

THE JUDICIAL INSPECTORATE FOR
CORRECTIONAL SERVICES

QUARTERLY REPORT

1 July - 30 September 2018

INSPECTING JUDGE:
JUSTICE JOHANN VAN DER WESTHUIZEN



JICS

Judicial Inspectorate for
Correctional Services





THE JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES **QUARTERLY REPORT**

1 JULY - 30 SEPTEMBER 2018



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LIST OF ABBREVIATIONS

IJ	Inspecting Judge
CSA	Correctional Services Act 111 of 1998
JICS	Judicial Inspectorate for Correctional Services
DCS	Department of Correctional Services
CFO	Chief Financial Officer
CEO	Chief Executive Officer
NMR	Northern Management Region
CMR	Central Management Region
KZNM	KwaZulu-Natal Management Region
WCMR	Western Cape Management Region
ECMR	Eastern Cape Management Region
AC	Area Commissioner
CC	Correctional Centre
ISS	Integrated Security System
MIS	Management Information System
ICCVs	Independent Correctional Centre Visitors
PCN	Public Calling for Nominations
MSSD	Minimum Standard of Service Delivery
VC	Visitors Committee
PMDS	Performance Management Development System
SCOA	Standard Chart of Accounts
SMR	Strategic Midterm Review
CMCs	Case Management Committees
HOC	Head of Centre
VCCO	Visitors Centre Coordinators



PART A: PERFORMANCE INFORMATION AND OVERSIGHT REPORT

Performance Information

In terms of section 90(3) of the Correctional Services Act (CSA) 111 of 1998, the Inspecting Judge (IJ) must report on each inspection to the Minister and the Parliamentary Portfolio Committee on Justice and Correctional Services.

The IJ and the Ministry have agreed that reports on inspections will be submitted as quarterly reports. When necessary, reports on specific inspections will be submitted. The submission of this quarterly report to the Minister, Deputy Minister and Portfolio Committee is in compliance of the aforementioned section.

As a matter of courtesy and for the purposes of effective remedial action and cooperation, the report is also submitted to the National Commissioner of Correctional Services.

Inspections

Thirty one inspections were conducted by JICS inspectors and four by the IJ during this quarter. Thirty three inspections were scheduled as per JICS National Inspection Plan. JICS is currently in the process of engaging DCS regarding its findings and recommendations.



Figure 1: Inspections (31 conducted)

For a synopsis of inspections conducted for the quarter, refer to the regions where the inspections were conducted as seen above:

Reporting of Inspections to IJ/Minister/Other

None

Visits by IJ

Refer to Annexure A

Observations/Visits by Judges and Magistrates

No inspection reports received from external judges for the quarter.

Investigations

Six investigations were conducted during this quarter. Refer to regions for further details.

July: 2

- *Krugersdorp Correctional Centre*
Injury to inmate – No report received.
- *Kgoši Mampuru II Central Correctional Centre.*
Suicide – No report received.

August: 1

- *Pollsmoor Medium B Correctional Centre*
Allegations of mass assault of inmates by officials and SAPS during combined search operation - Investigation ongoing

September: 3

- *Durban Juvenile*
Allegation of sexual assault of a 15 year old boy by an adult of 30+/- The investigator is in the process of completing the investigating report.
- *Boksburg/Johannesburg*
Allegations of corruption - Investigation ongoing
- *Vereeniging Correctional Centres*
Unnatural death of an inmate – Investigation ongoing

Reporting of Investigations to: IJ/DCS/DM/Minister or Other

There have been zero reports for the quarter.

Complaints

Statistics of all matters dealt with by the Complaints Unit.

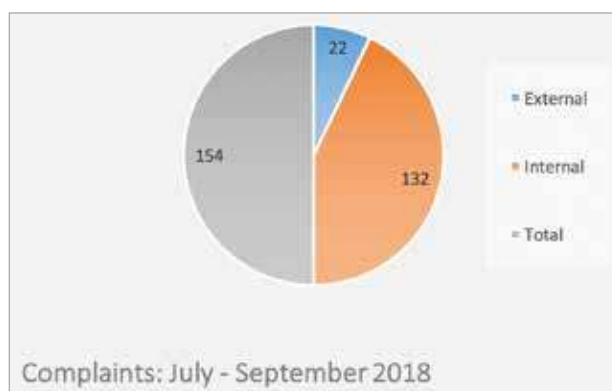


Figure 2: All complaints: July – September 2018

Classification of Complaints	External	Internal	Total
Appeal	0	3	3
Assault (Inmate-on-Inmate)	5	4	9
Assault (Official-on-Inmate)	3	27	30
Assault (Sexual)	3	11	14
Bail	0	0	0
Communication with Family	0	2	2
Conditions	0	3	3
Confiscation of Possession	3	0	3
Conversion of Sentence	0	2	2
Corruption	0	0	0
Food	0	0	0
Healthcare	2	4	6
Hunger Strike	0	6	6
Inhumane Treatment	0	2	2
Legal Representation	0	2	2
Medical Release	0	0	0
Parole	2	11	13
Reclassification	0	5	5
Rehabilitation Programmes	0	3	3
Remission	0	0	0
Torture	0	3	3
Transfers	2	28	30
Other	2	16	18
Total	22	132	154

Table 1: All complaints dealt with by Complaints Unit: July – September 2018



PART A: PERFORMANCE INFORMATION AND OVERSIGHT REPORT

Statistics: ROC Categories

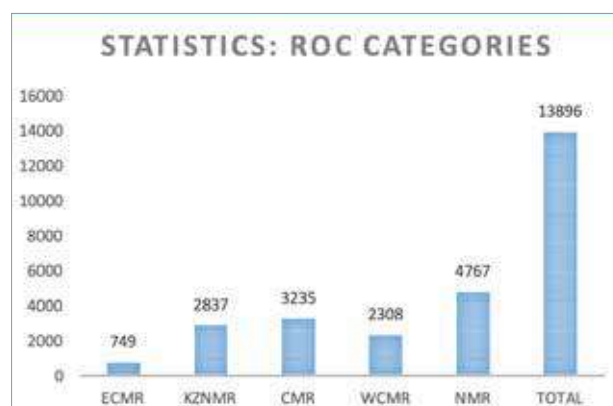


Figure 3: Statistics of Complaints as per region: July to September 2018

Table (1) categorises the various complaints received overall and Figures (3 and 4) are the totals and percentage of complaints received per region. To find more information of the categories of complaints, contact the regions.

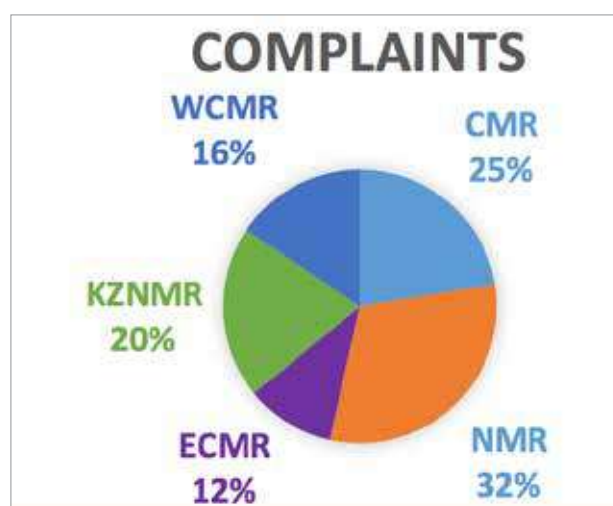


Figure 4: Complaint percentage received as per regions

Mandatory Reporting

Deaths

These are categorised as follows: unnatural deaths, vulnerable deaths, and natural deaths.

Unnatural deaths

Thirty one unnatural deaths were reported for the quarter as a result of the following:

Suicide: 7

Western Cape (1)

Gauteng (4)

KZN (1)
LMN (1)

Unnatural causes other: 21

NCFS (3)
Gauteng (8)
KwaZulu-Natal (4)
Western Cape (5)
Eastern Cape (1)

Vulnerable deaths

JICS monitors and reports on vulnerable deaths, which consists of the deaths of females, juveniles, children, and babies. There were no vulnerable deaths reported during this quarter.

Natural deaths

No quarterly information could be retrieved due to the dysfunctional MIS System.

Segregations

No quarterly information could be retrieved due to the dysfunctional MIS System.

Mechanical restraints

No quarterly information could be retrieved due to the dysfunctional MIS System.

*Take note that the mandatory unit usually provides a brief description on the mechanical restraints of juveniles. All mechanical restraints are reported to JICS. No incidents of the use of mechanical restraints on juveniles were reported.

Use of force

No quarterly information could be retrieved due to the dysfunctional MIS System. Numerous requests were made to DCS to have the MIS restored/fixed, however the status quo remains.

PART B: DIRECTORATE MANAGEMENT REGIONS



Independent Correctional Centre Visitors (ICCVs)

(Sections 92 and 93 of the CSA No. 111 of 1998)

Public Calling for Nominations (PCN) Meetings

No PCN for this quarter.

ICCV Interviews

Region	Applications Received	Candidates Interviewed	Recommended
WCMR	1350	91	13
ECMR	885	21	8
KZNMR	1757	81	11
CMR	1618	90	17
NMR	2300	52	12

Training of ICCVs

No ICCVs trained, as training programme was scheduled for November 2018.

ICCV Performance Audits

Audits Conducted: 67

In line with the Public Finance Management Act of 1999, ICCVs must undergo performance audits as per the JICS Performance Audit Plan. Performance audits are twofold: it focuses firstly on financial accountability with the aim of good governance standards, and secondly on developing and empowering ICCVs. There were 67 audits conducted during this quarter, with zero consultative meetings, one non-compliant and one suspended ICCV.

Minimum Standard of Service Delivery (MSSD)

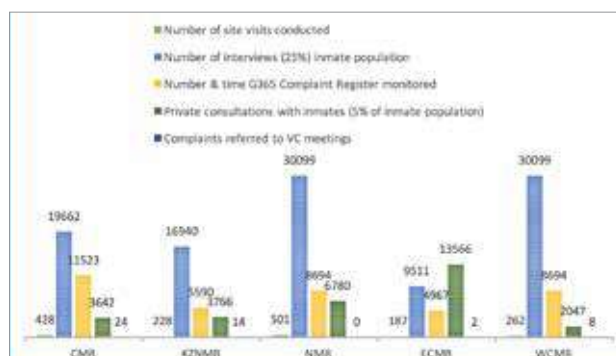


Figure 5: MSSD

On a monthly basis ICCVs are required to submit their mini-inspection reports which form part of their MSSD. During the site visit, the ICCV is expected to visit all communal cells, special care units, hospitals, kitchens and any other area within the correctional centre where inmates work or sleep.

Site visit reports reflect the conditions under which the inmates are incarcerated, rehabilitation and other services that are available at any particular correctional centre. These reports are sent to the Directorate Legal Services: Complaints Unit, which follow up on matters that may warrant inspections or investigations.

Stakeholder Involvement

(Section 94 of the CSA)

Visitors Committee (VC) Meetings

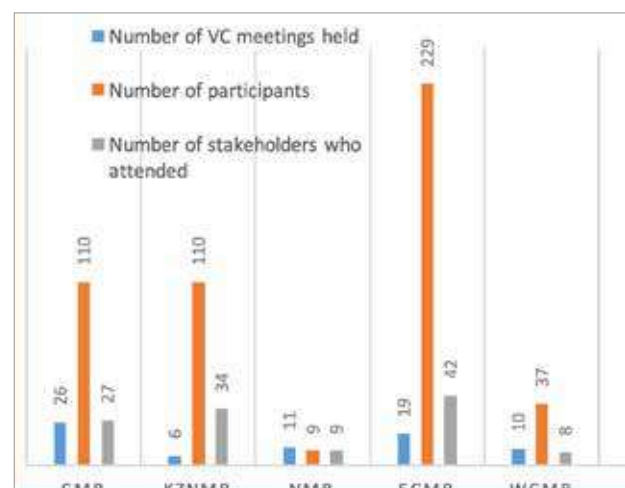


Figure 6: Meetings and engagements

The VC is a formal structure consisting of ICCVs of a particular management area. The VC is established in terms of Section 94 of CSA and its statutory powers and functions are as follows:

- To consider unresolved complaints and find a resolution,
- To submit to the IJ those complaints which the committee cannot resolve,
- To organise and schedule visits,
- To extend and promote the community's interest and involvement in correctional matters, and
- To submit minutes of meetings to the IJ.

PART C: HUMAN RESOURCES

Organisational Structure

Approved structure as at 30 September 2018:

There are 86 approved and funded posts on the fixed establishment.

- Vacant: six permanent posts
Filled: nine fixed term contracts.
In addition there are 21 fixed term contract posts on the post establishment.
- JICS vacancy rate as at 30 September 2018 is 7 %.

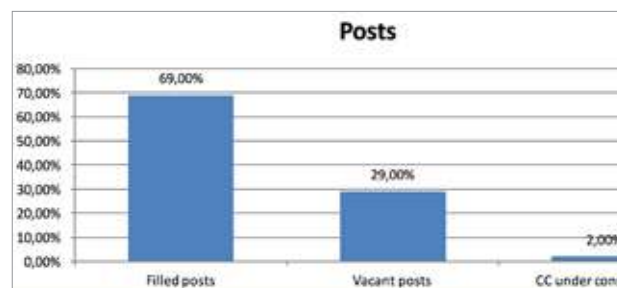


Figure 7: ICCV filled and vacant post percentage

Performance Agreements

2017-2018

58 PMDS booklets captured on PERSAL and 54 booklets moderated, with four outstanding for Deputy Directors.

2018-2019

65 PMDS booklets captured on PERSAL, moderation will be done in 2019.

PART D: FINANCE

Budget



Figure 8: Budget for 2018/2019 Financial Year as at 30 September 2018

Expenditure

The expenditure for this quarter amounts to R 32 562 357, 10.

Available Budget as at 30 September 2018

R 39 778 642, 90

Commitments

R 2 091 605, 17

Reasons for over and/or under spending for the financial year 2018/2019

Standard Chart of Accounts (SCOA) Items:
Underspending by 4.99%

Compensation of Employees: Deviation - 11.12% underspent

Underspending due to recruitment and selection process of all vacant and funded posts that have not been concluded yet.

Goods and Services: Deviation - 41.42% overspent

Overspending due to the procuring of items used to establish the East London office and finalizing the backlog of LOGIS payments (travelling agency).

Capital Assets: Deviation - 71.26% overspent

Overspending due to procurement of IT equipment which was not budgeted for, including the rental of the Southern Management regional building. The contract is currently running on a month to month basis. The SMR expenditure comes directly from JICS. The number of photocopier machines also accounts for overspending, which negatively impacts on the budget, considering the allocation.

Fleet /Transport Management

Status of JICS current vehicle-fleet as at 30 September 2018.

Vehicle fleet summary: 30 Vehicles

Challenges

16% of JICS cars need to be disposed of, as they are beyond economical repair as per Transport Manual 7.1.1(a-c).

Possible Solutions

Once off budget allocation (R1 000 000) for the procurement of six vehicles was approved by the National Commissioner: Correctional Services on 2018/06/19.

Fleet Operating Cost for period under review:

July 2018: R 70 101, 42

August 2018: R 79 170, 93

September 2018: R 64 026, 38

Total fleet operating cost for this quarter: R 213 298, 73.

Property and Facilities Management

New/Envisaged Property

NMR, and JICS Head Office (HO) earmarked for relocation.

ECMR has been relocated to East London with effect from 1 September 2018. HO relocated to temporary accommodation at SALU Building.

Lease Agreement (Offices)

JICS currently has four rental lease agreements for office space in various cities: Cape Town, Bloemfontein, Durban, and Centurion. ECMR currently accommodated at the East London Magistrate's Court.

Lease Agreement (Labour Saving Devices)

JICS currently has seven lease agreements for photocopier machines, and five lease agreements for telephone management.

Information Technology

Challenges

The Management Information System (MIS) has not been functional since January 2018.

Solutions

Department of Correctional Services – GITO is in the process of re-developing the MIS.

PART E: MEDIA AND COMMUNICATIONS



Media Report

Common themes discussed in the media include overcrowding, sexual assaults, and the Pollsmoor search incident. The video feature which was done by eNCA about Ebongweni resulted in a follow up request by JICS to set the record straight on the facts pertaining to said centre.

Internal Communication

The internal communication for JICS Head Office (strategic matters) was taken over by Communications from August 2018. All other internal communication matters still reside with the Human Resource division.

JICS Website

The JICS website has not been available for any media posting or information sharing to the public. Several meetings have occurred between JICS and DCS to resolve this matter. A new website is currently being designed. The progress will be reported in the next quarterly report.

JICS Branding

Branding due to several factors including procurement suppliers and equipment has been a challenge, but a system has been developed to improve on this, and will be reporting in the next quarterly report.

Below is a synopsis of all media enquiries, news features, media releases and internal communication during this quarter.

MEDIA RELEASES ENQUIRIES			
	Publication	Title	Format
JULY 2018			
26	Pretoria FM	Overcrowding	Radio Interview: Leonard de Souza
30	Wits Justice Project (WJP)	Sexual assault at Manguang	Email: Media Enquiry
AUGUST 2018			
1	Sunday Times Live	What segregation really means	https://www.timeslive.co.za/news/south-africa/2018-08-01-what-solitary-confinement-really-means-for-sas-prisoners/

2	Media24.com	Horror stories of mental illness in SA prisons	https://m.health24.com/Mental-Health/News/horror-stories-of-mental-illness-in-sa-prisons-20180802
10	Eyewitness News	Radovan Krejcir claims major conspiracy to keep him behind bars.	https://ewn.co.za/2018/08/10/exclusive-radovan-krejcir-claims-major-conspiracy-to-keep-him-behind-bars
24	Eyewitness News	JICS investigating Pollsmoor search incident	Press release sent out to all media/ Radio Sound Clip
24	Eyewitness News	JICS launches probe in Pollsmoor violent clashes	https://ewn.co.za/2018/08/24/jics-launches-probe-in-pollsmoor-violent-clashes
24	Independent Online	Mass Pollsmoor Prison assault allegations being probed	https://www.iol.co.za/capetimes/news/mass-pollsmoor-prison-assault-allegations-being-probed-16724775
24	iAfrica.com	JICS launches probe in Pollsmoor violent clashes	https://www.iafrica.com/jics-launches-probe-in-pollsmoor-violent-clashes/
27	Cape Argus	JICS investigating Pollsmoor search incident	Newspaper
28	Cape Argus	Probe launched into Pollsmoor assaults	Newspaper
29	Cape Town TV	Polls search investigation	Live Telephonic Interview
SEPTEMBER 2018			
03	(Press Release)	JICS opens its doors to serve in the Eastern Cape	Press release
07	eNCA television Interview	Ebongweni (IJ live interview)	Live television interview

INTERNAL COMMUNICATION	
AUGUST 2018	
03	JICS contact details changes
08	Happy Women's Day Message
17	Release of Quarterly Report
21	Eid Mubarak Message
27	JICS Style Guide
SEPTEMBER 2018	
07	ENCA Television Interview: IJ speaks about Ebongweni
09	Communications Presentation
13	JICS File Cover Templates
13	Email Addresses for Secretaries at Head Office
14	Circular 7 of 2018
18	For Comment: JICS OHS Policy
18	Bursary Application: 2019 Academic year
26	Thank you to JICS Staff: JICS Annual Report 2017/2018
26	Address by the president of South Africa, Mr Cyril Ramaphosa, to the UN general assembly

Table 2: JICS media and communications highlights for the quarter

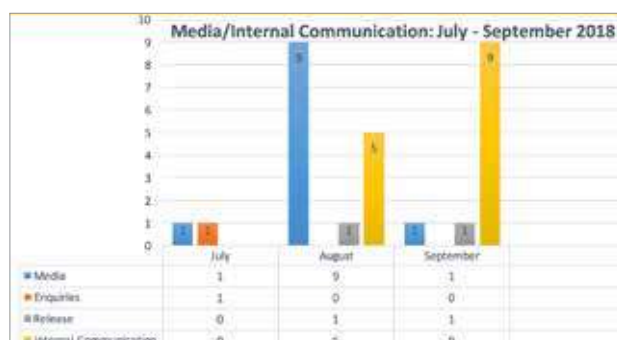


Figure 9: Statistics for JICS media and communications

ANNEXURE A

Oversight Visits by the Inspecting Judge

Four oversight visits were conducted during this quarter:

1. Buffeljagsrivier: 12 July 2018,
2. Caledon: 12 July 2018,
3. King Williams Town: 5 September 2018, and
4. East London: 6 September 2018.

King Williams Town Remand Detention Centre

The report below highlights one of the burning issues in correctional centres, namely the plight of mentally ill inmates.

Introduction

The IJ explained the current JICS situation in terms of developments regarding the organization's footprint in the country. For example, establishment of new JICS regions in the Western Cape and Eastern Cape. This included the oversight inspection processes in JICS. In regard to his own oversight visits, he indicated that he has picked up challenges and trends faced by the HOCs. Some of these are lack of, or tardiness of the Department of Public Works (DPW) in responding to DCS requests for maintenance and the South African Police Services (SAPS), not assisting the centres where their intervention or assistance is required. The IJ highlighted the plight of mentally ill inmates, which seems to be a challenge for head of centres, especially due to untrained staff who deal with this category of inmates. He indicated that he appreciates the hospitality and respect the DCS officials afford him and his awareness of the strain that the DCS officials sometimes face.

Challenges Raised By the HOC

Mental health

The HOC indicated that they have an enormous challenge in dealing with mentally ill inmates.

At the time of the visit the centre had 21 inmates declared state patients and 21 awaiting trial inmates who manifested mental problems, but who had not been certified state patients.

All the mentally ill patients were kept at the centre as those who were declared state patients, cannot be accommodated at the Fort England Hospital due to lack of bed space. Inmates who manifest mental

illnesses could not be sent for evaluation because of lack of bed space.

Assistance by SAPS

According to the HOC they encounter challenges with assistance from SAPS, especially with the mentally ill inmates. When SAPS arrests suspects, they are arraigned and then sent for remand detention, SAPS does not inform the centre officials about the offender's mental health or any other health condition the offender discloses to them. At times the suspect would indicate to the SAPS official/s that they have a condition that requires them to take medication regularly and these are at their home/s. SAPS ignores this information from the offender and brings them to the centre.

Section 6(5)(b) read with section 21(1) of the Correctional Services Act 111 of 1998 (the Act) prescribes that as soon as possible after admission, the inmate must undergo a health status examination and, must be allowed to make requests and/or complaints to the HOC. In most cases after the inmate's admission, DCS officials realise that the offender has been diagnosed with a mental illness and is being medicated, however this is not disclosed by either inmate or SAPS. The HOC is of the view that if the offender has informed or disclosed their health condition to SAPS, these officials must relay the information to DCS officials to enable them to assist the offender to take his or her medication properly.

The ICCV indicated that SAPS does not assist with opening cases of inmate-on-inmate assaults. This issue was raised with SAPS and they promised to assist, but they have not been forthcoming.

Lack of Training of Officials Dealing With Mentally Ill Inmates

The challenge that compounds the situation more is that the officials are normally not trained to handle mentally ill inmates and they cannot cope with them. This leads to high rates of sick leave by officials. The official-inmate ratio is 3 officials to 284 inmates. This ratio indicates that the officials are overworked and this also leads to absenteeism.

The HOC indicated that on 15 August 2018, an inmate who appeared to be mentally unstable grabbed a female official's breasts and stated he wanted to have sexual intercourse with her. The incident caused trauma and the official was offered counselling. This incident caused the official to be booked off to go for medical attention. Generally,

the female officials are not comfortable around the inmates at the centre.

Centre Health Officials and Amenities

The centre has four nurses, one social worker and one sessional doctor. It was pointed out that the doctor comes to the centre once or twice a week and when he comes, he does not examine the sick inmates. The ICCV was requested to write a short report on the matter so that a follow up can be made.

The hospital at the centre has nine beds. It looked clean and had the necessary equipment. Medication on the shelves were checked and no expired medication was found. At the time of the visit there were three inmates. One inmate was segregated because the court requested that he be kept in the centre's hospital. There are no ambulances based at the centre to transport inmates to a hospital.

Close Circuit Television (CCTV)

The centre is not equipped with CCTV cameras. It is crucial for the correctional centres to be equipped with CCTV cameras because these are security centres and generally volatile with regard to violence. CCTV cameras enable capturing of violent incidents and expedites the investigation of such incidents.

Facilities for Visitors

The HOC is of the view that the visitors area do not cater to all visitors, as it is too restricted in terms of access. It is not suitable for visitors with wheelchairs and those who have some form of hearing impairment. The visitors' booth is high and requires that the visitor in the wheelchair be elevated to reach the talking handset. The area is noisy when there are many visitors and it affects those who have an auditory disability. In order to assist, the HOC and officials make offices available where the visits can be monitored properly.

Inmates' Complaints

Nutrition

Inmates complained that the food ration is too small. The HOC indicated that the complaint was recorded and she requested the situation to be corrected. She will follow up to find out what steps were taken to address it.

Sleeping on the floor

Inmates complained about sleeping on sponge mattresses on the floor. This situation was observed at the cell where the mentally ill patients are accommodated.

State patient

Offenders at this cell raised the issue that some of them are declared state patients but, they are kept in prison and not in health centres. Being kept at the centre does not cater for their health needs as they have to take their medication correctly and be assessed regularly and properly by medical professionals.

Commendable Observations

Kitchen

The centre's kitchen has a health certificate which, according to the HOC, is valid until she leaves the centre or deployed somewhere else. It is commendable that this centre's kitchen has a certificate, unlike in many other centres that were visited across the country.

Maintenance

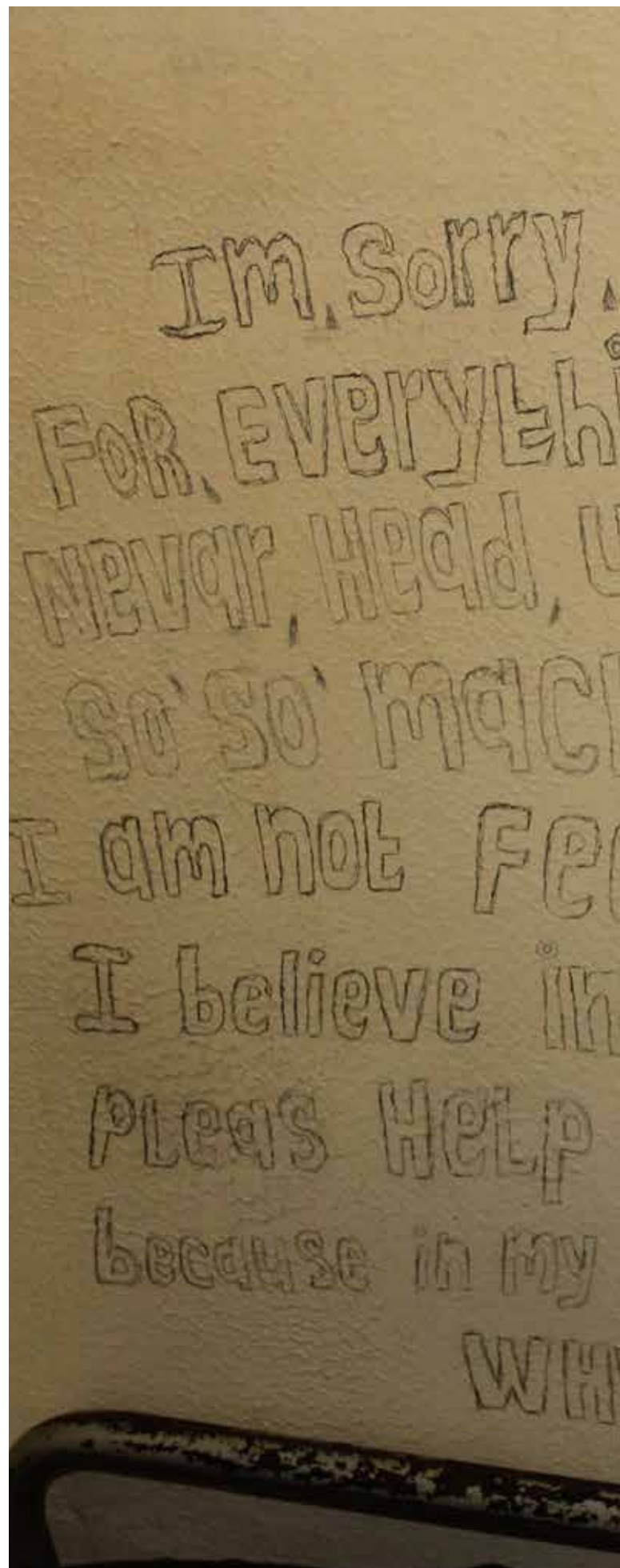
As indicated above, the centre was renovated during the 2014/2015 financial year and no repairs or challenges were reported. It is somewhat unprecedented that this centre did not record any structural or general maintenance needs. Most of the centres visited, require maintenance or repairs.

Conclusion and Recommendations

Mental illness appears to be increasing in correctional centres. This situation requires thorough investigation to find means of redress. Accurate statistics have to be kept by DCS to find solutions to this challenge. Moreover, it would assist the overstretched officials to deal with the problem, if they could be trained to handle mentally ill inmates.

The lack of CCTV cameras in this centre and many other centres has to be addressed.

The ICCV has been urged to submit a report on allegations of a sessional doctor who visits the centre once or twice a week, and who does not fully address the inmates' health problems.



mom

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I. LOVE, U

h I can STOP LA
pling good

god gives me HOPE

ME LORD ???

darker days i see him

Y ME LORD ??? !!!

