 6 officers per year** under current conditions.
- Police stress-related PTSD and depression are under-addressed, worsening mental health crises.

- Lack of institutional support for officers facing repeated trauma exposure.

Key Organisational & Operational Stressors Driving This Crisis

- **Lack of resources (M=6.21)** – Insufficient vehicles, protective gear, and forensic tools make policing unsafe and inefficient.
- **Staff shortages (M=5.73)** – Officers are overburdened, leading to burnout and high resignation rates.
- **Inadequate equipment (M=5.56)** – Outdated and insufficient tools hinder investigative capacity.
- **Unequal workload distribution (M=5.08)** – Poor scheduling and leadership inefficiencies increase frustration.
- **Risk of injury on duty (M=5.54)** – Officers face constant danger with little protection or support.
- **Traumatic events exposure (M=5.10)** – Continuous exposure to violence and crime without psychological support.

Strategic Recommendations

1. Immediate Staff Augmentation & Redistribution

- Increase hiring quotas to **restore staffing levels to at least 75% of nominal requirements**.
- Redistribute personnel strategically to relieve pressure on high-stress stations (e.g., Windhoek Central).

2. Resource Allocation & Equipment Modernization

- Prioritize **funding for vehicles, radios, forensic tools, and protective gear**.
- Improve administrative processes to ensure efficient use of existing resources.

3. Mental Health & Fatigue Management

- Establish a **mandatory trauma counselling program** for officers exposed to severe cases.
- Introduce **structured work-rest cycles** to mitigate fatigue-related errors and absenteeism.

4. Legislative & Budgetary Intervention

- Parliament must **increase police funding** to address the structural deficiencies worsening stress.
- Implement performance audits to ensure funds are used effectively for staffing and operational needs.

Conclusion: A System at Breaking Point

If no action is taken, chronic stress will continue to erode NAMPOL's operational effectiveness. **140,000 lost workdays, 700 resignations, 840 critical mistakes, and an increasing suicide rate** make it clear that this is not just a workforce issue but a **national security risk**. Immediate intervention is necessary to stabilize the force and prevent irreversible damage to public safety.

Call to Action: Addressing this crisis now will determine the future of law enforcement in Namibia.

- ◆ Headquarters: **Implement immediate operational relief measures.**
- ◆ Ministry: **Secure emergency budgetary allocations for resources and staffing.**
- ◆ Parliament: **Pass funding and policy reforms to ensure long-term sustainability.**

D. Unlawful, unwarranted and avoidable pre-trial detention in police custody (Khomas)

Summary:

The 2024 study on unlawful, unwarranted, and avoidable pre-trial detention in Khomas Region (Khomas), examines the procedural dynamics between police and prosecution that impact the rights of detainees. As much as the other studies (A, B, C, E) this research builds upon the findings of the "Rethinking Pre-trial Detention in Namibia" study (Schulz & Bruyns, 2021), focusing on the frequency and structure of unlawful detentions as recorded by the prosecutorial office at the Magistrate's Court in Windhoek.

Key Findings:

A significant portion of pre-trial detentions were found to be legally dubious or outright unlawful, representing serious violations of detainees' rights to liberty. Data from June to August 2024 revealed that prosecutorial decisions led to the release of detainees across three police stations in Windhoek – Wanaheda, Katutura, and Otjomuise – with varying degrees of compliance with legal standards. The study identified systemic issues in the coordination between police actions and prosecutorial decisions, noting a dependency on the prosecution for direction in releasing detainees, which often resulted in unnecessary detentions.

Statistical Overview:

Analysis of prosecutorial records indicated that a total of 199 cases out of approximately 6,000 handled led to detainee releases based on decisions such as lack of evidence or inappropriate charges. Unlawful detentions accounted for about 0.8% of the cases, with 52 instances where detentions were deemed unlawful due to various procedural errors or lack of evidence.

Implications for Law Enforcement:

Each instance of unlawful detention not only undermines public trust in the justice system but also exposes the state to potential civil liability for wrongful arrests and detentions. The reliance on prosecutorial guidance rather than police discretion in the issuance of admission of guilt fines suggests significant gaps in police training and procedural understanding.

Recommendations:

Enhance coordination and training between police and prosecution to ensure a clear understanding of legal standards and reduce wrongful detentions. Implement systemic audits and feedback mechanisms to improve transparency and accountability in pre-trial detention practices. This study highlights the need for reforms in the pre-trial detention process in Namibia, emphasizing the importance of safeguarding the rights to liberty and due process to prevent unlawful and unwarranted

detentions.

Data + Analysis

The study of unlawful, unwarranted and avoidable pre-trial detention in police custody Khomas (Namibia) emanated, as much as the other studies under discussion, from the baseline study “Rethinking Pre-trial Detention in Namibia” (Schulz & Bruyns, 2021). The conception of the project had however to wait until 2024.

From the onset it was obvious that among any population of pre-trial detainees there would be an unknown number of detainees, whose detention would be, initially or by chance of circumstances further on, not warranted, legally doubtful, if not outright unlawful. Any individual case of unlawful detention would mean a violation of such detainees’ rights to liberty. At the time of the inception of the baseline study, we did, however, not designate the occurrence of unlawful/unwarranted and unnecessary detention as a researchable aspect under the baseline study, because of the difficulty of accessing the relevant data. Without access to an effective record system reflecting the filter function of the prosecution in this regard, research would have to run through all police dockets with the aim of identifying cases in which the prosecution had returned the docket to the police with the direction to release the detainee. Such a record system is not required in Namibia, neither legally, nor by direction of the prosecutor general, or the Inspector General of the Police, respectively. However, during the execution of the 2023 sub-project on prosecutorial attitudes towards pre-trial detention, we came to¹ know that the office of the prosecution at the Magistrate’s Court Windhoek (Mungunda Street),² keeps a record of all dockets, which had been returned to the police for release of the detainee, be it as a consequence of a decision to decline to prosecute or the direction to the police of having an admission of guilt fine (AOG) issued to the suspect. Once it became clear that this record was available, data carrying information about the frequency and structure of unlawful detention came into reach and we decided to inquire about the unlawful and/or avoidable arrest at the three police stations, which are served by the above-mentioned prosecutorial office, i.e., Wanaheda, Katutura, and Otjomuise. For the duration of June, July and August 2024 the part of the returned dockets which reflected and carried the prosecutorial decision was copied and collected for analysis.

Arrest, Detention and Release between Police and Prosecution

Criminal procedure begins with a phase which, once the offence has been reported, consists of identifying the author of the crime, collecting the evidence and then officially drawing the charges.³ This preparatory phase comes with certain prerogatives of the police, who in practice exercise

¹ Personal communication with the Control Prosecutor, Mr P. Smit.

² Whether such record is being kept by any other office of the prosecution in the country is currently not known.

³ S. 13 (c) of the Police Act of 1990 as amended, gives the power to the police to investigate any offence or alleged offence.

discretion of their own. Within those prerogatives, between police and prosecution, there is no relationship of subordination within the original purview of the police. Police action /decisions in terms of ss 56, 59 and/or 72 CPA arise under the authority of the police, and not the prosecution. Until a file is submitted to the prosecution for assessment and decision making (i.e., whether to prosecute in court), the police act autonomously within the law. Yet, even after submission of the case docket before the prosecution, the latter cannot (with legal effect) directly instruct the police how to decide in respect of s.56 (Written Notice + Release) or s 59 Police Bail. Thus, the question arises, what to make out of the return of a docket with the request: “Please issue J534+AOG against suspect NAD500 for day/month/year”? A pragmatic perspective would take into consideration the authority of the prosecution to issue an “admission of guilt fine” (AOG) under ss 57 and 57A CPA, respectively, beginning from the moment the prosecution takes official notice of the charge of an accused, ending when bail proceedings are pending, or bail has been effectively denied by the magistrate’s court, or finally, the accused had entered a plea. The police cannot effectively prevent the prosecution from issuing the AOG under these circumstances. Following the request of the prosecution gives the case an effective turn. Not following the request would jeopardize the relationship between police and prosecution, without any change in the outcome.

The preparatory phase ends when the police submit the investigations they deem completed to the prosecuting authorities. At this point the prosecutor decides on whether prosecution should be instituted.⁴ If the prosecution decides to decline prosecution, they return the docket to the police for release of the detained person; this decision closes the docket for the time being. Conversely, if the prosecution decides to go on with a case, the prerogatives of the police remain in place. When we refer to prerogatives of the police, we mean especially the authority of the police to release a suspect or accused on account of and in the manner described by ss. 56, 59 or 72 CPA. The powers in terms of the before listed sections of the Criminal Procedure Act come into play after an arrest has been made and the suspect has been detained.⁵

From this moment onwards, the police may, instead of keeping the suspect in custody for the purposes of his trial, release the person, in terms of **either**

- (a) s56 (2) CPA** upon handing him a written notice in accordance with **s56 (1) (a) – (d) CPA, or**
 - (b) s59 CPA**, on bail in respect of any offence, other than an offence referred to in Part II, III or Part IV of Schedule 2, **or**
 - (c) s 72 (1) CPA**, release the accused in lieu of bail, under the same conditions as stipulated in s 59 CPA.
- Decisions in terms of ss 56, 59 or 72 CPA arise under the authority of the police, not the prosecution.

⁴ This decision rests with the Prosecutor-General or the local prosecutor since the police do not have the final say whether prosecution should be instituted. See Joubert et al (2009, p. 62).

⁵

Even after submitting of a case for evaluation by the prosecution, unless the prosecution declines to prosecute (*nolle prosequi* decision), the latter cannot dictate the police how to decide in respect of the before-mentioned sections. The authority of the police to act within the remits of ss 56, 59 or 72 CPA autonomously, falls away with the first appearance of the accused before the court. This follows from s 57A CPA, which specifically applies after the appearance of the accused in court. The section gives explicit powers (**Figure 10: Arrest, Detention and Release between Police and Prosecution**) to the prosecution, omitting any mention of the police, to *inter alia* release the accused upon handing him a written notice, containing an endorsement in terms of s 57 CPA.

During the investigatory phase the functions of the police and the prosecution are largely independent of one another. But as much as the police act autonomously as described above, the prosecution assumes a crucial filter function before a case head to the court. As has been mentioned above, latest when the police have completed the investigations, but otherwise also earlier when the accused is detained following arrest and still in police custody, within the 48-hour limit of s 50 (1) CPA, the dockets must be laid before the prosecution, who decide whether prosecution should be instituted. The prosecutorial assessment applies a legal point of view, whether there is *prima facie* evidence against the suspect, and whether to proceed with criminal prosecution. Insufficient evidence or an incomplete investigation may result in a *nolle prosequi* decision, that is, the prosecution declines to prosecute. On account of such a decision the release of the previously accused ensues.

Arrest, Detention, Release between Police and Prosecution

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s. 50 (1) CPA "48 hour rule"

[before after]

Arrest/Detention

[before after]

First Appearance in Court

[before after]

Bail Proceedings (Pending)
or
Bail Denied

[before after]

Accused enters Plea

s. 40 (1) CPA (Arrest w/o warrant)
ss. 43, 44 CPA (Arrest w warrant)

s. 56 CPA (Written Notice)

The **authority of the Police** to release an accused on account of ss. 56, 59, or 72 CPA **falls away** (latest) with the 1st appearance of the accused before the Court.

s. 56 CPA (Written Notice + Release)
s. 59 CPA (Police Bail)
s. 72 CPA (release on Warning)

Unless / Not if: Schedule 2 Parts II, III, IV

Note: Decisions in terms of ss 56, 59 or 72 CPA arise under the authority of the Police, not the Prosecution. Until a file is submitted to the Prosecution for assessment and decision making (whether to prosecute etc.) the police act autonomously within the law. Yet, even after submission of a case before the Prosecution, the latter cannot dictate the police how to decide in respect of the above-mentioned sections.

s.54 CPA (Summons)
s.57 (1) (a) CPA
(Endorsement + Notice)

s. 57 A CPA (Admission of Guilt [Fine])

- Stay of Proceedings
- Withdrawal from Proceedings
s. 6 (a) CPA

- Stay of Proceedings
- Withdrawal from Proceedings
s. 6 (b) CPA
 - With consent of PG
 - Acquit accused

The **authority of the prosecution** to issue an 'admission of guilt fine' arises under ss 57 and 57A (1), respectively, **beginning** from the moment the prosecution takes officially cognisance of the charge of an accused, and **ending** when **bail** proceedings are **pending**, **bail** has been effectively **denied**, or the accused has entered a **plea**.

Police / Peace Officer (Art. 118 NC)

Note:

Until the expiry of the "48 hour rule", police acts de facto independent from the Prosecution

Prosecution (Art. 88 NC)

Note:

Prosecution is "dominus litis"

Table 19: Release from Custody (Police Station)

		Month			
Police Stations		June	July	August	Total
Police Station	1	13	43	51	107
	2	9	35	23	67
	3	4	9	12	25
Total		26	87	86	199

The **Table: Release from Custody (Police Station)** represents the monthly totals of releases carried out at the three police stations (1) Wanaheda, (2) Katutura, and (3) Otjomuise.

Table: 20: Crime Definition

Crime definition	Police station 1	Police station 2	Police Station 3	Total
Theft	41	16	6	63
Assault (GBH, Threatening, etc.)	36	20	7	63
Malicious Damage to Property	14	11	2	27
Robbery	3	3	2	8
Obstructing Police Officers	3	2	2	7
Possession of Dangerous Weapons	2	2	0	4
Fraud	1	0	0	1
Violation of Protection Orders	1	0	0	1
Housebreaking and Theft	12	5	2	19
Other (Less Common Offenses)	9	8	6	23
Total	107	677	25	199

The **Table (Crime Definition)** shows the most reported crimes across all police stations, beginning with theft, with a tally of 26 cases. Assault GBH and Assault threatening under GBV are tied as the second most reported crimes, with 22 cases each. Police station1 reports the highest number of incidents (107 cases), dominating the data with significant counts for crimes like Theft (17 cases) and Assault GBH (15 cases). Police station 2 has 67 cases, with theft (7 cases) and Assault threatening under GBV (8 cases) being prominent. Police station 3 has the least number of cases (25 cases), with Assault threatening under GBV (5 cases) being the most frequent. Several crimes only occur in one police station, like breach of a protection order which is regarded as a criminal offense under the Combating of Domestic Violence Act, 2003 (Act No.4 of 2003) according to section 16(1) of the Act. Assault through threatening under GBV, reported only in Police station 1. Stock theft is reported only in police station 3. Many crimes combine multiple offenses (e.g., Assault GBH, theft, Malicious damage to

property), indicating complexities in the nature of incidents reported. Crimes Such as Theft, Assault GBH, and Housebreaking with intent to steal and theft are recurrent across multiple police stations, suggesting they might be systemic or widespread issues in these areas.

Table: 21: Prosecutorial Release Decision

Prosecutorial Release Decision	Police Station			Total
	1	2	3	
Complete the Investigation	12	3	1	16
Suspect is a minor (younger than 16)	0	1	0	1
No prima facie evidence ⁶	33	11	6	50
Withdrawal of charges by complainant	2	8	5	15
J534 + AOG	42	36	9	87
Formal warning	2	1	1	4
J534 + Formal warning	4	3	0	7
Unlawful arrest ⁷	1	1	0	2
Admission of guilt issued by investigator-AOG	2	0	2	4
N/A	9	3	1	13
Total	107	67	25	199

The **Table: Prosecutorial Release Decision** data represent a cross-tabulation of prosecutorial release decisions by police station. Station 1 has the highest number of cases (107), followed by station 2 (67), and station 3 (25). The most frequent decisions are J534+AOG (Admission of guilt) is the most common decision across all stations, accounting for 87 cases (43% of the total). Legally more relevant are the decisions referring to dockets which do not show a link between the detainee and the reported crime (no prima facie evidence) or are otherwise unlawful. Such decisions account for 52 cases (26% of the total). The distribution of 26% of cases being assessed by the prosecution as unlawful for the one or other reason, must be understood in context. During the three months of data collection, the prosecution at Mungunda Street dealt with a total of about 6000 (six thousand) dockets. Under this perspective, a total of 199 cases being returned for release of the detainee, represents about 3 per cent of the total, and 52 cases of unlawful detention ca. 0.8 per cent, which sounds much less dramatic, and would not suggest that there is a systemic crisis, in which the police arbitrarily arrests and detains citizens. And yet, extrapolating this number from three months to a calendar year would bring up the number to 200 cases or so, for this part of Windhoek alone, with the possibility of thousands of cases occurring throughout Namibia per year. Besides the fact that each case represents an instance of human rights violation (Liberty, Article 7 of the Namibian Constitution), any of those cases could give rise to civil liability of the state, with high financial costs bleeding Government coffers.

⁶ No prima facie evidence includes *hearsay*.

⁷ For instance, if the alleged crime is not falling under Schedule 1 (s 40 (1)(b) CPA).

Finally, the available data provided a theoretical possibility to analyse the distribution of incidents of release by prosecutors' decisions across the various investigators. Such an analysis could potentially identify patterns or mistakes made by individual investigators. However, the limited number of docket decisions (199) across multiple investigators at the three police stations did not provide sufficient data to establish any meaningful patterns. Therefore, this analysis was not undertaken.

Assessment of Rights Infringement in Pre-Trial Detention (0.8%)

Based on the sample of 199 cases from June to August 2024, the prosecutorial decision to decline prosecution due to a lack of prima facie evidence accounted for approximately **25% of cases** (50 out of 199). This translates to **0.8% of all pre-trial detainees** (assuming a total pre-trial detention population of ~6,250 over the three-month period). Besides, two other cases occurred, where the arrest and / or detention was unlawful for other reasons, bringing the total to 52 cases (26%).

Statistical and Legal Implications

1. No Crisis in Absolute Terms

- A 0.8% rate of unlawful detention seems statistically low in isolation. Compared to systemic human rights violations or detention crises in other jurisdictions, this figure does not suggest widespread abuse.
- However, extrapolated to a **yearly projection (200 cases)** in Windhoek alone, it suggests that **eight hundred to thousand individuals** may be unlawfully detained **across Namibia annually**.

2. Each Rights Violation as an Individual Injustice

- Every wrongful detention represents a **violation of constitutional rights** under Article 7 (Liberty) and / or Article 11 (1) (Arrest and Detention) of the Namibian Constitution, respectively.
- Notably, if these individuals had access to legal assistance, they could pursue **damages (delictual) against the state**, leading to financial liabilities for wrongful arrest and detention.

3. Systemic Issues Beyond Individual Errors

- The study finds a **high dependence on prosecutorial intervention** for issuing admission of guilt fines (AOG) instead of police exercising their legal discretion. This inefficiency leads to **avoidable detentions**.
- The **police's hesitation** to issue AOG fines and their reliance on prosecutors for direction point to potential **training deficits** or **risk-averse policing** (possibly fearing

internal accountability measures).

Policy Considerations for Law Enforcement

- **Improved Coordination Between Police & Prosecution:** Establish **review/feedback mechanisms** between police and prosecution to ensure has a clear conception about the category of cases the prosecution would handle in terms of ss 57, 57A CPA.
- **Better Training for Officers:** Strengthening knowledge of
 1. Criminal procedure law, law of evidence, and substantial criminal law to prevent unlawful arrest and detention,
 2. Procedural safeguards under **Sections 56, 57, and 59 of the CPA** to prevent unnecessary detentions.
- **Legal Aid Accessibility:** Ensure indigent detainees have access to **public defenders** or **civil society interventions** to prevent extended unlawful detention.
- **Data Transparency & Audits:** Implement routine **pre-trial detention audits** with the police and the prosecution to detect and correct trends in wrongful detentions; even routinely keeping a register of dockets (CR) returned for release of the detainee, and the reasons thereof, to ensure transparency.

E. Risks (criminogenic) and Needs of pre-trial detainees in police custody (Khomas)

Summary:

In 2022, and as one of the first data sets in connection with the Pre-trial Detention baseline project, we collected criminogenic risks and needs data about pre-trial detainees in 6 remand facilities¹ in Khomas Region (Namibia). These risks/needs are linked and their presence or absence, respectively, predict in probabilistic terms whether an inmate (pre-trial detainee) will be re-apprehended in the future or not, they are known in short as:

1. Antisocial Cognition
2. Antisocial Personality
3. Antisocial Associates
4. Family/Marital relationship
5. Substance Abuse
6. Employment
7. Education
8. Leisure

Although remand inmates are legally presumed innocent, our analysis considered their prior criminal history and criminogenic risk factors as potential influences on post-release behaviour. As anticipated, a majority of those in our sample had previous convictions and exhibited multiple criminogenic risks and needs. Research suggests in case of convicted offenders that accumulated risk factors increase the probability of reoffending after release, underscoring the importance of targeted interventions during detention to mitigate future criminal behaviour (for detail, see Bonta & Andrews, 2017). Research shows that addressing these needs with evidence-based practices - strategies that have been demonstrated to improve outcomes while maximizing the investment of resources – is proven to decrease post-release violence and offenses. In respect of unconvicted pre-trial detainees, the same applies *mutatis mutandis*; this time of course in respect of the probability of their re-apprehension. These insights emphasize the importance of offering tailored educational and substance abuse programs for remand detainees who stand to benefit from those interventions that address these specific risks and needs after release from remand custody as much as it benefits already convicted offenders on release from a correctional facility.

Data + Analysis

The dataset we produced in 2022 consists of **403 entries** and **108 variables**, covering various aspects of risks and needs among remand inmates. The variables include demographic details, criminogenic risks, and specific needs.

¹ Police Stations Windhoek, Wanaheda, Otjomuise, Klein Windhoek, Dordabis, Seeis, and Windhoek Correctional Facility

Key Findings from the Data:

1. Age Profile of Detainees

- The average age is **around 29 years**, see Table 1, with a spread from teenage years to older adults.
- This indicates that a large portion of the detainees falls within the **young adult** category, which is a crucial demographic for intervention.

2. Gender Profile of Detainees

- Most of the pre-trial population is male, see Table 2.

Table 22: Age of pre-trial detainees in years

N	Valid	389
	Missing	14
Mean		28.95
Median		28.00
Mode		27

Table 23: Sex of pre-trial detainees

		Frequency	Percent
Valid	Female	19	4.7
	Male	376	93.3
	Total	395	98.0
Missing	System	8	2.0
Total		403	100

3. Criminogenic Risk Factors (Antisocial Cognition, Antisocial Personality, Antisocial Associates Employment, Substance Use, etc.)

- **QC32 / QC33 (Criminal Record):** 22.7% of the inmates declared that they had at least one previous conviction, and 16.9% said they had been previously sentenced to imprisonment; see **Table 3** in conjunction with **Table 4**.
- **QC22 (Reason for Detention: Bail Status / Crime accused of):** The reason for detention can be gleaned from the bail status of the inmates in respect of the crime s/he is accused of; see **Table 5** in conjunction with **Table 6**. 53.3% had not been granted bail (yet), which indicates that they either did not meet the conditions for bail or hadn't applied for bail (s 60 CPA). 11.7% had been granted bail but had not settled the amount yet. 32.3% had been granted bail but said not to be able to settle the amount.

Table 24: Number of times previously found guilty

		Frequency	Percent
Valid	None	312	77.4
	Once	51	12.7
	Twice	25	6.2
	Three times or more	10	2.5
	Total	398	98.8
Missing	System	5	1.2
Total		403	100.0

Table 25: Number of times previously sentenced to imprisonment

		Frequency	Percent
Valid	None	314	77.9
	Once	43	10.7
	Twice	18	4.5
	Three times or more	4	1.0
	Four times	3	.7
	Total	382	94.8
Missing	System	21	5.2
Total		403	100.0

Table 26: Crime accused of

	Frequency
Contempt of court/defeat of course of justice	21
Culpable homicide	1
Dealing in drugs/drug trafficking	12
Default of payment of a fine	1
Fraud/forgery/bribery/extortion	24
Housebreaking with intent to steal and theft	61
Illegal immigration	59
Motor vehicle theft	16
Murder	30
Robbery (e.g. banks, shops)	70
Sexual offence (e.g. rape, buggery, indecency, child abuse)	27
Substance abuse (drug/alcohol)	2
Stock theft	24
Theft	39
Traffic offense	9
Violence against persons (e.g. assault, robbery, wounding/assault GBH)	37
Other crime	14

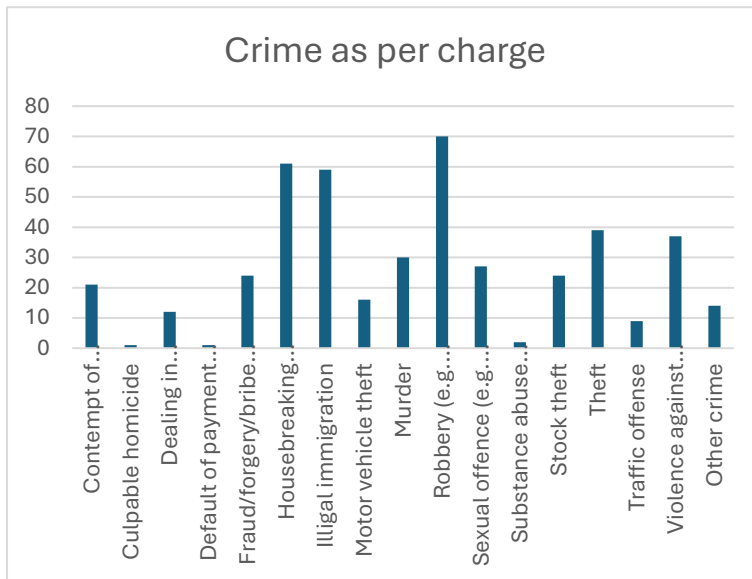


Figure 11: Crime as per charge/indictment

Table 27: Bail Status / Reason for police (remand) custody

		Frequency	Percent
Valid	Bail not granted (yet)	215	53.3
	Bail granted, but not paid (yet)	47	11.7
	Bail granted, but I cannot afford the bail	130	32.3
	Total	392	97.3
Missing	System	11	2.7
Total		403	100.0

- QC19Y, QC19M, QC19D (Length of remand custody):
 - Most of the inmates had been in police (remand) custody between 1 day and 4 years. The longest time in custody in months was 26 months (66%), with an **average** of 4.7 months, a **median** of 4 months, and the **mode (most frequent value)** of 1 month.
 - In this case the average length appears to be a representative value, because the median, i.e., the value which divides the distribution in the middle is close by, see **Tables 7, 8, 9**.

Table 28: Length of police (remand) custody (Central Tendency)

		No of years in police custody	No of months in police custody	No of days in police custody
N	Valid	47	268	166
	Missing	356	135	237
Mean		1.53	4.70	22.89
Median		1.00	4.00	14.00
Mode		1	1	14

Table 29: Number of years in police (remand) custody

		Frequency	Percent	Cum. Percent
Valid	1	30	7.4	63.8
	2	12	3.0	89.4
	3	2	.5	93.6
	4	3	.7	100.0
	Total	47	11.7	
Missing	System	356	88.3	
Total		403	100.0	

Table 30: Number of months in police (remand) custody

		Frequency	Percent	Cum. Percent
Valid	1	54	13.4	20.1
	2	40	9.9	35.1
	3	35	8.7	48.1
	4	32	7.9	60.1
	5	20	5.0	67.5
	6	22	5.5	75.7
	7	19	4.7	82.8
	8	10	2.5	86.6
	9	17	4.2	92.9
	10	5	1.2	94.8
	11	3	.7	95.9
	12	3	.7	97.0
	15	2	.5	97.8
	19	1	.2	98.1
	22	1	.2	98.5
	26	4	1.0	100.0
	Total	268	66.5	
Missing	System	135	33.5	
Total		403	100.0	

1. Q21 – Q56 (Rights & Entitlements / Experiences in Detention):²

- A significant proportion reported issues related to poor conditions and lack of access to support.
- These conditions may **increase criminogenic risks** by fostering hostility, resentment, and further criminal behaviour.

Table 31: Experience in detention

		Count	Column N %
Problems with loss of personal belongings during arrest	Yes	51	27.6%
	No	132	71.4%
	N/A	2	1.1%

² The data in Table 31 hail from the 2022 Human Rights Survey among inmates in the seven remand facilities (see: Section B).

	Not stated	0	0.0%
Problems gaining access to phone numbers	Yes	65	35.1%
	No	114	61.6%
	N/A	3	1.6%
	Not stated	3	1.6%
Problems contacting family	Yes	80	43.2%
	No	99	53.5%
	N/A	4	2.2%
	Not stated	2	1.1%
Problems contacting employers	Yes	46	24.9%
	No	114	61.6%
	N/A	21	11.4%
	Not stated	4	2.2%
Problems ensuring relatives/children were looked after	Yes	61	33.0%
	No	111	60.0%
	N/A	10	5.4%
	Not stated	3	1.6%
Problems with feeling depressed or suicidal	Yes	47	25.4%
	No	126	68.1%
	N/A	5	2.7%
	Not stated	7	3.8%
Health problems	Yes	65	35.1%
	No	114	61.6%
	N/A	4	2.2%
	Not stated	2	1.1%
Problems about money	Yes	69	37.3%
	No	108	58.4%
	N/A	6	3.2%
	Not stated	2	1.1%
Problems in needing protection from other detainees	Yes	39	21.1%
	No	134	72.4%
	N/A	4	2.2%
	Not stated	8	4.3%
What was going to happen to you (orientation)	Yes	44	23.8%
	No	128	69.2%
	N/A	7	3.8%
	Not stated	6	3.2%
How to make a request or complaint	Yes	36	19.5%
	No	142	76.8%
	N/A	4	2.2%
	Not stated	3	1.6%
Your rights to visits	Yes	74	40.0%

	No	105	56.8%
	N/A	2	1.1%
	Not stated	4	2.2%
Health services	Yes	61	33.0%
	No	122	65.9%
	N/A	2	1.1%
	Not stated	0	0.0%
Religious services	Yes	29	15.7%
	No	149	80.5%
	N/A	6	3.2%
	Not stated	1	0.5%
Support was available for people feeling depressed or suicidal	Yes	19	10.3%
	No	151	81.6%
	N/A	13	7.0%
	Not stated	2	1.1%
The opportunity to have a shower	Yes	137	74.1%
	No	45	24.3%
	N/A	0	0.0%
	Not stated	3	1.6%
The opportunity to make a free telephone call	Yes	47	25.4%
	No	132	71.4%
	N/A	2	1.1%
	Not stated	4	2.2%
Something to eat	Yes	106	57.3%
	No	74	40.0%
	N/A	3	1.6%
	Not stated	2	1.1%
Meet a chaplain or a religious leader	Yes	18	9.7%
	No	146	78.9%
	N/A	5	2.7%
	Not stated	16	8.6%
Meet someone from health services (e.g., doctor, nurse)	Yes	16	8.6%
	No	166	89.7%
	N/A	2	1.1%
	Not stated	1	0.5%
Meet someone listening to your concerns (e.g, a lawyer or social worker)	Yes	24	13.0%
	No	155	83.8%
	N/A	5	2.7%
	Not stated	1	0.5%
Have access to a canteen/shop	Yes	18	9.7%
	No	163	88.1%
	N/A	4	2.2%

	Not stated	0	0.0%
Feel safe on your first night in the police cells	Yes	51	27.6%
	No	129	69.7%
	N/A	4	2.2%
	Not stated	1	0.5%
Have you been on an induction course	Yes	17	9.2%
	No	162	87.6%
	N/A	4	2.2%
	Not stated	2	1.1%

2. Social and Economic Factors (Family, Employment, Education)

- **QA12 (Employment Status):** Many detainees were **unemployed or had precarious work**, a key criminogenic risk factor, **Table 11**.
- **QA17 (Education Level):** The data suggests that many have limited education, further impacting their reintegration prospects, **Table 12**.

Table 32: Income/Employment before being placed in police custody

		Frequency	Percent	Cumulative Percent
Valid	Unemployed (no job)	154	38.2	38.7
	Employed (private company, government, individual employer, including taxi driver)	144	35.7	74.9
	Living from the profits of crime	33	8.2	83.2
	Other (specify, e.g., pensioner, gardener, painter)	67	16.6	100.0
	Total	398	98.8	
Missing	System	5	1.2	
Total		403	100.0	

Table 33 Highest Level of Education

		Frequency	Percent	Cum. Percent
Valid	No school education	37	9.2	9.2
	Primary school (Grade 1-7)	87	21.6	30.8
	Junior Secondary School (Grade 7-8)	147	36.5	67.2
	Senior Secondary School (Grade 11-12)	86	21.3	88.6
	Trade/Apprentice (hair dresser, tailor, etc.)	14	3.5	92.1
	Tertiary education (College, university)	30	7.4	99.5
	Not stated	2	.5	100.0
	Total	403	100.0	

Table 34: Income (wages/salary) before detention

		Frequency	Percent	Valid Percent	Cum. Percent
Valid	I did not receive any income (salary or wage)	173	42.9	42.9	42.9
	N\$1 – 500	72	17.9	17.9	60.8
	N\$ 501 – 2,000	57	14.1	14.1	74.9
	N\$ 2,001 – 5,000	52	12.9	12.9	87.8
	N\$ 5,001 – 10,000	21	5.2	5.2	93.1
	N\$ 10,000 or more	23	5.7	5.7	98.8
	Not stated	5	1.2	1.2	100.0
	Total	403	100.0	100.0	

F. Prosecutors' Attitudes Toward Pre-Trial Detention and Release Decisions in Windhoek Magisterial District

Summary:

While significant attention has been paid to the roles of police, magistrates, and correctional services in the pre-trial detention (PTD) process, the discretionary function of prosecutors at the critical early stages of case processing remains underexplored. This study, conducted in 2023, explores how prosecutors in the Windhoek Magisterial District perceive and approach pre-trial detention decisions, particularly during First Appearance (FA) and bail applications. Conducted within the broader framework of *Rethinking Pre-Trial Detention in Namibia*, the study adds a critical institutional perspective: Prosecutors often act as institutional gatekeepers, influencing outcomes at FA, determining whether to oppose bail, and shaping the evidentiary framing of risk, whose discretion heavily influences whether accused persons are remanded or released. Structured around four key research objectives, the study assessed attitudes toward alternatives to detention, influential decision factors at FA, views on bail-setting, and openness to system improvements. A structured, Likert-scale-based survey (PTD-13) was administered to all prosecutors in the Windhoek lower courts, yielding full participation (n = 13). The instrument consisted of Likert-scale items (5-point and 7-point) covering attitudes, decision-making drivers, and reform perceptions. Though limited in scale, the dataset offers valuable indicative trends. Findings show that prosecutors support alternatives to detention and are open to reform but face practical constraints such as limited access to background information at FA and reliance on police recommendations. The absence of consistent criteria for setting bail emerged as a concern, alongside general uncertainty about the effectiveness of bail in preventing flight or reoffending. The study recommends greater inter-agency collaboration, better access to case and accused information at FA, use of non-custodial appearance mechanisms, and enhanced prosecutor training. Its contribution lies in surfacing operational blind spots and fostering a more accountable and evidence-informed prosecutorial practice. This section complements prior analyses in this report by addressing one of the pivotal institutional actors in the remand decision process and supports systemic shifts toward constitutionally grounded, proportionate use of detention.

Data + Analysis

The Windhoek Magisterial District, as the country's busiest lower court jurisdiction, provides a critical case study for understanding prosecutorial decision-making. Under scrutiny are the factors informing the prosecutorial stance regarding remand-related decisions, the openness of the prosecution to non-custodial alternatives and systemic reform. The study's findings are essential for designing targeted interventions and aligning prosecutorial practice with constitutional and international standards on detention.

Table 35: Prosecution PTD-13 Question B01-B10

Questions 1 to 10

	N		Mean	Median	Mode	Std. Deviation	Skewness	Std. Error of Skewness	Kurtosis	Std. Error of Kurtosis	Minimum	Maximum	Sum
	Valid	Missing											
B01OB (Scarcity of information affects prosecutor's stance on PTD.)	13	0	4.3077	4.0000	7.00	2.05688	-.014	.616	-1.242	1.191	1.00	7.00	56.00
B02OB (IO often fails to inform the prosecutor about stance on bail.)	13	0	4.8462	5.0000	4.00	1.77229	-.576	.616	.274	1.191	1.00	7.00	63.00
B03OB (Prosecutors frequently accept police objection to bail without merit.)	13	0	5.2308	6.0000	7.00	2.16617	-1.106	.616	-.243	1.191	1.00	7.00	68.00
B04OB (Little criteria to guide setting bail and other release conditions.)	13	0	3.9231	4.0000	4.00	1.44115	-.436	.616	.165	1.191	1.00	6.00	51.00
B05OB (Absence of evidence-based risk assessment instruments to assess accused.)	13	0	3.8462	4.0000	1.00 ^a	2.23033	-.039	.616	-1.449	1.191	1.00	7.00	50.00
B06OB (State objects bail even in minor cases if evidence is overwhelming.)	12	1	3.4167	2.5000	2.00	2.10878	.523	.637	-1.287	1.232	1.00	7.00	41.00
B07OB (Seriousness of offence may cause bail objection.)	13	0	6.1538	6.0000	7.00	1.14354	-1.929	.616	4.441	1.191	3.00	7.00	80.00
B08OB (In addition to CPA provision, recidivism should also be a focus.)	13	0	5.6154	5.0000	7.00	1.26085	-.012	.616	-1.778	1.191	4.00	7.00	73.00
B09OB (Lack of counsel at FA could be detrimental to PTD decision due to lack of information.)	13	0	4.5385	5.0000	3.00 ^a	1.76141	-.345	.616	-.254	1.191	1.00	7.00	59.00
B10OB (Magisterial district has lack of community release programs.)	13	0	6.2308	6.0000	7.00	.83205	-.498	.616	-1.339	1.191	5.00	7.00	81.00

a. Multiple modes exist. The smallest value is shown

Summary of Table 35: Prosecution PTD-13 Question B01-B10

This section presents prosecutors' responses to ten statements measuring their perceptions of pre-trial detention (PTD), decision-making at First Appearance (FA), and attitudes toward remand and release. Each item was rated on a 7-point Likert scale, where higher values indicate stronger agreement. The responses reveal the following key trends:

1. **Statement 1 – PTD should be the exception, not the rule:**
There was strong consensus with this principle, reflecting alignment with constitutional norms. Many respondents chose full concurrence (score 7), and the overall mean was well above 4.5.
2. **Statement 2 – Decision-making at FA is usually based on complete and reliable information:**
This statement drew more neutral responses, indicating uncertainty or scepticism about the adequacy of information available at FA hearings.
3. **Statement 3 – Police recommendations heavily influence PTD decisions at FA:**
There was strong agreement, confirming the dominant role of police input in prosecutorial decision-making during initial hearings.
4. **Statement 4 – Prosecutors regularly apply a structured risk assessment before opposing bail:**
Responses were mixed to neutral, suggesting inconsistency in applying structured tools or criteria for bail decisions.
5. **Statement 5 – The seriousness of the offence alone justifies opposing bail:**
This drew divided responses, with several low-value answers, reflecting legal and ethical ambivalence about using offence gravity as a sole determinant.
6. **Statement 6 – High bail amounts effectively prevent reoffending or flight:**
This was the only statement broadly rejected, with a low mean score and one respondent skipping the item. It indicates doubt about the practical effectiveness of high bail as a preventive tool.
7. **Statement 7 – PTD is often used due to lack of alternative mechanisms:**
Scoring extremely high (80/91) with a mode of 7, this statement elicited nearly unanimous agreement, pointing to structural constraints in the system rather than purely discretionary misuse.
8. **Statement 8 – Prosecutors support the expansion of supervised release options:**
There was strong agreement, reflecting an openness to reform and willingness to use alternatives if available.
9. **Statement 9 – Prosecutorial decisions are guided by clearly established institutional policies:**
Responses were moderately supportive but less unanimous, suggesting some variability in policy awareness or implementation.
10. **Statement 10 – Inter-agency coordination is essential to reduce unnecessary PTD:**
This statement drew the strongest agreement overall, with the highest total score (81/91) and a standard deviation of only 0.83, indicating broad, cohesive support for systemic collaboration.

Overall Trend:

The responses demonstrate **broad consensus on key constitutional and procedural values**, especially regarding the need for PTD to be exceptional, the structural lack of alternatives, and the value of inter-agency collaboration. **Only one statement (Statement 6) was clearly rejected**, and **neutrality or variability** appeared in just a few areas (notably around information quality at FA and structured decision-making tools). This pattern suggests a **readiness for reform** among prosecutors, constrained more by systemic issues than ideological resistance.

Table 36: Prosecution PTD-13 Question B11-B15.4

Questions 11 to 15.4

	N		Mean	Median	Mode	Std. Deviation	Std. Error of Skewness		Std. Error of Kurtosis		Minimum	Maximum	Sum
	Valid	Missing					Skewness	Kurtosis	Kurtosis	Skewness			
B11OB (Methods of securing attendance of accused other than arrest is not utilised by Police.)	13	0	5.3846	6.0000	7.00	1.85016	-.671	.616	-1.096	1.191	2.00	7.00	70.0
B12OB (High volume court has limited time for giving attention to accused information.)	13	0	5.9231	7.0000	7.00	1.55250	-.956	.616	-.965	1.191	3.00	7.00	77.0
B13OB (If alternatives to PTD are considered by CJA, it would prolong court days.)	12	1	5.0833	5.0000	5.00	.90034	-1.082	.637	1.492	1.232	3.00	6.00	61.0
B14OB (DMV victims' statement on bail is often absent at FA resulting in high PTD.)	13	0	4.6154	6.0000	6.00	2.18092	-.384	.616	-1.551	1.191	1.00	7.00	60.0
B15OB (No future change in PTD foreseen even if remand facilities were brought to prosecutors attention.)	13	0	5.0769	5.0000	5.00	1.60528	-.289	.616	-.488	1.191	2.00	7.00	66.0
B15.1OB (An accused eager to be released will finalise a case if he cannot pay bail, especially in minor cases)	13	0	3.7692	4.0000	5.00	1.73944	.080	.616	-.775	1.191	1.00	7.00	49.0
B15.2OB (High bail amounts ensure the accused is not a risk to public safety.)	13	0	4.0769	4.0000	6.00	1.80100	-.539	.616	-.789	1.191	1.00	6.00	53.0
B15.3OB (Setting high bail prevents criticism from public in case of recidivism.)	13	0	4.0769	4.0000	3.00	1.75412	-.028	.616	-.779	1.191	1.00	7.00	53.0
B15.4OB (Practitioners may resist implementation to new pre-trial procedure of considering more information.)	13	0	3.6154	4.0000	4.00	2.06311	.075	.616	-1.236	1.191	1.00	7.00	47.0

Summary of Table 36: Prosecution PTD-13 Question B11-B15.4

This set of questions assessed prosecutors' perceptions regarding the practical administration and conceptual clarity of bail decisions, including consistency, institutional guidance, and the link between bail and the likelihood of reoffending or failing to appear.

1. **Statement 11 – Clear institutional guidelines exist for bail decisions:**
Moderate agreement was recorded, with a tendency toward uncertainty. Responses suggest partial awareness or inconsistent application of formal guidance.
2. **Statement 12 – Bail decisions are applied consistently across similar cases:**
The responses were mixed, with a noticeable spread across the Likert range. This points to perceived inconsistency in bail decision practices within the system.
3. **Statement 13 – Setting high bail effectively ensures court appearance:**
This statement received ambivalent support, similar to Question 6 in Table 3. Prosecutors appear uncertain about the efficacy of high bail amounts.
4. **Statement 14 – High bail deters reoffending while on bail:**
This statement was largely rejected, aligning with earlier scepticism. Prosecutors do not view high bail as a reliable method to prevent reoffending.
5. **Statement 15.1 – Clear rules exist for when to apply bail conditions:**
Respondents were largely supportive, but not strongly. This suggests some operational clarity, though not full confidence in rule-based application.
6. **Statement 15.2 – Application of bail conditions is consistent:**
This item drew more ambivalent responses, revealing a perception that discretionary variation is common in imposing bail conditions.
7. **Statement 15.3 – Bail conditions help manage flight risk and reoffending:**
This was moderately supported, suggesting that prosecutors generally believe in the preventive utility of conditions, but see them as only partially effective.
8. **Statement 15.4 – Accused are always aware of their bail conditions:**
This drew skeptical responses, implying that communication gaps exist, and conditions may not always be clearly conveyed to accused persons.

Overall Trend:

Prosecutors show **uncertainty or concern** about the consistency, communication, and deterrent effectiveness of bail-related practices. While supportive of bail conditions in principle, they appear **less convinced about the logic of high monetary bail** and express **doubt regarding procedural clarity and consistency**.

Table 37: Prosecution PTD-13 Questions C01-06

Section C Question 1 to 6

	N		Mean	Median	Mode	Std. Deviation	Std. Error of		Std. Error of	Minimum	Maximum	Sum
	Valid	Missing					Skewness	Kurtosis				
C01IMP (Detailed information on PTD facilities may encourage CJA to explore alternatives to PTD.)	13	0	5.1538	6.0000	7.00	1.95133	-1.049	.616	.335	1.191	7.00	67.00
C02IMP (Clearly defining the problem may help in developing appropriate practices to mediate PTD.)	13	0	5.7692	7.0000	7.00	1.92154	-1.696	.616	2.161	1.191	7.00	75.00
C03IMP (CJA to collaborate with stakeholders to examine and improve contemporary approaches.)	12	1	6.0833	6.5000	7.00	1.16450	-1.018	.637	-.324	1.232	7.00	73.00
C04IMP (Learn about working PTD alternatives from other CJA.)	12	1	6.3333	7.0000	7.00	1.30268	-1.042	.637	-.118	1.232	8.00	76.00
C05IMP (Understanding and comparing the current problem to effective practices can help to design and implement changes.)	13	0	5.4615	5.0000	5.00	1.05003	.374	.616	-.936	1.191	7.00	71.00
C06IMP (Educating CJA and stakeholders about the need for improvements in PTD decision making.)	13	0	6.3077	7.0000	7.00	1.18213	-1.422	.616	.431	1.191	7.00	82.00

Summary of Table 37: Prosecution PTD-13 Questions C01-06

These six items focused on prosecutors' openness to **systemic change**, learning from other jurisdictions, and participation in institutional reforms to improve PTD outcomes.

- 1. Statement 1 – I am open to reforming prosecutorial practice regarding PTD:**
Strongly supported, reflecting a pro-reform orientation among the respondents.
- 2. Statement 2 – I would consider best practices from other jurisdictions:**
This received one of the highest levels of agreement, showing willingness to innovate and adapt based on comparative learning.
- 3. Statement 3 – I see value in monthly police-prosecutor meetings:**
There was broad support, indicating that prosecutors recognise the need for inter-agency dialogue to improve information flow and decision quality.
- 4. Statement 4 – Pre-trial detention should be regularly reviewed during remand:**
High agreement shows alignment with due process standards and supports greater judicial-prosecutorial oversight of remand status.
- 5. Statement 5 – Bail hearings should follow a clear procedural template:**
Strong concurrence here reflects a desire for consistency, fairness, and predictability in bail processes.
- 6. Statement 6 – Training on the human and economic cost of PTD is needed:**
Prosecutors overwhelmingly supported this item, suggesting a recognition of PTD's broader social impact and the need for informed decision-making.

Overall Trend:

Table 37 reveals a **clear appetite for reform and collaboration**. Prosecutors in this sample are **open to change, eager for training, and support structured processes**. Their responses suggest a **proactive institutional stance** rather than resistance to reform.

Key Findings

Attitudes Toward Alternatives to Detention

Respondents showed a general openness to the use of non-custodial alternatives to pre-trial detention. A majority agreed that options such as supervised release or reporting obligations could reduce unnecessary remand. There was cautious optimism about the feasibility of these alternatives, with some highlighting the need for adequate monitoring infrastructure.

Decision Factors at First Appearance

A key finding was the prosecutors' reliance on police input at First Appearance. Many acknowledged that decisions to oppose bail or support remand are often based on limited information, particularly in the absence of formal bail profiles or background data. Criteria such as the seriousness of the offence, previous convictions, and community safety considerations were regularly cited, even though some are not expressly listed in the Criminal Procedure Act.

Views on Bail and its Purpose

Prosecutors expressed ambivalence about the effectiveness of bail in preventing flight or reoffending. While some believed that higher bail amounts could secure court attendance, others questioned whether monetary conditions were appropriate or effective. The absence of clear institutional guidelines for determining bail amounts was noted as a concern.

Openness to Systemic Reform

There was a strong willingness among prosecutors to engage in systemic reforms, including inter-agency collaboration and policy review. Many expressed interests in learning from other jurisdictions and supported the idea of standardising decision-making at First Appearance through training and institutional protocols.

Recommendations

Based on the findings, the following recommendations are made:

1. **Regular Police-Prosecutor Case Review Meetings:** To ensure that accurate, relevant information is available at First Appearance.
2. **Use of Summons and Written Warnings:** Encourage mechanisms that promote court attendance without remand.
3. **Assignment of FA Specialists:** Designate prosecutors to focus specifically on First Appearance proceedings.
4. **Early Legal Representation:** Ensure that accused persons have access to legal counsel at the earliest stage.
5. **Training and Sensitisation:** Provide training to prosecutors on the constitutional, fiscal, and human costs of unnecessary detention.
6. **Inter-Agency Collaboration Platforms:** Establish structured forums for continuous dialogue among CJAs to support evidence-based alternatives.

Relevance to Systemic Reform Agenda

This study highlights the indispensable role of prosecutors in pre-trial decision-making and their capacity to influence the trajectory of remand practices. As Section A through E of this Summary Report have shown, systemic reform in pre-trial detention requires the coordination of multiple actors. Prosecutorial discretion sits at the intersection of police inputs, judicial oversight, and correctional resource planning.

Insights from this study complement earlier findings on First Appearance inconsistencies and underline the need for better information-sharing protocols. They also align with the Vester Sensitivity Model's logic: that systemic dysfunction often arises from missing links between subsystems. Here, the weak link lies in fragmented information flows and discretionary practices that are not guided by shared principles.

If Namibia is to reduce its pre-trial detainee population while respecting the rights of accused persons, the prosecution service must be engaged not only as implementers but as reform actors. These findings serve as an empirical foundation to do just that.

G. Unravelling Interdependencies: Performance (Effectiveness & Efficiency) in the Namibian Criminal Justice System

Introduction

The research projects under the baseline project “Rethinking Pre-trial Detention in Namibia” provided answers to a few questions posed in the article by Schulz and Bruyns (2021, pp. 22–33) with the same title. The outcomes of these projects have been presented in Sections A – E of this report, and further analysed in this Section F, *Unravelling Interdependencies: Performance (Effectiveness & Efficiency) in the Namibian Criminal Justice System*. In this section, the Namibian **Criminal Justice System (CJS)** is first analysed through the lens of Veldsman’s model of effectiveness and efficiency (Veldsman, 2002). Veldsman’s performance model guided the 2021 call for a baseline study on pre-trial detention in Namibia (Schulz & Bruyns, 2021). This involves evaluating the extent to which pre-trial detention as a criminal justice sub-system is characterised by agreement between its strategic intent and (expected) outcomes. The assessment of its ability to function effectively and efficiently will be followed by an analysis of the interdependencies within the Namibian CJS, using Vester’s Sensitivity Model (2002) to explore the dynamic interactions between different system variables. This sequential approach shall allow for a structured understanding of how systemic deficits emerge and persist within the broader CJS framework.¹

Pre-Trial Detention from a system theoretical perspective (Veldsman, 2002)

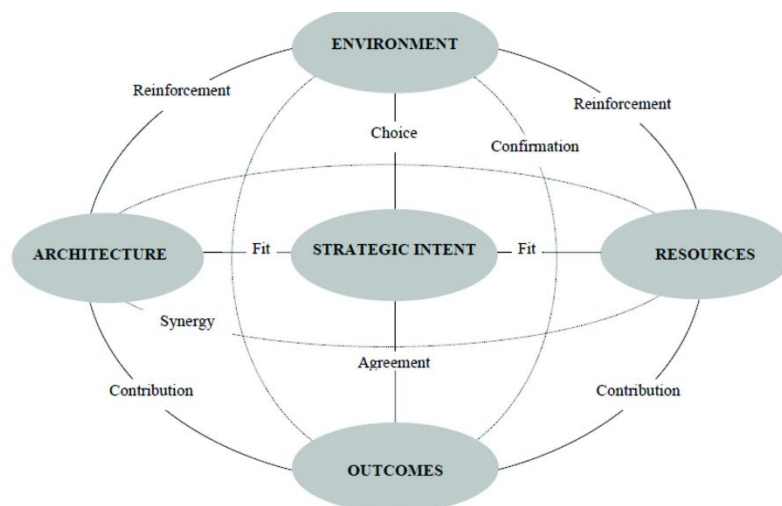
Liberty, privacy, the dignity of the person, fundamental rights and freedoms had been found at stake in various reports by the Ombudsman (2006, 2008). One and a half decades later, these findings were entirely corroborated by the data of the 2022 study ‘Objective measures & mgt. information in respect of pre-trial detainees’ rights in police custody (Khomas)’ (see: Section B). According to the self-assessment of the police administration at the participating police stations, and observations recorded by the research team executing the study, frequently, constitutional rights and entitlements of pre-trial detainees were *de facto* ignored.² Considering the standing of the Bill of Rights in the Constitution, especially the right to human dignity, it is beyond question, that the reality of pre-trial detention found, defies purpose and direction of the Namibian society. If upholding the legal entitlements of its citizens,

¹ From the onset, we held that the dismal reality of pre-trial detention in Namibia, as reported in various reports by the Ombudsman (2006, 2008) and other observers, needed a systematic approach before it could change for the better (Schulz & Bruyns, 2021). At the time it appeared that a performance analysis of effectiveness and efficiency of the CJS in respect pre-trial detention in police custody would be sufficient. In the meantime, however, realisation struck that knowing the system deficiencies is not sufficient, and that an understanding of the dynamics of those factors with a bearing on effectiveness and efficiency is needed, to bring about the desired change.

² For detail, see Section B (above).

including pre-trial detainees, lies within the mission, vision, philosophy, strategic thrust, and goals of the Namibian society, then, to speak with Veldsman (2002), the reported reality is not in sync with the strategic intent of our nation. Strategic Intent is a long-term, ambitious goal that an organization or entity commits to achieving. It serves as a guiding vision that shapes decision-making, resource allocation, and competitive actions over time. In the system perspective, the fact that pre-trial detention does not (yet) meet the normative ambitions of the Constitution might be acceptable.³ But in the context of the CJS, it is important to take cognisance of the fact that the system's strategic intent can only be determined within the remit of constitutional obligations, legal frameworks, and policy directives. The CJS is bound by Article 5 of the Namibian Constitution to uphold fundamental rights and freedoms, which renders the strategic intent measurable against both qualitative and quantitative fulfillment of legal entitlements, such as the protection from harm (crime victimization) and humane treatment in custody. Importantly, these individual rights and entitlements place demands on the

Figure 12: The organisation as a network (Veldsman, 1994, p. 6)



system which must be met here and now (Jonker, 2020, p. 303) and may not be deferred to the future as a long-term goal of the nation. This requires answers to the question how strategic intent is achieved. Starting point is Veldsman's (2002)

proposition that strategic intent is realized through effectiveness and efficiency. In Veldsman's model, effectiveness equates to 'doing the right thing', and efficiency to 'doing things right'. Applied to the CJS, effectiveness then means the alignment between the legal system, policy outcomes, and societal expectations. Efficiency in turn means that the resources, structures, and processes in the CJS are well-aligned with its objectives. Ensuring internal-external coherence and strategic fit is a foundational principle of organisational performance. In terms of Veldmans' model the vertical (external) alignment ensures effectiveness, the horizontal (internal) alignment efficiency. Figure 13 depicts the map of an

³ The Constitution is also perceived as an instrument of transformational justice (also "transformative constitutionalism", a term developed by Karl Klare, 1998: 146-188), in that it is not merely a legal framework for governing power, but a normative tool intentionally designed to transform an unjust society into one that is democratic, equitable, and rights based. Transformational justice focuses on structural change and social redress.

organisation and its environment. The figure visualises the horizontal nexus between the various components of this organisation, as well as the vertical nexus between the organisation, its environment and its outcomes. In terms of this figure, an organisation makes a strategic choice by means of the strategic intent, that is the vision, mission and strategy of the organisation. The chosen strategic intent, to be realised, must be in line with the environment in which the organisation operates. It is only when the environment accepts the chosen strategic intent that it will reinforce architecture and resources the organisation provides in pursuit of this intent. The effectiveness of an organisation is thus a function of this alignment (Figure 13).

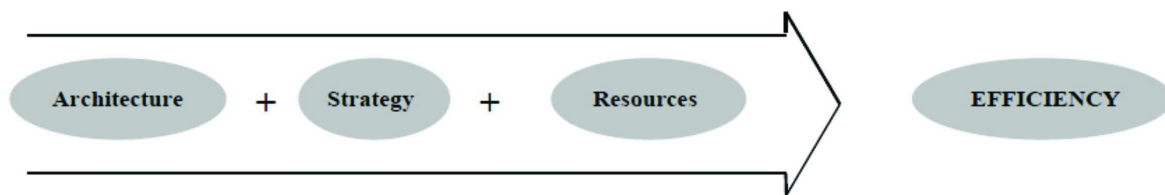


Figure 13: Organisational efficiency (adapted from Veldsman, 1994, p. 6)

Furthermore, the way in which the internal configuration of an organisation is set up in terms of its **architecture** (reporting lines, role definitions, operational systems, standard procedures) as well as its deployment of **resources** (human, financial, and material) informs the degree to which they are reinforced by the external operating **environment**, as well as they are contributing to the desired **outcome** (Figure 14).

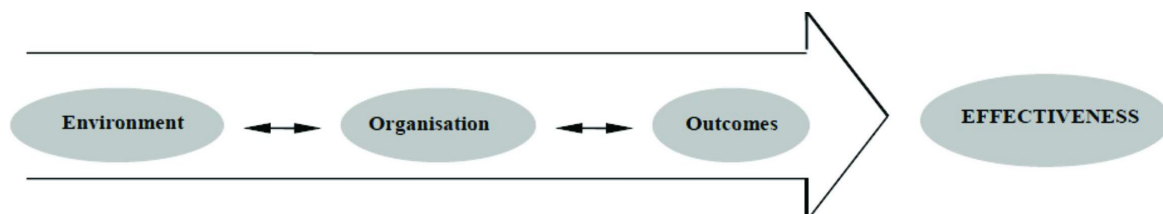


Figure 14: Organisational effectiveness (adapted from Veldsman, 1994, p. 6)

This vertical and horizontal alignment is critical to ensuring that the organisation functions efficiently and effectively. When these elements are misaligned — for instance, when organisational structures are too rigid for a dynamic context, or when available resources are insufficient or poorly allocated — it undermines the organisation's capacity to deliver on its mission. In such cases, inefficiencies emerge, often manifesting as delayed responses, duplication of efforts, inconsistent service delivery, or diminished outcomes relative to input. Therefore, ensuring internal-external coherence and strategic fit is a foundational principle of organisational performance. Veldsman (1994, p. 8) posits a close interrelationship between the different components in the model, which requires a dynamic balance for effectiveness and efficiency. A change in the content of any one component creates tension throughout the entire organisation because of the interrelationships between components. In most

cases, changes to the other components then become necessary (Beer, 1980; Mohrman & Cummings, 1989; Nadler & Tushman, 1992).

Misalignment within the Namibian Criminal Justice System

Although the Criminal Justice System (CJS) is often conceptualized as a unified mechanism for delivering justice, its real-world functioning frequently reveals deep-seated tensions between its constituent subsystems. These tensions—between police, prosecutors, courts, and correctional services—stem from divergent institutional mandates, resource asymmetries, and incompatible operational logics. For example, while the police may prioritize swift apprehension and visible enforcement, the judiciary emphasizes procedural fairness and legal integrity, leading to friction at the operational interface (Newburn, 2017; Bouckaert, Peters, & Verhoest, 2010). This disconnect reflects a lack of **horizontal alignment**, which undermines **efficiency** within the system (Veldsman, 2013).

Moreover, in contrast to non-governmental and business organizations, the CJS does not autonomously determine its strategic intent. Several factors contribute to this. Firstly, the CJS is not a monolithic block but comprises various branches of state power—legislature, judiciary, and law enforcement agencies such as police and corrections. Setting aside the legislature for a moment, the judiciary, police, and corrections fall under different government ministries, such as Justice and Safety and Security. While these ministries ultimately report to the President and Prime Minister, this structural arrangement does not guarantee coherence in either policy direction or operational execution (Pollitt & Bouckaert, 2011). As a result, when these internal dynamics also fail to align with broader constitutional principles—such as upholding human dignity or ensuring access to justice—**vertical misalignment** occurs, thereby reducing the system's **effectiveness** (Veldsman, 2013). Secondly—and perhaps even more crucially—in terms of **Article 5 of the Namibian Constitution**, the CJS and all of its subsystems are bound to respect and uphold the fundamental rights and freedoms (FR & FF) guaranteed in Chapter 3. The Constitution—implicitly and explicitly—provides the normative strategy for how the state must address criminal behaviour. It references and presupposes concepts such as **deterrence** and **retribution** but constrains their application within a framework of due process and constitutional safeguards. These are evident in constitutional language around arrest, detention, criminal charge, accused, criminal cases, juvenile persons, presumption of innocence, cross-examination, defence, conviction, acquittal, criminal offence, and penalty (Republic of Namibia, 1990, Article 12). Importantly, as Schulz (2009, p. 290) notes, many of these concepts and the normative practices they represent predate their codification in the Constitution and reflect deeper jurisprudential traditions. These constitutional principles are complemented by the procedural rules governing arrest, detention, and pre-trial decision-making under the law of criminal procedure. In Veldsman's terms, these concepts form part of the "**organisational architecture**" of the CJS. When this

architecture is not aligned with the strategic intent rooted in constitutional imperatives, systemic performance failure results. At this junction, the reference to Article 5 is critical: human rights protections apply always to all persons—regardless of whether they are victims or accused (Horn, 2008).

This creates a normative conundrum: the state must simultaneously uphold the dignity and liberty of the accused while protecting the rights and safety of the broader community. In the context of pre-trial detention, this often manifests as a zero-sum decision—where the liberty of the accused is curtailed in the name of public safety, and vice versa. The **opportunity cost** is then measured by the degree to which one constitutional entitlement is honoured at the expense of another. The discourse on constitutional entitlements as **rules versus principles** (Alexy, 2014) is relevant here. Interpreting rights as **principles** invites balancing—but also carries the risk that the entitlements of the accused may be diluted when weighed against those of the community. However, the **horizontal application** of fundamental rights under Article 5 does not weaken the **vertical obligations** owed by the state to the accused. Rights such as liberty and dignity are held in relation to the state, which is represented by the CJS in all pre-trial decisions. Realising these rights in practice requires more than normative commitment—it demands **institutional capacity** (Muntingh & Ballard, 2012).

The **deprivation of liberty** must not only be used as a last resort. It must also occur under custodial conditions that meet the constitutional standard of **human dignity**. This standard encompasses respect, humane treatment, psychological safety (alleviating helplessness), participation in decision-making (autonomy), and adequate material conditions (public decency) (Liebling, Maruna, & McAra, 2017). These entitlements are **non-negotiable**. If, *ceteris paribus*, available resources are insufficient to meet these standards, the solution must either be to **increase those resources**, or to **release a commensurate number of detainees** to restore constitutionally compliant custodial conditions.⁴

⁴ Schulz & Bruyns (2021: 26) referred to the authority of the European Court of Human Rights (ECtHR), which in many of its judgements placed the focus on *failures* to maintain dignity as revealed by the practices of actors in prison and police custody. In these judgements, 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. Here they highlight the effective dialogue between the ECtHR and the French judiciary on account of the advent of the COVID-19 pandemic and its impact on accused entitlements to dignified pre-trial custody may be instructive. Initially, the French highest 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 the French law, which then did not provide an effective legal remedy for detainees held in undignified custodial conditions (ECtHR 30 Jan. 2020, *J.M.B et autres c. France*, req. n° 9671/15), the French court made a U-turn (Criminal Chamber of the *Cour de Cassation*, 8 juill. 2020, FS-D, n° 20-81.739) and recognized that such conditions should very well allow the judiciary to order the release of inmates so affected (Margaine, 2020). Considering that the concepts inherent dignity (Preamble) and human dignity (Article 8) have been entered into the positive 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 stands to reason not only to take note of foreign and international courts in similar matters, but follow the dictum and order the release of remand inmates in similar circumstances.

The conceptual structure described above is compelling in theory, but its application in Namibia reveals troubling misalignments between **strategic intent**, **organisational architecture**, and **actual resource deployment**. The findings from the *Rethinking Pre-trial Detention in Namibia* project, across Sections A to E, expose the systemic consequences of these misalignments. Despite the constitutional imperative to uphold dignity, liberty, and due process, the sub-systems of the CJS operate with significant institutional fragmentation, inadequate coordination, and chronic under-resourcing (Legal Assistance Centre, 2008; Töttemeyer, 2014). These issues result in poor **horizontal alignment**, while the persistent failure to translate constitutional guarantees into real outcomes signals **vertical misalignment**. The following section explores how these structural tensions play out in practice—particularly in areas such as arrest procedures, judicial delay, remand facility conditions, access to legal representation, and the (non-)availability of alternatives to custody—each representing a critical node of failure in the overall **performance** of the CJS.

Insights from the Field: Findings from *Rethinking Pre-trial Detention in Namibia*

The Namibian CJS, particularly the pre-trial detention system, shows misalignment between strategic intent, organizational architecture, and resource allocation, leading to ineffectiveness in meeting several normative goals. This has been highlighted in Sections A. – E., where the outcomes of several research projects under the baseline study Re-thinking pre-trial detention in Namibia have been reported. As discussed above, the strongest expression of these goals is found in the Namibian Constitution (NC) and sub-constitutional legislation. Hereafter, the systemic analysis of

SYSTEM AT ODDS WITH ITSELF (Insights from the field)

The evidence at hand **strongly supports** the misalignment between **strategic intent** and **current practice**:

- 1. Pre-Trial Detention in Namibia – Regional & International Comparison (Document A)**
 - Demonstrates that Namibia's rate of pre-trial detention exceeds regional and global averages, raising critical questions about whether arrest is truly used as a last resort.
 - This reveals a disconnect between policy commitments and operational realities.
- 2. Objective Measures & Conditions in Police Custody (Document B)**
 - Reports severe overcrowding and degrading conditions in police cells, contradicting any human-rights-oriented intent.
 - This misfit between resource use and policy goals highlights ineffectiveness.
- 3. Organizational & Operational Stressors (Document C)**
 - Highlights the extreme stress on police officers, partly due to systemic over-reliance on detention as the default mechanism.
 - If the system is overburdening law enforcement, it further underscores the inefficiency of maintaining high pre-trial detention rates.
- 4. Unlawful & Avoidable Pre-Trial Detention (Document D)**
 - The study reveals systemic procedural failures in pre-trial detention, where detentions are prolonged unnecessarily due to legal uncertainty and dependency on prosecutorial decisions.
 - This is a prime example of how practice contradicts policy goals, reinforcing inefficiency.
- 5. Risks & Needs of Pre-Trial Detainees (Document E)**
 - Identifies how prolonged pre-trial detention exacerbates criminogenic risks, directly undermining the goal of reducing recidivism.
 - This suggests that resource allocation (favouring detention over rehabilitative interventions) actively contradicts the intended outcome.

the pre-trial detention research findings will follow a sequence of four steps (a - d) to prepare the ground for organizational diagnostics:

Step (a): Extracting variables

The reports in Sections A. – E. contain measurable and descriptive elements (e.g., detainee numbers, resource allocation [cell space per detainee], officer stress levels, procedural compliance rates) that can be operationalised as variables.

Step (b): Assigning variables to Model Components

Veldsman's performance model provides a structured framework to categorize variables under resources, architecture, strategy, operations, and outcomes.

Step (c): Describing the Model Mechanics

The model mechanics demonstrate how ineffectiveness and inefficiency propagate through the system (e.g., resource shortages leading to errors)

Step (d): Hypothesizing Variable Impact

On the back of the mechanics, modelling how upward or downward changes affect the outcome (aligned with strategic intent) will highlight leverage points for system correction.

Step a) Variable extraction:

1. Overcrowding in detention cells – Severe lack of space per inmate, measured in m² per detainee.
2. Unlawful or avoidable detentions – Cases where detention was unjustified under legal standards.
3. Police resource shortages – Staffing and equipment deficiencies affecting operational capacity.
4. Prosecutorial backlog – Delays in reviewing cases, causing extended remand periods.
5. Mental health and well-being of detainees – Reported psychological effects due to poor conditions.
6. Human dignity violations – Denial of privacy, hygiene, and personal safety.
7. Judicial efficiency – Speed and accuracy of case processing and decision-making.
8. Training of police officers – Preparedness and knowledge of legal standards and alternatives to detention.
9. Pre-trial risk assessment usage – Application of risk-based evaluations before detention decisions.
10. Budget allocation to non-custodial measures – Investment in alternatives like bail programs and supervised release.
11. Officer stress and burnout – Impact of workload on decision-making and procedural compliance.
12. Physical infrastructure conditions – Suitability of police cells and remand facilities for human habitation.

Step b) Variables assigned to Veldsman's Model

1. Strategic Intent (Guiding Purpose & Long-Term Goals)
 - Judicial efficiency – Ensuring the system processes cases in a timely and fair manner.
 - Budget allocation to non-custodial measures – Investment in bail programs, electronic monitoring, and supervised release.
2. Architecture (Policies, Laws, and Structures)

- Training of police officers – Knowledge of legal standards and alternative measures to detention.
 - Pre-trial risk assessment usage – Use of evidence-based assessments to determine detention necessity.
 - Legal framework for pre-trial detention – Laws governing arrest, bail, and custody decisions.
3. Resources (Human, Financial, and Infrastructure)
- Police resource shortages – Limited staffing and equipment affecting detention management.
 - Budget allocation to non-custodial measures – Ensuring funding for alternative measures.
 - Physical infrastructure conditions – Quality and suitability of police cells and detention facilities.
4. Operations (Processes & Decision-Making)
- Overcrowding in detention cells – Result of excessive pre-trial detentions.
 - Unlawful or avoidable detentions – Procedural failures leading to unnecessary custody.
 - Prosecutorial backlog – Delays in reviewing cases, prolonging detention periods.
 - Officer stress and burnout – Excessive workload affecting decision quality.
5. Outcomes (Effectiveness & Efficiency)
- Mental health and well-being of detainees – Psychological impact of prolonged custody.
 - Human dignity violations – Breaches in privacy, hygiene, and humane treatment.
 - Rights to liberty violation – Unlawful or avoidable detentions
 - Fair Trial violations – Adequate time and facilities for the preparation and presentation of their defence
 - Judicial efficiency – Measurable system responsiveness in processing cases.

Step c) Mechanics Linking Components in Veldsman's Model

1. Horizontal Reinforcement (Strategic Intent → Other Components)
- Strategic Intent → Architecture
Legal framework & police training reinforce judicial efficiency.
 - Proper legal standards ensure pre-trial detention is used only when necessary.
 - Police training determines whether officers correctly apply legal criteria before detaining individuals.
 - Strategic Intent → Resources
Adequate funding supports non-custodial measures and infrastructure.
 - If the budget is aligned with the intent to reduce unnecessary detentions, more funding should go to bail programs, electronic monitoring, and risk assessments rather than expanding holding cells.
2. Horizontal Synergy (Component-to-Component Interactions)
- Architecture ↔ Operations
Procedural guidelines and risk assessments guide police decision-making.
 - When police follow structured risk assessments, unnecessary detentions decrease.
 - Poor implementation of legal provisions results in detention by default rather than case-by-case assessment.
 - Resources ↔ Operations
Staff shortages and infrastructure quality impact pre-trial processes.
 - Understaffed police units lead to errors, backlogs, and procedural delays.
 - Poor physical conditions in detention compromise human dignity, worsening overall effectiveness.

3. Contribution to Outcomes

- Operations → Outcomes

Prosecutorial backlog and overcrowding affect detainee well-being and dignity.

- Delays in case processing extend detention times beyond necessity.
- Overcrowded facilities worsen psychological and physical health of detainees.

- Resources → Outcomes

Poor facilities and lack of funding reduce humane treatment in custody.

- Insufficient funds for food, hygiene, and mental health services degrade detainee dignity.
- Lack of legal aid and bail services results in prolonged unnecessary detention.

- Strategic Intent → Outcomes

Judicial efficiency ensures the system meets its intended goals.

- A well-functioning judicial process prevents unnecessary detentions.
- A failure in judicial efficiency contradicts the constitutional obligation to uphold dignity.

Step (d): Hypothesizing the Impact of Variable Changes on System Output

Table 38: Impact of Variable Changes on System Output

Change in Variable	System Impact	Explanation
Increase in police training	Reduces unlawful detentions	Improves adherence to legal standards, lowering unnecessary detentions.
Increase in budget allocation for non-custodial measures	Reduces pre-trial detention rates	More suspects qualify for supervised release or bail programs.
Reduction in prosecutorial backlog	Improves judicial efficiency	Faster case processing lowers detention periods.
Increase in officer staffing	Reduces stress and errors; Improves judicial efficiency;	More resources allow careful case handling, lowering procedural mistakes.
Improved detention facility conditions	Enhances detainee well-being	Better hygiene and privacy uphold human dignity.
More risk assessment usage	Lowers overcrowding	Only high-risk suspects are detained, reducing unnecessary incarceration.
Increased funding for mental health services	Improves police and detainee well-being	Psychological care prevents deterioration due to custody conditions.

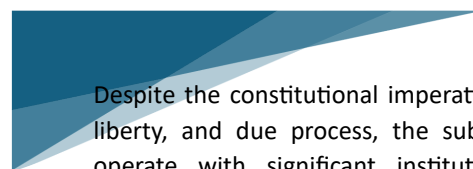
The preceding analysis, guided by Veldsman’s model of performance alignment, provided a structured assessment of institutional architecture, process logic, and outcome delivery in relation to the Criminal Justice System’s constitutional intent. This lens has allowed to categorize and reflect upon systemic inefficiencies. Yet, it does not in itself illuminate how variables within the system interact, reinforce one another, or evolve under pressure. To proceed **from diagnosis to transformation**, a shift in **analytical depth** is required. At this point, it is worth noting that in normative systems such as the CJS

– where legal rights, institutional discretion, and human judgment co-exist – other analytic approaches have been adopted internationally to improve quality and responsiveness. Frameworks such as Plan-Do-Study-Act (PDSA) cycles, Root Cause Analysis, and Lean Six Sigma (Barr & Brannan, 2025; Roman et al., 2025; Hollway, Lee & Smoot, 2017; Raper et al., 2017; Reed & Card, 2016) might be used for reforms in court administration, police logistics, and correctional planning by targeting inefficiencies and delays (Kelman, 2005; Drennan & McConnell, 2007; Bamber et al., 2009). Likewise, Logic Models and Theories of Change lend themselves to be employed in justice reform initiatives; to articulate intended effects and trace causal pathways (Connell & Kubisch, 1998; Funnell & Rogers, 2011). These methods, however, tend to work in a linear and modular fashion, addressing elements of the system in isolation or sequence (Patton, 2010; Mayne, 2011). What they often overlook—especially in complex, discretionary environments like pre-trial detention—is the relational dynamic between system elements: how institutional stress translates into procedural bottlenecks; how discretionary decisions feed back into outcome pressures; how dysfunction, once entrenched, sustains itself (Lipsky, 2010; Jones et al., 2017). These are questions not of static performance, but of interactive behaviour. To address them, we turn to a second-level systems analysis—Vester’s Sensitivity Model (VSM)—which allows for the exploration of interdependencies, feedback loops, and systemic leverage points (Vester, 2007, pp. 35–40; Vester, 2012, pp. 72–75).

Interdependencies: Vester’s Sensitivity Model (VSM)

From Variables to System Behaviour

The baseline projects conducted since 2022, and their consolidation through Veldsman’s performance model, provided a working catalogue of variables affecting pre-trial detention outcomes in Namibia. These variables



Despite the constitutional imperative to uphold dignity, liberty, and due process, the sub-systems of the CJS operate with significant institutional fragmentation, inadequate coordination, and chronic under-resourcing. These issues result in poor **horizontal alignment**, while the persistent failure to translate constitutional guarantees into real outcomes signals **vertical misalignment**.

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were drawn from observation, interviews, and institutional data, and were classified according to their location in the system’s structure, processes, or outcome space. Their significance lies in the patterns of inefficiency, misalignment, and pressure they revealed—often echoing across multiple institutions. Yet, no variable in a complex system acts in isolation. What appears at first as a local weakness – such as delayed file transfer or underuse of police bail – can, under pressure, ripple through adjacent functions, accumulate unintended consequences, and reinforce the very inefficiencies it was subject to. Variables are not static nodes but interacting agents, capable of triggering or buffering change in other parts of the system. To better understand this systemic behaviour, the identified variables were

reconceived as elements within a dynamic structure. This involved shifting the analytic focus: away from static performance indicators toward relational influence—asking not simply what a variable is, but what it affects, and by what it is affected. This interpretive shift marks the entry point into systems thinking proper and sets the foundation for applying a sensitivity analysis to the pre-trial detention system.

Sensitivity Analysis

Sensitivity analysis is a tool broadly known to support decision-making and impact assessment processes, to cope with uncertainty (Vester 2007). The analytical focus is on how a model output varies with changes in the model's inputs (Ulrich 2005); its analytical interest lies in how the output of a model or system can be apportioned to different sources in its inputs (Saltelli et al. 2008). According to Bahremand and Smedt (2008), sensitivity analysis can be useful for

- testing the robustness of the results of a model or system;
- increased understanding of the relationships between input and output variables;
- identifying model inputs that cause significant uncertainty in the output or ranges of input factors for which the model output is either maximum or minimum.

It is underpinned by cybernetics, which has the common goal of explaining complex systems, focusing on how anything (digital, mechanical or biological) processes information, reacts to information and changes or can be changed to better accomplish its tasks (Wiener 1961; Von Bertalanffy 1968; Fuller 1979). It is most applicable where action by the system generates some change in its environment, creating iterative feedback mechanisms within a “circular causal” relationship: a defining characteristic of a cybernetic process (Ashby 1970). Negative feedback loops help to maintain stability, while positive feedback loops amplify possibilities of growth and divergence, allowing the process to self-regulate and access new points of equilibrium (Vester 2007). Importantly, however, sensitivity analysis does not work with fixed variable values. Instead, it requires varying the values of the parameters and input variables over a range and observing the effect on results and model performance. To the extent that this operates on mathematical models defined by a series of equations, input factors and variables aimed at characterising the process being investigated (Vester 2007), until recently, the complexity of mapping interdependencies in normative systems like the CJS made real-time simulation impractical. However, while advances in computing power have made such modelling more technically feasible, challenges remain in quantifying variables that are inherently qualitative, politically contingent, or driven by discretionary logic. For this reason, transparent and participatory tools such as Vester's Sensitivity Model remain valuable for interpreting systemic behaviour and guiding policy decisions where high-resolution data or automated analytics are either unavailable or ethically inappropriate.

Overview of Vester's Sensitivity Model

Vester's Sensitivity Model (hereinafter 'VSM') was applied, as a pilot, to pre-trial detention in Khomas Region as a CJS subsystem, working from literature-based synthesis rather than proprietary software.

Although VSM exists as modelling software, besides other software, e.g. Vensim® and STELLA®, the literature-based VSM was chosen for its strengths in mapping qualitative interdependencies. This aspect plays an important role in systems where legal discretion, institutional constraints, and human rights norms converge. Unlike most quantitative simulation tools, VSM does not require precise numerical data for all variables. Instead, it offers a structured and transparent method for exploring how different elements of a system influence one another, even where information is partial, contested, or difficult to quantify. Among its key advantages are:

- **Participatory accessibility:** VSM is designed to facilitate collaborative exploration among practitioners, experts, and decision-makers without requiring mathematical modelling or technical software proficiency. This makes it user-friendly ideal for inclusive settings where system insight is distributed across institutions and transdisciplinary groups of experts (Onyango, 2016: 1154).⁵
- **Suitability for data-poor environments:** In contexts such as pre-trial detention, where system behaviour is shaped by discretion, culture, and informal routines as much as by formal metrics, VSM enables systemic analysis using qualitative judgment and expert knowledge.
- **Focus on leverage points:** VSM prioritizes identifying variables that exert disproportionate influence on system behaviour—known as *active* or *critical* variables—enabling targeted intervention design where resources are constrained.
- **Systemic role classification:** By calculating each variable’s *Activity*, *Passivity*, and resulting *Systemic Role*, VSM supports differentiated insight into which elements drive, absorb, or stabilize systemic pressures.
- **Transparent logic:** The model’s use of visual matrices and role mapping allows stakeholders to follow the reasoning process, debate assumptions, and reflect critically on where change is most likely to produce systemic impact.

Iterative Process of System Model Development

VSM includes nine successive analytic steps (Table 39: Main functions of nine steps of SM & description of operations), grouped into three (Figure 15) phases.⁶ Initial conditions are successively updated in subsequent steps. These include system description, set of variables, criteria matrix, impact matrix, systemic role, effect system, partial scenarios, simulation and cybernetic evaluation, categorized into three phases (see Figure 15). **(1)** The first step in applying Vester’s Sensitivity Model, the **system description**, involves clearly defining the system under investigation. This includes setting its boundaries and specifying its purpose. The system must be seen as a network of interrelated elements that interact dynamically. In public policy, this means selecting a policy domain (e.g., pre-trial detention) and identifying its functional boundaries—what is included and what is excluded from analysis. **(2)** Next, the most system relevant variables or elements—referred to as factors—are

⁵ Onyango (2016, p. 1154) adds to the here listed advantages that “it allows repeat simulations of the same scenario under different conditions”, and “its table functions allow non-linear relations and the application of fuzzy logic recognises limits threshold values, as they occur in reality.”

⁶ Figure 15: Procedures of SM (Huang et.al. 2009, p.118); see also: Ojekunle et al. 2020, p. 53; Gabriel & Bitsch, 2018, p. 310.

identified. These can be quantitative (e.g., detention rates, budget allocations) or qualitative (e.g., human dignity, procedural fairness). The selection should reflect both internal and external influences.

Ideally, around 20–30 factors are chosen to maintain analytical manageability and cover all important system components. **(3)** Before proceeding to modelling interdependencies, it is essential to assess the quality and completeness of the variable set identified in Step 2 above. Using a cybernetic checklist, the list of system elements is vetted to reflect all functionally relevant aspects of a

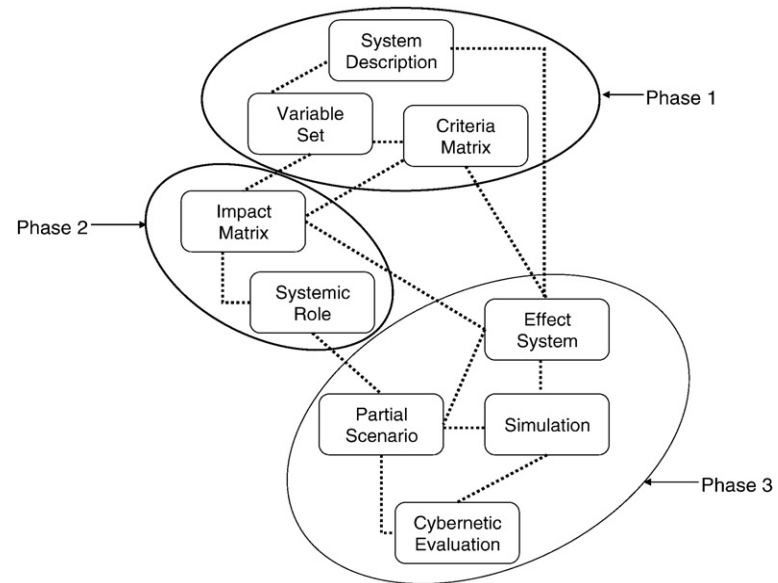


Figure 15: Procedures of SM

viable and responsive system. This checklist is rooted in the principles of cybernetics and living systems theory. It prompts the assessment of whether the system includes variables that represent:

- **Input flows** (e.g., arrests, case influx),
- **Transformation processes** (e.g., investigations, bail hearings),
- **Storage or buffering capacity** (e.g., cell space, personnel flexibility),
- **Control mechanisms** (e.g., judicial discretion, legislative limits),
- **Feedback and communication** (e.g., oversight reporting, public scrutiny),
- **Adaptation capacity** (e.g., training, policy learning),
- **Identity and goal orientation** (e.g., constitutional values, presumption of innocence).

This process may reveal gaps, such as missing variables that represent oversight, system memory, or adaptive capability. This may lead to a revision or expansion of the list. The goal is to ensure that the model reflects not just structural elements, but also the dynamic functions that enable the system to remain stable, responsive, and rights-compliant under changing conditions. **(4)** In the fourth step each factor is evaluated in terms of how strongly it influences and is influenced by every other factor. To visualise this evaluation, we use a cross-impact matrix, which becomes the central analytical tool in Vester's model, capturing the dynamic interrelationships within the system. Cross impact analyses have been used in knowledge integration, comprehensive system analysis, scenario construction, decision-making and strategic planning in various fields such as corporate management, mobility and rural development (see e.g. Vester, 1988; Scholz and Tietje, 2002; Wiek and Binder, 2005; Lang et al., 2006). The influence of one variable on another is classified into different levels:

0: negligible influence — strong change of A causes no or nearly no change in B

1: under-proportional influence — strong change of A causes only a slight change in B

2: proportional influence — change of A causes an equally strong change in B

3: over-proportional influence — slight change of A causes a strong change in B.

(5) After identifying the influence of each pair of variables on each other, the impact matrix further analyzes the characteristic qualities, such as “impact strength” and “involvement”, for each variables based on the sum of all impacts that an element has on all others (sum of rows = “active sum, AS”), and that particular element experiences from all others (sum of columns = “passive sum, PS”) (Scholz and Tietje, 2002). The “impact strength” is calculated by dividing the AS by the PS values for each variable. This quotient, the *Q*-value, identifies variables that have strong impacts on other variables ($Q > 1$) and variables that are strongly influenced by other variables in the system ($Q < 1$). The “involvement” of a variable is calculated by multiplying the AS and PS values of a variable. This dimension, the *P*-value, shows how strong a variable is inter-linked with the system and variables are categorized into active, passive, critical, or buffering, according to the value derived from the impact matrix.

Table 39: Main functions of nine steps of SM & description of operations

	#	Step	Function	Brief description of operation
I. Description Phase	1	System description	Facts, data, problems, goals, first system map	Collect facts, opinions, problems, inter-linkages and goals on a system map.
	2	Set of variables	Collection of influence factors and indicators	Define a group of related variables that cover all important system components
	3	Criteria matrix	Checking for system relevance	Refine limited number of variables by examining the data available & through discussions. Examine the completeness of the variable set from a cybernetics system's viewpoint Make sure that the set of variables reflects all relevant points of view of a ‘surviving’ system
II. Interpretation Phase	4	Impact matrix	Evaluation of the strength of influence	Examine magnitude of the cause-effect relations between the variables to identify their functional roles in the system Evaluate the effect between two variables by joint discussion for consensus.
	5	Systemic role	Cybernetic role of the variables in the system	Categorize each variable into active, passive, critical or buffering according to the value derived from the impact matrix
III. Evaluation Phase	6	Effect system	Interlinkage of the variable and feedback- analysis	Compose a causal network of variables, or loop diagrams, and organize a conceptual framework of system relationships
	7	Partial scenario	Visualizing detailed functions	Focus on system dynamics and interrelationships between system variables
	8	Simulation	If-then prognoses and policy-test	Focus on system dynamics and interrelationships between system variables. Insight into the dynamic development of the system under consideration and its possibilities of controlling.
	9	System evaluation	Cybernetic system evaluation	Evaluate the system based on the eight rules chosen for its ability to evaluate the sustainable and long-term viability of the system.

(6) Based on the matrix and role analysis, a visual representation of the **effect system** – often a causal loop or influence diagram – is constructed. This diagram maps how factors affect one another across the system. It serves as both an analytical and communicative tool, helping stakeholders visualize complexity and identify leverage points. (7) In so-called **partial scenarios**, the **sensitivity analysis** tests

the system's response to changes in specific factors. Simulated interventions – manually or through software – model different **scenarios** to assess sensitivity. An example would be increasing legal aid availability to test for its effects on case processing times, remand conditions, and recidivism risk. **(8)** In **simulations**, based on the sensitivity and feedback analyses, **if-then** prognoses and policy tests are conducted, and potential policy interventions are evaluated. Measures that lead to system stabilization and generate synergies (rather than reinforcing instability) are favoured. The model helps distinguish between interventions with short-term visible impact and those that are systemically sustainable. **(9)** Finally, the insights from all previous steps are used to inform actual policy or operational strategies. This step integrates technical knowledge, stakeholder values, and implementation feasibility. The model does not prescribe decisions but supports robust, system-aware decision-making that anticipates long-term consequences.

System Definition / Description / Delimitation

The system under analysis is pre-trial detention within the Namibian criminal justice system. It comprises the institutional, procedural, and normative arrangements that determine the deprivation of liberty prior to conviction. This includes police arrest and detention, prosecutorial decision-making, judicial bail hearings, and the remand infrastructure (primarily police holding cells). The strategic intent of this subsystem is twofold:

1. To **ensure** that accused persons are available for trial and do not pose a threat to society during the pre-trial phase.
2. To **uphold** constitutional rights, including the presumption of innocence, freedom from arbitrary detention, and the right to dignity (Article 5 of the Namibian Constitution).

The system is defined temporally from the point of arrest until trial disposition, and institutionally as involving key actors such as the police, prosecutors, legal aid providers, courts, and detention facility managers. What makes this system complex—and thus suitable for Vester's methodology—is the interdependence between seemingly distinct components: investigative delays, judicial discretion, facility overcrowding, resource constraints, human rights obligations, and public perceptions of safety. This system is not closed: it interacts with broader socio-political and economic realities, such as poverty, access to legal representation, and government budgeting. However, for the purpose of this model, we delimit the system to those elements that are within the actionable mandate of justice sector decision-makers and have a direct or indirect bearing on pre-trial detention conditions and outcomes.

Identification of System Elements (Step 1)

For demonstration purposes a provisional set of system elements (factors) that interact within the pre-trial detention framework. At this point, these elements are drawn from existing literature, and empirical insights from Namibia's legal system (Sections A. - E).

Provisional System Elements:

1. Access to legal aid – availability and timeliness of legal representation.
2. Judicial discretion on bail – consistency and criteria for bail decisions.
3. Duration of police investigations – time taken to prepare a docket.
4. Frequency of court remands/postponements – procedural delays.
5. Number of magistrates/judicial officers – capacity of the court system.
6. Budget allocation for remand infrastructure – operational resources.
7. Overcrowding in police cells – space and privacy conditions.
8. Staffing levels of police and prosecutors – human resource capacity.
9. Inter-agency coordination – level of collaboration across justice actors.
10. Public pressure for tough-on-crime policies – political and media influences.
11. Oversight mechanisms (e.g. NGOs, ombudsman) – external accountability.
12. Recidivism or re-arrest rates – proxy for bail decision quality.
13. Existence of diversion or non-custodial options – policy alternatives.
14. Psychosocial support to detainees – impact on well-being and rehabilitation.
15. Time between arrest and first court appearance – compliance with rights.
16. Quality of case file documentation – affects court readiness and outcomes.
17. Legislative clarity on remand time limits – statutory protections.
18. Community-based supervision alternatives – pre-trial monitoring.
19. Institutional culture regarding pre-trial detention – habitual practices.
20. Data availability and system monitoring – basis for decision-making.

Some of these elements were entered into the set of variables defined to cover all important system components (below).

Set of variables (Step 2)

Further, the following set of system relevant variables (factors), which are partially quantitative (detention rates, budget allocations) and partially qualitative (human dignity, fundamental rights and freedoms violations, mental health), have been listed hereafter. Most of them have been taken from the variable extraction during the performance analysis (above).

1. Overcrowding in detention cells – Severe lack of space per inmate, measured in m² per detainee.
2. Unlawful or avoidable detentions – Cases where detention was unjustified under legal standards.
3. Police resource shortages – Staffing and equipment deficiencies affecting operational capacity.
4. Prosecutorial backlog – Delays in reviewing cases, causing extended remand periods.
5. Magisterial backlog - Delays in completing cases, causing extended remand periods.
6. Judicial efficiency (tentative) - Speed and accuracy of case processing and decision-making.
7. Mental health and well-being of officers and detainees – Reported psychological effects due to poor conditions.
8. Human dignity violations
9. Human rights and fundamental freedoms violations

10. Training of police officers – Preparedness and knowledge of legal standards and alternatives to detention.
11. Pre-trial risk assessment usage – Application of risk-based evaluations before detention decisions.
12. Budget allocation to non-custodial measures – Investment in alternatives like bail programs and supervised release.
13. Officer stress and burnout – Impact of workload on decision-making and procedural compliance.
14. Physical infrastructure conditions – Suitability of police cells and remand facilities for human habitation.

Criteria Matrix: System Relevance (Step 3)

Step 3 of Vester’s methodology – the Criteria Matrix – has not yet been systematically applied in this pilot. However, a provisional first pass can already suggest its value. The criteria matrix asks: *Do the variables identified reflect all key systemic functions necessary for viability and responsiveness?* Applying Vester’s refinement checklist (see above), we begin to vet whether the current variable set captures:

- **Input/throughput/output functions** (e.g., arrests, court throughput, outcomes),
- **Feedback and adaptation** (e.g., oversight, system learning),
- **Normative orientation** (e.g., rights, human dignity),
- **Control and governance** (e.g., legislative mandates, judicial discretion),
- **System memory and resilience** (e.g., institutional learning, diversion programs).

Preliminary insights show gaps in areas such as oversight memory, goal alignment, and adaptive capacity. For example, while “Oversight mechanisms” are mentioned, no dedicated variable currently represents how these insights are fed back into institutional learning. Similarly, while “Police training” appears, there is no clear proxy for whether training content evolves based on data or rights-based evaluation. This provisional application suggests a focused vetting session, using the cybernetic criteria to amend and possibly expand the variable set.

Impact Matrix (Step 4)

The impact matrix (Table 37) has been crafted using provisional values to model interdependencies, taken from the set of variables (above). The matrix is not yet empirically validated, but illustrates how small changes in one part of the system can ripple through others—revealing both pressure points and opportunities for leverage. The matrix developed reveals not just the relationships between variables, but their systemic roles (see also Figure 19 and Figure 20 below): which factors drive change (*active variables*), which absorb it (*passive variables*), and which play disproportionate roles in either stabilizing or destabilizing the system (*critical or buffering variables*). These insights are not an endpoint—they are a point of departure for a participatory, multi-stakeholder strategy workshop. To illustrate the potential of this methodology, the model has been used to create a preliminary matrix

comprising 13 (14) variables relevant to pre-trial detention. The resulting analysis (see Figure 37) classifies variables by their **Active Sum (AS)**, **Passive Sum (PS)**, and systemic roles derived from **Q- and P-values** (see Figure 19):

- **Active Variables:** *Physical infrastructure conditions, Police resource shortages, Budget for non-custodial measures*—these have high outward influence on the system.
- **Passive Variables:** *Mental health, Training of officers*—highly affected by other variables, but do not themselves influence much.
- **Critical Variables** (high P-values): *Overcrowding, Police stress and burnout, Human dignity violations*—these are both sensitive to and capable of influencing multiple subsystems.

Excursus: Systemic Effect Diagram

The plot in Figure 16 visualises the systemic roles of variables (Systemic Effect Diagram) for each variable based on its **Q value** (Activity/Passivity) and **P value** (Involvement):

- **Active Drivers:** High Q, moderate P (top-right quadrant)
- **Passive Receivers:** Low Q, high P (bottom-left)
- **Critical Leverage Points:** High in both
- **Buffering/isolated elements:** Low in both

Importantly, however, Figure 19 does more than categorize variables – it visualizes their capacity to influence systemic transformation. Variables in the upper right quadrant (high Activity and high Involvement) are prime leverage points: small interventions here can yield cascading effects. Conversely, lower-left quadrant variables are system absorbers – places where dysfunction accumulates. These may be less effective as direct intervention points but crucial for monitoring systemic health. Importantly, some seemingly passive variables (e.g., “Officer stress”) show high involvement, implying that any reform ignoring them will likely face backlash or internal resistance. The figure therefore provides a cognitive map for reform sequencing: start with active-critical variables, monitor passive-critical ones, and shield buffer zones from overload. A variable which stands out is ‘Budget for non-custodial measures’ is in the bottom-right quadrant, characterized by:

- High Q value (**Activity / Passivity**) → indicating high outward influence on the system.
- Low P value (**Involvement = A × P**) → indicating low systemic involvement or entanglement.

This means the variable is classified as an active driver, but with low involvement – essentially: It has strong influence on other variables but is not significantly affected by them. This variable is an important leverage point: investing in or adjusting the budget for non-custodial measures could drive significant systemic change, even though the variable itself is not very reactive to other system changes. It's an excellent candidate for top-down intervention in reform strategies.

Systemic Effect Diagram

Figure 16 does more than categorize variables – it visualizes their capacity to influence systemic transformation.

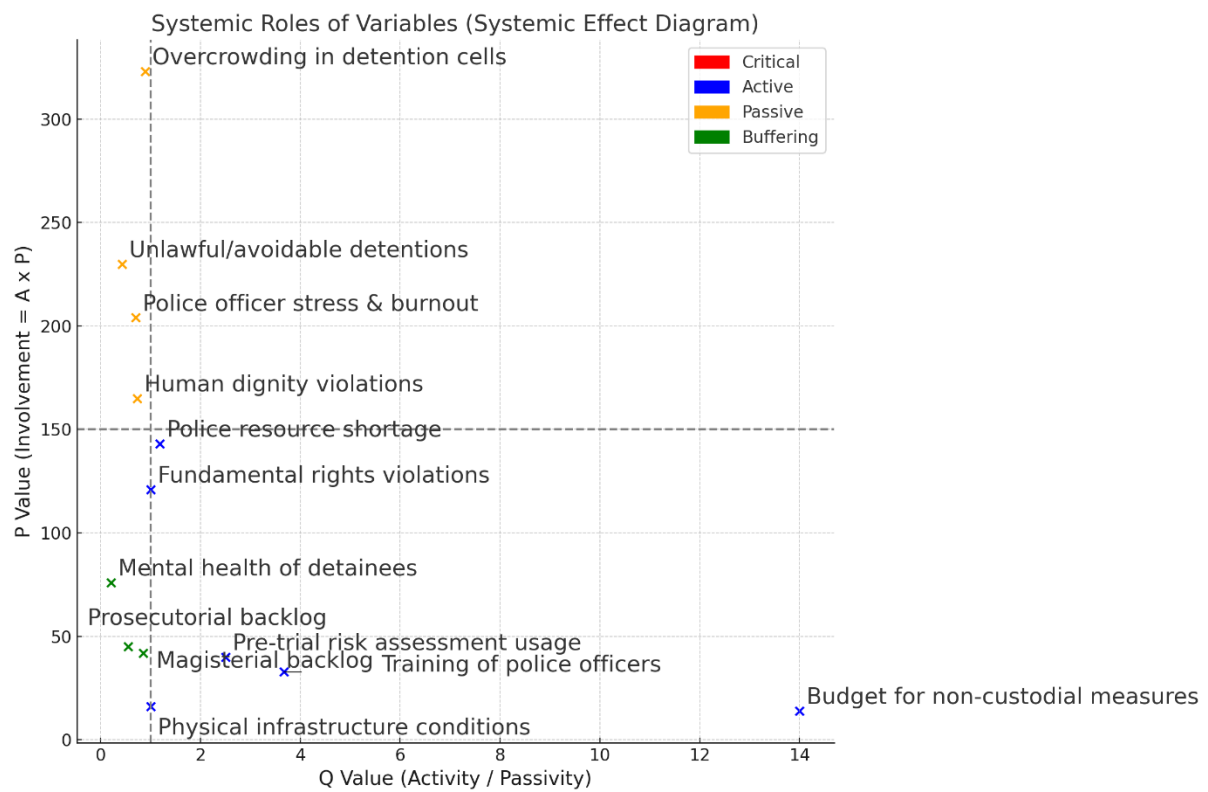


Figure 16: Systemic Roles of Variables (Systemic Effect Diagram)

Table 40: Vester Sensitivity Model (R) Impact Matrix PTD (A/P & AxP calculated)

#	Variables	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Active Sum (Ai)	A/P	A x P
1	Overcrowding in detention cells	X	3	1	1	1		3	3	2	0	0	0	2	1	17	0.894	323
2	Unlawful and/or avoidable detentions	2	x	0	1	1		1	2	2	0	0	0	1	0	10	0.434	230
3	Police resource shortage	2	2	x	0	1		1	1	1	2	0	0	3	0	13	1.181	143
4	Prosecutorial backlog	2	2	0	x	1		1	0	0	0	0	0	0	0	6	0.857	42
5	Magisterial (judicial) backlog	2	2	0	0	x		1	0	0	0	0	0	0	0	5	0.555	45
6	Judicial efficiency (tentative)						x											
7	Mental health and well-being of detainees	0	0	1	1	0		x	0	0	0	0	0	2	0	4	0.21	76
8	Human dignity violations	0	3	1	1	1		3	x	0	0	0	0	2	0	11	0.733	165
9	Fundamental Rights and Freedoms violations	0	3	1	1	1		2	1	x	0	0	0	2	0	11	1	121
10	Training of police officers	2	0	1	1	1		1	1	1	x	1	0	2	0	11	3.666	33
11	Pre-trial risk assessment usage	2	2	1	1	1		1	1	1	0	x	0	0	0	10	2.5	40
12	Budget allocation to non-custodial measures	2	2	1	0	1		1	2	1	0	2	x	2	0	14	14	14
13	Police Officer stress & burn-out	2	2	3	0	0		1	1	1	1	1	0	X	0	12	0.705	204
14	Physical infrastructure conditions	3	2	1	0	0		3	3	2	0	0	1	1	x	16	16	16
	Passive Sum (Ai)	19	23	11	7	9		19	15	11	3	4	1	17	1			

Impact visualised: Causal Loop Diagram: *Impact of High-Risk Remand Inmate Re-Apprehension* (Figure 17)

To deepen the understanding of how systemic weaknesses contribute to cycles of detention and re-apprehension, a causal loop diagram was developed (Figure 20). This diagram visualizes the reinforcing feedback mechanisms between high-risk remand inmate re-apprehension and systemic stressors such as police resource shortages, magisterial backlog, and officer burnout. At its core, the loop shows that:

- **Inadequate pre-trial risk assessment** and **judicial discretion inconsistencies** increase the likelihood of high-risk individuals being released.
- Their **re-apprehension**, in turn, fuels public pressure and tough-on-crime rhetoric.
- This pressure leads to **more conservative bail decisions** and **increased use of custodial remand**, even in borderline cases.
- The resulting overcrowding and administrative backlog compromise the system's capacity to accurately assess or process new cases, thus **diminishing the effectiveness of risk-based decision-making** even further.

This forms a **positive feedback loop** — not in the sense of improvement, but of amplification: systemic pressure creates the very conditions that perpetuate dysfunction. The inclusion of this loop in the sensitivity analysis underscores how one poorly controlled node (e.g., re-apprehension) can have recursive effects across the entire system. It also highlights a key insight of systems thinking: effective reform may lie not in directly reducing re-apprehension, but in strengthening upstream variables such as risk assessments and coordination mechanisms.

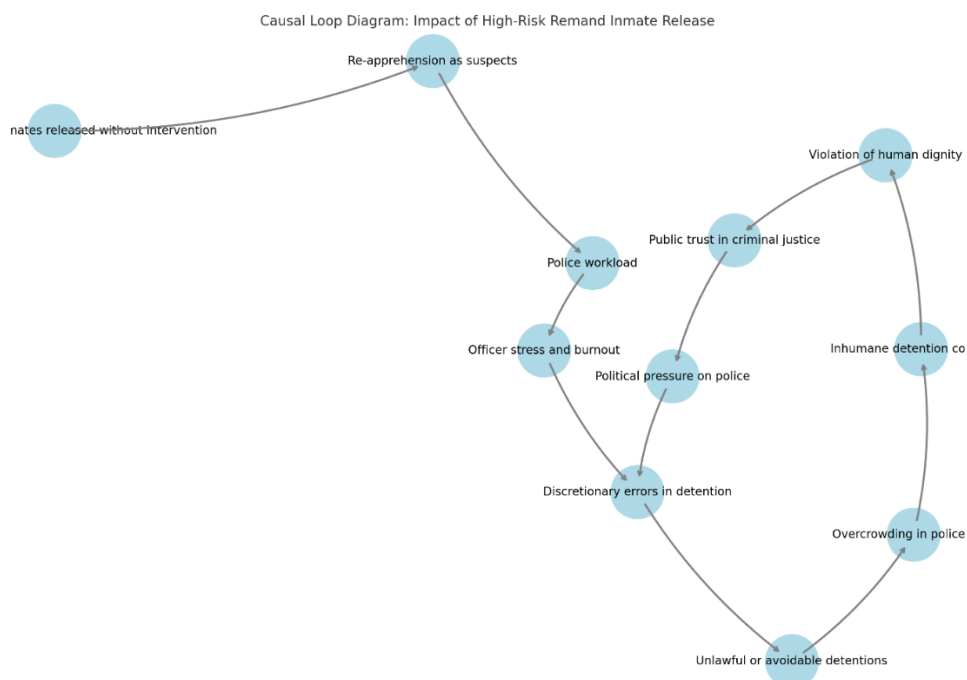


Figure 17: Causal Loop Diagram: Impact of high-risk remand inmates on re-apprehension

Conclusion

Section F has taken a decisive turn from linear diagnosis toward systems-based insight. By applying Vester's Sensitivity Model to the domain of pre-trial detention, it has become evident that the challenges of this subsystem cannot be understood in isolation or solved through single-variable interventions. The demonstrative impact matrix and systemic effect diagram reveal how deeply entangled operational, normative, and institutional elements are — with some variables (such as infrastructure, resource allocation, and police officer training) exerting wide systemic influence, while others (such as human dignity violations or detainee well-being) absorb the brunt of dysfunction.

What emerges from this analysis is not only a more differentiated understanding of the system's interdependencies, but also a shift in strategic posture: from reactive problem-solving to anticipatory, participatory, and multi-actor collaboration. The stage is now set to leave the analytical mode behind and enter a **co-productive phase**, where the knowledge held across institutions and disciplines can be mobilized to redesign the system toward effectiveness, efficiency — and dignity.

H. Towards Implementation: Joining the dots – A Strategic Workshop for Systemic Change

The preceding analysis does not simply call for policy tweaks — it invites a shift in how the criminal justice system conceptualizes and addresses pre-trial detention. With systemic feedback loops, interdependent institutional behaviours, and deeply embedded constraints, no single actor can reform the system alone. A collaborative, structured intervention is needed; a multi-stakeholder strategic workshop, built around the methodology and participatory ethos of Vester’s Sensitivity Model.

Purpose:

- To validate and refine the existing system variable set through inter-institutional dialogue.
- To populate and debate the cross-impact matrix using participatory consensus scoring.
- To identify high-leverage intervention points across pre-trial processes.
- To develop partial scenarios, allowing stakeholders to simulate the impact of various strategies before implementation.

Structure and Participation:

The workshop should gather stakeholders across the criminal justice chain:

- Police leadership and operational officers
- Prosecutors and judicial officers (including magistrates)
- Legal aid practitioners and social workers
- Detention managers and medical/psychosocial staff
- Oversight institutions (Office of the Ombudsman, NGOs)
- Community-based representatives
- Representatives from the Ministry of Justice and Finance
- Researchers and system analysts (including local university staff)

Where possible, a trained facilitator (local or international, e.g. with Vester-model experience) should guide the sessions to ensure method fidelity and enhance collaborative dynamics.

Expected Outcome:

The workshop is not a talk-shop. It aims to corroborate and reinforce the insights the pilot application of the VSM has already created, and produce:

- A validated variable set that reflects lived realities and normative demands.
- A jointly produced influence diagram to support policy learning.
- A small number of well-defined intervention areas with high system leverage.
- A roadmap for sustainable experimentation and monitoring of change.

This process will build shared ownership of the system’s future. It will strengthen institutional learning, promote alignment between constitutional values and operational realities, and restore dignity and fairness to the pre-trial detention process.

Only you can make the difference

Leo Buscaglia

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