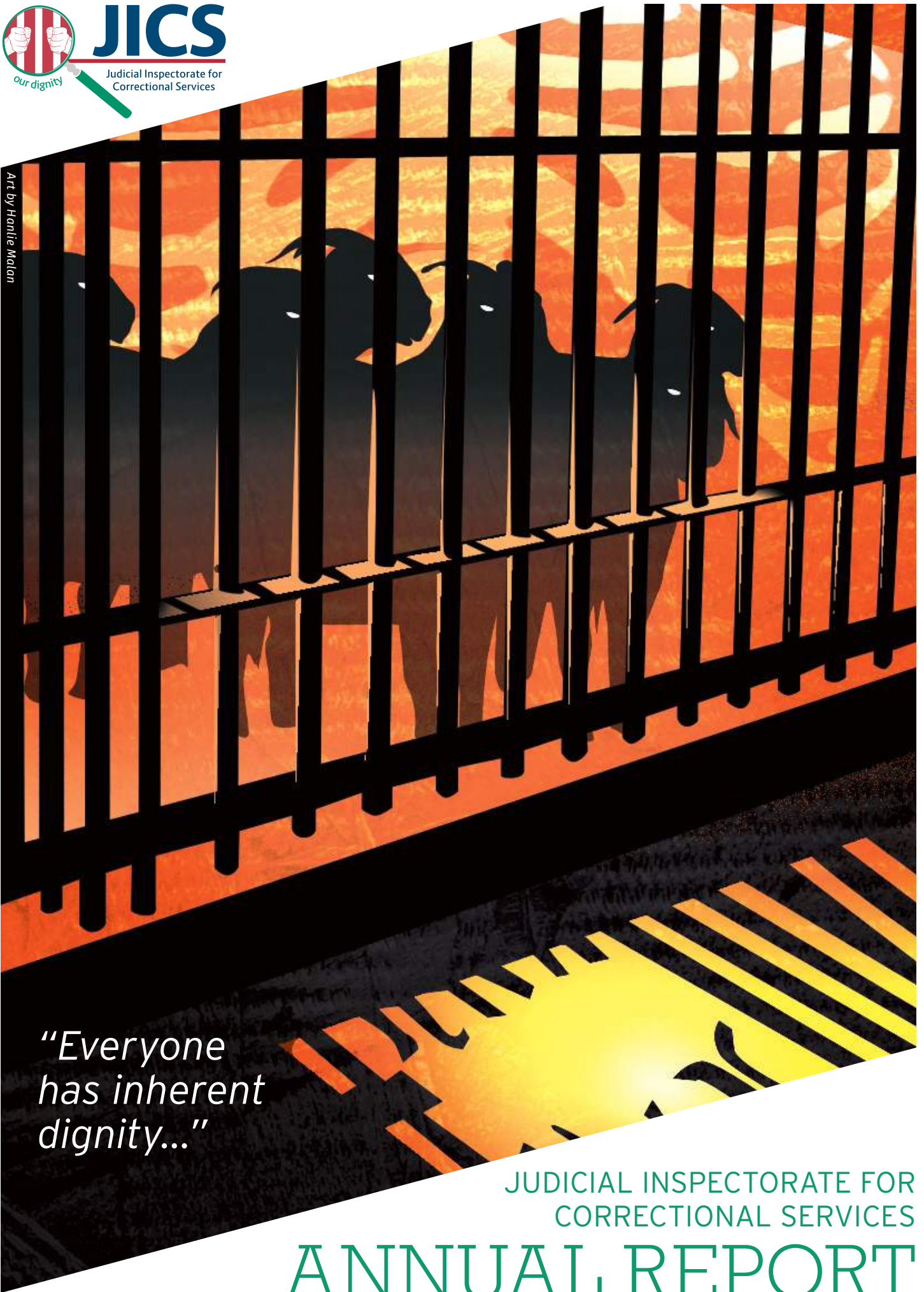




# JICS

Judicial Inspectorate for  
Correctional Services

Art by Hanlie Malan



*"Everyone  
has inherent  
dignity..."*

JUDICIAL INSPECTORATE FOR  
CORRECTIONAL SERVICES

# ANNUAL REPORT

2016|2017 Financial Year

**Submitted to the**  
**Honourable Mr Jacob Gedleyihlekisa Zuma,**  
**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)**

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# **PART A**

# **GENERAL INFORMATION**



## 1. GENERAL INFORMATION

### JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES

<b>JICS HEAD AND REGIONAL OFFICES<sup>1</sup></b>		
<b>HEAD OFFICE – CAPE TOWN</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE / TELEFAX</b>		<b>PHYSICAL ADDRESS</b>
Private Bag X 9177 Cape Town 8000	Tel: (021) 421 1012 Fax: (021) 418 1069	9th floor, Standard Bank Building 1 Thibault Square, Cnr Long Street & Hans Strijdom Avenue Cape Town 8001
<b>CENTRAL MANAGEMENT REGION - Regional Manager: Michael Prusent</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE / TELEFAX</b>		<b>PHYSICAL ADDRESS</b>
P.O. BOX 3839 Bloemfontein 9301	Tel: (051) 430 1954 Fax: (051) 440 1045	Fedsure House, 3rd Floor 62 St Andrews Street Bloemfontein 9300
<b>KWAZULU-NATAL REGION - Regional Manager : Shadrack Sibanyoni</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE / TELEFAX</b>		<b>PHYSICAL ADDRESS</b>
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

<sup>1</sup> The JICS regional offices cut across the provincial boundaries.

**SOUTHERN MANAGEMENT REGION - Regional Manager : Lala Mabaso**

<b>POSTAL ADDRESS &amp; TELEPHONE / TELEFAX</b>		<b>PHYSICAL ADDRESS</b>
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**

<b>POSTAL ADDRESS &amp; TELEPHONE / TELEFAX</b>		<b>PHYSICAL ADDRESS</b>
Private Bag 153 Centurion 0046	Tel: (012) 663 7521 Fax: (012) 663 7510	265 West Avenue Tuinhof Karee (West Block) Centurion 0046

## 2. LIST OF ABBREVIATIONS

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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
DPSA	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 of the
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

### **3. FOREWORD BY THE INSPECTING JUDGE**

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#### **Introduction**

In a letter congratulating me on my appointment by the President as the Inspecting Judge from 1 April 2016, the Minister of Justice and Correctional Services (the Minister), the honourable Michael Masutha, MP, mentioned my expected role in the “transformation” of the Judicial Inspectorate for Correctional Services (JICS). I took this to refer not only to issues around race and gender, for example, but to a renewed commitment to the legal and moral mandate of JICS, namely to oversee and protect the human rights of inmates in the care of the state, with due

regard to the rights and duties of officials and the interests of crime victims and the community.

At my first meeting with the Deputy Minister of Correctional Services (the Deputy Minister), the honourable Thabang Makwetla, MP, he expressed the view that JICS should have a higher public profile. This resonated with me, especially because I had since my appointment been confronted with perceptions that JICS is not taken seriously by the Department of Correctional Services (DCS) and political office-bearers; that few of its reports, recommendations, findings and enquiries are properly responded to; that inmates and their relatives sometimes have little confidence that issues raised with JICS’ representatives will be successfully attended to; that JICS’ officials are often not distinguished from DCS officials; and that the public at large has little knowledge of JICS and even less sympathy with its mandate.

The period to which this Annual Report applies coincides with my first year in office. It was a year filled with pleasant and unpleasant new experiences; challenges; frustration; success; and above all, learning and inspiration.

#### **Identity and public profile**

We embarked on creating a strong “corporate” identity for JICS; fostering better relations with the media; engaging new stakeholders; and focusing, reporting on and publicising media pieces on relevant themes like violence and overcrowding.

A new logo with new colours was designed for JICS, with the cooperation of DCS and the Government Communications and Information Service.

Within the limits of our tight budget, we are in the process of producing business cards, insignia for office entrances and vehicles and selected clothing items for JICS and its staff members to be identified in the fulfilment of its task.

This revived identity and increased visibility have already resulted in much improved confidence, pride and enthusiasm amongst JICS staff members; and is expected further to foster commitment and a healthy team spirit.

## **Reporting; themes; seminars on violence and overcrowding**

Section 90(3) and (4) of the Correctional Services Act 111 of 1998 (CSA) requires the Inspecting Judge to report to the Minister and to Parliament on each inspection, as well as annually to the President and Minister. The annual report must be tabled in Parliament. JICS will do its best to meet these obligations and improve reporting. In practice, quarterly reports on inspections, investigations, complaints and mandatory reports have been submitted.

However, we have embarked on an initiative to identify themes that have an impact on the mandate of JICS, to investigate these and – if appropriate – to issue thematic reports, in addition to the statutory reporting. The first theme that strongly presented itself is assault and torture in correctional centres.

In July 2016 I became aware of events that had taken place 18 months earlier, in January 2015, at Brandvlei Correctional Centre in the Western Cape. Closed circuit television (CCTV) cameras recorded a series of violent incidents involving inmates and officials. A Rottweiler dog dragging an inmate out of a cell is clearly visible. The inmate is then repeatedly beaten by officials with batons, or “tonfas”. Eventually he collapses in an office and shortly afterwards he dies. By then, DCS had not responded to repeated requests from JICS to report on their investigation. I was shocked. After renewed and more urgent pressure had been put onto DCS, the Regional Commissioner (RC) presented a report at the end of August 2016, largely exonerating the officials involved in the events on the basis that their working conditions were difficult.

Also, during 2016, incidents of violence and alleged assault and torture were received about Tswelopele Correctional Centre near Kimberley and Helderstroom Correctional Centre in the Western Cape. JICS inspectors investigated on site and I made an unannounced visit at Helderstroom. Late in December 2016, three inmates died in St Albans Correctional Centre in Port Elizabeth, allegedly as a result of assault. More or less at the same time violence at Thohoyandou Medium A Correctional Centre was reported.

Gangsterism and violence are rife in correctional centres. Officials and inmates are injured in incidents that DCS often seems unable to prevent or stop within the limits of the law. Anti-gang strategies seem to be ineffective.

Thus, a seminar on assault and torture in correctional centres was held at Helderstroom in 2016. A fruitful discussion involving the National Commissioner (NC), other officials of DCS, the Inspecting Judge and JICS staff members, former Inspecting Judge Deon van Zyl, Judge Lucy Mailula, academic experts and civil society took place. The event was well covered by the media.

The National Commissioner announced that the above-mentioned departmental investigation into the serious violence at Brandvlei had been set aside and that a new investigation had been ordered. At JICS we have been informed that disciplinary proceedings had been instituted, but are awaiting the final results of that investigation, as well as of our enquiries into apparent inaction or decisions not to pursue criminal proceedings on the side of the South African Polices Service (SAPS) and the National Prosecuting Authority. Regarding the events at St Albans, the RC reported to JICS that

disciplinary action had been taken against the Head of Correctional Centre (HCC) and that criminal charges (including murder) had been laid against and by officials.

Our aim is soon to produce a thematic report on the issue of the unjustified use of force by DCS officials and assault by inmates in 2015 and 2016. It will incorporate a striking video entitled “Blood on the Floor” – the term used for an alleged violent tradition amongst prison gangs – and will reflect the experience of inmates and officials.

Another theme – and an ongoing problem at the heart of many concerns regarding the South African correctional system – is overcrowding. This is intertwined with gangsterism. When the Potchefstroom Correctional Centre was inspected in December 2016, 1831 sentenced and remand detainees were accommodated in a facility built for 867. Some single cells accommodate four people. Narrow beds are shared by inmates. Sometimes a mattress is added for a fifth.

Very young men are detained in this remand centre. They belong to gangs like the “Crazy Dogs”, “Money Lovers”, “Enemies” and “Stoute van Kak” and gravely state that their sole activity is to “kill each other”. Knives are smuggled into the centre, or made out of objects, like tooth brushes. Violence can erupt very quickly between groups, even in vehicles while being transported to and from courts.

Over the past decade the average South African prison population remained at about 160 000, with bed space for just over 119 000. Measures intended to reduce overcrowding do not seem to be effective. As a result of a judgment of the Western Cape High Court inmates have been moved out of Pollsmoor to other centres to alleviate the overcrowding, but to some extent the problem is merely shifted to other centres.

Thus a seminar on overcrowding took place at Grootvlei Correctional Centre near Bloemfontein in November 2016. Like the Helderstroom seminar, the National Commissioner and other stakeholders participated. No real solution seems to be in sight. This seminar was also part of the inauguration of the JICS Central Region office in Bloemfontein.

Further themes which are being or will be pursued include women in correctional centres, mental illness, corruption and the line between super maximum security measures and illegal cruel or inhuman treatment.

### **Visits by the Inspecting Judge**



*The Inspecting Judge during an inspection at Ebongweni Correctional Centre*

This report contains information on inspections and visits by JICS inspectors and Independent Correctional Centre Visitors (ICCVs). As the Inspecting Judge, sometimes accompanied by inspectors, I visited Ebongweni Correctional Centre in Kokstad (together with the Public Service Commission in June 2016 and again in March 2017); Durban Westville; Helderstroom; Brandvlei; Pollsmoor; and Thohoyandou. During these

visits I interacted with DCS staff and inmates. My preference is not only to formally inspect facilities and possible human rights abuses, but to understand – on a human level – the challenges and emotions of those guarded, as well as the guardians.

### **Successes; challenges; concerns**

In the period with which this report deals JICS achieved considerable success. In our interaction with stakeholders like non-government organisations and universities, we gained much knowledge. JICS also contributed to educate and to correct false perceptions. For example, after the legal aid clinic of a university had complained about “underground cells” as one of the “inhumane conditions” at Ebongweni, an aerial photograph of the centre was made available and a representative of the clinic accompanied us to the centre, to observe first hand that no cells are underground.

We also faced challenges. One is the fact that of the 42 new positions allocated to JICS according to the Minister’s budget speech in May 2016, only 24 were created and 21 filled by the end of March 2017. This was partly due to conflicting interpretations of the budget speech and the budget allocated to DCS by the National Treasury. Progress has been made, however.

Insufficient office space for the Northern Management Region and office of the Inspecting Judge in Gauteng has hampered the work of JICS. Single offices at the facility in Centurion presently used sometimes accommodate four (including the Inspecting Judge) to eight people. The fairly cumbersome process of obtaining much needed office space, involving not only JICS but DCS as well as the Department of Public Works (DPW), is underway.

The alleged lack of independence of JICS from DCS, its National Commissioner and the Ministry has often been raised. A non-governmental organization indeed commenced with legal proceedings against the President, Minister, National Commissioner and Inspecting Judge as respondents. The target of the attack is the part of the CSA dealing with the establishment, status, powers and functions of JICS, which allegedly does not afford to JICS the degree of independence required by our Constitution and international law.

Independence is a state of mind; an approach to one’s constitutional, legal and oral mandate; and a measure of one’s integrity and courage. In this regard I have confidence in the “independence” of JICS, its staff and Inspecting Judge. I have not experienced any significant political or related pressure. By and large the Ministry and the National Commissioner have been supportive.

But institutional and operational independence is of course essential. It requires an appropriate legal framework, sufficient resources and administrative efficiency, if not autonomy.

In this regard JICS has struggled, as in the past. The funds allocated have been insufficient to cover the 243 centres across the length and width of the country. On average, a centre can only be inspected once in three years. Liaison with DCS on administrative and financial needs is often slow and riddled with red tape, to the extent that perceptions of deliberate obstruction are created.

At least partly as a result of the pending litigation a considerable degree of consensus has been reached that JICS needs to be as independent as the requirements of financial and administrative accountability would allow. A new “model” has to be identified for JICS to function within the state administration without being unduly dependent on DCS. A feasibility study has been approved. In addition to JICS and DCS, the National Treasury and the Department of Public Service and Administration (DPSA) are involved. Amendments to the CSA, or a new separate Act, may well be required.

The shortage of professional DCS staff hampers effective rehabilitation as well as other professional services for inmates such as education and health services.

The physical state of correctional centres is of concern. The DPW is responsible for maintenance but most centres inspected needed urgent maintenance and repairs. Maintenance processes seem slow. Most affected are plumbing and hot water systems, electricity, painting and floor tiles. A problem with very low water pressure is experienced at Potchefstroom Correctional Centre. In Thohoyandou there is often no water at all for most of the day, because the two existing boreholes are inadequate and residents of the nearby village cut off water from the reservoir, because they do not want “criminals” to share their water. This shortage increases friction and the possibility of violence.

At several, if not the majority of centres the CCTV cameras that are supposed to record – amongst other things – violent incidents do not function. This is crucially important not only for JICS investigations, but for security in centres. In Potchefstroom for example, turnstiles are defective.

JICS inspectors found mentally ill inmates housed at most of the centres inspected. They are usually housed with the general population to prevent self-harm. DCS custodial officials are not trained to recognise symptoms of mental illness or to deal with those inmates. Medical staff are trained, but not always present in the units where such inmates are housed.

## **CEO**

Venturing a little beyond the time frame of this annual report, I wish to mention one development after March 2017, namely the appointment of a permanent Chief Executive Officer (CEO), Mr Vickash Misser, from 1 September 2017. We look forward to his leadership and management skill. Mr Michael Masondo, who acted as CEO for several years, is thanked for his contribution.

## **Our dignity; cover page**

The significance of the magnifying glass and hands on prison bars in the new JICS logo is obvious. Four of the six colours of the national flag appear. White is often associated with purity, innocence, a new beginning, but also death. Red is the colour of blood, passion, energy, anger, aggression and danger. Green appears in nature, especially the South African bush and is said to have calming and healing power. Blue is the colour of the sky and sea and often symbolises freedom – apparently also for inmates.

The logo of JICS is “our dignity”. Section 10 of the Constitution recognises the human dignity of all in our country. The cover page of this report displays the first four words of the



section. “Everyone has inherent dignity and the right to have their dignity respected and protected.” By necessary implication it requires us to respect the dignity of all.

The cover page was designed by Nathan van den Bergh of DCS. The sketch was made by artist Hanlie Malan for the newspaper *Beeld*, to accompany a piece authored by me on “tronktaal”, or the sometimes almost code language used by prison gangs. Directly the goats behind bars might refer to the fact that a place where perceived hardened prisoners are detained is called the “ramkamp” in tronktaal. However it also reminds us to resist the temptation to regard correctional centres as zoos, or cages, where those who are perceived to be delinquent, difficult, dangerous, or hopelessly down and out, are locked up on our expense to keep “decent people” safe.

Convicted inmates obviously give up certain rights, like freedom. But they can neither waive nor be deprived of the right to human dignity, even when they showed no respect for the humanity of the victims of their crime. As a judge, South African citizen and someone enjoying the sunshine, seas, mountains, bush and deserts of our land I cannot have my dignity upheld, knowing that others - like those incarcerated behind bars and stone walls – are not being treated as human beings. The dignity of all of us, our dignity, is at stake.

Together with our partners like DCS, the SAPS, the Ministry and the many non-governmental organisations who care about the human rights of all, we have to try to ensure that the inherent dignity, with which all human beings are born, is respected and protected, however difficult it might sometimes be.

That is why JICS exists.



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Johann van der Westhuizen

Inspecting Judge

#### **4. STATEMENT BY THE ACTING CHIEF EXECUTIVE OFFICER**

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JICS' mandate emanates from section 85 of the CSA. The mandate requires JICS to hold DCS accountable for its treatment of inmates and on conditions in correctional centres and remand detention facilities. The oversight functions performed by JICS ensure that all inmates are treated with dignity and their human rights are protected. This promotes a smooth reintegration of released inmates from incarceration back into society and rehabilitated citizens. The 2016/17 performance of JICS epitomises the commitment by JICS under the direction of the Inspecting Judge, Justice Van der Westhuizen, that inmates are treated with dignity and respect, and are rehabilitated.

In the period under review, the office of the Acting CEO was responsible for reporting to DCS on a quarterly basis on the strategic performance of JICS, in line with the obligation to report on compliance as required by the Minister of Justice and Correctional Services. JICS currently falls under DCS. National quarterly review sessions with DCS were attended to review performance information in order to report on the achievement of indicators.

The strategic target of inspecting all Correctional and Remand Detention facilities within a three year cycle was met during 2016/2017 financial year. Eighty-one (81) inspections were accomplished.

This annual report provides great detail on the JICS findings for each of the 81 inspections. These appear under the section titled "Inspections" and must be read with Appendices 1 to 6.

The findings revealed the similar and perennial problems of overcrowding coupled with inadequate numbers of professional staff. The appendices cover a wide range of information, of interest to the President, Minister, Parliament and a range of role-players.

To this end, JICS adopted themes during the year and held seminars to highlight its activities. Amongst these themes particular focus was given to the incidents of torture and overcrowding.

The ability to conduct additional investigations was still hampered by the small staff component of the Inspections and Investigations Sub-Directorate. Four inspector / investigator posts are insufficient for the entire country. Nonetheless, the investigations into levels of egregious violence at the St. Albans centre in the Eastern Cape and Helderstroom in the Western Cape received particular attention and are extensively reported on herein.

There were eight cases of unnatural deaths characterised by violence in our correctional centres over the reporting period. JICS' investigations highlighted that the responsibility for the deaths was equally divided between officials guilty of assaulting inmates and inmates killing one another. 55% of suicides were by hanging, representing the majority of methods chosen by inmates to commit suicide.

Dying from natural causes and not in the care of family is a sad but unavoidable situation for most of the deceased inmates. Overall the rate of natural deaths has steadily declined over the years, with 497 recorded during the financial cycle under review.

Segregations, mechanical restraints and the use of force are areas that still require much closer attention by DCS, in particular where inmates wish to appeal their segregation or restraint. JICS has not been able to rule on appeals within the 72 hour statutory limit, largely because of the delay in receiving the appeal papers.

JICS regards its complaints mechanism as the most important grievance mechanism in the correctional environment. This is because inmates can express their dissatisfaction and DCS is legally obliged to attend to inmates' complaints, as per the provisions of section 21 of CSA. The complaints unit received 782 matters, reported below statistically and in substance. At the coalface, the ICCVs handled some 43 637 complaints.

The regional offices have the important task of ensuring that each correctional and remand facility is serviced by at least one ICCV. The regions report in some detail on the appointment process and engagements with stakeholders and the community.

The independence of JICS will be enhanced once it has taken an organisational form which meets its strategic objectives in ensuring an oversight role over DCS without unnecessary administration hindrance by DCS. High level engagements have taken place in this regard with DCS, the DPSA and National Treasury. The establishment of a National Task Team was constituted to look into the various organisational forms that JICS could take in terms of the Public Service Act, 1994. These include:

- Government Component,
- Service Delivery Unit, or
- Public Entity

It is envisaged that the Minister will consider, in line with the Public Service Act, a feasibility study to determine which organisational form would be appropriate.

The need for appropriate office accommodation for the Inspecting Judge and some of the regional offices was not finalised during this period. The matter is urgent and of great concern since the Inspecting Judge himself has no office in Pretoria.

JICS has continued its fruitful engagements with the public and stakeholders within government structures and the non-governmental sector. These engagements have contributed to advocating the work of JICS and adopting best practises of these organisations.



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Michael Masondo

Acting CEO

## 5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY

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

All information and amounts disclosed throughout the annual report are consistent.

The annual report is complete, accurate and is free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The Annual Financial Statements have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

The Acting CEO is responsible for the annual financial statements made in this information.

The Acting CEO is responsible for establishing, and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

In my opinion, and cognisant with my responsibilities in terms of section 88A(1)(a) to (c) of the CSA, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the JICS from 01 April 2016 until 31 March 2017.

Yours faithfully



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Michael Masondo

Acting CEO

## **6. STRATEGIC OVERVIEW**

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### **6.1. VISION**

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

### **6.2. MISSION**

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

### **6.3. VALUES**

JICS ascribes to the following values:

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

## **7. LEGISLATIVE AND OTHER MANDATES**

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### **Constitution of the Republic of South Africa**

The Constitution of the Republic of South Africa is the supreme law of the country. It incorporates a Bill of Rights. The rights are indivisible, each applicable to the circumstances and either on their own or in a combination. Rights are subject to limitations. The lists below are 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, religion and language
- 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 Correctional Services Act 111 of 1998 (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 DCS. 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**

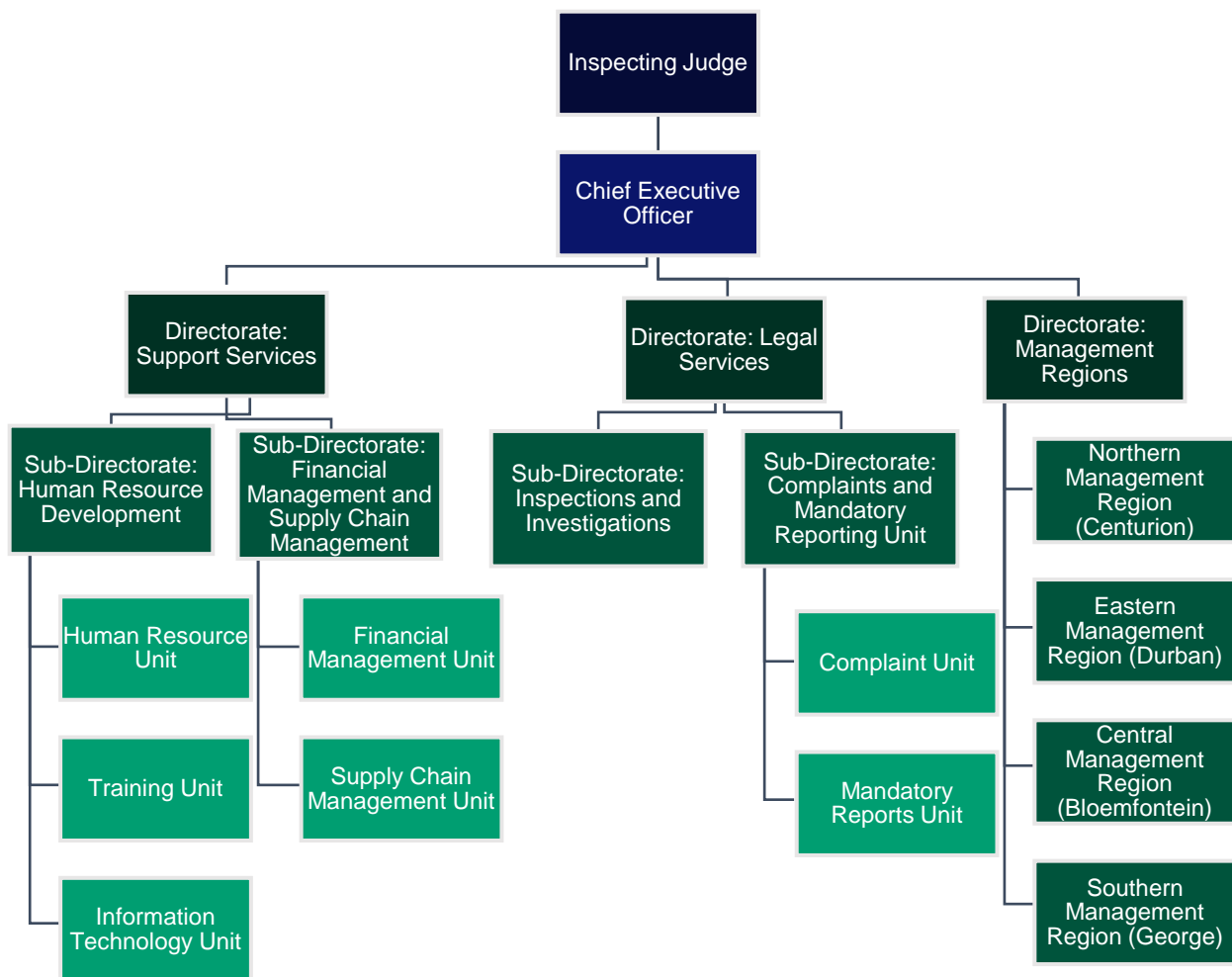
South Africa has ratified a number of international and regional treaties and conventions relating to incarceration. The Constitution provides a guide on the interpretation of the Bill of Rights and its section 39(2) requires that any court, tribunal or forum must consider international law and may consider foreign law. The authority, procedure and incorporation of international agreements, customary law and its 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)

## 8. ORGANISATIONAL STRUCTURE

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**PART B**

**PERFORMANCE  
INFORMATION AND  
OVERSIGHT REPORT**

## 1. PERFORMANCE INFORMATION

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

### Sub-programme purpose:

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

### Strategic objective:

To provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPPs.<sup>2</sup>

Table 1 JICS strategic objective and achievement, 2016/2017

Strategic objective	Strategic indicator	Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	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 on conditions and treatment of inmates.	33% (81/243) <sup>3</sup>	33% (81/243)	33% (81/243)	None	N/A

<sup>2</sup> 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.

<sup>3</sup> 81 inspections per year of the total of 243 facilities countrywide. JICS achieved its inspection target over the three year period.

**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: 2016/2017**

*Table 2 Sub-programme expenditure: JICS*

<b>Items</b>	<b>Balance</b>
<b>Total Budget Allocation</b>	R 65,309,000.00
<b>Compensation of Employees</b>	R 57,380,000.00
<b>Minor Assets (less than R5000)</b>	R 883,000.00
<b>Goods and Services</b>	R 7,046,000.00

## 2. OVERSIGHT REPORT

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### 2.1. INSPECTIONS

#### 2.1.1. INTRODUCTION

Section 90(1) of the CSA requires that the Inspecting Judge inspects or arranges for the inspection of correctional centres and remand detention facilities.<sup>4</sup> The statutory purpose of inspections is to assess the treatment of inmates, the conditions under which they are kept and on any corrupt or dishonest practices.

JICS inspections are demarcated and aligned to the six DCS regions. The reason is that within the DCS hierarchy, the RC is the Head of a particular DCS region and is responsible for ensuring that the CSA incarceration policies of DCS are complied with at all facilities within his/her jurisdiction.

Inspection reports with recommendations are submitted to the HCC, the Area Commissioner and the RC. The internal DCS protocols report to their principals.

The appendices at the end of this report must be read with the submissions hereunder. Extracts from these schedules are summarised below:

#### 2.1.2. GAUTENG REGION

Tables 3 and 4 below outline the number of facilities in the Gauteng region and their inmate population, as well as the number of facilities inspected during the performance cycle under review and their population figures.

This section must be read with Appendix 1.

*Table 3 Inmate population for the Gauteng region, 2016/2017*

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
25	24 848	881	10 180	375

*Table 4 Inspected facilities in Gauteng during the 2016/2017 financial year and their population figures*

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
7	7 311	6 588	732 / 11 %

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<sup>4</sup> An amendment to the principal act in 2011 introduced the concept of a remand detention facility.

#### A. Population and rate of overcrowding

Modderbee is located in the Gauteng Province and is the largest correctional centre/remand facility inspected in this financial year. On the day of the inspection, it held 34% more inmates than its capacity. The smaller facilities (Heidelberg, Leeuwkop Juvenile and Devon) all operate below capacity and all have a population of less than 1000 inmates. All overcrowded facilities in Gauteng have similar occupancy rates, at approximately 130% to 140%, or a rate of overcrowding of 30% to 40%.

#### B. Professional staff

Nursing, social assistance and educational services were assessed during inspections. The DCS norm is to have one nurse and social worker for every 240 inmates. Not all the centres were adequately capacitated in this area. The on-going failure by DCS to attract social workers was evidenced where the norm was not met. At Modderbee, the ratio of social workers to inmates was 1:665 and at Johannesburg Female, it was 1:909. In respect of educationists, the majority of centres did not employ full time and properly qualified persons.

**JICS recommends to DCS that drastic and urgent steps be taken to meet the adequate threshold.**

#### C. Structure

Six of the seven inspected facilities were not in a satisfactory condition and required building renovations and/or other maintenance. JICS inspectors found with satisfaction that the HCCs were active in reporting and liaising with the building divisions of DCS. However, building and maintenance are largely the function of the DPW. DCS and DPW have repeatedly reported that contractors often breached the terms of their contracts, resulting in delays.

#### D. Health care

The HIV/Aids screening and testing for tuberculosis within DCS has improved progressively over the decade. In respect of mental health, a range of diagnoses are made and treatment provided. JICS noted with satisfaction that no statutorily declared state patients under the Mental Health Care Act 17 of 2002 were incarcerated at any of the centres in Gauteng.

#### E. Rehabilitation

The number of inmates participating in training is insufficient, caused by the lack of qualified educationists and skilled mentors in trades. In vocational training such as

woodwork, metallurgy, baking, etc. the average number of eligible participants is extremely low. Modderbee Correctional Centre has 2 895 sentenced offenders but only accommodated 264 participants, representing 7% of the total sentenced population. The ability of DCS to provide more activity than the basic minimum programmes required and determined at the sentence planning stage is concerning. The percentage of sentenced offenders involved in rehabilitation programmes varies from 7% at Devon to 34% at Johannesburg Female. Johannesburg Female is, however, a well-managed centre.

### **Case study: Inspection of Johannesburg Female, Gauteng Province**

#### **Old Generation – Competent Management**

Johannesburg Female Correctional Centre was built in 1982 and is located near Soweto, Gauteng. It houses inmates classified as maximum, medium and remand detainees.

The facility was designed to accommodate a total of 613 inmates. A total of 909 females (excluding 28 babies) were incarcerated on the day of the inspection, thus bringing the level of overcrowding at 48% on that day.

All the units within the facility had access to basic medical services. Eight nurses were employed. Two clinical psychologists provided professional services on a sessional basis.

The kitchen was found to be in an acceptable standard despite challenges with the plumbing system. Three separate meals were served in a 24-hour cycle.

The 28 babies housed at the facility were each supplied with baby formula and meals. There were enough toys available and babies were observed playing outside in a courtyard during the inspection. A shortage of baby clothes was reported by the mothers.

Provision was made for education, including Adult Basic Education and Training (ABET) and distance learning via tertiary institutions. Inmates who are in grade 10 to 12 are transferred to Kgosi Mampuru II Female Correctional Centre (in Pretoria, approximately 100 kilometres away) in an effort to address overcrowding. Inmates who study at tertiary institutions are allowed to use their laptops during the week. They are also allowed supervised internet access twice a week for study purposes.

Rehabilitation programmes available at the facility include life skills, anger management, substance abuse, parenting skills and sexual offender programmes.

External service providers offer vocational training programmes to inmates, such as fabric painting, hair dressing, embroidery and recycling paper bindings.

Inmates interviewed mainly complained about the parole process, a shortage of uniforms and that their complaints were not properly addressed by DCS officials.

No reports were received of any inmate being injured by the actions of DCS officials.

Johannesburg Female can be counted as a bright star amongst DCS facilities countrywide. It is of course not the only facility that performs well despite the challenges it faces.

### 2.1.3. WESTERN CAPE REGION

Tables 5 and 6 below outline the number of facilities in the Western Cape region and their inmate population, as well as the number of facilities inspected during the financial year under review and their population figures.

This section must be read with Appendix 2.

*Table 5 Inmate population for the Western Cape region, 2016/2017*

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
42	17 223	625	10 183	441

*Table 6 Inspected facilities in the Western Cape during the 2016/2017 financial year and their population figures*

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
12	8 758	6 575	2 183 / 33%

#### A. Population and rate of overcrowding

The rate of overcrowding in the Western Cape remains severe. As at 31 March 2017, some 2 183 (33%) inmates were in excess of the region's capacity. Public attention seems to focus on the Pollsmoor Remand Facility. Although the situation at that centre was found to be intolerable, the situation is problematic in other centres as well.

In recent case law, Judge Vincent Saldanha detailed the historical background of the Pollsmoor facility.<sup>5</sup> The judgment referred to several inspection records, including those dating from 2003, which found that the average overcrowding was approximately 235%. In 2010, it was approximately 216%. On 18 December 2012 the figure was 208%<sup>6</sup> and on 1 February 2015 it rose to an alarming 305%.<sup>7</sup>

<sup>5</sup> *Sonke Gender Justice v Minister of Correctional Services & Others*, ZAWCHC (unpublished) (5 December 2016) (Pollsmoor judgment), paras. 22 to 37.

<sup>6</sup> Visit by Justice Van der Westhuizen in his capacity as a judge of the Constitutional Court, cited in the Pollsmoor judgment.

<sup>7</sup> Pollsmoor judgment, para. 28.

Beyond Pollsmoor, George, Knysna and Oudtshoorn are amongst the most overcrowded facilities in the country, each accommodating more than double their respective capacity.

#### B. Professional staff

Pollsmoor Medium C Correctional Centre holds sentenced offenders and had one nurse for 448 inmates on the day of the inspection. George Correctional Centre has one nurse for 408 inmates, while Knysna Correctional Centre has one nurse for 382 inmates.

The adequacy of health care services is insufficient and **JICS recommends to DCS that immediate attention be given to recruit additional nurses to those centres with less than one nurse for 240 inmates.**

The services of social workers are paramount to the rehabilitative process of inmates. Pollsmoor Medium C employed one social worker and one qualified educator who were each responsible for 895 inmates.

The Western Cape region is unable to offer professional services to inmates in a number of areas. This hampers rehabilitation and reintegration upon release, and increases the risk of recidivism and of the “revolving door” syndrome.

#### C. Meal intervals and exercise

Section 8 of the CSA provides for strict time intervals between meals. Section 11 provides that inmates must have at least one hour of exercise daily, weather permitting. However, due to overcrowding and insufficient staff, meal intervals and the statutory minimum daily exercise were not always strictly complied with.

#### D. Health Care

Every inmate on admission to a facility must be medically assessed.<sup>8</sup> The HCC of each of the 12 inspected facilities confirmed that all inmates were assessed on admission. However, there was no evidence available to verify that inmates were effectively assessed within 24 hours of their admission. This said, inspectors performed random documentary checks to corroborate the HCC statement, and found that the assessments were not all performed as stated. Where assessments were indeed recorded they appeared cursory, quick and superficial. This *modus operandi* is nevertheless most likely caused by the low ratio of qualified staff to inmates.

DCS medical staff indicated that drug induced psychosis, or substance abuse, is highly prevalent in the Western Cape generally, and that alcohol abuse, cannabis (dagga), methaqualone (mandrax) and crystal methamphetamine (tik) are amongst the most common afflicting inmates.

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<sup>8</sup> JICS identified and reported on this in previous years and criticised the non-compliance with section 6(5)(b) of the CSA by some centres.



## E. Rehabilitation

The number of sentenced inmates registered for schooling is extremely low.<sup>9</sup> There were none in most centres, and represented 2.9% (44 out of 1 481) of the sentenced population at Malmesbury Medium A, the highest in the region.

Vocational training and the existence of workshop facilities were almost non-existent in the facilities inspected in 2016/2017. The highest figure was found at Malmesbury Medium A, where 76 (5%) of sentenced inmates were engaged in meaningful activity.

Section 16 of the CSA outlines the minimum care and development which DCS must provide, and encourages it to go beyond the minimum. However, in the centres inspected during the financial year under review, DCS was only able to fulfil the minimum statutory requirements.

### 2.1.4. EASTERN CAPE REGION

Tables 7 and 8 below outline the number of facilities in the Eastern Cape region and their inmate population, as well as the number of facilities inspected during the financial year under review and their population figures.

This section must be read with Appendix 3.

*Table 7 Inmate population for the Eastern Cape region, 2016/2017*

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
44	14 948	321	5 083	441

*Table 8 Inspected facilities in the Eastern Cape during the 2016/2017 financial year and their population figures*

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
19	9 075	5 301	3774 / 71%

## A. Population and rate of overcrowding

The Eastern Cape region is characterised by severe overcrowding. Grahamstown, St. Albans Medium B and Flagstaff correctional centres all hold double their respective capacities. At least eight other facilities hold an inmate population representing 150% of the centre's capacity.

<sup>9</sup> DCS policy is aligned to the Department of Basic Education insofar as compulsory schooling.

**JICS finds that the consequences of overcrowding and staffing to inmate ratios are intolerable and fall below acceptable humane conditions.**

**B. Professional staff**

DCS management in the Eastern Cape took steps to ensure the recruitment of nursing personnel. However, health care remains severely compromised at the larger overcrowded centres. This results in challenges regarding frequency of access to health care staff, time spent with patients and the uninterrupted and regularity of the provision of medication.

Social workers at the aforementioned centres cannot provide any decent service to inmates. Grahamstown and Middeldrift correctional centres each employ social workers at a ratio of 1 for 600 inmates.

Similar to the crisis of health care and social assistance, the educational environment teeters on the verge of non-existence even at the lowest expectations. Kirkwood Correctional Centre employs one educator for 1 095 inmates and had no students registered for schooling nor provided any training of any description. Eleven inmates, representing 1% of the inmate population, engaged in a rehabilitation programme.

**C. Mentally ill state patients**

Grahamstown Correctional Centre held six statutorily declared state patients who were all anticipating a transfer to a designated specialist facility. Due to the unavailability of bed space at nearby specialist facilities, some state patients are kept in the hospital unit of the facility. Similarly, Fort Beaufort, Middelburg, and Mt. Fletcher correctional centres housed six state patients amongst them.

**2.1.5. KWAZULU-NATAL REGION**

Tables 9 and 10 below outline the number of facilities in the Kwa-Zulu Natal region and their inmate population, as well as the number of facilities inspected during the financial year under review and their population figures.

This section must be read with Appendix 4.

*Table 9 Inmate population for the Kwa-Zulu Natal region, 2016/2017*

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
40	21 357	496	6 163	141

Table 10 Inspected facilities in Kwa-Zulu Natal during the 2016/2017 period and their population figures

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
13	9 170	6 027	3 143 / 52%



JICS inspectors and ICCVs assess conditions of detention at Durban Correctional Centre

#### A. Population and rate of overcrowding

The average occupation rate in the region was 150% of the approved capacity. Pietermaritzburg Medium A held 3 340 inmates on the date of inspection, but has a maximum capacity of 2 043. 2 285 were sentenced offenders and 1 055 were remand detainees.

#### B. Professional staff

Pietermaritzburg Correctional Centre had 20 nurses, representing a ratio of 1 to 167 inmates, well above the norm. Sevontein Correctional Centre was the second best serviced centre, with a ratio of 1:257 inmates. Durban Medium C, Waterval Medium A and Durban Youth correctional centres showed signs of overburdened nursing staff, with Durban employing one nurse to service 521 inmates.

Social workers and educators at Pietermaritzburg Correctional Centre were shockingly in short supply with one educator responsible for the 2 285 offenders. Educators are also urgently required at Durban Medium C, Sevontein and Waterval Medium A correctional centres.

**JICS finds that the situation at these centres is critical with basic services not being rendered. JICS recommends that DCS urgently addresses this situation.**

**C. Health care**

Despite a DCS official claiming during the inspection that all inmates are medically assessed within 24 hours of admission, the shortage of nursing personnel leads JICS to express serious doubts as to the veracity of this statement. However, at Durban Female Correctional Centre, voluntary testing for HIV was extensive and a positive reflection on its management. A small percentage of inmates were diagnosed and treated for mental illnesses.

**D. Rehabilitation**

The number of inmates engaged in adult education, schooling and vocational training was minimal. Therefore, DCS was only able to provide the basic minimum opportunities that would allow inmates to access a comprehensive rehabilitation process to transform themselves when they are released.

**2.1.6. FREE STATE / NORTHERN CAPE REGION**

Tables 11 and 12 below outline the number of facilities in the Free State / Northern Cape region and their inmate population, as well as the number of facilities inspected during the financial year under review and their population figures.

This section must be read with Appendix 5.

*Table 11 Inmate population for the Free State / Northern Cape region, 2016/2017*

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
49	18 122	298	4 971	68

*Table 12 Inspected facilities in the Free State / Northern Cape region during the 2016/2017 period and their population figures*

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
16	5 522	5 628	106 / 2%

A. Population and rate of overcrowding

All the facilities inspected except Tswelopele (in Kimberley) and Upington correctional centres are small and hold negligible numbers. Overcrowding is not an issue in this region.

B. Specialist staff

Upington Correctional Centre employed two nurses to service 1 129 inmates, which is inadequate. Upington requires additional social workers and educators.

C. Health Care

Upington Correctional Centre houses 32 inmates diagnosed with a mental illness and on the day of the inspection, held four state patients awaiting a transfer to a specially designated facility.

D. Rehabilitation

Tswelopele Correctional Centre is a modern facility and places great emphasis on schooling, with some 671 inmates engaged in schooling. Unfortunately, vocational training opportunities are virtually non-existent.

**Case study**

**Inspection of Tswelopele Correctional Centre, Northern Cape Province**

**New Generation – Old Problems**

The facility is amongst the most recent built and accommodates 2 880 inmates. It was inspected in June 2016.

The design is modern and comprises four wings: three accommodate inmates and one is used for the administration of the centre.

A major issue at this centre is that most inmates want to be incarcerated elsewhere. Indeed, section 43(1) of the CSA and the corresponding regulation 25 provide that inmates must be housed closest to the place where they will reside after release. However, the CSA also stipulates that availability of accommodation, security requirements and availability of programmes must be taken into consideration when deciding on the centre at which an inmate will be held. A large number of inmates are transferred to Tswelopele, despite it being located far from their families. However, appropriate facilities are not always available closer to their homes. The balancing of the right to have reasonable

access to visits and the logistical problems caused partly by overcrowding in other centres around the country results in much unhappiness.

During a tour of the centre our inspector reported that the security doors and cameras were not functioning. This posed a security risk to both inmates and officials. The overall state of the facility was poor and the kitchen in particular required repairs and functioning equipment to prepare and store food. The centre also faced problems of inadequate water supply and hot water not always being available.

Health care was not provided by an in-house medical practitioner and inmates were required to use the local public hospital.

Inmates complained about the large number of inmates crammed into classrooms, affecting their ability to receive schooling.

Meals were not served within the prescribed statutory intervals.

The treatment at the “K 2” unit was found to be in breach of a number of basic fundamental rights and the statutory provision of amenities. The right of inmates to exercise daily for at least one hour in the open air, weather permitting, was continuously breached. Inmates also complained that there was no access to telephones in the unit and their right to communication was unlawfully denied. “K 2” was used as a punishment cell for inmates who complained. Officials are statutorily obliged to permit inmates to lodge complaints, but this right was routinely denied.

**The JICS inspector found that inmates were regularly assaulted and subject to the unlawful use of force.**

The overall impression of Tswelopele was that its state-of-the-art technology was generally dysfunctional. Basic services and infrastructure were lacking and its administration was poor.

**JICS findings and recommendations were presented to the DCS management of the centre and they were invited to reply. They undertook to rectify the identified areas, but only partially upheld their commitments.**

The facility was also visited by Justice Cameron of the Constitutional Court who confirmed JICS’ findings.

#### 2.1.7. LIMPOPO / MPUMALANGA / NORTH WEST REGION

Tables 13 and 14 below outline the number of facilities in the Limpopo / Mpumalanga / North West region and their inmate population, as well as the number of facilities inspected during the financial year under review and their population figures.

This section must be read with Appendix 6.

Table 13 Inmate population for the Limpopo / Mpumalanga / North West region, 2016/2017

Total functional facilities	Sentenced population		Remand population	
	Male	Female	Male	Female
37	17 778	358	6 024	88

Table 14 Inspected facilities in the Limpopo / Mpumalanga / North West region during the 2016/2017 period and their population figures

Inspected facilities in 2016/2017	Total inmates on date of inspection	Total capacity on date of inspection	Overcrowding number/percentage
14	8 178	5 835	2 343 / 40%

A. Population and rate of overcrowding

There are only six correctional centres in Limpopo. Tzaneen is still under construction and its opening ought to alleviate the overcrowding.

Potchefstroom, Makhado, Thohoyandou Medium A and Medium B correctional centres were seriously overcrowded on the day of the inspection. Rustenburg Juvenile is currently under construction and held a small number of inmates.

B. Professional staff

Losperfontein Correctional Centre has a hospital and employs eight nurses. Sick inmates are transferred there from smaller centres for medical assistance. Potchefstroom Correctional Centre, a historically violent and gang ridden facility, had a ratio of one nurse to 437 inmates on the day of the inspection. This was totally inadequate, and aggravated by the fact that it housed females and was required to provide pre- and post-natal services.

C. Health Care

Two state patients were found at Middelburg Correctional Centre and one at Zeerust Correctional Centre, on the day of the respective inspections. The cause is the familiar problem of insufficient bed space at the relevant mental health institutions.

D. Rehabilitation

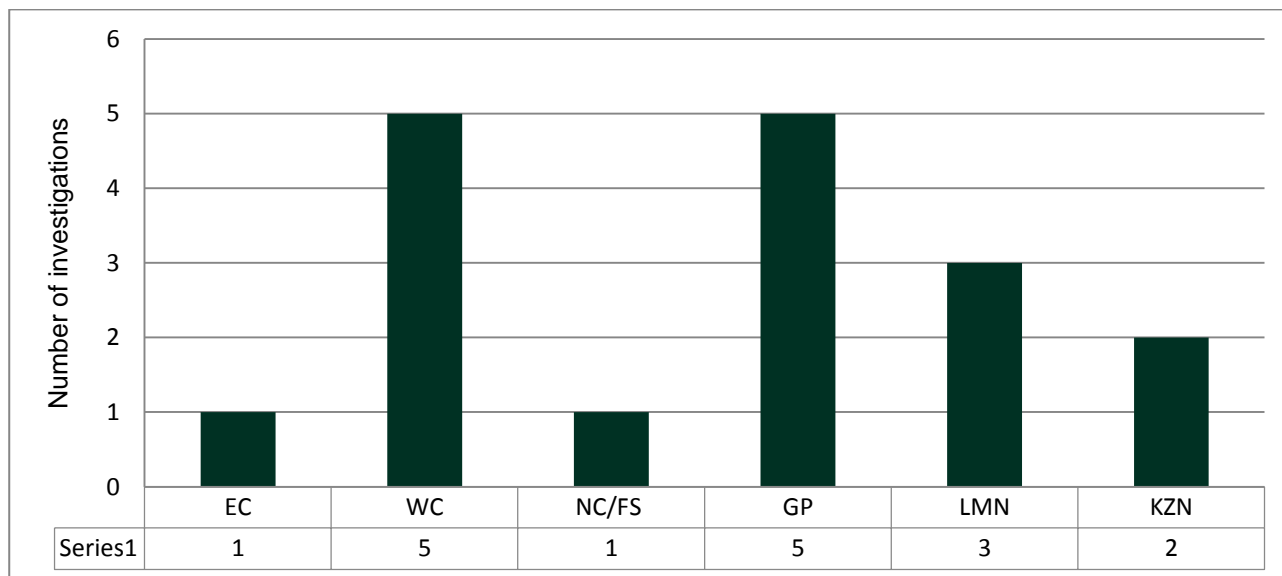
Losperfontein and Barberton correctional centres are located on farms and farming in theory forms part of vocational training. In addition, Losperfontein has a school. However,

access to adult education, schooling and vocational training were in practice minimal, leaving most inmates without a structured activity program and idle. Very few inmates had access to farming activities.

## 2.2. INVESTIGATIONS

### 2.2.1. INTRODUCTION

Figure 1 Investigations conducted during the 2016/2017 financial year, per DCS region



JICS policy prescribes that in-loco investigations primarily be conducted in relation to allegations of physical harm to inmates or officials, including allegations of homicide, suicide, torture, assault with intent to do grievous bodily harm and common assault. However, due to insufficient staff, JICS was able to investigate only a small percentage of such allegations as its four regional inspectors are tasked to perform both investigation and inspection duties. The ICCVs, despite their enthusiasm and willingness to assist, are not trained in investigative work. Notwithstanding, ICCVs being assigned to a particular centre often remain the first JICS official on the scene of an allegation of the nature listed above. In this capacity, they are of invaluable service. Under the direction of the investigator, they record the first statements. The objective is to prevent that alleged perpetrators intimidate victims and witnesses. Officials who may be prone to maladministration or defeating the administration of justice by denying the ICCV presence or role in an incident are also thwarted by the speed at which ICCVs are able to react.

JICS investigations follow the same process as a police investigation and the compilation of a police docket, except for forensic crime scene investigation. This said, JICS is wholly reliant on SAPS for crime scene investigations and on the provincial Health Departments for autopsy reports. JICS therefore remains largely dependent on the goodwill of DCS officials to conduct its investigations.

In practice, JICS is reliant on the factual circumstances recorded by DCS investigators and its role is to review the DCS internal investigative report. This is not ideal but under the



current constraints (human resources and legislative mandate), constitutes the only means available. However, JICS finds that DCS officials conducting an internal investigation are mostly competent and not prone to manipulating the evidence. There are unfortunately exceptions amongst some DCS investigators and their line managers. It appears that DCS officials are particularly averse to criticism and external oversight when DCS officials commit crimes or when adverse findings highlight managerial incompetence. In the most blatant scenarios, DCS investigators will simply condone murderous conduct of their counterparts by actively protecting officials who should be criminally charged and dismissed for gross misconduct. It is reassuring to note that the latter represents isolated incidents.

A summary of each investigation is recorded in the table below. In each case, JICS findings were presented to DCS. None of the findings were refuted.

## 2.2.2. SUMMARY OF INVESTIGATIONS CONDUCTED IN 2016/2017

*Table 15 Summary of investigations conducted in 2016/2017*

#	In loco	Centre	Allegations	Finding
1.	April 2016	<b>Losperfontein</b>	<ul style="list-style-type: none"> <li>• Inmate assaulted during search of cell.</li> <li>• Usage of mobile phone.</li> </ul>	No credible evidence that inmate was assaulted. No mobile phone found during the search.
2.	June 2016	<b>Tswelopele, Kimberley</b>	Unlawful segregation of three inmates.	DCS found to have acted in non-compliance with s30 of the CSA and the HCC was advised in writing of JICS findings.
3.	July 2016	<b>JHB Med A</b>	Lack of adequate bedding.	Facility overcrowded resulting in breach of s10 of CSA. DCS overcrowding task team visited the facility to improve the conditions.
4.	August 2016	<b>Witbank</b>	Study rights infringed by confiscation of laptop.	Confiscation was justified since inmate breached conditions of use - unauthorised material not related to studies was found on laptop.
5.	October 2016	<b>Malmesbury</b>	Unlawful cavity search of inmates and assault.	S27 of CSA found to have been complied with by DCS. DCS advised that all such searches must strictly comply with legislative prescripts because of the

#	In loco	Centre	Allegations	Finding
				extremely intrusive nature of a cavity search.
6.	September 2016	<b>Helderstroom</b>	<i>See case study below</i>	<i>See case study below</i>
7.	November 2016	<b>Modderbee</b>	Gang fight and force used to restore order.  After restoration officials then unlawfully assaulted inmates.	The use of force was necessary and reasonable in respect of gang fight.  ICCV reported that subsequent assaults in the passage occurred in his presence and he stopped it.
8.	December 2016	<b>Pollsmoor Remand</b>	Alleged unnatural death.  Inmate found dead in bed.	Autopsy found that the death arose from natural causes.
9.	December 2016	<b>Ebongweni Supermax</b>	Inmate alleged that he was threatened and assaulted when he refused to have fingerprints taken. Officials forced his hand open.	Evidence that inmate bit his own lip during the lawful act of forcing hand to allow fingerprint to be taken. Inmate did not raise a complaint or seek medical attention at the time.
10.	January 2017	<b>St. Albans Max</b>	<i>See case study below</i>	<i>See case study below</i>
11.	January 2017	<b>Leeuwkop</b>	Inmate protest resulting in riot and arson. One death and various injuries – including smoke inhalation and burns.	The reason for the protest and events after was the confiscation of plastic buckets. Buckets intended to brew beer during festive season. Autopsy report awaited to confirm cause of death.
12.	February 2017	<b>Krugersdorp</b>	Incident of protest, disorder and arson – setting mattresses and bedding alight. Inmates locked themselves in their cell. Inmates unhappy about treatment and DCS not resolving their complaints. Allegation of death of an inmate.	Grievances by inmates not addressed due to lack of DCS staff. Reasons found not tenable and unjustifiable. Better management and improved relationship with inmates is required from DCS staff at the centre. Allegations of death unfounded.

#	In loco	Centre	Allegations	Finding
				Allegations of unlawful force and assaults on inmates unfounded.
13.	February 2017	<b>Thohoyandou Med</b>	During a search for contraband, inmates were removed from the cell.  Inmates damaged property.  Pepper spray used.	DCS version that inmate injured himself not tenable. Yet, the use of pepper spray was justified.  However, JICS made several repeated requests for additional information from DCS, which was never received.
14.	March 2017	<b>Eshowe</b>	Inmates protested that their complaints were not individually addressed, including complaints relating to medical care.	Found that complaints and injury registers were incomplete. JICS found that inmates were unlawfully transferred to Ebongweni. DCS is apparently unable to contain gang activity.  DCS breached its statutory obligation to report the use of force to JICS.
15.	March 2017	<b>Zonderwater Med</b>	Lifers complained about eligibility for release on parole not being processed.	DCS advised to continuously explain to inmates that the authority to decide on parole for lifers lays with the Minister and that there is a backlog in the processing of applications.
16.	March 2017	<b>Worcester Male</b>	Suicide by hanging.	Autopsy report still pending.
17.	March 2017	<b>Worcester Female</b>	Allegation of assault by an official.	Unable to find corroboration of allegation of assault. DCS officials sensitized to address misconduct by inmates in a calm and professional manner.

## Case study: St. Albans Maximum, Eastern Cape Province

### “LOSING CONTROL”

St. Albans Correctional Centre is one of the most violent facilities in the country. DCS officials are attacked regularly. Inmates in turn are assaulted by DCS officials.

On Christmas evening of 2016, after some inmates were denied visits, they planned an attack on DCS officials and fashioned knives from metal pieces taken from their beds.

The JICS investigation highlighted the following:

#### **The attack by inmates:**

- On 26 December 2016, inmates housed in cells 22 and 23 of B-unit at St Albans Maximum attacked DCS officials during breakfast.
- Five DCS officials were present in the dining hall and a further 11 officials were outside in the courtyard.
- Two DCS officials were stabbed by two inmates in the dining hall and they all ran into the courtyard. Inmates followed and the attack continued.
- A DCS official opened a gate to the administration unit for officials to escape but inmates managed to gain access as well.
- The inmates barricaded themselves into an office causing substantial damage to office equipment and files. DCS officials used pepper spray in an attempt to take control of the situation.
- The siren was activated and DCS officials arrived *en masse*.
- DCS officials from the Emergency Support Team (EST) were mandated to remove the inmates from the office in which they barricaded themselves.
- The door was eventually forced open, rubber bullets were fired into the office and inmates surrendered. The situation was brought under control by the EST and order was restored. **JICS finds that the EST managed the situation in a proportional and statutorily satisfactory manner.**
- After the incident, EST officials handed the restrained inmates over to the DCS officials.

#### **The retribution:**

- A number of inmates were subsequently severely assaulted by officials from the unit. Some inmates who were locked in the dining room but did not take part in the attack were also later assaulted.
- It is alleged that the subsequent assaults took place in the presence of the HCCs of St. Albans Maximum, Medium A and Medium B, who struggled to bring the situation and DCS officials under control.
- Five DCS officials were injured and hospitalised.
- 21 inmates were hospitalised and three inmates lost their lives, one on the scene and two later in hospital.

- Autopsy reports on the deceased inmates confirmed their deaths were as a result of severe physical trauma. One inmate was found with a piece of plastic (ostensibly from a rubber bullet) lodged in his face.
- Some DCS officials present during the incident were unwilling to cooperate with JICS during the investigation. They communicated via their respective trade unions and attorneys.
- **JICS finds that the actions of both inmates and DCS officials were unlawful, and criminal and disciplinary proceedings were warranted;**
- **DCS disciplinary processes are ongoing and progress in this regard is awaited.**
- **A criminal case has been opened and directions from Director of Public Prosecutions: Eastern Cape is awaited.**

### Case study: Helderstroom Correctional Centre, Western Cape

#### “SHAFTED!”

Helderstroom facility is located in the Overberg, Western Cape Province.

The following is an account of the JICS investigation:

- On 16 September 2016 at approximately 13h45, four inmates assaulted DCS officials at the facility.
- On Fridays, the facility generally functions with minimum DCS officials;
- According to DCS, the total number of inmates held in the B unit on 16 September 2016 was 704, with six officials guarding them (a ratio of 1:117).
- It seems as if the officials were caught off guard. There was apparently no warning from inmates (informants) on the attack as it seems that the four inmates (all members of the “26 gang”) acted without official knowledge from their own or other gangs. The unexpected nature of the attack was confirmed by the available CCTV footage.
- Despite the known shortage of staff, many inmates were roaming the passages without escort and seemingly had free access to the courtyard and dining hall. Internal gates which were supposed to be locked were left open.
- Inmates first attacked a DCS official at the cell door using locks on strings (isijumbane) as weapons. After the first attack, the inmates ran to the dining hall where they attacked and injured two other officials.
- CCTV footage showed that some officials panicked while others stayed calm and tried to normalize the situation.
- The siren was activated and DCS officials from the maximum facility and those off duty rushed to the facility to assist. This added to the chaos as officials were not controlled.

- **Experience in other similar recent incidents (Brandvlei Maximum, St. Albans Maximum and Virginia for instance) shows that when the siren is activated and managers do not control the influx of DCS officials, there is an increased risk of mass assault and even homicide by DCS officials.**
- Four DCS officials sustained serious injuries as a result of the attack.
- The four inmates briefly controlled the unit in front of their cells. There they threatened officials and used gang salutes to indicate that they achieved their goal - "*die nommer is vol*".
- Officials entered the unit through two gates and inmates attacked them. A fight ensued and it is clear that the inmates did not surrender easily. The DCS officials had to use force to bring the situation under control. In this process, DCS officials and inmates sustained injuries.
- **Some DCS officials are seen using tonfas beyond acceptable legislative and policy prescripts. The manner in which they were used have has the potential to severely injure or even kill.**
- From video footage obtained it seems further that the use of minimum force was exceeded in at least one instance, in the passage. The footage shows that towards the end of the incident, an inmate was held to the ground while one DCS official stands over him and hits him several times with his tonfa. It is possible that inmates suffered at least some of the injuries to their legs then.
- The video footage does not allow for identification of the DCS officials. The DCS investigation identified the names of at least two of the officials involved. They indicated in their statements that the inmates were still fighting when they had to use force. While this was initially the case, video evidence shows that the use of force appears to later escalate into an assault.
- Three of the four inmates are taken to a "shaft" (a small courtyard/passage next to the corridor where the plumbing pipes are located). The fourth temporarily escapes through open doors to the courtyard. The presence of other inmates in the passages and courtyard caused confusion and facilitated the inmate's escape.
- Statements from DCS officials indicate that they took the inmates to the shaft to isolate them from other inmates. The shaft is not supposed to be used to keep inmates at all. **However, previous investigations at Helderstroom have found that inmates are being put into shafts. Inmates have repeatedly complained that they are assaulted by officials in the shafts. There are no CCTV cameras in the various shafts, therefore constituting a convenient space for DCS officials intending to exercise unlawful force on inmates to commit such acts.**
- **The HCC only arrived at the shaft after the incident but did not order that inmates be taken to his office or to the medical facility.**
- The camera at the entrance to the shaft shows the fourth attacker (who escaped earlier) walking up to the gate where he is confronted by a DCS official. About six other officials are gathered at the entrance of the shaft watching the interaction. It is unclear from the footage what exactly happened; the inmate lifts his arm and the official start to hit him. The inmate runs towards the shaft entrance, followed by the DCS official. It seems as if he tries to run from the official. He falls in front of the officials who immediately swarm over him. A DCS official can be seen kicking an

inmate. The official later claimed he tried to kick the lock out of the inmate's hand. At that moment, the inmate is alone and down on the floor. It is uncertain if he really poses a serious threat to the seven DCS officials and a dog surrounding him.

- Inmates walk into the shaft; some crawl out a while later.
- Another inmate, identified by the four inmates as the person who instructed them to assault the DCS officials was brought to the shaft.
- The DCS report avers that it is not possible to ascertain who assaulted the inmates in the shaft as there were many officials present. Some 13 were identified as being present with the inmates before the HCC arrived. Another 18 officials were seen in the shaft after the HCC arrived. It is not clear why so many officials are necessary to "isolate" four inmates from the rest of the inmates.
- **Evidence from the HCC and from other officials points to the fact that DCS officials attacked the inmate who was accused of instructing the others to assault. The HCC intervened and officials stopped the assault.**
- **The DCS investigation report found that the only reasonable deduction can be that the inmates were assaulted whilst in the shaft; JICS found that inmates cannot be interrogated in the shaft.**



*Picture taken during JICS' site visit at Helderstroom Correctional Centre following the alleged assault, 18 November 2016*

## **2.3. MANDATORY REPORTS**

### **2.3.1. DEATHS FROM UNNATURAL CAUSES**

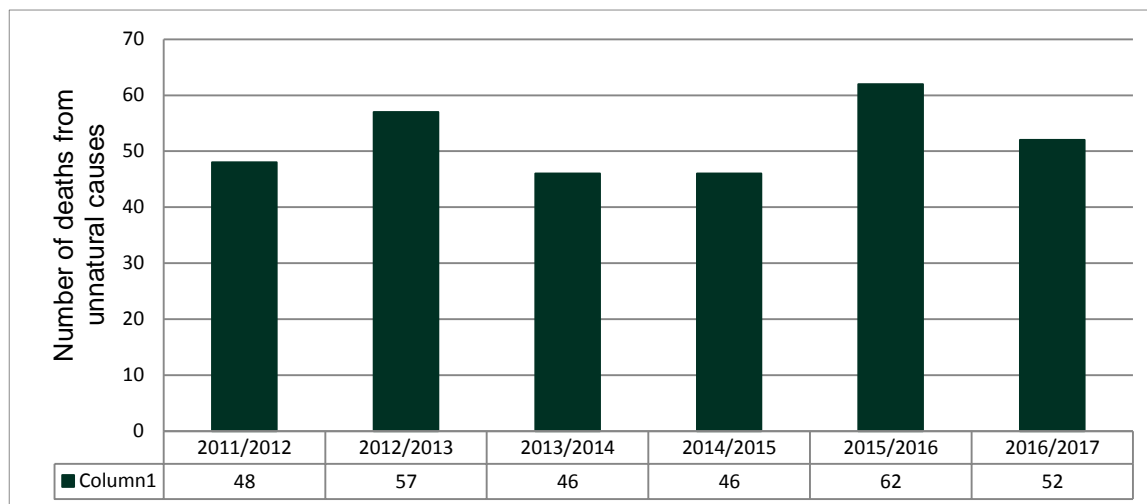
#### **A. Introduction**

The right to life is universally recognised as one of the most important human rights, and upheld in section 11 of our Constitution. Within correctional or remand facilities alike, the right to life is upheld only if DCS officials perform their duties diligently and ensure the safe custody of every inmate to maintain security and good order, as per section 4 of the CSA. DCS officials have the statutory obligation to take all necessary steps to provide adequate care and to prevent violence that may lead to death. Officials have the same obligation to prevent suicides.

**JICS notes, with satisfaction, that the rate of violent deaths has reduced over the past financial year. DCS must be commended for keeping a tight rein on incidents of violence by officials and inmates alike.**

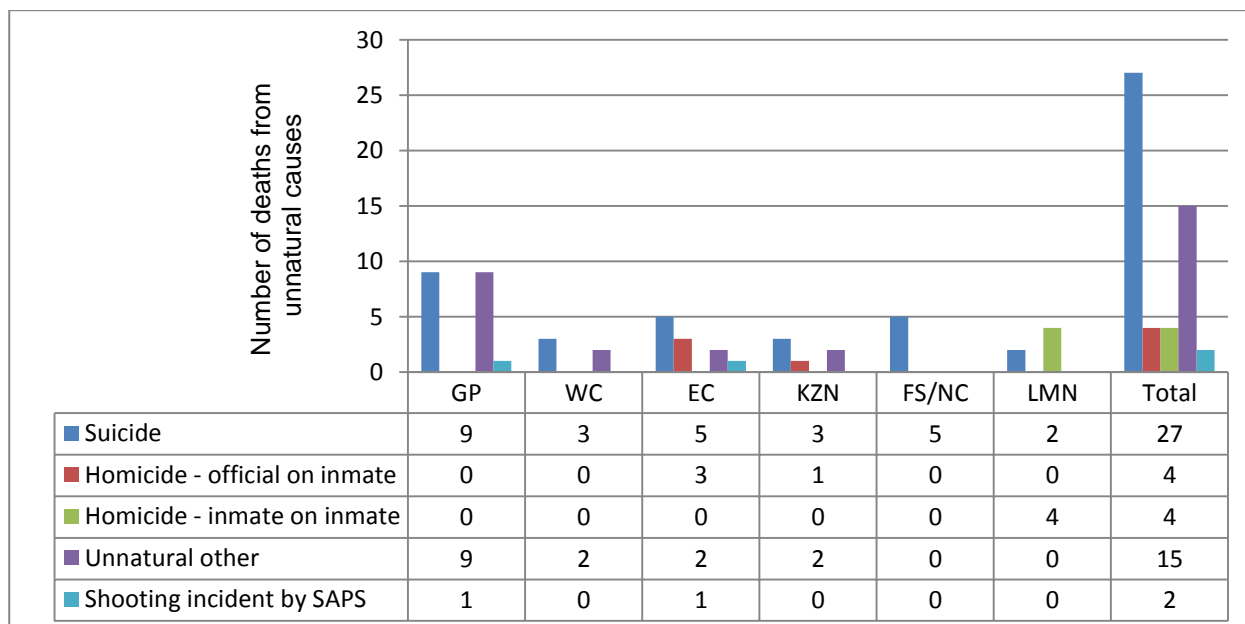
For the 2015/2016 financial year, DCS reported 62 deaths from *prima facie*<sup>10</sup> unnatural causes to JICS. In the 2016/2017 financial year, 52 such *prima facie* unnatural deaths were reported to JICS, with suicides representing 27 (52%) of the total.

*Figure 2 Deaths from unnatural causes, 2011 to 2017*



With a total inmate population of 161 054 at the end of the 2016/2017 financial year, there were 32 unnatural deaths of inmates per 100 000 inmates in the said financial year.

*Figure 3 Deaths classified by cause, 2016/2017 financial year*



<sup>10</sup> The adjudication of the actual cause of death is often delayed for want of the medico-legal autopsy and other scientific reports.



## B. 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. Secondly, JICS will make recommendations for improvement in good governance to prevent similar occurrences in the future.

The three deaths recorded at the St Albans Centre (Eastern Cape) were investigated by JICS and are reported in section 2.2.2 above. The incident at the Waterval Medium A Centre (KwaZulu-Natal) is still under investigation.

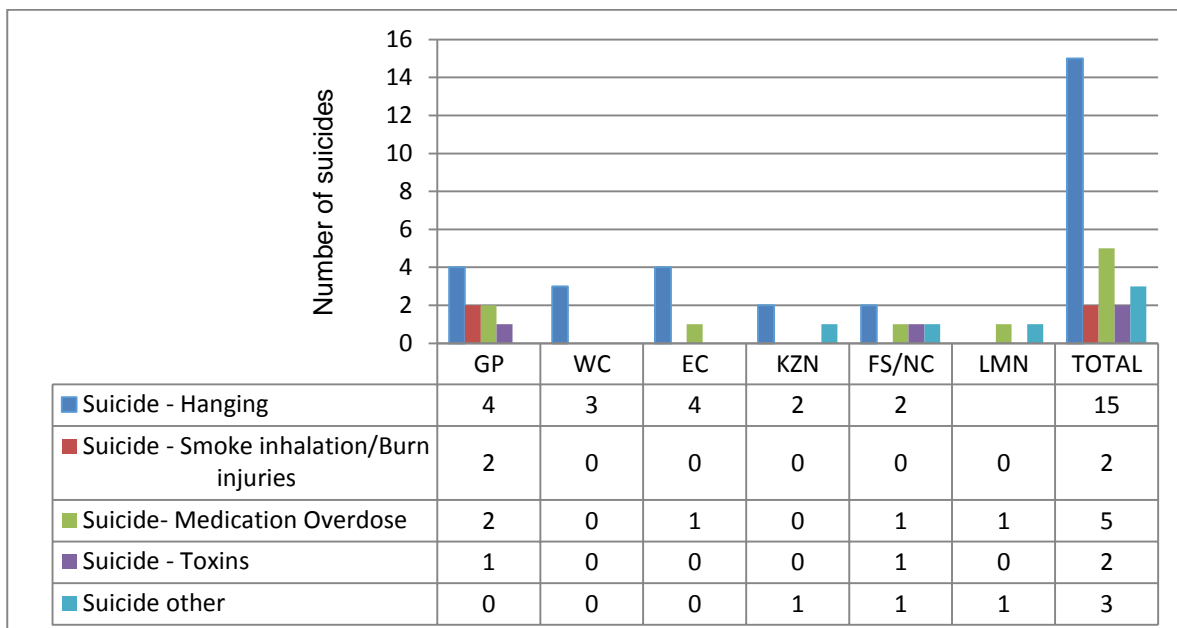
All inmate-on-inmate deaths are related to inter-gang rivalry. Inmates were killed as a result of stabbing with self-made knives, assault with fists, and/or kicked to death. The extreme violence and brutality that took place was caused by both remand detainees and sentenced offenders. It remains disconcerting to JICS that despite the usual *modus operandi* by gangs and their ability to fashion weapons, this severe security breach, witnessed across centres, is not observed or controlled by DCS management during searches.

Some deaths are classified as “other”. This is a temporary classification and the cause of death is determined once the autopsy report is received.

## C. 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: 55% of suicides (15 inmates) were as a result of hanging. Inmates used a variety of items, but mainly ligatures from bedding and clothing.

Figure 4 Suicide by method for 2016/2017



Nine of the 15 suicides by hanging occurred in a single cell. The Western Cape suicide occurred at the Worcester Correctional Centre. The deceased was a remand detainee who had a history of vulnerability – he attempted to take his life a month before his death. Therefore, it appears that his death was a result of negligence by DCS. He had been segregated and, despite the CSA requiring that a segregated inmate be regularly checked upon, this was not complied here. JICS is awaiting the autopsy report in order to finalise its investigation. Our final report will address these issues.

Suicides in the 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, usually from late afternoon until the morning.

Medication is dispensed in such a manner that inmates are able to collect them when they require them. However, JICS has noticed that the protocol of ensuring that these are taken in the presence of the dispensing health practitioner is not strictly adhered to. The intervals between dosages required fall into a period between lock-up and un-lock, creating an opportunity to retrieve the medication and ingest all at once. Some deaths recorded as a result of “toxins” were the result of inmates ingesting unknown substances.

Two inmates at the Zonderwater facility in Gauteng died after they set their cell alight. A combination of smoke inhalation and burns is suspected to be the cause. JICS is investigating these incidents.

### 2.3.2. DEATHS FROM NATURAL CAUSES

During the 2016/2017 financial year, 497 inmates died from natural causes, representing 308 natural deaths per 100 000 of the inmate population. The Gauteng province recorded the highest number of deaths, at 127. 36 284 inmates are incarcerated in Gauteng, indicating a mortality rate, for natural deaths, of 350 for 100 000 inmates.

Figure 5 Deaths from natural causes 2012/2013 to 2016/2017

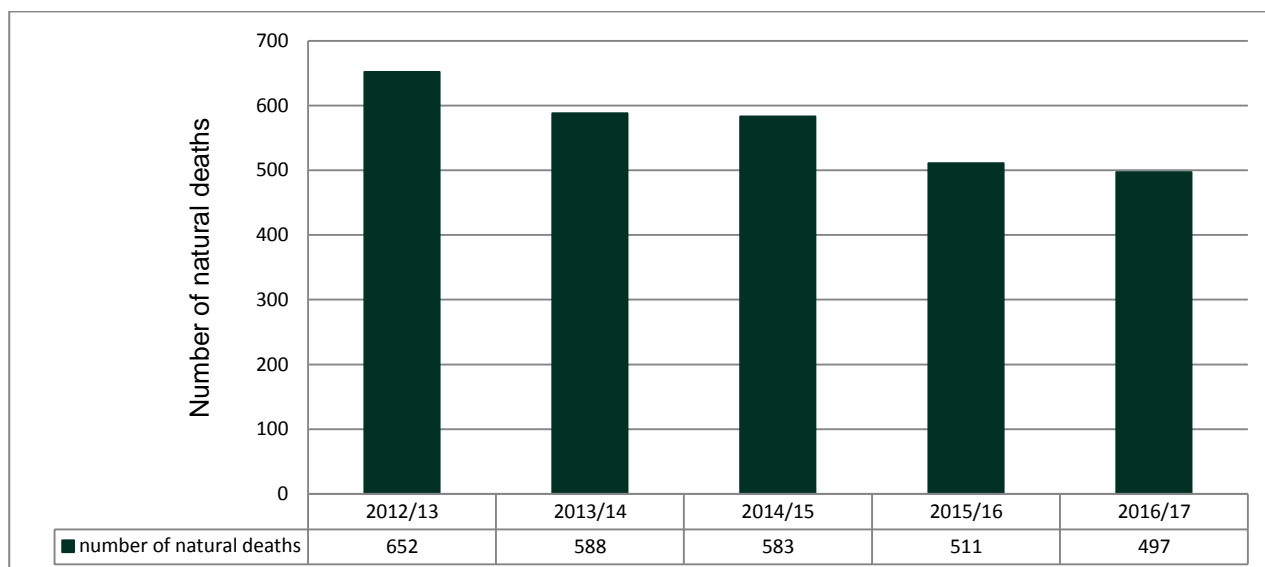


Figure 6 Deaths from natural causes per DCS region 2016/2017

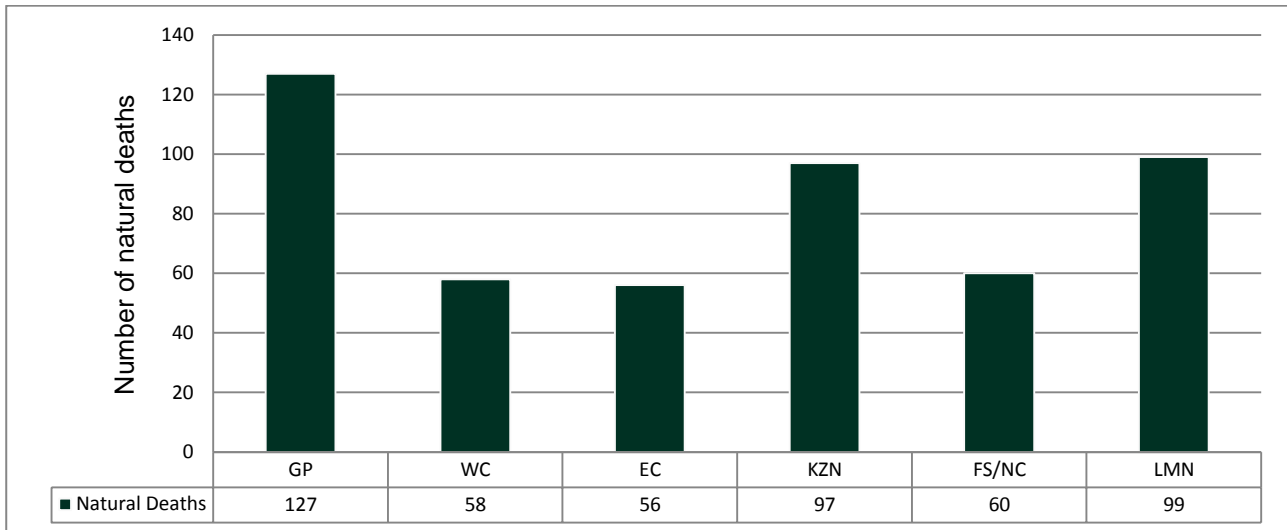


Figure 5 highlights the decrease in the number of natural deaths within DCS with a fairly consistent population. Figure 6 disaggregates natural deaths per DCS region for the 2016/2017 financial year.

### 2.3.3. SEGREGATION

Segregation is regulated in section 30 of the CSA. The law and procedure in respect of segregations has been reported in previous reports in some detail.<sup>11</sup> During the 2016/2017 financial year, inmates appealed to the IJ against the decision to be put in segregation in 53 instances. This represents 0.5% of all segregation reports. The IJ ruled that 34 of the 53 decisions to segregate were required because of the occurrence or the threat of violence and were therefore in compliance with the obligation on DCS to maintain the safe custody of all inmates.

The very low percentage of appeals by inmates against the reported use of segregation in our centres remains, as previously reported, a concern to JICS. JICS has, since 2012/2013, brought its concern to the attention of DCS, but a solution has yet to be found.<sup>12</sup> DCS officials have the responsibility, in terms of the JICS internal electronic reporting tool, to inform inmates of their right to appeal to the Inspecting Judge, and it is apparent that such information on their rights is not provided.

Another hurdle faced by inmates who wish to appeal is that DCS officials do not inform the Office of the Inspecting Judge of an inmate’s request to appeal the decision to be put under segregation, neither do they forward the relevant appeal documentation from the appealing inmate to the Inspecting Judge. The Inspecting Judge has not been able to comply with the statutory 72 hour period in which he must decide on an appeal.

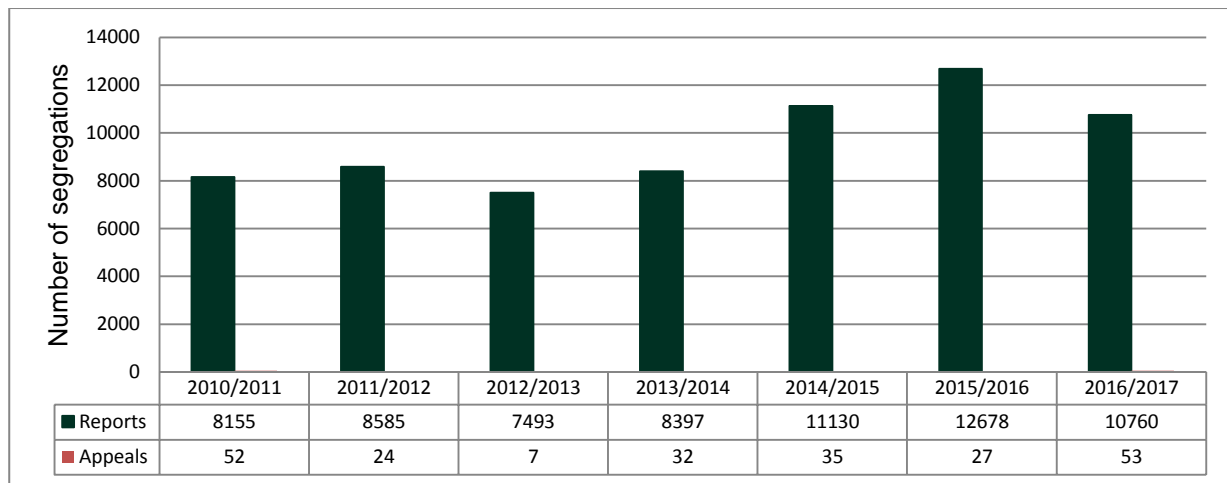
**JICS recommends that the law be amended to make it mandatory on the part of DCS officials to forward appeal documentation to the Office of the Inspecting Judge, and**

<sup>11</sup> See, for example, Annual Report 2014/15, p.84.

<sup>12</sup> See Annual Report 2012/2013 and thereafter.

**that disciplinary steps be taken against noncompliant officials. ICCVs are trained in monitoring and are repeatedly reminded by their regional offices to be vigilant.**

*Figure 7 Segregation: Reports and Appeals 2010/2011 – 2016/2017*



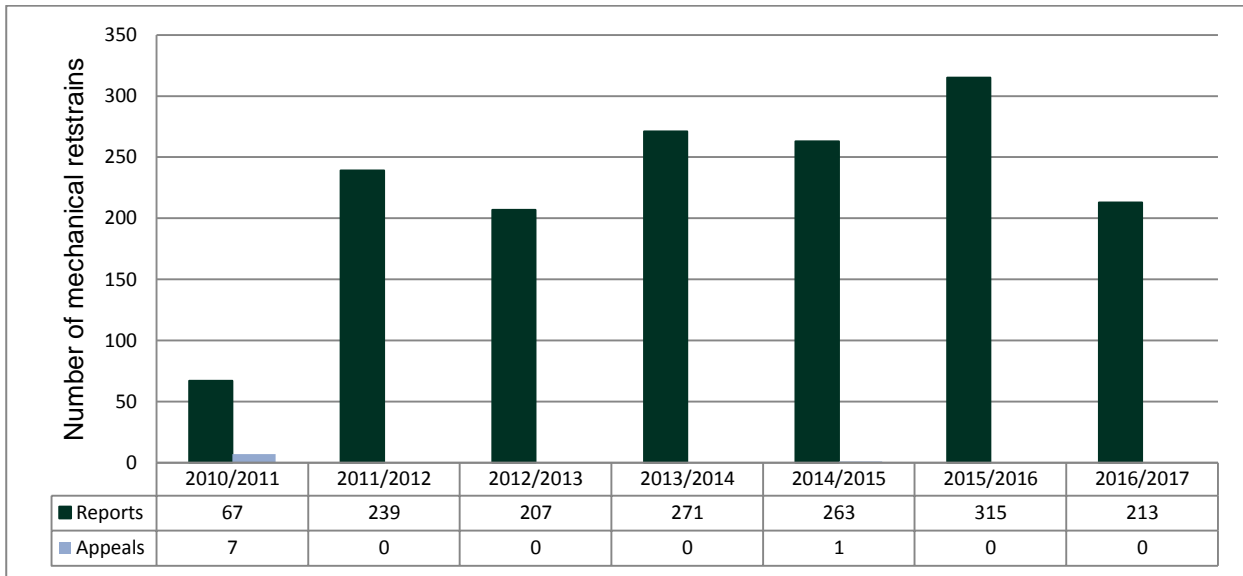
#### 2.3.4. MECHANICAL RESTRAINTS

The use of mechanical restraints is regulated by section 31 of the CSA. In the performance cycle under review, JICS received 213 reports of the use mechanical restraints, a 32% decrease from the 315 reported in the 2015/2016 financial year. No inmate appealed to the Inspecting Judge, in terms of section 31(7) of CSA, in the current performance cycle. This is worrying. DCS must monitor its officials to ensure that inmates who wish to appeal are assisted to be able to do so. ICCVs are regularly reminded to monitor inmates put under mechanical restraints and to report possible maladministration by DCS to the Office of the Inspecting Judge. JICS’ degree of monitoring is under review to ensure that all inmates who wish to appeal are able to do so.

An analysis of the use of mechanical restraints reported to JICS indicates that in 49 instances, inmates were restrained because of damage to property, 86 were restrained for the safety of other inmates, 63 were restrained to prevent self-harm, 14 were restrained on suspicion of an 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 2016/2017 financial year, no cases of unlawful use of mechanical restraints were reported to the Office of the Inspecting Judge. JICS is mindful that it needs to re-train its ICCVs for them to be able to fulfil this function.

**Similarly to our recommendation to effect statutory amendments to reinforce the effectiveness of segregation appeals, JICS recommends that the law be amended to ensure that all inmates can effectively exercise their right to appeal a DCS decision to be put under mechanical restraints.**

Figure 8 Mechanical restraints reported from 2010/2011 to 2016/2017



### 2.3.5. USE OF FORCE

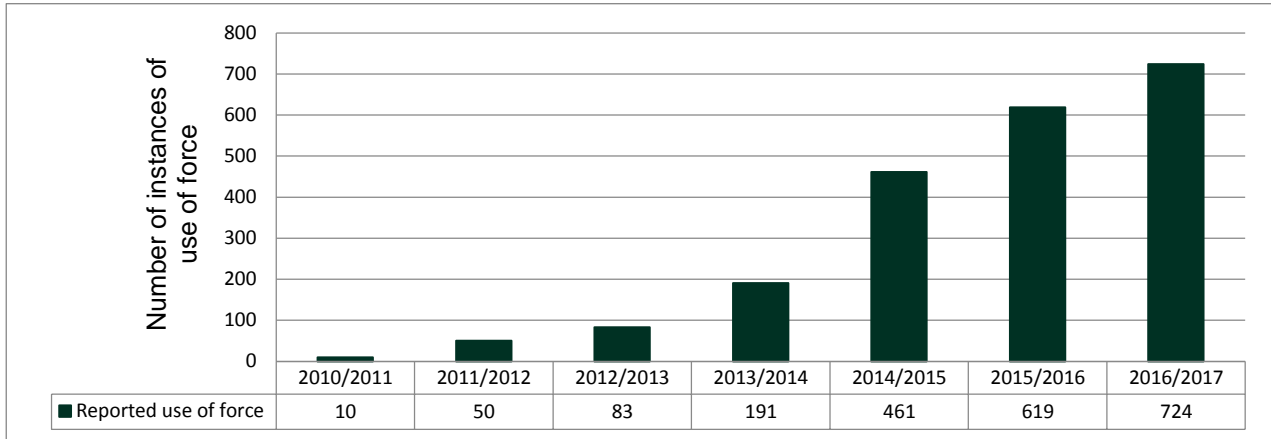
In the current performance cycle, 724 instances of use of force by DCS officials were reported to JICS, a notable increase from the 619 reports of use of force by officials received in the 2015/16 financial year. It is important to note that section 32 of the CSA permits and regulates the use of force 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 it 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.

Therefore, reports of use of force should in no way be equated to use of illegal force, or use of violence. However, DCS officials must avoid using excessive force, which was for example the case in the St Albans case study mentioned above.

Figure 9 below shows the total number of reported use of force reports for a seven year performance cycle.

Figure 9 Reported use of force 2010/2011 – 2016/2017



## 2.4. COMPLAINTS

### 2.4.1. INTRODUCTION

The Complaints Unit deals with complaints in terms of section 90(2) of the CSA. During the 2016/2017 financial year, JICS received and dealt with 782 complaints.

The Complaints Unit receives complaints from various sources, reflected in the tables below. Complaints are received from Chapter 9 institutions, non-governmental organisations, members of the community, judges, magistrates and attorneys. The ICCVs play a pivotal role in reporting the complaints to JICS, together with our regional offices and family members of inmates. However, section 90(2) of the CSA provides that the Inspecting Judge may only receive and deal with complaints from the National Council of Correctional Services (NCCS), the Minister, the NC, or a Visitors' Committee (VC), as well as from an ICCV in cases of urgency. The Inspecting Judge may also deal with a complaints on his/her own volition. In practice, most complaints come from other institutions and individuals, indicating that the statutory provisions do not reflect the practical realities of complaints received by the Office of the Inspecting Judge.

### 2.4.2. STATISTICS

JICS classifies complaints along 23 different categories. The tables below outline the number and sources of complaints along the different clusters, for ease of reference.

#### A. Referrals from institutions

During the performance cycle under review, JICS received a total of 142 complaints from Chapter 9 institutions, civil society organisations, judges and attorneys.

## Cluster 1: Appeals, bail and legal representation

Table 16 Referrals from institutions relating to appeal, bail and legal representation

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous
Appeal	0	0	0	0	0	0	0	0	0
Bail	0	0	0	0	0	0	0	0	0
Legal representation	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Cluster 2: Conversion of sentence, medical release, parole, re-classification, rehabilitation programmes and remission

Table 17 Referrals from institutions relating to conversion of sentence, medical release, parole, re-classification, rehabilitation programmes and remission

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous	DCS	Total
Conversion of sentence	0	0	0	0	0	0	0	0	0	1	1
Medical Release	1	0	0	0	0	0	0	0	1	1	3
Parole	2	0	0	0	0	1	0	2	0	0	5
Re-classification	0	0	0	0	0	0	0	0	1	0	1
Rehabilitation Programmes	0	0	0	0	0	0	0	0	0	0	0
Remission	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>10</b>

### Cluster 3: Communication with family and transfers

Table 18 Referrals from institutions relating to communication with families and transfers

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous	DCS	Total
Communication with Family	0	0	0	0	0	0	1	0	0	0	1
Transfers	10	0	0	0	0	0	2	5	1	2	20
<b>Total</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>21</b>

### Cluster 4: Conditions, food and health care

Table 19 Referrals from institutions relating to conditions, food and health care

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous	DCS	Total
Conditions	2	0	0	0	0	0	0	9	0	0	11
Food	1	0	0	0	0	0	0	0	0	0	1
Health Care	4	1	0	1	0	0	1	2	1	3	13
<b>Total</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>11</b>	<b>1</b>	<b>3</b>	<b>25</b>

### Cluster 5: Violence

Table 20 Referrals from institutions relating to violence

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous	DCS	Total
Assault (Inmate on Inmate)	0	0	0	0	0	0	0	2	17	0	19



Assault (Official on Inmate)	2	0	1	1	0	0	1	2	0	6	13
Assault (Sexual)	0	0	0	0	0	0	0	0	0	1	1
Confiscation of Possession	0	1	0	0	0	0	0	1	0	0	2
Inhumane Treatment	3	0	0	0	0	0	0	0	0	2	5
Torture	0	0	0	0	1	0	0	0	1	0	2
<b>Total</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>18</b>	<b>9</b>	<b>42</b>

## Cluster 6: Corruption

Table 21 Referrals from institutions relating to corruption

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Nicro	Wits Justice Project	NPO	Community	Attorney / Judges	Anonymous	DCS	Total
Corruption	0	0	0	0	0	0	1	0	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

## Cluster 7: Other

Table 22 Referrals from institutions, other categories

Nature of complaint	SAHRC	Public Protector	Public Service Commission	Portfolio Committee	Wits Justice Project	NPO	Community	DCS	Total
Other	4	1	0	1	0	0	4	33	43
<b>Total</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>33</b>	<b>43</b>

### B. Referrals from inmates, families, VCs and inspections

During the performance cycle under review, JICS received a total of 640 complaints from inmates, their families, VCs and through its own inspections.

## Cluster 1: Appeal, bail and legal representation matters

Table 23 Referrals from inmates relating to appeals, bail and legal representation

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Appeal	23	2	17	0	0	42
Bail	1	0	0	0	0	1
Legal representation	4	0	1	0	0	5
<b>Total</b>	<b>28</b>	<b>2</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>48</b>

## Cluster 2: Conversion of sentence, medical release, parole, re-classification, rehabilitation programmes and remission

Table 24 Referrals from inmates relating to conversion of sentence, medical release, parole, re-classification, rehabilitation programmes and remission

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Conversion of sentence	1	0	0	0	0	1
Medical Release	1	0	0	0	0	1
Parole	38	29	1	0	0	68
Re-classification	13	1	0	0	0	14
Rehabilitation Programmes	1	1	0	0	0	2
Remission	1	00	0	0	0	1
<b>Total</b>	<b>55</b>	<b>31</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>87</b>

### Cluster 3: Communication with Family and transfers

Table 25 Referrals from inmates relating to communication with families and transfers

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Communication with Family	3	2	0	0	0	5
Transfers	77	50	4	0	0	131
<b>Total</b>	<b>80</b>	<b>52</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>136</b>

### Cluster 4: Conditions, food and health care

Table 26 Referrals from inmates relating to conditions, food and health care

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Conditions	4	4	1	0	0	9
Food	6	4	0	0	0	10
Health Care	19	6	2	0	0	27
<b>Total</b>	<b>29</b>	<b>14</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>46</b>

### Cluster 5: Violence

Table 27 Referrals from inmates relating to violence

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Assault (Inmate on Inmate)	11		20	0	0	31
Assault (Official on Inmate)	90	12	82	0	1	185
Assault (Sexual)	10	2	12	0	0	24

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Confiscation of Possession	1	1		0	0	2
Inhumane Treatment	5	2	4	0	0	11
Torture	1	2	0	0	0	3
<b>Total</b>	<b>118</b>	<b>19</b>	<b>118</b>	<b>0</b>	<b>1</b>	<b>256</b>

### Cluster 6: Corruption

Table 28 Referrals from inmates relating to corruption

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Corruption	1	0	0	0	0	1
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

### Cluster 7: Other

Table 29 Referrals from inmates, other categories

Nature of complaint	Inmate	Family	Regions	No source	Inspections	Total
Other	29	14	22	1	0	66
<b>Total</b>	<b>29</b>	<b>14</b>	<b>22</b>	<b>1</b>	<b>0</b>	<b>66</b>

#### 2.4.3. ANALYSIS

The statistics above reflect allegations of particular incidents and not conclusive findings by JICS of an incident taking place. Appendix 8 records a sample of finalised matters.

## A. Assaults

JICS received 243 complaints of assault, disaggregated as complaints of inmate on inmate assault (31); official on inmate assault (185); sexual assault (24) and torture (three).

### **Official on inmate assaults**

A DCS official is authorised to use force, as regulated by section 32 of the CSA. This was outlined in section 2.3.5 above.

Assault, on the other hand, is a common law crime defined as "unlawfully and intentionally applying force to the person of another or inspiring a belief in that force is immediately to be applied to him/ her."<sup>13</sup>

Whenever an inmate alleges that he/she was assaulted by a DCS official, he/she must be referred to a medical practitioner without delay (usually within 24 hours), for an evaluation and treatment of the injuries. The medical practitioner or nearest public health facility must record the findings in the inmate's medical file (G335). In addition, a medical report (G337) is kept and an entry in the DCS injury register (G336) is made. Should the inmate wish to lay a criminal charge, a medical report (J88) is completed.

However, there are major issues when an inmate refuses to report an assault by fear of reprisal by DCS officials or gang members, or when injuries are not visible. These are unfortunately difficult to adjudicate. Without a complaint, neither JICS as an oversight body nor the formal criminal justice system will be able to take the matter further.

Misconduct by DCS officials is dealt with by the rules governing the employer-employee relationship. However, assault is a criminal offence and should be dealt with by the criminal justice system.

**Case study - Helderstroom Maximum:** Inmate X reported that he was assaulted by DCS officials. He sustained injuries to his ankle and feet. His leg was broken.

It was found that inmate X failed to comply with an instruction by a DCS official. As a result the official slapped him on the right side of his face. Inmate X retaliated, and in turn, slapped the DCS official on his cheek.

Inmate X was then forcefully removed from the dining hall to an office. According to the inmate, he was assaulted in the office, thrown against the wall, slapped, hurled onto the floor, beaten with a tonfa and kicked while on the ground.

Inmate X explained that he protected himself from the assault with his arms and legs, resulting in injuries. The medical records confirmed inmate X's injuries.

The DCS investigation found that "officials used necessary force to bring him (X) under control and in the process his left ankle got fractured."

This incident follows a typical pattern which JICS has found in previous cases of abuse of force amounting to assault by DCS officials. Officials start using force to get a violent situation,

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<sup>13</sup> J Burchell, *Principles of Criminal Law* (4<sup>th</sup> edition), 2014.

originally caused by inmates, under control but exceeded the boundaries of section 32 of the CSA. In this case, inmate X disrupted or threatened to disrupt the operation of a correctional centre by refusing a lawful instruction. Removing the inmate from the dining hall to the office was sufficient to bring the situation back under control. The use of force was proportionate to achieving the objective of isolating and restoring calmness.

JICS found that inmate X was indeed assaulted, as per his version and confirmed by the relevant medical records. Beating inmate X with a tonfa all over the body exceeded what was necessary and definitely not the last available option to officials. For example, DCS officials could have charged inmate X for wilfully disobeying an instruction.

JICS was unable to find evidence that the assault amounted to torture, as defined under section 3 of Prevention of Combating and Torture of Persons Act.

**JICS recommended to DCS that its officials receive refresher training on the use of reasonable force and be provided with alternative methods to contain a violent situation. The ultimate objective of the said recommendation is to prevent future abuse of power and thereby protect the rights of inmates.**

**Case study: Westville Medium A:** Inmates were allegedly assaulted by officials whilst they were performing “ukuphakama” (gang-related activity). During the process of disarming inmates, it is alleged that DCS officials used tonfas to beat up the perpetrators and bring the situation under control. During the DCS internal investigation process, the inmates submitted statements indicating that they wanted to withdraw their complaints.

**JICS found that gang activities in our correctional centres are unavoidable, but that DCS lacked an effectively implemented gang management strategy. Under the White Paper on Corrections, DCS is required to develop an anti-gang strategy.**

To make matters worse, some allege that some DCS officials have been “captured” by gangs.<sup>14</sup> Furthermore, inmates view that complying with gang codes and attacking officials is more efficient than reporting an incident and allowing the authorities to solve a particular problem.

**JICS recommended that DCS approaches the withdrawal of statements with caution and probe the reasons behind a withdrawal. Furthermore, JICS recommended that inmates be cautioned against making false complaints or taking a matter into their own hands.**

## **Sexual Assault**

DCS officials have an obligation to ensure the safety and physical integrity of inmates.<sup>15</sup>

JICS finds that complaints of sexual assault are prominent in certain correctional centres and over holiday periods. The latter may be the result of skeleton staff over public holidays and implementation of the shift system, reduced visibility of security officials and inmates remaining locked up in their cells for longer periods of time.

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<sup>14</sup> NICRO, *Towards Developing and Implementing a Gang Management Strategy for South African Correctional Facilities*, Presentation made to DCS, 2013/2014.

<sup>15</sup> Section 12 of the Constitution.

One of the centres with a reportedly higher proportion of complaints of sexual assault is Potchefstroom. JICS observed during an inspection that the centre's most important challenges are staff shortages, overcrowding with an inmate population exceeding 200% of the centre's capacity and building maintenance. Remand detainees at Potchefstroom are particularly at risk of being victims of sexual violence.

## B. Transfers

JICS received a total of 151 transfer complaints in the performance cycle under review.

Section 43 of the CSA read with Regulation 25 provides for the location and transfer of sentenced inmates. In our custodial setting, the transfer of inmates is essential to combat overcrowding, to ensure the safe custody of inmates, to provide for labour requirements and the training of inmates, to make their integration into treatment programmes possible, to strengthen family ties and for release preparation.

A transfer of inmates is normally considered for the following reasons:

### (i) Compulsory transfer

The inmate may have further charges, want to appeal the sentence and/ conviction or may have pending suspended sentences, needed as a witness, to receive medical or psychiatric treatment, or for the safe custodial classification or young offenders.

### (ii) It is beneficial to the inmate

Arrangements concerning after care, employment before placement or release, language and culture of inmates, maintenance of healthy family ties, training of inmates, inmates' requests to be transferred or representations by inmates' families, behaviour and adaptation of inmates, and short sentences or minimum period of sentence to be served.

### (iii) It is to the benefit of the DCS

The DCS may consider deconcentrating the inmate population, consider the economic implications of the transfer, or transferring inmates to eliminate a potential risk of escape.

## C. Parole

JICS receives the majority of parole-related complaints from inmates directly or from their families. These totalled 73 in the performance cycle under review.

Section 73 of the CSA determines that an inmate must serve his/her full sentence, but that part of a sentence can be served under community corrections, in the form of parole or correctional supervision.

The placement of an inmate on parole is dealt with by the Correctional Supervision and Parole Board (CSPB)/Area Manager (AM), when an inmate reaches his/her date of consideration. When considering an inmate's placement on parole, various factors are

taken into account by the CSPB/AM. Some factors are mandatory, such as the nature of the crime, notes by the sentencing court, the inmate's crime prognosis, available support systems in the community and the degree to which he/she poses a threat to the community.<sup>16</sup> Profile reports at the prescribed times by the Case Management Committee (CMC).

Decisions of the CSPB/AM to release an inmate on parole or deny parole must be motivated. However, inmates and their family members are often frustrated as decisions and their reasoning or explanation regarding the conversion of sentence and parole are not provided by the CSPB/AM

The CSPB/AM does not have an obligation to release an inmate on parole. At the latest, the inmate will be released at the expiry of his/her sentence

**Case study - Voorberg Medium B:** The family of X contacted JICS to query when X would be eligible for parole as he had served the minimum period but had not yet been considered. The family further mentioned that parliament explained that all lifers who were sentenced before 01 October 2004 should serve 1/3 of their sentence before inmates could be considered for parole. According to the family, X appeared before the parole board on numerous occasions and every time there were documents outstanding and despite complaints being lodged with the HCC the family has not received any clear explanation of the law and applicable processes.

JICS is not in a position to advise someone over the telephone without having accurate information regarding the current sentence being served, the person's sentence history and whether he/she has pending matters. JICS first needs to enquire further on a particular case.

**JICS finds that this complaint mainly arises because of a lack of understanding by the public regarding sentencing, minimum sentence period served, and the sentence expiry date.**

## **2.5. DIRECTORATE MANAGEMENT REGIONS**

### **2.5.1. INTRODUCTION**

This section is a reflection of the core business of the activities that were performed by the Directorate Management Regions (DMR) to the recipients of its services such as inmates and key stakeholders during the financial year 2016/2017. DMR is an operational wing of JICS that brings the services of the organisation closer to inmates and stakeholders.

JICS is committed to ensuring that, in accordance with sections 92 to 94 of the CSA, an ICCV is appointed in each correctional centre in order to report on the treatment of inmates and monitor the conditions of their incarceration. One of the strategic priorities of the DMR is to at least maintain a 93% ICCV occupancy rate. Secondly, the DMR's

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<sup>16</sup> DCS B-Orders, sub order 1, Chapter 25, 2.3.



objective is to entrench independent oversight in order to promote transparency and accountability in relation to the humane treatment of inmates in correctional centres. This seeks to advance and enhance human rights culture in the correctional environment. Powers, functions and duties of ICCVs are outlined in section 93 of the CSA.

In line with the CSA, ICCVs are nominated from local community organisations and their appointment is made after extensive interaction with the community. This is an indication that JICS has a strong link with the community at large. Through the Visitors Committee (VC), community involvement in correctional matters is extended and various stakeholders are participating in the VC meetings.

## 2.5.2. MANAGEMENT OF ICCVS

Section 92 of the CSA requires that JICS appoints an ICCV at each correctional centre in the Republic in order to exercise adequate independent oversight over correctional centres and report independently on the treatment of inmates and the conditions under which they are incarcerated. Within this framework, the appointment of ICCVs is one of the apex priorities of JICS, since ICCVs constitute the cornerstone of independent oversight in our correctional centres and ICCVs make significant impact on and respond adequately to the complaints and requests of inmates.

ICCV Management is extensive because it entails the following:

- **Calling of nominations:** where various stakeholders are invited to nominate their preferred nominees for appointment as ICCVs;
- **Interviews:** where an appropriate candidate will be identified;
- **Orientation Sessions:** where the recommended candidate from the interview is provided with basic skills and knowledge of what the job requires;
- **Performance Audit:** The Financial Accountability Assessment Tool is the monitoring tool used to evaluate an ICCV's performance and serves as a developmental tool.

### A. Public calling for nominations.

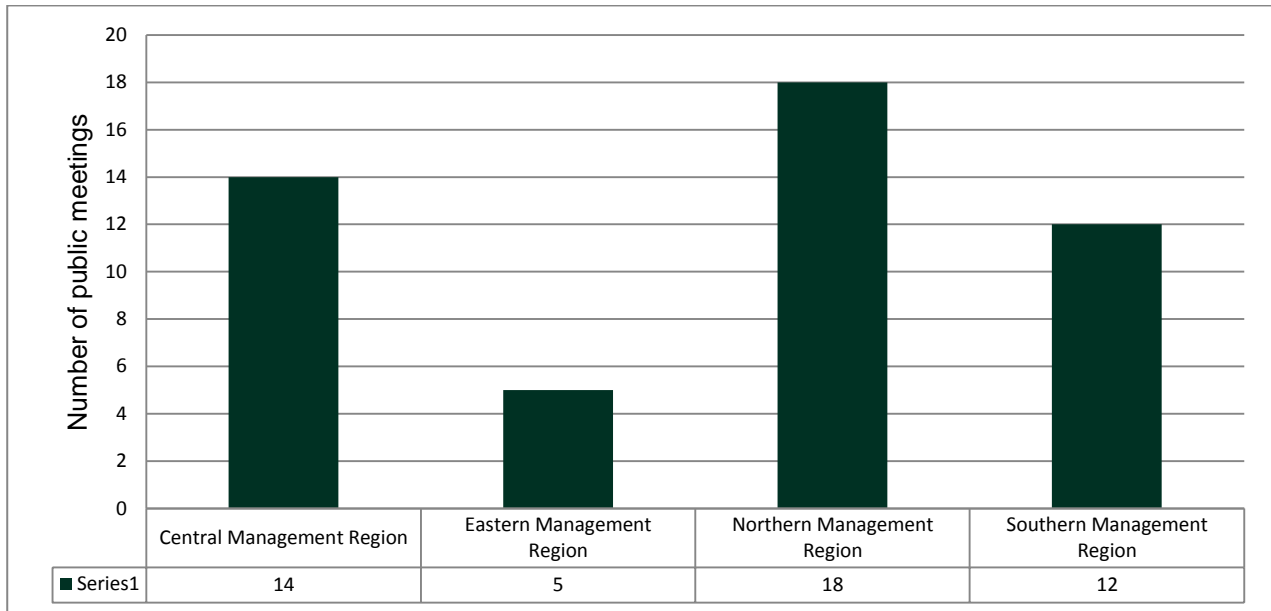
In terms of section 92(1) of the CSA *“at the request of and in consultation with the Inspecting Judge, the Chief Executive Officer must as soon as practicable, after publicly calling for nominations and consulting with community organisations, appoint an Independent Correctional Centre Visitor for each correctional centre.”*

The abovementioned provision is in pursuit of promoting accountability, transparency and citizenry activism as well as the community oversight in the appointment process of ICCVs. Therefore, prior to any appointment of the ICCVs where vacancies exists, JICS is obliged to consult with local community organisations to engage them on correctional matters. Community organisations make nominations of their preferred candidates that

they deem suitable in promoting and advancing human rights within the correctional centres.

Figure 11 below depicts the total number of public community meetings convened during the performance cycle under review, with the intention to secure sufficient nominations in order to fill an ICCV vacant post.

*Figure 10 Number of public meetings held in the 2016/2017 financial year at which nominations were called upon*



Calling for Nomination Meetings are needs-driven and the requirement for such meetings are determined by the ICCV vacant posts.<sup>17</sup> There have been more challenges to obtain nominations in rural communities as opposed to urban areas due to a lack of organisations and structures.

## B. ICCV interviews

ICCV interviews to fill existing vacancies were successfully conducted after a public calling for nominations. The shortlisting of candidates and interviews of potential ICCVs was done in a fair manner and without prejudicing against any candidate. The interview process aimed at assessing whether the nominees were environmentally fit, public spirited and possessed the necessary skills to perform the functions required of an ICCV, such as conflict management.

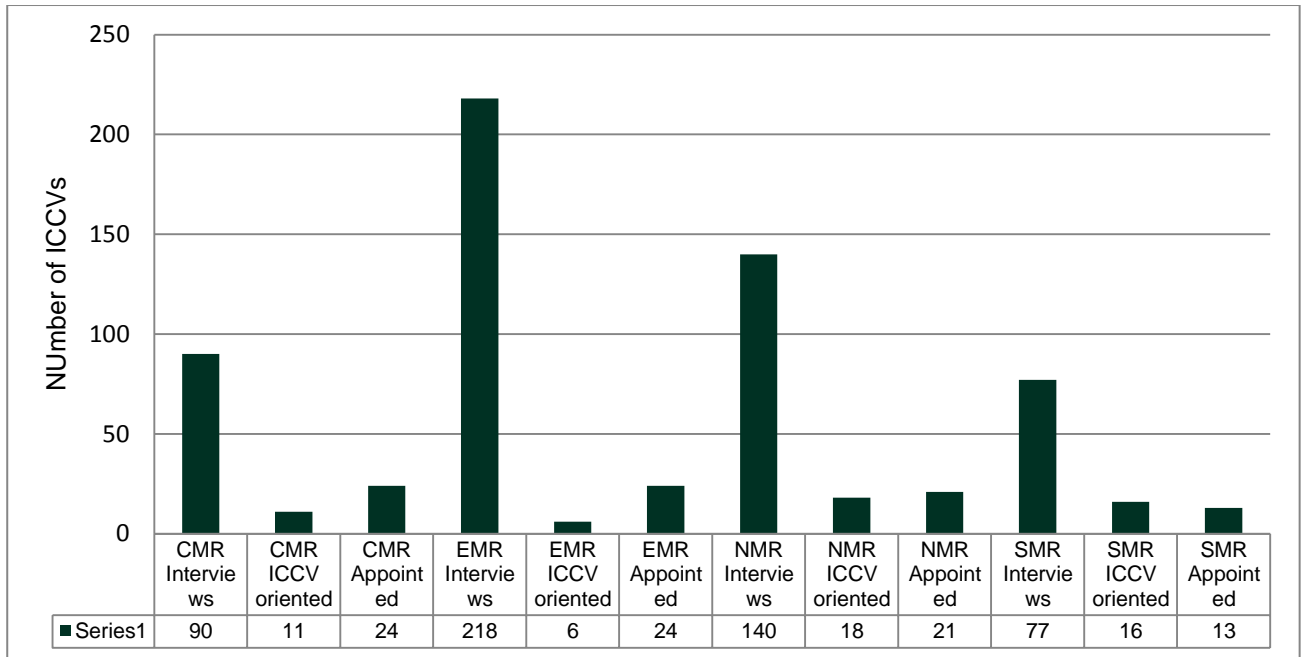
## C. ICCV Orientation Session

It is compulsory for all ICCVs to undergo a five day orientation session to equip them with the relevant exposure of working in a correctional environment and familiarizing themselves with JICS and DCS operations and policies. After security clearance was

<sup>17</sup> ICCV Appointment Policy 2013.

obtained and a theoretical assessment was administered, most of the candidates were declared competent and appointed as ICCVs on a three year contract.

Figure 11 Total number of interviewed, orientated and appointed ICCVs



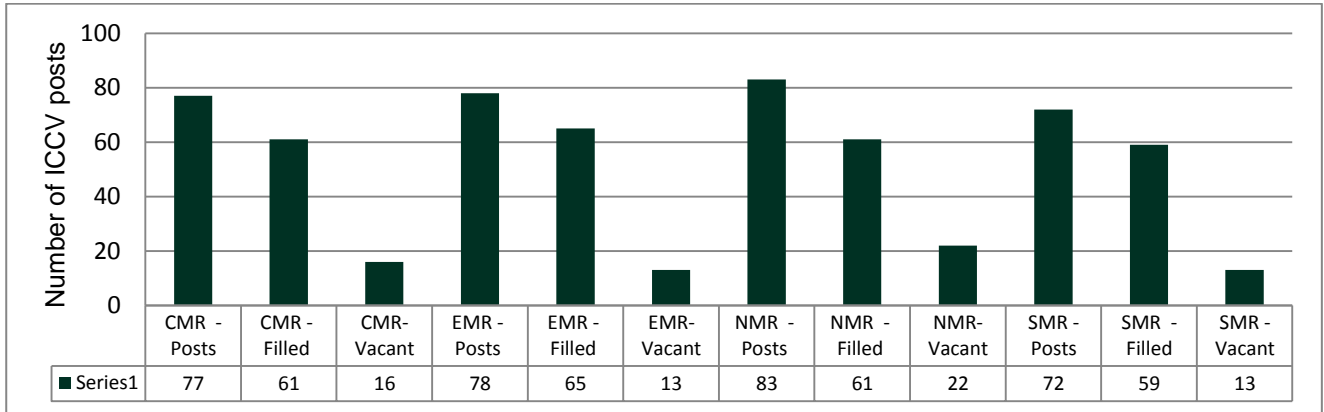
The DMR experienced setbacks, amongst others, where some candidates did not meet the required competency and others declined the offer of appointment after attending the orientation session. In the Southern Management Region (SMR), for example, 16 candidates attended the orientation sessions and only 13 were appointed.

In relation to the other management regions (CMR, EMR and NMR), there is a variation between those who attended orientation sessions and those appointed due to the fact that some of the candidates were former ICCVs and did not need to attend the orientation sessions.

#### D. ICCV Post Establishment

The ICCV post establishment for the 2016/2017 financial year consists of a total of 310 posts to service 243 correctional facilities. Figure 13 below provides a breakdown of the post establishment as at 31 March 2017.

Figure 12 ICCV Posts - filled and vacant



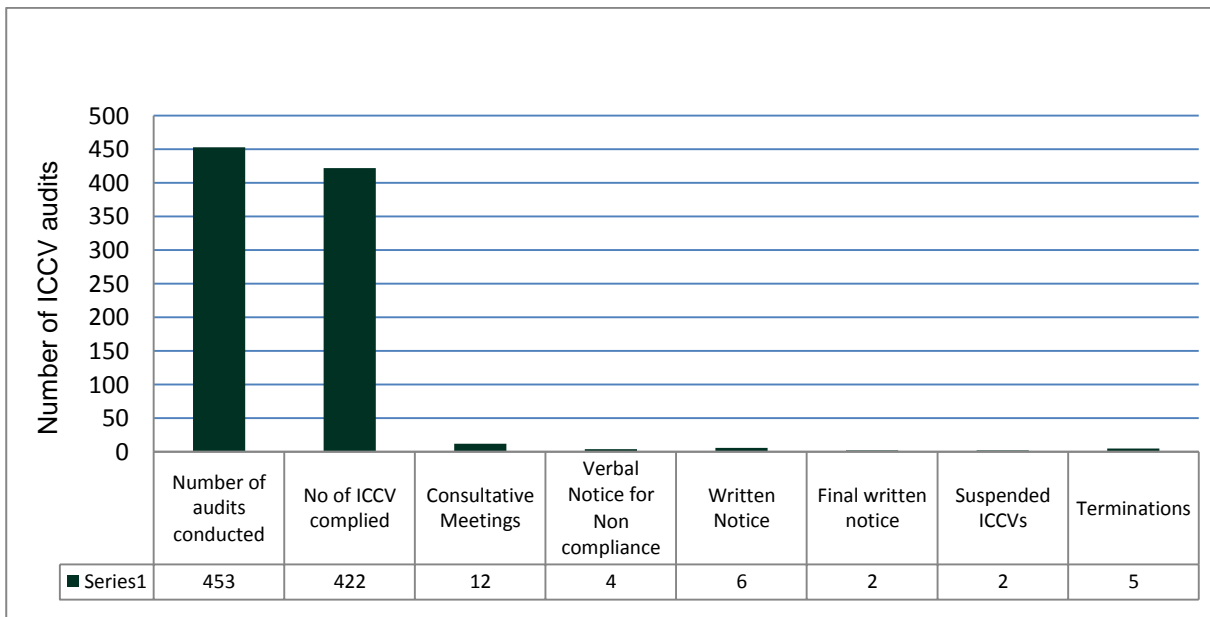
Some of the vacant posts are explained by facilities that are temporarily closed and where the services of an ICCV are therefore not needed. These centres are: Kgosi Mampuru II C-Max, Estcourt, Umzimkhulu, Glencoe, Mafikeng, Geluk and Mount Ayliff.

E. ICCVs Performance Audits

In line with the Public Finance Management Act (PFMA), the ICCVs are also subjected to performance audits according to a performance plan. The Visitors Committee Co-ordinators conduct monthly performance audits of all the ICCVs under their supervision.

Figure 13 below depicts the number of ICCV performance audits and corrective measures taken in instances of non-compliance with performance plans.

Figure 13 National statistics of ICCV Audits



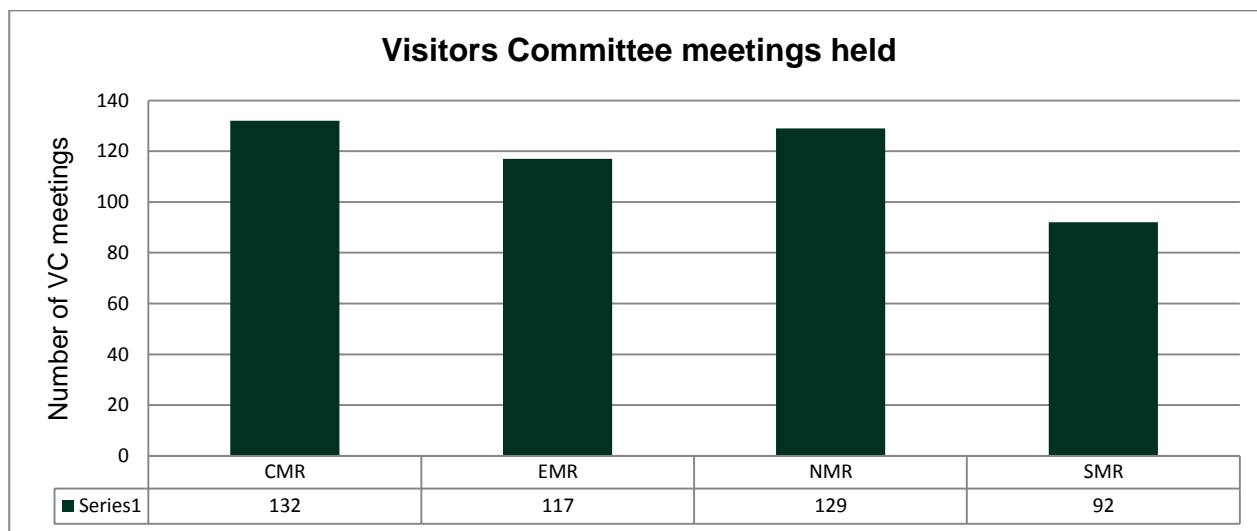
Non-compliance by ICCVs included their under-performance by failing to adhere to the Minimum Standard of Service delivery (MSSD) to which every ICCV is contractually bound.

#### F. Visitors Committee Meetings

The Visitors Committees (VCs) are formal structures that consist of ICCVs and are established in terms of section 94 of the CSA. Its powers, functions and duties are stated in the same provision. Amongst the activities of a VC is the discussion around complaints and requests from inmates. HCCs and stakeholders are invited to these meetings to discuss and to attempt to resolve matters where appropriate.

Figure 14 below highlights the number of meetings held in each management region.

*Figure 14 Visitors Committee meetings held*



Section 94(2) of the CSA provides that the VC meetings must be held at least once a quarter. JICS has 49 VCs demarcated for all management regions.<sup>18</sup> Some of the VCs were merged for practical and operational efficiency. An average of 39 VC meetings were held every month.

#### G. Stakeholder Engagements

The desired outcome of JICS intervention in the correctional system has always been to give a broad effective and independent view on correctional matters in the Republic. However, JICS cannot possibly, and should not be expected to adequately and solely address the complex needs of inmates. Some of the matters reported to JICS fall outside its jurisdictional mandate. For those, stakeholders should rather assist inmates directly in their respective areas of speciality.

<sup>18</sup> Approved VC Demarcations Document, 2013.

Numerous stakeholders have continued to provide representation and have regularly participated in a number of meetings across the regions. These stakeholders come with varied specialties which are inevitably beneficial to the ICCVs and their attempts to resolve matters. During the period under review the following stakeholders enhanced the functionality of the VC and regularly attended its meetings:

- DCS
- Department of Home Affairs
- Legal Aid SA
- Magistrates
- NICRO
- Correctional Supervision and Parole Boards
- Public Protector
- Religious leaders
- SAPS

### 2.5.3. COMPLAINTS HANDLED BY DMR

The complaints and requests shown below were handled by ICCVs and resolved at facilities and VC level. The table below lists all Records of Consultations (ROCs) filled out by ICCVs during the financial year, but does not reflect the number of interactions ICCVs had with inmates.

*Table 30 Number of ROCs completed by ICCVs during the 2016/2017 financial year*

Categories of complaints recorded by ICCVs	Number of Complaints received
Appeals	3 307
Bail	2 885
Communication with family	3 262
Conditions	802
Conversion of sentence	294
Corruption	2
Confiscation of possessions	31
Deduction of sentence	36

Categories of complaints recorded by ICCVs	Number of Complaints received
Food	542
Health Care	5 508
Inhumane Treatment	198
Legal Representation	3561
Medical Release	8
Other	16 294
Parole	2 033
Re-classification	1 010
Rehabilitation Programmes	1 614
Remission	55
Segregation	24
Petition	110
Transfers	2 061
<b>Total</b>	<b>43 637</b>

ICCV facilitated the resolution of 43 637 complaints and requests during 2016/2017 performance cycle, through the use of formal ROCs. Some of these categories of complaints and requests are analysed below, as they indicate trends and patterns:

A. “Complaints Other”

The category “other” in Table 30 refers to matters that are not specifically categorised. They include requests from inmates for information in respect of the law on parole, access to attorneys, request to be seen by social workers, information on the Victim-Offender Dialogue process and requests for toiletries. These are examples which point to the need for DCS to review its orientation programme and written guides for inmates.

B. Health Care

Health care is the second most prevalent complaint received by ICCVs and most of these complaints are about access to medication and medical treatment. Among others, inmates complained about stomach pains, coughing, headaches, fever, and insisting to consult

with a medical practitioner, they not being satisfied to be screened and treated by nursing staff. The DCS policy prescribes that in terms of general health, nurses are the first source of access to medical treatment. Inmates that are referred to public hospitals have also complained that such referrals take an excessive amount of time and that return visits are not always on the stipulated date. The DCS explanation is that it requires at least three officials to accompany an inmate to a public hospital and that their staffing ratio is not adequate for general custodial duties and the release of officials to accompany inmates to public hospitals.

### **Scenario: Mentally ill inmates**

There has been an on-going challenge in the Eastern Cape with the influx of mentally ill inmates for the past two years. The courts have been referring these inmates to the remand detention facilities as a result of insufficient specialised mental institutions and excessively long periods of time waiting for bed space.

The VC invited all role players to a meeting to discuss the matter. The Departments of Health, Justice, and representatives of the Fort England and Komani psychiatric hospitals attended. It was reported that the courts were referring the inmates in the main to Fort England. Communication between the courts and the respective hospitals was lacking and the parties undertook to develop an improved protocol and share information on a more regular basis regarding bed space.

Following the VC intervention, the situation improved. The larger problem in the province is the need for additional psychiatric facilities that falls within the jurisdiction and competence of the Provincial Department of Health.

### **C. Appeal, Bail and Legal Representation**

Appeal, bail and legal representation were complaints received from inmates and in most instances were referred to Legal Aid South Africa (LASA) for further handling, as per the memorandum of understanding between JICS and LASA. A number of the complaints relate the following aspects:

- Inmates requesting legal representation;
- Inmates complaining about lack feedback from legal representatives on their appeal or petitions, and
- Inmates requesting legal representatives to assist with bail applications and inmates not able to afford bail. Furthermore, inmates were granted bail but DCS was unable to confirm their addresses.

### **D. Communication with family**

ICCVs have noted that the majority of remand detainees allege to being incarcerated without the knowledge of their families. However, correctional centres very often afford



inmates with an opportunity to contact their families, in line with the prescripts of the CSA. ICCVs play an important role in facilitating that inmates are assisted in this regard.

#### E. Transfer

When ICCVs receive complaints regarding transfers, they usually hand the transfer application to the HCC or his/her delegate to process the applications. The most common reason provided by inmates for the requests is to be nearer to their families. However, severe backlogs result in most of these requests only being processed when the inmates are near their release on parole. Many of the transfer applications are not approved and the main reason provided by the HCC is that the correctional centres where the inmate requested to be transferred are overcrowded and not able to accommodate more inmates.

#### F. Parole

The majority of parole-related complaints are caused by insufficient information submitted to the CSPB by either the CMC or social workers, causing frustration with inmates, especially when they would otherwise satisfy the CSPB requirements. Intervention by ICCVs with social workers and CMC has resulted in the submission of missing reports to the CSPB.

#### G. Successes, Challenges and Interventions

##### **Successes**

Significant strides were made during the performance cycle under review, including:

- JICS has successfully nurtured and maintained a sound and practical collaborative relationship with LASA, with positive outcomes – complaints relating to legal representation and bail applications are expeditiously dealt with.
- There is overwhelming interest by DCS management to attend VC meetings. The HCC or his/her representatives are generally represented.
- VCs have ensured a high level of accountability from all key stakeholders. For example, DCS and LASA representatives give progress reports during VC meetings on matters falling within their portfolio.
- Foreign nationals used to be regularly kept in correctional centres awaiting their transfer to the Lindela Repatriation Centre. However, an intervention by ICCVs, DCS and the Department of Home Affairs has led to the opening of communication channels between all interested parties.
- The opening of the Regional Office in Bloemfontein on 30 November 2016 provided an opportunity to introduce the new logo of JICS to various provincial stakeholders such as SAPS, the judiciary, Chapter 9 institutions and non-governmental

organisations. As part of the proceedings, a seminar on overcrowding was held and presentations on the subject matter were received from the Inspecting Judge and the NC, amongst others.

## Challenges

- An on-going challenge has been the filling of ICCV vacancies, which is the DMR's priority. Another challenge is retention of ICCVs in which JICS has invested training resources. Furthermore, institutional memory is lost when an ICCV resigns. ICCV resignations are usually explained by the said ICCVs securing long term and full-time employment. **JICS therefore recommends an overhaul of the ICCV appointment process and the revision of length of ICCV contracts.**
- The inconsistent functioning of the ICCV Information Technology (IT) system had a negative effect on the timeous remuneration of ICCVs.

### **3. PUBLIC AWARENESS AND ADVOCACY INITIATIVES**

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One of the objectives of JICS is to create public awareness of the closed world of incarceration. Currently, most South Africans have little or no knowledge of our custodial environment.

JICS has recognised that the public ought to know about those who are incarcerated. The first reason is that, as JICS' logo states, the dignity of inmates must be respected as much as the dignity of ordinary citizens. Secondly, the vast majority of inmates will at some point be released into their communities, necessitating that they be rehabilitated. Thirdly, our taxes contribute to some R21 billion for the detention of inmates.

Two seminars were held in November 2016 to raise awareness about specific challenges that our custodial environment currently faces. The first was on *Violence and Torture* and the second on *Overcrowding*.

#### **3.1. SEMINAR ON VIOLENCE AND TORTURE**

Violence within correctional centres does not arise only from the actions of gangs, but in some cases from the DCS officials themselves. This was the subject of a seminar on *Violence and Torture* on 17 November 2016 held at Helderstroom Correctional Centre in the Western Cape. The opportunity was used at the seminar to screen a short video entitled "*Blood on the Floor*", which served as a catalyst for vibrant discussions amongst the participants. Speakers included the Honourable Justice Lucy Mailula, Chairperson of the NCCS; Mr Zach Modise, National Commissioner; Dr Liz Grobler, an independent Criminologist and consultant to the DCS and Ms Gwen Dereymaeker, from the Dullah Omar Institute at the University of the Western Cape.

The topic was of a general nature, but most presentations focused on two incidents that occurred in the Western Cape region in 2015 and 2016 at Brandvlei and Helderstroom correctional centres. Both were investigated by JICS. Following the JICS investigation into the Brandvlei incident, which led to the killing of an inmate by officials, the National Commissioner agreed to re-open the DCS internal investigation. Disciplinary processes are ongoing.

The Helderstroom matter was also characterised by excessive violence by officials. Inmates in that case did not wish to take any further steps against the officials.

### 3.2. SEMINAR ON OVERCROWDING



*Overcrowded cell at Pollsmoor – photograph taken by Mikhael Subotsky in 2000*

The second seminar organised at the end of November 2016 in Bloemfontein focused on overcrowding in correctional centres. The aim of the seminar was for JICS to engage DCS, other government departments, civil society organisations, academics and the public on severe overcrowding in correctional centres, its causes and consequences. The Inspecting Judge, the National Commissioner and Judge Lucy Mailula, as well as prominent experts in the field, were among the guest speakers at the event. The different perspectives were debated and the participants were invited to engage in discussions on how to address overcrowding and its consequences such as violence, assault and torture; how to learn from experience; and steps to be taken to ensure dignity and justice for all.

The JICS research unit compiled a video presentation, with the background music of Redemption Song, depicting pictures of overcrowded cells and the deplorable conditions under which inmates are incarcerated. Statistics on levels of overcrowding were further included in the video presentation.



The attendees at the seminar also participated in a site visit to the Grootvlei CC.

*Justice van der Westhuizen talking to inmates at Grootvlei CC*

### 3.3. OVERCROWDING IN SOUTH AFRICAN CORRECTIONAL CENTRES

Many of the 243 South African correctional facilities are overcrowded. Overall, they accommodate an excess of 161 000 inmates. The Western Cape, Gauteng and KwaZulu-Natal regions, with their large urban centres, carry the highest volumes of inmates.

Unfortunately, it remains the norm that some centres are grossly overcrowded. The resultant adverse impact is the poor quality of the treatment and the appalling conditions under which inmates are living. Such conditions remain below the acceptable standard when measured against the Bill of Rights and international human rights standards.

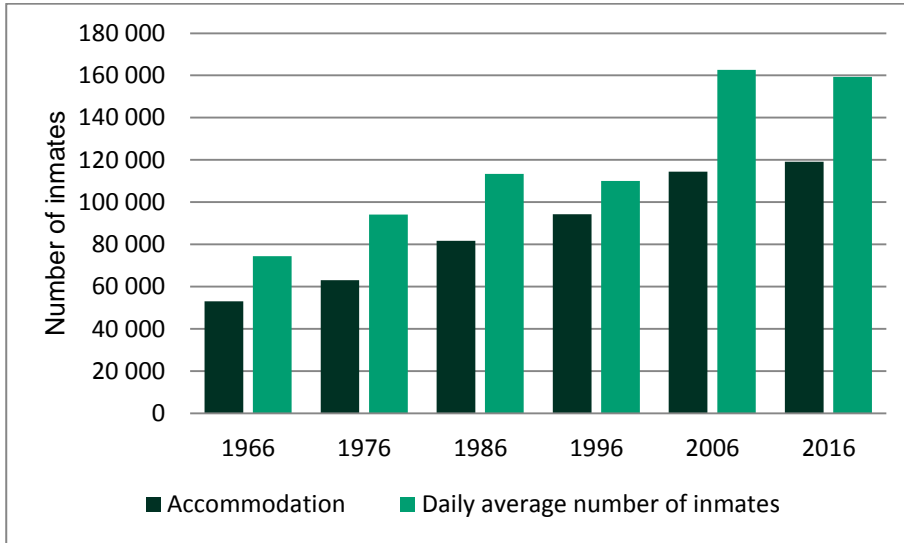
*Table 31 Inmate population as at 22 November 2016 (date of the JICS seminar on overcrowding)*

<b><u>INMATE POPULATION - 22 NOVEMBER 2016</u></b>								
REGION	ACCOMODATION	REMAND DETAINEES & OTHER UNSENTENCED INMATES			SENTENCED OFFENDERS			GRAND TOTAL
		MALES	FEMALES	Sub Total	MALES	FEMALES	Sub Total	
E.CAPE	13081	4834	63	4897	14948	304	15252	20149
GAUTENG	25421	9834	328	10162	25187	894	26081	36243
KZN	19652	5903	149	6052	21833	524	22357	28409
LMN	18006	5493	70	5563	17848	343	18191	23754
FS & NC	20559	4639	70	4709	17330	290	17620	22329
W. CAPE	19949	9728	460	10188	18836	653	19489	29677
NATIONAL	119134	40431	1140	41571	115982	3008	118990	160561

#### 3.3.1. HISTORICAL INMATE POPULATION

An analysis of sentenced offender population as per data obtained from DCS over the past 50 years shows an increase in inmate population.

Figure 15 Inmate population in South Africa, 1966 to 2016



Since 1996, the number of sentenced offenders increased from 110 046 to 162 659 in 2006, a 25% increase. In 2016, the total unsentenced and sentenced inmate population was at 159 331.

Table 32 Inmate population in South Africa, 1966 to 2016

Financial year	Accommodation	Daily average number of inmates	Population level
1965/66	53 074	74 435	140%
1975/76	63 069	94 135	149%
1985/86	81 625	113 312	139%
1995/96	94 262	110 046	117%
2005/06	114 374	162 659	142%
2015/16	119 134	159 331	134%

### 3.3.2. CURRENT INMATE POPULATION

As at 31 March 2017 correctional facilities held 161 054 inmates. The available bed space was 119 134. The excess of 41 920 represents 26 % of all inmates without adequate space.

Table 33 below lists the top 5 grossly overcrowded facilities in the Republic:

*Table 33 Top 5 overcrowded centres*

Facility inspected	Region	Percentage on inspection
Thohoyandou Remand	LMN	250%
St. Albans Medium B Sentenced	Eastern Cape	222%
George Sentenced and Remand	Western Cape	217%
Potchefstroom Remand mainly	LMN	219%
Knysna Sentenced and Remand	Western Cape	213%

A projection based on the history of the past decades shows that the intended transformation of correctional facilities is not an immediate reality.

*Table 34 Projected inmate population, 2016/2017 to 2020/2021*

Financial Year	Projected Number of inmates	Projected Accommodation	Projected Overcrowding level
2016/2017	161 667	119 486	35.30%
2017/2018	163 261	119 795	36.28%
2018/2019	164 855	120 582	36.72%
2019/2020	166 449	120 594	38.02%
2020/2021	168 043	120 594	39.35%

Should the current circumstances prevail, the projections forecast overcrowding level to increase to 39.35% by 2020.

**PART C**  
**HUMAN RESOURCE**  
**MANAGEMENT**



## **1. INTRODUCTION**

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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, Workplace Skills Plan, Training Plan, Employee Wellness Programme, HR Planning, Organisational Development, Recruitment and Selection processes and HR Administration.

## **2. OVERVIEW OF HUMAN RESOURCES**

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

- 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.

## **3. HUMAN RESOURCES OVERSIGHT STATISTICS**

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### **3.1. EMPLOYMENT AND VACANCIES**

In the 2015/2016 financial year, the JICS approved organisational establishment was 44 positions. During 2016/2017, DCS made a commitment to provide an additional 42 posts to JICS. However due to various challenges in the abolishing of DCS posts for the creation of JICS posts, DCS only provided and created 24 of the 42 posts. The approved organisational establishment increased to 68 positions, of which 63 posts are filled and 5 posts are vacant. An additional 17 employees were employed on a fixed term contract for the performance period under review.

### 3.1.1. EMPLOYMENT AND VACANCIES PER SALARY BAND

Table 35 Occupied and vacant posts, 2016/2017

No	Designation	Occupied	Vacant	Contract
1	Inspecting Judge	0	0	1
2	Level 14	0	1	0
3	Level 13	1	0	0
4	Level 12	1	0	0
5	Level 11	4	0	0
6	Level 9	8	2	0
7	Level 8	14	0	0
8	Level 7	12	1	7
9	Level 6	7	0	2
10	Level 5	15	1	2
11	Level 3	0	0	5
12	Level 2	1	0	0
	<b>Total</b>	<b>63</b>	<b>5</b>	<b>17</b>

The above table reflects the occupied and vacant positions of permanent and fixed term contracts as at 31 March 2017.

Table 36 ICCVs Employment and vacancies

Approved Establishment	Filled posts fill	Vacancies	Correctional centres under construction
<b>310</b>	<b>246</b>	<b>57</b>	<b>7</b>

HR also facilitates the appointment of ICCVs as contract workers. A total number of 310 ICCVs posts are allocated across 243 facilities. As at 31 March 2017, 246 ICCVs posts were occupied, 57 posts were vacant and seven facilities were temporarily closed due to maintenance, renovations and constructions.

### 3.1.2. STAFF TURNOVER

One staff member resigned during the performance period, to advance his career in the private sector.

### 3.1.3. TOTAL NUMBER OF EMPLOYEES IN EACH OF THE OCCUPATIONAL CLASSIFICATIONS

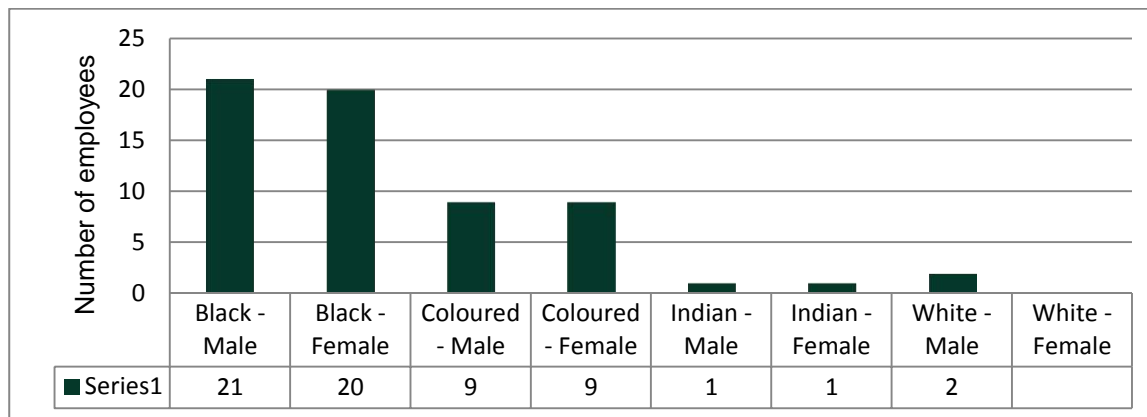
Table 37 Total number of employees, 2016/2017

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management (Level 13 – 14)	1	0	0	0	0	0	0	0	1
Professionally qualified and middle management (Level 11-12)	1	1	1	2	0	0	0	0	5
Skilled technical workers, junior management supervisors.(Level 7-10)	13	6	0	0	11	4	1	0	35
Semi-Skilled (Level 3-6)	4	2	0	0	10	5	0	0	21
Unskilled (Level 1-2)	1	0	0	0	0	0	0	0	1
<b>Total permanent</b>	<b>20</b>	<b>9</b>	<b>1</b>	<b>2</b>	<b>21</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>63</b>
<b>Non-permanent</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17</b>
<b>Total number of employees</b>	<b>24</b>	<b>9</b>	<b>1</b>	<b>3</b>	<b>33</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>80</b>

The above table reflects the total number of employees in each of the occupational classification as at 31 March 2017.

### 3.1.4. EMPLOYMENT EQUITY

Figure 16 Employment Equity at JICS for the 2016/2017 financial year



The above table reflects the employment equity of JICS employees as at 31 March 2017.

### 3.1.5. SELECTION AND RECRUITMENT

Table 38 Selection and recruitment, 2016/2017

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical workers, junior management supervisors. (Level 7-10)	3	0	0	0	3	1	0	0	7
Semi-Skilled (Level 3-6)	3	1	0	0	8	1	0	0	13
Unskilled (Level 1-2)	0	0	0	0	0	0	0	0	0
<b>Total permanent</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>20</b>

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Non-permanent	1	0	0	0	5	1	0	0	7
Total number of employees	7	1	0	0	16	3	0	0	27

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

### 3.1.6. PROMOTIONS AND TRANSFERS

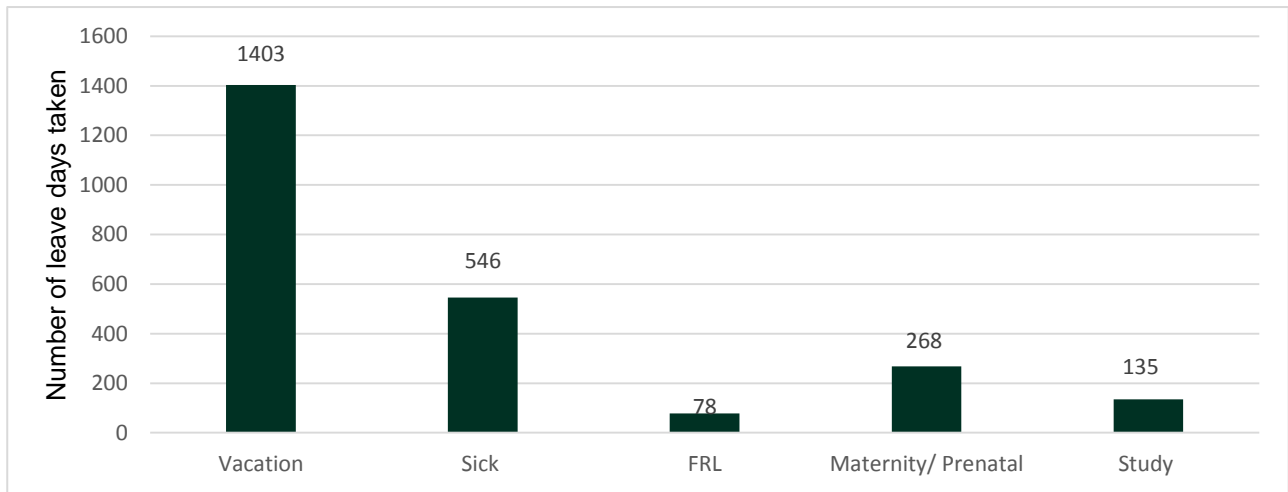
Table 39 Promotions and transfers

	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and middle management (Level 11-12)	0	0	0	2	0	0	0	0	2

During the performance cycle, one official was promoted from within JICS and the other was horizontally transferred from the Department: Office of the Chief Justice (OCJ).

### 3.1.7. LEAVE MANAGEMENT

Figure 17 Leave Management



The different leave categories utilized by staff for the annual performance cycle are: 1403 days of vacation leave (17.5 days per staff member); 546 days of sick leave (6.8 days per staff member); 268 days of maternity leave were taken by two staff members (134 days per staff member); 135 days taken for study leave (15 days per staff member).

### 3.1.8. GRIEVANCES REGISTERED FOR THE PERIOD UNDER REVIEW

Table 40 Grievances registered for the period under review

Grievances	Number
Number of grievances resolved	3
Number of grievances not resolved	1
<b>Total number of grievances registered</b>	<b>4</b>

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

### 3.1.9. DISPUTES REGISTERED WITH GPSSBC COUNCILS FOR THE PERIOD UNDER REVIEW

Table 41 Disputes registered with GPSSBC Councils for the period under review

Disputes	Number
Number of disputes upheld	1

<b>Disputes</b>	<b>Number</b>
Number of disputes dismissed	0
<b>Total number of disputes registered</b>	<b>1</b>

One case was referred to the State Attorney for litigation.

### 3.1.10. PERFORMANCE MANAGEMENT FOR THE PERIOD UNDER REVIEW

*Table 42 Performance Management for the period under review*

<b>2016-2017</b>	<b>Pay Progression</b>	<b>Performance Bonus</b>
Level 2	1	0
Level 5	1	0
Level 6	4	0
Level 7	7	1
Level 8	5	2
Level 9	4	2
Level 11	Moderation must still take place	0
Non Centre Based (NCB) 1.3	3	0
NCB 2	1	1
NCB 4	Moderation must still take place	0
<b>Total</b>	<b>26</b>	<b>6</b>

Pay progressions were only implemented for Levels 2-10. However, due to financial constraints and cost containment measures within DCS, the pay-out of 2015/16 performance bonuses was delayed.

Due to the unavailability of Senior Managers (SMS), JICS relies on DCS Senior Managers to assist with the moderation of salary level 11-12 and Non-centre based (NCB)-4. The

unavailability of DCS SMS members resulted in the non-moderation of these officials in the required timeframe.

## **3.2. CHALLENGES, SUCCESSES AND COMMENTARY**

### **3.2.1. CHALLENGES**

- Centralisation of PERSAL system and functions at DCS Head Office, e.g. creation of positions, hampers the service delivery targets of JICS. Currently, contract workers are paid periodically which is unauthorised, the creation of additional posts is dependent on DCS, resulting in different salaries payments dates (not on the last day of the month).
- Only 24 of the 42 permanent positions allocated by DCS to JICS in the previous performance cycle were received. 18 were outstanding at the end of this performance cycle.
- Shortage of HRM personnel compromises service delivery to all JICS staff.

### **3.2.2. SUCCESSES**

- Selections and recruitment of 22 of the 24 new positions enhanced service delivery.
- 12 JICS officials successfully completed the Emerging Management Development Programme course for supervisors and junior managers.

### **3.2.3. COMMENTARY**

Representatives of JICS and DCS met to resolve operational and functional issues. Progress has been slow but both parties are committed to ensuring a synergized relationship.



**PART D**

**FINANCIAL AND SUPPLY  
CHAIN MANAGEMENT**

## 1. OVERVIEW OF FINANCE

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### 1.1. PURPOSE

To ensure that the budget requirements meet the main cost items, which are the compensation of 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 and 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 the 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 2016/2017

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### 2.1. BUDGET ALLOCATION 2016/2017

*Table 43 Budget allocation 2016/2017*

ITEMS	BALANCE
<b>Total Budget Allocation</b>	<b>R 65,309,000.00</b>
Compensation of Employees	R 57,380,000.00
Minor Assets (less than R5000)	R 883,000.00
Goods and Services	R 7,046,000.00

JICS was allocated a budget of R65 309 000.00 for the 2016-2017 financial year. The budget is inclusive of R883 000.00 for minor assets.

## 2.2. DETAILED EXPENDITURE REPORT

Table 44 2014/2015-2016/2017 Expenditure report

	2014/15	2015/16	2016/17
<b><u>Economic Classification</u></b>			
<b><u>Current Payments</u></b>			
<b><u>Compensation of Employees</u></b>	<b>R 31 865 262.05</b>	<b>R 31 437 901.97</b>	<b>R 35 556 198.42</b>
Salaries & Wages	R 29 740 956.90	R 29 007 296.68	R 32 680 966.67
Social Contributions	R 2 124 305.15	R 2 430 605.29	R 2 875 231.75
<b><u>Goods &amp; Services</u></b>	<b>R 5 608 360.45</b>	<b>R 6 588 729.56</b>	<b>R 6 334 999.37</b>
Advertising	R 68 074.49	R 111 369.02	R 192 479.58
Assets less than the capitalization threshold	R 172 290.13	R 105 088.77	R 42 422.82
Bursaries: Employees	R 64 746.96	R 97 955.00	R 116 410.00
Catering Departmental Activities	R 86 632.50	R 90 389.00	R 120 039.20
Communication	R 290 004.11	R 371 453.94	R 377 616.90
Consultants and Professional Services: Business and Advisory services	R 207 452.74	R 29 600.00	R 29 660.30
Consultants and Professional Services: Legal Cost	R -	R -	R -
Entertainment	R 1 700.00	R -	R 151.90
Fleet Services	R 625 160.12	R 770 870.48	R 410 379.64
Consumable Supplies	R 11 869.64	R 15 137.15	R 22 249.19
Consumable: Stationery, printing and office supplies	R 181 655.11	R 191 205.27	R 221 187.42
Leases	R 10 316.51	R -	R -
Property Payments	R 21 621.66	R 7 294.05	R 6 686.56
Travel & Subsistence	R 3 396 834.30	R 4 449 644.39	R 4 515 764.02
Training and Development	R 165 499.50	R 149 940.00	R -
Operating Payment	R 303 852.68	R 155 981.76	R 216 736.84
Venues and Facilities	R 650.00	R 15 548.00	R 31 695.00
Resettlement Cost		R 27 252.73	R 31 520.00
<b><u>Transfers and Subsidies</u></b>	<b>R 65 616.15</b>	<b>R 31 177.66</b>	<b>R 12 041.10</b>
Provinces and Municipalities	R 65 616.15	R 31 177.66	R 12 041.10
<b><u>Payments for Capital Assets</u></b>	<b>R 843 259.60</b>	<b>R 1 579 548.71</b>	<b>R 247 455.90</b>
Machinery and Equipment			
Other Machinery and Equipment	R 843 259.60	R 404 353.49	R 247 455.90
Motor Vehicle	R -	R 1 175 195.22	R -
Other	R 16 726.96	R 95.00	R 44 706.61
<b>Total</b>	<b>R 38 399 225.21</b>	<b>R 39 637 452.90</b>	<b>R 42 195 401.40</b>

The expenditure for the financial year amounts to R42 195 401.40. JICS underspent by 35.39% (R23 113 599) of the total budget due to the following reasons:

- **Compensation of Employees** – underspending of R21 823 801 due to the delay in the appointment of permanent employees and the outstanding 18 permanent positions which were not filled.
- **Goods & Services** – The allocated budget was R7 046 000 and the expenditure was R6 334 999, amounting to a saving of R711 000. 89.8% of the budget was spent.
- **Finance leases** - Overspent by 3.107% due insufficient allocation to the budgetary item.

## 2.2.1. MANAGEMENT OF LOSSES AND DEBTS

### Losses

Losses are regulated by PFMA<sup>19</sup> and Treasury Regulation<sup>20</sup>. Out of a total of 25 vehicles, 21 were involved in accidents. Two vehicles were disposed of.

### Debts

Responsibility for the management of debtors is regulated by PFMA<sup>21</sup> and Treasury Regulations<sup>22</sup>. Forty eight debts were instated to the amount **R100 926.12**, Debt recovery for financial year amount to **R21 624.46** other debts are still in the process of being recovered.

#### A. Transport Management

*Table 45 Transport Management*

Management Area/ Region	Total Vehicles
Head Office	3
Inspecting Judge Office	1
Northern Region	7
Central Region	5
Eastern Region	5
Southern Region	4
<b>Total</b>	<b>25</b>

<sup>19</sup> Section 71(1)

<sup>20</sup> Chapter 12

<sup>21</sup> Section 38(1)

<sup>22</sup> Chapter 11

The table above reflects the distribution of JICS vehicles as at 31 March 2017.

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 vehicles are in the process of being disposed.

## B. Property Management

*Table 46 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 that of 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.

The table above summarises JICS property procurement status on 31 March 2017.

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 / Bisho for operational purposes.

### 2.2.2. SUPPLY CHAIN MANAGEMENT

#### **Information Technology Equipment:**

One laptop and one printer were procured during the course of the financial year.

#### **Good and Services:**

The following transactions were processed for the period under review:

- Purchase order generated: 586
- According to SCM zero credit notes were issued during the period under review.

### **Finance leases:**

JICS currently has seven lease agreements for photocopier machines and there are 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 2016/2017 JICS SCM conducted Asset verification at Head Office.
- JICS – Head office has constituted an asset disposal committee.
- Assets which were identified for disposal in the assets verification of 2016/2017 are in progress and ought to be finalised in the financial year of 2017/2018.
- New furniture for the Eastern Management Region was received in July 2016 and in February 2017 for Northern Management region. Both were manufactured at the Zonderwater Correctional Centre Workshop, Pretoria, Gauteng.

## **2.2.3. CHALLENGES AND COMMENTARY**

### **Challenges**

- The unilateral implementation of cost containment measures in DCS financial circular 4 of 2016/2017 hampers service delivery targets of JICS.
- JICS received a total budget of R 69.250 million for the 2017/2018 financial year, leaving it with an operational budget of R 8.9 million. A shortfall of R3.3 million was registered.
- The shortage of Finance and SCM personnel causes delays in terms of services delivery to internal and external clients.

### **Commentary**

- JICS and DCS have a prodigious relationship when it comes to the sharing of budget. However, to ensure even greater effectiveness and efficiency in line with operational independence, it is recommended that JICS should be part of an interdepartmental task team when discussing financial expenditure. The aim of the abovementioned task team should be to encourage consultation between DCS and JICS on informed policy decisions regarding JICS financial expenditure.

# **APPENDICES**

# Inspections: Appendix 1: Gauteng

Gauteng																														
Centre	Population					Professional staff			EST		Meals per day		Exercise			Safety	Structure	Health Care						Rehabilitation					Prevalent Complaints	
	Lockup	Remand Detainees	Sentenced	Approved accommodation	% overcrowded	Nurse	Social Worker	Educator	Management present	Complaints	Number of meals	Within timeframe	<1 hour	1 hour	>1 hour	Firefighting equipment serviced on time	Urgent maintenance needed	Assessment	HIV	Mentally ill inmates				Number of participants					Prevalent complaints	
																		No of inmates medically assessed within 24 hours of admission	Voluntary testing and counselling- number of inmates (Info from HCC and medical staff)	No of inmates diagnosed with mental illness	Prevalent mental illnesses	Treatment available at centre	Location of Mentally Ill Patients	State Patients awaiting beds at specialised institutions	AET	Grade 10 -12	Vocational	Workshops	Required Correctional Programmes	
Modderbee	3989	1094	2895	2993	133%	13	6	9	Yes	No	3	No			X	Yes	Yes	y	993	95	Drug induced Psychosis	Y	General Population and hospital	0	96	0	264	0	349	Inhumane treatment, no feedbacks from complaint, and assaults
JHB Med C	454	0	454	345	132%	7	2	2	Yes	No	3	Yes		X		No	Yes	y	152	29	Drug induced Psychosis	Y	General population	0	0	49	0	0	60	Transfers
Heidelberg	455	119	336	553	Not overcrowded	2	3	4	Yes	No	3	Yes			X	No	Yes	y	354	21	Depression	Y	General population	0	11	0	12	0	102	Transfers
Johannesburg Female	909	208	701	613	148%	8	1	2	Yes	No	2	No		X		Yes	Yes	y	35	60	Adjustment disorder	Y	Separate	0	167	0	15	0	308	Complaints not attended to
Leeuwkop juvenile	291	0	291	706	Not overcrowded	3	2	7	Yes	No	3	No		X		Yes	No	y	21	0	N/A	N/A	N/A	0	33	0	15	216	42	Bedding, television
Devon	285	0	285	679	Not overcrowded	4	1	1	Yes	No	3	Yes			X	Yes	Yes	y	9	4	Schizophrenia	Y	General Population and hospital	0	0	0	0	0	20	No major complaints
Vereeniging	928	455	473	699	133%	8	3	1	Yes	Yes	2	No			X	No	Yes	y	1047	22	Depression	Y	General population and hospital	0	0	0	13	0	167	Parole board, shortage of water and Plumbing service
	7311	1876	5435	6588																										



# Inspections: Appendix 2: Western Cape

Western Cape																														
Centre	Population					Professional staff			EST		Meals per day		Exercise			Safety	Structure	Health Care							Rehabilitation					Inmate complaints
	Lockup	Remand Detainees	Sentenced	Approved accommodation	% overcrowded	Nurse	Social Worker	Educator	Management present	Complaints	Number of meals	Within time frame	<1 hour	1 hour	>1 hour	Firefighting equipment serviced on time	Urgent maintenance needed	Assessment	HIV	Mentally ill inmates					Number of participants					Prevalent complaints
Worcester Male	940	461	479	569	165%	4	2	4	Yes	Yes	2	No		X		Yes	Yes	y	1498	22	Drug induced Psychosis	Y	General population and hospital	0	55	9	0	0	48	Transfers
Robertson	342	11	331	234	146%	1	1	0	Yes	No	3	Yes		X		Yes	Yes	y	702	5	Drug induced Psychosis	Y	General population	0	40	0	0	0	104	Legal Aid lawyers not visiting before court case
Riebeeck West	294	0	294	205	143%	1	1	0	Yes	No	3	Yes		X		Yes	Yes	y	29	10	Drug induced Psychosis	Y	General population	0	0	0	0	0	57	Transfers
Warmbokveld	275	154	121	238	116%	1	1	0	No	No	3	No		X		Yes	No	y	114	8	Depression	Y	General population and hospital	0	6	0	0	0	30	Official on inmate assault
Pollsmoor Medium A	1056	681	375	1111	Not overcrowded	7	2	9	No	No	2	No		X		Yes	Yes	y	288	10	Drug induced Psychosis	Y	Separate	0	52	8	56	0	0	Lack of hot water
Pollsmoor Medium C	895	0	895	574	156%	2	1	1	Yes	Yes	2	No		X		Yes	Yes	y	60	30	Drug induced Psychosis	Y	General population	0	0	0	0	0	47	Parole revoked
Oudtshoorn Medium A	614	186	428	300	204%	3	2	2	Yes	No	3	No		X		Yes	Yes	y	116	22	Drug induced Psychosis	Y	General population	0	21	0	0	0	101	No major complaints
Malmesbury Medium A	1482	1	1481	1392	106%	7	7	0	Yes	No	2	No		X		Yes	Yes	y	715	81	Drug induced Psychosis	Y	General population	0	122	44	0	76	862	Shortage of shoes and uniforms
Knysna	382	199	183	179	213%	1	1	2	Yes	No	3	No		X		Yes	Yes	y	98	7	Drug induced Psychosis	Y	General population and hospital	0	7	0	0	0	77	Food
George	1224	444	780	563	217%	3	4	3	Yes	No	3	No		X		Yes	Yes	y	394	40	Depression	Y	General population and hospital	0	44	7	6	0	77	No major complaints
Brandvlei Medium	560	0	560	520	108%	3	3	5	Yes	No	2	No		X		Yes	Yes	y	292	19	Depression	Y	General population	0	20	17	0	0	98	Transfers
Brandvlei Maximum	694	0	694	690	113%	5	5	0	Yes	No	2	No	X			Yes	No	y	317	35	Depression	Y	General population	0	100	0	0	0	Information not provided	Transfers
	8758	2137	6621	6575																										

# Inspections: Appendix 3: Eastern Cape

Eastern Cape																														
Centre	Population					Professional staff			EST		Meals per day		Exercise			Safety	Structure	Health Care							Rehabilitation					Inmate complaints
	Lockup	Remand Detainees	Sentenced	Approved accommodation	% overcrowded	Nurse	Social Worker	Educator	Management present	Complaints	Number of meals	Within timeframe	<1 hour	1 hour	>1 hour	Firefighting equipment serviced on time	Urgent maintenance needed	Assessment	HIV	Mentally ill inmates				Number of participants					Prevalent complaints	
																	No of inmates medically assessed within 24 hours of admission	Voluntary testing and counselling - number of inmates	No of inmates diagnosed with mental illness	Prevalent mental illnesses	Treatment available at centre	Location of Mentally ill Patients	State Patients awaiting beds at specialised institutions	AET (info from HCC and education staff)	Grade 10 -12 (info from HCC and education staff)	Vocational	Workshops	Required Correctional Programmes		
Grahamstown	656	243	413	309	212%	2	2	0	Yes	No	3	Yes		X		Yes	Yes	y	30	9	Schizophrenia	Y	Hospital section	6	75	0	0	0	250	Parole board, shortage of water and Plumbing service
St Albans Medium B	2061	0	2061	929	222%	18	7	10	Yes	No	2	No		X		Yes	Yes	y	673	76	Schizophrenia	Y	General population	0	19	29	9	0	370	Shortage of blankets, mattress and uniform. Court cases
Kirkwood	1100	5	1095	787	140%	3	4	1	Yes	No	3	Yes		X		Yes	Yes	y	15	5	Schizophrenia	Y	General population	0	149	0	0	0	111	Official on inmate assault
Fort Beaufort	268	171	97	168	160%	2	0	0	No	No	3	Yes		X		Yes	Yes	y	493	9	Schizophrenia	Y	General population	3	0	0	0	0	2	Not allowed to eat food from visitors
Stutterheim	75	0	75	50	150%	2	1	0	Yes	No	3	Yes		X		Yes	Yes	y	41	0	N/A	N/A	N/A	0	15	0	0	0	14	Access to rehabilitation programs
Middeldrift	1207	12	1195	646	186%	6	2	4	Yes	No	3	Yes		X	Yes	Yes	y	387	10	Stress	Y	General population	0	47	0	10	11	132	Transfers	
Cofimvaba	64	0	64	55	116%	1	0	5	Yes	No	3	Yes		X	No	Yes	y	18	0	N/A	N/A	N/A	0	28	0	0	0	22	Transfers	
Queenstown	188	176	12	125	150%	2	1	0	Yes	Yes	3	Yes		X		Yes	Yes	y	160	2	Drug induced Psychosis	Y	General population	0	0	0	0	0	12	Court cases and transfers
Barkley East	81	30	51	68	119%	1	1	0	Yes	No	3	Yes		X		Yes	Yes	y	12	0	N/A	N/A	N/A	0	0	0	0	0	0	Transfers, legal representatives and communication with families
Cradock	474	71	403	253	187%	2	2	8	Yes	No	3	Yes		X		Yes	Yes	y	600	2	Drug Induced Psychosis	y	General population	0	0	8	0	0	10	Transfers
Jansenville	35	0	35	35	Not overcrowded	0	0	0	Info not provide	Info not provide	3	Yes		X	Yes	No	No	info not provided	info not provided	N/A	N/A	N/A	N/A	0	0	0	0	0	4	Primary health care
Middleburg	387	57	330	317	122%	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	175	10	Psychosis	Y	General Population and hospital	2	30	5	0	0	0	0	Islam diet and Lack of hot water
Somerset East	188	92	96	167	113%	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	222	1	Schizophrenia	Y	General Population	0	0	0	0	0	20	Shortage of programmes and lack of family communication	
Bizana	83	62	21	57	146%	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	30	0	N/A	N/a	N/A	0	0	0	0	0	10	Indoor games, materials, hot water system & shortage of shoes	
Flagstaff	129	0	129	64	201%	1	0	0	Yes	No	3	Yes	X		Yes	Yes	y	16	7	not known	Y	General population	0	0	0	0	0	0	No complaints	
East London Medium A	1451	2	1449	880	165%	8	5	10	Yes	Yes	3	yes		X	Yes	Yes	y	257	36	Drug Induced Psychosis	Y	General population	0	143	0	37	55	250	Appeals and availability of the ICCV	
Engcobo	129	0	129	99	130%	1	1	0	Yes	No	3	Yes		X	No	Yes	y	30	0	N/A	N/A	N/A	0	0	0	0	0	25	No dietician for ill inmates, running toilets & shortage of uniform	
Mqanduli	129	34	95	70	184%	1	1	0	Yes	Yes	3	Yes		X	Yes	Yes	y	9	3	Schizophrenia, psychosis & drug abuse	Y	General population	0	19	0	0	0	48	Hot water, no shower doors, Telkom lines, HCC not attending complaints & one toilet shared by quiet a number of inmates	
Mt Fletcher	212	26	186	122	174%	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	282	3	Schizophrenia	Y	General population	1	0	0	0	0	21	shortage of uniform & toiletries	
Tabankulu	158	0	158	100	158%	1	0	2	Yes	Yes	3	Yes		X	No	Yes	y	173	5	Drug Induced Psychosis	Y	General population	0	25	0	0	0	19	No complaints	
	9075	981	8094	5301																										

# Inspections: Appendix 4: KwaZulu-Natal

KZN																														
Centre	Population					Professional staff			EST		Meals per day		Exercise			Safety	Structure	Health Care							Rehabilitation					Inmate complaints
	Lockup	Remand detainees	Sentenced	Approved accommodation	% overcrowded	Nurse	Social Worker	Educator	Management present	Complaints	Number of meals	Within timeframe	<1 hour	1 hour	>1 hour	Firefighting equipment serviced on time	Urgent maintenance needed	Assessment	HIV	Mentally ill inmates					Number of participants					Prevalent complaints
Dundee	146	97	49	95	153%	1	0	0	Yes	No	3	Yes		X		No	Yes	y	12	0	N/A	N/A	N/A	0	0	0	0	0	2	Plumbing & bedding
Waterval Medium A	921	0	921	603	152%	3	5	2	Yes	Yes	2	No		X	No	Yes	y	56	52	Schizophrenia & post traumatic stress	Y	General & separate	0	34	22	0	0	170	Cleaning materials, transfers, old mattresses, televisions & educational skills	
Port Shepstone	355	0	355	214	166%	2	1	1	Yes	No	3	Yes		X	No	No	y	31	3	Schizophrenia	Y	Separate	0	20	0	77	0	57	Sentence remarks, contact visits, shortage of uniform, cmc lacking & highest prices at centre shop	
Bergville	43	0	43	31	139%	1	0	0	Yes	No	3	Yes		X	No	Yes	y	21	1	not known	Y	General population	0	0	0	0	0	12	None	
Ladysmith	617	418	199	338	183%	2	1	0	Yes	No	3	No		X	No	No	y	146	7	Schizophrenia	Y	General population and separate	0	0	0	0	0	53	No formally appointed HCC, delays on rehabilitation programmes, transfers, hospital not helping inmates & rotten food from the kitchen	
Pietermaritzburg Medium A	3340	1055	2285	2043	163%	20	8	2	Yes	No	3	Yes		X	Yes	Yes	y	82	69	Schizophrenia	Y	General population and separate	0	137	0	3	64	324	Hot water system, absence of psychologist & delays in lifers parole	
Durban Medium C	1042	276	766	671	155%	2	4	1	Yes	No	3	No		X	No	No	y	846	16	Psychosis & depression	Y	General population & separate	0	31	0	0	38	309	Television, hot water system & running toilets	
Sevontein	1287	0	1287	831	164%	5	5	2	Yes	No	2	No		X	No	Yes	y	565	9	Psychosis & depression	Y	General population and separate	0	59	19	4	73	437	Shortage of bedding, inmates' uniform & absence of life skills programmes	
Nkandla	67	0	67	46	146%	1	1	0	Yes	No	3	Yes		X	No	Yes	y	50	1	Drug Induced Psychosis	Y	General population	0	0	0	0	0	28	Shortage of uniform, no hot water, beds are not balanced, no Telkom lines, rotten eggs on some occasions, no electric plugs for television & broken windows	
Ingwavuma	98	0	98	84	117%	1	0	0	Yes	No	3	Yes		X	No	Yes	y	16	0	N/A	N/A	N/A	0	0	0	0	0	39	Water shortage, sanitation blockage, absence of educational & vocational programmes, shortage of beds, cockroaches in the centre and one TV rotating	
Ixopo	236	0	236	198	119%	1	1	0	Yes	No	3	Yes		X	No	Yes	y	116	5	Depression	Y	General population	0	0	0	0	0	36	No complaints	
Durban Youth centre	609	12	597	629	Not overcrowded	2	4	14	Yes	No	3	Yes		X	No	Yes	y	48	7	Drug Induced Psychosis	Y	General population and separate	0	90	107	2	11	126	Ration of food is lessen	
Durban Female	409	101	308	244	168%	2	1	1	Yes	No	3	Yes		X	No	Yes	y	1350	3	Drug Induced Psychosis	Y	Separate	0	43	24	19	18	35	An hour exercise in some cells	
	9170	1959	7211	6027																										



# Inspections: Appendix 6: Limpopo / Mpumalanga / North West

Centre	LMN																													
	Population					Professional staff			EST		Meals per day		Exercise			Safety	Structure	Health Care							Rehabilitation					Inmate complaints
	Lockup	Remand Detainees	Sentenced	Approved accommodation	% overcrowded	Nurse	Social Worker	Educator	Management present	Complaints	Number of meals	Within timeframe	<1 hour	1 hour	>1 hour	Firefighting equipment serviced on time	Urgent maintenance needed	Assessment	HIV	Mentally ill inmates				Number of participants					Prevalent complaints	
Makhado	573	159	414	324	177%	4	3	5	Yes	No	3	Yes		X		Yes	Yes	y	116	8	Schizophrenia	Y	General population	0	60	12	0	0	107	Parole
Thohoyandou Female	162	36	126	134	125%	2	1	4	Yes	No	3	Yes		X	Yes	Yes	y	84	1	Drug induced Psychosis	Y	General population	0	39	0	8	0	15	Infants clothing and food	
Barberton Med B	943	0	943	631	149%	3	3	4	Yes	No	3	Yes		X	Yes	Yes	y	91	22	Schizophrenia	Y	General population	0	49	0	125	0	0	Parole and Transferees	
Barberton Med A	194	0	194	137	141%	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	103	1	Schizophrenia	Y	General population	0	0	0	0	0	0	Parole	
Losperfontein	1059	0	1059	850	125%	8	4	8	Yes	Yes	2	No		X	Yes	Yes	y	389	16	Schizophrenia	Y	General population	0	101	0	110	0	301	Treatment, quality of water and sentence plans	
Brits	103	0	103	157	Not overcrowded	1	1	2	Yes	No	3	No		X	Yes	Yes	y	109	2	Bipolar	Y	General population	0	5	0	0	0	26	Transfers	
Modimolle	434	88	346	364	119%	2	2	2	Yes	No	3	Yes		X	Yes	Yes	y	347	4	Drug induced Psychosis	Y	General population	0	19	15	0	0	380	None	
Rustenburg Juvenile	256	84	172	629	Not overcrowded	6	2	5	Yes	No	3	Yes		X	No	Yes	y	397	3	Drug induced Psychosis	Y	General population	0	16	58	8	49	Transfer, vocational program		
Thohoyandou A	1309	0	1309	691	189%	5	4	3	Yes	No	3	Yes		X	Yes	Yes	y	122	23	Schizophrenia	Y	General population	0	95	0	0	75	150	Transfer, shortage of water, shop, treatment by local EST	
Thohoyandou B	548	527	21	219	250%	4	0	0	N/A	N/A	3	Yes		X	Yes	Yes	y	670	30	Drug induced Psychosis	Y	General population	0	0	0	0	0	0	Shortage of water, social worker	
Lydenburg	60	0	60	81	Not overcrowded	2	1	0	Yes	No	3	Yes		X	Yes	Yes	y	98	2	Schizophrenia	Y	General population	0	0	0	0	0	28	Food	
Middleburg	329	135	194	317	104%	3	1	2	Yes	No	3	No		X	No	Yes	y	54	9	Drug induced Psychosis	Y	General population	2	24	3	0	7	209	Vocational programs that are not offered and transferees	
Lichtenburg	348	0	348	291	120%	1	1	1	Yes	No	3	No		X	No	Yes	y	41	9	Psychosis & depression	Y	General population	0	25	0	0	0	24	Lack of vocational programs	
Zeerust	109	0	109	143	Not overcrowded	1	1	2	Yes	No	3	Yes		X	Yes	Yes	y	0	2	Info not provided	Y	General population & separate	1	25	14	0	0	162	No proper library for students, assistance and police not giving them their belongings, hot water system & running toilets	
Potchefstroom	1751	1487	262	867	202%	4	2	1	Yes	No	2	No	x		Yes	Yes	y	269	25	Schizophrenia	y	General population	0	25	3	0	1	1836	Safety due to gang violence	
	8178	2516	5660	5835																										















## Complaints: Appendix 8

	Correctional Centre Date of Recommendation Inmate's personal details	Category of complaint	Summary of findings	Summary of Recommendations
1	<b>Kuruman</b> 26/04/2016 RT Sentenced	Assault: on (Official inmate)	<ul style="list-style-type: none"> <li>• Incident was not correctly registered in the facility's official registers.</li> <li>• Inmate's subsequent segregation and application of mechanical restraints was not registered nor reported to JICS.</li> <li>• The restrictions imposed on the inmate are excessive and cannot be justified.</li> </ul>	<ul style="list-style-type: none"> <li>• Due to insufficient evidence, a case of assault could not be established.</li> <li>• Officials should be mindful and continuously be trained to adhere to policy and procedures regarding the use of force, mechanical restraints and segregation of an inmate.</li> <li>• HCC or his designated official should be sensitized on failure to comply with sections 30, 31 and 32 of the CSA.</li> </ul>
2	<b>Brandvlei Max</b> 18/05/2016 BG and another Both sentenced	Assault: on (Inmate inmate)	<ul style="list-style-type: none"> <li>• Two inmates got involved in an argument – inmate A burned inmate B with hot water.</li> <li>• Inmate B was immediately assisted by medical staff.</li> <li>• A criminal case was opened against inmate A</li> </ul>	<ul style="list-style-type: none"> <li>• Inmate A should be subjected to an internal disciplinary hearing.</li> <li>• Officials on duty should be more vigilant when performing section duties, especially at night.</li> <li>• Security measures should be in place to prohibit the use of kitchen utensils and electrical</li> </ul>

				appliances/equipment used for the preparation of food in a cell.
3	<b>Springbok</b> 06/06/2016 RA and two others All Sentenced	Assault: on (Official inmate)	<ul style="list-style-type: none"> <li>Allegations of assault on three inmates could not be proven on the evidence gathered.</li> <li>Inmates withdrew the complaint voluntarily.</li> </ul>	<ul style="list-style-type: none"> <li>The matter is deemed finalised.</li> </ul>
4	<b>Kimberley</b> 30/08/2016 JN Sentenced	Food	<ul style="list-style-type: none"> <li>Inmate complained that he no longer receives a therapeutic diet from DCS.</li> <li>DCS informed that the therapeutic diet the inmate received was discontinued as it was found that the diet reduce the effectiveness of the Anti-Retroviral Treatment (ART).</li> <li>All persons with a Body Mass Index (BMI) above 18 are now all provided with a normal diet supplemented by juice (vitamin supplement) only.</li> <li>The inmates BMI is above 18 according to DCS, he therefore does not qualify to receive a therapeutic diet.</li> </ul>	<ul style="list-style-type: none"> <li>JICS is of the view that the complaint was justifiably resolved.</li> <li>Inmate must be re-evaluated every six months and should his BMI fall below 18, he must be placed back on an appropriate therapeutic diet with immediate effect.</li> </ul>

5	<b>Grootvlei Med B</b>  30/08/2016  KM  Male  Sentenced	Parole	<ul style="list-style-type: none"> <li>• Inmate is currently serving a sentence of 5 years imprisonment in terms of section 276(1)(i) of the Criminal Procedure Act. He is under the impression that he will be released on Correctional Supervision after serving one sixth of his sentence (10 months).</li> <li>• He is a Lesotho citizen and was arrested in South Africa.</li> <li>• His family resides in South Africa and DCS confirmed their address.</li> </ul>	<ul style="list-style-type: none"> <li>• The inmate does not automatically qualify for correctional supervision as his placement falls under the discretion of the CSPB. The CSPB must still however adhere to the principles set out in the Promotion of Administrative Justice Act 3 of 2000.</li> <li>• A Lesotho citizen may apply for a Lesotho Special Permit to do business, work and study in South Africa.</li> <li>• People with criminal records do not qualify for the Lesotho Special Permit and will be deported back to Lesotho.</li> </ul>
6	<b>Pollsmoor Maximum</b>  14/12/2016  JC  Male  Remand detainee	Communication with family	<ul style="list-style-type: none"> <li>• Inmate's family complained that they are unable to visit the inmate during weekends.</li> <li>• Upon enquiry, DCS informed that the family may make alternative arrangements by arranging visits at least 24 hours in advance.</li> </ul>	<ul style="list-style-type: none"> <li>• The inmate's family was advised accordingly.</li> </ul>
7	<b>Warmbokveld</b>  05/01/2017  EJ	Other	<ul style="list-style-type: none"> <li>• Inmate requested copies of the minutes of his disciplinary hearing – no response was received from DCS.</li> <li>• The matter was referred to the ICCV who</li> </ul>	<ul style="list-style-type: none"> <li>• Inmate was informed and the matter finalised.</li> </ul>

	Male		<p>interviewed the inmate and brought the matter to the attention of the HCC.</p> <ul style="list-style-type: none"><li>• JICS was informed at the VC meeting that the inmate will be allowed get copies of the hearing.</li></ul>	
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