

PORTFOLIO COMMITTEE ON CORRECTIONAL SERVICES

Departmental Responses to Questions emanating from the Budget Hearings

Unnatural deaths in prison

Does this poses a problem for DCS, if so, why? Are unnatural deaths related to the issue of shortage of personnel, especially health care personnel?

Response:

There is a problem of unnatural deaths with the Correctional Centres and this phenomenon is viewed in a serious light within the Department. As an organ of state, the department is compelled to uphold the principles contained in the Bill of Rights, OHSA and to implement the Correctional Services Act. All these statutes require that the department should not only ensure safe working environment but should that offenders are detained in humane conditions.

However, unnatural deaths do not only result from shortage of health care personnel but multiple other factors like;

- homicides,
- suicides
- accidents
- Assaults
- Overcrowding impeding proper supervision on continuous basis
- Gangsterism

Correctional Services Act obliges the Head of Correctional Centres to report all incidents of unnatural deaths to the Inspecting Judge.

Social Reintegration Programme:

This is a new programme in the DCS. The DCS stated that it would develop new programmes for community supervision, pre release and reintegration. Elaborate on the effectiveness of these programmes.

Response

Indeed the departmental programme: Social Reintegration is new following the approval of the White Paper by the Cabinet. In the previous budget programme activities related to Social Reintegration were conceived and limited in scope to community corrections.

The department is in the process of finalising a Position Paper on Social Reintegration and major activities aimed at rolling out Social Reintegration will begin during the month of June.

Meanwhile the work of community corrections continued including activities aimed at promoting non-custodial measures as prescribed in various statutory instruments and international protocols.

Programmes for Pre-Release

Pre-release programmes were developed during the Special Remission Process which all offenders who qualified for the Special Remission attended.

The Pre-release programmes were subsequently enhanced and are currently being presented to all sentenced offenders prior release.

The Pre-release Programmes are presented by vocational staff as well as functional staff and where possible NGO's and CBO's are also involved.

Intersectoral Co operation and Alternative sentencing

*What is the role of the DCS in Intersectoral bodies that exist in the regions?
Does the DCS promote Alternative sentencing?*

Response

The DCS participate mainly in 4 cluster of government in all provinces. These are; JCPS, Social Cluster, Governance and Administration and IRPS. The department further participate in various other forums established by provincial government and continuous liaise with provincial legislatures

At local level Area Management offices are encouraged to participate in IJS structures not only for promotion of alternative sentencing but for continuous improvement of Case Flow Management (to alleviate overcrowding)

Anti gang Strategy

The Committee is aware that this strategy has been developed, but it is interested in its implementation and successes.

Response

Current DCS Strategies in handling gangs and preventing gang violence mainly focus on the following aspects:

- Upon admission to Correctional Centres and regularly afterwards, all inmates are informed of the existence of "prison" gangs and warned of the negative consequences that the participation in gang related activities may have for them. Similarly all inmates are informed of the complaints and grievance mechanism that is in place in every Correctional Centre that allows inmates to report incidents of gang-related offences and cases of intimidation of individuals to the Correctional authorities.
- During basic training and regularly afterwards, custodial officials are made aware of the nature and operations of "prison" gangs and the danger they pose to them as staff members.
- Correctional officials are regularly sensitized to be on the lookout for gang-related activities and to report gang activities to the Head of the Correctional Centre/Management.

- Separation of gang members/leaders if any gang activities are noticed.
- When information with regard to planned gang activities is received or when gang fights occur gang leaders and/or instigators are separated from their support base. This normally has the consequence that gang activities are suppressed.
- Heads of Correctional Centres employ tactics such as the separation and isolation of gang members/leaders from other inmates and the introduction of special measures to protect inmates that are vulnerable or prone to gang-related activities and intimidation.
- Known gang leaders and prominent members of crime syndicates are isolated from other inmates and kept under strict supervision and control.
- Incidents relating to gang activities are investigated and disciplinary steps are taken, or where necessary the matter is reported to the South African Police Service for criminal investigation.
- All incidents of violence, assault, gang fights and unrest, whether gang related or not are investigated departmentally, and all incidents of assault are reported to the South African Police Service for criminal investigation.
- The Department is, however, also in the process of developing a specific anti-gang strategy. This is, however, a very difficult and complicated task and although research and consultation with various role-players were done in 2005 further consultation in the different regions will still be done in 2006 with a view of obtaining a more representative understanding of gangs in the different regions. The inputs obtained during these consultation processes in regions, will also be utilized in drafting an Anti-gang strategy for the Department. In terms of our Strategic Plan, a Draft of the Strategy will be developed during this financial year.
- It is important to be noted that gang culture is not a phenomenon unique to Correctional environment, it is in fact a manifestation of gang culture in our communities.

Morale of staff

The Committee is aware of the low morale amongst staff members especially in terms of salary packages. The Committee has also been briefed about the

Promotion policy of the DCS where staff on certain levels would have been promoted. The Committee is interested in the successes of this project and whether it has been fully implemented. Does the low morale of staff contribute to issues of corruption, discipline and respect? What other programmes are in place, both by the DCS and civil society to boost the morale of staff.

Response

The department conducted an intensive Public Perception Survey and the results of the survey were conveyed to the Committee. The result of the survey only revealed that low morale exist at middle management levels and not across the spectrum

However, the DCS is classified as an essential service department in terms of the Labour Relations Act and is a part of the Criminal Justice Cluster. This implies that the Department renders services a 24 hour function over seven days a week. These working conditions have the following implications for employees:

- Extended working hours (more than the prescribed eight hours per day)
- Weekend duties (every fortnight, i.e. 12 consecutive days of work without the prescribed weekend break in terms of the current establishment)
- Standby duties after hours for emergency cases (restrict their movement and affect their personal/family responsibilities)
- Night duties
- Night visits (personal and financial implications)
- Handling of emergency situations after hours
- Temporary redeployment of employees from time to time for the handling of emergency situations.
- Tracing and re-arresting of absconders and parole breakers
- Monitoring of parolees
- Escort duties

Employees in Correctional Services are exposed to service conditions that are adverse to them. High stress levels, leading to in some instances suicide,

generally exist amongst personnel in a correctional system which can be attributed to the following factors:

- The functioning inside correctional centres/security environment.
- The nature of people and their problems with which employees have to interact.
- The risk to personal safety due to the nature of some offenders, the existence of gangs.
- Threats to, and intimidation of employees and their families.
- The risk of exposure to communicable diseases during interaction with offenders

Exacerbating circumstances which are experienced as a reality in the DCS include, amongst others, the following:

- Abnormal levels of overcrowding.
- Breakdown in the moral fibre in communities and families
- Recidivism
- Inadequate classification system for awaiting-trial offenders.
- Abnormal working hours given 24 hour service responsibilities.
- Level of escapes.
- Old and dilapidated correctional centres.
- Large number of violent crime offenders.

The Department of Correctional Services announced the promotion of officials in the production levels of the Custodian and Support Personnel with effect from 1 February 2006.

Nationally a total number of **4583** officials have been promoted from Correctional Officer Grade III to Correctional Officer Grade II, whilst **2499** officials have been promoted from Correctional Officer Grade II to Correctional Officer Grade I.

It is expected that this progression of officials will enhance service delivery in line with the Department's objectives and promote compliance with the White Paper on Correctional Services.

The Department has also successfully upgrade Social Workers as follows:

REGION	TO SALARY LEVEL 7	TO SALARY LEVEL 8	TO SALARY LEVEL 9	TO SALARY LEVEL 10	TO SALARY LEVEL 11	STATUS QUO MAINTAINED	TOTAL
Western Cape	9	44	37	12	1	14	117
Eastern Cape	18	37	6	4	0	6	71
Free State & Northern Cape	10	40	14	4	1	13	82
Gauteng	5	48	18	9	1	24	105
Limpopo, Mpumalanga & North West	14	30	9	6	0	4	63
Kwazulu/Natal	14	42	12	9	2	15	94
Head Office	0	0	0	0	0	2	2
TOTALS NATIONALLY	70 (13.10%)	241 (45.13%)	96 (17.97%)	44 (8.24%)	5 (0.96%)	78 (14.60%)	534

Total upgraded Social Workers : 85.39%

Ministers Consultative Forum

When has this been established, what is its purpose/mandate and who forms part of the membership of this Forum. Would it be possible for the Portfolio Committee to receive regular minutes of this Forum?

Response:

- The forum was established during 2005, and the first meeting took place on 5 September 2005.
- The purpose of the forum is for the Minister and Top Management to consult on strategic issues with the recognized Unions in DCS, namely, POPCRU and PSA.
- The Minister, Deputy Minister, DCS Top Management and the leadership of PSA and POPCRU form the membership of the Forum.
- Regular minutes will be provided.

Input from Civil Society

Unfortunately, at the time of Public Hearings, the Departmental budgets had already been discussed and compiled. A request that the inputs from civil society be considered for the next budget or MTEF was made.

Access to information

The DCS should make information more available to the public. This is not the case currently.

Response

An Information Access Policy (consistent with provisions of Access to Information Act) is current pending Ministerial approval.

The policy will be followed by procedure aimed at ensure easy access to information within the department.

Meanwhile, the department is obliged to comply to the provisions of current legislation.

Classification of crimes and different types of offenders

Could this be made available to the Committee.

Response

The information is usually provided in the Department's Annual Report and current statistics on various crime categories are attached as **Annexure**.

The Strategic Plan, the Annual report and the Structure of DCS.

The above –mentioned should be coherent. Does the structure of DCS assist the challenges DCS faces.

Response

The format and development process of both the Annual Report and the Strategic Plan are prescribed by guidelines issues by the DPSA and the National Treasury. Other government departments are obliged to comply with these guidelines.

The Structure of the Department is in keeping with the new strategic direction of the department. The basic structure shall remain intact for a while whilst additional functions may from time to time be added on as the need arises, especially from the implementation processes of the White Paper. The current structure was developed before the White Paper was approved by Cabinet, and as will be indicated below under MATDs, new functions may necessitate changes which may not necessarily change the macro structure.

Kutama Sinthumule

As a result of the withdrawal of labour at the public private partnership prison in Louis Trichardt, a unit was destroyed. This necessitated the relocation of 800 offenders to other prisons around the country. The DCS is looking at the implications of the removal of offenders from the prison with regard to the contract with the private company. Are there any progress in this regard.

Response

Due to salary disputes on the 29th March 2006 at Kutama Sinthimule resulting industrial action by their employees and destruction of a subunit, 712 offenders were transferred to various correctional facilities of the DCS in 4 Regions. Since the 7th of April, the disputes were resolved and the company further indicated their readiness to accept a total of 712 inmates back into their facilities.

The DCS was able, in compliance with the contract, transfer the requisite number of inmates to the facility, and the process was completed on the 28th April 2006.

Offender Rehabilitation Path:

The Offender Rehabilitation Path, which manages the offender from the day, he or she enters the system until release has been finalised. The DCS suggested that they present more details of this new system to the Committee at a later date. The Offender Rehabilitation Path will be implemented in 2006/07. Can the DCS elaborate more on this and provide possible dates of implementation?

Response

The Document entitled Offender Rehabilitation Path is Attached for consideration of the Committee. It is proposed that the Committee set aside a date for more elaborate presentation to be made.

The implementation of the ORP has started in 6 Centres of Excellence(1 per region) in order to serve as a 'blue print' for the roll-out to the regions and training on the ORP was conducted at the following selected centres:

IDENTIFIED CENTRES OF EXCELLENCE FOR IMPLEMENTATION	
Pretoria	25 – 26 October 2005
Groenpunt	9 – 10 November 2005
Durban Westville	16 – 17 November 2005
Klerksdorp	28 – 29 November 2005
Voorberg	25 - 26 January 2006
East London	1 – 2 February 2006

Training of officials

In order to ensure a common understanding of the ORP, selected functionaries on all organizational levels were orientated and empowered for

the successful implementation of the document. It is this multi-disciplinary approach that will lay the foundation for team work, unity and excellence in service delivery.

The objectives of the training session were:

- To assist and guide functionaries in terms of the interpretation of the ORP
- to ensure that officials to have a common understanding of the path, the different stages, roles and responsibilities and the strategic meaning thereof;
- to empower functionaries at the respective Centre of Excellence in order for the ORP to be rolled-out to other Centres of Excellence and Correctional Facilities eventually;

Tools and Frameworks

The following tools / frameworks have been developed, approved and distributed for implementation in order to guide functionaries with regard to assessments, profiling, intervention plans within a Unit Management approach:

- Admission risk / needs assessment:
- Conducted during Admission and within 24 hours after admission
- Comprehensive Health Assessment & Comprehensive risk / needs Assessment
- Conducted during Assessment phase within 21 days after admission
- Offender Profiling
- Framework to profile offenders based on assessment outcomes, risks and needs
- Correctional Sentence Plan
- Intervention plan for each offender based on his / her specific risks and needs

Are there sufficient rehabilitation programmes in the DCS? How can this be strengthened?

Response

In 2004/2005 the department audit the number of programmes conducted in each and evaluated the relevance of these programmes to the policy directives as contained in the White Paper. The audit revealed that programmes are there but not adequate. Further work is ongoing to develop and source programmes.

Further audit was conducted on services and programmes rendered within the centres by various service providers. The work is currently ongoing to conduct quality assurance and enter into operational contracts with these service providers within regions, and this will further strengthen principled partnership and improve appropriate services to the offenders.

HIV prevalence survey:

The new tender for the HIV prevalence survey has been finalised. The DCS will introduce compulsory programmes on health and phase in the provision of primary health care. When will the results from the survey be available and when will compulsory programmes be introduced.

Response:

The tender specifications were advertised and a service provider was appointed. The service provider is Limu'vune Consulting. The survey is being funded with donor funding received from the US President's Emergency Plan for AIDS Relief (PEPFAR).

Ethical approval to undertake the HIV Prevalence Survey in the Department of Correctional Services has been given by the Human Science Research Council (HSRC).

As Part of the tender specifications, a pilot survey is to be undertaken in Gauteng. Gauteng was chosen purely for convenience and no other reason.

Briefing sessions have been through the centre coordinators and the peer educators. The Commissioner has also signed a statement making it compulsory for every person to attend the briefing sessions.

The pilot survey has commenced in Gauteng and will be completed by the end of May 2006. It is envisaged that the pilot report will be finalised towards the end of June 2006. If the participation level (response rate) is above 30% during the pilot survey, the survey will be rolled out to the rest of the country, if not, the contract will be halted.

It is envisaged that the survey should be completed by the end of September 2006. A final report should be available by the end of October and possible publications of findings by then.

Compulsory Programmes

All users (patients) have the right to participate in any decision affecting their personal health and treatment. Health services may not be provided to a user without the user's informed consent. Health care users may not be compelled to undergo medical examination or treatment unless failure to submit to such examination or treatment will pose a threat to the health of others (Health Act).

To improve the health status of offenders, measures will be implemented to encourage offenders to participate in programmes to contribute to the following:

- Promote healthy lifestyles.
- Improved management of communicable and non-communicable diseases.
- Recognition and respect of human dignity in order to improve the quality of care.

Based on the **Primary Health Care** approach, the following programmes will be provided on a **compulsory basis** and those programmes offenders will be compelled to participate in or perform:

Health Care Services

- Screening on admission.
- Health promotion and preventive health care for medical, mental, dental and chronic diseases.
- Curative services for communicable and non-communicable (acute and chronic) diseases.
- Rehabilitative care.
- Pre-discharge care and planning.

Environmental and Personal hygiene

- All offenders to bath on admission and be provided with adequate toiletry and bedding suitable weather conditions.
- Compliance to environmental health safety and standards.

Corruption and medical aid:

18 Correctional officials have been dismissed in connection with corruption, specifically around the medical aid scheme. The administration of Medkor has been improved and stabilised and after stabilisation DCS may begin the process of migrating to GEMS. The contract with Medkor expires in a year's time. DCS can give a more detailed report on this at a later stage. DCS has implemented basic recommendations in terms of the interim report of the Jali Commission and will now implement the final recommendations.

Response

Medcor

Jali Commission

The interim reports dealt with various types of misconduct which, amongst others, included illegal drug dealing, fraud, corruption, theft, abuse of power, unlawful financial transactions with offenders, irregularities pertaining to appointments, transfers, etc., assaults on inmates, negligence and unsatisfactory work by officials. The current total number of cases which have been dealt with in terms of these interim reports is 197. The results of the Departmental actions on these cases are as follows:

- 43 officials were dismissed
- 18 officials received final written warnings
- 108 cases are currently being investigated by the Departmental Investigation Unit and Directorate of Special Operations (Scorpions) and some are part of the disciplinary/ criminal proceedings that are in process.
- 28 cases were withdrawn for various reasons which include lack of evidence, resignation, death of alleged transgressor, etc.

There has been a delay in the finalization of some of the cases which are currently being investigated by the Department and this is attributed to, amongst others, witnesses not willing to testify or difficulty in tracing witnesses in cases where a witness is an offender who has been released from prison.

The Department is currently analyzing the final report of the Commission to distinguish between cases that have either been already dealt with or currently under investigation by either the Departmental Investigation Unit or the Scorpions in order to ensure that the content of the report is handled in its entirety without duplication of actions or omitting cases that still need to be dealt with. The results of this process will be available in due course.

Security equipment:

The new biometric security equipment has been installed but is still not operational, as DCS still needs to establish an operational centre. DCS implemented motion detecting fencing last year and this project will roll over to 2006/07. When will the operational centre be established and the security equipment thus operationalised?

Response:

The installation of biometric security equipment as part of the upgrading of access control at 66 Correctional Centres is in an advanced stage. Out of the 66 centres, 61 were completed as of 31st March 2006 as well as 5 Visitors Enrolment centres and 5 administration blocks. The remaining sites not completed are due to ongoing RAMP services where contractors are still on sites. All local control rooms in completed centres are operational. 5 Regional Control Centres have been fully installed and the remaining, KZN, is awaiting identification and confirmation of a location.

The National Control Room for this integrated security system will be completed towards the end of June 2006. Delays were due to confirmation of sites and DCS only confirmed the site on the 27th March 2006.

Correctional Services Act:

There have been delays in the amendments to the Correctional Services Act but the Act will come before Parliament in 2006.

Response

The draft Bill was circulated in the Department and all inputs were incorporated in order to align it with the White Paper on Correctional Services.

The Justice Crime Prevention and Security Cluster was consulted as well as the National Council on Correctional Services and in the White Paper process external stakeholders were also consulted.

A presentation was presented to the Ministry and the inputs were incorporated.

The next step in the process is to get Cabinet approval, whilst the draft was also submitted to the State Law Advisors for technical scrutiny.

The time frames relevant to this process are to aim for approval by Cabinet on 31 May 2006 and submission by the State Law Advisors for the certified Bill by 21 July 2006 to Parliament.

Scarce Skills:

The retention of scarce skills is still acknowledged as a key concern. According to the Minister, the DCS has to work within the framework of the Department of Public Service and Administration guidelines in this regard.

Response:

Yes, Department of Correctional Services is working within the framework of DPSA guidelines. A Department of Correctional Services recruitment and retention strategy has been drafted with regard to all scarce skills categories.

This strategy has already been consulted with DPSA and National Treasury and will be operationalised by means of an action plan which will include liaising with all role players for example Department of Education and Department of Health.

DPW:

The Department of Public Works has transferred a budget to DCS and DCS has entered into a contractual relationship with DPW who will provide some services on an agency basis. In the meantime DCS is developing internal capacity to take over all these functions. Can more details be provided on this matter.

Response:

As of the 1st April 2006 accommodation related budgets and municipality fees have been devolved to DCS by National Treasury and DPW.

In terms of the current terms of devolution, DPW has to continue with payment of all municipal services and financing of lease agreements unless departments indicated otherwise.

DCS has requested DPW to continue with these payments on agency basis while DCS develop internal capacity to take over these functions and infrastructure management in its totality from DPW. It is anticipated that this will continue only for the current financial year.

Memorandum of Understanding and SLA are in final draft formats to be signed off by both Departments.

DCS is in process of drafting the terms of reference for a tender to invite property management companies to provide advisory services on capacity requirements, systems, resources and best models on future management of these functions.

Parole Review Board:

The Parole Review Board will be implemented in 2006/07. The Committee needs clarity on the structure of this board and how it will function.

Response

The Correctional Supervision Parole Review Board (Review Board) is constituted in terms of Section 76 of the Correctional Services Act, Act 111/1998.

Members of the Review Board are selected from the National Council for Correctional Services. The Review Board is chaired by a Judge of the Supreme Court, presently Judge Desai.

The function of the Review Board is to Review decisions of the Correctional Supervision and Parole Board. Only the Minister or the Commissioner may refer cases for review when they are of the opinion that Correctional Supervision and Parole Board have erred in their decision.

The Review Board was officially launched at 4 May 2006 by the Minister of Correctional Services where after the first sitting of the Review Board have taken place. The Review Board was chaired by Judge Desai while other members of the Review Board were:

Professor Cilliers	-	knowledge of Corrections
Advocate S Batohi	-	NDPP KwaZulu/Natal
Me Shishuba	-	DCS represented.
Dr. T Sodi	-	Representative of the public
Mr. S Nkanunu	-	Representative of the public

Four (4) cases served before the Board. In one case a decision was taken by the Board while 3 other cases were postponed to the next sitting of the Board scheduled for 5 and 6 June 2006.

The Review Board will operate within set rules which are being drafted. These rules will serve before the Board during the next sitting for consideration.

ATDS and children in prison:

The Minister stated that DCS has three months to report on its Awaiting Trial Detainee project. With regard to children, the Durban and Port Elizabeth projects are working well but others are less successful. DCS has explored the option of follow buildings to identify facilities for children but this has not been successful. DCS cannot depend on the Department of Social Development to identify places of safety and needs to take some initiative in this regard.

Response

The JCPS tabled a Cabinet Memorandum on the issue of improved management of awaiting trial detention in the January Lekgotla. The Department of Correctional Services was the lead department in delivering on this proposal.

The Current Proposed Approach: DCS has proposed that the project organisational structure in the form of a dedicated Awaiting Trial Detention constitutional requirements for ATDS. This would enable appropriate human resourcing and financing of this responsibility and not in the current manner that assigns constitutional entities responsibilities that they are not trained for, and obscures the financial responsibilities under general objectives.

The work should be steered interdepartmentally within the IJS departments. This inter-departmental process should ensure the immediate improved management of AT detention, ensure JCPS concurrence with the policies, standards and delivery on remand detention that are developed within DCS

MATD should be empowered to establish working groups on various aspects of the project as deemed necessary. The Terms of Reference of this MATD Project Team should be approved by the Development Committee.

Management of the Project: It is DCS's view that the manner in which this issue has been dealt with over the past three years has indicated that the project will only deliver on its objectives if it is strongly driven by DCS.

The DCS as a lead department shall establish its own internal capacity consisting of the following:

- Contracted Project Manager for 3 year period with experience in the criminal justice system and good project management
- Contracted Project Team/Administrators for 3 year period to cover critical areas of the project: facilities minimum standards design, policy and regulatory framework development, and business processes and HR planning