

Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Correctional Services: Correctional Services, dated 24 November 2021.

The Portfolio Committee on Justice and Correctional Services, having considered the financial and non-financial performance of the Department of Correctional Services and the Judicial Inspectorate for Correctional Services for 2020/21 and the First Quarter of 2021/22, reports as follows:

1. Introduction

- 1.1 Section 5(2) of the Money Bills Amendment Procedure and Related Matters Act 9 of 2009 requires the National Assembly, through its committees, to submit budgetary review and recommendation reports (BRRR) on the performance of national departments accountable to Parliament. The BRR report is generally informed by a committee's interrogation of, amongst others, national departments' estimates of national expenditure, strategic priorities, measurable objectives and forward-funding needs; National Treasury-published expenditure reports; the relevant annual reports and financial statements; and the Auditor General of South Africa's (AGSA) audit findings; as well as observations made during all other oversight activities.
- 1.2 The Portfolio Committee on Justice and Correctional Services (the Committee) oversees the Department of Correctional Services (DCS) and the Judicial Inspectorate for Correctional Services (JICS). To this end, the Committee monitors the implementation of, and adherence to, policies such as the white papers on Corrections and Remand Detention; compliance with applicable legislation; adherence to principles of good governance and sound financial management; and service delivery in line with their mandates.

2. Process followed

- 2.1 On 9 November 2021, the Committee received a Political Overview of the Annual Performance for 2020/21 Financial Year from the Minister of Justice and Correctional Services.
- 2.2 Again, on the same day (9 November 2021) the Committee received a briefing from the Department of Correctional Services and Judicial Inspectorate for Correctional Services on their Annual Reports for 2020/21 Financial Year.
- 2.3 The Committee also received a briefing from the Auditor General of South Africa on the same day on the Audit Outcomes of the Department.
- 2.4 Copies of all the presentations are available from the committee secretariat.

3. Department of Correctional Services' strategic goals for 2020/21

- 3.1. The first goal identified in the Department's 2020/21 Annual Performance Plan was to ensure that remand detention processes are effectively managed by ensuring that remand detainees attended courts as determined by relevant legislation; are held in secure, safe and humane conditions; provided with personal wellbeing programmes; and relevant services are provided to awaiting trial persons, thus contributing to a fair and just Criminal Justice System.
- 3.2. A further goal was to ensure that all sentenced offenders are incarcerated in safe, secure and humane facilities and are provided with healthcare and effective rehabilitation programmes in line with their correctional sentence plans to enable their successful placement into society after their lawful release.
- 3.3. The last goal was to ensure that all offenders, parolees and probationers were successfully reintegrated back into society as law-abiding citizens through provision of social reintegration programmes.

4. Audit outcome

4.1. The Department has received unqualified audit outcome with findings for 2020/21

Table 1: Audit outcomes between 2017/18-2020/21

Financial Year	Total number of findings	Audit Outcome	Area(s) of Qualification/Matters of emphasis
2017/18	257	Qualified	Commitments
2018/19	204	Qualified	Commitments and Irregular Expenditure
2019/20	214	Qualified	Irregular Expenditure not fully recorded
2020/21	91	Unqualified	With matters of emphasis (including under-spending of the vote, non-compliance with laws and regulations especially in relation to procurement and contract management, as well as irregular expenditure amounting to R1.4 billion).

4.2. The AG has made emphasis on matters which included are: Uncertainty relating to the outcome of exceptional litigation, underspending of the vote, non-compliance with laws and regulations particularly in relation to procurement and contract management as well as irregular expenditure amounting to R1.4 billion.

4.3. There has been a decrease in the number of findings from 257 in 2017/18 to 91 in 2020/21.

4.4. The Auditor General emphasized the following:

- The Department is a defendant in various lawsuits and the outcomes of those cannot be presently determined and no provision for any liability that may result has been made in the financial statement.
- The AG has also noted that the Department materially underspent the budget by R596, 738 million.

4.5. Performance reporting. The programme Incarceration was audited for usefulness and reliability of information. The report was as follows:

- The AG could not identify any material findings on the usefulness and reliability of the reported performance information under Incarceration programme.

4.6. Procurement and contract management. Some goods of a transaction value above R500 000 were procured without inviting competitive bids and deviations were not approved by the accounting officer but it was practical to invite competitive bids, as required by Treasury Regulations 16A6.1 and paragraph 3.4.1 of Practice Note 8 of 2007/2008 and TR 16A6.4. The AG also noted that, in some instances, the prices for Personal Protective Equipment items charged by suppliers were not in accordance with Annexure A of the National Treasury Instruction note 8 of 2020/21 as required by paragraph 3.1.1 of the same instruction note.

4.7. The Auditor General highlighted the following internal control deficiencies:

- Leadership did not exercise sufficient oversight regarding financial and performance information, compliance with laws and regulations and related internal controls.
- Management did not prepare regular, accurate and complete financial reports and performance reports that were always supported and evidenced by reliable information.

4.8. Consequence management. The Auditor General could not obtain sufficient appropriate audit evidence that disciplinary steps were taken against officials who had incurred irregular expenditure as required by section 38(1)(h)(iii) of the PFMA. In addition, the AG indicated that there was insufficient appropriate audit evidence that disciplinary steps were taken against officials who had incurred fruitless and wasteful expenditure as required by section

38(1)(h)(iii) of the PFMA. This was because investigations into fruitless and wasteful expenditure cases were not performed.

5. **Mid-year performance assessment 2020/21**

- 5.1. For the 2020/21 financial year, the Department was allocated a total of R26, 799 962 billion. This amount was adjusted downwards by R1, 578 103 billion and at the same time adjusted upward by R378, 978 million during the second adjustment period to a total adjusted appropriation of R25, 596 837 billion. There were some virements made between programmes as well as shifting of funds between votes during the adjustment period.
- 5.2. Escapes: The Department had the target of less than 0.033% inmates escaping from correctional centres for the 2020/21 financial year. In the first half of 2020/21, a total of 0.072% (100) escapes have been reported.
- 5.3. Assaults: The target for assaults for the 2020/21 financial year was less than 4.65%. In the first half of 2020/21, the percentage of reported assaults was 2.04% (2 818).
- 5.4. Overcrowding: The target for overcrowding for the 2020/21 financial year was less than 41%. Due to COVID-19 lockdown this target was changed to 38%. In the first half of the year, overcrowding stood at 14.53%.
- 5.5. Percentage of offenders participating in long occupational skills programmes per year. The target for offenders participating in long occupational skills programmes for 2020/21 was 80%. In the first half of 2020/21, this target was already exceeded by 11.22% since the recorded performance was 91.22%.
- 5.6. Percentage of sentenced offenders with correctional sentence plans who completed correctional programmes. The target for sentenced offenders with correctional sentence plans who completed correctional programmes in 2020/21 was 80%. This target was also changed due to COVID-19 lockdown to 50%. In the first half of the 2020/21 financial year, performance stood at only 5.73% (4 805).
- 5.7. Percentage of viral load suppression of HIV-positive offenders per year. The target of viral load suppression of HIV-positive offenders per year was set at 90% for 2020/21 financial year. In the first half of the year, only 83.57% (346) was achieved.
- 5.8. Percentage of parolees without violation. The target for parolees without violation for 2020/21 was 97%. In the first half of the year, this target was exceeded since the actual performance was 99.49%.
- 5.9. Percentage of probationers without violation. The target for probationers without violation for 2020/21 was 97%. In the first half of the year, this target was exceeded since the actual performance was 99.93%.

6. **Expenditure for the 2020/21 Financial Year.**

- 6.1 For the 2020/21 financial year, the Department of Correctional Services had adjusted budget of R25, 596 837 billion. Of this amount, the Department spent R25, 027 099 billion (or 97.8%) resulting in R569 738 million under-spending.
- 6.2 The adjusted budget and spending per economic classification for 2020/21 was as follows:

Table 2: Expenditure per economic classification 2020/21

Economic classification	Adjusted budget (R'000)	Actual expenditure (R'000)	Percentage actual expenditure	Available Budget (R'000)
Compensation of employees	17 224 493	17 362 020	100,8%	(137 527)

Economic classification	Adjusted budget (R'000)	Actual expenditure (R'000)	Percentage actual expenditure	Available Budget (R'000)
Goods and services	6 610 972	6 484 196	98,1%	126 776
Interest on rent and land	-	1 124	-	(1 124)
Transfers and subsidies	1 040 581	833 862	80,1%	206 719
Payment of capital assets	720 791	340 393	47,2%	380 398
Payment of financial assets	-	5 504	-	(5 504)
Total	25 596 837	25 027 099	97, 8%	569 738

6.3 In terms of economic classification:

- The Department recorded overspending of R137,527 million under Compensation of Employees due to additional allowances, overtime, and appointment of some staff above the allocated budget.
- With regard to Transfers and Subsidies, there was underspending of R206,719 million mainly due to overprovision for employer liability for early retirement without penalisation cases. The over expenditure on Transfer to Provinces and Municipalities is due licencing of vehicles expenditure which was more than projected as a result of procurement of new vehicles.
- With regard to Payments for Capital Assets, there was under-expenditure of R380, 398 million mainly on the item: Building and Other Fixed Structures due to underperformance on Capital Works Programme as well as under Other Machinery and Equipment due to delays in procurement of IT Equipment, Security Equipment, Production Workshop Equipment, and Agricultural Equipment.
- With regard to Payment for Financial Assets, the Department spent R5,504 million against a zero budget, mainly due to write off(s) of debts and losses.

7. Performance in 2020/21

7.1. Overall, the Department achieved 38 of the 54 planned targets and 16 targets were not achieved.

7.2. Some of the indicators not achieved during the financial year included:

- Number of sites where IIMS is rolled out.
- Number of sites where inmates communication system was installed.
- Number of sites where sensing and surveillance system are installed
- Number of sites where Mesh Network and Integrated Security System are installed
- Percentage of sites installed with network infrastructure
- Percentage of inmates who escaped from correctional centers
- Percentage of confirmed unnatural deaths in correctional centers.
- Percentage increase of victims participating in Restorative Justice Programme
- Percentage increase of offenders, parolees and probationers participating in Restorative Justice Programme.

8. Programme performance in 2020/21

8.1. Programme 1: Administration

8.1.1. The purpose of this programme is to provide strategic leadership, management and support services to the Department.

8.1.2. The Administration programme achieved 9 (or 43%) out of 21 planned targets for 2020/21.

Table 3: Administration -Selected performance 2020/21

Performance Indicator	Planned Target 2020/21	Actual Achievement 2020/21
Percentage of Information Systems (IIMS) implemented as per MISSTP	12%	NOT ACHIEVED 6%
Percentage of officials charged and found guilty of corrupt activities	95%	ACHIEVED 97%
Percentage of correctional facilities including PPPs inspected on conditions and treatment of inmates	56%	ACHIEVED 56%
Integrated Human Resource Strategy.	Approved Human Resource Integrated Strategy	NOT ACHIEVED

8.1.3 The Department did not achieve their target for IIMS in the year under review and this was ascribed to lockdown regulations between level 5-3 which restricted travelling to regions.

8.1.4 The target for correctional centres including PPPs inspected on conditions and treatment of inmates was achieved in the year under review when performance was recorded at 56%.

8.1.5 The Department managed to achieved its target of youth employment by recruiting 2 567 youth in the year under review.

8.2. Programme 2: Incarceration

8.2.1. The purpose of the programme is to provide safe and secure conditions of detention consistent with maintaining the human dignity of inmates. It is also responsible for the administration, profiling and consideration of offenders for releases or placement into community corrections.

8.2.2. There are three sub-programmes for Incarceration: Security operations; Remand detention; and Offender management.

8.2.3. Overall, the Incarceration programme achieved five out of seven (or 71%) planned targets for 2020/21.

Table 4: Incarceration - Selected performance 2020/21

Performance Indicator	Planned Target 2020/21	Actual Achievement 2020/21
Reduction in unnatural deaths in correctional centres and remand detention facilities per year	0.032% or less	NOT ACHIEVED 0.033%
Reduction in escapes	0.033%	NOT ACHIEVED 0.083%
Number of infrastructure projects completed	1 Tzaneen	ACHIEVED 1 088
Reduction of overcrowding	41% or less	ACHIEVED 24%
Percentage of Remand Detainees subjected to Continuous Risk Assessment	40%	ACHIEVED 64%

- 8.2.4. The Department attributed the non-achievement of escapes target to non-compliance with security policies and procedures (searching of inmates).
- 8.2.5. The Department achieved its target for assaults by deploying the Emergency Support Teams to identified correctional centres to provide support, clean up and search operations. In addition, operation visits were conducted at correctional centres to provide support and guidance.
- 8.2.6. The target relating to unnatural deaths was not achieved in the year under review. The Department ascribed this to outdated infrastructure that limits visibility of inmates after lock up, as well as non-compliance to security policies and procedures in terms of searching and monitoring of inmates.
- 8.2.7. The target relating to infrastructure projects completed was achieved since Tzaneen Correctional Centre was completed and the facility is currently occupied.

8.3. Programme 3: Rehabilitation

- 8.3.1. Programme 3 is responsible for providing needs-based programmes and interventions to facilitate the rehabilitation of inmates and to enable their social reintegration into communities. The programme has the following sub-programmes: Correctional programmes; Offender development; and Psychological, social and spiritual services.
- 8.3.2. Overall, the programme achieved all 12 planned targets for the year under review.

Table 5: Rehabilitation - Selected performance in 2020/21

Performance Indicator	Planned Target 2020/21	Actual Achievement 2020/21
Percentage of offenders participating in long Occupational Skills programmes	80%	ACHIEVED 95%
Percentage of offenders participating in Further Education and Training	80%	ACHIEVED 97%
Percentage of sentenced offenders with Correctional Sentence Plans who have completed correctional programmes.	50%	ACHIEVED 77%
Percentage of inmates who are involved in psychological services per year.	20%	ACHIEVED 25%

- 8.3.3. Selected achievements include:
- The Department successfully placed 64 399 (77%) sentenced offenders with Correctional Sentence Plans through various correctional programmes.
 - Offender participation in long skills programmes were 7 161 (95%), while those participating in short skills were 4 546 (99.80). A further 761 (97%) offenders participated in Further Education and Training.
 - A total of 34 581 offenders participated in psychological care services.

8.4. Programme 4: Care

- 8.4.1. The purpose of this programme is to provide needs-based healthcare programmes and services aimed at maintaining the wellbeing of inmates. There are two sub-programmes under the Care programme, namely Health and Hygiene Services and Nutritional Services.
- 8.4.2. Overall, the programme achieved six out of seven targets planned for 2020/21.

Table 6: Care - Selected performance 2020/21

Performance Indicator	Planned Target 2020/21	Actual Achievement 2020/21
Percentage of therapeutic diets prescribed for inmates	Less than 12%	ACHIEVED 6%
Percentage of identified inmates tested for COVID-19	100%	NOT ACHIEVED 99%
Percentage of inmates screened for hypertension	90%	ACHIEVED 275%
Percentage of inmates who have recovered from COVID-19	85%	ACHIEVED 98%
TB Cure rate	90%	ACHIEVED 93%

8.4.3 The Department ascribed the achievement of TB cure rate of offenders to effective monitoring and management of patients on treatment.

8.4.3 The Department could not achieve their target of identified inmates tested for COVID-19 because three inmate patients refused to be tested.

8.5. Programme 5: Social Reintegration

8.5.1. The Social Reintegration programme provides services focused on offenders' preparation for release, effective supervision of offenders placed under community corrections and the facilitation of their social reintegration into their communities. The programme has the following sub-programmes: Supervision; Community reintegration and Office Accommodation: Community corrections.

8.5.2. The programme achieved five out of seven planned targets for 2020/21.

Table 7: Social Reintegration - Selected performance 2020/21

Performance Indicator	Planned Target 2020/21	Actual Achievement 2020/21
Percentage of parolees without violations per year	97%	ACHIEVED 99%
Percentage of probationers without violations per year	97%	ACHIEVED 99%
Percentage increase of victims participating in Restorative Justice programmes	7%	NOT ACHIEVED 3%
Percentage increase of offenders/parolees and probationers participating in Restorative Justice programmes	3%	NOT ACHIEVED 1%
Number of economic opportunities facilitated for offenders, parolees and probationers	30	ACHIEVED 363

8.5.3 The Department could not achieve their target on victim participation in Restorative Justice. This was ascribed to COVID-19 regulations and Lockdown restrictions during level 5 level 4 and level 3 restricted movement to trace victims.

8.5.6 The Department managed to facilitate 363 economic opportunities for offenders, parolees and probationers.

9. Expenditure and performance for First Quarter of 2021/22

9.1. The Department of Correctional Services was allocated R26.8 billion for 2021/22. At the end of June 2021, total expenditure was at R5.8 billion or 21.47% of the total appropriation. This equates to an under-spending by R892 million when compared to the projected spending plan of R6.6 billion for the Quarter. In terms of performance, of the 31 planned targets for the First Quarter, only 17 were achieved and 14 were not achieved.

9.2. At the end of the First Quarter 2021/21, programme spending and performance was as follows:

- The Administration programme spent an amount of R1.05 billion (19.64%) against planned expenditure of R1.4 billion, under-spending by R325 million. The under-spending occurred as a result of delays in the salary adjustment (R77 million); travel and subsistence and fleet services under Goods and Services due to the lockdown (R228 million); and GERMS invoices for April 2020 which were paid in March 2020 (R23 million). In terms of performance, this programme achieved only 4 out of 8 planned targets. Targets not achieved include: Percentage of investigation completed for reported allegations; Approved Integrated Finance and SCM Strategy; Percentage of Correctional Centres and PPP facilities inspected on conditions and treatment; and Percentage of Information Systems implemented as per the Master Information System and Security Technology Plan (MISSTP).
- The Incarceration programme spent 21.72% or R3.436 billion of the projected budget for the quarter of R3.945 billion, which resulted in under-spending of R509 million. Among others, underspending was caused by funded vacant posts as well as outstanding payments for the 2020/21 salary adjustment. In terms of performance, Incarceration achieved 2 out of 5 targets for the First Quarter. The three targets not achieved relate to: Percentage of inmates injured as a result of reported assaults; Percentage of inmates who escaped from correctional facilities; and Percentage of Remand Detainees subjected to Continuous Risk Assessment.
- The Rehabilitation programme spent 20.11% or R435.2 million of the projected spending plan of R489 million. This translated to an underspending of R54 million. In terms of performance, Rehabilitation achieved 5 out of 9 targets for the first quarter of 2021/22 financial year. The targets that were not achieved relate to: Percentage of sentenced offenders with Correctional Sentence Plan (CSPs) who completed correctional programmes; Percentage of offenders participating in TVET College programmes; and Percentage of inmates receiving spiritual care services.
- The Care programme spent R590 million or 24.65% against projected expenditure of R548 million. This translates to overspending by R15.2 million in the first quarter. In terms of performance, this programme achieved 4 out of 5 targets for the first quarter. The target not achieved relates to: Offender's viral load.
- The Social Reintegration programme spent 22.50% or R242 million from the planned expenditure of R263 million. This translates to underspending of R19.8 million. In terms of performance, this programme achieved 50% (2 out of 4) of the targets for the First Quarter. The targets not achieved relate to: Percentage of victims participating in Restorative Justice Programme; and Percentage of offenders, parolees and probationers participating in Restorative Justice Programme.

PART II

10. JUDICIAL INSPECTORATE OF CORRECTIONAL SERVICES' (JICS)

10.1. JICS' Statutory mandate and mission

10.1.1. JICS is established under section 85 of the Correctional Services Act 111 of 1998 as an independent office under the control of the Inspecting Judge. Its object is to facilitate the

inspection of correctional centers and to report on the treatment of inmates and conditions of incarceration.

- 10.1.2. Its mission includes the prevention of human rights violations through the monitoring of mandatory reporting systems on deaths, mechanical restraints and segregations (solitary confinement) in correctional centers. It also maintains the independent complaints system for inmates.

10.2. **Financial Performance at the end of 2020/21**

- 10.2.1. For 2020/21, the Judicial Inspectorate for Correctional Services was allocated a budget of R77.2 million. At the end of March 2021, the total expenditure for JICS was R67. 158 million.

10.3. **Inspections, Investigations, Complaints and Mandatory Reporting in 2020/21 financial year**

- 10.3.1. The Inspectorate scheduled a total of 136 inspections in correctional centres across the country for 2020/21 financial year and conducted all 136 planned inspections, which equates to 57% of all correctional facilities in the country. JICS has rated 12 centres unsatisfactory, 113 satisfactory and 11 good.
- 10.3.2. The Inspecting Judge conducted inspections at Johannesburg Medium A (on 5 May 2020), again at Johannesburg Medium A (on 29 September 2020), and Makhado (on 2 March 2021).
- 10.3.3. Other Judges who conducted inspections are; NS Daniso in Bizzah Makhate (17 September 2020) and S Chesiwe in Mangaung PPP (08 March 2021).
- 10.3.4. In the year under review, a total of 64 investigations were conducted (compared with 45 in 2019/20). These investigations included suicide, homicide, mass assaults, drowning, and alleged torture of inmates. JICS mentioned that there has been an increase of violent incidents that involved DCS officials and that resulted in the death of inmates when compared with the previous financial year. JICS also indicated that it has reached its output limit in relation to investigations because of constrained human resources and will not be able to increase the number of investigations unless the capacity of the inspections function on the JICS' approved establishment is increased.
- 10.3.5. The JICS reported that the number of complaints from internal and external sources dropped significantly in the year under review. A total of 340 complaints were recorded in the year under review. These complaints included, amongst others, assaults of inmates by officials (62), assaults of inmates by other inmates (47), and parole (60).
- 10.3.6. Mandatory reporting is regulated by the Correctional Services Act 111 of 1998. Mandatory reporting includes: Death of an inmate (Section 15); Segregation (Section 30); Mechanical restraints (Section 31); and Use of force (Section 32). For the year under review, there were 75 unnatural deaths reported by DCS to JICS. A total of 27 suicide cases were recorded with majority being from Gauteng and Kwazulu-Natal. In addition to unnatural deaths, JICS received 455 reports of natural deaths in correctional facilities. Again, the majority of the natural deaths were reported from Gauteng (169) and Kwazulu-Natal (69).
- 10.3.7. Section 30(7) of the Correctional Services Act, 1998 provides that inmates who have been segregated may refer the matter to the Inspecting Judge, who must decide thereon within 72 hours. The JICS found that there seems to be a significant under-reporting by the Department on segregation. For the period under review, 4 645 cases of segregation on inmates were reported.
- 10.3.8. The JICS also recorded only 42 cases of Mechanical restraints in the 2020/21 financial. According to JICS, the dysfunctional electronic reporting system suggest underreporting on the use of mechanical restraints. JICS also noted that no appeals were received for the year under review.

- 10.3.9. The JICS recorded a total of 694 cases of use of force in the year under review. This is an increase from the 358 reports in 2019/20.
- 10.4. **Community and stakeholder engagement in the 2020/21**
- 10.4.1. In the year under review, 18 out of 141 planned VC meetings could not be conducted due to COVID-19 restrictions. These meetings were rescheduled for the next performance year. During the VC meetings, 283 complaints were resolved.
- 10.4.2. The JICS indicated that the Central Management Region participated in a virtual meeting hosted by the South African Human Rights Commission on 28 August 2020. The Kwazulu-Natal regional office joined a virtual meeting hosted by the African Policing Civilian Oversight Forum on 8 June 2020. The Eastern Cape Region is also actively engaged in stakeholder relations.
- 10.5. **First Quarter 2021/22 Expenditure and Performance of JICS**
- 10.5.1. For 2021/22, the Judicial Inspectorate for Correctional was allocated a total of R81.5 million. At the end of June 2021, the total expenditure was R20, 502 477 million including commitments.
- 10.5.2. There was overspending by 0.82% under Compensation of Employees for the first quarter of 2020/21. The reason provided for overspending is insufficient allocation for the financial year 2021/22.
- 10.5.3. There was also overspending under Goods and Services by 4.62% and reason provided was due to previous financial year's commitments that could not be finalized due to outstanding invoices.
- 10.5.4. In the first quarter, JICS had 86 permanent approved and funded positions on their fixed establishment. A total of 83 posts were filled and three were vacant. In addition to permanent posts, there were 251 ICCV posts of which 215 were filled and 36 were vacant. The ICCV positions and other contract positions expired on 31 October 2021.
- 10.6. **Inspections, Investigations, Complaints and Mandatory Reporting in the First Quarter of 2021/22**
- 10.6.1. In the first quarter of 2021/22 financial year JICS scheduled 37 inspections and all of them were conducted but only 36 reports were received and processed. Of the 36 reports received, 28 centres were rated "Satisfactory", 1 was rated "Unsatisfactory" and 7 centres were rated "Good".
- 10.6.2. The Inspectorate reported that, for the first quarter of 2021/22, there were only 14 investigations conducted and majority (four) of the investigations were conducted in the JICS's KZN Management Region.
- 10.6.3. JICS received a total of 134 complaints in the first quarter and most of these complaints were received from ICCVs, inmates and their families. These complaints included assaults, parole and transfers. The most prevalent complaints received were related to parole (a total of 28).
- 10.6.4. In terms of mandatory reporting, a total of 20 unnatural deaths were recorded for the first quarter. The majority (6) of these were recorded as suicide by hanging. In addition to unnatural deaths, JICS also recorded a total of 102 natural deaths in correctional centres across the country. The largest category (19) of natural deaths were recorded as "Natural causes other". Gauteng recorded the highest number of deaths (39) while Eastern Cape recorded the lowest (8). In only two instances it was indicated that the deaths were COVID-19 related.

- 10.6.5. Segregation recorded a total of 1 197 reports in the first quarter of 2021/22. The Free State/Northern Cape recorded the highest number of segregations (467), while the Eastern Cape recorded the lowest (5). JICS reported that due to the dysfunctional electronic system of reporting, the accuracy and numbers of reports by DCS could not be verified.
- 10.6.6. In terms of Mechanical Restraints' reports, JICS recorded 15 cases for the first quarter of 2021/22. Reasons given for the use of mechanical restraints included: Prevention of damage to property (1); safety of others (4); safety of inmates (9); and suspicion exist of escape (1).
- 10.6.7. A total of 82 cases of the use of force were recorded by the Department and submitted to JICS in the first quarter. JICS has emphasized that, due to manual reporting, the number of reported cases of the use of force has drastically declined.

PART III

11. Department of Correctional Services: Committee observations and Recommendations

- 11.1 The Committee received and accepted the Deputy Minister of Correctional Services' apology for being unable to attend the meeting as a result of other work commitments.
- 11.2 The Minister of Justice and Correctional Services presented a political overview of the performance of the Department and highlighted that the Department of Correctional Services showed significant improvement in the 2020/21 Financial Year. The Minister mentioned that the Department was preoccupied with matters of irregular expenditure, lack of consequence management for acts of impunity, maladministration and audit reports and performance.
- 11.3 The Minister reported that, together with Deputy Minister Holomisa, they were committed to ensuring unprecedented levels of openness, transparency and accountability. They will not hesitate to take appropriate actions consistent with government prescripts and legislation to foster a new culture of accountability. In doing so, they have directed that turnaround times for investigating and concluding disciplinary process must show significant improvement.
- 11.4 Although the Minister indicated that the Department has shown significant improvement in performance in the 2020/21 financial year, the Committee is not convinced that the performance of the Department has improved and this is, amongst others, because the overall performance of the Department has decreased from 89% (in 2019/20) to 70% (in 2020/21). The Committee also noted that the overview of the Minister differs greatly from that of the Auditor-General in the 2020/21 financial year.
- 11.5 The Committee expressed its appreciation and is impressed with the work done by the Auditor-General. The Auditor-General indicated that 32 cases of irregular expenditure amounting to R2, 218 630 893 billion have not been investigated, and 120 cases of fruitless and wasteful expenditure cases amounting to R3, 423 555 million have not been investigated. The Committee expressed its disappointment with these findings and calls on the Department to ensure that there should be timely investigations of both reported irregular expenditure and fruitless and wasteful expenditure cases and to take appropriate disciplinary steps against those found responsible. The Committee also calls on the Internal Audit and the Audit Committee to monitor implementation of the audit action plan.
- 11.6 The Committee notes the audit findings of the AG on COVID-19 expenditure in the Department of Correctional Services. These findings included; instances where goods were procured before written approval by the National Commissioner was granted; instances where allowances were paid in contravention of the directive issued by the National Commissioner in terms of Treasury Regulation 8.1.1; as well as instances where the Department procured and paid for PPE at prices higher than the prices set by the National Treasury as per annexure A of instruction notes 8 of 2019/2020 and 3 and 5 of 2020/21. The

Committee calls for the Department to improve their internal control system, institute corrective and disciplinary action for all cases of misconduct, and ensure that losses are recovered from those officials found guilty of such acts. The Committee also request the Minister to indicate what steps he will be taking to address all the findings raised by the AG in the 2020/21 financial year.

- 11.7 The AG reported that overall audit outcomes of the Department improved from qualified in the previous year to unqualified with findings in the currently year and this was due to management, with the assistance of consultants, having implemented processes to ensure that all irregular expenditure is identified and disclosed. Although the Committee welcomes the improvements, it is still concerned with the Department's reliance on Consultants to do the work of officials who are employed for that same work. The Committee request the Department to provide quarterly updates on the number of officials trained by consultants to be able to take over once their contracts come to an end. In addition, the Committee urges the accounting officer to ensure that key vacancies, especially in the supply chain management sections are filled.
- 11.8 The Committee notes that the Department achieved its target of unqualified audit opinion with findings and congratulates the Department on this achievement. However, the Committee believes that this cannot be celebrated because by now after 27 years of democracy the Department should be achieving a clean audit. The Committee believes that drastic measures should be taken for the Department to receive a clean audit.
- 11.9 The Committee is disappointed about the overall performance of the Department which has declined from 89% (in 2019/20) to 70% (in 2020/21). In addition, the Committee is concerned about the misalignment between the achievement of service delivery targets (70%) and financial expenditure (97.8%) in 2020/21. The Committee will continue to monitor spending and performance on a quarterly basis to ensure service delivery and value for money in all programmes.
- 11.10 The Committee commends the Department for achieving 86% pass rate for offenders who wrote the 2020 matric examination. The Department is urged to do more in promoting access to education, especially for children in its facilities and provide the Committee with regular updates on measures taken to realise this. The Committee further urges the Department to ensure that the budget for Rehabilitation is sufficient to ensure that rehabilitation is at the centre of departmental activities as outlined in the White Paper on Corrections, 2005.
- 11.11 The Committee also commend the Department for employing 72% of youth in the 2020/21 period. The Department is encouraged to put more efforts in ensuring that its target of employing people with disabilities is also achieved.
- 11.12 The Committee commends the Minister and the Department in developing and approving the Self-Sufficiency Strategy. The Committee welcomed the decision by the Department to utilize offender labour to produce food for inmate ratios and also generate revenue from its production workshops. In addition, the Committee has welcomed the decision by the Department that pork and eggs will no longer be procured as these are produced internally in sufficient quantities, resulting in savings to the fiscus.
- 11.13 The Department reported that production workshops manufactures, supply and repair furniture for various Departments. The value of these orders from client departments was R5 620 894 million in the period under review. The Committee commend the Department for this achievement and believes that more should and can be done by ensuring that more artisans are employed to provide much needed training to large number of inmates in correctional centres.
- 11.14 The Department reported that escapes in correctional facilities increased from 34 (in 2019/20) to 117 (in 2020/21). Majority of these escapes occurred from Malmesbury Correctional Centre. Non-compliance with security policies and procedures was flagged as one of the contributing factor to these escapes. The Committee calls for the Department to

strengthen their compliance measures and take drastic steps against those found guilty because these escapes have potential to compromise safety of the general public.

- 11.15 The Committee is concerned that the target of unnatural deaths in correctional facilities was not achieved in the period under review. The Department of Correctional Services reported a total of 47 unnatural deaths for 2020/21 financial year. The Committee urges the Department to ensure safe and secure custody of inmates in their care at all times.
- 11.16 The Committee noted with concern that 5 SMS members did not disclose their financial interest via the e-disclosure system, in line with the relevant Public Service Regulations issued during 2016 and the directive issued by the Minister of Public Service and Administration by 30 April each year. The Committee calls for the Department to have measures in place to ensure that SMS members comply with the relevant regulations and directives. In addition, the Committee request the Department to submit to it the names of those 5 officials.
- 11.17 One again, the Committee noted with concern that out of 168 SMS members in the Department of Correctional Services only 90 signed performance agreements in the 2020/21 period. Again, the Committee calls for the Department to have measures in place to ensure that SMS members comply with the relevant regulations and directives. The Committee also request the Department to submit to it the list of those SMS members who have not signed performance agreements by the due date and their reasons for not signing.
- 11.18 The Department reported that there were 47 882 remand detainees in their facilities in the period under review. The Committee is concerned that a number of remand detainees languish in remand detention facilities simply because they cannot afford bail of less than R1000 and this contribute to overcrowding of facilities. The Department is urged to continue with the implementation of strategies to reduce the number of remand detention population including Section 63 of the Criminal Procedure Act (Act No. 51, 1977) and Section 49G of the Correctional Services Act (Act No. 111, 1998). The Minister is requested to prioritize and pay attention to this.
- 11.19 The Committee is disappointed that, again the target for IIMS roll-out was not achieved in 2020/21 financial year. The Department ascribed this to lockdown regulations between level 5-3 which restricted travelling to regions. The Committee is seriously concerned that COVID-19 is now being misused as an excuse when targets are not achieved. The Committee has therefore, requested a briefing from the Minister on the status of IIMS project.
- 11.20 The Constitutional Court delivered judgement on 4 December 2020 confirming the constitutional invalidity of sections 88A1(b) and 91 of the Correctional Services Act 111 of 1998. The Constitutional Court gave Parliament 24 months to rectify the defect in the legislation. The Committee request both the Department of Correctional Services and the Judicial Inspectorate for Correctional Services to work with speed in finalizing the draft bill and submit to the Committee on time.
- 11.21 The Department reported that the vacancy rate was at 8.7% in the period under review and the position of the National Commissioner is also vacant. The Committee calls for the Department to fill vacancies to ensure that service delivery is not compromised. The Committee also request the Minister to prioritize filling of the National Commissioner position to ensure that there is leadership stability in the Department.
- 11.22 Again, as in the previous report, the Committee urges the Department to radically change the way they do things and start doing things differently. The Committee is not interested in processes and structures but would want to see outcomes and impact of the performance areas of the Department.
12. **Judicial Inspectorate for Correctional Services (JICS) – Committee’s Observations and Recommendations.**

- 12.1 The Committee expressed its appreciation to JICS for the way they are doing their work which enables the Committee to conduct their oversight properly.
- 12.2 The Committee also commended JICS for applying themselves diligently to the work they do and further noted that there is correlation between their clean audit and their performance.
- 12.3 JICS reported that the use of force especially by DCS officials to inmates remains a persistent challenge. JICS noted an increase in the use of force from 358 cases (in 2019/20) to 694 (in 2020/21). The Committee is concerned about this increase and calls for the Department of Correctional Services to ensure that safe and secure environment is created for inmates in correctional facilities and train their officials on how to manage any conflict situation amongst inmates. The Committee further calls for the Department to be considerate on how inmates should be treated. JICS is also encourage to continue reporting on this as part of their mandatory reporting.
- 12.4 The Committee resolved to arrange a workshop to discuss issues related to safe and secure custody for inmates in correctional centres across the country.
- 12.5 The Committee is concerned about under-spending of JICS' budget by R5.3 million in the period under review. The Committee requests that JICS devise a strategy to ensure that underspending does not continue and service delivery is not hampered.
- 12.6 JICS reported that there were 270 contracts positions for Independent Correctional Centre Visitors and 222 were filled and 48 vacancies. JICS is requested to fill those vacancies to ensure that inmates in correctional centres receive services required by law.
- 12.7 The Committee commends JICS for achieving its inspections targets (136 inspections) despite COVID-19 and lockdown regulations.
- 12.8 In their inspections, JICS rated a number of facilities as 'Unsatisfactory' including Escourt Correctional Centre in KZN. Amongst other findings raised in the report includes, pneumatic doors not functioning and officials opening those doors manually; dysfunctional internal doors not guarded; and the CCTV system which was installed but could not be operated because the contractor did not train officials on how to operate the system. The Committee commend JICS for uncovering those dysfunctionalities in their inspection. The Committee will interact with the Department of Correctional Services to get a briefing regarding those findings at Escourt and other facilities where similar findings were made.
- 12.9 As in the previous year, the Committee again notes the challenges experienced by JICS with respect to mandatory reporting as a result of the Department's management information system continuing to be non-functional. The Committee is concerned about the accuracy and reliability of the information available as the reports are recorded and reported manually. The Committee will engage with the Department of Correctional Services to get a briefing on the new e-Correction system which is currently being rolled out.
13. **Appreciation**
- 13.1 The Committee wishes to thank the Minister of Justice and Correctional Services and Deputy Minister of Correctional Services, staff in the Ministry, Acting National Commissioner and the staff of the Department of Correctional Services for their assistance in this process.
- 13.2 The Committee also wishes to thank the Inspecting Judge and the staff of the Judicial Inspectorate for Correctional Services for their co-operation in this process.
- 13.3 The Committee wishes to thank the Auditor General South Africa for the support provided to the Committee.

Report to be considered