



**Draft Report of the Select Committee on Security and Constitutional Development
on its visit to the Groenpunt Maximum Security Correctional Centre in the Free
State Province, dated 12 June 2013**

1. Introduction

1.1 Purpose of the oversight visit

- i The Select Committee on Security and Constitutional Development was informed of a prison riot that broke out at the Groenpunt Maximum Security Correctional Centre (the Centre) on 7 January 2013. A delegation of the Select Committee on Security and Constitutional Development joined a delegation of the Portfolio Committee on Correctional Services (the delegation), on a joint oversight visit to the Groenpunt Maximum Security Correctional Centre on 16 January 2013. The delegation undertook a tour of the facilities affected by the riots, met with inmates and officials who had been present during the riot and received a debriefing from the Department of Correctional Services (DCS), led by Mrs V Moodley the Regional Commissioner for Free State and Northern Cape region.

1.2 SC Security oversight delegation and officials of DCS

- i The delegation was led by Mr T.M.H Mofokeng and in attendance was Mr D.V. Bloem, Mr J.J. Gunda, Mr M.W. Makhubela, Mr V.M. Manzini, and Mr L.P.M. Nzimande who met with the Department of Correctional Services (DCS), led by Mrs V Moodley the Regional Commissioner for Free State and Northern Cape region, the Judicial Inspectorate for Correctional Services (JICS), the Independent Correctional Centre Visitor (ICCV); the Correctional Supervision and Parole Board Chairperson (CSPB) and the South African Police Service (SAPS).

8. Rural Safety and Stock theft Units in KwaZulu Natal are not providing a quality service. SAPS to provide policy that informs their approach as syndicates are operating, while SAPS charge and beat people
9. SAPS vehicle fleet is in a bad state as a result of bad management of resources. SAPS must provide an updated fleet management plan and show how they will reduce the bad management of material resources.
10. The gender balance in SAPS needs to be corrected. SAPS must provide a plan how they will correct gender equity and representivity within the department.

Report to be considered

The Honourable T M H Mofokeng, MP

Chairperson: Select Committee on Security and Constitutional Development

2. Judicial Inspectorate for Correctional Services (JICS) preliminary investigation into the cause of the riot.

2.1 Judicial Inspectorate for Correctional Services (JICS) preliminary report on the investigation into the incident at the Groenpunt Maximum Correctional Centre between 7-9 January 2013

- i The JICS report indicated that Mr Sekele, the head of the correctional centre (HCC), had met with inmates in B1 Unit on 7 January 2013. The inmates were unhappy with the HCC's feedback on complaints they had submitted to him and wanted to see Area Commissioner instead. The HCC had left and inmates were locked in their cells but witnesses reported that the cells were not properly locked since it was close to supper time when the HCC left and the inmates would shortly have gone to supper. Only the grill doors on the cells were locked.
- ii Some inmates who were not locked in to their cells pelted prison officials with rocks forcing them to retreat outside the unit. The unit has two sets of doors, an inner door directly accessing the prison cells and some offices and an outer door leading to the prison grounds. Between the inner and outer doors of the unit is an office, tuck shop and clinic. During the retreat prison officials only managed to lock the outer doors of the unit.
- iii The inmates broke into the offices within the inner doors and after looting it burned it by setting mattresses alight.
- iv The inmates broke into and looted the tuck shop and offices between the inner and outer doors and then set them alight. The inmates also burned their case files believing DCS would not be able to transfer them without the case files. The clinic was not looted.
- v The inmates used drain covers to destroy locks and removed the court yards steel poles with the concrete bases intact and used these as battering rams to free other inmates. Windows were destroyed but no cells were burned.
- vi The entrance to the unit was barricaded and set alight to prevent access by the SAPS and DCS. The responding units used three teargas canisters but these had no effect. The inmates also pelted prison officials who tried to gain access via the roof, forcing a retreat.
- vii Due to the fire the electrical supply ceased.

! The Regional Commissioner informed the delegation that the Department had suspended the Head of the Correctional Centre, Mr Sekele, and the Area Commissioner. The suspensions were precautionary whilst an internal investigation was underway to determine the causes of the riot. An Acting head had been appointed in the mean time.

3.1 Provisional suspension of Head of Correctional Centre and Area Commissioner and internal investigation

3. Committee investigation of factors contributing to prison riot

ii **Shortage of staff**
 a. A concern raised by the JICS investigator was the staff offender ratio on the day of the incident that stood at one official to 73 inmates.

d. Subsequent information confirmed that nine officials were injured during the unrest with three admitted to hospital.
 c. The hospital records recorded 74 injuries to inmates from 7 – 9 January 2013. In subsequent reports the JICS indicated the number had risen to 104 inmates.
 b. Two inmates at the hospital had been admitted on 8 January 2013 injuries to the face and head and hands.
 a. The JICS preliminary report further indicated that assaults from Emergency Services Task Team (EST) officials on inmates had escalated after the riot was brought under control.

2.2 Concerns raised by JICS

i Assaults on inmates by EST officials

viii The SAPS and DCS officials used shock grenades and shot guns with rubber bullets to disperse the rioters who fled back to their cells. The prisoners were then locked in their cells.
 ix The armoury noted all weapons and ammunition were returned and accounted for.
 x The lock-up total of the unit was 728 prisoners with ten officials on day duty. This amounted to a ratio of 1:73 in B-Unit.

3.2 Grievances by offenders

- i The prisoner population had submitted grievances, contained in a memorandum, to the centre management on the following issues:
 - a. kitchens were poorly managed with frequent food shortages;
 - b. poor infrastructure maintenance and a lack of urgency when attending to broken plumbing;
 - c. inadequate medical care and a frequent shortage of nurses;
 - d. rehabilitation programmes were poorly managed;
 - e. poor case management and absence of offender development programmes;
 - f. slow reclassification processes;
 - g. poor management of administrative functions resulting in delays in appeals and grievance resolution;
 - h. inadequate functioning of existing prisoner management committees;
 - i. officials failure to maintain adequate internal security and provide a safe and secure environment;
 - j. exploitation of offenders by officials.

3.3 Overcrowding

- i The delegation was informed that the Centre was built to accommodate 1193 offenders but it currently has a total of 2767 offenders amounting to overcrowding of 132%.

3.4 Shortage of personnel

- i The staff complement amounted to 308 personnel but the DCS reported that 21 officials, who had migrated to Groenpunt maximum, were being used at the Area Commissioner's office. The DCS also reported a further 11 vacant posts.

3.5 Shift system

- i The delegation was informed of the four shift system that comprised:
 - a. Unlock (06:00 – 13:30),
 - b. Lock-up (08:00 – 16:30)

¹ Section 8(5) of the Correctional Services Act, Act 111 of 1998 stipulates: Food to be served at intervals of not less than four and a half hours and not more than 14 hours between evening meal and breakfast.

i The DCS reported that gang-related incidents were rife at the Centre.

3.7 Influence of gangs and violence

- ii Simcards and unauthorised cellular telephones
 - a. The DCS reported it had conducted numerous searches after the riot and had found a number of unauthorised simcards and cellular telephones in cells. The DCS had charged two officials with breach of security.
 - b. The DCS noted that policies were in place that required officials to have written permission for the use of cellular phones in the cells.
- i Assault incidents and Unnatural deaths:
 - a. The DCS presentation reported no incidents of assault for 2011/12. In 2012/13 there were no offender-on-official assaults, and three offender-on-offender assaults. One official-on-offender assault was reported in 2011/12, and none in 2012/13. Officials however claimed there were at least five incidents in which officials were stabbed during the understaffed periods identified above that took place before the 9 January 2013 riot.

3.6 Breaches of Security

- ii The Department noted that although the Centre was not adhering to the meal intervals as outlined in terms of section 8(5) of the Act¹, the Centre was providing inmates with three meals a day.
- iii The officials on duty at Groenpunt reported frustration with the shift system and had placed requests for the DCS to return to a two-shift system. It was reported that due to the staff shortages the officials on duty during a four shift system operated on half its available staff complement.
- iv Officials also reported higher incidents of unruly behaviour occurring during the shift changes and understaffed periods.
- v Injury on duty and officials on sick leave further exacerbated the situation.
- c. 1st watch 16h00 - 23h30
- d. 2nd watch 23h00 – 07h00

- ii The DCS believed that gang related activity was a contributor to the unrest although the JICS investigator did not determine this in his findings.
- iii The DCS also confirmed that most of the gang affiliated members were locked in other units on the day of the riot.
- iv The DCS reported it had put a gang management strategy in place.

3.8 Prison response to unrest

- i The Committee noted from the reports that the Area Commissioner and the Head of the Correctional Centre (HCC) had not responded immediately to prisoners grievances.
- ii The DCS reports revealed that the HCC had managed the situation from his office. The Area Commissioner had also not been at the centre leaving the Chief Operations Officer to assume responsibility.
- iii The Centre had used the EST officials to force inmates into their cells and this had worsened the situation leading to the unrest.
- iv Proper procedure had not been followed in locking up inmates prior to serving dinner. The JICs report indicated the grill doors were locked but the prison bars were left open.
- v Due to the poor condition of the road leading to the prison the SAPS had taken approximately two and a half hours to respond and the condition of the road had also delayed the fire brigades progress to assist with the fire.

3.9 Damage to infrastructure

- i The Committee had visited the affected area and had observed extensive fire damage to the tuck shop and offices between the inner and outer doors. The locks of the prison doors were destroyed and extensive damage occurred to prison windows. The cafeteria ceiling was destroyed and the roof tiles were exposed. The inmates had caused extensive damage to the recreational court yard as they had uprooted the steel poles with concrete footings and had used these as battering rams. The inmates had also broken pieces off the brick walls to use as ammunition with which to pelt the EST and police officers.

3.10 Hospital

3.11 Correctional Supervision and Parole

- i The Centre has a primary health care facility (the facility) that is also an accredited ARV facility. The delegation visited the facility on the day of the oversight visit and met with the nursing staff on duty and the 38 inmates cared for at the facility. The facility was clean and well maintained at the time of the visit. Two nursing staff was on duty and reported the following situation:
- a. Inmates with more serious injuries were transferred to the local hospital for treatment whilst the facility cared for and observed those suffering chronic and psychological conditions.
- b. The facility cared for 800 HIV patients.
- c. The facility was serviced by a dentist once a week.
- d. One pharmacist and 3 sessional doctors visit the centre twice a week.
- e. The facility is run by one operational manager and three nurses.
- ii **Areas of concern**
- a. The facility is a primary health care facility an according to policy it should be serviced by 1 nurse for every 30 inmates but the current ratio is one nurse to 1000 inmates.
- b. The situation is made worse by the shift system as only two nurses were on duty per shift.
- c. Due to the working conditions nurses were under pressure and were often off sick.
- d. The nurses reported that mentally-ill patients were housed with inmates who had suffered physical injuries as no separate wings existed. When mentally ill patients suffered violent relapses, the situation was harder to control during the night shift due to the mentally ill patients and physically ill inmates being housed together.
- e. A psychologist visited once a month but only met with inmates serving life sentences.
- iii **Recommendation**
- a. The nurses proposed the DCS should identify one centre in the region that could accommodate all mentally ill offenders. This would assist in them receiving the proper medical care they needed.

- i During the briefing session the Chairperson of the Correctional Supervision and Parole Board (CSPB) had indicated that:
 - a. The CSPB had operated without a chairperson between 2005 and 2009.
 - b. The CSPB had lost the services of its secretary in 2009 and has not had another appointed.
 - c. Of the two public represented position on the CSPB one was vacant since 2009 and the other since 2012.
 - d. The vacancies had been brought to the attention of the regional management since 2009.
 - e. The CSPB Chairperson indicated that suitably qualified board members were vital to uphold the integrity of the board and emphasised the need to train board members.
 - f. The Chairperson had indicated that there were no major backlogs but due to the board member shortages the backlogs would mount.
- ii **Recommendations**
 - a. The CSPB chairperson was of the view that should the one community representative, and one case management committee representative required be appointed to serve on the board, the situation would improve.

3.12 Nutrition services

- i The Regional Commissioner noted the Centre had not adhered to the three meals a day separated by four hour intervals as required by legislation. The Centre served breakfast and then lunch and supper together.
- ii The Regional Commissioner indicated the Centre had, after the riots, reverted back to adhering to the policy.
- iii The DCS indicated that it often ran short of meat and had to substitute it with eggs.
- iv The Centre, since 2010, served meals to units P1 and P2 separately from the other inmates due to gang violence when the units ate together in the main mess hall.

3.13 Management

- i The Delegation was informed of the following matters related to the management of the centre:

5.1 The delegation noted a number of causes had contributed to the unrest at the Centre and draws the Department of Correctional Services' (DCS) attention to the following:

! Break down in management of Centre:

The delegation observed that a number of issues raised by inmates and officials could have been dealt with in a timely manner and improved the

5. Conclusion

4.1 During the delegation's visit to the prison a DCS official was stabbed by inmates. The delegation was moved out of the prison for its safety. The delegation requested a report on the incident. At the time of adoption of this report the information had not been submitted but media reports indicated one of the inmates had died whilst being subdued by the EST officials. The JICS indicated that a criminal investigation is underway and its findings would be referred to Parliament.

4. Unrest at the Prison during the delegation's visit

- a. There was a breakdown of the relationship between the personnel and management;
- b. The management was unable to contain the riot;
- c. The area management had failed to adhere to complaints policy and procedures;
- d. Poor record keeping resulted in cases not being properly managed;
- e. Allegations of unqualified and inexperienced officials placed in strategic positions;
- f. Officials had expressed their grievances with the shift system to management who had not adequately handled the situation;
- g. Poor working conditions and understaffed officials on shifts were not adequately addressed.
- h. The lack of performance monitoring and visits by regional managers was a cause for concern and attributed to the slack performance of officials in the units and on shifts.

moral of inmates and officials. In numerous instances the role of management was lacking. Although the delegation welcomes the intervention by the DCS management to suspend the Head of the Correctional Centre and the Area Commissioner whilst it conducts its investigations the timing of the suspensions denied the delegation the opportunity of interrogating the management's role before and during the riot. The delegation expects an updated report on the JICS investigation into the riot and outcome of disciplinary investigations and procedures. The delegation further notes the following areas for improvement:

- a. Inadequate riot plan and unpreparedness of Centre for unrest;
- b. Safety requirements not adhered to by Centre;
- c. Security requirements for lock up of offenders not adhered to by Centre;
- d. Staff shortages specifically on shift system and medical facility in particular;
- e. The inmates were not receiving their medication timeously from the Centre;
- f. Not dealing with complaints by offenders and officials in a timely manner;
- g. No support given to Parole Board and not enough effort given to fill vacancies;
- h. Shift system inadequate, specifically with relation to staff shortages. This compromises the security of the Centre.
- i. Not maintaining meal policies (Non compliance with policies and procedures);
- ii Use of excessive force by EST officials. An EST policy must be formulated that delineates the use of force and must be conveyed to EST officials.
- iii Inadequate gang management strategy. The gang management strategy proved ineffective and must be reviewed.

6. Recommendations

6.1 The DCS must investigate the feasibility of establishing one centre in the region that could accommodate all mentally ill offenders. This would assist in them receiving proper medical care and alleviate the burden on nurses in the Centre.

- 6.2 The DCS must report whether the Correctional Supervision and Parole Board has the full complement of board members. The DCS must include the work done to date with regard to parole and identify and indicate action plans to alleviate bottle necks.
- 6.3 The DCS must submit the gang management strategy for the Centre and indicate whether the strategy has been implemented.
- 6.4 The JICS must submit its final report on the unrest at the Groenpunt Correctional Centre and the unrest experienced at other prisons around the country.
- 6.5 The DCS must submit its findings on the investigation into the unrest and the disciplinary measures, if any, that were meted out.

Report to be considered.

 The Honourable T M H Mofokeng, MP

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