



MEDIA RELEASE

To: All Media
Issued: 11 October 2018
Attention: News Editors/Reporters/Newswires
Immediate Release

PRESS RELEASE: Judicial Inspectorate for Correctional Services 2017/2018 Annual Report

Suicides by mentally ill patients are on the increase at correctional centres. Other deaths also occur, but there has been no functional mandatory reporting system in the Department of Correctional Services (DCS) since the end of 2017, that accurately reflects these statistics. This non-compliance, is one of several challenges to JICS's oversight function.

The Inspecting Judge (IJ) for Correctional Services, Justice Johann van der Westhuizen, made the Judicial Inspectorate for Correctional Services (JICS) 2017-2018 annual report public today at a press conference held at the Salu building in Pretoria, after it was submitted to the Portfolio Committee on Justice and Correctional Services on the 9th October 2018.

This report highlights JICS's achievements and challenges recorded during the 2017/2018 financial year. The IJ stated that there were several issues highlighted in this report that warranted special attention.

Mandatory Reporting

Mandatory reporting is an essential function of JICS as an oversight body. An operational challenge is the dysfunctional mandatory reporting system. DCS has neglected to comply fully with the Correctional Services Act 111 of 1998(CSA) which requires that JICS be informed of the occurrence of any incidents of death, segregation, mechanical restraint and the use of force.

The CSA states:

15. Death in correctional centre.

(1) Where an inmate dies and a medical practitioner cannot certify that the death was due to natural causes, the Head of the Correctional Centre must in terms of section 2 of the Inquests Act, 1959 (Act No. 58 of 1959), report such death.

(2) Any death in correctional centre must be reported forthwith to the Inspecting Judge who may carry out or instruct the National Commissioner to conduct any enquiry.

30) Segregation

(6) All instances of segregation and extended segregation must be reported immediately by the Head of the Correctional Centre to the National Commissioner and to the Inspecting Judge.

31) Mechanical restraints

(3) (d) All cases of the use of mechanical restraints must be reported immediately by the Head of the Correctional Centre to the National Commissioner and to the Inspecting Judge.

32) Use of force

(6) All instances of use of force in terms of subsections (2) and (3) must be reported to the Inspecting Judge, immediately.

JICS has recorded in reports in the public domain that the peremptory reporting by DCS has not been satisfactory. The matter has been brought to the attention of the National Commissioner of Correctional Services. The non-compliance by DCS is a threat to JICS's oversight effectiveness. The current report reflects gross under-reporting, apparent from previous statistics and reports by our regional offices. A manual reporting system has been promoted by JICS with DCS, with no success.

Mentally Ill Patients

The IJ emphasised that the situation of mentally ill inmates has become urgent. A total of 1200 inmates were identified as being diagnosed with one or other form of mental illness during the 81 inspections which were conducted by JICS inspectors. The majority of these inmates are treated at the centres and are kept with the general inmate population without adequately trained mental care DCS staff. It has been previously reported by JICS that the circumstances regarding mentally ill state patients were not acceptable. State patients (mentally ill inmates) are currently accommodated in centres pending their transfer to an accredited institution, is considered to be cruel and inhumane. This has even resulted in murder amongst mentally ill inmates.

Facilities

Prior to 1994, the correctional system focussed on incarceration. The new government introduced policies of rehabilitation and reintegration of offenders into society. In addition, the political influence had a further impact on the corrections system, with the recognition and advancement of basic human rights and rehabilitation programmes for detained persons. Most correctional facilities in South Africa were designed to house inmates, and have little provisions for implementing rehabilitation programmes for offenders.

"This infrastructure challenge is a historical problem which has continued to persist in older correctional centres, with dilapidated and aging infrastructure. Some of this infrastructure is shockingly inadequate and dangerous for both inmates and officials alike and warrants further investigation, of which a report will be compiled and presented to DCS," said the IJ.

Independence

The independence of JICS has been and is being debated. The Sonke Gender Justice is challenging the constitutional validity of the CSA in the Cape High Court on the 20th November 2018. The basis for the challenge is that the CSA does not afford JICS the independence required by international law and the Constitution.

Amendments to the CSA may be required. The question whether the powers of JICS and its IJ should be stated more clearly and, for example, provide for "binding" recommendations, or directions is being considered.

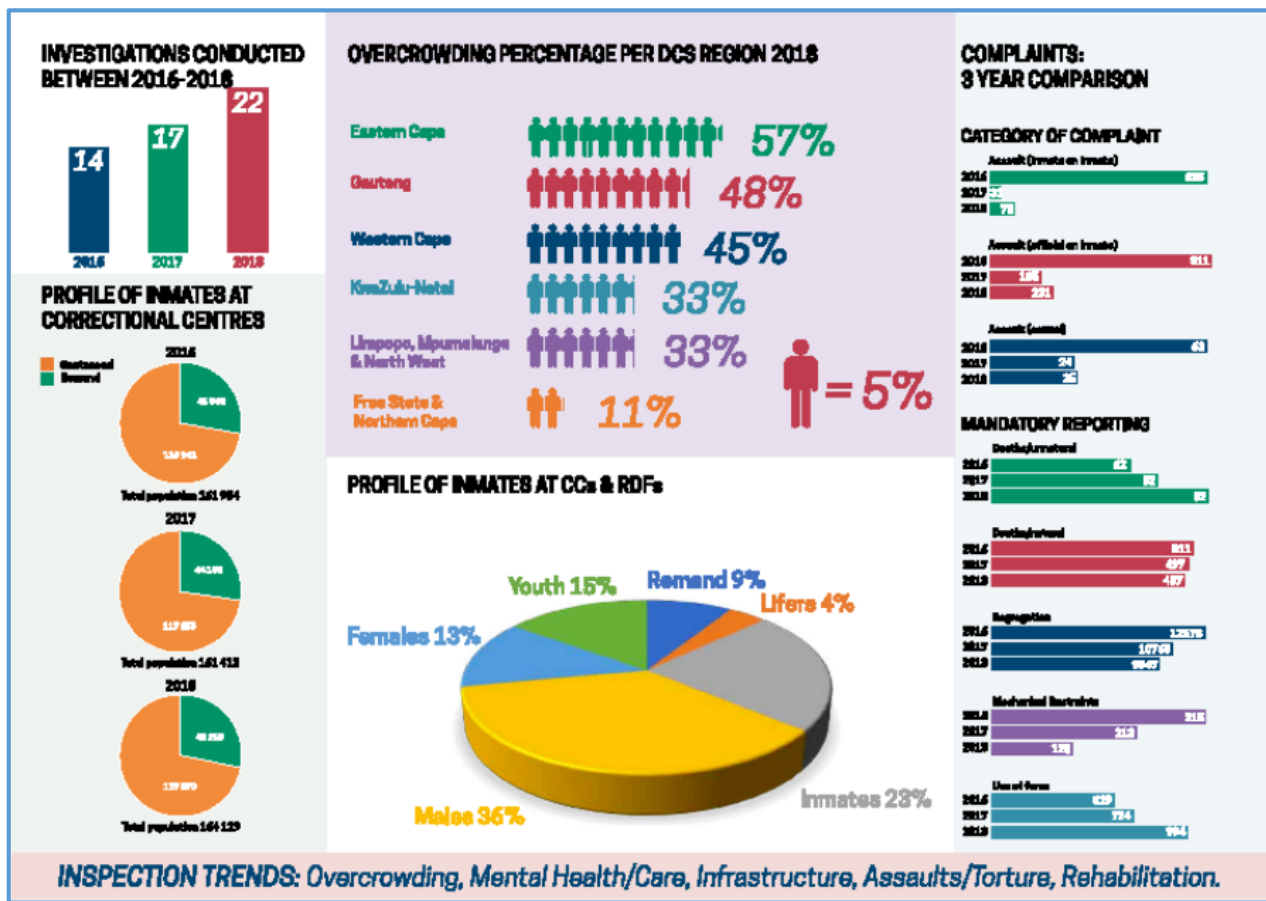
Independence is, first and foremost, a state of mind. The fact that the CSA requires JICS to be headed by a judge implies that the perceived fairness, independence, and status of a judge is essential.

On a practical level the operational independence and capability of JICS can be – and has been – severely hampered by a shortage of funds and its financial and administrative dependence on DCS. A new model that would create distance between JICS and DCS is being considered.

JICS Background

In June 1998 the “Judicial Inspectorate of Prisons” as it was then called commenced rendering services from its offices in Cape Town, which has now relocated to Pretoria, aligning with the administrative capital of the country. JICS vision is to uphold the human dignity of inmates through independent, proactive, and responsive oversight. Its mission is to provide effective independent oversight relative to the treatment of inmates and the conditions of detention. This year marks a milestone as JICS celebrates its 20th anniversary.

Statistics highlighted in the 2017/2018 Annual Report



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Issued by the Judicial Inspectorate for Correctional Services