



THE JUDICIAL INSPECTORATE FOR  
CORRECTIONAL SERVICES

# SECOND QUARTERLY REPORT

1 July 2020 - 30 September 2020

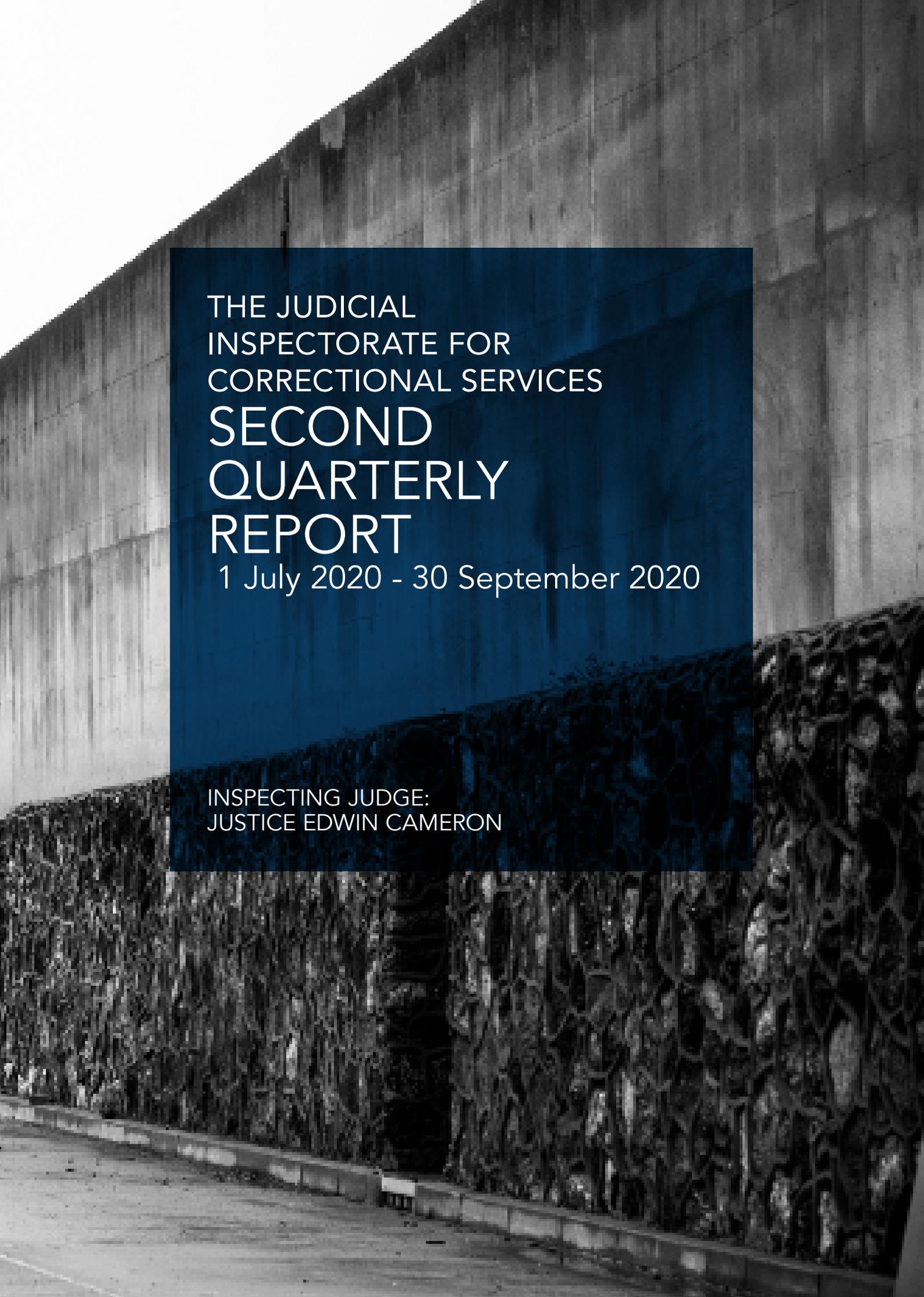
INSPECTING JUDGE:  
JUSTICE EDWIN CAMERON



**JICS**

Judicial Inspectorate for  
Correctional Services





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<b>LIST OF ABBREVIATIONS</b>	<b>5</b>
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<b>AC</b>	Area Commissioner
<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 Act 51 of 1977
<b>CSA</b>	Correctional Services Act 111 of 1998
<b>DCS</b>	Department of Correctional Services

<b>DOH</b>	Department of Health
<b>DPP</b>	Director of Public Prosecutions
<b>ECMR</b>	Eastern Cape Management Region
<b>GITO</b>	Government Information Technology Officer
<b>GP</b>	Gauteng Province
<b>HCC</b>	Head of Correctional Centre
<b>ICCVs</b>	Independent Correctional Centre Visitors
<b>IJ</b>	Inspecting Judge
<b>ISS</b>	Integrated Security System
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice, Crime Prevention and Security 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>NMR</b>	Northern Management Region
<b>PCN</b>	Public Calling for Nominations
<b>PEEC</b>	Provincial Efficiency and Enhancement Committee
<b>PMDS</b>	Performance Management Development System
<b>RDs</b>	Remand Detainees
<b>ROC</b>	Record of Consultation
<b>SCOA</b>	Standard Chart of Accounts
<b>SMR</b>	Strategic Midterm Review
<b>VC</b>	Visitors Committee
<b>VCCO</b>	Visitors Centre Coordinators
<b>WCMR</b>	Western Cape Management Region



# EXECUTIVE SUMMARY BY THE CHIEF EXECUTIVE OFFICER

As the world continues to deal with the Covid-19 pandemic, South Africa gradually implemented an easing of the state of disaster nationwide lockdown alert levels during the second quarter, where due consideration and prominence were placed on restarting the economy. The economic sector was gradually opened to stimulate employment, economic activities and enhance business operations. During this quarter, with the implementation of alert level 1, the entire public service was also requested to resume official duty. The Judicial Inspectorate for Correctional Services (JICS) had commenced a gradual return to work from 1 June 2020, and from 1 October 2020, a 100% presence, to ensure that JICS's statutorily mandated oversight function within correctional and remand detention facilities was fulfilled.

JICS was guided by the state of disaster regulations, directions and directives for each nationwide lockdown alert level. JICS approved and issued workplace plans, guidelines and directives concerning alert level 1 of the nationwide lockdown. This was read with the DPSA Circular 28 of 2020 dated 23 September 2020, and implemented from 1 October 2020, except for those employees who were on official leave or who had uncontrolled risks and vulnerabilities. No JICS officials tested positive for Covid-19 during this term.

In this quarter the Department of Correctional Services (DCS): Government Information Technology Officer (GITO), and the JICS IT team made progress concerning JICS IT needs which included the following:

- The creation of a new domain for JICS, i.e. xxxxxx@JICS.gov.za, and
- JICS separate domain, website and e-mails on a stand-alone server.

These IT solutions will enhance JICS' independence in its IT-related needs.

Because of the strict nationwide lockdown regulations in the first quarter of the financial year, JICS was unable to conduct most of its inspections because the inspectors were not granted access to the correctional facilities. However, JICS implemented a Covid-19 inspection catch-up plan to ensure that all the outstanding inspections for both the first and second quarters were conducted. In the first quarter, only seven inspections were conducted and in the second quarter 60. All outstanding inspections have been brought up to date in the second quarter in terms of the Covid-19 inspection catch up plan.

The complaints and mandatory reporting have shown a slow increase during the second quarter. This can be attributed mainly to the presence of Independent Correctional Centre Visitors (ICCVs) who were granted access to correctional facilities from 1 June 2020.

DCS is in the process of finalising a new Management Information System known as E-Corrections. This is promised to resolve the inconsistent reporting on complaints and mandatory reporting required by sections 15, 30, 31, 32 of the Correctional Service Act. JICS is currently participating in the new E-Corrections system.

JICS is in the process of filling all ICCV vacancies in the regions to ensure that JICS is present in all correctional and remand detention facilities. The selection and recruitment process of all vacant ICCV positions will be finalised in the third quarter. Adapting to the new normal, most Visitors Committee (VC) meetings were held via remote and virtual platforms. A concerted effort has been made by all managers to ensure that all VCs were held in terms of the JICS governance calendar.

During the second quarter 11 374 non- nationals were incarcerated within our correctional facilities, of which 5072 were sentenced and 6302 remand detainees.

This report sets out JICS performance outputs during this unprecedented time, and I wish to thank the Inspecting Judge (IJ), executive management and staff for their unwavering commitment to our oversight mandate and their willingness to go the extra mile in ensuring service delivery par excellence during this pandemic.



# PART A: PERFORMANCE INFORMATION AND OVERSIGHT REPORT

## 1. Performance information

### 1.1. Inspections

Inspections scheduled per National Inspection Plan

In terms of the JICS approved National Inspection Plan (NIP), 36 inspections were scheduled (table 1) for the second quarter with 30 inspections conducted. Because of the high prevalence of Covid-19 in the Western Cape region, six inspections were not conducted. Table 1 below illustrates the inspections conducted and identifies the six correctional centres that will be inspected during the third quarter between October – December 2020.

#### 1.1.1. Inspections scheduled from 1 July - 30 September 2020

No.	Centre	Region	Inspections conducted (Y/N)
1.	Grootvlei Max	CMR	Yes
2.	Mangaung	CMR	Yes
3.	Ventersburg	CMR	Yes
4.	Thohoyandou Female	NMR	Yes
5.	Tzaneen	NMR	Yes
6.	Belfast	NMR	Yes
7.	Melmoth	KZNMR	Yes
8.	Empangeni	KZNMR	Yes
9.	Qalakabusha	KZNMR	Yes
10.	Pollsmoor Med A	WCMR	No
11.	Pollsmoor Med B	WCMR	No
12.	Mount Ayliff	ECMR	Yes
13.	Ntabankulu	ECMR	Yes
14.	Goedemoed Med A	CMR	Yes
15.	Goedemoed Med B	CMR	Yes
16.	Barberton Town	NMR	Yes
17.	Nelspruit	NMR	Yes
18.	Pietermaritzburg	KZNMR	Yes
19.	Servontein	KZNMR	Yes
20.	Drakenstein Max	WCMR	No
21.	Drakenstein Med	WCMR	No
22.	East London Med A	ECMR	Yes
23.	East London Med B	ECMR	Yes
24.	Bezza Makhate Med B	CMR	Yes
25.	Bezza Makhate Med C	CMR	Yes

No.	Centre	Region	Inspections conducted (Y/N)
26.	Bezza Makhate Youth	CMR	Yes
27.	Baviaanspoort Max	NMR	Yes
28.	Johannesburg Med B	NMR	Yes
29.	Johannesburg Med C	NMR	Yes
30.	Ebongweni Max	KZNMR	Yes
31.	Kokstad Med	KZNMR	Yes
32.	Port Shepstone	KZNMR	Yes
33.	Uniondale	WCMR	No
34.	Knysna	WCMR	No
35.	Lusikisiki	ECMR	Yes
36.	Bizana	ECMR	Yes

Table 1: Inspections scheduled for 1 July - 30 September 2020

### 1.1.2. Covid-19 Inspections catch-up plan

Table 2 below illustrates the inspections planned in terms of the Covid-19 Inspection Catch-up plan. A total of 30 inspections were conducted in response to the inspections that were outstanding in the financial year 2019/20 (five) and Q1 of 2020/21 financial year (25). The inspections that are still outstanding (four) will be conducted in the next quarter.

No.	Centre	Region	Inspection conducted (Y/N)	Report available (Y/N)
1.	Volksrust	NMR	Yes	Yes
2.	Piet Retief	NMR	Yes	Yes
3.	Witbank	NMR	Yes	Yes
4.	Johannesburg female	NMR	Yes	Yes
5.	Atteridgeville	NMR	Yes	Yes
6.	Kimberley Old	CMR	Yes	Yes
7.	Tswelopele	CMR	Yes	Yes
8.	Kutama - Sinthumule	NMR	Yes	Yes
9.	Makhado	NMR	Yes	Yes
10.	Durban Med A (replaced with Greytown)	KZNMR	Yes	Yes
11.	Escort	KZNMR	Yes	Yes
12.	New Hanover	KZNMR	Yes	Yes
13.	Pollsmoor Female	WCMR	No	No
14.	Pollsmoor Max	WCMR	No	No
15.	Patensie	ECMR	Yes	Yes
16.	Kirkwood	ECMR	Yes	Yes
17.	Barberton Max	NMR	Yes	Yes
18.	Barberton Med B	NMR	Yes	Yes
19.	Barberton Med A replaced with Lydenburg	NMR	Yes	Yes
20.	Dundee	KZNMR	Yes	Yes
21.	Glencoe	KZNMR	Yes	Yes
22.	Durban Juvenile	KZNMR	Yes	Yes
23.	Brandvlei Juvenile	WCMR	No	No
24.	Brandvlei Max	WCMR	No	No
25.	Umtata Maximum	ECMR	Yes	No
26.	Umtata Medium	ECMR	Yes	No
27.	Hoopstad	CMR	Yes	Yes
28.	Odendalsrus	CMR	Yes	Yes
29.	Durban Female	KZNMR	Yes	Yes
30.	Brandvlei Med.	WCMR	Yes	Yes
31.	Worcester Female	WCMR	Yes	Yes
32.	St Albans Maximum	ECMR	Yes	Yes
33.	St Albans Medium A	ECMR	Yes	Yes
34.	St Albans Medium B	ECMR	Yes	Yes

Table 2: JICS inspection catch-up plan

### 1.1.3. Inspection reports

Of the 60 inspections conducted in this quarter, as per the JICS national inspection plan and the catch-up plan, 36 inspection reports were received and perused. The main reason for the non-submission of reports by the regional inspectors was the late submission of Annexure A of the inspection report which is completed by the head of correctional centres. These ratings are classified between good, satisfactory and unsatisfactory.

No.	Centre	Region	Inspection conducted	Rating
1.	Worcester Female	WCMR	7/7/2020	Satisfactory
2.	Brandvlei Med B	WCMR	8/7/2020	Satisfactory
3.	Belfast	NMR	7/7/2020	Satisfactory
4.	Tzaneen	NMR	8/7/2020	Satisfactory
5.	Thohoyandou Female	NMR	9/7/2020	Satisfactory
6.	Piet Retief	NMR	9/7/2020	Satisfactory
7.	Volksrust	NMR	10/7/2020	Satisfactory
8.	Melmoth	KZNMR	7/7/2020	Satisfactory
9.	Empangeni	KZNMR	8/7/2020	Satisfactory
10.	Qalakabusha	KZNMR	9/7/2020	Satisfactory
11.	Ventersburg	CMR	31/7/2020	Satisfactory
12.	Nelspruit	NMR	4/8/2020	Satisfactory
13.	Barberton Town	NMR	5/8/2020	Satisfactory
14.	Barberton Max	NMR	25/8/2020	Satisfactory
15.	Barberton Med B	NMR	27/8/2020	Satisfactory
16.	Witbank	NMR	28/8/2020	Satisfactory
17.	Mangaung	CMR	12-13/8/2020	Good
18.	Grootvlei Max	CMR	18-19/8/2020	Satisfactory
19.	Mount Ayliff	ECMR	17/8/2020	Good
20.	Ntabankulu	ECMR	18/8/2020	Satisfactory
21.	Goedemoed Med B	CMR	18/8/2020	Satisfactory
22.	Goedemoed Med A	CMR	19/8/2020	Satisfactory
23.	Pietermaritzburg	KZNMR	13/8/2020	Satisfactory
24.	Servontein	KZNMR	14/8/2020	Satisfactory
25.	Durban Female	KZNMR	17/8/2020	Satisfactory
26.	New Hanover	KZNMR	1/9/2020	Good
27.	Greytown	KZNMR	2/9/2020	Good
28.	Estcourt	KZNMR	3/9/2020	Unsatisfactory
29.	Baviaanspoort Max	NMR	7/9/2020	Satisfactory
30.	Johannesburg Med B	NMR	8-9/9/2020	Satisfactory
31.	Johannesburg Med C	NMR	10/9/2020	Good
32.	Lydenburg	NMR	10/9/2020	Satisfactory
33.	Bizzah Makhate Med B	CMR	7/9/2020	Satisfactory
34.	Bizzah Makhate Med C	CMR	8/9/2020	Satisfactory
35.	Uniondale	ECMR	17/9/2020	Satisfactory
36.	Knysna	ECMR	21/9/2020	Good

Table 3: Inspection reports received from 1 July - 30 September 2020

### Rating as per facility inspections

Regarding Table 3 above the following centres were inspected and rated as "Good"

#### 1. Mangaung PPP

- The centre was 100% occupied.
- The centre is modern, in a good condition and well maintained.
- The healthcare facilities are modern, well equipped and in a good condition.
- Rehabilitation, educational programs, and skills development are provided at the centre.
- Vulnerable inmates were separated from the general population.
- The kitchen is modern, in a good condition and well maintained. Three meals were served to inmates within the prescribed time frames.

- The visitors' facility is in very good condition.
- All Covid-19 precautions were adhered to and the centre identified three extra wards to manage Covid-19 patients if necessary. All officials and inmates wore masks.
- There is a high number of gang-related incidents at the centre. JICS is in the process of drafting a thematic report on the gang violence and use of force at Mangaung.

## **2. Mt Ayliff**

- The centre was 56.47% overcrowded.
- The clinic was small but neat.
- No inmate tested positive for Covid-19.
- The centre is in a good condition and well maintained with only minor renovations required.
- The centre has a school facility with rehabilitation programs.
- Vulnerable inmates are separated from the general population.
- The kitchen was clean and neat and three meals were served to inmates within the prescribed timeframes.
- All Covid-19 precautions and health protocols were adhered to. All officials and inmates wore masks.

## **3. Johannesburg Medium C**

- The centre was 26% overcrowded.
- Health care was rated satisfactory.
- Facilities were rated as good.
- The accommodation was rated as satisfactory.
- Rehabilitation and other programs rated as good.
- Nutrition rated satisfactory.
- Complaints resolution rated as good.
- Visitation rated as satisfactory.

## **4. Knysna**

- The centre was 38% overcrowded.
- Health care rated as good.
- The physical condition of the centre rated as good.
- Rehabilitation and other programs rated as satisfactory.
- Nutrition rated as good.
- Complaint resolution rated as satisfactory.
- The ICCV position was vacant. The post was advertised and the selection and recruitment process is underway.
- Visitation rated as good.
- Covid-19 precautions rated as good.

## **5. Greytown**

- The centre was not overcrowded – on the date of the inspection (2 September 2020), only 21 inmates were accommodated.
- Health care rated satisfactory.
- Facilities rated as good.
- No educational programs were offered in the centre as all inmates were ready to be released.
- Safe custody rated as good.
- Nutrition rated as good.
- Complaint resolution rated as good.
- Contact with family rated as good.
- Covid-19 precautions and health protocols rated as good.

## **6. New Hanover**

- The centre was not overcrowded on the date of the inspection (1 September 2020).
- Health care rated as good.
- The centre was recently renovated and was in a good state.
- Rehabilitation and other programs rated as satisfactory.

- Safe custody rated as satisfactory.
- Nutrition rated as good.
- Contact with family rated as good.
- Covid-19 precautions rated as good.

### **Concerning Table 3 above the following centre was rated as “Unsatisfactory”**

#### **1. Estcourt:**

Health care rated as unsatisfactory.

- On the day of the inspection (3 September 2020), there were no nurses on duty and the hospital was closed. It was unclear what would have happened if a medical emergency had occurred.

Facilities rated as unsatisfactory.

- The centre was new and in a good condition.
- The following findings adversely downgraded the rating of the correctional centre to “unsatisfactory”.
- The pneumatic doors of the centre were not functioning and officials were opening the doors manually. There seemed to be no sense of urgency to repair the doors.
- Dysfunctional internal doors were not guarded.
- A CCTV system was installed but the system could not be operated, apparently because of the lack of training on how to operate it.
- No indication could be found of an existing/new telephone management system installed in the offices. Officials are utilising their cell phones as a mode of communication within the centre.

Rehabilitation and other programs rated as satisfactory.

Safe custody rated as unsatisfactory.

- Juvenile and adult inmates shared the same unit, in violation of DCS directives.

Nutrition rated as unsatisfactory.

- The kitchen was in a very good condition and medical and religious diets were provided.
- Three meals were offered to inmates but not within the prescribed timeframes.
- Inmates were found working in the kitchen without any supervision.
- On the day of the inspection, the official assigned to work in the kitchen was absent from his workstation.
- There were no fire blankets in the kitchen.

Complaint resolution rated as satisfactory.

Contact with family rated as satisfactory.

Covid-19 precautions and health protocols rated as satisfactory.

#### **Overcrowding**

According to statistics received from DCS as at 30 September 2020, the total number of inmates incarcerated was 138 834. Of this total, 90 322 were sentenced and 48 512 were remand detainees.

There has been a significant reduction in both sentenced inmates and remand detainees since 31 March 2020 (when inmate population totalled 154 437). The sentenced inmate population was reduced by 12 519 and the awaiting trial population reduced by 3 084 for the period 31 March 2020 to 30 September 2020. The reduction in the number of sentenced inmates, among others, is because of the advancement of parole dates for non-violent crimes by up to 60 months as announced by the President on 24 April 2020 (Proclamation 19 of 2020).

JICS found in its inspections that some of the rural centres such as Greytown and New Hanover are currently not overcrowded; however, the large centres in urban areas such as Johannesburg and Durban remain severely overcrowded.

#### **1.1.4. Inspections: overview, findings/recommendations/critical interventions**

During quarter two no critical interventions were identified by the inspectors.

### **1.1.5. Inspections/engagements by IJ**

#### **SAHRC/JICS agreement on the NPM**

On 19 July 2019, South Africa established a multi-body National Preventive Mechanism (NPM), coordinated by the South African Human Rights Commission (SAHRC), and including various oversight bodies. The purpose of the NPM is to monitor all places of detention to safeguard against torture and other cruel, inhuman or degrading treatment or punishments. During the second quarter, the IJ met with SAHRC Commissioner Chris Nissen to identify joint NPM activities in which JICS and the SAHRC can collaborate. Further, together with the JICS legal services team, he engaged with the SAHRC to finalise a Memorandum of Agreement, which governs JICS's and SAHRC's respective roles as members of the NPM.

#### **JICS Business Case**

The issue of JICS's independence from DCS continues its prolonged existence. JICS has developed a business case, which addresses its organisational structure and recommends that it be transformed into a separate "government component". With the CEO, the IJ submitted a memo to the Minister of Justice and Correctional Services nominating two JICS personnel to serve on the Inter-departmental Assessment Committee to assess JICS feasibility as a government component as per the business case. It is expected that the business case will be finalised once the Constitutional Court delivers judgment in the Sonke Gender Justice case, where that Court's confirmation is sought of a High Court order striking down provisions in the Correctional Services Act that fail sufficiently to secure JICS's functional and operational independence. Judgment has been pending since 2 March 2020.

#### **Annual report**

The IJ has taken a keen interest in ensuring that our deliverables are met timeously. On 16 September 2020, together with the assistance of the CEO and JICS officials, the IJ presented the JICS 2019/20 Annual Report to the Minister of Justice and Correctional Services. The report was subsequently submitted timeously to the President as required by the Correctional Services Act. The report has also been submitted to the Portfolio Committee and is ready to be presented at a date to be determined by the Committee.

#### **Inspections**

The IJ conducted a second inspection of the Johannesburg Correctional Centre ("Sun City"). The purpose was to address a request that an offender be extradited from the United Kingdom to face trial on criminal charges in South Africa and to conduct a general assessment of his carceral accommodation.

#### **Engagements – parole process and facilities**

The IJ has facilitated several engagements with DCS and other stakeholders. The parole process has long faced challenges that impede its efficacy. To explore possible solutions, the IJ has engaged with the Minister of Justice and Correctional Services, the Deputy Minister of Correctional Services, the Chair of the National Council of Correctional Services, DCS officials and the Parole Board Chairperson and Regional Chairpersons.

Equally troubling is the state of facilities in correctional centres. The IJ has sought to initiate meetings with government stakeholders to address obstructions in facilities repairs and upgrades, as well as to secure JICS's own accommodation needs. A preliminary meeting between JICS and the National Commissioner is planned to precede a high-level meeting at Ministerial level attended by representatives from DCS and the Department of Public Works and Infrastructure.

Additionally, the IJ has engaged with civil society organisations. He has facilitated continuing engagement between TB HIV Care and DCS Health Services, which have focused on improving health care for both current and former inmates. The engagement has scrutinised DCS's readiness for introducing and maintaining pre-exposure prophylaxis (PrEP) to counter HIV infection.

He has also lent his support to the UNISA Prison-to-College-Pipeline (P2CP) initiative and successfully communicated with DCS regional and area commissioners to secure their involvement and support.

#### **1.1.6. Inspections by judges/magistrates**

No inspection reports were received from other judges.

## 1.2. Investigations

As with inspections, investigations require physical visits to correctional centres. Most on-site investigations only commenced in June 2020 and final reports are still outstanding. The majority of investigations were conducted in the JICS' NMR region (eight). No investigations took place in the Eastern Cape region. Most investigations conducted during this quarter were on the use of force and violence. Table 4 below indicates the 21 investigations conducted during the second quarter:

No.	Investigation mandate	Centre	JICS region	Incident	Status
1.	20/7/2020	Johannesburg Medium A	NMR	Unnatural death – suspected organophosphate poisoning of inmate L	In process
2.	20/7/2020	Mangaung	CMR	Alleged homicide: Inmate on inmate M	In process
3.	20/7/2020	Potchefstroom	CMR	Alleged overdose on ARVs: Inmate P	In process
4.	27/7/2020	Malmesbury (old)	WCMR	A mass escape of remand detainees.	In process
5.	5/8/2020	Pollsmoor Medium A	WCMR	Unnatural death: A	In process
6.	5/8/2020	Durban Medium A	KZNMR	Unnatural death: M	In process
7.	5/8/2020	Leeuwkop Med A	NMR	Unnatural death M	In process
8.	17/8/2020	Potchefstroom	CMR	Assault: Official on inmates M and N	In process
9.	18/8/2020	Durban	KZNMR	Stabbing of officials and assault by inmates	In process
10.	31/8/2020	Durban Medium A	KZNMR	Mass assault of inmates at Unit C204	In process
11.	31/8/2020	Ermelo	NMR	Suicide: Inmate D	In process
12.	1/9/2020	Mogwase	CMR	Drowning of inmate R	In process
13.	1/9/2020	Qalakabusha	KZNMR	Alleged homicide: Inmate X	In process
14.	1/9/2020	Groenpunt	CMR	Death inmate M: burn wounds (homicide inmate on inmate)	In process
15.	1/9/2020	Durban Female	KZNMR	Death of inmate SM	In process
16.	1/9/2020	Kutama Sinthumule	NMR	The suicide of inmate M	In process
17.	8/9/2020	Servontein	KZNMR	The suicide of inmate M	In process
18.	8/9/2020	Witbank	NMR	The suicide of inmate H	In process
19.	10/9/2020	Johannesburg Female	NMR	Unnatural death of inmate (overdose)	In process
20.	25/9/2020	Witbank	NMR	Unnatural death of inmate M (overdose)	In process
21.	25/9/2020	Tohoyandou	NMR	Homicide inmate on inmate: VN	In process

Table 4: Investigations conducted from 1 July - 30 September 2020

Below are examples of a few investigations that JICS is currently investigating. All the investigations are still pending and the findings beneath are all preliminary:

### Suicide: Inmate D at Ermelo Correctional Centre

The incident occurred on 10 April 2019 but was only reported officially to JICS in September 2020. The inmate committed suicide on 10 April 2019 by hanging himself in a single cell. The inmate had attempted to commit suicide on 9 October 2019 and was taken to the centre's medical unit. Later, on the same day, he was placed in a single cell and the following day, 10 April 2019, he committed suicide. Preliminary findings include that DCS did not exercise the necessary level of care as they should have monitored inmate D more closely.

### Alleged homicide of inmate X at Qalakabusha Correctional Centre

The incident occurred on 17 November 2019 and was only officially reported to JICS during September 2020.

Inmate X stabbed another inmate on 17 November 2020. Three officials allegedly used "minimum force" on inmate X by beating him with tonfas and also apparently kicked him. Inmate X was taken to the centre's medical facility where he passed away after a short while.

Preliminary findings include that DCS officials may have exceeded the boundaries of "minimum force".

The investigation is hampered by uncooperative DCS officials and inmates who refuse to avail themselves for interviews with the JICS investigator.

#### **Alleged homicide: Inmate on inmate at Thohoyandou Medium B Correctional Centre**

Inmate N was involved in a fight with another inmate on the night of 23 September 2020. The apparent reason for the fight was that inmate N demanded money from his cellmate who refused to hand the money over. Two other inmates then intervened and assaulted inmate N and tied him up to allegedly stop him from continuing his attack. Later the same night it was discovered that inmate N passed away.

Three inmates already appeared in court on murder charges. JICS (amongst others) is investigating the effectiveness of DCS patrols at night.

### **1.3. Complaints**

#### **1.3.1. Complaints received per category**

The reporting of complaints is increasing as ICCVs are again allowed to enter correctional facilities and consult with inmates. The categories of assault inmate-on-inmate and official-on-inmate are a concern and remain predominant during this quarter. Table 5 below illustrates complaints received by the JICS Directorate: Legal Services (DLS):

<b>Categories</b>	<b>Internal</b>	<b>External</b>	<b>Total</b>
Appeal	4	0	4
Assault (Inmate on Inmate)	13	0	13
Assault (Official on Inmate)	15	3	18
Assault (Sexual)	1	0	1
Attempted Suicide	5	0	5
Bail	0	0	0
Communication with Family	3	0	3
Conditions	0	0	0
Confiscation of Possession	1	0	1
Conversion of Sentence	0	0	0
Corruption	0	0	0
Food	2	1	3
Health Care	3	1	4
Hunger Strike	1	2	2
Inhumane Treatment	0	0	0
Legal Representation	0	0	0
Medical Release	0	0	0
Parole	5	3	8
Re-Classification	2	0	2
Rehabilitation Programs	2	0	2
Remission	2	0	2
Torture	0	0	0
Transfers	3	1	4
Other	5	0	5
<b>Total</b>	<b>67</b>	<b>11</b>	<b>78</b>

Table 5: Complaints received per category from 1 July - 30 September 2020

#### **1.3.2. Matters finalised and backlogs (Investigations on complaints)**

Some investigations take a prolonged period before they are finalised. The total backlog increases every time we receive complete investigation reports from DCS or JICS internal investigation reports. During quarter two investigation reports were received from DCS. There are currently 257 investigation matters to be finalised. Our current plan is to finalise 60 matters per quarter. An amount of 64 matters have been finalised during this quarter. Table 6 below illustrates the backlog that has accumulated over the past six years, including total outstanding matters:

Year	Investigation reports received from DCS	Finalised by JICS	Outstanding (there are outstanding reports from DCS)	Finalised by JICS in Q2
2014	47	46	1	0
2015	42	36	6	1
2016	76	65	11	9
2017	216	68	148	10
2018	148	79	69	33
2019	56	38	18	6
2020	7	7	0	5
<b>Total</b>	<b>592</b>	<b>339</b>	<b>253</b>	<b>64</b>
Matters unresolved by DCS		3	4	

Table 6: Matters finalised and backlogs (Investigations on complaints)

### 1.3.4. Complaints referred to the Directorate: Management Regions (DMR)

The Complaints sub-directorate refers general complaints to DMR for further handling and finalisation. These are complaints relating to transfers, parole and healthcare etc. The DMR deals with the complaints and provides feedback to the Complaints sub-directorate which maintains a national database of complaints. Table 7 below illustrates the number of complaints referred to the respective regions for further handling and finalisation:

CMR	ECMR	WCMR	KZNM	NMR	TOTAL
5	0	14	1	14	34

Table 7: Complaints referred to DMR from 1 July - 30 September 2020

## 1.4. Mandatory reporting

### 1.4.1. Unnatural deaths reported

All unnatural deaths are investigated by JICS investigators except for some “unnatural other” where there seems to be no violence or use of force present.

All cases categorised as “unnatural other” are however enquired into by ICCVs. Copies of the post mortem and other medico-legal documents are requested from DCS. JICS will investigate the matter officially if necessary. Table 8 below illustrates unnatural deaths recorded for the period 1 July to 30 September 2020.

Category	Number
Assault (inmate on inmate)	3
Assault (official on inmate)	1
Medication Overdose	3
Suicide by hanging	2
Unknown causes <sup>1</sup>	11
Unnatural (organophosphate poisoning)	1
<b>Total</b>	<b>21</b>

Table 8: Unnatural deaths reported from 1 July - 30 September 2020

### 1.4.2. Natural deaths reported per DCS region and the official cause of death

A total of 145 deaths arising from natural causes were reported by DCS for the second quarter. The highest number of deaths recorded were natural causes “natural causes other” with 35. Gauteng had the highest number of deaths with 57; WC recorded the lowest with eight natural deaths. Documents are outstanding, as these are usually submitted by the JICS regions who are afforded 60 days within which to submit them.

There were 19 deaths indicated as COVID-19 related.

Each natural death of an inmate is enquired into by ICCVs. Copies of death certificates, post-mortem reports and other relevant documents are obtained, analysed, verified, perused and processed. If necessary the JICS investigation unit is mandated to conduct an official investigation. Table 9 illustrates natural deaths recorded for the second quarter.

<sup>1</sup> “Unnatural Other” is where an apparently healthy inmate suddenly passes on and the cause of death is unknown.

Categories	DCS Regions						TOTAL
	EC	FS/NC	GP	KZN	LMN	WC	
Acute Kidney Injury, Covid-19 Pneumonia	-	-	-	-	1	-	1
Acute Liver Failure, LRTI, TB Abdomen and RVD Related.	-	-	1	-	-	-	1
Advanced Prostate Cancer	-	-	-	-	1	-	1
Advanced colon cancer	-	-	-	-	1	-	1
Asthma	-	-	-	-	1	-	1
Asthma, Hypertension and Peripheral Disease, Chronic Obstruction Airway Disease and RVD patient.	1	-	-	-	-	-	1
Auto immune hepatitis, hypertension, diabetes, mellitus COVID pneumonia	-	-	-	1	-	-	1
Bacterial Meningitis	-	-	-	-	2	-	2
Bicytopemia and Renal Dysfunction	-	-	1	-	-	-	1
Bilateral bronchophumonial/myocardial infarction	-	-	-	1	-	-	1
Broncho-Pneumonia	-	-	1	-	-	-	1
Cardiac arrest, septic cardiac emboli and Infective endocarditis	-	-	1	-	-	-	1
Cardiorespiratory Failure	-	-	1	1	-	-	2
Cardiovascular disease (stroke)	-	-	1	-	-	-	1
Cerebral Vascular Accident	-	-	1	-	-	-	1
Chronic COVID Positive and Lower Respiratory Tract Infection	-	-	1	-	-	-	1
Community Acquired Pneumonia and TB	-	-	1	-	-	-	1
Complicated Meningitis	-	-	-	1	-	-	1
Congestive Cardiac Failure	-	1	-	-	-	-	1
Congestive heart failure	-	-	-	-	1	-	1
Covid-19	-	-	-	-	-	1	1
Covid-19 pneumonia multiple ischemic strokes.	1	-	-	-	-	-	1
Covid-19 related and LRTI.	-	-	1	-	-	-	1
Covid-19 complications	-	-	-	2	-	-	2
Covid-19 related, RVD related and Disseminated TB	-	-	1	-	-	-	1
Covid-19 Pneumonia	-	-	1	-	1	-	2
Covid-19 related complications	1	-	1	-	1	-	3
CVA with left hemiparesis known MHCU on Haloperidol	-	-	-	1	-	-	1
Diabetic	-	1	-	-	-	-	1
Diabetic keto acidosis	-	-	-	1	-	-	1
Diabetic, pneumonia	-	1	-	-	-	-	1
Disseminated TB	-	-	1	-	1	-	2
Disseminated TB; Suspected Covid-19; Hepatitis B+C Human Immune Deficiency Virus	-	-	1	-	-	-	1
Electrolyte Imbalance - Covid-19	-	-	1	-	-	-	1
Epilepsy, Lower respiratory tract infection & Severe pneumonia	-	-	-	-	1	-	1
Epileptic Seizure	1	-	-	1	-	-	2
Gastroenteritis	-	-	-	-	2	-	2
Hepatitis, Covid-19 Positive	-	-	1	-	-	-	1
Hepatocellular Carcinoma	1	-	-	-	-	-	1
HIV complication	-	-	1	-	-	-	1
HIV Related	3	-	3	-	1	-	7
HIV, Disseminated TB, suspect Covid-19	-	-	1	-	-	-	1

Categories	DCS Regions						TOTAL
	EC	FS/NC	GP	KZN	LMN	WC	
HPT, Cholesterol	1	-	-	-	-	-	1
Hypertension	1	-	1	-	-	-	1
Hypertension Urgency and Dehydration.	-	-	1	-	-	-	1
Hypertensive, diabetic and RVD	1	-	-	-	-	-	1
Hypoglycaemia	-	-	3	1	-	-	4
Immune Suppression	-	1	-	-	-	-	1
Liver failure	-	-	1	-	-	-	1
Lower Respiratory Infection, Disseminated TB and RVD-Related	-	-	1	-	-	-	1
Lower Respiratory Tract Infection.	-	-	1	-	-	-	1
Lung Cancer	-	1	-	-	-	-	1
Multiple Organ Failure	-	1	1	-	-	-	2
Natural Causes Other	3	9	10	5	1	7	35
Pleural Effusion	-	-	1	-	-	-	1
Pneumonia	1	-	1	-	1	-	3
Pneumonia - query Covid-19 Pneumonia - query Covid-19 and query TB	-	-	1	-	-	-	1
Pneumonia complications following Covid-19	-	-	-	1	-	-	1
Probable cause of death Necrosis Bowel	-	-	1	-	-	-	1
PTB/Anaemia	-	-	-	1	-	-	1
Pulmonary TB-RVD related.	-	-	1	-	-	-	1
Recurring abdominal pains	-	-	1	-	-	-	1
Renal failure	-	1	-	-	-	-	1
Renal Failure &Pneumonia	-	-	-	1	-	-	1
Renal failure; Infective endarteritis; Heroine use; Covid-19; Pneumonia	-	-	1	-	-	-	1
Respiratory Distress	-	-	1	1	-	-	2
Respiratory Tract Infection	-	-	1	1	-	-	2
RVD	1	-	-	-	-	-	1
RVD defaulted treatment PTB	-	-	-	1	-	-	1
RVD, MDT TB	1	-	-	-	-	-	1
RVS, Metabolic Acidosis & Covid-19	-	-	1	-	-	-	1
Seizures and Epilepsy	-	-	1	-	-	-	1
Severe acute respiratory syndrome(Covid-19 Case)	1	-	-	-	-	-	1
Severe Acute Respiratory Syndrome	-	-	-	-	-	-	-
Severe bronchopneumonia	-	1	-	-	-	-	1
Severe Covid-19 Pneumonia and contributing cause PTB	-	1	-	-	-	-	1
Severe Hypoxia	-	-	-	1	-	-	1
Severe Lower Respiratory Tract Infection(LRTI)	-	-	2	-	-	-	2
Severe Sepsis complicated by Multi-Organ failure-DIC, Kidney and Liver failure	-	-	-	-	1	-	1
Shortness of breath	-	1	-	-	-	-	1
Suspected Epileptic attack	1	-	-	-	-	-	1
TB	-	-	-	-	1	-	1
TB Meningitis	-	-	-	-	1	-	1
TB Pleural Effusion- RDV related	-	-	1	-	-	-	1
TB Sepsis	-	-	1	-	-	-	1
Testicular Cancer	-	1	-	-	-	-	1
Trachybac syndrome	-	-	1	-	-	-	1
<b>TOTAL</b>	<b>19</b>	<b>20</b>	<b>57</b>	<b>22</b>	<b>19</b>	<b>8</b>	<b>145</b>

Table 9: Natural deaths report from 1 July - 30 September 2020

### 1.4.3. Reports received on segregations

A total of 1106 segregations were reported for the second quarter as illustrated in Table 10. The highest number of segregations recorded were in terms of section 30(1) (c) with 401 and the lowest in terms of section 30(1) (f) with two segregations. The Gauteng region had the highest number of segregations at 458 with the Eastern Cape region recording the lowest at 38.

As the electronic system of reporting is currently dysfunctional the accuracy and number of reports by DCS cannot be verified.

Although a manual reporting system was introduced as a stopgap measure, the number of reports by DCS has drastically declined in recent years but are gradually rising again. No appeals were received in respect of segregation.

Categories	DCS Regions							DLS Internal	
	EC	GP	KZN	LMN	NC/FS	WC	Total	Appeal	Finalised
Own request of inmate	3	91	16	5	7	12	134	0	0
Restriction of amenities (Discipline)	2	84	106	69	8	25	294	0	0
Prescribed by the medical officer	11	198	108	3	16	65	401	0	0
Violence or is threatened with violence	9	83	92	10	32	29	255	0	0
Recaptured after escape	13	2	5	0	0	0	20	0	0
Request of the police	0	0	0	0	0	2	2	0	0
<b>TOTAL</b>	<b>38</b>	<b>458</b>	<b>327</b>	<b>87</b>	<b>63</b>	<b>133</b>	<b>1106</b>	<b>0</b>	<b>0</b>

Table 10: Reports on segregations from 1 July - 30 September 2020

### 1.4.4. Reports received on mechanical restraints

The mandatory unit usually provides a brief description of the mechanical restraints of juveniles. No incidents for the use of mechanical restraints on juveniles were recorded.

As the electronic system of reporting is currently dysfunctional the accuracy and number of reports by DCS cannot be verified.

Although a manual reporting system was introduced as a stopgap measure, the number of reports by DCS has drastically declined. Table 11 illustrates the mechanical restraints recorded.

Categories	DCS Region						TOTAL
	EC	FS/NC	GP	KZN	LMN	WC	
Prevention of damage to property	0	0	2	0	0	3	5
Requested by court	0	0	0	0	0	0	0
Safety of another person	0	0	1	0	0	0	1
Safety of inmate	0	0	0	2	0	0	2
Suspicion exists of escape	0	1	0	0	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>9</b>

Table 11: Reports received on mechanical restraints from 1 July - 30 September 2020

### 1.4.5. Reports received on use of force

As stated above, the electronic management system of reporting is currently dysfunctional, therefore the accuracy and number of reports received from DCS cannot be verified.

Although a manual reporting system was introduced as a stopgap measure, the number of reports by DCS has drastically declined and is now on the decrease again from 237 in the first quarter to 146 in the second.

The majority of the use of force reports received were classified as the defence of any other person (official or other inmates). Table 12 illustrates the number of use of force instances registered.

Categories	DCS Region						Total	Enquired
	EC	FS/NC	GP	KZN	LMN	WC		
<b>Self defence</b>	4	0	10	3	3	4	<b>24</b>	0
<b>Defence of any other person</b>	5	52	21	18	4	17	<b>117</b>	0
<b>Preventing an inmate from escaping</b>	1	0	0	1	0	0	<b>2</b>	0
<b>Protection of property</b>	0	1	1	1	0	0	<b>3</b>	0
<b>Total</b>	<b>10</b>	<b>53</b>	<b>32</b>	<b>23</b>	<b>7</b>	<b>21</b>	<b>146</b>	<b>0</b>

Table 12: Reports received on use of force from 1 July - 30 September 2020

## 1.5. Litigations

### 1.5.1. GG S vs. JICS

The employee's salary was unduly raised to a higher notch and the employer (JICS) rectified it. The matter is before the Labour Court wherein the employee is challenging JICS's decision to rectify the erroneously granted notch.

JICS is finalising the pre-arbitration minutes. Line function will be consulting with counsel. No hearing date has been set thus far.

### 1.5.2. F P vs. JICS

The matter was referred to arbitration for the commissioner to determine whether the respondent (JICS) correctly interpreted and applied PSCBC Resolution 7 of 2000.

The matter was decided on papers exchanged by parties. The award has been handed down in favour of the employee. JICS is weighing its options on whether to take the matter to the Labour Court.

### 1.5.3. M vs. JICS

The applicant, Mr M, is challenging the appointment of the Director: Support Services.

The matter was previously set down and postponed sine die by agreement. The applicant ought to set the matter down.



## **PART B: DIRECTORATE MANAGEMENT REGIONS (DMR)**

### **2. Independent Correctional Centre Visitors (ICCVs)**

#### **2.1. Minimum Standard of Service Delivery (MSSD)**

In terms of Section 93 of the Correctional Services Act 111 of 1998 (CSA), ICCVs are mandated with the responsibility of conducting various duties which include regular visits to the centres, conducting inmate interviews, monitoring the G365 register (The G365 is used by DCS officials to register the complaints of inmates). The purpose of monitoring this register is to ascertain that the registered complaints are resolved. ICCVs must also conduct consultations with inmates and handle complaints referred to them by the DLS. ICCVs' service delivery is assessed and monitored on a MSSD. The table below illustrates the MSSD for ICCVs per management region, as per the old contracts that are expiring, as well as the new Public Service Act contracts that are now in place.

The nationwide lockdown regulations posed challenges during this quarter as these regulations limited ICCVs visits in the correctional centres. This hampered normal interaction via interviews and the private consultations with inmates that flow from it. It is evident in the MSSDs that it negatively affected the performance of the ICCVs.

### 2.1.1. Old ICCV system

Management regions	Number of site visits conducted	Number of inmate interviews conducted  <b>Formulae:</b> Centre Inmate Population (CIP) CIP x 25% Target per quarter CIP ÷ No of ICCVs Actual Performance (AP) Interviews per ICCV (Ip-ICCV) Over performance (OVP) Underperformance (UNP)	Number of private consultations with inmates  <b>Formulae:</b> Centre Inmate Population (CIP) CIP x 5% Target per quarter CIP ÷ No of ICCVs Actual Performance (AP) Private Consultation per ICCV (PCpICCV) Over performance (OVP) Underperformance (UNP)	Remarks: All old ICCVs work per hour not per day.
CMR	0	CIP = 1976 Target = 498 AP = 5 UNP = 493	CIP = 1976 Target = 99 AP = 2 UNP = 97	Because of Covid-19 safety precautions, ICCVs were restricted to urgent complaints.  There were two ICCVs on old contracts. In September 2020 there were no ICCVs, however, the posts will be filled as soon as possible.
ECMR	13	CIP = 197 Target = 114 AP = 8 UNP = 106	CIP = 197 Target = 10 AP = 3 UNP = 7	Post Establishment: 48 Filled Posts: 40 New contracts: 37 Old contract: Three (One ending during each month of the quarter.) Vacancies: Eight Although the human resources decreased by one each month, for calculation the target included all three ICCVs. ICCVs were limited to the admin section and only required to attend to urgent/serious complaints.
KZNMR	6	CIP = 1892 Target = 473 AP = 200 UNP = 273	CIP = 1892 Target = 96 AP = 45 UNP = 51	Post Establishment: 33 Filled Posts: 25 Vacancies: Eight Total of ICCVs on old ICCV system = One Total of ICCVs on new ICCV system = 24
NMR	8	CIP = 2550 Target = 637 AP = 599 UNP = 38	CIP = 2550 Target = 127 AP = 76 UNP = 51	Because of nationwide lockdown, for the months of July and August 2020 limited visits were allowed. One ICCV on old contract has been reporting at NMR offices from the 31 <sup>st</sup> August 2020, because of pending disciplinary enquiry.
WCMR	0	0	0	All old contracts expired.

Table 13: MSSD for ICCVs on the old system from 1 July - 30 September 2020

### 2.1.2. New ICCV system

Region	Level 5 on a part-time notch	Number of ICCVs on the notch	ROC: General and urgent complaints	ROC: Mandatory re-ports	ROC target for one month per ICCV	Minimum number of ROC expected (number of ICCVs X Number of ROC X 3 months in a quarter)	Total number of ROC	Was the target met?	If not, mitigating factor(s)?
CMR	6/8	3	91	52	50	450	143	No	In July and August, ICCV services were restricted because of the Covid-19 pandemic. According to the ICCVs, because of their presence daily, they ensured that DCS complied with their policies and regulations in terms of dealing with complaints and requests. Most of complaints and requests were attended and finalised by DCS within seven working days.
	5/8	4	115	7	40	480	122	No	
	3/8	35	667	288	30	2100	955	No	
ECMR	6/8	2	57	21	50	300	78	No	Target not reached. Lockdown regulations limited ICCV visits to the cells. ICCV visits will return to normal with Alert level 1. VCCOs will be cautioned to monitor the performance of ICCVs on this level.
	5/8	0	0	0	0	0	0	N/A	No filled posts on this level in region.
	3/8	39	1198	151	30	2340	1349	No	Target not reached. Lockdown regulations limited ICCV visits to the cells. ICCV visits will return to normal with Alert level 1.
KZNMNR	6/8	3	160	169	50	450	329	No	Disciplinary measures were taken against underperformers. The VCCOs were requested to officially counsel the ICCVs who are not complying with the set target.
	5/8	3	107	122	40	60	229	No	The VCCOs have been instructed to counsel the ICCVs about their non-performance
	3/8	18	342	340	30	1620	682	No	The VCCOs have been instructed to counsel the ICCVs about their non-performance
NMR	6/8	2	48	0	50	300	48	No	Because of Covid-19, ICCVs were restricted from engaging with the inmates. Only on exceptional circumstances were they allowed to engage with the inmates through non-contact visits. NB: For September 2020, only one ICCV submitted while the other one resigned, without any submission.
	5/8	4	70	3	40	480	73	No	Because of national lockdown, for July and August 2020 limited visits were allowed.
	3/8	24	414	14	30	2160	428	No	Because of national lockdown, for July and August 2020 limited visits were allowed.
WCMR	6/8	4	136	41	50	4 X 50= 200	177	No	ICCVs will be disciplined and issued with warnings.
	5/8	0	0	0	40	0	0	N/A	Post vacant
	3/8	15	142	0	30	15 X 20= 600	142	No	ICCVs will be disciplined and issued with warnings.

Table 14: Record of consultation for ICCVs on the new system from 1 July - 30 September 2020

## 2.2. Complaints handled in regions

The regions are responsible for handling complaints received from the ICCVs at the various correctional centres. Most of the complaints are resolved and finalised at the centre level, but some are referred to the regional offices for intervention and/or further escalated to the IJ for resolution.

### 2.2.1. General complaints

Complaints are divided into two main categories, namely general complaints and urgent complaints. The following Tables 15 (general complaints) and 16 (urgent complaints) reflect the number of complaints that were dealt with during this quarter.

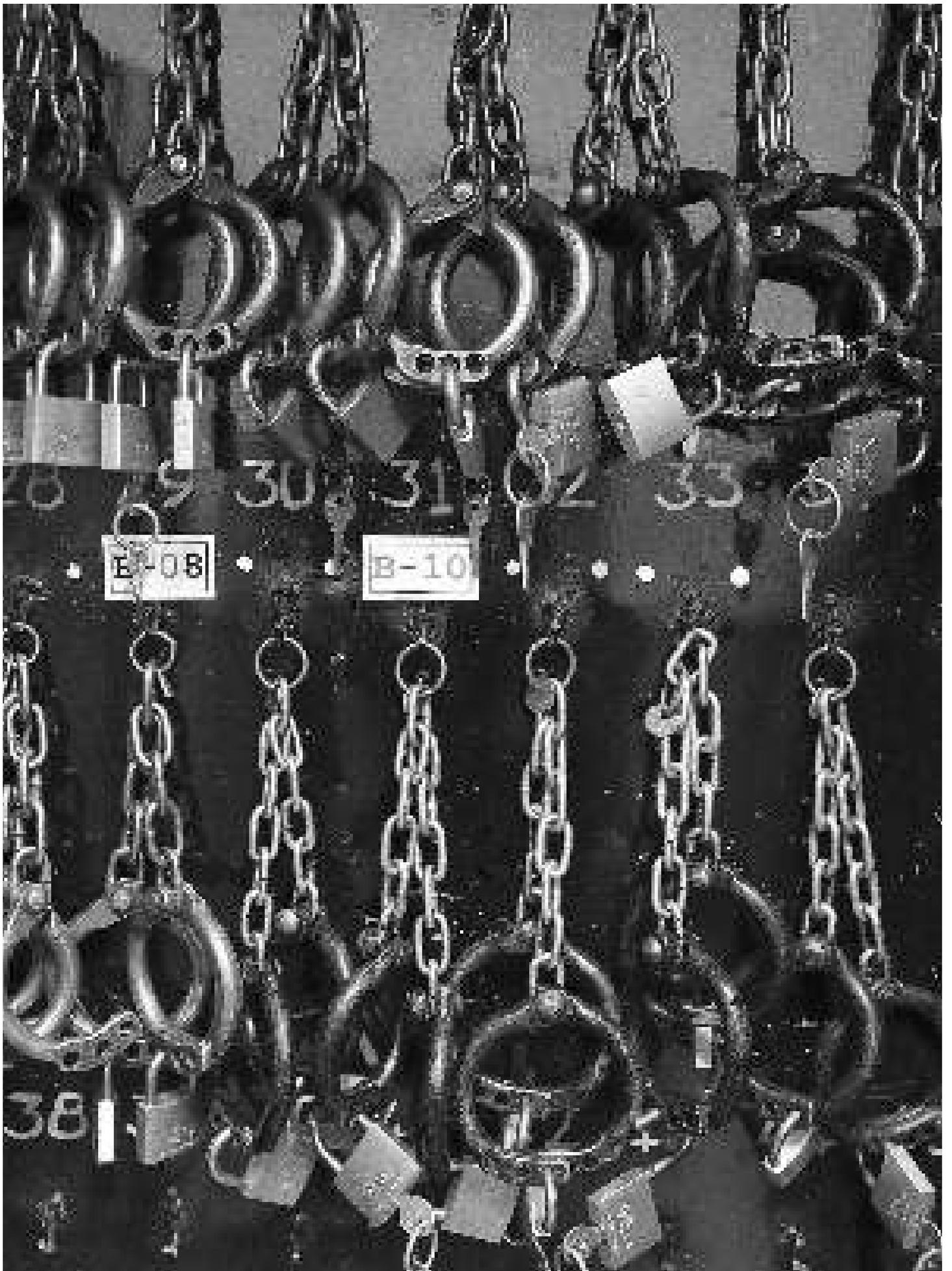
Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
Appeal	41	2	8	0	73	0	13	1	1	0
Assault (Inmate on inmate)	105	0	53	0	11	0	34	0	48	0
Assault (Official on inmate)	53	3	84	0	19	0	7	0	7	0
Assault (Sexual)	5	0	2	0	0	0	3	0	1	0
Attempted Suicide	15	0	7	0	1	0	0	0	0	0
Bail	2	0	14	0	0	0	3	7	0	0
Communication with Family	17	0	85	0	23	0	48	0	2	0
Conditions	34	1	53	0	1	0	23	0	5	0
Confiscation of Possession	2	1	8	0	1	0	1	0	0	0
Conversion of Sentence	0	0	3	0	0	0	1	0	0	0
Corruption	0	0	0	0	0	0	18	0	0	0
Food	4	0	28	0	9	0	12	0	3	0
Health	67	2	140	0	20	0	43	0	8	0
Hunger Strike	5	0	2	0	0	0	0	0	1	0
Inhumane Treatment	4	1	15	0	2	0	0	0	1	0
Legal Representation	26	0	80	0	145	0	33	6	2	0
Medical Release	0	0	3	0	0	0	1	0	1	0
Parole	22	13	164	0	30	0	35	0	9	0
Re-classification	11	0	5	0	0	0	22	0	1	0
Rehabilitation Programs	6	0	155	0	18	0	16	0	1	0
Remission	7	0	24	0	4	0	2	0	0	0
Request Social Worker	8	0	0	0	7	0	7	0	0	0
Torture	0	0	0	0	0	0	0	0	0	0
Transfer	122	5	121	0	130	0	62	0	4	0
Other	315	16	295	0	59	0	282	0	70	0
<b>Total of all categories of complaints</b>	<b>871</b>	<b>44</b>	<b>1241</b>	<b>0</b>	<b>553</b>	<b>0</b>	<b>667</b>	<b>0</b>	<b>104</b>	<b>0</b>

Table 15: General complaints handled in regions from 1 July - 30 September 2020

### 2.2.2. Urgent complaints

Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Assault (Inmate on inmate): 253</b>	105	0	53	0	11	0	36	0	48	0
<b>Remarks</b>										
<p><b>CMR:</b>            ICCVs attended to all complaints. Medical treatment was provided to inmates and several did not want to open criminal cases. All inmates who wanted to open a case were allowed to do so.</p> <p>There have been several incidents of assault: inmate on inmate, most prevalent at Mangaung APOPS (eight), Virginia CC (six) and Grootvlei Medium A CC (four). ICCVs were instructed to consult with all these inmates and the information was forwarded to DLS in September 2020.</p> <p><b>ECMR:</b>            The reasons for most of these cases vary, including petty fights amongst inmates – some are bullied by other inmates who demand money, and others are assaulted while trying to stop fights between fellow inmates. Two mentally unwell inmates assaulted each other at King Williams Town.</p> <p><b>KZNMR:</b>            At Waterval Med A; Durban Med A and Umzinto CCs reports were received from inmates who allegedly fought amongst themselves, prompted by gang rivalry.</p> <p><b>NMR:</b>            Leeuwkop Med B: on the 11<sup>th</sup> July inmate TM was assaulted by inmate SM in cell 20. Inmate M was injured on the upper lip and above the eye, and he was treated at the local hospital. Five incidents occurred at Leeuwkop Max.</p> <p>Kgosi-Mampuru Central – 17 incidents occurred during August.            Three assaults happened at Leeuwkop Med B</p> <ul style="list-style-type: none"> <li>• Inmate LM was assaulted by another inmate, he was hit with a padlock and sustained a head injury. The inmate was treated at a local hospital and refused to open a SAPS case (gang-related).</li> <li>• Inmate MS was assaulted by another inmate with a padlock and sustained a head injury, he was also treated at a local hospital and opened a SAPS case (gang-related).</li> <li>• Inmate NJ was assaulted by another inmate with a stone and sustained a head injury, he was treated at a local hospital and opened a SAPS case.</li> </ul> <p>Thohoyandou Med A – Inmate MP alleged that he was assaulted by an offender in his cell. The inmate refused to open a criminal case.</p> <p>Modderbee – Inmate PE alleges that he was assaulted with a padlock by another offender and he reported the matter to the officials where he was treated. The investigation is continuing.</p> <p>Modderbee – one assault (inmate on inmate) inmate alleged that he was assaulted with a padlock by a fellow inmate and he ran to officials to report the matter. He wanted to open a criminal case against the inmate.            Two assaults happened at Leeuwkop Med B</p> <ul style="list-style-type: none"> <li>• Inmate MS was stabbed with a piece of window glass by another inmate and was treated at the local hospital.</li> <li>• Inmate KM was assaulted with a piece of glass by another inmate during a fight and received medical attention.</li> </ul> <p>Two assaults happened at Leeuwkop Maximum            Inmate TM was assaulted by a fellow inmate, who walked into his cell and stabbed him with a sharp object, he sustained head and hand injuries, he was treated at a local hospital. The perpetrator was segregated.</p> <p>Two separate cases of assault (inmate on inmate) happened on 19 &amp; 21/09/2020 at Witbank CC and the inmates sustained injuries. The matters were reported to Witbank SAPS and assault cases were opened against the perpetrators.</p> <p><b>WCMR:</b>            Mostly fights amongst inmates that occurred at the centres.</p>										

Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Assault (Official on inmate): 170</b>	53	3	84	0	19	0	4	0	7	0
<b>Remarks</b>										
<b>CMR:</b>										
<p>ICCVs reported incidents of official on inmate assaults. Some of the inmates were allowed to open SAPS criminal cases, although several cases were withdrawn because of insufficient evidence. Several inmates did not want to pursue a criminal case.</p> <p>ICCVs reported incidents of official on inmate assaults at the following correctional centres: Goedemoed, Losperfontein, Klerksdorp and Potchefstroom. Inmates from Losperfontein CC alleged they were assaulted by officials when collecting cosmetics from the office.</p> <p>At the Klerksdorp CC, an inmate alleges being interrogated by an EST member wanting information on inmates who had cell phones.</p>										
<b>ECMR:</b>										
<p>Inmates were assaulted mostly by EST members at East London Max when conducting searches. Another inmate was assaulted by an official while he went to fetch his lunch box. A remand detainee at East London Medium B was assaulted by five officials at the dining hall; he also assaulted the official. Another remand detainee was assaulted for making a noise and one was assaulted for arguing with an official.</p>										
<b>KZNMR:</b>										
<p>Reports received from inmates incarcerated at Estcourt CC; Waterval Med A CC; Ebongweni CC; Kokstad CC and Matatiele CC alleged they were assaulted by DCS officials. The inmates alleged that use of force was unnecessarily used by DCS, which is tantamount to assault and as a result they sustained injuries. The inmates were given medical treatment and allowed to open a SAPS case of assault against the DCS officials.</p>										
<b>NMR:</b>										
<p>Baviaanspoort Med – an inmate alleged he was assaulted by officials during a search when they found two cell phones next to his bed. The inmate sustained injuries, was sent to the hospital and has six stitches. The investigator indicated that the inmate didn't indicate if he wanted to open a case with SAPS.</p> <p>Modderbee – an inmate alleged that officials found him with dagga and they assaulted him. He was taken to hospital.</p> <p>Assault on inmate SJ at Johannesburg Female, the inmate was allegedly assaulted by the captain of the section. Inmate SBM was assaulted by three officials in his cell and later segregated at JHB Med C.</p>										
<b>WCMR:</b>										
<p>Inmates at Drakenstein reported they were assaulted by EST officials during a search.</p>										
Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Assault (Sexual): 11</b>	15	0	2	0	0	0	3	0	1	0
<b>Remarks</b>										
<b>CMR:</b>										
<p>The alleged sexual assault occurred in Grootvlei Med A. ICCVs privately consulted the inmate in Grootvlei Med A and ensured that the inmate was seen by a medical practitioner. The inmate was enabled to open a case with SAPS. DCS is in the process of conducting an internal investigation and the matter was reported to DLS.</p> <p>The alleged sexual assaults occurred in Kimberley CC and Potchefstroom CC respectively. ICCVs privately consulted the inmate in Kimberley CC and ensured that the inmate was seen by a medical practitioner. The inmate opened a SAPS case. The ICCV questioned why a juvenile inmate was locked up/sent to an adult unit instead of being placed in the juvenile unit. Allegations of sexual assault were also reported from Colesberg CC and Tswelopele CC. The VCCO/ICCV to follow up on the matter.</p>										
<b>ECMR:</b>										
<p>An inmate was sexually abused by a fellow inmate in the communal cells in KWT. At St Albans, an inmate was sexually abused by another inmate.</p>										
<b>NMR:</b>										
<p>Thohoyandou Med A - Inmate DT alleges that he was sexually assaulted by another, but the inmate refused to open a case.</p> <p>Modderbee - Inmate MY alleges that when he woke up, he found his pants down and he did not hear anything, but he was sexually assaulted. The matter was reported to the police station.</p>										
<b>WCMR:</b>										
<p>An inmate at Pollsmoor RDF reported that he was raped by a fellow inmate; the matter was reported to SAPS.</p>										



Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Attempted Suicide: 25</b>	15	0	7	0	1	0	2	0	0	0
<b>Remarks</b>										
<b>CMR:</b>										
Inmates attempted suicide at the following correctional centres: Potchefstroom CC (one), Groenpunt Juvenile CC (two), Kimberley CC (one), Losperfontein CC (two), Richmond CC (one), Potchefstroom CC (three) and Sasolburg CC (one). The inmate at Potchefstroom attempted suicide by eating a light bulb. At Losperfontein an inmate cut himself and another overdosed using medication. The inmate at Sasolburg CC attempted suicide by hitting his head against the glass window because the inmate lost a money voucher. The inmate at Kimberley CC (one) attempted suicide because of withdrawal symptoms from drugs.										
<b>ECMR:</b>										
An inmate at King Williams Town was indecently assaulted by another inmate while he was accommodated at the communal cells. He did not want to reveal the name of the perpetrator, and then attempted to commit suicide.										
<b>KZNMR:</b>										
It is alleged that the inmate at Waterval Med A CC burnt himself after being placed in segregation. It is alleged that the inmate stole items from his fellow inmates whilst accommodated in a communal cell, therefore for his safety after he was threatened with violence by his fellow inmates, he was segregated and he consequently burnt himself and was admitted to hospital. The matter has not been investigated by JICS to determine the circumstances surrounding his detention.										
<b>NMR:</b>										
Odi – the inmate overdosed on his ARV treatment. Modderbee - Inmate MR attempted to commit suicide and was admitted at the THB Boksburg Hospital.										
Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Corruption: 18</b>	0	0	0	0	0	0	18	0	0	0
<b>Remarks</b>										
<b>NMR:</b>										
Kutuma-Sinthumule CC. The office received a list of the inmates who are complaining about their NFSAS bursary money which was withdrawn. ICCV consulted with the inmates and they all opened a case at Makhado SAPS.										
Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Hunger Strike: 7</b>	5	0	2	0	0	0	0	0	0	0
<b>Remarks</b>										
<b>CMR:</b>										
The alleged hunger strike occurred at Klerksdorp CC and Zeerust CC. An inmate refused to eat (hunger strike) for approximately seven days, demanding to be transferred closer to home to Boshof CC.										
<b>ECMR:</b>										
One inmate wanted a transfer and the other refused food because of traditional beliefs. Both were on a hunger strike for one day only, where after the matters were resolved.										

Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Inhumane Treatment: 22</b>	4	1	15	0	1	0	0	0	1	0
<b>Remarks</b>										
<b>CMR:</b> An inmate alleged that EST member inserted or put his hand in his anus during a search at Potchefstroom CC. VCCO is establishing the facts surrounding this matter.  An inmate alleges that he has been inhumanely treated by other inmates at Tswelopele CC and Sasolburg CC.										
<b>ECMR:</b> This is a result of inmates experiencing ill-treatment from other inmates, being repeatedly bullied by EST/NTT members and being isolated by other inmates when an inmate is accommodated at a new unit. An inmate was placed in the single cells without explanation and was handcuffed as if he was at maximum. The inmate was handcuffed because of his behaviour in the unit.										
<b>KZNMR:</b> The inmates at Ebongweni CC complained of inhumane treatment and assault by DCS officials on their admission after being transferred from Durban Med A CC. The inmates alleged that DCS officials poured cold water on them. The matter was brought to the attention of the HCC for investigation.										
<b>WCMR:</b> An inmate at Drakenstein CC complained that medical officials make fun of inmates when they register medical complaints.										
Nature of complaint	CMR		ECMR		KZNMR		NMR		WCMR	
	In	Ext	In	Ext	In	Ext	In	Ext	In	Ext
<b>Torture</b>	0	0	0	0	0	0	0	0	0	0

Table 16: Urgent complaints handled in regions from 1 July to 30 September 2020

### 2.2.3. Narrative on prevalent complaints

#### CMR complaints:

- **Other**  
ICCVs dealt with 331 cases under the category “other” which related to confirmation of physical addresses of inmates; SAPS cases; inmates requesting to see the HCC; unfairly removed from work rotation; and health.
- **Transfer**  
ICCVs dealt with 122 complaints regarding inmates requesting to be transferred closer to their families. DCS started to consider their application with effect from 1 September 2020. Furthermore, inmates who were transferred from the Western Cape to Tswelopele constantly requested to be transferred nearer to the families.
- **Assault**  
Most prevalent were inmate on inmate assaults. Some of these assaults are related to gangsterism and frustration, especially during the nationwide lockdown.

#### KZNMR complaints:

- **Assault (Official on inmate)**  
The majority of complaints that relate to assault were reported from Estcourt CC. The office received ten use of force notifications from the correctional centre, wherein it is alleged that the inmates refused to return to the section and as a result minimum force was used. In confirming the use of force notifications, the inmates alleged that they were assaulted by DCS officials. They wanted to open a SAPS case against the DCS officials. The latest report stated that the inmates were given medical treatment and DCS is investigating the incident and assisted the inmates to file a case of assault with SAPS. The region will monitor the process and ensure that the inmates are treated fairly and are not prejudiced.



An inmate who is incarcerated at Waterval Med A alleged that he was assaulted by DCS officials, who accused him of having an unauthorised item (weapon). The inmate was medically treated and DCS has commenced with an investigation on these allegations.

- **Legal Representation**

Access to legal representation has been a prevalent complaint from inmates during this quarter as registered with the ICCVs based at Pietermaritzburg Med A; Estcourt and Durban Med A correctional centres. During Alert Level 2, the Legal Aid SA representatives were not permitted to visit the correctional centres, therefore, inmates' access to their services were severely affected. Attempts to secure the attendance of Legal Aid SA representatives have proved to be unsuccessful because of the nationwide lockdown. With the migration to Alert level 1, the office is optimistic that inmates will be adequately attended to and the referral channels that exist with Legal Aid SA will be activated.

**NMR complaints:**

- **Transfers**

Inmates often submit requests for transfers to other centres to be closer to their families or to access certain programs. The challenge is that not all their requests are approved because of the unavailability of space in correctional centres, where they have applied. Inmates are encouraged to re-apply after a certain period.

- **Communication**

Inmates want to keep in touch with their families to inform them about their sentences and get assistance with their lawyers.

- **Health**

Inmates often make requests for medical assistance to the local hospitals.

**2.2.4. Complaints referred to regions by the Directorate: Legal Services (DLS)**

Table 17 below reflects the number of complaints referred to the regions from the DLS Complaints Unit. These complaints are more effectively dealt with within the regional complaints mechanisms and the resolutions reported to DLS monthly.

The table depicts a total of 26 complaints were referred to the regions, 23 complaints were unresolved from the previous quarter because of the nationwide lockdown. The nature of the complaints referred include: transfers, appeals, hunger strikes, assaults, conditions, food and other, communication with family, parole, remission and other.

Management regions	Number of complaints received from DLS	Number of complaints pending	Remarks
<b>CMR</b>	5	0	<p>An inmate incarcerated at Mangaung requested to be transferred to another centre. The inmate was advised to submit a transfer application. The case was closed.</p> <p>An inmate was incarcerated at Sasolburg, he was released from Sasolburg CC on the 06.02.2020. The case was closed.</p> <p>The offender was advised to make an application for a transfer.</p> <p>DLS is dealing with an official on inmate assault at Losperfontein CC.</p> <p>An inmate at Tswelopele no longer on hunger strike as from 22/08/2020. Inmate wants to be transferred.</p>
<b>ECMR</b>	0	3	<p>A transfer could not be processed because of the Covid-19 pandemic. Response from EC DCS Regional Office- 2/9/2020 Awaiting feedback from NCCS – Response from the HCC- 5/9/2020.</p> <p>The transfer could not be processed because of the Covid-19 pandemic. Response from EC DCS Regional Office- 2/9/2020.</p>
<b>KZNMNR</b>	1	1	<p>This matter was referred to the ICCV on 23 September 2020. The ICCV has advised this office that the matter is under investigation by DCS.</p>
<b>NMR</b>	14	5	<p>A letter dated 17/07/2020 was sent to HCC by DLS. The HCC was requested to provide a report by the 31<sup>st</sup> July 2020. The VCCO to follow up on the matter.</p> <p>Remission: inmate is not satisfied with the outcome of his remission request.</p> <p>Other: The inmate complained about doing manual labour, the matter was tabled with the HCC and an investigation is pending.</p> <p>Appeal: the inmate needed a follow-up on his appeal. Legal Aid SA to resume their visits on 12 October 2020.</p> <p>Rehab Program/Confiscation: the ICCV consulted with the inmate and still awaiting a response from the HCC.</p> <p>Health/Food: the inmate had Covid-19 symptoms and when he recovered the special diet was stopped.</p>
<b>WCMR</b>	6	14 pending including those from the previous quarters.	<p>ICCVs/VCCO consulted with inmates and communicated with HCCs. ROCs to be submitted by ICCVs to update these matters.</p>
<b>TOTAL</b>	<b>26</b>	<b>23</b>	-

Table 17: DLS complaints referred to DMR from 1 July -30 September 2020

### 2.3. Stakeholder engagement/Visitors Committee (VC) meetings

VC meetings form an important part of the dialogue between JICS, DCS and other stakeholders to discuss unresolved inmate complaints and to amicably resolve them. The following VC meetings were held in the regions:

Region	Planned VC meetings for the quarter	The actual number of VC meetings held	Number of complaints referred to VC	Number of complaints resolved	Number of complaints referred to IJ	Reasons for deviation from the planned meetings	Corrective steps if planned meetings were not achieved
ECMR	8	8	14	7	1 - Inmate SM from St Albans feedback finalised.	None	None
CMR	9	9	14	7	0	None	None
KZNMR	7	7	11	7	1 - Pietermaritzburg assaults	None	None
NMR	7	7	13	10	0	None	None
WCMR	6	2	28	0	0	Because of Covid-19 incidents at centres and challenges with internet connections, virtual meetings could not take place. Fifteen ICCV vacancies across the region also hampered the convening of VC meetings.	The rest of the VCs are planned for the next quarter to comply with the governance calendar.
<b>DMR Total</b>	<b>37</b>	<b>33</b>	<b>80</b>	<b>31</b>	<b>2</b>	<b>-</b>	<b>-</b>

Table 18: VC meetings held from 1 July - 30 September 2020

## 2.4. JCPS cluster interventions (Case Flow Management Forum, PEEC and DPP)

With the gradual lifting of the nationwide lockdown regulations, the regions were able to participate at the various stakeholder meetings, focusing on the various areas of concern regarding inmates. Seven stakeholder meetings and engagements were attended, ranging from forum meetings on bail remands, mental health inter-sectoral collaboration, and case flow management forums to webinar presentations. A variety of topics and resolutions were discussed, as reflected in Table 19 below.

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
CMR	Stakeholder Engagement SAHRC Webinar	28/8/2020	<ul style="list-style-type: none"> <li>a) Nature &amp; number of complaints received by JICS during the lockdown,</li> <li>b) How these were resolved</li> <li>c) Any areas of concern highlighted</li> <li>d) Recommendations you would like to make to ensure that DCS protects the rights of persons in detention.</li> </ul>	SAHRC, IPID, LEGAL AID SA and JICS must collaborate and assist each other monthly.
ECMR	Regional Forum	26/8/2020	<ul style="list-style-type: none"> <li>• Status of RD's and court appearances</li> <li>• Release of RD's because of Covid-19 pandemic.</li> <li>• Challenges with incorrect lists were identified</li> <li>• Status of Psychiatric Hospitals</li> <li>• Fort England Psychiatric hospital suspended submissions because of Covid-19 pandemic until October 2020</li> <li>• State Patients at Correctional Centres</li> <li>• Challenges at Mthatha Remand with no movement at all.</li> </ul>	<ul style="list-style-type: none"> <li>• Regulations were eased and inmates will attend courts on an incremental basis.</li> <li>• It was resolved that proper name lists of RDs must be submitted to Senior Prosecutors.</li> <li>• Proper communication from Fort England will be forwarded to the DPP's Office.</li> <li>• JICS to take the matter further to the national level to identify new wings as EC lacks space to house psychiatric patients.</li> <li>• Consider transferring state patients to other provinces.</li> <li>• Redirect orders to EC psychiatric hospitals.</li> </ul>
KZNMR	Provincial Forensics Mental Health-Inter-sectoral Collaboration Meeting	31 August 2020	<p>Discussions:</p> <ul style="list-style-type: none"> <li>• Out-patient possibility and attending clients at correctional centres.</li> <li>• The significant budget is given to the Department of Health to deal with a backlog of all outstanding cases that are referred for mental health observation, and the budget will be utilized to secure the services of a private psychiatrist to assist in dealing with the backlog.</li> </ul>	<ul style="list-style-type: none"> <li>• The Inter-sectoral Committee has scheduled a visit to Pietermaritzburg Med A CC.</li> <li>• A steering committee will be established to oversee that the budget is used optimally to address the plight.</li> </ul>

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
NMR	CFM	7 <sup>th</sup> July	Emergency Case Flow Management Meeting in Piet Retief <ul style="list-style-type: none"> <li>Concerns on the long postponement of cases.</li> <li>Issuing of further 30 days detention after sentence expiry of non-national inmates.</li> </ul>	<ul style="list-style-type: none"> <li>The regional magistrate was requested to question the attorneys when they request postponement of cases for the same reasons.</li> <li>DCS committed themselves to request their national office for permission of non-contact visits for attorneys with clients in exceptional cases.</li> <li>The automatic approval by Magistrates of 30 days further detention of non-national inmates after their sentence has expired will be exercised with caution.</li> <li>15 non-national detainees were repatriated to Swaziland after approximately 10 working days of the Emergency Case Flow Management meeting.</li> <li>It was agreed that DCS will prepare 20 non-national inmates on the 13th July 2020 at 04:00 for deportation.</li> <li>DCS and Home Affairs agreed to improve their communication and readiness to assist each other during the repatriation process of non-nationals.</li> <li>All 20 non-national detainees were repatriated to Zimbabwe after 3 working days of the meeting with Home Affairs.</li> </ul>
	Meeting with Home Affairs	9 <sup>th</sup> July	<ul style="list-style-type: none"> <li>Release of inmates with bail less than R1000</li> <li>Consultation of inmates during the lockdown.</li> <li>Home Affairs Meeting at Lydenburg</li> <li>Deportation of non-national inmates.</li> </ul>	
Acting DMR	Webinar	14 August 2020	The webinar was hosted by the SAHRC to highlight the plight of Women in Detention (Places of Deprivation of Liberty)	Reflections by various stakeholders on the issues affecting women and their vulnerabilities in places of deprivation.
<b>DMR TOTAL</b>	<b>7</b>			

Table 19: Stakeholder engagement meetings from 1 July – 30 September 2020

## 2.5. State patients incarcerated

The incarceration of state patients in correctional facilities is not the most desired place of detention, as these individuals require specialised services to attend to their needs. These services are not always readily available in correctional centres, which may be harmful to the state patient, inmates and officials. During this quarter, a total of 194 state patients were housed at correctional centres, including two females, with a decrease from the previous quarter by 26.

Region	Number of sentenced male state patients	Number of sentence female state patients	Number of remand detainees male state patients	Number of remand detainees Female state patients	REMARKS
CMR	0	0	55	0	The state patients are incarcerated at the following CCs: Grootvlei (41), Kimberley (ten) and Vereeniging (four). As reported by ICCVs, incarceration and observation is satisfactory.  Previously, we reported the state patients incorrectly under sentenced male instead of remand detainees.
ECMR	5	0	88	2	There is an increase in state patients in the EC. Grahamstown (three), King Williams Town (five), East London Remand (28), EL Females (two), Graaf Reinet (one), Mthatha Remand (22), Mt Fletcher (five), Lusikisiki (one), Butterworth (eight), Queenstown (one), Burgersdorp (one), St Albans Med A (18).
KZNMNR	0	0	22	0	The region has 22 state patients. They are accommodated as follows: Qalakabusha CC (one); Ladysmith CC (seven); Vryheid CC (four) and PMB Med A (ten) The number of state patients has decreased from 27 to 22, this is indicative of positive efforts that are made by the Provincial Forensic Mental Health Inter-sectoral Committee.
NMR:	0	0	22	0	Witbank CC (nine); Kgosi Mampuru Local <ul style="list-style-type: none"> <li>• Modderbee (four)</li> <li>• Krugersdorp (two)</li> </ul>
WCMR	0	0	0	0	
<b>TOTAL: 194</b>	<b>5</b>	<b>0</b>	<b>187</b>	<b>2</b>	

Table 20: State patients incarcerated from 1 July - 30 September 2020

## 2.6. Non-nationals (sentenced & remand detainees) in correctional centres

The incarceration of non-nationals in correctional centres comes with various challenges such as language barriers, no contact with their families because of the distances and cost involved, as well as the threat of deportation. Some regions are also reporting higher numbers of non-nationals because of their proximity to the country's borders.

Through our monitoring of this category of inmates, JICS has initiated discussions with DCS and other stakeholders to address these challenges and promote the rights of non-nationals in our correctional centres. Table 21 below illustrates that 11 374 non-nationals were incarcerated within our correctional facilities for this quarter, of which 5072 were sentenced and 6302 remand detainees.

Regions	Number of non-nationals incarcerated			
	Sentenced		Remand detainees	
	Male	Female	Male	Female
CMR	702	0	559	0
ECMR	107	6	0	0
KZNMR	228	7	461	2
NMR	3351	159	4047	140
WCMR	489	23	1087	6
<b>TOTAL</b>	<b>4877</b>	<b>195</b>	<b>6154</b>	<b>148</b>

Table 21: Non-nationals in correctional centres from 1 July – 30 September 2020

## 2.7. Covid-19 reporting

During the Covid-19 pandemic, it became necessary for JICS to monitor the prevalence of the corona-virus in the regions, as well as at the correctional centres, where it concerned our staff and inmates. Table 22 below reflects the Covid-19 reporting as at 30 September 2020, at a regional level.

Regional breakdown

Regions	JICS officials	DCS officials	DCS official deaths	Inmates	Inmate deaths	Total
Eastern Cape	0	15	6	36	9	<b>66</b>
Western Cape	0	6	0	1	0	<b>7</b>
Gauteng	0	909	17	338	18	<b>1282</b>
Kwazulu-Natal	0	691	10	278	6	<b>985</b>
Limpopo, Mpumalanga and North West	0	380	4	49	3	<b>436</b>
Free State and Northern Cape	0	45	14	0	0	<b>59</b>
<b>TOTAL</b>	<b>0</b>	<b>2 046</b>	<b>51</b>	<b>702</b>	<b>36</b>	<b>2835</b>

Table 22: Report on Covid-19 from 1 July – 30 September 2020

## 2.8. Special parole dispensation

As a response to combat the challenge of overcrowding and Covid-19 in correctional centres, the Minister of Justice and Correctional Services announced on 8 May 2020, special parole releases for approximately 19 000 inmates who qualified to be placed on parole. As at 30 September 2020, Table 23 below illustrates the Covid-19 special parole dispensation.

Covid-19 special parole dispensation				
Region	Identified inmates to benefit from early release	Inmates already released	Still to be released	Scheduled dates
CMR	2413	1820	593	DCS is continuing the project, there is no timeline given for completion of the process.
ECMR	1709	1038	671	
KZNMR	2427	1949	478	
NMR	2518	2203	315	
WCMR	3689	2206	1483	
<b>TOTAL</b>	<b>12756</b>	<b>9216</b>	<b>3540</b>	

Table 23: Covid-19 special parole dispensation from 1 July – 30 September 2020



## PART C: HUMAN RESOURCES

### 3. Organisational establishment structure

#### 3.1. Approved establishment structure as at 30 September 2020

As at 30 September 2020, there were 86 approved and funded positions on the fixed establishment. There were 79 filled posts and seven vacant posts (8.14% vacancy rate). The closing date for the advertised vacancies were 7 August 2020 and applications were captured, shortlisting and interviews were scheduled for October 2020. Table 24 below illustrates the current vacancies for the second quarter.

#	Level	Description	Status
1	Level 5	Secretary – CEO	Advertised
2	Level 5	Admin Clerk – Mandatory	Advertised
3	Level 7	VCCO – CMR	Advertised
4	Level 8	Case Officer – Complaints	Advertised
5	Level 9	ASD: HRM & Development	Advertised
6	Level 11	Deputy Director: Complaints & Mandatory	To be Advertised
7	Level 13	Director: Management Regions	Advertised

Table 24: Vacancies as at 30 September 2020

#### 3.2. ICCVs

In total 81 of the 90 ICCV vacancies were advertised on 17 July 2020 with the closing date of 7 August 2020. The additional nine positions became vacant because of resignations. All applications were captured, shortlisting was scheduled for October 2020. Interviews to be conducted in October and November 2020.

Filled posts	167/65%
Vacant posts	90/35%
Correctional Centres under construction	2/0.7%
<b>Total number of ICCV posts</b>	<b>259</b>

Table 25: ICCV post establishment as at 30 September 2020

### 3.3. Employment equity

Table 26 below illustrates the number of employees in each occupational category as at 30 September 2020.

Level	Males				Females				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Top management (Level 15-16)	-	-	-	-	-	-	-	-	-
Senior management (Level 13 – 14)	-	-	1	1	1	-	-	-	3
Professionally qualified and mid-management (Level 11-12)	3	1	-	1	1	1	-	-	7
Skilled technical and academically qualified workers, junior management supervisors, (Level 7-10)	13	8	-	-	19	3	1	-	44
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>23</b>	<b>10</b>	<b>1</b>	<b>2</b>	<b>33</b>	<b>9</b>	<b>1</b>		<b>79</b>
<b>Non-permanent</b>	3	1	-	1	5	3	-	1	14
<b>ICCVs</b>	70	4	1	-	82	9	1		167
<b>Total</b>	<b>96</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>120</b>	<b>21</b>	<b>2</b>	<b>1</b>	<b>260</b>

Table 26: Employment equity as at 30 September 2020

Table 27 below illustrates the employment equity percentage (including employees with disabilities) within JICS as at 30 September 2020.

Black		Coloured		Indian		White		People with disabilities	
Male	Female	Male	Female	Male	Female	Male	Female		
95/36.5%	120/46.2%	15/5.8%	21/8%	2/0.7%	2/0.7%	3/1.2%	1/0.4%	1/0.4%	-

Table 27: Employment equity percentages as at 30 September 2020

### 3.4. Performance agreements

The 2019-2020 performance assessments

Final assessments are outstanding because of the nationwide lockdown, the moderation panels could not be constituted, and remedial actions are underway. It is envisaged that the 2019/2020 performance assessments will be finalised by end of November 2020.

### 3.5. Labour relations

Misconduct cases:

One misconduct case (ICCV) was reported for the alleged smuggling of cigarettes into the Krugersdorp CC during the Covid-19 nationwide lockdown Level 3, on 31 August 2020. A formal disciplinary enquiry is scheduled for the 12 October 2020.

#### Outstanding misconduct cases:

- During the 2019/2020 performance cycle, two officials were subjected to misconduct proceedings.
- During the quarter under review, one disciplinary hearing was concluded, the alleged allegations were:
  - **Allegation 1:** Wilfully, intentionally or negligently caused damage and loss to a state vehicle,
  - **Allegation 2:** Wrongfully used or possessed a state vehicle (VW Polo), in contravention of the Departmental Transport Procedure Manual, and
  - **Allegation 3:** Prejudiced the administration, discipline or efficiency of JICS.

The official was found guilty on allegations one and two. The sanction of a two months suspension without pay has been implemented and confirmed by the delegated authority.

- The second misconduct matter was also finalised, the allegations were:
  - **Allegation 1:** Failed to carry out a lawful order or routine instructions without just or reasonable cause, in contravention of the Departmental Transport Procedure Manual, and
  - **Allegation 2:** Prejudiced the administration, discipline or efficiency of JICS, in contravention of the Departmental Transport Procedure Manual.

The presiding officer's report concerning the matter was still outstanding as at 30 September 2020.

#### Grievance for the period 1 July to 30 September 2020.

Two grievances were dealt with during the second quarter. One grievance was amicably resolved and the other remains unresolved.

#### Resolved grievance

An ICCV lodged a grievance against his supervisor (VCCO), claiming victimisation, harassment, and conspiracy. With the intervention of management, the grievance was amicably resolved.

#### Unresolved grievance

The unresolved grievance relates to the rectifying of an irregular salary adjustment. Upon the finalisation of an investigation into this matter, it was recommended that all irregular salary adjustments affecting officials must be rectified and recovered. The matter currently proceeds with the intervention and assistance of legal services.

#### Unresolved grievances from the 2019/2020 performance cycle

##### 1) A grievance was lodged on 25 January 2019

The official applied to the Labour Court, Western Cape: Cape Town, discussions are ongoing and await the finalisation of the pre-trial meeting minutes.

##### 2) Grievance lodged 28 February 2019

The matter was referred on 15 April 2019 to PSCBC for conciliation.

On 20 November 2019, the official requested arbitration in terms of the LRA 7.13 in the same matter.

The matter was set down for arbitration on 28th August 2020. The parties agreed to submit written arguments as directed by the chairperson/commissioner as follows:

- Applicant's head of arguments to be submitted by 14 September 2020.
- Respondents/employer answering head of arguments to be submitted 28 September 2020.
- Applicant's replying head of arguments was due by 9 October 2020.
- The outcome of the arbitration as at 30 September 2020 was still awaited.

### 3.6. Nationwide lockdown and Covid-19 pandemic

The following interventions were actioned during the nationwide lockdown in compliance with the Covid-19 pandemic alert levels during the second quarter:

- **Circular 17 of 2020**, dated 8 July 2020 - Submission of PMDS 2020/2021.
- **Circular 18 of 2020**, dated 19 August 2020 - Release of JICS File Plan.
- **Circular 19 of 2020**, dated 2 September 2020 - Authorization for Removal of State Equipment.
- **Circular 20 of 2020**, dated 28 September 2020 - State of Disaster: Implementation of measures for Step-Down to Alert Level 1.



## PART D: FINANCE AND SCM

### 4. Budget

Budget for 2020/2021 financial year as at 30 September 2020

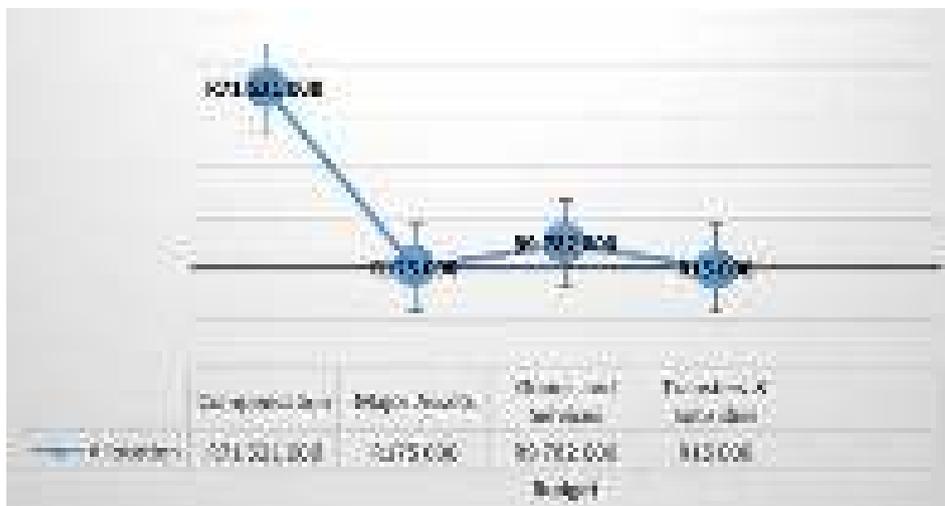


Figure 1: Budget for 2020/2021 financial year

### 5. Expenditure

Overall expenditure for 1 April 2020 to 30 September 2020 is depicted as follows:

Expenditure excluding commitments

R 31 290 067.70

Expenditure including commitments

R 32 846 052.81

Commitments

R 1 555 985.11

#### Reasons for underspending by 4.15% on SCOA items

Compensation of Employees: 41.04%                      Ideal: 50%                      Deviation: 8.96%

Underspending is due to vacant positions within the organisation, the following funded permanent posts are in the process of being filled:

- Assistant Director Human Resources
- Visitor Committee Coordinator
- Senior Case Officer
- Independent Correctional Centre Visitors
- Contract Admin vacancies

Goods and Services: 26.37%                      Ideal: 50%                      Deviation: 23.63%

Underspending was due to nationwide lockdown in terms of the Disaster Management Act which resulted in the suspension of several activities, which influenced organizational spending. The easing of restrictions to level 1 impacts positively as suppliers are starting to submit their invoices for payment.

Transfers and Subsidies: 18.24%                      Ideal: 50%                      Deviation: 31.76%

Underspending due to the bulk of JICS vehicle licenses due for renewals towards the end of the financial year.

Capital Assets: 519.91%                      Ideal: 50%                      Deviation: -469.91%

The overspending was due to capital expenditure commitments generated for the entire financial year, these are contract obligations, and as a result, funding has been set aside.

The following personal protective equipment (PPE) and Covid-19 essential items were procured during 1 July – 30 September 2020.

- 1000 x cloth face masks (washable 90% of all particles over 0.2 microns (N95 mask).
- 30 x 5lt hand sanitizers.
- 250 x 200ml of plastic spray bottles (re-useable environmentally friendly).
- 250 x plastic face covers (with an adjustable headband).
- 1500 x surgical gloves.
- 290 x boxes (100's) surgical gloves.
- 1200 x 3-layer cloth masks.
- 30 x 5lt 70% alcohol-based sanitizers.

These PPE and Covid-19 essentials were distributed to all regions.

## 6. Fleet/transport management

Table 28 below reflects the distribution and allocation of JICS' state vehicles to the offices and regions.

Office/management region	Total
Pretoria head office	3
NMR	5
CMR	4
KZNMR	4
ECMR	5
WCMR	6
<b>Total</b>	<b>27</b>

Table 28: JICS fleet management as at 30 September 2020

Fleet operating costs for the period under review:

- July 2020: R 29 674.14
- August 2020: R 23 238.52
- September 2020: R 43 115.09

The total fleet operating cost for this quarter was R 96 027.75.

JICS is procuring seven new vehicles, to replace the following vehicles that were involved in accidents and vehicles with high mileage.

Office/management region	Total
Pretoria head office	1
NMR	2
CMR	1
KZNMNR	1
ECMR	2
<b>Total</b>	<b>7</b>

Table 29: JICS new vehicle distribution (additional)

## 7. Property and facilities management

Current leases on property as 30 September 2020:

Physical address	Type of agreement	Status on 30 June 2020	Monthly rental
Western Cape Management Region: 9 <sup>th</sup> Floor, Standard Bank Building, 1 Thibault Square, Cnr Long & Hans Strijdom Avenue, Cape Town	Lease	Lease agreement approved for three years	R 149 632.29
Central Management Region: 3 <sup>rd</sup> Floor, 62 Andrew Street, Bloemfontein	Lease	Lease agreement approved for three years	R37 510.00
Northern Management Region: 265 West Ave, Tuinhof, Karee (West Block) Centurion	Month to month	The tender process is being facilitated by DPW	R 29 536.80
KZN Management Region: 8 <sup>th</sup> Floor, 275 Anton Lembede Street, Durban	Lease	Lease agreement approved for three years	R59 665.32

Table 30: JICS property lease as at 30 September 2020

- Pretoria Head Office is currently accommodated at the SALU Building in Pretoria.
- Eastern Cape Management Region is temporarily accommodated at the East London Magistrates Court. The procurement of permanent accommodation for ECMR is currently being considered.
- The tender for the procurement of alternative lease accommodation for the Northern Management Region and Pretoria Head Office was advertised in November 2019. Following the viewing of five prospective buildings, Steyns Towers, 271 Pretorius Street and Eco Fusion 5 Block F, 1004 Teak Close, Witch Hazel Avenue, Centurion was recommended to DPW for consideration, no progress has been received on the finalisation of the new accommodation from either DPW and/or DCS.



## PART E: INFORMATION TECHNOLOGY

### Projects

#### 1. Distribution of computers for ICCVs in correctional centres

The ICCVs currently do not have access to computers at correctional centres. The JICS' project commenced in January 2020 to equip ICCVs with the tools of the trade, which include amongst others, the distribution of computers to the respective correctional centres. This project has been temporarily stopped because of the nationwide outbreak of the Covid-19 pandemic.

#### 2. Development and integration of JICS MIS into DCS E-Corrections.

During 2016 the reporting system crashed. DCS is developing a new E-Corrections system. On request from DCS GITO, JICS submitted their requirements; these were integrated into the new system.

The system is now operational and has increased the efficiency of JICS. The following JICS officials have been granted access to DCS E- Corrections:

- Six managers,
- Eight inspectors, and
- 15 VCCOs.

#### 3. Development of JICS new website

JICS IT entered into a working relationship with DCS GITO. Together the teams are looking at possible IT solutions for JICS and include the following:

- DCS GITO is looking at various options for the creation of a new domain for JICS, on an active directory, which will form part of the existing DCS, IT Infrastructure.
- This suggests that JICS will have its separate domain from DCS for its website and e-mails and will be housed within the same active directory of the DCS Infrastructure.
- Additional funding has been requested and received from DCS for information technology services which include the procurement of two servers and video conferencing systems for five offices.

### Challenges

- JICS current website poses various challenges as it is often offline. During content uploading, the website crashes and displays an error message indicating it has exceeded the allocated memory. DCS GITO is addressing these challenges.

### Solutions/achievements

- DCS GITO applied to SITA to register a JICS domain controller on 28 September 2020. The estimated time to finalise the domain setup is by the end of October 2020, and the migration of the JICS website and mailboxes to the [jics.gov.za](http://jics.gov.za) domain will be completed during November 2020.
- The JICS MIS for Complaints and Mandatory reporting was integrated into the DCS's E-Corrections; this eliminates report duplication and provides online live information on all mandatory reporting issues.



## PART F: MEDIA AND COMMUNICATIONS

### Media

JICS engaged in several media activities during the second quarter namely: media releases, requests and responses.

The media enquired on several matters that included Covid-19. The issue that received a lot of media attention was the JICS report on the allegations concerning Judge-President Hlophe and his Deputy, Judge Goliath. This was leaked to the media by sources other than JICS. Other listings are:

#### For the second quarter the media concentrated on:

- Prisoners are not being seen as human beings.
- St Albans inmates on prolonged hunger strike over alleged beatings and growing Covid-19 concerns.
- South Africa should end its trade and use of torture equipment.
- Prisoners at Brandvlei starved of water.
- Prisoners fear for their lives at Sun City as Covid-19 wave spreads.
- DCS officials in trouble for giving special treatment.
- Covid-19 statistics and deaths.
- Foreign nationals in correctional centres.
- DCS considering prison visits under Alert level 2.
- JICS Op-Ed.
- Hlophe Report.

### Internal communication

Internal communication increased exponentially during the Covid-19 pandemic to ensure that all staff are kept up to date with real-time information on what is happening in South Africa, within JICS and to keep staff motivated during this difficult time globally.

The JICS internal WhatsApp group system continues to be an effective tool that provides staff access to information through a network of managers and staff groups.

This also allows for feedback from staff with the introduction of various types of communication, which includes desk-drops, social media videos and gifs. A variety of tools will continue to keep the target audience engaged and make communication more effective.

The following internal communications were released during the second quarter:

- Presidential Imbizos on Covid-19
- Stop GBVF – Mandela Month
- Covid-19 Stats
- Protecting Each Other Poster
- Video: IJ six months in office
- Circular 17/2020- Submission of PMDS documents 2020

- Violence is not the answer poster
- Condolence On The Passing Of A Loved One.
- Level 3 Restrictions remain in place infographics
- Covid-19 Emergency warning signs poster
- How to use a disposable mask poster
- JICS guidelines and directives on working from home in terms of the Disaster Management ACT, 57 OF 2002
- Mandela: Let's support each other poster
- Video: COVIDConnect
- Pretoria Head Office Closed for De-Contamination
- Covid-19 Prevention on Public Transport
- DOJCD Budget Vote
- Level 3 restrictions remain in place
- Fighting the Covid-19 Stigma
- Mandela: Lifespan of GBVF
- Covid-19 Mental Wellbeing
- Staff Posters campaign
- SA Crime Stats
- JICS Women's Month Profile
- Temporary Covid-19 care away from home
- Taking Control in the Workplace
- Workplace Health and Safety Procedures for Covid-19
- Acting Deputy Director: Finance and SCM
- Circular 18 of 2020: JICS - File Plan
- JICS First Quarterly Report | 1 April – 30 June 2020
- National Hygiene Strategy and Implementation Plan
- JICS Workplace plans Alert level 2
- JICS Staff Covid-19 Stats
- JICS Women's Month Profile
- Office of the CEO: Update August 2020
- Anxiety during a Pandemic
- Scheduled downtime for the Justice Domain | 28 Aug-30 Aug 2020
- Circular 19 of 2020 - Authorization forms for removal of state-owned equipment/ property
- Fatigue During Illness – Covid-19
- Heritage Month
- Public Servants Month Campaign
- Financial Accountability – Covid-19
- Virtual Meeting Etiquette
- Bursary Application | 2021 Academic Year
- Covid-19 SA Stats
- Employment Assistance Program Brochure
- DCS Covid-19 Stats
- Compulsory Online Course: Ethics in the Public Service
- Tribute to and Appreciation of Mr Umesh Raga
- President to address the Nation 16 September 2020
- Alert Level 1 Infographics
- Communication Strategy – Covid-19
- IJ Video to Staff
- Heritage Day
- Covid-19 Alert Level-1 JICS Poster
- Alert Level-1 Re-opening Borders



Figure 2: JICS media analysis and internal communications from 1 July – 30 September 2020

Figure 2 above illustrates the media engagement and internal communication during this quarter.

### Other matters reported

#### JICS annual and quarterly report

- JICS Annual Report (AR), the electronic version (including the annual report summary) was finalised during this quarter, and the printed version will be available in October 2020.
- An ISBN was created for the JICS Annual Report 2019-2020, which is a unique code for the identification of a product, promotes communication between producers, publishers, vendors, distributors, retailers, libraries and information centres. The ISBN serves as an inventory code; order fulfilment tool; bibliographical element in the catalogue; and is used in national and international bibliographical databases. This is a first for JICS, and will therefore be generated annually.
- The presentations for the annual report to the Minister of Justice and Correctional Services and Deputy Minister of Correctional Services were held respectively on the virtual platform via Microsoft Teams.
- The JICS Quarter 1 Report was finalised and released to all stakeholders during the second quarter.

#### Internal communication and campaigns

- Social media videos created: Covid-19 related messaging.
- JICS Communications initiated a campaign for Women's Month that highlighted female staff in JICS.
- JICS Communications initiated and completed the Public Servants Campaign, with a heart-warming response from staff who participated in the campaign.
- Office of the CEO update e-deskdrop was created and distributed.
- Covid-19 campaign messaging using staff completed.
- The IJ released the third video to the staff.
- Covid-19 campaign messaging using staff was completed, health messaging continues.

#### Media

Concern remains about timeous and accurate reporting being received from DCS, to enable Communications to be able to respond to media.

Communications received an exceptional number of requests about Covid-19 related statistics and deaths, in particular from AmaBhungane and News24, which required several follow-up responses.

- A meeting was held with DCS on the 15th, to discuss any statistical discrepancies between DCS and JICS annual reports. An agreement was reached to meet regularly, to ensure that information provided correlates and is regularly updated.
- A specific communications approach was taken concerning the Hlophe matter since JICS provided the report was to the stakeholders.

#### Branding

- A request for calendars and diaries was initiated with the designer and the procurement process commenced in the first week of October 2020.
- A new JICS presentation template will be developed and released to all JICS staff during October 2020, to be utilised as the official branded template for the rest of the financial year, until the release of the new 2020/2021 annual report.











