

The South African Council of Churches

Submission to the Portfolio Committee on Correctional Services

Correctional Services Annual Report 2006/07

Standing of the SACC

The South African Council of Churches (SACC) is the facilitating body for a fellowship of 26 Christian churches and associated para-church organisations. Founded in 1968, the SACC includes among its members Protestant, Catholic, African Independent, Pentecostal and Orthodox churches with a combined constituency of roughly 15 million members and adherents. SACC members are committed to expressing jointly, through proclamation and programmes, the united witness of the church in South Africa, especially in matters of national debate.

Amendment of Money Bills Procedure

We appreciate the Portfolio Committee's invitation to comment on the 2006/07 Annual Report for Correctional Services. However, before we turn to the report, we must preface our remarks with a general observation about the parliamentary budget review and approval process. This is relevant in the light of the fact that MTBPS would have given a preliminary idea of what the fiscus has in mind for Correctional Services – as well as all other departments – for the ensuing year.

For several years, the SACC and its partners in the People's Budget Coalition (COSATU and SANGOCO) have not participated in public hearings on the national budget, due largely to frustration with Parliament's inability to act on our submissions by making changes to the budget. Section 77 of the Constitution clearly intends that Parliament should have money bill amendment powers consistent with its role as the voice of the people. The Constitutional Court's certification judgement on the Constitution held that national legislation to give effect to section 77 and certain other "suspended" clauses must be adopted "within a reasonable period". As we conclude our thirteenth year of democratic government – more than a decade since the enactment of our new Constitution – this remains one of the last outstanding legislative requirements of the Constitution.

It is imperative that Parliament assume its rightful and intended role with respect to authorisation and oversight of public spending – and in this case, spending to enhance the work of Correctional Services. The People's Budget has made recommendations for a configuration of money bill amendment powers that aim to maximise Parliament's role in budget finalisation without compromising unnecessarily the Executive's capacity to manage a regular and coherent budgeting process. If the Executive continues to neglect this constitutional mandate, we would strongly urge Parliament to draft and enact its own money bills amendment legislation.

Overall allocation

The overall allocation for Correctional Services increased by 9.2% in nominal terms in the year previous year while we estimated a (9.02%) for the remainder of the MTEF, has marginally increased actual expenditure by only 2% for the past year. This is an alarming in the light of inflationary costs and – while a saving on the fiscus – does not bode well for qualitative human resource and structural changes. Within the modestly expansionary trend in public spending and the competing demands on public resources, this may be normative but gives further concern in the light of roll movers and fiscal surpluses. We continue to hope, however, that by developing more creative, restorative justice initiatives – ones that emphasise mediation, restoration and restitution over the relatively expensive options of incarceration and control – this will ultimately permit the Correctional Services budget to divert more resources to other critical areas of the budget.

The Correctional Services budget finances seven major programme areas: administration, security, corrections, care, development, social re-integration and facilities. Within the budget, there is a marked shift away from spending on facilities (after several years of increased spending to finance new detention facilities). Spending on facilities increased at an average nominal rate of more than 20% per annum from between 2003-2005; this now drops to 4% for the next three years. Spending on inmate training and development also slowed dramatically from 15,8% to 6% in 2005/06. The rate of spending growth accelerates for all other programmes, most dramatically in the area of corrections – which jumps from an average annual increase of 7,6% in the previous three years to 28% during the MTEF period, due largely to a substantial increase in 2007/08 to finance start-up and operational costs associated with four new prisons.

We recognise that even with the opening of four new correctional institutions and the addition of 12 000 beds, the prison system will remain critically overcrowded. We share the Portfolio Committee's eloquently expressed concerns about this situation. Nevertheless, we broadly support the move away from spending on the construction of more detention facilities, provided that this is accompanied by the introduction of alternative correctional strategies and a reallocation of resources to monitoring and improving the rehabilitation and reintegration aspects of corrections. However, a closer examination of spending patterns within the various programmes prompts important questions about the budget's capacity to achieve these goals. Our concerns fall into four main categories: overcrowding and criminal justice strategy, recidivism monitoring and rehabilitation, inmate care and after-care.

Overcrowding and criminal justice strategy

The budget anticipates a 14.1% average annual increase for goods and services, which the narrative (p. 457) links in part to an expected increase in the inmate population. Although not explicitly stated, it may be inferred from the overcrowding reduction figures that the Department is forecasting a 2% annual increase in the number of inmates. While this is roughly consistent with the rate of growth of the general population, it remains a matter of some concern, especially in light of the extreme overcrowding already experienced in the correctional service system. We believe that more creative strategies of restorative justice that build community skills in mediation and resolution of specified social problems need to be explored. These, we believe, have the potential to reduce both the number of inmates and the proportion of the population that

- despite a target of 5% increase in such sessions. Furthermore, the number of spiritual care sessions actually declined this year, so next year's target actually represents a decrease on 2003/04 levels.

The allocation for "spiritual services" is especially small, representing a tiny fraction of total spending on the personal well-being of offenders - on average 2,8% during the period 2001/02 to 2007/08. While this rose modestly in 2005/06 to 3,1% (R29 million), it has slipped back again to 2,7% and 2,9% in 2006/07 and 2007/08 respectively. We believe that more resources should be devoted to spiritual care of inmates. 155 000 "spiritual care sessions" were envisioned for 2005/06 or less than one per prisoner per annum. General consultation with certain Correctional Service Chaplains indicate that The Sycamore Tree project - which contains useful principles of restorative justice in personal care - is a firm favourite over e.g. Heartlines and others. In addition, it is vital to maintain adequate staffing levels. A number of prison chaplains have retired in recent years and have not yet been replaced. Additional support is also required for Spiritual and Moral Development workers who have the capacity to complement the work of chaplains and to advance restorative justice initiatives.

Social Re-integration (previously After-Care)

The after-care programme for released offenders remains the most poorly supported aspect of the correctional services budget, comprising less than 4% of the total budget. Moreover, nominal per capita spending on aftercare remains essentially static, increasing by less than 1% between 2004/05 and 2007/08. Real spending per capita has therefore diminished throughout the MTEF. In the absence of a better-resourced and more effective social reintegration programme that meets the real needs of released offenders, recidivism is likely to remain an attractive option to many former inmates. The data provided on financial assistance to released offenders provides a stark illustration of the inadequacy of the programme. Previous reports indicate that R600 990 was awarded to 27 530 needy offenders during 2003/4. This amounted to a mere R21.83 per person, on average, which is barely sufficient for taxi fare from the prison.

We propose that the Social reintegration programme be dramatically expanded to facilitate and ensure that former prisoners have genuine alternatives aimed at the prevention or, at least, significant reduction of recidivism. To this end, the SACC commends to Department the Restorative Justice Initiative in the Western Cape (as well as elsewhere in the country) whose training in conjunction with the Department of Community Safety has transformed former Street Committees into Peace and Safety Committees. These Committees are well equipped with community problem-solving skills and prepared to assist with reintegrating offenders back into communities. We believe, too, that it is equally important for additional resources to be allocated to promote employment creation opportunities as well as support for community based training institutions. Furthermore, we suggest that the Department explore the possibility of funding halfway houses, either as a government initiative or through joint ventures with local community and faith-based organisations (e.g. Ayakhuleka Prison Ministry, a project of the Anglican Church).

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is incarcerated. No mention is made of proposed changes to the minimum sentence legislation. Should such changes be implemented, they could also help to alleviate the overcrowding situation. Without a change in this legislation, the level of overcrowding, currently at 72,1%, could actually increase rather than diminishing as is anticipated.

Recidivism monitoring and rehabilitation

The budget provides no indication that funds are being allocated to develop and compile robust statistical data on recidivism and its causes. While the budget proposal states that Correctional Services' central focus during the MTEF period is rehabilitation, there is currently only anecdotal evidence in circulation regarding recidivism. There is thus no basis to assess the effectiveness of rehabilitation programmes. The benchmarking of recidivism is identified as a future objective for the 2006/07 financial year. Surely this should be a higher priority for the Department. We would hope to see the budget recognise the need for data collection and analysis regarding factors that contribute to recidivism (as it does with regard to HIV prevalence) and explicitly allocate funds for this purpose. This would enable the underlying causes of recidivism to be addressed more effectively and would facilitate the evaluation of rehabilitation initiatives.

Similarly, the long term strategic policy outlined in the document envisions the mobilisation of communities around issues of social cohesion, social justice, moral and ethical values and socio-economic development. To that end, 36 new centers of excellence are to be identified. However, there seems to be no allocation to finance joint ventures with civil society organisations that would promote genuine community mobilization, unlock resources and generate additional data to analyse, understand and halt the cycle of crime.

Inmate care

There were 186,639 inmates and detainees in August 2004. Assuming that this was a reasonably representative snapshot of the prison population, this means that the Department is spending roughly R10 per inmate per day. We commend the Department's commitment to the introduction of three meals a day for inmates, but remain concerned that this amount is inadequate to provide nutritionally balanced meals three times a day. (It is not clear from the narrative whether the additional funding set aside for nutritional services in terms of the care programme will be used to supplement the administrative expenditure.) We applaud the plans to extend the HIV/AIDS prevention and treatment programme in prisons, to provide care and support for affected staff and offenders, to promote voluntary counseling and testing, and to undertake an HIV prevalence and knowledge, attitude and behaviour survey. We note that the funding for HIV programmes in the prisons has been made possible in part by the US President's Emergency Plan for AIDS Relief. The SACC recently expressed its concern about the statutory provisions of this programme that tie assistance to abstinence and fidelity-based initiatives. We trust that the political restrictions imposed on grants under this programme will not prevent the Department from pursuing a balanced and multi-faceted HIV/AIDS programme in prisons that promotes the use of condoms as a legitimate and effective option to prevent transmission of the virus. In general, spending on prisoner well-being will increase at an average rate of 11% per annum over the next three years, suggesting a substantial real per capita increase. However, we note that whilst the 2005/06 budget provided for the number of psychological care sessions to increase by more than 80%, the number of spiritual care sessions increased by only 3% and social work sessions by less than 1%