

Marius Redelinghuys: A values-driven Correctional Services that builds better communities

Our Constitution envisions a South African society built on freedom, fairness and opportunity for all.

Its Founding Provisions state that our society is founded on the values of human dignity, the achievement of equality, and the advancement of human rights and freedoms.

These values – the founding provisions for our nation – apply to every inhabitant of our country equally.

Unfortunately even a cursory overview of the state and effectiveness of our correctional facilities and programmes reveal that this is not the case.

Overcrowding. Reoffending. Gangsterism. Assault. Sexual violence. ‘Unnatural’ deaths. These trample on human dignity, make a mockery of equality, violate even the most basic human rights and undermines true and meaningful freedom.

There are no two ways about it. Individuals who violate the law must be prosecuted, must receive a punishment that fits their crimes, and must serve the sentence imposed.

However the current state of our correctional service not only compromises the rights of offenders, but any chance at meaningful rehabilitation.

It was noted in the Portfolio Committee that the current budget allocation for the department “does not differ significantly from the previous financial year’s allocation”, which “in itself means that some of the recommendations from different stakeholders and the committee itself has not been taken into account.”

There are no significant shifts in this budget to suggest a values-driven correctional services approach that prioritise the rehabilitation and reintegration of offenders into society. The budget still disproportionately focuses on incarceration. In fact the budget for rehabilitation programmes has been reduced, the social reintegration budget was underspent, and the parole administration budget has also decreased.

If this Minister is serious about correctional services, he must put his money where his mouth is.

There is a very clear misalignment between the priorities outlined in the White Paper on Corrections and this budget, and this has been the case for many years.

Yes, the White Paper and the correctional services it envisions is a journey, and not simply an event, but it is a journey that has yet to commence, or at best, is currently being undertaken in a skorokoro.

Correctional services continues to fail inmates, their families, their communities, and ultimately, all South Africans.

Successfully rehabilitated offenders, where possible, should go back to their families, back to their communities and become fully reintegrated and contributing members of society.

This is the DA's vision for South Africa. A vision that is equally applicable to the role, mandate and vision of correctional services that work. This is the DA's offer to the people of our country.

A prison sentence should not be a death sentence that kills careers, destroys families and ruin futures.

We recognise and appreciate the hard work, dedication and commitment of countless correctional services staff across the country.

We also acknowledge and lament the appalling circumstances they have to work in and the significant challenges they face on a daily basis such as a strenuous and persistently high vacancy rate throughout the Department.

These circumstances and challenges are not of their own doing, but the result of years of neglect, a lack of political will.

The ANC government has repeatedly demonstrated that this department is a mere afterthought in the greater criminal justice system.

There is no evidence to support the notion that a single ministry has resulted in any improvement towards a better integrated criminal justice system.

If this was indeed the case, the President should have thrown in Police and State Security while he was at it.

Of course, efficiency and actual delivery or progress was never the motivation behind the composition of Cabinet. The President and his friends wanted – no, demanded – more ministries, more deputy ministers, more jobs for pals, and a bigger patronage network to reward unthinking, uncritical, blind loyalty.

The merger of Justice and Correctional Services into one portfolio committee has had a disastrous effect on oversight, accountability and meaningful engagement with departmental officials.

That was to be expected. After all, less oversight, less accountability and less engagement is what the President prefers, wants and is the example he has set throughout his tenure.

Minister, if there is one thing you take away from this debate here today, it would be the request to appoint a permanent Commissioner to end the protracted leadership instability and uncertainty in the Department. We hope that you will take this message to Cabinet and to the President: get on with the process. It is, at the very least, a necessary and long overdue step in turning around this department.

Correctional Services should be the final step in a truly integrated criminal justice system towards rehabilitation and social reintegration; it should not be the end of the road for offenders, their families, their communities, or the victims of their crimes.

James Selfe : Still a lot wrong with our Correctional Services

The position of the Department of Correctional Services (DCS) in the criminal justice system is grossly under-valued. The DCS is not mentioned at all in the National Development Plan, and rates only in a footnote in the Seven Point Plan.

The Department is also under-valued by the Committee. Only twice this year has the Department been invited to brief the Committee – a further reason why there should be a separate committee for Correctional Services. Yet the DCS must house, feed and guard people whom the courts have sent for safe-keeping. It must correct offending behaviour and rehabilitate offenders, who are very often violent and anti-social.

Slightly more than 42 000 staff of the Department perform this dangerous and often thankless task. To them, and particularly those who work in the sections and the centres, we wish to thank you for a job well done.

Unfortunately there are still many officials who steal rations, and who smuggle drugs and cell phones into prisons. According to the Annual Report, only 82 officials were charged with “theft, bribery, fraud, corruption or any combination thereof”, but we know that the real number is much higher.

Recently, George “Geweld” Thomas, a member of the 28 gang, was convicted of multiple murders some of which were committed on his instructions while he was in prison. According to testimony in the trial, he made 33 000 cell phone calls planning crimes while in prison. This would not be possible

without the assistance of corrupt officials. Those officials are accomplices to murder. They need to be found, arrested and convicted.

We repeat our call to block all cell phone calls in prisons. If they can do it for Parliament, they can do it for Pollsmoor!

We can find these officials and punish them, but the situation needs to be tackled holistically. At the moment, despite commendable efforts by officials, most offenders emerge from prison more criminalised than they were on admission.

This is because a combination of understaffing and overcrowding at centre level creates a situation in which gangs thrive, and officials can be corrupt. It is a situation in which proper rehabilitation becomes impossible.

The staff working in the centres have to cope with serious overcrowding. Over two-thirds of our prisons accommodate more inmates than they were designed for, and some, like Polokwane, Mossel Bay, Grootvlei Medium A, Thoyandou Medium B and Mdantsane, are more than 200% overfull. That means that inmates share beds and sleep on the floor.

We simply have to reduce the numbers of people who have to be locked up.

Let there be no doubt – violent and dangerous offenders should be locked up, and very securely, and for long periods, but not all offenders belong in prison. A prison sentence, however short, is likely to result in that person losing his or her employment, in remaining unable to find employment, in being stigmatised, in broken relationships and frequently, in being coerced into joining a prison gang and participating in its activities. It is no surprise then that the levels of re-offending are so high.

That does not mean that people who break the law should not be punished, but the punishment need not involve imprisonment. There must be a suite of alternative sentences that can be handed down particularly for non-violent, first-time and younger offenders. There must be ways of releasing people whose bail is beneath R1 000. Less crowded prisons lessen the influence of the gangs and promote effective rehabilitation.

The most effective way of releasing people responsibly is to use electronic monitoring mechanisms, which were announced with much fanfare by former Minister S'bu Ndebele two years ago. Then the project ground to a halt because of allegations about the procurement of the devices. We were told that the matter, which allegedly involved the Department's COO, was being investigated. That was over a year ago. What has happened to this investigation? When will its findings be released?

But we also need to increase staff at centres. The Department has slightly more than 42 000 funded posts. On average, there are about 160 000 inmates in prison every day. That works out to a 1:4 official to offender ratio, which is good by international standards. But that is certainly not the ratio in the centres.

The reason is that there are too many administrators at head office, at regional offices and at area offices, and not enough officials at the “sharp” end of the business – looking after inmates. Despite years of talk about “migration” from administrative posts to the centres, there has been far too little action.

This has been exacerbated by the seven day establishment, which was meant to avoid having to pay overtime. I think we must admit that the seven day establishment has not worked, and that what it has led to is further understaffing, particularly over the weekends. The effect of the shift system, combined with annual leave and sick leave, can mean that less than one-third of the staff in any particular centre are actually on duty.

Ultimately, sooner or later all offenders will be released back on to our streets. If the DCS fails in its task, those offenders will reoffend. If we are serious about making the DCS succeed, we need to ensure that it is properly resourced and that the resources are employed in the right places, for the right purposes.