**Report of the Select Committee on Security and Justice on the 2022/23 Budget Vote 25, Annual Performance Plan (APP) of the Department of Justice and Constitutional Development and Budget Vote 22 of the Department of Correctional Services, Dated 7 June 2022.**

1. **INTRODUCTION**

The National Council of Provinces represents the provinces to ensure that the provincial interests are taken into account in the national sphere of government as stated in section 42(4) of the Constitution. One of these functions is to hold the government to account in respect of how the taxpayers’ money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations.

**1.1 The Department of Justice and Constitutional Development’s Constitutional mandate:**

The department’s mandate, deriving from the Constitution, is two-fold. Firstly, it seeks to provide a framework for the effective and efficient administration of justice. Secondly, it seeks to promote constitutional development through the development and implementation of legislation and programmes that seek to advance and sustain constitutionalism and the rule of law. This is done through the implementation of programmes to deepen and nurture our constitutional democracy. Following the transfer of superior courts to the Office of the Chief Justice, the department will continue to support lower courts, in line with its current constitutional mandate.

**1.2 The Department’s Outcomes**

1. Modernised and digitized justice services platforms;
2. Improved organizational capabilities and good governance
3. Improved awareness of justice services and constitutionalism
4. Increased access to justice services
5. Improved Masters Services
6. Transformed Colonial/Apartheid era justice-related legislation
7. Transformed State legal services
8. Transformed legal profession
9. Advanced constitutionalism, human rights and the rule of law
10. Crime and corruption reduced through effective prosecution

On 25 May 2022, the Select Committee on Security and Justice met with the Department of Justice and Constitutional Development to receive a briefing on the Department’s Annual Performance Plan and budget. The report represents the main discussions and recommendations of the Committee.

**1.3 Overview by the Minister of Justice and Correctional Services**

A National Action plan has been launched to combat racism. Racism and racial intolerance still persists 25 years into our democracy. Values as enshrined in Constitution must guide us. To celebrate the 25th anniversary of the Constitution, the Department will have many events, culminating in a symposium to entrench the rule of law and to fight corruption.

The Department is directing critical resources to the NPA to respond to state capture, despite the current state of our economy. The NPA will also monitor cable theft convictions. Cable thieves are sabotaging our economy. The criminal justice system is serious about dealing with sabotage and this is evidenced by recent convictions. The Investigating Directorate is making strides towards the prosecution of those accused of corruption and has prioritised 9 cases. The Zondo Commission reports has revealed rampant abuse of power and the Department will respond to corruption. The Specialised Investigating Unit is also proving to be important in the fight against corruption. All law enforcement agencies need to strengthen their cooperation to address corruption. The Specialised Commercial Crime Courts will assist in the fight against corruption. The Department is currently working on an implementation plan based on the recommendations from the Zondo Commission.

The 3 Gender Based Violence Bills passed by the Select Committee will also be implemented by the Department during the course of the year. The Department is implementing a programme of action called “The Year of the Community”. With this in mind the Department held imbizos in different communities to improve the justice system with a focus on the Gender Based Violence Acts. Legislation will also be updated in line with our Constitutional dispensation.

In respect of the ransomware attack on the Department, it is currently restoring services and working with state agencies to resolve the challenges. The Department embarked on an ICT retreat to understand how the attack happened and how to protect themselves in the future and they are now implementing new ICT products.

1. **DISCUSSIONS / RESPONSES BY DEPUTY MINISTER/ DEPARTMENT**
   1. **Online services**

Members wanted to understand how far the Department is in implementing its online services and whether any awareness raising activities have been undertaken so that the community understands the services. The Department responded that they are still busy developing and finalizing the online services and upon completion, they will work with the Department of Communications to inform members of the public, after the system is implemented properly.

* 1. **Family advocate**

Members wanted to know if there are sufficient family advocate offices and whether they are all operational within provinces and whether there were any challenges. The Department responded that there is a lot of demand for the services of family advocates and to boost capacity, they are using the services of paralegals to try to assist with support. The Department is also looking into modifying and using counsellors on an ad hoc basis and is working with regional courts to address some of these challenges. Regional offices are turned into provincial offices to provide masters services, state attorney and family advocates under one roof to provide services within provinces and improve on the delivery of services.

* 1. **Equality courts**

Members wanted to understand how effective these courts were as well as the awareness raising activities that the Department has embarked on in respect of these courts. The Department confirmed that during its Conference on Racism, it became apparent that these courts are not doing very well. In the future, it would be imperative for work to be undertaken with Chapter 9 institutions to ensure the effective functioning of these courts. They are currently conducting an audit of these courts and intend upskilling and retraining clerks and magistrates to deal with equality matters. They will work with Chapter 9 institutions to increase the number of cases.

* 1. **Modernization and backlog of cases**

Members wanted to know what measures are being implemented to modernize systems and to address case backlogs. The Department is preparing to rollout information to members of the public in respect of all changes to their systems and they are implementing rapid response mechanisms to unblock blockages and reduce backlogs.

* 1. **Femicide Watch**

Members wanted to know what the main successes and challenges are in respect of the implementation of the Femicide Watch. The Department responded that the Femicide Watch is a repository of data that is the first of its kind in Africa. It was introduced to ensure centralized location for all stakeholders to view data on GBVF and to assist us in the country to know what we are dealing with in respect of the types of femicide and where these crimes are located. The Department is currently in phase 4 of the Femicide Watch implementation and is using the Integrated Justice System (IJS) hub where different Departments exchange data. There are currently no challenges to report as it is still at a developmental stage.

* 1. **Sexual Offences Courts**

Members wanted to know whether the Department has sufficient personnel and resources for the effective functioning of the sexual offences courts. The Department is establishing a new breed of sexual offences courts due to women marching in 2018 against GBVF. The Criminal Law (Sexual Offences and Related Matters) Amendment Act requires these courts to be established in line with the legislation. Resources have been taken from previous courts and 80 courts are already resourced and ready for implementation.

* 1. **Interventions against GBVF**

Members wanted to know what progress has been made in respect of addressing GBVF. The Department implements programmes in terms of the Presidential Summit Declaration and the National Strategic Plan on GBVF. The Department noted that victims are reluctant to come into courts and they have a portal developed by civil society organisations and government departments which will help victims to make applications for protection orders instead of coming into courts. They have implemented an SMS notification system to ensure communication between the courts and victims in order for victims to know the stage of proceedings. They have also decentralized the services of the NRSO in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act. The Department is working towards popularizing the 3 GBV Acts with government and civil society and working with Provincial Governments to assist in implementing the legislation provincially.

* 1. **Courts Audio-Visual Solution (CAVS)**

Members wanted to know how many courts this has been implemented in and the challenges. The Department responded that they intend instituting the Audio Visual Solutions in 85 courts. They have already submitted a business plan to SITA for publication. PABX has been completed in 72 sites and they are currently replacing switches in courts where there were no switches. In respect of connectivity in rural areas, the Department plans to upgrade the bandwidth in 280 sites to improve Wi-Fi.

* 1. **Vacancies**

Members wanted to know the current vacancy rate and how they are addressing this. The Department responded that the vacancy rate was reduced from 9.6% to 7.0%. By April 2022, 812 positions were filled. Out of the 159 positions, 134 has been filled and they are left with 25 to be filled and are currently in various stages of recruitment. The plan is to fill all posts within the current financial year. The vacancy rate in CFO posts, 373 positions have been filled and 51 positions are still vacant with an 80.1% vacancy rate. They are making it a priority to fill these posts.

* 1. **Upgrading of courts**

Members wanted to know the status of upgrading of courts in provinces and what the challenges were. The Department reported that there are challenges in terms of maintenance with an increase on the threshold to R1 Million per incident by DPWI. They are currently undertaking minor refurbishments. 88 courts are undergoing major maintenance work with improved technical competence. The Department is piloting the Total Facility Management Solution (TFMS) in 6 identified courts. This refers to a maintenance and repair programme which will run for 2 years at the identified courts. In some areas, they do have some challenges with contractors and they have currently implemented a 3-year term contract. In respect of new court buildings, the Department indicated that DPWI has its own capacity and limitations and engagements are occurring at a Ministerial level to expedite projects.

* 1. **Report of SIU**

Members indicated that the Special Investigating Unit has been investigating matters involving the Masters Office, State Attorney and the building of new courts at the Justice Department. Members wanted to know if the Department received any final reports on these matters. The Department responded that the final SIU report will be submitted to the President. In the meantime, the Department has received reports regarding the issues of appointment of liquidators. The recommendation is technical and a new policy will be developed for insolvency practitioners. In respect of corrective disciplinary processes, it has progressed and is at an advanced stage and some officials have resigned.

* 1. **Integrated Justice System (IJS) report:**

Members wanted to know what the key findings of the IJS assessment report were and if there were any challenges to report. The Department responded that there were delays between the various Departments in the Criminal Justice cluster in respect of the implementation of the audio visual system. Key findings included that funding was split and they are busy concluding this. SITA should play an effective role in the project to assist with the backlog of infrastructure development. The Department should look at other mechanisms outside of SITA and engage Treasury on matters related to resources. This matter must go to Cabinet for a decision. So far, they have successfully implemented 7 recommendations and will implement the remaining 6 recommendations.

* 1. **Indicators**

Members wanted to understand the reason for the inclusion of an indicator to reduce fruitless and wasteful expenditure. Members also wanted to know about the indicators that had been increased and whether this was achievable. The Department responded that the current balances are historical and they wish to, on a year by year basis, reduce this type of expenditure and therefore included a specific indicator so that they could monitor this and implement consequence management when required. The Department responded on the indicators that had been increased, that they were time bound and moved over from the previous financial year.

* 1. **Justice College**

Members wanted to understand the content of the training programmes and who they were aimed at within the Department. The Department responded that internal and external officials are targeted and that the development programme is concentrated on soft and hard skills. They have already started with a masterplan focusing on SMS members and will then scale down to middle management and other officials. They have commenced with project management to address current challenges. Senior managers have received security awareness (IT) training. They are conducting learning programmes focusing on the NPA, Judiciary, Public Protector, IPID and the Information Regulator. The Deputy Minister also conducted a workshop on the Judiciary and prosecutorial training, family law and paralegal training.

* 1. **Zondo Commission Recommendations**

Members wanted to understand how the Department will implement the recommendations from the Zondo Commission report. The Department responded that 4 parts of the report has been submitted and they are still awaiting the last report. The report will be analysed and the Department will then focus internally on what needs to be implemented. A task team has been set up internally and they have summarized 3 parts quite extensively and the Department will then develop a plan of implementation to be submitted into the broader plan. An anti-corruption paper has been produced on the anti-corruption agencies which reviews all entities. There will be consultation with various government departments and they have already identified several pieces of legislation that may have to be strengthened in terms of ensuring a good architecture for addressing corruption.

* 1. **Access to Justice for Rural Communities**

Members wanted to understand the current challenges in rural areas in relation to access to justice. KZN reported that the main challenges in the province relates to distances and conditions of roads to access courts as the areas are also very vast. There is a plan to refurbish a bus to convert it into mobile services and to include services of the Master’s Office. It has become clear, that there is a lack of synergy of work done by various Departments. An example was in respect of Domestic Violence Orders, where the Department has insufficient information on shelters to which victims may be referred. They are hopeful that the District Development Model will assist to create synergies and relationships with other Departments and foster outreach in rural communities. During the outreach programmes, it became clear that communities lack an understanding of the different roles of different government departments. To address this, they want to rollout 12 outreach programmes for each region in communities to ensure that people in rural areas understand the roles of different departments to access the necessary services.

The Eastern Cape reported that in addition to the reports of KZN, connectivity is a major challenge for courts in deep rural areas and they are trying to provide mobile data to officials. Another challenge was in relation to the sourcing of suppliers in rural towns as they do not have certain suppliers for certain small jobs such as plumbing. They informed the Committee that there is still a clear demarcation in term of infrastructure in the courts housed in the former Transkei. Some courts have not been structured in courthouses and are in a dilapidated state and they are trying to bring them in line with the minimum requirements for a courthouse. With the increase in delegations, they are hopeful that the challenges will disappear. Travelling distances are also a huge challenge. Most periodical courts only offer criminal services however, the Department is looking at mechanisms to increase the services provided at these courts.

* 1. **Briefing protocols to Lawyers and Advocates**

Members were concerned that disadvantaged lawyers and advocates are not given an opportunity to represent the State which causes an imbalance and wanted to understand what is being done to address this. The Department responded that it has milestones and indicators, currently 83% Previously Disadvantaged Individuals and 41% Female Legal Practitioners. The State Attorneys have achieved 83% but fell slightly short in terms of meeting the target for female legal practitioners but they are working hard to meet this target.

* 1. **National Prosecuting Authority (NPA) – Response to Zondo Commission Report**

Members wanted to know whether the NPA has sufficient resources and capacity as well as their intended plan to address state capture matters. Members also wanted a progress report on the prosecution of Truth and Reconciliation Commission (TRC) cases. The NPA responded that they are receiving an increase in budget which will help with the Zondo Commission reports. When the first report of the Zondo Commission was released, the NPA established a task force made up of various departments to prioritise cases. Thus far, 20 cases have been taken to court, 82 investigations have been declared by the Head of the Investigating Directorate. Experienced prosecutors have been used and they are in discussion with the Zondo Commission to use the forensic resources of the Commission as well as to obtain additional resources such as advocates and investigators from the Commission to assist. In respect of TRC prosecutions, the NPA leadership is committed to ensure that those responsible are held accountable and there is dedicated capacity to deal with this, made up of prosecutors within the regions who are solely prosecuting these cases. 38 investigations have been re-opened in court and 2 inquests have been finalized. 1 has been referred to the Director of Public Prosecutions. 5 matters are enrolled at court and there is progress and capacity. Some challenges are that some implicated persons and witnesses have died or are ageing and they are struggling to obtain witnesses.

* 1. **Magistrates Courts Bill**

Members wanted to know the progress by the Department to review the Magistrates’ Act of 1944, and other relevant legislation in order to streamline and expedite disciplinary processes and the steps taken in respect of magistrates. The Deputy Minister responded that the Magistrates Courts Bill and Lower Courts Bill is on the Departmental website for public comment. The Department will have engagements with magistrates and then introduce the bills to cabinet. Committee members were invited in their individual capacity to make comments on the Bills.

1. **RECOMMENDATIONS**

**3.1** The Department should ensure that its online services are widely publicized and information regarding the service is shared broadly to all provinces, including rural areas. The online services will assist communities to effectively access the services of the Department and ultimately improve efficiency.

**3.2** The Department should work with Chapter 9 institutions to ensure that information about the Equality Courts are communicated to communities and capacitate these courts to effectively address matters relating to unfair discrimination, hate speech and harassment.

**3.3** The Department should put all the necessary Information Technology (IT) measures in place to protect all data and information to avoid any future IT attacks to its systems and continue to modernize its systems to address all case backlogs.

**3.4** The Department should put all the necessary plans in place and raise awareness on the 3 Gender Based Violence Acts to ensure effective implementation in all provinces. The implementation of the GBV Acts will go a long way in protecting the most vulnerable members of our society.

**3.5** The Department should make every effort to resolve all challenges related to the implementation of the Audio Visual Solutions as this will improve the effective functioning of the criminal justice system.

**3.6** The Department should furnish the Committee, within 30 days of adoption of the report, with a detailed provincial breakdown of all courts being upgraded, including the maintenance and repair plans.

**3.7** The NPA and SIU should ensure that it has the necessary plans, resources and capacity to effectively implement the recommendations arising out of the Zondo Commission reports and work towards effective investigations, prosecutions and convictions of those responsible for state capture.

**3.8** The Department is encouraged to continue its training programmes at the Justice College to promote increased skills and capacity within the Department.

**3.9** The Department should implement all measures to address the challenges faced by rural communities in respect of access to justice and to all the services required by those communities. The Department should find innovative solutions to address the challenges related to distances, court infrastructure and connectivity in rural areas.

**3.10** The NPA should resolve all its challenges in the prosecution of the TRC cases and work swiftly to ensure successful prosecutions and convictions of those responsible for these crimes and to bring justice to the victims.

**3.11** The Department should furnish the Committee with a detailed list of all upcoming legislation for the current financial year.

**CONCLUSION**

The Committee thanked the Department for the engagement and welcomed the provincial perspectives provided during the briefing. The Committee resolved to follow up on the issues raised during its oversight visits to provinces. The Committee welcomed the Department’s efforts to repeal colonial and apartheid legislation. The Committee further welcomed the positive developments being implemented by the department for victims of Gender Based Violence and the plans to effectively implement the 3 Gender Based Violence Acts. The Committee resolved to have further engagements, on the progress of all law enforcement agencies in responding to the recommendations arising out of the Zondo Commission Reports.

**4.VOTE 22 THE DEPARTMENT OF CORRECTIONAL SERVICES**

**4.1 INTRODUCTION**

The aim of the Department of Correctional Services (DCS) is to contribute to maintaining and protecting a just, peaceful and safe society by enforcing court-imposed sentences; detaining inmates in safe custody while maintaining their human dignity and developing their sense of social responsibility; and promoting the general development of all inmates and persons subject to community corrections. The Department’s vision is to be one of the best service providers in the world by delivering correctional services with integrity and commitment to excellence.

The mission of the Department is to contribute to a just, peaceful and safer South Africa

through:

* Effective and humane incarceration of inmates; and
* Rehabilitation and social reintegration of offenders.

The Select Committee on Security and Justice met with the Department on 1 June 2022, to receive a presentation of the Department’s 2022/23 Budget and APP. The report presents the main discussions and recommendations emanating from the briefing.

**4.2 OVERVIEW BY THE DEPUTY MINISTER OF CORRECTIONAL SERVICES**

The Strategic Plan was developed within the framework of economic constraints and budget cuts. The Department and the country is still dealing with and recovering from the Covid-19 pandemic. Covid-19 was managed through restricted daily regimes with limited movement of inmates which impacted their feelings of isolation and mental health. Key interventions that were implemented consisted of continuous testing and monitoring and vaccinations were rolled out to achieve immunity and to enhance occupational health and safety. The rate of overcrowding within Correctional Centres stretches occupancy and resources and contributes towards unnatural deaths. The Department implemented a Special Parole Dispensation (SPD) during 2020/21and 2021/22 has resulted in a reduction in the offender population of 14005 (13218 males and 787 females) as at 28 May2021.This was however a short term goal to reduce overcrowding. Strengthening partnerships with other stakeholders will strengthen the Department’s efforts further. The Department is still working towards filling all vacancies.

The Department will support the implementation of the District Development Model through various programmes working in collaboration with metros. The Department has gender awareness programmes and programmes empowering female officials in adherence with the National Strategic Plan on GBVF. The Department has the responsibility to keep inmates safe and acknowledges the fundamental rights of inmates and to incarcerate inmates in a humane manner. In this regard, the Department observes international standards and norms for the treatment of offenders.

The Department will continue to strengthen collaboration with external service providers through regular engagements and in line with the set Service Level Standards. The current COVID-19 Regulations and budgetary constraints require regular reprioritization for new and alternative strategies to be implemented based on operational needs and capacity. The implementation of the Self Sufficiency and Sustainability Framework (SSSF) is one of the Department’s strategies aimed at developing and utilizing state assets to reduce the costs incurred by the fiscus and to generate revenue for the Department.

The Department is faced with the historical classification of officials’ compensation allocated to incarceration and those classified as security personnel will cover all services including rehabilitation and care services. The new strains of Covid-19 continue to present high levels of uncertainty, however there is a certain level of stability due to vaccinations.

**5. DISCUSSIONS / RESPONSES BY DEPUTY MINISTER / DEPARTMENT**

* 1. **Judicial Inspectorate for Correctional Services (JICS) report and findings**

Members wanted to know the main findings of the JICS report. The Department responded that the JICS had reported on three issues, overcrowding and the fact that it presents capacity problems to the Department but also affects the living conditions of offenders. The JICS reported on the state of the correctional facilities especially with regard to maintenance and they also reported on unnatural deaths and injuries due to security incidents. The Department noted that they work very closely with the JICS to rectify issues raised and provide space and support for the JICS to perform their work.

* 1. **Gaps identified in legislation**

Members wanted to know if the Department had identified any gaps in legislation. The Department informed the Committee that it is currently working on the following: the interstate transfer of foreign national offenders, the requirements for the parole period for GBVF related incidents and the authority to consider placement on parole of lifers, the serving of retired judges on the National Council for Correctional Services, the determination of service conditions for DCS employees, and the enhancement of provisions regarding the treatment of inmates and reporting on security incidents at facilities. The Department further indicated that it is working towards amendments of the Correctional Services Act, 1998 in respect of ensuring the independence of the Judicial Inspectorate for Correctional Services.

* 1. **Maintenance of facilities**

Members wanted an update on the maintenance of DCS facilities. The Department reported on the Baviaanspoort Empangeni Youth Centre which is currently under construction and would add 640 bed spaces. It is scheduled for completion in this financial year. The centres that are closed, that were determined to be beyond economical repair, are first generation centres in Swellendam, Western Cape and Geluk in Limpopo Province. The Department indicated it would not be cost effective to refurbish the centres and it would be better to demolish them and rebuild. The Department reported on the slow progress with public works projects indicating that 45% of projects allocated to DPW were longer than 24 months in the planning phase. This is of concern to the Department. In total 56% of the projects were stuck in the planning and design stages and DPW was only able to complete 17% of the projects in the previous financial year. The Department has appointed its own implementing agents to address the problem. The DPW has also been transferring projects to the Development Bank of South Africa to alleviate the backlog. The Department has begun to rely on in-house capacity and inmate labour to conduct maintenance at facilities which results in skills development for inmates.

* 1. **The success of the Integrated Security System**

Members wanted to know what the successes and challenges were in relation to the Integrated Security System. The Department noted that the DPW has a reactive approach to maintenance which has an impact on the Department’s security system. The Department appointed contractors to support the system. The DPW provided the funding but the Department has procured the services for less than quoted by the DPW. The Department indicated their approach would be to maintain the systems going forward rather than replace the systems, which would be the last recourse.

**5.5 Asbestos Roof - Pollsmoor**

Members wanted to know the reasons for the length of time it took to replace the roof at Pollsmoor Correctional Centre. The Department responded that the Asbestos Abatement Regulations 2020 indicates that there are provisions that allow for sealing of the structure where the asbestos is viable. If the roof is cracked and beyond economical repair, then it is replaced.

* 1. **Integrated Inmate Management System (IIMS)**

Members noted that previously the Department had been unable to achieve the target for the IIMS and wanted to know how the Department would meet the target in the current financial year. The Department reported on its inability to reach set targets and set out its plans to improve its performance. The Department noted that its major challenge was with resources within the Department. It has fewer resources and it is responsible not only for maintaining the current system but also for rolling out the new systems. The service provider is no longer there to support the Department. The pace of rolling out has been slow. The Department is looking at acquiring additional resources related to IT. This will assist with further modernisation projects related to IT and allow the rollout of IIMS to the remaining centres. The acquiring of skills will assist with maintenance and rollout to further sites not only related to remand detention but also incarceration.

* 1. **Matters related to gangsterism**

Members wanted to know how the Department is addressing gangsterism in correctional centres. The Department reported that it is strong on the principle of prevention. The culture is prevention and zero incidents. Specifically, on gangs the Department is engaged in the profiling of inmates and implementation of the gang strategy to mitigate incidents. The SOPs have a related gang strategy component that is reviewed on a continuous basis. There has been a drastic reduction in gang related activities.

**5.8** **Escapes of inmates from Correctional Centres**

Members wanted to know what measures are being put in place to prevent escapes. The Department reported that it met its target with regard to the escapes. The Department recorded 22 escapes in the previous financial year, however re-arrests were made. The Department has an escape prevention plan in place and monitoring is ongoing with review of the SOP. The Department has plans in place for this financial year to train the entire value chain on security protocols.

* 1. **Human resources**

Members wanted to understand the extent of vacancies within the Department and what measures would be put in place to address this as well as the implementation of disciplinary measures against officials. Members were also interested in staff morale, particularly in light of overcrowding in Correctional Centres. The Department responded that the current staff complement stands at 30630 with vacancies at 1762 out of an approved total of 32392. The ratio stands at 1 official per 4 offenders. Vacancies have been broken down into quarterly targets as per the DPSA and Department policy. The Department may fill the positions within 12 months as per the DPSA directive. The Department is cognizant of the natural attrition due to retirement and resignations and are prioritising the core feeder positions, levels 1-4. Morale of the Department is prioritised in the Integrated Employee Health and Wellness (IEHW) programme. Morale has improved with the leadership’s encouragement of national participation in sporting events through the IEHW programme. Approved pay progressions and grade progressions has also served to boost morale particularly amongst social workers and nurses. The Department noted that disciplinary procedures are continuously processed due to contraventions of the DCS regulations.

* 1. **Risk mitigation and prevention of fruitless and wasteful expenditure**

Members wanted to understand the steps being undertaken to address fruitless and wasteful expenditure. The Department has implemented the Department Control Committee and investigated where the fruitless and wasteful expenditure was occurring. The Department found the quotations resulted in most of the irregularities. The Department Control Committee was established in each province to assist provincially with the standard operating procedures. The financial delegation of authority was amended to tighten control in this area. In February 2022 the Department trained the regional heads of finance in all the regions on the new supply chain management controls. The Department received an exemption from National Treasury on Perishables and Non-perishables where there are no contracts in place. The Department is rectifying this matter.

* 1. **Lengthy Procurement Processes**

Members wanted to know what is being done to address this matter. The Department introduced a key account manager to enforce and implement what is in the procurement plan to execute procurement requirements and to shorten the long process of procurement.

* 1. **Rehabilitation and Social Integration**

Members were concerned that the rehabilitation budget, which speaks to the heart of correctional services, is being cut and wanted to know how this will impact the programme. The Department responded that the programme on rehabilitation has an average above 3%. The Department budget cuts affects the Department across the board but has limited the cuts to these areas. Programme 3 (Rehabilitation) was not cut over the MTEF. Programme 3 will gain 93 posts that will improve the service. The Department has had to cut on compensation of employees. The Department assessed the high spending items and reprioritised the spending to key items increasing them by 9.8% although the Department received a cut in the allocation.

* 1. **Management of overcrowding of Remand Detainees**

Members wanted to know what measures were put in place to manage the overcrowding in correctional centres of remand detainees. The Department explained that 80% of RD are detained without the option of bail and 15% are detained without bail and the rest are in the bail application phase. The Department cannot reduce the population without the help of the courts. The Department focusses on those that have bail and those that are detained for longer than 2 years. The population has reduced since May 2020 from 57000 to 46000 in March 2022.

* 1. **Revision of targets - Overcrowding**

Members wanted to know the reasons for the revision of the target for overcrowding from less than 28% (in 2021/22) to less than 32% (in 2022/23). The Department in 2019/20 implemented the special remission and special parole dispensation which resulted in an overcrowding reduction from 38% to 28%. The re-measurement of bed spaces, slow maintenance of facilities, the closure of certain facilities and a growing inmate population resulted in overcrowding of 31.6%. This informed the target of 32% but this may go higher since the inmate population is growing.

* 1. **Screening for hypertension and diabetes**

Members wanted to know what the reasons were for the target of 90% of inmates to be screened for diabetes and hypertension and why not 100%. The Department responded that vulnerable inmates are screened but there is a lack of medical practitioners across the region. The Department has exceeded the 90% target set.

* 1. **Officials charged – Fraud and Corruption**

Members wanted to know why the Department was not increasing this target. The Department reported it exceeded its 95% target and reached 97% success in charging corrupt officials. The Department relies heavily on receiving adequate evidence when laying charges against officials for successful prosecution but this may not always be the case as the variables in each case must be considered. The Department is also implementing an Anti-Fraud strategy to address these incidents.

* 1. **Records Management Framework**

Members wanted to know how the Department is implementing this framework. The Department is in the process of implementing the Records Management Framework. This will allow the Department to look at how it manages the hard copies in each centre and the Department is working towards the digitisation of documents for archiving.

* 1. **Centralised Procurement of vehicles**

Members wanted to know whether the Department had any challenges in the procurement of vehicles. The Department assesses all vehicles in each region and assesses the age of the vehicle. The Department then replaces the vehicles based on age and not necessarily per region as one region may have a large ageing fleet. The Covid-19 pandemic has resulted in a delay in procuring the fleet because of the supply chain backlogs. This has resulted in underspending on vehicles for 2021/22 but this is prioritised for the 2022/23 financial year.

* 1. **The Protection of Whistle-blowers**

Members were concerned that whistle-blowers were not sufficiently protected and were not allowed to return to work. One member was concerned about a particular incident at Modderbee. The Department indicated the matter of the officials at Modderbee was responded to but the matter is still at court and *sub judice*. The Department confirmed that whistle-blowers are always protected by the Department.

**6. RECOMMENDATIONS**

**6.1** The Department should continue to work closely with the Judicial Inspectorate for Correctional Services to ensure that inmates are safe and treated with dignity and their human rights are protected within Correctional Centres.

**6.2** The Department should resolve all challenges with the Department of Public Works and enhance its in-house skills to effect the necessary maintenance, repairs and building of Correctional Centres in all provinces.

**6.3** The Department should speedily upgrade its security systems and infrastructure to reduce incidents of escapes from Correctional Centres.

**6.4** The Department should implement the necessary plans and initiatives to improve its delivery and meet its target in respect of the Integrated Inmates Management Systems(IIMS) and rollout this programme to include both remand detention as well as incarceration.

**6.5** The Department should continue to work with SAPS and other relevant departments to address gangsterism within Correctional Centres to ensure the safety of all inmates.

**6.6** The Department should resolve to fill all vacancies which will contribute to improving the current ratios between officials and inmates in all Correctional Centres.

**6.7** The Department should provide the necessary training, skills and support to officials as well as implement the necessary pay progressions to improve and boost staff morale.

**6.8** The Department should work towards filling all vacant posts of social workers, nurses, psychologists and doctors within Correctional Centres to provide all the necessary care and support to inmates and to enhance the rehabilitation programme of the Department.

**6.9** The Department should continue to implement the necessary disciplinary measures as well as the Anti-Fraud strategy, to send a clear message to officials that fraud and corruption will not be tolerated within the Department.

**6.10** The Department should make every effort and implement all the necessary plans and procedures to reduce fruitless and wasteful expenditure and enforce more stringent cost containment measures.

**6.11** The Department should work tirelessly to reduce overcrowding and make every effort to increase the bed space for inmates. The reduction in overcrowding will serve to instil a culture of dignity for inmates and contribute towards better working conditions for officials.

**6.12** The Department should implement the records management framework and work towards the digitization of all its records. This will improve efficiency within the Department.

**6.13** The Department should make every effort to allocate sufficient vehicles which are in good working order and which takes cognizance of the specific terrain within each province during such allocation of vehicles. The allocation of appropriate vehicles in each province will enhance the work of the Department.

**6.14** The Department should ensure that it protects whistle-blowers and deals decisively with those responsible for fraudulent activities within the Department.

**6.15** The Department should work towards the finalization of legislation, particularly in respect of the separation of powers and independence of the Judicial Inspectorate for Correctional Services. The Committee looks forward to receiving a list of all policy and legislative amendments proposed by the Department within the current financial year.

**CONCLUSION**

The Committee encouraged the Department to address the challenges of budget cuts by reprioritising its budget effectively and enforcing stringent cost containment measures. The Committee further encouraged the Department to find lasting solutions to reduce overcrowding and to protect the human rights of inmates within Correctional Centres. The Committee also encouraged the Department to take care of its officials by providing the necessary capacity and support and thereby improving the morale of officials within the Department. The Committee informed the Department that it would conduct oversight over various Correctional Centres within provinces to follow up on infrastructure, staffing and overcrowding.

**Report to be considered.**