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SUBMISSION BY THE INSTITUTE FOR SECURITY STUDIES TO
THE PARLIAMENTARY PORTFOLIO COMMITTEE ON
CORRECTIONAL SERVICES ON THE CORRECTIONAL SERVICE
BUDGET VOTE 2009/2010, VOTE 18

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INTRODUCTION

The Institute for Security Studies (ISS) is an African non-governmental policy research institute. Our work is aimed at contributing to a stable and peaceful Africa characterised by sustainable development, human rights, the rule of law, democracy and collaborative security. We hope to realize this strategic vision by undertaking applied research, training and capacity building; working collaboratively with other stakeholders; facilitating and supporting policy formulation; monitoring trends and policy implementation; collecting, interpreting and disseminating information; and networking on national, regional and international levels. More information about the ISS can be found on our website: www.issafrica.org.

The ISS would like to thank the Portfolio Committee for the invitation to offer this submission about the Correctional Services Budget.

We would also like to congratulate the Honorable members of the Committee on their appointment, and wish them all the best in the execution of their important oversight duties. The Crime Justice and Politics Programme avails itself to assist the Committee in whatever way it can, now and in the future.

Unfortunately the strategic plan was not available at the time of the preparation of this submission. This limits the extent to which comment can be made about the future expenditure of the Department of Correctional Services. The comment and analysis offered in this submission is focused on broad policy issues relating to the purpose and place of incarceration in our society.

SPENDING ON CORRECTIONAL SERVICES

Since 2005/6 the Correctional Services budget has increased at a rate higher than inflation (8,6% from 2005/6 – 2008/9). It is set to increase at an even higher rate (13.6%) over the Mid-term expenditure period. While the upward adjustments of the budget allow for the implementation of the seven-day establishment, and have taken into account inflation-related adjustments for employee compensation (as noted in Vote 18) spending on public private partnership facilities accounts for the bulk of the increase.

Yet, despite the sizable budget that has been, and continues to be allocated to the Department, the services offered by the Department at the 237 national correctional facilities continues to fall short of what is envisaged by the White Paper on Corrections, and of the objectives the Department has articulated for itself. Consider that the past three annual reports of the Judicial Inspectorate of Prisons have made repeated reference to the humanitarian problems associated

with prison overcrowding. The 2007/8 report refers to the following problems which are of particular concern:

- There was found to be a general lack of resources in all of the 224 prisons inspected by the Inspecting Judge. Some prisoners had to share containers and at times eat with their hands. It was additionally found that the sharing of utensils could lead to the spread of certain contagious illnesses.
- The general lack of hygiene was exacerbated by the lack of hospital facilities. The report noted that only 39% of all prisons were equipped with hospital facilities and that 94 prisons have no facilities to separate prisoners with contagious diseases from the general population. Only 27% have access to pharmacies.
- There were not enough beds in several prisons inspected and some prisoners were forced to sleep on the floor.
- The report found that there was a general lack of classrooms in all of the prisons inspected. In some instances (62 prisons) prison cells would be converted into classrooms, which are utilised for rehabilitation purposes.
- It was concluded in the report that the general lack of resources was mainly caused by prison overcrowding; however, it is also the case the infrastructural shortcomings (such as a lack of classrooms and health facilities) are not the consequence of this problem.¹

Prison overcrowding is a chronic problem, and unfortunately although it is the government institution most affected by the problem, it is a problem over which the Department of Correctional Services has limited control. As has been noted in past reports by the Judicial Inspectorate of Prisons that the problem of overcrowding has, at certain points in the past (such as in 2005²) been relieved through interventions by political leaders, through co-operation between SAPS, magistrates and judges and through the large scale releases in the form of amnesties and remissions. However, a long-term solution has to be found to this problem, since all indications are that it is not a problem the Department will solve merely by building new facilities or increasing the capacity of the existing facilities. While it is acknowledged that the DCS has only limited control over the

¹ Annual report for the period 1 April 2007 – 31 March 2008 by the Inspecting Judge of Prisons, Judge Yekiso, available at <http://judicialinsp.pwv.gov.za/Annualreports/Annual%20Report%202007-2008.pdf>

² Annual report for the period 1 April 2005 – 31 March 2006 by the Inspecting Judge of Prisons, Judge Johannes Fagan, available at <http://judicialinsp.dcs.gov.za/Annualreports/ANNUAL%20REPORT%202006.pdf>

problem of overcrowding, the Department is a member of the justice and security cluster and should use this position to discuss and determine ways in which to at least reduce the Awaiting Trial Detainee (ATD) population.

The Judicial Inspectorate has called attention to the exacerbating effect that the minimum sentencing legislation has had on the size and profile of the prison population. This goes to the heart of the matter that the Parliamentary Portfolio Committee needs to apply itself to over the next five years – creating harmony between the purpose of imprisonment as envisaged by the DCS and the purpose of imprisonment as viewed by other branches of the criminal justice system. While the White Paper quite clearly expresses the view that prisons are places of rehabilitation of offenders, the minimum sentencing legislation, just as clearly, articulates incarceration as serving a retributive and deterrent purpose, as well as serving the purpose of removing harmful individuals from society. These two approaches are irreconcilable. Indeed, it is the view of the ISS that until this policy disjuncture is dealt with, and prison overcrowding reduced, it will remain impossible for the DCS to give effect to its aim of rehabilitation. We call on the Portfolio Committee to give serious consideration to this problem.

PERFORMANCE AND OPERATIONS INDICATORS

According to the selected performance and operations indicators presented in Vote 18 documents, the construction of the new public private partnership correctional facilities are projected to reduce prison overcrowding from around 41% (average of 2008/9 and 2009/10) to 28% in 2011/12. While this represents a significant reduction in levels of overcrowding, the gain needs to be weighed both against the cost to the tax payer and against what it may offer in terms of achieving the objectives of the White Paper.

To assess the latter it is instructive to consider two other performance and operations indicators: whether there is an increase in the numbers of offenders who will participate in skills development programmes, and in literacy programmes, over the MTEE period.

According to the projections provided by the Department, they anticipate an increase of under 4% of offenders participating in skills development programmes by 2011/12; and only 898 more prisoners are likely to be participating in literacy programmes by 2011/12 than are currently doing so. These are not significant increases and suggest that the Department needs to reconsider and increase its targets for these kinds of developmental interventions, with requisite reallocations of funds to Care and Development and Corrections. Unless there is an increase in the number of offenders taking advantage of skills development opportunities and rehabilitation programmes, the objective of developing offenders sense of social responsibility and facilitating the social reintegration of offenders are unlikely to be met.

With regard to the cost of the taxpayer, the additional 16 711 bed spaces that are projected to become available between 2009/10 and 2011/12 come at a total cost of R10,8 bn. On this basis, construction alone (without factoring in the operational costs) of the 16711 bed spaces comes at the enormous cost of approximately R653,800 per bed space. This is an extremely high cost to address a problem that would be more appropriately dealt with at a policy level, as referred to in the previous section. It additionally needs to be borne in mind that the construction of new facilities will not result in the elimination of the overcrowding problem (if ATDs are included in the number of individuals that need to be accommodated), since even if the prison population does not increase at all from the January 2008 figure of 165 987 prisoners, there still will not be space for 34 494 sentenced offenders.

More concerning is the fact that the Department seems not to have taken into consideration the serious concerns raised by the Judicial Inspectorate of Prisons and civil society organizations about the shortcomings of the new facilities. It should be recalled that the JOIP annual report of 2007/8 noted that a majority of prisoners surveyed prisoners relied on emotional support from their families. This support is important for many reasons, not least that it may contribute to the successful reintegration of offenders into society after completion of their sentences. That the new facilities are to be built in remote areas and in areas that do not correspond to the most significantly overcrowded facilities, suggests not only that prisoners will resist being allocated to these facilities that will place them far from family support, but that the good that may be achieved through that family support will be undermined. This Committee is requested to give serious considerations to these issues, before taxpayers are asked to foot the bill for the new facilities.

Finally, the ISS would like to draw the attention of the Portfolio Committee to the extremely high expenditure, across sections of the Correctional Services budget on consultants and outsourced services. The ISS has highlighted concerns raised by the extremely expensive, recently lapsed Sondolo IT contract that saw a core function of the Department of Correctional Services, namely the provision of prison security, outsourced. The Portfolio Committee is requested to exercise close oversight over these matters in the coming year. Particularly in the light of the fact that expenditure by the Department on outsourced services (including consultants) is high.

CONCLUSION

The ISS requests that the Portfolio Committee consider the concerns raised in this submission, in particular the matters of policy that require consideration by parliament. We understand that these are difficult issues that will take time to debate and resolve. The ISS is committed to assisting the Department and the Portfolio Committee in its deliberations and will endeavor to provide evidence to support the decision-making process.