



THE JUDICIAL  
INSPECTORATE FOR  
CORRECTIONAL SERVICES


# ANNUAL REPORT

2018/2019 FINANCIAL YEAR



**JICS**

Judicial Inspectorate for  
Correctional Services



Submitted to the  
Honourable Mr Matamela Cyril Ramaphosa,  
President of the Republic of South Africa;  
Honourable Mr. Ronald Lamola, MP,  
Minister of Justice and Correctional Services;  
and  
Nkosi Phathekile Holomisa, 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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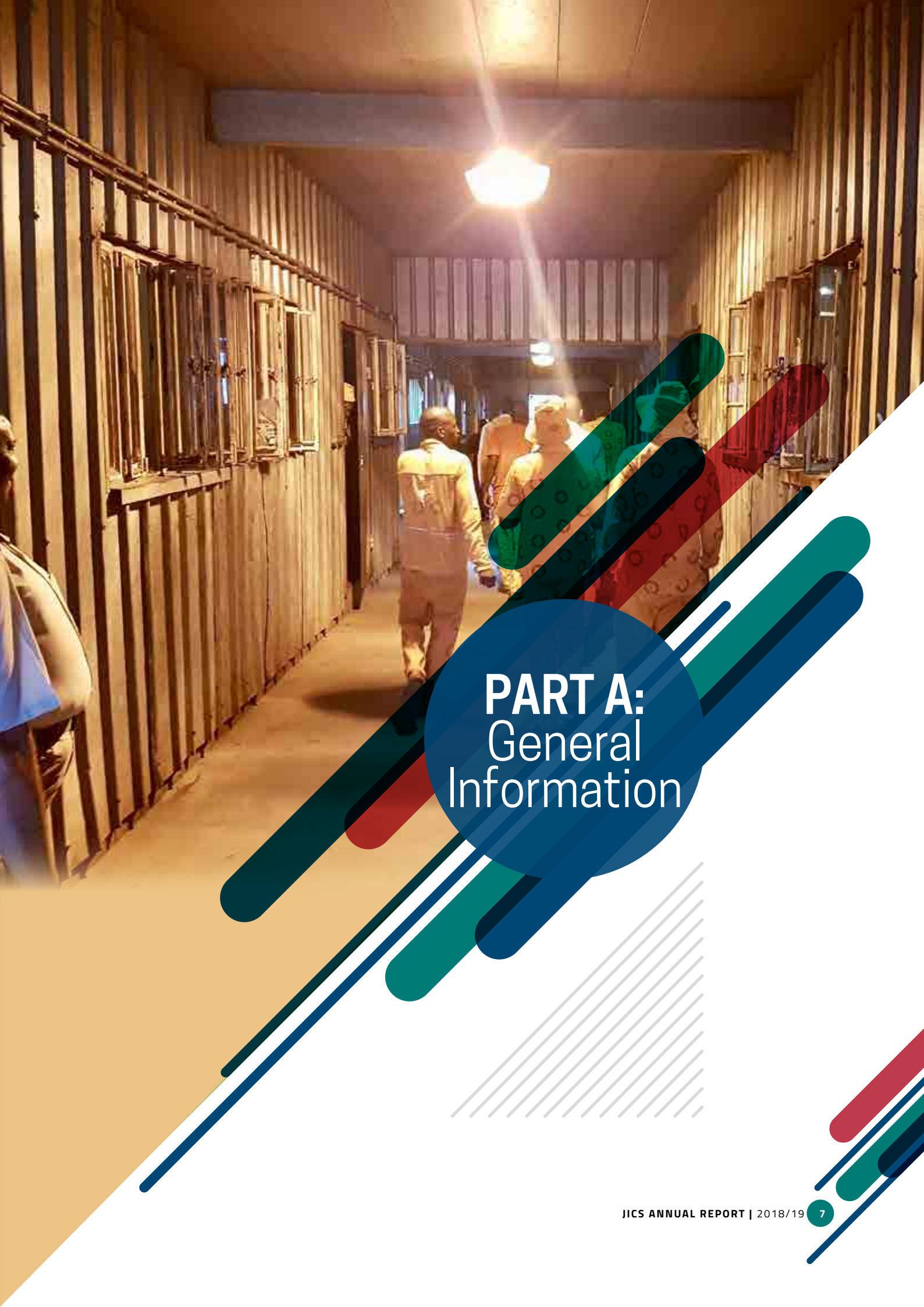
## LIST OF ABBREVIATIONS

<b>AC</b>	Area Commissioner
<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CC</b>	Correctional Centre
<b>CEO</b>	Chief Executive Officer
<b>CFO</b>	Chief Financial Officer
<b>CMCs</b>	Case Management Committees
<b>CMR</b>	Central Management Region
<b>CPA</b>	Criminal Procedure Assessment
<b>DCS</b>	Department of Correctional Services
<b>DLS</b>	Directorate Legal Services
<b>DMR</b>	Directorate Management Regions
<b>DOH</b>	Department of Health
<b>DPP</b>	Director of Public Prosecutions
<b>DPSA</b>	Department of Public Service and Administration
<b>DPW</b>	Department of Public Works
<b>ECMR</b>	Eastern Cape Management Region



<b>EST</b>	Emergency Support Team
<b>FRL</b>	Family Responsibility Leave
<b>GPSSBC</b>	General Public Service Co-ordination Bargaining Council
<b>HCC</b>	Head of Correctional Centre
<b>HOC</b>	Head of Centre
<b>HR</b>	Human Resources
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICCVs</b>	Independent Correctional Centre Visitors
<b>IJ</b>	Inspecting Judge
<b>IPPF</b>	International Penal and Penitentiary Foundation
<b>ISS</b>	Integrated Security System
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice Crime Prevention and Security Communications Cluster
<b>JICS</b>	Judicial Inspectorate for Correctional Services
<b>KZNMNR</b>	KwaZulu-Natal Management Region
<b>LGBTIQ</b>	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
<b>MIS</b>	Management Information System
<b>MSSD</b>	Minimum Standard of Service Delivery
<b>NCB</b>	Non-Centre Based
<b>NDP</b>	National Development Plan
<b>NMR</b>	Northern Management Region
<b>NPM</b>	National Preventive Mechanism
<b>OPCAT</b>	Optional Protocol to the United Nations Convention Against Torture
<b>PEEC</b>	Provincial Efficiency and Enhancement Committee
<b>PMDS</b>	Performance Management Development System
<b>PSCBC</b>	Public Service Co-ordination Bargaining Council
<b>RDs</b>	Remand Detainees
<b>SITA</b>	State Institution for Technology Agency
<b>SCM</b>	Supply Chain Management
<b>SCOA</b>	Standard Chart of Accounts
<b>SMR</b>	Strategic Midterm Review
<b>TIL</b>	Temporary Incapacity Leave
<b>VC</b>	Visitors Committee
<b>VCCO</b>	Visitors Centre Coordinators
<b>WCMR</b>	Western Cape Management Region





# PART A: General Information

# 1. General Information

<b>JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES HEAD AND REGIONAL OFFICES<sup>1</sup></b>		
<b>HEAD OFFICE – PRETORIA</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE/FAX</b>		<b>PHYSICAL ADDRESS</b>
Private Bag 153 Centurion 0046	Tel: (012) 321 0303	316 Thabo Sehume Street, 27 <sup>th</sup> & 29 <sup>th</sup> Floors SALU Building Pretoria 0001
<b>HEAD OFFICE – CAPE TOWN</b>		
Private Bag X 9177 Cape Town 8000	Tel: (021) 421 1012 Fax: (021) 418 1069	9 <sup>th</sup> Floor, Standard Bank Building 1 Thibault Square, Cnr Long Street & Hans Strijdom Avenue Cape Town 8001
<b>CENTRAL MANAGEMENT REGION</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE/FAX</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 MANAGEMENT REGION</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE/FAX</b>		<b>PHYSICAL ADDRESS</b>
P.O. Box 1322 Durban 4000	Tel: (031) 3661900 Fax: (031) 368 1872	Aqua Sky Building 275 Anton Lembede Street 8th Floor Durban 4001
<b>EASTERN CAPE MANAGEMENT REGION</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE/FAX</b>		<b>PHYSICAL ADDRESS</b>
PO Box 192 East London 5201	Tel: (043) 722 2729	4 Buffalo Street Magistrate Court 3 <sup>rd</sup> Floor East London 5200
<b>NORTHERN MANAGEMENT REGION</b>		
<b>POSTAL ADDRESS &amp; TELEPHONE/FAX</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. Foreword by the Inspecting Judge

### **Morbid, ghostly, indeed, disturbing.**

This is how the photograph on the cover page of this Annual Report has been described. It resembles the frightening but brilliant scene of a gang of young thugs brutally assaulting a homeless person in a London subway tunnel – as part of their “ultra violence” spree – in Stanley Kubrick’s ground-breaking film “A Clockwork Orange”, that was prohibited for many years in South Africa.

The figures on the photograph are not gangsters, but officials of the Department of Correctional Services (DCS), – including Emergency Support Team (EST) members – accompanying the Inspecting Judge (IJ) on a visit to Pollsmoor Correctional Centre in Cape Town. The equipment carried by the members indicates the level of danger in the centre, and the surrounding walls and top of the tunnel indicates the state of parts of the facility. The atmosphere is tangible.


In contrast, but also similarly, the orange-tinted photograph shows inmates and cells in the “Blikkiestronk” (“Tin Prison”) at Voorberg in the Western Cape. The apparent state of fitness of an official barely making it into the picture on the left, and the interest of the inmates peeping from the shadows on the right may tell a story. Like Groenpunt in Vereeniging in Gauteng, this centre is built mainly out of corrugated iron. These facilities are not only unbearably hot in summer (above 40 degrees Celsius on the day of the Voorberg visit), but present a serious security risk. For example, inmates are able to bend open corrugated iron to hide cellular phones and contraband in hollow walls.

One could do a job merely for a necessary income, or be truly interested in and enthused by it. In terms of the Correctional Services Act 111 of 1998, the Judicial Inspectorate for Correctional Services (JICS) is an “independent office under the control of the Inspecting Judge”. As the current IJ, I regard the oversight role of JICS to guard over “our dignity” – as on the JICS logo – as extremely important in our constitutional democracy. The dignity referred to is the human dignity of all of us in South Africa, inextricably linked to the human dignity of crime victims and their loved ones, those who are vulnerable, those we lock up to punish and rehabilitate, as well as to protect others; and those who perform for little money the dangerous tasks that many flee from, like guarding over inmates. My loyalty and adherence to human rights and constitutional values and demands do not result solely from a desire to obey the law, but from a profound interest in people. The Constitution and, indeed, the entire legal system is there for us, the people of our troubled terrific land.

Thus, I took several of the photographs in this report (including the ones referred to) with a cell phone and with permission of the authorities during my April 2018 to March 2019 visits to 22 of South Africa’s 243 correctional centres, accommodating approximately 163 000 inmates, of whom more than 15 000 are serving life sentences. Other images in this report were taken by JICS spokesperson, Emerantia Cupido.



**Justice  
Johann van der  
Westhuizen**  
Inspecting Judge



In May 2019, I also visited a correctional centre in Trinidad and Tobago, where I met with the leadership of the Department of Correctional Services there, as well as with the Prison Inspector, and interacted with inmates. This I did during a private visit and with the assistance of the South African High Commissioner, Ms. Thami Ngwevela. At the time of writing this foreword, I am planning to do the same in Tunisia during a visit in July 2019 to assist judges on constitutional interpretation.

In March 2019, I attended and spoke at a conference on sentencing in Santiago and Valparaiso in Chile, organised by the International Penal and Penitentiary Foundation (IPPF) of which I became a member in 2017.


In this foreword to the 2018/19 Annual Report, the contents of the report and of the statement of the Chief Executive Officer (CEO) are not repeated. A few main achievements and challenges are highlighted, including the following:

- Together with JICS staff members, I met, on a number of occasions, with the former Minister of Justice and Correctional Services, Deputy Minister of Correctional Services, and National Commissioner of Correctional Services. These meetings were cordial. On visits to correctional centres, regional and area commissioners, heads of centres and other DCS staff members generally received me with hospitality, professionalism and a charming willingness to assist. Thus, I thank the former Minister, Adv. Michael Masutha, MP; the former Deputy Minister, Mr Thabang Makwetla, MP, as well as the staff in the Ministry; the National Commissioner of Correctional Services and his staff; as well as the CEO of JICS and the many staff members of JICS who took their work seriously and did it loyally, for their cooperation and support.
- As IJ, I have served on the Section 11 Committee on the prevention of torture of the South African Human Rights Commission. As the mandate of JICS dovetails with that of the Human Rights Commission, Commissioner Chris Nissen has accompanied me on some visits to correctional centres. Furthermore, I represent JICS on the National Preventive Mechanism (NPM) which South Africa is obliged to have under the Optional Protocol to the United Nations Convention Against Torture (OPCAT). The NPM is coordinated by the Human Rights Commission and is to be launched soon after the date of this foreword.
- Of our own volition, as well as because of a request in 2016 by the Deputy Minister, the public profile of JICS has been uplifted. A media policy has been adhered to, media conferences have been held and media statements issued. I, as well as members of JICS, have participated in numerous television and radio interviews. The purpose is not cheap publicity, but to inform the public about how a tiny bit of their tax money is being spent by JICS; to educate the public not to think about inmates as mere criminals who should “rot in jail”; and to put pressure on those responsible for taking the findings and recommendations of JICS seriously.
- Organisationally, JICS has been re-engineered and restructured to a considerable extent. This has resulted in a large measure of success, but, understandably, also in some frustration, grievances and differences of opinion, which are being addressed.
- As pointed out in the Statement by the CEO, the number of annual inspections increased significantly.
- In addition to the previous Annual Report and quarterly reports required

by the Correctional Services Act, themes like mentally ill inmates, overcrowding and the state of facilities have been interrogated.

- Overcrowding remains perhaps the most important central problem in the South African correctional services system. After having heard much anecdotal, and rather unscientific, “evidence” on the causes of overcrowding, JICS embarked on a survey in 2019 at five correctional centres across the country.
- The state of many correctional facilities has been a cause for serious concern. Thus, I focused on visiting specific centres since April 2018. Many disturbing observations were made of kitchens functioning for years without the required health certificates; ceilings inviting escapes; concrete floor tiles breaking up into pieces fit to be used as lethal weapons; the aforementioned corrugated iron structures and other buildings that should not have been in use for decades; walls on the verge of collapse; and insufficient security fences. DCS officials blame much of the above on the Department of Public Works. Flawed tenders, abandoned building projects and corruption are alleged.
- Presumably not to be blamed on Public Works, is the apparent shortage of uniforms for officials as well as inmates, and especially the fact that many inmates are not issued with shoes and, thus, have to face winter in very cold areas barefoot or in skimpy plastic sandals provided by visiting family members.
- The independence, and perceived lack thereof, of JICS has been the subject of a long debate. Progress has been made, but much frustration has been experienced. Independence relates to (a) possible interference or undue influence as to investigations, findings and decisions of the IJ; (b) collusion or political subservience; (c) administrative and financial obstacles hindering JICS in its work; as well as (d) the possible need for the Correctional Service Act (CSA) to be amended, as far as the powers and functions of JICS are concerned. The possibility mentioned in (a) has not materialised in the year of this report. Hopefully (b) will not happen as long as a judge leads JICS, but appointing the IJ for substantially longer than three years but on a fixed non-renewable term might strengthen independence and the perception thereof. The form and positioning of JICS as a programme inside DCS is indeed problematic as far as (c) is concerned and may be addressed, in part, by the present initiative to make JICS a “government component”, distanced from DCS and situated in the Ministry. The Correctional Services Act may have to be amended to fully support the government component ideal, as well as to clarify financial and administrative procedures, the duties of DCS, and the functions and powers of JICS. Much of the above was debated at a public participation forum organised by JICS in March 2019, as well as in the Cape High Court on 06 June 2019. Judgment was reserved. JICS has been functioning independently as far as its responsibilities are concerned, but does, from time to time, experience significant difficulties on an administrative and financial level.

South Africa is not Norway or the Netherlands, where empty prisons are being rented out by the government. South Africa is not the best in the world. Our correctional centres are overcrowded; often dilapidated; plagued by corrupt and dishonest practices; and are sometimes the spaces for violence, torture and death. They accommodate mentally ill inmates with special needs, including state patients who should not be in a prison as they have not been



convicted, but because of a bed shortage in hospitals. However, South African prisons are far from the worst on our continent or in the world. Inmates are well-documented and accounted for, and do not disappear into a dark hole until a bribe secures their release. The centres do not look like barbed wire concentration camps for women, as images from Eastern Europe seem to suggest. We do not keep children in cages.

This is not good enough though. It has been said that the status of a country is determined by the conditions in its prisons. We in JICS, DCS, Public Works, the health sector and the legal profession have to work harder. And the political will has to be there to lift the reality behind bars to the standards set by the rights and values in our internationally revered Constitution.



**Johann van der Westhuizen**  
Inspecting Judge  
Judicial Inspectorate for Correctional Services

### 3. Statement by the Chief Executive Officer

It is my pleasure to present to you this Annual Report on the work of JICS for the 2018/19 financial year. Most notably, I am delighted that, in the year under review, JICS has once again delivered on its mandate, which is to uphold the human dignity of inmates through independent, proactive, and responsive oversight. I am also pleased to declare that JICS has made massive strides in meeting its legislative, governance and financial mandate.

As we look back at yet another busy year at JICS, I am pleased to report to our stakeholders that the organisation continues to experience tremendous growth in relation to its operations. The growth can be ascribed, in part, to the need for JICS to re-interpret the organisation's legislative mandate, in line with the growing demands of the ever-evolving landscape. The re-engineering process within JICS has had its own challenges. However, through consultation and constant engagement with stakeholders and staff the new path chartered has gained momentum. I am cautiously optimistic that the organisation has developed an inner resilience to weather future storms and still come out on top.

#### JICS as an Independent Office

The overarching focus in the past year was the task of finalising the business case to entrench the viable principle that JICS functions as independently as practicably possible. JICS independent functioning is supported universally by government. The question that requires consideration is: what organisational form should JICS take to enable it to operate independently and impartially, and that allows it to exercise its powers and perform its functions without fear, favour or prejudice in the interest of the maintenance of effective and efficient public administration and a high standard of professional ethics in the public service? The technical aspects of the business case was guided by senior officials of the Department of Public Service and Administration (DPSA) and discussed widely with the former Minister of Justice and Correctional Services, Advocate Michael Masutha (MP) and former Deputy Minister of Correctional Services, Mr. T. Makwetla, (MP).

The business case explores organisational options and recommends a solution to improve oversight within the South African correctional facilities in line with outcome three (3) of the National Development Plan (NDP). The organisational options are also expected to generate at least three other benefits:

- Fundamentally improving human rights for all inmates as entrenched in the constitution;
- Improving governance by ensuring greater independence from DCS; and
- Building an improved and sustainable internal capacity in JICS that will ensure that prison oversight is comparable with international best practice.

In order to propose the most effective available organisational solution, the business case provides an overview of the current institutional arrangements and its challenges. It then examines the business requirements of JICS concerning the various corporate forms made possible by the Public Service Act (PSA), 1994 (Act 103 of 1994) and the Public Finance Management Act (PFMA), 1999 (Act 1 of 1999). It continues to posit JICS at a strategic level to ensure that it has sufficient powers and capacity to proactively address its mandate effectively and efficiently and generate sustainable results. The business case needs



**Mr Vickash  
Misser**  
Chief Executive  
Officer (CEO)





to be presented to the newly appointed Minister of Justice and Correctional Services, Mr. R. Lamola (MP), and Deputy Minister of Correctional Services, Mr. P. Holomisa (MP), so that the business case may be submitted to the Minister of Public Service and Administration for consideration in order to finalise the process of establishing JICS as a government component.

## Human Resources

I am extremely pleased to report that on the current funded post establishment 93% of positions were filled. As of 31 March 2019, 218 (74%) Independent Correctional Centre Visitors (ICCVs) positions were filled, amongst 296 allocated positions across 243 correctional facilities.

## Budget

JICS in the previous performance cycle (2017/18) underspent its allocated budget by 26%. In this performance cycle (2018/19) JICS spent 93.3% of its budget.

## Virements/roll overs

During the 2018/19 financial year there were no virements/roll overs of funds for JICS.

## Unauthorised, fruitless and wasteful expenditure

No unauthorised, fruitless and/or wasteful expenditure was incurred during the 2018/19 financial year.

## Governance

The accountability hierarchy has been entrenched. The Inspecting Judge, Justice Johann Van Der Westhuizen (IJ) chairs the Executive Committee (EXCO) that meets monthly and at which I, as CEO, together with my management team, report on all key performance areas. This interaction is reciprocal in that JICS management benefits from the guidance of the IJ while at the same time the IJ is kept abreast of pertinent issues emanating within JICS to enable him to report on the issues to the President, the Ministry, the Portfolio Committee on Justice and Correctional Services, and the public.

JICS appointed a monitoring and evaluation manager that tracks compliance. The CEO and IJ are now able to consistently measure performance. This process facilitates the reporting to the Ministry and Portfolio Committee on a quarterly basis.

At the regional level, Regional Forum meetings are convened every quarter. The regional offices are situated in Cape Town, Centurion, Bloemfontein, and Durban. In October 2018 a regional office was opened in East London, relocated from George, in the Western Cape. The regional offices perform the vital function of managing the ICCVs, and establishing and maintaining strong relationships with governmental and non-governmental stakeholders. The JICS mission to strengthen the ICCVs has resulted in revising the “independent contractor” relationship to one of a fixed-term contract of employees. The objective of the current pilot project is to obviate the cumbersome piece-meal payments, attendant delays and extend the time spent in correctional and remand facilities by our monitors.

The ICCVs are highly valued for the unprecedented work they perform and, in October 2018, JICS convened a gathering of ICCVs and staff from throughout the country and trained them on a completely revised curriculum covering ethics, leadership, change-management, and the application of the law to over-



sight, including an introduction to the Nelson Mandela Rules. The diversity of people from the four corners of our country was invaluable and the fruits of the gathering are continuously assessed. A similar gathering is envisaged to be held annually.

## Inspections and investigations

JICS reviewed and revised its inspection and investigation procedures. Utilising the current human resources annual inspections were increased from 81 per annum to 122 per annum. This was accomplished by drawing on the staff that were not fully productive in their spheres of work and re-aligning some of the functions. The concept of quality assurance was introduced so that our inspectors were provided with proper direction and uniformity in performing their inspections and in this way reprioritizing and re-focusing their interventions. The increased regularity of inspections has given inmates increased access to our more senior staff. ICCVs have also benefitted from the more regular contact and assistance. The classifying of correctional or remand facilities on a scale from good to unsatisfactory might appear simplistic, but the distinctions allow for a year-on-year comparison and also induce heads of centres to aim to improve their scorecard.

Our investigative capacity requires further development and enhancement. Currently, this is being managed as a result of extending the function of inspections to other staff, thereby freeing staff with experience in investigations to conduct the same.

## Seminar on championing mental illness

Under the direction of the IJ, a successful seminar on championing mental illness was held in East London in the Eastern Cape. The seminar was triggered by the large number of persons who the courts had declared as state patients being held by correctional services because the specialised psychiatric health care facilities do not have the capacity to accommodate them. The situation has not ameliorated and presents a huge risk at the correctional facilities that are not adequately resourced to manage such inmates. It is anticipated that through this seminar this challenge will be highlighted and more attention will be given in order to resolve the issue.

## Complaints and Mandatory reports

In order to speedily address complaints received from inmates, significant progress has been made to decentralize this function from the Cape Town office to the regional offices. An impediment in JICS performing its function of oversight is the IT Infrastructure. Despite having requested DCS to rectify the electronic reporting system, progress has been slow. In order to ensure that JICS executes its mandate, it has had to deploy its staff to manually monitor DCS' compliance to their mandatory reporting obligations.

## Future plans

As we cast our eyes to the future, the organization needs to roll out the following plans for the medium to long term:

However, the details of JICS future plans can be found in its annual operational plan for the period 2019/20 financial year. One such future plan is the re-alignment and re-demarcation of the seats of JICS visitors committee within each region. An annual conference is to be held on ICCV management, and inspections and investigations.

## Public Private Partnerships

No Public Private Partnerships currently exist.

## Discontinued activities/activities to be discontinued

No activities were discontinued during 2018/19 financial year.

## Gifts and donations received in kind from non-related parties

There were no gifts and/or donations received in kind from any non-related parties during the 2018/19 financial year.

## Exemptions and Deviations received from National Treasury

No exemptions or deviations were requested from National Treasury during the 2018/19 financial year.

## Events after the reporting date

A seminar hosted by JICS on Deaths of inmates in Correctional facilities will be held during June 2019.

## Other

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

## Acknowledgements and appreciation/conclusions

I wish to extend my gratitude and appreciation to the Minister, Advocate Michael Masutha (MP); The Deputy Minister, Mr. Makwetla (MP); Inspecting Judge, Justice van der Westhuizen; National Commissioner, Mr. A. Fraser; and Mr. Makebela, Chief Operations Officer, for their leadership and stewardship. I would also like to extend my gratitude and appreciation to the Portfolio Committee on Justice and Correctional Services for their support and guidance.

The JICS work is also dependent on its stakeholders, mainly NGO's, CBO's and FBO's. I would like to thank them for their continued cooperation and valued support.

Finally, I must acknowledge the robust engagements and cooperation received from the executive management and staff of DCS. To the JICS staff, thank you for all the selfless dedication and efforts in ensuring that we execute our mandate with distinction as an oversight component of government.

## Approval and sign off

I approve and sign off the annual report as a true reflection of the work undertaken during the 2018/19 financial year.



**Mr. V. Misser**

Chief Executive Officer (CEO)

Judicial Inspectorate for Correctional Services (JICS)

## 4. Statement of responsibility and confirmation of the accuracy of the annual report

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

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

In my opinion, the annual report fairly reflects the operations, performance information, human resources information, and financial affairs of JICS for the financial year which ended 31 March 2019.



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



## 5. Strategic overview

### Vision

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

### Mission

To impartially inspect, investigate, report and make recommendations on the conditions 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.

### Values

- JICS ascribes to the following values:
- Human Dignity
- Independence
- Fairness
- Efficiency
- Integrity
- Professionalism
- Accountability
- Legality

## 6. Legislative and other mandates

### Constitution of the Republic of South Africa

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

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

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

## Correctional Services Act

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

## Other South African legislation

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

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

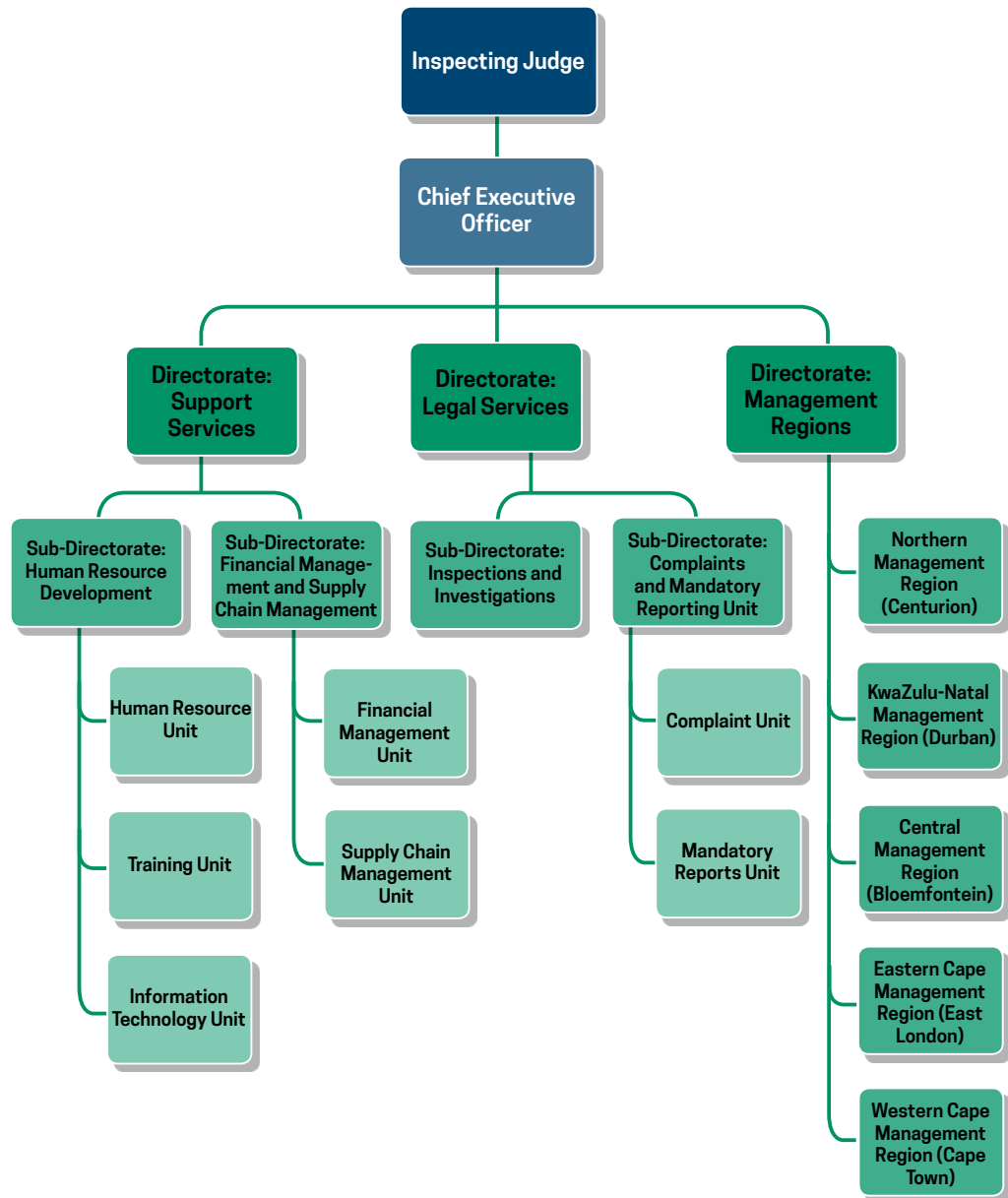
## International and regional human rights instruments

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

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

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

## 7. Organisational structure as of 31 March 2019







**PART B:**  
Performance  
Information  
and Oversight  
Reporting



# Performance information

## Oversight report

### Introduction

DCS manages two types of facilities: correctional centres where sentenced offenders are housed and remand detention facilities where unsentenced remand detainees are housed. In this chapter, the term “correctional facility” includes both correctional centres and remand detention facilities. “Inmate” is used for both sentenced offenders and remand detainees.

The core operational mandate of JICS is oversight of the activities of DCS insofar as it impacts the treatment of inmates as well as the conditions of the correctional facilities where inmates are housed. JICS is also authorised to report on dishonest and corrupt practices by DCS officials.

The legislative mandate of JICS, in terms of the CSA, is:

- To inspect correctional facilities - S90 (1);
- Deal with inmate complaints - S90 (2);
- Submit reports (including an annual report) to the State President, Minister and Portfolio committee - S90 (3) and (4);
- Conduct investigations, and hold hearings - S90 (5);
- Enquire into or instruct the National Commissioner of DCS to enquire into the death of any inmate - S15 (2);
- Receive reports of all instances where inmates are segregated and deal with segregation appeals received from inmates – S30 (6 and (7);
- Receive reports of all instances where inmates are mechanically restrained and deal with appeals in this regard - S31 (3) (d) and (5);
- Receive reports of all instances where force is used against inmates;
- The IJ may also place parole cases before the Correctional Supervision and Parole Review Board for a decision regarding parole – S77 (1).

JICS’ oversight is measured against standards set out in, inter alia, the following acts and instruments:

**a. The Bill of Rights (BoR).**

The Constitutional court found in several cases<sup>2</sup> that the BoR is applicable on all citizens, including those incarcerated. Section 35 specifically deals with the rights of arrested, accused and detained persons<sup>3</sup>.

**b. The CSA, its Regulations and DCS Standing Orders.**

DCS legislation sets standards for the treatment of inmates and the conditions under which they are incarcerated. It regulates inmates’ rights and responsibilities regarding most aspects of their imprisonment, e.g. mealtimes, exercise, contact with the community and educational programmes. It also prescribes complaints procedures as well as the manner in which certain incidents must be reported to JICS.

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2 E.g. State v Makwanyane and another CCT 3/94 and August and another v the Electoral Commission and others CC 8/99.

3 Everyone has the right - “to conditions of detention that are consistent with human dignity, including at least exercise, and the provision, at State expense, of adequate accommodation, nutrition, reading material and medical treatment”

c. **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).**

Recently adopted in its new form, this international instrument sets out guidelines for the treatment of inmates. It further provides guidelines for independent inspections, dealing with complaints, deaths, segregation etc.

This chapter provides an assessment of the work of JICS on all the aspects mentioned above.

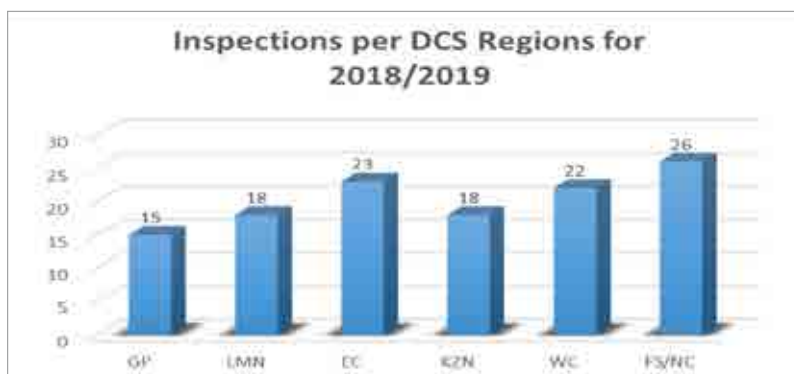
## 1. Inspections

JICS may carry out announced and unannounced inspections. Announced inspections are detailed in a schedule called the JICS National Inspection Plan that is approved by the Chief Executive Officer (CEO) before the commencement of each financial cycle. The JICS National Inspection Plan forms part of the JICS strategic planning where factors such as logistics, budgetary constraints and human resources are taken into account.

For the past three years JICS was only able to conduct 81 inspections per year, allowing JICS to only visit each correctional facility once every three years. Due to the restructuring of its inspection sub-directorate, JICS was able to increase its planned inspection from 81 in the previous performance cycle to 123 in the 2018/19 performance cycle. This means that each facility will be inspected at least once every two years. Besides a slight increase<sup>4</sup> in the human resource capacity of the inspection sub-directorate, the Service Delivery Model of JICS was reviewed and the Inspection assessment tool was enhanced to ensure effective and efficient inspections.

123 inspections were scheduled on the National Inspection plan, however, a total of 122 inspections were conducted. One<sup>5</sup> inspection was not conducted due to the fact that the facility was closed for major renovations.

The figure below presents all inspections conducted in the Department of Correctional Services' Regions for the 2018/19 performance cycle.



**Figure 1: Inspections conducted during the 2018/19 financial cycle as per DCS Regions**

<sup>4</sup> Four existing staff member were redeployed to the Inspections sub-directorate.

<sup>5</sup> Umzimkulu Correctional Facility in KZN.



A three phased approach is followed by JICS on announced inspections, as follows:

### **Phase 1: Notice**

The Head of Correctional Centre (HCC) is officially notified, in writing, of the inspection. A detailed questionnaire, to be completed by the HCC, accompanies the notification. The notification is submitted two weeks before the inspection is conducted.

### **Phase 2: In loco Inspection**

The inspection is comprised of a full and detailed physical examination of the facility, and an audit of all relevant registers and official journals. An assessment is made if previous inspection findings were addressed and general complaints raised by inmates through the Independents Correctional Centre Visitors (ICCVs) are dealt with.

The completed questionnaire that was sent to the HCC before the inspection is collected by the inspector, discussed with the facility's management, analysed, evaluated and tested.

### **Phase 3: Reporting and categorising**

After each inspection, a full report that includes findings and recommendations are made. Each individual centre is classified in terms of its performance into one of the three categories, namely, "Unsatisfactory", "Satisfactory" or "Good".

JICS evaluates the correctional facilities using the following main criteria:

- Inmate population (overcrowding).
- Professional staff and service.
- Healthcare.
- Facility Structure.
- Safe custody (fire safety, separation of vulnerable inmates, assaults etc.).
- Nutrition.
- Complaint resolution.
- Exercise.
- Visitation (contact with the community).
- Rehabilitation and other programmes.

Each finalised inspection report is submitted to DCS for comments and rectification of identified shortcomings. All inspections are reported to the Minister, National Commissioner and Parliamentary Portfolio Committee on a quarterly basis.

## **1.1. Summary of findings and recommendations**

### **1.1.1. Inmate population (overcrowding), professional staff and services (Unsatisfactory)**

South Africa still has the highest prison population in Africa and the 12th highest in the world, according to the World Prison Brief<sup>6</sup>. Overcrowding thus remains a very serious concern.

<sup>6</sup> [http://prisonstudies.org/highest-to-lowest/prison-population-total?field\\_region\\_taxonomy\\_tid=15](http://prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=15) accessed on 30 April 2019.

As of 31 March 2019 the population stood at 162 875 inmates. The approved capacity or available bed space stood at 118 572. Although DCS apparently has plans in place to create more bed space, in practice, the available space has not changed materially during the past three years.

All statistics regarding the prison population was provided to JICS by DCS via “DCS annual report” of 31 May 2019.

**(FIG) Approved totals vs actual population**

The sentenced offender population was 115 147(70.1% of the total inmate population) and the remand population was 47 728 (29.9% of the total inmate population). It is clear that the population remains excessively high.

The prison population, like the population of the country, is not evenly spread. Large concentrations of inmates can be found in cities while in the rural areas, of especially the Northern Cape and Limpopo facilities are often far apart.

**(FIG) Population per DCS Management Region**

The effects of overcrowding are far-reaching; kitchens work overtime to prepare enough food for inmates, plumbing and hot water systems constantly break down due to overuse. There are cases where centres have lice and other pest infestations mainly due to the high turnaround of remand detainees in and out of the centres.


During inspections in Gauteng only two<sup>7</sup> (2) out of the 15 centres were found to be not overcrowded. The centre with the highest overcrowding percentage was Johannesburg Medium B at 111%, where 2750 sentenced inmates were housed in a facility designed for 1300.

The top three inspected centres that are overcrowded per region are as follows:

Region	Centre	Approved capacity	Actual number of inmates	Overcrowding percentage
Gauteng	Johannesburg Medium B	1 300	2 750	111%
	Kgosi Mampuru II Female	166	282	72%
	Modderbee	2 492	4 213	58%
Western Cape	Pollsmoor Medium A	1 111	2 471	122%
	Pollsmoor Medium B	437	1 686	286%
	Knysna	179	401	124%
KwaZulu-Natal	Kokstad Medium B	340	615	81%
	Port Shepstone	150	275	83%
	Waterval Medium A	603	1 055	75%
Eastern Cape	Flagstaff	37	90	143%
	Lusikisiki	109	293	169%
	Mount Frere	32	93	191%
LMN Region	Polokwane	557	1 717	208%
	Potchefstroom	867	1 929	122%
	Makado	324	614	90%
FS/NC	Odendaalsrus	453	775	71%
	Bezzah Makathe Medium B	528	778	47%
	Harrismith	276	382	38%

**Table 1: Top three overcrowded correctional facilities per region 2018/19**

<sup>7</sup> Heidelberg and Devon.



Western Cape Province is proven to have the most overcrowded facilities, of concern is Pollsmoor Medium B with over 200% overcrowding. In KwaZulu-Natal five (5) of the 18 inspected facilities were found to be under capacity. The Eastern Cape (with the exception of St Albans - Port Elizabeth and East London) consists of smaller facilities in rural areas, of which the top three overcrowded facilities are more than 100% overcrowded. Four (4) of the 18 facilities inspected in the DCS Region of Limpopo, Mpumalanga and North-West (LMN) were found to be under capacity, however Polokwane has the most overcrowding of just more than 200% (including the female facility).

The reasons for overcrowding include several factors, such as high crime levels, reluctance by the judiciary in granting bail for serious crimes, and the effects of minimum sentencing and the like. Sections 62(f) and 63(a) of the Criminal Procedure Act (CPA)<sup>8</sup> are provisions that the DCS may use to reduce the number of remand detainees. These provisions allow a court to order the conditional release of a detainee, subject to the accused being placed under the supervision of a correctional official. However, it seems that courts seldom use this option as the ability of DCS to effectively supervise detainees through its supervisory correctional officials seems doubtful.

There is also reluctance by HCCs to apply the provisions of Section 63(a) of the CPA, which permit an HCC to apply to court for the release of detainees (under conditions) if the population of a particular facility reaches such proportions that it constitutes a material and imminent threat to the human dignity, physical health or safety of an accused. Although HCCs often mention overcrowding as one of their main concerns during inspections, it seems that DCS is reluctant to make use of this provision.

The CSA in section 49G makes provision that detainees who are awaiting trial for longer than two years are brought to court to determine the further detention of such persons or are released under certain conditions. However, it does not seem to have any significant impact on the number of detainees awaiting trial as can be seen from the number of remand detainees currently in DCS facilities.

This area will be tested during the 2019/20 performance cycle. In addition, DCS appointed overcrowding task teams on National, Regional and Area levels, but it seems that their success in reducing overcrowding remains limited. There are lifers incarcerated in correctional facilities, with minimum sentencing legislation still in effect, and the figure grows daily. Inmates sentenced to life after 1 October 2004 must serve at least 25 years before parole will be considered. The first lifers so sentenced will, therefore, only be eligible for parole in 2029. This is a definite contributing factor to the overcrowding of DCS correctional facilities.

### **1.1.2. Facilities (Unsatisfactory)**

JICS inspectors visit all housing units, including the ablution areas, during each inspection. HCCs sited, amongst others, overcrowding, old infrastructure and lack of proper maintenance as the main contributing factors to the poor conditions of correctional facilities. HCCs indicated that no urgent maintenance was needed at 38 (31%) of the 122 facilities inspected. However, it was found that, most often, plumbing systems were adversely affected, with hot

<sup>8</sup> Act 51 of 1977.



water either not available or in short supply. Ablution facilities were often found to have paint peeling off the ceilings and walls, as well as evident mould. Also, it has been frequently reported that latrines were unable to flush, either because flush master mechanisms were dysfunctional or because of low water pressure.

HCCs, especially in rural areas, further reported that inadequate water supply from the local municipality not only affected the correctional facility but also the houses of correctional officials living on the precinct. Even if and/or when the flush master systems and geysers were functioning, low water pressure resulted in the systems not functioning properly.

Electricity supply remains a challenge, exacerbated by old infrastructure and illegal electricity connections in cells by inmates after they are locked up for the night. The Department of Public Works (DPW) is the national department responsible for infrastructure maintenance and HCCs voiced their frustration at either the long wait they endured, or appointed contractors not completing the job or rendering poor workmanship.

### **1.1.3. Healthcare (Satisfactory in general but unsatisfactory with regard to state patients)**

All correctional centres inspected indicated that inmates admitted were medically assessed within 24 hours of admission. Voluntary HIV testing was conducted and inmates were provided with anti-retroviral medication where necessary. At almost all of the facilities inspected, DCS had at least one nurse employed. Hopetown, Northern Cape, was the only centre inspected with no nurse employed.

At Kgosi Mampuru II Local, a very large facility with a sizeable medical facility, it was found that DCS employed a total of 26 nurses, and at Modderbee, a large facility in the East Rand, 18 nurses. At the two (2) private correctional centres, the contractor employed 31<sup>9</sup> and 16<sup>10</sup> nurses, respectively.

Larger centres generally employed permanent doctors, while in smaller centres sessional doctors and dentists rendered services on a regular basis.

#### ***Mentally ill inmates***

The inspections among this category of inmates could not be classified as scientific due to the different interpretations of what mental illness is according to different DCS nurses and HCCs. For example, some nurses would classify insomnia as a mental illness while others would not. The term mental illness is, therefore, used in its broad sense, i.e. any inmate whom the nursing staff on duty identified as such.

DCS identified a total of 2 730 inmates (both sentenced offenders and remand detainees) as being diagnosed with some form of mental illness during the 122 inspections. In most cases, they receive regular treatment from DCS and are mentally stable enough to be housed with the general population. Inmates considered not mentally stable are housed in the centre's medical facility.

9 Kutama Sinthumule

10 Mangaung

### Declared State Patients

The situation regarding declared state patients still remains essentially the same as reported by JICS in its 2017/18 annual report. A total of 90 declared state patients were identified during the 122 inspections conducted. The 90 declared state patients await bed space at an accredited health institution or psychiatric hospital; see inspections as depicted in figure 2 below.

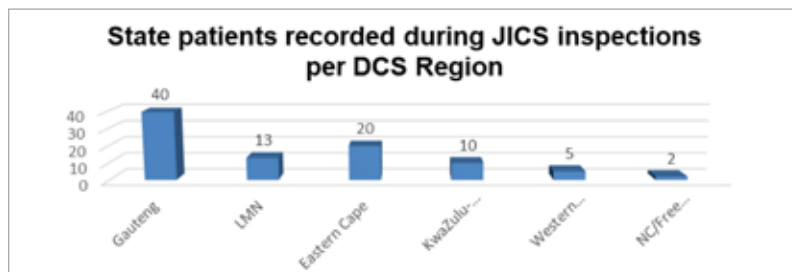


Figure 2: State patients recorded during JICS inspections

In Gauteng, all 40 state patients were found in Kgosi Mampuru II Local correctional facility. In LMN, state patients were found in Ermelo and Nelspruit correctional facilities. In KwaZulu-Natal, DCS housed state patients in its Durban, Pietermaritzburg and Qalabusha (Empangeni) facilities. In the Northern Cape, both state patients were found in the old Kimberley correctional centre. DCS reported five state patients in the Knysna correctional centre in the Western Cape. In the Eastern Cape, JICS inspectors found state patients in the Burgersdorp, King Williamstown and East London centres.

The CPA<sup>11</sup> provides for declared state patients to be temporarily housed in a correctional health facility when a bed is not immediately available in a psychiatric hospital, if the court is of the opinion that it is necessary to do so on the grounds that the accused poses a serious danger or threat to him/herself or to members of the public. State patients, by their definition, cannot be found guilty of any crime. They also, in the opinion of JICS, do not belong in a correctional facility but in a mental health institution.

State patients are often unpredictable and must be treated and supervised by trained professionals. DCS security officials who are responsible for the day to day management of state patients are simply not trained to deal with the mentally disabled. Their interim accommodation in prison, even pending their transfer, is considered cruel and inhumane.

As the plight of mentally ill inmates is of great concern, JICS held a seminar on mentally ill inmates in East London on 23 November 2018 entitled “Championing Mental Illness”. Full details of the seminar can be found in “Part C: Directorate Management Regions” of this report.

#### 1.1.4. Safe custody (satisfactory in general but unsatisfactory in some correctional facilities)

When evaluating safe custody, JICS evaluates, inter alia, the number of assaults on inmates, the number of unnatural deaths, whether vulnerable inmates are housed separately from the general population, and fire safety aspects. JICS’ inspectors monitored the official injury registers kept in each centre’s medical facility.

<sup>11</sup> Section 77

The most violent DCS facility inspected was Potchefstroom remand detention facility in the North West Province. This was mainly due to gangs from local mines operating in the facility.

The St Albans facilities in Port Elizabeth were also found to be violent with the traditional numbers gang (26, 27 and 28s) that are very active in the centre. Not only inmates are victims of gang related attacks, but DCS officials are also often targeted.

Fire safety at correctional facilities remains a serious concern. In three instances in this current performance cycle, inmates lost their lives through fire related incidents<sup>12</sup>. The fire fighting equipment at 20% of all correctional facilities inspected was not serviced timeously<sup>13</sup>.

DCS generally houses its vulnerable inmates separately from the general population. This includes older and younger inmates as well as those belonging to the LGBTIQ community. Inmates who were previously employed in the SAPS and DCS are also housed separately for their own safety.

#### **1.1.5. Nutrition (satisfactory in general but unsatisfactory at certain facilities) Kitchens were assessed during inspections. The following aspects were evaluated:**

- Hygiene
- Facilities
- Functionality of equipment
- Meal plans, including special diets
- Timeframes for serving meals

All DCS centres' kitchens are not standardised. In the private facilities as well as in the new generation facilities inspected, the kitchens were found to be of good standard. However, in some facilities, the kitchens are in a dire state and operate without a compliance certificate from the Department of Health. Pollsmoor Medium B, Western Cape, is an example of such a facility. Most kitchens, however, are plagued by challenges in their infrastructure. For example, in Qalakashusha (Empangeni), Kwa-Zulu-Natal, the taps in the kitchen were leaking, broken tiles were evident and some of the equipment was dysfunctional. The same was evident in Hopetown, Northern Cape, (dysfunctional equipment) and Burgersdorp, Eastern Cape, (broken floor tiles). These challenges were found to be present in a number of other kitchens that were inspected.

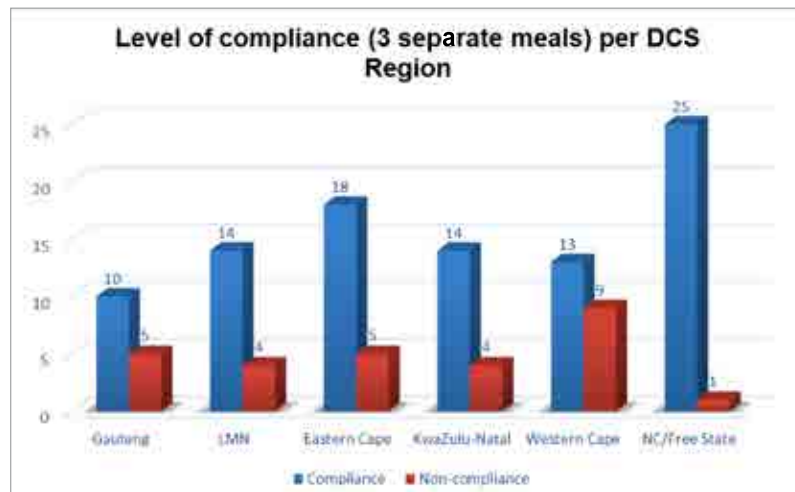
In contrast, Heidelberg correctional centre was able to produce a compliance certificate upon request. JICS inspectors found that, in most instances, kitchens were acceptably clean. DCS complies with a "clean as you go" policy. All kitchens inspected provided special medical and cultural diets to qualifying inmates.

According to section 8 (5) of the CSA, mealtimes must be "served at intervals of not less than four and a half hours and not more than six and a half hours, except that there may be an interval of not more than 14 hours between the evening meal and breakfast."

<sup>12</sup> Thohoyandou, Leeuwkop and Drakenstein.

<sup>13</sup> 24 correctional facilities.

Figure 3, below, depicts the level of compliance to section 8(5) of the CSA.



**Figure 3: Meal Compliance per DCS regions**

A challenge with mealtimes remains, especially in the Western Cape, where 41% of all centres inspected were unable to serve 3 meals per day to inmates. Reasons for non-compliance forwarded by the HCCs included understaffing, the current shift system prescribed by DCS as well as previous industrial action by DCS officials.

#### 1.1.6. Complaint resolution (Satisfactory)

During inspections, official complaints registers were examined to assess the responses of DCS to inmate’s complaints. The inspector also interviewed the centre’s ICCV to get their views on the effectiveness of the complaint system at a particular centre.

Finally, the inspector held group interviews with inmates to ascertain the most prevalent complaint in each centre inspected. Inmates are encouraged to raise general complaints regarding their treatment and the conditions in the centre. Individual complaints are referred to the ICCVs who then deal with them on a one on/by one basis. The following general complaints were received most frequently by JICS inspectors:

- Lack of hot bathing water.
- Shortage of bedding.
- Shortage of uniforms, including shoes.
- Leaking taps and plumbing related complaints.
- Food related complaints.
- Transfers to centres nearer to their homes took long to be effected.

The complaints of inmates mostly correlate with the observation of inspectors during the inspections.

#### 1.1.7. Exercise (satisfactory in most centres)

According to section 11 of the CSA, inmates must get “at least” one hour of exercise per day. Put differently, inmates may be locked up in their cells for up to 23 hours per day. JICS inspectors encourage DCS officials to allow inmates as much exercise as possible as the one hour provided for in legislation is clearly the minimum exercise period allowed. In the Potchefstroom remand detention facility (North-West Province), it was found that inmates sometimes received less than the prescribed minimum due to gang violence prevalent in the centre.

Inmates in Carolina and Standerton (Mpumalanga) were afforded the minimum 1 hour per day, while at other inspected LMN centres inmates received more than one hour of exercise per day.

Centres inspected in Gauteng all afforded inmates at least one hour exercise, with the exception of Johannesburg Medium B where inmates received less than an hour.

In the Western Cape, only two<sup>14</sup> centres indicated that they allow inmates more than one hour exercise. All other centres inspected only allowed inmates exercise for the minimum period of one hour.

Inmates in the Free State/Northern Cape were afforded exercise for longer than an hour in 15 centres, while in the remaining centres inmates received their minimum of one hour.

In the Eastern Cape, inmates at St Albans Maximum and East London Medium B complained that they receive less than the prescribed one hour of exercise. All other Eastern Cape centres granted inmates one hour or more per day.

#### 1.1.8. Visitation (contact with the community) (satisfactory)

To receive visits while imprisoned is a constitutional right in terms of section 35 (2) (e) of the Constitution. Inmates from different security classifications and privilege groups are allowed to receive visits in line with their classification.

JICS found challenges with visitation related to the infrastructure of mostly older and smaller facilities that lack proper visiting areas. In some cases, inmates received visits in open court yards or in gardens. This is a challenge during inclement weather. Another major challenge found, especially at facilities in rural areas, is accessibility to public transport to the centres.

#### 1.1.9. Rehabilitation and other programmes

Rehabilitation is at the heart of the South African corrective system. DCS provides Adult Educational Training programmes to inmates.

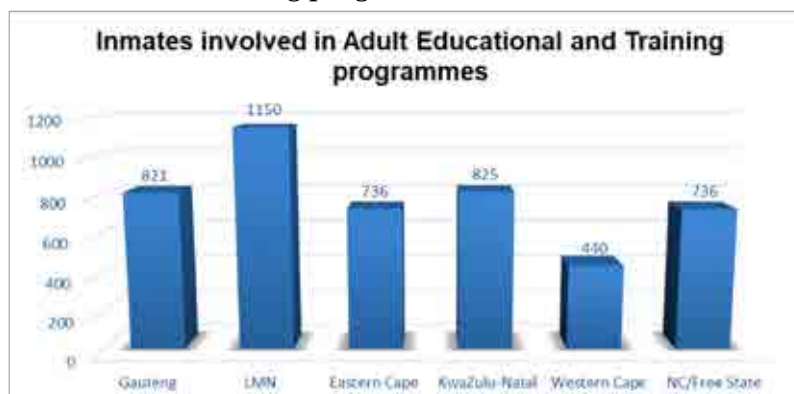


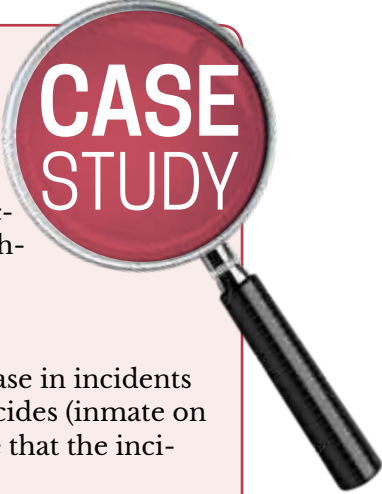
Figure 4: Inmates involved in Adult Educational and Training programmes

Inmates are also allowed to study towards grade 10/12, as well as tertiary studies, but it was found mostly that only larger centres cater for this.

14 Staart van Paarderberg and Malmesburg Medium B.

Some of the larger facilities such as Kgosi Mampuru II Central, Worcester Female and Pollsmoor have workshops where some inmates learn trades such as carpentry, bricklaying and needlework. The challenge, however, is that materials are often in short supply. In facilities such as Zonderwater, Kirkwood and Waterval farming activities take place.

### CASE STUDY: POTCHEFSTROOM: “Living in a gangster’s paradise”



## CASE STUDY

#### *Background*

Potchefstroom, in the North West Province, is known as an academic city as it hosts the Potchefstroom campus of the North-West University. The city also falls within the Potchefstroom goldfield with several active gold mines in the area.

JICS became aware during the past few years of a sharp increase in incidents of violence, including assaults, sexual assaults and even homicides (inmate on inmate) inside the correctional facility, with great significance that the incidences were gang related.

On 6 and 7 December 2018, JICS conducted a thematic inspection at the Potchefstroom correctional facility to ascertain the extent of gangsterism at the facility as well as the measures in place by DCS, SAPS and other stakeholders to deal with the condition.

#### *Outcome*

1. Gangsterism is rife at the centre. DCS officials claim that, on average, up to 70% of the inmates have some form of gang affiliation.
2. Inmates are not adequately assessed during admission leading to sexual assaults on the weak and non-gang members.
3. Due to the social and economic makeup of the region, several gangs operate in the mining environment. When members of these gangs are arrested and housed at the Potchefstroom remand detention facility to await their trials, they carry on with their gang activities within the centre.
4. These gangs are not the traditional South African prison gangs (26, 27 or 28s), but have names such as Slovakia (SVK), Born to Kill (BTK), Crazy Dogs, British, Vietnam, Matlama, Majimbab and many others. The majority of gang members seem to be between 18 and 35 years old.
5. Gangsters often display their gang affiliation through tattoos on their foreheads; making them easily identifiable by other gangs, often sparking impromptu fights.
6. Sexual assault seems to be a method frequently used to stamp authority on non-gang members or take revenge on other gang members.
7. JICS identified two cases of homicide in December 2018 where inmates were punished (killed) for breaking their gang’s rules outside the facility.
8. In both cases, the individuals were killed either on the same evening or within a few days after their admission at the centre by members of their own gang.
9. Officials employed at the facility are understandably fearful of working in this violent environment as they don’t know if they will also be targeted. Officials are reluctant to work in certain units, causing understaffing.
10. The situation is exacerbated because the facility is severely overcrowded at



122%.

11. Inmates of different gangs cannot be allowed to exercise together as mass assault, inmate on inmate assaults and stabbing (sometimes resulting in homicide) would often break out.
12. With the shortage of staff, inmates, on average, are only allowed to exercise for between 10 and 15 minutes per day in certain units of the facility.
13. DCS officials indicated the DCS' anti-gang strategy does not cater for these types of gangs.
14. As the challenge is societal in nature, the JICS inspector also consulted the social workers in DCS employ. They indicated that inmates awaiting trial often do not spend enough time at the centre for any social work programme to be effective.
15. Senior SAPS officials who were interviewed, informed that:
  - a. There is a high prevalence of drug and alcohol abuse in the local community.
  - b. The challenge is not only limited to Potchefstroom (North West), but also evident in the Free State and Mpumalanga provinces (at most mining communities).
  - c. Gangs are typically made up of younger boys who at first dominate their own street.
  - d. They wage turf wars, taking over other gangs' territories and forcing losing gangs to join.
  - e. The most fertile recruiting grounds are the local high schools. Bullying forms part of the recruiting strategy.
  - f. Gangs are very territorial and SAPS had to partition off their trucks to separate the different gangs when transporting them to and from court to prevent fights.

### *Recommendations*

1. DCS must consider assessment and orientation of remand detainees immediately upon admission to address and curb sexual assault of inmates.
2. All relevant state departments in the Justice Cluster and other stakeholders must collaborate to address this issue.
3. An effective anti-gang strategy must be designed and implemented by stakeholders.
4. Inmates suspected of offences within the correctional facility must be officially charged as soon as possible to prevent them from being released from court when they appear on their original charge.
5. SAPS and DOJCD must consider using the Prevention of Organised Crime Act 121 of 1998 to prosecute individuals involved in gang activities.

## 1.2. Inspections by the Inspecting Judge

### Introduction

In addition to inspections conducted by JICS inspectors, the IJ also officially visits correctional centres on a regular basis as per the mandate in section 90 of the CSA to enable him to give a first-hand account on conditions in correctional facilities, the treatment of inmates and corrupt or dishonest practices in correctional facilities to the Minister and Parliament.

During such visits, the IJ is usually accompanied and assisted by the JICS inspector, staff from the Directorate Legal Services, ICCV, as well as the JICS Regional Manager.

### Details of IJ inspections

No	Inspection date	Centre and Province	Rated	Comment
1.	4 April 2018	Ebongweni Super Maximum (KZN)	Satisfactory	There are, however, some concerns related to admission criteria and three phase behaviour modification programme practiced by DCS.
2	6 April 2018	Maphumulo (KZN)	Satisfactory	None
3.	6 April 2018	Stanger	Unsatisfactory	All inmates sleep on the floor. The infrastructure is dilapidated.
4.	20 April 2018	Zonderwater	Satisfactory	None
5.	26 April 2018	Baviaanspoort	Satisfactory	None
6.	8 May 2018	Elliotdale	Unsatisfactory	Facility not fit to house human beings. It is a security risk and endangers both personnel and inmates.
7.	10 May 2019	Tswelopele (NC)	Satisfactory	None
8.	11 May 2018	Brandfort (FS)	Satisfactory	None
9.	26 June 2018	Durban (KZN)	Satisfactory	None
10.	12 July 2018	Buffeljagsrivier (WC)	Satisfactory	None
11.	12 July 2018	Caledon (WC)	Satisfactory	None
12.	5 October 2018	Helderstroom (WC)	Satisfactory	None
13.	6 October 2018	East London Female	Satisfactory	None
14.	2 November 2018	Pollsmoor Medium B (WC)	Unsatisfactory	Lice infestation, dilapidated infrastructure and severe overcrowding.
15.	7 November 2018	Krugersdorp	Satisfactory	None
16.	20 November 2018	Leeuwkop maximum	Satisfactory	None
17.	10 January 2019	Mosselbay (WC)	Satisfactory	None
18	15 January 2019	Parys (FS)	Unsatisfactory	Overall condition of the centre rated as poor.
19.	16 January 2019	Groenpunt Medium B (FS)	Unsatisfactory	Structure dilapidated and in need of replacement.

No	Inspection date	Centre and Province	Rated	Comment
20.	8 February 2019	Goodwood Correctional Centre	Unsatisfactory	145% overcrowded, gangsterism, no hot water, Only 5% of the intercoms working, no waiting room facilities for visitors, bed shortage, shortage of sheets and uniforms for remands, no shoes, big sizes only.
21.	28 February 2019	Tohoyandou Correctional Centre	Unsatisfactory	257,9% overcrowded, water shortage since 2007, office space shortage, shortage of medical staff, no parameter fence, CCTV cameras not working, kitchen with no certificate, community reluctance to accept probationers and parolees.
22.	1 March 2019	Kutama-Sinthumule Correctional Centre	Satisfactory	None

**Table 2: Inspections conducted by the IJ**

### 1.3. Visits by external judges for 2018/19 per performance cycle

JICS received an inspection report from Judge CJ Olivier on an inspection conducted at the Uppington Correction Centre on February 2019. Judge Olivier found the following:

1. The centre is overcrowded.
2. There is a shortage of nurses with only two of the six positions on the post establishment filled.
3. Inmates complained about abusive language used by the DCS officials.
4. No declared state patients were found at the centre.
5. The HCC expressed his satisfaction regarding services rendered by the ICCV and Legal Aid South Africa.

## 2. Investigations

JICS investigates cases related to the treatment of inmates, conditions at correctional facilities and corrupt and dishonest practices by DCS officials. The IJ is further specifically mandated to investigate all deaths or instruct the DCS National Commissioner to investigate such incidents<sup>15</sup>.

JICS conducted 33 investigations for the 2018/19 performance cycle. This is a noteworthy achievement as JICS has no specialised investigators employed. Investigations are currently carried out on an ad hoc basis by Regional Inspectors and JICS management.

<sup>15</sup> Section 15 of the CSA.

See the schedule beneath for a list of investigations conducted:

No.	Centre and investigation focus	JICS Region	Outcomes/findings
1	Mdantsane Allegations of assault: DCS official on mentally ill inmate on or around 11/6/2017.	ECMR	No proof could be found to back up the allegation. The inmate also indicated that he was not assaulted.
2	Malmesbury Assault: Official on Inmate.	WCMR	The JICS inspector found that DCS used lawful force on inmates during a gang related incident.
3	Rooigrond Med A Escape of inmates.	CMR	DCS was found to have breached their own security rules by not adequately controlling the movement of inmates at the soccer field and not effectively securing internal gates.
4	King Williams Town CC Homicide of mentally ill remand detainee.	ECMR	JICS found that DCS breached their own policies by not patrolling the section effectively. Please see the case study "Alone and out of control" for details.
5	Leeuwkop Med A Allegations of corruption and other complaints.	NMR	JICS investigated the allegations but found no proof that any of the inmates' allegations were true.
6	Kgoši Mampuru II Local Suicide of a mentally ill sentenced inmate.	NMR	JICS found that DCS acted negligently as the inmate attempted to commit suicide numerous times. No steps were taken by DCS to prevent the inmate from committing suicide by, for example, placing him on suicide watch.
7	Kgoši Mampuru II Central Unnatural death of an inmate.	NMR	Although it seemed like a suicide at first glance, JICS found that it is possible that other inmates may have been involved in the inmate's death.  SAPS are investigating a possible homicide.
8	Krugersdorp Inmate lost the distal phalanges of his index and ring fingers when a gate was slammed on his fingers by a DCS official.	NMR	Please see the case study "More than freedom lost" for details.
9	Pollsmoor Med B Allegations of mass assault of inmates by officials and SAPS during a combined search operation.	WCMR	JICS found, on a balance of probabilities, that inmates were assaulted by both SAPS and DCS officials in the aftermath of a riot by inmates.
10	Durban Juvenile Allegation of sexual assault: Inmate on inmate	KZN	JICS found, on a balance of probabilities, that an incident of sexual assault did take place. DCS separated the victim and the perpetrator. The victim was assisted medically and given an opportunity to prefer criminal charges. In addition, DCS charged the alleged perpetrator internally.
11	Johannesburg Med C Allegations of inhumane treatment, corruption and dishonest practices by senior officials.	NMR	JICS found that, in most of the allegations, the complaints were either dealt with by DCS already or that the complaint had to do with private and internal matters that fall outside the mandate of JICS.
12	Vereeniging Unnatural death (hanging) of an inmate.	CMR	Although it seemed like a suicide at first glance, JICS found that it is possible that other inmates may have been involved in the inmate's death.  SAPS Vereeniging has three suspects and opened a murder docket.

No.	Centre and investigation focus	JICS Region	Outcomes/findings
13.	Boksburg Alleged homicide: Officials on inmate.	NMR	JICS found, on a balance of probabilities, that the inmate was severely assaulted by DCS officials, which may have led to his death.  SAPS is still investigating the matter.
14	Hoopstad Mass assault: Officials on inmates.	CMR	JICS found, on a balance of probabilities that inmates were unhappy with personal comments allegedly made by the HCC. Inmates voiced their dissatisfaction and were allegedly assaulted by DCS officials.  The Area Commissioner must investigate the incident and furnish JICS with a full report, including disciplinary and criminal steps taken against officials.
15	Grootvlei Maximum Allegations of sexual assault of declared state patient by three other state patients.	CMR	A declared state patient, housed in a communal cell in the centre's medical facility, complained to DCS officials on 18/5/2018 that he was sexually abused by 3 fellow inmates (also declared state patients) on 14, 15 and 16/5/2018.  DCS immediately referred the patient to a public hospital for treatment and separated the victim from the perpetrators.  The Public prosecutor declared the case Nolle prosequi as the perpetrators are all declared state patients.  Victim and perpetrators were, in the interim, all referred to mental hospitals for treatment.
16	Ebongweni Alleged homicide of inmate in 2009.	KZNMR	Still under investigation. The case was also referred to the Directorate Priority Crime Investigation.
17	East London Assault: Officials on inmate and a riot.	ECMR	Investigation in process.
18	Leeuwkop Med A Unnatural death (arson).	NMR	Investigation in process.
19	Bizzah Makathe Unnatural death (suicide).	CMR	Investigation in process.
20	Potchefstroom Thematic inspection/investigation on gangsterism and violence.	CMR	See the case study "Living in a gangster's paradise".
21	Potchefstroom Homicide of two inmates (two separate instances) due to gangsterism.	CMR	See the case study "Living in a gangster's paradise".
22.	Rooigrond Maximum Homicide.	CMR	Investigation in process.
23	Ebongweni Supermax Suicide of an inmate	KZN	Inmate committed suicide by hanging. No foul play is suspected.
24	Pollsmoor Suicide of an inmate.	WC	Investigation in process.
25	Thohoyandou Death of inmates – fire related.	NMR	Investigation in process.

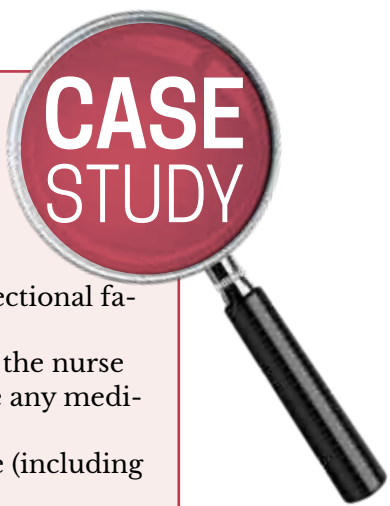
No.	Centre and investigation focus	JICS Region	Outcomes/findings
26	Ekuseni Youth Development Centre Mass assault – Officials on inmates.	KZN	Officials assaulted a whole cell of inmates after an alleged escape attempt by two juvenile inmates. DCS must inform JICS of the outcome of disciplinary steps taken and of criminal charges against officials.
27	Johannesburg female Suicide of an inmate.	NMR	An inmate committed suicide by taking an overdose of Isoniazid. She passed away later due to complications.  JICS recommends that the distribution of medicine be more carefully controlled.
28	Worcester Male Suicide of an inmate.	WCMR	Investigation in process.
29	Ebongweni Supermax Suicide of an inmate.	KZN	An inmate committed suicide by hanging himself. JICS recommends that DCS review the emergency procedures at Ebongweni.
30	Durban Medium A Suicide of an inmate.	KZN	An inmate committed suicide by hanging himself in the ablution area of a communal cell. Inmates and DCS officials contaminated the scene by cutting the inmate down and removing the body before the SAPS forensic unit arrived at the scene. The SAPS investigation continues.
31	Drakenstein Apparent suicide – inmate perished in a fire.	WC	Investigation in process.
32	Barberton Homicide – Inmate on inmate.	NMR	Investigation in process.
33	Umtata Suicide of an inmate.	EC	Investigation in process.

**Table 3: Investigations conducted by JICS in 2018/19 performance cycle**



## CASE STUDY: HOMICIDE AT KING WILLIAMSTOWN

### Mentally ill inmates: Alone and out of control



# CASE STUDY

#### *The incident*

1. Remand Detainee X was admitted at King Williams Town correctional facility on Friday 18 May 2018.
2. He was medically assessed by the DCS nurse, and he informed the nurse that he takes medication for his mental illness. He did not have any medicine with him.
3. X was placed in the cell designated to house mentally ill people (including declared state patients waiting for a bed at a mental hospital).
4. He was not provided with any medicine for his condition by DCS.
5. At the time of the incident (early hours of Wednesday morning, 23 May 2018), X was incarcerated for almost five (5) days without any medication.
6. There was an altercation between X and another mentally ill inmate (S), apparently because S lost his pants and was searching for it.
7. S was chased by an apparently delusional X with a toothbrush saying that he needs to circumcise S.
8. Some inmates (all mentally ill) attacked X, while others tried to attract the attention of officials on night duty, but to no avail.
9. After X was severely assaulted, inmates offered him water and left him in a sitting position.
10. The following morning, during unlock, officials discovered the lifeless body of X still in the same position.

#### *JICS found, on a balance of probabilities, that:*

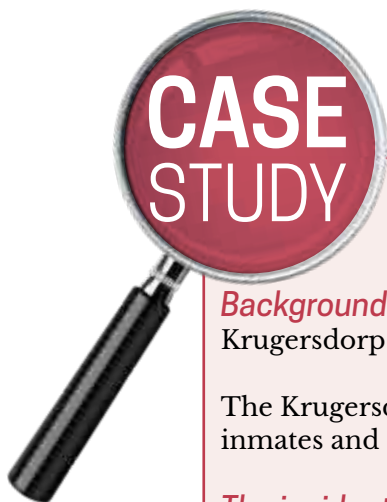
1. The incident occurred because DCS failed to provide X with medication.
2. DCS officials on duty neglected their duty to respond when inmates tried to alert them.

#### *Further findings:*

1. An apparent shortage of staff resulted in only one (1) official being on duty for two (2) floors.
2. The sessional doctor was allegedly called several times to certify the inmate's death (from 07:30 onwards). He never arrived at the centre and just informed that he was on his way each time he was contacted.
3. At around 13:30, X's body was removed by the SAPS forensic team without the presence of the sessional doctor.

#### *After the incident:*

1. DCS charged several officials for, inter alia, dereliction of duty and completed the disciplinary hearings. Officials were found guilty and disciplined.
2. SAPS is investigating criminal charges but is hampered by the fact that all inmates involved are either mentally ill or declared state patients.



## CASE STUDY: INCIDENT AT KRUGERSDORP “More than freedom lost”

### *Background*

Krugersdorp is a mining city in the West Rand, Gauteng Province.

The Krugersdorp correctional facility is a large centre housing both sentenced inmates and remand detainees.

### *The incident*

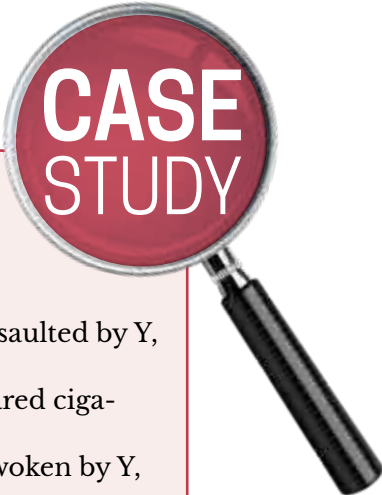
1. Inmate A, a lifer, incarcerated at Krugersdorp, was roaming the passages of the centre on 21 May 2018, unescorted, and apparently without permission.
2. A was instructed by an official escorting the food handlers to stop roaming and wait for the official to escort him back to his cell
3. In the process, A leaned against the large open steel gate at the entrance of the unit where food was being distributed, waiting for the official.
4. The official then closed and locked the steel gate and continued to escort A and the food handlers down the passage.
5. After a few metres, another inmate pointed out to A that A's hand was bleeding.
6. It was then discovered that in the process of closing the gate, the tips of two of A's fingers were trapped in the jamb of the gate and amputated.
7. He was immediately taken to the medical facility and, from there, was referred to the local public hospital, where he received medical attention.
8. At first A indicated that the incident was an accident, but later changed his mind and opened a criminal case against the official who closed the gate on his fingers.

### *Findings*

1. JICS investigated and agreed with DCS that the incident was an accident.
2. Inmate A lost the distal phalanges (tips) of the index and ring fingers of his left hand.

### *Outcomes*

1. DCS absolved the official who closed the gate on inmate A's hand from any transgression.
2. The official who let A into the passage without an escort in the first place was charged with dereliction of duty.
3. The case was referred to the DCS Legal Services for a determination on civil liability by DCS.
4. All DCS officials at the facility were sensitized to be careful when closing gates and ensure that all persons stand clear during opening and closing of gates. The SAPS case continues



# CASE STUDY

## DURBAN JUVENILE: SEXUAL ASSAULT: “Gang culture to blame”?

### *The incident*

1. Inmate Z, a slightly built 21-year-old, was allegedly sexually assaulted by Y, who is 22 years of age.
2. It is common knowledge that they were friends, who often shared cigarettes and slept near each other in the cell.
3. According to Z, on 20 August 2018 at around 24h00, he was awoken by Y, who offered him a cigarette stub.
4. At first, Z was not interested as he was still half asleep. He later agreed and followed Y to the ablution facility.
5. At the ablution facility, Y reminded Z of all the times he assisted Z and asked for sexual favours in return.
6. According to Z, he was sexually assaulted after his refusal.
7. Y vehemently denied the allegations and stated that he and Z are both members of the 28 gang on the same level.
8. The incident was only reported on 28 August 2018 as Z alleges he was constantly followed and intimidated by Y for a week after the incident and could not report it immediately.

### *Action by DCS:*

1. Upon receiving Z’s complaint, he was immediately transferred to another cell.
2. He was also taken to the centre’s medical facility on the same day and referred to the RK Khan public hospital on 29 August 2018.
3. A follow up appointment was made for 3 September 2018 after Z decided to press criminal charges.
4. Y was charged and, on 4 September 2018, degraded from A to B privilege group and moved to another communal cell. The cell where the incident occurred is a protection cell for all young offenders requested to be protected for varying reasons.
5. A DCS investigator was appointed and SAPS is also investigating the matter.

### *JICS findings:*

1. On a balance of probabilities, Z was sexually assaulted by Y.
2. DCS, upon receiving the complaint from Z, immediately took action by separating Z and Y.
3. Z received immediate treatment and was afforded the opportunity to open a criminal case at SAPS.
4. Y was charged internally and a criminal investigation was launched by SAPS.
5. It is common knowledge that sex between members of the 28 gang is part of the gang’s culture.
6. Sexual assault however, remains an offence, regardless of gang affiliation or the fact that one is imprisoned.

## 3. Complaints

### Introduction

The function of receiving and dealing with complaints is generally decentralised. Each JICS Regional office attends to matters received within their respective jurisdiction through ICCVs appointed at each correctional centre. In instances of urgency and where a complaint continues to be unresolved after exhausting internal regional interventions, the complaint will be referred to the JICS Complaints unit to make final recommendations relating to the complaint.

Complaints such as Assault: Official on inmate, sexual assault, torture, urgent healthcare complaints and other urgent matters are immediately referred to the Complaints unit for intervention. All recommendations are communicated to the complainant, DCS and the JICS Regional office.

In addition, complaints are also received directly from inmates, their families and other stakeholders such as DCS, NGOs, and chapter 9 bodies like the Public Protector and South African Human Rights Commission. Parliament also, on occasion, refers inmates' complaints directly to JICS.

Some complaints received from stakeholders are, in turn, referred to the relevant JICS Regional office. The reason for this is that the Regions are deemed to be in a better position to effectively deal with such complaints. Examples of such complaints are transfers, contact with family and bail.

A total of 335 complaints were referred to the respective JICS Regions for further handling.

### 3.1. Statistics

Complaints are classified into 24 categories and include transfers, appeals, bail, assaults, contact with family, and healthcare to outline a few. The Complaints unit received and dealt with a total of 720 complaints for the 2018/19 performance cycle. A comparison of the prevalence of complaints over the past three financial years (see figure 5 below) was made and the following was noted:

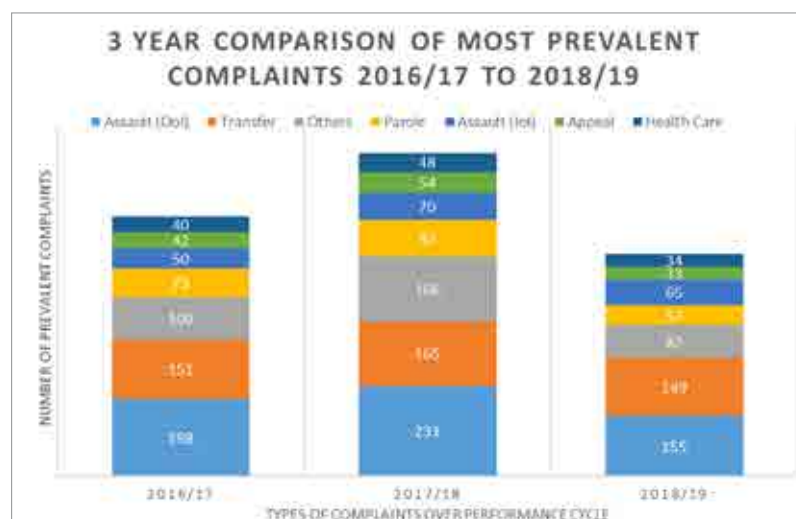


Figure 5: Most Prevalent complaints

Assaults: Official on inmate was the most prevalent complaint handled as all such complaints are automatically referred to the Complaints Unit for handling by the JICS regions through its ICCVs. A significant decrease in the number of such assaults was noted for the reporting cycle.

Inmates requesting transfers to other correctional centres (usually nearer their home) was the second highest complaint. These complaints are typically referred to the relevant Region to deal with at the coalface. According to section 43 of the CSA, an inmate must be housed at the facility closest to the place that he/she will reside after release.

The section, however, qualifies this statement by listing the following exceptions:


- There must be accommodation available at the facility.
- The facility must meet the inmate’s security requirements.
- The facility must have specific programmes available for the inmate’s rehabilitation, education etc.

In practice, therefore, transfers to other centres remain one of the most common complaints which was dealt with by JICS officials, due to the fact that it is often not resolved because most of the correctional facilities are already overcrowded.

Complaints dealt with by the JICS Complaints Unit per category:

No	Complaint category	Number
1.	Appeal	33
2.	Assault (Inmate on Inmate)	65
3.	Assault (Official on Inmate)	155
4.	Assault (Sexual)	41
5.	Attempted Suicide	1
6.	Bail	0
7.	Communication with Family	4
8.	Conditions	9
9.	Confiscation of Possession	8
10.	Conversion of Sentence	3
11.	Corruption	5
12.	Food	3
13.	Health Care	36
14.	Hunger Strike	20
15.	Inhumane Treatment	7
16.	Legal Representation	2
17.	Medical Release	1
18.	Parole	52
19.	Re-Classification	26
20.	Rehabilitation Programmes	13
21.	Remission	2
22.	Torture	3
23.	Transfers	149
24.	Other	82
	<b>TOTAL</b>	<b>720</b>

Table 4: 2018/19 Complaints per category



JICS noted a marked decrease in the complaints received compared to the previous reporting cycle, when 988 complaints were received. This downward trend can be attributed to a myriad of factors, the most important being: The JICS' electronic complaints system is currently inactive, preventing members of the public and other stakeholders to register complaints electronically via the JICS website. During the recent re-engineering of the ICCV system, some centres were temporarily without the services of ICCVs causing some urgent complaints not being reported to JICS. Staff shortages within the complaints unit caused delays in the handling of certain complaints.

### **Summary selection of findings and recommendations**

As a result of budgetary constraints and staff shortages, it was not possible for all eligible cases to be investigated by JICS. Therefore, JICS had to select only the most serious cases for its own investigations. As it is DCS' policy to investigate all assault matters, JICS requests copies of all such investigation reports. Where appropriate, the SAPS case numbers are also obtained. ICCVs are requested to interview the inmate and provide the Complaints Unit with a written Record of Consultation detailing the inmate's complaint. After the interview, the ICCVs also consult with the HCC to get a first-hand response on the incident.

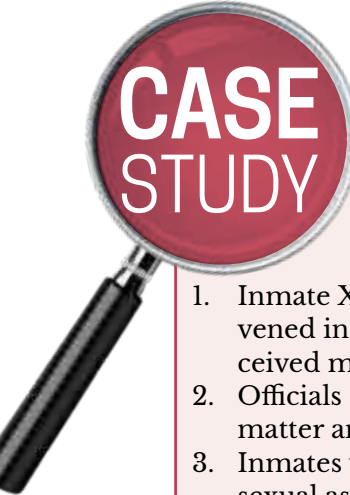
The Complaints Unit then reviews the reports, and makes findings and recommendations. JICS continuously strive to highlight instances where inmates' health or safety is in jeopardy or where an immediate threat looms. For the 2018/19 performance cycle, JICS received 71 investigation reports and/or substantial feedback from DCS.

JICS findings and recommendations were made in 67 matters. This includes both new and historical complaints. The process of evaluating the merits of complaints and crafting findings and recommendations is achieved by abiding to the following principles and legislation:

- An understanding of the merits of each case.
- A determination and application of the legal principles involved by consulting the Constitution, the CSA and other relevant legislation.
- Taking relevant international instruments into consideration.
- Coming to a logical conclusion and making feasible recommendations.

One of the key considerations is if DCS officials followed their own policies and work procedures when they dealt with an inmate's complaint. It must be borne in mind that JICS does not resolve inmates' complaints; rather it monitors the way in which DCS deals with, and resolves these complaints.

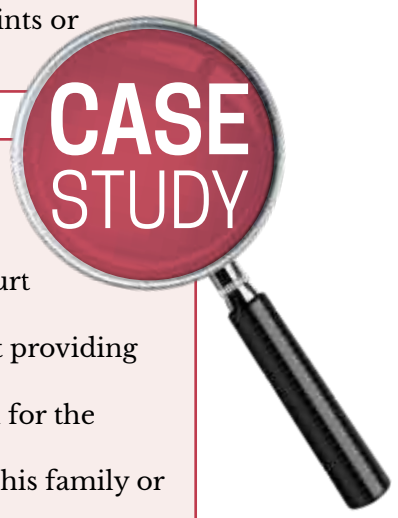




## CASE STUDY

### Case study: R-659-2014 Glencoe Withdrawal of complaints

1. Inmate X alleged that he was assaulted by an official when officials intervened in a gang related stabbing. X sustained an injury to the eye and received medical treatment.
2. Officials declined to submit statements, and X did not want to pursue the matter and open a case with SAPS.
3. Inmates withdrawing complaints, especially with relation to assault and sexual assault charges against fellow inmates and DCS officials, is a fairly common occurrence.
4. The possible reasons as to why complaints are withdrawn before JICS is able to investigate includes:
  - Fear of reprisal.
  - Upholding a gang code.
  - Lack of procedure followed by DCS, leading to valuable evidence lost.
  - Parties resolve amicably or inmate bribed by fellow inmates or officials.
  - Inmate's release date is imminent or there is an upcoming parole hearing. In such cases inmates would rather withdraw complaints as there may be a possibility that the complaint would jeopardise the probability of being placed on parole.
  - The inmate is a remand detainee and is released from custody before the investigation or is released on parole shortly after the incident. Such inmates are often reluctant to continue with complaints or are untraceable.



## CASE STUDY

### Case study: R-439-2018 Pollsmoor Safe custody for all

1. Remand detainee Y is attending court at Cape Town High Court and is sent to Pollsmoor remand detention facility.
2. DCS transferred Y from Pollsmoor to Van Rhynsdorp without providing reasons.
3. Upon enquiry from JICS, DCS is reluctant to share the reason for the transfer and informs that "top secret clearance" is needed.
4. The result of the transfer is that X does not have contact with his family or legal representatives.
5. A request to transfer to Pollsmoor is lodged with JICS.
6. In such cases a balance must be struck between the rights of the inmate and the interest of the state.
7. DCS must maintain security and good order in their facilities. At the same time, however, such measures must be applied in a manner that conforms to their purpose and which does not negatively affect the inmates to a greater degree or for a longer period than necessary<sup>16</sup>.

<sup>16</sup> Section 4 of the CSA.

## Implementation of JICS recommendations

### The Dippenaar case

#### Findings by the court

In the case of *Dippenaar v the Minister of Correctional Services and others*<sup>17</sup> in the High Court Northern Cape Division, Kimberley (a complaint regarding a transfer), the court found that JICS' recommendations regarding a complaint concerning a transfer were binding on the respondents.

“The JICS is a statutory body formed in terms of the Act and the findings are done in terms of section 90 of the Act. The respondents did not seek to have such findings set aside and in light thereof, the respondents are bound to those findings”.

#### Opinion by the State Advocate

The case was referred to the State Advocate who is of the opinion that although JICS' findings and recommendations are not enforceable per se, this does not imply that DCS can just ignore the recommendations.

DCS must accord deference to the JICS recommendation when dealing with an inmate's complaint.

#### Response of DCS

The Chief Operating Officer of DCS confirmed, in writing, on 6 July 2018 that DCS “has the responsibility to consider and make appropriate decisions in line with the findings and/or recommendations as received from the office of the Inspecting Judge”.

## 4. Mandatory Reports

### Introduction

DCS is legally obliged to report to JICS all instances of the:

- Death of any inmate<sup>18</sup>, irrespective of the cause and circumstances. The HCC is also obligated to report any death that a medical practitioner cannot certify as result of natural causes in terms of the Inquests Act 58 of 1959<sup>19</sup>.
- Segregation of an inmate<sup>20</sup>, whether at his/her own request or to give effect to a decision consequent to a disciplinary finding to restrict the amenities of the inmate or on medical grounds, or as a measure to prevent violence or where a reasonable suspicion exists that a recaptured escapee will again escape or attempt to do so or where SAPS requests so and the HCC considers it in the interests of the administration of justice to comply with the SAPS request.
- Mechanical restraint of an inmate<sup>21</sup> for the reason of safety, the prevention of damage to any property, if a reasonable suspicion of escape exists or if requested by a court.

<sup>17</sup> (569/2015) [2017] ZANHC 27 (31 March 2017)

<sup>18</sup> Section 15 of the CSA

<sup>19</sup> Section 2

<sup>20</sup> Section 30 of the CSA

<sup>21</sup> Section 31 of the CSA

- Use of force<sup>22</sup>, provided its application is minimal and no other means are available to achieve the objective of the detention of an inmate in safe custody where it is necessary for self-defence, defence of any other person, preventing an inmate from escaping or for the protection of property.

These are collectively termed “mandatory reporting”. For the past three years, JICS has publicly highlighted that the DCS electronic medium of reporting has been dysfunctional. The previously efficient and speedy method provided a great deal of accuracy and accountability on the part of DCS in complying with the statute. To date, no certainty prevails as to when the DCS will remedy the problem. To the credit of the DCS, a directive was issued by the office of the NC to all DCS regions to report via alternative means. JICS has, in turn, required of its staff to monitor more closely at each facility that DCS compliance is adhered to. Whilst great care has been taken by JICS to ensure that each instance of the mandatory reports are complied with, the statistics quoted in this report may be subject to variance with that of DCS<sup>23</sup>.

#### 4.1. Deaths from Unnatural Causes

##### Introduction

In this reporting period, 103 deaths from unnatural causes were reported.

A closer look at the causes of unnatural deaths, however, reveals that, in most cases, the deaths were reported as “unknown other”.

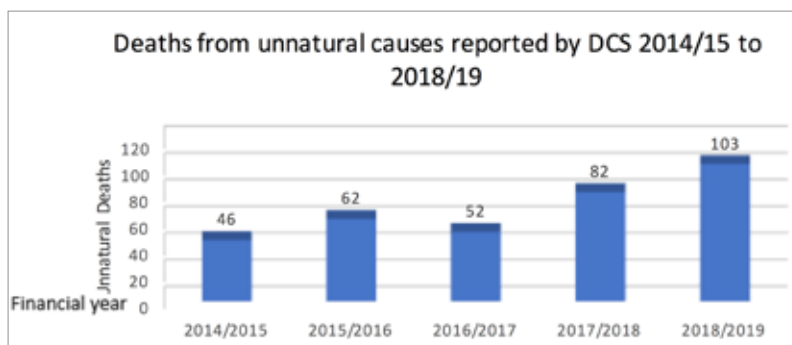


Figure 6: Number of unnatural deaths reported by DCS (2014 to 2019 comparison)

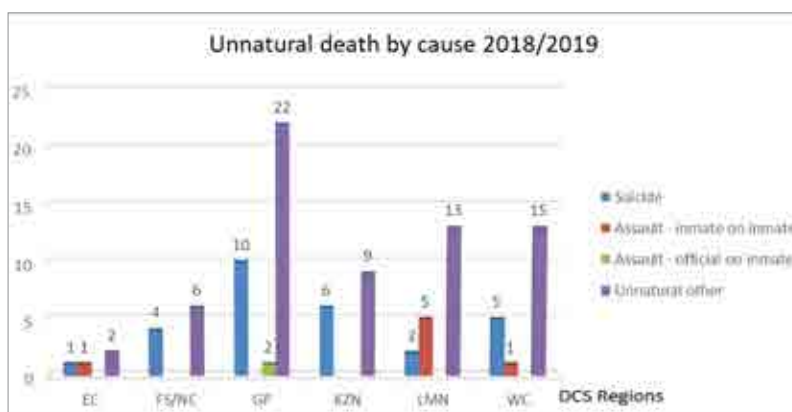


Figure 7: 2018/19 Unnatural deaths by cause

22 Section 32

23 Meetings were held with the DCS Chief of Security where JICS recorded its views on the obligation by DCS to comply with the statutory obligations

### Unnatural deaths “other”

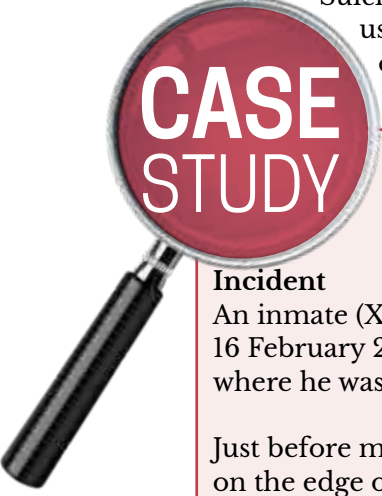
All deaths where the cause is not immediately apparent (e.g. a seemingly healthy inmate collapses and dies suddenly or is found dead in his bed) are classified as “unnatural other”. This is a temporary classification and the cause of death is officially determined once the autopsy report is received. The backlog by the Department of Health (DoH) of autopsy and other scientific reports, for up to five years in some provinces, is a perennial problem. JICS relies on DCS to furnish such reports and, where these are not provided, the final determination on the cause and whether any liability can be ascribed as delayed.

### Suicides

28 cases of suicide were reported. The majority of suicides occurred in Gauteng and KwaZulu-Natal. Hanging appeared to be the most common method, with 72% (20 inmates) dying as a result of this. A variety of items are used, but mainly ligatures fashioned from bedding and clothing. 13 of the 20 suicides by hanging occurred in a single cell.

It is a common misconception that the whole body must be suspended for a suicide by hanging to be successful. Pressure of as little as two kilograms causes the jugular veins to close. If taken into consideration that a person’s head alone weighs between five and six kilograms, it is possible to commit suicide in a sitting or even prostrate position.

Suicides in the communal cells occur out of sight of fellow inmates, usually in the ablution area, which is cordoned off. These usually occurred after lock-up, which is often from late afternoon until the morning.



## CASE STUDY

### Case study: Suicide at the hospital “A few minutes too late?”

#### Incident

An inmate (X) at Ebongweni Super Maximum complained on the morning of 16 February 2019 that he was nauseous. He was taken to the medical facility, where he was placed in a single cell for observation.

Just before midnight, the official on night patrol noticed that X was sitting on the edge of the shower wall with a piece of rope (made from a bed sheet) around his neck. He spoke to X, asking him to get down. X complied and sat against the wall. The official immediately left to alert his supervisor. The supervisor arrived 10 minutes later and tried to speak to X. At that time, X was lying with his head under the hospital bed and did not respond to the DCS officials.

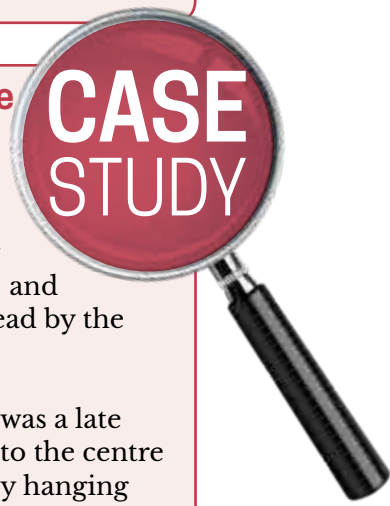
Because Ebongweni is a super maximum facility, officials on patrol cannot open cell doors at night for security reasons. The supervisor had to go to the facility’s central control room where he opened the pneumatic cell door remotely.

The nurse on standby was also called and she examined X. She found that X had hanged himself under the bed and was already deceased by the time the cell door was opened.

JICS found that X had no previous history of attempted suicide and that DCS could not reasonably have known that X would commit suicide.

**Recommendation**

JICS recommended, inter alia, that DCS review their emergency procedures regarding opening cells at night.



**Case Study: Suicide at Vereeniging Correctional Centre  
“We did not get to know him”**

Inmate N was a remand detainee at Vereeniging Correctional Centre. It is alleged that the deceased commit suicide by hanging himself in the shower area of the communal cell on 19 June 2018 and was found by his cell mates at about 05h30. He was certified as dead by the paramedics.

It was found that the deceased was admitted on 18 June 2018 and was a late arrival who was detained in the hospital section. N was unknown to the centre as he was there for less than 24 hours before he commit suicide by hanging himself.

Notwithstanding the fact that the inmate arrived after the normal hours, it is recommended that an interview and assessment of the inmate must be undertaken without fail. A person who just enters prison is at his most vulnerable as he is entering an unfamiliar place.

**Deaths due to overdose**

Medication is dispensed to inmates in bulk so that it is possible to collect and store them over time. The danger of inmates being able to hoard medication is that they can ingest them all at once and die. It is critical that inmates are observed taking their medication and that officials are vigilant and use their authority to search the inmates and cells with diligence, in particular where it is known that an inmate receives a bulk supply.

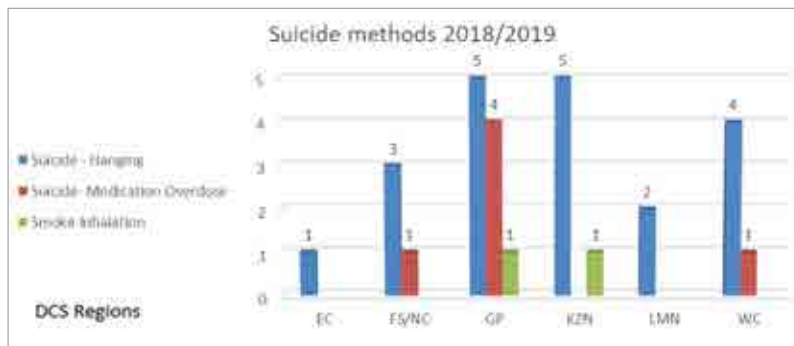


Figure 8: Statistics on 2018/19 Suicide methods

**Homicides**

Inmate-on-inmate deaths are often, but not always, related to inter-gang rivalry. Inmates are killed as a result of stabbing with self-made knives, assault with fists, and/or kicked to death. The extreme violence and brutality occurs amongst both remand detainees and sentenced offenders.



When investigating homicides, JICS aims to determine the culpability of the inmate and/or the DCS official who allegedly perpetrated the crime, and whether the homicide was the result of specific intent or caused by negligence. In the 2018/19 performance cycle there was at least one homicide of an inmate by the hands of officials.

## CASE STUDY

### Case study: Homicide at Boksburg “Revenge – you don’t mess with an official”

The case of inmate S at Boksburg correctional facility as illustrated below.

#### Incident

On 10 October 2018, inmate S attacked a fellow inmate and was then taken to an office by officials. S then also attacked an official, apparently cutting his face with a scalpel. The reasons for the attack are not entirely clear.

Officials then arrived at the scene, attacked inmate S, and assaulted him severely. S was taken to the medical facility and, from there, was referred to a public hospital. The next day, S succumbed to the injuries he sustained during the attack.

#### Investigation

The implicated officials refused to speak to the JICS investigator and the DCS Area Commissioner had to intervene to enable JICS to properly investigate the incident. All officials allegedly involved were suspended. SAPS is investigating and DCS has launched its own internal investigation.

#### Findings

The JICS view is that the DCS officials are responsible for the death of S. JICS will follow up on the criminal case against the officials until it is finalised.

### 4.2. Deaths from natural causes

Due to the dysfunctional JICS electronic reporting system, JICS cannot report on the exact number of natural deaths that took place in correctional facilities for this performance cycle. However, a total of 384 deaths due to natural causes was reported to JICS by DCS. It seems as if the number of natural deaths occurring in correctional facilities remains on a downward trend, as can be seen from the figure below:

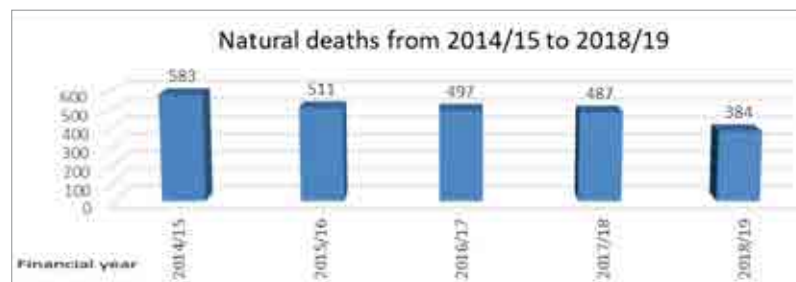


Figure 9: Number of natural deaths reported (2014 to 2019 comparison)



Gauteng had the highest number of natural deaths. This correlates with the distribution of the prison population.

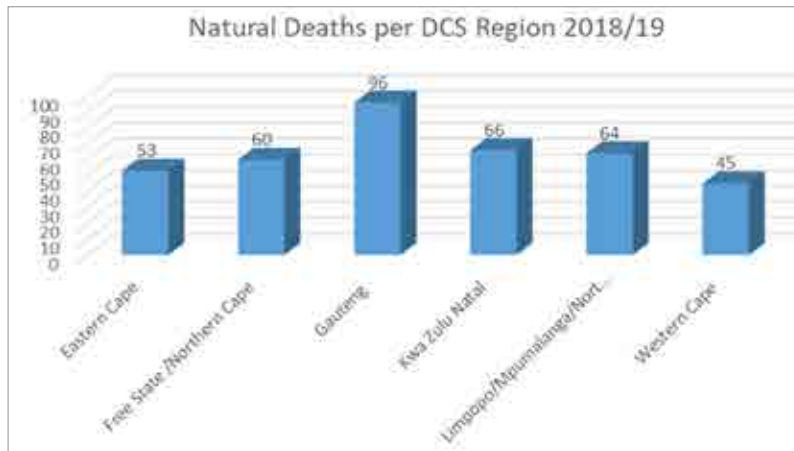


Figure 10: Number of natural deaths per region 2018/19

### Age groups of inmates dying of natural causes

Inmates between the ages of 35 and 50 die most frequently. This trend is evident with both sentenced inmates and remand detainees.

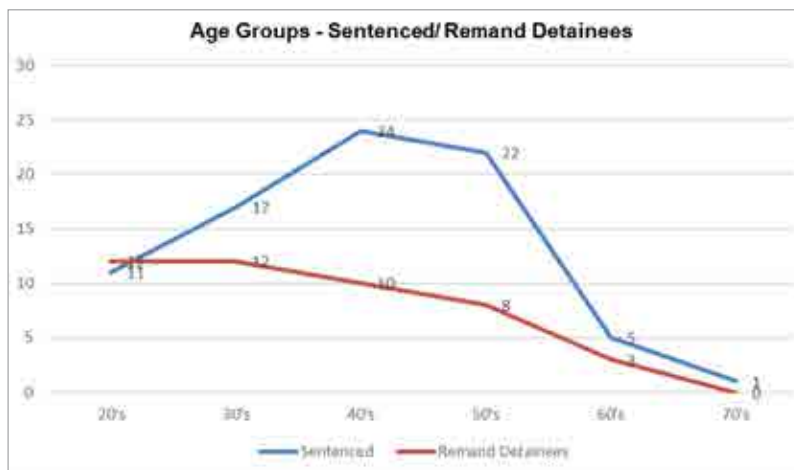


Figure 11: Age groups of inmates dying of natural causes

### 4.3. Segregation

No accurate statistics of the number of inmates who were segregated could be obtained due to the dysfunction of the DCS electronic system. However, the number of segregations that were reported to JICS by DCS for the performance cycle was 1 005. This is significant under-reporting by DCS. In previous years, DCS reported on about 10 000 segregations each year. It seems, therefore, that only around 10% of all segregations are currently reported to JICS.

The figure below shows the number of segregations reported to JICS over the past five years.

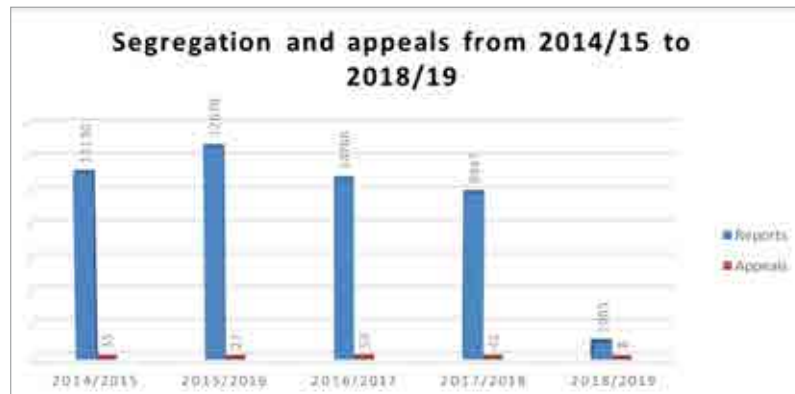


Figure 12: Segregation and appeals from 2014 to 2019

## CASE STUDY

### Case study: Segregation appeal: Kgosi Mampuru II Central

#### Incident

On 11 February 2018, JICS received a segregation appeal on behalf of inmate B. Inmate B alleged that on 12 January 2019, at about 02h00, EST members entered his cell. EST demanded a cell phone from B, which he voluntarily handed over. He was then assaulted by the EST members. B was placed in segregation from 12 January 2019 to 14 February 2019.

#### Steps taken by JICS

The ICCV interviewed B, who indicated that he was supposed to have been placed in segregation from 12 January 2019 to 9 February 2019. An extension to 14 February 2019 was not authorised.

On 12 February 2019, a letter was directed to the HCC of Kgosi Mampuru II with the assertion that the extension of the segregation of B was unlawful. DCS responded on 12 February 2019 and indicated that B was segregated from 12 January 2019 for 30 days after he pleaded guilty for possession of a cell phone.

#### Legal analysis

JICS considered section 23 of the CSA (Disciplinary infringements) as well as section 24 (Procedures and penalties). Section 30 of the CSA, which deals with segregations, was also considered.

#### Findings

JICS by no means condones any illegal activity by inmates. Possession of a

cell phone by an inmate is clearly a transgression that needs to be dealt with by DCS internal processes. JICS, however, found that DCS did not adhere to section 30 (1) (b) of the CSA, as they placed B in segregation before he was officially found guilty at a disciplinary hearing. B, in fact, only appeared before a disciplinary hearing on 17 January 2019, but was already placed in segregation on 12 January 2019. There is no evidence that B was a danger to himself or other inmates and, therefore, it was not necessary to segregate him before finalisation of the disciplinary hearing.

Another hearing took place on 02 February 2019 and it was decided that B should remain in segregation until the investigation was finalised. Section 30 of the CSA doesn't make provision for segregating inmates for the purposes of an investigation.

On this basis, JICS found that DCS did not follow their own procedures as set out in the CSA. The inmate's appeal was, therefore, successful.

#### Segregation appeals

In terms of section 30 (7) of the CSA, any inmate who is subject to segregation may refer the matter to the IJ, who must decide thereon within 72 hours of the receipt. JICS' rulings in these matters are often complicated and rest on technical considerations.

JICS received 8 such appeals from inmates for the performance cycle.

#### 4.4. Mechanical restraints

The use of mechanical restraints is regulated by section 31 of the CSA. In the performance cycle under review, JICS received 25 reports on the use of mechanical restraints, a substantial decrease from the 94 reported in the 2017/18 financial year. The dysfunction of the electronic reporting system was also evident in the obvious underreporting by DCS.

A comparison on the number of reports on mechanical restraints received over the past five years in figure 13 shows the steady decline in reporting from DCS.

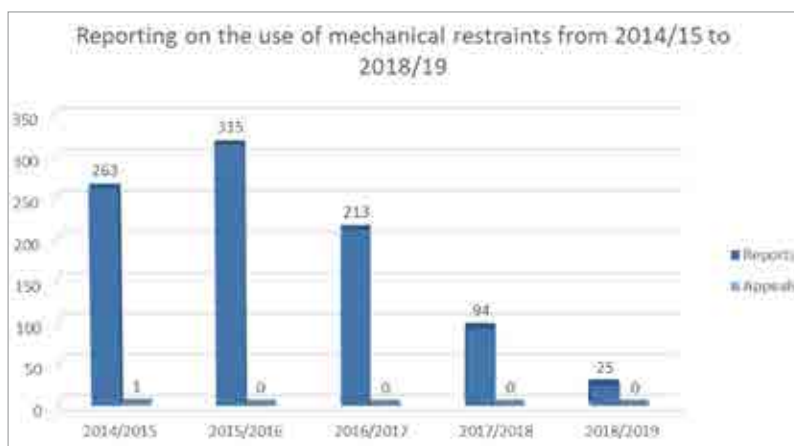


Figure 13: Report on the use of mechanical restraints (2014 to 2019 comparison)

No inmate appealed to the IJ in terms of section 31(7) of CSA in the current performance cycle. The ICCVs are required by JICS to monitor and assess

whether the use of mechanical restraints was lawful or unlawful. During the 2017/18 financial year, no cases of unlawful use of mechanical restraints were reported to JICS.

#### 4.5. Use of force

In the current performance cycle, 232 instances of use of force by DCS officials were reported to JICS; a notable decrease from the 994 reports of use of force by officials received in the 2017/18 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. The dysfunction of the DCS electronic reporting system was again evident in the obvious underreporting by DCS as illustrated by figure 14.

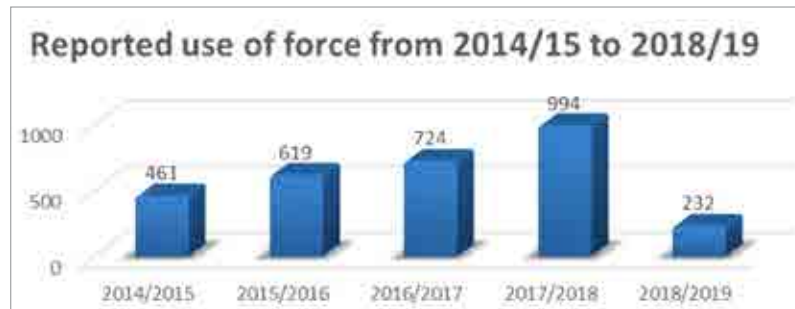
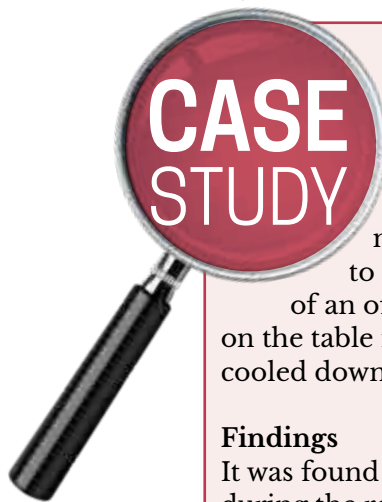


Figure 14: Report on the use of force (2014 - 2019 comparison)



### Case study: Use of Force Malmesbury Medium A Correctional Centre

#### Incident

It was reported that, on the 5 August 2018 at about 10h30, at cell C3, before a religious service, offender T made negative comments to the members unlocking for church service. He was called to the office to explain his behaviour. T then grabbed the overcoat of an official. When the official took back the overcoat T went for a cup on the table in the office. He was then taken down by hand restraint. After T cooled down he was taken to the medical staff for a check-up.

#### Findings

It was found that T did show bad behaviour and that he was also injured during the restraining. It was also found that the official indicated to T that he would give him extra bread if he did not report the matter to SAPS.

T also alleged that he was assaulted with a broomstick by the official. The official indicated that he did not use a broomstick, and that there was only one witness that saw the official using a broomstick. T also received medical attention and it was recommended that the official be placed in front of a disciplinary hearing for the alleged assault.





**PART C:**  
Directorate  
Management  
Regions



# 1. Overview of the Directorate Management Regions

The core operations of the regional offices are to manage the responsibilities and performance of the ICCVs, deal with human rights issues of inmates, as well as to engage with stakeholders on correctional matters, such as correcting the behaviour of inmates. DMR is an operational wing of JICS that brings the services of the organisation closer to inmates, communities and stakeholders.

In accordance with section 92 – 94 of the CSA, JICS is mandated to ensure that there is an ICCV in all correctional centres to monitor and report on treatment of inmates and the conditions in which inmates are incarcerated. Availability of ICCVs in the centres is from Monday to Friday. The purpose of this is to entrench independent oversight, and to promote transparency and accountability in the treatment of inmates in correctional centres. This further seeks to advance and enhance a human rights culture in the correctional centre environment. This also promotes first-hand information for JICS so that they can intervene and act on all complaints registered.

## 1.1. The ICCV oversight system

The ICCV system is an oversight mechanism which was developed with the intention of employing spirited public community members who are compassionate and believe in the humane treatment of inmates, and promoting the protection of inmates' human rights. The primary function of the ICCVs is to deal with complaints received from inmates. This is conducted as follows:

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

The ICCVs are regarded as the “eyes and ears” of the IJ, and their work performance has a significant impact on JICS reporting.

### Minimum Standard of Service Delivery (MSSD) by ICCVs

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



The table below depicts the statistics under the MSSD:

MSSD	DESCRIPTION
<b>Site Visits</b>	During a site visit, the ICCV is expected to conduct a mini-inspection which includes visiting all communal cells, special care units, hospitals, kitchens and any other place within the correctional centre. These mini-inspection reports indicate the conditions under which the inmates are incarcerated and outline the rehabilitation programmes and other services that are provided at the particular correctional centre. The mini-reports, amongst other things, indicate any adverse findings, which are immediately communicated to the HCC for further attention.
<b>Interviews</b>	As per ICCV's key performance areas, ICCV must interview inmates. During the interview process, inmates may register complaints and requests with the ICCV. These complaints and requests are recorded in an "Index of Interview" register and attempts are being made to resolve them.
<b>Monitor G365</b>	Inmates' complaints and requests are recorded by DCS officials in the Department's official complaints register, referred to as the G365. One of the functions of the ICCV is to monitor these registers in order to determine whether the inmates' complaints and requests were resolved. If they have not been resolved, ICCVs will follow up with the HCC.
<b>Private Consultations</b>	ICCVs must conduct private consultations with inmates, to address complaints and requests that have not been resolved. The ICCV also facilitates the resolution of these complaints between the HCC and inmates.
<b>VC meetings</b>	The VC has four distinct functions, one of which is to discuss those complaints not resolved between the HCC and the inmate.  Through the VC, trends of prevalent complaints from different management areas are identified and relevant stakeholders are brought in to assist. For instance, infrastructural issues are consistently raised in the VC meetings, upon which an invitation is extended to DPW to attend and account for some of the issues that have not been responded to when enquiries are made.

**Table 5: Description of MSSDs**

Region	Number of site visits conducted	Number of interviews (25% of inmate population)	Number & time G365 Complaints register monitored	Private consultations with In-mates (5% of inmate population)	Complaints referred to VC meetings	Complaints resolved
CMR	1520	64893	42015	14 750	56	41959
KZNMNR	758	24200	19580	13 959	97	19 483
NMR	1764	114331	33375	23 899	57	33318
ECMR	788	41558	15422	20293	23	15 399
WCMR	1158	32081	14366	5435	66	14300
<b>TOTAL</b>	<b>5988</b>	<b>277 063</b>	<b>124 758</b>	<b>78 336</b>	<b>299</b>	<b>124 459</b>

**Table 6: Statistics under MSSDs for 2018/19**

Region	Number & time G365 Complaints register monitored	Complaints resolved
CMR	42015	41959
KZNMNR	19580	19 483
NMR	33375	33318
ECMR	15422	15 399
WCMR	14366	14300
<b>TOTAL</b>	<b>124 758</b>	<b>124 459</b>

**Table 7: Complaints handling per region for 2018/19**

The chart below depicts the number and time the G365 register was monitored and the number of complaints which were resolved.



**Table 8: Complaints on G365 register vs Complaints resolved for 2018/19**

The above diagram depicts the impact of the ICCVs system in dealing with inmates' complaints. Out of the 124 758 total number of inmates' complaints registered in the G365 register, 124 459 were satisfactorily resolved and only 299 were referred for further handling by the VC.

## 1.2. Visitors Committee (VC) Meetings

Visitors' Committees (VCs) are established in particular management areas by the IJ and are created by section 94(1) of the CSA. The VC comprises of all the ICCVs appointed in that particular management area and meets at least once per quarter. Nationally, the newly established VCs are 39.

As stipulated in Section 94 (3) of the CSA, the functions of the VC are:

- to consider unresolved complaints with a view to their resolution;
- to submit to the IJ those complaints which the Committee cannot resolve;
- to organize a schedule of visits;
- to extend and promote the community's interest and involvement in correctional matters; and
- to submit minutes of meetings to the IJ.

The VC meetings' core functions are to discuss and facilitate the resolution of unresolved complaints and/or requests from inmates. It further provides a platform to promote community oversight and involvement in correctional matters. VC meetings are held once per quarter. During the period under review, the VC meetings resolved 299 complaints. It is during these meetings that in-house training is given to ICCVs; therefore, the attendance of JICS representatives and/or regional managers assists in strengthening VCs and encourages ICCVs to submit quality complaints after exhausting all necessary avenues at the centre level. As from the last quarter of the year under review, the VC meetings have been chaired by the Regional Managers and/or the Assistant Regional Managers. The change in the chairing of these meetings has resulted in an impetus of positive interaction and increased participation from stakeholders. Collaboration with DCS, our primary stakeholder, and the external stakeholders, like Legal Aid SA, has been critical to progressively accomplish the vision and mission of JICS.

## 1.3. Unnatural deaths handled by region

When inmates die in custody, it should be treated with the appropriate sensitivity and investigated with the intention of providing answers regarding the circumstances that led to the death. It's crucial that all deaths which occur in

custody are adequately investigated, explained and that all concerns by family members, civil society organisations and other stakeholders are addressed.

DCS differentiates between two types of deaths, i.e., “natural deaths and unnatural deaths”. Natural deaths refer to deaths which are a result of natural causes, such as ill health. Unnatural deaths refer to deaths which are a result of an accident, suicide or murder.

In accordance with Section 15(2) of the CSA and management’s decision to give effect to the provisions of the Act, the below categories of unnatural deaths are to be independently and effectively investigated:

- a. Violent or traumatic deaths, whether homicidal, suicidal, or accidental.
- b. Sudden, unexpected or unexplained deaths, when the deceased has been in apparent good health (not caused by readily recognizable disease) or where the cause of death cannot be properly certified by a physician on the basis of his/her prior (recent) contact with the deceased.
- c. Deaths under suspicious circumstances, including, but not limited to, those where drugs or other toxic substances may have a direct bearing on the death.

During this period under review, the regions have received 103 cases of unnatural deaths.

#### **1. 4. The role of regions regarding mandatory reporting by DCS**

DMR fulfilled its obligation in ensuring that all cases of mandatory reporting are appropriately reported to Directorate Legal Services (DLS). DMR always monitor the appeals of inmates regarding segregation and mechanical restrain; they see to it that all appeals cases are handled within the stipulated period of 72 hours upon receipt of appeal of inmate by the IJ.

For the period under review, JICS received 1005 reports of inmates who were segregated and 25 reports of mechanically restrained. Eight (8) appeals were brought forward regarding segregation. No appeals were brought forward for mechanical restraint. There were also 232 instances of use of force.


#### **1. 5. Stakeholder meetings**

JICS has a responsibility to render oversight in correctional facilities, raise awareness and encourage collaboration with stakeholders. The VC meetings provide the platform for stakeholder engagements by extending and promoting the community interest and involvement in correctional matters. Stakeholders involve inter-justice cluster, non-governmental organization and religious denominations.

#### **1. 6. Public awareness and advocacy initiatives**

The Judicial Inspectorate for Correctional Services (JICS) has the mandate to protect the human rights of inmates and to ensure dignity for all in correctional facilities. The broad mandate is inclusive of upholding the rule of law and promoting equal access to justice despite correctional centres being closed communities.

As an oversight body, JICS further adopted the multi-faceted approach of oversight. One such facet is the area of community and stakeholder involve-



ment. Chapter 3 of the White Paper on Corrections in South Africa refers to rehabilitation of offenders as a societal responsibility and calls for a collective and integrated approach to the problems of corrections in South Africa.

JICS hosted a number of events in an initiative to meet the mandate of promoting public awareness and play the advocacy role. JICS hosted the following, to mention a few:

### East London Regional Office – Seminar “Championing Mental Illness”

On 23 November 2018, the Eastern Cape region had a seminar on “Championing Mental Illness”, under the auspices of the IJ for JICS. 300 Guests, including notable guest speakers from all over the country, attended the very successful seminar.

The aim of the seminar was to provide a platform for all stakeholders to address the plight of mentally ill inmates that are kept in correctional facilities across the country. Several resolutions were accepted:

- To further enquire into whether the law or conduct in respect of state patients is inconsistent with the Constitution and, as a consequence, “invalid”. – JICS Head Office.
- That, at provincial level, all stakeholders place the circumstances of state patients on the agenda of relevant regional forums. – JICS Regional Managers.
- That JICS undertakes to continue to record the circumstances of each state patient and mentally ill inmate to ensure that they are held in conducive conditions and treated in accordance with the law, and to periodically report on their circumstances. – JICS Regional Managers and Head Office.

### KZN Regional Office – Youth Month Celebration “A Journey with Lost Stars”

The commemoration of the Soweto Youth Uprising (16 June 1976) is exemplified during June each year in South Africa. It is a month that invigorates citizens as we remember the role of young people in challenging the apartheid regime and sparking a country wide revolution.

During June 2018, the JICS KZN Regional team actively participated in various engagements relating to Youth Month. Amongst these were a special Visitors’ Committee Meeting and an oversight visit held at Ekuseni Youth Development Centre near Newcastle. The combined VC / Stakeholders meeting was held on 12 June 2018 at Ekuseni Youth Development Centre. All attendees were welcomed by the energetic youth offenders who performed various traditional dances.

### KZN Regional Office – Oversight Visits

#### 1. Durban Youth Centre

Further, a delegation from the JICS KZN Regional Office accompanied Deputy Minister John Jeffreys and IJ Johann van der Westhuizen on oversight visits to Durban Youth Centre.

On 15 June 2018, a delegation from the JICS KZN Regional Office, together with ICCVs, accompanied the Deputy Minister, John Jeffreys, and various other stakeholders on an oversight visit to Durban Youth Centre. The youth offenders were excited to have a visit from the Deputy Minister and the delegation was loudly welcomed with harmonious singing and reverberating Indlamo dances. The performing groups were splendidly dressed in their traditional outfits and appreciated the opportunity to commemorate Youth Month with outside visitors.

Mr. Jeffreys kindly interacted with the awaiting trial and sentenced inmates. He offered them words of motivation and urged them to participate in the rehabilitation programmes and to live purposeful lives, free of crime. He also encouraged the stakeholders present to work together in finding solutions towards the challenges experienced at the correctional facility.

## **2. Durban Youth Centre – Usethubeni School**

An oversight visit was held with IJ Johann van der Westhuizen and Durban Magistrates.

The Youth Centre has an approved bed space accommodation of 629 and caters for male offenders. As of 15 June 2018, the centre was 88% overcrowded and housed 23 sentenced children. IJ, Justice Johann van der Westhuizen, Chief Magistrates, Mr. Ngubane and Mr. Khallil, and the delegation from JICS, were led by Acting Area Commissioner Dlamini during the oversight visit.

The delegation visited the Unisa Learning Hub and the Usethubeni Youth School. The learners were addressed by the IJ and the Chief Magistrates, who encouraged the young offenders to continue to participate in the learning programmes and to prepare themselves for reintegration as functional citizens into their communities.

Some of the challenges experienced at the centre include faked ages, infrastructure problems, and employment for parolees and ex-offenders upon release.


## **Eshowe Correctional Centre - Celebration of Women's Month**

### **Mission Possible: Celebrating Women's Rehabilitation**

To extend and promote community and stakeholder involvement, the JICS KZN Regional Office hosted a special stakeholders' event to commemorate Women's Month. The event was held on 15 August 2018 at Eshowe Correctional Centre, which is situated near the heart of the Kingdom of the Zulus, in northern KwaZulu-Natal.

Eshowe Correctional Centre accommodates 2 separate facilities for male and female offenders. The premises are pristinely neat which is visible from the very entrance of the centre. There are beautiful flowers and vegetable gardens surrounding the buildings and the atmosphere of the facility exudes one of wholesomeness and family.

The female facility is small and housed 68 sentenced offenders and 6 remand detainees at the time of our visit. The offenders and DCS officials appear to have an excellent cooperative relationship. Walking into the centre, one can observe the cleanliness of the floors and buildings. The courtyard is



concrete and clean, and no foul odours emanated from the cells. The centre is excellently managed.

Hence, JICS wished to highlight the rehabilitation in progress and the success of the small centre. Through partnerships with the Departments of Education and Arts and Culture, DCS centre management is ensuring the women obtain skills which will assist them upon release. During July 2018, the group of women engaged in the sewing programme, sewed over 600 school uniforms which were donated to under-privileged learners in the surrounding communities.

The event at the centre was in commemoration of Women's Month. Guests were welcomed with songs and dances by the offenders, making the atmosphere celebratory. The event was attended by members of the Judiciary, Legal Aid SA, SAHRC, NICRO, IPID, and SANCA, to name a few. The event provided a platform for interested parties to engage with the offenders on matters relating to offenders human rights, healthcare, social support, development and care programmes, legal matters, skills development, and reintegration into society.

The event further raised awareness about challenges faced by women, as well as to celebrate the remarkable achievements of incarcerated women and their journey towards redemption.

The motivational talks provided powerful messages of inspiration and motivating calls for repentance and rehabilitation. Offenders were encouraged to use their time during incarceration to learn skills and to educate themselves to prepare for their release, resettlement and employment as law abiding citizens.

Mr. Khallil, Acting Magistrate from the Verulam District, gave an inspiring motivational message of hope to the offenders. He reminded all present of the words of Dr. Nelson, who once said, "no one truly knows a nation until one has been inside its jails".

## Northern Management Region – Youth Month Celebration

### **"Developing our Youth and Creating Public Awareness"**

During the period under review, the Northern Management Region hosted the youth development event. The theme of the event was "Developing our Youth and Creating Public Awareness", and it was held on 15 June 2018, at Emthonjeni Juvenile Centre. The stakeholders' meeting was held to celebrate Youth day (16 June). The initiative intended to find means and ways to encourage youth development in society and those (inmates) within correctional services; while at the same time, creating a platform for dialogue between the youth from society and the inmates, around the challenges and/or the temptations that result in the incarcerations of the youth in the society. Thus, the objective in this endeavour was to illustrate the collaboration between the two institutions within the correctional environment, which are the Department of Correctional Services (DCS) and the Judicial Inspectorate for Correctional Services (JICS).



With DCS being the custodian of the inmates, and, in this instance, juveniles at Emthonjeni Juvenile Centre. While JICS is an oversight institution within correctional services, with a constitutional mandate to monitor treatment and the conditions of inmates within correctional centres in South Africa.

The programme was co-directed by representatives from JICS, Northern Management Region - Mr. S. G. Molefe and Ms. M. E. Makakaba from Emthonjeni Juvenile Correctional Centre. The ceremony was opened with a welcome speech by the Area Commissioner, Mr. Somaru. The highlight of the day was the presence of the honourable IJ, Johann van der Westhuizen, as the key note speaker and the second key note speaker, Advocate Tseliso Thipanyane, the CEO of Human Rights Commission. The IJ stated in his deliberation that rehabilitation is a societal responsibility and youth development is a priority of every society. On the other hand, Advocate Tseliso Thipanyane, emphasized the importance of self-development through education by illustrating his success within the juristic environment.

As part of the programme of the day, there were various representatives from stakeholders within the safety and security cluster. Most notably, there were a group of pupils from Hlabelela Primary School and Ekangala High School. As part of the programme, there were speeches given by youth as representatives from both respective schools. There was also a motivational speech given by a young inmate, who explained the challenges of being a youth in the correctional centre. He also advised the youth about choosing the right path in life.

Furthermore, a motivational speech was given by an ex-inmate, who taught the youth about realizing the value of being free, rather than committing crime and limiting your opportunities in life. There was a tour around the correctional centre, as part of the awareness programme.

## 1. 7. Inmate complaints administered by DMR

In 2018/19, the ICCVs attended to a total of 55978 complaints/requests received from inmates during their visitation hours at their stationed correctional centre. The categories that were recorded by the ICCVs during their interaction are recorded below. It is fundamentally important to note that all these complaints were dealt with by the ICCVs in accordance with their statutory mandate as stipulated in Section 93 of the CSA. The summary of the ICCV mandate is to facilitate resolution of all complaints/requests received from inmates.

The most prevalent complaints across all management areas seem to be transfers, appeals, bail, legal representation and communication with their families.

Category of complaint	KZN	CMR	NMR	ECMR	WCMR	Total
Appeal	1291	933	776	109	31	3140
Assault (Inmate on Inmate)	80	276	124	71	15	566
Assault (Official on Inmate)	61	210	68	58	10	407
Assault (Sexual)	01	27	5	3	21	57
Bail	1469	320	1254	816	199	4058
Communication with Family	667	855	2088	887	99	4596
Conditions	279	197	538	212	72	1298
Confiscation of Possession	68	29	76	21	4	198
Conversion of Sentence	135	23	142	41	0	341
Corruption	1	0	1	11	0	13
Food	157	354	307	87	60	965
Health Care	572	1312	995	849	176	3904
Hunger Strike	5	24	2	11	0	42
Inhumane Treatment	22	21	90	65	14	212
Legal Representation	879	1319	1776	391	90	4455
Medical Release	0	1	0	20	0	21
Parole	22	151	845	514	121	1653
Re-Classification	102	497	580	57	58	1294
Rehabilitation Programmes	588	1668	1589	270	87	4202
Remission	0	18	10	3	1	32
Torture	1	3	0	0	0	4
Transfers	1677	1980	1873	844	121	6495
Attempted Suicide	2	9	2	0	16	29
Other	3671	4523	5938	3493	371	17996
<b>TOTAL</b>	<b>11750</b>	<b>14750</b>	<b>19079</b>	<b>8833</b>	<b>1566</b>	<b>55978</b>

**Table 9: Category of complaints per regions for 2018/19**

## 1.8. Successes, challenges and interventions

The introduction of the JICS: Stakeholders and Public Awareness Policy 2018, the period under review brought in significant change in the management of the VCs. The VC meetings have been chaired by the Regional Manager and/or the Assistant Regional Manager. The change in the chairing of these meetings has resulted in an impetus of positive interaction and increased participation from stakeholders. Collaboration with DCS, our primary stakeholder, and the external stakeholders, like Legal Aid SA, has been critical to progressively accomplish the vision and mission of JICS.

Notwithstanding the fact that the Manual Reporting system on mandatory reports was approved by the National Commissioner and disseminated through the Regional Commissioner's office to all DCS management areas, very little is coming through in correctional centres in compliance with the legislative mandates, particularly reports on segregation, mechanical restraints and use of force.

The issue of state patients who are still under the care of DCS has been continuously discussed within different justice forums at regional level, in order to explore possible solutions.



**PART D:**  
Human  
Resource  
Management

## Introduction

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

The Human Resources (HR) function provides, amongst other things, an integrated and comprehensive HR service covering Employment Equity, Workplace Skills Plan, Training Plan, Employee Wellness Programme, HR Planning, and Organisational Development, Recruitment and Selection processes and HR Administration.

## 1. Human resources oversight statistics

### 1.1. Employment and vacancies

During the 2018/19 financial year, the Judicial Inspectorate for Correctional Services (JICS) increased its HR capacity at its Head Office and Regional Offices. Six officials were appointed at the Head Office (Pretoria and Cape Town) and eight officials were appointed at the Regional Offices.

As of 31 March 2019, the total number of posts was 86, of which 80 were filled and 6 remain vacant. The overall vacancy rate for JICS was 7% and 2 permanent positions were filled on a fixed term basis.

#### 1.1.1. Employment and vacancies per salary band

No	Designation	Occupied	Vacant	Contract
1	Inspecting Judge	-	-	1
2	Level 14	1	-	-
3	Level 13	1	2	-
4	Level 12	1	-	-
5	Level 11	7	-	1
6	Level 9	14	-	-
7	Level 8	13	1	-
8	Level 7	19	1	-
9	Level 6	5	-	-
10	Level 5	18	2	-
11	Level 3	-	-	-
12	Level 2	1	-	-
	<b>Total</b>	<b>80</b>	<b>6</b>	<b>2</b>

Table 10: Occupied and vacant posts 2018 /19

ICCV POST ESTABLISHMENT AS OF 31 March 2019						
POSTS	WC	ECMR	KZNMR	CMR	NMR	TOTAL
Filled posts	26	37	45	47	63	218
Vacant posts	22	9	6	20	15	72
CC under construction	0	1	2	0	3	6
<b>Total number of posts</b>	<b>48</b>	<b>47</b>	<b>53</b>	<b>67</b>	<b>81</b>	<b>296</b>

Table 11: Independent Correctional Centre Visitors (ICCVs) employment vacancies

A total number of 296 ICCV posts are allocated across 243 facilities. As of 31 March 2019, 218 ICCV posts were occupied, 72 posts were vacant and six (6) facilities were temporarily closed due to maintenance, renovations and constructions.

Previously, ICCVs were appointed as independent contractors. However, a principle decision was taken in April 2018, in consultation with the IJ, to align the conditions of employment of ICCVs, to the Public Service.

### 1.1.2. Staff turnover

There were no staff turnovers.

### 1.1.3. Total number of employees in each of the occupational classifications

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management (Level 15-16)	-	-	-	-	-	-	-	-	-
Senior Management (Level 13 - 14)	1	-	1	-	-	-	-	-	2
Professionally qualified and experienced specialists and mid-management (Level 11-12)	3	1	1	2	-	1	-	-	8
Skilled technical and academically qualified workers, junior management supervisors, foremen and superintendents (Level 7-10)	15	8	-	-	18	3	1	-	47
Semi-Skilled and discretionary decision making (Level 3-6)	6	1	-	-	12	5	-	-	24
Unskilled and defined decision making (Level 1-2)	1	-	-	-	-	-	-	-	1
<b>Total</b>	<b>26</b>	<b>10</b>	<b>2</b>	<b>2</b>	<b>30</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>80</b>
Non-permanent	-	-	-	1	2	1	-	-	4
<b>Total</b>	<b>26</b>	<b>10</b>	<b>2</b>	<b>3</b>	<b>32</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>84</b>

Table 12: Total number of employees per EEP, 2018/19

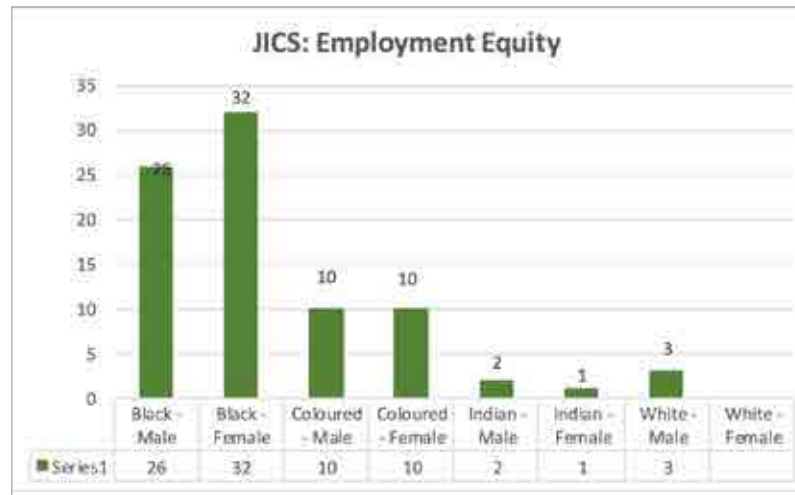


Figure 15: Employment Equity at JICS for the 2018/19 financial year

#### 1.1.4. Selection and recruitment

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.

Level	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical workers, junior management supervisors (Level 7-10)	6	1	-	-	2	-	-	-	9
Semi-Skilled (Level 3-6)	1	-	-	-	4	-	-	-	5
Total permanent	7	1	-	-	6	-	-	-	14

Table 13: Selection and recruitment 2018/19

#### 1.1.5. Promotions and transfers

During the performance cycle, three officials were promoted from within JICS.

Detail	Males				Females				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical workers, junior management supervisors (Level 7-10)	2	1	-	-	-	-	-	-	3

Table 14: Promotions and transfers 2018/19

#### 1.1.6. Leave management

Different leave categories utilised by staff for the performance cycle under review are: 1867 days of vacation leave (23.34 days per staff member); 782 days of sick leave (9.8 days per staff member); 116 days of family responsibility leave (FRL) were utilised by 58 officials for (2 days per staff member); 661 days of maternity leave were utilised by four members (165 days per staff member); 254 days taken for study leave by 21 officials (12.09 days per staff member); and 49 days taken for temporary incapacity leave (TIL) by two officials (24.5 average per staff member).



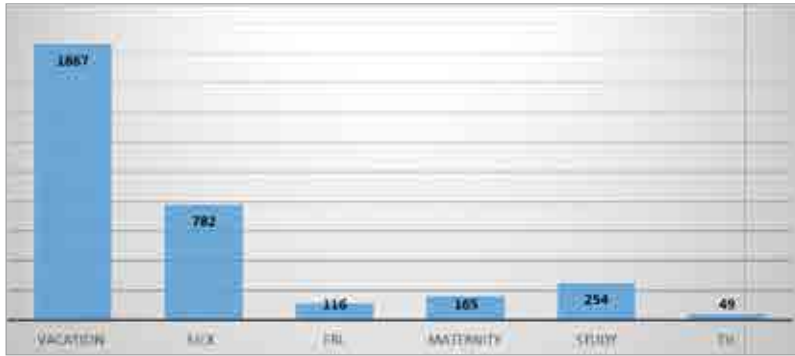


Figure 16: 2018/19 Leave management

### 1.1.7. Grievances registered for the period under review

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

Grievances	Number
Number of grievances resolved	3
Number of grievances not resolved	1
Total number of grievances registered	4

Table 15: Grievances registered for 2018/19

### 1.1.8. Disputes registered with General Public Service Co-ordination Bargaining Council (GPSCBC) for the period under review

One case was referred to the GPSCBC.

Disputes	Number
Number of disputes resolved	1
Number of disputes dismissed	
Total number of disputes registered	1

Table 16: Disputes registered with GPSCBC for 2018/19

### 1.1.9. Performance Management for the period under review

2016-2017	Pay Progression	Performance Bonus
Level 2	1	0
Level 5	2	3
Level 6	5	1
Level 7	8	2
Level 8	6	3
Level 9	7	2
Level 11	4	1
Non-Centre Based (NCB) 13	3	0
NCB 2	1	1
<b>Total</b>	<b>37</b>	<b>13</b>

Table 17: Performance Management 2018/19

### 1.1.10. Information Technology

Information Technology (IT) includes all computer software and hardware. JICS is dependent on many transversal systems of the department, such as BAS, LOGIS, and PERSAL. The IT office provides support on all network related matters. IT assists the regional management areas of the Inspectorate with all IT support (hardware, software, and network).



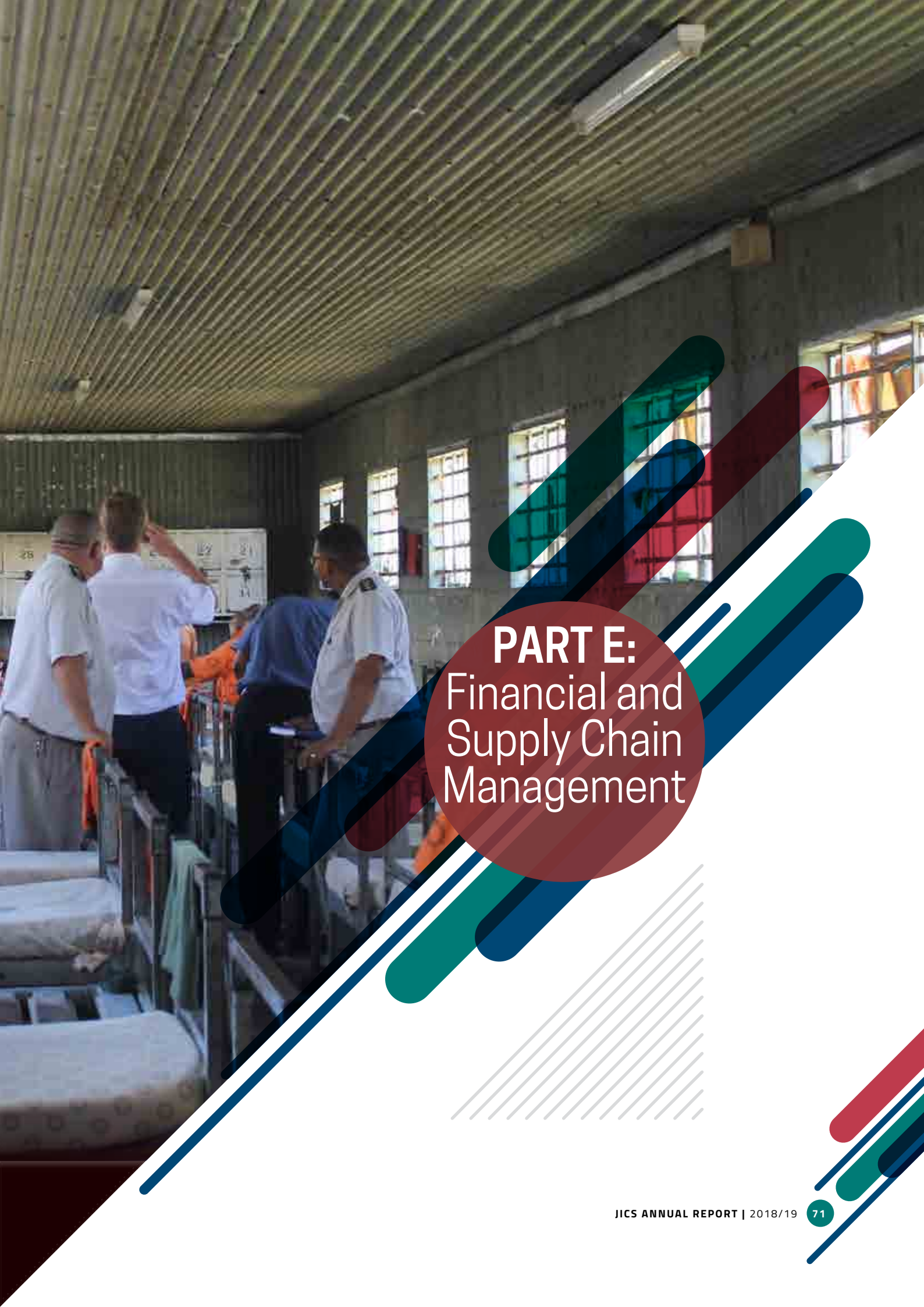
## 2. Challenges, Successes and Commentary

### Challenges

- Centralisation of PERSAL systems and functions at the DCS Head Office continues to be a challenge (e.g. creation of positions hampers the service delivery targets of JICS). Currently, contract workers are paid periodically, which is unauthorised, and the creation of additional posts is dependent on DCS, resulting in different salary payment dates (i.e. not on the last day of the month).
- DCS was approached in October 2018 for the creation of additional posts for contract workers. The creation of these posts would eradicate the irregular payment of contract workers in JICS. Despite numerous follow ups, no response was received from DCS.
- The Eastern Cape Management Region is not on the DCS network since their relocation from George to East London on 01 September 2018, due to the DCS cabling contract not being in place.

### Successes and Commentary

- The selection and recruitment of 14 permanent staff, 57 ICCVs and one (contract worker) non-permanent position to enhanced service delivery.
- Job Evaluation of Visitor Coordinator Committee Officer (level 7) and Independent Correctional Centre Visitors (level 5).
- During the 2018/19 Financial Year, the JICS website was redeveloped and launched on 1 March 2019 with the assistance of DCS.
- New computer systems were procured as replacements for old computers; consisting of 24 laptops and 46 desktops.



**PART E:**  
Financial and  
Supply Chain  
Management



## Overview of finance

### Purpose

To ensure that the budget requirements meet the main cost items, which are the compensation of employees, goods and services.

### 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.

## 1. Budget and Expenditure 2018/19

### 1.1. Budget allocation 2018/19

JICS was allocated a budget of R71, 341,000.00 at the beginning of the 2018/19 financial year. In June 2018, additional funds were allocated to the Judicial Inspectorate for procurement of motor vehicles to the amount of R1, 000,000.00. The budget was adjusted to R72, 341,000.00.

Items	Balance
Total Budget Allocation	R72,341,000.00
Compensation of Employees	R57,611,000.00
Goods and Services	R11,559,000.00
Transfers and Subsidies	R 13,000.00
Capital Assets	R 3,158,000.00

**Table 18: Budget allocation**

## 1.2. Detailed expenditure report

Economic Classification	2016/17	2017/18	2018/19
<b>Current Payments</b>			
<b>Compensation of Employees</b>	<b>R 35 556 198,42</b>	<b>R 43 603 807,00</b>	<b>R 52 739 455,43</b>
Salaries & Wages	R 32 680 966,67	R 39 895 416,19	R 48 251 625,26
Social Contributions	R 2 875 231,75	R 3 708 390,81	R 4 487 830,17
<b>Goods &amp; Services</b>	<b>R 6 334 999,37</b>	<b>R 7 070 240,30</b>	<b>R 9 710 648,51</b>
Advertising	R 192 479,58	R 198 025,24	R 320 768,18
Assets less than the capitalization threshold	R 42 422,82	R 139 433,89	R 417 674,00
Bursaries: Employees	R 116 410,00	R 89 209,80	R 242 430,00
Catering Departmental Activities	R 120 039,20	R 65 650,00	R 247 180,55
Communication	R 377 616,90	R 576 909,33	R 494 339,73
Consultants and Professional Services: Business and Advisory services	R 29 660,30	R 13 200,00	R 15 050,00
Consultants and Professional Services: Legal Cost	R -	R -	R -
Entertainment	R 151,90	R -	R -
Fleet Services	R 410 379,64	R 1 002 772,20	R 769 002,14
Consumable Supplies	R 22 249,19	R 25 783,68	R 73 417,44
Consumable: Stationery, printing and office supplies	R 221 187,42	R 197 804,87	R 492 732,75
Operating Leases	R -	R -	R -
Property Payments	R 6 686,56	R 9 687,81	R 58 284,63
Travel & Subsistence	R 4 515 764,02	R 4 578 047,01	R 5 560 459,48
Training and Development	R -	R -	R 133 642,00
Operating Payment	R 216 736,84	R 173 716,47	R 755 612,11
Venues and Facilities	R 31 695,00	R -	R 130 055,50
Resettlement Cost	R 31 520,00	R -	R -
<b>Transfers and Subsidies</b>	<b>R 12 041,10</b>	<b>R 11 851,50</b>	<b>R 25 287,07</b>
Provinces and Municipalities	R 12 041,10	R 11 851,50	R 25 287,07
<b>Payments for Capital Assets</b>	<b>R 247 455,90</b>	<b>R 719 086,76</b>	<b>R 4 847 305,69</b>
Machinery and Equipment	R 247 455,90	R 719 086,76	R 1 569 357,90
Other Machinery and Equipment	R -	R -	R 3 277 947,79
Motor Vehicle	R 44 706,61	R -	R 155 616,87
Other	R -	R -	R -
<b>Total</b>	<b>R 42 195 401,40</b>	<b>R 51 404 985,56</b>	<b>R 67 478 313,57</b>

Table 19: Detailed expenditure report

### 1.3. Transport Management

Management Area/ Region	Total Vehicles
Pretoria Head Office	3
Northern Management Region	5
Central Management Region	4
KZN Management Region	4
Eastern Cape Management Region	5
Western Cape Management Region	6
<b>Total</b>	<b>27</b>

**Table 20: Transport Management**

The table above reflects the distribution of JICS vehicles as of 31 March 2019. Thirteen (13) vehicles were procured during the 2018/19 performance cycle, including the IJ's official vehicle. Eleven (11) vehicles are in the process of being disposed of due to high mileage and others are beyond economical repair.

### 1.4. Property Management

PHYSICAL ADDRESS	TYPE OF AGREEMENT	STATUS ON 31 MARCH 2018
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. Procurement instructions for lease renewal referred to DCS.
Central Management Region: 3rd floor, 62 Andrew Street, Bloemfontein	Lease agreement	New lease agreement approved by DPW from 4 March 2018 for three (3) years.
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 NMR Regional Office, including the office of the IJ, to be facilitated by the Department of Public Works.
KwaZulu Natal Management Region: 8th floor, 275 Anton Lembede Street, Durban	Lease agreement	New lease agreement approved by DPW from 4 March 2018 for three (3) years.

**Table 21: Property Management**

The table above summarises the JICS property procurement status on 31 March 2019.



## 2. Supply Chain Management

### Information Technology Equipment:

24 laptops, 28 screens and 46 desktops were procured for the 2018/19 performance cycle.

### Goods and Services:

The following transactions were processed for the period under review:

- Purchase orders generated: 667
- According to SCM, no credit notes were issued during the period under review.

### Finance leases:

JICS currently has nine lease agreements for photocopier machines and there are six (6) lease agreements for telephone management (Cape Town, East London, Centurion, Bloemfontein, Durban and Pretoria).

### Asset Management:

- During the financial year (2018/19) JICS managed to conduct asset verification at all management regions, including the Head Office in Pretoria.

### Assets verification results for financial year 2018/19 are as follows:

- WCRM – Quarterly and Annual Asset Verifications were conducted and no shortages were found
- ECRM – Quarterly and Annual Asset Verifications were conducted and no shortages were found
- KZMR – Quarterly and Annual Asset Verifications were conducted and no shortages were found
- CMR – Quarterly and Annual Asset Verifications were conducted and no shortages were found
- Pretoria – Quarterly and Annual Asset Verifications were conducted and no shortages were found

### Challenges and Commentary:

#### Challenges

- The shortage of Finance and SCM personnel causes delays in terms of service delivery to internal and external clients.

#### Commentary

- JICS and DCS continues to have a prodigious relationship and this has ensured greater effectiveness and efficiency in line with operational independence. Through a smooth working relationship with DCS, specifically the Office of the National Commissioner and Chief Financial Officer, this office managed to have its budget reprioritized which enabled JICS to procure much needed items.





## PART F: Communication and Media

## Background

The Inspecting Judge (IJ) mentioned in his foreword of the JICS 2016/17 annual report that JICS had embarked on creating a strong “corporate” identity for itself.

Corporate identity includes fostering better relations with the media through issuing media statements, calling media conferences and publicising media pieces on relevant themes like violence and overcrowding in correctional centres.

The below figure is a synopsis of all media enquiries, news features and media releases from 1 April 2017 to 31 March 2018. The JICS website has not been available for any media posting or sharing information with the public. There has been ongoing engagement with DCS to rectify this situation, as this is vital for information sharing with the public.

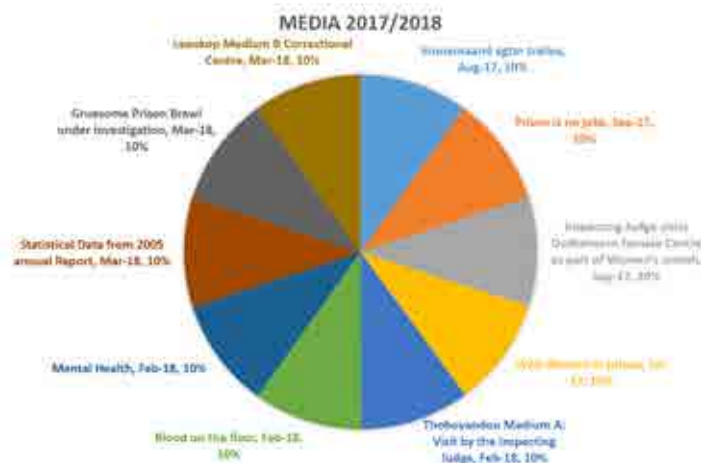


Figure 17: Media engagements for the 2017/18 performance cycle

A need had arisen within the organisation to create a contract post for Communications and Media to boost the image of JICS internally and externally. Therefore, a new contract post was advertised for a Deputy Director: Communications and Media to assist with creating awareness of the JICS brand and increasing media exposure. The incumbent started on 1 February 2018.

## Media Engagements 2018/19

These are all the media activities, media releases, requests, alerts (excluding internal communication) that took place since the start of the JICS 2018/19 financial year. Internal communication was excluded for this annual report as Communications only took over strategic matters as from October 2018, and would, therefore, not be a true reflection of internal communication for a full year.

Emphasis was placed on getting media coverage for the annual report. An infographic, which had never been used before, was a media success which was widely used by several television and print media houses. This infographic gave a clear synopsis of statistics captured in the annual report. The media trends for this year focused on JICS appearing before the portfolio committee, the statistics of the annual report, inmate suicides/deaths, and mental illness/



health. These were red flagged as issues emanating from the annual report. A media conference highlighting specific issues in the annual report was held in October 2018 and was very well attended with an unprecedented amount of media coverage. In November 2018, JICS concentrated on a mental health seminar which was hosted in East London. An infographic was created to provide overall context about the statistics and incidents reported by JICS on mentally ill and state patients incarcerated at correctional facilities across the country. The seminar was very well attended and we received relative media coverage for such an event.

The total measurable media engagement for the 2017/18 financial year was 10. Since April 2018 to March 2019 was 121. There has been an increase of 1110% in media engagement, networking, awareness and branding.

JICS was invited to form part of the JCPS Communications Cluster and has also actively engaged with the African Media Network.

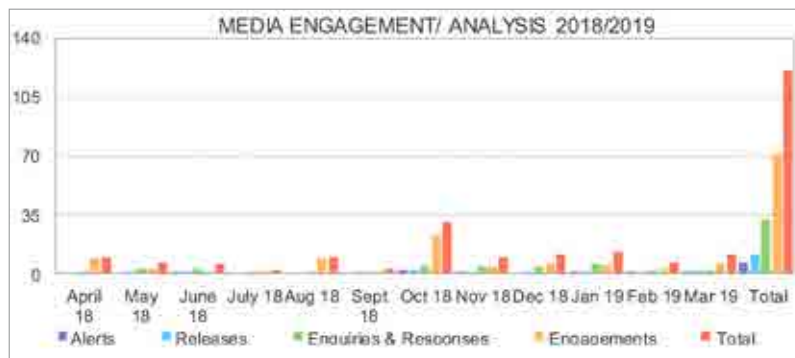


Figure 18: Media engagements for 2018/19 performance cycle

### Management Information Systems (MIS)

The JICS Management Information System (MIS) is linked to that of DCS, as JICS must have access to the DCS inmate and correctional facility database for operational and reporting purposes. Examples include DCS mandatory reporting of deaths, segregations, use of mechanical restraints and use of force. JICS created its own MIS where inmate complaints are registered in electronic files and information on ICCVs are stored. All these systems are managed by DCS, further weakening JICS' independence. JICS officials use the same email addresses as DCS officials (e.g. John.doe@dcs.gov.za), reinforcing the perception that JICS is not independent from DCS.

As mentioned previously, JICS developed its own corporate identity which will be incorporated into all electronic systems. Once this is fully functional, it will assist in erasing the perception by the public and stakeholders that JICS is dependent on DCS. The current JICS MIS was designed twenty (20) years ago and is no longer compatible with the current IT systems.

JICS is currently engaging with DCS, the State Institution for Technology Agency (SITA) and other role-players in an attempt to design a new system, but progress is very slow and funding (from DCS) is problematic. A business agreement has been drafted by JICS and SITA to provide JICS with a one-stop MIS solution which was presented to DCS.



## Challenges

JICS faces challenges mainly with its independence from the Department it oversees. JICS, as the main role-player in prison oversight in South Africa, faces a number of organisational and governance challenges. One of these challenges is technology and communication platforms.

### 1. Organisational

At the time of compiling this report, JICS was still in the process of addressing the issues by designing a new (independent) website. JICS lacked the capacity to affect the changes without DCS, since there were no independent central database or electronic management systems in place for JICS. JICS uses DCS electronic platforms for its website and all other electronic applications.

### 2. Summary

JICS is currently in a situation where the organisation is being hampered by the fact that it is functionally dependant on DCS for its web platforms and technology. This has a negative impact on the real and perceived independence of JICS and its service delivery, as JICS is still hampered when it comes to providing communication and information to its clients. This also has a far reaching impact on reputation management. In an ever-changing technological society, JICS needs to stay abreast of the latest trends in communication in order to meet its mandate.









