

THE JUDICIAL INSPECTORATE
FOR CORRECTIONAL SERVICES

ANNUAL REPORT

2017/2018 FINANCIAL YEAR



our dignity

JICS

Judicial Inspectorate for
Correctional Services

Submitted to the
Honourable Mr Matamela Cyril Ramaphosa,
President of the Republic of South Africa;
Honourable Adv. Tshililo Michael Masutha, MP,
Minister of Justice and Correctional Services;
and
Honourable Mr Thabang Samson Phathakge Makwetla, MP,
Deputy Minister of Correctional Services;
by the
Inspecting Judge
Johann Vincent van der Westhuizen
(in compliance with section 90(4) (a) of the
Correctional Services Act 111 of 1998)



TABLE OF CONTENTS

List of tables	4
List of figures	5
List of abbreviations	5

PART A: General Information

1. General information	7
2. Foreword by the Inspecting Judge	9
3. Statement by the Chief Executive Officer	13
4. Statement of responsibility and confirmation of the accuracy of the annual report	17
5. Strategic overview	18
6. Legislative and other mandates	18
7. Organisational structure as at 31 March 2018	20

PART B: Performance Information and Oversight Reporting

1. Performance information	21
2. Oversight report	22
2.1 Introduction	22
2.2 Inspections	23
2.3 Investigations	37
2.4 Complaints	45
2.5 Mandatory reports	52

PART C: Directorate Management Regions

1. Overview of the Directorate Management Regions	64
2. Visitors Committee (VC) Meetings	67
3. Unnatural Deaths Handled by DMR	67
4. Mentally Ill Inmates	67
5. The Role of Regions Regarding Mandatory Reporting by DCS.	68
6. Public Awareness and Advocacy Initiatives	69
7. Inmate Complaints Administered by DMR	69
8. Successes, Challenges and Interventions	70

PART D: Human resource management

1. Introduction	72
2. Overview of human resources	72
3. Staff Turnover	74
4. Employment Equity	74
5. Selection and Recruitment	75
6. Promotions and Transfers	75
7. Leave Management	76
8. Grievances Registered for the Period Under Review	76
9. Disputes Registered with Public Service Co-Ordinating Bargaining Council for the Period Under Review	76
10. Performance Management for the Period Under Review	77
11. Communications and Media	77
12. Information Technology	78
13. Challenges, Successes, and Commentary	78

PART E: Financial and supply chain management

1. Overview of finance	80
2. Budget and expenditure 2017/2018	81

LIST OF TABLES

Table 1: Departmental Receipts	14
Table 2: Budget Allocation/Expenditure (2017/2018 financial year)	14
Table 3 JICS strategic objective and achievement, 2017/2018	22
Table 4 Sub-programme expenditure: JICS	22
Table 5: Population and overcrowding	26
Table 6: Facilities with more than 90% overcrowding in WC	27
Table 7: Facilities with more than 90% overcrowding in EC	29
Table 8: Overcrowded facilities inspected in EC	30
Table 9: Overcrowded facilities inspected in NC	31
Table 10: Overcrowded facilities inspected in LMN	32
Table 11: Inspections by IJ	36
Table 12: Investigations	37
Table 13: Complaints	45

Table 14: Summary selection of findings and recommendations on complaints	50
Table 15: Occupied and vacant posts, 2017/2018	73
Table 16: ICCVs employment and vacancies	73
Table 17: Total number of employees, 2017/2018	74
Table 18: Selection and recruitment, 2017/2018	75
Table 19: Promotions and transfers	75
Table 20: Grievances registered for the period under review	76
Table 21: Disputes registered with GPSSBC for the period under review	76
Table 22: Performance Management for the period under review	77
Table 23 Budget allocation 2017/2018	81
Table 24: Expenditure Report 2017/2018	81
Table 25: SCOA Items	82
Table 26: Transport Management (Operational)	83
Table 27: Property Management	83

LIST OF FIGURES

Figure 1: Organisational Structure	20
Figure 2: Overcrowding	24
Figure 3: Assaults	46
Figure 4: Deaths from unnatural causes, 2011 to 2018	52
Figure 5: Deaths classified by cause, 2017/2018 financial year	52
Figure 6: Suicide by method for 2017 /2018	55
Figure 7: Deaths from natural causes 2013/14 to 2017/18	55
Figure 8: Deaths from natural causes per DCS region 2017/2018	56
Figure 9: Natural deaths sentenced inmates sample 2017/2018	56
Figure 10: Natural deaths remand detainees sample 2017/2018	56
Figure 11: Segregation: Reports and Appeals 2013/2014 - 2017/2018	57
Figure 12: Mechanical restraints reported from 2013/14 to 2017/18	58
Figure 13: Reported use of force 2013/2014 - 2017/2018	59
Figure 14: Finding completed during 2017-2018: Classification of deaths	60
Figure 15: Employment Equity at JICS for the 2017/2018 financial year	74
Figure 16: Leave Management	76
Figure 17: Media Analysis	78

LIST OF ABBREVIATIONS

AM	Area Manager
CCTV	Closed Circuit Television
CEO	Chief Executive Officer
CMC	Case Management Committee
CMR	Central Management Region of JICS
Constitution	Constitution of the Republic of South Africa, Act 108 of 1996
CSA	Correctional Services Act 111 of 1998
CSPB	Correctional Supervision and Parole Board
DCS	Department of Correctional Services
DMR	Directorate Management Region
DPASA	Department of Public Service and Administration

DPW	Department of Public Works
EMR	Eastern Management Region of JICS
EST	Emergency Support Team
HCC	Head of the Correctional Centre
HIV	Human Immunodeficiency Virus
HR	Human Resources
ICCV	Independent Correctional Centre Visitor
JICS	Judicial Inspectorate for Correctional Services
LASA	Legal Aid South Africa
LMN	Limpopo, Mpumalanga, North West Management Region
MSSD	Minimum Standards of Service Delivery
NCCS	National Council for Correctional Services
NC	National Commissioner
NMR	Northern Management Region of JICS
PFMA	Public Finance Management Act 1 of 1999 (as amended)
PPP	Public-Private Partnership correctional centres
Portfolio Committee	Parliamentary Portfolio Committee on Correctional Services
RC	Regional Commissioner
ROC	Record of Consultation
S	Section
SAHRC	South African Human Rights Commission
SAPS	South African Police Services
SCM	Supply Chain Management
SMR	Southern Management Region of JICS
UN	United Nations
VC	Visitors' Committee



PART A: General Information

1. General Information

Judicial Inspectorate for Correctional Services

JICS HEAD AND REGIONAL OFFICES ¹		
HEAD OFFICE PRETORIA: CEO: Vickash Misser		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
	Tel: (012) 321 0303	29th floor, Salu Building 316 Thabo Sehume Street Pretoria 0001

WESTERN CAPE REGIONAL OFFICE - Regional Manager: Lennard de Souza		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
Private Bag X 9177	Tel: (021) 421 1012	9th floor, Standard Bank Building
Cape Town 8000	Fax: (021) 418 1069	1 Thibault Square, Cnr Long Street & Hans Strijdom Avenue Cape Town 8001

¹ The JICS regional offices cut across the provincial boundaries.

CENTRAL MANAGEMENT REGION - Regional Manager: Michael Prusent		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
P.O. BOX 3839 Bloemfontein 9301	Tel: (051) 430 1954 Fax: (051) 440 1045	Fedsure House, 3rd Floor 62 St Andrews Street Bloemfontein 9300

KWAZULU-NATAL REGION - Regional Manager: Shadrack Sibanyoni		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
P.O. Box 1322 Durban 4000	Tel: (031) 366 1900 Fax: (031) 368 1872	Aqua Sky Building 275 Anton Lembede Street 8th Floor Durban 4001

SOUTHERN MANAGEMENT REGION - Regional Manager: Justine Gericke		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
P.O. BOX 2816 George 6530	Tel: (044) 874 0263 Fax: (044) 874 0490	101 York Street Old Nedbank Building 1st Floor, Room 100 George 6530

NORTHERN MANAGEMENT REGION - Regional Manager: Murasiet Mentoor		
POSTAL ADDRESS & TELEPHONE/ TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: (012) 663 7521 Fax: (012) 663 7510	265 West Avenue Tuinhof Karee (West Block) Centurion 0046

2. Foreword by the Inspecting Judge

Reflections

It pleases me to present the Annual Report of the Judicial Inspectorate for Correctional Services (JICS). In line with its mandate, derived from the Correctional Services Act (111 of 1998), this report covers JICS's achievements and challenges recorded during the 2017/2018 financial year.

The photograph on the cover page of this report, taken by a JICS staff member during a prison visit, reminds us that inmates are human beings with inherent dignity, even though their freedom has to be severely curtailed in the interests of the right of others to security and the rule of law.

Some issues warrant special attention:

Facilities

JICS inspecting staff and I have observed conditions at numerous correctional facilities, especially cells, kitchens, and hospitals. Some looked as good as those in many democracies; some were unsatisfactory; and others quite clearly unsuited for human habitation. We have seen kitchens that have for years been functioning without legally required health certificates; cells where beds have been taken away and inmates had to sleep on mattresses on the floor to prevent escapes through the ceiling; courtyards where the paving was breaking up and thick pieces of concrete were available to be used as weapons; walls without plaster and paint; offices of a Head of Centre where rain water regularly streamed through the ceiling down the wall; and "state of the art" centres without hot water, where single cells cannot be used, allegedly because heat pumps and locking systems are too sophisticated for locally available engineers and technicians to repair.

We have been made aware of the lack of uniforms and shoes for inmates, leaving them with scant sandals bought from local stores, exposing bare skin to the harshness of winter in some of the coldest parts of our country.

On the theme of sometimes shockingly inadequate or indeed dangerous facilities, a report was being drafted at the time of the writing of this foreword.

Inspections

As indicated in this report, JICS inspectors visited 81 correctional centres during the 2017/2018 financial year. South Africa's 243 correctional centres accommodate more than 160,000 inmates, including more than 16,000 who are serving life sentences. Owing to financial and staff constraints, JICS is only able to visit each of these centres once every three years.

As IJ, I visited centres during the period of this report. JICS appreciates and strongly encourages inspections and visits by judges and magistrates. We would like the benefit of their reports and appreciate co-ordination to ensure an even spread of attention.



Justice Johann van der Westhuizen
Inspecting Judge

Themes

In addition to its statutory duty to report to the Minister of Justice and Correctional Services (the Minister) and Parliament on “every inspection,” we focus on recurring themes with apparent systemic causes. The state of facilities is one. In August 2017 several pieces by myself on women inmates – some imprisoned with their babies – were published in the media. Some resulted in a Carte Blanche television documentary and others in radio interviews.

The situation of mentally ill inmates has become urgent, as a result of recent deaths. In Durban-Westville Correctional Centre I saw in a few minutes two women who had been convicted for killing their babies; one her seven-year-old son; and another who had slit the throat of a neighbour’s child who had “irritated” her, but explained that she was “sick in (the) head” when she did it. An apparent shortage of bed space in mental hospitals has been resulting in numerous state patients being incarcerated in correctional centres, hardly equipped to treat them comprehensively.

Further themes requiring investigation include corruption; HIV, tuberculosis and other health issues; the treatment of vulnerable inmates (lesbian, gay, bi-sexual, trans-sexual, inter-sex and related); and the legality of conditions of so-called “super-max” facilities.

Progress regarding staff

Much progress on staff-related matters has been made during the period of this report. A permanent CEO was appointed from 1 September 2017. Considerable administrative restructuring has since taken place, with positive results.

Other significant appointments have been made since 1 April 2017. JICS’s first official spokesperson and media liaison officer was appointed on 1 February 2018, a law clerk and researcher for the IJ, as well as a deputy director of finance. A regional manager for the Eastern Cape/Southern Management Regional Office of JICS was also appointed. This is to name but a few.

Independence

The independence of JICS has been and is still being debated. As reported a year ago and in several quarterly reports, the constitutional validity of the CSA is being challenged by Sonke Gender Justice in the Cape High Court. The basis for the challenge is that the Act does not afford JICS the independence required by international law and the Constitution. The application is set down for hearing in November 2018.

Although the four respondents (the President, Minister, National Commissioner of Correctional Services and the IJ) do not agree with all of the applicant’s arguments, there is general consensus that JICS should be afforded greater institutional independence. A slow and cumbersome process to transform JICS into a government component – rather than a part of the Department of Correctional Services (DCS) – is under way.

This process will require amendments to the CSA. The question around whether the powers of JICS and its IJ should be stated more clearly and, for example, provide for “binding” findings, recommendations, or directions is being considered.

Independence is, first and foremost, a state of mind. The fact that the CSA requires JICS to be headed by a judge implies that the perceived fairness, independence, and status of a judge are essential. On a practical level, though, the operational independence and capability of JICS can be – and has been – severely hampered by a shortage of funds and its financial and administrative dependence on DCS. These aspects are addressed below.

Capacity

A significant challenge; which has great impact on the daily operations of JICS, is the apparent unilateral DCS decision making on JICS's budget. This is unacceptable, whether legally justified or not.

The unilateral allocation impacts on, for example, the ability to travel to correctional centres far from JICS offices. The practice of DCS handling core aspects of JICS's functioning capacity holds the potential for serious and even deliberate undermining of JICS and its mandate to oversee the treatment of inmates in correctional centres.

Mandatory reporting and management information systems

Another operational challenge is the dysfunctional mandatory reporting system. DCS officials have neglected to comply fully with sections 15, 30, 31, and 32 of the Act, requiring that my office be informed of the occurrence of any incidents of death, segregation, mechanical restraint and the use of force.

JICS has recorded in reports in the public domain that the peremptory reporting by DCS has not been satisfactory. The current situation is potentially highly embarrassing to DCS and a threat to JICS's oversight effectiveness.

The current report, provided to me in compliance by DCS, reflects gross under-reporting, apparent from previous statistics and reports by our regional offices. A manual reporting system has been promoted by JICS with DCS, with no success.

Overcrowding

This remains a serious recurring and persistent issue. The section on overcrowding in the report speaks for itself. I have been positively impressed in my recent observation of attempts to address overcrowding in KwaZulu-Natal, particularly co-operation between magistrates in senior positions and officials of DCS. The issue urgently requires coordinated, innovative, and ongoing attention.

Denial of access

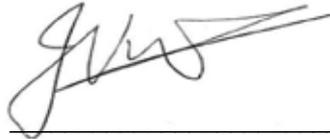
In March 2018 JICS inspecting officials were denied access to a correctional facility in KwaZulu-Natal. This is unacceptable and was reported.

Thanks

JICS remains committed to serving the inmate population of correctional centres and in effect their families across the country. With this in mind, I wish to thank the many DCS officials who have assisted us at the centres to ensure that we are able to efficiently execute our mandate. We continue to network with communities, civil society, DCS, other departments and relevant stakehold-

ers to ensure that the dignity of our inmates is not just stated as inherent but significantly recognised at all centres. The dignity of us all is linked to how we treat these individuals.

I thank the minister for his continued support and look forward to working with the new national commissioner. And special thanks to all JICS staff for their vigilance and efforts to uphold the JICS mandate and thus our constitutional democracy.

A handwritten signature in black ink, appearing to read 'JvW', written over a horizontal line.

Johann van der Westhuizen
Inspecting Judge

3. Statement by the Chief Executive Officer

Introduction

My appointment at the Judicial Inspectorate for Correctional Services (JICS) on 1 September 2017, as the Chief Executive Officer (CEO), coincides with the 20th anniversary of JICS. I consider it an honour to serve the JICS after performing public service in various capacities in the Department of Justice and Constitutional Development for some 30 years. The Honourable Justice Johann van der Westhuizen indicated to me upon my appointment that JICS had experienced a relatively unstable period from his appointment in April 2016, with regards to the management of the administration and general leadership within the organisation. Whilst there were interim measures to keep this ship afloat, a permanent administrative head was required to stabilise and lead the organisation to enhance its independence, stature, effectiveness, compliance with the pre-cripts in public service, and the execution of its mandate.



Mr Vickash Misser
Chief Executive Officer (CEO)

The close relationship and location of JICS within the Department of Correctional Services (DCS) was found to be one of almost total reliance on the very Department JICS was to oversee.

I would be less than candid if I did not express similar concerns around the independence of JICS, which the IJ has expressed both publicly and within the DCS environment. The good intentions of DCS is well known, as is the positive support it has shown to advance the independence of JICS. However, the actual experience has been characterised by extremely slow progress.

One of my first tasks upon assumption of duty at JICS, was to expedite the process of advancing the autonomy of JICS. This had to be delicately balanced with maintaining a cordial working relationship with DCS and strengthening the accountability to the Minister in respect of finances and delivering on its mandate. At the time of writing this report, I am pleased to announce that the determination of an organisational structure for JICS is at an advanced stage. A feasibility study, as envisaged by the Public Service Act, 1994, is being undertaken, while detailed submissions have been made to the Department of Public Service and Administration. It appears common cause that a strong case has been made out for converting JICS to a Government Component, a structure that will require less dependence on DCS and enhance JICS autonomy.

Overview of the operations

The statutory mandate of the JICS can be classified into broad operational areas: inspections, investigations, dealing with inmate complaints and enquiring into all custodial deaths, the use of force on inmates and the instances of their segregation or being mechanically restrained. These operations entail the acquisition of large amounts of information and data and require a reliable electronic information technology (IT) system. Whilst JICS has an IT system grounded in the infrastructure technology of DCS, it has proven to be highly unreliable and ineffective. There are plans to improve the IT infrastructure, but again JICS is reliant on DCS for the execution of this plan. It is anticipated that the IT infrastructure challenges will be addressed and rectified by JICS in the next financial year (2018/2019).

An ongoing challenge is a lack of transparency by DCS in providing investigation reports into unnatural deaths and serious assaults in prisons. A trend seems to have developed where public-private prisons do not divulge certain information/evidence regarding allegations of assault by officials on inmates. This often results in JICS investigations being hampered, restricting the ability of the inspectorate to deal quickly with its mandatory obligations. In many instances feedback to inmates and other complainants is unnecessarily delayed by slow responses by DCS. This is of course compounded by the dysfunctional IT infrastructure.

Overview of the financial results

JICS receipts for the 2017/2018 financial year were generated from parking fees, telephone management, and other sources. Due to the nature of the activities carried out by the JICS, it is not required from JICS to collect revenue as a core function.

Departmental Receipts	2017/2018			2016/2017		
	Estimate	Actual amount Collected	Over/Under Collection	Estimate	Actual Amount Collected	Over/Under Collection
Sales of Goods and Services other than Capital	-	R2 060.00	-	-	R1 200.00	-
Transfers & Receipts	-	-	-	-	-	-
Fines, Penalties and Forfeits	-	-	-	-	-	-
Interest, Dividends and Rent on Land	-	-	-	-	-	-
Sale of Capital Assets	-	-	-	-	-	-
Financial Transactions in Assets and Liabilities	-	R61 134.00	-	-	R12 602.46	-

Table 1: Departmental Receipts

	2017/2018		2016/2017	
	Budget	Expenditure	Budget	Expenditure
Total	R69,640,000.00	R51,404,985.56	R65,309,000.00	R42,195,401.40
Compensation	R61,070,000.00	R43,603,807.00	R57,380,000.00	R35,556,198.42
Goods and Services	R8,180,000.00	R7,070,240.30	R7,929,000.00	R6,334,999.37
Capital Assets	R540,000.00	R719,086.76	R240,000.00	R247,455.90

Table 2: Budget Allocation/Expenditure (2017/2018 financial year)

Virements/roll-overs

During the 2017/2018 financial year there were no virements/roll-overs of funds for JICS.

Unauthorised, fruitless, and wasteful expenditure

No unauthorised, fruitless, and or wasteful expenditure was incurred during the 2017/2018 financial year.

Future plans

Details of JICS future plans can be found in its annual operational plan for the 2018/2019 financial year.

Public-Private Partnerships

No public-private partnerships currently exist.

Discontinued activities/activities to be discontinued

No activities were discontinued during 2017/2018 financial year.

New or proposed activities

JICS is re-engineering and realigning the Independent Correctional Centre Visitor (ICCV) programme, which will enhance JICS service delivery to ensure effective and efficient services to its stakeholders. The administration of the ICCV programme will be aligned to the New Public Administration Management Act (11 of 2014).

Supply Chain Management (SCM)

During the 2017/2018 financial year, JICS did not receive nor conclude any unsolicited bid proposals. The SCM system and processes are fully implemented and supported by an approved policy regulating and guiding procurement initiatives as to prevent irregular, fruitless, and wasteful expenditure.

Gifts and donations received in kind from non-related parties

There were no gifts and or donations received in kind from any non-related parties during the 2017/2018 financial year.

Exemptions and deviations received from National Treasury

No exemptions or deviations were requested from National Treasury during the 2017/2018 financial year.

Other

No other material facts or circumstances, which may have an effect on the understanding of the financial state of affairs of JICS, which is not addressed elsewhere in this report, require reporting.

Acknowledgements and appreciations/conclusions

I wish to extend my gratitude and appreciation to the Inspecting Judge, Justice van der Westhuizen, Minister Michael Masutha, MP, Deputy Minister Makwetla, MP, as well as acting National Commissioners, Mr Smalberger and Mr Makebela, for their leadership and stewardship. I look forward to working with the newly appointed National Commissioner, Mr A Fraser.

I would also like to extend my gratitude and appreciation to the Portfolio Committee on Justice & Correctional Services as well as the executive management and staff of DCS.

The work of JICS is also dependent on its stakeholders, mainly NGOs, CBOs, and FBOs. I would also like to thank them for their continued cooperation and valued support.

To JICS staff members, thank you for all the hard work and efforts in ensuring that we execute our mandate as an oversight component of Government.

Approval and sign-off

I approve and sign off the annual report as a true reflection of the work undertaken during the 2017/2018 financial year.

A handwritten signature in black ink, appearing to be 'V Misser', written in a cursive style.

Mr V Misser

Chief Executive Officer (CEO)

Judicial Inspectorate for Correctional Services (JICS)

4. Statement of Responsibility and Confirmation of the Accuracy of the Annual Report

To the best of my knowledge and belief, I confirm the following:

- All information and amounts disclosed in the annual report are consistent.
- The annual report is complete, accurate, and free from any omissions.
- The annual report has been prepared in accordance with the guidelines on annual reports, as issued by National Treasury.
- The Annual Financial Statements (Part E) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by National Treasury.
- The Chief Executive Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.
- The Chief Executive Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable quality assurance as to the integrity and reliability of the performance information, the human resources information, and the annual financial statements.
- The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, performance information, human resources information, and financial affairs of JICS for the financial year ended 31 March 2018.



Mr V Misser
Chief Executive Officer (CEO)
Judicial Inspectorate for Correctional Services (JICS)

5. Strategic Overview

Vision

To uphold the human dignity of inmates through independent, proactive, and responsive oversight.

Mission

To impartially inspect, investigate, report and make recommendations on the conditions of correctional centres and treatment of inmates in order to ensure the protection of the human rights of inmates.

Values

JICS ascribes to the following values:

- Human Dignity
- Independence
- Fairness
- Efficiency
- Integrity
- Professionalism
- Accountability
- Legality

6. Legislative and Other Mandates

Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa is the supreme law of the country. It incorporates the Bill of Rights. These rights are indivisible, each applicable to the circumstances, either on their own or in a combination. Rights are subject to limitations. The sections below contain some of the rights applicable to inmates.

- Section 9: Equality
- Section 10: Human dignity
- Section 11: Life
- Section 12: Freedom and security of the person
- Section 13: Slavery, servitude and forced labour
- Section 14: Privacy
- Section 15: Freedom of religion, belief and opinion
- Section 27: Right to health care services, food & water
- Section 28: Children
- Section 29: Right to education
- Section 31: Cultural, religious and linguistic
- Section 32: Access to information
- Section 33: Just administrative action
- Section 34: Access to courts
- Section 35: Arrested, detained and accused persons

Section 35(2) (e) provides for “conditions of detention consistent with human dignity, including, at least, exercise, adequate accommodation, nutrition, reading material and medical treatment.”

Correctional Services Act

The CSA is the primary ordinary statute that applies to inmates. It is supplemented by regulations and orders. DCS is guided by two strategic documents that inform the human rights philosophy behind the operations of the department. These are the “White Paper on Corrections in South Africa, 2005” and the “White Paper on Remand Detention Management in South Africa, 2014.”

Other South African Legislation

The South African legislature has adopted numerous statutes that are applicable to the correctional and remand environment. These include:

- Criminal Procedure Act 51 of 1977
- National Health Act 61 of 2003
- Mental Health Care Act 17 of 2002
- Promotion of Administrative Justice Act 3 of 2000
- Prevention of Combating and Torture of Persons Act 13 of 2013

International and regional human rights instruments

South Africa has ratified a number of international and regional treaties and conventions relating to incarceration. The Constitution provides a guide on the interpretation of the Bill of Rights and its section 39(1) requires that when interpreting the law, any court, tribunal, or forum must consider international law and may consider foreign law. The authority, procedure, and incorporation of international agreements, customary law, and their application are set out in sections 231, 232 and 233 of the Constitution.

International law, foreign law, and other international instruments which are of relevance in the South African correctional and remand setting, are the following:

- Universal Declaration of Human Rights
- United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Covenant on Civil and Political Rights (ICCPR)
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- UN Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- European Convention on Human Rights
- African Commission Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines)

7. Organisational Structure as at 31 March 2018

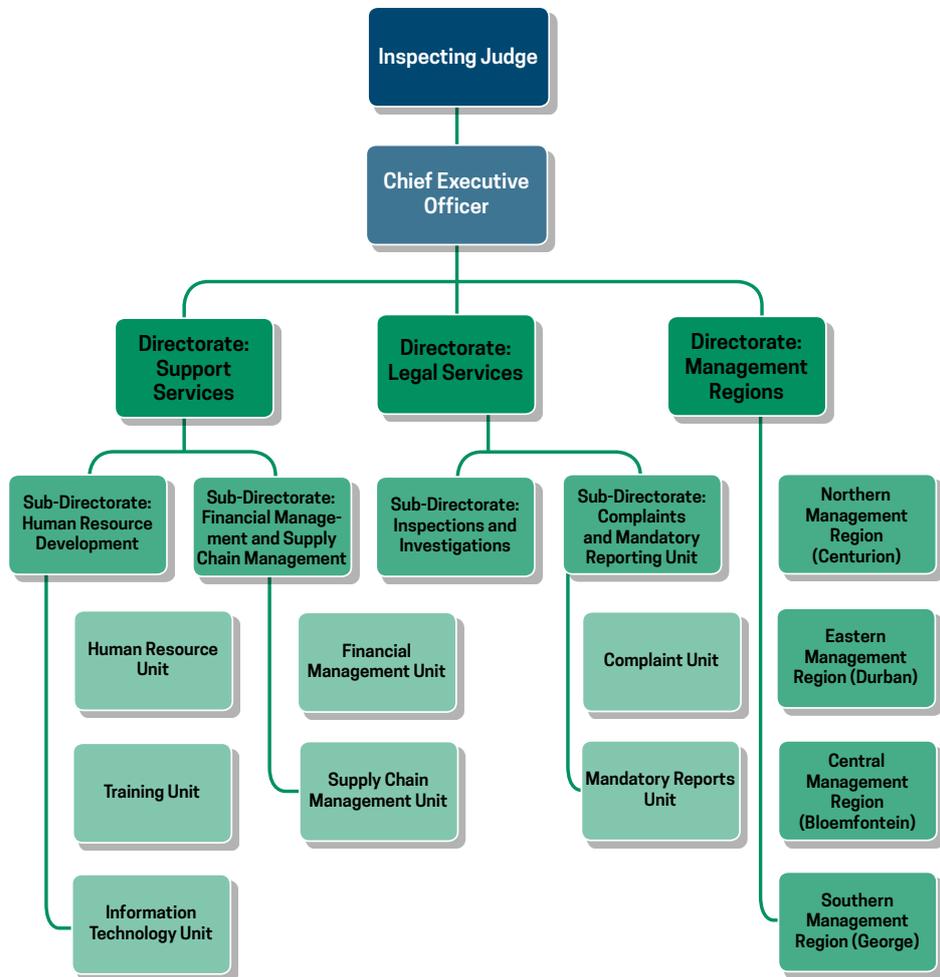


Figure 1: Organisational Structure



PART B: Performance Information and Oversight Reporting

1. Performance Information

This report complies with the requirements of National Treasury. JICS reports on its strategic objective and achievements against the budget allocation from DCS. Currently, JICS is a sub-programme under Programme 1 – Administration.

Sub-programme purpose:

To provide independent oversight relating to the treatment of inmates and conditions of detention¹.

Strategic objective:

To provide effective, independent oversight relating to the treatment of inmates and the conditions in correctional facilities and PPPs.²

1 Oversight over corrupt or dishonest practices is included in line with the powers, functions, and duties of the IJ in section 90(2) of the CSA.
2 PPPs are the Public-Private Partnership correctional centres. These are sometimes called the “Private Prisons.” Chapter XIV of the CSA 111 of 1998 provides for such partnerships between the State and other parties.

Strategic objective	Strategic indicator	Actual achievement 2017/2018	Planned target 2017/2018	Actual achievement 2017/2018	Deviation from planned target to actual achievement for 2017/2018	Comment on deviations
Provide effective, independent oversight relating to the treatment of inmates and the conditions in correctional facilities and PPPs.	Percentage of correctional facilities and PPP facilities inspected for conditions and treatment of inmates.	33% (81/243) ²	33% (81/243)	33% (81/243)	None	N/A

Table 3 JICS strategic objective and achievement, 2017/2018

Reasons for all deviations

No deviations over the three-year cycle.

Strategy to overcome areas of under-performance

N/A

Changes to planned targets

Nil

Budget Allocation: 2017/2018

Items	Balance
Total Budget Allocation	R 69,640,000.00
Compensation of Employees	R 61,070,000.00
Minor Assets (less than R5000)	R 390,000.00
Goods and Services	R 8,180,000.00

Table 4 Sub-programme expenditure: JICS

2. Oversight Report

2.1. Introduction

DCS is measured against the standards set out in the Bill of Rights (BoR) read with the CSA. Everyone who is detained, including every sentenced prisoner, has the right -

“to conditions of detention that are consistent with human dignity, including at least exercise, and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment” - section 35(2) (e) of the Bill of Rights³.

The CSA employs the terms “conditions”, “treatment” and “corrupt or dishonest practices” in section 90(1). These are the broad areas over which the IJ must provide oversight; the terms are not defined. “Conditions” generally

³ Various other sections of the BoR are applicable.

refer to the infrastructure, buildings and physical spaces where inmates are kept, whilst “treatment” refers to the conduct of correctional officials. “Corrupt” and “dishonest” practices are also not defined in the CSA and their meanings are interpreted from, inter alia, the Prevention and Combatting of Corrupt Activities Act, 12 of 2004.

Whilst no bright line differentiates the terms, the facts and circumstances of each case are the determinants of their classification. JICS has adopted a practical working policy.

This chapter provides an assessment of the conditions of detention, the treatment of inmates and of corrupt or dishonest practices in South African correctional centres and detention facilities.

2.2. Inspections

Section 90(1) of the CSA requires that –

“The Inspecting Judge inspects or arranges for the inspection of correctional centres and remand detention facilities in order to report on the treatment of inmates in correctional centres and remand detention facilities and on conditions and on any corrupt or dishonest practices in correctional centres and remand detention facilities.”

The target of 81 inspections per year over a 3-year cycle was met in this period. An inspection comprises a full and detailed physical examination of the facility as well as an audit of all the registers, general records, and individual files of inmates, whose circumstances have been previously enquired into by the Independent Correctional Centre Visitor (ICCV) or an inspector.

The extent of the enquiry during an inspection is informed by a number of indicators, namely, the findings in a prior inspection that were identified to be rectified, serious violations of rights and systemic breaches by the facility under scrutiny.

Year-on-year JICS has reported on a consistent feature of the South African correctional system. Our facilities house more inmates than their capacities permit. Overcrowding, coupled with the vexed problem of insufficient skilled staff, cannot justify rendering an adequate service to inmates’ physical, health, social and educational needs, as well as other entitlements envisaged by the BoR.

The physical infrastructure is constantly under severe strain and inevitably housing conditions of inmates deteriorate systematically. These problems are not new and their historical legacy has not been adequately and satisfactorily addressed, nor have the DCS and the criminal justice sector found solutions that are sustainable.

Structure (Unsatisfactory)

Housing units, ablution areas, plumbing (running water, geyser systems), electrical supply, kitchens, and medical areas were inspected. HCCs cited these conditions as a major concern. Our survey shows that 54 of the 81 facilities required urgent maintenance. In the Gauteng region 100 % of the 11 inspections recorded the need for urgent maintenance. The figures for NC/FS were 15 of the 19; LMN 5 of 7; WC 8 of 16; EC 7 of 13. KZN returned the best figure, where only 4 of the 15 inspected were found unsatisfactory.

The Department of Public Works (DPW) is the national department that DCS relies on to effect maintenance and without fail every HCC expressed great frustration at either the long wait they endured, or appointed contractors not completing the job or rendering poor workmanship.

Overcrowding (Unsatisfactory)

On 31 March 2018 the population stood at 164,129 inmates. The capacity, meaning available bed space (including simple foam mattresses and not raised beds) was 118, 723. The sentenced offender population was 117,870 (72% of the total) and the remand population was 46,259 (28% of the total). Thus, the prison population remains unacceptably high.

High crime levels may partially explain the fact that the remand population increased from the 2017 figure of 43,799. The legislative provisions introduced in 2011, inserting an entirely revised chapter into the CSA on the management, safe custody and well-being of remand detainees⁴, have not delivered the desired outcomes. At the time of the introduction of the revised policy and legislative amendments on remand detainees, JICS expressed the view that the measure of the success or failure of the new thinking lay, in part, in whether DCS itself administered the processes that it controlled⁵. Section 46(g) of the CSA and sections 62(f) and 63(a) of the CPA, 51 of 1977 (CPA) are provisions that DCS can employ to reduce the number of remand detainees. The provisions of the CPA allow a court to order the conditional release of a detainee, subject to an accused being placed under the supervision of a correctional official⁶. Courts seldom use this option; the reason being that DCS has allocated insufficient funds and infrastructure to employing or designating supervisory correctional officials that would permit a court to impose such a condition. It was also found that there was a reluctance by HCCs to apply the provisions of s63(a), which authorise an HCC to apply to court for the release of detainees, even if under conditions. HCCs frequently complained about the high levels of overcrowding; however, they fail to make use of the relevant provision. DCS ought to allocate additional resources and employ supervising officials.

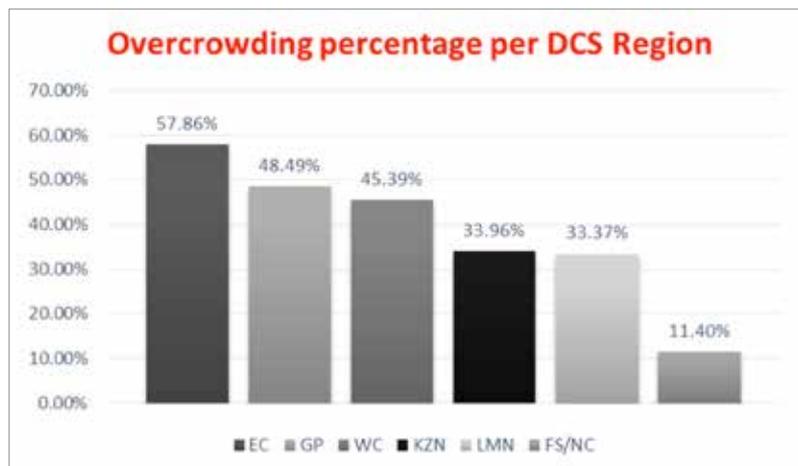


Figure 2: Overcrowding

4 Chapter V (sections 46-49G) of the CSA.

5 See JICS Annual Report 2014/2015 and 2015/2016.

6 Section 62(f).

The circumstances surrounding sentenced offenders, their release on parole or correctional supervision, are under review. The proposals tabled by the minister are most welcome. The discussion document must result in a policy change in a number of areas. These include reducing the minimum periods of incarceration, in particular for those serving life sentences; the current minimum period is 25 years prior to any consideration. The minimum-sentencing regime has been critiqued as a major contributor to overcrowding. Currently in excess of 18,000 prisoners are serving life, which is well beyond the capacity of our correctional centres. This issue is well known and has been debated constantly since the promulgation of the 25-year cap. JICS is of the view that inhumane conditions are inevitable if the status quo is not seriously reconsidered.

Mentally ill inmates (Satisfactory in general and unsatisfactory in respect of state patients)

The inspections among this category of inmates are not in any manner scientific. The term mental illness is used in its broad sense, i.e. any inmate whom the HCC or nursing staff on duty identified as such from their records.

Five questions are asked:

1. The number of inmates who are diagnosed with a mental illness.
2. The prevalent illnesses or common diagnoses made.
3. Whether the CC or RDF have treated the inmate.
4. Where these inmates are accommodated.
5. The number of inmates who have been declared state patients in terms of the Mental Health Care Act, 17 of 2002, and who remain incarcerated in the interim while waiting for a transfer to a designated specialised facility under the jurisdiction of the Department of Health.

A total of 1200 inmates were identified as being diagnosed with one or other form of mental illness during the 81 inspections. The majority of these inmates are treated at the prison and are kept with the general population. It has been previously reported by JICS that the circumstances regarding state patients were not acceptable. Their interim accommodation in prison, pending their transfer, is considered cruel and inhumane.

The situation is chronic in the Free State/Northern Cape region, where 20 were found at Grootvlei Medium A, a centre that was overpopulated by 69%.

The CSA sets out in Chapter IV the obligation of DCS to implement a court sentence in a manner that enables the offender to be rehabilitated and to lead a socially responsible and crime-free life. In order to achieve this objective DCS must offer various programmes. These are contained in a personalised sentence plan. The DCS budget allocated to this area is small in relation to the centrality of its importance.

The inspections enquired into the number of sentenced inmates who –

1. Were enrolled for Adult Education and Training (AET)
2. Were registered for primary education, Grade 10 to 12
3. Engaged in vocational and tertiary education
4. Participated in social worker designed interventions
5. Participated in correctional programmes

GAUTENG REGION

Population and rate of overcrowding

The centres inspected were on average 54% overcrowded.

Johannesburg Medium A remand detention facility (colloquially known as “Sun City”), located near Diepkloof, was found to be 65% overcrowded. The centre was designed to house 2 630 inmates but incarcerated 4 107 on the day of the inspection and was the largest centre inspected during the reporting cycle.

The Kgosi Mampuru II Female Centre (Pretoria) housed 96 more female inmates than it was designed for.

Based on this round of inspections, the following facilities had the highest rate of overcrowding in Gauteng:

Centre	Approved population	Actual number of occupants	Overcrowding %
Atteridgeville	609	1 053	73%
Krugersdorp	1 625	2 782	71%
Kgosi Mampuru II Central	1 563	2 615	67%

Table 5: Population and overcrowding

Professional staff

JICS assessed medical, education, and social services during its inspections.

All the centres inspected employed nurses and social workers. Information provided by DCS during inspections indicated that only a small percentage of inmates had taken part in any purposeful activity, such as vocational and educational training. Inmates had attended rehabilitation courses and taken part in sport.

Structure

JICS reported extensively in previous reports that DCS experienced severe challenges with the maintenance of infrastructure at correctional facilities. Maintenance of DCS facilities, including the centres, staff houses and other infrastructure, is largely the function of the Department of Public Works. DCS and DPW have repeatedly reported that contractors often breached the terms of their contracts, resulting in delays.

In addition, local municipalities also contribute to the challenge, especially regarding the provision of electricity and water to correctional facilities.

Health care

All centres inspected employed nurses on a permanent basis. Inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists.

A total of 452 inmates diagnosed with mental illnesses were found housed in the correctional facilities inspected. All received treatment from DCS. No state patients were found housed in the correctional facilities visited.

Rehabilitation and structured activities

Zonderwater Medium B, located on a farm, was found to be most effective at keeping inmates gainfully occupied. It has 76 different work teams attending to, among others, cleaning, gardening, and agriculture. In five of the inspections conducted, JICS was unable to source statistics from DCS on rehabilitation programmes. This was due to, inter alia, the absence of social workers during the inspections and the failure of DCS to provide accurate statistics on the actual number of inmates participating in rehabilitation programmes.

WESTERN CAPE REGION

Population and rate of overcrowding

Correctional facilities in the Western Cape, according to DCS, were on average 45.39% overpopulated. The total bed space in the Western Cape is 20 643, while an excess of 30 000 inmates were incarcerated.

Overcrowding in some individual facilities was much higher than the average. The most overcrowded centres were Allendale and Ladysmith, which both housed more than double the number of approved inmates⁷.

Pollsmoor remand detention centre was found to house 1 017 inmates more than the approved total, causing the centre to be 63% overcrowded on the day of the inspection. In response to a judgment in the Western Cape High Court on 5 December 2016⁸ DCS transferred a large number of sentenced inmates from the (then) severely overcrowded facilities at Pollsmoor to other centres across the country. Although this alleviated the overcrowding crisis at Pollsmoor, it caused other unintended challenges, for example, exacerbating overcrowding elsewhere, especially at smaller centres.

Facilities inspected in the Western Cape with overcrowding of 90% or more:

Centre	Approved population	Actual number of occupants	Overcrowding %
Allendale	336	710	111%
Ladysmith	54	112	107%
Uniondale	52	102	96%
Beaufort West	76	145	90%

Table 6: Facilities with more than 90% overcrowding in WC

Professional staff

DCS employed nurses at all the facilities inspected, except at Voorberg Medium A. DCS advised that the recruitment process had been completed and that a nurse had been appointed after the inspection. Social workers were appointed at all facilities inspected but JICS found in some instances that the ratio of social worker-to-inmate was not ideal. Educators like social workers play an important role in the rehabilitation of sentenced offenders. DCS only formally employed educators in six (6) of the 16 facilities inspected. Feedback from DCS revealed that the following measures had been implemented to ensure that inmates were offered education:

7. 111% and 107% respectively.

8. Sonke Gender Justice v Minister of Correctional Services and others, ZAWCHC (unpublished) (5 December 2016).

1. Inmates at smaller centres who have a need for education were transferred to larger centres where education programmes were offered.
2. Appropriately qualified security officials with a passion for education were used as ad hoc educators.
3. In larger management areas, educators appointed at one centre also rendered services at other centres. For example, educators from Voorberg Medium B also provide services to inmates at Voorberg Medium A.

Meal intervals and exercise

Of concern is the interval between meals. The CSA⁹, provides that food must be served at intervals of not less than four-and-a-half hours and not more than six-and-a-half hours for lunch and supper. The interval between the evening meal and breakfast may not be more than 14 hours.

JICS found that DCS did not adhere to the Act, in particular at Mossel Bay, Helderstroom, and Voorberg. DCS indicated that the current shift system as well as intervention from the unions made it very difficult in most cases to comply.

All facilities inspected indicated that inmates received the prescribed minimum of one (1) hour exercise per day.

Health care

In addition to nurses employed at the centres, inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists on a sessional basis.

A total of 180 mentally ill inmates were found during inspections. Mental illnesses ranged from depression to schizophrenia. No declared state patients were found during inspections.

Medical staff at Pollsmoor were initially unwilling to provide JICS with any information during the inspection. This was taken up and the situation was rectified.

Rehabilitation and structured activities

Rehabilitation programmes are offered to inmates through social workers and DCS staff. At Voorberg and Helderstroom, inmates are employed in several agriculture teams. AET programmes are offered in most centres.

EASTERN CAPE REGION

Population and rate of overcrowding

Statistically, the Eastern Cape is the most overcrowded region (57.86%). With the exception of a few large centres such as St. Albans, Mdantsane, and Umtata, most centres are small and located in rural areas.

Based on this round of inspections, the following facilities had the highest rate of overcrowding in the Eastern Cape:

9. Section 8(5).

Centre	Approved population	Actual number of occupants	Overcrowding %
Mdantsane	582	1 456	150%
St Albans Maximum	717	1 527	113%
Sada	261	429	64%

Table 7: Facilities with more than 90% overcrowding in EC

Professional staff

All facilities inspected employed at least one nurse. Some smaller facilities in rural areas such as Willowvale and Nqamakwe had no social worker and shared services with nearby facilities. Educators were mostly found at larger facilities inspected. DCS indicated that inmates in need of educational programmes were transferred to centres with educators and schools.

Meal intervals and exercise

All facilities inspected, with the exception of St. Albans Maximum, served three meals per day to inmates, within the prescribed timeframes.

DCS indicated that inmates were allowed one hour and more exercise per day. The exception is St. Albans Maximum, where exercise is limited due to a severe shortage of officials and instances of assault by inmates on officials, and Ngqeleni, where DCS indicated that inmates occasionally received less than an hour exercise.

Healthcare

In addition to nurses employed at the centres, inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists on a sessional basis. Inmates are referred to the nearest state hospital in cases of emergency.

A total of 107 mentally ill inmates were found during inspections. No state patients were found during inspections.

Rehabilitation and structured activities

AET programmes were most often offered to inmates. None of the facilities visited had any grade 10 to 12 students. Rehabilitation programmes are offered to some inmates. Work teams are responsible for keeping facilities clean.

KWAZULU-NATAL REGION (KZN)

Population and rate of overcrowding

KZN is on average 33.96% overcrowded. Facilities inspected ranged from Durban Medium B, which housed 3 571 inmates on the day of the inspection, to Nongoma, with a total of 67 inmates.

Based on this round of inspections, the following facilities had the highest rate of overcrowding in KZN:

Centre	Approved population	Actual number of occupants	Overcrowding %
Waterval Medium B	613	1 162	90%
Ncome Medium A	487	867	78%
Umzinto	445	765	72%

Table 8: Overcrowded facilities inspected in EC

Professional staff

All centres inspected employed nurses, with the exception of Kranskop. Social workers rendered services in larger centres. In five instances JICS found no social worker appointed at the facility. The facilities affected are mainly small and located in rural areas.

Educators were also found at larger centres. Small rural centres transferred inmates who were in need of educational programmes to suitable facilities.

Healthcare

In addition to nurses employed at larger centres, inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists, on a sessional basis. Smaller facilities temporarily transferred inmates to larger centres when the need arose. Inmates were referred to the nearest state hospital in cases of emergency.

A total of 249 mentally ill inmates were found during inspections. Mental illnesses ranged from depression to schizophrenia. Eight declared state patients waiting for beds at mental institutions were found during inspections.

Meal intervals and exercise

Of the 15 facilities inspected, JICS found in four instances that inmates only received meals twice a day¹⁰.

Inmates were allowed one hour and more exercise per day at all facilities inspected.

Rehabilitation and structured activities

AET programmes were most often offered to inmates. 230 inmates were enrolled for grade 10 to 12. Rehabilitation programmes are offered to some inmates. Work teams are responsible for keeping facilities clean. Waterval and Ncome both have agricultural work teams.

FREE STATE/NORTHERN CAPE REGION

Population and rate of overcrowding

This is the region with the lowest average overcrowding rate, at 11.4%. Of the 17 facilities inspected, 10 were overcrowded to various degrees, while seven were underutilised.

Based on this round of inspections, the following facilities had the highest rate of overcrowding in Free State/Northern Cape:

¹⁰ Ncome Medium A and Medium B, Waterval Medium B and Umzinto.

Centre	Approved population	Actual number of occupants	Overcrowding %
Grootvlei Medium A	890	1 503	69%
Virginia	415	688	66%
Wolmaransstad	107	171	60%

Table 9: Overcrowded facilities inspected in NC

Specialist staff

All facilities inspected employed at least one nurse. Five smaller centres were without the services of a social worker. A shortage of educators is evident, as only five facilities had educators employed. Inmates in need of educational or rehabilitation programmes are transferred to facilities with the necessary capacity.

Healthcare

Inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists, on a sessional basis. Smaller facilities temporarily transfer inmates in need of medical services to larger centres when the need arises. Inmates are referred to the nearest state hospital in cases of emergency.

A total of 121 mentally ill inmates were found during inspections. Mental illnesses ranged from depression to schizophrenia. Twenty declared state patients waiting for beds at mental institutions were found at Grootvlei Medium A. The HCC indicated that the presence of state patients at correctional facilities was problematic as DCS security officials were not trained to identify or deal with mentally ill people. The correctional environment is also not conducive to the treatment of the mentally ill.

Meal intervals and exercise

Of the 17 facilities inspected, JICS found in four instances that inmates only received meals twice a day¹¹.

At the majority of facilities inspected inmates were allowed more than the minimum prescribed one hour exercise per day.

Rehabilitation and structured activities

AET programmes were most often offered to inmates. Only 105 inmates were enrolled for grade 10 to 12. Rehabilitation programmes were offered to inmates in most facilities.

LIMPOPO/MPUMALANGA/NORTH WEST (LMN) REGION

Population and rate of overcrowding

LMN has the second-lowest rate of overcrowding at 33.37% (after Free State/Northern Cape).

Based on this round of inspections, the following facilities had the highest rate of overcrowding in LMN:

¹¹ Ncome Medium A and Medium B, Waterval Medium B and Umzinto.

Centre	Approved population	Actual number of occupants	Overcrowding %
Piet Retief	216	438	103%
Bethal	771	1 059	37%
Volkstrust	211	275	30%

Table 10: Overcrowded facilities inspected in LMN

Professional staff

All facilities inspected had at least one nurse and social worker employed. Educators were active in all facilities inspected, with the exception of Standerton and Piet Retief¹².

Healthcare

DCS indicated that inmates have access to medical services, including doctors, dentists, psychologists, and psychotherapists, on a sessional basis. Inmates are referred to the nearest state hospital in cases of emergency. Smaller facilities temporarily transfer inmates in need of medical services to larger centres when the need arises.

A total of 103 mentally ill inmates were found during inspections. Mental illnesses ranged from depression to schizophrenia. DCS indicated that inmates with mental illnesses received treatment.

Meal intervals and exercise

Most centres inspected served three meals per day but it was found that in four of the eight inspections conducted in the region, DCS was unable to adhere to the timelines set out in the CSA¹³

In all facilities inspected, with the exception of Bethal, inmates were able to exercise for more than the minimum one hour prescribed by the CSA. At Bethal, inmates were afforded an hour exercise per day.

Rehabilitation and structured activities

AET programmes were most often offered to inmates. Only two centres accommodated students enrolled for grade 10 to 12. Rooigrond Medium A had 58 students and Standerton 21. Rehabilitation programmes are offered to inmates in most facilities.

¹² DCS indicated that an educator was appointed at Piet Retief after the inspection.

¹³ Section 8 (5) "Food ... served at intervals of not less than four and a half hours and not more than six and a half hours, except that there may be an interval of not more than 14 hours between the evening meal and breakfast."

CASE STUDY: MENTAL ILLNESS IN THE NORTHERN CAPE – THE PLIGHT OF STATE PATIENTS

“Tronkdronk”

Background

The circumstances of patients with serious mental illness were starkly illustrated in the Gauteng province during what is termed the Esidimeni tragedy. Those patients were not in prison per se but in similar circumstances. They were vulnerable and required proper care, in suitable facilities with professional staff that were equipped to offer a humane and caring environment.

Our correctional centres are used as transit stations for inmate-patients who have been processed and certified by our courts as “state patients.” Once a court issues an order for their detention in specialised facilities and these are unable to accommodate them, they spend months and years in limbo – indignity at its worst.

The Northern Cape has a high percentage of such vulnerable persons. The majority of them are held at Upington CC.

Visit to Upington CC

On 29 May 2017 during an inspection JICS discovered four state patients. They were due for transfer to the West End Specialised Hospital in Kimberley on 1 June 2017.

In an interview with the AC and her management team it was ascertained that:

- The CC has a long history of being obliged to accept and hold such patients on force of a court order.
- Continued requests to have them transferred to the West End Specialised Hospital in Kimberley were made and only recently has the hospital been willing and able to receive them.
- They are all accommodated in the hospital unit. They are seen once a year by a psychiatrist, who prescribes anti-psychotic drugs. Their prescription is renewed every 6 months by a local doctor.
- DCS officials (with the exception of the medical staff) are not trained to deal with any mentally ill person.

Other mentally ill inmates:

- They are mainly housed with the general population in communal cells.
- The fact that officials are not trained to identify and handle mentally ill people has resulted in violent acts by inmates against officials and inappropriate retaliation by officials.
- Group rehabilitation programmes are not possible as they tend to disrupt the class with their behaviour. Other inmates would become distracted by the inmate’s demeanour and laugh at them, which could then potentially trigger violence.
- Inmates often refer to such inmates as tronkdronk – behaving as if permanently intoxicated.
- Family contact is minimal, either because they are shunned or as a result of extreme poverty.
- The rate of recidivism amongst these inmates is high.

Reasons for mental illness

The medical personnel at the centre are of the opinion that the following contribute to the high incidence of mental illness among inmates:

Prolonged drug use – the use of “tik” has risen sharply recently. Dagga use has always been high in the area.

Alcoholism – apparently, the use of the “dop system” is still practised at some of the local wine farms. Alcohol consumption can exacerbate an underlying mental health disorder. Foetal Alcohol Syndrome (caused when pregnant women misuse alcohol) causes physical deficiencies and psychological defects in babies, such as mental retardation and memory deficits.

Stress – The area has a very high unemployment rate, which results in stress among people who must provide for their families but are unable to do so. Long-term stress leads to depression, which, if untreated, may lead to other mental illnesses.

Interaction with social worker regarding state patients

A DCS social worker who works with the four state patients was interviewed and she described the family support of the four patients as follows:

Patient 1

His family is positive towards him and visits him whenever they can. They are prepared to take him in and house him should he be released.

Patient 2

His mother visited him twice and also mailed him parcels three times in the almost seven (7) years that he has been in the centre. She informed DCS that she cannot take him in, as she is old and has other family members in her house that she must care for. She also has other issues with unemployment, family problems etc. She would prefer that he be sent to a mental institution where he can get proper care.

Patient 3

DCS struggled to find his family as he initially gave an incorrect address. When the family he stayed with before his arrest were finally traced, they informed DCS that they were unwilling to have anything to do with the patient. The person interviewed told DCS that the patient was a relative of her deceased husband and she was not willing to look after him or have anything to do with him.

Patient 4

He also provided an incorrect address and DCS is still trying to trace the family. He was apparently homeless when arrested and seems to be unsure where (or who) his family is.

Site visit to hospital unit

The hospital unit where the state patients are housed was visited. The patients were sitting together outside and seemed to be content. They are housed in one of the hospital units and receive meals and exercise as prescribed by the CSA. Medicine as prescribed is provided to them daily by the nurses, who make sure it is taken.

Visit to West End Specialised Hospital, Kimberley

JICS officials visited the hospital on 30 May 2017. The CEO explained that the hospital can only now house state patients after additional wards were converted. 22 patients from the old Kimberley correctional centre were already transferred there and they were aware of and ready for the four from Upington.

The CEO explained that because of the additional space at the hospital, all state patients housed in correctional centres in the Northern Cape will be housed at the hospital in future.

Visit to De Aar CC

De Aar CC was visited on 31 May 2017 for a general inspection. Seven mentally ill inmates were held at the centre, three stable and housed in the general population, and four unstable at the hospital. They were sleeping on the floor, as some were prone to epileptic fits and others had a fight about beds.

The medical staff indicated that some were bi-polar, while others suffered from depression and drug-induced psychosis.

Another mentally ill inmate was encountered in the communal cells. Although he is currently stable and on treatment, JICS officials recognised him from a previous investigation¹⁴ at Mangaung PPP Correctional Centre. Inmates alleged at the time that officials from G4S forcefully injected them with anti-psychotic drugs whenever they displayed disrespectful behaviour towards the warders or other staff¹⁵. The inmate is currently on treatment and takes his prescribed medicine voluntarily.

Medical staff echoed the sentiment from staff at Upington that officials working in the units need to be trained in basic identification of mentally ill people and how to deal with them. There are no psychologists and/or psychiatrists visiting the centre.

Findings

It is clear that numerous inmates in our correctional centres suffer from mental illness and DCS are not equipped to deal with them. Specialised mental health facilities are too few, resulting in state patients being incarcerated in DCS facilities.

There is a critical shortage of state-employed psychologists and psychiatrists in the Northern Cape Province.

Recommendations

DCS must train its security officials to deal with mentally ill inmates.

¹⁴ In November 2013.

¹⁵ It was found that the complainants all were diagnosed with severe mental illnesses by the local psychiatrist but refused to take the prescribed treatment. In terms of section 26 of the Mental Health Care Act 17 of 2002, patients who are incapable of making informed decisions may be treated without their consent if it is believed that the treatment is necessary for the health and safety of the patient or other people.

Inspections by the Inspecting Judge

Introduction

The Inspecting Judge is appointed by the President of the Republic of South Africa in terms section 86 of the CSA to lead the Judicial Inspectorate for Correctional Services (JICS). JICS exercises an oversight role over DCS by conducting inspections in correctional centres to enable the IJ to report on the treatment of inmates and conditions in the centres.¹⁶

The IJ is empowered by the CSA to inspect or arrange for the inspection of correctional centres and remand detention centres to enable him to report on the treatment of inmates and conditions in the centres, as well as on corrupt and dishonest practices in these facilities.¹⁷ In order to accomplish this role, the IJ is supported by JICS's Directorate: Inspections and Investigations, Independent Correctional Centre Visitors (ICCVs) and Visitor Centre Coordinators (VCCOs). The ICCVs are in regular contact with the correctional centres, inmates, and heads of correctional centres (HCCs). Regional Managers also play an active role in the Inspecting Judge's correctional centre visits. Other units that support the Inspecting Judge are Directorate: Legal Services, which includes the Mandatory and Complaints sub-units.

Correctional Centre	Inmate Profile	Observations	Findings
Mangaung CC: 11 December 2017	Approved accommodation 2,928 Male inmates only.	Judge's visit indicates that the centre was filled to its approved capacity.	The main concern is the reclassification and transfer of inmates, inability of SAPS to assist timeously and participation of inmates in rehabilitation programmes.
Oudtshoorn Female correctional centre: 18 August 2017		Very neat centre/babies housed till 24 months.	Babies are well cared for/social workers present.
Potchefstroom Remand Detention Centre: 6 October 2017	Remand Detention Centre Approved male accommodation: 867,1736 Inmates with 100.11% overcrowding. Females 166.15% overcrowded.		Only remand detention centre housing females in North West Province. Water pressure low/ water shortage. Repairs needed/ structural maintenance problematic

Table 11: Inspections by IJ

¹⁶ Section 85(2) of the Act.

¹⁷ Section 90(1) of the Act.

2.3. Investigations

	Date	Correctional Centre	DCS Region	Investigation focus
1.	30/4/2018	Pollsmoor Medium B	WC	Use of force DCS used force to stop an inmate from assaulting a fellow inmate in a gang-related incident. DCS was found to have used necessary force in defence of another person.
2.	25/5/2017	Baviaanspoort	GP	Assault: official on inmate. Officials allegedly assaulted an inmate during a gang-related incident. The inmate was alleged to promote gang activities by recruiting inmates during exercise.
3.	9/6/2017	Tswelopele	NC/FS	Discrimination on religious grounds. Officials allegedly discriminated against Muslim inmates.
4.	26-28/6/2017	Rooigrond Medium A	LMN	Assault: Officials on inmates During an inspection on 4 April 2017, JICS found an apparent trend of assault/use of force at Rooigrond centre. Some 60 incidents were recorded.
5.	5 and 13/7/2017	Kgosi Mampuru II Central	GP	(i) Riots (ii) Parole for lifers Inmates staged a protest and refused to go to their cells. Officials used force to compel the inmates to comply with the instructions.
6.	13/7/2017	Durban Medium B	KZN	Corruption Smuggling of contraband into the facility on a daily basis.
7.	7/6/2017 to 31/7/2017	Johannesburg Medium C	GP	Assault: Officials on inmates JICS investigated several cases of alleged assault: Official on inmate. The investigations were conducted at Johannesburg, Boksburg, and Leeuwkop correctional centres due to the fact that the inmates were transferred after the incidents.
8.	11/9/2017	Boksburg Medium A	GP	Protest and strike Assault/use of force: Officials on inmates. Inmates at the centre's workshop protested and refused to work due to several unresolved complaints, including a lack of personal safety gear at the workshop, payment of gratuity, healthcare services, prices at the tuck shop and food.
9.	21/11/2017	Henneman	FS/NC	Sexual assault. Allegations of sexual assault of an inmate by other inmates. Inmate released before the JICS investigation.
10.	21/11/2017	Drakenstein Max	WC	Sexual assault. Allegations of sexual assault of an inmate by other inmates.
11.	21/11/2017	Voorberg Med B	WC	Sexual assault. Allegations of sexual assault of an inmate by another inmate while under the influence of drugs. Inmate received medical treatment.
12.	21/11/2017	Emthonjeni Juvenile	KZN	Sexual assault. Allegations of sexual assault of an inmate by another inmate. A SAPS docket was opened and the inmate was referred to the doctor.

	Date	Correctional Centre	DCS Region	Investigation focus
13.	21/11/2017	Kutama Sinthumule Apopo	LMN	Sexual assault. Allegations of sexual assault of an inmate by other inmates. Allegations confirmed. Inmate referred for medical treatment. Perpetrator charged.
14.	21/11/2017	Piet Retief	LMN	Complaints about conditions, dilapidated accommodation and lack of medical assistance JICS inspected the centre in November 2017 and the findings made during the inspection corroborated the inmates' complaints.
15.	1/12/2017	Mossel Bay	WC	Sexual assault. Allegations of gang rape of an inmate by other inmates. Inmate was separated from the alleged perpetrators.
16.	7, 8 & 11/12/2017	Boksburg	GP	Complaints about adverse conditions due to maintenance issues, shortage of staff and high prices at the kiosk. Inmates' complaints were confirmed as correct.
17.	18,19 & 22/01/2018	Pollsmoor Medium A	WC	Assaults: Inmates on officials and officials on inmates. Officials and inmates involved in a gang-related incident. Use of force by officials escalated into assault.
18.	25- 26/01/2018	Barkley East	EC	Mass assault of officials on inmates during a search. Arson Inmates assaulted by officials during a search. Inmates burned their cell the following day out of protest.
19.	30- 31/1/2018	Durban Medium B	KZN	Sexual assault. Allegations of sexual assault of an inmate by another inmate at the special care unit.
20.	08- 09/3/2018	Lady Frere	EC	Assault: Inmates on officials and officials on inmates. Officials confiscated dagga from inmates. Inmates raided the office, retrieved the dagga, and injured officials in the process. EST was called and the centre was searched. Dagga found and confiscated.
21.	15/3/2018	Leeuwkop Med B D-103-2018	GP	Death of an inmate during a gang fight (Reported to JICS under D-103-2018). Inmate was stabbed to death with a piece of glass during a gang fight.
22.	27- 28/03/2018	Umtata Remand	EC	Assault: officials on inmates. Inmates who were previously injured and unable to comply with instructions from DCS officials assaulted.

Table 12: Investigations

Case study: Riot at Kgosi Mampuru II Central Parole for lifers: When is enough enough?

The incident

On Sunday 2 July 2017, inmates serving life sentences (lifers) rioted because they wanted to be placed on parole. Most of them had been sentenced before 1 October 2004 and were therefore eligible for consideration.

DCS took control and moved inmates to their cells. The following evening, inmates identified as the ringleaders were removed from their cells and transferred to Kgosi Mampuru II Local. There they were placed in single cells for security reasons. They appealed their segregation and JICS made a ruling on 11 July 2017.

The riot and subsequent use of force was recorded by inmates on illegal cell phone cameras, the footage placed on social media, and it was widely reported in the media.

Preliminary investigation

JICS investigated the incident from 5 July 2017 and produced a preliminary report.

The following findings were made:

- 1) Inmates have been complaining for some time regarding treatment. They handed memorandums to DCS management regarding their complaints on 10 April and 19 June 2017. Their main complaint was that they had been placed on parole, despite qualifying for it.
- 2) DCS formed a task team to work with the inmates in addressing their complaints.
- 3) After no progress was made, inmates gathered in the courtyard to protest on Sunday 2 July 2017.
- 4) DCS tried to get them to return to their cells but inmates refused.
- 5) EST officials were deployed to use force to stabilise the situation.
- 6) Many inmates (exact number unknown) were injured as well as one official.
- 7) There was no indication that inmates were assaulted after the incident.
- 8) Inmates were transferred to Kgosi Mampuru II Local and placed in single cells the next evening.

Investigation on 13 July 2017

Interview with the KM Central Management team

The HCC and his managers met with the investigator on Thursday 13 July 2017. They confirmed the riot in general and also confirmed that inmates identified as ring leaders were removed and placed in single cells at the Kgosi Mampuru II Local Correctional Centre. Inmates were charged and would appear before a committee on several charges. The hearing was scheduled for Friday 14 July 2017, but was postponed on request of the inmates' legal representatives (Lawyers for Human Rights).

DCS undertook to furnish JICS with copies of the minutes and outcome of the internal hearings as soon as it was finalised. DCS expressed their frustration with the current service delivery model regarding parole. Victim Offender Dialogue (VOD) as well as the administrative procedures to be followed was iden-

tified as roadblocks in the parole process – see later in this report for details.

Officials indicated that they were unable to assist inmates as the minister is the only person who may decide on whether a lifer may be placed on parole or not.

The HCC mentioned that the Regional Commissioner launched a full investigation into the riots.

Interview with professional staff

Kgosi Mampuru II Central currently has six social workers and four psychologists – all involved with lifers.

A social worker interviewed indicated her frustration with the parole process. She describes the current Service Delivery Model as follows:

Social worker/psychologist report is completed after consultation with the inmate (lifer) and recommendations made.

The application then goes to the following bodies/persons, which all submit some input:

- Social worker report sent to the CMC of the centre.
- After their evaluation, the parole application is sent to the HCC.
- HCC refers the report to the Correctional Supervision and Parole Board (CSPB).
- After a hearing on the application, the CSPB refers the report to the AC.
- AC refers to the RC.
- RC refers to the DCS Head Office.
- DCS Head Office refers the report to the National Council for Correctional Services (NCCS).
- After a sitting of the NCCS, final recommendations are made and the application is sent to the minister for decision.

This process can take up to 2 years to complete. The applications are often returned with the comment that the social work and psychological reports are dated and must be redone, after which the whole process is started again.

Memoranda by inmates

Inmates are clearly frustrated by this bureaucratic process and voiced their concerns by way of writing to the Minister and DCS.

The HCC and staff gave the investigator copies of the memorandums handed to DCS by the inmates and a list of all inmates serving life sentences at Kgosi Mampuru II Central.

In the experience of the investigator, when inmates write memorandums to DCS and it goes unanswered, rioting usually follows¹⁸. With rioting, the possibility of serious injury or even death of inmates and officials alike is a distinct possibility.

South Africans tend to riot as a form of protest against poor service delivery (transport, water, housing etc.).

¹⁸ E.g. Groenpunt Max 2013 and St. Albans Max 2016.

Correctional centres are a reflection of society.

If inmates are not satisfied with service delivery from DCS, they will also riot. The only difference is, in the community, if the police shoot rubber bullets and use teargas, one can run away and hide. In a correctional centre, there is nowhere to run or hide.

Victim Offender Dialogue (VOD)

VOD has been identified by both the inmates and some DCS officials as one of the main stumbling blocks in the parole process.

The thought behind VOD is that the offender and victim (or victim's family) meet and that closure, forgiveness and healing are achieved through dialogue. In many cases, though, inmates still maintain their innocence and are not prepared to meet and explain/apologise for something they deny doing. This also hampers the rehabilitation process as the inmate who does not confess to the crime sees no point in rehabilitation.

In other cases, the inmate wants to meet but the victim (or victim's family) are not prepared to form part of the process as they want the inmate to stay behind bars.

It is also in some cases simply not possible to trace the victims or their families after 15 to 30 years.

Despite the above, there are some people who strongly believe that VOD is very important, not only for the community, but also for the offender, who must first take responsibility for his/her actions for the rehabilitation process to be effective.

Although VOD is not officially a requisite for granting parole, it is often made a condition of parole and that slows the process even further.

Social perception

Victims, their families, as well as their supporters in the public, voice strong opposition to parole and advocate for longer sentences, including the reinstatement of the death penalty. They also advocate for lifers to remain in a correctional centre for the rest of their lives.

There seems to be a perception from the public in general that parole is granted far too early and easily, therefore exacerbating recidivism and increasing the already unacceptably high crime rate.

On the other hand, human rights activists, inmates' families, as well as inmates themselves, argue for parole and are of the opinion that inmates should be released earlier, especially in light of the chronic overcrowding experienced in most prisons.

The introduction of minimum sentencing has led to an exponential increase in the number of people serving life sentences. There are currently 15 056 lifers out of a total prison population of 161 054 in our centres.¹⁹

¹⁹ As at 31 March 2017, according to DCS statistics

Parole for lifers is therefore becoming a severe challenge, as the only person who may grant parole in these instances is the Minister.

There is currently a surge in reported riots, especially by inmates serving life sentences. Preceding the riots there are usually several memorandums handed to role-players (DCS, Ministry etc.). The same was true at Kgosi Mampuru.

Parole for lifers – current system

Section 73 of the CSA states in subsection (1) (b) that a person sentenced to life imprisonment will stay incarcerated for the rest of his or her life.

Life without the possibility of parole is deemed unconstitutional.²⁰

Section 73 (6) (b) (vi) asserts that parole may be considered for lifers after 25 years.

Section 73 (5) (a) (ii) designates the Minister as the person who may grant parole.

The current challenge is with inmates who were sentenced to life prior to 1 October 2004. They became eligible for consideration after 20 years²¹ or 12 years 4 months,²² depending on their sentence date.

The reason for this is that inmates were sentenced during periods when different parole regimes were applicable, inter alia under the previous Act.²³

Conclusion

The current system of parole for lifers is a challenge for all involved. Currently DCS is exploring possible changes in legislation surrounding parole in general. Inmates are very frustrated with the apparent slowness of the whole process and if this is not addressed soon, more riots may follow.

Findings

1. The riot on Sunday 2 July 2017 was as a result of inmates' frustrations with the current parole system for lifers. If the situation is not adequately addressed soon, this will likely lead to more violent riots from lifers, which may result in serious injury or death of inmates and officials.
2. DCS used force to bring the situation under control.
3. Use of force was reported to JICS, as per section 32 of the CSA.
4. On Monday 3 July 2017 from around 19:00 to 22:00, the EST entered cells at the centre and removed inmates perceived as instigators in the riot.
5. Inmates were taken to Kgosi Mampuru II Local and placed in single cells.
6. The inmates were of the opinion that they were segregated unlawfully and appealed to the Inspecting Judge, in line with section 30 (7) of the (CSA).
7. JICS made a ruling in favour of DCS.
8. Lawyers for Human Rights litigated against DCS regarding the perceived unlawful segregation²⁴ but was unsuccessful.
9. Inmates injured were given an opportunity to seek medical help.

²⁰ S v Chavulla and others 2002 (1) SA 535 (SCA).

²¹ Van Vuuren v Minister of Correctional Services 2014 (2) SACR 227 (GP)

²² Van Wyk v Minister of Correctional Services & Others 2012 (1) SACR 159 (GNP)

²³ Prisons Act 8 of 1959

²⁴ Malaza and others v Minister of Justice and Correctional Services and others – case no. 52882/2017 in the High Court (Gauteng division, Pretoria).

Visits by external judges reported for 2017/18

None in our first and second quarterly reports
From third quarterly report (Oct–Dec 2017)

Justice Cameron in Devon CC

Findings

- Two meals served per day.
- There is a trend of complaints of assault on inmates by a particular official.
- DCS gave feedback on the findings and it is incorporated in the inspection report.
- JICS investigated the assault trend during December 2017 and will report in due time.

Justice Olivier in Barkly West CC, Springbok CC and Upington CC

Findings

Upington CC:

- Overcrowding
- Three cases of assault against official on inmate
- Shortage of nurses
- Water supply issue
- Two of the allegations of assault were withdrawn by the inmates. One case was withdrawn by the Public Prosecutor.

Findings

Barkly West CC:

- Water supply problems due to service delivery issues from the local municipality
- No ICCV at the centre

Findings

Springbok CC:

- No sport or outdoor activities catered for.
- Shortage of security staff.
- No nurse or educator appointed at the centre.

From 4th quarterly report (Jan–Mar 2018)

Judge CJ Olivier inspected the following prisons:

January and March 2018: Victoria West CC: (The same findings below were reported for both visits)

Findings

- The centre is overcrowded.
- Issues with IT cabling.
- The security fence dilapidated.
- Inmates want to be transferred to centres nearer to their homes.

Findings

De Aar CC: (The same findings below were reported for both visits)

- The security fence is dilapidated.
- There is no contact visit area and no bathroom facilities for visitors.
- The structure of the building makes it difficult to separate remand from sentenced inmates, and youths from adults.
- The centre is suffering a shortage of staff, which results in programmes not being offered.
- A shortage of uniforms.
- Inmates want to be transferred to centres nearer to their homes.

Findings

Douglas CC: (The same findings below were reported for both visits)

- No telephone lines at the centre.
- Smuggling of cell phones to inmates.
- Inmates want to be transferred to centres nearer to their homes.
- Air conditioning is non-functional.
- Fire-fighting equipment not serviced.

Findings

Hopetown CC: (The same findings below were reported for both visits)

- No permanent nurse and social worker at the centre.
- Cell walls need to be painted.
- No dining hall.

Judge N Erasmus inspected Knysna Correctional Centre in February 2018.

Findings

- Plumbing in cells needs to be repaired to stop leakages.
- Overcrowding in the remand section.
- No educator at the centre.
- No expired medication found.
- Hot water system is non-functional.
- Interval between meals not in line with the Correctional Services Act (breakfast and supper are combined).

Judge President M.B. Molemela inspected Goedemoed Correctional Centre in February

Findings

- As at the date of the inspection, the overcrowding at Medium A was at 115.9%.
- There was no overcrowding at Medium B.
- The beds in the medical facility were too close to one another. The doctor expressed that this is a health concern, more so when the patients suffer from contagious illnesses.
- The floor drainage system in the kitchen was blocked by grime and attracted flies.
- The toilet in one of the cells was leaking (plumbing issues).
- The recreation facilities, the school, the agricultural section, and library are functional.

- There is a shortage of staff, the inmate-warder ratio poses a security risk.
- There are inadequate security measures in that the Integrated Security System (ISS) has not been functional since 2011.
- Most inmates' complaints entail requests to be transferred to centres closer to home.

Judge President M.B. Molemela inspected Tswelopele Correctional Centre in February.

Findings

- The recreational facilities, vocational programmes, and school and skills development programmes are fully functional.
- The challenges that were brought forward were the following: the absence of a building maintenance contract, staff shortages, as well as an Integrated Security System (ISS) that has also not been functional since 2011.
- There were also challenges with the telephone lines at the centre as they also run through the ISS. This has also affected the cameras at the centre.
- The segregation unit is not functional, as the electronic doors used to secure the cells are not operational.

2.4. Complaints

A total of 988 complaints were received for the year, either directly or through stakeholders.

Categories	Quarter 1 Apr-Jun			Quarter 2 Jul-Sept			Quarter 3 Oct-Dec			Quarter 4 Jan-Mar			Grand Total
	External	Internal	Total	External	Internal	Total	External	Internal	Total	External	Internal	Total	
Appeal	1	13	14	1	21	22		5	5		13	13	54
Assault (Inmate on Inmate)	7	10	17	11	7	18	2	13	15	6	14	20	70
Assault (Official on Inmate)	8	38	46	14	67	81	10	37	47	5	52	57	231
Assault (Sexual)	1	7	8	1	3	4	2	8	10		3	3	25
Attempted Suicide													0
Bail	2	2	4	1		1							5
Communication with Family								3	3		3	3	6
Conditions	1	1	2	1	3	4	8	1	9		1	1	16
Confiscation of Possession	1	3	4		2	2	1	4	5		4	4	15
Conversion of Sentence	1	4	5		1	1		1	1		1	1	8
Corruption		1	1		4	4	1		1	1	1	2	8
Food	1		1	1	4	5	1	8	9		2	2	17
Health Care	3	5	8	8	14	22	4	6	10	1	7	8	48
Hunger Strike													0
Inhumane Treatment	1	2	3	3	2	5					2	2	10
Legal Representation				1	2	3				1	1	2	5
Medical Release	1	1	2	1	1	2							4

Categories	Quarter 1 Apr-Jun			Quarter 2 Jul-Sept			Quarter 3 Oct-Dec			Quarter 4 Jan-Mar			Grand Total
	External	Internal	Total	External	Internal	Total	External	Internal	Total	External	Internal	Total	
Parole	4	18	22	6	22	28	3	24	27		15	15	92
Re-classification	1	4	5		6	6		3	3		5	5	19
Rehabilitation Programmes		3	3		1	1	2	6	8	1	4	5	17
Remission				1		1		3	3				4
Torture		1	1							1	1	2	3
Transfer	5	34	39	6	48	54		21	21	1	50	51	165
Other	14	18	32	14	22	36	16	26	42	34	22	56	166
Sub Total	52	165	217	70	230	300	50	169	219	51	201	252	
Grand Total			217			300			219			252	988

Table 13: Complaints

PREVALENT COMPLAINTS

Assaults

It is not surprising that assault complaints were amongst the most frequent type of complaints we received for 2017/ 2018. We have continuously reported on this fact, and highlighted our concern that assaults are increasing yearly. In each matter we received, a request for an internal investigation and a copy of such an investigation report is expected. We have also insisted that victims are granted an opportunity to lay criminal charges with the South African Police Services (SAPS). At correctional centres where assaults were more frequent, such as Tswelopele Correctional Centre, Kimberley, Northern Cape/ Free State (NCFS) region, we have written to the DPP to reconsider matters that were withdrawn by the state, and continuously bring similar matters to the attention of the appropriate authorities. Other correctional centres that experienced a rise in assault matters were Voorberg in the Western Cape and Virginia, Kroonstad, NCFS.

The table below illustrates an 8% increase from 2015-16 to 2016-17 and 19% from 2016-17 to 2017-18.

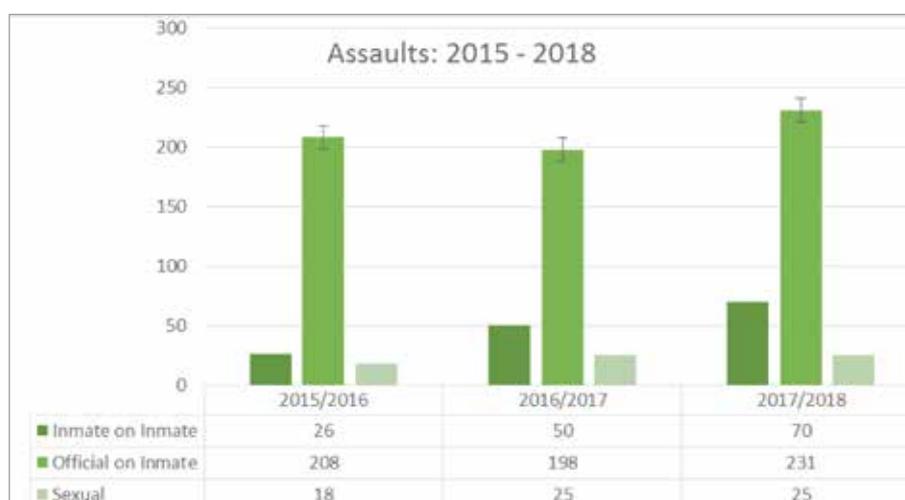


Figure 3: Assaults

Other (166)

Erroneous reports are often lodged on the JICS website by members of the public and DCS officials who are unable to access the proper reporting method due to a system malfunction. These individuals frequently provide insufficient detail, report matters prematurely, or misuse the “lodge a complaint” link on the JICS website.

The fact that outside bodies are able to capture complaints directly on JICS e-system, and thereby generate a reference number, thwarts our ability to collect accurate, reliable, and up-to-date information regarding the treatment of inmates and the conditions in correctional centres and remand detention facilities.

Transfers (165)

DCS’s plan to alleviate overcrowding, especially in the Western Cape, has resulted in many inmate transfers, and has naturally caused dissatisfaction among inmates and their family members. This complaint has constantly ranked among the top five complaints over the years.

Parole (92)

The issue of lifers:

Despite the fact that parole consideration of lifers is for the Minister²⁵ to decide, inmates still feel that they should have recourse to the IJ and where it is alleged that the Minister did not fully apply his mind as per criteria for parole selection²⁶, it is expected that the IJ will have the authority to finally decide on the issue. Our current legislation does not allow for a review process to the IJ on this level. The Inspecting Judge may only refer a decision of the parole board to the Correctional Supervision and Parole Review Board (CSPRB) to reconsider²⁷. There is no other “internal” mechanism available to inmates to challenge the process and the validity of the Minister’s decision.

This is especially vital when a person is sentenced to imprisonment for murder. In such a case, the National Commissioner must inform the parole board, who will in turn inform the immediate relative of the deceased that the inmate is being considered for parole, so that the next of kin/relative may make representations (submit a victim impact statement) to the parole board and be informed where and when such a hearing is to take place.²⁸

In a situation where the Minister decides on a further profile date for either Victim Offender Dialogue (VOD) or Victim Offender Mediation (VOM) and the next of kin/relative is unwilling to participate in the restorative justice programme of the department, the reluctance of such next of kin/relative will have a negative effect on the inmate’s application.

The matter of Janusz Walus²⁹ is an example that reflects the dilemma of lifers in South African prisons.

25 Section 73(5) of the CSA.

26 Section 136 (1) of the Correctional Services Act 111 of 1998 and Correctional Services B Order, Chapter VI (1A) (19).

27 Section 75 (8) of the Correctional Services Act 111 of 1998.

28 Section 75 (4) of the Correctional Services Act 111 of 1998.

29 Minister of Justice and Correctional Services v Walus 2017(2)SACR 473 (SCA).

Mr Walus was considered for parole in November 2013. The Minister turned down the application after Walus had already served 21 years and 6 months of his sentence. A previous application in June 2011 was also unsuccessful.

The Minister's decision in 2013 was that parole was not recommended; a further profile of 12 months was approved and in the interim, the department was to assist the inmate through:

- Restorative Justice Process
Either through VOD or VOM, whichever is deemed appropriate by qualified professionals.
- Security
The department or other relevant structure should advise on security threats that may be posed by the inmate's release.

Aggrieved by the decision, Mr Walus launched application proceedings in the high court. One of the issues he argued was that the Minister's recommendation of a further profile in 12 months could not be given effect because the deceased's family had refused any contact with him and the department was unwilling or unable to facilitate a victim and offender dialogue. Walus argued that the Minister's recommendation was biased³⁰ and based on mala fides as it rendered his release dependent on the deceased's family.

Other inmates facing the same challenges as Mr Walus might not have the resources or garnered enough media attention to have the validity of the Minister's decision challenged. Often we see the problem arising before the application reaches the Minister's office. Case Management Committees (CMCs) appointed to evaluate inmates' progress are inundated with cases or overlook certain compulsory programmes; the centre does not provide the programme; specialist reports³¹ are outstanding; the Correctional Supervision and Parole Board (CSPB) does not do enough preparatory work, such as contact the next of kin in time for VOD/VOM, resulting in complaints that inmate profiles are not considered timeously.

In as much as Mr Walus was successful in the high court, the Supreme Court of Appeal overturned that decision and found that the "procedural irregularity" began when the parole board submitted Mr Walus's application to the Minister, which included information based on the victim impact statement, without affording Mr Walus an opportunity to respond to such information. Ultimately the court held that the process had been compromised. The matter was thus referred back to the Minister to decide afresh within 90 days whether Mr Walus should be placed on parole.

JICS receives and deals with parole complaints; whether or not its findings and recommendations are considered by the department and the Minister is still unclear. At the very least, inmates are provided with a written outcome and an explanation of the process applicable to the individual case.

³⁰ Section 6(2) of Promotion of Administration Justice Act

³¹ An evaluation of inmate's behaviour/social adaptation or health and mental state by psychologists, social workers, psychiatrists etc.

Case Study: Mr X at St Albans

The complaint

On 10/11/1994, X was sentenced by the Supreme Court to death for the crime of murder and 8 years imprisonment for robbery. He applied for amnesty under the Promotion of National Unity and Reconciliation Act 34 of 1995. It was concluded that X was not entitled to amnesty as the acts for which he was convicted were not associated with a political objective, as required by the Act, and that X had obtained a personal gain. An application for presidential pardon was also unsuccessful.

In 1998 the Supreme Court changed the inmate's sentence to life imprisonment. In 2003 the inmate was handed a fine of R800 or 80 days in prison for assault. In 2012, a presidential pardon was granted.

The inmate's profile was submitted on two occasions to the Minister for consideration. He was requested to perform specific programmes. This was done but on the following profile date he was asked to repeat the programme.

The inmate alleged that DCS officials and members of CSPB were deliberately rejecting his application as he had previously spoken out against the department. The inmate feared that the Minister was not provided with an up-to-date application as the Minister ordered a further profile and that he repeat programmes that were either irrelevant to his situation or had already been completed.

The evidence

The G303 mentions general behaviour as good. He has been classified as medium risk since 2007, degraded to C group due to an assault, but also enjoys A-group privileges. He is currently in school, teaches, and has a good support structure.

The inmate made no representations to support his application. The decision to grant parole is with the Minister (see section 73(5) Act 111 of 1998).

A psychologist assessment report revealed that the inmate had expressed remorse but it appeared more intellectual than emotional. Restorative Justice – VOD explored, but the son of victim is not interested.

On 27 July 2017 the Minister denied parole and requested a further profile to be submitted in 6 months and that the inmate undergo multi-drug screening.

JICS recommendation

CMC should place emphasis on Restorative Justice and conduct information sessions on the process.

Proper records should be kept on VOD and VOM as per their Policy on Restorative Justice.

The inmate should be assisted to make representations to attach to his application.

The inmate should be provided with written reasons for administrative decisions, as required by the Constitution, section 33.

As per section 73(5) of CSA, the decision to grant parole lies with the Minister of Justice and Correctional Services; our views only aim to provide clarity/assist the Minister.

SUMMARY SELECTION OF FINDINGS AND RECOMMENDATIONS ON COMPLAINTS

	Date	Correctional Centre	DCS Region	Investigation focus
1.	30/4/2018	Pollsmoor Medium B	WC	Use of force DCS used force to stop an inmate from assaulting a fellow inmate in a gang-related incident. DCS was found to have used necessary force in defence of another person.
2.	25/5/2017	Baviaanspoort	GP	Assault: official on inmate. Officials allegedly assaulted an inmate during a gang-related incident. The inmate was alleged to promote gang activities by recruiting inmates during exercise.
3.	9/6/2017	Tswelopele	NC/FS	Discrimination on religious grounds. Officials allegedly discriminated against Muslim inmates.
4	26-28/6/2017	Rooigrond Medium A	LMN	Assault: Officials on inmates During an inspection on 4 April 2017, JICS found an apparent trend of assault/use of force at Rooigrond centre. Some 60 incidents were recorded.
5.	5 and 13/7/2017	Kgosi Mampuru II Central	GP	(i) Riots (ii) Parole for lifers Inmates staged a protest and refused to go to their cells. Officials used force to compel the inmates to comply with the instructions.
6.	13/7/2017	Durban Medium B	KZN	Corruption Smuggling of contraband into the facility on a daily basis.
7.	7/6/2017 to 31/7/2017	Johannesburg Medium C	GP	Assault: Officials on inmates JICS investigated several cases of alleged assault: Official on inmate. The investigations were conducted at Johannesburg, Boksburg, and Leeuwkop correctional centres due to the fact that the inmates were transferred after the incidents.
8.	11/9/2017	Boksburg Medium A	GP	Protest and strike Assault/use of force: Officials on inmates. Inmates at the centre's workshop protested and refused to work due to several unresolved complaints, including a lack of personal safety gear at the workshop, payment of gratuity, healthcare services, prices at the tuck shop and food.
9.	21/11/2017	Henneman	FS/NC	Sexual assault. Allegations of sexual assault of an inmate by other inmates. Inmate released before the JICS investigation.

	Date	Correctional Centre	DCS Region	Investigation focus
10.	21/11/2017	Drakenstein Max	WC	Sexual assault. Allegations of sexual assault of an inmate by other inmates.
11.	21/11/2017	Voorberg Med B	WC	Sexual assault. Allegations of sexual assault of an inmate by another inmate while under the influence of drugs. Inmate received medical treatment.
12.	21/11/2017	Emthonjeni Juvenile	KZN	Sexual assault. Allegations of sexual assault of an inmate by another inmate. A SAPS docket was opened and the inmate was referred to the doctor.
13.	21/11/2017	Kutama Sinthumule Apops	LMN	Sexual assault. Allegations of sexual assault of an inmate by other inmates. Allegations confirmed. Inmate referred for medical treatment. Perpetrator charged.
14.	21/11/2017	Piet Retief	LMN	Complaints about conditions, dilapidated accommodation and lack of medical assistance JICS inspected the centre in November 2017 and the findings made during the inspection corroborated the inmates' complaints.
15.	1/12/2017	Mossel Bay	WC	Sexual assault. Allegations of gang rape of an inmate by other inmates. Inmate was separated from the alleged perpetrators.
16.	7, 8 & 11/12/2017	Boksburg	GP	Complaints about adverse conditions due to maintenance issues, shortage of staff and high prices at the kiosk. Inmates' complaints were confirmed as correct.
17.	18,19 & 22/01/2018	Pollsmoor Medium A	WC	Assaults: Inmates on officials and officials on inmates. Officials and inmates involved in a gang-related incident. Use of force by officials escalated into assault.
18.	25-26/01/2018	Barkley East	EC	Mass assault officials on inmates during a search. Arson Inmates assaulted by officials during a search. Inmates burned their cell the following day out of protest.
19.	30-31/1/2018	Durban Medium B	KZN	Sexual assault. Allegations of sexual assault of an inmate by another inmate at the special care unit.
20.	08-09/3/2018	Lady Frere	EC	Assault: Inmates on officials and officials on inmates. Officials confiscated dagga from inmates. Inmates raided the office, retrieved the dagga, and injured officials in the process. EST was called and the centre was searched. Dagga found and confiscated.

	Date	Correctional Centre	DCS Region	Investigation focus
21.	15/3/2018	Leeuwkop Med B D-103-2018	GP	Death of an inmate during a gang fight (Reported to JICS under D-103-2018). Inmate was stabbed to death with a piece of glass during a gang fight.
22.	27-28/03/2018	Umtata Remand	EC	Assault: officials on inmates. Inmates who were previously injured and unable to comply with instructions from DCS officials assaulted.

Table 14: Summary selection of findings and recommendations on complaints

2.5. Mandatory Reports

Unnatural deaths

In the 2016/2017 performance year, DCS reported 52 deaths from unnatural causes to JICS. In 2017/2018, 82 such prima facie unnatural deaths were reported to JICS, with suicides representing 27 (38%) of the total.

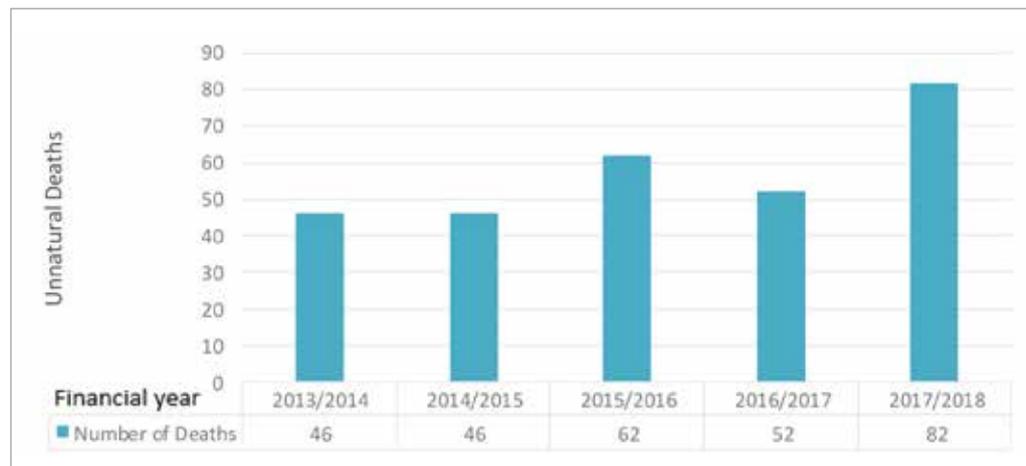


Figure 4: Deaths from unnatural causes, 2011 to 2018

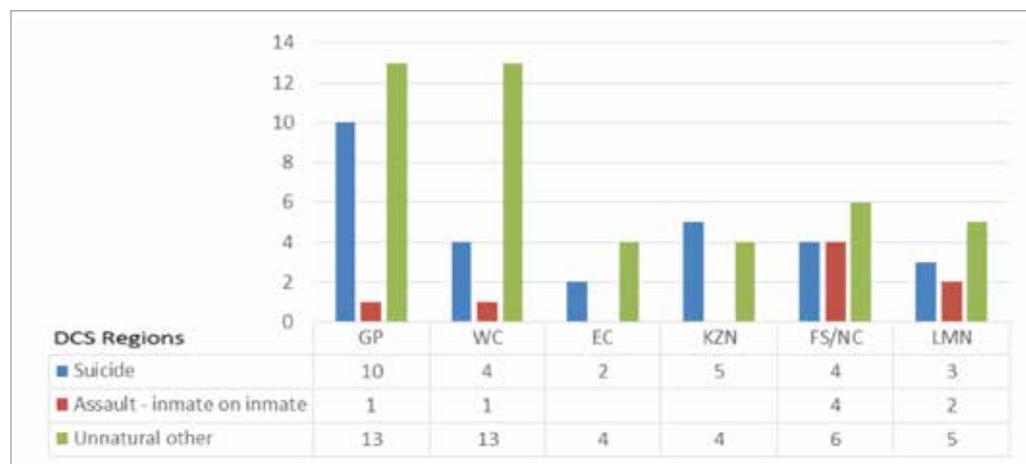


Figure 5: Deaths classified by cause, 2017/2018 financial year

Homicides

When investigating homicides, JICS aims to determine the degree of culpability of the DCS official who allegedly perpetrated the crime, and whether the homicide was the result of specific intent or caused by negligence.

The inmate-on-inmate deaths are related to inter-gang rivalry. Inmates were killed as a result of stabbing with self-made knives, assault with fists, and/or kicked to death. The extreme violence and brutality that took place was caused by both remand detainees and sentenced offenders.

One inmate-on-inmate assault took place at Potchefstroom Remand Detention Facility. The inmate was detained in a communal cell. It was reported to the Inspectorate that inmate MM was assaulted by fellow remand detainees and as a result was admitted to Potchefstroom public hospital, where he ultimately died as a result of his injuries.

We found that the deceased was assaulted by members of a rival gang in a communal cell. A number of gangs operate in the centre, which did not have an effective gang-combating strategy.

In 2017/2018 no inmates suffered homicide at the hands of officials. Some deaths are classified as “other.” This is a temporary classification. The cause of death is determined once the autopsy report is received by DCS. Generally provinces are experiencing autopsy and toxicology report backlogs of up to five years.

Suicides

Suicide is the most common type of unnatural death in our correctional centres, with the majority occurring in the Gauteng region. Suicide by hanging was the most common method in 2017/18: 75% of suicides (21 inmates) were as a result of hanging. Inmates used a variety of items, but mainly ligatures created using bedding and clothing.

Nine of the 21 suicides by hanging occurred in a single cell. A Western Cape suicide took place at Helderstroom Medium Correctional Centre; the inmate was 56 years old. The deceased was a sentenced inmate. The deceased had a history of being in and out of correctional centres from 1986 until his death. He was admitted while he was on psychiatric treatment and had defaulted on his medication. The deceased was found hanging in a single cell unit by a DCS official.

DCS has indicated that every time the inmate refused treatment, he was made to sign a consent form. However, we found that the Health Care Policy and Procedure Manual is clear that inmates with mental illness must be compelled to take medication. DCS had also indicated that the inmate was segregated at his own request. We found that the Health Care Policy and Procedure Manual makes it clear that a mentally ill inmate should under no circumstances be placed in a single cell without a 24-hour guard. In this matter we found that DCS had breached its policy and procedure manual by not compelling the inmate to take medication and also by placing an inmate with a mental illness in a single cell without guarding him around the clock.

Suicides in communal cells occur out of sight of fellow inmates, usually in the bathroom area, which is cordoned off. In addition, these usually occurred during lock-up, which is often from late afternoon until the morning.

A suicide in a communal cell also took place at Losperfontein; the deceased hanged himself during the night whilst other inmates were sleeping. The inmates called on the officials to assist after they heard a noise and discovered the corpse. The inmate hanged himself with a shoelace from the bed. Our investigation found that the inmate had not been assisted by anyone to commit suicide and there were no signs that he was going to commit suicide. This suicide was different to the others in a communal cell, in that the deceased committed the act in the cell and not in the bathroom.

Medication is dispensed in such a manner that inmates are able to collect it over time. Access to large quantities of medication exposes all inmates to the risk of suicide.

Other matters reported include the following:

A death was reported at Grootvlei maximum facility. It was reported that the inmate was admitted to the hospital on the night of 7 July 2017 around 22h00. He was complaining about a loss of appetite for 4 days and he was seen during the night by the professional nurse. She suspected severe stress. At 07h00 a security officer found the inmate hanging from a window in the toilet. Prima facie evidence indicates that there were no breaches from DCS and that they could not have predicted that the inmate would commit suicide.

At Drakenstein correctional centre an inmate was found hanging in the toilet of the hospital cell. He had been diagnosed with schizophrenia and was on treatment. He had been admitted to the hospital section. On the day of the incident the inmate and two other inmates alleged that they were not feeling well and could not go to the courtyard. The inmate hanged himself during that time, after pretending to take a shower. It was found that the inmate had been seen three days before he committed suicide and was found to be improving. No wrongdoing could be found on the part of inmates or department officials.

At Vereeniging correctional centre it was reported that a remand detainee had committed suicide by hanging himself from the ceiling in a communal cell. According to post-mortem results, the inmate died as a result of strangulation. Prima facie evidence indicates that there were no breaches from DCS and they could not tell that the inmate would commit suicide.

At Thohoyandou Medium A it was reported that an inmate hanged himself on the burglar door of the toilet. The inmate was identified as a mentally imbalanced inmate who had been detained in a communal cell, as the Health Care Policy and Procedure Manual provides. The inmate received treatment for mental illness and a day before he committed suicide he had a session with a social worker. JICS found that there was no breach by DCS and that officials had followed procedure in dealing with the inmate.

On 13 March 2018 an inmate was assaulted when a fight broke out between rival gangs over money in the courtyard of Leeuwkop Medium B. Inmates were then placed back in their respective cells. Around 18h30 another inci-

dent broke out in the communal cells over dagga; inmates passed dagga from one cell to another. An inmate died after he was stabbed by a fellow inmate with a broken piece of glass from a window. JICS conducted an investigation and found indications of gangsterism at the centre and that drugs were being smuggled into the facility since it started accommodating adults in 2017.

JICS also found that the partitioning between cells was not up to standard, as contraband could be moved from cell to cell, making it difficult to search for prohibited substances. Furthermore, an inspection conducted in 2013 had discovered broken windows and JICS recommended that these be fixed or replaced with shatterproof glass. JICS had also recommended that the gaps between cells be closed in order to make it harder for inmates to move contraband.

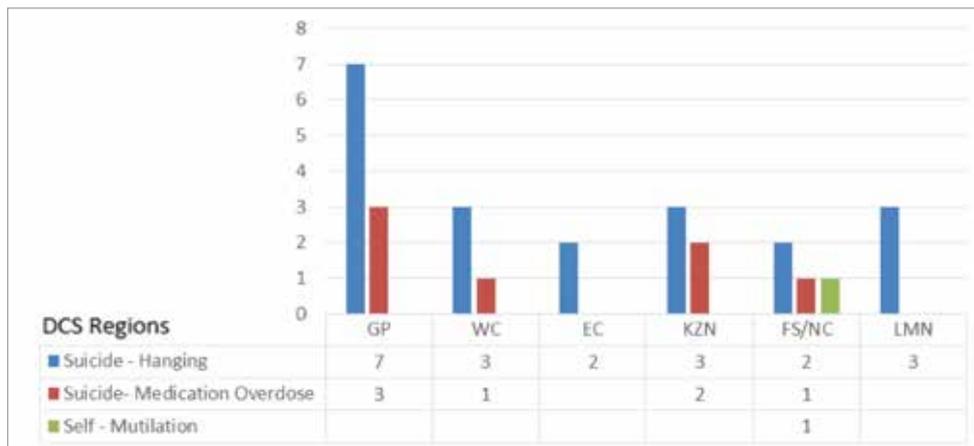


Figure 6: Suicide by method for 2017 /2018

Deaths from natural causes

During the 2017/18 financial year, 487 inmates died from natural causes, representing approximately 308 natural deaths per 100,000 of the inmate population. The Gauteng region recorded the highest number of deaths, at 119.

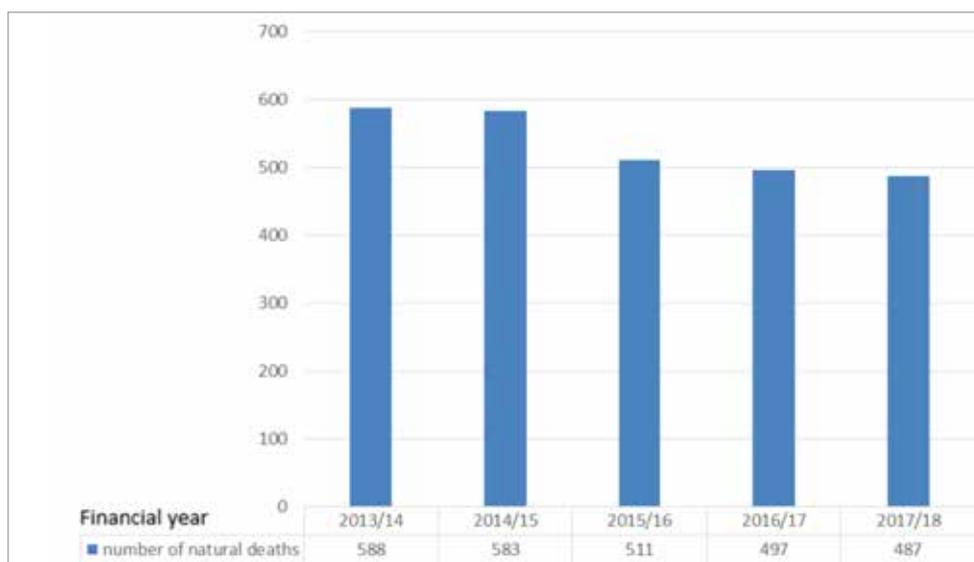


Figure 7: Deaths from natural causes 2013/14 to 2017/18

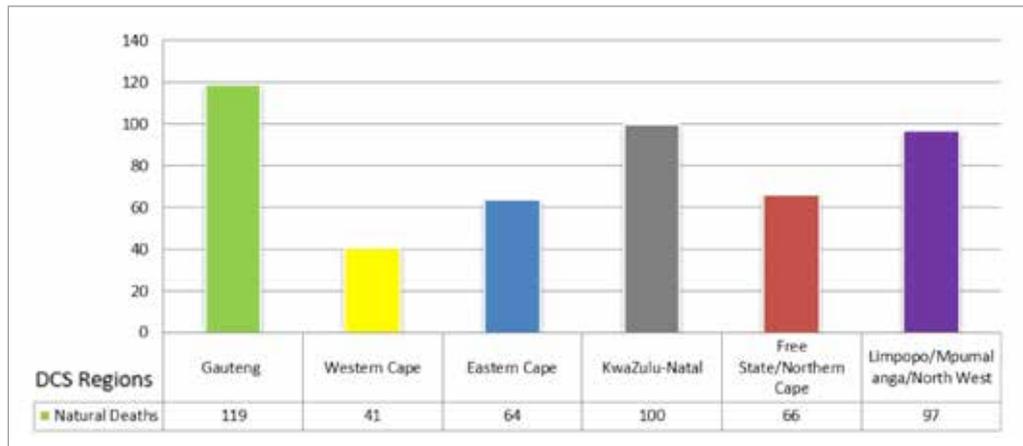


Figure 8: Deaths from natural causes per DCS region 2017/2018

The figure above highlights the decrease in the number of natural deaths within DCS with a fairly consistent population. Figure 8 disaggregates natural deaths in the 2017/18 financial year per region.

A sample of 213 deaths was conducted to examine the cause of death amongst the inmates, whether any of the deceased were eligible for parole and whether they had died whilst that process was in progress. We also studied the age group of the inmates who died.

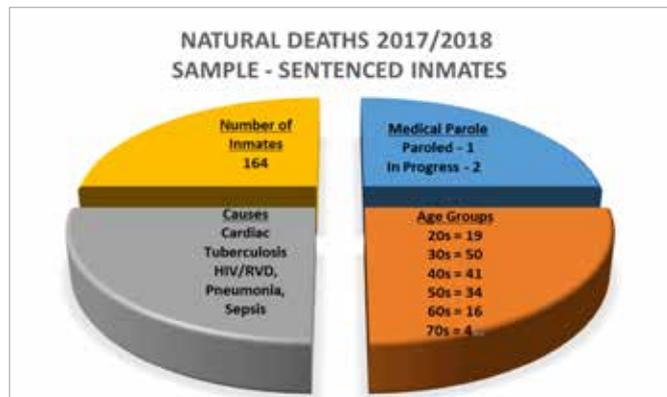


Figure 9: Natural deaths sentenced inmates sample 2017/2018

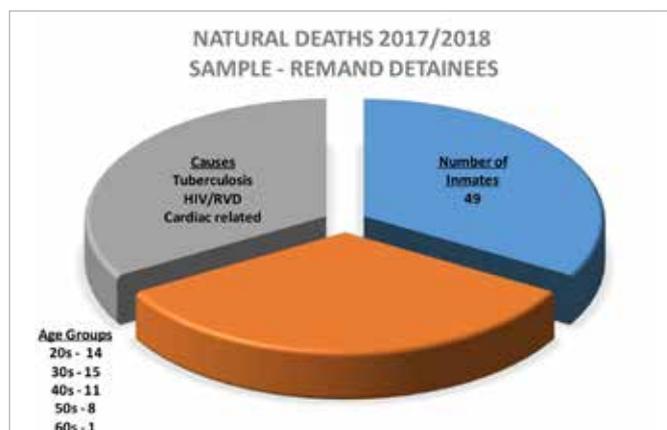


Figure 10: Natural deaths remand detainees sample 2017/2018

Segregation

UNABLE TO REPORT DUE TO DYSFUNCTIONAL REPORTING AND NON-REPORTING

Segregation is regulated in section 30 of the CSA. During the 2017/18 financial year, 41 inmates appealed to the IJ to contest the decision to place them in segregation. This represents 0,41% of all segregation reports. The Inspecting Judge ruled that 31 of the 41 decisions to segregate were justified because of the occurrence or the threat of violence; therefore these segregations were in line with the obligation on DCS to maintain the safe custody of all inmates.

As previously reported, JICS remains concerned with the very low percentage of appeals by inmates against the reported use of segregation. DCS officials have the responsibility, in terms of the JICS internal electronic reporting tool, to inform inmates of their right to appeal to the IJ, and it is apparent that such information on their rights is not provided.



Figure 11: Segregation: Reports and Appeals 2013/2014 – 2017/2018

It is of utmost importance that the Inspectorate reminds DCS to distinguish between the two; separation has been defined in the Act in section 7 as keeping separate those persons who are awaiting trial or sentenced, male from female, children from adults, specific age, health or security risk categories.

Segregation has been described as removing an inmate from his normal accommodation for a period of time, which may be part of or the whole day and may include detention in a single cell. An inmate can only be segregated in six instances, as per the CSA; namely own request, to give effect to the penalty of the restrictions of amenities, on medical grounds, displays or threats of violence, suspicion that the inmate may escape, and if requested by the South African police.

The inspectorate received an appeal from five inmates at Kimberley correctional centre on the basis that they were segregated in terms of section 30(1) (d) which is applicable when an inmate is violent or threatened with violence. The inmates denied being violent or being threatened with violence.

JICS found that the inmates were segregated in terms of section 30(1) (d) after they were found in possession of a cell phone. Three inmates admitted that they were found in possession of a cell phone and acknowledged that it was a disciplinary infringement in terms of section 23(1) (m). Based on the facts, inmates can be segregated in terms of section 30(1) (b) read with section 23 and section 24 after a disciplinary hearing has been conducted and found guilty of that transgression and a restriction of amenities sanction was imposed.

According to DCS, possession of a cell phone is a security risk. According to section 7(2) (d) inmates can be separated if they pose a security risk. When an inmate poses a security risk it does not necessarily mean that an inmate is violent.

There are two options that DCS could have utilised under the circumstances, namely: separation in terms of section 7(2) (d) or segregation in terms of section 30(1) (b) read with section 23(1) (m) and section 24(3) (c), 24(5) (c), or 24(5) (d).

Findings

1. The grounds on which the inmates were segregated were irrelevant to the offence committed.
2. The conduct of the inmates did not involve violence and, therefore, all inmates were wrongfully segregated.
3. Inmates were wrongfully segregated and, therefore, the right procedures were not followed. After the inmates were found in possession of a cell phone, the procedure in terms of section 24 should have been followed.
4. Segregation is applicable as a punishment for the conduct of the inmates and the segregation must be in terms of section 30(1) (b) read with section 23(1) (m) and section 24. Inmates to be removed from segregation.

Mechanical Restraints

UNABLE TO REPORT DUE TO DYSFUNCTIONAL REPORTING AND NON REPORTING

The use of mechanical restraints is regulated by section 31 of the CSA. No inmate appealed to the IJ in terms of section 31(7) of the CSA in the current performance cycle on the use of mechanical restraints.

An analysis of the use of mechanical restraints reported to JICS indicated that, in 120 instances, inmates were restrained because of damage to property, for the safety of other inmates, to prevent self-harm, on suspicion of a planned escape, and one restraint was requested by a court.

The ICCVs are required by JICS to monitor and assess whether the use of mechanical restraints was lawful or unlawful. During the 2017/18 financial year, no cases of unlawful use of mechanical restraints were reported to the Office of the IJ.

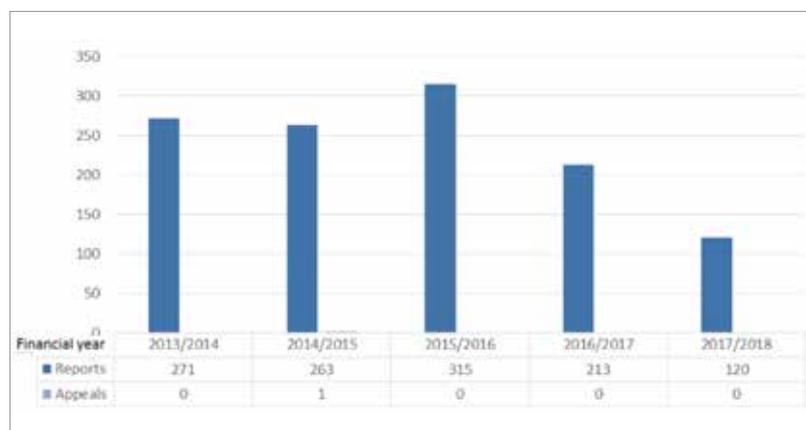


Figure 12: Mechanical restraints reported from 2013/14 to 2017/18

Use of force

In the current performance cycle, 995 instances of use of force by DCS officials were reported to JICS, a notable increase from the 724 such reports received in the 2016/17 financial year. It is important to note that Section 32 of the CSA permits and regulates the use of force by DCS officials. Minimum force can be used for self-defence, for the defence of another person, to prevent an inmate from escaping and for the protection of property. The overall objective of the use of force must always be to achieve the safe custody of inmates, and the emphasis must be on restraining the inmate(s) and stabilising the situation.

It is also important to note that force used by DCS officials must be proportionate to the objective sought and must be used where no other means are available. Authorisation to use force must be given by the HCC, unless in an emergency and the DCS official believes that authorisation would have been given.

The Inspectorate further wants to reiterate what was said in the unreported case of *Magagula v Minister of Correctional Services (19938/2015) [2017] ZAGPPHC 799* (16 November 2017) in the Gauteng High Court, Pretoria. The court said the following in paragraph 42 – 43 of its ruling:

“Section 33 of the Act deals with the use of non-lethal incapacitating devices. In terms of regulation 21 of the Correctional Service Regulations, published in GN914 of 2004, non-lethal incapacitating devices which may be used include baton-type equipment.

“It follows from the above that a baton may be used for any of the purposes mentioned in s33 (1) (c) of the Act, but the overriding requirement is that only minimum force must be used to obtain the objective. If the use of a baton causes a person’s arm to break, such use cannot be regarded as the use of minimum force.”

The Inspectorate further requests officials of the department to familiarise themselves with the contents of the CSA regarding permissible use of force. Any force outside the ambit of the CSA will be regarded as assault on inmates by officials and is prosecutable by law.

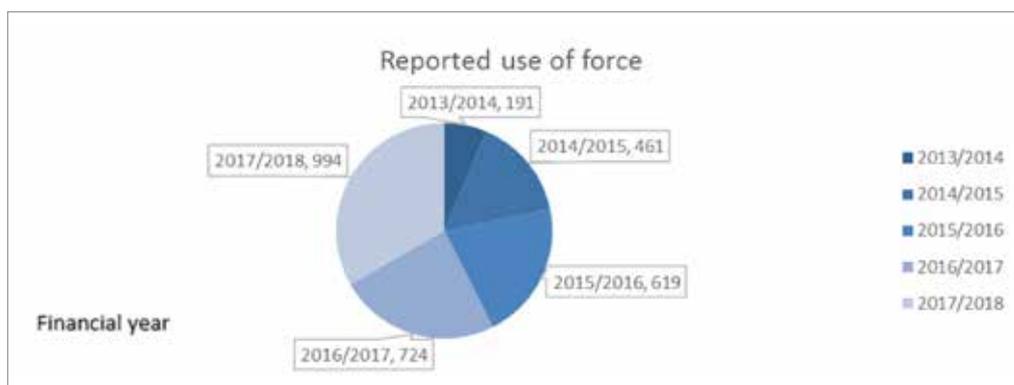


Figure 13: Reported use of force 2013/2014 – 2017/2018

Findings/Recommendations

One of the tasks of the mandatory unit is analysing unnatural deaths recorded in investigation reports from the DCS. Below is a list of some of the deaths that were analysed and findings that followed.

During 2017/2018 the unit also made findings and recommendations on a number of matters from the different DCS regions. The incidents are not necessarily from 2017/2018 but the investigation report was received and analysed during this period.

In the Eastern Cape region we found that there was a systemic failure to adhere to the provisions of the CSA.

CENTRE	Date of death	Date IR was received	Age	Gender	SECURITY CLASSIFICATION		CLASSIFICATION OF DEATH				
					Sentenced	Remand Detainee	unnatural other now natural	Shooting by officials during an attempted escape	unnatural - inmate on inmate assault	Suicide - Hanging	Assaulted prior to admission
EASTERN CAPE											
Mdantsane	2016	2018		M	X					X	
St Albans Max	2017	2017	37	M		X				X	
Ngqeleni	2016	2017	38	M	X		X				
St Albans Med A	2014	2017	29	M		X					X
St Albans Max	2017	2017	37	M	X					X	
St Albans Max	2015	2017	23	M		X			X		
FREE STATE / NORTHERN CAPE											
De Aar	2016	2017	53	M	X		X				
Mangaung	2017	2017	34	M	X		X				
De Aar	2016	2017	44	M	X		X				
Mangaung	2017	2017	37	M	X					X	
Mangaung	2017	2017	31	M	X		X				
GAUTENG											
Modderbee	2016	2017	39	M		X	X				
Johannesburg Med B	2016	2017	32	M	X		X				
Johannesburg Med B	2016	2017	37	M	X		X				
Baviaanspoort	2017	2017	34	M	X		X				
Kgosi Mampuru Central	2016	2017	30	M		X	X				
Zonderwater	2013	2017	24	M	X					X	

CENTRE	Date of death	Date IR was received	Age	Gender	SECURITY CLASSIFICATION		CLASSIFICATION OF DEATH				
					Sentenced	Remand Detainee	unnatural other now natural	Shooting by officials during an attempted escape	unnatural - inmate on inmate assault	Suicide - Hanging	Assaulted prior to admission

KWAZULU-NATAL

Pietermaritzburg	2015	2017	37	M	X				X		
Sevontein	2014	2017	35	M	X					X	
Ebongweni	2014	2017	30	M		X		X			
Ebongweni	2014	2017	32	M		X		X			
Durban Med A	2014	2017	30	M		X				X	

LIMPOPO, MPUMALANGA AND NORTH WEST

Barberton	2017	2017	44	M	X		X				
Potchefstroom	2016	2017	22	M	X				X		
Nelspruit	2015	2017	29	M		X	X				
Potchefstroom	2016	2017	24	M	X				X		
Nelspruit	2015	2017	23	M	X		X				
Klerksdorp	2017	2018	36	M						X	
Bethal	2016	2016	39	M					X		
Makhado	2017	2018	28	M						X	
Potchefstroom	2017	2017	29	M		X			X		
Tohoyandou Med B	2015	2017	21	M		X				X	

WESTERN CAPE

Mossel Bay	2016	2017	20	M	X				X		
Mossel Bay	2016	2017	21	M	X				X		
Robertson	2016	2017	34	M	X		X				
Worcester Male	2016	2017	24	M	X					X	
Pollsmoor Med B	2017	2018	32	M	X		X				
Brandvlei Med	2017	2018	46	M	X		X				
Voorberg Med A	2016	2017	46	M	X		X				
Goodwood	2016	2017	27	M		X	X				

Figure 14: Finding completed during 2017-2018: Classification of deaths

BREACHES BY DCS

no breach by DCS	Section 4(2)(a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30 of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 -Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management	Failure to implement gang - strategy/ policy
				X		X			
			X						
				X	X	X			
				X	X	X			
				X				X	
X									
	X			X					X
X									
	X								X
X									
X									
	X			X		X			
	X								X
	X								X
			X			X			X
			X			X			X
X									
				X					
X									
X									
X									
X									



PART C: Directorate Management Regions

1. Overview of the Directorate Management Regions

The Directorate Management Regions (DMR) has enhanced its accessibility and footprint across the country. There are five regional offices; namely, Central Management Region (CMR) based in Bloemfontein; Northern Management Region (NMR) based in Centurion; Western Cape Management Region (WCMR) based in Cape Town; Eastern Cape Management Region (ECMR) based in George and KwaZulu-Natal Management Region (KZNMR) based in Durban.

The core operations of the regional offices are to manage the responsibilities and performance of the ICCVs, deal with human rights issues of inmates as well as to engage with stakeholders on correctional matters.

In accordance with sections 92 to 94 of the CSA, JICS is mandated to ensure that all correctional centres enjoy independent representation to monitor and report on the treatment of inmates and the conditions in which they are incarcerated. One of the strategic priorities of the DMR is to maintain a 93% ICCV occupancy rate. The purpose of this is to entrench independent oversight, to promote transparency and accountability and to advance and enhance a human rights culture in the correctional environment.

1.1. The ICCV Oversight Programme

The ICCV programme is an oversight mechanism of JICS. In accordance with Chapter X of the CSA, JICS is mandated to appoint ICCVs in each correctional

centre in South Africa. Such appointments are approved by the CEO and in consultation with the IJ.

The primary function of the ICCVs is to deal with complaints received from inmates. The powers, functions, and duties of ICCVs are as follows:

- (a) regular visits;
- (b) interviewing inmates in private;
- (c) recording complaints in an official diary and monitoring the manner in which they have been dealt with; and
- (d) discussing complaints received with the HCCs, or the relevant subordinate correctional official, with a view to resolving the issues internally.

The ICCVs are regarded as the “eyes and ears” of the IJ, and their powers, functions and duties play a pivotal role in ensuring an effective and efficient reporting mechanism in the office of the IJ.

1.2. ICCV Recruitment and Appointment

1.2.1. Public Call for Nominations

The CSA encourages JICS to engage widely with various community organisations that have a vested interest in correctional matters. The purpose of such engagements is primarily to request the nomination of suitable candidates in good standing within the community to serve as ICCVs. During the year under review, DMR convened seventeen (17) public meetings at which it called for the nomination of people to serve as ICCVs across the country.

1.2.2. ICCV Interviews

JICS utilises an electronic system to effectively and efficiently assist in short-listing candidates. The system allocates a score to each candidate, according to the stipulated criteria and the information provided in the nomination form. All shortlisted candidates are invited for interviews. The interview process assesses whether the nominees are suitable to perform their functions and duties in a correctional centre. During the performance year 2017/2018, a total of 335 candidates were interviewed to fill 57 vacant ICCV positions nationally.

1.2.3. ICCV Orientation

All successful candidates were invited to attend a compulsory five-day orientation programme. The purpose of the orientation programme was to empower them with knowledge and skills to perform their statutory functions and duties in correctional centres. A total of 57 candidates were subjected to the orientation programme in the various management regions. Only one candidate was deemed incompetent and the rest were appointed to serve as ICCVs.

1.3. ICCV Performance Audits Conducted

The performance of the ICCVs is regularly audited in terms of the Public Finance Management Act (PFMA) for monitoring and evaluation purposes and financial accountability. ICCVs are audited at least twice per annum. A total of 348 performance audits were conducted for the period under review. During the financial year, the performance audits revealed that less than 1% of ICCVs were non-compliant and their contracts had to be terminated with immediate effect. Of the three ICCVs terminated, two were found to have submitted fraudulent payment claims and the other was found to have not provided

ICCV services at the centre. These ICCVs' contracts were terminated after an extensive investigation was conducted.

1.4. Minimum Standard of Service Delivery (MSSD) BY ICCVs

The Minimum Standard of Service Delivery (MSSD) is the standard operating procedure for ICCVs. The MSSD determines service standards and procedures. This includes site visits, interviews with inmates, monitoring of the G365 register, private consultations with inmates and attendance of Visitor Committee (VC) meetings.

1.4.1. Site visits

During a site visit, the ICCV is expected to conduct a mini-inspection, which includes visiting all communal cells, special care units, hospitals, kitchens and any other place within the correctional centre. These mini-inspection reports indicate the conditions under which the inmates are incarcerated and it outlines the rehabilitation programmes and other services that are provided at the particular correctional centre. The mini-report, amongst others, indicates any adverse findings, which are immediately communicated to the Head of Centre for further attention. During the 2017/2018 performance cycle 5,462 site visits were conducted.

1.4.2. Interviews with inmates

On a monthly basis, ICCVs must interview 25% of the inmate population in a correctional centre. During the interview process inmates may register complaints and requests with the ICCV. These complaints and requests are recorded in an "Index of Interview" register. During the 2017/2018 performance cycle, the ICCVs conducted a total of 307,289 interviews.

1.4.3. Monitor G365 register

Inmates' complaints and requests are recorded by DCS officials in the department's official complaints register, referred to as the G365. One of the functions of the ICCV is to monitor these registers in order to determine whether inmates' complaints and requests were resolved. During the 2017/2018 performance cycle, a total number of 119 836 complaints and requests were facilitated by ICCVs nationally.

1.4.4. Private consultations with inmates

ICCVs must conduct private consultations with inmates to address complaints and requests that have not been resolved. The ICCV also facilitates the resolution of these complaints between the HCC and inmates. During the 2017/2018 performance cycle, the ICCVs conducted 47 427 private consultations with inmates.

1.4.5. Complaints resolution at Visitors Committee (VC) meetings

The VC has four distinct functions, one of which is to discuss those complaints not resolved between the HCC and an inmate. During the year under review a total of 1,033 complaints were tabled and discussed at the VC meetings for further mediation and resolution.

2. Visitors Committee (VC) Meetings

The Visitors Committee is a formal structure in terms of section 94 of the CSA. Its statutory powers and functions are as follows:

- a) To consider unresolved complaints with a view to their resolution
- b) To submit to the IJ those complaints which the Committee cannot resolve
- c) To organise a schedule of visits
- d) To promote the community's interest and involvement in correctional matters
- e) To submit minutes of meetings to the IJ

The VC's core function is to discuss and facilitate the resolution of complaints and requests, and to promote community/stakeholder oversight. As at 31 March 2018, there were 42 fully functional VCs. Each VC consists of a chairperson, secretary, and ICCVs from the designated management area. Meetings are held on a monthly basis. JICS representatives attend meetings and assist in strengthening the VC. ICCVs are encouraged to submit complaints that were not resolved at the correctional centre level.

Highlight at Boksburg VC: In November 2017, concerns were raised in the Boksburg Management Area, where the Dawnpark SAPS had not attended to inmates' complaints related to assaults for six months. At the VC/Stakeholders meeting, the Dawnpark Police Station commander committed two detectives to investigate the inmates' complaints. Since then, progress has been noted on these matters.

3. Unnatural Deaths Handled by DMR

Whenever deaths occur at correctional centres, preliminary investigation reports are obtained from ICCVs and used as precursors to an official investigation by Regional Inspectors. Reports compiled by DMR are then submitted to the Directorate Legal Services (DLS) mandatory sub-directorate for further administration.

4. Mentally Ill Inmates

Ashleigh Furlong's article on this topic points out that over 90 inmates are suffering from mental illness in various correctional centres in the Eastern Cape alone³². These inmates are supposed to be accommodated in mental health institutions. They pose a danger to themselves and other people.

Furlong further states that the courts normally order that state patients be housed at mental health institutions instead of correctional centres. According to the Mental Health Care Act, section 53(3), "the head of the prison must, within 14 days of receipt of the notice of the details of the transfer cause the mentally ill prisoner to be transferred to the specified health establishment"³³.

The problem is a lack of mental health institutions in the country; for example in Gauteng there is Weskoppies in Pretoria West, and in the Eastern Cape there are only two, Fort England and Komani in Queenstown. These institutions complain about insufficient bed space in their institutions.

³² Ashleigh Furlong, State mental health patients are being held in prisons. 27 July 2017, <https://www.groundup.org.za/article/state-patients-held-prisons/>. Accessed 21 August 2018.

³³ Ibid

There are no trained staff to deal with mentally ill inmates in correctional centres.

In his article, Furlong states that a Constitutional Court judgment had found in 2015 that “imprisonment should only be available to accused persons who pose serious danger to society or themselves³⁴.” The court found that accused persons who posed no such danger should be sentenced to correctional supervision, with the condition that they are outpatients at mental institutions. This will alleviate pressure on the highly constrained resources of psychiatric hospitals.

In the abovementioned case, the Constitutional Court found that the mentally ill patient must be released to the care of his mother, pending the availability of bed space at Fort England psychiatric hospital.

The plight of mentally ill inmates was discussed at various Visitor’s Committee meetings in King William’s Town. The two psychiatric hospitals in the Eastern Cape Region were invited to the VC meeting held on 9 March 2017, and the following agreements were reached:

- It was agreed that the observation of inmates would be conducted as quickly as possible.
- After an inmate was declared a state patient, the hospital would assist in expediting the transfer process.
- Komani Psychiatric Hospital also undertook to relieve Fort England of some state patients and accommodate them in their open wing.

In the Barberton Management Area, it was agreed that the psychiatrist would visit mentally ill inmates at the centre when the need arose. The head of the centre mentioned that Barberton management intended to establish a psychiatric ward at Barberton maximum correctional centre.

At Ekuseni Youth Correctional Centre in the KZN region, the ICCV identified and consulted with mentally ill inmates and referred them to psychiatrists or psychologists at Fort Napier Hospital for mental observation and possibly to be declared state patients in terms of the Mental Health Care Act. Mentally ill inmates are incarcerated at Durban Medium B correctional centre because of a shortage of beds at Fort Napier psychiatric hospital. Currently mentally ill inmates are incarcerated in a designated section, apart from the mainstream prison population.

5. The Role of Regions Regarding Mandatory Reporting by DCS.

DMR fulfilled its obligation in ensuring that cases of mandatory reporting are appropriately reported to Directorate Legal Services (DLS).

DMR also assisted inmates with compiling and submitting their appeals to the IJ for finalisation; the process includes filling out records of consultation and reasons for appeal from the inmate and reasons from DCS why an inmate was segregated and or mechanically restrained.

³⁴ Ibid

During the performance year, Mangaung correctional centre, which is one of the Private Partnership Prisons (PPPs) had several lockdowns because of incidents of assaults and segregation of many inmates. The Regional Manager (CMR) met with G4S officials and DCS controllers in order to monitor the situation and check compliance with the CSA. JICS noted that the centre was reporting matters to the IJ, as required by sections 15, 30, 31 and 32 of the CSA.

6. Public Awareness and Advocacy Initiatives

6.1. Visit to Mother and Child Unit at Durban Correctional Centre (Westville).

The KZN regional office adopted the Mother and Child Unit as a centre for their community outreach work. During August 2017, JICS staff and ICCVs visited the centre.

The JICS staff engaged with the social worker at the centre and bought necessities, toys, clothing, and toiletries for the mothers and babies. A special finger lunch and baby food was also arranged for the day, with the staff and ICCVs utilising their own funds to make the day special and heart-warming for all.



7. Inmate Complaints Administered by DMR

In 2016/2017, the ICCVs administered 43,637 complaints from ROCs and requests; whereas in 2017/2018, 62,366 complaints were administered. This demonstrates a 30% increase in complaints administered by ICCVs. It further illustrates the increase of the inmates' confidence in the services of ICCVs and the value they add as an impartial recourse avenue for inmates.

The most prevalent complaints across all management regions are transfers, health care, and legal representation. These categories of complaints and requests comprised 43% of all complaints dealt with by the ICCVs.

7.1. Transfer Requests

DMR has recorded a total number of 14,804 requests for transfers to other correctional centres. The reasons furnished for the transfer applications were limited family contact due to the location of the correctional centre; inmates' desire to pursue studies or rehabilitation programmes offered at other correctional centres; and inmates' allegations of being transferred without any cause.

In December 2016, the Cape High Court ³⁵ ruled that the lock-up total at Pollsmoor Correctional Centre (Western Cape) must be drastically reduced to alleviate severe overcrowding. In reaction, DCS transferred inmates to other

³⁵ Sonke Gender Justice vs Minister of Correctional Services and others, ZAWCHC (Unpublished)(5 December 2016)

centres, some outside of the Western Cape. ICCVs noted a sharp increase in inmates requesting to be transferred back to Cape Town to be nearer to their families. Many inmates' families were poor and simply could not afford transport costs to visit their loved ones. Such transfers are executed unilaterally, with minimal consultation with family/inmates.

7.2. Healthcare

ICCVs recorded a total of 6,502 health care complaints during the reporting year. These complaints mainly refer to access to medication, including chronic medication, and a lack of adequate medical treatment for inmates' ailments. In some cases inmates who were taking ARVs and chronic medication complained that these medications made them hungry and they wanted their food portions to be increased.

A few inmates also complained that they were not served the correct diet; for example, enough fruit and vegetables, or a low-protein diet. According to the response from DCS, inmates' special diets are reviewed every three to six months depending on a recommendation from a medical practitioner or professional nurse. This approach is in line with the DCS Health Care Policy and Procedure Manual.

7.3. Legal Representation

The third most prevalent complaint administered by ICCVs was related to legal representation. A total of 5,636 requests were recorded by ICCVs during the performance cycle relating to representation during trial and for leave to appeal. These requests were referred to Legal Aid South Africa for consideration.

8. Successes, Challenges and Interventions

- JICS is in the process of establishing the Western Cape Region (WCMR). This initiative promoted the presence of JICS, aligning JICS with the regional management of DCS.
- JICS had a successful seminar on security and treatment of inmates (7 September 2017) which also discussed the impact of long-term segregation, which was held at the Westville Correctional Centre, Durban.
- Non-functionality of the DCS management information system affects the reporting and management of all mandatory legislative compliances.
- The ICCV programme is currently under discussion/review in order to enhance the programme to meet the business needs of JICS. The changes to the ICCV system will enhance effective and efficient monitoring and reporting of treatment, conditions, and corrupt or dishonest practices.
- HCCs promote the presence of ICCVs within their centres, which supports the mandate of JICS. Furthermore the VC committee also enhances JICS effectiveness and efficiency in ensuring all inmates are treated humanely.

Intervention on transfer requests at Waterval & Ncome Correctional Centres. *During the period under review, the ICCVs who are stationed at aforementioned correctional centres recorded a large number of complaints/requests from inmates relating to transfers. Varied reasons were given by inmates to motivate for transfers, primarily to:*

- *strengthen their contact with and receive support, and visits from relatives or significant others, and*
- *pursue their studies or skill development training and others needed to be included in team working activities.*

Reasonable measures, in many instances, were taken by the Heads of Correctional Centres (HCCs) to deal with inmates' requests in accordance with the provisions of chapter 2, section 2.0 of the Department of Correctional Services "B-order" 1, in order to give effect to section 43 (1) of the Act. The requests of inmates were expeditiously dealt with, more particularly, transfer requests to correctional centres within the region (KZN). HCCs submitted the following reasons, among others, for declining transfer requests:

- *Overcrowding/lack of accommodation for inmates who requested transfer from Ncome/Waterval Correctional Centre to Durban Med B*
- *Security classification of inmates (Length of sentence)*
- *Inmate's residential/family address not near the centre he preferred to be transferred to etc.*

We have noted that both the correctional centres were beset by an increasing number of cross-transfer requests, i.e. a transfer to beyond the borders of the region. The majority of requests dealt with by the ICCVs were of inmates who wanted to be transferred to Gauteng and Mpumalanga Province. Such transfers are facilitated and approved by the DCS Regional Commissioner's Offices in the relevant regions. The procedure is long and fraught with delays in receiving feedback from other regions on behalf of inmates and feedback not communicated to inmates.



PART D: Human Resource Management

1. Introduction

The information contained in this part of the annual report has been prescribed by the Minister for the Public Service and Administration for all departments in the Public Service.

The Human Resources function provides, amongst others, an integrated and comprehensive HR service, covering employment equity, a workplace skills plan, a training plan, an employee wellness programme, HR planning, organisational development, recruitment and selection processes, and HR administration.

2. Overview of Human Resources

Human Resources Management and Development (HRMD) provides strategic support in the implementation of the following functions:

- Human resource administration services.
- Selection and recruitment.
- Conditions of service for employees.
- Developing and maintaining human resource management policies and strategies.
- Monitoring and facilitating employee performance management.
- Developing, implementing, and maintaining the organisation's Human Resource and Employment Equity Plan.
- Employee performance management and development systems.

2.1. Human Resources Oversight Statistics

2.1.1. Employment and Vacancies

In the 2015/2016 financial year, the JICS-approved organisational establishment was 44 positions. During 2016/2017, DCS managed to provide an additional 24 funded positions to JICS. The approved organisational establishment increased to 86 positions in 2017/2018, of which 66 positions are filled; 10 positions are filled on a fixed-term contract basis and 10 are vacant. An additional 22 fixed-term positions have been created to provide essential/critical services to JICS for the performance period under review.

2.1.2. Employment and Vacancies per Salary Band

No	Designation	Occupied	Vacant	Contract
1	Inspecting Judge	1	-	-
2	Level 14	1	-	-
3	Level 13	1	2	-
4	Level 12	1	-	-
5	Level 11	7	-	-
6	Level 9	11	3	-
7	Level 8	14	-	-
8	Level 7	11	2	7
9	Level 6	7	-	-
10	Level 5	13	3	2
11	Level 3	-	-	-
12	Level 2	1		
	Total	68	10	9

Table 15: Occupied and vacant posts, 2017/2018

The above table reflects the occupied and vacant positions of permanent and fixed-term contracts as at 31 March 2018.

ICCV POST ESTABLISHMENT AS ON 31 March						
POSTS	WC	ECMR	KZNMR	CMR	NMR	TOTAL
Filled posts	36	40	43	64	60	243
Vacant posts	14	11	8	8	20	61
CC under construction	0	1	2	0	3	6
Total number of posts	50	52	53	72	83	310

Table 16: ICCVs employment and vacancies

HR also facilitates the appointment of ICCVs as contract workers. A total number of 310 ICCVs positions are allocated across 243 correctional centre facilities. As at 31 March 2018, 243 ICCVs posts were occupied, 61 posts were vacant and six (6) facilities were temporarily closed due to maintenance, renovations, and construction.

3. Staff Turnover

Nil

3.1. Total number of employees in each of the occupational classifications

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management (Level 15-16)				1					1
Senior Management (Level 13 - 14)	1		1						2
Professionally qualified and experienced specialists and mid-management (Level 11-12)	3	1	1	2		1			8
Skilled technical and academically qualified workers, junior management supervisors, foremen and superintendents (Level 7-10)	11	7			13	4	1		36
Semi-skilled and discretionary decision making (Level 3-6)	5	2			8	5			20
Unskilled and defined decision making (Level 1-2)	1								1
Total	21	10	2	3	21	10	1		68
Non-permanent	9	2		1	15	5			32
Total	30	12	2	4	36	15	1		100

Table 17: Total number of employees, 2017/2018

The above table reflects the total number of employees in each of the occupational classifications as at 31 March 2018.

4. Employment Equity

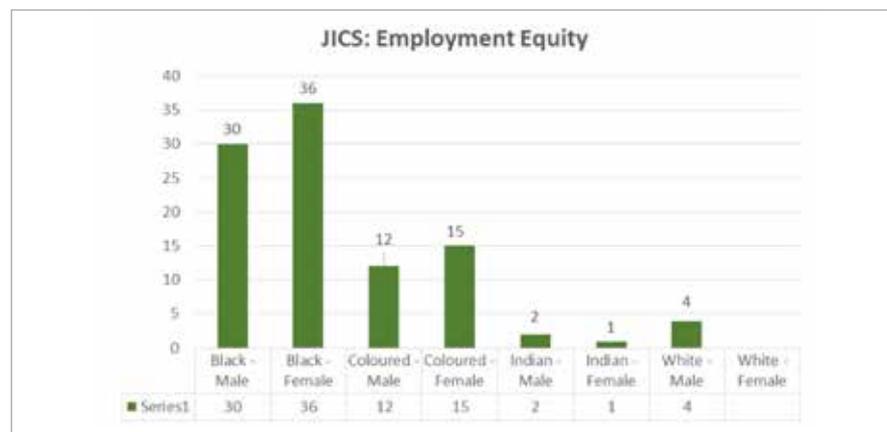


Figure 15: Employment Equity at JICS for the 2017/2018 financial year

The above figure reflects the employment equity of JICS employees as at 31 March 2018.

5. Selection and Recruitment

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management (Level 13-14)			1						1
Professionally qualified and experienced specialists and mid-management (Level 11-12)	2					1			3
Skilled technical workers, junior management supervisors. (Level 7-10)	1	1			2				4
Semi-skilled (Level 3-6)									
Unskilled (Level 1-2)									
Total permanent	3	1	1	-	2	1	-	-	8
Non-permanent	6	2	-	1	8	5			22
Total number of employees	9	3	1	1	10	6			30

Table 18: Selection and recruitment, 2017/2018

Selection and recruitment processes were complied with in terms of the Public Service Regulation 2016 as contemplated in Part 4, paragraphs 57, 65, and 67.

6. Promotions and Transfers

	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and middle management (Level 11-12)	1	-	-	-	-	-	-	-	1

Table 19: Promotions and transfers

During the performance cycle, one official was promoted within JICS.

7. Leave Management

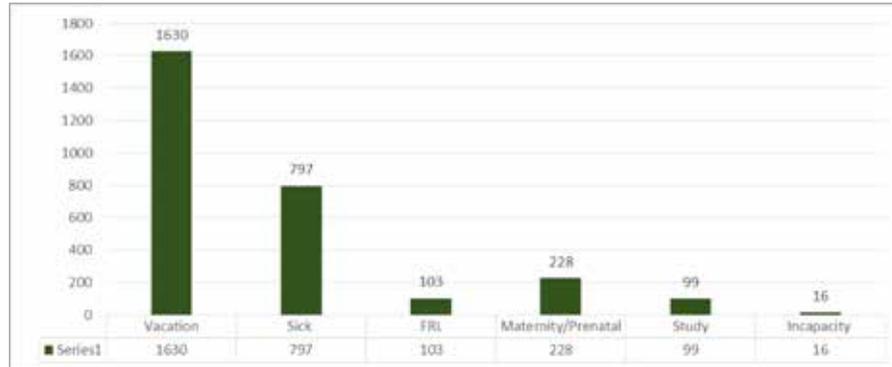


Figure 16: Leave Management

Different leave categories utilized by staff for the performance cycle under review include: 1,630 days of vacation leave (16.3 days per staff member); 797 days of sick leave (7.97 days per staff member).

8. Grievances Registered for the Period Under Review

Grievances	Number
Number of grievances resolved	2
Number of grievances not resolved	1
Total number of grievances registered	3

Table 20: Grievances registered for the period under review

In two cases grievances were amicably resolved. There was only one unresolved grievance for the performance period under review.

9. Disputes Registered with Public Service Co-ordinating Bargaining Council for the Period Under Review

Disputes	Number
Number of disputes upheld	-
Number of disputes dismissed	-
Total number of disputes registered	1

Table 21: Disputes registered with GPSSBC for the period under review

One case was referred to Public Service Co-ordinating Bargaining Council (PSCBC).

10. Performance Management for the Period Under Review

2016-2017	Pay Progression	Performance Bonus
Level 2	1	
Level 5	1	1
Level 6	5	1
Level 7	8	
Level 8	6	2
Level 9	8	2
Level 11	Moderation still needs to take place	
Non-Centre Based (NCB) 1.3	1	
NCB 2	2	1
NCB 4	Moderation still needs to take place	
Total	32	7

Table 22: Performance Management for the period under review

Financial year 2017/2018

Moderation for levels 2-10 has been concluded. Pay progressions and performance bonuses have been implemented.

Due to the unavailability of Senior Managers (SMs), JICS relies on DCS Senior Managers to assist with the moderation of salary levels 11-12 and non-centre based (NCB). The unavailability of DCS SM members resulted in the non-moderation of these officials in the required timeframe.

11. Communications and Media

The below figure is a synopsis of all media enquiries, news features and media releases over the period 1 April 2017 to 31 March 2018. The JICS website has not been available for any media posting or sharing information with the public. A new contract post was advertised for a Deputy Director: Communications and Media to assist with creating awareness of the JICS brand and increasing media exposure. The incumbent started on the 1 February 2018 and the media analysis will reflect in the next financial year.

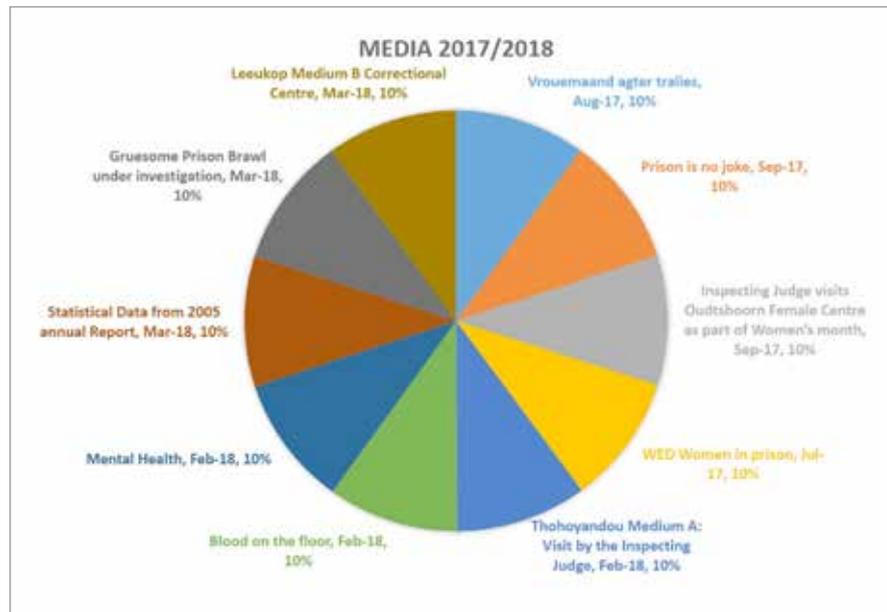


Figure 17: Media Analysis

12. Information Technology

Information Technology (IT) includes all computer software and hardware. JICS is dependent on many transversal systems of DCS, such as BAS, LOGIS and PERSAL.

The JICS IT office provides support on all network-related matters. IT assists the regional management areas of JICS with all IT support (hardware, software, and network).

13. Challenges, Successes, and Commentary

13.1. Challenges

Centralisation of PERSAL system and functions at DCS Head Office, e.g. creation of positions, impedes the service delivery targets of JICS and remains a challenge. Currently, contract workers are paid periodically, which is unauthorised. The creation of additional posts is dependent on DCS, resulting in different salary payment dates.

Shortage of HRM personnel compromises service delivery to all JICS staff. Since December 2016 the Legal Services reporting system ceased updating incidents of deaths, segregations, mechanical restraints and the use of force at correctional centres. In a meeting with DCS on 9 April 2018 pertaining to IT problems, the testing of the system indicated that there was an error – “Incompatible version.” Further tests were done and it was discovered that the main cause might be an old SQL Server running the 2003 Operating System, which was outdated.

13.2. Successes

- Selection and recruitment of 8 permanent and 22 non-permanent staff enhanced service delivery.
- KZNMR and NMR internet connection installed with the assistance of DCS – GITO.

13.3. Commentary

Continuous meetings were held between representatives of JICS and DCS to resolve operational and functional issues. Progress has been slow; however both parties are committed to ensuring a synergized relationship.



PART E: Financial and Supply Chain Management

1. Overview of Finance

1.1. Purpose

To ensure that the budget allocation meets the main cost items, which are the compensation of JICS employees and goods and services.

1.2. Functions

- To render effective and efficient financial, budgeting, and supply chain management services to the CEO and staff of JICS in terms of the Public Finance Management Act, 1999, read with the Treasury Regulations.
- To render financial planning, budgeting, and control services to JICS.
- To render effective and efficient procurement of goods and services in order to ensure proper implementation of JICS key focus areas, and in particular transformation in Supply Chain Management (SCM).
- To manage an efficient and effective bookkeeping system.
- To effectively manage, utilise and control financial management systems.

2. Budget and Expenditure 2017/2018

2.1. Budget Allocation 2017/2018

ITEMS	BALANCE
Total Budget Allocation	R 69 640 000.00
Compensation of employees	R 61 070 000.00
Additional funds: Major Assets	R 390 000.00
Goods and Services	R 8 180 000.00

Table 23: Budget allocation 2017/2018

2.2. Detailed Expenditure Report

Bursaries: Employees	R 97 955.00	R 116 410.00	R 89 209.80
Catering Departmental Activities	R 90 389.00	R 120 039.20	R 65 650.00
Communication	R 371 453.94	R 377 616.90	R 576 909.33
Consultants and Professional Services: Business and Advisory services	R 29 600.00	R 29 660.30	R 13 200.00
Consultants and Professional Services: Legal Cost	R -	R -	R -
Entertainment	R	R151.90	R-
Fleet Services	R 770 870.48	R 410 379.64	R 1 002 772.20
Consumable Supplies	R 15 137.15	R 22 249.19	R 25 783.68
Consumable: Stationery, printing and office supplies	R 191 205.27	R 221 187.42	R 197 804.87
Operating Leases	R -	R -	R -
Property Payments	R 7 294.05	R 6 686.56	R 9 687.81
Travel & Subsistence	R 4 449 644.39	R 4 515 764.02	R 4 578 047.01
Training and Development	R149 940.00	R -	R -
Operating Payment	R 155 981.76	R 216 736.84	R 173 716.47
Venues and Facilities	R 15 548.00	R 31 695.00	R
Resettlement Cost	R 27 252.73	R 31 520.00	R
Transfers and Subsidies	R 31 177.66	R12 041.10	R 11 851.50
Provinces and Municipalities	R 31 177.66	R 12 041.10	R 11 851.50
Payments for Capital Assets	R 1 579 548.71	R 247 455.90	R 719 086.76
Machinery and Equipment			
Other Machinery and Equipment	R 404 353.49	R 247 455.90	R 719 086.76
Motor Vehicle	R 1 175 195.22	R -	R -
Other	R 95.00	R 44 706.61	
Total	R 39 637 452.90	R 42 195 401.40	R 51 404 985.56

Table 24: Expenditure Report 2017/2018

2.3. Reasons For Over and/or Under-Spending For the Financial Year 2017/2018

SCOA Item	Amount	Ideal %	Actual Performance
Compensation of Employees	R 43,603,807.00	100.00%	71.40%
Goods & Services	R 7,082,091.80	100.00%	88.20%
Finance Leases / Capital Assets	R 719,086.76	100.00%	133.16%
Total Expenditure	R 51,404,985.56	100.00%	73.82%

Table 25: SCOA Items

Reasons for under-spending by 28.36% on SCOA items

Compensation of Employees: 71.40% Ideal: 100% Deviation: 28.60%
Under-spending due to recruitment and selection process not being concluded. All vacant and funded positions reliant on DCS creating the requested positions on Persal.

Goods and Services: 88.20% Ideal: 100% Deviation: 11.80%
The underspending is due to items: Consultancy – Business & Advisory Services, Entertainment, Cons: Stationary, Print & Office Supply, Training and Development: Employees.

Capital Assets: 133.16% Ideal: 100% Deviation: -33.16%
Over-spending due to procurement of IT equipment that was not budgeted for, for example printing equipment and laptops.

Transfers and Subsidies: 98.76% Ideal: 100% Deviation: 1.24%

2.4. Management of losses and debts

Losses

Losses are regulated by the PFMA³⁶ and Treasury Regulations³⁷. JICS incurred 21 losses during the financial year, one (1) was finalized.

Debts

Responsibility for the management of debtors is regulated by the PFMA³⁸ and Treasury Regulations³⁹. Forty-eight debts were instated, to the amount R100, 926.12. Debt recovery for the financial year amount to R21, 624.46. Other debts are still in the process of being recovered.

36 Section 71(1).

37 Chapter 12.

38 Section 38(1).

39 Chapter 11.

2.5. Transport Management

MANAGEMENT AREA/ REGION	TOTAL VEHICLES
HEAD OFFICE	3
INSPECTING JUDGE OFFICE	1
NORTHERN REGION	3
CENTRAL REGION	4
KZN REGION	5
EASTERN CAPE REGION	3
PRETORIA	2
TOTAL	21

Table 26: Transport Management (Operational)

The table above reflects vehicles operational within JICS as at 31 March 2018. Seven vehicles in total need to be replaced due to the following reasons: some vehicles have high mileage and others are beyond economical repair (BER). Two (2) additional vehicles were acquired from Grootvlei Correctional Centre during the financial year 2017/18.

2.6. Property Management

PHYSICAL ADDRESS	TYPE OF AGREEMENT	STATUS ON 31 MARCH 2017
Head Office: 9th floor, Standard Bank Building, 1 Thibault Square, Cnr Long & Hans Strijdom Avenue, Cape Town	Lease agreement	Lease agreement period: 01 June 2016 to 31 May 2019
Central Management Region: 3rd floor, 62 Andrew Street, Bloemfontein	Lease agreement	Lease agreement: 01 July 2015 to 31 August 2018.
Northern Management Area: 265 West Ave, Tuinhof, Karee (West Block) Centurion	Month-to-month lease agreement.	Tender for the procurement of new office accommodation for the Regional Office, including the office of the Inspecting Judge to be facilitated by the Department of Public Works.
Eastern Management Region: 8th floor, 275 Anton Lembede Street, Durban	Lease agreement	Lease agreement: 01 August 2015 to 31 July 2018.

Table 27: Property Management

The table above summarises JICS's property procurement status as at 31 March 2018.

There is a month-to-month lease agreement for the SMR based in George, Western Cape. A decision was taken to relocate the office to Eastern Cape, East London/Bhisho for operational purposes.

During the financial year JICS acquired additional office space in Pretoria from within the Head Office of DCS.

2.7. Supply Chain Management

Information Technology Equipment

DCS allocated additional funding for the procurement of fifteen (15) desktops and five (5) laptops, which were delivered during the course of the financial year.

Goods and Services

The following transactions were processed for the period under review:
Purchase orders generated: 559

According to SCM, zero credit notes were issued during the period under review.

Finance leases

JICS currently has eight lease agreements for photocopier machines and four lease agreements for telephone management (Cape Town, Bloemfontein, Durban, and Pretoria). The George regional office currently operates on a month-to-month lease agreement.

Asset Management

- During the financial year 2017/2018 JICS conducted asset verification at Head Office and other Management Regions.
- Assets which were identified for disposal in the 2016/2017 financial year were disposed of during the 2017/18 financial year.
- New furniture for the Pretoria, Bloemfontein, and Cape Town offices was received during the 2017/18 financial year.

2.8. Challenges and Commentary

Challenges

- JICS received a total budget of R 71.170 million for the 2018/2019 financial year, leaving it with a Goods and Services budget (for operations) of R 6.609 million. A shortfall of R1.807 million was registered.
- The under-capacity in Finance and SCM personnel caused delays in service delivery.
- Additional contract staff were employed within the Finance & SCM unit to ensure effective service delivery.

Commentary

- The Goods and Services Budget requested for the MTEF period (2018/2019) of R8 416 000.00 should have been cut by only 2.4%, as per Cabinet's decision, which ought to have resulted in an allocation of R8,214,016.00 and not R6,609,000.00, which was unilaterally allocated by DCS and resulted in a total cut of 21.47% on Goods and Services.

(Footnotes)

1. The JICS regional offices cut across the provincial boundaries.
2. 81 inspections per year of the total of 243 facilities countrywide. JICS achieved its inspection target over the three-year period.

