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23 October 2013



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

**DCS Account on Research findings conducted
by Commission on Gender Equality (CGE) on
the DCS implementation of Victims Charter.**

23 October 2013

Purpose of the Presentation

- To highlight the findings of the Commission on Gender Equality (CGE) on research conducted in DCS on the implementation of Victims Charter
- To give an account on progress made in addressing the recommendations



Scope of the Presentation

- Purpose of the Research conducted by CGE
- Methodology used for the research
- Findings of the Research
- Recommendations from the findings
- Progress made in managing the recommendations

Purpose of the Study by GCE

- The study is part of the CGE's mandate to monitor and evaluate the work of the state institutions to ensure the promotion and protection of gender equality in SA.

- The study sought to assess the effectiveness of the implementation of the Victims' Charter (VC) in the two departments, i.e. Department of Health (DoH) and Department of Correctional Service (DCS) and Non Governmental Organisations (NGO's) supplementing the services of these two departments.

- The study aimed at establishing the extent to which the rights of the victims of sexual assault were protected and promoted in line with the minimum standards of services outlined in the victims Charter

- The study focused on themes such as knowledge of Victims' Charter; internal skills development/capacity building, internal monitoring and evaluation and the nature of services provided to the victims.

- Research was conducted in all provinces except Western Cape.



Methodology of conducting the Study

- The study was mainly qualitative.
- Three methods were employed viz:
 - Desktop analysis of key departmental policies and documents; and previous studies
 - Facility audit: 2 Parole Board centres per province for DCS;
 - Key informant interviews: National and Provincial Coordinators of the VC; Centre Managers for both DCS and 2 NGO's per province per department.
- Limitations: Study covered provinces except Western Cape due to a vacancy in that province; geographical boundaries of some Parole Boards overlapped with other provinces; the small sample of NGO's who were identified to participate in the study.

Findings of the Study

Knowledge and understanding of VC

- Informants were knowledgeable about policy prescripts and department's commitment towards coordinating the participation of victims in Parole Board hearings.

Internal Skills Development/Capacity Building

- Department does not have the personnel to implement Restorative Justice. This limitation was to be resolved through a contractual agreement with an NGO: Foundation for Victims of Crime (FOVOC). The study found that there was a lack of staff capacity to assist in locating the victims, especially for the purposes of participating in Parole Board hearings.

- The department has attempted to resolve this issue by contracting independent NGOs to perform this task. However this service was only just being introduced at DCS facilities at the time of the study, and therefore had not been in place for long enough to enable effective assessment.
- Capacity and resources serve as hindrances to the effective implementation or compliance to VC. The department does not have the funds to assist victims in the form of transport to attend the Parole Board hearings.

- The lengthy period between sentencing of offender and the time they appear before the Parole Board is problematic because the victims relocate, change addresses and are un-willing to re-engage the justice system for fear of re-living the trauma.
- A significant proportion of the centres lacked audio-visual equipment (CCTV cameras) to provide an opportunity to those victims who cannot present themselves in person in the parole board hearings.



Findings

- This policy brief has highlighted the following:
- Attempts to improve the quality of services rendered to the victims of crime faces many obstacles.
- There is commitment to the VC as indicated by the availability of policies formulated, however, the commitment is not accompanied by sufficient resources, thus undermining the expressed political commitment by leaders of the departments concerned.
- The Commitment of the government to place victims at the centre of justice system needs high level political commitment to leverage the necessary resources, institutional capacity and systems for effective implementation.
- The absence of monitoring and evaluation of implementation of the VC points to lack of policy implementation on the ground to ensure intended outcomes.

Findings

■ Another issue raised by some informants was the lengthy time period between sentencing of offenders on the one hand, and offenders appearing before the Parole Board on the other. This often meant that victims were lost to the system due to factors such as victim relocation, change of address, or even disillusionment or unwillingness to re-engage with the justice system to avoid reliving the trauma. In some cases offenders were transferred to different correctional facilities without informing the victims as required by law. One example of this was in Kokstad (KwaZulu-Natal) where an offender was sentenced but at the time of the parole hearing, the offender was based at Ncome Centre, approximately 500km away from Kokstad. Under such circumstances and due to lack of funds, DCS personnel are usually unable to locate the victims to ensure their participation at parole hearings.

Findings

- DCS in different regions entered into Memoranda of Understanding (MOU) with NGOs such as the National Institute of Crime and Reintegration of Offenders (NICRO) and the Foundation for Victims of Crime (FOVOC) to run workshops on victim-offender mediation. Some provinces have contracted the services of other organisations for this purpose.
- Informants from all the regions pointed to lack of adequate resources, especially a dedicated budget, for rendering critical services to victims, particularly for locating the victims during parole hearings. It was also discovered that many Correctional Centres lack the necessary facilities, particularly the audio-visual equipment (e.g. CCTV cameras) to allow those victims who cannot present themselves in person to participate in the Parole Board hearings.

Recommendations

- Based on the findings of the study on the work of the DCS parole boards, a number of recommendations were developed. These are outlined below. It is recommended that DCS should:

- Undertake a thorough review of its internal programmes and processes aimed at implementing the VC to improve strategic planning and the allocation of the necessary resources to such programmes. Currently, there is a lack of information, transparency and consistency across DCS facilities in the different regions and provinces regarding the way the department allocates resources to its facilities for the purpose of implementing VC activities and programmes. This exercise should also review current internal systems and policies for allocating and managing the financial and other vital resources intended to cover the costs related to implementing the VC (e.g. the transport and related costs of ensuring that the victims of crime attend parole hearings).

- Review its current policy and practices relating to the capturing, storing and periodic/regular updating of the information and contact details of victims of crime. This exercise will be crucial for ensuring that DCS correctional facilities maintain regular contact with victims of crime to improve tracking victims effectively as and when vital information has to be communicated to them or their next of kin. This review should involve other critical stakeholders, such as the SAPS, DSD, NPA and NGOs currently assisting in the tracing of victims of crime.



Recommendations

- In collaboration with implementing departments of the VC in the crime, justice and security cluster (JCPS), develop a common operational strategy and system to ensure that the different and sometimes incongruous administrative boundary demarcations are managed effectively to avoid fragmented and disintegrated approaches in delivering various VC-related services to victims of crime.
- Institute an effective and reliable, preferably independent, system of regular reviews, monitoring and evaluation of the performance of its correctional facilities. Such a system should have a wide scope, focusing on the effectiveness and relevance of internal and external operations, systems, policies and practices of DCS facilities throughout the country. It should be utilised to augment the current system of monthly reports and relying mainly on staff members collecting statistics on the numbers of victims of crime assisted by DCS officials.
- Finally, it is recommended that the DCS institutes a system of regular and on-the-job training and skills development of officials tasked with implementing the VC and rendering services to victims of crime in line with the minimum standards of service outlined in the Victims Charter.

Interventions applied on findings

- Transport for victims to the centres, due to lack of funds

- As part of intervention to this challenge, a bid has been submitted through the VEP cluster to the CARA funding to assist in equipping the parole board offices with audio-visual facilities that will enable the victim to make presentation/VOM process from wherever they are, and the allocation of funds for this purpose has been approved by Cabinet in September 2011.

- The bidding process is finalised and the tender is awarded to the preferred bidder and a Service Level Agreement is in the process of being finalised.

- Also the Minister, CFO and Commissioner were approached to approve use of departmental vehicles to transport victims to the nearest centers for this purpose, which would then cancel the policy prescript that say, victims who wish to make presentation to the Parole Boards, must register and do so at their own cost.



Interventions applied on findings

- Tracing of Victims for VOM/participation in Parole boards
 - a) With the partnership we have established with FoVoC, we have achieved more in victim participation in both mediation and parole boards. For the 2010/11 financial year a total of 253 victim representations were considered by Parole Boards across the department in relation to 108 representations for the financial year 2009/10. In 2011/12 financial year 684 victims participated in Parole Boards hearing. By the end of the financial year 2012/13, there was an increase by 3.61% (1215/33585) of victim participation in parole boards which was higher than the target of 3.31 set for the period.
 - b) DCS participates in the designing of the integrated Victims Data system currently in progress led by Department of Social Development. This system will assist DCS whenever it requires a specific victim for participation in mediation or Parole boards. The specific victim will be searched from that system if FoVoC and DCS encounter challenges in locating such a victim.
- Also DCS is strengthening partnerships with NGOs and cluster departments to find common grounds for the assistance of the victims and how best can we help each other to deliver quality service. This is done through Service Level Agreements (SLA) rather than Memorandum of Understanding (MOU) as was the case initially.

Interventions applied on Findings

- When a uniform approach is implemented and staff trained on mediation and all its protocol, then monitoring of the impact of this intervention would be easily monitored.

- Training of Parole boards happens regularly as appointments are done and an orientation of Victim Empowerment Programme and Victims Charter happens all the time as such in most DCS regions activities of the Victims Charter and Victim Empowerment are spearheaded by the Parole Boards officers.



Thank You

1. The Department of Correctional Services is pleased to inform you that your application for a position in the Department has been successful. You are invited to attend an interview on the following date and time:

2. The interview will be held at the Department of Correctional Services, 100, Pretorius Street, Johannesburg. Please bring a copy of your application and a recent photograph with you.

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